

AGENDA
JENKS PLANNING COMMISSION
6:00 P.M. THURSDAY, JANUARY 06, 2022
COUNCIL CHAMBERS, JENKS CITY HALL
211 NORTH ELM STREET, JENKS, OKLAHOMA 74037

I. CALL TO ORDER

II. ROLL CALL

III. BUSINESS

Official action can only be taken on items which appear on the agenda. The Planning Commission may adopt, approve, ratify, deny, defer, recommend, amend, strike, or continue any agenda item (except for Item 1).

1. Consideration and appropriate action relating to a request for approval of the Consent Agenda. (All matters listed under "Consent" are considered by the Commission to be routine and will be enacted by one motion. Any Commissioner may, however, remove an item from the Consent Agenda by request. A motion to adopt the Consent Agenda is non-debatable.)

- 1.A. Approve minutes of the regular meeting on December 09, 2021

Documents:

[2021.12.09 PC MINUTES.PDF](#)

- 1.B. Approve JZ 21 PUD 112.mi2 - Request by Carolina Olphert for approval of a minor amendment for an exception to the required exterior materials for Lot 3 of South County Crossing. General Location: between Elwood and Elm, north of 121st St

Documents:

1. [SR.JZ 21 PUD 112MI2.PDF](#)
2. [JENKS THERAPY CLINIC.PDF](#)
3. [JENKS THERAPY CLINIC.PDF](#)
4. [JENKS THERAPY CLINIC.PDF](#)
5. [LOT 3 SPLIT-SHEET 1.PDF](#)
6. [LOT 3 SPLIT-SHEET 2.PDF](#)

- 1.C. Approve Final Plat: Request by Drew Donosky for approval of the CVP DB Jenks Addition Final Plat. General Location: 305 S Elm

Documents:

1. [SR.PC01.06.22.DUTCH BRO REPLAT.PDF](#)
2. [REPLAT 12-1-2021.PDF](#)

- 1.D. Approve JL 21-365: request by Zach Bonsall for a lot split and combination. General

Locatoin: 305 S Elm

Documents:

1. [SR.PC01.06.22.DUTCH BRO REPLAT.PDF](#)
2. [JENKS SURVEY OVERLAY.PDF](#)
3. [RESOLUTION 2021-11 - DUTCH BROS SURPLUS PROPERTY.PDF](#)

- 1.E. Approve PT 22-001: Request by Robert Bell for a plat waiver. General Location: 9300 S Elwood Ave

Documents:

1. [SR.JZ 22 PT 001.WAIVER.PDF](#)
2. [ALTA SURVEY.PDF](#)
3. [PROPOSED PARKING.PDF](#)
4. [SIGNED PLAT WAIVER REQUEST.PDF](#)

2. Consideration and appropriate action relating to items removed from the Consent Agenda
3. JZ 21-675: Request by Zach Bonsall for a zone chagne from AG (Agriculture) to CG (Commercial General). General Location: 305 S Elm

Documents:

1. [SR.PC01.06.22.DUTCH BRO REPLAT.PDF](#)
2. [REPLAT 12-1-2021.PDF](#)
3. [JZ 21-675 PUBLIC NOTICE \[305 S ELM\].PDF](#)
4. [FILED PLAT.CVP DB JENKS ADDN.PDF](#)
5. [JENKS DUTCH BROS SITE PLAN.PDF](#)
6. [RESOLUTION 2021-11 - DUTCH BROS SURPLUS PROPERTY.PDF](#)

IV. OTHER BUSINESS

1. Social Media Policy

Documents:

[SOCIAL MEDIA POLICY.PDF](#)

2. Planning Updates

V. ADJOURNMENT

MINUTES
JENKS PLANNING COMMISSION
6:00 P.M. THURSDAY, DECEMBER 09, 2021
COUNCIL CHAMBERS, JENKS CITY HALL, 211 NORTH ELM STREET

The Jenks Planning Commission was called to order at 6:00 p.m. on December 06, 2021, by Chair Carol Minden. A roll call vote of members was taken as follows:

Present

Jeffrey Beyer
John Brown
Scott West
Craig Bowman
David Randolph
Chair Carol Minden

Absent

Leon Davis

Business

Official action can only be taken on items which appear on the agenda. The Planning Commission may adopt, approve, ratify, deny, defer, recommend, amend, strike, or continue any agenda item (except for Item 1).

1. Consideration and appropriate action relating to a request for approval of the Consent Agenda. (All matters listed under "Consent" are considered by the Commission to be routine and will be enacted by one motion. Any Commissioner may, however, remove an item from the Consent Agenda by request. A motion to adopt the Consent Agenda is non-debatable.)
 - 1.A. Request to approve minutes of the November 04, 2021
 - 1.B. JL 21-363: Request by Wallace Engineering for approval of a lot split at 204 S Riverfront Drive
 - 1.C. JL 21-364: Request by Bell Land Use, LLC, for a lot combination at 2717 E 130th St.
 - 1.D. Final Plat: Request by Joe Kelley for approval of the Final Plat for Melody Court. General Location: 802 W Main St.

John Brown made a motion to approve Item 1. Craig Bowman seconded the motion. A roll call vote of members was taken as follows:

YEA: Beyer, Brown, West, Bowman, Randolph, Minden

NAY: None

Motion carried.

2. Consideration and appropriate action relating to items removed from the Consent Agenda
Withdrawn

3. JZ 21 PUD 132: Request by Ryan McCarty for approval of a zone change to CG (Commercial General) and a Planned Unit Development allowing for mixed use of office, warehousing, and storage. General Location: North of Fire Station #2, off of 121st St. Planning Director Marcaé Hilton presented the staff report for Item 3. Ryan McCarty (P.O. Box 548, Bixby) addressed the Commission about the application. Both answered questions. Scott West made a motion to approve Item 3 with staff recommendations. David Randolph seconded the motion. A roll call vote of members was taken as follows:

YEA: Beyer, Brown, West, Bowman, Randolph, Minden

NAY: None

Motion carried.

4. JZ 21 PUD 133: Request by JR Donelson for approval of a zone change to RM2 (Residential Multifamily Medium Density) and a Planned Unit Development. General Location: 504 E “B” St Planning Director Marcaé Hilton presented the staff report for Item 4. JR Donelson (8410 E 111th St S) addressed the Commission about the application. Both answered questions. Craig Bowman made a motion to approve Item 4. Jeffrey Beyer seconded the motion. A roll call vote of members was taken as follows:

YEA: Beyer, Brown, West, Bowman, Randolph, Minden

NAY: None

Motion carried.

5. Public Hearing on the proposed adoption of the Unified Development Ordinance Planning Director Marcaé Hilton introduced Item 5. Jackie Wells (consultant from Houseal Lavigne) addressed the Commission about the new UDO. Both answered questions. The following individuals addressed the Commission about the UDO:

- Ronda Bender (6839 E 105th St, Tulsa) – concerned about the rezoning of her property to RTC, does not want it changed. Provided documents to the Commission (attached).
 - Matt Earnest (8623 S 86th E Ave, Tulsa) – spoke about Mrs. Bender’s property value and how it would be negatively impacted by the change.
 - Stephen Grey (2400 W Detroit, Tulsa) – Attorney for Mrs. Bender. Spoke about the City’s action and the negative impact it would have on Mrs. Bender’s property.
- Janet Harris (715 E “E” St) – spoke about wanting to rename East “E” St to something else to avoid confusion
- Karen Fiorio (713 E “E” St) – seconded the issues with East “E” St

6. Unified Development Ordinance: Request recommendation of approval of the Unified Development Ordinance to replace the current Jenks Zoning Code Scott West spoke about concerns for driveway limitations. John Brown spoke about anti-saturation language.

Jackie Wells answered questions from the Commission. David Randolph made a motion to approve Item 6 as presented, taking consideration of the comments from the public and the Commissioners. Jeffrey Beyer seconded the motion. A roll call vote of members was taken as follows:

YEA: Beyer, Brown, West, Bowman, Randolph, Minden

NAY: None

Motion carried.

7. Zone Change: Approve zone change to Downtown Core for part of Main St between the railroad tracks and 7th St. Marcaé Hilton introduced Items 7 and 8. Robert Bell (1011 W “G” St) addressed the Commission to state his concern of the City rezoning property. John Brown made a made a motion to approve Item 7. Craig Bowman seconded the motion. A roll call vote of members was taken as follows:

YEA: Beyer, Brown, West, Bowman, Randolph, Minden

NAY: None

Motion carried.

8. Zone Change: Approve zone change to Riverfront Tourist Commercial for certain areas adjacent to the Arkansas River and near the Main St. bridge. Stephan Grey (2400 W Detroit, Tulsa) stated that there had been no economic study done for the area. Ronda Bender (6839 E 105th St, Tulsa) argued against the rezoning of her property as she stated she was never consulted on the topic. David Randolph made a motion to approve Item 8. Scott West seconded the motion. A roll call vote of members was taken as follows:

YEA: Beyer, Brown, West, Bowman, Randolph, Minden

NAY: None

Motion carried.

Other Business

Planning Update – Planning Director Marcaé Hilton gave the Planning Update and answered questions.

Adjournment. Scott West made a motion to adjourn. John Brown seconded the motion. A roll call vote of members was taken as follows:

YEA: Beyer, Brown, West, Bowman, Randolph, Minden

NAY: None

Motion carried. The Jenks Planning Commission adjourned at 8:07 p.m.

I am here on behalf of the Ronald Paul Ragland Family. My name is Ronda Bender. I live in the Jenks School District at 6839 E 105th Street. I grew up in the city of Jenks. And, I like the improvements and believe the Riverfront District has some upsides for the community. My parents were business owners in Jenks beginning in 1973. I believe my dad helped improve the infrastructure in Jenks by selling parcels to TTCU, the Louie's center, and Walgreens. He was passionate about this town and with that passion caused him to see a need to donate land to the city of Jenks throughout the years.

As I have dug through paperwork and documents it appears beginning in 1999 he gave street dedication as the city of Jenks termed it to be a "new roadway" being a portion of the realigned Main Street approach to the new Jenks Bridge.

I see donations, dedication of right-of-ways and purchased land between my mom and dad and the City of Jenks beginning in 1993. More donations and Agreements between the 2 parties in 1999, 2001, 2003, 2004 & 2005, and then again in 2012.

I am here regarding the .95 acre lot Ragland Plaza 1 at the corner of Main & 9th right off of the Jenks bridge. This valuable piece of property is currently zoned CG, General Commercial. The current Zone of CG allows all 28 Uses on the current zone. The proposed UDO draft shows my General Commercial zone will be re-zoned to RTC, Riverfront Tourist Commercial. The RTC zone narrows the scope of use significantly by almost 50% decrease in uses. With the new UDO 13 categories and 98 uses, it takes my CG from 80 uses down to only 45 uses. It will make this parcel more difficult to sell. Additionally, it will depreciate the land significantly. I am asking for the UDO to be amended to remove this parcel from the Riverfront rezoning district and leave it at its current CG zone.

BECAUSE OF THE LOSE OF USES BETWEEN THE CG AND RTC I FEEL THAT THIS IS A TAKING OF VALUE FROM THE FAMILY PROPERTY.

Again, I am asking for the UDO to be amended to remove this parcel from the Riverfront rezoning district and leave it at its current CG zone.

Here is a List of Best case Uses for this land that are being removed: Drive through restaurants like Chic Fil A, Panera Bread, Bagel Shops, drive-through coffee shops like Black Rifle Coffee, Drive-through pharmacy, drive-through automated teller machine, drive-through bank teller, drive-through restaurant, drive-through carwash stall automatic, drive-through car wash manual, drive-through oil change, outdoor activity/operation, winery/distillery, convenience store, multi-tenant shopping, urgent care/hospital, motel, bed & breakfast, short-term rental, personal storage facility, veterinary clinic, vehicle sales & rentals, warehouse office, this is just a few of the lost opportunity to sell this property.

Again, I am asking for the UDO to be amended to remove this parcel from the Riverfront rezoning district and leave it at its current CG zone.

Noss, Monnet & Edmiston
ATTORNEYS AT LAW

SUITE 300 GRANTSON BUILDING
111 WEST FIFTH STREET
TULSA, OKLAHOMA 74103

DAVID L. NOSS
EDWARD O. MONNET
ROBERT R. EDMISTON

OF COUNSEL
BEN L. MURDOCK
GEORGE B. SCHWABE, JR.

TELEPHONE
(918) 582-6159

FACSIMILE
(918) 582-6008

August 18, 1993

TRANSMITTED VIA FAX: (918) 298-1201

Tim Kassen
c/o The Mail Chute 2
6528 (D-1) East 101st Street
Tulsa, OK 74133-6754

RE: ODOT/Ragland Condemnation Proceeding

Dear Tim:

Ron Ragland asked that I draft wording acceptable to me to be incorporated in the Utility Easement and Warranty Deed, which you faxed to my office on Friday, August 13, 1993.

In compliance with Mr. Ragland's request, I have attached hereto a copy of the Warranty Deed (page 1), and a copy of the Utility Easement (page 1). You will note that I have two places marked on each instrument with numbers "1" and "2". I have attached herewith wording to be incorporated as coordinated with the numbers. In other words, on the sheet marked Warranty Deed where the "1" is shown on the instrument, I would ask that the words "except as hereafter limited." be inserted. Where the "2" is shown, I would ask that the following words be inserted "except all easements, grants, rights-of-way and claims of record,".

The same incorporation would be made with the wording designated for the numbers shown on the Utility Easement.

If after you have reviewed this letter you wish to discuss it further, please do not hesitate to call.

Thank you for your continuing cooperation.

Yours very truly,

NOSS, MONNET & EDMISTON

R

Robert R. Edmiston

RRE/db
Enclosures

cc: Ron Ragland w/enclosures ✓

INSERTS FOR THE WARRANTY DEED

1. except as hereafter limited.
2. except all easements, grants, rights of way and claims of record,

INSERTS FOR THE UTILITY EASEMENT

1. except that to the extent damages and/or disturbances to Grantor's pavement and/or driveway exceeds \$500.00 in any twelve (12) month period, Grantee shall save and hold Grantor harmless.
 2. easements, roads, rights-of-way and all other claims of record.
-

WARRANTY DEED

07313(02)
M-72B(443)(G)
Parcel 55
Revised 08/05/93

KNOW ALL MEN BY THESE PRESENTS:

THAT Ronald P. Ragland and Bonnie G. Ragland, husband and wife

parties of the first part, in consideration of the sum of Two hundred fifty-four thousand nine hundred----- DOLLARS (\$ 254,900.00) do hereby grant, bargain, sell and convey unto the City of Jenks, State of Oklahoma, the fee simple title in and to the following described real property and premises, and including all right, title and interest in and to the airspace, light and view above the surface of the lands herein described, reserving and excepting the mineral interests, therein, to-wit:

A strip, piece or parcel of land lying in Lot 1, 2, 22 through 29 inclusive and part of Lot 30, Block 2, River View Addition to Jenks in Tulsa County, Oklahoma, according to the recorded plat thereof, and more particularly described as follows:

Beginning at the Southwest corner of said Lot 22; Thence Northwesterly along the Southwest line of said Lot 22 a distance of 125.16 feet; Thence Easterly on a curve to the left having a radius of 1732.95 feet a distance of 56.25 feet to a point on the Northeast line of said Lot 22; Thence N76°17'37"E a distance of 54.50 feet to a point on the Northeast line of said Lot 23; Thence N54°14'17"E a distance of 119.04 feet; Thence N00°54'25"W a distance of 193.93 feet to a point on the North line of said Lot 1; Thence Easterly along the North line of said Lots 1 and 30 a distance of 100.00 feet; Thence S00°54'25"E a distance of 193.89 feet; Thence S56°03'42"E a distance of 14.13 feet to a point on the Southeast line of said Lot 28; Thence Southwesterly along the Southeast line of said Lots 22 through 28 inclusive a distance of 304.23 feet to the Point of Beginning.

Containing 0.96 acres, more or less.

All bearings contained in this description are based on the Oklahoma State Plane Coordinate System and are not astronomical bearings.

together with all improvements thereon and the appurtenances thereunto belonging, and warrant the title to the same. The reservation, and exception of mineral rights herein does not include rock, gravel, sand and other road building materials.

To have and to hold said described premises unto said City of Jenks, State of Oklahoma, its heirs and assigns forever, free, clear and discharged of and from all former grants, charges, taxes, judgments, mortgages and other liens and encumbrances of whatsoever nature, reserving and excepting the mineral interests therein; provided, however, that any explorations or development of said reserved mineral rights shall not directly or indirectly interfere with the use of said land by the City of Jenks, State of Oklahoma.

The undersigned Grantor(s) hereby designate and appoint Kon Ragland

_____ as agent to execute the claim and receive the compensation herein named.

Signed and delivered this _____ day of _____, 19____.

Ronald P. Ragland

Bonnie G. Ragland

07313(02)
M-72B(443)IG
Parcel 55.1
08/05/93

UTILITY EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

THAT Ronald P. Ragland and Bonnie G. Ragland, husband and wife
of _____ County, State of Oklahoma, hereinafter called the Grantor(s) for and in
consideration of the sum of One & No/100-----DOLLARS (\$ 1.00)
and other good, valuable and sufficient consideration, do hereby grant, bargain, sell, convey and dedicate unto the
City of Jenks, State of Oklahoma, a perpetual utility easement over, under, through, upon and across the following
described lots or parcels of real property and premises, to-wit:

A strip, piece or parcel of land lying in Lot 28, 29 and part of Lot 30, Block 2, River View Addition to Jenks in
Tulsa County, Oklahoma, according to the recorded plat thereof, and more particularly described as follows:

Beginning at a point on the Southeast line of said Lot 28 and the permanent Easterly right-of-way line of 9th
Street a distance of 4.23 feet Northeast of the Southwest corner of said Lot 28; Thence N56°03'42"W along said
right-of-way line a distance of 10.54 feet; Thence N52°24'33"E a distance of 284.26 feet; Thence Southeasterly
a distance of 36.49 feet to a point on the Southeast line of said Lot 30; Thence Southwesterly along said Southeast
line a distance of 178.67 feet; Thence continue Southwesterly along said Southeast line a distance of 104.65 feet
to the Point of Beginning.

Containing 0.10 acres, more or less.

All bearings contained in this description are based on the Oklahoma State Plane Coordinate System and are not
astronomical bearings.

This perpetual utility easement is granted for the sole purpose of enabling the City of Jenks, State of Oklahoma,
its officers, agents, employees, contractors, permittees and assigns to go upon, survey, locate, construct, reconstruct,
build and maintain utility facilities and all necessary or convenient appurtenances thereto, and includes the
permanent right of ingress and egress by the City of Jenks, State of Oklahoma, its officers, agents, employees,
contractors, permittees and assigns.

Grantor(s) and for its (their) heirs, successors and assigns covenants not to construct, or permit the construction
of, any permanent structures (including signs) over, upon or across the above described tract; however, pavement
for parking and drive purposes may be placed on this easement, provided that in the event that pavement is
damaged or otherwise disturbed either during the construction or maintenance of the utility facilities, no liability
for damages or responsibility to restore or replace the pavement shall rest upon the owners or operators of the
utility facilities, nor with the City of Jenks, State of Oklahoma, its officers, agents, employees, contractors,
permittees and assigns. *

Said Grantor(s) hereby covenant(s) and warrant(s) that at the time of the delivery of this easement it (they) is (are)
the owner(s) in fee simple of the above described property and that the same is free and clear of all liens and
claims whatsoever, except * N/A

The undersigned Grantor(s) hereby designate(s) and appoint(s)
Ron Ragland

as agent to execute the claim and receive the compensation herein named.

IN WITNESS WHEREOF, the Grantor(s) herein named has (have) hereunto set its (their) hands and seals this the
_____ day of _____, 19_____.

Ronald P. Ragland

Bonnie G. Ragland

RECORDED

1994

IN THE DISTRICT COURT OF TULSA COUNTY
STATE OF OKLAHOMA

DISTRICT COURT
FILED

JAN 03 1994

BALLY HOWE SMITH, COUNTY CLERK
STATE OF OKLA. TULSA COUNTY

State of Oklahoma, ex rel.
Department of Transportation,

Plaintiff,

vs.

Case No. CJ-93-3217

Ronald P. Ragland and Bonnie
Ragland, husband and wife; Liberty
National Bank and Trust Company
of Tulsa, N.A.; and the Tulsa
County Treasurer,

Defendants.

07313(02)
#63,63.1
STP-72C(41)IG
M-72B(443)IG

AMENDED
REPORT OF COMMISSIONERS

COMES NOW the undersigned Commissioners appointed by the Judge
of this Court to inspect the real property hereinafter described
and to consider the injury or damages which the said defendants as
above named as the owners thereof have sustained and may sustain by
reason of the taking of said property. Said taking is in fee
simple, unless specified otherwise in the legal description(s)
attached hereto in which case the quality of title or interest to
be acquired herein shall be as stated in such legal description(s),
including airspace but excluding mineral interests and including
the right to use and remove any and all roadbuilding materials.
The appropriation is for public purposes by the Department of
Transportation of the State of Oklahoma. We, the undersigned,
respectfully submit the following Report, to-wit:

The undersigned Commissioners were and are disinterested

ragland.amp
tks 122993

STATE CLERK
NO FEE

Please return to:
DEPARTMENT OF TRANSPORTATION
Office of Land Acquisition
200 N. E. 21st Street
Oklahoma City, Oklahoma
73106

RECORD COPY

7313(2)
#68,68.1

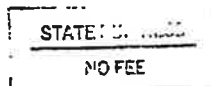
freeholders of Tulsa County, Oklahoma. We are not interested in any like question. On the 28th day of OCTOBER, 1993, said Commissioners took the oath prescribed by law, and proceeded to inspect the real property described on Exhibit "A", attached hereto and made a part hereof.

We further report that it is necessary for the plaintiff, Department of Transportation, to acquire said property. It is necessary to include airspace but exclude mineral interests. It is also necessary to include the right to use and remove any and all roadbuilding materials. Said necessity is for public purposes of a State Transportation System and facilities necessary and incidental thereto. Title to said described property must be taken by said plaintiff for said purposes.

We further report that we have considered and determined the just compensation to which the defendants, as the owners of the property described, are entitled by reason of the taking of said property by the Department of Transportation of the State of Oklahoma. We have considered the value of the land or rights or interest therein taken excluding any mineral interest other than as is set forth in the Petition. We do hereby assess the just compensation due said owners by reason of such taking of the described premises and in accordance with the Instructions to Commissioners, we find:

File to return to:
DEPARTMENT OF TRANSPORTATION
Office of Land Acquisition
200 N. E. 21st Street
Oklahoma City, Oklahoma 73105

regland.smp
tks 122993



5591 1403

RECORD COPY

7313(2)
#68,68.1

Before Value of entire property 596,512
LESS
After Value of remaining property 463,512
ESTIMATE OF JUST COMPENSATION \$ 133,000

IN WITNESS WHEREOF, we have hereunto set our hands on this
3rd day of JANUARY, 1993.4

COMMISSIONERS:

David D. Darden
State Highway
F. L. Lark

Please return to:
DEPARTMENT OF TRANSPORTATION
Office of Land Acquisition
200 N. E. 21st Street
Oklahoma City, Oklahoma 73106

regland.amp
tkm 122993



July 1999

AGREEMENT

KNOW ALL MEN BY THESE PRESENTS,

That **RONALD RAGLAND** and **BONNIE RAGLAND**, husband and wife, hereinafter referred to as "Ragland" and the **CITY OF JENKS, OKLAHOMA**, a municipal corporation, hereinafter referred to as "City", for and in consideration of the mutual benefits, covenants and conditions as set forth hereinafter, do hereby agree as follows:

1. That Ragland is the owner of certain realty being a part of lots 1 and 27, 28, 29 and 30 of Block 2, RIVER VIEW ADDITION to the City of Jenks, Tulsa County, Oklahoma.
2. That attached hereto as Exhibit A is a Plat of Survey (showing revised 12-30-98 thereon) which depicts the above referenced property of Ragland and certain roadway improvements along Ninth Street, a "new roadway" being a portion of the realigned Main Street approach to the new Jenks Bridge, as well as areas noted as "former right-of-way" and Tracts A and B.
3. That City agrees that it will close the former right-of-ways noted in Tracts A and B within that area depicted on Exhibit A. City will not oppose Ragland's action thereafter to foreclose the City's right to reopen said right-of-way areas.
4. City will, as agent for Ragland, within four (4) months after closure of the right-of-ways and foreclosure of the City's right to reopen as set forth in paragraph No. 3 above, prepare a plat for Ragland of the area depicted on Exhibit A under the Surveyor's Certificate. Such plat will recognize all other existing right-of-ways, an easement to the City for the sidewalk depicted thereon, easements for the existing 12 inch water lines and the 60 inch storm sewer and drainage easements. Such plat will allow access to the tract on 9th Street as well as "B" Street. That Ragland will have the right to propose the restrictive covenants of such plat, subject to preserving functionality of City improvements and subject to final approval by the Jenks Planning Commission and City Council.
5. Ragland owns property west of the above referenced tract and property southeast of said tract, said property described respectively on Exhibit B attached hereto. Certain City improvements and appurtenances thereto have been placed on or near said properties which Ragland acknowledges as properly being on said tracts and, on Ragland's behalf, their successors and assigns, will not challenge the location of said improvements and appurtenances thereto whether within existing rights-of-way or not and will allow the City access to maintain or remove such improvements and will execute any necessary documents to reflect the same in the chain of title.
6. That Ragland owns certain property southwest of Main and Elm Streets in Jenks, said property described in Exhibit C attached. Ragland also has a twenty foot

(20') right-of-way easement across other property to access said property from Main Street, said easement described in Exhibit D attached hereto. That Ragland hereby grants City a temporary easement to allow City, as further consideration of this agreement, to construct a temporary one-way roadway across Ragland's property as described in Exhibit C, as more specifically depicted as "Detour Road" on Exhibits E and F attached, and to utilize Ragland's 20 foot easement, if needed, when the City begins roadway and intersection improvements at Main and Elm Streets. That Ragland further grants a temporary construction easement for said "Detour Road" within the shaded area on Exhibits E and F during the construction of said Detour Road and its later removal only, however, said shaded area may be used by the City for public safety and/or law enforcement purposes. Said shaded area may not otherwise be used or occupied by any party without written permission from Ragland in conformity with paragraph No. 9 below. That Ragland does not warrant what interest, if any, that other parties may have in this easement as described in Exhibit D and that City will obtain permission for use from any other necessary party. That said temporary roadway will be removed by the City after completion of its roadway and intersection improvements or as provided in paragraph number 8 below. That said area affected by the temporary roadway will, after its removal, including all debris, be returned to the prior grade and seeded.

7. That as further consideration of such temporary easement, City agrees it will mow or cause to be mowed the property described in Exhibit C during the period of construction or usage of the Detour Road.
8. That the easement granted herein referenced in paragraph number 6 above shall terminate upon any of the following events:
 - A.) Written notification from City that the easement is no longer needed and the temporary roadway has been removed.
 - B.) After 12 months from the final approval of this Agreement, and upon 6 months advance notice thereafter by Ragland applying for an earth change permit with the City, said easement will terminate and the City shall remove the temporary roadway.
 - C.) If not terminated earlier as provided herein, said easement will terminate 24 months from the date of final approval of this agreement and said temporary roadway shall be removed by City.
9. That Ragland will be free to negotiate with the contractors doing the Elm and Main Street improvements as to storage of their equipment or supplies on the balance of the property depicted on Exhibit C other than for the construction of the Detour Road as specified in paragraph No. 6 above.

10. That the parties hereto agree to cooperate in executing any other documents necessary to carry out the terms agreed upon herein.

This agreement shall be binding upon the parties hereto, their heirs, successors or assigns.

Approved this 2nd day of August, 1999.

Attest:

CITY OF JENKS, OKLAHOMA

[Signature]
Clerk

By: [Signature]
Mayor

Approved this 27th day of July, 1999.

[Signature]
RONALD RAGLAND

[Signature]
BONNIE RAGLAND

STATE OF OKLAHOMA)
) ss.
COUNTY OF TULSA)

This instrument was acknowledged before me this on 2nd day of August, 1999 by Mike Tinker as Mayor of THE CITY OF JENKS, OKLAHOMA.

[Signature]
Notary Public

My commission expires:
2/04/03

STATE OF OKLAHOMA)
) ss.
COUNTY OF TULSA)

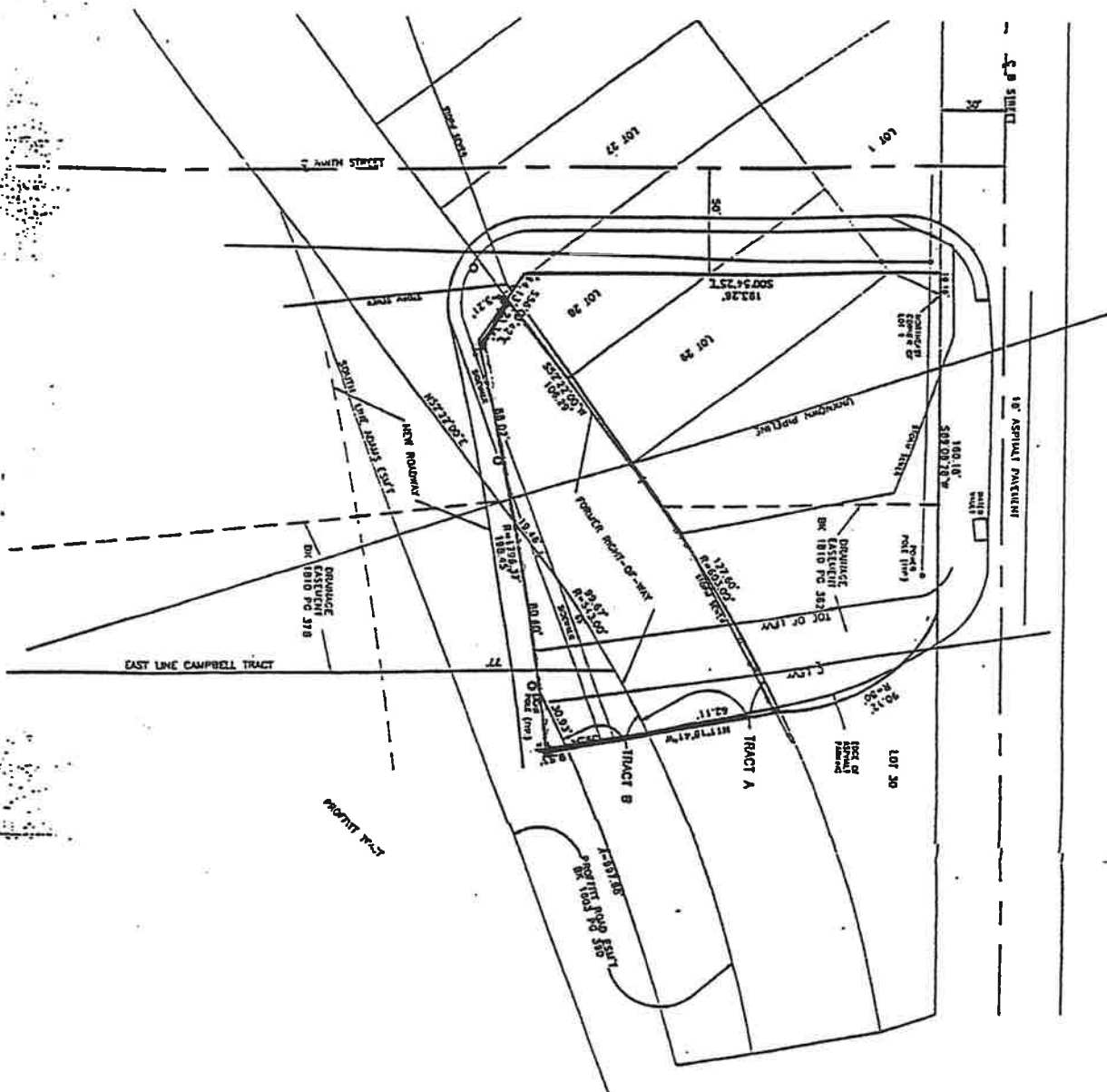
This instrument was a acknowledged before me this on 27th day of
July, 1999 by RONALD RAGLAND and BONNIE RAGLAND.

Ramus R. Edmiston
Notary Public

My commission expires: June 16, 2001

12-3498

30



TRACT A: A TRACT OF GROUND IN RIVER VIEW ADDITION TO THE CITY OF JENKS AND A PORTION OF THE NE 1/4 SEC 4 OF SECTION 19--118N--94E ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF AND IN THE SAID COUNTY, OKLAHOMA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE EAST CORNER OF THE NORTH LINE OF LOT 1, BLOCK 2, RIVER VIEW ADDITION, 10.18 FEET; S 89.47° E 10.18 FEET TO THE EAST CORNER OF NORTH STREET; THENCE S 0°52'42" E ALONG THE EAST LINE OF NORTH STREET TO LOT 1, BLOCK 2, RIVER VIEW ADDITION; THENCE S 56°03'42" E FOR 101.11 FEET TO A POINT ON THE SOUTH LINE OF LOT 28, BLOCK 2, SAID POINT BEING 10.18 FEET NORTHWEST OF THE SOUTHWEST CORNER THEREOF; AND ALSO BEING THE POINT OF BEGINNING; THENCE CONTINUOUS S 36°03'42" E FOR 323.4 FEET; THENCE S 89.47° E ALONG THE RIGHT WITH A BACK TANGENT OF N 75°26'28" E FOR 19.448 FEET TO A POINT OF CURVE; THENCE ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 54.100 FEET A DISTANCE OF 89.47 FEET; THENCE N 11°18'41" W FOR 62.11 FEET TO A DISTANCE OF 19.448 FEET TO LOT 30, BLOCK 2, RIVER VIEW ADDITION; THENCE ALONG A CURVE WITH A BACK TANGENT OF S 64°29'27" W AND A RADIUS OF 603.00 FEET A DISTANCE OF 127.60 FEET; THENCE S 52°22'00" W A DISTANCE OF 106.29 FEET TO THE POINT OF BEGINNING, CONTAINING 0.26 ACRES.

TRACT B: A TRACT OF GROUND IN RIVER VIEW ADDITION TO THE CITY OF JENAS AND A PORTION OF THE NE 1/4 SEC 4 OF SECTION 19-118N-R13E ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF AND AL IN TULSA COUNTY, OKLAHOMA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A POINT ON THE NORTH LINE OF LOT 1, BLOCK 2 RIVER VIEW ADDITION, 10.16 FEET WEST OF THE NORTHEAST CORNER THEREOF; THENCE S 0°54'25" E, 16.18 FEET; THENCE EAST, RIGHT-OF-WAY OF NINTH STREET FOR 193.28 FEET; THENCE S 0°12'24" E, 10.16 FEET TO A POINT ON THE SOUTH LINE OF LOT 2A, BLOCK 2; THENCE S 60°14'15" E, 14.15 FEET TO A POINT ON THE SOUTHWEST CORNER THEREOF; THENCE CONTINUING S 56°03'47" E FOR 23.33 FEET; THENCE ALONG A CURVE TO THE LEFT, CONTAINING 5 BLOCK TANGENT OF 178.64 FEET FOR 19.46 FEET; THENCE S 78°28'26" E AND A RADIUS OF 178.64 FEET FOR 19.46 FEET TO THE POINT OF BEGINNING; THENCE N 52°22'00" E FOR 19.46 FEET TO THE POINT OF BEGINNING; THENCE ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 10.16 FEET A DISTANCE OF 99.67 FEET; THENCE S 11°18'41" E FOR 39.59 FEET; THENCE ALONG A CURVE TO THE LEFT WITH A BLOCK TANGENT OF S 85°15'42" W AND A RADIUS OF 997.66 FEET A DISTANCE OF 20.03 FEET; THENCE ALONG A CURVE TO THE LEFT WITH A BLOCK TANGENT OF S 85°15'42" W AND A RADIUS OF 1786.37 FEET A DISTANCE OF 80.40 FEET TO THE POINT OF BEGINNING, CONTAINING 0.08 ACRES.

CERTIFICATE

1. (If not, W. FAIRLEY OF WILCOXVILLE, STATE OF OREGON, AND A RECALLED AUTO SURVEYOR, DO BELIEVE COUNTRY THAT THE ABOVE PLAN OF SURVEY REPRESENTS A CORRECT SURVEY MADE BY ME (ON WHICH MY SURVEYMANSHIP) OF THE FOLLOWING DESCRIBED PROPERTY, 10-mi.

