

Notice and Agenda Work Session Meeting of The Bixby City Council

Dawes Conference Room
113 West Dawes, Bixby, Oklahoma 74008
September 13 2021, at 5:00 P.M.

Call to Order

Mayor Guthrie

Roll Call

City Clerk Yvonne Adams

Agenda

1. Discuss sales tax incentive proposal for Downtown coffee shop.

Lee & Kelly Churchill

2. Discussion and presentation of Bixby Historical Society Master Plan.

Victoria Oltmann & Jerry Ferrar

3. Discussion and presentation of updated Development Services fee schedule.

Carolyn Back

Notice of Posting

This Notice and Agenda was posted on the bulletin board September 10th 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
September 13th, 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 08/23/21.
- b) Minutes for the City Council meeting dated 08/23/21.
- c) Consider and/or approve purchase to Bob Howard Chrysler Jeep Dodge in the amount of \$26,410 for one new patrol unit.
- d) Discuss and/or take action on request for a waiver of fees related to the rental of Charley Young Event Park by BTC Broadband for their Bixby Chamber "After Hours" event on the 16th of September 2021.

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](mailto:yadams@bixbyok.gov) (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) Purchase of CivicClerk agenda software management system for the agenda process for the amount of \$11,084.
- f) Approve Purchase Order for Professional Turf Products for fiscal year 2021-22 service, and parts for Toro Equipment.
- g) Approve purchase for dugout covers for all Thirty Two (32) baseball/softball dugouts from USA Shade and Fabric Structures in the amount of \$27,420.00. Buy Board Purchase Contract Pricing.
- h) Acknowledge receipt of Permit No. SL000072210621, Facility No S-20407, Rowan Grove Sanitary Sewer Extension.
- i) Acknowledge receipt of Permit No. WL000072210620, Facility No 3007243, Rowan Grove Potable Waterline Extension.
- j) Consider and take action on Resolution No.2021-22, correcting descriptions and clarifying resolution No 2020-6 designating City of Bixby properties as Public Roadways and Thoroughfares, with legal descriptions attached.
- k) Consider and take action on a Resolution No. 2021-23 designating and defining City of Bixby properties as Public Roadways and Thoroughfares, with legal description attached.
- l) Consider and take action on a Resolution No. 2021-24 designating and defining a twenty five (25) strip in width of City of Bixby property within the NW 4 of Sec twenty four (24) Tn17 N, R Thirteen (13) E of the IBM, Tulsa County, Ok., as a public way, allowing for the placement of public utilities.
- m) Discuss and/or take action on a Waiver of Barricade Rental Fees for Bixby Public Schools on Special Event Application for Bixby High School 2021 “Homecoming Parade”.
- n) Request to approve tuition fee for fire training by Tulsa Tech and OSU-FST not to exceed \$12,500.00, funding from 2021-2022 General Operating Budget.

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](mailto:yadams@bixbyok.gov) (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.

- o) Request to approve the purchase of personal protective equipment (PPE) of structural firefighting ensemble (coat and pants) from NAFECO, INC. not to exceed \$14,145.50, funding from 2021-2022 Capital Improvement Fund.

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.

Regular Agenda

- 1. Consider bids and award sale of \$7,500,000 General Obligation Bonds, Series 2021 to lowest bidder.

Charles Barnes

- 2. Consider and discuss possible action to approve, adopt, deny, amend, or revise an Ordinance providing for the issuance of General Obligation Bonds in the sum of Seven Million Five Hundred Thousand and no/100s dollars (\$7,500,000.00) by the City of Bixby, Oklahoma authorized at an election duly called and held for such purpose; prescribing form of bonds; providing for registration thereof; providing for a system of registration for uncertificated registered public obligations; providing levy of an annual tax for payment of principal and interest on the same; fixing other details of the issue; and declaring an emergency.

Charles Barnes

- 3. Discussion and possible action for Wallace Design Collective, PC, Domino's Bixby Final Plat (BXPT-21.13), General location: East 134th Street South and South Memorial Drive / US Hwy 64, Bixby, Oklahoma.

Carolyn Back

- 4. 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.

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](mailto:yadams@bixbyok.gov) (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.

Carolyn Back

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

Carolyn Back

6. 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

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

Carolyn Back

8. 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

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

Carolyn Back

10. 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

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

Carolyn Back

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](mailto: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.

12. Discuss and/or take action on awarding contract to Myers-Cherry for the Downtown Bixby Awnings Project; Myers-Cherry submitted the lowest and best bid of \$293,500.

Bea Aamodt

13. City Manager's Report

Jared Cottle

14. New Business

Mayor or Vice-Mayor

15. Adjournment

Mayor or Vice-Mayor

Notice of Posting

This Notice and Agenda was posted on the bulletin board this day of September 10th 2021, on or before 6:00 p.m., at City Hall, 116 W. 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 email [City Clerk Yvonne Adams](mailto:yadams@bixbyok.gov) (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.

Bixby Public Works Authority Meeting

**Board of Trustees
Municipal Building
116 W. Needles Ave., Bixby, OK 74008
September 13th, 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 08/23/21.

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](mailto:yadams@bixbyok.gov) (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

This Notice and Agenda was posted on the bulletin board this day of September 10th 2021, on or before 6:00 p.m., at City Hall, 116 W. Needles Bixby, Oklahoma.

Respectfully Submitted

Yvonne Adams

Secretary

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](mailto:yadams@bixbyok.gov) (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.

City of Bixby City Council Work Session Meeting Minutes

**Dawes Conference Room
113 W Dawes, Bixby, OK 74008
August 23, 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 20th 2021 on or before 5:00 p.m.

Mayor Guthrie 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

Guthrie
Blair
Girard
Crawford
Founds

Staff Present

Jared Cottle, City Manager
Phil Frazier, City Attorney
Charles Barnes, Finance Dir.
Carolyn Back, Dev. Serv. Dir.
Bryan Toney, Information Officer
John Wood, Parks Director
Yvonne Adams, City Clerk

Mayor Guthrie said item #1 on the Work Session agenda is:

Discussion and presentation of Buy Bixby Program.

Presented by: Krystal Crockett

Bixby Metro Chamber of Commerce President Krystal Crockett stated that the Buy Bixby program promotes supporting local businesses located in the City of Bixby during the holiday shopping season. Krystal stated that the Bixby Metro Chamber has managed the program since 2016 with businesses receiving digital, social and other media promotions while customers are encouraged to visit their location to purchase goods and services and received tickets with on ticket is worth \$10,000 with other similar prizes also available.

Discussion continued.
No action taken.

Mayor Guthrie said item #2 on the Work Session agenda is:

Discussion and presentation of Downtown Christmas alternatives.

Presented by: Bryan Toney

This item was brought for discussion for discussion for the Downtown Christmas Alternative for this year and the future. Bryan Toney showed council a presentation that consisted of the Christmas Events, theme/vision, old traditions, new traditions, decorations and attractions and asked council for their feedback. Bryan also gave council Christmas Events dates starting with November 25th with the Lighting of the Trees (Bixby Historical Society), December 4th Downtown Bixby Lighting Ceremony (City of Bixby, Metro Chamber & Downtown River District Committee), December 10th or 11th Bixby Christmas Parade (Rotary, Buy Bixby Metro Chamber), December 18th KXOJ Christmas Concert at Charley Young Park, Buy Bixby Winner Presentations (KXOJ, Bixby Metro Chamber and City of Bixby). Bryan asked council for their feedback.

Discussion continued.

No action taken

Adjournment was called at 5:54 p.m.

Mayor

Attest

City Clerk

City of Bixby City Council Meeting Minutes

**City Hall Municipal Building
116 W Needles, Bixby, OK 74008
August 23, 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 20th on or before 6:00 p.m.

Mayor Guthrie called the meeting to order at 6:05 pm.

City Clerk Yvonne Adams called the roll and all members were present.

Members Present

Guthrie
Blair
Girard
Crawford
Founds

Staff Present

Jared Cottle, City Manager
Phil Frazier, City Attorney
Charles Barnes, Finance Dir.
Carolyn Back, Dev. Services Dir.
Bea Aamodt, Public Works Dir.
Yvonne Adams, City Clerk

Pledge of Allegiance

Invocation was given by Phil Frazier

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

City Clerks Report

Consider and approve:

- a) Minutes for the Work Session meeting dated 08/09/21.
- b) Minutes of the City Council Regular meeting minutes 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.

- 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 Chambers.

Mayor Guthrie asked for a motion on the Consent. Vice Mayor Blair asked for some clarification on items c, d and e, approve those items upon contingency subject to legal advise, Development Services Director gave clarification on those items. Mayor Guthrie state that on item l there is a scripters error and should be west instead of east. Councilor Founds made motion to approve, seconded by Vice Mayor Blair. The vote was taken with the following results:

Carried 5-0

Yes: Founds, Blair, Crawford, Girard, Guthrie

No: None.

Mayor Guthrie said item #1 on the Regular Agenda is:

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.

Presented by: Charles Barnes

This item was brought before council to approve a resolution relating to the General obligation bonds, series 2021. Finance Director Charles Barnes this came before council at the previous meeting and with not enough council there, we had to start the process over and would like for your approval and our bond councilors are here if you have any questions.

Mayor Guthrie asked for a motion on item #1. Vice Mayor Blair made motion to approve, seconded by Councilor Founds. The vote was taken with the following results:

Carried 5-0

Yes: Blair, Founds, Crawford, Girard, Guthrie.

No: None.

Mayor Guthrie said on Item #2 on the Regular Agenda is:

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.

Presented by: Carolyn Back

Others that spoke: Erik Enyart, Tanner Consulting

Development Services Director Carolyn Back stated that items 2-10 are all together, but voted on separately.

This item was tabled.

Mayor Guthrie said on Item #3 on the Regular Agenda is:

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).

Presented by: Carolyn Back

This item was tabled.

Mayor Guthrie said on Item #4 on the Regular Agenda is:

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

Presented by: Carolyn Back

This item was tabled.

Mayor Guthrie said on Item #5 on the Regular Agenda is:

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.

Presented by: Carolyn Back

Others that spoke: Erik Enyart, Tanner Consulting.

This item was brought to council for an amendment to the Comprehensive Plan for 135th & Mingo. Development Services Director Carolyn Back gave council some background on these items, with council asked for more clarification from the City Manager Jared Cottle and Carolyn regarding this item.

Mayor Guthrie asked for a motion on item #5. Councilor Crawford made motion, seconded by Councilor Founds. The vote was taken with the following results:

Carried 4-1

Yes: Crawford, Founds, Girard, Guthrie.

No: Blair

Mayor Guthrie said on Item #6 on the Regular Agenda is:

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.

Presented by: Carolyn Back

Mayor Guthrie asked for a motion on item #6. Councilor Girard made motion to approve, seconded by Councilor Founds. The vote was taken with the following results:

Carried 5-0

Yes: Girard, Founds, Crawford, Blair, Guthrie.

No: None.

Mayor Guthrie said on Item #7 on the Regular Agenda is:

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

Presented by: Carolyn Back

Mayor Guthrie asked for a motion on item #7. Mayor Guthrie made motion to approve, seconded by Councilor Founds. The vote was taken with the following results:

Carried 5-0

Yes: Guthrie, Founds, Crawford, Girard, Blair.

No: None.

Mayor Guthrie said on Item #8 on the Regular Agenda is:

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.

Presented by: Carolyn Back

Mayor Guthrie asked for a motion on item #8. Council Girard made motion to approve with a minimum square ft. of 1750 per home, seconded by Councilor Founds. The vote was taken with the following results:

Carried 5-0

Yes: Girard, Founds, Crawford, Blair, Guthrie.

No: None.

Mayor Guthrie said on Item #9 on the Regular Agenda is:

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.

Presented by: Carolyn Back

Mayor Guthrie asked for a motion on item #9. Councilor Founds made motion to approve, seconded by Mayor Guthrie. The vote was taken with the following results:

Carried 4-1

Yes: Founds, Guthrie, Crawford, Girard

No: Blair

Mayor Guthrie said on Item #10 on the Regular Agenda is:

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

Presented by: Carolyn Back

Mayor Guthrie asked for a motion on item #10. Councilor Founds made motion to approve, seconded by Mayor Guthrie. The vote was taken with the following results:

Carried 5-0

Yes: Founds, Guthrie, Crawford, Girard, Blair

No: None

Mayor Guthrie said on Item #11 on the Regular Agenda is:

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.

Presented by: Carolyn Back

Others that spoke: Jason Mohler AAA Engineering

This item was brought before council for approval for an amendment to the Comprehensive Plan for Rowan Grove Phase II, Development Services Director Carolyn Back gave council some detail regarding this item. Jason Mohler representative from AAA Engineering gave council more clarification on some concerns from council. Jason stated that Rowan I has already been approved, and that the changes that are before you tonight is the tract of land in the middle so we are not asking for any changes to the PUD that been approved we are simply increasing the land area that is a part of development area “c”.

Discussion continued.

Items 11-16 will come back later on the agenda.

Jason thank council for the addition time and he stated that they could add a playground for an additional amenity to this development.

Mayor Guthrie asked for a motion on item #11. Councilor Founds made motion to approve, seconded by Councilor Girard. The vote was taken with the following results:

Carried 4-1

Yes: Founds, Girard, Blair, Guthrie

No: Crawford

Mayor Guthrie said on Item #12 on the Regular Agenda is:

Discussion and possible action on 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.

Presented by: Carolyn Back

Mayor Guthrie asked for a motion on item #12. Councilor Founds made motion to approve, seconded by Mayor Guthrie. The vote was taken with the following results:

Carried 5-0

Yes: Founds, Guthrie, Crawford, Girard, Blair

No: None

Mayor Guthrie said on Item #13 on the Regular Agenda is:

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

Presented by: Carolyn Back

Mayor Guthrie asked for a motion on item #13. Mayor Guthrie made motion to approve, seconded Councilor Founds. The vote was taken with the following results:

Carried 5-0

Yes: Guthrie, Founds, Crawford, Girard, Blair

No: None

Mayor Guthrie said on Item #14 on the Regular Agenda is:

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.

Presented by: Carolyn Back

Mayor Guthrie asked for a motion on item #14. Councilor Founds made motion to approve, seconded by Mayor Guthrie. The vote was taken with the following results:

Carried 3-2

Yes: Founds, Guthrie, Girard

No: Crawford, Blair

Mayor Guthrie said on Item #15 on the Regular Agenda is:

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.

Presented by: Carolyn Back

Mayor Guthrie asked for a motion on item #15. Councilor Founds made motion to approve, seconded by Mayor Guthrie. The vote was taken with the following results:

Carried 4-1

Yes: Founds, Guthrie, Crawford, Girard

No: Blair

Mayor Guthrie said on Item #16 on the Regular Agenda is:

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

Presented by: Carolyn Back

Mayor Guthrie asked for a motion on item #16. Mayor Guthrie made motion to approve, seconded by Councilor Founds. The vote was taken with the following results:

Carried 4-1

Yes: Guthrie, Founds, Crawford, Girard

No: Blair

Mayor Guthrie said on Item #17 on the Regular Agenda is:

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.

Presented by: Carolyn Back

This item was brought to council for approval on Bixby Comprehensive Plan for an Amendment for Faubert. Development service Director Carolyn Back stated that you have heard this for the rezone for this property and this is just cleaning up the Comprehensive Plan to line up with going back to Agriculture.

Mayor Guthrie asked for a motion on item #17. Councilor Girard made motion to approve, seconded by Councilor Founds. The vote was taken with the following results:

Carried 5-0

Yes: Girard, Founds, Crawford, Blair, Guthrie.

No: None

Mayor Guthrie said on Item #18 on the Regular Agenda is:

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.

Presented by: Carolyn Back

Mayor Guthrie asked for a motion on item #18. Councilor Founds made motion to approve, seconded by Vice Mayor Blair. The vote was taken with the following results:

Carried 5-0

Yes: Founds, Blair, Crawford, Girard, Guthrie

No: None.

Mayor Guthrie said on Item #19 on the Regular Agenda is:

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

Presented by: Carolyn Back

Mayor Guthrie asked for a motion on item #19. Mayor Guthrie made motion to approve, seconded by Councilor Crawford. The vote was taken with the following results:

Carried 5-0

Yes: Guthrie, Crawford, Girard, Founds, Blair

No: None.

Mayor Guthrie said on Item #20 on the Regular Agenda is:

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.

Presented by: Carolyn Back

Others that spoke: Jim Crosby, PDG 5314 S Yale, Tulsa Ok.

This item is brought before council for approval of Bixby Comprehensive Plan for an Amendment to the Comprehensive Plan for River Crest III, Development Services Director Carolyn Back stated that this item is for 20-25 with the rezone and PUD for this piece of property which is located East 131st Street and South 73rd East Ave which is a third piece of what you looked at and represented by PDG, Mr. Jim Crosby. Carolyn gave council more detail regarding this item.

Discussion continued.

Items 20-25 will be continued.

Mayor Guthrie said on Item #21 on the Regular Agenda is:

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.

Presented by: Carolyn Back

Mayor Guthrie said on Item #22 on the Regular Agenda is:

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

Presented by: Carolyn Back

Mayor Guthrie said on Item #23 on the Regular Agenda is:

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.

Presented by: Carolyn Back

Mayor Guthrie said on Item #24 on the Regular Agenda is:

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.

Presented by: Carolyn Back

Mayor Guthrie said on Item #25 on the Regular Agenda is:

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

Presented by: Carolyn Back

Mayor Guthrie said on Item #26 on the Regular Agenda is:

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.

Presented by: Carolyn Back

Others that spoke: Jim Crosby PDG 5314 S. Yale, Ok

This item was brought to council for approval on Bixby Comprehensive Plan Amendment to the Comprehensive Plan for Biggers Trust, Development Services Director Carolyn Back stated that this is a Comprehensive Plan Amendment, rezoning and Planned Unit Development before you. Carolyn continued to give council more detail regarding this item.

Items 26-31 will be continued.

Mayor Guthrie said on Item #27 on the Regular Agenda is:

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.

Presented by: Carolyn Back

Mayor Guthrie said on Item #28 on the Regular Agenda is:

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

Presented by: Carolyn Back

Mayor Guthrie said on Item #29 on the Regular Agenda is:

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.

Presented by: Carolyn Back

Mayor Guthrie said on Item #30 on the Regular Agenda is:

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.

Presented by: Carolyn Back

Mayor Guthrie said on Item #31 on the Regular Agenda is:

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

Presented by: Carolyn Back

Mayor Guthrie recess at 8:01 p.m. and Reconvened at 8:15 p.m.

Mayor Guthrie moved to items 50-51.

Mayor Guthrie said on Item #32 on the Regular Agenda is:

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.

Presented by: Carolyn Back:

This item was brought before council for approval of a rezone, Major Amendment to Planned Unit, which this for the commercial piece.

Discussion continued.

Mayor Guthrie asked for motion on item #32. Vice Mayor Blair made motion to approve, seconded by Councilor Founds. The vote was taken with the following results:

Carried 5-0

Yes: Blair, Founds, Crawford, Girard, Guthrie

No: No

Mayor Guthrie said on Item #33 on the Regular Agenda is:

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.

Presented by: Carolyn Back

Mayor Guthrie asked for a motion on item #33. Councilor Founds made motion to approve, seconded by Councilor Crawford. The vote was taken with the following results:

Carried 5-0

Yes: Founds, Crawford, Girard, Blair, Guthrie

No: None.

Mayor Guthrie said on Item #34 on the Regular Agenda is:

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

Presented by: Carolyn Back

Mayor Guthrie asked a motion on item #34. Vice Mayor Blair made motion to approve, seconded by Councilor Founds. The vote was taken with the following results:

Carried 5-0

Yes: Blair, Founds, Crawford, Girard, Guthrie

No: None.

Mayor Guthrie moved to item #38 first.

Mayor Guthrie said on Item #35 on the Regular Agenda is:

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.

Presented by: Carolyn Back
Others that spoke: JR Donaldson

This item was brought to council for approval for a rezone, PUD and Preliminary Plat, this is located on the northeast corner of south Memorial on west Rachel Street.

Discussion continued.

Mayor Guthrie asked for a motion on item #35. Vice Mayor Blair made motion to approve with condition that the developers would assist us in covering the cost of materials to BXPT.21.08 and further negotiate terms, seconded by Councilor Crawford. The vote was taken with the following results:

Carried 5-0
Yes: Blair, Crawford, Girard, Founds, Guthrie
No: None

Mayor Guthrie said on Item #36 on the Regular Agenda is:

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.

Presented by: Carolyn Back

Mayor Guthrie asked for a motion on item #36. Councilor Founds made motion to approve, seconded by Councilor Crawford. The vote was taken with the following results:

Carried 5-0
Yes: Founds, Crawford, Girard, Blair, Guthrie
No: None

Mayor Guthrie said on Item #37 on the Regular Agenda is:

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

Presented by: Carolyn Back

Mayor Guthrie asked for a motion on item #37. Mayor Guthrie made motion to approve, seconded by Councilor Founds. The vote was taken with the following results:

Carried 5-0

Yes: Guthrie, Founds, Crawford, Girard, Blair

No: None

Mayor Guthrie said on Item #38 on the Regular Agenda is:

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.

Presented by: Carolyn Back

Others that spoke: JR Donaldson

Discussion continued.

Mayor Guthrie asked for a motion on item #38. Councilor Crawford made motion to approve, seconded by Vice Mayor Blair. The vote was taken with the following results:

Carried 4-1

Yes: Crawford, Blair, Founds, Guthrie

No: Girard

Mayor Guthrie said on Item #39 on the Regular Agenda is:

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.

Presented by: Carolyn Back

Mayor Guthrie asked for a motion on item #39. Vice Mayor Blair made motion to approve, seconded by Councilor Crawford. The vote was taken with the following results:

Carried 5-0

Yes: Blair, Crawford, Girard, Founds, Guthrie

No: None

Mayor Guthrie said on Item #40 on the Regular Agenda is:

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

Presented by: Carolyn Back

Mayor Guthrie asked for a motion on item #40. Mayor Guthrie made motion to approve, seconded by Councilor Crawford. The vote was taken with the following results:

Carried 5-0

Yes: Guthrie, Crawford, Girard, Founds, Blair

No: None

Mayor Guthrie moved to item #35 for discussion and vote.

Mayor Guthrie said on Item #41 on the Regular Agenda is:

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.

Presented by: Carolyn Back

Others that spoke: Alan Betchan AAB Engineering

This item was brought to council for approval of Planned Unit Development located East 141st Street South and South Lewis.

Discussion continued.

Mayor Guthrie asked for vote on item #41. Councilor Founds made motion to approve with conditions of 25% of the lots of 65 ft. or greater, seconded by Vice Mayor Blair. The vote was taken with the following results:

Carried 5-0

Yes: Founds, Blair, Crawford, Girard, Guthrie

No: None.

Mayor Guthrie said on Item #42 on the Regular Agenda is:

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.

Presented by: Carolyn Back

Mayor Guthrie asked for a motion on item #42. Vice Mayor Blair made motion to approve, seconded by Councilor Founds. The vote was taken with the following results:

Carried 5-0

Yes: Blair, Founds, Crawford, Girard, Guthrie.

No: None

Mayor Guthrie said on Item #43 on the Regular Agenda is:

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

Mayor Guthrie asked for a motion on item #43. Councilor Founds made motion to approve, seconded by Vice Mayor Blair. The vote was taken with the following results:

Carried 5-0

Yes: Founds, Blair, Crawford, Girard, Guthrie

No: None

Mayor Guthrie said on Item #44 on the Regular Agenda is:

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.

Presented by: Carolyn Back

Others that spoke: Mike Wallace, Jenks Land LLC

Discussion continued.

Mayor Guthrie asked for a motion on item #44. Councilor Founds made motion to approve, seconded by Councilor Crawford. The vote was taken with the following results:

Carried 5-0

Yes: Founds, Crawford, Girard, Blair, Guthrie

No: None.

Mayor Guthrie said on Item #45 on the Regular Agenda is:

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.

Presented by: Carolyn Back

Mayor Guthrie asked for a motion on item #45. Councilor Founds made motion to approve, seconded by Councilor Crawford. The vote was taken with the following results:

Carried 5-0

Yes: Founds, Crawford, Girard, Blair, Guthrie

No: None

Mayor Guthrie said on Item #46 on the Regular Agenda is:

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

Presented by: Carolyn Back

Mayor Guthrie asked for a motion on item #46. Mayor Guthrie made motion to approve, seconded by Councilor Founds. The vote was taken with the following results:

Carried 5-0

Yes: Guthrie, Founds, Crawford, Girard, Blair

No: None

Mayor Guthrie said on Item #47 on the Regular Agenda is:

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.

Presented by: Carolyn Back

Others that spoke: Ryan McCarty Select Design

This item was brought to council for approval of PUD located at 12345 S. Memorial Drive, Bixby OK. Development Service Director gave council some background regarding this item.

Discussion continued.

Mayor Guthrie asked for a motion on item #47. Vice Mayor Blair made motion to approve, seconded by Councilor Crawford. The vote was taken with the following results:

Carried 5-0

Yes: Blair, Crawford, Girard, Founds, Guthrie.

No: None

Mayor Guthrie said on Item #48 on the Regular Agenda is:

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.

Presented by: Carolyn Back

Mayor Guthrie asked for a motion on item #49. Councilor Crawford made motion to approve, seconded by Vice Mayor Blair. The vote was taken with the following results:

Carried 5-0

Yes: Crawford, Blair, Girard, Founds, Guthrie

No: None

Mayor Guthrie said on Item #49 on the Regular Agenda is:

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

Presented by: Carolyn Back

Mayor Guthrie asked for a motion on item #49. Mayor Guthrie made motion to approve, seconded by Councilor Founds. The vote was taken with the following results:

Carried 5-0

Yes: Guthrie, Founds, Crawford, Girard, Blair

No: None

Mayor Guthrie said on Item #50 on the Regular Agenda is:

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.

Presented by: Justin Dowd

Discussion continued.

Mayor Guthrie asked for a motion on item #50. Councilor Girard made motion to approve, seconded by Councilor Crawford. The vote was taken with the following results:

Carried 5-0

Yes: Girard, Crawford, Founds, Blair, Guthrie

No: None.

Mayor Guthrie said on Item #51 on the Regular Agenda is:

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

Presented by: Justin Dowd

Mayor Guthrie asked for a motion on item #51. Vice Mayor Blair made motion to approve, seconded by Councilor Crawford. The vote was taken with the following results:

Carried 5-0

Yes: Blair, Crawford, Founds, Blair, Guthrie

No: None

Mayor Guthrie said on Item #52 on the Regular Agenda is:

City Managers' Report

- Parks department will be closing down the water features on September 7, at Bentley Park and Charley Young Park for the summer.
- City offices will be closed on Labor Day September 6th.
- Bixby High School will have a game day event on August 27th hosted by the Bixby Metro Chamber of Commerce.
- Patriot Day Sept 11, 2021 at Washington Irving Park hosted by Daughter of the American Revolution and the Friends of Irving Foundation.
- Bixby High School Homecoming Parade September 30.

Mayor Guthrie said on Item #53 on the Regular Agenda is:

New Business

Their being none.

Adjournment was called at 10:09 p.m.

Mayor

Attest

City Clerk

CONSENT ITEM COMMENTARY

ITEM TITLE: Consider and/or approve purchase to Bob Howard Chrysler Jeep Dodge in the amount of \$26,410.00 for one new patrol unit.

INITIATOR: Chief Andy Choate

STAFF INFORMATION SOURCE: Angela Williams

BACKGROUND: This patrol unit will replace an older patrol unit that the engine failed. Due to the high mileage along with the wear and tear of the older unit it is not cost effective to repair the unit. The new patrol unit will be purchased through state contract pricing and funded through Capital.

EXHIBITS: Quote

KEY ISSUE: Vehicle Purchase

COUNCIL ACTION: Approve or Deny

RECOMMENDATION: Approve purchase of new patrol unit through Bob Howard Chrysler Jeep Dodge.

ITEM NO: _____

MEETING DATE: 9/13/2021

MEETING: CITY



August 24, 2021

**BOB HOWARD
CHRYSLER JEEP DODGE**

Sgt. Tim Scrivner #100

Bixby Police Department

116 W. Needles

Bixby OK 74008

RE: 2021 Dodge Charger Police Pursuit Sedan

Dear Sgt. Scrivner

Attached are the specifications for the 2021 Dodge Charger Police V-8 RWD Pursuit Sedans.

Pricing as follows is per the State of Oklahoma Vehicle Contract SW035.

Item # 1000009350

Police Pursuit Vehicles – CARS

2021 Dodge Charger Police Pursuit Sedan RWD

BASE		\$25,715.00
OPTIONS ADD:		
LSA	Security Alarm	150.00
DTG	Deep Tinted Glass	395.00
EZH	5.7L V-8 HEMI MDS VVT Engine	Included
LNK	L.H LED Spot Lamp	Included
JPS	Power Driver Seat	Included
UAG	7.0" UConnect Radio with Bluetooth	Included
XAC	Back Up Camera	Included
LMG	Automatic Headlamps	Included
NHA	H.D. Engine Oil Cooler; H.D. Engine Cooling: H.D.	
	Transmission Oil Cooler	Included
NZ5	High Speed Engine Controller	Included
GX4	Keyless GO	Included

GUK	Exterior Mirrors Remote and Heated	Included
JPS	6 Way Power Driver Seat	Included
BDH	Ready Alert Braking	Included
AXR	Secure Park	Included
NHM	Speed Control and Tilt/Telescopic Steering Wheel	Included

TOTAL VEHICLE PRICE	\$26,410.00
---------------------	-------------

COLOR:	PX8	Pitch Black
INTERIOR:	X5X9	Black Front H. D. Cloth Bucket Seats with Cloth Rear Bench

Thank you and if there are any questions please contact me.



Tom Ayers
Governmental / Fleet Sales Manager

Consent Agenda Item Commentary

Item Title

Discuss and/or take action on request for a waiver of fees related top the rental of Charley Young Event Par by BTC Broadband for their Bixby Chamber After Hours Event on the 16th of September 2021.

Initiator

Loren McClure, BTC Broadband

Staff Information Source

Bryan Toney

Background

This is a yearly private event hosted by BTC Broadband in partnership with the Bixby Metro Chamber of Commerce. The organization submitted a Special Events Application which was approved the City of Bixby Special Events team.

Exhibits

BTC Letterhead with formal request

Key Issue

Charley Young Event Park Rental \$800 Fee
Charley Young Event Park Deposit \$1500 Fee

Council Action

Approve or Deny Fee Waivers

Recommendation

Approval

Item No: _____

Meeting Date

September 13th, 2021

Meeting

City Council Regular Meeting



August 25, 2021

City of Bixby Council
116 W Needles
Bixby, OK 74008

Dear Council Members,

This letter is to request a waiver for the fees associated with the rental of Charley Young Park for the Bixby Metro Chamber of Commerce After-Hours event, sponsored by BTC Broadband. The event is scheduled for Thursday, September 16, 2021, from 4:00 pm – 6:00 pm. As you know, the After-Hours event is a casual networking event that allows our business to promote our products and services with members of the chamber.

Sincerely,

A handwritten signature in black ink, appearing to read "L. McClure". The signature is fluid and cursive.

Loren McClure
Marketing Manager, BTC Broadband

Leading Technology Solutions

BTCBroadband.com | 918.366.8000 | 11134 S. Memorial Drive Bixby, OK 74008

CONSENT AGENDA

ITEM TITLE: Consider and approve CivicClerk agenda software management system for the agenda process for the amount of \$11,084.

INITIATOR: Yvonne Adams

STAFF INFO: Bryan Toney

BACKGROUND: These software packages are an agenda management system tool that will help with the process of compiling the agenda and is fully integrated cloud-based that is secure.

EXHIBITS: Attached documents (Proposed quotes)

KEY ISSUE: Agenda Management and CivicPlus software packages.

COUNCIL ACTION: Approve

RECOMMENDATION: Approve

Consent Agenda

MEETING DATE: 09/13/2021



CIVICCLERK

AGENDA MANAGEMENT SYSTEM

Bixby, Oklahoma

AUGUST 11, 2021



Jacen Clapp | Account Executive | jacen.clapp@civicplus.com | 785.222.4874

CP CIVICPLUS

Company Overview



At CivicPlus, we have one goal: to empower the public sector to accomplish impactful initiatives using innovative solutions that save them time while connecting them to the citizens they serve. We began in 1998 when our founder, Ward Morgan, decided to focus on helping local governments work better and engage their citizens through their web environment. CivicPlus continues to implement new technologies and services to maintain the highest standards of excellence and efficiency for our clients, including solutions for website design & content management, recreation management, mass communications, agenda & meeting management, employee management, 311 & citizen requests, and digital optimization.

Our commitment to deliver the right solutions in design and development, end-user satisfaction, and secure hosting has been instrumental in making us a world leader in government web technology. We consider it a privilege to partner with our clients and provide them with solutions that will serve their needs today and well into the future.

CivicClerk, a CivicPlus company, delivers years of experience in agenda and meeting management software as a service technology that has been designed specifically to meet the needs of municipalities and their staff and officials. We consider it a privilege to partner with our clients and provide them with a solution that will serve their needs today and well into the future.

Primary Office

302 S. 4th Street, Suite 500
Manhattan, KS 66502

Toll Free: 888.228.2233 | Fax: 785.587.8951

civicplus.com

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350 +

employees, many with experience
in local government

Recognition



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5000 Honoree



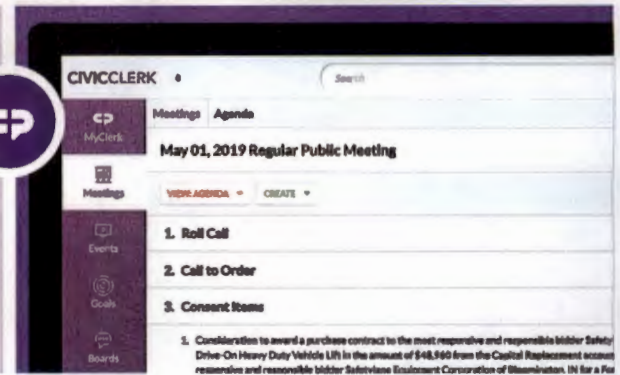
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Elected leaders benefit from a reliable and accessible interactive tool to prepare for and participate in public meetings.

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Item Submitters benefit from an easy-to-use interface that makes it faster to collaborate on agendas.

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- Side-by-side agenda and video display using CivicPlus Media (additional fees apply)
- Accessibility portal designed to WCAG 2.0 A and AA standards

AGENDA & MEETING MANAGEMENT

CivicClerk is a comprehensive, collaboration tool to help aggregate information, reports, approvals, and notes in a single, transparent, cloud-based repository. CivicClerk brings teams together, fosters dialogue, and expedites reviews and approvals, offering the critical functionality needed by every stakeholder at their crucial point in the review and approval process.



Meeting Preparation and Item Submission

- Create agenda items and draft staff reports
- Upload attachments
- Submit for approval



Review and Approval from Collaborators

- Receive, review, and revise agenda items
- Assign tasks with due dates
- Visually track item status



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- Publish to web and send to board members and subscribed residents
- Easy last-minute additions and agenda revisions



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- Board members and citizens view agenda and meeting packet on any device
- Board members create annotations
- Available accessibility portal designed to meet WCAG 2.0 A and AA requirements



Meeting Day

- Queue board members in the Board portal to give visibility to the current item
- Add and call speakers and run speaker timer
- Capture motions, votes, comments, and discussion from the meeting
- Create video bookmarks using CivicPlus Media (additional fees apply)



Post-Meeting

- Make any necessary revisions to meeting actions and discussion recorded during the meeting
- Generate and distribute or publish draft and final meeting minutes
- Use preformatted text snippets to populate your minutes document

Features & Functionality



CivicClerk is the fastest, most intuitive way to streamline the entire agenda management process — from creating agenda items to managing live meetings. It provides time-saving automation while allowing clerks to balance these conveniences with manual controls and overrides. Internal collaboration with CivicClerk is easy with customized workflows, version tracking, and built-in communication tools.

Our innovators designed CivicClerk to offer configuration flexibility so that the system can be scaled from the most simple agenda process to the most complex. Built-in integrations and a suite of APIs make working with other internal applications easy. CivicClerk's user-defined roadmap ensures that the product will continue to grow and adapt as transparency requirements and compliance expectations change.

Fully Integrated, Cloud-Based Software Suite

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- Highly configurable to your agenda and meeting management processes
- Adaptable permission settings
- Confidential attachments
- Field-level versioning
- Built-in integrations with Dropbox, Microsoft's One Drive and Google Drive and API availability
- Single sign-on through the CivicPlus Platform
- Secure Cloud-Based Hosting
- Automatic Updates
- Customer-Defined Roadmap
- Enhanced Analytics for Data Visibility

Part of the Integrated CivicPlus Platform

Our powerful CivicPlus Platform is the foundation on which all our CivicPlus solutions are built, allowing them to work seamlessly and securely, leveraging existing data, and reducing information silos so your administrative staff can collaborate efficiently. Administrators can take advantage of authentication using our identity provider integrations to provide a single sign-on experience for internal users. The entire system is cloud-based, eliminating the need for internal application management. CivicClerk is hosted in Microsoft's Azure cloud service, providing a stable multi-user environment while ensuring high availability and uptime.

Agenda Management

Flexible, Customized Templates

Standardized templates throughout the system provide consistency and clarity to agendas, packets, staff reports, and minutes.

