

AGENDA
BOARD OF CITY COMMISSIONERS
January 16, 2018 AT 6:00 P.M.
COMMISSION CHAMBERS AT CITY HALL
SHAWNEE, OKLAHOMA

CALL TO ORDER

DECLARATION OF A QUORUM

INVOCATION

FLAG SALUTE

All motions will be made in the affirmative. The fact that a commissioner makes or offers a second to a motion does not mean that the commissioner must vote in favor of passage.

1. Consider approval of Consent Agenda:
 - a. Minutes from the December 18, 2017 regular meeting.
 - b. Acknowledge the following reports and minutes:
 - License Payment Report for December 2017
 - Project Payment Report for December 2017
 - Planning Commission Minutes from October 4, 2017 meeting and November 1, 2017 meeting
 - Shawnee Beautification Committee Minutes from November 16, 2017 meeting
 - c. Acknowledge resignation of Stephen Rice from the Shawnee Urban Renewal Authority.
 - d. Acknowledge resignation of Larry Gill from the Shawnee Urban Renewal Authority.
 - e. Mayor's Appointments

Shawnee Beautification Committee

Holly Gordon	1 st Full Term	Expires 01/01/2022
<i>Appointment to New Committee</i>		

Kevin Huddleston	1 st Full Term	Expires 01/01/2022
<i>Appointment to New Committee</i>		

Mike Mlynek	1 st Full Term	Expires 01/01/2022
<i>Appointment to New Committee</i>		

Shawnee Civic and Cultural Development Authority

Tim Barrick	2 nd Full Term	Expires 12/31/2021
<i>Reappointment</i>		

Shawnee Housing Authority

Mike Vorndran 1st Partial Term Expires 02/04/2019
Replaces Harvey Valentine – Resigned

Shawnee Urban Renewal Authority
Audra Barksdale 1st Full Term Expires 02/02/2021
Replaces Stephen Rice – Resigned

Paul E. Davis 1st Full Term Expires 02/02/2021
Replaces Larry Gill – Resigned

- f. Approve an Agreement for Campus Police Jurisdiction and Authority with Oklahoma Baptist University.

2. Citizens Participation

(A three minute limit per person)
(A twelve minute limit per topic)

3. Presentation by City Manager to Employee of the Month, Steve Castaneda, Street Department.

4. Public hearing and consideration of an ordinance to rezone property located on the east side of the intersection of Highland Street and Bryan Avenue from R-1; Single Family Residential District to PUD; Planned Unit Development. Case No. P01-18. Applicant: Landrun Group, LLC *(Deferred by the Planning Commission to the March 7, 2018 meeting.)*

5. Public hearing and consideration of an ordinance to rezone property located on the southeast corner of East 45th Street and Hyatt Road from C-2; Suburban Office Commercial District to PUD; Planned Unit Development. Case No. P02-18. Applicant: Bonray Real Estate, LLC

6. Consideration and approval of a Preliminary Plat for Shawnee Trail Office Park located at the southeast corner of East 45th Street and Hyatt Road. Case No. S01-18. Applicant: Bonray Real Estate, LLC

7. Public hearing and consideration of an ordinance to rezone property located at 7109 North Kickapoo Avenue from A-1; Rural Agricultural District to A-1; Rural Agricultural District with a Conditional Use Permit. Case No. P03-18. Applicant: Nelmon Brauning

8. Consideration and approval of a Final Plat for Chicken Express Addition located near the intersection of North Harrison and 45th Street. Case No. S02-18. Applicant: Wilma Smith/Paul Pogue 2012 Trust

9. Public hearing and consideration of an ordinance to approve the annexation of 506 acres (more or less) owned by St. Gregory's University and the Benedictine Fathers of Sacred Heart Mission, Inc., located in Section 2, Township 10 North, Range 3 East; and providing for its immediate effect and enforceability upon passage and publication through the emergency clause. *(Deferred from the December 18, 2017 City Commission meeting.)*

10. Discussion, consideration, and possible action to approve an ordinance amending portions of Chapter 5 of the City Code, entitled "Animals", by setting the maximum allowable number of owned or possessed dogs and cats on a premise or lot basis, and not on an individual basis; providing for codification, repealer, and severability; and declaring an emergency.

11. Discussion, consideration, and possible action to approve an ordinance amending part of Chapter 20, Section 18 of the City Code, regulating "Petit Larceny-Generally", by defining the offense as property taken from another in an amount less than \$1,000, and aligning with State Statute 21 O.S. § 1704; and providing for codification, repealer, and severability; and providing for emergency.
12. Discussion, consideration, and possible action to approve an ordinance amending Chapter 20, Section 105 regulating "Truancy" and replacing with language that corresponds with the State Statute that regulates the same; providing for codification, repealer, and severability; and providing for emergency.
13. Discussion and possible action to appoint a subcommittee of the City Commission to review proposals submitted by firms interested in serving as the City's insurance consultant.
14. Acknowledge Sales Tax Report received January 2018.
15. City Manager Report
16. New Business
(Any matter not known about or which could not have been reasonably foreseen prior to the posting of the agenda)
17. Commissioners Comments
18. Adjournment

Respectfully submitted

Phyllis Loftis, CMC, City Clerk

The City of Shawnee encourages participation from its citizens in public meetings. If participation is not possible due to a disability, notify the City Clerk, in writing, at least forty-eight hours prior to the scheduled meeting and necessary accommodations will be made. (ADA 28 CFR/36)

Regular Board of Commissioners

1.a.

Meeting Date: 01/16/2018

CC Minutes

Submitted By: Kacie Eck, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

Minutes from the December 18, 2017 regular meeting.

Attachments

CC Minutes

BOARD OF CITY COMMISSIONERS PROCEEDINGS
DECEMBER 18, 2017 AT 6:30 P.M.

The Board of City Commissioners of the City of Shawnee, County of Pottawatomie, State of Oklahoma, met in Regular Session in the Commission Chambers at City Hall, 9th and Broadway, Shawnee, Oklahoma, Monday, December 18, 2017 at 6:30 p.m., pursuant to notice duly posted as prescribed by law. Mayor Finley presided and called the meeting to order. Upon roll call, the following members were in attendance.

Richard Finley
Mayor

Dub Bushong
Commissioner Ward 1

Ron Gillham
Commissioner Ward 2

James Harrod
Commissioner Ward 3-Vice Mayor

Darren Rutherford
Commissioner Ward 4

Absent
Commissioner Ward 5

Ben Salter
Commissioner Ward 6

ABSENT: Lesa Shaw

INVOCATION

Don Lynch, Emergency Management Director

FLAG SALUTE

AGENDA ITEM NO. 1:

Consider approval of Consent Agenda:

- a. Minutes for December 4, 2017 regular meeting.
- b. Acknowledge the following reports and minutes:
 - License Payment Report for November 2017
 - Project Payment Report for November 2017
- c. Budget Amendment – Fund 001
To amend budget for the 1st year award of the Community Oriented Police Services (COPS) Grant

- d. Budget Amendment – Fund 001
To amend budget for the VOCA (Victims of Crime Act) Police Grant
- e. Acknowledge receipt of Pioneer Library System Revised Budget for July 1, 2017 through June 30, 2018.
- f. Authorize staff to proceed with a Request for Qualifications (RFQ) for a City insurance consultant.
- g. Acknowledge Oklahoma Municipal Retirement Fund normal retirement for Janice Carr.
- h. Mayor's Appointments

Shawnee Beautification Committee

Ethan Birdwell

1st Full Term

Expires 1/1/2022

Appointment to New Committee

- i. Acknowledge resignation of Harvey Valentine from the Shawnee Housing Authority Board.
- j. Authorize the City Manager to vote in the affirmative on the Shawnee Chamber of Commerce Special Meeting Proxy Card and Ballot.
- k. Authorize the City Manager to utilize funds from the lodging surcharge account to purchase a mobile stage in partnership with Visit Shawnee, Inc. and Safe Events for Families.
- l. Confirm and approve City Manager's hiring of Bonnie Wilson as Airport Manager.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Rutherford, to approve the Consent Agenda Item Nos. 1(a-l). Motion carried 6-0.

AYE: Harrod, Rutherford, Salter, Bushong, Gillham, Finley

NAY: None

AGENDA ITEM NO. 2:

Citizens Participation
(A three-minute limit per person)
(A twelve-minute limit per topic)

There was no Citizens Participation.

AGENDA ITEM NO. 3:

Public hearing and consideration of an ordinance to rezone property located at 1420 East 45th Street from RE; Residential Estates District to C-3; Highway Commercial District. Applicant: Doris Townsend Case No. P14-17. *(No action needed – applicant withdrew application.)*

No action was taken.

AGENDA ITEM NO. 4:

Discussion, consideration and possible action regarding an ordinance to approve the annexation of 506 acres (more or less) owned by St. Gregory's University and the Benedictine Fathers of Sacred Heart Mission, Inc., located in Section 2, Township 10 North, Range 3 East; and providing for its immediate effect and enforceability upon passage and publication through the emergency clause.

Mayor Finley stated that due to his previous announcement that two public hearings would be held regarding this annexation, although only one is required by law, the Commission will hold two public hearings.

Mayor Finley declared a public hearing in session to consider an ordinance to approve the annexation of 506 acres (more or less) owned by St. Gregory's University and the Benedictine Fathers of the Sacred Heart Mission, Inc., located in Section 2, Township 10 North, Range 3 East. No one appeared in favor or against the said annexation. The public hearing was closed.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Gillham, to defer this item to the January 16, 2018 City Commission meeting. Motion carried 6-0.

AYE: Harrod, Gillham, Finley, Rutherford, Salter, Bushong
NAY: None

AGENDA ITEM NO. 5: Discussion, consideration and possible action to approve a contract with Infrastructure Management Services (IMS) for Pavement Management, Inspection, Condition, Rating and Reporting Services.

Assistant City Engineer Michael Ludi gave a staff report explaining the scope of services included in this contract. Infrastructure Management Services (IMS) will laser scan all streets and state highways within the City of Shawnee and will rate each street as to their condition. The results of these scans will be downloaded into a software program which will assist city staff in identifying the streets most in need of repair. The GIS information received from this program will also show street signs and storm drains and their condition can be determined as well.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Gillham, to approve a contract with Infrastructure Management Services (IMS) for Pavement Management, Inspection, Condition, Rating and Reporting Services. Motion carried 6-0.

AYE: Harrod, Gillham, Finley, Rutherford, Salter, Bushong
NAY: None

AGENDA ITEM NO. 6: Presentation, discussion, consideration and possible action regarding a resolution to approve the Design Phase of the Parks Master Plan.

City Manager Justin Erickson provided a brief background on the Parks Master Plan. Mr. Erickson stated that two public meetings had been held and that the document attached to the agenda packet were proposed layouts of the parks and not construction documents. He then introduced Mr. Brian Patric with CLS and Associates, LLC. Mr. Patric gave a presentation showing proposed designs for KidSpace Park, Celebration of Life Park, Rotary Park, Woodland Veterans Park, Optimist Park and Dean Weigant Park.

Resolution No. 6553 was introduced.

A RESOLUTION APPROVING AND ADOPTING THE DESIGN PHASE OF THE PARK MASTER PLAN.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Rutherford, to approve a resolution to adopt the Design Phase of the Parks Master Plan. Motion carried 6-0.

AYE: Harrod, Rutherford, Salter, Bushong, Gillham, Finley

NAY: None

AGENDA ITEM NO. 7:

Consider a resolution to surplus certain City of Shawnee vehicles and donate to the Heart of Oklahoma Exposition Center.

City Manager Justin Erickson gave a staff report.

Resolution No. 6554 was introduced.

A RESOLUTION DECLARING CERTAIN ITEMS OF PERSONAL PROPERTY SURPLUS AND NO LONGER NEEDED FOR CITY PURPOSES; DESCRIBING SAID ITEMS; AND AUTHORIZING THE CONATION OF SAID ITEMS TO THE HEART OF OKLAHOMA EXPOSITION CENTER.

A motion was made by Commissioner Gillham, seconded by Commissioner Bushong, to approve a resolution to surplus certain City of Shawnee vehicles and donate to the Heart of Oklahoma Exposition Center. Motion carried 6-0.

AYE: Gillham, Bushong, Harrod, Finley, Rutherford, Salter

NAY: None

AGENDA ITEM NO. 8:

Acknowledge Sales Tax Report received December 2017.

Finance Director Cindy Arnold reported that November sales tax collected this month was \$1,436,804.00 which is up \$31,439.00 or 2.24% from 2016. For the year, the City is up 1.63% which is slightly below budget.

AGENDA ITEM NO. 9:

City Manager

City Manager Justin Erickson gave updates on the following:

- a. City Commission – Starting January 16, 2018, all City Commission and Related Authority meetings will begin at 6:00 p.m.
- b. Shop with a Cop – This event was held on December 12th. Local Law Enforcement Agencies helped underprivileged children shop for Christmas gifts. Ball Pipe and Supply sponsored the event.
- c. City Insurance Consultant – The City of Shawnee is requesting qualifications from firms interested in acting as the City's insurance consultant. He noted that any insurance consultant can submit a proposal. All RFQs should be submitted by January 19, 2018.
- d. Airport Manager – Airport Manager Keenan English has accepted a position in Phoenix, Arizona and will soon be leaving the City of Shawnee. This is the last City Commission meeting he will be attending.

AGENDA ITEM NO. 10:

New Business (Any matter not known about or which could not have been reasonably foreseen prior to the posting of the agenda.)

There was no New Business.

AGENDA ITEM NO. 11:

Commissioners Comments

Commissioner Bushong wished everyone Happy Holidays.

Vice Mayor Harrod expressed his appreciation to the other Commissioners for sponsoring the employee luncheon last week.

Mayor Finley read a statement regarding St. Gregory's University in response to Chairman Barrett's column in the Citizen Potawatomi Nation (CPN) Tribal newsletter.

AGENDA ITEM NO. 12:

Adjournment

There being no further business to be considered, the meeting was adjourned by power of the Chair. (7:01 p.m.)

RICHARD FINLEY, MAYOR

(Attest)

PHYLLIS LOFTIS, CMC, CITY CLERK

Regular Board of Commissioners**1.b.**

Meeting Date: 01/16/2018

Reports and Minutes

Submitted By: Kacie Eck, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

Acknowledge the following reports and minutes:

- License Payment Report for December 2017
- Project Payment Report for December 2017
- Planning Commission Minutes from October 4, 2017 meeting and November 1, 2017 meeting
- Shawnee Beautification Committee Minutes from November 16, 2017 meeting

Attachments

License Pymt Rpt

Project Pymt Rpt

PLN Minutes 10-4-2017

PLN Minutes 11-1-2017

Beautification Minutes

** FEE CODE TOTALS **

		===== PAYMENT DISTRIBUTION =====				
FEE CODE	DESCRIPTION	FEE	PENALTY	TAX	INTEREST	TOTAL PAID
ALARM	BURGLAR/FIRE ALARM LICENSE	5	125.00CR			125.00
ALARMRENEW	BURGLAR/FIRE ALARM RENEW	25	375.00CR			375.00
AMB	AMBULANCE LICENSE FEE	1	25.00CR			25.00
BEER2	BEER PACKAGE FEE	1	10.00CR			10.00
BOWL	BOWLING LANE	1	50.00CR			50.00
DEMOL	DEMOLITION LICENSE FEE	3	225.00CR			225.00
ELEC1	ELECTRICAL CONTRACTOR INITIAL	1	100.00CR			100.00
ELEC2	ELECTRICAL CONTRACTOR RENEW	7	525.00CR			525.00
EXT	EXTERMINATOR LICENSE FEE	5	125.00CR			125.00
FISHANNUAL	FISHING ANNUAL FEE	2	30.00CR			30.00
HUNT1	DOVES/QUAIL/SQUIIREL/RABBIT	2	16.00CR			16.00
HUNT2	MIGRATORY FOWL	8	64.00CR			64.00
IMERC	ITINERANT MERCHANT FEE	2	100.00CR			100.00
LAKEINSP	LAKE LEASE INSPECTION	1	75.00CR			75.00
LAKELEASE	LAKE LEASE	8	5,526.00CR			5,526.00
MECH1	MECHANICAL CONTRACTOR INTIAL	1	100.00CR			100.00
MECH2	MECHANICAL CONTRACTOR RENEW	7	525.00CR			525.00
MIXER	MIXED BEVERAGE RENEWAL	1	900.00CR			900.00
PAWN	PAWN BROKERS LICENSE FEE	2	50.00CR			50.00
PLUM2	PLUMBING CONTRACTOR RENEW	4	300.00CR			300.00
RESAL	RESIDENTIAL SALE	12	120.00CR			120.00
SALVG	SALVAGE OPERATOR LICENSE FEE	1	25.00CR			25.00
SIGN	SIGN HANGERS LICENSE FEE	9	675.00CR			675.00
SOLID	SOLICITOR DAILY LICENSE	2	6.00CR			6.00
STORM	STORM CELLAR LICENSE FEE	6	450.00CR			450.00
TAXIBR	VEHICLE FOR HIRE RENEWAL	1	50.00CR			50.00
TAXIDR	TAXI DRIVER RENEAL FEE	3	75.00CR			75.00
TREE	TREE TRIMMING LICENSE FEE	4	100.00CR			100.00
TOTAL			10,747.00CR			10,747.00

01/03/2018 10:53 AM
STATUS: ALL
SEGMENT CODES: All
FEE CODES: All

PROJECT PAYMENT REPORT

PAGE:
PROJECTS: THRU ZZZZZZZZZZ
PAYMENT DATES: 12/01/2017 TO 12/31/
SORTED BY: PRO

** GENERAL LEDGER DISTRIBUTION **

FUND G/L ACCOUNT	ACCOUNT NAME	AMOUNT
001-2133	UBCC FEE PAYABLE	236.00CR
001-4202	BUILDING PERMITS	4,819.76CR
001-4203	PLUMBING PERMITS	1,425.00CR
001-4204	ELECTRICAL PERMITS	500.00CR
001-4205	ZONING PERMITS & APPLICATIONS	1,589.00CR
001-4206	HEATING & A/C PERMITS	787.50CR
001-4249	OTHER PERMITS	850.00CR
001-4822	OTHER MISC. REVENUE	29.50CR
101-4249	OTHER PERMITS	290.00CR
501-4510	WATER TAPS	150.00CR
799-1023	BANCFIRST GENERAL	10,676.76

01/03/2018 10:53 AM
STATUS: ALL
SEGMENT CODES: All
FEE CODES: All

PROJECT PAYMENT REPORT

PAGE:
PROJECTS: THRU ZZZZZZZZZZ
PAYMENT DATES: 12/01/2017 TO 12/31/
SORTED BY: PRC

** SEGMENT CODE TOTALS **

SEGMENT CODE	DESCRIPTION	TOTAL PAID
B1-NEW	BUILDING CONSTRUCTION NEW	579.50CR
B3-REMODEL	BUILDING CONSTRUCTION REM	3,183.96CR
B4-STORAGE	BUILDING STORAGE SHED	1,002.80CR
E3-REMODEL	ELECTRICAL REMODEL/REPAIR	536.00CR
M3-REMODEL	MECHANICAL REMODEL/REPAIR	841.50CR
P2-ADD	PLUMBING ADDITION	434.00CR
P3-REMODEL	PLUMBING REMODEL	1,090.00CR
UNAPPLIED	UNAPPLIED CREDITS	280.00CR
X-BORE/CUT	BORING & PAVING CUT PERMI	290.00CR
X-PLATFIN	PLAT REVIEW FINAL	227.00CR
X-PLATREV	PLAT REVIEW PRELIM	252.00CR
X-SIGN	SIGN PERMIT	600.00CR
Z-CONDUSE	CONDITIONAL USE PERMIT	280.00CR
Z-OCCUP	OCCUPANCY PERMIT	250.00CR
Z-REZONING	REZONING REQUEST	830.00CR
TOTAL		10,676.76CR

PLANNING COMMISSION MINUTES

DATE: OCTOBER 4TH, 2017

The Planning Commission of the City of Shawnee, County of Pottawatomie, State of Oklahoma, met in the Commission Chambers, at City Hall, 9th and Broadway, on Wednesday, October 4th, 2017 at 1:30 p.m., pursuant to notice duly posted as prescribed by law.

AGENDA ITEM NO.1:

Roll Call

Upon roll call the following members were present:

Present: Walker, Bergsten, Cowen, Kienzle, Rowell

Absent:

Meeting was called to Order.

AGENDA ITEM NO. 2:

Consideration of approval of the minutes from the September 6th, 2017 Planning Commission Meeting

Chairman Bergsten asked if there were any questions, comments or if anyone would like to entertain a motion. Commissioner Kienzle made a motion to approve, seconded by Commissioner Walker.

Motion passed:

AYE: Walker, Cowen, Kienzle, Rowell

NAY:

ABSTAIN: Bergsten

AGENDA ITEM NO. 3:

Citizen's Participation

Chairman Bergsten opened the public portion of the meeting and announced that this is an open time for discussion for those with questions on topics not on the Agenda and asked if anyone would like to come forward. No one came forward and Chairman Bergsten closed the public portion of the meeting.

AGENDA ITEM NO. 4:

Consideration of approval of the 2018 Schedule of Regular Meetings for the Planning Commission

Chairman Bergsten asked if there were any questions or comments. Justin Debruin informed the board that there was one date that may be a little difficult with our meeting in July falling on July 4th so it was pushed to the following Thursday. Mr. Debruin offered the possibility of keeping or changing the date of the meeting or waiting until it gets closer to July and reschedule if needed. Commissioner Walker made a motion to approve, seconded by Commissioner Kienzle.

Motion passed:

AYE: Walker, Bergsten, Cowen, Kienzle, Rowell

NAY:

ABSTAIN:

AGENDA ITEM NO. 5:

Case #P11-17 - A public hearing for consideration of approval of a Rezone with Conditional Use Permit from C-1; Neighborhood Commercial District to C-3; Highway Commercial District w/ CUP, located at 4400 N. Kickapoo Street, Shawnee, OK

Applicant: Dennis Morris

Chairman Bergsten asked for the staff report. Justin Debruin presented staff report and informed the board the case was for a rezone from C-1; Neighborhood Commercial District to C-3; Highway Commercial District located south of 45th Street, west of Kickapoo Street and is in line with many rezones that have come before the Planning Commission recently. Mr. Debruin discussed that currently they do not allow by right any residential use within a commercial structure, only by Conditional Use Permit. The applicant requests commercial on bottom and residential on top of a two story structure. Justin Debruin explained there are stringent building code requirements but combination of uses is acceptable to staff. There is enough room for all parking needs and landscaping and facade requirements will be included. Staff does recommend approval. Commissioner Walker asked how appropriate off street parking was different given the mixed uses of this property versus strictly commercial. Justin Debruin stated there was no difference and explained it was merely reassuring some concerns with residential use attempts for on street parking being accounted for. Chairman Bergsten opened the public portion of the meeting and asked if anyone in opposition to the case would like to come forward to speak. No one came forward and Chairman Bergsten asked if anyone in favor would like to come forward. No one came forward to speak in favor. Chairman Bergsten closed the public portion of the meeting and asked if there were any comments, questions or a motion from the Commissioners. Vice-Chairman Cowen made a motion to approve, seconded by Commissioner Rowell.

Motion passed:

AYE: Walker, Bergsten, Cowen, Kienzle, Rowell

NAY:

ABSTAIN:

AGENDA ITEM NO. 6:

Case #P12-17 - A public hearing for consideration of approval of a Rezone from RE; Residential Estates District to C-3; Highway Commercial District, located at 39110 W. MacArthur Street, Shawnee, OK

Applicant: Nelmon Brauning

Chairman Bergsten asked for the staff report. Justin Debruin presented staff report and mentioned this was a fairly straight forward rezone located at 39110 W. MacArthur Street, east of Acme Road, containing around five acres and is unique in shape at 200 feet wide by about 1100 feet, similar to surrounding properties. Mr. Debruin stated there are currently two structures on site, one being the primary residential structure that is vacant and went on to inform the commissioners of the surrounding property zoning classifications. Justin Debruin informed the board that staff does recommend approval based on location of arterial road, general conformance with zoning in area, and comprehensive plan matching use for area. The applicant does not have a particular use at this time. Mr. Debruin stated he would be happy to answer any questions. There were no questions and Chairman Bergsten opened the public portion of the meeting and asked if anyone in opposition to the case would like to come forward to speak. No one came forward and Chairman Bergsten asked if anyone in favor would like to come forward. No one came forward to speak in favor. Chairman Bergsten closed the public portion of the meeting and asked if there were any comments, questions or a motion from the Commissioners. Commissioner Walker made a motion to approve, seconded by Commissioner Kienzle.

Motion passed:

AYE: Walker, Bergsten, Cowen, Kienzle, Rowell

NAY:

ABSTAIN:

AGENDA ITEM NO. 7:

Case #P13-17 - A public hearing for consideration of approval for the Workman's Plaza Planned Unit Development located at 4830 N. Harrison Avenue, Shawnee, OK

Applicant: Landes Engineering, LLC

Chairman Bergsten asked for the staff report. Justin Debruin presented staff report and stated he would be presenting a joint report for Agenda Items 7 & 8, PUD and Preliminary Plat. Mr. Debruin informed the Board that the property is 22 acres in size, located at the southwest corner of I-40 and Harrison. Property has been vacant for quite some time; former use was for a restaurant. Justin Debruin stated floodplain covers about half of the property, which will have to be remedied. The property is being rezoned from a scattering of uses including: C-3; Highway Commercial, R-3; Multi-Family Residential and A-1; Rural Agricultural to make it a C-3; Highway Commercial underlining district and proposed use is for a transportation facility over two lots, separated by a creek and channel area. Mr. Debruin explained applicant has reserved some space on northern part for a potential service road incorporated into PUD. Justin Debruin discussed the one requested variance for 120' sign on two locations and after comparison to the largest allowances previously accepted, has recommended approval for 70' signs. Mr. Debruin mentioned two drives are requested along Harrison Street and all requirements for commercial districts will apply. Staff recommends approval for PUD with three conditions and five conditions for Preliminary Plat. Chairman Bergsten asked if there were any questions. Commissioner Kienzle asked what kind of traffic analysis would be done and is concerned about westbound traffic. Justin Debruin informed her that is something they would look into and will also look at the larger truck traffic. Commissioner Bergsten asked if there were any plans for the west end of the lot. Mr. Debruin stated lot one is where they will build, out lot represented storm water channelization and the reserved six acres are for a potential service road. Vice-Chairman Cowen asked if service road goes in, would they need to do something with the median on Harrison. Justin Debruin agreed. There were no additional questions and Chairman Bergsten opened the public portion of the meeting and asked if anyone in opposition to the case would like to come forward to speak. No one came forward and Chairman Bergsten asked if anyone in favor would like to come forward. Skip Landes came forward and discussed the floodplain plans, signalization, access points and other items pertaining to request. Chairman Bergsten closed the public portion of the meeting and asked if there were any comments, questions or a motion from the Commissioners. Vice-Chairman Cowen made a motion to approve with conditions set forth by staff, seconded by Commissioner Rowell.

Motion passed:

AYE: Walker, Bergsten, Cowen, Kienzle, Rowell

NAY:

ABSTAIN:

AGENDA ITEM NO. 8:

Case #S05-17 – Consideration of approval of a Preliminary Plat for Workman's Plaza, located at 4830 N. Harrison Avenue, Shawnee, OK

Applicant: Landes Engineering, LLC

Joint staff report with case #P13-17. Chairman Bergsten opened the public portion of the meeting and asked if anyone in opposition to the case would like to come forward to speak. No one came forward and

Chairman Bergsten asked if anyone in favor would like to come forward. No one came forward and Chairman Bergsten closed the public portion of the meeting and asked if there were any comments, questions or a motion from the Commissioners. Commissioner Walker made a motion to approve with conditions set forth by staff, seconded by Commissioner Kienzle.

Motion passed:

AYE: Walker, Bergsten, Cowen, Kienzle, Rowell

NAY:

ABSTAIN:

AGENDA ITEM NO. 9:

Planning Director's Report

Justin Debruin discussed the \$10,000.00 AARP grant for the mini circle located at Chapman and Burns that will begin construction on Monday. Harbor Freight would like to open Black Friday. Discount Tire has been issued building permit. There are 300 acres being negotiated with the Commissioners of the Land Office west of the Shawnee Marketplace. Domino Plaza has projected opening date of Black Friday. Lifechurch is coming along. Schlotzsky's should have temporary CO soon. Shawnee Park was given temporary CO. Shawnee Historical Museum is being constructed. Tax Increment Finance District documents will be handed out prior to meeting. The Zoning Board of Adjustment asked for Joe Cooper's 100' flagpole variance request to come before the Planning Commission for discussion regarding the current sign height allowance. Mr. Debruin would like to put on agenda next month. Chairman Bergsten asked if there were plans for the old Joe Cooper dealership location. Justin Debruin mentioned he has been in contact with a company that is interested in developing lot. Chairman Bergsten asked about Phase two for Shawnee Marketplace. Mr. Debruin stated the City has been in contact with Commissioners of the Land Office for future development and would let the board know more when he has confirmation. Chairman Bergsten asked about the previous discussion regarding the potential road for land behind McAlister's Deli going out to 45th Street. Justin Debruin stated there has not been any additional discussion but it may be looked into soon with the recent surrounding development. Commissioner Walker asked for an update regarding the Cinderella Motel mentioning the fence was gone. Mr. Debruin discussed the property was sold at an auction and they are currently attempting to locate the correct property owner in order to get the fence back up.

AGENDA ITEM NO. 10:

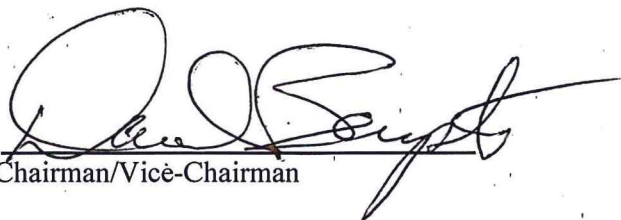
Commissioners Comments and/or New Business

There were no comments or new business.

AGENDA ITEM NO. 11:

Adjournment

Meeting was adjourned.



Chairman/Vice-Chairman

Cheyenne Pettigrew
Planning Commission Secretary

PLANNING COMMISSION MINUTES

DATE: NOVEMBER 1ST, 2017

The Planning Commission of the City of Shawnee, County of Pottawatomie, State of Oklahoma, met in the Commission Chambers, at City Hall, 9th and Broadway, on Wednesday, November 1st, 2017 at 1:30 p.m., pursuant to notice duly posted as prescribed by law.

AGENDA ITEM NO.1:

Roll Call

Upon roll call the following members were present:

Present: Walker, Bergsten, Rowell

Absent: Cowen, Kienzle

Meeting was called to Order.

AGENDA ITEM NO.2:

Consideration of approval of the minutes from the October 4th, 2017 Planning Commission Meeting

Minutes were deferred to December 6th, 2017 Planning Commission meeting due to lack of quorum.

Motion passed:

AYE:

NAY:

ABSTAIN:

AGENDA ITEM NO.3:

Swearing in of Cody Deem to the Planning Commission

Cody Deem was not present.

AGENDA ITEM NO.4:

Swearing in of Daniel Matthews to the Planning Commission

Daniel Matthews was sworn in.

AGENDA ITEM NO.5:

Citizens' Participation

Chairman Bergsten opened the public portion of the meeting and announced that this is an open time for discussion for those with questions on topics not on the Agenda and asked if anyone would like to come forward. No one came forward and Chairman Bergsten closed the public portion of the meeting.

AGENDA ITEM NO.6:

Case #S06-17 – Consideration of approval of a Preliminary Plat for Chicken Express Addition, located near the intersection of North Harrison Ave. and 45th Street, Shawnee, OK

Applicant: Amy Landry

Chairman Bergsten asked for the staff report. Justin Debruin presented staff report informed the board that the preliminary plat being presented today is located southwest of Harrison and 45th Street, just north of the U-Haul business on Harrison Avenue. Mr. Debruin explained that the property is 1.16 acres in size and currently zoned as C-3; Highway Commercial. Justin Debruin discussed the standards required, including six foot sidewalks adjacent to Harrison Avenue. Storm water detention is shown on site, all necessary easements are set in place and Justin Debruin listed the five recommendations needed before final plat approval. Staff does recommend approval and Mr. Debruin stated he would be happy to answer any questions. Chairman Bergsten asked what the intended out lot use was. Justin Debruin informed him that a billboard is in place there and the owners wanted to keep that area open to access this portion of property. There were no additional questions for staff. Chairman Bergsten opened the public portion of the meeting and asked if anyone in opposition to the case would like to come forward to speak. No one came forward and Chairman Bergsten asked if anyone in favor would like to come forward. No one came forward to speak in favor. Chairman Bergsten closed the public portion of the meeting and asked if there were any comments, questions or a motion from the Commissioners. Commissioner Matthews made a motion to approve with conditions listed, seconded by Commissioner Walker.

Motion passed:

AYE: Matthews, Walker, Bergsten, Rowell

NAY:

ABSTAIN:

AGENDA ITEM NO.7:

Consideration and appropriate action to approve a resolution of the Shawnee Planning Commission determining that the Amended and Restated Shawnee Downtown Revitalization Project Plan is in conformance with the City of Shawnee Comprehensive Plan and to recommend that the Shawnee City Commission approve and adopt the Amended and Restated Shawnee Downtown Revitalization Project Plan

Chairman Bergsten asked for the staff report. Justin Debruin presented staff report and explained that the City established by ordinance in 2013, a Tax Increment Finance District for downtown and discussed how with the current plan expiring in 2018 this proposed plan would encompass the original and also add an additional district with different projects. Chairman Bergsten informed the Commissioners that the role this board plays for this item is to show it is in conformance with the current comprehensive plan. Justin Debruin agreed and relayed that it would be approved by resolution. Jeff Savin, Attorney for the Center of Economic Development Law, came forward and gave a presentation discussing the TIF's purpose, goals, project areas, statutory guidelines, improvements to streets, parks and library, Aldridge repayments and revenue source for Shawnee Public Schools among other topics. Chairman Bergsten asked if there were any questions. There were none and Chairman Bergsten opened the public portion of the meeting and asked if anyone in opposition to the case would like to come forward to speak. No one came forward and Chairman Bergsten asked if anyone in favor would like to come forward. No one came forward to speak in favor. Chairman Bergsten closed the public portion of the meeting and asked if there were any comments, questions or a motion from the Commissioners. Chairman Bergsten asked about the purple building listed on an exhibit and Justin Debruin explained it was the number three, referring to Beard Avenue. Chairman Bergsten asked for a motion, Commissioner Walker made a motion to adopt resolution. Chairman Bergsten asked for the secretary, Cheyenne Pettigrew, to read the resolution title. Justin Erickson asked for Chairman Bergsten to obtain a second vote before proceeding. Commissioner

Rowell seconded the motion. Cheyenne Pettigrew read the resolution title. Chairman Bergsten asked for a vote.

Motion passed:

AYE: Matthews, Walker, Bergsten, Rowell

NAY:

ABSTAIN:

AGENDA ITEM NO.8:

Discussion regarding the City of Shawnee Sign Code as it relates to flag poles

Chairman Bergsten asked for the staff report. Justin Debruin presented staff report and explained the reference to the zoning board of adjustment's Case #Z03-17, in regards to a request for a 120' flagpole in September of this year at the Joe Cooper Dealership site. Recommendation was to deny and Mr. Debruin briefed the board with attachments of the staff report from that meeting. Justin Debruin explained that the height limitation along the I-40 corridor is a 40' max height above grade for signs. Mr. Debruin discussed two or three separate variance cases located on the southern side of the highway with the grade being quite a bit lower in this area. Justin Debruin informed the Commissioners that the request was denied because it did not qualify for a variance since it was not unique to that particular site. It was agreed during that meeting to bring it before the Planning Commission for consideration. There was general discussion from the Commissioners commenting on elevation changes, comparison to other cities codes, definition of banners, differences between flags and signs and additional items. Mr. Debruin expressed that he would do more research and bring item before Commissioners again.

AGENDA ITEM NO.9:

Discussion regarding changes to the City of Shawnee Sign Code as it relates to Downtown Shawnee

Chairman Bergsten asked for the staff report. Justin Debruin presented staff report and informed the Commissioners no content was added to the agenda packet as he wanted an open discussion regarding this topic. Mr. Debruin explained current sign code does not allow projecting signs and it was brought up that the advertising allowances for downtown were not good enough. Justin Debruin mentioned many codes are outdated and he would like to explore this idea and bring it before the commission again at a later time. Mr. Debruin discussed swinging signs causing safety concerns and the issue of being placed in the right of way. Justin Debruin stated he would like feedback from commissioners at any time regarding this item and there was general discussion regarding topic.

AGENDA ITEM NO.10:

Planning Director's Report

Justin Debruin discussed the request for qualifications for the comprehensive plan due on November 6th that will update the comprehensive plan currently in place. Mr. Debruin mentioned TIF and the mini-circle project waiting on signage. Chairman Bergsten asked for updates regarding ongoing projects. Justin Debruin stated Shawnee Park has been given their CO. Life Church is getting closer to completion and Schlotzsky's is now open. Mr. Debruin stated Domino Plaza is waiting on FEMA letter. Chairman Bergsten asked if there was any news on Shawnee Marketplace Phase 2 and Mr. Debruin stated there wasn't any additional news but that the city was looking into evaluating the next steps. Wayfinding signage is near completion and Justin Debruin informed Commissioners that the parks master plan discussion will be held at the expo center on Thursday at 6pm.

AGENDA ITEM NO.11:

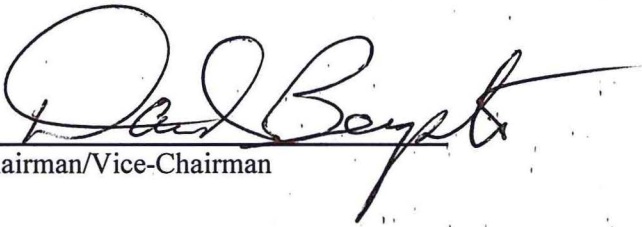
Commissioners Comments and/or New Business

There were no comments.

AGENDA ITEM NO.12:

Adjournment

Meeting was adjourned.



Chairman/Vice-Chairman

Cheyenne Pettigrew
Planning Commission Secretary

Minutes
Shawnee Beautification Committee
NOVEMBER 16, 2017
The Shawnee Beautification Committee met at the Chamber of Commerce Board Room
The meeting was called to order at 4:00 pm

Roll Call was taken showing the following members present:

		Present	Absent
Member	Tom Terry	<u> X </u>	<u> </u>
Member	Sherry Lankford	<u> X </u>	<u> </u>
Member	Joe Harbeson	<u> X </u>	<u> </u>
Member	Debi Renegar	<u> X </u>	<u> </u>
City Staff	James Bryce	<u> X </u>	<u> </u>
City Staff	Whisper Peace	<u> X </u>	<u> </u>
City Staff	Jim VanAntwerp	<u> X </u>	<u> </u>

Roll Call and Declaration of a Quorum.

AGENDA NO 1 **Approved Minutes for OCTOBER 19, 2017.** The minutes for OCTOBER 19, 2017 were approved with a motion made by Sherry Lankford and 2nd by Debi Renegar. The motion carried unanimously.

AGENDA NO 2 **Discussion on "Gardening with the Experts."** The date for the "Gardening with the Experts has been set for January 27,2017, at Gordon Cooper, 2 of the 3 speakers will be Linda Vater to talk about bulb planting and Casey Hentges will talk about Botanic Gardens. Tom Terry will write a letter to recruit previous sponsors.

AGENDA NO 3 **Discussion on Keep Oklahoma Beautiful Awards on November 18, 2017.** The Community Market of Pottawatomie County is a finalist this year. The City of Shawnee will have a table for the event that will seat 8 people.

AGENDA NO 4 **Discussion on changing the name of the Shawnee Beautification Committee.** No change at this time. Item was tabled until next meeting.

AGENDA NO 5 **Discussion on movement of funds from the Chamber to the Shawnee Community Foundation.** Request has been sent to the Mayor and is being reviewed. Update to be given at next meeting.

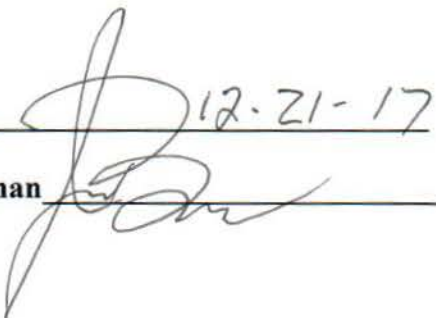
AGENDA NO 6 **New Business.**

AGENDA NO 7 **Miscellaneous Updates.**

AGENDA NO 8 **Adjournment.** Meeting was adjourned at 4:42pm.

Date

Chairman

 12-21-17

Regular Board of Commissioners

1.c.

Meeting Date: 01/16/2018

SURA Resignation - Rice

Submitted By: Kacie Eck, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

Acknowledge resignation of Stephen Rice from the Shawnee Urban Renewal Authority.

Attachments

SURA Resignation - Rice

December 28, 2017

RECEIVED
DEC 29 2017
CITY CLERK

Shawnee Urban Renewal Authority

I regret to inform you that I am resigning from the Shawnee Urban Renewal Board effective February 1, 2018 for personal reasons.

Sincerely,

A handwritten signature in blue ink, appearing to read "Stephen Rice", is written over the typed name.

Stephen Rice

Regular Board of Commissioners

1.d.

Meeting Date: 01/16/2018

SURA Resignation - Gill

Submitted By: Kacie Eck, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

Acknowledge resignation of Larry Gill from the Shawnee Urban Renewal Authority.

Attachments

SURA Resignation - Gill

From: LARRY GILL [mailto:lgill@firstfinservices.com]
Sent: Tuesday, January 2, 2018 7:24 PM
To: Karen Drain <kdrain@shawneeok.org>
Subject: Resignation

January 2, 2018

To: Shawnee Urban Renewal Authority
Re: Resignation

Please accept this as my resignation from the SURA board. Although I have a home in Northridge, I am currently living outside the city limits in my house on South Bryan, which disqualifies me from serving on a City of Shawnee board. It has been an honor to have served. Best wishes going forward.

Sincerely,

Larry

Larry D. Gill
23 East 9th, Suite 221
Shawnee, OK 74801
Phone 405-273-8200
Cell: 405-550-1493
Email: lgill@firstfinservices.com

Regular Board of Commissioners**1.e.**

Meeting Date: 01/16/2018

Mayor's Appointments

Submitted By: Kacie Eck, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

Mayor's Appointments

Shawnee Beautification Committee

Holly Gordon	1 st Full Term	Expires 01/01/2022
<i>Appointment to New Committee</i>		

Kevin Huddleston	1 st Full Term	Expires 01/01/2022
<i>Appointment to New Committee</i>		

Mike Mlynek	1 st Full Term	Expires 01/01/2022
<i>Appointment to New Committee</i>		

Shawnee Civic and Cultural Development Authority

Tim Barrick	2 nd Full Term	Expires 12/31/2021
<i>Reappointment</i>		

Shawnee Housing Authority

Mike Vorndran	1 st Partial Term	Expires 02/04/2019
<i>Replaces Harvey Valentine – Resigned</i>		

Shawnee Urban Renewal Authority

Audra Barksdale	1 st Full Term	Expires 02/02/2021
<i>Replaces Stephen Rice – Resigned</i>		

Paul E. Davis	1 st Full Term	Expires 02/02/2021
<i>Replaces Larry Gill – Resigned</i>		

Attachments

Gordon Application

Huddleston Application

Mlynek Application

Barrick Application

Vorndran Application

Barksdale Application

Davis Application



APPLICATION TO SERVE
Boards, Committees and Commissions

- ☒ Appointment
☐ Reappointment – Partial/First/Second Term

Name: <u>Holly Gordon</u>	Application Date: <u>4/8/2017</u>
Address: <u>303 N. Louisa Ave.</u>	Date of Birth: <u>10/26/1967</u>
Mailing Address: <u>303 N. Louisa Ave. Shawnee OK 74801</u>	
Daytime Phone: <u>405-585-3032</u> Fax: <u>—</u>	Email: <u>hgordon@gatewaytoprevention.org</u>
Profession: <u>Healthy Living Consultant</u>	
Business Name: <u>Gateway To Prevention</u>	
Business Address: <u>1414 N. Kennedy Ste. 109</u>	
Business Phone: <u>405-275-3391</u> Fax: <u>405-275-2458</u>	Email: <u>hgordon@gatewaytoprevention.org</u>

Do you live within the City Limits of the City of Shawnee? Yes or No (please circle)

Do you currently serve on a City board, committee or commission? Yes or No (please circle)

If so, please list the board/committee: _____

How many years have you lived in Shawnee? 25 years

Select the Board/Committee/Commission you are interested in serving on: (please check)

☐ Airport Advisory Board ☐ Beautification Committee ☐ Board of Adjustment (Zoning) ☐ Civic and Cultural Development Authority ☐ Community Service Contracts Review Committee ☐ Housing Authority	☐ Library Board ☐ Oklahoma Baptist University Trust Authority ☒ Planning Commission ☐ Shawnee Hospital Authority ☐ Shawnee Urban Renewal Authority ☐ Traffic Commission ☐ Other _____
---	---

Why are you interested in serving on the Board/Committee/Commission selected above?

I want to help my city, as a citizen, tax payer and community member. I believe I will bring an open mind to ideas and willing to do what is best for the city and its citizens.

Revised April 4, 2017

What will make you a good board member and what skills or knowledge do you have that would be relevant to this board/committee/commission?

I have over eight years of experience working in city ordinances and policy work. through my professional career.

What civic or volunteer activities (if any) are you currently involved in?

I am a Community Renewal Block Leader, Advisory Member of Neighborhood 101, Active member of Downtown Merchants group

List education, including degree(s) earned:

B.A. - communications/public relations
M.B.A. - emphasis in Management/Leadership

Have you ever served on a City-appointed board/committee/commission before? If so, which ones and for how long did you serve?

NO

Have you ever been charged and/or convicted of a felony? NO

If so, please explain the circumstances and the current status of the charge(s) and/or conviction(s):

Have you ever declared personal or business bankruptcy? NO

If so, please explain:

Please include up to three personal or professional references:

Name	Relationship	Telephone Number
<u>Jon Greenwood</u>	<u>co-worker</u>	<u>570-1854</u>
<u>Jan Tipton</u>	<u>friend</u>	<u>613-9925</u>
<u>Paulann Canty</u>	<u>friend</u>	<u>273-7445</u>

PLEASE READ CAREFULLY:

Appointment by the Commission is for one term and individuals may not serve more than two consecutive full terms. Appointment to a second term remains at the discretion of the City Commission.

My signature affirms that all information contained herein is true to the best of my knowledge, and that I understand that any misstatement of fact or misrepresentation of credentials may result in disqualification from further consideration.

Signature

Holly Gordon

Date

4/7/2017



APPLICATION TO SERVE
Boards, Committees and Commissions

- ☐ Appointment
☐ Reappointment – Partial/First/Second Term

Name: <u>Kevin Huddleston</u>	Application Date: <u>6/28/17</u>
Address: <u>3 Kaross Rd</u>	Date of Birth: <u>09/10/1964</u>
Mailing Address: <u>same</u>	
Daytime Phone: <u>395-5083</u>	Fax: <u>395-3083</u> Email: <u>kevinh@finley-cook.com</u>
Profession: <u>Accountant</u>	
Business Name: <u>Finley & Cook, PLLC</u>	
Business Address: <u>601 N. Broadway</u>	
Business Phone: <u>395-5000</u>	Fax: _____ Email: _____

Do you live within the City Limits of the City of Shawnee? Yes or No (please circle)

Do you currently serve on a City board, committee or commission? Yes or No (please circle)

If so, please list the board/committee: Airport and Library Advisory

How many years have you lived in Shawnee? 9

Select the Board/Committee/Commission you are interested in serving on: (please check)

☐ Airport Advisory Board ☒ Beautification Committee ☐ Board of Adjustment (Zoning) ☐ Civic and Cultural Development Authority ☐ Community Service Contracts Review Committee ☐ Housing Authority	☐ Library Board ☐ Oklahoma Baptist University Trust Authority ☐ Planning Commission ☐ Shawnee Hospital Authority ☐ Shawnee Urban Renewal Authority ☐ Traffic Commission ☐ Other _____
--	--

Why are you interested in serving on the Board/Committee/Commission selected above?

I have been serving on the Chamber Beautification Committee for the last 4 years. We are working to merge the committees to better serve the community.

What will make you a good board member and what skills or knowledge do you have that would be relevant to this board/committee/commission?

I have 4+ years of service on the Chamber Beautification Committee and willingness and desire to make Shawnee an attractive place for our residents, businesses and visitors.

What civic or volunteer activities (if any) are you currently involved in?

Airport and Library Boards, SEDF Ex-Officio Board Member, Treasurer - Historic Shawnee Alliance, Treasurer - Okla Native American Technology Council, OBU Shawnee Area Advisory Board

List education, including degree(s) earned:

BS - Accounting, East Central Univ.

Have you ever served on a City-appointed board/committee/commission before? If so, which ones and for how long did you serve?

yes, see above. Since 2013.

Have you ever been charged and/or convicted of a felony? No

If so, please explain the circumstances and the current status of the charge(s) and/or conviction(s):

Have you ever declared personal or business bankruptcy? Personal

If so, please explain:

Personal in 1997

Please include up to three personal or professional references:

Name	Relationship	Telephone Number
Richard Finley	Business Partner (ret.)	405-820-3869
Jonathan Gauss	Business Partner	405-878-7319
Bill Lowder	Friend	918-366-7948

PLEASE READ CAREFULLY:

Appointment by the Commission is for one term and individuals may not serve more than two consecutive full terms. Appointment to a second term remains at the discretion of the City Commission.

My signature affirms that all information contained herein is true to the best of my knowledge, and that I understand that any misstatement of fact or misrepresentation of credentials may result in disqualification from further consideration.

Signature 

Date June 28, 2017

Revised April 4, 2017

Applications are retained on file for one (1) year. Applicants are encouraged to include a letter of interest with this application. Thank you for your interest in serving Shawnee.

