

ORDINANCE 421

AN ORDINANCE TO ANNUL, DISCONTINUE AND CLOSE THAT PORTION OF CEDAR STREET BETWEEN SOUTH SECOND STREET AND SOUTH THIRD STREET WITHIN THE BOUNDARIES OF THE CITY 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 the South side of the portion of Cedar Street to be so affected to officially annul, discontinue and close said portion of Cedar Street; and

WHEREAS, at least 30 days' prior notice has been given by the City Clerk to holders of franchises or others determined by the City Council to have a special right or privilege to use the public way or easement, and to all owners of record, as shown by the current year's tax rolls in the office of the county treasurer, abutting the public way or easement, and to owners of record of property within 300 feet of said portion of Cedar Street by Open Hearing and vote of the Council on October 4, 2021, following all guidelines set forth in O.S. §11-42-110.

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:

That portion of Cedar Street between South Second Street and South Third Street.

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 16th day of May, 2022.

APPROVED by the Mayor this 16th day of May, 2022.

ATTEST:

Jean Ann Wright, Mayor

Larry A, Nettles, City Clerk-Treasurer