

## RESOLUTION NO. 2026-1764

### ALLOCATING DECISION MAKING AUTHORITY TO THE COUNTY ENGINEER REGARDING LITIGATION OVER PETITIONS AND MOTIONS TO VACATE, OPEN OR CLOSE EASEMENTS OR ROADS

**WHEREAS**, Oklahoma County Board of County Commissioners is the interested party whenever a party seeks to foreclose or vacate a public way, road or easement or open or close a county road or easement located within Oklahoma County;

**WHEREAS**, the Oklahoma County Board of County Commissioners normally seeks and relies upon the expert opinion and advice of the County Engineer with regard to whether the County has a legal interest to protect when responding to litigation involving the foreclosure or vacating of public ways, roads or easements and/or petitions to open or close public roads and easements;

**WHEREAS**, as set forth by 69 O.S. §626, the County Engineer has the duty to provide instruction or advices regarding the construction, building or repairing of any roads or bridges within Oklahoma County and perform any and all such duties in connection with his office as may be required, which would include the determination of whether a road or public way may be vacated, foreclosed upon, opened or closed.

**WHEREAS**, the Oklahoma County District Attorney normally places all petitions and/or motions to foreclose or vacate, open or close public roads and easements upon the Board's agenda for consideration and heavily relies upon the report and input of the County Engineer as to whether or not the County has a legal interest in objecting to litigation that involves vacating or foreclosing a public way, right of way road, or easement owned or controlled by the County;

**WHEREAS**, the Board has the authority to delegate responsibilities upon its staff members in order to carry out the functions of County government for efficiently and it has been determined it may be more efficient for the Board to delegate and allow the County Engineer to advise the District Attorney's office directly as to whether or not an objection to a motion or petition to foreclose or vacate, a public way or to open or close a public road or easement is needed as such duty falls within the County Engineer's statutory duties;

**WHEREAS**, the Board wishes to delegate the authority to make the decision to disclaim interest (except for taxes) in any petition or motion to foreclose vacate, open, or close any public way, road, or easement to the County Engineer, who may direct the District Attorney's Office of the appropriate disclaimer decision in writing as needed within the statutory time frame for response to such legal pleadings.

**WHEREAS**, if the County Engineer does determine that an objection is necessary and that disclaimer is not appropriate, the District Attorney will place the item on the BOCC agenda for consideration and action on how to proceed in such litigation.

**NOW, THEREFORE IN FURTHERANCE THEREOF, BE IT RESOLVED BY THE BOCC THAT:**

Section 1. The duty to review and determine if an objection or disclaimer should be filed on any Petition or Motion to Foreclose and/or Vacate, Open, or Close a County Public Way, Road or Easement will be determined by the Oklahoma County Engineer, who if there is no legal interest of the County that will be impacted by the legal action, direct the District Attorney's Office to Disclaim the County's interest subject to any and all outstanding taxes;

Section 2. If the County Engineer determines an objection or response to the Motion or Petition to Foreclose or Vacate, Open or Close a Public Way, Road, Right of Way or Easement owned or controlled by the County is needed, the item will be placed on the BOCC agenda as an executive session item for the Board's full consideration.

Section 3. That any disclaimer filed in a legal proceeding after the passage of this resolution performed under the direction of the Oklahoma County District Engineer shall be with the BOCC's permission and will operate with the same force and effect as if passed upon by the BOCC as an agenda item.

Section 4. This Resolution serves to streamline the process and procedure for handling motions and petitions to vacate, open and/or close right of ways and roads so that the BOCC's need only act on its agenda when it needs to participate in or object to such litigation when filed.

Adopted on this \_\_\_\_\_ day of May, 2026.

BOARD OF COUNTY COMMISSIONERS OF OKLAHOMA  
COUNTY

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BOCC Chair, County Commissioner, District Two

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County Commissioner, District One

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Interim County Commissioner, District Three

ATTEST:

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Maressa Treat, County Clerk

Approved as to form and legality:

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Oklahoma County District Attorney/Assistant District Attorney