



ORDINANCE NO. 2004-04
OF THE
CITY OF COMMERCE, OKLAHOMA

I-2004-006605 Book0772 Pg:117
11/17/2004 12:15 pm \$25.00
Reba G Sill - Ottawa County Clerk

AN ORDINANCE AMENDING AND DEFINING THE CORPORATE LIMITS OF THE CITY OF COMMERCE, OKLAHOMA, AMENDING THE CITY CODE OF ORDINANCES AND DECLARING AN EMERGENCY.

WHEREAS, a proposal has been presented to the City Council of the City of Commerce, Oklahoma, proposing consideration, approval and passage of an ordinance extending and annexing into the Corporate Limits of the City of Commerce certain real property within and adjacent to the City and otherwise defining the proper City Limits, all in accordance with the Articles of Incorporation, the Code of City Ordinances and State Statute.

THE Council, after hearing the facts and being sufficiently advised, is of the opinion that all requirements necessary for the annexation of said properties to the City of Commerce and to extend and define the limits thereof have been complied with as provided by applicable Ordinance and Statute. More particularly the Council determines as follows:

1. On October 26, 2004, the City Council adopted Resolution No. 2004-11 which proposes annexation of the property described herein, sets forth a plan for extension of services and directed that notice be given as required by law.
2. Notice of the proposed annexation of the property described herein was published in a newspaper of general circulation, The Miami News Record, in the territory to be annexed, within fourteen days of the approval of the resolution proposing the annexation.
3. Notice of the proposed annexation of the property described herein was mailed by first class mail to all property owners or property proposed to be annexed as shown by the current year's ownership rolls in the office of the County Treasurer of Ottawa County, State of Oklahoma. Said mailing was accomplished within fourteen days of the approval of a resolution proposing the annexation. Mailing was made by certified mail to every person owning a parcel of five acres or more used for agricultural purposes and said mailing was accomplished within fourteen days of the approval of the resolution proposing the annexation. All mailings were accomplished on November 1, 2004.
4. A public hearing was held on November 16, 2004, at 6:00 o'clock p.m., concerning the proposed annexation and the proposed service plan, which meeting was no earlier than fourteen days nor more than thirty days following the publication and mailing of the notice set forth above.
5. That at the public hearing the proposed plan for extension of services was available for inspection and explained to the property owners of the territory to be annexed.
6. That the properties to be annexed meet one or more of the following criteria for annexation:
 - a. That at least three sides of the property to be annexed are adjacent or

- contiguous to property already within the municipal limits and the City directed, before November 1, 2004, for Notice be published in accordance with 21 O.S. Supp.2004 21-103(B);
- b. That the territory to be annexed is subdivided into tracts or parcels of less than five acres and contains more than one residence; and,
 - c. Written consent of the owners was obtained for certain annexed parcels.
7. That, over a period of years certain annexation and deannexation ordinances have been passed, but in some cases the ordinances are lost or are not properly recorded in the records of the County Clerk, Ottawa County, Oklahoma, and it is necessary that the Corporate Limits of the City of Commerce be more particularly defined.

BE IT ORDAINED BY THE MAYOR AND MEMBERS OF THE CITY COUNCIL OF COMMERCE, OKLAHOMA, AS FOLLOWS:

SECTION I: Corporate Limits and Newly Annexed Territory.

That pursuant to the Articles of Incorporation, the City Code of Ordinances and Title 11 O.S. Supp.2004, §21-103, the City does annex and incorporate those properties described in the Notice of Proposed Annexation of October 26, 2004, and the same shall hereinafter be considered an integral part of the City of Commerce and the corporate limits shall be extended and enlarged so as to include said properties together with that property previously constituting the City of Commerce, Oklahoma, all of said properties, both previously incorporated and presently annexed, being described as follows, to-wit:

1. Those properties located in Section 1, Township 28 North, Range 22 East of the Indian Meridian in Ottawa County, Oklahoma described as follows:

A. Gordon Addition To Commerce, Oklahoma, Gordon Second Addition and Gordon Addition No. 3;

B. The City of Commerce Waste Repository described as follows:

Beginning at a point N 89° 57' W for a distance of 265.73 feet from the southeast corner of the NE¼, thence N 89° 57' W for a distance of 654.78 feet, thence North for a distance of 1394.58 feet, thence east for a distance of 594.56 feet, thence S 00° 08' E for a distance of 485.61 feet, thence East for a distance of 113,00 feet to the centerline of the Burlington Northern abandoned railroad, thence S 22° 00.51' W for a distance of 17.96 feet, thence S 11° 39.30' W for a distance of 49.50 feet, thence S 8° 34' W for a distance of 53.20 feet, thence S 57' W for a distance of 45.30 feet, thence S 3° 48.55' W for a distance of 60.66 feet, thence S 2° 43' W for a distance of 157.80 feet,

thence S 1° 25.50' W for a beginning containing 20.66 acres more or less and all lying in part of the E½-NE¼ of Section 1, T. 28 N. R. 22 E. Of the Indian Meridian, Ottawa County, Oklahoma.

C. The City of Commerce Police and Fire Station described as follows:

A tract of land in the SE¼ SE¼ of Section 1, Township 28 North, Range 22 East of the Indian Meridian, Ottawa County, Oklahoma, more particularly described as follows, to-wit: Beginning at the NE corner of the SE¼ SE¼ of said Section 1; thence South 526 feet; thence West 240 feet; thence North 190 feet; thence West 60 feet; thence North 336 feet; thence East 300 feet to the point of beginning.

BASIS FOR ANNEXATION: The Gordon Addition, Gordon Second Addition and Gordon Addition No. 3 were previously annexed and not deannexed and are properties adjacent to City territory and are subdivided into tracts or parcels of less than five acres and contain more than one residence. The City of Commerce properties are annexed with permission of the property owner, the City of Commerce, which such permission is granted by passage of this ordinance.

2. That property located in Section 5, Township 28 North, Range 23 East described as follows:

- A. The NW4 of the NW4 of the NW4 of the aforesaid Section 5, being a part of the Park Addition;
- B. The NW4 of the SW4 of the aforesaid Section 5, lying westerly of the centerline of Tar Creek; and
- C. From the NE Corner of the SW4 of the SW4 of aforesaid Section 5; Thence 565 feet West; Thence 460 Feet South; Thence South 45° 46' 02" W 316.81 feet; Thence South 120 feet, Thence South 38° 10' 18" W 660.17 feet; Thence South to the Section Line; Thence West to the SW corner of Section 5; Thence North to the Point of beginning.

BASIS FOR ANNEXATION: That at least three sides of the property to be annexed are adjacent or contiguous to property already within the municipal limits and the City directed, before November 1, 2004, for Notice be published in accordance with 21 O.S. Supp.2004 21-103(B).

3. All that property in Section 7, Township 28 North, Range 23 East of the Indian Meridian more particularly described as follows:

- A. Midway Village Addition, as previously annexed (City Ordinance No. 187,

October 5, 1964);

