

**CITY OF NORMAN
STATE OF OKLAHOMA**

FILED IN THE OFFICE
OF THE CITY CLERK
ON 9-6-12

IN THE MATTER OF THE APPLICATION OF)
CLEVELAND COUNTY BOARD OF)
COMMISSIONERS TO PARTIALLY CLOSE)
THE PORTION OF ALLEY RIGHT-OF-WAY)
EASEMENT IN BLOCK 8 OF THE ORIGINAL)
TOWN OF NORMAN)

Case No. _____

AMENDED APPLICATION FOR CLOSURE OF PUBLIC WAY BY ORDINANCE

COMES NOW Applicant, Cleveland County Board of Commissioners, by and through its attorney of record, Carol Price Dillingham, Assistant District Attorney, herein after referred to as "Applicant", and respectfully show to the City of Norman as follows:

1. Applicant is the owner, or has an interest, in possession of property on both sides of the hereinafter described alley, for which partial closure is sought. The Applicant's current address is 201 S. Jones, Norman, Oklahoma 73069.

2. Applicant seeks partial closure of 150 feet (150') of the alleyway running east-west from Peters to Jones between Eufaula and Symmes, the entire tract of which is more particularly described as follows:

A tract of land being a platted twenty foot alley located in Block Eight (8), of THE ORIGINAL TOWN OF NORMAN, according to the recorded plat thereof in the records of the County Clerk, Cleveland County, Oklahoma, and being more particularly described as follows:

COMMENCING at the Northwest Corner of said Block Eight (8);
Thence S27°56'00" E along the Westerly line of said Block 8, a distance of 140.00 feet to the Point of Beginning;
Thence N62°04'00" E a distance of 400.00 feet;
Thence S27°56'00" E a distance of 20.00 feet;
Thence S62°04'00" W a distance of 400.00 feet;
Thence N27°56'00" W a distance of 20.00 feet to the Point of Beginning.¹

Hereafter, this property shall be the "Subject Property" and is shown on the location map attached hereto as Exhibit "A". Exhibit "A-1" is a map identifying the one hundred fifty (150') feet that Applicant seeks to close. The proposed closure will be accomplished by installing removable

¹NOTE: Basis of Bearing = S27°56'00" E= West Line of Block 8, ORIGINAL TOWN OF NORMAN (Platted)

bollards that will allow law enforcement, first responders, City, County and public utilities access as necessary.

3. That portion of the alleyway proposed for closure is described as follows:

That portion of a 20-foot right-of-way (alley) lying immediately southeasterly of Lots 5 through 10, Block 8, Original Town of Norman or That portion of 20-foot right-of-way (alley) located between Lots 5 through 10 and Lots 23 through 28, all of Block 8, Original Town of Norman.

4. Partial closure is necessary for government purposes in order to permit Applicant to construct and maintain facilities in, on, over, under and across the Subject Property more specifically, Applicant seeks to enhance its employee parking accommodations and to improve traffic flow as well as public safety. This Application is made pursuant to the authority of 11 O.S. § 42-110 et seq.

5. Closing the Subject Property will neither diminish ingress or egress to adjacent property owners, nor will it foreclose access to public utilities or other necessary municipal uses. Closure as requested will allow adjacent property owners and businesses to maintain existing parking for their employees, clients and/or customers.

6. No other persons or entities have a special right or privilege granted by ordinance or legislative enactment to use any part of the Subject Property for which partial closure is sought, except the City of Norman, and the following:

Oklahoma Gas and Electric Company;
Oklahoma Natural Gas (ONEOK, Inc.);
Southwestern Bell Telephone, LP d/b/a AT&T Oklahoma;
Cox Communications, Inc.

7. Attached hereto as Exhibit "B" and made a part hereof by this reference is an Ownership List certified by a bonded abstractor, listing the owners of all such land within three hundred feet of the Subject Property, as shown by the current year's tax rolls in the office of the Cleveland County Treasurer. No other person, firm or corporation is known by the Applicant to claim any interest or right in the Subject Property, or portion thereof.

8. Of those on Exhibit "B" with ownership interest, the Applicant, the Cleveland County Board of County Commissioners owns more than one-half (½) of the total front footage of the public way proposed for closing. Exhibit "C" hereto is a certified copy of the Resolution approved by the Applicant Board seeking partial closure of the alley.

