

ORDINANCE NO. [24-02]

AN ORDINANCE CLOSING PLATTED ALLEYWAYS LOCATED IN BLOCK ONE HUNDRED FIFTY-ONE (151) IN THE NORTH AND WEST ADDITION TO THE CITY OF KREBS, PITTSBURG COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF.

WHEREAS, M & S Rental Properties, Inc. is the record owner of Lot One (1) through Lot Twenty-Eight (28), in Block One Hundred Fifty-One (151), in the NORTH AND WEST ADDITION to the City of Krebs, Pittsburg County, State of Oklahoma, according to the recorded plat thereof; and

WHEREAS, the said record owner desires to sell a portion of the above-described tracts to a purchaser who plans to design, build, construct, establish, occupy, operate, and maintain facilities and improvements for a commercial retail project on all or a portion of Lots 1-7, Lots 13-18, and Lots 19-28, in Block One Hundred Fifty-One (151) in the NORTH AND WEST ADDITION to the City of Krebs, Pittsburg County, State of Oklahoma, according to the recorded plat thereof; and

WHEREAS, the said record owner has requested that the City of Krebs by ordinance close to public use the public way described as:

THE ORIGINAL PLATTED ALLEYWAYS, ALL CONTAINED WITHIN BLOCK ONE HUNDRED FIFTY-ONE (151) IN THE NORTH AND WEST ADDITION TO THE CITY OF KREBS, PITTSBURG COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, BEING MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT ONE (1) OF SAID BLOCK ONE-HUNDRED-FIFTY-ONE (151); THENCE NORTH 57°34'52" EAST ALONG THE WEST LINE OF SAID LOT ONE (1), A DISTANCE OF 130.00 FEET TO THE NORTHEAST CORNER OF SAID LOT ONE (1) AND POINT OF BEGINNING; THENCE CONTINUING NORTH 57°34'52" EAST A DISTANCE OF 20.00 FEET TO THE SOUTHWEST CORNER OF LOT THIRTEEN (13) OF SAID BLOCK ONE-HUNDRED-FIFTY-ONE (151); THENCE SOUTH 32°25'08" EAST ALONG THE SOUTH LINE OF SAID LOT THIRTEEN (13), A DISTANCE OF 140.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT THIRTEEN (13); THENCE NORTH 57°34'52" EAST A DISTANCE OF 207.92 FEET TO THE NORTHEAST CORNER OF LOT EIGHTEEN (18) IN SAID BLOCK ONE-HUNDRED-FIFTY-ONE (151); THENCE SOUTH 56°10'32" EAST A DISTANCE OF 21.85 FEET TO THE NORTHWEST CORNER OF LOT TWENTY-SEVEN (27) OF SAID BLOCK ONE-HUNDRED-FIFTY-ONE (151); THENCE SOUTH 57°34'52" WEST A DISTANCE OF 216.72 FEET TO THE SOUTHWEST CORNER OF LOT NINETEEN (19) OF SAID BLOCK ONE-HUNDRED-FIFTY-ONE (151); THENCE SOUTH 32°25'08" EAST ALONG THE SOUTH LINE OF SAID LOT NINETEEN (19) A DISTANCE OF 140.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT NINETEEN (19); THENCE SOUTH 57°34'52" WEST A DISTANCE OF 20.00 FEET TO THE NORTHEAST CORNER OF LOT TWELVE (12) OF SAID BLOCK ONE-HUNDRED-FIFTY-ONE (151); THENCE NORTH 32°25'08" WEST A DISTANCE OF 300.00 FEET TO THE POINT OF BEGINNING. CONTAINING 10,246 SQUARE FEET OR 0.24 ACRES,

such alleyways to be closed being shown and described on Exhibit "A" attached hereto; and

WHEREAS, the said record owner requests that the City of Krebs grant perpetual non-exclusive rights to the record owners, to use the public ways described as:

THE ORIGINAL PLATTED ALLEYWAYS, ALL CONTAINED WITHIN BLOCK ONE HUNDRED FIFTY-ONE (151) IN THE NORTH AND WEST ADDITION TO THE CITY OF KREBS, PITTSBURG COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, BEING MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT ONE (1) OF SAID BLOCK ONE-HUNDRED-FIFTY-ONE (151); THENCE NORTH 57°34'52" EAST ALONG THE WEST LINE OF SAID LOT ONE (1), A DISTANCE OF 130.00 FEET TO THE NORTHEAST CORNER OF SAID LOT ONE (1) AND POINT OF BEGINNING; THENCE CONTINUING NORTH 57°34'52" EAST A DISTANCE OF 20.00

