

ORDINANCE 438

AN ORDINANCE TO ANNUL, DISCONTINUE AND CLOSE THE NORTH TO SOUTH ALLEYWAY IN BLOCK 3 OF THE ORIGINAL TOWN OF STILWELL, OKLAHOMA

WHEREAS, The City of Stilwell has authority to close streets and/or alleyways when closure does not adversely impact the land, the citizens who use them or any business which may be affected; and

WHEREAS, The City of Stilwell considers any request made to close streets and/or alleyways which may create a positive outcome or improve transportation or improve commerce, trade or economic development; and

WHEREAS, The City of Stilwell has received a request from the property owners of the property adjoining all sides of the alleyway to be so affected to officially annul, discontinue and close said alleyway;

THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STILWELL:

SECTION 1: ENACTMENT

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

The north-south alleyway located between Second Street and Third Street north of Ash Street being contained within Block #3 of the Original Town of Stilwell.

SECTION 2: RESERVATION OF RIGHTS

That all rights of The City or any public or quasi-public corporation with reference to any public or quasi-public works or utilities 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 and the purpose of such construction or repair 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 public utilities and equipment incident thereto shall be raised or otherwise protected so that no seepage into such public utilities shall occur by reason of the use made of the above closed public way or easement and that no impairment of the use of public utilities shall be caused by reason of such use. Any damage caused to such public utilities as aforesaid shall be borne by the person, firm, or corporation making use of the above closed public way or easement.

SECTION 3: REPEAL AND SEVERABILITY

1. Any and all other existing ordinances or portions thereof in conflict herewith be and the same are hereby repealed.
2. The provisions of this ordinance shall be severable and, if any of the provisions shall be held in contravention of the Constitution and laws of the State of Oklahoma, the decisions of the court shall not affect the validity of the remaining portions.

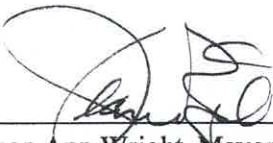
3. It is the intent of this ordinance that the same would have been adopted had such unconstitutional or unlawful provisions, if any, not been included herein.

PASSED by the City Council this 3rd Day of September, 2024.

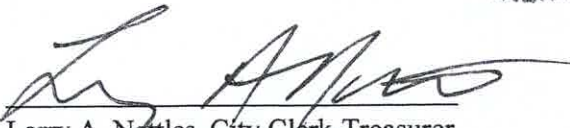
APPROVED by the Mayor this 3rd Day of September, 2024.

ATTEST:





Jean Ann Wright, Mayor



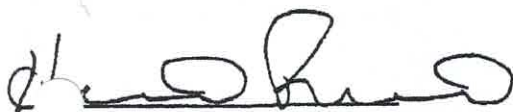
Larry A. Nettles, City Clerk-Treasurer

AFFIDAVIT OF PUBLICATION

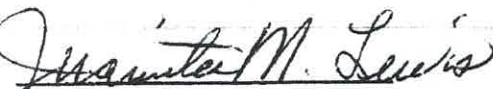
County of Adair, State of Oklahoma

I, ather Ruotolo, of lawful age, being duly sworn upon oath, deposes and says that I am the "authorized representative" Stilwell Democrat Journal a weekly publication that is a "legal newspaper" as that phrase is defined in 25 O.S. § 106, as amended to date, for the City of Stilwell, for the County of Adair, in the State of Oklahoma. The attachment hereto contains a true and correct copy of what was published in the regular edition of said newspaper, and not in a supplement, in consecutive issues on the following dates:

PUBLICATION DATES:
September 12, 2024


Heather Ruotolo, Advertising Director

Signed and sworn to before me
on this 12th day of September, 2024.


Juanita M Lewis, Notary Public

My Commission expires: Jan. 5, 2027
Commission #23000207



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(Full language of Ordinance is available at City Hall during normal business hours)

Passed by The Council This 3rd Day of September, 2024.
Approved by The Mayor This 3rd Day of September, 2024.
Emergency Clause Separately Approved This 3rd Day of September, 2024.

ATTEST:

/s/ Jean Ann Wright
Jean Ann Wright, Mayor

/s/ Larry A. Nettles
Larry A. Nettles,
City Clerk-Treasurer



RECEIVED

SEP 16 2024

CITY CLERK'S OFFICE
Stilwell, OK