

IN THE DISTRICT COURT IN AND FOR THE COUNTY OF OKLAHOMA
STATE OF OKLAHOMA

In the Matter of the Application of Downtown Airpark, Inc. and the City of Oklahoma City, for a Decree Vacating a Portion of the Plat of part of the SE/4 of Section 5, Township 11 North, Range 3 West, in Oklahoma County, State of Oklahoma, known as Delmar Heights, an Addition to the City of Oklahoma City, Oklahoma; and a Portion of the Plat of part of the NE/4 of Section 8, Township 11 North, Range 3 West, in Oklahoma County, State of Oklahoma, known as Jones Grove, an addition to the City of Oklahoma City, Oklahoma.

NO. 135075

DECREE

This matter came on to be heard before me, the undersigned Judge of the District Court in and for Oklahoma County, Oklahoma, on this 11th day of January, 1955, upon the Application of Downtown Airpark, Inc. and the City of Oklahoma City, to have a portion of the plats of Delmar Heights, an addition to Oklahoma City, Oklahoma, and of Jones Grove, an addition to Oklahoma City, Oklahoma, vacated. The applicant, Downtown Airpark, Inc. appeared by its attorneys, Kerr, Conn & Davis, The applicant, The City of Oklahoma City, appeared by its attorney, Carter G. Dudley, and the Board of County Commissioners of Oklahoma County appeared by its attorney, Nathan S. Sherman, Assistant County Attorney.

The Court finds that due and legal notice of said Application has been given by posting and publication, as required by law, and that due and legal notice to the governing body of said city and upon the Board of County Commissioners has been given in the same manner as is provided for service of process in civil actions, which service is hereby approved.

The Court further finds that subsequent to service of notice herein, the applicant, the City of Oklahoma City, by quit claim deed executed by the Downtown Airpark, Inc., dated December 13, 1954, recorded in Book 1872 at Page 149, in the office of the County Clerk of Oklahoma County, acquired title to the following described land situated in Oklahoma County, State of Oklahoma, to-wit:

A tract of land in the Southeast Quarter of Section 5, Township 11 North, Range 3 West, formerly platted as all of Blocks 1, 2, 4, 5, 6, all of Lots 1 to 13 and 50 to 55 inclusive, of Block 3, and parts of Blocks 7, 12, 13, 14 and 21, Delmar Heights Addition, including all streets and alleys within the following described land, to-wit:

Beginning at a point on the east line of said Southeast Quarter which is 554.42 feet north of the southeast corner of the Southeast Quarter; thence in a northwesterly direction to a point on the center line of Carpenter Avenue, said point being 1323 feet west (measured along the south line of the Southeast Quarter) and 1798 feet north (measured along the center line of Carpenter Avenue) of the southeast corner of said Southeast Quarter and said point being the center of the intersection of Cedar Street and Carpenter Avenue; thence north 30 feet to the north line of Cedar Street; thence west 30 feet along the north line of Cedar Street to the southeast corner of Lot 55, Block 3; thence in a northwesterly direction to the northwest corner of Lot 50, Block 3, Delmar Heights Addition; thence east 10 feet to the southwest corner of Lot 13, Block 3, Delmar Heights Addition; thence north along the east line of Lot 14 to the intersection of the south right-of-way line of the St. Louis-San Francisco Railroad; thence in a northeasterly direction along the south right-of-way line of the S. L. - S. F. R. R. to the intersection of the east bank of the Old North Canadian River and the said south right-of-way line, said intersection more particularly described as the northwest corner of Lot 1, North Glendale Addition; thence south along the east bank of the old North Canadian River to the intersection of said east bank and the east line of the Southeast Quarter; thence south along the east line of the Southeast Quarter 430 feet, more or less, to the point of beginning. Containing 28.88 acres, more or less.

The above-described land being a part of the land conveyed to the Downtown Airpark, Inc., by Homer Dunlap, Jr., et al., by deeds dated July 1, 1946, and October 25, 1946, and recorded in Book 849, page 329 and Book 929 page 412 respectively;

AND

All of the following described land in the Northeast Quarter of Section 8, Township 11 North, Range 3 West, formerly platted as Lots 1 to 7, both inclusive, Block 22, and all of Blocks 23 and 24, Jones Grove Addition, more particularly described as follows, to-wit:

Beginning at the southeast corner of Lot 41, Block 19, Jones Grove Addition; thence east to the west line of Western Avenue; thence south a distance of 193 feet, more or less, to the north line of the A. T. & S. F. Railroad right-of-way; thence west along said railroad right-of-way to a point which is 425 feet east of the east line of McKinley Avenue; thence north 193.8 feet, more or less, to the point of beginning; and Lots 8 to 13, both inclusive, Block 22, Jones Grove Addition, containing 8.31 acres, more or less.

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and that by virtue of said quit claim deed, the applicant, the City of Oklahoma City, succeeded to the interest of the applicant, Downtown Airpark, Inc., in said property, except as expressly reserved in said deed, and in these proceedings.

