

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)
2ND CONFERENCE COMMITTEE
SUBSTITUTE FOR ENGROSSED
HOUSE BILL NO. 1799

By: Steidley of the House

and

Smith of the Senate

2ND CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to cities and towns; amending 11 O.S. 1991, Section 29-105, which relates to municipalities and fire protection districts; providing for fire protection outside corporate limits; amending 11 O.S. 1991, Section 42-106, which relates to vacating plats; providing for certain plats to be replatted; providing certain requirements to replat; providing that certain replats are lawful; and providing an effective date.

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

SECTION 1. AMENDATORY 11 O.S. 1991, Section 29-105, is amended to read as follows:

Section 29-105. A municipality may:

1. Provide protection from fire for all persons and property within its boundaries;
2. Contract to give or receive such protection to or from one or more municipalities or private organizations;
3. Provide fire protection jointly with one or more municipalities or private organizations;
4. Contribute toward the support of any fire department in return for fire protection service; ~~or~~
5. Create fire protection districts within the limits of the municipality encompassing areas served by fire protection services; or

6. Provide fire protection for persons and property outside its corporate limits provided that said fire protection has been authorized by the governing body of the municipality.

SECTION 2. AMENDATORY 11 O.S. 1991, Section 42-106, is amended to read as follows:

Section 42-106. A. Any plat of a municipality or addition thereto or any subdivision of land may be vacated by the owners thereof at any time before the sale of any lots therein by a written instrument declaring the same to be vacated, duly executed, acknowledged or proved and recorded in the same office with the plat to be vacated. The executing and recording of the written instrument, bearing the approval or consent of the municipality in which the plat is situated, shall operate to destroy the force and effect of the recording of the plat so vacated, and to divest all public rights in the public ways, commons, and public grounds laid out as described in the plat.

B. Where any lots in the plat sought to be vacated have been sold, the plat may be vacated as provided in subsection A of this section, or replatted, provided that ~~all the owners of lots in the plat~~ sixty percent (60%) of the owners of lots in the plat and all of the owners in the area to be replatted join in the execution of the written instrument, ~~and~~ the instrument bears the approval of the municipality in which the plat is situated, and such action is not prohibited by any restrictive covenants encumbering the lots in plat.

C. Notwithstanding the foregoing provisions, any plat of record in the office of the county clerk in the county in which the real property is situated, for a period of not less than ten (10) years, which bears the approval of the municipality in which the real property is situated, which replats an existing plat, or a portion thereof, shall be deemed a lawful replatting of any plat, or portion thereof, thereby vacating the plat, or a portion thereof, which is replatted.

~~C.~~ D. This section shall not be construed as applying to any of the territory included within the limits of any incorporated municipality created and organized under and by virtue of a special act of the Legislature.

SECTION 3. This act shall become effective September 1, 1993.