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ORDINANCE NO._____

ORDINANCE CLOSING A PORTION OF THE NORTH-SOUTH UTILITY EASEMENT WITHIN LOTS SIX (6) AND SEVEN (7) IN BLOCK SIX (6) OF WHISTLE CREEK PHASE II, WEST OF WHISTLE CREEK BOULEVARD AND NORTH OF NW 161ST STREET AND DECLARING AN EMERGENCY.

EMERGENCY ORDINANCE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OKLAHOMA CITY:

SECTION 1. The following public way and/or easement in The City of Oklahoma City, Oklahoma, shall be and the same is hereby closed to the public use, to-wit:

A tract of land situate within Lot 6 Block Six (6), Whistle Creek Phase II, a subdivision of the City of Oklahoma City, Oklahoma County, Oklahoma, recorded in Book 81, Page 3 and being more particularly described by metes and bounds as follows: COMMENCING at the Northeast corner of Lot 6 Block 6 of Whistle Creek Phase II; Thence N89°43'54"W along the north line of said Lot 6 a distance of 30.78 feet; Thence S00°16'06"W parallel with the East line of said Lot 6 a distance of 42.51 feet to the POINT OF BEGINNING; Thence S02°18'23"W a distance of 2.69 feet; Thence N89°17'58" W a distance of 1.03 feet to a point on a curve to the right; Thence 2.91 feet along the arc of said curve having a radius of 72.00 feet, subtended by a chord of 2.91 feet which bears N23°04'35"E to the POINT OF BEGINNING. **AND** A tract of land situate within Lot 7 Block Six (6), Whistle Creek Phase II, a subdivision of the City of Oklahoma City, Oklahoma County, Oklahoma, recorded in Book 81, Page 3 and being more particularly described by metes and bounds as follows: COMMENCING at the Northeast corner of Lot 7 Block 6 of Whistle Creek Phase II; Thence N89°43'54"W along the north line of said Lot 7 a distance of 23.01 feet; Thence S00°16'06"W a distance of 5.94 feet to the POINT OF BEGINNING; Thence S00°22'15"E a distance of 21.29 feet; Thence S85°47'58"W a distance of 1.78 feet to a point on a curve to the right; Thence 21.56 feet along the arc of said curve having a radius of 72.00 feet, subtended by a chord of 21.48 feet which bears N04°22'43"E, to the POINT OF BEGINNING.

SECTION 2. That all rights of The City or any public or quasi-public corporation with reference to any public or quasi-public works or utilities, including but not limited to a perpetual easement for water and wastewater, drainage, stormwater, sidewalks, and traffic controls systems (collectively "City Systems") are hereby expressly reserved and the above closing shall in no way impair the right to erect, construct, or repair poles, pipes, wires, conduits, or sewers, including but not limited to the City Systems and the purpose of such construction, repair, operation, maintenance, expansion, and replacement of the City Systems and associated facilities, connections, utilities, and appurtenances thereto including the right of ingress and egress and all right, title and interest in and to any soil, earthen material, fixture, and appurtenances incidentally removed during the use of a perpetual easement under and over the above described public way or easement is hereby expressly reserved and, **when in the opinion of the Council it shall be**

necessary, the same may be re-opened without expense to the City. In the event any excavation or fill is made therein all City Systems and equipment incident thereto shall be raised or otherwise protected so that no seepage into such City Systems shall occur by reason of the use made of the above closed public way or easement and that no impairment of the use of City Systems shall be caused by reason of such use. Any damage caused to such City Systems as aforesaid shall be borne by the person, firm, or corporation making use of the above closed public way or easement.

SECTION 3. (EMERGENCY) WHEREAS, it being immediately necessary for the preservation of the peace, health, safety, and public good of Oklahoma City and the inhabitants thereof that the provisions of this ordinance be put into full force and effect, an emergency is hereby declared to exist by reason whereof this ordinance shall take effect, and be in full force from and after its passage, as provided by law.

INTRODUCED AND READ in open meeting of the Council of The City of Oklahoma City, Oklahoma, on this 19TH day of NOVEMBER, 2024.

PASSED by the Council and **SIGNED** by the Mayor of the of The City of Oklahoma City, Oklahoma, this _____ day of _____, 20____.

ATTEST:

CITY CLERK

MAYOR

REVIEWED for form and legality.



ASSISTANT MUNICIPAL COUNSELOR