

ORDINANCE 2024-07

AN ORDINANCE ANNEXING CERTAIN TERRITORY LOCATED ADJACENT OR CONTIGUOUS TO THE CORPORATE LIMITS OF THE CITY OF CHEROKEE, OKLAHOMA, NAMELY A TRACT OF LAND CONTAINING 6 ACRES, MORE OR LESS, LOCATED IN THE NORTHWEST QUARTER (NW/4) OF SECTION TWELVE (12), TOWNSHIP TWENTY-SIX NORTH (26N), RANGE ELEVEN (11), W.I.M., DESCRIBED AS: BEGINNING 638.50' ALONG AND FOLLOWING THE WEST SECTION LINE ON AN ASSIGNED BEARING OF N 00° E FROM THE (W/4) CORNER OF SECTION (12) A/K/A THE (SW CORNER OF THE NW/4), THENCE 614.40' ALONG AND FOLLOWING THE WEST SECTION LINE BEARING N 00° E TO A ½" REBAR CAPPED CA 980, THENCE 1050.07 FEET ALONG AND FOLLOWING THE SOUTHWESTERLY LINE OF THE DENVER, ENID, GULF RAILWAY CO. , PREDECESSOR OF THE SANTA FE RAILWAY CO. (THIS LINE FOLLOWS THE SOUTHWESTERLY RAILWAY RIGHT-OF-WAY FENCE) BEARING S 54° 11' 22" E TO A ½" REBAR CAPPED CA 980, THENCE 851.56 FEET BEARING S 90° W TO THE POINT OF BEGINNING, AND A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER (NW/4) OF SECTION TWELVE (12), TOWNSHIP TWENTY-SIX NORTH (26N), RANGE ELEVEN (11), W.I.M., DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE WEST LINE OF THE NORTHWEST QUARTER (NW/4) A DISTANCE OF 606.94 FEET, NORTH 00° 08' 35" EAST OF THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER (NW/4); THENCE CONTINUING NORTH 00° 08' 35" EAST ON SAID WEST LINE FOR A DISTANCE OF 31.56 FEET; THENCE SOUTH 89° 24' 13" EAST FOR A DISTANCE OF 861.26 FEET TO A POINT ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF ABANDONED ATCHISON TOPEKA AND SANTA FE RAILROAD, (FORMERLY DENVER, ENID AND GULF RAILROAD CO.); THENCE SOUTH 54° 34' 37" EAST ON SAID SOUTHWESTERLY RIGHT-OF-WAY LINE FOR A DISTANCE OF 55.26 FEET; THENCE NORTH 89° 24' 13" WEST FOR A DISTANCE OF 906.37 FEET TO THE POINT OR PLACE OF BEGINNING; ACKNOWLEDGING RECEIPT OF A WRITTEN PETITION REQUESTING SUCH ANNEXATION FROM AT LEAST THREE-FOURTHS OF THE REGISTERED VOTERS AND THE OWNERS OF AT LEAST THREE-FOURTHS (IN VALUE) OF THE TERRITORY TO BE ANNEXED, WHICH PETITION WAS PRESENTED TO THE CITY COUNCIL OF THE CITY OF CHEROKEE, OKLAHOMA, ON DECEMBER 11, 2024 AND IS ATTACHED AS EXHIBIT "A"; NOTICE OF THE PRESENTATION OF THE PETITION REQUESTING SUCH ANNEXATION WAS PUBLISHED ON NOVEMBER 28TH, 2024, AND DECEMBER 5, 2024, IN THE CHEROKEE MESSENGER AND REPUBLICAN, WITH A COPY OF SUCH PUBLICATIONS ATTACHED AS EXHIBIT "B"; ATTACHING A MAP OF THE ANNEXED TERRITORY AS EXHIBIT "C"; PROVIDING FOR THE AUTHORITY FOR SUCH ANNEXATION; DIRECTING THE MAYOR TO FILE A CERTIFIED COPY OF THIS ORDINANCE WITH ATTACHMENTS WITH THE COUNTY CLERK OF ALFALFA COUNTY, AND WITH ELECTION BOARD SECRETARY OF ALFALFA COUNTY AND WITH THE AD VALOREM DIVISION OF THE OKLAHOMA TAX COMMISSION, AND TO AMEND THE CITY OF CHEROKEE'S MAP TO SHOW THAT SUCH ANNEXED PROPERTY IS NOW WITHIN THE CORPORATE LIMITS OF THE CITY OF CHEROKEE, OKLAHOMA; PROVIDING FOR PROVIDING FOR REPEALER; SAVINGS; SEVERABILITY; AND DECLARING AN EMERGENCY.

