

ORDINANCE NO. 1666

AN ORDINANCE EXTENDING THE CITY LIMITS, ANNEXING TO AND INCLUDING WITHIN THE CORPORATE LIMITS OF THE CITY OF DURANT, OKLAHOMA, TERRITORIES CONTIGUOUS TO THE CITY LIMITS, ADOPTING SERVICE PLAN, ZONING AND DECLARING AN EMERGENCY

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF DURANT, OKLAHOMA:

SECTION 1: The territories hereinafter described lie contiguous to the City of Durant, Oklahoma. That the City Council has determined that it is in the best interest of the inhabitants thereof; and will redound to the benefit of the City of Durant and the inhabitant thereof for the same to be annexed and become a part of and included within the corporate limits of the City of Durant, Oklahoma. Therefore, the City Council of Durant hereby annexes and zones the following properties, to-wit:

TRACT I: The SW/4 SW/4 NE/4 and S/2 SE/4 NW/4 and N/2 NE/4 SW/4 and the NW/4 NW/4 SE/4 and Lot 2 (otherwise described as the SW/4 NW/4) and Lot 3 (otherwise described as the NW/4 SW/4), LESS A part of Lot 3 in Section 19, Township 7 South, Range 9 East; Beginning at a point 30.00 feet North of said SW corner Lot 3; Thence North 963.14 feet; Thence East 670.01 feet; Thence South 01°44' West 963.58 feet; Thence West 640.91 feet to the point of beginning, containing 14.49 acres more or less, ALL in Section 19, Township 7 South, Range 9 East of the Indian Base and Meridian in Bryan County, State of Oklahoma, according to the U. S. Government Plat and Survey thereof; together with all the improvements thereon and the appurtenances thereunto.

TRACT II: The W/2 of the West 19.94 acres of Lot 4 of Section 19, Township 7 South, Range 9 East of the Indian Base and Meridian in Bryan County, Oklahoma, according to the Government Survey thereof, LESS and except a tract of land described as follows: Beginning 300.00 feet North of the SW corner of Lot 4 (SW/4 SW/4) of Section 19, Township 7 South, Range 9 East for the true point of beginning; thence East 167.00 feet; thence North 160 feet; thence West 167.00 feet; thence South 160.00 feet to the true point.

TRACT III: A part of Lot 3 in Section 19, Township 7 South, Range 9 East of the Indian Base and Meridian in Bryan County, Oklahoma, more particularly described as follows: Beginning 30.00 feet North of the Southwest corner of Lot 3; Thence North 963.14 feet; Thence East 670.01 feet; Thence South 01 degrees 44 minutes West 963.48 feet; Thence West 640.91 feet to the Point of Beginning.

TRACT IV: The SW/4 SW/4 NE/4 and S/2 SE/4 NW/4 and N/2 NE/4 SW/4 and NW/4 NW/4 SE/4 and Lot 2 and Lot 3 of Section 19, Township 7 South, Range 9 East of the Indian Base and Meridian, in Bryan County, State of Oklahoma, LESS AND EXCEPT a tract described as a part of Lot 3 beginning 30.00 feet North of the Southwest Corner of Lot 3; Thence North 963.14 feet; Thence East 670.01 feet; Thence South 01 degrees 44 minutes West 963.58 feet; Thence West 640.91 feet to the Point of Beginning, according to the U. S. Government Plat and Survey thereof.

TRACT V: A part of the N/2 SE/4 of Section 24, Township 7 South, Range 8 East of the Indian Base and Meridian in Bryan County, State of Oklahoma, described as: Beginning at the Southeast Corner of the NE/4 NE/4 SE/4 of said Section 24; Thence North 660 feet; Thence



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West 2640.00 feet; Thence South 99.76 feet; Thence South 67 degrees 30 minutes East 711.0 feet; Thence South 285.24 feet; Thence East 1980.00 feet to the Point of Beginning; and

The South 293.48 feet of the SE/4 NE/4 and the South 293.48 feet of the E/2 SW/4 NE/4 of Section 24, Township 7 South, Range 8 East of the Indian Base and Meridian in Bryan County, Oklahoma, according to the Government Survey thereof.

