Notice and Agenda
Work Session Meeting of The
Bixby City Council

Dawes Conference Room
113 West Dawes, Bixby, Oklahoma 74008
August 23rd 2021, at 5:00 P.M.

Call to Order

Mayor Guthrie

Roll Call

City Clerk Yvonne Adams

Agenda

1. Discussion and presentation of Buy Bixby Program.

   Krystal Crockett

2. Discussion and presentation of Downtown Christmas alternatives.

   Bryan Toney

Notice of Posting

This Notice and Agenda was posted on the bulletin board August 20th 2021, on or before 5:00 p.m., at City Hall, 116 West Needles, Bixby Oklahoma.

Respectfully submitted,

Yvonne Adams, City Clerk

Persons who require a special accommodation to participate in this meeting should contact City Clerk Yvonne Adams, 116 West Needles Avenue, Bixby, Oklahoma, 918-366-4430 or via Email: yadams@bixbyok.gov as far in advance as possible and preferably at least 48-hours before the date of the meeting. Persons using a TDD may contact OKLAHOMA RELAY at 1-800-722-0353 and voice calls should be made to 1-800-522-8506 to communicate via telephone with hearing telephone users and vice versa.

City Council Meeting Agenda

Municipal Building
116 W. Needles Ave., Bixby, OK 74008
August 23, 2021 at 6:00 P.M.

Call to Order — Mayor Guthrie

Roll Call — City Clerk Yvonne Adams

Pledge of Allegiance

Invocation

Consent Agenda

City Clerk's Report

Consider and approve:

a) Minutes for the Work Session meeting dated 08/09/21.

b) Minutes for the City Council meeting dated 08/09/21.

c) Façade Grant Program Application for 17 East Dawes Ave in the amount of $10,000.

d) Façade Grant Program Application for 8 East Dawes Ave in the amount of $10,000.

Persons who require a special accommodation to participate in this meeting should contact City Clerk Yvonne Adams, 116 West Needles Avenue, Bixby, Oklahoma, 918-366-4430 or email City Clerk Yvonne Adams (yadams@bixbyok.gov) as far in advance as possible and preferably at least 48-hours before the date of the meeting. Persons using a Telecommunication Device for the Deaf may contact **Oklahoma Relay** at 1-800-722-0353 and voice calls should be made to 1-800-522-8506 to communicate via telephone with hearing telephone users and vice versa.

e) Façade Grant Program Application for 8A East Dawes Ave in the amount of $10,000.

f) Discuss and/or take action on request for waiver of fees for Rental for Barricades for the Bixby Chamber of Commerce "'Game Days" Events.

g) Approve final acceptance of the Remote Operations Center Project with final contract amount of $98,000.

h) Approve final acceptance of the Dawes and City Hall Renovation Project with a final contract amount of $4,755,342.25.

i) Approve final acceptance of the Harmony Bridge Phase II Project with a final contract amount of $3,058,404.88.

j) Discuss and/or take action on City sponsorship for the Buy Bixby program managed by the Bixby Metro Chamber.

k) Authorize re-issuance of requests for proposals (RFPs) for the Development of Surplus Real Property in Blocks 5, 6 & 9, Midland Addition.

l) Consider and/or take action, if necessary, on the purchase of real estate north and east of the intersection at 151st Street & Sheridan Road, owned by DMT Bixby, LLC.

m) Discuss and/or take action on Funding Agreement with the Oklahoma Department of Transportation for the East Fry Creek Trail from 131st to 118th St. Project.

n) Approval of purchase of Lots 8,9,10, & 11, Less No 55' and Lots 12,13,14,15, Block 31, Leonard Addition for fire station ext.; purchase price $135,000.

Public comments are limited to items listed on the agenda.

Those wishing to speak on agenda items will need to appear in the City Council Chamber.

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Regular Agenda

1. Discussion and possible action to adopt, amend, reject, or defer a resolution relating to $7,500,000 general obligation bonds, series 2021; fixing the amount of bonds to mature each year, fixing the time and place the bonds are to be sold, and authorizing the clerk to give notice of said sale as required by law.

   Charles Barnes

2. Discuss and possible action for Annexation filed by 151 Bixby, LLC, for project known as, 135th & Mingo, for a tract of land situated in the 13500-block of South Mingo Road, Section Seven (7), Township Seventeen (17) North, Range Fourteen (14) East, of the Indian Base and Meridian, Tulsa County, State of Oklahoma, According to the United States Government survey thereof. Located in the general vicinity of the East 135th Street and South Mingo Road, Bixby, Oklahoma.

   Carolyn Back

3. Discuss and possible action on Ordinance Number 2344, approving the Petition for Annexation filed by 151 Bixby, LLC, for project known as, 135th & Mingo, for a tract of land situated in the 13500-block of South Mingo Road, Section Seven (7), Township Seventeen (17) North, Range Fourteen (14) East, of the Indian Base and Meridian, Tulsa County, State of Oklahoma, According to the United States Government survey thereof. Located in the general vicinity of the East 135th Street and South Mingo Road. Being more particularly described as follows in Exhibit A (attached).

   Carolyn Back

4. Consider and take action to declare an emergency regarding Ordinance Number 2344 making it effective immediately upon passage and approval.

   Carolyn Back

5. Discussion and possible action for Bixby Comprehensive Plan Future Land Use Map – BXCP-21.06, Amendment to the Comprehensive Plan for 135th & Mingo, Low-Density Residential to Medium-Density Residential, to allow for (RS-3) Residential Single-Family zoning in the of City of Bixby. Development contains 44.301 acres (more or less) in Section 7, Township 17N, Range 14E, located 13500-Block of South Mingo Road, Bixby, Oklahoma.

   Carolyn Back

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6. Discussion and possible action on Ordinance Number 2345, Bixby Comprehensive Plan Future Land Use Map – BXCP-21.06, Amendment to the Comprehensive Plan for 135th & Mingo, Low-Density Residential to Medium-Density Residential, to allow for (RS-3) Residential Single-Family zoning in the of City of Bixby. Development contains 44.301 acres (more or less) in Section 7, Township 17N, Range 14E, located 13500-Block of South Mingo Road, Bixby, Oklahoma.

Carolyn Back

7. Consider and take action to declare an emergency regarding Ordinance Number 2345 making it effective immediately upon passage and approval.

Carolyn Back

8. Discussion and possible action for Tanner Consulting, LLC, 135th & Mingo, Rezone (BXZO-21.15) and Planned Unit Development (BXPUD-21.07), General location: 13500-Block of South Mingo Road, Bixby, Oklahoma.

Carolyn Back

9. Discussion and possible action on Ordinance Number 2353, Tanner Consulting, LLC, 135th & Mingo, Rezone (BXZO-21.15) and Planned Unit Development (BXPUD-21.07), General location: 13500-Block of South Mingo Road, Bixby, Oklahoma.

Carolyn Back

10. Consider and take action to declare an emergency regarding Ordinance Number 2353 making it effective immediately upon passage and approval.

Carolyn Back

11. Discussion and possible action on Bixby Comprehensive Plan Future Land Use Map – BXCP-21.07, Amendment to the Comprehensive Plan for Rowan Grove Phase II, Low-Density Residential to Medium-Density Residential, to allow for (RS-3) Residential Single-Family zoning in the of City of Bixby. Development contains 36.68 acres (more or less) in Section 7, Township 17N, Range 14E, located Southeast corner of E. 131st Street South and South Mingo Road, Bixby, Oklahoma.

12. Discussion and possible action 0n Ordinance Number 2346, Bixby Comprehensive Plan – BXCP-21.07, Amendment to the Comprehensive Plan for Rowan Grove Phase II, Low-Density Residential to Medium-Density Residential, to allow for (RS-3) Residential Single-Family zoning in the of City of Bixby. Development contains 36.68 acres (more or less) in Section 7, Township 17N, Range 14E, located Southeast corner of E. 131st Street South and South Mingo Road, Bixby, Oklahoma.

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13. Discussion and possible action to declare an emergency regarding Ordinance Number 2346 making it effective immediately upon passage and approval.

Carolyn Back

14. Discussion and possible action for AAB Engineering, LLC, Rowan Grove, Rezone (BXZO-21.09), Planned Unit Development (BXPUD-21.06), and Preliminary Plat (BXPT-21.06), General location: East 131st Street South and South Mingo Road, Bixby, Oklahoma.

Carolyn Back

15. Discussion and possible action on Ordinance Number 2352, AAB Engineering, LLC, Rowan Grove, Rezone (BXZO-21.09), and Planned Unit Development (BXPUD-21.06), General location: East 131st Street South and South Mingo Road, Bixby, Oklahoma.

Carolyn Back

16. Consider and take action to declare an emergency regarding Ordinance Number 2352 making it effective immediately upon passage and approval.

Carolyn Back

17. Discussion and possible action on Bixby Comprehensive Plan Future Land Use Map – BXCP-21.08, Amendment to the Comprehensive Plan for Faubert, Rural Residential, High-Density Residential, and Commercial to Agricultural and Commercial, to allow for (AG) Agriculture and (CG) Commercial General zoning in the of City of Bixby. Development contains 77.6 acres (more or less) in Section 22, Township 17N, Range 13E, located 15802 South Sheridan Road, Bixby, Oklahoma.

Carolyn Back

18. Discussion and possible action on Ordinance Number 2347, Bixby Comprehensive Plan – BXCP-21.08, Amendment to the Comprehensive Plan for Faubert, Rural Residential, High-Density Residential, and Commercial to Agricultural and Commercial, to allow for (AG) Agriculture and (CG) Commercial General zoning in the of City of Bixby. Development contains 77.6 acres (more or less) in Section 22, Township 17N, Range 13E, located 15802 South Sheridan Road, Bixby, Oklahoma.

Carolyn Back

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19. Consider and take action to declare an emergency regarding Ordinance Number 2347 making it effective immediately upon passage and approval.

Carolyn Back

20. Discussion and possible action on Bixby Comprehensive Plan Future Land Use Map – BXCP-21.05, Amendment to the Comprehensive Plan for River Crest III, Mixed-Use to Low-Density Residential, to allow for (RS-3) Residential Single-Family zoning in the of City of Bixby. Development contains 13 acres (more or less) in Section 11, Township 17N, Range 13E, located East 131st Street and South 73rd East Ave, Bixby, Oklahoma.

Carolyn Back

21. Discussion and possible action on Ordinance Number 2348, Bixby Comprehensive Plan – BXCP-21.05, Amendment to the Comprehensive Plan for River Crest III, Mixed-Use to Low-Density Residential, to allow for (RS-3) Residential Single-Family zoning in the of City of Bixby. Development contains 13 acres (more or less) in Section 11, Township 17N, Range 13E, located East 131st Street and South 73rd East Ave, Bixby, Oklahoma.

Carolyn Back

22. Consider and take action to declare an emergency regarding Ordinance Number 2348 making it effective immediately upon passage and approval.

Carolyn Back

23. Discussion and possible action for Planning and Design Group, River Crest III, Rezone (BXZO-21.13) and Planned Unit Development (BXPUD-18.08MA). General location: East 131st Street & South 73rd East Avenue, Bixby, Oklahoma.

Carolyn Back

24. Consider and take action on Ordinance Number 2351, Planning Design Group, River Crest III, Rezone (BXZO-21.13) and Planned Unit Development (BXPUD-18.08MA). General location: East 131st Street & South 73rd East Avenue, Bixby, Oklahoma.

Carolyn Back

25. Discussion and possible action to declare an emergency regarding Ordinance Number 2351 making it effective immediately upon passage and approval.

Carolyn Back

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26. Discussion and possible action on Bixby Comprehensive Plan Future Land Use Map – BXCP-21.04, Amendment to the Comprehensive Plan for Biggers Trust, Mixed-Use to Medium-Density Residential, to allow for (RS-3) Residential Single-Family zoning in the of City of Bixby. Development contains 120 acres (more or less) in Section 21, Township 17N, Range 13E, located East 151st Street and South Yale Ave, Bixby, Oklahoma.

    Carolyn Back

27. Discussion and possible action on Ordinance Number 2349, Bixby Comprehensive Plan – BXCP-21.04, Amendment to the Comprehensive Plan for Biggers Trust, Mixed-Use to Medium-Density Residential, to allow for (RS-3) Residential Single-Family zoning in the of City of Bixby. Development contains 120 acres (more or less) in Section 21, Township 17N, Range 13E, located East 151st Street and South Yale Ave, Bixby, Oklahoma.

    Carolyn Back

28. Consider and take action to declare an emergency regarding Ordinance Number 2349 making it effective immediately upon passage and approval.

    Carolyn Back

29. Discussion and possible action on Planning Design Group, Biggers Trust, Rezone (BXZO-21.14) and Planned Unit Development (BXPUD-21.05). Appeal of Planning Commission decision. General location: East 151 Street South and South Yale Avenue, Bixby, Oklahoma.

    Carolyn Back

30. Discussion and possible action on Ordinance Number 2350, Planning Design Group, Biggers Trust, Rezone (BXZO-21.14) and Planned Unit Development (BXPUD-21.05) . Appeal of Planning Commission decision. General location: East 151 Street South and South Yale Avenue, Bixby, Oklahoma.

    Carolyn Back

31. Consider and take action to declare an emergency regarding Ordinance Number 2350 making it effective immediately upon passage and approval.

    Carolyn Back

32. Discussion and possible action on Tanner Consulting, LLC, Deer Valley, Rezone (BXZO-21.16) and Major Amendment to Planned Unit Development (BXPUD-21.01-

A), General location: Northwest corner (NW/c) of South 1611st Street South and South Yale Avenue, Bixby, Oklahoma.

Carolyn Back

33. Discussion and possible action on Ordinance Number 2354, Tanner Consulting, LLC, Deer Valley, Rezone (BXZO-21.16) and Major Amendment to Planned Unit Development (BXPUD-21.01-A), General location: Northwest corner (NW/c) of South 1611st Street South and South Yale Avenue, Bixby, Oklahoma.

Carolyn Back

34. Consider and take action to declare an emergency regarding Ordinance Number 2354 making it effective immediately upon passage and approval.

Carolyn Back

35. Discussion and possible action for, JR Donelson, Rachael Gardens, Rezone (BXZO-21.12), Planned Unit Development (BXPUD-21.08), and Preliminary Plat (BXPT-21.08), General location: Lots Five (5) through Ten (10), Block Three (3), Devine-Ellard Addition, Bixby, Oklahoma.

Carolyn Back

36. Discussion and possible action on Ordinance Number 2355, JR Donelson, Rachael Gardens, Rezone (BXZO-21.12) and Planned Unit Development (BXPUD-21.08), General location: Lots Five (5) through Ten (10), Block Three (3), Devine-Ellard Addition, Bixby, Oklahoma

Carolyn Back

37. Discussion and possible action to declare an emergency regarding Ordinance Number 2355 making it effective immediately upon passage and approval.

Carolyn Back

38. Discussion and possible action for, JR Donelson, Rachael Gardens, Bixby Comprehensive Plan Future Land Use Map, Amendment to the Comprehensive Plan, (BXCP-21.09), General location: Lots Five (5) through Ten (10), Block Three (3), Devine-Ellard Addition, Bixby, Oklahoma.

Carolyn Back

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39. Discussion and possible action on Ordinance Number 2356, JR Donelson, Rachael Gardens, Comprehensive Plan Map Amendment (BXCP-21.09), General location: Lots Five (5) through Ten (10), Block Three (3), Devine-Ellard Addition, Bixby, Oklahoma.

Carolyn Back

40. Discussion and possible action to declare an emergency regarding Ordinance Number 2356 making it effective immediately upon passage and approval.

Carolyn Back

41. Discussion and possible action for AAB Engineering, LLC, 141st and Lewis, Planned Unit Development (BXPUD-21.04), General location: East 141st Street South and South Lewis Avenue, Bixby, Oklahoma.

Carolyn Back

42. Discussion and possible action on Ordinance Number 2360, AAB Engineering, LLC, 141st and Lewis, Planned Unit Development (BXPUD-21.04), General location: East 141st Street South and South Lewis Avenue, Bixby, Oklahoma.

Carolyn Back

43. Consider and take action to declare an emergency regarding Ordinance Number 2360 making it effective immediately upon passage and approval.

Carolyn Back

44. Discussion and possible action for Tanner Consulting, LLC., Presley Heights West, Rezone (BXZO 21.17), Planned Unit Development (BXPUD-21.10), Preliminary Plat (BXPT-21.10), General location: 2920 East 141st Street South, Bixby, OK 74008

Carolyn Back

45. Discussion and possible action on Ordinance Number 2361, Tanner Consulting, LLC., Presley Heights West, Rezone (BXZO 21.17), Planned Unit Development (BXPUD-21.10), General location: 2920 East 141st Street South, Bixby, OK 74008

Carolyn Back

46. Consider and take action to declare an emergency regarding Ordinance Number 2361 making it effective immediately upon passage and approval.

Carolyn Back

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47. Discussion and possible action for Select Design, Boardwalk on Memorial, Planned Unit Development (BXPUD-29-B), General location: 12345 S. Memorial Drive, Bixby, OK 74008

Carolyn Back

48. Discussion and possible action on Ordinance Number 2362, Select Design, Boardwalk on Memorial, Planned Unit Development (BXPUD-29-B), General location: 12345 S. Memorial Drive, Bixby, OK 74008

Carolyn Back

49. Consider and take action to declare an emergency regarding Ordinance Number 2362 making it effective immediately upon passage and approval.

Carolyn Back

50. Consider, discuss, and approve Ordinance Number 2359, Bixby Right-of-Way Closure (BXRW) number 21.01 Kirkpatrick. A right-of-way closure of a right-of-way located in Section 24 Township 17 North Range 13 East in the City of Bixby. Property located at: 12 South Parker, Bixby, OK 74008 in Bixby-Original Town.

Justin Dowd

51. Request to approve Emergency Clause for Ordinance number 2359 and waiving second reading thereof.

Justin Dowd

52. City Manager's Report

Jared Cottle

53. New Business

Mayor or Vice-Mayor

54. Adjournment

Mayor or Vice-Mayor

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Notice of Posting

This Notice and Agenda was posted on the bulletin board this day of August 20th 2021, on or before 6:00 p.m., at City Hall, 116 W. Needles Bixby Oklahoma.

Respectfully Submitted

Yvonne Adams
City Clerk

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Bixby Public Works Authority Meeting

Board of Trustees
Municipal Building
116 W. Needles Ave., Bixby, OK 74008
August 23rd, 2021
Time: 6:00 P.M. or immediately Following the City Council Meeting

Call to Order

Chairman

Roll Call

Secretary

Consent Agenda

Secretary's Report

Consider and approve:

a. Minutes for Bixby Public Works Authority regular meeting 08/09/21.

b. Discuss and/or approve purchasing borrow soil from Bemies Dirt, Sand, and Gravel to complete backfilling operation at the Bixby Water Reclamation Facility; approve $40,000 purchase order.

Persons who require a special accommodation to participate in this meeting should contact City Clerk Yvonne Adams, 116 West Needles Avenue, Bixby, Oklahoma, 918-366-4430 or email City Clerk Yvonne Adams (yadams@bixbyok.gov) as far in advance as possible and preferably at least 48-hours before the date of the meeting. Persons using a Telecommunication Device for the Deaf may contact **Oklahoma Relay** at 1-800-722-0353 and voice calls should be made to 1-800-522-8506 to communicate via telephone with hearing telephone users and vice versa.

Regular Agenda

1. New Business

Chairman

2. Adjournment

Chairman

Notice of Posting

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Respectfully Submitted

Yvonne Adams

Secretary

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City of Bixby City Council
Work Session Meeting
Minutes

Dawes Conference Room
113 W Dawes, Bixby, OK 74008
August 9th, 2021 5:00 P.M.

The Special Work Session agenda for the regularly scheduled meeting of the City of Bixby was posted on the bulletin board at City Hall, 116 W. Needles Avenue, Bixby, Oklahoma on Aug 6th 2021 on or before 5:00 p.m.

Councilor Girard called the meeting to order at 5:04 p.m. City Clerk Yvonne Adams called the roll and all members were present, except Mayor Guthrie and Vice Mayor Blair.

Members Present
Girard
Crawford
Founds

Staff Present
Charles Barnes, Finance Dir.
Carolyn Back, Dev. Serv. Dir.
Andy Choate, Assist. Police Chief
John Wood, Parks Director
Yvonne Adams, City Clerk

Mayor Guthrie said item #1 on the Work Session agenda is:
Introduction of VFW Post 9126.

Presented by: Jared Cottle

This item was not discussed

Mayor Guthrie said item #2 on the Work Session agenda is:
Discussion and presentation of updated Development Services Forms.

Presented by: Carolyn Back

This item was brought for discussion for discussion of Development Services Forms. Development Services Director Carolyn Back gave council some information on updated the forms for the applicant with a check list for more efficiency. Council review the information with questions that was clarified by Carolyn and will bring back with a comparison from other cities concerning fees.

Discussion continued.
No action taken

Adjournment was called at 5:21 p.m.

_____

Mayor

Attest

_____

City Clerk

City of Bixby City Council Meeting Minutes

City Hall Municipal Building
116 W Needles, Bixby, OK 74008
August 9, 2021 6:00 P.M.

The agenda for the regularly scheduled meeting of the City Council of the City of Bixby was posted on the bulletin board at City Hall, 116 West Needles Avenue, Bixby, Oklahoma on August 6th on or before 6:00 p.m.

Councilor Girard called the meeting to order at 6:01 pm.

City Clerk Yvonne Adams called the roll and all members were present, except Mayor Guthrie and Vice Mayor Blair.

Members Present
Girard
Crawford
Founds

Staff Present
Charles Barnes, Finance Dir.
Andy Choate, Assist Police Chief
John Wood, Parks Director
Jon Brown, Special Project Manager
Yvonne Adams, City Clerk

Pledge of Allegiance

Invocation was given by Yvonne Adams

Councilor Girard said Item #1 on the Consent Agenda is:

City Clerks Report
Consider and approve:

a) Minutes for the Work Session meeting dated 07/26/21.

b) Minutes of the City Council Regular meeting minutes dated 07/26/21.

c) Minutes for City Council Special meeting dated 07/30/21-7/31/21.

d) Discuss and/or take action on request for waiver of fees for Park Rental and Deposit for Charley Young Event Park by the Bixby High School Class of 2011 Committee.

e) Approve purchases of two (2) Stand on mowers and a 3 point tiller tractor attachment from Tulsa New Holland for a total of $16,837. Approved in FY22 Capital Budget.

Public comments are limited to items listed on the agenda.

Those wishing to speak on agenda items will need to appear in the City Council Chambers.

Councilor Girard asked for a motion on the Consent. Councilor made motion to approve, seconded by Councilor Crawford. The vote was taken with the following results:

Carried 3-0
Yes: Girard, Crawford, Founds
No: None.

Councilor Girard said item #1 on the Regular Agenda is:

City Manager's Report.

City Manager Jared Cottle was not presented.

Councilor Girard said on Item #2 on the Regular Agenda is:

New Business

There being none.

Adjournment was called at 6:02 p.m.

_____
Mayor

Attest

_____
City Clerk

City of Bixby
P.O. Box 70
116 W. Needles Ave.
Bixby, OK 74008
(918) 366-4430

Staff Agenda Commentary
August 23, 2021

Item Titles(s):
Discussion and possible action for Downtown Façade Grant Program Application for 17 East Dawes Avenue in the amount of $10,000.00.

Presenter:
Carolyn Back, Development Services Director / City Planner

Staff Information Source:
Barry & Camille Helms Grant Program Application with exhibits

Background:
The Façade Grant Program is designed to further the goals and objectives of the Bixby Downtown Design Overlay Standards by creating the financial incentives needed to encourage revitalization efforts and to retain or create economic development opportunities.

The program provides a 1:1 matching grant not to exceed ten thousand dollars ($10,000) to qualifying projects approved by City Council.

Current exterior physical condition of 8 East Dawes Avenue include:

- Existing awning being removed by City as part of the Downtown Streetscape Project. City will be replacing the awning.

The estimated total for the project is $23,000.00. The proposed modifications of the project will allow for upgraded exterior renovations to include:

- New commercial door system
- Adding parapet wall header
- Finishing masonry coating over decorative cement block façade
- Painting trim
- Adding carriage and parapet lighting

Exhibits:	Façade Grant Program Application
Key Issue:	Grant Application Approval
Council Action:	Approve or deny
Recommendation:	Award approval Downtown Façade Grant Program Application for 17 East Dawes Avenue

City of Bixby, Oklahoma

Façade Grant Program Application

Applications for funding through the City of Bixby Façade Grant Program will be submitted to Development Services via mail to PO Box 70, 116 West Needles, Bixby, OK 74008 or email DowntownOverlay@BixbyOK.gov. Applications will be received on a rolling basis and reviewed monthly.

APPLICANT INFORMATION

Address of Project: 17 East Dawes Avenue

Building Owner: Barry & Camille Helms

Applicant: Barry & Camille Helms

Mailing Address: 17 East Dawes Avenue Bixby, OK 74008

Telephone: (918) 369-5545

Email: rbhcamille@olp.net

Has the applicant reviewed Bixby Downtown Design Overlay Guidelines? https://www.bixbyok.gov/DocumentCenter/View/1642/Bixby-Downtown-Overlay-Regulations

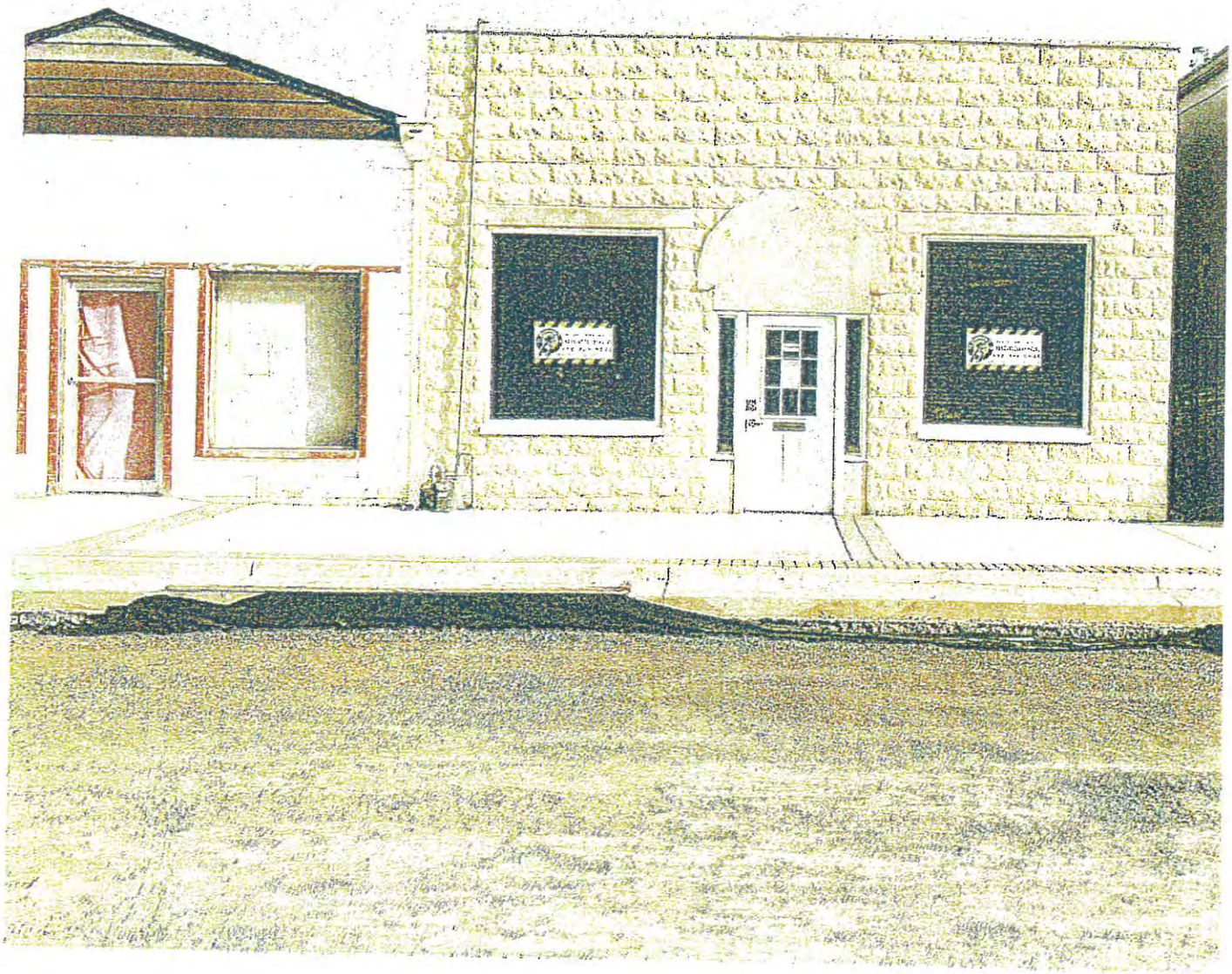
Yes ☑ No ☐

Construction schedule of project (commencement & completion):

A. Current Physical Condition of Project:
(If additional space is needed, please attach description as Attachment A.)

The City of Bixby requested the removal of our existing awnings for the Downtown Bixby Revitalization Project.
See attached

Exhibit A



B. **Proposed Modification of Project – written:**

(If additional space is needed, please attach description as Attachment B.)

See attached

C. **Proposed Modification of Project – visual:**
Please attach a detailed drawing/rendering showing dimensions, architectural details, and labels, of the proposed finished project.
Please attach as Attachment C.

D. **Impact Statement:**
How will the project further the revitalization of downtown?
(If additional space is needed, please attach as Attachment D.)

See attached

Number of current housing units on property: N/A

Number of new housing units created from project: N/A

Number of jobs currently in building:

Number of jobs created after project completed:

Square footage of storefront space rehabbed:

Rent rate being offered in rehabbed storefront: /SF for yrs.

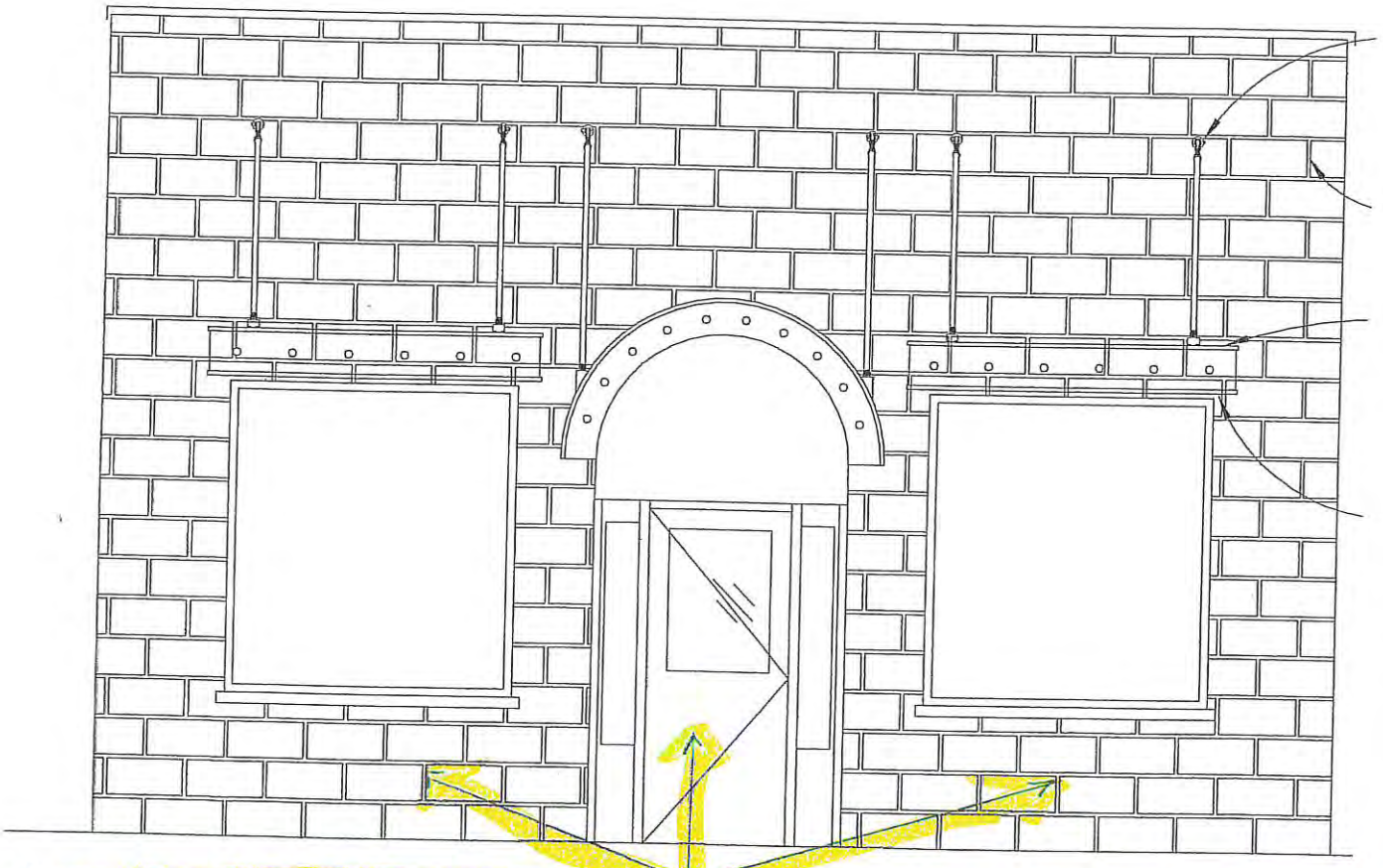
ATTACHMENT B

We are planning to work with the City of Bixby in the effort to revitalize Downtown Bixby. The City of Bixby removed the awnings at 17 East Dawes as part of the Downtown Bixby Revitalization project. The City of Bixby will be replacing the awnings now that the Street & Sidewalk project is complete.

Barry & Camille Helms are requesting the Façade Grant to assist with the expenses that will take place in improving 17 East Dawes with:

*Adding a New Commercial Door System
*Adding Parapet Wall Header
*Finishing Masonry Coating over Decorative Cement Block Façade
*Painting Trim
*Adding Carriage & Parapet Lighting

Attachment C



Barry & Camille Helms and Bixby Facade Grant will pay expenses to replace commercial door system, paint trim and finish masonry coating over decorative cement block facade.

17 E DAWES - SOUTH ELEVATION

N.T.S.

360 Engineering Group, PLLC
www.360enggroup.com

The designs, and the ideas incorporated herein, as an instrument of professional service,

DOWNT

ATTACHMENT D

IMPACT STATEMENT

The project will be in fulfillment of the drawings being provided by the architect hired by The City of Bixby.

The project will enhance the over-all look of Downtown Bixby allowing for increased visitors & positive perception of Bixby as a community.

E. **Building Ownership:**

Please include proof of building ownership as Attachment E.
You may use the following site as a resource:

https://www.assessor.tulsacounty.org/assessor-property.php

F. **Building Ownership – organization:**
If the owner is a for-profit or non-profit organization, is a Resolution adopted by the Board of Directors which authorizes both the project and the application attached with the Minutes of the Meeting when it was adopted?
Yes ☐ No ☐ N/A ☑

Please attach as Attachment F.

G. **Applicant's Ownership Interests – other properties:**
Does applicant own or have ownership interest in other properties in Bixby?
Yes ☑ No ☐

(If yes, please list addresses. If additional space is needed please attach as Attachment G.)

8 East Dawes Ave

8/A East Dawes Ave

Do the above properties comply with all applicable City of Bixby ordinances and regulations, including but not limited to, housing, building, zoning, fire, health and vacant and abandoned building regulations? Yes ☑ No ☐

H. **Property Signage:**
Do existing signs on the property comply with City Zoning regulations and overlay design standards? Yes ☑ No ☐ N/A ☐

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I. **Revenue Sources:**

Has the project secured private funding for project match?

Yes ☑ No ☐

If yes, list other sources of funding and financing for this project, and whether the sources are already secured. If additional space is needed place attach as Attachment I.

Barry & Camille Helms have set aside their portion of the funds proposed if the grant is approved

J. **Bids:**

Please attach bid(s) for the proposed work as Attachment J.

What are the estimated costs for façade improvements? $23,000 –

How much assistance is the project requesting? $10,000 –

What is the construction schedule for façade improvements? Will schedule in conjunction with City of Bixby. We would like to have authorization & approval to paint prior to awnings being installed.

K. **Certificate of Insurance:**

Please attach a certificate of insurance for the individual/company bidding the work, Attachment K.

List of Exhibits

Exhibit A	**Current Physical Condition (if additional room needed)**
Exhibit B	**Proposed Modification of Building (if additional room needed)**
Exhibit C	**Detailed Drawing/Rendering**
Exhibit D	**Impact Statement (if additional room needed)**
Exhibit E	**Proof of Building Ownership**
Exhibit F	**Resolution (if applicable)**
Exhibit G	**List of Applicant's Other Properties (if applicable)**
Exhibit H	**Sign Compliance (if applicable)**
Exhibit I	**Sources of Funds**
Exhibit J	**Bids**
Exhibit K	**Certificate of Insurance**

 Attachment E

Assessor
JOHN A. WRIGHT

Property Search

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Quick facts

Account #	R57825732404430
Parcel #	57825-73-24-04430
Situs address	17 E DAWES AV N BIXBY 74008
Owner name	HELMS, BARRY RAY AND CAMILLE T
Fair cash (market) value	$171,500
Last year's taxes	$1,115
Legal description	Subdivision: MIDLAND ADDN Legal: LT 15 BLK 20 Section: 24 Township: 17 Range: 13

General information

Situs address	17 E DAWES AV N BIXBY 74008
Owner name	HELMS, BARRY RAY AND CAMILLE T
Owner mailing address	17 E DAWES BIXBY, OK 74008
Land area†	0.07 acres / 3,000 sq ft
Tax rate	BI-4A [BIXBY]
Legal description	Subdivision: MIDLAND ADDN Legal: LT 15 BLK 20 Section: 24 Township: 17 Range: 13
Zoning	HIGH DENSITY COMMERCIAL DISTRICT [CH]

Values

	2019	2020	2021
Land value	$9,000	$9,000	$9,000
Improvements value	$162,500	$162,500	$162,500
Fair cash (market) value	$171,500	$171,500	$171,500

Exemptions claimed

	2019	2020	2021
Homestead	—	—	—
Additional homestead	—	—	—
Senior Valuation Limitation	—	—	—
Veteran	—	—	—

Tax information

	2019	2020	2021
Fair cash (market) value	$171,500	$171,500	$171,500
Total taxable value (capped)	$73,050	$76,702	$80,537
Assessment ratio	11%	11%	11%
Gross assessed value	$8,036	$8,437	$8,859
Exemptions	$0	$0	$0
Net assessed value	$8,036	$8,437	$8,859
Tax rate	BI-4A [BIXBY]		
Tax rate mills	132.66	132.16	132.16*
Estimated taxes	$1,066	$1,115	$1,171*
Most recent NOV	February 2, 2021		

* Estimated from 2020 millage rates

Tax (total 2020 millage)

	%	Mills	Dollars
City-County Health	2.0	2.58	$22.86
City-County Library	4.0	5.32	$47.13
Tulsa Technology Center	10.1	13.33	$118.09
Emergency Medical Service	0.0	0.00	$0.00
Tulsa Community College	5.5	7.21	$63.87
School Locally Voted	25.7	34.00	$301.21
City Sinking	10.0	13.17	$116.67
School County Wide Bldg	3.9	5.15	$45.62
School County Wide ADA	3.0	4.00	$35.44
School County Wide General	27.3	36.05	$319.37
County Government	8.6	11.35	$100.55

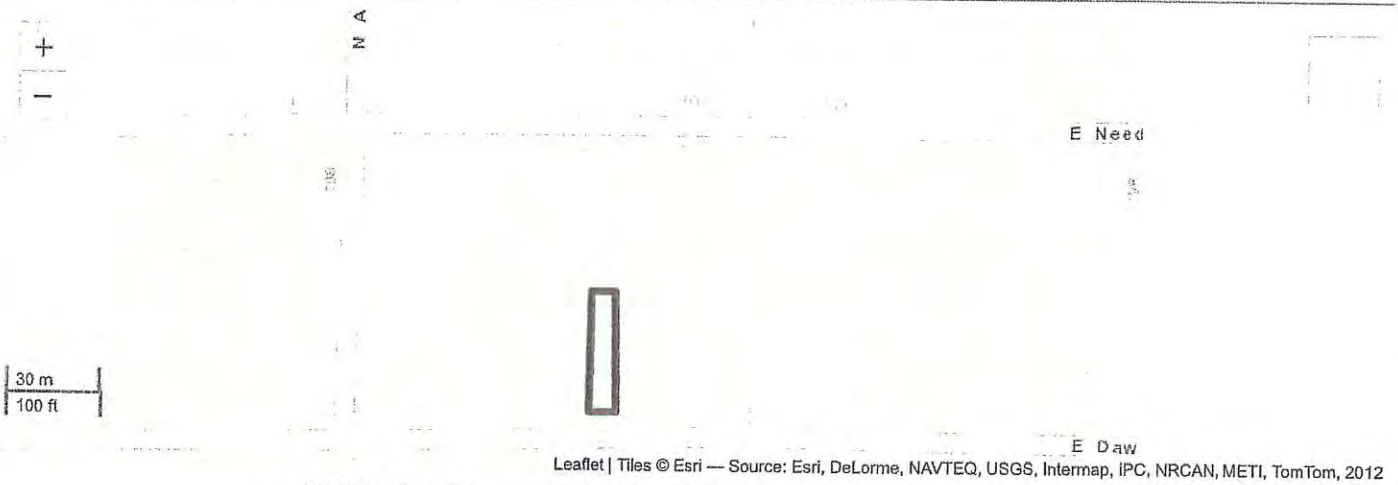
(Continued on next page)

Bldg ID#	Property type	Use	Year built	Year remodeled	GBA †	NRA †	Stories	Story height
1	Commercial	Office Building	1930	1965	1,375 SF	1,375 SF	1.0	13.0
1	Commercial	Retail Store	1965	2000	1,575 SF	1,575 SF	1.0	8.0

Date	Grantor	Grantee	Price	Doc type	Book-Page/Doc#
Dec 3, 1997	MCGLOTHLIN RANDY & DEBORA	HELMS BARRY RAY 17 E DAW	$36,000	History	05987-00030
Feb 10, 1994	LAND STEVEN BRETT & KAREN SUE	MCGLOTHLIN RANDY & DEBORAH	$24,900	General Warranty Deed	05596-02044

Photo/sketch
(Click to enlarge)

† Square footage and acreage values included in this record are approximations. They may not reflect what a licensed surveyor would determine by performing a formal survey. They are for tax purposes only and are not intended for use in making conveyances or for preparing legal descriptions of properties.



Leaflet | Tiles © Esri — Source: Esri, DeLorme, NAVTEQ, USGS, Intermap, iPC, NRCAN, METI, TomTom, 2012

Click to view this area on the **Google Maps web page** in a new window

John A. Wright — Tulsa County Assessor

Tulsa County Headquarters, 5th floor | 218 W Sixth St | Tulsa, OK 74119

Phone: (918) 596-5100 | Fax: (918) 596-4799 | Email: assessor@tulsacounty.org

Office hours: 8:00–5:00 Monday–Friday (excluding holidays)

RENOVATIONS BY HELMS, INC
GRADUATE MASTER BUILDER • CERTIFIED GRADUATE REMODELER
CERTIFIED GREEN BUILDER • CHEROKEE NATION TERO QUALIFIED
CREEK & OSAGE QUALIFIED INDIAN CONTRACTOR

Attachment J

17 E Dawes Proposal & Specifications-20-03-0000-1

April 10, 2021

Project Manager: Barry Helms, CGR GMB CGP CAPS
email: rbhbarry@olp.net

17 E Dawes Ave Bldg (Renovations By Helms)
Bixby , OK 74008

Facade Remodel **$23,000**

Commercial Entry Door System
Commercial Entry Door Hardware, Closer
Parapet Wall Header
Finish Masonry Coating over Decorative Cement Block Facade
Parapet Wall Header Lighting
Carriage Lighting

01 GENERAL CONDITIONS
Coordination & Planning
Supervision
Material Delivery
Temporarily Protect Open Structure
Protect Floorcovering / Contents
Safety
Temporary Fence / Safety Barriers
Punchlist
Scaffolding & Set-up / Break-down
Equipment Rental
Misc Supplies
Tool, Equipment Maintenance
General Liability Insurance
Worker's Compensation Insurance
02 DEMOLITION / REMOVAL
Remove Door System
Power Wash Building Façade
Finish Clean-up
Debris Removal / Clean-up
04 MASONRY
Finish Masonry Coating over Decorative Cement Block Facade
Parapet Header Finish
05 FRAME
Blocking
Framing Detail Labor
Re-Frame Opening
Frame for Parapet Header
09 DOORS / WINDOWS
Commercial Storefront Glass Entry System
12 FINISHES
Paint Trim
15 ELECTRICAL
Carriage Lights 2 ea
Parapet Lighting

Attachment K

RENOBYH-01 JCOUEY

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 6/14/2021

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER License # 100101891 Hub International Mid-America 6100 S. Yale Avenue Suite 1900 Tulsa, OK 74136	CONTACT NAME: Jacob Couey PHONE (A/C, No, Ext): (918) 359-6165 FAX (A/C, No): E-MAIL ADDRESS: jacob.couey@hubinternational.com
INSURED Renovations By Helms Inc 17 E Dawes Ave Bixby, OK 74008-4414	INSURER(S) AFFORDING COVERAGE — NAIC # INSURER A : Mid-Continent Casualty Company — 23418 INSURER B : Grain Dealers Mutual Insurance Company — 22098 INSURER C : CompSource Mutual Insurance Company — 36188 INSURER D : INSURER E : INSURER F :

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	X COMMERCIAL GENERAL LIABILITY CLAIMS-MADE X OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: X POLICY PRO-JECT LOC OTHER:			04GL001060939	6/1/2021	6/1/2022	EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG	$ 1,000,000 $ 100,000 $ Excluded $ 1,000,000 $ 2,000,000 $ 2,000,000
B	AUTOMOBILE LIABILITY ANY AUTO OWNED AUTOS ONLY X SCHEDULED AUTOS X HIRED AUTOS ONLY X NON-OWNED AUTOS ONLY			B1P1221E	10/29/2020	10/29/2021	COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)	$ 1,000,000 $ $ $
	UMBRELLA LIAB OCCUR EXCESS LIAB CLAIMS-MADE DED RETENTION $						EACH OCCURRENCE AGGREGATE	$ $
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) Y / N If yes, describe under DESCRIPTION OF OPERATIONS below	N / A		03055625211	7/1/2021	7/1/2022	X PER STATUTE OTH-ER E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT	$ 1,000,000 $ 1,000,000 $ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER

City of Bixby
116 W Needles
Bixby, OK 74008

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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City of Bixby
P.O. Box 70
116 W. Needles Ave.
Bixby, OK 74008
(918) 366-4430

Staff Agenda Commentary
August 23, 2021

Item Titles(s):
Discussion and possible action for Downtown Façade Grant Program Application for 8 East Dawes Avenue in the amount of $10,000.00.

Presenter:
Carolyn Back, Development Services Director / City Planner

Staff Information Source:
Barry & Camille Helms Grant Program Application with exhibits

Background:
The Façade Grant Program is designed to further the goals and objectives of the Bixby Downtown Design Overlay Standards by creating the financial incentives needed to encourage revitalization efforts and to retain or create economic development opportunities.

The program provides a 1:1 matching grant not to exceed ten thousand dollars ($10,000) to qualifying projects approved by City Council.

Current exterior physical condition of 8 East Dawes Avenue include:

- Existing awning being removed by City as part of the Downtown Streetscape Project. City will be replacing the awning.

The estimated total for the project is $21,000.00. The proposed modifications of the project will allow for upgraded exterior renovations to include:

- New commercial door system
- Commercial glass windows
- Painting masonry & trim on existing exterior surface
- Adding carriage and parapet lighting

Exhibits:	Façade Grant Program Application
Key Issue:	Grant Application Approval
Council Action:	Approve or deny
Recommendation:	Award approval Downtown Façade Grant Program Application for 8 East Dawes Avenue

City of Bixby, Oklahoma

Façade Grant Program Application

Applications for funding through the City of Bixby Façade Grant Program will be submitted to Development Services via mail to PO Box 70, 116 West Needles, Bixby, OK 74008 or email DowntownOverlay@BixbyOK.gov. Applications will be received on a rolling basis and reviewed monthly.

APPLICANT INFORMATION

Address of Project: 8 East Dawes Avenue

Building Owner: Barry & Camille Helms

Applicant: Barry & Camille Helms

Mailing Address: 17 East Dawes Avenue Bixby, OK 74008

Telephone: (918) 369-5545

Email: rbhcamille@olp.net

Has the applicant reviewed Bixby Downtown Design Overlay Guidelines?
https://www.bixbyok.gov/DocumentCenter/View/1642/Bixby-Downtown-Overlay-Regulations

Yes ☑ No ☐

Construction schedule of project (commencement & completion):

A. Current Physical Condition of Project:
(If additional space is needed, please attach description as Attachment A.)

The City of Bixby is requesting the removal of the existing awning for the Downtown Bixby Revitalization Project.

See attached

Exhibit A

NOTE

1.

2.

3.

ROPERTIES | NEW AWNINGS, BIXBY OK

5/4/2021

| SUITE 710 | TULSA, OK 74119
.5300 | F: 918.585.1967

131 DEAN A. MCGEE | SUITE 135 | OKLAHOMA CITY, OK 73102
T: 405.232.7007 | F: 918.585.1967

287 PARK AVENUE SOUTH | SUITE 213 | NEW YORK, NY 10010
917.522.1703

B. **Proposed Modification of Project – written:**

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C. **Proposed Modification of Project – visual:**
Please attach a detailed drawing/rendering showing dimensions, architectural details, and labels, of the proposed finished project.
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D. **Impact Statement:**
How will the project further the revitalization of downtown?
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See attached

Number of current housing units on property:	N/A
Number of new housing units created from project:	N/A
Number of jobs currently in building:	
Number of jobs created after project completed:	
Square footage of storefront space rehabbed:	
Rent rate being offered in rehabbed storefront:	/SF for yrs.

ATTACHMENT B

We are planning to work with the City of Bixby in the effort to revitalize Downtown Bixby.
The City of Bixby is proposing to remove the awnings at 8 East Dawes as part of the Downtown Bixby Revitalization project. The City of Bixby will be replacing the awnings now that the Street & Sidewalk project is complete.

Barry & Camille Helms are requesting the Façade Grant to assist with the expenses that will take place in improving 8 East Dawes with:

*Adding a New Commercial Door System
*Adding Commercial Glass Windows
*Painting Masonry & Trim on Existing Exterior Surface
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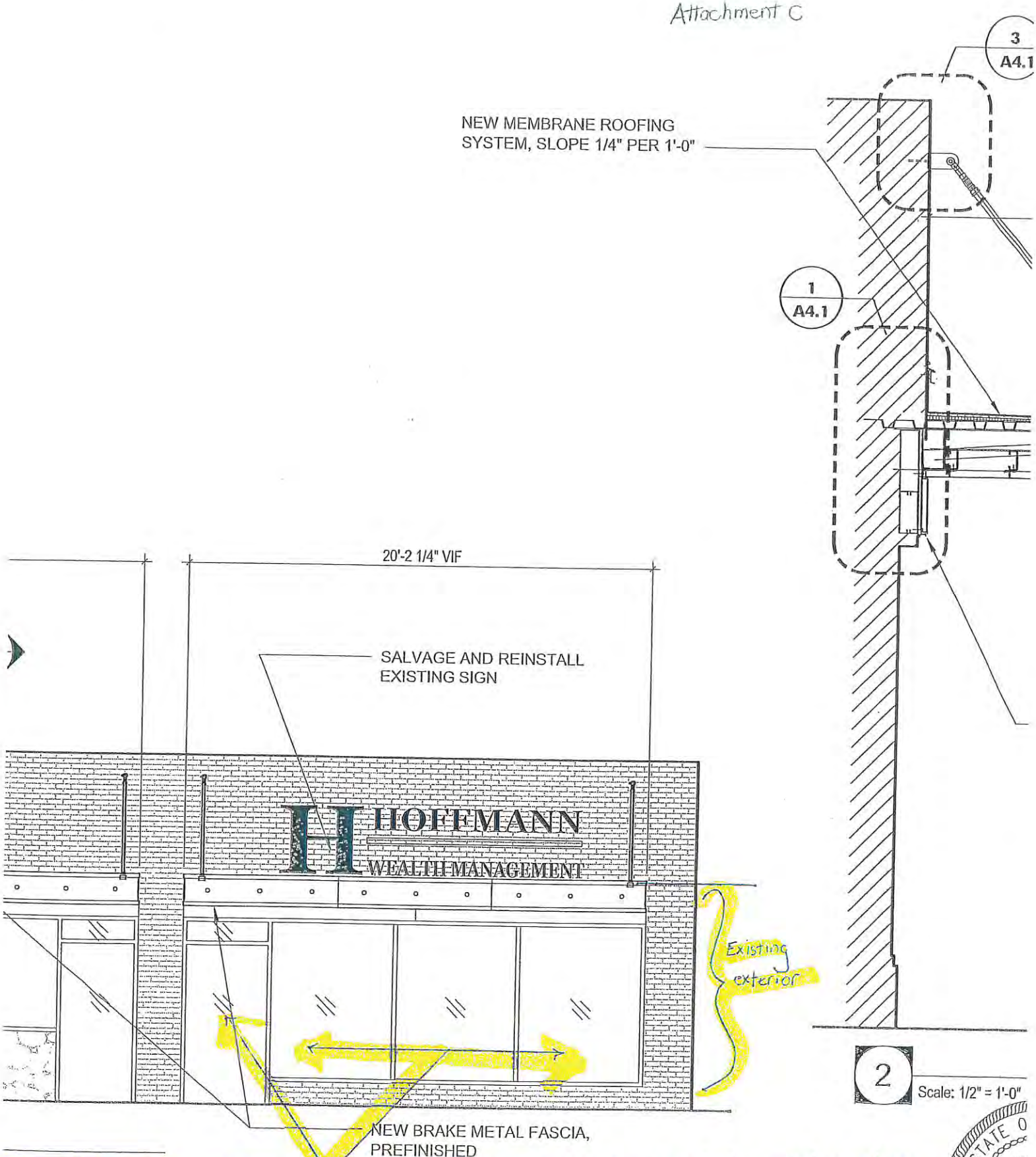

2 Scale: 1/2" = 1'-0"

Barry & Camille Helms and Bixby Facade Grant will pay to replace commercial glass windows & doors and paint existing exterior

PERTIES | NEW AWNINGS, BIXBY OK

5/4/2021

0 | TULSA, OK 74119
918.585.1967

131 DEAN A. MCGEE | SUITE 135 | OKLAHOMA CITY, OK 73102
T: 405.232.7007 | F: 918.585.1967

287 PARK AVENUE SOUTH | SUITE 213 | NEW YORK, NY 10010
917.522.1703

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ATTACHMENT D

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The project will enhance the over-all look of Downtown Bixby allowing for increased visitors & positive perception of Bixby as a community.

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(If yes, please list addresses. If additional space is needed please attach as Attachment G.)

8A East Dawes Ave

11 East Dawes Ave

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How much assistance is the project requesting? $10,000 -

What is the construction schedule for façade improvements? Will schedule in conjunction with City of Bixby

K. **Certificate of Insurance:**
Please attach a certificate of insurance for the individual/company bidding the work, Attachment K.

List of Exhibits

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Exhibit B	**Proposed Modification of Building (if additional room needed)**
Exhibit C	**Detailed Drawing/Rendering**
Exhibit D	**Impact Statement (if additional room needed)**
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Exhibit F	**Resolution (if applicable)**
Exhibit G	**List of Applicant's Other Properties (if applicable)**
Exhibit H	**Sign Compliance (if applicable)**
Exhibit I	**Sources of Funds**
Exhibit J	**Bids**
Exhibit K	**Certificate of Insurance**

Assessor
JOHN A. WRIGHT

Property Search

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Quick facts

Account #	R57825732405025
Parcel #	57825-73-24-05025
Situs address	8 E DAWES AV N BIXBY 74008
Owner name	HELMS, BARRY RAY AND CAMILLE T
Fair cash (market) value	$100,100
Last year's taxes	$1,455
Legal description	Subdivision: MIDLAND ADDN Legal: LT 10 BLK 27 Section: 24 Township: 17 Range: 13

General information

Situs address	8 E DAWES AV N BIXBY 74008
Owner name	HELMS, BARRY RAY AND CAMILLE T
Owner mailing address	17 E DAWES BIXBY, OK 74008
Land area†	0.07 acres / 3,000 sq ft
Tax rate	BI-4A [BIXBY]
Legal description	Subdivision: MIDLAND ADDN Legal: LT 10 BLK 27 Section: 24 Township: 17 Range: 13
Zoning	HIGH DENSITY COMMERCIAL DISTRICT [CH]

Values

	2019	2020	2021
Land value	$9,000	$9,000	—
Improvements value	$91,100	$91,100	—
Fair cash (market) value	$100,100	$100,100	—

Exemptions claimed

	2019	2020	2021
Homestead	—	—	—
Additional homestead	—	—	—
Senior Valuation Limitation	—	—	—
Veteran	—	—	—

Tax information

	2019	2020	2021
Fair cash (market) value	$100,100	$100,100	—
Total taxable value (capped)	$100,100	$100,100	—
Assessment ratio	11%	11%	—
Gross assessed value	$11,011	$11,011	—
Exemptions	$0	$0	—
Net assessed value	$11,011	$11,011	—
Tax rate	BI-4A [BIXBY]		
Tax rate mills	132.66	132.16	—
Estimated taxes	$1,461	$1,455	—*
Most recent NOV	March 5, 2019		

* Estimated from 2020 millage rates

Tax detail (2020 millages)

	%	Mills	Dollars
City-County Health	2.0	2.58	$28.41
City-County Library	4.0	5.32	$58.58
Tulsa Technology Center	10.1	13.33	$146.78
Emergency Medical Service	0.0	0.00	$0.00
Tulsa Community College	5.5	7.21	$79.39
School Locally Voted	25.7	34.00	$374.37
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School County Wide Bldg	3.9	5.15	$56.71
School County Wide ADA	3.0	4.00	$44.04
School County Wide General	27.3	36.05	$396.95
County Government	8.6	11.35	$124.97

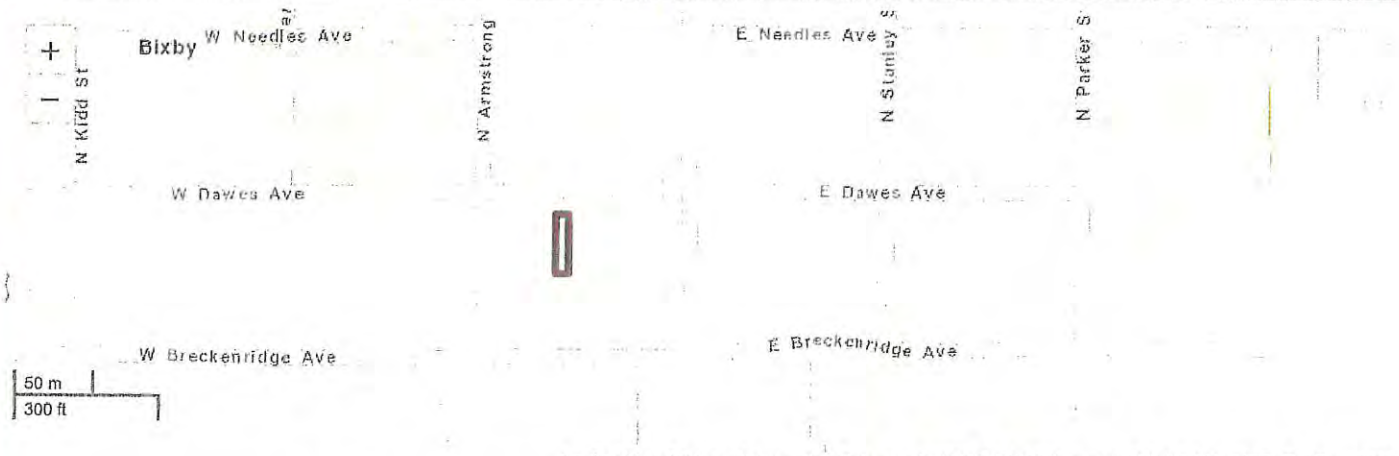
(Continued on next page)

Bldg ID#	Property type	Use	Year built	Year remodeled	GBA †	NRA †	Stories	Story height
1	Commercial	Retail Store	1947	1970	2,500 SF	2,500 SF	1.0	12.0

Date	Grantor	Grantee	Price	Doc type	Book-Page/Doc#
Sep 2, 1997	DANIELS H COLLEEN 8325 E	HELMS BARRY RAY & CAMILLE	$50,000	History	05951-02217

Photo/sketch
(Click to enlarge)

† Square footage and acreage values included in this record are approximations. They may not reflect what a licensed surveyor would determine by performing a formal survey. They are for tax purposes only and are not intended for use in making conveyances or for preparing legal descriptions of properties.



Leaflet | Tiles © Esri — Source: Esri, DeLorme, NAVTEQ, USGS, Intermap, iPC, NRCAN, METI, TomTom, 2012

Click to view this area on the **Google Maps web page** in a new window

John A. Wright — Tulsa County Assessor

Tulsa County Headquarters, 5th floor | 218 W Sixth St | Tulsa, OK 74119

Phone: (918) 596-5100 | Fax: (918) 596-4799 | Email: assessor@tulsacounty.org

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RENOVATIONS BY HELMS, INC
GRADUATE MASTER BUILDER • CERTIFIED GRADUATE REMODELER
CERTIFIED GREEN BUILDER • CHEROKEE NATION TERO QUALIFIED
CREEK & OSAGE QUALIFIED INDIAN CONTRACTOR

Attachment J

8 E Dawes Proposal & Specifications-20-03-0000-4

April 10, 2021

Project Manager: Barry Helms, CGR GMB CGP CAPS
email: rbhbarry@olp.net

8 E Dawes (Hoffmann Financial)
Bixby , OK 74008

Facade Remodel **$21,000**

Commercial Storefont Glass System
Commercial Storefont Glass Entry Door
Commercial Entry Door Hardware, Closer
Paint Masonry

01 GENERAL CONDITIONS
- Coordination & Planning
- Supervision
- Material Delivery
- Temporarily Protect Open Structure
- Protect Floorcovering / Contents
- Safety
- Temporary Fence / Safety Barriers
- Punchlist
- Scaffolding & Set-up / Break-down
- Equipment Rental
- Misc Supplies
- Tool, Equipment Maintenance
- General Liability Insurance
- Worker's Compensation Insurance

02 DEMOLITION / REMOVAL
- Remove Storefront Glass System
- Power Wash Building Façade
- Finish Clean-up
- Debris Removal / Clean-up

04 MASONRY
- Masonry repair

05 FRAME
- Misc Framing

09 DOORS / WINDOWS
- Commercial Storefront Glass System
- Commercial Storefront Glass Entry

12 FINISHES
- Caulk Gaps & Seams
- Prep Surfaces To Be Painted
- Paint Masonry
- Paint Touch-Up

Attachment K

RENOBYH-01 JCOUEY

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 6/14/2021

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PRODUCER License # 100101891 Hub International Mid-America 6100 S. Yale Avenue Suite 1900 Tulsa, OK 74136	CONTACT NAME: Jacob Couey PHONE (A/C, No, Ext): (918) 359-6165 FAX (A/C, No): E-MAIL ADDRESS: jacob.couey@hubinternational.com
INSURED Renovations By Helms Inc 17 E Dawes Ave Bixby, OK 74008-4414	INSURER(S) AFFORDING COVERAGE — NAIC # INSURER A : Mid-Continent Casualty Company — 23418 INSURER B : Grain Dealers Mutual Insurance Company — 22098 INSURER C : CompSource Mutual Insurance Company — 36188 INSURER D : INSURER E : INSURER F :

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

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INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	X COMMERCIAL GENERAL LIABILITY			04GL001060939	6/1/2021	6/1/2022	EACH OCCURRENCE	$ 1,000,000
	CLAIMS-MADE X OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence)	$ 100,000
							MED EXP (Any one person)	$ Excluded
							PERSONAL & ADV INJURY	$ 1,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE	$ 2,000,000
	X POLICY PRO-JECT LOC						PRODUCTS - COMP/OP AGG	$ 2,000,000
	OTHER:							$
B	AUTOMOBILE LIABILITY			B1P1221E	10/29/2020	10/29/2021	COMBINED SINGLE LIMIT (Ea accident)	$ 1,000,000
	ANY AUTO						BODILY INJURY (Per person)	$
	OWNED AUTOS ONLY X SCHEDULED AUTOS						BODILY INJURY (Per accident)	$
	X HIRED AUTOS ONLY X NON-OWNED AUTOS ONLY						PROPERTY DAMAGE (Per accident)	$
								$
	UMBRELLA LIAB OCCUR						EACH OCCURRENCE	$
	EXCESS LIAB CLAIMS-MADE						AGGREGATE	$
	DED RETENTION $							$
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY			03055625211	7/1/2021	7/1/2022	X PER STATUTE OTH-ER	
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) Y/N N/A						E.L. EACH ACCIDENT	$ 1,000,000
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE	$ 1,000,000
							E.L. DISEASE - POLICY LIMIT	$ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER

City of Bixby
116 W Needles
Bixby, OK 74008

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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City of Bixby
P.O. Box 70
116 W. Needles Ave.
Bixby, OK 74008
(918) 366-4430

Staff Agenda Commentary
August 23, 2021

Item Titles(s):
Discussion and possible action for Downtown Façade Grant Program Application for 8-A East Dawes Avenue in the amount of $10,000.00.

Presenter:
Carolyn Back, Development Services Director / City Planner

Staff Information Source:
Barry & Camille Helms Grant Program Application with exhibits

Background:
The Façade Grant Program is designed to further the goals and objectives of the Bixby Downtown Design Overlay Standards by creating the financial incentives needed to encourage revitalization efforts and to retain or create economic development opportunities.

The program provides a 1:1 matching grant not to exceed ten thousand dollars ($10,000) to qualifying projects approved by City Council.

Current exterior physical condition of 8 East Dawes Avenue include:

- Existing awning being removed by City as part of the Downtown Streetscape Project. City will be replacing the awning.

The estimated total for the project is $22,200.00. The proposed modifications of the project will allow for upgraded exterior renovations to include:

- New commercial door system
- Commercial glass windows
- Painting masonry & trim on existing exterior surface
- Adding carriage and parapet lighting

Exhibits:	Façade Grant Program Application
Key Issue:	Grant Application Approval
Council Action:	Approve or deny
Recommendation:	Award approval Downtown Façade Grant Program Application for 8-A East Dawes Avenue

City of Bixby, Oklahoma

Façade Grant Program Application

Applications for funding through the City of Bixby Façade Grant Program will be submitted to Development Services via mail to PO Box 70, 116 West Needles, Bixby, OK 74008 or email DowntownOverlay@BixbyOK.gov. Applications will be received on a rolling basis and reviewed monthly.

APPLICANT INFORMATION

Address of Project: 8A East Dawes Avenue

Building Owner: Barry & Camille Helms

Applicant: Barry & Camille Helms

Mailing Address: 17 East Dawes Avenue Bixby, OK 74008

Telephone: (918) 369-5545

Email: rbhcamille@olp.net

Has the applicant reviewed Bixby Downtown Design Overlay Guidelines?
https://www.bixbyok.gov/DocumentCenter/View/1642/Bixby-Downtown-Overlay-Regulations

Yes ☑ No ☐

Construction schedule of project (commencement & completion):

A. Current Physical Condition of Project:
(If additional space is needed, please attach description as Attachment A.)

The City of Bixby is requesting the removal of the existing awning for the Downtown Bixby Revitalization Project.

See attached

Exhibit A

B. **Proposed Modification of Project – written:**

(If additional space is needed, please attach description as Attachment B.)

See attached

C. **Proposed Modification of Project – visual:**
Please attach a detailed drawing/rendering showing dimensions, architectural details, and labels, of the proposed finished project.
Please attach as Attachment C.

D. **Impact Statement:**
How will the project further the revitalization of downtown?
(If additional space is needed, please attach as Attachment D.)

See attached

Number of current housing units on property: _____

Number of new housing units created from project: _____

Number of jobs currently in building: _____

Number of jobs created after project completed: _____

Square footage of storefront space rehabbed: _____

Rent rate being offered in rehabbed storefront: _____ /SF for _____ yrs.

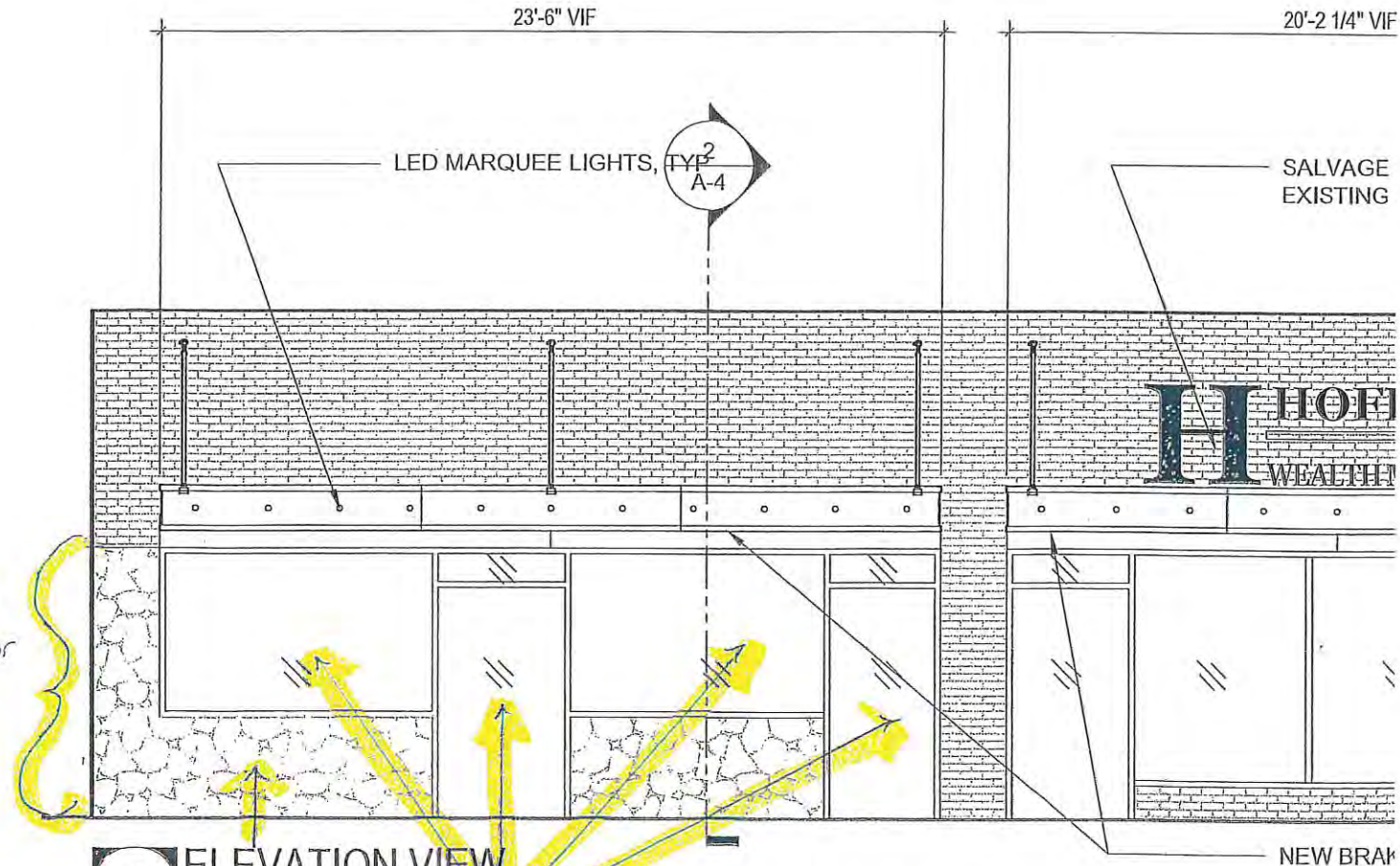
ATTACHMENT B

We are planning to work with the City of Bixby in the effort to revitalize Downtown Bixby.
The City of Bixby is proposing to remove the awnings at 8A East Dawes as part of the Downtown Bixby Revitalization project. The City of Bixby will be replacing the awnings now that the Street & Sidewalk project is complete.

Barry & Camille Helms are requesting the Façade Grant to assist with the expenses that will take place in improving 8A East Dawes with:

*Adding a New Commercial Door System
*Adding Commercial Glass Windows
*Painting Masonry & Trim on Existing Exterior Surface
*Adding Carriage & Parapet Lighting

Attachment C



2 ELEVATION VIEW

Scale: 3/16" = 1'-0"

SECTION

Barry & Caroline Helms and Bixby Facade Grant will pay to replace glass commercial doors & windows and paint existing exterior.

beck DESIGN

DOWNTOWN BIXBY PROPERTIES | NEW AWNINGS, BIX

110 WEST SEVENTH | SUITE 710 | TULSA, OK 74119
T: 918.583.5300 | F: 918.585.1967

131 DEAN A. MCGEE |SUITE 135 | OKLAHOMA CITY, OK
T: 405.232.7007 | F: 918.585.1967

ATTACHMENT D

IMPACT STATEMENT

The project will be in fulfillment of the drawings being provided by the architect hired by The City of Bixby.

The project will enhance the over-all look of Downtown Bixby allowing for increased visitors & positive perception of Bixby as a community.

E. **Building Ownership:**

Please include proof of building ownership as Attachment E.
You may use the following site as a resource:

https://www.assessor.tulsacounty.org/assessor-property.php

F. **Building Ownership – organization:**
If the owner is a for-profit or non-profit organization, is a Resolution adopted by the Board of Directors which authorizes both the project and the application attached with the Minutes of the Meeting when it was adopted?
Yes ☐ No ☐ N/A ☑

Please attach as Attachment F.

G. **Applicant's Ownership Interests – other properties:**
Does applicant own or have ownership interest in other properties in Bixby?
Yes ☑ No ☐

(If yes, please list addresses. If additional space is needed please attach as Attachment G.)

8 East Dawes Ave.

17 East Dawes Ave.

Do the above properties comply with all applicable City of Bixby ordinances and regulations, including but not limited to, housing, building, zoning, fire, health and vacant and abandoned building regulations? Yes ☑ No ☐

H. **Property Signage:**
Do existing signs on the property comply with City Zoning regulations and overlay design standards? Yes ☑ No ☐ N/A ☐

If the above answer is no, or the applicant is proposing new signs, please describe the design materials and colors that will be used on the sign face, how the sign will be displayed, and any lighting proposed. If additional space is needed place attach as Attachment H.

I. **Revenue Sources:**
Has the project secured private funding for project match?
Yes ☑ No ☐

If yes, list other sources of funding and financing for this project, and whether the sources are already secured. If additional space is needed place attach as Attachment I.

Barry & Camille Helms have set aside their portion of the funds proposed if grant is approved.

J. **Bids:**
Please attach bid(s) for the proposed work as Attachment J.

What are the estimated costs for façade improvements? $22,200-

How much assistance is the project requesting? $10,000-

What is the construction schedule for façade improvements? Will schedule in conjunction with City of Bixby

K. **Certificate of Insurance:**
Please attach a certificate of insurance for the individual/company bidding the work, Attachment K.

List of Exhibits

Exhibit A	**Current Physical Condition (if additional room needed)**
Exhibit B	**Proposed Modification of Building (if additional room needed)**
Exhibit C	**Detailed Drawing/Rendering**
Exhibit D	**Impact Statement (if additional room needed)**
Exhibit E	**Proof of Building Ownership**
Exhibit F	**Resolution (if applicable)**
Exhibit G	**List of Applicant's Other Properties (if applicable)**
Exhibit H	**Sign Compliance (if applicable)**
Exhibit I	**Sources of Funds**
Exhibit J	**Bids**
Exhibit K	**Certificate of Insurance**

 Attachment E

Assessor
JOHN A. WRIGHT

Property Search

Disclaimer

The Tulsa County Assessor's Office has made every effort to insure the accuracy of the data contained on this web site; however, this material may be slightly dated which could have an impact on its accuracy.

The information must be accepted and used by the recipient with the understanding that the data was developed and collected only for the purpose of establishing fair cash (market) value for ad valorem taxation. Although changes may be made periodically to the tax laws, administrative rules and similar directives, these changes may not always be incorporated in the material on this web site.

The Tulsa County Assessor's Office assumes no liability for any damages incurred, whether directly or indirectly, incidental, punitive or consequential, as a result of any errors, omissions or discrepancies in any information published on this web site or by any use of this web site.

Quick Facts

Account #	R57825732405020
Parcel #	57825-73-24-05020
Situs address	8 E DAWES AV N BIXBY 74008
Owner name	HELMS, BARRY RAY AND CAMILLE T
Fair cash (market) value	$100,000
Last year's taxes	$1,454
Legal description	Subdivision: MIDLAND ADDN Legal: LT 9 BLK 27 Section: 24 Township: 17 Range: 13

General Information

Situs address	8 E DAWES AV N BIXBY 74008
Owner name	HELMS, BARRY RAY AND CAMILLE T
Owner mailing address	17 E DAWES AVE BIXBY, OK 74008
Land area†	0.07 acres / 3,000 sq ft
Tax rate	BI-4A [BIXBY]
Legal description	Subdivision: MIDLAND ADDN Legal: LT 9 BLK 27 Section: 24 Township: 17 Range: 13
Zoning	HIGH DENSITY COMMERCIAL DISTRICT [CH]

Values

	2019	2020	2021
Land value	$9,000	$9,000	—
Improvements value	$91,000	$91,000	—
Fair cash (market) value	$100,000	$100,000	—

Exemptions claimed

	2019	2020	2021
Homestead	—	—	—
Additional homestead	—	—	—
Senior Valuation Limitation	—	—	—
Veteran	—	—	—

Tax Information

	2019	2020	2021
Fair cash (market) value	$100,000	$100,000	—
Total taxable value (capped)	$100,000	$100,000	—
Assessment ratio	11%	11%	—
Gross assessed value	$11,000	$11,000	—
Exemptions	$0	$0	—
Net assessed value	$11,000	$11,000	—
Tax rate	BI-4A [BIXBY]		
Tax rate mills	132.66	132.16	—
Estimated taxes	$1,459	$1,454	—*
Most recent NOV	November 20, 2008		

* Estimated from 2020 millage rates

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(Continued on next page)

Bldg ID#	Property type	Use	Year built	Year remodeled	GBA †	NRA †	Stories	Story height
1	Commercial	Retail Store	1920	1980	2,500 SF	2,500 SF	1.0	12.0

Date	Grantor	Grantee	Price	Doc type	Book-Page/Doc#
Jul 31, 2007	PIONEER BUSINESS INVESTMENTS LLC	HELMS, BARRY RAY	$100,000	General Warranty Deed	2007087059
Apr 27, 2004			$—	Quit Claim Deed	07284-00273
Jan 8, 2004	NBANC TULSA ED CLARK, PRE	KLAUS DEBRA L 1507 E 181S	$43,000	Warranty Deed	07213-00048
Apr 5, 2000	DUNNING ERNEST LAWRENCE & WAND	JAMES G PHILLIPS INC NO PICTUR	$70,000	General Warranty Deed	06349-00829

Images

Photo/sketch (Click to enlarge)

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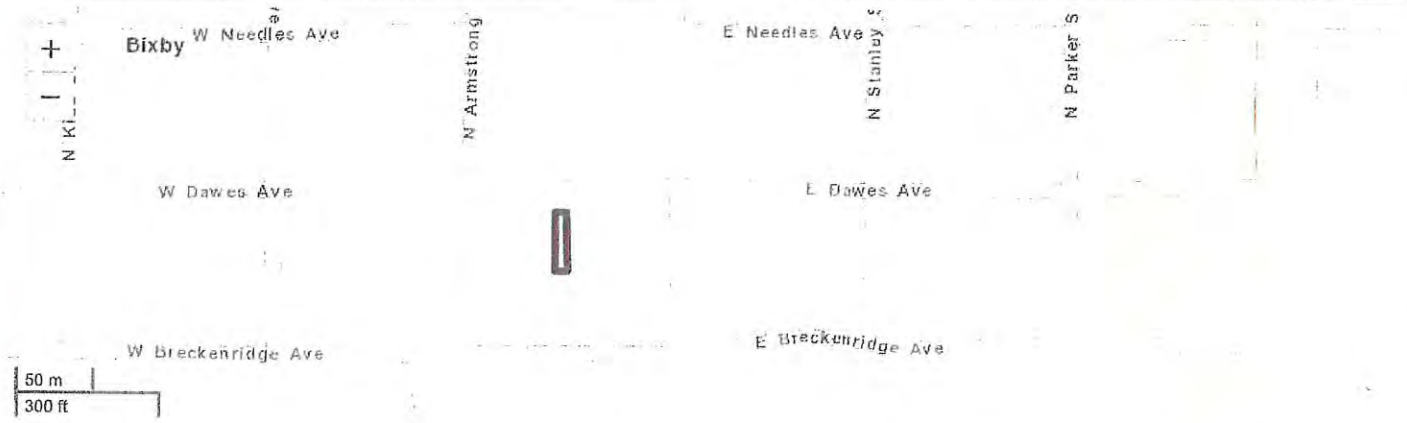

Leaflet | Tiles © Esri — Source: Esri, DeLorme, NAVTEQ, USGS, Intermap, iPC, NRCAN, METI, TomTom, 2012

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April 10, 2021

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email: rbhbarry@olp.net

8-A E Dawes (Kathy Sue Photography)
Bixby , OK 74008

Facade Remodel **$22,200**

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RENOBYH-01 JCOUEY

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PRODUCER License # 100101891 Hub International Mid-America 6100 S. Yale Avenue Suite 1900 Tulsa, OK 74136	CONTACT NAME: Jacob Couey PHONE (A/C, No, Ext): (918) 359-6165 FAX (A/C, No): E-MAIL ADDRESS: jacob.couey@hubinternational.com
INSURED Renovations By Helms Inc 17 E Dawes Ave Bixby, OK 74008-4414	INSURER(S) AFFORDING COVERAGE — NAIC # INSURER A : Mid-Continent Casualty Company — 23418 INSURER B : Grain Dealers Mutual Insurance Company — 22098 INSURER C : CompSource Mutual Insurance Company — 36188 INSURER D : INSURER E : INSURER F :

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B	AUTOMOBILE LIABILITY ANY AUTO OWNED AUTOS ONLY X SCHEDULED AUTOS X HIRED AUTOS ONLY X NON-OWNED AUTOS ONLY			B1P1221E	10/29/2020	10/29/2021	COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)	$ 1,000,000 $ $ $
	UMBRELLA LIAB OCCUR EXCESS LIAB CLAIMS-MADE DED RETENTION $						EACH OCCURRENCE AGGREGATE	$ $
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) Y/N If yes, describe under DESCRIPTION OF OPERATIONS below	N/A		03055625211	7/1/2021	7/1/2022	X PER STATUTE OTH-ER E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT	$ 1,000,000 $ 1,000,000 $ 1,000,000

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Consent Agenda Item Commentary

Item Title

Discuss and/or take action on request for waiver of fees for Rental for Barricades for the Bixby Chamber of Commerce "Game Days" Events.

Initiator

Krystal Crockett

Staff Information Source

Bryan Toney

Background

The Bixby Chamber of Commerce submitted a Special Event Application to the City of Bixby for their "Game Days" events. The application was approved by city staff. The events will occur in Downtown Bixby from 5: 00 pm to 7:00 pm on the days a Bixby High School Varsity Football game occurs at the Stadium in town. There is a total of five (5) home games this year. The Chamber is describing the event in the following way: **Game Day in the District will be the place for all fans and community members to gather before all home football games this fall! Come to the center of the Downtown River District starting at 5:00 PM on game days for activities, games, dinner, drinks, and specials at our retail stores!**

Exhibits

Fee Waiver Request prepared by Krystal Crockett on Behalf of the Bixby Metro Chamber of Commerce

Key Issue(s)

Waiver of Barricade Fees listed below.

- $150.00 for 08/27/2021
- $150.00 for 09/17/2021
- $150.00 for 10/01/2021
- $150.00 for 10/14/2021
- $150.00 for 10/22/2021
    - Total of $750.00

Council Action

Approve or Deny

Recommendation

Approval.

Item No: _____

Meeting Date

August 23rd, 2021

Meeting

City Council Regular Meeting

BIXBY METRO Chamber of Commerce

12800 South Memorial Drive, Suite F
P.O. Box 158 Bixby, OK 74008
O: 918.366.9445 F: 918.366.9443
W: www.bixbychamber.com

August 18, 2021

2021 BOARD OF DIRECTORS

Justin Langston, Chair
Two Men And A Truck

Jamie Miller, Vice Chair & Secretary
J. Miller Law Firm

Chris Phillips, Second Vice Chair
Oklahoma Natural Gas

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John Karr, Immediate Past Chair
Aflac & 1907 Barbecue

Krystal Crockett, President/CEO
Bixby Metro Chamber

Zach Burrow
Leadership Bixby Intern
Miller-Tippens Construction

Brittany Currier
The People Perspective

Laurie Hendrickson
BTC Broadband

Eric Knam
ActionCOACH Business Coaching

Jordan Raper
AireServ Heating & Air

Grant Sullivan
Scott's Hamburgers

To Whom it May Concern,

Please accept this request to waive any fees for barricades or other needed equipment for the five Game Day in the District events sponsored by the Bixby Metro Chamber of Commerce.

Sincerely,

Krystal Crockett
President/CEO
Bixby Metro Chamber of Commerce

CONSENT AGENDA ITEM COMMENTARY

ITEM TITLE: Approve final acceptance of the Remote Operations Center Project with a final contract amount of $98,000.

INITIATOR: Bea Aamodt

STAFF INFORMATION SOURCE: Jon Brown

BACKGROUND: Magnum completed the project on time and has addressed all punch list items.

The original contract amount was $98,000.

EXHIBITS: Final Pay Request

KEY ISSUE: City Project acceptance and release of retainage

COUNCIL ACTION: Approve

RECOMMENDATION: Approve

ITEM NO: _____

MEETING DATE: 8/23/2021

MEETING: Council

APPLICATION AND CERTIFICATE FOR PAYMENT

FINAL PAY APP

TO: City of Bixby 116 West Needles Bixby, OK 74008	PROJECT: City of Bixby Remote Operations Center 10301 S. Memorial Drive	Application No. Period From: To:	3 4/14/2021 4/20/2021

FROM: Magnum Construction, inc.

P.O. Box 707
Broken Arrow, OK 74013-0707

CONTRACT FOR: General Construction

CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for Payment, as shown below, in connection with the Contract.

ORIGINAL CONTRACT SUM		$98,000.00
Net change by Change Orders		$0.00
CONTRACT SUM TO DATE		$98,000.00
TOTAL COMPLETED & STORED TO DATE	89%	$86,890.00
RETAINAGE	0.00%	$0.00
TOTAL EARNED LESS RETAINAGE		$86,890.00
LESS PREVIOUS CERTIFICATES FOR PAYMENT		$81,985.00
CURRENT PAYMENT DUE		**$4,905.00**
BALANCE TO FINISH, INCLUDING RETAINAGE		$0.00

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Change Orders approved in previous months by OWNER:	$0.00	
Total Approved this Month		
Date Approved		
TOTALS	$0.00	
Net Change by Change Orders	$0.00	

The undersigned Contractor certifies that to the best of his knowledge, information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by him for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

Magnum Construction, inc.

BY: _____ Date: 5/7/21

Robert Catcher - Vice President

State of Oklahoma, County of Tulsa

Subscribed and sworn to before me this 7th day of May, 2021

Notary Public: Pam Derichsweiler

My Commission expires:

PAM DERICHSWEILER
Notary Public, State of Oklahoma
Commission # 18010748
My Commission Expires 12-03-2023

ARCHITECT'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising the above application, the Architect certifies that the Work has progressed to the point indicated: that to the best of his knowledge, information and belief, the quality of the Work is in accordance the Contract Documents: and that the Contractor is entitled to payment of the Amount Certified.

Amount Certified .....

BY: _____ Date: _____

This Certificate is not negotiable. The Amount Certified is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.

Schedule of Values

Magnum Construction, Inc.
P.O. Box 707
Broken Arrow, OK 74013-0707

ARCHITECT: City of Bixby
116 West Needles
Bixby, OK 74008

PROJECT: City of Bixby
Remote Operations Center
10301 S. Memorial Drive

Pay-application No: 3.00
Period From: 44,300.00
To: 44,305.00

A	B	C	D	E	I	J	K	L	M	N		O	P
							WORK COMPLETED						
Item No.	Description of Work	Spec. Section or Plan No.	Sub-Contractor or Vendor or Supplier	Change Order	Total Scheduled	% of total	Previous Applications	This Period	Materials Presently Stored (not in K or L	Total Completed And Stored (K+L+M)	% Item Complete	% Total Complete	Balance to Finish (I-N)	Retainage
10	Specialties													
	A.													
	Sub-total This Item										-			
11	Equipment													
	A.													
	Sub-total This Item										-			
12	Furnishings													
	A.													
	Sub-total This Item										-			
13	Special Construction													
	A. Fire Alarm		Summit		1,500.00	1.53%	1,500.00			1,500.00	100.0%	1.53%		
	Sub-total This Item				1,500.00	1.53%	1,500.00			1,500.00	-	1.53%		
14	Conveying Systems													
	A.													
	Sub-total This Item										-			
15	Mechanical													
	A. HVAC		KMS		27,000.00	27.55%	27,000.00			27,000.00	100.0%	27.55%		
	B. Fire Supression		Frazier		2,000.00	2.04%	2,000.00			2,000.00	100.0%	2.04%		
	Sub-total This Item				29,000.00	29.59%	29,000.00			29,000.00	-	29.59%		
16	Electrical													
	A. Electrical		White		30,000.00	30.61%	30,000.00			30,000.00	100.0%	30.61%		
	Sub-total This Item				30,000.00	30.61%	30,000.00			30,000.00	-	30.61%		
17	Allowance													
	A. Allowance				15,000.00	15.31%	3,300.00	590.00		3,890.00	25.9%	3.97%	11,110.00	
	Sub-total This Item				15,000.00	15.31%	3,300.00	590.00		3,890.00	-	3.97%	11,110.00	
	TOTAL =				98,000.00	100.0%	86,300.00	590.00		86,890.00		88.7%	11,110.00	4,344.50

Schedule of Values

Magnum Construction, Inc.
P.O. Box 707
Broken Arrow, OK 74013-0707

ARCHITECT:

City of Bixby
116 West Needles
Bixby, OK 74008

PROJECT: City of Bixby
Remote Operations Center
10301 S. Memorial Drive

Pay-application No. 3.00
Period From 44,300.00
To 44,306.00

A	B	C	D	E	I	J	K	L	M	N			O	P
Item No.	Description of Work	Spec. Section or Plan No.	Sub-Contractor or Vendor or Supplier	Change Order	Total Scheduled	% of total	WORK COMPLETED Previous Applications	This Period	Materials Presently Stored (not in K or L)	Total Completed And Stored (K+L+M)	% Item Complete	% Total Complete	Balance to Finish (I-N)	Retainage
1	General Requirments													
	A. Bonds & Insurance		MCI		3,000.00	3.06%	3,000.00			3,000.00	100.0%	3.06%		
	B. Mobilization		MCI		4,000.00	4.08%	4,000.00			4,000.00	100.0%	4.08%		
	Sub-total This Item				7,000.00	7.14%	7,000.00			7,000.00	-	7.14%		
2	Existing Conditions													
	A. Temp Protection		MCI		400.00	0.41%	400.00			400.00	100.0%	0.41%		
	B. Demolition		MCI		1,000.00	1.02%	1,000.00			1,000.00	100.0%	1.02%		
	Sub-total This Item				1,400.00	1.43%	1,400.00			1,400.00	-	1.43%		
3	Concrete													
	A.													
	Sub-total This Item										-			
4	Masonry													
	A.													
	Sub-total This Item										-			
5	Metals													
	A.													
	Sub-total This Item										-			
6	Wood, Plastics, and Composites													
	A.													
	Sub-total This Item										-			
7	Thermal & Moisture Protection													
	A.													
	Sub-total This Item										-			
8	Openings													
	A. Hollow Metal and Hardware		Felix		1,300.00	1.33%	1,300.00			1,300.00	100.0%	1.33%		
	Sub-total This Item				1,300.00	1.33%	1,300.00			1,300.00	-	1.33%		
9	Finishes													
	A. Drywall		Premiere		8,000.00	8.16%	8,000.00			8,000.00	100.0%	8.16%		
	B. Painting		Skyco		1,800.00	1.84%	1,800.00			1,800.00	100.0%	1.84%		
	C. Flooring		Grigsbys		3,000.00	3.06%	3,000.00			3,000.00	100.0%	3.06%		
	Sub-total This Item				12,800.00	13.06%	12,800.00			12,800.00	-	13%		

CONSENT AGENDA ITEM COMMENTARY

ITEM TITLE: Approve final acceptance of the Dawes and City Hall Renovation Project with a final contract amount of $4,755,342.25.

INITIATOR: Bea Aamodt

STAFF INFORMATION SOURCE: Jon Brown

BACKGROUND: Miller-Tippens completed the project on time and under-contract amount.

The original contract amount was $4,764,800.

EXHIBITS: Final Pay Request

KEY ISSUE: City Project acceptance and release of retainage

COUNCIL ACTION: Approve

RECOMMENDATION: Approve

ITEM NO: _____

MEETING DATE: 8/23/2021

MEETING: Council

beck
DESIGN

Date 08/16/2021

City of Bixby
Attn: Mr. Jon Brown

RE: City of Bixby Dawes and City Hall Renovation
Beck Project No. 16003
Contractor's Pay Application No. 14
Period to: July 31, 2021

Mr. Brown,

Enclosed is Pay Application No. 14 from Miller-Tippens Construction. This covers the period ending July 31, 2021.

The total amount of work listed as completed or stored is$ 4,755,592.25 that represents 99.8% of the contract sum to date. The current net payment due less retainage is shown as $ 116,689.84. The balance to finish, including retainage, is $ 9,457.75. It is understood from the contractor that this balance will be refunded to the City and will represent final payment for the project.
Please call us if you have any questions concerning this pay application.

Respectfully,

Wesley Rutledge, Project Manager RA, LEED AP, Beck Design
cc: Miller-Tippens Construction

TULSA:
110 WEST SEVENTH STREET
SUITE 710
TULSA, OKLAHOMA 74119
918.583.5300

OKLAHOMA CITY:
131 DEAN A. MCGEE
SUITE 135
OKLAHOMA CITY, OKLAHOMA 73102
405.232.7007

Application and Certificate for Payment

To Owner: City of Bixby

Project: Bixby-Dawes & City Hall
116 West Needles Ave
113 West Dawes Ave
Bixby, OK 74008

Application No: 14
Period To: 7/31/2021

Contract Date:
Project Nos:

From Contractor: Miller-Tippens Construction Co, LLC
45 NE 52nd Street
Oklahoma City, OK 73105

Via Architect: Beck Design
131 Dean A McGee
Oklahoma City, OK 73102

Contract For:

CONTRACTOR'S APPLICATION FOR PAYMENT

1) Original Contract Sum	4,764,800.00
2) Net change by Change Orders	0.00
3) Contract Sum to Date	4,764,800.00
4) Completed and Stored to Date	4,755,342.25
5) Retainage:	
a. Completed Work	0.00
b. Stored Material	0.00
Total Retainage	0.00
6) Total Earned less Retainage	4,755,342.25
7) Less Previous Certificates for Payment	4,638,652.41
8) Current Payment Due	116,689.84
9) Balance to Finish, including Retainage	9,457.75

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner	28,594.00	28,594.00
Total approved this Month	0.00	0.00
TOTALS	28,594.00	28,594.00
NET CHANGES by Change Order	0.00	

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

CONTRACTOR:

By: _____ Date: 7/31/21

State of: OK

County of: Tulsa

Subscribed and sworn to before me this 31st day of July, 2021

Notary Public: _____

My Commission expires: Sept. 16, 2023

JAMES KEITH PULLIAM
Notary Public
State of Oklahoma
Commission #19009353
Expires: Sept. 16, 2023

ARCHITECT'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising this application, the Architect certifies to the Owner that to the best of the Architect's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED ..... $ 116,689.84

(Attach explanation if amount certified differs from the amount applied. Initial all figures on this Application and on the Continuation Sheet that are changed to conform with the amount certified.)

ARCHITECT:

By: _____ Date: 08/16/2021

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.

