

ORDINANCE NO. 4057-A

AN ORDINANCE CLOSING THE 10 FOOT UTILITY EASEMENT LOCATED WITHIN SE1/4, SW1/4, SECTION 18, TOWNSHIP 15 NORTH, RANGE 19 EAST, CITY OF MUSKOGEE, MUSKOGEE COUNTY, STATE OF OKLAHOMA; AND PROVIDING FOR SEVERABILITY. (Heartland Surveying, Agent, Petitioner)

WHEREAS, an application has been filed by the property owner requesting said utility easement be closed and discontinued from public use; and

WHEREAS, no public utilities are located within said utility easement; and

WHEREAS, the City of Muskogee Planning & Zoning Commission in a meeting held November 5, 2018, did recommend approval to vacate the utility easement described in the attached instrument;

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

Section 1: That the 10 foot utility easement located within the SE1/4, SW1/4, SECTION 18, TOWNSHIP 15 NORTH, RANGE 19 EAST, CITY OF MUSKOGEE, MUSKOGEE COUNTY, STATE OF OKLAHOMA, is hereby closed, annulled and discontinued for use as an easement by the City of Muskogee, Oklahoma, its officers, agents, servants, contractors and employees.

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 All other ordinances or parts of ordinances in direct conflict herewith are repealed to the extent of the conflict only.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 5TH DAY OF NOVEMBER, 2018.

JOHN R. COBURN, MAYOR

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ATTEST:

TAMMY L. TRACY, CITY CLERK

(SEAL)

APPROVED as to form and legality this ____ day of _____, 2018.

ROY D. TUCKER, CITY ATTORNEY