Send completed application to:

Shawnee City Clerk
PO Box 1448
Shawnee OK 74802
Phone 405-878-1605
Fax 405-878-1581
llasyone@shawneeok.org



APPLICATION TO SERVE
Boards, Committees and Commissions

- ☒ Appointment
☐ Reappointment – Partial/First/Second Term

Name: <u>Mike Mlynex</u>	Application Date: <u>12/28/17</u>
Address: <u>350875 E. 1040 Rd. Prague</u>	Date of Birth: <u>02/17/1979</u>
Mailing Address: <u>P.O. Box 34 Prague, OK 74864</u>	
Daytime Phone: _____	Fax: _____ Email: _____
Profession: <u>Executive Director</u>	
Business Name: <u>American Red Cross</u>	
Business Address: <u>232 N. Broadway Ave. Shawnee, OK</u>	
Business Phone: <u>405-395-8769</u> Fax: _____ Email: <u>mike.mlynex@redcross.org</u>	

Do you live within the City Limits of the City of Shawnee? Yes or No (please circle)

Do you currently serve on a City board, committee or commission? Yes or No (please circle)

If so, please list the board/committee: _____

How many years have you lived in Shawnee? Never actually lived in Shawnee, work here.

Select the Board/Committee/Commission you are interested in serving on: (please check)

☐ Airport Advisory Board ☒ Beautification Committee (4) ☐ Board of Adjustment (Zoning) ☐ Civic and Cultural Development Authority ☒ Community Service Contracts Review Committee (3) ☐ Housing Authority	☒ Library Board (2) ☐ Oklahoma Baptist University Trust Authority ☐ Planning Commission ☐ Shawnee Hospital Authority ☐ Shawnee Urban Renewal Authority ☒ Traffic Commission (1) ☐ Other _____
---	--

Why are you interested in serving on the Board/Committee/Commission selected above?

As someone who plans on working and constantly visiting Shawnee, I am wanting to help Shawnee get stronger. The ones I indicated are the ones I saw w/ an opening. I could serve on others if the need arises.

What will make you a good board member and what skills or knowledge do you have that would be relevant to this board/committee/commission?

Very familiar w/ Boards and committee work, in a work setting
and as a volunteer.

What civic or volunteer activities (if any) are you currently involved in?

ARC, church, youth sports coaching.

List education, including degree(s) earned:

B.S. Zoology
B.S. Business Management.

Have you ever served on a City-appointed board/committee/commission before? If so, which ones and for how long did you serve?

Have you ever been charged and/or convicted of a felony? No

If so, please explain the circumstances and the current status of the charge(s) and/or conviction(s):

Have you ever declared personal or business bankruptcy? No

If so, please explain:

Please include up to three personal or professional references:

Name	Relationship	Telephone Number
<u>see enclosed / attached.</u>		

PLEASE READ CAREFULLY:

Appointment by the Commission is for one term and individuals may not serve more than two consecutive full terms. Appointment to a second term remains at the discretion of the City Commission.

My signature affirms that all information contained herein is true to the best of my knowledge, and that I understand that any misstatement of fact or misrepresentation of credentials may result in disqualification from further consideration.

Signature

Mike Mlynch

Date

12/28/17

Revised April 4, 2017

Applications are retained on file for one (1) year. Applicants are encouraged to include a letter of interest with this application. Thank you for your interest in serving Shawnee.

Send completed application to:

Shawnee City Clerk
PO Box 1448
Shawnee OK 74802
Phone 405-878-1605
Fax 405-878-1581
llasyone@shawneeok.org



**American
Red Cross**

Mike Mlynek
Executive Director
South Central & Southeast
Oklahoma
mike.mlynek@redcross.org

232 N. Broadway
Shawnee, OK 74801
Tel (405) 273-8800
Cell (405) 395-8769
redcross.org

Michael Scott Mlynek

mmlynek@hotmail.com

<http://www.linkedin.com/in/mikemlynek>

PO Box 34 Prague, OK 74864

405-567-8930 (cell)

Education

Oklahoma State University

B.S. Arts & Sciences

Major: Zoology

Stillwater, Oklahoma

B.S. Business Administration

Major: Management

Employment History

Executive Director August 2017- present

American Red Cross – Shawnee, OK

- Responsible for four key areas within the South Central and Southeast Oklahoma Chapter including: Volunteer development, Fundraising, Relationship Management and Management of local Board of Directors in support of the overall mission of the American Red Cross.

Business Services Manager March 2017-July 2017

Tulsa Community WorkAdvance/Madison Strategies Group-Tulsa, OK

- Maintain and develop relationships with Tulsa area businesses to understand their hiring needs, collaborate with the Career Services team to understand the types of job opportunities best suited for customers, work with new and existing businesses to help place customers in quality jobs, and actively coach participants towards career advancement.

Programs Coordinator May 2016-November 2016

American Association of Petroleum Geologists-Tulsa, OK

- Worked with a team of three to administer AAPG's Program mix for its 35,000+ members.
- Planned, coordinated and managed all aspects of assigned AAPG programs and outreach.
- Provided effective support and implementation of plans and strategies determined by the AAPG Executive Committee and elected officers, including feedback and financial reporting.

Assistant Manager – Membership Services July 2007- May 2016

American Association of Petroleum Geologists-Tulsa, OK

- Managed direct reports to maximize productivity, and the potential of the assets of the organization.
 - Directed job assignments, monitored staff performance, coaching, counseling, and training.
- Assured compliance with regulatory requirements and organizational mission, policies and work rules.
 - Appraised performance and provided recommendations for staff compensation, promotion and termination actions, and hiring as appropriate.

Student Affairs Coordinator August 2003-June 2007

American Association of Petroleum Geologists-Tulsa, OK

- Supervised Student Chapters, Expo, Student Focus and Academic Liaison Committees for Association.
 - Managed global Visiting Geoscientist and Imperial Barrel Program for Association.
- Administered 350 plus global Student Chapters consisting of over 11,000 plus student members.
- Produced e-newsletter, social media efforts, facilitated national meetings and student expo/job fairs.

Campaign Manager June 2002-October 2002

Steve Holcombe for DA Committee-Stillwater, OK

- Coordinated political campaign race for District Attorney Candidate.
- Managed office staff, consultants, fund raising events and volunteers in support of campaign.
- Administered advertising campaign; print, radio, and door to door canvassing.

Intern U.S. Senator Jim Inhofe January 2002- May 2002. Tulsa, OK

- Handled incoming calls, assisted or handled constituent concerns and answered questions for the Senator.
- Assisted caseworkers on cases covering many governmental agencies, and numerous office duties.

Resident Assistant January 1999 – May 2001

Oklahoma State University Stillwater, Oklahoma

- Facilitated an academic environment and social community for fifty residents
- Provided crisis intervention, conflict mediation, and paraprofessional counseling
- Initiated programs that promoted resident growth and development.

Honors, Awards and Activities:

Quartermaster Sea Scout
Omicron Delta Kappa Honor Society
R.L. Duncan Memorial Scholarship
Golden Key National Honor Society
Phi Eta Sigma Honor Society
Dean's Honor Roll
Young American Award-Boy Scouting
Explorer of the Year
Student Academic Mentor
Junior Achievement

Spears School of Business Alumni Board
American Society of Association Executives
OSU SGA Senator and Academic Affairs Committee Chair
OSU Student Government Speakers Board
Big Event Executive Team- Student Involvement
Can U Relate Steering Committee
Living Group President
OSU Off-Campus Senator and Civic Affairs Committee Chair
OSU Homecoming Steering: University Committee
Resident Assistant Council – Committee Chair and Treasurer

Relevant References:

Vicki Beighle American Association of Petroleum Geologists Manager-Membership Services
918-560-2615 vbeighle@aapg.org , vicki.beighle@gmail.com
Would start here, was my supervisor for 13 years, probably knows me as well as family.

Jim Briggs AAPG -Ret.-Manager- Office Services
918-625-7903 rustyramblin@gmail.com
Can speak on my ability to work with others/other departments within an organization.

Martha Lou Broussard Rice University/AAPG Committee Chair/Member
713-348-4492 mlbrou@rice.edu
Can speak on how well I relate with students/young professionals, association members, committees as well as industry professionals.

Jeramy Rich Self, Farmer, Oklahoma Farming and Ranching Foundation President
405-205-0062 jrichcompanies@yahoo.com
Work with on a volunteer basis in coaching and developing young student athletes as well as their families and team organization.

Dr. Andy Urich Oklahoma State University-Director of Student Development, Eastin Center for Talent Development, Associate Professor of Management.
405-744-8619 aurich@okstate.edu



APPLICATION TO SERVE
Boards, Committees and Commissions

- ☐ Appointment
☒ Reappointment – Partial/First/Second Term

Name: <u>Tim Barrick</u>	Application Date: <u>12-14-17</u>
Address: <u>67 Granada</u>	Date of Birth: <u>2-21-61</u>
Mailing Address: <u>"Same"</u>	
Daytime Phone: <u>740-2898</u> Fax: <u>273-8849</u>	Email: <u>srprx@sbcglobal.net</u>
Profession: <u>Pharmacist</u>	
Business Name: <u>The Clinic Pharmacy</u>	
Business Address: <u>3210 Kethley Rd</u>	
Business Phone: <u>273-9417</u> Fax: <u>273-8849</u>	Email: <u>"Same"</u>

Do you live within the City Limits of the City of Shawnee? Yes or No (please circle)

Do you currently serve on a City board, committee or commission? Yes or No (please circle)

If so, please list the board/committee: Expo Board

How many years have you lived in Shawnee? 40/45 previous years

Select the Board/Committee/Commission you are interested in serving on: (please check)

☐ Airport Advisory Board	☐ Library Board
☐ Beautification Committee	☐ Oklahoma Baptist University Trust Authority
☐ Board of Adjustment (Zoning)	☐ Planning Commission
☐ Civic and Cultural Development Authority	☐ Shawnee Hospital Authority
☐ Community Service Contracts Review Committee	☐ Shawnee Urban Renewal Authority
☐ Housing Authority	☐ Traffic Commission
	☐ Other <u>Expo</u>

Why are you interested in serving on the Board/Committee/Commission selected above?

I've been on the board as a replacement & feel there are a number of issues coming up, that I can help with.

What will make you a good board member and what skills or knowledge do you have that would be relevant to this board/committee/commission?

I have a good feel of where the "Expo" is now an I
think I understand what needs to happen next to enhance
the Facility and the services it provides.

What civic or volunteer activities (if any) are you currently involved in?

Rotary, Free Clinic, United Way (Phcy Division), Okla Pharmacy
Assoc.

List education, including degree(s) earned:

Assoc. Science - St. Greg's 1981
BS Pharmacy - Univ. of Oklahoma 1985

Have you ever served on a City-appointed board/committee/commission before? If so, which ones and for how long did you serve?

Other than Expo Bld - no

Have you ever been charged and/or convicted of a felony? No

If so, please explain the circumstances and the current status of the charge(s) and/or conviction(s):

Have you ever declared personal or business bankruptcy? No

If so, please explain:

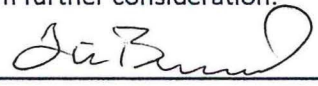
Please include up to three personal or professional references:

Name	Relationship	Telephone Number
<u>Chris Clark</u>	<u>Friend</u>	<u>833-2111</u>
<u>Mike Langley</u>	<u>Friend</u>	<u>245-4748</u>
<u>Jack Coffey</u>	<u>Partner</u>	<u>918-510-8818</u>

PLEASE READ CAREFULLY:

Appointment by the Commission is for one term and individuals may not serve more than two consecutive full terms. Appointment to a second term remains at the discretion of the City Commission.

My signature affirms that all information contained herein is true to the best of my knowledge, and that I understand that any misstatement of fact or misrepresentation of credentials may result in disqualification from further consideration.

Signature 

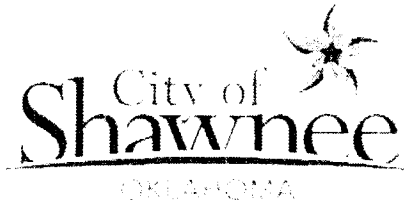
Date 12-14-17

Revised April 4, 2017

Applications are retained on file for one (1) year. Applicants are encouraged to include a letter of interest with this application. Thank you for your interest in serving Shawnee.

Send completed application to:

Shawnee City Clerk
PO Box 1448
Shawnee OK 74802
Phone 405-878-1605
Fax 405-878-1581
llasyone@shawneeok.org



APPLICATION TO SERVE
Boards, Committees and Commissions

Appointment
Reappointment – Partial/First/Second Term

Name: <u>MIKE VORNDRAN</u>	Application Date: <u>12/15/17</u>
Address: <u>11 E. FRANKLIN ST.</u>	Date of Birth: <u>9/10/53</u>
Mailing Address: <u>SHAWNEE, OK 74804</u>	
Daytime Phone: <u>405-590-7469</u> Fax: <u>405-273-4384</u>	Email: <u>MVM06@SBCGLOBAL.NET</u>
Profession: <u>PHARMACIST</u>	
Business Name: <u>MEDICINE SHOPPE</u>	
Business Address: <u>1006 N. HARRISON SHAWNEE 74801</u>	
Business Phone: <u>405-273-7360</u> Fax: <u>405-273-4384</u>	Email: <u>0736@MEDICINESHOPPE.COM</u>

Do you live within the City Limits of the City of Shawnee? ☒ Yes or No (please circle)

Do you currently serve on a City board, committee or commission? Yes or ☒ No (please circle)

If so, please list the board/committee: _____

How many years have you lived in Shawnee? 31

Select the Board/Committee/Commission you are interested in serving on: (please check)

Airport Advisory Board Beautification Committee Board of Adjustment (Zoning) Civic and Cultural Development Authority Community Service Contracts Review Committee ☒ Housing Authority	Library Board Oklahoma Baptist University Trust Authority Planning Commission Shawnee Hospital Authority Shawnee Urban Renewal Authority Traffic Commission Other _____
---	--

Why are you interested in serving on the Board/Committee/Commission selected above?

I AM CURRENTLY WORKING FEWER HOURS AND MY SCHEDULE
WILL ALLOW ME TO SERVE MY COMMUNITY IN WAYS I
COULD NOT PREVIOUSLY

Revised April 4, 2017

What will make you a good board member and what skills or knowledge do you have that would be relevant to this board/committee/commission?

I WOULD BRING A COMMITMENT TO THIS COMMUNITY
AND WILLINGNESS TO LEARN. I DON'T CURRENTLY
HAVE SPECIFIC RELEVANT KNOWLEDGE.

What civic or volunteer activities (if any) are you currently involved in?

VOLUNTEER HEALTH CLINIC (BOARD MEMBER 17 YRS)
LIBRARY VOLUNTEER (TUTORING)

List education, including degree(s) earned:

BS PHARMACY

Have you ever served on a City-appointed board/committee/commission before? If so, which ones and for how long did you serve?

NO

Have you ever been charged and/or convicted of a felony? NO

If so, please explain the circumstances and the current status of the charge(s) and/or conviction(s):

Have you ever declared personal or business bankruptcy? NO

If so, please explain:

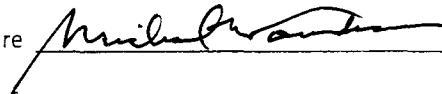
Please include up to three personal or professional references:

Name	Relationship	Telephone Number
CINDY FAIN	OK PHARMACY BOARD	521-3185
CINDY LANTZ	SHAWNEE CHAMBER	273-6092
RON HENDERSON	DEMCO PRINTING	273-8888

PLEASE READ CAREFULLY:

Appointment by the Commission is for one term and individuals may not serve more than two consecutive full terms. Appointment to a second term remains at the discretion of the City Commission.

My signature affirms that all information contained herein is true to the best of my knowledge, and that I understand that any misstatement of fact or misrepresentation of credentials may result in disqualification from further consideration.

Signature 

Date 12/15/17

Revised April 4, 2017



APPLICATION TO SERVE
Boards, Committees and Commissions

- ☐ Appointment
☐ Reappointment – Partial/First/Second Term

Name: <u>Audra Barksdale</u>	Application Date: <u>1-02-2018</u>
Address: <u>528 N. Chapman Ave</u>	Date of Birth: <u>11-29-1981</u>
Mailing Address: <u>Same</u>	
Daytime Phone: <u>(405) 370-4994</u> Fax: <u>N/A</u>	Email: <u>Audra-barksdale@yahoo</u>
Profession: <u>(LMT) Licenced Massage Therapist</u>	
Business Name: <u>Stress Less Massage</u>	
Business Address: <u>23 E. 9th Ste. 217, 74801</u>	
Business Phone: <u>(405) 370-4994</u> Fax: <u>N/A</u>	Email: <u>Audra-barksdale@yahoo</u>

Do you live within the City Limits of the City of Shawnee? Yes or No (please circle)

Do you currently serve on a City board, committee or commission? Yes or No (please circle)

If so, please list the board/committee: _____

How many years have you lived in Shawnee? 15 years

Select the Board/Committee/Commission you are interested in serving on: (please check)

☐ Airport Advisory Board ☐ Beautification Committee ☐ Board of Adjustment (Zoning) ☐ Civic and Cultural Development Authority ☐ Community Service Contracts Review Committee ☐ Housing Authority	☐ Library Board ☐ Oklahoma Baptist University Trust Authority ☐ Planning Commission ☒ Shawnee Hospital Authority ☒ Shawnee Urban Renewal Authority ☐ Traffic Commission ☐ Other _____
---	--

Why are you interested in serving on the Board/Committee/Commission selected above?

I am interested in contributing to my community and believe that the Shawnee Urban Renewal Authority is an incredible asset for community members.

What will make you a good board member and what skills or knowledge do you have that would be relevant to this board/committee/commission?

As a business owner I am engaged with the community and invested in its growth. I have over thirteen years experience managing the books and budget of my business.

What civic or volunteer activities (if any) are you currently involved in?

Volunteer at Regional Food Bank

List education, including degree(s) earned:

Certification in massage therapy (2 year program)
BS in Kinesiology, Exercise Fitness Management (graduate May, 2018)

Have you ever served on a City-appointed board/committee/commission before? If so, which ones and for how long did you serve?

No

Have you ever been charged and/or convicted of a felony? No

If so, please explain the circumstances and the current status of the charge(s) and/or conviction(s):

Have you ever declared personal or business bankruptcy? No

If so, please explain:

Please include up to three personal or professional references:

Name	Relationship	Telephone Number
Jennifer Rose	Sister	(918) 949-1492
Deborah Taylor RDN/LD	Client	(405) 830-2517
Lenny Gill	Friend	(405) 550-1493

PLEASE READ CAREFULLY:

Appointment by the Commission is for one term and individuals may not serve more than two consecutive full terms. Appointment to a second term remains at the discretion of the City Commission.

My signature affirms that all information contained herein is true to the best of my knowledge, and that I understand that any misstatement of fact or misrepresentation of credentials may result in disqualification from further consideration.

Signature A. Barkdale

Date 1-03-2018

Applications are retained on file for one (1) year. Applicants are encouraged to include a letter of interest with this application. Thank you for your interest in serving Shawnee.

Send completed application to:

Shawnee City Clerk
PO Box 1448
Shawnee OK 74802
Phone 405-878-1605
Fax 405-878-1581
llasyone@shawneeok.org



APPLICATION TO SERVE
Boards, Committees and Commissions

- ☒ Appointment
☐ Reappointment – Partial/First/Second Term

Name: <u>Paul E Davis</u>	Application Date: <u>1/3/2018</u>
Address: <u>1909 Rain Tree Dr, Shawnee OK 74804</u>	Date of Birth: <u>08/30/1950</u>
Mailing Address: <u>Same</u>	
Daytime Phone: <u>330-204-0900</u> Fax: _____	Email: <u>pod4793@frontier.com</u>
Profession: <u>Social Worker</u>	
Business Name: <u>Retired</u>	
Business Address: <u>Same as home</u>	
Business Phone: <u>N/A</u> Fax: <u>N/A</u>	Email: <u>N/A</u>

Do you live within the City Limits of the City of Shawnee? Yes or No (please circle)

Do you currently serve on a City board, committee or commission? Yes or No (please circle)

If so, please list the board/committee: N/A

How many years have you lived in Shawnee? 1 year

Select the Board/Committee/Commission you are interested in serving on: (please check)

☐ Airport Advisory Board	☐ Library Board
☐ Beautification Committee	☐ Oklahoma Baptist University Trust Authority
☐ Board of Adjustment (Zoning)	☐ Planning Commission
☐ Civic and Cultural Development Authority	☐ Shawnee Hospital Authority
☐ Community Service Contracts Review Committee	☒ Shawnee Urban Renewal Authority
☐ Housing Authority	☐ Traffic Commission
	☐ Other _____

Why are you interested in serving on the Board/Committee/Commission selected above?

I want to give back to the community

What will make you a good board member and what skills or knowledge do you have that would be relevant to this board/committee/commission?

I am a Licensed Social Worker, I retired from
The Department of Veterans Affairs,

What civic or volunteer activities (if any) are you currently involved in?

None

List education, including degree(s) earned:

OKCCC - AA degree, University of Oklahoma - BA
UT at Arlington - Masters of Science in Social Work

Have you ever served on a City-appointed board/committee/commission before? If so, which ones and for how long did you serve?

NO

Have you ever been charged and/or convicted of a felony? NO

If so, please explain the circumstances and the current status of the charge(s) and/or conviction(s):

Have you ever declared personal or business bankruptcy? NO

If so, please explain:

Please include up to three personal or professional references:

Name	Relationship	Telephone Number
<u>Elain Shuman</u>	<u>Friend</u>	<u>405-255-5779</u>
<u>Jan Davis</u>	<u>Sister-in-Law</u>	<u>512-1095-7664</u>
<u>Mark Davis</u>	<u>Nephew</u>	<u>405-642-3873</u>

PLEASE READ CAREFULLY:

Appointment by the Commission is for one term and individuals may not serve more than two consecutive full terms. Appointment to a second term remains at the discretion of the City Commission.

My signature affirms that all information contained herein is true to the best of my knowledge, and that I understand that any misstatement of fact or misrepresentation of credentials may result in disqualification from further consideration.

Signature Paul E Davis

Date 1/3/2018

Applications are retained on file for one (1) year. Applicants are encouraged to include a letter of interest with this application. Thank you for your interest in serving Shawnee.

Send completed application to:

Shawnee City Clerk
PO Box 1448
Shawnee OK 74802
Phone 405-878-1605
Fax 405-878-1581
llasyone@shawneeok.org

Regular Board of Commissioners

1.f.

Meeting Date: 01/16/2018

OBU Agreement

Submitted By: Kacie Eck, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

Approve an Agreement for Campus Police Jurisdiction and Authority with Oklahoma Baptist University.

Attachments

OBU Memo

OBU Agreement



City of Shawnee

Chief Mason Wilson

16 W 9th

Shawnee, Oklahoma 74801

Office (405) 878-1680 or 1681 *Fax (405) 878-1520

E-Mail: mwilson@shawneeok.org



FROM : Mason Wilson
Chief of Police

TO : Mayor and Commissioners

CC : Justin Erickson, City Manager

SUBJECT : Agreement for OBU Police Jurisdiction and Authority

DATE : January 11, 2018

This agreement will replace the original agreement between the City of Shawnee and the Oklahoma Baptist University Board of Trustees. The only change in this agreement is the addition of new properties owned by Oklahoma Baptist University.

The new agreement will allow OBU Police Department legal jurisdiction to enforce laws on properties owned by OBU, but not in the current agreement.

**AGREEMENT FOR CAMPUS POLICE JURISDICTION AND AUTHORITY BETWEEN THE CITY OF SHAWNEE,
OKLAHOMA AND THE BOARD OF TRUSTEES OF OKLAHOMA BAPTIST UNIVERSITY**

THIS AGREEMENT made and entered into this ____ day of _____, 2018 by and between the Board of Trustees of Oklahoma Baptist University on behalf of the Oklahoma Baptist Police Department and the City of Shawnee, a municipal corporation.

Oklahoma Baptist University owns, leases and rents real property, buildings and other improvements with the corporate city limits of the CITY, hereinafter shall be referred to as "University Property;" and

Oklahoma Baptist University and the CITY have duly established and authorized police departments for the purpose of providing police protection for property and persons within each of its own jurisdictional areas;

The jurisdiction of the UNIVERSITY, hereinafter referred to as "CAMPUS JURISDICTION," includes the real property, buildings and other improvements owned, leased or rented by the UNIVERSITY at its primary Shawnee, Oklahoma, campus; and

The UNIVERSITY has statutory authority to conduct certain law enforcement activities on its property and therefore, seeks to conduct law enforcement in the combined areas of the concurrent jurisdiction; and

74 O.S. 1991 § 360.15, et seq. authorizes agreements between the Oklahoma Baptist University and the CITY for the purpose of delineating responsibilities between the police agencies, delineating geographical boundaries thereof, and further, for the purpose of authorizing campus police departments to exercise concurrent jurisdiction within areas of municipal police jurisdiction; and

The parties are desirous of entering into an agreement pertaining to the jurisdictional boundaries and authority of the Oklahoma Baptist University Campus Police Department as authorized by 74 O.S. 1991 § 360.15, et seq.

NOW, THEREFORE, IN CONSIDERATION of the mutual covenants and promises set forth herein, the CITY and Oklahoma Baptist University agree as follows:

Article I

Campus Police Authority

- 1.1 The Oklahoma Baptist University Campus Police and its duly commissioned and certified police officers have statutory authority that includes the real property, buildings and other improvements owned, leased or rented by the UNIVERSITY at its primary Shawnee, Oklahoma campus.
- 1.2 As used in this Agreement, the terms highway, street, road, alley, public way boulevard, avenue and interstate, and any form thereof or other term of similar meaning or import and whether a common or proper noun, shall include any right-of-way areas thereof.

Article II

Area of Concurrent Jurisdiction

2.1 The CONCURRENT JURISDICTION shall be an area, bounded and described as follows:

Beginning at a point at the Northern edge of W. Federal St., thence East to the Eastern edge of N. Kickapoo St., thence North to the Northern edge of W. Federal St., thence East to the Eastern edge of N. Kickapoo St., thence North to the Northern edge W. 39th St. to include 2311 N Kickapoo, thence West to the Western end of W. 39th St., thence South and along the Western edge of J.D. Kethley Rd. and South along the West edge of N. Airport Dr. to the Northern edge of W. Federal St.; and also including the real property and premises where Gordon Cooper Technology Center Aviation Campus is located; but less and except the real property and premises where St. Anthony Shawnee Hospital is located.

Article III

Oklahoma Baptist University Campus Jurisdiction

3.1 As provided by law, Commissioned Oklahoma Baptist University Police officers have the same powers, liabilities, and immunities as sheriffs or police officers within their jurisdiction to enforce:

a. Rules and regulations of Oklahoma Baptist University,

3.2 Oklahoma Baptist University police officers may complete law enforcement activities off campus in a timely manner that began on campus.

3.3 Notwithstanding any provisions herein, the CITY retains CONCURRENT JURISDICTION as provided by law within said Oklahoma Baptist University campus area, also known as CAMPUS JURISDICTION.

Article IV

Oklahoma Baptist University Concurrent Jurisdiction Authority

4.1 Duly commissioned Oklahoma Baptist University Campus, pursuant to statutory authority and this Agreement, shall also have concurrent jurisdiction to enforce state statutes on the highways, streets, roads, alleys, easements and other public ways immediately adjacent to the area of CONCURRENT JURISDICTION.

4.2 Oklahoma Baptist University Police shall have the authority and power within the CONCURRENT JURISDICTION area to:

a. Enforce state statutes; and

- b. Timely complete any necessary enforcement activities that began within the CAMPUS JURISDICTION.

4.3 Outside the boundary of the CONCURRENT JURISDICTION, Campus Police may complete and necessary enforcement activities that began within the CAMPUS JURISDICTION or within the CONCURRENT JURISDICTION; provided, however, University shall coordinate such activities with CITY.

4.4 Within the extended area of the CAMPUS JURISDICTION and within the area of the CONCURRENT JURISDICTION, the parties shall have concurrent authority and Jurisdiction to the extent provided by law and the terms of this Agreement, and nothing in this Agreement shall be construed as diminishing the authority of either party in any area.

4.5 Oklahoma Baptist University Police are further authorized to exercise their authority as allowed by law within the area of CONCURRENT JURISDICTION as follows:

- a. When requested by any CITY police officer; and
- b. In an emergency or situation where prompt action is necessary to prevent or avoid personal injury or property damage or the escape of an offender who is reasonably believed to be fleeing from the scene of a crime or to be resisting arrest.

Article V

Obligations

5.1 Each party shall be solely responsible for the acts of its own police officers, employees, and agents taken under this Agreement but not for the acts of the public officers, employees or agents of the other party. It is expressly understood and agreed that nothing herein shall be construed as creating an employment or agency relationship between the CITY and the Oklahoma Baptist University Police Department or expanding any jurisdiction with respect to arrests for state or municipal charges not specifically addressed herein. The CITY shall assume no liability for the acts and omissions of the Campus Police while performing their services within the corporate limits of the City of Shawnee and that all salaries, insurance or any and all other benefits for the City's Police Department will be the sole responsibility of the CITY. Both parties herein shall be exclusively liable for loss resulting from tort or the torts of the employees acting within the scope of their employment as provided by law, including the Governmental Tort Claims Act, 51 O.S. 1991 § 151, *et. seq.*

5.2 This Agreement is executed exclusively to establish geographic jurisdiction under the authority provided by the Oklahoma Campus Security Act, 74 O.S. § 360.15 *ex seq.*, and particularly sections

360.17 and 360.20 thereof. Nothing in this Agreement shall be deemed to create an agent-principal relationship between Oklahoma Baptist University Police Officer and the CITY. It is the express intent of the parties hereto that this Agreement shall not be deemed or construed to be an appointment or commission by the CITY of any person to act for, by or on behalf of the CITY, whether as a police officer or otherwise. Any police officer acting by or under color of the jurisdictional authority created by this Agreement shall be acting exclusively on any commission of the Oklahoma Baptist University pursuant to the Act.

5.3 Nothing in this Agreement shall be construed as authority for either party to make commitment that will bind the other party.

5.4 Nothing in this Agreement shall create an Oklahoma Baptist University obligation to the City or to any third party to perform any police services or law enforcement activities.

Article VI

Cooperation

6.1 The Oklahoma Baptist University Police shall cooperate and coordinate with the CITY'S Chief of Police as to all aspects of this Agreement in which Oklahoma Baptist University may be involved.

6.2 Oklahoma Baptist University Police shall notify and defer to the CITY Police investigations and/or actions concerning any major crime incidents in which Oklahoma Baptist University may be involved, unless exigent circumstances require immediate action and prevent any such communication to the City Police. Oklahoma Baptist University will then notify City Police immediately thereafter. The term *major crime incident* shall be defined as all "part-one crimes" of the Uniform Crime Report as mandates by the Federal Bureau of Investigation and any "Part-two crimes" that threaten the life and/or property of the citizens of the CITY.

6.3 CITY Police may assume control in any situations that may arise within the CONCURRENT JURISDICTION area described herein.

6.4 Oklahoma Baptist University Police shall forward copies of all police reports of any and all major crime incidents and/or investigations, as defined in Article VI, section 6.2 herein, and/or any other incidents reflecting on-going and/or any other incidents reflecting an on-going and/or progressive pattern of criminal activity to CITY Police as soon as possible.

Article VII

Agreement Supersedes Prior Agreement

7.1 To the extent that they are inconsistent with any provision of this Agreement, the terms and provisions of any prior agreement between the parties are hereby superseded.

Article VIII

Non-waiver of Rights

8.1 Failure of either party to insist upon strict performance of any term of this Agreement in any one or more instances shall not be construed as a waiver for the future of the performance of any such term or other term, but the same shall be and remain in full force and effect.

Article IX

Mutual Assistance

9.1 Either party may request assistance from the other in the performance of its lawful responsibilities, the requested party *may* respond and provide assistance to the requesting party to the extent allowed by law and to the extent of the authority of the requesting party.

Article X

Effective Date

10.1 The Agreement shall be effective on the Date of Execution and continuing in effect until terminated as provided herein. This Agreement may be terminated by either mutual consent or by either party with or without cause after giving fourteen (14) days written notice. The CITY'S Chief of Police shall have plenary authority-in emergency situations to temporarily request the Campus Police to stop all activities authorized by this Agreement, pending a review and determination of whether the CITY will or will not terminate said Agreement.

IN WITNESS WHEREOF, the parties have approved this Agreement and authorized the signatures below as of the dates there set out.

DATED this ____ day of _____, 2018.

Board of Trustees for the Oklahoma Baptist University

By: _____
Randy Smith, Executive Vice President
for Business and Admin. Services

Approved by the City Council for the City of Shawnee, this ____ day of _____, 2018.

The City of Shawnee, a municipal *Corporation*

By: _____
Richard Finley, Mayor

ATTEST:

Phyllis Loftis, CMC, City Clerk

Approved as to form and legality this ____ day of _____, 2018.

Joseph M. Vorndran, City Attorney

Regular Board of Commissioners

3.

Meeting Date: 01/16/2018

Employee of the Month

Submitted By: Kacie Eck, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

Presentation by City Manager to Employee of the Month, Steve Castaneda, Street Department.

Attachments

No file(s) attached.

Regular Board of Commissioners

4.

Meeting Date: 01/16/2018

P01-18 Highland & Bryan

Submitted By: Kacie Eck, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

Public hearing and consideration of an ordinance to rezone property located on the east side of the intersection of Highland Street and Bryan Avenue from R-1; Single Family Residential District to PUD; Planned Unit Development. Case No. P01-18. Applicant: Landrun Group, LLC (*Deferred by the Planning Commission to the March 7, 2018 meeting.*)

Attachments

P01-18 Staff Rpt

P01-18 Ordinance

RECOMMENDATION TO:

MAYOR
BOARD OF CITY COMMISSIONERS
CITY OF SHAWNEE
CITY OF SHAWNEE
PLANNING COMMISSION

RECOMMENDATION FROM:

SUBJECT:

APPLICANT: The Landrun Group, LLC
FOR: Planned Unit Development
LOCATION: East of the Intersection of Highland Street and
Bryan Avenue, Shawnee, OK
PROJECT#: 171220 Case# P01-18

LEGAL DESCRIPTION:

SEE OWNERSHIP LIST

CURRENT CLASSIFICATION:

R-1; Single Family Residential District

REQUESTED CLASSIFICATION:

PUD; Planned Unit Development

PROPOSED PROPERTY USE:

Residential

PLANNING COMMISSION MEETING DATE: January 3rd, 2018

PLANNING COMMISSION RECOMMENDATION: Motion deferred to March 7th, 2018 PC Meeting

VOTE OF THE PLANNING COMMISSION:

MEMBERS PRESENT: 7

MEMBERS:	1ST	2ND	AYE	NAY	ABSTAIN	COMMENTS
DEEM			X			
MATTHEWS			X			
WALKER	X		X			
BERGSTEN (CHAIRMAN)			X			
COWEN (VICE-CHAIRMAN)		X	X			
KIENZLE			X			
ROWELL			X			

RESPECTFULLY SUBMITTED,

Cheyenne Pettigrew

SECRETARY, PLANNING COMMISSION

ACTION BY CITY COMMISSION:

PUBLIC HEARING SET: _____

DATE OF ACTION: _____

ADOPTED _____ DENIED _____

ORDINANCE NO. _____



STAFF REPORT
Planned Unit Development (PUD)
Case #P01 -18

TO: Shawnee Planning Commission

AGENDA: January 3, 2018

RE: 19th Hole Planned Unit Development (PUD)

PROPOSAL

The 19th Hole development is a high density residential concept located on Highland Street east of Bryan Avenue and the property is currently zoned R1 (Single Family Residential). Placed on a two (2) acre tract, the development proposes the following (Exhibit 1):

- Sixteen (16) individual lots, sized at approximately 4,000 square feet.
- One (1) community building with golf cart storage and a common area with pavilion.
- Ten (10%) percent landscaping throughout the development.
- Three (3') foot sidewalks connecting the internal drive to the required sidewalk on Highland St.
- Up to ten (10) on street parking spaces along a private, internal drive.
- East Highland fencing alternatives include wrought iron, masonry, or vinyl.
- Maintenance controlled by a Property Owner's Association (POA).
- Security gate along Highland St. for private access.

GENERAL INFORMATION

Applicant	LandRun Group, LLC.
Owner(s)	19 th Hole, LLC.
Site Location/Address	Lots 1-2, Block 1, Country Club Heights Addition
Current Site Zoning	R1 (Single Family Residential)
Parcel Size	2 Acres (Approximate)
Proposed Use	Residential
Comprehensive Plan Designation	Residential
Existing Land Use	Vacant
Surrounding Zoning	A1 (Agricultural), R1, and R3 (Multifamily Residential),



Figure 1: Aerial view of site – approximate total area outlined in red.

STAFF REVIEW AND ANALYSIS

The 19th Hole PUD is designed based on an R1-Z (Zero-lot-line residential) zoning designated, which existed in the City's Zoning Code prior to 2014. The intent of the R1-Z district is to permit and establish regulations for comprehensively planned single family tracts with zero side yard building setbacks. The internal side yard (where the structure

is placed on a property line) must be consistent among all lots in a development. The minimum lot size is established at 4,000 square feet, being substantially more dense than the R1 and R2 (Combined Residential) zoning districts.

Due to the exclusion of R1-Z zoning in the updated Zoning Code, the developer has chosen to establish the underlying zoning as R2, in recognition that the density is substantially too high for R1 zoning. The R2 district allows townhouses (3 structures per 10,000 sq. ft. of lot size), single family housing (6,000 sq. ft. min. lot size), duplex / triplex development (10,000 sq. ft. min. lot size), and the maximum site coverage is thirty-five (35%) percent.

Because of the fundamental difference between the proposed concept and the R2 zoning district, the following are the primary variances requested from City Code(Exhibit 2):

1. Min. lot area	R2 – 6,000 sq. ft.	Provided 4,004 sq. ft.
2. Min. frontage	R2 – 60 feet	Provided 38.5 feet
3. Min. front setback	R2 – 25 feet	Provided 10 feet
4. Max lot coverage	R2 – 35%	Provided 47%

Issues and necessary corrections

1. For the purpose of providing orderly development, covenants were established on Lots 1-16 of the Country Club Heights Addition in 1977 (Exhibit 4), which includes the subject property. Numerous letters of protest have been received based on a potential conflict with the private covenants.
2. Part I, Section 3 of the 19th Hole PUD Design Statement describes storm water mitigation measures. The intent, to which storm water would be released directly into the adjacent creek, does not meet the City's on-site detention requirement. To avoid confusion, this section should be corrected to state that storm water mitigation will be in conformance with City Engineering specifications.
3. Additional language should be added to the PUD Design Statement in accordance with the previous R1-Z zoning district, including:
 - a. No portion of the dwelling or architectural features shall project over any property line.
 - b. A perpetual five (5') foot maintenance easement shall be provided on the lot adjacent to the zero lot property line. This easement shall be shown

on the plat and incorporated into each deed transferring title to the property,

- c. The roof shall be so designed that water runoff from the dwellings placed on the zero-lot-line drains onto the owner's property.
- d. No accessory structure shall be located in the maintenance easement.

The 19th Hole development is in general conformance with the City's Comprehensive Plan, which designates this area for residential use. The requested rezone would allow for higher density than the existing R1 zoning district. However, land adjacent and to the south of this subject property is currently zoned R3, allowing for high-density multi-family residential use.

Due to general conformance with City standards, Staff has no objections to the requested PUD if the following conditions are met:

- 1. Storm water mitigation shall be in conformance with City requirements and corrected on the PUD Design Statement and Plan Map.
- 2. Additional language shall be included in the Design Statement in conformance with item 3 from the section titled, "Issues and necessary corrections."
- 3. All other applicable City standards apply.

Attachments:

- 1. Figure 1: Aerial view of site
- 2. Figure 2: Zoning Map
- 3. Figure 3: Comprehensive Plan Map
- 4. Exhibit 1: PUD Plan Map
- 5. Exhibit 2: PUD Design Statement
- 6. Exhibit 3: Landscape Plan
- 7. Exhibit 4: Private Covenants
- 8. Exhibit 5: Letter of Support – Country Club Ownership
- 9. Exhibit 6: Letters of Protest – Affected Property Owners

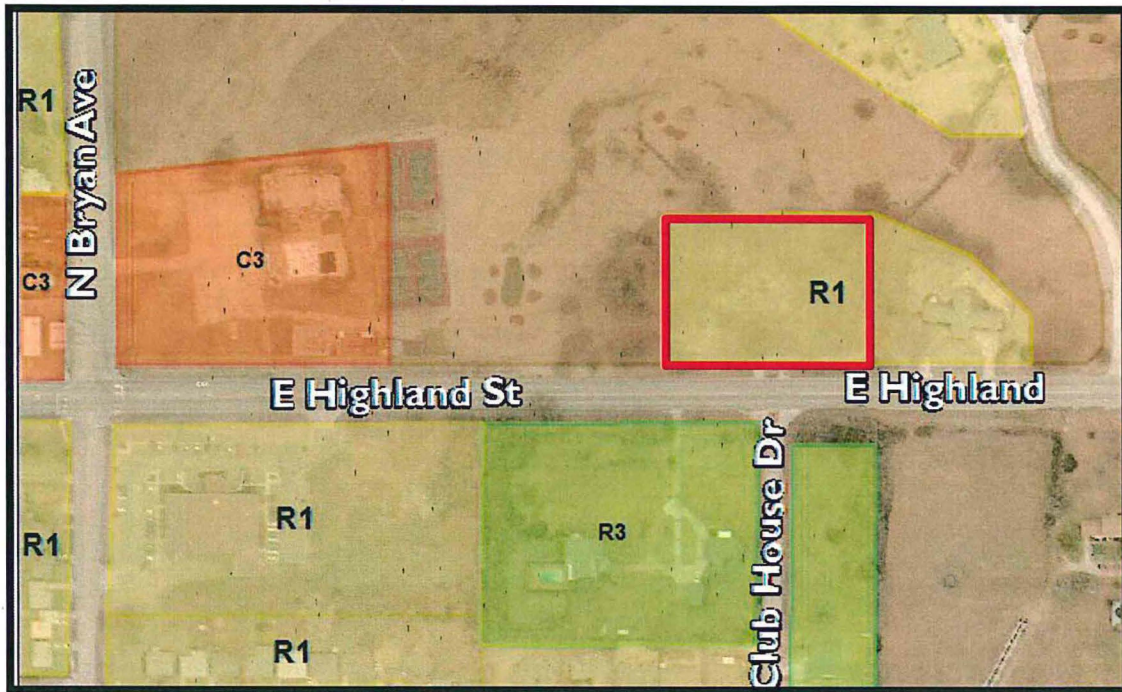


Figure 2: Zoning Map of site – approximate total area outlined in red.

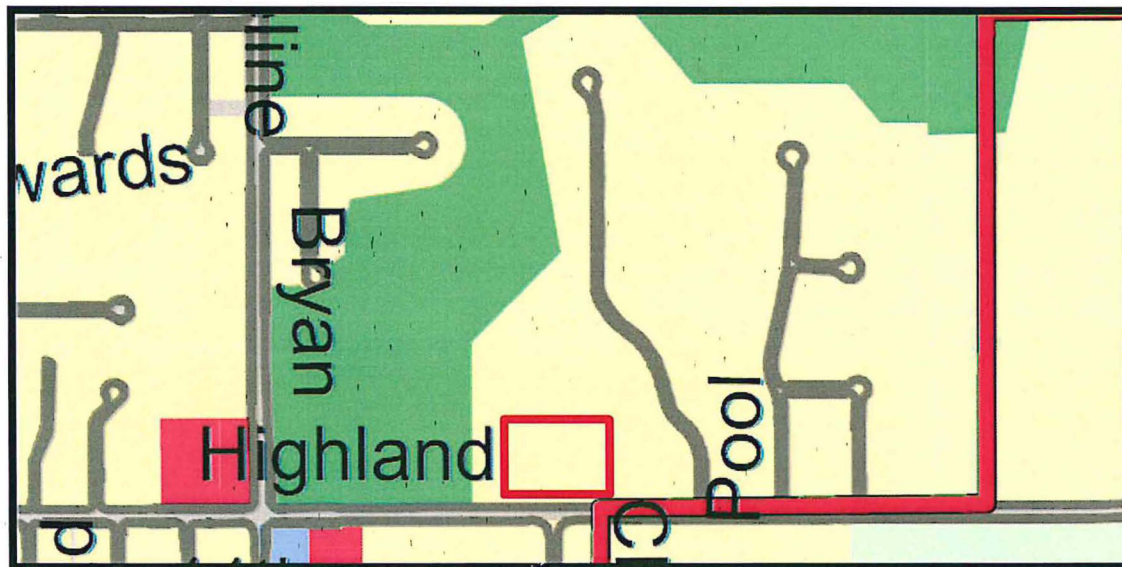


Figure 3: Future Comprehensive Plan Map – approximate total area outlined in red.

EXHIBIT

2



THE LANDRUN GROUP, LLC

ENGINEERING, LEGAL SERVICES, DRAFTING, LAND MANAGEMENT, CONSTRUCTION MANAGEMENT

Master Plan of

19th Hole Lots 1 & 2, Blk.1 Country Club Heights

A Planned Unit Development

PUD #

January 15, 2018

An 2.00 acre tract in the Southwest Quarter
of Section 16; Township 10 North, Range 4 East I.M.,
City of Shawnee, Pottawatomie County, Oklahoma

OWNER/DEVELOPER

19th Hole, LLC
201 W. 9th Street
Shawnee, OK 74801

DEVELOPMENT CONSULTANTS

This Master Development Plan and engineering documents have been prepared by:

The LandRun Group, LLC
LandRun Engineering, LLC
JDGL Legal Resource, Group, LLC
201 West 9th Street
Shawnee, OK 74801

201 WEST 9TH STREET
SHAWNEE, OK 74801

PO BOX 1584
SHAWNEE, OK 74802-1584

PART 1: DESIGN STATEMENT

GENERAL PLANNED UNIT DEVELOPMENT CONCEPT

The 19th Hole is a privately funded planned residential community located on East Highland Street and in Shawnee, Oklahoma. The land use is for a single residence based on a zero-lot line residential development approach served by municipal water and sanitary sewer utilities. To conform to a conventional City of Shawnee zoning, the general guidelines of the PUD will be developed on an R-2 basis with a conventional townhouse model. The development will be approximately sixteen (16) individual lots with sixteen single family patio homes. The development will be established with a community building with golf cart storage, common area with a pavilion, additional parking spaces, and a privacy/security gate from East Highland Street. The development will provide community landscaping, exterior residential maintenance, community building maintenance established for both individual and a small family environment (controlled by Property Owner's Association). The development will not be age restrictive but establish with individually owned homes for individuals attracted to increased density private living with staff through the POA capable of assisting with the community appearance and maintenance. Golf cart stalls and trails will be developed for individual members of the Shawnee Golf & Country Club interested in utilizing club services. These features combined with the quiet surrounding residential neighborhoods establishes this as an excellent location for a safe and secure development for younger and older families alike.

This development is restricted to privately funded housing maintained above standard median household income levels.

This development was formed in recognition of a segment of today's society interested in having amenities without the time for property maintenance yet still interested in the single-family environment. A Property Owner's Association (POA) will be created in the subdivision covenants to provide for either an individual or company to control all maintenance of all yards, common areas, landscaping areas inside and outside the walls of the individual homes and courtyards. Membership in the POA will be mandatory with dues assessed against each property. Said dues will be used to pay for lawn/landscape maintenance, electric charges, general liability insurance, reserves for maintenance, etc.

The 19th Hole Addition will not be specifically geared toward any specific age group and there will not be an age restriction. The floor plans offered will be geared towards young or growing families with diversity in the amenities for a wider range of age groups.

The common amenities being established for this development include a community building, community golf carts & stalls for use by members of the POA for access to the Shawnee Country Club and pavilion. The covenants will be written to allow the POA to develop additional amenities upon the discretion of its members and city code requirements. All housing will require individual or group storm shelters.

Vehicle access to the development will be via a gated entrance located on East Highland Street. Due to the 65 feet of right of way depth on East Highland Street a turn-around island will be established to accommodate vehicles incapable of entering the security gate. The gate will be established with a knock

box for access from city or security vehicles when or if necessary. All individual home will have 2 car garages with a corresponding eighteen (18') to twenty (20') feet drives on a private street/drive developed for the 19th Hole. The private street will be a twenty-four (24') feet concrete street with curb constructed on either a stabilized sub-base or gravel base to conventional street standards. The road and utilities will be installed in existing easements or in a utility and drive easement. Eight to ten (8-10) on-street parking spaces will be developed (as shown on master development plan) to accommodate vehicles incapable of parking in spaces developed for each individual home. Additional on-street parking will be prohibited.

A 3' sidewalk will be developed around the perimeter of the east/west street with a sidewalk developed along the west side of the entrance that connects to the city sidewalk developed in the right of way.

Public water lines will be installed in the development allowing individual services for each home.

Public sanitary sewer lines exist allowing individual services for each home. All other right of way and easements will be developed to allow public and private utilities adequate space to provide services for each property.

See the Master Development Plan for details.

SURROUNDING ZONING AND LAND USES

Surrounding land uses include A1 (North & West) consisting of the Shawnee Golf and Country Club, R-3 (South) across E. Highland Street, R-1 (East) consisting of an individual home on the east side of this development. Surrounding properties beyond the actual golf course include R-1, R-3 and C-3 development areas. This tract is currently zoned R-1 and the proposed PUD development is being developed as single family residential townhouses under R-2 guidelines.

SUBDIVISION IMPROVEMENTS - DESCRIPTIONS, STANDARDS, COMMITMENTS, AND REQUESTS

1. WATER

All properties in the 19th Hole will be served potable water by the Shawnee municipal water system. Water lines, fire hydrants, and appropriate easements are included in the subdivision development in accordance with City of Shawnee standards. The potable water distribution system will be constructed by the Developer and maintained by the City. Water will include development of a 6" water main under Highland Street and either looped back to the existing main or back upon itself.

2. SANITARY SEWER

All properties in 19th Hole will be served by a public sanitary sewer system that is connected to City of Shawnee mains in accordance with City of Shawnee standards. The existing sanitary sewer system already provides lines adjacent to each proposed lot.

