I-2011-005389 Book0939 Pg:606
12/08/2011 9:21 am $23.00
Reba G Sill - Ottawa County Clerk

OTTAWA COUNTY 1907

CITY OF MIAMI, OKLAHOMA

ORDINANCE NO: 1576

AN ORDINANCE OF THE CITY OF MIAMI, OKLAHOMA, PROVIDING FOR THE ANNEXATION OF CERTAIN PROPERTY; CHANGING THE MUNICIPAL BOUNDARIES; ESTABLISHING ZONING CLASSIFICATIONS FOR THE ANNEXED PROPERTY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Priscilla Cook Fullerton, Trustee of the Priscilla Cook Fullerton Revocable Trust ("Petitioner"), has filed with the City of Miami a Petition for Annexation, which requests the City to annex within its corporate limits by duly enacted Ordinance certain real property described herein, consisting of approximately 8.8 acres (the "Property"), and to establish zoning classifications for three Tracts comprising the Property; and,

WHEREAS, Title 11, Section 21-105, Oklahoma Statutes, and Article I, Section 4, Miami Municipal Code, authorize the City of Miami to annex adjacent or contiguous property into the City's corporate limits upon the petition of at least three-fourths of the registered voters and the owners of at least three-fourths (in value) of such property; and,

WHEREAS, Petitioner is the sole registered voter upon, and sole owner of the Property, is 18 or more years in age, and is under no disability; and,

WHEREAS, the boundaries of the Property are contiguous with the boundaries of the City of Miami; and,

WHEREAS, Petitioner has caused Notice of the hearing of this Petition before the City Council for the City of Miami to be published in the Miami News Record, a newspaper of general circulation in the City of Miami, once each week for two consecutive weeks as required by law; and,

WHEREAS, the City of Miami finds that annexation of the Property under the zoning classifications requested by Petitioner will not negatively impact surrounding properties located within the City's corporate limits, and will not impede future annexation by creating incompatible uses; and,

WHEREAS, the City of Miami desires to annex the Property, and to establish zoning classifications for the three Tracts comprising the Property as requested by Petitioner.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MIAMI, OKLAHOMA, THAT:

RECEIVED
DEC 13 2011
OKLAHOMA TAX COMMISSION
AD VALOREM DIV.

SECTION 1. ANNEXATION OF PROPERTY. The Property is hereby annexed into the corporate limits of the City of Miami, Oklahoma. The Property is more particularly described as follows:

DESCRIPTION OF THE PROPERTY

ALL THAT PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 28 NORTH, RANGE 23 EAST OF THE IB&M, OTTAWA COUNTY, OKLAHOMA, DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER OF THE SOUTHWEST QUARTER, THENCE S01°20'03"E ALONG THE WEST LINE OF SAID NORTHWEST QUARTER OF THE SOUTHWEST QUARTER, 1284.62 FEET;
THENCE N88°15'58"E, 40.00 FEET TO THE INTERSECTION OF THE EAST RIGHT-OF-WAY LINE OF NORTH ELM STREET AND THE NORTH RIGHT-OF-WAY LINE OF CENTRAL AVENUE AND THE POINT OF BEGINNING;
THENCE CONTINUING N88°15'58"E ALONG SAID NORTH RIGHT-OF-WAY LINE, 845.86 FEET;
THENCE N01°45'26"W, 455.96 FEET;
THENCE S88°15'58"W, 846.94 FEET TO A POINT ON SAID EAST RIGHT-OF-WAY LINE OF NORTH ELM STREET;
THENCE S01°20'03"E, 455.94 FEET TO THE POINT OF BEGINNING.

CONTAINING 8.8 ACRES MORE OR LESS.

SUBJECT TO ANY EXISTING EASEMENTS OR RESTRICTIONS OF RECORD.

SECTION 2. ESTABLISHMENT OF ZONING CLASSIFICATIONS FOR THE PROPERTY. The three Tracts comprising the Property are hereby annexed under the following zoning classifications:

a. "Tract 1" is designated RS8. Tract 1 is more particularly described as follows:

DESCRIPTION OF TRACT 1

ALL THAT PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 28 NORTH, RANGE 23 EAST OF THE IB&M, OTTAWA COUNTY, OKLAHOMA, DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER OF THE SOUTHWEST QUARTER, THENCE S01°20'03"E ALONG THE WEST LINE OF SAID NORTHWEST QUARTER OF THE SOUTHWEST QUARTER, 1284.62 FEET;
THENCE N88°15'58"E, 40.00 FEET TO THE INTERSECTION OF THE EAST RIGHT-OF-WAY LINE OF NORTH ELM STREET AND THE NORTH RIGHT-OF-WAY LINE OF CENTRAL AVENUE AND THE POINT OF BEGINNING;

