

ORDINANCE NO. 23

AN ORDINANCE ANNEXING TERRITORY ADJACENT AND OR CONTIGUOUS TO THE CORPORATE LIMITS OF THE TOWN OF CARLTON LANDING, OKLAHOMA, WITH THE WRITTEN CONSENT OF THE OWNERS OF A MAJORITY OF THE ACRES WITHIN THE NEW TERRITORY; REPEALING ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

**ORDINANCE**

WHEREAS, on the 20th day of June, 2015, the Town Board of Trustees of the Town of Carlton Landing, Oklahoma, at a duly noticed special meeting, approved a resolution proposing to annex into the corporate limits of the Town of Carlton Landing, Oklahoma, new territory as described on Exhibit A (the "Additional Territory") and depicted on Exhibit B hereto as "Annexation 3";

WHEREAS, in accordance with such resolution, notice was published on July 3, 2015 in the McAlester News-Capital and notice was mailed on July 2, 2015 to owners of real property and to the Sales and Use Tax Division of the Oklahoma Tax Commission, providing notice of a public hearing on the proposed annexation, held on July 18 at a regular meeting of the Town Board of Trustees, all as required by Section 21-103 of Title 11 of the Oklahoma Statutes;

WHEREAS, at a meeting of the Planning commission on August 8, 2015, the Planning Commission considered and recommended that the Additional Territory be annexed;

WHEREAS, the owners of a majority of the acres in the Additional Territory have consented to the proposed annexation by separate Agreement and Consent to Annexation;

WHEREAS, on August 15, 2015, the Town Board of Trustees adopted a comprehensive plan (the "Comprehensive Plan") for the future development and regulation of the development of the Town, which Comprehensive Plan includes consideration and a plan for regulation of the Additional Territory; and

WHEREAS, the Town Board of Trustees has determined that inclusion of the Additional Territory within the corporate limits of the Town of Carlton Landing and regulation of the Additional Territory as provided for in the comprehensive plan within the corporate limits of the Town of Carlton Landing is in the best interests of the Town and the general public.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF CARLTON LANDING, OKLAHOMA:

SECTION 1. Pursuant to the authority of 11 O.S. § 21-101, et seq. of the Oklahoma Statutes, the Additional Territory as described on the attached Exhibit A and depicted as "Annexation 3" on the attached Exhibit B, is hereby annexed and added to the Town of Carlton Landing, and subject to land use regulation as provided for in the Comprehensive Plan.

Provided, however, that such annexation shall not be effective as to the application of sales and use taxes until notice of such annexation, inclusive of a map, is mailed by first class mail to the Sales

and Use Tax Division of the Oklahoma Tax Commission as required by 11 O.S. § 21-103.

SECTION 2. All Ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

SECTION 3. The provisions of this ordinance are severable and if any part or provision hereof shall be adjudged invalid by any court of competent jurisdiction, such adjudication shall not affect or impair any of the remaining parts or provisions.

SECTION 4. EMERGENCY SECTION. WHEREAS, in the judgment of the Board of Trustees it is necessary for the preservation of the peace, health, welfare and safety of the Town of Carlton Landing, Oklahoma, Oklahoma and of the inhabitants thereof that the provisions of this ordinance be put into full force and effect immediately, an emergency is hereby declared to exist by reason whereof this ordinance shall take effect and be in full force from and after its passage as provided by law.

PASSED by the Board of Trustees of the Town of Carlton Landing, Oklahoma, on the 15th day of August, 2015.

SIGNED by the Mayor of the Town of Carlton Landing, Oklahoma, on the 15th day of August, 2015.