A TRACT OF GROUND IN BLOCK 42, RIVER VIEW ADDITION TO THE CITY OF JENKS AND A PORTION OF THE NE 1/4 SE 1/4 OF SECTION 19-T18N-17E-W ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF AND ALL IN TULSA COUNTY, OKLAHOMA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE OF LOT 1, BLOCK 2, HEREIN REFERRED TO AS "POINT WEST" OF THE NORTHEAST CORNER THEREOF; THENCE S 05°04'25" E ALONG THE EAST RIGHT-OF-WAY OF NORTH STREET FOR 193.282 FEET; THENCE S 56°03'42" E FOR 14.13 FEET TO A POINT ON THE SOUTH LINE OF LOT 20, BLOCK 2 SAID POINT BEING 3.21 FEET NORTHEAST OF THE POINT OF BEGINNING;

THENCE CONTINUING S 56°03'42" E FOR 53.37 FEET; THENCE ALONG A CURVE WITH A BACK SANGUANT OF 117°52'43" E AND A RADIUS OF 1796.37 FEET FOR 196.45 FEET; THENCE S 11°16'41" E AND A RADIUS OF 100.16 FEET THROUGH ALONG A NOB LANDSLIDE CURVE TO THE LEFT WITH AN ARC LENGTH OF 80.12 FEET MORE OR LESS TO A POINT ON THE NORTH LINE OF BLOCK 20, BLOCK 2; THENCE S 69°03'20" W FOR 160.18 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.9730 AC.

I FURTHER CERTIFY THAT THE ABOVE AND FOREGOING IS A TRUE AND CORRECT COPY OF SAID RECORD, THE LOCATION OF BOUNDARIES, THE DIMENSIONS OF THE PROPERTY AND DISTANCES BETWEEN, AND THEREAFTER THE ENCLOSURES THEREON, EXCEPT AS SHOWN.

WITNESSES MY HAND AND SEAL THIS _____ DAY OF _____

LEGALS FOR RAGLAND/JENKS AGREEMENT

TRACT 1

Immediately, west, across Ninth (9) Street from subject tract:

Lots 1, 2, 3, 4, 5, 6, 7 and 22, 23, 24, 25, 26, and 27 Block Two
(2) Riverview Addition to the Town of Jenks, Tulsa County, (less
conveyances of record for Roadway purposes.)

TRACT 2

Southeast across Main Street from subject tract:

A part of the Northeast Quarter of the Southeast Quarter (NE/4
SE/4) of Section 19, Township 18 North, Range 13 East, of the
Indian Base and Meridian of Tulsa County, State of Oklahoma,
according to the United States Government Survey thereof, more
particularly described as follows:

BEGINNING at a point 675 feet East and 542.01 feet North of the
Southwest Corner of said NE/4 SE/4 of said Section 19,
Township 18 North, Range 13 East, Tulsa County, Oklahoma,
running thence North a distance of 413.29 feet to the South line of
the Right-of-Way of the Tulsa County Road, thence North 53
degrees and 33 feet East along the South line of said Right-of-
Way, a distance of 207.02 feet; thence along the South line of said
Right-of-Way, along a curve to the right with a radius of 543 feet,
a distance of 65 feet, thence South a distance of 574.9 feet, thence
West a distance of 218.8 feet to Place of Beginning, (less
conveyances of record for roadway purposes.)

TRACT 1:

EXHIBIT C

A tract of ground situated in the Southeast portion of Lot Two (2), Block Two (2), MELODY LANE CENTER, a Subdivision to the Town of Jenks, Tulsa County, State of Oklahoma, according to the recorded Plat No. 3303, and being more particularly described as follows, to-wit:

BEGINNING at the Southeast Corner of the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Twenty-four (24), Township Eighteen (18) North, Range Twelve (12) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof; THENCE South 89° 42' 02" West a distance of Three hundred forty-one and Sixty hundredths (341.60) feet to the Southeast Corner of MELODY LANE CENTER, a Subdivision to the Town of Jenks, Tulsa County, State of Oklahoma, according to the recorded Plat No. 3303; THENCE continuing South 89° 42' 02" West along the South line of said MELODY LANE CENTER, a distance of Three hundred ninety-five (395.00) feet to a point; THENCE due North a distance of Two hundred thirty-two and Forty-two hundredths (232.42) feet to a point; THENCE due East a distance of Forty-four and Ninety-nine hundredths (44.99) feet to a point; THENCE due North a distance of Twenty-four and Sixty-four hundredths (24.64) feet to a point; THENCE due East a distance of Three hundred fifty (350.00) feet to a point on the East property line of said MELODY LANE CENTER; THENCE due South a distance of Two hundred fifty-five and Seventeen hundredths (255.17) feet to the POINT OF BEGINNING.

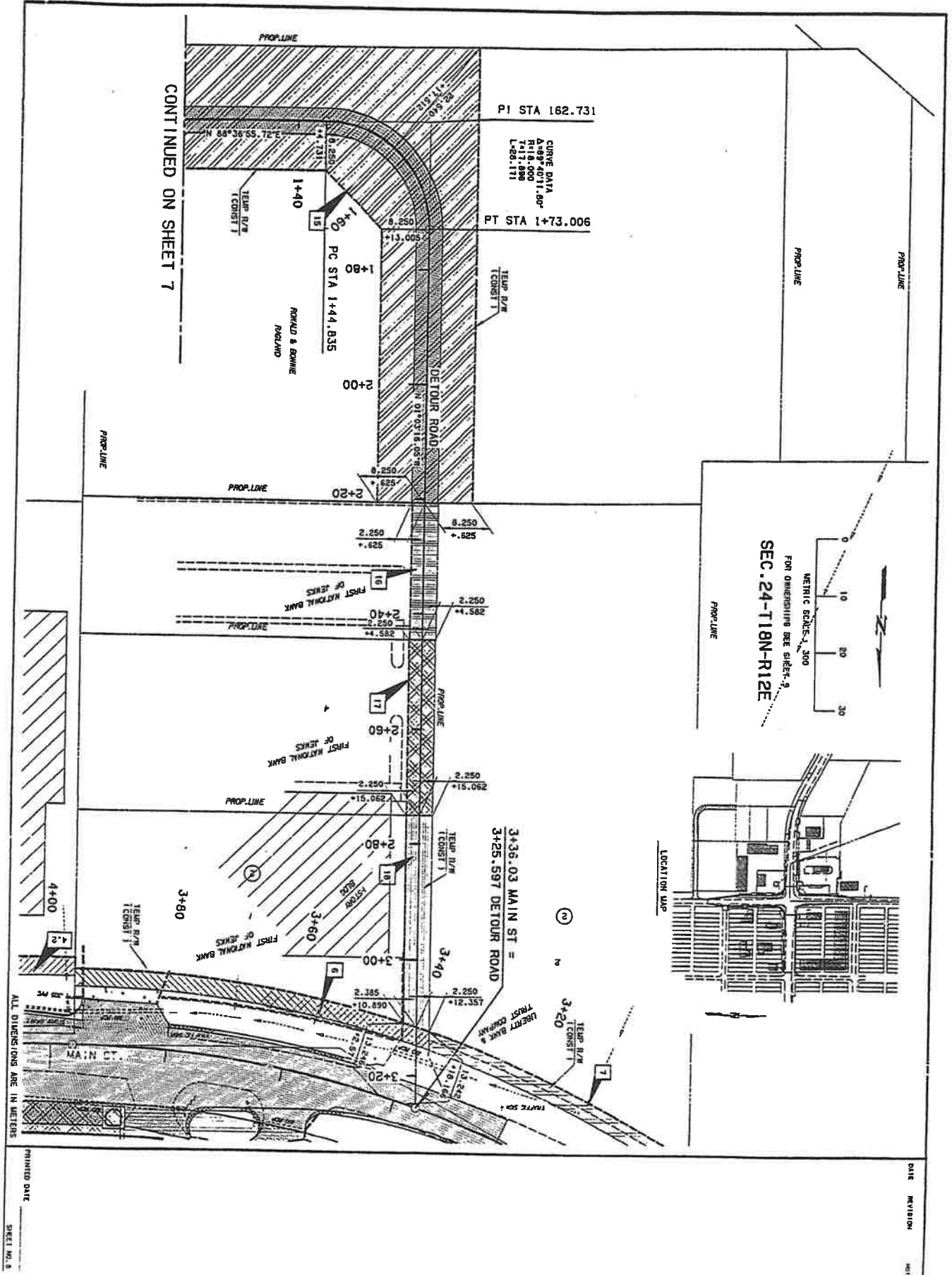
TRACT 3:

BEGINNING at the Southeast Corner of the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Twenty-four (24), Township Eighteen (18) North, Range Twelve (12) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof; THENCE North Two hundred fifty-five (255) feet; THENCE West Three hundred forty-one and Six tenths (341.6) feet; THENCE South Two hundred fifty-five (255) feet; THENCE East Three hundred forty-one and Six tenths (341.6) feet to the POINT OF BEGINNING.

EXHIBIT D

State of Oklahoma, to-wit: A tract of land situated in Lot 2, Block 2, MELODY LANE
CENTER ADDITION, a subdivision to the City of Jenks, Tulsa County, Oklahoma
and being more particularly described as follows, to-wit: Beginning at a point c
the South line of Lot 2, 398.19 feet West of the Southeast corner thereof; thence
West along said lot line a distance of 39.32 feet; thence Northwest along said
Southwesterly property line of Lot 2 a distance of 40.81 feet; thence North a
distance of 206.34 feet; thence East a distance of 70.5 feet; thence South a
distance of 232.81 feet to the point of beginning, containing in all 0.367 Acres,
and an easement for ingress and egress of 20 feet; the center line of which begin
10 feet South of the Northeast corner of the said property, thence East 58.01 feet
thence North approximately 420 feet to Main Street, provided the grantor shall
have the right to change the location of this easement at any time so long as the
grantee shall have a 20 foot access from his property to a public street.

23 JUN 92 01:24:42
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23 JUN 95 05:24:31
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02/09/00 12:07:46
8.00

(For Filing Only)

Quit-Claim Deed

(CORPORATION FORM)

THIS INDENTURE, Made this 4th day of February, 2000,
between Ragland's Riverside Pharmacy, Inc.
a corporation, organized under the laws of the State of Oklahoma
of the County of Tulsa State of Oklahoma, party of the first part,
and Ronald Paul Ragland, Trustee of the Ronald Paul Ragland Revocable
Trust dated October 16, 1997 party of the second part.

WITNESSETH: That said party of the first part, in consideration of the sum of
Ten and other good and valuable consideration DOLLARS
to them duly paid, receipt of which is hereby acknowledged, do hereby quit-claim, grant, bargain, sell
and convey unto the said party of the second part, and to his heirs and assigns forever, all
their right, title, interest and estate, both at law and in equity, of, in and to the following described real
estate, situate in the County of Tulsa and State of Oklahoma, to-wit:

Lot Seventeen (17) Block Ten (10) Wagon Wheel
Addition, a subdivision in Tulsa County, State
of Oklahoma, according to the recorded plat
thereof also known as 10625 East 4th Place,
Tulsa, Oklahoma.

No stamps 6853202 (4)

Together with all and singular the hereditaments and appurtenances thereunto belonging. To have
and to hold the above granted premises unto the said party of the second part his heirs and
assigns forever.

IN WITNESS WHEREOF, The said party of the first part has hereunto set its hand and caused its
Corporate Seal to be affixed the day and year first above written.

CORPORATION
SEAL

Ragland's Riverside Pharmacy, Inc.
Name of Corporation.

ATTEST

By Bonnie G. Ragland
Secretary.

By Ronald Paul Ragland
President.

STATE OF OKLAHOMA.

County of Tulsa

SS.

CORPORATION ACKNOWLEDGMENT.

Before me, the undersigned, a Notary Public, in and for said County and State, on this 4th day of
February, 2000, personally appeared Ronald Paul Ragland

and Bonnie G. Ragland

to be known to be the identical persons who subscribed the name of the maker thereof to the foregoing instrument as its
President and Secretary and acknowledged to me that they executed the same as their free and
voluntary act and deed and as the free and voluntary act and deed of such corporation, for the uses and purposes therein
set forth.

GIVEN UNDER MY HAND AND SEAL the day and year last above written.

My commission expires

June 16, 2001

Ronnie R. Esmiston

Notary Public.

6325 0564
JENKS, OK 74037
906 WEST D
RON RAGLAND
6/16/01 Notary Public



January 4, 2001

Rod's Copy

Mr. Jim Bailey, Commissioner
Drainage District #13
511 South 1st
Jenks, Oklahoma 74037

**RE: *Partial Release of Easement
Ragland Plaza I***

Dear Mr. Bailey:

Enclosed herein is a survey/plat of Ragland Plaza I showing the following relevant information:

- (1) Existing West Boundary Line of present Drainage District 13 Easement (in blue);
- (2) Proposed West Boundary Line (in yellow);
- (3) Existing Center Line of Levee (in pink.)

Please note that the proposed west boundary line is 47 feet west of the Center Line of the Levee.

I respectfully request that the Drainage District execute a partial release of its easement which will result in clearing the area between the blue line and the yellow line or approximately 29 feet on the north end of Lot 30 and approximately 33 feet on the south end of Lot 30. The existing easement covers the "East 250 feet of Lot 30." The proposed boundary will run parallel with the Center Line of the Levee as opposed to the present line which veers eastward a few feet, as shown on the drawing.

The City of Jenks has agreed to conform the west boundary of its requested easement with the line of the Drainage District which results from this Partial Release.

Mr. Jim Bailey
January 4, 2001
Page Two

Please let me know if you require any additional information. As soon as you let me know, I will draft and submit a Partial Release of Easement which sets out the exact legal description of the area to be released.

Thank you for your consideration.

Yours very truly,

COPY

Ron Ragland



511 South 1st • Jenks, OK 74037 • Phone: (918) 746-3788 • Pager: (918) 624-6797

JIM BAILEY
Commissioner

February 1, 2001

Mr. Ron Ragland
906 West D Street
Jenks, Oklahoma 74037

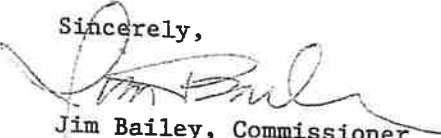
This is in reply to your request as per your letter dated January 4, 2001.
This pertains to the Jenks Flood Project.

The requested change in the levee easement is between East Main Street and East "B" Street on the west side of the levee at the Arkansas River Bridge. The land adjacent to the levee has been filled with about seven feet of soil, which reduces the size of the easement needed for maintenance of the levee. The proposed new easement line is 47 feet from the centerline of the levee and about 21 feet from the toe of the levee. This provides adequate space for operation and maintenance of the levee. Accordingly, we do not have any objections to the reduced width of the levee easement as shown on the attached survey plat.

On the new easements, the new legal descriptions should be identified and filed in the Court House at no expense to the Levee District.

If you have any questions, please contact me at 918-688-4620.

Sincerely,


Jim Bailey, Commissioner
Drainage District No. 13

xc: Bob Edmiston

MONNET & EDMISTON
ATTORNEYS AT LAW

SUITE 308
616 S MAIN STREET
TULSA, OKLAHOMA 74119-1261

ROBERT R. EDMISTON
EDWARD O. MONNET
NOT A PARTNERSHIP

February 2, 2001

TELEPHONE
(918) 587-5444

FACSIMILE
(918) 585-2444

Mr. Sam Balsiger
City of Jenks
211 North Elm
Jenks, Oklahoma 74037

RE: *Ragland Plaza I*

Dear Sam:

As per our earlier conversations, I have enclosed herein a copy of Mr. Jim Bailey's letter (Drainage District 13) to Mr. Ron Ragland in which Mr. Bailey approves the release of a portion of the District's drainage easement and its relocation as shown on the enclosed survey.

The District's easement as it presently exists is shown in blue. The "approved" line is relocated in yellow. The CenterLine of the levee is shown in pink.

Please take whatever steps are needed to complete the platting process. Mr. Ragland is ready to sign the Final Plat (to be filed) when you advise him to do so.

This letter also serves to confirm Mr. Ragland's agreement, in return for the City's completion of the platting process without further requirement and its acceptance of the legal description of Ragland Plaza I as shown on the plat without further requirements, to extend from twenty-four (24) months to twenty-six (26) months (August 2, 2001 to October 2, 2001) Paragraph 8. (c) of the August 2, 1999 Agreement between the City and the Raglands. This means the City will have a couple more months to complete the road project on the west side of town in return for conceding ownership to Ragland of the platted area, subject, of course, to easements of record.

Please let me know when the Final Plat has been readied for my client's approval as stated herein.

Yours very truly,

COPY

Robert R. Edmiston

RRE/ce

Enclosure

cc. Ron Ragland

Tulsa County Clerk - EARLENE WILSON
Doc# 01017781 Pgs 2 B/P 6478/1897-1898
Receipt # 495468 02/22/01 13:33:32
Fee 10.00



Mailing Address 906 W. "D" ST. JENKS, OK 74037-2902 (for Filing Only)
Rt

General Warranty Deed
(with Survivorship Clause)

THIS INDENTURE, Made this 22nd day of February, 2001
between Ronald P. Ragland, husband of Bonnie Gale Ragland

Part y of the first part, and
✓ Ronald P. Ragland and Bonnie Gale Ragland,
husband and wife
with the right of survivorship as hereinafter set out, parties of the second
part.

WITNESSETH: That in consideration of the sum of
Ten and no/100 ----- DOLLARS,
and other good and valuable considerations, receipt whereof is hereby acknowledged, said part y of the
first part do es by these presents grant, bargain, sell and convey unto
Ronald P. Ragland and Bonnie Gale Ragland, husband and wife

as joint tenants,
and not as tenants in common, on the death of one, the survivor, the heirs and assigns of the survivor, to
take the entire fee simple title, the following described real estate situated in Tulsa
County, State of Oklahoma, to-wit:

(SEE ATTACHED EXHIBIT "A" FOR LEGAL DESCRIPTION)

(No revenue stamps pursuant to 68 OS 3202E, Item 4)

TO HAVE AND TO HOLD the same as joint tenants, and not as tenants in common, with the fee
simple title in the survivor, the heirs and assigns of the survivor, together with all and singular the tene-
ments, hereditaments and appurtenances thereunto belonging or in any wise appertaining forever.

And said Ronald P. Ragland, husband of Bonnie Gale Ragland, his heirs,
successors, grantees, executors, and administrators, do es hereby covenant and agree to and with said
parties of the second part that, at the delivery of these presents, that he is not lawfully
seized of an absolute and indefeasible estate of inheritance in fee simple, of and in, all and singular, the
above granted and described premises, with the appurtenances; that the same are free, clear and discharged
and unencumbered of and from all former and other grants, titles, charges, judgements, estates, taxes,
assessments and encumbrances of whatsoever nature and kind, EXCEPT: Easements, building restrictions
of record and special assessments not yet due;

and that part y grantor will WARRANT AND FOREVER DEFEND the same unto said parties of the
second part, their heirs, successors and assigns against said part y of the first part, his heirs, succes-
sors and assigns, and all and every person or persons whomsoever, lawfully claiming, or to claim the same.
IN WITNESS WHEREOF, part y of the first part, ha s executed or caused to be executed
this instrument the day and year first above written.

Ronald P. Ragland
Ronald P. Ragland

STATE OF OKLAHOMA

County of Tulsa } ss

(Individual Acknowledgment)

Before me, the undersigned, a Notary Public, in and for said County and State, on this 22nd day
of February, 2001, personally appeared
Ronald P. Ragland, husband of Bonnie Gale Ragland

known to be the identical person who executed the within and foregoing instrument, and ac-
knowledged to me that he executed the same as his free and voluntary act and
for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I hereunto set my official signature and affixed my notarial seal the day
of February, 2001, at Jenks, Oklahoma.

March 15, 2004

Bill Crisco
Notary Public



3
6478 1897

6478 1898

EXHIBIT "A"

A tract of land situated in Lot 2, Block 2, MELODY LANE CENTER ADDITION, a subdivision to the City of Jenks, Tulsa County, Oklahoma, according to the recorded Plat thereof, and being more particularly described as follows, to-wit: Beginning at a point on the South line of Lot 2, 398.19 feet West of the Southeast corner thereof; thence West along said lot line a distance of 39.32 feet; thence Northwest along said southwesterly property line of Lot 2, a distance of 40.81 feet; thence North a distance of 206.34 feet; thence East a distance of 70.5 feet; thence South a distance of 232.81 feet to the point of beginning, containing in all 0.367 acres and an easement for ingress and egress of 20 feet; thence center line of which begins 10 feet South of the Northeast corner of the said property, thence East 58.01 feet; thence North approximately 420 feet to Main Street, provided the grantor shall have the right to change the location of this easement at any time so long as the grantee shall have a 20 foot access from his property to a public street.



8394.000
Barrow & Grimm, P.C.
110 W. Seventh Street, Ste 900
Tulsa, OK 74119

EXEMPT FROM DOCUMENTARY STAMPS
PURSUANT TO 68 O.S. § 3202(4)

QUIT-CLAIM DEED

THIS INDENTURE, made this 23 day of February, 2010, between Ronald Ragland and Bonnie Ragland, husband and wife, of Bixby, State of Oklahoma, Grantors, and Bonnie Gale Ragland, as Trustee of the Bonnie Gale Ragland Revocable Trust originally dated October 16, 1997, as amended February 23, 2010, Grantee, whose mailing address is 7280 East 112th St. South, Bixby, Oklahoma 74008.

WITNESSETH, That said Grantors, in consideration of the sum of Ten Dollars (\$10.00) to them duly paid, the receipt whereof is hereby acknowledged, do hereby quit-claim, grant, bargain, sell and convey unto the said Grantee, and to Grantee's successors and assigns forever, all their right, title, interest and estate, both at law and in equity, of, in and to, the following described real estate, situated in Tulsa County, State of Oklahoma, described as follows, to-wit:

SEE ATTACHED EXHIBIT "A"

together with all and singular the hereditaments and appurtenances thereunto belonging.

TO HAVE AND TO HOLD the above granted premises unto the said Grantee, Grantee's successors and assigns forever.

IN WITNESS WHEREOF, the said Grantors have hereunto set their hands the day and year above written.

Ronald Ragland
Ronald Ragland

Bonnie Ragland
Bonnie Ragland

BARROW & GRIMM

110 W 7TH ST STE 900
TULSA, OK 74119

STATE OF OKLAHOMA)
) SS:
COUNTY OF TULSA)

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this 23rd day of February, 2010, personally appeared Ronald Ragland and Bonnie Ragland, husband and wife, to me known to be the identical persons who executed the within and foregoing instrument, and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

GIVEN under my hand and seal of office the day and year above written.

Tracy Costa
Notary Public

My Commission Expires:

7/28/2010

Commission No. 06007353



EXHIBIT "A"

A tract of land located in Lot 2, Block 2, "Melody Lane Center", a subdivision in the City of Jenks, Tulsa County, State of Oklahoma, according to the official recorded plan thereof, Plat No. 3303, as filed in the records of the Tulsa County Clerk's office, being more particularly described as follows:

Commencing at the southeast corner of the NE/4 of the SE/4 of Section 24, T-18-N, R-12-E of the Indian Meridian;

Thence S 89°42'02" W along the south line of the NE/4 of the SE/4 of Section 24, a distance of 341.60 feet to the southeast corner of Lot 2, Block 2, "Melody Lane Center";

Thence continuing S 89°42'02" W along the south line of Lot 2, Block 2, "Melody Lane Center" a distance of 233.40 feet to the "Point of Beginning";

Thence continuing S 89°42'02" W along the south line of Lot 2, Block 2, "Melody Lane Center" a distance of 161.60 feet;

Thence N 00°00'00" E a distance of 232.42 feet;

Thence N 90°00'00" E a distance of 44.99 feet;

Thence N 00°00'00" E a distance of 24.64 feet;

Thence N 90°00'00" E a distance of 350.00 feet to the east line of Lot 2, Block 2, "Melody Lane Center";

Thence S 00°00'00" W along the east line of Lot 2, Block 2, "Melody Lane Center", a distance of 195.00 feet;

Thence S 89°42'02" W a distance of 233.40 feet;

Thence S 00°00'00" W a distance of 60.00 feet to the "Point of Beginning".

Said tract contains 86,016 square feet or 1.9747 acres.

The non-astronomic bearings for said tract are based on an assumed bearing of S 89°42'02" W along the south line of the NE/4 of the SE/4 of Section 24, T-18-N, R-12-E of the Indian Meridian, Tulsa County, State of Oklahoma, according to the Official U.S. Government Survey thereof.

**Agreement for Donation of Right-of-Way
and Construction of Street with Traffic Signals
on Elm at Ron Ragland Property**

The City will:

- leave existing detour road in place to be utilized for future roadway. The detour road may be left in place and utilized at the current time but will be closed and removed by the City at the property owners request should a transaction occur on the property that necessitates removal of the north-south section of road.
- future roadway will be curb and gutter with storm sewers.
- right-of-way width will be maximum of 60' and will be reduced to 50' if design will allow.
- an allowance for signage will be made for the width of the donated right-of-way as being still under ownership as Elm frontage.
- a maximum of \$250 in legal fees will be paid to the property owner.
- a maximum of \$850 in appraisal fees will be allowed for the property appraisal.
- the property owner shall approve the appraiser to be used.
- the open area on the donated right-of-way can be considered as greenbelt for purposes of meeting landscaping requirements.
- the new street shall not be considered an arterial and therefore 50' lot widths will be allowed on its frontage.
- street lights will be placed on the new street.
- the existing fire hydrants on Elm and north of Reasor's are adequate for property development.
- discussions will be held with the State regarding the possibility of covering Wilmott Creek as it crosses the property.
- sign the IRS form 8283, Non-Cash Contribution Form to show a donation amount based upon the appraisal

The property owner will:

- Donate the right-of-way for the roadway along the north side of Reasor's which will be 60' in width but may be reduced to 50' in width if the project design allows. The existing easement is within the 60' as described above.

Note: This Agreement is not a sale of the property and is a donation of property to the public.

 _____ Ronnie L. Ragland Property Owner(s) Date 7-16-01	 _____ City of Jenks Date 7-16-01
--	--

2003

Tulsa County Clerk - EARLENE WILSON
Doc# 03187866 Pages 1 B/P 7198/0636-0636
Receipt # 698659 12/15/03 14:22:31
Fee 13.00 Stamps 1200.00



Mail taxes to:
3720 E. 31st Street
Tulsa, OK 74135

GUARANTY ABSTRACT COMPANY,
320 SOUTH BOULDER
P. O. BOX 3048
TULSA, OKLAHOMA 74101

Doc Stamps \$1,200.00

WARRANTY DEED
Oklahoma Statutory Form

7198 0636

THIS INDENTURE is made this 15th day of December A.D., 2003 between Ronald P. Ragland and Bonnie Ragland, husband and wife, party of the first part, and Tulsa Teacher's Credit Union, party of the second part.

WITNESSETH, That in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00), the receipt of which is hereby acknowledged, said party of the first part does, by these presents, grant, bargain, sell and convey unto said party of the second part, its successors and assigns, all of the following described real estate situated in the County of Tulsa, State of Oklahoma, to-wit:

13.00

A part of the Northeast Quarter of the Southeast Quarter (NE/4 SE/4) of Section Nineteen (19), Township Eighteen (18) North, Range Thirteen (13) East of the Indian Base and Meridian in Tulsa County, State of Oklahoma, according to the United States Government Survey thereof, more particularly described as follows:

Beginning at a point Six Hundred Seventy-five (675) feet and Five Hundred Forty-two and One Hundredths (542.01) feet North of the Southwest corner of said Northeast Quarter of Southeast Quarter (NE/4 SE/4) of said Section 19, Township 18 North, Range 13 East, Tulsa County, Oklahoma, running thence North a distance of Four Hundred Thirteen and Twenty-nine Hundredths (413.29) feet to the South line of the Right-of-Way of the Tulsa County Road; thence North 53° and 33' East along the South line of said Right-of-Way, a distance of Two Hundred Seven and Two Hundredths (207.02) feet; thence along the South line of said Right-of-Way, along a curve to the right having a radius of Five Hundred Forty-three (543) feet, a distance of Sixty-five (65) feet; thence South a distance of Five Hundred Seventy-four and Nine Tenths (574.9) feet; thence West a distance of Two Hundred Eighteen and Eight Tenths (218.8) feet to the Place of Beginning.

TO HAVE AND TO HOLD THE SAME, together with all and singular the tenements, hereditaments and appurtenances thereto belonging or in any wise appertaining forever. And said party of the first part, their heirs and assigns does hereby covenant, promise and agree to and with said party of the second part, at the delivery of these presents that they are lawfully seized in their own right of an absolute and indefeasible estate of inheritance in fee simple, of and in, all and singular the above granted and described premises, with the appurtenances; that the same are free, clear, and discharged and unencumbered of and from all former and other grants, titles, charges, estates, judgments, taxes, assessments and encumbrances of whatever nature, EXCEPT, taxes and assessments not yet due, restrictions, covenants and easements of record, and that party of the first part will WARRANT AND FOREVER DEFEND the same unto the said party of the second part, its successors and assigns, against said party of the first part, their heirs and assigns and all and every person or persons whomsoever, lawfully claiming or to claim the same.

IN WITNESS WHEREOF, the said party of the first part has hereunto set his hand the day and year first above written.

Ronald P. Ragland
Ronald P. Ragland

Bonnie Ragland
Bonnie Ragland

STATE OF OKLAHOMA)
COUNTY OF TULSA) SS.

✓ Guaranty Abstract Company
P.O. Box 3048
TULSA, OKLAHOMA 74101



This instrument was acknowledged before me on this 15th day of December, 2003, by Ronald P. Ragland and Bonnie Ragland, husband and wife.

My Commission Expires?

10/17/04
(seal)



[Signature]
Notary Public
Commission No.: 00015786

Filed by GUARANTY ABSTRACT COMPANY and
returned to E-148080 AP

① 60000

AGREEMENT FOR PLACEMENT OF SIGN

That Ron Ragland and Bonnie Ragland (Ragland), owners of property at the southeast corner of 9th and B Streets in Jenks, Oklahoma, hereby consent to the Jenks Aquarium Authority (JAA) placing an Oklahoma Aquarium sign on said property. That JAA agrees to remove said sign from the Ragland's property upon ten (10) days advance notice. JAA further agrees that it will hold Ragland harmless from any claims which might be asserted against Ragland as a result of the placement of said sign on their property. That JAA agrees to keep said sign in good condition.

Dated this 3rd day of ~~April~~^{May KR}, 2004.

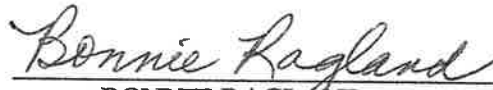
JENKS AQUARIUM AUTHORITY

By: 

Title

Dated this 26 day of April, 2004.


RON RAGLAND


BONNIE RAGLAND



CITY OF JENKS

211 NORTH ELM STREET • P.O. BOX 2007

JENKS, OKLAHOMA 74037-2007

PHONE (918) 299-5883 • FAX (918) 299-4489

November 29, 2004

Mr. & Mrs. Ron Ragland
906 West D Street
Jenks, Ok 74037

Re: Elm Street widening

Dear Mr. & Mrs. Ragland:

As part of the above street widening project, the City of Jenks will need to acquire a temporary construction easement of 3,000 square feet (25'X 120') to assist in the road widening and drainage way improvements. The City is offering \$.25 per square foot for the temporary construction easement for a sum of \$750.00, unless a property owner wants to donate the same, in which event a donation letter would be provided which you could use as a tax deduction.

I am enclosing a copy of the plan drawings depicting the portion of the property affected as well as a copy of the easement documents. Also included is a Property Rights Brochure, Donation Certificate and formal Offer Letter. If this offer meets with your approval or if you decide to donate the same, please advise and we will arrange to have the documents signed. Please let me know if you have any questions.

Very Truly Yours,

Stephen L. Oakley
Jenks City Attorney



CITY OF JENKS

211 NORTH ELM STREET • P.O. BOX 2007

JENKS, OKLAHOMA 74037-2007

PHONE (918) 299-5883 • FAX (918) 299-4489

December 29, 2004

Mr. Ron Ragland
906 West D Street
Jenks, Ok 74037

Re: Elm Street Widening and dedication of land for roadway

Dear Ron:

After our meeting, I got clarification on the legal description and have enclosed a Right-of-Way Easement and a separate Deed of Dedication. You may want to use the Deed of Dedication because that is actually transferring ownership to the 60 foot strip which will take it off your property tax bill. Either one is ok with me.

I visited with Mike McClain and when not including the 60 foot right-of-way on Elm, you are transferring 55,998.98 square feet to Walgreens. With your purchase price of \$825,000, this computes to \$14.73 per square foot. The 60' X 515' strip you will be conveying to the City is 30,900 square feet, which at a value of \$14.73 per square foot equals \$455,157.00 as the value of the donation to the City for which you will receive a letter acknowledging the same for tax deduction purposes.

Mike is also reviewing the Temporary Construction Easement that I had forwarded to you to make sure Walgreens has no problem with it.

Let me know if any questions and when we can get together to sign off on the transfer.

Very Truly Yours,

Stephen L. Oakley
Jenks City Attorney

cc: Randy Ewing
Mike Tinker
Robert Bell

July 17, 2004

Mr. Ronald Ragland
c/o KenProp, Inc.
2525 E. 21st St.
Tulsa, OK 74114

Re: Purchase and Sale Agreement dated March 15, 2004 by and between Hawkins Companies LLC, as buyer, and Ronald and Bonnie Ragland, husband and wife, as seller ("Agreement").

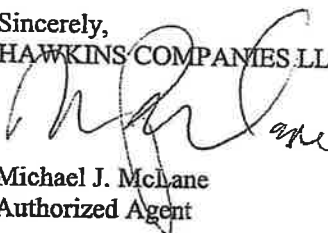
Dear Mr. and Mrs. Ragland:

Steve Kennedy has informed me that he has discussed Walgreen's budget constraints on this project with you. In an effort to pull this project together on budget he also informs me that you have agreed to a \$50,000.00 concession on the purchase price. Accordingly, the purpose of this letter is to memorialize these discussions.

Therefore, the Buyer and Seller hereby agree that the Total Purchase Price as set forth in Paragraph 2 of the Agreement is \$825,000.00. All other terms and conditions of the Agreement remain unchanged.

Please let me express my appreciation for your understanding in this matter.

Sincerely,
HAWKINS COMPANIES LLC


Michael J. McLane
Authorized Agent

AGREED AND ACCEPTED THIS 17th DAY OF JULY, 2004.


Ronald Ragland


Bonnie Ragland



To: Robert Bell
From: Steve Kennedy
Date: December 20, 2004

Fax#: 299-4489.

Re: Gift Letter.

Mr. Ragland would like to meet and discuss the "Gift Letter" and the other items on the list as soon as possible. Please call Mr. Ragland at 299-2309 to arrange for a meeting. I will adjust my schedule accordingly.

Thank you,

A handwritten signature in cursive script, appearing to read "Steve".

Information furnished regarding premises for sale, rental, or financing is from sources deemed reliable, but no warranty or representation is made as to the accuracy thereof and same is submitted subject to errors, omission, change of price, rental, financing or other conditions, prior sale, lease purchase, or withdrawal without notice. This is a bulletin and not an offer. Any offer must be based on the purchasers own investigation and not on the representation made by the seller or by us.

2525 EAST 21st • SUITE 106 • TULSA, OKLAHOMA 74114 • 918/749-5554 • FAX 918/749-5584

2005

Tulsa County Clerk - EARLENE WILSON
Doc# 2005006194 Pg# 1
Receipt # 774298 01/19/05 10:33:43
Fee 13.00



DEED OF DEDICATION

KNOW ALL MEN BY THESE PRESENTS:

THAT Ronald Ragland and Bonnie Ragland husband and wife, hereinafter called Grantor(s) in consideration of the benefit to the public and the CITY OF JENKS, hereinafter called Grantee, does hereby grant, transfer, dedicate and convey to said Grantee, its successors and assigns, the following land owned by Grantor in Tulsa County, State of Oklahoma, to-wit:

Commencing at the Southeast Corner of the Northeast Quarter of the Southeast Quarter (NE/4 SE/4) of Section 24, Township 18 North, Range 12 East of the I.B. & M., Tulsa County, Oklahoma, thence South 89° 42' 02" West a distance of 60 feet to the point of beginning; thence South 89° 42' 02" West a distance of 515 feet; thence due North 60 feet; thence North 89° 42' 02" East a distance of 515 feet; thence due South 60 feet to the point of beginning.

IN WITNESS WHEREOF, the said Grantor(s) has/have executed this instrument on this 12th day of January, 2005.

