

RESOLUTION NO. 6547

**APPROVAL OF SETTLEMENT AGREEMENT AND MUTUAL
RELEASE OF CLAIMS ASSERTED IN CASE NO. CJ-2017-4487, DISTRICT COURT
OF TULSA COUNTY - CARLAND GROUP LLC - CHEROKEE MEADOWS PROJECT
LOCATED ON PROPERTY DESCRIBED AS LOT 5, GATEWAY PLAZA, A
SUBDIVISION IN THE CITY OF TULSA, TULSA, OKLAHOMA**

WHEREAS, THE CARLAND GROUP, LLC is the purchaser and assignee of the rights, interest and obligations of Omega Alpha Development, LLC in and to a Contract for Private Redevelopment of Real Estate (“Contract”) with Tulsa Development Authority (TDA) dated November 11, 2008 (and modifying a Contract for Sale of Land for Private Redevelopment between TDA and Albertson’s Inc. dated and effective December 22, 2000), for the purchase and redevelopment of the real estate described on Exhibit “A” attached hereto (the “Property”) for an urban affordable housing residential project, subject to the terms, covenants and conditions of said Contract; and,

WHEREAS, said Contract contained certain requirements for the redevelopment of said real estate by Carland Group, LLC. but it has not constructed the improvements for the Cherokee Meadows project in conformity with the approved redevelopment site schematic plans as required by said Contract (specifically by installing “Integral Curbs” across the driveway entrances to the residences occupied by senior citizen residents of Cherokee Meadows); and,

WHEREAS, the Tulsa Development Authority has previously filed suit in the District Court of Tulsa County, Oklahoma, (Case No. CJ-2017-4487), against Carland Group, LLC for failure to construct the improvements for the Cherokee Meadows project in conformity with the approved redevelopment site schematic plans as required by said Contract; and,

WHEREAS, the parties have reached a mutual and agreed settlement of all claims relating to the alleged failure to construct, the terms of which are set forth in that certain Settlement Agreement and Release attached hereto; and,

WHEREAS, upon the recommendation of TDA’s Executive Director and General Counsel, the TDA Board of Commissioners has determined that it is in the best interests of TDA, the City of Tulsa and its citizens to approve said Settlement Agreement and Release.


**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS
OF THE TULSA DEVELOPMENT AUTHORITY, to-wit:**

Section 1. That the Board of Commissioners of the Tulsa Development Authority does hereby approve said Settlement Agreement and Release in the form attached hereto and authorize the Chairman of the Board of TDA to execute the Settlement Agreement and Release on behalf of TDA.

Section 2. This Resolution shall take effect immediately.

PASSED and **ADOPTED** this 4th day of April, 2019.

TULSA DEVELOPMENT AUTHORITY

By: 

Roy Peters, Jr., Chairman

Approved as to legal form and adequacy:



Jot Hartley, General Counsel
The Hartley Law Firm, PLLC