

MIDWEST CITY, OK



MIDWEST CITY  
MEETING AGENDAS FOR  
April 25, 2017

**STAFF BRIEFING**

City Hall - Midwest City Council Conference Room, second floor  
100 N. Midwest Boulevard (Enter through chamber or the black door on SW side)

April 25, 2017 – 6:00 PM

Special Assistance requests – [tcoplen@midwestcityok.org](mailto:tcoplen@midwestcityok.org) or 739-1002. (Please provide no less than 24 hours' notice) Special assistance request during a meeting call 739-1388.

**DISCUSSION.**

Clarification of agenda items, handouts, and presentation of new or additional information for items on the agendas for the City Council, Municipal Authority, and Memorial Hospital Authority for April 25, 2017.



CITY COUNCIL AGENDA

MIDWEST CITY, OK



EST 1942



**CITY OF MIDWEST CITY COUNCIL AGENDA**

City Hall - Midwest City Council Chambers, 100 N. Midwest Boulevard

April 25, 2017 – 7:00 PM

- A. CALL TO ORDER.
- B. OPENING BUSINESS.
- Invocation - Public Works Director, Vaughn Sullivan
  - Pledge of Allegiance - JROTC Cadet 1st Lt Garrett Davis, and Captain Aubrey Ferguson
  - Community-related Announcements
  - Mayoral Proclamation honoring the life-saving actions of MWC Firefighter Kelly McGlasson
- C. CONSENT AGENDA. These items are placed on the Consent Agenda so that members of the City Council, by unanimous consent, can approve routine agenda items by one motion. If any item proposed does not meet with approval of all Council members, or members of the audience wish to discuss an item, that item will be removed and heard in regular order.
1. Discussion and consideration of approving the minutes of the April 11, 2017 staff briefing and regular meeting, as submitted. (City Clerk - S. Hancock)
  2. Discussion and consideration of accepting the City Manager's Report for the month of March, 2017. (Finance - C. Barron)
  3. Discussion and consideration of supplemental budget adjustments to the following funds for FY 2016-2017, increase: Reimbursed Projects Fund, revenue/Miscellaneous (06) \$10,000; expenses/Park & Rec (06) \$10,000. Capital Improvements Fund, expenses/Transfers Out (00) \$740,000; CDBG Fund, expenses/Transfers Out (39) \$9,130; Grants/Housing Activities Fund, revenues/Transfers In (37) \$3,641. General Fund, revenue/Transfers In (00) \$5,489. Police Fund, revenue/Miscellaneous (00) \$1,025; expenses/Police (62) \$1,025. (Finance - C. Barron)
  4. Discussion and consideration of accepting the monthly report on the City of Midwest City Employees' Health Benefits Plan by the City Manager and action as deemed necessary by the Council to maintain the plan. (Human Resources - C. Wilson)
  5. Discussion and consideration of renewing the Consulting Agreement with Gallagher Benefit Services Inc. in the amount of \$55,560 to include the coordination and management of benefit services, serving as the liaison with PlanSource to provide an electronic platform for streamlining benefit enrollments and information, and for the coordination and management of the Section 125 Flexible Spending Plan (Cafeteria Plan) with Discovery Benefits for the 2017-18 fiscal year. (Human Resources - C. Wilson)
  6. Discussion and consideration of renewing, for the Fiscal Year 2017/2018, the Blue Cross and Blue Shield COBRA contract in the amount of \$75.00 per month administration fees, \$10.00 per month for each participant and a \$10.00 notification fee per participant. (Human Resources - C. Wilson)

7. Discussion and consideration of revising the current Administrative Services Agreement with Health Care Services Corporation to provide administrative services for the Employee Health Benefits Plan for the fiscal year 2016/2017 to clarify the eligibility language of the Health Plan. (Human Resources - C. Wilson)
8. Discussion and consideration of authorizing and entering into a Supplemental and Modification Agreement to the Original Engineering Contract for Federal-aid Railroad Project Number RRCS-255N(410)CS, State Job Number 32589(23), with the Oklahoma Department of Transportation in the total supplemental amount of \$3780.46 to reconstruct and signalize the railroad crossing located on Douglas Boulevard, between N.E. 10th Street and N.E. 23rd Street. (Community Development - P. Menefee)
9. Discussion and consideration of approval of a resolution for the following project's consideration of selection for the Transportation Alternatives Program: Palmer Loop East running between S.E. 15th Street and S.E. 29th Street. (Community Development - P. Menefee)
10. Discussion and consideration of approval of a resolution for the following project's consideration of selection for the Transportation Alternatives Program: Replacement of three obsolete bridges with historical truss bridges, one located in Tom Poore Park and two located in Joe B. Barnes Regional Park. (Community Development - P. Menefee)
11. Discussion and consideration of approval of a resolution for the following project's consideration of selection for the Transportation Alternatives Program: Rail with Trail segment between Maple Drive and Air Depot Boulevard. (Community Development - P. Menefee)
12. Discussion and consideration of approval of a resolution for the following project's consideration of selection for the Transportation Alternatives Program: Rail with Trail segment between Air Depot Boulevard and Quinlan Park. (Community Development - P. Menefee)
13. Discussion and consideration of approval of a resolution for the following project's consideration of selection for the Transportation Alternatives Program: Rail with Trail segment between Quinlan Park and Sooner Road. (Community Development - P. Menefee)
14. Discussion and consideration of authorizing and entering into a Supplemental and Modification Agreement to the Original Engineering Contract for Federal-aid Railroad Project Number RRCS-255B(411)CS, State Job Number 32589(24), with the Oklahoma Department of Transportation in the total reduced supplemental amount of - \$3,779.54 to reconstruct and signalize the railroad crossing located on Midwest Boulevard, between N.E. 10th Street and N.E. 23rd Street. (Community Development - P. Menefee)
15. Discussion and consideration of the acceptance of and making a matter of record Permit No. WL000055170084 from the State Department of Environmental Quality for the Forest Glen North Addition, Section 3, Water Line Extension, Midwest City, Oklahoma. (Community Development - P. Menefee)

