

RESOLUTION 2019-52

**RESOLUTION ACKNOWLEDGING JOURNAL ENTRY OF JUDGMENT
IN CASE NO. CV-2019-23, DISTRICT COURT OF LOVE COUNTY**

WHEREAS, a Journal Entry of Judgment (“Judgment”) was entered on December 3, 2019, in the case of First National Bank and Trust and Trust Company of Ardmore, Ardmore, Oklahoma et al., vs. the City of Marietta, an Oklahoma Municipal Corporation, Case No. CV-2019-23, in the District Court of Love County, Oklahoma;

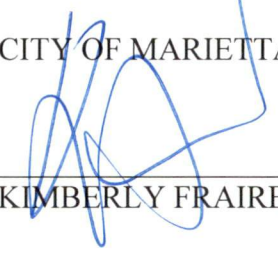
WHEREAS, the Judgment sets aside Ordinance 2019-05 and reinstates the zoning of C-3 for the property affected thereby;

WHEREAS, for record purposes the Judgment should be recognized by the City Council;

WHEREAS, a recognition of the Judgment is not an admission by all members of the City Council that all members agree with the relief granted in said Judgment;

NOW, THEREFORE, BE IT RESOLVED THE MAYOR AND THE CITY COUNCIL OF THE CITY OF MARIETTA that the Judgment, a certified copy of which is annexed hereto, is acknowledged by the City as being entered and is recognized as part of the official minutes of the City of Marietta.

PASSED by the City Council and **SIGNED** by the Mayor this 10TH day of DECEMBER 2019.

CITY OF MARIETTA


KIMBERLY FRAIRE, MAYOR

ATTEST


DOTTIE GWIN, CITY CLERK


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

FIRST NATIONAL BANK AND TRUST)
COMPANY OF ARDMORE, ARDMORE)
OKLAHOMA, SOUTHERN OKLAHOMA)
TECHNOLOGY CENTER, JOE STEPHEN)
LYNN REED, NGO & WONG INVESTMENT)
LLC, FLOW VALVE, LLC,)
and BIG FIVE COMMUNITY)
SERVICES, INC.)

Plaintiffs)

-vs.-)

CITY OF MARIETTA, an Oklahoma)
Municipal Corporation)

Defendant)

Filed in District Court
Love County, OK

DEC 03 2019

Kim Jackson, Court Clerk
By _____ Deputy

Case No. CV-2019-23

JOURNAL ENTRY OF JUDGMENT

The Court, having reviewed the Amended Petition filed in this cause on September 26, 2019, the exhibits to the Amended Petition, the Motion for Summary Judgment filed in this cause on November 1, 2019, and the exhibits to that Motion, finds that the City of Marietta Ordinance 2019-05, amending the zoning of a parcel of real property described therein, did not receive sufficient votes for its passage.

IT IS THEREFORE ORDERED AND ADJUDGED that City of Marietta Ordinance 2019-05 is declared invalid and set aside, and the previous zoning of C-3 (Highway Commercial and Commercial Recreation District) is reinstated.



Wallace Coppedge, District Judge

Approved:



Charles E. Roberts, OBA No. 7630
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