3. STORM WATER CONSIDERATIONS

The subject tract generally drains to a channel running north and south along the east side of the development. The site will be developed with storm sewer located in the private street capable of draining into the existing channel. The channel on the east side will be cleared and opened to improve flow. Detention for the facility will be developed in the underground storm sewer line and upon the surface of the private street.

4. OTHER UTILITIES

The 19th Hole will be served by all other utilities including natural gas, electricity, telephone, and cable television. Utility easements either already exist or will be provided in accordance with City of Shawnee regulations.

5. STREET DESIGN

The development will require the establishment of a twenty-four (24') feet curb and gutter private drive/street. The street is required to be private due to the gated entrance associated with the development.

6. LANDSCAPING

Landscaping will be established at a minimum of 10% above City of Shawnee Code requirements. Landscape area have been defined along both the exterior and interior portions of the development. The POA will maintain all yard and landscape areas and general maintenance of the yard area and courtyards spaces not considered private by the individual home owners. The perimeter landscaping along Highland Street will operate as a sound and privacy barrier. Plants and planting area defined on the master plan may be substituted with alternative materials as necessary based on availability and hardiness based on both soil and site conditions.

7. OTHER IMPROVEMENTS

This development will comply with green initiatives where determined practical. All structures will meet energy star requirements and the use of recycled materials and green products will be incorporated into the structures and site amenities whenever possible.

A combination six (6') Wrought Iron and column decorative fence will be established along East Highland Street. Landscaping will be established along the perimeter of the fence to provide both a sound and privacy. The developer may add consider substituting either a masonry wall and/or vinyl for the fencing combined with the columns along East Highland at their own digression.

THE FOLLOWING VARIATIONS FROM CITY STANDARDS ARE REQUESTED:

All curbing will be a 6" shallow roll curb. Such curbing is intended to alleviate the trip and fall hazard that a raised curb can create.

7. LOT SIZES, SETBACKS, SPACING, FENCING, ETC.

The 19th Hole Subdivision will be developed with each lot maintaining frontage on the private drive/street. Each lot will have a minimum 38.5 feet frontage and direct access to public utilities (water and sanitary sewer). Specific structures are designed with a minimum 12' to 8' courtyard located on one side of the structure. The exterior wall of the adjacent lot will be considered the property line for the adjacent structure. The private east/west drive/road will be established in a forty (40') access and utility easement.

Variations from R-2 - Combined Residential District

- | | |
|---------------------------------------|---|
| 1. Min. Lot area R-2 – 6000 sq. ft. | Provided 4,004 sq. ft. |
| 2. Min. Frontage R-2 – 60 feet | Provided 38.5 feet |
| 3. Min. Front Setback R-2 – 25 feet | Provided 10 feet from private easement line |
| 4. Min. Side Setback R-2 – 8 feet | Provided 8 to 12 feet |
| 5. Min. Rear Setback R-2 – 20 feet | Provided 10 to 21 feet |
| 6. Max Lot Coverage R-2 - 35% | Provided 47% |
| 7. Max Height R-2 – 2.5 stories | Provided 2 stories |
| 8. Landscape Per City Code | Provided City Code + 10% |
| 9. Multi-family Unit allowed | Provided with Single Family only |
| 10. Internal Sidewalks not required | Provided with Sidewalks |
| 11. Additional Amenities not required | Provided with Clubhouse, Cart Shed & Gated Entrance |

A 10' building line will be established beyond the easement line. The PUD was developed similar to a previous zoning district "R-1Z" which was abandoned during previous modifications to the zoning code because it was deemed obsolete. The more suitable replacement was established as a PUD with variations to allow for the design of site specific facilities. The building setback established on the preliminary and final plat shall apply to the perimeter of the PUD. The exterior wall adjacent to the courtyards will be developed on the property line. Lighting will be provided as part of the development.

8. SIGNS

Signs will be subject to City of Shawnee sign regulations. The Developer anticipates monument signs at the entrances along East Highland Street. If a sign is developed, it shall incorporate a monument base and shall not exceed 18 square feet of display area. Additional signage may be constructed into the wrought iron aspect of the gate structure to identify the development.

DEVELOPMENT FEATURES

The 19th Hole will consist of single family home which may be either single or two-story and will be subject to conventional R-2 regulations unless modified herein. The houses will be built with energy star rated services and will incorporate green products where applicable and feasible to the cost and design.

The exterior of all residential structures will have a eifs, brick or rock veneer. Roofing materials may be alternative composite materials mimicking a slate or terracotta style, slate, terracotta, or concrete type materials, excluding conventional architectural composite materials. Second story's may incorporate elevated patios, exterior colors and floor plan orientation will be varied to create diversity and individuality. The architectural styling of the houses will be contiguous within the development. Covenants will be established to provide additional architectural control of all structures. The covenants will conform with most of the covenants originally developed for the County Club Heights Addition with exception to being reflective of the re-plat for the 19th Hole Addition, requirements defined within this PUD, not less than 1,800 gross area and regulated through the POA. Exception would be clubhouse and amenities established for the residents of the 19th Hole Addition.

Special attention will be placed on the back or rear façade's facing either Highland Street or the Shawnee Country Club Golf course. The rear façade will be developed in a way to present an attractive look equal to the appearance on the front of or street side of the residential structure. Special attention will be placed on the creation of an ascetic visual perspective adjacent to both Highland Street and the golf course.

DEVELOPMENT SCHEDULE

It is the intent of the Developer to begin all subdivision improvements as soon as City approvals are granted. A preliminary plat and final plat will be developed for the 19th Hole Addition.

PART 2. PRELIMINARY PLAT

Location of the subject tracts is a 2.00 acre parcel with the following legal descriptions for the property.

Lot 1 and 2, Block 1, Country Club Heights Addition to the City of Shawnee, Pottawatomie County, Oklahoma according to the recorded plat thereof.

Existing zoning is R-1. The parcel is to be developed and re-platted as The 19th Hole Addition to the City of Shawnee, Potawatomie County, Oklahoma according to the recorded plat thereof.

A Preliminary Plat will be prepared at a scale of (1 = 20') which will be nearly identical to the attached Master Plan (Conceptual Plat) as included in the design statement as a part of the application for rezoning.

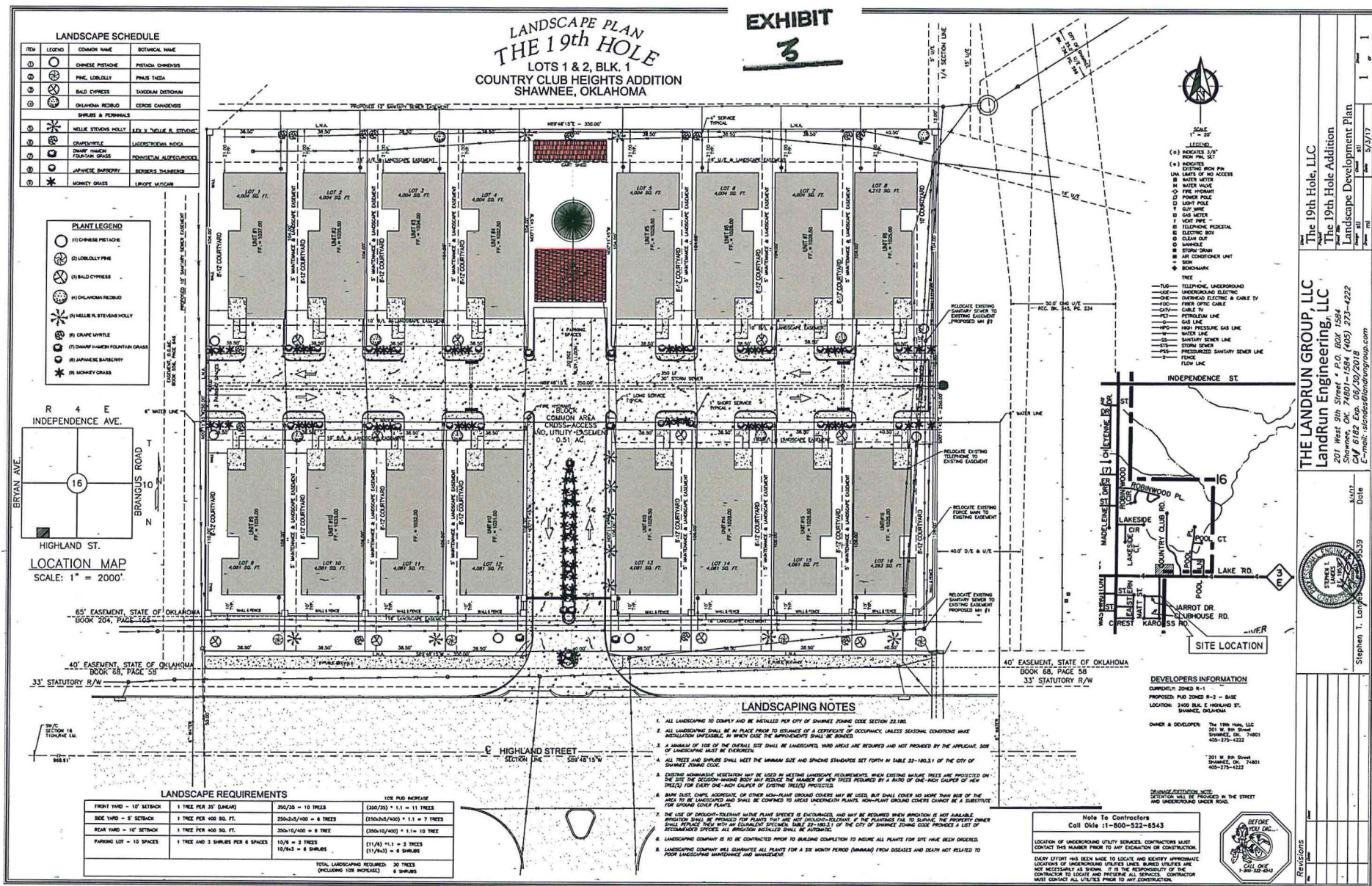
EXHIBITS

Exhibits A, is attached hereto and made an integral part of this Planned Unit Development.

A – Design Master Plan

B – Landscape Plan

C – Final Plat



EXHIBIT

4

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Page 591 of 9

5668

OWNER'S CERTIFICATE AND RESTRICTIONS TO

FILE NO. _____ EOW PAGE _____
STATE OF OKLAHOMA COUNTY SS:
FILED _____ 222 BLOCK 11.0
May 2 1928
GEORGIA BELL ACQUISITION COMPANY, INC.
BY: *Ursula M. Mims* DFPUI

Lots 1-16, inclusive, COUNTRY CLUB HEIGHTS a subdivision of a part of Section 16, Township 10 North, Range 4 East of the Indian Meridian, Shawnee, Pottawatomie County, Oklahoma.

KNOW ALL MEN BY THESE PRESENTS:

That the undersigned, N. W. Baptist, III, William L. Ford, and Sim K. Sims, Trustees, certify that they are the owners and the only persons, firm or corporation having any legal title or interest in and to all of Lots 1-16, inclusive, COUNTRY CLUB HEIGHTS, as shown and embraced by the plat of said addition, recorded in the office of the County Clerk of Pottawatomie County, State of Oklahoma.

For the purpose of providing an orderly development of the entire addition above described, and for the purpose of providing adequate restrictive covenants for the mutual benefit of ourselves, or our successors in title to the said premises, we, the owners, do hereby impose the following restrictions and reservations on the above described plat, COUNTRY CLUB HEIGHTS, to which it shall be incumbent upon all successors in title to adhere, and any person or persons, corporation, trust, partnership or other legal entity whatsoever, hereafter becoming the owner either directly or indirectly through subsequent transfer, or any manner whatsoever, of any lot or lots, block or blocks, included in said plat, shall take, hold and convey the same subject to the following, to-wit:

(1) All lots in this subdivision shall be used as Single Family residential lots.

(2) Single family residences erected in said addition may be one-story, one and one-half story, split level or two-story in height.

(3) No building shall be located on any lot or building site, nearer to the front property line than the Building Limit Line as shown on the recorded plat. The minimum distance between the building and the side and rear property lines shall be not

milieu, J. B. 1925 - 5. Shawnee, OK

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less than five (5) feet from said property lines. In the instance that the owner of a lot, or building site, desires to locate his building less than five (5) feet from the said property lines, and his lot is located adjacent to a vacant lot, he must obtain permission, in writing, from the owner of the adjacent property in order that he may locate the building as close as five (5) feet to the said property lines.

For the purpose of this covenant, eaves, steps and open porches shall not be considered as a part of the building, provided, however, that this shall not be construed to permit any portion of a building to encroach upon another site.

(4) No single family residence shall be erected or placed on any building site of less than one lot, but may be erected on a site consisting of more than one lot.

(5) No building or structure shall be erected, or altered on any building site or lot in this addition until the building plans and specifications, and plot plan, showing the location of such building, have been approved in writing as to the conformity and harmony of external design with existing structures in the subdivision, and as to the location of the building with respect to topography and finished ground elevation by a Building Committee composed of N. W. Baptist, III, William L. Ford, Murlin Derebery, Chris J. Lillard and H. Jeffrey Diamond, or by a representative designated by a majority of the members of said committee. In the event of death or resignation of any member of said committee, the remaining members shall have full authority to approve or disapprove such design and location or to designate a representative with like authority. In the event said committee or its designated representative with like authority fails to approve or disapprove such design and location within thirty (30) days after said plans and specifications have been submitted to it, or in any event, if no suit to enjoin the erection of such building, or the making of such building, or the making of such alterations have been commenced prior to the completion thereof, such approval will not be necessary and this covenant will be deemed to have been fully complied with. Neither the members of the committee nor its designated representative shall be entitled to any compensation for services performed pursuant to this covenant. The power and duties of the committee and its designated representative shall cease on or after January 1, 1998. Thereafter the approval described in this covenant shall not be required unless prior to said date and effective thereon, a written

instrument shall be executed by the then record owners of a majority of the lots or building sites in this addition, and duly recorded in the land records of said county, appointing a representative or representatives who shall thereafter exercise the same powers previously exercised by the committee.

(6) No business, trade or activity shall be carried on upon any residential lot or building site. No noxious or offensive activity shall be carried on upon any lot or building site, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.

No cows, horses, or other livestock, or poultry of any kind shall be raised, bred, or kept on any lot, except that dogs, cats, or other household pets may be kept provided that they are not kept, bred, nor maintained for any commercial purpose.

No trash, ashes or other refuse may be thrown or dumped on any vacant lot in the addition. Each owner of a vacant lot is required to keep said lot in presentable condition or the Building Committee may, at its discretion, mow said lot, trim trees, remove trash or refuse and levy a lien on said lot for the cost involved, which cost, the owner of any such lot agrees to pay upon demand.

(7) No structure or building of a temporary character, trailer, tent, shack, garage, barn or other outbuilding shall be used on any lot or building site at any time as a residence, either temporarily or permanently. Outbuildings such as cabanas, greenhouses, play houses, servants quarters and similar buildings erected on any of said lots shall be approved, in advance of construction, by the Building Committee, within fifteen (15) days of submission, and shall correspond in style and structure to the residence to which it is appurtenant.

Dog pens shall be concealed from the street, and the location of same approved by the Building Committee.

No garbage or trash cans shall be visible from the street or golf course.

No campers, boats, housetrailer, or trucks of any kind shall be permitted to be continuously parked in sight in the front of a residence, or on any portion of any lot in the addition, and must be totally concealed from the street and abutting lot owners.

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(14) All utility services shall be underground for as long as such underground facilities are available from supplier and the owner of each lot shall provide facilities to take and receive such services by means of properly installed underground service lines.

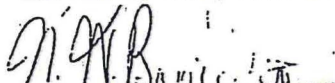
(15) These covenants are to run with the land and shall be binding on all parties and all persons claiming under them until January 1, 1998, (except as otherwise specified herein), at which time said covenants shall be automatically extended for successive periods of ten (10) years, unless an instrument signed by a majority of the then owners of the lots or building sites has been recorded, agreeing to change said covenants in whole or in part.

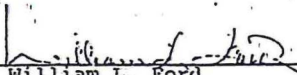
(16) If the parties hereto, or any of them, or their heirs or assigns, shall violate or attempt to violate any of the covenants herein, it shall be lawful for any person or persons owning any real property situated in said subdivision to prosecute any proceedings at law or in equity against the person or persons violating, or attempting to violate any such covenants and either to prevent him or them from doing or to recover damages or other dues for such violation.

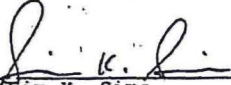
(17) Invalidation of any of these covenants by judgment or court order shall in no wise affect any of the other provisions which shall remain in full force and effect.

IN WITNESS WHEREOF, the undersigned have affixed their signatures this 18th day of August, 1977.

N. W. BAPTIST, III, WILLIAM L. FORD
and SIM K. SIMS, TRUSTEES


N. W. Baptist, III


William L. Ford


Sim K. Sims

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STATE OF OKLAHOMA)
COUNTY OF POTTAWATOMIE) ss.

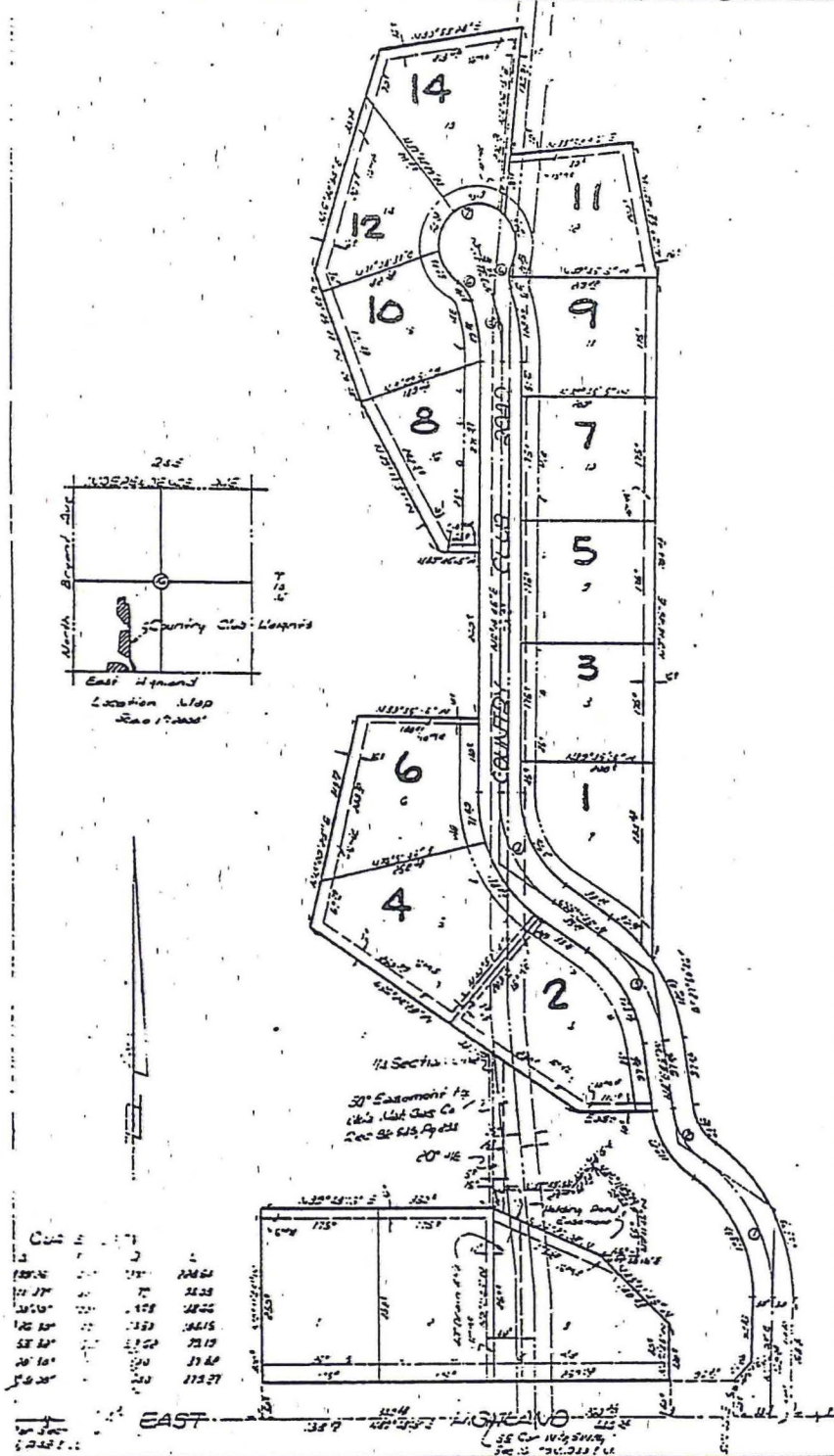
The foregoing instrument was acknowledged before me this
18th day of August, 1977, by
N. W. Baptist, III, William L. Ford and Sim K. Sims, Trustees.

Louise Rose
Notary Public

My Commission Expires:
(Seal)

2-5-79

COUNTRY CLUB HEIGHTS



Sec. 2, see back

EXHIBIT
5

Shawnee Country Club

September 1, 2017

Mr. Justin Erickson, City Manager
City of Shawnee
16 West 9th Street
Shawnee, OK 74801-6802

Dear Mr. Erickson:

The ownership of Shawnee Country Club has recently been in discussions with Mr. Bryce Barfield in regards to a planned development called "The 19th Hole".

Based upon the information detailed by Mr. Barfield, the ownership of Shawnee Country Club has determined that the planned development does not infringe on the existing operations of Shawnee Country Club, does not conflict with its operations, and appears to be a quality development.

Therefore, the ownership of Shawnee Country Club does not object to the project and its possible approval by the City of Shawnee to proceed.

Cordially,

Highlands, L.L.C. dba Shawnee Country Club



Gary A. Akin, L.L.C. Manager

EXHIBIT
6

December 20, 2017

Planning Commission
City of Shawnee
16 West 9th Street
Shawnee, Oklahoma 74801

RE: Proposed Planned Unit Development
Referred to as 19th Hole, located on
Lots 1 & 2, Country Club Heights Addition
to the City of Shawnee

Ladies and Gentlemen:

The undersigned lot owners in Country Club Heights Addition hereby protest referenced Planned Unit Development for the reason that same conflicts with the Owners Certificate & Restrictions for Country Club Heights, a copy of which is attached hereto.

This protest letter may be signed in one or more counterparts.

Respectfully Submitted,

Lot 9, Richard Finley 1997 Trust

By *Richard Finley*
Richard Finley

Lot 11, Leonard Taron & Bevelyn Taron

By *Leonard Taron*
Leonard Taron

By *Bevelyn Taron*
Bevelyn Taron

RECEIVED CITY CLERK'S OFFICE

Date 12/21/17 Time 2:15 pm
Yvette Eck

received
12-21-17

R.D.

December 20, 2017

Page 2

Lot 12, Chris J. Lillard & Patty Lillard

By _____
Chris J. Lillard

By _____
Patty Lillard

**Lot 13 & 14, Nancy M. Ford
Revocable Trust**

By Nancy M. Ford
Nancy M. Ford

By William L. Ford
William L. Ford

**Lot 16, H. Jeffrey Diamond and
Nance L. Diamond**

By H. Jeffrey Diamond
H. Jeffrey Diamond

By Nance L. Diamond
Nance L. Diamond

December 21, 2017

PLANNING COMMISSION

CITY OF SHAWNEE

16 WEST 9TH STREET

SHAWNEE, OKLAHOMA 74801

RE: PROPOSED PLANNED UNIT DEVELOPMENT
REFERRED TO AS 19TH HOLE, LOCATED ON
LOTS 1 & 2, COUNTRY CLUB HEIGHTS ADDITION
TO THE CITY OF SHAWNEE

LADIES AND GENTLEMEN:

THE UNDERSIGNED LOT OWNERS IN COUNTRY CLUB HEIGHTS ADDITION HEREBY **PROTEST** THE REFERENCED PLANNED UNIT DEVELOPMENT FOR THE REASON THAT SAME CONFLICTS WITH THE OWNERS CERTIFICATE & RESTRICTIONS FOR COUNTRY CLUB HEIGHTS, A COPY OF WHICH IS ATTACHED HERETO.

THIS PROTEST LETTER MAY BE SIGNED IN ONE OR MORE COUNTERPARTS.

RESPECTFULLY SUBMITTED,

LOT 4 BLOCK 1, RAYMOND & LAVERNE SHAFFER

BY

Raymond Shaffer

RAYMOND SHAFFER

BY

Laverne Shaffer

LAVERNE SHAFFER

RECEIVED CITY CLERK'S OFFICE

Date 12/21/17 Time 3:57pm

26 December 2017

Planning Commission
City of Shawnee
16 West 9th Street
Shawnee, OK 74807

Re: Proposed Planning Unit Development
referred to as 19th Hole, located on
Lots 1 & 2, Country Club Heights Subdivision,
to the City of Shawnee

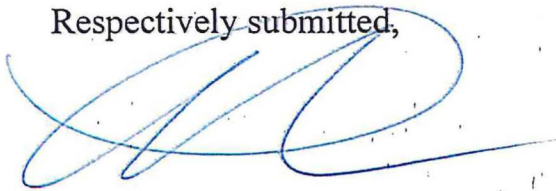
Members of the Planning Commission:

I am the owner of Lot 6 in the Country Club Heights Subdivision and hereby protest the above referenced proposed development which is subject to the existing "Owner's Certificate & Restrictions for the Country Club Heights Subdivision" (restrictions), a copy of which is attached hereto. Such proposed development would be contrary to and in violation of the deed restrictions which I personally relied upon when purchasing my property in April 2017. I would like to assume that such restrictions will be applied to any proposed development in the Country Club Heights Subdivision both now and in the future.

Even though I am new to Shawnee, there are numerous existing sites elsewhere where the proposed development could be sited.

Please deny the request from the Land Run Group relative to its proposed development on Lots 1 & 2 of the Subdivision referenced herein.

Respectively submitted,



Loyd Drain, Owner LOT 6
6 Country Club Road
Shawnee, OK 74801
Loyd.Drain1@gmail.com

received
12-27-17

KG

December 20, 2017

Planning Commission
City of Shawnee
16 West 9th Street
Shawnee, Oklahoma 74801

RE: Proposed Planned Unit Development
Referred to as 19th Hole, located on
Lots 1 & 2, Country Club Heights Addition
to the City of Shawnee

Ladies and Gentlemen:

The undersigned lot owners in Country Club Heights Addition hereby protest referenced Planned Unit Development for the reason that same conflicts with the Owners Certificate & Restrictions for Country Club Heights, a copy of which is attached hereto.

This protest letter may be signed in one or more counterparts.

Respectfully Submitted,

Lot 9, Richard Finley 1997 Trust

By _____
Richard Finley

Lot 11, Leonard Taron & Bevelyn Taron

By _____
Leonard Taron

By _____
Bevelyn Taron

received
12-28-17
wr

December 20, 2017

Page 2

Lot 12, Chris J. Lillard & Patty Lillard

By Chris J. Lillard
Chris J. Lillard

By Patty Lillard
Patty Lillard

**Lot 13 & 14, Nancy M. Ford
Revocable Trust**

By _____
Nancy M. Ford

By _____
William L. Ford

**Lot 16, H. Jeffrey Diamond and
Nance L. Diamond**

By _____
H. Jeffrey Diamond

By _____
Nance L. Diamond

PLANNING COMMISSION APPLICATION



City of Shawnee Planning Department

222 N. Broadway
Shawnee, OK 74801
(405) 878-1616 Fax (405) 878-1587

For Office Use Only

Case Number: POL-18
Project Number: 171220
Date Filed: November 22nd 2017
Chrysine Pettigrew
Planning Commission Secretary

REQUEST:

☐ Rezoning
☐ Conditional Use Permit
☒ Rezoning w/Conditional Use Permit
☒ Planned Unit Development

I, the undersigned, do hereby respectfully make application and petition to the City Commission to amend the zoning map, and to change the zoning district of the Shawnee area, from R1 District to PUD District, as hereinafter requested, and in support of this application, the following facts are shown:

PROPERTY LOCATION (STREET ADDRESS): Country Club Heights addition Sec. 1

LEGAL DESCRIPTION: LOTS 1 & 2 B1K. 1 SE 1/4 of Section 16, township 12

PROPERTY OWNER (S): North Range 4 East of the I.M., City of Shawnee, OK

PROPERTY AGENT (APPLICANT): 19 Hole, LLC

APPLICANT'S ADDRESS: LandRun Group, LLC

CITY: 201 W. 9th Street

STATE: Shawnee ZIP: OK 74801

EMAIL ADDRESS: Slandes@landrungle.com

TELEPHONE NUMBER: (405) 273-4222 CONTACT NUMBER: (405) 273-4222

DIMENSIONS OF PROPERTY: AREA: 87120 WIDTH: 250 ft.

LENGTH: 350 ft. FRONTAGE: 350 ft.

CURRENT ZONING: R1 CURRENT USE: Undeveloped

PROPOSED ZONING: PUD PROPOSED USE: Residential

With the filing of this application, I acknowledge that I have been informed of off-street parking, fencing and paving requirements in regard to the zoning I have requested as witnessed by my signature.

APPLICATION, OWNERSHIP LIST AND PAYMENT
MUST BE RECEIVED 30 DAYS PRIOR TO MEETING

[Signature]
SIGNATURE OF APPLICANT

FOR STAFF USE ONLY	
REZONING &/OR C.U.P FEE \$ 280.00	PLANNED UNIT DEVELOPMENT FEE \$ 550.00
RECEIPT NO. <u>02108783</u>	SIGN DEPOSIT \$ 50.00
(Refundable if Applicant returns 48 hrs. after City Commission Meeting)	
PLANNING COMMISSION ACTION:	DATE:
CITY COMMISSION ACTION:	DATE:
PLACE ON ZONING MAP:	ORDINANCE NO.:

CITY OF SHAWNEE
PUBLIC HEARING NOTICE
CASE #P01-18

Notice is hereby given that the City of Shawnee, Oklahoma, will conduct a public hearing on an application for approval of a Planned Unit Development, which is a special zoning district, on property located within the City of Shawnee.

The applicant requests a Planned Unit Development for the following described property:

Lots One (1) and Two (2), COUNTRY CLUB HEIGHTS ADDITION, to the City of Shawnee, Pottawatomie County, Oklahoma, according to the recorded plat thereof.

General Location Known As:	<u>East of the Intersection of Highland Street</u> <u>and Bryan Avenue, Shawnee, OK</u>
Current Zoning Classification:	<u>R-1; Single Family Residential District</u>
Requested Zoning Classification:	<u>PUD</u>
Proposed Use of Property:	<u>Residential</u>
Applicant:	<u>Landrun Group, LLC</u>

The public hearings will be held in the City Commission Chambers in City Hall, 16 W. 9th St. Shawnee, Oklahoma, as follows:

January 3 rd , 2018 AT 1:30 P.M.:	CITY OF SHAWNEE PLANNING COMMISSION
January 16 th , 2018 AT 6:00 P.M.:	CITY OF SHAWNEE CITY COMMISSION

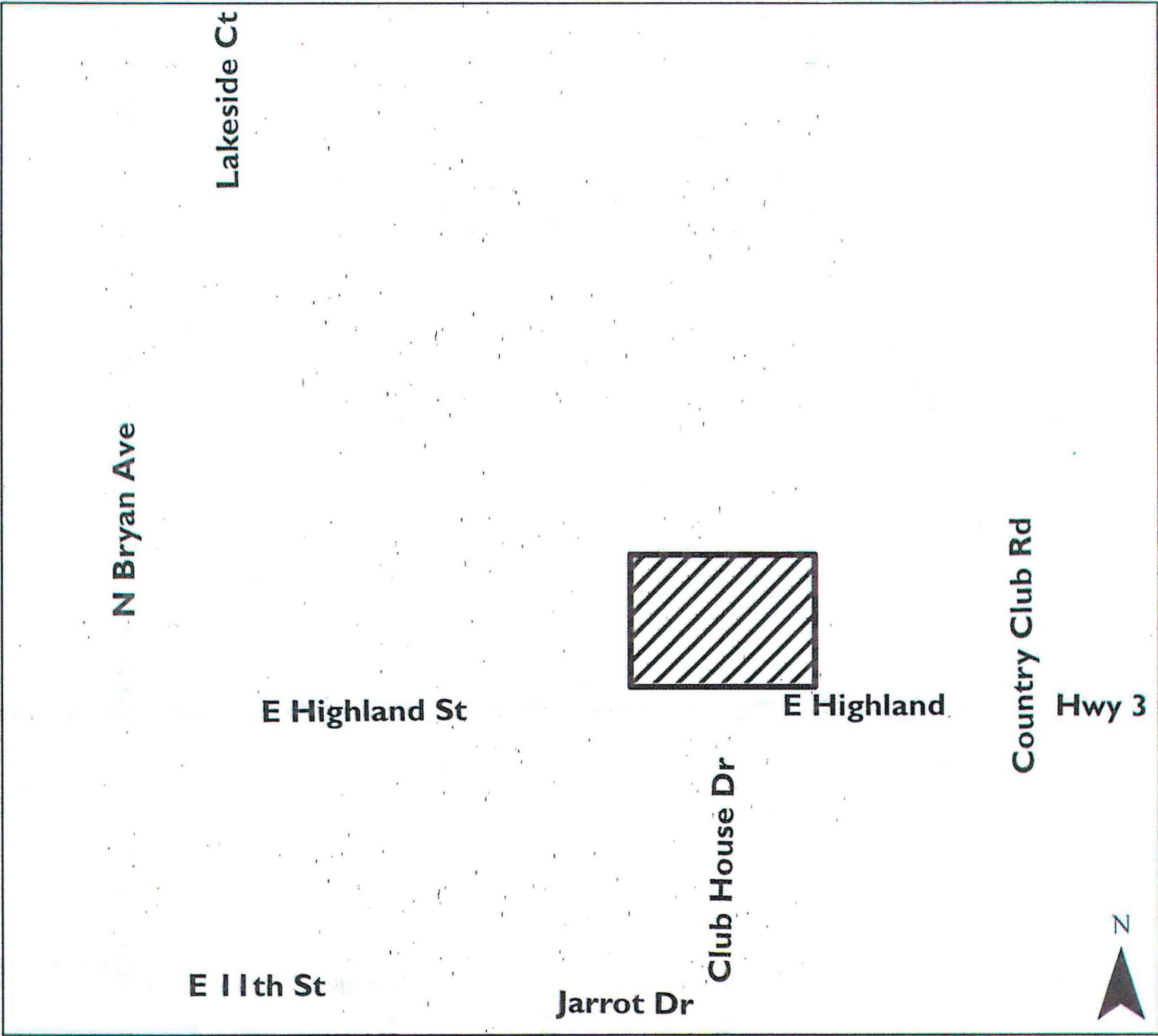
At this time any interested citizen of Shawnee, Oklahoma will have the opportunity to appear and be heard with regard to the Planned Unit Development. The Commission reserves the right to limit discussion and debate on the proposed Planned Unit Development in the public hearing, in which event those persons appearing in support or opposition of the proposed Planned Unit Development will be allotted equal time. Any formal protest must be filed in writing with the City Clerk during normal working hours before 5:00 p.m. a minimum of three (3) days prior to the hearing. If there are any questions about the proposal, or you need additional information prior to the public hearing, please contact the Planning Department at 878-1616. A copy of the application is available for public inspection during normal working hours in the Planning Secretary's office at 222 N. Broadway.

Witness my hand this 13TH day of December, 2017.




Phyllis Loftis, City Clerk

CASE# P01-18
CONSIDERATION FOR PUD APPROVAL
EAST OF BRYAN AVE. AND HIGHLAND ST. INTERSECTION



CERTIFICATE OF BONDED ABTRACTOR
(300 FEET RADIUS REPORT)

STATE OF OKLAHOMA)
) §:
 COUNTY OF POTTAWATOMIE)

The undersigned bonded abstractor in and for Pottawatomie County, State of Oklahoma, does hereby certify that the following Ownership is true and correct according to the current year's tax rolls in the office of the County Treasurer of Pottawatomie County, Oklahoma, as updated by the records of the County Clerk of Pottawatomie County, Oklahoma; that the owners, as reflected by said records, are based on the last conveyance or final decree of record of certain properties located within 300 feet in all directions of the following described land:

Lots One (1) and Two (2), COUNTRY CLUB HEIGHTS ADDITION, to the City of Shawnee, Pottawatomie County, Oklahoma, according to the recorded plat thereof.

and find the following owners, addresses and brief legal descriptions on the attached pages numbered from (1) to (2), both inclusive.

NOTICE TO CUSTOMERS: This report is released with the understanding that the information is strictly confidential. This report contains information from public land records only and is not to be construed as an abstract of title, opinion of title, title commitment, title insurance policy, or environmental research report. As used herein, the term "public land records" means those land records which under the recording laws of the applicable state, impart constructive notice to the third parties with respect to recorded, unreleased or record instruments memorializing legal interests in real estate. The company suggests that you contact your attorney for matters of a legal nature or legal opinion. We have exercised due care and diligence in preparing this report, however, the Abstractor does not guarantee validity of the title and acceptance of this report by the Company or person(s) for whom this report is made, constitutes agreement and confirmation of the limitation of this report.

Dated: MAY 31, 2017 at 7:30 AM

First American Title & Trust Company

By: 

Michelle Cook
 Abstractor License No. 3286
 OAB Certificate of Authority # 017
 File No. 2246280-SH99

OWNERSHIP LIST**ORDER NO. 2246280-SH99**

DATE PREPARED: June 7, 2017

EFFECTIVE DATE: May 31, 2017 @ 7:30 am

OWNER	LOT	BLK	ADDITION
THE 19 TH , LLC PO BOX 1584 SHAWNEE, OK 74802	1	1	COUNTRY CLUB HEIGHTS
THE 19 TH , LLC PO BOX 1584 SHAWNEE, OK 74802	2	1	COUNTRY CLUB HEIGHTS
JONES DENNIS D & LECIA RAE 2424 E HIGHLAND SHAWNEE OK 74801-0000	3, LESS STRIP TO STATE	1	COUNTRY CLUB HEIGHTS
HIGHLANDS LLC % DAN OVERLAND P O BOX 250 EARLSBORO OK 74840-0000			TRACTS A & B IN E/2 SW/4 AS DESC. IN BOOK 672 PAGE 330 40.73 Acres COUNTRY CLUB HEIGHTS
SHAFFER RAYMOND L & LAVERNE W 2 COUNTRY CLUB RD SHAWNEE OK 74801-0000	4	1	COUNTRY CLUB HEIGHTS
GOODSON JACOB C 5 BINGHAM CIRCLE SHAWNEE OK 74804-0000	5	1	COUNTRY CLUB HEIGHTS
HIGHLANDS LLC % DAN OVERLAND P O BOX 250 EARLSBORO OK 74840-0000			29SR W/2 SW/4 LESS TRACTS (COUNTRY CLUB HEIGHTS) AND 2 TR DES AS A TR LOCATED BETWEEN LOTS 3 & 4 BLK 3 COUNTY CLUB HEIGHTS SEC II DES AS BEG AT THE SELY FRONT CORNER OF LOT 3 BLK 3 COUNTY CLUB HGHTS II TH N 13*E ALG THE EASTERLY LOT LINE OF LOT 3 156.35' TO THE NE/C LOT 3 TH S 76*E 15' TO THE NW CORNER OF LOT 4 BLK 3 TH S13*W ALG THE WESTERLY LN LOT 4 156.36' TO THE SWLY CORNER OF LOT 4 TH N 76* W 15' POB AND BEG AT SE/C LOT 25 BLK 3 N36*E 140' S76*E 16.35' S36*W 146.5' N53*W 15' POB (9 hole course) 43.96 Acres (SW4 16-10N-4E)
HODGES LOUIS & ANGELA 2401 E HIGHLAND SHAWNEE OK 74801-0000			BEG 660'E NW/C NW S411' E330.50' N411' W330.50' POB. (NW4 21-10N-4E)

JONES S N LEVI & PAULA W 2403 E HIGHLAND SHAWNEE OK 74801-0000			93-SU BEG 990.5'E NW/CNW S411' E131'N411' W131' POB. (NW4 21-10N-4E)
JONES SAMUEL NATHAN LEVI & PAULA JONES 2403 E HIGHLAND SHAWNEE OK 74801-0000			93-SU BEG 1121.5'E NW/CNW S411'E199'N411' W199' POB. LESS RD R/W (NW4 21-10N-4E)
HARDIN CYNTHIA JEAN OLIVER 311 W MACARTHUR SHAWNEE OK 74801-0000			NE NW LESS TRACTS NO MAIL RECEIVED AT HOME- P O WON'T DELIVER -USE BUSINESS ADDRESS 37.54 Acres (NE4 NW4 21-10N-4E)

ORDINANCE NO. ____NS

AN ORDINANCE CONCERNING THE ZONING CLASSIFICATION OF THE FOLLOWING DESCRIBED PROPERTY LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA, TO-WIT: LOTS ONE (1) AND TWO (2), COUNTRY CLUB HEIGHTS ADDITION, TO THE CITY OF SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF REZONING SAID PROPERTY FROM R-1; SINGLE FAMILY RESIDENTIAL DISTRICT TO PUD; PLANNED UNIT DEVELOPMENT AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SHAWNEE ACCORDINGLY.

WHEREAS, pursuant to notice duly given as required by law, a public hearing conducted by the Board of Commissioners of the City of Shawnee, Oklahoma on the 16th day of January 2018, upon an application to rezone certain properties located in the City of Shawnee, Oklahoma from zoning classification R-1; Single Family Residential District to PUD; Planned Unit Development.

WHEREAS, the Planning Commission of the City of Shawnee has conducted one or more public hearings on said application pursuant to notice as required by law and has submitted its final report and recommendation upon said application to the Board of Commissioners; and,

WHEREAS, it appears to be in the best interest of the City of Shawnee and the inhabitants thereof for said properties to be rezoned to PUD; Planned Unit Development.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF SHAWNEE, OKLAHOMA:

SECTION 1: That the following described property located in the City of Shawnee, Oklahoma, to-wit: LOT ONE (1) AND TWO (2), COUNTRY CLUB HEIGHTS ADDITION, TO THE CITY OF SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF REZONING SAID PROPERTY FROM R-1; SINGLE FAMILY RESIDENTIAL DISTRICT TO PUD; PLANNED UNIT DEVELOPMENT AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SHAWNEE ACCORDINGLY.

PASSED AND APPROVED this _____ day of _____, 2018.

RICHARD FINLEY, MAYOR

(SEAL)

ATTEST:

PHYLLIS LOFTIS, CMC, CITY CLERK

Approved as to form and legality this _____ day of _____, 2018.

JOSEPH VORNDRAN, CITY ATTORNEY

Regular Board of Commissioners

5.

Meeting Date: 01/16/2018

P02-18 45th & Hyatt

Submitted By: Kacie Eck, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

Public hearing and consideration of an ordinance to rezone property located on the southeast corner of East 45th Street and Hyatt Road from C-2; Suburban Office Commercial District to PUD; Planned Unit Development. Case No. P02-18. Applicant: Bonray Real Estate, LLC

Attachments

P02-18 Staff Rpt

P02-18 Ord

RECOMMENDATION TO:

MAYOR
BOARD OF CITY COMMISSIONERS
CITY OF SHAWNEE
CITY OF SHAWNEE
PLANNING COMMISSION

RECOMMENDATION FROM:

SUBJECT:

APPLICANT: Bonray Real Estate, LLC
FOR: Planned Unit Development
LOCATION: Southeast corner of East 45th Street and Hyatt Road, Shawnee, OK
PROJECT#: 171267 Case# P02-18

LEGAL DESCRIPTION:

SEE OWNERSHIP LIST

CURRENT CLASSIFICATION:

C-2; Suburban Office Commercial District

REQUESTED CLASSIFICATION:

PUD; Planned Unit Development

PROPOSED PROPERTY USE:

Office Complex

PLANNING COMMISSION MEETING DATE: January 3rd, 2018

PLANNING COMMISSION RECOMMENDATION: Motion passes w/ following conditions:

1. Minor corrections to the PUD Design Statement to assure consistency with the PUD Plan Map.
2. All other applicable City standards apply.

VOTE OF THE PLANNING COMMISSION:

MEMBERS PRESENT: 7

MEMBERS:	1ST	2ND	AYE	NAY	ABSTAIN	COMMENTS
DEEM			X			
MATTHEWS			X			
WALKER			X			
BERGSTEN (CHAIRMAN)			X			
COWEN (VICE-CHAIRMAN)	X		X			
KIENZLE		X	X			
ROWELL			X			

RESPECTFULLY SUBMITTED,

Cheyenne Pettigrew

SECRETARY, PLANNING COMMISSION

ACTION BY CITY COMMISSION:

PUBLIC HEARING SET: _____

DATE OF ACTION: _____

ADOPTED _____ DENIED _____

ORDINANCE NO. _____

City of Shawnee
Planning Department
222. N. Broadway
Shawnee, OK 74801
(405) 878-1616
Fax: (405) 878-1587
www.ShawneeOK.org



CASE # P02-18
CASE # S01-18
PUBLIC HEARING DATE:
January 3rd, 2018
CITY COMMISSION DATE:
January 16, 2018

APPLICANT:
Philip C. Day

**929 E. Britton Road
Oklahoma City, OK 73114**

(405) 842-1661

PROPERTY ADDRESS/LOCATION: **SE Corner of E. 45th St and Hyatt Rd.**

SUMMARY OF REQUEST:

The applicant, Bonray Real Estate, LLC., is requesting Planned Unit Development (PUD) and Preliminary Plat approval for property located on 45th Street, east of Harrison Avenue. The subject site is approximately 4.06 acres in size and currently zoned C2 (Office Commercial). Proposed is the creation of an 8-lot office park with space reserved for detention.



EXISTING ZONING:
C2

EXISTING
LAND
USE:
Vacant

SURROUNDING ZONING & LAND USE:
**A-1 (Rural Agricultural)
R-1 (Single Family Residential)
C-2 (Suburban Office Commercial)**

Number of Lots:
1

PROPERTY SIZE:
4.06 Acres

STAFF REVIEW AND ANALYSIS

Based on a review by Staff, the requested PUD and Preliminary Plat can be summarized as follows (Exhibit 2):

- Eight (8) developable lots and one (1) outlot for storm water detention.
- Private, internal roadway network with on-street parking.
- All structures shall have a minimum of 90% brick / stone façade.

- Ten (10%) percent landscaping requirement shall be met.
- Sight proof fencing shall be placed along the south property boundary, where abutting residential.
- Per code, a six (6') foot sidewalk shall be constructed along 45th Street.
- A Property Owner's Association (POA) will be established to control site maintenance.
- The proposed use is in conformance with the existing C2 zoning.

Staff has reviewed the subject requests and finds them to be in conformance with the City of Shawnee Zoning Code, Subdivision Regulations, and the Comprehensive Plan. The proposed use is appropriate for the existing C2 zoning, so the transition to a PUD serves primarily to ensure appropriate common access elements and maintenance agreements. Based on these facts, Staff recommends approval of the requested Preliminary Plat and PUD zoning.

PUD Recommendation

Staff recommends approval of the requested PUD, with the following conditions:

1. Minor corrections to the PUD Design Statement to assure consistency with the PUD Plan Map.
2. All other applicable City standards apply.

Preliminary Plat Recommendation

Staff recommends approval of the requested Preliminary Plat, with the following conditions:

1. Final construction documents must be approved by the City Engineer concurrent with Final Plat approval.
2. Drainage plans must be approved by the City Engineer concurrent with Final Plat approval.
3. All other applicable City standards apply.

APPROVE

APPROVE WITH CONDITIONS

DENY

Staff has received no letters of protest from surrounding property owners.

