

EXHIBIT E

RELEASE OF REPORT OF COMMISSIONERS
(RELEASE OF EASEMENTS)

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, by its November 12, 2021 filing of the Report of Commissioners from that certain litigation styled as *City of Norman v. Hallbrooke Development Group One, L.L.C.*, Case No. CJ-2021-228, in the District Court for Cleveland County, State of Oklahoma (“Litigation”), the City of Norman, Oklahoma, a Municipal Corporation, received easement interests as set forth therein, under, through and across the lands described therein, which filing is attached hereto as “**Exhibit A**.”

Said premises involved are situated in the City of Norman, Cleveland County, Oklahoma.

WHEREAS, the City of Norman desires to release and relinquish said easement interests in their entirety, according to the Court’s Agreed Journal Entry of Judgment in the Litigation, which is attached hereto as “**Exhibit B**” in order that the property be conveyed by further instruments, filed separately of record, according to the further agreement of the parties.

NOW THEREFORE, according to these terms the City of Norman does hereby quitclaim, release, remise, relinquish and surrender to the record owners thereof, any right, title, or interest in and to the above-described property taken under the attached Exhibit A.

IN WITNESS, WHEREOF, the CITY OF NORMAN has executed this instrument this _____ day of _____, 2024.

CITY OF NORMAN, OKLAHOMA

Larry Heikkila, Mayor

ATTEST: _____
Brenda Hall, City Clerk

On this _____ day of _____, 2024, before me personally appeared **Larry Heikkila, Mayor of the City of Norman, Oklahoma**, to me to be known to be the identical person who executed the same as their free and voluntary act and deed of such municipal corporation, for the uses and purposes therein set forth.

Witness my hand and official seal the day and year last above written.

My Commission Expires: _____
Notary Public

IN THE DISTRICT COURT OF CLEVELAND COUNTY
STATE OF OKLAHOMA

CITY OF NORMAN, OKLAHOMA,
A Municipal Corporation,

Plaintiff,

vs.

HALLBROOKE DEVELOPMENT GROUP
ONE, LLC, an Oklahoma Limited Liability
Company; JIM REYNOLDS, in his Capacity
as Cleveland County Treasurer;
and the BOARD OF COUNTY
COMMISSIONERS OF CLEVELAND
COUNTY,

Case No.: CJ-2021-228 (NW)

Doc # R2021-48335 BT: RB B: 6341 P: 1301 ROC

11/12/2021 11:29:02 AM Pages: 3

Cleveland County Clerk, OK - Tammy Belinson

Fee: \$ 22.00



STATE OF OKLAHOMA } s.s.
CLEVELAND COUNTY }

FILED

JUL 22 2021

Defendants.)

In the office of the
Court Clerk MARILYN WILLIAMS

REPORT OF COMMISSIONERS

COMES NOW the undersigned Commissioners appointed by the Judge of this Court to

inspect the property described in Exhibit "A" and to determine the amount of just compensation due the Defendants by reason of the taking of the property. Said taking is in fee simple, unless specified otherwise in Exhibit "A" in which case the quality of title or interest to be acquired shall be as stated in such exhibits including airspace but excluding mineral interests and including the right to use and remove any and all roadbuilding materials. The appropriation is for public purposes by the City of Norman, Oklahoma. We, the undersigned, respectfully submit the following Report, to-wit:

The undersigned Commissioners were and are disinterested freeholders of Cleveland County, Oklahoma. We are not interested in any like question. On the ____ day of _____, 2021, we took the Oath prescribed by law, and proceeded to inspect the property described in Exhibit "A" and Exhibit "B".

CI-2021-228
Report of Commissioners

We further report that we have considered and determined the just compensation to which the Defendants are entitled by reason of the taking of the property by the Plaintiff. We have considered the value of the property or rights or interest therein taken, excluding any mineral interest other than as is set forth in the exhibits. We do hereby assess the just compensation due said Defendants by reason of the taking of the property and in accordance with the Instructions to Commissioners, we find:

ESTIMATE OF JUST COMPENSATION

IN WITNESS WHEREOF, we have hereunto set our hands on this 22 day of

July, 2021.

COMMISSIONERS:

David Barger
David Barger

James W. Hoyt
James Hoyt

Jerry Bethea
Jerry Bethea

Exhibit A

Parcel 28.0 - PERMANENT EASEMENT

A strip, piece or parcel of land lying in the SW $\frac{1}{4}$ of Section 35, T10N, R3W in Cleveland County, Oklahoma. Said parcel of land being described by metes and bounds as follows:

Beginning at the point where the East right-of-way line of 36th Avenue NW intersects the North right-of-way line of Indian Hills Road a distance of 33.00 feet N 89°40'28" E and 33.00 feet N 00°35'01" W of the SW Corner of said SW $\frac{1}{4}$, thence N 00°36'15" W along said East right-of-way line a distance of 503.67 feet, thence N 89°24'59" E a distance of 17.00 feet, thence S 02°52'27" E a distance of 250.21 feet, thence S 00°35'01" E parallel with said right-of-way line a distance of 180.00 feet, thence S 45°35'55" E a distance of 451.6 feet, thence N 89°40'28" E parallel with North right-of-way line Indian Hills Road a distance of 182.43 feet, thence S 79°26'38" E a distance of 132.43 feet, thence N 89°40'28" E parallel with said right-of-way line a distance of 200.00 feet, thence S 00°19'32" E a distance of 17.00 to a point on said right-of-way line, thence S 89°40'28" W along said right-of-way line a distance of 571.23 feet to point of beginning.

Containing 0.67 acres, more or less of new right-of-way.

I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF THE INSTRUMENT APPEARS ON RECORD IN THE OFFICE OF CLERK AND COUNTY RECORDS OF CLEVELAND COUNTY, OKLAHOMA. WITNESS MY HAND AND SEAL THIS 12th DAY OF NOVEMBER 2021.