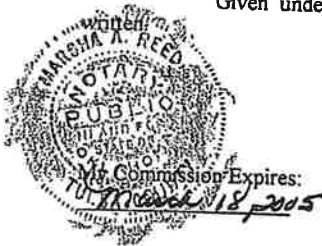
Ronald Ragland
Ronald Ragland

Bonnie Ragland
Bonnie Ragland

STATE OF OKLAHOMA)
COUNTY OF TULSA) ss

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this 12th day of January, 2005, personally appeared Ronald Ragland and Bonnie Ragland, to me known to be the identical person(s) who executed the within and foregoing instrument and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

Given under my hand and seal of office the day and year above first



Maisha A. Reed
Notary Public

#01002034



Return to: City of Jenks
P.O. Box 2007
Jenks Ok. 74037

steve@kenprop.com

From: "Tulsa" <tulsa@hawkinscompanies.com>
To: <steve@kenprop.com>
Cc: "Rob Dickinson" <rdickinson@hawkinscompanies.com>
Sent: Friday, January 07, 2005 2:35 PM
Subject: Jenks, OK

Per our conversation Hawkins Cos. has no objection to Mr. Ragland signing the Temporary Construction Easement for the widening of Elm Street. Thank you.

*Signed off on this in
Steve Oakley's office
1-12-05*

*Signed off on this in
Steve Oakley's office.....
1-12-05 to be
approved by Council on
the following Tuesday
meeting 1-18-05*

1/10/2005



CITY OF JENKS

211 NORTH ELM STREET • P.O. BOX 2007

JENKS, OKLAHOMA 74037-2007

PHONE (918) 299-5883 • FAX (918) 299-4489

January 19, 2005

Ronald & Bonnie Ragland
906 West D Street
Jenks, Ok 74037

Re: Deed of Dedication Donation

Dear Mr. & Mrs. Ragland:

Please be advised that the Jenks City Council accepted your Deed of Dedication to a strip of land in the Northeast Quarter of the Southeast Quarter of section 24, Township 18 North, Range 12 East of the I.B.&M., being 60' X 515'. This computes to 30,900 square feet. Based upon the sales price of the adjacent property of \$14.73 per square foot, your donation to the City of Jenks has a value of \$455,157.00. On behalf of the City, I want to thank you for this donation of land which will be used in the future for needed roadway improvements.

Very Truly Yours,

Stephen L. Oakley
Jenks City Attorney

cc: Mayor Vic Vreeland
V.R. (Randy) Ewing, City Manager

Tulsa County Clerk - EARLENE WILSON
Doc# 2005006194 Pgs 1
Receipt # 774298 01/19/05 10:33:43
Fee 13.00



DEED OF DEDICATION

C KNOW ALL MEN BY THESE PRESENTS:

THAT Ronald Ragland and Bonnie Ragland, husband and wife, hereinafter called Grantor(s) in consideration of the benefit to the public and the CITY OF JENKS, hereinafter called Grantee, does hereby grant, transfer, dedicate and convey to said Grantee, its successors and assigns, the following land owned by Grantor in Tulsa County, State of Oklahoma, to-wit:

Commencing at the Southeast Corner of the Northeast Quarter of the Southeast Quarter (NE/4 SE/4) of Section 24, Township 18 North, Range 12 East of the I.B. & M., Tulsa County, Oklahoma, thence South 89° 42' 02" West a distance of 60 feet to the point of beginning; thence South 89° 42' 02" West a distance of 515 feet; thence due North 60 feet; thence North 89° 42' 02" East a distance of 515 feet; thence due South 60 feet to the point of beginning.

IN WITNESS WHEREOF, the said Grantor(s) has/have executed this instrument on this 12th day of January, 2005.

Ronald Ragland
Ronald Ragland

Bonnie Ragland
Bonnie Ragland

* * * *

STATE OF OKLAHOMA)
) ss
COUNTY OF TULSA)

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this 12th day of January, 2005, personally appeared Ronald Ragland and Bonnie Ragland, to me known to be the identical person(s) who executed the within and foregoing instrument and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

Given under my hand and seal of office the day and year above first written.

Maisha A. Reed
Notary Public

My Commission Expires:
March 18, 2005

#01002034



CITY OF JENKS

211 NORTH ELM STREET • P.O. BOX 2007

JENKS, OKLAHOMA 74037-2007

PHONE (918) 299-5883 • FAX (918) 299-4489

January 21, 2005

Mr. Joe Fisher
102 East 2nd Street
Sand Springs, Ok. 74063

Re: Appraisal of property of Ronald & Bonnie Ragland donated to the City of Jenks

Dear Mr. Fisher:

Enclosed find copy of my letter to the Raglands acknowledging the value of the donation based upon the contract sales price of the adjacent property and your preliminary estimate. Enclosed also find a copy of the signed Deed of Dedication as well as an IRS Form 8283. After you have completed your appraisal in written form please fill out the form with the Raglands and then forward to me and I will have our Mayor sign Part IV the "Donee Acknowledgement", and return to the Raglands.

Please feel free to call if questions.

Very Truly Yours,

Stephen L. Oakley
Jenks City Attorney

Mr. & Mrs. Ron Ragland
906 West D Street
Jenks, Ok. 74037

**CITY OF JENKS**

211 NORTH ELM STREET • P.O. BOX 2007

JENKS, OKLAHOMA 74037-2007

PHONE (918) 299-5883 • FAX (918) 299-4489

June 10, 2005

Mr. Ron Ragland
906 West D
Jenks, Ok. 74037

Dear Ron:

Per our discussion regarding the Agreement of 1999 between you and Bonnie and the City of Jenks regarding the detour road that was established when the City needed the same while making the intersection improvements at Main and Elm, it has now been in place beyond the two years called for in the Agreement. However, it is my understanding that you will allow the same to remain in place over your property until the "Turnpike to B" project is completed along with the realignment of Beaver Street if the City will continue to mow the areas called for under the Agreement as consideration for the continued use of the detour route. As we discussed, there is no intention of the City to try to acquire an easement over this route by adverse possession. Although when the Agreement was made and the two year limit was included, that was to assure you that the same would not last indefinitely. But with the Elm widening project and your marketing of land, it only seems logical to allow the same to remain in place until after the completion of the "Turnpike to B" project.

If I have misstated our understanding, please advise. Otherwise I would assume we can view the Agreement as to the detour road extended as noted herein.

Very Truly Yours,


Stephen L. Oakley
Jenks City Attorney

cc: V.R. (Randy) Ewing
F. Robert Carr, P.E.

**CITY OF JENKS**

211 NORTH ELM STREET • P.O. BOX 2007

JENKS, OKLAHOMA 74037-2007

PHONE (918) 299-5883 • FAX (918) 299-4489

July 6, 2005

Mr. Ron Ragland;
906 West D
Jenks, Ok 74037

Dear Ron:

In light of our conversations in regard to my June 10th letter to you, it is our mutual understanding that the same was not meant to invalidate the Agreement of 1999 relating to the detour road on your property southwest of Main & Elm. The City will remove the portion which you did not recently dedicate upon 30 days advance notice from you. As mentioned, hopefully there will not be a need to remove the same until the "Turnpike to B" improvements on Elm are completed.

Also, since the City has the use of the area where the detour road is located and the City installed and maintains the road, the City would assume any liability related to the same which might lawfully be asserted.

Hopefully, this adequately addresses the concerns you raised in relation to the continued use of the detour road after the time limit expiration for its use as set forth in the 1999 Agreement.

Very Truly Yours,

Stephen L. Oakley
Jenks City Attorney

cc: V. R. (Randy) Ewing

Letter of Agreement

This Letter of Agreement ("LOA"), entered into this 19 day of October, 2012, by and between Ron and Bonnie Ragland, Trustees of the Bonnie Gale Ragland Revocable Trust, ("Ragland") and the City of Jenks, Oklahoma ("City"), sets forth the agreement and understanding between the parties.

RECITALS:

Ragland is the owner of that property consisting of 6,110.3 square feet located in the City of Jenks, Oklahoma, more particularly described on Exhibits "A" and "B" attached hereto and incorporated by reference (the "Property").

The City has determined that it needs to acquire the Property from Ragland for roadway and related drainage purposes.

Ragland and the City, both being represented by legal counsel, have engaged in good faith, arms length, negotiations regarding the Property, its value and appropriate consideration to be paid for its acquisition by the City, and have agreed to enter into a compromise in order to avoid the uncertainty, time and expense of litigation.

Accordingly, Ragland and the City hereby agree as follows:

1. Ragland and the City agree, solely for the purposes of this LOA, that the current market value of the Property is \$14.00/per square foot for a total value of \$85,544.20.
2. Ragland has agreed to sell 2,500 square feet of the Property to the City for \$14 per square foot for a total purchase price of \$35,000.000 ("Purchase Price").
3. Ragland has further agreed to donate as a gift to the City, the remaining 3,610.3 square feet of the Property, based upon a value of \$14 per square foot for a total donation valued at \$50,544.20.
4. Ragland shall convey the Property to the City by Deed of Dedication upon receipt of the Purchase Price. Said Deed of Dedication will warrant that there are no outstanding liens or encumbrances on the property conveyed, and that Ragland, its successors and assigns will hold the City harmless from any adverse claims and will indemnify the City if it has to defend title.
5. The City shall be responsible for all costs of surveys, abstracting, title insurance premiums and any other cost or expense associated with the transfer and conveyance of the Property to the City, save and except Ragland's legal fees, which shall be the sole responsibility of Ragland.
6. This LOA reflects a compromise between Ragland and the City to avoid the uncertainty of a condemnation award and determination and to avoid the time and expense of litigation.
7. Ragland and the City agree that the valuation of the Property shall not be utilized as a basis for valuation of any other real property now or hereafter owned by Ragland, or a related entity, which the City may, at some point in the future, wish to acquire.

8. Ragland further agrees that it will not provide copies of this agreement to third parties, other than prospective purchasers of all or a portion of Lot 2, Block 2, Melody Lane Center, its accountants, its legal representatives, its property appraisers, the Internal Revenue Service and/or pursuant to an Order of a Court of competent jurisdiction.
9. The closing of this transaction shall occur at a date and time mutually agreeable to the parties.

Intending to be legally bound, the parties have executed this LOA the day and year above first written.

“Ragland”

By Ron Ragland
Ron Ragland, Trustee

By Bonnie Ragland
Bonnie Ragland, Trustee

“City”

City of Jenks, Oklahoma
By Mike Tinker
Mike Tinker, City Manager

Exhibit "A"
Lot 2 Block 2 Melody Lane Center
Access Description

Description

A TRACT OF LAND THAT IS A PART OF LOT TWO (2), BLOCK TWO (2), "MELODY LANE CENTER", AN ADDITION TO THE CITY OF JENKS, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF (PLAT NO. 3303), BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT TWO (2), BLOCK TWO (2); THENCE SOUTH 88°36'26" WEST AND ALONG THE SOUTH LINE OF SAID LOT TWO (2), FOR A DISTANCE OF 233.08 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 88°36'26" WEST AND ALONG SAID SOUTH LINE, FOR A DISTANCE OF 127.32 FEET; THENCE ALONG A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 99.62 FEET, A CHORD BEARING AND DISTANCE OF NORTH 55°19'23" EAST FOR 109.33 FEET, FOR AN ARC DISTANCE OF 115.73 FEET; THENCE NORTH 88°36'14" EAST FOR A DISTANCE OF 35.96 FEET; THENCE SOUTH 01°21'41" EAST FOR A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING.

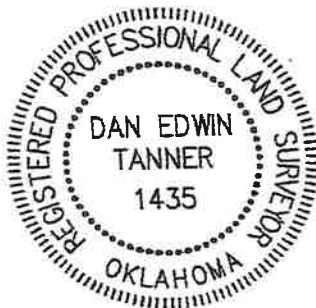
SAID TRACT CONTAINING 6,110.03 SQUARE FEET, BEING 0.140 ACRES, MORE OR LESS.

Basis of Bearing

THE BEARINGS SHOWN HEREON ARE BASED UPON THE OKLAHOMA STATE PLANE COORDINATE SYSTEM, NORTH ZONE (3501), NORTH AMERICAN DATUM 1983 (NAD83).

Real Property Certification

I, DAN E. TANNER, OF TANNER CONSULTING, LLC, 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.

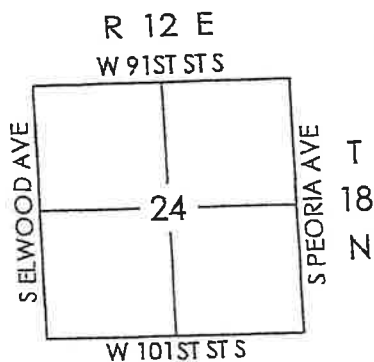



DAN E. TANNER, P.L.S.
OKLAHOMA P.L.S. #1435
OKLAHOMA CA #2661
EXPIRATION DATE: 6/30/13

DATE

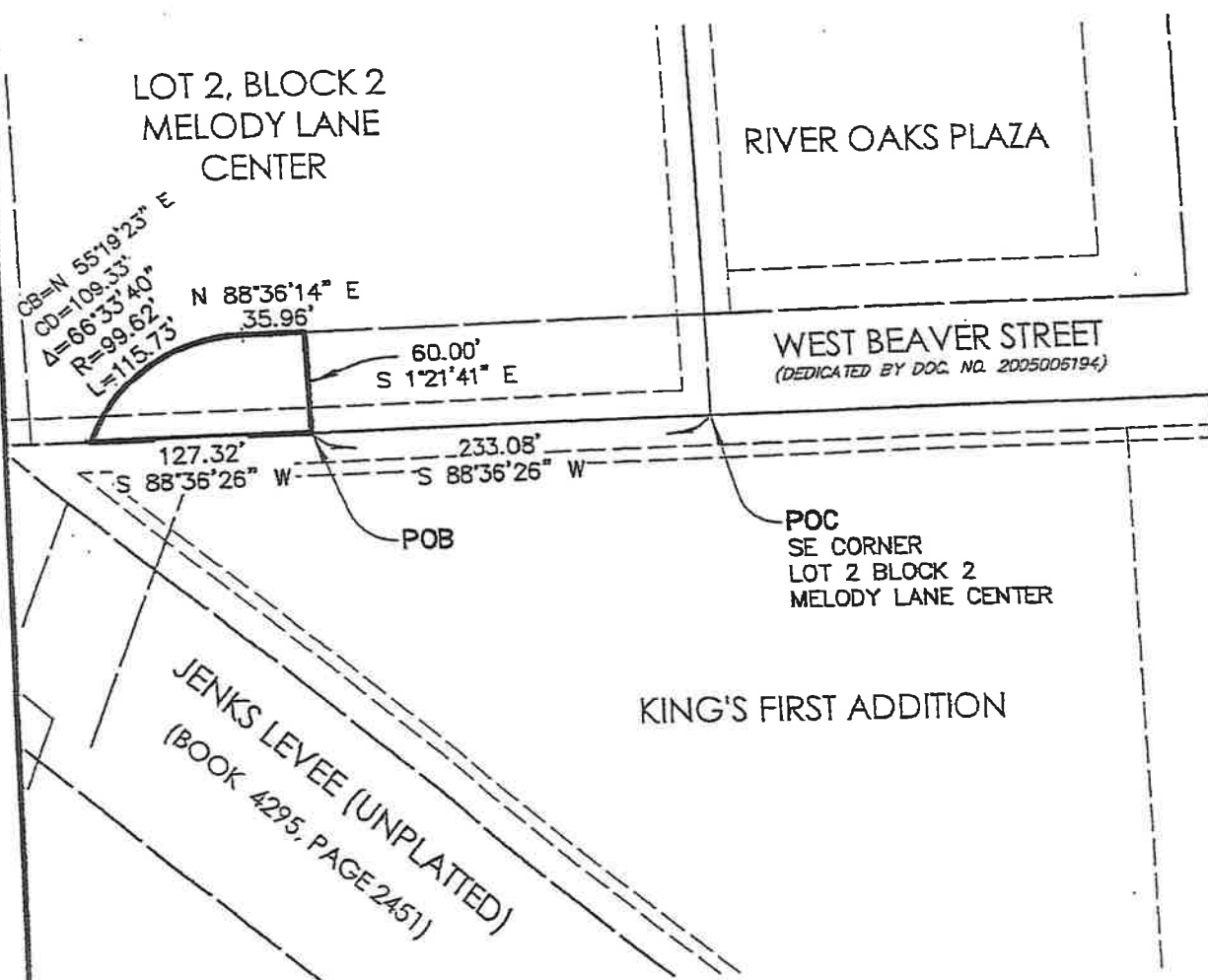
9.18.2012

Tanner Consulting, LL
5323 SOUTH LEWIS AVENUE • TULSA, OKLAHOMA 74105 • (918)745-1



Location Map

Exhibit "B" **Lot 2 Block 2 Melody Lane Center** **Access Exhibit**



LEGEND

POB	POINT OF BEGINNING
POC	POINT OF COMMENCEMENT
L	ARC LENGTH
R	RADIUS
Δ	ARC ANGLE
CB	CHORD BEARING
CD	CHORD DISTANCE

9/17/2012 12022_EX_ACCESS

Tanner Consulting, LL

5323 SOUTH LEWIS AVENUE • TULSA, OKLAHOMA 74105 • (918)745-1111



ROAD RIGHT-OF-WAY DEDICATION

KNOW ALL MEN BY THESE PRESENTS:

THAT Bonnie Gale Ragland and Ronald Ragland, Trustees of the BONNIE GALE RAGLAND REVOCABLE TRUST, hereinafter called the Grantor, for and in consideration of (One Dollar (\$1.00) and other good, valuable and sufficient considerations, does hereby grant, bargain, sell, convey and dedicate unto the City of Jenks, Oklahoma, the following described parcel of land located in Tulsa County, Oklahoma, for the purpose of establishing thereon a public roadway, utility and drainage facilities and/or other appurtenances necessary and incidental thereto, to-wit:

See EXHIBITS "A" & "B" Attached

For the same consideration hereinbefore recited, said Grantor hereby waives, relinquishes and releases any and all right, or interest in and to the surface of the above-granted and dedicated tract of land and the appurtenances thereunto belonging, including any and all dirt, rock, gravel, sand and other road building materials.

That Grantor warrants that there are no outstanding liens or encumbrances on the property conveyed, and that Grantor, its successors and assigns will hold the City of Jenks harmless from any adverse claims and will indemnify the City if it has to defend title.

IN WITNESS WHEREOF, the Grantor herein named have hereunto set their hands and seals this the 15 day of November, 2012.

BONNIE GALE RAGLAND REVOCABLE TRUST

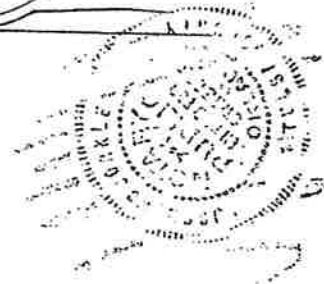
By: Bonnie Gale Ragland Trustee
BY: Ronald Ragland Trustee

State of Oklahoma)
) ss.
County of Tulsa)

This instrument was acknowledged before me on 15 day of November, 2012, by Bonnie Gale Ragland and Ronald Ragland as Trustees of the BONNIE GALE RAGLAND REVOCABLE TRUST.

My Commission Expires: 2/1/2013
My Commission Number: 01001927

(Notary)





December 1, 2021

Ronda Bender, Real Estate Agent
Chinowth & Cohen
2625 S. Elm Place
Broken Arrow, OK 74012
918.378.1261

RE: 41,405 sq. ft. of General Commercial District Land located at N 9th St. E, Jenks OK
(hereinafter referenced as "Property")

Subject: Broker's Opinion of Value (BOV) for Property

Ronda;

Pursuant to our conversations, we are pleased to provide you with our Broker's Opinion of Value for the subject Property located at the NE corner of Riverfront Drive and 96th St/ E. A St. in Jenks. Below are the general descriptions of the Property used in the analysis:

Total Square Feet of land:	41,405 sq. ft.
Frontage:	
96th St./ E. A St.:	198.45'
Aquarium Dr:	160.18'
Riverfront Dr.:	193.26'
SW Property Corner:	37.47'
East Property Line:	Irregular
Zoning:	General Commercial District (CG)

Valuation: We have determined the total lease value utilizing Leasing Comps, Improvement Cost, and Market approach comparisons.

Lease/Income Approach:

We have been materially involved in several recent transactions related to arterial street ground leases within the City of Tulsa. 10601 S. Memorial is a 0.77 acre site purchased for \$29.81/ sq. ft. This CG site is being ground leased to a drive-thru operation for \$90,000 annually. The benchmark and current market capitalization rate for this land asset are close to 5.00%, allowing our investors to potentially realize an 70% return if divested in Year 1. Had this site been limited with zoning and the existing use remained, the return to investors would be less than 10% based on the lease offer received from those restrictive use. The lease offers proposed and received on the existing use, which would be approved using the ROC zoning, were approximately \$60,000 annually. This reflects a 63% reduction in value creation. At the same cap rate of 5%, the value would be \$1,200,000. But considering the underwriting of that type of user, the cap rate would be closer to 7.5%, which would be a value of \$800,000, or a 27% loss relative to the acquisition cost.

The market rental rate for a ground lease for a drive-through user would be \$90,000 annually. A similar user for the site would attract cap rates in the 6% (location and traffic counts are the differentiator) which would then equate to a value of \$1,500,000. We have a similar ground lease at 51st St and Yale in Tulsa. Factoring in the same metrics from the Memorial property, if we had to limit the use due to zoning changes, the annual ground lease would be \$60,000. At 8.5% cap rate (7.5% adjusted for location and traffic counts to 8.5%), the value then is \$706,000, nearly a 50% drop in value. This analysis again reflects ground lease options only, which may not be the approach ownership desires.

Sales Comparable Approach:

Recent comparable sales in the Jenks area were evaluated on this approach and are attached.

1. 305 S. Elm St - 0.51 acre CG site was sold in July 2021 for \$675,000, or \$28.41/ sq. ft. Factoring in the adjacent city-owned land for parking, the net cost for the site was around \$19.45/ sq. ft. Dutch Bros. Coffee was Buyer and is constructing a drive-thru coffee shop.
2. 806 W. Main St - 0.3595 acre CG site sold in Feb 2021 for \$535,000, or \$33.24/ sq. ft. The site is being redeveloped as a multi-tenant center.

The subject Property has a superior location to the above 2 comparable properties. If we apply the \$19.45/ sq. ft. net cost for 305 S. Elm St, the value for the subject Property would be \$805,327.

Impact on Zoning Changes to Subject Property:

We believe a zoning change would have a negative impact with a 45% to 50% reduction in the value of the subject Property. Provided there are no zoning changes to ROC and it remains CG, we would co-list this property with you at a recommended target sale price of \$805,000 with an asking price around \$829,000 to allow for room to negotiate. Should the zoning be modified to ROC, we would recommend a target sale price of \$442,750 with an asking price of \$460,000.



***All of the above evaluation is contingent on the fact that the land does not have any encumbrances due to environmental issues and that there are no structural issues.

Please review and should you have any questions or comments related to the valuations, feel free to call on us. We can prepare the co-listing agreement for your review.

Thank you and we look forward to hearing from you.

Sincerely,

A handwritten signature in blue ink, appearing to read "D. Looney".

David R. Looney, SIOR CCIM, Principal
Legacy Commercial Property Advisors, LLC

305 S Elm St

Jenks, OK 74037

**Commercial Land of 0.51 AC Sold on 7/1/2021 for \$625,000 -
Research Complete****buyer****Dutch Bros Coffee**
325 Tech Way
Grants Pass, OR 97526
(541) 955-4700**seller****WOOD FLOORS & TILE INC**
8166 S Memorial Dr
Tulsa, OK 74133**vital data**

Sale Date: **7/1/2021**
Escrow/Contract: -
Days on Market: **786 days**
Exchange: **No**
Conditions: **Build to Suit**
Density: -
Max No of Units: -
Price/Unit: -
Lot Dimensions: -
Frontage: -
Comp ID: **5565102**

Sale Price: **\$625,000**
Status: **Confirmed**
Down Pmnt: -
Pct Down: -
Doc No: -
Trans Tax: -
Corner: **No**
Topography: -
Improvements: -
Off-Site Improv: -
Zoning: **CG**
Submarket: **South**
Map Page: -
Parcel No: **R0154735 [Partial List]**
Property Type: **Land**
Proposed Use: **Retail, Office**

income expense data

	Gross	Net
Acres:	0.51 AC	-
Price/Acre:	\$1,237,378.74	-
SF:	22,002 SF	-
Price/SF:	\$28.41	-

Listing Broker**Chinowth & Cohen Realtors**
7510 E 111th St
Bixby, OK 74008
(918) 392-0900
DC Roberts**Buyer Broker****financing**

806 W Main St

Jenks, OK 74037

**Commercial Land of 0.37 AC Sold on 2/26/2021 for \$535,000 -
Research Complete****buyer****Red Dog Construction**
120 S 1st St
Jenks, OK 74037
(918) 706-5674**seller****Sharp Oil Company, Inc.**
118 W Pike St
Covington, KY 41011
(859) 261-1166**vital data**

Sale Date: **2/26/2021**
 Escrow/Contract: -
 Days on Market: -
 Exchange: **No**
 Conditions: -
 Density: -
 Max No of Units: -
 Price/Unit: -
 Lot Dimensions: -
 Frontage: -
 Comp ID: **5436809**

Sale Price: **\$535,000**
 Status: **Full Value**
 Down Pmnt: -
 Pct Down: -
 Doc No: **000000025664**
 Trans Tax: -
 Corner: **No**
 Topography: **Level**
 Improvements: -
 Off-Site Improv: **Cable, Curb/Gutter/Sidewalk, Electricity,**
 Zoning: **CG**
 Submarket: **South**
 Map Page: -
 Parcel No: **60760-82-24-22580**
 Property Type: **Land**
 Proposed Use: **Office**

income expense data

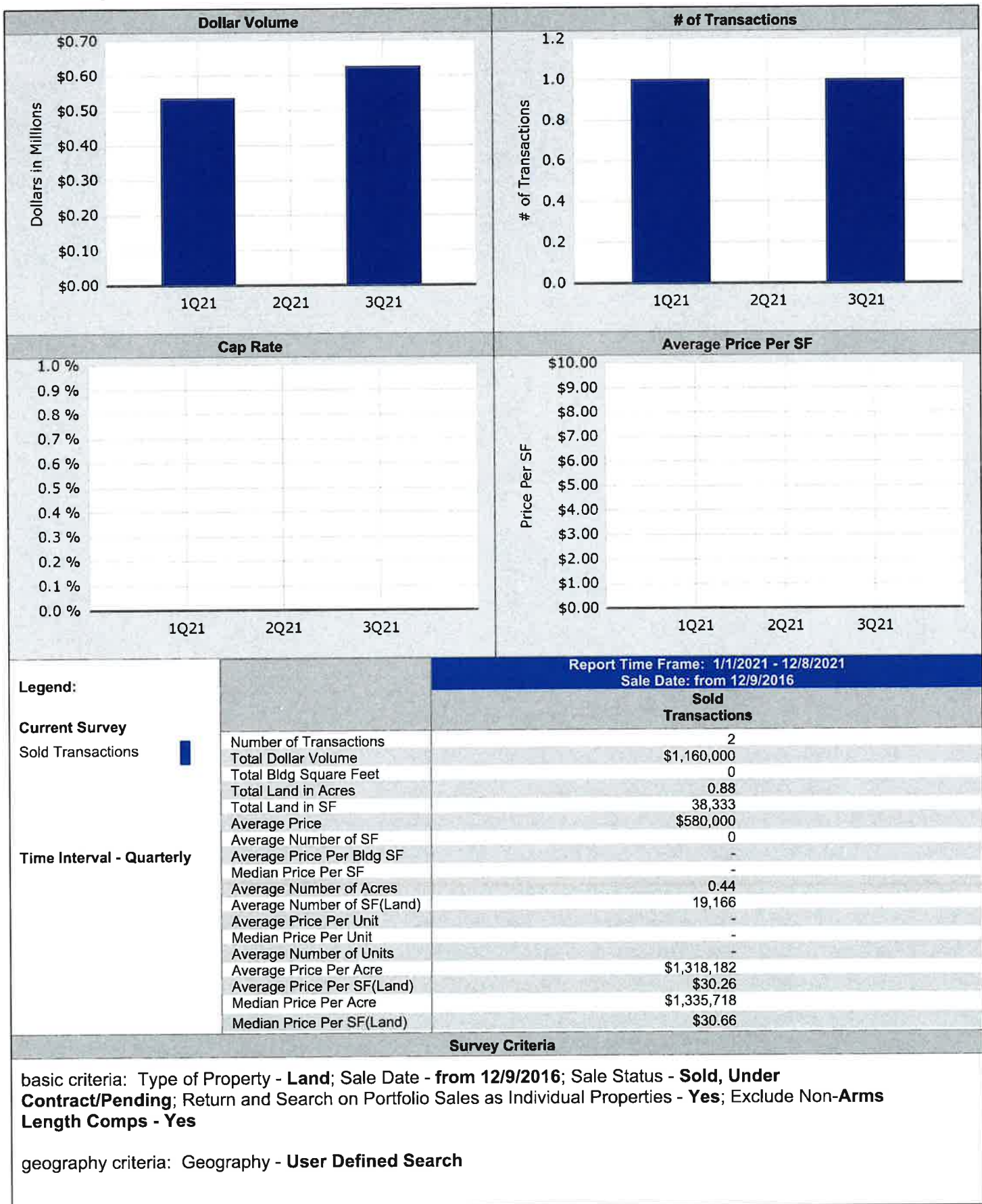
	Gross	Net
Acres:	0.37 AC	0.37 AC
Price/Acre:	\$1,447,902.57	\$1,449,864.50
SF:	16,097 SF	16,074 SF
Price/SF:	\$33.24	\$33.28

Listing Broker**Buyer Broker****financing****1st FIRST OKLAHOMA Bank**
Bal/Pmt: **\$2,975,000**

Quick Stats Report

Comps Statistics					
	Low	Average	Median	High	Count
Sale Price	\$535,000	\$580,000	\$580,000	\$625,000	2
Parcel Size	0.37 AC	0.44 AC	0.44 AC	0.51 AC	2
Price per Acre	\$1,237,388	\$1,318,182	\$1,342,574	\$1,447,760	2
Days on Market	786	786	786	786	1
Sale Price to Asking Price Ratio	92.59%	92.59%	92.59%	92.59%	1
Totals					
Sold Transactions	Total Sales Volume:		\$1,160,000	Total Sales Transactions: 2	
Survey Criteria					
basic criteria: Type of Property - Land ; Sale Date - from 12/9/2016 ; Sale Status - Sold, Under Contract/Pending ; Return and Search on Portfolio Sales as Individual Properties - Yes ; Exclude Non-Arms Length Comps - Yes					
geography criteria: Geography - User Defined Search					
additional criteria: - * This result set has been amended with criteria to add and/or remove records.					

Trend Report



Trend Report

additional criteria: - * This result set has been amended with criteria to add and/or remove records.

Trend Report

	1Q21 01/1-3/31/21	3Q21 07/1-9/30/21		
	Sold Transaction	Sold Transaction		
Number of Transactions	1	1		
Total Dollar Volume	\$535,000	\$625,000		
Total Bldg Square Feet	0	0		
Total Land in Acres	0.37	0.51		
Total Land in SF	16,117	22,216		
Average Price	\$535,000	\$625,000		
Average Number of SF	0	0		
Average Price Per Bldg SF	-	-		
Median Price Per SF	-	-		
Average Number of Acres	0.37	0.51		
Average Number of SF(Land)	16,117	22,216		
Average Price Per Unit	-	-		
Median Price Per Unit	-	-		
Average Number of Units	-	-		
Average Price Per Acre	\$1,445,946	\$1,225,490		
Average Price Per SF(Land)	\$33.19	\$28.13		
Median Price Per Acre	\$1,445,946	\$1,225,490		
Median Price Per SF(Land)	\$33.19	\$28.13		

Jenks | PC Staff Report



To	Planning Commission
Hearing Date	January 06, 2022
Case Number	JZ 21 PUD 112 Minor Amendment No. 01 South County Crossing
Request	<i>Approve exception to required exterior materials for Lot 3 New Therapy Clinic</i>
Location	Between Elwood and Elm North of 121st

Staff Report

Preparer | Marcaé Hilton

Attachments

- ☐ Jenks Therapy Clinic Renderings
- ☐ Approved PUD 112

Preparer

Carolina Olphert
City of Jenks Archives

Background Information

History of Site | February 04, 2021, PUD 112 Minor Amendment No. 1 was approved allowing Mr. Jordan to build a warehouse with an exception to the required exterior building materials (contemporary metal in lieu of masonry). November 23, 2021 a Lot Split was approved for the front portion of the lot in preparation for the Therapy Clinic facility.

Mr. Kevin Jordan owns over twenty-one acres between Elgin and Elwood and north of West 121st Street South primarily known as South County Crossing. This exterior finish minor amendment request is for the recently approved lot split (platted lot), Mr. Jordan is under contract to build an office adjacent to 121st. The platted property is abutted by a single-family residential development to the north and east, Fire Station Number 2 to the west, and a large parcel zoned IM which is also in the Special District to the south across 121st Street. West of the Fire Station is an area that was approved for mini storage in April 2017. North of the Fire Station is a newly approved PUD 132 for a mix of horizontal uses.

Request	<i>Approve exception to required exterior materials for Lot 3 New Therapy Clinic</i>
Public Comment	No comments at time of report
Uses	Office All uses allowed in OM
Current Zoning	(OM) Office Medium
Comprehensive Plan	Business Park
General Location	1115 W 121 ST S North of 121 st between Elm and Elwood
Current Parcel Data	
Parcel ID	609-0382-364-7000 (Total Parcel before Lot Split)
Property Address	1081 W 121 ST S (New Address to be Determined)

Legal	LOT 3 BLOCK 1
Gross Acres	2.91
Lot in Question	New Southern Lot (Tract B 0.70 Acres)
Plat	South County Crossing PUD 112 No. 6849 04/23/2019
Use	Industrial Development No Change Office & Warehousing • Use Units 1, 4, 10, 11, 15, 17, 21, 22, 24 Excluded Uses: • UU4 pressure station, shelter water storage facility, temporary open aired facilities • UU16 gasoline stations • UU21 billboards Building Materials: • Masonry Covering 100% up to 20 feet on all south facing walls • Masonry Covering 100% up to 20 feet on west face of westmost buildings • 4 feet high masonry wainscoting on remaining walls within 300 feet of the centerline of 121st Street • Awnings, canopies, overhangs office area only encouraged Screening: • HVAC out of view • Materials solid waste collection and loading areas wooden fence with doors • Perimeter Fence Wooden 6 feet tall Lighting: • Oriented to minimize light leaving development • Control light pattern leaving site at boundary of development • Photometric study required 0.00 foot candles at property line • All lights face down and away Parking: • Area B-Lots 3 and 4 shared parking • Owner to submit parking info with each building permit and maintain ongoing count of spaces vs. uses • Uses may share parking via shared parking analysis • Off street parking and loading are specified in PUD document <i>See PUD 112 for additional details</i>

PUD ZONING LANGUAGE | [Sec. 980. - Amendments.](#)

A. Minor Changes in the PUD may be authorized by the Planning Commission and City Council, which may direct the procession of an amended subdivision plat, incorporating such changes, so long as

substantial compliance is maintained with the development plan and the purposes and standards of the PUD provisions hereof.

B. Changes which would represent a significant departure from the site development plan shall require compliance with the notice and procedural requirements of an original Planned Unit Development. It shall be the duty of the zoning administrator to determine whether any specific request shall be considered a major or minor change, but this decision may be reversed when reviewed by Planning Commission and the City Council. If it is determined that a major change is requested, then a new application will be process in accordance with the provision of Chapter 15 of the Zoning Code.