ATTACHMENTS: (CIRCLE)	SUBMITTED PLANS	PUBLIC HEARING PETITION/ APPLICATION FORM	LEGAL NOTICE	LEGAL DESCRIPTION
PUBLIC COMMENTS	AGENCY COMMENTS	RESPONSE TO STANDARDS		

Attachments:

- Exhibit 1: PUD Master Plan Map
- Exhibit 2: PUD Design Statement
- Exhibit 3: Shawnee Trail Office Park Preliminary Plat

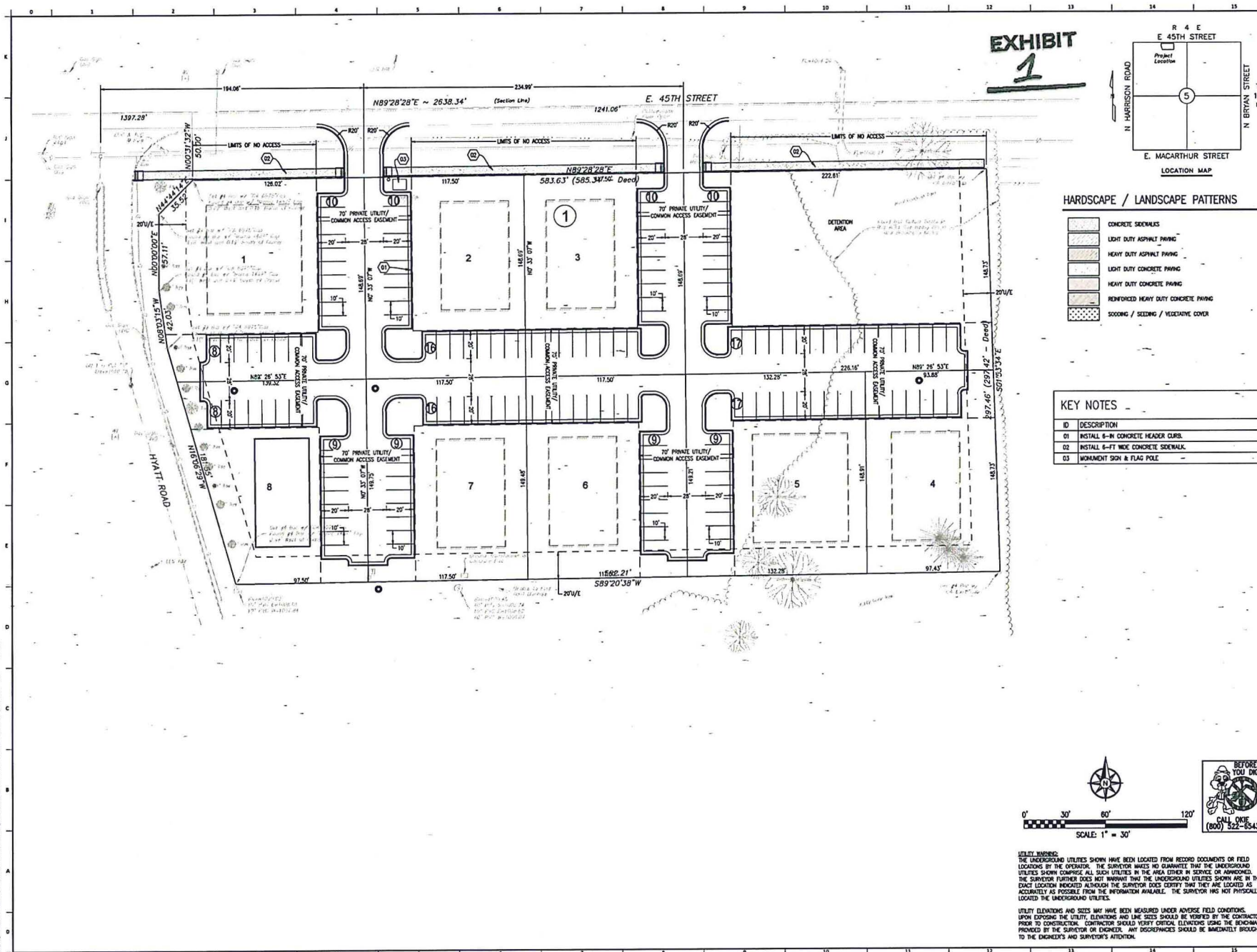
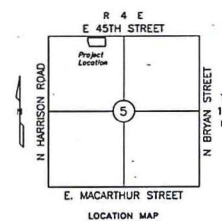


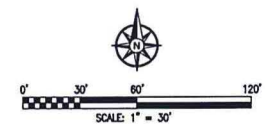
EXHIBIT
1



HARDSCAPE / LANDSCAPE PATTERNS

- CONCRETE SIDEWALKS
- LIGHT DUTY ASPHALT PAVING
- HEAVY DUTY ASPHALT PAVING
- LIGHT DUTY CONCRETE PAVING
- HEAVY DUTY CONCRETE PAVING
- REINFORCED HEAVY DUTY CONCRETE PAVING
- SEEDING / SEEDING / VEGETATIVE COVER

ID	DESCRIPTION
01	INSTALL 6-IN CONCRETE HEADER CURB
02	INSTALL 6-IN WIDE CONCRETE SIDEWALK
03	MONUMENT SIGN & FLAG POLE



UTILITY MARKING:
THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM RECORD DOCUMENTS OR FIELD LOCATIONS BY THE OPERATOR. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPARE ALL SUCH UTILITIES IN THE AREA EITHER IN SERVICE OR ANCHORAGE. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH THE SURVEYOR DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM THE INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.

UTILITY ELEVATIONS AND SIZES: MAY HAVE BEEN MEASURED UNDER ADVERSE FIELD CONDITIONS. UPON EXPOSING THE UTILITY, ELEVATIONS AND LINE SIZES SHOULD BE VERIFIED BY THE CONTRACTOR PRIOR TO CONSTRUCTION. CONTRACTOR SHOULD VERIFY CRITICAL ELEVATIONS USING THE BENCHMARK PROVIDED BY THE SURVEYOR OR ENGINEER. ANY DISCREPANCIES SHOULD BE IMMEDIATELY BROUGHT TO THE ENGINEER'S AND SURVEYOR'S ATTENTION.

REVISIONS

No.	Description	Date

KEY PLAN

PROJECT
SHAWNEE TRAIL
OFFICE PARK

LOCATION
SHAWNEE, OKLAHOMA

PREPARED FOR
BONRAY REAL ESTATE, L.L.C.

SHEET TITLE
MASTER
DEVELOPMENT
PLAN

Project No. -BACE171410
Drawn By JDD
Checked By CWL
Date 12/04/2017
Scale AS SHOWN
Issued For Review
SHEET NO.

EXHIBIT

CARDINAL ENGINEERING
An Affiliated Business Company
828 Coward Park Drive, Ste. 402
Oklahoma City, Oklahoma 73106
Phone 405.842.1046
Fax 405.842.4687
3700 West Robinson, Ste. 200
Norman, OK 73072
Phone 405.701.5258
Fax 405.701.5258
http://www.accep.com
Ced 7110, expiration date 06.30.2018

EXHIBIT

2

PUD NO. ____

**DESIGN STATEMENT
OF THE SHAWNEE TRAIL OFFICE PARK
PLANNED UNIT DEVELOPMENT**

DECEMBER 5, 2017

**DEVELOPER:
BONRAY REAL ESTATE, L.L.C.**

**PREPARED BY:
CARDINAL ENGINEERING
525 CENTRAL PARK DRIVE, SUITE 402
OKLAHOMA CITY, OK 73105**

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PLANNED UNIT DEVELOPMENT

SHAWNEE, OKLAHOMA

1.0 INTRODUCTION

THIS PLANNED UNIT DEVELOPMENT, CONSISTING OF APPROXIMATELY 4.06 ACRES IS LOCATED IN THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP TEN NORTH, RANGE FOUR EAST OF THE INDIAN MERIDIAN, SHAWNEE, OKLAHOMA. THE SUBJECT PROPERTY IS LOCATED ON THE SOUTHEAST CORNER OF EAST 45TH STREET AND HYATT ROAD. THE SITE IS PRESENTLY ZONED C-2 COMMERCIAL.

2.0 LEGAL DESCRIPTION

A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER (NW/4) OF SECTION FIVE (5), TOWNSHIP TEN NORTH (T-10-N), RANGE FOUR EAST (R-4-E) OF THE INDIAN MERIDIAN (I.M.), POTTAWATOMIE COUNTY, OKLAHOMA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF NW/4; THENCE NORTH 89°28'28" EAST ALONG THE NORTH LINE OF SAID NW/4 A DISTANCE OF 1397.28 FEET; THENCE SOUTH 00°31'32" EAST A DISTANCE OF 50.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF E. 45TH STREET, AND THE POINT OF BEGINNING; THENCE SOUTH 44°44'14" WEST A DISTANCE OF 35.52 FEET; THENCE SOUTH 00°00'00" WEST (SOUTH – DEED) A DISTANCE OF 57.11 FEET; THENCE SOUTH 08°03'15" EAST A DISTANCE OF 42.03 FEET; THENCE SOUTH 16°06'29" EAST A DISTANCE OF 181.55 FEET; THENCE NORTH 89°20'38" EAST A DISTANCE OF 562.21 FEET; THENCE NORTH 01°53'54" WEST A DISTANCE OF 297.76 (297.42 – DEED) FEET TO A POINT ON THE SAID SOUTH RIGHT-OF-WAY LINE OF E. 45TH STREET; THENCE SOUTH 89°28'28" WEST ALONG SAID RIGHT-OF-WAY A DISTANCE OF 583.63 (585.34 – DEED) FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 4.06 ACRES, MORE OR LESS.

NOTE: BASIS OF BEARING = N 89°28'28" E = NORTH LINE NW/4 SECTION 5, T-10-N, R-4-E, I.M. (DEED)

NOTE: BEARINGS SHOWN HEREON ARE PLATTED BEARINGS, HOWEVER, THE COORDINATE SYSTEM REMAINS STATE PLANE.

3.0 OWNER-DEVELOPER

THE OWNER AND DEVELOPER OF THIS PLANNED UNIT DEVELOPMENT IS BONRAY REAL ESTATE, L.L.C., 929 EAST BRITTON ROAD, OKLAHOMA CITY OK 73114-7802.

4.0 SITE AND SURROUNDING AREA

THE SITE IS LOCATED IN THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP TEN NORTH, RANGE FOUR EAST OF THE INDIAN MERIDIAN, SHAWNEE, OKLAHOMA. THE

SUBJECT PROPERTY IS LOCATED ON THE SOUTHEAST CORNER OF EAST 45TH STREET AND HYATT ROAD. THE SITE IS PRESENTLY ZONED C-2 COMMERCIAL.

THE SOUTH BOUNDARY ABUTS R-1 WHICH CONTAINS SINGLE FAMILY RESIDENTIAL HOUSING. THE EAST BOUNDARY ABUTS C-2 COMMERCIAL SITE WHICH CONTAINS AN EXISTING BUSINESS.

5.0 PHYSICAL CHARACTERISTICS

THE LAND IS AT AN ELEVATION OF 1020 NEAR THE SOUTHWEST CORNER OF THE SITE AND DRAINS GENERALLY NORTHEAST TO EXIT ELEVATIONS OF APPROXIMATELY 1005 AT THE NORTHEAST CORNER OF THE SITE. NO PORTION OF THE SITE IS IN A 50 OR 100 YEAR FLOOD PLAIN.

THERE ARE APPROXIMATELY 14.6 ACRES OF RUN OFF ENTERING THE SITE FROM THE SOUTH ADJACENT PROPERTY.

6.0 CONCEPT

THE CONCEPT OF THE PLANNED UNIT DEVELOPMENT IS TO DEVELOP THE APPORXIMATELY 4 ACRES AS C-2 GENERAL OFFICE. THE SITE WILL BE DEVELOPED AS AN OFFICE PARK WITH INDIVIDUAL LOTS. ACCESS TO PARKING AND ARTERIALS WILL BE PROVIDED THROUGH A RECIPROCAL EASEMENT AGREEMENT.

THE PROPOSED PROJECT WILL CONSIST OF NINE (9) OFFICE BUILDINGS RANGING FROM 2,500 SQUARE FEET TO 6,000 SQUARE FEET. ALL BUILDINGS WILL BE SINGLE STORY BRICK VENEER.

7.0 SERVICE AVAILABILITY

THE PLANNED UNIT DEVELOPMENT HAS CITY SERVICES AVAILABLE TO SERVE THE SITE AS FOLLOWS:

7.1 STREETS

THE NORTH BOUNDARY ABUTS EAST 45TH STREET AND THE WEST BOUNDARY ABUTS HYATT ROAD. DRIVES WILL BE CONSTRUCTED TO ACCESS THE SITE ALONG THE NORTH ADJACENT STREET.

7.2 SANITARY SEWER

THERE IS A 10" SANITARY SEWER MAIN TO SERVE THIS SITE, WHICH RUNS WEST ALONG THE SOUTH BOUNDARY OF THE SITE. A NEW 8" MAIN WILL BE PROVIDED WITHIN THE COMMON/UTILITY EASEMENT WITHIN THE PROPERTY.

7.3 WATER

THERE IS A 12" WATER MAIN ALONG E. 45TH STREET AND AN 8" WATER MAIN ALONG HYATT ROAD. PRIVATE WATER SERVICE LINES SHALL BE PROVIDED ON

SITE TO PROVIDE SERVICE AND FIRE PROTECTION AS NEEDED.

7.4 FIRE POTECTION

FIRE PROTECTION IS PRESENTLY AVAILABLE FROM THE SHAWNEE FIRE STATION AT 16 W. 9TH STREET, WHICH IS 4 MILES FROM THE SITE.

7.5 ELECTRICITY, NATURAL GAS AND TELEPHONE SERVICE

ADEQUATE ELECTRIC, GAS AND TELEPHONE SERVICE ARE AVAILABLE TO PROVIDE SERVICE FOR THE SITE, AND PROPER COORDINATION WITH THE UTILITY COMPANIES WILL BE MADE DURING THE CONSTRUCTION OF THE PLANNED UNIT DEVELOPMENT.

8.0 SPECIAL DEVELOPMENT REGULATIONS

THE FOLLOWING SPECIAL DEVELOPMENT REGULATIONS AND/OR LIMITATIONS ARE PLACED UPON THE DEVELOPMENT OF THE PLANNED UNIT DEVELOPMENT. PLANNING AND ZONING REGULATIONS WILL BE THOSE, WHICH ARE IN EFFECT AT THE TIME OF DEVELOPMENT OF THIS PLANNED UNIT DEVELOPMENT, PROVIDED, HOWEVER, THAT THE DENSITY AND OR INTENSITY OF THE PUD SHALL NOT BE INCREASED.

DEVELOPMENT IS WHEN A PERMIT IS ISSUED FOR ANY CONSTRUCTIONS OR ADDITION TO ANY STRUCTURE ON A DEVELOPMENT TRACT. CERTAIN ZONING DISTRICTS ARE REFERRED TO AS A PART OF THE SPECIAL DEVELOPMENT REGULATIONS OF THIS PLANNED UNIT DEVELOPMENT REGULATIONS, THE OPERATIVE AND CONTROLLING LANGUAGE AND REGULATIONS OF SUCH ZONING DISTRICTS SHALL BE THE LANGUAGE AND REGULATIONS OF SUCH ZONING DISTRICTS APPLICABLE TO THE REFERENCED ZONING DISTRICTS AS CONTAINED IN THE CITY OF SHAWNEE'S PLANNING AND ZONING CODE AS SUCH EXISTS AT THE TIME OF DEVELOPMENT OF THIS PLANNED UNIT DEVELOPMENT. IN THE EVENT OF CONFLICT BETWEEN PROVISIONS OF THE PUD AND ANY OF THE PROVISIONS OF THE SHAWNEE MUNICIPAL CODE, AS A MENDED ("CODE"), IN EFFECT AT THE TIME A PERMIT IS APPLIED FOR WITH RESPECT TO ANY LOT, BLOCK, TRACT AND/OR PARCEL OF LAND SUBJECT TO THIS PUD, THE PROVISIONS OF THE CODE SHALL PREVAIL AND BE CONTROLLING; PROVIDED HOWEVER, THAT IN THE EVENT OF A CONFLICT BETWEEN THE SPECIAL USE AND DEVELOPMENT REGULATIONS SPECIFICALLY NEGOTIATED AS A PART OF THIS PUD AND THE PROVISIONS OF THE CODE IN EFFECT AT THE TIME A PERMIT IS APPLIED FOR WITH RESPECT TO ANY LOT, BLOCK, TRACT AND/OR PARCEL OF LAND SUBJECT TO THIS PUD, SUCH SPECIAL USE AND DEVELOPMENT REGULATIONS OF THIS PUD SHALL PREVAIL AND BE CONTROLLING.

9.0 USE AND DEVELOPMENT REGULATIONS

THE USE AND DEVELOPMENT REGULATIONS OF THE C-2 GENERAL OFFICE DISTRICT SHALL GOVERN THIS PUD, EXCEPT AS HEREIN MODIFIED, INCLUDING CONDITIONAL, SPECIAL PERMIT, SPECIAL EXCEPTION, ALCOHOL BEVERAGE CONSUMPTION REQUIREMENTS AND/OR ACCESSORY USES SUBJECT THEIR APPROPRIATE CONDITIONS AND REVIEW PROCEDURES FOR PUBLIC HEARINGS WHERE APPLICABLE, UNLESS

OTHERWISE NOTED HEREIN.

9.1 FAÇADE REGULATIONS

ALL STRUCTURES SHALL HAVE A MINIMUM 90% BRICK STONE EXTERIOR FINISH WITH NO EXPOSED METAL SIDING EXCEPT DOORS AND WINDOWS. MASONRY SHALL BE REQUIRED FOR GABLE END OF PITCHED ROOFS.

9.2 LANDSCAPING REGULATIONS

THE SUBJECT PARCEL SHALL MEET THE 10% LANDSCAPING REQUIREMENT EXCLUDING ALL COMMON ACCESS EASEMENTS. ALL PARKING ISLANDS SHOWN AT THE INTERSECTIONS ARE TO BE LANDSCAPED AND MAINTAINED. THE WESTERN PERIMETER ABUTTING HYATT DRIVE IS TO BE LANDSCAPED AND MAINTAINED.

9.3 LIGHTING REGULATIONS

TO MINIMIZE LIGHT SPILLOVER ON RESIDENTIAL USES, OUTDOOR LIGHTS WITHIN ANY OFFICE OR COMMERCIAL TRACTS WILL BE DIRECTED AWAY FROM ADJACENT RESIDENTIAL PROPERTIES. TO ACOMPLISH THIS, LIGHTS SHALL UTILIZE SHIELDS, SHADES, OR OTHER APPROPRIATE METHODS OF DIRECTING LIGHT BEAMS. LIGHTING STANDARDS SHALL HAVE A MAXIMUM HEIGHT OF 12 FEET.

9.4 PLATTING REGULATIONS

PLATTING OF THIS PLANNED UNIT DEVELOPMENT SHALL BE REQUIRED PRIOR TO DEVELOPMENT.

9.5 DRAINAGE REGULATIONS

DRAINAGE IMPROVEMENTS, IF REQUIRED, WILL BE IN ACCORDANCE TO APPLICABLE SECTIONS OF SHAWNEE CODE OF ORDINANCES. DRAINAGE WAYS MAY BE PERMITTED AND CONSTRUCTED IN ACCORDANCE WITH SECTION 18-247 OF THE SHAWNEE MUNICIPAL CODE, WHICH INCLUDES CERTAIN ALLOWANCES IN CONSTRUCTION STANDARDS FOR PLANNED UNIT DEVELOPMENTS, PROVIDED THE PUD IS PLATTED WITH DRAINAGE AREAS CONFINED TO COMMON AREAS.

9.6 DUMPSTER REGULATIONS

DUMPSTER SHALL BE LOCATED WITHIN AN AREA SCREENED BY A 6-8' HIGH FENCE OR MASONRY WALL.

9.7 ACCESS REGULATIONS

9.7.1 VEHICULAR ACCESS SHALL BE FROM TWO ENTRY DRIVES ALONG E. 45TH STREET.

9.7.2 LOTS WITHIN THIS PUD WILL NOT BE REQUIRED TO HAVE FRONTAGE

ON AN APPROVED STREET. ACCESS TO INDIVIDUAL LOTS WITHIN THE PUD SHALL BE PERMITTED FROM A PRIVATE DRIVE. THE PRIVATE DRIVE SHALL BE PLACED WITHIN A COMMON AREA DESIGNATED FOR ACCESS PURPOSES. PRIVATE SHARED ACCESS DRIVES WILL PROVIDE INTERNAL CIRCULATION. PRIVATE SHARED ACCESS DRIVES SHALL HAVE A MINIMUM WIDTH OF 28 FEET.

9.7.3 THE PROPERTY OWNERS THROUGH THE USE OF A RECORDED RECIPROCAL AGREEMENT SHALL GOVERN MAINTENANCE OF THE PRIVATE DRIVES.

9.8 **PARKING REGULATIONS**

THE DESIGN OF ALL PARKING FACILITIES IN THIS PUD SHALL ALLOW PARKING ALONG THE COMMON AREA DRIVES. THE PARKING NUMBER OF ALL PARKING FACILITIES SHALL BE IN ACCORDANCE WITH SECTION 22-185 OF THE SHAWNEE MUNICIPAL CODE.

9.9 **SIGNAGE REGULATIONS**

9.9.1 THERE SHALL BE 1 FREESTANDING SIGN IN THIS PUD. THE FREESTANDING SIGN WITHIN THIS PUD SHALL BE A GROUND (MONUMENT) SIGN HAVING A HEIGHT OF 10 FT AND SHALL HAVE NO MORE THAN 170 SQUARE FEET IN AREA AND SHALL HAVE NO LESS THAN 25 SQUARE FEET OF LANDSCAPING AT THE BASE. NO POLE SIGNS WILL BE ALLOWED.

9.10 **ROOFING REGULATIONS**

ALL ROOFS ON PRIMARY STRUCTURES SHALL BE CLASS 'C' OR BETTER RATED, WITH 40 YEAR COMPOSITION ROOFS AND NO WOOD SHINGLE ROOFS SHALL BE PERMITTED. ROOFTOP MECHANICAL EQUIPMENT MAY BE PROVIDED WHERE NECESSARY.

9.11 **HEIGHT REGULATIONS**

THE BASE ZONING DISTRICT REGULATIONS SHALL REGULATE HEIGHTS OF STRUCTURES IN THIS PLANNED DEVELOPMENT.

9.12 **SETBACK REGULATIONS**

UNLESS MODIFIED HEREIN, YARD REQUIREMENTS IN THIS PLANNED UNIT DEVELOPMENT SHALL BE THE SAME AS THE BASE ZONING DISTRICT.

9.13 **PUBLIC IMPROVEMENTS**

PUBLIC IMPROVEMENTS SHALL BE MADE BY THE PROPERTY OWNER THROUGHOUT THE PLANNED UNIT DEVELOPMENT AS REQUIRED BY THE CITY OF SHAWNEE PUBLIC WORKS DEPARTMENT OR AGENCY. ALL LOCAL, STATE AND FEDERAL ORDINANCES AS THEY SHALL APPLY TO THE SITE WILL BE

ADHERED TO FULLY.

9.14 COMMON AREAS

MAINTENANCE OF THE COMMON AREAS IN THE DEVELOPMENT SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNER OR PROPERTY OWNERS' ASSOCIATION. NO STRUCTURES, STORAGE OF MATERIAL, GRADING, FILL, OR OTHER OBSTRUCTIONS, INCLUDING FENCES, EITHER TEMPORARY OR PERMANENT, THAT SHALL CAUSE A BLOCKAGE OF FLOW OR AN ADVERSE EFFECT ON THE FUNCTIONING OF THE STORM WATER FACILITY, SHALL BE PLACED WITHIN THE COMMON AREAS INTENDED FOR THE USE OF CONVEYANCE OF STORM WATER, AND/OR DRAINAGE EASEMENTS SHOWN. CERTAIN AMENITIES SUCH AS, BUT NOT LIMITED TO, WALKS, BENCHES, PIERS, AND DOCKS, SHALL BE PERMITTED IF INSTALLED IN A MANNER TO MEET THE REQUIREMENTS SPECIFIED ABOVE.

THE BOUNDARY OF THE COMMON AREA SHALL BE ADJUSTED, IF NECESSARY, TO ENSURE THAT THE COMMON AREA COVERS THE ENTIRE 100-YEAR FLOOD PLAIN.

10.0 DEVELOPMENT SEQUENCE

DEVELOPMENT PHASING SHALL BE ALLOWED AS PART OF THIS PUD.

11.0 SIDEWALK REGULATIONS

SIX-FOOT (6') SIDEWALKS SHALL BE CONSTRUCTED ALONG E. 45TH STREET AND HYATT ROAD WITH EACH DEVELOPMENT PARCEL SUBJECT TO THE POLICIES AND PROCEDURES OF THE PUBLIC WORKS DEPARTMENT.

12.0 PERMIT REQUIREMENTS

APPLICATIONS FOR BUILDING PERMITS IN THIS PUD MUST INCLUDE AN OVERALL PUD SITE PLAN THAT DEPICTS THE LOCATION OF THE PROPOSED BUILDING PERMIT AND THE SIZE AND ADDRESS OF ALL EXISTING BUILDINGS AS WELL AS ALL EXISTING PARKING AND LANDSCAPING IN THE COMMERCIAL PART OF THE PUD AND PARKING AND LANDSCAPING PROPOSED FOR THE BUILDING FOR WHICH A BUILDING PERMIT IS REQUESTED.

13.0 OWNER'S MAINTENANCE RESPONSIBILITY OF LOT

FOR PURPOSES OF MAINTENANCE, REPAIR, ALTERATION AND REMODELING, AN OWNER SHALL BE RESPONSIBLE FOR ALL PORTIONS OF THE LOT AND BUILDING, IRRIGATION SYSTEMS AND STANDARD LANDSCAPE MAINTENANCE IN ADDITION TO THE MAINTENANCE RESPONSIBILITY SET FORTH IN SECTION 3.3 OF THE COVENANTS. REPLACEMENT OF DEAD LANDSCAPING SHALL BE THE RESPONSIBILITY OF THE OWNERS. IN FURTHERANCE THEREOF, THE OWNER OF ANY LOT SHALL HAVE THE

DUTY OF AND RESPONSIBILITY FOR KEEPING THE PREMISES, BUILDING (BOTH INTERIOR AND EXTERIOR), IMPROVEMENTS, AND APPURTENANCES, IN A WELL MAINTAINED, SAFE, CLEAN, AND ATTRACTIVE CONDITION AT ALL TIMES. IF, IN THE OPINION OF THE BOARD OF DIRECTORS OF THE ASSOCIATION, ANY OWNER FAILS TO FULFILL HIS DUTY AND RESPONSIBILITY, THE ASSOCIATION MAY ELECT TO GIVE NOTICE OF SUCH FACT TO THE OWNER, WHO SHALL WITHIN SEVEN (7) DAYS OF SUCH NOTICE, UNDERTAKE THE CARE AND MAINTENANCE REQUIRED TO RESTORE SAID OWNER'S BUILDING OR LOT TO A SAFE, CLEAN, AND ATTRACTIVE CONDITION. SHOULD ANY SUCH OWNER FAIL TO FULFILL ITS DUTY AND RESPONSIBILITY AFTER SUCH NOTICE, THE ASSOCIATION SHALL HAVE THE RIGHT AND POWER TO PERFORM SUCH CARE AND MAINTENANCE, AND THE OWNER SHALL BE LIABLE FOR THE COSTS THEREOF PLUS 20% OF THE COST TO CURE SUCH FAILURE AS AN ADMINISTRATIVE FEE. IF SUCH OWNER FAILS TO REIMBURSE THE ASSOCIATION FOR THE COST OF SUCH CARE AND MAINTENANCE UPON RECEIPT OF AN INVOICE THEREFOR, THE AMOUNT OF SUCH CHARGE SHALL CONSTITUTE A LIEN UPON THE LOT AND BUILDING ENFORCEABLE AS ANY OTHER MORTGAGE LIEN.

14.0 ASSOCIATION'S MAINTENANCE, OPERATION, REPAIR AND ALTERATIONS RESPONSIBILITY.

THE ASSOCIATION SHALL BE RESPONSIBLE FOR THE MAINTENANCE, OPERATION, AND REPAIR OF THE COMMON ELEMENTS, IRRIGATION SYSTEMS AND STANDARD LANDSCAPE MAINTENANCE FOR THE COMMON ELEMENTS.

15.0 OBLIGATION TO PAY PRO-RATA SHARE.

ALL OWNERS SHALL BE OBLIGATED TO PAY THE ASSESSMENTS, EITHER ESTIMATED OR ACTUAL, IMPOSED BY THE BOARD OF DIRECTORS OF THE ASSOCIATION TO MEET THE COMMON EXPENSES.

16.0 RESERVATION FOR ACCESS, MAINTENANCE, REPAIR AND EMERGENCIES; NEGLIGENCE OF OWNER; EASEMENT BY ASSOCIATION

THE ASSOCIATION, OR ITS AGENTS, SHALL HAVE ACCESS TO EACH LOT AND BUILDING FROM TIME TO TIME DURING REASONABLE HOURS AS MAY BE NECESSARY FOR THE MAINTENANCE, REPAIR OR REPLACEMENT OF ANY OF THE COMMON ELEMENTS THEREON OR ACCESSIBLE THEREFROM, OR FOR MAKING EMERGENCY REPAIRS THEREIN NECESSARY TO PREVENT DAMAGE TO THE COMMON ELEMENTS OR TO ANOTHER LOT OR BUILDING. DAMAGE TO THE INTERIOR OR ANY PART OF A BUILDING OR ANY PART OF A LOT RESULTING FROM THE MAINTENANCE, REPAIR, EMERGENCY REPAIR OR REPLACEMENT OF ANY OF THE COMMON ELEMENTS OR AS A RESULT OF EMERGENCY REPAIRS WITHIN ANOTHER LOT, AT THE INSTANCE OF THE ASSOCIATION, SHALL BE A COMMON EXPENSE OF ALL OF THE OWNERS; PROVIDED, HOWEVER, IF SUCH DAMAGE IS THE RESULT OF THE MISUSE OR NEGLIGENCE OF AN OWNER, THEN SUCH OWNER SHALL BE RESPONSIBLE AND LIABLE FOR ALL SUCH DAMAGE. ALL MAINTENANCE, REPAIRS AND REPLACEMENTS AS TO THE COMMON ELEMENTS (UNLESS NECESSITATED BY THE NEGLIGENCE OR MISUSE OF A LOT OWNER,

IN WHICH CASE SUCH EXPENSE SHALL BE CHARGED TO SUCH LOT OWNER), SHALL BE THE COMMON EXPENSE OF ALL THE OWNERS.

17.0 EXHIBITS

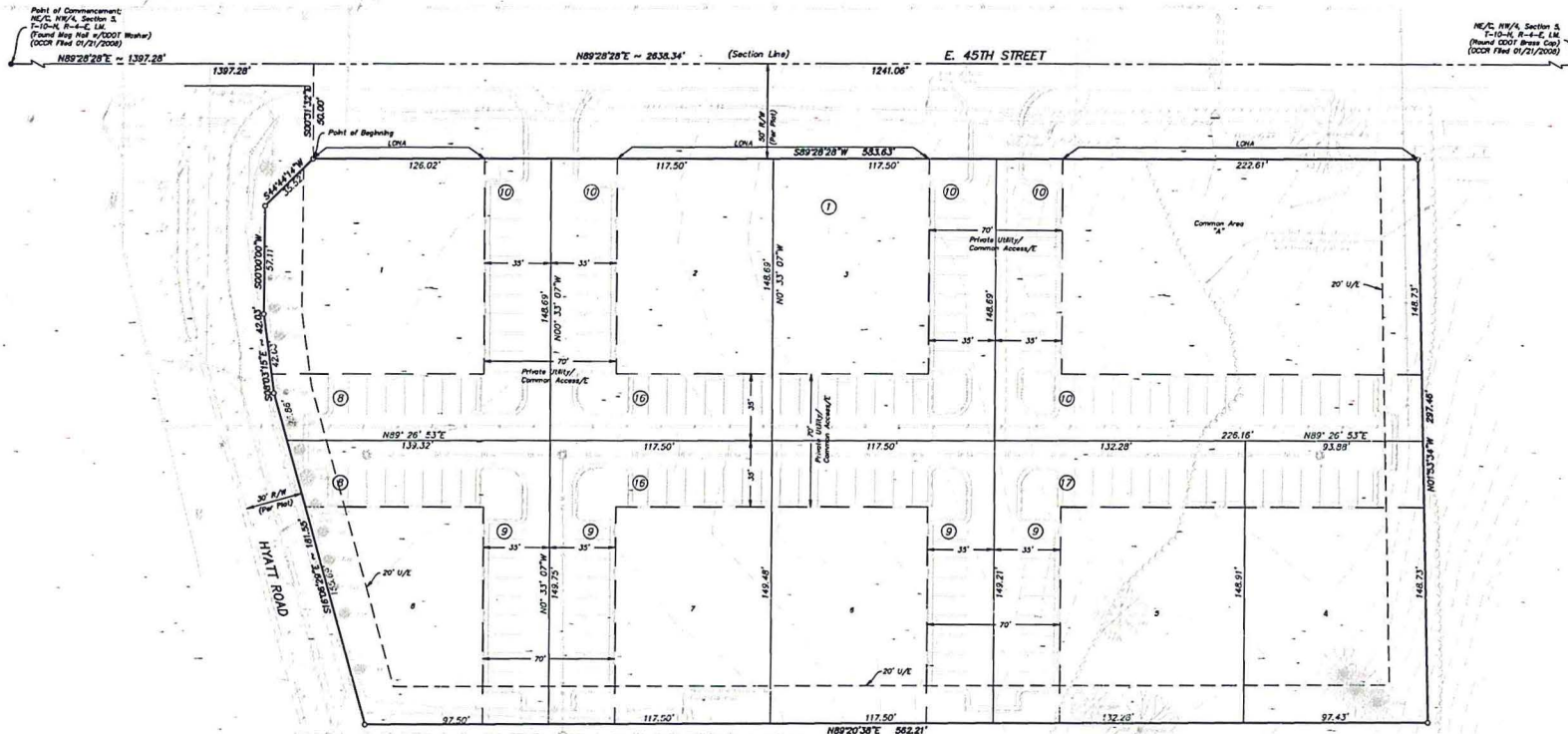
THE FOLLOWING EXHIBITS ARE HEREBY ATTACHED AND INCORPORATED IN TO THIS PUD. THESE EXHIBITS ARE:

- A. LEGAL DESCRIPTION AND TOPOGRAPHIC SITE SURVEY
- B. MASTER DEVELOPMENT PLAN

EXHIBIT

3

PRELIMINARY PLAT FOR SHAWNEE TRAIL OFFICE PARK PART OF THE NORTHWEST 1/4, SECTION 5, T10N, R4E, 1.M. SHAWNEE, OKLAHOMA, POTTAWATOMIE COUNTY, OKLAHOMA



TOPOGRAPHIC LEGEND

XX FIRE HYDRANT	— ELECTRIC UNDERGROUND LINE
U GAS VALVE	— OVERHEAD ELECTRIC LINE
RTA GROUND TRANSFORMER	— GAS LINE
○ SANITARY SEWER MANHOLE (PROPOSED)	— SANITARY SEWER LINE
○ SANITARY SEWER MANHOLE	— STORM DRAIN LINE
⊕ TRANSFORMER POLE	— UNDERGROUND TELEPHONE LINE
⊕ POWER POLE	— UNDERGROUND FIBER OPTIC LINE
⊕ DOWN CUT	— WATER LINE
○ MONUMENT FOUND	— CURB AND GUTTER
○ MONUMENT SET (#4 BAR)	— SURFACE DRAINAGE FLOWLINE
— SIGN	— TREE DROP LINE
⊕ TELEPHONE RISER	— CONCRETE
⊕ WATER VALVE BOX	— ASPHALT
⊕ ELECTRIC RISER	— LIMITS OF NO ACCESS
⊕ BENCHMARK	

LEGAL DESCRIPTION

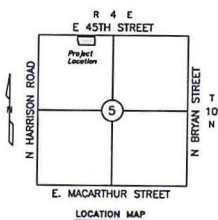
A tract of land located in the Northwest Quarter (NW/4) of Section Five (5), Township Ten North (T-10-N), Range Four East (R-4-E) of the Indian Meridian (1.M.), Pottawatomie County, Oklahoma, and being more particularly described as follows:

Commencing at the Northwest corner of said NW/4;
Thence North 89°28'28" East along the North line of said NW/4 a distance of 1397.28 feet;
Thence South 00°31'32" East a distance of 50.00 feet to a point on the South right-of-way line of E. 45th Street, and the Point of Beginning;
Thence South 44°44'14" West a distance of 35.52 feet;
Thence South 00°00'00" West (South = dead) a distance of 57.11 feet;
Thence South 08°13'15" East a distance of 42.03 feet;
Thence South 18°00'29" East a distance of 181.55 feet;
Thence North 89°20'38" East a distance of 562.21 feet;
Thence North 01°33'54" West a distance of 297.78 (297.42 = dead) feet to a point on the said South right-of-way line of E. 45th Street;
Thence South 89°28'28" West along said right-of-way a distance of 583.63 (583.34 = dead) feet to the Point of Beginning.

Said tract contains 4.06 acres, more or less.

Note: Basis of Bearing = N 89°28'28" E = North line NW/4 Section 5, T-10-N, R-4-E, 1.M. (deed)

Note: Bearings shown hereon are plotted bearings, however, the Coordinate System remains State Plane.



Engineering By: Corey Lipps PE #21291 of
CARDINAL
ENGINEERING
An HMM/STANTEC Company

Surveying By: William Sullivan PLS #1571 of
LEMKE LAND
SURVEYING, LLC
3226 BART COUNTRY DR.
NORMAN, OK 73072
PH: (405) 368-8541
FAX: (405) 368-8540
CA # 6975 EXPIRATION 6/30/19
HSP://www.LEMKE-LS.com

222 N. Broadway
Shawnee, OK 74801
(405) 878-1616 Fax (405) 878-1587
www.ShawneeOK.org

Case Number: PC2-18
Project Number: 1712167
Date Filed: December 3rd, 2017
Christine Pettigrew
Planning Commission Secretary

Rezoning Rezoning w/Conditional Use Permit

Conditional Use Permit X Planned Unit Development

Philip C Day
SIGNATURE OF APPLICANT

PLACE ON ZONING MAP: _____ ORDINANCE NO.: _____

CITY OF SHAWNEE
PUBLIC HEARING NOTICE
CASE #P02-18

Notice is hereby given that the City of Shawnee, Oklahoma, will conduct a public hearing on an application for approval of a Planned Unit Development, which is a special zoning district, on property located within the City of Shawnee.

The applicant requests a Planned Unit Development for the following described property:

A tract of land described as beginning at the Northwest Corner of the Northwest Quarter (NW/C NW/4) of Section Five (5), Township Ten (10) North, Range Four (4) East of the Indian Meridian, Pottawatomie County, Oklahoma; thence N89°28'28"E a distance of 659.57 feet; thence N89°28'28"E a distance of 737.71 feet; thence S00°31'32"E a distance of 50 feet to the true point of beginning; thence S44°44'14"W a distance of 35.52 feet; thence South 57.11 feet; thence S08°03'15"E a distance of 42.03 feet; thence S16°06'29"E a distance of 181.55 feet; thence N89°20'38"E a distance of 562.21 feet; thence N01°53'54"W a distance of 297.76 feet (measured) (297.42 of record) to a point on the South right-of-way line East 45th Street; thence S89°28'28"W a distance of 583.63 feet measured (585.34 of record) to the point of beginning.

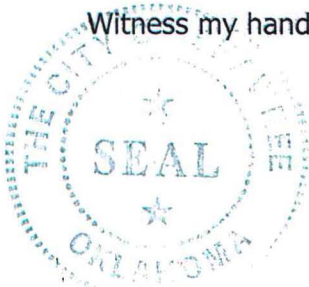
General Location Known As:	<u>SE corner of East 45th Street and Hyatt Rd.,</u> <u>Shawnee, OK</u>
Current Zoning Classification:	<u>C-2; Suburban Office Commercial District</u>
Requested Zoning Classification:	<u>PUD</u>
Proposed Use of Property:	<u>Office Complex</u>
Applicant:	<u>Bonray Real Estate, LLC</u>

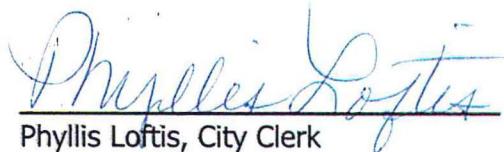
The public hearings will be held in the City Commission Chambers in City Hall, 16 W. 9th St. Shawnee, Oklahoma, as follows:

January 3 rd , 2018 AT 1:30 P.M.:	CITY OF SHAWNEE PLANNING COMMISSION
January 16 th , 2018 AT 6:00 P.M.:	CITY OF SHAWNEE CITY COMMISSION

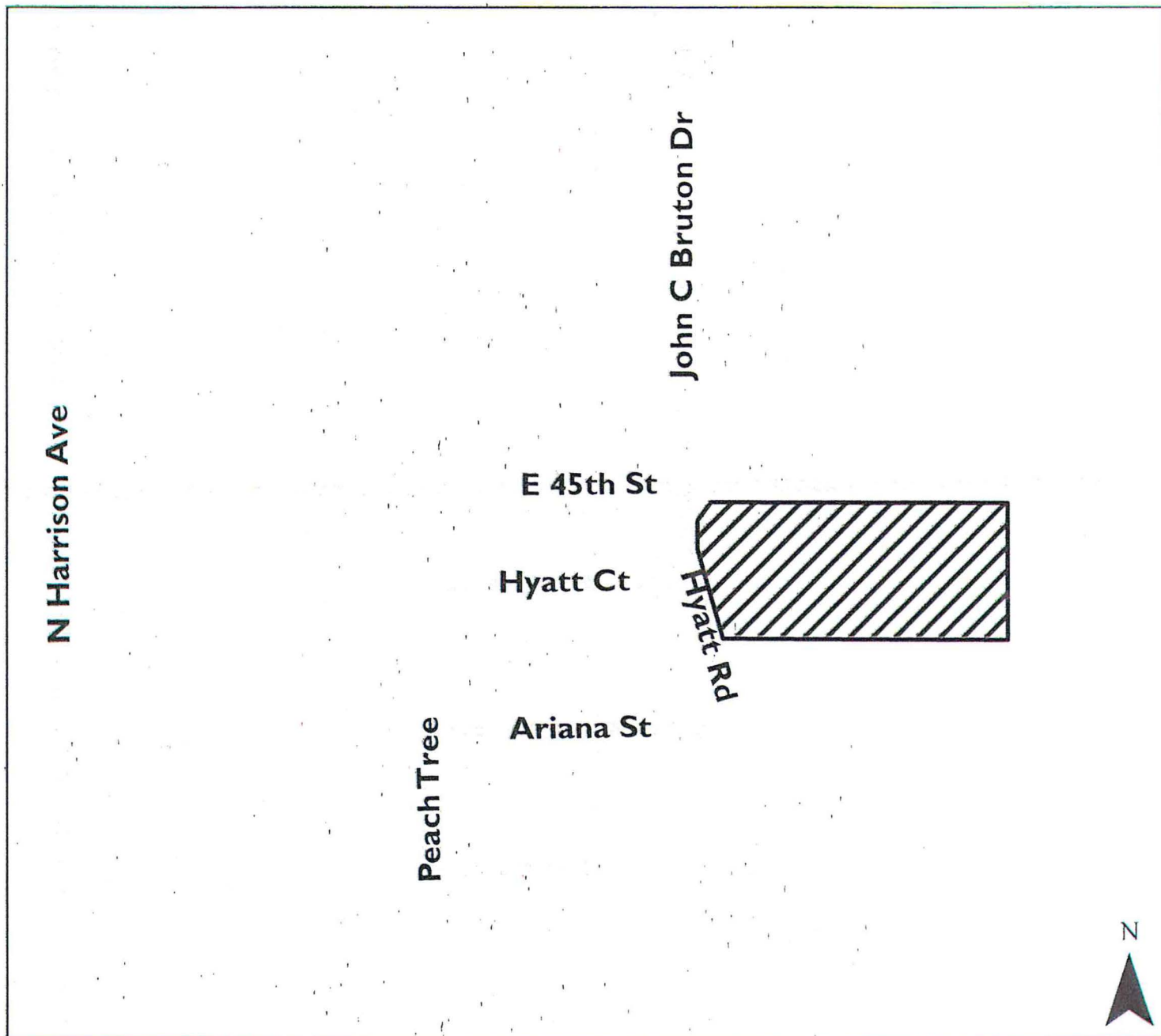
At this time any interested citizen of Shawnee, Oklahoma will have the opportunity to appear and be heard with regard to the Planned Unit Development. The Commission reserves the right to limit discussion and debate on the proposed Planned Unit Development in the public hearing, in which event those persons appearing in support or opposition of the proposed Planned Unit Development will be allotted equal time. Any formal protest must be filed in writing with the City Clerk during normal working hours before 5:00 p.m. a minimum of three (3) days prior to the hearing. If there are any questions about the proposal, or you need additional information prior to the public hearing, please contact the Planning Department at 878-1616. A copy of the application is available for public inspection during normal working hours in the Planning Secretary's office at 222 N. Broadway.

Witness my hand this 13TH day of December, 2017.




Phyllis Loftis, City Clerk

CASE# P02-18
CONSIDERATION FOR PUD APPROVAL
SE CORNER OF E. 45TH AND HYATT RD.



CERTIFICATE OF BONDED ABTRACTOR
(300 FEET RADIUS REPORT)

STATE OF OKLAHOMA

)

) §:

COUNTY OF POTTAWATOMIE

)

The undersigned bonded abstractor in and for Pottawatomie County, State of Oklahoma, does hereby certify that the following Ownership is true and correct according to the current year's tax rolls in the office of the County Treasurer of Pottawatomie County, Oklahoma, as updated by the records of the County Clerk of Pottawatomie County, Oklahoma; that the owners, as reflected by said records, are based on the last conveyance or final decree of record of certain properties located within 300 feet in all directions of the following described land:

A tract of land described as beginning at the Northwest Corner of the Northwest Quarter (NW/C NW/4) of Section Five (5), Township Ten (10) North, Range Four (4) East of the Indian Meridian, Pottawatomie County, Oklahoma; thence N89°28'28"E a distance of 659.57 feet; thence N89°28'28"E a distance of 737.71 feet; thence S00°31'32"E a distance of 50 feet to the true point of beginning; thence S44°44'14"W a distance of 35.52 feet; thence South 57.11 feet; thence S08°03'15"E a distance of 42.03 feet; thence S16°06'29"E a distance of 181.55 feet; thence N89°20'38"E a distance of 562.21 feet; thence N01°53'54"W a distance of 297.76 feet (measured) (297.42 of record) to a point on the South right-of-way line East 45th Street; thence S89°28'28"W a distance of 583.63 feet measured (585.34 of record) to the point of beginning.

and find the following owners, addresses and brief legal descriptions on the attached pages numbered from (1) to (3), both inclusive.

NOTICE TO CUSTOMERS: This report is released with the understanding that the information is strictly confidential. This report contains information from public land records only and is not to be construed as an abstract of title, opinion of title, title commitment, title insurance policy, or environmental research report. As used herein, the term "public land records" means those land records which under the recording laws of the applicable state, impart constructive notice to the third parties with respect to recorded, unreleased or record instruments memorializing legal interests in real estate. The company suggests that you contact your attorney for matters of a legal nature or legal opinion. We have exercised due care and diligence in preparing this report, however, the Abstractor does not guarantee validity of the title and acceptance of this report by the Company or person(s) for whom this report is made, constitutes agreement and confirmation of the limitation of this report.

Dated: November 21, 2017 at 7:30 AM

First American Title & Trust Company

By:



Michelle Cook

Abstractor License No. 3286

OAB Certificate of Authority # 017

File No. 2288301-SH99

OWNERSHIP LIST**ORDER NO. 2288301**

DATE PREPARED: December 4, 2017

EFFECTIVE DATE: November 21, 2017 at 7:30 am

OWNER	LOT	BLK	ADDITION
BONRAY REAL ESTATE LLC 929 E BRITTON RD OKC OK 73114-0000			BEGINNING NW/C NW/4 E659.67' E737.71' S50' POB S44*44'14"W35.52' S57.11' S8*3'15"E42.03' S16*6'29"E 181.55' E562.21' N1*53'54"W 297.76'(297.42 OF REC)W583.63'(585.34 OF REC) POB 4.05 Acres (NW/4 5-10N-4E)
FORTY FIFTH STREET CENTRE LLC P O BOX 1447 SHAWNEE OK 74802-0000			E1/2 NE NW 20.00 Acres (NW/4 5-10N-4E)
AUSTIN 2008 REVOC TRUST 4608 KELLYE GREEN SHAWNEE OK 74804-0000			BEG 625.4'N SE/C SW/4 N1324.33' W548.32' S1955.77' E126' N625.4' E400.03' POB DANA MICHELLE AUSTIN & RICHARD ALLEN AUSTIN TRUSTEES 18.30 Acres (SW/4 32-11N-4E)
O'CONNOR JARALD A & PHYLLIS J JOINT REV TRUST 5 CROWNPOINT SHAWNEE OK 74804-0000			27-SU BEG SW/C SE N335' E150' N290.4' E198.2' S625' W348.2' POB. & BEG SE/C W/2 SE W969.5' N625.4' W348.2' N1973' E1331' S2597' POB & BEG SE/C E/2 SW W831.4' N2554.3' E861' S2550.4' TO POB LESS 15 AC IN BK 2882 PG 18 LESS BEG SW/C W/2 SE N335' E150' S335' W150' POB & LESS 50 AC TO BRYANT BUILDERS REC 2002-4495 & LESS 2.87 AC REC2002-8169 & LESS 2.87AC WD 2005-17985 (WD 2005-15833 2005-17986) & LESS 26.12AC 2006-2235 & LESS 18.3AC REC 2009-5599 9.81 Acres (SW/4 32-11N-4E)

GORDON COOPER AREA VOCATIONAL TECHNICAL SCHOOL 1 JOHN C BRUTON BLVD SHAWNEE OK 74804-0000			W15 AC OF PRO DES AS BEG SE/C E/2 SW W831.4' N2554.3' E861' S2550.4' POB 15.00 Acres (SW/4 32-11N-4E)
GORDON COOPER VO TECH XXXXXXXXX SHAWNEE OK 74801-0000			27-SR TR 1 BEG 482'E & 1980'N SW/C SW N428.7' TO PT ON ST R/W OF I-40 NELY ON A CURVE TO LEFT RADIUS 1550.39' A DIST OF 232' N64*E153.47' S89*E968' 34.28 Acres (SW/4 32-11N-4E)
AL-JARRAH SARAH R & MOHAMMAD A 1148 ARIANA SHAWNEE OK 74804-0000	1	3	HYATT 1
NGUYEN CHRIS & ALYSSA 1142 ARIANA SHAWNEE OK 74804-0000	2	3	HYATT 1
WESTBROOK GLENDA 1136 ARIANA SHAWNEE OK 74804-0000	3	3	HYATT 1
WELTON JASON ROBERT & LINDSAY 1130 ARIANA SHAWNEE OK 74804-0000	4	3	HYATT 1
HUANG MIN & XING ZHENG 1131 ARIANA ST SHAWNEE OK 74804-2374	39	3	HYATT 1
HAGAN KENNETH B & JOHNNIE L 1137 ARIANA SHAWNEE OK 74804-0000	40	3	HYATT 1
LINNEEN SARA K 1132 HYATT CT SHAWNEE OK 74804-0000	1		HYATT 2
NGUYEN CHUNG VAN & NON THI PHAM 1128 HYATT CT SHAWNEE OK 74804-0000	2		HYATT 2
EROPKIN DAVID R & LORI E 1124 HYATT CT SHAWNEE OK 74804-0000	3		HYATT 2
FLORA CODY & CASSIE 1129 HYATT CT SHAWNEE OK 74804-0000	17		HYATT 2

LANDRUM-FAMILY TRUST PHYLLIS F & RON J LANDRUM CO TRUSTEES 1133 HYATT CT SHAWNEE OK 74804-0000	18		HYATT 2
SMITH JENNIFER L & AARON B 1137 HYATT CT SHAWNEE OK 74804-0000	19		HYATT 2
HOANG D HOANG & LY T BUI 4412 HYATT RD SHAWNEE OK 74804-0000	1	1	HYATT 3
HYATT DEV LLC 203 E 40TH ST SHAWNEE OK 74804-1432	2	1	HYATT 3
HYATT DEV LLC 203 E 40TH ST SHAWNEE OK 74804-1432	1	2	HYATT 3
MORROW RYAN 4409 HYATT RD SHAWNEE OK 74804-0000	2	2	HYATT 3
HYATT DEVELOPMENT LLC 203 E 40TH SHAWNEE OK 74804-0000			BEG NW/C NW/4 E659.57' E737.71' S50' POB S44*44'14"W35.52' S57.11' S8*3'15"E42.03' S16*6'29"E181.55' E562.21' N1*53'34"W297.42' W585.34' POB & BEG SW/C LOT 17 BLK 3 HYATT ADDITION S280' POB E920.56' E51.88' E60.45' N115' N50' W9.82' N92.98'N16*6'29"W432.6' E12.5' N50' N114.99' E389.98' S978.14' W1321.2' N138.11' POB LESS A TRACT BEGINNING NW/C NW/4 E659.67' E737.71' S50' POB S44*44'14"W35.52' S57.11' S8*3'15"E42.03' S16*6'29"E 181.55' E562.21' N1*53'54"W 297.76'(297.42 OF REC)W583.63'(585.34 OF REC) POB 10.67 Acres

PRELIMINARY PLAT APPLICATION



City of Shawnee Planning Department

222 N. Broadway
Shawnee, OK 74801
(405) 878-1616 Fax (405) 878-1587
www.ShawneeOK.org

For Office Use Only

Case Number: 501-18
Project Number: 171268
Date Filed: December 5th, 2017
Amount Paid: \$252.00
Receipt No.: 02112806

Please provide a submittal letter, 6-24 X 36 maps, 1-8 1/2 x 14 map, 1 electronic map and filing fees upon submitting this application. Please call 878-1616 with any questions.

