

ORDINANCE NO. 470

AN ORDINANCE OF THE BOARD OF CITY COMMISSIONERS FOR THE CITY OF MANGUM, OKLAHOMA, AN ALLEY WAY, A PUBLIC WAY, IN NORTH MANGUM 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 CONSTRUCTED ON OR ABUTTING NEXT TO THE ALLEY WAY; RESERVING RIGHT TO REOPEN; 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 an alley way legally described below,

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 2nd day of August, 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 alley way in the North Mangum Addition, to the City of Mangum, and legally described as follows, is closed as a public way:

A platted alleyway running along, between, abutting lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11 on one side and lots 12, 13, 14, 15, 16, 17, 18, 19, 20,

21, and 22 on the other side, with all lots being in Block 13 in the North Mangum Addition to the City of Mangum, Greer County, Oklahoma

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. 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 5. 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 6. 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 7. 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.

Jackie Menasco, Mayor

Attest:

Codi Gutierrez, City Clerk