FEET TO THE SOUTHWEST CORNER OF LOT THIRTEEN (13) OF SAID BLOCK ONE-HUNDRED-FIFTY-ONE (151); THENCE SOUTH 32°25'08" EAST ALONG THE SOUTH LINE OF SAID LOT THIRTEEN (13), A DISTANCE OF 140.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT THIRTEEN (13); THENCE NORTH 57°34'52" EAST A DISTANCE OF 207.92 FEET TO THE NORTHEAST CORNER OF LOT EIGHTEEN (18) IN SAID BLOCK ONE-HUNDRED-FIFTY-ONE (151); THENCE SOUTH 56°10'32" EAST A DISTANCE OF 21.85 FEET TO THE NORTHWEST CORNER OF LOT TWENTY-SEVEN (27) OF SAID BLOCK ONE-HUNDRED-FIFTY-ONE (151); THENCE SOUTH 57°34'52" WEST A DISTANCE OF 216.72 FEET TO THE SOUTHWEST CORNER OF LOT NINETEEN (19) OF SAID BLOCK ONE-HUNDRED-FIFTY-ONE (151); THENCE SOUTH 32°25'08" EAST ALONG THE SOUTH LINE OF SAID LOT NINETEEN (19) A DISTANCE OF 140.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT NINETEEN (19); THENCE SOUTH 57°34'52" WEST A DISTANCE OF 20.00 FEET TO THE NORTHEAST CORNER OF LOT TWELVE (12) OF SAID BLOCK ONE-HUNDRED-FIFTY-ONE (151); THENCE NORTH 32°25'08" WEST A DISTANCE OF 300.00 FEET TO THE POINT OF BEGINNING. CONTAINING 10,246 SQUARE FEET OR 0.24 ACRES,

such alleyways to be closed being shown and described on Exhibit "A" attached hereto, for the purposes of constructing buildings, parking lots, driveways and similar facilities as necessary for the above-mentioned commercial retail project; and

WHEREAS, the City of Krebs shall retain the absolute right to reopen the public ways by ordinance without expense to the City of Krebs, unless the owner of the real estate to which any public way, or any part thereof, has heretofore reverted by closing, within the corporate limits of any municipality, shall commence an action in the district court in the county in which the real estate is situated, upon filing a verified petition, asking for the permanent foreclosure of the absolute right to reopen the public way, pursuant to Title 11 O.S. Sections 42-111, et seq.

NOW, THEREFORE, THE CITY OF KREBS HEREBY ORDAINS:

Section 1. That the City of Krebs deems it necessary and expedient to close to public use that portion of the public ways known as:

THE ORIGINAL PLATTED ALLEYWAYS, ALL CONTAINED WITHIN BLOCK ONE HUNDRED FIFTY-ONE (151) IN THE NORTH AND WEST ADDITION TO THE CITY OF KREBS, PITTSBURG COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, BEING MORE FULLY DESCRIBED AS FOLLOWS:

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such alleyways to be closed being shown and described on Exhibit "A" attached hereto, to build, construct, occupy, operate and maintain facilities and improvements for a commercial retail project thereon, together with facilities and improvements associated therewith.

Section 2. That the following described public ways are hereby closed for public use, to-wit:

THE ORIGINAL PLATTED ALLEYWAYS, ALL CONTAINED WITHIN BLOCK ONE HUNDRED FIFTY-ONE (151) IN THE NORTH AND WEST ADDITION TO THE CITY OF KREBS, PITTSBURG COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, BEING MORE FULLY DESCRIBED AS FOLLOWS:

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such alleyways to be closed being shown and described on Exhibit "A" attached hereto.

Section 3. Closing of the public way or easement shall not affect the right to maintain, repair, reconstruct, operate, or remove utility lines of service therein, nor shall a closing affect private way existing by operation of law unless released in writing executed by the owner thereof.