APPLICANT Bonray Real Estate, L.L.C.
APPLICANT ADDRESS 929 East Britton Road, Oklahoma City, Ok 73114-7802
APPLICANT PHONE NUMBERS 405/842-1661
EMAIL ADDRESS pday@bonray.com
NAME OF PLAT Shawnee Trail Office Park
LOCATION SE corner of E. 45th St. and Hyatt Rd.
NUMBER OF ACRES 4.06 NUMBER OF LOTS 9

FOR 2 ACRE LOTS OR GREATER DEVELOPMENTS: FEE: \$225.00
PLUS \$3.00 PER LOT UP TO FIFTY (50) LOTS NUMBER OF LOTS 9 27.00
PLUS \$1.00 PER LOTS OVER FIFTY (50) LOTS NUMBER OF LOTS _____
TOTAL COST \$252.00

FOR LESS THAN 2 ACRE LOTS: FEE: \$225.00
PLUS \$2.00 PER LOT UP TO FIFTY (50) LOTS NUMBER OF LOTS _____
PLUS \$1.00 PER LOTS OVER FIFTY (50) LOTS NUMBER OF LOTS _____
TOTAL COST _____

OWNER/DEVELOPER INFORMATION:

NAME Bonray Real Estate, L.L.C.
ADDRESS 929 East Britton Road, Oklahoma City, OK 73114-7802
CONTACT NUMBERS 405/842-1661
EMAIL ADDRESS pday@bonray.com

PROJECT ENGINEER INFORMATION:

NAME Cardinal Engineering
ADDRESS 525 Central Park Drive, Suite 402, Okla. City, OK 73105
CONTACT NUMBERS 405/842-1066
EMAIL ADDRESS corey.lipps@eccgrp.com jason.davis@eccgrp.com

APPLICATION, SITE PLAN, CONSTRUCTION DOCUMENTS, PAYMENT, ETC... MUST BE RECEIVED 30 DAYS PRIOR TO MEETING

ORDINANCE NO. ____NS

AN ORDINANCE CONCERNING THE ZONING CLASSIFICATION OF THE FOLLOWING DESCRIBED PROPERTY LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA, TO-WIT: A TRACT OF LAND DESCRIBED AS BEGINNING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER (NW/4) OF SECTION FIVE (5), TOWNSHIP TEN (10) NORTH, RANGE FOUR (4) EAST OF THE INDIAN MERIDIAN, POTTAWATOMIE COUNTY, OKLAHOMA; THENCE N89°28'28"E A DISTANCE OF 659.57 FEET; THENCE N89°28'28"E A DISTANCE OF 737.71 FEET; THENCE S00°31'32"E A DISTANCE OF 50 FEET TO THE TRUE POINT OF BEGINNING; THENCE S44°44'14"W A DISTANCE OF 35.52 FEET; THENCE SOUTH 57.11 FEET; THENCE S08°03'15"E A DISTANCE OF 42.03 FEET; THENCE S16°06'29"E A DISTANCE OF 181.55 FEET; THENCE N89°20'38"E A DISTANCE OF 562.21 FEET; THENCE N01°53'54"W A DISTANCE OF 297.76 FEET (MEASURED) (297.42 OF RECORD) TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE EAST 45TH STREET; THENCE S89°28'28"W A DISTANCE OF 583.63 FEET MEASURED (585.34 OF RECORD) TO THE POINT OF BEGINNING ACCORDING TO THE RECORDED PLAT THEREOF REZONING SAID PROPERTY FROM C-2; SUBURBAN OFFICE COMMERCIAL DISTRICT TO PUD; PLANNED UNIT DEVELOPMENT AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SHAWNEE ACCORDINGLY.

WHEREAS, pursuant to notice duly given as required by law, a public hearing conducted by the Board of Commissioners of the City of Shawnee, Oklahoma on the 16th day of January 2018, upon an application to rezone certain properties located in the City of Shawnee, Oklahoma from zoning classification C-2; Suburban Office Commercial District to PUD; Planned Unit Development.

WHEREAS, the Planning Commission of the City of Shawnee has conducted one or more public hearings on said application pursuant to notice as required by law and has submitted its final report and recommendation upon said application to the Board of Commissioners; and,

WHEREAS, it appears to be in the best interest of the City of Shawnee and the inhabitants thereof for said properties to be rezoned to PUD; Planned Unit Development.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF SHAWNEE, OKLAHOMA:

SECTION 1: That the following described property located in the City of Shawnee, Oklahoma, to-wit: A TRACT OF LAND DESCRIBED AS BEGINNING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER (NW/4) OF SECTION FIVE (5), TOWNSHIP TEN (10) NORTH, RANGE FOUR (4) EAST OF THE INDIAN MERIDIAN, POTTAWATOMIE COUNTY, OKLAHOMA; THENCE N89°28'28"E A DISTANCE OF 659.57 FEET; THENCE N89°28'28"E A DISTANCE OF 737.71 FEET; THENCE S00°31'32"E A DISTANCE OF 50 FEET TO THE TRUE POINT OF BEGINNING; THENCE S44°44'14"W A DISTANCE OF 35.52 FEET; THENCE SOUTH 57.11 FEET; THENCE S08°03'15"E A DISTANCE OF 42.03 FEET; THENCE S16°06'29"E A DISTANCE OF 181.55 FEET; THENCE N89°20'38"E A DISTANCE OF 562.21 FEET; THENCE N01°53'54"W A DISTANCE OF 297.76 FEET (MEASURED) (297.42 OF RECORD) TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE EAST 45TH STREET; THENCE S89°28'28"W A DISTANCE OF 583.63 FEET MEASURED (585.34 OF RECORD) TO THE POINT OF BEGINNING ACCORDING TO THE RECORDED PLAT THEREOF REZONING SAID PROPERTY FROM C-2; SUBURBAN OFFICE COMMERCIAL DISTRICT TO PUD; PLANNED UNIT DEVELOPMENT AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SHAWNEE ACCORDINGLY.

PASSED AND APPROVED this _____ day of _____, 2018.

RICHARD FINLEY, MAYOR

(SEAL)

ATTEST:

PHYLLIS LOFTIS, CMC, CITY CLERK

Approved as to form and legality this _____ day of _____, 2018.

JOSEPH VORNDRAN, CITY ATTORNEY

Regular Board of Commissioners

6.

Meeting Date: 01/16/2018

S01-18 Preliminary Plat

Submitted By: Kacie Eck, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

Consideration and approval of a Preliminary Plat for Shawnee Trail Office Park located at the southeast corner of East 45th Street and Hyatt Road. Case No. S01-18. Applicant: Bonray Real Estate, LLC

Attachments

S01-18 Shawnee Trail

RECOMMENDATION TO:

MAYOR
BOARD OF CITY COMMISSIONERS
CITY OF SHAWNEE

RECOMMENDATION FROM:

CITY OF SHAWNEE
PLANNING COMMISSION

SUBJECT:

APPLICANT: Bonray Real Estate, LLC
FOR: Preliminary Plat for Shawnee Trail Office Park
LOCATION: Southeast corner of East 45th Street and Hyatt
Road, Shawnee, OK
PROJECT# 171268 CASE# S01-18

PLANNING COMMISSION MEETING DATE: January 3rd, 2018

PLANNING COMMISSION RECOMMENDATION: Motion passes w/ following conditions:

1. Final construction documents must be approved by the City Engineer concurrent with Final Plat approval.
2. Drainage plans must be approved by the City Engineer concurrent with Final Plat approval.
3. All other applicable City standards apply.

VOTE OF THE PLANNING COMMISSION:

MEMBERS PRESENT: 7

MEMBERS:	1ST	2ND	AYE	NAY	ABSTAIN	COMMENTS
DEEM			X			
MATTHEWS	X		X			
WALKER		X	X			
BERGSTEN (CHAIRMAN)			X			
COWEN (VICE-CHAIRMAN)			X			
KIENZLE			X			
ROWELL			X			

RESPECTFULLY SUBMITTED,

Cheyenne Pettigrew

SECRETARY, PLANNING COMMISSION

ACTION BY CITY COMMISSION:

PUBLIC HEARING SET: _____

DATE OF ACTION: _____

ADOPTED _____ DENIED _____

City of Shawnee
Planning Department
222. N. Broadway
Shawnee, OK 74801
(405) 878-1616
Fax: (405) 878-1587
www.ShawneeOK.org



CASE # P02-18
CASE # S01-18
PUBLIC HEARING DATE:
January 3rd, 2018
CITY COMMISSION DATE:
January 16, 2018

APPLICANT:
Philip C. Day

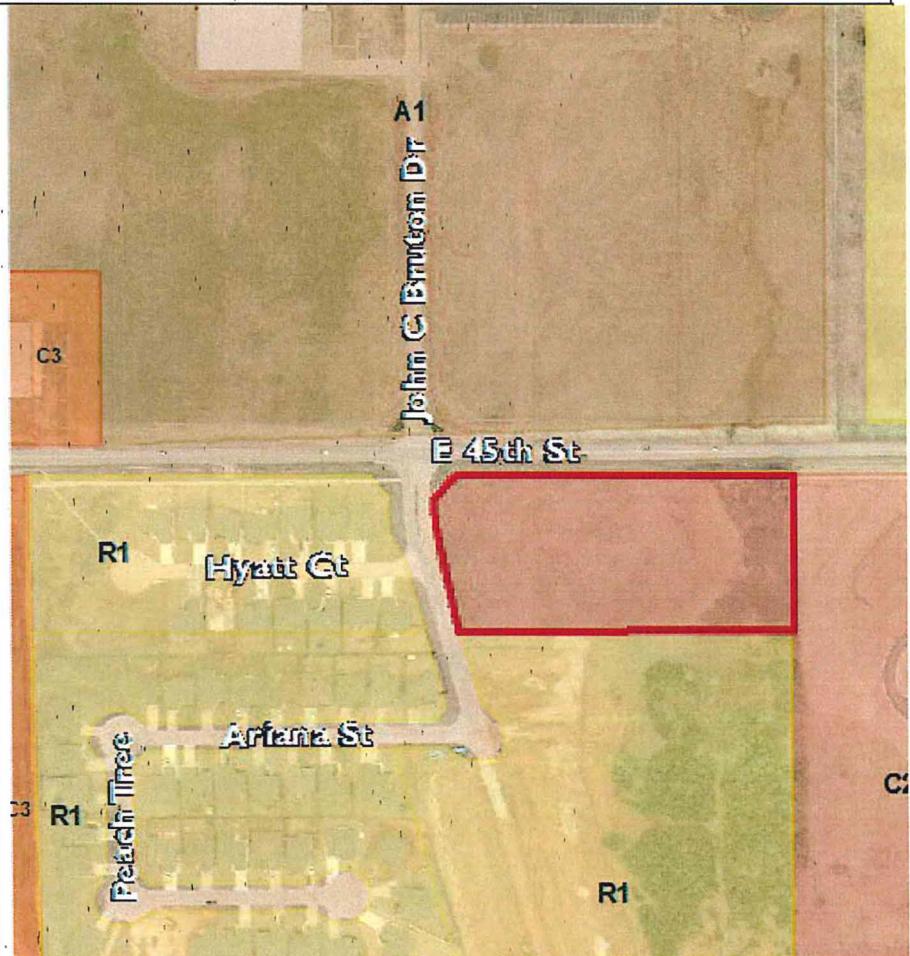
**929 E. Britton Road
Oklahoma City, OK 73114**

(405) 842-1661

PROPERTY ADDRESS/LOCATION: **SE Corner of E. 45th St and Hyatt Rd.**

SUMMARY OF REQUEST:

The applicant, Bonray Real Estate, LLC., is requesting Planned Unit Development (PUD) and Preliminary Plat approval for property located on 45th Street, east of Harrison Avenue. The subject site is approximately 4.06 acres in size and currently zoned C2 (Office Commercial). Proposed is the creation of an 8-lot office park with space reserved for detention.



EXISTING ZONING: C2	EXISTING LAND USE: Vacant	SURROUNDING ZONING & LAND USE: A-1 (Rural Agricultural) R-1 (Single Family Residential) C-2 (Suburban Office Commercial)	Number of Lots: 1	PROPERTY SIZE: 4.06 Acres
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STAFF REVIEW AND ANALYSIS

Based on a review by Staff, the requested PUD and Preliminary Plat can be summarized as follows (Exhibit 2):

- Eight (8) developable lots and one (1) outlot for storm water detention.
- Private, internal roadway network with on-street parking.
- All structures shall have a minimum of 90% brick / stone façade.

- Ten (10%) percent landscaping requirement shall be met.
- Sight proof fencing shall be placed along the south property boundary, where abutting residential.
- Per code, a six (6') foot sidewalk shall be constructed along 45th Street.
- A Property Owner's Association (POA) will be established to control site maintenance.
- The proposed use is in conformance with the existing C2 zoning.

Staff has reviewed the subject requests and finds them to be in conformance with the City of Shawnee Zoning Code, Subdivision Regulations, and the Comprehensive Plan. The proposed use is appropriate for the existing C2 zoning, so the transition to a PUD serves primarily to ensure appropriate common access elements and maintenance agreements. Based on these facts, Staff recommends approval of the requested Preliminary Plat and PUD zoning.

PUD Recommendation

Staff recommends approval of the requested PUD, with the following conditions:

1. Minor corrections to the PUD Design Statement to assure consistency with the PUD Plan Map.
2. All other applicable City standards apply.

Preliminary Plat Recommendation

Staff recommends approval of the requested Preliminary Plat, with the following conditions:

1. Final construction documents must be approved by the City Engineer concurrent with Final Plat approval.
2. Drainage plans must be approved by the City Engineer concurrent with Final Plat approval.
3. All other applicable City standards apply.

APPROVE

APPROVE WITH CONDITIONS

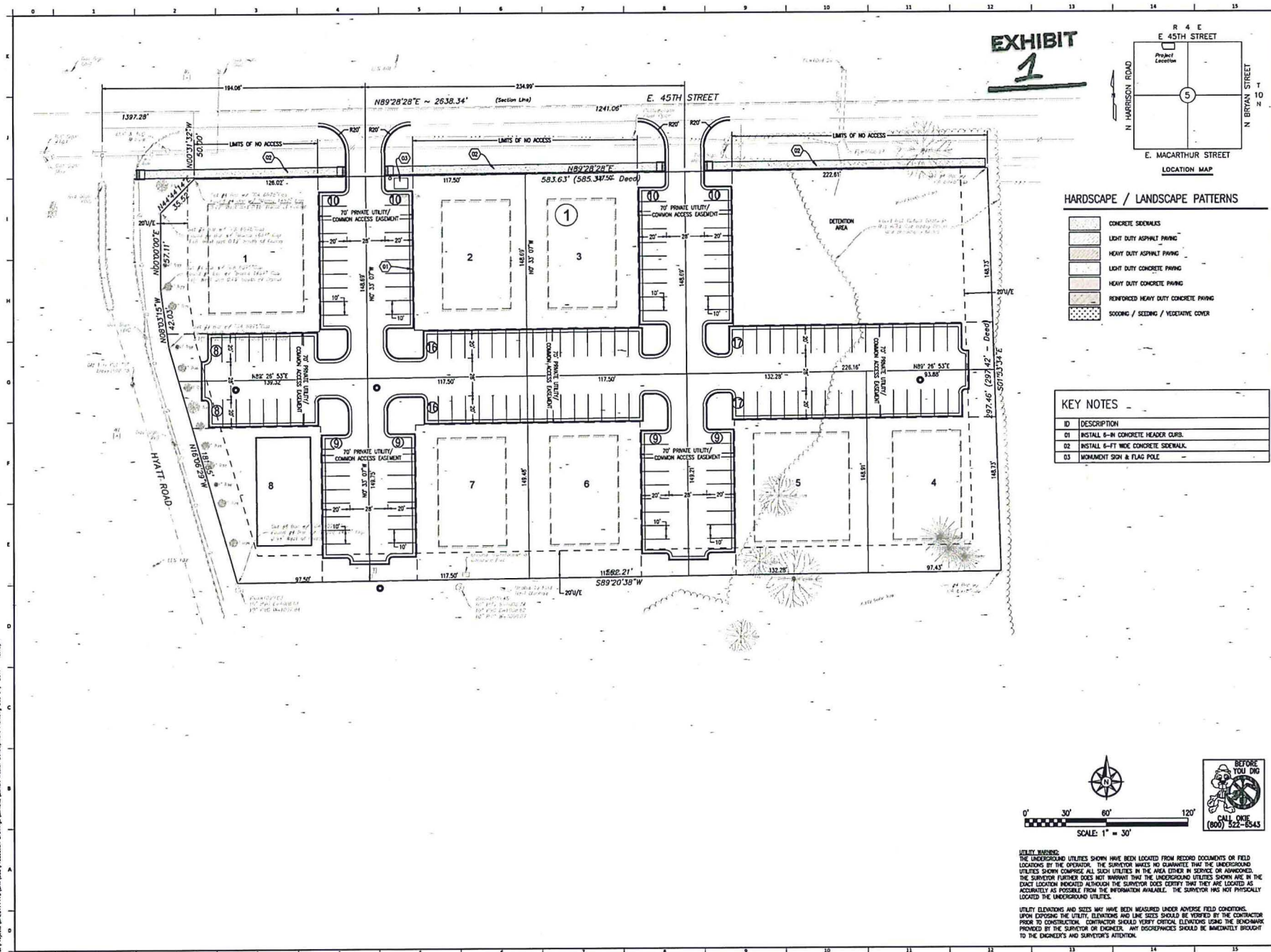
DENY

Staff has received no letters of protest from surrounding property owners.

ATTACHMENTS: (CIRCLE)	SUBMITTED PLANS	PUBLIC HEARING PETITION/ APPLICATION FORM	LEGAL NOTICE	LEGAL DESCRIPTION
PUBLIC COMMENTS	AGENCY COMMENTS	RESPONSE TO STANDARDS		

Attachments:

- Exhibit 1: PUD Master Plan Map
- Exhibit 2: PUD Design Statement
- Exhibit 3: Shawnee Trail Office Park Preliminary Plat



EXHIBIT

2

PUD NO. ____

**DESIGN STATEMENT
OF THE SHAWNEE TRAIL OFFICE PARK
PLANNED UNIT DEVELOPMENT**

DECEMBER 5, 2017

**DEVELOPER:
BONRAY REAL ESTATE, L.L.C.**

**PREPARED BY:
CARDINAL ENGINEERING
525 CENTRAL PARK DRIVE, SUITE 402
OKLAHOMA CITY, OK 73105**

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PLANNED UNIT DEVELOPMENT

SHAWNEE, OKLAHOMA

1.0 INTRODUCTION

THIS PLANNED UNIT DEVELOPMENT, CONSISTING OF APPROXIMATELY 4.06 ACRES IS LOCATED IN THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP TEN NORTH, RANGE FOUR EAST OF THE INDIAN MERIDIAN, SHAWNEE, OKLAHOMA. THE SUBJECT PROPERTY IS LOCATED ON THE SOUTHEAST CORNER OF EAST 45TH STREET AND HYATT ROAD. THE SITE IS PRESENTLY ZONED C-2 COMMERCIAL.

2.0 LEGAL DESCRIPTION

A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER (NW/4) OF SECTION FIVE (5), TOWNSHIP TEN NORTH (T-10-N), RANGE FOUR EAST (R-4-E) OF THE INDIAN MERIDIAN (I.M.), POTTAWATOMIE COUNTY, OKLAHOMA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF NW/4; THENCE NORTH 89°28'28" EAST ALONG THE NORTH LINE OF SAID NW/4 A DISTANCE OF 1397.28 FEET; THENCE SOUTH 00°31'32" EAST A DISTANCE OF 50.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF E. 45TH STREET, AND THE POINT OF BEGINNING; THENCE SOUTH 44°44'14" WEST A DISTANCE OF 35.52 FEET; THENCE SOUTH 00°00'00" WEST (SOUTH – DEED) A DISTANCE OF 57.11 FEET; THENCE SOUTH 08°03'15" EAST A DISTANCE OF 42.03 FEET; THENCE SOUTH 16°06'29" EAST A DISTANCE OF 181.55 FEET; THENCE NORTH 89°20'38" EAST A DISTANCE OF 562.21 FEET; THENCE NORTH 01°53'54" WEST A DISTANCE OF 297.76 (297.42 – DEED) FEET TO A POINT ON THE SAID SOUTH RIGHT-OF-WAY LINE OF E. 45TH STREET; THENCE SOUTH 89°28'28" WEST ALONG SAID RIGHT-OF-WAY A DISTANCE OF 583.63 (585.34 – DEED) FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 4.06 ACRES, MORE OR LESS.

NOTE: BASIS OF BEARING = N 89°28'28" E = NORTH LINE NW/4 SECTION 5, T-10-N, R-4-E, I.M. (DEED)

NOTE: BEARINGS SHOWN HEREON ARE PLATTED BEARINGS, HOWEVER, THE COORDINATE SYSTEM REMAINS STATE PLANE.

3.0 OWNER-DEVELOPER

THE OWNER AND DEVELOPER OF THIS PLANNED UNIT DEVELOPMENT IS BONRAY REAL ESTATE, L.L.C., 929 EAST BRITTON ROAD, OKLAHOMA CITY OK 73114-7802.

4.0 SITE AND SURROUNDING AREA

THE SITE IS LOCATED IN THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP TEN NORTH, RANGE FOUR EAST OF THE INDIAN MERIDIAN, SHAWNEE, OKLAHOMA. THE

SUBJECT PROPERTY IS LOCATED ON THE SOUTHEAST CORNER OF EAST 45TH STREET AND HYATT ROAD. THE SITE IS PRESENTLY ZONED C-2 COMMERCIAL.

THE SOUTH BOUNDARY ABUTS R-1 WHICH CONTAINS SINGLE FAMILY RESIDENTIAL HOUSING. THE EAST BOUNDARY ABUTS C-2 COMMERCIAL SITE WHICH CONTAINS AN EXISTING BUSINESS.

5.0 PHYSICAL CHARACTERISTICS

THE LAND IS AT AN ELEVATION OF 1020 NEAR THE SOUTHWEST CORNER OF THE SITE AND DRAINS GENERALLY NORTHEAST TO EXIT ELEVATIONS OF APPROXIMATELY 1005 AT THE NORTHEAST CORNER OF THE SITE. NO PORTION OF THE SITE IS IN A 50 OR 100 YEAR FLOOD PLAIN.

THERE ARE APPROXIMATELY 14.6 ACRES OF RUN OFF ENTERING THE SITE FROM THE SOUTH ADJACENT PROPERTY.

6.0 CONCEPT

THE CONCEPT OF THE PLANNED UNIT DEVELOPMENT IS TO DEVELOP THE APPORXIMATELY 4 ACRES AS C-2 GENERAL OFFICE. THE SITE WILL BE DEVELOPED AS AN OFFICE PARK WITH INDIVIDUAL LOTS. ACCESS TO PARKING AND ARTERIALS WILL BE PROVIDED THROUGH A RECIPROCAL EASEMENT AGREEMENT.

THE PROPOSED PROJECT WILL CONSIST OF NINE (9) OFFICE BUILDINGS RANGING FROM 2,500 SQUARE FEET TO 6,000 SQUARE FEET. ALL BUILDINGS WILL BE SINGLE STORY BRICK VENEER.

7.0 SERVICE AVAILABILITY

THE PLANNED UNIT DEVELOPMENT HAS CITY SERVICES AVAILABLE TO SERVE THE SITE AS FOLLOWS:

7.1 STREETS

THE NORTH BOUNDARY ABUTS EAST 45TH STREET AND THE WEST BOUNDARY ABUTS HYATT ROAD. DRIVES WILL BE CONSTRUCTED TO ACCESS THE SITE ALONG THE NORTH ADJACENT STREET.

7.2 SANITARY SEWER

THERE IS A 10" SANITARY SEWER MAIN TO SERVE THIS SITE, WHICH RUNS WEST ALONG THE SOUTH BOUNDARY OF THE SITE. A NEW 8" MAIN WILL BE PROVIDED WITHIN THE COMMON/UTILITY EASEMENT WITHIN THE PROPERTY.

7.3 WATER

THERE IS A 12" WATER MAIN ALONG E. 45TH STREET AND AN 8" WATER MAIN ALONG HYATT ROAD. PRIVATE WATER SERVICE LINES SHALL BE PROVIDED ON

SITE TO PROVIDE SERVICE AND FIRE PROTECTION AS NEEDED.

7.4 FIRE POTECTION

FIRE PROTECTION IS PRESENTLY AVAILABLE FROM THE SHAWNEE FIRE STATION AT 16 W. 9TH STREET, WHICH IS 4 MILES FROM THE SITE.

7.5 ELECTRICITY, NATURAL GAS AND TELEPHONE SERVICE

ADEQUATE ELECTRIC, GAS AND TELEPHONE SERVICE ARE AVAILABLE TO PROVIDE SERVICE FOR THE SITE, AND PROPER COORDINATION WITH THE UTILITY COMPANIES WILL BE MADE DURING THE CONSTRUCTION OF THE PLANNED UNIT DEVELOPMENT.

8.0 SPECIAL DEVELOPMENT REGULATIONS

THE FOLLOWING SPECIAL DEVELOPMENT REGULATIONS AND/OR LIMITATIONS ARE PLACED UPON THE DEVELOPMENT OF THE PLANNED UNIT DEVELOPMENT. PLANNING AND ZONING REGULATIONS WILL BE THOSE, WHICH ARE IN EFFECT AT THE TIME OF DEVELOPMENT OF THIS PLANNED UNIT DEVELOPMENT, PROVIDED, HOWEVER, THAT THE DENSITY AND OR INTENSITY OF THE PUD SHALL NOT BE INCREASED.

DEVELOPMENT IS WHEN A PERMIT IS ISSUED FOR ANY CONSTRUCTIONS OR ADDITION TO ANY STRUCTURE ON A DEVELOPMENT TRACT. CERTAIN ZONING DISTRICTS ARE REFERRED TO AS A PART OF THE SPECIAL DEVELOPMENT REGULATIONS OF THIS PLANNED UNIT DEVELOPMENT REGULATIONS, THE OPERATIVE AND CONTROLLING LANGUAGE AND REGULATIONS OF SUCH ZONING DISTRICTS SHALL BE THE LANGUAGE AND REGULATIONS OF SUCH ZONING DISTRICTS APPLICABLE TO THE REFERENCED ZONING DISTRICTS AS CONTAINED IN THE CITY OF SHAWNEE'S PLANNING AND ZONING CODE AS SUCH EXISTS AT THE TIME OF DEVELOPMENT OF THIS PLANNED UNIT DEVELOPMENT. IN THE EVENT OF CONFLICT BETWEEN PROVISIONS OF THE PUD AND ANY OF THE PROVISIONS OF THE SHAWNEE MUNICIPAL CODE, AS A MENDED ("CODE"), IN EFFECT AT THE TIME A PERMIT IS APPLIED FOR WITH RESPECT TO ANY LOT, BLOCK, TRACT AND/OR PARCEL OF LAND SUBJECT TO THIS PUD, THE PROVISIONS OF THE CODE SHALL PREVAIL AND BE CONTROLLING; PROVIDED HOWEVER, THAT IN THE EVENT OF A CONFLICT BETWEEN THE SPECIAL USE AND DEVELOPMENT REGULATIONS SPECIFICALLY NEGOTIATED AS A PART OF THIS PUD AND THE PROVISIONS OF THE CODE IN EFFECT AT THE TIME A PERMIT IS APPLIED FOR WITH RESPECT TO ANY LOT, BLOCK, TRACT AND/OR PARCEL OF LAND SUBJECT TO THIS PUD, SUCH SPECIAL USE AND DEVELOPMENT REGULATIONS OF THIS PUD SHALL PREVAIL AND BE CONTROLLING.

9.0 USE AND DEVELOPMENT REGULATIONS

THE USE AND DEVELOPMENT REGULATIONS OF THE C-2 GENERAL OFFICE DISTRICT SHALL GOVERN THIS PUD, EXCEPT AS HEREIN MODIFIED, INCLUDING CONDITIONAL, SPECIAL PERMIT, SPECIAL EXCEPTION, ALCOHOL BEVERAGE CONSUMPTION REQUIREMENTS AND/OR ACCESSORY USES SUBJECT THEIR APPROPRIATE CONDITIONS AND REVIEW PROCEDURES FOR PUBLIC HEARINGS WHERE APPLICABLE, UNLESS

OTHERWISE NOTED HEREIN.

9.1 FAÇADE REGULATIONS

ALL STRUCTURES SHALL HAVE A MINIMUM 90% BRICK STONE EXTERIOR FINISH WITH NO EXPOSED METAL SIDING EXCEPT DOORS AND WINDOWS. MASONRY SHALL BE REQUIRED FOR GABLE END OF PITCHED ROOFS.

9.2 LANDSCAPING REGULATIONS

THE SUBJECT PARCEL SHALL MEET THE 10% LANDSCAPING REQUIREMENT EXCLUDING ALL COMMON ACCESS EASEMENTS. ALL PARKING ISLANDS SHOWN AT THE INTERSECTIONS ARE TO BE LANDSCAPED AND MAINTAINED. THE WESTERN PERIMETER ABUTTING HYATT DRIVE IS TO BE LANDSCAPED AND MAINTAINED.

9.3 LIGHTING REGULATIONS

TO MINIMIZE LIGHT SPILLOVER ON RESIDENTIAL USES, OUTDOOR LIGHTS WITHIN ANY OFFICE OR COMMERCIAL TRACTS WILL BE DIRECTED AWAY FROM ADJACENT RESIDENTIAL PROPERTIES. TO ACOMPLISH THIS, LIGHTS SHALL UTILIZE SHIELDS, SHADES, OR OTHER APPROPRIATE METHODS OF DIRECTING LIGHT BEAMS. LIGHTING STANDARDS SHALL HAVE A MAXIMUM HEIGHT OF 12 FEET.

9.4 PLATTING REGULATIONS

PLATTING OF THIS PLANNED UNIT DEVELOPMENT SHALL BE REQUIRED PRIOR TO DEVELOPMENT.

9.5 DRAINAGE REGULATIONS

DRAINAGE IMPROVEMENTS, IF REQUIRED, WILL BE IN ACCORDANCE TO APPLICABLE SECTIONS OF SHAWNEE CODE OF ORDINANCES. DRAINAGE WAYS MAY BE PERMITTED AND CONSTRUCTED IN ACCORDANCE WITH SECTION 18-247 OF THE SHAWNEE MUNICIPAL CODE, WHICH INCLUDES CERTAIN ALLOWANCES IN CONSTRUCTION STANDARDS FOR PLANNED UNIT DEVELOPMENTS, PROVIDED THE PUD IS PLATTED WITH DRAINAGE AREAS CONFINED TO COMMON AREAS.

9.6 DUMPSTER REGULATIONS

DUMPSTER SHALL BE LOCATED WITHIN AN AREA SCREENED BY A 6-8' HIGH FENCE OR MASONRY WALL.

9.7 ACCESS REGULATIONS

9.7.1 VEHICULAR ACCESS SHALL BE FROM TWO ENTRY DRIVES ALONG E. 45TH STREET.

9.7.2 LOTS WITHIN THIS PUD WILL NOT BE REQUIRED TO HAVE FRONTAGE

ON AN APPROVED STREET. ACCESS TO INDIVIDUAL LOTS WITHIN THE PUD SHALL BE PERMITTED FROM A PRIVATE DRIVE. THE PRIVATE DRIVE SHALL BE PLACED WITHIN A COMMON AREA DESIGNATED FOR ACCESS PURPOSES. PRIVATE SHARED ACCESS DRIVES WILL PROVIDE INTERNAL CIRCULATION. PRIVATE SHARED ACCESS DRIVES SHALL HAVE A MINIMUM WIDTH OF 28 FEET.

9.7.3 THE PROPERTY OWNERS THROUGH THE USE OF A RECORDED RECIPROCAL AGREEMENT SHALL GOVERN MAINTENANCE OF THE PRIVATE DRIVES.

9.8 PARKING REGULATIONS

THE DESIGN OF ALL PARKING FACILITIES IN THIS PUD SHALL ALLOW PARKING ALONG THE COMMON AREA DRIVES. THE PARKING NUMBER OF ALL PARKING FACILITIES SHALL BE IN ACCORDANCE WITH SECTION 22-185 OF THE SHAWNEE MUNICIPAL CODE.

9.9 SIGNAGE REGULATIONS

9.9.1 THERE SHALL BE 1 FREESTANDING SIGN IN THIS PUD. THE FREESTANDING SIGN WITHIN THIS PUD SHALL BE A GROUND (MONUMENT) SIGN HAVING A HEIGHT OF 10 FT AND SHALL HAVE NO MORE THAN 170 SQUARE FEET IN AREA AND SHALL HAVE NO LESS THAN 25 SQUARE FEET OF LANDSCAPING AT THE BASE. NO POLE SIGNS WILL BE ALLOWED.

9.10 ROOFING REGULATIONS

ALL ROOFS ON PRIMARY STRUCTURES SHALL BE CLASS 'C' OR BETTER RATED, WITH 40 YEAR COMPOSITION ROOFS AND NO WOOD SHINGLE ROOFS SHALL BE PERMITTED. ROOFTOP MECHANICAL EQUIPMENT MAY BE PROVIDED WHERE NECESSARY.

9.11 HEIGHT REGULATIONS

THE BASE ZONING DISTRICT REGULATIONS SHALL REGULATE HEIGHTS OF STRUCTURES IN THIS PLANNED DEVELOPMENT.

9.12 SETBACK REGULATIONS

UNLESS MODIFIED HEREIN, YARD REQUIREMENTS IN THIS PLANNED UNIT DEVELOPMENT SHALL BE THE SAME AS THE BASE ZONING DISTRICT.

9.13 PUBLIC IMPROVEMENTS

PUBLIC IMPROVEMENTS SHALL BE MADE BY THE PROPERTY OWNER THROUGHOUT THE PLANNED UNIT DEVELOPMENT AS REQUIRED BY THE CITY OF SHAWNEE PUBLIC WORKS DEPARTMENT OR AGENCY. ALL LOCAL, STATE AND FEDERAL ORDINANCES AS THEY SHALL APPLY TO THE SITE WILL BE

ADHERED TO FULLY.

9.14 COMMON AREAS

MAINTENANCE OF THE COMMON AREAS IN THE DEVELOPMENT SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNER OR PROPERTY OWNERS' ASSOCIATION. NO STRUCTURES, STORAGE OF MATERIAL, GRADING, FILL, OR OTHER OBSTRUCTIONS, INCLUDING FENCES, EITHER TEMPORARY OR PERMANENT, THAT SHALL CAUSE A BLOCKAGE OF FLOW OR AN ADVERSE EFFECT ON THE FUNCTIONING OF THE STORM WATER FACILITY, SHALL BE PLACED WITHIN THE COMMON AREAS INTENDED FOR THE USE OF CONVEYANCE OF STORM WATER, AND/OR DRAINAGE EASEMENTS SHOWN. CERTAIN AMENITIES SUCH AS, BUT NOT LIMITED TO, WALKS, BENCHES, PIERS, AND DOCKS, SHALL BE PERMITTED IF INSTALLED IN A MANNER TO MEET THE REQUIREMENTS SPECIFIED ABOVE.

THE BOUNDARY OF THE COMMON AREA SHALL BE ADJUSTED, IF NECESSARY, TO ENSURE THAT THE COMMON AREA COVERS THE ENTIRE 100-YEAR FLOOD PLAIN.

10.0 DEVELOPMENT SEQUENCE

DEVELOPMENT PHASING SHALL BE ALLOWED AS PART OF THIS PUD.

11.0 SIDEWALK REGULATIONS

SIX-FOOT (6') SIDEWALKS SHALL BE CONSTRUCTED ALONG E. 45TH STREET AND HYATT ROAD WITH EACH DEVELOPMENT PARCEL SUBJECT TO THE POLICIES AND PROCEDURES OF THE PUBLIC WORKS DEPARTMENT.

12.0 PERMIT REQUIREMENTS

APPLICATIONS FOR BUILDING PERMITS IN THIS PUD MUST INCLUDE AN OVERALL PUD SITE PLAN THAT DEPICTS THE LOCATION OF THE PROPOSED BUILDING PERMIT AND THE SIZE AND ADDRESS OF ALL EXISTING BUILDINGS AS WELL AS ALL EXISTING PARKING AND LANDSCAPING IN THE COMMERCIAL PART OF THE PUD AND PARKING AND LANDSCAPING PROPOSED FOR THE BUILDING FOR WHICH A BUILDING PERMIT IS REQUESTED.

13.0 OWNER'S MAINTENANCE RESPONSIBILITY OF LOT

FOR PURPOSES OF MAINTENANCE, REPAIR, ALTERATION AND REMODELING, AN OWNER SHALL BE RESPONSIBLE FOR ALL PORTIONS OF THE LOT AND BUILDING, IRRIGATION SYSTEMS AND STANDARD LANDSCAPE MAINTENANCE IN ADDITION TO THE MAINTENANCE RESPONSIBILITY SET FORTH IN SECTION 3.3 OF THE COVENANTS. REPLACEMENT OF DEAD LANDSCAPING SHALL BE THE RESPONSIBILITY OF THE OWNERS. IN FURTHERANCE THEREOF, THE OWNER OF ANY LOT SHALL HAVE THE

DUTY OF AND RESPONSIBILITY FOR KEEPING THE PREMISES, BUILDING (BOTH INTERIOR AND EXTERIOR), IMPROVEMENTS, AND APPURTENANCES, IN A WELL MAINTAINED, SAFE, CLEAN, AND ATTRACTIVE CONDITION AT ALL TIMES. IF, IN THE OPINION OF THE BOARD OF DIRECTORS OF THE ASSOCIATION, ANY OWNER FAILS TO FULFILL HIS DUTY AND RESPONSIBILITY, THE ASSOCIATION MAY ELECT TO GIVE NOTICE OF SUCH FACT TO THE OWNER, WHO SHALL WITHIN SEVEN (7) DAYS OF SUCH NOTICE, UNDERTAKE THE CARE AND MAINTENANCE REQUIRED TO RESTORE SAID OWNER'S BUILDING OR LOT TO A SAFE, CLEAN, AND ATTRACTIVE CONDITION. SHOULD ANY SUCH OWNER FAIL TO FULFILL ITS DUTY AND RESPONSIBILITY AFTER SUCH NOTICE, THE ASSOCIATION SHALL HAVE THE RIGHT AND POWER TO PERFORM SUCH CARE AND MAINTENANCE, AND THE OWNER SHALL BE LIABLE FOR THE COSTS THEREOF PLUS 20% OF THE COST TO CURE SUCH FAILURE AS AN ADMINISTRATIVE FEE. IF SUCH OWNER FAILS TO REIMBURSE THE ASSOCIATION FOR THE COST OF SUCH CARE AND MAINTENANCE UPON RECEIPT OF AN INVOICE THEREFOR, THE AMOUNT OF SUCH CHARGE SHALL CONSTITUTE A LIEN UPON THE LOT AND BUILDING ENFORCEABLE AS ANY OTHER MORTGAGE LIEN.

14.0 ASSOCIATION'S MAINTENANCE, OPERATION, REPAIR AND ALTERATIONS RESPONSIBILITY.

THE ASSOCIATION SHALL BE RESPONSIBLE FOR THE MAINTENANCE, OPERATION, AND REPAIR OF THE COMMON ELEMENTS, IRRIGATION SYSTEMS AND STANDARD LANDSCAPE MAINTENANCE FOR THE COMMON ELEMENTS.

15.0 OBLIGATION TO PAY PRO-RATA SHARE.

ALL OWNERS SHALL BE OBLIGATED TO PAY THE ASSESSMENTS, EITHER ESTIMATED OR ACTUAL, IMPOSED BY THE BOARD OF DIRECTORS OF THE ASSOCIATION TO MEET THE COMMON EXPENSES.

16.0 RESERVATION FOR ACCESS, MAINTENANCE, REPAIR AND EMERGENCIES; NEGLIGENCE OF OWNER; EASEMENT BY ASSOCIATION

THE ASSOCIATION, OR ITS AGENTS, SHALL HAVE ACCESS TO EACH LOT AND BUILDING FROM TIME TO TIME DURING REASONABLE HOURS AS MAY BE NECESSARY FOR THE MAINTENANCE, REPAIR OR REPLACEMENT OF ANY OF THE COMMON ELEMENTS THEREON OR ACCESSIBLE THEREFROM, OR FOR MAKING EMERGENCY REPAIRS THEREIN NECESSARY TO PREVENT DAMAGE TO THE COMMON ELEMENTS OR TO ANOTHER LOT OR BUILDING. DAMAGE TO THE INTERIOR OR ANY PART OF A BUILDING OR ANY PART OF A LOT RESULTING FROM THE MAINTENANCE, REPAIR, EMERGENCY REPAIR OR REPLACEMENT OF ANY OF THE COMMON ELEMENTS OR AS A RESULT OF EMERGENCY REPAIRS WITHIN ANOTHER LOT, AT THE INSTANCE OF THE ASSOCIATION, SHALL BE A COMMON EXPENSE OF ALL OF THE OWNERS; PROVIDED, HOWEVER, IF SUCH DAMAGE IS THE RESULT OF THE MISUSE OR NEGLIGENCE OF AN OWNER, THEN SUCH OWNER SHALL BE RESPONSIBLE AND LIABLE FOR ALL SUCH DAMAGE. ALL MAINTENANCE, REPAIRS AND REPLACEMENTS AS TO THE COMMON ELEMENTS (UNLESS NECESSITATED BY THE NEGLIGENCE OR MISUSE OF A LOT OWNER,

IN WHICH CASE SUCH EXPENSE SHALL BE CHARGED TO SUCH LOT OWNER), SHALL BE THE COMMON EXPENSE OF ALL THE OWNERS.

17.0 EXHIBITS

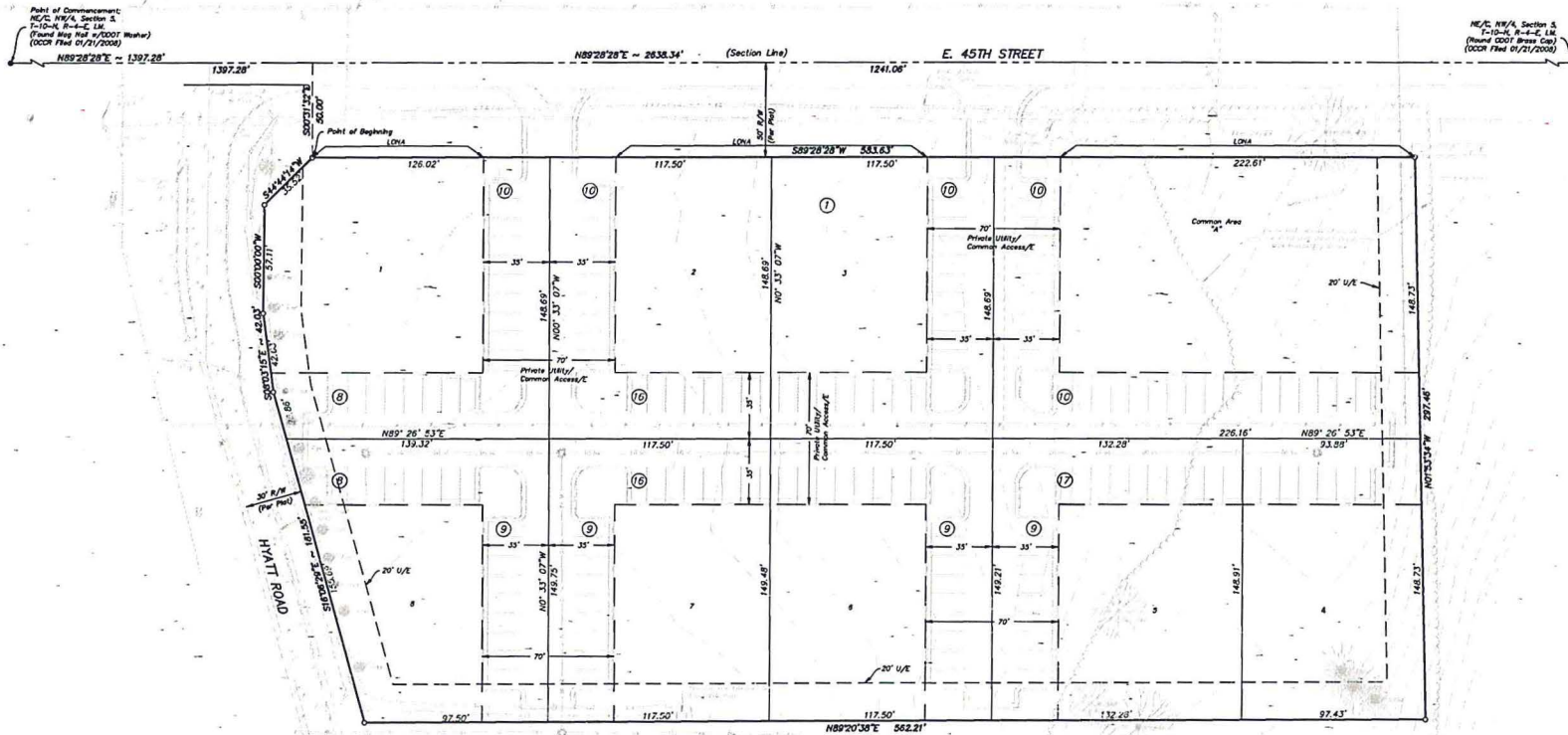
THE FOLLOWING EXHIBITS ARE HEREBY ATTACHED AND INCORPORATED IN TO THIS PUD. THESE EXHIBITS ARE:

- A. LEGAL DESCRIPTION AND TOPOGRAPHIC SITE SURVEY
- B. MASTER DEVELOPMENT PLAN

EXHIBIT

3

PRELIMINARY PLAT FOR SHAWNEE TRAIL OFFICE PARK PART OF THE NORTHWEST 1/4, SECTION 5, T10N, R4E, I.M. SHAWNEE, OKLAHOMA, POTTAWATOMIE COUNTY, OKLAHOMA



TOPOGRAPHIC LEGEND

- | | |
|-------------------------------------|--------------------------------|
| XX FIRE HYDRANT | — ELECTRIC UNDERGROUND LINE |
| ⊗ GAS VALVE | — OVERHEAD ELECTRIC LINE |
| ⊙ GROUND TRANSFORMER | — GAS LINE |
| ⊕ SANITARY SEWER MANHOLE (PROPOSED) | — SANITARY SEWER LINE |
| ⊖ SANITARY SEWER MANHOLE | — STORM DRAIN LINE |
| ⊗ TRANSFORMER POLE | — UNDERGROUND TELEPHONE LINE |
| ⊙ POWER POLE | — UNDERGROUND FIBER OPTIC LINE |
| ⊗ DOWN GUY | — WATER LINE |
| ⊙ MONUMENT FOUND | — CURB AND GUTTER |
| ⊙ MONUMENT SET (#4 BAR) | — SURFACE DRAINAGE FLOWLINE |
| — SIGN | — TREE DRIP LINE |
| ⊙ TELEPHONE RISER | — CONCRETE |
| ⊙ WATER VALVE BOX | — ASPHALT |
| ⊙ ELECTRIC RISER | — LIMITS OF NO ACCESS |
| ⊙ BENCHMARK | |

LEGAL DESCRIPTION

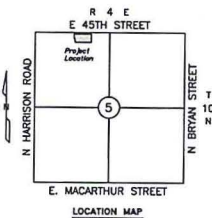
A tract of land located in the Northwest Quarter (NW/4) of Section Five (5), Township Ten North (T-10-N), Range Four East (R-4-E) of the Indian Meridian (I.M.), Pottawatomie County, Oklahoma, and being more particularly described as follows:

Commencing at the Northwest corner of said NW/4;
 Thence North 89°28'28" East along the North line of said NW/4 a distance of 1397.28 feet;
 Thence South 00°31'58" East a distance of 58.00 feet to a point on the South right-of-way line of E. 45th Street, and the Point of Beginning;
 Thence South 44°44'14" West a distance of 35.52 feet;
 Thence South 00°00'00" West (South - dead) a distance of 57.11 feet;
 Thence South 08°31'15" East a distance of 42.03 feet;
 Thence South 18°00'29" East a distance of 181.55 feet;
 Thence North 89°20'38" East a distance of 582.21 feet;
 Thence North 01°53'54" West a distance of 297.78 (297.42 - dead) feet to a point on the said South right-of-way line of E. 45th Street;
 Thence South 89°28'28" West along said right-of-way a distance of 583.63 (583.34 - dead) feet to the Point of Beginning.