Efficiently Manage Agenda Packets of Any Size

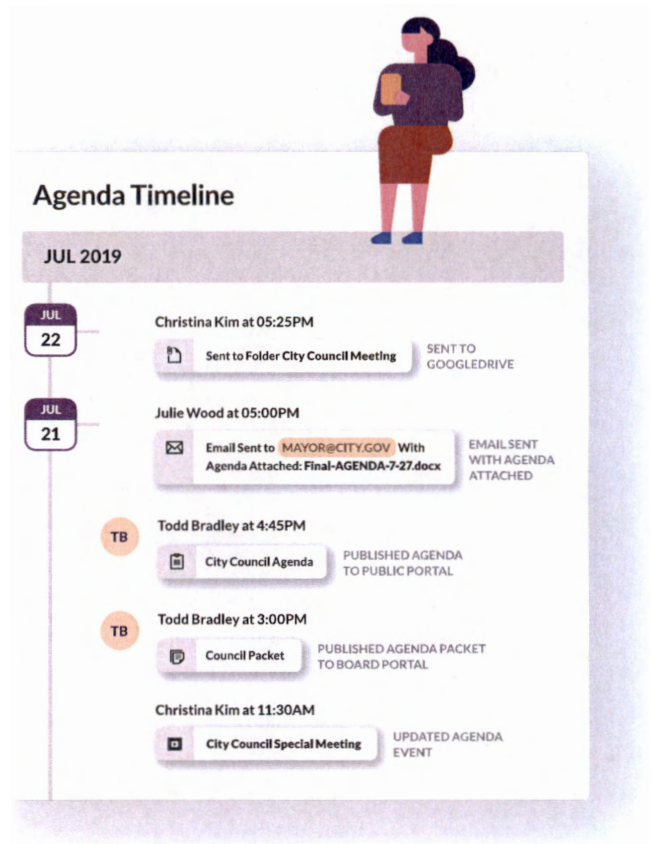
CivicClerk compiles your items and all the legislation, memorandums, or supporting documentation into a bookmarked PDF packet quickly and easily, no matter the size of the packet. Create multiple packet versions instantly to include or exclude specific attachments for your different internal and external users. Last-minute changes to the agenda or packet can be made and published with minimal effort.

Administrators choose what they publish to the public, internal users, and elected or appointed officials and when the information goes out.

Automated email notifications can be enabled so all users, both internal and external, know when the meeting documents are published.

Convenient, Anytime Agenda Modifications

Changes to the agenda can be made at any time by administrators without affecting global configurations or settings. Drag-and-drop reordering allows you to move items and automatically rennumbers everything on the agenda. One-touch copy and move functions enable you to duplicate or move agenda items from meeting to meeting, eliminating the need for duplicate data entry.



Create Agenda Items in Seconds

CivicClerk's easy-to-use item entry allows staff members to enter agenda items, upload attachments, and send through the workflow with a few clicks. Configurable field types and our embedded text editor ensure that you are capturing all the information needed for CivicClerk to generate staff reports. Automated PDF file conversion and built-in integrations with Microsoft's OneDrive and Google Drive simplify the inclusion of supporting documentation and attachments.

Automate Your Approvals Process

The workflow engine in CivicClerk streamlines the routing of your agenda items, automates notifications, and gives full transparency to collaborators as it passes through the approval process. As contributors change items, the system tracks revisions, keeping them visible within the item fields and on the item timeline. In-app messaging and task assignments keep everyone in the loop and agenda prep moving forward.

Item Fields



INFORMATION

Item Title

Ordinance No. 1234: An Ordinance to Amend the Zoning Code

VERSION HISTORY

Short Name

Ord. 1234- Zoning Code Changes

Item ID

2019-608

Custom Tags to Group Like Agenda Items

CivicClerk allows administrators to set up tags that can be used by staff when creating their agenda items for improved searching and reporting. Associate like content with pre-defined tags relevant to your community.

Agenda Management Features

- Custom-developed agenda and staff report templates
- Bulk and single item actions to easily copy, move, and initiate agenda items
- Pre-formatted text snippets to save time and provide consistency
- Flexible workflow and approvals engine with visual progress indicators
- Automated PDF file conversion
- In-app messaging
- Task assignment
- Full-text search functionality
- Tags to link together like agenda items for greater visibility and enhanced searching capability

Meeting Management

Automated Minutes Setup

CivicClerk's fully integrated Live Meeting Manager will automatically migrate all your agenda content. No manual pre-meeting minutes setup or agenda import is required. Move from the meeting agenda to the Live Meeting Manager module with a single click.

Keep Up with the Meeting Action

Meetings move fast. CivicClerk's cloud-based platform allows you to move quickly through your agenda items, recording official actions and discussion, without having to wait for the system to catch up. The clean, intuitive interface gives single-screen access to all your meeting controls. One-click control allows you to update your in-chamber display screens, set your video bookmarks, and queue items in the Board Portal for your elected and appointed officials.

Speaker Manager

Speakers can be added to the discussion at any time during the live meeting, while the built-in speaker timer helps keep meetings running efficiently.

Easy, Intuitive Minutes-Taking

While in your live meeting, use the Minutes module to capture critical meeting actions from a single screen with a clean and intuitive user interface. Take roll and manage attendance, record motions and votes, enter speaker information, and record comments or discussion to be brought into your minutes document.

Automatic Video Bookmarking

Automatically timestamp agenda items to their corresponding discussion in the meeting video so those watching the recording can quickly access topics of interest.

Display Pages

Keep meeting participants informed and engaged by displaying the current item, speaker, or vote results automatically to the constituents attending the meeting.

Flexible Voting

Minutes takers can record motions and votes instantly in Live Meeting Manager or initiate electronic voting when desired. Apply motions and votes to individual agenda items or multiple agenda items as a group.

Live Meeting Management Features

- No prep work required – agenda content automatically pulls over into the Minutes module
- Single screen access to all meeting controls
- Record comments and discussion, roll call, motions and votes, speakers
- Bulk copy available to quickly apply motions and the associated votes to multiple agenda items
- Choice of pre-configured or custom-developed minutes templates
- Pre-formatted text snippets to save time formatting and entering data
- Integrated board portal with electronic voting
- In-chamber display pages show a welcome screen, current item name, current speaker with countdown timer, motion made on the item, vote count recorded for the item
- Integrated video bookmarking with CivicPlus Media live streaming and on-demand video service (additional fees apply)
- Multiple concurrent video streams with CivicPlus Media (additional fees apply)
- Integrated live and on-demand closed captioning services with optional CivicPlus Media (additional fees apply)

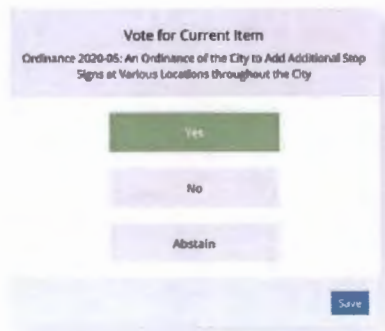
Board Portal

Flexible Access

Your officials can choose how to access meeting content—helping them work better, faster. Efficiently deliver packets of any size by paper, email, Dropbox, OneDrive, Google Drive, or post to the Board Portal. CivicClerk is optimized for all devices, including desktops, laptops, tablets, and smartphones. No separate application required.

A Personal Meeting Repository

Give officials a personal, secure location to review and take notes on all meeting content, including agendas, supporting documents, minutes, and media.

A screenshot of a web interface for voting on a current item. At the top, it says "Vote for Current Item" and "Ordinance 2020-05: An Ordinance of the City to Add Additional Stop Signs at Various Locations throughout the City". Below this are three large buttons: "Yes" (green), "No" (purple), and "Abstain" (purple). At the bottom right is a "Save" button.

Interactive Meeting Tool

During live meetings, the Board Portal integrates with Live Meeting Manager to allow officials to refer to their review notes and annotations, capture notes within a dedicated field, receive visual cues as the agenda progresses from item to item, see speaker information instantly, and enter electronic votes (additional fees apply for electronic voting). Chair View can also be enabled to allow the meeting presider to call speakers and advance agenda items.

Find What You Need—Faster

CivicClerk automatically indexes published meeting content with Board Portal search functionality, so it is easy for officials to find information quickly. Our full-text search tool empowers officials to locate past items, attachments, minutes, and agendas by searching a keyword, date range, and more. An item summary view allows officials to see the motions, votes, and any comment or discussion on the item that was recorded in the meeting minutes in an intuitive display, preventing a manual search through full minutes documents.

Elected/Appointed Officials Board Portal Features

- Secure, individual access to meeting materials
- Annotation and note-taking ability that you can use in pre-meeting preparation as well as in-meeting note-taking
- Optimized for all devices, including desktops, laptops, tablets, and smartphones. No separate application required
- Live speaker name and countdown timer visible for each item
- Visual cues and one-touch access to the current discussion item
- Electronic voting from any device
- Chair View to allow the meeting chair to call speakers and advance agenda items
- Full-text search functionality provides visibility into past meeting content including notes made within the individual's private notes field
- Minutes summary view enables officials to see motions, votes, and any comment or discussion recorded in the meeting minutes for individual items

Citizen Portal

Content Accessibility

It's not enough to be transparent by publishing your agendas and other meeting documents online. Your meeting content must be accessible to all members of the public.

CivicClerk has a dedicated accessibility portal that gives members of the public complete access to your meeting content. Closed captioning is also available with our CivicPlus Media service for live streaming and on-demand video. Additional fees apply for CivicPlus Media and closed captioning.

Content Transparency

Build public trust with access to fully searchable meeting content, including legislative decisions and public meeting videos. Meet municipal transparency requirements while keeping citizens engaged and informed.



Citizen Portal Features

- Citizen portal iframe to embed on any webpage gives access to all meeting content on a single page
- PDF downloads of Agenda, Packet, Minutes, Notices, and Other pertinent meeting documents
- HTML agenda view hyperlinks attachments within the meeting agenda for direct access to specific documents
- Full-text search and filtering options
- Email notifications
- Social sharing
- Side-by-side agenda and video display with CivicPlus Media (additional fees apply)
- Optional Motions and Vote minutes display updates the HTML agenda view to allow citizens to quickly see the final disposition of agenda items without having to read full minutes documents
- Accessibility portal designed to WCAG 2.0 A and AA standards

The CivicPlus Platform

CivicClerk is part of the CivicPlus Platform, the integrated technology platform for local government, which means local governments minimize the need to rely on various third-party providers for multiple technology solutions.

- Single Sign-On (SSO) to all of your CivicPlus products supporting two-factor authentication and PCI Level password compatibility
- Easily access all purchased CivicPlus products and integrated solutions from one dashboard and toolbar
- Access to a continually growing and fully documented set of APIs in order to better connect your organization's processes and applications
- Centralized data store built on the HCMS with robust data automation and integration capabilities

Integration Hub

Your time is too valuable to be spent downloading finalized meeting documents and data to share across varied communication channels. With the new CivicPlus Integration Hub, you can create custom integrations to connect CivicClerk with other products on the CivicPlus Platform to automate the delivery of that information just about anywhere.

With the easy-to-use drag-and-drop interface, non-technical users can build integrations for syncing content and data between CivicPlus products or with third parties (for an additional fee) without the need for a developer. You can even easily create integrations using manual import, polling, and webhooks (for an additional cost).



The possibilities are endless with Integration Hub, but here are a few examples of integrations you can create with CivicClerk today:

- Automatically add agenda or minute files to the Document Center to be displayed on a CivicEngage® Central website after they are published in CivicClerk.
- Set-up a workflow to post in the CivicEngage Central News Flash once you've published your CivicClerk meeting documents.

Shorten your pre-meeting to-do list and send your meeting information instantly with a custom integration using the Integration Hub.



Project Timeline

Ten to Fourteen Weeks

While every CivicClerk implementation is unique, the following timeline can provide you information about the different implementation stages and what you can expect at each stage.

PROJECT START

1

PHASE 1

Project Kickoff

- Project Kickoff call to review the timeline and deliverables and provide access to project tracking software
- Your staff complete a questionnaire to capture information needed for CivicClerk configuration

PHASE 2

Consulting

- Virtual consulting session(s) to review current processes and documents and discuss desired goals, best practices, and configuration options

2**3**

PHASE 3

Configuration

- Premium system configuration is completed and handed off for review, testing, and feedback
- Configuration adjustments made per submitted feedback

PHASE 4

Finalization

- Access is enabled for all users in preparation for training

4**5**

PHASE 5

Training

- Live, virtual training sessions are conducted within configured site

GO LIVE

Implementation Plan

Implementation & Support Experience Designed for You

CivicClerk has the experience and expertise to help administrations of any size transform the entire meeting management process. We know implementation can't be a one size fits all solution and offer flexible packages designed to meet your desired outcomes.

Our Premium Implementation Package is the perfect fit for automating manual or inefficient agenda and meeting processes. It is designed for organizations with less than 50 internal users and a desire for a guided implementation experience. A dedicated and knowledgeable Implementation Consultant will manage your project from end-to-end—consulting and collaborating with your team, configuring the system to automate your process, and delivering live virtual training to your user groups. Key project staff will have online access to the timeline and all expected checkpoints and deliverables for a fully transparent implementation.

Beyond implementation, your users will feel empowered by our in-application support tools, a full online help center, as well as phone, email, and live chat support with members of the dedicated, award-winning CivicClerk Technical Support team.

Consulting

Up to 2 Hours of Virtual Consultation

During this consulting session, your CivicClerk Implementation Consultant will be reviewing your submitted project questionnaire with your key project

staff. The Implementation Consultant will review your custom template designs and discuss the configurations that will be made to ensure your CivicClerk workflows match your current agenda and meeting processes.

Configuration

Our team will configure your system with Premium customization options to map existing processes to CivicClerk. Additional custom configurations can be made by Administrative users at any time using Help Center resources.

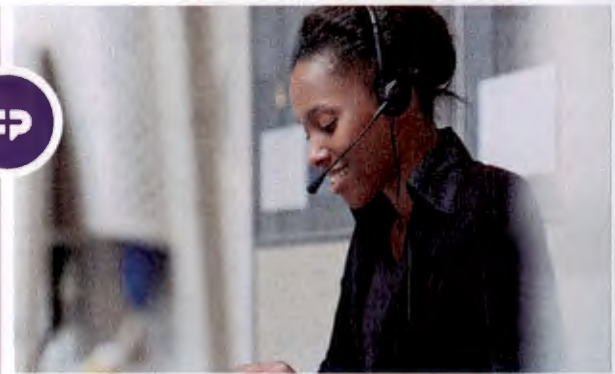
Design

We will design up to 5 custom templates to ensure consistency in system-generated meeting documents: Agendas, Item/Staff Report, Minutes, Agenda Script.

Training

Up to 4 hours of Virtual Training

Your CivicClerk Implementation Consultant will guide user groups through live, virtual training sessions using your custom configured CivicClerk site. We recommend no more than 20 users per session. Individual sessions are either 30 or 60 minutes in duration.



Ongoing Services

Award-Winning Support

Over the past three years, CivicPlus' Technical Support Team has been recognized by the globally respected Stevie® Awards for Sales and Customer Service. CivicPlus has been honored with two Silver Stevie® Awards and four Bronze Stevie® Awards in the categories of Front-Line Customer Service Team of the Year – Technology Industries, Customer Service

Training or Coaching Program of the Year – Technology Industries, Customer Service Department of the Year – Computer Software – Up to 100 Employees, and Most Valuable Response by a Customer Service Team (COVID-19).

The Stevie Awards are the world's top honors for customer service, contact center, business development, and sales professionals.

Around-the-Clock Service & Support

Technical & Ongoing Support

- Live support personnel based in the U.S.
- Weekday business hours: 7 a.m. – 7 p.m. (CST)
- Contact via phone, email, and live chat
- 4-hour response during business hours
- 24/7 emergency support
- Self-Service CivicPlus Help Center for tutorials and user guides
- Assigned Client Success Manager to ensure your complete and ongoing satisfaction

Maintenance

- Regular review of site logs, error messages, servers, router activity, and the internet in general
- Full backups performed daily
- Regularly scheduled upgrades, fixes, enhancements, and OS patches

Hosting & Security

- Fully hosted within the Azure Cloud environment using their Infrastructure as a Service (IaaS) model
- All processing and data storage is done within this environment using a mix of Azure Virtual Machines and Storage Accounts
- 24/7/365 system monitoring with guaranteed 99.9% uptime (excluding maintenance)
- Azure's Site Recovery Services and Geographically Redundant Storage Accounts (GRS) to provide disaster recovery between Azure regions
- All data is written to a GRS account which creates copies of that data in data centers across multiple Azure regions - data is always accessible
- Site Recovery Services allows us to quickly spin up and failover to clones of our Azure Virtual Machines



Project Cost



CivicPlus can appreciate the monetary constraints facing our governments each day. To help ease these concerns and assist with budgeting and planning, our proposed project and pricing is valid for 60 days from August 11, 2021.

Development

- Agenda Management
 - Unlimited boards
 - Custom-developed templates (two Agenda Templates, one Staff Report Template, one Minutes Template, one Agenda Script Template)
 - System-generated staff reports
- Live Meeting Management
 - Record minutes including motions, votes, speakers, and discussion
 - Display Pages
 - Electronic Voting
- Analytics module access
 - Create and save custom individual views and organizational views
 - Export views as .XLS and .CSV files
- Unlimited users
- Unlimited storage
- Google Drive, OneDrive, and Dropbox integrations
- Public Portal and Accessibility Portal
- Board Portal

Implementation

- Typical project timeline – ten to fourteen weeks
- Two hours virtual consulting
- Four hours virtual training

Annual Recurring Services

- Hosting and security
- Software maintenance including service patches and system enhancements
- 24/7 Technical support and access to the CivicPlus community
- Dedicated Client Success Manager

Year 1 Standard List Price	\$11,660
Year 1 Total Discount	(\$576)
Total Year 1 Investment	\$11,084
includes development fees and Year 1 annual services	
Year 2 Annual Recurring Services	\$8,211
includes 5% technology uplift	

CivicPlus Project Pricing & Invoicing

CivicPlus has endeavored to meet Bixby's needs and expectations for your new CivicClerk System based on the information provided. The investment proposal included is subject to change should additional functionality, custom development, or project enhancements, outside of the included scope, be added before contract signing.

CivicPlus prices on a per-project, all-inclusive basis. This type of pricing structure eliminates surprise costs, the uncertainty of paying by the hour, and is overall more cost-effective for our clients. It provides you with a price based on the products and features listed in this proposal that only varies if additional functionality of work, outside of the original project scope, is requested. We understand local governments must look beyond just functionality and that multiple factors come into play when determining which vendor can meet not only your functional needs but also your budgetary requirements.

CivicPlus Offers:

Standard CivicClerk Invoicing

- Year 1 fees are due at contract signing
- The first-year Annual Services fee is included with your Year 1 cost
- Subsequent annual invoicing occurs on the anniversary of the contract signing date, and is subject to a five percent technology fee uplift each year starting Year 2 of your contract

Customized Billing/Invoicing

- We can discuss other billing options with you before contract signing and, if feasible, develop a plan that works for all parties

- Not available with all CivicPlus products – please contact your sales representatives for more details

CivicPlus Advantage Invoicing

- Zero-interest payments that divide the One-Time Implementation expense of your project over the first three years of your contract
- Each payment will also include your Annual Services and any other fees if applicable
- May not be available with all products offered by CivicPlus

CivicPlus wants our clients to succeed in delivering a viable, sustainable, and flexible technology solution to their communities. We will work with you before contract signing to determine which of our billing processes will meet both your needs for budget planning and our accounting processes.

Right to Negotiate

A successful project begins with a contract that meets the needs of both parties. This proposal is intended as a non-binding document, and the contents hereof may be superseded by an agreement for services. Its purpose is to provide information on a proposed project we believe will meet your needs based on the information available. If awarded the project, CivicPlus reserves the right to negotiate the contractual terms, obligations, covenants, and insurance requirements before a final agreement is reached. We look forward to developing a mutually beneficial contract with Bixby.

CONSENT AGENDA

ITEM: Approve Purchase Order for Professional Turf Products for fiscal year 2021-22 service, and parts for Toro Equipment.

INITIATOR: John Wood

STAFF INFO: John Wood

BACKGROUND: Approve purchase order in the amount of \$20,000.00 to Professional Turf Products for parts and maintenance for Toro equipment. Budgeted from account 5-10-7220

EXHIBITS: Sole Source Vendor

KEY ISSUE: To complete yearly maintenance servicing, and parts for Toro equipment.

COUNCIL ACTION: Approve/Deny

RECOMMENDATION: Approve

Consent Agenda

MEETING DATE 09/13/21

CONSENT AGENDA

ITEM: Approve purchase for dugout covers for all Thirty Two (32) baseball/softball dugouts from USA Shade and Fabric Structures in the amount of \$27,420.00. Buy Board Purchase Contract Pricing.

INITIATOR: John Wood

STAFF INFO: John Wood

BACKGROUND: Replace baseball/softball dugout covers due to their age and some dugouts are missing due to being torn during storms. If approved the new fabric panels will cover the top, and half way down the back of the dugouts to provide shade and protection. The funding will come from Park Improvement funds set aside in Capital Budget FY 22.

EXHIBITS: See attachments

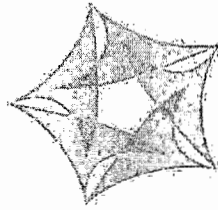
KEY ISSUE: To provide protection for players and to improve aesthetics for the park.

COUNCIL ACTION: Approve/Deny

RECOMMENDATION: Approve

Consent Agenda

MEETING DATE 09/13/21



USASHADE
& Fabric Structures®

Bentley Park Dugout Fabric

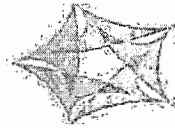
9/8/2021

Proposal Prepared For:

City of Bixby

John Wood

AZ: 289388 CA: 989458 LA: 61718 NV: 78724
NM: 383826 TN: 68712 DIR: 1000003533



USA SHADE
& Fabric Structures.

Date: 9/8/2021

Proposal for USA SHADE & Fabric Structures

Project Information:				Sales Information:	
Purchaser:	City of Bixby	Contact:	John Wood	Sales Rep:	Angela Holmes
Project Name:	Bentley Park Dugout Fabric	Phone:	918-606-0585	Phone:	214-557-8210
Quote No:		Email:	Jwood@BixbyOK.gov	Email:	angela.holmes@usa-shade.com
PO No:		Fax:		Fax:	

Billing Information:		Shipping Information:		Jobsite Information:	
City of Bixby		TBD		Bentley Park Sports Complex	
		N/A		8505 E 148th Street South	
		N/A		Bixby, OK 74008	
		N/A			
		N/A			
Contact:		Contact:		Contact:	John Wood
Phone:		Phone:		Phone:	918-606-0585
Email:		Email:		Email:	
Fax:		Fax:		Fax:	

CORPORATE ADDRESS:

2580 Esters Blvd., Suite 100
DFW Airport, TX 75261

MAILING ADDRESS:

P.O. Box 3467
Coppel, TX 75019

REMITTANCE ADDRESS:

P.O. Box 734158
Dallas, TX 75373-4158

SOUTHERN CALIFORNIA:

1085 N. Main Street, Suite C
Orange, CA 92867

NORTHERN CALIFORNIA:

927 Enterprise Way, Suite A
Napa, CA 94558

ARIZONA:

2452 W. Birchwood Ave, Suite 112
Mesa, AZ 85202

LAS VEGAS:

6225 S. Valley View Blvd., Suite I
Las Vegas, NV 89118

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www.usa-shade.com 800-966-5005

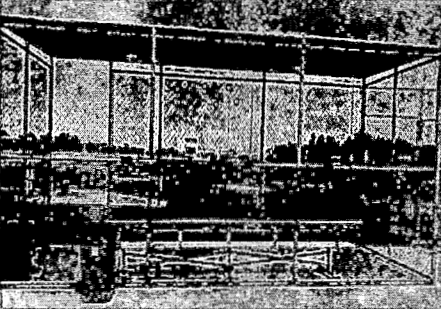
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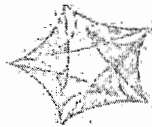


USA SHADE
& Fabric Structures.

Structure Pricing

Structure 1

UNIT IMAGE	UNIT DETAILS			
	Unit Quantity:	32	Foundations By	
	Unit Type:	Custom 1:	Grout Installation	
	Structure Size:	24'x8'6"x5'	Footing Type:	
	USA Shade Model Number	Custom 1	Base Attachment:	
	Entry Height:		Anchor Bolts:	
	No of Columns:	NA	Concrete Cutting:	
	No of Fabric Tops:	1	Dirt Removal:	
	Fabric Type:	Shadesure	Surface Type:	
	Fabric Color:	Laguna Blue	NOTES 32 Dugout Fabric Replacemets.	
	Steel Finish:	NA		
PRICE	Steel Color:	NA		
	Electrical Provisions:			
	Cable/HDW Finish:	Stainless Steel		
	Concept No:			



USA SHADE & Fabric Structures

ACCESS/MISC.			
QTY	ITEM	DETAILS	COST
TOTAL FOR ACCESS/MISC ITEMS:			

PRICING TOTALS:	
Unit Total	\$27,420.00
Accessories/Miscellaneous	
Shipping/Handling	Included
SUBTOTAL	
Sales Tax (8.92%)	Tax Exempt
Engineering	N/A
Installation	Not Included
TOTAL PRICE	\$27,420.00

PAYMENT TERMS:	
(1) Upon execution of the Agreement (Deposit)	100%
(2) Upon delivery of Unit(s)	
(3) Upon completion of assembly/installation	
(4) Other (specify):	
NOTES:	
Buy Board Purchase Contract Pricing.	

USA SHADE reserves the right to implement a surcharge for significant increases in raw materials, including the following, but not limited to: fuel, steel, fabric, and concrete. Proposal pricing is only valid for 1 year due to the fluctuation in pricing. Due to recent significant increases experienced in raw steel and fabric materials, it may be necessary to order, invoice, and receive payments for steel and fabric as soon as final sizing can be determined.

ENGINEERING REQUIREMENTS		NOTES
Building Code		
Wind Load		
Snow Load		
Drawing Size		
No. of Sealed Drawings		
Calculations Required		

INCLUSIONS / EXCLUSIONS					
INCLUDED	EXCLUDED	ENGINEERING REQUIREMENTS	INCLUDED	EXCLUDED	INSTALLATION - MISCELLANEOUS
☐	☒	Sealed Drawings & Calculations	☐	☒	Prevailing Wage / Certified Payroll
☐	☒	Permit Submittal	☐	☒	Union Wages
☐	☒	Permit Fee	☐	☒	Fencing
☐	☒	DSA Submittal & Fees	☐	☒	water and Electrical
☐	☒	Design and Engineering of Structure	☐	☒	Landscape Repair
☐	☒	Design and Engineering of Foundation	☐	☒	Demolition (Existing Structures)
☐	☒	Reactions and Loads for attachment to Walls, Rooftops, or Other	☐	☒	Payment and Performance Bonds
☐	☒	Foundation Location and Elevation Survey	☐	☒	Special Inspection Fees



Construction Assumptions

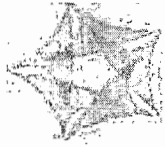
- 1) The designated area for our structures will be accessible by drive-up for unloading of our trucks and equipment, including personnel man-lifts, forklifts, etc. Should a crane be required and direct access not available, additional costs for such will be submitted by a Change Order.
- 2) Our pricing is based on the ability to perform all of our work with clear, sequential, and continuous access without interruption during normal daytime working hours. We have assumed one mobilization for the installation of foundations, steel and fabric; if additional mobilizations are required, there will be an additional charge. We will require exclusive access to the area for our work during the construction process.
- 3) Our pricing does not include daily site delays accessing the work areas. USA SHADE will submit a Change Order for any delays caused by other trades which interfere or cause us to stop working.
- 4) We will require site sanitary facilities and refuse containers by others within 200 feet of our work.
- 5) USA SHADE will leave its work and materials in a clean condition at the conclusion of our work.
- 6) Barricades and public security requirements are not included.
- 7) Unless specifically included in this proposal, this agreement does not include, and Company will not provide, services, labor, or materials for any of the following work: (a) removal and disposal of any materials containing asbestos or any hazardous materials as defined by the EPA; (b) moving Owner's property around the installation site; (c) repair or replacement of any Purchaser or Owner-supplied materials; or (d) repair of damage to existing surfaces that may occur when construction equipment and vehicles are being used in the normal course of construction.
- 8) Pricing for foundation design is based on drilled pier footings. In the event the geotechnical report requires an alternate configuration, any additional costs incurred will be submitted to the client by a Change Order.
- 9) Digging of our foundations will not be constrained by any existing concrete or utilities. USA SHADE will not be responsible for moving or repairing any underground utility lines such as electrical, telephone, gas, water, or sprinkler lines that may be encountered during installation.
- 10) Any additional costs incurred as a result of hard rock conditions requiring extra equipment, utility removal or repair, resulting in delay, will result in additional charges unless they are detailed on as-built site drawings provided to USA SHADE or marked on the ground and communicated to USA SHADE in writing prior to installation.

GENERAL TERMS & CONDITIONS AND WARRANTY

- 1) **Proposal:** The above proposal is valid for 1 Year from the date first set forth above. After 30 days, we reserve the right to increase prices due to the rise in cost of raw materials, fuel, or other cost increases. When applicable, USA SHADE & Fabric Structures reserves the right to implement a surcharge for significant increases in raw materials, including, but not limited to; fuel, steel, and concrete. Due to the duration of time between proposals, contracts, and final installation, USA SHADE & Fabric Structures reserves the right to implement this surcharge, when applicable.
- 2) **Purchase:** By executing this proposal, or submitting a purchase order pursuant to this proposal (which shall incorporate the terms of this agreement specifically by reference) which is accepted by USA SHADE & Fabric Structures (the "Company"), the purchaser identified above ("you" or the "Purchaser") agrees to purchase Shade Structures brand shade structures ("Structures") and the services to be provided by the Company, as detailed in the "Structure Pricing" and "General Scope of Work" sections of this agreement, above, or in the relevant purchase order accepted by the Company, for use by Purchaser or for installation by Company or Purchaser on behalf of a third-party who will be the ultimate owner of the Structures (the ultimate owner of a Structure, whether Purchaser or a third-party, being the "Owner").
- 3) **Short Ship Claims:** Purchaser has 15 days from receipt of the structures to file a short ship report in writing to its sales representative. Company will not honor claims made after this time.
- 4) **Standard Exclusions:** Unless specifically included under the "General Scope of Work" section above, this agreement does not include, and Company will not provide, services, labor, or materials for any of the following work: (a) removal and disposal of any materials containing asbestos or any hazardous materials as defined by the EPA; (b) moving Owner's property around the installation site; (c) repair or replacement of any Purchaser or Owner-supplied materials; (d) repair of concealed underground utilities not located on prints supplied to Company by Owner during the bidding process, or physically staked out by Owner, and which are damaged during construction during normal course of construction.



- 5) **Bonding Guidelines:** If Purchaser will use or provide the Structures and Services for an Owner other than Purchaser (including, without limitation, as a subcontractor of Purchaser), Purchaser will include the following statement in Purchaser's contract with Owner:
- "The manufacturer's warranty for the Shade Structures brand shade structures is a separate document between USA SHADE & Fabric Structures and the ultimate owner of the Shade Structures brand shade structures, which will be provided to the ultimate owner at the time of completion of the installation and other services to be provided by USA SHADE & Fabric Structures. Due to surety requirements, any performance and/or payment bond will cover only the first year of the USA SHADE & Fabric Structures warranty."
- 6) **Insurance Requirements:** Company is not required to provide any insurance coverage in excess of Company's standard insurance. A copy of the Company's standard insurance is available for your review prior to acceptance of the Company's proposal.
- 7) **Payment:** Terms of payment are defined in the "Pricing Details" section and are specific to this contract. For purposes of this agreement, "Completion" is defined as being the point at which the Structure is suitable for its intended use, the issue of occupancy consent, or a final building department approval is issued, whichever occurs first. Progress billing and payment will be required. All payments must be made to Shade Structures, Inc., P.O. Box 734158, Dallas, TX 75373-4158. Company may use all remedies available to it under current laws including, but not limited to, filing of liens against the property and using a collection agency or the courts to secure the collection of the outstanding debt.
- 8) **Lien Releases:** Upon request by Owner, Company will issue appropriate partial lien releases as corresponding payments are received from Purchaser, but prior to receiving final payment from Purchaser or Owner. Company will provide a full release of liens upon receipt of final payment. In accordance with state laws, Company reserves the right to place a lien on the property if final payment has not been received 10 days prior to the filing deadline for liens.
- 9) **Site Plan Approval, Permit/s, Permit Fees, Plans, Engineering Drawings, and Surveying:** Site plan approval, permits, permit fees, plans, engineering drawings, and surveying are specifically excluded from this agreement and the Services unless specified under the "General Scope of Work". The Company does not in any way warrant or represent that a permit or site plan approval for construction will be obtained. Sealed engineered drawings that are required but not included in the "General Scope of Work" will result in an additional cost to Purchaser.
- 10) **Manufacturing & Delivery:** Manufacturing lead-time from Company's receipt of the "Notice To Proceed" is approximately 6 to 8 weeks for standard structures, and 8 to 12 weeks for custom structures. Delivery is approximately 1 week thereafter. Delivery of structures may be prior to or at start of assembly. Please note that these timelines do not include approval or permitting timeframes.
- 11) **Returned Product, Deposits, and/or Cancelled Order:** Within the first 45 days after shipment from our facility, all returned product(s) and cancelled orders are subject to a 50% restocking fee. No returns are available following this 45 day period. All deposits are non-refundable. All expenses incurred (engineering, site surveys, shipping, handling, etc.) are the responsibility of the Purchaser, up to notice of cancellation.
- 12) **Concealed Conditions:** "Concealed conditions" include, without limitation, water, gas, sprinkler, electrical and sewage lines, post tension cables, and steel rebar. This agreement is based solely on observations the Company was able to make either by visual inspection or by drawings and/or plans submitted by Owner at the time this agreement was bid. If additional Concealed Conditions are discovered once work has commenced, which were not visible at the time this proposal was bid, Company will stop work and indicate these unforeseen Concealed Conditions to Purchaser or Owner so that Purchaser and Company can execute a Change Order for any additional work. In any event, any damage caused by or to unforeseen Concealed Conditions is the sole responsibility of the Purchaser and Company shall not be held liable for any such damage. Soil conditions are assumed to be soil that does not contain any water, hard rock (such as limestone, caliche, etc.), rocks larger than 4 inches in diameter, or any other condition that will require additional labor, equipment and/or materials not specified by the Purchaser or Owner in the bidding process. Any condition requiring additional labor, equipment, and/or materials to complete the drilling or concrete operations will require a Change Order before Company will complete the process. Price quotes are based on a drilled pier footing. Any variation will incur additional charges (i.e. spread footings, concrete mat, sand, water, landfill, etc.). Costs for footing and installation do not include any allowance for extending below frost lines (the additional costs for which vary by geographical region).



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& Fabric Structures.

- 13) **Changes in the Work:** During the course of this project, Purchaser may order changes in the work (both additions and deletions). Additionally, an approving agency may require changes in the work from the original design or engineering quoted and provided by the Company (both additions and deletions.) The cost of these changes will be determined by the Company, and a Change Order form must be completed and signed by both the Purchaser and the Company, which will detail the "General Scope of the Change Order". Should any Change Order be essential to the completion of the project, and the Purchaser refuses to authorize such Change Order, then Company will be deemed to have performed its part of the project, and the project and services will be terminated. Upon such termination, Company will submit a final billing to Purchaser for payment, less a labor allowance for work not performed but including additional charges incurred due to the stoppage. No credit will be allowed for materials sold and supplied, which will remain the property of the Purchaser.
- 14) **Indemnification:** To the fullest extent permitted by law, Purchaser shall indemnify, defend, and hold harmless the Company and its consultants, agents, and employees or any of them from and against claims, damages, losses and expenses, including, but not limited to, attorneys' fees related to the installation of the Structure or performance of the services, provided that such claim, damage, loss, or expense is attributable to bodily injury to, sickness, disease, or death of a person, or to injury to or destruction of tangible property, but only to the extent caused by the negligent acts or omissions of the Purchaser or its agents, employees, or subcontractors, or anyone directly or indirectly employed by them or anyone for whose acts they may be liable, regardless of whether or not such claim, damage, loss, or expense is caused in part by a party indemnified hereunder. Such obligation shall not be construed to negate, abridge, or reduce other rights or obligations of indemnity that would otherwise exist as to a party or person described in Section 15.
- 15) **Statement of Limited Warranty:**
- The structural integrity of all supplied steel is warranted for ten years.
 - If assembly is provided by the Company, workmanship of the structure is covered for one year, including labor for the removal of any failed part, disassembly (if necessary), cost of shipping, and reassembly.
 - All steel surface finishes are warranted for one year.
 - Shadesure™, Colourshade® FR, eXtreme 32™, Commercial 95™, SaFRshade™, and Monotec 370™ fabrics all carry a ten year limited manufacturer's warranty against failure from significant fading, deterioration, breakdown, outdoor heat, cold, or discoloration. Should the fabric need to be replaced under the warranty, the Company will manufacture and ship a new replacement fabric at no charge for the first six years, thereafter pro-rated at 20% per year over the remaining four years. The following are exceptions to the preceding warranty terms:
 - o Shadesure™ fabrics in Red, Yellow, Atomic Orange, Electric Purple, Zesty Lime, Cinnamon, Olive, and Mulberry carry a five year pro-rated
 - o Fabric tops attached to Coolbrella™ structures carry a three year warranty;
 - o Individual fabric tops measuring greater than 40' in length are covered by a non-prorated five year warranty;
 - o Preconstraint 502™ waterproof membrane is subject to an eight year pro-rated warranty.
 - Sewing thread is warranted for ten years.



