

ORDINANCE NO. 2013-22

AN ORDINANCE ANNEXING CERTAIN TERRITORY LOCATED ADJACENT OR CONTIGUOUS TO THE CORPORATE LIMITS OF THE CITY OF PERRY, OKLAHOMA, NAMELY THE NORTHWEST QUARTER (NW/4) OF SECTION TWENTY-NINE (29), TOWNSHIP TWENTY-ONE NORTH (21N), RANGE ONE WEST (1W) OF THE INDIAN MERIDIAN, NOBLE COUNTY, STATE OF OKLAHOMA; ACKNOWLEDGING RECEIPT OF A WRITTEN PETITION REQUESTING SUCH ANNEXATION FROM AT LEAST THREE-FOURTHS OF THE REGISTERED VOTERS AND THE OWNERS OF AT LEAST THREE-FOURTHS (IN VALUE) OF THE TERRITORY TO BE ANNEXED, WHICH PETITION WAS PRESENTED TO THE CITY COUNCIL OF THE CITY OF PERRY, OKLAHOMA, ON SEPTEMBER 16, 2013, AND IS ATTACHED AS EXHIBIT "A"; NOTICE OF THE PRESENTATION OF THE PETITION REQUESTING SUCH ANNEXATION WAS PUBLISHED ON AUGUST 20, 2013 AND AUGUST 27, 2013, IN THE PERRY DAILY JOURNAL, WITH A COPY OF SUCH PUBLICATIONS ATTACHED AS EXHIBIT "B"; ATTACHING A MAP OF THE ANNEXED TERRITORY AS EXHIBIT "C"; PROVIDING FOR THE AUTHORITY FOR SUCH ANNEXATION; DIRECTING THE MAYOR OR DESIGNEE TO FILE A CERTIFIED COPY OF THIS ORDINANCE WITH ATTACHMENTS WITH THE COUNTY CLERK OF NOBLE COUNTY, AND WITH THE ELECTION BOARD SECRETARY OF NOBLE COUNTY AND WITH THE AD VALOREM DIVISION OF THE OKLAHOMA TAX COMMISSION, AND TO AMEND THE CITY OF PERRY'S MAP TO SHOW THAT SUCH ANNEXED PROPERTY IS NOW WITHIN THE CORPORATE LIMITS OF THE CITY OF PERRY, OKLAHOMA; PROVIDING FOR PROVIDING FOR REPEALER; SAVINGS; SEVERABILITY; AND DECLARING AN EMERGENCY.

EMERGENCY ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PERRY:

Section I: The City Council of the City of Perry, Oklahoma, hereby amends the corporate limits of the City of Perry, Oklahoma, by the addition of certain territory located in Noble County, State of Oklahoma, more particularly described as follows:

THE NORTHWEST QUARTER (NW/4) OF SECTION TWENTY-NINE (29), TOWNSHIP TWENTY-ONE NORTH (21N), RANGE ONE WEST (1W) OF THE INDIAN MERIDIAN, NOBLE COUNTY, STATE OF OKLAHOMA,

with the aforementioned property to be known collectively as the "property sought to be annexed", which territory is adjacent and contiguous to the corporate limits of the City of Perry, Oklahoma, and as further shown and described by the map attached hereto as Exhibit "C" and incorporated herein by reference as if fully set out.

Section II: On this 16th day of September 2013, the City Council hereby acknowledges the receipt of a petition from at least 3/4 of the registered voters and the owners of at least 3/4

in value of the property sought to be annexed, and hereby legislatively finds that such consent by petition was lawfully made and given, and hereby attach a copy of such petition to this ordinance as Exhibit A. The City Council also finds that the petitioners gave notice of the presentation of the petition requesting annexation by publishing such notice on the 20th day of August 2013 and the 26th day of August 2013, in the Perry Daily Journal, with a copy of such publications attached as Exhibit "B".

Section III. The City Council legislatively finds that the legal authority for this annexation is Tit. 11, Sec. 21-105 of the Oklahoma Statutes, as amended.

