

**IN THE DISTRICT COURT IN AND FOR WASHINGTON COUNTY,
STATE OF OKLAHOMA**

**CLEARLAKE PROPERTIES, LLC, and,
STAFFORD & ASSOCIATES, INC.,**

Plaintiffs/Applicants,

vs.

CITY OF BARTLESVILLE, OKLAHOMA,
A municipal corporation,

And

**WASHINGTON COUNTY BOARD OF
COUNTY COMMISSIONERS,**

**IN THE MATTER OF THE APPLICATION
OF PLAINTIFFS/APPLICANTS FOR A
DECREE VACATING PLAT,**

Respondents.

Case Number CV-2016- 80

DISTRICT COURT WASHINGTON CO OK
JILL L. SPITZER, COURT CLERK
JAN 12 2017
BY J. Bates DEPUTY

**JOURNAL ENTRY OF JUDGMENT VACATING THE
PLAT OF SOUTHPORT SECOND ADDITION**

BE it remembered that on this the 12th day of January 2017, this cause comes on before the Court in its regular order for trial and the Petitioners/Applicant, appearing by Todd A. Cone, their attorney, and the City of Bartlesville, Washington County Board of County Commissioners and Southwestern Bell Telephone Company appear not, having affixed their respective signatures hereto, evidencing their agreement to the entry of a Journal Entry herein, and no one else appearing, whereupon trial by jury is waived and the case is tried to the Court, and the Court, having examined the files herein and being fully advised, finds:

Service and notice was duly made as required under Oklahoma law on each of the franchise holders. The City of Bartlesville concurs with the entry of the Journal Entry, as

evidenced by the signature of its counsel hereto. Southwestern Bell Telephone Company concurs with the entry of the Journal Entry, as evidenced by the signature of its counsel hereto.

The Board of County Commissioners, Washington County, Oklahoma, has filed its Waiver of the Issuance of Service of Summons and Entry of Appearance, consenting and agreeing the cause may be heard without any further notice. AT&T Corp., has filed its Disclaimer, waiving any and all objections to the proposed vacation.

Petitioners/Applicant served a copy of the Petition together with copies of Summons and Notice of Hearing issued and served and of Notice on file to all owners of property located within a radius of 300 feet in any direction of the vacated plat as shown by the Affidavit of Mailing on file herein.

Petitioners/Applicant furnished public notice of the hearing in the matter by Publication Notice in the Bartlesville Examiner-Enterprise on December 6, 2016, as shown by the Publisher's Affidavit on file herein, all on file herein and all of which are by the Court examined and approved. The time within which any person had to plead or answer the Petition has expired

Petitioners/Applicant have complied with all provisions of Oklahoma law establishing notice requirements applicable to this action to vacate the plat of Southport Second Addition and Petitioners/Applicant are entitled to the relief requested in their Petition in this cause pursuant to the orders as set forth below.

Thereupon, the Petitioners/Applicant proceed with the introduction of evidence on their behalf, and the Court, having heard all of the evidence and being fully advised finds that all of the allegations of the Petition are true, and finds the issues generally in favor of the Petitioners/Applicant.

The Court Further Finds and **IT IS ORDERED, ADJUDGED AND DECREED** the Petitioner/Applicant Stafford & Associates, Inc., owns, both by deed and grant and by right of prescription, and is in the possession of the all of the following described real estate situate in Washington County, Oklahoma, to-wit:

A PART OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 26 NORTH, RANGE 13 EAST OF THE INDIAN MERIDIAN, WASHINGTON COUNTY, STATE OF OKLAHOMA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 28;
THENCE ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER

S89°56'15"E FOR A DISTANCE OF 21.53 FEET TO THE INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF SOUTHPORT DRIVE;

THENCE SOUTHWESTERLY ALONG SAID NORTH RIGHT-OF-WAY LINE A DISTANCE OF 74.70 FEET ON THE ARC OF A CURVE WHICH IS CONCAVE TO THE SOUTHEAST AND HAS A RADIUS OF 1813.23 FEET TO A POINT REACHED BY A CHORD OF S78°26'29"W FOR A DISTANCE OF 74.69 FEET; THENCE CROSSING SOUTHPORT DRIVE S12°44'10"E FOR A DISTANCE OF 60.00 FEET; THENCE ALONG THE SOUTH RIGHT-OF-WAY LINE OF SOUTHPORT DRIVE A DISTANCE OF 13.74 FEET ON THE ARC OF A CURVE WHICH IS CONCAVE TO THE SOUTHEAST AND HAS A RADIUS OF 1753.23 FEET TO A POINT REACHED BY A CHORD OF N77°28'23"E FOR A DISTANCE OF 13.74 FEET; THENCE S0°12'40"E A DISTANCE OF 109.17 FEET TO THE POINT OF BEGINNING; THENCE N79°58'24"E A DISTANCE OF 91.58 FEET; THENCE S9°44'09"E A DISTANCE OF 112.54 FEET; THENCE S78°11'53"W A DISTANCE OF 108.74 FEET; THENCE N20°30'57"W A DISTANCE OF 6.71 FEET; THENCE N0°12'40"W A DISTANCE OF 110.94 FEET TO THE POINT OF BEGINNING,