General Limited Warranty Terms and Conditions

- These limited warranties are effective from the date of sale, or, if assembly is provided by the Company, upon receipt by Company from Purchaser of a completed and signed "Customer Checklist and Sign-off" form.
- In its sole discretion, the Company will repair and or/replace defective structures, products or workmanship, or refund that portion of the price related to the defective product, labor, or service rendered.
- The Company reserves the right, in cases where certain fabric colors have been discontinued, to offer the Purchaser or Owner a choice of available alternative colors to replace the warranted fabric. The Company does not guarantee that any particular color will be available for any period of time, and reserves the right to discontinue any color for any reason, without recourse by the Purchaser or Owner of the discontinued fabric color.
- Should the Purchaser or Owner sell the structures to another party, the warranty cannot be transferred to the new owner without a complete and thorough on-site inspection performed by a Company representative. Please contact the Company at warranty@usa-shade.com for more details.
- All warranty claims covering Company supplied structures, products, and services must be submitted by Purchaser or Owner in writing to the Company within thirty days from the date of discovery of the alleged defect and must include a detailed description and applicable photographs of the alleged defect or problem. Warranty claims should be submitted by email to warranty@usa-shade.com.
- Purchaser or Owner agrees that venue for any court action to enforce these limited warranties shall be in the City or County of Dallas in the State of Texas, USA.
- These limited warranties are void if:
 - o the supplied structures, products, services and/or labor are not paid for in full;
 - o the structures are not assembled in strict compliance with USA SHADE specifications;
 - o any changes, modifications, additions, or attachments are made to the structures in any way, without prior written approval from the Company. Specifically, no signs, objects, fans, light fixtures, etc. may be hung from the structures, unless specifically engineered by the Company.
- These limited warranties do not cover defects and/or damages caused by:
 - o normal wear and tear;
 - o misuse, willful or intentional damage, vandalism, contact with chemicals, cuts and Acts of God (i.e. tornado, hurricane, micro/macros burst, earthquake, wildfires, etc.);
 - o ice, snow or wind loads in excess of the designed load parameters engineered for the supplied structures;
 - o use, maintenance, neglect, repair, and/or service inconsistent with the Company's written care and maintenance instructions, provided with the order.
- The limited warranties explicitly exclude:
 - o workmanship related to assembly not provided by the Company or its agents;
 - o fabric curtains, valances, and flat vertical panels;
 - o fabric tops installed on structures that were not engineered and originally supplied by the Company.
- THE COMPANY SHALL NOT BE LIABLE FOR ANY INCIDENTAL, CONSEQUENTIAL, SPECIAL, LIQUIDATED, EXEMPLARY, OR PUNITIVE DAMAGES, OR ANY LOSS OF REVENUE, PROFIT, USE OR GOODWILL, WHETHER BASED UPON CONTRACT, TORT (INCLUDING NEGLIGENCE), OR ANY OTHER LEGAL THEORY, ARISING OUT OF A BREACH OF THIS WARRANTY OR IN CONNECTION WITH THE SALE, INSTALLATION, MAINTENANCE, USE, OPERATION OR REPAIR OF ANY PRODUCT OR SERVICE. IN NO EVENT WILL THE COMPANY BE LIABLE FOR ANY AMOUNT GREATER THAN THE PURCHASE PRICE FOR ANY PRODUCT OR SERVICE PROVIDED BY THE COMPANY.
- THE FOREGOING LIMITED WARRANTY IS THE SOLE AND EXCLUSIVE WARRANTY FOR THE COMPANY'S PRODUCTS AND SERVICES, AND IS IN LIEU OF ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, IN LAW OR IN FACT. SELLER SPECIFICALLY DISCLAIMS ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, INCLUDING, WITHOUT LIMITATION, ALL IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR USE OR PURPOSE, AND ANY IMPLIED WARRANTIES ARISING OUT OF COURSE OF DEALING OR PERFORMANCE OR TRADE USAGE. PURCHASER, BY ACCEPTANCE AND USE OF THIS LIMITED WARRANTY, WAIVES ANY RIGHTS IT WOULD OTHERWISE HAVE TO CLAIM OR ASSERT THAT THIS LIMITED WARRANTY FAILS OF ITS ESSENTIAL PURPOSE.

Colourshade ® and eXtreme 32™ are registered trademarks of Multiknit Pty. Ltd.

Commercial 95™ and SaFRshade™ are registered trademarks of Gale Pacific USA Inc.

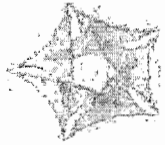
Monotec 370™ is a registered trademark of PRO-KNIT Industries Pty. Ltd.

Preconstraint 502™ is a registered trademark of Serge Ferrari North America, Inc.

www.usa-shade.com

800-966-5005

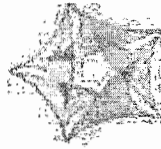
AZ: 289388 CA: 989458 LA: 61718 NV: 78724 NV: 78724 NM: 383826 TN: 68712 DIR: 1000003533



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16) Assembly/Installation:

- Company will notify Purchaser of the scheduled assembly date. Owner agrees to have an owner representative meet the assembly crew at the job site on the scheduled assembly date to verify the exact location where the structure(s) is to be placed.
 - Labor for the removal, assembly, and/or freight charges will only be covered by Company in instances where the structures supplied and installed by Company are determined by the Company to be defective. In all cases where structures are not installed by Company, all labor for the removal, assembly, and/or freight of the structures will be the Purchaser's responsibility.
 - Installation prices are based on a single mobilization charge. If additional mobilizations are required, there will be additional charges.
 - If the requested services require Company access to Owner's premises, Company will be provided access to the Owner's premises free and clear of debris, automobiles, or other interference Monday ~ Friday during the hours of 8:00am to 6:00pm, and Company will have access to water and electrical facilities during installation. Additional charges will apply if utilities are not easily accessible. Where applicable, all vehicles will be moved prior to Company's crew beginning any installation.
 - Company will not be responsible for moving or repairing any underground utility lines such as electrical, telephone, gas, water, or sprinkler lines that may be encountered during installation.
 - Any additional costs incurred as a result of hard rock conditions requiring extra equipment, utility removal or repair resulting in delay will result in additional charges unless they are detailed on as-built site drawings provided to Company or marked on the ground and communicated to Company in writing prior to fabrication and installation.
- 17) Installation/Assembly on-site:** Where installation/assembly is part of the services, Purchaser must provide the Company with a detailed drawing prepared by or for the Owner showing exactly where the structures are to be assembled as well as detailing any obstacles or other impediments that may cause the assembly process to be more difficult. Any fixture(s), e.g., playground, pools, etc., that the structures are to be assembled over must also be detailed, along with their peak heights (if applicable).
- 18) Site/Use Review by Purchaser:** Company relies on the Purchaser to determine that the structures ordered are appropriate and safe for the Owner's installation site and/or intended use. Company is not responsible for damages or injuries resulting from collisions by moving objects or persons with the structure post(s). Company can recommend, or supply at additional cost, padding for posts from a third party manufacturer.
- 19) Preparatory Work:** Where installation/assembly is part of the services and in the event that the foundation or job site is not suitable or ready for assembly to begin on the scheduled day, a Delay of Order notification must be sent to Company at least 4 working days prior, in order to allow Company to reschedule the project. In the event that Company is not notified and incurs an expense in attempting to execute the assembly, a re-mobilization charge may be charged to Purchaser before Company will reschedule the assembly.
- 20) Delegation: Subcontractors:** The services and the manufacturing and assembly of the structures may be performed by subcontractors under appropriate agreements with the Company.
- 21) Force Majeure: Impracticability:** The Company shall not be charged with any loss or damage for failure or delay in delivering or assembling of the structures when such failure or delay is due to any cause beyond the control of the Company, due to compliance with governmental regulations or orders, or due to any Acts of God, strikes, lockouts, slowdowns, wars, or shortages in transportation, materials or labor.
- 22) Dispute Resolution:** Any controversy or claim arising out of or related to this agreement must be settled by binding arbitration administered in Dallas, TX by a single arbitrator selected by the parties or by the American Arbitration Association, and conducted in accordance with the construction industry arbitration rules. Judgment upon the award may be entered in any court having jurisdiction thereof.
- 23) Entire Agreement; No Reliance:** This agreement represents and contains the entire agreement between the parties. Prior discussion or verbal representations by the parties that are not contained in this agreement are not part of this agreement. Purchaser hereby acknowledges that it has not received or relied upon any statements or representations by Company or its agents which are not expressly stipulated herein, including without limitation any statements as to the structures, warranties, or services provided hereunder.
- 24) No Third-Party Beneficiaries:** This agreement creates no third-party rights or obligations between Company and any other person, including any Owner who is not also a Purchaser. It is understood and agreed that the parties do not intend that any third party should be a beneficiary of this agreement.
- 25) Governing Law:** The agreement will be construed and enforced in accordance with the laws of the State of Texas.
- 26) Assignment:** Purchaser may not assign this agreement, by operation of law or otherwise, without the prior written consent of Company. The agreement shall be binding upon and insure to the benefit of the Company and the Purchaser, and their successors and permitted assigns.



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Executed to be effective as of the date executed by the Company:

NOTE: FOR ANY PURCHASE EQUAL TO OR EXCEEDING \$100,000.00 USD, NO WORK, OTHER THAN PRE-WORK, SHALL BE UNDERTAKEN WITHOUT A MUTUALLY ACCEPTABLE AND SIGNED CONSTRUCTION CONTRACT.

PURCHASER:

City of Bixby

SELLER:

Shade Structures, Inc. DBA USA Shade

Signature:

By: (Print)

Title:

Date:

Signature: Angela Holmes

By: Angela Holmes

Title: Regional Manager

Date: 9/8/2021

**NOTE: All purchase orders and contracts should be drafted in the name of
Shade Structures, Inc.**

CONSENT AGENDA ITEM COMMENTARY

ITEM TITLE: Acknowledge receipt of Permit No. SL000072210621, Facility No S-20407, Rowan Grove Sanitary Sewer Extension

INITIATOR: Justin Dowd, Engineering

STAFF INFORMATION SOURCE: Justin Dowd, Engineering

BACKGROUND: This permit is for construction of 7,732 linear feet of ten (10) inch PVC, 835 linear feet of eight (8) inch PVC sewer line, and all appurtenances to serve the Rowan Grove near 131st and Mingo.

The ODEQ requires that receipt of this permit be acknowledged at a City Council meeting.

EXHIBITS: ODEQ Permit to Construct

KEY ISSUE: Acknowledge receipt of ODEQ sanitary sewer permit for Rowan Gove Sanitary Sewer Extension

COUNCIL ACTION: Acknowledge receipt of permit

RECOMMENDATION: Acknowledge receipt

ITEM NO: _____

MEETING DATE: 09-13-2021

MEETING: City Council



SCOTT A. THOMPSON
Executive Director

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

KEVIN STITT
Governor

August 11, 2021

Mr. Jared Cottle, City Manager
City of Bixby
116 W. Needles
Bixby, Oklahoma 74008

Re: Permit No. SL000072210621
Rowan Grove Sanitary Sewer Line Extension
Facility No. S-20407

Dear Mr. Cottle:

Enclosed is Permit No. SL000072210621 for the construction of 7,732 linear feet of ten (10) inch PVC, 835 linear feet of eight (8) inch PVC sanitary sewer line and all appurtenances to serve the Rowan Grove, Tulsa County, Oklahoma.

The project authorized by this permit should be constructed in accordance with the plans approved by this Department on August 11, 2021. Any deviations from the approved plans and specifications affecting capacity, flow or operation of units must be approved, in writing, by the Department before changes are made.

Receipt of this permit should be noted in the minutes of the next regular meeting of the City of Bixby, after which it should be made a matter of permanent record.

We are returning one (1) set of the approved plans to you, one (1) set to your engineer and retaining one (1) set for our files.

Respectfully,

A handwritten signature in blue ink that reads "Qusay R. Kabariti".

Qusay R. Kabariti, P.E.
Construction Permit Section
Water Quality Division

QRK/RC/md

Enclosure

c: Debbie Nichols, Regional Manager, DEQ
TULSA DEQ OFFICE
Jason Mohler, P.E., AAB Engineering





SCOTT A. THOMPSON
Executive Director

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

KEVIN STITT
Governor

PERMIT No. SL000072210621

SEWER LINES

FACILITY No. S-20407

PERMIT TO CONSTRUCT

August 11, 2021

Pursuant to O.S. 27A 2-6-304, the City of Bixby is hereby granted this Tier I Permit to construct 7,732 linear feet of ten (10) inch PVC, 835 linear feet of eight (8) inch PVC sanitary sewer line and all appurtenances to serve the Rowan Grove, located in Section 7, T-17-N, R-14-E, Tulsa County, Oklahoma, in accordance with the plans approved August 11, 2021.

By acceptance of this permit, the permittee agrees to operate and maintain the facilities in accordance with the "Oklahoma Pollutant Discharge Elimination System Standards - OPDES" (OAC 252:606) rules and to comply with the state certification laws, Title 59, Section 1101-1116 O.S. and the rules and regulations adopted thereunder regarding the requirements for certified operators.

This permit is issued subject to the following provisions and conditions.

- 1) That the recipient of the permit is responsible that the project receives supervision and inspection by competent and qualified personnel.
- 2) That construction of all phases of the project will be started within one year of the date of approval or the phases not under construction will be resubmitted for approval as a new project.
- 3) That no significant information necessary for a proper evaluation of the project has been omitted or no invalid information has been presented in applying for the permit.
- 4) That wherever water and sewer lines are constructed with spacing of 10 feet or less, sanitary protection will be provided in accordance with OAC 252:656-5-4(c)(3) of the standards for Water Pollution Control Facility Construction.
- 5) That tests will be conducted as necessary to insure that the construction of the sewer lines will prevent excessive infiltration and that the leakage will not exceed 10 gallons per inch of pipe diameter per mile per day.
- 6) That the Oklahoma Department of Environmental Quality shall be kept informed of occurrences which may affect the eventual performance of the works or that will unduly delay the progress of the project.





SCOTT A. THOMPSON
Executive Director

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

KEVIN STITT
Governor

PERMIT No. SL000072210621

SEWER LINES

FACILITY No. S-20407

PERMIT TO CONSTRUCT

- 7) That the permittee will take steps to assure that the connection of house services to the sewers is done in such a manner that the functioning of the sewers will not be impaired and that earth and ground water will be excluded from the sewers when the connection is completed.
- 8) That any deviations from approved plans or specifications affecting capacity, flow or operation of units must be approved by the Department before any such deviations are made in the construction of this project.
- 9) That any notations or changes recorded on the official set of plans and specifications in the Oklahoma Department of Environmental Quality files shall be part of the plans as approved.
- 10) That the recipient of the permit is responsible for the continued operation and maintenance of these facilities in accordance with rules and regulations adopted by the Environmental Quality Board, and that this Department will be notified in writing of any sale or transfer of ownership of these facilities.
- 11) The issuance of this permit does not relieve the responsible parties of any obligations or liabilities which the permittee may be under pursuant to prior enforcement action taken by the Department.
- 12) That the permittee is required to inform the developer/builder that a DEQ Storm Water Construction Permit is required for a construction site that will disturb one (1) acre or more in accordance with OPDES, 27A O.S. 2-6-201 *et. seq.* For information or a copy of the GENERAL PERMIT (OKR10) FOR STORM WATER DISCHARGES FROM CONSTRUCTION ACTIVITIES, Notice of Intent (NOI) form, Notice of Termination (NOT) form, or guidance on preparation of a Pollution Prevention Plan, contact the Storm Water Unit of the Water Quality Division at P.O. Box 1677, Oklahoma City, OK 73101-1677 or by phone at (405) 702-8100.
- 13) That all manholes shall be constructed in accordance with the standards for Water Pollution Control Facility Construction (OAC 252:656-5-3), as adopted by the Oklahoma Department of Environmental Quality.
- 14) That when it is impossible to obtain proper horizontal and vertical separation as stipulated in Water Pollution Control Facility Construction OAC 252:656-5-4(c)(1) and OAC 252:656-5-4(c)(2), respectively, the sewer shall be designed and constructed equal to water pipe, and shall be pressure tested using the ASTM air test procedure with no detectable leakage prior to backfilling, in accordance with the standards for Water Pollution Control Facility Construction OAC 252:656-5-4(c)(3).





SCOTT A. THOMPSON
Executive Director

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

KEVIN STITT
Governor

PERMIT No. SL000072210621

SEWER LINES

FACILITY No. S-20407

PERMIT TO CONSTRUCT

Failure to appeal the conditions of this permit in writing within 30 days from the date of issue will constitute acceptance of the permit and all conditions and provisions.

A handwritten signature in black ink, reading "Rocky Chen", is written over a horizontal line. The signature is stylized and cursive.

Rocky Chen, P.E., Engineering Manager, Construction Permit Section
Water Quality Division



CONSENT AGENDA ITEM COMMENTARY

ITEM TITLE: Acknowledge receipt of Permit No. WL000072210620, Facility No 3007243, Rowan Grove Potable Waterline Extension

INITIATOR: Justin Dowd, Engineering

STAFF INFORMATION SOURCE: Justin Dowd, Engineering

BACKGROUND: This permit is for construction of 2,268 linear feet of twelve (12) inch PVC, 5,825 linear feet of six (6) inch PVC potable water line, and all appurtenances to serve the Rowan Grove near 131st & Mingo.

The ODEQ requires that receipt of this permit be acknowledged at a City Council meeting.

EXHIBITS: ODEQ Permit to Construct

KEY ISSUE: Acknowledge receipt of ODEQ waterline permit for Rowan Grove Potable Waterline Extension

COUNCIL ACTION: Acknowledge receipt of permit

RECOMMENDATION: Acknowledge receipt

ITEM NO: _____

MEETING DATE: 09-13-2021

MEETING: City Council



SCOTT A. THOMPSON
Executive Director

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

KEVIN STITT
Governor

August 11, 2021

Mr. Jared Cottle, City Manager
City of Bixby
116 W. Needles
Bixby, Oklahoma 74008

Re: Permit No. WL000072210620
Rowan Grove Potable Waterline Extension
Facility No. 3007243

Dear Mr. Cottle:

Enclosed is Permit No. WL000072210620 for the construction of 2,268 linear feet of twelve (12) inch PVC, 5,825 linear feet of six (6) inch PVC potable water line and all appurtenances to serve the Rowan Grove Waterline, Tulsa County, Oklahoma.

The project authorized by this permit should be constructed in accordance with the plans approved by this Department on August 11, 2021. Any deviations from the approved plans and specifications affecting capacity, flow or operation of units must be approved, in writing, by the Department before changes are made.

Receipt of this permit should be noted in the minutes of the next regular meeting of the City of Bixby, after which it should be made a matter of permanent record.

We are returning one (1) set of the approved plans to you, one (1) set to your engineer and retaining one (1) set for our files.

Respectfully,

A handwritten signature in blue ink that reads "Qusay R. Kabariti".

Qusay R. Kabariti, P.E.
Construction Permit Section
Water Quality Division

QRK/RC/md

Enclosure

c: Debbie Nichols, Regional Manager, DEQ
TULSA DEQ OFFICE
Dan E. Tanner, P.E., Tanner Consulting, LLC





SCOTT A. THOMPSON
Executive Director

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

KEVIN STITT
Governor

PERMIT No. WL000072210620

WATER LINES

FACILITY No. 3007243

PERMIT TO CONSTRUCT

August 11, 2021

Pursuant to O.S. 27A 2-6-304, the City of Bixby is hereby granted this Tier I Permit to construct 2,268 linear feet of twelve (12) inch PVC, 5,825 linear feet of six (6) inch PVC potable water line and all appurtenances to serve the Rowan Grove, located in Section 7, T-17-N, R-14-E, Tulsa County, Oklahoma, in accordance with the plans approved August 11, 2021.

By acceptance of this permit, the permittee agrees to operate and maintain the facility in accordance with the Public Water Supply Operation rules (OAC 252:631) and to comply with the State Certification laws, Title 59, Section 1101-1116 O.S. and the rules and regulations adopted thereunder regarding the requirements for certified operators.

This permit is issued subject to the following provisions and conditions.

- 1) This water line provides adequate fire flow in accordance with the 2009 International Fire Code through the approved hydraulic analysis. The fire flow provided is 1,000 gpm.
- 2) That the recipient of the permit is responsible that the project receives supervision and inspection by competent and qualified personnel.
- 3) That construction of all phases of the project will be started within one year of the date of approval or the phases not under construction will be resubmitted for approval as a new project.
- 4) That no significant information necessary for a proper evaluation of the project has been omitted or no invalid information has been presented in applying for the permit.
- 5) That the Oklahoma Department of Environmental Quality shall be kept informed on occurrences which may affect the eventual performance of the works or that will unduly delay the progress of the project.
- 6) That wherever water and sewer lines are constructed with spacing of 10 feet or less, sanitary protection will be provided in accordance with Public Water Supply Construction Standards [OAC 252:626-19-2].
- 7) That before placing this facility into service, at least two samples of the water, taken on different days, shall be tested for bacteria to show that it is safe for drinking purposes.





SCOTT A. THOMPSON
Executive Director

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

KEVIN STITT
Governor

PERMIT No. WL000072210620

WATER LINES

FACILITY No. 3007243

PERMIT TO CONSTRUCT

- 8) That any deviations from approved plans or specifications affecting capacity, flow or operation of units must be approved by the Department before any such deviations are made in the construction of this project.
- 9) That the recipient of the permit is responsible for the continued operation and maintenance of these facilities in accordance with rules and regulations adopted by the Environmental Quality Board, and that this Department will be notified in writing of any sale or transfer of ownership of these facilities.
- 10) The issuance of this permit does not relieve the responsible parties of any obligations or liabilities which the permittee may be under pursuant to prior enforcement action taken by the Department.
- 11) That the permittee is required to inform the developer/builder that a DEQ Storm Water Construction Permit is required for a construction site that will disturb one (1) acre or more in accordance with OPDES, 27A O.S. Section 2-6-201 *et seq.* For information or a copy of the GENERAL PERMIT (OKR10) FOR STORM WATER DISCHARGES FROM CONSTRUCTION ACTIVITIES, Notice of Intent (NOI) form, Notice of Termination (NOT) form, or guidance on preparation of a Pollution Prevention Plan, contact the Storm Water Unit of the Water Quality Division at P.O. Box 1677, Oklahoma City, OK 73101-1677 or by phone at (405) 702-8100.
- 12) That any notations or changes recorded on the official set of plans and specifications in the Oklahoma Department of Environmental Quality files shall be part of the plans as approved.
- 13) That water lines shall be located at least fifteen (15) feet from all parts of septic tanks and absorption fields, or other sewage treatment and disposal systems.
- 14) That whenever plastic pipe is approved and used for potable water, it shall bear the seal of the National Sanitation Foundation and meet the appropriate commercial standards.





SCOTT A. THOMPSON
Executive Director

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

KEVIN STITT
Governor

PERMIT No. WL000072210620

WATER LINES

FACILITY No. 3007243

PERMIT TO CONSTRUCT

- 15) That when it is impossible to obtain proper horizontal and vertical separation as stipulated in Public Water Supply Construction Standards OAC 252:626-19-2(h)(1) and OAC 252:626-19-2(h)(2), respectively, the sewer shall be designed and constructed equal to water pipe, and shall be pressure tested to the highest pressure obtainable under the most severe head conditions of the collection system prior to backfilling.

Failure to appeal the conditions of this permit in writing within 30 days from the date of issue will constitute acceptance of the permit and all conditions and provisions.

A handwritten signature in black ink that reads "Rocky Chen". The signature is written in a cursive, flowing style.

Rocky Chen, P.E., Engineering Manager, Construction Permit Section
Water Quality Division



RESOLUTION NO. 2021-22

A RESOLUTION BY THE CITY OF BIXBY, OKLAHOMA,
CORRECTING AND CLARIFYING RESOLUTION NO.
2020-6 DESIGNATING DEFINED CITY PROPERTIES AS
PUBLIC ROADWAYS AND THOROUGHFARES

WHEREAS, the City of Bixby, Oklahoma, a Municipal Corporation, has ownership of certain real property within the city limits of Bixby, Oklahoma, over which rights-of-way and thoroughfares allow for the passage of public traffic and placement of utilities; and in addition the City of Bixby, Oklahoma has received by separate grant certain easements and rights of way over other real property within the city limits of Bixby, Oklahoma; and,

WHEREAS, it is in the best interest of the City of Bixby, Oklahoma, that such rights-of-way over, upon and across said city property be designated and determined as public streets and thoroughfares; and,

WHEREAS, it is in the best interest of the public safety and security and location designation that such properties are designated as public streets and thoroughfares; and accordingly the City Council adopted its Resolution No. 2020-6 designating certain properties as public streets and thoroughfares; and,

WHEREAS, certain ambiguities in the appendices or "Exhibits" attached to Resolution No. 2020-6 did not provide complete clarity in the legal description of the properties designated thereby as public streets and thoroughfares, which this Resolution is intended to correct;

NOW, THEREFORE, the City of Bixby, Oklahoma, acting by and through its City

Council, resolves that the streets and thoroughfares lying within the following-described real properties, designated as public streets by Resolution No. 2020-6, are properly described in the following:

Exhibit A - attached

AND

Exhibit B - attached.

Be it further resolved that, in accordance with the terms and provisions of Resolution No. 2020-6, such properties designated as public streets shall be subject to all city ordinances and agreements, including franchise agreements, relating to the use of such streets including vehicle traffic, the placement of utility lines, and such other lawful uses as may be approved by the City of Bixby, Oklahoma.

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

CITY OF BIXBY, OKLAHOMA

Brian Guthrie, Mayor

Attest:

Yvonne Adams, City Clerk

Approved:

Phil Frazier, City Attorney

Exhibit A

A part of the Northwest Quarter (NW/4) of 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 United States Government Survey thereof, being more particularly described as follows:

BEGINNING at the Southeast corner of Lot 1, Block 19, MIDLAND ADDITION TO BIXBY, same being on the Northeasterly Right of Way of the Midland Valley Rail Road; thence South 47°50'32" East and along said Right of Way, for a distance of 82.38 feet to a point on the extension of the West line of Block 18, MIDLAND ADDITION TO BIXBY; thence South 01°05'55" East and along the extension of said West line, for a distance of 137.31 feet to a point on the Southwesterly Right of Way of the Midland Valley Rail Road; thence North 47°50'32" West along said Right of Way, for a distance of 82.38 feet to the Northeast corner of Lot 20, Block 20, MIDLAND ADDITION TO BIXBY; thence North 01°05'55" West and along an extension of the East line of said Block 20, for a distance of 137.31 feet to the POINT OF BEGINNING,

Said tract containing 8,238.44 square feet, being 0.19 acres, more or less.

Bearings are based on the Oklahoma State Plane Coordinate System North Zone 3501 NAD 1983 (1993).

(The same constituting a Permanent Right of Way designated Parcel No. 5.0 in that certain Quit-claim Deed in favor of the City of Bixby, Oklahoma, dated the 28th day of October, 2016, duly filed for record on November 17, 2016 in the Office of the County Clerk of Tulsa County, Oklahoma, recorded as Document No. 2016110001)

Exhibit B

A tract of land being a part of the Northwest Quarter of the Northwest Quarter (NW/4 NW/4) of 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 United States Government Survey thereof, being more particularly described as follows:

Commencing at the Northwest corner of said NW/4; thence North 88°22'04" East and along the North line of said NW/4, for a distance of 969.81 feet, thence South 01°19'36" East, for a distance of 65.35 feet to the POINT OF BEGINNING; thence South 47°50'53" East, for a distance of 32.34 feet; thence South 06°01'08" East, for a distance of 134.85 feet; thence South 03°08'29" West, for a distance of 143.68 feet; thence North 47°50'32" West to a point being the Easterly Northeast corner of Lot Fifteen (15), Block Ten (10), MIDLAND ADDITION; thence North 01°19'36" West and along an extension of the East line of said Block 10, for a distance of 275.65 feet to the POINT OF BEGINNING, said tract containing 7,989.45 square feet, the same being 0.18 acre, more or less.

Bearings are based on the Oklahoma State Plane Coordinate System North Zone 3501 NAD 1983 (1993).

(The same constituting a part of the land described in that certain General Warranty Deed in favor of the City of Bixby, Oklahoma, dated the 17th day of January, 2020, duly filed for record on January 27, 2020 in the Office of the County Clerk of Tulsa County, Oklahoma, recorded as Document No. 20200007715)

RESOLUTION NO. 2021-23

A RESOLUTION BY THE CITY OF BIXBY, OKLAHOMA,
DESIGNATING A DEFINED CITY PROPERTY AS A PUBLIC WAY

WHEREAS, the City of Bixby, Oklahoma, a Municipal Corporation, has ownership of certain real property within the city limits of Bixby, Oklahoma, over which rights-of-way and thoroughfares allow for the passage of public traffic and placement of utilities; and in addition the City of Bixby, Oklahoma has received by separate grant certain easements and rights of way over other real property within the city limits of Bixby, Oklahoma; and,

WHEREAS, it is in the best interest of the public safety and security and location designation that a certain right-of-way over, upon and across said city property be designated and determined as a public way;

NOW, THEREFORE, the City of Bixby, Oklahoma, acting by and through its City Council, resolves that the way lying within the following-described real property be designated as a public way:

A 25-foot public right of way in a portion of the Northwest Quarter (NW/4) of Section Twenty-Four (24), Township Seventeen (17) North, Range Thirteen (13) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, said right of way being more particularly described by metes and bounds as follows:

COMMENCING from the Northwest corner of said Section 24, marked by a found 1/2-inch iron rod; thence South 01°19'14" East a distance of 329.12 feet; thence North 88°36'43" East a distance of 825.22 feet to the POINT OF BEGINNING; thence North 01°23'34" West a distance of 25.00 feet to a point; thence North 88°36'26" East a distance of 141.09 feet to a point in the West right of way line of Armstrong Street; thence South 01°19'36" East along such West right of way line of Armstrong Street a distance of 25.00 feet to a point; thence South 88°36'26" West a distance of 141.06 feet to the Point of Beginning

Total Length: 144.07 feet or 8.73 rods

[Bearings are based on the Oklahoma State Plane Coordinate System North Zone 3501 NAD 1983 (1993)]

(The same constituting portions of the lands described in [1] that certain General Warranty Deed in favor of the City of Bixby, Oklahoma, dated the 17th day of January, 2020, duly filed for record on January 27, 2020 in the Office of the County Clerk of Tulsa County, Oklahoma, recorded as Document No. 20200007715, and [2] that certain Quit Claim Deed in favor of the City of Bixby, Oklahoma, dated the 26th day of February, 2018, duly filed for record on March 14, 2018, recorded as Document No. 2018021592).

Be it further resolved that such property designated as a public way shall be subject to all city ordinances and agreements, including franchise agreements, relating to the use of such public ways including vehicle traffic, the placement of utility lines, and such other lawful uses as may be approved by the City of Bixby, Oklahoma.

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

CITY OF BIXBY, OKLAHOMA

Brian Guthrie, Mayor

Attest:

Yvonne Adams, City Clerk

Approved:

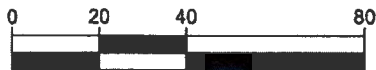
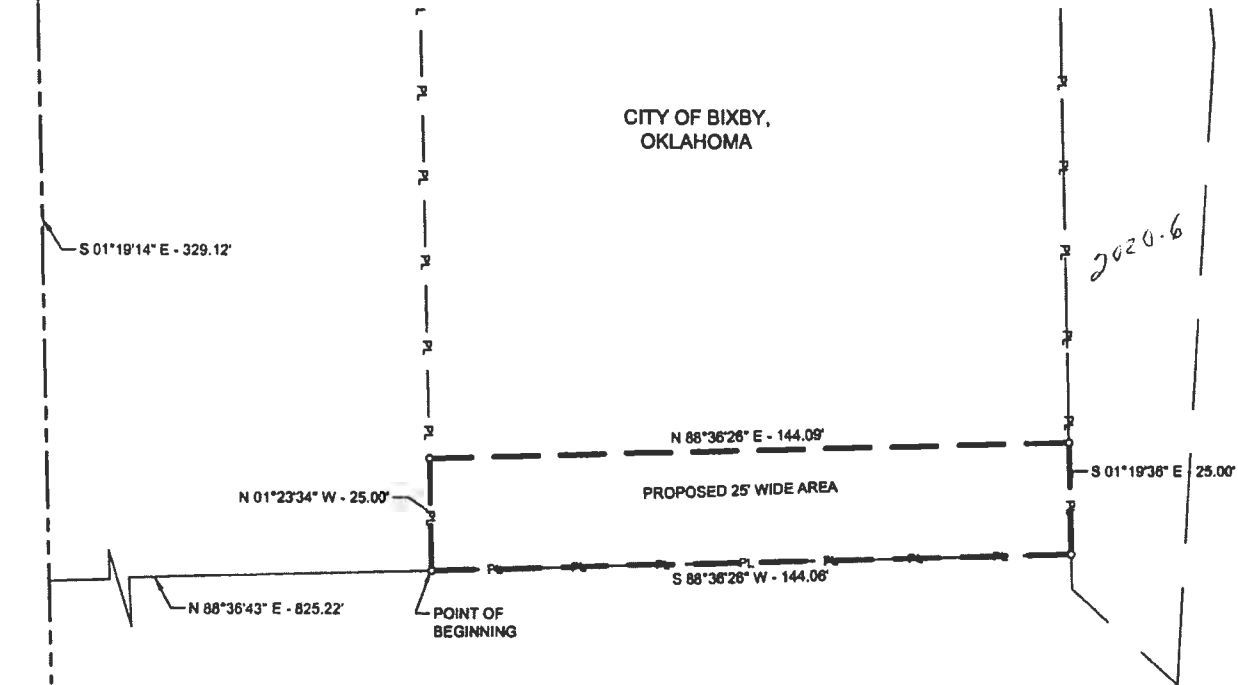
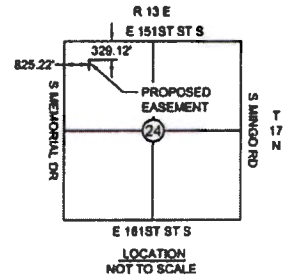
Phil Frazier, City Attorney

EXHIBIT 'A'

TULSA COUNTY, OKLAHOMA

SECTION 24, TOWNSHIP 17 NORTH, RANGE 13 EAST

SEC 14 SEC 13
SEC 23 NW CORNER SEC. 24
FOUND 1/2" IRON ROD



SCALE: 1"= 40'

LEGEND

PL	PROPERTY LINE
---	TEMPORARY WORKSPACE
---	SECTION LINE
---	EASEMENT

NOTES:

1. THIS IS AN EXHIBIT DRAWING AND IS NOT INTENDED TO REPRESENT A BOUNDARY SURVEY.
2. TITLE RESEARCH PERFORMED BY OTHERS.

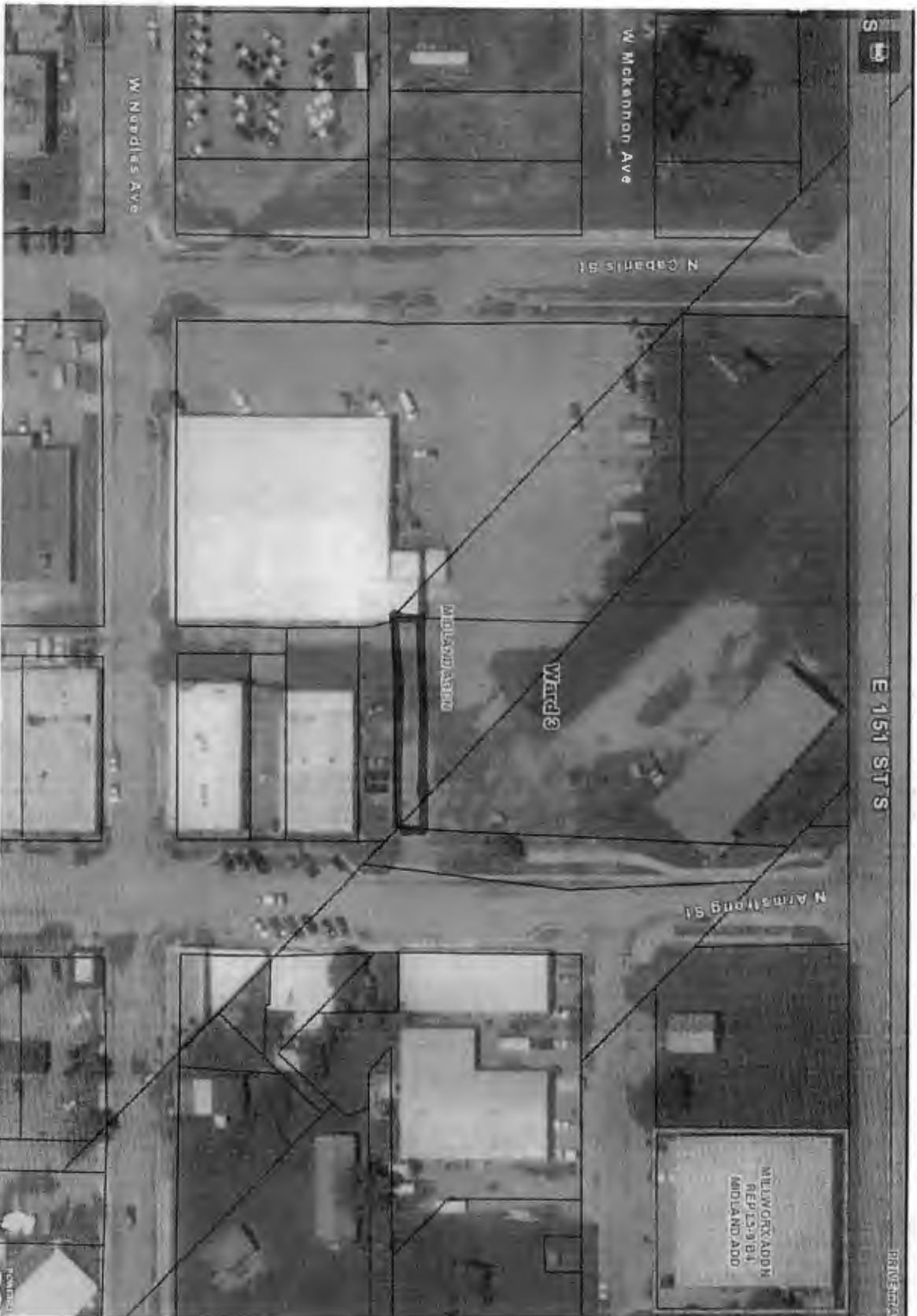
151ST AND MEMORIAL

EXHIBIT

**PROPOSED EXHIBIT BEING A PORTION OF THE
NW/4 OF SECTION 24,
TOWNSHIP 17 NORTH, RANGE 13 EAST,
TULSA COUNTY, OKLAHOMA**

CENTERLINE FOOTAGE: 144.07 RODS: 8.73

JOB:	SCALE: 1"= 40'	PAGE: 1 OF 1			
DRAWN BY: BP	CHECKED BY: SGT	DATE: 07/02/19	DWG NO:		
REV.	DATE	REVISION DESCRIPTION	BY	CHK.	APP.
0	08/13/21	EXHIBIT			



1

RESOLUTION NO. 2021-24

A RESOLUTION BY THE CITY OF BIXBY, OKLAHOMA,
DESIGNATING DEFINED CITY PROPERTIES AS
PUBLIC ROADWAYS AND THOROUGHFARES

WHEREAS, the City of Bixby, Oklahoma, a Municipal Corporation, has ownership of certain real property within the city limits of Bixby, Oklahoma, over which right-of-ways and thoroughfares allow for the passage of public traffic and placement of utilities; and,

WHEREAS, it is in the best interest of the City of Bixby, Oklahoma, that such roadways and thoroughfares over, upon and across said city property be designated and determined as public streets and thoroughfares; and,

WHEREAS, it is in the best interest of the public safety and security and location designation that such properties are designated as public streets and thoroughfares; and,

NOW, THEREFORE, the City of Bixby, Oklahoma, acting by and through its City Council, resolves that the streets and thoroughfares lying within the following-described real properties, be designated as public streets:

A part of the Northwest Quarter (NW/4) of 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 United States Government Survey thereof, being more particularly described as follows:

COMMENCING at the Northwest corner of said NW/4; Thence North 88°22'04" East and along the North line of said NW/4, for a distance of 612.29 feet to a point on the Southwesterly Right of Way of the Midland Valley Rail Road; Thence South 47°50'32" East and along said Right of Way, for a distance of 523.96 feet to the POINT OF BEGINNING; Thence continuing South 47°50'32" East and along said Right of Way, for a distance of 79.05 feet to the Northwest corner of Block 11, MIDLAND ADDITION TO BIXBY; Thence North 01°19'36" West and along an extension of the West line of said Block 11, for a distance of 209.38 feet to a point on the extension of the North line of Block 12, MIDLAND ADDITION TO BIXBY; Thence North 88°31'40" East and along an extension of said North line, for a distance of 69.68 feet to the Northwest corner of said Block 12, same being a point on the Northeasterly Right of Way of the Midland Valley Rail Road and an extension of the Westerly line of Block 4, MIDLAND ADDITION TO BIXBY; Thence North 47°50'32" West and along said Right of Way and Westerly line of said Block 4, for a distance of 176.08 feet; Thence South 06°09'43" East, for a distance of 135.43 feet;

Thence South 02°59'54" West, for a distance of 141.79 feet to the POINT OF BEGINNING.

