

APPLICATION FOR PLANNING AND ZONING
USE PERMITTED ON REVIEW. 11-2-2
MINIMUM AREA 22,000 SQ. FT.
(11 OKLAHOMA STATUTE 43-113)

1. Name of Applicant(s): Bar-s Foods Atten: Lora Shelton

2. Address of Applicant(s): 200 Locust

3. Phone number of Applicant(s): 580-323-2468

4. Owner's Name and Address if other than Applicant: _____

5. Legal Description of Property (include street address): 200 Locust
Clinton, OK 73601

6. Present Zoning: _____ Requested Zoning: _____

7. Intent Use: Fencing entire property for Food Safety, streets would be included
Road Closure S 2nd, Court to S 3rd, S. 3rd at Terrace, Terrace to E of S. 2nd & Bar S Rd &
Modelle

8. Applicant must supply a certified list of all owners of property within a radius of 300 feet of the exterior boundary of subject property. The list must show mailing addresses for the owners and you can obtain this certified list from an abstract office. Property owners must be notified at least twenty (20) days prior to date of hearing.

9. The Building Inspector shall set a date for a hearing before the Planning and Zoning Board.

10. If application is approved by the City Council a copy of the approving ordinance will be published with the cost thereof being billed direct to the applicant by the newspaper.