Said tract contains 4.06 acres, more or less.

Note: Basis of Bearing = N 89°28'28" E = North line NW/4 Section 5, T-10-N, R-4-E, I.M. (dead)

Note: Bearings shown hereon are plotted bearings, however, the Coordinate System remains State Plane.



Engineering By: Corey Lipps PE #21291 of

CARDINAL
ENGINEERING
An **INSPIRE** COMPANY

323 Central Park, Suite 402
Norman, OK 73072
Phone: (405) 851-1000
Fax: (405) 851-1001
Cell: (405) 851-1002

Surveying By: William Sullivan PLS #1571 of

LEMKE LAND
SURVEYING, LLC

3224 BART CROWNE DR.
NORMAN, OK 73072
PH: (405) 365-8541
FAX: (405) 365-8540
CA # 6975 EXP-DATE: 6/30/19
http://www.LEMKE-LS.com

PLANNING COMMISSION APPLICATION



City of Shawnee Planning Department

222 N. Broadway
Shawnee, OK 74801
(405) 878-1616 Fax (405) 878-1587
www.ShawneeOK.org

For Office Use Only

Case Number: P02-18
Project Number: 171267
Date Filed: December 31, 2017
Chrysanne Pettigrew
Planning Commission Secretary

REQUEST:

☐ Rezoning
☐ Conditional Use Permit
☐ Rezoning w/Conditional Use Permit
☒ Planned Unit Development

I, the undersigned, do hereby respectfully make application and petition to the City Commission to amend the zoning map, and to change the zoning district of the Shawnee area, from C-2 District to PUD District, as hereinafter requested, and in support of this application, the following facts are shown:

PROPERTY LOCATION (STREET ADDRESS): SE corner of E. 45th St. and Hyatt Rd.

LEGAL DESCRIPTION: See Attached

PROPERTY OWNER (S): Bonray Real Estate, L.L.C.

PROPERTY AGENT (APPLICANT): Philip C. Day

APPLICANT'S ADDRESS: 929 East Britton Road

CITY: Oklahoma City STATE: Oklahoma ZIP: 73114-7802

EMAIL ADDRESS: pday@bonray.com

TELEPHONE NUMBER: (405) 842-1661 CONTACT NUMBER: ()

DIMENSIONS OF PROPERTY: AREA: 4.06 acres WIDTH: _____
LENGTH: _____ FRONTAGE: _____

CURRENT ZONING: C-2 CURRENT USE: Vacant

PROPOSED ZONING: PUD PROPOSED USE: Offices

With the filing of this application, I acknowledge that I have been informed of off-street parking, fencing and paving requirements in regard to the zoning I have requested as witnessed by my signature.

APPLICATION, OWNERSHIP LIST AND PAYMENT
MUST BE RECEIVED 30 DAYS PRIOR TO MEETING.

Philip C. Day
SIGNATURE OF APPLICANT

FOR STAFF USE ONLY

REZONING &/OR C.U.P FEE \$ 280.00

RECEIPT NO. 02112805

PLANNED UNIT DEVELOPMENT FEE \$ 550.00

SIGN DEPOSIT \$ 50.00

(Refundable if Applicant returns 48 hrs. after City Commission Meeting)

PLANNING COMMISSION ACTION: _____ DATE: _____

CITY COMMISSION ACTION: _____ DATE: _____

PLACE ON ZONING MAP: _____ ORDINANCE NO.: _____

CITY OF SHAWNEE
PUBLIC HEARING NOTICE
CASE #P02-18

Notice is hereby given that the City of Shawnee, Oklahoma, will conduct a public hearing on an application for approval of a Planned Unit Development, which is a special zoning district, on property located within the City of Shawnee.

The applicant requests a Planned Unit Development for the following described property:

A tract of land described as beginning at the Northwest Corner of the Northwest Quarter (NW/C NW/4) of Section Five (5), Township Ten (10) North, Range Four (4) East of the Indian Meridian, Pottawatomie County, Oklahoma; thence N89°28'28"E a distance of 659.57 feet; thence N89°28'28"E a distance of 737.71 feet; thence S00°31'32"E a distance of 50 feet to the true point of beginning; thence S44°44'14"W a distance of 35.52 feet; thence South 57.11 feet; thence S08°03'15"E a distance of 42.03 feet; thence S16°06'29"E a distance of 181.55 feet; thence N89°20'38"E a distance of 562.21 feet; thence N01°53'54"W a distance of 297.76 feet (measured) (297.42 of record) to a point on the South right-of-way line East 45th Street; thence S89°28'28"W a distance of 583.63 feet measured (585.34 of record) to the point of beginning.

General Location Known As:	<u>SE corner of East 45th Street and Hyatt Rd.,</u> <u>Shawnee, OK</u>
Current Zoning Classification:	<u>C-2; Suburban Office Commercial District</u>
Requested Zoning Classification:	<u>PUD</u>
Proposed Use of Property:	<u>Office Complex</u>
Applicant:	<u>Bonray Real Estate, LLC</u>

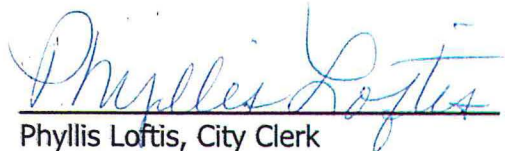
The public hearings will be held in the City Commission Chambers in City Hall, 16 W. 9th St. Shawnee, Oklahoma, as follows:

January 3 rd , 2018 AT 1:30 P.M.:	CITY OF SHAWNEE PLANNING COMMISSION
January 16 th , 2018 AT 6:00 P.M.:	CITY OF SHAWNEE CITY COMMISSION

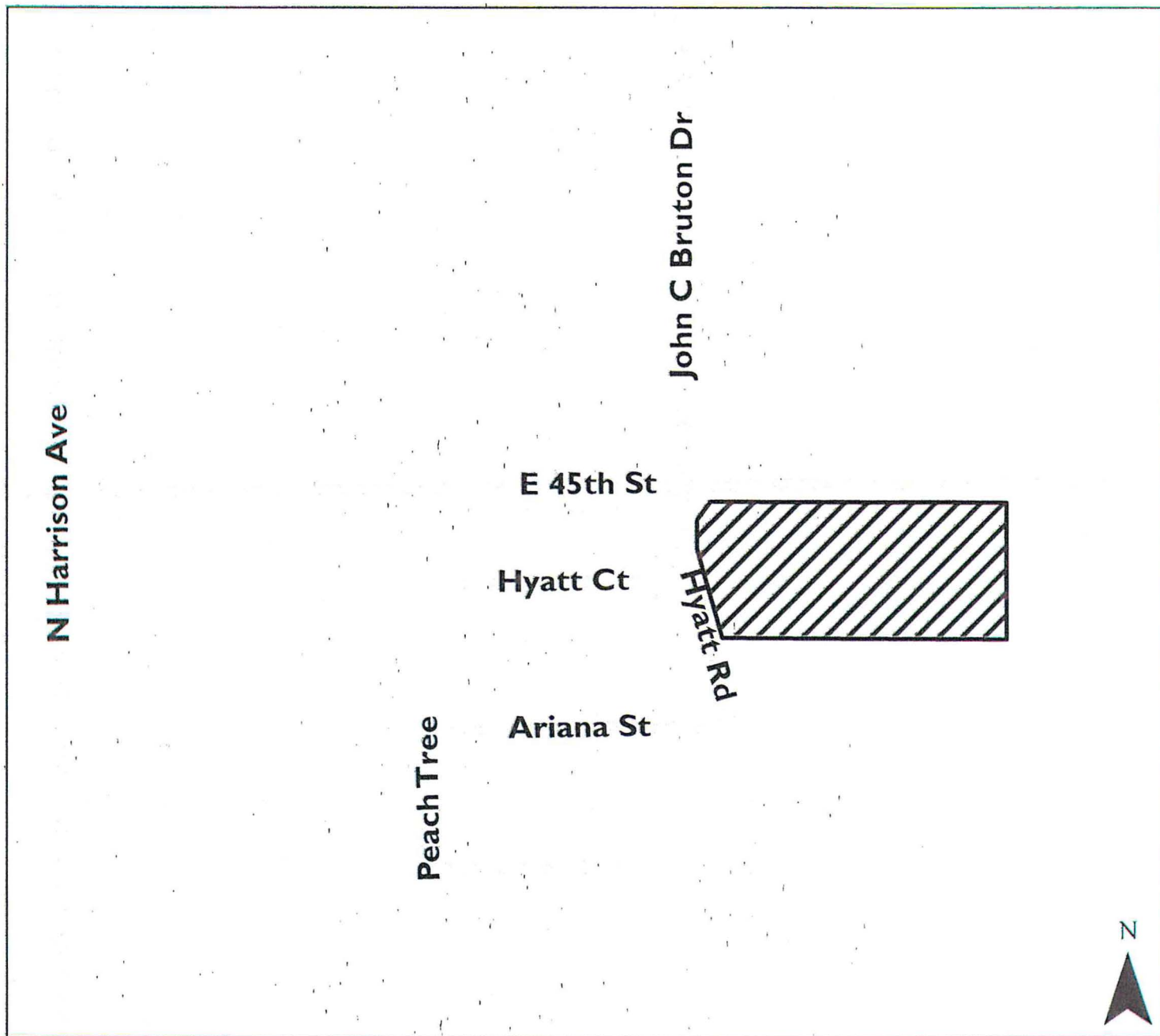
At this time any interested citizen of Shawnee, Oklahoma will have the opportunity to appear and be heard with regard to the Planned Unit Development. The Commission reserves the right to limit discussion and debate on the proposed Planned Unit Development in the public hearing, in which event those persons appearing in support or opposition of the proposed Planned Unit Development will be allotted equal time. Any formal protest must be filed in writing with the City Clerk during normal working hours before 5:00 p.m. a minimum of three (3) days prior to the hearing. If there are any questions about the proposal, or you need additional information prior to the public hearing, please contact the Planning Department at 878-1616. A copy of the application is available for public inspection during normal working hours in the Planning Secretary's office at 222 N. Broadway.

Witness my hand this 13TH day of December, 2017.




Phyllis Loftis, City Clerk

CASE# P02-18
CONSIDERATION FOR PUD APPROVAL
SE CORNER OF E. 45TH AND HYATT RD.



CERTIFICATE OF BONDED ABTRACTOR
(300 FEET RADIUS REPORT)

STATE OF OKLAHOMA

)

) §:

COUNTY OF POTTAWATOMIE

)

The undersigned bonded abstractor in and for Pottawatomie County, State of Oklahoma, does hereby certify that the following Ownership is true and correct according to the current year's tax rolls in the office of the County Treasurer of Pottawatomie County, Oklahoma, as updated by the records of the County Clerk of Pottawatomie County, Oklahoma; that the owners, as reflected by said records, are based on the last conveyance or final decree of record of certain properties located within 300 feet in all directions of the following described land:

A tract of land described as beginning at the Northwest Corner of the Northwest Quarter (NW/C NW/4) of Section Five (5), Township Ten (10) North, Range Four (4) East of the Indian Meridian, Pottawatomie County, Oklahoma; thence N89°28'28"E a distance of 659.57 feet; thence N89°28'28"E a distance of 737.71 feet; thence S00°31'32"E a distance of 50 feet to the true point of beginning; thence S44°44'14"W a distance of 35.52 feet; thence South 57.11 feet; thence S08°03'15"E a distance of 42.03 feet; thence S16°06'29"E a distance of 181.55 feet; thence N89°20'38"E a distance of 562.21 feet; thence N01°53'54"W a distance of 297.76 feet (measured) (297.42 of record) to a point on the South right-of-way line East 45th Street; thence S89°28'28"W a distance of 583.63 feet measured (585.34 of record) to the point of beginning.

and find the following owners, addresses and brief legal descriptions on the attached pages numbered from (1) to (3), both inclusive.

NOTICE TO CUSTOMERS: This report is released with the understanding that the information is strictly confidential. This report contains information from public land records only and is not to be construed as an abstract of title, opinion of title, title commitment, title insurance policy, or environmental research report. As used herein, the term "public land records" means those land records which under the recording laws of the applicable state, impart constructive notice to the third parties with respect to recorded, unreleased or record instruments memorializing legal interests in real estate. The company suggests that you contact your attorney for matters of a legal nature or legal opinion. We have exercised due care and diligence in preparing this report, however, the Abstractor does not guarantee validity of the title and acceptance of this report by the Company or person(s) for whom this report is made, constitutes agreement and confirmation of the limitation of this report.

Dated: November 21, 2017 at 7:30 AM

First American Title & Trust Company

By:



Michelle Cook

Abstractor License No. 3286

OAB Certificate of Authority # 017

File No. 2288301-SH99

OWNERSHIP LIST**ORDER NO. 2288301**

DATE PREPARED: December 4, 2017

EFFECTIVE DATE: November 21, 2017 at 7:30 am

OWNER	LOT	BLK	ADDITION
BONRAY REAL ESTATE LLC 929 E BRITTON RD OKC OK 73114-0000			BEGINNING NW/C NW/4 E659.67' E737.71' S50' POB S44*44'14"W35.52' S57.11' S8*3'15"E42.03' S16*6'29"E 181.55' E562.21' N1*53'54"W 297.76'(297.42 OF REC)W583.63'(585.34 OF REC) POB 4.05 Acres (NW/4 5-10N-4E)
FORTY FIFTH STREET CENTRE LLC P O BOX 1447 SHAWNEE OK 74802-0000			E1/2 NE NW 20.00 Acres (NW/4 5-10N-4E)
AUSTIN 2008 REVOC TRUST 4608 KELLYE GREEN SHAWNEE OK 74804-0000			BEG 625.4'N SE/C SW/4 N1324.33' W548.32' S1955.77' E126' N625.4' E400.03' POB DANA MICHELLE AUSTIN & RICHARD ALLEN AUSTIN TRUSTEES 18.30 Acres (SW/4 32-11N-4E)
O'CONNOR JARALD A & PHYLLIS J JOINT REV TRUST 5 CROWNPOINT SHAWNEE OK 74804-0000			27-SU BEG SW/C SE N335' E150' N290.4' E198.2' S625' W348.2' POB. & BEG SE/C W/2 SE W969.5' N625.4' W348.2' N1973' E1331' S2597' POB & BEG SE/C E/2 SW W831.4' N2554.3' E861' S2550.4' TO POB LESS 15 AC IN BK 2882 PG 18 LESS BEG SW/C W/2 SE N335' E150' S335' W150' POB & LESS 50 AC TO BRYANT BUILDERS REC 2002-4495 & LESS 2.87 AC REC2002-8169 & LESS 2.87AC WD 2005-17985 (WD 2005-15833 2005-17986) & LESS 26.12AC 2006-2235 & LESS 18.3AC REC 2009-5599 9.81 Acres (SW/4 32-11N-4E)

GORDON COOPER AREA VOCATIONAL TECHNICAL SCHOOL 1 JOHN C BRUTON BLVD SHAWNEE OK 74804-0000			W15 AC OF PRO DES AS BEG SE/C E/2 SW W831.4' N2554.3' E861' S2550.4' POB 15.00 Acres (SW/4 32-11N-4E)
GORDON COOPER VO TECH XXXXXXXXX SHAWNEE OK 74801-0000			27-SR TR 1 BEG 482'E & 1980'N SW/C SW N428.7' TO PT ON ST R/W OF I-40 NELY ON A CURVE TO LEFT RADIUS 1550.39' A DIST OF 232' N64*E153.47' S89*E968' 34.28 Acres (SW/4 32-11N-4E)
AL-JARRAH SARAH R & MOHAMMAD A 1148 ARIANA SHAWNEE OK 74804-0000	1	3	HYATT 1
NGUYEN CHRIS & ALYSSA 1142 ARIANA SHAWNEE OK 74804-0000	2	3	HYATT 1
WESTBROOK GLENDA 1136 ARIANA SHAWNEE OK 74804-0000	3	3	HYATT 1
WELTON JASON ROBERT & LINDSAY 1130 ARIANA SHAWNEE OK 74804-0000	4	3	HYATT 1
HUANG MIN & XING ZHENG 1131 ARIANA ST SHAWNEE OK 74804-2374	39	3	HYATT 1
HAGAN KENNETH B & JOHNNIE L 1137 ARIANA SHAWNEE OK 74804-0000	40	3	HYATT 1
LINNEEN SARA K 1132 HYATT CT SHAWNEE OK 74804-0000	1		HYATT 2
NGUYEN CHUNG VAN & NON THI PHAM 1128 HYATT CT SHAWNEE OK 74804-0000	2		HYATT 2
EROPKIN DAVID R & LORI E 1124 HYATT CT SHAWNEE OK 74804-0000	3		HYATT 2
FLORA CODY & CASSIE 1129 HYATT CT SHAWNEE OK 74804-0000	17		HYATT 2

LANDRUM FAMILY TRUST PHYLLIS F & RON J LANDRUM CO TRUSTEES 1133 HYATT CT SHAWNEE OK 74804-0000	18		HYATT 2
SMITH JENNIFER L & AARON B 1137 HYATT CT SHAWNEE OK 74804-0000	19		HYATT 2
HOANG D HOANG & LY T BUI 4412 HYATT RD SHAWNEE OK 74804-0000	1	1	HYATT 3
HYATT DEV LLC 203 E 40TH ST SHAWNEE OK 74804-1432	2	1	HYATT 3
HYATT DEV LLC 203 E 40TH ST SHAWNEE OK 74804-1432	1	2	HYATT 3
MORROW RYAN 4409 HYATT RD SHAWNEE OK 74804-0000	2	2	HYATT 3
HYATT DEVELOPMENT LLC 203 E 40TH SHAWNEE OK 74804-0000			BEG NW/C NW/4 E659.57' E737.71' S50' POB S44*44'14"W35.52' S57.11' S8*3'15"E42.03' S16*6'29"E181.55' E562.21' N1*53'34"W297.42' W585.34' POB & BEG SW/C LOT 17 BLK 3 HYATT ADDITION S280' POB E920.56' E51.88' E60.45' N115' N50' W9.82' N92.98'N16*6'29"W432.6' E12.5' N50' N114.99' E389.98' S978.14' W1321.2' N138.11' POB LESS A TRACT BEGINNING NW/C NW/4 E659.67' E737.71' S50' POB S44*44'14"W35.52' S57.11' S8*3'15"E42.03' S16*6'29"E 181.55' E562.21' N1*53'54"W 297.76'(297.42 OF REC)W583.63'(585.34 OF REC) POB 10.67 Acres

PRELIMINARY PLAT APPLICATION



City of Shawnee Planning Department

222 N. Broadway
Shawnee, OK 74801
(405) 878-1616 Fax (405) 878-1587
www.ShawneeOK.org

For Office Use Only

Case Number: 301-18
Project Number: 171268
Date Filed: December 5th, 2017
Amount Paid: \$252.00
Receipt No.: 02112806

Please provide a submittal letter, 6-24 X 36 maps, 1-8 1/2 x 14 map, 1 electronic map and filing fees upon submitting this application. Please call 878-1616 with any questions.

APPLICANT Bonray Real Estate, L.L.C.
APPLICANT ADDRESS 929 East Britton Road, Oklahoma City, Ok 73114-7802
APPLICANT PHONE NUMBERS 405/842-1661
EMAIL ADDRESS pday@bonray.com
NAME OF PLAT Shawnee Trail Office Park
LOCATION SE corner of E. 45th St. and Hyatt Rd.
NUMBER OF ACRES 4.06 NUMBER OF LOTS 9

FOR 2 ACRE LOTS OR GREATER DEVELOPMENTS: FEE: \$225.00
PLUS \$3.00 PER LOT UP TO FIFTY (50) LOTS NUMBER OF LOTS 9 27.00
PLUS \$1.00 PER LOTS OVER FIFTY (50) LOTS NUMBER OF LOTS _____
TOTAL COST \$252.00

FOR LESS THAN 2 ACRE LOTS: FEE: \$225.00
PLUS \$2.00 PER LOT UP TO FIFTY (50) LOTS NUMBER OF LOTS _____
PLUS \$1.00 PER LOTS OVER FIFTY (50) LOTS NUMBER OF LOTS _____
TOTAL COST _____

OWNER/DEVELOPER INFORMATION:

NAME Bonray Real Estate, L.L.C.
ADDRESS 929 East Britton Road, Oklahoma City, OK 73114-7802
CONTACT NUMBERS 405/842-1661
EMAIL ADDRESS pday@bonray.com

PROJECT ENGINEER INFORMATION:

NAME Cardinal Engineering
ADDRESS 525 Central Park Drive, Suite 402, Okla. City, OK 73105
CONTACT NUMBERS 405/842-1066
EMAIL ADDRESS corey.lipps@eccgrp.com jason.davis@eccgrp.com

APPLICATION, SITE PLAN, CONSTRUCTION DOCUMENTS, PAYMENT, ETC... MUST BE RECEIVED 30 DAYS PRIOR TO MEETING

Regular Board of Commissioners

7.

Meeting Date: 01/16/2018

P03-18 7109 N. Kickapoo

Submitted By: Kacie Eck, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

Public hearing and consideration of an ordinance to rezone property located at 7109 North Kickapoo Avenue from A-1; Rural Agricultural District to A-1; Rural Agricultural District with a Conditional Use Permit. Case No. P03-18. Applicant: Nelmon Brauning

Attachments

P03-18 Staff Rpt

P03-18 Ord

RECOMMENDATION TO:

MAYOR

BOARD OF CITY COMMISSIONERS

CITY OF SHAWNEE

RECOMMENDATION FROM:

CITY OF SHAWNEE

PLANNING COMMISSION

SUBJECT:

APPLICANT: Nelmon Brauning

FOR: Conditional Use Permit

LOCATION: 7109 N. Kickapoo Avenue, Shawnee, OK

PROJECT#: 171287 Case# P03-18

LEGAL DESCRIPTION:

SEE OWNERSHIP LIST

CURRENT CLASSIFICATION:

A-1; Rural Agricultural District

REQUESTED CLASSIFICATION:

A-1; Rural Agricultural District w/ CUP

PROPOSED PROPERTY USE:

Flea & Farmers Market

PLANNING COMMISSION MEETING DATE: January 3rd, 2018

PLANNING COMMISSION RECOMMENDATION: Motion deferred to March 7th, 2018 PC Meeting

VOTE OF THE PLANNING COMMISSION:

MEMBERS PRESENT: 7

MEMBERS:	1ST	2ND	AYE	NAY	ABSTAIN	COMMENTS
DEEM			X			
MATTHEWS			X			
WALKER			X			
BERGSTEN (CHAIRMAN)			X			
COWEN (VICE-CHAIRMAN)	X		X			
KIENZLE		X	X			
ROWELL			X			

RESPECTFULLY SUBMITTED,

Cheyenne Pettigrew

SECRETARY, PLANNING COMMISSION

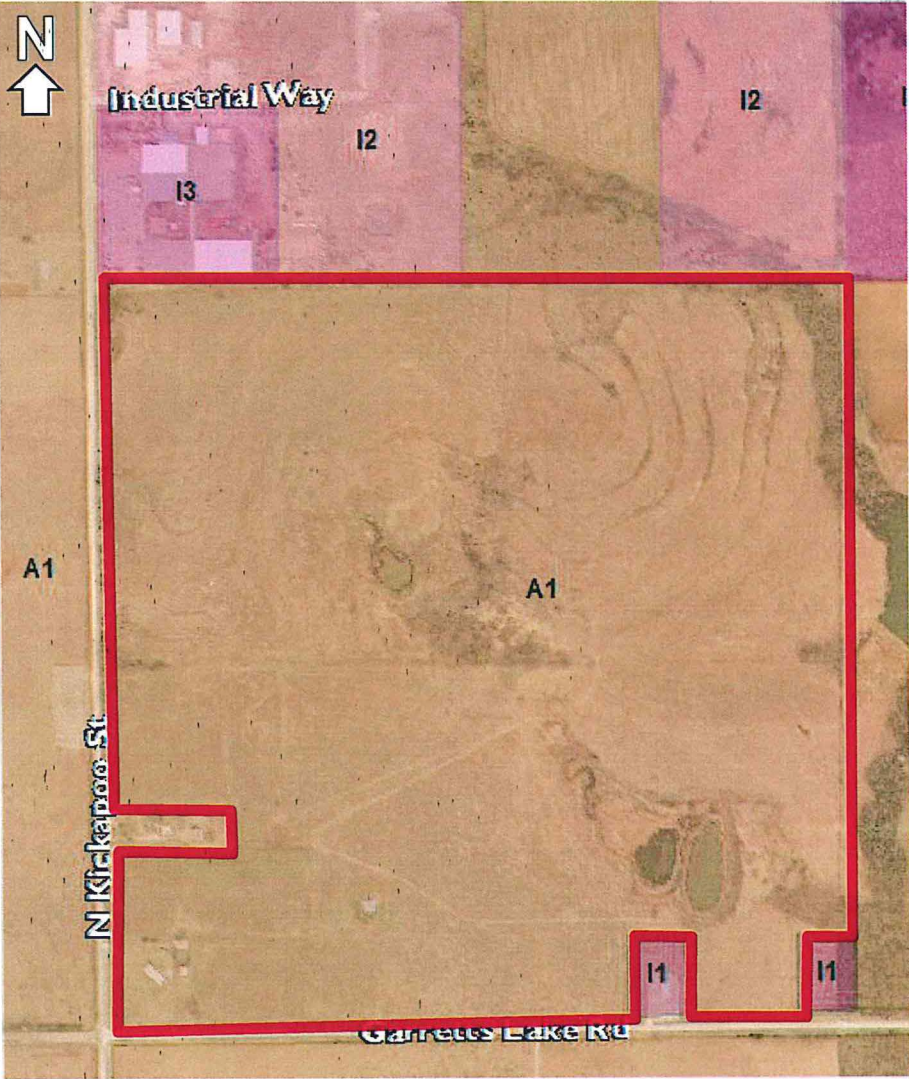
ACTION BY CITY COMMISSION:

PUBLIC HEARING SET: _____

DATE OF ACTION: _____

ADOPTED _____ DENIED _____

ORDINANCE NO. _____

City of Shawnee Planning Department 222. N. Broadway Shawnee, OK 74801 (405) 878-1616 Fax: (405) 878-1587 www.ShawneeOK.org		CASE # P03-18 PUBLIC HEARING DATE: January 3rd, 2018 CITY COMMISSION DATE: January 16 th , 2018		
APPLICANT: Nelmon Brauning	35963 EW 99A Seminole, OK 74868 (405) 370-0394			
PROPERTY ADDRESS/LOCATION: 7109 N. Kickapoo, Shawnee OK, 74801				
The applicant, Nelmon Brauning, is requesting a Conditional Use Permit (CUP) on A1 (Agricultural) zoned land to allow for "carnival, circus, tent revival or similar temporary open air enterprise," in accordance with Table 22-155.2.1 of the Zoning Code. The property owner intends to use the 157 (approximate) acre property for a variety of temporary open air market uses. Including craft, flea, and farmers market uses. If the venture proves successful, the applicant may explore commercial rezoning in the future. The property is located on the north-east corner of Kickapoo St. and Garrett's Lake Rd., is surrounded by agricultural and industrial uses, and is designated for industrial use per the Comprehensive Plan.				
EXISTING ZONING: A1	EXISTING LAND USE: Residential	SURROUNDING ZONING & LAND USE: A-1 (Agricultural)	School District: I-93 Shawnee	PROPERTY SIZE: 157.55 Acres

STAFF REVIEW

If a CUP is approved, the property owner will be required to account for the following items for events:

- Provide adequate parking and circulation on site, as not to affect traffic along Garrett's Lake Rd. and Kickapoo St.;
- Manage trash pickup and collection;
- Provide adequate restroom facilities; and
- Adhere to all City of Shawnee regulations

Due to the property's large size and the rural nature of the surrounding area, Staff finds the site appropriate for the proposed use. Staff has no objections and recommends approval for a rezone from A-1 to A-1P.

APPROVE

APPROVE WITH CONDITIONS

DENY

Staff recommends approval of the requested CUP, with the following conditions:

1. Prior to hosting events deemed necessary for CUP, the property owner shall provide a plan detailing the following: provisions for adequate parking and on-site vehicular circulation, management of trash pickup and collection, and the providing of adequate restroom facilities.

SUBMITTED
PLANS

PUBLIC HEARING
PETITION/
APPLICATION FORM

LEGAL NOTICE

LEGAL DESCRIPTION

PUBLIC COMMENTS

AGENCY COMMENTS

RESPONSE TO STANDARDS

PLANNING COMMISSION APPLICATION



City of Shawnee Planning Department

222 N. Broadway
Shawnee, OK 74801
(405) 878-1616 Fax (405) 878-1587
www.ShawneeOK.org

For Office Use Only

Case Number: P03-18
Project Number: 171287
Date Filed: December 14th 2017
Cheryl Pettigrew
Planning Commission Secretary

REQUEST:

☐ Rezoning
☒ Conditional Use Permit
☐ Rezoning w/Conditional Use Permit
☐ Planned Unit Development

I, the undersigned, do hereby respectfully make application and petition to the City Commission to amend the zoning map, and to change the zoning district of the Shawnee area, from _____ District to _____ District, as hereinafter requested, and in support of this application, the following facts are shown:

PROPERTY LOCATION (STREET ADDRESS): 7109 N. Kickapoo, Shawnee OK

LEGAL DESCRIPTION: See ATTACH. LEGAL

PROPERTY OWNER (S): Marcia Escobedo dba Escobedo LLC

PROPERTY AGENT (APPLICANT): NELMON BRAUNING

APPLICANT'S ADDRESS: 35963 HWY 99A

CITY: SEMINOLE STATE: OK ZIP: 74868

EMAIL ADDRESS: nbrauning@hotmail.com

TELEPHONE NUMBER: (405) 370-0394 CONTACT NUMBER: (405) 370-0394

DIMENSIONS OF PROPERTY: AREA: 157.55 AC WIDTH: 2631'
LENGTH: 2645' FRONTAGE: 2561' on Kickapoo

CURRENT ZONING: AG CURRENT USE: PASTURE / HAY

PROPOSED ZONING: Conditional 2/c PROPOSED USE: Craft, Flea & Farmers MARKET

With the filing of this application, I acknowledge that I have been informed of off-street parking, fencing and paving requirements in regard to the zoning I have requested as witnessed by my signature.

APPLICATION, OWNERSHIP LIST AND PAYMENT
MUST BE RECEIVED 30 DAYS PRIOR TO MEETING

Nelson Brauning
SIGNATURE OF APPLICANT

FOR STAFF USE ONLY

REZONING &/OR C.U.P FEE \$ 280.00

RECEIPT NO. 0215330

PLANNED UNIT DEVELOPMENT FEE \$ 550.00

SIGN DEPOSIT \$ 50.00

(Refundable if Applicant returns 48 hrs. after City Commission Meeting)

PLANNING COMMISSION ACTION: _____ DATE: _____

CITY COMMISSION ACTION: _____ DATE: _____

PLACE ON ZONING MAP: _____ ORDINANCE NO.: _____

CITY OF SHAWNEE
PUBLIC HEARING NOTICE
CASE #P03-18

Notice is hereby given that the City of Shawnee, Oklahoma, will conduct a public hearing on an application for a Conditional Use Permit on property located within the City of Shawnee.

The applicant requests a conditional use permit for the following described property:

Lots 3 and 4 (Known as the West Half of the Southwest) and the East Half of the Southwest Quarter (SW/4) of Section Nineteen (19), Township Eleven (11) North, Range Four (4) East of the Indian Meridian, Pottawatomie County, Oklahoma. LESS AND EXCEPT A tract of land described as beginning 691 feet North of the Southwest Corner of the Southwest Quarter of the Southwest Quarter (SW/C SW/4 SW/4) of Section Nineteen (19), Township Eleven (11) North, Range Four (4) East, Pottawatomie County, Oklahoma; thence 396 feet East; thence 110 feet North, thence 396 feet West, Thence 110 feet South to the point of beginning. LESS AND EXCEPT a tract of land in the East half of the Southwest Quarter (E/2 SW/4) of said Section 19, described as beginning at a point 556.20 feet S89°20'28"W of the Southeast Corner of said E/2 SW/4; thence N00°20'27"E a distance of 333.00 feet; thence S89°20'29"W a distance of 200.00 feet; thence S00°20'27"W a distance of 333.00 feet to the south line of said East Half of the Southwest Quarter; thence N89°20'28"E along and parallel to said south line a distance of 200.00 feet to the point of beginning.

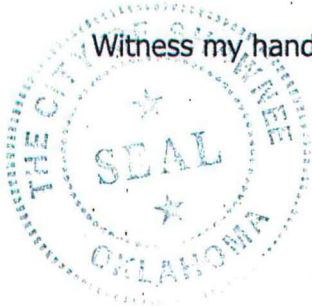
General Location Known As:	<u>7109 N. Kickapoo Avenue, Shawnee, OK</u>
Current Zoning Classification:	<u>A-1; Rural Agricultural District</u>
Requested Zoning Classification:	<u>A-1; Rural Agricultural District w/CUP</u>
Proposed Use of Property	<u>Flea & Farmers Market</u>
Applicant:	<u>Nelmon Brauning</u>

The public hearings will be held in the City Commission Chambers in City Hall, 16 W. 9th St. Shawnee, Oklahoma, as follows:

January 3 rd , 2018	AT 1:30 P.M.:	CITY OF SHAWNEE PLANNING COMMISSION
January 16 th , 2018	AT 6:00 P.M.:	CITY OF SHAWNEE CITY COMMISSION

At this time any interested citizen of Shawnee, Oklahoma will have the opportunity to appear and be heard with regard to the conditional use permit. The Commission reserves the right to limit discussion and debate on the proposed conditional use permit in the public hearing, in which event those persons appearing in support or opposition of the proposed conditional use permit will be allotted equal time. If there are any questions about the proposal, or you need additional information prior to the public hearing, please contact the Planning Department at 878-1616. A copy of the application is available for public inspection during normal working hours in the Planning Secretary's office at 222 N. Broadway.

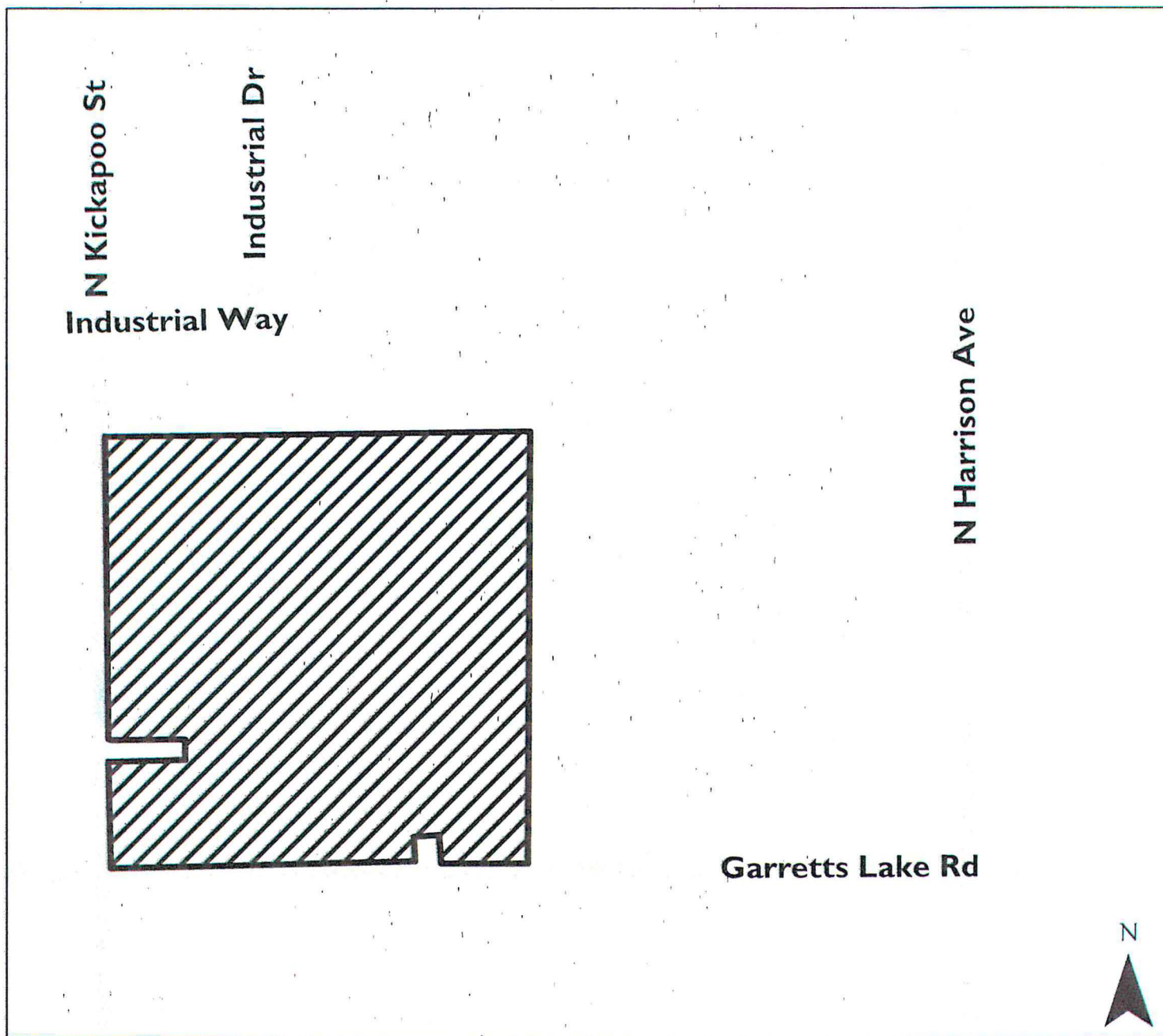
Witness my hand this 13th day of December, 2017.




Phyllis Loftis, City Clerk

CASE# P03-18

CONSIDERATION FOR CONDITIONAL USE PERMIT
7109 N. KICKAPOO



CERTIFICATE OF BONDED ABTRACTOR
(300 FEET RADIUS REPORT)

STATE OF OKLAHOMA)

) §:

COUNTY OF POTTAWATOMIE)

The undersigned bonded abstractor in and for Pottawatomie County, State of Oklahoma, does hereby certify that the following Ownership is true and correct according to the current year's tax rolls in the office of the County Treasurer of Pottawatomie County, Oklahoma, as updated by the records of the County Clerk of Pottawatomie County, Oklahoma; that the owners, as reflected by said records, are based on the last conveyance or final decree of record of certain properties located within 300 feet in all directions of the following described land:

Lots 3 and 4 (Known as the West Half of the Southwest) and the East Half of the Southwest Quarter (SW/4) of Section Nineteen (19), Township Eleven (11) North, Range Four (4) East of the Indian Meridian, Pottawatomie County, Oklahoma. LESS AND EXCEPT A tract of land described as beginning 691 feet North of the Southwest Corner of the Southwest Quarter of the Southwest Quarter (SW/C SW/4 SW/4) of Section Nineteen (19), Township Eleven (11) North, Range Four (4) East, Pottawatomie County, Oklahoma; thence 396 feet East; thence 110 feet North, thence 396 feet West, Thence 110 feet South to the point of beginning. LESS AND EXCEPT a tract of land in the East half of the Southwest Quarter (E/2 SW/4) of said Section 19, described as beginning at a point 556.20 feet S89°20'28"W of the Southeast Corner of said E/2 SW/4; thence N00°20'27"E a distance of 333.00 feet; thence S89°20'29"W a distance of 200.00 feet; thence S00°20'27"W a distance of 333.00 feet to the south line of said East Half of the Southwest Quarter; thence N89°20'28"E along and parallel to said south line a distance of 200.00 feet to the point of beginning.

and find the following owners, addresses and brief legal descriptions on the attached pages numbered from (1) to (2), both inclusive.

NOTICE TO CUSTOMERS: This report is released with the understanding that the information is strictly confidential. This report contains information from public land records only and is not to be construed as an abstract of title, opinion of title, title commitment, title insurance policy, or environmental research report. As used herein, the term "public land records" means those land records which under the recording laws of the applicable state, impart constructive notice to the third parties with respect to recorded, unreleased or record instruments memorializing legal interests in real estate. The company suggests that you contact your attorney for matters of a legal nature or legal opinion. We have exercised due care and diligence in preparing this report, however, the Abstractor does not guarantee validity of the title and acceptance of this report by the Company or person(s) for whom this report is made, constitutes agreement and confirmation of the limitation of this report.

Dated: November 22, 2017 at 7:30 AM

First American Title & Trust Company

By:



Michelle Cook

Abstractor License No. 3286

OAB Certificate of Authority # 017

File No. 2291217-SH99

OWNERSHIP LIST

ORDER NO. 2291217

DATE PREPARED: December 8, 2017

EFFECTIVE DATE: November 22, 2017 at 7:30 am

OWNER	LOT	BLK	ADDITION
ESCOBEDO LLC 11127 NS 3500 RD PRAGUE OK 74864-0000			10-SR SW LESS 1A & LESS BEG 556.2'W SE/C E/2 SW TH N 333' W200' S333' W200' WITH A EASEMENT 157.55 Acres (SW4 19-11N-4E)
COX JAMES L & JANICE K 7207 N KICKAPOO SHAWNEE OK 74804-0000			10-SU BEG 691'N SW/C E396' N110' W396' S110' POB. (SW4 19-11N-4E)
WILLIAMS COMMUNICATIONS INC P O BOX 2400 MD 50-6 TULSA OK 74102-2400			BEG 556.2'W SE/C E/2 SW/4 N333' W200' S333' E200' POB WITH A 20' EASEMENT
KOZEL KARL A 7108 N HARRISON SHAWNEE OK 74804-0000			N/2 OF PT SE/4 LYING WEST OF THE WEST R/W LINE EASTERN RR CO TOGETHER WITH EASE (SE4 19-11N-4E)
SESTAK VALDENE REVOC TRUST 56495 WOLVERINE RD PRAGUE OK 74864-0000			S/2 OF PT SE/4 LYING WEST OF THE WEST R/W LINE EASTERN RR CO SUB TO EASE (SE4 19-11N-4E)
SIOUX REALTY LLC 196 1/2 E 6TH ST SIOUX FALLS SD 57104-0000			BEG SW/C NW/4 N659' E656.91' S659' W656.91' POB & BEG 656.91'E SW/C NW/4 N659' E656.91' S659' W656.91' POB (NW4 19-11N-4E)
SESTAK VALDENE REVOC TRUST 56495 WOLVERINE PRAGUE OK 74864-0000			W1/2 E1/2 NW (NW4 19-11N-4E)
SHAWNEE ECONOMIC DEV FOUNDATIO 131 N BELL STE 208 SHAWNEE OK 74801-0000			10-SR E1/2 E1/2 NW (NW4 19-11N-4E)

FILMS SHAWNEE LLC ATTN: ACCOUNTS PAYABLE 41501 WOLVERINE RD SHAWNEE OK 74801-0000			BEG NW/C NE/4 S50' POB E1375.37' S85°6'54"E100.5' E217.9' S4°7'10"W623.22' S85°52'50"E50' S4°7'10"W1805.54' W ALONG THE SOUTH LINE OF THE NE/4 1533.8' N ALONG TH E W LINE OF THE NE/4 2413.95' POB 97.00 Acres (NE4 19-11N-4E)
THE GRANT DOCKERY PARTNERSHIP 6203 COKER RD SHAWNEE OK 74804-0000			10-SR LOTS 1 & 2 & E1/2 NW LESS TR BEG SW/C LOT 2 N471' E471' S471' W471' POB TOD TO DACE DOCKREY 2015-2995 155.00 Acres (NW4 30-11N-4E)
ALLOTMENT OK -0			10-SR NE LAND 7000 160.00 Acres (NE4 30-11N-4E)
HAWK LARRY & BARBARA 40701 GARRETTS LAKE RD SHAWNEE OK 74804-0000			AN UNDIVIDED INTEREST IN THE SOUTHEAST (SE/4) LESS A 1 ACRE TRACT DESCRIBED AS BEGINNING NE/C SE/4 SE/4 S300' W150' N300' E150' TO POB & LESS A 2 ACRE TRACT DESCRIBED AS BEGINNING 742.64'W SE/C SE/4 W208.71' N417.42' E208.71' S417.42' POB 157.00 Acres (SE4 24-11N-3E)
NEW ONG TRANSMISSION CO PUBLIC SERVICE SHAWNEE OK 74801-0000			BEG NE/C SE SE S300' W150' N300' E150' TO POB (SE4 24-11N-3E)
HAWK LARRY W & BARBARA.R 40701 GARRETTS LAKE RD SHAWNEE OK 74804-0000			E/2 NE/4 LESS TRACTS 38.60 Acres (NE4 25-11N-3E)

ORDINANCE NO. ____NS

AN ORDINANCE CONCERNING THE ZONING CLASSIFICATION OF THE FOLLOWING DESCRIBED PROPERTY LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA, TO-WIT: LOTS THREE (3) AND FOUR (4) (KNOWN AS THE WEST HALF OF THE SOUTHWEST) AND THE EAST HALF OF THE SOUTHWEST QUARTER (SW/4) OF SECTION NINETEEN (19), TOWNSHIP ELEVEN (11) NORTH, RANGE FOUR (4) EAST OF THE INDIAN MERIDIAN, POTTAWATOMIE COUNTY, OKLAHOMA. LESS AND EXCEPT A TRACT OF LAND DESCRIBED AS BEGINNING 691 FEET NORTH OF THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER (SW/C SW/4 SW/4) OF SECTION NINETEEN (19), TOWNSHIP ELEVEN (11) NORTH, RANGE FOUR (4) EAST, POTTAWATOMIE COUNTY, OKLAHOMA; THENCE 396 FEET EAST; THENCE 110 FEET NORTH, THENCE 396 FEET WEST, THENCE 110 FEET SOUTH TO THE POINT OF BEGINNING. LESS AND EXCEPT A TRACT OF LAND IN THE EAST HALF OF THE SOUTHWEST QUARTER (E/2 SW/4) OF SAID SECTION 19, DESCRIBED AS BEGINNING AT A POINT 556.20 FEET S89°20'28"W OF THE SOUTHEAST CORNER OF SAID E/2 SW/4; THENCE N00°20'27"E A DISTANCE OF 333.00 FEET; THENCE S89°20'29"W A DISTANCE OF 200.00 FEET; THENCE S00°20'27"W A DISTANCE OF 333.00 FEET TO THE SOUTH LINE OF SAID EAST HALF OF THE SOUTHWEST QUARTER; THENCE N89°20'28"E ALONG AND PARALLEL TO SAID SOUTH LINE A DISTANCE OF 200.00 FEET TO THE POINT OF BEGINNING. ACCORDING TO THE RECORDED PLAT THEREOF REZONING SAID PROPERTY FROM A-1; RURAL AGRICULTURAL DISTRICT TO A-1; RURAL AGRICULTURAL DISTRICT WITH CONDITIONAL USE PERMIT AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SHAWNEE ACCORDINGLY.

WHEREAS, pursuant to notice duly given as required by law, a public hearing conducted by the Board of Commissioners of the City of Shawnee, Oklahoma on the 16th day of January 2018, upon an application to rezone certain properties located in the City of Shawnee, Oklahoma from zoning classification A-1; Rural Agricultural District to A-1; Rural Agricultural District with Conditional Use Permit.

WHEREAS, the Planning Commission of the City of Shawnee has conducted one or more public hearings on said application pursuant to notice as required by law and has submitted its final report and recommendation upon said application to the Board of Commissioners; and,

WHEREAS, it appears to be in the best interest of the City of Shawnee and the inhabitants thereof for said properties to be rezoned to A-1; Rural Agricultural District with Conditional Use Permit.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF SHAWNEE, OKLAHOMA:

SECTION 1: That the following described property located in the City of Shawnee, Oklahoma, to-wit: LOTS THREE (3) AND FOUR (4) (KNOWN AS THE WEST HALF OF THE SOUTHWEST) AND THE EAST HALF OF THE SOUTHWEST QUARTER (SW/4) OF SECTION NINETEEN (19), TOWNSHIP ELEVEN (11) NORTH, RANGE FOUR (4) EAST OF THE INDIAN MERIDIAN, POTTAWATOMIE COUNTY, OKLAHOMA. LESS AND EXCEPT A TRACT OF LAND DESCRIBED AS BEGINNING 691 FEET NORTH OF THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER (SW/C SW/4 SW/4) OF SECTION NINETEEN (19), TOWNSHIP ELEVEN (11) NORTH, RANGE FOUR (4) EAST, POTTAWATOMIE COUNTY, OKLAHOMA; THENCE 396 FEET EAST; THENCE 110 FEET NORTH, THENCE 396 FEET WEST, THENCE 110 FEET SOUTH TO THE POINT OF BEGINNING. LESS AND EXCEPT A TRACT OF LAND IN THE EAST HALF OF THE SOUTHWEST QUARTER (E/2 SW/4) OF SAID SECTION 19, DESCRIBED AS BEGINNING AT A POINT 556.20 FEET S89°20'28"W OF THE SOUTHEAST CORNER OF SAID E/2 SW/4; THENCE N00°20'27"E A DISTANCE OF 333.00 FEET; THENCE S89°20'29"W A DISTANCE OF 200.00 FEET; THENCE S00°20'27"W A DISTANCE OF 333.00 FEET TO THE SOUTH LINE OF SAID EAST HALF OF THE SOUTHWEST QUARTER; THENCE N89°20'28"E ALONG AND PARALLEL TO

SAID SOUTH LINE A DISTANCE OF 200.00 FEET TO THE POINT OF BEGINNING. ACCORDING TO THE RECORDED PLAT THEREOF REZONING SAID PROPERTY FROM A-1; RURAL AGRICULTURAL DISTRICT TO A-1; RURAL AGRICULTURAL DISTRICT WITH CONDITIONAL USE PERMIT AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SHAWNEE ACCORDINGLY.

PASSED AND APPROVED this _____ day of _____, 2018.

