

City Council Meeting Minutes

City Hall Municipal Building
116 W. Needles Ave., Bixby, OK 74008
February 12, 2024 at 6:00 PM

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 February 9, 2024, on or before 5:00 p.m.

Call to Order

Roll Call

Pledge of Allegiance

Invocation

Consent Agenda

- 1) Minutes for the Work Session dated 01/22/24.
- 2) Minutes for the City Council Meeting dated 01/22/2024.
- 3) Consider and approve the OMAG (Oklahoma Municipal Assurance Group) recommendation for denial for claimant Rita Dean, Claim 214111-1-LN.
- 4) Consider and/or approve the renewal of the licensing subscription for MyGov software to provide remote licensing and permitting for City Customers. (\$24,354)
- 5) Consider and Approve Oklahoma Facility Services to maintain the Downtown Streetscape landscape beds. Of the four bids that were obtained from the City's website, Oklahoma Facility Services was the lowest bid in the amount of \$13,300.00 Budgeted from Fund 21 Streets and Alley.
- 6) Consider and/or approve the purchase of a radio antenna mounting structure and communication antennas for the new Fire Station 1.
- 7) Consider and Approve purchase of spring pre/post emergent herbicides for application for Bixby Parks (Bentley, Washington Irving, CYEP, Quail Creek, and Washington Irving River Park). The lowest and best bid, Simplot AB Retail Inc. in the amount of \$14,577.48.

Mayor Guthrie said Item 1-7 on the Consent Agenda is up for discussion and consideration.

Councilor Girard requests to pull Consent item 3 for discussion. City Attorney Phil Frazier advises the council that it is OMAG's recommendation to deny the claim filed by Rita Dean. The City was not previously aware that a pothole existed and once the City was made aware, the City went and

fixed any potholes. Phil recommends the council follow OMAG's recommendations.

Mayor Guthrie asks for a motion to approve items 1-7 on the Consent Agenda. Councilor Hirshey made a motion to approve, seconded by Vice Mayor Founds. The vote was taken with the following results:

Carried:5-0

Ayes: Hirshey, Founds, Girard, Revelis, Guthrie

Nays: 0

Regular Agenda

- 1) Discussion, consideration, and possible vote for approval of Ordinance Number 2462 Bixby Planned Unit Development (B.X.P.U.D) number 23.05, for 116 and 114 Development, in Section 24, Township 17 North, Range 13 East, located at 114 East Breckenridge Avenue.

Mayor Guthrie said Item 1 on the Regular Agenda is up for discussion and consideration.

Item presented by Joey Wiedel, Development Services Director

Others who spoke: Tim Beckman, Applicant and Jared Cottle, City Manager

Development Services Director, Joey Wiedel, advised the council this item was heard on 12/11/23 when the rezone and PUD for rezone were approved. This item was brought back for the applicant to be present to discuss the use and intentions of this development. The City Council approved RS-3 on Dec 11, 2023. Mixed-use and ground-floor apartments are allowed for this project.

Councilor Hirshey inquires as to the language of the PUD. Development to be allowed office and apartment spaces. Further discussions were held as to parking at the location.

The applicant is present for further discussion on the proposed use of the development. The existing building is a former church building and there are no plans to raise the building. This development is primarily for commercial retail, event space, apartment dwellings on the 2nd floor, and bringing in a daycare center. There are no plans for apartments at this time but the applicant states they would like to have that for the future. The bottom floor would not be for residential and would only be used for entrances into lobbies and mailroom. There would not be any multi family on the frontage of the building but would only in the rear. Ground floor dwellings but allowed residential services on the ground floor.

Councilor Girard recused himself from the vote due to previous involvement with the church.

Mayor Guthrie asks for a motion to approve item 1. Councilor Hirshey makes a motion to approve as noted with the exception of that no dwelling unit will be acceptable on the first floor, seconded by Councilor Revelis. The vote was taken with the following results:

Carried:4-0-1 Absent

Ayes: Hirshey, Revelis, Founds, Guthrie

Nays: 0

Absent due to recusal- Girard

- 2) Discussion, consideration, and possible vote to approve an emergency clause for Ordinance 2462, making it effective immediately upon passage, since the immediate operation of the provisions of the Ordinance is necessary for the preservation of public health, safety, and welfare.

Mayor Guthrie said Item 2 on the Regular Agenda is the Emergency Clause to Ordinance 2462

Item presented by Joey Wiedel, Development Services Director

Others who spoke: Tim Beckman, Applicant

Councilor Girard recused himself from the vote due to previous involvement with the church.