- B. A tract of land all lying in part of Lot 2, part of the SE/4 NW/4 and part of the NE/4 NW/4 of Section 7, Township 28 North, Range 23 East of the Indian Meridian, Ottawa County, Oklahoma, more particularly described as follows, to-wit: Beginning at a point on the East boundary line of Lot 2, said point being N 00° 07.93' W 25.68 feet; thence East 1081.00 feet; thence N 00° 30.28' W 1278.41 feet to a point on the East Right-of- Way line of Highway No. 66 and 69; thence S 51° 31.28' W along said Right-of-Way 1728.12 feet; thence S 51° 04.85' E 364.04 feet to the point of beginning. LESS AND EXCEPT a tract of land lying in the NW/4 of said Section 7 beginning at a point on the East boundary line of Government Lot 2, said point being N 00° 07.93' W 174.32 feet (recorded) (Measured 188.73 feet) from the Southeast corner of Lot 2; thence N 00° 07.93' W 25.68 feet; thence East 667.13 feet to the point of beginning; thence E 413.87 feet; thence N 00° 30.28' W 1278.41 feet; thence S 51° 31.28' W 525.0 feet; thence S 00° 30.28' E 951.73 feet to the point of beginning AND LESS Highway 66 easement recorded in Book 227 pages 276-279; and
- C. Those properties owned by the Mickey Mantle Memorial Trust within Section 7, aforesaid, more particularly described as follows:
1. A tract of land lying in the NW ¼ of Section 7, Township 28 North, Range 23 East of the Indian Meridian, Quapaw Survey, Ottawa County, Oklahoma, more particularly described as follows: Beginning at a point on the East boundary line of Government Lot 2, said point being N.00° 0793' W. For a distance of 25.68 feet; thence East for a distance of 667.13 feet to the Point of Beginning; thence East 413.87 feet; thence N.00° 30.28' W. for a distance of 1278.41 feet; thence S.51° 31.28' W. a distance of 525.0 feet; thence S.00° 30.28' E.951.73 to the point of beginning, LESS AND EXCEPT, if any, Highway 66 easement recorded in Book 227, Pages 276-279, in the Ottawa County Clerk's Office, Ottawa County, Oklahoma;
2. A tract of land, located in the E½ of the NW¼ and in the W½ of the NE¼, Section 7, Township 28 North, Range 23 East of the Indian Base and Meridian, Ottawa County, Oklahoma, described as follows, to-wit:
- Beginning at a point 2,129.1 feet South and 1,521.6 feet West of the Northeast Corner of the W½ of the NE¼ aforesaid;
Thence North 981 feet to a point in the East right of way line of U.S. Highway #66 as the same is presently laid out and maintained;
Thence Northeasterly on and along said right of way line a distance of 50 feet;
Thence South 60° 02' East a distance of 238 feet to the Southwest Corner of Lot 1, Block 4, Midway Village Addition No. 2 to the

Town of North Miami, now Commerce, Ottawa County, Oklahoma, according to the recorded plat thereof;
Thence continuing South 60° 02' East along the southern boundary of Lot 1, Block 4, Midway Village Addition No. 2 a distance of 130 feet to a point in the West boundary line of Lot 2, Block 4, Midway Village Addition No. 2, an addition to the Town of North Miami, now Commerce, Ottawa County, Oklahoma, according to the recorded plat thereof;

Thence South 8° 47' East along the West lot line of Lot 2, Block 4, Midway Village Addition No. 2, a distance of 125 feet to the Southwest corner of Lot 2, Block 4, Midway Village Addition No. 2 to the Town of North Miami, now Commerce, Ottawa County, Oklahoma, according to the recorded plat thereof;
Thence North 81° 13' East a distance of 125 feet along the South lot line of the aforesaid Lot 2, Block 4 of Midway Village Addition No. 2 to the Southeast corner of aforesaid Lot 2, Block 4 of Midway Village Addition No. 2;
Thence South 662.4 feet to a point 2.129.1 feet South and 1, 072.60 feet West of the Northeast Corner of the W½ of the NE¼ aforesaid;
Thence West 449 feet to the point of beginning.

BASIS FOR ANNEXATION: The Midway Village Addition was annexed October 5, 1964, and is comprised of tracts or parcels of property of less than five acres and contains more than one residence. The property described in paragraph 3(B) above is annexed by permission of the current property owner. Those properties described in paragraph 3 (C) above are annexed in that at least three sides of the property to be annexed are adjacent or contiguous to property already within the municipal limits and the City directed , before November 1, 2004, for Notice be published in accordance with 21 O.S. Supp.2004 21-103(B).

4. Those properties within Section 7, Township 28 North, Range 23 East of the Indian Meridian which are North and West of U.S. Highway 69 and East of Main Street together with that portion of unannexed property in the SW 4 of Lot 4 of Section 6, Township 28 North Range 23 East.

BASIS FOR ANNEXATION: That at least three sides of the property to be annexed are adjacent or contiguous to property already within the municipal limits and the City directed , before November 1, 2004, for Notice be published in accordance with 21 O.S. Supp.2004 21-103(B).