RICHARD FINLEY, MAYOR

(SEAL)

ATTEST:

PHYLLIS LOFTIS, CMC, CITY CLERK

Approved as to form and legality this _____ day of _____, 2018.

JOSEPH VORNDRAN, CITY ATTORNEY

Regular Board of Commissioners

8.

Meeting Date: 01/16/2018

S02-18 Final Plat

Submitted By: Kacie Eck, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

Consideration and approval of a Final Plat for Chicken Express Addition located near the intersection of North Harrison and 45th Street. Case No. S02-18. Applicant: Wilma Smith/Paul Pogue 2012 Trust

Attachments

S02-18 Final Plat

RECOMMENDATION TO:

MAYOR
BOARD OF CITY COMMISSIONERS
CITY OF SHAWNEE

RECOMMENDATION FROM:

CITY OF SHAWNEE
PLANNING COMMISSION

SUBJECT:

APPLICANT: Wilma Smith/Paul Pogue 2012 Trust
FOR: Final Plat for Chicken Express Addition
LOCATION: Near intersection of North Harrison Street and
45th Street, Shawnee, OK
PROJECT# 171272 CASE# S02-18

PLANNING COMMISSION MEETING DATE: January 3rd, 2018

PLANNING COMMISSION RECOMMENDATION: Motion passes w/ following conditions:

1. Final construction documents must be approved by the City Engineer prior to construction.
2. Final engineered drainage plan must be approved by the City Engineer prior to construction.
3. All other applicable City standards apply.

VOTE OF THE PLANNING COMMISSION:

MEMBERS PRESENT: 7

MEMBERS:	1ST	2ND	AYE	NAY	ABSTAIN	COMMENTS
DEEM			X			
MATTHEWS			X			
WALKER	X		X			
BERGSTEN (CHAIRMAN)			X			
COWEN (VICE-CHAIRMAN)		X	X			
KIENZLE			X			
ROWELL			X			

RESPECTFULLY SUBMITTED,

Cheyenne Pettigrew

SECRETARY, PLANNING COMMISSION

ACTION BY CITY COMMISSION:

PUBLIC HEARING SET: _____

DATE OF ACTION: _____

ADOPTED _____ DENIED _____

City of Shawnee
Planning Department
222. N. Broadway
Shawnee, OK 74801
(405) 878-1616
Fax: (405) 878-1587
www.ShawneeOK.org



CASE # S02-18
PUBLIC HEARING DATE:
January 3, 2018
CITY COMMISSION DATE:
January 16, 2018

APPLICANT:
Amy Landry

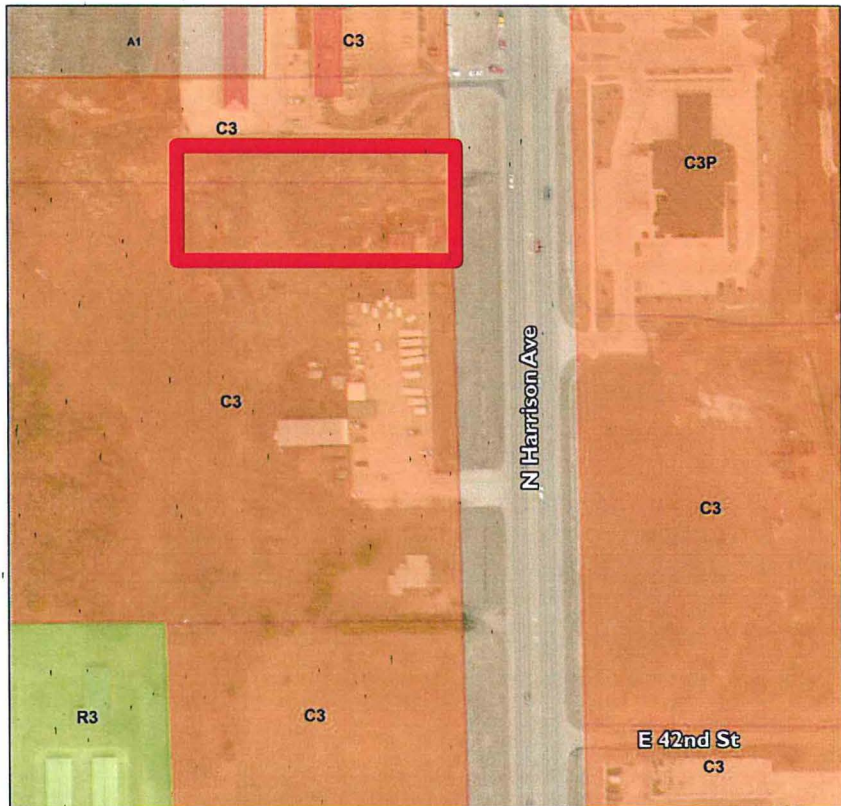
**3202 Avenue N
Galveston, TX 77550**

(817)-851-5414

PROPERTY ADDRESS/LOCATION:
Near Intersection of N. Harrison St. and 45th St.

SUMMARY OF REQUEST:

The applicant has requested final plat approval for a tract of land located south of 45th Street on the west side of Harrison Avenue. The site is approximately 1.16 acres in size and zoned C3 (Highway Commercial). The preliminary plat was approved by City Commission on November 6th, 2017. Intended on this property is the construction of an eating establishment with a drive-through.



EXISTING ZONING:
C3

EXISTING
LAND
USE:
Vacant

SURROUNDING ZONING & LAND USE:
C-3 (Highway Commercial)

Number of Lots:
1

PROPERTY SIZE:
1.16 ac.

STAFF REVIEW AND ANALYSIS

Staff has reviewed the Chicken Express Final Plat (Exhibit 1) and finds it in general conformance with the Shawnee Zoning Code, Subdivision Regulations, and Comprehensive Plan.

At Staff's recommendation, the following five (5) conditions were included in the approval of the Chicken Express Preliminary Plat:

1. The proposed "outlot," located at the property's north-east corner shall be corrected and shown as an easement rather than a lot.

2. Per Section 60.9.3 of the Subdivision Regulations, no portion of the building shall be located more than 300' from a fire hydrant.
3. Final construction documents must be approved by the City Engineer concurrent with Final Plat approval.
4. Necessary drainage plans must be approved by the City Engineer concurrent with Final Plat approval.
5. All other applicable City standards apply.

In reviewing the final plat submittal, all of the conditions listed have been met. In regard to infrastructure, a 10" public sewer main will be extended approximately 175' from its existing located west of the subject property for service, while the City's 8" water main currently exists adjacent to the site, along the east side of Harrison Ave. Storm water detention is shown on-site and will be required to maintain runoff based on pre-development calculations. A six (6') foot sidewalk is required along Harrison Ave., and the site must adhere to all landscaping and façade requirements.

Final Plat Recommendation

Staff Recommends approval of the Chicken Express Final Plat with the following conditions:

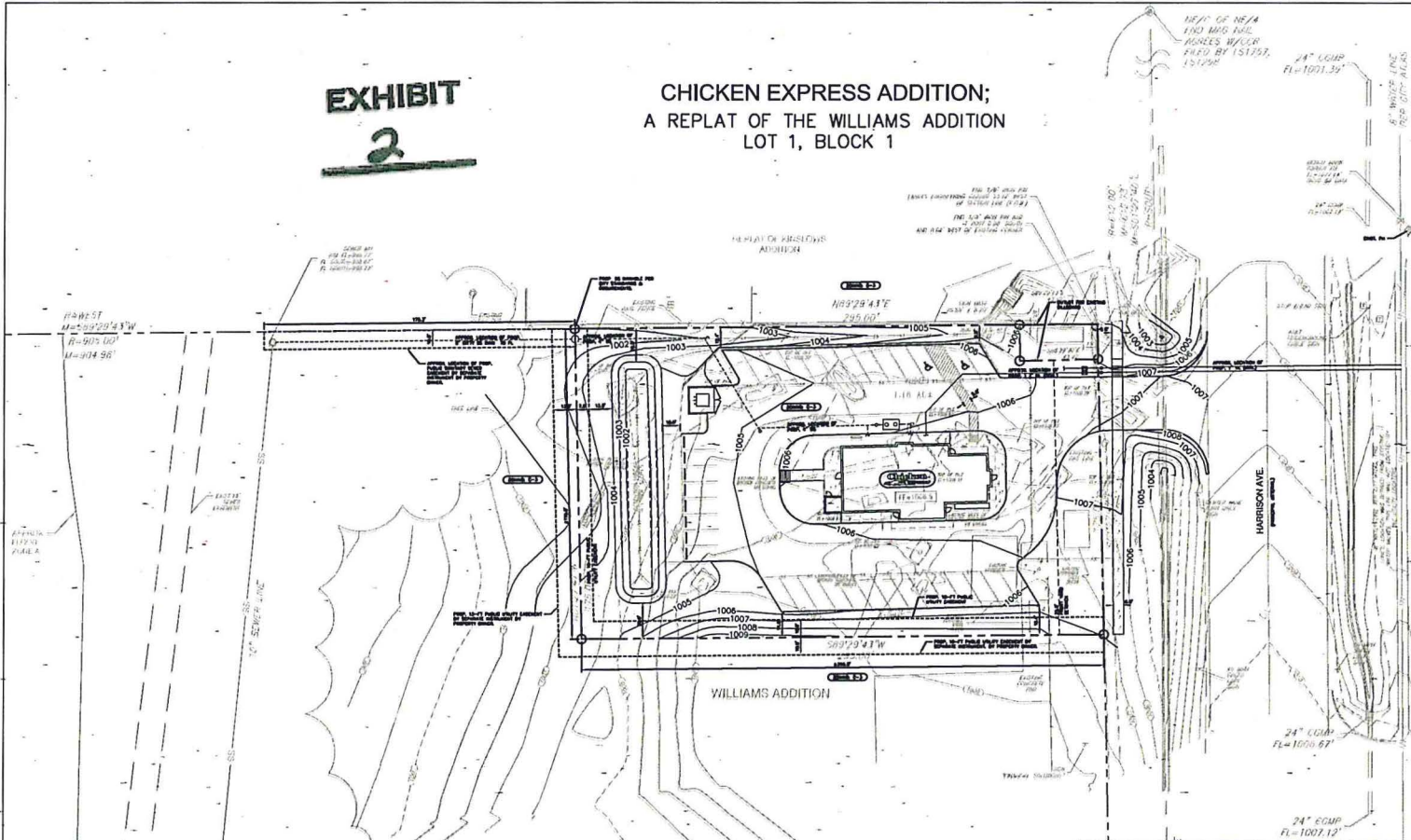
1. Final construction documents must be approved by the City Engineer prior to construction.
2. Final engineered drainage plan must be approved by the City Engineer prior to construction.
3. All other applicable City standards apply.

APPROVE	APPROVE WITH CONDITIONS	DENY
ATTACHMENTS: (CIRCLE)	SUBMITTED PLANS	PUBLIC HEARING PETITION/ APPLICATION FORM
PUBLIC COMMENTS	AGENCY COMMENTS	LEGAL NOTICE LEGAL DESCRIPTION RESPONSE TO STANDARDS
Attachments:		
Exhibit 1: Chicken Express Final Plat Exhibit 2: Chicken Express Preliminary Plat		

EXHIBIT

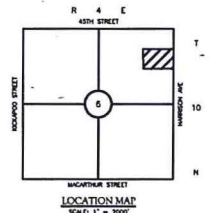
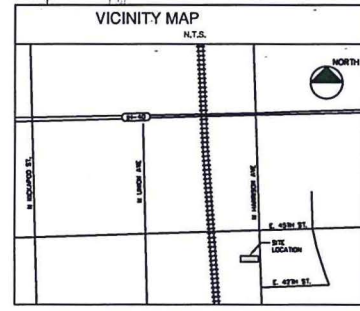
2

**CHICKEN EXPRESS ADDITION;
A REPLAT OF THE WILLIAMS ADDITION
LOT 1, BLOCK 1**



DRAWING LEGEND	
	PROPERTY LINE
	ADJOINING PROPERTY LINE
	PROP. EDGE OF PAVEMENT
	CURB LINE
	EASEMENT/STREET LINES
	EXIST. CONTOUR LINE
	PROP. CONTOUR LINE
	WHALE
	PROP. WATER LINE
	PROP. GAS LINE
	PROP. CLEANSUIT
	SAN SEWER
	WATER LINE
	DOMESTIC WATER
	IRRIGATION

LEGAL DESCRIPTION:
BEING PART OF LOT TWO (2) IN THE WILLIAMS ADDITION IN THE CITY OF SHAWNEE, OKLAHOMA, BEING OTHERWISE DESCRIBED AS FOLLOWS: A PARCEL OF LAND LYING AND SITUATE IN THE NORTHEAST QUARTER (NE/4) OF SECTION SIX (6), TOWNSHIP TEN (10) NORTH, RANGE FOUR (4) EAST OF THE MERIDIAN, POTTAWATOMIE COUNTY, OKLAHOMA, DESCRIBED AS FOLLOWS: COMMENCING AT A MAG NAIL BEING LOCATED AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER (NE/4) OF SECTION SIX (6); THENCE S01°27'40"E FOR A DISTANCE OF 812.75 FEET ALONG THE EAST LINE OF THE NORTHEAST QUARTER (NE/4); THENCE S89°29'43"W FOR A DISTANCE OF 33.13 FEET TO AN EXISTING 1/2" IRON PIN WITH A CAZRO CAP BEING LOCATED ON THE STATUTORY RIGHT OF WAY ALSO BEING THE POINT OF BEGINNING; THENCE S89°29'43"W FOR A DISTANCE OF 295.00 FEET; THENCE S01°27'41"E FOR A DISTANCE OF 175.00 FEET; THENCE N89°29'43"E FOR A DISTANCE OF 295.00 FEET TO A POINT ON SAID RIGHT OF WAY; THENCE N01°27'41"W FOR A DISTANCE OF 125.00 FEET TO THE POINT OF BEGINNING; LESS AND EXCEPT A TRACT OF LAND COMMENCING AT A MAG NAIL BEING LOCATED AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION SIX (6) (NE/4 NE/4); THENCE S01°27'40"E FOR A DISTANCE OF 812.75 FEET ALONG THE EAST LINE OF THE NORTHEAST QUARTER (NE/4); THENCE S89°29'43"W FOR A DISTANCE OF 33.13 FEET TO AN EXISTING 1/2" IRON PIN WITH A CAZRO CAP BEING LOCATED ON THE STATUTORY RIGHT OF WAY AND BEING THE POINT OF BEGINNING OF THIS TRACT; THENCE S89°29'43"W FOR A DISTANCE OF 43.89 FEET; THENCE S89°29'43"E FOR A DISTANCE OF 20.12 FEET; THENCE N89°29'43"E FOR A DISTANCE OF 43.89 FEET TO A POINT OF THE SAID RIGHT OF WAY; THENCE N01°27'41"W FOR A DISTANCE OF 18.89 FEET TO THE POINT OF BEGINNING; LESS AND EXCEPT ALL INTEREST IN AND TO THE OIL, GAS AND MINERAL RIGHTS THEREIN AND THEREUNDER; THIS DEED HAS A BEARING OF BASIS OF S01°27'40"E ALONG THE EAST LINE OF THE NORTHEAST QUARTER (NE/4) AND CONTAINS 1.18 ACRES MORE OR LESS. THIS DEED WAS PREPARED BY CHRIS D'AMICO (LS18143) ON AUGUST 25, 2017.



NOTE TO CONTRACTOR
CALL 811 AND ANY OTHER APPLICABLE UTILITY LOCATING SERVICES 48 HOURS PRIOR TO CONSTRUCTION ACTIVITY. LOGSDON & POTTS STRUCTURAL ENGINEERING, INC. IS NOT RESPONSIBLE FOR KNOWING THE LOCATION OF ALL EXISTING UTILITIES OR DEPICTING EXACT LOCATIONS ON ALL DRAWINGS. THE LOCATION OF EXIST. UTILITIES ARE SHOWN AS APPROXIMATE ONLY. THE CONTRACTOR SHALL BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES AS A RESULT OF FAILURE TO LOCATE AND PRESERVE EXIST. UTILITIES.

OWNER OF RECORD/SUBDIVIDER:
WILMA J. SMITH 2009 REVOCABLE TRUST
18 CEDAR CREEK DRIVE
SHAWNEE, OK 74804

SURVEYOR:
LANDES ENGINEERING LLC & ASSOCIATES
905 E. 35TH STREET
SHAWNEE, OK 74802
(405) 275-5388

PREPARED BY:
LPSE
Logsdon & Potts Structural Engineering, Inc.
1123 E. Southline Blvd., Suite 200
Southline, Texas 76082
817.251.2414 Fax 817.658.9937 Firm Reg. # 7290

BENCHMARK
1. BENCHMARK TORNAIL FH, LOCATED ON EAST SIDE OF HARRISON AVE. ELEVATION= 1077.44', NGVD 88 DATA SEE SURVEY.

PRELIMINARY
THIS DOCUMENT IS NOT A FINAL ENGINEERING DOCUMENT. IT IS A PRELIMINARY DESIGN AND SHOULD NOT BE USED FOR CONSTRUCTION OR ANY OTHER PURPOSE WITHOUT THE WRITTEN CONSENT OF THE ENGINEER.

JAMES W.P. HOWARD
REGISTERED PROFESSIONAL ENGINEER
ARCHITECT
N. HARRISON ST. AND E. 45TH ST.
FORT WORTH, TEXAS 76133
(817) 377-3477

NEAR INTERSECTION OF N. HARRISON ST. AND E. 45TH ST.
SHAWNEE, OKLAHOMA 74804

PROJECT:
DATE: 10-20-17
DRAWN BY: L.P.S.E.
CHECKED BY:
FILE:

REVISIONS

SHEET TITLE
PRELIMINARY PLAT

SHEET

C-2.1

FINAL PLAT APPLICATION



City of Shawnee Planning Department

222 N. Broadway
Shawnee, OK 74801
(405) 878-1616 Fax (405) 878-1587
www.ShawneeOK.org

For Office Use Only

Case Number: 50248
Project Number: 171272
Date Filed: December 6th, 2017
Amount Paid: \$227.00
Receipt No.: 02112848

Please provide a submittal letter, 6-24 X 36 maps, 1-8 1/2 x 14 map, 1 electronic map and filing fees upon submitting this application. Please call 878-1616 with any questions.

APPLICANT Wilma Jean Smith / Paul Pogue 2012 Trust
APPLICANT ADDRESS 18 Cedar Creek Shawnee Ok./1512 Bray Central Dr., McKinney Tx
APPLICANT PHONE NUMBERS 405-275-3157 (Smith)
EMAIL ADDRESS larrygsmith5023@sbcglobal.net
NAME OF PLAT Chicken Express Addition
LOCATION 4302 N. Harrison Ave. Shawnee Ok.
NUMBER OF ACRES 1.18 NUMBER OF LOTS 1

FOR 2 ACRE LOTS OR GREATER DEVELOPMENTS: FEE: \$225.00
PLUS \$3.00 PER LOT UP TO FIFTY (50) LOTS NUMBER OF LOTS _____
PLUS \$1.00 PER LOTS OVER FIFTY (50) LOTS NUMBER OF LOTS _____
TOTAL COST _____

FOR LESS THAN 2 ACRE LOTS: FEE: \$225.00
PLUS \$2.00 PER LOT UP TO FIFTY (50) LOTS NUMBER OF LOTS 1 \$2.00
PLUS \$1.00 PER LOTS OVER FIFTY (50) LOTS NUMBER OF LOTS _____
TOTAL COST \$227.00

OWNER/DEVELOPER INFORMATION:

NAME Paul Pogue 2012 Trust
ADDRESS 1512 Bray Central Drive, Suite 300, McKinney, Tx. 75069
CONTACT NUMBERS 972-333-8115 (Rick Brown)
EMAIL ADDRESS cerbrown@yahoo.com

PROJECT ENGINEER INFORMATION:

NAME Lobsinger & Potts Engineering (Amy Landry, P.E.)
ADDRESS 1723 E. Southlake Blvd., Suite 200 Southlake, Tx. 73092
CONTACT NUMBERS 817-851-5414
EMAIL ADDRESS amy@lpse.net

APPLICATION, SITE PLAN, CONSTRUCTION DOCUMENTS, PAYMENT, ETC... MUST BE RECEIVED 30 DAYS PRIOR TO MEETING

Regular Board of Commissioners

9.

Meeting Date: 01/16/2018

SGU Annexation

Submitted By: Kacie Eck, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

Public hearing and consideration of an ordinance to approve the annexation of 506 acres (more or less) owned by St. Gregory's University and the Benedictine Fathers of Sacred Heart Mission, Inc., located in Section 2, Township 10 North, Range 3 East; and providing for its immediate effect and enforceability upon passage and publication through the emergency clause. (*Deferred from the December 18, 2017 City Commission meeting.*)

Attachments

SGU Notice

SGU Agreement

SGU Agreement Ex A

SGU Map

SGU Ordinance

CITY OF SHAWNEE
NOTICE OF PROPOSED ANNEXATION
AND PUBLIC HEARING

Applicant: St. Gregory's University, Benedictine Fathers of Sacred Heart Mission, Inc.

Size: 506 Acres (more or less)

Proposed Use: Annexation of land previously detached by the City of Shawnee on January 17, 2017. No changes in land use proposed at this time.

Property Ownership: All land proposed for annexation is owned by St. Gregory's University and the Benedictine Fathers of Sacred Heart Mission, Inc.

Hearing Information: The Shawnee City Commission will consider the annexation request and conduct a public hearing on ***December 18, 2017 at 6:30 PM at Shawnee City Hall***, Commission Chambers, 16 W. 9th Street, Shawnee, OK.

For information or to view the file, please contact:

City of Shawnee
City Manager's Office
16 W. 9th Street
Shawnee, OK 74801
(405) 878-1601
Hours: M-F, 8:00AM – 5:00PM

General Location: The site includes approximately 506 acres and includes the developed campus of St. Gregory's University and the surrounding undeveloped property owned by related parties.

Legal Description:

Parcel One:

Legal Description:

Tract 1: SW/4 NE/4 & S 3/4 of SE/4 NE/4 & S/2 S/2 NW/4 NE/4 of Section 2, Township 10 North, Range 3 East, Pottawatomie County, OK, approximately 80 acres, more or less;

Tract 2: N/2 N/2 SE/4 NE/4 of Section 2, Township 10 North, Range 3 East, Pottawatomie County, OK, approximately 10 acres, more or less;

Tract 3: N/2 NW/4 NE/4 & N/2 S/2 NW/4 NE/4 & NE/4 NE/4 of Section 2, Township 10 North, Range 3 East, Pottawatomie County, OK, approximately 70 acres, more or less;

Parcel Two:

Legal Description:

SE/4 SE/4 of Section 2 Township 10 North, Range 3 East; Pottawatomie County, OK, approximately 40 Acres, more or less;

Parcel Three:

Legal Description:

Tract 1: NE/4 SE/4 of Section 2, Township 10 North, Range 3 East, approximately 40 acres, more or less;

Tract 2: E/2 W/2 SE/4 of Section 2, Township 10 North, Range 3 East, approximately 20 acres, more or less;

Parcel Four:

Legal Description:

Tract 1: W/2 W/2 SE/4 of Section 2, Township 10 North, Range 3 East, approximately 44 acres, more or less;

Tract 2: NE/4 of SW/4 of Section 2 Township 10 North, Range 3 East, approximately 40 acres, more or less;

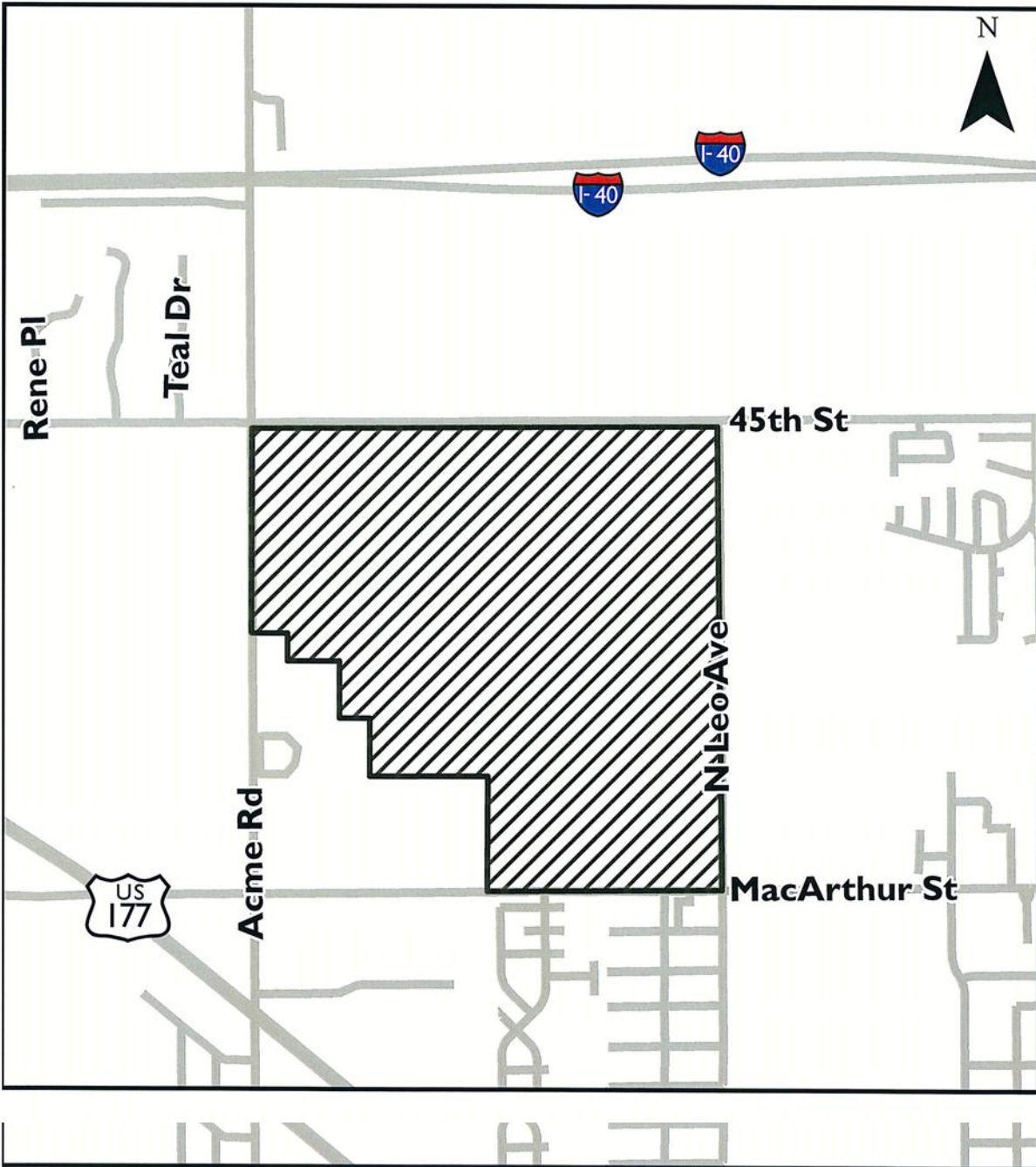
Parcel Five:

Legal Description:

NW/4 Less 380' E & W X 330' N & S IN SE/C & N1/2; NW SW Less 14.85 AC 2012-4768 of Section 2, Township 10 North, Range 3 East, approximately 162 acres, more or less.

Map:

(see Page 3)



Witness my hand this 1st day of December, 2017.

/s/ Phyllis Loftis

Phyllis Loftis, CMC, City Clerk

(Published in the Shawnee News-Star on December 1, 2017)

AGREEMENT ANCILLARY TO DETACHMENT

THIS AGREEMENT ANCILLARY TO DETACHMENT (this "Agreement") is made and entered into as of this 17 day of January, 2017 by and among the City of Shawnee, an Oklahoma Municipality ("Shawnee"), the Shawnee Municipal Authority, a public trust created pursuant to the laws of the State of Oklahoma ("SMA"), (collectively the "Shawnee Parties" or the "City"), and the Benedictine Fathers of Sacred Heart Mission, Inc., an Oklahoma not for profit corporation (the "Mission"), St. Gregory's University, Inc a/k/a Catholic University of Oklahoma, Inc., an Oklahoma not for profit corporation ("University"). Capitalized terms used below but not defined otherwise have the meaning ascribed to such terms in Section 7.1.

WHEREAS, the University and the Mission own certain real property that sits within the municipal territory of Shawnee, which is more particularly described in Schedule 1.1 hereto ("University Property").

WHEREAS, the Shawnee Parties provide the University and the Mission with municipal services, which include, but are not limited to, fire protection, police protection, water service, and sewer service.

WHEREAS, the University is in the process of restructuring and refinancing existing debt, and securing long term financing, imperative to the growth and stability of the University and the community at large ("New Financing").

WHEREAS, the University's sources of the New Financing are the Citizen Potawatomi Nation's ("CPN") Community Development Corporation ("CDC") and the United States Department of Agriculture ("USDA").

WHEREAS, USDA participation in the New Financing has a maximum population limit only achievable by the University and the Mission being detached from the municipal territory of Shawnee.

WHEREAS, the University and the Mission have requested that Shawnee detach the University Property in order for the University to qualify for the USDA program that is imperative to the New Financing.

WHEREAS, the University, the Mission, Shawnee, and the CPN have been community partners for over a century.

WHEREAS, the University and the Mission have a significant educational, economic, and spiritual impact on Shawnee; and Shawnee has a significant interest in the continued viability and success of the University and the Mission.

WHEREAS, contemporaneous with the approval of this Agreement, Shawnee has approved Ordinance No. 2595NS, authorizing the detachment of the University Property pursuant to 11 Okla. Stat. § 21-110 (the "Detachment").

WHEREAS, the University, the Mission, and the City wish to remain community partners on a going forward basis, and the Parties agree that certain parameters of their continued relationship should be memorialized.

NOW, THEREFORE, in consideration of the foregoing recitals and mutual promises made in this Agreement and the representations, warranties, and covenants contained in this Agreement, and intending to be legally bound by this Agreement, the Parties agree as follows.

ARTICLE 1.
DETACHEMENT AND TERM, CONFLICT, AND AUTHORITY

1.1 Term. Schedule 1.1 accurately sets forth with particularity the University Property that is subject to the Detachment. Immediately upon the effective date of Shawnee Ordinance No. 2595NS, (whether immediately by passage of the emergency clause included in Ordinance 2595NS, or upon publication and running of applicable time periods following passage of Ordinance 2595NS) the provisions of this Agreement will become effective, and shall remain in full force and effect until such time as substantially all of the University Property, subject to the provisions herein, is re-annexed by Shawnee, or the Parties agree to the termination of all or some portion of this Agreement pursuant to Section 6.4 herein.

1.2 Organization, Qualification and Power. Each Party represents and warrants that it is a duly organized and validly existing entity as recited herein, in good standing under the Laws of the state of Oklahoma, and that it has the power and authority to enter into this Agreement.

1.3 Authority; Enforceability. Each Party represents and warrants for itself that it has complied with all of the terms, conditions, or provisions of the organizational documents applicable to it in respect of the execution and delivery of this Agreement, and has all required power and authority to execute and deliver this Agreement, to perform its obligations hereunder and to consummate the Detachment; the execution and delivery of this Agreement and the consummation of the Detachment have been duly authorized by such Party and no other action or approval by it is necessary for the execution, delivery, or performance of this Agreement; this Agreement has been, when executed and delivered in accordance with the terms and conditions hereof, duly executed and delivered to such Party and this Agreement is a valid and binding obligation of such Party, enforceable against it in accordance its terms, except as such enforceability may be limited by (a) bankruptcy, insolvency, reorganization, moratorium or other similar laws, now or hereafter in effect, relating to or limiting creditors' rights generally and (b) general principles of equity (whether considered in an action in equity or at law).

1.4 No Conflict. Each Party represents and warrants that neither the execution and delivery of this Agreement by such Party, nor the consummation of the Detachment, nor the fulfillment by it of any of the terms and conditions hereof will:

(a) conflict with, violate or result in a breach of, or constitute a default under, or create an event that, with or without the giving of notice or the lapse of time, or both, would be a violation of, default under or breach of, result in a loss of any right or benefit under, or give a right to terminate, modify, amend, cancel or accelerate under, result in the termination of, accelerate the performance required by, any of the terms, conditions or provisions of (i) any agreement or other arrangement to which it is a party or by which it or any of its assets or property is bound; or (ii) the organizational documents of such Party;

(b) violate any applicable law to which such Party is subject.

ARTICLE 2. MUNICIPAL SERVICES

Following the Detachment, the Shawnee Parties will continue to provide fire protection, water service, and sewer service to the University/Mission/University Property pursuant to the terms set forth in this Section. Pursuant to 11 Okla. Stat. § 21-111, and in consideration of the cost of the existing public improvements on University Property, including but not limited to, water lines, sewer lines, lift stations, and roads ("Public Improvements") the University shall continue to accept the services outlined in this Section from the Shawnee Parties indefinitely.

2.1 Fire Protection.

- (a) Fire Protection shall be provided to the University and the Mission in substantially the same manner it is currently being provided, and the University and the Mission will be charged 3 cents per square foot of structures on the covered property.

2.2 Water Service.

- (a) Water Service shall be delivered to the University and the Mission in substantially the same manner it is currently being provided, and the University and the Mission will be charged for Water Service pursuant to the rate structure contained in Chapter 26 of the Code of the City of Shawnee.
- (b) Failure by the University and the Mission to comply with the provisions of this Section will constitute a Significant Breach of this Agreement.

2.3 Sewer Service.

- (a) Sewer Service shall be delivered to the University and the Mission in substantially the same manner it is currently being provided, and the University and the Mission will be charged for Sewer Service pursuant to the rate structure contained in Chapter 26 of the Code of the City of Shawnee.
- (b) Failure by the University or the Mission to comply with the provisions of this Section will constitute a Significant Breach of this Agreement.

2.4 Public Improvements. Shawnee shall retain ownership of all utility easements and existing and future Public Improvements constructed on University Property, and Shawnee shall have the right to enter upon University Property to maintain, service, replace and/or upgrade the Public Improvements at all times during the term of this Agreement.

ARTICLE 3.
ECONOMIC DEVELOPMENT OF UNIVERSITY PROPERTY

3.1 Definition of Economic Development. For purposes of this agreement, the term Economic Development shall mean any future commercial enterprise that may exist on University Property which generates, or has the potential to generate, sales tax revenue. Economic Development does not include construction or operation of a University or Mission dormitory or University or Mission buildings utilized for religious or educational purposes. The Parties acknowledge that significant portions of the University Property are undeveloped and sit in a desirable location for future Economic Development.

3.2 Sale or Lease of a Portion of University Property for Economic Development. In the event the University or the Mission enters into discussions or negotiations, with any person or entity, to sell or lease for purposes of Economic Development any portion of the University Property during the term of this Agreement, the University or the Mission shall notify Shawnee of such intent in the manner prescribed in Section 6.3, and immediately follow the procedures set forth in 11 Okla. Stat. § 21-101 *et seq.* to petition Shawnee for the annexation of the certain portion of the University Property to be sold or leased for Economic Development. Failure by the University or the Mission to comply with the provisions of this Section will constitute a Significant Breach of this Agreement

3.4 Economic Development by the University. In the event the University or the Mission elects to undertake the Economic Development of some portion of University Property for the University, the Mission, and/or any affiliate, subsidiary, successor, assign, or third-party entity in which the University or the Mission owns beneficial interest, during the term of this Agreement, the University or the Mission shall notify Shawnee of such intent in the manner prescribed in Section 6.3, and immediately follow the procedures set forth in 11 Okla. Stat. § 21-101 *et seq.* to petition Shawnee for the annexation of the certain portion of the University Property to be leased for Economic Development. Failure by the University or the Mission to comply with the provisions of this Section will constitute a Significant Breach of this Agreement.

3.5 Transfer of University Property for purposes other than Economic Development. In the event the University or the Mission desires to sell or lease any portion of the University Property for any reason other than Economic Development during the term of this Agreement, the University or the Mission shall notify Shawnee of such intent in the manner prescribed in Section 6.3 and may not finalize the transfer or lease until Shawnee has approved the sale/transfer or lease (which consent shall not be withheld, conditioned, or delayed unreasonably) (specifically excluding agriculture leases that are similar in nature and terms to those presently in effect). Upon review of the sale/transfer or lease, or the failure of the University or Mission to provide to Shawnee the notice called for by this Section 3.5, Shawnee, at Shawnee's sole discretion, may require the University and the Mission to immediately follow the procedures set forth in 11 Okla. Stat. § 21-101 *et seq.* to petition Shawnee for the annexation of the certain portion of the University Property that is to be, or has been, sold/transferred or leased. Failure by the

University or the Mission to comply with the provisions of this Section will constitute a Significant Breach of this Agreement.

ARTICLE 4.

ADHERANCE TO BUILDING CODE AND PERMITTING REQUIREMENTS

4.1 Definition of Building Codes and Permitting Requirements. For purposes of this Agreement Building Codes and Permitting Requirements shall mean those conditions set forth in the in the Code of the City of Shawnee, Oklahoma in Chapter 22, Planning and Development; Chapter 7, Buildings and Building Regulations; and the Charter of the City of Shawnee, Oklahoma in Article X..

4.2 University and Mission Compliance. The University and the Mission shall comply with all Building Codes and Permitting Requirements during the term of this Agreement. As such, any construction projects undertaken by the University or the Mission will be subject to review and approval by the Planning Department and Planning Commission; inspection by Shawnee building code officials; and may not be completed without the approval of Shawnee to the extent required pursuant to such Building Codes and Permitting Requirements. Failure by the University or the Mission to comply with the provisions of this Section will constitute a Breach of this Agreement.

ARTICLE 5.

RE-ANNEXATION OF UNIVERSITY PROPERTY

The Parties Acknowledge that the only reason that the Detachment was requested by the University and the Mission and ultimately approved by Shawnee was to enable the University and the Mission to qualify for USDA participation in the New Financing. It is the Parties intent to have the University Property re-annexed into the municipal territory of Shawnee as soon as it is commercially practical for the University and the Mission.

5.1 Limitation of Shawnee. Shawnee is entering into this Agreement in good faith for the reasons recited herein, and this Agreement is a valid, binding and enforceable obligation of the parties hereto on a year-to-year basis in accordance with its terms. Notwithstanding the foregoing, the Parties understand the inability of Shawnee's City Commission to commit future City Commission's to the obligations and duties herein, or to prevent future City Commission's from acting contrary to this Agreement. Nothing in this Agreement shall be construed to impose a duty on Shawnee to exclude the University Property from the municipal territory of Shawnee during the term of the New Financing.

5.2 Written Consent of the University and the Mission. The University and the Mission shall execute a written consent to the annexation of the University Property in the form prescribed by 11 Okla. Stat. § 21-103 and attached hereto as Schedule 5.2 ("Written Consent"), to be held by Shawnee until such time as a Re-Annexation Event as outlined in Section 5.3 is determined,

subject to the notice and cure provisions of Section 5.5. Upon the determination of Re-Annexation Event following the compliance with the notice and cure provisions of Section 5.5, Shawnee may use the Written Consent to comply with the statutory requirements of the re-annexation of the University Property into the municipal territory of Shawnee.

5.3 Events Triggering Re-Annexation of University Property. Subject to the notice requirements and cure provisions of Section 5.5, the University and the Mission shall be re-annexed into the municipal territory of Shawnee upon the determination of an event of the following (collectively “Re-Annexation Events”):

- (a) If the University or the Mission shall: (i) apply for or consent to the appointment of a receiver, trustee or liquidator of the University or the Mission, or any of their properties, (ii) admit in writing the inability to pay their debts as they mature, (iii) make a general assignment for the benefit of creditors, (iv) commence any proceeding relating to the bankruptcy, reorganization, liquidation, receivership, conservatorship, insolvency, readjustment of debt, dissolution or liquidation of the University or the Mission.
- (b) Termination of the New Financing, or USDA portion thereof, for any reason, including but not limited to maturity, refinancing, satisfaction, default, foreclosure, or modification.
- (c) In the event of a Significant Breach of this Agreement.

5.4 Notice to Shawnee. The University and the Mission will immediately notify Shawnee in the manner prescribed in Section 6.3, of any existing or reasonably expected Re-Annexation Event. Further, the University and the Mission shall include in the loan documents memorializing the New Financing (“New Financing Loan Documents”) a provision that requires the CDC, USDA, and/or any other entity involved in the New Financing to provide notice directly to Shawnee of any event of financial default under the New Financing Loan Documents.

5.5 Process for Determination of a Re-Annexation Event. If Shawnee believes a Re-Annexation Event has occurred, Shawnee will notify the University and the Mission in the manner prescribed in Section 6.3, and the University and the Mission shall have thirty (30) days from the receipt of notice to either object or provide proof of any cure to the Re-Annexation Event to Shawnee. In the event the Parties have a dispute as to whether a Re-Annex Event or subsequent cure has occurred they must comply with the Mediation provision in Section 6.8.

5.6 Priority of Re-Annexation. The Parties acknowledge that in the New Financing Loan Documents, USDA may construe a Re-Annexation as an event of default, and the Parties agree to use their best efforts to ensure that in abiding by this Agreement, the Parties will not effectuate an event of default of the New Financing Loan Documents. The University and Mission and will provide Shawnee a copy of the executed New Financing Loan Documents.

ARTICLE 6 MISCELLANEOUS

6.1 Publicity. No publicity release, announcement or other disclosure to Persons other than the Parties or their respective employees, or representatives shall be issued by any Party (or its/their representatives or Affiliates) without prior consent to the form and substance thereof by the Parties. In the event any such publicity release announcement is required by Law to be made by any Party, such Party shall use its reasonable efforts to consult in good faith with the other Parties prior to the issuance of any such publicity release or announcement. This provision specifically excludes those certain documents required to be filed with the Pottawatomie County Clerk pursuant to 11 Okla. Stat. § 21-112, and any public notices that Shawnee may be required to post pursuant to 25 Okla. Stat. § 301 *et seq.*

6.2 Costs. If any legal action or any arbitration or other proceeding is brought for the enforcement of this Agreement, or because of an alleged dispute, breach, default or misrepresentation in connection with any of the provisions of this Agreement, the prevailing party shall be entitled to recover reasonable attorneys' fees and other costs incurred in such action or proceeding.

6.3 Notices. All notices, claims, consents, requests, instructions, approvals, demands and other communications under this Agreement shall be in writing and deemed duly given, if delivered: (a) personally by hand or by a nationally recognized overnight courier service, when delivered at the address specified in this Section 6.3; (b) by United States certified or registered first class mail when delivered at the address specified in this Section 0, on the date appearing on the return receipt therefor; or (c) by electronic mail when such electronic mail is transmitted to the electronic mail address specified in this Section 6.3. In the event that a Party is unable to deliver a notice, claim, consent, request, instruction, approval, demand, or other communication due to the inaccuracy of the postal address, pursuant to this Section 6.3, or the other Party's failure to notify the Party of a change of its address, as specified pursuant to this Section 6.3, such notice, claim, consent, request, instruction, approval, demand, or other communication shall be deemed to be effective upon confirmation by a nationally recognized overnight courier service of its failure to complete delivery to the other Party's address as set forth in this Section 6.3 (or other address duly given to the Party by the other Party in accordance with this Section 6.3).

Addresses and electronic mail addresses (unless and until written notice is given of any other address or electronic mail address) for purposes of this Section 6.3 are set forth below:

If to Shawnee Parties, to:

City of Shawnee
Attn: City Manager
16 West 9th Street
Shawnee, OK 74801

If to the University, to:

St. Gregory's University
Attn: Michael Scaperlanda, President
1900 West MacArthur Street
Shawnee, OK 74804
mscaperlanda@stgregorys.edu

with a copy to (which shall not constitute notice):

Stuart & Clover, PLLC
Attn: Joe Vorndran
130 N. Broadway
Shawnee, OK 74801

with a copy to (which shall not constitute notice):

Andrews Davis PC
Attn: D. Joe Rockett
100 North Broadway Avenue, Suite 3300
Oklahoma City, OK 73102
djrockett@andrewsdavis.com

If to the Mission, to:

St. Gregory's Abbey
Attn: Rt. Rev. Lawrence Stasyszen, O.S.B.
1900 West MacArthur Street
Shawnee, OK 74804
abbotlawrence@stgregorys.edu

with a copy to (which shall not constitute notice):

Akin Gump Strauss Hauer & Feld, LLP
Attn: Kenneth D. Alderfer
1333 New Hampshire Avenue, N.W.
Washington, DC 20036-1564

6.4 Entire Agreement. This Agreement, including the initial paragraph and the recitals to this Agreement and all Schedules and Exhibits attached to this Agreement, each of which are made a part of this Agreement by this reference, constitutes the entire understanding of the Parties, and supersedes any prior agreements or understandings, written or oral, between the Parties with respect to the subject matter of this Agreement. No supplement, modification or amendment of this Agreement shall be binding unless executed in writing by all of the Parties. No waiver of any of the provisions of this Agreement shall be deemed, or shall constitute, a waiver of any other provision, whether or not similar, nor shall any waiver constitute a continuing waiver. No waiver shall be binding unless executed in writing by the Party making the waiver.

6.5 Rights of Parties.

(a) Nothing in this Agreement, whether express or implied, is intended to confer any benefit, right or remedy under or by reason of this Agreement on any Persons other than the Parties and their respective successors and permitted assigns, nor is anything in this Agreement intended to relieve or discharge the obligation or Liability of any other Person to any Party, nor shall any provision give any other Person any right of subrogation or action over or against any Party.

(b) Nothing in this Agreement shall in any way modify or otherwise limit the rights or remedies available to any of the Parties with regard to a claim of fraud.

(c) The Parties shall be entitled as a result of misrepresentation or breach under this Agreement, to pursue any and all non-monetary relief to which any of them may otherwise be entitled at law, in equity or otherwise.

6.6 Succession and Assignment. This Agreement shall be binding upon, and inure to the benefit of, the Parties and their representatives, successors and permitted assigns. None of the Parties may assign either this Agreement or delegate any of the rights, interests or obligations hereunder without the prior written approval of the other Parties.

6.7 Governing Law; Venue. This Agreement shall be governed by and construed in accordance with the laws of the State of Oklahoma, without giving effect to conflict of law principles thereof. Each Party hereby irrevocably submits to the exclusive personal jurisdiction of the District Court of Pottawatomie County Oklahoma in any action or proceeding arising out of or relating to this Agreement.

6.8 Mediation. Each of the Parties acknowledges and agrees that they will attempt to resolve any dispute arising hereunder or under an indemnification claim as outlined herein through a mediation process of the Parties choosing, prior to the initiation of any action in a Court of proper jurisdiction as set forth in this Section 6.8 *supra*.

6.9 Counterparts; Exchange by Electronic Transmission. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but which together shall constitute one and the same instrument. The Parties may execute this Agreement, and all other agreements, and other documents contemplated hereby and exchange on the Closing Date counterparts of such documents by means of facsimile transmission or electronic mail and the Parties agree that the receipt of such executed counterparts shall be binding on such Parties and shall be construed as originals. After the Closing the Parties shall promptly exchange original versions of this Agreement and all other agreements, and other documents contemplated by this Agreement that were executed and exchanged by facsimile transmission or electronic mail pursuant to this Section 8.10, but failure to do so shall not affect the binding nature of the same.

6.10 Specific Performance. Each of the Parties acknowledges and agrees that the other Parties would be damaged irreparably in the event that any of the provisions of this Agreement are not performed in accordance with their specific terms or otherwise are breached. Accordingly, each of the Parties agrees that any other party shall be entitled to an injunction or injunctions to prevent breaches of the provisions of this Agreement and to enforce specifically this Agreement and the terms and provisions hereof in any action instituted in any court of the United States or any other state thereof having jurisdiction over the parties in the matter, in addition to any other remedy (including monetary damages) to which it may be entitled, at law or in equity.

6.11 Severability. It is the desire and intent of the Parties that the provisions of this Agreement be enforced to the fullest extent permissible under the Laws and public policies applied in each jurisdiction in which enforcement is sought. Accordingly, if any particular provision of this Agreement shall be adjudicated by a court of competent jurisdiction to be invalid, prohibited or unenforceable for any reason, such provision, as to such jurisdiction, shall be ineffective, without invalidating the remaining provisions of this Agreement or affecting the validity or enforceability of this Agreement or affecting the validity or enforceability of such provision in any other jurisdiction. Notwithstanding the foregoing, if such provision could be more narrowly drawn so as not to be invalid, prohibited or unenforceable in such jurisdiction, it shall, as to such

jurisdiction, be so narrowly drawn, without invalidating the remaining provisions of this Agreement or affecting the validity or enforceability of such provision in any other jurisdiction.

6.12 No Third Party Beneficiaries. Except as set forth in Article 7, nothing in this Agreement, express or implied, is intended to confer upon any Person other than the Parties or their respective successors, heirs, personal representatives or permitted assigns, any rights or remedies under or by reason of this Agreement.

6.13 Reimbursement of Transaction Expenses. The University and the Mission jointly agree to pay Shawnee, upon the execution of this Agreement, the legal expenses incurred by Shawnee in connection with the negotiation, preparation, execution and delivery, and administration of this Agreement in an amount not to exceed \$10,000.00 collectively.

ARTICLE 7. DEFINITIONS

7.1 Certain Definitions. As used in this Agreement, the following terms shall have the respective meanings ascribed to them in this Section 7.1:

(a) “**Party**” or “**Parties**” means Shawnee, SMA, the City, Shawnee Parties, the Mission, SGU, and the University, individually or collectively, as applicable.

(b) “**Breach**” means failure by any Party to perform under the terms of this Agreement.

(c) “**Agreement**” means this Agreement including any schedules or exhibits hereto.