Said tract containing 16,689.50 square feet, being 0.38 acres, more or less.

AND

A part of the Northwest Quarter (NW/4) of 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 United States Government Survey thereof, being more particularly described as follows:

BEGINNING at a point on the North line of Lot 4, Block 28, MIDLAND ADDITION TO BIXBY, same being a point on the Southwesterly Right of Way of the Midland Valley Rail Road; Thence North 47°50'32" West and along said Right of Way, for a distance of 72.28 feet to a point on the extension of the South line of Block 18, MIDLAND ADDITION TO BIXBY; Thence North 88°23'29" East and along the extension of said South line, for a distance of 144.57 feet to a point on the South line of said Block 18, same being a point on the Northeasterly Right of Way of the Midland Valley Rail Road; Thence South 47°50'32" East and along said Right of Way, for a distance of 72.28 feet to the Northeast corner of Lot 4, Block 29, MIDLAND ADDITION TO BIXBY; Thence South 88°23'29" West and along an extension of the North line of said Block 29, for a distance of 144.57 feet to the POINT OF BEGINNING.

Said tract containing 7,228.35 square feet, being 0.17 acres, more or less.

AND

A part of the Northwest Quarter (NW/4) of 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 United States Government Survey thereof, being more particularly described as follows:

BEGINNING at the Southeast corner of Lot 1, Block 19, MIDLAND ADDITION TO BIXBY, same being on the Northeasterly Right of Way of the Midland Valley Rail Road; Thence South 47°50'32" East and along said Right of Way, for a distance of 82.38 feet to a point on the extension of the West line of Block 18, MIDLAND ADDITION TO BIXBY; Thence South 01°05'55" East and along the extension of said West line, for a distance of 137.31 feet to a point on the Southwesterly Right of Way of the Midland Valley Rail Road; Thence N 47°50'32" West along said Right of Way, for a distance of 82.38 feet to the Northeast corner of Lot 20, Block 20, MIDLAND ADDITION TO BIXBY; Thence North 01°05'55" West and along

an extension of the East line of said Block 20, for a distance of 137.31 feet to the POINT OF BEGINNING.

Said tract containing 8,238.44 square feet, being 0.19 acres, more or less.

AND

A part of the Northwest Quarter (NW/4) of 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 United States Government Survey thereof, being more particularly described as follows:

BEGINNING at the Southeast corner of Block 11, MIDLAND ADDITION TO BIXBY, same being a point on the Southwesterly Right of Way of the Midland Valley Rail Road; Thence North 88°27'59" East and along an extension of the South line of Block 12, MIDLAND ADDITION TO BIXBY, for a distance of 144.77 feet to the Southwest corner of Lot 9 in said Block 12, same being a point on the Northeasterly Right of Way of the Midland Valley Rail Road; Thence South 47°50'32" East and along said Right of Way, for a distance of 72.38 feet to the Northwest corner of Lot 1, Block 19, MIDLAND ADDITION TO BIXBY, Thence South 88°27'59" West and along an extension of the North line of Block 20, MIDLAND ADDITION TO BIXBY, for a distance of 144.77 feet to a point on the North line of said Block 20, same being a point on the Southwesterly Right of Way of the Midland Valley Rail Road; Thence North 47°50'32" West and along said Right of Way, for a distance of 72.38 feet to the POINT OF BEGINNING.

Said tract containing 7,238.27 square feet, being 0.17 acres, more or less.

AND

A part of the Northwest Quarter (NW/4) of 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 United States Government Survey thereof, being more particularly described as follows:

BEGINNING at the Southeast corner of Lot 1, Block 28, MIDLAND ADDITION TO BIXBY, same being a point on the Southwesterly Right of Way of the Midland Valley Rail Road; Thence North 88°23'29" East and along an extension of the South line of said Lot 1, for a distance of 72.28 feet; Thence South 47°50'32" East and parallel with the Southwesterly Right of Way of the Midland Valley Rail Road, for a distance of 21.15 feet to a point on the extension of the North line of Lots 12 thru 15 in said Block 28; Thence South 88°21'18" West and along the extension of said North line, for a distance of 72.24 feet to a point on said North line same being a

point on the Southwesterly Right of Way of the Midland Valley Rail Road; Thence North 47°50'32" West, and along said Right of Way, for a distance of 21.21 feet to the POINT OF BEGINNING.

Said tract containing 1,059.02 square feet, being 0.02 acres, more or less.

AND

A part of the Northwest Quarter (NW/4) of 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 United States Government Survey thereof, being more particularly described as follows:

BEGINNING at the Northwest corner of Lot 7, Block 33, MIDLAND ADDITION OF BIXBY, same being a point on the Northeasterly Right of Way of Midland Valley Rail Road; Thence North 47°50'32" West and along said Right of Way, for a distance of 72.28 feet to a point on the South line of Block 30, said MIDLAND ADDITION TO BIXBY; Thence South 88°23'29" West and along said South line, for a distance of 80.15 feet to the Southwest corner of said Block 30; Thence North 01°05'55" West and along the West line of said Block 30, for a distance of 76.12 feet to the Southwest corner of Lot 15, in said Block 30, same being a point on the Northeasterly Right of Way of Midland Valley Rail Road; Thence North 47°50'32" West, and along said Right of Way, for a distance of 82.38 feet to the Southeast corner of Lot 1, Block 29, MIDLAND ADDITION TO BIXBY; Thence South 01°05'55" East and along an extension of the East line of said Block 29, for a distance of 132.70 feet to point being along an extension of the South line of Block 28, MIDLAND ADDITION TO BIXBY; Thence South 88°21'18" West and along the extension of said South line, for a distance of 4.85 feet to the Southeast corner of Lot 18, of said Block 28, same being a point on the Southwesterly Right of Way of Midland Valley Rail Road; Thence South 47°50'29" East and along said Right of Way, for a distance of 72.23 feet to a point on the North line of Block 34, MIDLAND ADDITION TO BIXBY; Thence North 88°33'57" East and along said North line, for a distance of 145.03 feet to the POINT OF BEGINNING.

Said tract containing 13,475.30 square feet, being 0.31 acres, more or less.

Be it further resolved that such properties hereby designated as public streets shall be subject to all city ordinances and agreements, including franchise agreements, relating to the use of such streets including vehicle traffic, the placement of utility lines, and such other lawful

uses as may be approved by the City of Bixby, Oklahoma.

CITY OF BIXBY, OKLAHOMA

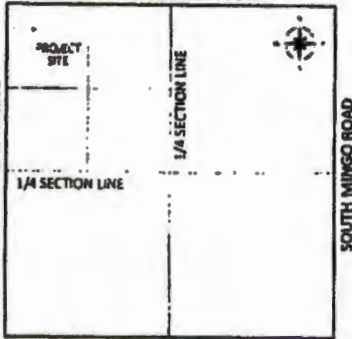
Brian Guthrie, Mayor

Attest:

Yvonne Adams, City Clerk

Approved:

City Attorney



TOTAL PROPERTY

	BEFORE GROSS	EXISTING R/W	PERMANENT R/W	REM IN QTR	PERMANENT EASEMENT	TEMP CONST EASEMENT
	0.00 SF	0.00 SF	16689.50 SF	0.00 SF	0.00 SF	0.00 SF
	0.00 ACRES	0.00 ACRES	0.38 ACRES	0.00 ACRES	0.00 ACRES	0.00 ACRES

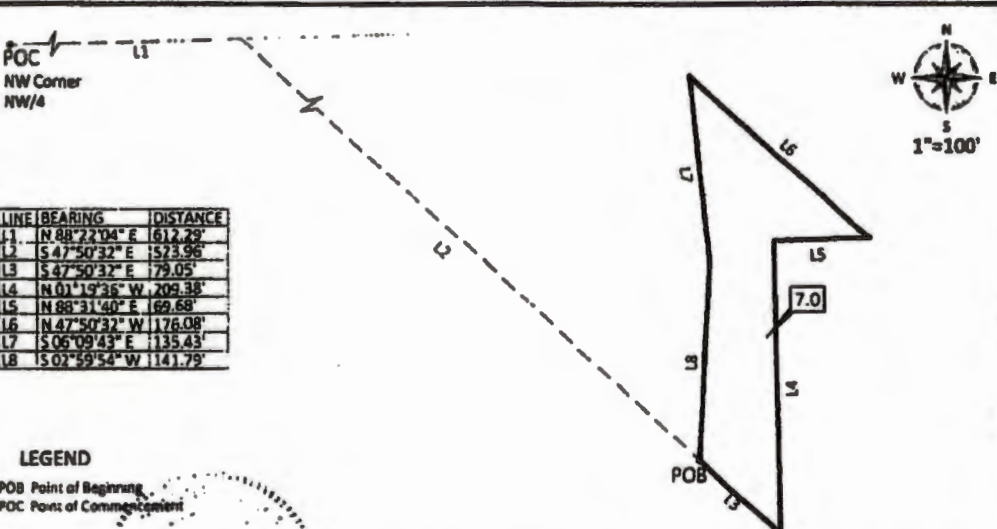
JOB NO.: 161034

PARCEL NO.: 7.0

COUNTY: TULSA

LEGAL DESCRIPTION: A tract of land in the NW/4, Section 24, Township 17 North, Range 13 East, Tulsa County, State of Oklahoma

SEC 24 T 17N R 13E



LINE	BEARING	DISTANCE
L1	N 88° 22' 04" E	612.29'
L2	S 47° 50' 32" E	523.96'
L3	S 47° 50' 32" E	79.05'
L4	N 01° 19' 36" W	209.38'
L5	N 88° 31' 40" E	169.68'
L6	N 47° 50' 32" W	176.08'
L7	S 06° 09' 43" E	135.43'
L8	S 02° 59' 54" W	141.79'

LEGEND
 POB Point of Beginning
 POC Point of Commencement

Nathaniel J. Reed
 Nathaniel J. Reed
 Oklahoma P.E. #1744

Certificate of Authorization No. 4636
 2001 South 114th East Avenue
 Tulsa, Oklahoma 74128

HARDEN ASSOCIATES
 SURVEYING AND MAPPING, PC
 Expires June 30, 2017
 (918) 234-4859 Office
 (918) 487-8881 Fax

EXHIBIT A

PERMANENT RIGHT OF WAY

Parcel No. 7.0

TULSA COUNTY, OKLAHOMA

A part of the Northwest Quarter (NW/4) of 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 United States Government Survey thereof, being more particularly described as follows:

COMMENCING at the Northwest corner of said NW/4; Thence North 88°22'04" East and along the North line of said NW/4, for a distance of 812.29 feet to a point on the Southwesterly Right of Way of the Midland Valley Rail Road; Thence South 47°50'32" East and along said Right of Way, for a distance of 523.96 feet to the POINT OF BEGINNING; Thence continuing South 47°50'32" East and along said Right of Way, for a distance of 79.05 feet to the Northwest corner of Block 11, MIDLAND ADDITION TO BIXBY; Thence North 01°19'36" West and along an extension of the West line of said Block 11, for a distance of 209.38 feet to a point on the extension of the North line of Block 12, MIDLAND ADDITION TO BIXBY; Thence North 88°31'40" East and along an extension of said North line, for a distance of 89.68 feet to the Northwest corner of said Block 12, same being a point on the Northeasterly Right of Way of the Midland Valley Rail Road and an extension of the Westerly line of Block 4, MIDLAND ADDITION TO BIXBY; Thence North 47°50'32" West and along said Right of Way and Westerly line of said Block 4, for a distance of 176.08 feet; Thence South 06°09'43" East, for a distance of 135.43 feet; Thence South 02°59'54" West, for a distance of 141.79 feet to the POINT OF BEGINNING.

Said tract containing 16,689.50 square feet, being 0.38 acres, more or less.

Bearings are based on the Oklahoma State Plane Coordinate System North Zone 3501 NAD 1983 (1993).

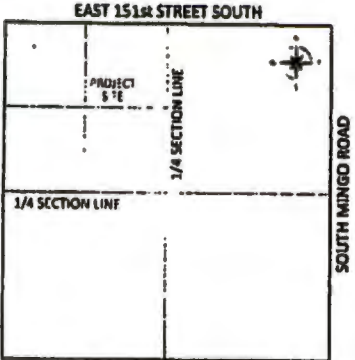
Real Property Certification

I, Nathaniel J. Reed, certify that the attached legal 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.

10/26/2016
Date




Nathaniel J. Reed
Oklahoma P.L.S. #1744
Oklahoma CA No. 4856
Expires 08/30/2017



TOTAL PROPERTY

BEFORE GROSS	0.00 SF	0.00 ACRES
EXISTING R/W	0.00 SF	0.00 ACRES
PERMANENT R/W	7228.35 SF	0.17 ACRES
REM IN QTR	0.00 SF	0.00 ACRES
PERMANENT EASEMENT	0.00 SF	0.00 ACRES
TEMP CONST EASEMENT	0.00 SF	0.00 ACRES

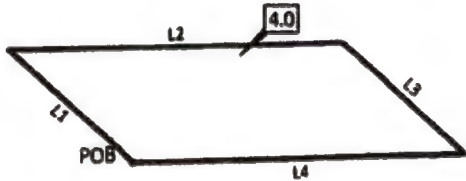
JOB NO.: 161034

PARCEL NO.: 4.0

COUNTY: TULSA

LEGAL DESCRIPTION: A tract of land in the NW/4, Section 24, Township 17 North, Range 13 East, Tulsa County, State of Oklahoma

SEC 24 T 17N R 13E



LINE	BEARING	DISTANCE
L1	N 47° 50' 32" W	72.28'
L2	N 88° 23' 29" E	144.57'
L3	S 47° 50' 32" E	72.28'
L4	S 88° 23' 29" W	144.57'

Nathaniel S. Read
Nathaniel S. Read
 Oklahoma PLS #1744

Certificate of Authorization No. 4456

HARDEN & ASSOCIATES
 SURVEYING AND MAPPING, PC

2001 South 114th East Avenue
 Tulsa, Oklahoma 74128

LEGEND
 POB Point of Beginning
 POC Point of Commencement
 Expires June 30, 2017

Date 12/20/2016

EXHIBIT A

PERMANENT RIGHT OF WAY

Parcel No. 4.0

TULSA COUNTY, OKLAHOMA

A part of the Northwest Quarter (NW/4) of 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 United States Government Survey thereof, being more particularly described as follows:

BEGINNING at a point on the North line of Lot 4, Block 28, MIDLAND ADDITION TO BIXBY, same being a point on the Southwesterly Right of Way of the Midland Valley Rail Road; Thence North 47°50'32" West and along said Right of Way, for a distance of 72.28 feet to a point on the extension of the South line of Block 18, MIDLAND ADDITION TO BIXBY; Thence North 88°23'29" East and along the extension of said South line, for a distance of 144.57 feet to a point on the South line of said Block 18, same being a point on the Northeasterly Right of Way of the Midland Valley Rail Road; Thence South 47°50'32" East and along said Right of Way, for a distance of 72.28 feet to the Northeast corner of Lot 4, Block 29, MIDLAND ADDITION TO BIXBY; Thence South 88°23'29" West and along an extension of the North line of said Block 29, for a distance of 144.57 feet to the POINT OF BEGINNING.

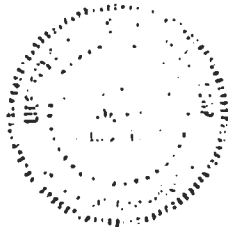
Said tract containing 7,228.35 square feet, being 0.17 acres, more or less.

Bearings are based on the Oklahoma State Plane Coordinate System North Zone 3501 NAD 1983 (1993).

Real Property Certification

I, Nathaniel J. Reed, certify that the attached legal 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.

10/20/2016
Date



Nathaniel J. Reed
Nathaniel J. Reed
Oklahoma P.L.S. #1744
Oklahoma CA No. 4656
Expires 06/30/2017

TOTAL PROPERTY

BEFORE GROSS	0.00 SF	0.00 ACRES
EXISTING R/W	0.00 SF	0.00 ACRES
PERMANENT R/W	8238.44 SF	0.19 ACRES
REM IN QTR	0.00 SF	0.00 ACRES
PERMANENT EASEMENT	0.00 SF	0.00 ACRES
TEMP CONST EASEMENT	0.00 SF	0.00 ACRES

JOB NO.: 161034

PARCEL NO.: 5.0

COUNTY: TULSA

LEGAL DESCRIPTION: A tract of land in the NW/4, Section 24, Township 17 North, Range 13 East, Tulsa County, State of Oklahoma

SEC 24 T 17N R 13E

LINE	BEARING	DISTANCE
L1	S 47° 50' 32" E	82.38'
L2	S 01° 05' 55" E	137.31'
L3	N 47° 50' 32" W	82.38'
L4	N 01° 05' 55" W	137.31'

Nathan J. Reed
Nathan J. Reed
Oklahoma P.L.S. #1744

Date 10/20/2016

Certificate of Authorization No. 4656

HARDEN ASSOCIATES
SURVEYING AND MAPPING, PC

2001 South 114th East Avenue
Tulsa, Oklahoma 74128

(918) 234-4859 Office
(918) 437-5501 Fax

LEGEND

POB Point of Beginning

POC Point of Commencement

Expires June 30, 2017

EXHIBIT A

PERMANENT RIGHT OF WAY

Parcel No. 5.0

TULSA COUNTY, OKLAHOMA

A part of the Northwest Quarter (NW/4) of 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 United States Government Survey thereof, being more particularly described as follows:

BEGINNING at the Southeast corner of Lot 1, Block 19, MIDLAND ADDITION TO BIXBY, same being on the Northeasterly Right of Way of the Midland Valley Rail Road; Thence South 47°50'32" East and along said Right of Way, for a distance of 82.38 feet to a point on the extension of the West line of Block 18, MIDLAND ADDITION TO BIXBY; Thence South 01°05'55" East and along the extension of said West line, for a distance of 137.31 feet to a point on the Southwesterly Right of Way of the Midland Valley Rail Road; Thence N 47°50'32" West along said Right of Way, for a distance of 82.38 feet to the Northeast corner of Lot 20, Block 20, MIDLAND ADDITION TO BIXBY; Thence North 01°05'55" West and along an extension of the East line of said Block 20, for a distance of 137.31 feet to the POINT OF BEGINNING.

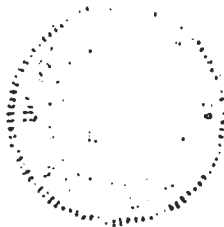
Said tract containing 8,238.44 square feet, being 0.19 acres, more or less.

Bearings are based on the Oklahoma State Plane Coordinate System North Zone 3501 NAD 1983 (1993).

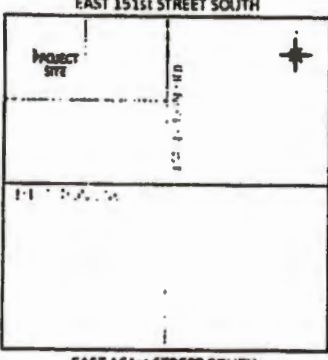
Real Property Certification

I, Nathaniel J. Reed, certify that the attached legal 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.

10/20/2016
Date



Nathaniel J. Reed
Nathaniel J. Reed
Oklahoma P.L.S. #1744
Oklahoma CA No. 4656
Expires 06/30/2017



EAST 151st STREET SOUTH

EAST 161st STREET SOUTH

TOTAL PROPERTY

BEFORE GROSS	0.00 SF	0.00 ACRES
EXISTING R/W	0.00 SF	0.00 ACRES
PERMANENT R/W	7238.27 SF	0.17 ACRES
REM IN QTR	0.00 SF	0.00 ACRES
PERMANENT EASEMENT	0.00 SF	0.00 ACRES
TEMP CONST EASEMENT	0.00 SF	0.00 ACRES

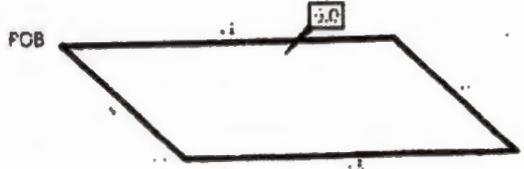
JOB NO.: 161034

PARCEL NO.: 6.0

COUNTY: TULSA

LEGAL DESCRIPTION: A tract of land in the NW/4, Section 24, Township 17 North, Range 13 East, Tulsa County, State of Oklahoma

SEC 24 T 17N R 13E



LINE	BEARING	DISTANCE
1-2	N 18° 27' 59" E	143.77
2-3	S 47° 50' 32" E	72.38
3-4	S 88° 27' 59" W	143.77
4-1	N 47° 50' 32" W	72.33

Nathan E. Reed
Nathan E. Reed
Oklahoma P.L.S. #1744

Date 10/24/2016

HARDEN ASSOCIATES
SURVEYING AND MAPPING, PC

20715 South 111th East Avenue
Tulsa, Oklahoma 74125

(918) 444-4959 Office
(918) 437-5551 Fax

EXHIBIT A

PERMANENT RIGHT OF WAY

Parcel No. 6.0

TULSA COUNTY, OKLAHOMA

A part of the Northwest Quarter (NW/4) of 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 United States Government Survey thereof, being more particularly described as follows:

BEGINNING at the Southeast corner of Block 11, MIDLAND ADDITION TO BIXBY, same being a point on the Southwesterly Right of Way of the Midland Valley Rail Road; Thence North 88°27'59" East and along an extension of the South line of Block 12, MIDLAND ADDITION TO BIXBY, for a distance of 144.77 feet to the Southwest corner of Lot 9 in said Block 12, same being a point on the Northeasterly Right of Way of the Midland Valley Rail Road; Thence South 47°50'32" East and along said Right of Way, for a distance of 72.38 feet to the Northwest corner of Lot 1, Block 19, MIDLAND ADDITION TO BIXBY; Thence South 88°27'59" West and along an extension of the North line of Block 20, MIDLAND ADDITION TO BIXBY, for a distance of 144.77 feet to a point on the North line of said Block 20, same being a point on the Southwesterly Right of Way of the Midland Valley Rail Road; Thence North 47°50'32" West and along said Right of Way, for a distance of 72.38 feet to the POINT OF BEGINNING.

Said tract containing 7,238.27 square feet, being 0.17 acres, more or less.

Bearings are based on the Oklahoma State Plane Coordinate System North Zone 3501 NAD 1983 (1993).

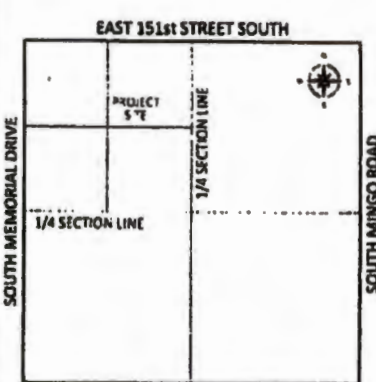
Real Property Certification

I, Nathaniel J. Reed, certify that the attached legal 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.

10/20/2016
Date



Nathaniel J. Reed
Nathaniel J. Reed
Oklahoma P.L.S. #1744
Oklahoma CA No. 4856
Expires 06/30/2017



EAST 151st STREET SOUTH

EAST 161st STREET SOUTH

TOTAL PROPERTY

BEFORE GROSS	0.00	SF	0.00	ACRES
EXISTING R/W	0.00	SF	0.00	ACRES
PERMANENT R/W	1059.02	SF	0.02	ACRES
REM IN QTR	0.00	SF	0.00	ACRES
PERMANENT EASEMENT	0.00	SF	0.00	ACRES
TEMP CONST EASEMENT	0.00	SF	0.00	ACRES

JOB NO.: 161034

PARCEL NO.: 3.0

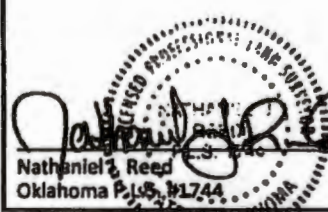
COUNTY: TULSA

LEGAL DESCRIPTION: A tract of land in the NW/4, Section 24, Township 17 North, Range 13 East, Tulsa County, State of Oklahoma

SEC 24 T 17N R 13E



LINE	BEARING	DISTANCE
11	N 88°23'29" E	72.28'
12	S 47°50'32" E	21.15'
13	S 88°21'18" W	72.24'
14	N 47°50'32" W	21.21'



Nathaniel Reed
Oklahoma P.L.S. #1744

Certificate of Authorization No. 4656

HARDEN ASSOCIATES
SURVEYING AND MAPPING, PC

2001 South 114th East Avenue
Tulsa, Oklahoma 74128

LEGEND

POB Point of Beginning
POC Point of Commencement

Expires June 30, 2017

Date 10/20/2015

E

EXHIBIT A

PERMANENT RIGHT OF WAY

Parcel No. 3.0

TULSA COUNTY, OKLAHOMA

A part of the Northwest Quarter (NW/4) of 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 United States Government Survey thereof, being more particularly described as follows:

BEGINNING at the Southeast corner of Lot 1, Block 28, MIDLAND ADDITION TO BIXBY same being a point on the Southwesterly Right of Way of the Midland Valley Rail Road; Thence North 88°23'29" East and along an extension of the South line of said Lot 1, for a distance of 72.28 feet; Thence South 47°50'32" East and parallel with the Southwesterly Right of Way of the Midland Valley Rail Road, for a distance of 21.15 feet to a point on the extension of the North line of Lots 12 thru 15 in said Block 28; Thence South 88°21'18" West and along the extension of said North line, for a distance of 72.24 feet to a point on said North line same being a point on the Southwesterly Right of Way of the Midland Valley Rail Road; Thence North 47°50'32" West, and along said Right of Way, for a distance of 21.21 to the POINT OF BEGINNING.

Said tract containing 1,059.02 square feet, being 0.02 acres, more or less.

Bearings are based on the Oklahoma State Plane Coordinate System North Zone 3501 NAD 1983 (1993).

Real Property Certification

I, Nathaniel J. Reed, certify that the attached legal 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.

10/20/2016
Date



Nathaniel J. Reed
Nathaniel J. Reed
Oklahoma P.L.S. #1744
Oklahoma CA No. 4656
Expires 06/30/2017

JOB NO.: 161034

PARCEL NO.: 2.0

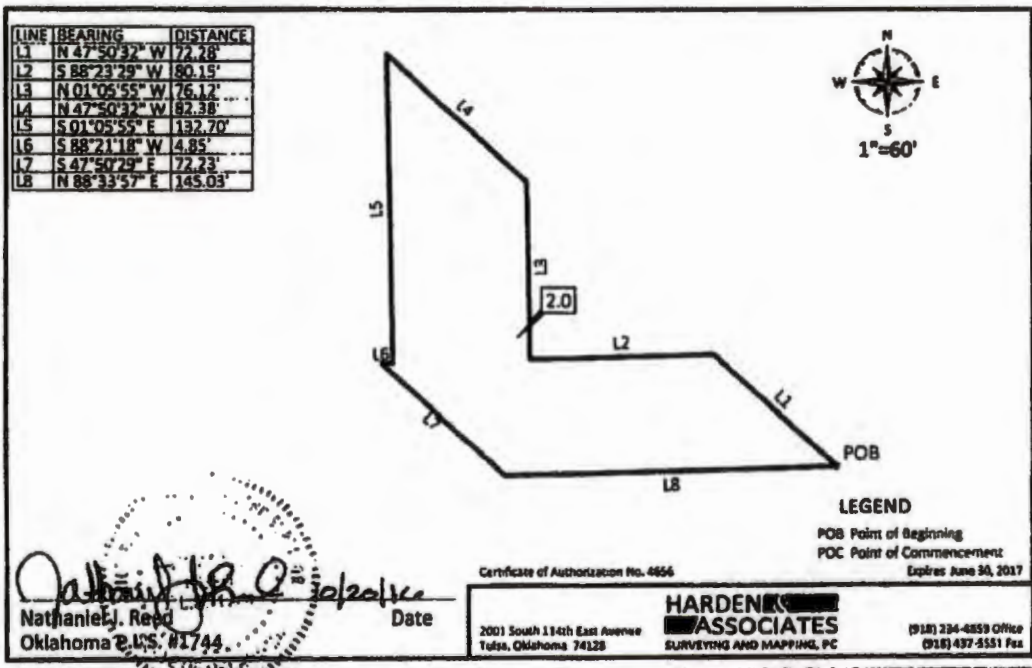
COUNTY: TULSA

LEGAL DESCRIPTION: A tract of land in the NW/4, Section 24, Township 17 North, Range 13 East, Tulsa County, State of Oklahoma

SEC 24 T 17N R 13E

TOTAL PROPERTY

BEFORE GROSS	0.00 SF	0.00 ACRES
EXISTING R/W	0.00 SF	0.00 ACRES
PERMANENT R/W	13475.30 SF	0.31 ACRES
REM IN QTR	0.00 SF	0.00 ACRES
PERMANENT EASEMENT	0.00 SF	0.00 ACRES
TEMP CONST EASEMENT	0.00 SF	0.00 ACRES



F

EXHIBIT A

PERMANENT RIGHT OF WAY

Parcel No. 2.0

TULSA COUNTY, OKLAHOMA

A part of the Northwest Quarter (NW/4) of 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 United States Government Survey thereof, being more particularly described as follows:

BEGINNING at the Northwest corner of Lot 7, Block 33, MIDLAND ADDITION OF BIXBY, same being a point on the Northeasterly Right of Way of Midland Valley Rail Road; Thence North 47°50'32" West and along said Right of Way, for a distance of 72.28 to a point on the South line of Block 30, said MIDLAND ADDITION TO BIXBY; Thence South 88°23'29" West and along said South line, for a distance of 80.15 feet to the Southwest corner of said Block 30; Thence North 01°05'55" West and along the West line of said Block 30, for a distance of 76.12 feet to the Southwest corner of Lot 15, in said Block 30, same being a point on the Northeasterly Right of Way of Midland Valley Rail Road; Thence North 47°50'32" West, and along said Right of Way, for a distance of 82.38 feet to the Southeast corner of Lot 1, Block 29, MIDLAND ADDITION TO BIXBY; Thence South 01°05'55" East and along an extension of the East line of said Block 29, for a distance of 132.70 feet to point being along an extension of the South line of Block 28, MIDLAND ADDITION TO BIXBY; Thence South 88°21'18" West and along the extension of said South line, for a distance of 4.85 feet to the Southeast corner of Lot 18, of said Block 28, same being a point on the Southwesterly Right of Way of Midland Valley Rail Road; Thence South 47°50'29" East and along said Right of Way, for a distance of 72.23 feet to a point on the North line of Block 34, MIDLAND ADDITION TO BIXBY; Thence North 88°33'57" East and along said North line, for a distance of 145.03 feet to the POINT OF BEGINNING.

Said tract containing 13,475.30 square feet, being 0.31 acres, more or less.

Bearings are based on the Oklahoma State Plane Coordinate System North Zone 3501 NAD 1983 (1993).

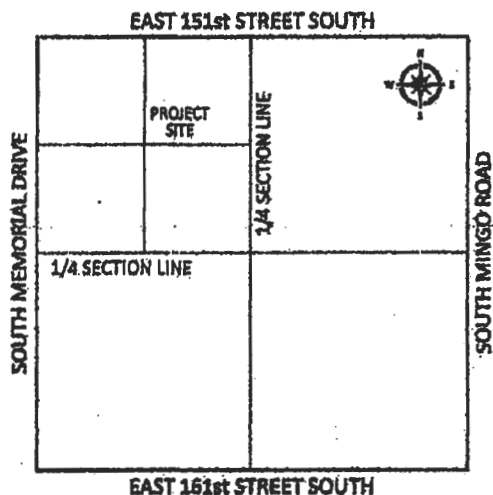
Real Property Certification

I, Nathaniel J. Reed, certify that the attached legal 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.

10/20/2016
Date




Nathaniel J. Reed
Oklahoma P.L.S. #1744
Oklahoma, CA No. 4656
Expires 06/30/2017



JOB NO.: 161034

PARCEL NO.: 2.0

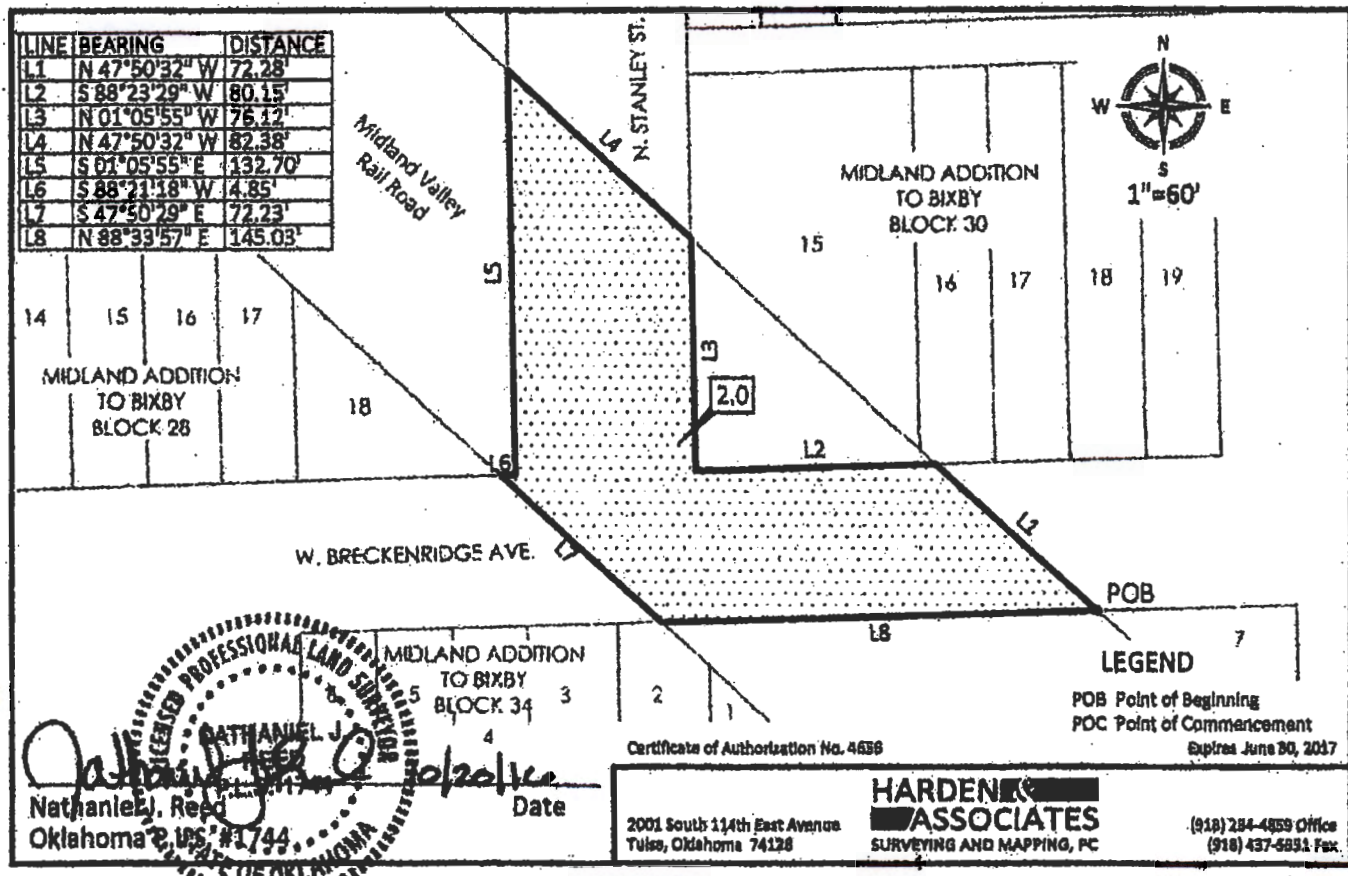
COUNTY: TULSA

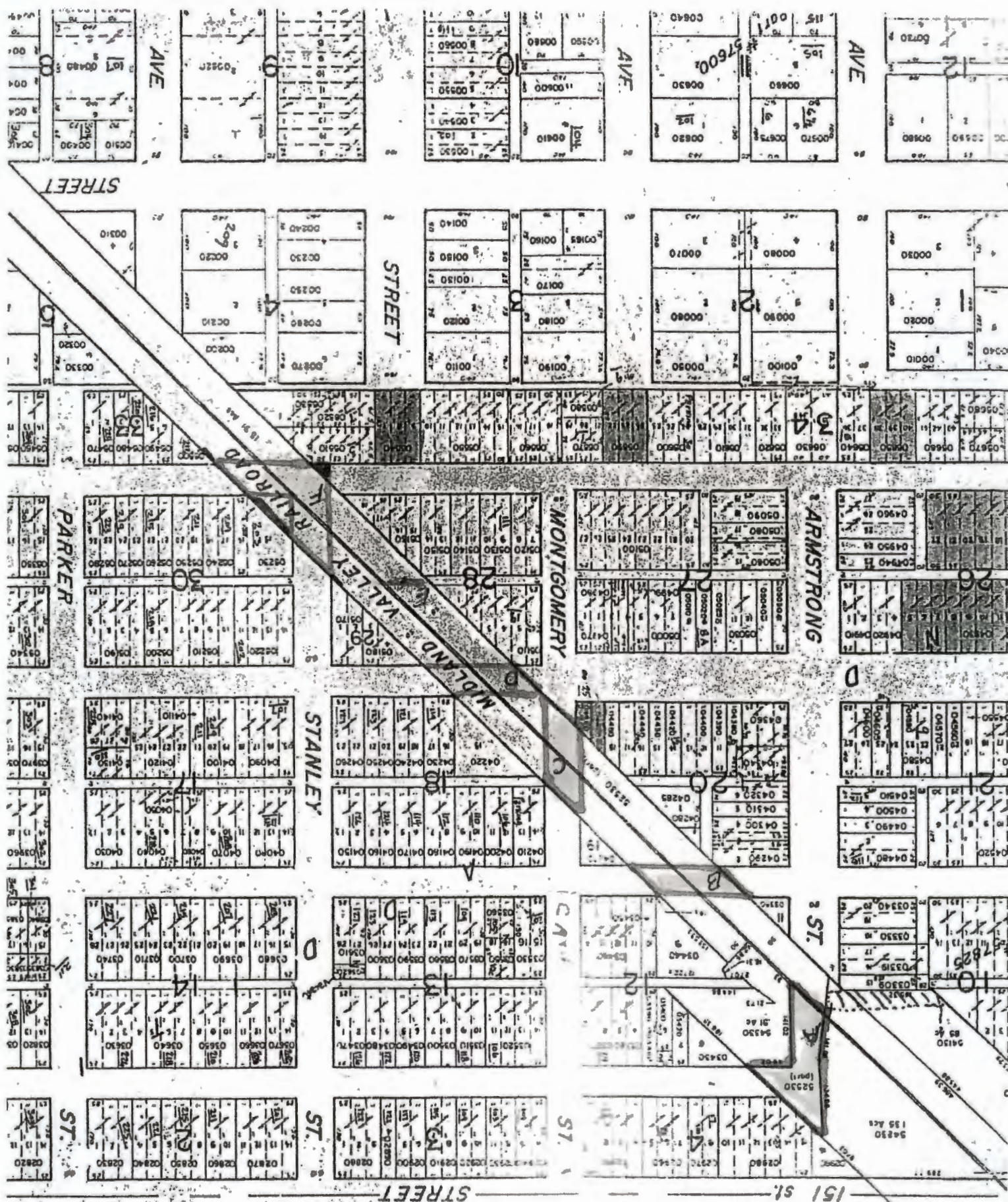
LEGAL DESCRIPTION: A tract of land in the NW/4,
Section 24, Township 17 North, Range 13 East,
Tulsa County, State of Oklahoma

SEC 24 T 17N R 13E

TOTAL PROPERTY

BEFORE GROSS	0.00 SF	0.00 ACRES
EXISTING R/W	0.00 SF	0.00 ACRES
PERMANENT R/W	13475.30 SF	0.31 ACRES
REM IN QTR	0.00 SF	0.00 ACRES
PERMANENT EASEMENT	0.00 SF	0.00 ACRES
TEMP CONST EASEMENT	0.00 SF	0.00 ACRES





Consent Agenda Item Commentary

Item Title

Discuss and/or take action on a Waiver of Barricade Rental Fees for Bixby Public Schools on Special Event Application for Bixby High School 2021 "Homecoming Parade".

