

ORDINANCE NO: _____

2011-2

AN ORDINANCE EXTENDING AND INCREASING THE TOWN LIMITS OF BERNICE, OKLAHOMA, PURSUANT TO THE PROVISIONS OF TITLE 11 § 21-104, OKLAHOMA STATUTES ANNOTATED, BY ANNEXING TO THE TOWN A CERTAIN TRACT OF LAND CONTIGUOUS TO AND NOT EMBRACED WITH THE PRESENT LIMITS OF THE TOWN OF BERNICE AND ZONING SUCH TRACT AS C-2 HIGHWAY COMMERCIAL AND COMMERCIAL RECREATION DISTRICT.

WHEREAS, On October 21, 2011, the Town of Bernice, Oklahoma, caused to be published in a newspaper of general circulation in Delaware County a Notice of Proposed Annexation into the Limits of the Town of Bernice of the following described property, to-wit:

TRACT 1:

Part of the N/2 of the SE/4 of Section 19, Township 25 North, Range 23 East of the Indian Base and Meridian, Delaware County, Oklahoma, being more particularly described as follows:

From the E/4 corner of said Section 19, run N 89° 50' 41" W 774.68 feet along the North line of said SE/4 to the Point of Beginning; Thence continuing N 89° 50' 41" W 29.94 feet along said North line to a point on the Southerly right of way line of State Highway 85A; Thence S 70° 38' 38" W 53.80 feet along said right of way line; Thence S 00° 07' 48" W 10.61 feet leaving said right of way line; Thence N 70° 38' 38" E 85.56 feet parallel with said right of way line to the Point of Beginning, containing 696.80 square feet more or less.

TRACT 2:

A tract of land located in the N/2 SE/4 of Section 19, Township 25 North, Range 23 East, Delaware County, Oklahoma, being more particularly described as follows: Commencing at the East Quarter corner of Section 19; Thence N 89° 50' 41" West along the North line of the SE/4 of Section 19 a distance of 804.62 feet to the Southeasterly right of way for State Highway 85A; Thence S 70° 38' 38" West along the Southeasterly right of way for State Highway 85A a distance of 53.80 feet to the Point of Beginning; Thence S 00° 07' 48" West and parallel with the East line of the SE/4 of Section 19 a distance of 382.03 feet; Thence S 70° 38' 38" West and parallel with the Southeasterly right of way for State Highway 85A a distance of 200.00 feet; Thence N 00° 07' 48" East and parallel with the East line of the SE/4 of Section 19 a distance of 382.03 feet to the Southeasterly right of way for State Highway 85A; Thence N 70° 38' 38" East along the Southeasterly right of way for State Highway 85A a distance of 200.00 feet to the Point of Beginning.

(hereinafter collectively, the "Dollar General Tract")

WHEREAS, Notice of the Proposed Annexation of the Dollar General Tract was mailed,

by certified mail, to all owners of the Dollar General Tract, the Delaware County Commissioners, and the Oklahoma Department of Transportation, more than fourteen days and less than thirty (30) days prior to the public hearing and action on this ordinance.

WHEREAS, Effective October 11, 2011, the Town of Bernice adopted a plan to extend appropriate town services to the Dollar General Tract. This plan remains available for inspection and review at the office of the Town Clerk.

WHEREAS, a public hearing was held on November 8, 2011, at 6:30 p.m., concerning the proposed annexation of the Dollar General Tract.

Now therefore, the ordinance is hereby established as follows:

Section 1: The Trustees of the Town of Bernice, Oklahoma, hereby determines that the Dollar General Tract is contiguous to the Town of Bernice and is not embraced within the Town Limits of Bernice, Oklahoma, and that the Town of Bernice has jurisdiction to annex the Dollar General Tract into the Town of Bernice.

Section 2: The Town Limits of Bernice are extended and increased so as to include and embrace within the limits of the Town of Bernice the Dollar General Tract, and such land is hereby annexed into the Town of Bernice and declared to be a part of the Town of Bernice.

Section 3: The plat of the Dollar General Tract attached to this ordinance is an accurate map of the land annexed, and is now adopted as the official map and plat of the territory annexed, which map and plat show the legal boundaries of the annexed territory.

Section 4: The Dollar General Tract shall be zoned as C-2 Highway Commercial and Commercial Recreation District within the Town of Bernice.

Section 5: The Mayor of Bernice is authorized and directed to certify that the map is an accurate map of the territory annexed under the provisions of this ordinance.

Section 6: The Ordinance, with a copy of the subject plat of the annexed territory, shall be recorded in the office of the Delaware County Clerk.

Section 7: If any provision of this ordinance shall be held invalid, its invalidity shall not affect any other provisions of this ordinance that can be given effect without the invalid provision, and for this purpose the provisions of this ordinance are declared to be severable.

Section 8. Emergency. It being immediately necessary for the preservation of the public peace, health, and safety of the Town of Bernice, Oklahoma, and the inhabitants thereof, an emergency is thereby determined to exist. As such, it is necessary that this ordinance shall go into full effect and be of force immediately upon its passage and publication.

Bill Raven
Mayor

Attest: Connie King
Town Clerk

Subscribed and sworn to before me on this 8th day of November, 2011, by Bill Raven, Mayor of the Town of Bernice.

David Jones
Notary Public

My commission expires: 8/31/2014
Commission Number: 2012209