16. Discussion and consideration of awarding the bid to and entering into a contract with Holland Backhoe, Inc. in the amount of \$84,370.00 for the S.E. 10th Street and Meade Drive Waterline Project. (Community Development - P. Menefee)
17. Discussion and consideration of renewing a contract for FY 17-18 weekly Welcome Center cleaning services with Crush Enterprises Inc., dba Jan-Pro of OKC, in the amount of \$295.00 per month. (Public Works - V. Sullivan)
18. Discussion and consideration of 1) declaring ten (10) wheeled conference chairs and seven (7) office desk chairs as surplus property; and 2) authorizing the disposal of this property by public auction or sealed bid. (Police - B. Clabes)

D. DISCUSSION ITEMS.

1. (MP-12) Public hearing with discussion and consideration of approval of the Uptown Addition Minor Plat located in the SE/4 of Section 3, T-11-N, R-2-W of the Indian Meridian, Oklahoma County, Oklahoma. (Community Development - B. Harless)
2. (PC-1895) Public hearing with discussion and consideration of a request to amend the existing SPUD, Simplified Planned Unit Development, for the property described as part of Lots 1, 2, and 3 of Block 3, East Highland Acres located at 601 S Air Depot Blvd. (Community Development - B. Harless)
3. (PC-1896) Public hearing with discussion and consideration of approval of an ordinance to redistrict from R-6, Single Family Detached Residential and A-1, Agriculture, to Planned Unit Development (PUD) governed by the R-6, Single Family district for the property described as a tract of land lying in the E/2 of Section 8, T-11-N, R-1-W, of the Indian Meridian, City of Midwest City, Oklahoma County, Oklahoma. (Community Development - B. Harless)
4. (PC-1897) Public hearing with discussion and consideration of approval of the Preliminary Plat of Anderson Crossing for the property described as a tract of land lying in the E/2 of Section 8, T-11-N, R-1-W, of the Indian Meridian, City of Midwest City, Oklahoma County, Oklahoma. (Community Development - B. Harless)
5. (PC-1899) Public hearing with discussion and consideration of approval of an ordinance to amend the Planned Unit Development governed by the C-3, Community Commercial district for the property described as a tract of land lying in the SW/4 of Section 4, T-11-N, R-2-W, of the Indian Meridian, City of Midwest City, Oklahoma County, Oklahoma. (Community Development - B. Harless)
6. (PC-1900) Public hearing with discussion and consideration of approval a resolution to amend a portion of the Comprehensive Plan from MDR, Medium Density Residential to OR, Office/Retail and an ordinance to redistrict from R-6, Single Family Detached Residential and C-3, Community Commercial to Planned Unit Development (PUD) governed by the C-3, Community Commercial district for the property described as a tract of land lying in the SW/4 of Section 4, T-11-N, R-2-W, of the Indian Meridian, City of Midwest City, Oklahoma County, Oklahoma. (Community Development - B. Harless)

7. (PC–1901) Public hearing with discussion and consideration of approval of the Sooner Rose Addition Phase II Preliminary Plat for the property described as a tract of land lying in the SW/4 of Section 4, T-11-N, R-2-W, of the Indian Meridian, City of Midwest City, Oklahoma County, Oklahoma. (Community Development - B. Harless)
8. (PC–1902) Public hearing with discussion and consideration of approval of a resolution to amend a portion of the Comprehensive Plan from MDR, Medium Density Residential to OR, Office/Retail and an ordinance to redistrict from R-6, Single Family Detached Residential and C-3, Community Commercial to Planned Unit Development (PUD) governed by the C-3, Community Commercial district for the property described as a tract of land lying in the SW/4 of section 4, T-11-N, R-2-W, of the Indian Meridian, City of Midwest City, Oklahoma County, Oklahoma. (Community Development - B. Harless)
9. (PC–1903) Public hearing with discussion and consideration of approval the Sooner Rose Warren Addition Preliminary Plat for the property described as a tract of land lying in the SW/4 of Section 4, T-11-N, R-2-W, of the Indian Meridian, City of Midwest City, Oklahoma County, Oklahoma. (Community Development - B. Harless)

E. NEW BUSINESS/PUBLIC DISCUSSION.

F. FURTHER INFORMATION.

1. Minutes of the April 4, 2017 Planning Commission meeting. (Community Development - B. Harless)
2. Discussion and consideration of approving and passing an ordinance amending Chapter 30, Parks and Recreation, of the Midwest City Code, Article IV, In General, by amending Section 30-46(a) and (b), Golf course rates; establishing an effective date; and providing for repealer and severability. (Public Works - V. Sullivan)
3. Discussion and consideration of approving and passing an ordinance amending Chapter 30, Parks and Recreation, of the Midwest City Code, Article I, In General, by amending Section 30-1(c), Park hours, posting signs, trespass, disorderly conduct; penalty; establishing an effective date; and providing for repealer and severability (This item to be under Further Information on the April 25, 2017 agenda). (Public Works - V. Sullivan)
4. Discussion and consideration of approving and passing an ordinance amending Chapter 25, Municipal Court, of the Midwest City Code, Article I, General Provisions, of the Midwest City Code, by Adding a New Section 25-45, Expungement Fee, Providing for an Effective Date, Providing for Severability, and Providing for Repealer. (Court - Mary Ann Karns)

G. ADJOURNMENT.



CONSENT AGENDA



Notice of regular staff briefings for the Midwest City Council was filed for the calendar year with the City Clerk of Midwest City and copies of the agenda for this meeting were posted at City Hall and on the City's website, accessible to the public for at least 24 hours in advance of this meeting.

**MINUTES OF THE REGULAR STAFF BRIEFING FOR MIDWEST CITY COUNCIL**

April 11, 2017 – 6:00 p.m.

This regular meeting was held in the Midwest City Council Conference Room on the second floor of City Hall, 100 N. Midwest Boulevard, Midwest City, County of Oklahoma, State of Oklahoma. The following members were present: Mayor Matt Dukes; Councilmembers Susan Eads, Pat Byrne, Rick Dawkins, Sean Reed, Christine Allen, and Jeff Moore; and City Clerk Sara Hancock. Absent: none.