Initiator

Bryan Toney

Staff Information Source

Bryan Toney

Background

Bixby Public School High School Administration has been granted a permit to hold their Homecoming parade. Bixby Public Schools has requested a waiver of fee(s) associated with Rental of Barricades for Road Closures for the event. In the past, the Barricade Rental fee has been waived.

Exhibits

Letterhead from Bixby Public Schools

Key Issue

Barricade Rental Fee Waiver \$150

Council Action

Approve waiver of fees.

Recommendation

Approval.

Item No: _____

Meeting Date

09-13-2021

Meeting

City Council



Bixby High School

601 S. Riverview Drive

Bixby, OK 74008

Tel (918)366-2222

9/7/2021

City Council Members,

This letter is to request a Fee Waiver for the Barricade Rental for the Bixby High School Homecoming Parade on September 30, 2021. Thank you for your continued support of Bixby Public Schools. If you have any questions, please feel free to contact me.

Sincerely,

DeWayne Patterson
Bixby High School
Director of Student Activities
918-366-2379
dpatterson@bixbyps.org

CONSENT AGENDA ITEM COMMENTARY

ITEM TITLE: Request to approve tuition fee for fire training by Tulsa Tech and OSU-FST not to exceed \$12,500.00, funding from 2021-2022 General Operating Budget.

INITIATOR: Joey Wiedel, Fire Chief

STAFF INFORMATION SOURCE: Joey Wiedel, Fire Chief

BACKGROUND: Bixby Fire Department has hired 5 new firefighters that will require training to perform the duties and responsibilities of a firefighter. Tulsa Tech and OSU-FST have a fire academy that starts September 22 and concludes November 18th. Each student will receive 10 certifications and 4 Nationally Recognized Certifications that are required. This training will be conducted in Tulsa. With the training being conducted locally, it will save the fire department thousands of dollars on motel, travel and meal expenses. The tuition fee is \$12,500 and will be funded from the fire department budget.

EXHIBITS: See Attached Quote.

KEY ISSUE: The authorization for tuition fee for firefighter training for Bixby Fire Department.

Funding Source: From 2021-2022 General Operating Budget.

COUNCIL ACTION: Approve or disapprove the authorization for the tuition fee for fire training for Bixby Fire Department.

RECOMMENDATION: Approve the authorization for the tuition fee for fire training for Bixby Fire Department.

Meeting Date: 9-13-2021
Location: City



QUOTE

Date: 9/8/2021
Company: Bixby Fire Department
Coordinator: Joey Johnson
Company Contact: Joey Wiedel
Contact Email: jwiedel2@students.tulsatech.edu

Bill To
Bixby Fire Department 116 W Needles Ave Bixby, OK 74008-4410

Quote ID	Quote Price Valid From	Quote Price Valid to
QUO-01554-W1H2V9	9/1/2021	06/30/2022

Description	Qty	Unit	Unit Price	Amount	Discount	Ext Amount
Fire Academy-Sept. 22-Nov. 18th (Classes listed below) Five seats in the Fire Academy-\$2500 per seat (Pricing for departments out of our district is \$5000 per seat) HazMat Awareness Fire Fighter I Vehicle Extrication Flammable Liquids and Gasses Calling/Responding to the MAYDAY Air Management CPAT Prep Fire Fighter II Standpipe Advanced Fire Behavior HazMat Ops CPAT Test Soft Skills Training	5.00		\$2,500.00	\$12,500.00		\$12,500.00

Amount:	\$12,500.00
Discount:	
Total Ext Amount:	\$12,500.00
Total:	\$12,500.00



MEMORANDUM OF UNDERSTANDING
FOR THE PURCHASE OF TRAINING SERVICES FROM
TULSA TECHNOLOGY CENTER
SCHOOL DISTRICT NO. 18

PURPOSE: The purpose of this Memorandum of Understanding is to outline a program through which TULSA TECHNOLOGY CENTER will provide training services.

AGREEMENT PERIOD: The term of this MOU is from 07/01/2021 through 06/30/2022.

FACILITIES: Classes will be conducted in facilities provided by TULSA TECHNOLOGY CENTER and/or at an alternate location provided by the client company.

BOOKS AND SUPPLIES: Materials for the classes identified will be provided by TULSA TECHNOLOGY CENTER and invoiced according to the attached quotation for services.

EQUIPMENT: TULSA TECHNOLOGY CENTER and or the client company will provide any equipment necessary.

PARTICIPANT RECORDS: TULSA TECHNOLOGY CENTER will secure approval for release of information from each participant in the program and will provide appropriate reports on individual participation in the training program. Parties acknowledge that they may have or obtain access to confidential "education records", as defined by FERPA, and agree that they will not disclose any such education records except to perform their respective duties under this Agreement or as required by law.

NONDISCRIMINATION POLICY: It is understood that all persons are eligible for training under

this agreement regardless of race, creed, color, age, sex, genetic information, national origin, veteran status, qualified handicap, or disability.

CANCELLATION POLICY: The Client Company will be charged for the direct cost of services if written notice of cancellation is not provided at least 7 business days before the scheduled service.

PROPRIETARY INFORMATION-CONFIDENTIALITY

NON-DISCLOSURE: Tulsa Tech agrees not to directly or indirectly use any confidential information for any purpose not associated with the legitimate business of Company, nor will Tulsa Tech provide, disclose or disseminate to any third person or entity any of the confidential information of Company without the express written consent of Company.

PAYMENT FOR SERVICES: All services will be invoiced upon completion of each class. Client Company agrees to pay all invoices within 30 days of receipt. Should a dispute of fees occur, a written dispute should be submitted to Tulsa Technology Center, c/o Matt Litterell, PO Box 477200, Tulsa, OK, 74147-7200.

PROJECT COORDINATION & SUPPORT: If you have any questions concerning the administration of any items described in this agreement or questions/concerns pertaining to the conducting of this training program, please contact Matt Litterell at (918) 828-5547, or Rana McVay at (918) 828-5448.

9/8/2021

Date

Joey Johnson Client Services Coordinator
(918) 828-5471
Business & Industry Services
Tulsa Technology Center

Customer Representative

Date

Bixby Fire Department

CONSENT AGENDA ITEM COMMENTARY

ITEM TITLE: Request to approve the purchase of personal protective equipment (PPE) of structural firefighting ensemble (coat and pants) from NAFECO, Inc. not to exceed \$14,145.50, funding from 2021-2022 Capital Improvement Fund.

INITIATOR: Joey Wiedel, Fire Chief

STAFF INFORMATION SOURCE: Joey Wiedel, Fire Chief

BACKGROUND: The fire department has recently hired five (5) new personnel. These five new personnel are added positions within the department. These new personnel require structural firefighting gear to fulfill their duties and responsibilities. The fire department does not currently have any additional surplus structural firefighting gear for these personnel to use. NAFECO, Inc., is the dealer of Lion brand gear that is currently in use and complements our current structural firefighting ensemble.

EXHIBITS: See Attached

KEY ISSUE: The authorization to purchase personal protective equipment for the Bixby Fire Department.

Funding Source: From 2021-2022 Capital Improvement Fund.

COUNCIL ACTION: Approve or disapprove the purchase of personal protective equipment for the Bixby Fire Department.

RECOMMENDATION: Approve the purchase of personal protective equipment for the Bixby Fire Department.

Meeting Date: 9-13-2021
Location: City

Order Total	\$14,145.50
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ORDINANCE NUMBER 2358

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS IN THE SUM OF SEVEN MILLION FIVE HUNDRED THOUSAND AND NO/100S DOLLARS (\$7,500,000.00) BY THE CITY OF BIXBY, OKLAHOMA AUTHORIZED AT AN ELECTION DULY CALLED AND HELD FOR SUCH PURPOSE; PRESCRIBING FORM OF BONDS; PROVIDING FOR REGISTRATION THEREOF; PROVIDING FOR A SYSTEM OF REGISTRATION FOR UNCERTIFICATED REGISTERED PUBLIC OBLIGATIONS; PROVIDING LEVY OF AN ANNUAL TAX FOR PAYMENT OF PRINCIPAL AND INTEREST ON THE SAME; FIXING OTHER DETAILS OF THE ISSUE; AND DECLARING AN EMERGENCY.

WHEREAS, on the 6th day of April, 2021, pursuant to notice duly given, an election was held in the City of Bixby, State of Oklahoma, for the purpose of submitting to the registered, qualified electors of said City the question of the issuance of the bonds of said City in the following amounts:

\$8,500,000.00 to be issued in series, to provide funds (either with or without State or Federal aid) 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, as authorized by Section 27, Article X of the Constitution and Statutes of the State of Oklahoma, and Acts complementary supplementary and enacted pursuant thereto; and

WHEREAS, as shown by the canvass of the returns by the County Election Board of Tulsa County, Oklahoma, at said April 6, 2021 election there were cast by the registered, qualified electors of said City:

On the question of the issuance of said public safety buildings and facilities bonds, 1,496 votes, of which 1,263 were in favor of and 233 were cast against the issuance of said bonds, and 0 were mutilated, spoiled or not voted ballots; and

WHEREAS, a lawful majority of the registered, qualified electors voting on each of said Proposition cast their ballots in favor of the issuance of all of said bonds and the issuance thereof has been duly authorized; and

WHEREAS, the City of Bixby, Oklahoma has not previously issued general obligation bonds for the above propositions.

WHEREAS, The Council of the City of Bixby, Oklahoma, pursuant to Title 62, Oklahoma Statutes 2021, Section 354, desires to issue at this time \$7,500,000.00 in General Obligation Bonds consisting of \$7,500,000.00 of 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 all to be owned exclusively by said City.

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

SECTION 1. That there are hereby ordered and directed to be issued the bonds of said City, in accordance with the form as hereinafter set out, in the aggregate amount of Seven Million Five Hundred Thousand and No/100s Dollars (\$7,500,000.00), which Bonds shall be designated "General Obligation Bonds, Series 2021" (the "Bonds"), shall be dated October 1, 2021, and shall become due and payable and shall bear interest from their date until paid as follows:

<u>Maturing October 1</u>	<u>Principal Amount</u>	<u>Interest Rate</u>
2023	\$830,000.00	___%
2024	\$830,000.00	___%
2025	\$830,000.00	___%
2026	\$830,000.00	___%
2027	\$830,000.00	___%
2028	\$830,000.00	___%
2029	\$830,000.00	___%
2030	\$830,000.00	___%
2031	\$860,000.00	___%

Interest shall be payable semi-annually on the first day of April and October of each year, commencing on April 1, 2023. The Bonds are issuable as registered Bonds in denominations of \$5,000.00 or any whole multiple thereof.

SECTION 2. That each of said Bonds and the endorsements and certificates thereon shall be in substantially the following form:

Unless this Bond is presented by an authorized representative of The Depository Trust Company to the Registrar for registration of transfer, exchange or payment and any bond issued is registered in the name of Cede & Co., or such other name as requested by an authorized representative of The Depository Trust Company and any payment is made to Cede & Co., ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL since the registered owner hereof, Cede & Co., has an interest herein.

No. _____	UNITED STATES OF AMERICA	\$ _____
	STATE OF OKLAHOMA	
	CITY OF BIXBY	
	General Obligation Bond, Series 2021	
_____ %		Due October 1, _____

KNOW ALL MEN BY THESE PRESENTS:

That the City of Bixby, of Tulsa County, Oklahoma, hereby acknowledges itself indebted to and for value received, promises to pay the principal amount set forth above to the person named below:

CEDE & CO., INC.

or registered assigns, (hereinafter called the "Registered Holder"), for the bond number(s) set forth above, together with interest thereon at the rate specified hereon, from the date hereof until paid, payable semi-annually on the 1st day of October, and the 1st day of April, respectively, in each year, beginning April 1, 2023.

The principal of and interest on this Bond are payable in lawful money of the United States of America which, at the time of payment, shall be legal tender for the payment of public and private debts. Payments of interest hereon shall be paid by check of BOKF, National Association, Tulsa, Oklahoma (herein called the "Bank") payable to the order of the Registered Holder and mailed to the address shown in the Registered Holder on or before the date on which each such payment is due. Payment of principal of this Bond shall be payable only upon surrender of this Bond to the Bank.

THE FULL FAITH, CREDIT, AND RESOURCES of said City are hereby irrevocably pledged to the payment of this Bond.

THIS BOND is one of an issue of like date and tenor, except as to date of maturity, rate of interest, and denomination, totaling the principal sum of Seven Million Five Hundred Thousand and No/100s Dollars (\$7,500,000.00) 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, as authorized by Section 27, Article X of the Constitution and Statutes of the State of Oklahoma, and Acts complementary supplementary and enacted pursuant thereto.

No person shall be entitled to any right or benefit provided in this Bond unless the name of such person is registered by the Bank as the Registrar of the City on the Registration Record. This Bond shall be transferable only upon delivery of this Bond to the Registrar, duly endorsed or accompanied by a written instrument of transfer in form satisfactory to the Bank, duly executed by the Registered Holder hereof or his attorney duly authorized in writing, and such transfer registered on the Registration Record. The Registrar shall not be required to make such transfer after the fifteenth (15) day preceding any interest payment date until after said latter date. The name of the Registered Holder endorsed hereon shall be deemed the correct name of the owner of this Bond for all purposes whatsoever. The Registrar will keep the Registration Record open for registration of ownership of registered Bonds during its business hours. In the event of a change of Registrar for any reason, notice thereof shall be mailed, by registered or certified United States Mail, postage prepaid, to the Registered Holder at the address shown in the Registration Record, and such notice shall be effective on the date of mailing and sufficient as to all persons.

IT IS HEREBY CERTIFIED AND RECITED that all acts, conditions and things required to be done, precedent to and in the issuance of this Bond have been properly done, happened and been performed in regular and due form and time as required by law, and that the total indebtedness of said City, including this Bond, and the series of which it forms a part, does not exceed any constitutional or statutory limitation; and that due provision has been made for the collection of an annual tax sufficient to pay the interest on this Bond as it falls due and also to constitute a sinking fund for the payment of the principal hereof at maturity.

IN WITNESS WHEREOF, said City has caused this Bond to be signed by the Mayor, attested by its City Clerk, and sealed with the seal thereof this 1st day of October, 2021.

Mayor of the City of Bixby, Oklahoma

Attest:

City Clerk, City of Bixby, Oklahoma
(Seal)

AUTHENTICATION CERTIFICATE

This Bond is one of the Bonds of the issue described in the Transcript of Proceedings prepared for this Bond issue, and is one of the General Obligation Bonds, Series 2021, of the City of Bixby, Oklahoma.

Date of Registration and Authentication.

BOKF, National Association

By: _____
Authorized Officer

(ENDORSEMENT NO. 1)

Form of certificate by the District Attorneys and County Clerks to be endorsed on each Bond.

STATE OF OKLAHOMA)
) ss.
COUNTY OF TULSA)

We, the undersigned, District Attorneys and County Clerks, respectively, of said Counties, in said State, in which the within named City is situated, hereby certify that the within Bond is one of a series of Bonds issued by the within named City pursuant to law, and that the entire issue of said Bonds is within the debt limit imposed upon said City by the Constitution and laws of the State of Oklahoma.

WITNESS our respective official hands and the seals of said Counties this 1st day of October, 2021.

District Attorney
District Number 14

Tulsa County Clerk
(Seal)

**District Attorney
District Number 27**

Wagoner County Clerk
(Seal)

FORM OF ASSIGNMENT

The following abbreviations, when used in the inscription on the face of this Bond, shall be construed as though they were written out in full according to applicable laws or regulations:

TEN COM--	as tenants in common
TEN ENT--	as tenants by the entireties
JT TEN--	as joint tenants with the right of survivorship and not as tenants in common

UNIF GIFT MIN ACT--_____ Custodian for _____ under Uniform
(Cust) (Minor)
Gifts to Minors Act of Oklahoma

Additional abbreviations may also be used though not in above list.

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby sells, assigns and transfers unto _____

(Please insert Social Security or Taxpayer identification number of assignee)_____

(Please Print or Typewrite Name and Address of Assignee)

the within Bond, and all rights thereunder, and hereby does irrevocably constitute and appoint _____ attorney to transfer the within Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dates: _____

(Signature guaranty)

NOTICE: The signature to this assignment must correspond with the name as it appears upon the face of the within Bond in every particular, without alteration or enlargement or any change whatever.

Legal Opinion

(ENDORSEMENT NO. 2)

Form of certificate by the City Treasurer to be endorsed on each Bond.

STATE OF OKLAHOMA)
) ss.
COUNTY OF TULSA)

I, the undersigned, the duly qualified and acting Treasurer of the within named City in said County and State, hereby certify that I have duly registered the within Bond in my office on this ____th day of October, 2021.

WITNESS my hand the date above written.

City Treasurer

(ENDORSEMENT NO. 3)

Certificate of approval by the Attorney General to be endorsed on each Bond.

STATE OF OKLAHOMA
OFFICE OF THE ATTORNEY GENERAL
BOND DEPARTMENT

_____, 2021.

I HEREBY CERTIFY that I have examined a certified copy of the record of proceedings taken preliminary to and in the issuance of the within Bond; that such proceedings and such Bond show lawful authority for the issue and are in accordance with the forms and method of procedure prescribed and provided by me for the issuance of Bonds of like kind and that said Bond is a valid and binding obligation, according to its tenor and terms and, under the provisions of Title 62, Oklahoma Statutes 2021, Section 11, 13, and 14, requiring the certificate of the Bond Commissioner of the State of Oklahoma thereon, is incontestable in any court in the State of Oklahoma unless suit thereon shall be brought in a court having jurisdiction of the same within thirty days from the date of this approval of said Bond appearing in the caption hereto.

**Attorney General, Ex-Officio Bond
Commissioner of the State of Oklahoma**

SECTION 3. That each of said Bonds shall be signed by the Mayor and the corporate seal of the City affixed thereto and attested by the City Clerk of the City; that such officers be and hereby are authorized and directed to cause said Bonds to be prepared and to execute the same for and on behalf of the City, have the same registered by the Treasurer, endorsed by the District Attorneys and County Clerks and presented to the Attorney General, Ex-Officio Bond Commissioner, together with a certified transcript of all proceedings had in connection with their issue for his approval and endorsement; that thereafter said Bonds shall be delivered to the purchaser upon payment of the purchase price thereof, which shall not be less than par and accrued interest. The proceeds derived from the sale of said Bonds shall be placed in a special fund and used solely for the purposes set out in the Bond in Section 2 hereof.

SECTION 4. Whenever any registered Bond or Bonds shall be exchanged for another registered Bond or Bonds of different denomination, the Registrar shall cancel the Bond or Bonds surrendered in such exchange on the face thereof and on the Registration Record. If the supply of registered Bonds for making exchanges shall have been exhausted, the Registrar shall cause additional registered Bonds to be prepared, at the expense of the City. The City covenants that upon request of the Registrar, its appropriate officers promptly will execute such additional registered Bonds on behalf of the City.

SECTION 5. The Registrar for all registered Bonds issued pursuant to this Ordinance shall be BOKF, National Association, Tulsa, Oklahoma, which shall maintain a Registration Record for the purpose of registering the name and address of the Registered Holder of each registered Bond. The Registrar will keep the Registration Record open for registrations during its business hours. In the event of a change of Registrar, notice thereof shall be mailed, registered or certified United State Mail, postage prepaid, to the Registered Holder of each registered Bond. The name and address of the Registered Holder as the same appear on the Registration Record shall be conclusive evidence to all persons and for all purposes whatsoever and no person other than the Registered Holder shown on the Registration Record shall be entitled to any right or benefit in relation to the Bond so registered; provided, that the foregoing shall not apply to any successor by operation of law of such Registered Holder. Registered Bonds shall be transferable only upon delivery of such Bonds to the Registrar, duly endorsed or accompanied by a written instrument of transfer in form satisfactory to the Registrar, executed by the Registered Holder thereof or his attorney duly authorized in writing, and such transfer registered on the Registration Record. If the Form of Assignment on such Bonds is exhausted, such Registered Bonds delivered to the Registrar for registration of transfer shall be canceled by the Registrar on the face thereof and the Registrar shall authenticate and deliver to the transferee Bonds in aggregate principal amount equal to the unpaid principal of the surrendered Bonds in new registered Bonds, in denominations of \$5,000.00 or any multiples thereof. The Registrar shall not be required to make such transfer after the fifteenth (15th) day preceding any interest payment date until after said latter date.

SECTION 6. There is hereby created and established a system of registration for uncertificated registered public obligations with respect to the Bonds as provided in the Registered Public Obligations Act of Oklahoma, Title 62, Oklahoma Statutes 2021, Section 582(13)(b), whereby books shall be maintained on behalf of the City by The Depository Trust Company, New York, New York, for the purpose of registration of transfer of the uncertificated registered public obligations with respect to the Bonds which specify the persons entitled to the uncertificated registered public obligations with respect to the Bonds and the rights evidenced thereby and which provide that the transfer of the uncertificated registered public obligations with respect to the Bonds and the rights evidenced thereby shall be registered upon such books, and the Mayor and City Clerk are hereby authorized and directed to execute such documents and instruments as may be required to implement the foregoing system of registration.

SECTION 7. That beginning with the year 2022, a continuing annual tax sufficient to pay the interest on said Bonds when due and for the purpose of providing a sinking fund with which to pay the principal of said Bonds when due shall be and is hereby ordered levied upon all taxable property in said City, in addition to all other taxes, said sinking fund to be designated "**GENERAL OBLIGATION BONDS, SERIES 2021, SINKING FUND.**" Said Tax shall be and is hereby ordered certified, levied and extended upon the rolls and collected by the same officers, in the same manner and at the same time as the taxes for general purposes in each of said years are certified, levied, extended and collected; that all funds derived from said tax shall be placed in said sinking fund which, together with any interest collected on same, shall be irrevocably pledged to the payment of the interest on and principal of said Bonds when and as the same fall due.

SECTION 8. The City covenants and agrees that it shall at all times perform all acts and things necessary or appropriate under any valid provision of law to ensure that interest paid on the Bonds shall not be included in gross income of the owners thereof for Federal income tax purposes under the Internal Revenue Code of 1986, as amended.

SECTION 9. The City hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate. Notwithstanding any other provision of this Resolution, failure of the City to comply with the Continuing Disclosure Certificate shall not be considered an event of default on the Bonds; however, any Bondholder may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the City to comply with its obligations under this Section. "Continuing Disclosure Certificate" shall mean that certain Continuing Disclosure Certificate executed by the Mayor and City Clerk of the City and dated the date of issuance and delivery of the Bonds, as originally executed and as it may be amended from time to time in accordance with the terms thereof.

SECTION 10. The Council of the City reasonably anticipates that the aggregate amount of "qualified tax-exempt obligations" [as defined in Section 265(b)(3)(B) of the Internal Revenue Code of 1986 (the "Code")], which will be issued by the City and all subordinate entities thereof during calendar year 2021 does not exceed \$10,000,000.00, and hereby covenants and agrees, as a material inducement and consideration to the purchase of its Bonds by the Purchaser, that neither it nor any subordinate entity thereof will, during calendar year 2021, issue "qualified tax-exempt obligations" [as defined in Section 265(b)(3)(B) of the Code], in an aggregate amount exceeding \$10,000,000.00.

SECTION 11. It is the purpose and intent of this Resolution that the Bonds shall constitute and are hereby designated as "qualified tax-exempt obligations" as defined in Section 265(b)(3)(B) of the Code, in order that the purchasers of the Bonds may avail themselves of the exception contained in said Section 265(b)(3)(B) of the Code with respect to interest incurred to carry tax-exempt bonds.

SECTION 12. The Council of the City hereby covenants and agrees that it will not designate as "qualified tax-exempt obligations" more than \$10,000,000.00 in aggregate amount of obligations issued by the City or any subordinate entity thereof during calendar year 2021.

SECTION 13. That by reason of the City of Bixby being without adequate storm water drainage facilities, public safety buildings and equipment, streets, and public parks and park lands, cultural and recreation facilities, it is deemed and hereby declared necessary for the preservation of the public health, peace and safety that this Ordinance shall become operative immediately; wherefore, an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect immediately from and after its passage and approval.

ADOPTED this 13th day of September, 2021.

ADOPTED as an emergency measure this 13th day of September, 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 City Clerk of the City of Bixby, Oklahoma hereby certify that the foregoing is a true and complete copy of an Ordinance authorizing the issuance of general obligation bonds for the purpose therein set out adopted by the governing body of said City 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 13th day of September, 2021.

City Clerk, City of Bixby, Oklahoma

(SEAL)

Discussion and possible action for Wallace Design Collective, PC, Domino's Bixby Final Plat (BXPT-21.13), General location: East 134st Street South and South Memorial Drive / US Hwy 64, Bixby, Oklahoma.

Carolyn Back



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.

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:

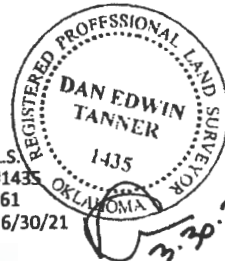
- (1) 1/2" IRON PIN FOUND AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER (NE/4) OF SECTION 11;
- (2) CHISELED 'X' FOUND AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER (NE/4) OF SECTION 11;

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.

DAN E. TANNER, P.L.S.
OKLAHOMA P.L.S. #1435
OKLAHOMA CA #2661
EXPIRATION DATE: 6/30/21



03/30/2021 TBUSH 21054EX_BOUNDARY

 **Tanner Consulting LLC**
5323 SOUTH LEWIS AVENUE, J.E. TULSA, OKLAHOMA 74105-6539 918.745.9929

Existing Mixed Use Designation Land Use Map

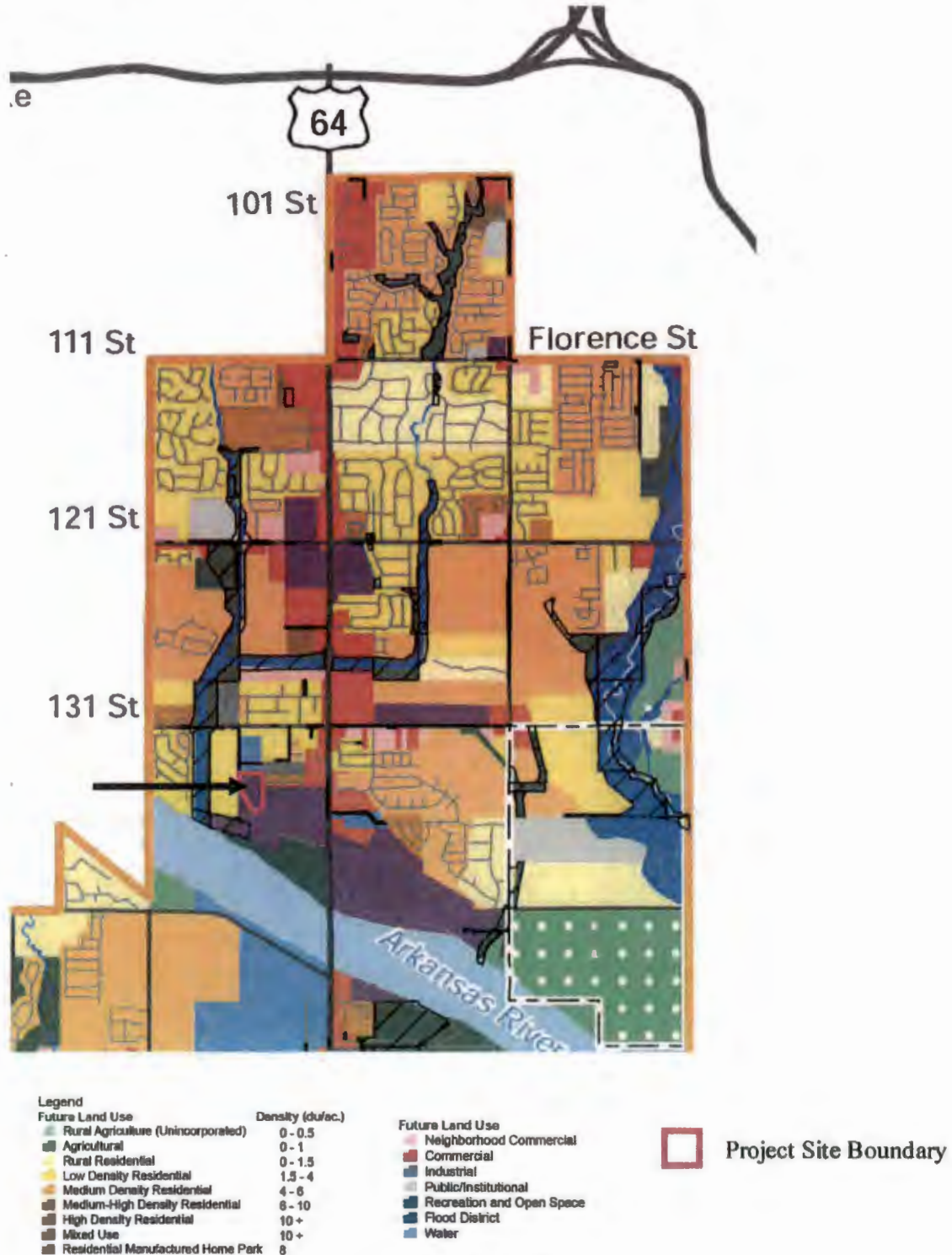
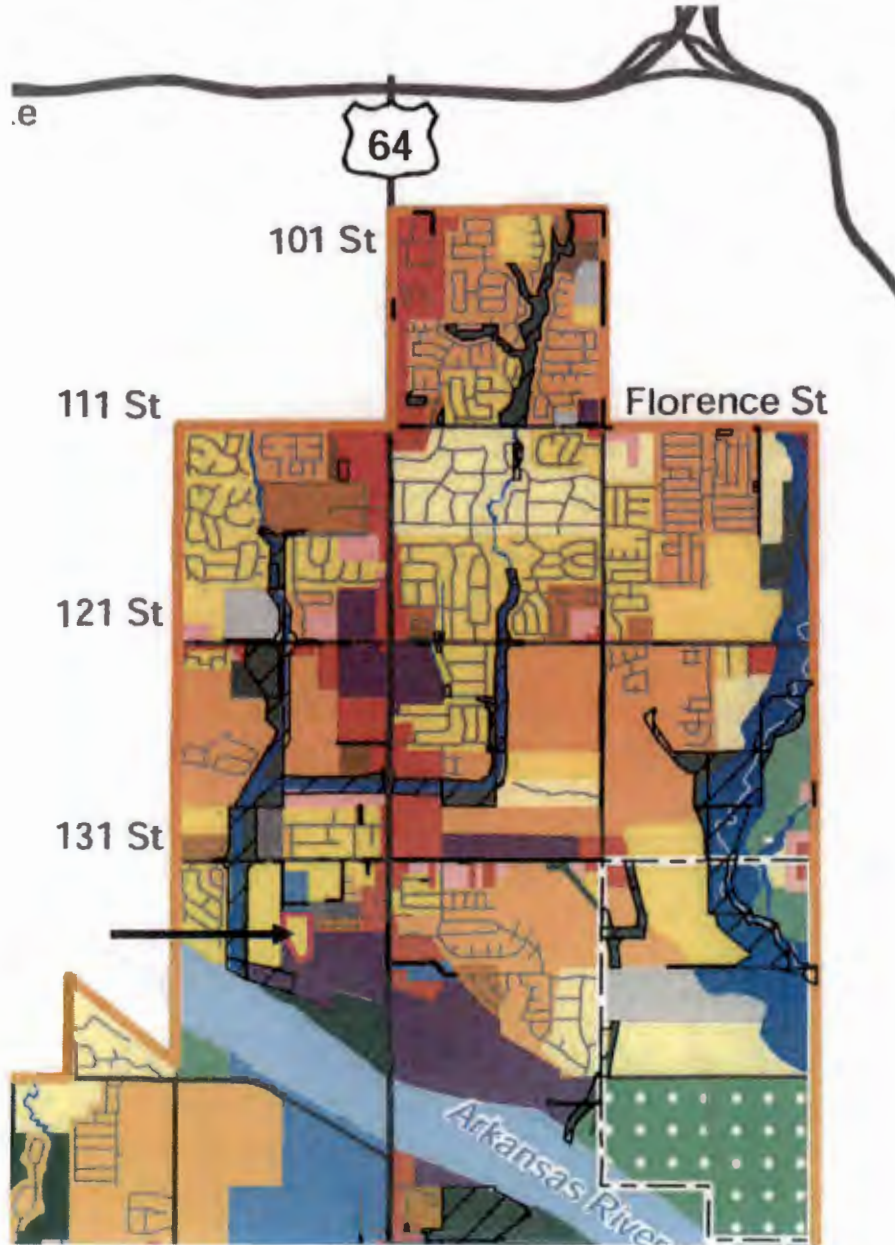


Exhibit B

Proposed Low Density Residential Designation Land Use Map



Legend

Future Land Use

- Rural Agriculture (Unincorporated)
- Agricultural
- Rural Residential
- Low Density Residential
- Medium Density Residential
- Medium-High Density Residential
- High Density Residential
- Mixed Use
- Residential Manufactured Home Park

Density (du/ac.)

- 0 - 0.5
- 0 - 1
- 0 - 1.5
- 1.5 - 4
- 4 - 6
- 6 - 10
- 10 +
- 10 +
- 8

Future Land Use

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



Project Site Boundary

Exhibit C

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

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;

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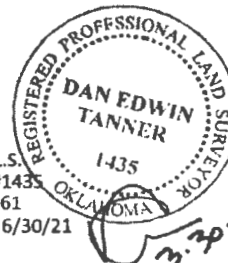
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- (2) CHISELED 'X' FOUND AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER (NE/4) OF SECTION 11;

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.

DAN E. TANNER, P.L.S.
OKLAHOMA P.L.S. #1435
OKLAHOMA CA #2661
EXPIRATION DATE: 6/30/21



03/30/2021 TBUSH 21054EX_BOUNDARY

Tanner Consulting LLC
5313 SOUTH LEWIS AVENUE, TULSA, OKLAHOMA 74135-6539 | 918.745.9929



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

Staff Agenda Commentary July 26, 2021

Item Title(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 BXPUD-18.08 for the addition of land
totaling approximately 13 acres for Phase III River Crest subdivision.