SURROUNDING ZONING DATA

Zoning North | AG (Agriculture) & South Creek (PUD 12)
 East | IM (Industrial Medium)
 South | IM (Industrial Medium)
 West | IM (Industrial Medium)

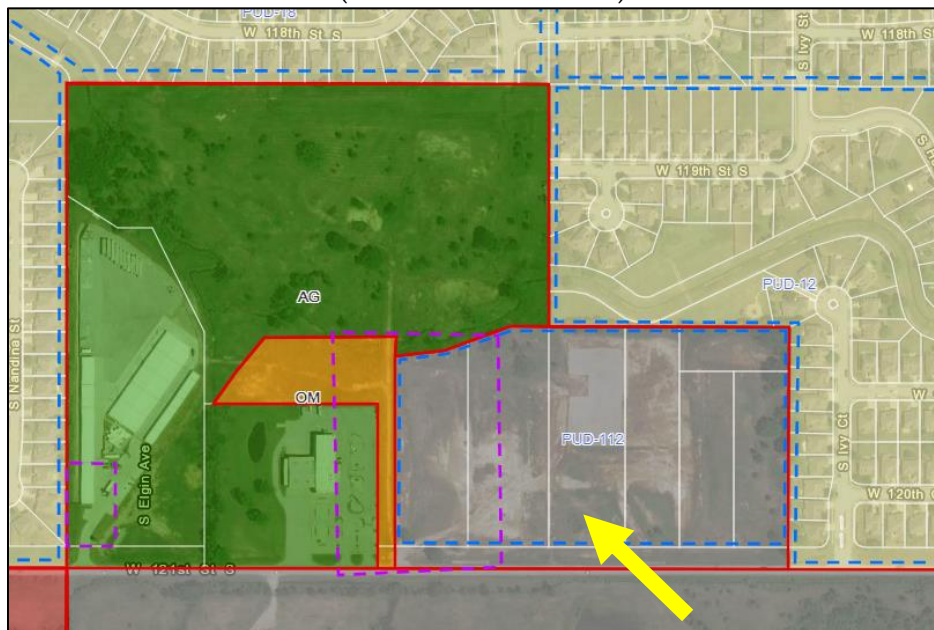


Figure 1: Zoning Map | INCOG



Figure 2: Recently approved PUD location in light purple.

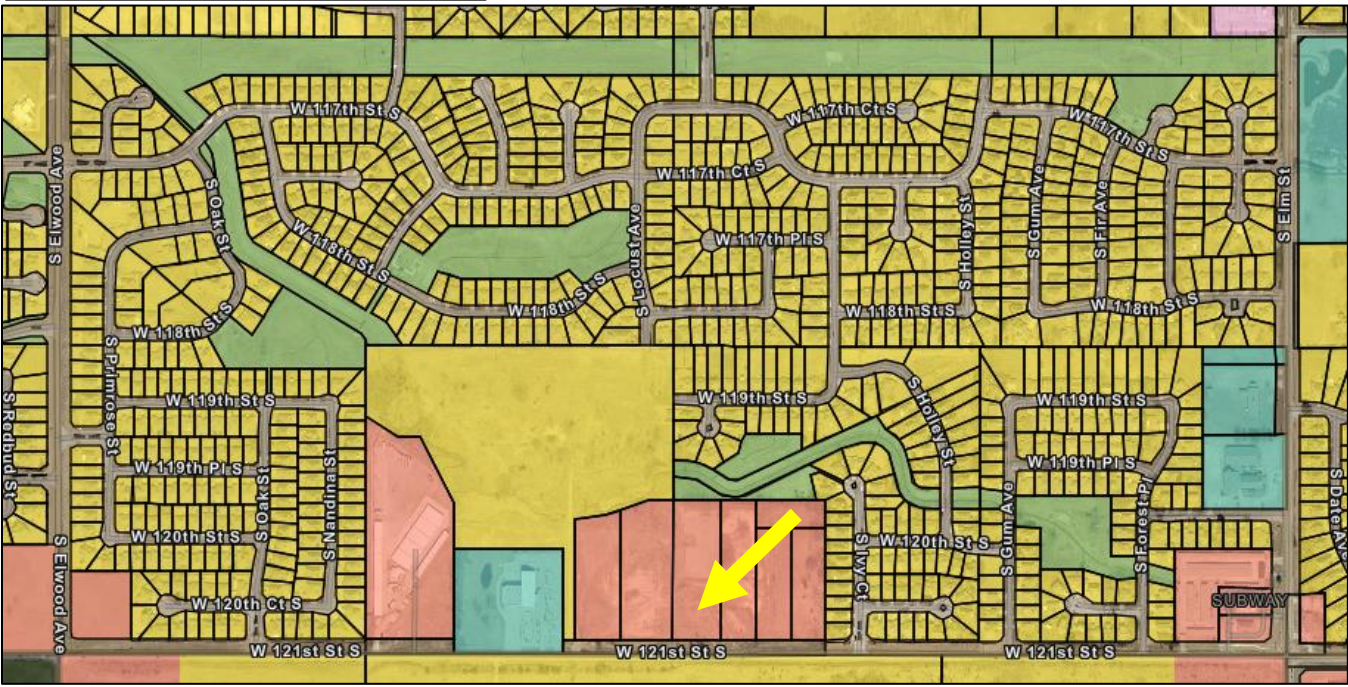
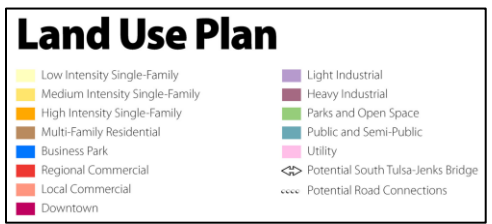


Figure 3: Horizon Jenks Comp Plan



Figure 4: Google Earth Aerial View

Evaluation | Lot 3, Block One is under construction with a 40,000 square foot warehouse. The building is setback more than 100 yards. In addition, Mr. Jordan is under contract for an office building on the recently approved lot split adjacent to 121st.

The applicant is asking for relief of the masonry requirement for Lot 3, Block One on all south facing walls which is essentially the office area. Mr. Jordan is asking Planning Commission to consider a combination of architectural metals to create a sustainable modern look. Staff has included some architectural information for your review and consideration.

- The metal (white) on all office walls (front and side) is flat architectural metal panel with lines.
- The dark metal color is raised panel for architectural interest.
- There will be added wood looking, structural, canopies over the windows for architectural contrast.
- Approval does not waive any other lot or PUD 112 requirements.

Approving this request would allow for the current building on the north side of Lot 3, Block One to have relief from the required “Masonry covering 100% up to 20 feet high of the south facing walls of all buildings...”

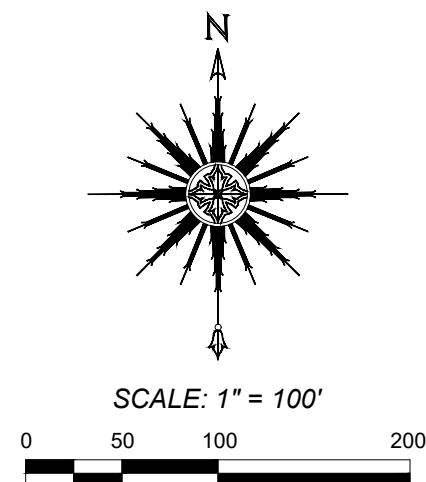
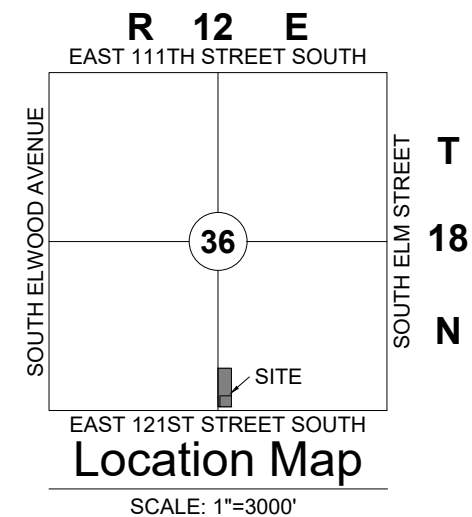
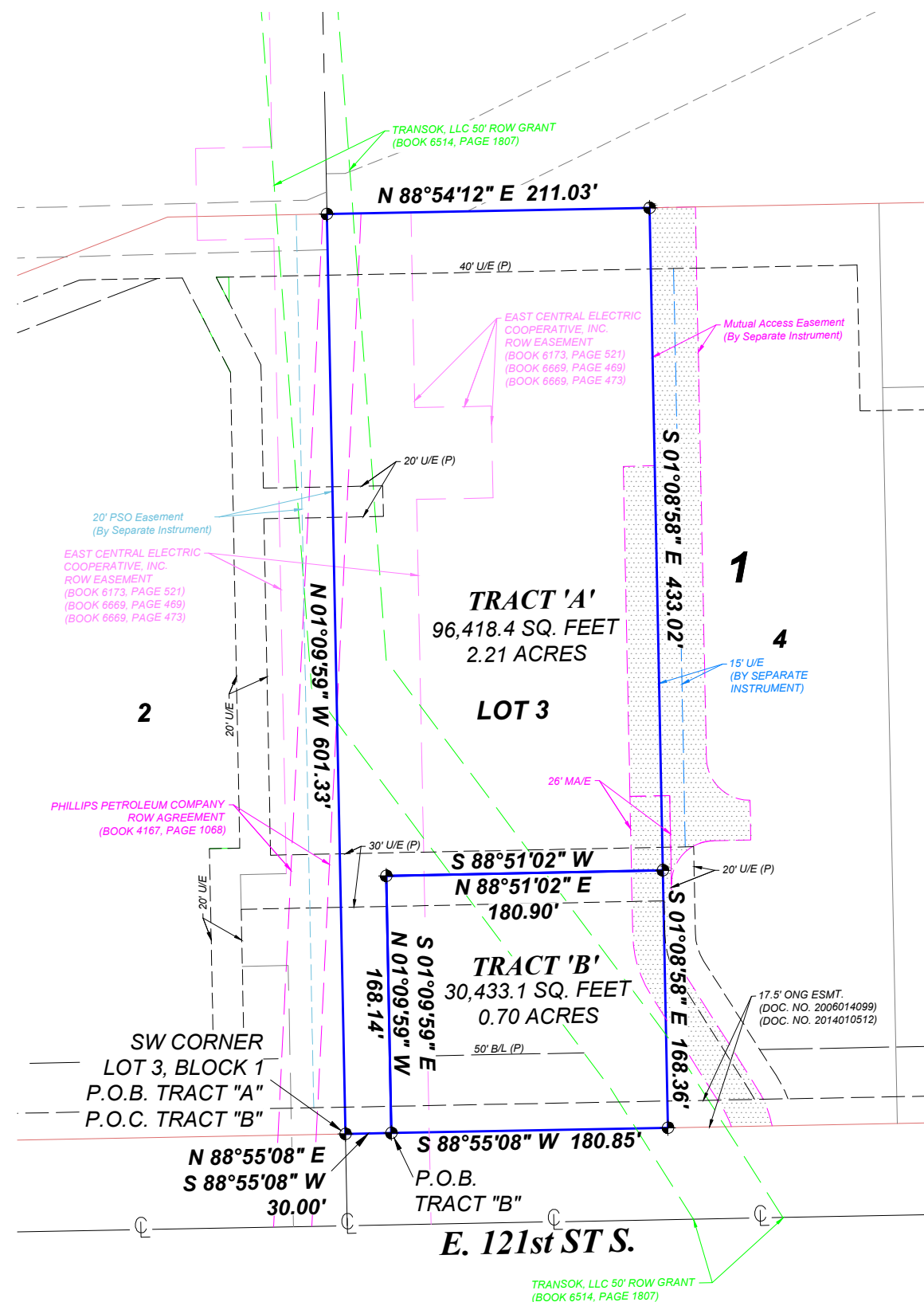
1. *Whether the PUD (Minor Amendment) is consistent with the comprehensive plan; (Consistent, but not applicable in this case)*
2. *Whether the PUD (Minor Amendment) harmonizes with the existing and expected development of surrounding areas; (Harmony can be achieved within PUD 112 even with the deviation of materials, this is the question to be considered)*
3. *Whether the PUD (Minor Amendment) is a unified treatment of the development possibilities of the project site; (Unified treatment can be achieved with a mix of materials and architectural styles; this is a question to be considered)*
4. *Whether the PUD (Minor Amendment) is consistent with the stated purposes and standards of this chapter. (Yes)*

RECOMMENDATION | *Staff recommends approval of materials waiver request to PUD 112 | Minor Amendment Number 02.*









LEGEND

B/L	=	BUILDING LINE
MA/E	=	MUTUAL ACCESS EASEMENT
(P)	=	PER PLAT
P.O.B.	=	POINT OF BEGINNING
P.O.C.	=	POINT OF COMMENCEMENT
U/E	=	UTILITY EASEMENT
CL	=	CENTERLINE



LOT LINE ADJUSTMENT

LOT THREE (3), B LOCK ONE (1), SOUTH COUNTY CROSSING
1081 W. 121st ST. S., UNIT #101, JENKS, TULSA COUNTY, OKLAHOMA 74037

SURVEY: MJL	DATE: 06.24.2021	PREPARED BY: FRITZ LAND SURVEYING, LLC 2017 W. 91ST STREET, TULSA, OK 74132 PH: 918.231.0575 FRITZLANDSURVEYING@GMAIL.COM C.A. # 5848 EXPIRES: 6-30-2022
DRAFT: RLL	DATE: 09.18.2021	
APPROVED: PLS	DATE: 09.18.2021	
SHEET 1 OF 2	PROJ. NO. 19015	

LEGAL DESCRIPTION - AS PROVIDED WD DOC. #2019037689

LOT 3, BLOCK 1, SOUTH COUNTY CROSSING, A SUBDIVISION TO THE CITY OF JENKS, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF.

NEW TRACT "A" LEGAL DESCRIPTION

A TRACT OF LAND THAT IS PART OF LOT THREE (3), BLOCK ONE (1), SOUTH COUNTY CROSSING, AN ADDITION TO THE CITY OF JENKS, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF EAST 121st STREET SOUTH, SAID POINT BEING THE SOUTHWEST CORNER OF SAID LOT 3, BLOCK 1;

THENCE NORTH 01°09'59" WEST ALONG THE WEST LINE THEREOF 601.33 FEET TO THE NORTHWEST CORNER OF SAID LOT 3;

THENCE NORTH 88°54'12" EAST ALONG THE NORTH LINE THEREOF 211.03 FEET TO THE NORTHEAST CORNER OF SAID LOT 3;

THENCE SOUTH 01°08'58" EAST ALONG THE EAST LINE THEREOF 433.02 FEET;

THENCE SOUTH 88°51'02" WEST 180.90 FEET;

THENCE SOUTH 01°09'59" EAST AND PARALLEL WITH THE WEST LINE OF SAID LOT 3 A DISTANCE OF 168.14 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF EAST 121st STREET SOUTH;

THENCE SOUTH 88°55'08" WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS 96,418.4 SQ. FEET OR 2.21 ACRES.

BEARINGS BASED UPON THE RECORDED PLAT SOUTH COUNTY CROSSING, PLAT NO. 6849.

NEW TRACT "B" LEGAL DESCRIPTION

A TRACT OF LAND THAT IS PART OF LOT THREE (3), BLOCK ONE (1), SOUTH COUNTY CROSSING, AN ADDITION TO THE CITY OF JENKS, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF EAST 121st STREET SOUTH, SAID POINT BEING THE SOUTHWEST CORNER OF SAID LOT 3, BLOCK 1;

THENCE NORTH 88°55'08" EAST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 01°09'59" WEST AND PARALLEL WITH THE WEST LINE OF SAID LOT 3 A DISTANCE OF 168.14 FEET;

THENCE NORTH 88°51'02" EAST 180.90 FEET TO A POINT ON THE EAST LINE OF SAID LOT 3;

THENCE SOUTH 01°08'58" EAST ALONG SAID EAST LINE 168.36 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF EAST 121st STREET SOUTH;

THENCE SOUTH 88°55'08" WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE A DISTANCE OF 180.85 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS 30,433.1 SQ. FEET OR 0.70 ACRES.

BEARINGS BASED UPON THE RECORDED PLAT SOUTH COUNTY CROSSING, PLAT NO. 6849.

SURVEYOR'S NOTES

PREPARED FOR: JORDAN PORTFOLIO PARTNERS, LLC

PHYSICAL ADDRESS: 1081 W. 121ST ST. S., UNIT #101, JENKS, TULSA COUNTY, OKLAHOMA 74037

BEARINGS BASED UPON THE RECORDED PLAT SOUTH COUNTY CROSSING, PLAT NO. 6849.

EASEMENTS MAY EXIST THAT ARE NOT SHOWN.

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.

PARENT TRACT GROSS LAND AREA: 126,851.5 SQ. FEET OR 2.91 ACRES.

NEW TRACT "A": 2.21 ACRES.

NEW TRACT "B": 0.70 ACRES.

WE HAVE EXAMINED A MAP BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FLOOD INSURANCE RATE MAP, CITY OF JENKS, OKLAHOMA, COMMUNITY PANEL NO. 40143C0426L - OCTOBER 16, 2012, WHICH INDICATES THE SURVEYED PROPERTY TO BE WITHIN UNSHADED ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN).

SURVEYED PROPERTY IS NOT AFFECTED BY THE CITY OF TULSA REGULATORY FLOODPLAIN.

LAST SITE VISIT: JUNE 24, 2021.

ALL UTILITIES MAY NOT BE SHOWN - CALL OKIE 1-800-522-6543!



CERTIFICATE OF SURVEY

FRITZ LAND SURVEYING, LLC AND THE UNDERSIGNED PROFESSIONAL LAND SURVEYOR, UNDER CERTIFICATE OF AUTHORIZATION CA #5848, DO HEREBY STATE THAT THIS PLAT OF SURVEY IS A TRUE AND ACCURATE REPRESENTATION OF THE SURVEY MADE ON THE GROUND AND OF THE FACTS AS FOUND AT THE TIME OF THE SURVEY AND THAT THIS PLAT MEETS OR EXCEEDS THE MINIMUM TECHNICAL STANDARDS ADOPTED BY THE OKLAHOMA STATE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS.

WITNESS MY HAND AND SEAL THIS 18th DAY OF OCTOBER, 2021.

ANDY FRITZ, PLS
OK LIC. 1694
CA #5848



LOT LINE ADJUSTMENT

LOT THREE (3), B LOCK ONE (1), SOUTH COUNTY CROSSING
1081 W. 121st ST. S., UNIT #101, JENKS, TULSA COUNTY, OKLAHOMA 74037

SURVEY: MJL	DATE: 06.24.2021	PREPARED BY: FRITZ LAND SURVEYING, LLC 2017 W. 91ST STREET, TULSA, OK 74132 PH: 918.231.0575 FRITZLANDSURVEYING@GMAIL.COM C.A. # 5848 EXPIRES: 6-30-2022
DRAFT: RLL	DATE: 09.18.2021	
APPROVED: PLS	DATE: 09.18.2021	
SHEET 2 OF 2	PROJ. NO. 19015	

To	Planning Commission
Hearing Date	January 06, 2022
Case Name	Dutch Brothers Coffee
Request(s)	Approval of Replat, Rezoning, Lot Split/Combination JZ 21-675 Rezoning from AG to CG JL 21-365 Lot Split
Location	305 S Elm
Applicant	Mitchell Reynolds

Staff Report

Preparer | Marcaé Hilton

Attachments

- ☐ Replat Documents
- ☐ Rezoning Map
- ☐ Lot Split/Combination Documents
- ☐ Other Filed Documents

Preparer

Mitchell Reynolds
Mitchell Reynolds
Mitchell Reynolds
Staff

Background Information

STAFF COMMENTARY | This application represents a request to finalize the necessary land use transactions required for the nearly completed drive through coffee shop on a property partially zoned CG “Commercial General.” The property is located east of Elm Street and northwest of Veterans Park. In the beginning of the project the applicant asked if the City of Jenks was interested in selling the additional area to the east, part of Veterans Park, this area was needed to accommodate the drive through and parking, at that time the City preferred to lease the parcel. Dutch Brothers Coffee and City Staff began the process of completing the lease agreement similar to the previous agreement with the flooring company. JPWA approved the request, the City finalized the agreement. Since that time, Dutch Brothers completed the platting requirement, ARC process and filed the necessary easement.

Several weeks ago, Staff was contacted by Dutch Brothers a second time, asking if the City was interested in selling the “leased area.” The City reconsidered and accepted the offer, this request triggered a new set of requirements: lot split/lot combination to separate the parcel from Veterans Park, replatting which acts as the lot combination, and rezoning. On, December 21, 2021, CC voted to approve the surplus property request (Resolution No. 2021-11) allowing Dutch Brothers to proceed with the purchase of the City parcel through the process of the Lot Split/Lot Combination as well as the replat and the required zoning.

Public Comment None at the time of this report

DUTCH BROTHERS PLANNING SUMMARY

ARC SUMMARY | June 03, 2021 | JZ 21—502 PC and Arc voted unanimously to approve the application for exterior elevations and signage as presented for the new coffee shop” Dutch Brothers”.

PC ORIGINAL FINAL PLAT SUMMARY | August 05, 2021 | PC voted 5-0-2 (Two PC Members absent) to approve the Preliminary/Final Plat for Dutch Brothers.

TAC ORIGINAL FINAL SUMMARY | August 08, 2021 | Staff received no comments from TAC, Staff received one release letter from COX Communications. The Engineer of Record worked closely with PSO on several issues.

CC ORIGINAL FINAL PLAT | August 17, 2021 | CC approved | Item on Consent Agenda

Plat Data

Name CVP DB Jenks Addition
Plat No. 7007 | Date File 12.01.2021
Acres 0.4565

Easement Data

No. 2021099428 | 08/25/2021

General Parcel Data

Parcel ID 983-198-319-08-360 (without additional lot split area)
Property Address 305 S ELM ST W
Legal N100 OF W240 OF S990 OF W 884.20 LT 6 LESS W20 FOR ST SEC 19 18 13
Gross Acres 0.51
Parcel COJ 983-198-319-08-520 (Veterans Park Parcel)
Zoning Type CG (Commercial General)

<i>Table 2. Bulk and Area Requirements in the Commercial Districts</i>	<i>CG Districts</i>
<i>Frontage (min. ft.)</i>	
—Arterial	150
—Not an Arterial (Order from car or Patio window on South)	50
<i>Floor Area Ratio (maximum)</i>	0.75
<i>Setback from centerline of abutting street (min. ft.)</i>	
—Arterial	N/A
—Not an Arterial	N/A
<i>Setback from an abutting R District boundary line (min. ft.)</i>	N/A
<i>Building Height (max. ft.)</i>	35
¹ Plus two feet of setback for each one-foot building height exceeding 15 feet, if the property is within an RE, RS, or RD District.	

Chapter 10 Use Units Table 1. Use Units Permitted in Commercial Districts		
No.	Name	CG
1.	Area wide Uses	X
2.	Area wide Specific Use	S
4.	Public Protection	X
5.	Community Services and Cultural Facilities	X
8.	Multifamily Dwellings and Similar uses	P
10.	Off-Street Parking Areas	X
11.	Offices and Studios	X
12.	Eating Places Other Than Drive-Ins	X
13.	Convenience Goods and Services	X
14.	Shopping Goods and Services	X
15.	Other Trades and Services	X
16.	Gasoline Service Stations	X
17.	Automotive and Allied Activities	X
18.	Drive-In Restaurants (Coffee Shop-Drive up and outside dining)	X
19.	Hotel, Motel, and Recreation Facilities	X
20.	Commercial Recreation, Intensive	S
21.	Business Signs and Outdoor Advertising	X
22.	Warehousing and Wholesaling	E
24.	Light Manufacturing and Industrial Research and Development	E
27.	Tattoo and Massage Parlors (Requiring Special Licensing, see Use Unit for Use conditions)	X
28.	(See Use Unit for Special Exception Criteria and Conditions)	E

Zoning Code

Sec. 1018. - Use Unit 18. Drive-in restaurants.

1018.1. Description. Eating establishments providing curb service or offering food or drink for on-premises consumption within parked motor vehicles, or permitting the on-premises consumption of food or drink within the parked motor vehicle or outside the principal structure.

1018.2. Included Uses. Drive-in restaurants.

1018.3. Use Conditions. The uses included in Use Unit 18, when located on a lot which is abutting an R district, shall be screened from the abutting R district by the erection and maintenance of a screening wall or fence along the lot line or lines in common with the R district.

New Plat Data *Replat of CVP BD Jenks Addition*

One Lot, One Block

0.6045 Acres

Lot Split Data JZ 21-365

Legal A TRACT OF LAND THAT IS PART OF UNITED STATES GOVERNMENT LOT 6 IN SECTION 19, T-18-N, R-13-E, OF THE INDIAN BASE AND MERIDIAN, CITY OF JENKS, TULSA COUNTY. STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING AT A POINT THAT IS THE SOUTHWEST CENTER OF SAID LOT 6; THENCE DUE NORTH ALONG THE WESTERLY LINE OF LOT 6 FOR 990.00 FEET; THENCE 89°49'32" E AND PARALLEL WITH THE SOUTHERLY LINE OF LOT 6 FOR 240.00 FEET TO THE "POINT OF BEGINNING" OF SAID TRACT OF LAND; THENCE CONTINUING 89°49'32" E FOR 30.01 FEET; THENCE S 38°21'56" E FOR 81.32 FEET; THENCE S 27°28'43" E FOR 29.70 FEET; THENCE S 80°07'33" W FOR 21.01 FEET; THENCE 82°04'28" W FOR 45.51 FEET; THENCE 89°49'32" W FOR 28.41 FEET; THENCE DUE NORTH AND PARALLEL WITH THE WESTERLY LINE OF LOT 6 FOR 100.00 FEET TO THE "POINT OF BEGINNING" OF SAID TRACT OF LAND.

THE PROPERTY DESCRIBED ABOVE CONTAINS 6,446 SQUARE FEET OR 0.1480 ACRES.

THE BEARINGS USED IN THE ABOVE LEGAL DESCRIPTION ARE BASED ON THE WESTERLY LINE OF GOVERNMENT LOT 6 HAVING AN ASSUMED NON-ASTRONOMICAL BEARING OF DUE NORTH.

New Lot 0.1480 ACRES

Zoning Request JZ 21-675 | AG (Agriculture) to CG (Commercial General)

Staff Evaluation & Recommendation

CONSIDER | Does the Plat, lot split and zoning meet the requirements of the City Code, Subdivision Regulations and other City Criteria?

Comments | Not Complete List

- [Completed](#) | Executed Lease for City Property is required.
- [Completed](#) | [Transfer of Deed from JPWA to Dutch Brothers.](#)
- [Completed](#) | Easement dedication for City Utilities is required.
- [Completed](#) | Installation of lighting and landscaping.
- Replat adding Veterans Park parcel.
- Rezone AG (Veterans Park Parcel) to CG to match platted area

EVALUATION | There are three (3) requests. All three are technical land use requirements and required as a result of sale of the City property to Dutch Brothers who will be open for business within this month. They have installed their landscaping, signage, lighting etc. Staff believes their requests have or will meet all requirements from the City of Jenks.

Approve | Replat

Approve | Lot Split/Combo JL 21-365

Approve | Rezoning JZ 21-675

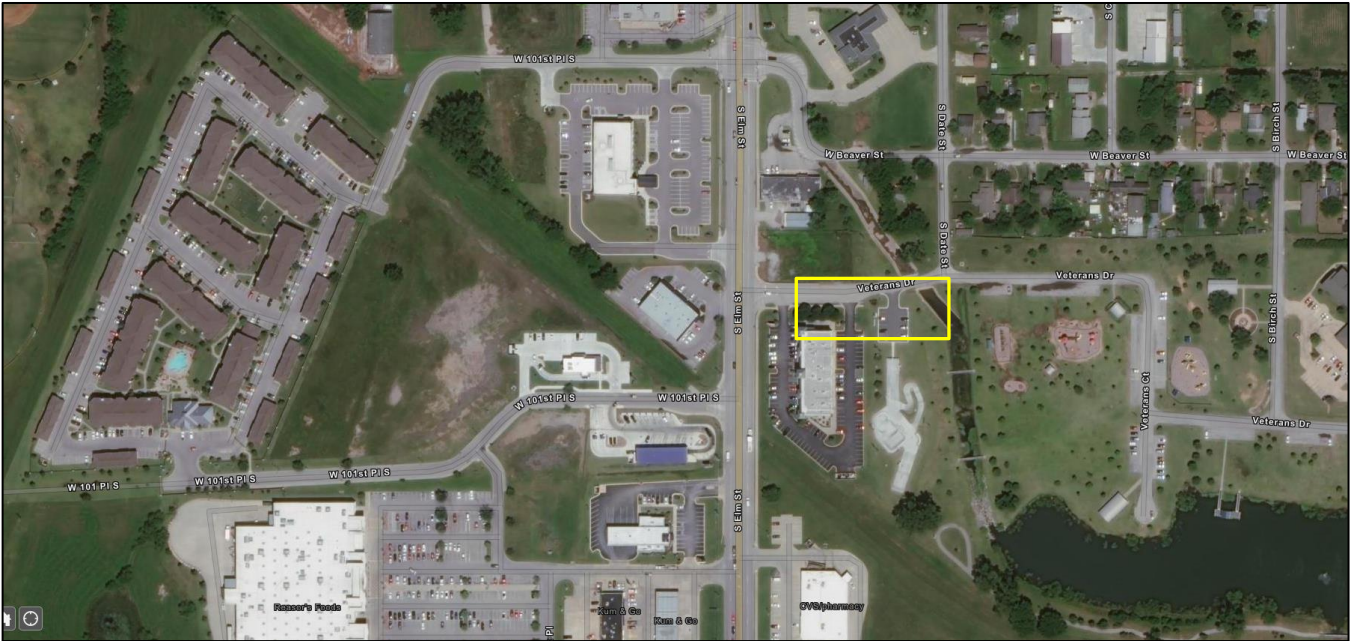


Figure 1: Aerial View of Lot and City Property



Figure 2: Google Earth View of Vacant Lot



Figure 3: Google Earth view from corner



Figure 4: Old Google Earth view of City portion of lot



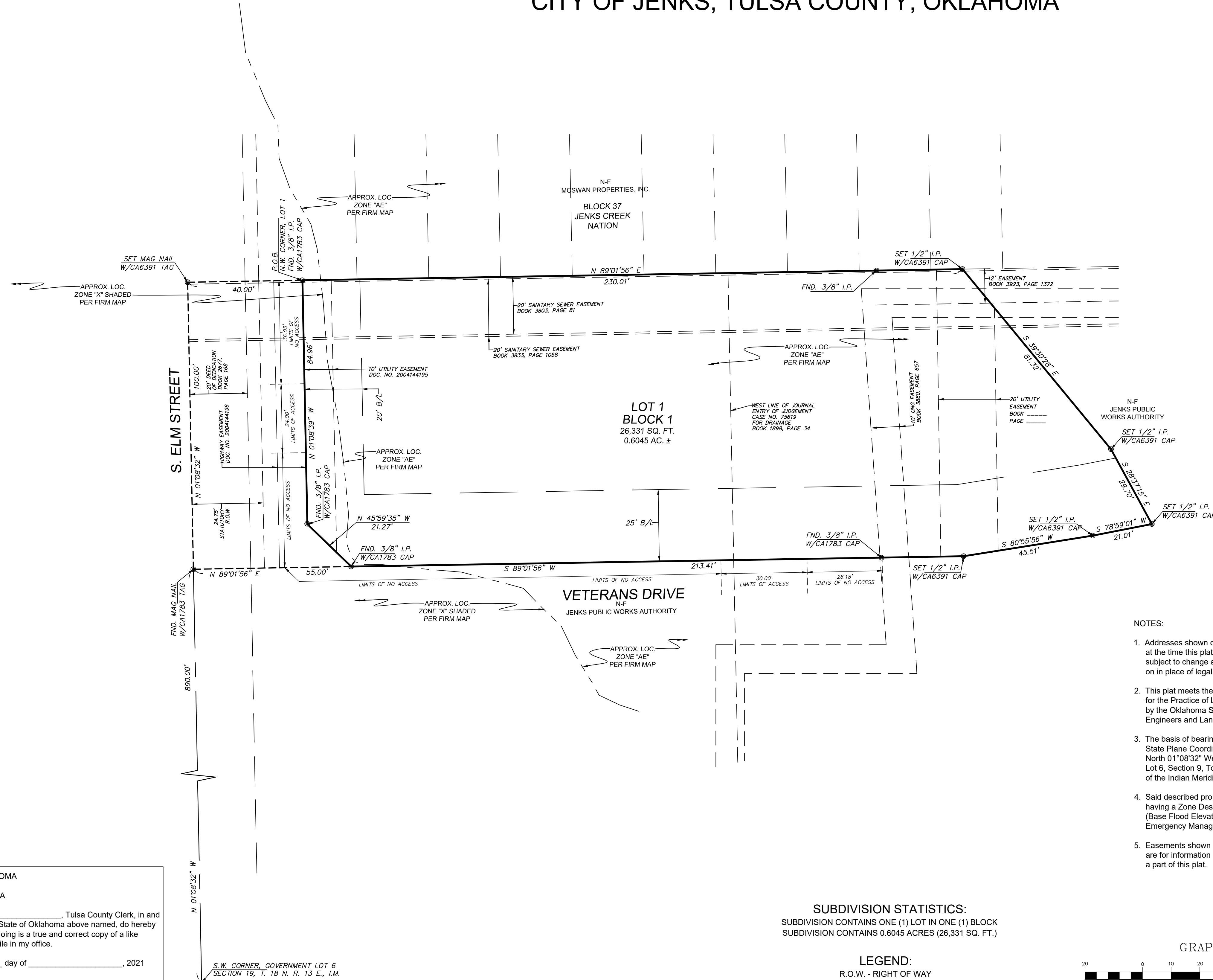
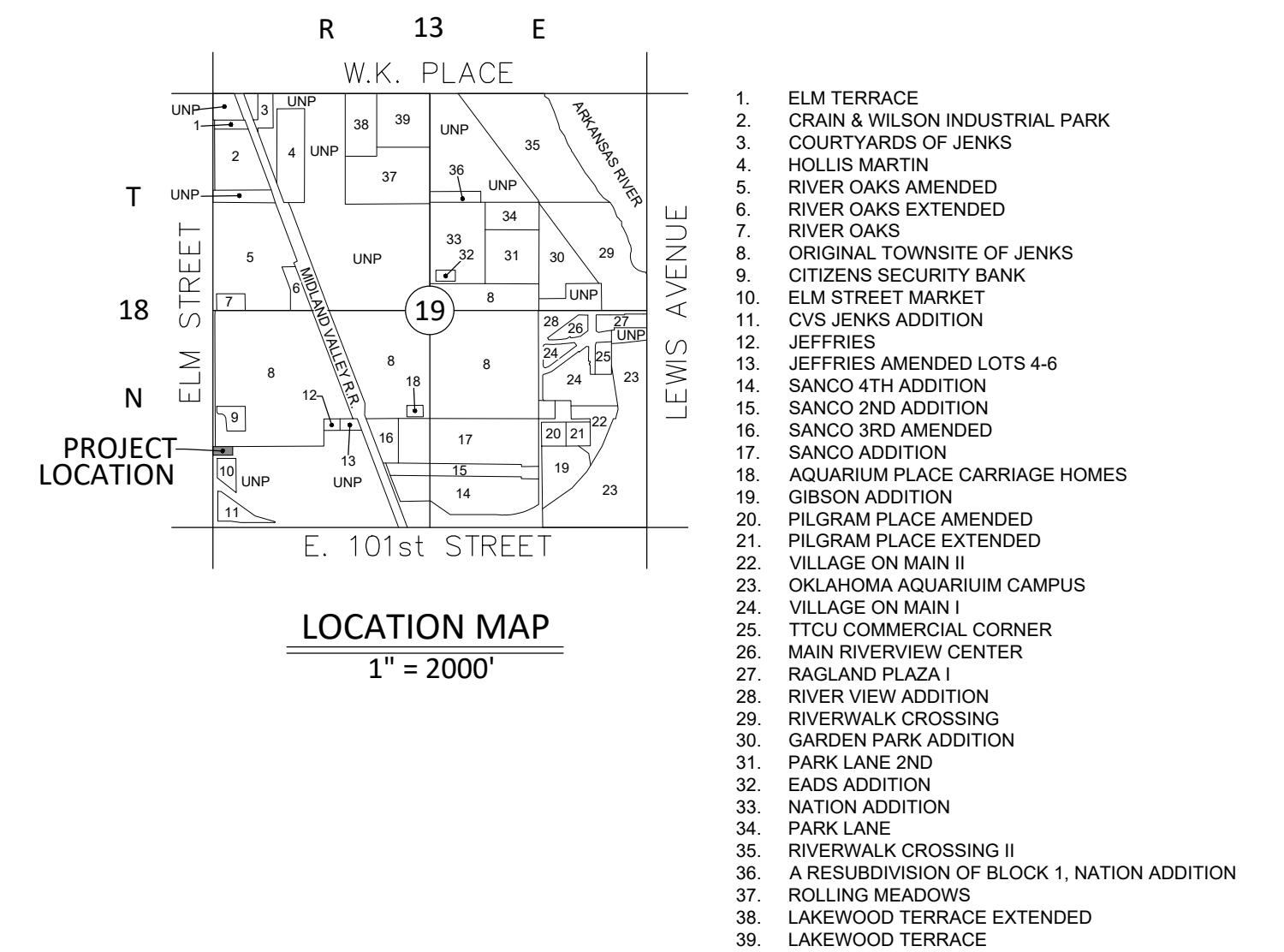
Figure 5: Google Earth View including Creek Turnpike

RECOMMENDATION | Staff recommends conditional approval of the Preliminary/Final Plat. Final approval requires all comments to be addressed prior to filing. Staff recommends approval of Lot Split and rezoning.

