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ORDINANCE NO. _____

ORDINANCE CLOSING A PORTION OF NW 65TH STREET RIGHT-OF-WAY WEST OF NORTH SHARTEL AVENUE AND SOUTH OF 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 Ave.) 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 Southeast (SE) corner of Lot 1 in Block 1 of said plat BILTMORE HEIGHTS ADDITION; THENCE South 00°57'53" East, along and with the West Right-of-Way line of Shartel Avenue as shown on said plat BILTMORE HEIGHTS ADDITION, a distance of 45.00 feet to the Northeast (NE) corner of Lot 39 in Block 2 as shown on said plat BILTMORE HEIGHTS ADDITION; THENCE along and with the North line of said Block 2 the following 2 calls: 1. THENCE South 89°43'23" West, a distance of 173.24 feet; 2. THENCE North 74°31'13" West, a distance of 490.05 feet; THENCE South 89°37'34" West, along and with the extended North line of said Block 2, a distance of 8.14 feet to a point on the centerline of the 10-foot vacated alley in said Block 2; THENCE North 00°59'46" West, along and with said centerline extended, a distance of 18.10 feet to a point on the centerline of said N.W. 65th Street; THENCE North 89°37'34" East, along and with the centerline of said N.W. 65th Street, a distance of 26.96 feet; THENCE South 74°31'13" East, continuing along and with the centerline of said N.W. 65th Street, a distance of 234.01 feet; THENCE North 00°57'53" West, departing the centerline of said N.W. 65th Street, a distance of 23.46 feet to the Southwest (SW) corner of Lot 16 in said Block 1; THENCE South 74°31'13" East, along and with the South line of said Block 1, a distance of 243.48 feet; THENCE North 89°43'23" East, continuing along and with the South line of said Block 1, a distance of 166.47 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 26TH day of SEPTEMBER, 2023.

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