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CLERK OF COURSE
CITY OF MUSKOGEE

ORDINANCE NO. 3888-A

I-2011-011320 Book 4237 Pg: 511
10/12/2011 10:39 am Pg 0511-0519
Fee: \$ 29.00 Doc: \$ 0.00
Dianna Cope - Muskogee County Clerk
State of Oklahoma

AN ORDINANCE ESTABLISHING ZONING AND ANNEXING INTO THE CITY LIMITS EIGHT (8) PROPERTIES CONSISTING OF APPROXIMATELY 586.65 ACRES (0.92 SQUARE MILES) BEING MORE PARTICULARLY DESCRIBED IN SECTION 1 OF THIS ORDINANCE; AND PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY (City of Muskogee)

WHEREAS, the acres described in Section 1 of this Ordinance, said land being contiguous to and adjacent to the City of Muskogee, will be ZONED AS DESCRIBED IN SECTION 1, AND ANNEXED TO AND ADDED TO THE CITY.

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

Section 1: The area by which the petition seeks zoning and annexation is described as follows:

Tract 1) PART OF SECTION 13 T15N R18E STARTING NE CORNER OF SW ¼ THENCE 1315' S TO POB THENCE 992' W THENCE 960' S THENCE 877.45 NORTHEASTERLY ALONG THE NORTH ROW OF SHAWNEE ST. THENCE IN A NORTHEASTERLY DIRECTION FOLLOWING RR ROW A DISTANCE OF 1320' THENCE 160' N THENCE 500' W THENCE 450' S THENCE 125' W TO POB CONTAINING 26.89 ACRES MORE OR LESS ("H" Heavy Industrial).

Tract 2) PART OF THE NW ¼ SECTION 19 T15N R19E STARTING AT NW CORNER OF NW ¼ OF SAID SECTION 19 THENCE 232' S THENCE 27' E TO POB THENCE 342' S THENCE 375' E THENCE INTO A CURVE WITH A RADIUS OF 870.26 AND A LENGTH OF 1014' FOLLOWING THE BOUNDARIES OF MYRTLE GRIMES SECOND ADDITION AND THE EASTERLY LOT OF CORNERSTONE ADDITION THENCE SOUTHEASTERLY 131' THENCE NORTHEASTERLY 357' TO A CURVE HAVING A RADIUS OF 887.97 AND A LENGTH OF 1008' FOLLOWING THE SOUTHERN ROW OF RR THENCE CONTINUING ALONG THE SOUTHERN ROW IN AN EASTERLY DIRECTION 678' THENCE NORTHERLY 110' THENCE NORTHWESTERLY 486' TO POINT ON SOUTH LINE OF LOT 6 BLOCK 2 OF THE JUDSON C FAST ADDITION THENCE 26' E TO SOUTHEAST CORNER OF LT 6 BLK 2 OF JUDSON C FAST ADDITION THENCE NORTH 210' FOLLOWING THE EAST LOT LINE OF LOT 6 THENCE E 18' THENCE 200' N TO THE NORTHEAST CORNER OF LOT 15 BLOCK 2 OF JUDSON C FAST ADDITION THENCE 615' W THENCE 215' N THENCE 1310' W TO A CURVE HAVING A RADIUS OF 194.08 AND A LENGTH OF 290' THENCE 12' TO POB CONTAINING 45.10 ACRES MORE OR LESS ("G" Light Industrial).

Tract 3) PART OF THE SE ¼ SECTION 24 T15N R18E BEGINNING AT NW CORNER OF SE ¼ OF SAID SECTION 24 THENCE 705' S THENCE 290' E THENCE 565' S THENCE 517' E THENCE 1675' IN A NORTHEASTERLY DIRECTION ALONG THE RR ROW THENCE 1905' W TO POB CONTAINING 35.66 ACRES MORE OR LESS ("G" Light Industrial).

Tract 4) PART OF SECTION 28 T15N R19E A SECTION OF LAND NORTH OF CHANDLER ROAD AND EAST OF NORTH 45TH STREET EAST AND WEST OF THE ARKANSAS RIVER KNOWN AS AN ISLAND OF PROPERTY THAT IS NOT INCORPORATED INTO THE CITY LIMITS CONTAINING 239.58 ACRES MORE OR LESS ("G" Light Industrial).