EMERGENCY ORDINANCE

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

Section I: The City Council of the City of Cherokee, Oklahoma, hereby amends the corporate limits of the City of Cherokee, Oklahoma, by the addition of certain territory as follows:

A TRACT OF LAND CONTAINING 6 ACRES, MORE OR LESS, LOCATED IN THE NORTHWEST QUARTER (NW/4) OF SECTION TWELVE (12), TOWNSHIP TWENTY-SIX NORTH (26N), RANGE ELEVEN (11), W.I.M., DESCRIBED AS: BEGINNING 638.50' ALONG AND FOLLOWING THE WEST SECTION LINE ON AN ASSIGNED BEARING OF N 00° E FROM THE (W/4) CORNER OF SECTION (12) A/K/A THE (SW CORNER OF THE NW/4), THENCE 614.40' ALONG AND FOLLOWING THE WEST SECTION LINE BEARING N 00° E TO A ½" REBAR CAPPED CA 980, THENCE 1050.07 FEET ALONG AND FOLLOWING THE SOUTHWESTERLY LINE OF THE DENVER, ENID, GULF RAILWAY CO. , PREDECESSOR OF THE SANTA FE RAILWAY CO. (THIS LINE FOLLOWS THE SOUTHWESTERLY RAILWAY RIGHT-OF-WAY FENCE) BEARING S 54° 11' 22" E TO A ½" REBAR CAPPED CA 980, THENCE 851.56 FEET BEARING S 90° W TO THE POINT OF BEGINNING, AND

A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER (NW/4) OF SECTION TWELVE (12), TOWNSHIP TWENTY-SIX NORTH (26N), RANGE ELEVEN (11), W.I.M., DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE WEST LINE OF THE NORTHWEST QUARTER (NW/4) A DISTANCE OF 606.94 FEET, NORTH 00° 08' 35" EAST OF THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER (NW/4); THENCE CONTINUING NORTH 00° 08' 35" EAST ON SAID WEST LINE FOR A DISTANCE OF 31.56 FEET; THENCE SOUTH 89° 24' 13" EAST FOR A DISTANCE OF 861.26 FEET TO A POINT ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF ABANDONED ATCHISON TOPEKA AND SANTA FE RAILROAD, (FORMERLY DENVER, ENID AND GULF RAILROAD CO.); THENCE SOUTH 54° 34' 37" EAST ON SAID SOUTHWESTERLY RIGHT-OF-WAY LINE FOR A DISTANCE OF 55.26 FEET; THENCE NORTH 89° 24' 13" WEST FOR A DISTANCE OF 906.37 FEET TO THE POINT OR PLACE OF BEGINNING

which territory is adjacent and contiguous to the corporate limits of the City of Cherokee, Oklahoma, and as further shown and described by the map attached hereto as Exhibit "C" and incorporated herein by reference as if fully set out.

Section II: On this 11th Day of December 2024, the City Council hereby acknowledges the receipt of a petition from at least ¾ of the registered voters and the owners of at least ¾ in value of the property sought to be annexed, and hereby legislatively finds that such petition to this ordinance as Exhibit A. The City Council also finds that the petitioners gave notice of the presentation of the petition requesting annexation by publishing such notice on November 28th,

2024, and December 5, 2024, in the Cherokee Messenger and Republican, with a copy of such publications attached as Exhibit "B".

Section III. The City Council legislatively finds that the legal authority for this annexation is 11 O.S. 21-105.

Section IV. The City Council hereby directs the Mayor or designee to file a certified copy of this ordinance with attachments with the County Clerk of Alfalfa County and with the Election Board Secretary of Alfalfa County and with the Ad Valorem Division of the Oklahoma Tax Commission, and to amend the City of Cherokee's Map to show that such annexed property is not within the corporate limits of the City of Cherokee, Oklahoma.

Section V. REPEALER. All ordinances or parts thereof which are inconsistent with this ordinance are hereby repealed.

Section VI. SAVINGS CLAUSE. Nothing in this ordinance hereby adopted shall be construed to affect any suit or proceeding now pending in any court, or any rights acquired, or liability incurred nor any cause or causes of action accrued or existing, under any act or ordinance repealed hereby. Nor shall any right or remedy of any character be lost, impaired, or affected by this ordinance.

Section VII. SEVERABILITY. If any one or more of the sections, sentences, clauses or parts of this ordinance, chapter or section shall for any reason be held invalid, the invalidity of such section, clause or part shall not affect or prejudice in any way the applicability and validity of any other provision of this ordinance. It is hereby declared that to be the intention of the City Council of the City of Cherokee, Oklahoma, that this ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part not been included.

Section VIII. EMERGENCY. In order to protect the health, safety, and welfare of the general public of the City of Cherokee, Oklahoma, and in order to immediately annex the annexed property into the corporate limits of the City of Cherokee, Oklahoma, an emergency is hereby declared; therefore, this ordinance shall become effective from and after its date of publication.

PASSED AND APPROVED BY THE CITY COUNCIL ON THE _____ DAY OF _____, 2024.

THE CITY OF CHEROKEE, OKLAHOMA

Kolby Arnold, Mayor

Attest:

Amber K. Wilhite, City Clerk

Approved as to Content:

Chad Roach, City Manager

Approved as to Legality:

Bryce S. Kennedy, City Attorney