9. No part of the Subject Property for which partial closure is sought is needed for City use or for the use of any franchise holder or anyone having a special right or privilege granted by

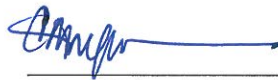
ordinance or legislative enactment. If there are any utility lines or facilities in, on, under or over the Subject Property, Applicant will cause same to be respected and protected, as required by law.

10. As provided by law, the City retains the absolute right to reopen this public way if it deems reopening necessary, or may reopen upon application by property owners owning more than one-half in the area of the property abutting the closed portion of the alleyway.

WHEREFORE, premises considered, Applicant requests that:

- A. a draft ordinance or resolution be prepared closing the Subject Property and notice be given to local property owners as required;
- B. the ordinance/resolution be presented to the Norman Planning Commission for its recommendation to City Council;
- C. thereafter, the ordinance/resolution be set for first and second reading as necessary before the Norman City Council for final action on this Application.

Respectfully submitted,

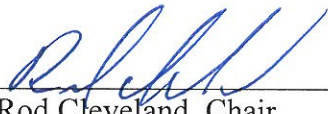


Carol Price Dillingham, OBA #11078
Assistant District Attorney
201 S. Jones, Suite 300
Norman, OK 73069
Telephone (405) 321-8268
Fax (405) 360-7840
Carol.Dillingham@dac.state.ok.us
Attorney for Applicant

VERIFICATION

STATE OF OKLAHOMA)
) SS:
COUNTY OF CLEVELAND)

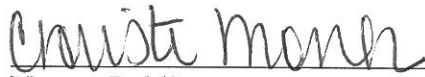
Rod Cleveland, of lawful age, being duly sworn, upon oath states as follows: I am the Chair for Cleveland County Board of Commissioners, which is the Applicant herein; I have read the foregoing *Application for Closure of Public Way by Ordinance*, and the statements set forth therein are true and correct, according to my best information and belief. Further, affiant sayeth not.



Rod Cleveland, Chair
Cleveland County Board of Commissioners

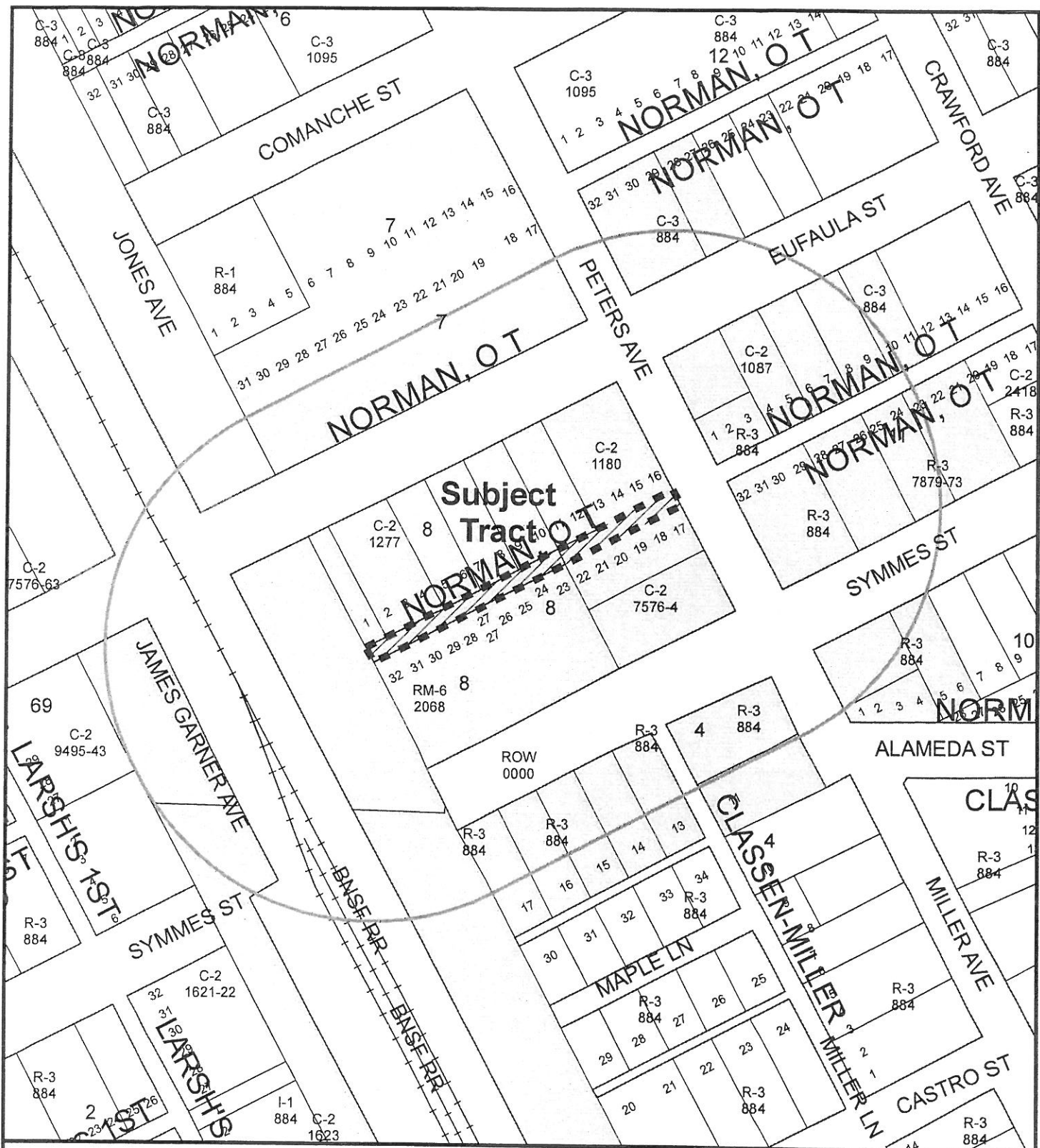
Subscribed and sworn to before me on the 6 day of September, 2012.





