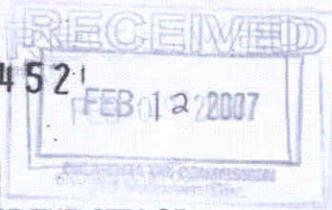


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ORDINANCE NO. N.C. 515

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. § 21-105 AND OTHER LAWS OF THE STATE OF OKLAHOMA FOR SUCH CASES MADE AND PROVIDED, BY ANNEXING THERETO A CERTAIN TRACT OF LAND, OR TERRITORY, ADJACENT OR CONTIGUOUS TO THE CITY OF ATOKA, NOT BEING ALREADY EMBRACED WITHIN THE CITY LIMITS, UPON THE PETITION OF THE PERSONS CONSTITUTING NOT LESS THAN THREE-FOURTHS (3/4) OF THE REGISTERED VOTERS IN REGARD TO, AND THE OWNERS OF NOT LESS THAN THREE-FOURTHS (3/4) (IN VALUE) OF, SAID TERRITORY; SAID TERRITORY BEING LOCATED IN SECTION 9, T2S R11E; AND PROVIDING THAT PRESENTLY EXISTING 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:

- A. Clint and Marci Bond, hereinafter referred to as "petitioners" have presented a valid petition to the Atoka City Council for the annexation of the territory hereinbelow more particularly described, pursuant to 11 O.S.A. § 21-105 and other laws for such cases made and provided;
- B. the said territory annexed hereby is as adjacent or contiguous to the City of Atoka as is required by the law for annexation;
- C. said Petitioners constitute not less than three-fourths (3/4) of the registered voters in regard to, and the owners of not less than three-fourths (3/4) (in value) of, said territory;
- D. said Petition was duly published, as required by the applicable laws; and
- E. 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 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 SECTION TWO (2): TRACT OR AREA ANNEXED.

Pursuant to 11 O.S.A. § 21-105 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:

A parcel of land located in the West Half of the Southeast Quarter of Section 9 Township 2 South, Range 11 East, Atoka County, State of Oklahoma (W/2 SE/4 § 9, T2S, R11E, I.B.& M.). Described by metes and bounds as follows: Commencing at the SouthWest corner of said SouthEast Quarter of said Section 9: thence N 88°52'36" E along the South Line of the SouthEast Quarter a distance of 1316.56 feet to the SouthEast corner of the West Half of the SouthEast quarter: thence N 01°01'35" W along the East Line of said West Half of the SouthEast Quarter a distance of 490.60 feet to the point of beginning (POB). Thence S 88°52'36" W and parallel to the South Line of the West Half of the SouthEast Quarter a distance of 768.00 feet: thence N 01°01'35" West and parallel to the East line of the West Half of the SouthEast Quarter a distance of 1,116.62 feet to a point on the South Right-Of-Way Line of State Highway 75; Thence N 86°13'46' E along the South Right-Of-Way of State Highway 75 a distance of 768.88 feet to the point of intersection of the South Right-Of-Way of State Highway 75 and the East Line of the West Half of the SouthEast Quarter: Thence S 01°01'35" E along the East Line of the West Half of the SouthEast Quarter a distance of 1152.13 feet to the point of beginning (POB). Containing 20.00 acres more or less.

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

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 territory 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.

ORDINANCE SECTION FOUR (4): INITIAL WARD DESIGNATION.

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 is hereby Ordained and Declared to be initially classified as being within and a part of Ward 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 hereby is ordained and declared to be initially classified and/or zoned as C-3 (General Commercial District - § 12-321 et. seq.).

ORDINANCE SECTION SIX (6): INITIAL SUBDIVISION PROVISION.

Until such time as the same and/or any portion thereof may be declared otherwise, said territory so annexed hereby is 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.

- A. The Map or visual representation of said territory 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 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 PASSAGE AND APPROVAL

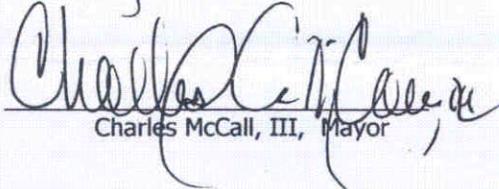
SO PASSED, ADOPTED AND APPROVED as an agenda item upon and at the regularly scheduled Meeting of the City Council of the City of Atoka on the 16th day of January, 2007, upon motion made by Councilperson Frederick and duly second by Councilperson Voto, and upon voice vote duly carried as follows:

Councilperson:

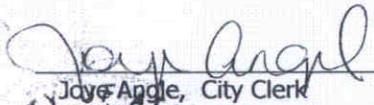
Recorded Vote:

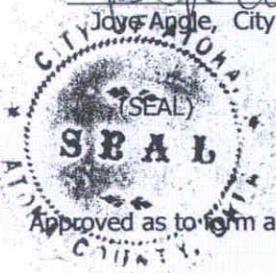
Bob Fredrick Aye ___ Nay ___ Abstain
 Jay Voto Aye ___ Nay ___ Abstain
 Charles McCall, III Aye ___ Nay ___ Abstain
 Elisabeth Frazier Aye ___ Nay ___ Abstain
 Randy Daniel Aye ___ Nay ___ Abstain

WITNESS THEREFORE OUR HANDS THIS 16th DAY OF January, 2007

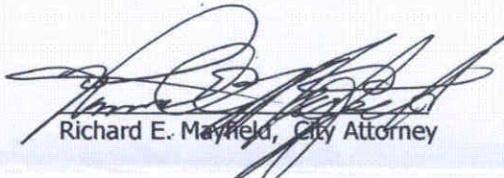

 Charles McCall, III, Mayor

ATTEST:


 Joye Angie, City Clerk



Approved as to form and content this 16th day of January, 2007.


 Richard E. Mayfield, City Attorney

