

ORDINANCE NO. 4035-A

AN ORDINANCE CLOSING THE 20 FOOT ALLEY RUNNING NORTH AND SOUTH BETWEEN FREMONT AND ELGIN AVENUE. LOCATED BETWEEN LOTS 1-15 BLOCK 61, IN THE ORIGINAL TOWN SITE OF MUSKOGEE (MOT), LOCATED IN THE SOUTHWEST QUARTER (SW1/4) OF SECTION 26, TOWNSHIP 15 NORTH, RANGE 18 EAST, MUSKOGEE COUNTY, STATE OF OKLAHOMA; SUBJECT TO RETAINING UTILITY EASEMENT; AND PROVIDING FOR SEVERABILITY. (City of Muskogee, Petitioners)

WHEREAS, a petition has been filed by the property owner requesting said 20 foot alley be closed and discontinued from public use, and;

WHEREAS, the City of Muskogee Planning & Zoning Commission in a meeting held December 4, 2017, did approve the petition and did recommend approval of official action by closing a public utility easement Right of Way as stated;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MUSKOGEE, OKLAHOMA,

Section 1: THAT THE 20 FOOT ALLEY RUNNING NORTH AND SOUTH BETWEEN FREMONT AND ELGIN AVENUE. LOCATED BETWEEN LOTS 1-15 BLOCK 61, IN THE ORIGINAL TOWN SITE OF MUSKOGEE (MOT), LOCATED IN THE SOUTHWEST QUARTER (SW1/4) OF SECTION 26, TOWNSHIP 15 NORTH, RANGE 18 EAST IN THE ORIGINAL TOWN SITE OF MUSKOGEE (MOT), MUSKOGEE COUNTY, STATE OF OKLAHOMA; SUBJECT TO RETAINING UTILITY EASEMENT; AND PROVIDING FOR SEVERABILITY is hereby closed, annulled and discontinued from public use.

AND that this change be so ordered and declared by the City Council.

Section 2: REPEALER. All other ordinances or parts of ordinances in direct conflict herewith are repealed to the extent of the conflict only.

Section 3: SEVERABILITY. Should any part, section, subsection, sentence, provision, clause, or phrase hereof be held invalid, void, or unconstitutional for any reason, such holding shall not render invalid, void, or unconstitutional any other section, subsection, sentence, provision, clause, or phrase of this Ordinance, and the same are deemed severable for this purpose.

Section 4: EFFECTIVE DATE. This ordinance shall take effect thirty (30) days after date of publication.

Ordinance No. _____

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MUSKOGEE, OKLAHOMA THIS 11th DAY OF DECEMBER, 2017.

JOHN R. COBURN, MAYOR

ATTEST:

TAMMY L. TRACY, CITY CLERK
(SEAL)

APPROVED as to form and legality this ____ day of _____, 2017.

ROY D. TUCKER, CITY ATTORNEY