

RESOLUTION # 86-20-21

**RESOLUTION CONFIRMING PREVIOUSLY ABANDONED AND DISCLAIMED PROPERTY OF TEXAS COUNTY USED FOR PUBLIC HIGHWAY PURPOSES AS VACATED PUBLIC HIGHWAY AND SURPLUS PROPERTY OF TEXAS COUNTY, AND APPROVAL OF THE SALE OF SUCH PROPERTY PURSUANT TO TITLE 69, SECTION 1001 OF THE OKLAHOMA STATUTES**

WHEREAS, Robert P. Curtis and Lola Curtis, husband and wife, conveyed certain real estate by means of a Highway Deed to the Board of County Commissioners of Texas County, Oklahoma, dated June 30, 1919, with said deed being filed in the records of the County Clerk of Texas County on July 10, 1919, and recorded in Book 71 at Page 429, for and in consideration of One Dollar (\$1.00), said real estate being described as:

A tract of land lying and being in the South Half (S/2) of the Northwest Quarter (NW/4) of Section Thirty-Two (32), Township Three North (T3N), Range Fifteen (R15) East of the Cimarron Meridian (ECM), in Texas County, State of Oklahoma, more particularly described as follows:

Commencing at a point where the South line of the Chicago Rock Island and Pacific Rail Way Company's right of way intersects the north line of the northwest quarter of Section Thirty-two, Township Three North, Range Fifteen East of the Cimarron Meridian, thence in a southwesterly direction along the south line of said right of way to the intersection of said south line with the west line of the northwest quarter of Section Thirty-two, Township Three North, Range Fifteen East of the Cimarron Meridian. Thence due south to a point which said point shall measure sixty six feet by a straight line drawn from said point to the nearest point of said right of way; thence in a northeasterly direction parallel to the south line of said right of way, to where said line intersects with the north line of the northwest quarter of section thirty two of Township Three North of Range Fifteen East of the Cimarron Meridian, then west to the point of beginning.

Texas County, Oklahoma, still retains title to a portion of the above described tract, more particularly described as follows, to-wit:

Commencing at the Northwest (NW) corner of the South Half (S/2) of the Northwest Quarter (NW/4) of Section Thirty-Two (32), Township Three (3) North, Range Fifteen (15) East of the Cimarron Meridian (ECM), in Texas County, State of Oklahoma;

Thence S 02°00'28" W along the West line of the South Half (S/2) of the Northwest Quarter (NW/4) of said Section a distance of 294.21 feet to a point, said point being on the Southerly right of way line of the Union Pacific Railroad, said point being 50.00 feet perpendicular to the centerline of said railroad, said point being the true POINT OF BEGINNING for this description;

Thence continue S 02°00'28" W a distance of 88.85 feet to a point, said point being 116.00 feet perpendicular to the centerline of said railroad;

Thence N 49°58'59" E paralleling the centerline of said railroad a distance of 569.36 feet to a point on the North line of the South Half (S/2) of the Northwest Quarter (NW/4) of said Section;

Thence N 87°44'08" W along the North line of the South Half (S/2) of the Northwest Quarter (NW/4) of said Section a distance of 98.10 feet to a point on the Southerly right of way line of said railroad, said point being 50.00 feet perpendicular to the centerline of the railroad;

Thence S 49°58'59" W along the Southerly right of way line of said railroad a distance of 437.30 feet to the POINT OF BEGINNING and containing 0.763 acres more or less;

WHEREAS, it appears the above described real estate was given or donated to Texas County for public highway purposes;

WHEREAS, the above described tract of land was utilized as a public roadway for a period of time until State Highway 54 was constructed through the City of Guymon, at which time said tract of land ceased to be used for public roadway purposes;

WHEREAS, the Board of County Commissioners of Texas County approved and issued a Resolution Vacating Public Highway on February 7, 1948, whereby Texas County vacated and abandoned the public road across the above described tract of real estate, and further disclaimed any and all interest in and to the above described real estate;

WHEREAS, the above described real estate has not been used by Texas County or the public from and after February 7, 1948, and there is no intention or possible need for Texas County to ever utilize the above described real estate of for roadway purposes;

WHEREAS, the County Commissioners believe the above described real estate is of nominal value to Texas County or the public, and the same should be sold as provided and in accordance with Oklahoma Statutes, Title 69, Section 1001, subject to the continuing right to the use of the property by any entity currently operating a sewer, water or gas system, telephone or electrical services, and by public service corporations and rural electric and telephone cooperatives for the construction, reconstruction, maintenance, operation and repair of their facilities of service which may be upon the property; and further subject all easements, restrictions, and limitations related to the platting and use of the West Thirty Three Feet (W33') of said tract of real estate for public street and utility purposes as duly plated and recorded of record.