Continuation Sheet

Application No: 14
Application Date: 7/31/2021
Period To: 7/31/2021
Architect's Project No:

A	B	C	D	E	F	G		H	I
			Work Completed						
Item No.	Description	Scheduled Value	Previous	This Period	Stored Materials	Total	%	Balance	Retainage
DIVISION 0 - PROCUREMENT									
1	Bonds and Insurance	39,887.00	39,887.00	0.00	0.00	39,887.00	100	0.00	0.00
2	General Conditions	314,745.00	314,745.00	0.00	0.00	314,745.00	100	0.00	0.00
DIV 1 - GENERAL REQUIREMENTS									
3	General Allowance	150,000.00	150,000.00	0.00	0.00	150,000.00	100	0.00	0.00
4	IT & Network Reconstruction Allowance	275,000.00	267,792.25	0.00	0.00	267,792.25	97	7,207.75	0.00
5	Furniture and Exercise Equipment Allowance	150,000.00	150,000.00	0.00	0.00	150,000.00	100	0.00	0.00
6	Alternate 1 - Window Shades	14,000.00	14,000.00	0.00	0.00	14,000.00	100	0.00	0.00
7	Alternate 2 - Alt Y & Z Light Fixtures	18,800.00	18,800.00	0.00	0.00	18,800.00	100	0.00	0.00
8	Alternate 3 - HVAC Building Automation	65,000.00	65,000.00	0.00	0.00	65,000.00	100	0.00	0.00
CITY HALL - SCHEDULE OF VALUES									
9	CITY HALL - SCHEDULE OF VALUES	0.00	0.00	0.00	0.00	0.00	***	0.00	0.00
		0.00	0.00	0.00	0.00	**0.00**		**0.00**	**0.00**
DIV 2 - EXISTING CONDITIONS									
10	Demolition Interior	59,540.00	59,540.00	0.00	0.00	59,540.00	100	0.00	0.00
11	Demolition Exterior	42,650.00	42,650.00	0.00	0.00	42,650.00	100	0.00	0.00
DIV 3 - CONCRETE									
12	Concrete - Interior	30,960.00	30,960.00	0.00	0.00	30,960.00	100	0.00	0.00
13	Concrete - Exterior	50,910.00	50,910.00	0.00	0.00	50,910.00	100	0.00	0.00

Continuation Sheet

Application No: 14
Application Date: 7/31/2021
Period To: 7/31/2021
Architect's Project No:

14	Concrete Unit Masonry	35,000.00	35,000.00	0.00	0.00	35,000.00	100	0.00	0.00
15	Structural Steel	124,613.00	124,613.00	0.00	0.00	124,613.00	100	0.00	0.00
16	Architectural Wood Casework	48,000.00	48,000.00	0.00	0.00	48,000.00	100	0.00	0.00
DIV 7 - THERMAL AND MOISTURE									
17	TPO Membrane Roofing	12,000.00	12,000.00	0.00	0.00	12,000.00	100	0.00	0.00
18	Sheet Metal Flashing and Trim	12,000.00	12,000.00	0.00	0.00	12,000.00	100	0.00	0.00
19	Fluid Applied Vapor Barrier	18,000.00	18,000.00	0.00	0.00	18,000.00	100	0.00	0.00
20	Foam in Place Insulation	9,300.00	9,300.00	0.00	0.00	9,300.00	100	0.00	0.00
21	Formed Metal Wall Panels	65,000.00	65,000.00	0.00	0.00	65,000.00	100	0.00	0.00
DIV 8 - OPENINGS									
22	Record Vault Doors	11,000.00	11,000.00	0.00	0.00	11,000.00	100	0.00	0.00
23	Frames, Doors, Hardware	23,000.00	23,000.00	0.00	0.00	23,000.00	100	0.00	0.00
24	Aluminum Framed Storefronts/Curtainwall and Glazing	184,290.00	184,290.00	0.00	0.00	184,290.00	100	0.00	0.00
25	Bullet-Resistant Transaction Window	8,000.00	8,000.00	0.00	0.00	8,000.00	100	0.00	0.00
DIV 9 - FINISHES									
26	Common Work Results for Flooring Preparation	5,000.00	5,000.00	0.00	0.00	5,000.00	100	0.00	0.00
27	Gyp, Acoustical & Wood Ceiling, Wall Coverings, Bullet Res	106,000.00	106,000.00	0.00	0.00	106,000.00	100	0.00	0.00
28	Flooring (Tile, Carpet, Resilient, Base)	79,308.00	79,308.00	0.00	0.00	79,308.00	100	0.00	0.00
29	Painting, High Performance Coatings, Concrete Sealer	24,063.00	24,063.00	0.00	0.00	24,063.00	100	0.00	0.00
DIV 10 - SPECAILTIES									
30	Signage	25,000.00	25,000.00	-2,250.00	0.00	22,750.00	91	2,250.00	0.00

Continuation Sheet

Application No: 14
Application Date: 7/31/2021
Period To: 7/31/2021
Architect's Project No:

31	Toilet Compartments and Accessories	12,000.00	12,000.00	0.00	0.00	12,000.00	100	0.00	0.00
32	Trellis/Pergola Assembly	70,260.00	70,260.00	0.00	0.00	70,260.00	100	0.00	0.00
33	Flagpoles	4,700.00	4,700.00	0.00	0.00	4,700.00	100	0.00	0.00
DIV 12 - FURNISHING									
34	Window Shade at Dispatch/Payments Window	400.00	400.00	0.00	0.00	400.00	100	0.00	0.00
35	Site Seating	750.00	750.00	0.00	0.00	750.00	100	0.00	0.00
36	Plumbing	82,400.00	82,400.00	0.00	0.00	82,400.00	100	0.00	0.00
37	HVAC	112,118.00	112,118.00	0.00	0.00	112,118.00	100	0.00	0.00
38	Electrical	114,950.00	114,950.00	0.00	0.00	114,950.00	100	0.00	0.00
39	Communications	10,000.00	10,000.00	0.00	0.00	10,000.00	100	0.00	0.00
40	Electronic Safety & Security	5,000.00	5,000.00	0.00	0.00	5,000.00	100	0.00	0.00
41	Exterior Improvements	20,000.00	20,000.00	0.00	0.00	20,000.00	100	0.00	0.00
DAWES - SCHEDULE OF VALUES									
42	DAWES BUILDING-SCHEDULE OF VALUES	0.00	0.00	0.00	0.00	0.00	***	0.00	0.00
		0.00	0.00	0.00	0.00	**0.00**		**0.00**	**0.00**
DIV 2 - EXISTING CONDITIONS									
43	Demolition - Interior	108,590.00	108,590.00	0.00	0.00	108,590.00	100	0.00	0.00
44	Demolition - Exterior	46,900.00	46,900.00	0.00	0.00	46,900.00	100	0.00	0.00
DIV 3 - CONCRETE									
45	Concrete - Interior	30,960.00	30,960.00	0.00	0.00	30,960.00	100	0.00	0.00
46	Concrete - Exterior	50,910.00	50,910.00	0.00	0.00	50,910.00	100	0.00	0.00
47	Concrete Unit Masonry	102,000.00	102,000.00	0.00	0.00	102,000.00	100	0.00	0.00

Continuation Sheet

Application No: 14
Application Date: 7/31/2021
Period To: 7/31/2021
Architect's Project No:

48	Structural Steel and Metal Decking	113,000.00	113,000.00	0.00	0.00	113,000.00	100	0.00	0.00
49	Architectural Wood Casework	27,000.00	27,000.00	0.00	0.00	27,000.00	100	0.00	0.00
DIV 7 - THERMAL AND MOISTURE									
50	TPO Membrane Roofing	137,000.00	137,000.00	0.00	0.00	137,000.00	100	0.00	0.00
51	Sheet Metal Flashing and Trim	28,000.00	28,000.00	0.00	0.00	28,000.00	100	0.00	0.00
52	Fluid Applied Vapor Barrier	16,908.00	16,908.00	0.00	0.00	16,908.00	100	0.00	0.00
53	Foamed in Place Insulation	9,300.00	9,300.00	0.00	0.00	9,300.00	100	0.00	0.00
54	Formed Metal Wall Panels	152,000.00	152,000.00	0.00	0.00	152,000.00	100	0.00	0.00
DIV 8 - OPENINGS									
55	Metal & Wood Doors, Hardware	35,000.00	35,000.00	0.00	0.00	35,000.00	100	0.00	0.00
56	Aluminum Framed Storefronts/Curtainwall and Glazing	127,990.00	127,990.00	0.00	0.00	127,990.00	100	0.00	0.00
57	Bullet Resistant Transaction Windows	43,000.00	43,000.00	0.00	0.00	43,000.00	100	0.00	0.00
DIV 9 - FINISHES									
58	Common Work Results for Flooring Preparation	5,000.00	5,000.00	0.00	0.00	5,000.00	100	0.00	0.00
59	Gyp, Acoustical & Wood Ceiling, Wall Coverings, Bullet Res	159,000.00	159,000.00	0.00	0.00	159,000.00	100	0.00	0.00
60	Flooring (Tile, Carpet, Resilient, Base)	79,308.00	79,308.00	0.00	0.00	79,308.00	100	0.00	0.00
61	Access Floor System	10,100.00	10,100.00	0.00	0.00	10,100.00	100	0.00	0.00
62	Painting, High Performance Coatings, Concrete Sealer	24,063.00	24,063.00	0.00	0.00	24,063.00	100	0.00	0.00
DIV 10 - SPECIALTIES									
63	Signage	16,800.00	16,800.00	0.00	0.00	16,800.00	100	0.00	0.00
64	Toilet Compartments and	18,000.00	18,000.00	0.00	0.00	18,000.00	100	0.00	0.00

Continuation Sheet

Application No: 14
Application Date: 7/31/2021
Period To: 7/31/2021
Architect's Project No:

	Accessories								
65	Exterior Sun Control Devices	50,100.00	50,100.00	0.00	0.00	50,100.00	100	0.00	0.00
66	Equipment Screens	66,700.00	66,700.00	0.00	0.00	66,700.00	100	0.00	0.00
DIV 12 - FURNISHINGS									
67	Window Shade at Public Works Window	400.00	400.00	0.00	0.00	400.00	100	0.00	0.00
68	Plumbing	123,600.00	123,600.00	0.00	0.00	123,600.00	100	0.00	0.00
69	HVAC	168,177.00	168,177.00	0.00	0.00	168,177.00	100	0.00	0.00
70	Electrical	172,424.00	172,424.00	0.00	0.00	172,424.00	100	0.00	0.00
71	Communications	10,000.00	10,000.00	0.00	0.00	10,000.00	100	0.00	0.00
72	Electronic Safety and Security	5,000.00	5,000.00	0.00	0.00	5,000.00	100	0.00	0.00
73	Exterior Improvements	6,500.00	6,500.00	0.00	0.00	6,500.00	100	0.00	0.00
74	Enginer Generator Unit	156,126.00	156,126.00	0.00	0.00	156,126.00	100	0.00	0.00
75	Generator Concrete Pad	2,300.00	2,300.00	0.00	0.00	2,300.00	100	0.00	0.00
76	Contractor Fee	229,000.00	229,000.00	0.00	0.00	229,000.00	100	0.00	0.00
77	CO#01 60KVA & Trailer Deduct	-28,594.00	-28,594.00	0.00	0.00	-28,594.00	100	0.00	0.00
78	DELETE CO#01 - Moving to General Allowance	28,594.00	28,594.00	0.00	0.00	28,594.00	100	0.00	0.00
79	–	0.00	0.00	0.00	0.00	0.00	***	0.00	0.00
80	–	0.00	0.00	0.00	0.00	0.00	***	0.00	0.00
		4,764,800.00	**4,757,592.25**	**-2,250.00**	**0.00**	**4,755,342.25**	**100**	**9,457.75**	**0.00**

Form of Conditional Waiver and Release on Progress Payment (Contractor)

Project: Dawes and City Hall Renovation
c/o The City of Bixby, Oklahoma
116 W Needles Avenue
Bixby, OK 74008

Attention: Jon Brown and Bea Aamodt

Job No. 889

On receipt by the signer of this document of a check from The City of Bixby, Oklahoma ("Owner") in the sum of $116,689.84 payable to Miller-Tippens Construction Company, LLC, an Oklahoma limited liability company, having a business address at 437 E 141st Street, Glenpool, OK 74033 and when the check has been properly endorsed and has been paid by the bank on which it is drawn, this document becomes effective to release any mechanic's lien right, any right arising from a payment bond that complies with a state or federal statute, any common law payment bond right, any claim for payment, and any rights under any similar ordinance, rule, or statute related to claim or payment rights for persons in the signer's position that the signer has on the property of Owner located at Tulsa County, Oklahoma to the following extent: for the performance or furnishing of certain work, labor, supervision, services, materials and equipment.

This release covers a progress payment for all labor, services, equipment, or materials furnished to the property or to Owner as indicated in the attached statement(s) or progress payment request(s), except for unpaid retention, pending modifications and changes, or other items furnished.

Before any recipient of this document relies on this document, the recipient should verify evidence of payment to the signer.

The signer warrants that the signer has already paid or will use the funds received from this progress payment to promptly pay in full all of the signer's laborers, subcontractors, materialmen, and suppliers for all work, materials, equipment, or services provided for or to the above referenced project in regard to the attached statement(s) or progress payment request(s).

**[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK;
SIGNATURES APPEAR ON FOLLOWING PAGE]**

Date: July 31st, 2021

Miller-Tippens Construction Company, LLC.

By: _____

Name: Zach Burrow

Title: GM-Tulsa

STATE OF Oklahoma §

COUNTY OF Tulsa §

This instrument was acknowledged before me on this 31st day of July, 2021 by Zach Burrow *[Name of Signatory]*, GM-Tulsa *[Title of Signatory]* of Miller-Tippens Construction Company, LLC, an Oklahoma limited liability company, on behalf of said company.

James Keith Pulliam
Signature of Notary Public
Notary Public in and for the State of Oklahoma

[Notary Seal]

JAMES KEITH PULLIAM
Notary Public
State of Oklahoma
Commission #19009353
Expires: Sept. 16, 2023

James Keith Pulliam
Printed Name of Notary Public

My Commission Expires: Sept. 16 2023

CONSENT AGENDA ITEM COMMENTARY

ITEM TITLE: Approve final acceptance of the Harmony Bridge Phase II Project with a final contract amount of $3,058,404.88.

INITIATOR: Bea Aamodt

STAFF INFORMATION SOURCE: Jon Brown

BACKGROUND: Myers-Cherry completed the project on time and under the contract amount.

The original contract amount was $3,243,783.66

EXHIBITS: Final Pay Request and Change Order Reconciliation

KEY ISSUE: City Project acceptance and release of retainage

COUNCIL ACTION: Approve

RECOMMENDATION: Approve

ITEM NO: _____

MEETING DATE: 8/23/2021

MEETING: Council

August 3, 2021

Honorable Mayor and City Council
City of Bixby
116 West Needles
Bixby, Oklahoma 74008

RE: Bixby Harmony Bridge Phase II
Change Order No. 4

Honorable Mayor and City Council:

I. Scope

The scope of Change Order No. 4 provides for the following revisions:
1. The approval of Unit Cost Additions.
2. The approval of Unit Cost Deducts

II. Justification

The Justification for Change Order No. 4 is provided as follows:
1. Due to site conditions, field modifications, and working with the contractor on the best solution for the finished product, various additional items were added to the project at the Unit Costs provided during bidding.
2. Due to site conditions, field modifications, and working with the contractor on the best solution for the finished product, various items were deducted from the project at the Unit Costs provided during bidding.

III. Cost Estimate

Change Order No. 4:

Item No.	Description	Unit	Qty.	Unit Cost	Extended Cost
1	ADD – Unit Cost Additions	LS	1	$ 26,850.31	$ 26,850.31
2	DEDUCT – Unit Cost Deductions	LS	1	($128,114.40)	($128,114.40)

TOTAL FOR CHANGE ORDER #4 **($101,264.09)**

IV. Contract Price

Change Order No. 4 represents $101,264.09 or a 3.12% decrease to the original contract amount of $3,243,783.66. The new contract amount after Change Order #1 and Previous Change Orders is $3,058,204.88.

Original Contract Amount	$3,243,783.66
Change Order No. 1	($ 101,374.06)
Change Order No. 2	$ 9,300.00
Change Order No. 3	$ 7,759.37
Change Order No. 4	($ 101,264.09)
Revised Contract Amount	$3,058,204.88

The above and forgoing are hereby accepted this 3 day of August, 2021, and the undersigned agrees to perform the work as so indicated in this Change Order No. 4 with said adjustments in the contract sum.

Myers-Cherry Construction

Authorized Officer

This Change Order No. 4 is recommended for approval by the Landscape Architect (Planning Design Group) of Record this 3 day of August, 2021.

Authorized Officer

REVIEWED this ____ day of _____, 2021.

_____City Attorney

APPROVED by Council of the City of Bixby this ____ day of _____, 2021.

_____
MAYOR

ATTEST:

_____City Clerk

TO OWNER/CLIENT:
City of Bixby
116 W. Needles
Bixby, Oklahoma 74008

PROJECT:
Bixby Harmony Bridge
8002 E 141st Street South
Bixby, Oklahoma 74008

APPLICATION NO: 10 -- Final
INVOICE NO: 10
PERIOD: 07/01/21 - 07/31/21
PROJECT NO: 20-109
CONTRACT DATE: 10/2/2020

FROM CONTRACTOR:
Myers-Cherry Construction
824 W. Jasper
Broken Arrow, Oklahoma 74011

VIA ARCHITECT/ENGINEER:
Jim Crosby (Planning Design Group)
5314 S. Yale Ave., Ste. 710
Tulsa, Oklahoma 74135

CONTRACT FOR: Bixby Harmony Bridge Prime Contract

CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for payment, as shown below, in connection with the Contract. Continuation Sheet is attached.

1.	Original Contract Sum		$3,243,783.66
2.	Net change by change orders		$(84,314.69)
3.	Contract Sum to date (Line 1 ± 2)		$3,159,468.97
4.	Total completed and stored to date (Column G on detail sheet)		$3,058,204.88
5.	Retainage:		
	a. 0.00% of completed work	$0.00	
	b. 0.00% of stored material	$0.00	
	Total retainage (Line 5a + 5b or total in column I of detail sheet)		$0.00
6.	Total earned less retainage (Line 4 less Line 5 Total)		$3,058,204.88
7.	Less previous certificates for payment (Line 6 from prior certificate)		$2,832,069.52
8.	Current payment due:		$226,135.36
9.	Balance to finish, including retainage (Line 3 less Line 6)		$101,264.09

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner/Client:	$80,494.34	$(172,568.40)
Total approved this month:	$11,133.01	$(3,373.64)
Totals:	$91,627.35	$(175,942.04)
Net change by change orders:	$(84,314.69)	

The undersigned certifies that to the best of the Contractor's knowledge, information and belief, the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work which previous Certificates for payment were issued and payments received from the Owner/Client, and that current payments shown herein is now due.

CONTRACTOR: Myers-Cherry Construction

By: _____ Date: 7/29/21

State of: Oklahoma
County of: Tulsa
Subscribed and sworn to before me this 29th day of July, 2021
Notary Public: Vicki Lowe
My commission expires: 7/29/25

NOTARY SEAL PUBLIC
VICKI LOWE
Notary Public
State of Oklahoma
Commission #01009203 Exp: 07/29/25

ARCHITECT'S/ENGINEER'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on the on-site observations and the data comprising this application, the Architect/Engineer certifies to the Owner/Client that to the best of the Architect's/Engineer's knowledge, information and belief that Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED: $226,135.36

(Attach explanation if amount certified differs from the amount applied for. Initial all figures on this Application and on the Continuation Sheet that are changed to confirm the amount certified.)

ARCHITECT/ENGINEER:

By: _____ Date: 08-03-2021

This certificate is not negotiable. The amount certified is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to the rights of the Owner/Client or Contractor under this Contract.

Document SUMMARY SHEET, APPLICATION AND CERTIFICATE FOR PAYMENT, containing
Contractor's signed Certification is attached.
Use Column I on Contracts where variable retainage for line items apply.

APPLICATION NUMBER: 10
APPLICATION DATE: 7/29/2021
PERIOD: 07/01/21 - 07/31/21

Contract Lines

A		B	C			D		E		F	G			H	I
ITEM NO.	BUDGET CODE	DESCRIPTION OF WORK	SCHEDULED VALUE			FROM PREVIOUS APPLICATION (D + E)		THIS PERIOD		MATERIALS PRESENTLY STORED (NOT IN D OR E)	TOTAL COMPLETED AND STORED TO DATE (D + E + F)			BALANCE TO FINISH (C - G)	RETAINAGE
			QTY	UNIT PRICE	VALUE	QTY	VALUE	QTY	VALUE		QTY	VALUE	% (G / C)		
1		Mobilization - CIP	1.0	$305,000.00	$305,000.00	1.0	$305,000.00	0.0	$0.00	$0.00	1.0	$305,000.00	100.00%	$0.00	$0.00
2		Parking Lot Site Grading - CIP	1.0	$8,000.00	$8,000.00	1.0	$8,000.00	0.0	$0.00	$0.00	1.0	$8,000.00	100.00%	$0.00	$0.00
3		Construction Staking - CIP	1.0	$18,700.00	$18,700.00	1.0	$18,700.00	0.0	$0.00	$0.00	1.0	$18,700.00	100.00%	$0.00	$0.00
4		Construction Barricades - CIP	1.0	$7,250.00	$7,250.00	1.0	$7,250.00	0.0	$0.00	$0.00	1.0	$7,250.00	100.00%	$0.00	$0.00
5		Misc. Demolition and Clearing - CIP	1.0	$13,375.00	$13,375.00	1.0	$13,375.00	0.0	$0.00	$0.00	1.0	$13,375.00	100.00%	$0.00	$0.00
6		Control Joint (Structural) - CIP	2559.0	$6.52	$16,684.68	2559.0	$16,684.68	0.0	$0.00	$0.00	2559.0	$16,684.68	100.00%	$0.00	$0.00
7		Crack Repair (Structural) - CIP	784.0	$5.98	$4,688.32	784.0	$4,688.32	0.0	$0.00	$0.00	784.0	$4,688.32	100.00%	$0.00	$0.00
8		Shallow Concrete Spall / Rock Pocket (Structural) - CIP	1616.0	$59.75	$96,556.00	835.46	$49,918.74	0.0	$0.00	$0.00	835.46	$49,918.74	51.70%	$46,637.26	$0.00
9		Deep Concrete Spall (Structural) - CIP	6.0	$3,000.00	$18,000.00	0.0	$0.00	0.0	$0.00	$0.00	0.0	$0.00	0.00%	$18,000.00	$0.00
10		Expansion Joint (Structural) - CIP	606.0	$1,562.29	$946,747.74	606.0	$946,747.74	0.0	$0.00	$0.00	606.0	$946,747.74	100.00%	$0.00	$0.00
11		Steel Girder Repair (Structural) - CIP	360.0	$140.14	$50,450.40	110.61	$15,500.89	0.0	$0.00	$0.00	110.61	$15,500.89	30.73%	$34,949.51	$0.00
12		Concrete Beam Repair (Structural) - CIP	150.0	$346.76	$52,014.00	144.0	$49,933.44	0.0	$0.00	$0.00	144.0	$49,933.44	96.00%	$2,080.56	$0.00
13		Concrete Curb Repair (Structural) - CIP	596.0	$90.22	$53,771.12	340.0	$30,674.80	0.0	$0.00	$0.00	340.0	$30,674.80	57.05%	$23,096.32	$0.00
14		Concrete Headwall Repair (Structural) - CIP	40.0	$238.62	$9,544.80	103.0	$24,577.86	0.0	$0.00	$0.00	103.0	$24,577.86	257.50%	$(15,033.06)	$0.00
15		W8x15 (Structural) - CIP	176.0	$495.22	$87,158.72	176.0	$87,158.72	0.0	$0.00	$0.00	176.0	$87,158.72	100.00%	$0.00	$0.00
16		Electrical and Lighting - CIP	1.0	$485,000.00	$485,000.00	1.0	$485,000.00	0.0	$0.00	$0.00	1.0	$485,000.00	100.00%	$0.00	$0.00
17		Steel Pylon Specialty Lighting (6 Total)	1.0	$53,800.00	$53,800.00	1.0	$53,800.00	0.0	$0.00	$0.00	1.0	$53,800.00	100.00%	$0.00	$0.00
18		Steel Panel Electric Enclosure (4'x7') - CIP	1.0	$5,885.00	$5,885.00	1.0	$5,885.00	0.0	$0.00	$0.00	1.0	$5,885.00	100.00%	$0.00	$0.00
19		Love Lock Hearts - CIP	4.0	$3,950.00	$15,800.00	4.0	$15,800.00	0.0	$0.00	$0.00	4.0	$15,800.00	100.00%	$0.00	$0.00
20		Emergency Phone - CIP	2.0	$2,570.00	$5,140.00	2.0	$5,140.00	0.0	$0.00	$0.00	2.0	$5,140.00	100.00%	$0.00	$0.00

A		B	C			D		E		F	G			H	I
ITEM NO.	BUDGET CODE	DESCRIPTION OF WORK	SCHEDULED VALUE			FROM PREVIOUS APPLICATION (D + E)		THIS PERIOD		MATERIALS PRESENTLY STORED (NOT IN D OR E)	TOTAL COMPLETED AND STORED TO DATE (D + E + F)			BALANCE TO FINISH (C - G)	RETAINAGE
			QTY	UNIT PRICE	VALUE	QTY	VALUE	QTY	VALUE		QTY	VALUE	% (G / C)		
21		Asphalt Paving for Parking and Trail Approach - CIP	371.0	$45.95	$17,047.45	409.0	$18,793.55	0.0	$0.00	$0.00	409.0	$18,793.55	110.24%	$(1,746.10)	$0.00
22		Aggregate Base for Parking and Trail Approach - CIP	397.0	$16.95	$6,729.15	505.6	$8,569.92	0.0	$0.00	$0.00	505.6	$8,569.92	127.36%	$(1,840.77)	$0.00
23		Parking Concrete Blocks - CIP	6.0	$107.00	$642.00	6.0	$642.00	0.0	$0.00	$0.00	6.0	$642.00	100.00%	$0.00	$0.00
24		General Concrete Paving	1070.0	$6.42	$6,869.40	2109.0	$13,539.78	0.0	$0.00	$0.00	2109.0	$13,539.78	197.10%	$(6,670.38)	$0.00
25		Activity Graphics on Pavement - CIP	2.0	$3,750.00	$7,500.00	2.0	$7,500.00	0.0	$0.00	$0.00	2.0	$7,500.00	100.00%	$0.00	$0.00
26		4" W. Trail Striping	3301.0	$0.54	$1,782.54	3301.0	$1,782.54	0.0	$0.00	$0.00	3301.0	$1,782.54	100.00%	$0.00	$0.00
27		Removable Bollards - CIP	12.0	$1,060.00	$12,720.00	10.0	$10,600.00	2.0	$2,120.00	$0.00	12.0	$12,720.00	100.00%	$0.00	$0.00
28		Synthetic Turf (Flat) - CIP	546.0	$8.05	$4,395.30	546.0	$4,395.30	0.0	$0.00	$0.00	546.0	$4,395.30	100.00%	$0.00	$0.00
29		Synthetic Turf (Berms) W/ Foam - CIP	960.0	$39.95	$38,352.00	960.0	$38,352.00	0.0	$0.00	$0.00	960.0	$38,352.00	100.00%	$0.00	$0.00
30		Grandioso Chimes - CIP	1.0	$8,670.00	$8,670.00	1.0	$8,670.00	0.0	$0.00	$0.00	1.0	$8,670.00	100.00%	$0.00	$0.00
31		Vivo Chimes - CIP	1.0	$6,780.00	$6,780.00	1.0	$6,780.00	0.0	$0.00	$0.00	1.0	$6,780.00	100.00%	$0.00	$0.00
32		Kettle Drum - CIP	1.0	$2,440.00	$2,440.00	1.0	$2,440.00	0.0	$0.00	$0.00	1.0	$2,440.00	100.00%	$0.00	$0.00
33		Kundu Drum - CIP	1.0	$2,440.00	$2,440.00	1.0	$2,440.00	0.0	$0.00	$0.00	1.0	$2,440.00	100.00%	$0.00	$0.00
34		Goblet Drum - CIP	1.0	$2,440.00	$2,440.00	1.0	$2,440.00	0.0	$0.00	$0.00	1.0	$2,440.00	100.00%	$0.00	$0.00
35		Cascata Bells - CIP	1.0	$5,275.00	$5,275.00	1.0	$5,275.00	0.0	$0.00	$0.00	1.0	$5,275.00	100.00%	$0.00	$0.00
36		Medium Half Ball - CIP	9.0	$782.00	$7,038.00	9.0	$7,038.00	0.0	$0.00	$0.00	9.0	$7,038.00	100.00%	$0.00	$0.00
37		Cubes (16 Inch) - CIP	12.0	$1,100.00	$13,200.00	12.0	$13,200.00	0.0	$0.00	$0.00	12.0	$13,200.00	100.00%	$0.00	$0.00
38		Educational Signage - CIP	6.0	$780.00	$4,680.00	8.0	$6,240.00	0.0	$0.00	$0.00	8.0	$6,240.00	133.33%	$(1,560.00)	$0.00
39		Handicap Parking Signage - CIP	1.0	$375.00	$375.00	1.0	$375.00	0.0	$0.00	$0.00	1.0	$375.00	100.00%	$0.00	$0.00
40		Cyclist & Pedestrian Yield Sign - CIP	2.0	$215.00	$430.00	2.0	$430.00	0.0	$0.00	$0.00	2.0	$430.00	100.00%	$0.00	$0.00
41		Large Cantilevered Shade Structure - CIP	1.0	$66,445.00	$66,445.00	1.0	$66,445.00	0.0	$0.00	$0.00	1.0	$66,445.00	100.00%	$0.00	$0.00
42		Medium Shade Structure - CIP	2.0	$19,950.00	$39,900.00	2.0	$39,900.00	0.0	$0.00	$0.00	2.0	$39,900.00	100.00%	$0.00	$0.00
43		Left Bench - CIP	8.0	$2,385.00	$19,080.00	6.809224	$16,240.00	1.190776	$2,840.00	$0.00	8.0	$19,080.00	100.00%	$0.00	$0.00
44		Right Bench - CIP	14.0	$2,385.00	$33,390.00	12.76729 55	$30,450.00	1.232704 5	$2,940.00	$0.00	14.0	$33,390.00	100.00%	$0.00	$0.00

A		B	C			D		E		F	G			H	I
ITEM NO.	BUDGET CODE	DESCRIPTION OF WORK	SCHEDULED VALUE			FROM PREVIOUS APPLICATION (D + E)		THIS PERIOD		MATERIALS PRESENTLY STORED (NOT IN D OR E)	TOTAL COMPLETED AND STORED TO DATE (D + E + F)			BALANCE TO FINISH (C - G)	RETAINAGE
			QTY	UNIT PRICE	VALUE	QTY	VALUE	QTY	VALUE		QTY	VALUE	% (G / C)		
45		Wedge Bench - CIP	9.0	$2,385.00	$21,465.00	6.80 9224	$16,240.00	2.19 0776	$5,225.00	$0.00	9.0	$21,465.00	100.00%	$0.00	$0.00
46		Chill Lounge Chair - CIP	12.0	$1,080.00	$12,960.00	9.77 7777	$10,560.00	2.22 2223	$2,400.00	$0.00	12.0	$12,960.00	100.00%	$0.00	$0.00
47		Backed 3 Seat Table - CIP	3.0	$3,860.00	$11,580.00	2.58 8082 9	$9,990.00	0.41 1917 1	$1,590.00	$0.00	3.0	$11,580.00	100.00%	$0.00	$0.00
48		Backed 5 Seat Table - CIP	4.0	$5,040.00	$20,160.00	3.46 8253 96	$17,480.00	0.53 1746 04	$2,680.00	$0.00	4.0	$20,160.00	100.00%	$0.00	$0.00
49		Backed 6 Seat Table - CIP	3.0	$5,040.00	$15,120.00	2.60 1190 47	$13,110.00	0.39 8809 53	$2,010.00	$0.00	3.0	$15,120.00	100.00%	$0.00	$0.00
50		Trash Receptacle - CIP	11.0	$1,650.00	$18,150.00	11.0	$18,150.00	0.0	$0.00	$0.00	11.0	$18,150.00	100.00%	$0.00	$0.00
51		Bike Rack - CIP	3.0	$975.00	$2,925.00	3.0	$2,925.00	0.0	$0.00	$0.00	3.0	$2,925.00	100.00%	$0.00	$0.00
52		Park Viewing Scope - CIP	2.0	$3,445.00	$6,890.00	1.65	$5,684.25	0.0	$0.00	$0.00	1.65	$5,684.25	82.50%	$1,205.75	$0.00
53		Dog Waste Station	1.0	$1,190.00	$1,190.00	0.81 9327 73	$975.00	0.18 0672 27	$215.00	$0.00	1.0	$1,190.00	100.00%	$0.00	$0.00
54		Bridge Painting Allowance	1.0	$10,000.00	$10,000.00	1.0	$10,000.00	0.0	$0.00	$0.00	1.0	$10,000.00	100.00%	$0.00	$0.00
55		Construction Allowance	1.0	$100,000.00	$100,000.00	1.0	$100,000.00	0.0	$0.00	$0.00	1.0	$100,000.00	100.00%	$0.00	$0.00
56		U-3 Bermuda Sod - CIP	1000 0.0	$0.39	$3,900.00	2000 .0	$780.00	2500 .0	$975.00	$0.00	4500 .0	$1,755.00	45.00%	$2,145.00	$0.00
57		Pavement Surface Treatment with Transpo Product - CIP	6333 2.0	$7.22	$457,257.04	5950 0.0	$429,590.00	3832 .0	$27,667.04	$0.00	6333 2.0	$457,257.04	100.00%	$0.00	$0.00
TOTALS:					$3,243,783.66		$3,091,857.53		$50,662.04	$0.00		$3,142,519.57	96.88%	$101,264.09	$0.00

Change Orders

A	B	C			D		E		F	G			H	I
ITEM NO.	DESCRIPTION OF WORK	SCHEDULED VALUE			FROM PREVIOUS APPLICATION (D + E)		THIS PERIOD		MATERIALS PRESENTLY STORED (NOT IN D OR E)	TOTAL COMPLETED AND STORED TO DATE (D + E + F)			BALANCE TO FINISH (C - G)	RETAINAGE
		QTY	UNIT PRICE	VALUE	QTY	VALUE	QTY	VALUE		QTY	VALUE	% (G / C)		
58	PCCO#001													
58.1	PCO#001													
58.1.1	Division 03-3300.COM Cast-In-Place Concrete.Commitment Reducing Expansion Joints by 60'	1.0	$(86,284.20)	$(86,284.20)	1.0	$(86,284.20)	0.0	$0.00	$0.00	1.0	$(86,284.20)	100.00%	$0.00	$0.00
58.1.2	Division 03-3310.COM Structural Concrete.Commitment Reducing Expansion Joints by 60'	1.0	$(86,284.20)	$(86,284.20)	1.0	$(86,284.20)	0.0	$0.00	$0.00	1.0	$(86,284.20)	100.00%	$0.00	$0.00
58.2	PCO#002													

A	B	C			D		E		F	G			H	I
ITEM NO.	DESCRIPTION OF WORK	SCHEDULED VALUE			FROM PREVIOUS APPLICATION (D + E)		THIS PERIOD		MATERIALS PRESENTLY STORED (NOT IN D OR E)	TOTAL COMPLETED AND STORED TO DATE (D + E + F)			BALANCE TO FINISH (C - G)	RETAINAGE
		QTY	UNIT PRICE	VALUE	QTY	VALUE	QTY	VALUE		QTY	VALUE	% (G / C)		
58.2.1	Division 05-5120.MAT Structural Steel Framing.Materials Galvanized 14GA Bent Plate Curb Cap Material	3886.0	$4.50	$17,487.00	3886.0	$17,487.00	0.0	$0.00	$0.00	3886.0	$17,487.00	100.00%	$0.00	$0.00
58.2.2	Division 05-5120.LAB Structural Steel Framing.Labor Galvanized 14GA Bent Plate Curb Cap Labor	3886.0	$3.75	$14,572.50	2500.0	$9,375.00	1386.0	$5,197.50	$0.00	3886.0	$14,572.50	100.00%	$0.00	$0.00
58.2.3	Division 05-5120.MAT Structural Steel Framing.Materials 1/4" Stainless Conc. Screws	2600.0	$2.28	$5,928.00	2600.0	$5,928.00	0.0	$0.00	$0.00	2600.0	$5,928.00	100.00%	$0.00	$0.00
58.2.4	Division 05-5120.MAT Structural Steel Framing.Materials Nylon Washers	2600.0	$0.16	$416.00	2600.0	$416.00	0.0	$0.00	$0.00	2600.0	$416.00	100.00%	$0.00	$0.00
58.2.5	Division 05-5120.LAB Structural Steel Framing.Labor 1/4" Stainless Conc. Screws Install	2600.0	$0.50	$1,300.00	0.0	$0.00	2600.0	$1,300.00	$0.00	2600.0	$1,300.00	100.00%	$0.00	$0.00
58.2.6	Division 05-5120.MAT Structural Steel Framing.Materials Adhesives	3886.0	$0.82	$3,186.52	3886.0	$3,186.52	0.0	$0.00	$0.00	3886.0	$3,186.52	100.00%	$0.00	$0.00
58.2.7	Division 05-5120.LAB Structural Steel Framing.Labor Adhesives	3886.0	$0.35	$1,360.10	0.0	$0.00	3886.0	$1,360.10	$0.00	3886.0	$1,360.10	100.00%	$0.00	$0.00
58.2.8	Division 09-9910.COM Painting.Commitment Painting	1.0	$11,658.00	$11,658.00	1.0	$11,658.00	0.0	$0.00	$0.00	1.0	$11,658.00	100.00%	$0.00	$0.00
58.2.9	Division 05-5120.EQU Structural Steel Framing.Equipment Equipment	4.0	$1,500.00	$6,000.00	3.0	$4,500.00	1.0	$1,500.00	$0.00	4.0	$6,000.00	100.00%	$0.00	$0.00
58.2.10	Overhead/Profit/Bonds/Insurances (15.0)%	0.0	$0.00	$9,286.22	0.0	$9,286.22	0.0	$0.00	$0.00	0.0	$9,286.22	100.00%	$0.00	$0.00
59	PCCO#003													
59.1	PCO#020													
59.1.1	Division 10-10700.COM Exterior Sun Control Devices.Commitment Baseplate Covers	22.0	$422.73	$9,300.00	0.0	$0.00	22.0	$9,300.00	$0.00	22.0	$9,300.00	100.00%	$0.00	$0.00
60	PCCO#004													
60.1	PCO#022													
60.1.1	Division 03-3300.COM Cast-In-Place Concrete.Commitment Concrete Services Wabo Price	1.0	$4,000.00	$4,000.00	0.0	$0.00	1.0	$4,000.00	$0.00	1.0	$4,000.00	100.00%	$0.00	$0.00
60.1.2	Division 03-3310.COM Structural Concrete.Commitment Logos Construction Wabo Price	1.0	$6,120.92	$6,120.92	0.0	$0.00	1.0	$6,120.92	$0.00	1.0	$6,120.92	100.00%	$0.00	$0.00
60.1.3	Division 01-1711.OTH Misc. Expenses .Other MCC 1/3 Split	-1.0	$3,373.64	$(3,373.64)	0.0	$0.00	-1.0	$(3,373.64)	$0.00	-1.0	$(3,373.64)	100.00%	$0.00	$0.00
60.1.4	Overhead/Profit/Bonds/Insurances (15.0)%	0.0	$0.00	$1,012.09	0.0	$0.00	0.0	$1,012.09	$0.00	0.0	$1,012.09	100.00%	$0.00	$0.00

A	B	C			D		E		F	G			H	I
ITEM NO.	DESCRIPTION OF WORK	SCHEDULED VALUE			FROM PREVIOUS APPLICATION (D + E)		THIS PERIOD		MATERIALS PRESENTLY STORED (NOT IN D OR E)	TOTAL COMPLETED AND STORED TO DATE (D + E + F)			BALANCE TO FINISH (C - G)	RETAINAGE
		QTY	UNIT PRICE	VALUE	QTY	VALUE	QTY	VALUE		QTY	VALUE	% (G / C)		
	TOTALS:			$(84,314.69)		$(110,731.66)		$26,416.97	$0.00		$(84,314.69)	100.00%	$0.00	$0.00

Grand Totals

A	B	C	D	E	F	G		H	I
ITEM NO.	DESCRIPTION OF WORK	SCHEDULED VALUE	FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD	MATERIALS PRESENTLY STORED (NOT IN D OR E)	TOTAL COMPLETED AND STORED TO DATE (D + E + F)	% (G / C)	BALANCE TO FINISH (C - G)	RETAINAGE
	GRAND TOTALS:	$3,159,468.97	$2,981,125.87	$77,079.01	$0.00	$3,058,204.88	96.79%	$101,264.09	$0.00

IMPORTANT

TO COMPLY WITH TITLE 74, SEC. 3109, YOU MUST COMPLETE THIS AFFIDAVIT AND RETURN IT TO OUR FINANCE DEPARTMENT BEFORE PAYMENT CAN BE MADE

VENDOR'S NAME & ADDRESS:

Myers-Cherry Construction, LLC
824 W. Jasper St.
Broken Arrow, OK 74011

MAIL TO:

CITY OF BIXBY
116 West Needles
Bixby, Oklahoma 74008

AFFIDAVIT OF CLAIMANT

STATE OF Oklahoma)
) SS.
COUNTY OF Tulsa)

The undersigned (Architect, Engineer, Contractor, Supplier) of lawful age, being first duly sworn, on oath says that this invoice or claim is true and correct. Affiant further states that the (work, services, or materials) as shown by this invoice or claim have been (completed or performed) in accordance with the plans, specifications, orders, or requests, furnished the affiant. Affiant further states that (s)he has made no payment directly or indirectly to any elected official, officer, or employee of the State of Oklahoma, any county or local subdivision of the state, of money or any other thing of value to obtain payment of the invoice or procure the contract or purchase order pursuant to which an invoice is required.

David Myers ~~Engineer, Contractor, or Supplier~~

Subscribed and sworn before me the 29th day of July 2021

NOTARY PUBLIC IN SEAL IN OK
VICKI LOWE
Notary Public
State of Oklahoma
Commission #01009203 Exp: 07/29/25

Notary Public (or Clerk or Judge)

Planning Design Group
Architect

My commission expires July 29 ,2021~~5~~

NOTE: 62 O.S. 1993, ss310.9B, authorizes any municipality executing more than one contract, exceeding $ 1,000 during the fiscal year, with an Architect, Engineer, Contractor, or Supplier to accept one affidavit applying to all work, services, or materials completed or supplied under the terms of awarded contracts, or which are needed on a continual basis; such affidavit to be in lieu of all individual affidavits for each invoice submitted in relation to such contract.

Invoice Number of Description	Date	Amount
Pay Application #10 - Final	July 29, 2021	$226,135.36

NOTE: THIS AFFIDAVIT MUST BE RETURNED TO ABOVE ADDRESS.

CONSENT AGENDA ITEM COMMENTARY

ITEM TITLE: Discuss and/or take action on City sponsorship for the Buy Bixby program managed by the Bixby Metro Chamber.

INITIATOR: Jared Cottle

STAFF INFORMATION SOURCE: Jared Cottle

BACKGROUND: In keeping with previous economic development activities, the Bixby Chamber of Commerce is proposing to continue organizing and managing the Buy Bixby program.

The Chamber contract proposes a City sponsorship for Buy Bixby in the amount of $5,000.

EXHIBITS: Buy Bixby Sponsorship

KEY ISSUE: Buy Bixby Sponsorship

COUNCIL ACTION: Approve Buy Bixby Sponsorship Contract with the Bixby Metro Chamber of Commerce.

RECOMMENDATION: Approve Buy Bixby Sponsorship Contract with the Bixby Metro Chamber of Commerce.

ITEM NO: _____

MEETING DATE: 08-23-21

MEETING: Council

BIXBY METRO
Chamber of Commerce

Buy Bixby Sponsorship Request

The Buy Bixby program promotes supporting local businesses located in the city of Bixby during the holiday shopping season. Participating businesses receive print, digital, social, and other media promotions while customers are encouraged to visit their locations to purchase goods and services and receive tickets. One ticket is worth $10,000 with other smaller prizes also available.

The Bixby Metro Chamber has managed the Buy Bixby program since 2016, after it was found to be revenue negative for the City of Bixby. The Chamber supplies all management of the program and has received monetary support from the City of Bixby annually for this program to keep the program and pricing accessible to all city of Bixby businesses. The program is promoted with the city being the co-presenting sponsor in all print materials and promotions both to the business community and public. This program is almost revenue neutral for the Chamber, with a small loss once all hard costs and operational costs are calculated.

Promotion to the business community will begin in mid-July, and public promotion will begin in early October. The program will end in December, with the drawing on December 10th. Full details of the drawing are pending.

Our request of the City of Bixby is $5,000 for the Co-Presenting Sponsorship of Buy Bixby. This cost covers almost half the price of the tickets and allows for the City of Bixby to share presenting level sponsorship with the Chamber in all promotions.

Thank you,

Krystal Crockett

CONSENT AGENDA ITEM COMMENTARY

ITEM TITLE: Authorize re-issuance of requests for proposals (RFPs) for the Development of Surplus Real Property in Blocks 5, 6 & 9, Midland Addition

INITIATOR: Jared Cottle

STAFF INFORMATION SOURCE: Jared Cottle

BACKGROUND: With the withdrawal of the proposal for the Bixby Market development, including the Food Hall, at 151st & Cabaniss, Staff is requesting authorization to re-issue the RFP for the Midland Addition based on the expressed interest of at least three (3) different investment groups.

EXHIBITS: None

KEY ISSUE: RFP for the Development of Surplus Real Property in Blocks 5, 6 & 9, Midland Addition

COUNCIL ACTION: Authorize Staff to re-issue RFPs for the Development of Surplus Real Property in Blocks 5, 6 & 9, Midland Addition

RECOMMENDATION: Authorize Staff to re-issue RFPs for the Development of Surplus Real Property in Blocks 5, 6 & 9, Midland Addition

ITEM NO: _____

MEETING DATE: 08-23-2021

MEETING: Council

CONSENT AGENDA ITEM COMMENTARY

ITEM TITLE: Consider and/or take action, if necessary, on the purchase of real estate north and east of the intersection at 151st Street & Sheridan Road, owned by DMT Bixby, LLC.

INITIATOR: Jared Cottle

STAFF INFORMATION SOURCE: Jared Cottle

BACKGROUND: With the near term need for a site for construction of a new Fire Station in accordance with the 2021 Bond Series approval,

EXHIBITS: None

KEY ISSUE: Real Property north and east of the intersection at 151st Street & Sheridan Road, owned by DMT Bixby, LLC.

COUNCIL ACTION: Approve contract for purchase of and authorize Staff to close on real estate north and east of the intersection at 151st Street & Sheridan Road, owned by DMT Bixby, LLC.

RECOMMENDATION: Approve contract for purchase of and authorize Staff to close on real estate north and east of the intersection at 151st Street & Sheridan Road, owned by DMT Bixby, LLC.

ITEM NO: _____

MEETING DATE: 08-23-2021

MEETING: Council

CONSENT AGENDA ITEM COMMENTARY

ITEM TITLE: Discuss and/or take action on Funding Agreement with the Oklahoma Department of Transportation for the East Fry Creek Trail from 131st to 118th St Project

INITIATOR: Bea Aamodt

STAFF INFORMATION SOURCE: Bea Aamodt

BACKGROUND: The City has been awarded INCOG TAP funding to construct a trail from 118th to 131st st along the Fry Creek Dich

The City provided the match for construction of the project with local Funds. The estimated City portion of the funding is **$420,074** with a balance of **$771,005** in Federal funds supplied through the TAP Program. The construction total is estimated at **$1,191,079**.

The City is required to enter into a Funding Agreement with ODOT.

EXHIBITS: Design Funding Agreement, Invoice

KEY ISSUE: Design Funding Agreement

COUNCIL ACTION: Approve Design Funding Agreement

RECOMMENDATION: Approval.

ITEM NO: _____

MEETING DATE: 08-23-2021

MEETING: City Council

STATE OF OKLAHOMA
DEPARTMENT OF TRANSPORTATION
PROJECT MAINTENANCE, FINANCING, AND RIGHT-OF-WAY AGREEMENT

BIXBY: EAST FRY CREEK TRAIL FROM 131ST TO 118TH ST INCLUDING A PEDESTRIAN BRIDGE

Project No.: TAP-272F (341) IG

State Job No.: 33040(04)(05)

This Agreement, made the day and year last written below, by and between the City of **Bixby**, hereinafter referred to as the Sponsor, and the Department of Transportation of the State of Oklahoma, hereinafter referred to as the Department, for the following intents and purposes and subject to the following terms and conditions, to wit:

WITNESSETH

WHEREAS, The Sponsor requested that certain street improvements be approved by the Oklahoma Transportation Commission, as were previously programmed by the Sponsor and described as follows:

Project Type	Div.	County	JP No	Project No.	Work Type	Description
ENHANCEMENT	08	TULSA	33040(04)	TAP-272F (341) IG	PEDESTRIAN/ BIKE IMPROVEMENTS	BIXBY: EAST FRY CREEK TRAIL FROM 131ST TO 118TH ST INCLUDING A PEDESTRIAN BRIDGE

WHEREAS, the Department is charged under the laws of the State of Oklahoma with construction and maintenance of State Highways; and,

WHEREAS, the Department is, by terms of agreements with the Federal Highway Administration, responsible for the management and construction of certain federally funded projects within the corporate limits of cities within the State of Oklahoma; and,

WHEREAS, the Sponsor has been identified as the beneficiary and sub-recipient of such federally funded project; and,

WHEREAS, receipt of the benefits of this project will require that the Sponsor assume certain financial responsibilities; and,

WHEREAS, the Sponsor is a municipal corporation created and existing under the constitution and laws of the State of Oklahoma; and

WHEREAS, the laws and constitution of the State of Oklahoma impose financial restrictions on the Sponsor and its ability to ensure financial obligations; and,

WHEREAS, the Parties hereto recognize those financial limitations and agree that the financial obligations assumed by the Sponsor, by the terms of this Agreement, are enforceable only to the extent as may be allowed by law or as may be determined by a court of competent jurisdiction; and,

WHEREAS, it is understood that, by virtue of the Article 10, Section 26 of the Oklahoma Constitution, the payment of Sponsor funds in the future will be limited to appropriations and available funds in the then current Sponsor fiscal year.

NOW, THEREFORE: the Department and the Sponsor, in consideration of the mutual covenants and stipulations as set forth herein, do mutually promise and agree as follows:

SECTION 1: PROJECT AGREEMENT

1.1 If applicable, the Department will recommend approval of the project by the Federal Highway Administration.

1.2 The Sponsor agrees to comply with Title VI of the Civil Rights Act of 1964, 78 Stat. § 252, 42 U.S.C. § 2000d et seq., and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Part 21 - "Nondiscrimination in federally assisted programs of the Department of Transportation - effectuation of Title VI of the Civil Rights Act 1964".

1.3 The DEPARTMENT and SPONSOR mutually recognize that each party is a governmental entity subject to the provisions of the Governmental Tort Claims Act (51 O.S. § 151 et seq.). The DEPARTMENT and SPONSOR hereby mutually agree that each is and may be held severally liable for any and all claims, demands, and suits in law or equity, of any nature whatsoever, paying for damages or otherwise, arising from any negligent act or omission of any of their respective employees, agents or contractors which may occur during the prosecution or performance of this Agreement to the extent provided in the Governmental Tort Claims Act. Each party agrees to severally bear all costs of investigation and defense of claims arising under the Governmental Tort Claims Act and any judgments which may be rendered in such cause to the limits provided by law. Nothing in this section shall be interpreted or construed to waive any legal defense which may be available to a party or any exemption, limitation or exception which may be provided by the Governmental Tort Claims Act.

1.4 The Sponsor understands that should it fail to fulfill its responsibilities under this Agreement, such a failure will disqualify the Sponsor from future Federal-aid funding participation on any proposed project. Federal-aid funds are to be withheld until such a time as an engineering staff, satisfactory to the Department has been properly established and functioning, the deficiencies in regulations have been corrected or the improvements to be constructed under this Agreement are brought to a satisfactory condition of maintenance.

SECTION 2: ENGINEERING RESPONSIBILITIES

2.1 The Sponsor shall provide professional engineering services for the development of the Plans, Specifications and Estimates (PS&E) for this project. Design engineering for this project will be performed under the supervision of the Sponsor. Sponsor warrants to the Department that they will review the plans and will certify that the plans are acceptable to the Sponsor and are in full compliance with current standards and specifications.

2.2 Progress payments will be made to the consultant by the DEPARTMENT upon receipt of a properly executed claim form, approved by the SPONSOR, accompanied by suitable evidence of the completion of the work claimed, as detailed in the engineering contract.

2.3 The SPONSOR agrees to hold the Federal Government and the DEPARTMENT harmless from, and shall process and defend at its own expense, all claims, demands, or suits, whether at law or equity brought against the SPONSOR, the DEPARTMENT, or Federal Government, arising from the SPONSOR's execution, performance, or failure to perform any of the provisions of this Agreement, or arising by reason of the participation of the DEPARTMENT or Federal Government in the project, provided nothing herein shall require the SPONSOR to reimburse the DEPARTMENT or Federal Government for damages arising out of bodily injury to persons or damage to property caused by or resulting from the sole negligence of the Federal Government or the DEPARTMENT.

2.4 When any alleged act, omission, negligence, or misconduct may be subject to the limitations, exemptions, or defenses which may be raised under the Governmental Tort Claims Act, 51 0.S. Sec. 151, et seq., all such limitations, exemptions, and defenses shall be available to and may be asserted by the SPONSOR. No liability shall attach to the DEPARTMENT or Federal Government except as expressly provided herein.

2.5 The Sponsor agrees to the location of the subject project and agrees to adopt the final plans for said project as the official plans of the Sponsor for the streets, boulevards, arterial highways and/or other improvements contained therein; and further, the Sponsor affirmatively states that it has or shall fully and completely examine the plans and shall hereby warrant to the Department, the Sponsor's complete satisfaction with these plans and the fitness of the plans to construct aforesaid project.

2.6 The Sponsor certifies that the project design plans shall comply, and the project when completed will comply, with the requirements of the Americans with Disabilities Act (ADA) of 1990 (42 U.S.C. §§ 12101 – 12213), 49 CFR Parts 27, 37 and 38 and 28 CFR parts 35 and 36. The Sponsor shall be exclusively responsible for integrated ADA compliance planning for all Sponsor streets, sidewalks and other facilities provided for public administration, use and accommodation, which is required of recipients and sub-recipients by 49 CFR § 27.11. State highways continued through corporate limits of the Sponsor shall be included in the Sponsor's comprehensive compliance plans.

2.7 To the extent permitted by law, all data prepared under this Agreement shall be made available to the Department without restriction or limitation on their further use, with exception of any documents or information that would be considered attorney/client privileged by the Sponsor.

2.8 The Department will conduct the environmental studies and prepare the National Environmental Protection Act documents as required for federally funded projects.

2.9 The Department will forward the environmental documents to FHWA for approval if applicable.

SECTION 3: LAND ACQUISITION AND UTILITY RELOCATION

3.1 The Sponsor warrants to the Department that, they have or will acquire all land, property, or rights-of-way needed for complete implementation of said project, free and clear of all obstructions and encumbrances and in full accordance with the Department's guidelines for Right-of-Way Acquisition on Federal-Aid Projects, the Uniform Relocation Act, the National Environmental Protection Act and all other applicable local, state and federal regulations.

3.2 The Sponsor shall be responsible for ensuring all proper tax documentation is filed and issued to recipients of funds paid on behalf of the Sponsor for Right-of-Way acquisition for this project.

3.3 The Sponsor warrants to the Department that it is knowledgeable of and will comply with the provisions of 42 U.S.C.A., Section 4601-4655 and 23 U.S.C.A., Section 323 (as amended) and 49 C.F.R. Part 24 in the acquisition of all right-of-way and the relocation of any displacees.

3.4 The Sponsor shall remove, at its own expense, or cause the removal of, all encroachments on existing streets as shown on said plans, including all buildings, porches, fences, gasoline pumps, islands, and tanks, and any other such private installations and shall further remove or remediate any existing environmental contamination of soil and water from any source, known or unknown.

3.5 If the acquisition of right-of-way for this project causes the displacement of any person, business or non-profit organization, the Sponsor warrants it will provide and be responsible for the Relocation Assistance Program and all costs associated with the Relocation Assistance Program. The Department, upon request, will provide a list of service providers who have been prequalified to administer the Relocation Assistance Program. The Sponsor agrees to employ a service provider from the prequalified list provided by the Department. Prior to any relocation assistance payments to the Sponsor, all files with parcels requiring relocation assistance shall be submitted to the Department for audit and compliance review. The Sponsor shall notify the Department within seven (7) days of the date of an offer to acquire being provided to a property owner(s) on any parcel which will require relocation assistance. Written notifications regarding service providers, in-house personnel, appeals, offers to acquire or other related correspondence shall be properly addressed and remitted as follows:

Oklahoma Department of Transportation
Operations Division
200 N.E. 21st Street
Oklahoma City, Oklahoma 73105-3204

3.6 The Sponsor warrants that any procurement, using federal funds, of property, goods or professional and personal services required for this project will be acquired by the Sponsor in compliance with the federal procurement Regulations at 40 USC 1101-1104 (Brooks Act) and the Regulations for Administration of Engineering and Design Related Service Contracts at 23 C.F.R. Part 172, as well as provisions of State purchasing laws applicable to the Sponsor.

3.7 The Sponsor will certify to the Department prior to establishing a letting date that all existing utility facilities (if any) have been properly adjusted in full accordance with the Department's Right-of-Way and Utilities Division policies and procedures to accommodate the construction of said project; and will be solely responsible for

payment of any and all contractor expenses, claims, suits and/or judgments directly resultant from any actual utility relocation delays.

3.8 The Sponsor shall have the authority pursuant to 69 O.S. § 1001 and 69 O.S. § 1004 to sell any lands, or interest therein, which were acquired for highway purposes as long as such sale is conducted in accordance with the above cited statutes.

3.9 The Sponsor agrees that if any property acquired utilizing Federal funding is disposed of or is no longer used in the public interest the Sponsor shall reimburse the Department at the current fair market value.

3.10 The Sponsor agrees to;

- Transmit copies of the instruments, including all deeds and easements, to the Department prior to the advertisement of bids for construction.

- Comply with the provisions of 42 U.S.C.A. § 4601-4655 and 23 U.S.C.A. § 323 (as amended) and, further comply with 49 C.F.R. Part 24 in the acquisition of all necessary right-of-way and relocation of all displacees.

- Convey title to the State of Oklahoma on all tracts of land acquired in the name of the Sponsor if the project is located on the State Highway System.

SECTION 4: FUNDING SUMMARY

4.1 The Department and the Sponsor agree that the project will be financed at a ***not-to-exceed***, INCOG TAP total estimated cost of **$771,005** as described below:

FUNDING SOURCE =>			INCOG TAP		CITY OF BIXBY	
STATE JOB PIECE NO.	**DESCRIPTION**	**TOTAL *ESTIMATED* COST**	**SHARE (%)**	**AMOUNT**	**SHARE (%)**	**AMOUNT**
33040(05)	Design -	$120,553	80	96,442	20	$24,111
	Right-of-Way -	$0				
	Utilities -	$0				
33040(04)	Construction - (With 6% Inspection)	$1,070,526	80 CAPPED AT	$674,563	Remainder	$395,963
Total		**$1,191,079**	**Total=>**	**$771,005**	**Total=>**	**$420,074**

4.2 Furthermore, the Department and the Sponsor agree that actual INCOG TAP costs incurred by project phases **JP 33040(04,05)** may exceed initial estimates. Costs between these project phases will be administratively adjusted based on actual cost of each phase, within the total cost of this Agreement, without formal supplemental Agreement, in so far as the total project agreement is not exceeded.

4.3 It is understood by the Sponsor and the Department that the funding participation stipulated herein may be altered due to bid prices, actual construction supervision costs and non-participating costs incurred during construction. The Sponsor will be responsible for payment of any estimated local funding prior to advertising the project for bid. Upon final acceptance of this project, the total project cost will be determined, and the final amount of local funds (if any) will be determined by the Department's Comptroller per the terms of this Agreement. A refund will then be made by the Department to the Sponsor or additional funding will be requested. The Sponsor agrees to make arrangements for payment of any Department invoice within 45 days of receipt.

SECTION 5: CONSTRUCTION RESPONSIBILITIES

5.1 The Sponsor agrees to comply with all applicable laws and regulations necessary to meet the Oklahoma Department of Environmental Quality (ODEQ) requirements for pollution prevention including discharges from storm water runoff during the planning and design of this project. Further, the Sponsor agrees and stipulates as stated in the ODEQ's *General Permit OKR10*, dated September 13, 2017 or latest revision, to secure a storm water permit with the ODEQ for utility relocations, when required. It is also agreed that the storm water management plan for the project previously described in the document includes project plans and specifications, required schedules for accomplishing the temporary and permanent erosion control work, the site specific storm water pollution prevention plan and the appropriate location map contained in the utility relocation plans.

5.2 The Sponsor's responsibility for environmental cleanup will be a continuing responsibility to remediate any and all known and unknown environmental damage throughout the duration of this agreement with the Department in compliance with State and federal regulations.

5.3 The roadway improvements and all devices specified herein shall not be altered, removed, or cease to be operative without mutual written consent of the Department and the Sponsor.

5.4 Upon approval of this agreement and the plans, specifications, and estimates by the Sponsor, the Department, and the Federal Highway Administration (if applicable),

the Department will advertise and let the construction contract for this project in the usual and customary legal manner. It is agreed that the projects herein contemplated are proposed to be financed as previously described, and that this Agreement, all plans, specifications, estimate of costs, acceptance of work, payments, and procedure in general hereunder are subject in all things at all times to all local, state and federal laws, regulations, orders, approvals as may be applicable hereto.

5.5 The Department shall provide a copy of the executed construction contract to the Sponsor, upon receipt of a written request.

5.6 The Department will notify the Sponsor of pre-bid dates, bid opening dates, and Transportation Commission award dates in writing upon receipt of a written request.

5.7 The Sponsor agrees that prior to the Department's advertising of the project for bids (as to that part of the project lying within the present corporate limits) it will:

- Grant to the Department and its contractors, the right-of-entry to all existing streets, alleys, and Sponsor owned property when required, and other rights-of-way shown on said plans.

- Remove at its own expense, or cause the removal of, all encroachments on existing streets as shown on said plans, including all signs, buildings, porches, awnings, porticos, fences, gasoline pumps and islands, and any other such private installations.

- Prohibit parking on that portion of the project within the corporate limits of the Sponsor, except as may be indicated in the plans or hereafter approved by agreement with the Department. The Sponsor further agrees not to install, or permit to be installed, any signs, signals or markings not in conformance with the standards approved by the Federal Highway Administration and Manual on Uniform Traffic Control Devices (MUTCD).

- Comply with the Department's standards for construction of driveway entrances from private property to the highway, in accordance with the Department's manual entitled "Policy on Driveway Regulation for Oklahoma Highways", Rev. 5/96, 69 O.S. (2001) § 1210.

- Maintain all right-of-way acquired for the construction of this project, as shown on said plans, in a manner consistent with applicable statutes, codes, ordinances and regulations of the Department and the State of Oklahoma.

- Have the authority pursuant to 69 O.S. 2001 § 1001 and 69 O.S. 2001 § 1004 to sell any lands, or interest therein, which were acquired for highway purposes as long as such sale is conducted in accordance with the above cited statutes. Prior written approval by the Chief, Right-of-Way Division for the Department shall be required before any sale is made.

5.8 The Sponsor further agrees and warrants to the Department that, subsequent to the construction of said project, the Sponsor will:

1) Erect, maintain and operate traffic control devices, including signals, signs and pavement markings only in accordance with 47 O.S. 2011 §§ 15-104- 15-106, and subject to agreement of the Department:

   a) In the event that any traffic signal installed hereunder is no longer needed for the purposes designated herein, then the traffic signal installed hereunder shall not be moved by the Sponsor to any other point other than that which is approved by the Department prior to such removal.

   b) In the event there is no mutually agreed location for the reinstallation, the Sponsor will assume complete ownership of the equipment following removal, if the installation is ten (10) years old or older. If the installation is less than ten (10) years old and:

      1) In the event the Sponsor desires total ownership of the equipment, the Sponsor shall reimburse the Department the original federal funding percentage share for the original equipment cost only, amortized for a ten(10) year service life, interest ignored, and assuming straight line depreciation.

      2) In the event the Sponsor does not desire total ownership of the equipment, the Sponsor shall sell the equipment at public auction to the highest bidder. The Sponsor shall reimburse the Department the original federal funding percentage share of the proceeds of such sale.

2) Subject to agreement with the Department, regulate and control traffic on said project, including but not limited to, the speed of vehicles, parking, stopping and turns only in accordance with 47 O.S. 2011 §§ 15-104- 15-106, and to make no changes in the provisions thereof without the approval of the Department. It shall be the responsibility of the Sponsor to notify the Department of any changes necessary to ensure safety to the traveling public.

3) Maintain all drainage systems and facilities constructed, installed, modified or repaired in conjunction with this project or as may be otherwise necessary to ensure proper drainage for road surfaces constructed under the terms of this agreement.

4) Maintain all curbs and driveways abutting road surfaces constructed under the terms of this Agreement and all sidewalks adjacent thereto.

5) Maintain all right-of-way areas adjacent to road surfaces, including erosion control and periodic mowing of vegetation, in a manner consistent with applicable codes, ordinances and regulations.

6) For any portion of the project encompassed under this Agreement that is part of the State Highway System, the Sponsor shall maintain all that part of said project within the corporate limits of the Sponsor between the gutter lines and the right-of-way lines, and if no gutter exists, between the shoulder lines and the right-of-way lines, including storm sewers, all underground facilities, curbs and mowing, all in accordance with 69 O.S. Supp. 1994 §901 and all other applicable law.

7) On limited access highways where county roads or city streets extend over or under the highway or public roads are constructed on state rights-of-way but there is no immediate ingress and egress from the highway, responsibility shall be as follows:

    a. The public roads as defined in OAC 730:35-1-2 shall be maintained by the city or county and shall be included in their roadway mileage inventory.

    b. Where county roads or city streets extend over the highway, the roadway, approaches and bridge surfaces, including the deck, shall be maintained by the city or county. The approach guardrail, bridge structure, and highest clearance posting on the structure shall be maintained by the Department.

    c. Where county roads or city streets extend under the highway, the roadway approaches and advance signing shall be maintained by the city or county. The Department shall maintain the approach guardrail, bridge structure and surface, and the height clearance posting on the structure.

5.9 The Sponsor further agrees and warrants to the Department concerning any sign and highway facility lighting included as part of this project:

1) The Sponsor will, upon notice from the Department Engineer, provide at its own expense all required electrical energy necessary for all preliminary and operational tests of the highway lighting facilities.

2) Upon completion of the construction of said project, the Sponsor will be responsible for the maintenance and cost of operation of these highway lighting facilities, including all appurtenances thereto and including the sign lighting facilities.

3) It is specifically understood and agreed that the highway lighting and sign lighting facilities specified hereunder shall be continuously operated during the hours of darkness, between sunset and sunrise, and shall not be altered, removed or be allowed to cease operation without the mutual written consent of the Department and the Sponsor.

4) The Sponsor agrees to provide, on a periodic schedule, an inspection, cleaning and re-lamping maintenance program to assure the maximum efficiency of the highway lighting facilities.

5) In the event that the highway lighting facilities installed hereunder are no longer needed for the purposes designated herein, then the highway lighting facilities installed hereunder shall not be moved by the Sponsor to any point other than which is approved by the Department prior to such removal.

6) In the event there is no mutually agreed location for reinstallation, the Sponsor will assume complete ownership of the equipment following removal if the installation is twenty (20) years old or older. If the installation is less than twenty years old and:

   a) In the event the Sponsor desires total ownership of the equipment, the Sponsor shall reimburse the Department the original federal funding percentage share of the original equipment costs only, amortized for a twenty (20) year service life, interest ignored, and assuming straight line depreciation.

   b) In the event the Sponsor does not desire total ownership of the equipment, the Sponsor shall sell the equipment at public auction to the highest bidder. The Sponsor shall reimburse the Department the original federal funding percentage share of the proceeds of such sale.

5.10 The Department will appoint competent supervision and inspection of the construction work performed by the construction contractor and will provide such engineering, inspection and testing services as may be required to ensure that the construction of the project is accomplished in accordance with the approved Plans, Specifications and Estimates. The Department reserves the right to make such changes in said plans as may be necessary for the proper construction of said project.

1) The Sponsor agrees to provide such competent supervision as the Sponsor deems necessary during times that the work is in progress to insure the completion of the project to the Sponsor's satisfaction and the Sponsor's representatives and the Department's representatives will cooperate fully to the end of obtaining work strictly in accordance with the plans and specifications.

2) The Sponsor will make ample provisions annually for the proper maintenance of said project, including the provision of competent personnel and adequate equipment, specifically, to provide all required maintenance of the project during the critical period immediately following construction and to keep the facility in good and safe condition for the benefit of the traveling public.

3) The Sponsor warrants to the Department that it will periodically review the adequacy of the aforesaid project to ensure the safety of the traveling public and should the Sponsor determine that further modifications or improvements be required, the Sponsor shall take such actions as are necessary to make such modifications or improvement. When operation modifications are required which in the opinion of the Department exceed the capability of the Sponsor's staff, the Sponsor agrees to retain, at the sole expense of the Sponsor, competent personnel for the purpose of bringing the improvement up to the proper standard of operation.

4) The Sponsor warrants and agrees that upon completion of the aforesaid project, the Sponsor assumes any and all financial obligations for the operation, use, and maintenance of the aforesaid project.

SECTION 6: NON-DISCRIMINATION CLAUSE

1. During the performance of this agreement, the Sponsor, for itself, its assignees and successors in interest, agrees as follows:

1) **Compliance with Regulations:**
The Sponsor shall comply with the regulations relative to nondiscrimination in federally-assisted programs of the Department of Transportation, Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time

(hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this agreement.

2) **Nondiscrimination:**
The Sponsor, with regard to the work performed by it during the agreement, shall not discriminate on the grounds of race, color, sex, age, national origin, disability/handicap, or income status, in the selection and retention of contractors or subcontractors, including procurements of materials and leases of equipment. The Sponsor shall not participate either directly or indirectly, in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in appendix B of the Regulations.

3) **Solicitations for Subcontracts, Including Procurement of Materials and Equipment:**
In all solicitations, either by competitive bidding or negotiation, made by the Sponsor for work to be performed under a contract or subcontract, including procurements of materials or leases of equipment, each potential contractor or subcontractor or supplier shall be notified by the Sponsor of the Sponsor's obligations under this agreement and the Regulations relative to nondiscrimination on the grounds of race, color, sex, age, national origin, disability/handicap, or income status.

4) **Information and Reports:**
The Sponsor shall provide all information and reports required by the Regulations, or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information and its facilities as may be determined by the State Department of Transportation or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations or directives. Where any information required of a Sponsor is in the exclusive possession of another who fails or refuses to furnish this information, the Sponsor shall so certify to the State Department of Transportation, or the Federal Highway Administration, as appropriate, and shall set forth what efforts it has made to obtain the information.

5) **Sanctions for Noncompliance:**
In the event of the Sponsor's noncompliance with the nondiscrimination provisions of this agreement, the State Department of Transportation shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including but not limited to:

a. Withholding of payments to the Sponsor under the agreement until the Sponsor complies and/or
b. Cancellation, termination, or suspension of the agreement in whole or in part.

6) **Incorporation of Provisions:**
The Sponsor shall include the provisions of sub paragraphs 1) through 5) in every contract or subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations or directives issued pursuant thereto. The Sponsor shall take such action with respect to any contract or subcontract or procurement as the State Department of Transportation or the Federal Highway Administration may direct as a means of enforcing such provisions, including sanctions for noncompliance provided, however, that in the event a Sponsor becomes involved in, or is threatened with, litigation by a subcontractor or supplier as a result of such direction, the Sponsor may request the State Department of Transportation to enter into such litigation to protect the interests of the State; and, in addition, the Sponsor may request the United States to enter into such litigation to protect the interests of the United States.

SECTION 7: TERMINATION

7.1 This Agreement may be terminated by any of the following conditions:

a) By mutual agreement and consent, in writing of both parties.

b) By the Department by written notice to the Sponsor as a consequence of failure by the Sponsor to perform the services set forth herein in a satisfactory manner.

c) By either party, upon the failure of the other party to fulfill its obligations as set forth herein.

d) By the Department for reasons of its own and not subject to the mutual consent of the Sponsor upon five (5) days written notice to the Sponsor.

e) By satisfactory completion of all services and obligations described herein.

7.2 The termination of this Agreement shall extinguish all rights, duties, obligations and liabilities of the Department and the Sponsor under this agreement. If the potential termination of this Agreement is due to the failure of either the Department or the Sponsor to fulfill their obligation as set forth herein, the non-breaching party will notify the party alleged to be in breach that possible breach of agreement has

occurred. The party alleged to be in breach should make a good faith effort to remedy that breach as outlined by non-breaching party within a period mutually agreed by each party.

SECTION 8: GOVERNING LAW AND VENUE

8.1 Any claims, disputes or litigation relating to the solicitation, execution, interpretation, performance, or enforcement of this Agreement shall be governed by the laws of the State of Oklahoma and the applicable rules, regulations, policies and procedures of the Oklahoma Transportation Commission. Venue for any action, claim, dispute or litigation, mediation or arbitration shall be in Oklahoma County, Oklahoma.

SECTION 9: DISPUTE RESOLUTION

9.1 The parties hereto have entered into this agreement in the State of Oklahoma and the laws of the State of Oklahoma shall apply. The parties agree to bargain in good faith in direct negotiation to achieve resolutions of any dispute and, if such efforts are unsuccessful, to retain a neutral mediation service to mediate the dispute prior to the filing of any court action. Mediation shall be conducted in the Oklahoma City area and the costs of such mediation shall be borne equally by the parties. If mediation is not successful, venue for any action brought to enforce the terms of this agreement shall be in Oklahoma County, State of Oklahoma. Each party shall bear any cost and attorney fees incurred by the party in such litigation.

SECTION 10: PRIOR UNDERSTANDINGS

10.1 This agreement incorporates and reduces to writing all prior understandings, promises, agreements, commitments, covenants or conditions and constitutes the full and complete understanding and contractual relationship of the parties.

SECTION 11: AMENDMENTS OR MODIFICATIONS OF AGREEMENT

11.1 No changes, revisions, amendments or alterations in the manner, scope of type of work or compensation to be paid by the DEPARTMENT shall be effective unless reduced to writing and executed by the parties with the same formalities as are observed in the execution of this Agreement.

SECTION 12: RECORDS

12.1 The Sponsor is to maintain all books, documents, papers, accounting records and other evidence pertaining to costs incurred and to make such materials available at its respective offices at all reasonable times, during the agreement period and for three (3) years from the date of final payment under the agreement for inspection by the DEPARTMENT and the State Auditor and Inspector, and copies thereof shall be furnished to the DEPARTMENT, if requested.

SECTION 13: HEADINGS

13.1 Article headings used in this Agreement are inserted for convenience of reference only and shall not be deemed a part of this agreement for any purpose.

SECTION 14: BINDING EFFECTS

14.1 This Agreement shall be binding upon and inure to the benefit of the ODOT and the Sponsor and shall be binding upon their successors and assigns subject to the limitations of Oklahoma law.

SECTION 15: SEVERABILITY

15.1 If any provision, clause or paragraph of this Agreement or any document incorporated by reference shall be determined invalid by a court of competent jurisdiction, such determination shall not affect the other provisions, clauses or paragraphs of this Agreement which are not affected by the determination. The provisions, clauses or paragraphs of this Agreement and any documents incorporated by reference are declared severable.

SECTION 16: EFFECTIVE DATE

16.1 This Agreement shall become effective on the date of execution by the Department's Director or his designee.

IN WITNESS WHEREOF, the Director of the Department of Transportation, pursuant to authority vested in him by the State Transportation Commission, has hereunto subscribed his name as Director of the Department of Transportation and the Sponsor has executed same pursuant to authority prescribed by law for the Sponsor.

The Sponsor, _____ on this _____ of _____, 20____, and the Department on the _____ day of _____, 20____.

THE CITY OF BIXBY

APPROVED AS TO FORM
AND LEGALITY

By _____
City Attorney

By _____
Mayor

By _____
Attest: City Clerk

(SEAL): Approved – THE CITY OF BIXBY

STATE OF OKLAHOMA
DEPARTMENT OF TRANSPORTATION

Recommended for Approval

_____
Local Government Division Manager

_____
Director of Capital Programs

APPROVED AS TO FORM
AND LEGALITY

APPROVED

_____
General Counsel

_____
Deputy Director

OKLAHOMA DEPARTMENT OF TRANSPORTATION

INVOICE

Make check PAYABLE, and MAIL TO:

Oklahoma Department of Transportation
Comptroller Division
200 N.E. 21st Street
Oklahoma City, Oklahoma 73105-3204

To: City of Bixby

Department Invoice No 33040(04)-01
8/4/2021

Project Type	Div	County	JP No	Project No.	Work Type	Description
ENHANCEMENT	8	OKLAHOMA	33040(04)	TAP-272F (341) IG	PEDESTRIAN/ BIKE IMPROVEMENTS	BIXBY: EAST FRY CREEKL TRAIL FROM 131ST TO 118TH ST INCLUDING A PEDESTRIAN BRIDGE

Construction JP# 33040(04)

Description – Explanation of Charge	Total	Federal	Sponsor
Due Date: Upon Receipt			
Total Estimate for Project Construction	$1,009,930	$636,380	$373,550
Estimated 6% Construction Management Deposit	$60,596	$38,183	$22,413
Accounting Use Only		**Invoice Total**	**$395,963**

Distribution:

City
Remit with Payment
Division Project File
Comptroller Division

CONTRACT FOR SALE OF REAL ESTATE

This agreement made on this ___ day of August, 2021, by and between Melvin J. Cheatham and Deborah I. Cheatham, Trustees of the Melvin J. Cheatham and Deborah I. Cheatham Revocable Trust dated the 5th day of March, 2020, hereinafter referred to as sellers, and the City of Bixby, Oklahoma, a Municipal Corporation, hereinafter referred to as buyer. This agreement made in Tulsa County, State of Oklahoma. Sellers agree to sell to buyer the following described real property:

Lots 8, 9, 10, 11, Block 31, LESS the North 55 feet of said lots, and Lots 12, 13, 14, 15, Block 31, Leonard Addition, Tulsa County, State of Oklahoma, according to the duly recorded plat thereof. Such real property is commonly known as Southwest corner of US 64 in South 159th East Avenue, Leonard, Tulsa County, Oklahoma, 74008.

The total purchase price is $135,000.00, payable as follows: $5,000.00 earnest money payable upon execution of this contract, receipt of which is hereby acknowledged, and $130,000.00 payable at closing and conveyance of title by general warranty deed. Receipt of earnest money is hereby acknowledged.

The following conditions apply to the sale:

1. Seller, within 10 days after approval of this contract, shall furnish buyer an abstract of title certified to date, showing good commercial title to seller, subject to easements, billing restrictions of record, and mortgages, if any. Buyer shall have 20 days thereafter in which to have the abstract examined and for his seller notice in writing of any objection there on. In case of out objects to title, seller shall have 30 days of such additional time as may be agreed to in writing to meet same. However should the buyer have any objection to the title which the seller may be unable or unwilling to remove her comply with, seller may furnish to buyer, at sellers expense, a paid up owner's policy of title insurance to guarantee title issued by a title insurance company licensed to do business in the State of Oklahoma. In the event the title cannot be perfected or if same is not insurable, or seller does not approve this contract, the above earnest money payment on the purchase price shall be returned to buyer.
2. The seller is to pay in full all special assessments against the property upon date of delivery of deed, whether any or all installments of such assessments are matured or

unmatured. The seller shall also pay in full all taxes which are lien upon the property or may become a lien upon the property including ad valorem taxes on a pro rata basis for the current calendar year.

3. Seller agrees to assign, set over and convey to buyer all leasehold interest and rental interest which seller holds as lessor and consideration for such lessee/rental interest shall be assigned to purchaser at time of closing and conveyance of deed.
4. Buyer shall have 30 days from date of execution of this agreement to conduct due diligence inspection which shall include boundary verification, a Phase I investigation and such other due diligence, to test for presence of environmental issues pertinent to buyer intended use.
5. Parties hereto understand and agree that sale to buyer of the subject property is in as is condition and makes no warranty to buyer other than compliance with environmental requirements and satisfactory environmental status to be determined by the Phase I investigation. Other than absence of prohibited contamination, or failure to pass Phase I investigation, seller makes no warranty as to fitness or condition.
6. If after the seller has performed as part of this contract furnishing abstract of title showing good merchantable title, the buyer shall fail to make payment as agreed to herein, then, in that event, the earnest money here for paid shall be forfeited and retained by seller as liquidated damages for such breach of contract.
7. Neither party to this agreement is represented by an agent or broker and should either party decide to obtain such services they shall be responsible for payment of such fees or commissions as may be incurred. Buyer agrees to pay for abstracting cost, title opinion, and closing cost incurred and related to this transaction.

Dated this ___ day of August, 2021

MELVIN J. CHEATHAM and DEBRA I. CHETHAM
REVOCABLE TRUST UID MARCH 5, 2020

_____
MELVIN J. CHEATHAM, Trustee
Seller

_____
DEBRA I. CHEATHAM, Trustee
Seller

Dated this ___ day of August 2021

City of Bixby, a Municipal Corporation

by:_____
BRIAN GUTHRIE, Mayor, City of Bixby, Oklahoma, Buyer

ATTEST:

_____
YVONNE ADAMS, City Clerk, City of Bixby, Oklahoma

RESOLUTION NO. 2021-21

A RESOLUTION FIXING THE AMOUNT OF BONDS TO MATURE EACH YEAR, FIXING THE TIME AND PLACE THE BONDS ARE TO BE SOLD AND AUTHORIZING THE CLERK TO GIVE NOTICE OF SAID SALE AS REQUIRED BY LAW.

WHEREAS, the issuance of $7,500,000.00 of General Obligation Bonds by the City of Bixby, Oklahoma, for the purpose of acquiring, constructing, reconstructing, improving, remodeling and repairing public safety buildings and facilities and acquiring necessary lands therefor, and purchasing and installing public safety equipment all to be owned exclusively by said City has been duly authorized at an election held for that purpose; and

WHEREAS, the Council of the City of Bixby, Oklahoma, pursuant to Title 62, Oklahoma Statutes 2021, Section 354, desires to sell at this time $7,500,000.00 in General Obligation Bonds for the purpose of acquiring, constructing, reconstructing, improving, remodeling and repairing public safety buildings and facilities and acquiring necessary lands therefor, and purchasing and installing public safety equipment to be owned exclusively by said City.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BIXBY, OKLAHOMA:

Section 1. That the $7,500,000.00 General Obligation Bonds of the City of Bixby, Oklahoma, voted on the 6th day of April, 2021, shall be offered for sale in the City Council Chambers, Bixby Municipal Building, 116 W. Needles, Bixby, Oklahoma, on the 13th day of September, 2021, at 11:00 o'clock a.m., by receipt of sealed bids, facsimile bids and electronic bids as set forth in the Notice of Sale and Instructions to Bidders to be used in connection with the sale of Bonds and that said Bonds to become due $830,000.00 in two years from their date and $830,000.00 annually each year thereafter until paid, except that the last installment shall be for $860,000.00.

Section 2. That Municipal Finance Services, Inc. is hereby designated Financial Advisor to the City for the issuance of the Bonds, Hilborne & Weidman are designated as Bond Counsel to the City for the issuance of the Bonds and BOKF, National Association is hereby designated as Registrar/Paying Agent for said Bonds and the Mayor of the City is authorized to execute such agreements as may be necessary for such services.

Section 3. The Mayor of the City and the staff of the City are hereby authorized to prepare and review a Preliminary Official Statement for the sale and delivery of the Bonds and the Financial Advisor is hereby authorized to distribute the Preliminary Official Statement in connection with the sale of the Bonds. The Mayor is authorized to declare the Preliminary Official Statement to be near final in accordance with the requirements of 15c 2-12 of the Securities and Exchange Commission

promulgated pursuant to the Securities Exchange Act of 1934 and to execute such certificates as may be necessary.

Section 4. That the City Clerk of said City is hereby ordered and directed to cause notice of the sale of said Bonds to be given as required by law.

ADOPTED this 23rd day of August, 2021.

_____

Mayor, City of Bixby, Oklahoma

ATTEST:

_____

City Clerk, City of Bixby, Oklahoma

(SEAL)

APPROVED:

_____

Attorney for City of Bixby, Oklahoma

I, the undersigned, the duly qualified and acting Clerk of the City of Bixby, Oklahoma hereby certify that the foregoing is a true and complete copy of a Resolution calling for the sale of Bonds adopted by the governing body of said municipality and transcript of proceedings of said governing body at a regular meeting thereof held on the date therein set out, insofar as the same relates to the introduction, reading and adoption thereof as the same appears of record in my office.

I further certify that attached hereto as Exhibit "A" is a true and complete copy of the agenda for said meeting which was posted in prominent public view at the Bixby Municipal Building, 116 W. Needles Avenue, in said municipality at least twenty-four (24) hours prior to the date of the meeting wherein said Resolution was adopted, excluding Saturdays, Sundays and legal holidays. I further certify that attached hereto as Exhibit "B" is a true and complete copy of the regular meeting notice for said meeting which was filed with the City Clerk of the City of Bixby, Oklahoma in accordance with the Oklahoma Open Meeting Act.

WITNESS my hand and seal this 23rd day of August, 2021.

_____

City Clerk, City of Bixby, Oklahoma

City of Bixby
P.O. Box 70
116 W. Needles Ave.
Bixby, OK 74008
(918) 366-4430

Staff Agenda Commentary
July 26, 2021

Item Titles(s):
135th and Mingo Annexation. Located: 13500-block of South Mingo Road, Bixby, Oklahoma.

Presenter:
Carolyn Back, Development Services Director / City Planner

Staff Information Source:
Comprehensive Plan, Zoning Code, Applicant Petition for Annexation request and Legal Exhibit(s)

Background:

07.26.21 Comp Plan Future Land Use Map Amendment – on City Council for action

Project Overview:

# of Acres	44.301 (+/-)
Bixby Water	12" west side of Mingo (running N/S)
Bixby Sanitary Sewer	15" gravity main from west side of Rowan Grove (located north of site)
Bixby Stormwater	Will drain into the improved old Fry Creek Ditch Channel

Exhibits:
Exhibit A: Letter of Consent and Petition for Annexation 04.05.2021

Key Issue:
Approval

Recommendation:
Staff recommends accepting the Request for Annexation from 151 Bixby, LLC for project known as 135th and Mingo.

LETTER OF CONSENT AND PETITION FOR ANNEXATION

Date: 04/05/2021

Mayor and City Council
City of Bixby
PO Box 70
Bixby, OK 74008

Dear Mayor and Council:

I (We), 151 Bixby LLC, sole owner(s) of the following described real property, do hereby consent to and petition annexation of said property into the City of Bixby, Tulsa and Wagoner Counties, State of Oklahoma.

Property legal description:

TWO TRACTS OF LAND THAT IS A PART OF THE SOUTH HALF OF THE NORTHWEST QUARTER (S/2 NW/4) OF SECTION SEVEN (7), TOWNSHIP SEVENTEEN (17) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, SAID TRACTS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING SOUTHWEST CORNER OF THE NORTHWEST QUARTER (NW/4) OF SAID SECTION 7; THENCE NORTH 88°32'06" EAST AND ALONG THE SOUTH LINE OF SAID NW/4 FOR A DISTANCE OF 448.66 FEET; TO A POINT AT THE SOUTHEAST CORNER OF THAT TRACT OF LAND DESCRIBED IN WARRANTY DEED, RECORDED FEBRUARY 2, 2011, AT DOCUMENT #20111016116, COUNTY OF TULSA RECORDS; THENCE NORTH 5°03'53" WEST AND ALONG THE EAST LINE THEREOF A DISTANCE OF 62.06 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 5°03'53" WEST AND ALONG THE EAST LINE OF SAID TRACT OF LAND, FOR A DISTANCE OF 475.96 FEET; THENCE CONTINUING ALONG SAID EAST LINE AND ALONG A 200.00 FOOT RADIUS CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 86°00'11", A CHORD BEARING AND DISTANCE OF NORTH 37°56'12" EAST FOR 272.81 FEET, FOR AN ARC DISTANCE OF 300.21 FEET; THENCE NORTH 87°15'23" EAST FOR A DISTANCE OF 483.15 FEET; THENCE NORTH 1°09'11" WEST FOR A DISTANCE OF 232.78 FEET TO A POINT ON THE NORTH LINE OF THE S/2 N/2 S/2 NW/4 OF SAID SECTION 7; THENCE NORTH 88°33'53" EAST AND ALONG SAID NORTH LINE FOR

A DISTANCE OF 1573.53 FEET TO THE NORTHEAST CORNER OF SAID S/2 N/2 S/2 NW/4; THENCE SOUTH 1°27'20" EAST AND ALONG THE EAST LINE OF NW/4 OF SAID SECTION 7 FOR A DISTANCE OF 928.57 FEET; THENCE SOUTH 88°32'06" WEST PARALLEL WITH THE SOUTH LINE OF SAID NW/4 FOR A DISTANCE OF 2200.95 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 1,900,090 SQUARE FEET OR 43.620 ACRES.

AND

BEGINNING AT THE SOUTHWEST CORNER OF SAID NW/4 SECTION 7; THENCE NORTH 1°09'04" WEST AND ALONG THE WEST LINE OF SAID NW/4 FOR A DISTANCE OF 137.00 FEET; THENCE NORTH 88°32'06" EAST FOR A DISTANCE OF 211.86 FEET TO POINT ON THE WEST LINE OF THAT TRACT OF LAND DESCRIBED IN WARRANTY DEED, RECORDED FEBRUARY 2, 2011, AT DOCUMENT #20111016116, COUNTY OF TULSA RECORDS; THENCE SOUTH 5°03'53" EAST AND ALONG SAID WEST LINE FOR A DISTANCE OF 137.27 FEET TO A POINT ON THE SOUTH LINE OF SAID NW/4; THENCE SOUTH 88°32'06" WEST AND ALONG SAID SOUTH FOR A DISTANCE OF 221.23 FEET TO THE POINT OF BEGINNING;

SAID TRACT CONTAINS 29,666 SQUARE FEET OR 0.681 ACRES.

I (We) are requesting* a AG Zoning Classification for said property which will be used for the following purposes: to be rezoned and developed single-family residential.

**(The City Council may assign a comparable zoning classification as exists currently in unincorporated Tulsa or Wagoner County in accordance with Zoning Code Section 11-1-4.B)*

Property Owner(s) Signature(s):

Brian J, Green Member/Manager Date 04-05-2021

NOTARY

Notary 01018145
Expires 11/29/2021

MELISSA J. OWENS NOTARY #01018145 EXP. 11/29/2021 PUBLIC STATE OF OKLAHOMA

Enclosures: Plat of Survey or County Assessor's parcel map
Copy of deed(s)

ORDINANCE NO. 2344

ANNEXING CERTAIN PROPERTY INTO THE CORPORATE LIMITS OF THE CITY OF BIXBY, OKLAHOMA

WHEREAS, on April 05, 2021, the City of Bixby, Oklahoma, received a Petition for Annexation of certain property set forth in Exhibit "A" attached into the City's corporate limits from Brian J. Green, on behalf of 151 Bixby, LLC.

WHEREAS, said Petition for Annexation was filed pursuant to the provisions of 11 O.S. Sec. 21-105 by the owners of more than three-fourths (3/4) of said property. That no registered voters residing on said property appear in protest.

WHEREAS, Notice of the hearing before the Bixby City Council was published for two consecutive weeks prior to said hearing as required by 11 O.S. Sec. 21-105.

WHEREAS, the Bixby City Council approves said Petition for Annexation into the City of Bixby, Oklahoma corporate limits.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BIXBY, OKLAHOMA, that said property described in Exhibit "A" attached hereto is hereby annexed into the corporate limits of the City of Bixby, Oklahoma.

EMERGENCY CLAUSE. That an emergency is now declared to exist for the preservation of the pubic peace, health and safety of the residents of the City of Bixby and, for such reason, this ordinance shall take effect immediately from and after its passage and approval.

APPROVED in an open meeting of the Bixby City Council and PASSED by an affirmative majority vote of the entire membership of the City Council, to-wit: ___ **YES,** ___ **NO,** ___ **ABSTAINING,** ___ **ABSENT,** on this _____ day of _____, 2021.

_____
Mayor of the City of Bixby, Oklahoma

APPROVED as an Emergency Measure ruled upon separately and PASSED by an affirmative majority vote of at least four-fifths (4/5) of the entire membership of the Bixby City Council, to-wit: ___ **YES,** ___ **NO,** ___ **ABSTAINING,** ___ **ABSENT,** on this _____ day of _____, 2021.

_____
Mayor of the City of Bixby, Oklahoma

(Seal)
ATTEST:

_____
City Clerk

APPROVED:

_____
City Attorney

EXHIBIT A

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SAID TRACT CONTAINS 1,900,090 SQUARE FEET OR 43.620 ACRES

AND

BEGINNING AT THE SOUTHWEST CORNER OF SAID NW/4 SECTION 7; THENCE NORTH 1°09'04" WEST AND ALONG THE WEST LINE OF SAID NW/4 FOR A DISTANCE OF 137.00 FEET; THENCE NORTH 88°32'06" EAST FOR A DISTANCE OF 211.86 FEET TO POINT ON THE WEST LINE OF THAT TRACT OF LAND DESCRIBED IN WARRANTY DEED, RECORDED FEBRUARY 2, 2011, AT DOCUMENT #20111016116, COUNTY OF TULSA RECORDS; THENCE SOUTH 5°03'53" EAST AND ALONG SAID WEST LINE FOR A DISTANCE OF 137.27 FEET TO A POINT ON THE SOUTH LINE OF SAID NW/4; THENCE SOUTH 88°32'06" WEST AND ALONG SAID SOUTH FOR A DISTANCE OF 221.23 FEET TO THE POINT OF BEGINNING;

SAID TRACT CONTAINS 29,666 SQUARE FEET OR 0.681 ACRES.

City of Bixby
P.O. Box 70
116 W. Needles Ave.
Bixby, OK 74008
(918) 366-4430

Staff Report

To: City of Bixby, City Council

From: Carolyn Back, Development Services Director/City Planner

Date: Monday, July 26, 2021

RE: Comprehensive Plan - 2030 Future Land Use Map Amendment to allow RS-3 zoning and density

Location: 13500 block of South Mingo Road (135th & Mingo)

Acres: 43.620 acres

STR: Section 7, Township 17N, Range 14E

Applicant: Tanner Consulting, LLC

Request:
Comprehensive Plan Amendment from Low Density Residential and Medium Density Residential to Medium Density Residential.

Existing Zoning; Use:
Agriculture (AG); Vacant

Abutting Zoning; Use:
North: Agriculture (AG); Vacant and Haikey Diversion Channel (AG)
East: Agriculture (AG); Vacant and Haikey Creek Levee
South: Agriculture (AG); Vacant
West: Agriculture (AG); Vacant and Haikey Diversion Channel

Proposed Zoning; Use:
Single-Family Residential (RS-3); Single-Family Dwellings

Figure 1: City of Bixby Zoning Map

Staff Review

The applicant is requesting a Comprehensive Plan, 2030 Future Land Use Map amendment (BXCP 21.06) that is consistent with surrounding property and will blend with the adjacent property.

Public Comments: No comments have been received at time of this report.

Staff Comments:

1. Staff recommends approval of the requested Comprehensive Plan Amendment from Low Density Residential and Medium Density Residential to Medium Density Residential.

Figures: Figure 1: City of Bixby Zoning Map

Attachments: Exhibit A: Fire flow aerial exhibit by Tanner Consulting, LLC.
Exhibit B: Property Legal Description provided by Tanner Consulting, LLC.
Exhibit C: Excerpt from 2018 Comprehensive Plan, Future Land Use Map by Tanner Consulting, LLC.

Test #3 (6-4-18)
Static: 90 psi
Residual: 24 psi
Pitot: 19 psi
Flow: 731 gpm
Test #3 Gauge Hydrant
Test #3 Flow Hydrant
64
S. Memorial Dr.
Test #2 Gauge Hydrant
Test #2 Flow Hydrant
Test #2 (6-4-18)
Static: 99 psi
Residual: 24 psi
Pitot: 22 psi
Flow: 787 gpm
E. 161st St
N

20118 TRACT DESCRIPTION

TWO TRACTS OF LAND THAT ARE PART OF THE SOUTH HALF OF THE NORTHWEST QUARTER (S/2 NW/4) OF SECTION SEVEN (7), TOWNSHIP SEVENTEEN (17) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, SAID TRACTS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TRACT 1: COMMENCING SOUTHWEST CORNER OF THE NORTHWEST QUARTER (NW/4) OF SAID SECTION 7; THENCE NORTH 88°32'06" EAST AND ALONG THE SOUTH LINE OF SAID NW/4 FOR A DISTANCE OF 448.66 FEET; TO A POINT AT THE SOUTHEAST CORNER OF THAT TRACT OF LAND DESCRIBED IN WARRANTY DEED, RECORDED FEBRUARY 2, 2011, AT DOCUMENT #20111016116, COUNTY OF TULSA RECORDS; THENCE NORTH 5°03'53" WEST AND ALONG THE EAST LINE THEREOF A DISTANCE OF 62.06 FEET TO THE POINT OF BEGINNING;

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SAID TRACT CONTAINS 1,900,090 SQUARE FEET OR 43.620 ACRES.