Existing Zoning; Use:

Commercial Shopping; Vacant

West: (RS-1) Residential Single-Family

(RS-3) Residential Single-Family; Single-Family Dwellings (River Crest III)

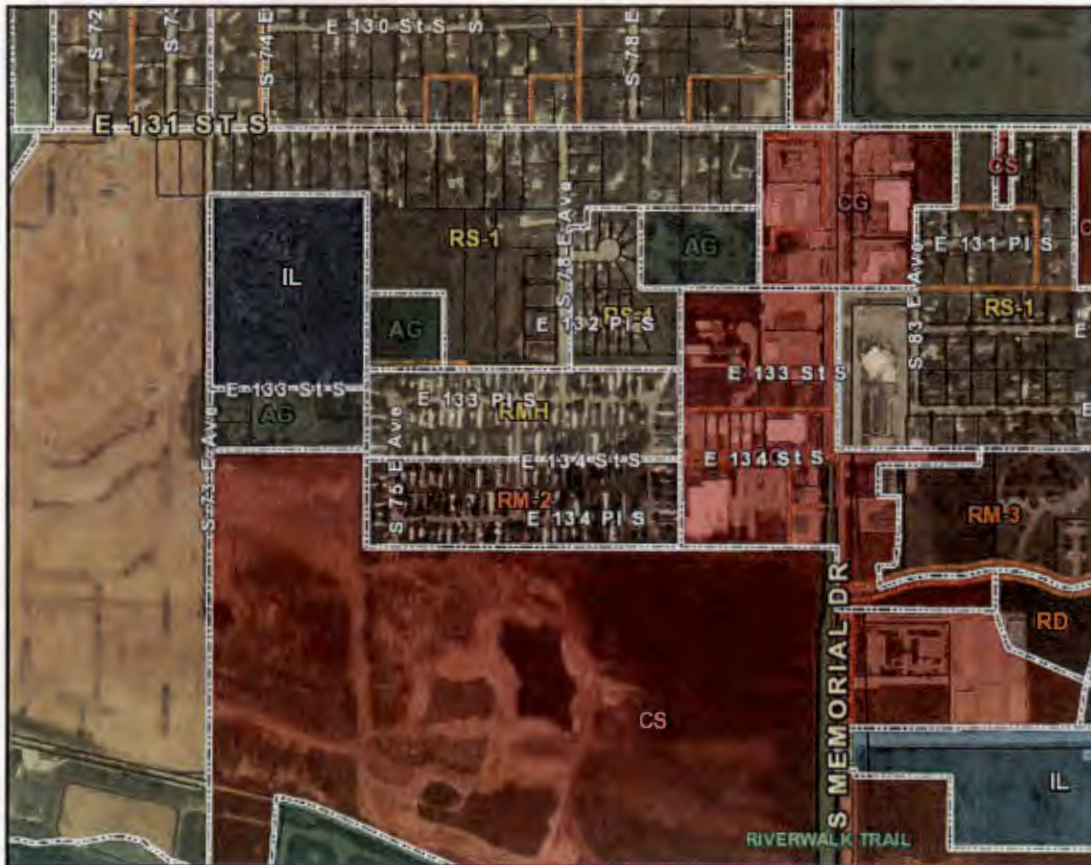


Figure 1: City of Bixby Zoning Map

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: LEGAL DESCRIPTION

CMPLD-15608 Major Amendment Application April 6, 2021

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:

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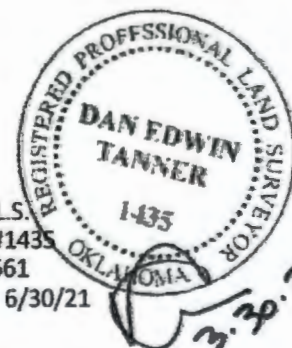
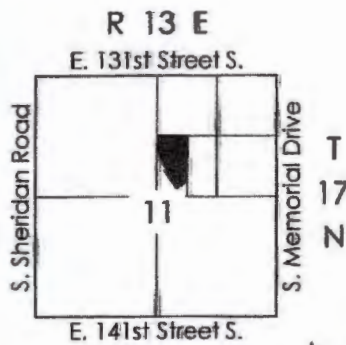


EXHIBIT A: LEGAL DESCRIPTION

BXPUD-18.08 Major Amendment Application: April 6, 2021



Location Map

Exhibit "A.2" River Crest III Overall Boundary Exhibit



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
5523 SOUTH LEWIS AVENUE, TULSA, OKLAHOMA 74105-6539 | 918.745.5929

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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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:

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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:

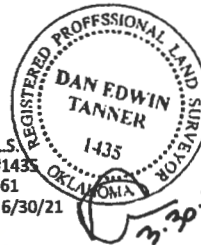
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THE BEARING BETWEEN SAID MONUMENTS BEING NORTH 88°35'10" EAST.

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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.

DAN E. TANNER, P.L.S.
 OKLAHOMA P.L.S. #1435
 OKLAHOMA CA #2661
 EXPIRATION DATE: 6/30/21



Tanner Consulting LLC
 5323 SOUTH LEWIS AVENUE, TULSA, OKLAHOMA 74105-6539 | 918.745.9929

03/30/2021 TBUSH 21054EX_BOUNDARY

EXHIBIT A: LEGAL DESCRIPTION

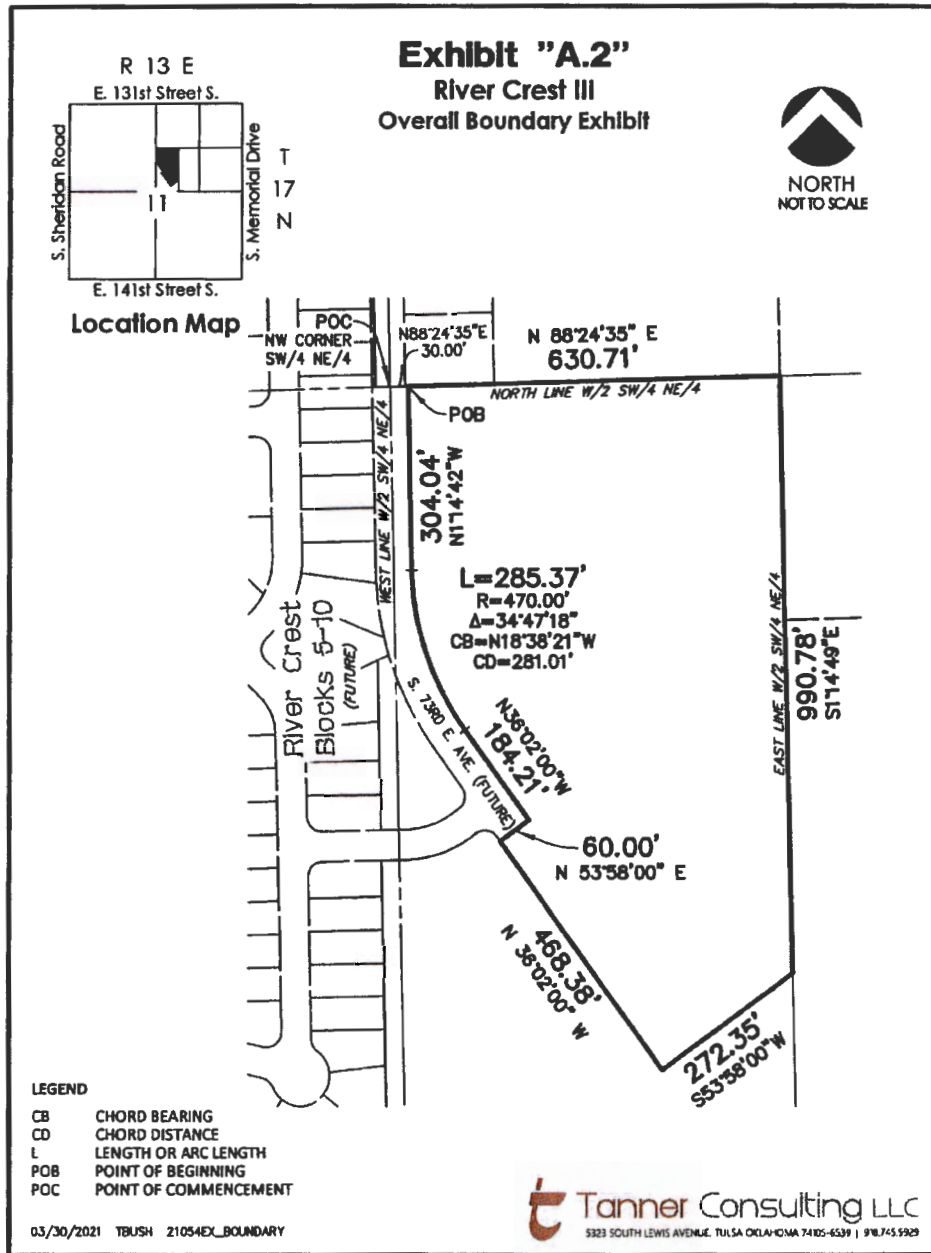


EXHIBIT B: PHASE III EXISTING SITE & SURROUNDING ZONING



- | | |
|--|--|
| COMMERCIAL | DRAINAGE DETENTION AREA |
| INDUSTRIAL | CITY PARKS |
| SINGLE-FAMILY | AGRICULTURE |
| MULTI-FAMILY | SITE BOUNDARY |

EXHIBIT C: PHASE III EXISTING SITE CONDITIONS

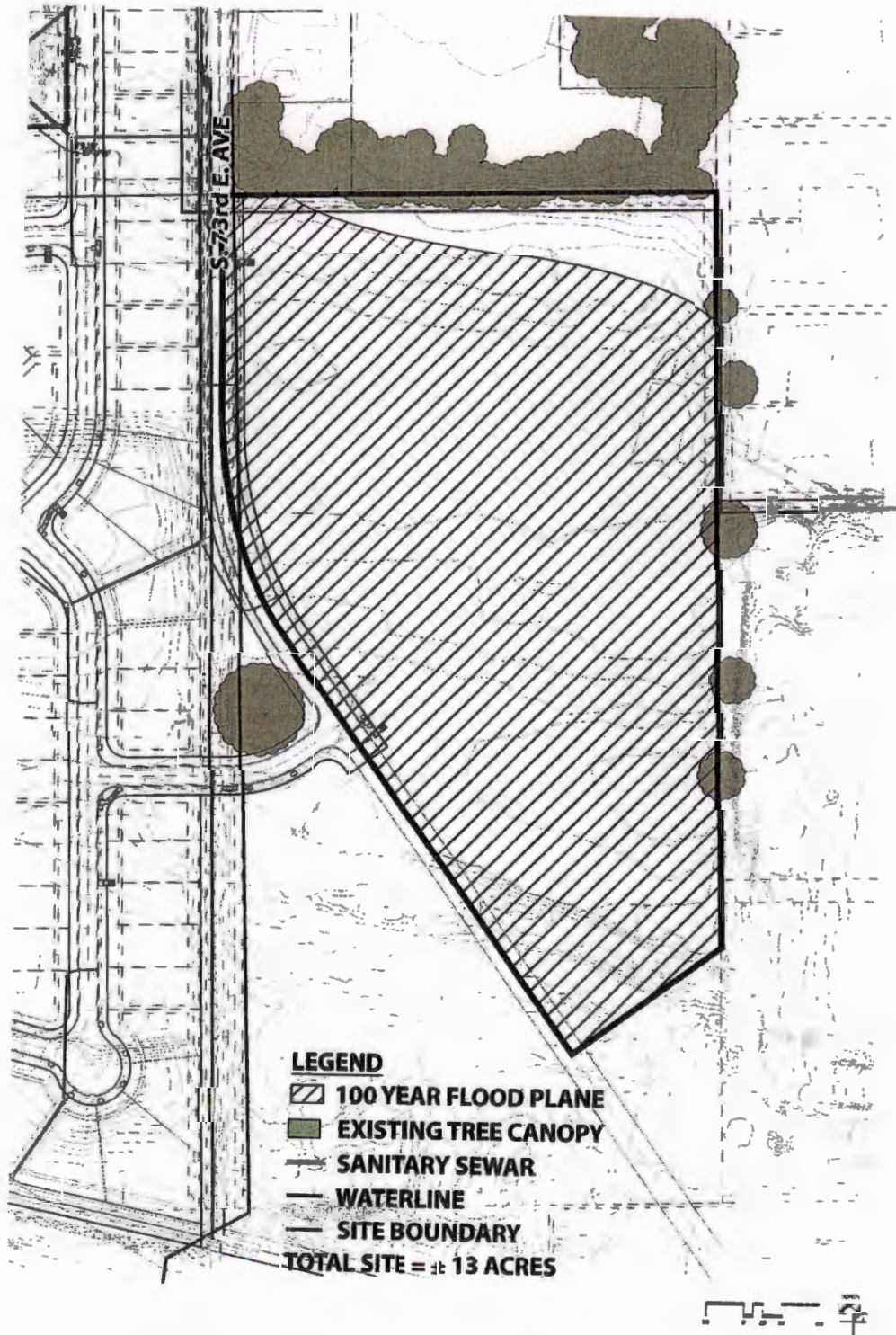
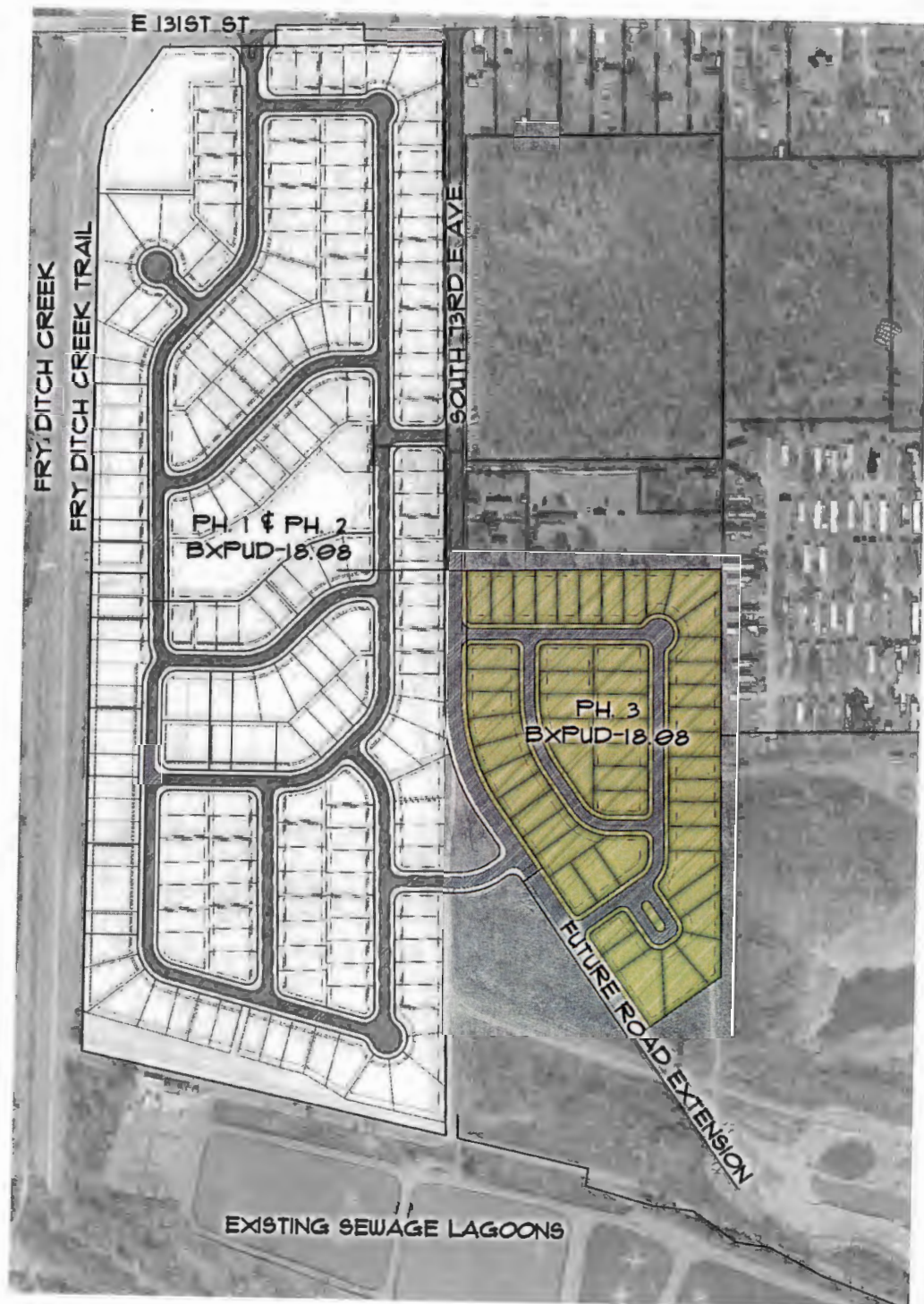


EXHIBIT D: PHASE III PROPOSED CONCEPT PLAN





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 BXPUD-18.08 for the addition of land totaling approximately 13 acres for Phase III River Crest subdivision.

Existing Zoning; Use:

Commercial Shopping; Vacant

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

(RS-3) Residential Single-Family; Single-Family Dwellings (River Crest III)

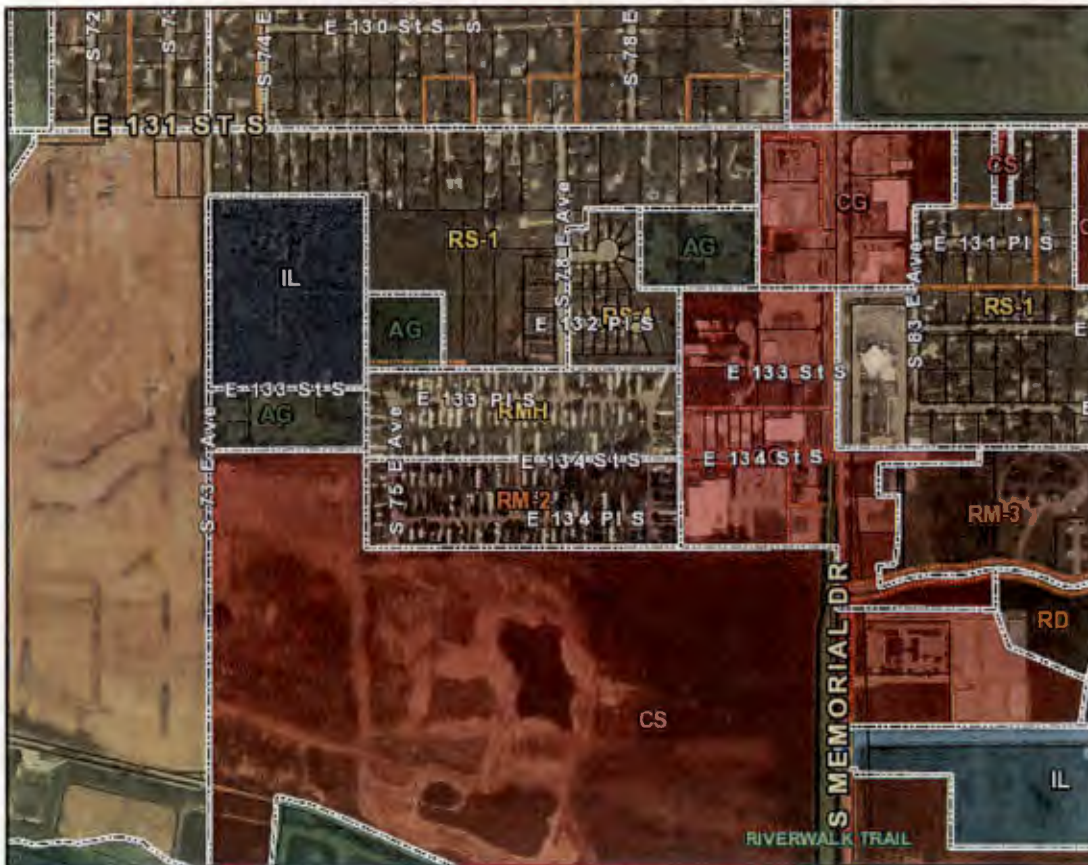


Figure 1: City of Bixby Zoning Map

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 rezoning 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

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
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
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.

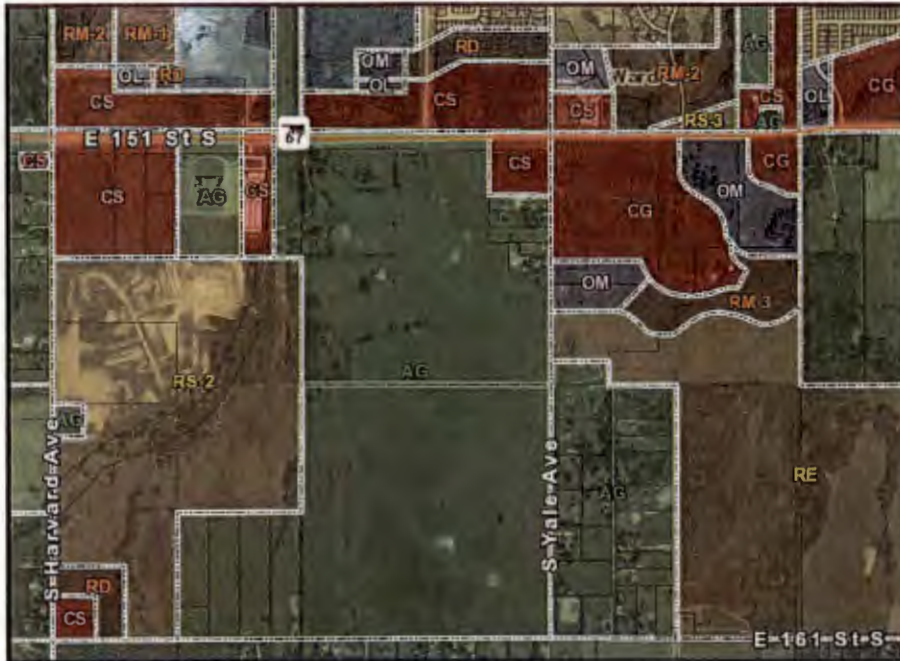


Figure 1: City of Bixby Zoning Map

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.



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; 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 01°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

Existing Mixed Use Designation Land Use Map

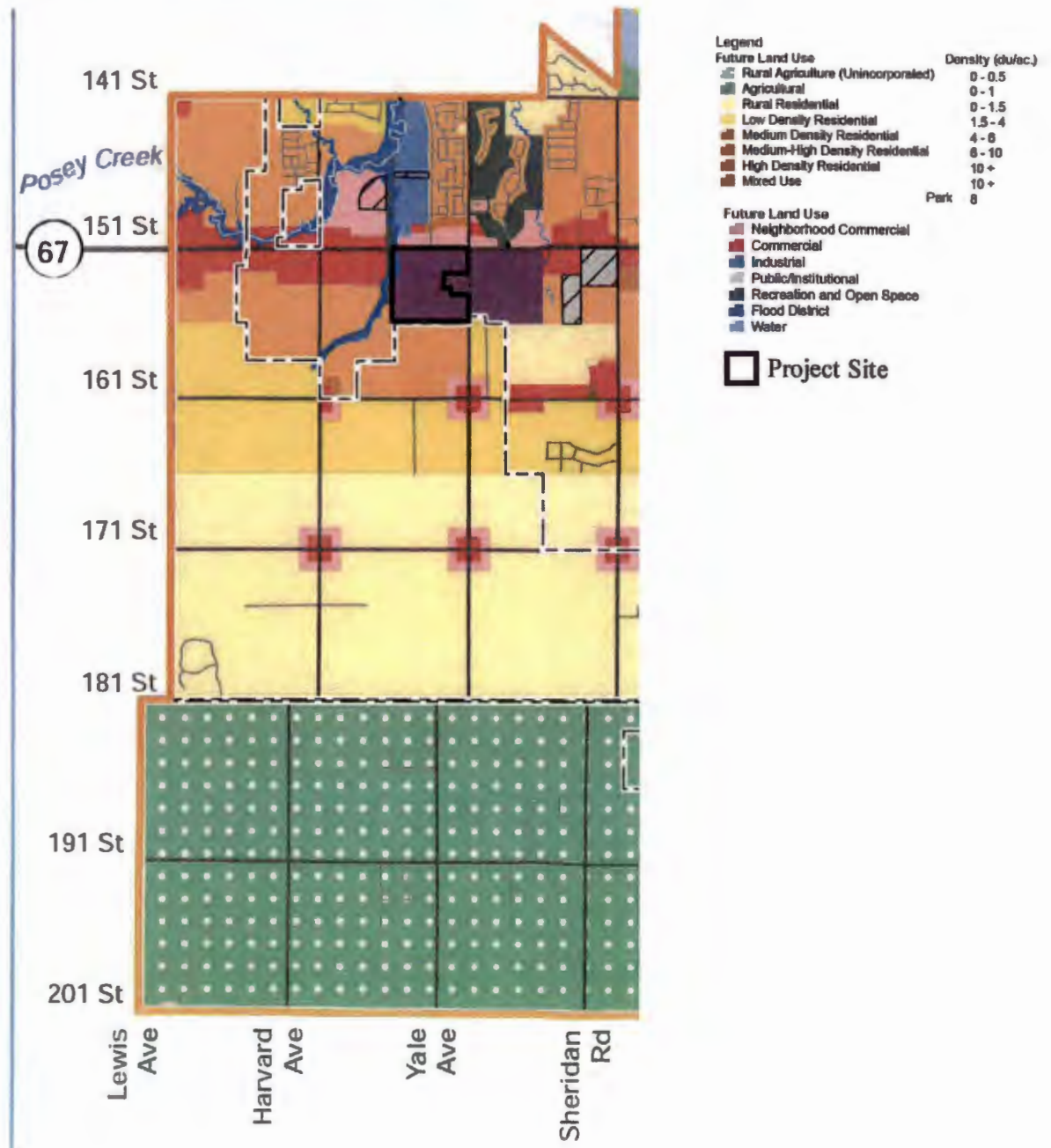


Exhibit C

Proposed Commercial & Medium Density Designation Land Use Map

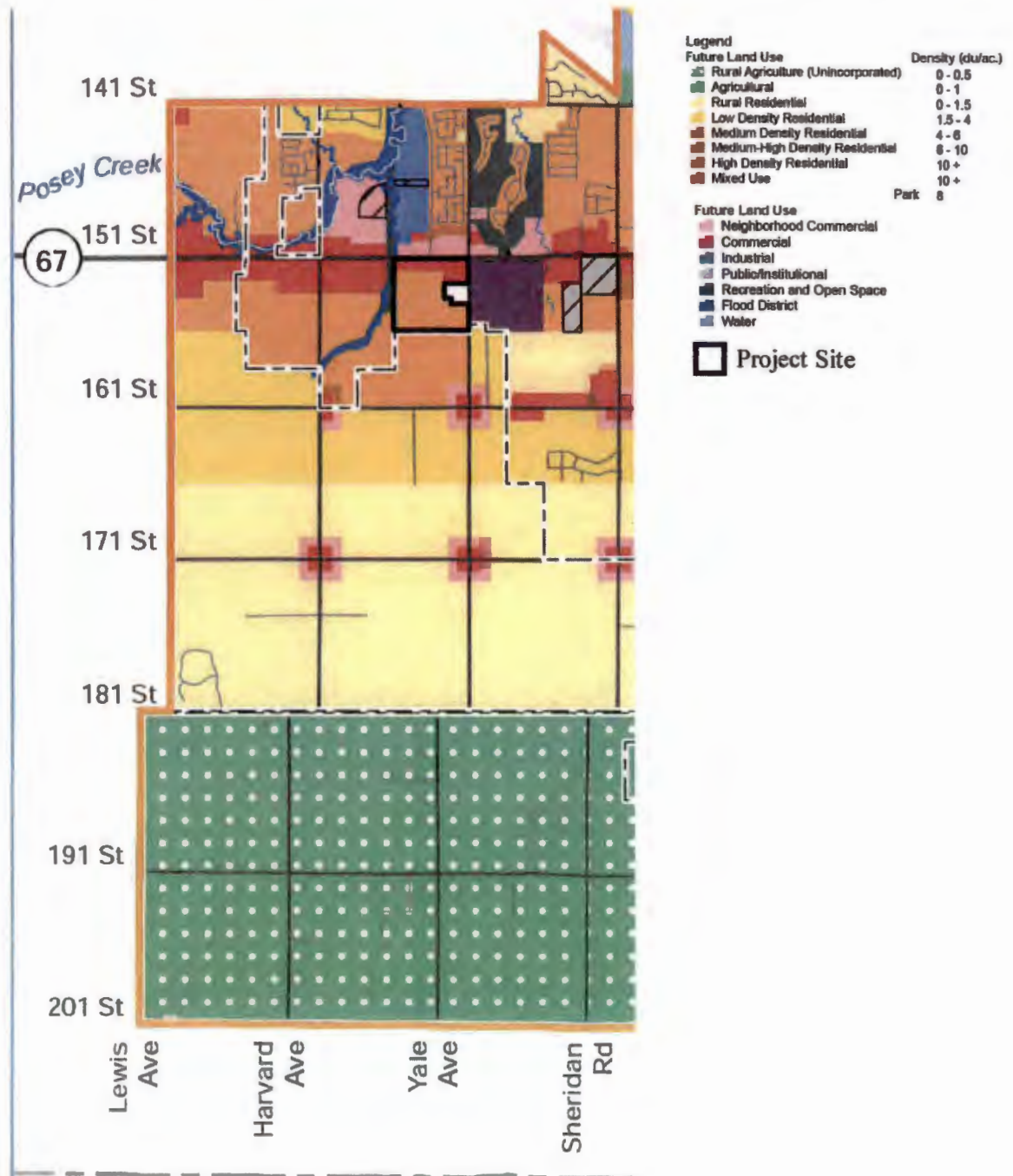


Exhibit D

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.



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 our case.

Sincerely,
PLANNING DESIGN GROUP

A handwritten signature in black ink, appearing to read "Jim Crosby".

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)

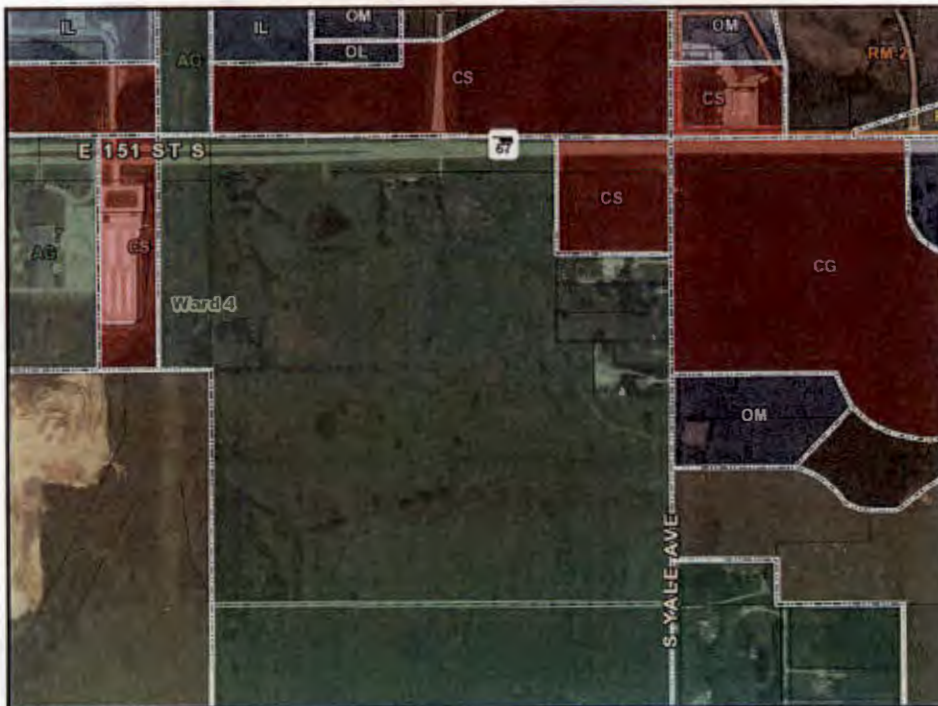


Figure 1: City of Bixby Zoning Map

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



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; 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 01°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

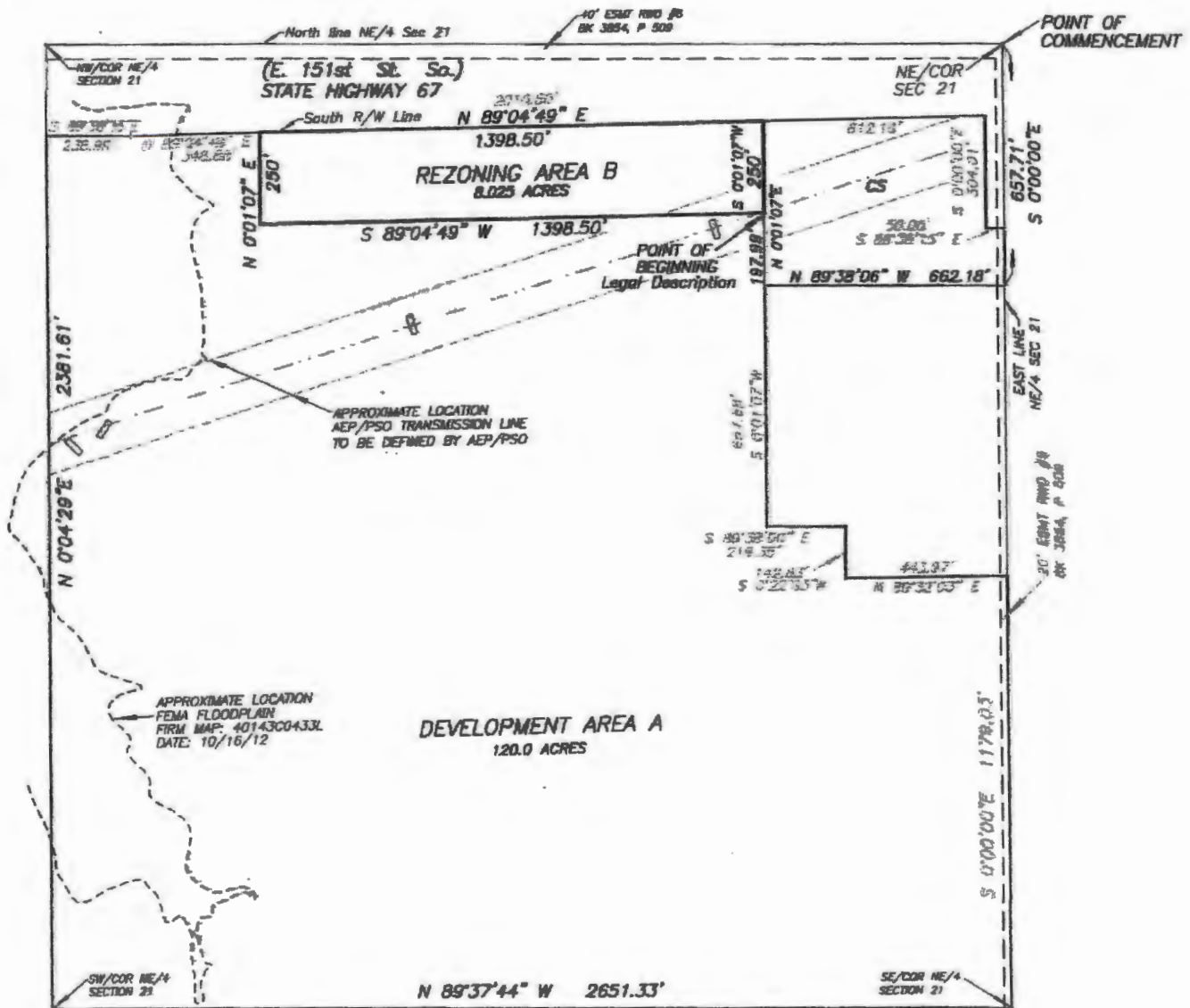
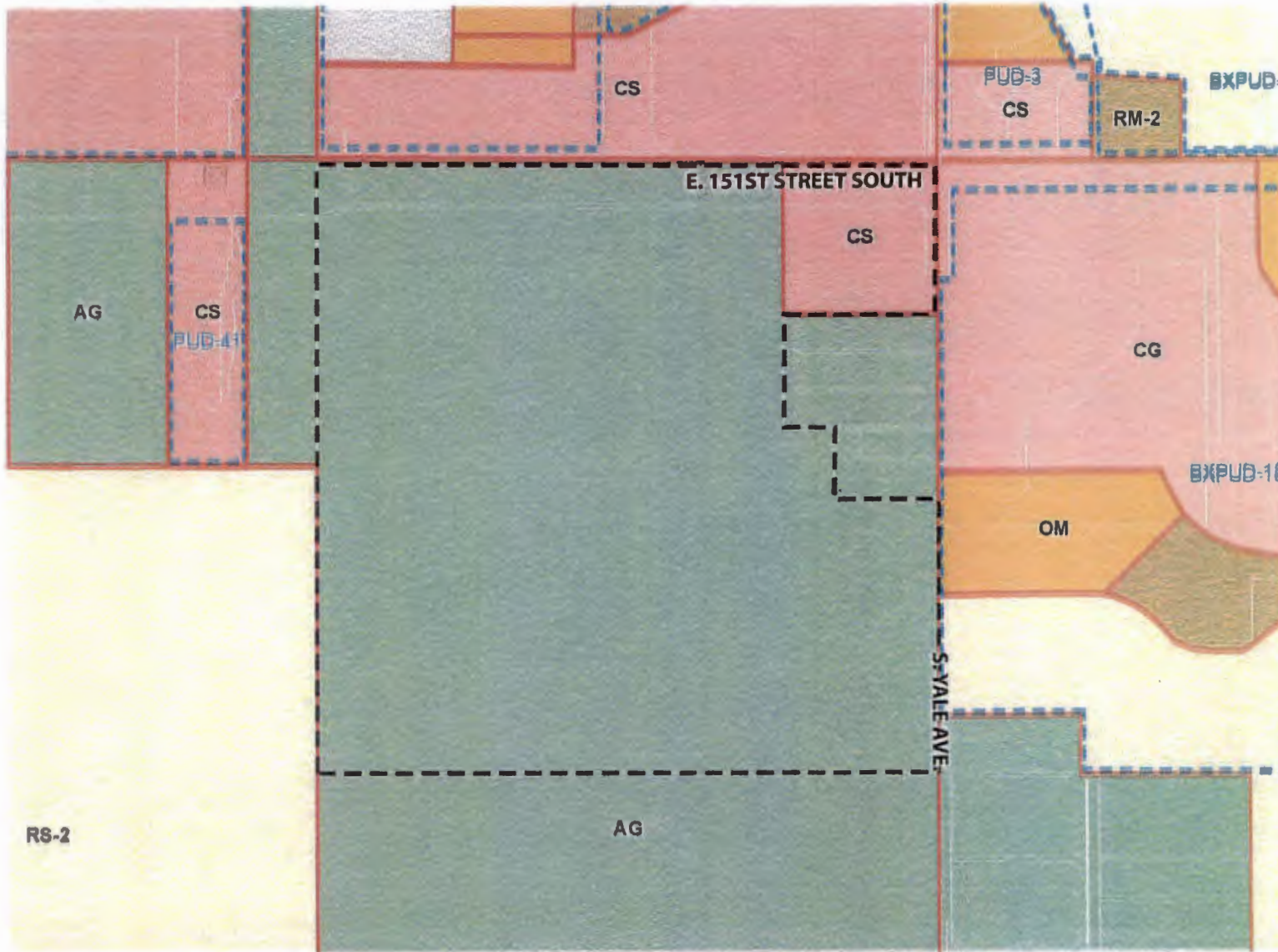
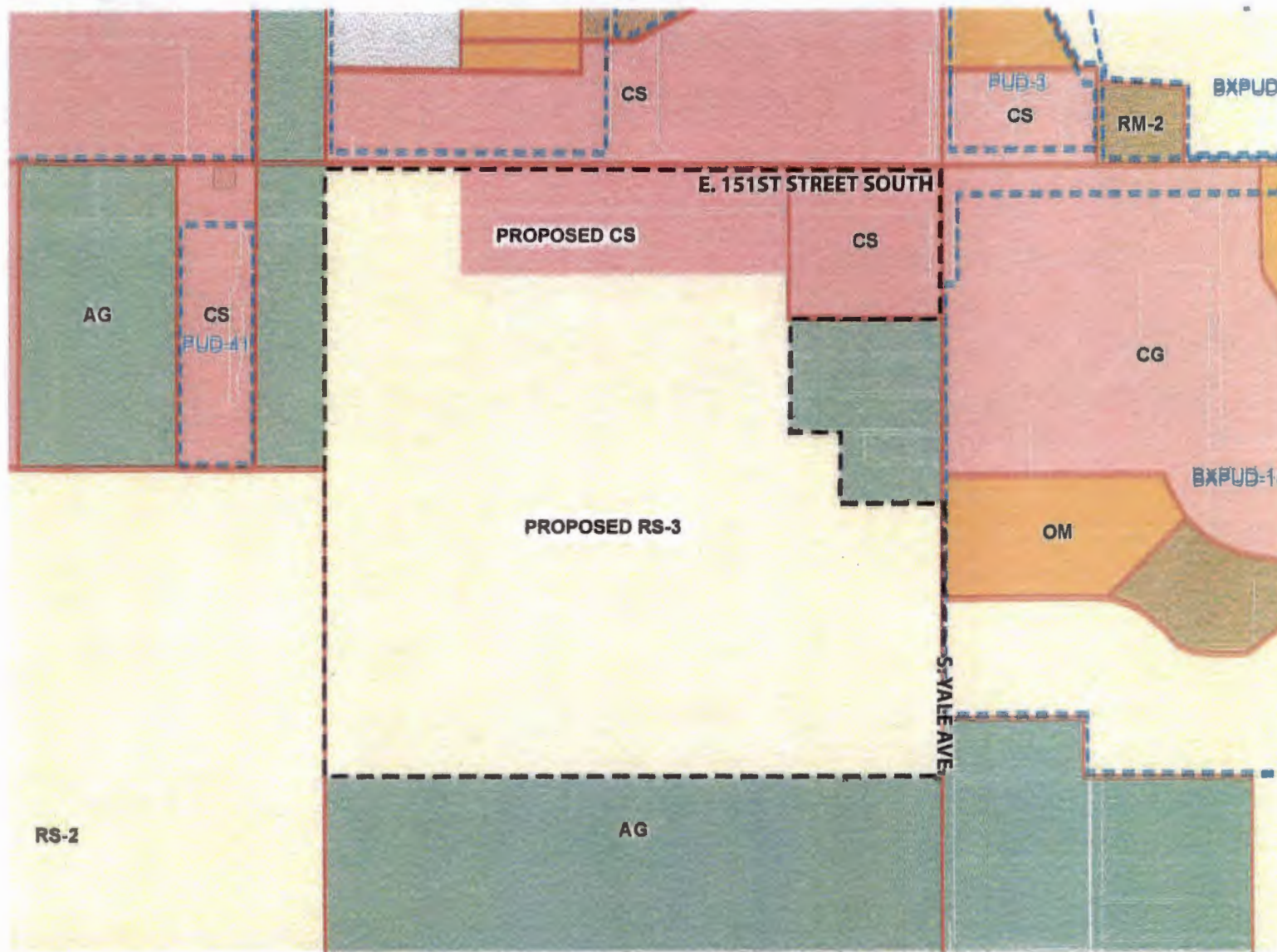


Exhibit A3



- AGRICULTURE
- COMMERCIAL
- RESIDENTIAL SINGLE-FAMILY
- RESIDENTIAL MULTI-FAMILY
- OFFICE
- INDUSTRIAL
- PROPERTY LINE

Exhibit B



- AGRICULTURE
- COMMERCIAL
- RESIDENTIAL SINGLE-FAMILY
- RESIDENTIAL MULTI-FAMILY
- OFFICE
- INDUSTRIAL
- PROPERTY LINE

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

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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.