THENCE CONTINUING N88°15'58"E ALONG SAID NORTH RIGHT-OF-WAY LINE, 305.86 FEET;
THENCE N01°45'26"W, 455.93 FEET;
THENCE S88°15'55"W, 302.49 FEET TO A POINT ON SAID EAST RIGHT-OF-WAY LINE OF NORTH ELM STREET;
THENCE S01°20'03"E, 455.94 FEET TO THE POINT OF BEGINNING.

CONTAINING 3.2 ACRES MORE OR LESS.

SUBJECT TO ANY EXISTING EASEMENTS OR RESTRICTIONS OF RECORD.

b. "Tract 2" is designated RM2. Tract 2 is more particularly described as follows:

DESCRIPTION OF TRACT 2
ALL THAT PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 28 NORTH, RANGE 23 EAST OF THE IB&M, OTTAWA COUNTY, OKLAHOMA, DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER OF THE SOUTHWEST QUARTER, THENCE S01°20'03"E ALONG THE WEST LINE OF SAID NORTHWEST QUARTER OF THE SOUTHWEST QUARTER, 1284.62 FEET;
THENCE N88°15'58"E, 40.00 FEET TO THE INTERSECTION OF THE EAST RIGHT-OF-WAY LINE OF NORTH ELM STREET AND THE NORTH RIGHT-OF-WAY LINE OF CENTRAL AVENUE;
THENCE CONTINUING N88°15'58"E ALONG SAID NORTH RIGHT-OF-WAY LINE, 305.86 FEET TO THE POINT OF BEGINNING;
THENCE N01°45'26"W, 89.00 FEET;
THENCE N88°15'58"E, 540.87 FEET;
THENCE S01°11'54"E, 89.00 FEET TO A POINT ON SAID NORTH RIGHT-OF-WAY LINE;

THENCE S88°15'58"W ALONG SAID NORTH RIGHT-OF-WAY LINE, 540.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 1.1 ACRES MORE OR LESS.

SUBJECT TO ANY EXISTING EASEMENTS OR RESTRICTIONS OF RECORD.

c. "Tract 3" is designated RS5. Tract 3 is more particularly described as follows:

DESCRIPTION OF TRACT 3
ALL THAT PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 28 NORTH, RANGE 23 EAST OF THE IB&M, OTTAWA COUNTY, OKLAHOMA, DESCRIBED AS FOLLOWS:

I-2011-005389 Book0939 Pg.609
12/08/2011 9:21 am $23.00
Reba G Sill - Ottawa County Clerk

COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER OF THE SOUTHWEST QUARTER, THENCE S01°20'03"E ALONG THE WEST LINE OF SAID NORTHWEST QUARTER OF THE SOUTHWEST QUARTER, 1284.62 FEET;
THENCE N88°15'58"E, 40.00 FEET TO THE INTERSECTION OF THE EAST RIGHT-OF-WAY LINE OF NORTH ELM STREET AND THE NORTH RIGHT-OF-WAY LINE OF CENTRAL AVENUE;
THENCE CONTINUING N88°15'58"E ALONG SAID NORTH RIGHT-OF-WAY LINE, 305.86 FEET;
THENCE N01°45'26"W, 89.00 FEET TO THE POINT OF BEGINNING;
THENCE CONTINUING N01°45'26"W, 366.93 FEET;
THENCE N88°15'55"E, 544.45 FEET;
THENCE S01°11'54"E, 366.96 FEET;
THENCE S88°15'58"W, 540.87 FEET TO THE POINT OF BEGINNING.

CONTAINING 4.5 ACRES MORE OR LESS.

SUBJECT TO ANY EXISTING EASEMENTS OR RESTRICTIONS OF RECORD.

SECTION 3. CHANGE OF MUNICIPAL BOUNDARIES. The municipal boundaries of the City of Miami are hereby expanded to reflect of annexation of the Property into the City's corporate limits, and City maps depicting such municipal boundaries shall be revised accordingly, and shall reflect the zoning classifications herein assigned.

SECTION 4. SEVERABILITY. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect thirty (30) days following its passage by the City Council of the City Miami.

PASSED AND ADOPTED by a 5/5 vote of the City Council of the City Miami on the 21 day of November, 2011.