Mayor Dukes called the meeting to order at 6:06 p.m.

**DISCUSSION.** Clarification of agenda items, handouts, and presentation of new or additional information for items on the City Council agenda for April 11, 2017. City Manager Guy Henson, Public Works Director Vaughn Sullivan, and Public Works Assistant Director Paul Streets made community related announcements. Staff briefed the councilmembers on various items on the agenda, and the councilmembers sought clarification and discussed individual agenda items with staff.

Mayor Dukes closed the meeting at 6:43 p.m.

ATTEST:

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MATTHEW D. DUKES, II, Mayor

\_\_\_\_\_  
SARA HANCOCK, City Clerk



Notice of regular Midwest City Council meetings was filed for the calendar year with the City Clerk of Midwest City and copies of the agenda for this meeting were posted at City Hall and on the City's website, accessible to the public for at least 24 hours in advance of the meeting.

## MINUTES OF THE REGULAR MIDWEST CITY COUNCIL MEETING

April 11, 2017 – 7:00 p.m.

This regular meeting was held in the Midwest City Council Chambers at City Hall, 100 N. Midwest Boulevard, Midwest City, County of Oklahoma, State of Oklahoma. The following members were present: Mayor Matt Dukes; Councilmembers Susan Eads, Pat Byrne, Rick Dawkins, Sean Reed, Christine Allen, and Jeff Moore; and City Clerk Sara Hancock. Absent: none.

Mayor Dukes called the meeting to order at 7:03 p.m.

**Opening Business.** The meeting opened with the invocation by Public Works Director Vaughn Sullivan, followed by the Pledge of Allegiance led by Councilmember Reed. The Mayor, City Manager Guy Henson, Councilmember Eads, and Public Works Director Vaughn Sullivan made community-related comments and announcements. Mayoral Proclamations included: GIS Day, Jarman Middle School Academic Team Day, 9-1-1 Telecommunicators Week, and Arbor Week.

**Consent Agenda.** Motion was made by Dawkins, seconded by Allen, to approve the items on the Consent Agenda except item 4, as submitted.

1. Discussion and consideration of approving the minutes of the March 28, 2017 staff briefing and regular meeting, as submitted.
2. Discussion and consideration of supplemental budget adjustments to the following funds for FY 2016-2017, increase: Reimbursed Projects Fund, revenue/Intergovernmental (06) \$20,000; expenses/Park & Rec (06) \$20,000. Fire Capitalization Fund, revenue/Transfers In (00) \$2,190; expenses/Fire (62) \$2,190. Police Capitalization Fund, revenue/Miscellaneous (00) \$2,906; expenses/Police (62) \$2,906. Police Fund, revenue/Miscellaneous (00) \$1,094; expenses/Police (62) \$1,094. Fire Fund, revenue/Miscellaneous (00) \$1,220; expenses/Fire (62) \$1,220.
3. Discussion and consideration of 1) accepting maintenance bonds from TJ Campbell Construction Company Inc. in the amount of \$280,323.00; and 2) accepting maintenance bonds from D & D Utilities, LLC in the amount of \$4,780.00 and \$8,220.00, respectively.
4. **Discussion and consideration of accepting a \$24,000 Trails Wayfinding Signage Grant from the Oklahoma City Community Foundation and its Parks and Public Space Initiative.** Mr. Brian Dougherty with the Oklahoma City Community Foundation and Parks and Public Spaces spoke to the Council. Reed made a motion to approve the item, as submitted, seconded by Eads. Voting aye: Eads, Byrne, Dawkins, Reed, Allen, Moore and Mayor Dukes. Nay: none. Absent: none. Motion carried.
5. Discussion and consideration of renewing the contract for On-Site Turnkey Vehicle and Equipment Part Operation for FY 2017-2018 with O'Reilly Auto Parts.

6. Discussion and consideration of reappointing Mr. Wade Moore to the Economic Development Advisory Committee for a full three year term.
7. Discussion and consideration of declaring various obsolete equipment of city property on the attached list as surplus and authorizing their disposal by public auction, sealed bid or destruction, if necessary.
8. Discussion and consideration of 1) declaring various computer equipment obsolete items of city property on the attached list surplus; and 2) authorizing their disposal by public auction or sealed bid.

Voting aye: Eads, Byrne, Dawkins, Reed, Allen, Moore and Mayor Dukes. Nay: none. Absent: none.  
Motion carried.

### **Discussion Items.**

1. **Discussion and consideration of amending Chapter 28, Article IV, Section 28-57(B), Definition of Petit Larceny, by increasing the amount from \$500.00 to \$1,000.00; and providing for repealer and severability. (This item was listed under further information at the March 28, 2017 Council meeting.)** Dawkins made a motion to approve Ordinance 3293, as submitted, seconded by Allen. Voting aye: Eads, Byrne, Dawkins, Reed, Allen, Moore and Mayor Dukes. Nay: none. Absent: none. Motion carried.
2. **Discussion and consideration of passing and approving an ordinance amending Chapter 37, Streets and Sidewalks, of the Midwest City Code, by amending Article II, Public Courtesy Benches, Section 37-16 Compliance and Section 37-17 Defined; and providing for repealer and severability. (This item was presented under Further Information on the March 28, 2017 meeting.)** Dawkins made a motion to approve Ordinance 3294, as submitted, seconded by Eads. Voting aye: Eads, Byrne, Dawkins, Reed, Allen, Moore and Mayor Dukes. Nay: none. Absent: none. Motion carried.
3. **Discussion and consideration of 1) approving and entering into an Economic Development Agreement with Sooner Investment Group, Inc. and the City of Midwest City in the approximate amount of \$3,800,000 and other good and valuable consideration, to establish the terms and conditions under which the parties will participate in the purchase and in redevelopment of approximately 14.5 acres located on the north side of SE 15th Street between South Sooner Road and Buena Vista Avenue; and 2) and authorizing the chairman and/or the general manager/ administrator to enter into such other agreements and execute such other documents as may be necessary or appropriate to effect the provisions of the Agreement.** No action was taken on this item.
4. **Discussion and consideration of 1) approving and entering into an Economic Development Agreement with Midwest City Warren Theatre, Inc. and the City of Midwest City in the approximate amount of \$11,100,000 and other good and valuable consideration, to establish the terms and conditions under which the parties will participate in the development of approximately 16.6233 acres located on the northwest corner of Buena Vista Avenue and SE 15th Street; and 2) and authorizing the Mayor and/or the City Manager to enter into such other agreements and execute such other documents as may be necessary or appropriate to effect the provisions of the Agreement.** No action was taken on this item.