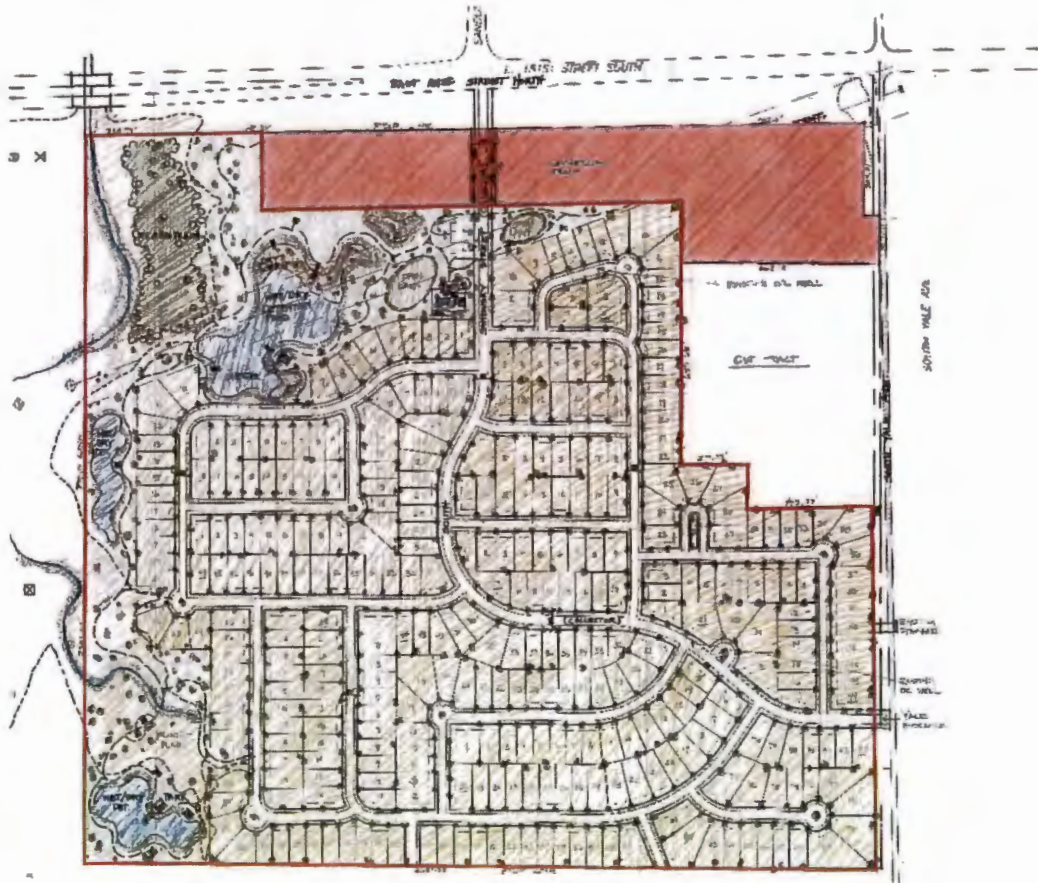
Biggers Property will be distinguishable by its high quality landscaped vehicular entry and branding signage, all of which will be maintained by a Homeowner's Association. All vehicular entrances into the development are designed with enhanced landscaping and signage to create an inviting front door 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

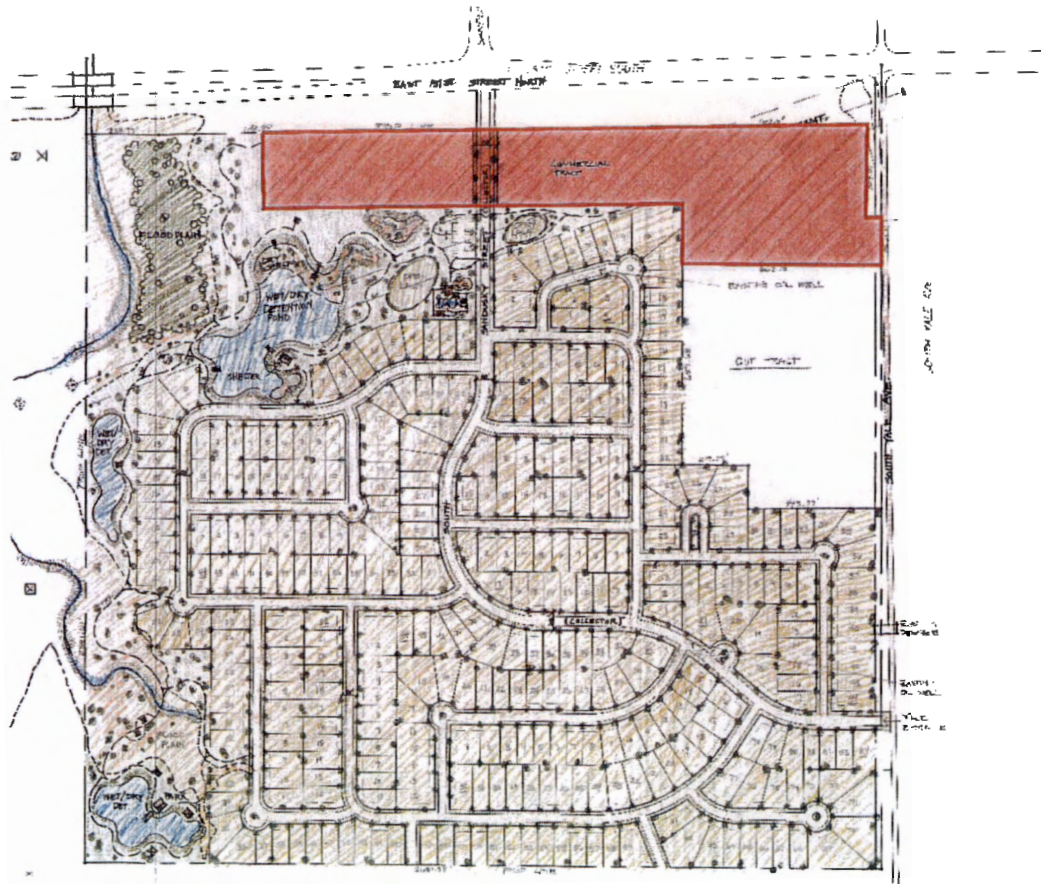
* The width of any cul-de-sac or pie-shaped lots which meets the requirements for minimum lot size may have less than minimum frontage at the right of way but no more than a 5-foot deviation.

** 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; 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 01°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

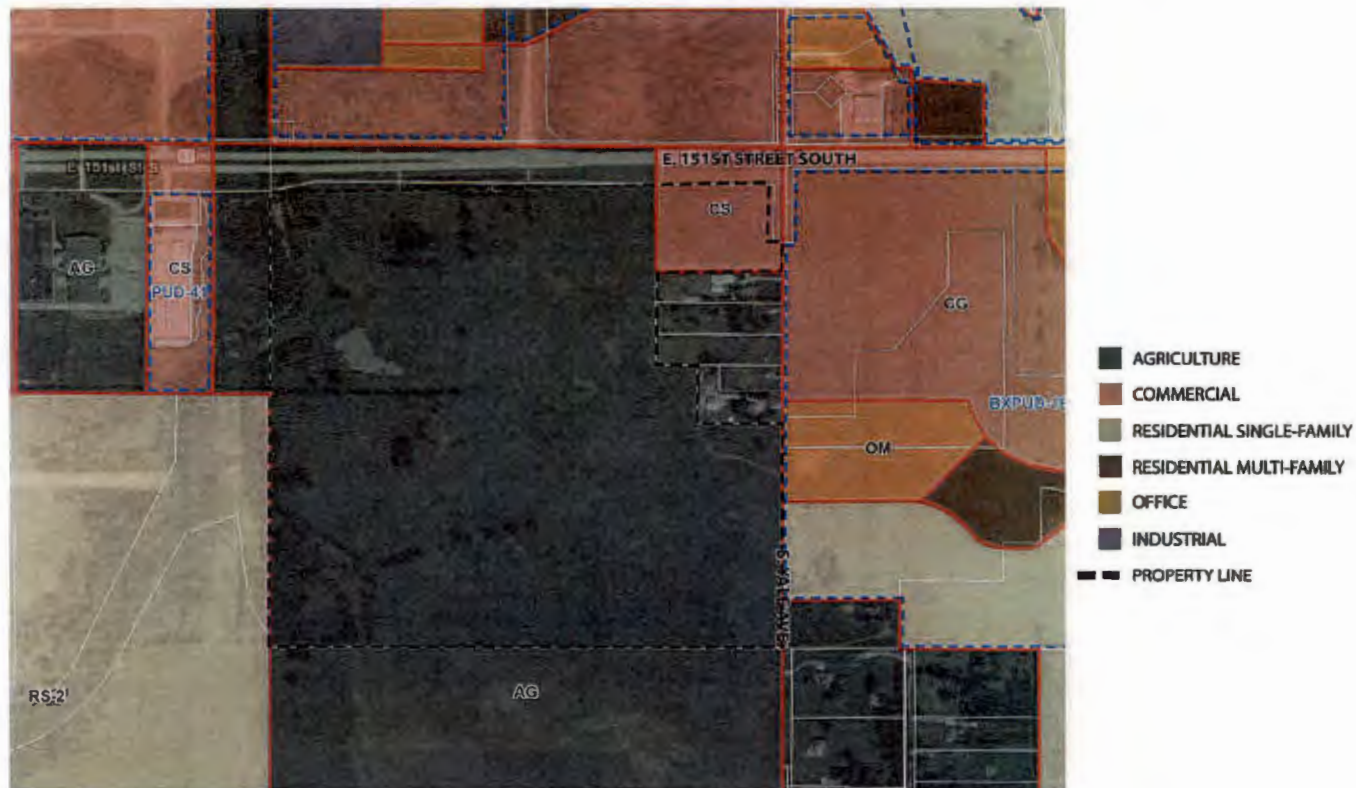


EXHIBIT C: EXISTING SITE CONDITIONS

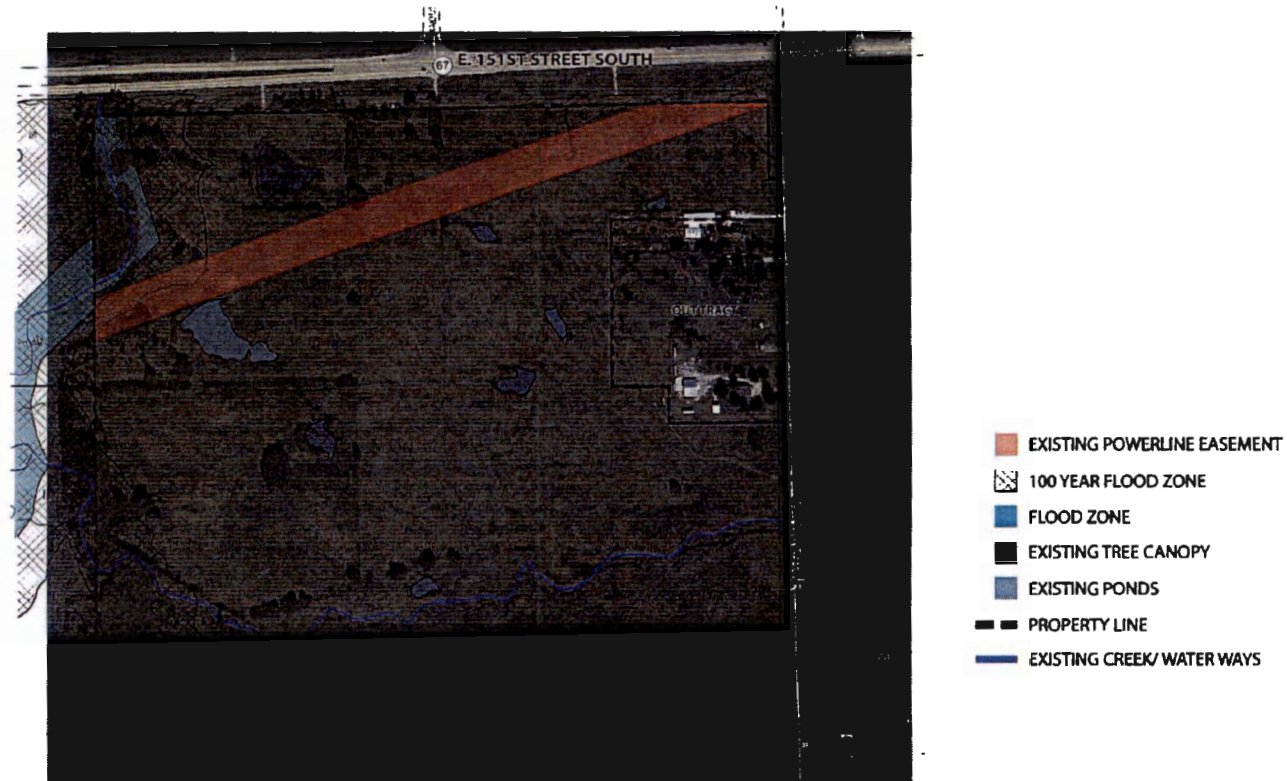
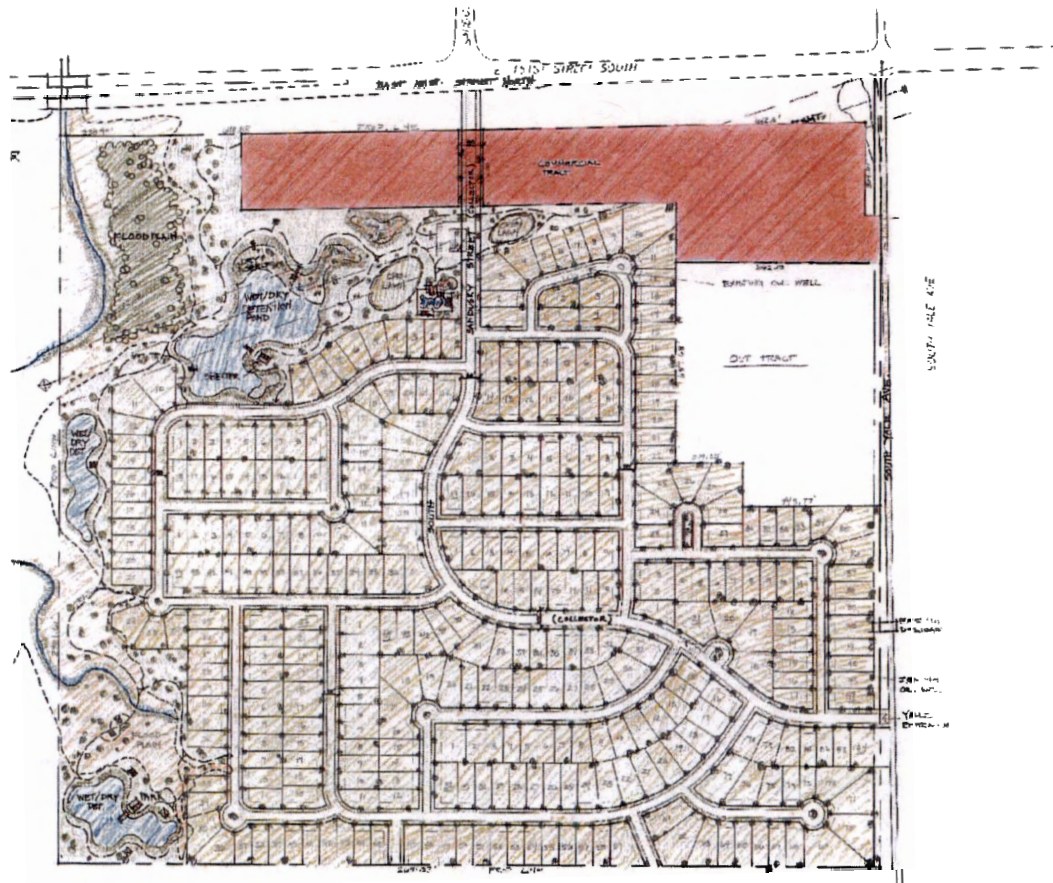


EXHIBIT D: PROPOSED CONCEPTUAL SITE PLAN



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 COMMENTARY

To: City of Bixby, City Council
From: Carolyn Back, Development Services Director/City Planner
Date: Monday, September 13, 2021

RE: BXPT-21.13 - Final Plat for Domino's Bixby
0.75 Acres (+/-)
1 Lot, 1 Block Commercial Plat

History: 5.17.21 Rezone (BXPT-21.07) – Planning Commission recommended approval
5.17.21 Preliminary Plat (BXPT-21.05) - Planning Commission recommended approval
5.17.21 Final Plat (BXPT-21.13) - Planning Commission recommended approval
5.24.21 Rezone - City Council approval
5.24.21 Preliminary Plat – City Council approval

Location: PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE
NORTHWEST QUARTER (NW/4 SW/4 NW/4) OF SECTION TWELVE (12),
TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE
INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA

STR: Section 12, Township 17N, Range 13E
Applicant: Wallace Design Collective, PC

STAFF REVIEW

Project Overview per Plat:

# of Acres	.75 (+/-)	Min Lot Width	N/A
# of Lots	1	Min Lot Size	N/A
# of Blocks	1	Avg Dwelling Units	N/A
# of Phases	1	# of Reserve Areas	1 (Detention/Retention Area)

BACKGROUND:

Discuss and consider a request by Wallace Design Collective, PC; for Final Plat approval of Domino's Bixby, a tract of approximately .75 acres, more or less. This land was rezoned to CG (Commercial General) on 05.24.2021.

No Planned Unit Development (PUD) associated with this development.

Utilities/Site Area:

The commercial development will be served by City of Bixby: Water, Sanitary Sewer, and Storm Sewer. All franchise utility providers were notified through a Technical Advisory Committee meeting and applicant secured utility release letters.

Note: Due to applicant's refinement of the detention design and coordination with ODOT that spanned a three-month time period, the Final Plat is now ready to go before Council.

STAFF COMMENTS:

1. All comments from Development Services, Public Works, and Engineering have been incorporated into the Final Plat.
2. Planning Commission made recommendation for approval of the Final Plat to the Bixby City Council on 5.17.21.
3. Staff recommends approval of the Domino's Bixby Final Plat

ATTACHMENTS:

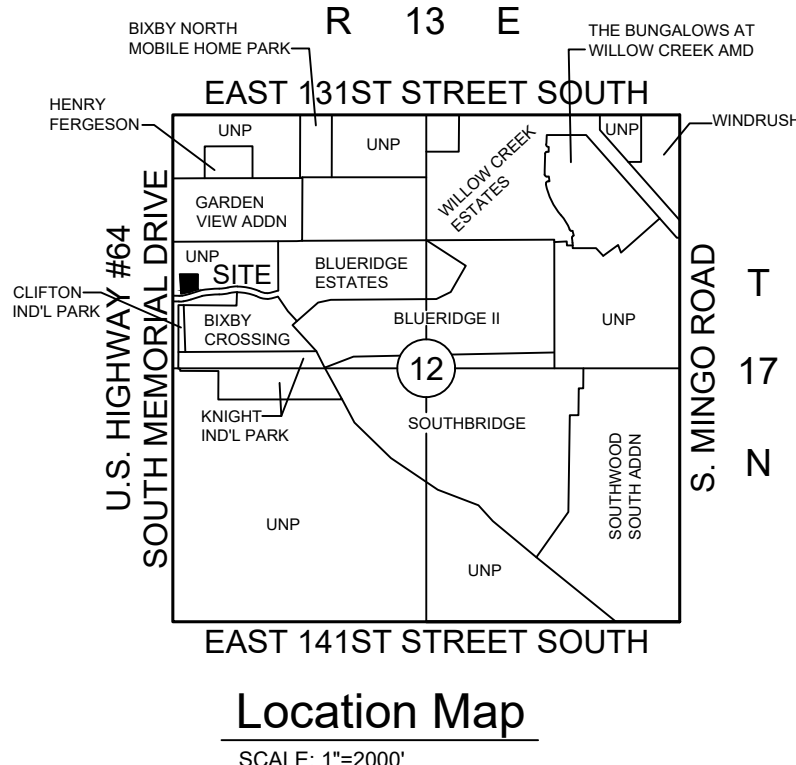
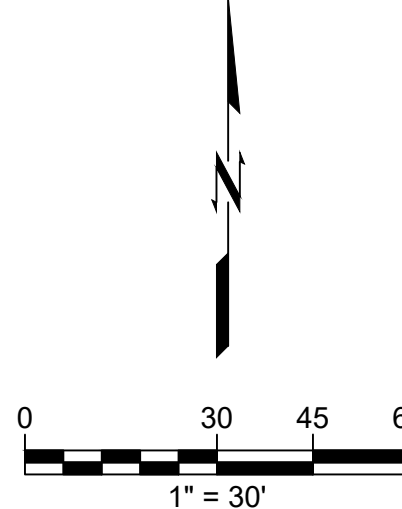
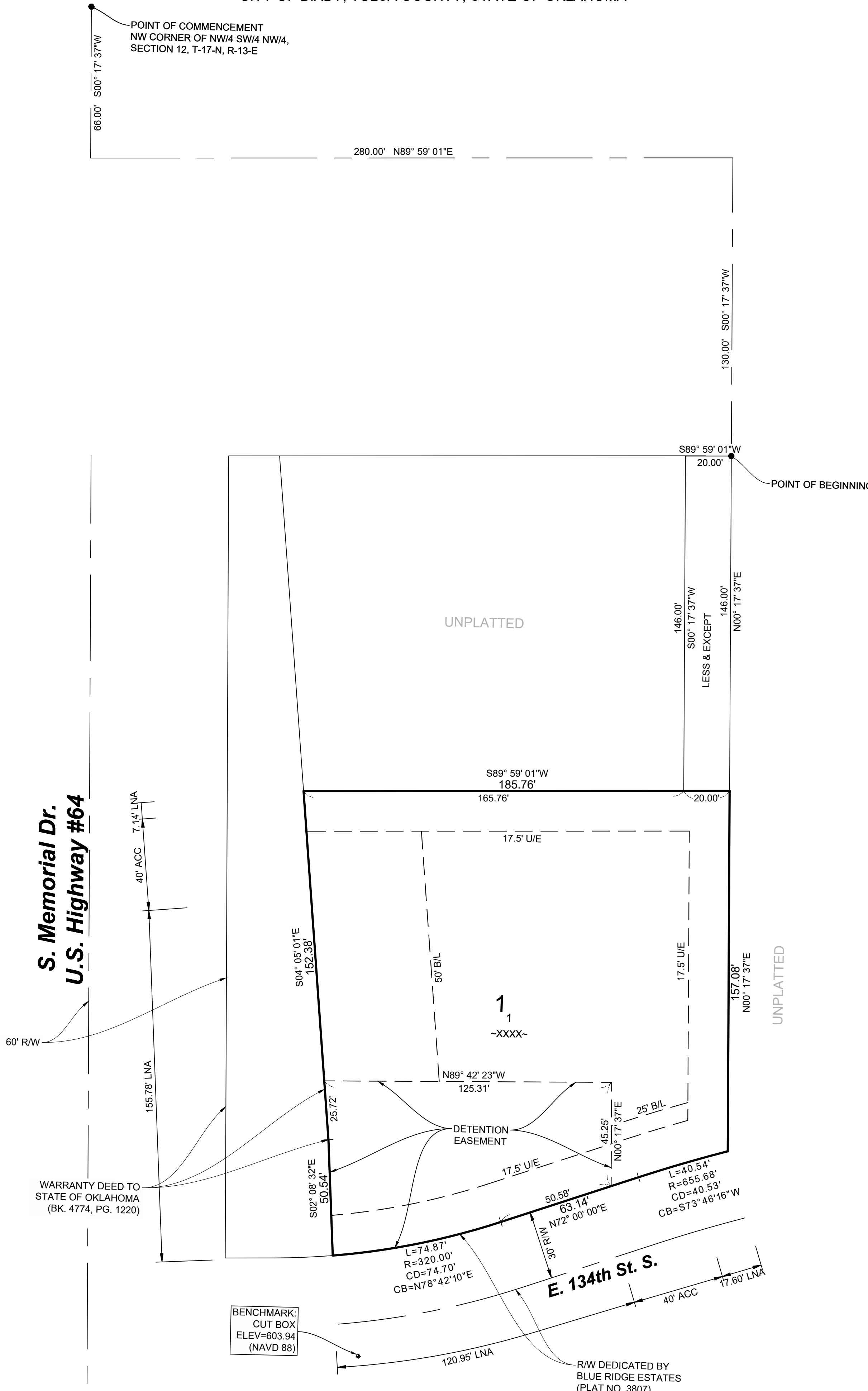
Attachment 1: Final Plat Domino's Bixby dated

Domino's Bixby

OWNER:
Bixby Funeral Service, Inc.
1877 E. 151st Street South
Bixby, Oklahoma 74008-5240

ENGINEER/SURVEYOR:
Wallace Design Collective, PC
123 North Martin Luther King Jr. Blvd.
Tulsa, Oklahoma 74103
Phone: (918) 584-5858
OKLAHOMA CA #1460
EXP DATE 6/30/23
ALAN TAYLOR, P.E.
alan.taylor@wallace.design
LEE MARTIN, PLS
lee.martin@wallace.design

PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER
(NW/4 SW/4 NW/4) OF SECTION TWELVE (12), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13)
CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA



LEGEND

ACC = ACCESS
LNA = LIMITS OF NO ACCESS
B/L = BUILDING LINE SETBACK
U/E = UTILITY EASEMENT
SS/E = SANITARY SEWER EASEMENT
~XXXX~ ADDRESS

SUBDIVISION STATISTICS

SUBDIVISION CONTAINS 1 (ONE) LOT IN 1 (ONE) BLOCK
SUBDIVISION CONTAINS 32,652.12 SQUARE FEET OR 0.75 ACRES

MONUMENTATION

SET 3/8" IRON PIN W/ GREEN "FRITZ CA5848" CAP OR MAG NAIL W/ "FRITZ CA5848" WASHER AT ALL CORNERS UNLESS NOTED AND SHOWN OTHERWISE HEREON.

BENCHMARK

CUT BOX
ELEVATION: 603.9

BASIS OF BEARINGS:

BEARINGS ARE BASED UPON AN ASSUMED BEARING OF S 00°17'37" W, USING THE WEST LINE OF THE NW/4 OF SECTION 12, T17N, R13E.

TOPOGRAPHIC INFORMATION SHOWN HEREON IS RELATIVE TO NAVD 1988 PER ADS CONTROL STATION: TC02, ELEVATION = 613.70' AS A PRIMARY BENCHMARK. SITE BENCHMARK AS SHOWN HEREON.

ADRESSE

ADDRESS 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.

NOTES

THIS PLAT MEETS THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED BY THE OKLAHOMA STATE BOARD OF LICENSURE OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS

FLOOD ZONE NOTI

WE HAVE EXAMINED A MAP BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FLOOD INSURANCE RATE MAP, CITY OF BIXBY, OKLAHOMA, COMMUNITY PANEL NO. 40143C0432L & 40143C0434L - OCTOBER 16, 2012, WHICH INDICATES THE SUBJECT PROPERTY TO BE WITHIN SHADED ZONE X (AREAS DETERMINED TO BE WITHIN THE 0.2% ANNUAL CHANCE FLOODPLAIN).

LEGAL DESCRIPTION

PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHWEST
 QUARTER (NW¼ SW¼ NW¼) OF SECTION TWELVE (12), 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, BEING MORE
 PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:
 COMMENCING AT THE NORTHWEST CORNER OF SAID NW¼ SW¼ NW¼; THENCE SOUTH 0°17'37"
 ON THE WEST LINE OF SAID NW¼ SW¼ NW¼ A DISTANCE OF 66 FEET; THENCE NORTH 89°59'01"
 EAST PARALLEL WITH THE NORTH LINE OF SAID NW¼ SW¼ NW¼, A DISTANCE OF 280 FEET;
 THENCE SOUTH 0°17'37" WEST A DISTANCE OF 130 FEET TO THE POINT OF BEGINNING; THENCE
 SOUTH 89°59'01" WEST A DISTANCE OF 20 FEET; THENCE SOUTH 0°17'37" WEST A DISTANCE 144
 FEET; THENCE SOUTH 89°59'01" WEST A DISTANCE OF 165.76 FEET TO A POINT ON THE EAST
 RIGHT-OF-WAY OF U. S. HIGHWAY #64; THENCE SOUTH 4°05'01" EAST ON SAID RIGHT-OF-WAY A
 DISTANCE OF 10.50 FEET TO A POINT ON SAID RIGHT-OF-WAY A DISTANCE OF
 50.54 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY OF EAST 134TH STREET SOUTH; THENCE
 NORTH 85°24'20" EAST ON THE NORTH RIGHT-OF-WAY OF SAID 134th STREET SOUTH A DISTANCE
 OF 0.00 FEET; THENCE CONTINUING ON SAID RIGHT-OF-WAY ON A CURVE TO THE LEFT HAVING
 A RADIUS OF 320 FEET AND A CENTRAL ANGLE OF 13°24'20" FOR A DISTANCE OF 74.87 FEET;
 THENCE NORTH 72°00'00" EAST ON SAID RIGHT-OF-WAY, A DISTANCE OF 63.14 FEET;
 THENCE CONTINUING ON SAID RIGHT-OF-WAY ON A CURVE TO THE RIGHT HAVING A RADIUS OF 655.68
 FEET AND A CENTRAL ANGLE OF 3°32'33" FOR A DISTANCE OF 40.54 FEET; THENCE NORTH
 0°17'37" EAST A DISTANCE OF 303.08 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT

A TRACT OF LAND IN THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER (NW1/4 SW1/4 NW1/4) OF SECTION TWELVE (12), 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, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING AT THE NORTHWEST CORNER OF SAID NW1/4 OF THE SW1/4 OF THE NW1/4;
THENCE SOUTH 196 FEET; THENCE N 89°59'01" EAST AND PARALLEL WITH THE NORTH LINE OF
SAID NW1/4 OF THE SW1/4 OF THE NW1/4 A DISTANCE OF 280 FEET TO THE POINT OF BEGINNING;
THENCE SOUTH 89°59'01" WEST A DISTANCE OF 20 FEET; THENCE SOUTH 0°17'37" W A DISTANCE
OF 146 FEET; THENCE NORTH 89°59'01" EAST A DISTANCE OF 20 FEET; THENCE NORTH 0°17'37"
EAST A DISTANCE OF 146 FEET TO THE POINT OF BEGINNING.

DATE: 09/02/2021
DOMINO'S BIXBY
SHEET 1 OF 2

ORIGINAL SIZE 24"X36"

civil-server\projects\2040300 Domino's Bixby\Draw\PRODUCTION\PI at\2040300 Final Plat.dwg

Domino's Bixby

PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER (NW/4 SW/4 NW/4) OF SECTION TWELVE (12), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA

DEED OF DEDICATION AND RESTRICTIVE COVENANTS

DOMINO'S BIXBY

KNOW ALL MEN BY THESE PRESENTS:

BIXBY FUNERAL SERVICE, INC., HEREINAFTER REFERRED TO AS THE "OWNER", IS THE OWNER OF THE FOLLOWING DESCRIBED LAND IN TULSA COUNTY, STATE OF OKLAHOMA, TO-WIT:

PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER (NW/4 SW/4 NW/4) OF SECTION TWELVE (12), 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, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING AT THE NORTHWEST CORNER OF SAID NW/4 SW/4 NW/4; THENCE SOUTH 0°17'37" W. ON THE WEST LINE OF SAID NW/4 SW/4 NW/4 A DISTANCE OF 66 FEET; THENCE NORTH 89°59'01" EAST, PARALLEL WITH THE NORTH LINE OF SAID NW/4 SW/4 NW/4, A DISTANCE OF 280 FEET; THENCE SOUTH 0°17'37" WEST A DISTANCE OF 130 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 89°59'01" WEST A DISTANCE OF 20 FEET; THENCE SOUTH 0°17'37" WEST A DISTANCE OF 146 FEET; THENCE SOUTH 89°59'01" WEST A DISTANCE OF 165.76 FEET TO A POINT ON THE EAST RIGHT-OF-WAY OF U.S. HIGHWAY #64; THENCE SOUTH 4°05'01" EAST ON SAID RIGHT-OF-WAY, A DISTANCE OF 152.38 FEET; THENCE SOUTH 2°08'32" EAST ON SAID RIGHT-OF-WAY A DISTANCE OF 50.54 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY OF EAST 134TH STREET SOUTH; THENCE NORTH 85°24'20" EAST ON THE NORTH RIGHT-OF-WAY OF SAID 134TH STREET SOUTH A DISTANCE OF 0.00 FEET; THENCE CONTINUING ON SAID RIGHT-OF-WAY ON A CURVE TO THE LEFT HAVING A RADIUS OF 320 FEET AND A CENTRAL ANGLE OF 13°24'20" FOR A DISTANCE OF 74.87 FEET; THENCE NORTH 72°00'00" EAST ON SAID RIGHT-OF-WAY, A DISTANCE OF 63.14 FEET; THENCE CONTINUING ON SAID RIGHT-OF-WAY ON A CURVE TO THE RIGHT HAVING A RADIUS OF 655.68 FEET AND A CENTRAL ANGLE OF 3°32'33" FOR A DISTANCE OF 40.54 FEET; THENCE NORTH 0°17'37" EAST A DISTANCE OF 303.08 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT A TRACT OF LAND IN THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER (NW/4 SW/4 NW/4) OF SECTION TWELVE (12), 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, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING AT THE NORTHWEST CORNER OF SAID NW/4 OF THE SW/4 OF THE NW/4; THENCE SOUTH 196 FEET; THENCE N 89°59'01" EAST AND PARALLEL WITH THE NORTH LINE OF SAID NW/4 OF THE SW/4 OF THE NW/4 A DISTANCE OF 280 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 89°59'01" WEST A DISTANCE OF 20 FEET; THENCE SOUTH 0°17'37" WEST A DISTANCE OF 146 FEET; THENCE NORTH 89°59'01" EAST A DISTANCE OF 20 FEET; THENCE NORTH 0°17'37" EAST A DISTANCE OF 146 FEET TO THE POINT OF BEGINNING.