5. All property, not previously annexed within Section 6, Township 28 North, Range 23 East, including the Park Addition, except as follows:

A. Beginning at the Southwest corner of Lot 1, Section 6 (otherwise known as the

corner of Main Street and 6th Street) thence North 280 feet to a point of beginning; Thence East for a distance of 1168.20 feet in the boundary of the Alexander Elementary School grounds; thence North for a distance of 860 feet; Thence East 395 feet; Thence North 460 feet to the Section Line. All property North and West of the described line shall not be within the City Limits.

BASIS FOR ANNEXATION: That the territory to be annexed is subdivided into tracts or parcels of less than five acres and contains more than one residence. That at least three sides of the property to be annexed are adjacent or contiguous to property already within the municipal limits and the City directed, before November 1, 2004, for Notice be published in accordance with 21 O.S. Supp.2004 21-103(B). That the described territory is part of the original townsite and no record of deannexation exists. That the described property or portions of it have been previously annexed and not deannexed.

B. The following properties, all in the NE4 of the NW4 Section 6, Township 28 North, Range 23 East of the Indian Meridian (North of 6th Street) shall be excluded from the City limits:

1. The Woodard property as described in that deed recorded in Book 598 at Page 449 of the records of the Court Clerk, Ottawa County, Oklahoma;
2. Lots 5-8 in Block 2, Block 3 and Block 4 of the McMains Subdivision;

All other property within the NE4 of the NW4 of Section 6, Township 28 North, Range 23 East shall be within the City limits of the City of Commerce, Oklahoma.

6. By Ordinance No. 2004 -02, as adopted on March 30, 2004, the following described real property was annexed into the City of Commerce, by permission of the landowner, and comprises a portion of the City of Commerce. The previously annexed property is described as follows:

A tract of land in the Northeast Corner of Section 7, and the Northwest Corner of Section 8 in Township 28 North, Range 23 East of the Indian Meridian, Ottawa County, Oklahoma and more particularly described as follows, to-wit: Beginning at the Northwest Corner of Section 8; thence easterly along the North line of said Section 8, 259.85 feet; thence South 2° 43' West 262.52 feet; thence South 20° 07' East 167.67 feet; thence South 18° 16' East 207.82 feet; thence South 14° 48' West 270.30 feet; thence South 27° 13' West 205.20 feet; thence West 471.24 feet; thence North 10° 57' East 671.55 feet; thence South 85° 13 ½' West 63.08 feet; thence North 01° 35' West 406.69 feet to the North line of Section 7; thence Easterly along said North line 209.40 feet to the point of beginning and containing 12.10 acres, more or less.

BASIS FOR ANNEXATION: Previously annexed by City of Commerce in Ordinance No. 2004-

02.

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SECTION II: Plan for Extension of Municipal Services.

The City of Commerce will extend residential utility services to all existing residential properties within the City limits within 60 months of adoption of this ordinance.

SECTION III: Severability.

If any one or more of the sections, sentences, clauses or parts of this ordinance, chapter or section shall for any reason be held invalid, the invalidity of such section, clause or part shall not affect or prejudice in any way the applicability and validity of any other provision of this ordinance. It is hereby declared to be the intention of the City Council of Commerce, Oklahoma that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof had not been included therein.

PASSED AND APPROVED by a majority of a quorum of the City Council this 16th day of November, 2004.

ATTEST:

Vicki Turner
City Clerk (Seal)

CITY OF COMMERCE

Jim Muller
Mayor

SECTION IV: Emergency Clause.

It being immediately necessary for the preservation of public health, peace and safety, an emergency is hereby declared to exist, by reason whereof this Ordinance shall take effect and be in full force from and after its passage and approval.

PASSED AND APPROVED by a majority of a quorum of the City Council by separate vote this 16th day of November, 2004.

ATTEST:

Vicki Turner
City Clerk (Seal)

CITY OF COMMERCE

Jim Muller
Mayor

