

ORDINANCE NO. 536

AN ORDINANCE ANNEXING INTO THE CORPORATE LIMITS OF THE CITY OF CLEVELAND, PAWNEE COUNTY, OKLAHOMA, CERTAIN REAL ESTATE LOCATED WITHIN THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER, (SE 1/4, NE 1/4,) SECTION SEVENTEEN (17), TOWNSHIP TWENTY-ONE (21) NORTH, RANGE EIGHT (8) EAST, OF THE INDIAN BASE AND MERIDIAN, PAWNEE COUNTY, OKLAHOMA; PROVIDING FOR ZONING OF SAID PROPERTY; PROVIDING FOR SEVERABILITY AND DECLARING AN EMERGENCY.

WHEREAS, on or about the 11th and 12th days of December, 2006, Mr. Donald O'Brien filed with the City of Cleveland, Oklahoma, a petition and request for the annexation of certain real property, hereinafter described, into the corporate limits of the City of Cleveland, Oklahoma; and,

WHEREAS, on the 11th day of December, 2006, the City Council of the City of Cleveland, Oklahoma, in accordance with applicable state law, adopted a Resolution calling for a public hearing upon the Petition and Request of Mr. O'Brien, and set said public hearing for the 8th day of January, 2007, at 6:30 pm at City Hall, Cleveland, Oklahoma; and,

WHEREAS, pursuant to state law, a notice of said public hearing was published one time in the Cleveland American Newspaper, a newspaper of general publication located within the City of Cleveland and Pawnee County, Oklahoma on or about the 20th day of December, 2006, a true and correct copy of which is filed in the office of the City Clerk of this City; and,

WHEREAS, notice of said public hearing and the Request of Mr. Donald O'Brien was mailed by first class mail and/or by certified mail to the owner of the real property which is the subject of the Annexation request, and to all owners of property abutting the boundary of the hereinafter described property or abutting the public right-of-ways that form the boundaries of the territory proposed to be annexed, as required by applicable state law; and,

WHEREAS, appropriate records have been provided to this Council, and are on file in the office of the City Clerk of the City of Cleveland, Oklahoma, showing the owners and parties, and their addresses, to whom notices were sent; and,

WHEREAS, the public hearing herein was held no earlier than fourteen (14) days nor more than thirty (30) days following the publication and mailing of the notice, as required by applicable state law; and,

WHEREAS, at the public hearing various citizens and interested parties attended and were heard; and,

WHEREAS the City Council of the City of Cleveland is informed by its attorney, and does find, that all requirements of applicable law have been complied with; and,

WHEREAS, the property of which annexation is sought is contiguous to the present limits of the City of Cleveland, Oklahoma, and will attach directly thereto; and,

WHEREAS, the City Council by public vote has determined that said property, hereinafter described, should be annexed into the Corporate limits of the City of Cleveland, Oklahoma;

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Cleveland, Oklahoma, as follows:

Section 1

That certain real estate, hereinafter described, shall be and is hereby ANNEXED into the corporate limits of the City of Cleveland, Pawnee County, Oklahoma. Said real estate is described as follows:

- A. That certain tract of land located in the Southeast Quarter of the Northeast Quarter (SE/4, NE/4) of Section Seventeen (17), Township Twenty-One (21) North, Range Eight (8), East of the Indian Base and Meridian, Pawnee County, Oklahoma, as particularly described in the attached "Exhibit A", which is by reference incorporated herein and made a part hereof.
- B. All that area of State Highway 64, including but not limited to the entire right-of-way thereof and the paved portion thereon, which is located generally to the east of the property described in Subsection 1 above, and is immediately contiguous thereto.
- C. All that tract of land directly to the east of State Highway 64 and located between that portion of State Highway 64 described in Subsection B above, and the Addition platted as "Cedar Creek, a subdivision of the SE/4, NE/4, Section 17, Township 21 North, Range 8 East" to Pawnee County, State of Oklahoma.
- D. All that area of State Highway 64, including but not limited to the entire right-of-way thereof and the paved portion thereon, which is located to the north of the area described in Subsection B above, and to the south of the present existing corporate limits of the City of Cleveland, Oklahoma.

Section 2.

The City of Cleveland, Oklahoma, specifically excepts and excludes from this Annexation any portion of the County Road known as "Airport Road", or the right-of-way thereof, except for such portions (if any) as have previously been annexed into the corporate limits of the City of Cleveland, Oklahoma; and no new or additional areas are annexed herein, either by direct action of the City, or by implication of law.

