



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 06/28/2022

REQUESTER: Elisabeth Muckala, Assistant City Attorney

PRESENTER: Elisabeth Muckala, Assistant City Attorney

ITEM TITLE: CONSIDERATION OF APPROVAL, REJECTION, AMENDMENT AND/OR POSTPONEMENT OF RECOMMENDATION FROM THE CITY ATTORNEY THAT THE CITY COUNCIL APPROVE A SETTLEMENT OF CITY OF NORMAN V. RON ASHLEY, CLEVELAND COUNTY DISTRICT COURT CASE CJ-2021-337, IN THE AMOUNT OF \$210,000.

BACKGROUND:

This case was filed by the City of Norman against Ronald Ashley on April 9, 2021 as an eminent domain action after attempts to amicably purchase easements necessary to the 36th Ave. Bond Project, Phase II, failed. On July 22, 2021, the Commissioners awarded Mr. Ashley \$105,000 in just compensation and those funds were previously delivered to the Court in accordance with state law in order to allow the Project to proceed. Mr. Ashley, through legal counsel, thereafter filed a demand for jury trial protesting the award amount, and trial is likely to take place in late 2022. The parties have engaged in discovery, have exchanged additional information, and have continued to attempt amicable settlement avoiding the necessity of jury trial.

DISCUSSION:

Mr. Ashley has stated his willingness to settle his case for the amount of the most recent appraisal, which sets compensation, including all damages, at \$210,000, or \$105,000 in addition to funds already deposited with the Court. Because this matter involves pending litigation, the merits of this case were discussed during executive session held on June 28, 2022. A mortgagee is also a defendant to the litigation and their approval will need to be secured to effectuate the contemplated final resolution. The settlement offer is within the range discussed with Council in Executive Session.

Funds are available in the 36th NW: Tecumseh-Indian Hills Project (BP1097 Land – 50595552-46001).

RECOMMENDATION:

It is believed that the proposed settlement is fair and reasonable in light of the case status and situation, and that acceptance it is in the best interests of the City. It is recommended the settlement of this matter be approved by City Council and that this office be directed to proceed

with the entry of a final agreed judgment in CJ-2021-337 of \$210,000 and take other actions necessary to successfully conclude the case consistent with this settlement.