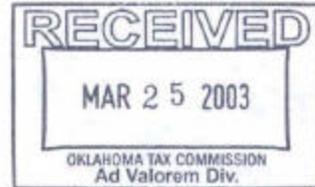


BK 638960106

ORDINANCE No. N.C. 497



AN ORDINANCE EXTENDING AND INCREASING THE CORPORATE LIMITS ("CITY LIMITS") OF THE CITY OF ATOKA, ATOKA COUNTY, STATE OF OKLAHOMA, PURSUANT TO 11 O.S.A. §§ 21-101 AND OTHER LAWS OF THE STATE OF OKLAHOMA FOR SUCH CASES MADE AND PROVIDED, BY ANNEXING THERETO A CERTAIN TRACT OF LAND ADJACENT OR CONTIGUOUS TO THE CITY OF ATOKA, AT THE REQUEST AND WITH THE CONSENT OF THE OWNER(S) THEREOF, LOCATED IN SECTIONS 8 AND 9, T2S R11E; AND PROVIDING THAT PUBLIC ROADWAYS THEREIN SHALL CONTINUE TO BE PUBLIC ROADWAYS; PROVIDING FOR INITIAL PLACEMENT INTO THE PROPER CITY WARD; PROVIDING FOR INITIAL ZONING, SUBDIVISION AND RELATED MATTERS; PROVIDING FOR APPROVAL OF MAP THEREOF AND RECORDING HEREOF; PROVIDING FOR SEVERABILITY; REPEALING CONFLICTING PROVISIONS; AND DECLARING AN EMERGENCY.

BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATOKA:

ORDINANCE SECTION ONE (1): FINDINGS AND BASIS OF ANNEXATION.

The City Council of the City of Atoka hereby finds, concludes, determines and declares that:

A. the owners of at least fifty percent (50%) of said territory annexed hereby have requested and consented to the annexation thereof by the City of Atoka;

B. it is in the best interests of the City of Atoka, and inhabitants thereof, including but not limited to promoting and controlling orderly development and growth, long range planning, land use control, industrial and job development, providing appropriate police and fire protection, and other general matters, that said territory be annexed by the City;

C. and therefore, and in any event, the territory described in Section Two of this Ordinance should be, and is hereby, annexed to and encompass within the City Limits of the City of Atoka, and said City Limits so extended and increased to encompass the same.

(Ordinance No. N.C. 497, page 1 of 5 pages)

BK 638 PG 0107

ORDINANCE SECTION TWO (2): TRACT OR AREA ANNEXED.

Pursuant to 11 O.S.A. §§ 21-101 and other laws of the State for such cases made and provided, there is hereby annexed to and included within the Corporate Limits ("City Limits") of the City of Atoka, and the said City Limits are hereby extended and increased so as to include and embrace, the following described territory:

To the extent not already included within the city limits of the City of Atoka, Oklahoma, all that portion of Sections Eight (8) and Nine (9), Township Two South, Range Eleven East (§8, 9, T2S, R11E, I.B.&M.) included within the following described area: beginning at the point where the North (N) line of the Highway Right-of-Way for Highway 3/75 intersects the West (W) line of said Section Nine (9); thence Westerly, along the said North (N) line of said Highway Right-Of-Way to the point at which it intersects the East (E) line of the West Half (W 1/2) of said Section Eight (8); Thence due South (S) to a point on said East (E) line of said West Half (W 1/2) of said Section Eight (8) which is Five Hundred Feet (500') South (S) of the South (S) line of said Highway Right-of-Way for said Highway 3/75; Thence Easterly, parallel with and maintaining a distance of Five Hundred Feet (500') South (S) from said South (S) line of said Highway Right-of-Way, to the East (E) line of said Section Nine (9).

ORDINANCE SECTION THREE (3): PUBLIC ROADWAYS TO REMAIN PUBLIC.

Unless and/or until such time as the same and/or any portion thereof may be declared otherwise: all highways, streets, alleys and other roadways and/or portions thereof located, in whole or in part, within and/or adjacent to said tract or area so annexed to the City of Atoka by this Ordinance which were public and/or dedicated to the public and/or otherwise open to use by the general public prior to the passage of this Ordinance, are hereby Ordained and Declared to be, from and after the passage of this Ordinance, likewise as so public and/or open to use by the public as such were prior to the passage of this Ordinance.

BK 638PG0108

ORDINANCE SECTION FOUR (4): INITIAL WARD DESIGNATION.

Unless and/or until such time as the same and/or any portion thereof may be declared to be classified otherwise, said territory so annexed to the City of Atoka by this Ordinance (to the extent not previously included within said City Limits) is hereby Ordained and Declared to be initially classified as being within and a part Ward Three (3) of the City:

ORDINANCE SECTION FIVE (5): INITIAL ZONING THEREOF.