ATTEST:  
(SEAL)

Carol Blair  
Town Clerk



James Christie  
Mayor



EXHIBIT A

**LEGAL DESCRIPTION**

**Carlton Landing – Annexation 3**

**June 8, 2015**

**Revised June 16, 2015**

**Tract 1:**

A tract of land being a part of the Northwest Quarter (NW/4), the Northeast Quarter (NE/4), and the Southeast Quarter (SE/4) of Section Twenty-five (25) and a part of Section Thirty-six (36), Township Nine (9) North, Range Sixteen (16) East of the I.B.M. and being a part of the Southwest Quarter (SW/4) of Section Thirty (30), and the Northwest Quarter (NW/4) of Section Thirty-one (31), Township Nine (9) North, Range Seventeen (17) East of the I.B.M., Pittsburg County, State of Oklahoma, and being more particularly described as follows:

COMMENCING at the Northeast (NE) Corner of the Northwest Quarter (NW/4) of said Section Twenty-five (25);

THENCE S01°32'41"E, along and with the East line of the Northwest Quarter (NW/4) of said Section Twenty-five (25), a distance of 644.99 feet to a point on the South right-of-way line of Highway 9A, said point being the POINT OF BEGINNING;

THENCE continuing S01°32'41"E along said line, a distance of 673.15 feet;

THENCE N88°33'33"E, departing said East line, a distance of 1,318.03 feet;

THENCE S01°33'39"E, a distance of 658.80 feet;

THENCE N88°32'50"E, a distance of 659.11 feet;

THENCE S01°34'08"E, a distance of 329.30 feet;

THENCE N88°32'18"E, a distance of 659.15 feet to a point on the East line of the Northeast Quarter (NE/4) of said Section Twenty-five (25);

THENCE S01°34'37"E, along and with the East line of the Northeast Quarter (NE/4) of said Section Twenty-five (25), a distance of 329.32 feet to the Southeast (SE) Corner of the Northeast Quarter (NE/4) of said Section Twenty-five (25);

THENCE S01°35'02"E, along and with the East line of the Southeast Quarter (SE/4) of said Section Twenty-five (25), a distance of 862.37 feet;

THENCE N88°16'46"E, departing said East line, a distance of 330.00 feet;

THENCE S01°35'02"E, a distance of 1,782.21 feet to a point on the South line of the Southwest Quarter (SW/4) of said Section Thirty (30);

THENCE N88°16'46"E, along and with the South line of the Southwest Quarter (SW/4) of said Section Thirty (30), a distance of 2,326.58 feet to the Southeast (SE) Corner of the Southwest Quarter (SW/4) of said Section Thirty (30);

THENCE S01°22'23"E, departing said South line, along and with the East line of the Northwest Quarter (NW/4) of said Section Thirty-one (31), a distance of 2,643.98 feet to the Southeast (SE) Corner of the Northwest Quarter (NW/4) of said Section Thirty-one (31);

THENCE S88°26'24"W, along and with the South line of the Northwest Quarter (NW/4) of said Section Thirty-one (31), a distance of 2,647.07 feet to the Southwest (SW) Corner of the Northwest Quarter (NW/4) of said Section Thirty-one (31);

THENCE S01°35'07"E, along and with the West line of the Southwest Quarter (SW/4) of said Section Thirty-one (31), a distance of 1,977.76 feet to a point on the U.S. Army Corp of Engineers Eufaula Lake boundary line;

THENCE S62°02'39"W, along and with the U.S. Army Corp of Engineers Eufaula Lake boundary line, a distance of 218.61 feet;

THENCE N01°35'07"W, departing said U.S. Army Corp of Engineers Eufaula Lake boundary line, a distance of 756.31 feet;

THENCE S88°26'05"W, a distance of 2,447.85 feet to a point on the West line of the Southeast Quarter (SE/4) of said Section Thirty-six (36);

THENCE S88°27'03"W, a distance of 660.84 feet;

THENCE N01°29'57"W, a distance of 657.80 feet;

THENCE S88°25'06"W, a distance of 131.13 feet;

THENCE N14°19'52"E, a distance of 227.44 feet;

THENCE N67°10'31"W, a distance of 205.01 feet;

THENCE N72°54'47"W, a distance of 72.62 feet;

THENCE N82°52'34"W, a distance of 340.14 feet;

THENCE N67°38'13"W, a distance of 147.36 feet;

THENCE N32°39'45"W, a distance of 100.59 feet;

