

CITY OF ARDMORE
DEVELOPMENT SERVICES

Council Letter No. 5248
Meeting Date: November 15, 2021

Mayor and City Commission
City of Ardmore, OK

CONSENT AGENDA

RE: CASE #E21-02, An Ordinance closing the public utility easement through the Purvis Industries addition located at 2407 West Broadway.

Dear Commission Members:

Staff received a request from the David Kennedy Law Office for a utility easement closure for an existing utility easement through the Purvis Industries Addition. The request was sent to Mr. Davis, the City Attorney, and he has approved this easement closure. The City will retain the right to re-open this easement.

Recommendation: Staff recommends approval of the closure of the utility easement.

Respectfully Submitted,



Jessica Scott
Director of Community Development

Attachments: Easement Closure Ordinance
Easement

Reviewed by: _____


City Manager

ORDINANCE NO. 3107

AN ORDINANCE CLOSING TO PUBLIC USE THE PUBLIC UTILITY EASEMENT DESCRIBED AS A TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER (SW/4) OF SECTION TWENTY-FIVE (25), TOWNSHIP FOUR (4) SOUTH, RANGE ONE (1) EAST OF THE INDIAN MERIDIAN, CARTER COUNTY, OKLAHOMA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SW/4; THENCE N89°31'35"E ALONG THE SOUTH LINE OF SAID SW/4 A DISTANCE OF 636.22 FEET TO A POINT 25.00 FEET FROM THE SOUTHEAST CORNER OF THE WEST HALF (W/2) OF THE SOUTHWEST QUARTER (SW/4) OF SAID SW/4 AND TO THE POINT OF BEGINNING; THENCE N00°28'44"W AND PARALLEL WITH THE EAST LINE OF SAID W/2-SW/4-SW/4 A DISTANCE OF 660.52 FEET TO A POINT ON THE SOUTH LINE OF THE FINAL PLAT OF GARRETT ADDITION PHASE II; THENCE N89°30'28"E ALONG SAID SOUTH LINE A DISTANCE OF 25.00 FEET TO A POINT ON THE EAST LINE OF SAID W/2-SW/4-SW/4; THENCE S00°28'44"E ALONG THE EAST LINE OF SAID W/2-SW/4-SW/4 A DISTANCE OF 660.53 FEET TO THE SOUTHEAST CORNER OF SAID W/2-SW/4-SW/4; THENCE S89°31'35"W ALONG THE SOUTH LINE OF SAID SW/4 A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING. CONTAINING 16,513.02 SQ. FT. OR 0.3791 ACRES, MORE OR LESS. LEGAL DESCRIPTION PREPARED ON OCTOBER 25, 2021 BY TROY DEE, REGISTERED PROFESSIONAL LAND SURVEYOR NO. 174, AS SET FORTH HEREINAFTER; RESERVING THE RIGHT TO REOPEN; PROVIDING FOR SEVERABILITY AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF ARDMORE:

Section 1. The City COMMISSION of the City of ARDMORE, Oklahoma, hereby determines it necessary and expedient to close to public use the following public utility easement recorded at Book 731 Page 247 with Carter County, Oklahoma Clerk:

A tract of land located in the Southwest Quarter (SW/4) of Section Twenty-Five (25), Township Four (4) South, Range One (1) East of the Indian Meridian, Carter County, Oklahoma, being more particularly described as follows:

Commencing at the Southwest corner of the SW/4; Thence N89°31'35"E along the South line of said SW/4 a distance of 636.22 feet to a point 25.00 feet from the Southeast corner of the West Half (W/2) of the Southwest Quarter (SW/4) of said SW/4 and to the Point of Beginning; Thence N00°28'44"W and parallel with the East line of said W/2-SW/4-SW/4 a distance of 660.52 feet to a point on the South line of the final plat of GARRETT ADDITION PHASE II; Thence N89°30'28"E along said South line a distance of 25.00 feet to a point on the East line of said W/2-SW/4-SW/4; Thence S00°28'44"E along the East line of said W/2-SW/4-SW/4 a distance of 660.53 feet to the Southeast corner of said W/2-SW/4-SW/4; Thence S89°31'35"W along the South line of said SW/4 a distance of 25.00 feet to the Point of Beginning.