AND

TRACT 2: BEGINNING AT THE SOUTHWEST CORNER OF SAID NW/4 SECTION 7; THENCE NORTH 1°09'04" WEST AND ALONG THE WEST LINE OF SAID NW/4 FOR A DISTANCE OF 137.00 FEET; THENCE NORTH 88°32'06" EAST FOR A DISTANCE OF 211.86 FEET TO POINT ON THE WEST LINE OF THAT TRACT OF LAND DESCRIBED IN WARRANTY DEED, RECORDED FEBRUARY 2, 2011, AT DOCUMENT #20111016116, COUNTY OF TULSA RECORDS; THENCE SOUTH 5°03'53" EAST AND ALONG SAID WEST LINE FOR A DISTANCE OF 137.27 FEET TO A POINT ON THE SOUTH LINE OF SAID NW/4; THENCE SOUTH 88°32'06" WEST AND ALONG SAID SOUTH FOR A DISTANCE OF 221.23 FEET TO THE POINT OF BEGINNING;

SAID TRACT CONTAINS 29,666 SQUARE FEET OR 0.681 ACRES.

Excerpt from 2018 Comprehensive Plan Future Land Use map

Published in the Tulsa World,
City of Tulsa, Tulsa County, Oklahoma _____, 2021

ORDINANCE NO. 2345

AN ORDINANCE AMENDING ORDINANCE NUMBER 2267; A MAJOR AMENDMENT TO THE 2030 FUTURE LAND USE MAP IN THE 2018 COMPREHENSIVE PLAN, "BIXBY 2030, OUR VISION, OUR FUTURE", FOR 135th AND MINGO, CONTAINING 43.620 ACRES, MORE OR LESS, IN SECTION SEVEN (7), TOWNSHIP SEVENTEEN (17) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF; REMOVING THE "LOW-DENSITY RESIDENTAL" DESIGNATION AND AMENDING TO "MEDIUM-DENSITY RESIDENTIAL", (BXCP-21.06); AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BIXBY, OKLAHOMA:

Section 1. That Ordinance No. 2345 and the Future Land Use Map in the 2018 Comprehensive Plan for the following described real property, to-wit:

EXHIBIT A

A TRACT OF LAND THAT IS PART OF THE SOUTH HALF OF THE NORTHWEST QUARTER (S/2 NW/4) OF SECTION SEVEN (7), TOWNSHIP SEVENTEEN (17) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, SAID TRACTS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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1°27'20" EAST AND ALONG THE EAST LINE OF NW/4 OF SAID SECTION 7 FOR A DISTANCE OF 928.57 FEET; THENCE SOUTH 88°32'06" WEST PARALLEL WITH THE SOUTH LINE OF SAID NW/4 FOR A DISTANCE OF 2200.95 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 1,900,090 SQUARE FEET OR 43.620 ACRES

Located at the 13500-Block of South Mingo Road, Bixby, Oklahoma, be and the same is now redesignated from "Low-Density Residential," to "Medium-Density Residential."

Section 3. SEVERABILITY CLAUSE. If any section, sentence, clause or phrase of this ordinance or any part is for any reason found to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remainder of this ordinance or any part thereof.

Section 4. EMERGENCY CLAUSE. That because this Ordinance is essential to the proper and orderly growth of the City of Bixby, an Emergency is now declared to exist for the preservation of the public peace, health and safety, by reason whereof second reading of this ordinance is waived and this Ordinance shall take effect and be in force immediately upon its passage.

APPROVED in an open meeting of the Bixby City Council and PASSED by an affirmative majority vote of the entire membership of the City Council, to-wit: ___**-YES,** ___**-NO,** ___**-ABSTAINING,** ___**-ABSENT**, on this _____ day of July _____ 2021.

_____
Brian Guthrie
Mayor of the City of Bixby, Oklahoma

APPROVED as an Emergency Measure ruled upon separately and PASSED by an affirmative majority vote of at least four-fifths (4/5) of the entire membership of the Bixby City Council, to wit: ___**-YES,** ___**-NO,** ___**-ABSTAINING,** ___**-ABSENT**, on this ____ day of July_____ 2021.

_____
Brian Guthrie
Mayor of the City of Bixby, Oklahoma

(Seal)
ATTEST:

_____
Yvonne Adams
City Clerk

APPROVED:

_____

Phil Frazier

City Attorney

City of Bixby
P.O. Box 70
116 W. Needles Ave.
Bixby, OK 74008
(918) 366-4430

Staff Agenda Commentary
July 26, 2021

Item Titles(s):
135th and Mingo- Rezone (BXZO-21.15) from Agriculture (AG) to Residential Single-Family (RS-3) with supplemental zoning through BXPUD-21.07. Located: 13500-block of South Mingo Road, Bixby, Oklahoma.

Presenter:
Carolyn Back, Development Services Director / City Planner

Staff Information Source:
Comprehensive Plan, Zoning Code, Applicant Exhibit(s)

Background:
Heard by Planning Commission on July 19, 2021.
Zero (0) citizens spoke for/against the request at the Planning Commission public hearing

07.26.21 Comp Plan Future Land Use Map Amendment – on City Council for action

Project Overview:

# of Acres	44.301 (+/-)	Min Lot Width	65 ft.
# of Lots	180 per PUD	Min Lot Size	6900 SF
# of Blocks	None Specified	Avg Dwelling Units	None Specified
# of Phases	None Specified	Min Land Area	8400 per DU

Amenities: This development will have access to an extensive open space network connecting to existing and future trails, linear parks, regional parks such as Washington Irving Memorial Park and Arboretum, Harmony Bridge, Bentley Park and the Fry Creek Ditch trail system.

Exhibits:
Exhibit A: Planning Commission Staff Report dated 07.19.2021

Key Issue:
Approval

Recommendation:
Staff recommends approval of the 135th and Mingo Rezone and the PUD per Planning Commission recommendation and Staff comments.

City of Bixby
P.O. Box 70
116 W. Needles Ave.
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(918) 366-4430

Staff Report

To: City of Bixby, Planning Commission

From: Carolyn Back, Development Services Director/City Planner
Donna Crawford, Assistant City Planner

Date: Monday, July 19, 2021

Name: 135th & Mingo

RE: Planned Unit Development (BXPUD-21.07) and Rezone (BXZO-21.15)
(NOTE: Annexation – (Tanner Consulting, LLC on 07.26.21 Agenda)

Location: 13500-block of South Mingo, Bixby, Oklahoma 74008
44.301 Acres (+/-)

STR: Section 7, Township 17N, Range 14E

Applicant: Tanner Consulting, LLC

Request:
The applicant is requesting a rezone (BXZO-21.15) from Agriculture (AG) to Residential Single-Family (RS-3) with supplemental zoning through BXPUD-21.07.

Existing Zoning; Use:
Agriculture (AG); Agriculture

Abutting Zoning; Use:
North: (AG) Agriculture; Vacant, Residential Single-Family; Vacant
East: (AG) Agriculture; Vacant
South: (AG) Agriculture; Agriculture Uses A&M-OSU College
West: (RS-3) Residential Single-Family; Single-Family dwellings

Proposed Zoning; Use:
Residential Single-Family (RS-3) dwellings

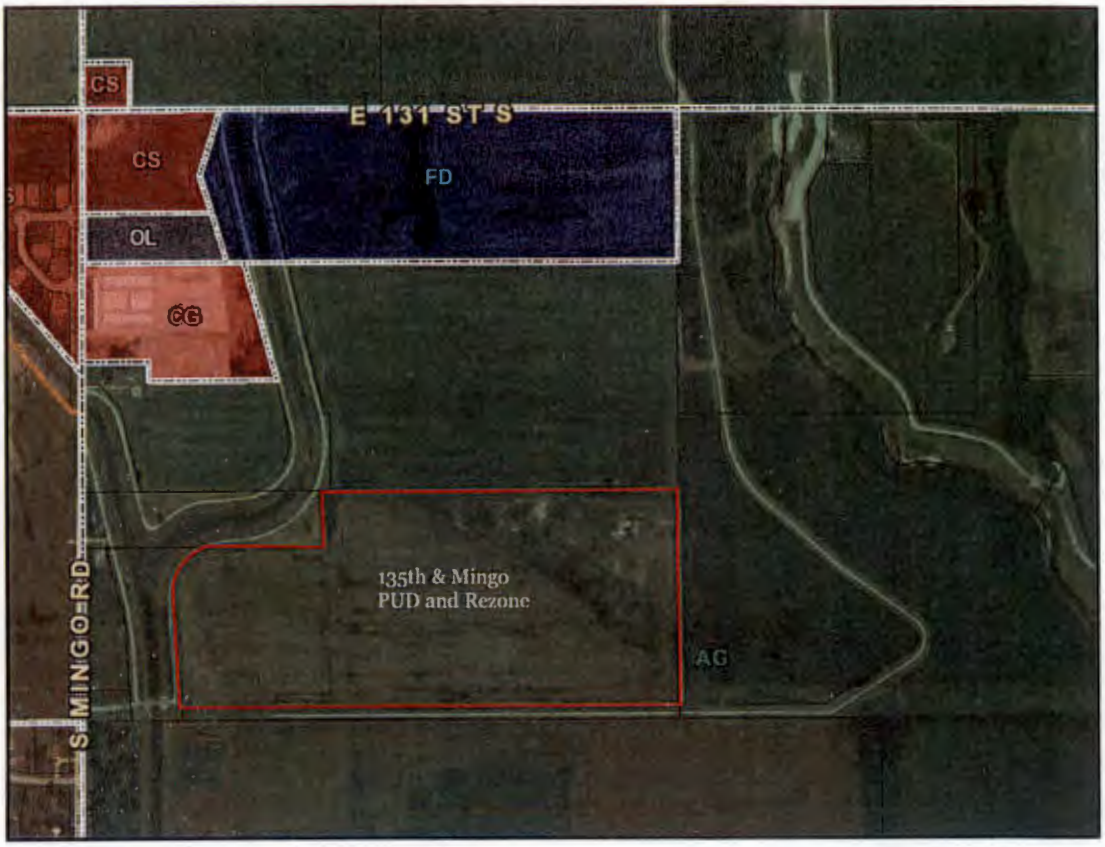

Figure 1: City of Bixby Zoning Map

Site Stats: Acres: 44.301 +/-

Number of Lots: 180 per PUD

Minimum Lot Size: 6,900 SF

Minimum Lot Width: 65 FT

Minimum Land Area per D/U: 8,400 SF

Minimum Dwelling Sq. Ft: Not Available

Minimum Yard Setbacks:

Front – 25 ft
Rear – 20 ft
Side (interior) – 5 ft
Side Abutting Street – 10 ft Dwelling / 20ft Garage

Other Bulk and Area Requirements: As required within RS-3 District

Although our Zoning Code (11-7I-5.A.1.b & 11-7B-4.A.1 - Table 2) would permit 229 lots this PUD restricts the development to 180 lots and this PUD will impose higher development standards.

Staff Review

The applicant is requesting a rezone (BXZO-21.15) to Residential Single-Family (RS-3) with supplemental zoning through BXPUD-21.07. With this Rezone to Residential Single-Family, it assures compatibility with adjoining proximate properties.

The PUD will allow the most efficient use of the land which is harmonious with the surrounding land uses. With the availability of public sanitary sewer and public water through extensions within the site and via adjacent developments, the site can support densities consistent with RS-3 zoning.

135th & Mingo is proposed as a Planned Unit Development (PUD) to satisfy the requirement for a Residential Single-Family (RS-3) development. This development will have access to an extensive open space network connecting to existing and future trails, linear parks, regional parks such as Washington Irving Memorial Park and Arboretum, Harmony Bridge, Bentley Park and the Fry Creek Ditch trail system.

There is an Annexation running concurrently with this application scheduled for the July 26th, 2021 City Council hearing.

The rezone will also put in action an update to the Comprehensive Plan, 2030 Future Land Use Map and an application has been submitted and scheduled to be heard in our quarterly City Council Comprehensive Plan Amendment reviews during their July 26, 2021 hearing.

Utilities/Site Area: There is a 12" water main running North/South on the West side of South Mingo Road. A 15" gravity sanitary sewer is being extended along the West side of Rowan Grove and Rowan Grove II and will be extended to service this proposed development. The stormwater will drain to the improved Old Fry Creek Ditch channel constructed as a part of the Haikey Creek Flood Protection Project.

Public Comments: No comments have been received at time of this staff report being written.

Staff Comments:

1. Staff supports Planning Commission recommendation for approval of the requested Rezone (BXZO-21.15) from Agriculture (AG) to Residential Single-Family (RS-3) and the supplemental zoning through (BXPUD-21.07) PENDING City Council approval of the Petition for Annexation and Comprehensive Plan, 2030 Future Land Use Map, as the proposed uses should be amenable to surrounding densities and types of uses anticipated in the area.

Attachments:
Exhibit A: Tract Description-Tanner Consulting, LLC
Exhibit B: BXPUD-21.07 by Tanner Consulting, LLC, June 2021

20118 TRACT DESCRIPTION

TWO TRACTS OF LAND THAT ARE PART OF THE SOUTH HALF OF THE NORTHWEST QUARTER (S/2 NW/4) OF SECTION SEVEN (7), TOWNSHIP SEVENTEEN (17) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, SAID TRACTS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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SAID TRACT CONTAINS 1,900,090 SQUARE FEET OR 43.620 ACRES.

AND

TRACT 2: BEGINNING AT THE SOUTHWEST CORNER OF SAID NW/4 SECTION 7; THENCE NORTH 1°09'04" WEST AND ALONG THE WEST LINE OF SAID NW/4 FOR A DISTANCE OF 137.00 FEET; THENCE NORTH 88°32'06" EAST FOR A DISTANCE OF 211.86 FEET TO POINT ON THE WEST LINE OF THAT TRACT OF LAND DESCRIBED IN WARRANTY DEED, RECORDED FEBRUARY 2, 2011, AT DOCUMENT #20111016116, COUNTY OF TULSA RECORDS; THENCE SOUTH 5°03'53" EAST AND ALONG SAID WEST LINE FOR A DISTANCE OF 137.27 FEET TO A POINT ON THE SOUTH LINE OF SAID NW/4; THENCE SOUTH 88°32'06" WEST AND ALONG SAID SOUTH FOR A DISTANCE OF 221.23 FEET TO THE POINT OF BEGINNING;

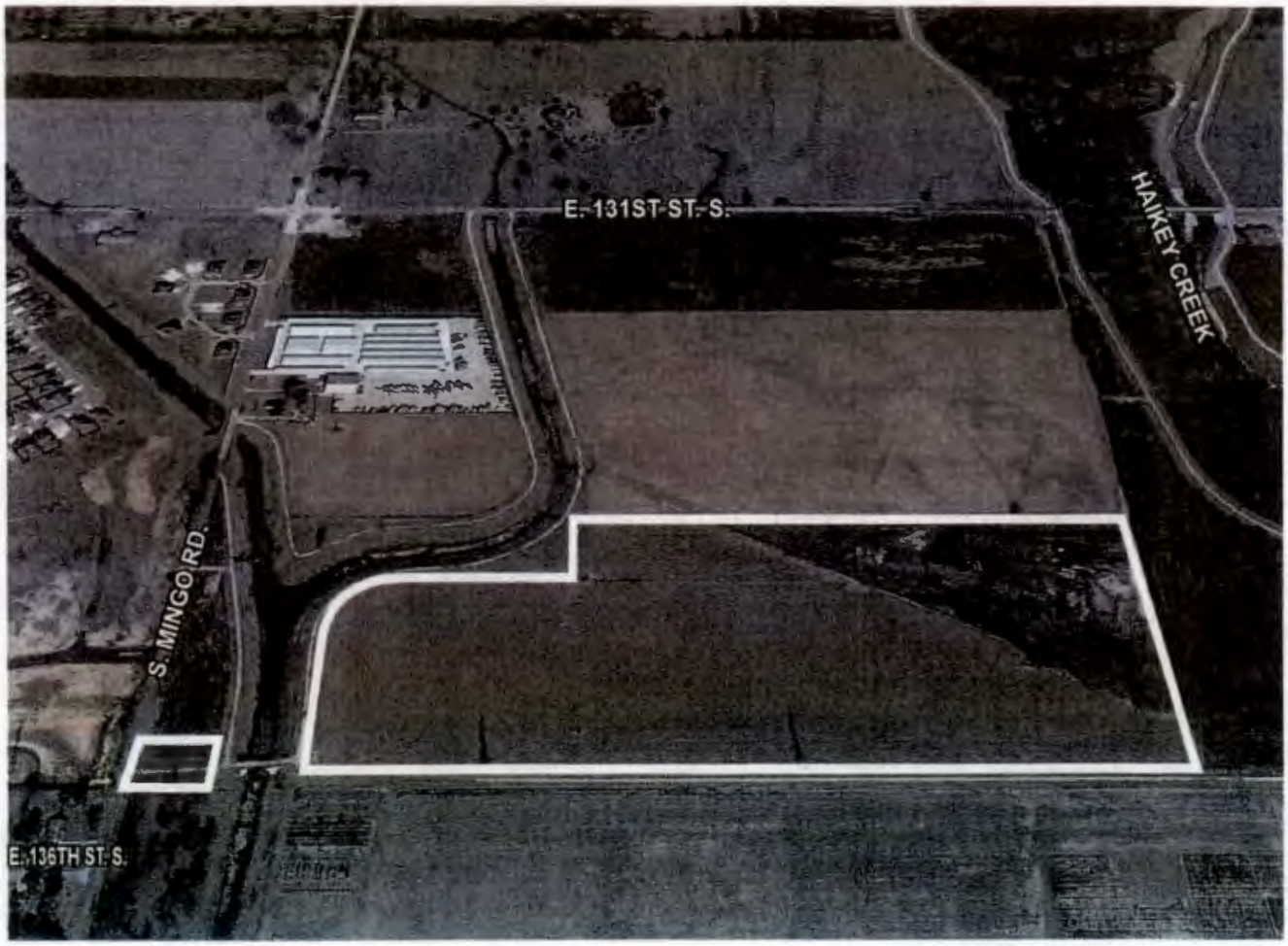
SAID TRACT CONTAINS 29,666 SQUARE FEET OR 0.681 ACRES.

Exhibit A

PUD 21.07

135TH & MINGO

A PLANNED UNIT DEVELOPMENT (PUD) OF APPROXIMATELY 44.301 ACRES
LOCATED AT THE 13500-BLOCK OF SOUTH MINGO ROAD
CITY OF BIXBY, TULSA COUNTY, OKLAHOMA



JUNE 2021

Location Map
Scale: 1"= 2000'
NORTH

OWNER/DEVELOPER:
151 BIXBY LLC
10618 S WINSTON CT
TULSA, OK 74137
918-298-6700

APPLICANT/CONSULTANT:
TANNER CONSULTING LLC
c/o ERIK ENYART
5323 S LEWIS AVE
TULSA, OK 74105
EENYART@TANNERBAITSHOP.COM

Exhibit B

NORTH

TANNER CONSULTING LLC, CERTIFICATE OF AUTHORIZATION NO. CA 2661
5323 S LEWIS AVE, TULSA, OK 74105 | 918.745.9929

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I. PROPERTY DESCRIPTION

135th & Mingo consists of 44.301 acres located at the 13500-block of South Mingo Road in the City of Bixby, Oklahoma, and is more particularly described with the following statement:

TWO TRACTS OF LAND THAT ARE PART OF THE SOUTH HALF OF THE NORTHWEST QUARTER (S/2 NW/4) OF SECTION SEVEN (7), TOWNSHIP SEVENTEEN (17) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, SAID TRACTS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TRACT 1: COMMENCING SOUTHWEST CORNER OF THE NORTHWEST QUARTER (NW/4) OF SAID SECTION 7; THENCE NORTH 88°32'06" EAST AND ALONG THE SOUTH LINE OF SAID NW/4 FOR A DISTANCE OF 448.66 FEET; TO A POINT AT THE SOUTHEAST CORNER OF THAT TRACT OF LAND DESCRIBED IN WARRANTY DEED, RECORDED FEBRUARY 2, 2011, AT DOCUMENT #20111016116, COUNTY OF TULSA RECORDS; THENCE NORTH 5°03'53" WEST AND ALONG THE EAST LINE THEREOF A DISTANCE OF 62.06 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 5°03'53" WEST AND ALONG THE EAST LINE OF SAID TRACT OF LAND, FOR A DISTANCE OF 475.96 FEET; THENCE CONTINUING ALONG SAID EAST LINE AND ALONG A 200.00 FOOT RADIUS CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 86°00'11", A CHORD BEARING AND DISTANCE OF NORTH 37°56'12" EAST FOR 272.81 FEET, FOR AN ARC DISTANCE OF 300.21 FEET; THENCE NORTH 87°15'23" EAST FOR A DISTANCE OF 483.15 FEET; THENCE NORTH 1°09'11" WEST FOR A DISTANCE OF 232.78 FEET TO A POINT ON THE NORTH LINE OF THE S/2 N/2 S/2 NW/4 OF SAID SECTION 7; THENCE NORTH 88°33'53" EAST AND ALONG SAID NORTH LINE FOR A DISTANCE OF 1573.53 FEET TO THE NORTHEAST CORNER OF SAID S/2 N/2 S/2 NW/4; THENCE SOUTH 1°27'20" EAST AND ALONG THE EAST LINE OF NW/4 OF SAID SECTION 7 FOR A DISTANCE OF 928.57 FEET; THENCE SOUTH 88°32'06" WEST PARALLEL WITH THE SOUTH LINE OF SAID NW/4 FOR A DISTANCE OF 2200.95 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 1,900,090 SQUARE FEET OR 43.620 ACRES.

AND

TRACT 2: BEGINNING AT THE SOUTHWEST CORNER OF SAID NW/4 SECTION 7; THENCE NORTH 1°09'04" WEST AND ALONG THE WEST LINE OF SAID NW/4 FOR A DISTANCE OF 137.00 FEET; THENCE NORTH 88°32'06" EAST FOR A DISTANCE OF 211.86 FEET TO POINT ON THE WEST LINE OF THAT TRACT OF LAND DESCRIBED IN WARRANTY DEED, RECORDED FEBRUARY 2, 2011, AT DOCUMENT #20111016116, COUNTY OF TULSA RECORDS; THENCE SOUTH 5°03'53" EAST AND ALONG SAID WEST LINE FOR A DISTANCE OF 137.27 FEET TO A POINT ON THE SOUTH LINE OF SAID NW/4; THENCE SOUTH 88°32'06" WEST AND ALONG SAID SOUTH FOR A DISTANCE OF 221.23 FEET TO THE POINT OF BEGINNING;

SAID TRACT CONTAINS 29,666 SQUARE FEET OR 0.681 ACRES.

The above described property will hereinafter be referred to as the "Site" or "Subject Property" and is depicted on Exhibit A, "Aerial Photography & Boundary Depiction."

II. DEVELOPMENT CONCEPT

135th & Mingo is a single-family residential Planned Unit Development (PUD) of 44.301 acres located at the 13500-block of South Mingo Road in the City of Bixby, Oklahoma. 135th & Mingo is uniquely positioned with immediate access to an extensive open space network connecting to existing and future trails, linear parks, regional parks, and the Arkansas River. The Haikey Creek Flood Protection Project not only removes the site as part of roughly 300 acres from the Regulatory Floodplain but its rights-of-way add critical linkages for future trails connecting to regional recreational facilities such as Haikey Creek Park, the Liberty Trail in Broken Arrow, Washington Irving Memorial Park and Arboretum, Harmony Bridge, Bentley Park, and the Fry Creek Ditch trail system.

135th & Mingo is proposed as a PUD to satisfy the requirement for same when amending the Bixby Comprehensive Plan, in accordance with Bixby Zoning Code Section 11-5-2. Although subject to change, the initial design is reflected on Exhibit B "Conceptual Site Plan."

As outlined in the Bixby Zoning Code, this PUD is intended to provide a unified treatment of the development possibilities of the project site, to permit innovative land development while maintaining appropriate limitation on the character and intensity of use and assuring compatibility with adjoining and proximate properties, to permit flexibility within the development to best utilize the unique physical features of the subject property, to provide and preserve meaningful open space, and to achieve a continuity of function and design within the development.

A companion application is being filed to rezone the site to RS-3 Single-Family Residential District. Proposed zoning is reflected on Exhibit G of this PUD.

The City of Bixby 2018 Comprehensive Plan 2030 Future Land Use map provides that the requested underlying RS-3 zoning district and the densities as proposed by this PUD are in accordance with the "Medium Density Residential" future land use designation within the larger, westerly portions of the site. An easterly portion of the site, however, is designated "Low Density Residential." Due to the availability of public sanitary sewer and public water (through extensions within this site and via adjacent developments), the site can support densities consistent with RS-3 zoning. Therefore, the "Low Density Residential" designation is requested by a companion Comprehensive Plan Amendment request to be redesignated Medium Density Residential, so that the entire site is fully consistent with the Comprehensive Plan. Exhibit H is an excerpt of the current Future Land Use map including the site.

The PUD will allow the most efficient use of the land which is harmonious with the surrounding land uses, as represented on Exhibit A, "Aerial Photography & Boundary Depiction." A conceptual site plan depicting the design features is provided on Exhibit B "Conceptual Site Plan." The PUD shall be developed in accordance with the use and development regulations of the City of Bixby Zoning Code, except as otherwise specified herein.

Although Zoning Code Sections 11-7I-5.A.1.b and 11-7B-4.A.1 Table 2 would permit 229 lots with the proposed straight RS-3 zoning, this PUD will restrict the development to 180 lots. In addition to lowering the density otherwise permitted, this PUD will impose higher development standards than if developed with straight residential zoning.

135TH & MINGO

EXHIBIT A

AERIAL PHOTOGRAPHY & BOUNDARY DEPICTION
WITH ADJACENT DEVELOPMENTS LABELED

TANNER CONSULTING LLC, CERTIFICATE OF AUTHORIZATION NO. CA 2661
5323 S LEWIS AVE, TULSA, OK 74105 | 918.745.9929

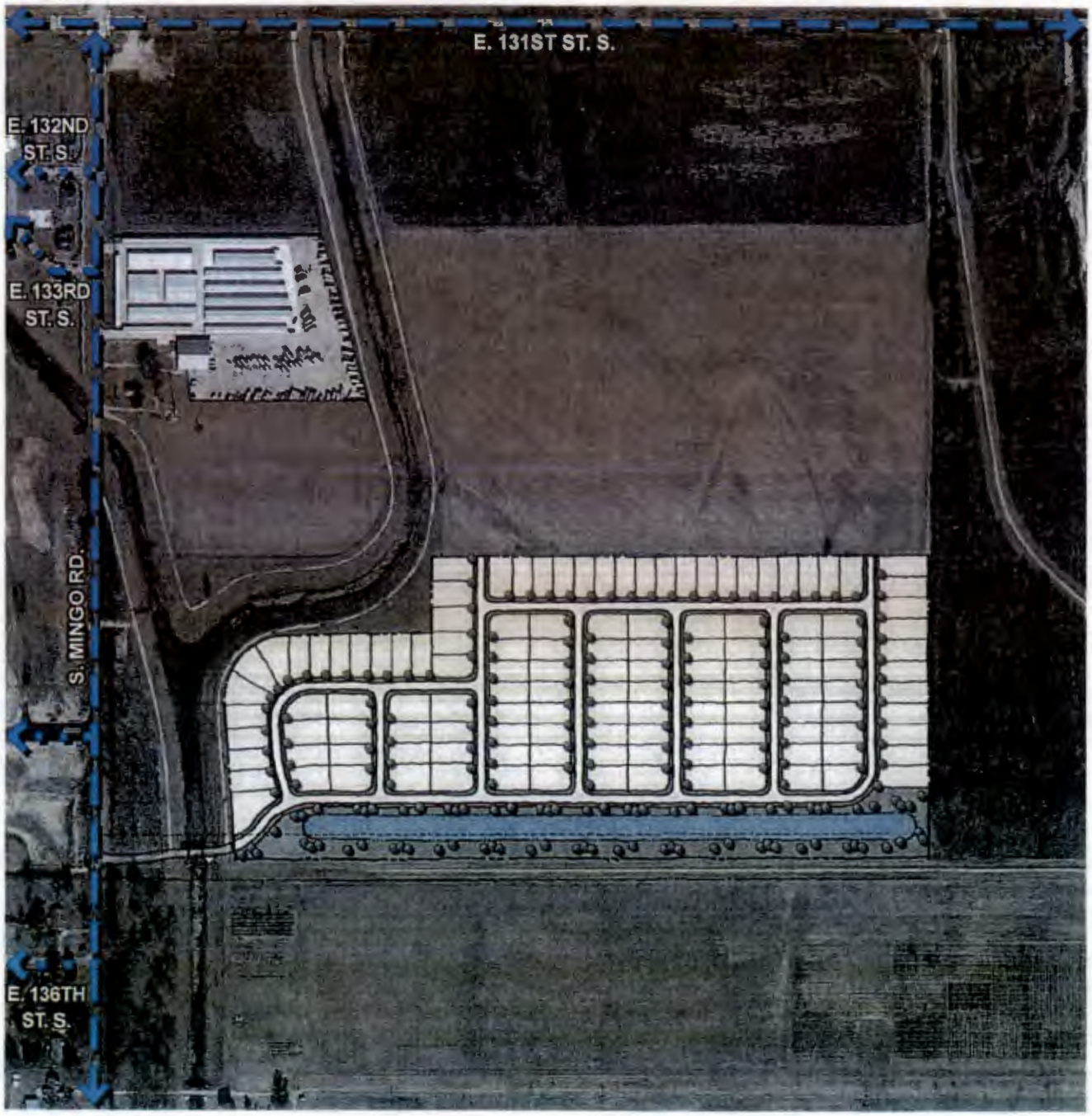
NOT TO SCALE

NORTH

135TH & MINGO

EXHIBIT B

CONCEPTUAL SITE PLAN
CONCEPTUAL LAYOUT DATED JUNE 4, 2021



TANNER CONSULTING LLC, CERTIFICATE OF AUTHORIZATION NO. CA 2661
5323 S LEWIS AVE, TULSA, OK 74105 | 918.745.9929

NOT TO SCALE

NORTH

III. DEVELOPMENT STANDARDS

Gross Land Area:	1,929,756 SF	44.301 AC
Net Land Area:	1,929,756 SF	44.301 AC
Permitted Uses: Use Unit 6 detached single-family dwellings and customary accessory uses; Use Unit 5 common area facilities such as neighborhood park, playground, and recreational open space.		
Maximum Number of Lots:	180	
Minimum Lot Width †:	65 FT	
Minimum Lot Size:	6,900 SF	
Minimum Land Area per Dwelling Unit:	8,400 SF *	
Maximum Building Height:	2 Stories and 35 FT **	
Off-street Parking and Yard Coverage:	Minimum two (2) enclosed off-street parking spaces required per dwelling unit. Off-street parking shall not exceed 75% of the required front yard width or area.	
Minimum Livability Space:	4,000 SF ***	
Minimum Yard Setbacks:		
Front Yard:	25 FT	
Rear Yard:	20 FT	
Side Yard (Interior):	5 FT	
Side Yard Abutting a Street:	10 FT Dwelling; 20 FT Garage	
Other Bulk and Area Requirements:	As required within the RS-3 District	

* *Minimum land area per dwelling unit is satisfied by the proportion of maximum number of lots to gross land area as provided in Zoning Code Section 11-7I-5.A.1. Lots are therefore not subject to this requirement on an individual basis.*

** *Architectural features may extend a max. of five (5) feet above maximum permitted building height.*

*** *Livability space may be located on a lot or contained within common open space of the development, as per Section 11-7I-5.C of the Bixby Zoning Code.*

† *Defined as the average horizontal distance between the side lot lines, which is as it is presently defined in the Bixby Zoning Code.*

IV. GENERAL PROVISIONS AND DEVELOPMENT STANDARDS

IV.A. SURROUNDING ZONING AND LAND USE: The site is presently zoned AG and is vacant/agricultural. The surrounding area is primarily zoned AG in unincorporated Tulsa County and within the Bixby City Limits, with RS-3 zoning to the west across Mingo Road in the latest "Willow Creek" phase. RM-2 zoning exists in unincorporated Tulsa county in anticipation of the "Windrush II" subdivision. RE zoning is to the southwest across Mingo Road and corresponds with "Southwood South Addition." Commercial zoning is located to the northwest at the intersection of 131st Street South and Mingo Road. Existing zoning patterns are represented on Exhibit F of this PUD. The surrounding area currently consists of vacant/agricultural land and existing residential subdivisions, but several tracts in the general area are in various stages of zoning approval and platting (e.g. "Rowan Grove," Rowan Grove II," "Windrush II," and "Willow Creek").

IV.B. ACCESS AND CIRCULATION: As designed, the subdivision will have its principal point of access to South Mingo Road corresponding to the existing roadway just north of the half-Sectionline. Stub streets are proposed to the north to connect to stub street to be plated in the second phase of "Rowan Grove". Right-of-way will be dedicated for the South Mingo Road Arterial Street frontage. All other streets within the subdivision will be local, minor residential streets.

Streets serving 135th & Mingo are proposed to be public, but will have the option of private, gated streets, per this PUD. Whether public or private, streets shall be constructed to meet the minimum standards of the City of Bixby for minor public streets; provided, however, the City of Bixby may approve alternative street design standards through platting including, but not limited to, private, gated streets with reduced rights-of-way. Any divided, boulevard streets separated by private landscaped islands may have one-way lanes meeting right-of-way width requirements in aggregate and shall otherwise be constructed to meet the minimum standards determined by the City of Bixby during the platting stage. Any gates serving private streets or drives shall be designed according to the Fire Code adopted by the City of Bixby and be approved by the Bixby Fire Marshal during the platting stage.

Within the boundary of the PUD, sidewalks, including both internal and along exterior street frontages, shall be constructed by the developer or individual lot owners in accordance with the Bixby Subdivision Regulations. Sidewalks shall be a minimum of four (4) feet in width, shall be ADA compliant, and shall be approved by the City Engineer. Sidewalks which are proposed outside of public right-of-way shall be placed in a public sidewalk easement.

IV.C. SIGNS: Residential subdivision entrance signage shall be permitted along the arterial street frontage and shall comply with standards for same as provided in the Bixby Zoning Code. Entry signage will be integrated with the landscaped entries and contained within Reserve Areas or easements to be maintained by the Homeowners' Association. Signage serving residential neighborhood amenities, appropriate for purpose and neighborhood scale, shall be permitted within reserve areas containing neighborhood amenities. Signage shall otherwise comply with the Bixby Zoning Code.

IV.D. UTILITIES AND DRAINAGE: 135th & Mingo will connect to a 12" waterline located along the west side of the South Mingo Road frontage. Waterlines will further connect to waterlines being designed and constructed within Rowan Grove and Rowan Grove II. Waterlines shall be looped to provide water service and fire protection. Fire hydrant locations shall be coordinated with and approved by the Bixby Fire Marshal during platting.

Sanitary sewer will be extended to serve the site. A 15" gravity sanitary sewer is being extended along the west side of Rowan Grove and Rowan Grove II toward the intersection of 131st Street South and Mingo Road. Similarly, a 15" gravity sanitary sewerline is proposed to be extended through 135th & Mingo to the extent needed to serve the entire site. Elsewhere within 135th & Mingo, 8" sewerlines will be extended to serve each lot. Sanitary sewer and waterline extensions to and throughout the project will be designed during the platting stage.

The site will drain to the improved Old Fry Creek Ditch channel, constructed as a part of the overall Haikey Creek Flood Protection Project. As the channel system is designed for full urbanization, onsite stormwater detention is not required. Within the site, a drainage channel is presently shown on the Exhibit B Conceptual Site Plan to facilitate drainage and provide fill needed for the balance of the site. Final drainage designs are subject to the approval of Bixby City Staff.

Existing and proposed utilities are shown on Exhibit D of this PUD.

IV.E. ENVIRONMENTAL ANALYSIS AND TOPOGRAPHY: The subject property is relatively flat and primarily drains to the remnants of the Old Fry Creek Ditch # 1 at the southeastern corner of the site.

As represented on Exhibit F "FEMA Floodplain Map," the property is located almost entirely within Zone AE, the 100-year (1% Annual Chance) Floodplain, including portions within the Floodway. However, the Haikey Creek Flood Protection Project will result in the approval of a Letter Of Map Revision (LOMR), currently pending FEMA approval. The LOMR will be finalized before residential homes are constructed.

The Soil Survey of Tulsa County, Oklahoma was used to help identify soils types and possible constraints to development. The site contains Wynona Silty Clay Loam, 0-1% slopes, Radley Silt Loam, 0-1% slopes, Choska Very Fine Sandy Loam, 0-1% slopes, and Latanier Clay, 0-1% slopes. Development constraints associated with these soil types, and any other environmental constraint(s), will be addressed in the engineering design phase of the project. Prior to construction, a geotechnical report will be performed to recommend paving sections and subgrade design. Soil types and typography are shown on Exhibit D of this PUD.

IV.F. PLATTING AND SITE PLAN REQUIREMENTS: No building permit shall be issued until a subdivision plat has been submitted to and recommended upon by the Bixby Planning Commission and approved by the Council of the City of Bixby, and duly filed of record. The required subdivision plat shall include covenants of record implementing the development standards of the approved PUD and the City of Bixby shall be a beneficiary thereof. The plat will also serve as the site plan for all residential lots contained within the plat.

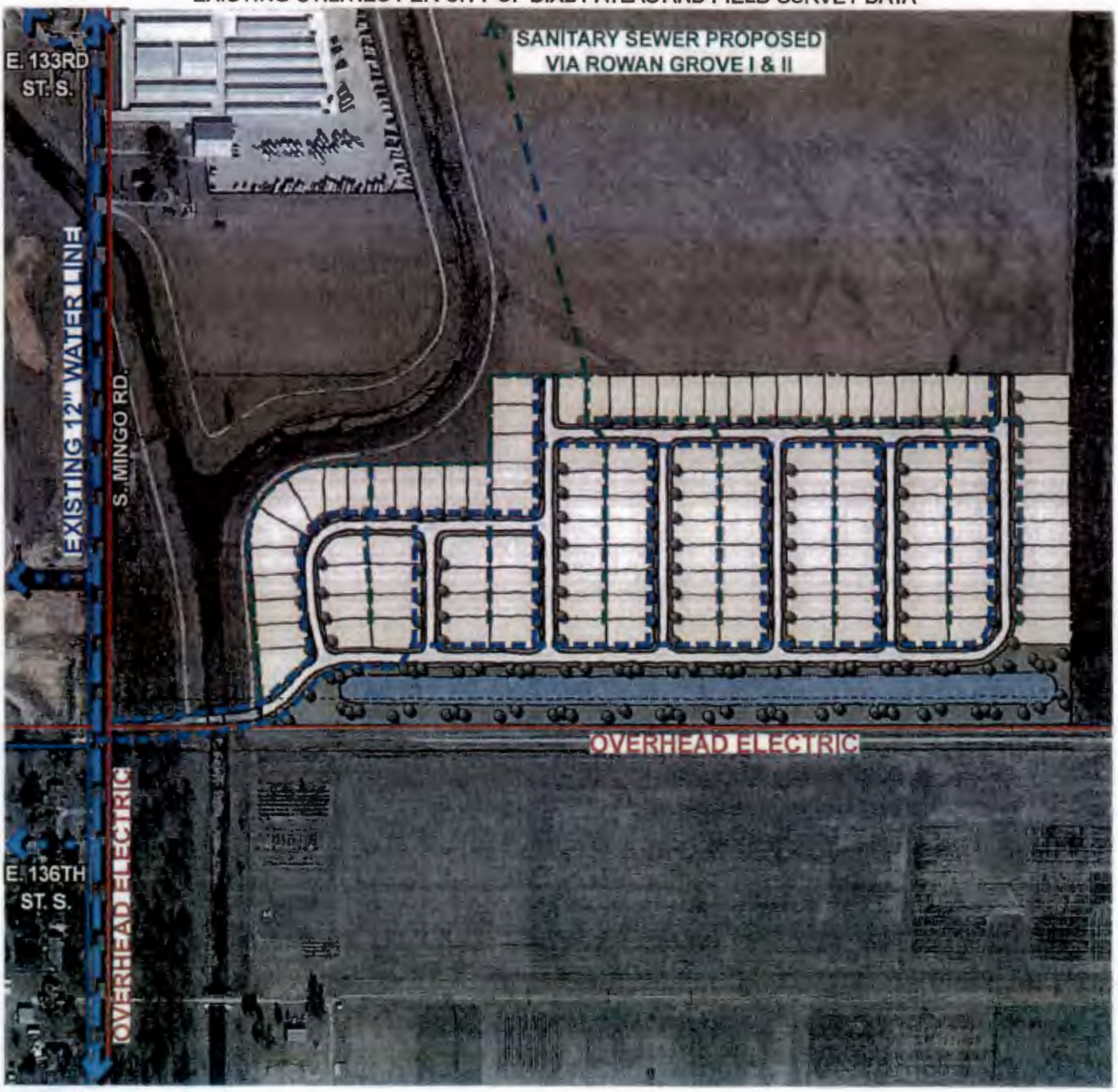
IV.G. CITY DEPARTMENT REQUIREMENTS: Standard requirements of the City of Bixby Fire Marshal, City Engineer, and City Attorney shall be met.

IV.H. SCHEDULE OF DEVELOPMENT: Development of the project is expected to commence and be phased and completed as market conditions permit.

135TH & MINGO

EXHIBIT C

EXISTING AND PROPOSED UTILITIES
CONCEPTUAL LAYOUT SHOWN AS OF JUNE 4, 2021
EXISTING UTILITIES PER CITY OF BIXBY ATLAS AND FIELD SURVEY DATA



LEGEND

- PROPOSED WATER SERVICE SYSTEM
- PROPOSED SANITARY SEWER SYSTEM

TANNER CONSULTING LLC, CERTIFICATE OF AUTHORIZATION NO. CA 2661
5323 S LEWIS AVE, TULSA, OK 74105 | 918.745.9929

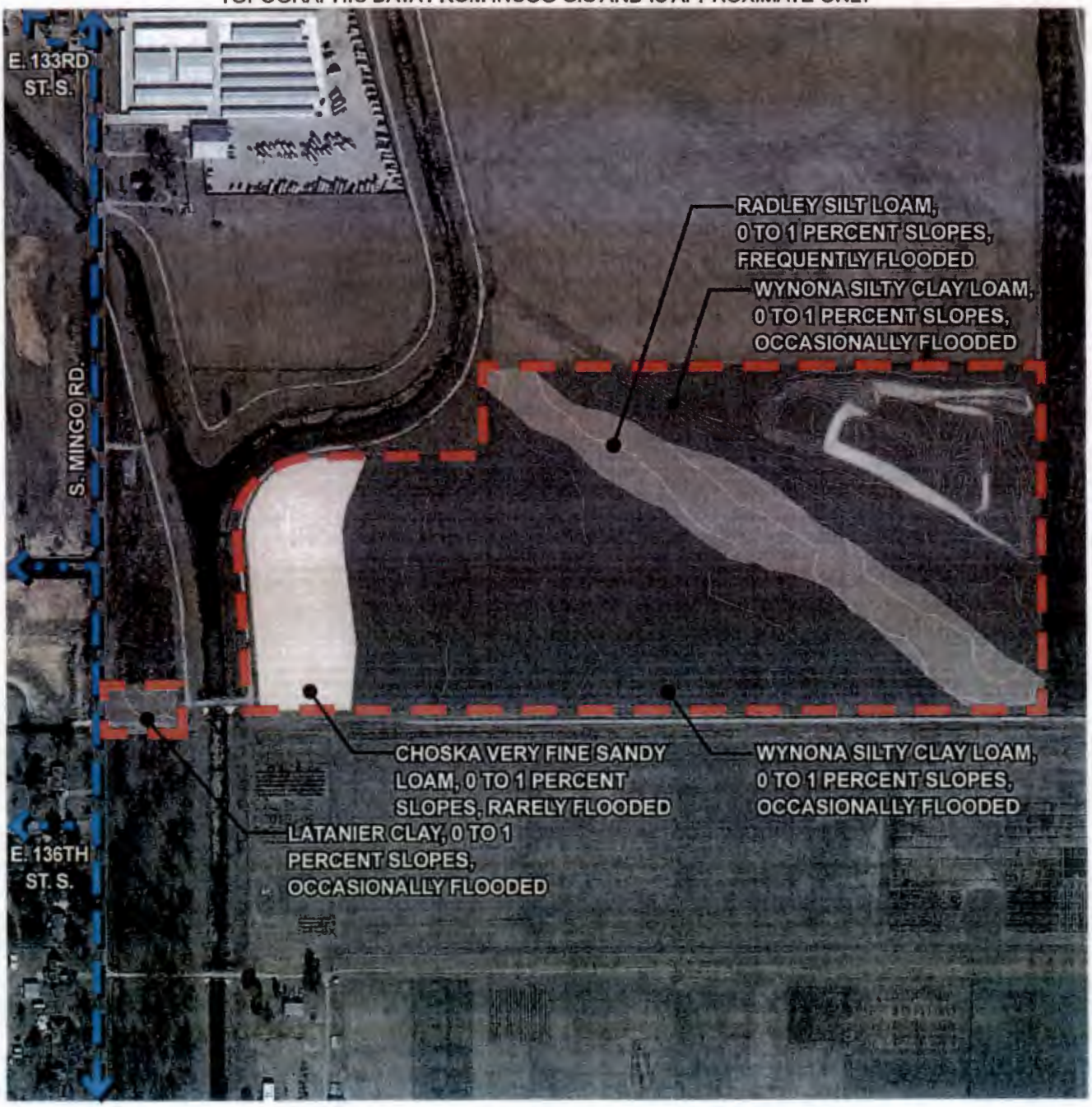
NOT TO SCALE

NORTH

135TH & MINGO

EXHIBIT D

EXISTING TOPOGRAPHY AND SOILS
SOIL DATA FROM USDA WEB SOIL SURVEY, ACCESSED JUNE 4, 2021
TOPOGRAPHIC DATA FROM INCOG GIS AND IS APPROXIMATE ONLY



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5323 S LEWIS AVE, TULSA, OK 74105 | 918.745.9929

NOT TO SCALE

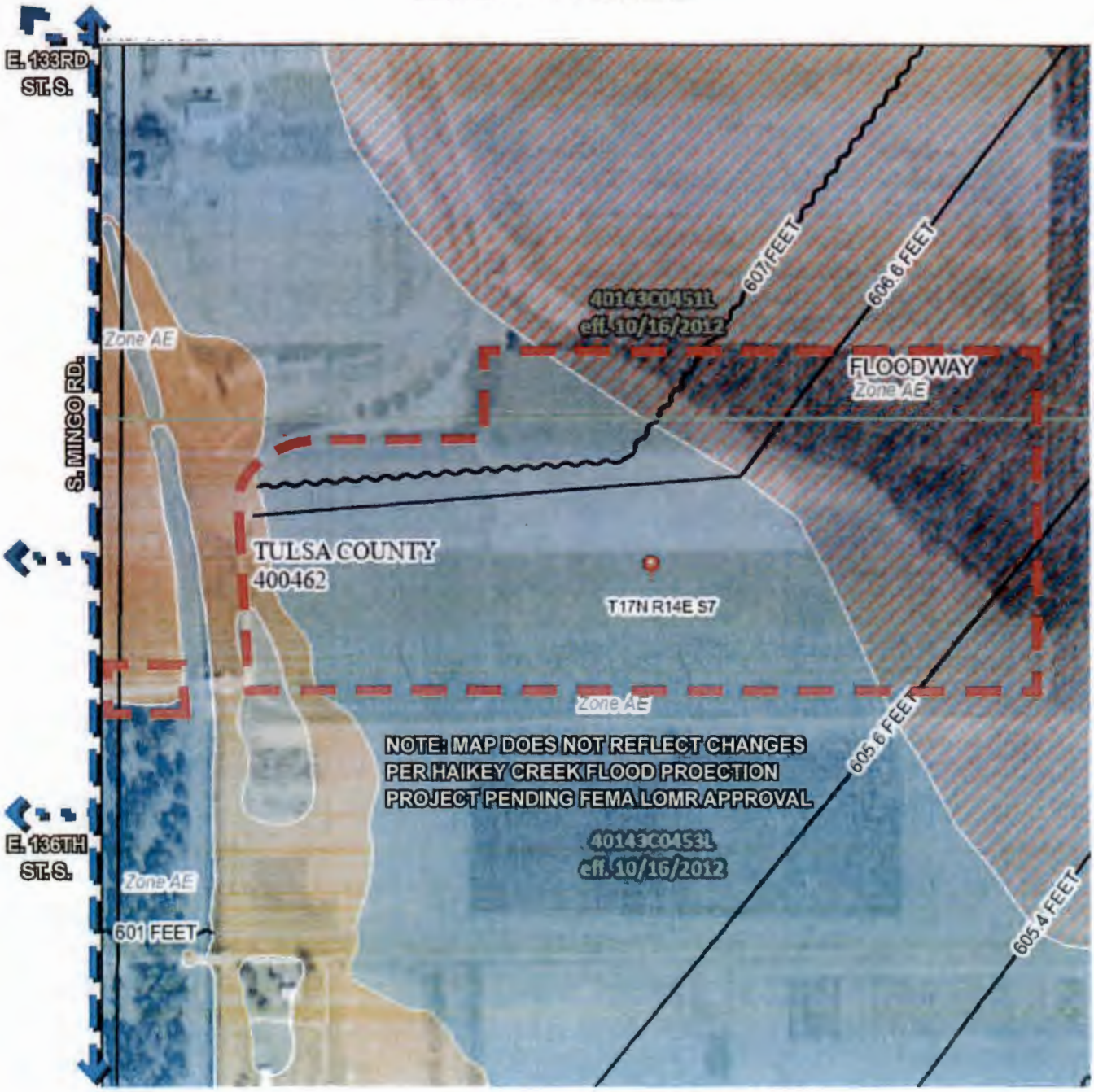
NORTH

135TH & MINGO

EXHIBIT E

FEMA FLOODPLAIN MAP

FLOODPLAIN DATA REFLECTS FEMA FIRM PANEL NO. 40143C0451L & NO. 40143C0453L,
BOTH EFFECTIVE 10/16/2012



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5323 S LEWIS AVE, TULSA, OK 74105 | 918.745.9929

NOT TO SCALE

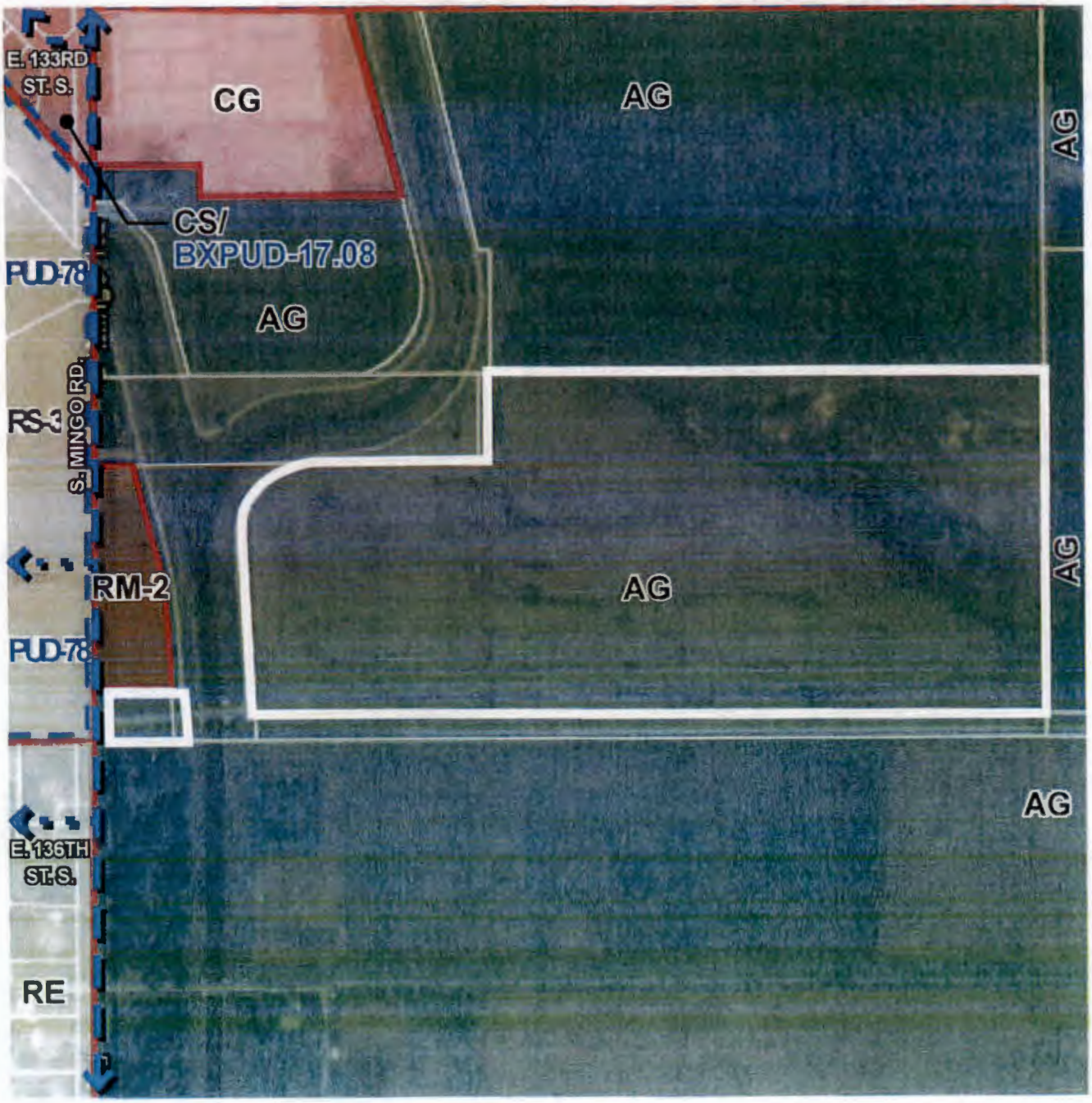
NORTH

135TH & MINGO

EXHIBIT F

EXISTING ZONING MAP

DATA OBTAINED FROM INCOG GIS, ACCESSED JUNE 4, 2021



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5323 S LEWIS AVE, TULSA, OK 74105 | 918.745.9929

NOT TO SCALE

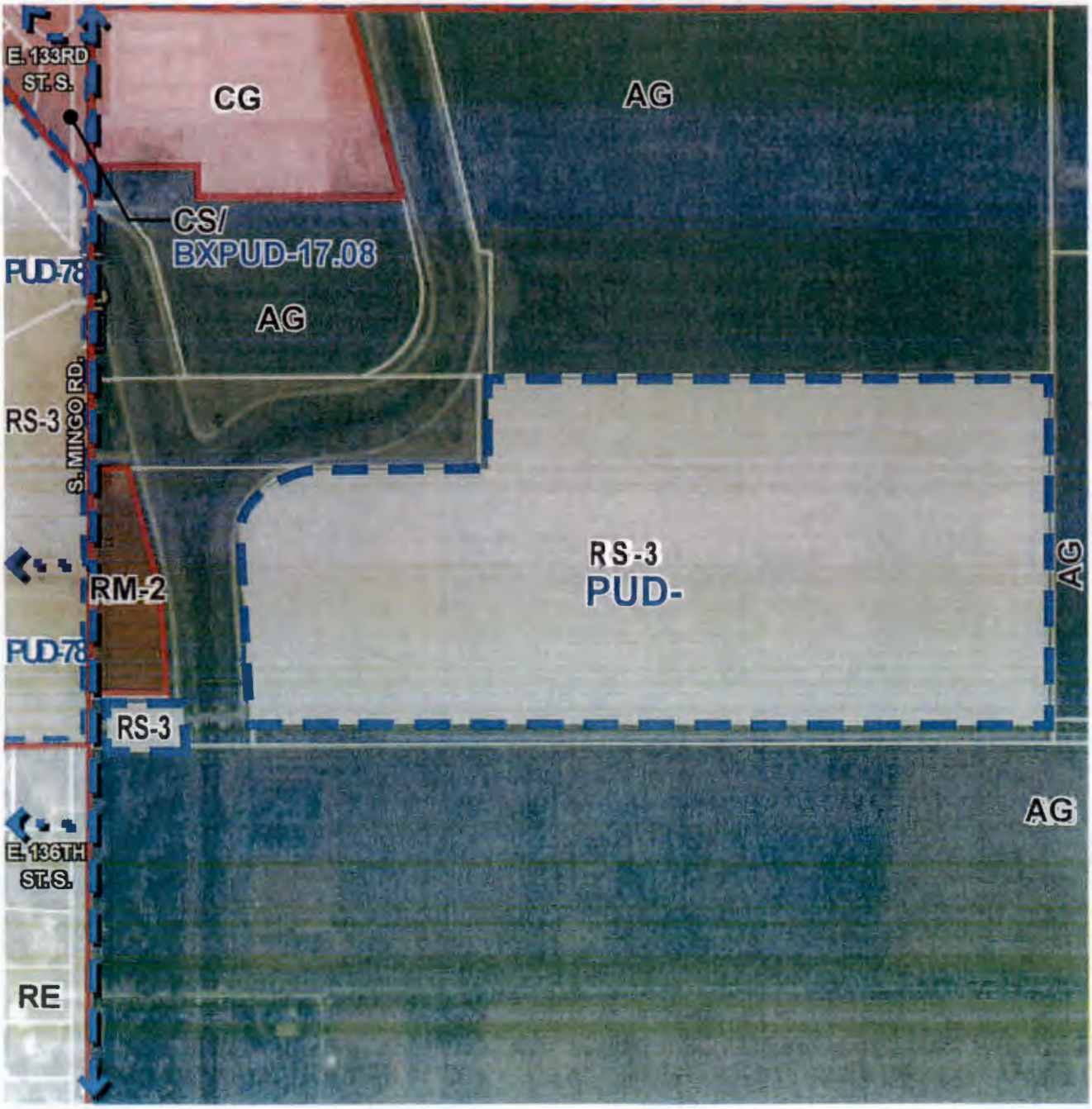
NORTH

135TH & MINGO

EXHIBIT G

PROPOSED ZONING MAP

DATA OBTAINED FROM INCOG GIS, ACCESSED JUNE 4, 2021 & MODIFIED



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5323 S LEWIS AVE, TULSA, OK 74105 | 918.745.9929

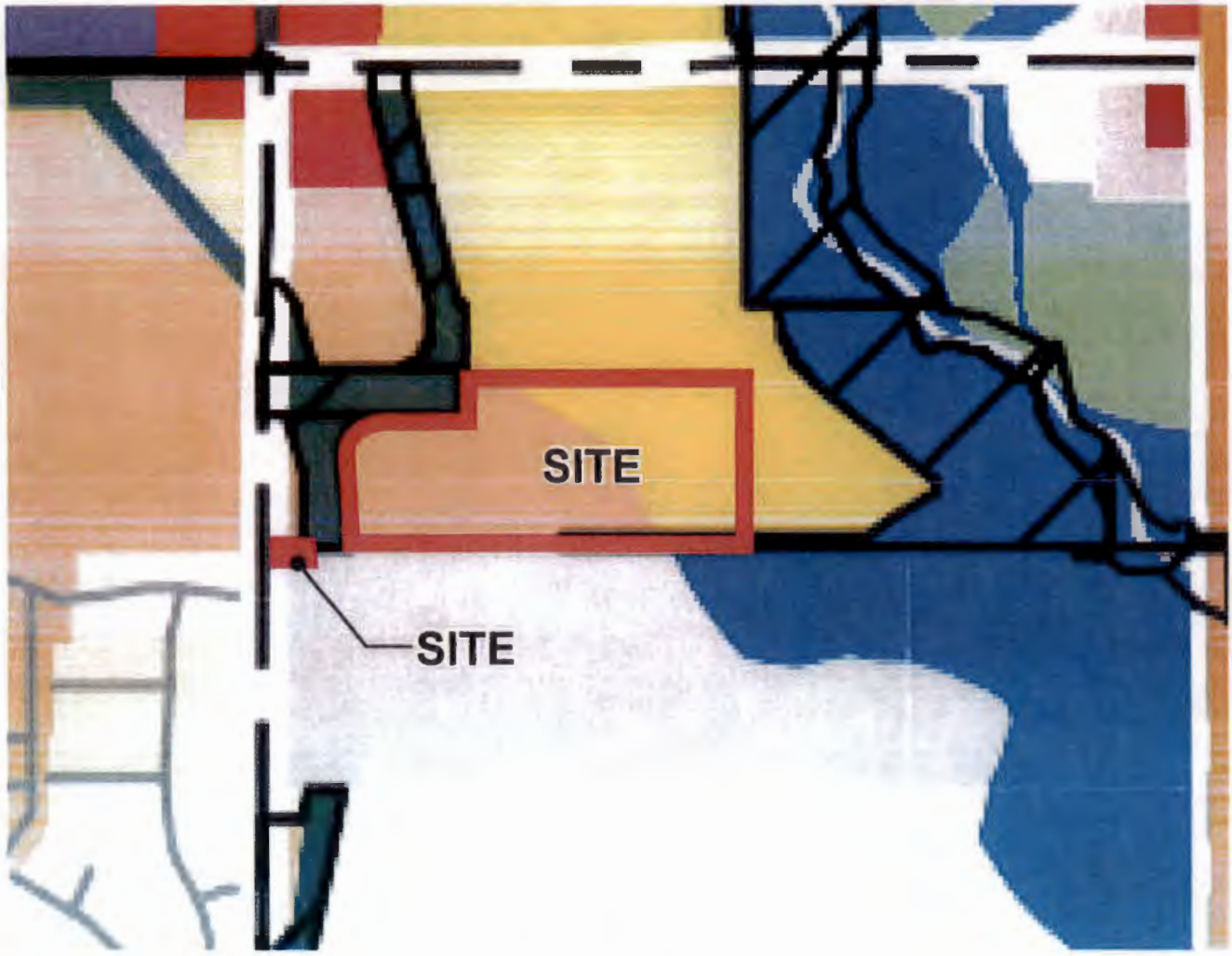
NOT TO SCALE

NORTH

135TH & MINGO

EXHIBIT H

COMPREHENSIVE PLAN MAP
CITY OF BIXBY 2018 COMPREHENSIVE PLAN



Legend

Future Land Use	Density (du/ac.)
Rural Agriculture (Unincorporated)	0 - 0.5
Agricultural	0 - 1
Rural Residential	0 - 1.5
Low Density Residential	1.5 - 4
Medium Density Residential	4 - 6
Medium-High Density Residential	6 - 10
High Density Residential	10 +
Mixed Use	10 +
Residential Manufactured Home Park	8

Future Land Use
Neighborhood Commercial
Commercial
Industrial
Public/Institutional
Recreation and Open Space
Flood District
Water

City Owned Parcels	Water Body
Bixby Fenceline	Stream / River
Bixby City Limit	
County	
Highway	
Major Street	
Local Street	
Railroad	

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NOT TO SCALE

NORTH

Published in the Tulsa Business & Legal News,
City of Bixby, Tulsa County, Oklahoma _____, 2021

ORDINANCE No. 2353

AN ORDINANCE AMENDING ORDINANCE NUMBER 272; REZONING A TRACT OF LAND, AS MORE PARTICULARLY DESCRIBED IN THIS ORDINANCE, FROM AG (AGRICULTURE) TO RS-3 (RESIDENTIAL SINGLE-FAMILY) CLASSIFICATION (BXZO-21.15) AND SUPPLEMENTAL PLANNED UNIT DEVELOPMENT ZONING (BXPUD-21.07); AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BIXBY, OKLAHOMA:

Section 1. That Ordinance No. 2353 be and the same is now amended and the following described property, to-wit:

SEE ATTACHED EXHIBIT "A" FOR LEGAL DESCRIPTION

Located at the 13500-Block of South Mingo Road, Bixby, Oklahoma, BXZO-21.15 and BXPUD-21.07, be and the same is now rezoned from AG (Agriculture) to RS-3 (Residential Single-Family) classification.

Section 2. SEVERABILITY CLAUSE. If any section, sentence, clause or phrase of this Ordinance or any part is for any reason found to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remainder of this ordinance or any part thereof.

Section 3. EMERGENCY CLAUSE. That because this Ordinance is essential to the proper and orderly growth of the City of Bixby, an Emergency is now declared to exist for the preservation of the public peace, health and safety, by reason whereof second reading of this Ordinance is waived and this Ordinance shall take effect and be in force immediately upon its passage.

APPROVED in an open meeting of the Bixby City Council and PASSED by an affirmative majority vote of the entire membership of the City Council, to-wit: ___ **YES,** ___ **NO,**
___ **ABSTAINING,** ___ **ABSENT**, on this _____ day of _____, 2021.

_____
Mayor of the City of Bixby, Oklahoma

APPROVED as an Emergency Measure ruled upon separately and PASSED by an affirmative majority vote of at least four-fifths (4/5) of the entire membership of the Bixby City Council, to-wit: ___ **YES,** ___ **NO,** ___ **ABSTAINING,** ___ **ABSENT**, on this _____ day of _____, 2021.

_____
Mayor of the City of Bixby, Oklahoma

(Seal)
ATTEST:

_____
City Clerk

APPROVED:

_____
City Attorney

EXHIBIT A

TWO TRACTS OF LAND THAT ARE PART OF THE SOUTH HALF OF THE NORTHWEST QUARTER (S/2 NW/4) OF SECTION SEVEN (7), TOWNSHIP SEVENTEEN (17) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, SAID TRACTS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TRACT 1: COMMENCING SOUTHWEST CORNER OF THE NORTHWEST QUARTER (NW/4) OF SAID SECTION 7; THENCE NORTH 88°32'06" EAST AND ALONG THE SOUTH LINE OF SAID NW/4 FOR A DISTANCE OF 448.66 FEET; TO A POINT AT THE SOUTHEAST CORNER OF THAT TRACT OF LAND DESCRIBED IN WARRANTY DEED, RECORDER FEBRUARY 2, 2011, AT DOCUMENT #20111016116, COUNTY OF TULSA RECORDS; THENCE NORTH 5°03'53" WEST ALONG THE EAST LINE THEREOF A DISTANCE OF 62.06 FEET TO THE POINT OF BEGINNING;

THECE NORTH 5°03'53" WEST AND ALONG THE EAST LINE OF SAID TRACT OF LAND, FOR A DISTANCE OF 475.96 FEET; THENCE CONTINUING ALONG SAID EAST LINE AND ALONG A 200.00 FOOT RADIUS CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 86°00'11", A CHORD BEARING AND DISTANCE OF NORTH 37°56'12" EAST FOR 272.81 FEET, FOR AN ARC DISTANCE OF 300.21 FEET; THENCE NORTH 87°15'23" EAST FOR A DISTANCE OF 483.15 FEET; THENCE NORTH 1°09'11" WEST FOR A DISTANCE OF 232.78 FEET TO A POINT ON THE NORTH LINE OF THE S/2 N/2 S/2 NW/4 OF SAID SECTION 7; THENCE NORTH 88°33'53" EAST AND ALONG SAID NORTH LINE FOR A DISTANCE OF 1573.53 FEET TO THE NORTHEAST CORNER OF SAID S/2 N/2 S/2 NW/4; THENCE SOUTH 1°27'20" EAST AND ALONG THE EAST LINE OF NW/4 OF SAID SECTION 7 FOR A DISTANCE OF 928.57 FEET; THENCE SOUTH 88°32'06" WEST PARALLEL WITH THE SOUTH LINE OF SAID NW/4 FOR A DISTANCE OF 2200.95 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 1,900,090 SQUARE FEET OR 43.620 ACRES

AND

TRACT 2: BEGINNING AT THE SOUTHWEST CORNER OF SAID NW/4 SECTION 7; THENCE NORTH 1°09'04" WEST AND ALONG THE WEST LINE OF SAID NW/4 FOR A DISTANCE OF 137.00 FEET; THENCE NORTH 88°32'06" EAST FOR A DISTANCE OF 211.86 FEET TO POINT ON THE WEST LINE OF THAT TRACT OF LAND DESCRIBED IN WARRANTY DEED, RECORDED FEBRUARY 2, 2011, AT DOCUMENT #20111016116, COUNTY OF TULSA RECORDS; THENCE SOUTH 5°03'53" EAST AND ALONG SAID WEST LINE FOR A DISTANCE OF 137.27 FEET TO A POINT ON THE SOUTH LINE OF SAID NW/4; THENCE SOUTH 88°32'06" WEST AND ALONG SAID SOUTH FOR A DISTANCE OF 221.23 FEET TO THE POINT OF BEGINNING;

SAID TRACT CONTAINS 29,666 SQUARE FEET OR 0.681 ACRES.

City of Bixby
P.O. Box 70
116 W. Needles Ave.
Bixby, OK 74008
(918) 366-4430

Staff Report

To: City of Bixby, City Council

From: Carolyn Back, Development Services Director/City Planner

Date: Monday, July 26, 2021

RE: Comprehensive Plan - 2030 Future Land Use Map Amendment. Allow for Phase II of the Rowan Grove single-family residential development.

Location: Southeast corner of 131st & Mingo (Rowan Grove Phase II)

Acres: 36.68 acres

STR: Section 7, Township 17N, Range 14E

Applicant: AAB Engineering, LLC.

Request:
Comprehensive Plan Amendment from Low Density Residential to Medium Density Residential

Existing Zoning; Use:
Agriculture (AG); Vacant

Abutting Zoning; Use:
North: Flood District (FD); (Tulsa County Zoning Designation); Vacant
East: Agriculture (AG); Vacant and Haikey Creek Levee
South: Agriculture (AG); Vacant
West: Agriculture (AG); Haikey Diversion Channel

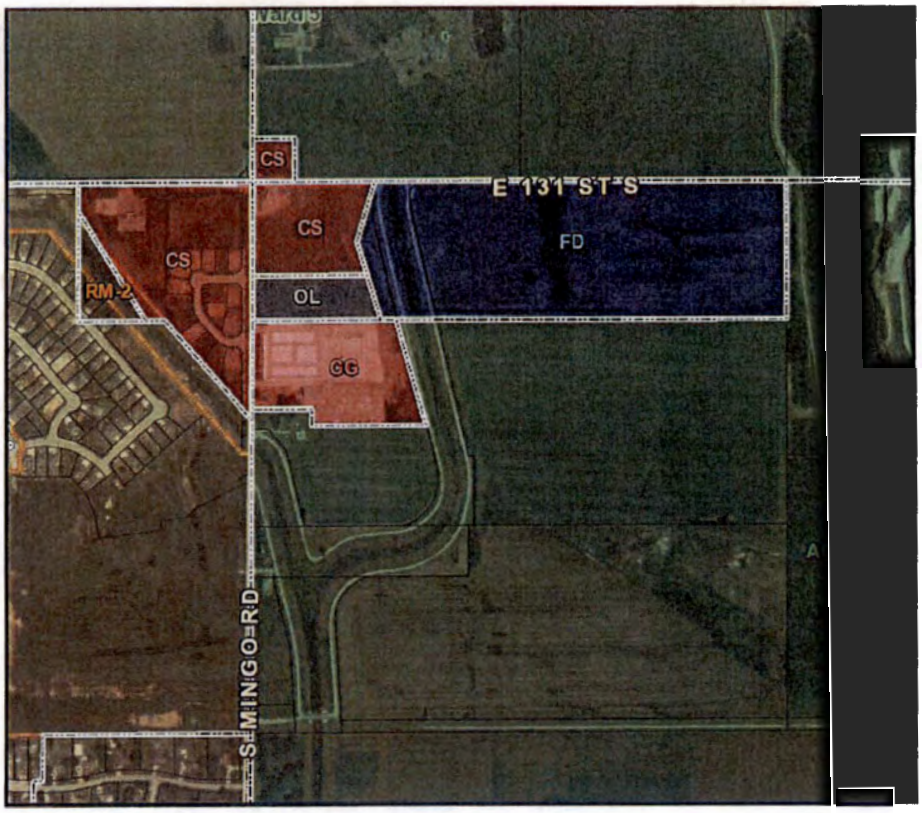


Figure 1: City of Bixby Zoning Map

Staff Review

The applicant is requesting a Comprehensive Plan, 2030 Future Land Use Map amendment (BXCP 21.07) that is consistent with surrounding property and will blend with the adjacent property.

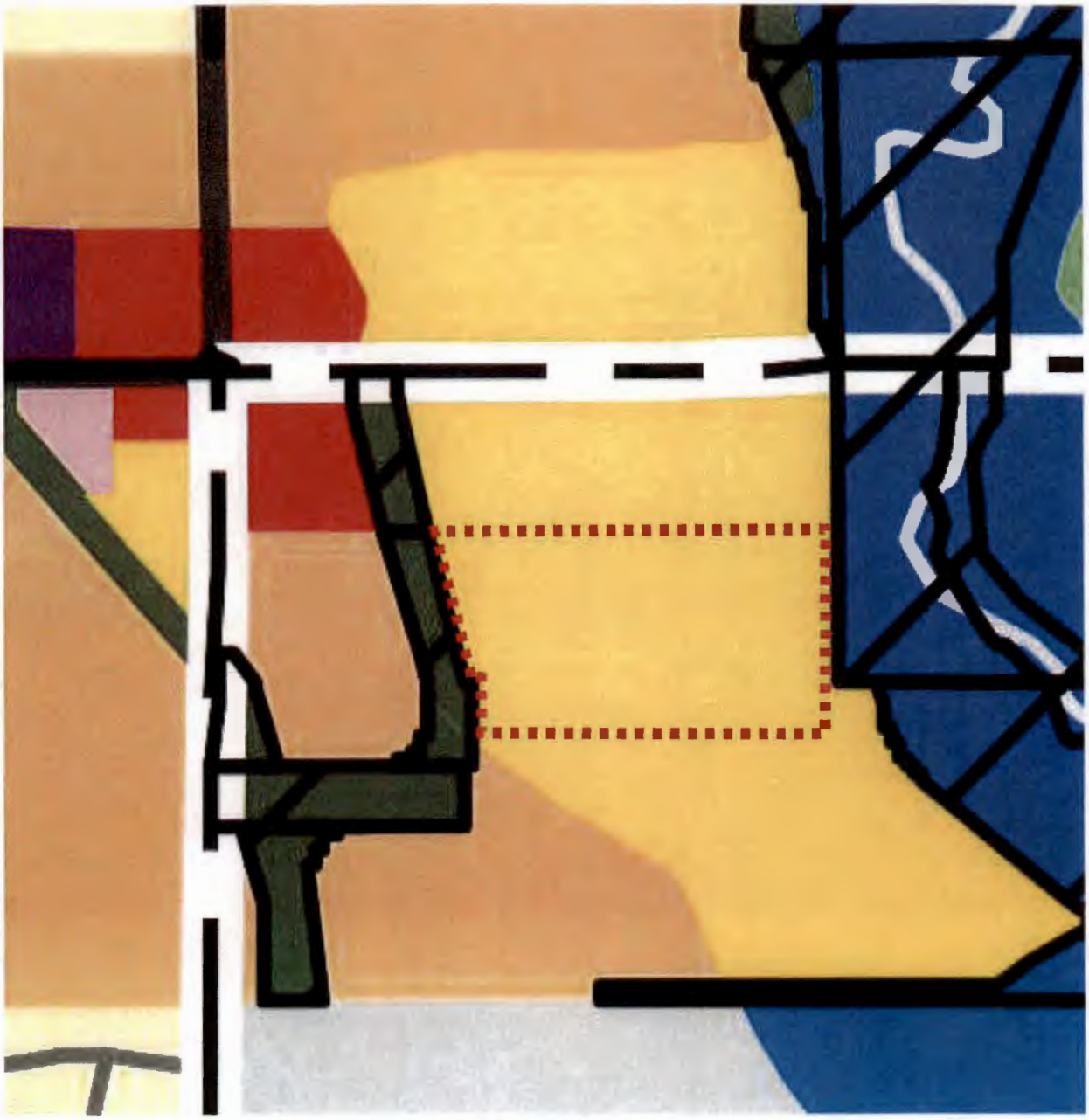
Public Comments: No comments have been received at time of this report.

Staff Comments:

1. Staff recommends City Council approval of the requested Comprehensive Plan Amendment from Low Density Residential to Medium Density Residential

Figures: Figure 1: City of Bixby Zoning Map

Attachments: Exhibit A: 2030 Future Land Use Map Exhibit by AAB Engineering, LLC.
Exhibit B: Rowan Grove II Legal Description



Legend

Future Land Use	Density (du/ac.)
Rural Agriculture (Unincorporated)	0 - 0.5
Agricultural	0 - 1
Rural Residential	0 - 1.5
Low Density Residential	1.5 - 4
Medium Density Residential	4 - 6
Medium-High Density Residential	6 - 10
High Density Residential	10 +
Mixed Use	10 +
Residential Manufactured Home Park	8

Future Land Use
- Neighborhood Commercial
- Commercial
- Industrial
- Public/Institutional
- Recreation and Open Space
- Flood District
- Water

- City Owned Parcels
- Bixby Fenceline
- Bixby City Limit
- County
- Highway
- Major Street
- Local Street
- Railroad

Water Body
Stream / River

0 1 2 Miles

Data Source: City of Bixby, 2018. Matrix Design Group, 2018.

Figure 2-1
2030 Future Land Use

ROWAN GROVE II LEGAL DESCRIPTION

A TRACT OF LAND SITUATED IN THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER (S/2 NE/4 NW/4) AND THE SOUTH HALF OF GOVERNMENT LOT ONE (S/2 LOT 1) AND THE NORTH HALF OF THE NORTH HALF OF THE SOUTH HALF OF THE NORTHWEST QUARTER (N/2 N/2 S/2 NW/4) OF SECTION SEVEN (7), TOWNSHIP SEVENTEEN (17) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID GOVERNMENT LOT ONE (1); THENCE SOUTH 01°09'28" EAST ALONG THE WESTERLY LINE OF SAID LOT ONE (1), A DISTANCE OF 661.26 FEET TO THE NORTHWEST CORNER OF SAID SOUTH HALF OF GOVERNMENT LOT ONE (1); THENCE NORTH 88°35'35" EAST ALONG THE NORTHERLY LINE OF SAID SOUTH HALF OF GOVERNMENT LOT ONE (1), A DISTANCE OF 907.77 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 88°35'35" EAST ALONG SAID NORTHERLY LINE OF THE SOUTH HALF OF GOVERNMENT LOT ONE (1), AND THE NORTHERLY LINE OF SAID SOUTH HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER (S/2 NE/4 NW/4), A DISTANCE OF 1727.44 FEET TO THE NORTHEAST CORNER OF SAID SOUTH HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER (S/2 NE/4 NW/4), THENCE SOUTH 01°27'24" EAST ALONG THE EAST LINE OF SAID SOUTH HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER (S/2 NE/4 NW/4) AND THE EAST LINE OF SAID NORTH HALF OF THE NORTH HALF OF THE SOUTH HALF OF THE NORTHWEST QUARTER (N/2 N/2 S/2 NW/4), A DISTANCE OF 990.50 FEET TO THE SOUTHEAST CORNER OF SAID OF SAID NORTH HALF OF THE NORTH HALF OF THE SOUTH HALF OF THE NORTHWEST QUARTER (N/2 N/2 S/2 NW/4); THENCE SOUTH 88°33'59" WEST ALONG THE SOUTH LINE OF SAID NORTH HALF OF THE NORTH HALF OF THE SOUTH HALF OF THE NORTHWEST QUARTER (N/2 N/2 S/2 NW/4), A DISTANCE OF 1542.48 FEET; THENCE NORTH 01°09'05" WEST, A DISTANCE OF 330.45 FEET; THENCE SOUTH 88°34'35" WEST, A DISTANCE OF 27.98 FEET; THENCE NORTH 14°57'46" WEST, A DISTANCE OF 679.72 FEET TO THE POINT OF BEGINNING. CONTAINING 1,597,860 SQUARE FEET OR 36.68 ACRES.

LEGAL DESCRIPTION BASIS OF BEARINGS IS THE WESTERLY LINE OF GOVERNMENT LOT 1 ASSUMED TO BE SOUTH 01°09'28" EAST.

THIS LEGAL DESCRIPTION WAS PREPARED ON APRIL 21, 2021 BY JAY P. BISSELL, OKLAHOMA LICENSED LAND SURVEYOR NO. 1318.

Published in the Tulsa World,
City of Tulsa, Tulsa County, Oklahoma _____, 2021

ORDINANCE NO. 2346

AN ORDINANCE AMENDING ORDINANCE NUMBER 2267; A MAJOR AMENDMENT TO THE 2030 FUTURE LAND USE MAP IN THE 2018 COMPREHENSIVE PLAN, "BIXBY 2030, OUR VISION, OUR FUTURE", FOR ROWAN GROVE II, CONTAINING 36.68 ACRES, MORE OR LESS, IN SECTION SEVEN (7), TOWNSHIP SEVENTEEN (17) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF; REMOVING THE "LOW-DENSITY RESIDENTAL" DESIGNATION AND AMENDING TO "MEDIUM-DENSITY RESIDENTIAL", (BXCP-21.07); AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BIXBY, OKLAHOMA:

Section 1. That Ordinance No. 2346 and the Future Land Use Map in the 2018 Comprehensive Plan for the following described real property, to-wit:

SEE ATTACHED EXHIBIT "A" FOR LEGAL DESCRIPTION

Located southeast of the Southeast corner of East 131st Street South and South Mingo Road, Bixby, Oklahoma, be and the same is now redesignated from "Low-Density Residential," to "Medium-Density Residential."

Section 3. SEVERABILITY CLAUSE. If any section, sentence, clause or phrase of this ordinance or any part is for any reason found to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remainder of this ordinance or any part thereof.

Section 4. EMERGENCY CLAUSE. That because this Ordinance is essential to the proper and orderly growth of the City of Bixby, an Emergency is now declared to exist for the preservation of the public peace, health and safety, by reason whereof second reading of this ordinance is waived and this Ordinance shall take effect and be in force immediately upon its passage.

APPROVED in an open meeting of the Bixby City Council and PASSED by an affirmative majority vote of the entire membership of the City Council, to-wit: **___-YES, ___-NO, ___-ABSTAINING, ___-ABSENT**, on this _____ day of July _____ 2021.

_____
Brian Guthrie
Mayor of the City of Bixby, Oklahoma

APPROVED as an Emergency Measure ruled upon separately and PASSED by an affirmative majority vote of at least four-fifths (4/5) of the entire membership of the Bixby City Council, to wit: **___-YES, ___-NO, ___-ABSTAINING, ___-ABSENT**, on this ____ day of July_____ 2021.

_____
Brian Guthrie
Mayor of the City of Bixby, Oklahoma

(Seal)
ATTEST:

_____
Yvonne Adams
City Clerk

APPROVED:

_____
Phil Frazier
City Attorney

ROWAN GROVE II LEGAL DESCRIPTION

A TRACT OF LAND SITUATED IN THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER (S/2 NE/4 NW/4) AND THE SOUTH HALF OF GOVERNMENT LOT ONE (S/2 LOT 1) AND THE NORTH HALF OF THE NORTH HALF OF THE SOUTH HALF OF THE NORTHWEST QUARTER (N/2 N/2 S/2 NW/4) OF SECTION SEVEN (7), TOWNSHIP SEVENTEEN (17) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID GOVERNMENT LOT ONE (1); THENCE SOUTH 01°09'28" EAST ALONG THE WESTERLY LINE OF SAID LOT ONE (1), A DISTANCE OF 661.26 FEET TO THE NORTHWEST CORNER OF SAID SOUTH HALF OF GOVERNMENT LOT ONE (1); THENCE NORTH 88°35'35" EAST ALONG THE NORTHERLY LINE OF SAID SOUTH HALF OF GOVERNMENT LOT ONE (1), A DISTANCE OF 907.77 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 88°35'35" EAST ALONG SAID NORTHERLY LINE OF THE SOUTH HALF OF GOVERNMENT LOT ONE (1), AND THE NORTHERLY LINE OF SAID SOUTH HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER (S/2 NE/4 NW/4), A DISTANCE OF 1727.44 FEET TO THE NORTHEAST CORNER OF SAID SOUTH HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER (S/2 NE/4 NW/4), THENCE SOUTH 01°27'24" EAST ALONG THE EAST LINE OF SAID SOUTH HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER (S/2 NE/4 NW/4) AND THE EAST LINE OF SAID NORTH HALF OF THE NORTH HALF OF THE SOUTH HALF OF THE NORTHWEST QUARTER (N/2 N/2 S/2 NW/4), A DISTANCE OF 990.50 FEET TO THE SOUTHEAST CORNER OF SAID OF SAID NORTH HALF OF THE NORTH HALF OF THE SOUTH HALF OF THE NORTHWEST QUARTER (N/2 N/2 S/2 NW/4); THENCE SOUTH 88°33'59" WEST ALONG THE SOUTH LINE OF SAID NORTH HALF OF THE NORTH HALF OF THE SOUTH HALF OF THE NORTHWEST QUARTER (N/2 N/2 S/2 NW/4), A DISTANCE OF 1542.48 FEET; THENCE NORTH 01°09'05" WEST, A DISTANCE OF 330.45 FEET; THENCE SOUTH 88°34'35" WEST, A DISTANCE OF 27.98 FEET; THENCE NORTH 14°57'46" WEST, A DISTANCE OF 679.72 FEET TO THE POINT OF BEGINNING. CONTAINING 1,597,860 SQUARE FEET OR 36.68 ACRES.

LEGAL DESCRIPTION BASIS OF BEARINGS IS THE WESTERLY LINE OF GOVERNMENT LOT 1 ASSUMED TO BE SOUTH 01°09'28" EAST.

THIS LEGAL DESCRIPTION WAS PREPARED ON APRIL 21, 2021 BY JAY P. BISSELL, OKLAHOMA LICENSED LAND SURVEYOR NO. 1318.

City of Bixby
P.O. Box 70
116 W. Needles Ave.
Bixby, OK 74008
(918) 366-4430

Staff Agenda Commentary
July 26, 2021

Item Titles(s):
Rowan Grove II - Rezone (BXZO-21.09) from Agriculture (AG) to Residential Single-Family (RS-3) with supplemental zoning through BXPUD-21.06. Located: Southeast of the Southeast corner of South Mingo Road and East 131st Street South, Bixby, Oklahoma

Presenter:
Carolyn Back, Development Services Director / City Planner

Staff Information Source:
Comprehensive Plan, Zoning Code, Applicant Exhibit(s)

Background:
Heard by Planning Commission on July 19, 2021.
Zero (0) citizens spoke for/against the request at the Planning Commission public hearing

07.26.21 Comp Plan Future Land Use Map Amendment – on City Council for action

Project Overview:

# of Acres	36.68 (+/-)	Min Lot Width	See attached PUD
# of Lots	See attached PUD	Min Lot Size	See attached PUD
# of Blocks	See attached PUD	Avg Dwelling Units	None Specified
# of Phases	None Specified	# of Reserve Areas	See attached PUD

Amenities: To be disclosed by applicant at the hearing

Exhibits:
Exhibit A: Planning Commission Staff Report dated 07.19.2021

Key Issue:
Approval

Recommendation:
Staff recommends approval of the Rowan Grove II Rezone and Major Amendment to the PUD per Planning Commission recommendation and Staff comments.

City of Bixby
P.O. Box 70
116 W. Needles Ave.
Bixby, OK 74008
(918) 366-4430

Staff Report

To: City of Bixby, Planning Commission

From: Carolyn Back, Development Services Director/City Planner
Donna Crawford, Assistant City Planner

Date: Monday, July 19, 2021

Project: Rowan Grove

RE: Rezone to Residential Single-Family (RS-3) (BXZO-21.09)
Planned Unit Development (BXPUD-21.06) Major Amendment #1

Location: Southeast of the Southeast corner of South Mingo Road and East 131st Street South, Bixby, Oklahoma 74008
36.68 Acres (+/-)

STR: Section 7, Township 17N, Range 14E

Applicant: AAB Engineering, LLC

Request:
Rezone (BXZO-21.09) from Agriculture (AG) to Residential Single-Family (RS-3) with supplemental zoning through BXPUD-21.06.

Existing Zoning; Use:
Agriculture (AG); Vacant

Abutting Zoning; Use:
North: (RS-3) Single-Family; Vacant
East: (AG) Agriculture; Vacant
South: (AG) Agriculture; Vacant
West: (AG) Haikey Creek Diversion Channel

Proposed Zoning; Use:
Residential Single-Family; Single-Family Dwellings

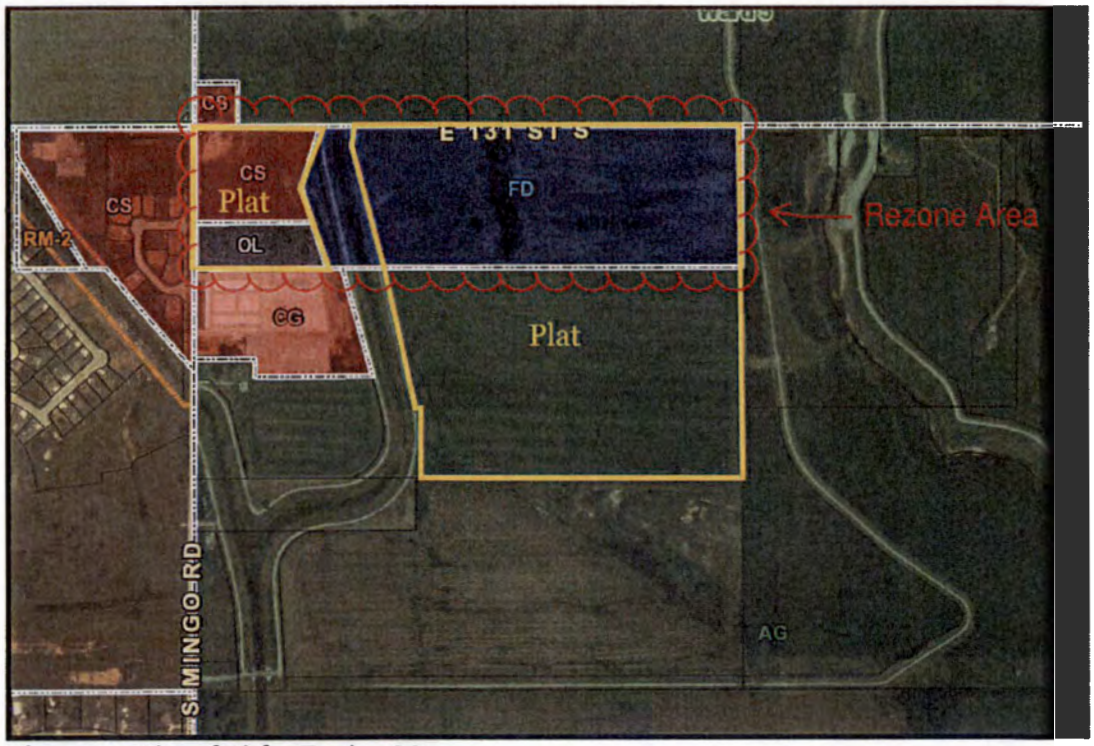


Figure 1: City of Bixby Zoning Map

Staff Review

The applicant is requesting a rezone (BXZO 21.09) from Agriculture (AG) to Residential Single-Family (RS-3) which is consistent with surrounding developments. The project will be developed along RS-3 bulk and area requirements except as modified by the Planned Unit Development (PUD) BXPUD-21.06.

A Comprehensive Plan Amendment application has been submitted and scheduled to be heard in our quarterly City Council reviews during their July 26, 2021 hearing.

Planned Unit Development (BXPUD-21.06)
Major Amendment #1
Site Stats

Acres:		36.00 +/-
	Development Area A:	4.13 +/- (commercial)
	Development Area B:	5.52 +/- (gated - residential)
	Development Area C:	27.37 +/- (traditional – residential)
Number of Lots:		
	Development Area A:	4
	Development Area B:	24
	Development Area C:	248
Lot Width:		
	Development Area A:	150 ft
	Development Area B:	50 ft
	Development Area C:	60 ft

Minimum Land Area per D/U:		
	Development Area A:	N/A
	Development Area B:	8,400 SF
	Development Area C:	8,400 SF
Minimum Yard Setbacks:		
	Development Area A:	Front – 50 ft Rear – 10 ft
	Development Area B:	Front – 20 ft Rear – 20 ft Side (each)-5 ft
	Development Area C:	Front – 25 ft Rear – 20 ft Side (each)-5 ft

Permitted Uses:

- Uses permitted as a matter of right in the CS Commercial Shopping Center District

Utilities/Site Area: An existing 16" waterline runs North/South along West side of South Mingo Road to be extended to serve the proposed development. A 10" sanitary sewer line along the West side of Mingo Road, to be extended along Mingo, with an approved Department of Environmental Quality Permit to construct for the extensions of water and the sanitary sewer. Stormwater will discharge directly to the Hailey Creek Diversion Channel. Fee-In-Lieu of onsite detention is proposed.

Engineering Comments: Please see attached memo dated July 6, 2021

Public Comments: No comments received at time of this report.

Staff Comments:

1. Staff supports Planning Commission recommendation for approval of the requested zoning from Agriculture (AG) to Residential Single-Family (RS-3) with the supplemental zoning of BXPUD-21.07 as the applicant's proposed use is amenable to surrounding densities and types of use.
2. Staff recommends excluding: All uses classified as "sexually oriented" within the City of Bixby Zoning Code (Section 11-7D-6)
3. Development Area B gates will be constructed to the requirements of the City of Bixby Fire Marshal and infrastructure in Development Area B will be privately maintained.
4. Staff supports Planning Commission recommendation for approval of the requested Preliminary Plat and PUD with Staff and Engineering comments implemented before moving to Council.

Figures: Figure 1: City of Bixby Zoning Map

Attachments: Exhibit A: Preliminary Plat dated May 13, 2021
Exhibit B: Rowan Grove PUD dated May 11, 2021

OVERALL LEGAL DESCRIPTION:

A TRACT OF LAND THAT IS PART OF GOVERNMENT LOT ONE (1) AND PART OF THE NORTHWEST QUARTER (NW/4), SECTION SEVEN (7), TOWNSHIP SEVENTEEN (17) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY,STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER (NW/4); THENCE SOUTH 01°26'24" EAST ALONG THE EASTERLY LINE OF SAID NORTHWEST QUARTER (NW/4), A DISTANCE OF 660.41 FEET TO THE SOUTHEAST CORNER OF THE NORTH HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER (N/2 NE/4 NW/4); THENCE SOUTH 01°27'24" EAST ALONG THE EAST LINE OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER (S/2 NE/4 NW/4) AND THE EAST LINE OF THE NORTH HALF OF THE NORTH HALF OF THE SOUTH HALF OF THE NORTHWEST QUARTER (N/2 N/2 S/2 NW/4), A DISTANCE OF 990.50 FEET TO THE SOUTHEAST CORNER OF SAID OF SAID NORTH HALF OF THE NORTH HALF OF THE SOUTH HALF OF THE NORTHWEST QUARTER (N/2 N/2 S/2 NW/4); THENCE SOUTH 88°33'59" WEST ALONG THE SOUTH LINE OF SAID NORTH HALF OF THE NORTH HALF OF THE SOUTH HALF OF THE NORTHWEST QUARTER (N/2 N/2 S/2 NW/4), A DISTANCE OF 1542.48 FEET; THENCE NORTH 01°09'05" WEST, A DISTANCE OF 330.34 FEET TO THE SOUTH LINE OF SAID GOVERNMENT LOT ONE (1); THENCE SOUTH 88°34'35" WEST ALONG SAID SOUTH LINE, A DISTANCE OF 27.95 FEET; THENCE NORTH 14°57'46" WEST, A DISTANCE OF 679.83 FEET TO THE SOUTH LINE OF THE NORTH HALF OF SAID GOVERNMENT LOT ONE (1); THENCE NORTH 14°57'58" WEST, A DISTANCE OF 556.57 FEET; THENCE NORTH 01°26'14" WEST, A DISTANCE OF 119.95 FEET TO A POINT ON THE NORTHERLY LINE OF SAID GOVERNMENT LOT ONE (1); THENCE NORTH 88°36'41" EAST ALONG THE NORTHERLY LINE OF SAID GOVERNMENT LOT ONE (1) AND THE NORTHERLY LINE OF SAID NORTHWEST QUARTER (NW/4), A DISTANCE OF 1857.61 FEET TO THE POINT OF BEGINNING.

AND

BEGINNING AT THE NORTHWEST CORNER OF SAID GOVERNMENT LOT ONE (1); THENCE NORTH 88°36'41" EAST ALONG THE NORTHERLY LINE OF SAID GOVERNMENT LOT ONE (1), A DISTANCE OF 590.88 FEET; THENCE SOUTH 01°26'48" EAST, A DISTANCE OF 172.75 FEET; THENCE SOUTH 14°57'58" EAST, A DISTANCE OF 502.31 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID NORTH HALF (N/2) OF GOVERNMENT LOT ONE (1); THENCE SOUTH 88°35'35" WEST ALONG SAID SOUTHERLY LINE, A DISTANCE OF 711.64 FEET TO A POINT ON THE WESTERLY LINE OF SAID GOVERNMENT LOT ONE (1); THENCE NORTH 01°09'28" WEST ALONG SAID WESTERLY LINE A DISTANCE OF 661.26 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT:

A TRACT OF LAND LOCATED IN GOVERNMENT LOT ONE (1) OF SECTION SEVEN (7), TOWNSHIP SEVENTEEN (17) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

Exhibit A

COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION SEVEN (7); THENCE NORTH 88°36'41" EAST ALONG SAID SECTION SEVEN (7) A DISTANCE OF 24.75 FEET; THENCE SOUTH 01°09'10" EAST, A DISTANCE OF 24.75 FEET TO A POINT ON THE STATUTORY RIGHT OF WAY OF EAST 131ST STREET SOUTH; ALSO BEING THE POINT OF BEGINNING; THENCE NORTH 88°36'41" ALONG SAID STATUTORY RIGHT OF WAY, A DISTANCE OF 30.00 FEET; THENCE SOUTH 43°43'46" WEST, A DISTANCE OF 42.51 FEET TO A POINT ON THE STATUTORY RIGHT OF WAY OF SOUTH MINGO ROAD EAST; THENCE NORTH 01°09'10" WEST ALONG SAID STATUTORY RIGHT OF WAY, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACTS CONTAIN 3,2109,973 SQUARE FEET OR 73.69 ACRES.

