



ORDINANCE 722

AN ORDINANCE OF THE CITY OF THE VILLAGE, OKLAHOMA AMENDING CHAPTER 25 OF THE CODE OF ORDINANCES OF THE CITY OF THE VILLAGE BY ADDING A NEW SECTION 25-31, ESTABLISHING A PROCEDURE FOR CLOSING PUBLIC WAYS AND EASEMENTS; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF THE VILLAGE:

Section 1. That Chapter 25 of the Code of Ordinances is hereby amended by adding new Section 25-31, to read as follows:

“Sec. 25-31. Closing of Public Ways and Easements.

- (a) The city may close to the public use any public way or easement within the municipality, whenever deemed necessary or expedient, through the adoption of an ordinance by the city council to effect such closing.
- (b) For the purpose of this section, the following words shall have the meanings provided below:
 - 1) *“Close” means a legislative act of the governing body of the city discontinuing the public use of a public way or easement without affecting title to real property.*
 - 2) *“Public way” means a street, avenue, boulevard, alley, lane or thoroughfare open for public use.*
 - 3) *“Easement” means rights in real property as set forth in Title 60, Section 49 of the Oklahoma Statutes.*
- (c) *Written notice* of any proposed closing of a public way or easement shall be given to any holder of a franchise, to all owners of record, as shown by the current year's tax rolls in the office of the Oklahoma County Treasurer, whose property is within three hundred (300) feet in any direction from the public way or easement, and to any other party who may have a special right or privilege granted by ordinance or legislative enactment to use the public way or easement. Said notice shall be given at least thirty (30) days prior to passage of any



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ordinance providing for the closing of a public way or easement.

(d) The city may retain the absolute right to reopen a public way or easement without expense to the city. A public way or easement may be reopened by ordinance whenever:

(1) The municipal governing body deems it necessary or appropriate;
or

(2) An application of the property owners owning more than one-half ($\frac{1}{2}$) in area of the property abutting on the public way or easement previously closed is filed with the governing body.

(e) Closing of a public way or easement shall not affect the right to maintain, repair, reconstruct, operate or remove utility, Public Service Corporation or transmission company facilities or service therein, nor shall a closing affect private ways existing by operation of law unless released in a writing executed by the owners thereof.

State law reference—Power to close public ways and easements, 11 O.S. § 42-110.

Section 2. **Repealer Clause.** All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Section 3. **Severability Clause.** If any section, subsection, sentence, clause, or portion of this Ordinance is for any reason held invalid or unconstitutional, 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.

Section 4. **Emergency Clause.** **WHEREAS**, it being necessary for the preservation of the public health, peace, and safety of the City of The Village, Oklahoma, an emergency is declared to exist and by reason thereof this Ordinance shall take full force from and after its adoption.



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PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF THE VILLAGE, OKLAHOMA, this 6th day of February, 2017, after compliance with the notice requirements of the Open Meeting Law (25 O.S. § 301, *et seq.*).

HUTCH HIBBARD, MAYOR

ATTEST:

Bruce K. Stone, City Clerk

APPROVED AS TO FORM AND LEGALITY this 6th day of February, 2017.

Leslie V. Batchelor, City Attorney