11. Filing Fees of \$ 125.00 to be paid by the applicant at time of request.

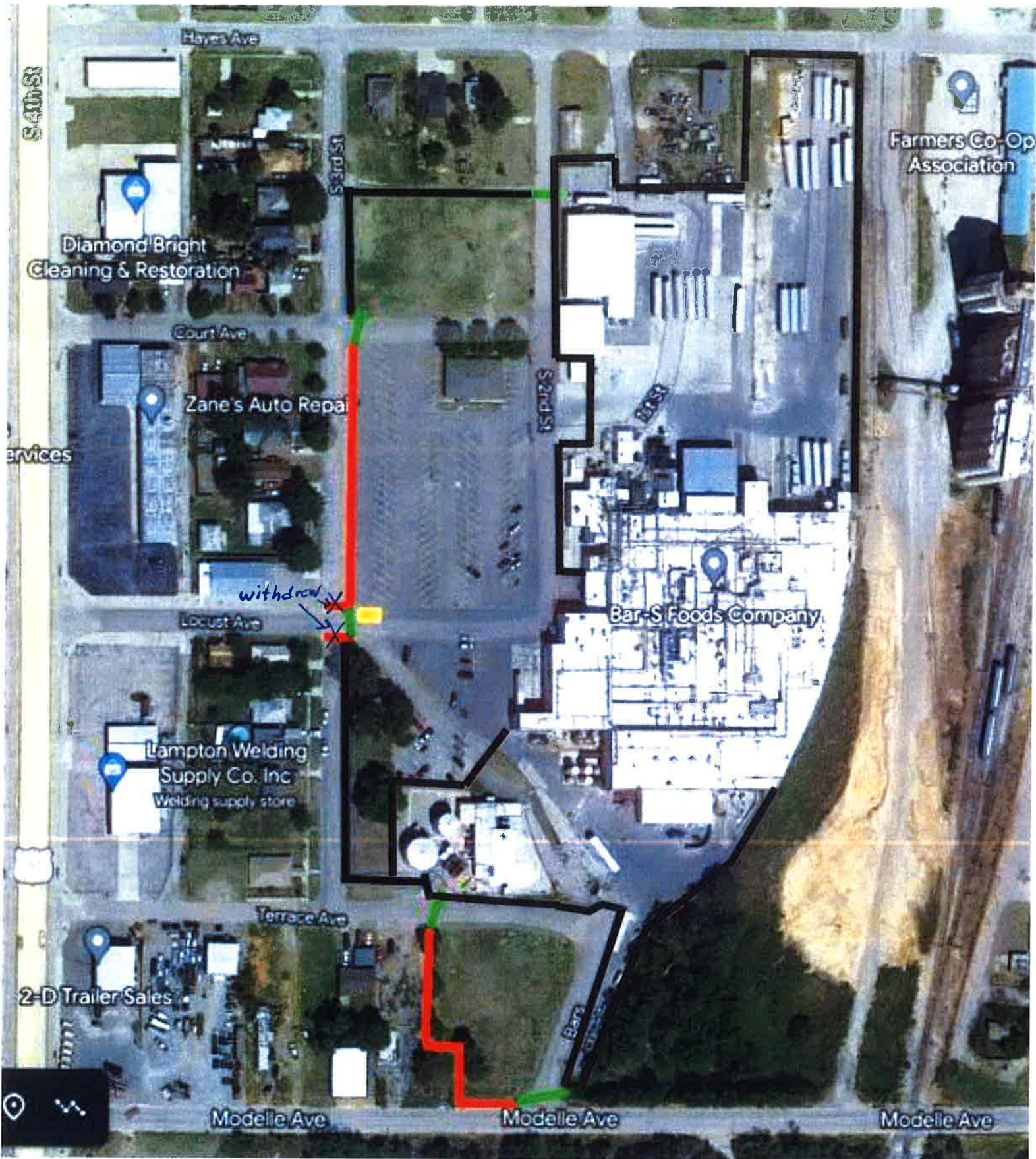
Dated: _____

Applicant's Signature: Lora Shelton Project Coordinator

Received by Building Inspector: _____

Date scheduled for meeting of Planning and Zoning: September
August 12, 2023

Date scheduled for Public Hearing before City Council: _____



MAP LEGEND:

GREEN LINES — PROPOSED GATES

BLACK LINES — EXISTING FENCES

RED LINES — PROPOSED NEW SECURITY FENCING

YELLOW BOX — PROPOSED GUARD BUILDING

SECTION 42-109.

EFFECT OF VACATION - OWNER MAY PLAT AGAIN - ENCLOSE PUBLIC WAYS - REVERSION OF FEE

A. The owner of any lot in a plat which has been vacated by decree or written instrument may cause the same and a proportionate part of adjacent public ways and public grounds to be replatted and numbered by a registered land surveyor. The owner of any platted lot or lots may replat the lot or lots without necessity of vacating the initial plat or applicable portion thereof if such action is not prohibited by any restrictive covenants encumbering the lots. A replat shall not be deemed a vacation of the initial plat nor affect any preexisting public ways, utility easements or rights-of-way. A replat or a vacation of a plat shall not be deemed a termination of any restrictive covenants which are otherwise enforceable. When a replat is acknowledged by the owner and bears the approval of the municipality in which the plat is situated and is recorded in the office of the county clerk of the county in which the plat is located, the lots may be conveyed and assessed by the numbers given them on the plat.

B. When any part of a plat has been vacated by decree or written instrument, the owners of the lots so vacated may enclose the public ways and public grounds adjoining the lots in equal proportion.

C. Nothing contained in this article shall operate to preclude a fee from reverting to its owner when a public right-of-way is vacated in law or in fact.

SECTION 42-110.

POWER TO CLOSE PUBLIC WAYS OR EASEMENTS BY ORDINANCE - REOPENING - RIGHTS OF UTILITIES

A. The municipal governing body by ordinance may close to the public use any public way or easement within the municipality whenever deemed necessary or expedient. The procedure for closing a public way or easement shall be established by ordinance or resolution adopted by the municipality.

B. The municipality shall give written notice of any proposed closing of a public way or easement to any holder of a franchise or others determined by the governing body to have a special right or privilege granted by ordinance or legislative enactment to use the public way or easement at least thirty (30) days prior to passage of any ordinance providing for closing of a public way or easement.

C. The municipality shall 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:

1. The municipal governing body deems it necessary; or
2. An application of the property owners owning more than one-half in area of the property abutting on the public way or easement previously closed is filed with the governing body.

D. Closing of the public way or easement shall 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.

ORDINANCE NO. 1027

AN ORDINANCE VACATING RIGHT-OF-WAY EASEMENTS PREVIOUSLY DEDICATED TO THE CITY OF CLINTON, OKLAHOMA; PROVIDING THAT INVALIDITY OF A PART SHALL NOT INVALIDATE THE REMAINDER; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY

Be it ordained by the City Council of the City of Clinton, Oklahoma:

Section I. Upon the request of the owner of property bordering the below described streets and alleys, the City Council has determined that the following described tracts of land which had previously been dedicated to the City of Clinton as public streets and alleyways, and that the same is no longer necessary for use by the public as streets and alleyways, and should be closed, vacated and discontinued, said easement being described as follows:

Tract 1

Second Street lying between Block 1 of the Hayes Addition to Clinton, Custer County, Oklahoma and Clinton City Tracts lying in the Southeast Quarter of Section 14, Township 12 North, Range 17 W.I.M., Custer County, Oklahoma, more specifically described as follows:

Beginning at a point on the Northeast corner of Lot 1, Block 1, Hayes Addition; thence South 360 feet along the Eastern boundary of Lots 1 and 16 of Block 1, Hayes Addition to the Northeast corner of Lot 1, Block 8 Hayes Addition; thence South 360 feet along the Eastern boundary of Lots 1 and 16, Block 8, Hayes Addition to the Northeast corner of Lot 1, Block 9, Hayes Addition; thence East 60 feet to a point on the West boundary line of the Clinton City Tracts in the Southwest Quarter of Section 14, Township 12 North, Range 17 W.I.M.; thence North along the West boundary of the Clinton City Tracts a distance of 720 feet to the Northwest corner of the Clinton City Tracts in the Southeast Quarter of Section 14, Township 12 North, Range 17 W.I.M., (also known as the Southeast corner of 2nd Street and Hayes Avenue); thence West along the Southern edge of Hayes Avenue a distance of 60 feet to the point of beginning, (hereinafter described as "2nd Street from Hayes to Locust);

Tract 2

Court Avenue lying between Block 1, Block 8 of the Hayes Addition to Clinton, Custer County, Oklahoma, more specifically described as follows:

Beginning at a point on the Southwest corner of Lot 9, Block 1, Hayes Addition, thence South 60 feet across Court Avenue to the

Northwest corner of Lot 8, Block 8, Hayes Addition, thence East 210 feet along the Northern boundary line of Lots 8-1, Block 8, Hayes Addition, to the Northeast corner of Lot 1, Block 8, Hayes Addition; thence North 60 feet across Court Avenue to the Southeast corner of Lot 16, Block 1, Hayes Addition; thence West 210 feet along the Southern` boundary line of Lots 16-9 of Block 1, Hayes Addition, to the point of beginning, (hereinafter described as "Court from 3rd to 2nd");

Tract 3

Locust Avenue lying between Block 8 and Block 9 of the Hayes Addition to Clinton, Custer County, Oklahoma, more specifically described as follows:

Beginning at a point on the Southwest corner of Lot 9, Block 8, Hayes Addition, thence South 60 feet across Locust Avenue to the Northwest corner of Lot 8, Block 9, Hayes Addition, thence East 210 feet along the Northern boundary line of Lots 8-1, Block 9, Hayes Addition, to the Northeast corner of Lot 1, Block 9, Hayes Addition; thence North 60 feet across Locust Avenue to the Southeast corner of Lot 16, Block 8, Hayes Addition; thence West 210 feet along the Southern boundary line of Lots 16-9 of Block 8, Hayes Addition, to the point of beginning, (hereinafter described as "Locust Avenue from 3rd to 2nd"); and

Tract 4

Part of Terrace Avenue lying between Block 9 and Block 13 of the Hayes Addition to Clinton, Custer County, Oklahoma, more specifically described as follows:

Beginning at a point on the Southeast corner of Lot 16, thence West along the Southern boundary line of Lots 16-13, Block 9, Hayes Addition, to a point on the Southwest corner of Lot 13 a distance of 110 feet; thence South a distance of 60 feet across Terrace to a point on the Northwest corner of Lot 4, Block 13, Hayes Addition; thence East a distance of 115 feet to the Northeast corner of Lot 1, Block 13, Hayes Addition; thence North 60 feet across Terrace to the point of beginning (hereinafter described as "Partial Terrace Avenue").

Tract 5

Bar-S Drive lying in the Clinton City Tracts in the Southwest Quarter of Section 14, Township 12 North, Range 17 W.I.M, North of Modelle Avenue to Terrace Avenue (hereinafter described as Bar-S Drive).

Section II. That said easement is hereby declared to be not necessary for the use of the public as a street or alleyway or for any other public use.

Section III. It is therefore declared that the following described right-of-way streets and alleyway, described as follows:

Tract 1

Second Street lying between Block 1 of the Hayes Addition to Clinton, Custer County, Oklahoma and Clinton City Tracts lying in the Southeast Quarter of Section 14, Township 12 North, Range 17 W.I.M., Custer County, Oklahoma, more specifically described as follows:

Beginning at a point on the Northeast corner of Lot 1, Block 1, Hayes Addition; thence South 360 feet along the Eastern boundary of Lots 1 and 16 of Block 1, Hayes Addition to the Northeast corner of Lot 1, Block 8 Hayes Addition; thence South 360 feet along the Eastern boundary of Lots 1 and 16, Block 8, Hayes Addition to the Northeast corner of Lot 1, Block 9, Hayes Addition; thence East 60 feet to a point on the West boundary line of the Clinton City Tracts in the Southwest Quarter of Section 14, Township 12 North, Range 17 W.I.M.; thence North along the West boundary of the Clinton City Tracts a distance of 720 feet to the Northwest corner of the Clinton City Tracts in the Southeast Quarter of Section 14, Township 12 North, Range 17 W.I.M., (also known as the Southeast corner of 2nd Street and Hayes Avenue); thence West along the Southern edge of Hayes Avenue a distance of 60 feet to the point of beginning, (hereinafter described as "2nd Street from Hayes to Locust");

Tract 2

Court Avenue lying between Block 1, Block 8 of the Hayes Addition to Clinton, Custer County, Oklahoma, more specifically described as follows:

Beginning at a point on the Southwest corner of Lot 9, Block 1, Hayes Addition, thence South 60 feet across Court Avenue to the Northwest corner of Lot 8, Block 8, Hayes Addition, thence East 210 feet along the Northern boundary line of Lots 8-1, Block 8, Hayes Addition, to the Northeast corner of Lot 1, Block 8, Hayes Addition; thence North 60 feet across Court Avenue to the Southeast corner of Lot 16, Block 1, Hayes Addition; thence West 210 feet along the Southern boundary line of Lots 16-9 of Block 1, Hayes Addition, to the point of beginning, (hereinafter described as "Court from 3rd to 2nd");

Tract 3

Locust Avenue lying between Block 8 and Block 9 of the Hayes Addition to Clinton, Custer County, Oklahoma, more specifically described as follows:

Beginning at a point on the Southwest corner of Lot 9, Block 8, Hayes Addition, thence South 60 feet across Locust Avenue to the Northwest corner of Lot 8, Block 9, Hayes Addition, thence East 210 feet along the Northern boundary line of Lots 8-1, Block 9, Hayes Addition, to the Northeast corner of Lot 1, Block 9, Hayes Addition; thence North 60 feet across Locust Avenue to the Southeast corner of Lot 16, Block 8, Hayes Addition; thence West 210 feet along the Southern boundary line of Lots 16-9 of Block 8, Hayes Addition, to the point of beginning, (hereinafter described as "Locust Avenue from 3rd to 2nd"); and

Tract 4

Part of Terrace Avenue lying between Block 9 and Block 13 of the Hayes Addition to Clinton, Custer County, Oklahoma, more specifically described as follows:

Beginning at a point on the Southeast corner of Lot 16, thence West along the Southern boundary line of Lots 16-13, Block 9, Hayes Addition, to a point on the Southwest corner of Lot 13 a distance of 110 feet; thence South a distance of 60 feet across Terrace to a point on the Northwest corner of Lot 4, Block 13, Hayes Addition; thence East a distance of 115 feet to the Northeast corner of Lot 1, Block 13, Hayes Addition; thence North 60 feet across Terrace to the point of beginning (hereinafter described as "Partial Terrace Avenue").

Tract 5

Bar-S Drive lying in the Clinton City Tracts in the Southwest Quarter of Section 14, Township 12 North, Range 17 W.I.M, North of Modelle Avenue to Terrace Avenue (hereinafter described as Bar-S Drive).

are hereby closed, vacated, and discontinued, and reverts to the adjoining land owners in their proportionate ownership of the adjoining property.

Section IV. BE IT FURTHER ORDAINED that any part or provision or Section of this Ordinance that is declared illegal or unconstitutional shall not affect the other parts thereof.

WHEREFORE, an emergency is declared to exist and this ordinance shall be in full force and effect immediately from and after its passage and proof of publication.

Passed, Approved and Adopted by a unanimous vote of the members present at the regular meeting of the City Council of said City of Clinton, Oklahoma, held on this 17th day of October 2023.

CITY OF CLINTON, OKLAHOMA

David D. Berrong, Mayor

ATTEST:

Amy E. Jones, City Clerk

APPROVED AS TO FORM AND LEGALITY:

Ryan Meacham, City Attorney

CERTIFICATE

The Undersigned, Amy E. Jones, the duly appointed, qualified and acting Clerk of the City of Clinton, Oklahoma, does hereby certify that the above and foregoing is a true and correct copy of Ordinance No. 1027 of the City of Clinton, Oklahoma, on this 17th day of October 2023

Amy E. Jones, City Clerk