BY  MARILYN WILLIAMS, CLERK

**IN THE DISTRICT COURT OF CLEVELAND COUNTY
STATE OF OKLAHOMA**

CITY OF NORMAN, OKLAHOMA,)
A Municipal Corporation,)

Plaintiff,

vs.

**Case No.: CJ-2021-228
The Honorable Judge Virgin**

HALLBROOKE DEVELOPMENT GROUP)
ONE, L.L.C., an Oklahoma Limited Liability)
Company;)

JIM REYNOLDS, in his Capacity)
As Cleveland County Treasurer; and the)

BOARD OF COUNTY)
COMMISSIONERS FOR CLEVELAND)
COUNTY,)

Defendants.)

AGREED JOURNAL ENTRY OF JUDGMENT

COMES NOW, the Plaintiff, City of Norman, Oklahoma (the “City”), Defendant Hallbrooke Development Group One, L.L.C. (“Property Owner”), and together submit the following:

1. The City filed a Petition for Condemnation in the above-referenced case on March 9, 2021, seeking to acquire a permanent right-of-way easement and temporary driveway easement (the “Property”) from the Property Owner for the street improvement project described in Plaintiff’s Petition. Also named as Defendants were the Jim Reynolds, Cleveland County Treasurer and the Board of County Commissioners for Cleveland County (collectively the “County Defendants”).
2. County Defendants filed an Answer and Disclaimer on April 19, 2021.
3. Property Owner, through legal counsel, filed an Entry of Appearance and Reservation on March 31, 2021.
4. Plaintiff provided a Notice to all Defendants regarding a hearing to appoint commissioners to be held on April 26, 2021.
5. The Parties submitted an agreed Order Appointing Commissioners to the Court, which order was approved by the Court and filed May 5, 2021.

6. The Report of Commissioners was filed on July 22, 2021. The Commissioners determined the just compensation owed to the Defendants to be a total of \$131,300.00. The court's record notes all Defendants' receipt of a copy of the Report of Commissioners.
7. The City deposited the \$131,300.00 award with the Cleveland County District Court as required by 66 O.S. §53(C) on August 3, 2021.
8. On September 16, 2021, Property Owner filed a demand for jury trial on the issue of just compensation.
9. On November 12, 2021, the City filed the July 22 Report of Commissioners with the Cleveland County Clerk at Book 6341 Page 1301-1303, vesting title to the Property in the City according to the terms of the Petition.
10. The parties are currently set for an April 1, 2024 Status Conference, and have engaged in voluntary settlement discussions as trial approaches. An amicable agreement for full disposition of the issues in this case, including just compensation and conveyance of the Property to the City, has been reached and the parties hereby seek this disposition of the matter in this Court, and according to the terms of this Agreed Journal Entry, in order to effectively implement the parties' agreed settlement.
11. The parties have agreed to a total amount of just compensation of Sixteen Dollars and Twelve Cents (\$18.61) per square foot for Property acquired. The parties have agreed that half of the square footage of the Property shall be acquired by the City at a price of Sixteen Dollars and Twelve Cents (\$18.61) per square foot, and the other half shall be conveyed to the City pursuant to the Property owner's donation, for a total compensation amount of \$271,568.29. These conveyances shall be accomplished in form according to those conveyance instruments agreed to in the parties' settlement.
12. The City's previous deposit of \$131,300.00 with the Cleveland County District Court on August 3, 2021, which was disbursed to Property Owner on February 13, 2023, shall be retained by Property Owner and shall be applied against this just compensation amount, leaving a remaining judgment balance of \$140,268.29.

13. Further, according to 66 Okla. Stat. § 55(D), the final amount of just compensation exceeds the July 22 Commissioners' Award by more than ten percent (10%), and the parties have agreed to an attorney-fee and cost award in a total amount of \$54,651.55.

14. Upon entry of judgment, the City shall accomplish the following filings and/or conveyances of record in order to give full effect to the parties' agreement:

a. The City shall file the attached Release of Report of Commissioners in the land records for Cleveland County, State of Oklahoma, with this final filed Journal Entry attached as its "Exhibit B." Upon filing, this Release shall, in force and effect, release and re-convey to Property Owner any title interested obtained by the City to the Property by its November 12, 2021 filing of record.

b. Immediately following the filing of the Release, and according to the parties' agreement, the City shall file of record those conveyances accomplishing the City's acquisition of the permanent right-of-way sought in this action, in the manner agreed to by the parties. Further, the City's interest in the temporary driveway easement sought in this action shall immediately vest according to the parties' agreed conveyance of the same.

Based upon the above and foregoing, this Court finds and ORDERS and ENTERS JUDGEMENT as follows:

1. That just compensation in this case is hereby set for the total amount of \$271,568.29, an attorney-fee and costs of award is hereby set for a total amount of \$54,651.55, and that amounts previously deposited and disbursed shall be credited, leaving a final judgment amount of **\$194,919.84** in favor of Property Owner;
2. That the Release of Commissioners' Report and subsequent conveyances of the permanent right-of-way and temporary driveway easement sought by the City shall be accomplished, and have the legal force and effect, as set forth herein;
3. That this Agreed Journal Entry of Judgment fully and finally resolves all matters and issues that were or could have been brought by any and all parties to this action, but

does not apply to claims not alleged in this lawsuit which have not yet accrued or may accrue, occur, or arise in the future, as per the parties' further agreements.

This Journal Entry of Judgment has been reviewed and approved by the parties hereto.

SIGNED AND ENTERED this ____ day of ____ 2024.

Honorable Jeff Virgin
JUDGE of the DISTRICT COURT

APPROVED:

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