Tract 5) PART OF THE N ½ N ½ SECTION 4 T14N R19E STARTING AT NE CORNER OF THE NW ¼ OF SAID SECTION THENCE 806' W TO POB THENCE 290' S THENCE 1540' E THENCE 290' N THENCE 1540' W TO POB CONTAINING 10.97 ACRES MORE OR LESS ("G" Light Industrial).

Tract 6) PART OF SECTION 13 & 14 T14N R18E STARTING AT THE NW CORNER OF THE NE ¼ OF SAID SECTION 14 THENCE 2645' S THENCE 4110' E THENCE IN A NORTHEASTERLY DIRECTION 195' THENCE 193' W THENCE 2460' N THENCE 1671' W THENCE 662' S THENCE 305' W THENCE 661' S THENCE 660' W THENCE 1326' N THENCE 1329' W TO POB CONTAINING 216.71 ACRES MORE OR LESS ("B-1A" Urban Estates).

Tract 7) PART OF SECTION 14 T14N R18E STARTING 485' W OF THE NE CORNER OF NW ¼ OF SAID SECTION 14 THENCE 890' S THENCE 55' W THENCE 182' IN A NORTHWESTERLY DIRECTION THENCE 790' N THENCE 201' E TO POB CONTAINING 3.94 ACRES MORE OR LESS ("B-1A" Urban Estates).

Tract 8) SECTION 22, T14N R18E, NE, NE, NE, LESS HIGHWAY RIGHT OF WAY 7.80 ACRES MORE OR LESS ("G" Light Industrial).

Section 2: The increase of the City by the annexation of the hereinbefore described property will redound to the benefit of the City and the same is hereby zoned and annexed.

Section 3: The Service Plan listing the services the City of Muskogee will provide upon annexation is attached as Exhibit "A".

Section 4: A copy of the Ordinance, together with an accurate map of the territory zoned and annexed, certified by the Mayor and the City Clerk, shall be filed in the office of the County Clerk of Muskogee County, Oklahoma.

Section 5: SEVERABILITY. Should any section, subsection, sentence, provision, clause, or phrase hereof be held invalid, void, or unconstitutional for any reason, such holding shall not render invalid, void, or unconstitutional any other section, subsection, sentence, provision, clause, or phrase of this Ordinance, and the same are deemed severable for this purpose.

Section 6: EMERGENCY. This Ordinance being designated to protect the health and safety of the inhabitants of the City of Muskogee, Oklahoma, an emergency is hereby declared to exist whereby the same shall be in full force and effect from and after its adoption and publication.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MUSKOGEE, OKLAHOMA THIS 10TH DAY OF OCTOBER, 2011.

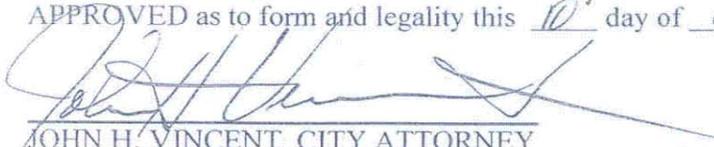


JOHN TYLER HAMMONS, MAYOR

ATTEST:


PAMELA S. BATES, CITY CLERK
(SEAL)



APPROVED as to form and legality this 10th day of October, 2011.


JOHN H. VINCENT, CITY ATTORNEY



CITY OF MUSKOGEE
ANNEXATION PROPOSAL
SERVICE PLAN

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The property proposed for annexation includes eight (8) areas consisting of approximately 586.65 acres (0.92 square miles) and abuts the City limits on three (3) sides or more. The areas considered for annexation are generally described as follows:

- 1) PART OF SECTION 13 T15N R18E STARTING NE CORNER OF SW ¼ THENCE 1315' S TO POB THENCE 992' W THENCE 960' S THENCE 877.45 NORTHEASTERLY ALONG THE NORTH ROW OF SHAWNEE ST. THENCE IN A NORTHEASTERLY DIRECTION FOLLOWING RR ROW A DISTANCE OF 1320' THENCE 160' N THENCE 500' W THENCE 450' S THENCE 125' W TO POB CONTAINING 26.89 ACRES MORE OR LESS ("H" Heavy Industrial).
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- 8) SECTION 22 T14N R18E NE, NE, NE, LESS HIGHWAY RIGHT OF CONTAINING 7.8 ACRES MORE OR LESS ("G" Light Industrial).