1. Approve | Replat
2. Approve | Lot Split/Combo JL 21-365
3. Approve | Rezoning JZ 21-675 | AG to CG



FINAL PLAT
REPLAT OF CVP DB JENKS ADDITION
LOT 1, BLOCK 1, CVP DB JENKS ADDITION AND
A PART OF THE SW/4 OF
SECTION 19, TOWNSHIP 18 NORTH, RANGE 13 EAST, I.M.
CITY OF JENKS, TULSA COUNTY, OKLAHOMA



STATE OF OKLAHOMA
SS
COUNTY OF TULSA

I, _____, Tulsa County Clerk, in and
for the County and State of Oklahoma above named, do hereby
certify that the foregoing is a true and correct copy of a like
instrument now on file in my office.

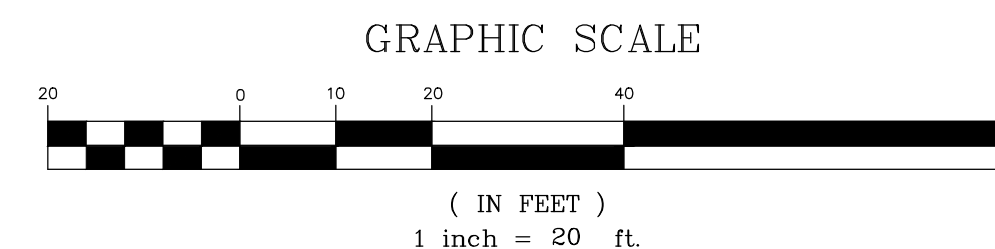
Dated the _____ day of _____, 2021

Deputy _____

SUBDIVISION STATISTICS:
SUBDIVISION CONTAINS ONE (1) LOT IN ONE (1) BLOCK
SUBDIVISION CONTAINS 0.6045 ACRES (26,331 SQ. FT.)

LEGEND:
R.O.W. - RIGHT OF WAY
DOC. NO. - DOCUMENT NUMBER
B/L - BUILDING LINE

- NOTES:
- Addresses shown on this plat were accurate at the time this plat was filed. Addresses are subject to change and should never be relied on in place of legal descriptions.
 - This plat meets the Oklahoma Minimum Standards for the Practice of Land Surveying as adopted by the Oklahoma State Board of Licensure for Engineers and Land Surveyors.
 - The basis of bearings for this plat is the Oklahoma State Plane Coordinate System (North Zone) using North 01°08'32" West along the east line of Government Lot 6, Section 9, Township 18 North, Range 13 East of the Indian Meridian.
 - Said described property is located within an area having a Zone Designation X (Shaded) and Zone AE (Base Flood Elevations determined) by the Federal Emergency Management Agency (FEMA).
 - Easements shown hereon by specific recording information are for information purposes only and are not dedicated as a part of this plat.



PLAT No.

FINAL PLAT
CERTIFICATE OF APPROVAL

I hereby certify that this plat was approved
by the City Council of the City of Jenks on

By: _____
Mayor

This approval is void if the above signature
is not endorsed by the City Manager

By: _____
City Manager

CONTACT LIST

OWNER
CVP - JENKS DB, LLC
305 S. ELM STREET
JENKS, OK 74037
CONTACT: MITCHELL REYNOLDS
PHONE: 918-934-0288
EMAIL: MITCHELL.REYNOLDS@CVPRE.COM

OWNER
JENKS PUBLIC WORKS AUTHORITY
211 N. ELM STREET
JENKS, OK 74037
CONTACT: ??
PHONE: ??
EMAIL: ??

CIVIL ENGINEER
CLAYMOORE ENGINEERING
1903 CENTRAL DRIVE, SUITE 406
BEDFORD, TEXAS 76021
OK CA 6809 - EXPIRES 6-30-2022
CONTACT: MATT MOORE, PE
PHONE: 817-281-0572
EMAIL: MATT@CLAYMOOREENG.COM

SURVEYOR
DODSON-THOMPSON-MANSFIELD, PLLC
20 NE 38th STREET
OKLAHOMA CITY, OK 73105
OK CA 6391 - EXP: 06-30-2022
CONTACT: RANDALL MANSFIELD, PLS
PHONE: 405-601-7401
EMAIL: RANDYM@DTM-OK.COM



DODSON - THOMPSON - MANSFIELD, PLLC

20 NE 38th Street Phone: 405-601-7402 email: randym@dtm-ok.com
Oklahoma City, OK 73105 Fax: 405-601-7421

Surveying - Engineering - Earthwork

CERTIFICATE OF AUTHORIZATION NO: 6391 EXPIRES JUNE 30, 2022

Sheet: 1 of 2

FINAL PLAT
REPLAT OF CVP DB JENKS ADDITION
LOT 1, BLOCK 1, CVP DB JENKS ADDITION AND
A PART OF THE SW/4 OF
SECTION 19, TOWNSHIP 18 NORTH, RANGE 13 EAST, I.M.
CITY OF JENKS, TULSA COUNTY, OKLAHOMA

DEED OF DEDICATION AND STATEMENT OF RESTRICTIVE COVENANTS

CVP DB JENKS ADDITION

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, CVP - Jenks DB, LLC, an Oklahoma limited liability company and the Jenks Public Works Authority, a Trust of the City of Jenks, are the Owner's in fee simple to the following described property in the City of Jenks, Tulsa County, Oklahoma, to-wit:

All of Lot 1, Block 1 CVP DB JENKS ADDITION and a part of Lot 6, Section 19, Township 18 North, Range 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:

BEGINNING at the northwest corner of said Lot 1;

THENCE North 89°01'56" East, along the north line of said Lot 1 and said line extended, a distance of 230.01 feet;

THENCE South 39°30'28" East a distance of 81.32 feet;

THENCE South 28°37'15" East a distance of 29.70 feet;

THENCE South 78°59'01" West a distance of 21.01 feet;

THENCE South 80°55'56" West a distance of 45.51 feet to a point on the south line of said Lot 1 extended;

THENCE South 89°01'56" West, along the extended south line of said Lot 1 and said south line, a distance of 213.41 feet to the most southerly southwest corner of said Lot 1;

THENCE along the westerly line of said Lot 1 and the east right of way line of S. Elm Street the following two (2) courses;

1. North 45°59'35" West a distance of 21.27 feet;

2. North 01°08'39" West a distance of 84.96 feet to the POINT OF BEGINNING.

Said described property contains an area of 26,331 square feet or 0.6045 acres, more or less.

And have caused the above described land to be surveyed, staked platted and subdivided into lots, blocks, and streets, and have designated the same as "REPLAT OF CVP DB JENKS ADDITION" an Addition to the City of Jenks, Tulsa County, Oklahoma.

SECTION 1. PUBLIC COVENANTS

A. STREETS AND UTILITY EASEMENTS

The undersigned owners does hereby dedicate to the public use forever, streets rights-of-way as shown and designated on the accompanying plat and does further dedicate to the public use forever the easements as shown and designated on the accompanying plat for the several purposes of constructing maintaining, operating, repairing, removing, replacing any and all utilities including storm sewer, sanitary sewer, telephone and communication lines, electric power lines and transformers, gas lines and water 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 into and upon said utility easements and rights of way for the uses and purposes aforesaid. No building, structure, or other above or below ground obstruction that will interfere with the purposes aforesaid, will be placed, erected, installed or permitted upon the easements or rights of way as shown, provided however, that the owner hereby reserves the right to construct, maintain, operate, lay and relay water lines and sanitary sewer lines together with the right of ingress and egress for such construction, maintenance, operation, laying and relaying over, across and along all public streets, alleys, and utility easements, shown on said plat, for the purposes of furnishing water and/or sanitary sewer services to the area included in said plat.

B. WATER AND SANITARY SEWER SERVICE

In connection with the provision of water and sanitary sewer service, all lots are subject to the following provisions, to-wit:

The owner of each lot shall be responsible for the protection of the public water mains and the public sanitary sewer facilities located on his lot and within the dedicated street right of way and utility easement areas, if ground elevations are altered from the contours existing upon the completion of the installation of a public water or sewer main, all ground apertures, to include: valve boxes, fire hydrants and manholes will be adjusted to the new grade by the owner or at the owner's expense.

The City of Jenks or its successors will be responsible for ordinary maintenance of public water mains and public sanitary sewer facilities, but the owner will pay damage for relocation of such facilities or necessitated by the acts of the owner or his agents or contractors. The Owner/Developer will be responsible for the ordinary maintenance of private water mains.

The City of Jenks or its successors through its agents or employees shall at all times have the right of access with their equipment to all such easement ways shown on said plat, or provided for in this deed of dedication for the purpose of installing, maintaining, removing or replacing any portion of underground water and sewer facilities.

The aforesaid covenants concerning water and sewer facilities shall be enforceable by the City of Jenks or its successors, and the owner of the lot agrees to be bound hereby.

C. ELECTRIC, TELEPHONE, CABLE TELEVISION AND NATURAL GAS SERVICE

In connection with the instillation of underground electric, telephone, cable television and natural gas service lines, the lot is subject to the following:

- Underground lines for the supply of electric, telephone and cable television service may be located along the boundary of the addition as shown on the attached plat. Street light poles or standards shall be served by underground cable and elsewhere throughout said Addition all supply lines shall be located underground, in the easement-ways reserved for the general utility services and streets, shown on the attached plat. Service pedestals and transformers, as sources of supply of secondary voltages, may also be located in said easement-ways.
- All supply lines in the Subdivision including electric, telephone, cable television and natural gas service lines shall be located underground in the easements reserved for general utility services and streets shown on the plan of the subdivision. Service pedestals and transformers, as sources of supply at secondary voltages, may also be located in said easements.
- Underground lines for the supply of electric, telephone and cable television service and natural gas service located in the Subdivision may be run from the nearest natural gas main, service pedestal or transformer to the point of usage determined by the location and construction of such building as may be located upon said lot; provided that upon that the installation of such a service cable or a natural gas service fine to a particular building, the supplier of service shall thereafter be deemed to have a definitive, permanent, and effective right-of-way easement on said lot, covering a five-foot strip extending 2.5 feet on each side of such service cable or line, extending from the service pedestal, transformer or natural gas main to the service entrance on the building.
- The supplier of electric, telephone, cable television and natural gas services, through its authorized agents and employees, shall at all times have right of access to all such easements shown on the plat to 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 natural gas service facilities so installed by it.
- The owner of each 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 natural gas facilities. The supplier of service will be responsible for the 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 such owner or his agents or contractors.

D. STORM SEWER

- The City of Jenks, or its successors, through its proper agents and employees, shall at all times have right of access with their equipment to all storm sewer easements for the purpose of installing, maintaining, removing or replacing any portion of the underground storm sewer system.
- No permanent fence, permanent wall, permanent building, or permanent structure which could cause an obstruction shall be placed or maintained in the storm sewer easement area, and any construction activity which would interfere with the storm sewer system shall be prohibited.
- CVP - Jenks DB, LLC and the Jenks Public Works Authority, or its successors, shall be responsible for ordinary maintenance of the private storm sewer system, but the owner of each lot will pay for damage or relocation of such system caused or necessitated by acts of the owner of each lot or its agents or contractors.
- The foregoing covenants concerning the private storm sewer system shall be enforceable by CVP - Jenks DB, LLC and the Jenks Public Works Authority, its successors, and the owner of each lot agrees to be bound hereby.
- The owner of each lot shall be responsible for the protection of the storm sewer located on their lot and shall prevent the alteration of grade or any construction activity which may interfere with said storm sewer. Within the utility easement are as depicted on the accompanying plat, the alteration of grade from the contours existing upon the completion of the installation of storm sewer, or any construction activity which would interfere with storm, shall be prohibited.

F. SURFACE DRAINAGE

- Surface Drainage. Each lot shall receive and drain, in an unobstructed manner, the storm and surface waters from lots and drainage areas of higher elevation and from public streets and easements.
- No property owner shall construct or permit to be constructed any fencing or other obstructions which would impair the drainage of storm and surface waters over and across his lot. No property owner shall modify or change the direction of drainage of surface storm water from the original approved construction plans on file at the City of Jenks.
- The property owner shall prevent the alteration of grade within the easement areas from the original contours (finish grade) or allow any construction activity which may interfere with such public water mains, valves, storm sewers, and or public sanitary sewer facilities.
- The covenants set forth in this section shall be enforceable by any affected property owner and by CVP - Jenks DB, LLC and the Jenks Public Works Authority.

G. OWNER RESPONSIBILITY WITHIN EASEMENTS

The owner of the lots shall be responsible for the repair and replacement of any landscaping and paving within the utility easements on the lot in the event it is necessary to repair any underground water or sewer mains, electric, natural gas, cable television, or telephone service.

H. LAND USE

All construction shall be strictly according to the ordinances of the City of Jenks, Oklahoma.

CERTIFICATE OF SURVEY

I, Randall A. Mansfield, a Licensed Professional Land Surveyor, in the State of Oklahoma, do 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 "REPLAT OF CVP DB JENKS ADDITION", a Subdivision in the City of Jenks, Tulsa County, State of Oklahoma, is a representation of the survey made on the ground using generally accepted practices and meets or exceeds the Oklahoma Minimum Standards for the Practice of Land Surveying.

Randall A. Mansfield, PLS 1613
CA No. 6391 Exp. Date: 6-30-2022

STATE OF OKLAHOMA)
) ss.
COUNTY OF OKLAHOMA)

The foregoing Certificate of Survey was acknowledged before me on this _____ day of _____, 2022, by Randall A. Mansfield, PLS 1613.

Notary Public

My Commission Expires: _____

IN WITNESS WHEREOF, CVP - JENKS DB, LLC
has executed this instrument this _____ day of _____, 2022.

CVP - JENKS DB, LLC, an Oklahoma limited liability company

By: _____
Manager

STATE OF OKLAHOMA)
) ss.
COUNTY OF TULSA)

This instrument was acknowledged before me on the _____ day of _____, 2022, by _____, as Manager of CVP - JENKS DB, LLC, an Oklahoma limited liability company.

Notary Public

My Commission Expires: _____

IN WITNESS WHEREOF, THE JENKS PUBLIC WORKS AUTHORITY
has executed this instrument this _____ day of _____, 2022.

THE JENKS PUBLIC WORKS AUTHORITY, a Trust of the City of Jenks

By: _____

STATE OF OKLAHOMA)
) ss.
COUNTY OF TULSA)

This instrument was acknowledged before me on the _____ day of _____, 2022, by _____, as _____ of THE JENKS PUBLIC WORKS AUTHORITY, a Trust of the City of Jenks.

Notary Public

My Commission Expires: _____



DODSON - THOMPSON - MANSFIELD, PLLC

20 NE 38th Street, Phone: 405-601-7402, email: randym@dtm-ok.com
Oklahoma City, OK 73105 Fax: 405-601-7421

Surveying - Engineering - Earthwork

CERTIFICATE OF AUTHORIZATION NO: 6391 EXPIRES JUNE 30, 2022

To	Planning Commission
Hearing Date	January 06, 2022
Case Name	Dutch Brothers Coffee
Request(s)	Approval of Replat, Rezoning, Lot Split/Combination JZ 21-675 Rezoning from AG to CG JL 21-365 Lot Split
Location	305 S Elm
Applicant	Mitchell Reynolds

Staff Report

Preparer | Marcaé Hilton

Attachments

- ☐ Replat Documents
- ☐ Rezoning Map
- ☐ Lot Split/Combination Documents
- ☐ Other Filed Documents

Preparer

Mitchell Reynolds
Mitchell Reynolds
Mitchell Reynolds
Staff

Background Information

STAFF COMMENTARY | This application represents a request to finalize the necessary land use transactions required for the nearly completed drive through coffee shop on a property partially zoned CG “Commercial General.” The property is located east of Elm Street and northwest of Veterans Park. In the beginning of the project the applicant asked if the City of Jenks was interested in selling the additional area to the east, part of Veterans Park, this area was needed to accommodate the drive through and parking, at that time the City preferred to lease the parcel. Dutch Brothers Coffee and City Staff began the process of completing the lease agreement similar to the previous agreement with the flooring company. JPWA approved the request, the City finalized the agreement. Since that time, Dutch Brothers completed the platting requirement, ARC process and filed the necessary easement.

Several weeks ago, Staff was contacted by Dutch Brothers a second time, asking if the City was interested in selling the “leased area.” The City reconsidered and accepted the offer, this request triggered a new set of requirements: lot split/lot combination to separate the parcel from Veterans Park, replatting which acts as the lot combination, and rezoning. On, December 21, 2021, CC voted to approve the surplus property request (Resolution No. 2021-11) allowing Dutch Brothers to proceed with the purchase of the City parcel through the process of the Lot Split/Lot Combination as well as the replat and the required zoning.

Public Comment None at the time of this report

DUTCH BROTHERS PLANNING SUMMARY

ARC SUMMARY | June 03, 2021 | JZ 21—502 PC and Arc voted unanimously to approve the application for exterior elevations and signage as presented for the new coffee shop “Dutch Brothers”.

PC ORIGINAL FINAL PLAT SUMMARY | August 05, 2021 | PC voted 5-0-2 (Two PC Members absent) to approve the Preliminary/Final Plat for Dutch Brothers.

TAC ORIGINAL FINAL SUMMARY | August 08, 2021 | Staff received no comments from TAC, Staff received one release letter from COX Communications. The Engineer of Record worked closely with PSO on several issues.

CC ORIGINAL FINAL PLAT | August 17, 2021 | CC approved | Item on Consent Agenda

Plat Data

Name CVP DB Jenks Addition
Plat No. 7007 | Date File 12.01.2021
Acres 0.4565

Easement Data

No. 2021099428 | 08/25/2021

General Parcel Data

Parcel ID 983-198-319-08-360 (without additional lot split area)
Property Address 305 S ELM ST W
Legal N100 OF W240 OF S990 OF W 884.20 LT 6 LESS W20 FOR ST SEC 19 18 13
Gross Acres 0.51
Parcel COJ 983-198-319-08-520 (Veterans Park Parcel)
Zoning Type CG (Commercial General)

<i>Table 2. Bulk and Area Requirements in the Commercial Districts</i>	<i>CG Districts</i>
<i>Frontage (min. ft.)</i>	
—Arterial	150
—Not an Arterial (Order from car or Patio window on South)	50
<i>Floor Area Ratio (maximum)</i>	0.75
<i>Setback from centerline of abutting street (min. ft.)</i>	
—Arterial	N/A
—Not an Arterial	N/A
<i>Setback from an abutting R District boundary line (min. ft.)</i>	N/A
<i>Building Height (max. ft.)</i>	35
¹ Plus two feet of setback for each one-foot building height exceeding 15 feet, if the property is within an RE, RS, or RD District.	

Chapter 10 Use Units Table 1. Use Units Permitted in Commercial Districts		
No.	Name	CG
1.	Area wide Uses	X
2.	Area wide Specific Use	S
4.	Public Protection	X
5.	Community Services and Cultural Facilities	X
8.	Multifamily Dwellings and Similar uses	P
10.	Off-Street Parking Areas	X
11.	Offices and Studios	X
12.	Eating Places Other Than Drive-Ins	X
13.	Convenience Goods and Services	X
14.	Shopping Goods and Services	X
15.	Other Trades and Services	X
16.	Gasoline Service Stations	X
17.	Automotive and Allied Activities	X
18.	Drive-In Restaurants (Coffee Shop-Drive up and outside dining)	X
19.	Hotel, Motel, and Recreation Facilities	X
20.	Commercial Recreation, Intensive	S
21.	Business Signs and Outdoor Advertising	X
22.	Warehousing and Wholesaling	E
24.	Light Manufacturing and Industrial Research and Development	E
27.	Tattoo and Massage Parlors (Requiring Special Licensing, see Use Unit for Use conditions)	X
28.	(See Use Unit for Special Exception Criteria and Conditions)	E

Zoning Code

Sec. 1018. - Use Unit 18. Drive-in restaurants.

1018.1. Description. Eating establishments providing curb service or offering food or drink for on-premises consumption within parked motor vehicles, or permitting the on-premises consumption of food or drink within the parked motor vehicle or outside the principal structure.

1018.2. Included Uses. Drive-in restaurants.

1018.3. Use Conditions. The uses included in Use Unit 18, when located on a lot which is abutting an R district, shall be screened from the abutting R district by the erection and maintenance of a screening wall or fence along the lot line or lines in common with the R district.

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One Lot, One Block

0.6045 Acres

Lot Split Data JZ 21-365

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New Lot 0.1480 ACRES

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- Replat adding Veterans Park parcel.
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Approve | Replat

Approve | Lot Split/Combo JL 21-365

Approve | Rezoning JZ 21-675

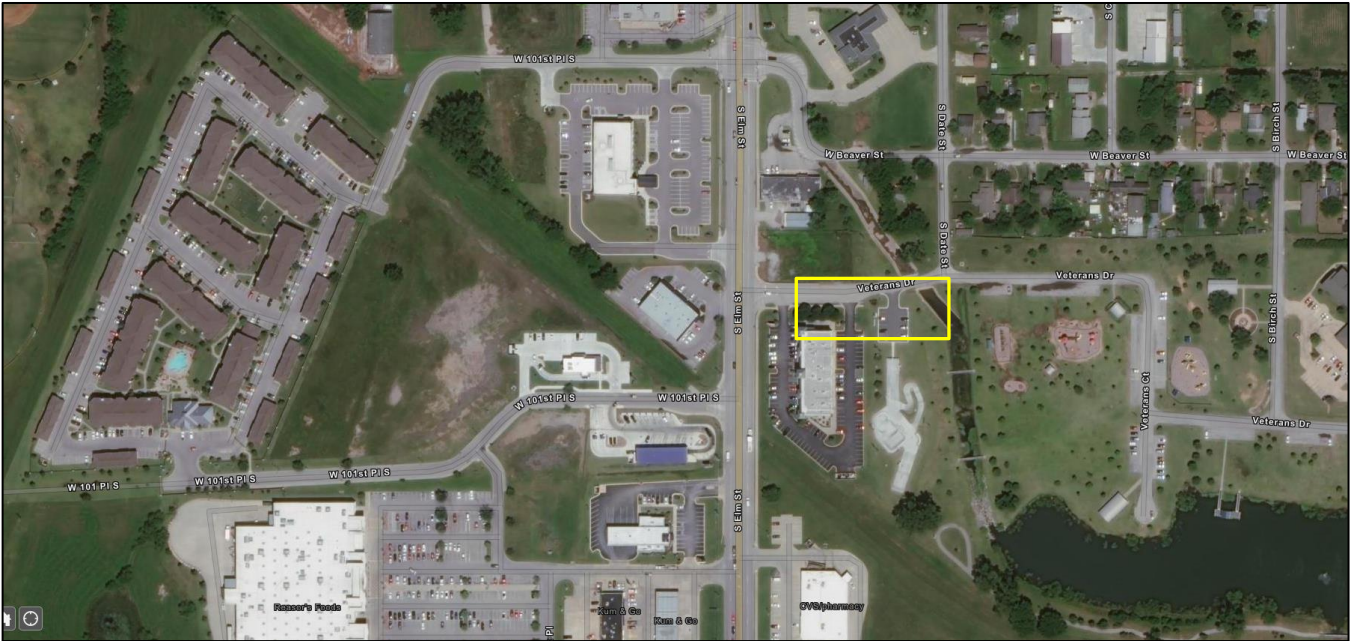


Figure 1: Aerial View of Lot and City Property



Figure 2: Google Earth View of Vacant Lot



Figure 3: Google Earth view from corner



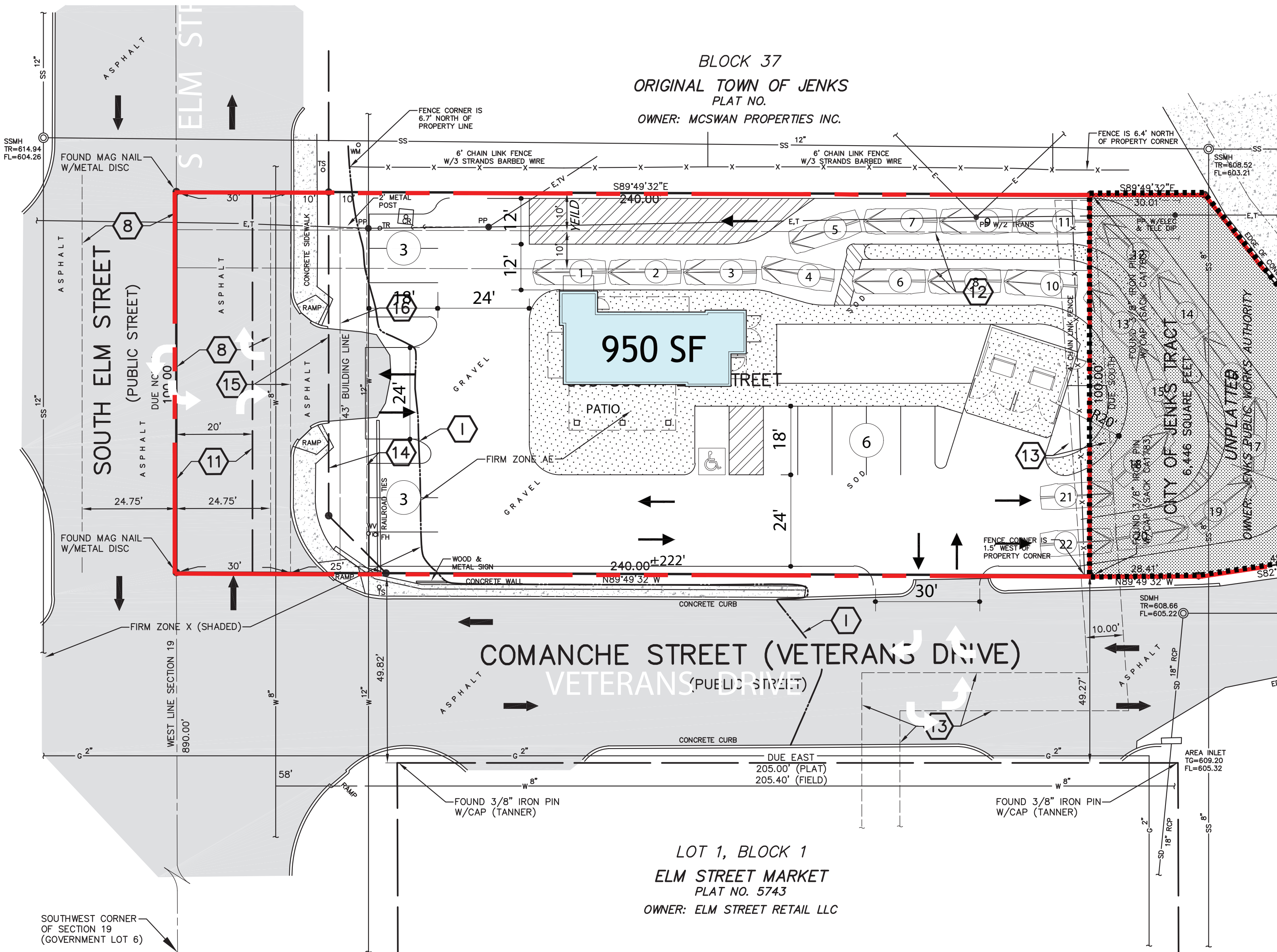
Figure 4: Old Google Earth view of City portion of lot



Figure 5: Google Earth View including Creek Turnpike

RECOMMENDATION | Staff recommends conditional approval of the Preliminary/Final Plat. Final approval requires all comments to be addressed prior to filing. Staff recommends approval of Lot Split and rezoning.

1. Approve | Replat
2. Approve | Lot Split/Combo JL 21-365
3. Approve | Rezoning JZ 21-675 | AG to CG



Legal Description

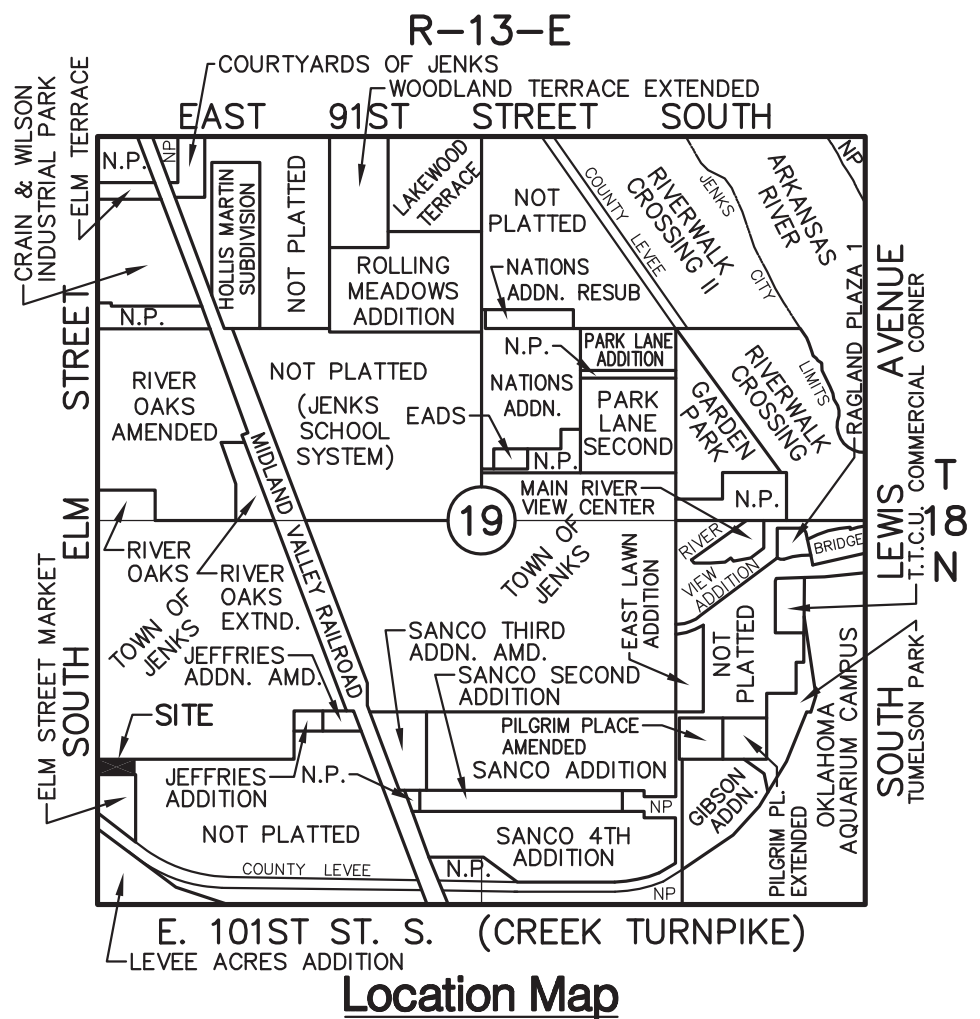
305 SOUTH ELM STREET

THE NORTH 100 FEET OF THE WEST 240 FEET OF THE SOUTH 990 FEET OF THE WEST 884.20 FEET OF LOT SIX (6), SECTION NINETEEN (19), TOWNSHIP EIGHTEEN (18) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF.

CITY OF JENKS TRACT — COMMERCIAL LEASE

A TRACT OF LAND THAT IS PART OF UNITED STATES GOVERNMENT LOT 6 IN SECTION 19, T-18-N, R-13-E, OF THE INDIAN BASE AND MERIDIAN, CITY OF JENKS, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING AT A POINT THAT IS THE SOUTHWEST CORNER OF SAID LOT 6; THENCE DUE NORTH ALONG THE WESTERLY LINE OF LOT 6 FOR 990.00 FEET; THENCE S 89°49'32" E AND PARALLEL WITH THE SOUTHERLY LINE OF LOT 6 FOR 240.00 FEET TO THE "POINT OF BEGINNING" OF SAID TRACT OF LAND; THENCE CONTINUING S 89°49'32" E FOR 30.01 FEET; THENCE S 38°21'56" E FOR 81.32 FEET; THENCE S 27°28'43" E FOR 29.70 FEET; THENCE S 80°07'33" W FOR 21.01 FEET; THENCE S 82°04'28" W FOR 45.51 FEET; THENCE N 89°49'32" W FOR 28.41 FEET; THENCE DUE NORTH AND PARALLEL WITH THE WESTERLY LINE OF LOT 6 FOR 100.00 FEET TO THE "POINT OF BEGINNING" OF SAID TRACT OF LAND.



Legend

E	OVERHEAD ELECTRIC LINE
UE	UNDERGROUND ELECTRIC CABLE
GS	GAS LINE
SD	STORM DRAIN LINE
SS	SANITARY SEWER LINE
T	OVERHEAD TELEPHONE LINE
UT	UNDERGROUND TELEPHONE CABLE
W	OVERHEAD CABLE T.V. WATER LINE
MH	MANHOLE
EMH	ELECTRIC MANHOLE
GMH	GAS MANHOLE
SDMH	STORM DRAIN MANHOLE
SSMH	SANITARY SEWER MANHOLE
TMH	TELEPHONE MANHOLE
A/C	AIR CONDITIONER
CO	SANITARY SEWER CLEANOUT
CR	CABLE T.V. RISER
EB	ELECTRIC BOX
EM	ELECTRIC METER
ER	ELECTRIC RISER
FIH	FIRE HYDRANT
FP	FLAG POLE
GL	GROUND LIGHT
GM	GAS METER
GP	GUARD POST
GA	GUY ANCHOR
GR	GAS RISER
GV	GAS VALVE
ICB	IRRIGATION CONTROL BOX
ICV	IRRIGATION CONTROL VALVE
LI	SANITARY SEWER LAMPHOLE
LP	LIGHT POLE
LPS	LIGHT POLE WITH BASE
PM	PARKING METER
UP	UTILITY POLE
RD	ROOF DRAIN
SH	SPRINKLER HEAD
TI	TRAFFIC SIGNAL
TR	TELEPHONE RISER
TS	TRAFFIC SIGN
TSB	TRAFFIC SIGNAL CONTROL BOX
WM	WATER METER
WH	WATER HYDRANT
WV	WATER VALVE
BW	BASE OF WALL
DGDI	DOUBLE GRATE DROP INLET
FF	FINISHED FLOOR
FL	FLOWLINE
G	GUTTER
P	PATIO
PL	PLANTER
RCB	REINFORCED CONCRETE BOX
RCP	REINFORCED CONCRETE PIPE
SOJB	STORM DRAIN JUNCTION BOX
SDI	SINGLE GRATE DROP INLET
TC	TOP OF CURB
TO	TOP OF GRADE
TR	TOP OF RIM
TW	TOP OF WALL
ET	ELECTRIC TRANSFORMER
1	PARKING SPACES
1	TREE
1	REFERS TO NOTE NUMBER

Utility Statement

THE UNDERGROUND UTILITIES SHOWN ON THIS PLAT HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR, FURTHER, DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ON THIS PLAT ARE IN THE EXACT LOCATION INDICATED; ALTHOUGH, HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES. CALL OKIE BEFORE DIGGING (800) 522-6543.

Certificate

WE, SACK AND ASSOCIATES, INC., DO HEREBY CERTIFY TO:

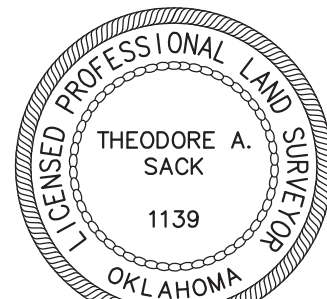
COLE VALLEY PARTNERS, LLC,
AN ARIZONA LIMITED LIABILITY COMPANY
ANN-MARIE PARSONS
AMERICAN EAGLE TITLE INSURANCE COMPANY
COUNTERSIGNED BY ELITE TITLE SERVICES, LLC
CVP - JENKS DB, LLC
BANKERS TRUST COMPANY,
AN IOWA STATE CHARTERED BANK

THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, EFFECTIVE FEBRUARY 23, 2021, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 7(a), 7(b), 7(c), 8, 9, 13, 16 AND 17 OF TABLE A THEREOF. THE FIELDWORK WAS COMPLETED ON APRIL 26, 2021.

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

CERTIFIED THIS 11TH DAY OF MAY, 2021.

SACK AND ASSOCIATES, INC.



