

ORDINANCE NO. 352

AN ORDINANCE CLOSING PORTIONS OF STREETS, PUBLIC RIGHTS-OF-WAY AND ALLEYWAYS LYING WITHIN THE FAIRVIEW ADDITION TO THE CITY OF STILWELL, ADAIR COUNTY, OKLAHOMA, AND REPEALING ANY ORDINANCE IN CONFLICT THEREWITH AND DECLARING AN EMERGENCY

Be it ordained by the Mayor and the Council of the City of Stilwell, Oklahoma:

Section 1. That all of the following described portion of Fairview Addition to the City of Stilwell, Adair County, Oklahoma, is no longer necessary for public use for streets, rights-of-way and alleyways purposes and the same shall be and is hereby closed for streets, rights-of-way and alleyways purposes; provided however, the City retains its utility easements within said streets, rights-of-way and alleyways, to-wit:

Oak Street lying between Blocks 3 and 4, and Blocks 2 and 5 of Fairview Addition to the City of Stilwell;

Maple Street lying between Blocks 4 and 9 and Blocks 5 and 8 of Fairview Addition to the City of Stilwell;

The Northerly one-half (1/2) of Walnut Street lying adjacent to Block 9 and Block 8 of Fairview Addition to the City of Stilwell;

Oklahoma Avenue lying between Block 9 and Block 8, Block 4 and Block 5 and Block 3 and Block 2, of Fairview Addition to the City of Stilwell;

All alleyways located in Blocks 2, 3, 4, 5, 8 and 9 of Fairview Addition to the City of Stilwell;

Elm Street lying Between Block 10 and Block 17 of Fairview Addition to the City of Stilwell;

Cedar Street lying between Block 17 and Block 18 of Fairview Addition to the City of Stilwell;

All alley ways located Blocks 10 and 17, lying between Lots 5, 6, 7, 8, 9 and 10, Block 18 of Fairview Addition to the City of Stilwell;

The Northerly one-half of Locust Street lying adjacent to Lots 8, 9 and 10, Block 18 of Fairview Addition to the City of Stilwell.

Being the intention to vacate all public rights-of-way and alleyways lying within the following described property:

TRACT 1:

Lots One (1), Two (2), Three (3), Four (4), Five (5) and Six (6), in Block Two (2), FAIRVIEW ADDITION to the town of Stilwell, Adair County, Oklahoma.

TRACT 2:

Lots One (1), Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7), Eight (8), Nine (9), Ten (10), Eleven (11), Twelve (12), Thirteen (13), Fourteen (14), Fifteen (15), Sixteen (16), in Block Five (5), FAIRVIEW ADDITION to the town of Stilwell, Adair County, Oklahoma.

TRACT 3:

Lots One (1), Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7), Eight (8), Nine (9), Ten (10), Eleven (11) and Twelve (12), in Block Eight (8), FAIRVIEW ADDITION to the town of Stilwell, Adair County, Oklahoma.

TRACT 4:

Lots One (1), Two (2), Three (3), and Four (4), in Block Eleven (11), FAIRVIEW ADDITION to the town of Stilwell, Adair County, Oklahoma.

TRACT 5:

Lot Six (6), in Block Twelve (12), FAIRVIEW ADDITION to the town of Stilwell, Adair County, Oklahoma.

TRACT 6:

Lot Fourteen (14), and the East Half (E/2) of Lot Thirteen (13), in Block Ten (10) FAIRVIEW ADDITION to the town of Stilwell, Adair County, Oklahoma.

TRACT 7:

Block Five (5) of the INDUSTRIAL PARK ADDITION to the City of Stilwell, Adair County, Oklahoma.

TRACT 8:

A portion of the NW/4 of Section 2, Township 15 North, Range 25 East in the City of Stilwell, in Adair County, in the State of Oklahoma, described as follows: Beginning at the NE corner of Block Ten (10) of the FAIRVIEW ADDITION to the City of Stilwell; thence along the East line of said Block 10, S 0°16'17"W, 160.00

feet to the NE corner of Lot 14 of said Block 10; thence along the North line of said Lot 14 and along the North line of Lot 13 of said Block 10, N 89°55'53"W, 75.00 feet; thence S 0°16'07"W, 200.00 feet to the North line of Block 17 of said Fairview Addition; thence along said North line N89°55'53"W, 275.06 feet to the NW corner of said Block; thence along the West line of said Fairview Addition N 0°16'07" E, 360.00 feet to the NW corner of Block 10 of said Fairview Addition; thence along the North line of said Block 10, S 89°55'53" E, 350.06 feet to the point of beginning LESS AND EXCEPT: That part of Block 10 of the Fairview Addition to the City of Stilwell described as: Beginning at the NW corner of Block 10, Fairview Addition; then S 89°55'53" E along North line of Block 10 a distance of 223.43 feet; then S 0°04'07" W a distance of 32.02 feet; thence S 3°26'08" E a distance of 73.63 feet; thence S 15°47'55" W a distance of 80.50 feet; thence S 41°58'20" W a distance of 53.95 feet; thence N 75°41'57" W a distance of 126.04 feet; thence S 9°32'25" W a distance of 170.15 feet to the North line of Block 17 of Fairview Addition; then N 89°55'53" W along said North line of Block 17 a distance of 21.16 feet to the NW corner of Block 17, thence N 0°16'07" E along the West line of Block 10 a distance of 360.00 feet to the point of beginning.