5. **Discussion and consideration of appointing a replacement for Mr. Glenn Goldschlager for a three-year term to the Midwest City Tree Board. (This item was continued from the March 28, 2017 meeting.)** Reeds made a motion to appoint Linda “Suzi” Byrne, 1202 Three Oaks Circle, for a three-year term, seconded by Eads. Voting aye: Eads, Dawkins, Reed, Allen, Moore, and Mayor Dukes. Nay: none. Absent: none. Abstain: Byrne. Motion carried.

**New Business/Public Discussion.** There was no new business or public discussion.

**Executive Session.**

1. **Discussion and consideration of (1) entering into executive session, as allowed under 25 O.S., § 307(B)(4), to discuss Laura Henry Workers Compensation Case No. MWC14-681, and (2) in open session, authorizing the city manager to take action as appropriate based on the discussion in executive session.** Dawkins made a motion to go into executive session, seconded by Eads. Voting aye: Eads, Byrne, Dawkins, Reed, Allen, Moore, and Mayor Dukes. Nay: none. Absent: none. Motion carried. The Council went into executive session at 7:33 p.m.

Mayor Dukes reconvened in open session at 7:43 p.m. Dawkins made a motion to authorize the City Manager to take action as discussed in executive session, seconded by Reed. Voting aye: Eads, Byrne, Dawkins, Reed, Allen, Moore, and Mayor Dukes. Nay: none. Absent: none. Motion carried.

**Adjournment.** There being no further business, Mayor Dukes adjourned the meeting at 7:43 p.m.

ATTEST:

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MATTHEW D. DUKES, II, Mayor

\_\_\_\_\_  
SARA HANCOCK, City Clerk



**THE CITY OF  
MIDWEST CITY**  
Finance Department

**MEMORANDUM**

**TO:** Honorable Mayor and Council  
**FROM:** Christy Barron, Finance Director  
**DATE:** April 25, 2017  
**SUBJECT:** Discussion and consideration of accepting the City Manager's Report for the month of March, 2017.

The funds in March that experienced a significant change in fund balance from the February report are as follows:

March had 3 pay periods causing a decline in the following funds:

General (10)	<\$311,100>
Police (20)	<\$435,030>
Fire (40)	<\$374,173>

**Sanitation (190)** decreased due to the payment for the following vehicle:

Automated side loader	<\$325,731>
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**Utility Authority (193)** decreased because of the payment for the following project:

Soldier Creek Industry Park	<\$104,680>
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**L&H Benefits (240)** increased by \$282,667 because March had 3 premium contributions.

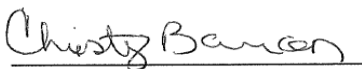
**Capital Improvement Revenue Bond (250)** decreased due to the payments for:

2011 semi-annual debt service interest (Hotel/Conf Center)	<\$420,350>
2011A semi-annual debt service interest (Sewer)	<\$731,981>

**MWC Hospital Authority (425)** activities for March:

Compounded Principal (9010) - realized gain on investment	\$578,646
Discretionary (9050) - realized gain on investment	\$68,279
(9050) - payment for Sooner Rose Phase 2	<\$147,225>
(9050) - payment for SE 15th/Sooner development	<\$24,220>
(9050) - hospital grant transfer	<\$54,290>

This item is at Council's discretion.



Christy Barron  
Finance Director

City of Midwest City  
Financial Summary by Fund  
for Period Ending March, 2017  
(Unaudited)

Fund Number	Fund Description	Assets	Liabilities	6-30-16 Fund Balance	Revenues	Expenditures	Gain or (Loss)	Fund Balance
9	GENERAL GOVERNMENT SALES TAX	1,817,613	-	1,930,025	363,441	(475,853)	(112,413)	1,817,613
10	GENERAL	4,502,435	(152,112)	4,671,897	27,303,794	(27,625,368)	(321,574)	4,350,323
11	CAPITAL OUTLAY RESERVE	906,004	-	893,700	12,304	-	12,304	906,004
13	STREET AND ALLEY FUND	512,327	-	1,775,423	475,792	(1,738,889)	(1,263,097)	512,327
14	TECHNOLOGY FUND	400,528	-	478,156	288,668	(366,296)	(77,628)	400,528
15	STREET LIGHT FEE	378,997	-	-	378,997	-	378,997	378,997
16	REIMBURSED PROJECTS	736,944	(184,121)	624,306	183,834	(255,317)	(71,483)	552,823
17	29TH & DOUGLAS PROPERTY	5,500,000	(181,059)	5,318,941	93,262	(93,262)	-	5,318,941
20	MWC POLICE DEPARTMENT	916,435	-	1,544,048	9,164,876	(9,792,489)	(627,613)	916,435
21	POLICE CAPITALIZATION	987,064	-	949,578	310,276	(272,791)	37,485	987,064
25	JUVENILE FUND	20,695	-	73,081	76,225	(128,611)	(52,386)	20,695
30	POLICE STATE SEIZURES	65,636	-	42,161	24,019	(544)	23,475	65,636
31	SPECIAL POLICE PROJECTS	73,770	-	48,259	32,760	(7,250)	25,511	73,770
33	POLICE FEDERAL PROJECTS	71,491	-	86,596	681	(15,787)	(15,106)	71,491
34	POLICE LAB FEE FUND	18,198	-	16,457	8,516	(6,774)	1,741	18,198
35	EMPLOYEE ACTIVITY FUND	18,831	(2)	17,714	9,510	(8,396)	1,114	18,828
36	JAIL	139,844	-	148,697	72,145	(80,999)	(8,854)	139,844
37	POLICE IMPOUND FEE	183,952	-	163,034	53,495	(32,576)	20,919	183,952
40	MWC FIRE DEPARTMENT	875,846	(4)	1,181,744	7,427,921	(7,733,823)	(305,902)	875,842
41	FIRE CAPITALIZATION	565,765	-	528,049	300,327	(262,610)	37,716	565,765
45	MWC WELCOME CENTER	337,630	(111)	348,868	145,784	(157,133)	(11,349)	337,519
46	CONV / VISITORS BUREAU	190,641	-	192,433	243,278	(245,070)	(1,792)	190,641
50	DRAINAGE TAX FUND	61,028	-	180,165	2,722	(121,859)	(119,137)	61,028
60	CAPITAL DRAINAGE IMP	470,727	-	417,629	346,018	(292,921)	53,097	470,727
61	STORM WATER QUALITY	919,406	-	918,411	570,304	(569,309)	995	919,406
65	STREET TAX FUND	1,140,304	-	1,231,886	331,035	(422,617)	(91,582)	1,140,304
70	EMERGENCY OPER FUND	619,754	-	658,058	297,999	(336,303)	(38,304)	619,754
75	PUBLIC WORKS ADMIN	235,136	-	283,928	732,849	(781,641)	(48,793)	235,136
80	INTERSERVICE FUND	132,352	-	183,485	1,612,411	(1,663,544)	(51,133)	132,352
81	SURPLUS PROPERTY	351,671	(275,409)	68,994	37,481	(30,214)	7,268	76,262
115	ACTIVITY FUND	303,421	-	269,707	137,330	(103,616)	33,714	303,421
123	PARK & RECREATION	629,408	-	552,750	393,350	(316,693)	76,657	629,408
141	COMM. DEV. BLOCK GRANT	15,156	-	15,156	354,539	(354,539)	-	15,156
142	GRANTS/HOUSING ACTIVITIES	160,357	2,711	188,674	66,197	(91,803)	(25,606)	163,068
143	GRANT FUNDS	201,264	(141,264)	60,000	454,970	(454,970)	-	60,000