LEGAL DESCRIPTION BASIS OF BEARINGS IS THE OKLAHOMA STATE PLANE COORDINATE SYSTEM (ZONE 3501 NORTH) WITH THE EAST LINE OF THE NORTHWEST QUARTER BEING SOUTH 01°26'24" EAST.

THIS LEGAL DESCRIPTION WAS PREPARED ON MAY 12, 2021 BY JAY P. BISSELL, OKLAHOMA LICENSED LAND SURVEYOR NO. 1318.

Rowan Grove

Planned Unit Development No. BXPUD-20.02
Zoning Case BZ-385
April 7, 2020
Major Amendment #1
May 11, 2021

Owner:
Rowan Grove LLC
5711 E 71st St. South
Tulsa, OK 74136

Prepared By:
AAB Engineering, LLC

Engineering • Surveying • Land Planning
PO Box 2136 Sand Springs, OK 74063
Office: (918) 514-4283 Fax: (918) 514-4288

Development Concept

Rowan Grove is a proposed multi-use development located on the southeast corner of South Mingo Road and 131st Street South in Bixby, Oklahoma. Exhibit B shows the areas that surround the PUD. The PUD is a Planned Unit Development overlay of an existing FD, CS, & OL zoned parcel; see Exhibit C for existing zoning map. This PUD is being requested in conjunction with an application for zoning change to RS-3 & CS which closely mirror the proposed development areas. The project proposes several commercial lots at the hard corner of the intersection and along the 131st Street frontage as well as two different residential products. The first product is located south of the commercial lots and proposes a small lot gated community. This area will be comprised of 50' wide lots and is intended to be a low maintenance development option for families looking for an upscale home with smaller yards. The larger residential portion of the project proposes a 60' and 65' lot width mix of more traditional lot sizes. The residential portions of the project will be developed along RS-3 bulk and area requirements except as modified by this PUD while the commercial portions will follow the CS guidelines. The existing site is largely vacant land that is currently within the 100 year floodplain of Haikey Creek and is split by the Old Fry Ditch #1 diversion channel. The current ongoing levee construction along Haikey Creek will remove the area from the floodplain making it available for development. The PUD comprises an area of approximately 37 acres and proposes three Development Areas as shown on Exhibit D. The updated legal description for the PUD is shown on Exhibit A. Major Amendment #1 adds 36 acres to Development Area C.

A maximum of 272 residential lots are proposed for this PUD. The proposed project will utilize the flexibility offered in the Planned Unit Development provisions of the Bixby Zoning Code to create the density desired but still ensure a quality of product that will endure for years to come.

Development pursuant to this PUD shall comply with all recommendations of the Bixby Fire Marshal, City Engineer, and City Attorney.

Development Area A Standards (Commercial)

Gross Land Area	179,971 sq. ft.	4.13 ac

Permitted Uses

Uses permitted as a matter of right by the City of Bixby Zoning Code within the CS district, including all uses customarily accessary thereto.

Minimum Lot Width	150 ft.
Maximum Number of Lots	4
Minimum Setbacks	
Front yards	50 ft.
Rear yards	10 ft.
Maximum Building Height:	70 ft.

Development Area B Standards (Gated Community)

Gross Land Area	240,467 sq. ft.	5.52 ac

Permitted Uses

Uses permitted as a matter of right by the City of Bixby Zoning Code within the RS-3 district, including all uses customarily accessary thereto.

Minimum Lot Width	50 ft.
Minimum Land Area	8,400 sf.
Minimum Lot Area	5,250 sf.
Minimum Livability Space	2000 sf.*
Maximum Number of Lots	24
Minimum Setbacks	
Front yards	20 ft.
Rear yards	20 ft.
Side yard (Both Sides)	5 ft.

Maximum Building Height:	48 ft.

*The balance of the livability space required by the code shall be considered fully met by the allocation of area within Reserve B.

Development Area C Standards (Traditional Residential)

Gross Land Area	1,192,123 sq. ft.	27.37 ac

Permitted Uses

Uses permitted as a matter of right by the City of Bixby Zoning Code within the RS-3 district, including all uses customarily accessary thereto.

Minimum Lot Width	60 ft.
Minimum Land Area	8,400 sf.
Minimum Lot Area	7,200 sf.
Maximum Number of Lots	248
Minimum Setbacks	
Front yards	25 ft.
Rear yards	20 ft.
Side yard (Both Sides)	5 ft.
Maximum Building Height:	48 ft.

Reserve Area 'A '

Reserve Area 'A' shall be established by the owner for the construction of private streets providing access to each lot owner and their invitees to and from South Mingo Road. Gates, fencing, and landscaping, including all appurtenances incidental thereto, shall be allowed within Reserve Area 'A', provided all such improvements are approved by the City of Bixby prior to installation. Reserve Area 'A' shall be conveyed to the Homeowner's Association which shall be responsible for the maintenance of all improvements contained within that reserve.

Private Streets

All streets within Development Area B of the PUD will be privately maintained by the Homeowner's Association. All streets shall be constructed according to the City of Bixby minor residential public street standards provided that a minimum reserve width within Development Area B shall be 30'. Streets shall be constructed with a minimum width of 26' face of curb to face of curb. Streets may be gated provided all such gates meet the access requirements of the City of Bixby Fire Marshal.

Drainage & Utilities

The majority of the site drains to the old Fry Ditch relief channel (aka Haikey Creek Diversion Channel or HCDC) which discharges directly to the Arkansas River. Onsite storm sewer will be constructed and will discharge directly to this channel. Fee in lieu of onsite detention is proposed for this project.

An existing 16" waterline runs north and south along the west side of South Mingo Road. A 12" waterline will be extended down the 131st right of way and a 6" waterline extension will be constructed through the development. The proposed extensions will provide fire protection and water service to the development.

An existing 10" sanitary sewer line is located along the western side of Mingo Road approximately 300' south of the development. This line will be extended along Mingo Road and into the development to serve the site as required by the City of Bixby. This line will likely be a 10" sewer line to accommodate a flatter slope and ensure sufficient depth to serve the eastern sides of the development.

Other utility services are currently provided to the site and will continue to be provided via underground services. See attached Exhibit F for the conceptual improvements plan.

Access and Circulation

All streets within the development will largely conform with the attached conceptual site plan. The primary entry to the gated portion of the subdivision will be derived from South Mingo Road as shown. Gates will be constructed to limit public access to subdivision and provide additional security for the lot owners. All such gates will be constructed according to the requirements of the City of Bixby Fire Marshal. Development Area C will derive its access for 131st Street south with two access points spaced as shown on the conceptual improvement plan. This will provide two points of access to the development as required by the City of Bixby Fire Marshal. Limits of No Access (LNA) will be imposed along all of the residential areas abutting both Mingo Rd. and 131St Street, except at street intersections. The location of the curb cut and design of the intersection shall be approved by the Fire Marshal and City Engineer.

Sidewalks shall be constructed by the developer along the residentially zoned portions of the project abutting Mingo Road and 131st Street as well as any street fronting portions of reserve areas. Sidewalks shall be constructed by the individual lot owners along all internal streets and abutting the arterial streets adjacent to commercially zoned properties in accordance with the Bixby Subdivision Regulations. Sidewalks shall be a minimum of four (4) feet in width, shall be ADA compliant, and shall be approved by the City Engineer. Additional sidewalk easements will be required within the gated community.

Screening Walls and Fences

Interior fencing and/or walls shall not extend beyond the point nearest the street at each end corner of the residence. Fencing along residentially abutted portions of Mingo Road and 131st Street shall be 6' feet in height and consist of a wood fence with masonry columns spaced no more than 60 feet center to center. All such fencing and gates shall be contained within a Fence Easement or Reserve by the plat of "Rowan Grove".

Architectural Requirements

All residential homes constructed within the PUD shall have a minimum first floor square footage of 1,300 square feet. Homes with development area C shall have a minimum square footage of 1,750 square feet. All residential homes, regardless of development area, shall be constructed with of 75% masonry (stucco, stone, or brick) to the first floor top plate, excluding windows, covered porches, and patios.

Commercial properties shall conform to the City of Bixby appearance corridor district requirements.

Environmental Analysis

The site generally slopes toward the Old Fry Ditch relief channel. The Tulsa County Soils survey defines the onsite soils primarily as Radley Silt Loam and Wynona Silty Clay Loam. These soils are generally moderately well drained and provide little issue to construction of a project as proposed. A geotechnical engineer will be contracted to perform a detailed soils analysis during the design phase of the project.

The attached Exhibit E depicts an aerial of the existing site as well as topography.

Requirement to Plat

No building permit shall be issued until a plat containing restrictive covenants memorializing the above development standards is prepared and filed in accordance with the City of Bixby Subdivision Regulations.

Schedule of Development

Development Construction is expected to begin in summer of 2021.

Legal Description
Exhibit A

(Overall Area)

A TRACT OF LAND THAT IS PART OF GOVERNMENT LOT ONE (1) AND PART OF THE NORTHWEST QUARTER (NW/4), SECTION SEVEN (7), TOWNSHIP SEVENTEEN (17) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY,STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER (NW/4); THENCE SOUTH 01°26'24" EAST ALONG THE EASTERLY LINE OF SAID NORTHWEST QUARTER (NW/4), A DISTANCE OF 660.41 FEET TO THE SOUTHEAST CORNER OF THE NORTH HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER (N/2 NE/4 NW/4); THENCE SOUTH 01°27'24" EAST ALONG THE EAST LINE OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER (S/2 NE/4 NW/4) AND THE EAST LINE OF THE NORTH HALF OF THE NORTH HALF OF THE SOUTH HALF OF THE NORTHWEST QUARTER (N/2 N/2 S/2 NW/4), A DISTANCE OF 990.50 FEET TO THE SOUTHEAST CORNER OF SAID OF SAID NORTH HALF OF THE NORTH HALF OF THE SOUTH HALF OF THE NORTHWEST QUARTER (N/2 N/2 S/2 NW/4); THENCE SOUTH 88°33'59" WEST ALONG THE SOUTH LINE OF SAID NORTH HALF OF THE NORTH HALF OF THE SOUTH HALF OF THE NORTHWEST QUARTER (N/2 N/2 S/2 NW/4), A DISTANCE OF 1542.48 FEET; THENCE NORTH 01°09'05" WEST, A DISTANCE OF 330.34 FEET TO THE SOUTH LINE OF SAID GOVERNMENT LOT ONE (1); THENCE SOUTH 88°34'35" WEST ALONG SAID SOUTH LINE, A DISTANCE OF 27.95 FEET; THENCE NORTH 14°57'46" WEST, A DISTANCE OF 679.83 FEET TO THE SOUTH LINE OF THE NORTH HALF OF SAID GOVERNMENT LOT ONE (1); THENCE NORTH 14°57'58" WEST, A DISTANCE OF 556.57 FEET; THENCE NORTH 01°26'14" WEST, A DISTANCE OF 119.95 FEET TO A POINT ON THE NORTHERLY LINE OF SAID GOVERNMENT LOT ONE (1); THENCE NORTH 88°36'41" EAST ALONG THE NORTHERLY LINE OF SAID GOVERNMENT LOT ONE (1) AND THE NORTHERLY LINE OF SAID NORTHWEST QUARTER (NW/4), A DISTANCE OF 1857.61 FEET TO THE POINT OF BEGINNING.
AND
BEGINNING AT THE NORTHWEST CORNER OF SAID GOVERNMENT LOT ONE (1); THENCE NORTH 88°36'41" EAST ALONG THE NORTHERLY LINE OF SAID GOVERNMENT LOT ONE (1), A DISTANCE OF 590.88 FEET; THENCE SOUTH 01°26'48" EAST, A DISTANCE OF 172.75 FEET; THENCE SOUTH 14°57'58" EAST, A DISTANCE OF 502.31 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID NORTH HALF (N/2) OF GOVERNMENT LOT ONE (1); THENCE SOUTH 88°35'35" WEST ALONG SAID SOUTHERLY LINE, A DISTANCE OF 711.64 FEET TO A POINT ON THE WESTERLY LINE OF SAID GOVERNMENT LOT ONE (1); THENCE NORTH 01°09'28" WEST ALONG SAID WESTERLY LINE A DISTANCE OF 661.26 FEET TO THE POINT OF BEGINNING.
LESS AND EXCEPT:
A TRACT OF LAND LOCATED IN GOVERNMENT LOT ONE (1) OF SECTION SEVEN (7), TOWNSHIP SEVENTEEN (17) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:
COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION SEVEN (7); THENCE NORTH 88°36'41" EAST ALONG SAID SECTION SEVEN (7) A DISTANCE OF 24.75 FEET; THENCE SOUTH 01°09'10" EAST, A DISTANCE OF 24.75 FEET TO A POINT ON THE STATUTORY RIGHT OF WAY OF EAST 131ST STREET SOUTH; ALSO BEING THE POINT OF BEGINNING; THENCE NORTH 88°36'41" ALONG SAID STATUTORY RIGHT OF WAY, A DISTANCE OF 30.00 FEET; THENCE SOUTH 43°43'46" WEST, A DISTANCE OF 42.51 FEET TO A POINT ON THE STATUTORY RIGHT OF WAY OF SOUTH MINGO ROAD EAST; THENCE NORTH 01°09'10" WEST ALONG SAID STATUTORY RIGHT OF WAY, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING.
THE ABOVE DESCRIBED TRACTS CONTAIN 3,2109,973 SQUARE FEET OR 73.69 ACRES.
LEGAL DESCRIPTION BASIS OF BEARINGS IS THE OKLAHOMA STATE PLANE COORDINATE SYSTEM (ZONE 3501 NORTH) WITH THE EAST LINE OF THE NORTHWEST QUARTER BEING SOUTH 01°26'24" EAST.

AAB Engineering, LLC
Engineering•Surveying•Land Planning
PO Box 2136 Sand Springs, OK 74063
OK CA#8318 Exp. June 30, 2020
KS CA#2282 Exp. Dec. 31, 2020
Office (918) 514-4283 Fax (918) 514-4288

PLOT DATE: Wed, 12 May 2021 FILE: P:\171407-ROWAN GROVE\131ST & MINGO - PUD

Legal Description
Exhibit A

(Development Area A)

A TRACT OF LAND THAT IS PART OF THE NORTH HALF (N/2) OF GOVERNMENT LOT ONE (1), SECTION SEVEN (7), TOWNSHIP SEVENTEEN (17) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID GOVERNMENT LOT 1; THENCE NORTH 88° 36'41" EAST ALONG THE NORTHERLY LINE OF SAID LOT 1 FOR 590.88 FEET; THENCE SOUTH 01°26'48" EAST FOR 172.75 FEET; THENCE SOUTH 14°57'58" EAST FOR 133.08 FEET; THENCE SOUTH 88°50'32" WEST FOR 623.51 FEET TO A POINT ON THE WESTERLY LINE OF SAID GOVERNMENT LOT 1; THENCE NORTH 01°09'28" WEST ALONG SAID WESTERLY LINE FOR 299.60 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND. CONTAINING 179,970.52 SQUARE FEET OR 4.13 ACRES.

LEGAL DESCRIPTION BASIS OF BEARINGS IN THE NORTHERLY LINE OF GOVERNMENT LOT 1 ASSUMED TO BE NORTH 88°36'41" EAST.

THIS LEGAL DESCRIPTION WAS PREPARED ON APRIL 7, 2020 BY JAY P. BISSELL, OKLAHOMA LICENSED LAN SURVEYOR NO. 1318.

AAB Engineering, LLC
Engineering • Surveying • Land Planning
PO Box 2136 Sand Springs, OK 74063
OK CA#6318 Exp June 30 2020
KS CA#2292 Exp Dec. 31 2020
Office (918) 514-4283 Fax (918) 514-4288

Legal Description
Exhibit A

(Development Area B)

A TRACT OF LAND THAT IS PART OF THE NORTH HALF (N/2) OF GOVERNMENT LOT ONE (1), SECTION SEVEN (7), TOWNSHIP SEVENTEEN (17) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID GOVERNMENT LOT 1; THENCE SOUTH 01°09'28" EAST ALONG THE WESTERLY LINE OF SAID GOVERNMENT LOT 1 FOR 299.60 FEET TO THE POINT OF BEGINNING; THENCE NORTH 88°50'32" EAST FOR 623.51 FEET; THENCE SOUTH 14°57'58" EAST FOR 369.23 FEET; THENCE SOUTH 88°35'34" WEST FOR 711.64 FEET TO A POINT ON THE WESTERLY LINE OF SAID GOVERNMENT LOT 1; THENCE NORTH 01°09'28" WEST ALONG SAID WESTERLY LINE FOR 361.66 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND. CONTAINING 240,466.85 SQUARE FEET OR 5.52 ACRES.

LEGAL DESCRIPTION BASIS OF BEARINGS IN THE WESTERLY LINE OF GOVERNMENT LOT 1 ASSUMED TO BE SOUTH 01°09'28" EAST.

THIS LEGAL DESCRIPTION WAS PREPARED ON APRIL 7, 2020 BY JAY P. BISSELL, OKLAHOMA LICENSED LAN SURVEYOR NO. 1318.

PLOT DATE: Wed, 12 May 2021 FILE: P:\1714\07-ROWAN GROVE\131ST & MINGO - PUD

AAB Engineering, LLC
Engineering • Surveying • Land Planning
PO Box 2136 Sand Springs OK 74063
OK CA0B316 Exp June 30 2020
KS CA#2282 Exp Dec 31, 2020
Office (918) 514-4283 Fax (918) 514-4288

Legal Description
Exhibit A

(Development Area C)

A TRACT OF LAND THAT IS PART OF GOVERNMENT LOT ONE (1) AND PART OF THE NORTHWEST QUARTER (NW/4), SECTION SEVEN (7), TOWNSHIP SEVENTEEN (17) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY,STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER (NW/4); THENCE SOUTH 01°26'24" EAST ALONG THE EASTERLY LINE OF SAID NORTHWEST QUARTER (NW/4), A DISTANCE OF 660.41 FEET TO THE SOUTHEAST CORNER OF THE NORTH HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER (N/2 NE/4 NW/4); THENCE SOUTH 01°27'24" EAST ALONG THE EAST LINE OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER (S/2 NE/4 NW/4) AND THE EAST LINE OF THE NORTH HALF OF THE NORTH HALF OF THE SOUTH HALF OF THE NORTHWEST QUARTER (N/2 N/2 S/2 NW/4), A DISTANCE OF 990.50 FEET TO THE SOUTHEAST CORNER OF SAID OF SAID NORTH HALF OF THE NORTH HALF OF THE SOUTH HALF OF THE NORTHWEST QUARTER (N/2 N/2 S/2 NW/4); THENCE SOUTH 88°33'59" WEST ALONG THE SOUTH LINE OF SAID NORTH HALF OF THE NORTH HALF OF THE SOUTH HALF OF THE NORTHWEST QUARTER (N/2 N/2 S/2 NW/4), A DISTANCE OF 1542.48 FEET; THENCE NORTH 01°09'05" WEST, A DISTANCE OF 330.34 FEET TO THE SOUTH LINE OF SAID GOVERNMENT LOT ONE (1); THENCE SOUTH 88°34'35" WEST ALONG SAID SOUTH LINE, A DISTANCE OF 27.95 FEET; THENCE NORTH 14°57'46" WEST, A DISTANCE OF 679.83 FEET TO THE SOUTH LINE OF THE NORTH HALF OF SAID GOVERNMENT LOT ONE (1); THENCE NORTH 14°57'58" WEST, A DISTANCE OF 556.57 FEET; THENCE NORTH 01°26'14" WEST, A DISTANCE OF 119.95 FEET TO A POINT ON THE NORTHERLY LINE OF SAID GOVERNMENT LOT ONE (1); THENCE NORTH 88°36'41" EAST ALONG THE NORTHERLY LINE OF SAID GOVERNMENT LOT ONE (1) AND THE NORTHERLY LINE OF SAID NORTHWEST QUARTER (NW/4), A DISTANCE OF 1857.61 FEET TO THE POINT OF BEGINNING. CONTAINING 2,789,986 SQUARE FEET OR 64.05 ACRES.
LEGAL DESCRIPTION BASIS OF BEARINGS IS THE OKLAHOMA STATE PLANE COORDINATE SYSTEM (ZONE 3501 NORTH) WITH THE EAST LINE OF THE NORTHWEST QUARTER BEING SOUTH 01°26'24" EAST.

AAB Engineering, LLC
Engineering, Surveying, and Planning
PO Box 2136 Sand Springs, OK 74063
OK CA6831 Exp. June 30, 2020
KS CA#2292 Exp. Dec. 31 2020
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PLOT DATE: Wed, 12 May 2021 FILE: P:\1714\07-ROWAN GROVE\131ST & MINGO - PUD

Exhibit B

Surrounding Areas

for

Rowan Grove

AAB Engineering, LLC

Engineering • Surveying • Land Planning

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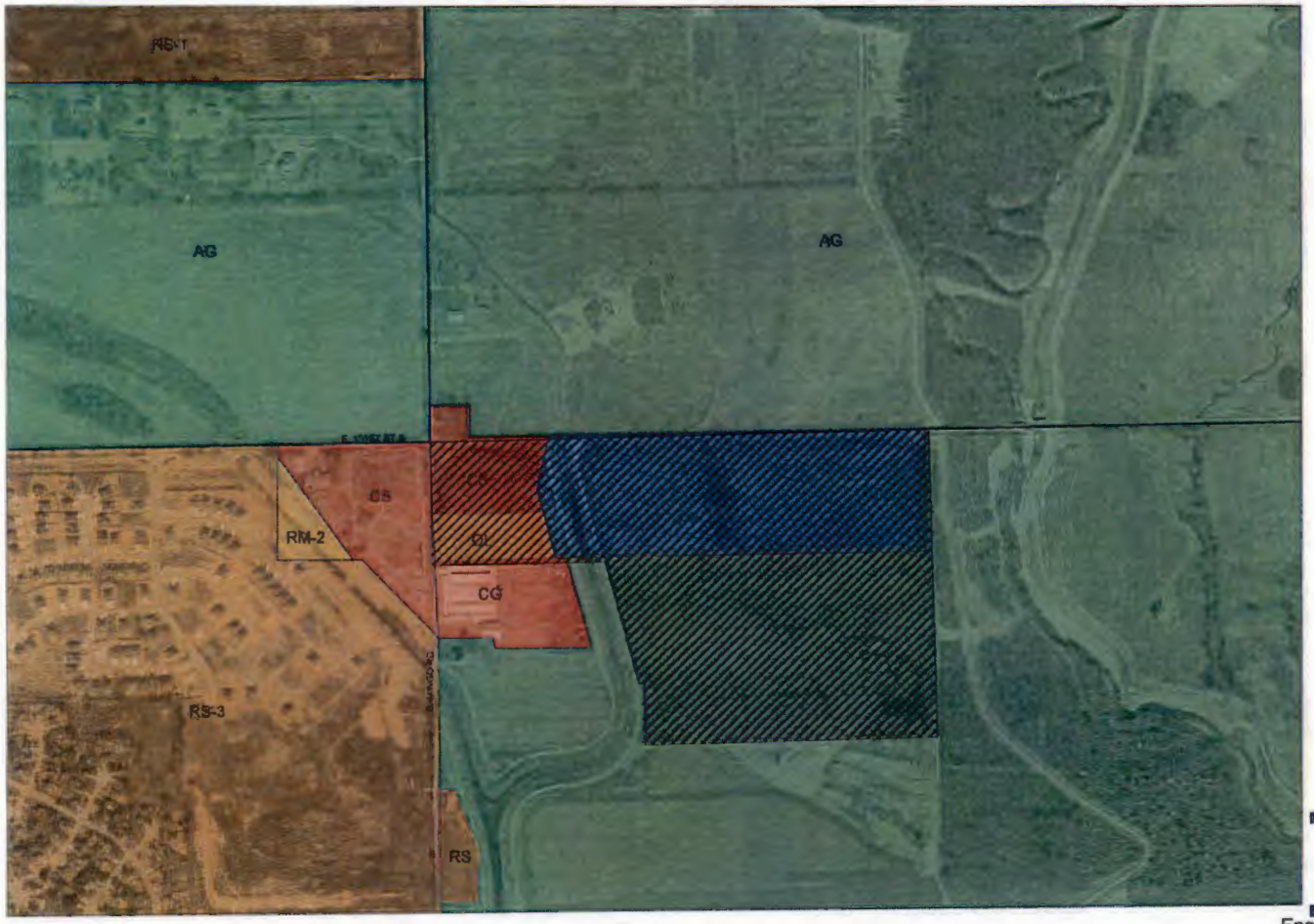
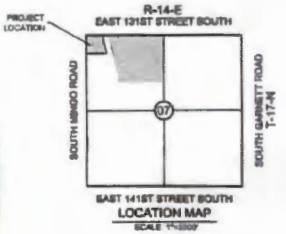
OK CA#6318 Exp. June 30, 2020
KS CA#2292 Exp. Dec. 31, 2020
Office: (918) 514-4283 Fax: (918) 514-4288

Exhibit C

Existing Zoning
for

Rowan Grove





AAB Engineering, LLC

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OK CA#6318 Exp: June 30, 2020
KS CA#2292 Exp: Dec. 31, 2020
Office: (918) 514-4283 Fax: (918) 514-4284

BEFORE YOU DIG CALL OKIE

Exhibit D

Conceptual Development Plan
for

Rowan Grove

LEGEND

- DEVELOPMENT AREA A
- DEVELOPMENT AREA B
- DEVELOPMENT AREA C

AAB Engineering, LLC

Engineering • Surveying • Land Planning

PO Box 2136 Sand Springs, OK 74063
OK CA#6316 Exp: June 30, 2020
KS CA#2282 Exp: Dec. 31, 2020
Office: (918) 514-4283 Fax: (918) 514-4284

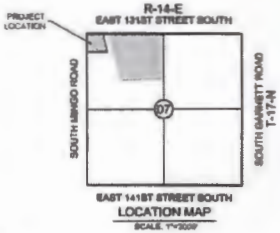
BEFORE YOU DIG CALL OKIE

Exhibit E

Existing Topo & Aerial

for

Rowan Grove



LOCATION MAP

SCALE: 1"=2000'

AAB Engineering, LLC

Engineering • Surveying • Land Planning

PO Box 2136 Sand Springs, OK 74063

OK CA#6318 Exp. June 30, 2020

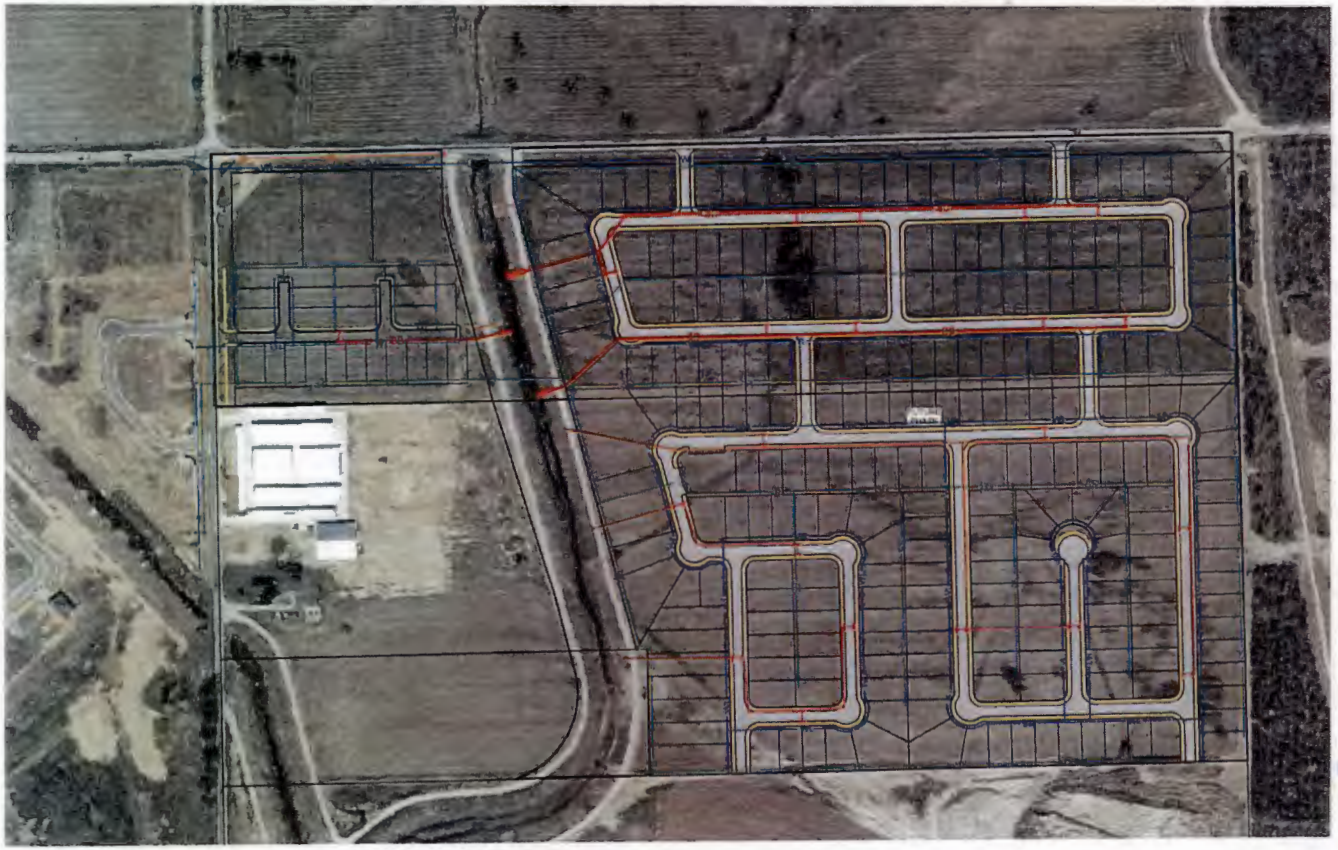
KS CA#2282 Exp. Dec. 31, 2020

Office: (918) 514-4283 Fax: (918) 514-4288

Exhibit F

Conceptual Improvement Plan
for

Rowan Grove



LEGEND

PROPOSED STORM SEWER
PROPOSED SANITARY SEWER
PROPOSED WATERLINE
(8" UNLESS OTHERWISE NOTED)

AAB Engineering, LLC

Engineering • Surveying • Land Planning

PO Box 2136 Sand Springs, OK 74063
OK CA#6316 Exp: June 30, 2020
KS CA#2262 Exp: Dec. 31, 2020
Office: (918) 514-4283 Fax: (918) 514-4288

City of Bixby
P.O. Box 70
116 W. Needles Ave.
Bixby, OK 74008
(918) 366-4430

Staff Agenda Commentary
July 26, 2021

Item Titles(s):
Rowan Grove II – Preliminary Plat (BXPT-21.06) Located: Southeast of the Southeast corner of South Mingo Road and East 131st Street South, Bixby, Oklahoma

Presenter:
Carolyn Back, Development Services Director / City Planner

Staff Information Source:
Comprehensive Plan, Zoning Code, Applicant Exhibit(s)

Background:
Heard by Planning Commission on July 19, 2021.
Zero (0) citizens spoke for/against the request at the Planning Commission public hearing

07.26.21 Comp Plan Future Land Use Map Amendment – on City Council for action

Project Overview:

# of Acres	36.68 (+/-)	Min Lot Width	See attached PUD
# of Lots	276	Min Lot Size	See attached PUD
# of Blocks	14	Avg Dwelling Units	None provided
# of Phases	None specified	# of Reserve Areas	2 (Plat depicts 1)

Amenities: To be disclosed by applicant at the hearing

Exhibits:
Exhibit A: Planning Commission Staff Report dated 07.19.2021

Key Issue:
Approval

Recommendation:
Staff recommends approval of the Rowan Grove II Rezone and Major Amendment to the PUD per Planning Commission recommendation and Staff comments.

City of Bixby
P.O. Box 70
116 W. Needles Ave.
Bixby, OK 74008
(918) 366-4430

Staff Report

To: City of Bixby, Planning Commission

From: Carolyn Back, Development Services Director/City Planner
Donna Crawford, Assistant City Planner

Date: Monday, July 19, 2021

Name: Rowan Grove

(NOTE: Rezone (BXZO-21.09), Planned Unit Development (BXPUD-21.06) and Comprehensive Plan Amendment (BXCP-21.07) for AAB Engineering are running under separate Staff Reports on the 07.19.21 Planning Commission Agenda)

RE: Rowan Grove – Preliminary Plat BXPT-21.06

Location: East 131st Street and South Mingo Road, Bixby, Oklahoma 74008

Site Stats:

Acres:	76.62 +/-
Number of Lots:	276
Lot Size:	7,200 +/-
Number of Blocks:	14

STR: Section 07, Township 17N, Range 14E

Applicant: AAB Engineering, LLC

Request:
AAB Engineering is requesting Preliminary Plat approval. The Preliminary Plat is accompanying the Comprehensive Plan Amendment, Planned Unit Development, and Rezone applications which are running concurrently with this application.

Existing Zoning; Use:
Agriculture (AG); Vacant

Abutting Zoning; Use:
North: (AG) Agriculture; Single-Family dwelling; (CS) Commercial Shopping; Vacant
East: (AG) Agriculture; Vacant
South: (AG) Agriculture; Vacant; (OL) Office Light; Vacant; (CG) Commercial General; Mini-Storage
West: (RS-3) Residential Single-Family; Single Family dwellings; (CS) Commercial Shopping; Vacant

Proposed Zoning; Use:
(RS-3) Residential Single-Family; Single-Family dwellings (Rowan Grove)

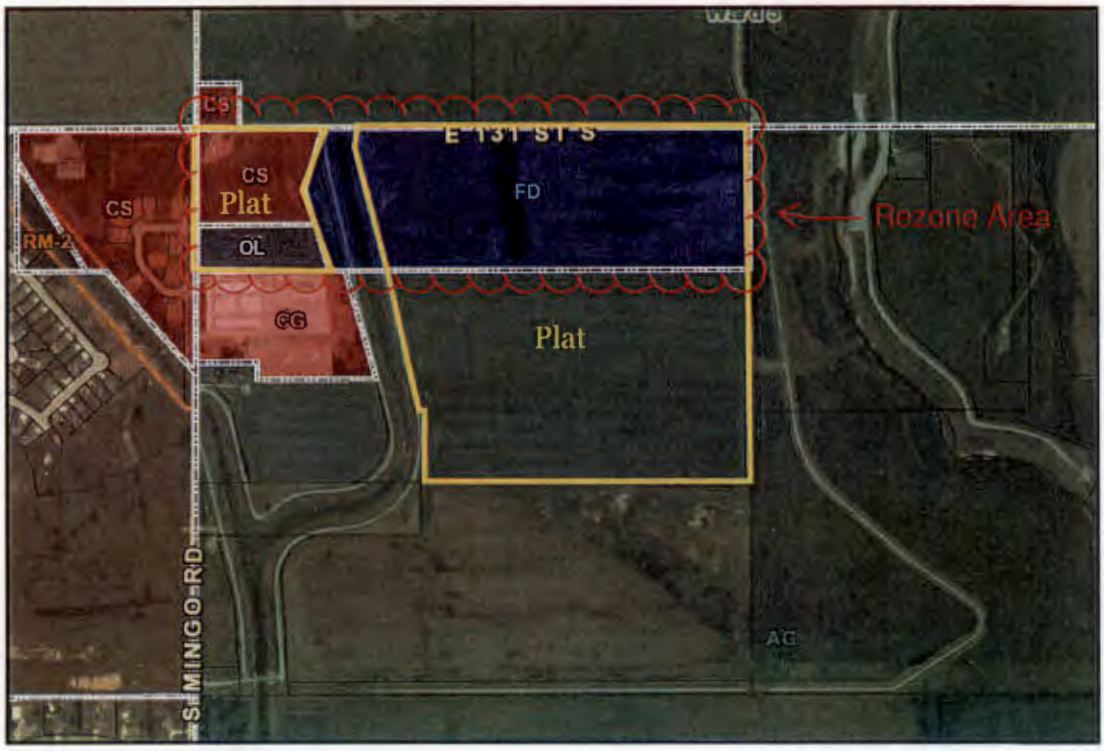


Figure 1: City of Bixby Zoning Map

Staff Review

The applicant is requesting a Preliminary Plat approval along with a Comprehensive Plan Amendment, Rezone, and Planned Unit Development. The proposed development is consistent with development patterns on adjacent and surrounding properties.

The rezone running concurrently with this application will also put in action an update to the Comprehensive Plan, 2030 Future Land Use Map. An application has been submitted and scheduled to be heard in our quarterly City Council Comprehensive Plan Amendment reviews during their July 26, 2021 hearing.

Utilities/Site Area: An existing 16" waterline runs North/South along West side of South Mingo Road to be extended to serve the proposed development. A 10" sanitary sewer line along the West side of Mingo Road, to be extended along Mingo, with an approved Department of Environmental Quality Permit to Construct for the extensions of water and the sanitary sewer. Storm water will discharge directly to the Hailey Creek Diversion Channel. Fee-In-Lieu of onsite detention is proposed.

Planning Review Comments:

1. Face of Plat – Statistical Summary does not match application lot count
2. Section I – Private Streets and Maintenance Obligations, K.3– Rewrite as follows: PRIVATE STREETS AND SIDEWALKS ABUTTING PRIVATE STREETS SHALL BE CONSTRUCTED TO MEET OR EXCEED THE CITY OF BIXBY ENGINEERING STANDARDS.
3. Section I - Reserve Area "B", J. – Please identify the Reserve Area "B" on Plat

Engineering Review Comments: Please see attached memo dated July 6, 2021

Public Comments: No comments have been received at time of writing.

Staff Comments:

1. Staff supports Planning Commission recommendation for approval of the requested Preliminary Plat with Planning and Engineering comments implemented before moving to Council.

Figures: Figure 1: City of Bixby Zoning Map

Attachments:
Exhibit A: Preliminary Plat by AAB Engineering, LLC, dated 05.13.2021
Exhibit B: Development Services – Engineering Memo dated 07.06.2021

CITY OF BIXBY
P.O. Box 70
116 W. Needles Ave.
BIXBY, OK 74008
(918) 366-4430
(918) 366-6373 (fax)

Development Services – Engineering Memo

To: Carolyn Back, Development Services Director

From: Justin Dowd, Assistant City Engineer

CC: Public Works
Donna Crawford, Assistant City Planner
File

Date: July 6, 2021

Re: **Rowan Grove – Preliminary Plat**

Plat Comments:

1. Where is Reserve "B"? Labelled in Section I.J., but not seen in plan view
2. Easements don't match engineering plans for Phase I. Block numbers do not match either.
3. Sheet 1 – Keep an eye on length of Streets J, K, and L in Blocks 2 and 3; may require a hammerhead or Y for fire protection
4. Sheet 1 – Rear yard easement along both property lines shall be 11 feet for a total of 22 feet; see Blocks 3, 8, 9, 11, 12, and 13
5. Sheet 1 – Side yards containing utilities shall be 11' in width for a total of 22 feet
6. Sheet 1 – Provide 11' rear yard U/E for east-west sanitary sewer run through Blocks 10, 14, and 7. Revise location of SS to fit within 11' U/E.
7. Sheet 1 – Extend north-south run of sanitary sewer south into lots 45 and 11, block 12
8. Sheet 1 – Extend east-west run of sanitary sewer east to ROW in southeast corner of property
9. Sheet 1 – Provide an easement for north-south run of sanitary sewer in Block 12.
10. Sheet 1 – Place waterline around the outside of Streets A and B (Blocks 8 and 9)
11. Sheet 1 – Is waterline in Block 2 located in a reserve area? Does reserve area allow for utilities?
12. Sheet 1 – Storm Sewer shall extend to toe of channel
13. Sheet 1 – Storm Sewer at Street C (Blocks 10 and 12) shall square up to channel and come to toe of channel
14. Sheet 1 – Provide easement for storm sewer located in Lots 6, 7, 12, and 13, Block 13
15. Sheet 2 – No permanent structure shall encroach UE; see Section I.F.
16. Sheet 2 – Update Tulsa County language; see Sections I.G. and III.C.

Exhibit B

PRELIMINARY PLAT

Rowan Grove

AN ADDITION TO THE CITY OF BIXBY BEING A PART OF THE NORTH HALF (N/2) OF GOVERNMENT LOT ONE (1) AND PART OF THE NORTH HALF (N/2) OF THE NORTH-WEST QUARTER (N/2 NE/4 NW/4), SECTION SEVEN (7), TOWNSHIP SEVENTEEN (17) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA

DRAWING SCALE: 1"= 150'

PROJECT LOCATION

R-14-E

EAST 161ST STREET SOUTH

SOUTH MINGO ROAD

07

SOUTH GARNETT ROAD

T-17-N

EAST 141ST STREET SOUTH

LOCATION MAP

SCALE: 1"=1000'

OWNER/DEVELOPER

ROWAN GROVE LLC.
8711 S. 71ST. E. AV. 9
SUITE 120
TULSA, OK 74133
PHONE: 918.488.4804
ATTN: JIM ROBERTS

ENGINEER/SURVEYOR

AAB ENGINEERING LLC
CERTIFICATE OF AUTHORIZATION NO. 6958, EXP. JUNE 30, 2023
PO BOX 2136
SAND SPRINGS, OK 74063
PHONE: 918.514.4883
FAX: 918.514.4886
EMAIL: AAB @ AABENG.COM

LEGEND

BL	BUILDING LINE
L/NA	LIMITS OF NO ACCESS
RA	RESTRICTED ACCESS
POB	POINT OF BEGINNING
POC	POINT OF COMMENCEMENT
ROW	RIGHT OF WAY
UE	UTILITY EASEMENT
SU	BUILDING LINE & UTILITY EASEMENT
FUE	FENCE & LANDSCAPE EASEMENT
ODE	OVERLAND DRAINAGE EASEMENT
PF	IRON PIN FOUND
PS	IRON PIN SET
Lmail	ADDRESS

SUBDIVISION STATISTICS

SUBDIVISION CONTAINS TWO HUNDRED EIGHTY-SIX (286) LOTS IN FOURTEEN (14) BLOCKS AND 2 RESERVE AREAS CONTAINING 78.62 ACRES

BLOCK 1	3.17 ACRES - 9 LOTS
BLOCK 2	1.82 ACRES - 10 LOTS
BLOCK 3	1.69 ACRES - 11 LOTS
BLOCK 4	4.17 ACRES - 18 LOTS
BLOCK 5	2.43 ACRES - 10 LOTS
BLOCK 6	3.10 ACRES - 16 LOTS
BLOCK 7	3.46 ACRES - 19 LOTS
BLOCK 8	3.73 ACRES - 23 LOTS
BLOCK 9	3.73 ACRES - 21 LOTS
BLOCK 10	6.46 ACRES - 20 LOTS
BLOCK 11	2.19 ACRES - 13 LOTS
BLOCK 12	5.01 ACRES - 30 LOTS
BLOCK 13	7.69 ACRES - 43 LOTS
BLOCK 14	3.73 ACRES - 22 LOTS
RESERVE A	1.35 ACRES
STREETS	34.31 ACRES

FLOODPLAIN

THIS PROPERTY IS LOCATED WITHIN ZONE AE AND ZONE AE FLOODWAY AS SHOWN ON FIRM PANEL 40143C0061 H, DATED OCTOBER 16, 2012.

CONTACTS

MUNICIPAL AUTHORITY
CITY OF BIXBY
116 W. NEEDLES P.O. BOX 70
BIXBY, OK 74008

UTILITY

OKLAHOMA NATURAL GAS COMPANY
2238 W. EDISON ST.
TULSA, OK 74127
918-494-8080

PUBLIC SERVICE COMPANY OF OKLAHOMA
212 E. 6TH ST.
TULSA, OK 74119
1-888-216-3523

AT&T
6363 E. 71ST STREET
TULSA, OK 74133
918-596-8423

OCK COMMUNICATIONS
11811 EAST 91ST STREET
TULSA, OK 74145
918-336-4650

SITE DATA

BENCHMARK
603 NAIL IN BRACE POST, 24 FEET NORTH (-0.6 FEET WEST OF NE PROPERTY CORNER
ELEV.= 652.01' (NAVD '1988)

BASIS OF BEARINGS
ASSUMED BEARING OF N 88°39'11" E ALONG THE NORTH LINE OF THE NW/4 OF SECTION 7, T-17-N, R-14-E OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA

LAND AREA
3,332,788.40 SF / 76.52 ACRES

MONUMENTATION
A 3/8" X 18" REBAR WITH A YELLOW PLASTIC CAP STAMPED "CANDIS" TO BE SET AT ALL LOT CORNERS, POINTS OF CURVE, POINTS OF TANGENT, POINTS OF COMPOUND CURVE, POINTS OF REVERSE CURVE, UNLESS NOTED OTHERWISE.

ADDRESSES
ADDRESSES SHOWN ON THIS PLAT WERE ACCURATE AT THE TIME THIS PLAT WAS FILED. ADDRESSES ARE SUBJECT TO CHANGE AND SHOULD NEVER BE RELIED ON IN PLACE OF LEGAL DESCRIPTION.

CURVE TABLE

CURVE #	LENGTH	RADIUS	CHORD DISTANCE	CHORD BEARING
C1	39.27'	25.00'	35.36'	S46°39'41"W
C2	39.27'	25.00'	35.36'	N46°20'19"W
C3	39.27'	25.00'	35.36'	S43°39'41"W
C4	39.27'	25.00'	35.36'	S46°20'19"E
C5	141.07'	90.00'	89.15'	S46°20'19"E
C6	144.07'	90.00'	89.14'	S43°39'41"W
C7	39.27'	25.00'	35.37'	S43°39'41"W
C8	39.27'	25.00'	35.36'	S46°20'19"E
C9	141.07'	90.00'	89.15'	S46°39'41"W
C10	39.27'	25.00'	35.36'	S46°20'19"E
C11	13.79'	25.00'	13.74'	N70°46'12"E
C12	191.71'	63.00'	86.83'	S46°20'19"E
C13	13.79'	25.00'	13.74'	S73°13'48"W
C14	39.27'	25.00'	35.36'	S43°39'41"W
C15	48.19'	25.00'	34.29'	N39°48'28"E
C16	33.35'	25.00'	30.82'	N83°16'08"W
C17	144.07'	90.00'	89.15'	N46°20'19"W
C18	144.07'	90.00'	89.15'	N43°39'41"E
C19	39.27'	25.00'	35.36'	N46°20'19"E
C20	39.27'	25.00'	35.36'	N46°20'19"W
C21	39.27'	25.00'	35.36'	S43°39'41"W
C22	39.27'	25.00'	35.36'	S46°20'19"E
C23	39.27'	25.00'	35.36'	N43°39'41"E
C24	39.27'	25.00'	35.36'	S46°20'19"E
C25	138.53'	63.00'	97.89'	S51°23'23"E
C26	15.69'	25.00'	15.43'	S73°04'41"E
C27	134.68'	90.00'	84.47'	S36°46'28"W
C28	39.27'	25.00'	35.36'	S43°39'41"W
C29	39.27'	25.00'	35.36'	S46°20'19"E
C30	134.07'	90.00'	84.17'	S53°39'41"W
C31	126.68'	85.00'	84.17'	S36°46'28"W
C32	48.19'	25.00'	39.29'	N56°46'28"E
C33	33.39'	25.00'	30.99'	N83°29'09"W
C34	39.27'	25.00'	35.36'	S43°39'41"W
C35	39.27'	25.00'	35.36'	N46°20'19"W
C36	39.27'	25.00'	35.36'	N43°39'41"E
C37	39.27'	25.00'	35.36'	S46°20'19"E
C38	39.27'	25.00'	35.36'	N43°39'41"E
C39	39.27'	25.00'	35.36'	N46°20'19"W
C40	39.27'	25.00'	35.36'	N43°39'41"E
C41	39.27'	25.00'	35.36'	N43°39'41"E
C42	39.27'	25.00'	35.36'	S46°20'19"E
C43	39.27'	25.00'	35.36'	S46°20'19"E
C44	39.27'	25.00'	35.36'	S43°39'41"W
C45	39.27'	25.00'	35.36'	S46°20'19"E
C46	39.27'	25.00'	35.36'	N43°39'41"E
C47	21.63'	25.00'	20.41'	N59°29'09"W
C48	241.79'	63.00'	99.87'	N85°39'11"E
C49	23.03'	25.00'	22.27'	S21°57'27"W
C50	39.27'	25.00'	35.36'	N43°39'41"E
C51	39.27'	25.00'	35.36'	N46°20'19"W
C52	39.27'	25.00'	35.36'	N43°39'41"E
C53	39.27'	25.00'	35.36'	N46°20'19"W
C54	39.27'	25.00'	35.36'	N43°39'41"E
C55	39.27'	25.00'	35.36'	S46°20'19"E
C56	39.27'	25.00'	35.36'	S43°39'41"W
C57	39.27'	25.00'	35.36'	S46°20'19"E
C58	39.27'	25.00'	35.36'	N43°39'41"E

CITY OF BIXBY
MAY 13 2021
RECEIVED

ROWAN GROVE
Sheet 1 of 2

Exhibit A

PRELIMINARY PLAT

Rowan Grove

AN ADDITION TO THE CITY OF BIXBY BEING A PART OF THE NORTH HALF (N/2) OF GOVERNMENT LOT ONE (1) AND PART OF THE NORTH HALF (N/2) OF THE NORTHWEST QUARTER (N/2 NE/4 NW/4), SECTION SEVEN (7), TOWNSHIP SEVENTEEN (17) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA

OWNER/DEVELOPER
ROWAN GROVE LLC.
9714 E. 71ST. ST. S
SUITE 103
TULSA, OK 74133
PHONE: 918.494.4004
ATTN: JIM ROBERTS

ENGINEER/SURVEYOR
AAB ENGINEERING LLC
CERTIFICATE OF AUTHORIZATION NO. 8918, EXP. JUNE 30, 2022
PO BOX 3189
SAND SPRINGS, OK 74063
PHONE: 918.514.4283
FAX: 918.514.4289
EMAIL: ALAN @ AABENG.COM

KNOW ALL MEN BY THESE PRESENTS:
JIM ROBERTS, HEREINAFTER REFERRED TO AS THE "OWNER", IS THE OWNER OF THE FOLLOWING DESCRIBED LAND IN TULSA COUNTY, STATE OF OKLAHOMA, TO-WIT:

A TRACT OF LAND THAT IS PART OF GOVERNMENT LOT ONE (1) AND PART OF THE NORTHWEST QUARTER (NW/4), SECTION SEVEN (7), TOWNSHIP SEVENTEEN (17) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY,STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER (NW/4); THENCE SOUTH 01°39'24" EAST ALONG THE EASTERLY LINE OF SAID NORTHWEST QUARTER (NW/4), A DISTANCE OF 660.45 FEET TO THE SOUTHEAST CORNER OF THE NORTH HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER (N/2 NE/4 NW/4); THENCE SOUTH 87°37'16" EAST ALONG THE EAST LINE OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER (N/2 NE/4 NW/4) AND THE EAST LINE OF THE NORTH HALF OF THE NORTH HALF OF THE SOUTH HALF OF THE NORTHWEST QUARTER (N/2 N/2 S/2 NW/4), A DISTANCE OF 660.80 FEET TO THE SOUTHEAST CORNER OF SAID GOVERNMENT LOT ONE (1); THENCE SOUTH 88°35'59" WEST ALONG THE SOUTH LINE OF SAID GOVERNMENT LOT ONE (1), THENCE SOUTH 88°36'09" WEST ALONG THE SOUTH LINE OF SAID NORTH HALF OF THE SOUTH HALF OF THE NORTH HALF OF THE NORTHWEST QUARTER (N/2 N/2 S/2 NW/4), A DISTANCE OF 1340.48 FEET; THENCE NORTH 01°39'09" WEST, A DISTANCE OF 330.34 FEET TO THE SOUTH LINE OF SAID GOVERNMENT LOT ONE (1); THENCE SOUTH 88°36'09" WEST ALONG SAID SOUTH LINE, A DISTANCE OF 27.06 FEET; THENCE NORTH 14°54'46" WEST, A DISTANCE OF 676.89 FEET TO THE SOUTH LINE OF THE NORTH HALF OF SAID GOVERNMENT LOT ONE (1); THENCE NORTH 14°57'56" WEST, A DISTANCE OF 660.67 FEET; THENCE NORTH 01°39'24" WEST, A DISTANCE OF 119.85 FEET TO A POINT ON THE NORTHERLY LINE OF SAID GOVERNMENT LOT ONE (1); THENCE NORTH 88°44'41" EAST ALONG SAID NORTHERLY LINE OF SAID GOVERNMENT LOT ONE (1) AND THE NORTHERLY LINE OF SAID NORTHWEST QUARTER (NW/4), A DISTANCE OF 1497.91 FEET TO THE POINT OF BEGINNING.

AND

BEGINNING AT THE NORTHWEST CORNER OF SAID GOVERNMENT LOT ONE (1); THENCE NORTH 88°36'41" EAST ALONG THE NORTHERLY LINE OF SAID GOVERNMENT LOT ONE (1), A DISTANCE OF 699.94 FEET; THENCE SOUTH 01°29'49" EAST, A DISTANCE OF 173.76 FEET; THENCE SOUTH 14°57'56" EAST, A DISTANCE OF 663.91 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID NORTH HALF (N/2) OF GOVERNMENT LOT ONE (1); THENCE SOUTH 88°36'09" WEST ALONG SAID SOUTHERLY LINE, A DISTANCE OF 711.84 FEET TO A POINT ON THE WESTERLY LINE OF SAID GOVERNMENT LOT ONE (1); THENCE NORTH 01°07'28" WEST ALONG SAID WESTERLY LINE A DISTANCE OF 661.28 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT:

A TRACT OF LAND LOCATED IN GOVERNMENT LOT ONE (1) OF SECTION SEVEN (7), TOWNSHIP SEVENTEEN (17) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION SEVEN (7); THENCE NORTH 88°36'41" EAST ALONG SAID SECTION SEVEN (7) A DISTANCE OF 2675 FEET; THENCE SOUTH 01°39'49" EAST, A DISTANCE OF 34.75 FEET TO A POINT ON THE STATUTORY RIGHT OF WAY OF SAID 121ST STREET SOUTH; ALSO BEING THE POINT OF BEGINNING; THENCE SOUTH 88°36'41" EAST ALONG SAID STATUTORY RIGHT OF WAY, A DISTANCE OF 30.00 FEET; THENCE SOUTH 43°46'46" WEST, A DISTANCE OF 42.61 FEET TO A POINT ON THE STATUTORY RIGHT OF WAY OF SOUTH MEMO ROAD EAST; THENCE NORTH 01°39'09" WEST ALONG SAID STATUTORY RIGHT OF WAY, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACTS CONTAIN 9,219,673 SQUARE FEET OR 79.69 ACRES.

AND HAS CAUSED THE ABOVE DESCRIBED TRACT OF LAND TO BE SURVEYED, STAKED, PLATTED AND SUBDIVIDED INTO 286 LOTS IN 14 BLOCKS AND 1 RESERVE, IN CONFORMITY WITH THE ACCOMPANYING PLAT, AND HAS DESIGNATED THE SUBDIVISION AS "ROWAN GROVE", A SUBDIVISION IN TULSA COUNTY, OKLAHOMA (HEREINAFTER REFERRED TO AS "ROWAN GROVE" OR THE "SUBDIVISION").

THE OWNER DOES HEREBY MAKE THE FOLLOWING DEDICATIONS AND GRANTS AND AGREES TO BE BOUND BY THE FOLLOWING PROTECTIVE COVENANTS AND RESTRICTIONS FOR THE SUBDIVISION OF THE ABOVE DESCRIBED LAND WHICH SHALL BE DESIGNATED AND REFERRED TO HEREIN AS "ROWAN GROVE".

SECTION I. PUBLIC STREETS, EASEMENTS AND UTILITIES

A. PUBLIC STREETS AND GENERAL UTILITY EASEMENTS
THE OWNER/DEVELOPER DOES HEREBY DEDICATE FOR PUBLIC USE THE STREETS DEPICTED ON THE ACCOMPANYING PLAT AND DOES FURTHER DEDICATE FOR PUBLIC USE THE UTILITY EASEMENTS AS DEPICTED ON THE ACCOMPANYING PLAT AS "UE" OR "UTILITY EASEMENT", FOR OWNER/DEVELOPER AND ALL UTILITY SERVICES WITH FRANCHISE RIGHTS WITHIN THE CITY OF BIXBY FOR THE SEVERAL PURPOSES OF CONSTRUCTING, MAINTAINING, OPERATING, REPAIRING, REPLACING, AND/OR REMOVING ANY AND ALL PUBLIC UTILITIES, INCLUDING STORM SEWERS, SANITARY SEWERS, TELEPHONE AND COMMUNICATION LINES, ELECTRIC POWER LINES AND TRANSFORMERS, GAS LINES, WATER LINES AND CABLE TELEVISION LINES, TOGETHER WITH ALL PIPING, INCLUDING THE POLES, WIRES, CONDUITS, PIPES, VALVES, METERS AND EQUIPMENT FOR EACH OF SUCH FACILITIES AND ANY OTHER APPURTENANCES THERETO, WITH THE RIGHTS OF INGRESS AND EGRESS TO AND UPON THE UTILITY EASEMENTS FOR THE USES AND PURPOSES AFORESAID; PROVIDED HOWEVER, THE OWNER/DEVELOPER HEREBY RESERVES THE RIGHT TO CONSTRUCT, MAINTAIN, OPERATE, LAY AND RE-LAY ALL UTILITY LINES, INCLUDING WATER LINES AND SEWER LINES, EXCLUDING GAS LINES AND GAS SERVICE LINES, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS FOR SUCH CONSTRUCTION, MAINTENANCE, OPERATION, LAYING AND RE-LAYING OVER, ACROSS AND ALONG ALL OF THE UTILITY EASEMENTS DEPICTED ON THE PLAT, FOR THE PURPOSE OF FURNISHING WATER SERVICE, SEWER SERVICE AND ALL UTILITY SERVICES, EXCLUDING NATURAL GAS, TO THE AREA INCLUDED IN THE PLAT AND ELSEWHERE, AS MAY BE REQUIRED. THE OWNER/DEVELOPER HEREIN IMPOSES A RESTRICTIVE COVENANT, WHICH COVENANT SHALL BE BINDING ON EACH LOT OWNER AND SHALL BE ENFORCEABLE BY THE CITY OF BIXBY, OKLAHOMA, AND BY THE SUPPLIER OF ANY AFFECTED UTILITY SERVICE, THAT WITHIN THE UTILITY EASEMENTS DEPICTED ON THE ACCOMPANYING PLAT NO BUILDING, STRUCTURE OR OTHER ABOVE OR BELOW GROUND OBSTRUCTION SHALL BE PLACED, ERECTED, INSTALLED OR MAINTAINED, PROVIDED HOWEVER, NOTHING HEREIN SHALL BE DEEMED TO PROHIBIT DRIVES, PARKING AREAS, CURBING, LANDSCAPING, CUSTOMARY SCREENING FENCES AND WALLS THAT DO NOT CONSTITUTE AN OBSTRUCTION.

B. UTILITY SERVICE
1. OVERHEAD LINES FOR THE SUPPLY OF ELECTRIC, TELEPHONE AND CABLE TELEVISION SERVICING MAY BE LOCATED WITHIN THE PERIMETER EASEMENTS OF THE SUBDIVISION. STREET LIGHT POLES OR STANDARDS MAY BE SERVED BY OVERHEAD LINE OR UNDERGROUND CABLE, AND ELSEWHERE THROUGHOUT THE SUBDIVISION, ALL SUPPLY LINES INCLUDING ELECTRIC, TELEPHONE, CABLE TELEVISION AND GAS LINES SHALL BE LOCATED UNDERGROUND IN EASEMENTS DEDICATED FOR GENERAL UTILITY SERVICES AND IN THE RIGHTS-OF-WAY OF THE PUBLIC STREETS AS DEPICTED ON THE ACCOMPANYING PLAT. SERVICE PEDESTALS AND TRANSFORMERS, AS SOURCES OF SUPPLY AT SECONDARY VOLTAGES, MAY ALSO BE LOCATED IN GENERAL UTILITY EASEMENTS.
2. UNDERGROUND SERVICE CABLES AND GAS SERVICE LINES TO ALL STRUCTURES WITHIN THE SUBDIVISION MAY BE EXTENDED FROM THE NEAREST GAS MAIN, SERVICE PEDESTAL OR TRANSFORMER TO THE POINT OF USAGE DETERMINED BY THE LOCATION AND CONSTRUCTION OF SUCH STRUCTURE UPON THE LOT, PROVIDED, UPON INSTALLATION OF A SERVICE CABLE OR GAS SERVICE LINE TO A PARTICULAR STRUCTURE, THE SUPPLIER OF SERVICE SHALL THEREAFTER BE DEEMED TO HAVE A DEFINITIVE, PERMANENT, EFFECTIVE AND NON-EXCLUSIVE EASEMENT ON THE LOT, COVERING A 5 FOOT STRIP EXTENDING 2.5 FEET ON EACH SIDE OF THE SERVICE CABLE OR LINE EXTENDING FROM THE GAS MAIN, SERVICE PEDESTAL OR TRANSFORMER TO THE SERVICE ENTRANCE ON THE STRUCTURE.
3. THE SUPPLIER OF ELECTRIC, TELEPHONE, CABLE TELEVISION AND GAS SERVICE, THROUGH ITS AGENTS AND EMPLOYEES, SHALL AT ALL TIMES HAVE THE RIGHT OF ACCESS TO ALL UTILITY EASEMENTS SHOWN ON THE PLAT OR GRANTED OR PROVIDED FOR IN THIS DEED OF DEDICATION FOR THE PURPOSE OF INSTALLING, MAINTAINING, REMOVING OR REPLACING ANY PORTION OF THE UNDERGROUND ELECTRIC, TELEPHONE, CABLE TELEVISION OR GAS FACILITIES INSTALLED BY THE SUPPLIER OF THE UTILITY SERVICE.
4. THE OWNER OF ANY LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE UNDERGROUND SERVICE FACILITIES LOCATED ON THE OWNER'S LOT AND SHALL PREVENT THE ALTERATION OF GRADE OR ANY CONSTRUCTION ACTIVITY WHICH WOULD INTERFERE WITH THE ELECTRIC, TELEPHONE, CABLE TELEVISION OR GAS FACILITIES. EACH SUPPLIER OF THESE SERVICES SHALL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF UNDERGROUND FACILITIES, BUT THE OWNER SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR RECREATED BY ACTS OF THE OWNER OR THE OWNER'S AGENTS OR CONTRACTORS.
5. THE COVENANTS SET FORTH IN THIS SUBSECTION SHALL BE ENFORCEABLE BY EACH SUPPLIER OF THE ELECTRIC, TELEPHONE, CABLE TELEVISION OR GAS SERVICE AND THE OWNER OF ANY LOT AGREES TO BE BOUND BY THESE COVENANTS.

C. WATER, SANITARY SEWER, AND STORM SEWER SERVICE
1. THE OWNER OF THE LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE PUBLIC WATER MAINS, SANITARY SEWER MAINS AND STORM SEWERS LOCATED ON THEIR LOT.
2. WITHIN THE UTILITY EASEMENTS DEPICTED ON THE ACCOMPANYING PLAT, THE ALTERATION OF GRADE OR ANY CONSTRUCTION ACTIVITY WHICH IN THE JUDGMENT OF THE CITY OF BIXBY WOULD INTERFERE WITH PUBLIC WATER MAINS, SANITARY SEWER MAINS AND STORM SEWERS SHALL BE PROHIBITED.
3. THE CITY OF BIXBY, OKLAHOMA OR ITS SUCCESSORS, SHALL BE RESPONSIBLE FOR THE ORDINARY MAINTENANCE OF PUBLIC WATER MAINS, SANITARY SEWER MAINS AND STORM SEWERS, BUT THE OWNER OF THE LOT SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR RECREATED BY ACTS OF THE OWNER, HIS AGENTS OR CONTRACTORS.
4. THE CITY OF BIXBY, OKLAHOMA, OR ITS SUCCESSORS, SHALL AT ALL TIMES HAVE THE RIGHT OF ACCESS TO ALL EASEMENTS AS DEPICTED ON THE ACCOMPANYING PLAT, OR OTHERWISE PROVIDED FOR IN THIS DEED OF DEDICATION, FOR THE PURPOSE OF INSTALLING, MAINTAINING, REMOVING OR REPLACING ANY PORTION OF UNDERGROUND WATER, SANITARY SEWER, OR STORM SEWER FACILITIES.
5. THE FOREGOING COVENANTS SET FORTH IN THIS PARAGRAPH C SHALL BE ENFORCEABLE BY THE CITY OF BIXBY, OKLAHOMA OR ITS SUCCESSORS, AND THE OWNER OF THE LOT AGREES TO BE BOUND HEREBY.

D. GAS SERVICE
1. THE SUPPLIER OF GAS SERVICE THROUGH ITS AGENTS AND EMPLOYEES SHALL AT ALL TIMES HAVE THE RIGHT OF ACCESS TO ALL SUCH UTILITY EASEMENTS SHOWN ON THE PLAT OR AS OTHERWISE PROVIDED FOR IN THIS DEED OF DEDICATION, FOR THE PURPOSE OF INSTALLING, MAINTAINING, REMOVING, REPAIRING, OR REPLACING ANY PORTION OF THE FACILITIES INSTALLED BY THE SUPPLIER OF GAS SERVICE.
2. THE OWNER OF ANY LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE UNDERGROUND GAS FACILITIES LOCATED WITHIN THE LOT AND SHALL PREVENT THE ALTERATION OF GRADE OR ANY OTHER CONSTRUCTION ACTIVITY WHICH WOULD INTERFERE WITH GAS SERVICE. THE SUPPLIER OF GAS SERVICE SHALL BE RESPONSIBLE FOR THE ORDINARY MAINTENANCE OF ITS FACILITIES, BUT THE OWNER SHALL PAY FOR DAMAGE OR RELOCATION OF FACILITIES CAUSED OR RECREATED BY ACTS OF THE OWNER, OR THE OWNER'S AGENTS OR CONTRACTORS.
3. THE COVENANTS SET FORTH IN THIS SUBSECTION SHALL BE ENFORCEABLE BY THE SUPPLIER OF THE GAS SERVICE AND THE OWNER OF THE LOT AGREES TO BE BOUND BY THESE COVENANTS.

E. SURFACE DRAINAGE
EACH LOT WITHIN ROWAN GROVE SHALL RECEIVE AND DRAIN, IN AN UNOBSTRUCTED MANNER, THE STORM AND SURFACE WATERS FROM LOTS AND DRAINAGE AREAS OF HIGHER ELEVATION AND FROM PUBLIC STREETS AND EASEMENTS. NO LOT OWNER SHALL CONSTRUCT OR PERMIT TO BE CONSTRUCTED ANY FENCING OR OTHER OBSTRUCTIONS WHICH WOULD IMPAIR THE DRAINAGE OF STORM AND SURFACE WATERS OVER AND ACROSS THE OWNER'S LOT. THE FOREGOING COVENANTS SET FORTH IN THIS PARAGRAPH SHALL BE ENFORCEABLE BY ANY AFFECTED LOT OWNER AND BY TULSA COUNTY.

F. PAVING AND LANDSCAPING WITHIN EASEMENTS
THE OWNER OF ANY LOT DEPICTED ON THE ACCOMPANYING PLAT SHALL BE RESPONSIBLE FOR THE REPAIR OF DAMAGE TO LANDSCAPING AND PAVING OCCASIONED BY INSTALLATION OR NECESSARY MAINTENANCE OF UNDERGROUND WATER, SANITARY SEWER, STORM SEWER, NATURAL GAS, COMMUNICATION, CABLE TELEVISION OR ELECTRIC FACILITIES WITHIN THE EASEMENT AREAS DEPICTED UPON THE ACCOMPANYING PLAT, PROVIDED TULSA COUNTY, OKLAHOMA, OR ITS SUCCESSORS, OR THE SUPPLIER OF THE UTILITY SERVICE SHALL USE REASONABLE CARE IN THE PERFORMANCE OF SUCH ACTIVITIES.

G. CERTIFICATE OF OCCUPANCY RESTRICTIONS
NO CERTIFICATE OF OCCUPANCY FOR A BUILDING WITHIN THE SUBDIVISION SHALL BE ISSUED BY TULSA COUNTY, OKLAHOMA UNTIL CONSTRUCTION OF THE REQUIRED INFRASTRUCTURE (STREETS, WATER, SANITARY SEWER AND STORM SEWER SYSTEMS) SERVING THE ENTIRE SUBDIVISION HAS BEEN COMPLETED AND ACCEPTED BY TULSA COUNTY, OKLAHOMA. NOTWITHSTANDING THE FOREGOING, INFRASTRUCTURE WITHIN THE SUBDIVISION, AND IF PHASING IS AUTHORIZED, A CERTIFICATE OF OCCUPANCY FOR A BUILDING WITHIN AN AUTHORIZED PHASE MAY ISSUE UPON THE COMPLETION AND ACCEPTANCE OF THE INFRASTRUCTURE SERVING THE PARTICULAR PHASE. BUILDING CONSTRUCTION OCCURRING PRIOR TO THIS COUNTY'S ACCEPTANCE OF THE INFRASTRUCTURE SHALL BE AT RISK OF THE OWNER OF THE LOT, NOTWITHSTANDING THE ISSUANCE OF A BUILDING PERMIT.

H. LIMIT OF NO ACCESS
THE UNDERSIGNED OWNER HEREBY RELINQUISHES RIGHTS OF VEHICULAR INGRESS OR EGRESS FROM ANY PORTION OF THE PROPERTY ADJACENT TO EAST 91ST STREET SOUTH AND MEMO ROAD WITHIN SAID BOUNDS DESIGNATED "LNA" OR "LIMITS OF NO ACCESS" ON THE ACCOMPANYING PLAT.

I. RESERVE AREA "A"
THE USE OF RESERVE AREA A DEDICATED ON THE PLAT OR SUBSEQUENTLY DEDICATED FOR THE SUBDIVISION SHALL BE LIMITED TO USE AS OPEN SPACE, FENCES AND LANDSCAPING, AS WELL AS UTILITY EASEMENTS AND ARE RESERVED FOR SUBSEQUENT CONVEYANCE TO THE PROPERTY OWNERS ASSOCIATION. MAINTENANCE OF RESERVE AREAS A WILL BE THE RESPONSIBILITY OF THE OWNER UNTIL CONVEYANCE TO THE HOME OWNERS ASSOCIATION.

J. RESERVE "B"
RESERVE "B" ON THE ACCOMPANYING PLAT IS HEREBY ESTABLISHED FOR THE PURPOSES OF PERMITTING VEHICULAR AND PEDESTRIAN ACCESS TO AND FROM ALL STREETS AND AREAS ADJOINING TO AND CONTAINED WITHIN THE SUBDIVISION. RESERVE "B" SHALL BE FOR THE MUTUAL USE AND BENEFIT OF EACH OWNER OF A LOT IN THE SUBDIVISION, THEIR RESPECTIVE GUESTS, AND INVITEES, AND SHALL BE APPURTENANT TO EACH LOT, PROVIDED GOVERNMENTAL AGENCIES AND THE SUPPLIERS OF UTILITY SERVICES SHALL HAVE THE PERMANENT USE OF SUCH RESERVE EASEMENT, TO THE PROVISION OF SERVICES TO THE LOTS WITHIN THE SUBDIVISION. RESERVE "B" SHALL BE FURTHER GOVERNED BY SECTION II OF THIS DOCUMENT.

K. PRIVATE STREETS AND MAINTENANCE OBLIGATIONS
1. ALL OPERATIONS AND MAINTENANCE RESPONSIBILITIES FOR IMPROVEMENTS IN RESERVE AREAS SHALL BE ASSIGNED TO A PROPERTY OWNERS ASSOCIATION. EACH PROPERTY OWNER, BY ACCEPTANCE OF A DEED TO A PROPERTY WITHIN THE DEVELOPMENT, WILL BE DEEMED TO HAVE AGREED TO BE A MEMBER OF THE PROPERTY OWNERS ASSOCIATION AND BE SUBJECT TO ASSESSMENTS FOR MAINTENANCE OF THE COMMON AREAS AND PUBLIC OR PRIVATE IMPROVEMENTS.
2. THE CITY OF BIXBY, THE UNITED STATES POSTAL SERVICE, PRIVATE REFUSE COLLECTION SERVICES, PUBLIC UTILITY PROVIDING SERVICE TO THE SUBDIVISION AND ANY REFUSE COLLECTION SERVICE WHICH PROVIDES SERVICE WITHIN THE SUBDIVISION SHALL HAVE THE RIGHT TO ENTER AND TRAVERSE THE PRIVATE STREET AND TO OPERATE THEREON THEIR VEHICLES ALL GOVERNMENT VEHICLES INCLUDING, BUT NOT LIMITED TO, POLICE AND FIRE VEHICLES AND EQUIPMENT.
3. PRIVATE STREETS AND SIDEWALKS ABUTTED PRIVATE STREETS SHALL BE CONSTRUCTED TO MEET OR EXCEED THE CITY OF BIXBY ENGINEERING STANDARDS FOR MAJOR RESIDENTIAL STREETS AND MUST SATISFY THE PROVISIONS OF THE BIXBY METROPOLITAN AREA SUBDIVISION AND DEVELOPMENT REGULATIONS.

SECTION II. HOMEOWNERS ASSOCIATION

A. FORMATION OF HOMEOWNERS ASSOCIATION
THE OWNER HAS FORMED OR SHALL CAUSE TO BE FORMED THE ASSOCIATION OF THE OWNERS OF THE RESIDENTIAL LOTS WITHIN "ROWAN GROVE" TO BE FORMED IN ACCORDANCE WITH THE STATUTES OF THE STATE OF OKLAHOMA, AND TO BE FORMED FOR THE GENERAL PURPOSE OF MAINTAINING THE COMMON AREAS OF THE SUBDIVISION FOR THE FURTHER PURPOSES OF ENHANCING THE VALUE, DESIRABILITY AND ATTRACTIVENESS OF "ROWAN GROVE". THE DETAILS OF ASSOCIATION MEMBERSHIP, INCLUDING ASSESSMENTS SHALL BE ESTABLISHED BY A DECLARATION RECORDED OR TO BE RECORDED IN THE OFFICE OF THE COUNTY CLERK, TULSA COUNTY, OKLAHOMA.

B. MANDATORY MEMBERSHIP
EACH RECORD OWNER OF A RESIDENTIAL LOT WITHIN "ROWAN GROVE" SHALL BE A MEMBER OF THE ASSOCIATION. MEMBERSHIP IN THE ASSOCIATION SHALL BE APPURTENANT TO AND MAY NOT BE SEPARATED FROM THE OWNERSHIP OF THE RESIDENTIAL LOT.

C. ASSESSMENTS
EACH RECORD OWNER OF A RESIDENTIAL LOT WITHIN "ROWAN GROVE" SHALL BE SUBJECT TO ASSESSMENTS BY THE ASSOCIATION FOR THE PURPOSES OF MAINTENANCE AND MAINTENANCE OF THE STORMWATER DETENTION FACILITIES, PERIOD EASEMENT AND OTHER COMMON AREAS OF THE SUBDIVISION.

SECTION III. ENFORCEMENT, DURATION, AMENDMENT, AND SEVERABILITY

A. ENFORCEMENT
THE RESTRICTIONS HEREIN SET FORTH ARE COVENANTS TO RUN WITH THE LAND AND SHALL BE BINDING UPON THE OWNER, ITS SUCCESSORS AND ASSIGNS. WITHIN THE PROVISIONS OF SECTION I, PUBLIC STREETS, EASEMENTS AND UTILITIES, ARE SET FORTH CERTAIN COVENANTS AND THE ENFORCEMENT RIGHTS PERTAINING THERETO AND WHETHER OR NOT THEREIN SO STATED, THE COVENANTS WITHIN SECTION I SHALL INURE TO THE BENEFIT OF, AND BE ENFORCEABLE BY TULSA COUNTY, OKLAHOMA OR THE UNDERSIGNED OWNER/DEVELOPER OR ITS SUCCESSORS OR ASSIGNS, SHALL VIOLATION OF THE COVENANTS WITHIN SECTION I, IT SHALL BE LAWFUL FOR ANY PERSON OR PERSONS OWNING ANY LOT SITUATED WITHIN THE SUBDIVISION, OR TULSA COUNTY TO MAINTAIN ANY ACTION AT LAW OR IN EQUITY AGAINST THE PERSON OR PERSONS VIOLATING OR ATTEMPTING TO VIOLATE ANY SUCH COVENANT, TO PREVENT HIM OR THEM FROM SO DOING OR TO COMPEL COMPLIANCE WITH THE COVENANT OR TO RECOVER DAMAGES IN ANY JUDICIAL ACTION IS BROUGHT TO ENFORCE THE COVENANTS ESTABLISHED IN THIS DEED OF DEDICATION THE DEFENSE THAT THE PARTY INITIATING THE EQUITABLE PROCEEDING HAS AN ADEQUATE REMEDY AT LAW IS HEREBY WAIVED.

B. DURATION
THESE RESTRICTIONS SHALL REMAIN IN FULL FORCE AND EFFECT FOR 25 YEARS AND SHALL AUTOMATICALLY BE CONTINUED THEREAFTER FOR SUCCESSIVE PERIODS OF 10 YEARS, UNLESS TERMINATED OR AMENDED AS HEREINAFTER PROVIDED.

C. AMENDMENT
THE COVENANTS CONTAINED WITHIN SECTION I, PUBLIC STREETS, EASEMENTS AND UTILITIES, MAY BE AMENDED OR TERMINATED AT ANY TIME BY WRITTEN INSTRUMENT SIGNED, NOTED AND ACKNOWLEDGED BY THE OWNER OF THE LOT TO WHICH THE AMENDMENT OR TERMINATION IS TO BE APPLICABLE AND APPROVED BY THE TULSA METROPOLITAN AREA PLANNING COMMISSION, OR ITS SUCCESSORS AND TULSA COUNTY, OKLAHOMA.

D. SEVERABILITY
INVALIDATION OF ANY RESTRICTION SET FORTH HEREIN, OR ANY PART THEREOF, BY AN ORDER, JUDGMENT, OR DECREE OF ANY COURT, OR OTHERWISE, SHALL NOT INVALIDATE OR AFFECT ANY OF THE OTHER RESTRICTIONS OF ANY PART THEREOF AS SET FORTH HEREIN, WHICH SHALL REMAIN IN FULL FORCE AND EFFECT.

IN WITNESS WHEREOF, JIM ROBERTS, HAS EXECUTED THIS INSTRUMENT THIS _____ DAY OF _____, 2021.

JIM ROBERTS

BY: _____
OWNER/DEVELOPER

STATE OF OKLAHOMA)
) SS
COUNTY OF TULSA)

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS _____ DAY OF _____, 2021, BY _____ JIM ROBERTS.

_____
NOTARY PUBLIC
MY COMMISSION EXPIRES: _____
COMMISSION NUMBER: _____

CERTIFICATE OF SURVEY

I, JAY F. BISBEE, A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF OKLAHOMA, HEREBY CERTIFY THAT I HAVE SURVEYED, SUBDIVIDED AND PLATTED THE ABOVE TRACT DESIGNATED AS "ROWAN GROVE" AN ADDITION TO THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA. THE ABOVE PLAT IS AN ACCURATE REPRESENTATION OF SAID SURVEY AND MEETS THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED BY THE OKLAHOMA STATE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS.

_____
JAY F. BISBEE
LICENSED PROFESSIONAL LAND SURVEYOR
OKLAHOMA NO. 1310

NOT FOR CONSTRUCTION
L.S. 1310
THIS DOCUMENT IS PRELIMINARY AND DOES NOT CONSTITUTE A FINAL SURVEY AND SHALL NOT BE USED FOR CONSTRUCTION PURPOSES

STATE OF OKLAHOMA)
) SS
COUNTY OF TULSA)

BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID STATE AND COUNTY, ON THIS _____ DAY OF _____, 2021, PERSONALLY APPEARED JAY F. BISBEE, TO ME KNOWN TO BE THE IDENTICAL PERSON WHO SUBSCRIBED HIS NAME TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE AND VOLUNTARY ACT AND DEED, FOR THE USES AND PURPOSE THEREIN SET FORTH.

_____
NOTARY PUBLIC
MY COMMISSION EXPIRES: NOV 26, 2023
COMMISSION NUMBER: 18011677

ALAN ANDREW BERGMAN
Notary Public
State of Oklahoma
Commission # 18011677
Expires Nov. 26, 2023

Published in the Tulsa Business & Legal News,
City of Bixby, Tulsa County, Oklahoma _____, 2021

ORDINANCE No. 2352

AN ORDINANCE AMENDING ORDINANCE NUMBER 272; REZONING A TRACT OF LAND, AS MORE PARTICULARLY DESCRIBED IN THIS ORDINANCE, FROM AG (AGRICULTURE) TO RS-3 (RESIDENTIAL SINGLE-FAMILY) CLASSIFICATION (BXZO-21.09) AND SUPPLEMENTAL PLANNED UNIT DEVELOPMENT ZONING (BXPUD-21.06); AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BIXBY, OKLAHOMA:

Section 1. That Ordinance No. 2352 be and the same is now amended and the following described property, to-wit:

SEE ATTACHED EXHIBIT "A" FOR LEGAL DESCRIPTION

Located southeast of the Southeast corner of South Mingo Road and East 131st Street South, Bixby, Oklahoma, BXZO-21.09 and BXPUD-21.06, be and the same is now rezoned from AG (Agriculture) to a RS-3 (Residential Single-Family) classification.

Section 2. SEVERABILITY CLAUSE. If any section, sentence, clause or phrase of this Ordinance or any part is for any reason found to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remainder of this ordinance or any part thereof.

Section 3. EMERGENCY CLAUSE. That because this Ordinance is essential to the proper and orderly growth of the City of Bixby, an Emergency is now declared to exist for the preservation of the public peace, health and safety, by reason whereof second reading of this Ordinance is waived and this Ordinance shall take effect and be in force immediately upon its passage.

APPROVED in an open meeting of the Bixby City Council and PASSED by an affirmative majority vote of the entire membership of the City Council, to-wit: ___ **YES,** ___ **NO,**
___ **ABSTAINING,** ___ **ABSENT**, on this _____ day of _____, 2021.

_____
Mayor of the City of Bixby, Oklahoma

APPROVED as an Emergency Measure ruled upon separately and PASSED by an affirmative majority vote of at least four-fifths (4/5) of the entire membership of the Bixby City Council, to-wit: ___ **YES,** ___ **NO,** ___ **ABSTAINING,** ___ **ABSENT**, on this _____ day of _____, 2021.

_____
Mayor of the City of Bixby, Oklahoma

(Seal)
ATTEST:

_____
City Clerk

APPROVED:

_____
City Attorney

City of Bixby
P.O. Box 70
116 W. Needles Ave.
Bixby, OK 74008
(918) 366-4430

Staff Report

To: City of Bixby, City Council

From: Carolyn Back, Development Services Director/City Planner

Date: Monday, July 26, 2021

RE: Comprehensive Plan - 2030 Future Land Use Map Amendment to allow property downzoning to Agriculture (AG)

Location: 15802 South Sheridan

Acres: 72.451 acres

STR: Section 22, Township 17N, Range 13E

Applicant: Phil Faubert

Request:
Comprehensive Plan Amendment from Commercial and High Density Residential to Agriculture.

Existing Zoning; Use:
Residential Estate (RE); Single-Family Dwelling
Commercial General (CG); Single-Family Dwelling
Residential Multi-Family (RM-3); Vacant

Abutting Zoning; Use:
North: Agriculture (AG); Vacant
East: Agriculture (AG); Vacant
South: Agriculture (AG); Vacant
West: Residential Estate (RE); Vacant

Proposed Zoning; Use:
Agriculture (AG); Single-Family Dwelling and Agriculture related structures

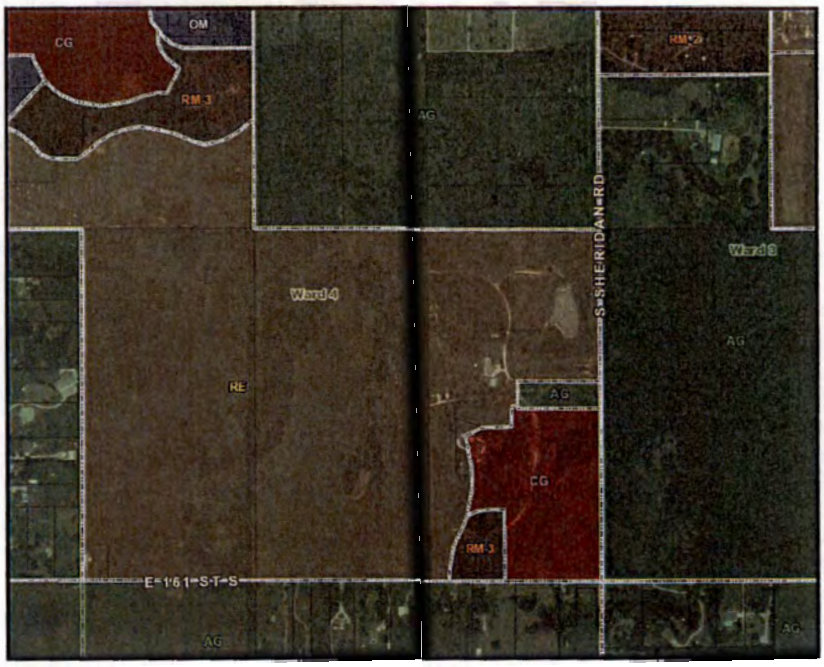


Figure 1: City of Bixby Zoning Map

Staff Review

The applicant is requesting a Comprehensive Plan, 2030 Future Land Use Map amendment (BXCP 21.08) that will align with the downzoning of the property making it consistent with surrounding property, blend in with adjacent properties.

Planning Commission and City Council supported and approved the requested downzoning to Agriculture (AG) as the applicant's current and proposed uses are amenable to surrounding densities and types of use.

Planning Commission and City Council supported and approved the altering/reducing the dimension of Commercial General (CG) zoned area to 5.10 acres (+/-) as it does not increase intensity of type of use.

Public Comments: A couple of citizens requested clarification through their City Councilor. No comments received for or against the proposed downzoning.

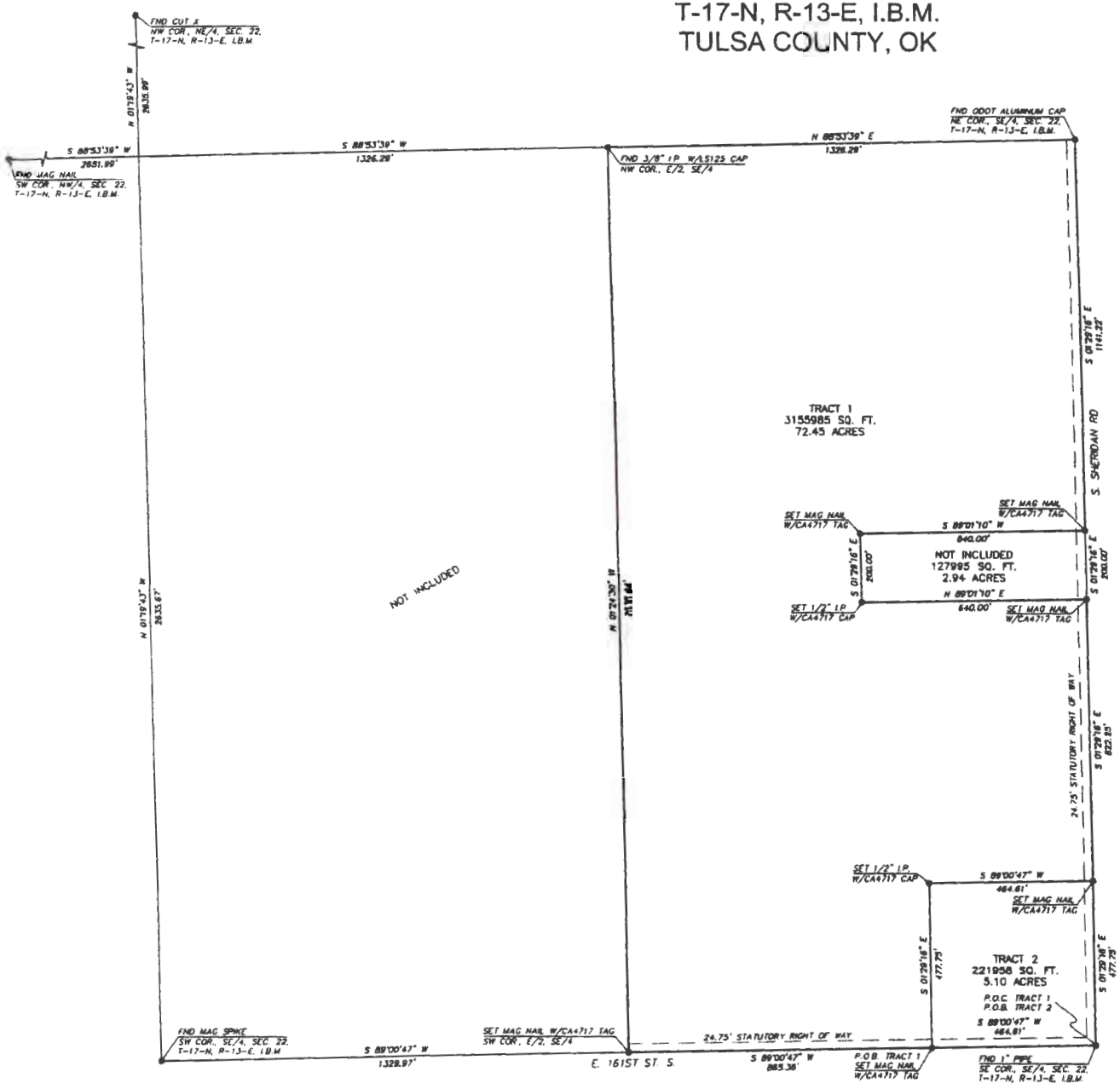
Staff Comments:

1. Staff recommends approval of the requested Comprehensive Plan Amendment from Commercial and High Density Residential to Agriculture.

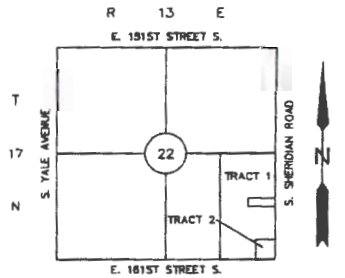
Figures: Figure 1: City of Bixby Zoning Map

Attachments: Exhibit A: Boundary Survey by Oklahoma Survey Co. Dated 05/11/2021
Exhibit B: City of Bixby Staff Report exhibit. Dated 06/21/2021

PLAT OF SURVEY
PART OF E/2, SE/4, SECTION 22, T-17-N, R-13-E, I.B.M.
TULSA COUNTY, OK



OWNER: PHIL FAUBERT
15802 S. SHERIDAN ROAD
BIXBY, OK 74008



VICINITY MAP
NOT TO SCALE

LEGAL DESCRIPTION

TRACT 1
A tract of land in the East Half (E/2) of the Southeast Quarter (SE/4) of Section Twenty-two (22), Township Seventeen (17) North, Range Thirteen (13) East of the Indian Base and Meridian, Tulsa County, Oklahoma, more particularly described as follows;
COMMENCING at the Southeast corner of said Southeast Quarter (SE/4);
Thence S 89°00'47" W along the South line of said Southeast Quarter (SE/4) (Basis of Bearing), a distance of 464.61 feet to the POINT OF BEGINNING;
Thence continuing S 89°00'47" W along the South line of said Southeast Quarter (SE/4), a distance of 865.36 feet to the Southwest corner of the East Half (E/2) of said Southeast Quarter (SE/4);
Thence N 01°24'30" W along the West line of the East Half (E/2) of said Southeast Quarter (SE/4), a distance of 2,638.44 feet to the Northwest corner of the East Half (E/2) of said Southeast Quarter (SE/4);
Thence N 88°53'39" E along the North line of the East Half (E/2) of said Southeast Quarter (SE/4), a distance of 1,326.29 feet to the Northeast corner of said Southeast Quarter (SE/4);
Thence S 01°29'16" E along the East line of said Southeast Quarter (SE/4), a distance of 1,141.23 feet;
Thence S 89°01'10" W a distance of 640.00 feet;
Thence S 01°29'16" E parallel with the East line of said Southeast Quarter (SE/4), a distance of 200.00 feet;
Thence N 89°01'10" E a distance of 640.00 feet to a point on the East line of said Southeast Quarter (SE/4);
Thence S 01°29'16" E along the East line of said Southeast Quarter (SE/4), a distance of 822.25 feet;
Thence S 89°00'47" W parallel with the South line of said Southeast Quarter (SE/4), a distance of 464.61 feet;
Thence S 01°29'16" E parallel with the East line of said Southeast Quarter (SE/4), a distance of 477.75 feet to the POINT OF BEGINNING.

Said tract having an area of 3,155,984.87 Square Feet or 72.451 Acres, more or less.
Legal description prepared by Ryan R. Doudican, R.P.L.S. 1591, 5/11/2021.

TRACT 2
A tract of land in the East Half (E/2) of the Southeast Quarter (SE/4) of Section Twenty-two (22), Township Seventeen (17) North, Range Thirteen (13) East of the Indian Base and Meridian, Tulsa County, Oklahoma, more particularly described as follows;
BEGINNING at the Southeast corner of said Southeast Quarter (SE/4);
Thence S 89°00'47" W along the South line of said Southeast Quarter (SE/4) (Basis of Bearing), a distance of 464.61 feet;
Thence N 01°29'16" W parallel with the East line of said Southeast Quarter (SE/4), a distance of 477.75 feet;
Thence N 89°00'47" E parallel with the South line of said Southeast Quarter (SE/4), a distance of 464.61 feet to a point on the East line of said Southeast Quarter (SE/4);
Thence S 01°29'16" E along the East line of said Southeast Quarter (SE/4), a distance of 477.75 feet to the POINT OF BEGINNING.

Said tract having an area of 221,958.41 Square Feet or 5.095 Acres, more or less.
Legal description prepared by Ryan R. Doudican, R.P.L.S. 1591, 5/11/2021.

NOTES

Basis of Bearing: S 89°00'47" W along the South line of the SE/4 of Section 22, T-17-N, R-13-E, I.M. Oklahoma State Plane Coordinate System, North Zone, NAD 83 (2011), RTK NET.

I, Ryan Doudican, a Registered Professional Land Surveyor, do hereby certify that I, or others under my direct supervision, have made a careful survey of the property shown hereon.

This plat of survey meets the Minimum Technical Standards as adopted by the Board of Registration for Professional Engineers and Land Surveyors for the State of Oklahoma.

Date of last site visit – 5/8/2020
Property appears to have access to a public street.

REGISTERED PROFESSIONAL LAND SURVEYOR
Ryan R. Doudican
1591
5/11/2021
OKLAHOMA

OKLAHOMA SURVEY CO
3131 E. SORGHUM MILL RD. EDMOND, OK 73034
(405) 821-5656 CA#4717 EXP. 30 JUNE 2021
ryan@oklahomasurveycompany.com

BOUNDARY SURVEY PART E/2, SE/4, SEC. 22, T-11-N, R-13-E, I.B.M. TULSA COUNTY OKLAHOMA	SCALE 1"=200' DATE: 5/11/2021 PAGE 1 OF 1 PROJECT NO. 3484

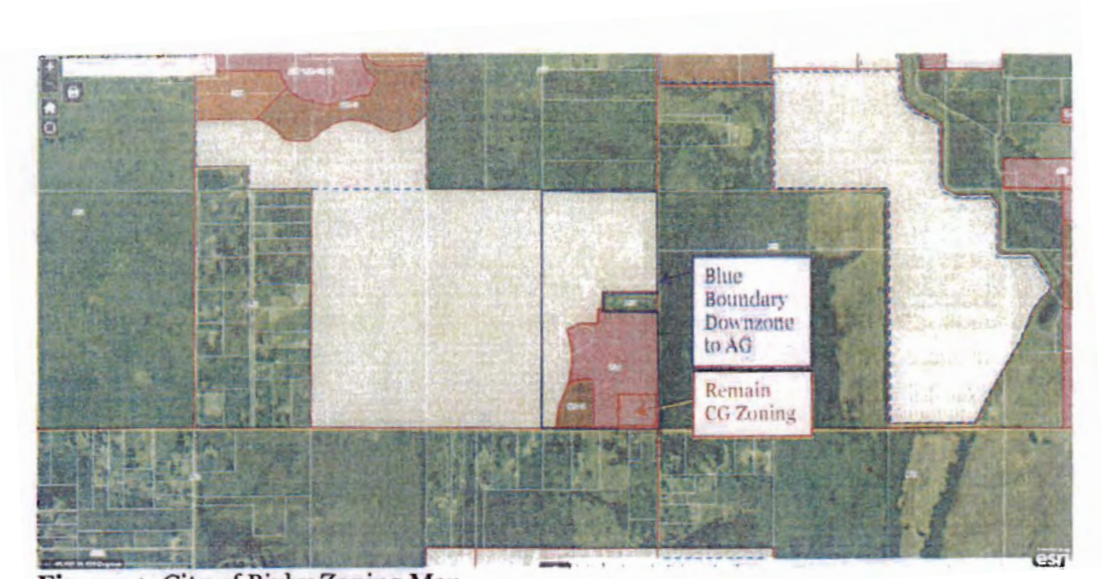


Figure 1: City of Bixby Zoning Map

Staff Review

The applicant is requesting a rezone (BXZO 21.10) that consists of a downzoning to bring the property, and its accessory structures, into zoning compliance. The single-family dwelling straddles the Commercial and Residential zones. The other accessory structures are non-conforming in the Residential Estate zone, but will be legal conforming accessory structures within the Agriculture District.

