

ORDINANCE NO. 4061-A

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF MUSKOGEE AS PROVIDED BY CHAPTER 90, SECTION 01-03, OF THE MUSKOGEE CITY CODE, SEPTEMBER 2014, BY RE-ZONING A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 15 NORTH, RANGE 18 EAST OF THE INDIAN BASE AND MERIDIAN, MUSKOGEE COUNTY, STATE OF OKLAHOMA., CONTAINING 17.69 ACRES MORE OR LESS, AND PROVIDING FOR SEVERABILITY. THE PROPERTY IS MORE PARTICULARLY DESCRIBED AS:

Commencing at the Southwest corner of the SE ¼ of said Section 33; thence N88°23'16" East along the South line thereof a distance of 576.17 feet; thence N01°09'13" West a distance of 430.00 feet to the Northeast corner of Lot 1, Block 1 of Sheffield Commercial Park; thence S88°23'16" West a distance of 390.00 feet to the Southwest corner of Block 1 of Sheffield Commercial Park II; thence N01°09'11" West along the West line thereof a distance of 267.65 feet to the West-Northwest corner of said Block 1 of Sheffield Commercial Park II and the Point of Beginning; thence N01°09'11" West along the East right of way of the City of Muskogee Street filed in Book 3109, Page 026 a distance of 224.40 feet; thence N88°25'20" East a distance of 384.00 feet to the North-Northwest corner of Lot 2, Block 1 of said Sheffield Commercial Park II; thence S01°09'13" East along the West line of said Lot 2 a distance of 224.17 feet; thence S88°23'16" West a distance of 384.00 feet to the Point of Beginning.

And

The Southwest Quarter of the Southeast Quarter in Section 33, Township 15 North, Range 18 East of the Indian Base and Meridian, Muskogee County, Oklahoma.

LESS TRACTS 1 THRU 6 DESCRIBED AS FOLLOWS:

TRACT 1: A tract of land located in the SW1/4 of the SE/4 in Section 33, Township 15 North, Range 18 East, Muskogee County, State of Oklahoma more particularly described as follows; Beginning at a point that is N-88°18'12"E a distance of 171.20 feet and N-01°27'20" W a distance of 30.00 feet from the SW corner of said SW/4 of the SE/4; thence N-46°09'46"W a distance of 63.60 feet; thence N-01°14'17"W a distance of 354.61 feet; thence N-88°18'12"E a distance of 450.00 feet; thence S-01°14'17"E a distance of 400.00 feet, thence S-88°18'12"W a distance of 405.08 feet to the Point of Beginning, AKA Lots 1 and 2 Block 1 of Sheffield Commercial Park Phase I.

TRACT 2: Part of the SE/4 in Section 33 Township 15 North, Range 18 East, Muskogee County Oklahoma, described as follows: Commencing at the Southwest corner of said SE/4; thence along the South line thereof N88°18'12"E 171.20 feet; thence N01°14'17"W 30.00 feet; thence N88°18'12"E 405.086 feet; thence N01°14'17"W 400.00 feet to the Point of Beginning; said point being the Northeast corner of Lot 1 in Block 1 of Sheffield Commercial Park Phase I; thence along the North Line of said Lot 1, S88°18'12"W 450.00 feet to the East right-of-way of U.S. Highway #69; thence along the said right-of-way N01°14'17"W 492.09 feet; thence N88°20'16"E 450.00 feet; thence S01°14'17"E 491.82 feet to the Point of Beginning.

TRACT 3: Part of the SW/4 of the SE/4 in Section 33, Township 15 North, Range 18 East in Muskogee County, Oklahoma, more particularly described as follows: Beginning at a point in the North line of said SW/4 SE/4 where it intersects the Easterly right-of-way line of U.S. Highway #69; thence South along said right-of-way 330 feet; thence East 660 feet; thence North 330 feet more or less to the North

line of said SW/4 SE/4; thence West along the North line 660 feet to the Point of Beginning.

TRACT 4: Part of the SW/4 of the SE/4 in Section 33, Township 15 North, Range 18 East in Muskogee County, Oklahoma more particularly described as follows: Beginning at a point 330 feet South of the North line of the SW/4 of the SE/4 and on the Easterly right-of-way line of U.S. Highway #69; thence South along said Highway right-of-way for 70 feet; thence East parallel to the North line of the SW/4 of the SE/4 for a distance of 1156 feet, more less; thence North 400 to the North line of said SW/4 of SE/4; thence West 496 feet; thence South 330 feet; thence West 660 feet to the Point of Beginning.

TRACT 5: DEDICATION DEED FOR PUBLIC HIGHWAY

A strip, piece, or parcel of land lying in part of the SW/4 SE/4 in Section 33, Township 15 North, Range 18 East of the Indian Base and Meridian, Muskogee County, Oklahoma. Said parcel of land being described by metes and bounds as follows: Beginning at the NW corner of said SW/4 SE/4; thence East along the North line of said SW/4 SE/4 a distance of 111.1 feet; thence S0°22'W a distance of 1246.7 feet; thence S44°38'E a distance of 63.6 feet; thence S0°22'W a distance of 30 feet to a point on the South line of said SW/4 SE/4; thence West along said South line a distance of 151.2 feet to the SW corner of said SW/4 SE/4; thence North along the West line of said SW/4 SE/4 a distance of 1321.7 feet to Point of Beginning, as described in Book 965 Page 217.

