

## ORDINANCE NO. 468

**AN ORDINANCE OF THE BOARD OF CITY COMMISSIONERS FOR THE CITY OF MANGUM, OKLAHOMA, CLOSING DHALIA AVENUE, A PUBLIC WAY, IN RANCHERIA ESTATES FIRST ADDITION, TO THE CITY OF MANGUM, GREER COUNTY, OKLAHOMA, IN ACCORDANCE WITH 11 O.S. § 42-110; PROVIDING NOTICE THAT CLOSURE WILL NOT AFFECT ACCESS ON EASEMENTS OR UTILITIES CURRENTLY CONSTRUCT ON OR ABUTTING NEXT DHALIA AVENUE; RESERVING RIGHT TO REOPEN; AUTHORIZING ERECTION OF A SIGN TO NOTIFY THAT MESQUITE STREET DEAD ENDS; PROVIDING SEVERABILITY; AMENDING ALL ORDINANCES, POLICIES, OR RESOLUTIONS AT VARIANCE; AND DECLARING AN EMERGENCY**

*Whereas*, Title 11 O.S. § 42-110 allows the City to close any public way or easement by ordinance whenever it deems necessary and expedient;

*Whereas*, The City finds it necessary and expedient to close the entirety of Dhalia Avenue,

*Whereas*, the City published notice of its intention to pass this ordinance in the *Mangum Star-News*, a newspaper in regular publication in Mangum, Greer County Oklahoma, at least 30 days prior to today's date, as evidence by the publisher's affidavit attached as Exhibit A, with such date of publication being the 1st day of March, 2024.

*Whereas*, notice of today's hearing was personally mailed, by certified mail, to all persons set forth in the Affidavit of Mailing, attached as Exhibit B.

*Whereas*, after proper notice and opportunity to be heard, the Board of Commissioners considered the pros and cons of closing the public way and determined that closing the public way is necessary and expedient.

NOW THEREFORE, be it ordained by the Mayor and the Board of Commissioners of the City of Mangum, Oklahoma, the following:

**Section 1.** The platted public way denoted as Dhalia Avenue in the Rancheria Estates First Addition as further identified and marked on Exhibit C, is closed as a public way;

**Section 2.** The City will retain the absolute right to reopen the public way or easement without expense to the municipality. The public way or easement may be reopened by ordinance whenever the City deems necessary or an application of the property owners owning more than one-half in the area of the property abutting the public way or easement previously closed is filed with the governing body.

**Section 3.** Closing of the public way or easement does not affect the right to maintain, repair, reconstruct, operate, or remove utility, public service corporation, or transmission company facilities of service therein, nor shall a closing affect private ways existing by operation of law unless released in writing executed by the owners thereof.

**Section 4.** The City will erect a sign at the corner of Honeysuckle Avenue and Cottonwood Drive advising all persons that turn south on Honeysuckle Avenue that the Mesquite Street is "closed", a "dead end," no "thru traffic," no turnaround, local traffic only, or any other such nomenclature conveying to each driver that the road has no outlet.

#### **Section 5. Severance**

If any court with proper jurisdiction or any act by any legislature makes any provision of this ordinance invalid, the remainder of such ordinance will remain in full force and effect.

#### **Section 6. Repealer**

That all ordinances or parts of ordinances in conflict with this ordinance are repealed and amended to reflect the changes provided by this ordinances.

#### **Section 7. Emergency Clause**

It being immediately necessary for the preservation of public peace, health, and safety of the City of Mangum, Oklahoma, and its inhabitants, an emergency is declared to exist. By reason of the emergency, it is necessary that this ordinance goes into effect and be in force immediately upon its passage and publication.

#### **Section 8. Publication**

The City Clerk is authorized and directed to publish this ordinance in accordance with 11 O.S. § 14-106 & 14-107 in the Mangum Star-News within 15 days of its adoption and cause proof of such publication to be attached to this ordinance.

ADOPTED and EMERGENCY DECLARED by three-fourths of all members of the Board of Commissioners this \_\_\_ day of \_\_\_\_\_, 2024.

ADPOTED without emergency declared by three-fourths of all members of the Board of Commissioners this \_\_\_ day of \_\_\_\_\_, 2024. If no emergency declared, this ordinance will be effective 30 days after the passage of this Ordinance.

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Jackie Menasco, Mayor

Attest:

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Ally Kendall, City Clerk