Section IV: The City Council hereby directs the Mayor or her designee to file a certified copy of this ordinance with attachments with the County Clerk of Noble County and with the Election Board Secretary of Noble County and with the Ad Valorem Division of the Oklahoma Tax Commission, and to amend the City of Perry's Map to show that such annexed property is now within the corporate limits of the City of Perry, Oklahoma.

Section V. REPEALER. All ordinances or parts thereof which are inconsistent with this ordinance are hereby repealed.

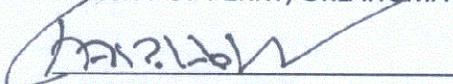
Section VI. SAVINGS CLAUSE. Nothing in this ordinance hereby adopted shall be construed to affect any suit or proceeding now pending in any court, or any rights acquired or liability incurred nor any cause or causes of action accrued or existing, under any act or ordinance repealed hereby. Nor shall any right or remedy of any character be lost, impaired or affected by this ordinance.

Section VII. 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 the City of Perry, Oklahoma, that this ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section or part not been included.

Section VIII. EMERGENCY. In order to protect the health, safety and welfare of the general public of the City of Perry, Oklahoma, and in order to immediately annex certain property into the corporate limits of the City of Perry, Oklahoma, an emergency is hereby declared; therefore, this ordinance shall become effective from and after its date of publication.

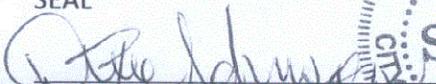
PASSED AND APPROVED by the City Council on the 16th day of September 2013.

THE CITY OF PERRY, OKLAHOMA



CHARLES HALL, MAYOR

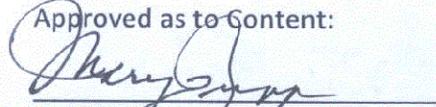
ATTEST
SEAL



DIXIE JOHNSON, CITY CLERK

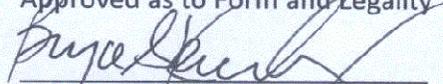


Approved as to Content:



Mary Rupp, City Manager

Approved as to Form and Legality



Bryce S. Kennedy, City Attorney

Exhibit A

PETITION REQUESTING ANNEXATION OF CERTAIN ADJACENT OR CONTIGUOUS TERRITORY INTO THE CORPORATE LIMITS OF THE CITY OF PERRY, OKLAHOMA

We, the undersigned, are authorized to represent that we constitute 100% of the registered voters and the owners of 100% (in value) of the following described real property, located in Noble County, State of Oklahoma, more particularly described as follows:

The Northwest Quarter (NW/4) of Section Twenty-nine (29), Township Twenty-one North (21N), Range One West (1W) of the Indian Meridian, Noble County, State of Oklahoma, more particularly described by metes and bounds as follows: COMMENCING AT THE NORTHWEST CORNER OF SAID NW/4, THENCE EAST (N89°43'24"E) ALONG THE NORTH BOUNDARY OF SAID NW/4 A DISTANCE OF 549.99 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING EAST (N89°43'24"E) A DISTANCE OF 2076.58 FEET TO THE NORTHEAST CORNER OF SAID NW/4; THENCE SOUTH (S00°44'37"E), ALONG THE EAST BOUNDARY OF SAID NW/4, A DISTANCE OF 650.41 FEET; THENCE WEST (S89°43'24"W), PARALLEL WITH SAID NORTH BOUNDARY, A DISTANCE OF 2077.12 FEET; THENCE NORTH (N00°41'43"W), PARALLEL WITH THE WEST BOUNDARY OF SAID NW/4, A DISTANCE OF 650.41 FEET TO THE POINT OF BEGINNING, SAID TRACT CONTAINING 31.0094 ACRES,

& The Northwest Quarter (NW/4) of Section Twenty-nine (29), Township Twenty-one North (21N), Range One West (1W) of the Indian Meridian, Noble County, State of Oklahoma, LESS AND EXCEPT a tract of land more particularly described by metes and bounds as follows: Commencing at the Northwest corner of said Northwest Quarter (NW/4), thence East (N89°43'24"E), along the North boundary line of said Northwest Quarter (NW/4), a distance of 549.99 feet to the point of beginning; Thence continuing East (N89°43'24"E) a distance of 2076.58 feet to the Northeast corner of said Northwest Quarter (NW/4); Thence South (S00°44'37"E), along the East boundary of said Northwest Quarter (NW/4), a distance of 650.41 feet; Thence West (S89°43'24"W), parallel with the said North boundary line, a distance of 2077.12 feet; Thence North (N00°41'43"W), parallel with the West boundary of the said Northwest Quarter (NW/4), a distance of 650.41 feet to the point of beginning, said tract containing 128.5028 acres, more or less, and as further identified as Tract D on Exhibit A attached hereto and incorporated herein by reference ("property sought to be annexed"), and as further shown by the survey attached hereto as Exhibit A and incorporated herein by reference,