TRACT VI: Part of Lot 4 (SW/4 SW/4) of Section 19, Township 7 South, Range 9 East of the Indian Base and Meridian, Bryan County, Oklahoma, according to the Government Survey thereof, more particularly described as: Beginning 300.00 feet North of the SW corner of Lot 4 (SW/4 SW/4) for the true point of beginning; Thence East 167.00 feet; Thence North 160.00 feet; Thence West 167.00 feet; Thence South 160.00 feet to the point of beginning together with a Drainfield Easement beginning 460.00 feet North of the SW corner of Lot 4 (SW/4 SW/4) Section 19, Township 7 South, Range 9 East for the true point of beginning; Thence North 226.00 feet; Thence East 170.00 feet; Thence South 140.00 feet; Thence West 100.00 feet; Thence South 88.00 feet; Thence 70.00 feet to the point of beginning.

All of the above described territories shall be zoned Agriculture (A-1) as defined by the Durant City Code.

SECTION 2. That in accordance with *Oklahoma Statutes; Title 11, Chapter 1, Article XXI, Section 21-109 - Taxation of Annexed Territory*, the annexed territory is subject to the following:

*"A. Tracts of land in excess of forty (40) acres which are annexed to a municipality and used for industrial or commercial purposes shall not be subject to ad valorem taxes at the municipal rate. Tracts of annexed land in excess of five (5) acres which are used by persons engaged in farming or ranching, and all farm animals and livestock, and all agricultural implements and machinery and household goods located on the land, shall not be subject to municipal taxes unless the municipality furnishes services to these tracts as are ordinarily furnished to municipal residents. Tracts of land with an area of width no greater than three hundred twenty-six (326) feet at the widest point which are annexed to a municipality shall not be subject to municipal taxes, unless such tracts are annexed pursuant to paragraph 2 of subsection A of Section 21-103 of this title. No land which is used for agricultural purposes may be taken within the limits of a town and taxed at a greater rate than land which is adjacent to but outside the town limits."*

SECTION 3. That in accordance with *Oklahoma Statutes; Title 11, Chapter 1, Article XXI, Section 21-103 - Annexation by Governing Body Action*, the annexed territory is subject to the following:

*"G. Except for ordinances enacted pursuant to Section 43-101.1 of this title, parcels of land five (5) acres or more used for agricultural purposes annexed into the municipal limits on or after July 1, 2003, or parcels of land forty (40) acres or more used for agricultural purposes prior to annexation and have continued in uninterrupted agriculture use annexed into the municipal limits shall be exempt from ordinances restricting land use and building construction to the extent such land use or construction is related to agricultural purposes. Where there is no residence within fifty (50) feet of the boundaries of such a parcel of land, the property shall not be subject to ordinances regulating conduct that would not be an offense under state law; provided, that any such property that discharges into the municipal water, wastewater, or sewer system shall be subject to any ordinances or regulations related to compliance with environmental standards for that system."*

*"H. Parcels of land situated within an area that is or may be subject to any form of land use or other regulatory control as a result of proximity to an airport, spaceport or military installation shall not be exempt from municipal ordinances or other laws regulating property for the purpose of operations necessary for the use of an airport, spaceport or military installation and such parcels of land shall be subject to all ordinances enacted pursuant to Section 43-101.1. of this title" (Title 11 Oklahoma Statutes).*

SECTION 4. Service Plan. That the City of Durant shall provide the following services to the annexed property, to-wit:

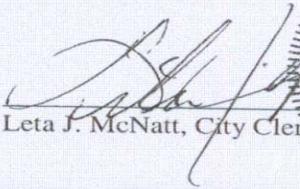
- a. Police and fire response services shall be provided immediately upon annexation.
- b. Animal control services shall be provided immediately upon annexation.
- c. Planning, zoning, building inspection, code enforcement, and other Community Development services shall be provided immediately upon annexation.
- d. Maintenance of infrastructure dedicated to and accepted by either the City of Durant or Bryan County shall begin immediately upon annexation
- e. City sanitary sewer service be provided as soon as extended to the annexed property
- f. Water service shall continue to be provided by the current public water service provider.
- g. City trash service shall be provided immediately upon annexation.
- h. Durant 911 emergency addressing has already been assigned prior to annexation.
- i. All other City services shall be provided immediately upon annexation.
- j. All other rights and privileges afforded to the citizens of Durant, except as may be excluded or limited by the Constitution and Statutes of the State of Oklahoma, are immediately granted upon annexation.

SECTION 5. Emergency. For the immediate preservation of the peace, health, and safety of the City of Durant, Oklahoma and of the inhabitants thereof, it is necessary that this ordinance shall become operative and go into effect immediately upon its passage and approval.