City of Midwest City  
Financial Summary by Fund  
for Period Ending March, 2017  
(Unaudited)

Fund Number	Fund Description	Assets	Liabilities	6-30-16 Fund Balance	Revenues	Expenditures	Gain or (Loss)	Fund Balance
157	CAPITAL IMPROVEMENTS	2,931,057	(1,483)	2,961,479	335,111	(367,017)	(31,906)	2,929,573
172	CAP. WATER IMP-WALKER	445,454	(20,000)	467,204	356,879	(398,628)	(41,749)	425,455
178	CONST LOAN PAYMENT REV	2,010,400	-	1,944,719	570,618	(504,937)	65,681	2,010,400
184	SEWER BACKUP FUND	79,415	-	81,039	1,101	(2,725)	(1,624)	79,415
186	SEWER CONSTRUCTION	3,264,462	(175,000)	3,101,034	1,108,519	(1,120,091)	(11,572)	3,089,462
187	UTILITY SERVICES	505,270	(924)	440,330	907,500	(843,483)	64,016	504,346
188	CAP. SEWER IMP.-STROTH	238,823	-	42,973	299,647	(103,796)	195,850	238,823
189	UTILITIES CAPITAL OUTLAY	1,308,509	(130,510)	1,575,337	355,370	(752,709)	(397,339)	1,177,999
190	MWC SANITATION DEPARTMENT	2,344,654	-	2,070,994	4,420,178	(4,146,517)	273,660	2,344,654
191	MWC WATER DEPARTMENT	1,005,854	-	559,333	4,783,847	(4,337,326)	446,521	1,005,854
192	MWC SEWER DEPARTMENT	1,276,861	(29)	1,130,962	4,023,849	(3,877,979)	145,870	1,276,832
193	MWC UTILITIES AUTHORITY	908,369	(5,234)	950,944	73,617	(121,426)	(47,809)	903,135
194	DOWNTOWN REDEVELOPMENT	4,116,203	(6,953)	3,749,062	1,084,780	(724,591)	360,189	4,109,251
195	HOTEL/CONFERENCE CENTER	692,660	(1,422,598)	(722,478)	3,896,536	(3,903,996)	(7,460)	(729,938)
196	HOTEL 4% FF&E	996,297	-	1,070,438	166,733	(240,874)	(74,141)	996,297
197	JOHN CONRAD REGIONAL GOLF	35,584	(4,736)	159,995	721,804	(850,952)	(129,147)	30,848
201	URBAN RENEWAL AUTHORITY	62,959	-	62,623	861	(525)	336	62,959
202	RISK MANAGEMENT	3,299,824	(37)	3,253,684	1,587,799	(1,541,696)	46,103	3,299,787
220	ANIMALS BEST FRIEND	91,286	-	74,490	18,876	(2,081)	16,796	91,286
225	HOTEL MOTEL FUND	-	-	-	415,950	(415,950)	-	-
230	CUSTOMER DEPOSITS	1,405,876	(1,405,876)	-	19,127	(19,127)	-	-
235	MUNICIPAL COURT	102,109	(102,109)	-	1,315	(1,315)	-	-
240	L & H BENEFITS	1,930,252	(136,644)	1,661,156	5,231,567	(5,099,114)	132,453	1,793,608
250	CAPITAL IMP REV BOND	2,245,986	(57,248,123)	(57,570,731)	10,953,381	(8,384,787)	2,568,594	(55,002,137)
269	2002 G.O. STREET BOND	648,445	-	3,064,713	15,870	(2,432,138)	(2,416,267)	648,445
310	DISASTER RELIEF	1,403,897	(185,499)	1,283,551	215,120	(280,273)	(65,153)	1,218,398
340	REVENUE BOND SINKING FUND	-	-	-	4,069,288	(4,069,288)	-	-
350	G. O. DEBT SERVICES	504,783	-	1,363,245	320,350	(1,178,812)	(858,462)	504,783
351	TAX INCREMENT FINANCING	1,502	-	(62,340)	64,946	(1,104)	63,842	1,502
425-9010	MWC HOSP AUTH-COMP PRINCIPAL	81,509,445	(9,801,804)	64,496,585	9,018,944	(1,807,890)	7,211,054	71,707,639
425-9020	MWC HOSP AUTH-LOAN RESERVE	2,898,821	(398,821)	2,500,000	42,139	(42,139)	-	2,500,000
425-9050	MWC HOSP AUTH-DISCRETIONARY	10,375,140	(11,749)	11,121,023	2,582,209	(3,339,839)	(757,631)	10,363,393
425-9060	MWC HOSP IN LIEU OF/ROR/MISC	1,465,013	(154,711)	3,700,541	2,686,779	(5,077,016)	(2,390,237)	1,310,304
	TOTAL	154,565,838	(72,144,209)	80,593,919	112,657,718	(110,830,006)	1,827,712	82,421,631