7.2 Defined Terms. As used in this Agreement, the following terms shall have the respective meanings ascribed to them in the Sections identified below:

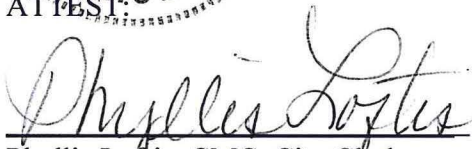
Term	Section
Shawnee	Recitals
SMA	Recitals
Mission	Recitals
SGU	Recitals
University Property	Recitals
New Financing	Recitals
CDC	Recitals
USDA	Recitals
Detachment	Recitals
Public Improvements	Article 2
Fire Protection	Article 2.1
Water Service	Article 2.2
Sewer Service	Article 2.3
Economic Development	Article 3.1
Building Codes and Permitting Requirements	Article 4.1
Written Consent	Article 5.2

Term	Section
Re-Annexation Events	Article 5.3
New Financing Loan Documents	Article 5.4
Party or Parties	Article 7.1(a)
Breach	Article 7.1(b)
Agreement	Article 7.1(c)

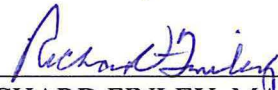
7.3 Rules of Construction. All references to any Law shall be deemed to include any amendments thereto, and any successor Law, unless the context otherwise requires. “Including” means “including without limitation” and does not limit the preceding words or terms. The words “or” and “nor” are inclusive and include “and”. The term “and” when used in a list of elements, such as “A, B, and C” is to be interpreted inclusively (e.g., “any or all of A, B, and C” or “A, B, and/or C”) and not as requiring inclusion or presence of every element in the list. The singular shall include the plural and vice versa. Each word of gender shall include each other word of gender as the context may require. References to “Articles” or “Sections” or “Schedules” or “Exhibits” shall mean Articles or Sections of this Agreement or Schedules or Exhibits attached to this Agreement, unless otherwise expressly indicated. A reference to any Person includes such Person’s successors and permitted assigns. Each word of Preliminary Statement is hereby integrated into this Agreement by reference and explicitly made a part of this Agreement. The title of each Article and the headings or titles preceding the text of the Sections are inserted solely for convenience of reference, and shall not constitute a part of this Agreement. The Parties have each participated in the negotiation and drafting of this Agreement. In the event an ambiguity or question of intent or interpretation arises, this Agreement shall be construed as if drafted jointly by the Parties and no presumption or burden of proof shall arise favoring or disfavoring any Party by virtue of the authorship of any of the provisions of this Agreement. Any obligation pursuant to this Agreement that is expressed to be undertaken or assumed by any Person shall be construed as requiring such Person to exercise all rights and powers of control over the affairs of any other Person that such Person is able to exercise (whether directly or indirectly) in order to secure performance of such obligation. ***[Signature pages to follow]***

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the date first written above.

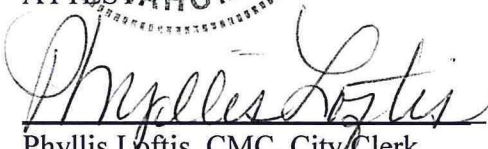



Phyllis Loftis, CMC, City Clerk

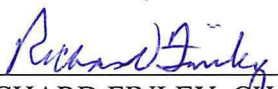
CITY OF SHAWNEE

By: 
RICHARD FINLEY, MAYOR

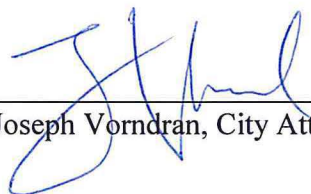



Phyllis Loftis, CMC, City Clerk

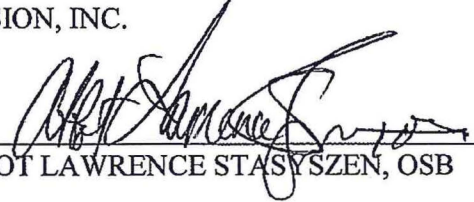
SHAWNEE MUNICIPAL AUTHORITY

By: 
RICHARD FINLEY, CHAIRMAN

APPROVED AS TO FORM AND LEGALITY THIS 17 DAY OF JANUARY, 2017.

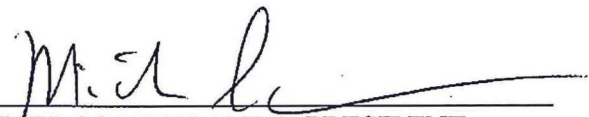

Joseph Vorndran, City Attorney

BENEDICTINE FATHERS OF SACRED HEART
MISSION, INC.

By: 

ABBOT LAWRENCE STASYSZEN, OSB

SAINT GREGORY'S UNIVERSITY, INC. a/k/a
CATHOLIC UNIVERSITY OF OKLAHOMA,
INC.

By: 

MICHAEL SCAPERLANDA, PRESIDENT

EXHIBIT “A”

PARCEL ONE:

Legal Description:

- Tract 1: SW/4 NE/4 & S 3/4 of SE/4 NE/4 & S/2 S/2 NW/4 NE/4 of Section 2, Township 10 North, Range 3 East, Pottawatomie County, OK, approximately 80 acres, more or less;
- Tract 2: N/2 N/2 SE/4 NE/4 of Section 2, Township 10 North, Range 3 East, Pottawatomie County, OK, approximately 10 acres, more or less;
- Tract 3: N/2 NW/4 NE/4 & N/2 S/2 NW/4 NE/4 & NE/4 NE/4 of Section 2, Township 10 North, Range 3 East, Pottawatomie County, OK, approximately 70 acres, more or less;

PARCEL TWO:

Legal Description:

SE/4 SE/4 of Section 2 Township 10 North, Range 3 East; Pottawatomie County, OK, approximately 40 Acres, more or less;

PARCEL THREE:

Legal Description:

- Tract 1: NE/4 SE/4 of Section 2, Township 10 North, Range 3 East, approximately 40 acres, more or less;
- Tract 2: E/2 W/2 SE/4 of Section 2, Township 10 North, Range 3 East, approximately 20 acres, more or less;

PARCEL FOUR:

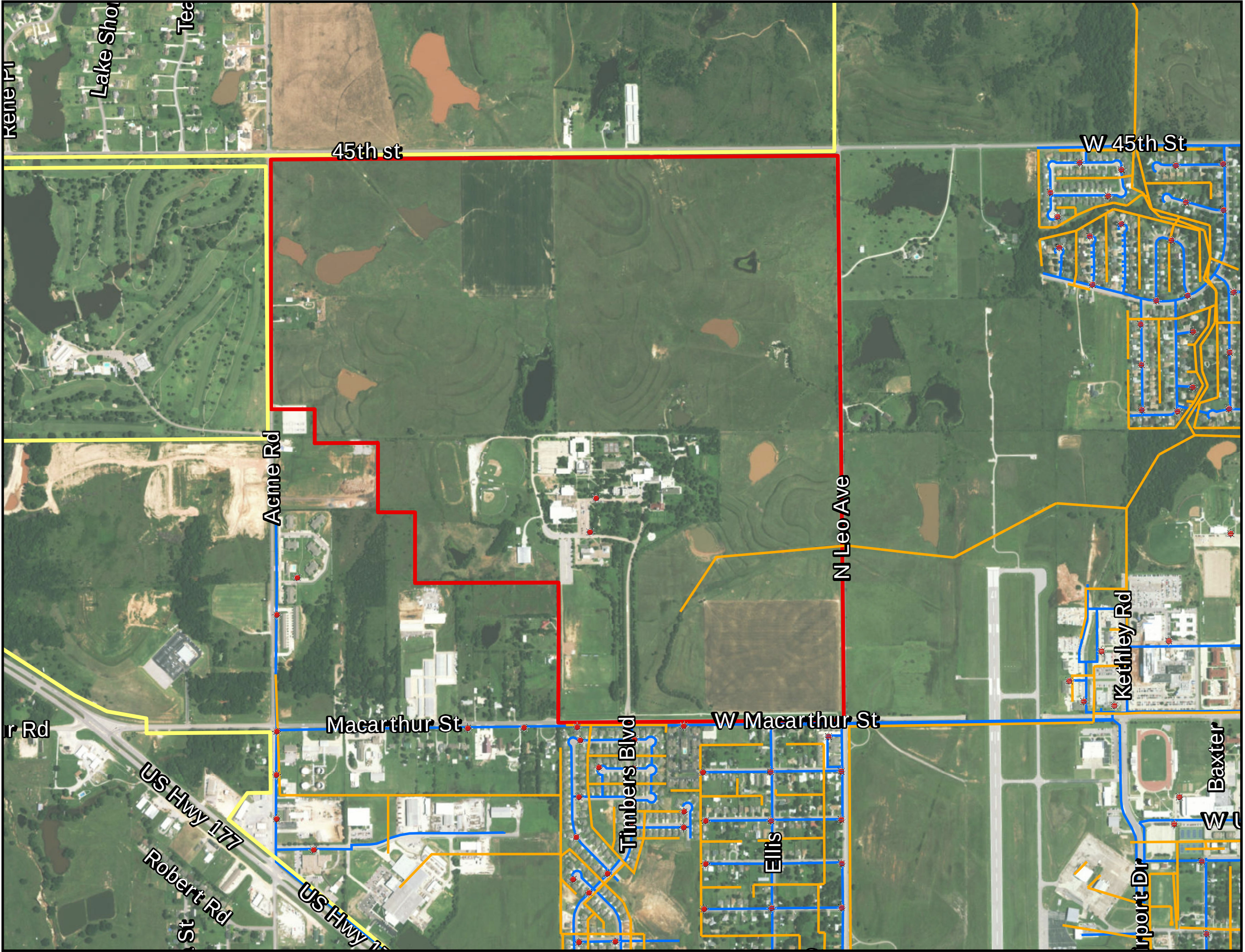
Legal Description:

- Tract 1: W/2 W/2 SE/4 of Section 2, Township 10 North, Range 3 East, approximately 44 acres, more or less;
- Tract 2: NE/4 of SW/4 of Section 2 Township 10 North, Range 3 East, approximately 40 acres, more or less;

PARCEL FIVE:

Legal Description:

NW/4 Less 380' E & W X 330' N & S IN SE/C & N1/2; NW SW Less 14.85 AC 2012-4768 of Section 2, Township 10 North, Range 3 East, approximately 162 acres, more or less.



St. Gregory's University

Legend

-  City Limits
-  Water Hydrant
-  Sewer Lines
-  Water Lines

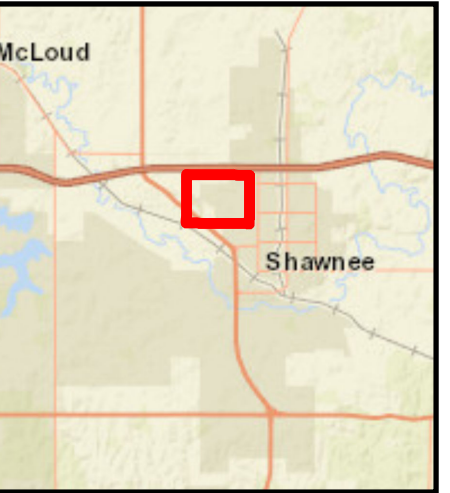
Property



1 inch = 839 feet

0 410 820 1,640 Feet

DISCLAIMER: THIS MAP IS FOR GENERAL INFORMATION PURPOSES ONLY. THE INFORMATION PROVIDED IS NOT GUARANTEED TO BE ACCURATE OR COMPLETED. ANY ERRORS AND INACCURACIES WILL NOT BE THE RESPONSIBILITY OR THE LIABILITY OF THE CITY OF SHAWNEE.



ORDINANCE NO. _____

AN ORDINANCE AMENDING THE BOUNDARIES OF THE CITY OF SHAWNEE, OKLAHOMA, BY ANNEXING CERTAIN PROPERTIES LOCATED NORTH OF MACARTHUR, EAST OF ACME ROAD, SOUTH OF 45TH STREET, WEST OF LEO STREET, POTTAWATOMIE COUNTY; AND PROVIDING FOR ITS IMMEDIATE EFFECT AND ENFORCEABILITY UPON PASSAGE AND PUBLICATION THROUGH THE EMERGENCY CLAUSE.

WHEREAS, St. Gregory's University, Inc. a/k/a Catholic University of Oklahoma, Inc. ("University") and the Benedictine Fathers of Sacred Heart Mission, Inc., ("Mission") owned certain property ("University Property") that formerly sat within the municipal territory of the City of Shawnee ("City");

WHEREAS, the University and the Mission was in the process of restructuring and refinancing existing debt, which was imperative to the growth and stability of the University ("New Financing");

WHEREAS, the source of the New Financing was the Citizen Potawatomi Nation's Community Development Corporation ("CPN CDC") and the United States Department of Agriculture ("USDA").

WHEREAS, the University and the Mission requested that the City detach the University Property in order for the University to qualify for the USDA program that was imperative to obtaining the New Financing.

WHEREAS, the City approved Ordinance No. 2595NS authorizing the detachment of the University Property pursuant to 11 Okla. Stat. § 21-110 on January 17, 2017.

WHEREAS, the City and the Shawnee Municipal Authority ("SMA") entered into the Agreement Ancillary to Detachment on January 17, 2017 ("Agreement").

WHEREAS, Article 5 of the Agreement acknowledges that the sole reason that the University and Mission requested Detachment was to enable the University and the Mission to qualify for a USDA loan and that it was the parties' intent to re-annex the University Property as soon as commercially practical for the University and Mission.

WHEREAS, Section 5.3(a) of the Agreement lists the following as events triggering re-annexation of the University Property: commencement of dissolution or liquidation of the University or Mission or termination of the New Financing.

WHEREAS, the University issued a press release on November 8, 2017 wherein it stated that the Board of Directors of the University decided to suspend operations of the University at the end of the current semester following the denial of their USDA loan application.

WHEREAS, the City believes that re-annexation provisions of the Agreement have been triggered by the following two events: (1) the USDA's denial of the University's loan application and (2) the decision of the Board of Directors of the University to suspend operations of the University at the end of the current semester.

WHEREAS, the City gave written notice to the University and the Mission per the notice requirements contained in Section 6.3 of the Agreement that the City believes an event triggering re-annexation has occurred.

WHEREAS, the University and the Mission executed a Consent to Annexation, attached as Schedule 5.2 to the Agreement, in which the University and Mission agree that the City shall hold the executed Consent to Annexation until an event triggers re-annexation per the Agreement.

WHEREAS, the City desires to re-annex the University Property under the terms of the Agreement.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SHAWNEE, OKLAHOMA:

Section 1: The land described in Attachment 1 and made a part hereof is hereby annexed into the City Limits of the City of Shawnee.

Section 2: **SEVERABILITY.** The provisions of this ordinance are severable, and if any sentence, provision or other part of this Ordinance shall be held invalid, the decision of the courts so holding shall not affect or impair any of the remaining parts or provisions of this ordinance.

Section 3: **CODIFICATION.** This Ordinance shall be codified in the Shawnee Municipal Code, and the codifier is authorized to set out the ordinance as appropriate.

Section 4: **REPEALER.** All sections, subsections, clauses, and sentences of existing law in conflict with this ordinance, are repealed.

Section 5: **EMERGENCY.** Because it is necessary for the protection of the public's health, safety, and welfare, an emergency is declared to exist. This ordinance shall be effective immediately upon its passage and publication.

PASSED AND APPROVED this _____ day of _____, 2017.

RICHARD FINLEY, MAYOR

ATTEST:

(SEAL)

PHYLLIS LOFTIS, CMC, CITY CLERK

Emergency separately approved this _____ day of _____, 2017.

RICHARD FINLEY, MAYOR

ATTEST:

(SEAL)

PHYLLIS LOFTIS, CMC, CITY CLERK

Approved as to form and legality this _____ day of _____, 2017.

JOSEPH M. VORNDRAN
CITY ATTORNEY

ATTACHMENT 1

PARCEL ONE:

Legal Description:

- Tract 1: SW/4 NE/4 & S 3/4 of SE/4 NE/4 & S/2 S/2 NW/4 NE/4 of Section 2, Township 10 North, Range 3 East, Pottawatomie County, OK, approximately 80 acres, more or less;
- Tract 2: N/2 N/2 SE/4 NE/4 of Section 2, Township 10 North, Range 3 East, Pottawatomie County, OK, approximately 10 acres, more or less;
- Tract 3: N/2 NW/4 NE/4 & N/2 S/2 NW/4 NE/4 & NE/4 NE/4 of Section 2, Township 10 North, Range 3 East, Pottawatomie County, OK, approximately 70 acres, more or less;

PARCEL TWO:

Legal Description:

SE/4 SE/4 of Section 2 Township 10 North, Range 3 East; Pottawatomie County, OK, approximately 40 Acres, more or less;

PARCEL THREE:

Legal Description:

- Tract 1: NE/4 SE/4 of Section 2, Township 10 North, Range 3 East, approximately 40 acres, more or less;
- Tract 2: E/2 W/2 SE/4 of Section 2, Township 10 North, Range 3 East, approximately 35 acres, more or less;

PARCEL FOUR:

Legal Description:

- Tract 1: W/2 W/2 SE/4 of Section 2, Township 10 North, Range 3 East, approximately 44 acres, more or less;
- Tract 2: NE/4 of SW/4 of Section 2 Township 10 North, Range 3 East, approximately 40 acres, more or less;

PARCEL FIVE:

Legal Description:

NW/4 Less 380' E & W X 330' N & S IN SE/C & N1/2; NW SW Less 14.85 AC 2012-4768 of Section 2, Township 10 North, Range 3 East, approximately 162 acres, more or less.

Regular Board of Commissioners

10.

Meeting Date: 01/16/2018

Animal Welfare

Submitted By: Kacie Eck, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

Discussion, consideration, and possible action to approve an ordinance amending portions of Chapter 5 of the City Code, entitled "Animals", by setting the maximum allowable number of owned or possessed dogs and cats on a premise or lot basis, and not on an individual basis; providing for codification, repealer, and severability; and declaring an emergency.

Attachments

Animal Welfare Memo

Animal Welfare Ord



City of Shawnee

Chief Mason Wilson

16 W 9th

Shawnee, Oklahoma 74801

Office (405) 878-1680 or 1681 *Fax (405) 878-1520

E-Mail: mwilson@shawneeok.org



FROM : Mason Wilson
Chief of Police

TO : Mayor and Commissioners

CC : Justin Erickson, City Manager

SUBJECT : Animal Welfare Ordinance Change

DATE : January 11, 2018

*This will amend the current City Ordinance under **Chapter 5 Article III -Dogs Section 5-86 and Chapter 5 Article IV- Cats Section 5-224.***

The current ordinance is worded to allow each individual at a premise or lot to possess a certain number of dogs or cats. The new language allows a certain number of dogs or cats at a premise or lot, not per individual.

ORDINANCE NO. _____

AN ORDINANCE AMENDING PORTIONS OF CHAPTER 5 OF THE CITY CODE, ENTITLED “ANIMALS”, BY SETTING THE MAXIMUM ALLOWABLE NUMBER OF OWNED OR POSSESSED DOGS AND CATS ON A PREMISE OR LOT BASIS, AND NOT ON AN INDIVIDUAL BASIS; AND PROVIDING FOR CODIFICATION, REPEALER, AND SEVERABILITY; AND PROVIDING FOR EMERGENCY.

WHEREAS, the Code of Ordinances of the City of Shawnee must be amended from time to time to comply with the laws of the State of Oklahoma and the Charter of the City of Shawnee; and

WHEREAS, the Mayor and City Commission have determined that other amendments must be made for the more efficient and practical operations for the City of Shawnee:

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSIONERS OF THE CITY OF SHAWNEE, OKLAHOMA THAT CHAPTER 5 OF THE SHAWNEE MUNICIPAL CODE BE AMENDED ONLY AS TO THE SECTIONS AND SUBSECTIONS SET FORTH BELOW; AND ALL OTHER REMAINING AND PRE-EXISTING LANGUAGE THROUGHOUT CHAPTER 5 IS LEFT UNALTERED AND OTHERWISE ADOPTED:

Section 1:

Chapter 5, Article III – Dogs, Section 5-86, “Maximum number” is amended, and fully replaced with the following language:

It shall be unlawful for any premise or lot in the city to have in their possession or under their control more than two dogs over the age of four months. However, a premise or lot may have in possession three dogs over the age of four months, if all three dogs are altered in accordance with this chapter.

Section 2:

Chapter 5, Article IV – Cats, Section 5-224, “Maximum number” is amended, and fully replaced with the following language:

It shall be unlawful for any premise or lot in the city to have in possession or under control more than three unaltered cats over the age of four months. However, a premise or lot may have under control six felines, all of which are altered as provided by article V of this chapter.

Section 3: **SEVERABILITY.** The provisions of this ordinance are severable and, if any sentence, provision, or other part of this Ordinance shall be held invalid, the decision of the court so holding shall not affect or impair any of the remaining parts or provisions of this ordinance.

Section 4: **CODIFICATION.** This Ordinance shall be codified in the Shawnee Municipal Code, and the codifier is authorized to set out the ordinance as appropriate.

Section 5: **REPEALER.** All sections, subsections, clauses, and sentences of existing law in conflict with this ordinance are repealed.

Section 6: **EMERGENCY.** Because it is necessary for the protection of the public’s health, safety, and welfare, an emergency is declared to exist. This ordinance shall be effective immediately upon its passage and publication.

PASSED AND APPROVED this _____ day of January, 2018.

RICHARD FINLEY, MAYOR

ATTEST:
(SEAL)

PHYLLIS LOFTIS, CMC, CITY CLERK

Emergency separately approved this _____ day of January, 2018:

RICHARD FINLEY, MAYOR

ATTEST:
(SEAL)

PHYLLIS LOFTIS, CMC, CITY CLERK

Approved as to form and legality this _____ day of January, 2018.

JOSEPH M. VORNDRAN
CITY ATTORNEY

Regular Board of Commissioners**11.**

Meeting Date: 01/16/2018

Petit Larceny

Submitted By: Kacie Eck, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

Discussion, consideration, and possible action to approve an ordinance amending part of Chapter 20, Section 18 of the City Code, regulating "Petit Larceny-Generally", by defining the offense as property taken from another in an amount less than \$1,000, and aligning with State Statute 21 O.S. § 1704; and providing for codification, repealer, and severability; and providing for emergency.

Attachments

Petit Larceny Memo

Petit Larceny Ord



City of Shawnee

Chief Mason Wilson

16 W 9th

Shawnee, Oklahoma 74801

Office (405) 878-1680 or 1681 *Fax (405) 878-1520

E-Mail: mwilson@shawneeok.org



FROM : Mason Wilson
Chief of Police

TO : Mayor and Commissioners

CC : Justin Erickson, City Manager

SUBJECT : Petit Larceny Ordinance Change

DATE : January 11, 2018

This will amend the current City Ordinance Chapter 20 Section 20-18. This amendment will change the language "\$500.00 or less" to "\$1000.00 or less". This language will comply with current language in Oklahoma State Law.

ORDINANCE NO. _____

AN ORDINANCE AMENDING PART OF CHAPTER 20, SECTION 18 OF THE CITY CODE, REGULATING “PETIT LARCENY-GENERALLY”, BY DEFINING THE OFFENSE AS PROPERTY TAKEN FROM ANOTHER IN AN AMOUNT LESS THAN \$1,000, AND ALIGNING WITH STATE STATUTE 21 O.S. § 1704; AND PROVIDING FOR CODIFICATION, REPEALER, AND SEVERABILITY; AND PROVIDING FOR EMERGENCY.

WHEREAS, the Code of Ordinances of the City of Shawnee must be amended from time to time to comply with the laws of the State of Oklahoma and the Charter of the City of Shawnee; and

WHEREAS, the Mayor and City Commission have determined that other amendments must be made for the more efficient and practical operations for the City of Shawnee:

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSIONERS OF THE CITY OF SHAWNEE, OKLAHOMA THAT, Section 20-18 “Petit Larceny – Generally” is repealed in full, and replaced with the following language.

Section 1:

Chapter 20—Offenses and Miscellaneous Offenses, Section 20-18, “Petit larceny – Generally”, is amended and fully replaced with the following language:

- (a) The following words, terms and phrases, when used in this section and in sections 20-19 and 20-20, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Larceny is the taking of personal property accomplished by fraud or stealth, and within intent to deprive another thereof.

Petit larceny is larceny committed when the property taken is not of value exceeding \$1,000.00 and is not taken from the person of another.

- (b) If the thing stolen consists of any evidence of debt or other written instrument, the amount of money due thereon or secured to be paid thereby and remaining unsatisfied or which in any contingency might be collected thereon or the value of the property, the title to which is shown thereby, or the sum which might be recovered in the absence thereof, as the case may be, shall be deemed the value of the thing stolen.
- (c) Any fixture or part of realty, the instant it is severed from the realty, becomes personal property and is the subject of larceny as defined in subsection (a) of this section.
- (d) Any person who commits or aids in the commission of petit larceny or in concealing any stolen property as defined in this section is guilty of an offense and shall, upon conviction, be punished by a fine of not more than \$500.00, plus costs, or imprisonment for not to exceed 60 days or by both such fine and imprisonment, at the discretion of the court.

Section 2: SEVERABILITY. The provisions of this ordinance are severable and, if any sentence, provision, or other part of this Ordinance shall be held invalid, the decision of the court so holding shall not affect or impair any of the remaining parts or provisions of this ordinance.

Section 3: CODIFICATION. This Ordinance shall be codified in the Shawnee Municipal Code, and the codifier is authorized to set out the ordinance as appropriate.

Section 4: REPEALER. All sections, subsections, clauses, and sentences of existing law in conflict with this ordinance are repealed.

Section 5: EMERGENCY. Because it is necessary for the protection of the public’s health, safety, and welfare, an emergency is declared to exist. This ordinance shall be effective immediately upon its passage and publication.

PASSED AND APPROVED this _____ day of January, 2018.

RICHARD FINLEY, MAYOR

ATTEST:

(SEAL)

PHYLLIS LOFTIS, CMC, CITY CLERK

Emergency separately approved this _____ day of January, 2018.

RICHARD FINLEY, MAYOR

ATTEST:

(SEAL)

PHYLLIS LOFTIS, CMC, CITY CLERK

Approved as to form and legality this _____ day of January, 2018.

JOSEPH M. VORNDRAN
CITY ATTORNEY

Regular Board of Commissioners

12.

Meeting Date: 01/16/2018

Truancy

Submitted By: Kacie Eck, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

Discussion, consideration, and possible action to approve an ordinance amending Chapter 20, Section 105 regulating "Truancy" and replacing with language that corresponds with the State Statute that regulates the same; providing for codification, repealer, and severability; and providing for emergency.

Attachments

Truancy Memo

Truancy Ord



City of Shawnee

Chief Mason Wilson

16 W 9th

Shawnee, Oklahoma 74801

Office (405) 878-1680 or 1681 *Fax (405) 878-1520

E-Mail: mwilson@shawneeok.org



FROM : Mason Wilson
Chief of Police

TO : Mayor and Commissioners

CC : Justin Erickson, City Manager

SUBJECT : Truancy Ordinance Change

DATE : January 11, 2018

This will amend the current City Ordinance Chapter 20 Section 105. This amendment will change the language “of a child 6 and up” to “of a child 5 and up”. This language will comply with current language in Oklahoma State Law.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 20, SECTION 105 REGULATING “TRUANCY” AND REPLACING WITH LANGUAGE THAT CORRESPONDS WITH THE STATE STATUTE THAT REGULATES THE SAME; PROVIDING FOR CODIFICATION, REPEALER, AND SEVERABILITY; AND PROVIDING FOR EMERGENCY.

WHEREAS, the Code of Ordinances of the City of Shawnee must be amended from time to time to comply with the laws of the State of Oklahoma and the Charter of the City of Shawnee; and

WHEREAS, the Mayor and City Commission have determined that other amendments must be made for the more efficient and practical operations for the City of Shawnee:

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSIONERS OF THE CITY OF SHAWNEE, OKLAHOMA THAT Section 20-105 “Truancy” is repealed in full, and replaced with the following language, which directly correspondence to that found in 70 O.S. § 10-105:

Section 1:

- A. It shall be unlawful for a parent, guardian, or other person having custody of a child who is over the age of five (5) years, and under the age of eighteen (18) years, to neglect or refuse to cause or compel such child to attend and comply with the rules of some public, private or other school, unless other means of education are provided for the full term the schools of the district are in session or the child is excused as provided in this section. One-half (1/2) day of kindergarten shall be required of all children five (5) years of age or older unless the child is excused from kindergarten attendance as provided in this section. A child who is five (5) years of age shall be excused from kindergarten attendance until the next school year after the child is six (6) years of age if a parent, guardian, or other person having custody of the child notifies the superintendent of the district where the child is a resident by certified mail prior to enrollment in kindergarten, or at any time during the first school year that the child is required to attend kindergarten pursuant to this section, of election to withhold the child from kindergarten until the next school year after the child is six (6) years of age. A kindergarten program shall be directed toward developmentally appropriate objectives for such children. The program shall require that any teacher employed on and after January 1, 1993, to teach a kindergarten program within the public school system shall be certified in early childhood education. All teachers hired to teach a kindergarten program within the public school system prior to January 1, 1993, shall be required to obtain certification in early childhood education on or before the 1996-97 school year in order to continue to teach a kindergarten program.
- B. It shall be unlawful for any child who is over the age of twelve (12) years and under the age of eighteen (18) years, and who has not finished four (4) years of high school work, to neglect or refuse to attend and comply with the rules of some public, private or other school, or receive an education by other means for the full term the schools of the district are in session.

Provided, that this section shall not apply:

1. If any child is prevented from attending school by reason of mental or physical disability, to be determined by the board of education of the district upon a certificate of the school physician or public health physician, or, if no such physician is available, a duly licensed and practicing physician;
2. If any child is excused from attendance at school, due to an emergency, by the principal teacher of the school in which such child is enrolled, at the request of the parent, guardian, custodian or other person having control of such child;
3. If any child who has attained his or her sixteenth birthday is excused from attending school by written, joint agreement between:
 - a. the school administrator of the school district where the child attends school, and

- b. the parent, guardian or custodian of the child. Provided, further, that no child shall be excused from attending school by such joint agreement between a school administrator and the parent, guardian or custodian of the child unless and until it has been determined that such action is for the best interest of the child and/or the community, and that said child shall thereafter be under the supervision of the parent, guardian or custodian until the child has reached the age of eighteen (18) years;
 4. If any child is excused from attending school for the purpose of observing religious holy days if before the absence, the parent, guardian, or person having custody or control of the student submits a written request for the excused absence. The school district shall excuse a student pursuant to this subsection for the days on which the religious holy days are observed and for the days on which the student must travel to and from the site where the student will observe the holy days; or
 5. If any child is excused from attending school for the purpose of participating in a military funeral honors ceremony upon approval of the school principal.
- C. It shall be the duty of the attendance officer to enforce the provisions of this section. In the prosecution of a parent, guardian, or other person having custody of a child for violation of any provision of this section, it shall be an affirmative defense that the parent, guardian, or other person having custody of the child has made substantial and reasonable efforts to comply with the compulsory attendance requirements of this section but is unable to cause the child to attend school. If the court determines the affirmative defense is valid, it shall dismiss the complaint against the parent, guardian, or other person having custody of the child and shall notify the school attendance officer who shall refer the child to the district attorney for the county in which the child resides for the filing of a Child in Need of Supervision petition against the child pursuant to the Oklahoma Juvenile Code.
- D. Any parent, guardian, custodian, child or other person violating any of the provisions of this section, upon conviction, shall be guilty of a misdemeanor, and shall be punished as follows:
1. For the first offense, a fine of not less than Twenty-five Dollars (\$25.00) nor more than Fifty Dollars (\$50.00), or imprisonment for not more than five (5) days, or both such fine and imprisonment;
 2. For the second offense, a fine of not less than Fifty Dollars (\$50.00) nor more than One Hundred Dollars (\$100.00), or imprisonment for not more than ten (10) days, or both such fine and imprisonment; and
 3. For the third or subsequent offense, a fine of not less than One Hundred Dollars (\$100.00) nor more than Two Hundred Fifty Dollars (\$250.00), or imprisonment for not more than fifteen (15) days, or both such fine and imprisonment.

Each day the child remains out of school after the oral and documented or written warning has been given to the parent, guardian, custodian, child or other person or the child has been ordered to school by the juvenile court shall constitute a separate offense.

- E. At the trial of any person charged with violating the provisions of this section, the attendance records of the child or ward may be presented in court by any authorized employee of the school district.
- F. The court may order the parent, guardian, or other person having custody of the child to perform community service in lieu of the fine set forth in this section. The court may require that all or part of the community service be performed for a public school district.
- G. The court may order as a condition of a deferred sentence or as a condition of sentence upon conviction of the parent, guardian, or other person having custody of the child any conditions as the court considers necessary to obtain compliance with school attendance requirements. The conditions may include, but are not limited to, the following:
 1. Verifying attendance of the child with the school;

2. Attending meetings with school officials;
3. Taking the child to school;
4. Taking the child to the bus stop;
5. Attending school with the child;
6. Undergoing an evaluation for drug, alcohol, or other substance abuse and following the recommendations of the evaluator; and
7. Taking the child for drug, alcohol, or other substance abuse evaluation and following the recommendations of the evaluator, unless excused by the court.

Section 2: **SEVERABILITY.** The provisions of this ordinance are severable and, if any sentence, provision, or other part of this Ordinance shall be held invalid, the decision of the court so holding shall not affect or impair any of the remaining parts or provisions of this ordinance.

Section 3: **CODIFICATION.** This Ordinance shall be codified in the Shawnee Municipal Code, and the codifier is authorized to set out the ordinance as appropriate.

Section 4: **REPEALER.** All sections, subsections, clauses, and sentences of existing law in conflict with this ordinance, are repealed.

Section 5: **EMERGENCY.** Because it is necessary for the protection of the public’s health, safety, and welfare, an emergency is declared to exist. This ordinance shall be effective immediately upon its passage and publication.

PASSED AND APPROVED this _____ day of January, 2018.

RICHARD FINLEY, MAYOR

ATTEST:

(SEAL)

PHYLLIS LOFTIS, CMC, CITY CLERK

Emergency separately approved this _____ day of January, 2018.

RICHARD FINLEY, MAYOR

ATTEST:

(SEAL)

PHYLLIS LOFTIS, CMC, CITY CLERK

Approved as to form and legality this _____ day of January, 2018.

JOSEPH M. VORNDRAN
CITY ATTORNEY

Regular Board of Commissioners

13.

Meeting Date: 01/16/2018

Subcommittee

Submitted By: Kacie Eck, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

Discussion and possible action to appoint a subcommittee of the City Commission to review proposals submitted by firms interested in serving as the City's insurance consultant.

Attachments

No file(s) attached.

Regular Board of Commissioners

14.

Meeting Date: 01/16/2018

Sales Tax

Submitted By: Kacie Eck, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

Acknowledge Sales Tax Report received January 2018.

Attachments

Sales Tax



Date: January 10, 2018
TO: Mayor and Commissioners
From: Cynthia S. Arnold, Finance Director *CSA*
Subject: December sales tax and use tax collections

Sales Tax Collections:

January deposit for December sales tax was \$1,573,267 which will be divided among the following funds:

General	\$ 1,048,845
Capital Improvements	\$ 203,214
Street Fund	\$ 229,435
Economic Development	\$ 26,221
Police Sales Tax Fund	\$ 32,776
Fire Sales Tax Fund	\$ 32,776

Compared to January 2017 we were up \$14,558 or .9324% For the year we are up 1.53% which is slightly below what we budgeted for.

We need to remember to Shop Shawnee as much as possible to keep the sales tax steady.

Use tax deposit in January was \$138,251 up \$20,753 or 17.66 % from last year.

Compared to last year use tax is up \$141,835 or 17.49 % for the year.

Sales Tax Comparison:

	February 2015	February 2016	February 2017	Increase	(Decrease)
	through	through	through	Over Prior Year	
Month	January 2016	January 2017	January 2018	Amount	Percentage
Feb	1,580,604	1,605,202	1,676,413	71,211	4.44%
March	1,292,781	1,316,044	1,370,990	54,946	4.18%
April	1,426,451	1,552,529	1,469,441	(83,088)	(5.35%)
May	1,466,536	1,493,399	1,573,986	80,587	5.40%
June	1,438,144	1,437,412	1,556,869	119,457	8.31%
July	1,442,218	1,475,520	1,537,860	62,340	4.22%
August	1,588,410	1,530,246	1,559,594	29,348	1.92%
Sept	1,494,203	1,490,836	1,493,327	2,491	0.17%
Oct	1,545,245	1,496,732	1,571,844	75,112	5.02%
Nov	1,426,192	1,468,286	1,412,195	(56,091)	(3.82%)
December	1,506,784	1,405,365	1,436,804	31,439	2.24%
January	1,546,951	1,558,709	1,573,267	14,558	0.93%
Total	17,754,517	17,830,280	18,232,589	402,309	2.26%
		Prior Year	Current Year	Increase	(Decrease)
Period		Actual	Actual	Over Prior Year	
Fiscal Year to Date		10,425,694	10,584,891	159,197	1.53%

Top sales tax codes: November Collections		December 2017	December 2016
Retail Trades	44-45	\$870,890	\$867,753
Accommodation and Food Service	72	\$272,210	\$268,127
Wholesale Trades	42	\$103,201	\$85,185
Utilities	22	\$68,827	\$63,417
Information	51	\$48,241	\$48,647
Manufacturing	31-33	\$2,048	\$23,098
Real Estate Rental & Leasing	53	\$16,778	\$14,095
Other Services	81	\$11,447	\$15,953
Unclassified	UNC	\$5,330	\$6,265
Arts & Entertainment	71	\$6,329	\$5,769
Professional	54	\$3,139	\$3,640
Other		\$3,755	\$3,415

TOP REVENUE THRU 12/30		2017-2018	2016-2017	2015-2016	% to 2016	% to 2015
General Fund:	001					
Sales Tax	4001	\$ 5,998,776	\$ 5,907,619	\$ 5,997,577	1.54%	0.02%
Use Tax	4002	\$ 814,156	\$ 693,073	\$ 587,974	17.47%	38.47%
Alcoholic Beverage Tax	4003	\$ 61,037	\$ 61,665	\$ 56,797	-1.02%	7.46%
Cigarette Tax	4006	\$ 114,291	\$ 108,984	\$ 109,140	4.87%	4.72%
Court Fines	4301	\$ 170,580	\$ 202,379	\$ 213,461	-15.71%	-20.09%
Court Cost	4302	\$ 41,337	\$ 54,424	\$ 59,141	-24.05%	-30.10%
		\$ 7,200,176	\$ 7,028,144	\$ 7,024,090	2.45%	2.51%
Franchise Taxes:	001					
Cable - Vyve	4016	\$ 31,675	\$ 29,952	\$ 32,354	5.75%	-2.10%
Electric-CVEC	4018	\$ 62,800	\$ 60,904	\$ 60,070	3.11%	4.54%
Electric-OG&E	4014	\$ 663,530	\$ 618,877	\$ 644,925	7.22%	2.88%
Gas-ONG	4013	\$ 116,312	\$ 105,944	\$ 98,193	9.79%	18.45%
Top Ten Revenue		\$ 8,074,492	\$ 7,843,822	\$ 7,859,632	2.94%	2.73%
Total Other Revenue		\$ 2,385,304	\$ 2,575,051	\$ 2,473,044		
Total Revenue		\$ 10,459,796	\$ 10,418,873	\$ 10,332,677	0.39%	1.23%

Regular Board of Commissioners

15.

Meeting Date: 01/16/2018

CM Report

Submitted By: Kacie Eck, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

City Manager Report

Attachments

CM Report

City Manager Report

December 2017



Highlights

Park Plan Adopted

The Shawnee City Commission approved a park plan that provides for improvements to six key parks: Woodland Veterans, Boy Scout, Kid's Space, Optimist, Dean Weigant and Celebration of Life. This plan was the culmination of six months of design work that included several opportunities for the public to weigh in on design elements. The City is now exploring ways to implement the plan over the next 5-10 years.

Cleanup Campaign a Huge Success

Many thanks to the Kickapoo Tribe of Oklahoma and the Absentee Shawnee Tribe for their financial support of the Household Hazardous Waste collection event that was held on November 18. Central Disposal was also instrumental in making the event a success. Over 12,000 pounds were collected and 108 individuals dropped over materials at this free event. Total cost for the event was approximately \$25,000, which was fully covered by the tribal grant funds and donations. With partners, the City is investigating ways to make this an annual event.

Citywide Street Assessment Begins

On December 18, the City Commission approved a staff proposal to hire Infrastructure Management Services (IMS) to prepare a citywide street assessment. The firm will evaluate pavement conditions along all 260 miles of City roadways that are hard surfaced. The resulting data will be used to prioritize repairs and development funding models that ensure proper maintenance of the City's roadway system. The work by IMS should be completed by mid-2018.

OTHER UPDATES BY DEPARTMENT

Finance/Treasurer Report

Sales Tax. December deposit of November sales tax collected was \$1,436,804 compared to December 2016 we are up \$31,439 or 2.24 percent. For the year, the City is up 1.63 percent which is slightly below what was budgeted for this fiscal year.

Shawnee Municipal Authority

Master Plan Implementation. In 2014, the SMA adopted a Comprehensive Water and Wastewater Master Plan which evaluated all water supply, water treatment, collection systems and wastewater treatment facilities. The Plan included a Capital Improvement Plan (CIP) with recommendations for prioritization and phasing of the recommended short term (0-5 years and 5-10 years) and long term (10-20 years) Capital Improvements

Meetings and Noteworthy Items

City Commission – January 16, February 5

(Note: All regular Commission meetings now start at 6:00 PM in 2018)

Planning Commission – February 7

Beautification – January 18

Other Important Dates:

3rd Friday Block Party – January 19

City Hall Closed- January 15

Other Events:

www.visitshawnee.com/Calendar

<http://www.shawneeexpo.org/calendar.html>

Board Openings:

Beautification Committee

Traffic Commission

Note: Applications can be obtained:

www.shawneeok.org/gov/Boards/

City Manager Report

December 2017



Plan (CIP) projects. The City Commission hired an engineering consultant, C.H. Guernsey, to lead the effort to design and construct the first phase of improvements. Guernsey and staff had an official kickoff meeting March 24 that started with a presentation by Guernsey and ended with Guernsey and SMA staff touring the Southside Sewer Plant, Water Treatment Plant and the Northside Sewer Plant. Guernsey conducted a detailed immersion of the plants on April 27 and 28. SMA staff and Guernsey presented the Capital Improvement Plans to DEQ on Tuesday, May 9, 2017. SMA met with Guernsey Engineering and Lemke Survey on June 16 to discuss surveying of the plants. Survey crews began surveying the week of August 21. Engineering is 35% complete. Staff toured the Midwest City plant on Friday, October 27, 2017. Staff toured 3 Wastewater Plants in Austin, TX in November to get a look at what the new proposed Southside Wastewater Plant could resemble.

Annual Pipe Bursting. Notice to Bidders will run in paper on September 25 and October 5th. Pre Bid meeting will be held on October 12, 2016. Bids were opened on October 17th, 2016. Project was awarded on November 7th, 2016 to IPR South Central. Contracts and Bonds have been signed by City Manager and Contractor. Pre-work meeting scheduled for February 7th, 2017. Notice to Proceed was signed on 2/8/17. Lot Maintenance has been performing television work for IPR throughout Shawnee. IPR began work on February 28, 2017. Commissioners approved the request on May 1st to extend pipe burst quantities. Contractors began work on June 20th on the extended quantities. Contractors have completed the extended quantities. SMA is currently creating a punch list to give to Contractors to complete. Contractors are completing post video for review. Contractors corrected the manhole issues that were on the Punch List. SMA is currently reviewing post inspection videos. Project is 100 percent complete. Currently, awaiting updated maintenance bond from contractors to send to Commission in order for it to go into effect.

Operations Department (Parks, Cemetery, Fleet Management)

Parks Master Plan Design Phase. On December 18, 2017, a final presentation of the Parks Master Plan design phase went to the Commission and was approved. Staff is currently seeking funding for the project.

Classes at the Community Center: (call #275-3986 for more information)

Martial Arts- Monday, Wednesday and Friday 6-8:30pm (\$)

Pound Course- Tuesday and Thursday starting January 16th from 5:30-6:30 pm. (\$)

Engineering and Streets

Rehab Concrete Streets Project. This project has completed panels in the Harbor Estates subdivision. This will complete the project using the budgeted money from last year. After the holidays, we will be choosing to extend the contract for one additional year to use the current budgeted funds.

Kickapoo Street from Farrall to Spur. Preliminary Right-of-Way and Utility Plans were submitted for review. A meeting is scheduled with POE and Associates to go over changes and revisions needed before meeting with ODOT. Anticipate being able to begin right-of-way acquisition mid-2018.

Avedis/City Sidewalk Project. The second phase of this project has begun starting on the east side of Broadway just north of Highland. They have completed approximately six blocks to date and will continue along the east side until they reach Federal Street.

City Manager Report

December 2017



Planning Department

Clean-up Efforts. The Action Center maintains a very active caseload, with numerous complaints received daily. For a complete list of Action Center cases or to submit a complaint anonymously online, see:

<http://www.shawneeok.org/actioncenter/default.asp>

Transportation Alternatives Program. The City was notified in August 2016 that its application to the Oklahoma Department of Transportation for a Transportation Alternatives Program grant was approved. The planned sidewalk will bridge a critical missing gap along MacArthur Street east of Harrison. The Avedis Foundation has agreed to provide matching funds equal to ten percent of the project cost. Staff is working with ODOT on scheduling of this project. The Shawnee Engineering Department is providing the engineering design of this project, saving the City considerable funds. The project is expected to ready to bid in Spring 2018.

Comprehensive Plan Update. The City is starting the process of updating its Comprehensive Plan – a long range planning document that encompasses all aspects of the community and helps to ensure positive long-term growth and development. The City is currently reviewing proposals from professional consultants that seek to assist the City with the process. It is expected that the new Comprehensive Plan will be adopted in March 2019. The process will involve extensive public outreach and work by various boards and committees. More information will be forthcoming.

Fire Department

Station 2 Rehab/Renovation. Work continues on this project. An on-site progress meeting is scheduled for Wednesday, January 12, 2018 to review progress and the overall project timeline.

Hydrant Flowing (ISO requirement). Work continues on this project.

Hydrant Painting (ISO requirement). Work continues on this project.

Blue Card Incident Command Certification. Nine (9) Fire Department Captains are now enrolled in the Blue Card program. They have been given until March 31, 2018 to complete the 50hr online portion of the class. Currently, the Fire Department is working towards development of a Blue Card Command Training Center at Fire Station 3.

Annual Awards. During the annual Christmas party, three firefighters received awards based on nomination by their peers (see photos below). Denis Taron is the recipient of the 2017 Firefighter of the Year Award, Chaplain/ Lieutenant Jim Ogle is the recipient of the 2017 Chief James D. Roberts Award for Progress, and Captain Mike VanAntwerp is the recipient of the 2017 Honorary Fire Chief Fritz Anderson Award for Dedication.

City Manager Report

December 2017



Police Department

Administration. New motorcycle funded by the Edward Byrnes Memorial Grant and the City of Shawnee has been received. Staff is working on purchasing helmets and equipment before spring 2018.

Patrol. New officers have started with the department. They will begin their CLEET or FTO training in January. Community Oriented Policing Program is starting with officers selected to concentrate on high crime areas, to build relationships with the citizens, and work together to lower the criminal activity.

Animal Control. We are gradually making some improvements to the appearance at the Animal Shelter. The outside has received some new paint and there is a covered area allowing citizens to interact with the animals they wish to adopt.

Dispatch. The hiring process will begin soon to fill one dispatcher position.

Emergency Management

Planning Projects. A variety of planning efforts are underway, including an update to the Emergency Operations Plan, EOC Standard Operations Guide, and the Elected Officials Briefing Book.

Regional Airport

Maintenance projects. Gutter installation for various hangars and t-hangars is complete. Installation of electric heaters in the maintenance hangar is underway. Drainage issues are being repaired, along with removal of waste water tanks, replacing floor drain pumps in various areas.

City Manager Report

December 2017



SFD Captain Denis Taron receiving the 2017 Shawnee Fire Department Firefighter of the Year Award. Captain Taron was nominated by one of his peers for this award for his “steady demonstration of the utmost respect and integrity for the Shawnee Fire Department and the citizens of Shawnee”. The nomination went on to describe how Captain Taron “selflessly places others needs and wants before his own, always going above and beyond to serve the citizens of Shawnee and surrounding communities.” Chief Tischer absolutely agreed with the sentiment shared in the nomination form for Captain Taron and he was honored to present him with the award.

SFD Captain Mike VanAntwerp receiving the 2017 Honorary Fire Chief Fritz Anderson Award for Dedication. This award is for Honorary Fire Chief Fritz Anderson who was a friend and historian for the Shawnee Fire Department for over 80 years. It is intended to recognize a department member who has displayed dedication to the Shawnee Fire Department in an exemplary and consistent manner over a period of several years. Captain Mike VanAntwerp was selected to receive this award for his selfless dedication to the department. During the course of his 25-year career, so far, he has tirelessly worked to ensure that department apparatus and equipment are properly maintained, spending countless hours educating himself and others on proper operation and maintenance. All this was done in addition to his regular duties as a member of the department. His work has made our firefighters safer and more effective while saving city funds from being wasted on unnecessary repairs. He is incredibly thorough and his attention to detail is legendary. He leads by example and finishes any tasks he starts, no matter how big or small, the right way and he never looks for recognition for doing so.



City Manager Report

December 2017



SFD Chaplain/Lieutenant Jim Ogle receiving the 2017 Chief James D. Roberts Award for Progress from Kathy Roberts. This award is named for retired Chief James D. Roberts who served as the 15th Fire Chief of the Shawnee Fire Department. During the 7 years he served as Fire Chief, the Shawnee Fire Department enjoyed some of the largest steps forward in its history in all aspects including firefighter health and safety, training, equipment, apparatus, morale and customer service. This award is intended to recognize a department member has contributed in a substantial and meaningful way to the positive progress of the Shawnee Fire Department throughout their career. Chaplain/Lieutenant Jim Ogle was chosen to receive this award for his tireless work with the

Shawnee Fire Clown program and his service as our Fire Department Chaplain. He has been a member of the Fire Clown program for 22 years and served for many years as the coordinator of the program. He recognized the need for a Fire Department Chaplain and worked to become an ordained minister so he could meet that need for us. He has served in that position since 2009 counseling and taking care of the members of the SFD so they can take care of the citizens of Shawnee.



Top: Cars wait to drop off hazardous waste at a City event held November 18.

Right: Just some of the 12,000+ pounds of waste collected.

