

**ORDINANCE 4010-A**

AN ORDINANCE CLOSING NORTH FIFTH STREET LYING BETWEEN LOTS 1 THRU 16, IN BLOCK 4, AND LOTS 17 THRU 32 IN BLOCK 3, IN FACTORY ADDITION TO THE CITY OF MUSKOGEE, LOCATED IN THE NORTHWEST QUARTER (NW1/4) OF SECTION 23, TOWNSHIP 15 NORTH, RANGE 18 EAST, MUSKOGEE COUNTY, STATE OF OKLAHOMA; SUBJECT TO RETAINING UTILITY EASEMENTS; AND PROVIDING FOR SEVERABILITY.

(DAR Restaurant Group, LLC, Petitioner)

WHEREAS, a petition has been filed by the property owner requesting said North 5<sup>th</sup> Street, as stated, be closed and discontinued from public use, and;

WHEREAS, the City of Muskogee Planning & Zoning Commission in a meeting held December 5, 2016, did approve the petition and did recommend approval of official action by closing a public Right of Way as stated;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MUSKOGEE, OKLAHOMA,

Section 1: THAT NORTH FIFTH STREET LYING BETWEEN LOTS 1 THRU 16, IN BLOCK 4, AND LOTS 17 THRU 32 IN BLOCK 3, IN FACTORY ADDITION TO THE CITY OF MUSKOGEE, LOCATED IN THE NORTHWEST QUARTER (NW1/4) OF SECTION 23, TOWNSHIP 15 NORTH, RANGE 18 EAST, MUSKOGEE COUNTY, STATE OF OKLAHOMA; SUBJECT TO RETAINING UTILITY EASEMENTS; AND PROVIDING FOR SEVERABILITY is hereby closed, annulled and discontinued from public use.

AND that this change be so ordered and declared by the City Council.

Section 2: REPEALER. All other ordinances or parts of ordinances in direct conflict herewith are repealed to the extent of the conflict only.

Section 3: SEVERABILITY. Should any part, section, subsection, sentence, provision, clause, or phrase hereof be held invalid, void, or unconstitutional for any reason, such holding shall not render invalid, void, or unconstitutional any other section, subsection, sentence, provision, clause, or phrase of this Ordinance, and the same are deemed severable for this purpose.

Section 4: EFFECTIVE DATE. This ordinance shall take effect thirty (30) days after date of publication.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MUSKOGEE, OKLAHOMA THIS 12th DAY OF DECEMBER, 2016.

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JOHN R. COBURN, MAYOR

Ordinance No. \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
PAMELA S. BATES, CITY CLERK  
(SEAL)

APPROVED as to form and legality this \_\_\_\_ day of \_\_\_\_\_, 2016.

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ROY D. TUCKER, CITY ATTORNEY