Mayor Guthrie asks for a motion to approve item 2. Vice Mayor Founds made a motion to approve, seconded by Councilor Revelis. The vote was taken with the following results:

Carried: 4-0-1 Absent

Ayes: Founds, Revelis, Hirshey, Guthrie

Nays: 0

Absent due to recusal- Girard

- 3) Discussion and possible approval of Bixby Preliminary Plat and Final Plat (B.X.P.T.) number 23.10, for The Reserve at White Hawk, 18.43 acres, Blocks 1-6 in Section 15, Township 17 North, Range 13 East, located North of East 151st Street South and East of South 53rd East Ave.

Mayor Guthrie said Item 3 on the Regular Agenda is up for discussion and consideration.

Item presented by Joey Wiedel, Development Services Director

Others who spoke: Applicants: Ryan McCarty with Select Design and Lou Reynolds, Applicant. The following citizens who spoke: Paul Bush, Vicki Phillippi, Mark Franks, Beth Byrd, Jerry Griffith, Richard Oltmann, Will Wilkins, Matt Baker, Steven Crow, Craig Harding, Rick Robertson, Jami Collier, Larry Wagner, Greg Snyder, Chris Thomas, Christy Rooney, Melissa Migliore, and Michele Burns

Mayor Guthrie says everyone who has signed up to speak will have the opportunity to speak, be allowed five minutes to speak, and is asked to try to refrain from repeating what others might of said.

This project has been an ongoing project since 2018 and has been heard on multiple occasions. The acreage in question is 18.43 acres with a lot width of 75 feet with a number of 38 lots, blocks 1-6 in BXPT 23.10. This is residential RS-2 BXPUD 18.10, North: (RS-3) Residential Single-Family East: (AG) Agriculture and (RS-3) Residential Single-Family South: (OM) Office Medium Density West: (RS-3) Residential Single-Family. The applicant is requesting Preliminary and Final Plat.

Joey Wiedel advised the council that this item went before the Planning Commission on 2/6/2024 at a special meeting. This item was brought to the Planning Commission 3 separate times, but due to the welfare, health, and safety of the Planning Commission, staff, sickness, and holidays, those meetings were unable to be held. The applicant requested a special meeting with the Planning Commission board, which was approved, and the special meeting was held on 2/6/2024. The notice for that meeting was put out to the public that is required by law and was approved.

Staff received one comment prior to that meeting and that comment was that the Conceptual Site Plan was not in alignment with the proposed Plat. That item was a large discussion during Planning Commission, the Conceptual Site Plan variance of the Plat along with the Comprehensive Plan having an issue passing back in 2018. Joey advised council that back in 2018 the Comprehensive Plan failed to move forward but the Zoning and PUD was approved both by Planning Commission and Council unanimously to move forward although the Comprehensive Plan was not. The Comprehensive Plan was a deep discussion at the special meeting. It was found that the Comprehensive Plan in itself is only a guide, is projected it goes through 2030, and will need to be updated soon.

Further discussion at that meeting was that the City has never allowed a Comprehensive Plan change to deviate. There was also discussion as to whether or not the City did allow that at some

point and what the reasoning may have been as to why it may have changed. By the end of the that meeting it was unclear as to whether it happened or it did not. The Planning Commission felt that it had not happened but was some uncertainty. There were 9 residents who had the opportunity to speak at that meeting, of which 5 spoke for both Plats to be approved and 4 against. Those who spoke against were leaning on the fact that this is still in a lawsuit, felt that the lawsuit should be handled by the Courts prior to moving forward with any further development, and to allow the Court to make the decision as to whether the development was able to move forward or not. Discussions also were held that proposed housing does not fit the current neighborhood such as roofing material, privacy fences, lot size, and architectural difference. Those citizens who spoke that were for the project felt like it was a time to move on, felt that the property has been sitting vacant too long, and felt it is ran down. They were thankful of the new development that is in front of them with ponds, trails amenities, and felt like what it could be vs. the potential of what it would be if development did not occur.

Joey advised Council this was only a synopsis of what occurred at Planning Commission to bring Council up to date. Joey also shared with Council that the Planning Commission did have a hardship with the Comprehensive Plan as to whether the PUD and rezone should of ever been heard due to the Comprehensive Plan not passing. The City Attorney advised the Planning Commission that the Comprehensive Plan is only a guide and has no bearing on the PUD or Plat or Rezone. The Planning Commission approved this item with a 2 to 1 vote at that meeting.