# The City of MIDWEST CITY

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100 N. MIDWEST BLVD \* MIDWEST CITY, OKLAHOMA 73110  
(405) 739-1245 \* FAX (405) 739-1247 \* TDD (405) 739-1359

## Memorandum

**TO:** Honorable Mayor and Council

**FROM:** Christy Barron, Finance Director

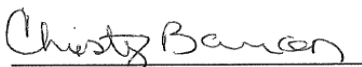
**DATE:** April 25, 2017

**Subject:** Discussion and consideration of supplemental budget adjustments to the following funds for FY 2016-2017, increase: Reimbursed Projects Fund, revenue/Miscellaneous (06) \$10,000; expenses/Park & Rec (06) \$10,000. Capital Improvements Fund, expenses/Transfers Out (00) \$740,000; CDBG Fund, expenses/Transfers Out (39) \$9,130; Grants/Housing Activities Fund, revenues/Transfers In (37) \$3,641. General Fund, revenue/Transfers In (00) \$5,489. Police Fund, revenue/Miscellaneous (00) \$1,025; expenses/Police (62) \$1,025.

The first supplement is needed to budget revenue and expense for the City to administer the Light the Park FY16-17 Hospital Authority Grant on behalf of MWC Kiwanis Club.

The second supplement is needed to budget a transfer out to the Hotel/Conference Center Fund to eliminate a Due From for owner's return on investment recorded in Fund 157 – Capital Improvements. There was an expectation that the Hotel/Conference Center Fund return \$30,000 per month back to Fund 157-Capital Improvements Fund as owner's return on investment. This was designed to offset the principle and interest payments paid with tax revenue that could have been allocated to Fund 157 had that revenue not been pledged to pay Hotel/Conference Center debt. The Hotel/Conference Center has not been able to make the \$30,000 monthly payment since August, 2015 and made sporadic payments before that because its fund balance has been too low. A Due From was recorded in the Fund 157-Capital Improvements Fund for the Hotel/Conference Center Fund's missed payments. It has been determined that the Hotel/Conference Center will not be able to pay the \$740,000 balance which has accumulated.

The third through fifth supplements are needed to budget transfer of excess accumulated fund balance in CDBG Fund to Grants/Housing Activities Fund and General Fund. The sixth supplement is needed to budget police bicycle program donation to be used to purchase bicycle uniforms.



Christy Barron  
Finance Director

## SUPPLEMENTS

**April 25, 2017**

Fund REIMBURSED PROJECTS (016)		BUDGET AMENDMENT FORM Fiscal Year 2016-2017			
		Estimated Revenue		Budget Appropriations	
<u>Dept Number</u>	<u>Department Name</u>	<u>Increase</u>	<u>Decrease</u>	<u>Increase</u>	<u>Decrease</u>
06	Miscellaneous	10,000			
06	Park & Rec			10,000	
		10,000	0	10,000	0

**Explanation:**  
Budget revenue and expense to administer Light the Park 2016-2017 Hospital Authority Grant on behalf of MWC Kiwanis Club.

Fund CAPITAL IMPROVEMENTS (157)		BUDGET AMENDMENT FORM Fiscal Year 2016-2017			
		Estimated Revenue		Budget Appropriations	
<u>Dept Number</u>	<u>Department Name</u>	<u>Increase</u>	<u>Decrease</u>	<u>Increase</u>	<u>Decrease</u>
00	Transfers Out			740,000	
		0	0	740,000	0

**Explanation:**  
Budget transfer out to Hotel Fund to eliminate Due From hotel for owner's return on investment. Funding to come from fund balance.

Fund CDBG (141)		BUDGET AMENDMENT FORM Fiscal Year 2016-2017			
		Estimated Revenue		Budget Appropriations	
<u>Dept Number</u>	<u>Department Name</u>	<u>Increase</u>	<u>Decrease</u>	<u>Increase</u>	<u>Decrease</u>
39	Transfers Out			9,130	
		0	0	9,130	0

**Explanation:**  
Budget transfer of excess accumulated fund balance in CDBG Fund to Grants/Housing Activities Fund to be used for Transitional Housing program (\$3,641) and General Fund (\$5,489). Funding to come from fund balance.

Fund GRANTS/HOUSING ACTIVITIES (142)		BUDGET AMENDMENT FORM Fiscal Year 2016-2017			
		Estimated Revenue		Budget Appropriations	
<u>Dept Number</u>	<u>Department Name</u>	<u>Increase</u>	<u>Decrease</u>	<u>Increase</u>	<u>Decrease</u>
37	Transfers In	3,641			
		3,641	0	0	0

**Explanation:**  
Budget transfer in of excess accumulated fund balance in CDBG Fund to be used for Transitional Housing Program.



## SUPPLEMENTS

**April 25, 2017**

Fund GENERAL (010)		BUDGET AMENDMENT FORM Fiscal Year 2016-2017			
		Estimated Revenue		Budget Appropriations	
<u>Dept Number</u>	<u>Department Name</u>	<u>Increase</u>	<u>Decrease</u>	<u>Increase</u>	<u>Decrease</u>
00	Transfers In	5,489			
		5,489	0	0	0
<b>Explanation:</b> Budget transfer in of excess accumulated fund balance in CDBG Fund.					

