

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, CLOSING A PORTION OF RIGHT-OF-WAY SOUTH OF ROCK CREEK ROAD AND WEST OF PENDLETON DRIVE IN THE SOUTHWEST QUARTER OF SECTION FOURTEEN (14), TOWNSHIP NINE (9) NORTH, RANGE THREE (3) WEST OF THE INDIAN MERIDIAN, NORMAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA:

- § 1. That, the City of Norman and S & S Family Properties, LLC, entered into an agreement in 2009 (Contract K-0809-168, the "Agreement") for the acquisition of property needed by the City in connection with the construction of the Rock Creek Overpass; and
- § 2. That, the Agreement provided that, among other things, the City would consent to closing the public street portion of the then existing Rock Creek Road lying west of Pendleton Drive; and
- § 3. That, the Agreement recognized that after the property acquisition by the City, and after the closure of the public street portion of old Rock Creek Road, there would be two parcels remaining – one east of Pendleton Drive and one west of Pendleton Drive; and
- § 4. That, the Agreement provided that the remaining parcel west of Pendleton Drive would be considered for development provided the following conditions were met: the development plan must be for a single story commercial retail store with parking being allowed west of Pendleton Drive, the 100 feet east of Pendleton Drive can be utilized only for drainage and open space requirements for the tract west of Pendleton Drive, and a Restrictive Covenant will be filed in the County Real Estate Records evidencing this use restriction; City maintenance requirements for any open space, drainage, and parking must be satisfied; no curb cuts will be allowed on Rock Creek Road; and access to the parcel shall be allowed on the southeast corner of the west parcel; and
- § 5. That, the City desires to proceed with closure of the northern 33 feet of right-of-way adjacent to the west parcel; and; and
- § 6. That, pursuant to Resolution R-8182-66, a public hearing has been held regarding said closing; and

§ 7. That, the portion of the old Rock Creek Road right-of-way, further described as

COMMENCING at the southeast corner (SE/C) of the Southwest Quarter (SW/4) of Section Fourteen (14), Township Nine (9) North, Range Three (3) West of the Indian Meridian, Cleveland County, Oklahoma;

THENCE South 89°06'58" West, along the south line of said Southwest Quarter, a distance of 1310.99 feet to the POINT OF BEGINNING;

THENCE, continuing South 89°06'58" West, along said south line, a distance of 422.18 feet;

THENCE North 00°53'02" East, perpendicular to the south line of said SW/4, a distance of 33.00 feet to a point on the north line of the Statutory roadway right of way created pursuant to Federal Statutes title 43 U.S.C. Section 1095;

THENCE, North 89°06'58" East, along said north line and parallel with the south line of said Southwest Quarter, a distance of 422.18 feet;

THENCE South 00°53'02" east, perpendicular to the south line of said SW/4, a distance of 33.00 feet to the POINT of BEGINNING.

Said described tract of land contains an area of 13,932 square feet or 0.3198 acres, more or less

is hereby closed.

§ 8. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

ADOPTED this _____ day of

NOT ADOPTED this _____ day of

_____, 2018

_____, 2018.

(Mayor)

(Mayor)

ATTEST:

(City Clerk)