AND HAS CAUSED THE ABOVE-DESCRIBED TRACT OF LAND TO BE SURVEYED, STAKED, PLATTED AND SUBDIVIDED INTO ONE LOT, ONE BLOCK, IN CONFORMITY WITH THE ACCOMPANYING PLAT AND SURVEY (HEREINAFTER THE "PLAT"), AND HAS ENTITLED AND DESIGNATED THE SUBDIVISION AS "DOMINO'S BIXBY", A SUBDIVISION IN THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA (HEREINAFTER THE "SUBDIVISION" OR "PLATTED AREA" OR "DOMINO'S BIXBY").

SECTION I. EASEMENTS AND UTILITIES

A. GENERAL UTILITY EASEMENTS

THE OWNER DOES HEREBY DEDICATE TO THE PUBLIC THE UTILITY EASEMENTS DESIGNATED AS "U/E" OR "UTILITY EASEMENT", 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 FITTINGS, 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 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 FOR SUCH CONSTRUCTION, MAINTENANCE, OPERATION, LAYING AND RELAYING OVER, ACROSS AND ALONG ALL OF THE UTILITY EASEMENTS DEPICTED ON THE PLAT, FOR THE PURPOSE OF FURNISHING WATER AND/ OR SEWER SERVICES TO THE AREA INCLUDED IN THE PLAT. THE OWNER HEREIN IMPOSES A RESTRICTIVE COVENANT, WHICH COVENANT SHALL BE BINDING ON THE LOT OWNER AND SHALL BE ENFORCEABLE BY THE CITY OF BIXBY, TULSA COUNTY, 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 THAT INTERFERES WITH THE ABOVE SET FORTH USES AND PURPOSES OF AN EASEMENT SHALL BE PLACED, ERECTED, INSTALLED OR MAINTAINED, PROVIDED HOWEVER, NOTHING HEREIN SHALL BE DEEMED TO PROHIBIT DRIVES, PARKING AREAS, CURBING, LANDSCAPING AND CUSTOMARY SCREENING FENCES AND WALLS THAT DO NOT CONSTITUTE AN OBSTRUCTION.

B. UNDERGROUND SERVICE

- OVERHEAD POLES FOR THE SUPPLY OF ELECTRIC AND COMMUNICATION SERVICE MAY BE LOCATED IN THE PERIMETER UTILITY EASEMENT AND IN THE PERIMETER RIGHT-OF-WAYS OF THE SUBDIVISION. STREET LIGHT POLES OR STANDARDS MAY BE SERVED BY OVERHEAD 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 UPON THE ACCOMPANYING PLAT. SERVICE PEDESTALS AND TRANSFORMERS, AS SOURCES OF SUPPLY AT SECONDARY VOLTAGES, MAY ALSO BE LOCATED IN THE GENERAL UTILITY EASEMENTS.
- UNDERGROUND SERVICE CABLES AND GAS SERVICE LINES TO ALL STRUCTURES WHICH MAY BE LOCATED ON ALL LOTS IN THE SUBDIVISION MAY BE RUN FROM THE NEAREST GAS MAIN, SERVICE PEDESTAL OR TRANSFORMER TO THE POINT OF USAGE DETERMINED BY THE LOCATION AND CONSTRUCTION OF SUCH STRUCTURE AS MAY BE LOCATED UPON EACH SAID LOT, PROVIDED THAT UPON THE INSTALLATION OF SUCH A SERVICE CABLE OR GAS SERVICE LINE TO A PARTICULAR STRUCTURE, THE SUPPLIER OF SERVICE SHALL THEREAFTER BE DEEMED TO HAVE A DEFINITIVE, PERMANENT AND EFFECTIVE EASEMENT ON THE LOT, COVERING A 5 FOOT STRIP EXTENDING 2.5 FEET ON EACH SIDE OF THE SERVICE CABLE, EXTENDING FROM THE SERVICE PEDESTAL, TRANSFORMER OR GAS MAIN TO THE SERVICE ENTRANCE ON THE STRUCTURE OR A POINT OF METERING.
- THE SUPPLIER OF ELECTRIC, TELEPHONE, CABLE TELEVISION AND GAS SERVICES, THROUGH ITS AUTHORIZED AGENTS AND EMPLOYEES, SHALL AT ALL TIMES HAVE RIGHT OF ACCESS TO ALL SUCH EASEMENTS SHOWN ON THE PLAT OF THE SUBDIVISION 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 SERVICE FACILITIES SO INSTALLED BY IT. THE SUPPLIER OF ELECTRIC, TELEPHONE, CABLE TELEVISION ALSO RESERVES THE PERPETUAL RIGHT, PRIVILEGE AND AUTHORITY TO CUT DOWN, TRIM, OR TREAT ANY TREES AND UNDERGROWTH ON SAID EASEMENT.
- THE OWNER OF THE LOT IN THE SUBDIVISION SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE UNDERGROUND ELECTRIC 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 GAS FACILITIES. THE SUPPLIER OF SERVICE WILL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF UNDERGROUND FACILITIES, BUT THE OWNER OF THE LOT IN THE SUBDIVISION WILL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER OR HIS AGENTS OR CONTRACTORS. THE FOREGOING

COVENANTS CONCERNING UNDERGROUND FACILITIES SHALL BE ENFORCEABLE BY THE SUPPLIER OF ELECTRIC, TELEPHONE, CABLE TELEVISION, OR GAS SERVICES.

C. WATER MAINS, SANITARY SEWERS, AND STORM SEWER SERVICES

- THE OWNER OF THE LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE PUBLIC WATER MAINS, SANITARY SEWER MAINS AND STORM SEWERS IN THIS ADDITION.
- WITHIN THE UTILITY EASEMENT AREAS DEPICTED ON THE ACCOMPANYING PLAT, THE ALTERATION OF GROUND ELEVATIONS FROM THE CONTOURS EXISTING UPON THE COMPLETION OF THE INSTALLATION OF A PUBLIC WATER MAIN, SANITARY SEWER MAIN, OR STORM SEWER MAIN, OR ANY CONSTRUCTION ACTIVITY WHICH WOULD INTERFERE WITH PUBLIC WATER MAINS, SANITARY SEWER MAINS AND STORM SEWERS, SHALL BE PROHIBITED.
- CITY OF BIXBY, OKLAHOMA, OR ITS SUCCESSORS, SHALL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF PUBLIC WATER MAINS, SANITARY SEWER MAINS AND STORM SEWER MAINS, BUT THE OWNER SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER, HIS AGENTS OR CONTRACTORS.
- CITY OF BIXBY, OKLAHOMA, OR ITS SUCCESSORS, SHALL AT ALL TIMES HAVE RIGHT OF ACCESS TO ALL EASEMENTWAYS DEPICTED ON THE ACCOMPANYING PLAT, OR OTHERWISE PROVIDED FOR IN THE DEED OF DEDICATION FOR THE PURPOSE OF INSTALLING, MAINTAINING, REMOVING, OR REPLACING ANY PORTION OF UNDERGROUND WATER, SANITARY SEWER OR STORM SEWER FACILITIES.
- THE FOREGOING COVENANTS SET FORTH IN THIS PARAGRAPH SHALL BE ENFORCEABLE BY THE CITY OF BIXBY, OKLAHOMA, OR ITS SUCCESSORS, AND THE OWNER OF THE LOT AGREES TO BE BOUND HEREBY.

D. SURFACE DRAINAGE

EACH LOT DEPICTED ON THE PLAT OF DOMINO'S BIXBY, SHALL RECEIVE AND DRAIN, IN AN UNOBSTRUCTED MANNER, THE STORM AND SURFACE WATERS FROM LOTS AND DRAINAGE AREAS OF HIGHER ELEVATION AND FROM STREETS AND EASEMENTS. NO LOT OWNER(S) 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 ANY LOT. THE FOREGOING COVENANTS SET FORTH IN THIS PARAGRAPH SHALL BE ENFORCEABLE BY ANY AFFECTED LOT OWNER AND BY THE CITY OF BIXBY, TULSA COUNTY, OKLAHOMA.

E. PAVING AND LANDSCAPING WITHIN EASEMENT

THE OWNER OF THE LOT AFFECTED SHALL BE RESPONSIBLE FOR THE REPAIR OF DAMAGE TO LANDSCAPING AND PAVING OCCASIONED BY NECESSARY PLACEMENTS, REPLACEMENTS, OR MAINTENANCE OF WATER, SEWER, STORM SEWER, NATURAL GAS, COMMUNICATION, CABLE TELEVISION, OR ELECTRIC FACILITIES WITHIN THE UTILITY EASEMENT AREAS DEPICTED UPON THE ACCOMPANYING PLAT, PROVIDED HOWEVER, THE CITY OF BIXBY, TULSA COUNTY, OKLAHOMA OR THE SUPPLIER OF THE UTILITY SERVICE SHALL USE REASONABLE CARE IN THE PERFORMANCE OF SUCH ACTIVITIES.

F. LIMITS OF NO ACCESS

THE UNDERSIGNED OWNER HEREBY RELINQUISHES RIGHTS OF VEHICULAR INGRESS OR EGRESS FROM ANY PORTION OF THE PROPERTY ADJACENT TO SOUTH MEMORIAL DRIVE / U.S. HIGHWAY 64 OR EAST 134TH STREET SOUTH WITHIN THE BOUNDS DESIGNATED AS "LIMITS OF NO ACCESS" (L.N.A.) ON THE ACCOMPANYING PLAT, WHICH "LIMITS OF NO ACCESS" MAY BE AMENDED OR RELEASED BY THE CITY OF BIXBY CITY COUNCIL, OR ITS SUCCESSOR, AND WITH THE APPROVAL OF THE CITY OF BIXBY, TULSA COUNTY, OKLAHOMA, OR AS OTHERWISE PROVIDED BY THE STATUTES AND LAWS OF THE STATE OF OKLAHOMA.

G. SIDEWALKS; PUBLIC SIDEWALK EASEMENT

SIDEWALKS SHALL BE CONSTRUCTED AND MAINTAINED BY THE LOT OWNER IN ACCORDANCE WITH THE BIXBY SUBDIVISION AND DEVELOPMENT REGULATIONS AND IN ACCORDANCE WITH THE STANDARDS OF THE CITY OF BIXBY. ALL SUCH SIDEWALKS SHALL BE CONSTRUCTED PRIOR TO THE ISSUANCE OF CERTIFICATE OF OCCUPANCY FOR ANY BUILDING WITHIN THE SUBDIVISION.

H. STORMWATER DETENTION EASEMENTS

- THE OWNER DOES HEREBY DEDICATE TO THE PUBLIC PERPETUAL EASEMENTS ON, OVER, AND ACROSS THE PROPERTY DESIGNATED AND SHOWN ON THE ACCOMPANYING PLAT AS "STORMWATER DETENTION EASEMENT" FOR THE PURPOSES OF PERMITTING THE FLOW, CONVEYANCE, RETENTION, DETENTION AND DISCHARGE OF STORMWATER RUNOFF FROM THE SUBDIVISION.
- DETENTION, RETENTION AND OTHER DRAINAGE FACILITIES LOCATED WITHIN THE STORMWATER DETENTION EASEMENTS SHALL BE CONSTRUCTED IN ACCORDANCE WITH STANDARDS AND SPECIFICATIONS APPROVED BY THE CITY OF BIXBY, OKLAHOMA.
- NO FENCE, WALL, BUILDING, OR OTHER OBSTRUCTION MAY BE PLACED OR MAINTAINED IN STORMWATER DETENTION EASEMENTS NOR SHALL THERE BE ANY ALTERATION OF GRADE IN SAID EASEMENTS UNLESS APPROVED BY THE DEPARTMENT OF PUBLIC WORKS OF THE CITY OF BIXBY, OKLAHOMA.
- DETENTION, RETENTION, AND OTHER DRAINAGE FACILITIES SHALL BE MAINTAINED BY THE OWNER, TO THE EXTENT NECESSARY TO ACHIEVE THE INTENDED DRAINAGE, RETENTION, AND DETENTION FUNCTIONS INCLUDING REPAIR OF APPURTENANCES AND REMOVAL OF OBSTRUCTIONS AND SILTATION. DETENTION FACILITIES SHALL BE MAINTAINED BY THE OWNER IN ACCORDANCE WITH THE FOLLOWING MINIMUM STANDARDS:
 - GRASS AREAS SHALL BE MOWED (IN SEASON) AT REGULAR INTERVALS OF FOUR WEEKS, OR LESS.
 - CONCRETE APPURTENANCES SHALL BE MAINTAINED IN GOOD CONDITION AND REPLACED IF DAMAGED.
 - THE DETENTION EASEMENT SHALL BE KEPT FREE OF DEBRIS.
 - CLEANING OF SILTATION AND VEGETATION FROM CONCRETE CHANNELS SHALL BE PERFORMED TWICE YEARLY.
- LANDSCAPING, APPROVED BY THE CITY OF BIXBY, OKLAHOMA, SHALL BE ALLOWED WITHIN THE DETENTION EASEMENTS.
- IN THE EVENT THE OWNER SHOULD FAIL TO PROPERLY MAINTAIN THE DETENTION, RETENTION, AND OTHER DRAINAGE FACILITIES OR, IN THE EVENT OF THE PLACEMENT OF AN OBSTRUCTION WITHIN, OR THE ALTERATION OF GRADE, THE CITY OF BIXBY, OKLAHOMA, OR ITS DESIGNATED CONTRACTOR MAY ENTER AND PERFORM MAINTENANCE NECESSARY TO ACHIEVE THE INTENDED DRAINAGE FUNCTIONS AND MAY REMOVE ANY OBSTRUCTION OR CORRECT ANY ALTERATION OF GRADE, AND THE COSTS THEREOF SHALL BE PAID BY THE OWNER. IN THE EVENT THE OWNER FAILS TO PAY THE COST OF MAINTENANCE AFTER COMPLETION OF THE MAINTENANCE AND RECEIPT OF A STATEMENT OF COSTS, THE CITY OF BIXBY, OKLAHOMA, MAY FILE OF RECORD A COPY OF THE STATEMENT OF COSTS IN THE LAND RECORDS OF THE TULSA COUNTY CLERK, AND THEREAFTER THE COSTS SHALL BE A LIEN AGAINST THE PROPERTY. A LIEN ESTABLISHED AS ABOVE PROVIDED MAY BE FORECLOSED BY THE CITY OF BIXBY, OKLAHOMA.

I. PRIVATE SANITARY SEWER FORCE MAIN

A SANITARY SEWER FORCE MAIN WILL BE CONSTRUCTED BY THE OWNER WITHIN AN EASEMENT GRANTED BY THE OWNER OF THE ADJACENT PROPERTY TO THE NORTH, AND WILL CONNECT WITH THE CITY OF BIXBY PUBLIC SANITARY SEWER LOCATED APPROXIMATELY 300 FEET NORTH OF THE PROPERTY. THE OWNER HEREBY COVENANTS THAT:

- THE SANITARY SEWER FORCE MAIN AND LIFT STATION SHALL BE CONSTRUCTED IN ACCORDANCE WITH STANDARDS AND SPECIFICATIONS APPROVED BY THE CITY OF BIXBY, OKLAHOMA.

- THE OWNER, OR ITS SUCCESSORS, SHALL BE RESPONSIBLE FOR ALL MAINTENANCE OF THE PRIVATE SANITARY SEWER FORCE MAIN AND LIFT STATION.

- IN THE EVENT THE OWNER SHOULD FAIL TO PROPERLY MAINTAIN THE SANITARY SEWER FORCE MAIN AND LIFT STATION, THE CITY OF BIXBY, OKLAHOMA, OR ITS DESIGNATED CONTRACTOR MAY ENTER AND PERFORM MAINTENANCE NECESSARY TO ACHIEVE THE INTENDED FUNCTION AND THE COSTS THEREOF SHALL BE PAID BY THE OWNER. IN THE EVENT THE OWNER FAILS TO PAY THE COST OF MAINTENANCE AFTER COMPLETION OF THE MAINTENANCE AND RECEIPT OF A STATEMENT OF COSTS, THE CITY OF BIXBY, OKLAHOMA, MAY FILE OF RECORD A COPY OF THE STATEMENT OF COSTS IN THE LAND RECORDS OF THE TULSA COUNTY CLERK, AND THEREAFTER THE COSTS SHALL BE A LIEN AGAINST THE PROPERTY. A LIEN ESTABLISHED AS ABOVE PROVIDED MAY BE FORECLOSED BY THE CITY OF BIXBY, OKLAHOMA.

- THE FOREGOING COVENANTS SET FORTH IN THIS PARAGRAPH SHALL BE ENFORCEABLE BY THE CITY OF BIXBY, OKLAHOMA, OR ITS SUCCESSORS, AND THE OWNER OF THE LOT AGREES TO BE BOUND THEREBY.

SECTION II. 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. EASEMENTS, AND UTILITIES ARE SET FORTH CERTAIN COVENANTS AND THE ENFORCEMENT RIGHTS PERTAINING THERETO. IF THE UNDERSIGNED OWNER OR ITS SUCCESSORS OR ASSIGNS SHALL VIOLATE ANY OF THE COVENANTS WITHIN SECTION I, IT SHALL BE LAWFUL FOR ANY PERSON OR PERSONS OWNING ANY LOT SITUATED WITHIN THE SUBDIVISION, OR THE CITY OF BIXBY, 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.

B. DURATION

THESE RESTRICTIONS, TO THE EXTENT PERMITTED BY APPLICABLE LAW, SHALL BE PERPETUAL AND SHALL BE IN FORCE AND EFFECT FOR A TERM OF NOT LESS THAN THIRTY (30) YEARS FROM THE DATE OF THE RECORDING OF THIS DEED OF DEDICATION UNLESS TERMINATED OR AMENDED AS HEREINAFTER PROVIDED.

C. AMENDMENT

THE COVENANTS CONTAINED WITHIN SECTION I. EASEMENTS, AND UTILITIES MAY BE AMENDED OR TERMINATED AT ANY TIME BY A WRITTEN INSTRUMENT SIGNED AND ACKNOWLEDGED BY THE CITY OF BIXBY CITY COUNCIL, OR ITS SUCCESSORS WITH THE APPROVAL OF THE CITY OF BIXBY, 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 OR ANY PART THEREOF AS SET FORTH HEREIN, WHICH SHALL REMAIN IN FULL FORCE AND EFFECT.

IN WITNESS WHEREOF:

BIXBY FUNERAL SERVICE, INC. HAS EXECUTED THIS INSTRUMENT THIS _____ DAY OF _____, 2021.

BY: _____

JACK SHELBY, _____

ACKNOWLEDGMENT

STATE OF OKLAHOMA)
COUNTY OF TULSA) SS:

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2021,
BY JACK SHELBY, AS _____ OF BIXBY
FUNERAL SERVICE, INC.

NOTARY PUBLIC

MY COMMISSION NO:

MY COMMISSION EXPIRES:

[SEAL]

CERTIFICATE OF SURVEY

I, LEE MARTIN, OF WALLACE DESIGN COLLECTIVE, LLC, A LICENSED LAND SURVEYOR REGISTERED IN THE STATE OF OKLAHOMA, HEREBY CERTIFY THAT I HAVE CAREFULLY AND ACCURATELY SURVEYED, SUBDIVIDED, AND PLATTED THE TRACT OF LAND DESCRIBED ABOVE, AND THAT THE ACCOMPANYING PLAT DESIGNATED HEREIN AS DOMINO'S BIXBY, A SUBDIVISION IN THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA, IS A REPRESENTATION OF THE SURVEY MADE ON THE GROUND USING GENERALLY ACCEPTED LAND SURVEYING PRACTICES AND MEETS OR EXCEEDS THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED.

WITNESS MY HAND AND SEAL THIS _____ DAY OF _____, 2021.

LEE MARTIN
LICENSED LAND SURVEYOR

ACKNOWLEDGMENT

STATE OF OKLAHOMA)
COUNTY OF TULSA) SS:

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2021,
BY LEE MARTIN, AS _____ OF WALLACE DESIGN COLLECTIVE

MY COMMISSION NO:

NOTARY PUBLIC

MY COMMISSION EXPIRES:

[SEAL]



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

Date: Monday, May 17, 2021

Reference: **Rezone (BXZO-21.07):** 0.82 Acres (+/-) from Agriculture (A.G.) and Residential Multi-Family (R.M.-3) to Commercial General (C.G.)

Preliminary Plat (BXPT-21.05): 35,540.2 SF / 0.82 Acres, Lot 1, Block 1, Domino's Bixby

Final Plat (BXPT-21.05): 35,540.2 SF / 0.82 Acres, Lot 1, Block 1, Domino's Bixby

Land Use Map: Designated for Commercial Uses

Location: Northeast Corner (NE/c) of East 134th Street South and South Memorial Drive, Bixby, OK.

Legal Description: NW/4 SW/4 NW/4 of Section 12, Township 17N, Range 13E

Applicant: Wallace Engineering

Submittal Overview:

The applicant has submitted one (1) Rezone application, one (1) Preliminary Plat application, and one (1) Final Plat application to go through the land use entitlement process to allow for the construction of a commercial restaurant use located on the northeast corner of 134th Street South and S Memorial Drive.

Staff Review

Rezone Request for B.X.Z.O.-21.07

Existing Zoning; Use:

Commercial Shopping (C.S.) and Residential Single-Family (R.M.-3); Vacant Commercial Land

Surrounding Zoning; Uses:

North: Commercial General (C.G.) and Residential Multi-Family (R.M.-3); Commercial Use/Funeral Home

East: Residential Multi-Family (R.M.-3); Vacant Land

South: Commercial General (C.G.) and Residential Multi-Family (R.M.-3); 134th Street South Right-of-Way and Vacant Land

West: Commercial General (C.G.); 134th Street South Right-of-Way and Vacant Land

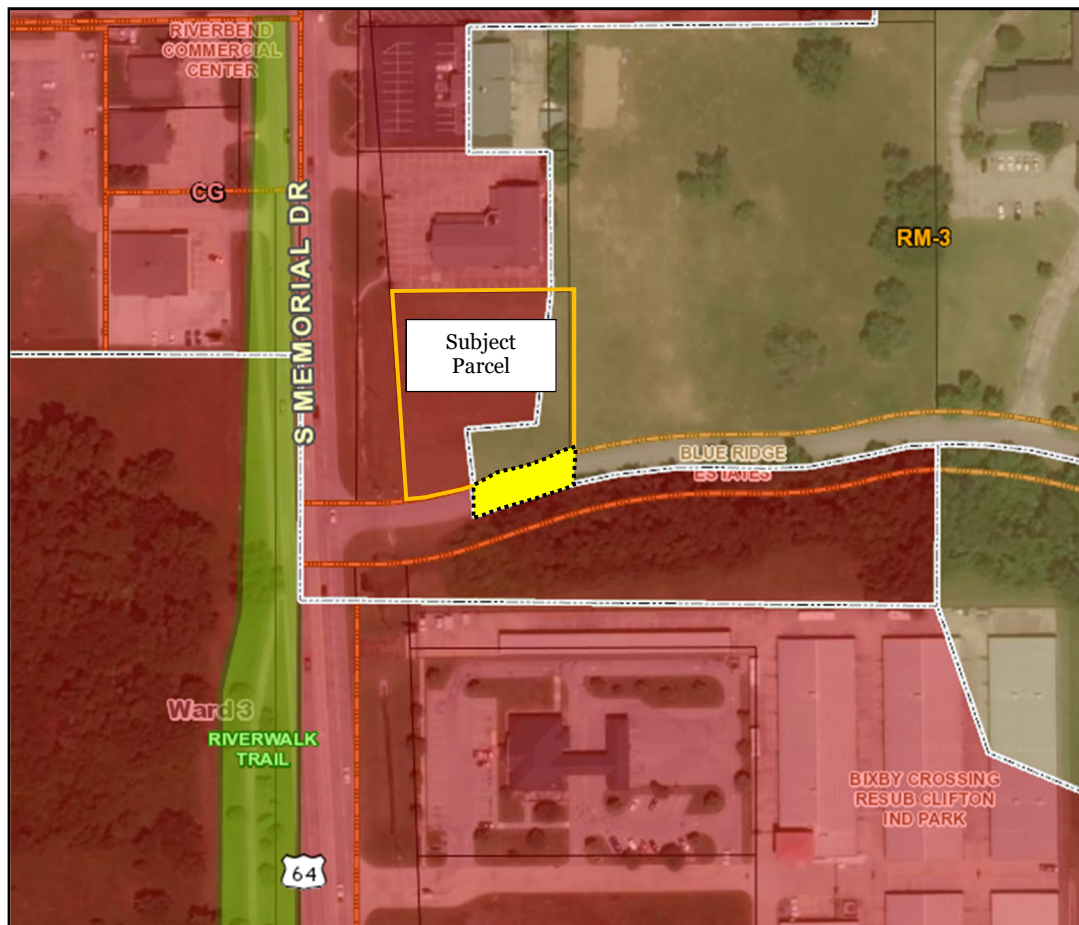


Figure 1: City of Bixby Zoning Map and Subject Parcel Proposed Rezone Area



Figure 2: City of Bixby Zoning Map and Proposed ROW Rezone Area



Proposed Rezone Area:

The proposed rezone area, depicted in the figure on page 2, shows the commercial area in red, marked C.G. for Commercial General and the residential area in brown, marked R.M.-3 for Residential Multi-Family. The rezone application is requesting to clean up the dual zoning on the parcel and make it one (1) zoning designation, Commercial General.

Preliminary Plat Request for B.X.P.T.-21.05**Access:**

The Site Plan depicts access to the proposed commercial site from South Memorial Drive and East 134th Street. This provides primary means of ingress and egress connectivity to and from the site through the adjacent primary arterial and access via a residential side street that connects to a network of residential collector streets feeding traffic back to a secondary and primary arterial.

Utilities/Site Area:

The City of Bixby will provide water, storm sewer, and sanitary sewer utilities for this property. Franchise utilities will also serve the project with communications, natural gas, and electricity. These utility services throughout the development will be underground. Please see attached *Domino's Bixby Conceptual Improvements Plan* dated 04.06.2021.

Drainage:

The existing topography for the site depicted on the attached Preliminary Plat yields multiple pre-developed drainage areas. These areas are shown on the attached Wallace Engineering *Existing Drainage Plan* Sheet C501 dated 05.10.2021.

For the developed condition, there are six (6) drainage areas proposed; however, the majority of building runoff will be collected in on-site storm sewer and re-directed to the proposed stormwater detention area in the southwest corner of the property. The detention will be constructed within a detention easement located within Drainage Area 2 as shown on Wallace Engineering *Proposed Drainage Plan* Sheet C502 dated 05.10.2021 and will be maintained by the owner.

Final Plat Request for B.X.P.T.-21.05

Final Plat Review Process and Recording:

The City Council shall notify the applicant of any conditions which may be imposed and shall approve or disapprove the final plat.

The Deed of Dedication and Restrictive Covenants of the Domino's Bixby One (1) Lot, One (1) Block subdivision shall be enforceable by the owner.

Before the final plat may be filed of record at the County Clerk's office, all letters of release from the utility companies, Oklahoma Corporation Commission, or other agencies must accompany the filing of the final plat. Staff has not received these releases as of the time of writing this Staff Report.

Staff would request as a condition of Final Plat approval Council request these releases be provided to staff for review before the signing and filing of the final plat may take place.

Issuance of Building Permits:

No building permits shall be issued until after acceptance by the City of all improvements and the subdivider has supplied the City with two (2) mylar, and eight (8) black line or blue line paper prints signed by the subdivider and surveyor and stamped and signed by the City of Bixby Mayor or Vice Mayor. Each of these showing proof of being filed and recorded in the Office of the County Clerk.

Staff Comments:

1. Staff provided the applicant, Wallace Engineering, with the City of Bixby Development Services Engineering Memo dated 05.10.2021.
2. The applicant submitted a set of Preliminary Construction Plans on the same day, 05.10.2021. These plans will be further reviewed by Engineering and Public Works before City Council meeting.
3. Wallace Engineering will address the comments made in the Engineering Memo during their presentation to the Planning Commission.
4. Pending applicant's presentation and addressing of the Engineering Memo comments, staff recommends Planning Commission vote to move the Rezoning, Preliminary Plat and Final Plat cases forward to the City Council with a recommendation for approval.
5. The Planning Commission may make recommendation for approval, approval with conditions, or denial of the requested Rezone, Preliminary Plat, and Final Plat to the City Council.

Public Comments:

No opposing comments were received at time of this report

Figures:

Figure 1: City of Bixby Zoning Map and Subject Parcel Proposed Rezone Area

Figure 2: City of Bixby Zoning Map and Proposed Rezone Area

Attachments:

Attachment 1: ALTA/NSPS Land Title Survey by Ramsey Surveying Service 11.15.2020

Attachment 2: Domino's Bixby Preliminary Plat by Wallace Engineering 04.06.2021

Attachment 3: Domino's Bixby Final Plat by Wallace Engineering 04.06.2021

Attachment 4: City of Bixby Development Services Engineering Memo 05.10.2021

Attachment 5: Preliminary Construction Plans for Domino's Bixby 05.10.2021

REGULAR AGENDA ITEM COMMENTARY

ITEM TITLE: Discuss and/or take action on awarding contract to Myers-Cherry for the Downtown Bixby Awnings Project; Myers-Cherry submitted the lowest and best bid of \$293,500

INITIATOR:

Bea Aamodt, Director

STAFF INFORMATION SOURCE:

Justin Dowd, Engineering

BACKGROUND:

BACKGROUND: As part of the Downtown Streetscape project, a number of columns supporting existing awnings were removed in order to allow for the installation of new sidewalks as well as eliminate sidewalk obstructions. Installation of stand-alone support awnings is proposed to replace the column supported awnings that were removed as part of the Streetscape Project. The City will replace awnings at 2 E. Dawes, 8 E. Dawes, 17 E. Dawes, and 118 N. Armstrong.

One bids was submitted on August 31st by the 2:00 pm deadline. Another bid was rejected because it was submitted after 2:00 pm. The bid tabulation is enclosed.

Myers-Cherry submitted the **lowest and best bid** at \$293,500.

EXHIBITS: Bid tabulation

KEY ISSUE: Contract Award

COUNCIL ACTION: Approve

RECOMMENDATION: Approve

ITEM NO: _____

MEETING DATE: 9-13-2021

MEETING: Council

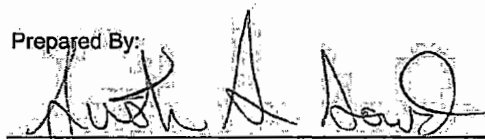
Project: Downtown Bixby Awnings
 City Project No.: SP39-2101
 Bid Date: 08/31/2021
 Date: 09/03/2021

Engineer's Estimate	Myers-Cherry Construction 824 West Jasper Street Broken Arrow, OK 74011
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Item No.	Item	Qty.	Bid Unit	Bid Unit Price	Total Price	Bid Unit Price	Total Price
Base Bid - Schedule A - 2 East Dawes							
1	General Conditions	1	LS	\$ 18,407.42	\$ 18,407.42	\$ 18,000.00	\$ 18,000.00
2	Demolition	1	LS	\$ 2,247.84	\$ 2,247.84	\$ 7,000.00	\$ 7,000.00
3	Misc. Steel	1	LS	\$ 8,429.40	\$ 8,429.40	\$ 7,000.00	\$ 7,000.00
4	Blocking	1	LS	\$ 2,809.80	\$ 2,809.80	\$ 400.00	\$ 400.00
5	Canopies	1	LS	\$ 24,883.59	\$ 24,883.59	\$ 19,000.00	\$ 19,000.00
6	Glazing/Storefront	1	LS	\$ 26,614.43	\$ 26,614.43	\$ 11,000.00	\$ 11,000.00
7	Flashings and Sealants	1	LS	\$ 842.94	\$ 842.94	\$ 6,500.00	\$ 6,500.00
8	Drywall	1	LS	\$ 2,809.80	\$ 2,809.80	\$ 5,500.00	\$ 5,500.00
9	Electrical	1	LS	\$ 6,181.56	\$ 6,181.56	\$ 5,600.00	\$ 5,600.00
Schedule A Total Base Bid					\$ 93,226.78		\$ 80,000.00
Add Alternate - Schedule A - 2 East Dawes							
10	Misc. Steel	1	LS	\$ 561.96	\$ 561.96	\$ 2,000.00	\$ 2,000.00
11	Blocking	1	LS	\$ 1,123.92	\$ 1,123.92	\$ 300.00	\$ 300.00
12	Canopies	1	LS	\$ 12,138.34	\$ 12,138.34	\$ 7,000.00	\$ 7,000.00
13	Drywall	1	LS	\$ 561.96	\$ 561.96	\$ 1,500.00	\$ 1,500.00
Schedule A Total Add Alternate					\$ 14,386.18		\$ 10,800.00
Base Bid - Schedule B - 17 East Dawes							
14	General Conditions	1	LS	\$ 18,407.42	\$ 18,407.42	\$ 18,000.00	\$ 18,000.00
15	Misc. Steel	1	LS	\$ 1,123.92	\$ 1,123.92	\$ 2,300.00	\$ 2,300.00
16	Blocking	1	LS	\$ 1,123.92	\$ 1,123.92	\$ 300.00	\$ 300.00
17	Canopies	1	LS	\$ 20,859.96	\$ 20,859.96	\$ 8,600.00	\$ 8,600.00
18	Drywall	1	LS	\$ 1,123.92	\$ 1,123.92	\$ 3,400.00	\$ 3,400.00
19	Electrical	1	LS	\$ 3,933.72	\$ 3,933.72	\$ 5,600.00	\$ 5,600.00
Schedule B Total Base Bid					\$ 46,572.86		\$ 38,200.00
Base Bid - Schedule C - 8 East Dawes							
20	General Conditions	1	LS	\$ 18,407.42	\$ 18,407.42	\$ 18,000.00	\$ 18,000.00
21	Demolition	1	LS	\$ 11,239.20	\$ 11,239.20	\$ 9,500.00	\$ 9,500.00
22	Misc. Steel	1	LS	\$ 1,123.92	\$ 1,123.92	\$ 25,000.00	\$ 25,000.00

23	Blocking	1	LS	\$ 1,123.92	\$ 1,123.92	\$ 300.00	\$ 300.00
24	Roofing	1	LS	\$ 3,956.20	\$ 3,956.20	\$ 17,000.00	\$ 17,000.00
25	Canopies	1	LS	\$ 29,671.49	\$ 29,671.49	\$ 8,600.00	\$ 8,600.00
26	Flashing and Sealants	1	LS	\$ 2,809.80	\$ 2,809.80	\$ 4,200.00	\$ 4,200.00
27	Drywall	1	LS	\$ 1,123.92	\$ 1,123.92	\$ 8,800.00	\$ 8,800.00
28	Electrical	1	LS	\$ 3,933.72	\$ 3,933.72	\$ 5,600.00	\$ 5,600.00
Schedule C Total Base Bid					\$ 73,389.59		\$ 97,000.00
Base Bid - Schedule D - 118 North Armstrong Street							
29	General Conditions	1	LS	\$ 6,135.81	\$ 6,135.81	\$ 18,000.00	\$ 18,000.00
30	Misc. Steel	1	LS	\$ 561.96	\$ 561.96	\$ 600.00	\$ 600.00
31	Blocking	1	LS	\$ 561.96	\$ 561.96	\$ 200.00	\$ 200.00
32	Canopies	1	LS	\$ 6,968.30	\$ 6,968.30	\$ 8,700.00	\$ 8,700.00
Schedule D Total Base Bid					\$ 14,228.03		\$ 27,500.00
Base Bid - Allowance							
33	Allowance	1	LS	\$ 40,000.00	\$ 40,000.00	\$ 40,000.00	\$ 40,000.00
Total Base Bid (A+B+C+D+ALLOWANCE)					\$ 267,417.26		\$ 282,700.00
Total Add Alternate					\$ 14,386.18		\$ 10,800.00

Prepared By:



Justin S. Dowd, P.E., Oklahoma Registration No. 31659
Assistant City Engineer



City of Bixby BPWA Meeting Minutes

**City Hall Municipal Building
116 W Needles, Bixby, OK 74008
August 23rd 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 20th on or before 6:00 p.m.

Mayor Guthrie called the meeting to order at 10:09 pm.

City Clerk Yvonne Adams called the roll and all members were present.

Members Present

**Guthrie
Blair
Girard
Crawford
Founds**

Staff Present

**Jared Cottle, City Manager
Phil Frazier, City Attorney
Charles Barnes, Finance Dir.
Carolyn Back, Dev. Service Dir.
Yvonne Adams, City Clerk
Bea Aamodt, PW Director**

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 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.

Mayor Guthrie asked for a motion on the BPWA consent agenda. Vice Mayor Blair asked for some clarification on item 'b'. Public Works Director Bea Aamodt gave council some details regarding that item. Vice Mayor Blair made motion to approve, seconded by Councilor Founds. The vote was taken with the following results:

Carried 5-0

Yes: Blair, Founds, Crawford, Girard, Guthrie

No: None.

Mayor Guthrie said on Item #1 on the Regular BPWA agenda is:

New Business

There being none.

Adjournment was called at 10:13 p.m.

MAYOR

ATTEST

SECRETARY