Fund POLICE (020)		BUDGET AMENDMENT FORM Fiscal Year 2016-2017			
		Estimated Revenue		Budget Appropriations	
<u>Dept Number</u>	<u>Department Name</u>	<u>Increase</u>	<u>Decrease</u>	<u>Increase</u>	<u>Decrease</u>
00	Miscellaneous	1,025			
62	Police			1,025	
		1,025	0	1,025	0
<b>Explanation:</b> Budget police bicycle program donation to be used to purchase bicycle uniforms.					



**Human Resources**  
100 N. Midwest Boulevard  
Midwest City, OK 73110  
office 405.739.1235

**Memorandum**

**TO:** Honorable Mayor and Council

**FROM:** Catherine Wilson, Human Resources Director

**DATE:** April 25, 2017

**RE:** Discussion and consideration of accepting the monthly report on the City of Midwest City Employees' Health Benefits Plan by the City Manager and action as deemed necessary by the Council to maintain the plan.

This item is placed on the agenda at the request of the Council. Attached to this memo is information regarding the current financial condition of the City Employees' Health Benefits Plan for the month of March 2017.

This is a staff update

Catherine Wilson, Human Resources Director

<b>REPORT OF THE EMPLOYEES' HEALTH BENEFIT PLAN FOR FISCAL YEAR 2016-2017</b>												
<b>FISCAL YEAR 2016-2017</b>	<u>Jul -16</u>	<u>Aug - 16</u>	<u>Sep - 16**</u>	<u>Oct - 16</u>	<u>Nov - 16</u>	<u>Dec - 16</u>	<u>Jan - 17</u>	<u>Feb - 17</u>	<u>Mar - 17**</u>	<u>Apr - 17</u>	<u>May - 17</u>	<u>Jun - 17</u>
<b>PLAN INCOME</b>												
Budgeted (MTD)	572,353	572,353	572,353	572,363	572,363	572,363	572,363	572,363	572,363	572,363	572,363	572,363
Actual (MTD)	531,527	538,079	727,097	538,294	539,198	539,768	552,582	539,534	725,689			
Budgeted (YTD)	572,353	1,144,706	1,717,059	2,289,422	2,861,785	3,434,148	4,006,511	4,578,874	5,151,237			
Actual (YTD)	531,527	1,069,606	1,796,703	2,334,997	2,874,195	3,413,963	3,966,545	4,506,079	5,231,768			
<b>PLAN CLAIMS/ADMIN COSTS</b>	<u>Jul -16</u>	<u>Aug - 16</u>	<u>Sep - 16</u>	<u>Oct - 16</u>	<u>Nov - 16</u>	<u>Dec - 16</u>	<u>Jan - 17</u>	<u>Feb - 17</u>	<u>Mar - 17</u>	<u>Apr - 17</u>	<u>May - 17</u>	<u>Jun - 17</u>
Budgeted (MTD)	559,896	559,896	559,896	559,896	559,896	559,896	559,896	559,896	559,896	559,896	559,896	559,896
Actual (MTD)	629,294	570,126	572,340	694,343	537,963	524,514	696,790	430,232	443,512			
Budgeted (YTD)	559,896	1,119,792	1,679,688	2,239,584	2,799,480	3,359,376	3,919,272	4,479,168	5,039,064			
Actual (YTD)	629,294	1,199,420	1,771,760	2,466,103	3,004,066	3,528,580	4,225,370	4,655,602	5,099,114			
<b>EXCESS INCOME vs. EXPENDITURES</b>	<u>Jul -16</u>	<u>Aug - 16</u>	<u>Sep - 16</u>	<u>Oct - 16</u>	<u>Nov - 16</u>	<u>Dec - 16</u>	<u>Jan - 17</u>	<u>Feb - 17</u>	<u>Mar - 17</u>	<u>Apr - 17</u>	<u>May - 17</u>	<u>Jun - 17</u>
Budgeted (MTD)	12,457	12,457	12,457	12,467	12,467	12,467	12,467	12,467	12,467	12,467	12,467	12,467
Actual (MTD)	-97,767	-32,047	154,757	-156,049	1,235	15,254	-144,208	109,302	282,177			
Budgeted (YTD)	12,457	24,914	37,371	49,838	62,305	74,772	87,239	99,706	112,173			
Actual (YTD)	-97,767	-129,814	24,943	-131,106	-129,871	-114,617	-258,825	-149,523	132,654			
<b>FISCAL YEAR 2015-2016</b>	<u>Jul -15</u>	<u>Aug - 15</u>	<u>Sep - 15</u>	<u>Oct - 15</u>	<u>Nov - 15</u>	<u>Dec - 15</u>	<u>Jan - 16</u>	<u>Feb - 16</u>	<u>Mar - 16</u>	<u>Apr - 16</u>	<u>May - 16</u>	<u>Jun - 16</u>
<b>PLAN INCOME</b>												
Budgeted (MTD)	530,920	530,920	530,920	663,615	530,920	530,920	530,920	530,920	530,920	663,615	530,920	530,920
Actual (MTD)	537,739	532,037	534,342	718,473	539,926	534,845	549,498	529,364	556,672	729,630	631,135	556,148
Budgeted (YTD)	530,920	1,061,840	1,592,760	2,256,375	2,787,295	3,318,215	3,849,135	4,380,055	4,910,975	5,574,590	6,105,510	6,636,430
Actual (YTD)	537,739	1,069,776	1,604,118	2,322,591	2,862,517	3,397,362	3,946,860	4,476,224	5,032,896	5,762,526	6,393,661	6,949,809
<b>PLAN CLAIMS/ADMIN COSTS</b>	<u>Jul -15</u>	<u>Aug - 15</u>	<u>Sep - 15</u>	<u>Oct - 15</u>	<u>Nov - 15</u>	<u>Dec - 15</u>	<u>Jan - 16</u>	<u>Feb - 16</u>	<u>Mar - 16</u>	<u>Apr - 16</u>	<u>May - 16</u>	<u>Jun - 16</u>
Budgeted (MTD)	560,232	700,290	560,232	560,232	700,290	560,232	560,232	700,290	560,232	560,232	700,290	560,232
Actual (MTD)	475,229	793,029	497,060	581,637	804,651	647,170	583,231	613,736	471,664	592,649	694,747	480,354
Budgeted (YTD)	560,232	1,260,522	1,820,754	2,380,986	3,081,276	3,641,508	4,201,740	4,902,030	5,462,262	6,022,494	6,722,784	7,283,016
Actual (YTD)	475,229	1,268,258	1,765,318	2,346,955	3,151,606	3,798,776	4,382,007	4,995,743	5,467,407	6,060,056	6,754,803	7,235,157
<b>EXCESS INCOME vs. EXPENDITURES</b>	<u>Jul -15</u>	<u>Aug - 15</u>	<u>Sep - 15</u>	<u>Oct - 15</u>	<u>Nov - 15</u>	<u>Dec - 15</u>	<u>Jan - 16</u>	<u>Feb - 16</u>	<u>Mar - 16</u>	<u>Apr - 16</u>	<u>May - 16</u>	<u>Jun - 16</u>
Budgeted (MTD)	-29,312	-169,370	-29,312	103,383	-169,370	-29,312	-29,312	-169,370	-29,312	103,383	-169,370	-29,312
Actual (MTD)	62,510	-260,992	37,282	136,836	-264,725	-112,325	-33,733	-84,372	85,008	136,981	-63,612	75,794
Budgeted (YTD)	-29,312	-198,682	-227,994	-124,611	-293,981	-323,293	-352,605	-521,975	-551,287	-447,904	-617,274	-646,586
Actual (YTD)	62,510	-198,482	-161,200	-24,364	-289,089	-401,414	-435,147	-519,519	-434,511	-297,530	-361,142	-285,348

