

STATE OF OKLAHOMA

2nd Session of the 43rd Legislature (1992)

SENATE BILL NO. 808

BY: GUSTAFSON

AS INTRODUCED

AN ACT RELATING TO MUNICIPALITIES; AMENDING 11 O.S.

1991, SECTION 42-110, WHICH RELATES TO POWER TO
CLOSE PUBLIC WAYS OR EASEMENTS; AUTHORIZING
MUNICIPALITIES TO WAIVE RIGHT TO REOPEN; AND
PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 11 O.S. 1991, Section 42-110, is amended to read as follows:

Section 42-110. A. The municipal governing body by ordinance may close to the public use any public way or easement within the municipality whenever 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 Except as provided in subsection D of this section, 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. The municipality may permanently terminate a public way or easement and waive all rights to reopen said public way or easement upon a two-thirds (2/3) vote of its governing body.

E. Closing or termination 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.

SECTION 2. This act shall become effective September 1, 1992.

43-2-1622

MJM