Notary Public

My Commission Number:
12002518
My Commission Expires:
3/12/16

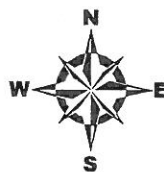


Radius Map

300 ft. Radius

Map Produced by the City of Norman
Geographic Information System.
(405) 366-5316

The City of Norman assumes no
responsibility for errors or omissions
in the information presented.



0 75 150 Ft

July 24, 2012





-  Subject Tract
-  Radius
-  Parcels
-  Notification Area

Exhibit "A"

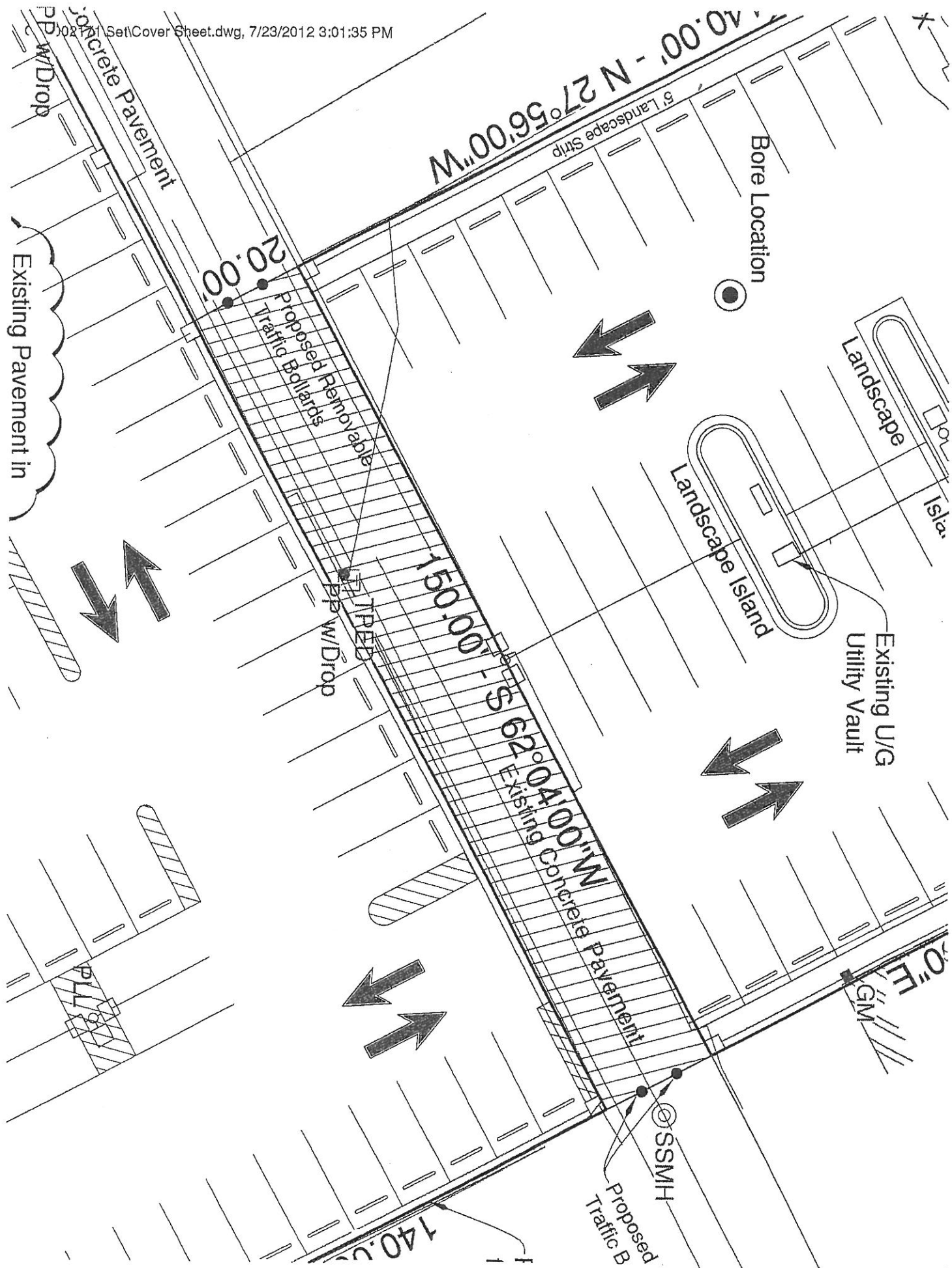


Exhibit "A-1"

CLEVELAND COUNTY ABSTRACT COMPANY
2460 Boardwalk
Norman, Oklahoma 73069

Jack DeArmon, Jr., President
Mary Ann Nelson, Executive Vice President
Betty Morris, Secretary

CERTIFICATION OF OWNERSHIP LIST

The undersigned bonded abstractor in and for Cleveland County, State of Oklahoma, does hereby certify that the names and addresses shown herein represent a true, complete and current list of the property owners names and addresses, according to the current years tax rolls in the office of the County Treasurer of Cleveland County, Oklahoma; that the owners, as reflected by the records of the County Clerk of Cleveland County, are based on the last conveyance of record and cover an area within Three Hundred (300) feet of the following described property:

A tract of land being a platted twenty (20) foot alley located in Block Eight (8), of THE ORIGINAL TOWN OF NORMAN, according to the recorded plat thereof in the records of the County Clerk, Cleveland County, Oklahoma, and being more particularly described as follows:
Commencing at the Northwest corner of said Block Eight (8), Thence South 27°56'00" East along the Westerly line of said Block Eight (8), a distance of 140.00 feet to the Point of Beginning; Thence North 62°04'00" East a distance of 400.00 feet; Thence South 27°56'00" East a distance of 20.00 feet; Thence South 62°04'00" West a distance of 400.00 feet; Thence North 27°56'00" West a distance of 20.00 feet to the Point of Beginning.

Attached is a list of the owners, addresses and brief legal descriptions to the findings of record.

This report is intended solely for the use of the entity or individual for whom it was prepared. This report is for general information only, and does not purport to set out the ownership or condition of title as same can be determined only from a complete abstract examined by a licensed attorney. This report should not be relied upon for determining marketability of title. Due care and diligence has been exercised in the preparation of this report. Acceptance of this report by said individual or entity constitutes acceptance of this limitation of liability.

In witness whereof, Cleveland County Abstract Company has caused these presents to be executed by its Executive Vice President and corporate seal affixed.

This report is certified through the 18th day of July, 2012 at 7:00 a.m.

Dated this 26th day of July, 2012.