The rezone will also put in action an update to the Comprehensive Plan 2030 Future Land Use Map. An application will be submitted and scheduled to be heard in our quarterly City Council Comprehensive Plan Amendment reviews during their July 26, 2021 hearing.

Utilities/Site Area: There is a 12" water main running North/South on the West side of South Sheridan Road, and a 2" water line running East/West on the North side of E. 161st Street South.

Public Comments: A couple of citizens requested clarification through their City Councilor. No comments received for or against the proposed downzoning.

Staff Comments:

1. Staff supports Planning Commission recommendation for approval of the requested downzoning to Agriculture (AG) as the applicant's current and proposed uses are amenable to surrounding densities and types of use.
2. Staff supports Planning Commission recommendation for approval of the altering/reducing the dimensions of Commercial General (CG) zoned area to 5.10 acres (+/-) as it does not increase intensity or type of use.

Figures: Figure 1: City of Bixby Zoning Map

Attachments: Exhibit A: Boundary Survey by Oklahoma Survey Co dated 05.11.2021
Exhibit B: City of Bixby 2030 Future Land Use Map

Published in the Tulsa World,
City of Tulsa, Tulsa County, Oklahoma _____, 2021

ORDINANCE NO. 2347

AN ORDINANCE AMENDING ORDINANCE NUMBER 2267; A MAJOR AMENDMENT TO THE 2030 FUTURE LAND USE MAP IN THE 2018 COMPREHENSIVE PLAN, "BIXBY 2030, OUR VISION, OUR FUTURE", FOR FAUBERT, CONTAINING 72.451 ACRES, MORE OR LESS, IN SECTION TWENTY-TWO (22), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF; REMOVING THE "COMMERCIAL" AND "HIGH-DENSITY RESIDENTIAL" DESIGNATIONS AND AMENDING TO "AGRICULTURE", (BXCP-21.08); AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BIXBY, OKLAHOMA:

Section 1. That Ordinance No. 2347 and the Future Land Use Map in the 2018 Comprehensive Plan for the following described real property, to-wit:

SEE ATTACHED EXHIBIT "A" FOR LEGAL DESCRIPTION

Located 15802 South Sheridan Road, Bixby, Oklahoma, be and the same is now redesignated from "Commercial" and "High-Density Residential," to "Agriculture."

Section 3. SEVERABILITY CLAUSE. If any section, sentence, clause or phrase of this ordinance or any part is for any reason found to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remainder of this ordinance or any part thereof.

Section 4. EMERGENCY CLAUSE. That because this Ordinance is essential to the proper and orderly growth of the City of Bixby, an Emergency is now declared to exist for the preservation of the public peace, health and safety, by reason whereof second reading of this ordinance is waived and this Ordinance shall take effect and be in force immediately upon its passage.

APPROVED in an open meeting of the Bixby City Council and PASSED by an affirmative majority vote of the entire membership of the City Council, to-wit: ___**-YES,** ___**-NO,** ___**-ABSTAINING,** ___**-ABSENT**, on this _____ day of July _____ 2021.

_____
Brian Guthrie
Mayor of the City of Bixby, Oklahoma

APPROVED as an Emergency Measure ruled upon separately and PASSED by an affirmative majority vote of at least four-fifths (4/5) of the entire membership of the Bixby City Council, to wit: ___-**YES,** ___-**NO,** ___-**ABSTAINING,** ___-**ABSENT**, on this ____ day of July_____ 2021.

_____
Brian Guthrie
Mayor of the City of Bixby, Oklahoma

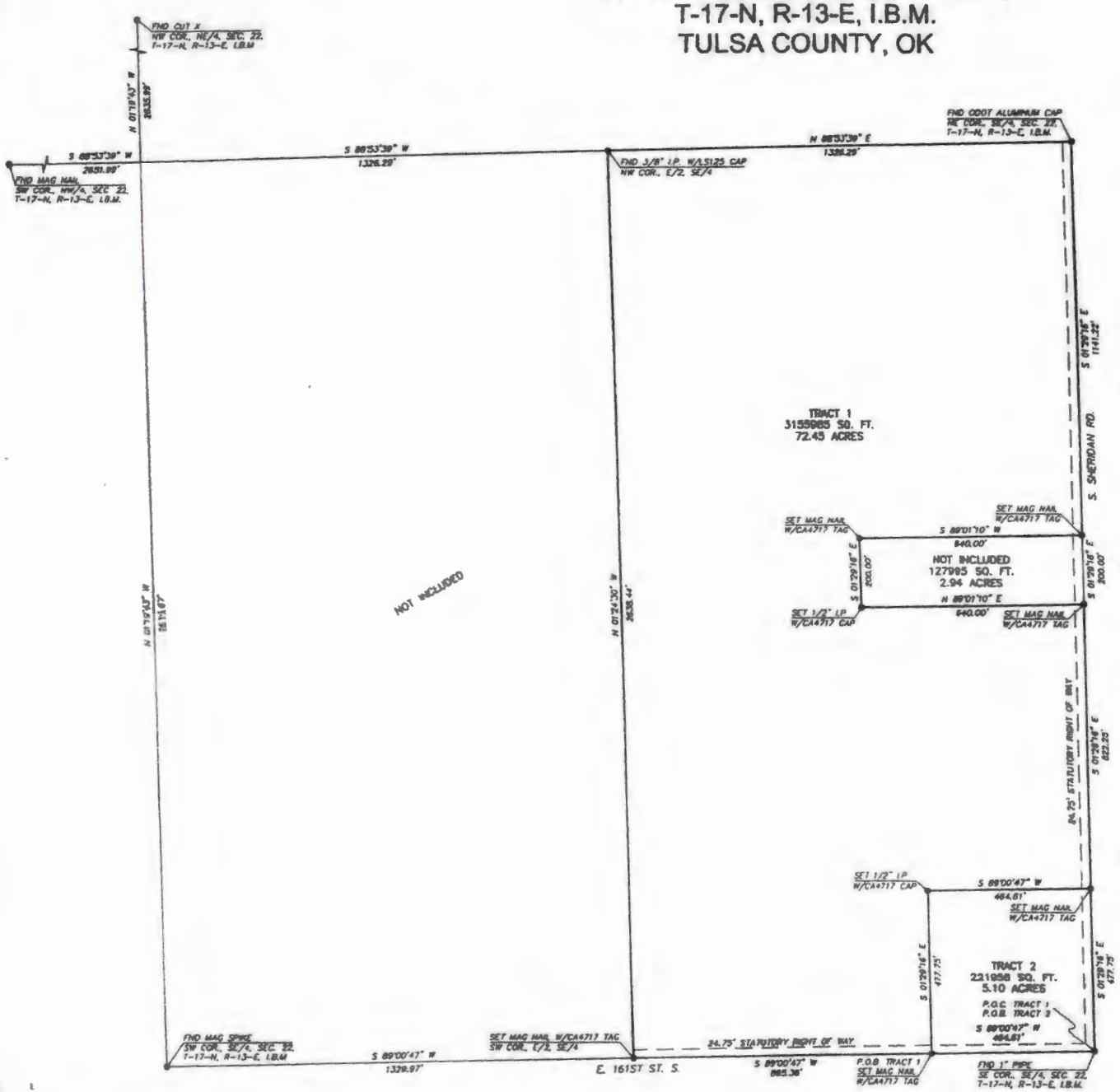
(Seal)
ATTEST:

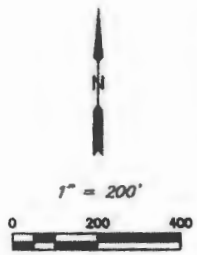
_____
Yvonne Adams
City Clerk

APPROVED:

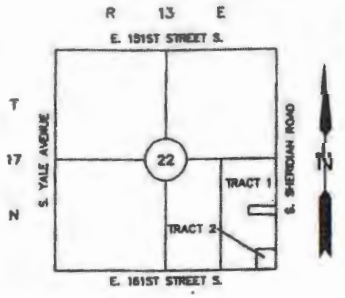
_____
Phil Frazier
City Attorney

PLAT OF SURVEY
PART OF E/2, SE/4, SECTION 22, T-17-N, R-13-E, I.B.M.
TULSA COUNTY, OK





OWNER: PHIL FAUBERT
15802 S. SHERIDAN ROAD
BIXBY, OK 74008



VICINITY MAP
NOT TO SCALE

LEGAL DESCRIPTION

TRACT 1
A tract of land in the East Half (E/2) of the Southeast Quarter (SE/4) of Section Twenty-two (22), Township Seventeen (17) North, Range Thirteen (13) East of the Indian Base and Meridian, Tulsa County, Oklahoma, more particularly described as follows;
COMMENCING at the Southeast corner of said Southeast Quarter (SE/4);
Thence S 89°00'47" W along the South line of said Southeast Quarter (SE/4) (Basis of Bearing), a distance of 464.61 feet to the POINT OF BEGINNING;
Thence continuing S 89°00'47" W along the South line of said Southeast Quarter (SE/4), a distance of 865.36 feet to the Southwest corner of the East Half (E/2) of said Southeast Quarter (SE/4);
Thence N 01°24'30" W along the West line of the East Half (E/2) of said Southeast Quarter (SE/4), a distance of 2,638.44 feet to the Northwest corner of the East Half (E/2) of said Southeast Quarter (SE/4);
Thence N 88°53'39" E along the North line of the East Half (E/2) of said Southeast Quarter (SE/4), a distance of 1,326.29 feet to the Northeast corner of said Southeast Quarter (SE/4);
Thence S 01°29'16" E along the East line of said Southeast Quarter (SE/4), a distance of 1,141.22 feet;
Thence S 89°01'10" W a distance of 840.00 feet;
Thence S 01°29'16" E parallel with the East line of said Southeast Quarter (SE/4), a distance of 200.00 feet;
Thence N 89°01'10" E a distance of 840.00 feet to a point on the East line of said Southeast Quarter (SE/4);
Thence S 01°29'16" E along the East line of said Southeast Quarter (SE/4), a distance of 822.25 feet;
Thence S 89°00'47" W parallel with the South line of said Southeast Quarter (SE/4), a distance of 464.61 feet;
Thence S 01°29'16" E parallel with the East line of said Southeast Quarter (SE/4), a distance of 477.75 feet to the POINT OF BEGINNING.

Said tract having an area of 3,159,985.97 Square Feet or 72.491 Acres, more or less.
Legal description prepared by Ryan R. Doudican, R.P.L.S. 1591, 5/11/2021.

TRACT 2
A tract of land in the East Half (E/2) of the Southeast Quarter (SE/4) of Section Twenty-two (22), Township Seventeen (17) North, Range Thirteen (13) East of the Indian Base and Meridian, Tulsa County, Oklahoma, more particularly described as follows;
BEGINNING at the Southeast corner of said Southeast Quarter (SE/4);
Thence S 89°00'47" W along the South line of said Southeast Quarter (SE/4) (Basis of Bearing), a distance of 464.61 feet;
Thence N 01°29'16" W parallel with the East line of said Southeast Quarter (SE/4), a distance of 477.75 feet;
Thence N 89°00'47" E parallel with the South line of said Southeast Quarter (SE/4), a distance of 464.61 feet to a point on the East line of said Southeast Quarter (SE/4);
Thence S 01°29'16" E along the East line of said Southeast Quarter (SE/4), a distance of 477.75 feet to the POINT OF BEGINNING.

Said tract having an area of 221,998.41 Square Feet or 5.095 Acres, more or less.
Legal description prepared by Ryan R. Doudican, R.P.L.S. 1591, 5/11/2021.

NOTES

Basis of Bearing: S 89°00'47" W along the South line of the SE/4 of Section 22, T-17-N, R-13-E, I.M. Oklahoma State Plane Coordinate System, North Zone, NAD 83 (2011), RTK NET.

I, Ryan Doudican, a Registered Professional Land Surveyor, do hereby certify that I, or others under my direct supervision, have made a careful survey of the property shown hereon.

This plot of survey meets the Minimum Technical Standards as adopted by the Board of Registration for Professional Engineers and Land Surveyors for the State of Oklahoma.

Date of last site visit – 5/8/2020
Property appears to have access to a public street.

REGISTERED PROFESSIONAL LAND SURVEYOR
Ryan R. Doudican
1591
5/11/2021
OKLAHOMA

OKLAHOMA SURVEY CO

3121 E. SONCHUM MILL RD. EDMOND, OK 73034
(405) 821-5656 CA#4717 EXP. 30 JUNE 2021
ryan@oklahomasurveycompany.com

BOUNDARY SURVEY PART E/2, SE/4, SEC. 22, T-17-N, R-13-E, I.B.M. TULSA COUNTY OKLAHOMA	SCALE 1"=800' DATE: 5/11/2021 PAGE 1 OF 1 PROJECT NO. 3484

City of Bixby
P.O. Box 70
116 W. Needles Ave.
Bixby, OK 74008
(918) 366-4430

Staff Report

To: City of Bixby, City Council

From: Carolyn Back, Development Services Director/City Planner

Date: Monday, July 26, 2021

RE: Comprehensive Plan - 2030 Future Land Use Map Amendment to modify existing Mixed-Use designation to Low Density Residential.

Location: South 73rd East Avenue and East 131st Street (River Crest III)

Acres: 12.985 Acres

STR: Section 11, Township 17N, Range 13E

Applicant: Jim Crosby, PDG

Request:
Comprehensive Plan Amendment from existing Mixed-Use to Low Density Residential.

Existing Zoning; Use:
Commercial Shopping (CS); Vacant

Abutting Zoning; Use:
North: Agriculture (AG); Vacant
East: Residential Manufactured Home (RM-2); Residential Manufactured Home Park (RMH); Commercial Shopping (CS); Vacant.
South: Commercial Shopping (CS); Vacant
West: Residential Single-Family (RS-1)

Proposed Zoning; Use:
Residential Single-Family (RS-3); Single-Family Dwellings.

Figure 1: City of Bixby Zoning Map

Staff Review

The applicant is requesting a Comprehensive Plan, 2030 Future Land Use Map amendment (BXCP 21.05) that is consistent with surrounding property and will blend with the adjacent property.

Public Comments: No comments have been received at time of report.

Staff Comments:

1. Staff recommends approval of the requested Comprehensive Plan Amendment from existing Mixed-Use designation to Low Density Residential.

Figures: Figure 1: City of Bixby Zoning Map

Attachments:
Exhibit A.1: Boundary Survey by Tanner Consulting, LLC, dated 3/30/2021
Exhibit A.2: Overall Boundary Exhibit by Tanner Consulting, LLC
Exhibit B: Existing Mixed Use Designation Land Use Map Exhibit by Jim Crosby, PDG.
Exhibit C: Proposed Low Density Residential Designation Land Use Map Exhibit by Jim Crosby, PDG.

PDG
Landscape Architecture | Land Planning

Property Legal Description

Exhibit "A.1"
River Crest III
Overall Boundary Description

Description

A TRACT OF LAND THAT IS A PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER (W/2 SW/4 NE/4) OF SECTION ELEVEN (11), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID W/2 SW/4 NE/4; THENCE NORTH 88°24'35" EAST AND ALONG THE NORTH LINE OF THE W/2 SW/4 NE/4, FOR A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING NORTH 88°24'35" EAST ALONG SAID NORTH LINE, FOR A DISTANCE OF 630.71 FEET TO THE NORTHEAST CORNER THEREOF; THENCE SOUTH 1°14'49" EAST AND ALONG THE EAST LINE OF THE W/2 SW/4 NE/4, FOR A DISTANCE OF 990.78 FEET; THENCE SOUTH 53°58'00" WEST FOR A DISTANCE OF 272.35 FEET; THENCE NORTH 36°02'00" WEST FOR A DISTANCE OF 468.38 FEET; THENCE NORTH 53°58'00" EAST FOR A DISTANCE OF 60.00 FEET; THENCE NORTH 36°02'00" WEST FOR A DISTANCE OF 184.21 FEET TO A POINT OF CURVATURE; THENCE ALONG A 470.00 FOOT RADIUS CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 34°47'18", WITH A CHORD BEARING AND DISTANCE OF NORTH 18°38'21" WEST FOR 281.01 FEET, FOR AN ARC DISTANCE OF 285.37 FEET TO A POINT OF TANGENCY; THENCE NORTH 1°14'42" WEST AND PARALLEL WITH THE WEST LINE OF THE W/2 SW/4 NE/4, FOR A DISTANCE OF 304.04 FEET TO THE POINT OF BEGINNING;

SAID TRACT CONTAINING 565,642 SQUARE FEET OR 12.985 ACRES.

Basis of Bearing

THE BEARINGS SHOWN HEREON ARE BASED UPON THE OKLAHOMA STATE PLANE COORDINATE SYSTEM, NORTH ZONE (3501), NORTH AMERICAN DATUM 1983 (NAD83); SAID BEARINGS ARE BASED LOCALLY UPON FIELD-OBSERVED TIES TO THE FOLLOWING MONUMENTS:

(1) 1/2" IRON PIN FOUND AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER (NE/4) OF SECTION 11;

(2) CHISELED 'X' FOUND AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER (NE/4) OF SECTION 11;

THE BEARING BETWEEN SAID MONUMENTS BEING NORTH 88°35'10" EAST.

Certification

I, DAN E. TANNER, OF TANNER CONSULTING, LLC, CERTIFY THAT THE ATTACHED DESCRIPTION CLOSES IN ACCORD WITH EXISTING RECORDS, IS A TRUE REPRESENTATION OF THE REAL PROPERTY AS DESCRIBED, AND MEETS THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING OF THE STATE OF OKLAHOMA.

REGISTERED PROFESSIONAL LAND SURVEYOR
DAN EDWIN TANNER
1435
OKLAHOMA

DAN E. TANNER, P.L.S.
OKLAHOMA P.L.S. #1435
OKLAHOMA CA #2661
EXPIRATION DATE: 6/30/21

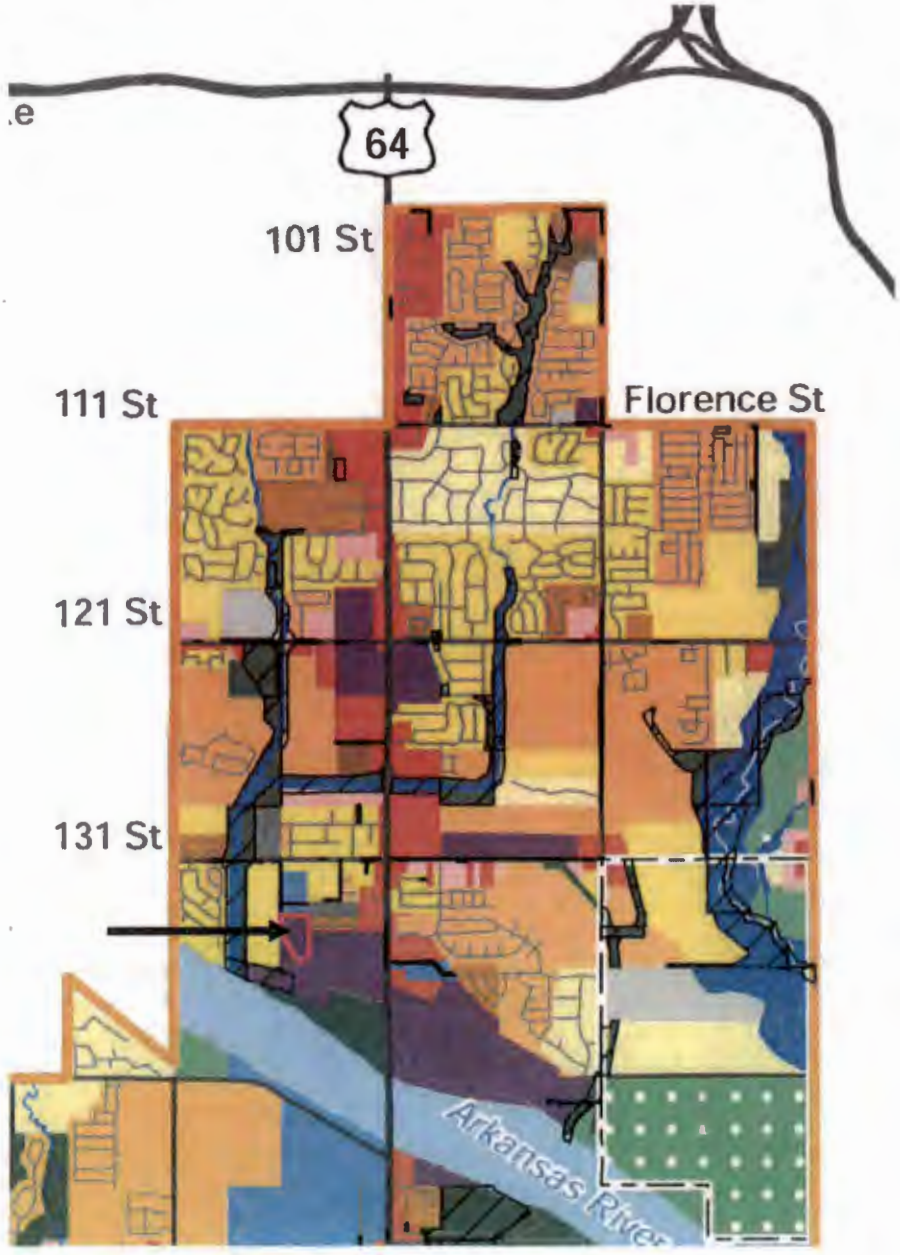
3.30.2021

Tanner Consulting LLC
5323 SOUTH LEWIS AVENUE, TULSA OKLAHOMA 74105-6539 918.745.9929

03/30/2021 TBUSH 21054EX_BOUNDARY

PDG
PLANNING DESIGN GROUP
Landscape Architecture | Land Planning

Existing Mixed Use Designation Land Use Map



Legend

Future Land Use	Density (du/ac.)
Rural Agriculture (Unincorporated)	0 - 0.5
Agricultural	0 - 1
Rural Residential	0 - 1.5
Low Density Residential	1.5 - 4
Medium Density Residential	4 - 6
Medium-High Density Residential	6 - 10
High Density Residential	10 +
Mixed Use	10 +
Residential Manufactured Home Park	8

Future Land Use
- Neighborhood Commercial
- Commercial
- Industrial
- Public/Institutional
- Recreation and Open Space
- Flood District
- Water

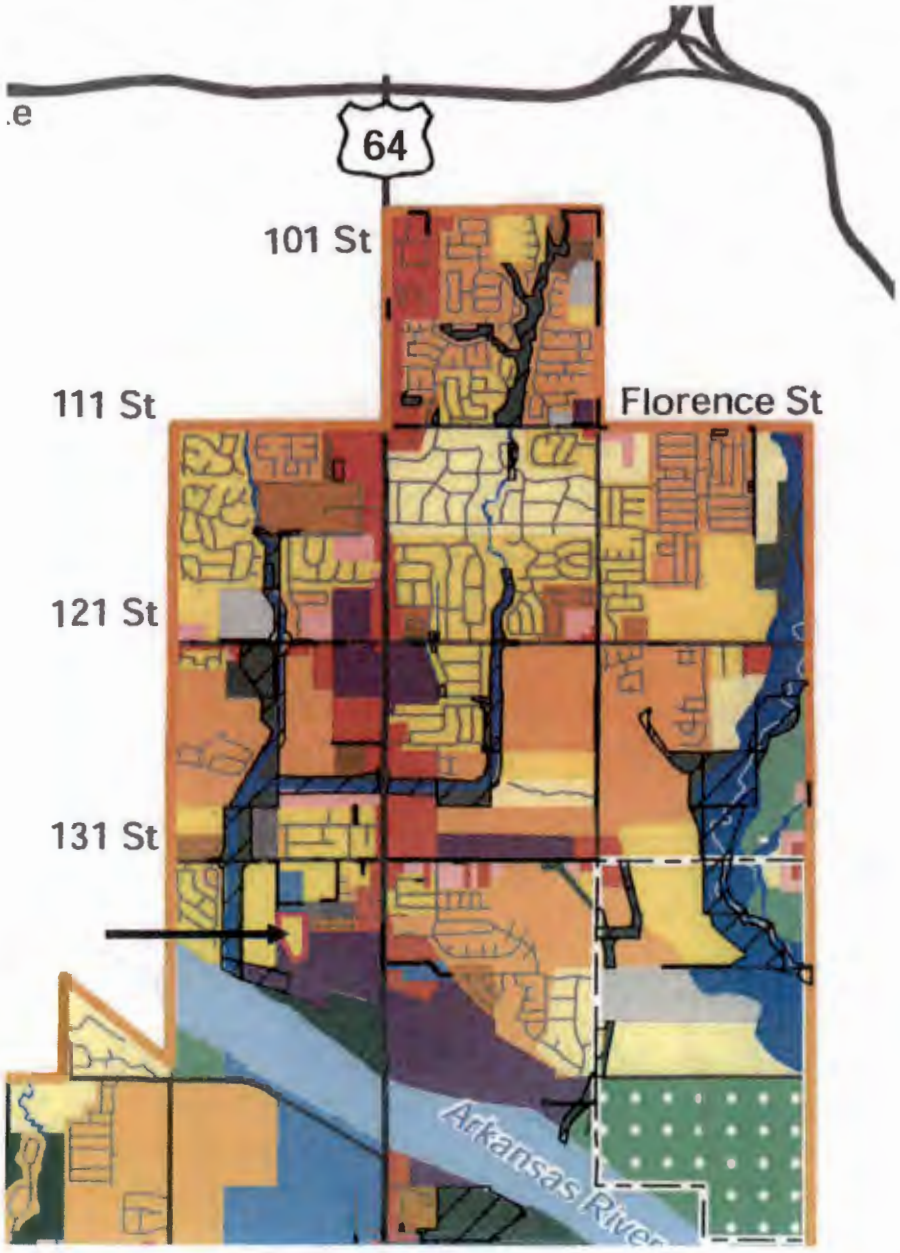
Project Site Boundary

Exhibit B

5314 South Yale Ave., Suite 510, Tulsa, Oklahoma 74135 Phone (918)628-1255

PDG
PLANNING DESIGN GROUP
Landscape Architecture | Land Planning

Proposed Low Density Residential Designation Land Use Map



Legend

Future Land Use	Density (du/ac.)
Rural Agriculture (Unincorporated)	0 - 0.5
Agricultural	0 - 1
Rural Residential	0 - 1.5
Low Density Residential	1.5 - 4
Medium Density Residential	4 - 6
Medium-High Density Residential	6 - 10
High Density Residential	10 +
Mixed Use	10 +
Residential Manufactured Home Park	8

Future Land Use
- Neighborhood Commercial
- Commercial
- Industrial
- Public/Institutional
- Recreation and Open Space
- Flood District
- Water

Project Site Boundary

Exhibit C

5314 South Yale Ave., Suite 510, Tulsa, Oklahoma 74135 Phone (918)628-1255

Published in the Tulsa World,
City of Tulsa, Tulsa County, Oklahoma _____, 2021

ORDINANCE NO. 2348

AN ORDINANCE AMENDING ORDINANCE NUMBER 2267; A MAJOR AMENDMENT TO THE 2030 FUTURE LAND USE MAP IN THE 2018 COMPREHENSIVE PLAN, "BIXBY 2030, OUR VISION, OUR FUTURE", FOR RIVER CREST III, CONTAINING 12.985 ACRES, MORE OR LESS, IN SECTION ELEVEN (11), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF; REMOVING THE "MIXED-USE" DESIGNATION AND AMENDING TO "LOW-DENSITY RESIDENTIAL", (BXCP-21.05); AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BIXBY, OKLAHOMA:

Section 1. That Ordinance No. 2348 and the Future Land Use Map in the 2018 Comprehensive Plan for the following described real property, to-wit:

SEE ATTACHED EXHIBIT "A1" FOR LEGAL DESCRIPTION

Located South of East 131st Street South and South 73rd East Avenue, Bixby, Oklahoma, be and the same is now redesignated from "Mixed-Use" to "Low-Density Residential."

Section 3. SEVERABILITY CLAUSE. If any section, sentence, clause or phrase of this ordinance or any part is for any reason found to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remainder of this ordinance or any part thereof.

Section 4. EMERGENCY CLAUSE. That because this Ordinance is essential to the proper and orderly growth of the City of Bixby, an Emergency is now declared to exist for the preservation of the public peace, health and safety, by reason whereof second reading of this ordinance is waived and this Ordinance shall take effect and be in force immediately upon its passage.

APPROVED in an open meeting of the Bixby City Council and PASSED by an affirmative majority vote of the entire membership of the City Council, to-wit: ___**-YES,** ___**-NO,** ___**-ABSTAINING,** ___**-ABSENT**, on this _____ day of July _____ 2021.

_____
Brian Guthrie
Mayor of the City of Bixby, Oklahoma

APPROVED as an Emergency Measure ruled upon separately and PASSED by an affirmative majority vote of at least four-fifths (4/5) of the entire membership of the Bixby City Council, to wit: ___-**YES,** ___-**NO,** ___-**ABSTAINING,** ___-**ABSENT**, on this ____ day of July_____ 2021.

_____
Brian Guthrie
Mayor of the City of Bixby, Oklahoma

(Seal)
ATTEST:

_____
Yvonne Adams
City Clerk

APPROVED:

_____
Phil Frazier
City Attorney

PDG
Landscape Architecture | Land Planning

Property Legal Description

Exhibit "A.1"
River Crest III
Overall Boundary Description

Description

A TRACT OF LAND THAT IS A PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER (W/2 SW/4 NE/4) OF SECTION ELEVEN (11), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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SAID TRACT CONTAINING 565,642 SQUARE FEET OR 12.985 ACRES.

Basis of Bearing

THE BEARINGS SHOWN HEREON ARE BASED UPON THE OKLAHOMA STATE PLANE COORDINATE SYSTEM, NORTH ZONE (3501), NORTH AMERICAN DATUM 1983 (NAD83); SAID BEARINGS ARE BASED LOCALLY UPON FIELD-OBSERVED TIES TO THE FOLLOWING MONUMENTS:

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THE BEARING BETWEEN SAID MONUMENTS BEING NORTH 88°35'10" EAST.

Certification

I, DAN E. TANNER, OF TANNER CONSULTING, LLC, CERTIFY THAT THE ATTACHED DESCRIPTION CLOSES IN ACCORD WITH EXISTING RECORDS, IS A TRUE REPRESENTATION OF THE REAL PROPERTY AS DESCRIBED, AND MEETS THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING OF THE STATE OF OKLAHOMA.

REGISTERED PROFESSIONAL LAND SURVEYOR
DAN EDWIN TANNER
1435
OKLAHOMA

DAN E. TANNER, P.L.S.
OKLAHOMA P.L.S. #1435
OKLAHOMA CA #2661
EXPIRATION DATE: 6/30/21

3.30.2021

Tanner Consulting LLC
5323 SOUTH LEWIS AVENUE, TULSA OKLAHOMA 74105-6539 | 918.745.9929

03/30/2021 TBUSH 21054EX_BOUNDARY

City of Bixby
P.O. Box 70
116 W. Needles Ave.
Bixby, OK 74008
(918) 366-4430

Staff Agenda Commentary
July 26, 2021

Item Titles(s):
River Crest III – BXZO-21.13 Rezone and BXPUD-18.08MA Major Amendment to Planned Unit Development (PUD) BXPUD-18.08 (formerly known as River Trails) Located: East 131st Street South and South 73rd East Avenue, Bixby, Oklahoma.

Presenter:
Carolyn Back, Development Services Director / City Planner

Staff Information Source:
Comprehensive Plan, Zoning Code, Applicant Exhibit(s)

Background:
Heard by Planning Commission on July 19, 2021.

Zero (0) citizens spoke for/against the request at the Planning Commission public hearing

07.19.21 Preliminary Plat – Planning Commission recommendation of approval per Planning Review and Staff Comment recommendations

07.26.21 Comp Plan Future Land Use Map Amendment – On Council Agenda for action

Project Overview per PUD by PDG:

# of Acres	13 (+/-)	Min Lot Width	55 feet (avg)
# of Lots	60 max per	Min Lot Size	6000 SF (avg)
# of Blocks	3	Avg Dwelling Units	4.5/acre
# of Phases	TBD	# of Reserve Areas	3

Project Overview per Preliminary Plat by Tanner:

# of Acres	28.907 (+/-)	Min Lot Width	None mentioned
# of Lots	116 per Face of Plat	Min Lot Size	None mentioned
# of Blocks	6	Avg Dwelling Units	None mentioned
# of Phases	TBD	# of Reserve Areas	3

Exhibits:
Exhibit A: Planning Commission Staff Report dated 07.19.2021

Key Issue:
Approval

Recommendation:
Staff recommends approval of the River Crest III BXZO-21.13 Rezone and BXPUD-18.08MA Major Amendment to Planned Unit Development BXPUD-18.08 (formerly known as River Trails) per Planning Commission recommendation and Staff Comments.

City of Bixby
P.O. Box 70
116 W. Needles Ave.
Bixby, OK 74008
(918) 366-4430

Staff Report

To: City of Bixby, Planning Commission

From: Carolyn Back, Development Services Director/City Planner
Donna Crawford, Assistant City Planner

Date: Monday, July 19, 2021

Name: River Crest III – Rezone and Major Amendment to Planned Unit Development (PUD) BXPUD-18.08 (formerly known as River Trails)

(NOTE: Preliminary Plat (Blocks 11-13) - Tanner Consulting on 07.19.21 Agenda)

RE: Rezone to Residential Single-Family (RS-3) to match existing zoning with River Crest Phases I & II

Major Amendment to BXPUD-18.08 to expand boundary of PUD to cover River Crest Phase III development.

Location: East 131st Street and South 73rd East Avenue, Bixby, Oklahoma 74008

Site Stats:

Acres:	13 +/-
Number of Lots:	60
Lot Size:	6,900 +/-
Dwelling Units:	4.5/acre

STR: Section 11, Township 17N, Range 13E

Applicant: Planning Design Group

Request:
Rezone from Commercial Shopping (CS) to Single-Family Residential (RS3) with a Major Amendment to the supplemental zoning BXPD-18.08 for the addition of land totaling approximately 13 acres for Phase III River Crest subdivision.

Existing Zoning; Use:
Commercial Shopping; Vacant

Abutting Zoning; Use:
North: (AG) Agriculture; Vacant; (IL) Industrial Light; Vacant
East: (RM-2) Residential Manufactured Home;
(RMH) Residential Manufactured Home Park
South: (CS) Commercial Shopping; Vacant
West: (RS-1) Residential Single-Family

Proposed Zoning; Use:
(RS-3) Residential Single-Family; Single-Family Dwellings (River Crest III)

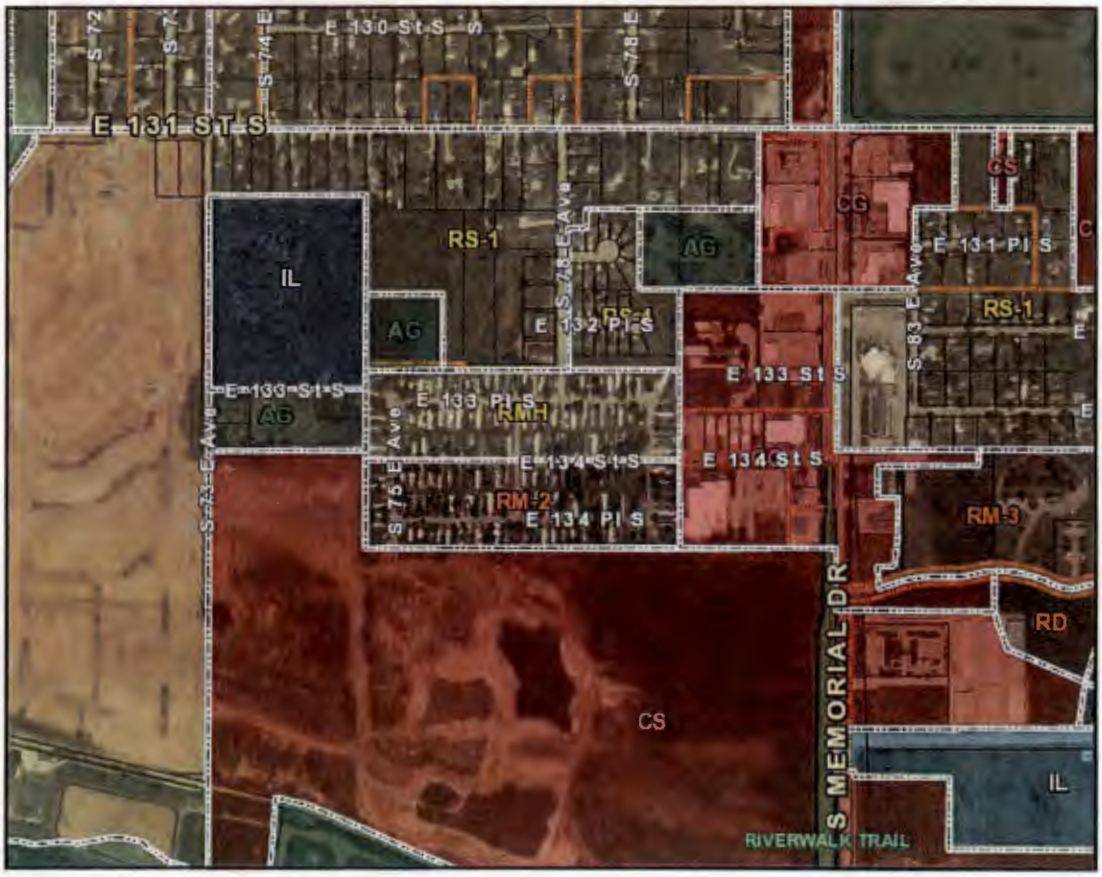

Figure 1: City of Bixby Zoning Map

Staff Review

The applicant is requesting a rezone (BXZO-21.13) with a Major Amendment to BXPUD-18.08 that is consistent with surrounding property and will blend with the adjacent property.

The rezone will also put in action an update to the Comprehensive Plan, 2030 Future Land Use Map. An application has been submitted and scheduled to be heard in our quarterly City Council Comprehensive Plan Amendment reviews during their July 26, 2021 hearing.

Utilities/Site Area: There is a 12" water main running North/South on the West side of South 73rd East Ave., and a 16" sanitary sewer running East/West on the North side and a 12"sanitary sewer running North/South along South 73rd East Avenue. A stormwater system is available through the existing River Crest development to the West.

Public Comments: No comments have been received for or against the Rezone.

Staff Comments:

1. Due to two different consulting firms representing the land use transactions for this project, and the carving out of this 13 (+/-) acres from a much larger commercial tract of land, Staff suggests making Rezone recommendation for approval to City Council contingent upon Preliminary and Final Plat approval and the Rezone becoming effective at time of recording the Final Plat with the County.
2. Staff supports Planning Commission recommendation for approval of the requested Rezone from Commercial Shopping (CS) to Residential Single-Family (RS-3) with the accompanying Major Amendment to BXPUD-18.08 with recommended text modifications to the PUD before moving to Council.

Figures: Figure 1: City of Bixby Zoning Map

Attachments:

Exhibit A.1:	Boundary Survey by Tanner Consulting, LLC, dated 3/30/2021
Exhibit A.2:	Overall Boundary Exhibit
Exhibit B:	Major Amendment Phase III Addition to BXPUD-18.08 dated July 13, 2021

Exhibit "A.1"

River Crest III

Overall Boundary Description

Description

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OKLAHOMA P.L.S. #1435
OKLAHOMA CA #2661
EXPIRATION DATE: 6/30/21

3.30.2021

Exh. 6.7 A1

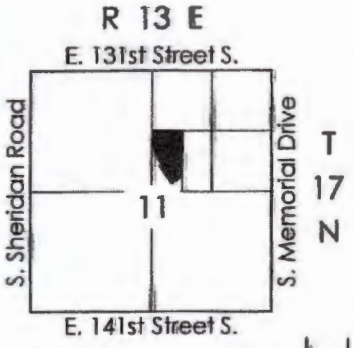
Tanner Consulting LLC
5323 SOUTH LEWIS AVENUE, TULSA OKLAHOMA 74105-6539 | 918.745.9929

EXHIBIT A: LEGAL DESCRIPTION

Exhibit "A.2"

River Crest III

Overall Boundary Exhibit



Location Map

NORTH
NOT TO SCALE

LEGEND

CB	CHORD BEARING
CD	CHORD DISTANCE
L	LENGTH OR ARC LENGTH
POB	POINT OF BEGINNING
POC	POINT OF COMMENCEMENT

05/30/2021 TBUSH 21054EX_BOUNDARY

Exhibit A2

Tanner Consulting LLC
5323 SOUTH LEWIS AVENUE, TULSA OKLAHOMA 74105-6539 | 918.745.9929

Submitted to:
City of Bixby, Oklahoma
Major Amendment Application: July 13, 2021

City of Bixby
BXPUD 18.08 MA

BXPUD-18.08 RIVER TRAILS
(NOW KNOWN AS RIVER CREST PHASE III)
[MAJOR AMENDMENT – PHASE 3 ADDITION]
BIXBY, OKLAHOMA

SUBMISSION FOR PLANNED UNIT DEVELOPMENT

Prepared By:

Planning Design Group

5314 S. Yale Ave., Suite 510

Tulsa, OK 74135

918-628-1255

Prepared For:

Rockwood Investment LLC

2108 N. 129th E. Avenue

Tulsa, OK 74116

918-392-7686

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Exhibit B

Development Concept	**Page 3**
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Exhibits

- **Exhibit A.1: River Crest Phase III Overall Boundary Description**
- **Exhibit A.2: River Crest Phase III Overall Boundary Exhibit**
- **Exhibit B: Phase III Existing Site & Surrounding Zoning**
- **Exhibit C: Phase III Existing Site Conditions**
- **Exhibit D: Phase III Proposed Concept Plan**

DEVELOPMENT CONCEPT

The original River Trails BXPUD-18.08 was unanimously approved by the Bixby City Council on July 23, 2018. The original PUD contained two phases of single-family detached residential development. The attached major PUD amendment application is to expand the existing PUD boundaries into a third phase of development.

The third phase of River Trails is being renamed to River Crest III to match plat and is located on the east side of S. 73rd E. Avenue. The property is bound by the Bemo Indian Baptist Church on the north, the Riverbend mobile home park on the east, undeveloped land to the south, and S. 73rd E. Ave on the west. Phase III contains approximately 13 acres and is located within the newly approved TIF 2 District. Phase III of the River Crest PUD will adhere to all the same development regulations set forth in BXPUD-18.08.

ACCESS & CONNECTIVITY

Two points of access along the western border of the Phase III development is gained off S. 73rd E. Avenue. In the Connected 2045 INCOG Regional Transportation Plan, a two-lane roadway connection from S. 73rd E. Avenue out to Memorial Dr./Highway 64 is proposed. This future connection will provide vehicular access from E. 131st Street directly out to Memorial Drive thereby increasing vehicular and pedestrian connectivity and reducing traffic congestion at the intersection of E. 131st and Memorial Dr.

STATISTICAL SUMMARY

Phase III Project Gross Area	± 13 Acres
Average Lot Size	± 6,900 sq. ft.
Total Allowable Number of Lots	60
Dwelling Units per Gross Acre	4.5 Units per Acre

DEVELOPMENT STANDARDS

The principal use for Phase III development is single-family detached dwellings, which are intended to be used for individual ownership. Phase III development shall adhere to all adopted development standards set forth in the existing BXPUD-18.08. The following development standards reflect the existing BXPUD-18.08 regulations plus added language that pertains specifically to fencing, gating, and trail requirements for the Phase III property.

Standard	EX. BXPUD-18.08 Regulations
Zoning	RS-3 with PUD
Minimum Lot Area (sf.)	6,000
Minimum Lot Width	55 feet*
Min. Front Yard Setback	20 feet
Min. Rear Yard Setback	20 feet ***
Internal Lots	15 feet
Lots along S. perimeter	15 feet
Min. Side Yard Setback	
One Side	5 feet
Other Side	5 feet
**Corner Lots	10 feet ***
Livability Space (sf.)	3,000
Maximum Height/Stories	35'
Minimum Off-Street Parking Spaces	2

* The width of any cul-de-sac or pie-shaped lots which meets the requirements for minimum lot size may have less than minimum frontage at the right of way.

** All houses built on corner lots must face the 20-foot front yard setback.

*** No building shall encroach on any utility easements.

LANDSCAPE REQUIREMENTS

River Crest Phase III will be landscaped to a high-level standard meeting and exceeding the minimum requirements set out by the City of Bixby landscape ordinance. A landscape plan will be submitted to the City of Bixby for compliance with the PUD standards set forth in this section.

FENCING & GATE REQUIREMENTS

It will be determined at the time of Preliminary Plating if Phase III of the PUD development will be a private, gated or a public, non-gated community. If this is a gated community, the homeowner's association will be responsible for all maintenance and upkeep of the gates and operators. Gates will be required to meet all City of Bixby Fire Marshal Requirements. The gate Fencing along S. 73rd E. Ave. will match the existing fencing from Phase I and II of the PUD. The primary vehicular entrances located off S. 73rd E. Ave. may utilize entry architectural features that exceed the 8-foot requirement.

Backyard residential fences that abut the north, east, and south site boundaries are required to have an opaque wood fence and shall not exceed 8-foot in height.

SIDEWALK REQUIREMENTS

A public sidewalk will be constructed along the S. 73rd E. Ave. frontage. Public sidewalks will be constructed along internal residential streets.

BUILDING MATERIALS

A minimum of 75 percent (%) of the total structure shall be masonry material excluding door and window areas. Approved masonry materials include stone, brick, stucco, and cementitious siding. A minimum of 75 percent (%) of the front, street facing façade excluding door and window areas shall be masonry material.

HOMEOWNERS ASSOCIATION

A Homeowner's Association will be established for Phase III of the River Crest development. Phase III will share overall trails and community amenity space with the existing Phase I & II development. Covenants filed with the plat will establish what amenities and landscape areas will fall under the responsibilities of each HOA.

In the event the owner/developer decides to make this a private gated community, this will have to be completed at the point of filing the preliminary plat. If the development becomes a private community, the mandatory Homeowner's Association will have full responsibility of maintaining landscaped entries, private streets, private storm sewer, perimeter fencing and all reserves and landscaped areas. In the event the association(s) fails to maintain these areas to a proper and safe manner, the City of Bixby will have the right to maintain or pay a third-party contractor to maintain these areas and bill each member of the Homeowner's Association(s) for the entire cost. Should payment by any member not be made, the City of Bixby may file a lien on the delinquent member's personal property within the platted subdivision.

Final documents for the Homeowner's Association for River Crest III will be filed with the final plat and will include the maintenance agreement and specific rights and requirements for association members.

SITE PLAN REVIEW

No building permit shall be issued for the construction of buildings within a development area until a detailed site plan (subdivision plat) of the development area has been submitted to and approved by the City of Bixby Planning Commission as being in compliance with the PUD Development Concept and the Development Standards. Separate building permits may be issued for individual home construction after the subdivision infrastructure has been given final approval by the City of Bixby.

PLATTING REQUIREMENTS

No building permit shall be issued until the property has been included within a preliminary and final subdivision plat submitted to and approved by the Bixby Planning Commission and the Bixby City Council and duly filed of record, provided however, that development areas may be platted separately, if development is phased. In the event the owner/developer decides to make this a private gated community, it must be designated on the preliminary plat. A private development will have to meet all City of Bixby development standards and requirements, as well as City of Bixby Fire Marshal requirements. Restrictive covenants shall be established and filed of record, and the City of Bixby shall be made a beneficiary of all public infrastructure thereof. Covenants shall establish the minimum home square footage size at 1,800 square feet.

SCHEDULE OF DEVELOPMENT

Development of River Crest Phase III is anticipated to commence upon approval by the City of Bixby and upon filing of the Final Plat.

EXHIBIT A: LEGAL DESCRIPTION

Exhibit "A.1"
River Crest III
Overall Boundary Description

Description

A TRACT OF LAND THAT IS A PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER (W/2 SW/4 NE/4) OF SECTION ELEVEN (11), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID W/2 SW/4 NE/4; THENCE NORTH 88°24'35" EAST AND ALONG THE NORTH LINE OF THE W/2 SW/4 NE/4, FOR A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING NORTH 88°24'35" EAST ALONG SAID NORTH LINE, FOR A DISTANCE OF 630.71 FEET TO THE NORTHEAST CORNER THEREOF; THENCE SOUTH 1°14'49" EAST AND ALONG THE EAST LINE OF THE W/2 SW/4 NE/4, FOR A DISTANCE OF 990.78 FEET; THENCE SOUTH 53°58'00" WEST FOR A DISTANCE OF 272.35 FEET; THENCE NORTH 36°02'00" WEST FOR A DISTANCE OF 468.38 FEET; THENCE NORTH 53°58'00" EAST FOR A DISTANCE OF 60.00 FEET; THENCE NORTH 36°02'00" WEST FOR A DISTANCE OF 184.21 FEET TO A POINT OF CURVATURE; THENCE ALONG A 470.00 FOOT RADIUS CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 34°47'18", WITH A CHORD BEARING AND DISTANCE OF NORTH 18°38'21" WEST FOR 281.01 FEET, FOR AN ARC DISTANCE OF 285.37 FEET TO A POINT OF TANGENCY; THENCE NORTH 1°14'42" WEST AND PARALLEL WITH THE WEST LINE OF THE W/2 SW/4 NE/4, FOR A DISTANCE OF 304.04 FEET TO THE POINT OF BEGINNING;

SAID TRACT CONTAINING 565,642 SQUARE FEET OR 12.985 ACRES.

Basis of Bearing

THE BEARINGS SHOWN HEREON ARE BASED UPON THE OKLAHOMA STATE PLANE COORDINATE SYSTEM, NORTH ZONE (3501), NORTH AMERICAN DATUM 1983 (NAD83); SAID BEARINGS ARE BASED LOCALLY UPON FIELD-OBSERVED TIES TO THE FOLLOWING MONUMENTS:

(1) 1/2" IRON PIN FOUND AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER (NE/4) OF SECTION 11;

(2) CHISELED 'X' FOUND AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER (NE/4) OF SECTION 11;

THE BEARING BETWEEN SAID MONUMENTS BEING NORTH 88°35'10" EAST.

Certification

I, DAN E. TANNER, OF TANNER CONSULTING, LLC, CERTIFY THAT THE ATTACHED DESCRIPTION CLOSES IN ACCORD WITH EXISTING RECORDS, IS A TRUE REPRESENTATION OF THE REAL PROPERTY AS DESCRIBED, AND MEETS THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING OF THE STATE OF OKLAHOMA.

REGISTERED PROFFSSIONAL LAND SURVEYOR
DAN EDWIN TANNER
1435
OKLAHOMA

DAN E. TANNER, P.L.S.
OKLAHOMA P.L.S. #1435
OKLAHOMA CA #2661
EXPIRATION DATE: 6/30/21

7.30.2021

03/30/2021 TBUSH 21054EX_BOUNDARY

Tanner Consulting LLC
5323 SOUTH LEWIS AVENUE, TULSA OKLAHOMA 74105-6539 | 918.745.9929

EXHIBIT A: LEGAL DESCRIPTION

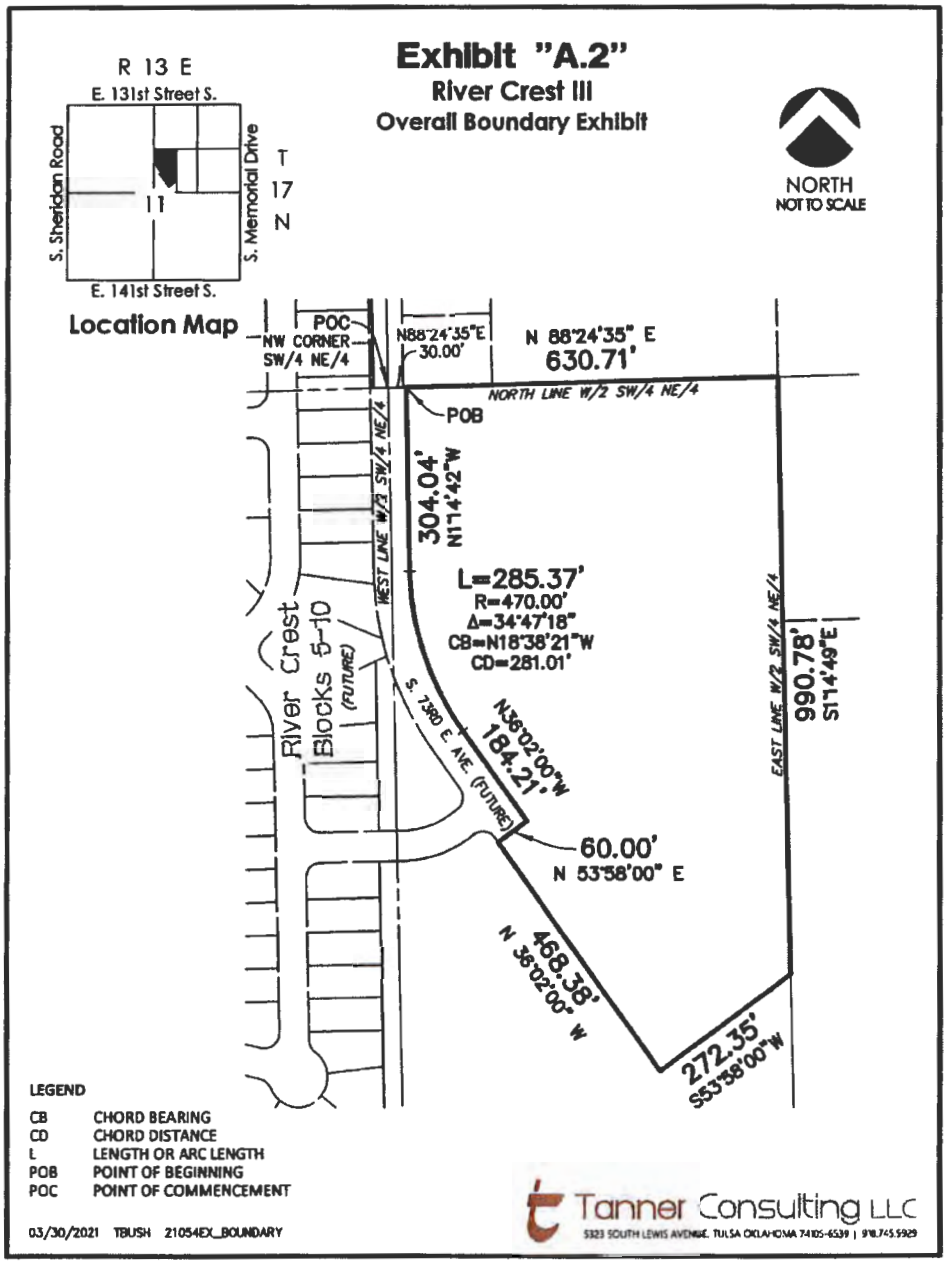


EXHIBIT B: PHASE III EXISTING SITE & SURROUNDING ZONING

- COMMERCIAL
- INDUSTRIAL
- SINGLE-FAMILY
- MULTI-FAMILY
- DRAINAGE DETENTION AREA
- CITY PARKS
- AGRICULTURE
- SITE BOUNDARY

EXHIBIT C: PHASE III EXISTING SITE CONDITIONS

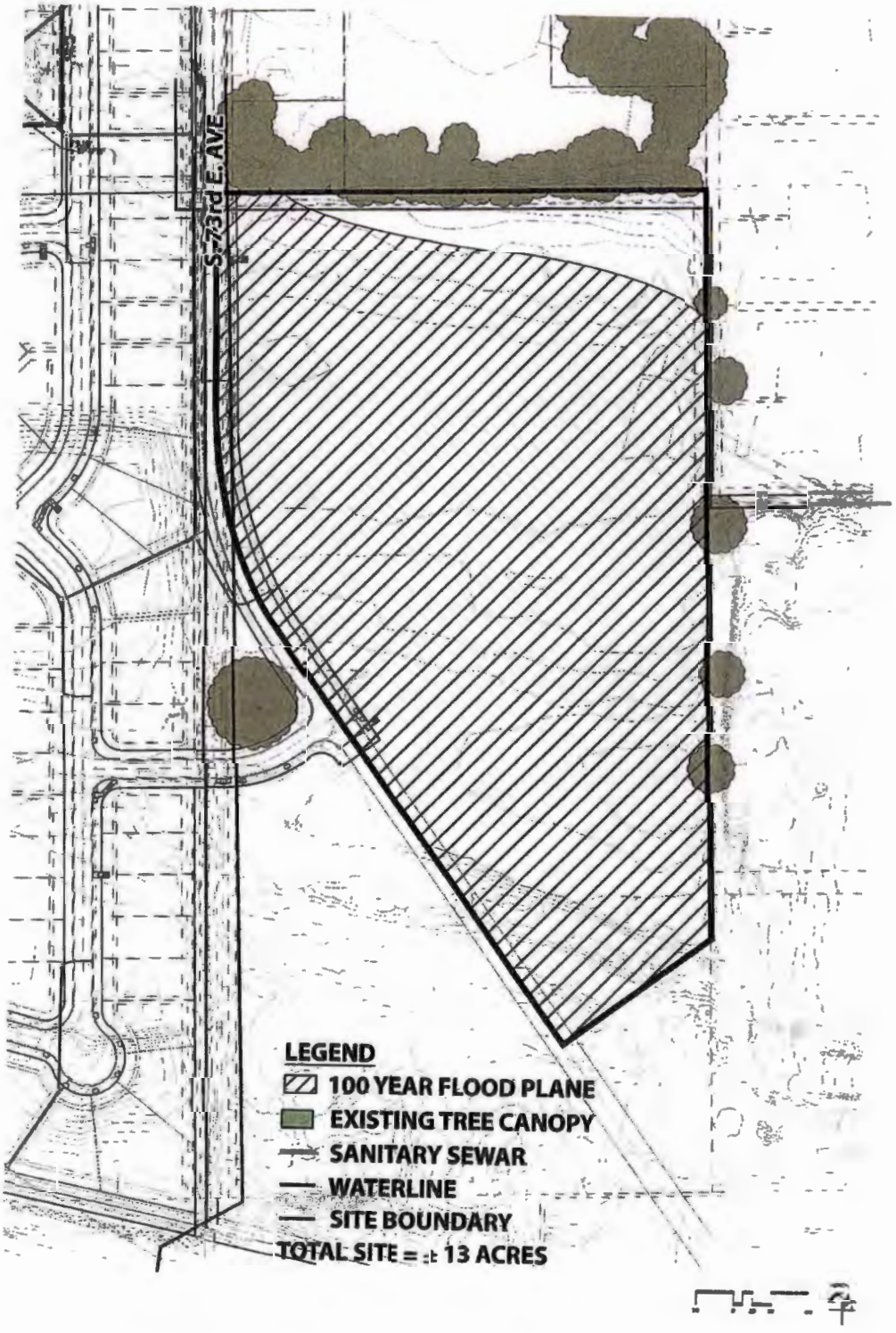
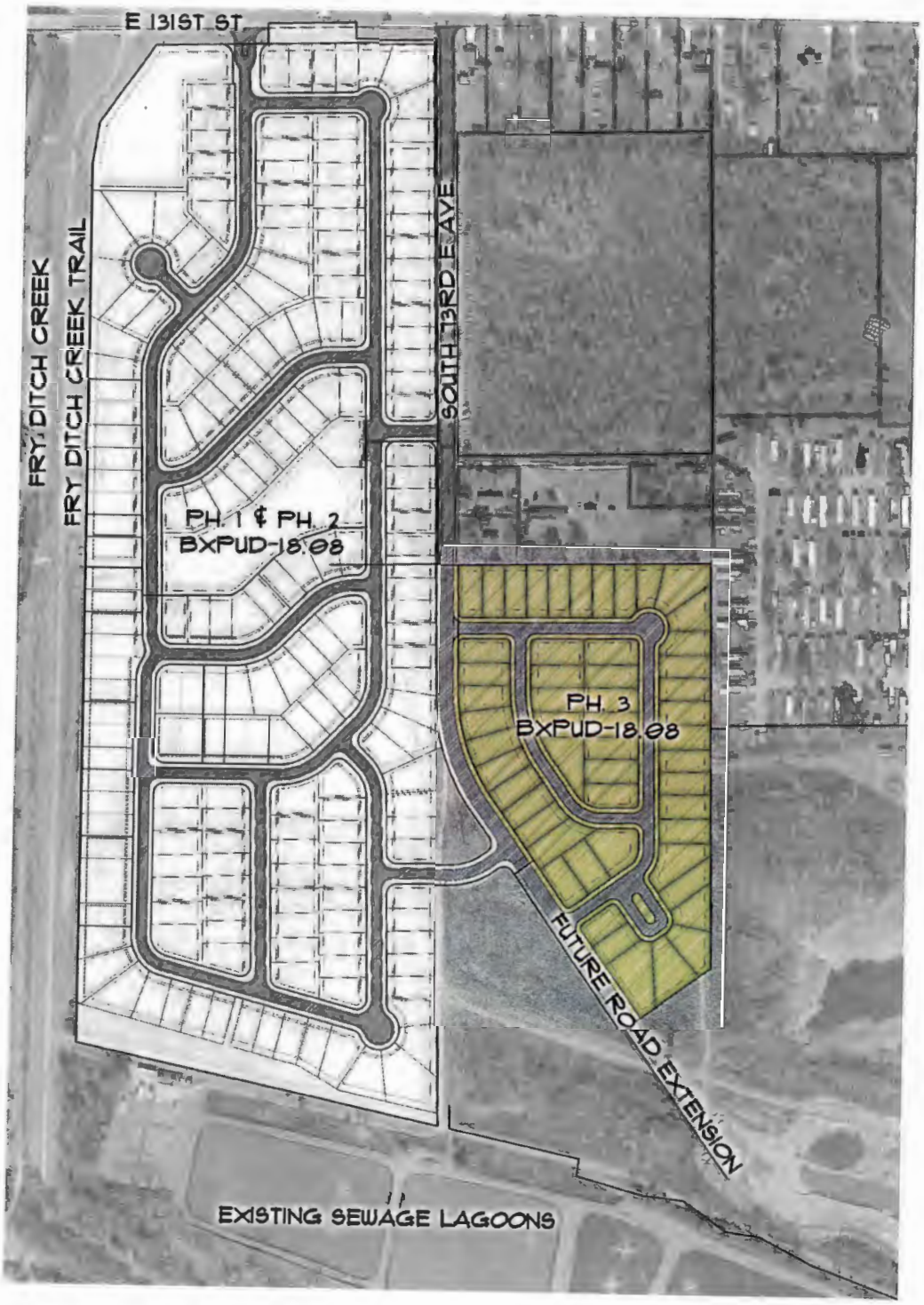


EXHIBIT D: PHASE III PROPOSED CONCEPT PLAN



City of Bixby
P.O. Box 70
116 W. Needles Ave.
Bixby, OK 74008
(918) 366-4430

Staff Agenda Commentary
July 26, 2021

Item Titles(s):
River Crest III - BXPT-21.09 - Preliminary Plat for River Crest III. Located at East 131st Street South and South 73rd East Avenue, Bixby, Oklahoma.

Presenter:
Carolyn Back, Development Services Director / City Planner

Staff Information Source:
Comprehensive Plan, Zoning Code, Applicant Exhibit(s)

Background:
Heard by Planning Commission on July 19, 2021.

Zero (0) citizens spoke for/against the request at the Planning Commission public hearing

07.19.21 Rezone RS-3 – Planning Commission recommendation of approval per Staff Comment recommendations

07.19.21 PUD – Planning Commission recommendation of approval per Staff Comment recommendations

07.26.21 Comp Plan Future Land Use Map Amendment – On Council Agenda for action

Project Overview per Plat:

# of Acres	28.907 (+/-)	Min Lot Width	55 feet (avg)
# of Lots	116 per Face of Plat	Min Lot Size	6900 SF (avg)
# of Blocks	6	Avg Dwelling Units	4.5/acre
# of Phases	TBD	# of Reserve Areas	3

Project Overview per PUD by PDG:

# of Acres	13 (+/-)	Min Lot Width	55 feet (avg)
# of Lots	60 max per	Min Lot Size	6000 SF (avg)
# of Blocks	3	Avg Dwelling Units	4.5/acre
# of Phases	TBD	# of Reserve Areas	3

Exhibits:
Exhibit A: Planning Commission Staff Report dated 07.19.2021

Key Issue:
Approval

Recommendation:
Staff recommends approval of the River Crest III, BXPT-21.09, Preliminary Plat per Planning Commission recommendation and Planning Review, Engineering Review, and Staff Comments.

City of Bixby
P.O. Box 70
116 W. Needles Ave.
Bixby, OK 74008
(918) 366-4430

Staff Report

To: City of Bixby, Planning Commission

From: Carolyn Back, Development Services Director/City Planner
Donna Crawford, Assistant City Planner

Date: Monday, July 19, 2021

Name: River Crest (Phase III) – Preliminary Plat (Blocks 11-13) BXPUD-18.08
(Formerly known as River Trails)

(NOTE: Rezone and Major Amendment to BXPUD-18.08 – Planning Design Group on 07.19.21 Agenda)

RE: Preliminary Plat (Blocks 11-13) to match existing zoning and subdivision layout with River Crest Phases I & II

Location: East 131st Street and South 73rd East Avenue, Bixby, Oklahoma 74008

Site Stats:

Acres:	13 +/-
Number of Lots:	60 max per PUD 51 per face of plat
Lot Size:	6,900 +/-
Number of Blocks:	3
Dwelling Units:	4.5/acre

STR: Section 11, Township 17N, Range 13E

Applicant: Tanner Consulting, LLC

Request:
Tanner Consulting is requesting Preliminary Plat approval to accompany the Planning Design Group request, also on the Agenda, for Rezone from Commercial Shopping (CS) to Single-Family Residential (RS3) with a Major Amendment to the supplemental zoning BXPD-18.08 for the addition of land totaling approximately 13 acres for Phase III River Crest subdivision.

Existing Zoning; Use:
Commercial Shopping; Vacant

Abutting Zoning; Use:
North: (AG) Agriculture; Vacant; (IL) Industrial Light; Vacant
East: (RM-2) Residential Manufactured Home;
(RMH) Residential Manufactured Home Park
South: (CS) Commercial Shopping; Vacant
West: (RS-1) Residential Single-Family

Proposed Zoning; Use:
(RS-3) Residential Single-Family; Single-Family Dwellings (River Crest III)

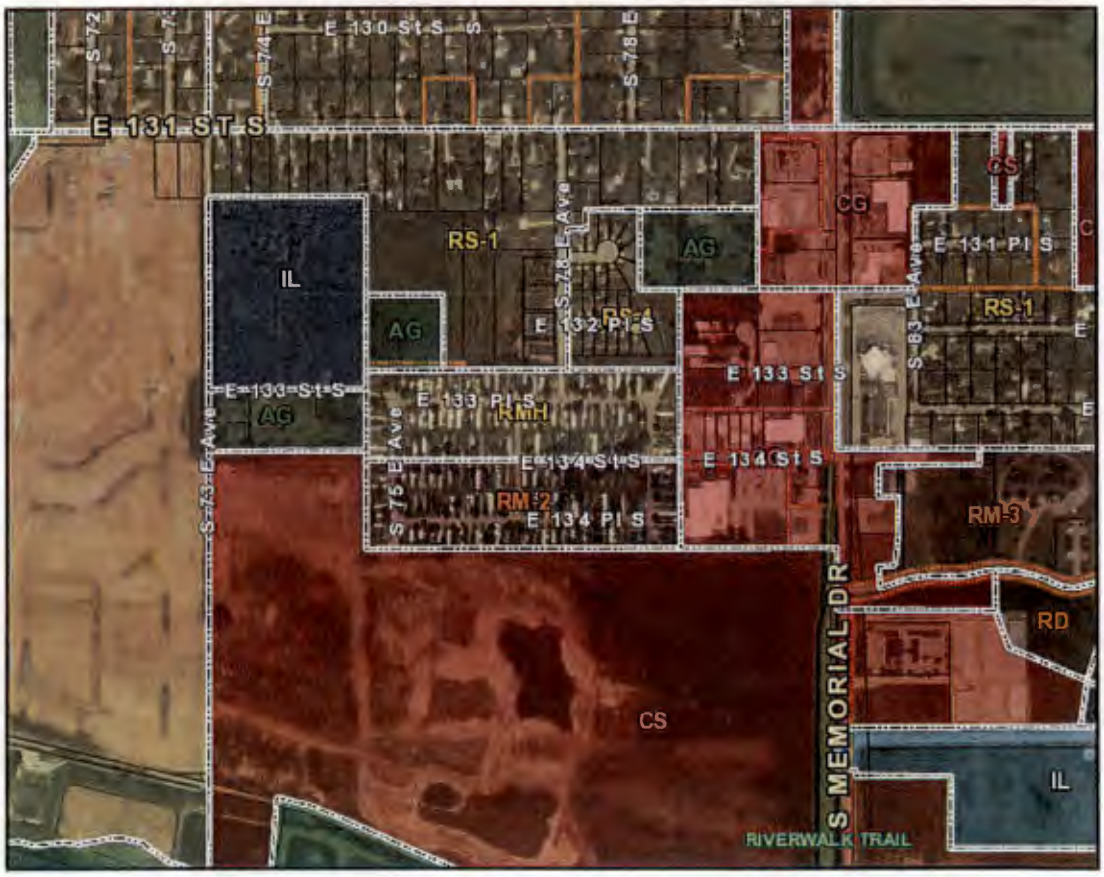


Figure 1: City of Bixby Zoning Map

Staff Review

The applicant is requesting a Preliminary Plat approval aligning with the Major Amendment to BXPUD-18.08 and being consistent with development patterns on adjacent and surrounding properties.

The rezone running concurrently with this application will also put in action an update to the Comprehensive Plan, 2030 Future Land Use Map. An application has been submitted and scheduled to be heard in our quarterly City Council Comprehensive Plan Amendment reviews during their July 26, 2021 hearing.

Utilities/Site Area: There is a 12" water main running North/South on the West side of South 73rd East Ave., and a 16" sanitary sewer running East/West on the North side and a 12"sanitary sewer running North/South along South 73rd East Avenue. A stormwater system is available through the existing River Crest development to the West.

Planning Review Comments:

1. Face of Plat – Statistical Summary does not match lot count
2. Sheet 2 of 3 – Section I – Street, Easements, and Utilities, E. Paving and Landscaping within Easements.
    a. After the words, "by necessary maintenance of", Add the words: "all underground utilities"
    b. Delete the words: Underground water...though...electric facilities.
    c. Leave in the rest from: "within the utility easement areas...
3. Section II – Reserve Areas, A. Reserve A, 3.b. – Rewrite as follows:
   PRIVATE STREETS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE ABOVE STANDARDS PRIOR TO THE ISSUANCE OF A BUILDING PERMIT FOR ANY LOT THAT DERIVES ITS ACCESS FROM A PRIVATE STREET.
4. Section II B., Reserve A and on Sheet 3 of 3 – please change references from "as defined below" to Section and subsection actual location.
5. Sheet 3 of 3 – Section III – Planned Unit Development Restrictions, B. – Rear and Side Corner Lot setbacks do not match BXPUD-18.08 Development Standards.
6. Section III D. – Please determine and amend.
7. Section IV – B.3. – Add BXPUD-18.08 after the word "Development" and put period after the word "restrictions" and delete rest of the sentence.
8. Section IV E. – Please determine and amend.
9. Section V – Homeowners' Association, A. Formation of Homeowners Association – Is this going to be private and gated? Need to update and align with Planning Design Groups PUD document.
10. Section VI – The PUD is a Major Amendment, please change minor amendment references in DoD.

Please add a note that all gates must meet City Standards, if going to be gated.

Engineering Review Comments: Please see attached memo dated July 6, 2021

Public Comments: No comments have been received for or against the Rezone.

Staff Comments:

1. Staff supports Planning Commission recommendation for approval of the requested Preliminary Plat with Planning and Engineering comments implemented to the Plat before moving to Council.

Figures: Figure 1: City of Bixby Zoning Map

Attachments:
Exhibit A: Preliminary Plat by Tanner Consulting, LLC, dated 06.15.2021
Exhibit B: Development Services – Engineering Memo dated 07.06.2021

Published in the Tulsa Business & Legal News,
City of Bixby, Tulsa County, Oklahoma _____, 2021

ORDINANCE No. 2351

AN ORDINANCE AMENDING ORDINANCE NUMBER 272; REZONING A TRACT OF LAND, AS MORE PARTICULARLY DESCRIBED IN THIS ORDINANCE, FROM CS (COMMERCIAL SHOPPING) TO RS-3 (RESIDENTIAL SINGLE-FAMILY) CLASSIFICATION (BXZO - 21.13) AND SUPPLEMENTAL PLANNED UNIT DEVELOPMENT ZONING MAJOR AMENDMENT TO (BXPUD-18.08), AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BIXBY, OKLAHOMA:

Section 1. That Ordinance No. 2351 be and the same is now amended and the following described property, to-wit:

SEE ATTACHED EXHIBIT "A1" FOR LEGAL DESCRIPTION

Located South of East 131st Street South and South 73rd East Avenue, Bixby, Oklahoma, BXZO-21.13 and BXPUD-18.08, be and the same is now rezoned from CS (Commercial Shopping) to a RS-3 (Residential Single-Family) classification.

Section 2. SEVERABILITY CLAUSE. If any section, sentence, clause or phrase of this Ordinance or any part is for any reason found to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remainder of this ordinance or any part thereof.

Section 3. EMERGENCY CLAUSE. That because this Ordinance is essential to the proper and orderly growth of the City of Bixby, an Emergency is now declared to exist for the preservation of the public peace, health and safety, by reason whereof second reading of this Ordinance is waived and this Ordinance shall take effect and be in force immediately upon its passage.

APPROVED in an open meeting of the Bixby City Council and PASSED by an affirmative majority vote of the entire membership of the City Council, to-wit: ___ **YES,** ___ **NO,** ___ **ABSTAINING,** ___ **ABSENT**, on this _____ day of _____, 2021.

_____
Mayor of the City of Bixby, Oklahoma

APPROVED as an Emergency Measure ruled upon separately and PASSED by an affirmative majority vote of at least four-fifths (4/5) of the entire membership of the Bixby City Council, to-wit: ___ **YES,** ___ **NO,** ___ **ABSTAINING,** ___ **ABSENT**, on this _____ day of _____, 2021.

_____
Mayor of the City of Bixby, Oklahoma

(Seal)
ATTEST:

_____
City Clerk

APPROVED:

_____
City Attorney

EXHIBIT A

A TRACT OF LAND THAT IS A PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER (W/2 SW/4 NE/4) OF SECTION ELEVEN (11), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID W/2 SW/4 NE/4; THENCE NORTH 88°24'35" EAST AND ALONG THE NORTH LINE OF THE W/2 SW/4 NE/4, FOR A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING NORTH 88°24'35" EAST ALONG SAID NORTH LINE, FOR A DISTANCE OF 630.71 FEET TO THE NORTHEAST CORNER THEREOF; THENCE SOUTH 1°14'49" EAST AND ALONG THE EAST LINE OF THE W/2 SW/4 NE/4, FOR A DISTANCE OF 990.78 FEET; THENCE SOUTH 53°58'00" WEST FOR A DISTANCE OF 272.35 FEET; THENCE NORTH 36°02'00" WEST FOR A DISTANCE OF 468.38 FEET; THENCE NORTH 53°58'00" EAST FOR A DISTANCE OF 60.00 FEET; THENCE NORTH 36°02'00" WEST FOR A DISTANCE OF 184.21 FEET TO A POINT OF CURVATURE; THENCE ALONG A 470.00 FOOT RADIUS CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 34°47'18", WITH A CHORD BEARING AND DISTANCE OF NORTH 18°38'21" WEST FOR 281.01 FEET, FOR AN ARC DISTANCE OF 285.37 FEET TO A POINT OF TANGENCY; THENCE NORTH 1°14'42" WEST AND PARALLEL WITH THE WEST LINE OF THE W/2 SW/4 NE/4, FOR A DISTANCE OF 304.04 FEET TO THE POINT OF BEGINNING;

SAID TRACT CONTAINING 565,642 SQUARE FEET OR 12.985 ACRES.

City of Bixby
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116 W. Needles Ave.
Bixby, OK 74008
(918) 366-4430

Staff Report

To: City of Bixby, Planning Commission

From: Carolyn Back, Development Services Director/City Planner

Date: Monday, July 19, 2021

RE: Comprehensive Plan - 2030 Future Land Use Map Amendment to allow Commercial use along the 151st Frontage and Medium Density Residential for remainder of property.

Location: East 151st Street and South Yale Avenue (Biggers Trust)

Acres: Residential Development Area A: 120 Acres
Commercial Development Area B: 14.598 Acres

STR: Section 21, Township 17N, Range 13E

Applicant: Jim Crosby, PDG

Request:
Comprehensive Plan Amendment from Mixed-Use to Commercial and Medium Density Residential.

Existing Zoning; Use:
Agriculture (AG); Vacant

Abutting Zoning; Use:
North: Commercial Shopping (CS)
East: Commercial Shopping (CS), Agriculture (AG), Office Medium (OM), Residential Estate (RE)
South: (AG) Agriculture; Vacant
West: Residential Single-Family (RS-2), Commercial Shopping (CS)

Proposed Zoning; Use:
Commercial Shopping (CS) and Residential Single-Family (RS-3); Commercial Shopping uses and Single-Family Dwellings.

Figure 1: City of Bixby Zoning Map

Staff Review

The applicant is requesting a Comprehensive Plan, 2030 Future Land Use Map amendment (BXCP 21.04) that is consistent with surrounding property and will blend with the adjacent property.

Public Comments: No comments have been received for or against the Rezone.

Staff Comments:

1. Staff supports Planning Commission recommendation for approval of the requested Comprehensive Plan Amendment from Medium Density Residential to Mixed-Use

Figures: Figure 1: City of Bixby Zoning Map

Attachments:
Exhibit A: Property Legal Description (Residential Development Area A) by Jim Crosby, PDG.
Exhibit B: Property Legal Description (Commercial Development Area B) by Jim Crosby, PDG.
Exhibit C: Existing Mixed Use Designation Land Use Map Exhibit by Jim Crosby, PDG.
Exhibit D: Proposed Commercial and Medium Density Designation Land Use Map Exhibit by Jim Crosby, PDG.

PDG
PLANNING DESIGN GROUP
Landscape Architecture | Land Planning

Property Legal Description

Residential Development Area A

A tract of land in the Northeast Quarter (NE/4) of Section Twenty-one (21), Township Seventeen (17) North, Range Thirteen (13) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the recorded U.S. Government Survey thereof. More particularly described as follows, to-wit:

Commencing at the Northeast corner of said NE/4; thence S 00°00'00" E along the East line of said NE/4 a distance of 500.00 feet to the Point of Beginning; thence S 00°00'00" E along the East line of said NE/4 a distance of 157.71 feet; thence N 89°38'06" W a distance of 662.18 feet; thence S 00°01'07" W a distance of 657.68 feet; thence S 89°38'06" E a distance of 219.35 feet; thence S 00°22'03" W a distance of 142.83 feet; thence N 89°32'03" E a distance of 443.97 feet to a point on the East line of said NE/4; thence S 00°00'00" E a distance of 1179.03 feet to the Southeast corner of said NE/4; thence N 89°37'44" W along the South line of said NE/4 a distance of 2651.33 feet to the Southwest corner of said NE/4; thence N 00°04'29" E along the West line of said NE/4 a distance of 2381.61 feet to a point on the South Right of Way (R/W) of State Highway #67; thence S 89°38'15" E along said R/W a distance of 238.99 feet; the N89°04'49"E and along said R/W a distance of 348.88 feet; thence S0°01'07"W a distance of 250.00 feet; thence N89°04'49"E a distance of 1398.50 feet; thence S01°01'07"W a distance of 197.99 feet; thence S 89°38'06"E a distance of 662.18 feet to the East line of said NE/4; thence
N 00°00'00"W and along the East line of said NE/4 a distance of 500.00 feet to the Point of Beginning and containing 120 acres more or less.

Exhibit A

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Existing Mixed Use Designation Land Use Map

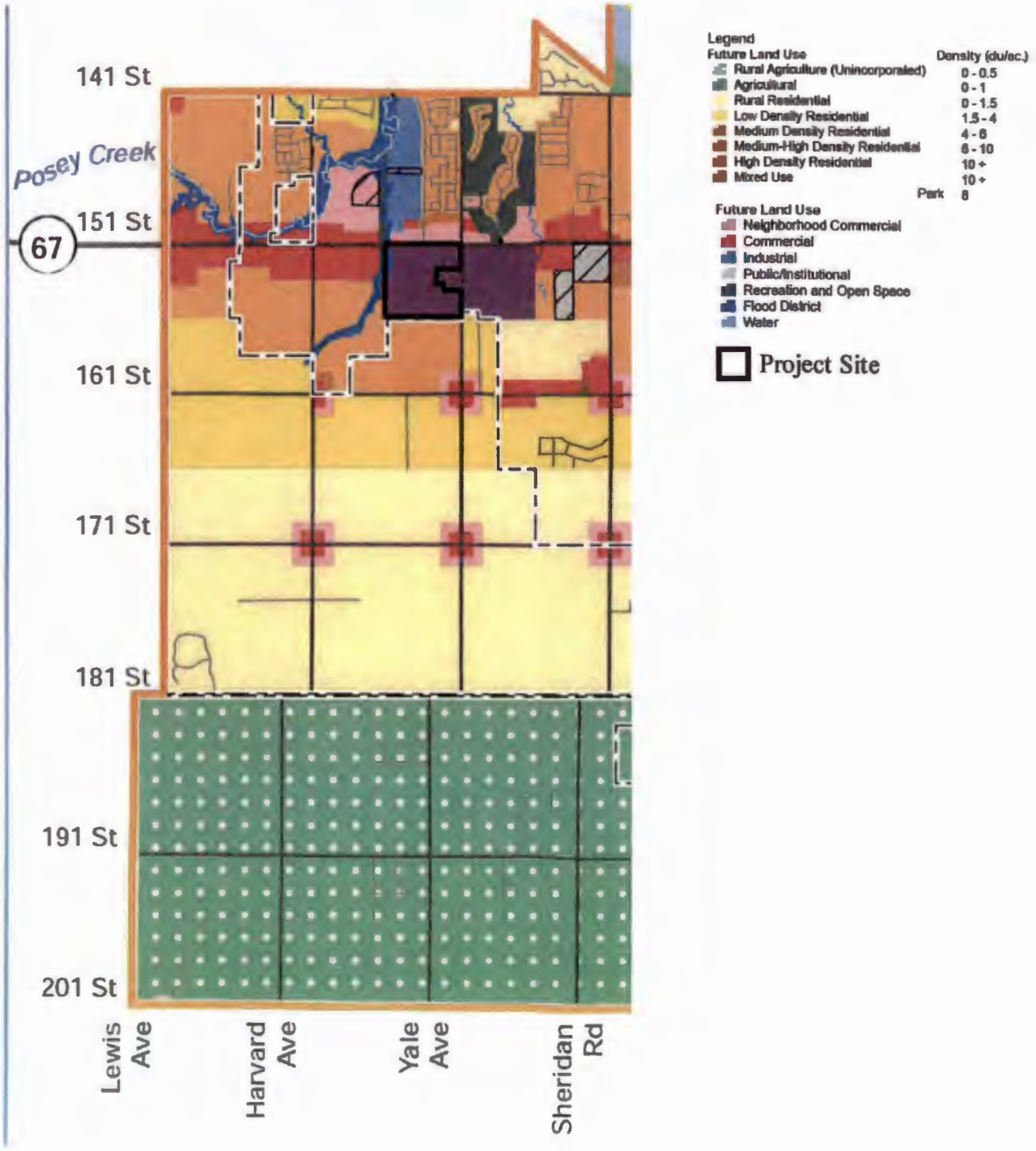


Exhibit C

5314 South Yale Ave., Suite 510, Tulsa, Oklahoma 74135 Phone (918)628-1255

PDG
PLANNING DESIGN GROUP
Landscape Architecture | Land Planning

Proposed Commercial & Medium Density Designation Land Use Map

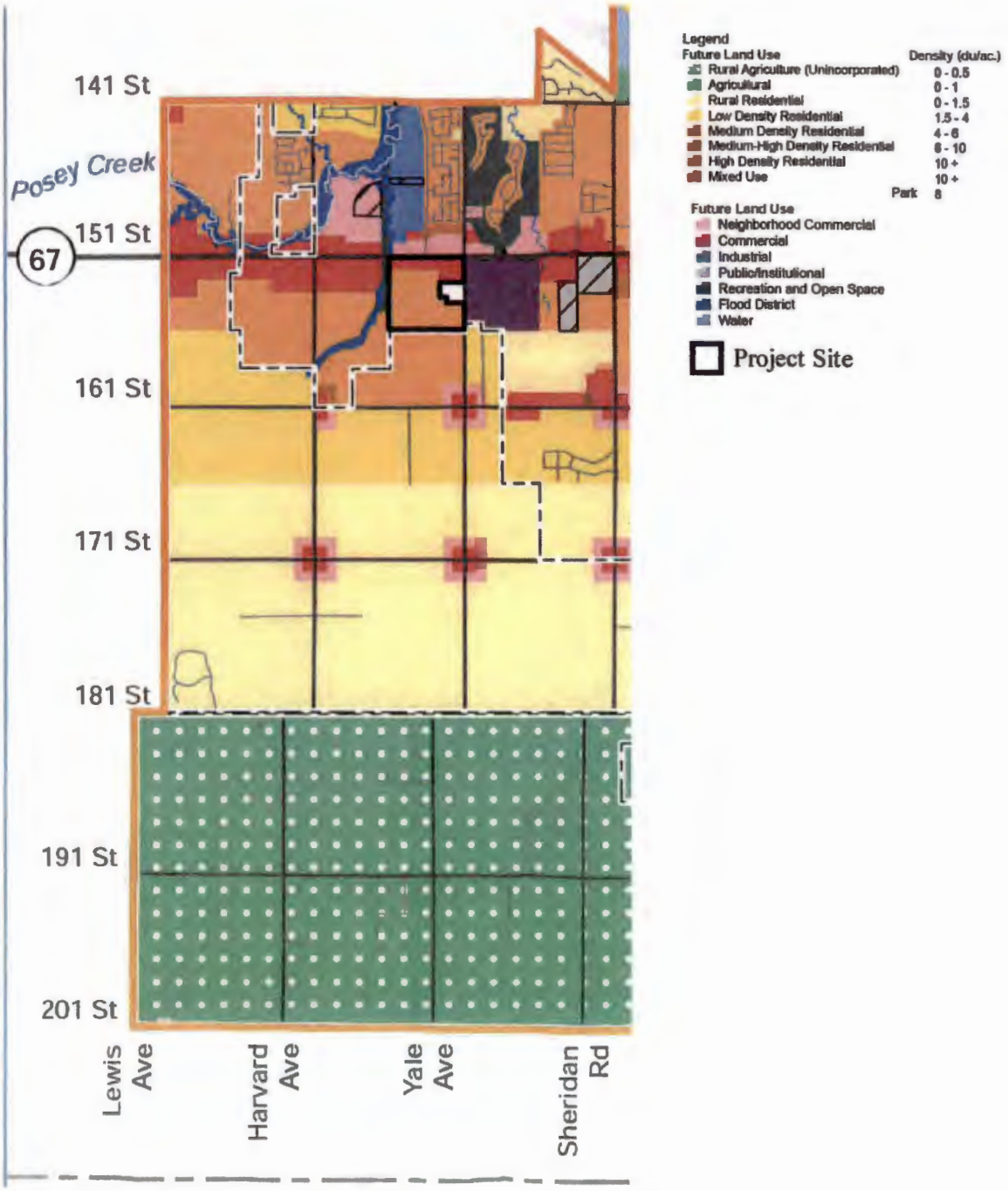


Exhibit D

5314 South Yale Ave., Suite 510, Tulsa, Oklahoma 74135 Phone (918)628-1255

Published in the Tulsa World,
City of Tulsa, Tulsa County, Oklahoma _____, 2021

ORDINANCE NO. 2349

AN ORDINANCE AMENDING ORDINANCE NUMBER 2267; A MAJOR AMENDMENT TO THE 2030 FUTURE LAND USE MAP IN THE 2018 COMPREHENSIVE PLAN, "BIXBY 2030, OUR VISION, OUR FUTURE", FOR BIGGERS TRUST, CONTAINING 120 ACRES, MORE OR LESS, IN SECTION TWENTY-ONE (21), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF; REMOVING THE "MIXED-USE" DESIGNATION AND AMENDING TO "COMMERCIAL" AND "MEDIUM-DENSITY RESIDENTIAL", (BXCP-21.04); AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BIXBY, OKLAHOMA:

Section 1. That Ordinance No. 2349 and the Future Land Use Map in the 2018 Comprehensive Plan for the following described real property, to-wit:

EXHIBIT A

RESIDENTIAL DEVELOPMENT AREA A

A TRACT OF LAND IN THE NORTHEAST QUARTER (NE/4) OF SECTION TWENTY-ONE (21), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED U.S. GOVERNMENT SURVEY THEREOF. MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING AT THE NORTHEAST CORNER OF SAID NE/4; THENCE S 00°00'00" E ALONG THE EAST LINE OF SAID NE/4 A DISTANCE OF 500.00 FEET TO THE POINT OF BEGINNING; THENCE S 00°00'00" E ALONG THE EAST LINE OF SAID NE/4 A DISTANCE OF 157.71 FEET; THENCE N 89°38'06" W A DISTANCE OF 662.18 FEET; THENCE S 00°01'07" W A DISTANCE OF 657.68 FEET; THENCE S 89°38'06" E A DISTANCE OF 219.35 FEET; THENCE S 00°22'03" W A DISTANCE OF 142.83 FEET; THENCE N 89°32'03" E A DISTANCE OF 443.97 FEET TO A POINT ON THE EAST LINE OF SAID NE/4; THENCE S 00°00'00" E A DISTANCE OF 1179.03 FEET TO THE SOUTHEAST CORNER OF SAID NE/4; THENCE N 89°37'44" W ALONG THE SOUTH LINE OF SAID NE/4 A DISTANCE OF 2651.33 FEET TO THE SOUTHWEST CORNER OF SAID NE/4; THENCE N 00°04'29" E ALONG THE WEST LINE OF SAID NE/4 A DISTANCE OF 2381.61 FEET TO A POINT ON THE SOUTH RIGHT OF WAY (R/W) OF STATE HIGHWAY #67; THENCE S 89°38'15" E ALONG SAID R/W A DISTANCE OF 238.99 FEET; THENCE N 89°04'49" E AND ALONG SAID R/W A DISTANCE OF 348.88 FEET; THENCE S 0°01'07" W A DISTANCE OF 250.00 FEET; THENCE N 89°04'49" E A DISTANCE

OF 1398.50 FEET; THENCE S 00°01'07" W A DISTANCE OF 197.99 FEET; THENCE S 89°38'06" E A DISTANCE OF 662.18 FEET TO THE EAST LINE OF SAID NE/4; THENCE N 00°00'00" W AND ALONG THE EAST LINE OF SAID NE/4 A DISTANCE OF 500.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 120 ACRES MORE OR LESS.

COMMERCIAL DEVELOPMENT AREA B

A TRACT OF LAND IN THE NORTHEAST QUARTER (NE/4) OF SECTION TWENTY-ONE (21), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED U.S. GOVERNMENT SURVEY THEREOF. MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING AT THE NORTHEAST CORNER OF SAID NE/4; THENCE S 00°00'00" E ALONG THE EAST LINE OF SAID NE/4 A DISTANCE OF 657.71 FEET; THENCE N 89°38'06" W A DISTANCE OF 662.18 FEET; THENCE N 00°01'07" E A DISTANCE OF 197.99 FEET TO THE POINT OF BEGINNING; THENCE S 89°04'49" W A DISTANCE OF 1398.50 FEET; THENCE N 00°01'07" E A DISTANCE OF 250.00 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF STATE HIGHWAY #67; THENCE N 89°04'49" E ALONG SAID SOUTH R/W LINE A DISTANCE OF 1398.50 FEET; THENCE S 00°01'07" W A DISTANCE OF 250.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 8.025 ACRES, MORE OR LESS.

Located at the southwest corner of East 151st Street South and South Yale Avenue, Bixby, Oklahoma, be and the same is now redesignated from "Mixed-Use," to "Commercial" and "Medium-Density Residential."

Section 3. SEVERABILITY CLAUSE. If any section, sentence, clause or phrase of this ordinance or any part is for any reason found to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remainder of this ordinance or any part thereof.

Section 4. EMERGENCY CLAUSE. That because this Ordinance is essential to the proper and orderly growth of the City of Bixby, an Emergency is now declared to exist for the preservation of the public peace, health and safety, by reason whereof second reading of this ordinance is waived and this Ordinance shall take effect and be in force immediately upon its passage.

APPROVED in an open meeting of the Bixby City Council and PASSED by an affirmative majority vote of the entire membership of the City Council, to-wit: ___**-YES,** ___**-NO,** ___**-ABSTAINING,** ___**-ABSENT**, on this _____ day of July _____ 2021.

_____

Brian Guthrie
Mayor of the City of Bixby, Oklahoma

APPROVED as an Emergency Measure ruled upon separately and PASSED by an affirmative majority vote of at least four-fifths (4/5) of the entire membership of the Bixby City Council, to wit: ___**-YES,** ___**-NO,** ___**-ABSTAINING,** ___**-ABSENT**, on this ____ day of July_____ 2021.

_____
Brian Guthrie
Mayor of the City of Bixby, Oklahoma

(Seal)
ATTEST:

_____
Yvonne Adams
City Clerk

APPROVED:

_____
Phil Frazier
City Attorney

City of Bixby
P.O. Box 70
116 W. Needles Ave.
Bixby, OK 74008
(918) 366-4430

Staff Agenda Commentary
July 26, 2021

Item Titles(s):
Biggers Trust - BXZO-21.14 Rezone on a large parcel of rural land from Agriculture (AG) to Commercial Shopping (CS) and Residential Single-Family (RS-3) and BXPUD-21.05 Planned Unit Development (PUD) supplemental zoning for requested rezone of subject property to Commercial Shopping (CS) and Residential Single-Family (RS-3). Located: East 151st Street South and South Yale Avenue, Bixby, Oklahoma

Presenter:
Carolyn Back, Development Services Director / City Planner

Staff Information Source:
Comprehensive Plan, Zoning Code, Applicant Exhibit(s)

Background:
Heard by Planning Commission on July 19, 2021.
Zero (0) citizens spoke for/against the request at the Planning Commission public hearing.

07.19.21 – Planning Commission denied. 3-2-0 Vote

Project Overview (Residential):

# of Acres	Unplatted: *120 Acres (+/-)*	Min Lot Width	55 feet
# of Lots	380 (allowable)	Min Lot Area	5500 SF
# of Blocks	TBD	Min Land Area per DU	8400 SF
# of Phases	TBD	# of Reserve Areas	TBD at platting

Proposed Amenities:

Pete Kourtis with Owasso Land Trust is well-known for designing a nice amenity package for their developments. A nice masonry entry feature and sign are proposed for all entrances into the subdivision.

This expansive 31.64 acre proposed amenity package consists of multiple ponds with a creek flowing throughout the area. One wet pond will be designed for fishing and other light recreational uses and will also serve as a detention pond. A swimming pool and playground area, along with walking and biking trail system will be the central core of the amenity package. There will be general open play areas dispersed along the trail system, next to the pool and playground area.

PDG
PLANNING DESIGN GROUP
Landscape Architecture | Land Planning

July 20, 2021

Ms. Carolyn Back
Development Service Director | City Planner
City of Bixby
116 W. Needles Ave.
Bixby, OK 74008

RE: Appeal of the Bixby Planning Commission Ruling for the Biggers Tract
Rezone – BXSP-21.14 and Planned Unit Development – BXPUD-21.05

Dear Ms. Back,

PDG, representing the Dorothy L. Biggers Trust, is appealing the Bixby Planning Commissions decision for denial of the re-zoning and Planned Unit Development brought before them on the evening of July 19, 2021. The general location of this property is East 151st Street South and South Yale Ave. Bixby Oklahoma. We would request to go before the Bixby City Council on the evening of July 26, 2021 to present or case.

Sincerely,
PLANNING DESIGN GROUP

Jim Crosby, PLA, ASLA
Principal

City of Bixby
P.O. Box 70
116 W. Needles Ave.
Bixby, OK 74008
(918) 366-4430

Staff Report

To: City of Bixby, Planning Commission

From: Carolyn Back, Development Services Director/City Planner
Donna Crawford, Assistant City Planner

Date: Monday, July 19, 2021

RE: Rezone (BXZO-21.14) a large parcel of rural land from Agriculture (AG) to Commercial Shopping (CS) and Residential Single-Family (RS-3)

Planned Unit Development (BXPUD-21.05) supplemental zoning for requested rezone of subject property to Commercial Shopping (CS) and Residential Single-Family (RS-3).