AND

A strip, piece or parcel of land lying in part of the SW/4 SE/4 in Section 33, Township 15 North, Range 18 East of the Indian Base and Meridian, Muskogee County, Oklahoma. Said parcel of and being described by metes and bounds as follows: Beginning at the point where the permanent East right-of-way line of U.S. Highway 69 intersects the North line of said SW/4 SE/4 a distance of 111.1 feet East of the NW corner of said SW/4 SE/4; thence S0°22'W along said right-of-way a distance of 1246.7 feet; thence S44°38'E along said right-of-way line a distance of 63.6 feet; thence S0°22'W along said right-of-way line a distance of 30 feet to a point on the South line of said SW/4 SE/4; 151.2 feet East of the SW corner of said SW/4 SE/4; thence East along said South line a distance of 20 feet; thence N0°22'E a distance of 30 feet; thence N44°38'W a distance of 63.6 feet; thence N0°22'E a distance of 1246.7 feet to a point on the North line of said SW/4 SE/4; thence West along said North line a distance of 20 feet to the Point of Beginning, as Described in Book 995 Page 524.

TRACT 6: An 88 foot tract of land platted out of and a part of the E/2 of the SW/4 of the SE/4 and part of the W/2 of the SE/4 of the SE/4 of Section 33, Township 15 North, Range 18 East of the Indian Base and Meridian, Muskogee County, Oklahoma. Said parcel of land being described by metes and bounds as follows: Beginning at the Southwest corner of said Section 33; thence Southeast along the south section line a distance of 1290.46 feet for Point of Beginning; thence Southeast along the south section line a distance of 88 feet to a point that is 55 feet East of the Southwest corner of the SE/4 of the SE/4; thence North 1320 feet more or less to the North line of South Half of the SE/4; thence Northwest a distance of 88 feet more or less to a point that is 1287.1 feet East of the Northwest corner of the SW/4 of the SE/4; thence South on a straight line to the Point of Beginning.

AND

The West 55 feet of the Southeast Quarter of the Southeast Quarter and the East 33 feet of the Southwest Quarter of the Southeast Quarter of Section 33, Township 15 North, Range 18 East of the Indian Base and Meridian, Muskogee County, State of Oklahoma.

(DON YOUNGER, Applicant)

FROM "I-1" LIGHT INDUSTRIAL DISTRICT

TO

"C-2" GENERAL COMMERCIAL DISTRICT

WHEREAS, the City of Muskogee Planning and Zoning Commission, in a meeting held JANUARY 7, 2019, did recommend the approval of the rezoning of the property set out above in the title of the Ordinance, and did authorize the director of the Commission to advise the Council of the City of Muskogee of this recommendation,

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

Section 1. THAT, the official zoning map of the City of Muskogee as provided by Chapter 90, Section 01-03, of the Muskogee City Code, September 2014, is hereby amended by changing the District Classification by rezoning; **Property particularly described by metes and bounds as follows: Commencing at the Southwest corner of the SE ¼ of said Section 33; thence N88°23'16" East along the South line thereof a distance of 576.17 feet; thence N01°09'13" West a distance of 430.00 feet to the Northeast corner of Lot 1, Block 1 of Sheffield Commercial Park; thence S88°23'16" West a distance of 390.00 feet to the Southwest corner of Block 1 of Sheffield Commercial Park II; thence N01°09'11" West along the West line thereof a distance of 267.65 feet to the West-Northwest corner of said Block 1 of Sheffield Commercial Park II and the Point of Beginning; thence N01°09'11" West along the East right of way of the City of Muskogee Street filed in Book 3109, Page 026 a distance of 224.40 feet; thence N88°25'20" East a distance of 384.00 feet to the North-Northwest corner of Lot 2, Block 1 of said Sheffield Commercial Park II; thence S01°09'13" East along the West line of said Lot 2 a distance of 224.17 feet; thence S88°23'16" West a distance of 384.00 feet to the Point of Beginning.**

And

The Southwest Quarter of the Southeast Quarter in Section 33, Township 15 North, Range 18 East of the Indian Base and Meridian, Muskogee County, Oklahoma.

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Oklahoma. Said parcel of land being described by metes and bounds as follows: Beginning at the Southwest corner of said Section 33; thence Southeast along the south section line a distance of 1290.46 feet for Point of Beginning; thence Southeast along the south section line a distance of 88 feet to a point that is 55 feet East of the Southwest corner of the SE/4 of the SE/4; thence North 1320 feet more or less to the North line of South Half of the SE/4; thence Northwest a distance of 88 feet more or less to a point that is 1287.1 feet East of the Northwest corner of the SW/4 of the SE/4; thence South on a straight line to the Point of Beginning.

AND

The West 55 feet of the Southeast Quarter of the Southeast Quarter and the East 33 feet of the Southwest Quarter of the Southeast Quarter of Section 33, Township 15 North, Range 18 East of the Indian Base and Meridian, Muskogee County, State of Oklahoma.

MUSKOGEE COUNTY, STATE OF OKLAHOMA FROM "I-1" LIGHT INDUSTRIAL DISTRICT TO "C-2" GENERAL COMMERCIAL DISTRICT.

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

Section 2. THAT, the City Clerk is authorized and directed to show such change on the zoning map record.

Section 3: REPEALER. All other ordinances or parts of ordinances in direct conflict herewith are repealed to the extent of the conflict only.

Section 4: 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.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MUSKOGEE, OKLAHOMA, and THIS 14TH DAY OF JANUARY 2019.

JOHN R. COBURN, MAYOR

ATTEST:

TAMMY L. TRACY, CITY CLERK
(SEAL)

APPROVED as to form and legality this ____ day of _____, 2019.

Ordinance No. _____

ROY D. TUCKER, CITY ATTORNEY