Joey advises council that another large topic was the Plat and Overlay issues in th Plat which were with lots 5 and 4 of Block 2 and lots 1 and 2 of block 3. Discussion were held as to the PUD and the Conceptual Site Plan as there was a green space that overlayed in those areas. The public comments were that the Conceptual Site Plan did not meet the Plat. Staff has recommended along with Planning Commission that the PUD and this Site Plan does conform with the PUD. There is a 60 foot set back that is required for any development of current residential homes. This partial are is 140.03 so therefore you would have a 60 foot set back amongst houses currently in place and the new development. The PUD states against any abutting residential, therefore, staff felt that it met the performance of the PUD. Further questions were of the unplatted area but that area is not the applicants property.

Staff also recommended that the PUD required approval by Planning Commission and Council for the sidewalks and trails to be approved. Staff asked the applicant to put that request in the covenence which is in the Final Plat as presented to Council (Attached to this packet for reference). The Developer and Applicant were able to provide council with the requested Conceptual Improvement Plan as presented which shows proposed side walks, proposed park path along with the existing paths. The idea to provide access for the development coming in and those that are already in place with access the trails and sidewalks for connectivity an amenity to all residents. This improvment plan is being brought to Council for consideration and if it is approved it would be brought to Planning Commission for their approval, to avoid having to bring back this particular item for Council to revisit at a later date. Joey advises council that he feels that parties on both sides want Bixby to be better and need guidance or assistance on how to do that. The hope for tonight will be that it will be a step closer to closure for all and move forward in Bixby as one.

Ryan McCarty with Select Design and Applicant Lou Reynolds are present for any questions Council may have. Councilor Girard inquires as to the building standards. Ryan McCarty advises that in development area "A" the building material exterior wall shall have at least 75% of the first floor shall be masonry (brick and cementious product) or stone with no Hardy board as defined in the PUD. Mr McCarty advises council that in development area "B" it will allow Hardy board as defined in the PUD. Homes to have a minmum of square footage of 2400. Mayor Guthrie inquires

of the Applicant as to the fencing to make sure that fencing conforms with the spirit of the rest of the neighborhood. Mr McCarty advises Council that the fencing has not been defined yet and will come later with the Site Plan for landscaping, screening, and trail system.

Councilor Hirshey inquires of applicant that the Plat shows 38 lots 75 for minimum lot size, and asks for an idea as to how the corellates to the existing development as far as lot size and number of lots. Mr McCarty advises council that he does not have those exact numbers, however, the original Celebrity Plat were 1/2 acre lots and the estates at White Hawk may have slightly smaller lots. Mr McCarty advises Council that the RS-2 standards for both lots would allow for 115 lots but applicant is only proposing a total of 53 lots allowed and they are proposing 38 lots which is roughly 50% density from a zoning perspective. These lots are a little smaller than the comparative lots. Councilor Hirshey inquires as to what appears as a possible detention area in block 6. Mr McCarty advises council that it is not a pond it is a slope area.

Councilor Girard inquires as to entry access tot he development on 151st. Mr. McCarty advises Council that there is only one entry to the development area and that there is also an emergency access for fire.

Council allowed each of the those 18 citizens signed up the opportunity to speak and were allowed their five minutes or more each to express their concerns as to why they were or were not in agreement with Items 3 and 4. One citizen, Christy Rooney, provided the council with handouts for their consideration on this item. (All documents provided to the council are attached to these minutes for reference) Council and staff address any questions/concerns the citizens inquire on. Councilors have heard all the member's concerns about this item.

Further discussions as to concerns were held between City Staff, Council, and City Attoreny as to the Comp Plan. The City Attorney advises councilors as to the legal procedures and ramifications to voting on items 3 and 4.

Mayor Guthrie asks for a motion to approve item 3. Councilor Revelis made a motion to approve, seconded by Councilor Hirshey. The vote was taken with the following results.

Vote: 2-3

Ayes: Revelis, Hirshey,

Nays: Girard, Founds, Guthrie

- 4) Discussion and possible approval of Bixby Preliminary Plat and Final Plat (B.X.P.T.) number 23.18, for The Reserve at White Hawk, 10.26 acres, in Section 15, Township 17 North, Range 13 East, located on the Southeast Corner of South Yale Avenue and East 141st Street South.

Mayor Guthrie said Item 3 on the Regular Agenda is up for discussion and consideration.

Item presented by Joey Wiedel, Development Services Director

Others who spoke: Applicants: Ryan McCarty with Select Design and Lou Reynolds, Applicant. The following citizens who spoke: Paul Bush, Vicki Phillippi, Mark Franks, Beth Byrd, Jerry Griffith, Richard Oltmann, Will Wilkins, Matt Baker, Steven Crow, Craig Harding, Rick Robertson, Jami Collier, Larry Wagner, Greg Snyder, Chris Thomas, Christy Rooney, Melissa Migliore, and Michele Burns

Mayor Guthrie says everyone who has signed up to speak will have the opportunity to speak, be allowed five minutes to speak, and is asked to try to refrain from repeating what others might of said.

