

**CITY OF ARDMORE
CITY MANAGER**

Council Letter No. 4895
Meeting Date: September 8, 2020

Mayor and City Commission
City of Ardmore, Oklahoma

RE: Ordinance Repealing Rezoning Ordinance No. 3090

Dear Commission Members:

An application was filed with the Mayor and City Commissioners of the City of Ardmore, to amend Ordinance No. 2583, known as the Unified Development Code, to change the property hereinafter described as RS-9 (Single Family Residential) to RS-6 (Single Family Residential), and on June 25, 2020, Ordinance No. 3090 was adopted and approved by the City Commissioners of the City of Ardmore, Oklahoma, purporting to rezone property located at 5035 Myall Road. Ordinance No. 3090, incorrectly described the property to be rezoned by describing the property with an incomplete legal description. The City Commissioners of the City of Ardmore has determined that the incorrect legal description rendered the ordinance and rezoning of the property ineffective.

Staff recommends approval of an Ordinance repealing the rezoning of Ordinance No. 3090.

Respectfully submitted,


J.D. Spohn
City Manager

ORDINANCE NO. _____

AN ORDINANCE REPEALING REZONING ORDINANCE NO. 3090 ADOPTED ON JUNE 25, 2020, WHICH REZONED PROPERTY LOCATED AT 5035 MYALL RD, AS SPECIFICALLY DESCRIBED BELOW FROM RS-9 (SINGLE FAMILY RESIDENTIAL 9,000 SQ FT MIN) ZONING DISTRICT TO RS-6 (SINGLE FAMILY RESIDENTIAL 6,000 SQ FT MIN) ZONING DISTRICT PROVIDING FOR SEVERABILITY AND DECLARING AN EMERGENCY.

WHEREAS, an application was filed with the Mayor and Board of Commissioners of the City of Ardmore, to amend Ordinance No. 2583, known as the Unified Development Code, to change the property hereinafter described as RS-9 (SINGLE FAMILY RESIDENTIAL) to RS-6 (SINGLE FAMILY RESIDENTIAL), and on June 25, 2020, Ordinance No. 3090 was adopted and approved by the Board of Commissioners of the City of Ardmore, Oklahoma, purporting to rezone the ;subject property;

WHEREAS, Ordinance No. 3090, incorrectly described the property to be rezoned by describing the property with an incomplete legal description.

WHEREAS, the Board of Commissioners of the City of Ardmore has determined that the incorrect legal description rendered the ordinance and rezoning of the property ineffective; and,

WHEREAS, the Board of Commissioners of the City of Ardmore find that it is of public convenience and necessity to repeal Ordinance No. 3090, by reason of the incorrect legal description contained in the Ordinance.

NOW THEREFORE BE IT ORDAINED BY THE MAYOR AND BOARD OF COMMISSIONERS OF THE CITY OF ARDMORE, OKLAHOMA:

Section 1. REPEALER, Ordinance No. 3090 adopted on June 25, 2020, purporting to change the following property from RS-9 (SINGLE FAMILY RESIDENTIAL 9,000 SQ FT MIN) zoning district to RS-6 (SINGLE FAMILY RESIDENTIAL 6,000 SQ FT MIN) zoning district to-wit: PLAINVIEW ESTATES 7, PARCEL B PT BEG SE/C OF SEC; S89.3312W 4620.65; N00.2255W 1021.23 TO POB; S89.3312W 339.88; N00.2255W 961.16; N89.3153E 339.88; S28.5018E 1295.92; S29.0643E 891.77; S89.3312W 1054.96 TO POB-34 04S 01E, according to the recorded plat thereof is hereby repealed.

Section 2. SEVERABILITY, if any section, subsection, sentence, clause, phrase or

portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction , such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion of this ordinance.

Section 3. EMERGENCY, It being immediately necessary for the preservation of the public peace, health, safety, and welfare of the City of Ardmore and the inhabitants thereof that this ordinance be put into full effect, an emergency is hereby declared to exist by reason whereof this ordinance shall be in full force and effect from and after its passage and approval.

END

The undersigned hereby certify that the foregoing ordinance was introduced before the Ardmore City Commission on the ____ day of _____, 2020, and was duly adopted and approved by the Mayor and City Commission of the City of Ardmore on the ____ day of _____, 2020, after compliance with notice requirements of the Oklahoma Open Meeting Law.

CITY OF ARDMORE

A MUNICIPAL CORPORATION

Mayor

ATTEST:

City Clerk