ALONG WITH AN EASEMENT FOR INGRESS AND EGRESS OVER THE CURRENT ROADWAY, BEING APPROXIMATELY 24 FEET IN WIDTH. LYING ON THE NORTH SIDE OF SAID PROPERTY AND CONTINUING IN A NORTHEASTERLY DIRECTION TO THE WEST RIGHT-OF-WAY LINE OF SOUTHPORT LOOP, THE CENTERLINE OF WHICH IS DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 28; THENCE ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER S89°56'15"E FOR A DISTANCE OF 21.53 FEET TO THE INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF SOUTHPORT DRIVE; THENCE SOUTHWESTERLY ALONG SAID NORTH RIGHT-OF-WAY LINE A DISTANCE OF 74.70 FEET ON THE ARC OF A CURVE WHICH IS CONCAVE TO THE SOUTHEAST AND HAS A RADIUS OF 1813.23 FEET TO A POINT REACHED BY A CHORD OF S78°26'29"W FOR A DISTANCE OF 74.69 FEET; THENCE CROSSING SOUTHPORT DRIVE S12°44'10"E FOR A DISTANCE OF 60.00 FEET; THENCE ALONG THE SOUTH RIGHT-OF-WAY LINE OF SOUTHPORT DRIVE A DISTANCE OF 13.74 FEET ON THE ARC OF A CURVE WHICH IS CONCAVE TO THE SOUTHEAST AND HAS A RADIUS OF 1753.23 FEET TO A POINT REACHED BY A CHORD OF N77°28'23"E FOR A DISTANCE OF 13.74 FEET; THENCE S0°12'40"E A DISTANCE OF 109.17 FEET TO THE POINT OF BEGINNING OF SAID CENTERLINE; THENCE N79°58'24"E A DISTANCE OF 163.81 FEET TO THE WEST RIGHT-OF-WAY LINE OF SOUTHPORT LOOP AND THE TERMINUS OF SAID CENTERLINE.

(Said area to approximately encompass what would otherwise be the equivalent of Unit III 101 & 102, and the Roadway on the North side of what would otherwise be Units II and III)

(hereinafter referred to as "Stafford Tract")

The Court Further Finds and **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** the Petitioner/Applicant Clearlake Properties, LLC owns, both by deed and grant and by right of prescription, and is in the possession of the all of the following described real estate situate in Washington County, Oklahoma, to-wit:

All of Southport Second Addition to the City of Bartlesville, Washington County, Oklahoma, less and except, the Stafford Tract.

(hereinafter referred to as "Clearlake Tract")

The Court Further Finds and **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** the split of the Southport Land is hereby approved and Petitioners/Applicants are the rightful owners of the above described real estate, both by deed and grant and by right of prescription.

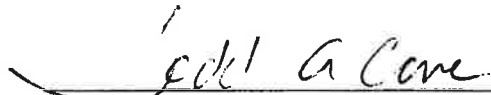
IT IS FURTHER ORDERED, ADJUDGED AND DECREED the Plat of Southport Second Addition to the City of Bartlesville, should be, and the same if forever vacated.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED there currently exists a utility easement located in Southport Second Addition, in which, The City of Bartlesville and Southwestern Bell Telephone Company presently maintain utility lines. The vacation of the plat of Southport Second Addition, shall not operate to invalidate or impair the right of any municipal utility or regulated transmission company to continue to possess, occupy, and use the utility easement for the performance of its public service undertaking. Such municipality and transmission companies, may maintain, replace, repair, and operate its facilities, have unrestricted ingress and egress to said location, and remove its facilities without impairment by reason of the vacation of Southport Second Addition.



Judge of the District Court

Approved as to Content and Form:



Todd A. Cone, attorney for Petitioners

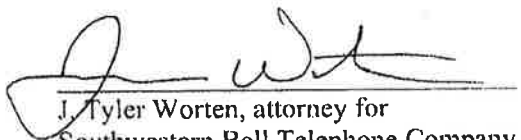
J. Tyler Worten, attorney for
Southwestern Bell Telephone Company

Jerry Maddux, attorney for
The City of Bartlesville

Ashley J. Kane, attorney for
Washington County Board of County Commissioners

Approved as to Content and Form:

Todd A. Cone, attorney for Petitioners



J. Tyler Worten, attorney for
Southwestern Bell Telephone Company


Jerry Maddux, attorney for
The City of Bartlesville

Ashley J. Kane, attorney for
Washington County Board of County Commissioners

Approved as to Content and Form:

Todd A. Cone, attorney for Petitioners

J. Tyler Worten, attorney for
Southwestern Bell Telephone Company



Jerry Maddux, attorney for
The City of Bartlesville

Approved as to Content and Form:

Todd A. Cone, attorney for Petitioners

J. Tyler Worten, attorney for
Southwestern Bell Telephone Company

Jerry Maddux, attorney for
The City of Bartlesville

Ashley J. Kane
Ashley J. Kane, attorney for
Washington County Board of County Commissioners