(See Attached Map)

◆ **Planning and Zoning**

The land use classifications within the area(s) include residential, agricultural and some commercial and industrial. The City of Muskogee Planning and Zoning Commission will designate an appropriate zoning classification for all property within the area annexed, taken into consideration the existing land use (see attached zoning map). All zoning decisions are ultimately the responsibility of the City Council. Any existing land use, which does not comply with the designated zoning district, will be considered legal nonconforming and allowed to continue as long as City codes are adhered to.

Very few of the properties in the area have been platted, and it is doubtful they meet the minimum design requirements of the subdivision regulations of the City of

Muskogee. Property that is undeveloped (platted or unplatted) shall comply with the City of Muskogee Subdivision Regulations prior to obtaining a building permit. A copy of the regulations is available for review or purchase in the Planning Department. Zoning and planning services will be available to the area upon annexation.

The Code Enforcement Division of the Planning Department will enforce all city ordinances in reference to derelict structures, dilapidated property and weeds, grass and trash. For the first two (2) years, enforcement of city ordinances will be on a complaint basis. Thereafter, the City will be the complainant on code violations.

◆ **Police Department**

Upon annexation, Muskogee Police Department will be the primary responders. No additional equipment or personnel will be needed.

◆ **Fire Department**

Upon annexation, Muskogee Fire Department will become the primary fire protection agency for this area. At least three pumpers and one ladder or rescue truck will respond to any structure fire. Grass, trash and refuse fires will have an initial response of one pumper truck. Outside burning in these areas will be prohibited upon annexation as per city ordinance. No additional equipment or personnel will be needed.

◆ **Water Service**

All of the proposed annexation area currently has water service provided by the City of Muskogee. The size of the water lines varies from 18" in diameter to 2" in diameter. Water service rates will be adjusted to the level of inside-city rates beginning with any bills issued on or after December 1, 2011.

◆ **Sanitary Sewer Service**

The proposed annexation areas are currently served by a combination of individual septic systems and city sewer service.

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Individual treatment and disposal systems are allowed under our current city ordinance provided the lot size is larger than 1 acre. If the water customer's existing sewer system is functioning there is no need to provide an alternate service. New development is required to connect to the city's existing sewer collection system or provide an alternate system approved by the City of Muskogee.

The City of Muskogee is not anticipating a major expansion of the collection system to serve existing facilities in these areas. The city will use assessment districts to fund improvements in existing areas that express a desire to connect into the city's collection system. New subdivisions are required to fund and install collections systems as part of their development.

Some of these areas are currently served by city sewer and are paying the outside city rate and will be adjusted to inside of city rate beginning with any bills issued on or after December 1, 2011.

◆ **Street Department**

The areas of proposed annexation contain a variety of streets consisting of asphalt, chipseal and gravel. Upon annexation, the Public Works Department would maintain all public streets at their current level.

◆ **Sanitation Department**

The Sanitation Division of the Public Works Department enforces the ordinance that requires refuse collection at all residences. The City will provide this service, including the furnishing of a trash container, to any residence located on a street that is adequate for the safe operation of the collection vehicle and employees. The resident may use either the City service or may contract with any City-licensed refuse collection service. A complete sanitation collection policy is available from the Public Works Department. Some of these areas currently have sanitation service at the outside city rate and will need to be adjusted to inside of city rate beginning with any bills issued on or after December 1, 2011.

◆ **Environmental Control Department**

The right-of-way mowing and spraying of herbicides within these areas will become the responsibility of the Environmental Control Department. Mowing of these areas is expected to take an additional 1-2 days of mowing per month.