BY *Theodore A. Sack*
THEODORE A. SACK
LICENSED PROFESSIONAL LAND
SURVEYOR, OKLAHOMA NO. 1139

DATE SIGNED: 4-1-2021

REVISED 6/1/2021 G328B CDH/TAS
UPDATED 5/11/2021 G328B CDH/TAS

Title Commitment Notes

- SECTION LINE ROAD RIGHTS OF WAY ALONG THE WEST BOUNDARY OF THE SUBJECT PROPERTY, AS PLOTTED HEREON.
- RIGHT OF WAY AND RELEASE OF DAMAGES IN FAVOR OF MIDLAND VALLEY RAILROAD COMPANY AND GULF PIPE LINE COMPANY, FILED MAY 9, 1907, RECORDED IN BOOK 13, PAGE 312, BLANKET IN NATURE, HOWEVER THERE ARE NO RAILROAD TRACTS ON THE SUBJECT PROPERTY.
- TERMS, CONDITIONS, AND PROVISIONS OF AGREEMENT BY AND BETWEEN MIDLAND VALLEY RAILROAD COMPANY AND GULF PIPE LINE COMPANY, FILED SEPTEMBER 2, 1909, RECORDED IN BOOK 70, PAGE 117, BLANKET IN NATURE, HOWEVER THERE ARE NO RAILROAD TRACTS ON THE SUBJECT PROPERTY.
- 20' WIDE DEED OF DEDICATION IN FAVOR OF THE PUBLIC, FILED APRIL 18, 1956, RECORDED IN BOOK 2677, PAGE 168.
- SANITARY SEWER EASEMENT IN FAVOR OF TOWN OF JENKS, OKLAHOMA, FILED DECEMBER 28, 1967, RECORDED IN BOOK 3833, PAGE 1058, AS PLOTTED HEREON.
- RIGHT OF WAY AGREEMENT IN FAVOR OF OKLAHOMA NATURAL GAS COMPANY, FILED FEBRUARY 24, 1969, RECORDED IN BOOK 3880, PAGE 657, AS PLOTTED HEREON.
- UTILITY EASEMENT IN FAVOR OF CITY OF JENKS, FILED DECEMBER 2, 2004, RECORDED AS DOCUMENT NO. 2004144195, AS PLOTTED HEREON.
- EASEMENT FOR PUBLIC HIGHWAY IN FAVOR OF CITY OF JENKS, FILED DECEMBER 2, 2004, RECORDED AS DOCUMENT NO. 2004144196, AS PLOTTED HEREON.
- RESTRICTIVE COVENANTS, CONDITIONS, AND RESTRICTIONS RECORDED IN BUILDING 43' SET-BACK COVENANT, FILED APRIL 30, 1956, RECORDED IN BOOK 2681, PAGE 82, BUT DELETING ANY COVENANT, CONDITION OR RESTRICTION INDICATING A PREFERENCE, LIMITATION, OR DISCRIMINATION BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILIAL STATUS, NATIONAL ORIGIN, SEXUAL ORIENTATION, MARITAL STATUS, ANCESTRY, SOURCE OF INCOME OR DISABILITY, TO THE EXTENT SUCH COVENANTS, CONDITIONS OR RESTRICTION VIOLATE TITLE 42 SECTION 360-4(c) OF THE UNITED STATES CODE, AS PLOTTED HEREON.

Miscellaneous Notes

- ALL EASEMENTS AND RIGHTS OF WAY CALLED OUT IN AMERICAN EAGLE TITLE INSURANCE COMPANY COUNTERSIGNED BY ELITE TITLE SERVICES, LLC COMMITMENT NUMBER 21-04-0893, WITH EFFECTIVE DATE OF APRIL 22, 2021, ARE SHOWN OR NOTED HEREON.
- THE BEARINGS SHOWN HEREON ARE BASED ON THE WESTERLY LINE OF SECTION 19, T-18-N, R-13-E, HAVING AN ASSUMED NON-ASTRONOMICAL BEARING OF DUE NORTH.
- THE PROPERTY DESCRIBED HEREON CONTAINS 24,000 SQUARE FEET OR 0.5510 ACRES.
- ALL CORNERS WERE SET USING A 3/8"x18" IRON PIN WITH A YELLOW CAP STAMPED "SACK LS 1139" OR "SACK CA 1783", UNLESS OTHERWISE NOTED.
- WE HAVE EXAMINED A MAP BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FLOOD INSURANCE RATE MAP, TULSA COUNTY, OKLAHOMA AND INCORPORATED AREAS, MAP NUMBER 40143C0463 L WITH A REVISED DATE OF OCTOBER 16, 2012, WHICH SHOWS THE PROPERTY DESCRIBED HEREON IS LOCATED IN ZONE AE WHICH IS CLASSIFIED AS AN AREA THAT IS INSIDE THE LIMITS OF THE 1% ANNUAL CHANCE FLOOD, AND ZONE X (SHADED) WHICH IS CLASSIFIED AS AN AREA THAT IS BETWEEN THE LIMITS OF THE 1% AND 0.2% ANNUAL CHANCE FLOODS.
- THERE ARE NO STRIPED PARKING SPACES.
- THERE IS NO OBSERVABLE EVIDENCE OF EARTH MOVING WORK OR RECENT BUILDING CONSTRUCTION.
- THERE IS NO OBSERVABLE EVIDENCE THAT THE SITE HAS BEEN USED FOR A SOLID WASTE DUMP, SUMP, OR SANITARY LANDFILL.
- 100 YEAR FLOOD ELEVATION PER FEMA MAP NUMBER 40143C0463 L WITH A REVISED DATE OF OCTOBER 16, 2012 IS 612.00 (NAVD 88 DATUM).

ALTA/NSPS LAND TITLE SURVEY OF PART OF U.S. GOVERNMENT LOT 6 SECTION 19, T-18-N, R-13-E CITY OF JENKS, TULSA COUNTY, OKLAHOMA



SACK AND ASSOCIATES, INC.
• ENGINEERING • SURVEYING • PLANNING
3530 East 31st Street South, Suite A, Tulsa, Oklahoma 74135-1519
Ph: 918.592.4111 Fax: 918.592.4229 E-mail: sai@sackandassociates.com
CA Number: 1783 (PE/LS)

SURVEY	KG	BOOKS	5674	SCALE	1"=20'	DATE	06/2017
DRAWN	BAB/CDH	CHECKED	RLM	ORDER	G328A	FILE	1813.19
PROJECT NAME				COMANCHE AND ELM-A			
DRAWING NAME				ALTA01D			
PLOTTED				JUNE 01, 2021 AT 3:34 PM			
DRAWER							
XREFS				COPYRITE S-2234 SEAL-TAS T-SAI1			
SHEET				1 OF 1			



**Jenks Public Works Authority
Resolution #2021-11**

A RESOLUTION DECLARING CERTAIN REAL PROPERTY TO BE SURPLUS TO THE NEEDS OF THE AUTHORITY; APPROVING SALE OF PROPERTY TO CVP-JENKS DB, LLC IN THE AMOUNT OF \$22,500.00; AUTHORIZING THE CITY MANAGER TO EXECUTE CONTRACT DOCUMENTS; AUTHORIZING THE MAYOR TO EXECUTE A DEED.

WHEREAS, certain property located behind 305 S. Elm St. ("Property") owned by the Jenks Public Works Authority (the "Authority") consisting of a 6,446 square foot tract of land north of Veterans Drive that is a remnant from previous public improvements, is of an unusual shape, and would not likely be independently marketable; and

WHEREAS, that Property is more fully described on Exhibit A hereto;

WHEREAS, on June 4, 2021, the Authority entered a commercial lease with CVP-JENKS DB, LLC to lease the Property for the purpose of a drive-in (drive-thru) restaurant – a Dutch Bros Coffee location — for an initial term of 15 years for \$22,500.00;

WHEREAS, CVP-JENKS DB, LLC has requested to purchase the Property in conjunction with developing the site for a Dutch Bros Coffee location;

WHEREAS, the Authority follows the City of Jenks surplus property procedures. Section 7-2-6(B)(3) of the Jenks City Code states that surplus real property that is a remnant or not of standard size or shape of surrounding privately owned properties or is otherwise not independently developable/marketable may be sold to an adjoining property owner at fair market value;

WHEREAS, the property has been appraised by an independent licensed real estate appraiser as having a fair market value of \$21,000.00 (a copy of the appraisal is attached hereto as Exhibit A); and

NOW, THEREFORE, BE IT RESOLVED by the Trustees of the Jenks Public Works Authority that the Property is hereby declared surplus and no longer needed for public purpose.

BE IT FURTHER RESOLVED, that the property may be sold to CVP-JENKS DB, LLC for \$22,500.00.

BE IT FURTHER RESOLVED, that the General Manager is authorized to execute all related contract documents and the Chairperson is authorized to execute the deed.

DONE, RATIFIED, AND PASSED THIS 21st Dec **DAY OF** Dec, 2021.



Cory Box, Chairperson

JENKS PUBLIC WORKS AUTHORITY

ATTEST:



Authority Secretary

To	Planning Commission
Hearing Date	January 06, 2022
Case Number	PT 22-001
Request	Recommendation of a Plat Waiver for PUD 130
Location	9330 S. Elwood Avenue
Applicant	Robert Bell, Bell Land Use

Staff Report

Preparer | Marcaé Hilton; BM

Attachments

☐ Site Plan

Preparer

Robert Bell

Background Information

STAFF COMMENTARY | In September of 2021, Robert Bell has submitted a rezoning and PUD application on behalf of Ozgul Development company. Their request to change the zoning from AG (Agriculture) to CS (Commercial Shopping) and add a Planned Unit Development overlay with prescribed restrictions was approved by City Council on September 21, 2021 (Ordinance No. 1563). Currently the lot has served as a large Agriculture zoned Single-family residence with some livestock from time to time. The applicant has informed the City the lot will not be developed at this time per the approved PUD 130. The owner has a new buyer who needs an office use immediately upon selling their current office space. The buyer plans to retrofit the existing residential structure and add parking. The details of the site plan are still under consideration.

PLANNING DATA

Current Zoning	PUD 130 & CS Planned Unit Development & Commercial Shopping
Intended Use	Commercial Retail , Office, Warehousing
Parcel ID	98223822307380
Property Address	9330 S ELWOOD AV W
General Location	West of Elwood and North of Main Street
Legal	PRT E/2 NE BEG 995N SECR NE TH W543 N401.11 E543 S401.11 LESS S200.56 THEREOF & LESS E50 FOR RD SEC 23 18 12

Gross Acres 2.27

STR Section 23, Township 18, Range 12

Comprehensive Plan Business Park | requested use is compatible with Comprehensive Plan

Plat Unplatted (Platting required at full development)

Appearance District Corridor Appearance (PUD was the ARC approval mechanism)

Public Comment None | Plat waivers are not advertised

Chapter 10 Use Units Sec. 610. - Principal uses permitted in commercial districts.		Districts			
No.	Name	LC	CS	PUD 130	CG
1.	Area wide Uses	X	X	X	X
2.	Area wide Specific Use	S	S	NA	S
4.	Public Protection	X	X	X	X
5.	Community Services and Cultural Facilities	X	X	X	X
8.	Multifamily Dwellings and Similar uses		P	NA	P
10.	Off-Street Parking Areas		X	X	X
11.	Offices and Studios	X	X	X	X
12.	Eating Places Other Than Drive-Ins		X	X	X
13.	Convenience Goods and Services	X	X	X	X
14.	Shopping Goods and Services		X	X	X
15.	Other Trades and Services			X	X
16.	Gasoline Service Stations		X	X	X
17.	Automotive and Allied Activities		E	NA	X
18.	Drive-In Restaurants			NA	X
19.	Hotel, Motel, and Recreation Facilities		X	X	X
20.	Commercial Recreation, Intensive			NA	S
21.	Business Signs and Outdoor Advertising		X	X	X
22.	Warehousing and Wholesaling			X	E
24.	Light Manufacturing and Industrial Research and Development			NA	E
27.	Tattoo and Massage Parlors (Requiring Special Licensing, see Use Unit for Use conditions)			NA	X
28.	(See Use Unit for Special Exception Criteria and Conditions)			NA	E
¹ X = Use by Right.					
E = Special Exception-unless use is specifically identified on Specific Use List.					
S = Specific Use - see Use Unit 2 and Chapter 17.					
P = Requires Planned Unit Development Application due to Mixed Use Requirements.					

Table 2.Bulk and Area Requirements in the Commercial Districts	Districts			
	LC	CS	PUD 130	CG
Frontage (min. ft.) —Arterial ELWOOD SECONDARY ARTERIAL	150	150	200+-	150
Floor Area Ratio (maximum) The floor area of a building or buildings on a lot divided by the lot area.	0.25	0.50	0	0.75
Setback from centerline of abutting street —ELWOOD SECONDARY ARTERIAL	50	50	35 10 5	50
Setback from an abutting R District boundary line (min. ft.)	10 ¹	10 ¹	30++	10 1
Building Height (max. ft.)	35	35	35	35
¹ Plus two feet of setback for each one foot building height exceeding 15 feet, if the property is within an RE, RS, or RD District.				
++ Onsite Detention Rear yard setback cannot be adjusted without a new public hearing				

Screening Fence	Six (6) foot opaque located along North and West Property Lines adjacent to Residential uses (Required)
Lighting	Shielded down away from residential (Required) • Street and Parking no greater than 19 ft. tall • Approved by City Staff
Signage	1 Development sign along Elwood (No change) Wall Signs along Elwood Per CS code Interior signage (not applicable at this time) • 1 Wall or Canopy Sign Per business • 1 square ft. per linear foot of building wall • Cannot extend above building wall or parapet • Private covenants may exceed PUD restrictions Construction Sign (may not be applicable) • 24 months • Erected along Elwood • 400 sq. ft. max • Less than 15 feet • Constant light • Parking
Parking	Office Warehouse • 1/400 square feet of office area • 1/1200 square feet of warehouse area (Not applicable at this time)
Elevations	75% Masonry (applicable at time of full development)
Storage	Outside Storage is prohibited (No change)
Drainage and Utilities (still applicable)	

All public Utilities are available

Stormwater | Email Response 9.3.21 | Marcaé Hilton, City Planner

PC, STAFF, BLIND COPIED

Good Morning Ms. Oakes,

Thank you for the email. Please find the attached PUD and application.

1. *As previously stated Staff is aware of the required platting notation. The required language will be included in the Deed of Dedication during the time of platting.*

A. This is a zone change request and action will be taken according to our City Code. Staff, PC, CC consideration: Do we believe the proposed use meets the intent of

the Comprehensive Plan and the goals of the City? Developers/land owners rarely spend the money engineering for information/research regarding drainage at this level of conversation (prior to a zoning hearing). Drainage is part of an engineering process and is remedied according to the ordinances and laws that are in place. The drainage discussion is between licensed professional engineers who stamp their documents attesting to the accuracy of their plans.

B. The PC hearing will not entertain drainage conversations during their hearing.

C. Citizens are allowed to present information at this hearing for later review by the City Engineer who will likely share the information to relevant engineers and other staff during the Earth Change permit process and other engineering processes, I do not encourage a response at the PC or CC hearing due to the technical nature and attention to detail required for accuracy.

2. Aesthetics and other issues:

a. This property is subject to ARC (Corridor Appearance District) approval due to its location along Elwood, aesthetics will be considered.

b. Screening is required along the perimeter, landscaping will be considered, but there are restrictions from the Fire Department (Public Safety) and utility companies on the type of trees which are allowed.

c. Building Heights, noise and light disturbances will be addressed.

Zoning Surrounding:

North: CS | Commercial Shopping | Partially undeveloped

South: CG | Commercial General | Under development

West: RS-2 | Single-family Residential (South Lakes Villas) | developed

East: AG | Agriculture | Golf Course

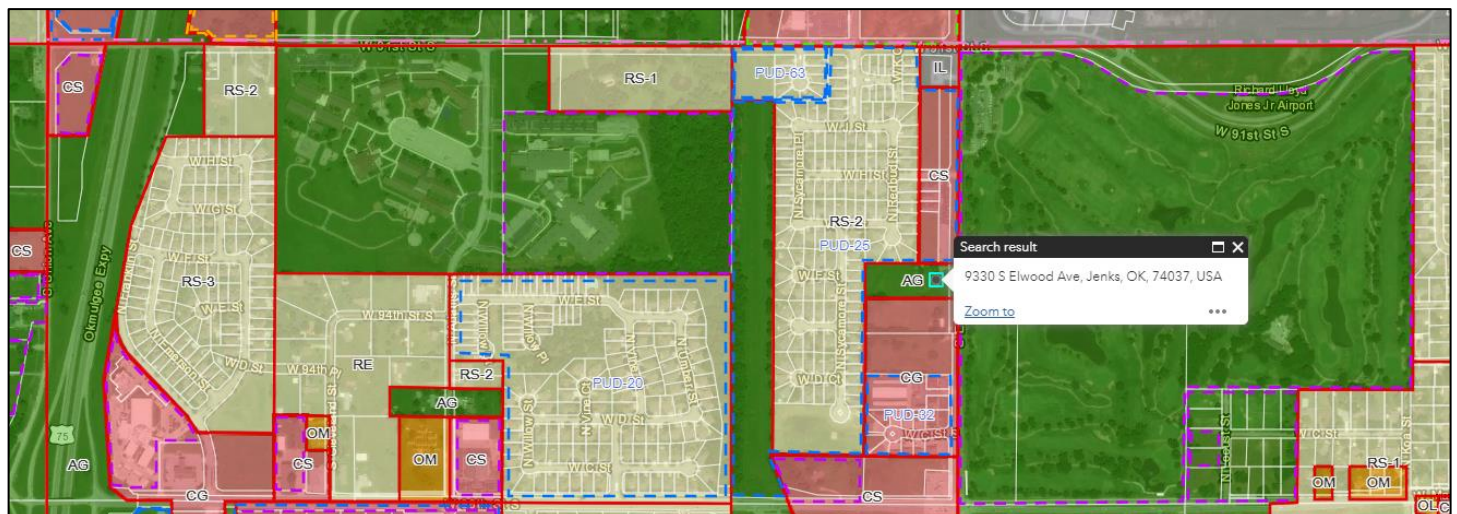


Figure 1: ZONING MAP

EVALUATION | The original PUD 130 request was compatible with the current Comprehensive Plan. The new request to retrofit the residential structure and lot for an office use also fits the Comp Plan; staff does not believe the new requested use will pose an adverse effect to the surrounding properties. The Business Park concept is still an option for future development, but Staff understands the site will not move forward with redevelopment at this time.

Approving this plat waiver request will allow the new owner to use the existing residential structure for an office purpose. This proposed use does not void the approved PUD or any applicable conditions of PUD 130. Staff highlighted some of the impacts of the PUD on the proposed office use.

STAFF COMMENTS

1. This request is a Plat Waiver
 - a. Platting is still required upon issuance of a “new building” permit.
 - b. Platting is still required if the current structure is substantially improved or enlarged.
 - c. Platting is still required for redevelopment.
2. Contact the City staff for next steps on parking and site plan requirements.
3. Landscaping adjacent to Residential Property lines is required including a minimum of One (1) 2-inch caliper (approved) evergreen every 25 feet.
4. Landscaping and signage guidelines shall follow the soon to be adopted UDO.
5. Staff acknowledges the approved PUD 130 site plan is not relevant at this time, this is a retrofit of a residential structure for office uses.

RECOMMENDATION | *Approve the Plat Waiver with conditions as seen in staff comments.*

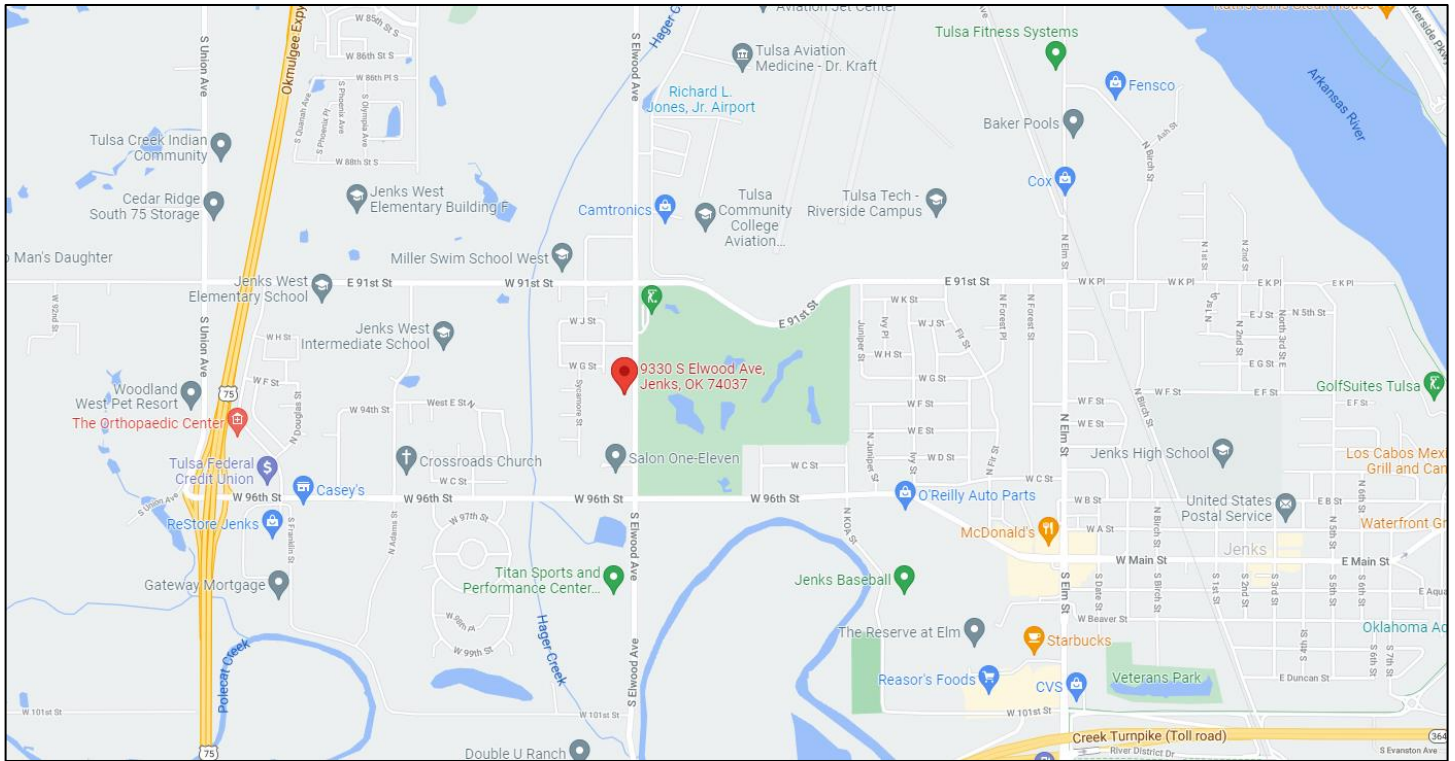


Figure 2: General Area



Figure 3: Pic of homestead

Legend

AC AIR CONDITIONING UNIT
AT&T AT&T COMMUNICATIONS
BBG BASKETBALL GOAL
CO SANITARY SEWER CLEAN-OUT
DIP ELECTRIC DIP
EB ELECTRIC BOX
EM ELECTRIC METER
GLT GROUND LIGHT
GM GAS METER
LP LIGHT POLE
OE OVERHEAD ELECTRIC
OT OVERHEAD TELEPHONE
PP POWER POLE
SS SANITARY SEWER
SSMH SANITARY STORM DRAIN MANHOLE
UG UNDERGROUND GAS
WM WATER METER
O FOUND 3/8" IRON PIN
● SET 3/8" IRON PIN

Corner of Fence is 0.7' North and 1.1' East of Boundary Corner

Corner of Fence is 10.2' North and 1.8' West of Boundary Corner

Corner of Fence is 11.1' North and 1.5' East of Boundary Corner

Corner of Fence is 2.9' North and 5.0' East of Boundary Corner

Corner of Fence is 0.5' North of Boundary Line

Corner of Fence is 0.2' South of Boundary Line

Southeast Corner of NE/4 Section 23 (Point of Commencement)

Less and Except

Less and Except (Right of Way)

Less and Except (Right of Way)

Exceptions

- EASEMENT AND RIGHT OF WAY IN FAVOR OF THE OKLAHOMA POWER COMPANY, A CORPORATION, DATED AUGUST 12, 1926, FILED DECEMBER 30, 1926, AND RECORDED IN THE OFFICE OF THE TULSA COUNTY CLERK IN BOOK 598 AT PAGE 160; EXCEPT TO THE EXTENT RELEASED BY PARTIAL RELEASE OF EASEMENT, DATED MAY 20, 1985, FILED MAY 22, 1985, AND RECORDED IN BOOK 4864 AT PAGE 840. (AFFECTS SUBJECT PROPERTY AS SHOWN)
- RIGHT OF WAY DEED IN FAVOR OF TULSA COUNTY, STATE OKLAHOMA, DATED APRIL 16, 1928, FILED APRIL 24, 1928, AND RECORDED IN THE OFFICE OF THE TULSA COUNTY CLERK IN BOOK 675 AT PAGE 459. (DOES NOT AFFECT SUBJECT PROPERTY)
- RIGHT OF WAY AGREEMENT IN FAVOR OF OKLAHOMA NATURAL GAS COMPANY, A CORPORATION, DATED OCTOBER 17, 1951, FILED OCTOBER 24, 1951, AND RECORDED IN THE OFFICE OF THE TULSA COUNTY CLERK IN BOOK 2241 AT PAGE 444; EXCEPT TO THE EXTENT RELEASED BY PARTIAL RELEASE OF RIGHT-OF-WAY, DATED APRIL 19, 1967, FILED MAY 3, 1967, AND RECORDED IN BOOK 3805 AT PAGE 1414; ASSIGNED BY ASSIGNMENT AND ASSUMPTION OF REAL PROPERTY INTERESTS IN FAVOR OF ONE GAS, INC., AN OKLAHOMA CORPORATION, DATED JANUARY 27, 2014, FILED FEBRUARY 7, 2014, AND RECORDED AS DOCUMENT NO. 2014010512. (AFFECTS SUBJECT PROPERTY AS SHOWN)
- RIGHT OF WAY AGREEMENT IN FAVOR OF CHEROKEE PIPE LINE COMPANY, A DELAWARE CORPORATION, DATED JANUARY 13, 1958, FILED JANUARY 27, 1958, AND RECORDED IN THE OFFICE OF THE TULSA COUNTY CLERK IN BOOK 2842 AT PAGE 493; ASSIGNED BY ASSIGNMENT, IN FAVOR OF CONOCO PIPE LINE COMPANY, A DELAWARE CORPORATION DATED MAY 1, 1996, FILED DECEMBER 27, 1996, AND RECORDED IN BOOK 5872 AT PAGE 1648; ASSIGNED BY ASSIGNMENT AND ASSUMPTION AND BILL OF SALE AGREEMENT, IN FAVOR OF PHILLIPS PIPELINE COMPANY EAGLE 2 LLC, A DELAWARE LIMITED LIABILITY COMPANY, DATED OCTOBER 14, 2016, FILED SEPTEMBER 29, 2017, AND RECORDED AS DOCUMENT NO. 2017090257. (AFFECTS SUBJECT PROPERTY AS SHOWN)
- PIPE LINE RIGHT OF WAY FOR NATURAL GAS LINE IN FAVOR OF AKER OIL& GAS COMPANY, A CORPORATION, DATED NOVEMBER 12, 1957, FILED DECEMBER 22, 1958, AND RECORDED IN THE OFFICE OF THE TULSA COUNTY CLERK IN BOOK 2927 AT PAGE 631. (AFFECTS SUBJECT PROPERTY AS A BLANKET)
- DEDICATION DEED IN FAVOR OF THE PUBLIC, DATED SEPTEMBER 2, 1976, FILED SEPTEMBER 14, 1976, AND RECORDED IN THE OFFICE OF THE TULSA COUNTY CLERK IN BOOK 4231 AT PAGE 1315. (AFFECTS SUBJECT PROPERTY AS A BLANKET)
- EASEMENT IN FAVOR OF THE PUBLIC, DATED APRIL 30, 1981, FILED MAY 11, 1981, AND RECORDED IN THE OFFICE OF THE TULSA COUNTY CLERK IN BOOK 4543 AT PAGE 2791. (AFFECTS SUBJECT PROPERTY AS A BLANKET)
- RIGHT OF WAY EASEMENT IN FAVOR OF CREEK COUNTY RURAL WATER DISTRICT #2, DATED JUNE 3, 1966, FILED JUNE 3, 1966, AND RECORDED IN THE OFFICE OF THE TULSA COUNTY CLERK IN BOOK 3877 AT PAGE 171. (AFFECTS SUBJECT PROPERTY AS A BLANKET)
- SUBSCRIPTION AND RIGHT-OF-WAY AGREEMENT IN FAVOR OF CREEK COUNTY RURAL WATER DISTRICT NO. 2, DATED MAY 19, 1970, FILED MARCH 1, 1972, AND RECORDED IN THE OFFICE OF THE TULSA COUNTY CLERK IN BOOK 4007 AT PAGE 822; EXCEPT TO THE EXTENT RELEASED BY PARTIAL RELEASE OF EASEMENT, DATED AUGUST 7, 1984, FILED AUGUST 30, 1984, AND RECORDED IN BOOK 4814 AT PAGE 425. (DOES NOT AFFECT SUBJECT PROPERTY)
- UNDERGROUND RIGHT OF WAY EASEMENT IN FAVOR OF PUBLIC SERVICE COMPANY OF OKLAHOMA, DATED AUGUST 4, 1972, FILED AUGUST 16, 1972, AND RECORDED IN THE OFFICE OF THE TULSA COUNTY CLERK IN BOOK 4030 AT PAGE 537. (AFFECTS SUBJECT PROPERTY AS A BLANKET)

Utility Statement

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED ALL UNDERGROUND UTILITIES.



Notes

- ALL EASEMENTS AND RIGHTS OF WAY THAT ARE CONTAINED IN THE TITLE COMMITMENT BY FIDELITY NATIONAL TITLE INSURANCE COMPANY, WITH AN EFFECTIVE DATE OF AUGUST 4, 2021 AT 7:59 AM, COMMITMENT NO: 21-0279SW, ARE SHOWN AND NOTED HEREON.
- THIS FIRM WAS NOT CONTRACTED TO RESEARCH EASEMENTS OR ENCUMBRANCES OF RECORD. NO ATTEMPT TO RESEARCH THE COUNTY RECORDS OR OTHER RECORD OFFICES WAS PERFORMED BY THIS FIRM, THEREFORE EASEMENTS MAY AFFECT THE SUBJECT TRACT THAT ARE NOT REFLECTED BY THIS PLAT.
- ALL UNDERGROUND UTILITIES MAY NOT BE SHOWN. (CALL "OKIE" BEFORE DIGGING!).
- THE PROPERTY DESCRIBED HEREON CONTAINS 98,871 SQUARE FEET OR 2.27 ACRES MORE OR LESS.
- THE PROPERTY DESCRIBED HEREON CONTAINS NO STRIPED PARKING AREAS.
- THE PROPERTY DESCRIBED HAS BEEN EXAMINED BY A MAP OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP, TULSA COUNTY, OKLAHOMA, MAP NO. 40143C0363J, MAP REVISED: OCTOBER 16, 2012, WHICH SHOWS THE ENTIRE PORTION OF THE PROPERTY DESCRIBED HEREON AS LOCATED IN ZONE (X) SHADED WHICH IS CLASSIFIED AS AREAS DETERMINED TO BE INSIDE OF THE 0.2% ANNUAL CHANCE FLOOD PLAIN, AREAS OF 1% CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD.
- THE BASIS OF BEARING IS BASED ON THE EAST LINE OF SECTION TWENTY-THREE (23) AS BEING S01°02'41"E.
- THERE IS NO OBSERVED EVIDENCE OF THE SITE BEING USED AS A SOLID WASTE DUMP, SUMP OR SANITARY LANDFILL.
- THERE IS NO OBSERVED EVIDENCE OF THE SITE BEING IN A WETLAND AREA.
- THERE IS NO OBSERVED EVIDENCE OF EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS WITHIN RECENT MONTHS.
- THE HORIZONTAL DATUM FOR THIS SURVEY IS BASED OKLAHOMA STATE PLANE NAD83.

Legal Description

A TRACT OF LAND SITUATED IN THE EAST HALF OF THE NORTHEAST QUARTER (E/2 NE/4) OF SECTION TWENTY-THREE (23), TOWNSHIP EIGHTEEN (18) NORTH, RANGE TWELVE (12) 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:

BEGINNING AT A POINT 995 FEET NORTH OF THE SOUTHEAST CORNER OF SAID NE/4; THENCE WEST AND PARALLEL TO THE SOUTH LINE OF SAID NE/4 A DISTANCE OF 543 FEET; THENCE NORTH AND PARALLEL TO THE EAST LINE OF SAID NE/4 A DISTANCE OF 401.11 FEET; THENCE EAST AND PARALLEL TO THE SOUTH LINE OF SAID NE/4 A DISTANCE OF 543 FEET TO POINT ON THE EAST LINE OF SAID NE/4; THENCE SOUTH 401.11 FEET TO THE POINT OF BEGINNING.

LESS THE SOUTH 200.56 FEET THEREOF AND LESS THE EAST 50.0 FEET FOR ROAD RIGHT-OF-WAY.

ALTA/NSPS LAND TITLE SURVEY

of part of

E/2 NE/4

Section 23, T-18-N, R-12-E

9330 S. Elwood

City of Jenks, Tulsa County, Oklahoma

Surveyor's Certification

WE, BENNETT SURVEYING, INC. DO HEREBY CERTIFY TO:
COMMERCIAL TITLE & ESCROW SERVICES, INC.
FIDELITY NATIONAL TITLE INSURANCE COMPANY
NICK OZGUL AND JENNIFER OZGUL
TRACY JOE LEWIS AND ANNA MARIA LEWIS, HUSBAND AND WIFE

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 8, AND 16, OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON AUGUST 24, 2021.

WITNESS MY HAND AND SEAL THIS 14TH DAY OF SEPTEMBER, 2021.

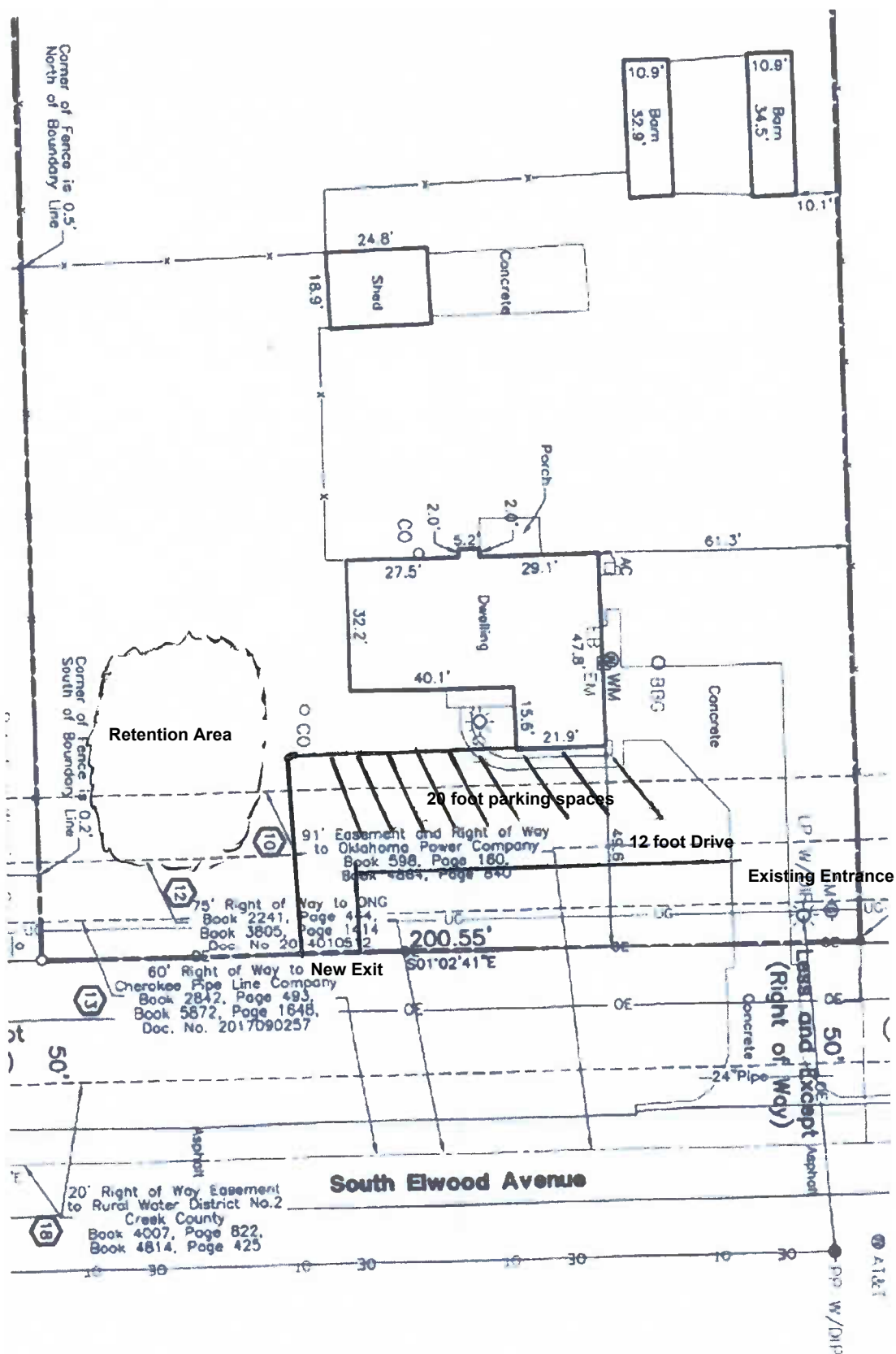


BENNETT SURVEYING, INC.

