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ORDINANCE NO. _____

ORDINANCE CLOSING A PORTION OF NW 65TH STREET RIGHT-OF-WAY, WEST OF NORTH SHARTEL AVENUE AND SOUTH NW 66TH 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 being a part of Southwest Quarter (SW/4) of Section Four (4), Township Twelve (12) North, Range Three (3) West of the Indian Meridian, Oklahoma City, Oklahoma County, Oklahoma, and being a portion of N.W. 65th Street (Platted Mitchell Avenue) as shown in BILTMORE HEIGHTS ADDITION according to the Plat recorded in Book PL8, Page 21, being more particularly described as follows: BEGINNING at the Southwest (SW) corner of Lot 16 in Block 1 of said plat BILTMORE HEIGHTS ADDITION; THENCE South 00°57'53" East, along and with the extended West line of said Lot 16, a distance of 23.46 feet to the centerline of said N.W. 65th Street (Platted Mitchell Avenue); THENCE North 74°31'13" West, along and with said centerline, a distance of 234.01 feet; THENCE South 89°37'34" West, continuing along said centerline a distance of 26.96 feet to a point on the extended centerline of the North/South 10' Alley as shown on said plat BILTMORE HEIGHTS ADDITION; THENCE North 00°59'46" West, along and with said extended centerline of the 10' Alley, a distance of 18.10 feet to the North line of said N.W. 65th Street (Platted Mitchell Ave.); THENCE North 89°37'34" East, along and with said North line, a distance of 45.78 feet; THENCE South 74°31'13" East, continuing along and with said North line, a distance of 214.39 feet 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 sewer, 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, this 2ND day of JANUARY, 2024.

PASSED by the Council of The City of Oklahoma City, Oklahoma, this _____ day of _____, 20____.

SIGNED by the Mayor of The City of Oklahoma City, Oklahoma, this _____ day of _____, 20____.

ATTEST:

CITY CLERK

MAYOR

REVIEWED for form and legality.



ASSISTANT MUNICIPAL COUNSELOR