Location: East 151st Street South and South Yale Avenue, Bixby, Oklahoma 74008
Unplatted: *120 Acres (+/-)*

STR: Section 21, Township 17N, Range 13E

Project: Biggers Property – Rezone and PUD

Applicant: Planning Design Group

Request:
Rezone from Agriculture (AG), with a portion of the Northern border along East 151st Street South to Commercial Shopping (CS) and the bulk of the property to Residential Single Family (RS-3). A smaller portion of the hard corner on East 151st Street South and South Yale Avenue will remain zoned Commercial Shopping (CS).

Existing Zoning; Use:
Commercial Shopping (CS); Vacant
Agriculture (AG); Vacant

Abutting Zoning; Use:
North: (CS) Commercial Shopping; E 151st Street South Right-of-Way and Vacant
East: (AG) Agriculture; Single-Family Dwellings
(CG) Commercial General; Vacant
(OM) Office Medium; Vacant
(RS-2) Residential Single-Family; Vacant
South: (AG) Agriculture; Vacant
West: (AG) Agriculture; Vacant

Proposed Zoning; Use:
Development Area A - Single-Family (RM-3 with PUD); Residential Single-Family Dwellings
Development Area B - Commercial Shopping (CS); Future Commercial Shopping zoning use(s)

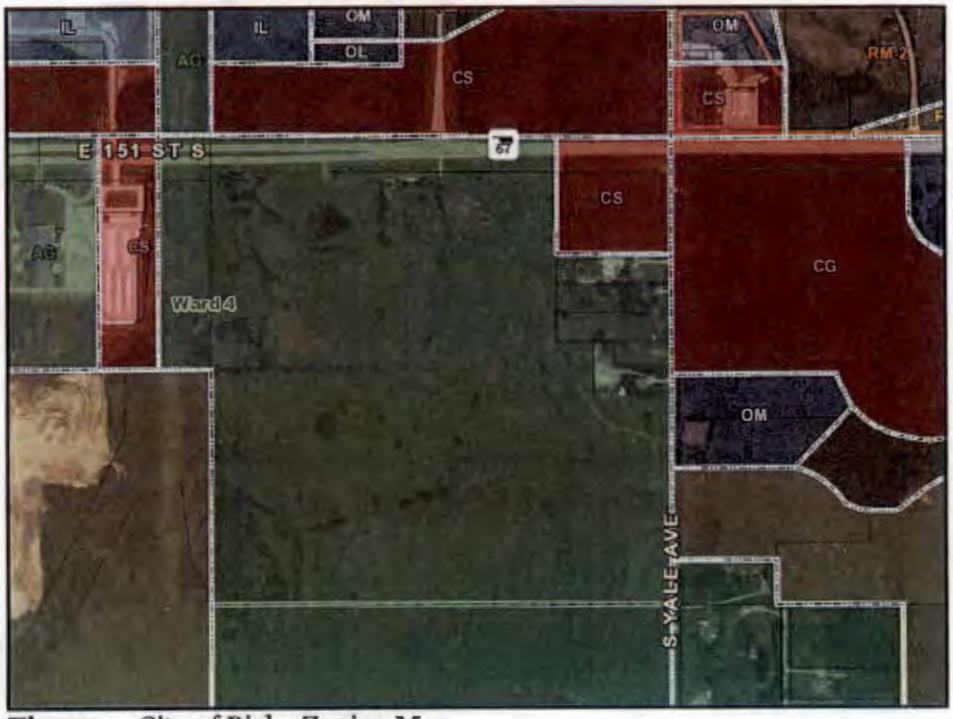


Figure 1: City of Bixby Zoning Map

Staff Review

The applicant is requesting a Rezone (BXZO 21.14) that consists of a portion (14.5 acres) of the Northern border to be rezoned to Commercial Shopping (CS), with a portion of the southwest hard corner of East 151st Street South and South Yale Avenue to remain Commercial Shopping. The remaining 120 (+/-) acres to be rezoned to Residential Single Family (RS-3).

The proposed rezone does not currently align with the Comprehensive Plan, 2030 Future Land Use Map designation of Mixed-Use. An application has been submitted and scheduled to be heard in our quarterly City Council Comprehensive Plan Amendment reviews during their July 26, 2021 hearing.
The Biggers Planned Unit Development (BXPUD-21.05) is divided into two (2) Development Areas. Phasing to be determined during platting process.

- Development Area A – Residential Development Standards
  Approximately 120 (+/-) acres and will consist of single-family detached dwellings intended for individual ownership.
  - Minimum Lot Width — 55 feet*
  - Minimum Lot Width
    - cul-de-sac — *up to 5 foot reduction along ROW frontage
    - pie-shaped — *up to 5 foot reduction along ROW frontage (Must meet minimum lot size requirements)
  - Minimum Lot Size — 5,500 SF
  - Total Allowable Number of Lots — 380
  - Dwelling Units per Gross Acre — 4.0 DU/acre (max)

- Development Area B – Commercial Development Standards
  Approximately 14.5 (+/-) acres. Allowed uses will consist of commercial lots adhering to the City of Bixby's Commercial Shopping (CS) Zoning Code Regulations.

Utilities/Site Area: There is a 12" water main running East/West on the South side of East 151st Street South. Sanitary Sewer is in close proximity, but would require an extension through a Department of Environmental Quality, Permit to Construct. Stormwater will be conveyed through the site and connect to the floodplain and proposed detention ponds located on the western edge of the property.

Public Comments: No comments have been received at time of this report.

Staff Comments:

1. Staff supports Planning Commission recommendation for approval of the requested Rezone as the applicant's current and proposed uses are amenable to surrounding densities and types of use.
2. Staff supports Planning Commission recommendation for approval of the altering/increasing the dimensions of Commercial Shopping (CS) zoned area to 14.5 acres (+/-).
3. Staff worked closely with the applicant for minor modifications to the PUD that were already implemented.
4. Staff recommends requiring a minimum of 75% of the total structure be masonry materials, excluding door and window areas, within Development Area A – Residential. Approved masonry materials include stone, brick, stucco, and cementitious siding. Street facing facades must be solid masonry up to the first floor top plate.
5. Staff recommends requiring a minimum of 50% of the total structure be masonry materials, excluding door and window areas, within Development Area B - Commercial. Approved masonry materials include stone, brick, stucco, EIFS, and cementitious siding. Street facing facades must be solid masonry and other facades require a masonry wainscot with no exposed stem walls.

Figures: Figure 1: City of Bixby Zoning Map

Attachments:

Exhibit A.1:	Legal Description of Development Area A
Exhibit A.2:	Legal Description of Development Area B
Exhibit A.3:	Boundary Survey
Exhibit B:	Existing Zoning
Exhibit C:	Proposed Zoning
Exhibit D:	Biggers PUD (BXPUD-21.05) dated 07.14.21

PDG
Landscape Architecture | Land Planning

BIGGERS PROPERTY
EXHIBIT A.1: LEGAL DESCRIPTION

Property Legal Description

Residential Development Area A

A tract of land in the Northeast Quarter (NE/4) of Section Twenty-one (21), Township Seventeen (17) North, Range Thirteen (13) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the recorded U.S. Government Survey thereof. More particularly described as follows, to-wit:

Commencing at the Northeast corner of said NE/4; thence S 00°00'00" E along the East line of said NE/4 a distance of 500.00 feet to the Point of Beginning; thence S 00°00'00" E along the East line of said NE/4 a distance of 157.71 feet; thence N 89°38'06" W a distance of 662.18 feet; thence S 00°01'07" W a distance of 657.68 feet; thence S 89°38'06" E a distance of 219.35 feet; thence S 00°22'03" W a distance of 142.83 feet; thence N 89°32'03" E a distance of 443.97 feet to a point on the East line of said NE/4; thence S 00°00'00" E a distance of 1179.03 feet to the Southeast corner of said NE/4; thence N 89°37'44" W along the South line of said NE/4 a distance of 2651.33 feet to the Southwest corner of said NE/4; thence N 00°04'29" E along the West line of said NE/4 a distance of 2381.61 feet to a point on the South Right of Way (R/W) of State Highway #67; thence S 89°38'15" E along said R/W a distance of 238.99 feet; the N89°04'49"E and along said R/W a distance of 348.88 feet; thence S0°01'07"W a distance of 250.00 feet; thence N89°04'49"E a distance of 1398.50 feet; thence S01°01'07"W a distance of 197.99 feet; thence S 89°38'06"E a distance of 662.18 feet to the East line of said NE/4; thence
N 00°00'00"W and along the East line of said NE/4 a distance of 500.00 feet to the Point of Beginning and containing 120 acres more or less.

Exhibit A1

BIGGERS PROPERTY
EXHIBIT A.2: LEGAL DESCRIPTION

LEGAL DESCRIPTION

REZONING AREA B

A tract of land in the Northeast Quarter (NE/4) of Section Twenty-One (21), Township Seventeen (17) North, Range Thirteen (13) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the recorded U.S. Government Survey thereof. More particularly described as follows, to-wit:

Commencing at the Northeast corner of said NE/4; thence S 00°00'00" E along the East line of said NE/4 a distance of 657.71 feet; thence N 89°38'06" W a distance of 662.18 feet; thence N 00°01'07" E a distance of 197.99 feet to the Point of Beginning; thence S 89°04'49" W a distance of 1398.50 feet; thence N 00°01'07" E a distance of 250.00 feet to a point on the South Right of Way line of State Highway #67; thence N 89°04'49" E along said South R/W line a distance of 1398.50 feet; thence S 00°01'07" W a distance of 250.00 feet to the Point of Beginning and containing 8.025 Acres, more or less.

Exhibit A2

BIGGERS PROPERTY
EXHIBIT A.3: LEGAL DESCRIPTION

REZONING AREA B

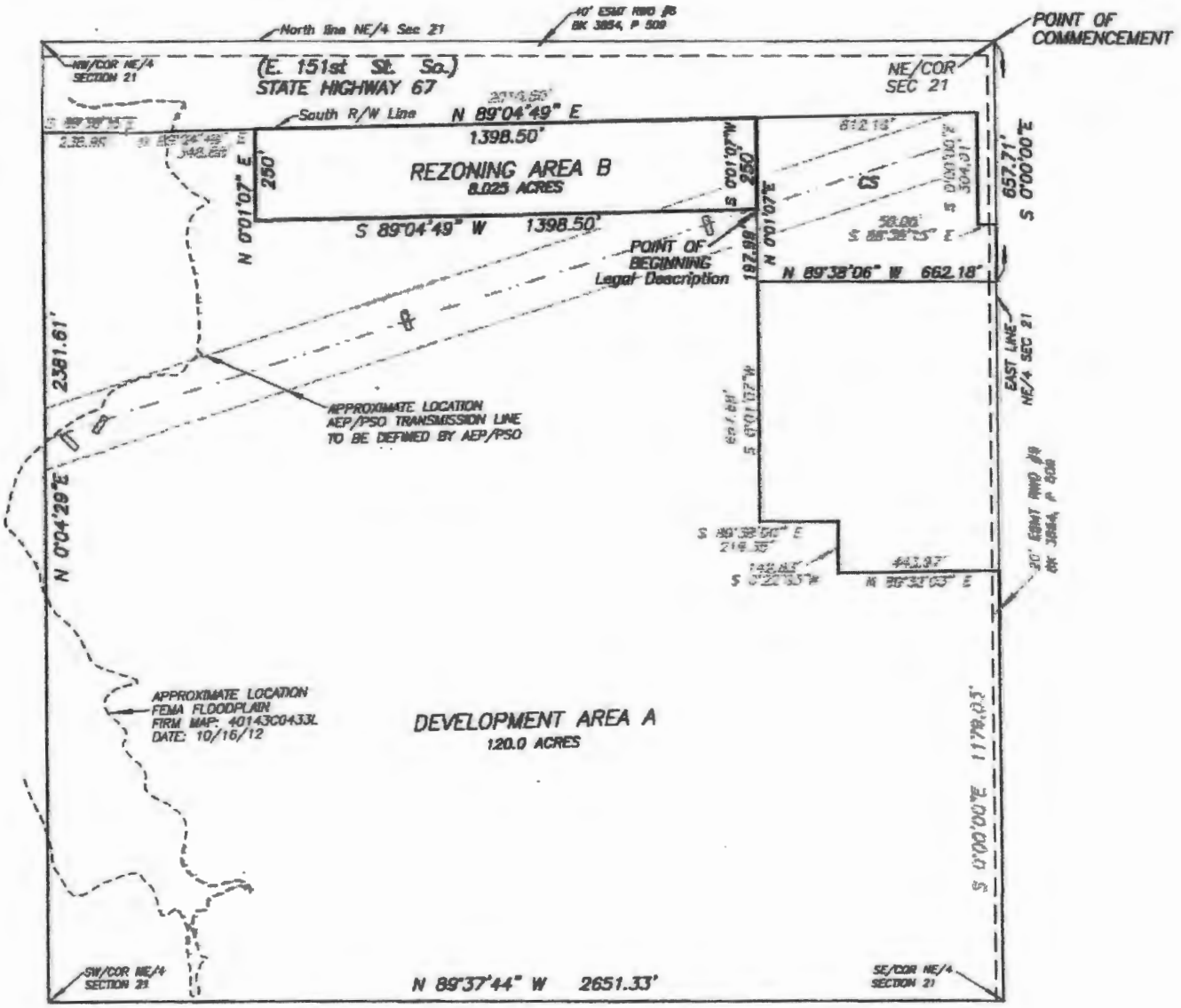
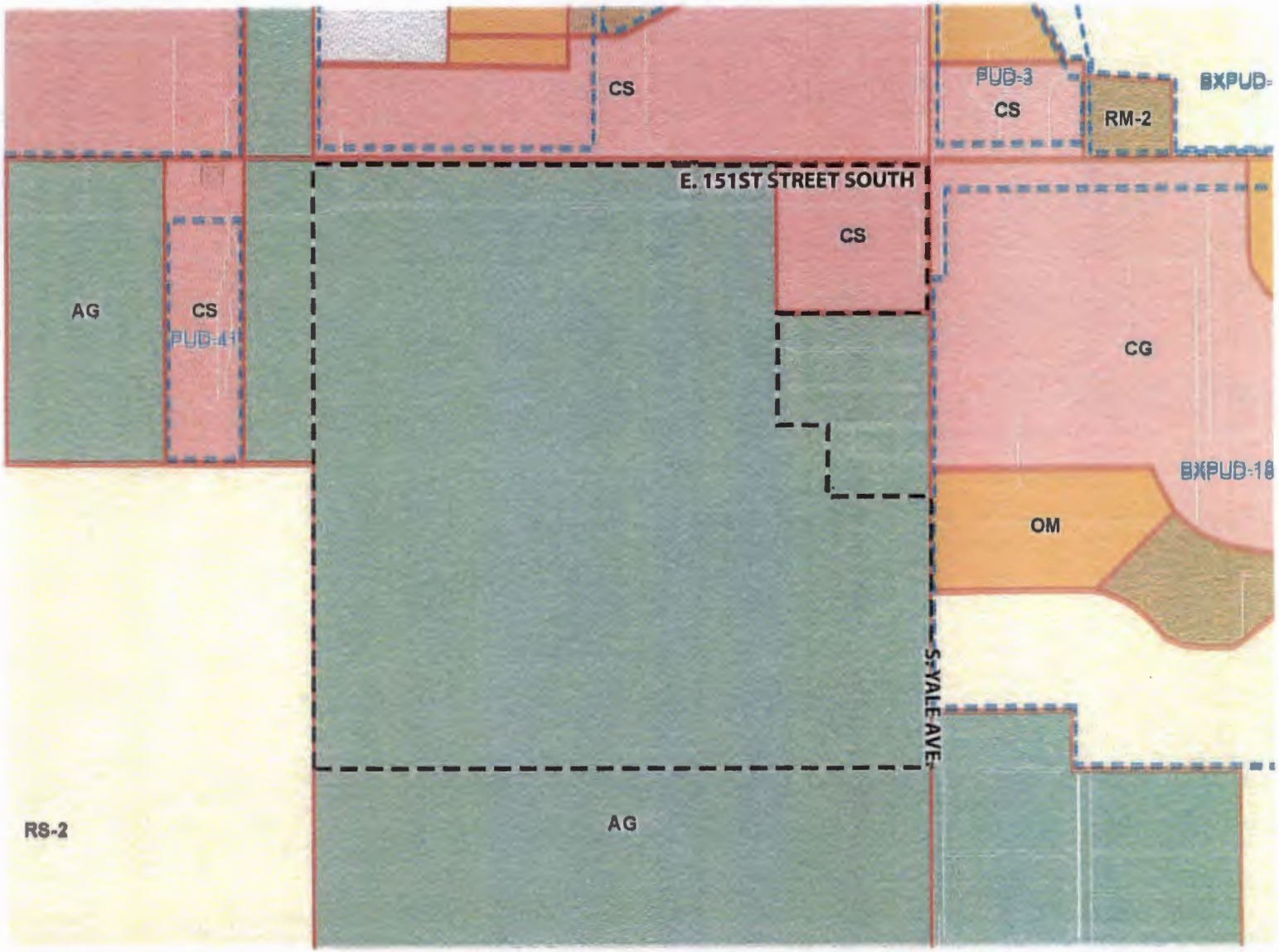


Exhibit A3



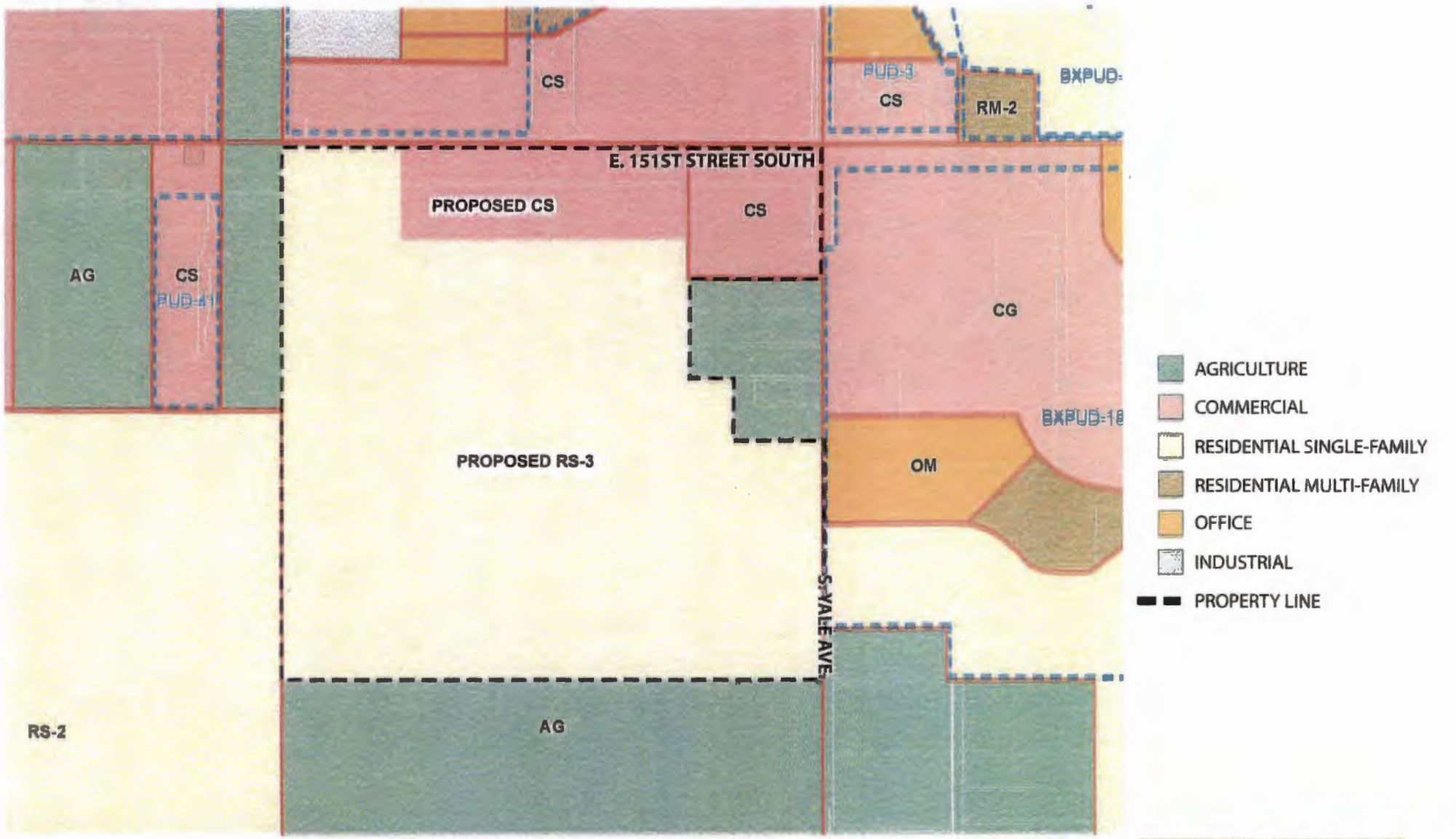
PDG

EXHIBIT A - EXISITNG ZONING

JUNE 3, 2021

BIXBY, OKLAHOMA

Exhibit B



PDG

EXHIBIT B - PROPOSED ZONING

JUNE 3, 2024

BIXBY, OKLAHOMA

Exhibit C

Submitted to:
City of Bixby, Oklahoma
July 14, 2021

BXPUD- BIGGERS PROPERTY
BIXBY, OKLAHOMA

SUBMISSION FOR PLANNED UNIT DEVELOPMENT

Prepared By:

Planning Design Group

5314 S. Yale Ave., Suite 510

Tulsa, OK 74135

918-628-1255

Prepared For:

Dorothy L. Biggers Trust

3501 W. Atlanta Ct.

Broken Arrow, OK 74102

Exhibit D

TABLE OF CONTENTS

Development Concept	**Page 3**
Development Area A Standards:	**Page 4-5**
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Access & Connectivity	**Page 7**
Landscape Requirements	**Page 7**
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Sidewalk and Trail Requirements	**Page 7**
Building Materials	**Page 7-8**
Homeowner's Association	**Page 8**
Site Plan Review	**Page 8**
Platting Requirements	**Page 9**
Expected Schedule of Development	**Page 9**

Exhibits

- **Exhibit A: Legal Descriptions**
- **Exhibit B: Existing Site & Surrounding Zoning**
- **Exhibit C: Existing Site Conditions**
- **Exhibit D: Proposed Conceptual Site Plan**

DEVELOPMENT CONCEPT

The Biggers Property is a ± 130-acre parcel of land located in Bixby on E. 151st Street on the south side of the road and just east of the new Bixby K-8 school campus. Kimberly Clark Pl. meets E. 151st St. S. directly north of the property. The property is bound by White Hawk Storage on the west, E. 151st St. S. on the north, S 49th E. Ave/S. Yale Ave. and two existing rural home sites on the east, and agricultural land on the south. There is an out-track parcel located on the north east portion of the site.

The Biggers Property is a proposed Planned Unit Development (PUD) consisting primarily of single family detached residential lots located along a public street system. Frontage located along E. 151st and a tract at the corner of E. 151st Street and S. Yale Ave. will be reserved for future commercial use.

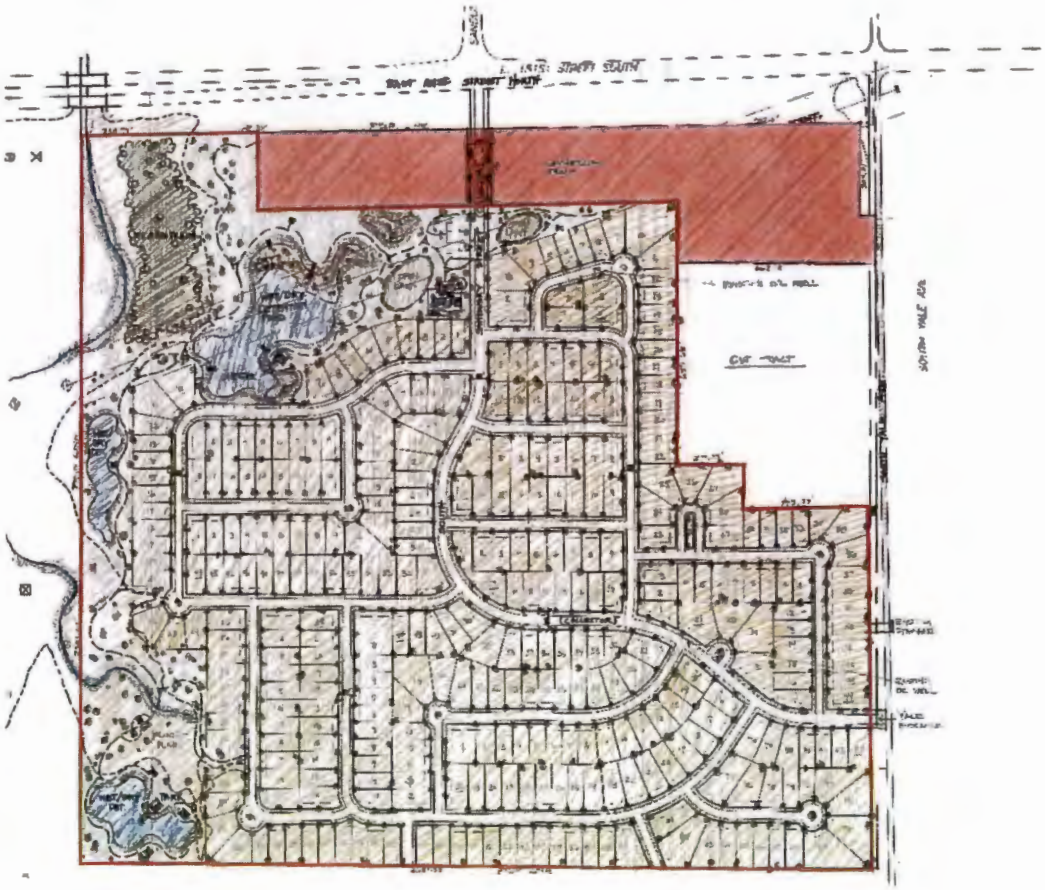
Biggers Property will be distinguishable by its high quality landscaped vehicular entry and branding signage, all of which will be maintained by a Homeowner's Association. All vehicular entrances into the development are designed with enhanced landscaping and signage to create an inviting front door to the community.

Most of the west edge and the northwest corner of the property are within the floodplain. An existing powerline easement located on the northern portion of the site bisects the project from east to west. Areas for project detention, community pool/club house, and open space amenities have been planned for around the existing floodplain and within the powerline easement area. Drainage coming into the site from the east will be conveyed through the site and connect to the floodplain and detention ponds located on the western edge of the property.

DEVELOPMENT STANDARDS

Development Area A: Residential Development Standards

Development Area A Project Gross Area	± 120 Acres
Minimum Lot Size	5,500 sq. ft.
Total Allowable Number of Lots	380
Dwelling Units per Gross Acre	4.0 Units per acre max.



The principal use for Development Area A is single-family detached dwellings, which are intended to be used for individual ownership. District 2 shall be governed by the following development standards:

Standard	Existing	Proposed
Zoning	AG	RS-3 with PUD
Minimum Lot Area	2 acres	5,500 SF
Minimum Lot Width	200 feet	55 feet*
Land Area per Dwelling Units (min. acres)	2.2 acres	8400 SF
Yard Abutting a Street	25 feet	NA
Arterial & Freeway Service Rd.	35 feet	NA
Not an Arterial	25 feet	NA
Minimum Front Yard Setback	25 feet	20 feet
Minimum Rear Yard Setback	40 feet	20 feet ***
Minimum Side Yard Setback	0	
One Side	NA	5 feet
Other Side	NA	5 feet
**Corner Lots	NA	10 feet ***
Livability Space (sf.)	N/A	3,000
Maximum Height/Stories	45 feet	35'
Minimum Off-Street Parking Spaces	N/A	2

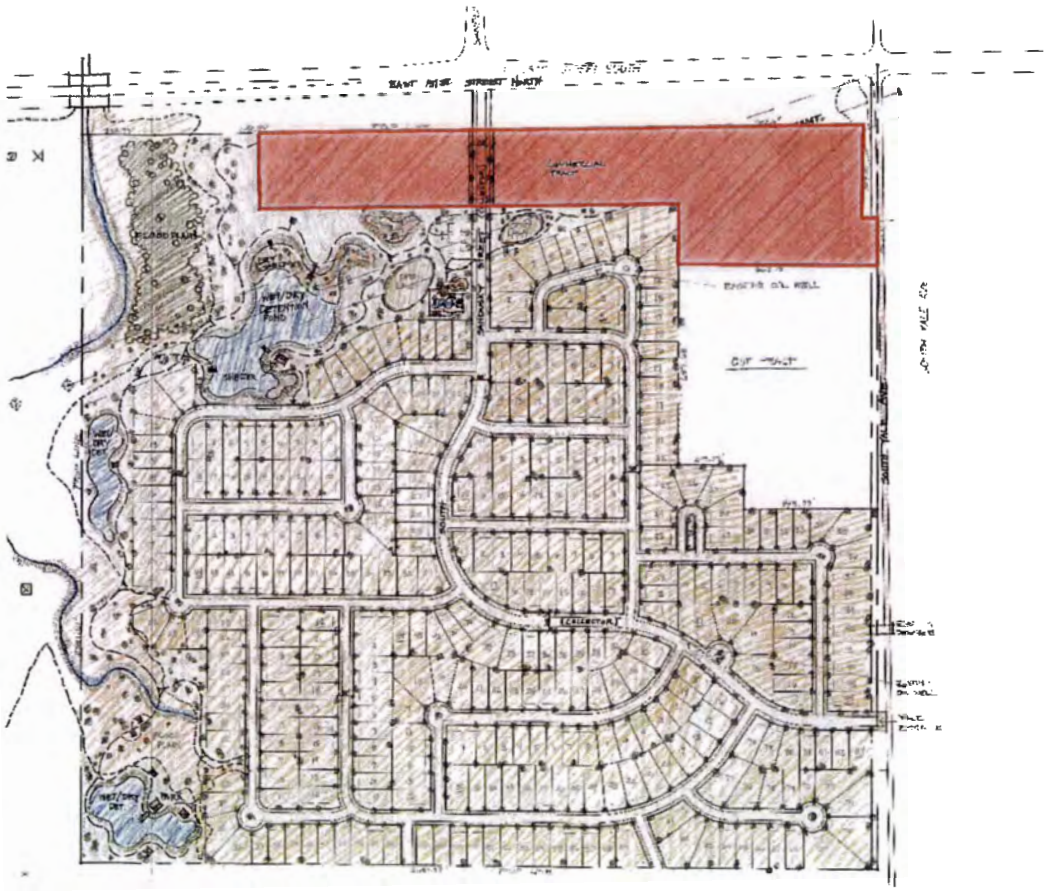
* The width of any cul-de-sac or pie-shaped lots which meets the requirements for minimum lot size may have less than minimum frontage at the right of way but no more than a 5-foot deviation.

** All houses built on corner lots must face the 20-foot front yard setback.

*** No building shall encroach on any utility easements.

Development Area B: Commercial Development Standards

Development Area B is located along the E. 151st St. corridor and contains approximately 14.5 acres. All commercial lots within the Biggers PUD will adhere to the City of Bixby's Commercial General (CG) Zoning Code Regulations.



ACCESS & CONNECTIVITY

The two main entrances to the subdivision occurs off E. 151st Street and S. Yale Ave. The main thoroughfare running through the neighborhood will be Sandusky Street, designed as a 60-foot right-of-way Collector Street. The Collector street will connect east onto Yale Ave. and will also serve as an entrance into the development. A stub street located on the south end of the property will be provided to ensure future connectivity.

LANDSCAPE REQUIREMENTS

The Biggers PUD will be landscaped to a high-level standard meeting and exceeding the minimum requirements set out by the City of Bixby landscape ordinance. A landscape plan will be submitted to the City of Bixby for compliance with the PUD standards set forth in this section.

FENCING & GATE REQUIREMENTS

Fencing along S. Yale Ave will be a combination of wood and masonry materials. The primary vehicular entrances are located off E. 151st Street and S. Yale Ave. and may utilize entry architectural features that exceed the 8-foot requirement, with the City of Bixby approval.

Backyard residential fences that abut the east, west, and south site boundaries are required to have an opaque wood fence and shall not exceed 6-foot in height.

SIDEWALK AND TRAIL REQUIREMENTS

At the time of commercial development construction, a public sidewalk will be constructed along the E. 151st Street frontage. Additionally, a public sidewalk will be constructed along the S. Yale Ave. corridor and shall be phased accordingly to the development schedule. Public sidewalks will be constructed along internal residential streets. An internal trail system within the greenbelt areas will connect to the public sidewalk system.

BUILDING MATERIALS

Development Area A – Residential: A minimum of 75 percent (%) of the total structure to be masonry material, excluding door and window areas. Approved masonry materials include stone, brick, stucco, and cementitious siding. Street facing facades must be solid masonry up to the first-floor top plate.

Development Area B – Commercial: A minimum of 50 percent (%) of the total structure to be masonry material, excluding door and window areas. Approved masonry materials include stone, brick, stucco, EIFS and cementitious siding. Street facing facades must be solid masonry and other facades require a masonry wainscot with no exposed stem walls.

HOMEOWNERS ASSOCIATION

A mandatory Homeowner's Association shall be established for the Biggers subdivision development and will be responsible for the maintenance of the landscaped entries, community amenity areas, and all reserves and landscaped areas.

These areas will be constructed and landscaped to a high standard by the developer and then turned over to the Biggers Homeowner's Association for perpetual maintenance. In the event the association fails to maintain these areas to a proper and safe manner, the City of Bixby will have the right to maintain or pay a third-party contractor to maintain these areas and bill each member of the Biggers Homeowner's Association for the entire cost. Should payment by any member not be made, the City of Bixby may file a lien on the delinquent member's personal property within the platted subdivision.

Final documents for the Biggers Homeowner's Association will be filed with the final plat and will include the maintenance agreement and other specific rights and requirements for association members.

SITE PLAN REVIEW

No building permit shall be issued for the construction of buildings within a development area until a detailed site plan (subdivision plat) of the development area has been submitted to and approved by the City of Bixby Planning Commission as being in compliance with the PUD Development Concept and the Development Standards. Separate building permits may be issued for individual home construction after the subdivision infrastructure has been given final approval by the City of Bixby.

PLATTING REQUIREMENTS

No building permit shall be issued until the property has been included within a preliminary and final subdivision plat submitted to and approved by the Bixby Planning Commission and the Bixby City Council and duly filed of record, provided however, that development areas may be platted separately. Restrictive covenants shall be established and filed of record , and the City of Bixby shall be made a beneficiary of all public infrastructure thereof.

SCHEDULE OF DEVELOPMENT

Development of the Biggers Property is anticipated to commence upon approval by the City of Bixby and upon filing of the final plat.

EXHIBIT A: LEGAL DESCRIPTIONS

Residential, Development Area A

A tract of land in the Northeast Quarter (NE/4) of Section Twenty-one (21), Township Seventeen (17) North, Range Thirteen (13) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the recorded U.S. Government Survey thereof. More particularly described as follows, to-wit:

Commencing at the Northeast corner of said NE/4; thence S 00°00'00" E along the East line of said NE/4 a distance of 500.00 feet to the Point of Beginning; thence S 00°00'00" E along the East line of said NE/4 a distance of 157.71 feet; thence N 89°38'06" W a distance of 662.18 feet; thence S 00°01'07" W a distance of 657.68 feet; thence S 89°38'06" E a distance of 219.35 feet; thence S 00°22'03" W a distance of 142.83 feet; thence N 89°32'03" E a distance of 443.97 feet to a point on the East line of said NE/4; thence S 00°00'00" E a distance of 1179.03 feet to the Southeast corner of said NE/4; thence N 89°37'44" W along the South line of said NE/4 a distance of 2651.33 feet to the Southwest corner of said NE/4; thence N 00°04'29" E along the West line of said NE/4 a distance of 2381.61 feet to a point on the South Right of Way (R/W) of State Highway #67; thence S 89°38'15" E along said R/W a distance of 238.99 feet; the N89°04'49"E and along said R/W a distance of 348.88 feet; thence 50°01'07"W a distance of 250.00 feet; thence N89°04'49"E a distance of 1398.50 feet; thence S01°01'07"W a distance of 197.99 feet; thence S 89°38'06"E a distance of 662.18 feet to the East line of said NE/4; thence
N 00°00'00"W and along the East line of said NE/4 a distance of 500.00 feet to the Point of Beginning and containing 120 acres more or less.

Commercial, Development Area B

A tract of land in the Northeast Quarter (NE/4) of Section Twenty-one (21), Township Seventeen (17) North, Range Thirteen (13) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the recorded U.S. Government Survey thereof More particularly described as follows, to-wit:

Commencing at the Northeast corner of said NE/4; thence S 00°00'00" E along the East line of said NE/4 a distance of 500.00 feet to the Point of Beginning; thence S 00°00'00" E along the East line of said NE/4 a distance of 157.71 feet; thence N 89°38'06" W a distance of 662.18 feet; thence N 0°01'07"E a distance of 197.99 feet; thence S 89°04'49"W a distance of 1398.50 feet; thence N 01°01'07"E a distance of 250.00 feet; thence N 89°04'49"E a distance of 2010.60 feet; thence S 00°00'00"E a distance of 304.01 feet; thence S 89°38'15"E a distance of 50.00 feet to the point of beginning and containing 14.598 acres more or less.

EXHIBIT B: EXISTING SITE & SURROUNDING ZONING

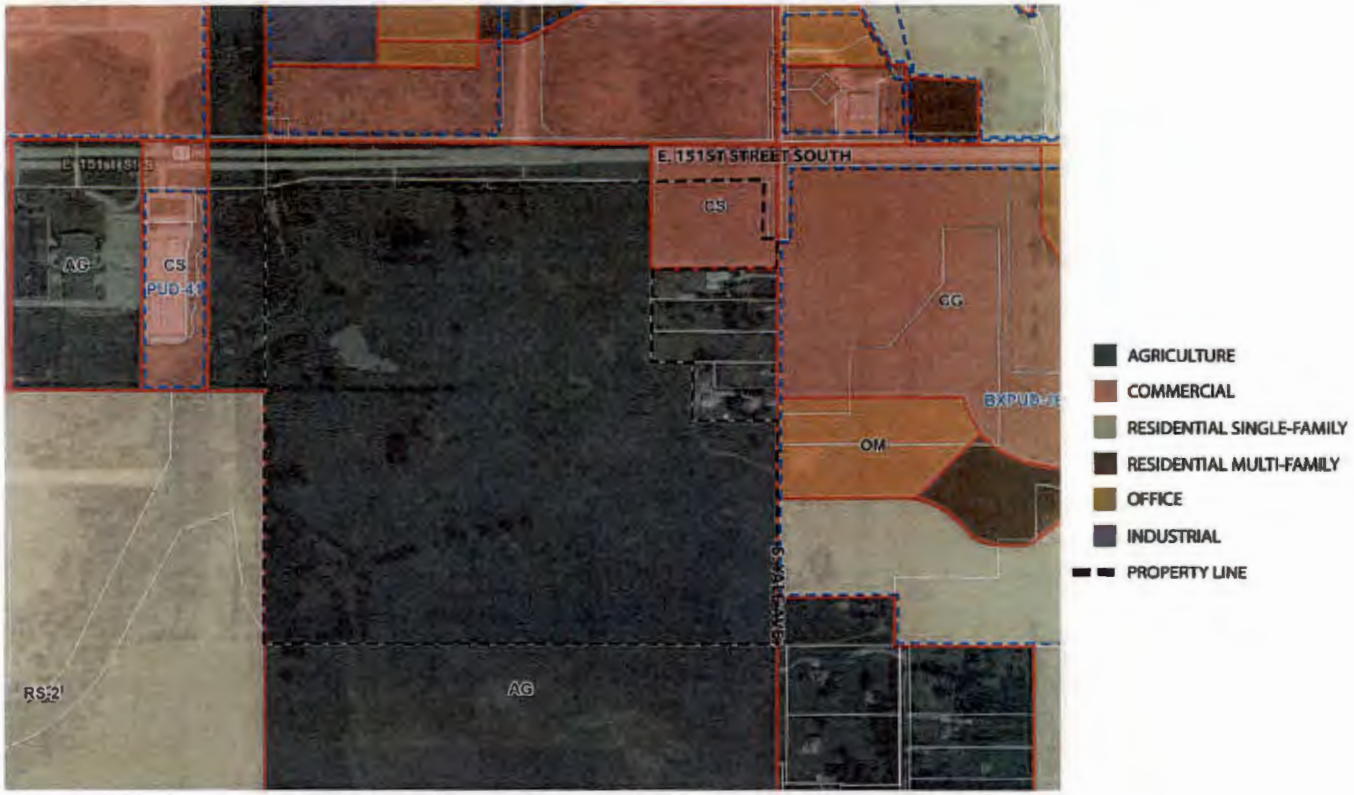
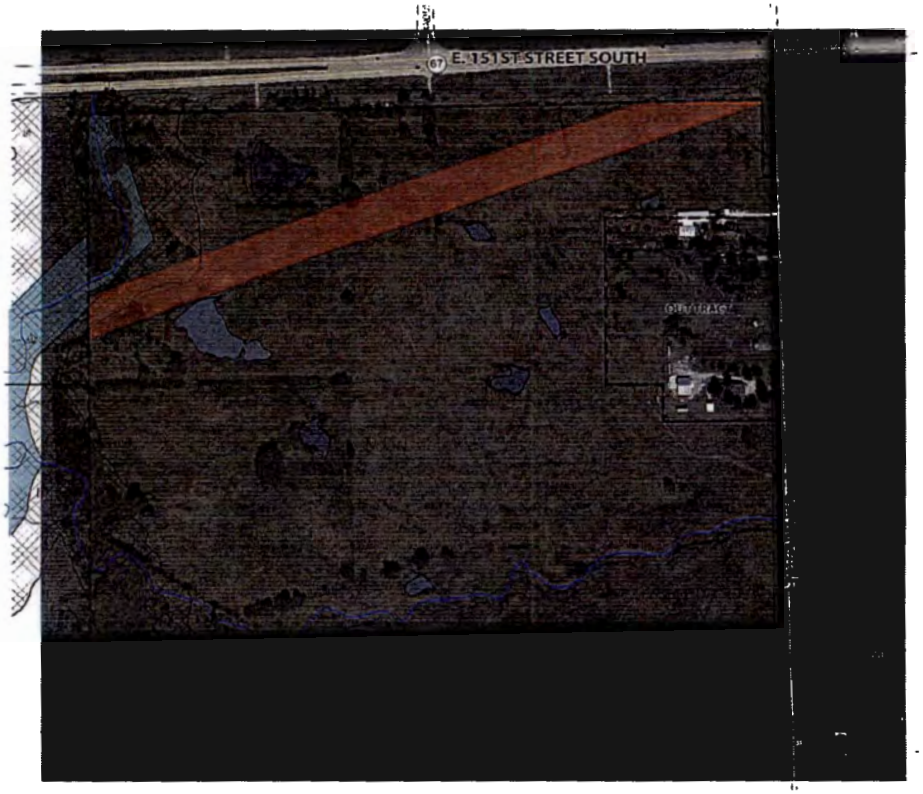
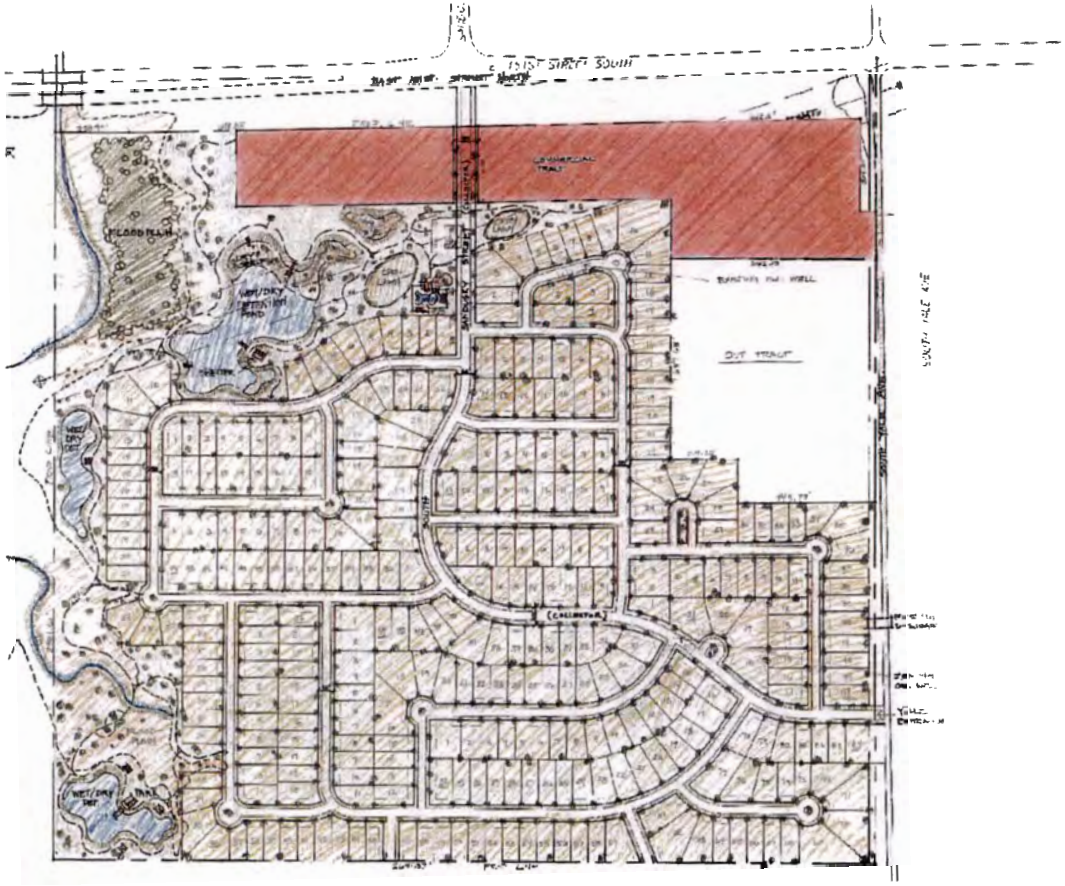


EXHIBIT C: EXISTING SITE CONDITIONS



- EXISTING POWERLINE EASEMENT
- 100 YEAR FLOOD ZONE
- FLOOD ZONE
- EXISTING TREE CANOPY
- EXISTING PONDS
- PROPERTY LINE
- EXISTING CREEK/ WATER WAYS

EXHIBIT D: PROPOSED CONCEPTUAL SITE PLAN



Published in the Tulsa Business & Legal News,
City of Bixby, Tulsa County, Oklahoma _____, 2021

ORDINANCE No. 2350

AN ORDINANCE AMENDING ORDINANCE NUMBER 272; REZONING A TRACT OF LAND, AS MORE PARTICULARLY DESCRIBED IN THIS ORDINANCE, FROM AG (AGRICULTURE) TO CS (COMMERCIAL SHOPPING) AND RS-3 (RESIDENTIAL SINGLE-FAMILY) CLASSIFICATION (BXZO-21.14) AND SUPPLEMENTAL PLANNED UNIT DEVELOPMENT ZONING (BXPUD-21.05); AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BIXBY, OKLAHOMA:

Section 1. That Ordinance No. 2350 be and the same is now amended and the following described property, to-wit:

SEE ATTACHED EXHIBIT "A" FOR LEGAL DESCRIPTION

Located at the southwest corner of East 151st Street South and South Yale Avenue, Bixby, Oklahoma, BXZO-21.14 and BXPUD-21.05, be and the same is now rezoned from AG (Agriculture) to a CS (Commercial Shopping) and RS-3 (Residential Single-Family) classification.

Section 2. SEVERABILITY CLAUSE. If any section, sentence, clause or phrase of this Ordinance or any part is for any reason found to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remainder of this ordinance or any part thereof.

Section 3. EMERGENCY CLAUSE. That because this Ordinance is essential to the proper and orderly growth of the City of Bixby, an Emergency is now declared to exist for the preservation of the public peace, health and safety, by reason whereof second reading of this Ordinance is waived and this Ordinance shall take effect and be in force immediately upon its passage.

APPROVED in an open meeting of the Bixby City Council and PASSED by an affirmative majority vote of the entire membership of the City Council, to-wit: ___ **YES,** ___ **NO,**
___ **ABSTAINING,** ___ **ABSENT**, on this _____ day of _____, 2021.

_____
Mayor of the City of Bixby, Oklahoma

APPROVED as an Emergency Measure ruled upon separately and PASSED by an affirmative majority vote of at least four-fifths (4/5) of the entire membership of the Bixby City Council, to-wit: ___ **YES,** ___ **NO,** ___ **ABSTAINING,** ___ **ABSENT**, on this _____ day of _____, 2021.

_____
Mayor of the City of Bixby, Oklahoma

(Seal)
ATTEST:

_____
City Clerk

APPROVED:

_____
City Attorney

EXHIBIT A

RESIDENTIAL DEVELOPMENT AREA A

A TRACT OF LAND IN THE NORTHEAST QUARTER (NE/4) OF SECTION TWENTY-ONE (21), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED U.S. GOVERNMENT SURVEY THEREOF. MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING AT THE NORTHEAST CORNER OF SAID NE/4; THENCE S 00°00'00" E ALONG THE EAST LINE OF SAID NE/4 A DISTANCE OF 500.00 FEET TO THE POINT OF BEGINNING; THENCE S 00°00'00" E ALONG THE EAST LINE OF SAID NE/4 A DISTANCE OF 157.71 FEET; THENCE N 89°38'06" W A DISTANCE OF 662.18 FEET; THENCE S 00°01'07" W A DISTANCE OF 657.68 FEET; THENCE S 89°38'06" E A DISTANCE OF 219.35 FEET; THENCE S 00°22'03" W A DISTANCE OF 142.83 FEET; THENCE N 89°32'03" E A DISTANCE OF 443.97 FEET TO A POINT ON THE EAST LINE OF SAID NE/4; THENCE S 00°00'00" E A DISTANCE OF 1179.03 FEET TO THE SOUTHEAST CORNER OF SAID NE/4; THENCE N 89°37'44" W ALONG THE SOUTH LINE OF SAID NE/4 A DISTANCE OF 2651.33 FEET TO THE SOUTHWEST CORNER OF SAID NE/4; THENCE N 00°04'29" E ALONG THE WEST LINE OF SAID NE/4 A DISTANCE OF 2381.61 FEET TO A POINT ON THE SOUTH RIGHT OF WAY (R/W) OF STATE HIGHWAY #67; THENCE S 89°38'15" E ALONG SAID R/W A DISTANCE OF 238.99 FEET; THENCE N 89°04'49" E AND ALONG SAID R/W A DISTANCE OF 348.88 FEET; THENCE S 0°01'07" W A DISTANCE OF 250.00 FEET; THENCE N 89°04'49" E A DISTANCE OF 1398.50 FEET; THENCE S 00°01'07" W A DISTANCE OF 197.99 FEET; THENCE S 89°38'06" E A DISTANCE OF 662.18 FEET TO THE EAST LINE OF SAID NE/4; THENCE N 00°00'00" W AND ALONG THE EAST LINE OF SAID NE/4 A DISTANCE OF 500.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 120 ACRES MORE OR LESS.

COMMERCIAL DEVELOPMENT AREA B

A TRACT OF LAND IN THE NORTHEAST QUARTER (NE/4) OF SECTION TWENTY-ONE (21), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED U.S. GOVERNMENT SURVEY THEREOF. MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING AT THE NORTHEAST CORNER OF SAID NE/4; THENCE S 00°00'00" E ALONG THE EAST LINE OF SAID NE/4 A DISTANCE OF 657.71 FEET; THENCE N 89°38'06" W A DISTANCE OF 662.18 FEET; THENCE N 00°01'07" E A DISTANCE OF 197.99 FEET TO THE POINT OF BEGINNING; THENCE S 89°04'49" W A DISTANCE OF 1398.50 FEET; THENCE N 00°01'07" E A DISTANCE OF 250.00 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF STATE HIGHWAY #67; THENCE N 89°04'49" E ALONG SAID SOUTH R/W LINE A DISTANCE OF 1398.50 FEET; THENCE S 00°01'07" W A DISTANCE OF 250.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 8.025 ACRES, MORE OR LESS.

City of Bixby
P.O. Box 70
116 W. Needles Ave.
Bixby, OK 74008
(918) 366-4430

Staff Agenda Commentary
July 26, 2021

Item Titles(s):
Deer Valley - Rezone (BXZO-21.16) from Agriculture (AG) to Commercial Shopping (CS) with supplemental zoning through BXPUD-21.01-A. Located: Northwest corner (NW/c) of East 161st Street South & South Yale Avenue Bixby, Oklahoma.

Presenter:
Carolyn Back, Development Services Director / City Planner

Staff Information Source:
Comprehensive Plan, Zoning Code, Applicant Exhibit(s)

Background:
Heard by Planning Commission on July 19, 2021.
Zero (0) citizens spoke for/against the request at the Planning Commission public hearing

Comp Plan Future Land Use Map Amendment already approved by City Council

Project Overview for Development C (Commercial):

# of Acres	3.197 (+/-)	Min Lot Width	N/A
# of Lots	1	Min Lot Size	139,277 SF (+/-)
# of Blocks	1	Avg Dwelling Units	N/A
# of Phases	1	# of Reserve Areas	None Specified

Amenities: To be disclosed by applicant at the hearing

Exhibits:
Exhibit A: Planning Commission Staff Report dated 07.19.2021

Key Issue:
Approval

Recommendation:
Staff recommends approval of the Deer Valley Rezone and Major Amendment to the PUD per Planning Commission recommendation and Staff comments.

City of Bixby
P.O. Box 70
116 W. Needles Ave.
Bixby, OK 74008
(918) 366-4430

Staff Report

To: City of Bixby, Planning Commission

From: Carolyn Back, Development Services Director/City Planner
Donna Crawford, Assistant City Planner

Date: Monday, July 19, 2021

RE: Rezone (BXZO-21.16) from Agriculture (AG) to Commercial Shopping (CS) and supplemental zoning BXPUD-21.01-A Major Amendment.

Project: Deer Valley

Location: Northwest corner (NW/c) of East 161st Street South & South Yale Avenue
Bixby, OK 74008
3.197 Acres (+/-)

STR: Section 21, Township 17N, Range 13E

Applicant: Tanner Consulting, LLC

Request:
Rezone from Agriculture (AG) to Commercial (CS). In the original approval of BXPUD-21.01, The Retreat, the commercial node was relocated to the southwest corner (SW/c) of the proposed intersection of the east-west collector street and Yale Avenue.

Existing Zoning; Use:
Agriculture (AG); Agriculture Vacant

Abutting Zoning; Use:
North: (AG) Agriculture; Vacant; Residential Single-Family (RS-3); Vacant
East: (AG) Agriculture; and Single-Family dwellings
South: (AG) Agriculture; Vacant; Residential Single-Family (RS-3); Single-Family dwellings
West: (RS-2.5) Residential Single-Family; Vacant

Proposed Zoning; Use:
Commercial Shopping (CS); Future commercial use(s)

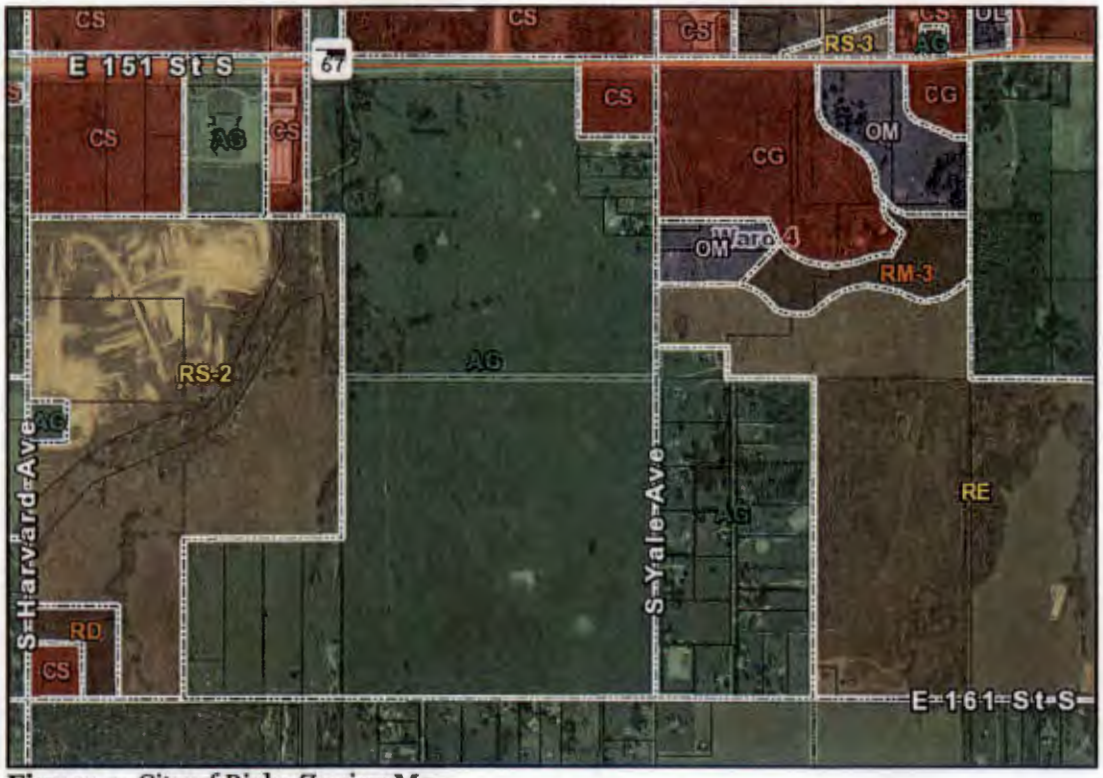


Figure 1: City of Bixby Zoning Map

Staff Review

The applicant is requesting a rezone (BXZO-21.16) from Agriculture (AG) to Commercial Shopping (CS). At the time of approval of BXPUD-21.01 known as, "The Retreat", a commercial node was relocated to the southwest corner (SW/c) of the proposed intersection of the east-west collector street and South Yale Ave. This area was excluded from the Planned Unit Development (PUD). This triggered a redesign of the location of the commercial area and should be harmonious with the Comprehensive Plan, 2030 Future Land Use Map.

Utilities/Site Area: A 6" Okmulgee County Rural Water District #6 waterline is located with the site and along the West side of South Yale Avenue frontage; it is in the process of being replaced with a 12" waterline. Sanitary sewer will be extended to serve the site. The nearest gravity sanitary sewer is an 8" sewer line located at the northwest corner (NW/c) of "White Hawk Storage", and the current plan is to extend sewer along Posey Creek tributary to an 18" sewer line crossing under State Highway 67.

Public Comments: No comments received at time of report.

Staff Comments:

1. Staff supports Planning Commission recommendation for approval of the requested from Agriculture (AG) to the proposed Commercial Shopping (CS).

Figures: Figure 1: City of Bixby Zoning Map

Attachments: Exhibit A: Boundary Description dated 06.07.2021
Exhibit B: BXPUD-21.01-A Major Amendment 06.2021

City of Bixby
P.O. Box 70
116 W. Needles Ave.
Bixby, OK 74008
(918) 366-4430

Staff Report

To: City of Bixby, Planning Commission

From: Carolyn Back, Development Services Director/City Planner
Donna Crawford, Assistant City Planner

Date: Monday, July 19, 2021

Name: Deer Valley –BXPUD-21.01-A
(Formerly known as The Retreat)

(NOTE: Rezone (BXZO-21.16) – (Tanner Consulting, LLC on 07.19.21 Agenda)

RE: Major Amendment to BXPUD-21.01

Location: Northwest corner (NW/c) 161st Street South and South Yale Avenue, Bixby, Oklahoma 74008

STR: Section 21, Township 17N, Range 13E

Applicant: Tanner Consulting, LLC

Request:
Tanner Consulting is requesting a Major Amendment to BXPUD-21.01. Specifically, this amendment (1) incorporates commercial Development Area C, (2) resizes "Villas" lots to 60' in width to fit specific builder requirements, (3) incorporates both proposed "Villas" neighborhoods into Development Area A and (4) adjusts the northern end of the Development Areas A and B boundary.

Figure 1: City of Bixby Zoning Map

Site Stats:

Acres:	160.422 +/-	
	Development Area A:	66.361 +/-
	Development Area B:	90.864 +/-
	Development Area C:	3.197 +/-
Number of Lots:		
	Development Area A:	289
	Development Area B:	211
	Development Area C:	1
Lot Size:		
	Development Area A:	5,500 SF +/-
	Development Area B:	6,900 sf +/-
	Development Area C:	139,277 SF +/-
Lot Width:		
	Development Area A:	55 ft
	Development Area B:	60 ft : 90 ft
	Development Area C:	N/A

Minimum Land Area per D/U:

Development Area A:	8,400 SF
Development Area B:	9,600 SF
Development Area C:	N/A

Minimum Yard Setbacks:

Development Area A:	Front – 20 ft Rear – 15 ft Side (interior)-5 ft Side (abutting a street) – 10 ft : 20 ft
Development Area B:	Front – 20 ft : 25 ft Rear – 20 ft Side (interior)-5 ft Side (abutting a street)- 10 ft : 20 ft
Development Area C:	From arterial R-O-W – 25 ft From non-arterial R-O-W – 10 ft From Dev. Area A boundary – 10 ft

(plus 2ft setback for each 1ft of Bldg. height exceeding 15ft)

Minimum Dwelling Size:

Development Area A:	1800 SF
Development Area B:	1800 SF
Development Area C:	.50 (Maximum Floor Ratio)

Other Bulk and Area Requirements:

Development Area A:	As required within RS-3 District
Development Area B:	As required within RS-3 District
Development Area C:	As required within CS District

Permitted Uses within CS Commercial Shopping:

Uses permitted as a matter of right in the CS Commercial Shopping Center District

Except as specified below:

- Dry cleaning/laundry within Use Unit 15
- Golf
- Frisbee golf
- Tennis
- Water slide uses & outdoor recreation
- Amusement activities
- NEC within Use Unit 20 and uses customarily accessory to permitted uses.

Excluded Uses: All uses classified as "sexually oriented" within the City of Bixby Zoning Code (Section 11-7D-6)

- Mega events
- Residential treatment centers
- Transitional living centers within Use Unit 5
- Medical marijuana dispensaries within Use Unit 13

Staff Review

The applicant is requesting a Planned Unit Development (PUD) Major Amendment. Reasons are (1) to incorporate commercial Development Area C, (2) resize "Villas" lots to 60' in width to fit specific builder requirements, (3) incorporate both proposed "Villas" neighborhoods into Development Area A and (4) adjust the northern end of the Development Areas A and B boundary.

There is a rezone for the Commercial Shopping (CS) area running concurrently with this application.

Public Comments: No comments have been received for or against the Major Amendment.

Staff Comments:

1. Staff supports Planning Commission recommendation for approval of the requested PUD Major Amendment with Planning comments implemented before moving to Council.
2. Staff recommends adjusting the Residential yard set-backs in the Development Standards to keep structures from encroaching any utility easements during the building stage.

Figures: Figure 1: City of Bixby Zoning Map

Attachments:
Exhibit A: Boundary Description-Tanner Consulting, LLC, 06.07.2021
Exhibit B: BXPUD-21.01-A by Tanner Consulting, LLC, 06.2021

Exhibit "A"

17003 The Retreat, Bixby, OK

PUD Boundary Description

THE SOUTHEAST QUARTER (SE/4) OF SECTION TWENTY-ONE (21), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF.

Exhibit A

Exhibit "A"

17003 The Retreat, Bixby, OK
Commercial Rezoning & PUD Development Area
Boundary Description

A TRACT OF LAND THAT IS A PART OF THE SOUTHEAST QUARTER (SE/4) OF SECTION TWENTY-ONE (21), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

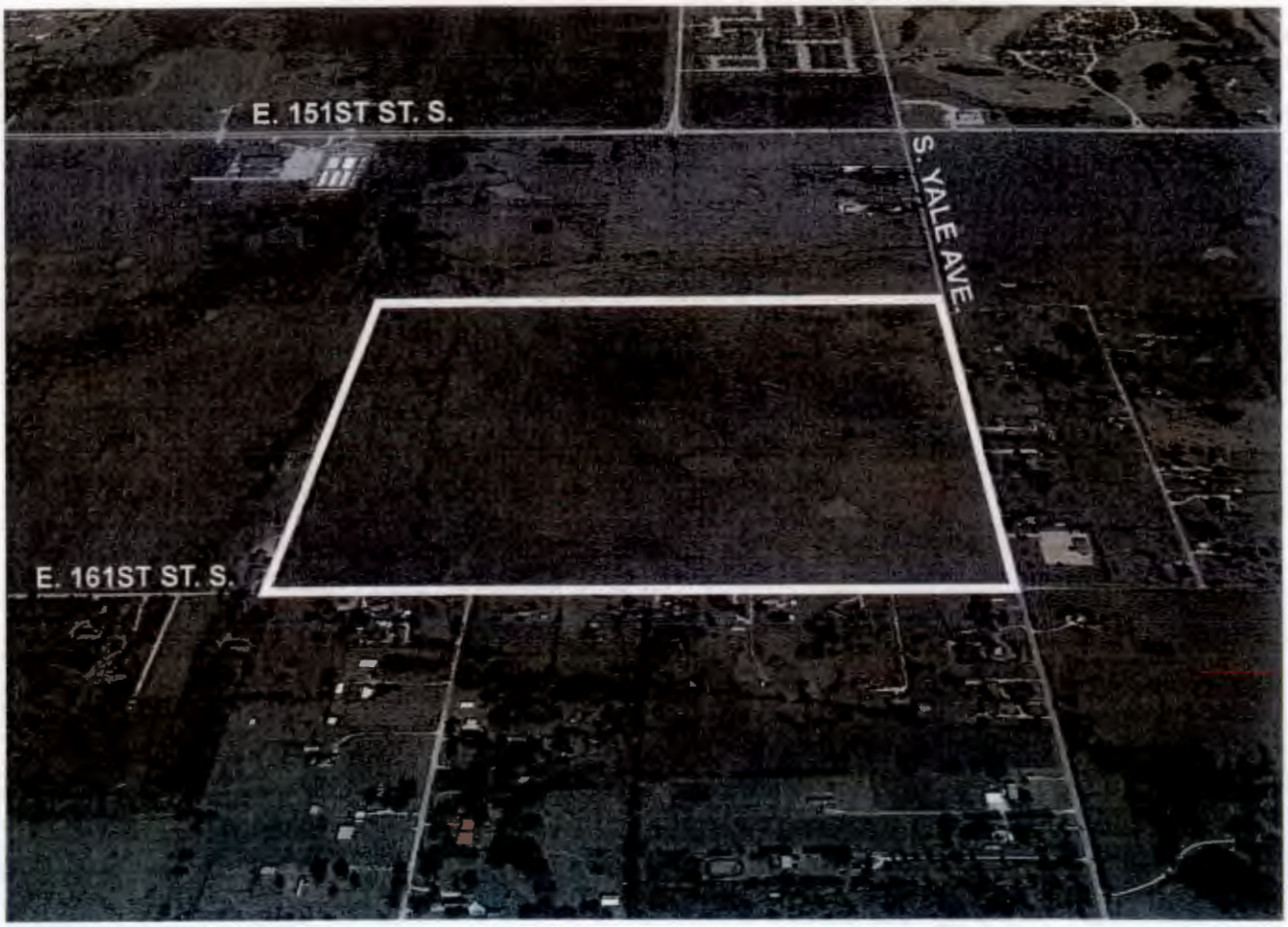
COMMENCING AT THE SOUTHEAST CORNER OF SAID SE/4; THENCE NORTH 1°09'58" WEST AND ALONG THE EAST LINE OF THE SE/4, FOR A DISTANCE OF 959.53 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 88°50'02" WEST AND PERPENDICULAR TO SAID EAST LINE, FOR A DISTANCE OF 370.50 FEET; THENCE NORTH 1°09'58" WEST AND PARALLEL WITH THE EAST LINE, FOR A DISTANCE OF 375.92 FEET; THENCE NORTH 88°50'02" EAST AND PERPENDICULAR TO THE EAST LINE, FOR A DISTANCE OF 370.50 FEET TO A POINT ON THE EAST LINE; THENCE SOUTH 1°09'58" EAST AND ALONG THE EAST LINE, FOR A DISTANCE OF 375.92 FEET TO THE POINT OF BEGINNING;

Exhibit A

DEER VALLEY

APPROXIMATELY 160.422 ACRES LOCATED AT THE NORTHWEST CORNER OF EAST 161ST STREET SOUTH AND SOUTH YALE AVENUE, CITY OF BIXBY, TULSA COUNTY, OKLAHOMA



JUNE 2021

OWNER/DEVELOPER:
ASHER HOMES
9125 SOUTH BRADEN AVENUE
SUITE 201
TULSA, OK 74137
918-970-6102

APPLICANT/CONSULTANT:
TANNER CONSULTING LLC
c/o ERIK ENYART
5323 S LEWIS AVE
TULSA, OK 74105
EENYART@TANNERBAITSHOP.COM

Exhibit B

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I. PROPERTY DESCRIPTIONS

Deer Valley consists of 160.422 acres located at the northwest corner of East 161st Street South and South Yale Avenue in the City of Bixby, Oklahoma, and is more particularly described with the following statement:

> THE SOUTHEAST QUARTER (SE/4) OF SECTION TWENTY-ONE (21), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF.

The above described property will hereinafter be referred to as the "Site" or "Subject Property" and is depicted on Exhibit A, "Aerial Photography & Boundary Depiction."

Development Area A contains 66.361 acres and is more particularly described with the following statement:

> A TRACT OF LAND THAT IS PART OF THE SOUTHEAST QUARTER (SE/4) OF SECTION TWENTY-ONE (21), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
>
> BEGINNING AT THE SOUTHEAST CORNER OF SAID SE/4; THENCE SOUTH 88°37'03" WEST AND ALONG THE SOUTH LINE OF THE SE/4, FOR A DISTANCE OF 1430.51 FEET; THENCE NORTH 1°09'58" WEST FOR A DISTANCE OF 323.52 FEET; THENCE NORTH 8°57'42" WEST FOR A DISTANCE OF 537.89 FEET; THENCE NORTH 1°52'23" WEST FOR A DISTANCE OF 160.01 FEET; THENCE NORTH 88°50'02" EAST FOR A DISTANCE OF 550.43 FEET; THENCE NORTH 1°09'58" WEST AND PARALLEL WITH THE EAST LINE OF THE SE/4, FOR A DISTANCE OF 1621.96 FEET TO A POINT ON THE NORTH LINE OF THE SE/4; THENCE NORTH 88°59'16" EAST AND ALONG SAID NORTH LINE, FOR A DISTANCE OF 955.00 FEET TO THE NORTHEAST CORNER THEREOF; THENCE SOUTH 1°09'58" EAST AND ALONG SAID EAST LINE, FOR A DISTANCE OF 1295.00 FEET; THENCE SOUTH 88°50'02" WEST AND PERPENDICULAR TO THE EAST LINE, FOR A DISTANCE OF 370.50 FEET; THENCE SOUTH 1°09'58" EAST AND PARALLEL WITH THE EAST LINE, FOR A DISTANCE OF 375.92 FEET; THENCE NORTH 88°50'02" EAST AND PERPENDICULAR TO THE EAST LINE, FOR A DISTANCE OF 370.50 FEET TO A POINT ON THE EAST LINE; THENCE SOUTH 1°09'58" EAST AND ALONG THE EAST LINE, FOR A DISTANCE OF 959.53 FEET TO THE POINT OF BEGINNING;
>
> SAID TRACT CONTAINING 2,890,698 SQUARE FEET OR 66.361 ACRES.

Development Area B contains 90.864 acres and is more particularly described with the following statement:

> A TRACT OF LAND THAT IS PART OF THE SOUTHEAST QUARTER (SE/4) OF SECTION TWENTY-ONE (21), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SE/4; THENCE NORTH 1°09'58" WEST AND ALONG THE WEST LINE OF THE SE/4, FOR A DISTANCE OF 2647.55 FEET TO THE NORTHWEST CORNER THEREOF; THENCE NORTH 88°59'16" EAST AND ALONG THE NORTH LINE OF THE SE/4, FOR A DISTANCE OF 1692.98 FEET; THENCE SOUTH 1°09'58" EAST AND PARALLEL WITH SAID WEST LINE, FOR A DISTANCE OF 1621.96 FEET; THENCE SOUTH 88°50'02" WEST FOR A DISTANCE OF 550.43 FEET; THENCE SOUTH 1°52'23" EAST FOR A DISTANCE OF 160.01 FEET; THENCE SOUTH 8°57'42" EAST FOR A DISTANCE OF 537.89 FEET; THENCE SOUTH 1°09'58" EAST FOR A DISTANCE OF 323.52 FEET TO A POINT ON THE SOUTH LINE OF THE SE/4; THENCE SOUTH 88°37'03" WEST AND ALONG SAID SOUTH LINE, FOR A DISTANCE OF 1217.49 FEET TO THE POINT OF BEGINNING;

SAID TRACT CONTAINING 3,958,016 SQUARE FEET OR 90.864 ACRES.

Development Area C contains 3.197 acres and is more particularly described with the following statement:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SE/4; THENCE NORTH 1°09'58" WEST AND ALONG THE EAST LINE OF THE SE/4, FOR A DISTANCE OF 959.53 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 88°50'02" WEST AND PERPENDICULAR TO SAID EAST LINE, FOR A DISTANCE OF 370.50 FEET; THENCE NORTH 1°09'58" WEST AND PARALLEL WITH THE EAST LINE, FOR A DISTANCE OF 375.92 FEET; THENCE NORTH 88°50'02" EAST AND PERPENDICULAR TO THE EAST LINE, FOR A DISTANCE OF 370.50 FEET TO A POINT ON THE EAST LINE; THENCE SOUTH 1°09'58" EAST AND ALONG THE EAST LINE, FOR A DISTANCE OF 375.92 FEET TO THE POINT OF BEGINNING;

SAID TRACT CONTAINING 139,277 SQUARE FEET OR 3.197 ACRES.

II. DEVELOPMENT CONCEPT

Deer Valley is a master planned, single-family residential development of 160.422 acres located at the northwest corner of East 161st Street South and South Yale Avenue in the City of Bixby, Oklahoma. Deer Valley features four (4) distinct neighborhood styles connected by streets, sidewalks, trails, and ample, connected open space Reserve Areas. Neighborhood styles include larger, "Reserve" lots with typically 90' lot widths, "Estate" lots with customarily 70' lot widths, "Villas" lots with customarily 60' lot widths, and "Gated Cottage" lots with typically 55' lot widths.

Deer Valley was originally approved as and is proposed to be developed as a Planned Unit Development (PUD, then known as "The Retreat", case # BXPUD-21.01) in order to enable the use of private, gated streets, the unique mix of neighborhood styles, and flexibility on development standards for Development Area A.

At the time of approval of BXPUD-21.01, a commercial node was relocated to the southwest corner of the proposed intersection of the east-west collector street and Yale Avenue, and this area was excluded from the PUD. This triggered a redesign which, along with the now-known specific builder requirements for the "Villas" lots, are proposed by this amendment. Specifically, this PUD Major Amendment # 1: (1) Incorporates commercial Development Area C, (2) resizes "Villas" lots to 60' in width to fit specific builder requirements, (3) incorporates both proposed "Villas" neighborhoods into Development Area A and (4) adjusts the northern end of the Development Areas A and B boundary. Although subject to change, the initial design is reflected on Exhibit B "Conceptual Site Plan."

As outlined in the Bixby Zoning Code, this Major Amendment # 1 to BXPUD-21.01 is intended to provide a unified treatment of the development possibilities of the project site, to permit innovative land development while maintaining appropriate limitation on the character and intensity of use and assuring compatibility with adjoining and proximate properties, to permit flexibility within the development to best utilize the unique physical features of the subject property, to provide and preserve meaningful open space, and to achieve a continuity of function and design within the development.

Approved along with the original PUD, a companion rezoning application (BXZO-21.01) rezoned the west half of the site to RS-2.5 Single-Family Residential District with the east half rezoned to RS-3 Single-Family Residential District (excluding the commercial area). This zoning pattern will allow an appropriate transition between the lower density RS-2 zoning abutting to the west to the RS-3 zoning approved for the east half of the site. Further, the Conceptual Site Plan shows a density transition from west to east, with lower-density (larger lot) neighborhoods primarily occupying the west half of the site and transitioning to the higher-density neighborhoods (smaller lots, more consistent with RS-3 zoning) primarily located within the east half of the site. Existing zoning is reflected on Exhibit G of this PUD.

The City of Bixby 2018 Comprehensive Plan Future Land Use map provides that the approved underlying RS-2.5 and RS-3 zoning districts and the densities as proposed by this PUD are in accordance with the Medium Density Residential future land use designation. Another companion application was approved along with the original PUD and rezoning, an application to amend the Comprehensive Plan (BXCP-21.01). In its final form, the application ultimately relocated the commercial node from the 161st St. S. and Yale Ave. intersection to a newly-proposed neighborhood center at the proposed intersection of the east-west Collector street with Yale Ave. The former "Commercial" and "Neighborhood Commercial" designations at the intersection were redesignated Medium Density Residential, which supported the RS-3 zoning approved there.

Along with this PUD Major Amendment, a companion rezoning application is being filed to approve CS commercial zoning for the neighborhood center, consistent with the relocated Commercial land use designation. Upon and presuming approval, all underlying zoning and the development areas will be fully consistent with the Comprehensive Plan. Proposed zoning is reflected on Exhibit H of this PUD. Exhibit I

is an excerpt of the current Future Land Use map including the site, modified to reflect the approval of BXCP-21-01.

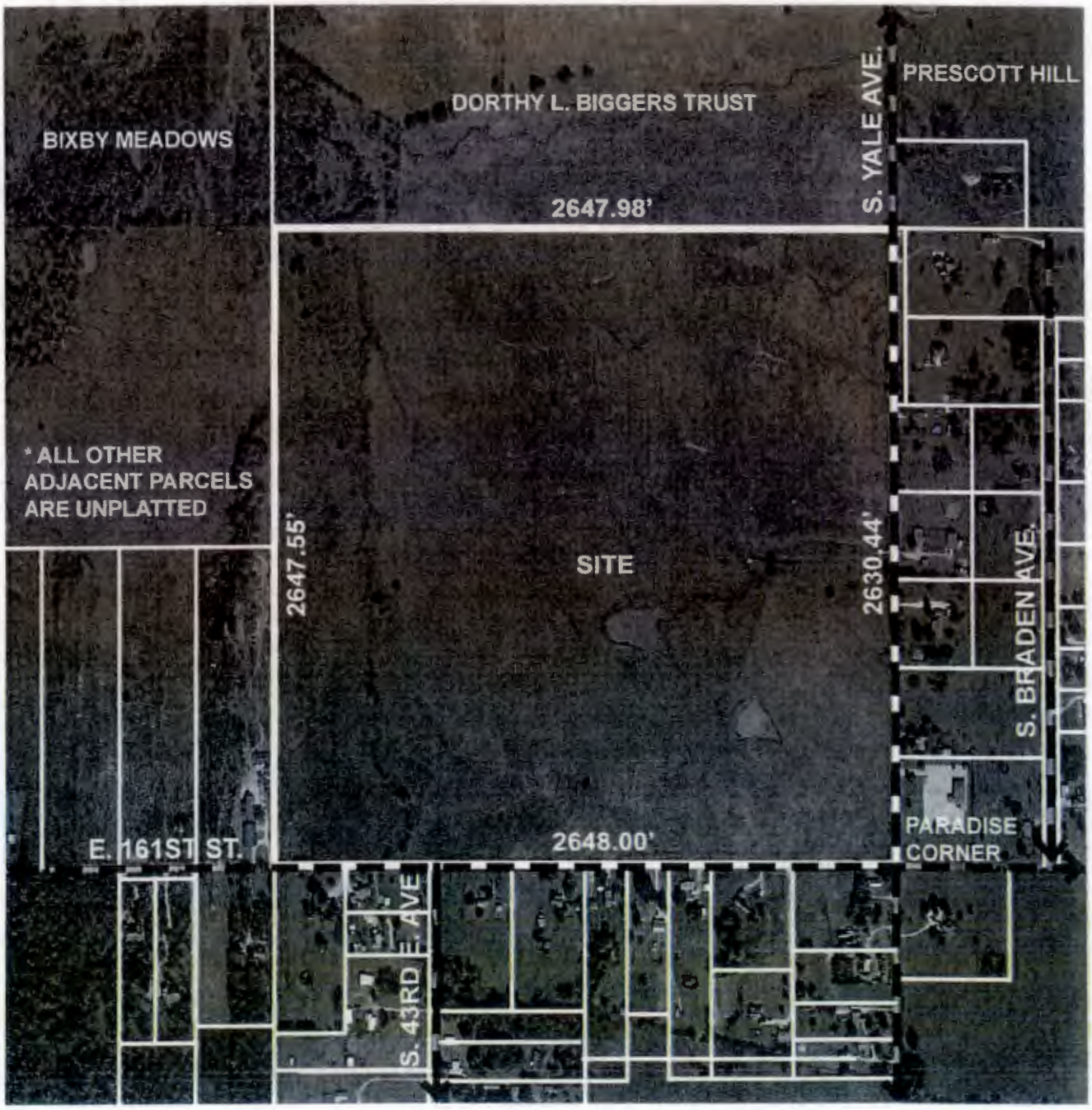
The PUD will allow the most efficient use of the land which is harmonious with the surrounding land uses, as represented on Exhibit A, "Aerial Photography & Boundary Depiction." A conceptual site plan depicting the design features is provided on Exhibit B "Conceptual Site Plan." Exhibit C reflects Development Areas A, B, and C along with existing RS-2.5 and RS-3 and proposed CS underlying zoning added. The PUD shall be developed in accordance with the use and development regulations of the City of Bixby Zoning Code, except as otherwise specified herein.

Although Zoning Code Sections 11-7I-5.A.1.b and 11-7B-4.A.1 Table 2 would permit 763 lots with the existing RS-2.5 and RS-3 underlying zoning, this PUD will restrict the development to 500 lots. In addition to lowering the density otherwise permitted, this PUD will impose higher development standards (lot widths and areas exceeding underlying zoning in Development Area B, minimum dwelling size and masonry requirements, requirements for minimum open space preservation for neighborhood amenities, limitation on maximum dwelling units, etc.) than if developed with straight residential zoning.

DEER VALLEY

EXHIBIT A

AERIAL PHOTOGRAPHY & BOUNDARY DEPICTION
WITH ADJACENT DEVELOPMENTS LABELED



TANNER CONSULTING LLC, CERTIFICATE OF AUTHORIZATION NO. CA 2661
5323 S LEWIS AVE, TULSA, OK 74105 | 918.745.9929

NOT TO SCALE

NORTH

DEER VALLEY

EXHIBIT B

CONCEPTUAL SITE PLAN
CONCEPTUAL LAYOUT DATED MAY 27, 2021

TANNER CONSULTING LLC, CERTIFICATE OF AUTHORIZATION NO. CA 2661
5323 S LEWIS AVE, TULSA, OK 74105 | 918.745.9929

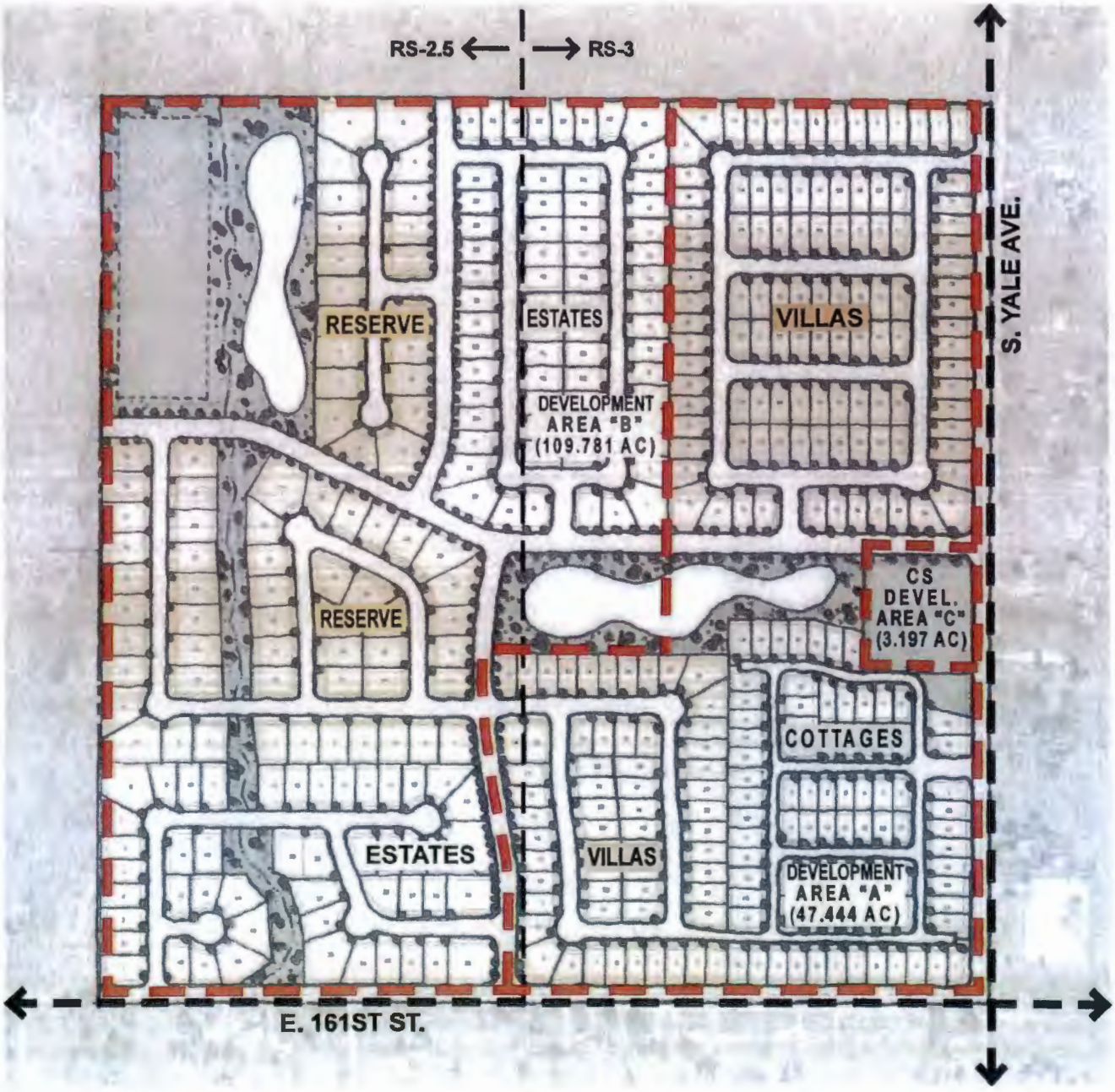
NOT TO SCALE

NORTH

DEER VALLEY

EXHIBIT C

DEVELOPMENT AREAS
CONCEPTUAL LAYOUT DATED MAY 27, 2021



TANNER CONSULTING LLC, CERTIFICATE OF AUTHORIZATION NO. CA 2661
5323 S LEWIS AVE, TULSA, OK 74105 | 918.745.9929

NOT TO SCALE

NORTH

III. DEVELOPMENT STANDARDS

III.A. DEVELOPMENT AREA A:

Gross Land Area:	2,890,698 SF	66.361 AC
Net Land Area:	2,890,698 SF	66.361 AC
Permitted Uses: Use Unit 6 detached single-family dwellings and customary accessory uses; Use Unit 5 common area facilities such as neighborhood park, playground, and recreational open space.		
Maximum Number of Lots:	289	
Minimum Lot Width †:	55 FT	
Minimum Lot Size:	5,500 SF	
Minimum Land Area per Dwelling Unit:	8,400 SF *	
Maximum Building Height:	2 Stories and 35 FT **	
Off-street Parking and Yard Coverage:	Minimum two (2) enclosed off-street parking spaces required per dwelling unit. Off-street parking shall not exceed 75% of the required front yard width or area.	
Minimum Livability Space:	2,500 SF *** ††	
Minimum Yard Setbacks:		
Front Yard:	20 FT ††	
Rear Yard:	15 FT	
Side Yard (Interior):	5 FT	
Side Yard Abutting a Street:	10 FT : 20 FT ††	
Other Bulk and Area Requirements:	As required within the RS-3 District	
Minimum Dwelling Size:	1,800 SF	
First Floor Exterior Materials:	100% masonry	

* *Minimum land area per dwelling unit is satisfied by the proportion of maximum number of lots to gross land area as provided in Zoning Code Section 11-7I-5.A.1. Lots are therefore not subject to this requirement on an individual basis.*

** *Architectural features may extend a max. of five (5) feet above maximum permitted building height.*

*** *Livability space may be located on a lot or contained within common open space of the development, as per Section 11-7I-5.C of the Bixby Zoning Code.*

† *Defined as the average horizontal distance between the side lot lines, which is as it is presently defined in the Bixby Zoning Code.*

†† *See Section III.C. Residential Lot Ratios and Supplemental Development Standards.*

III.B. DEVELOPMENT AREA B:

Gross Land Area:	3,958,016 SF	90.864 AC
Net Land Area:	3,958,016 SF	90.864 AC
Permitted Uses: Use Unit 6 detached single-family dwellings and customary accessory uses; Use Unit 5 common area facilities such as neighborhood park, playground, and recreational open space.		
Maximum Number of Lots:	211	
Minimum Lot Width †:	60 FT : 90 FT ††	
Minimum Lot Size:	6,900 SF : 12,000 SF ††	
Minimum Land Area per Dwelling Unit:	9,600 SF *	
Maximum Building Height:	2 Stories and 35 FT **	
Off-street Parking and Yard Coverage:	Minimum two (2) enclosed off-street parking spaces required per dwelling unit.	
Minimum Livability Space:	4,000 SF ***	
Minimum Yard Setbacks:		
Front Yard:	20 FT : 25 FT ††	
Rear Yard:	20 FT	
Side Yard (Interior):	5 FT	
Side Yard Abutting a Street:	10 FT : 20 FT ††	
Other Bulk and Area Requirements:	As required within the RS-3 District	
Minimum Dwelling Size:	1,800 SF	
First Floor Exterior Materials:	100% masonry	

* *Minimum land area per dwelling unit is satisfied by the proportion of maximum number of lots to gross land area as provided in Zoning Code Section 11-7I-5.A.1. Lots are therefore not subject to this requirement on an individual basis.*

** *Architectural features may extend a max. of five (5) feet above maximum permitted building height.*

*** *Livability space may be located on a lot or contained within common open space of the development, as per Section 11-7I-5.C of the Bixby Zoning Code.*

† *Defined as the average horizontal distance between the side lot lines, which is as it is presently defined in the Bixby Zoning Code.*

†† *See Section III.C. Residential Lot Ratios and Supplemental Development Standards.*

III.C. DEVELOPMENT AREA C:

Gross Land Area:	139,277 SF	3.197 AC
Net Land Area:	139,277 SF	3.197 AC
Permitted Uses: Uses permitted as a matter of right and in the CS Commercial Shopping Center District (except as specified below); dry cleaning/laundry within Use Unit 15; golf, frisbee golf, tennis, and water slide uses and outdoor recreation and amusement activities, NEC within Use Unit 20; and uses customarily accessory to permitted uses. Excluded uses: All uses classified as "sexually oriented" within the City of Bixby Zoning Code (Section 11-7D-6), mega events, residential treatment centers, and transitional living centers within Use Unit 5, and medical marijuana dispensaries within Use Unit 13.		
Maximum Floor Area Ratio:	0.50	
Maximum Building Floor Area:	69,638 SF	
Maximum Building Height:	2 Stories or 40 FT	
Minimum Arterial Street Frontage:	100 FT *	
Minimum Non-Arterial Street Frontage:	50 FT *	
Minimum Building Setbacks:		
From Arterial Street Right-of-Way:	25 FT	
From Non-Arterial Street Right-of-Way:	10 FT	
From Development Area A Boundary:	10 FT **	
From All Other Boundaries:	0 FT	
Minimum Parking Ratio:	1 per 300 SF building floor area ***	
Other Bulk and Area Requirements:	As required within CS District	

* *Any interior lot having no street frontage shall be provided access to a public street by access easement(s) approved by the City of Bixby during platting review.*

** *Plus 2 feet setback for each 1 foot of building height exceeding 15 feet.*

*** *Minimum and maximum parking may be modified if a site plan is submitted to and approved by the Bixby Planning Commission.*

III.D. RESIDENTIAL LOT RATIOS AND SUPPLEMENTAL DEVELOPMENT STANDARDS:

The following ratios and residential bulk and area development standards shall apply:

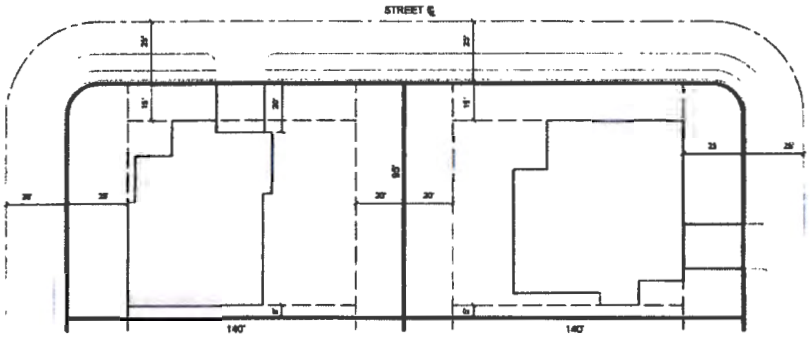
Reserve Lots:

Minimum lot type ratio:	25% of Development Area B
Maximum lot type ratio:	50% of Development Area B
Minimum lot width:	90 FT
Minimum lot size:	12,000 SF
Minimum livability open space per dwelling:	4,000 SF *
Minimum Yard Setbacks: **	
Front Yard:	25 FT
Rear Yard:	20 FT
Side Yard Not Abutting a Street:	5 FT
Side Yard Abutting a Street:	
Where rear yard backs to side yard:	20 FT
Where rear yard backs to rear yard:	15 FT
Garage facing side street:	20 FT

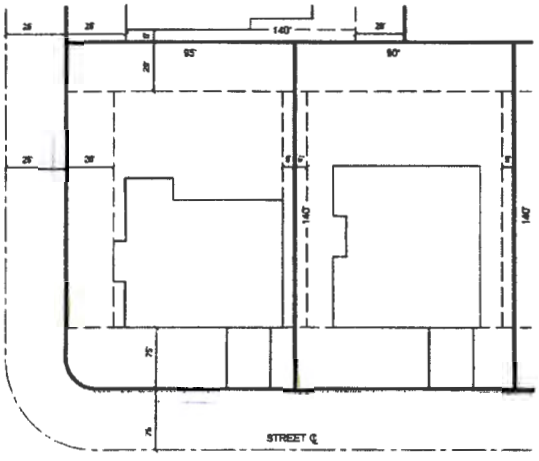
* Livability space may be located on a lot or contained within common open space of the development, as per Section 11-7I-5.C of the Bixby Zoning Code.

** In the event private streets with reduced right-of-way widths are platted, setbacks from streets shall increase 1 foot for each 2 feet right-of-way width is reduced from 50 feet.

Note: Written Development Standards take precedence over diagrams.



50' R/W DIAGRAM



50' R/W DIAGRAM

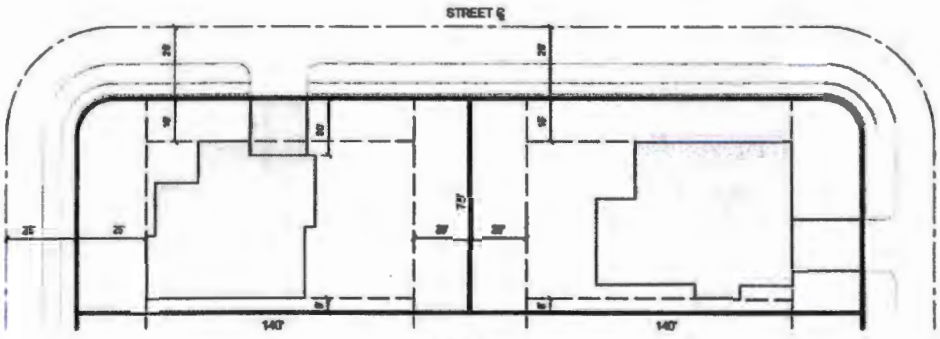
Estate Lots:

Minimum lot type ratio:	50% of Development Area B
Maximum lot type ratio:	75% of Development Area B
Minimum lot width:	70 FT
Minimum lot size:	9,500 SF
Minimum livability open space per dwelling:	4,000 SF *
Minimum Yard Setbacks: **	
Front Yard:	25 FT
Rear Yard:	20 FT
Side Yard Not Abutting a Street:	5 FT
Side Yard Abutting a Street:	
Where rear yard backs to side yard:	20 FT
Where rear yard backs to rear yard:	15 FT
Garage facing side street:	20 FT

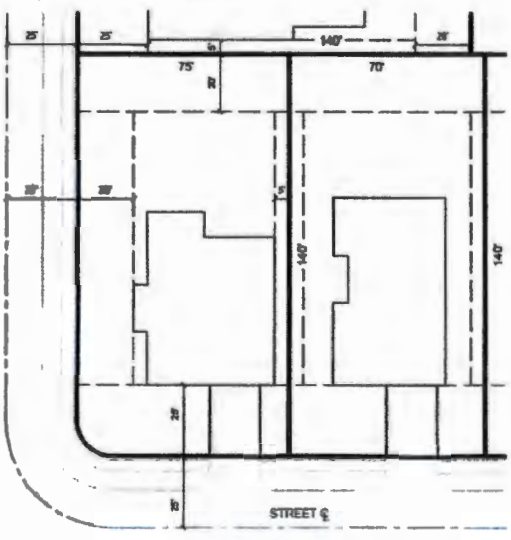
* Livability space may be located on a lot or contained within common open space of the development, as per Section 11-7I-5.C of the Bixby Zoning Code.