Joey Wiedel advises Council that the Plat consists of The Reserve at White Hawk NW Blocks 7-9 Preliminary and Final Plat (BXPT 23.18) Location: South East corner of East 141st and South Yale Avenue 10.26 Acres (+/-) STR: Section 15, Township 17, Range 13 Applicant: White Hawk Investments, LLC

Acres: 10.26 +/- Min. Lot Width: 75 DU/acre: Number of Lots: 15 Number of Blocks: 3 Reserve Areas: 2 Blocks 7-9. Existing zoning: Residential Single-Family (RS-2) with PUD. BXPUD 18.10 MA 3

Applicant Request: The applicant is requesting Preliminary and Final Plat approval for the Reserve at White Hawk

This item was heard with item 3. (See all specifics as to discussions held on item 3)

Councilor Hirshey shares concerns regarding development and major roadways.

Ryan McCarty with Select Design speaks on item 4 as to the applicant not being able to speak on item 3 after everyone spoke before voting. Further discussions were held between applicant and City Council as to the Comp Plan in item 4. Will Wilkins and Richard Oltmann speak further as to the Comp Plan, Hardy Board and fencing in this Plat.

Mayor Guthrie asks for a motion to approve item 4. Councilor Revelis made a motion to approve, seconded by Councilor Hirshey. The vote was taken with the following results.

Vote: 2-3

Ayes: Revelis, Hirshey,

Nays: Girard, Founds, Guthrie

Time: 8:44 p.m.

Mayor Guthrie calls a recess as to the City Council meeting to call the Bixby Public Works Authority Meeting.

Time: 8:44 p.m.

Mayor Guthrie resumes to City Council meeting after calling Bixby Public Works Authority Meeting.

5) Motion to enter into Executive Session:

- a. *Confidential communications and discussions among the City Council and its attorney concerning potential and current litigation status. Authority: Oklahoma Open Meeting Act, Title 25 Oklahoma Statutes Section 307.B.4.*

Mayor Guthrie said Item 5 on the Regular Agenda is a motion to enter into executive session.

Mayor Guthrie asks for a motion to enter into an executive session. Councilor Revelis made a motion to approve, seconded by Vice Mayor Founds. The vote was taken with the following results:

Carried:5-0

Ayes: Revelis, Founds, Girard, Hirshey, Guthrie

Nays: 0

Council enters executive session

Time: 8:44 pm

Time 10:33pm

Council returns from executive session

Mayor Guthrie says no action was taken in executive session

- 6) Motion to exit Executive Session and reconvene in open session.

Mayor Guthrie asks for a motion to exit the Executive Session. Vice Mayor Founds made a motion to approve, seconded by Councilor Hirshey. The vote was taken with the following results:

Carried:5-0

Ayes: Founds, Hirshey, Girard, Revelis, Guthrie

Nays: 0

- 7) Consider and/or take action, if necessary, on directing City Attorney action regarding potential and current litigation.

No action taken on item 7

- 8) City Manager's Report

The City Manager, Jared Cottle, gave the following updates:

- City Hall will be closed on Monday, February 19, 2024
- Lane closure on 121st Street bridge just west of Garnett for a pothole repair

- 9) New Business

In accordance with the Open Meeting act, Title 25 O.S. § 311.A.10, new business is defined as any matter not known about or which could not have been reasonably foreseen prior to the time of posting the agenda.

Mayor Guthrie says no new business.

Vice Mayor Founds advises the Mayor that he has new business.

Vice Mayor Founds makes a motion to reconsider, have the question entered for reconsideration, and vote on item 3 at the next City Council meeting. Motion seconded by Councilor Hirshey. The vote was taken with the following results:

Carried:4-1

Ayes: Founds, Hirshey, Revelis, Guthrie

Abstain: Girard

Vice Mayor Founds makes a motion to reconsider, have the question entered for reconsideration, and vote on item 4 at the next City Council meeting. Motion seconded by Councilor Hirshey. The vote was taken with the following results:

Carried:4-1

Ayes: Founds, Hirshey, Revelis, Guthrie

Abstain: Girard

- 10) Adjournment

Adjournment was called at 10:36 pm


City Clerk




Mayor



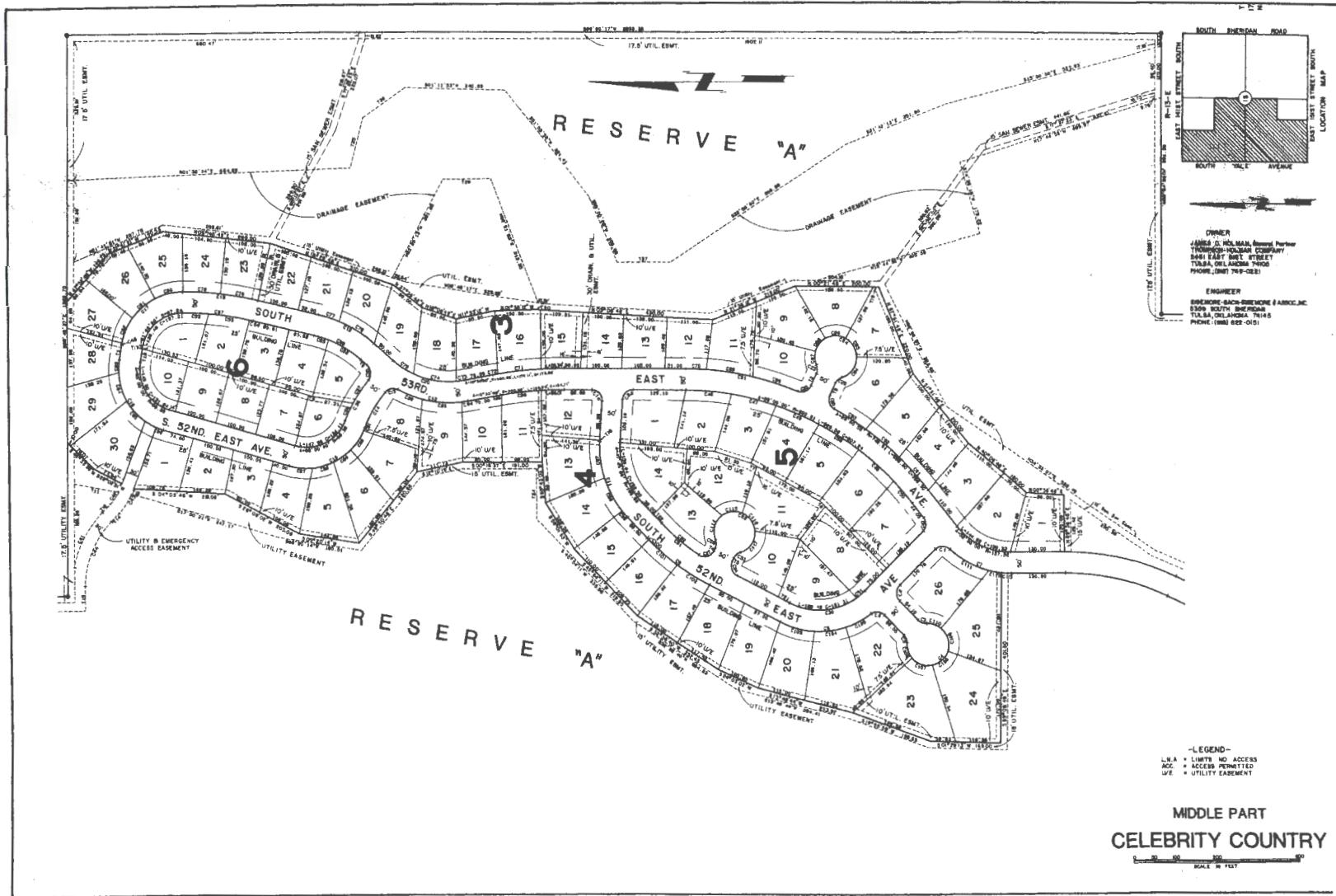
Bixby City Council

Speaker Sign-In Sheet

Date: 2/12/24

***Please list "Consent" or "Regular" with the Item Number ***

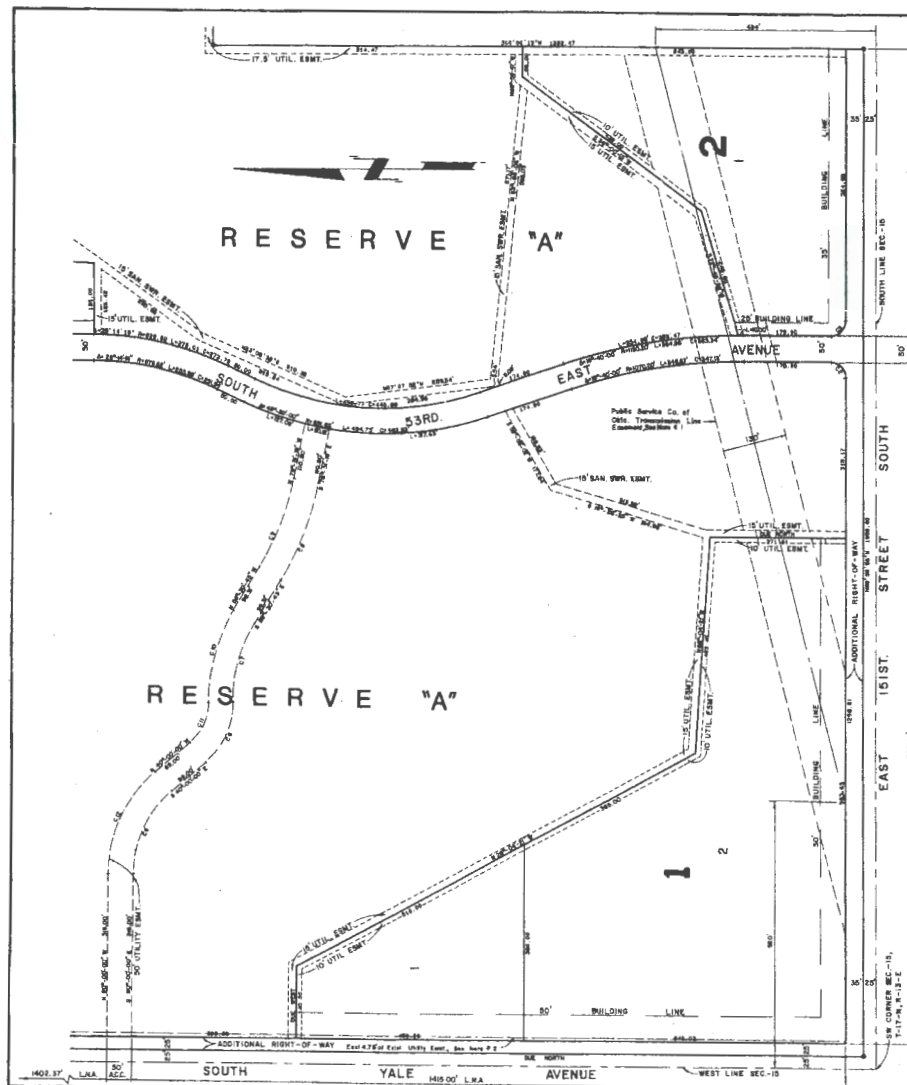
Name	Address/Phone	Item # - "Consent" or "Regular" Agenda
✓ Paul Bush	14618 S. 53 rd E. Ave.	White Hawk
✓ Vicki Phillippi	14705 S. 53 rd East Ave ⁹¹⁸⁻⁶⁰⁵⁻⁹⁰⁴⁰	White Hawk
✓ Mark Frank	14320 S 52 nd E. Ave	White Hawk
✓ Beth Byrd	14238 S. 50 th E Ave ⁴⁰⁵⁻⁴¹⁶⁻³⁷⁹³	3+4 - White Hawk
✓ Jerry Griffith	14409 S. 50 th E. Ave ⁹¹⁸⁻⁶³²⁻⁰²⁵³	384 White Hawk
✓ Richard Olthoff	14127 S Winston ⁹¹⁸⁻⁶¹⁹⁻⁴¹¹¹	3+4
✓ Will Wilkins	14101 S 50 th E. AVE	3+4
✓ Matt Baker	14712 S. 53 rd E. AVE	3+4
✓ STEVEN CROW	14217 S. 50 th E. AVE	3+4
✓ Craig Harding	14747 S. 53 rd E. Ave.	3+4
✓ Rick Robertson	14759 S. 53 rd E. Ave	3+4
✓ Jami Collier	14602 S. 52 E. Ave	3+4
✓ LARRY WIGWEL	14706 S. 52 E AVE.	3+4
✓ GREG SMYER	14712 S. 52 E AVE	WHITE HAWK
✓ Chris Thomas	14727 S. 53 rd E. Ave	WHITE HAWK PLATE
✓ CHLOEY ROONEY	14606 S 53 rd E. AVE	3+4
✓ Melissa Migliore	14306 S. 50 East	3+4
✓ Michele Burns	14307 S 50 th	3+4



[illegible]

