

## **Council Policy 5-1 Policy on Closing Public Ways or Easements**

### **SUBJECT: Policy on Closing Public Ways or Easements**

**PURPOSE:** To prescribe policy for closing of public ways or easements.

**BACKGROUND:** Occasionally, the City receives requests for closure of a public way or easement. A written policy is needed to identify conditions which must be met for such closure.

### **POLICY/**

**PROCEDURES:** 1. Public ways and easements are considered to be held in trust by the City government for the present and/or future use of the people of the City of Lawton. Except when a major development or redevelopment plan previously adopted by the LMAPC and approved by the City Council requires closing of a public way or easement, it shall be the policy of the City Council not to approve such closings.

2. Consideration shall be given to further exceptions when:

(a) 1. By reason of previous closing and/or terrain obstacles, the public way or easement for which a closing is requested is interrupted at both ends of the requested closing, and

2. The public way or easement for which closing is requested is not used by the public and probably will not be so used in the future, and

3. The property on both sides of requested closing is under single ownership and the property on one side is so small or of such an irregular shape that it cannot be effectively used with the public way or easement open between the two parcels, or

(b) Specific cogent reasons are clearly identified which demonstrate that the requested closing is in the public interest.

3. When closings are approved it shall be the policy to preserve existing utility easements.

4. This Council Policy memorandum shall remain in effect until a new Council Policy is adopted.

**REFERENCES:** Article 42, Title 11 O.S. 1991

Article 3, Chapter 18, Lawton City Code, 1985

**EFFECTIVE DATE**

**RESCISSION:** This policy became effective February 11, 1975. This version updates the format and assigns a new number to Council Policy No. 7.

**RESPONSIBLE**

**DEPARTMENT:** Planning and Special Studies.

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JOHN T. MARLEY

MAYOR

November 17, 1995