APPROVED:

D. Kent Ketcher
Mayor

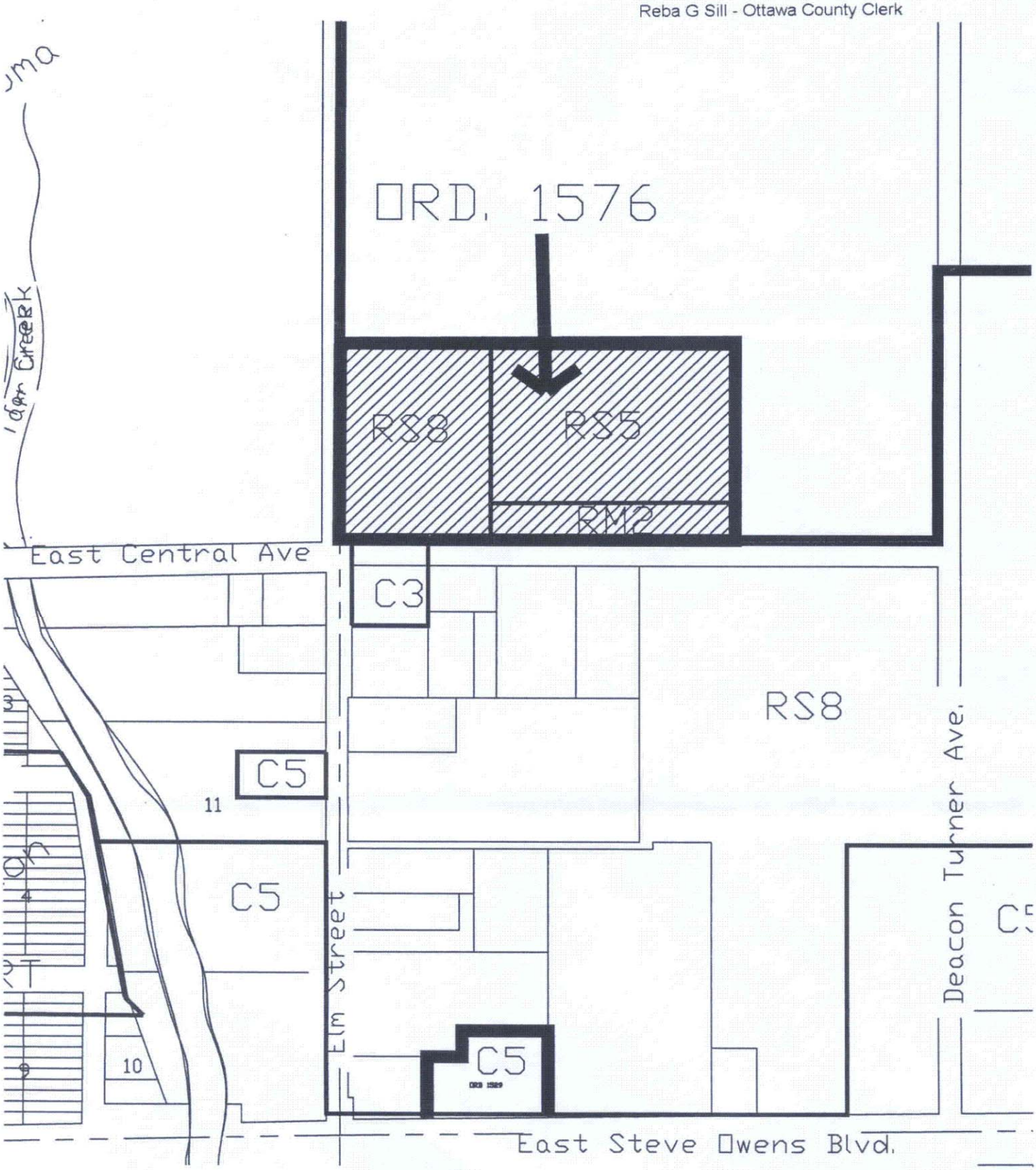
ATTEST:

Patricia Lee
City Clerk

CITY OF MIAMI
OTTAWA CO., OKLAHOMA

I-2011-005389 Book0939 Pg:610
12/08/2011 9:21 am $23.00
Reba G Sill - Ottawa County Clerk

APPROVED AS TO FORM:

City Attorney

I-2011-005389 Book0939 Pg:611
12/08/2011 9:21 am $23.00
Reba G Sill - Ottawa County Clerk