Passed and Approved this 9th day of August, 2011.

  
 Jerry Tomlinson, Mayor  
 City of Durant, Oklahoma

ATTEST:

  
 Leta J. McNatt, City Clerk



PROOF OF PUBLICATION

Published in Durant Daily Democrat the land, shall not be subject to municipal taxes unless the municipality furnishes services

STATE OF OKLAHOMA COUNTY OF BRYAN

} SS.

ORDINANCE NO. 1666 these tracts as are ordinarily granted to municipal residents. Tracts of land with an area of width no greater than one hundred twenty-six (26) feet at the widest point which are annexed to a municipality shall not be subject to municipal taxes, unless such tracts are annexed pursuant to paragraph of subsection A of Section 21-103 of this title. No land which is used for agricultural purposes may be taken within the limits of town and taxed at a greater rate than land which is adjacent to but outside the town limits.

Chris Allen of Durant, Oklahoma, being duly sworn on his oath deposes and states that he is PUBLISHER of the Durant Daily Democrat, a Daily newspaper published at Durant, County of Bryan, State of Oklahoma, having a paid circulation in said County, with entrance thereof into the United States mail as second-class mail matter, and that said newspaper is published in said County where the same is delivered to the United States mail; that the notice, a true copy of which, clipped from an issue of The Durant Daily Democrat, hereto attached, was published in the entire regular edition of the said newspaper for consecutive issues as follows:

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF DURANT, OKLAHOMA:

- 1st Insertion, August 12, 2011
2nd Insertion,
3rd Insertion,
4th Insertion,
5th Insertion,
6th Insertion,
7th Insertion,
8th Insertion,
9th Insertion,
10th Insertion,

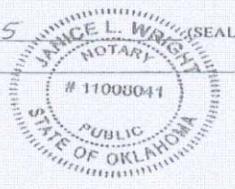
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and that said newspaper has been continuously and uninterruptedly published in said county during a period of 104 weeks consecutively next prior to the first publication of notice hereto attached. Aflant further states that said newspaper has met and complied with all requirements of the statutes of the State of Oklahoma in such cases made and provided, and particularly with reference to all sections of Senate Bill No. 47 of the Nineteenth Legislature of the State of Oklahoma, as approved April 13, 1943.

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Subscribed and sworn to before me this 11th day of October, A.D. 2011. James L. Wright, Notary Public.

My Commission expires 08/31/2015. Publishers Fee, \$ 231 90



When Fee is paid it should be So Stated in this Space.

TRACT II: The W/2 of the West 19.94 acres of Lot 4 of Section 19, Township 7 South, Range 9 East of the Indian Base and Meridian in Bryan County, Oklahoma, according to the Government Survey thereof, LESS and except a tract of land described as follows: Beginning 300.00 feet North of the SW corner of Lot 4 (SW/4 SW/4) of Section 19, Township 7 South, Range 9 East for the true point of beginning; thence East 107.00 feet; thence North 180 feet; thence West 167.00 feet; thence South 160.00 feet to the true point.

- SECTION 4. Service Plan. That the City of Durant shall provide the following services to the annexed property, to-wit:
a. Police and fire response services shall be provided immediately upon annexation.
b. Animal control services shall be provided immediately upon annexation.
c. Planning, zoning, building inspection, code enforcement, and other Community Development services shall be provided immediately upon annexation.
d. Maintenance of infrastructure dedicated to and accepted by either the City of Durant or Bryan County shall begin immediately upon annexation.
e. City sanitary sewer service be provided as soon as extended to the annexed property.
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SECTION 2. That in accordance with Oklahoma Statutes, Title 11, Chapter 1, Article XXI, Section 21-108 B Taxation of Annexed Territory, the annexed territory is subject to the following:

*AA. Tracts of land in excess of forty (40) acres which are annexed to a municipality and used for industrial or commercial purposes shall not be subject to ad valorem taxes at the municipal rate. Tracts of annexed land in excess of five (5) acres which are used by persons engaged in farming or ranching, and all farm animals and livestock, and all agricultural implements and machinery and household goods located*

provided immediately upon annexation.

J. All other rights and privileges afforded to the citizens of Durant, except as may be excluded or limited by the Constitution and Statutes of the State of Oklahoma, are immediately granted upon annexation.

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Jerry Tomlinson, Mayor  
City of Durant, Oklahoma

ATTEST: \_\_\_\_\_  
Leta J. McNatt, City Clerk