TRACT 9:

A portion of the FAIRVIEW ADDITION to the City of Stilwell and a portion of the NW/4 of Section 2, Township 15 North, Range 25 East in the City of Stilwell, in Adair County in the State of Oklahoma described as follows: Beginning at the SE corner of Block 9 of Fairview Addition to the City of Stilwell; thence S 0°14'07" W, 24.00 feet; thence along a line 24.00 feet Southerly and parallel with the South line of said Block 9, N 89°55'53" W 644.18 feet to a point on a line 37.00 feet Easterly and parallel with the main line centerline of the Kansas City Southerly Railway; thence along said parallel line N 9°22'07" E, 21.65 feet; thence N 80°37'53" W, 4.00 feet; thence N 14°26'53" E, 45.18 feet to a point on said parallel line; thence along said parallel line N 9°22'07" E, 627.77 feet; thence S 80°37'53" E, 238.00 feet; thence S 82°58'53" E, 300.19 feet to a point on the East line of Block 4 of said Fairview Addition; thence along said East line S 0°02'07" W, 256.43 feet; thence along the East line of the above mentioned Block 9, S 0°14'07" W, 330.02 feet to the point of beginning.

TRACT 10:

A portion of the FAIRVIEW ADDITION to the City of Stilwell, in Adair County, in the State of Oklahoma, described as follows: Beginning at the NE corner of Block 3 of said Fairview Addition; thence along the East line of said Block 3 and the East line of Block 4 of said Fairview Addition, S 0°02'07" W, 332.95 feet; thence N 82°58'53" W, 292.03 feet to the West line of said Fairview Addition; thence along said West line N 9°22'07" E, 321.71 feet to the NW corner of said Fairview Addition; thence along the North line of said Fairview Addition S 89°57'53" E, 237.68 feet; thence S 0°02'07" W, 20.00 feet to the point of beginning.

TRACT 11:

The North Half (N/2) of the Southeast Quarter (SE/4) of the Southwest Quarter (SW/4) less 6 acres for railroad right-of-way, and the South Half (S/2) of Northwest Quarter (NW/4) of the Southeast Quarter (SE/4), and the North Half (N/2) of the Southwest Quarter (SW/4) of the Southeast Quarter (SE/4) of Section Thirty-five (35), Township Sixteen (16) North, Range Twenty-five (25) East, Adair County, Oklahoma.

Section 2. Any ordinances or part of ordinances in conflict with this Ordinance are hereby expressly repealed.

Section 3. An emergency is hereby declared to exist by reason whereof it is necessary to the immediate preservation of the public health and safety of the City of Stilwell, Oklahoma, that this Ordinance shall take effect from and after its passage and approval.

PASSED AND APPROVED this 5th day of October 2009.

CITY OF STILWELL, OKLAHOMA

BY:



JAMES COLLINS, MAYOR

Attest (seal)


SHELDON MIGGLE
City Clerk-Treasurer



Published : Oct 14, 2009

City of Stilwell

James Collins, Mayor

Chief Executive Officer

October 6, 2009

Michael Viola
Hellmuth & Johnson PLLC
10400 Viking Drive, Suite 500
Eden Prairie, MN 55344

Dear Mr. Viola,

The Stilwell City Council voted unanimously to release the easements and rights of way for the following described property at your request. Also an ordinance was passed addressing multiple concerns regarding title issues raised in this process. Please accept these documents as evidence of the actions taken. The City appreciates the contributions of the Schwan's company to our local economy. If you have any future needs that we may address please advise us.

A tract of land located at the NW corner of Oak Street and Oklahoma Avenue of Fairview Addition to the City of Stilwell described as follows:

Commencing at the NE corner of Block 3 of said Fairview Addition thence S00°02'27"W along the east line of said Block 3 a distance of 307.95 feet to the true point of beginning, thence continuing S00°02'27"W a distance of 15 feet, thence N82°58'53"W a distance of 15 feet to a point, thence northeasterly to a point of beginning, said containing 0.01 acres more or less, and

A tract of land located at the NW corner of Walnut Street and Oklahoma Avenue in said Fairview Addition described as follows:

Commencing at the SE corner of Block 9 of said Fairview Addition thence S00°14'07"W distance of 24,00 feet, thence N89°55'53"W a distance of 40 feet, thence N00°14'07"E a distance of 25 feet, thence S89°55'53"E a distance of 25 feet, thence northeasterly to a point 40 feet north of the point of beginning as measured along a line running N00°14'07"E, thence S00°14'07"W a distance of 40 feet to the point of beginning. Said containing 0.03 acres more or less.

Tract 2:

The North 20 feet of all of vacated Block 17 of Fairview Addition, and the East 20 feet of Lots 5 and 10 of Block 5 of Fairview Addition to the City of Stilwell, Oklahoma.

Respectfully,



James Collins
Mayor