

MEMORANDUM

The City of OKLAHOMA CITY

Council Agenda
Item No. VI. CC.
5/11/04

TO: Mayor and City Council

FROM: James D. Couch, City Manager *JDC 87*

Release of utility easements (Ward 7)

Location SE 44th Street and South Shields Boulevard

Applicant McDonalds Corporation

Background The subject site is being developed for a McDonalds restaurant. The applicant is requesting the easements be released to clear title. The utilities have been relocated within a new easement, and therefore, the easements are no longer necessary.

Three of the easements were granted by separate instruments for the purpose of constructing and maintaining public streets and utilities. The fourth easement was reserved in the Journal Entry of Judgment in the case styled *In the Matter of the Application of Shields Church of the Nazarene, a corporation, for foreclosure of the absolute right of reopening the public way described as the North-South Alley in Block 78 of the SHEILDS SOUTH OKLAHOMA CITY ADDITION to Oklahoma City, Oklahoma, according to the recorded plat thereof*, Case No. CJ-94-6095.

Review Public Works Department and Municipal Counselor's Office

Recommendation: Easements be released.

Attachment

RELEASE OF EASEMENT

28,298R

KNOW ALL MEN BY THESE PRESENTS: That The City of Oklahoma City, a municipal corporation, being the holder of a utility easement for a sanitary sewer located within the following described public way, to-wit such easement having been reserved in the Order in the case styled *In the Matter of the Application of Shields Church of the Nazarene, a corporation, for foreclosure of the absolute right of reopening the public way described as the North-South Alley in Block 78 of the SHIELDS SOUTH OKLAHOMA CITY ADDITION to Oklahoma City, Oklahoma, according to the recorded plat thereof*, CJ-94-6095 filed on October 7, 1994, in the District Court of Oklahoma County, and recorded in Book 6663, Page 540, of the Oklahoma County Clerk's Office, Registrar of Deeds:

A public utility easement in favor of the City of Oklahoma City 7.5 feet in width on both sides of the existing sanitary sewer located within the boundaries of the North-South alley in Block 78, SHIELDS SOUTH OKLAHOMA CITY ADDITION to Oklahoma City, Oklahoma, as shown on the plat recorded in Book 20 of Plats at Page 87,

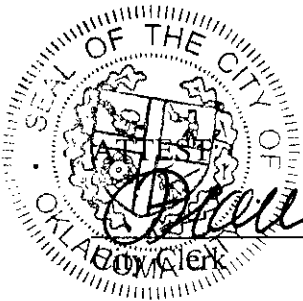
That the existing sanitary sewer has been relocated and a new replacement easement has been granted and approved by The City. Therefore, for good and valuable consideration, The City of Oklahoma City hereby releases, terminates, extinguishes, and abandons any and all rights in and to the property described above acquired under and by virtue of said easement.

DATED this 11th day of May, 2004.

THE CITY OF OKLAHOMA City Of Oklahoma City

By: _____

Mayor



Miller Leroy

STATE OF Oklahoma
COUNTY OF Oklahoma

SS:

Before me, the undersigned, a Notary Public in and for said County and State personally appeared Mike Carrett to known to be the identical person who executed the within and foregoing instrument as the _____ Mayor of The City of Oklahoma City, and (s)he acknowledged to me that (s)he executed the same as his/her free and voluntary act and deed and the free voluntary act and deed of such corporation for the uses and purposes therein set forth.

Given under my hand and seal this 11th day of May, 2004.

Kerri Medley
Notary Public # _____

My Commission expires:



KERRI MEDLEY
Cleveland County
Notary Public in and for
State of Oklahoma
Commission # 99018450 Expires 11/12/07

APPROVED as to form this 2nd day of March, 2004.

Susan D. Ransale
Assistant Municipal Counselor