be annexed into the corporate limits of the City of Perry, Oklahoma. The property sought to be annexed is adjacent or contiguous to the corporate limits of the City of Perry, Oklahoma, a municipal corporation. We, the undersigned, do hereby request that the City Council of the City of Perry, Oklahoma, annex the property sought to be annexed into the corporate limits of the City of Perry, Oklahoma, with the consent of its owners and voters, being freely given as indicated by the signatures provided hereinbelow. This petition is filed in accordance with 11 § 21-105.

The CITY OF PERRY, OKLAHOMA

Charles Hall
CHARLES HALL, MAYOR

ATTEST SEAL

Dixie Johnson
DIXIE JOHNSON, CITY CLERK



ACKNOWLEDGMENT

STATE OF OKLAHOMA)

COUNTY OF NOBLE) SS:

Before me the undersigned, a Notary Public, in and for the County and State on this 1 day of August 2013, personally appeared Charles Hall and Dixie Johnson, known to me to be the same individuals who executed the within and foregoing instrument and acknowledged to me that they executed the same on behalf of the City of Perry, Oklahoma, and they were authorized to execute the instrument by the governing body of the City of Perry, Oklahoma, and that they comprise 100% of the registered voters and the owners of 100% of the property sought to be annexed, and for the uses and purposes therein set forth.

Given under my hand and seal the day and date above written

Mrs. Ruth N. Jardot
Notary Public

My Commission expires: 03-14-17



Dated this 28th day of MAY 2013.

100% OF THE REGISTERED VOTERS AND THE OWNERS OF 100% (IN VALUE) FOR THE PROPERTY SOUGHT TO BE ANNEXED

[Signature]
Rusty Shaw, individually and as a manager for OnCue Marketing, L.L.C., an Oklahoma limited liability company

[Signature]
Jim Griffith, individually and as a manager for OnCue Marketing, L.L.C., an Oklahoma limited liability company

By: [Signature]
JIM GRIFFITH individually and as a manager for OnCue Marketing, L.L.C., an Oklahoma limited liability company

ACKNOWLEDGMENT

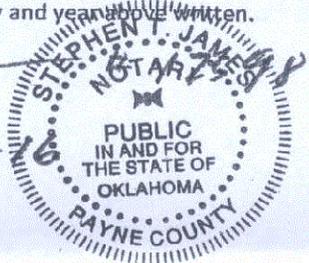
STATE OF OKLAHOMA)
) SS:
COUNTY OF PAYNE)

Before me the undersigned, a Notary Public, in and for the County and State on this 28th day of MAY 2013, personally appeared Rusty Shaw, Jim Griffith and [Signature] known to me to be the same individuals and authorized managers of OnCue Marketing, L.L.C., an Oklahoma limited liability company, and the identical persons who executed the within and foregoing instrument and acknowledged to me that they executed the same as comprising 100% of the registered voters and the owners of 100% of the property sought to be annexed, individually and through ownership interests in OnCue Marketing, L.L.C., an Oklahoma limited liability company, and for the uses and purposes therein set forth.

Given under my hand and seal the day and year above written.