Pursuant to Section 12-238 of the Atoka City Code, until such time as the same and/or any portion thereof may be declared to be zoned and/or classified otherwise, said territory so annexed to the City of Atoka by this Ordinance (to the extent not previously included within said City Limits) is hereby ordained and declared to be initially classified and/or zoned as A-1 (General Agricultural District - § 12-261 et. seq.).

ORDINANCE SECTION SIX (6): INITIAL SUBDIVISION PROVISION.

Unless and/or until such time as the same and/or any portion thereof may be declared otherwise, said territory so annexed to the City of Atoka by this Ordinance is hereby initially Ordained and Declared to be subject to limitations and restrictions regarding its plating, subdivision and sale as set forth and/or pursuant to Sections 12-402 et seq. of the Atoka City Code.

ORDINANCE SECTION SEVEN (7): MAPPING AND RECORDING.

It is further found, Ordained and Declared hereby that:

A. The Map or visual representation of said territory hereby so annexed which is attached hereto is sufficiently accurate and such is hereby adopted as the official map and plot of said territory hereby annexed, the boundaries thereof, and any public roadways therein contained, until such time as a subsequent map and

BK 638 PG 01091

plot thereof may be adopted and/or approved by the City Council.

B. The Mayor of the City of Atoka is hereby authorized to certify that such map and/or such subsequently approved map is a sufficiently accurate map of said territory so annexed hereby.

C. Further, the Mayor is hereby authorized and directed to file and record, or caused to be filed and recorded, in the office of the County Clerk of Atoka County a certified copy of this Ordinance, such map, and any other attachments hereto.

ORDINANCE SECTION EIGHT (8): SEVERABILITY CLAUSE

If any portion and/or provision of this Ordinance shall be held to be invalid by a court of competent jurisdiction, then such invalidity shall not affect any other portions and/or provisions of this Ordinance that can be given effect without such invalid portion and/or provision, and for this purpose the provisions of this Ordinance are severable.

ORDINANCE SECTION NINE (9): REPEALER

Any provisions of the other ordinances of the City of Atoka relating to its City Limits passed prior to the date of the passage hereof which are contrary to and/or directly and irreconcilably in conflict herewith are, to the extent thereof, hereby repealed.

ORDINANCE SECTION TEN (10): EMERGENCY.

Because of the necessity to promote and control use, growth and development, and of furnishing police, fire, sanitation and other services afforded by the City to and/or for the territory annexed hereby; and otherwise, and/or in any event, it being necessary for the preservation of the peace, health, welfare and safety of the City of Atoka and inhabitants thereof, an emergency is hereby declared to exist, and by reason of which this ordinance shall be in full force and effect from and after its passage, approval and publication, as provided by law.

(Ordinance No. N.C. 497, page 4 of 5 pages)

BK 638601101

ORDINANCE PASSAGE AND APPROVAL

SO PASSED, ADOPTED AND APPROVED as an agenda item upon and at the regularly scheduled Meeting of the City Council of the City of Atoka on the 17th day of March, 2003, upon motion made by Councilmember Alberda and duly second by Councilmember Cates, and upon voice vote duly carried as follows:

Councilmember:

Recorded Vote:

Charles McCall	<input checked="" type="checkbox"/>	Aye	<input type="checkbox"/>	Nay	<input type="checkbox"/>	Abstain
Howard Alberda.....	<input checked="" type="checkbox"/>	Aye	<input type="checkbox"/>	Nay	<input type="checkbox"/>	Abstain
Bill Miller	<input checked="" type="checkbox"/>	Aye	<input type="checkbox"/>	Nay	<input type="checkbox"/>	Abstain
Robert Cates	<input checked="" type="checkbox"/>	Aye	<input type="checkbox"/>	Nay	<input type="checkbox"/>	Abstain
Elizabeth Frazier.....	<input checked="" type="checkbox"/>	Aye	<input type="checkbox"/>	Nay	<input type="checkbox"/>	Abstain

WITNESS THEREFORE OUR HANDS THIS 17th DAY OF March, 2003.

Bill Miller
Bill Miller,
Mayor

ATTEST:

Donna Guinn
Donna Guinn,
City Clerk

(SEAL)

Approved as to form and content this 17th day of March, 2003.

Richard E. Meyfield
Richard E. Meyfield
City Attorney

C:\City\Annex\Ordinance.497

#8236
 ATOKA COUNTY, SS THIS INSTRUMENT WAS FILED FOR RECORD
 9:24 O'CLOCK A.M. M. DATE 3-9-03 AND
 DULY RECORDED IN BOOK 638 PAGE 26-1111 BARTHELEME HAMMOND,
 CO. CLERK BY John D. Hamilton DEPUTY.

BK 638 PG 0111

TOWNSHIP 2S • 1

SEE PAGE