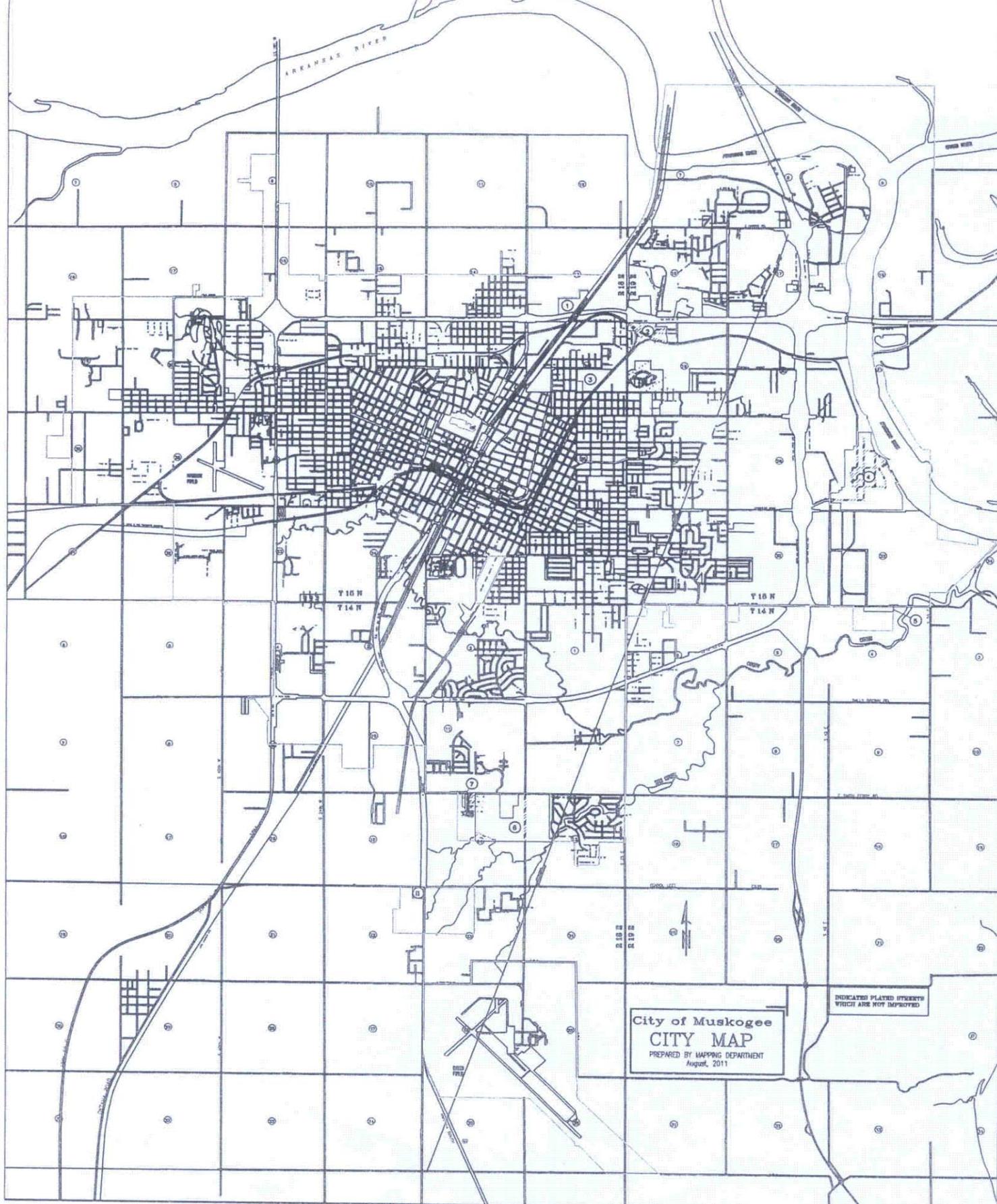
◆ **Storm Water Department**

Upon annexation, all areas will be subject to storm water fees in accordance with the fee schedule listed in Appendix "A" of the City of Muskogee Code of Ordinances.

◆ **Conclusion**

This proposed plan sets forth the times that the City of Muskogee considers being a reasonable time to implement the service plan or the various services. This time frame will be confirmed or modified at the public hearing and set forth in the ordinance annexing the territory. The plan may be amended through negotiation at the hearing.

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City of Muskogee
CITY MAP

PREPARED BY MAPPING DEPARTMENT
August, 2011

INDICATES PLANNED STREETS
WHICH ARE NOT IMPROVED