[Signature]
Notary Public

My Commission expires: 11-14-16



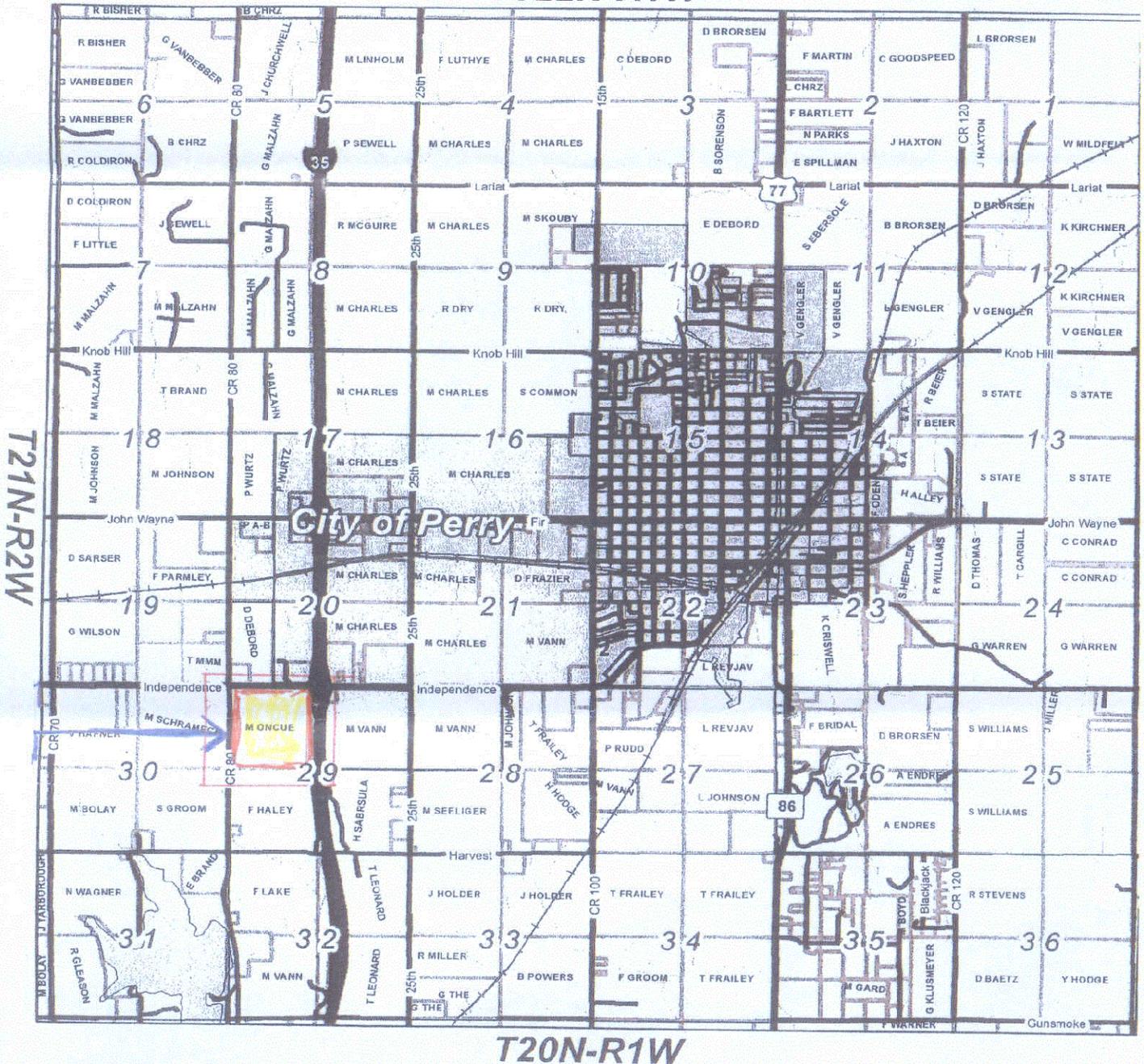
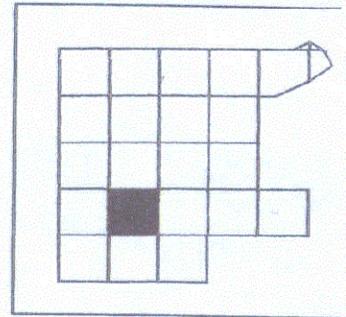


T21N-R1W WATKINS

July 26, 2013

Noble County Rural Ownership

T22N-R1W



This map is for assessment purposes only and is not intended for use in making conveyances or for preparing legal descriptions. Copyrighted in 2013 by the NOBLE COUNTY ASSESSOR, Perry, Oklahoma.