** In the event private streets with reduced right-of-way widths are platted, setbacks from streets shall increase 1 foot for each 2 feet right-of-way width is reduced from 50 feet.

Note: Written Development Standards take precedence over diagrams.



50' R/W DIAGRAM



50' R/W DIAGRAM

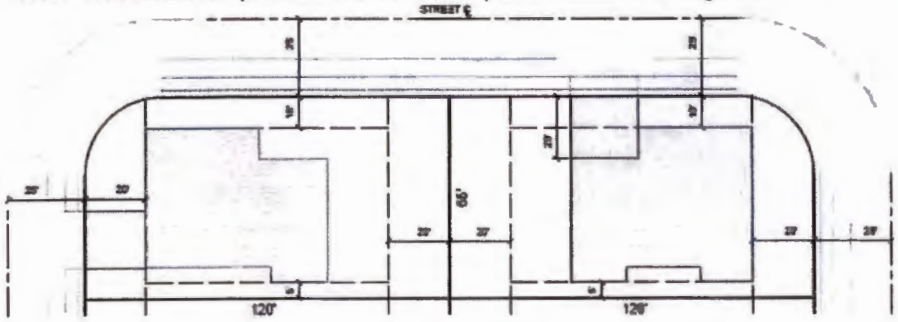
Villas Lots:

Minimum lot type ratio:	15% of Development Area A
Maximum lot type ratio:	65% of Development Area A
Minimum lot width:	60 FT
Minimum lot size:	6,900 SF
Minimum livability open space per dwelling:	4,000 SF *
Minimum Yard Setbacks: **	
Front Yard:	20 FT
Rear Yard:	20 FT
Side Yard Not Abutting a Street:	5 FT
Side Yard Abutting a Street:	
Where rear yard backs to side yard:	15 FT
Where rear yard backs to rear yard:	10 FT
Garage facing side street:	20 FT

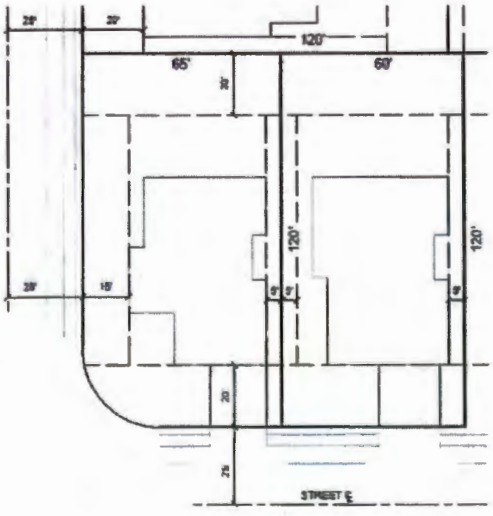
* Livability space may be located on a lot or contained within common open space of the development, as per Section 11-7I-5.C of the Bixby Zoning Code.

** In the event private streets with reduced right-of-way widths are platted, setbacks from streets shall increase 1 foot for each 2 feet right-of-way width is reduced from 50 feet.

Note: Written Development Standards take precedence over diagrams.



50' R/W DIAGRAM



50' R/W DIAGRAM

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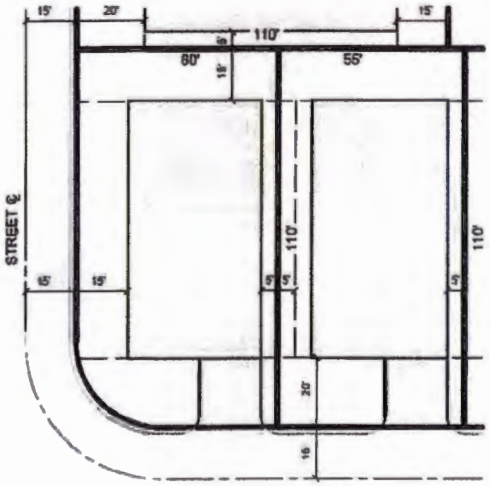
Gated Cottage Lots:

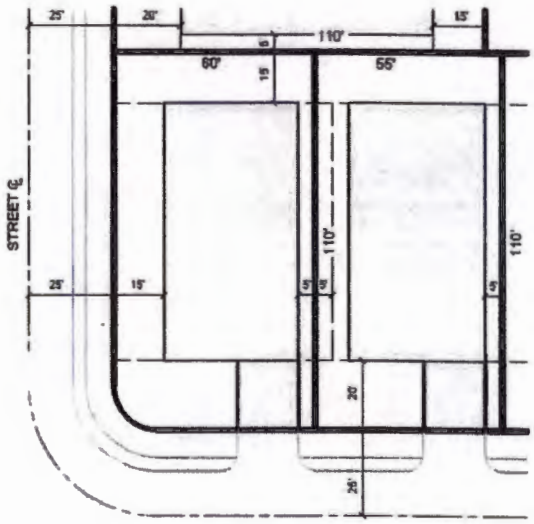
Minimum lot type ratio:	35% of Development Area A
Maximum lot type ratio:	45% of Development Area A
Minimum lot width:	55 FT
Minimum lot size:	5,500 SF
Minimum livability open space per dwelling:	2,500 SF *
Minimum Yard Setbacks:	
Front Yard:	20 FT
Rear Yard:	15 FT
Side Yard Not Abutting a Street:	5 FT
Side Yard Abutting a Street:	
Where rear yard backs to side yard:	15 FT (no attached garage shall face side street)
Where rear yard backs to rear yard:	10 FT (no attached garage shall face side street)

* Each lot shall contain not less than 2,200 SF of livability open space. The balance required shall be established by plat within reserve areas with restrictive covenants preserving the areas as perpetual open space and guaranteeing access to all Gated Cottage lots.

Note: Written Development Standards take precedence over diagrams.

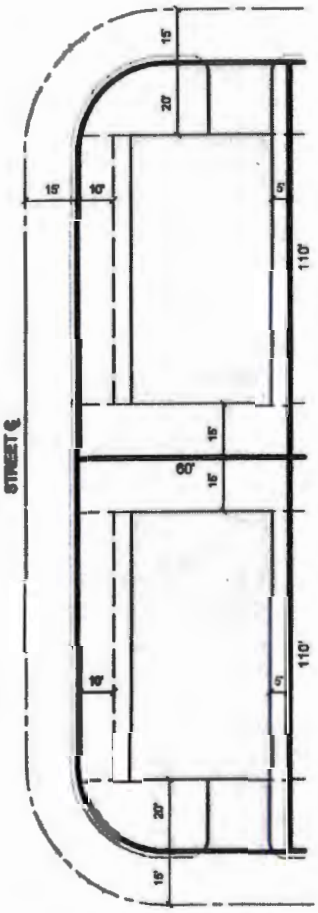


30' R/W DIAGRAM

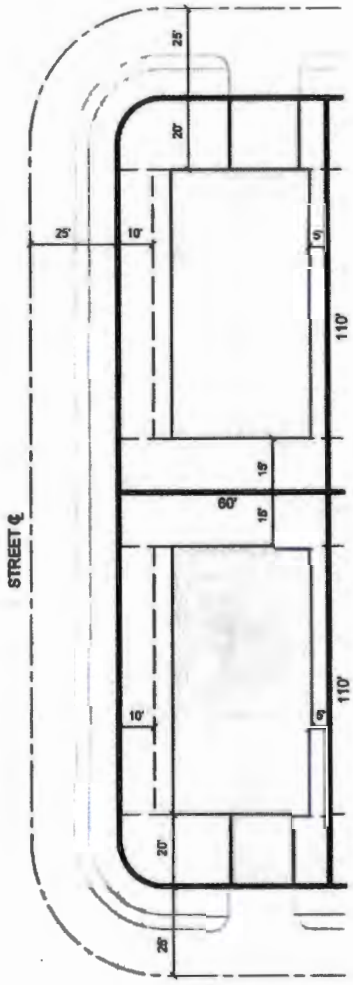


50' R/W DIAGRAM

Gated Cottage Lots (Continued):



30' R/W DIAGRAM



50' R/W DIAGRAM

IV. GENERAL PROVISIONS AND DEVELOPMENT STANDARDS

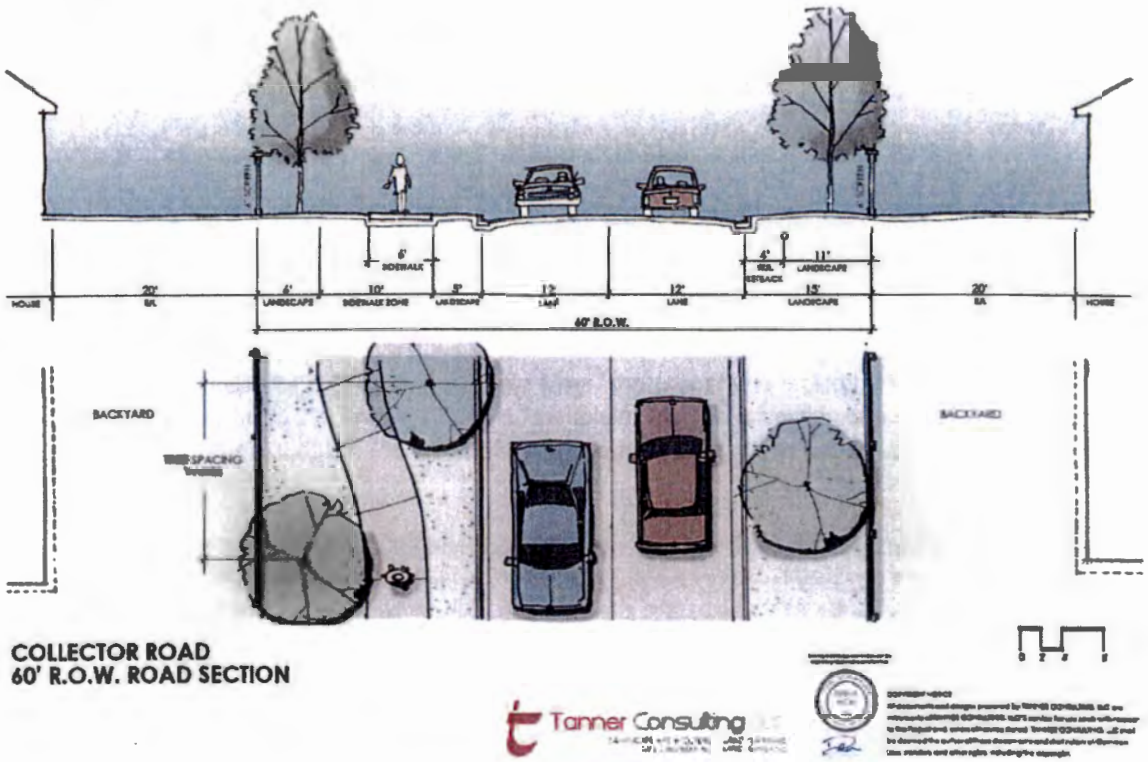
IV.A. SURROUNDING ZONING AND LAND USE: The site is presently zoned RS-2.5 and RS-3 and is vacant/agricultural. The surrounding area is primarily zoned AG in unincorporated Tulsa County and within the Bixby City Limits, with RS-2 zoning abutting to the west. Existing zoning patterns are represented on Exhibit G of this PUD. The surrounding area currently consists of vacant/agricultural land and rural residential tracts, but several large tracts in the general area are in various stages of zoning approval and platting (e.g. "Bixby Meadows," the Dorothy L. Biggers Trust tract, "Yale Village of Bixby," "Prescott Hill").

IV.B. ACCESS AND CIRCULATION: As designed, the subdivision will have three (3) points of access to South Yale Avenue and two (2) points of access to East 161st Street South, along with one (1) Collector stub street to the west and 1 to the north. East-west and north-south Collector Streets are proposed. Rights-of-way will be dedicated for the South Yale Avenue and East 161st Street South Arterial Street frontages. All other streets within the subdivision will be local, minor residential streets.

Streets serving Deer Valley are proposed to be public, with the exception of the Gated Cottage lot neighborhood and certain other neighborhoods, which will be served by private, gated streets. As phases develop, however, all neighborhoods will have the option of private, gated streets, per this PUD. Collector Streets will not be gated. Whether public or private, streets shall be constructed to meet the minimum standards of the City of Bixby for minor public streets; provided, however, the City of Bixby may approve alternative street design standards through platting including, but not limited to, private, gated streets with reduced right-of-way width and no sidewalks, or sidewalks on one side of the street. Any divided, boulevard streets separated by private landscaped islands may have one-way lanes meeting right-of-way width requirements in aggregate and shall otherwise be constructed to meet the minimum standards determined by the City of Bixby during the platting stage. Any gates serving private streets or drives shall be designed according to the Fire Code adopted by the City of Bixby and be approved by the Bixby Fire Marshal during the platting stage.

The 2018 Comprehensive Plan narrative on Page 4-4 and Figure 4-1 Future Roadway Network map on Page 4-5 propose the "Parkway 64" bypass roadway bisecting the site. A Comprehensive Plan Amendment request filed by others on the adjacent development site to the north may result in the removal of the "Parkway 64" from the Comprehensive Plan entirely, or for that development tract only. By Amendment to the Comprehensive Plan if necessary, or by reasonable interpretation of the Plan, we propose to construct a Parkway/Collector street system which essentially aligns with Parkway 64, within our development. The Parkway/Collector concept in the following figure is a variation from the standard Collector street section, and proposes 24' of paving, offset within a 60'-wide right-of-way, allowing an extra width, 6'-wide, often meandering sidewalk/trail on one side and generous landscaping on both sides. The Parkway/Collector street design does not allow driveway connections or on-street parking and minimizes street intersections. Together with the complete street design elements, these features will allow for efficient traffic movement and safe, walkable streets.

Figure 1 Parkway/Collector Street Concept



Except as otherwise provided in this PUD, sidewalks, including both internal and along exterior street frontages, shall be constructed by the developer or individual lot owners in accordance with the Bixby Subdivision Regulations. Sidewalks shall be a minimum of four (4) feet in width, shall be ADA compliant, and shall be approved by the City Engineer. Sidewalks which are proposed outside of public right-of-way shall be placed in a public sidewalk easement. Sidewalks/trails along the Parkway/Collector streets shall be constructed by the developer.

Limits of No Access (LNA) will be imposed by the future plat along both the South Yale Avenue and East 161st Street South frontages, except at approved street intersection(s). Parkway/Collector streets will also have LNAs imposed.

IV.C. SIGNS: Residential subdivision entrance signage shall be permitted along the arterial street frontage and shall comply with standards for same as provided in the Bixby Zoning Code. Entry signage will be integrated with the landscaped entries and contained within Reserve Areas or easements to be maintained by the Homeowners' Association. Signage serving residential neighborhood amenities, appropriate for purpose and neighborhood scale, shall be permitted within reserve areas containing neighborhood amenities. Residential signage shall otherwise comply and all commercial signage shall comply with the Bixby Zoning Code.

IV.D. UTILITIES AND DRAINAGE: A 6" Okmulgee County Rural Water District # 6 waterline is located within the site and along the west side of the South Yale Avenue frontage; it is in the process of being replaced with a 12" waterline. Sanitary sewer will be extended to serve the site. The nearest gravity

DEER VALLEY

EXHIBIT D

EXISTING AND PROPOSED UTILITIES
CONCEPTUAL LAYOUT SHOWN AS OF MAY 27, 2021
EXISTING UTILITIES PER CITY OF BIXBY ATLAS AND FIELD SURVEY DATA

LEGEND

- PROPOSED WATER SERVICE SYSTEM
- PROPOSED SANITARY SEWER SYSTEM

BXPUD-21.01
MAJOR AMENDMENT #1
JUNE 2021

TANNER CONSULTING LLC, CERTIFICATE OF AUTHORIZATION NO. CA 2661
5323 S LEWIS AVE, TULSA, OK 74105 | 918.745.9929

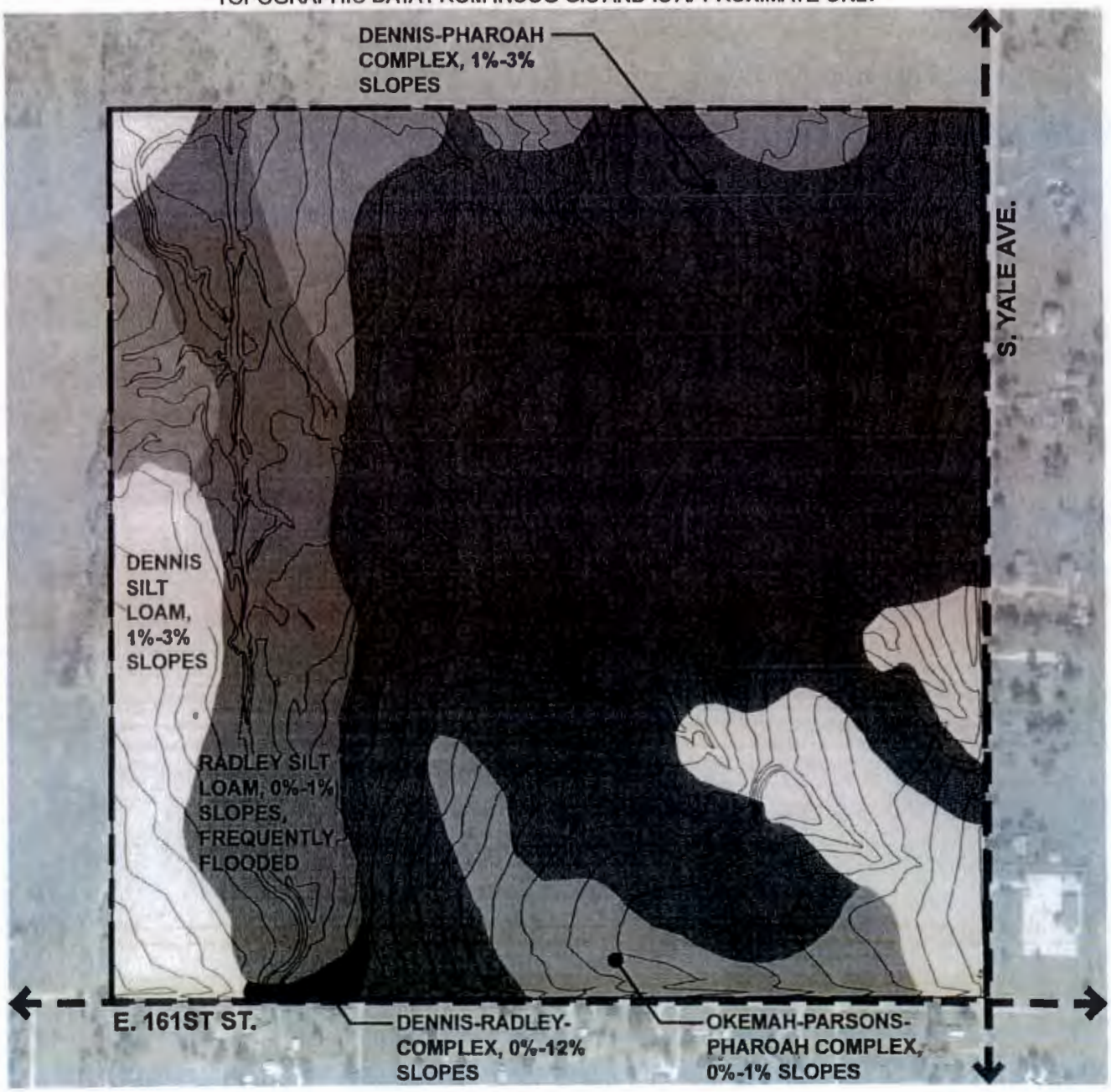
NOT TO SCALE

NORTH

DEER VALLEY

EXHIBIT E

EXISTING TOPOGRAPHY AND SOILS
SOIL DATA FROM USDA WEB SOIL SURVEY, ACCESSED NOVEMBER 24, 2020
TOPOGRAPHIC DATA FROM INCOG GIS AND IS APPROXIMATE ONLY



TANNER CONSULTING LLC, CERTIFICATE OF AUTHORIZATION NO. CA 2661
5323 S LEWIS AVE, TULSA, OK 74105 | 918.745.9929

NOT TO SCALE

NORTH

DEER VALLEY

EXHIBIT F

FEMA FLOODPLAIN MAP

FLOODPLAIN DATA REFLECTS FEMA FIRM PANEL NO. 40143C0445L, EFFECTIVE 10/16/2012

TANNER CONSULTING LLC, CERTIFICATE OF AUTHORIZATION NO. CA 2661
5323 S LEWIS AVE, TULSA, OK 74105 | 918.745.9929

NOT TO SCALE

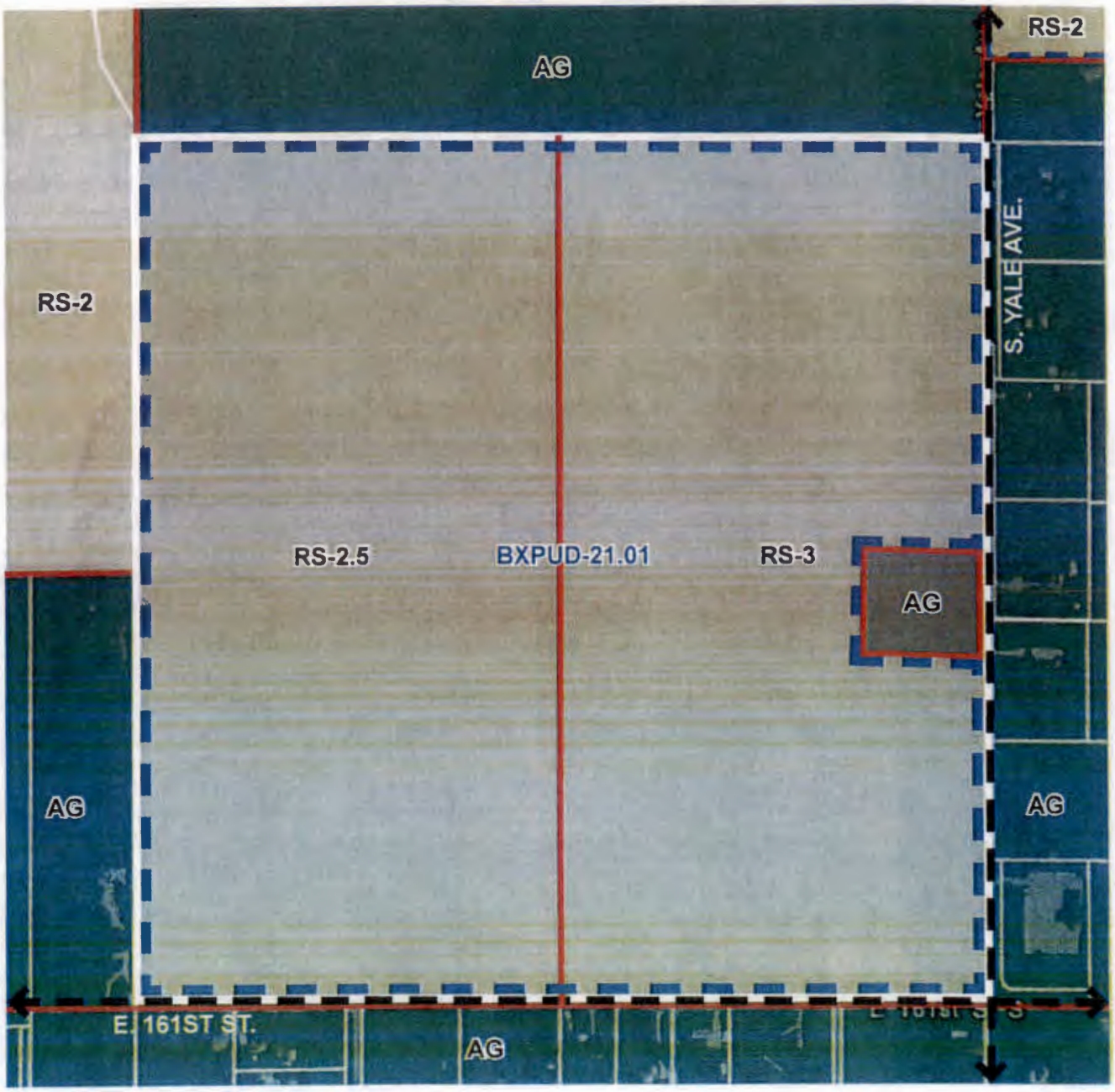
NORTH

DEER VALLEY

EXHIBIT G

EXISTING ZONING MAP

DATA OBTAINED FROM INCOG GIS, ACCESSED NOVEMBER 18, 2020 & MODIFIED



BXPUD-21.01
MAJOR AMENDMENT #1
JUNE 2021

TANNER CONSULTING LLC, CERTIFICATE OF AUTHORIZATION NO. CA 2661
5323 S LEWIS AVE, TULSA, OK 74105 | 918.745.9929

NOT TO SCALE

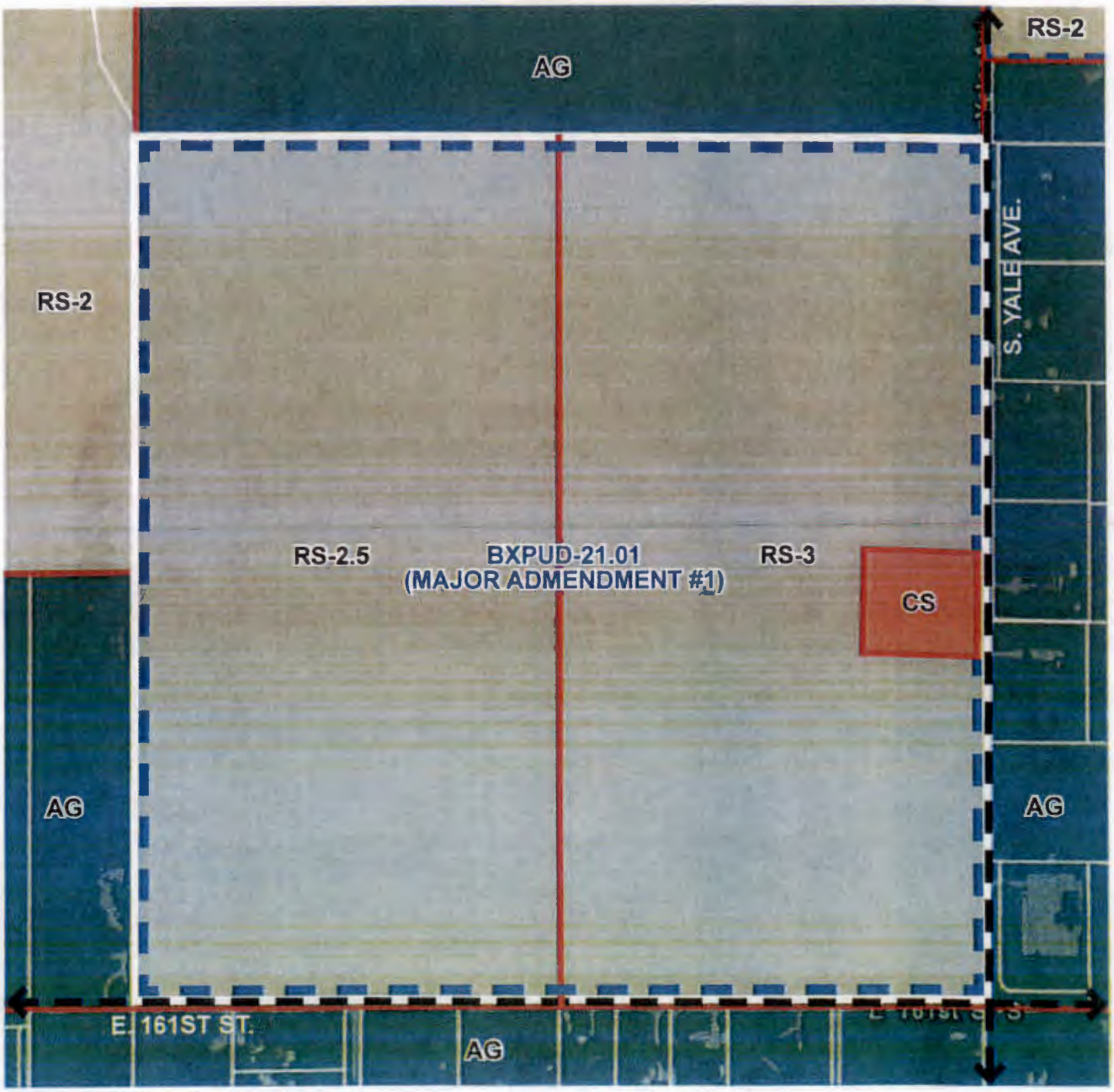
NORTH

DEER VALLEY

EXHIBIT H

PROPOSED ZONING MAP

DATA OBTAINED FROM INCOG GIS, ACCESSED NOVEMBER 18,2020 & MODIFIED



TANNER CONSULTING LLC, CERTIFICATE OF AUTHORIZATION NO. CA 2661
5323 S LEWIS AVE, TULSA, OK 74105 | 918.745.9929

NOT TO SCALE

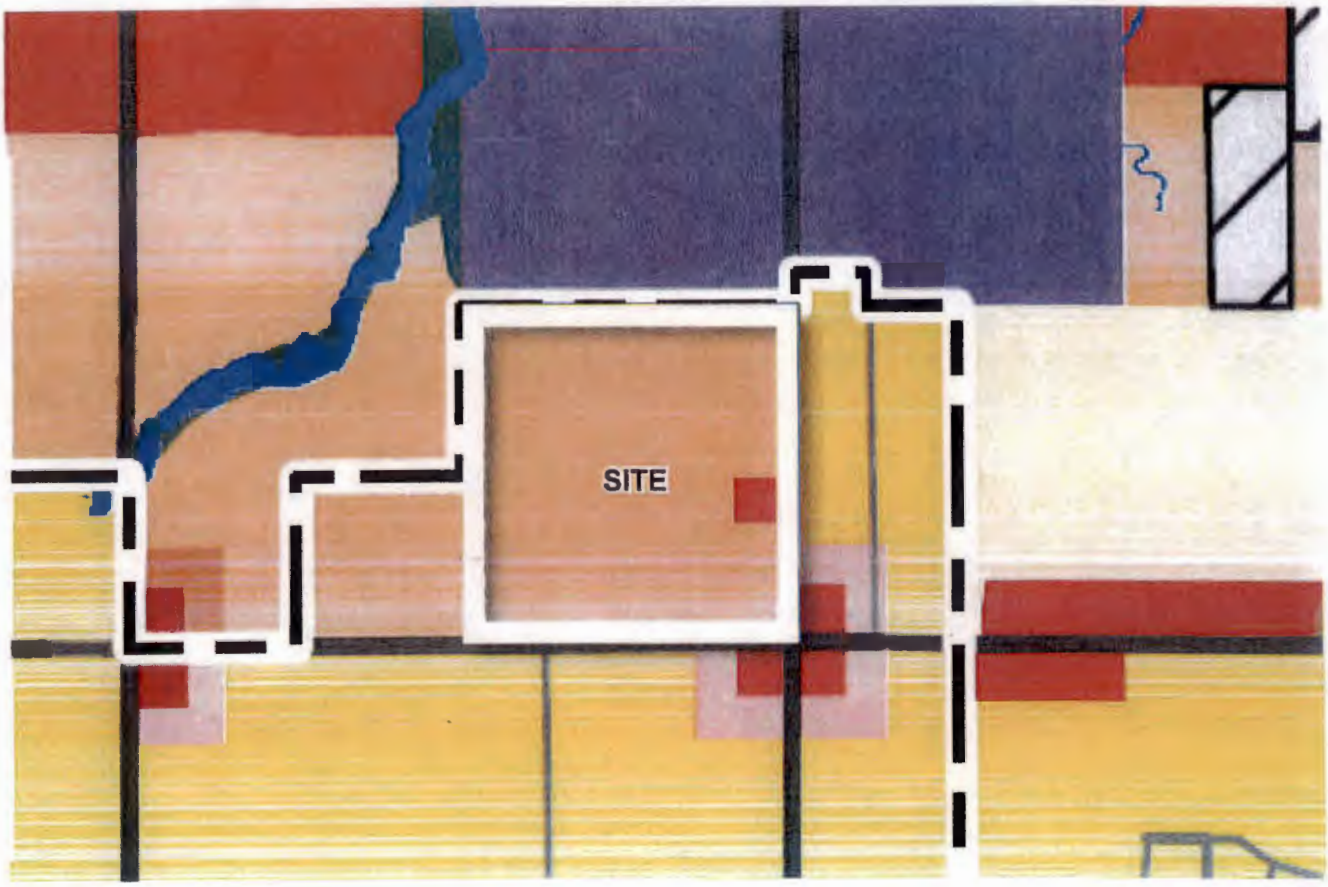
NORTH

DEER VALLEY

EXHIBIT I

COMPREHENSIVE PLAN MAP

BIXBY 2030 COMPREHENSIVE PLAN & MODIFIED PER BXCP-21.01



Legend

Future Land Use	Density (du/ac.)
Rural Agriculture (Unincorporated)	0 - 0.5
Agricultural	0 - 1
Rural Residential	0 - 1.5
Low Density Residential	1.5 - 4
Medium Density Residential	4 - 6
Medium-High Density Residential	6 - 10
High Density Residential	10 +
Mixed Use	10 +
Residential Manufactured Home Park	8

Future Land Use
Neighborhood Commercial
Commercial
Industrial
Public/Institutional
Recreation and Open Space
Flood District
Water

TANNER CONSULTING LLC, CERTIFICATE OF AUTHORIZATION NO. CA 2661
5323 S LEWIS AVE, TULSA, OK 74105 | 918.745.9929

NOT TO SCALE

NORTH

Published in the Tulsa Business & Legal News,
City of Bixby, Tulsa County, Oklahoma _____, 2021

ORDINANCE No. 2354

AN ORDINANCE AMENDING ORDINANCE NUMBER 272; REZONING A TRACT OF LAND, AS MORE PARTICULARLY DESCRIBED IN THIS ORDINANCE, FROM AG (AGRICULTURE) TO CS (COMMERCIAL SHOPPING) CLASSIFICATION, (BXZO-21.16) AND SUPPLEMENTAL PLANNED UNIT DEVELOPMENT ZONING (BXPUD-21.01-A); AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BIXBY, OKLAHOMA:

Section 1. That Ordinance No. 2354 be and the same is now amended and the following described property, to-wit:

SEE ATTACHED EXHIBIT "A" FOR LEGAL DESCRIPTION

Located at the Northwest corner of East 161ST Street South and South Yale Avenue, Bixby, Oklahoma, BXZO-21.16 and BXPUD-21.01-A, be and the same is now rezoned from AG (Agriculture) to a CS (Commercial Shopping) classification.

Section 2. SEVERABILITY CLAUSE. If any section, sentence, clause or phrase of this Ordinance or any part is for any reason found to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remainder of this ordinance or any part thereof.

Section 3. EMERGENCY CLAUSE. That because this Ordinance is essential to the proper and orderly growth of the City of Bixby, an Emergency is now declared to exist for the preservation of the public peace, health and safety, by reason whereof second reading of this Ordinance is waived and this Ordinance shall take effect and be in force immediately upon its passage.

APPROVED in an open meeting of the Bixby City Council and PASSED by an affirmative majority vote of the entire membership of the City Council, to-wit: ___ **YES,** ___ **NO,**
___ **ABSTAINING,** ___ **ABSENT**, on this _____ day of _____, 2021.

_____
Mayor of the City of Bixby, Oklahoma

APPROVED as an Emergency Measure ruled upon separately and PASSED by an affirmative majority vote of at least four-fifths (4/5) of the entire membership of the Bixby City Council, to-wit: ___ **YES,**
___ **NO,** ___ **ABSTAINING,** ___ **ABSENT**, on this _____ day of _____, 2021.

_____
Mayor of the City of Bixby, Oklahoma

(Seal)
ATTEST:

_____
City Clerk

APPROVED:

_____
City Attorney

EXHIBIT A

A TRACT OF LAND THAT IS A PART OF THE SOUTHEAST QUARTER (SE/4) OF SECTION TWENTY-ONE (21), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SE/4; THENCE NORTH 1°09'58" WEST AND ALONG THE EAST LINE OF THE SE/4, FOR A DISTANCE OF 959.53 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 88°50'02" WEST AND PERPENDICULAR TO SAID EAST LINE, FOR A DISTANCE OF 370.50 FEET; THENCE NORTH 1°09'58" WEST AND PARALLEL WITH THE EAST LINE, FOR A DISTANCE OF 375.92 FEET; THENCE NORTH 88°50'02" EAST AND PERPENDICULAR TO THE EAST LINE, FOR A DISTANCE OF 370.50 FEET TO A POINT ON THE EAST LINE; THENCE SOUTH 1°09'58" EAST AND ALONG THE EAST LINE, FOR A DISTANCE OF 375.92 FEET TO THE POINT OF BEGINNING;

SAID TRACT CONTAINING 139,277 SQUARE FEET OR 3.197 ACRES.

City of Bixby
P.O. Box 70
116 W. Needles Ave.
Bixby, OK 74008
(918) 366-4430

Staff Agenda Commentary
July 26, 2021

Item Titles(s):
Rachael Gardens- Rezone (BXZO-21.12) from Commercial Shopping (CS) to Residential Townhomes (RT) with supplemental zoning through BXPUD-21.08. Preliminary Plat (BXPT-21.08) Located: Lots Five (5), Six (6), Seven (7), Eight (8), Nine (9), Ten (10), Block Three (3), Devine-Ellard Addition, Bixby, Oklahoma.

Presenter:
Carolyn Back, Development Services Director / City Planner

Staff Information Source:
Comprehensive Plan, Zoning Code, Applicant Exhibit(s)

Background:
Heard by Planning Commission on July 19, 2021.
Zero (0) citizens spoke for/against the request at the Planning Commission public hearing

Comp Plan Future Land Use Map Amendment required from Commercial to Mixed-Use slated for future quarterly City Council action

Project Overview for Townhouse development:

# of Acres	1.0175 (+/-)	Min Lot Width	25 ft. (zero lot line)
# of Lots	9 per PUD	Min Lot Size	1950 SF
# of Blocks	1	Min Land Area	None Specified
# of Phases	See attached PUD	# of Reserve Areas	2

Amenities: None specified

Exhibits:
Exhibit A: Planning Commission Staff Report dated 07.19.2021

Key Issue:
Approval

Recommendation:
Staff recommends approval of the Rachel Gardens Rezone, PUD, and Preliminary Plat per Planning Commission recommendation and Staff Comments.

City of Bixby
P.O. Box 70
116 W. Needles Ave.
Bixby, OK 74008
(918) 366-4430

Staff Report

To: City of Bixby, Planning Commission

From: Carolyn Back, Development Services Director/City Planner
Donna Crawford, Assistant City Planner

Date: Monday, July 19, 2021

RE: Rezone (BXZO-21.12) from Commercial Shopping (CS) to Residential Townhomes (RT) and supplemental zoning BXPUD-21.08.

Preliminary Plat (BXPT-21.08)

Location: Lots Five (5), Six (6), Seven (7), Eight (8), Nine (9), Ten (10)
Block Three (3), Devine-Ellard Addition
1.0175 Acres (+/-)

STR: Section 24, Township 17N, Range 13E

Applicant: JR Donelson, Inc.

Request:
Rezone (BXZO-21.12) from Commercial Shopping (CS) to Residential Townhomes (RT)

A Planned Unit Development (BXPUD-21.08) for Rachael Gardens Townhomes.

Preliminary Plat (BXPT-21.08) The applicant is also requesting Preliminary Plat approval to accompany the Rezone from Commercial Shopping (CS) to Residential Townhomes (RT).

Existing Zoning; Use:
Commercial Shopping (CS); Vacant

Abutting Zoning; Use:
North: (CS) Commercial Shopping; Vacant
East: (RS-3) Single-Family Dwelling; Single-Family dwellings
South: (RD) Residential Multi-Family; Multi-Family dwellings
West: (CS) Commercial Shopping; Commercial Shopping

Proposed Zoning; Use:
Residential Townhomes (RT)

Figure 1: City of Bixby Zoning Map

Staff Review

The applicant is requesting a rezone (BXZO 21.12) that consists of changing from Commercial Shopping (CS) to Residential Townhomes (RT). The multi-family dwelling mixes within Commercial and Residential zones.

The rezone, if approved will require a Comprehensive Plan Amendment to update the Comprehensive Plan 2030 Future Land Use Map. An application will need to be submitted and added to the schedule to be heard in our next quarterly City Council Comprehensive Plan Amendment review in October. Confirmation by applicant of the Comprehensive Plan Amendment review date is required.

Site Plan will need to be submitted and reviewed with the property falling within the Corridor Appearance District.

Planned Unit Development

- Development Standards
  Approximately 1.0175 (+/-) acres and will consist of single-family attached Townhouse dwellings intended for individual ownership.
  - Minimum Lot Width 25 FT
  - Minimum Lot Size 1,950 SF

Planned Unit Development

- Development Standards (cont.)
  - Total Allowable Number of Lots 9
  - Setbacks
    - Centerline from Memorial 85 FT
    - Centerline from Rachel St 30 FT
    - East Property Line 0 FT
    - West Property Line 0 FT
  - Reserve Area A – U/E, MAE, Detention
  - Reserve Area B – Stormwater Detention

- Other Bulk and Area Requirements
  - As provided within an RT District

Utilities/Site Area: There is a 12" water main running North/South on the East side of South Memorial, and a 6" water line running East/West on what appears the North side of West Rachel Street. An 8" sanitary sewer line runs W/E on the North side of the property. A storm sewer system runs along Memorial.

Planning Comments:

1. Shall conform with City of Bixby Corridor Appearance District Guidelines
2. Shall conform with City of Bixby Downtown Design Overlay Standards
3. Staff has concerns about the 5-ft U/E and Building Setback. A 15-ft setback on Rachel Street is required. At the TAC meeting, utility purveyors mentioned they currently have utilities in the rear of the property and appeared to be okay with allowing the 5-ft U/E Sidewalks are required along Rachel
4. A Fire Apparatus turnaround is required
5. Lot 1 – Lot Width on the Preliminary Plat and Site Plan need to match

Engineering Comments: Please see attached memo dated July 6, 2021

Public Comments: Staff received one (1) phone call asking for more information on style and sizing of the lots and dwellings. Staff received one (1) email inquiry from a Council Member addressing their constituent's questions about the overall project description.

Staff Comments:

1. Staff supports Planning Commission recommendation for approval of the requested Preliminary Plat (BXPT-21.08) with Planning and Engineering comments implemented before moving to Council.
2. Staff supports Planning Commission recommendation for approval of the requested Rezone (BXZO-21.12) to Residential Townhomes (RT) with supplemental zoning (BXPUD-21.07) and believes the proposed use, as presented by applicant along with Planning Comments, is amenable to types of uses and surrounding densities in a downtown neighborhood setting.

Figures: Figure 1: City of Bixby Zoning Map

Attachments:

Exhibit A:	Rachael Gardens PUD (BXPUD-21.07)
Exhibit B:	Rachael Gardens Preliminary Plat dated 05.01.2021
Exhibit C:	Development Services – Engineering Memo dated 07.06.2021

Rachael Gardens

An Addition located in the SW/4
of Section 24, T-17-N, R-13-E, Tulsa County, Oklahoma.

PLANNED UNIT DEVELOPMENT NUMBER BXPUD-

Prepared by:
JR Donelson, Inc.
12820 So. Memorial Dr., Office 100
Bixby, Oklahoma 74008
918-394-3030
Email: jrdon@tulsacoxmail.com

July 9, 2021

Exhibit A

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	Exhibit 2 Plat of Rachael Gardens	
	Exhibit 3 Devine-Ellard Addition	
	Exhibit 4 Topography	
	Exhibit 5 Site Zoning	
	Exhibit 6 FEMA Firm Map	
	Exhibit 7 Building Elevation	
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IV.	Utilities and Drainage	5
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I. Development Concept

'Rachael Gardens' comprises 1.0175 acres in one development area. The 1.0175 acres gross (hereinafter the "Property" or the "Site") located in the SW/4 (Southwest Quarter) of Section 24, T-17-N, R-13-E. The property is situated at the northeast corner of East Rachael Street and South Memorial Drive. The property is presently known as Lots 5 thru 10, Block 3, Devine-Ellard Addtion. The property will be required to be re-platted.

The project is planned as a single family use project, being Townhouses. Exhibit 1 is a Concept Illustration of the Site, including a Location Map insert.

Zoning.

The present zoning of the Property is CS (Commercial Shopping Center) District. The Site is located within the jurisdiction of the Bixby Comprehensive Plan. The proposed use is the construction of Single-Family dwelling 'Townhouses'. The proposed zoning is 'RT', Residential Townhouse District.

Features of the Site Area.

Located adjacent to South Memorial Drive, the property is vacant. The property has been platted as 'Devine-Ellard Addition'. Water and sanitary sewer are present. Rachael Street is not curbed and drainage is via a bar ditch. Storm water runoff flows west to the existing storm sewer along South Memorial Drive. There is single family housing to the east, and along Stadium Road.

LOMR-F

A LOMR-F, will be required as parts of the property is situated below the FEMA 100 year water surface elevation of 598.94.per map FEMA 41430C0445L.

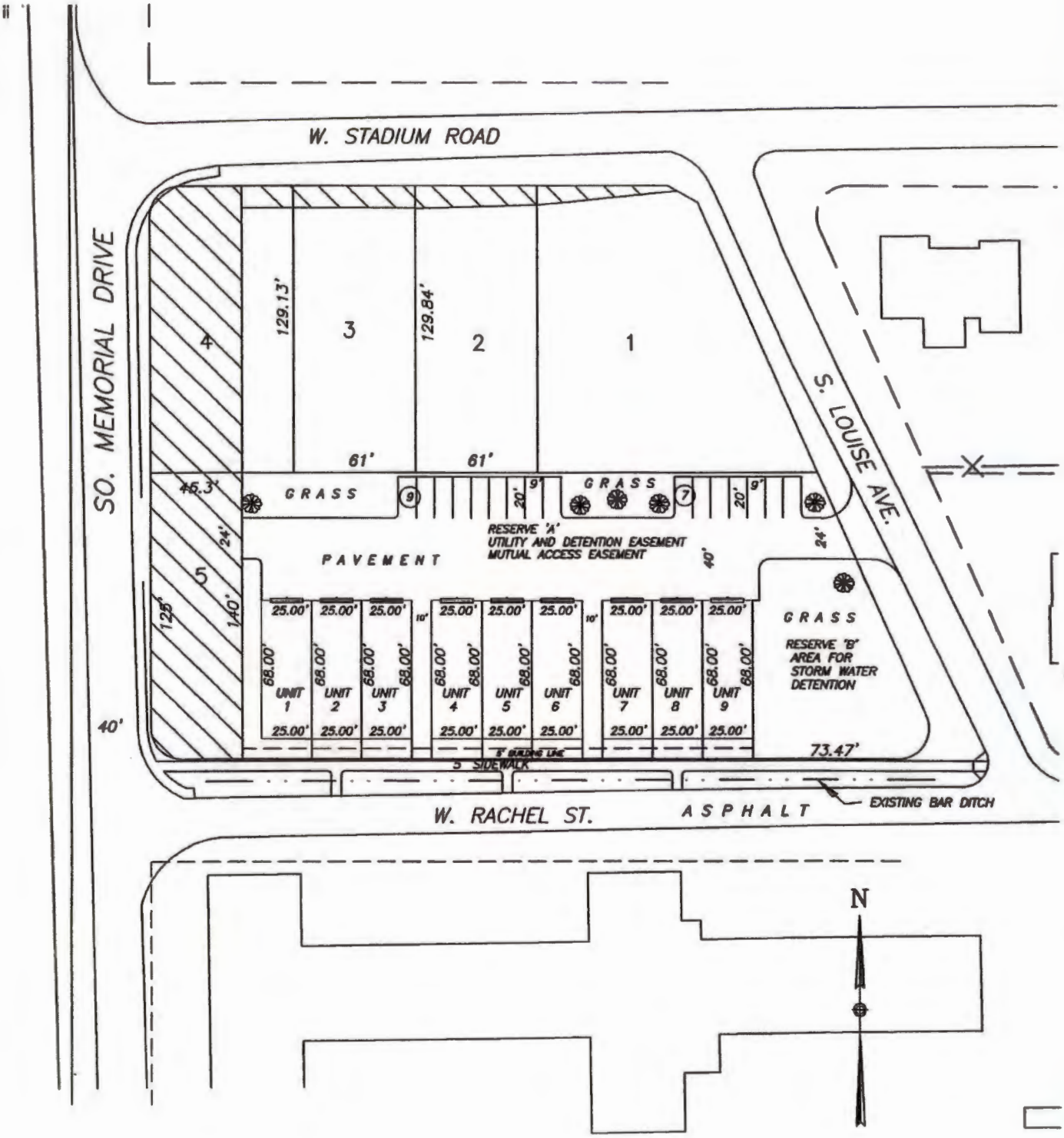
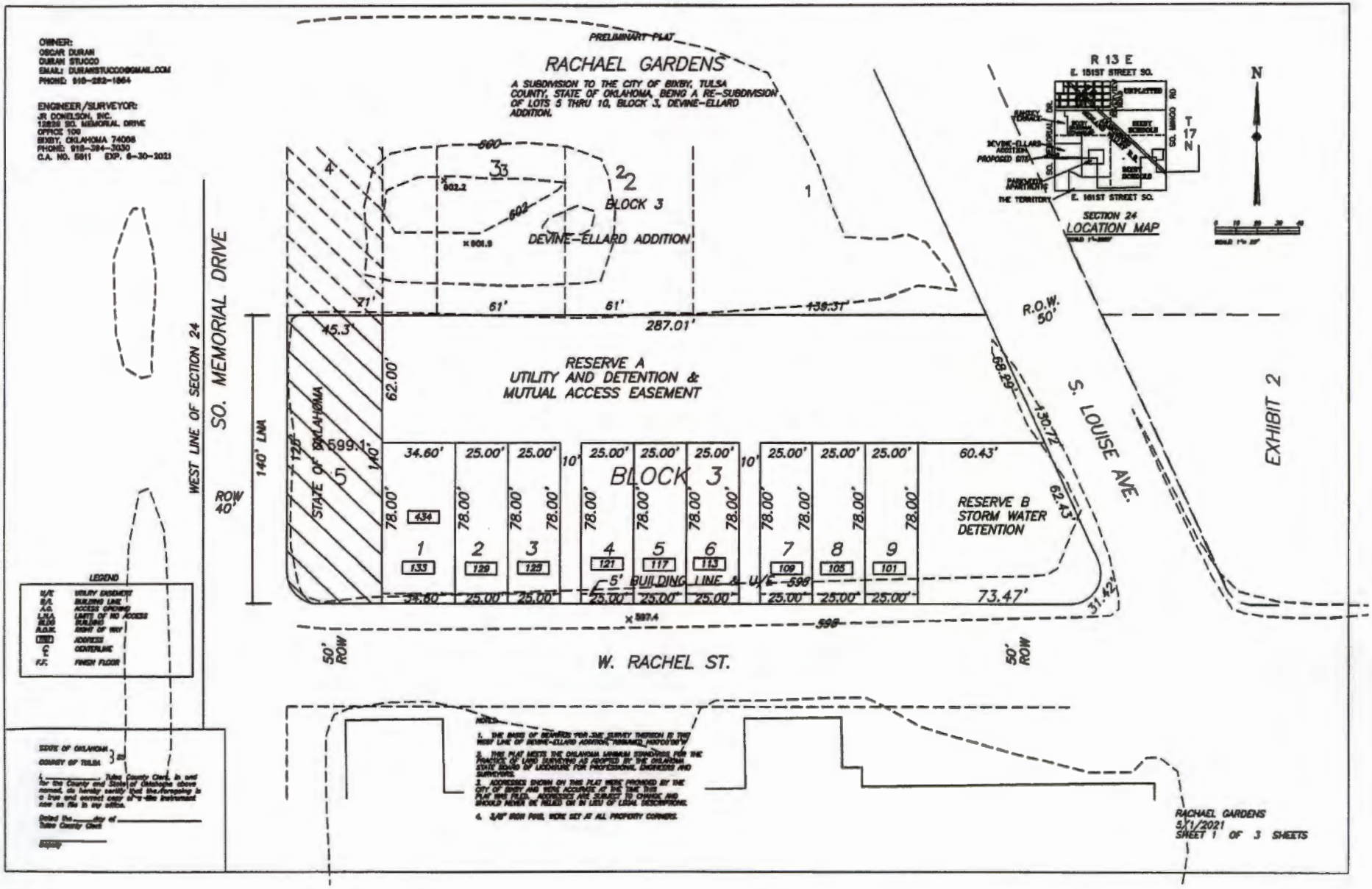
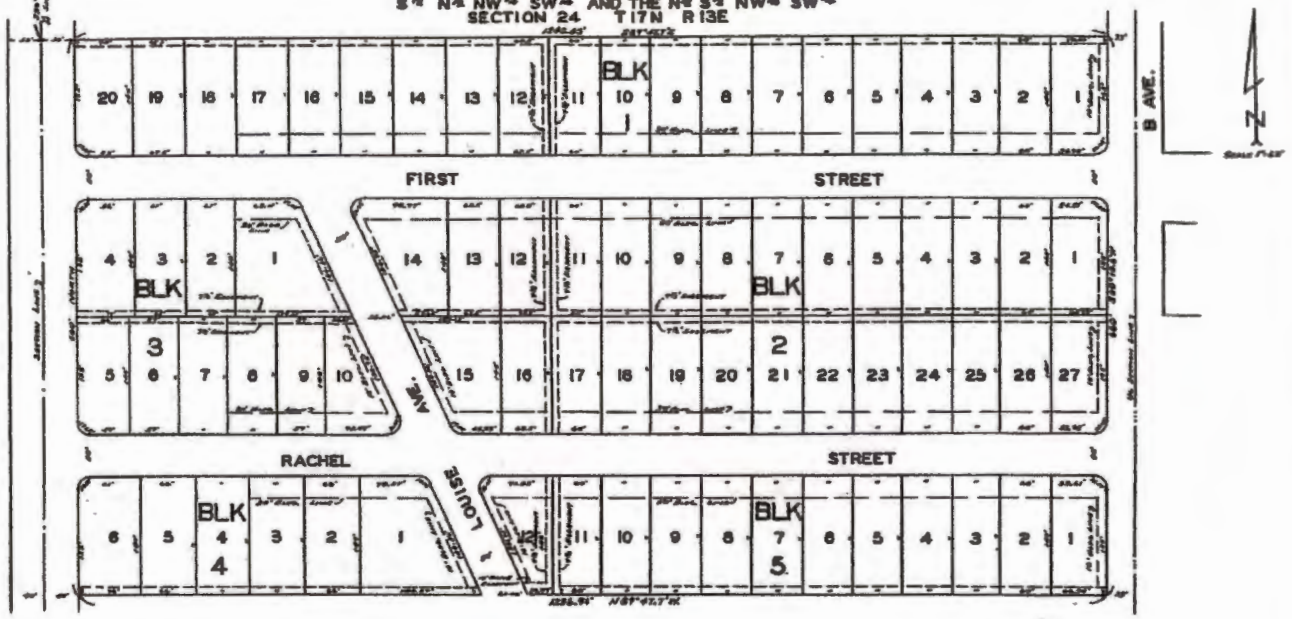

W. STADIUM ROAD
SO. MEMORIAL DRIVE
S. LOUISE AVE.
W. RACHEL ST.
ASPHALT
EXISTING BAR DITCH
4
3
2
1
5
129.13'
129.84'
61'
61'
46.3'
24'
125'
140'
40'
GRASS
PAVEMENT
RESERVE 'A'
UTILITY AND DETENTION EASEMENT
MUTUAL ACCESS EASEMENT
20'
9'
24'
40'
25.00'
68.00'
UNIT 1
UNIT 2
UNIT 3
UNIT 4
UNIT 5
UNIT 6
UNIT 7
UNIT 8
UNIT 9
10'
5' SIDEWALK
GRASS
RESERVE 'B'
AREA FOR
STORM WATER
DETENTION
73.47'
N

EXHIBIT 1


OWNER:
OSCAR DURAN
DURAN STUCCO
EMAIL: DURANSTUCCO@GMAIL.COM
PHONE: 918-252-1864
ENGINEER/SURVEYOR:
JR DONELSON, INC.
13835 SO. MEMORIAL DRIVE
OFFICE 109
BIXBY, OKLAHOMA 74008
PHONE: 918-384-3030
C.A. NO. 5911 EXP. 6-30-2021
PRELIMINARY PLAT
RACHAEL GARDENS
A SUBDIVISION TO THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA, BEING A RE-SUBDIVISION OF LOTS 5 THRU 10, BLOCK 3, DEVINE-ELLARD ADDITION.
R 13 E
E. 151ST STREET SO.
T 17 N
E. 161ST STREET SO.
SECTION 24
LOCATION MAP
N
DEVINE-ELLARD ADDITION
BLOCK 3
RESERVE A
UTILITY AND DETENTION &
MUTUAL ACCESS EASEMENT
RESERVE B
STORM WATER
DETENTION
BLOCK 3
S. LOUISE AVE.
R.O.W. 50'
SO. MEMORIAL DRIVE
WEST LINE OF SECTION 24
ROW 40'
140' LNA
STATE OF OKLAHOMA
W. RACHEL ST.
50' ROW
50' ROW
5' BUILDING LINE & U/E
287.01'
138.31'
599.1'
73.47'
60.43'
130.72'
62.43'
31.42'
EXHIBIT 2
LEGEND
U/E UTILITY EASEMENT
B/L BUILDING LINE
A.G. ACCESS GROVED
L.N.A. LIMITS OF NO ACCESS
M.S.B. MASONRY SCREEN WALL
R.O.W. RIGHT OF WAY
ADDRESS
℄ CENTERLINE
F.F. FINISH FLOOR
STATE OF OKLAHOMA
COUNTY OF TULSA
RACHAEL GARDENS
5/1/2021
SHEET 1 OF 3 SHEETS

DEVINE - ELLARD ADDITION

S½ N½ NW¼ SW¼ AND THE N½ S½ NW¼ SW¼
SECTION 24 T17N R13E



KNOW ALL MEN BY THESE PRESENTS:

That the South Half (S/2) of the North Half (N/2) of the Northwest Quarter (NW/4) of the Southwest Quarter (SW/4) and the North Half (N/2) of the South Half (S/2) of the Northwest Quarter (NW/4) of the Southwest Quarter (SW/4), Section Twenty Four (24), Township Seventeen (17) North, Range Thirteen (13) East, Indian Base & Meridian, Tulsa County, State of Oklahoma, also described as beginning at a point three hundred thirty feet South of the Northwest Corner of the Southwest Quarter (NW/4 SW/4), Section Twenty Four (24), Township Seventeen (17) North, Range Thirteen (13) East; Thence East eighty nine (89) degrees forty seven (47) minutes East a distance of 1,313.68 feet; Thence South 0 degrees 07 minutes and 45 seconds East a distance of 660 feet to point of beginning, which property is to be platted by recorded plat as the Devine-Ellard Addition to the Town of Sisky, Oklahoma.

WHEREAS, the owners have caused the above described tract to be surveyed, staked and platted into blocks and lots in conformity to the plat annexed hereto, and have caused the same to be named and designated The Devine-Ellard Addition to the Town of Sisky, Tulsa County, State of Oklahoma.

NOW, THEREFORE, the said owners do hereby dedicate all the streets shown upon said plat to public use, forever; and, being desirous of establishing a uniform system of development and preserving the character of said Devine-Ellard Addition to the Town of Sisky, Tulsa County, State of Oklahoma, as a residential addition, do hereby declare and establish the following restrictions and covenants which shall be and hereby are made for the mutual use and benefit of each and every person acquiring the title to or any interest in any of the above described land. Any person acquiring conveyance thereof, whether directly from said owners or mediately from any of their grantees, shall take his or them or mediately from any of their grantees, shall take his or them subject to those restrictions and protective covenants and by accepting such conveyance shall be deemed to have assumed same and shall be entitled to the benefit thereof, and shall have assumed all the responsibilities thereof, to-wit:

1. These covenants and restrictions shall run with the land and shall be binding upon the party hereto, its successors and assigns, and all persons claiming any interest in the title to said Addition, until July 1, 1984, at which time the same shall be automatically extended for successive periods of ten (10) years, unless there shall be executed by a majority of the then owners of the title to said Addition an instrument agreeing to change said covenants and restrictions in whole or in part, which changes shall become effective upon the proper recording of such instrument in the Land Records of the County of Tulsa, Oklahoma.

2. If the present record owners or their successors and assigns, or any person grantee lessee, occupying or claiming an interest in any of the said Addition shall violate or attempt to violate any of the covenants and restrictions herein, it shall be lawful for any other person or persons owning any real property situated in said Addition as aforesaid to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate the same to enjoin and prevent him or them from so doing, or to recover damages or other dues for such violation, or both; however, it is understood that the right to seek injunctive relief shall not be waived.

3. All lots in said Addition except Lots 12, 13 and 28, Block 1, Lots 1, 2, 3, 4, 5 and 7, Block 3, and Lots 4, 5 and 6, Block 4, shall be known and described as residential lots and no structure shall be erected on any residential lot or shall be permitted to remain thereon other than one (1) detached, single-family dwelling, and a private garage. Further, no lot in said Addition shall be used for any purpose other than residential purposes except that Lots 12, 13 and 28, Block 1; Lots 1, 2, 3, 4, 5 and 7, Block 3, and Lots 4, 5 and 6, Block 4, may be used for business or residential purposes.

4. No building shall be located nearer to the front line or nearer to the side street line than the minimum building set back line as shown on said plat, and no building shall be located on any lot nearer than thirty (30) feet to the front line. Further, no building shall be located nearer than two (2) feet to any side street line, nor shall any building be located nearer than five (5) feet to any side lot line. Provided, however, that this restriction shall not apply to Lots 12, 13 and 28, Block 1; Lots 1, 2, 3, 4, 5 and 7, Block 3, and Lots 4, 5 and 6, Block 4, of the said Addition, as to the said Lots. For the purpose of this set back restriction, eaves, steps and open porches shall not be considered a part of a building, provided, however, that this shall not be construed to permit any portion of any building on any lot to encroach upon another lot.

5. No fence or wall shall be erected or maintained nearer to the front line, or nearer to any side street line than is permitted by the building set back lines as shown on said plat. This restriction shall not be considered as prohibiting or limiting the planting and retrimming of trees or shrubs adjacent to the front, or side line of the lot from the building set back line shown on said plat.

6. No residential structure shall contain less than 1,000 square feet of floor area in the ground floor exclusive of basements, open porches and garages. Every shall be constructed upon any lot. At least 75% of all exterior surfaces, or elevation of each residential structure shall be brick veneer, or of masonry construction. No block structure shall be constructed upon any lot.

7. No trailer, basement, tent, shack, garage or other outbuilding, erected or placed upon any lot herein platted shall at any time be used as a residence, temporarily or permanently, nor shall any structure of a temporary character be used as a residence.

8. No permanent advertising of any nature whatsoever shall be hereafter placed upon any lot or tract in said Addition.

9. No nuisance or offensive trade or activity shall be carried on or attempted to be carried on upon any lot, nor shall anything be done upon any lot which may be or become an annoyance or nuisance to the neighborhood.

10. No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot, except domestic, that dogs, cats or other household pets may be kept, bred or maintained for any commercial purposes.

11. The invalidation of any one of the covenants or restrictions herein contained shall not affect any of the other provisions herein, which shall remain in full force and effect for the above specified term and extensions thereof.

12. The undersigned owners hereby dedicate to the public for public use forever the easements here and designated on the official plat of said Subdivision for the several purposes of construction, maintaining, repairing, and removing any and all public utility facilities, including storm and sanitary sewer, telephone lines, gas lines, power lines and transformers, gas lines and water lines, together with all fixtures and equipment for the use and benefit of each facilities including the poles, wires, conduits, pipes, valves, meters and any other appurtenances thereto, with the right of ingress and egress upon said easements for the said purposes aforesaid, together with similar rights in each and all of the streets and other areas upon said plat; provided, that the undersigned owners hereby reserve the right to reconstruct, relocate, change any and relay water lines and sewer lines, together with the right of ingress and egress for all such purposes, maintenance, operation, laying and relaying over, across and along all strips of land included within the several areas shown on said Plat, both for the purpose of facilitating said facilities in the area included in said Plat and to any other areas.

IN WITNESS WHEREOF, the said Irvin W. Ellard and Corrie B. Ellard, husband and wife, and Jessie E. Darling and Rachel D. Darling, husband and wife, have caused these presents to be executed this 7th day of [illegible], 1964, at Sisky, Oklahoma.

Irvin W. Ellard
Corrie B. Ellard
Jessie E. Darling
Rachel D. Darling

STATE OF OKLAHOMA } ss
COUNTY OF TULSA }

Before me, the undersigned, a Notary Public, in and for said County and State, on this 7th day of [illegible], 1964, personally appeared Irvin W. Ellard and Corrie B. Ellard, husband and wife, and Jessie E. Darling and Rachel D. Darling, husband and wife, to me known to be the identical persons who subscribed the names of the grantors to the foregoing instrument, and acknowledged to me that they executed the same as their free and voluntary act and deed, for the uses and purposes therein set forth.

Notary Public

My Commission Expires:

[illegible]

CERTIFICATE OF SURVEY

STATE OF OKLAHOMA } ss
COUNTY OF TULSA }

I, Alvin G. Penn, a registered professional engineer of the State of Oklahoma, do hereby certify that I have correctly surveyed, platted and staked all property corners with a 5/8" iron pin the above described property said to be the tract in the DEVINE-ELLARD ADDITION to the Town of Sisky, Oklahoma.

Said survey beginning at a point three hundred thirty feet South of the Northwest Corner of the Southwest Quarter (NW/4), Section Twenty Four (24), Township Seventeen (17) North, Range Thirteen (13) East, Indian Base & Meridian, thence South eighty nine (89) degrees forty seven (47) and seven tenths (7/10) minutes East a distance of 1,313.68 feet; thence South zero (0) degrees and eighteen (18) and eight tenths (8/10) minutes West a distance of 660 feet; thence North eighty nine (89) degrees forty seven (47) and nine tenths (9/10) minutes West a distance of 1,309.36 feet; thence North a distance of 660 feet to point of beginning.

Alvin G. Penn
Reg. No. [illegible]

STATE OF OKLAHOMA } ss
COUNTY OF TULSA }

Before me, the undersigned, a Notary Public, in and for said County and State, on this [illegible] day of [illegible], 1964, personally appeared Alvin G. Penn, to me known to be the identical person the subscribed was name of the Grantor therein to the foregoing instrument, and acknowledged to me that he executed the same as the free and voluntary act and deed, and for the uses and purposes therein set forth.

Notary Public

My Commission Expires:

[illegible]

TREASURER'S CERTIFICATE

I, [illegible], the undersigned County Treasurer of [illegible] County, Oklahoma, hereby certify that there are no taxes due or unsold on the above described property.

County Treasurer

Date

EXHIBIT 3

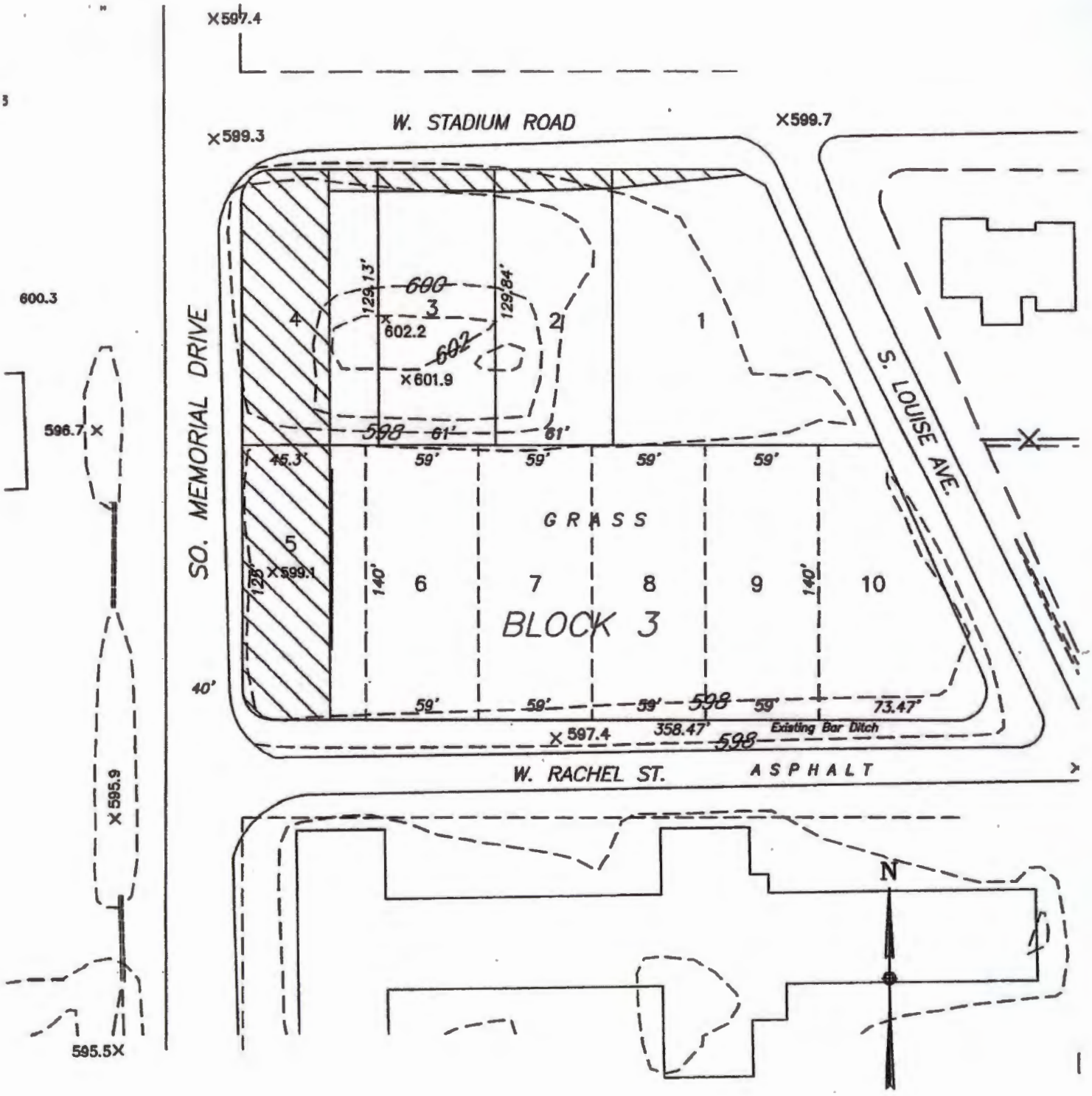

X597.4
W. STADIUM ROAD
X599.3
X599.7
600.3
SO. MEMORIAL DRIVE
S. LOUISE AVE.
596.7
129.13'
129.84'
600
602
602.2
X601.9
598
61'
61'
45.3'
59'
59'
59'
59'
GRASS
128'
X599.1
140'
140'
6
7
8
9
10
BLOCK 3
40'
59'
59'
59'
598
59'
73.47'
X597.4
358.47'
598
Existing Bar Ditch
W. RACHEL ST.
ASPHALT
X595.9
595.5X
N

EXHIBIT 4

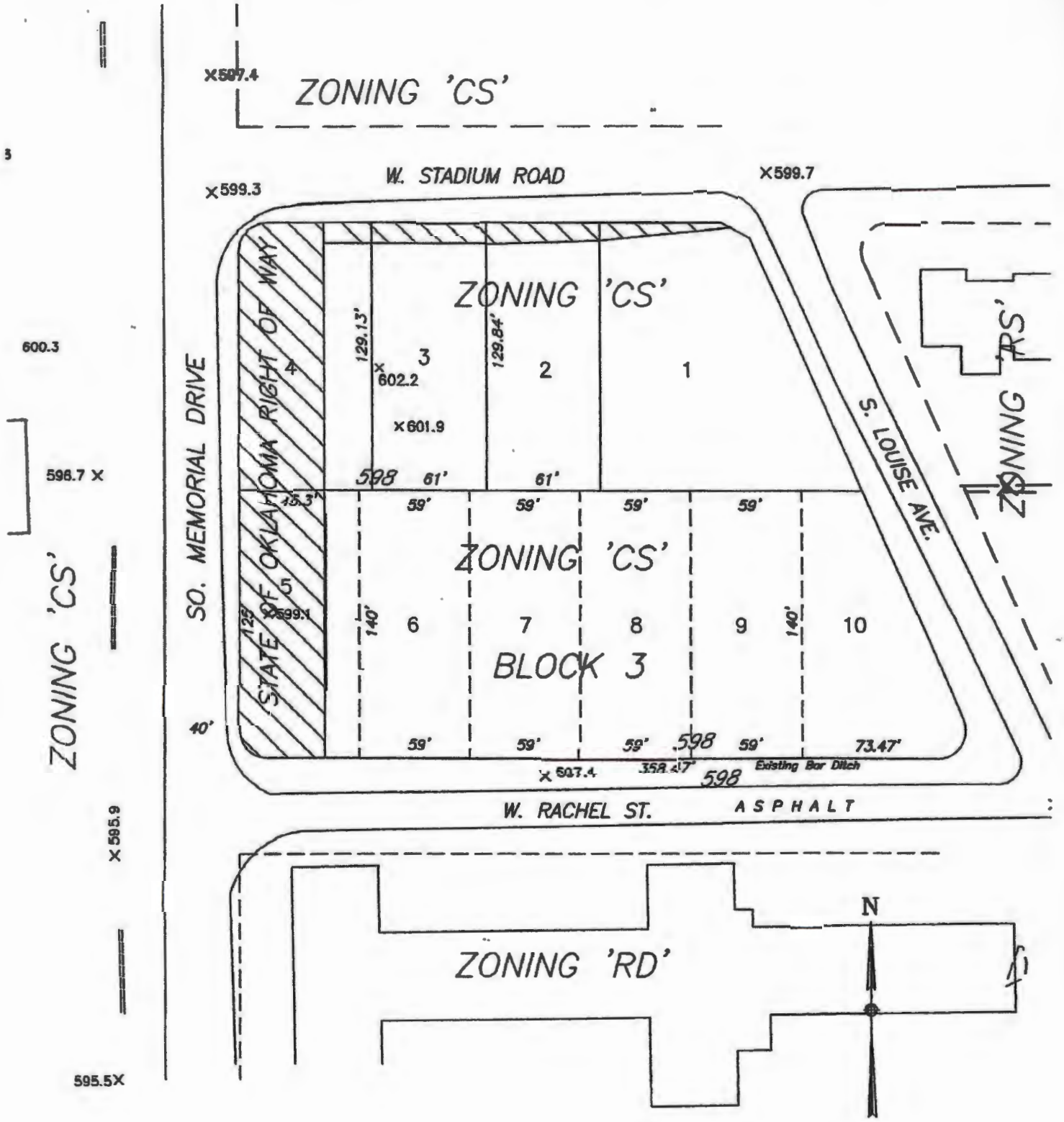
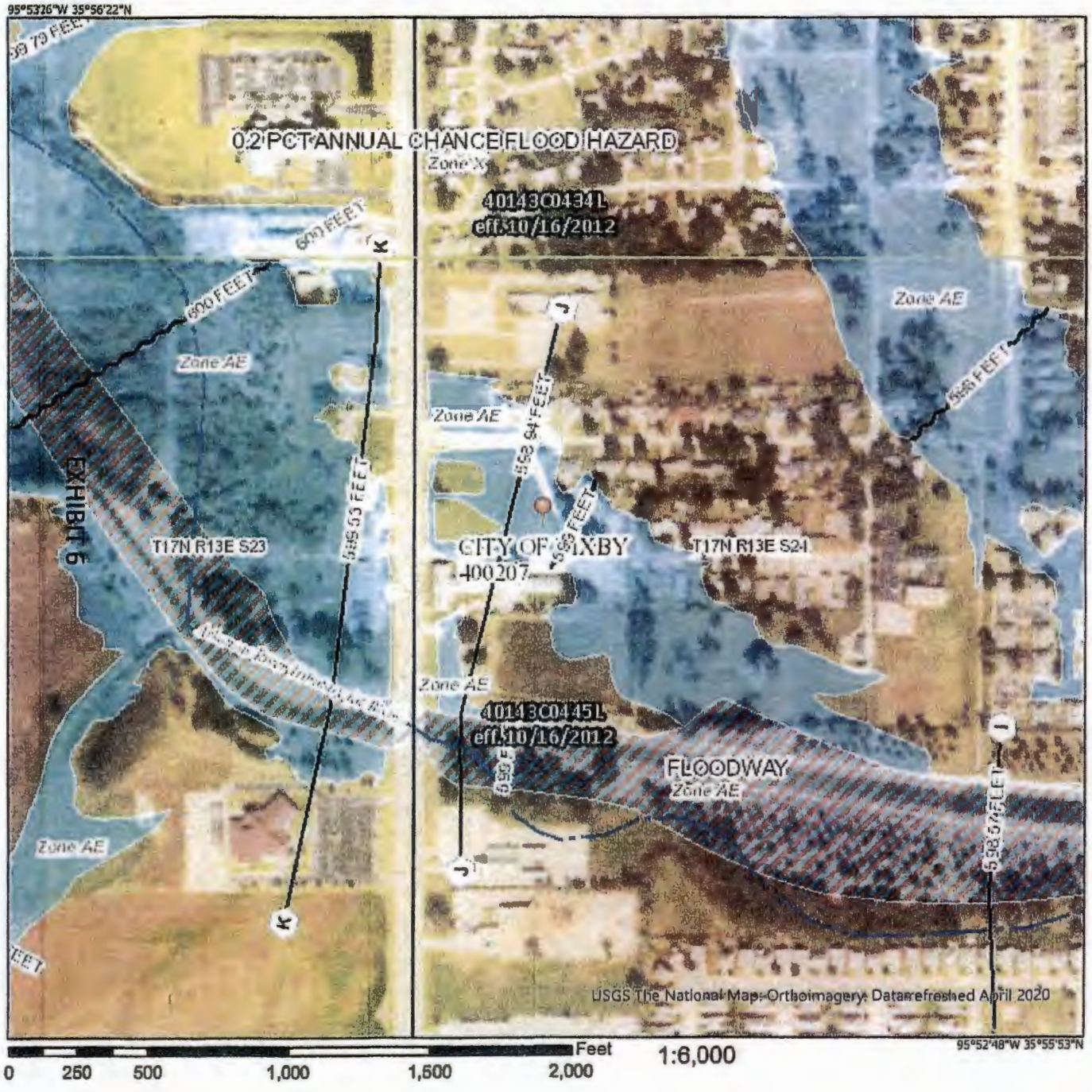

ZONING 'CS'
W. STADIUM ROAD
ZONING 'CS'
ZONING 'CS'
ZONING 'CS'
ZONING 'RS'
ZONING 'CS'
ZONING 'RD'
SO. MEMORIAL DRIVE
STATE OF OKLAHOMA RIGHT OF WAY
S. LOUISE AVE.
W. RACHEL ST.
ASPHALT
Existing Bar Ditch
BLOCK 3
1
2
3
4
5
6
7
8
9
10
N
×599.3
×599.7
×597.4
×602.2
×601.9
×599.1
600.3
596.7 ×
×595.9
595.5X
129.13'
129.84'
61'
59'
140'
73.47'
40'

EXHIBIT 5

National Flood Hazard Layer FIRMette

FEMA



Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS
- Without Base Flood Elevation (BFE) Zone A, V, A99
- With BFE or Depth Zone AE, AO, AH, VE, AR
- Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD
- 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
- Future Conditions 1% Annual Chance Flood Hazard Zone X
- Area with Reduced Flood Risk due to Levee. See Notes. Zone X
- Area with Flood Risk due to Levee Zone D

OTHER AREAS
- NO SCREEN Area of Minimal Flood Hazard Zone X
- Effective LOMRs
- Area of Undetermined Flood Hazard Zone D

GENERAL STRUCTURES
- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

OTHER FEATURES
- 20.2 / 17.8 Cross Sections with 1% Annual Chance / Water Surface Elevation
- Coastal Transect
- Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature

MAP PANELS
- Digital Data Available
- No Digital Data Available
- Unmapped

N

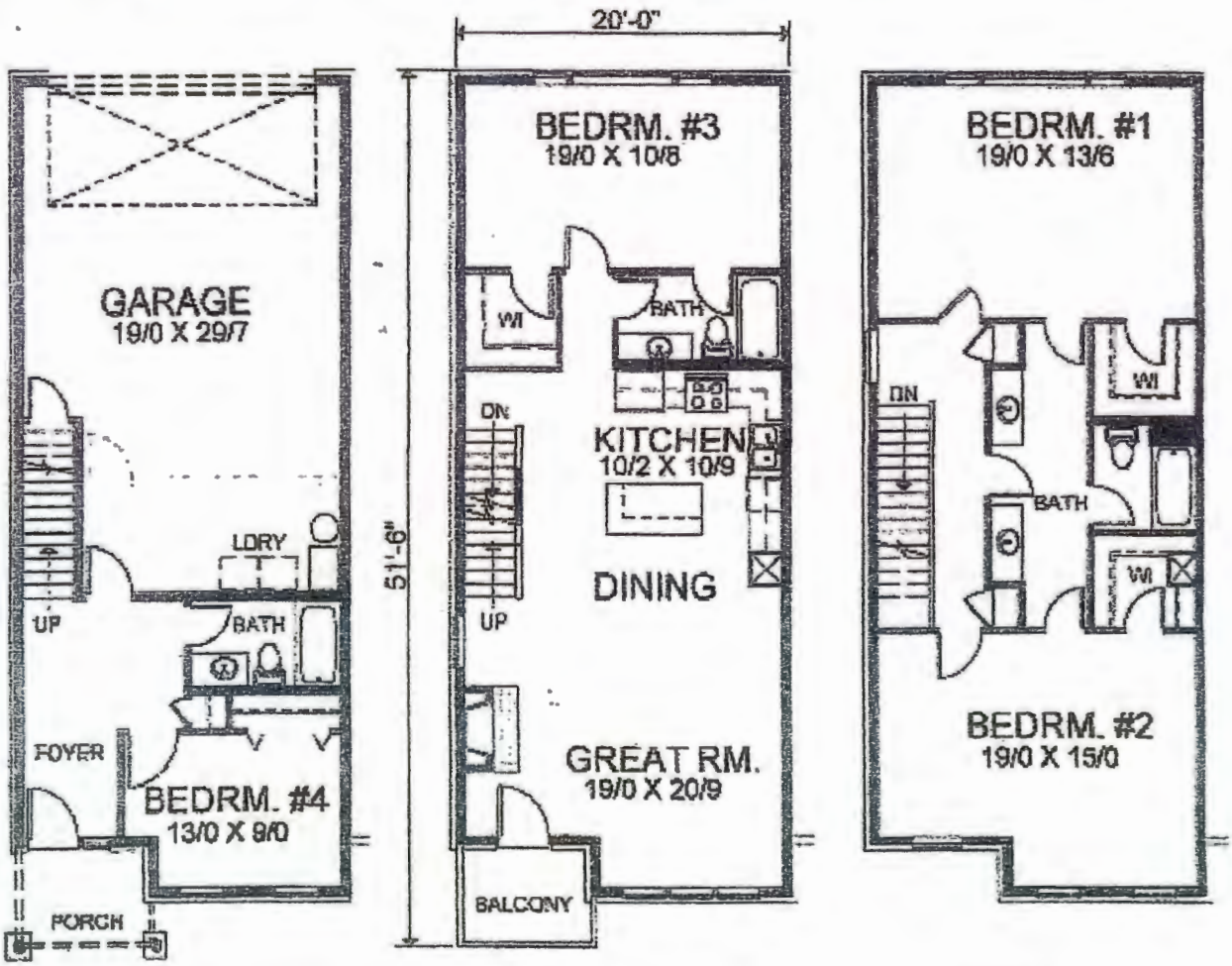
The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on [illegible] and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

4 UNITS SHOWN



TYPICAL
1ST FLR

TYPICAL
2ND FLR

TYPICAL
3RD FLR

Bldg. Width = 81-0"
Depth = 51'-6"
Including balcony
Total Sq. Ft. = 2,201/ unit
(4 UNITS SHOWN)

EXHIBIT 7

II. Development Standards, Development Area "A"

Gross land area 1.0175 acres

BULK AND AREA REQUIREMENTS IN RESIDENTIAL TOWNHOUSE DISTRICTS

	Districts		
	RT	PUD	OTHER
Frontage (minimum feet width):			
Arterial			
Not an arterial	20	25	
Floor area ratio (maximum)	0.87		
Setback from centerline of abutting street (minimum feet): Measured from centerline of abutting street; add to the distance designated in the column to the right 1/2 of the right of way width designated on the major street plan, or 25 feet if the street is not designated on the major street plan:			
Arterial			
Not an arterial	35	5	
Setback from abutting R district:			
Boundary lines (minimum feet)	10*	15	
Building height (maximum feet)	3 stories or 45 feet		

*Plus 2 feet setback for each 1 foot of building height exceeding 15 feet if the abutting property is within an RE, RS or RD district.

Minimum Lot Width:	25 ft.
Minimum Lot Size:	1950 sq.ft.
Maximum Building Height:	45 ft.
Minimum Setbacks	
From the center line South Memorial Dr.	85 ft.
From the center line East Rachael St	30 ft.
From the east property lines	0 ft.
From the west property lines	0 ft.

Facade Material: masonry units, brick or EFIS /stucco .

Other Bulk and Area Requirements	As provided within an RT District
Off-street parking	As required by the applicable Use Unit of the City of Bixby Zoning Code

On-site Mutual Access will be a part of the platting process

USE UNITS PERMITTED IN RT DISTRICTS

	Use Units	Districts		
No.	Name	RT	OL	PUD
1.	Areawide uses	X		
2.	Areawide special exception uses	E		
4.	Public protection and utility facilities	E		
5.	Community services and similar uses	E		
6.	Single-family dwelling	X		
7.	Duplex dwelling	X		
8.	Multi-family dwelling and similar uses	X		
10	Off street parking areas			
11.	Offices and studios			

12.	Entertainment establishments and eating establishments other than drive-ins			
13.	Convenience goods and services			
14.	Shopping goods and services			
15.	Other trades and services			
16.	Ministorage			
17.	Automotive and allied activities			
18.	Drive-in restaurants			
19.	Hotel, motel and recreation facilities			
20.	Commercial recreation; intensive			
22.	Research and development			
23.	Warehousing and wholesaling			
25.	Light manufacturing and industry			

X=Use by right.
E=Special exception.
PUD=PUD required.
*=Nursing home, community group home, convent, monastery and novitiate are permitted as a matter of right; all other uses within use unit 8 permitted by special exception.
(Ord. 994, 4-14-2008; amd. Ord. 2031, 12-21-2009)

III. Access and Circulation

Vehicular access shall be derived from So. Louise Ave. Vehicular access in Development Area 'A', shall be derived from private drive lanes.
These drive lanes in Development Area 'A', will be included in a Reserve Area, Utility and Detention and Mutual Access Easement, which will be part of the platting process.

IV. Utilities and Drainage

Utilities are available at the development boundaries or will be provided by customary extension adjacent to the Site. Storm water drainage will be collected and routed to the west into the storm water storm sewer system. Storm water will not be diverted into adjacent properties and the discharge will not create erosion issues. The utilities and drainage will meet or exceed the comments from the City Engineer and the City Fire Marshal.

V. Site Plan Review

For the purposes of site plan review requirements, the detailed site plan will be submitted to the City of Bixby Planning Commission and City Council for review.

VI. Platting and Restrictive Covenants; Enforcement

The site will follow the Bixby Subdivision Regulation procedures for property platting. Restrictive covenants will be adopted and recorded for the lots. Owners of the respective lots will be required by the covenants to keep and maintain the lots in a clean and professional manner (the "maintenance covenant"). The Maintenance Covenant will be enforced by the owners' association for each Lot.

VII. Expected Schedule of Development

Development of the project is expected to commence within 6 months and to be completed as market conditions permit.

VIII. Trash, Mechanical and Equipment Areas

There shall be no storage of recyclable materials, trash or similar material outside a screened receptacle. All trash, mechanical and equipment areas, including building mounted, shall be screened from public view in such a manner that the areas cannot be seen by persons standing at ground level. Trash service will be individual containers per living unit.

IX. Lighting

Lighting used to illuminate the Lots in Development Area 'A', shall be so arranged as to shield and direct the light away from adjacent residential areas. Shielding of such light shall be designed so as to prevent the light-producing element or reflector of the light fixture from being visible to a person standing in the adjacent residential areas. No light standard or building-mounted light shall exceed 20 feet or the height which complies with the standard stated in the preceding sentence, whichever is lower.

X. Screening

A 6'-0" privacy screening fence will be constructed along the north and west property lines.

XI. Legal Description

Exhibit 6 Legal Description, Total site
Development Area "A"

Legal Description of Total Site
Lots 5, 6, 7, 8, 9 and 10, Block 3, Devine-Ellard Addition, to the City of Bixby, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

CITY OF BIXBY
P.O. Box 70
116 W. Needles Ave.
BIXBY, OK 74008
(918) 366-4430
(918) 366-6373 (fax)

Development Services – Engineering Memo

To: Carolyn Back, Development Services Director

From: Justin Dowd, Assistant City Engineer

CC: Public Works
Donna Crawford, Assistant City Planner
File

Date: July 6, 2021

Re: **Rachel Gardens – Preliminary Plat & Conceptual Improvements Plan**

Plat Comments:

1. Sheet 1 – 15' U/E required along W Rachel St
2. Sheet 1 – What are the blocked numbers on the lots?
3. Sheet 2 – Section I.A; no mention of storm sewer facilities. Are there any public storm sewers on the project?
4. Sheet 2 – No mention of Reserve B; Reserve B found on page 1
5. Sheet 2 – Add additional language requiring Architectural Design Committee to abide by City Design Standards
6. Sheet 2 – Section II.A.4; revise date

Conceptual Improvements Plan Comments:

7. What happened to the existing sanitary sewer along the north end of the property? Is this project removing and replacing sanitary sewer? If this project is a new sanitary sewer, the new sewer shall extend to the west in order to serve all lots along the northern property boundary.
8. Risers should be dispersed in relation to the units served.
9. A hammerhead turnaround is required per Fire Marshall

Exhibit C

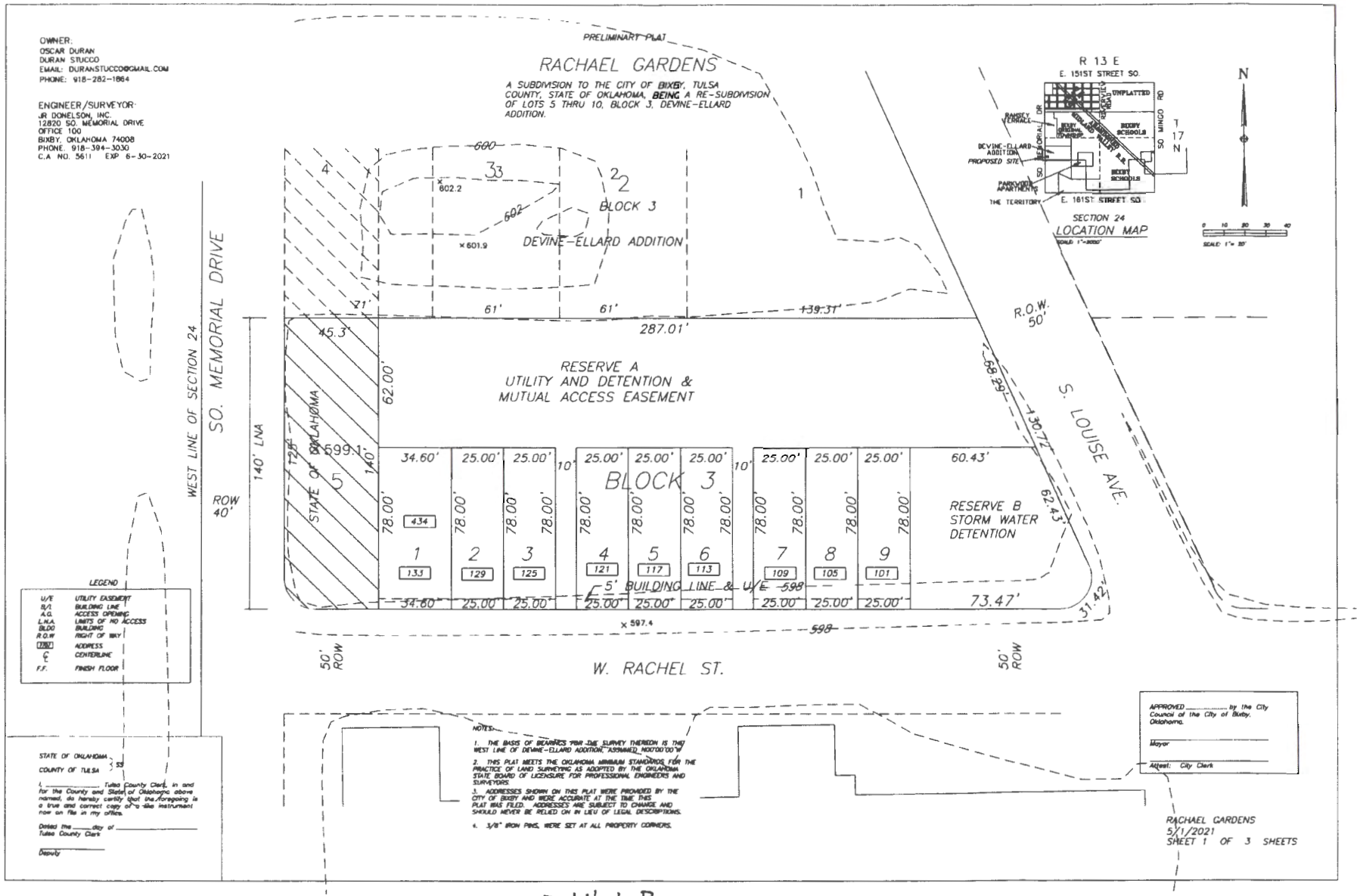

PRELIMINARY PLAT
RACHAEL GARDENS
A SUBDIVISION TO THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA, BEING A RE-SUBDIVISION OF LOTS 5 THRU 10, BLOCK 3, DEVINE-ELLARD ADDITION.
OWNER:
OSCAR DURAN
DURAN STUCCO
EMAIL: DURANSTUCCO@GMAIL.COM
PHONE: 918-282-1864
ENGINEER/SURVEYOR:
JR DONELSON, INC.
12820 SO. MEMORIAL DRIVE
OFFICE 100
BIXBY, OKLAHOMA 74008
PHONE: 918-394-3030
C.A NO. 5611 EXP 6-30-2021
R 13 E
E. 151ST STREET SO.
T 17 N
SECTION 24
LOCATION MAP
SCALE: 1"=2000'
SCALE: 1" = 20'
DEVINE-ELLARD ADDITION
PROPOSED SITE
THE TERRITORY
E. 161ST. STREET SO.
UNPLATTED
BIXBY SCHOOLS
BIXBY HIGH SCHOOL
BIXBY MIDDLE SCHOOL
PARKVIEW APARTMENTS
RAMSEY CANALS
MEMORIAL DR
SO. MEMORIAL DRIVE
WEST LINE OF SECTION 24
ROW 40'
140' LNA
BLOCK 3
DEVINE-ELLARD ADDITION
RESERVE A
UTILITY AND DETENTION & MUTUAL ACCESS EASEMENT
RESERVE B
STORM WATER DETENTION
S. LOUISE AVE.
R.O.W. 50'
W. RACHEL ST.
50' ROW
5' BUILDING LINE & U/E
STATE OF OKLAHOMA
599.1'
287.01'
139.31'
130.72'
73.47'
68.29'
62.43'
31.42'
602.2
601.9
597.4
LEGEND
U/E UTILITY EASEMENT
B/L BUILDING LINE
A.O. ACCESS OPENING
L.N.A. LIMITS OF NO ACCESS
BLDG BUILDING
R.O.W RIGHT OF WAY
[78] ADDRESS
℄ CENTERLINE
F.F. FINISH FLOOR
STATE OF OKLAHOMA } SS
COUNTY OF TULSA }
I, _____ Tulsa County Clerk, in and for the County and State of Oklahoma above named, do hereby certify that the foregoing is a true and correct copy of this instrument now on file in my office.
Dated the ____ day of _____
Tulsa County Clerk
Deputy
NOTES:
1. THE BASIS OF BEARINGS FOR THE SURVEY THEREON IS THE WEST LINE OF DEVINE-ELLARD ADDITION, ASSUMED N00°00'00"W
2. THIS PLAT MEETS THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED BY THE OKLAHOMA STATE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND SURVEYORS.
3. ADDRESSES SHOWN ON THIS PLAT WERE PROVIDED BY THE CITY OF BIXBY AND WERE ACCURATE AT THE TIME THIS PLAT WAS FILED. ADDRESSES ARE SUBJECT TO CHANGE AND SHOULD NEVER BE RELIED ON IN LIEU OF LEGAL DESCRIPTIONS.
4. 3/8" IRON PINS, WERE SET AT ALL PROPERTY CORNERS.
APPROVED _____ by the City Council of the City of Bixby, Oklahoma.
Mayor
Attest: City Clerk
RACHAEL GARDENS
5/1/2021
SHEET 1 OF 3 SHEETS

Exhibit B

DEED OF DEDICATION AND RESTRICTIVE COVENANTS
RACHAEL GARDENS

KNOW ALL MEN BY THESE PRESENTS:

NOW THEREFORE, the Undersigned, Oscar Duran, being the owner in fee simple of the real estate and being situated in the City of Bixby, Tulsa County, State of Oklahoma, and described as follows:

A Replat of Lots 5, 6, 7, 8, 9, 10, Block 3, Divine-Eklord Addition, to the City of Bixby, Oklahoma

and the Undersigned Owner has caused the described realty to be surveyed, staked, platted and subdivided into lots, blocks and streets in conformity with the accompanying plat and have designated the same as "RACHAEL GARDENS", an Addition to the City of Bixby, Tulsa County, State of Oklahoma. The Undersigned Owner dedicates, grants, donates, and conveys to the public the streets as shown on this plat and do hereby guarantee clear title to all land that is dedicated for the purpose of providing an orderly development of the entire tract

"Oscar Duran" shall be referred to in this Deed of Dedication as "Owner\Developer"

" Successors " shall be referred to in this Deed of Dedication as "Property Owners Association"

SECTION I. PUBLIC COVENANTS

Now, therefore, the Undersigned Owner\Developer hereby dedicates, grants, donates and conveys to the public the streets rights-of-way depicted on the accompanying plat and do hereby guarantee clear title to all land that is so dedicated. The Owner/Developer does further dedicate for the public use the easements and rights of way as shown for the several purposes of constructing, maintaining, operating, repairing, and removing or replacing any and all public utilities, including storm and sanitary sewers, telephone lines, power lines and transformers, gas lines and water lines, and cable television lines, together with all fittings and equipment for each of such facilities, including the poles, wires, conduits, pipes, valves, meters and any other such appurtenances thereto with the right of ingress and egress to and upon such easements and rights of way for the uses and purposes aforesaid; provided, however that the Owner/Developer hereby reserves the right to construct, maintain, operate, lay and re-lay water lines and sewer lines together with the right of ingress and egress over, across and along all of the utility easement areas as shown on the plat for the purpose of furnishing services to the area included within the plat

The Undersigned Owner\Developer does hereby relinquish the rights of ingress and egress to the above described property within the bounds designated as "Limits of No Access" (LNA), and shown on the plat, except as may be hereafter released, altered, or amended by the City of Bixby and approved by the Bixby Planning Commission or its successors, or as otherwise provided by the Statutes and Laws of the State of Oklahoma pertaining thereto. The foregoing covenant shall be enforceable by the City of Bixby, Oklahoma or its successors and the owners of each lot agrees to be bound thereby.

