

ORDINANCE NO. 2022-4

AN ORDINANCE OF THE CITY OF MARIETTA, STATE OF OKLAHOMA, PERMANENTLY VACATING AND CLOSING THE PUBLIC WAY, ALLEYWAY AND EASEMENTS AND FORECLOSING THE RIGHT TO REOPEN THE PUBLIC WAY, ALLEYWAY AND/OR EASEMENTS AS SET FORTH HEREIN.

WHEREAS, The City Council of Marietta, Oklahoma held a public hearing on this matter on this date and there were no objections to BancFirst's request referenced herein. Notice of the public hearing was published in the Marietta Monitor on September 22, 2022.

WHEREAS, The City Council of Marietta, Oklahoma, hereby agrees that it is in the best interest of the City of Marietta, Oklahoma County to adopt this Ordinance approving the permanent vacating and closing of the public way, alleyway and easements and foreclosing the right to reopen the public way, alleyway and easements regarding the specific property, to wit:

LEGAL DESCRIPTION:

SURFACE ESTATE ONLY:

All that part of the alley running North and South in Block 25 (Twenty-Five) in the Original Townsite of Marietta, Love County, Oklahoma, according to the recorded plat thereof and being more particularly described as follows:

Beginning at the Southwest corner of said North and South alley, said point being the Southeast corner of Lot 14, Block 25; Thence Northerly, along the West line of said North and South alley to the Northeast corner of said Lot 14; Thence Easterly, along the South line of the alley running East and West through Block 25, to the Northwest corner of Lot 12, Block 25; Thence Southerly, along the East line of said North and South alley, to the Southwest corner of Lot 13, Block 25; Thence Westerly, along the North line of West Chickasaw Street to the True Point of Beginning. (Surface Estate Only).

The specific property described above is also referred to herein as the "Subject Property." A copy of the 2022 Survey of the Subject Property is hereby attached to this Ordinance for reference purposes.

WHEREAS, BancFirst has filed a Petition and Application in the District Court of Love County, State of Oklahoma, CV-2022-72 requesting judicial approval to permanently close the public way, alleyway and easements and foreclose the right to reopen the public way, alleyway and easements.

WHEREAS, BANCFIRST, as the owner of the adjacent real property, by virtue of documents of record in the County Clerk's office of Love County, Oklahoma, has submitted its Application to permanently vacate the alleyway and easements identified as the Subject Property and foreclose any opportunity to reopen said alleyway, which is approved by the City Council of the City of

Marietta, Love County, State of Oklahoma, as the Subject Property has never been accepted or used as a public street or alleyway.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARIETTA, STATE OF OKLAHOMA, THAT:

1. The City Council of the City of Marietta hereby approves BancFirst's requests and orders the closing of the public alleyway and easements and hereby forecloses the absolute right to reopen the public way and easements or ask for the reopening of the public way or easement, subject to the utility easement of Southwestern Bell Telephone Company, which is expressly excepted and reserved from the effect of this vacation and foreclosure.
2. The City Council of the City of Marietta furthermore approves and agrees upon the transfer of ownership to the alleyway referenced as the Subject Property, to BancFirst, and that the title to BancFirst in and to the Subject Property is hereby approved herein.

PASSED AND APPROVED BY THE MARIETTA CITY COUNCIL THIS 8th DAY OF NOVEMBER 2022.

CITY COUNCIL OF THE CITY OF MARIETTA, OKLAHOMA


KIMBERLY FRAIRE, MAYOR

ATTEST:


DOTTIE GWIN, CITY CLERK



LEGAL DESCRIPTION REPORT WITH SKETCH (NOT A SURVEY)



LEGAL DESCRIPTION:

All that part of the alley running North and South in Block 25 (Twenty-Five) in the Original Townsite of Marietta, Love County, Oklahoma, according to the recorded plat thereof and being more particularly described as follows:

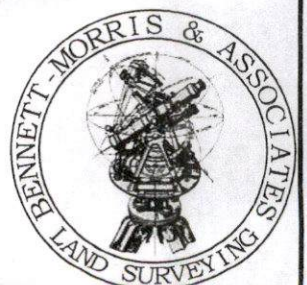
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I, Jared A. Wiley, Licensed Professional Land Surveyor, hereby state that this Proposed Legal Description meets or exceeds the Oklahoma Minimum Technical Standards for the practice of land surveying as adopted by the Oklahoma State Board of Licensure for Professional Engineers and Land Surveyors. This sketch is only a graphical representation of said proposed legal boundary and should not be relied upon for any use other than this purpose.

SCALE 1" = 50'



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SURVEYING AND MAPPING BY
Bennett-Morris And Associates
Land Surveying, P.C.
 ARDMORE, OKLAHOMA