

RESOLUTION NO. 2019-08

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF LUTHER, OKLAHOMA, APPROVING AND AUTHORIZING THE EXECUTION OF AN AGREED JOURNAL ENTRY OF JUDGMENT IN THE MATTER OF *JAB CORP. VS. THE TOWN OF LUTHER, OKLAHOMA, OKLAHOMA COUNTY DISTRICT COURT CASE NUMBER: CV-2019-459; AND DIRECTING THE TOWN'S ATTORNEYS TO PREPARE AND FILE THE NECESSARY DOCUMENTS TO EFFECTUATE RESOLUTION, INCLUDING A JOINT APPLICATION FOR ENTRY OF JUDGMENT IN ACCORDANCE WITH OKLAHOMA STATE STATUTES*

WHEREAS, JAB CORP. ("JAB") is a corporation organized and existing under the laws of the State of Oklahoma, with its principal place of business located at 15749 Coffee Creek Road in Luther, Oklahoma (the "Subject Property"); and

WHEREAS, in accordance with Oklahoma Law, JAB submitted an application to the Oklahoma Medical Marijuana Authority for a commercial license to grow marijuana, said license being granted effective as of October 3, 2018; and

WHEREAS, prior to JAB receiving its license, the Town of Luther adopted Ordinance Number: 2018-08, which regulated medical marijuana establishments; and

WHEREAS, JAB was advised by Town representatives that the Subject Property would need to be re-zoned from A-1: agricultural to C-1: commercial; and

WHEREAS, JAB requested the zoning variance and a public hearing was held; and

WHEREAS, the rezoning variance was subsequently denied by the Board of Trustees; and

WHEREAS, JAB filed suit in Oklahoma County District Court on February 25, 2019, seeking a declaratory judgment and injunctive relief; and

WHEREAS, attorney Margaret McMorrow-Love was retained by the Town to handle the pending litigation; and

WHEREAS, following an Executive Session on the litigation, Ms. McMorrow-Love was directed to negotiate with the attorney for JAB in an attempt to reach a workable solution with terms that were acceptable to the Board of Trustees; and

WHEREAS, pursuant to these negotiations, JAB has agreed to conduct its growing operation in full compliance with the requirements of 63 O.S. §420A *et seq.*, as well as all rules and regulations of the Oklahoma Department of Health and the Oklahoma Medical Marijuana Authority; and

WHEREAS, JAB had further agreed that all structures erected for the commercial growing of marijuana will comply with all applicable state and local building codes, that it will notify the

Town if its license as a commercial grower is ever suspended, revoked or expired, that it will take reasonable care to ensure that toxic chemicals or other pollutants will not be released into the water table or surrounding lands, that it will allow inspection by Town Officials to ensure compliance with codes and regulations regarding commercial businesses, that it will maintain a reasonable amount of security for the operation, and that if it ceases commercial marijuana growing operations or if it transfers, sells, donates, or gives its business to another party, the property will be subject to the Town's zoning requirements; and

WHEREAS, due to the continued evolution in the laws of the State of Oklahoma regarding medical marijuana operations, to avoid a costly, protracted litigation process, and to safeguard the public health, safety, and welfare of the residents of the Town of Luther by imposing reasonable restrictions on the proposed marijuana growing operation, the Board of Trustees believes that it is in the best interest of the Town to resolve the pending litigation in accordance with the proposed Agreed Journal Entry of Judgment.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES FOR THE TOWN OF LUTHER, OKLAHOMA, THAT the Agreed Journal Entry of Judgment in the case of *JAB Corp, vs. The Town of Luther, Oklahoma*, Oklahoma County District Court Case Number: CV-2019-459, in similar form as is attached as Exhibit "A," is hereby approved and the attorneys for the Town are authorized to execute it.

NOW, THEREFORE, BE IT FURTHER RESOLVED THAT that the Town's attorneys are hereby directed to prepare and file the necessary documents to effectuate resolution of this litigation, including a Joint Application for Entry of Judgment, all in accordance with Oklahoma State Statutes.

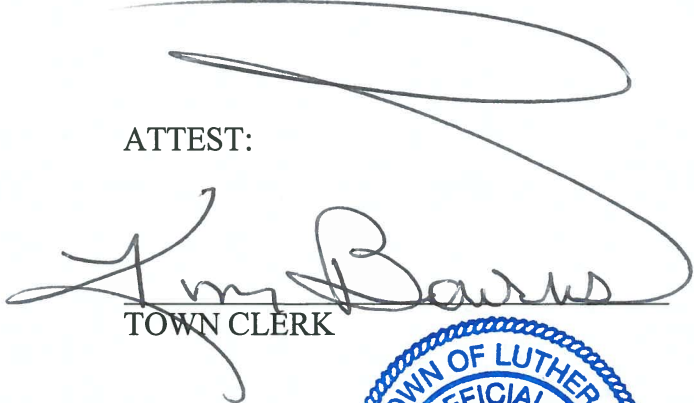
ADOPTED AND APPROVED by the Board of Trustees of the Town of Luther, Oklahoma, this 1st day of May, 2019.


MAYOR JENNI WHITE

Approved as to Form and Legality:


TOWN ATTORNEY

ATTEST:


TOWN CLERK

