

ORDINANCE NO. N.C. 533



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OKLAHOMA TAX COMMISSION  
AD VALOREM DIV.

AN ORDINANCE EXTENDING AND INCREASING THE CORPORATE LIMITS ("CITY LIMITS") OF THE CITY OF ATOKA, ATOKA COUNTY, OKLAHOMA, PURSUANT TO 11 O.S.A. § 21-103 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, NOT BEING ALREADY EMBRACED WITHIN THE CITY LIMITS, WITH THE CONSENT OF THE OWNERS OF A MAJORITY OF THE ACRES THEREIN CONTAINED, LOCATED IN SECTION 28, 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:

- A. the territory annexed hereby is as adjacent or contiguous to the City of Atoka as is required by the law for annexation;
- B. the owners of at least a majority of the acres contained within said territory to be annexed have consented, in writing, to such annexation, and seek and desire the same (see, e.g., the lands described in Section Two hereof as Parts of said territory);
- C. public notice was given and a public hearing was held in conjunction herewith and in accordance with the applicable laws;
- C. 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, effective immediately.

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

Pursuant to 11 O.S.A. 21-103 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:

The following strips, pieces and/or parcels of land, to the extent that the same is not already within the existing City limits of the City of Atoka, Oklahoma to-wit: The West-Half of the NorthWest Quarter of the NorthWest Quarter (W/2 NW/4 NW/4), and the North Two

Hundred Twenty Feet of the East-Half Half of the NorthWest Quarter of the NorthWest Quarter (N 220' E/2 NW/4 NW/4), in Section Twenty-Eight, Township Two South, Range Eleven East (§ 28, T2S, R11E), Indian base and Meridian; and, the following portion of the roadway known as Chicken Fight Road: beginning at the intersection of the South (S) Right-of-Way (ROW) line for Chicken Fight road and West (W) Line the presently existing City Limits of the City of Atoka, thence West (W) along said South (S) Right-of-Way line to the point where it intersects the West (W) line of said Section Twenty-Eight, Township Two South, Range Eleven East (§ 28, T2S, R11E); Thence North (N) to the North (N) Right-of-Way (ROW) line of said Chicken Fight Road; Thence East (E) along said North (N) Right-of Way (ROW) line to the point where it intersects said West (W) line of the presently existing City Limits of the City of Atoka.

**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.

**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 is hereby Ordained and Declared to be initially classified as being within and a part of Ward 4 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 is hereby ordained and declared to be initially classified and/or zoned (respectively as to the individually owned tracts of land located therein) as A-1 (General Agricultural - § 12-261).

**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 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.**

- 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, 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 Special Meeting of the City Council of the City of Atoka on January 22, 2013, upon

motion made by Councilperson Frazier and duly second by Councilperson Thornley, and upon voice vote duly carried as follows:

Councilperson: Recorded Vote:

Ron McGue	..... <u>absent</u> .....	___ Aye	___ Nay	___ Abstain
Bob Frederick	..... <input checked="" type="checkbox"/> .....	___ Aye	___ Nay	___ Abstain
Elisabeth Frazier	..... <input checked="" type="checkbox"/> .....	___ Aye	___ Nay	___ Abstain
James Thornley	..... <input checked="" type="checkbox"/> .....	___ Aye	___ Nay	___ Abstain

WITNESS THEREFORE OUR HANDS THIS 22<sup>nd</sup> DAY OF January, 2013.

Bob Frederick  
Bob Frederick, Mayor

ATTEST:

Joye Angle  
Joye Angle, City Clerk



Approved as to form and content this 22<sup>nd</sup> day of January, 2013.

Richard E. Mayfield  
Richard E. Mayfield, City Attorney

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