WHEREAS, all of the real property abutting the above described tract of real estate appears to be owned by Texas County Redi-Mix, LLC;

WHEREAS, the County Commissioners have determined the above described real estate is for the most part inaccessible and has little or no value to Texas County, or the public, other than Texas County Redi-Mix, LLC;

WHEREAS, it appears that pursuant to 69 O.S. § 1001(D), Texas County Redi-Mix, LLC is the only abutting property owner of record to the entirety of the above described tract of real estate, and as such should be notified Texas County has declared said tract to be surplus property and is offering to sell said tract of real estate to it at a fair market value of One Hundred Dollars (\$100.00); and

WHEREAS, if the only abutting property owner, Texas County Redi-Mix, LLC, does not elect to purchase said tract within thirty days of the date of receipt of notice from Texas County, the county shall proceed with the sale of said tract as provided by law.

**IT IS THEREFORE UNANIMOUSLY RESOLVED BY THE COUNTY COMMISSIONERS OF TEXAS COUNTY** as follows, to-wit:

The above described tract of real estate ceased to be used for public roadway purposes, and the Board of County Commissioners of Texas County approved and issued a Resolution Vacating Public Highway on February 7, 1948, whereby Texas County vacated and abandoned the public road over and across the above described tract of real estate, and further disclaimed any and all interest in and to the above described real estate.

The above described real estate has not been used by Texas County or the public from and after February 7, 1948, and there is no intention or possible need for Texas County to ever utilize the above described real estate of a roadway and constitutes and is surplus property of the Texas County.

The above described real estate is for the most part inaccessible to Texas County and the public, other than Texas County Redi-Mix, LLC, the sole abutting property owner of record to the entirety of the above described tract of real estate.

The county commissioners believe the fair market value of the above described tract is nominal and place its value as being One Hundred Dollars (\$100.00).

Pursuant to 69 O.S. § 1001(D), Texas County Redi-Mix, LLC should be notified Texas County has declared said tract to be surplus property, and an offer to sell said tract of real estate at a fair market value of One Hundred Dollars (\$100.00) should be extended to Texas County Redi-Mix, LLC, as the sole abutting property owner.

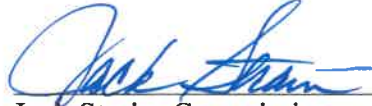
If Texas County Redi-Mix, LLC does not elect to purchase the tract within thirty (30) days of receipt of notice from the county, then the county should and is hereby authorized to proceed with the sale of the tract of real estate as provided by law.

The sale of the tract shall be made subject to the continuing right to the use of the property by any entity currently operating a sewer, water or gas system, telephone or electrical services, and by public service corporations and rural electric and telephone cooperatives for the construction, reconstruction, maintenance, operation and repair of their facilities of service which may be under or upon the property at the time of sale; and further subject all easements, restrictions, and limitations related to the platting and use of the West Thirty Three Feet (W33')

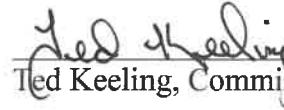
of said tract of real estate for public street and utility purposes as duly plated and recorded in the office of the County Clerk of Texas County, Oklahoma.

**UNANIMOUSLY RESOLVED** by the Board of County Commissioners of Texas County, State of Oklahoma, on this 22<sup>nd</sup> day of March, 2021.

**BOARD OF COUNTY COMMISSIONERS  
TEXAS COUNTY, STATE OF OKLAHOMA**



\_\_\_\_\_  
Jack Strain, Commissioner, Chairman



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Ted Keeling, Commissioner



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Dolan Sledge, Commissioner



(COUNTY SEAL)



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Wendy Johnson, Texas County Clerk