THENCE N06°59'43"W, a distance of 133.79 feet to a point on the North line of the Southwest Quarter (SW/4) of said Section Thirty-six (36);

THENCE S88°23'08"W, along and with the North line of the Southwest Quarter (SW/4) of said Section Thirty-six (36), a distance of 1,122.56 feet to the Northwest (NW) Corner of the Southwest Quarter (SW/4) of said Section Thirty-six (36);

THENCE N01°31'06"W, along and with the West line of the Northwest Quarter (NW/4) of said Section Thirty-six (36), a distance of 2,652.17 feet to the Northwest (NW) Corner of the Northwest Quarter (NW/4) of said Section Thirty-six (36);

THENCE N88°28'42"E, along and with the North line of the Northwest Quarter (NW/4) of said Section Thirty-six (36), a distance of 2,645.65 feet to the Northeast (NE) Corner of the Northwest Quarter (NW/4) of said Section Thirty-six (36);

THENCE N88°37'56"E, along and with the North line of the Northeast Quarter (NE/4) of said Section Thirty-six (36), a distance of 2,637.30 feet to the Northeast (NE) Corner of the Northeast Quarter (NE/4) of said Section Thirty-six (36);

THENCE N01°35'02"W, along and with the East line of the Southeast Quarter (SE/4) of said Section Twenty-five (25), a distance of 1,322.29 feet;

THENCE S88°33'46"W, departing said East line, a distance of 1,318.81 feet;

THENCE N01°33'58"W, a distance of 1,321.66 feet to a point on the North line of the Southeast Quarter (SE/4) of said section Twenty-five (25);

THENCE S88°32'07"W, along and with the North line of the Southeast Quarter (SE/4)



of said Section Twenty-five (25), a distance of 1,318.40 feet to the Northwest (NW) Corner of the Southeast Quarter (SE/4) of said Section Twenty-five (25);

THENCE N01°32'41"W, along and with the West line of the Northeast Quarter (NE/4) of said Section Twenty-five (25), a distance of 659.07 feet;

THENCE S88°33'26"W, departing said West line, a distance of 661.63 feet;

THENCE N01°34'52"W, a distance of 976.35 feet to a point on the South right-of-way line of Highway 9A;

THENCE N60°16'56"E, along and with the South right-of-way line of Highway 9A, a distance of 751.25 feet to the POINT OF BEGINNING.

#### **LESS & EXCEPT**

All of that portion of the recorded plat CARLTON LANDING PHASE 1 lying within the above described area.

Said tract of land containing 29,225,819 square feet or 670.9325 acres, more or less.

#### **Tract 2:**

A tract of land being a part of the the Northeast Quarter (NE/4) of Section Thirty-one (31), Township Nine (9) North, Range Seventeen (17) East of the I.B.M., Pittsburg County, State of Oklahoma, and being more particularly described as follows:

Beginning at the Southeast (SE) Corner of said Northeast Quarter (NE/4), said point being the POINT OF BEGINNING;

THENCE South 88°26'24" West, along and with the South line of said Northeast Quarter (NE/4), a distance of 1,319.54 feet;

THENCE North 01°08'07" West, departing said South line, a distance of 662.23 feet;

THENCE North 88°26'46" East, a distance of 1,157.92 feet to a point on the U.S. Army Corp of Engineers Lake Eufaula boundary line;

THENCE South 00°53'30" East, along and with said U.S. Army Corp of Engineers Lake Eufaula boundary line, a distance of 331.24 feet;

THENCE North 88°21'36" East, along and with the U.S. Army Corp of Engineers Lake Eufaula boundary line, a distance of 164.40 feet to a point on the East line of said Northeast Quarter (NE/4);

THENCE South 00°53'53" East, along and with the East line of said Northeast Quarter (NE/4), a distance of 331.12 feet to the POINT OF BEGINNING.

Containing 820,196 square feet or 18.8291 acres, more or less.

Basis of Bearing: Oklahoma South State Plane Coordinates.



# EXHIBIT B

## ANNEXATION AREA MAP