BY: *Cliff Bennett*
CLIFF BENNETT
REGISTERED PROFESSIONAL LAND SURVEYOR
OKLAHOMA NO. 1815

REVISIONS	BY	DATE
FILE:	1812.23	SURVEY BY: IW
ORDER:	213471	DRAWN BY: ABS
ORIG. DOC. DATE:	09/14/21	CHECKED BY: CDB
		SHEET 1 OF 1

BENNETT SURVEYING, INC.
P.O. BOX 848, DOWNEY, OK 74337
PHONE: (918) 583-5500
FAX: (918) 583-5501
WWW.BENNETTSURVEYING.COM





Land Use, LLC

Robert Bell
918-902-0462

1011 W G Street
Jenks, OK

December 22, 2021

City of Jenks
Attn: Marcae Hilton
P.O. Box 2007
Jenks, OK 74037

RE: Plat Waiver Request associated with Zone Change Request to CS (Commercial Shopping Center) PUD 130 for property identified as 9330 S Elwood, Zoning Application JZ 21 PUD 130.

Dear Ms. Hilton:

This letter is the official request for a Plat Waiver in conjunction with the property identified above which was approved for a zone change to CS (Commercial Shopping Center) PUD 130 District.

The subject property is 2.27 acres in size. The Planned Unit Development is associated with a development of an office park on the subject property. Because of elevated cost related to building materials the development group planning to build the complex did not close on the property.

The property is now under contract with a user that will utilize the existing structure for an ear doctor use. This sale will also promote a new use in Downtown Jenks that has their existing office at 503 E. Main under contract.

The Plat Waiver is requested with the understanding that the waiver is only addressing the east 100 feet of the property and the use of the existing structure for office use. This will allow the new owners to apply for a use change within the existing building and to establish a parking lot related to that change.

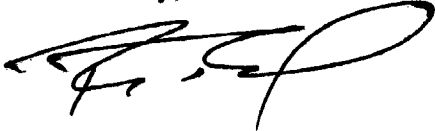
The prospective owners are aware that any drainage from the site associated with the new parking lot would need to be directed toward Elwood Avenue. They are also aware that any development

towards new structures and starting of the Office Park would initiate the platting requirement for entire property.

The right of way associated with Elwood Avenue has already been dedicated at 50 feet from the centerline of the road as depicted on the attached Alta Survey. The parking lot development on the site will require a detailed drainage plan and access plan approved by the City Engineer. It is anticipated that a Retention area will be established on the 90 feet from the existing building to the south property line. These activities are recognized as normal development requirements associated with a commercial site.

Your consideration of the interim use of the property is greatly appreciated and will promote the business-friendly environment to allow the interim use of the subject property at the same time promoting the expansion of uses in the Downtown District,

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Bell', with a large, stylized loop at the end.

Robert Bell
Bell Land Use LLC

To	Planning Commission
Hearing Date	January 06, 2022
Case Name	Dutch Brothers Coffee
Request(s)	Approval of Replat, Rezoning, Lot Split/Combination JZ 21-675 Rezoning from AG to CG JL 21-365 Lot Split
Location	305 S Elm
Applicant	Mitchell Reynolds

Staff Report

Preparer | Marcaé Hilton

Attachments

- ☐ Replat Documents
- ☐ Rezoning Map
- ☐ Lot Split/Combination Documents
- ☐ Other Filed Documents

Preparer

Mitchell Reynolds
Mitchell Reynolds
Mitchell Reynolds
Staff

Background Information

STAFF COMMENTARY | This application represents a request to finalize the necessary land use transactions required for the nearly completed drive through coffee shop on a property partially zoned CG “Commercial General.” The property is located east of Elm Street and northwest of Veterans Park. In the beginning of the project the applicant asked if the City of Jenks was interested in selling the additional area to the east, part of Veterans Park, this area was needed to accommodate the drive through and parking, at that time the City preferred to lease the parcel. Dutch Brothers Coffee and City Staff began the process of completing the lease agreement similar to the previous agreement with the flooring company. JPWA approved the request, the City finalized the agreement. Since that time, Dutch Brothers completed the platting requirement, ARC process and filed the necessary easement.

Several weeks ago, Staff was contacted by Dutch Brothers a second time, asking if the City was interested in selling the “leased area.” The City reconsidered and accepted the offer, this request triggered a new set of requirements: lot split/lot combination to separate the parcel from Veterans Park, replatting which acts as the lot combination, and rezoning. On, December 21, 2021, CC voted to approve the surplus property request (Resolution No. 2021-11) allowing Dutch Brothers to proceed with the purchase of the City parcel through the process of the Lot Split/Lot Combination as well as the replat and the required zoning.

Public Comment None at the time of this report

DUTCH BROTHERS PLANNING SUMMARY

ARC SUMMARY | June 03, 2021 | JZ 21—502 PC and Arc voted unanimously to approve the application for exterior elevations and signage as presented for the new coffee shop” Dutch Brothers”.

PC ORIGINAL FINAL PLAT SUMMARY | August 05, 2021 | PC voted 5-0-2 (Two PC Members absent) to approve the Preliminary/Final Plat for Dutch Brothers.

TAC ORIGINAL FINAL SUMMARY | August 08, 2021 | Staff received no comments from TAC, Staff received one release letter from COX Communications. The Engineer of Record worked closely with PSO on several issues.

CC ORIGINAL FINAL PLAT | August 17, 2021 | CC approved | Item on Consent Agenda

Plat Data

Name CVP DB Jenks Addition
Plat No. 7007 | Date File 12.01.2021
Acres 0.4565

Easement Data

No. 2021099428 | 08/25/2021

General Parcel Data

Parcel ID 983-198-319-08-360 (without additional lot split area)
Property Address 305 S ELM ST W
Legal N100 OF W240 OF S990 OF W 884.20 LT 6 LESS W20 FOR ST SEC 19 18 13
Gross Acres 0.51
Parcel COJ 983-198-319-08-520 (Veterans Park Parcel)
Zoning Type CG (Commercial General)

<i>Table 2. Bulk and Area Requirements in the Commercial Districts</i>	<i>CG Districts</i>
<i>Frontage (min. ft.)</i>	
—Arterial	150
—Not an Arterial (Order from car or Patio window on South)	50
<i>Floor Area Ratio (maximum)</i>	0.75
<i>Setback from centerline of abutting street (min. ft.)</i>	
—Arterial	N/A
—Not an Arterial	N/A
<i>Setback from an abutting R District boundary line (min. ft.)</i>	N/A
<i>Building Height (max. ft.)</i>	35
¹ Plus two feet of setback for each one-foot building height exceeding 15 feet, if the property is within an RE, RS, or RD District.	

<i>Chapter 10 Use Units Table 1. Use Units Permitted in Commercial Districts</i>		
<i>No.</i>	<i>Name</i>	<i>CG</i>
1.	Area wide Uses	X
2.	Area wide Specific Use	S
4.	Public Protection	X
5.	Community Services and Cultural Facilities	X
8.	Multifamily Dwellings and Similar uses	P
10.	Off-Street Parking Areas	X
11.	Offices and Studios	X
12.	Eating Places Other Than Drive-Ins	X
13.	Convenience Goods and Services	X
14.	Shopping Goods and Services	X
15.	Other Trades and Services	X
16.	Gasoline Service Stations	X
17.	Automotive and Allied Activities	X
18.	Drive-In Restaurants (Coffee Shop-Drive up and outside dining)	X
19.	Hotel, Motel, and Recreation Facilities	X
20.	Commercial Recreation, Intensive	S
21.	Business Signs and Outdoor Advertising	X
22.	Warehousing and Wholesaling	E
24.	Light Manufacturing and Industrial Research and Development	E
27.	Tattoo and Massage Parlors (Requiring Special Licensing, see Use Unit for Use conditions)	X
28.	(See Use Unit for Special Exception Criteria and Conditions)	E

Zoning Code

Sec. 1018. - Use Unit 18. Drive-in restaurants.

1018.1. Description. Eating establishments providing curb service or offering food or drink for on-premises consumption within parked motor vehicles, or permitting the on-premises consumption of food or drink within the parked motor vehicle or outside the principal structure.

1018.2. Included Uses. Drive-in restaurants.

1018.3. Use Conditions. The uses included in Use Unit 18, when located on a lot which is abutting an R district, shall be screened from the abutting R district by the erection and maintenance of a screening wall or fence along the lot line or lines in common with the R district.

New Plat Data *Replat of CVP BD Jenks Addition*

One Lot, One Block

0.6045 Acres

Lot Split Data JZ 21-365

Legal A TRACT OF LAND THAT IS PART OF UNITED STATES GOVERNMENT LOT 6 IN SECTION 19, T-18-N, R-13-E, OF THE INDIAN BASE AND MERIDIAN, CITY OF JENKS, TULSA COUNTY. STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING AT A POINT THAT IS THE SOUTHWEST CENTER OF SAID LOT 6; THENCE DUE NORTH ALONG THE WESTERLY LINE OF LOT 6 FOR 990.00 FEET; THENCE 89°49'32" E AND PARALLEL WITH THE SOUTHERLY LINE OF LOT 6 FOR 240.00 FEET TO THE "POINT OF BEGINNING" OF SAID TRACT OF LAND; THENCE CONTINUING 89°49'32" E FOR 30.01 FEET; THENCE S 38°21'56" E FOR 81.32 FEET; THENCE S 27°28'43" E FOR 29.70 FEET; THENCE S 80°07'33" W FOR 21.01 FEET; THENCE 82°04'28" W FOR 45.51 FEET; THENCE 89°49'32" W FOR 28.41 FEET; THENCE DUE NORTH AND PARALLEL WITH THE WESTERLY LINE OF LOT 6 FOR 100.00 FEET TO THE "POINT OF BEGINNING" OF SAID TRACT OF LAND.

THE PROPERTY DESCRIBED ABOVE CONTAINS 6,446 SQUARE FEET OR 0.1480 ACRES.

THE BEARINGS USED IN THE ABOVE LEGAL DESCRIPTION ARE BASED ON THE WESTERLY LINE OF GOVERNMENT LOT 6 HAVING AN ASSUMED NON-ASTRONOMICAL BEARING OF DUE NORTH.

New Lot 0.1480 ACRES

Zoning Request JZ 21-675 | AG (Agriculture) to CG (Commercial General)

Staff Evaluation & Recommendation

CONSIDER | Does the Plat, lot split and zoning meet the requirements of the City Code, Subdivision Regulations and other City Criteria?

Comments | Not Complete List

- [Completed](#) | Executed Lease for City Property is required.
- [Completed](#) | [Transfer of Deed from JPWA to Dutch Brothers.](#)
- [Completed](#) | Easement dedication for City Utilities is required.
- [Completed](#) | Installation of lighting and landscaping.
- Replat adding Veterans Park parcel.
- Rezone AG (Veterans Park Parcel) to CG to match platted area

EVALUATION | There are three (3) requests. All three are technical land use requirements and required as a result of sale of the City property to Dutch Brothers who will be open for business within this month. They have installed their landscaping, signage, lighting etc. Staff believes their requests have or will meet all requirements from the City of Jenks.

Approve | Replat

Approve | Lot Split/Combo JL 21-365

Approve | Rezoning JZ 21-675

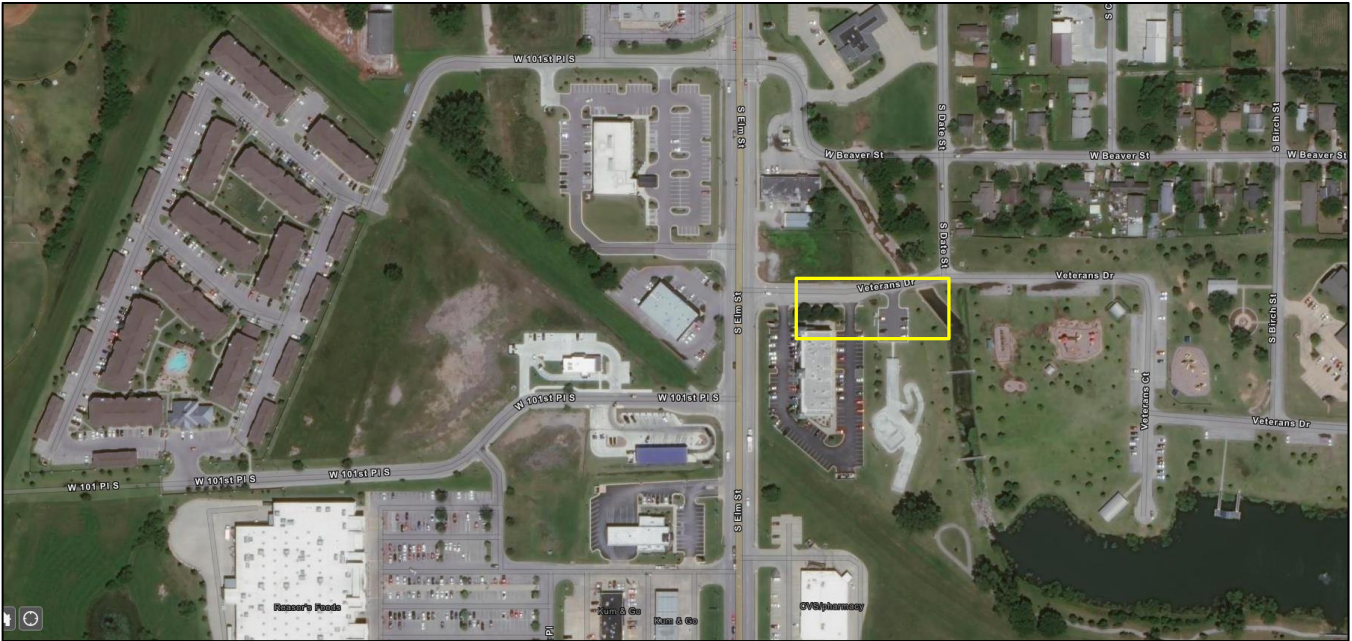


Figure 1: Aerial View of Lot and City Property



Figure 2: Google Earth View of Vacant Lot



Figure 3: Google Earth view from corner



Figure 4: Old Google Earth view of City portion of lot



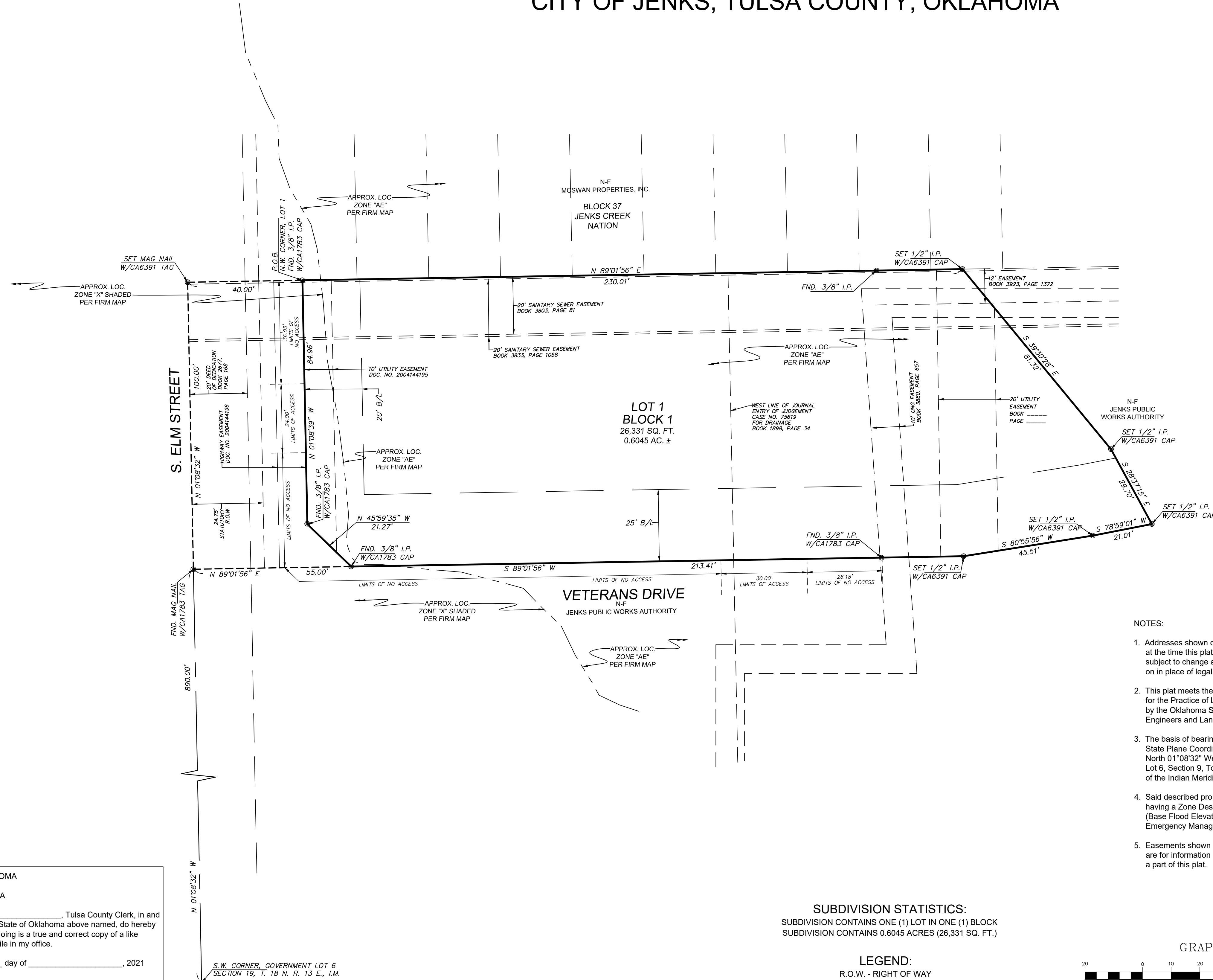
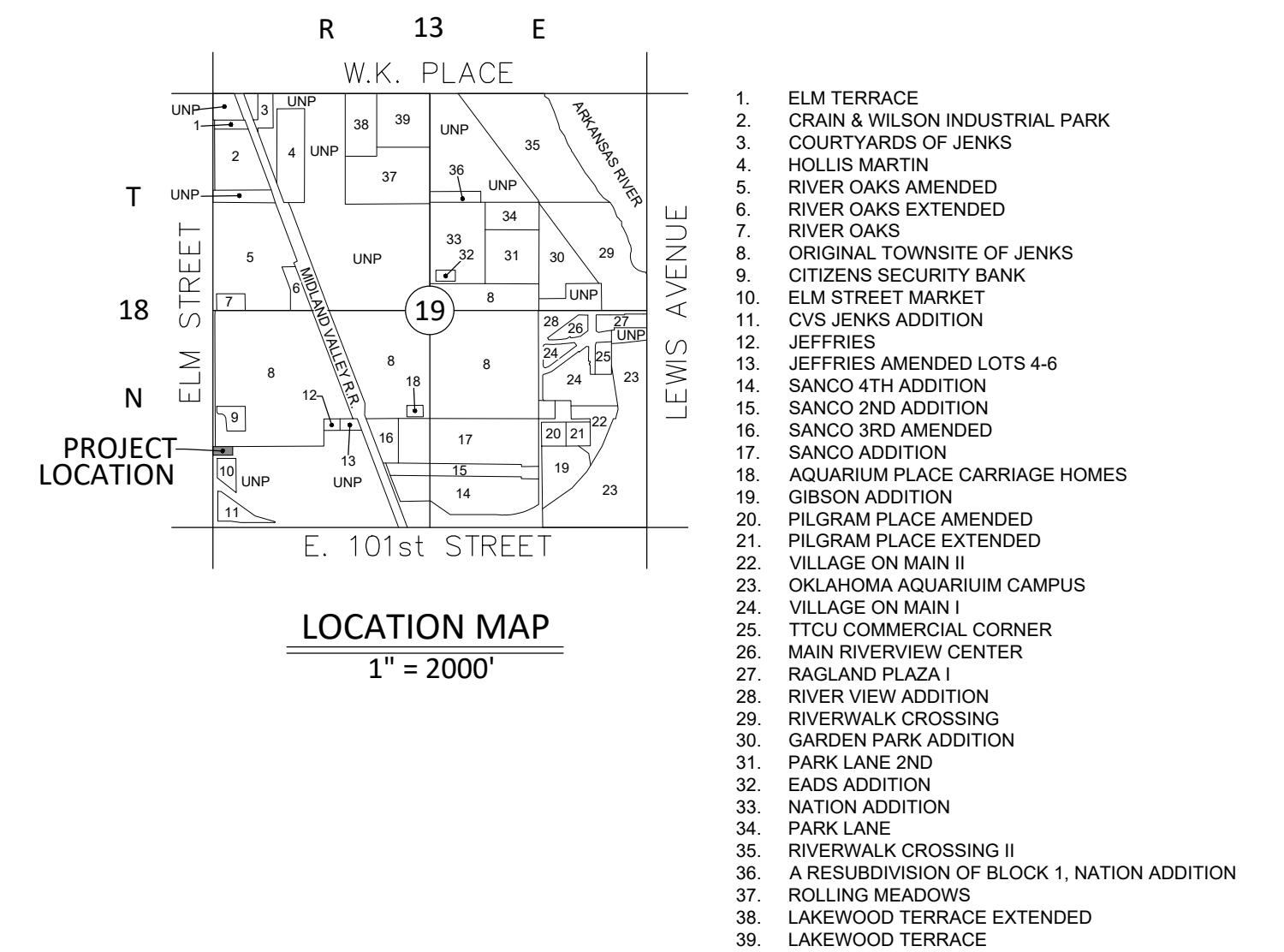
Figure 5: Google Earth View including Creek Turnpike

RECOMMENDATION | Staff recommends conditional approval of the Preliminary/Final Plat. Final approval requires all comments to be addressed prior to filing. Staff recommends approval of Lot Split and rezoning.

1. Approve | Replat
2. Approve | Lot Split/Combo JL 21-365
3. Approve | Rezoning JZ 21-675 | AG to CG



FINAL PLAT
REPLAT OF CVP DB JENKS ADDITION
LOT 1, BLOCK 1, CVP DB JENKS ADDITION AND
A PART OF THE SW/4 OF
SECTION 19, TOWNSHIP 18 NORTH, RANGE 13 EAST, I.M.
CITY OF JENKS, TULSA COUNTY, OKLAHOMA



STATE OF OKLAHOMA
SS
COUNTY OF TULSA

I, _____, Tulsa County Clerk, in and for the County and State of Oklahoma above named, do hereby certify that the foregoing is a true and correct copy of a like instrument now on file in my office.

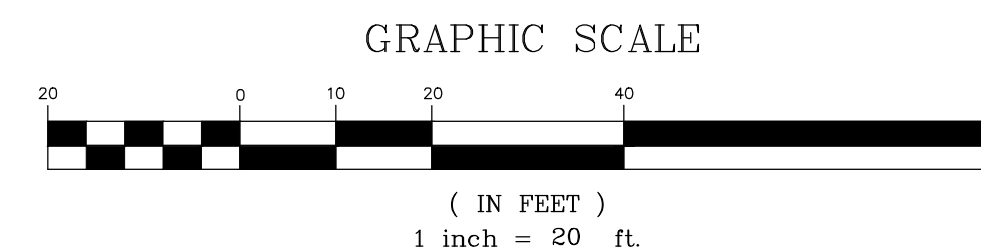
Dated the _____ day of _____, 2021

Deputy

SUBDIVISION STATISTICS:
SUBDIVISION CONTAINS ONE (1) LOT IN ONE (1) BLOCK
SUBDIVISION CONTAINS 0.6045 ACRES (26,331 SQ. FT.)

LEGEND:
R.O.W. - RIGHT OF WAY
DOC. NO. - DOCUMENT NUMBER
B/L - BUILDING LINE

- NOTES:
- Addresses shown on this plat were accurate at the time this plat was filed. Addresses are subject to change and should never be relied on in place of legal descriptions.
 - This plat meets the Oklahoma Minimum Standards for the Practice of Land Surveying as adopted by the Oklahoma State Board of Licensure for Engineers and Land Surveyors.
 - The basis of bearings for this plat is the Oklahoma State Plane Coordinate System (North Zone) using North 01°08'32" West along the east line of Government Lot 6, Section 9, Township 18 North, Range 13 East of the Indian Meridian.
 - Said described property is located within an area having a Zone Designation X (Shaded) and Zone AE (Base Flood Elevations determined) by the Federal Emergency Management Agency (FEMA).
 - Easements shown hereon by specific recording information are for information purposes only and are not dedicated as a part of this plat.



PLAT No.

FINAL PLAT
CERTIFICATE OF APPROVAL

I hereby certify that this plat was approved by the City Council of the City of Jenks on

By: _____
Mayor

This approval is void if the above signature is not endorsed by the City Manager

By: _____
City Manager

CONTACT LIST

OWNER
CVP - JENKS DB, LLC
305 S. ELM STREET
JENKS, OK 74037
CONTACT: MITCHELL REYNOLDS
PHONE: 918-934-0288
EMAIL: MITCHELL.REYNOLDS@CVPRE.COM

OWNER
JENKS PUBLIC WORKS AUTHORITY
211 N. ELM STREET
JENKS, OK 74037
CONTACT: ??
PHONE: ??
EMAIL: ??

CIVIL ENGINEER
CLAYMOORE ENGINEERING
1903 CENTRAL DRIVE, SUITE 406
BEDFORD, TEXAS 76021
OK CA 6809 - EXPIRES 6-30-2022
CONTACT: MATT MOORE, PE
PHONE: 817-281-0572
EMAIL: MATT@CLAYMOOREENG.COM

SURVEYOR
DODSON-THOMPSON-MANSFIELD, PLLC
20 NE 38th STREET
OKLAHOMA CITY, OK 73105
OK CA 6391 - EXP: 06-30-2022
CONTACT: RANDALL MANSFIELD, PLS
PHONE: 405-601-7401
EMAIL: RANDYM@DTM-OK.COM



DODSON - THOMPSON - MANSFIELD, PLLC
20 NE 38th Street Phone: 405-601-7402 email: randym@dtm-ok.com
Oklahoma City, OK 73105 Fax: 405-601-7421

Surveying - Engineering - Earthwork
CERTIFICATE OF AUTHORIZATION NO: 6391 EXPIRES JUNE 30, 2022

FINAL PLAT
REPLAT OF CVP DB JENKS ADDITION
LOT 1, BLOCK 1, CVP DB JENKS ADDITION AND
A PART OF THE SW/4 OF
SECTION 19, TOWNSHIP 18 NORTH, RANGE 13 EAST, I.M.
CITY OF JENKS, TULSA COUNTY, OKLAHOMA

DEED OF DEDICATION AND STATEMENT OF RESTRICTIVE COVENANTS

CVP DB JENKS ADDITION

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, CVP - Jenks DB, LLC, an Oklahoma limited liability company and the Jenks Public Works Authority, a Trust of the City of Jenks, are the Owner's in fee simple to the following described property in the City of Jenks, Tulsa County, Oklahoma, to-wit:

All of Lot 1, Block 1 CVP DB JENKS ADDITION and a part of Lot 6, Section 19, Township 18 North, Range 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:

BEGINNING at the northwest corner of said Lot 1;

THENCE North 89°01'56" East, along the north line of said Lot 1 and said line extended, a distance of 230.01 feet;

THENCE South 39°30'28" East a distance of 81.32 feet;

THENCE South 28°37'15" East a distance of 29.70 feet;

THENCE South 78°59'01" West a distance of 21.01 feet;

THENCE South 80°55'56" West a distance of 45.51 feet to a point on the south line of said Lot 1 extended;

THENCE South 89°01'56" West, along the extended south line of said Lot 1 and said south line, a distance of 213.41 feet to the most southerly southwest corner of said Lot 1;

THENCE along the westerly line of said Lot 1 and the east right of way line of S. Elm Street the following two (2) courses;

1. North 45°59'35" West a distance of 21.27 feet;

2. North 01°08'39" West a distance of 84.96 feet to the POINT OF BEGINNING.

Said described property contains an area of 26,331 square feet or 0.6045 acres, more or less.

And have caused the above described land to be surveyed, staked platted and subdivided into lots, blocks, and streets, and have designated the same as "REPLAT OF CVP DB JENKS ADDITION" an Addition to the City of Jenks, Tulsa County, Oklahoma.

SECTION 1. PUBLIC COVENANTS

A. STREETS AND UTILITY EASEMENTS

The undersigned owners does hereby dedicate to the public use forever, streets rights-of-way as shown and designated on the accompanying plat and does further dedicate to the public use forever the easements as shown and designated on the accompanying plat for the several purposes of constructing maintaining, operating, repairing, removing, replacing any and all utilities including storm sewer, sanitary sewer, telephone and communication lines, electric power lines and transformers, gas lines and water 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 into and upon said utility easements and rights of way for the uses and purposes aforesaid. No building, structure, or other above or below ground obstruction that will interfere with the purposes aforesaid, will be placed, erected, installed or permitted upon the easements or rights of way as shown, provided however, that the owner hereby reserves the right to construct, maintain, operate, lay and relay water lines and sanitary sewer lines together with the right of ingress and egress for such construction, maintenance, operation, laying and relaying over, across and along all public streets, alleys, and utility easements, shown on said plat, for the purposes of furnishing water and/or sanitary sewer services to the area included in said plat.

B. WATER AND SANITARY SEWER SERVICE

In connection with the provision of water and sanitary sewer service, all lots are subject to the following provisions, to-wit:

The owner of each lot shall be responsible for the protection of the public water mains and the public sanitary sewer facilities located on his lot and within the dedicated street right of way and utility easement areas, if ground elevations are altered from the contours existing upon the completion of the installation of a public water or sewer main, all ground apertures, to include: valve boxes, fire hydrants and manholes will be adjusted to the new grade by the owner or at the owner's expense.

The City of Jenks or its successors will be responsible for ordinary maintenance of public water mains and public sanitary sewer facilities, but the owner will pay damage for relocation of such facilities or necessitated by the acts of the owner or his agents or contractors. The Owner/Developer will be responsible for the ordinary maintenance of private water mains.

The City of Jenks or its successors through its agents or employees shall at all times have the right of access with their equipment to all such easement ways shown on said plat, or provided for in this deed of dedication for the purpose of installing, maintaining, removing or replacing any portion of underground water and sewer facilities.

The aforesaid covenants concerning water and sewer facilities shall be enforceable by the City of Jenks or its successors, and the owner of the lot agrees to be bound hereby.

C. ELECTRIC, TELEPHONE, CABLE TELEVISION AND NATURAL GAS SERVICE

In connection with the instillation of underground electric, telephone, cable television and natural gas service lines, the lot is subject to the following:

- Underground lines for the supply of electric, telephone and cable television service may be located along the boundary of the addition as shown on the attached plat. Street light poles or standards shall be served by underground cable and elsewhere throughout said Addition all supply lines shall be located underground, in the easement-ways reserved for the general utility services and streets, shown on the attached plat. Service pedestals and transformers, as sources of supply of secondary voltages, may also be located in said easement-ways.
- All supply lines in the Subdivision including electric, telephone, cable television and natural gas service lines shall be located underground in the easements reserved for general utility services and streets shown on the plan of the subdivision. Service pedestals and transformers, as sources of supply at secondary voltages, may also be located in said easements.
- Underground lines for the supply of electric, telephone and cable television service and natural gas service located in the Subdivision may be run from the nearest natural gas main, service pedestal or transformer to the point of usage determined by the location and construction of such building as may be located upon said lot; provided that upon that the installation of such a service cable or a natural gas service fine to a particular building, the supplier of service shall thereafter be deemed to have a definitive, permanent, and effective right-of-way easement on said lot, covering a five-foot strip extending 2.5 feet on each side of such service cable or line, extending from the service pedestal, transformer or natural gas main to the service entrance on the building.
- The supplier of electric, telephone, cable television and natural gas services, through its authorized agents and employees, shall at all times have right of access to all such easements shown on the plat to 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 natural gas service facilities so installed by it.
- The owner of each 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 natural gas facilities. The supplier of service will be responsible for the 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 such owner or his agents or contractors.

D. STORM SEWER

- The City of Jenks, or its successors, through its proper agents and employees, shall at all times have right of access with their equipment to all storm sewer easements for the purpose of installing, maintaining, removing or replacing any portion of the underground storm sewer system.
- No permanent fence, permanent wall, permanent building, or permanent structure which could cause an obstruction shall be placed or maintained in the storm sewer easement area, and any construction activity which would interfere with the storm sewer system shall be prohibited.
- CVP - Jenks DB, LLC and the Jenks Public Works Authority, or its successors, shall be responsible for ordinary maintenance of the private storm sewer system, but the owner of each lot will pay for damage or relocation of such system caused or necessitated by acts of the owner of each lot or its agents or contractors.
- The foregoing covenants concerning the private storm sewer system shall be enforceable by CVP - Jenks DB, LLC and the Jenks Public Works Authority, its successors, and the owner of each lot agrees to be bound hereby.
- The owner of each lot shall be responsible for the protection of the storm sewer located on their lot and shall prevent the alteration of grade or any construction activity which may interfere with said storm sewer. Within the utility easement are as depicted on the accompanying plat, the alteration of grade from the contours existing upon the completion of the installation of storm sewer, or any construction activity which would interfere with storm, shall be prohibited.

F. SURFACE DRAINAGE

- Surface Drainage. Each lot shall receive and drain, in an unobstructed manner, the storm and surface waters from lots and drainage areas of higher elevation and from public streets and easements.
- No property owner shall construct or permit to be constructed any fencing or other obstructions which would impair the drainage of storm and surface waters over and across his lot. No property owner shall modify or change the direction of drainage of surface storm water from the original approved construction plans on file at the City of Jenks.
- The property owner shall prevent the alteration of grade within the easement areas from the original contours (finish grade) or allow any construction activity which may interfere with such public water mains, valves, storm sewers, and or public sanitary sewer facilities.
- The covenants set forth in this section shall be enforceable by any affected property owner and by CVP - Jenks DB, LLC and the Jenks Public Works Authority.

G. OWNER RESPONSIBILITY WITHIN EASEMENTS

The owner of the lots shall be responsible for the repair and replacement of any landscaping and paving within the utility easements on the lot in the event it is necessary to repair any underground water or sewer mains, electric, natural gas, cable television, or telephone service.

H. LAND USE

All construction shall be strictly according to the ordinances of the City of Jenks, Oklahoma.

CERTIFICATE OF SURVEY

I, Randall A. Mansfield, a Licensed Professional Land Surveyor, in the State of Oklahoma, do 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 "REPLAT OF CVP DB JENKS ADDITION", a Subdivision in the City of Jenks, Tulsa County, State of Oklahoma, is a representation of the survey made on the ground using generally accepted practices and meets or exceeds the Oklahoma Minimum Standards for the Practice of Land Surveying.

Randall A. Mansfield, PLS 1613
CA No. 6391 Exp. Date: 6-30-2022

STATE OF OKLAHOMA)
) ss.
COUNTY OF OKLAHOMA)

The foregoing Certificate of Survey was acknowledged before me on this _____ day of _____, 2022, by Randall A. Mansfield, PLS 1613.

Notary Public

My Commission Expires: _____

IN WITNESS WHEREOF, CVP - JENKS DB, LLC
has executed this instrument this _____ day of _____, 2022.

CVP - JENKS DB, LLC, an Oklahoma limited liability company

By: _____
Manager

STATE OF OKLAHOMA)
) ss.
COUNTY OF TULSA)

This instrument was acknowledged before me on the _____ day of _____, 2022, by _____, as Manager of CVP - JENKS DB, LLC, an Oklahoma limited liability company.