Section 4. That the City of Krebs deems it necessary and expedient to allow the perpetual non-exclusive use of the below described public way, for the purposes of constructing buildings, parking lots, driveways and similar facilities as necessary for the above-mentioned commercial retail project:

THE ORIGINAL PLATTED ALLEYWAYS, ALL CONTAINED WITHIN BLOCK ONE HUNDRED FIFTY-ONE (151) IN THE NORTH AND WEST ADDITION TO THE CITY OF KREBS, PITTSBURG COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, BEING MORE FULLY DESCRIBED AS FOLLOWS:

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Section 5. The closure of the public way and the above-described use of the public way does not limit or restrict the City of Krebs from construction, laying, relaying, repairing, or operating any Town utilities that it deems necessary and prudent.

Section 6. This ordinance is duly considered at a regular public meeting of the City Council, and is approved and adopted by a vote of a majority of all of the members of the City Council. This ordinance shall become effective at the expiration of thirty (30) days after the adoption hereof, or at any other date specified herein.

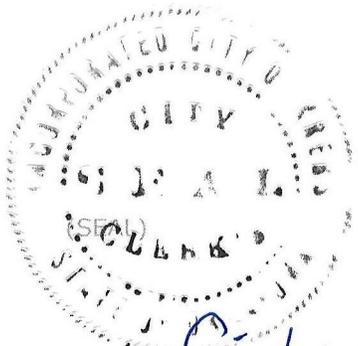
Section 7 Provision Cumulative: The provisions hereof shall be cumulative and in addition to any and all other provisions of the city ordinance

Section 8. Severability: The provisions of the ordinance are severable, and if any part of provision hereof shall be adjusted invalid by any court of competent jurisdiction, such adjudication shall not affect or impair any of the remaining parts or provisions hereof.

Section 9. EMERGENCY CLAUSE. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist by reason of which this ordinance shall take effect and be in full force and effect from and after its passage, approval and publication.

Passed by the City Council of the City of Krebs on the 19th day of March, 2024.
Emergency Clause acted on separately on the 19th day of MARCH, 2024.
The Emergency Clause approved by the Mayor on the 19th day of MARCH, 2024.

CITY OF KREBS, OKLAHOMA,



By: Tommy Walker
Tommy Walker, Mayor

FILED

MAR 20 2024

TIME 9:57
HOPE TRAMMELL, COUNTY CLERK
PITTSBURG COUNTY

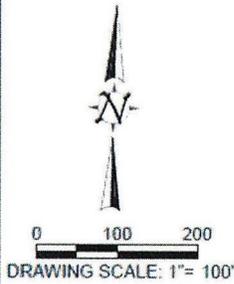
BY: R. Guthrie DEPUTY

ATTEST: Cindy J. Cooper
Cindy J. Cooper, City Clerk

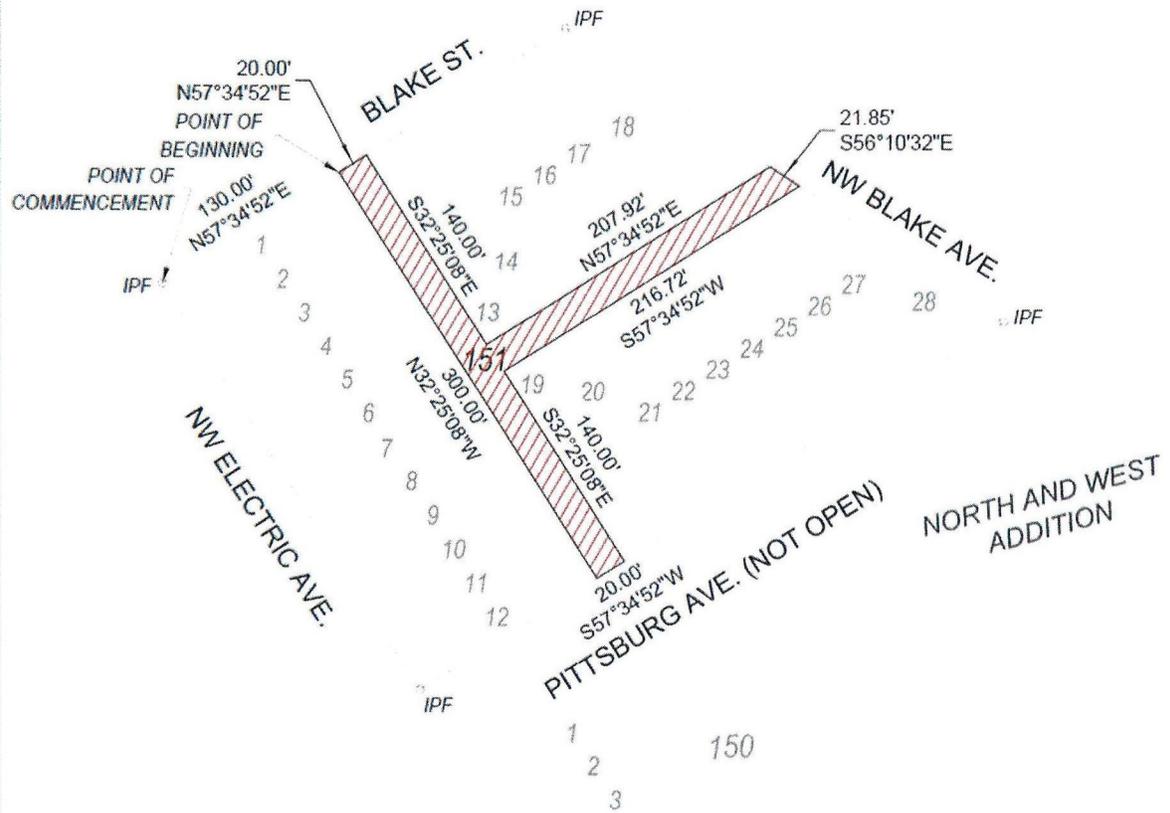
This ordinance was published by title in the McAlester News-Capital on the 21st day of MARCH, 2024, as provided for in Title 11 O.S. Sec. 14-107 (C).