Section 3

The property herein annexed is assigned the zoning classification of "C-2, General Commercial District".

Section 4 - Severability

If any section, subsection, clause, phrase or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

Section 5 – Emergency Clause

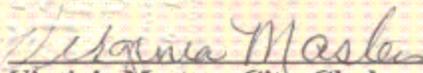
An emergency is hereby deemed and declared to exist whereby it is necessary for the preservation of the public health, safety and welfare of the inhabitants of the City of Cleveland, Oklahoma, that this ordinance shall be in full force and effect immediately from and after its passage, approval and adoption, as by law provided.

Adopted by the City Council of the City of Cleveland, Oklahoma, this 8th day of January, 2007

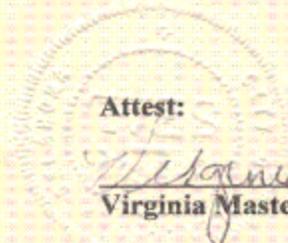


Ron Shipman, Mayor

Attest:



Virginia Masters, City Clerk.



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OKLAHOMA TAX COMMISSION
Tulsa, Oklahoma

EXHIBIT A

LEGAL DESCRIPTION

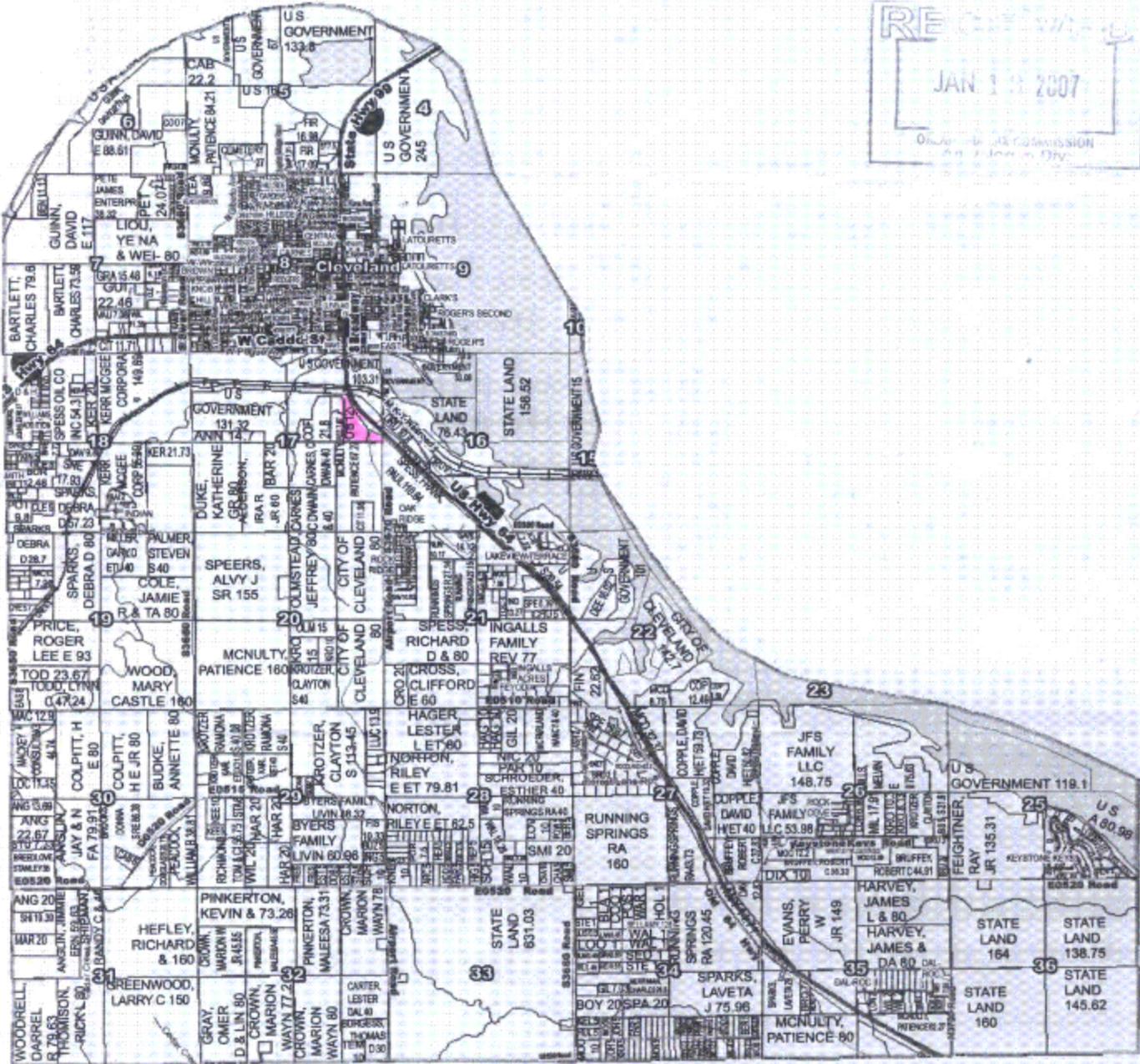
A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER (SE/4 NE/4) OF SECTION SEVENTEEN (17), TOWNSHIP TWENTY-ONE (21) NORTH, RANGE EIGHT (8) EAST OF THE INDIAN BASE AND MERIDIAN, PAWNEE COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER (NE/4) OF SAID SECTION SEVENTEEN (17), THENCE N 88°50'21" W ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER (NE/4) A DISTANCE OF 434.50 FEET TO A POINT; THENCE N 00°56'11" E A DISTANCE OF 40.00 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF AN EXISTING COUNTY ROAD, SAID POINT BEING THE POINT OF BEGINNING (P.O.B.); THENCE N 88°50'21" W ALONG SAID NORTH RIGHT-OF-WAY LINE OF EXISTING COUNTY ROAD A DISTANCE OF 466.94 FEET TO A POINT; THENCE N 01°09'39" E CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINE OF EXISTING COUNTY ROAD A DISTANCE OF 10.00 FEET TO A POINT; THENCE N 88°50'21" W CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINE OF