

**Ordinance No. 3501**

**An ordinance closing utility easements on property located in Part of Lot One (1), Block One (1), Wagoner County Line Plaza, a subdivision in the City of Broken Arrow, Wagoner County, State of Oklahoma, generally located north of Kenosha and east of 23<sup>rd</sup> Street; repealing all ordinances to the contrary; and declaring an emergency.**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BROKEN ARROW, OKLAHOMA:**

**SECTION I.** The utility easements affecting the real estate described as follows:

All **Utility Easements (U/E)** depicted on the **Plat**, and as and to the extent dedicated according to the terms of the **Deed of Dedication**, of “**Wagoner County Line Plaza, an Addition to the City of Broken Arrow, Wagoner County, Okla.,**” filed for record on **19 May 1993** in the Office of the County Clerk of Wagoner County, Oklahoma, maintained in **Plat Cabinet 3-289-A**, situated within **Lot One (1), Block One (1)**;

AND

All **Utility Easements (U/E)** AND the **18' Mutual Access and Utility Easement (U/E)** by **Plat** depicted on the **Amended Plat**, and as and to the extent dedicated according to the terms of the **Deed of Dedication**, of “**Wagoner County Line Plaza, an Addition to the City of Broken Arrow, Wagoner County, Oklahoma,**” filed for record on **11 September 1995** in the Office of the County Clerk of Wagoner County, Oklahoma, maintained in **Plat Cabinet 3-300 A&B**, situated within **Lot One (1), Block One (1)**;

AND

The **11' Utility Easement** granted to the City of Broken Arrow, Oklahoma, dated **18 May 1993**, filed for record on **14 June 1993** in the Office of the County Clerk of Wagoner County, Oklahoma, recorded in **Book 841 at Page 814**, as described in the instrument;

AND

The portion of the **22' Sewer Line Easement** granted to the City of Broken Arrow, Oklahoma, dated **15 April 1993**, filed for record on **29 April 1993** in the Office of the County Clerk of Wagoner County, Oklahoma, recorded in **Book 838 at Page 1**, as described in the instrument, limited to the portion thereof situated within the land described in the **Amended Plat** of “**Wagoner County Line Plaza, an Addition to the City of Broken Arrow, Wagoner County, Oklahoma,**” filed for record on **11 September 1995** in the Office of the County Clerk of Wagoner County, Oklahoma, maintained in **Plat Cabinet 3-300 A&B**;

AND

The portion of the **50' Easement** granted to the City of Broken Arrow, Oklahoma, dated **21 June 1965**, filed for record on **21 September 1965** in the Office of the County Clerk of Wagoner

County, Oklahoma, recorded in **Book 345 at Page 489**, only as to that portion thereof described in the **Partial Release of Easement** dated **5 July 1983**, filed for record on **14 July 1983** in the Office of the County Clerk of Wagoner County, Oklahoma, recorded in **Book 632 at Page 306**, and in the **Partial Release of Easement** dated **5 July 1983**, filed for record on **21 March 1984** in the Office of the County Clerk of Wagoner County, Oklahoma, recorded in **Book 647 at Page 650**, which portion is described as follows:

From a point on the South line of Section 6, Township 18 North, Range 15 East, Wagoner County, Oklahoma, said point being 1,298.54 feet East of the Southwest corner of said Section 6; thence North 01°25'19" West a distance of 60 feet to the Point of Beginning; thence North 01°25'19" West a distance of 14.75 feet to a point; thence South 88°51'54" West and parallel to the South line of said Section 6 a distance of 1,238.16 feet to a point; thence South 46°13'41" East a distance of 13.81 feet to a point; thence North 88°51'54" East and parallel to the South line of said Section 6 a distance of 590 feet to a point; thence South 01°19'23" East a distance of 5 feet to a point; thence North 88°51'54" East and parallel to the South line of said Section 6 a distance of 638.44 feet to the Point of Beginning.

are not presently in use, and are hereby closed. Provided that the City reserves the right to reopen these utility easements in the event they are needed in the future, without the necessity to pay the owner or their successors for the reopening of the utility easements.

**SECTION II.** Any ordinance or parts of ordinances found to be in conflict herewith are hereby repealed.

**SECTION III.** An emergency exists for the preservation of the public health, peace and safety, and therefore this ordinance shall become effective from and after the time of its passage and approval.

**PASSED AND APPROVED** and the emergency clause ruled upon separately this 7<sup>th</sup> day of November, 2017.

ATTEST:

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MAYOR

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(Seal) CITY CLERK

APPROVED:

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ASSISTANT CITY ATTORNEY