Containing 16,513.02 Sq. Ft. or 0.3791 Acres, more or less.

Legal Description prepared on October 25, 2021 by Troy Dee, Registered Professional Land Surveyor No. 174

Section 2. The public utility easement as described above is hereby closed and the public use thereof discontinued subject to the conditions set forth hereinafter.

Section 3. The City retains the absolute right to reopen said easement upon its own determination of necessity or upon application of the property owners owning more than one-half (1/2) in area of the property abutting on said easement.

Section 4. Closing of the easement shall not impair or effect the right of any municipal utility or regulated transmission company to continue to possess, occupy, use, and have ingress and egress to the described area as a utility easement, nor shall the closing affect private ways existing by

operation of law.

Section 5. If any part, article, section, or subsection of this ordinance shall be held invalid or unconstitutional for any reason, such holding shall not be construed to impair or invalidate the remainder of this ordinance, notwithstanding such holding.

Section 6. 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 force and 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 adopted and approved by the ARDMORE CITY COMMISSION on the ___ day of _____, 2021, and after compliance with notice requirements of the Open Meeting Law (25 OSA, Sections 301, et seq.).

ATTEST:

MAYOR

CITY CLERK

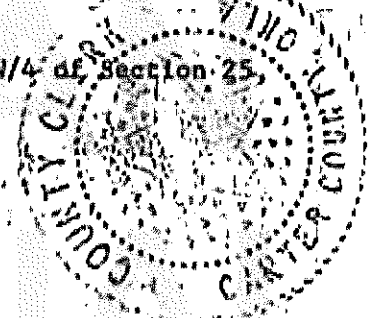
16
UTILITY EASEMENT

731

THIS INDENTURE, made and executed this the 5/16 day of May, 1975, by and between H.M. CARTER AND WELMA A. CARTER, trustees of the hereinafter described lands, hereinafter called the GRANTOR, and the CITY OF ARDMORE, OKLAHOMA, a municipal corporation, hereinafter called the GRANTEE.

WITNESSETH: That for and in consideration of the sum of \$ _____ a valuable considerations in hand paid by the GRANTEE to the GRANTOR, receipt whereof GRANTOR does hereby acknowledge, the GRANTOR does hereby grant and convey unto the GRANTOR and assigns, a perpetual easement and right-of-way for utility purpose including but not limited to the right, privilege and authority to use the lands hereinafter described for the purpose of locating, constructing, reconstructing, operating, maintaining, inspecting, altering, repairing and removing a pipe line for as a water transmission line and such fittings, manholes, and other equipment and appurtenances as may be necessary of convenient for such operations over, access a under the following described premises situated in CARTER County, State of Oklahoma, to-wit:

The East 25 feet of the W/2 of the SW/4 of the SW/4 of Section 25, T4S, R1E, I.M.



RECORDED

JUN 4 4 16 PM '75

BOOK 731 PAGE 247

FLORENCE G. JONES
COUNTY CLERK
CARTER COUNTY, OKLAHOMA

Florence Jones

RETURN TO: CITY OF ARDMORE
P.O. BOX 249
ARDMORE, OKLAHOMA 73401

together with the rights of ingress and egress at convenient points for such purpose together with all rights necessary for the convenient enjoyment of the privileges granted.

TO HAVE AND TO HOLD said easement and right-of-way unto the GRANTEE of Ardmore and its assigns forever.

The Grantor(s) covenant and warrant that they are lawfully and possessed of the land aforesaid and have the full right, power and authority to convey this conveyance, and that they will defend the title to the easement and right-of-way conveyed herein and quiet enjoyment thereof against any claims and demands of all persons whomsoever.

IN WITNESS WHEREOF, H.M. CARTER
have executed this instrument this 15 day of May, 1975