TEMPERATURE DATA		
NO.	BEARING	DISTANCE
11	306° 23' 52"E	35.00
12	354° 33' 15"E	30.73
13	306° 23' 52"E	36.73
14	306° 23' 52"E	36.73
15	306° 23' 52"E	8.10
16	341° 06' 48"E	26.83
17	341° 06' 48"E	26.83
18	345° 18' 48"E	18.00
19	315° 45' 30"E	10.00
20	345° 18' 48"E	18.00
21	311° 04' 10"N	107.36
22	344° 44' 30"E	26.82
23	311° 04' 13"N	13.68
24	344° 44' 30"E	26.82
25	306° 23' 52"E	37.51
26	306° 33' 12"E	33.00
27	306° 23' 52"E	37.51
28	306° 13' 12"E	1.31
29	300° 21' 48"E	12.00
30	345° 18' 48"E	18.00
31	306° 23' 52"E	30.00
32	348° 01' 48"E	26.81
33	348° 54' 50"E	57.50
34	348° 01' 48"E	26.81
35	375° 50' 45"E	122.72
36	334° 27' 22"E	129.71
37	306° 23' 52"E	115.02
38	306° 30' 30"E	115.02

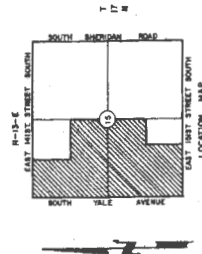
CELEBRITY COUNTRY SHEET 4 OF 6



CURVE		DATA	
NO.	POINT	CHORD	DELTA
1	10+00	41.46	90° 00' 00"
2	10+00	41.46	90° 00' 00"
3	10+00	41.46	90° 00' 00"
4	10+00	41.46	90° 00' 00"
5	10+00	41.46	90° 00' 00"
6	10+00	41.46	90° 00' 00"
7	10+00	41.46	90° 00' 00"
8	10+00	41.46	90° 00' 00"
9	10+00	41.46	90° 00' 00"
10	10+00	41.46	90° 00' 00"
11	10+00	41.46	90° 00' 00"
12	10+00	41.46	90° 00' 00"

OWNER
JAMES D. HOLMAN, General Partner
THOMPSON-HOLMAN COMPANY
2431 EAST 8TH STREET
TULSA, OKLAHOMA 74106
PHONE (918) 748-0811

ENGINEER
BREWSTER-SACK-BREWSTER & ASSOCIATES
2500 SOUTH MERIDIAN
TULSA, OKLAHOMA 74119
PHONE (918) 822-0511



- NOTES:
1. DISTRICT COURT CASE NO. 199233, REPORT OF COMMISSIONERS IN THE MATTER OF THE CONDEMNATION OF A 134' WIDE STRIP OF LAND BY PUBLIC SERVICE COMPANY OF OKLAHOMA.
 2. UTILITY EASEMENT TO RURAL WATER DISTRICT NO. 6, OKMULGEE COUNTY, OKLAHOMA, RECORDED IN BOOK 3854, PAGE 199.

-LEGEND-

LWA = LIMITS NO ACCESS
ACC = ACCESS PERMITTED
U/E = UTILITY EASEMENT

SOUTH PART
CELEBRITY COUNTRY

SCALE 1" = 100'

Windrush II on Mingo

Details		
Filing Number	201303150004	
Entity Name	WINDSHIELD II CII HOLD, LLC	
Status	In Good Standing	
Entity Type	Domestic Limited Liability Company	
Autodissolve	Old-fashioned	
Original Filing Date	Feb 10 2020	
Duration	Perpetual	
Entity Address	4512 E. 51ST STREET, SUITE 100 TULSA, OK, 74135, USA	
Registered Agent Information		
Name	WINDSHIELD	
Effective	Feb 10 2020	
Address	7409 S. FIRST STREET	
City/State/Zip/Code	BROKEN ARROW OK 74011	
FILING HISTORY :		
Corporate Information	From First Document	From Last Document
13722400003	Articles of Organization	February 10, 2020
42405230003	Annual Certification	December 4, 2020
51940400004	Annual Certification	November 22, 2021
NAMES INFORMATION		
Current Name	WINDSHIELD II CII HOLD, LLC	WINDSHIELD II CII HOLD, LLC
WINDSHIELD II CII HOLD, LLC	Legal	In use February 10, 2020
PRINCIPALS		
No principals found		
TRADENAME		
No tradenames found		
STOCKS INFORMATION		
No stocks found		
PGZ	NO	
WGL	NO	
Total Investment to OK	NO	
Qualified	NO	

Kevin Jordan's business address
Black Gold Group

Bixby City Manager

OWNER/DEVELOPER

WINDRUSH II ON MINGO, LLC
7409 S. 1st ST.
BROKEN ARROW, OKLAHOMA 74011
PH# 918-451-7501

REGISTERED LAND SURVEYOR:

JR DONELSON, INC.
12820 SO. MEMORIAL DR.
OFFICE 100
BIXBY, OK 74008
C.A. NO. 5611, exp. 8-60-23
PH# 918-394-3030

REGISTERED PROFESSIONAL ENGINEER:

COTTE ENGINEERING COMPANY, PLLC
7409 S. 1st ST.
BROKEN ARROW, OKLAHOMA 74011
C.A. NO. 5014, exp. 05 30-24
PH# 918-451-7501

[illegible]

Bixby Planning Dept Chair

Note. The word "Note" means the promissory note dated December 22, 2020, in the original principal amount of \$2,387,689.98 from Grantor to Lender, together with all renewals of, extensions of, modifications of, refinancings of, consolidations of, and substitutions for the promissory note or agreement. The maturity date of this Mortgage is January 5, 2047. NOTICE TO GRANTOR: THE NOTE CONTAINS A VARIABLE INTEREST RATE.

Personal Property. The words "Personal Property" mean all equipment, fixtures, and other articles of personal property now or hereafter owned by Grantor, and now or hereafter attached or affixed to the Real Property; together with all accessories, parts, and additions to, all replacements of, and all substitutions for, any of such property; and together with all proceeds (including without limitation all insurance proceeds and refunds of premiums) from any sale or other disposition of the Property.

Property. The word "Property" means collectively the Real Property and the Personal Property.

Real Property. The words "Real Property" mean the real property, interests and rights, as further described

Doc #2022018908 Page 2 of 3

IN WITNESS WHEREOF, Owner has caused this document to be executed by its duly authorized representative effective as of the date first above written.

Doc #2020127866 Page 17 of 18



Loan No: 700046295

MORTGAGE
(Continued)

Page 17

In this Mortgage,

Related Documents. The words "Related Documents" mean all promissory notes, credit agreements, loan agreements, environmental agreements, guarantees, security agreements, mortgages, deeds of trust, security deeds, collateral mortgages, and all other instruments, agreements and documents, whether now or hereafter existing, executed in connection with the indebtedness.

Rents. The word "Rents" means all present and future rents, revenues, income, issues, royalties, profits, and other benefits derived from the Property.

GRANTOR ACKNOWLEDGES HAVING READ ALL THE PROVISIONS OF THIS MORTGAGE, AND GRANTOR AGREES TO ITS TERMS.

GRANTOR:

WINDRUSH II ON MINGO, LLC

By: 
Kevin L. Jordan, Manager of Windrush II on Mingo, LLC

GRANTOR: Windrush II on Mingo, LLC

By: 

Name: Kevin Jordan

Title Managing Member

Kevin Jordan
Black Gold Group

Cross-collateralization language indicating loan may be collateralized with other properties, including this property

Exhibit A Amendment Privett Construction Schedule			
Milestone	Duration (days)	Date	Date
Contract			
Contract Execution	0	06/16/2023	06/16/2023
Civil - Phase 1, Design & Construction			
Earth Change Permit submittal	14	06/15/2023	06/22/2023
Earth Change Permit review/approval	14	06/29/2023	10/25/2023
Earth Change construction start	7	07/06/2023	10/31/2023
Total Duration	35		
Civil - Phase 2, Design			
Infrastructure Plans submitted	14	07/20/2023	06/22/2023
Infrastructure Bonds secured	1	07/21/2023	10/10/2023
Infrastructure Plans review/approval	14	08/03/2023	10/25/2023
Land Transaction			
Deeds prepared and recorded	14	08/04/2023	10/11/2023
Project financing finalized	45	09/18/2023	?
Civil - Phase 2, Construction			
Infrastructure construction start	1	09/19/2023	n/a
Infrastructure construction substantially complete	195	04/01/2024	
Total Duration	270		
Architecture - Phase 1, Design & Construction			
Architectural Plans submitted	1	09/19/2023	06/27/2023
Architectural Plans review/approval	14	10/03/2023	n/a
Building construction start	7	10/10/2023	n/a
Building construction finish	400	11/13/2024	
Total Duration	531		

03/27/2023 Amendment Approved by Council
06/25/2023 Anticipated Start Date
06/01/2023 (Original Contract Start)

05/31/2023 City Attorney finishes Amendment
06/13/2023 Precision Project Management Executed
06/16/2023 City Executes

07/14/2023 City Comments to Tanner vs. 07/06/2023 due
09/08/2023 Tanner plan resubmittal 56 days after review
47 days after resubmittal

(Pocket Park not included)

07/14/2023 City Comments to Tanner

09/08/2023 Tanner plan resubmittal 56 days after review
47 days after resubmittal

12/24/2023 (No preconstruction Meeting Scheduled)
(No PFPI fees or Contracts submitted)

(No permit fees or plat submitted)

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