Notary Public

My Commission Expires: _____

IN WITNESS WHEREOF, THE JENKS PUBLIC WORKS AUTHORITY
has executed this instrument this _____ day of _____, 2022.

THE JENKS PUBLIC WORKS AUTHORITY, a Trust of the City of Jenks

By: _____

STATE OF OKLAHOMA)
) ss.
COUNTY OF TULSA)

This instrument was acknowledged before me on the _____ day of _____, 2022, by _____, as _____ of THE JENKS PUBLIC WORKS AUTHORITY, a Trust of the City of Jenks.

Notary Public

My Commission Expires: _____



DODSON - THOMPSON - MANSFIELD, PLLC

20 NE 38th Street, Phone: 405-601-7402, email: randym@dtm-ok.com
Oklahoma City, OK 73105 Fax: 405-601-7421

Surveying - Engineering - Earthwork

CERTIFICATE OF AUTHORIZATION NO: 6391 EXPIRES JUNE 30, 2022



CITY OF JENKS

211 NORTH ELM STREET • P.O. BOX 2007
JENKS, OKLAHOMA 74037-2007
PHONE (918) 299-5883 • FAX (918) 299-4489

NOTICE OF A PUBLIC HEARING ON A PROPOSED Zone Change LOCATED IN THE CITY OF JENKS, OKLAHOMA

JZ 21-675

Notice is hereby given that a public hearing will be held before the Jenks Planning Commission, in Jenks City Hall, Council Chambers, 211 North Elm Street, Jenks, Oklahoma, at 6:00 p.m. on 06 January 2022, in consideration of the following:

An application to approve a Request by Zach Bonsall for a zone change from AG (Agriculture) to CG (Commerical General)

Legal Description:

A TRACT OF LAND THAT IS PART OF UNITED STATES GOVERNMENT LOT 6 IN SECTION 19, T-18-N, R-13-E, OF THE INDIAN BASE AND MERIDIAN, CITY OF JENKS, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING AT A POINT THAT IS THE SOUTHWEST CENTER OF SAID LOT 6; THENCE DUE NORTH ALONG THE WESTERLY LINE OF LOT 6 FOR 990.00 FEET; THENCE 89°49'32" E AND PARALLEL WITH THE SOUTHERLY LINE OF LOT 6 FOR 240.00 FEET TO THE "POINT OF BEGINNING" OF SAID TRACT OF LAND; THENCE CONTINUING 89°49'32" E FOR 30.01 FEET; THENCE S 38°21 '56" E FOR 81.32 FEET; THENCE S 27°28'43" E FOR 29.70 FEET; THENCE S 80°07'33" W FOR 21.01 FEET; THENCE 82°04'28" W FOR 45.51 FEET; THENCE 89°49'32" W FOR 28.41 FEET; THENCE DUE NORTH AND PARALLEL WITH THE WESTERLY LINE OF LOT 6 FOR 100.00 FEET TO THE "POINT OF BEGINNING" OF SAID TRACT OF LAND.

THE PROPERTY DESCRIBED ABOVE CONTAINS 6,446 SQUARE FEET OR 0.1480 ACRES.

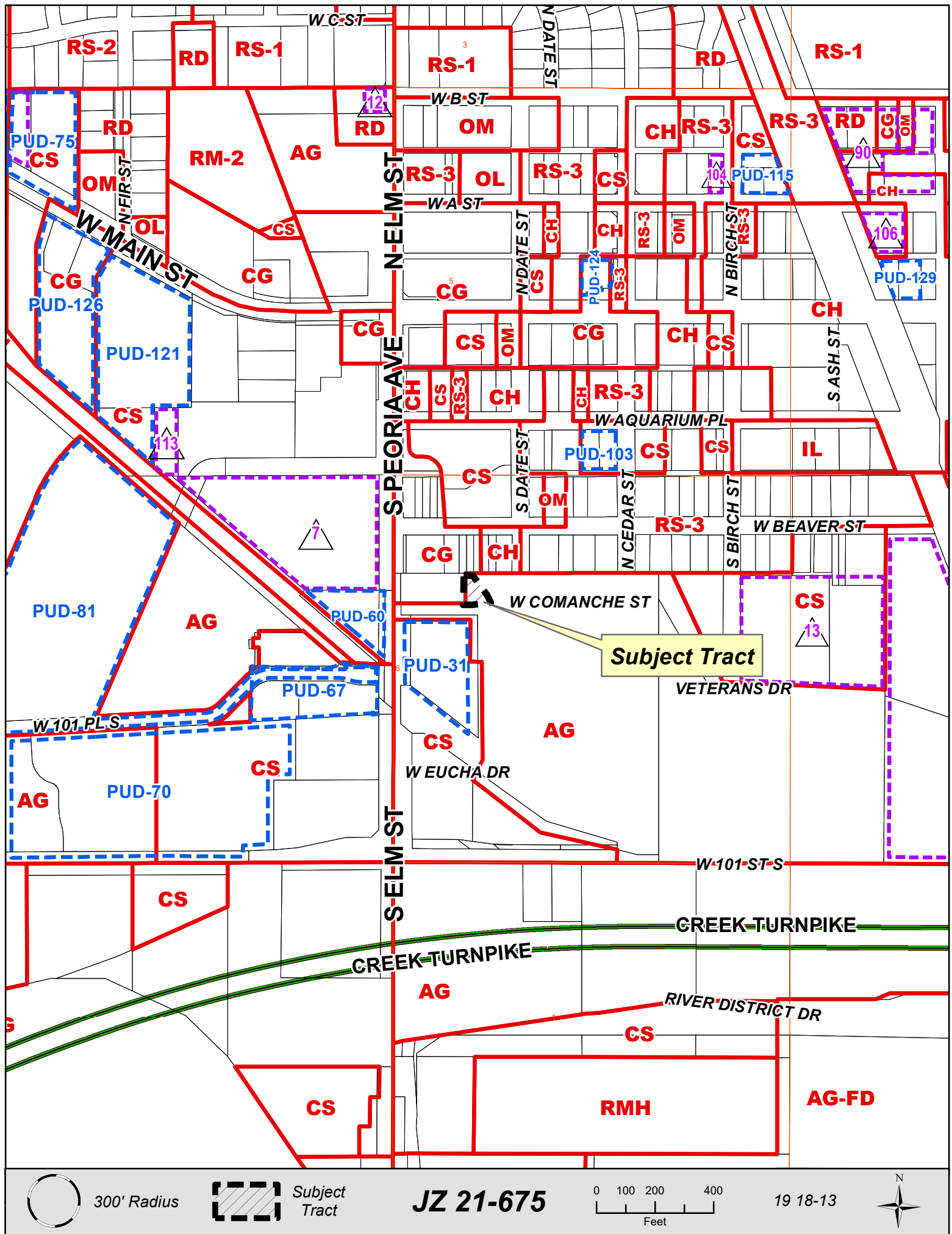
THE BEARINGS USED IN THE ABOVE LEGAL DESCRIPTION ARE BASED ON THE WESTERLY LINE OF GOVERNMENT LOT 6 HAVING AN ASSUMED NON-ASTRONOMICAL BEARING OF DUE NORTH.

General Location: 305 S Elm

All persons interested in this matter may appear at these hearings and present their objections to or arguments for any of the above matters.

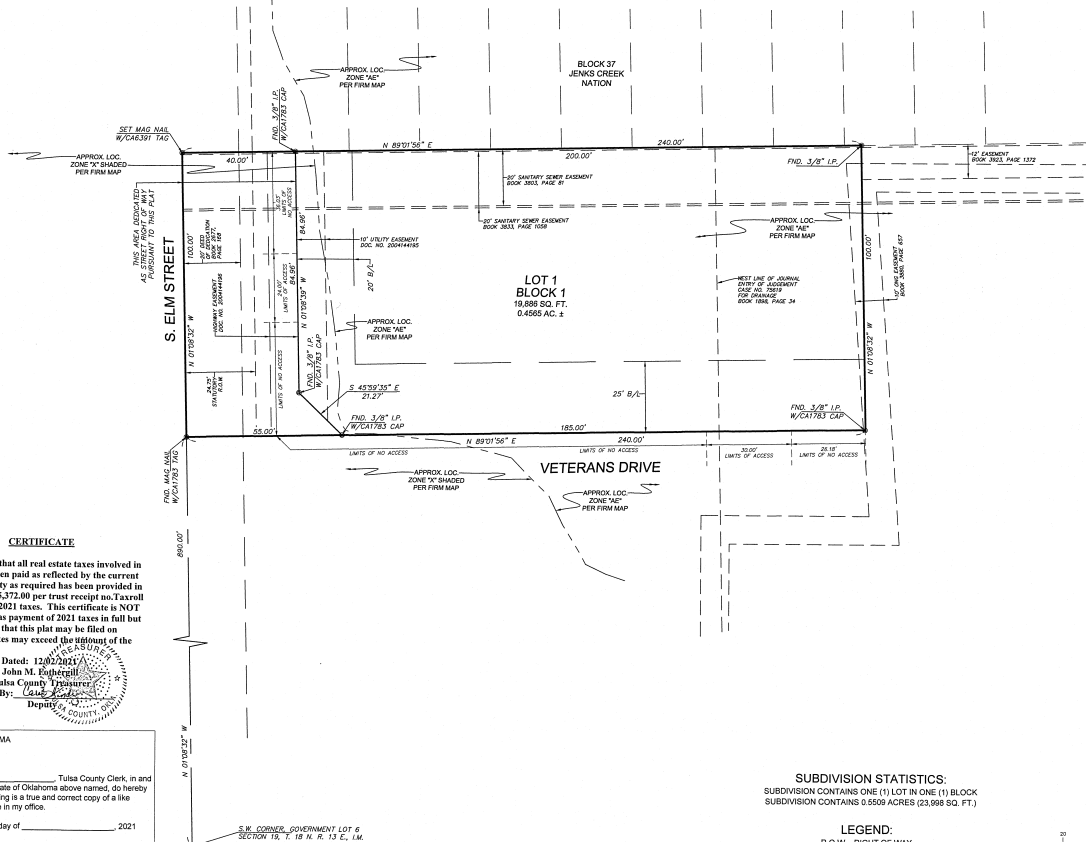
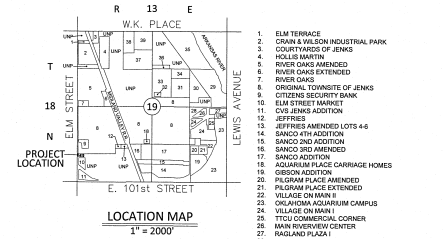
Dated at Jenks Oklahoma on 17 December 2021.

Marcae Hilton, Secretary
Jenks Planning Commission





FINAL PLAT
CVP DB JENKS ADDITION
A PART OF THE SW/4 OF
SECTION 19, TOWNSHIP 18 NORTH, RANGE 13 EAST, I.M.
CITY OF JENKS, TULSA COUNTY, OKLAHOMA



CERTIFICATE

I hereby certify that all real estate taxes involved in this plat have been paid as reflected by the current tax rolls. Security as required has been provided in the amount of \$5,372.00 per tract receipt no. T-1011 to be applied to 2021 taxes. This certificate is NOT to be construed as payment of 2021 taxes in full but is given in order that this plat may be filed on record. 2021 taxes may exceed the amount of the security deposit.

Dated: 12/01/2021
John M. Eubank
Tulsa County Treasurer
By: [Signature]
Deputy

STATE OF OKLAHOMA
SS
COUNTY OF TULSA

I, _____, Tulsa County Clerk, in and for the County and State of Oklahoma above named, do hereby certify that the foregoing is a true and correct copy of a file instrument now on file in my office.

Dated the _____ day of _____, 2021

Deputy

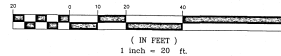
SUBDIVISION STATISTICS:
SUBDIVISION CONTAINS ONE (1) LOT IN ONE (1) BLOCK
SUBDIVISION CONTAINS 0.9509 ACRES (23,898 SQ. FT.)

LEGEND:
R.O.W. - RIGHT OF WAY
DOC. NO. - DOCUMENT NUMBER
BL - BUILDING LINE

NOTES

- Addresses shown on this plat were accurate at the time this plat was filed. Addresses are subject to change and should never be relied on in place of legal descriptions.
- This plat meets the Oklahoma Minimum Standards for the Practice of Land Surveying as adopted by the Oklahoma State Board of Licensure for Engineers and Land Surveyors.
- The basis of bearings for this plat is the Oklahoma State Plane Coordinate System (North Zone) using North 01°06'32" West along the east line of Government Lot 6, Section 19, Township 18 North, Range 13 East of the Indian Meridian.
- Said described property is located within an area having a Zone Designation X (Shaded) and Zone AE (Base Flood Elevations determined) by the Federal Emergency Management Agency (FEMA).
- Easements shown hereon by specific recording information are for information purposes only and are not dedicated as a part of this plat.

GRAPHIC SCALE



PLAT No.

FINAL PLAT
CERTIFICATE OF APPROVAL

I hereby certify that this plat was approved by the City of Jenks, Oklahoma on August 17, 2021.

By: [Signature]
Mayor

This approval is void if the above signature is not endorsed by the City Manager

By: [Signature]
City Manager

CONTACT LIST

OWNER
CVP - JENKS DB, LLC
365 S. ELM STREET
JENKS, OK 74037
CONTACT: MITCHELL REYNOLDS
PHONE: 818-434-0208
EMAIL: MITCHELL.REYNOLDS@CVPRE.COM

CIVIL ENGINEER
CLAYMOORE ENGINEERING
1903 CENTRAL DRIVE, SUITE 405
BEDFORD, TEXAS 76021
OK CA 0809 - EXPIRES 6-30-2022
CONTACT: MATT MOORE, P.E.
PHONE: 817-281-0572
EMAIL: MATT@CLAYMOOREENGINE.COM

SURVEYOR
DODSON-THOMPSON-MANSFIELD, PLLC
20 NE 38th STREET
OKLAHOMA CITY, OK 73105
OK CA 6361 - EXP. 06-30-2022
CONTACT: RANDALL MANSFIELD, PLS
PHONE: 405-611-7411
EMAIL: RANDY@DTM-OK.COM

DODSON - THOMPSON - MANSFIELD, PLLC
20 NE 38th Street Phone: 405-611-7422 email: randy@dtm-ok.com
Oklahoma City, OK 73105 Fax: 405-611-7423
Surveying - Engineering - Earthwork
CERTIFICATE OF AUTHORIZATION NO. 6391 EXPIRES JUNE 30, 2023

FINAL PLAT CVP DB JENKS ADDITION A PART OF THE SW/4 OF SECTION 19, TOWNSHIP 18 NORTH, RANGE 13 EAST, I.M. CITY OF JENKS, TULSA COUNTY, OKLAHOMA

DEED OF DEDICATION AND STATEMENT OF RESTRICTIVE COVENANTS**CVP DB JENKS ADDITION****KNOW ALL MEN BY THESE PRESENTS:**

WHEREAS, CVP - Jenks DB, LLC, an Oklahoma limited liability company is the Owner in fee simple to the following described property in the City of Jenks, Tulsa County, Oklahoma, to-wit: The North 100 feet of the West 240 feet of the South 960 feet of the West 884.20 feet of Lot 6, Section 19, Township 18 North, Range 13 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof;

Said described property contains an area of 23,968 square feet or 0.5509 acres, more or less. And have caused the above described land to be surveyed, staked, platted and subdivided into lots, blocks, and streets, and have designated the same as "CVP DB JENKS ADDITION" an Addition to the City of Jenks, Tulsa County, Oklahoma.

SECTION 1. PUBLIC COVENANTS**A. STREETS AND UTILITY EASEMENTS**

The undersigned owner does hereby dedicate to the public use forever, streets rights-of-way as shown and designated on the accompanying plat and does further dedicate to the public use forever the easements as shown and designated on the accompanying plat for the several purposes of constructing, maintaining, operating, repairing, removing, replacing any and all utilities including storm sewer, sanitary sewer, telephone and communication lines, electric power lines and transformers, gas lines and water 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 into and upon said utility easements and rights of way for the uses and purposes aforesaid. No building, structure, or other above or below ground obstruction that will interfere with the purposes aforesaid, will be placed, erected, installed or permitted upon the easements or rights of way as shown, provided however, that the owner hereby reserves the right to construct, maintain, operate, lay and relay water lines and sanitary sewer lines together with the right of ingress and egress for such construction, maintenance, operation, laying and relaying over, across and along all public streets, alleys, and utility easements, shown on said plat, for the purposes of furnishing water and/or sanitary sewer services to the area included in said plat.

B. WATER AND SANITARY SEWER SERVICE

In connection with the provision of water and sanitary sewer service, all lots are subject to the following provisions, to-wit:

The owner of each lot shall be responsible for the protection of the public water mains and the public sanitary sewer facilities located on his lot and within the dedicated street right of way and utility easement areas. If ground elevations are altered from the contours existing upon the completion of the installation of a public water or sewer main, all ground apertures, to include valve boxes, fire hydrants and manholes will be adjusted to the new grade by the owner or at the owner's expense.

The City of Jenks or its successors will be responsible for ordinary maintenance of public water mains and public sanitary sewer facilities, but the owner will pay damage for relocation of such facilities or necessitated by the acts of the owner or his agents or contractors. The Owner/Developer will be responsible for the ordinary maintenance of private water mains.

The City of Jenks or its successors through its agents or employees shall at all times have the right of access with their equipment to all such easement ways shown on said plat, or provided for in this deed of dedication for the purpose of installing, maintaining, removing or replacing any portion of underground water and sewer facilities.

The aforesaid covenants concerning water and sewer facilities shall be enforceable by the City of Jenks or its successors, and the owner of the lot agrees to be bound hereby.

C. ELECTRIC, TELEPHONE, CABLE TELEVISION AND NATURAL GAS SERVICE

In connection with the installation of underground electric, telephone, cable television and natural gas service lines, the lot is subject to the following:

- Underground lines for the supply of electric, telephone and cable television service may be located along the boundary of the addition as shown on the attached plat. Street light poles or standards shall be served by underground cable and easements throughout said Addition. All supply lines shall be located underground, in the easement ways reserved for the general utility services and streets, shown on the attached plat. Service pedestals and transformers, as sources of supply of secondary voltages, may also be located in said easement ways.
- All supply lines in the Subdivision including electric, telephone, cable television and natural gas service lines shall be located underground in the easements reserved for general utility services and streets shown on the attached plat. Service pedestals and transformers, as sources of supply at secondary voltages, may also be located in said easements.
- Underground lines for the supply of electric, telephone and cable television service and natural gas service located in the Subdivision may be run from the nearest natural gas main, service pedestal or transformer to the point of usage determined by the location and construction of such building as may be located upon said lot, provided that upon the installation of such a service cable or a natural gas service line to a particular building, the supplier of service shall thereafter be deemed to have a definitive, permanent, and effective right-of-way easement on said lot, covering a five-foot strip extending 2.5 feet on each side of such service cable or line, extending from the service pedestal, transformer or natural gas main to the service entrance on the building.
- The supplier of electric, telephone, cable television and natural gas services, through its authorized agents and employees, shall at all times have right of access to all such easements shown on the plat to 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 natural gas service facilities so installed by it.
- The owner of each 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 natural gas facilities. The supplier of service will be responsible for the 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 such owner or his agents or contractors.

D. STORM SEWER

- The City of Jenks, or its successors, through its proper agents and employees, shall at all times have right of access with their equipment to all storm sewer easements for the purpose of installing, maintaining, removing or replacing any portion of the underground storm sewer system.
- No permanent fence, permanent wall, permanent building, or permanent structure which could cause an obstruction shall be placed or maintained in the storm sewer easement area, and any construction activity which would interfere with the storm sewer system shall be prohibited.
- CVP - Jenks DB, LLC, or its successors, shall be responsible for ordinary maintenance of the private storm sewer system, but the owner of each lot will pay for damage or relocation of such system caused or necessitated by acts of the owner of each lot or its agents or contractors.
- The foregoing covenants concerning the private storm sewer system shall be enforceable by CVP - Jenks DB, LLC, its successors, and the owner of each lot agrees to be bound hereby.
- The owner of each lot shall be responsible for the protection of the storm sewer located on their lot and shall prevent the alteration of grade or any construction activity which may interfere with said storm sewer. Within the utility easement area as depicted on the accompanying plat, the alteration of grade from the contours existing upon the completion of the installation of storm sewer, or any construction activity which would interfere with storm, shall be prohibited.

F. SURFACE DRAINAGE

- Surface Drainage. Each lot shall receive and drain, in an unobstructed manner, the storm and surface waters from lots and drainage areas of higher elevation and from public streets and easements.
- No property owner shall construct or permit to be constructed any fencing or other obstructions which would impair the drainage of storm and surface waters over and across his lot. No property owner shall modify or change the direction of drainage of surface storm water from the original approved construction plans on file at the City of Jenks.
- The property owner shall prevent the alteration of grade within the easement areas from the original contours (finish grade) or allow any construction activity which may interfere with such public water mains, valves, storm sewers, and or public sanitary sewer facilities.
- The covenants set forth in this section shall be enforceable by any affected property owner and by CVP - Jenks DB, LLC.

G. OWNER RESPONSIBILITY WITHIN EASEMENTS

The owner of the lots shall be responsible for the repair and replacement of any landscaping and paving within the utility easements on the lot in the event it is necessary to repair any underground water or sewer mains, electric, natural gas, cable television, or telephone service.

H. LAND USE

All construction shall be strictly according to the ordinances of the City of Jenks, Oklahoma.

IN WITNESS WHEREOF, CVP - JENKS DB, LLC has executed this instrument this 17th day of NOVEMBER, 2021.

CVP - JENKS DB, LLC, an Oklahoma limited liability company

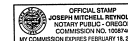
By: [Signature]
Manager

STATE OF OKLAHOMA
COUNTY OF TULSA

This instrument was acknowledged before me on the 17th day of NOVEMBER, 2021, by John L. Mansfield, as Manager of CVP - JENKS DB, LLC, an Oklahoma limited liability company.

[Signature]
Notary Public

My Commission Expires: 2-17-2025

**CERTIFICATE OF SURVEY**

I, Randall A. Mansfield, a Licensed Professional Land Surveyor, in the State of Oklahoma, do 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 "CVP DB JENKS ADDITION" a Subdivision in the City of Jenks, Tulsa County, State of Oklahoma, is a representation of the survey made on the ground using generally accepted practices and meets or exceeds the Oklahoma Minimum Standards for the Practice of Land Surveying.

[Signature]
Randall A. Mansfield, PLS 1613
CA No. 6391 Exp. Date 6-30-2022

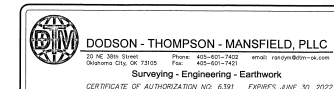
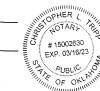


STATE OF OKLAHOMA)
COUNTY OF OKLAHOMA) ss.

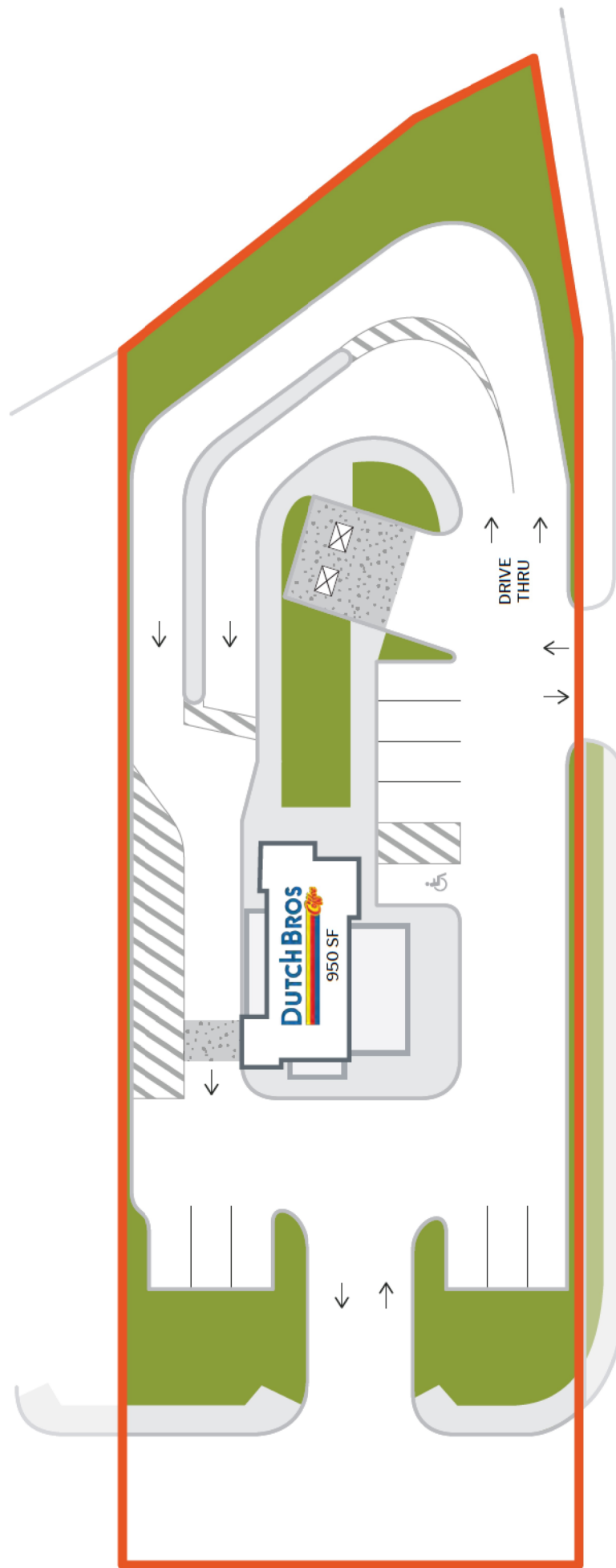
The foregoing Certificate of Survey was acknowledged before me on this 14th day of NOVEMBER, 2021, by Randall A. Mansfield, PLS 1613.

[Signature]
Notary Public

My Commission Expires: 3-16-23



DODSON - THOMPSON - MANSFIELD, PLLC
12101 N. 101st Street, Suite 100, Tulsa, Oklahoma 74133
Phone: 405-501-1800 Fax: 405-501-1900
www.dodson-thompson-us.com
Surveying - Engineering - Earthwork
CERTIFICATE OF AUTHORIZATION NO. 6391 EXPIRES JUNE 30, 2022



VETERANS DRIVE

S ELM STREET

**Jenks Public Works Authority
Resolution #2021-11**

A RESOLUTION DECLARING CERTAIN REAL PROPERTY TO BE SURPLUS TO THE NEEDS OF THE AUTHORITY; APPROVING SALE OF PROPERTY TO CVP-JENKS DB, LLC IN THE AMOUNT OF \$22,500.00; AUTHORIZING THE CITY MANAGER TO EXECUTE CONTRACT DOCUMENTS; AUTHORIZING THE MAYOR TO EXECUTE A DEED.

WHEREAS, certain property located behind 305 S. Elm St. ("Property") owned by the Jenks Public Works Authority (the "Authority") consisting of a 6,446 square foot tract of land north of Veterans Drive that is a remnant from previous public improvements, is of an unusual shape, and would not likely be independently marketable; and

WHEREAS, that Property is more fully described on Exhibit A hereto;

WHEREAS, on June 4, 2021, the Authority entered a commercial lease with CVP-JENKS DB, LLC to lease the Property for the purpose of a drive-in (drive-thru) restaurant – a Dutch Bros Coffee location — for an initial term of 15 years for \$22,500.00;

WHEREAS, CVP-JENKS DB, LLC has requested to purchase the Property in conjunction with developing the site for a Dutch Bros Coffee location;

WHEREAS, the Authority follows the City of Jenks surplus property procedures. Section 7-2-6(B)(3) of the Jenks City Code states that surplus real property that is a remnant or not of standard size or shape of surrounding privately owned properties or is otherwise not independently developable/marketable may be sold to an adjoining property owner at fair market value;

WHEREAS, the property has been appraised by an independent licensed real estate appraiser as having a fair market value of \$21,000.00 (a copy of the appraisal is attached hereto as Exhibit A); and

NOW, THEREFORE, BE IT RESOLVED by the Trustees of the Jenks Public Works Authority that the Property is hereby declared surplus and no longer needed for public purpose.

BE IT FURTHER RESOLVED, that the property may be sold to CVP-JENKS DB, LLC for \$22,500.00.

BE IT FURTHER RESOLVED, that the General Manager is authorized to execute all related contract documents and the Chairperson is authorized to execute the deed.

DONE, RATIFIED, AND PASSED THIS 21st Dec **DAY OF** Dec, 2021.



Cory Box, Chairperson

JENKS PUBLIC WORKS AUTHORITY

ATTEST:



Authority Secretary

Social Media Policy

Jenks City Council, Commissions, Boards and Committees

Purpose: Many local governments use social media as a tool to communicate with citizens. Although this technology greatly increases communication outreach and efficiency, some restrictions are required in order to comport with federal and state law and ethical considerations.

Applicability: This policy applies to members of the City Council, as well as all members of City boards, commissions and committees¹ (“member” or “public official”).

Use of Personal Accounts

As a public official, you should be aware of additional risks related to your personal participation on social media.

1. **Open Meetings Act** – Communications between a quorum of members about public business, no matter the forum or time, can constitute a “meeting” to which the Open Meetings Act applies. If the Act applies to a discussion, an agenda must be posted, the public must be allowed to attend, and other requirements of the Act must be met. Therefore, you should consider the following when using personal social media accounts:
 - a. Public officials should not use social media as a mechanism for conducting official City business. Redirect information to official government sources and avoid making posts or comments related to your official duties or governmental bodies.
 - b. Remove elected titles and committee titles from profiles for personal social media accounts.
 - c. Include an introductory statement in the profile or about section of your account that defines the purpose and topical scope of your page. For example: “This account is intended for personal use only. The views, postings, positions or opinions expressed on this site are my own and do not represent those of the City of Jenks. If you are a citizen of Jenks and would like to discuss city business, please go to [official page] or contact me at [official email].”
 - d. Redirect political dialogue requests to an alternative means of communication (e.g. email, phone or other preferred social media account).
 - e. Avoid commenting on local issues where other members are also participating in discussion. Avoid tagging other members or “liking” posts by other members pertaining to City business.

¹ Some parts of this policy may have no practical application to committee members. For instance, committee members are not likely to have a campaign page or a public official page, but the general principles of this policy do apply. If you have questions as to whether the policy applies to you in a particular situation, please contact your staff liaison, the City Attorney or Communications Director.

- f. Avoid making posts and/or comments on behalf of the City and/or the City Council (or other City public body) or in your official capacity as an elected official or committee member.
2. **Open Records Act** – The Act defines “record” broadly enough to include social media posts, comments, videos, etc. Therefore, you should consider the following:
 - a. Hide, rather than delete, clearly inappropriate public comments received on your personal or official social media account, if possible. In some cases, these comments may still be subject public disclosure in the future. When in doubt, don’t delete it. Contact the City Attorney or Communications Director before deleting comments or blocking anyone.
 - b. Avoid responding to inappropriate comments or personal attacks on social media. If the commenter persists, redirect them to an alternate method of communication (e.g. email).
 - c. Be aware that a personal social media account, depending on its content, may still be subject to the Open Records Act.
3. **First Amendment** – Constituents may post comments on public officials’ personal pages to voice concerns on public issues. Once a public official’s social media page is opened for political discussion, it may be transformed into a public forum for speech and debate, invoking users’ First Amendment rights. Courts have interpreted individual government official’s social media platforms to be considered “government speech” applying the same restrictions to the public official’s page as to the City’s official social media accounts. Therefore, you should consider the following:
 - a. Limit open-ended political and city business discussions on your personal social media accounts and redirect dialogue requests to an alternate channel.
 - b. When in doubt, don’t block users. Especially those with whom you have previously engaged. If you must, consult with the City Attorney or Communications Director, and then document and retain your actions and reasons for blocking.

Use of Official Pages (As Applicable)

City Councilors | Only City Councilmembers should maintain a “public official” or “official” page. If you choose to create a social media account, a best practice is to keep this account separate from other personal accounts that you maintain. Elected officials increasingly use social media for reelection purposes as well. However, mixing campaign and constituent communications from the same account creates potential liability. Therefore, you should consider the following:

1. **Make it official** – Your account profile, description and photo should clearly indicate your position as a member of the Jenks City Council and your intent to use the account as a way of communicating with constituents. It should be clear that this is your public official page but not a City-maintained account.
2. **Treat your account as a public forum** – Your engagement with the public on social media as an elected official establishes your platform as a limited public forum under the First Amendment, which affords users the right to comment on content you publish. It also

means that any speech restrictions or censorship is subject to heightened scrutiny under the law. Contact City Attorney or Communications Director prior to deleting or blocking.

3. Prohibited content and comments on City pages is defined by City policy. For consistency, consider managing prohibited content on your accounts in the same way City-administered accounts are managed. The Communications Director can assist with standard language to post and to follow.
4. Campaign separately – Councilmembers in office should not use City-administered social media accounts for electioneering. Likewise, your official page should not be used for electioneering of any kind. It's equivalent to campaigning from the dais during a public meeting, which may violate state law. Add a disclaimer to any campaign-related accounts that identifies the purpose, and do not discuss City business on that page.
5. Keep your personal account separate.
6. Refer City-related requests for information or records to City staff in a timely manner.

General Guidelines

1. Be transparent – Your honesty and forthrightness will be quickly noticed in the social media environment. If your private sector work could present a conflict of interest, be the first to point it out.
2. Use sound judgment and common sense –What is published is widely accessible, not easily retractable, and will be around for a long time, so consider the content carefully. Officials have an obligation to ensure their posts are accurate and not misleading. Do not post or comment in a manner that may undermine the public's trust in your ability to perform your official duties.
3. Maintain privacy – Make sure your efforts to be transparent do not violate confidentiality. Consult with the City Attorney before sharing conversations that are meant to be private or internal to the City or any other public entities. Do not post private or confidential information about fellow members, City employees or constituents.
4. Be respectful – From the Jenks City Council Code of Ethics, "Members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of Council, boards and commissions, the staff or public."
5. Be perceptive – In online social networks, the lines between public and private, personal and professional are often blurred. By identifying yourself as an elected official, you are creating perceptions about your expertise and the City. Be sure that all content associated with you is consistent with the City's values and professional standards.
6. Maintain your appropriate role – Do not offer opinions or information that is outside of the scope of your duties as a public official (e.g. City operations) without consulting with the appropriate City staff. Consider directing operational questions and comments through the official City channels.
7. Be excited and positive– The City's activities are focused on providing services and innovation that benefits citizens and stakeholders. Share what Jenks is learning and doing, and open up social media channels to learn from others.
8. Be responsive and maintain your presence – Should you decide to engage in social media, know that monitoring and responding in a timely way are crucial. Social media participants

expect timely responses to requests and expect co-participants to monitor social media properties frequently and regularly.

9. Be responsible – Ultimately, what you publish is yours, but so is the responsibility and potential consequences. If you are about to publish something that makes you even the slightest bit uncomfortable, don't publish. Do not use the copyrights, trademarks, publicity rights, or other rights of others without the necessary permissions of the rightsholder(s). If you are still unsure about a post or comment, check with the Communications Director or City Attorney.
10. Mistakes happen – If you make a mistake, admit it. Be upfront and quick with your correction. Make it clear that you have made a correction.
11. Be ethical – Review the City Council Ethics policy. It is equally applicable to social media posts and comments.
12. Retain public records –You are responsible for retaining any public records under your control.

Definitions

For the purposes of this policy, unless otherwise stated, the following definitions apply:

1. Comment – a message posted by site visitors, either in response to an existing topic or introducing a new topic. In general, the content of comments is controlled solely by the user, but often can be deleted, accepted or rejected prior to publishing by the site or page administrator.
2. Committee Member – a volunteer serving at the pleasure of the City Council, may include but is not limited to Planning Commission and Board of Adjustment.
3. Limited forum – a public forum created by the government voluntarily for expressive activity that may be restricted in a certain manner. Forum restrictions must be able to withstand strict judicial scrutiny of its effect on First Amendment rights.
4. Post – In relation to social media accounts or online activity, anything published in an online forum or social media account.
5. Social media – Internet based third-party platforms including TikTok, Facebook, Nextdoor, Twitter, Instagram and YouTube, that facilitate interaction and engagement among individuals in a network or virtual community and includes user-generated content such as videos, photos, videos, blogs, vlogs, and wikis.

Violation of Policy

This policy is not meant to circumvent or bypass any of the other processes, policies or laws that are applicable to public officials or members of the public bodies of the City of Jenks. Social media activity and conduct by members should not only comply with these policy terms, but all other processes, policies and laws that may apply as well.

Policy Updates

The City Council reserves the right to update these terms of use at any time.