FURTHER, the Owner\Developer, for the purpose of providing and orderly development of the property above-described, (hereinafter referred to as "RACHAEL GARDENS", and for the purpose of ensuring adequate restrictions for the mutual benefit of the undersigned Owner\Developer, its successors, grantees and assigns, does hereby impose the following restrictions and covenants, which shall be enforceable by the lots within "RACHAEL GARDENS"

A. Water and Sewer Service
In connection with the provisions for water and sanitary sewer services, all of the Lots in "RACHAEL GARDENS" are subject to the following covenants and restrictions, to-wit:

1. The owner of each lot shall be responsible for the protection of the public water mains and of the public sanitary sewer facilities located in their lot and shall prevent the alteration of grade or any construction activity which may interfere with said public water main, public sanitary sewer main, or storm water. Within the utility easement areas depicted on the accompanying plat, the alteration of grade from the contours existing upon the completion of the installation of a public water main or sewer main, or any construction activity which would interfere with public water and sewer mains, shall be prohibited.

2. The City of Bixby, or its successors, will be responsible for ordinary maintenance of public water main, or public sanitary sewer main, but the owner of each lot will pay for damage or relocation of such facilities cause or necessitated by acts of the owner or his agents or contractors.

3. The City of Bixby or its successors through its proper agents and employees shall at all times have right of access with their equipment to all such easement-ways shown on said plat, or provided for in this deed of dedication for the purpose of installing, maintaining, removing, or repairing any portion of said underground water and sewer facilities

4. The foregoing covenants concerning water and sewer facilities shall be enforceable by the City of Bixby or it successors, and the owner of each lot agrees to be bound hereby.

5. All water and sanitary sewer lines shall be maintained in good repair by the utility contractor in accordance with the terms and conditions of the Maintenance Bond of which the City of Bixby is the beneficiary. If any repair issues arise, the Developer shall assist the City of Bixby in coordination and facilitation with the appropriate contractor

6. Waterlines less than 4" in diameter and sanitary sewer lines less than 8" in diameter are private service lines and the ownership, maintenance, repair, removal and/or replacement shall be the responsibility of the property owners served by said service lines.

B. Electric, Telephone, Cable Television and Natural Gas Service

In connection with the installation of underground electric, telephone, cable television and natural gas services, all lots are subject to the following:

1. Overhead pole lines for the supply of electric service, telephone and cable television service may be located along the North line of the subdivision. Street light poles or standards may be served by underground cables and elsewhere throughout said addition. All supply lines including electric, telephone, cable television and gas lines, shall be located underground, in the easement ways dedicated for the general utility services and in the rights-of-way of the public streets as depicted on the accompanying plat. Service pedestals and transformers, as sources of supply at secondary voltages, may be located in such easement ways.

2. Except to houses on lots described in paragraph "A" above, which may be served from overhead electric service lines, telephone lines and cable television cables, underground service cables and gas service lines may be run from the natural service pedestal, transformer or natural gas main to the point of usage determined by the location and construction of such structure as may be located upon the lot; provided that upon the installation of such service cable or gas service line to a particular structure, the supplier of electric service, telephone service, cable television service, or gas service line to a particular structure, the supplier of the service shall thereafter be deemed to have a definitive, permanent, effective and non-exclusive right-of-way easement on each lot covering a five foot strip extending 2.5 feet on each side of such service cable or line extending from the gas main, service pedestal or transformer to the service entrance on the structure.

3. The supplier of electric, telephone, cable television and natural gas services, through their proper agents and employees, shall at all times have the right of access to all easement ways shown on the plat, or provided for in this deed of dedication for the purposes of installing, maintaining, removing, or replacing any portion of said underground electric, telephone, cable television or gas facilities installed by the supplier of the utility service.

4. The owner of each lot shall be responsible for the protection of the underground electric, telephone, cable television and natural gas facilities located on his property and shall prevent the alteration of grade or any construction activity which may interfere with said electric, telephone, cable television or natural gas facilities. Each supplier of service shall be responsible for ordinary maintenance of underground electric, telephone, cable television or natural gas facilities, but the owner will pay for damage or relocation of such facilities caused or necessitated by the acts of the owner or its agents or contractors.

5. The foregoing covenants concerning underground electric, telephone, cable television and natural gas facilities shall be enforceable by the supplier of electric, telephone, cable television or gas service, and the owner of each lot agrees to be bound hereby.

C. The Undersigned Owner\Developer will do the following:
Sidewalks shall be constructed at the time of construction of the lot improvements.

D. Paving and Landscaping Within Easements.
The owner of a lot shall be responsible for repair of damage to the property-permitted landscaping and paving occasioned by the necessary installation of, or maintenance to, the underground water, sewer, storm water, gas, communication, cable television, or electric facilities within the easements depicted on the accompanying plat, provided however, that the City of Bixby or the supplier of the utility service shall use reasonable care in the performance of such activities.

E. Reserve 'A'
Reserve 'A' will be used for storm water detention and parking by the owners and their guest, as well as for utilities.
Landscaping of Reserve 'A' will be permitted. Maintenance of Reserve 'A' will be the responsibility of the Property Owners Association.

SECTION II.
PRIVATE BUILDING AND USE RESTRICTIONS

WHEREAS, the Owner/Developer desires to establish restrictions for the purposes of providing for the orderly development of the subdivision and conformity and compatibility of improvements therein

THEREFORE, the Owner/Developer does hereby impose the following restrictions and covenants which shall be covenants running with the land, and shall be binding upon the Owner/Developer, its successors and assigns, and shall be enforceable as hereinafter set forth.

A. Architectural Design Committee - Plan Review

1. No building, improvements, concrete driveway, fence, wall or free standing mailbox shall be erected, placed or altered on any lot in the subdivision until the plans and specifications have been approved in writing by the Owner/Developer or his successors, which are hereinafter referred to as the "Architectural Design Committee". For each building, the required plans and specifications shall be submitted in duplicate, and include a site plan with drainage concept, floor plan, exterior elevations, exterior materials. In the event the Architectural Design Committee fails to approve or disapprove plans and specifications submitted to it as herein required within 14 days after submission, or in the event no suit to enjoin the erection of the building or structure or the making of an alteration has been commenced prior to the 30th day following completion thereof, approval of the Architectural Design Committee shall not be required and this covenant shall be deemed to have been fully complied with.

2. The Architectural Design Committee's purpose is to promote good design and compatibility within the subdivision and in its review of plans or determination of any waiver as hereinafter authorized may take into consideration the nature and character of the proposed building or structure, the materials of which it is to be built, the availability of alternative materials, the site upon which it is proposed to be erected and the harmony thereof with the surrounding area. The Architectural Design Committee shall not be liable for any approval, disapproval or failure to to approve hereunder and its approval of building plans shall not constitute a warranty of responsibility for building methods, materials, procedures, structural design, grading or drainage or code violations. The approval or failure to approve building plans shall not be deemed a waiver of any restriction. Nothing herein contained shall be deemed to prevent any lot owner in the subdivision from prosecuting any legal action relating to improvements within the subdivision which they would otherwise be entitled to prosecute.

3. The Architectural Design Committee's objective is to advance the harmonious use of landscaping, fencing, hardscaping, landscape lighting and other landscape design items to promote compatibility and conformity within the Subdivision. The Architectural Design Committee reserves the authority to review, approve, modify or reject the type of landscaping or landscape design items which may be placed in public view by any lot owner and determined in the description of the Architectural Design Committee to be incompatable with the overall landscape design standards of "Rachael Gardens."

4. The powers and duties of the Architectural Design Committee shall, on the 1st day of January, 2022, be deemed transferred to the homeowners' association provided for in Section IV., or upon written assignment to the homeowners' association by the Architectural Design Committee, whichever event first occurs, and thereafter the foregoing powers and duties shall be\ exercised by the board of directors of the homeowners' association.

5. The Architectural Design Committee reserves the right in their sole discretion and without joinder of any owner at any time so long as Oscar Duran is the owner of any lot or part thereof to amend, revise or abolish any one or more of the above covenants and restrictions by instrument duly executed and acknowledged by them as Architectural Design Committee and filed in the County Clerk's office in the Courthouse of Tulsa County, Oklahoma.

B. Floor Area of Dwelling

1. Two Bedroom. If a dwelling has two bedrooms the minimum Square Footage required shall be 1207 square feet of finished heated living area.

2. Three Bedroom. If a dwelling has three bedrooms the minimum Square Footage required shall be 1850 square feet of finished heated living area

3. Four Bedroom. If a dwelling has four bedrooms the minimum Square Footage required shall be 2000 square feet of finished heated living area.

4. Computation of Living Area. The computation of living area shall not include any basement, garage, or attic area used for storage. All living area measurements shall be taken to outside of frame line.

C. Garages / Driveways

Each dwelling shall maintain a two car garage able to accuary two vehicles Damaged garage doors must be repaired or replaced and painted with an approved color. Gloss is Prohibited in garage doors.

D. Masonry

1. Two Story Units. First and Second floors are to be siding. Siding is allowed. Over the Two (2) car garage approved siding is allowed. Siding must be primed and painted. Colors must be approved by the Developer.

E. Windows

1. Vinyl or Metal frames either anodized or electrostatically painted in color harmony with the exterior brick. Wood windows are Prohibited.

2. Window Coverings: Temporary, non-window covering materials, banners, flags, decals are Prohibited for use as a window coverings or displays in Windows.

F. Siding

Steel, Aluminum and Plastic siding is Prohibited.

G. Recreation Vehicles / Trailers

Boats, RV's, Semi's and Trailers are Prohibited.

H. Inoperative Vehicles

Inoperable Vehicles of any kind are Prohibited in all areas, including the Reserve Area, Alley and Street Parking.

I. On-site Construction

No existing or off-site built structure shall be moved onto or placed on any lot.

J. Outbuildings

Detached Structures and Storage Buildings are Prohibited.

K. Fencing

1. Fencing shall be in accordance with the City of Bixby Zoning Code. Interior fencing or walls are Prohibited

L. Antennas

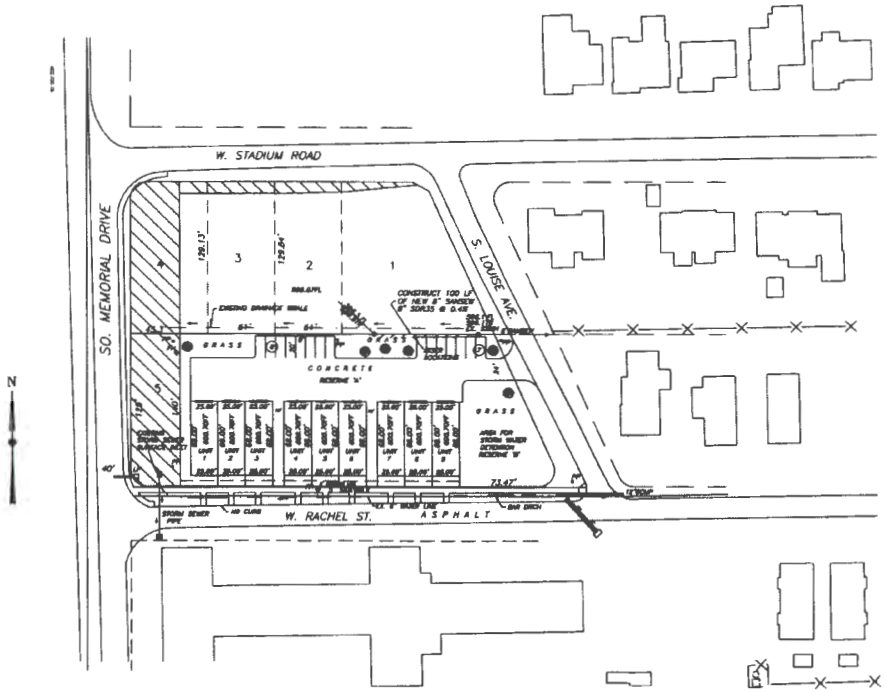
Exterior television, CB Radio or other type of antenna are Prohibited.

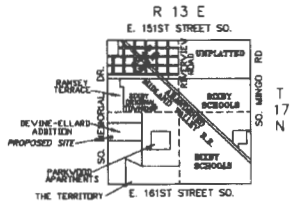
M. Satellite Dishes

Satellite dishes cannot be placed in areas visible from the street.

OWNER:
OSCAR DURAN
DURAN STUCCO
EMAIL: DURANSTUCCO@GMAIL.COM
PHONE: 918-282-1864

ENGINEER/SURVEYOR:
JR DONELSON, INC.
12820 SO. MEMORIAL DRIVE
OFFICE 100
BIXBY, OKLAHOMA 74008
PHONE: 918-394-3030
C.A. NO. 5611 EXP 6-30-2021





SECTION 24
LOCATION MAP
SCALE: 1"= 50'

PROPOSED SITE DATA:

FEMA FLOOD ZONE: AE
WSE: 598.94 100 YR WSE
FEMA FIRM MAP: 4143C0445L

(9)BUILDINGS	1700*9 SF =	15,300sf
PAVING & SIDEWALK		13,870 SF
		29,170 SF
HARD SURFACE	0.6697 AC.	65.82%
GREEN AREA	0.3478 AC.	34.18%
TOTAL AREA	44,323 SF	
	1.0175 AC	

EXISTING SITE DATA:

WSE: 598.94 100 YR WSE
FEMA FIRM MAP: 4143C0445L
DATE: 1/16/12
FEMA FLOOD ZONE: AE
ZONING: CS

TOTAL AREA: 44,323 SF
1.0175 AC.
C = 0.35

SANITARY SEWER SERVICE

4" SERVICE LINES
1/8" PER FOOT
IS 1.04% SLOPE
MEETS ODEQ MIN SLOPE FOR 4" PIPE

WATER SERVICE

EACH TOWNHOUSE WILL HAVE A 3/4" WATER METER FOR THE SERVICE

CHARLES E. HOWARD 19335 REGISTERED PROFESSIONAL ENGINEER OKLAHOMA

Charles E. Howard 6/17/21

DURAN STUCCO
DIVINE-ELLARD ADDITION
CITY OF BIXBY, OK.
JR DONELSON, INC.
PROPOSED SITE CONCEPTUAL UTILITY PLAN

O. Lot Maintenance

Each lot shall be maintained in a neat and orderly manner free of clutter, trash, and other debris. Grass and landscaping shall be maintained on a regular basis

P Trash Containers

Trash receptacles or containers, except during periods of collection, are prohibited at curbside or outside of the garage doors for a period of more than 24 hours. No exposed garbage cans, trash can or any trash burning apparatus or structure shall be placed on any lot.

Q Mailboxes

Mailboxes shall be Brick only.

R. Animals

No animals, livestock or poultry are prohibited of any kind may be maintained, bred, sold or kept except that two dogs, two cats or other household pets may be kept provided that they are not used for commercial purposes.

S. Nuisance Activity

No noxious or offensive trade or activity shall be carried out upon any lot nor shall anything be done thereon that may be or may become an annoyance or nuisance to the neighborhood.

T. Signage

Flags, Banners, For Sale or Lease Signs must be approved by the Developer before placing or installing where visible from the street.

U. Outside Storage and Materials

No lot shall be used for the storage of construction materials for a period of greater than 30 days prior to the start of construction and all construction shall be completed within 9 months thereafter. Each lot shall be maintained in a neat and orderly manner. Once construction and landscaping is completed, no outside storage is permitted.

V. Landscaping

1 All open lot areas shall be sodded and the front of each residence professionally landscaped within 30 days of completion of home. Plant material shall be sufficient in size, quantity and spacing to achieve a full foundation planting across the entire front elevation of the home.

2 The use of artificial or manmade plant material is prohibited. Without the approval of the Owner/Developer, ornamental landscape design items or prohibited, seasonal and holiday exterior decorations may be used if timely and reasonably displayed. Other types of ornamental landscape design items may be permitted with pre-approval of the Owner/Developer.

W. The owner\developers of "RACHAEL GARDENS" reserve the right in their sole discretion and without joindar of any owner at any time so long as it is the owner of any lot or part thereof to amend, revise or abolish any one or more of the above Section II covenants and restrictions by instrument duly executed and acknowledged by them as developers and filed in the County Clerk's office in the Court House of Tulsa County, Oklahoma.

X. Enforcement: Enforcement to restrain violation of the covenants or to recover damages shall be by proceedings at law in a court of competent jurisdiction or in equity against any person or persons violating or attempting to violate any covenant herein, and may be brought by the Owner or Owners of any lot or having any interest therein, whether acting jointly or severally. The owner\developer or "RACHAEL GARDENS" Property Owners Association, Inc. shall not be obligated to enforce any covenant or restriction through legal proceedings.

SECTION III. PROPERTY OWNERS ASSOCIATION

A. Property Owners Association. Oscar Duran has formed THE RACHAEL GARDENS PROPERTY OWNERS ASSOCIATION, INC. (hereinafter referred to as the "Association") a non-profit entity established pursuant to the Business Corporation Act of the State of Oklahoma and formed for the general purposes of maintaining the common open areas, including Reserve "A" and the alley along the north property line of "RACHAEL GARDENS". The creation of this Association shall be completed at the sole discretion of the Oscar Duran. However, the same shall be no later than the last day of construction of the last home in "RACHAEL GARDENS" The Property Owners Association will require each dwelling owner to purchase home/property insurance for the dwelling on the lot in "RACHAEL GARDENS" for loss and replacement of the dwelling unit in the event it is damaged or destroyed.

B. Membership. A lot owner becomes a member at closing and that lot and house has been sold and occupied, the Owner therefore becomes a member of THE RACHAEL GARDENS PROPERTY OWNERS ASSOCIATION, INC. and membership shall be appurtenant to and may not be separated from the ownership of a lot or portion thereof. The acceptance of a deed to a lot by the home owner shall constitute acceptance of the Association as of the date of incorporation, or as of the date of the recording of the deed, whichever occurs last.

C. Covenant for assessments: The homeowner, and each subsequent owner of a lot or portion thereof, by acceptance of a deed therefore, is deemed to covenant and agree to pay the Association an annual assessment as established by the board of directors. No vacant lot will be assessed, unless through a written consent of the owner. Annual assessment rates shall be established each year by the assent of 51% of the Lot owners within the subdivision. Annual assessments together with 10% interest, costs and reasonable attorney's fees shall be continuing lien on the lot and the personal obligation of the ownership of the lot of the time of assessment.

D Payment of Assessments.
Each lot owner by acceptance of a deed to a lot or lots, whether or not it shall be so expressed in such deed, is deemed to covenant and agree to pay the Association, Except for the Owner\Developer: (a) initial assessments; (b) monthly, quarterly or annual maintenance assessments; and (c) special assessments for capital improvements. Such assessments shall be established and collected as determined by the Association. The annual and special assessments, together with interest, costs and reasonable attorneys' fees, should be charged on each lot and shall be a continuing lien upon the lot against which the assessment is made. Each assessment, together with interest, cost and reasonable attorneys' fees, shall be the personal obligation of the owners of the lot at the time when the assessment became due. The personal obligation for delinquent assessments shall not pass through the successors-in-title unless expressly assumed by them. The Association shall fix the regular monthly, quarterly or annual assessments according to the provisions of the By-Laws and Certificate of Incorporation of the Association. In addition to the regular monthly, quarterly or annual assessments, authorized above, the Association may levy, in any assessment period, a special assessment applicable to the period only for the purpose of defraying, in whole or in part, the cost of any construction, reconstruction, maintenance, repairs or replacement of a capital improvement.

E. Delinquent Assessments.
Any assessment which is not paid when due shall be delinquent and shall constitute a lien on the lot against which the assessment is made. If the assessment is not paid within thirty (30) days after the due date, the assessment shall bear interest from the date of delinquency at the rate of interest per annum as set by the Board Directors from time to time, but not to exceed the maximum rate of interest allowed by law, and the Association may bring an action at law against the owner personally obligated to pay the same or foreclose the lien against the lot, or both, and interest, costs and reasonable attorneys' fees for any such action shall be added to the amount of the assessment. No owner may waive or otherwise escape liability for the assessments provided for herein by non-use or abandonment of such owner's lot.

F. Lien.
The lien of the assessments provided for herein shall be subordinate to the lien of any first mortgage. Sale or transfer of any lot shall not affect the assessment lien; provided, however, the sale or transfer of any lot pursuant to mortgage foreclosure or any proceeding in lieu thereof, shall extinguish the lien of such assessment as to payments which became due prior to such sale or transfer. No sale or transfer shall relieve the lot from the lien for assessments thereafter becoming due.

SECTION IV. ENFORCEMENT, AMENDMENT, ETC.

A. Duration, Amendment and Severability.

1. Duration. These restrictions shall remain in full force and effect until January 1, 2030, and shall automatically be extended thereafter for successive periods of ten (10) years each unless terminated or amended as hereinafter provided

2 Amendment or Termination. The private covenants and restrictions contained in this Deed of Dedication may be amended, modified, changed or canceled by a written instrument signed and acknowledged by the owners of two-thirds (2/3) of the lots in "RACHAEL GARDENS". Provided, however, so long as the Owner\Developer, or any or any equity majority owned by a current shareholder of Owner, owns a lot in "RACHAEL GARDENS", the Owner retains the right, IN ITS SOLE DESCRETION, to: (i) vote any proposed amendments and (ii) amend, in its discretion, any covenant or term contained herein (other than all of Section I, which may be altered only with the written consent of the City of Bixby).

3. Severability. Invalidation of any restriction set forth herein, or any part thereof, by an order, judgement or decree of any court or otherwise, shall not invalidate or effect any of the other restrictions or any part thereof as set forth herein, which shall remain in full force and effect. Any successor(s) in title to the lots within "RACHAEL GARDENS", to enforce any given restriction or covenant or condition at any time, or from time to time, shall not be deemed to be a waiver or relinquishment of any right or remedy, nor a modification of these restrictions and protective covenants.

SECTION IV. SURFACE DRAINAGE

Surface Drainage. Each lot shall receive and drain, in an unobstructed manner, the storm and surface waters from lots and drainage areas of higher elevation and from public streets and easements. No property owner shall construct or permit to be constructed any fencing or other obstructions which would impair the drainage of storm and surface waters over and across his lot. No property owner shall modify or change the direction or drainage of surface stormwater from the original approved construction plans on file at the City of Bixby. The property owner shall prevent the alteration or grade within all easement areas from the original contours (finish grade) or allow any construction activity which may interfere with such public water mains, valves, storm sewers, and or public sanitary sewer facilities. The covenants set forth in this paragraph shall be enforceable by any affected property owner and by the City of Bixby, Oklahoma.

As owner we hereby certify that we have caused the land described in this plat to be surveyed, divided, mapped, granted, donated, conveyed, dedicated and access rights reserved as represented on the plat.

In witness whereof the Owner\Developer have executed this Deed of Dedication on this_____ day of _____, 20_____.

Oscar Duran

_____
Owner

STATE OF OKLAHOMA }
} SS
COUNTY OF TULSA }

Before me the undersigned, a Notary Public in and for said County and State, on this _____day of_____, 20_____, personally appeared _____ to me known to be the identical person who subscribed the name thereof to the foregoing instrument and acknowledged to me that he executed the same as his free and voluntary act and deed and as the free and voluntary act and deed for said limited liability company, for the uses and purposes therein set forth

Given under my hand and seal the day and year last above written.

_____
Notary Public

My commission expires:_____

SURVEYORS CERTIFICATE

I, _____, a Licensed Land Surveyor in the State of Oklahoma, hereby certifies that I have fully complied with the requirements of this regulation and the subdivision laws of the State of Oklahoma governing surveying, dividing and mapping of the land; that the plat, "Rachael Gardens", is a correct representation of all the exterior boundaries of the land surveyed and the subdivision of it; and, that the plat represents a survey made under my direct supervision.

WITNESS my hand and seal this _____day of_____, 20_____.

_____
Charles R. Howard, PLS #1797
CA 5811 Exp. 6-30-21

STATE OF OKLAHOMA }
} SS
COUNTY OF TULSA }

Before me, the undersigned, a Notary Public in and for said County and State, on this _____day of_____, 20_____, personally appeared _____ _____, to me known to be the identical person who executed the foregoing instrument, and acknowledged to me that he executed the same as his free and voluntary act and deed for the uses and purposes therein set forth

Given under me hand and seal the day and year last above written.

_____
Notary Public

My Commission expires:_____

Published in the Tulsa Business & Legal News,
City of Bixby, Tulsa County, Oklahoma _____, 2021

ORDINANCE No. 2355

AN ORDINANCE AMENDING ORDINANCE NUMBER 272; REZONING A TRACT OF LAND, AS MORE PARTICULARLY DESCRIBED IN THIS ORDINANCE, FROM CS (COMMERCIAL SHOPPING) TO RT (RESIDENTIAL TOWNHOUSES) CLASSIFICATION, (BXZO-21.12) AND SUPPLEMENTAL PLANNED UNIT DEVELOPMENT ZONING (BXPUD-21.08); AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BIXBY, OKLAHOMA:

Section 1. That Ordinance No. 2355 be and the same is now amended and the following described property, to-wit:

LEGAL DESCRIPTION: LOTS 5, 6, 7, 8, 9, 10, BLOCK 3, DEVINE-ELLARD ADDITION

Located at the northeast corner of West Rachel Street and South Memorial Drive, Lots 5, 6, 7, 8, 9, 10, Block 3, Devine-Ellard Addition, Bixby, Oklahoma, BXZO-21.12 and BXPUD-21.08, be and the same is now rezoned from CS (Commercial Shopping) to RT (Residential Townhouses) classification.

Section 2. SEVERABILITY CLAUSE. If any section, sentence, clause or phrase of this Ordinance or any part is for any reason found to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remainder of this ordinance or any part thereof.

Section 3. EMERGENCY CLAUSE. That because this Ordinance is essential to the proper and orderly growth of the City of Bixby, an Emergency is now declared to exist for the preservation of the public peace, health and safety, by reason whereof second reading of this Ordinance is waived and this Ordinance shall take effect and be in force immediately upon its passage.

APPROVED in an open meeting of the Bixby City Council and PASSED by an affirmative majority vote of the entire membership of the City Council, to-wit: ___ **YES,** ___ **NO,**
___ **ABSTAINING,** ___ **ABSENT**, on this _____ day of _____, 2021.

_____
Mayor of the City of Bixby, Oklahoma

APPROVED as an Emergency Measure ruled upon separately and PASSED by an affirmative majority vote of at least four-fifths (4/5) of the entire membership of the Bixby City Council, to-wit: ___ **YES,** ___ **NO,** ___ **ABSTAINING,** ___ **ABSENT**, on this _____ day of _____, 2021.

_____
Mayor of the City of Bixby, Oklahoma

(Seal)
ATTEST:

_____
City Clerk

APPROVED:

_____
City Attorney

City of Bixby
P.O. Box 70
116 W. Needles Ave.
Bixby, OK 74008
(918) 366-4430

Staff Report

To: City of Bixby, City Council

From: Carolyn Back, Development Services Director/City Planner

Date: Monday, August 9, 2021

RE: Comprehensive Plan - 2030 Future Land Use Map Amendment.
Allow for a 9-unit (+/-) Townhouse development.

Location: Northeast corner of West Rachel Street and South Memorial Drive (Rachael Gardens)

Acres: 1.0175 acres (+/-)

STR: Section 24, Township 17N, Range 13E

Applicant: JR Donelson, LLC.

Request:
Comprehensive Plan Amendment from Commercial to Medium-High Density Residential

Existing Zoning; Use:
Commercial Shopping (CS); Vacant Infill Lots (Lots 5-10, Block 3, Devine-Ellard Addition)

Abutting Zoning; Use:
North: Commercial Shopping (CS); Vacant Infill Lots
East: Residential Single-Family (RS-3); Single-Family dwellings
South: Residential Duplex (RD); Vacant Nursing Home structure
West: Commercial Shopping (CS); South Memorial Drive & Vacant Infill Commercial Lots

Figure 1: City of Bixby Zoning Map

Staff Review

The applicant is requesting a Comprehensive Plan, 2030 Future Land Use Map amendment (BXCP 21.09) that is consistent with surrounding property and will blend with the adjacent property.

Public Comments: No comments have been received at time of this report.

Staff Comments:

1. Staff recommends City Council approval of the requested Comprehensive Plan Amendment from Commercial to Medium-High Density Residential

Figures: Figure 1: City of Bixby Zoning Map

Attachments: Exhibit A: Proposed modification justification by JR Donelson, LLC.

From: JR Donelson
918-394-3030
Email: jrdon@tulsacoxmail.com

Proposed modification for the Bixby 2030 Comprehensive Plan.

The area known as, Lots 5, 6, 7, 8, 9, 10, Block 3, Divine-Ellard Addition is designated as commercial in the Future Land Use. This request is to change the Future Land Use designation from Commercial to Medium Density Residential, which would allow RT – Residential Townhouse zoning. The change would be in keeping with Goal Policy H-1.4, 'various lot sizes and housing types and Goal Policy H-2.1 'Quality of Housing' in the Bixby Comprehensive Plan.

The City of Bixby and the Oklahoma Department of Transportation will not allow a driveway access from this property to South Memorial Drive. A lack of access from this property directly to South Memorial Drive would be detrimental to commercial property. South Louise Ave. is the local access street to this property.

This Comprehensive Plan modification request is in accordance with the Comprehensive Plan Implementation Action Number 7, 'Support ***development*** and redevelopment of Downtown properties that align with the Downtown and River District Master Plan'.

Published in the Tulsa World,
City of Bixby, Tulsa County, Oklahoma _____, 2021

ORDINANCE No. 2356

AN ORDINANCE AMENDING ORDINANCE NUMBER 2267; A PROPOSED AMENDMENT TO THE 2030 FUTURE LAND USE MAP IN THE 2018 COMPREHENSIVE PLAN, "BIXBY 2030, OUR VISION, OUR FUTURE", FOR RACHAEL GARDENS, CONTAINING 1.0175 ACRES, MORE OR LESS, IN SECTION TWENTY-FOUR (24), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF; REMOVING THE "COMMERCIAL" DESIGNATION AND AMENDING TO "MEDIUM-HIGH RESIDENTIAL", (BXCP-21.09); AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BIXBY, OKLAHOMA:

Section 1. That Ordinance No. 2356 be and the same is now amended and the following described property, to-wit:

EXHIBIT A
LOTS 5, 6, 7, 8, 9, 10, BLOCK 3, DEVINE-ELLARD ADDITION

Located at the northeast corner of West Rachel Street and South Memorial Drive, Bixby, Oklahoma, (BXCP-21.09), be and the same is now amended from Commercial designation to Medium-High Density Residential designation.

Section 2. SEVERABILITY CLAUSE. If any section, sentence, clause or phrase of this Ordinance or any part is for any reason found to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remainder of this ordinance or any part thereof.

Section 3. EMERGENCY CLAUSE. That because this Ordinance is essential to the proper and orderly growth of the City of Bixby, an Emergency is now declared to exist for the preservation of the public peace, health and safety, by reason whereof second reading of this Ordinance is waived and this Ordinance shall take effect and be in force immediately upon its passage.

APPROVED in an open meeting of the Bixby City Council and PASSED by an affirmative majority vote of the entire membership of the City Council, to-wit: ___ **YES,** ___ **NO,**
___ **ABSTAINING,** ___ **ABSENT**, on this _____ day of _____, 2021.

_____
Mayor of the City of Bixby, Oklahoma

APPROVED as an Emergency Measure ruled upon separately and PASSED by an affirmative majority vote of at least four-fifths (4/5) of the entire membership of the Bixby City Council, to-wit: ___ **YES,**
___ **NO,** ___ **ABSTAINING,** ___ **ABSENT**, on this _____ day of _____, 2021.

_____

Mayor of the City of Bixby, Oklahoma

(Seal)
ATTEST:

_____

City Clerk

APPROVED:

_____

City Attorney

CITY OF BIXBY
P.O. Box 70
116 W. Needles Ave.
Bixby, OK 74008
(918) 366-4430

Staff Agenda Commentary

To: City of Bixby Planning Commission

From: Carolyn Back, Development Services Director / City Planner

RE: BXZO-21.03 - Rezone 4.72 Acres (+/-) from Agriculture (AG) to Commercial Shopping (CS) – Development Area A
City Council APPROVED on May 24, 2021

BXZO-21.04 - Rezone 156.66 Acres (+/-) from Agriculture (AG) to Residential Single-Family (RS-3) – Development Area B & C. (* RS-3 has to be accompanied by a PUD.)
City Council CONTINUED on May 24, 2021

BXPUD-21.04 - Planned Unit Development (PUD) to allow for a Commercial and Single-Family Residential Development
City Council CONTINUED on May 24, 2021

History: An Annexation for this 160 Acre (+/-) area was approved March 22, 2021

Location: Southeast Corner of East 141st Street South and South Lewis Avenue, Bixby, OK. Unplatted: 160Acres (+/-)

STR: Section 17, Township 17N, Range 13E

Applicant: AAB Engineering

Staff Project Update – August 23, 2021

On May 24, 2021, the Residential Rezone with supplemental PUD were heard and continued by City Council. There were modifications and revisions recommended by Council.

The following PUD Revisions were submitted by the applicant on August 11, 2021:

- Min Lot Width increased to 60 ft.
- Dev Areas B and C combined into one Dev Area
- Min Building Footprint increased to 1600 SF
- Architectural: % masonry reduced to 75% with the side and rear elevations to have 100% masonry
- Conceptual Site Plan revised to include two separate Detention Areas

Memo

AAB Engineering, LLC
Engineering • Land Planning
PO Box 2136 Sand Springs, OK 74063
Office: (918) 514-4283 Fax: (918) 514-4288

To: Carolyn Back, Development Services Director

From: Jason Mohler, P.E. JEM

CC:

Date: 8/11/2021

Attached is the updated PUD for 141st and Lewis. This item was heard by Council on 05/24/2021 and continued to a later meeting. We have modified the PUD to address the concerns of the Council. Please place this item on the CC Agenda for Monday, 8/23.

The bullet points below are a summary of the PUD revisions:

- Minimum Lot Width increased to 60 feet.
- Development Area B and C combined into one. With the 60' Min Lot Width, there's no need for two separate "single-family" DA's.
- Minimum Building Footprint increased to 1600 square feet.
- Architectural: % masonry reduced to 75% with the sides and rear elevation to have 100% masonry.
- Conceptual Site Plan revised to include two separate Detention Areas.

141st and Lewis
Planned Unit Development BXPUD-21.04

Prepared
August 3, 2021

Location
Southeast Corner of E. 141st Street S. and S. Lewis Avenue
Bixby, Oklahoma
This PUD contains +/- 160 Acres.

Developer
Premium Land
P.O. Box 6718
Edmond, OK 73083

Prepared By:
AAB Engineering, LLC
Engineering • Surveying • Land Planning
PO Box 2136 Sand Springs, OK 74063
Office: (918) 514-4283 Fax: (918) 514-4288

Development Concept

The 141st and Lewis PUD is the northeast quarter of Section 17, Township 17 North, Range 13 East, approximately 160 acres. This proposed development is located on the southeast corner of East 141st Street South and South Lewis Avenue in Bixby, Oklahoma. Exhibit A is the Legal Description for the tract and Exhibit B depicts the project relative to the surrounding areas. The PUD lies within and at the perimeter of the fenceline for the City of Bixby and within the planning area of the Comprehensive Plan. Thus, this PUD is preceded by a request for annexation. The PUD is presented along with a rezoning application for approximately 4.72 acres of the project from AG to CS Commercial Shopping and approximately 156.66 acres from AG to RS-3. See Exhibit C for the proposed zoning modifications versus the surrounding zoning. This project proposes two development areas. Exhibit D depicts the proposed development areas and the conceptual development plan.

Development Area A - Neighborhood Commercial: We have included a commercial tract at the northwest corner of the site. This tract of land is well suited for a neighborhood commercial use and is anticipated to include various small scale commercial uses.

Development Area B – Single Family Residential: The general purpose of this section of the project is to provide a detached single family residential neighborhood. The project proposes a mix of 60' and 65' residential lots. This product type will meet the needs of more established families wanting a new home with premium amenities.

The public street and utility systems within the project will be constructed to public standards and dedicated to the City upon completion. Exhibit E shows the existing topography and Exhibit F depicts the conceptual infrastructure improvements for this project.

The subdivision will derive its access from both 141st Street and Lewis Avenue providing connectivity through the development and to the adjacent arterial street network. The overall development will be phased.

Development Area A Development Standards

The intended use for this Area is to establish a neighborhood commercial area at the intersection of 141st Street and Lewis Avenue. Development Area A shall be developed in accordance with the Bixby Zoning Code and the use and development regulations of the CS district, except as hereinafter modified.

Gross Land Area	4.72 acres
Maximum Building Height	2 stories or 35 feet

Permitted uses: All uses permitted by right in the CS zoning district excluding Sexually Oriented Businesses and the following:

Use Unit 1: All uses
Use Unit 4: All uses
Use Unit 5: Aquarium, College, Commercial event center, Emergency and protective shelter, Golf course, Hospital, Marina, Medical marijuana education facility, Mega event, Private club or lodge, Residential treatment center, Transitional living center, University
Use Unit 11: Data processing service, Transportation ticket office
Use Unit 13: Medical marijuana dispensary, Tobacco store
Use Unit 14: Retail building material establishments, Fur storage, Furriers,
Use Unit 19: All uses

Dimensional Standards: Per CS Bulk and Area Requirements

Development Area B Development Standards

The intended use for this Area is to establish single family detached housing area which shall be governed by the Bixby Zoning Code and the use and dimensional standards in the current RS-3 district except as hereinafter modified:

Permitted uses:	Single Family Detached Dwellings
Gross Residential area	156.66 acres
Maximum number of Dwelling Units	598 (vs 812 allowed in RS-3, gross land area / DU)
Minimum Lot Width	60 feet (vs 65 feet in RS-3)
Minimum Front Yard	25 feet
Corner Lot Side Yard	15 feet along right-of-way, no vehicular access
Minimum Building Footprint:	1600 square feet

Street Design and Access Limitations

All streets shall be constructed as required to meet public street standards as described in the City of Bixby Engineering Design Criteria Manual. Sidewalks shall be constructed by the developer along 141st and Lewis adjacent to Development Areas B and C. Sidewalks adjacent to the commercial Development Area will be constructed in conjunction with the commercial construction. Multiple access points to 141st and Lewis will be constructed to serve the development.

Architectural Requirements

All single-family homes shall be constructed of 75% masonry to the first floor top plate, excluding windows, covered porches, and patios. The sides and rear of each house shall be 100% masonry to the first floor top plate. Masonry material shall include brick, stone, stucco, and James Hardee cement board. Architectural shingles are required.

Utilities

The City of Bixby will provide storm sewer and sanitary sewer utilities for this proposed subdivision. Creek County Rural Water District #2 will be the water purveyor. Franchise utilities will also serve the project with communications, natural gas, and electricity. These services will be underground throughout the development.

Water: Creek County RWD #2 is connected to a City of Tulsa meter located at 131st & Lewis. 12" waterline improvements will be constructed along 141st and Lewis. Waterlines will be constructed within the development to provide fire protection.

Sanitary sewer: Existing gravity sanitary sewer is available on the west side of Presley Heights. Phase 1 of the proposed development will be directed this existing sewer. Extension of sewer through the adjacent property requires an off-site sanitary sewer easement. Subsequent development phases require the extension of sanitary sewer from the southeast corner of the property to the Posey Creek Interceptor on the east side of Harvard.

Stormwater Management

The existing topography for the site (See Exhibit E) yields multiple pre-developed drainage areas. For the developed condition, the runoff will be collected in storm sewer and directed to the proposed stormwater detention areas in the southwest corner of the property and along the east boundary of the property. The detention ponds will be constructed in a reserve areas. All detention and open space areas will be maintained by the homeowners association.

North/East: This existing area flowing north currently turns east and merges with the area flowing east on the adjacent property. These two areas drain through Presley Heights before discharging to Posey Creek east of Harvard. In the developed condition, runoff will flow through the east detention pond before discharging to the historic point on the east property line. Thus, runoff to the north and east will be less than the pre-developed condition.

Southeast: There is an existing drainage channel flowing southeast from the site. This channel is tributary to Posey Creek flowing southeast through the adjacent property before connecting to Posey Creek at Harvard. For the developed condition, most of this area will be collected in storm

sewer and redirected to the proposed stormwater detention areas. Storm sewer will collect a small area in the southeast corner and discharge to the existing channel. This runoff will be less than the pre-developed condition.

Southwest: The largest existing drainage area flows southwest and discharges to Posey Creek at the southwest corner of the property. Detained runoff will continue discharging the Posey Creek.

Landscape and Screening Standards

All open space reserve areas shall be owned and maintained by the property owners association and shall meet current City of Bixby landscaping requirements.

Platting

The Deed of Dedication and Restrictive Covenants of the required subdivision shall be enforceable by the established Homeowners Association (HOA).

The Homeowners Association (HOA) must be formed before signing and recording of the Final Plat and established according to Oklahoma State Statute 60 with mandatory participation required.

According to the City of Bixby Code of Ordinances
12-2-4: PRELIMINARY PLAT:

I. Phased Developments: The preliminary plat representing the entire proposed development (all phases) must be submitted with the preliminary plat submission for review and approval. Actual phased construction and final platting may be part of the construction plans and final plat reviews.
According to the PUD, the overall development will be phased to include portions of Development Areas B and C in each phase. The actual phasing plan for construction should be submitted at final plat review.

According to the City of Bixby Code of Ordinances
12-2-6: FINAL PLAT:

G. Recording of Final Plat; Issuance of Building Permits:
2. No building permits shall be issued until after acceptance by the City of all improvements and the subdivider has supplied the City with three (3) certified copies, one (1) mylar and two (2) black line or blueline paper, of the final plat, each showing proof of being filed and recorded in the Office of the County Clerk.

Amenities / Reserve Areas

There are seven Reserve Areas represented on Exhibit G. The Developer will construct amenities in each of the reserve areas. The proposed amenities include a walking trail, playgrounds, a swimming pool with clubhouse, a soccer field, volleyball court and a basketball court. The final location and sequencing of the amenities will be determined with each phase at the time of platting.

Exhibit A
Legal Descriptions

Overall PUD Legal Description

THE NORTHWEST QUARTER OF (NW1/4) OF SECTION SEVENTEEN (17), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF:

Development Area A Legal Description

A TRACT OF LAND SITUATED IN THE NORTHWEST QUARTER (NW/4) OF SECTION SEVENTEEN (17), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF AND MORE FULLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER (NW/4); THENCE NORTH 88°40'50" EAST ALONG THE NORTH LINE THEREOF, A DISTANCE OF 309.64 FEET; THENCE SOUTH 01°19'10" EAST, A DISTANCE OF 662.91 FEET; THENCE SOUTH 88°40'50" WEST, A DISTANCE OF 310.82 FEET TO THE WEST LINE OF SAID NORTHWEST QUARTER (NW/4); THENCE NORTH 01°13'04" WEST ALONG SAID WEST LINE, A DISTANCE OF 662.91 FEET TO THE POINT OF BEGINNING. CONTAINING 205,658 SQUARE FEET OR 4.72 ACRES.

Development Area B Legal Description

A TRACT OF LAND SITUATED IN THE NORTHWEST QUARTER (NW/4) OF SECTION SEVENTEEN (17), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF AND MORE FULLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER (NW/4); THENCE NORTH 88°40'50" EAST ALONG THE NORTH LINE THEREOF, A DISTANCE OF 309.64 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 88°40'50" EAST ALONG SAID NORTH LINE, A DISTANCE OF 2339.56 FEET TO THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER (NW/4); THENCE SOUTH 01°11'45" EAST ALONG THE EAST LINE THEREOF, A DISTANCE OF 2653.99 FEET TO THE SOUTHEAST CORNER OF SAID NORTHWEST QUARTER (NW/4); THENCE SOUTH 88°40'50" WEST ALONG THE SOUTH LINE THEREOF, A DISTANCE OF 2648.19 FEET TO THE SOUTHWEST CORNER OF SAID NORTHWEST QUARTER (NW/4); THENCE NORTH 01°13'04" WEST ALONG THE WEST LINE THEREOF, A DISTANCE OF 1991.06 FEET; THENCE NORTH 88°40'50" EAST, A DISTANCE OF 310.82 FEET; THENCE NORTH 01°19'10" WEST, A DISTANCE OF 662.91 FEET TO THE NORTH LINE OF SAID NORTHWEST QUARTER (NW/4) AND THE POINT OF BEGINNING. CONTAINING 6,823,917 SQUARE FEET OR 156.66 ACRES.

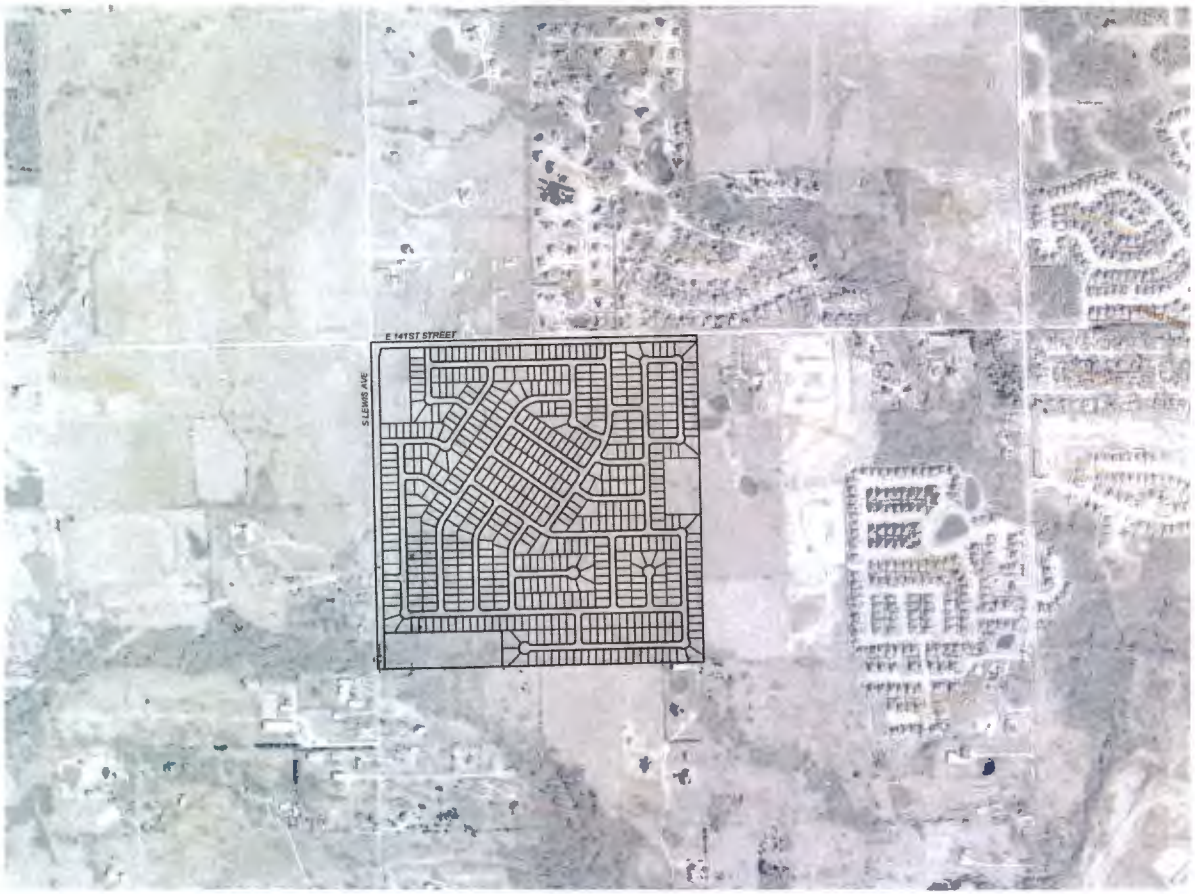
LEGAL DESCRIPTION BASIS OF BEARINGS IS THE OKLAHOMA STATE PLANE COORDINATE SYSTEM (ZONE 3501 NORTH) WITH THE NORTH LINE OF THE NORTHWEST QUARTER (NW/4) OF SECTION SEVENTEEN (17) BEING NORTH 88°40'50" EAST.

Exhibit B

Surrounding Areas

for

141st and Lewis



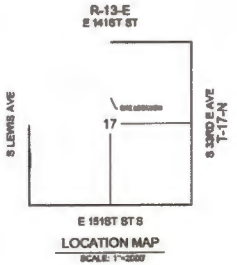


Exhibit B

AAB Engineering, LLC

Engineering • Surveying • Land Planning

PO Box 2136 Sand Springs, OK 74063

OK CA#6318 Exp: June 30, 2022

KS CA#2292 Exp: Dec. 31, 2020

Office: (918) 514-4283 Fax: (918) 514-4288

Exhibit C

Zoning
for

141st and Lewis

LEGEND

- ZONED AG (AGRICULTURE)
- ZONED CS (COMMERCIAL)
- ZONED RS-1 (RESIDENTIAL)
- ZONED RS-2 (RESIDENTIAL)
- ZONED RS-3 (RESIDENTIAL)
- ZONED IL (INDUSTRIAL)

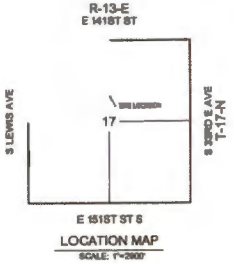
Exhibit C

AAB Engineering, LLC
Engineering • Surveying • Land Planning
PO Box 2136 Sand Springs, OK 74063
OK CA#5318 Exp: June 30, 2022
KS CA#2292 Exp: Dec. 31, 2020
Office: (918) 514-4283 Fax: (918) 514-4288

Exhibit D

Conceptual Development Areas
for

141st and Lewis



LEGEND

DEVELOPMENT AREA A (4.72 AC.)

DEVELOPMENT AREA B (188.89 AC.)

Exhibit D

AAB Engineering, LLC
Engineering • Surveying • Land Planning
PO Box 2136 Sand Springs, OK 74063
OK CA#6318 Exp: June 30, 2022
KS CA#2292 Exp: Dec. 31, 2020
Office: (918) 514-4283 Fax: (918) 514-4286

BEFORE YOU DIG
CALL OKIE

Exhibit E

Existing Topo & Aerial
for

141st and Lewis

LOCATION MAP
SCALE: 1"=2000'

LEGEND

- AREA A
- AREA B
- AREA C
- AREA D

Exhibit E

AAB Engineering, LLC
Engineering • Surveying • Land Planning
PO Box 2136 Sand Springs, OK 74063
OK CA#6318 Exp: June 30, 2022
KS CA#2292 Exp: Dec. 31, 2020
Office: (918) 514-4283 Fax: (918) 514-4286

Exhibit F

Conceptual Improvement Plan
for

141st and Lewis

LOCATION MAP
SCALE: 1"=2000'

LEGEND

- SS — PROPOSED SANITARY SEWER
- WL — PROPOSED 12" WATERLINE (ARTERIAL)
- WL — PROPOSED 8"/6"/4" WATERLINE (INTERNAL)
- PROPOSED STORM SEWER

Exhibit F

AAB Engineering, LLC

Engineering • Surveying • Land Planning

PO Box 2136 Sand Springs, OK 74063
OK CA#6318 Exp: June 30, 2022
KS CA#2292 Exp: Dec. 31, 2020
Office: (918) 514-4283 Fax: (918) 514-4286

Exhibit G

Conceptual Site Plan

for

141st and Lewis

Exhibit G

AAB Engineering, LLC
Engineering • Surveying • Land Planning
PO Box 2136 Sand Springs, OK 74063
OK CA#6318 Exp: June 30, 2022
KS CA#2292 Exp: Dec. 31, 2020
Office: (918) 514-4283 Fax: (918) 514-4288

Published in the Tulsa Business & Legal News,
City of Bixby, Tulsa County, Oklahoma _____, 2021

ORDINANCE No. 2360

AN ORDINANCE AMENDING ORDINANCE NUMBER 272; REZONING A TRACT OF LAND, AS MORE PARTICULARLY DESCRIBED IN THIS ORDINANCE, FROM AG (AGRICULTURE) TO CS (COMMERCIAL SHOPPING) CLASSIFICATION (BXZO-21.03), AND AG (AGRICULTURE) TO RS-3 (RESIDENTIAL SINGLE-FAMILY) CLASSIFICATION (BXZO-21.04), AND SUPPLEMENTAL PLANNED UNIT DEVELOPMENT ZONING (BXPUD-21.04) FOR 141st AND LEWIS; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BIXBY, OKLAHOMA:

Section 1. That Ordinance No. 2360 be and the same is now amended and the following described property, to-wit:

SEE ATTACHED EXHIBIT "A" FOR LEGAL DESCRIPTION

Located at the Southeast corner of East 141st Street South and South Lewis Avenue, Bixby, Oklahoma, BXZO-21.03, BXZO-21.04, and BXPUD-21.04, be and the same is now rezoned from AG (Agriculture) to CS (Commercial Shopping), and AG (Agriculture) to RS-3 (Residential Single-Family) classification.

Section 2. SEVERABILITY CLAUSE. If any section, sentence, clause or phrase of this Ordinance or any part is for any reason found to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remainder of this ordinance or any part thereof.

Section 3. EMERGENCY CLAUSE. That because this Ordinance is essential to the proper and orderly growth of the City of Bixby, an Emergency is now declared to exist for the preservation of the public peace, health and safety, by reason whereof second reading of this Ordinance is waived and this Ordinance shall take effect and be in force immediately upon its passage.

APPROVED in an open meeting of the Bixby City Council and PASSED by an affirmative majority vote of the entire membership of the City Council, to-wit: ___ **YES,** ___ **NO,**
___ **ABSTAINING,** ___ **ABSENT**, on this _____ day of _____, 2021.

_____
Mayor of the City of Bixby, Oklahoma

APPROVED as an Emergency Measure ruled upon separately and PASSED by an affirmative majority vote of at least four-fifths (4/5) of the entire membership of the Bixby City Council, to-wit: ___ **YES,**
___ **NO,** ___ **ABSTAINING,** ___ **ABSENT**, on this _____ day of _____, 2021.

_____
Mayor of the City of Bixby, Oklahoma

(Seal)
ATTEST:

_____
City Clerk

APPROVED:

_____
City Attorney

CITY OF BIXBY
P.O. Box 70
116 W. Needles Ave.
Bixby, OK 74008
(918) 366-4430

Staff Agenda Commentary

To:	City of Bixby City Council
From:	Carolyn Back, Development Services Director / City Planner
RE:	BXZO-21.17 - Rezone 40.346 Acres (+/-) from Agriculture (AG) to Residential Single-Family (RS-3) BXPUD-21.10 - Planned Unit Development (PUD) to allow for straight RS-3 zoned Single-Family Residential Development
History:	Presley Heights West is the third development on the west, abutting the Presley Heights subdivisions located to the east, currently under construction.
Location:	West of the Southwest corner of East 141st Street South and South Harvard Avenue, Bixby, OK.
STR:	Section 17, Township 17N, Range 13E
Applicant:	Tanner Consulting, LLC

This rezone application is for straight RS-3 zoning that requires supplemental zoning of a Planned Unit Development (PUD). This project will still be required to come before the Planning Commission and City Council for Platting.

ATTACHMENTS:
Attachment 1: BXPUD-21.10 Presley Heights West

Presley Height West

A PLANNED UNIT DEVLEOPMENT (PUD) OF APPROXIMATELY 40.346 ACRES LOCATED WEST OF THE SOUTHWEST CORNER OF SOUTH HARVARD AVENUE AND EAST 141ST STREET SOUTH CITY OF BIXBY, TULSA COUNTY, OKLAHOMA

OWNER/DEVELOPER:
141st Bixby, LLC
An Oklahoma Limited Liability Company
Mike Wallace, Manager
114 South 3rd Street
Jenks, Oklahoma 74037
Phone: (918) 298-6100

I. PROPERTY DESCRIPTION

Presley Heights West consists of 40.346 acres located west of the southwest corner of South Harvard Avenue and East 141st Street South in the City of Bixby, Oklahoma, and is more particularly described with the following statement:

PER TRUSTEE'S DEED DATED THE 19TH DAY OF DECEMBER, 2014, AND FILED OF RECORD DECEMBER 22, 2014 AS DOCUMENT NO. 2014114856 IN THE RECORDS OF THE COUNTY CLERK, TULSA COUNTY, OKLAHOMA:

THE WEST HALF OF THE WEST HALF OF THE NORTHEAST QUARTER (W/2 W/2 NE/4) OF SECTION SEVENTEEN (17), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF.

The above described property will hereinafter be referred to as the "Site" or "Subject Property".

II. DEVELOPMENT CONCEPT

Presley Heights West is a single-family residential Planned Unit Development (PUD) of 40.346 acres located west of the southwest corner of South Harvard Avenue and East 141st Street South.

Presley Heights West is proposed as a PUD to satisfy the requirement for City of Bixby Ordinance No. 2188 which states, "Therefore, when a new multifamily or single-family districts are approved, it should be when a PUD is applied."

A companion application was filed to rezone the site to RS-3 Single-Family Residential District (BXZO)-21.17.

The City of Bixby "Matrix To Determine Zoning Relationship" provides that the requested RS-3 designation "May Be Found In Accordance" with The City of Bixby 2018 Comprehensive Plan 2030 Future Land Use map.

It should be noted that while a Planned Unit Development is intended to permit innovative land development and flexibility to straight underlying zoning development, no deviation of development standards is requested to the RS-3 regulations.

III. DEVELOPMENT STANDARDS

Presley Heights West shall be developed in accordance with the RS-3 zoning district zoning regulations as exist in the City of Bixby Zoning Code as of July 20, 2021.

VI. ADDITIONAL DEVELOPMENT STANDARDS

A single-story dwelling shall have at least 2,200 square feet of finished heated living area. If a dwelling has two levels or stories immediately above and below each other measured vertically and all such levels or stories are above the finished exterior grade of such dwelling, then such dwelling shall have at least 1,800 square feet of finished heated living area on the first floor or level and shall have a total of the various levels or stories of at least 2,400 square feet of finished heated and living area.

The first story exterior walls of the dwelling erected on any lot shall be 100% brick, stone, or stucco (excluding windows and doors). At the discretion of the architectural committee, the 100% required masonry may be waived for porches and patios.

V. PLATTING AND SITE PLAN REQUIREMENTS: No building permit shall be issued until a subdivision plat has been submitted to and recommended upon by the Bixby Planning Commission and approved by the Council of the City of Bixby, and duly filed of record. The required subdivision plat shall include covenants of record implementing the development standards of the approved PUD and the City of Bixby shall be a beneficiary thereof. The plat will also serve as the site plan for all residential lots contained within the plat.

VI. CITY DEPARTMENT REQUIREMENTS: Standard requirements of the City of Bixby Fire Marshal, City Engineer, and City Attorney shall be met.

VII. SCHEDULE OF DEVELOPMENT: Development of the project is expected to commence and be phased and completed as market conditions permit.

Published in the Tulsa Business & Legal News,
City of Bixby, Tulsa County, Oklahoma _____, 2021

ORDINANCE No. 2361

AN ORDINANCE AMENDING ORDINANCE NUMBER 272; REZONING A TRACT OF LAND, AS MORE PARTICULARLY DESCRIBED IN THIS ORDINANCE, FROM AG (AGRICULTURE) TO RS-3 (RESIDENTIAL SINGLE-FAMILY) CLASSIFICATION (BXZO-21.17) AND SUPPLEMENTAL PLANNED UNIT DEVELOPMENT ZONING (BXPUD-21.10) FOR PRESLEY HEIGHTS WEST; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BIXBY, OKLAHOMA:

Section 1. That Ordinance No. 2361 be and the same is now amended and the following described property, to-wit:

SEE ATTACHED EXHIBIT "A" FOR LEGAL DESCRIPTION

Located at the 2920 East 141st Street South, Bixby, Oklahoma, BXZO-21.17 and BXPUD-21.10, be and the same is now rezoned from AG (Agriculture) to RS-3 (Residential Single-Family) classification.

Section 2. SEVERABILITY CLAUSE. If any section, sentence, clause or phrase of this Ordinance or any part is for any reason found to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remainder of this ordinance or any part thereof.

Section 3. EMERGENCY CLAUSE. That because this Ordinance is essential to the proper and orderly growth of the City of Bixby, an Emergency is now declared to exist for the preservation of the public peace, health and safety, by reason whereof second reading of this Ordinance is waived and this Ordinance shall take effect and be in force immediately upon its passage.

APPROVED in an open meeting of the Bixby City Council and PASSED by an affirmative majority vote of the entire membership of the City Council, to-wit: ___ **YES,** ___ **NO,** ___ **ABSTAINING,** ___ **ABSENT**, on this _____ day of _____, 2021.

_____
Mayor of the City of Bixby, Oklahoma

APPROVED as an Emergency Measure ruled upon separately and PASSED by an affirmative majority vote of at least four-fifths (4/5) of the entire membership of the Bixby City Council, to-wit: ___ **YES,** ___ **NO,** ___ **ABSTAINING,** ___ **ABSENT**, on this _____ day of _____, 2021.

_____
Mayor of the City of Bixby, Oklahoma

(Seal)
ATTEST:

_____
City Clerk

APPROVED:

_____
City Attorney

Exhibit "A"

21061 Presley Heights West, Bixby, OK

Property Description

PER TRUSTEE'S DEED DATED THE 19TH DAY OF DECEMBER, 2014, AND FILED OF RECORD DECEMBER 22, 2014 AS DOCUMENT NO. 2014114856 IN THE RECORDS OF THE COUNTY CLERK, TULSA COUNTY, OKLAHOMA:

THE WEST HALF OF THE WEST HALF OF THE NORTHEAST QUARTER (W/2 W/2 NE/4) OF SECTION SEVENTEEN (17), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF.

Exhibit A

CITY OF BIXBY
P.O. Box 70
116 W. Needles Ave.
Bixby, OK 74008
(918) 366-4430

Staff Agenda Commentary

To:	City of Bixby City Council
From:	Carolyn Back, Development Services Director / City Planner
RE:	Minor Amendment to PUD-29-A (BXPUD-21.09-A – PUD-29-B) Building Setback – East property line
History:	Previously denied application to add 3 storage units. Reduced setbacks in the previous application were for an office building attached to the storage structure.
Location:	12345 South Memorial Drive, Bixby, OK Platted: 3.11 Acres
STR:	Section 1, Township 17N, Range 13E
Applicant:	Select Design

This is just for the office building setback. No storage buildings are proposed for this PUD minor amendment.

The Commissioner's voted (4-1-0) to forward project to the City Council with a recommendation for approval.

ATTACHMENTS:
Attachment 1: PUD 29-B

Planned Unit Development No. 29-B

THE BOARDWALK ON MEMORIAL

Minor Amendment to PUD 29-A

City of Bixby, Oklahoma

July 2, 2021

Select design
DEVELOPMENT ANALYSIS
PROJECT MANAGEMENT
DRAFTING & DESIGN
P O Box 548
Bixby, Oklahoma 74008
Phone: (918) 798-8356

CITY OF BIXBY
DEVELOPMENT SERVICES
JUL 06 2021
RECEIVED

Table of Contents

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Exhibit D – Plat Exhibit 7
Exhibit E – Conceptual Site Plan 8
Exhibit G – Current Zoning Map 9

II. DEVELOPMENT STANDARDS 10

III. ANTICIPATED CONSTRUCTION SCHEDULE 10

I. Development Concept

The property was previously platted as Lot 1, Block 1 of The Boardwalk on Memorial with underlying zoning Commercial Shopping (CS) District and Office Low-Density (OL) District provided by PUD 29-A, approved by the Bixby Planning Commission on April 21st, 2003 and Bixby City Council on April 28th, 2003. The original platted lot has been split in the past and the property outlined in this amendment is the western portion of said lot which contains 3.11 acres. The remaining property (to the east) shall not be made part of this amendment. The property has 192.2 feet of frontage on the east side of South Memorial Drive approximately 0.3' miles south of East 121st Street South.

Objective:

1. Decrease the minimum building setback distance from adjacent PUD-77 zoning to the east.

Legal Description (General Warranty Deed – Document #2016008461)

LOT ONE (1), BLOCK ONE (1), THE BOARDWALK ON MEMORIAL, A SUBDIVISION IN THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF.

LESS AND EXCEPT:

A TRACT OF LAND THAT IS PART OF LOT ONE (1), BLOCK ONE (1), OF THE BOARDWALK ON MEMORIAL, A SUBDIVISION IN THE CITY OF BIXBY, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

STARTING AT THE EASTERNMOST SOUTHEAST CORNER OF SAID LOT ONE (1), SAID POINT SHALL ALSO BE THE POINT OF BEGINNING OF SAID TRACT OF LAND; THENCE N 89°59'21" W FOR 471.88 FEET; THENCE N 00°00'39" E FOR 170.00 FEET; THENCE S 89°59'21" E FOR 473.04 FEET; THENCE S 00°24'08" W FOR 170.00 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND.

EXHIBIT A

VICINITY MAP

EXHIBIT B

AERIAL PHOTO

EXHIBIT C
PROPERTY SURVEY

DESIGN SURVEY

A PART OF
DEVELOPMENT AREA 'A', LOT 1, BLOCK 1
THE BOARDWALK ON MEMORIAL
A SUBDIVISION TO THE CITY OF BIXBY
TULSA COUNTY, STATE OF OKLAHOMA

SURVEYOR'S DESCRIPTION

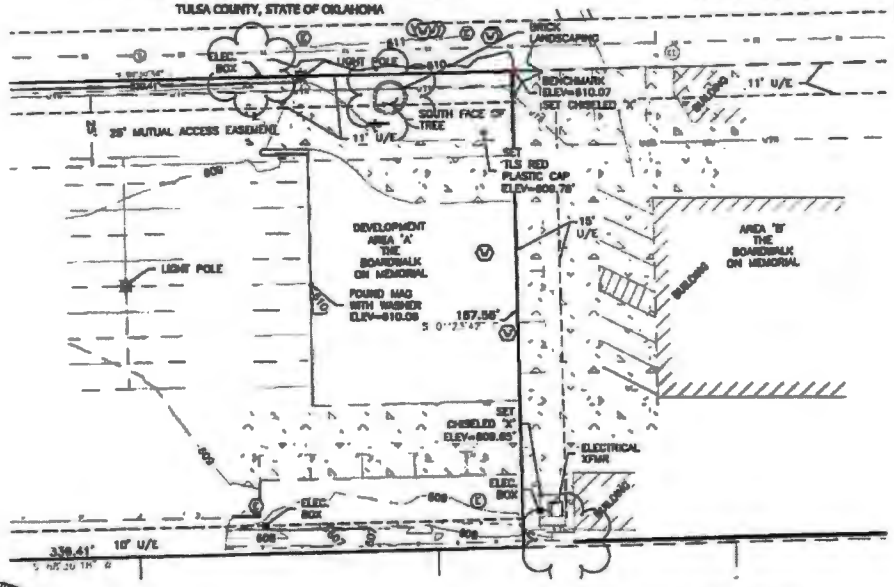
A TRACT OF LAND BEING A PART OF DEVELOPMENT AREA 'A', LOT 1, BLOCK 1, THE BOARDWALK ON MEMORIAL, A SUBDIVISION TO THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF.

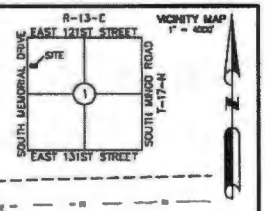
GENERAL NOTES

1. NO CURRENT TITLE OPINION OR COMMITMENT FOR TITLE INSURANCE WAS PROVIDED TO THE SURVEYOR, THEREFORE, NO CERTIFICATION IS MADE OR IMPLIED THAT ALL EASEMENTS, DEDICATIONS OF ENCUMBRANCES ARE SHOWN OR NOTED HEREON.
2. DATE OF LAST FIELD VISIT: SEPTEMBER 24, 2020
3. ALL CORNERS WERE SET USING 3/8" X 18" REBAR WITH A YELLOW CAP (YPC) STAMPED "TLS CA 6038", UNLESS OTHERWISE NOTED.
4. BASIS OF BEARING SHOWN HEREON BEING THE WEST LINE OF LOT 1, BLOCK 1, BOARDWALK ON MEMORIAL, BEING NORTH 00°58'57" WEST.
5. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES AND MAKES NO CERTIFICATION THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA.
6. SURVEYOR HAS EXAMINED A MAP BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FLOOD INSURANCE RATE MAP, TULSA COUNTY, OKLAHOMA AND UNINCORPORATED AREAS, MAP 40143C0432L, EFFECTIVE DATE OCTOBER 16, 2012, WHICH SHOWS A PORTION OF THE PROPERTY DESCRIBED HEREON IS LOCATED INSIDE ZONE X (SHADED).
7. THIS SURVEY MEETS OR EXCEEDS THE MINIMUM TECHNICAL STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED BY THE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS FOR THE STATE OF OKLAHOMA.

LEGEND

- ASPHALT
- CONCRETE
- GRAVEL
- UG — UNDERGROUND TELEPHONE
- UG — UNDERGROUND GAS
- OH — OVERHEAD ELECTRIC
- FENCE
- DECIDUOUS TREE
- POWER POLE
- GUY WIRE
- TELEPHONE PEDESTAL
- MAIL BOX
- GAS METER
- BOLLARDS
- GAS VALVE
- FOUND MONUMENTS
- SET MONUMENTS





I, JOSHUA R. LAMB, HEREBY STATE THAT THE SURVEY SHOWN HEREON IS TRUE AND CORRECT TO BEST OF MY KNOWLEDGE AND BELIEF AS SURVEYED BY ME OR UNDER MY DIRECT SUPERVISION.

9/10/20
DATE

JOSHUA R. LAMB
OKLAHOMA PLS NO. 1678

LICENSED PROFESSIONAL LAND SURVEYOR
Joshua R. Lamb
1678
OKLAHOMA

0' 30' 60' 90'
1" = 30'

TULSA LAND SURVEYING LLC
2112 E 15TH ST
TULSA, OK 74104
(918) 794-6777
CA 6038
EXPIRES 6/30/2021

DRAWING PREPARED: SEPT. 25, 2020
TLS NO.: 20-125 - BOARDWALK

Tulsa County Clerk EARLENE WILSON
03124410 Pg 1 Pgs 7103/1689-1689
675055 08/19/03 14:20:19
15.00

5717

The Boardwalk on Memorial

A SUBDIVISION OF A PART OF THE
N/2 OF THE SW/4 OF THE NW/4
AND
A RESUBDIVISION OF A PART OF
LOT 1 AND ALL OF LOT 2 IN BLOCK 1 OF 'GRE-MAC ACRES'
SECTION 1, T-17-N, R-13-E
CITY OF BIXBY, TULSA COUNTY, OKLAHOMA

Planned Unit Development Number 29-A

FINAL PLAT
CERTIFICATE OF APPROVAL
I HEREBY CERTIFY THAT THIS PLAT WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF BIXBY
ON _____
BY _____ MAYOR - VICE MAYOR
THIS APPROVAL IS VOID IF THE ABOVE SIGNATURE IS NOT ENDORSED BY THE CITY MANAGER OR CITY CLERK.
BY _____ CITY MANAGER / CITY CLERK

PUD 29-B BOUNDARY
(135,435 SF / 3.11 AC)

USE UNIT 12 (RESTAURANTS) ALLOWED IN THIS AREA
(DEVELOPMENT AREA A)

REDUCE BUILDING SETBACK TO 0 FEET

BLOCK 1
LOT 1

NOT PLATTED

THIS AREA NOT INCLUDED IN THIS AMENDMENT
(DEVELOPMENT AREA B)

SOUTH MEMORIAL DRIVE

EAST 124TH STREET SOUTH

BLOCK 1
GRE-MAC ACRES

5717

FINAL PLAT
CERTIFICATE OF APPROVAL
I HEREBY CERTIFY THAT THIS PLAT WAS APPROVED BY THE CITY OF BIXBY
ON _____
BY _____ MAYOR - VICE MAYOR
THIS APPROVAL IS VOID IF THE ABOVE SIGNATURE IS NOT ENDORSED BY THE CITY MANAGER OR CITY CLERK
BY _____ CITY MANAGER / CITY CLERK

Owner
THE BOARDWALK ON MEMORIAL I, L.P.
ATTN: WILLIAM WILSON, JR.
11441 SOUTH 68TH EAST AVENUE
BIXBY, OKLAHOMA 74008
PHONE: (918) 366-9200

Engineer / Surveyor
SACK AND ASSOCIATES, INC.
SANTA FE DEPOT
115 SOUTH ELGIN AVENUE
TULSA, OKLAHOMA 74120-1609
PHONE: (918) 582-6411
C.A. No. 1753 EXP. JUNE 30, 2005

Legend
ACC = ACCESS PERMITTED
B.L. = BUILDING LINE
LNA = LIMITS OF NO ACCESS
U/E = UTILITY EASEMENT

Basis of Bearings
THE BEARINGS SHOWN HEREON ARE BASED ON THE SOUTHERLY LINE OF BLOCK 1 OF 'GRE-MAC ACRES' HAVING AN ASSUMED BEARING OF N89°50'31"E.

Monumentation
ALL CORNERS WERE SET USING A 3/8"x24" IRON PIN WITH A YELLOW CAP STAMPED "SACK LS 1138".

Subdivision Statistics
SUBDIVISION CONTAINS 1 LOT IN 1 BLOCK
CONTAINING 4.9525 ACRES

MUTUAL ACCESS EASEMENT

R-13-E
EAST 121ST STREET SOUTH
DRIVE
MEMORIAL
ROAD
MINGO
SOUTH
T 17 N
NOT PLATTED
HOMES ADDITION
GRE-MAC ACRES
SOUTHERN MEMORIAL ACRES NO. 1
EAST 131ST STREET SOUTH
Location Map

CERTIFICATE
I hereby certify that all real estate taxes involved in this plat have been paid as reflected by the current tax rolls, "security as required has been provided in the amount of $ 600.00 per bond receipt no. 4777 to be applied to 20 03 taxes. This certificate is NOT to be construed as payment of 20 03 taxes in full but is given in order that this plat may be filed on record. 20 03 taxes may exceed the amount of the security deposit.

Dated August 19, 2003
Dennis Semler
Tulsa County Treasurer
By: _____ Deputy

EXHIBIT D
PLAT EXHIBIT

7104090

EXHIBIT E

CONCEPTUAL SITE PLAN

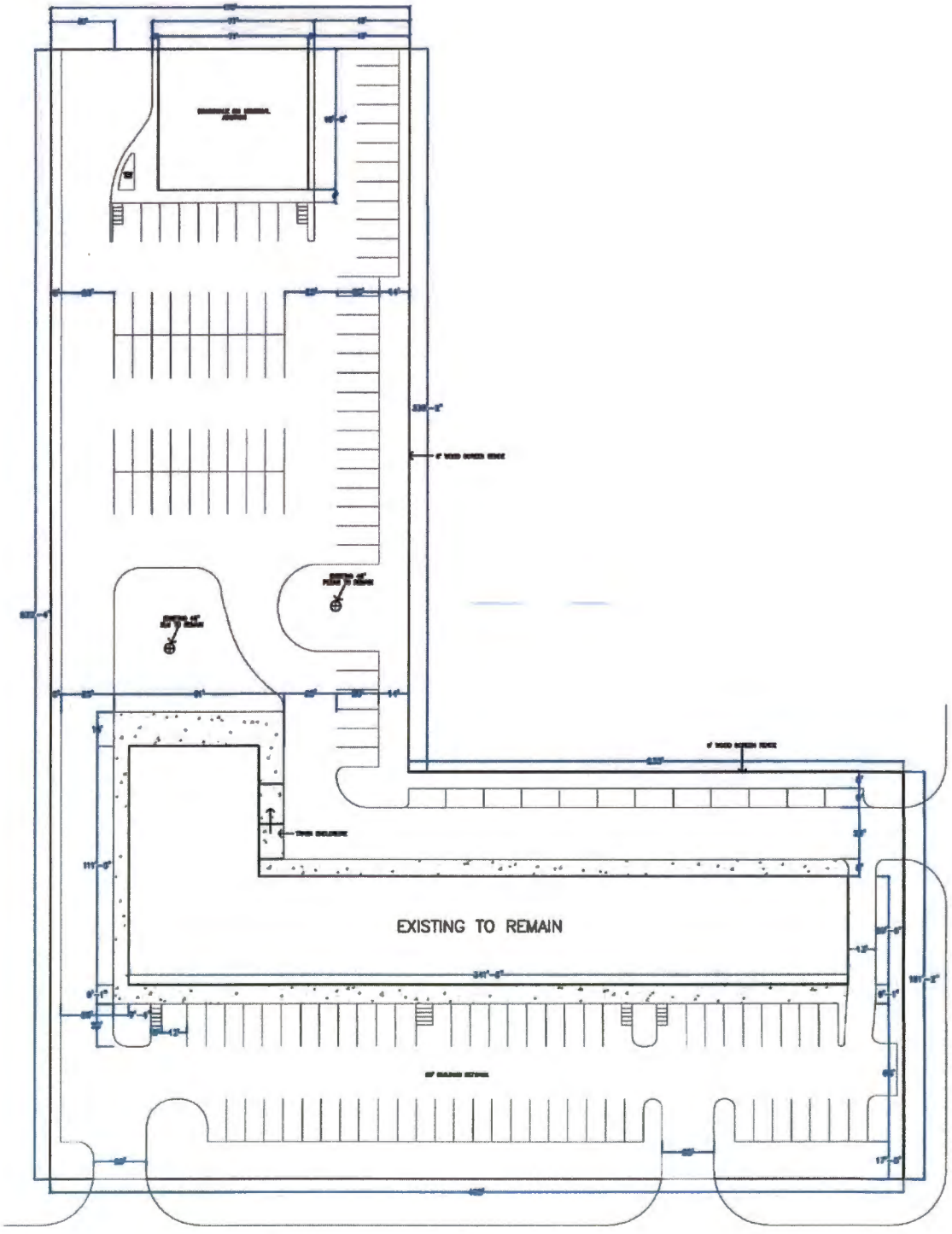
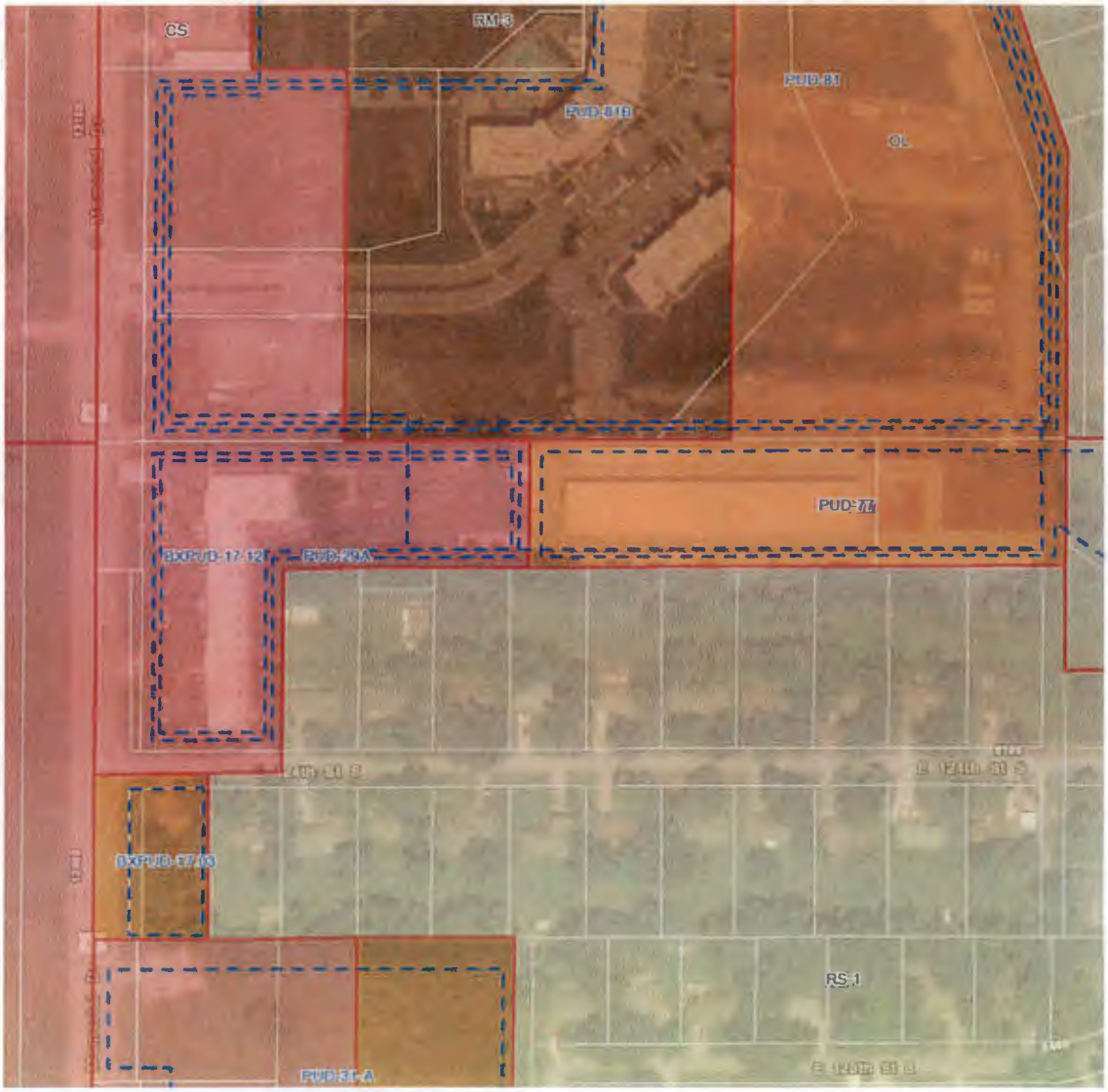


EXHIBIT G

CURRENT ZONING MAP



II. Development Standards

Land Area: ..... 135,435 SF (3.11 AC)

Zoning: ..... Shopping Center District (CS)

Minimum building setbacks:

From centerline of 124th Street: ..... 50 feet
From centerline of Memorial Drive: ..... 115 feet
From north boundary: ..... 25 feet
From all other residential boundaries: ..... 45 feet
From common boundaries within PUD (east line of Lot 1 / west line of Lot 2): ..... ** 0 feet

** Denotes change from previously approved PUD

III. Anticipated Construction Schedule

Construction shall commence within 6 months from the date the PUD is approved by City Council.

Published in the Tulsa Business & Legal News,
City of Bixby, Tulsa County, Oklahoma _____, 2021

ORDINANCE No. 2362

AN ORDINANCE AMENDING ORDINANCE NUMBER 272; ON A TRACT OF LAND, AS MORE PARTICULARLY DESCRIBED IN THIS ORDINANCE, A MINOR AMENDMENT TO PLANNED UNIT DEVELOPMENT (BXPUD-29-A), BOARDWALK ON MEMORIAL; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BIXBY, OKLAHOMA:

Section 1. That Ordinance No. 2362 be and the same is now amended and the following described property, to-wit:

SEE ATTACHED EXHIBIT "A" FOR LEGAL DESCRIPTION

Located at the 12345 South Memorial Drive, Bixby, Oklahoma, BXPUD-29-B, be and the same is now amended from PUD-29-A to PUD-29-B classification.

Section 2. SEVERABILITY CLAUSE. If any section, sentence, clause or phrase of this Ordinance or any part is for any reason found to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remainder of this ordinance or any part thereof.

Section 3. EMERGENCY CLAUSE. That because this Ordinance is essential to the proper and orderly growth of the City of Bixby, an Emergency is now declared to exist for the preservation of the public peace, health and safety, by reason whereof second reading of this Ordinance is waived and this Ordinance shall take effect and be in force immediately upon its passage.

APPROVED in an open meeting of the Bixby City Council and PASSED by an affirmative majority vote of the entire membership of the City Council, to-wit: ___ **YES,** ___ **NO,**
___ **ABSTAINING,** ___ **ABSENT**, on this _____ day of _____, 2021.

_____
Mayor of the City of Bixby, Oklahoma

APPROVED as an Emergency Measure ruled upon separately and PASSED by an affirmative majority vote of at least four-fifths (4/5) of the entire membership of the Bixby City Council, to-wit: ___ **YES,** ___ **NO,** ___ **ABSTAINING,** ___ **ABSENT**, on this _____ day of _____, 2021.

_____
Mayor of the City of Bixby, Oklahoma

(Seal)

ATTEST:

_____

City Clerk

APPROVED:

_____

City Attorney

EXHIBIT A

Legal Description (General Warranty Deed – Document #2016008461)

LOT ONE (1), BLOCK ONE (1), THE BOARDWALK ON MEMORIAL, A SUBDIVISION IN THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF.

LESS AND EXCEPT:

A TRACT OF LAND THAT IS PART OF LOT ONE (1), BLOCK ONE (1), OF THE BOARDWALK ON MEMORIAL, A SUBDIVISION IN THE CITY OF BIXBY, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

STARTING AT THE EASTERNMOST SOUTHEAST CORNER OF SAID LOT ONE (1), SAID POINT SHALL ALSO BE THE POINT OF BEGINNING OF SAID TRACT OF LAND; THENCE N 89°59'21" W FOR 471.88 FEET; THENCE N 00°00'39" E FOR 170.00 FEET; THENCE S 89°59'21" E FOR 473.04 FEET; THENCE S 00°24'08" W FOR 170.00 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND.

REGULAR AGENDA ITEM COMMENTARY

ITEM TITLE: Consider, discuss, and approve Ordinance Number 2359, Bixby Right-of-Way Closure (BXRW) number 21.01 Kirkpatrick. A right-of-way closure of a right-of-way located in Section 24 Township 17 North Range 13 East in the City of Bixby. Property located at: 12 South Parker, Bixby, OK 74008 in Bixby-Original Town.

Request to approve Emergency Clause for Ordinance number 2359 and waiving second reading thereof.

INITIATOR: Justin Dowd, Engineering

STAFF INFORMATION SOURCE: City Code, GIS, Bixby-Original Town Plat, Record Drawings, and TAC Meeting

BACKGROUND: Jim Kirkpatrick submitted a right-of-way closure for the closure of the 20 foot right-of-way between the properties he owns. The City does not have any utilities in this right-of-way, and is not used for public travel. The closure was presented to TAC, and all utilities have signed off on the right-of-way closure. The surrounding properties were also given timely notice. If the right-of-way closure is approved by City Council, the applicant will need to go through district court in order to have it vacated since the City can only close a right-of-way.

EXHIBITS: Ordinance Number 2359

KEY ISSUE: Approval

RECOMMENDATION: Staff recommends approval of the right-of-way closure BXRW-21.01 Kirkpatrick

ITEM NO: _____

MEETING DATE: 08-09-2021

MEETING: City Council

ORDINANCE Number 2359

AN ORDINANCE CLOSING A RIGHT-OF-WAY BEING PART OF LOTS ONE (1), TWO (2), FIVE (5), AND SIX (6), BLOCK FIVE (5) OF ORIGINAL TOWN OF BIXBY, A SUBDIVISION TO THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA, AND DECLARING AN EMERGENCY.

WHEREAS, application has been made for the closing of 140 feet of a portion of South Parker Street lying south of East Breckenridge Avenue in the City of Bixby, Oklahoma; and,

WHEREAS, the request is reasonable and it will be in the best interest of all parties concerned that a portion of this Street-Right-of-Way be closed.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BIXBY OKLAHOMA:

Section 1. That the Street-Right-of-Way, insofar as it covers the following described land:

A 20 FEET TRACT OF LAND BETWEEN THE FOLLOWING DESCRIBED TRACTS OF LAND. LOTS 1 AND 2 BLOCK 5 LESS THE EAST 70 FEET THEREOF AND LOTS 5 AND 6 BLOCK 5 BOTH LYING NORTH AND EAST OF THE RAILROAD RIGHT OF WAY, ORIGINAL TOWN OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA ACCORDING TO THE RECORDED PLAT NO. 517

See Attached

Be and the same is now closed.

Section 2. That, pursuant to 11 O.S. 42-110, C., the City of Bixby retains the absolute right to reopen this closed street right-of-way without expense to the City of Bixby. However, the City will not object to judicial vacation of the street right-of-way and foreclosure of the City's right to re-open the right-of-way.

Section 3. The closing of this street right-of-way shall not affect the right to maintain, repair, reconstruct, operate or remove utility, public service corporation or transmission company facilities existing in that portion of this easement, nor shall such closing affect private ways existing by operation of law.

Section 4. That an emergency exists for the preservation of the public health, safety, and peace, the same being the removal of unnecessary burdens on property rights, by reason of which a second reading of this ordinance is waived and this ordinance shall take effect immediately upon its passage and approval.

APPROVED in an open meeting of the Bixby City Council and PASSED by an affirmative majority vote of a quorum membership of the City Council, to-wit; ___ YES, ___ -NO, ___-ABSTAINING, ___-ABSENT, on this ___ day of _____, 20___.

_____
Mayor of the City of Bixby, Oklahoma

APPROVED as an Emergency Measure ruled upon separately and PASSED by an affirmative majority volte of at least a four-fifths (4/5) of the entire membership of the Bixby City Council, to-wit: ___ YES, ___ -NO, ___-ABSTAINING, ___-ABSENT, on this ___ day of _____, 20___.

CITY OF BIXBY, OKLAHOMA

By: _____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

SCALE: 1"=50'

NORTH

Legal Description (15' Alley)

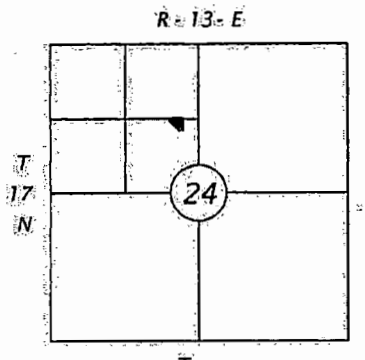
A tract of land located in the South 15 feet of MIDLAND ADDITION to Bixby, Tulsa County, State of Oklahoma according to Plat No. 112 being a 15' strip north of the following described tract of land;

Lot 1 Less the East 70 feet thereof and Lot 6 Block 5 lying North and East of the Railroad Right of Way, Original Town of Bixby, Tulsa County, State of Oklahoma, according to the Recorded Plat No. 517.

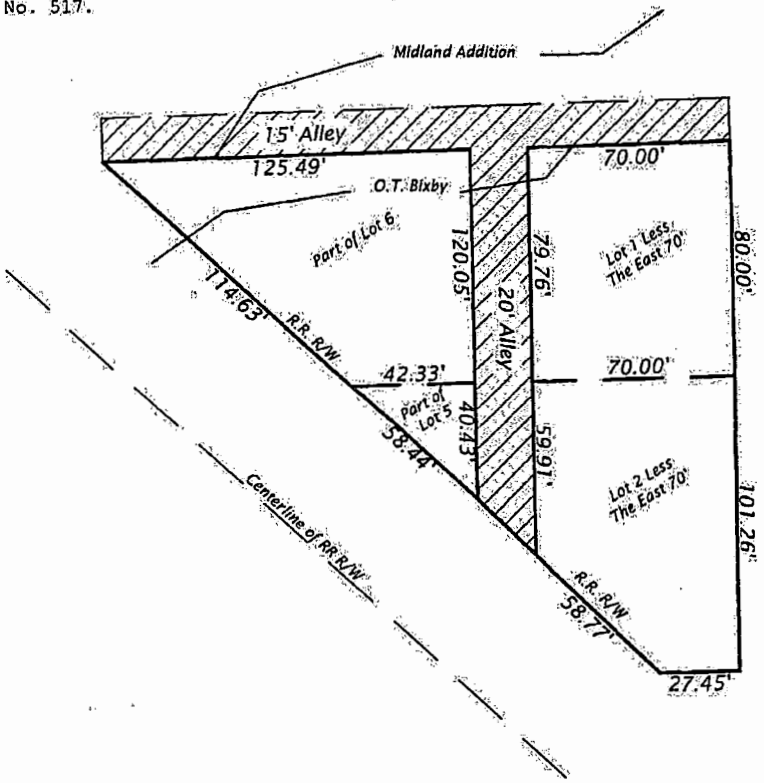
Legal Description (20' Alley)

A 20 feet tract of land between the following described tracts of land.

Lots 1 and 2 Block 5 Less the East 70 feet thereof and Lots 5 and 6 Block 5 both lying North and East of the Railroad Right of Way, Original Town of Bixby, Tulsa County, State of Oklahoma according to the Recorded Plat No. 517.



LOCATION MAP



REGISTERED LAND SURVEYOR K S COLLINS L S 1259 OKLAHOMA

K S Collins

COLLINS LAND SURVEYING, INC.
3940 W. 161st. ST. S. – P.O. Box 250
KIEFER, OK 74041
OFFICE (918)321-9400 FAX (918)321-9404
CA#2658 EXPIRES: 06/30/2022

Sketch of Proposed Alley Vacation

Performed For:
Jim Kirkpatrick

J.O. NO: 21-05-169 DATE: 05/27/2021

City of Bixby BPWA Meeting Minutes

City Hall Municipal Building
116 W Needles, Bixby, OK 74008
August 9th 2021 6:00 P.M.

The agenda for the regularly scheduled meeting of the City Council of the City of Bixby was posted on the bulletin board at City Hall, 116 West Needles Avenue, Bixby, Oklahoma on August 6th on or before 6:00 p.m.

Councilor Girard called the meeting to order at 6:02 pm.

City Clerk Yvonne Adams called the roll and all members were present, except Mayor Guthrie and Vice Mayor Blair.

Members Present
Girard
Crawford
Founds

Staff Present
Charles Barnes, Finance Dir.
Andy Choate, Assist. Police Chief
John Wood, Park Director
Jon Brown, Special Pro. Manger
Yvonne Adams, City Clerk

Councilor Girard said Item #1 on the BPWA Consent Agenda is:

CITY CLERKS REPORT
Consider and approve:

a) Minutes for the Bixby Public Works Authority meeting dated 07/26/21.

b) Discuss and/or approve Change Order #4 for the Bixby Water Reclamation Facility for $76,481.

c) Discuss and/or approve $34,599.13 to Digi for the installation of Access Control at the Bixby Water Reclamation Facility.

Councilor Girard asked for a motion on the BPWA consent agenda. Councilor Girard made motion to approve, seconded by Councilor Founds. The vote was taken with the following results:

Carried 3-0
Yes: Girard, Found, Crawford.
No: None.

Councilor Girard said on Item #1 on the Regular BPWA agenda is:

New Business

There being none.

Adjournment was called at 6:03 p.m.

_____
MAYOR

ATTEST

_____
SECRETARY

CONSENT AGENDA ITEM COMMENTARY

ITEM TITLE: Discuss and/or approve purchasing borrow soil from Bemies Dirt, Sand, and Gravel to complete backfilling operations at the Bixby Water Reclamation Facility; approve $40,000 purchase order.

INITIATOR: Bea Aamodt

STAFF INFORMATION SOURCE: Bea Aamodt

BACKGROUND: The borrow site at 161st and Mingo, which has been used for the backfill operations at the Bixby Water Reclamation Facility, is not yielding sufficient dirt to complete the project. The City must purchase additional material to continue operations.

EXHIBITS: None

KEY ISSUE: Project Progress

COUNCIL ACTION: Approve or deny

RECOMMENDATION: Approve.

ITEM NO: _____

MEETING DATE: 08-23-21

MEETING: BPWA