EXISTING COUNTY ROAD A DISTANCE OF 176.52 FEET TO A POINT; THENCE N 00°30'20" W A DISTANCE OF 778.47 FEET TO A POINT; THENCE N 00°35'25" W A DISTANCE OF 221.51 FEET TO A POINT; THENCE N 49°09'56" E A DISTANCE OF 158.95 FEET TO A POINT ON THE SOUTH BOUNDARY LINE OF THE KEYSTONE RESERVOIR; THENCE S 89°10'34" E ALONG SAID SOUTH BOUNDARY LINE OF THE KEYSTONE RESERVOIR A DISTANCE OF 77.04 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF HIGHWAY 64; THENCE S 28°44'14" E ALONG SAID WEST RIGHT-OF-WAY LINE OF HIGHWAY 64 A DISTANCE OF 0.00 FEET TO A POINT OF CURVATURE (P.C.); THENCE CONTINUING ALONG SAID WEST RIGHT-OF-WAY LINE OF HIGHWAY 64 ON A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 16°06'41" AND A RADIUS OF 2029.86 FEET A DISTANCE OF 570.79 FEET TO A POINT OF TANGENCY (P.T.); THENCE S 44°50'55" E CONTINUING ALONG SAID WEST RIGHT-OF-WAY LINE OF HIGHWAY 64 A DISTANCE OF 331.68 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF AN EXISTING COUNTY ROAD KNOWN AS "AIRPORT ROAD"; THENCE S 45°16'17" W ALONG SAID WEST RIGHT-OF-WAY LINE OF EXISTING COUNTY ROAD KNOWN AS "AIRPORT ROAD" A DISTANCE OF 0.00 FEET TO A POINT OF CURVATURE (P.C.); THENCE CONTINUING ALONG SAID WEST RIGHT-OF-WAY LINE OF EXISTING COUNTY ROAD KNOWN AS "AIRPORT ROAD" ON A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 44°20'06" AND A RADIUS OF 395.24 FEET A DISTANCE OF 305.83 FEET TO A POINT OF TANGENCY (P.T.); THENCE S 00°56'11" W CONTINUING ALONG SAID WEST RIGHT-OF-WAY LINE OF EXISTING COUNTY ROAD KNOWN AS "AIRPORT ROAD" A DISTANCE OF 160.74 FEET TO THE POINT OF BEGINNING (P.O.B.), SAID TRACT CONTAINS 13.59 ACRES MORE OR LESS.

Pawnee County T21N R 8E



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Oklahoma Tax Commission
Pawnee County, Oklahoma



See T21N R 7E Page 9

See T21N R 9E Page 11

See T20N R 8E Page 4

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1.877.700.4233
sales@countyassessor.info