The Court having heard the evidence introduced, and being fully advised in the premises, and there being no objections, finds that a part of the Southeast Quarter (SE/4) of Section 5, Township 11 North, Range 3 West of the Indian Base Meridian, in Oklahoma County, Oklahoma, described by metes and bounds, was on the 21st day of February, 1910, platted into lots and blocks and designated as Delmar Heights, an addition to Oklahoma City, Oklahoma, and streets and alleys therein were dedicated to public use, as more fully appears from the Dedication of said property and the Plat thereof attached, filed in the office of the County Clerk of Oklahoma County, and recorded in Plat Book 15, Pages 97 to 98, reference to which is hereby made; and that a part of the Northeast Quarter (NE/4) of Section 8, Township 11 North, Range 3 West of Indian Meridian, in Oklahoma County, Oklahoma, described by metes and bounds, was on the 5th day of January, 1910, platted into lots and blocks and designated as Jones Grove, an addition to Oklahoma City, Oklahoma, and streets and alleys therein were dedicated to public use, as more fully appears from the Dedication of said property and the plat thereof attached, filed in the office of the County Clerk of Oklahoma County, and recorded in Plat Book 13, at Page 57, reference to which is hereby made.

The Court further finds that the Applicants are the owners of the following described portion of said platted property, to-wit:

All of Blocks 1, 2, 4, 5, 6, 7, 12, 13, 14, 15, 20, 21, and 22 and Lots 1 to 13 inclusive and Lots 50 to 55 inclusive, of Block 3; and Lots 1 through 23 inclusive and the West 100 feet of Lot 24, and Lots 33 through 48 inclusive, of Block 23, Delmar Heights, an addition to Oklahoma City, Oklahoma; and all streets and alleys through, adjacent to and abutting thereon;

and

All of Blocks 1, 8, 9, 15, 16, 17, 18, 23, and 24, and Lots 1 through 15 inclusive, and Lots 34 through 48 inclusive, of Block 2; and Lots 1 through 15 inclusive, and Lots 34 through 48 inclusive, of Block 7; and Lots 1 through 15 inclusive, and Lots 25 through 48 inclusive, of Block 10, and Lots 1 through 8 inclusive, and Lots 42 through 48 inclusive, of Block 19; and Lots 1 through 13 inclusive, of Block 22, of Jones Grove, an addition to Oklahoma City, Oklahoma; and all streets and alleys through, adjacent to and abutting thereon,

and that the said property has never been actually used for town or city purposes, that the platted streets and alleys over and across the same have never been used by the public; and that the public has for more than five years last past abandoned any use of the same, and that the same has been enclosed and occupied adversely to the public for more than five years last past; and that the said property is no longer useful, required or desirable for city or town purposes as platted.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court, that the Plats of Delmar Heights, an Addition to Oklahoma City, Oklahoma, and of Jones Grove, an Addition to Oklahoma City, Oklahoma, be and the same are hereby vacated in so far as they cover the following described portion of said platted property, to-wit:

All of Blocks 1, 2, 4, 5, 6, 7, 12, 13, 14, 15, 20, 21, and 22 and Lots 1 to 13 inclusive and Lots 50 to 55 inclusive, of Block 3; and Lots 1 through 23 inclusive and the West 100 feet of Lot 24, and Lots 33 through 48 inclusive, of Block 23, Delmar Heights, an addition to Oklahoma City, Oklahoma; and all streets and alleys through, adjacent to and abutting thereon;

and

All of Blocks 1, 8, 9, 15, 16, 17, 18, 23, and 24, and Lots 1 through 15 inclusive, and Lots 34 through 48 inclusive, of Block 2; and Lots 1 through 15 inclusive, and Lots 34 through 48 inclusive, of Block 7; and Lots 1 through 15 inclusive, and Lots 25 through 48 inclusive, of Block 10, and Lots 1 through 8 inclusive, and Lots 42 through 48 inclusive, of Block 19; and Lots 1 through 13 inclusive, of Block 22, of Jones Grove, an addition to Oklahoma City, Oklahoma; and all streets and alleys through, adjacent to and abutting thereon.

I, the undersigned, hereby certify that the foregoing is a true, correct and complete copy of the instrument herewith set out as appears of record in the Court Clerk's Office of Oklahoma County, Okla., this 11 day of Jan, 1955

CLIFE MYERS, Court Clerk

15/ Clarence Mills
DISTRICT JUDGE

PJ

O. K.

KERR, CONN & DAVIS

1955

By William E. Heiman
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Carte S. Dudley
Attorneys for The City of Oklahoma City

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for the Board of County Commissioners
of Oklahoma County

STATE OF OKLAHOMA, OKLAHOMA COUNTY, SS: THIS INSTRUMENT WAS FILED FOR RECORD ON PAGE 578
THE 11 DAY OF Jan 1955, AT 10:53 O'CLOCK A.M. AND DULY RECORDED.
JOE PITTS, COUNTY CLERK. FEE 6.30 BY DeWoody DEPUTY