

RESOLUTION NO. 6619

RESOLUTION APPROVING RETENTION OF SPECIAL COUNSEL FOR THE TULSA DEVELOPMENT AUTHORITY – HALL-HARPER v. TDA LITIGATION

WHEREAS, the **TULSA DEVELOPMENT AUTHORITY** (“Authority”), in carrying out its authorized programs has previously entered into a Contract for Sale of Land for Private Redevelopment dated February 10, 2017 (“Contract”) with **RUPE HELMER GROUP, INC.**, (“Redeveloper”) for redevelopment of the real estate described on Schedule “A” attached hereto for a project to be constructed by Redeveloper composed of a Dollar General Store (“the Project”) with off-street parking in accordance with the provisions of said Contract, the 2010 Tulsa Comprehensive Plan (“PlaniTulsa”), the Urban Renewal Plan for the area in which said real estate is situated and applicable codes of the City of Tulsa; and,

WHEREAS, on August 25, 2017, Vanessa-Hall Harper, Kristi Williams, Lakeshu Whitley-White, Stephen Williams and Farmina Williams (collectively “Plaintiffs”) filed a Petition in the District Court of Tulsa County, Oklahoma as Case No. CV-2017-1049 alleging certain violations of the Oklahoma Open Meeting Act by TDA pertaining to the listing of the proposed Contract on the January 5, 2017 TDA Board Meeting Agenda; and,

WHEREAS, the Authority did, on the 3rd day of December, 2015, deny a request by the Redeveloper for an additional Amendment of said Contract to amend Section 5(c) (Construction Financial Documentation Phase) to further extend the deadline for the submission of Construction Financial Documentation, as set forth in the Contract, as previously amended, for ninety (90) days from November 13, 2015; and,

WHEREAS, TDA’s General Counsel has recommended that the TDA Board of Commissioners employ and retain James E. Weger of the Jones Gotcher Law Firm as Special Counsel to assist TDA’s General Counsel in the representation of TDA as to all matters pertaining to the litigation in Case No. CV-2017-1049 in the Tulsa County District Court; and,

WHEREAS, James E. Weger of the Jones Gotcher Law Firm has agreed to represent TDA as its Special Counsel for the litigation listed above according to the terms of engagement set forth in the letter dated November 1, 2019 attached hereto, and provide such Special Counsel legal services upon consultation with, and subject to direction of, TDA’s General Counsel.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE TULSA DEVELOPMENT AUTHORITY that:


Section 1. The Board of Commissioners of the Tulsa Development Authority does hereby employ and retain James E. Weger of the Jones Gotcher Law Firm as Special Counsel to assist TDA’s General Counsel in the representation of TDA as to all matters pertaining to the litigation in Case No. CV-2017-1049 in the Tulsa County District Court.

Section 2. That such Special Counsel is employed and retained to represent TDA as its Special Counsel for those matters listed above according to the terms of engagement set forth in the letter from James E. Weger dated November 1, 2019 attached hereto, Provided that such Special Counsel legal services shall be undertaken upon consultation with, and subject to direction of, TDA's General Counsel.

Section 3. This Resolution shall take effect immediately.

PASSED and ADOPTED this 5th day of December, 2019.

TULSA DEVELOPMENT AUTHORITY

By: 
Nancy Lynn Roberts, Chairwoman

Approved as to legal form and adequacy:


Jot Hartley, General Counsel
The Hartley Law Firm, PLLC

Schedule "A"

LEGAL DESCRIPTION:

**Lot 1, Block 1, Lansing Industrial Park II, an Addition to the City of Tulsa,
Tulsa County, State of Oklahoma**