State of Oklahoma)
) ss
County of Cleveland)

CLEVELAND COUNTY ABSTRACT COMPANY

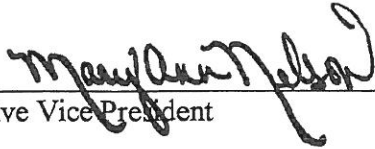
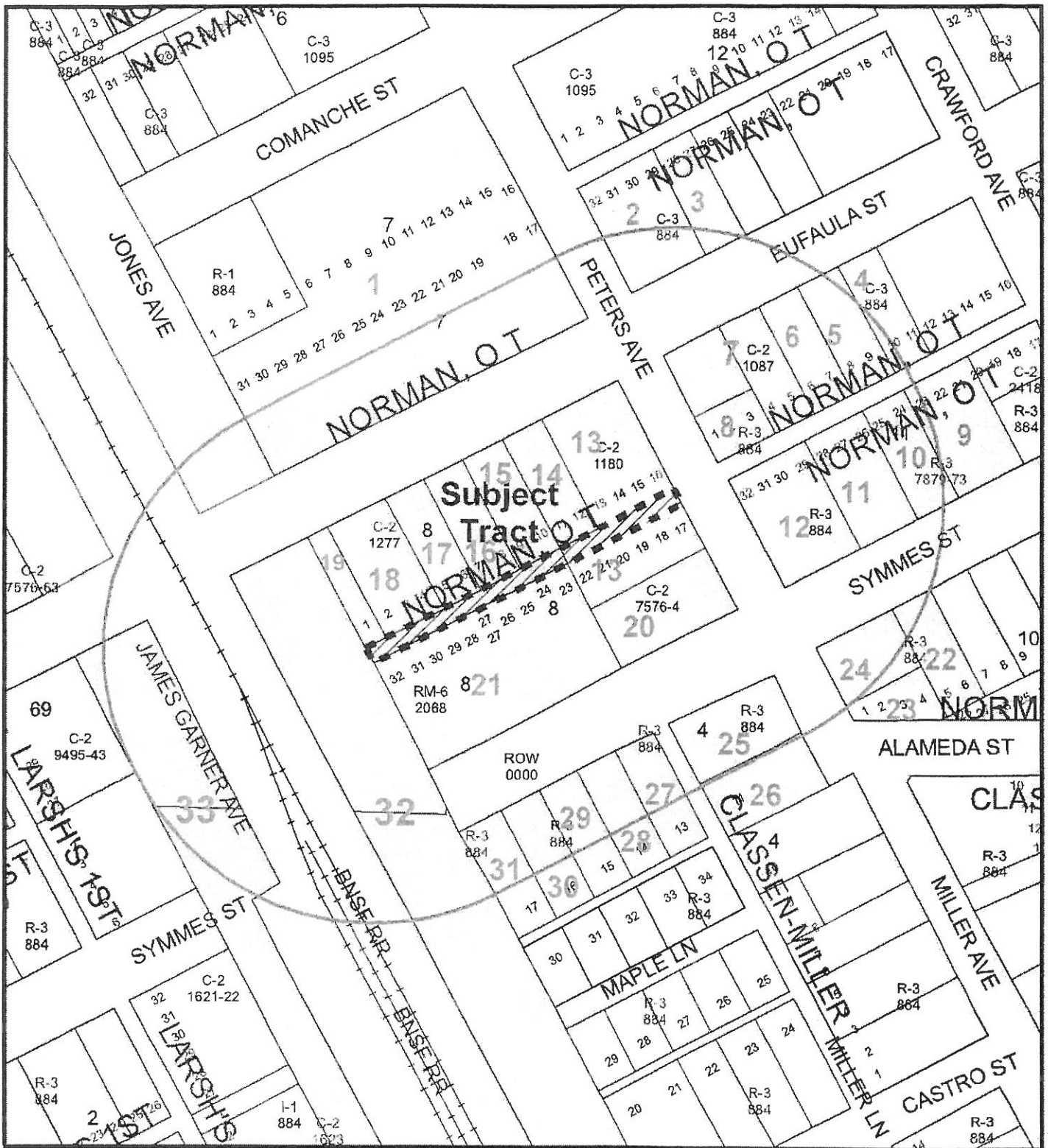

Executive Vice President



Exhibit "B"

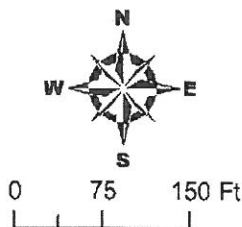


Radius Map





300 ft. Radius



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July 24, 2012

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