

**CITY OF COWETA OKLAHOMA
ORDINANCE NO. 829**

AN ORDINANCE OF THE CITY OF COWETA, OKLAHOMA PROVIDING FOR AND DECLARING THE CLOSING AND VACATION TO PUBLIC USE OF A 20-FOOT-WIDE ALLEY LOCATED IN ORCUTT ADDITION TO NEW COWETA, SITUATED BETWEEN LOTS 1 THROUGH 19, BLOCK 8; IN ORCUTT ADDITION TO NEW COWETA, AND LOTS 1 THROUGH 6, BLOCK 5; IN NEW COWETA LESS SOUTH STATE HIGHWAY 51, IN SECTION 18, TOWNSHIP 17 NORTH, RANGE 16 EAST OF THE INDIAN BASE AND MERIDIAN, CITY OF COWETA, OKLAHOMA, SAID TRACT BEING MORE PARTICULARLY DESCRIBED HEREINAFTER, AND RETAINING THE RIGHTS OF ANY HOLDER OF A FRANCHISE OR OTHERS DETERMINED BY THE GOVERNING BODY TO HAVE A SPECIAL RIGHT OR PRIVILEGE GRANTED BY ORDINANCE OR LEGISLATIVE ENACTMENT TO MAINTAIN THEIR EXISTING UTILITIES, AND RETAINING THE ABSOLUTE RIGHT TO REOPEN THE ALLEYWAYS WITHOUT EXPENSE TO THE MUNICIPALITY AND DECLARING AN EMERGENCY.

WHEREAS, the City of Coweta, Oklahoma, has deemed it necessary and expedient to close a public alleyway, and

WHEREAS, pursuant to Title 11, Oklahoma Statutes, Section 42-110, the City of Coweta has provided written notice of the proposed closing of said public ways to holders of a franchise or others determined by the governing body to have a special right or privilege at least thirty (30) days prior to passage of this ordinance, and

WHEREAS, the City Council of the City of Coweta, Oklahoma, finds that the closing of said alleyways will not adversely affect the health, safety, or general welfare of the public and the same is necessary and expedient,

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COWETA, OKLAHOMA THAT:

SECTION 1: In the judgment and discretion of the Mayor and Council of the City of Coweta, it is desirable and profitable to close and vacate all that portion of a 20-foot-wide alley in Block 8, Orcutt Addition and Block 5, Plat of New Coweta as shown in Book 1M, page. 550, City of Coweta, Wagoner County, Oklahoma, being more particularly described as follows:

Beginning at a found 3/8-inch rebar with cap PLS 1547 at the Southeast corner of Lot 1 of said Block 5, thence S01°30'58"E 20.00 feet to a found 5/8-inch rebar with cap PLS 1974 at the Northeast corner of Lot 6 of said Block 5; thence S88°28'21"W 291.05 feet to a found 5/8-inch rebar with cap CA 4849 on the Easterly right of way of Highway 51; thence along said right of way, N30°13'04"W 22.80 feet to the South line of Lot 6 of said Block 8; thence along said South line, N88°28'21"E 302.00 feet to the point of Beginning, containing 5,930 square feet or 0.136 acres, more or less. On O'Reilly Auto

Parts, Properties, and that said closure and vacation is in the best interest of the City of Coweta.

SECTION 2: That the municipality shall retain the absolute right to reopen the alleyway without expense to the municipality. Closing of the public way shall not affect the right to maintain, repair, reconstruct, operate, or remove utility, public service corporation, or transmission company facilities of service therein, nor shall a closing affect private ways existing by operation of law unless released in writing executed by the owners thereof.

SECTION 3: That for the immediate preservation of the peace, health and safety of the City of Coweta, Oklahoma, and for the inhabitants thereof, an emergency is hereby declared to exist by reason whereof this ordinance shall become operative and go into effect immediately upon its passage and approval.

PASSED AND APPROVED THIS 3rd day of February 2020 and the emergency clause voted upon separately.

EVETTE MORRIS, MAYOR

ATTEST:

JULIE CASTEEN, CITY CLERK

APPROVED AS TO FORM:

RONALD D. CATES, CITY ATTORNEY