Exhibit A

(PAGE 1 OF 2)



FILE: P:\051504.DWG KREBS OK SURVEY\051504.DS KREBS ALLEYWAY CLOSURE EXHIBIT



PROPOSED ALLEYWAY CLOSURE

BASIS OF BEARINGS IS THE OKLAHOMA STATE PLANE COORDINATE SYSTEM (ZONE 3502 SOUTH) WITH THE WEST LINE OF BLOCK 151 BEING N 57°34'52" E.

LEGEND
 IPF - IRON PIN FOUND
 IPS - IRON PIN SET (W/ CAP STAMPED CA 6318)
 U/E - UTILITY EASEMENT
 B/L - BUILDING LINE

AAB Engineering, LLC

Engineering • Surveying • Land Planning

P.O. Box 2126 Sand Springs, OK 74083
 OK: CA96318 Exp: June 30, 2024
 NE: CA96293 Exp: Dec 31, 2024
 ID: CA97581 Exp: March 31, 2025
 Office: (918) 514-4293 Fax: (918) 514-4298

Exhibit A

(PAGE 2 OF 2)

LEGAL DESCRIPTION

THE ORIGINAL PLATTED ALLEYS, ALL CONTAINED WITHIN BLOCK ONE HUNDRED FIFTY-ONE (151) IN THE NORTH AND WEST ADDITION TO THE CITY OF KREBS, PITTSBURG COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF. BEING MORE FULLY DESCRIBED AS FOLLOWS:

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LEGAL DESCRIPTION BASIS OF BEARING IS THE OKLAHOMA STATE PLANE COORDINATE SYSTEM (ZONE 3502 SOUTH) WITH THE WEST LINE OF BLOCK ONE-HUNDRED-FIFTY-ONE (151) BEING NORTH 57°34'52" EAST.

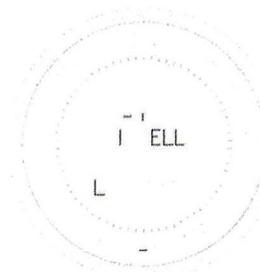
THIS LEGAL DESCRIPTION WAS PREPARED ON JANUARY 4, 2024, BY JAY P BISSELL. OKLAHOMA LICENSED LAND SURVEYOR NO. 1318.

EXHIBIT STATEMENT

THIS LEGAL DESCRIPTION AND EXHIBIT MEETS OR EXCEEDS THE MINIMUM TECHNICAL STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED BY THE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS FOR THE STATE OF OKLAHOMA.

J. P. Bisell 1-04-2024

JAY P. BISSELL
OKLAHOMA PLS NO. 1318



FILE: P:\0515\04-06-KREBS OK SURVEY\031515-04-DG-KREBS ALLEYWAY CLOSURE EXHIBIT
PLOT DATE: Fri, 05 Jun 2024