

INSTRUCTIONS

APPLICATION FOR CLOSING EASEMENTS OR PUBLIC WAYS:

All applications for closing easements or public ways located within the corporate limits of the city shall be filed with the Public Works Director on forms furnished by the director; and the applicant shall submit the following information:

- A. A plot, plan or other representative sketch or drawing depicting distances and points of the compass and showing the location of the area of the public way or easement;
- B. The legal description of the public way or easement to be closed;
- C. If an easement is being closed, the purpose for which the easement was originally given;
- D. If the easement or public way was established by any instrument (other than a subdivision plat) filed in the office of the Delaware County Clerk, a copy of such instrument duly certified by the Delaware County Clerk;
- E. If the easement or public way was established by statutory dedication pursuant to a recorded subdivision plat, the name of the subdivision and plat number;
- F. IF the application seeks to close a public way, the application shall state whether or not such public way has been open for public use within the five (5) year period immediately preceding the date of the filing of such application; if such public way has been open for public use within that period of time, the application shall furnish a list, certified by a bonded abstractor, containing the names and address of all owners of records, as shown by the current year's tax rolls in the office of the Delaware County Treasurer, or property abutting the public way and such other owners of record whose property is within three hundred feet (300') in any direction from the public way sought to be closed; and
- G. Such additional information as may be determined by the Public Works Director or his/her designee to be necessary for evaluating the application.

PROCESSING APPLICATION:

Upon receipt of a properly completed application with all required information attached and the payment of all required fees, the application for the closing of easements or public ways shall be processed as set forth therein.

- A. The Public Works Director shall give written notice of the pending application to all city departments who use public ways or easements and to all companies whose franchises with the city entitle them to the use of the public ways or easements, as applicable to such application. Such notice shall require that all comments on the application shall be made in writing to the Public Works Director within thirty (30) days from the date of the written notice.
- B. Within a reasonable period of time after the expiration of the thirty (30) day notice period, the Public Works Director shall recommend to the governing body of the city action to be taken upon the application.

POWER TO CLOSE PUBLIC WAYS OR EASEMENTS BY ORDINANCE

Oklahoma State Statutes Title 11-Cities and Towns, Chapter 1 – Oklahoma Municipal Code, Article XLII Vacating Plats and Public Ways, 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 the public use of any public way or easement within the municipality whether 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.