Current Fund Balance: \$1,790320

Mar. 2016 \$1,512,163

Mar. 2015 \$1,590,288

Mar. 2014 \$1,061,029

Mar. 2013 \$959,996

**\*\*NOTE: Sept. 2016 and Mar. 2017 are months in which there are Three Payrolls of Revenue into the Plan**



**Human Resources**  
100 N. Midwest Boulevard  
Midwest City, OK 73110  
office 405.739.1235

### Memorandum

**DATE:** April 24, 2017  
**TO:** Honorable Mayor and Council  
**FROM:** Catherine Wilson, Human Resources Director

**RE:** Discussion and consideration of renewing the Consulting Agreement with Gallagher Benefit Services Inc. in the amount of \$55,560 to include the coordination and management of benefit services, serving as the liaison with PlanSource to provide an electronic platform for streamlining benefit enrollments and information, and for the coordination and management of the Section 125 Flexible Spending Plan (Cafeteria Plan) with Discovery Benefits for the 2017-18 fiscal year.

This agreement will ensure that GBS will continue to provide on an as-needed basis services and will now include the new services effective July 1, 2017 in the following areas as they pertain to the Employee Health and Life Benefits Plan(s):

- The coordination and management of benefit services serving as the liaison between Midwest City and PlanSource to provide an electronic platform for streamlining benefit enrollments and information
- The coordination and management of the Section 125 Flexible Spending Plan (Cafeteria Plan) on behalf of Midwest City
- Renewal Analysis
- Periodic Plan Financial Reports (for budget preparation and planning)
- End of year Financial Reports
- Benefit Plan Design and/or Redesign
- Legislative and Corporate Compliance Support
- Carrier Marketing and Negotiations as directed by the City
- Assistance in Developing a HIPPA Compliant Wellness Program
- Employee Education Programs
- Communication Materials for all Benefits
- Benefit Administration Assessment
- Market and Benchmark Studies
- Other services are available upon mutual agreement of the parties

We feel that the consulting services provided to date have been beneficial to the Employee Health Plan. Thus far; Gallagher has been assisting in updating the Health Plan Document to make sure that it is compliant with all federal and state guidelines. Gallagher has been assisting with the development of the Wellness Plan document and implementation of the Wellness Plan. Gallagher



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was helpful in analyzing the renewals and in recommending actuarial correct funding levels for the plan.

Staff feels that investigating the possibility of providing additional options to our employees is important. GBS will assist us in investigating these options, and in designing or redesigning the plan to accommodate changes that will help to lower cost for both the employees and the City.

Staff recommends approval of the amendment of the agreement.

A handwritten signature in black ink, appearing to read "Catherine Wilson", with a long horizontal flourish extending to the right.

Catherine Wilson, Human Resources Director

## CONSULTING AGREEMENT

This Consulting Agreement (this "Agreement") is made by and between Gallagher Benefit Services, Inc., ("Gallagher") and City of Midwest City (the "Client").

The Client wishes to enter into a consulting relationship with Gallagher on the terms and conditions set forth in this Agreement, and Gallagher is willing to accept such a consulting relationship. In consideration of and in reliance upon the terms and conditions contained in this Agreement, the Client and Gallagher agree as follows:

### **1. Engagement of Services**

The Client engages Gallagher as a professional consultant to provide the consulting and/or brokerage services as more fully described in Exhibit A attached to this Agreement and incorporated herein. During the time that Gallagher is performing services for the Client under this Agreement, and for all purposes outlined in this document, Gallagher's status will be that of an independent contractor of the Client.

### **2. Term and Termination**

The Effective Date of this Agreement is July 1, 2017. The term of Gallagher's engagement under this Agreement (the "Consulting Period") will begin as of the Effective Date and will remain in effect for one (1) year from the Effective Date. Either party may terminate this Agreement by giving the other party at least thirty (30) days written notice of its intent to terminate. In the event such termination is effective during the Consulting Period (including any renewed Consulting Period), Client shall be responsible for compensating Gallagher for any services performed prior to the date of termination and Gallagher shall be responsible to Client to continue to provide services until the date of termination of this Agreement.

### **3. Compensation**

As compensation for its services under this Agreement, Gallagher will receive carrier commissions and/or direct fee owed by the Client, as set forth in the Compensation Disclosure Statement attached hereto as Exhibit B. Additional information regarding Gallagher compensation can also be found in Exhibit B. Gallagher shall disclose the amount of commissions payable to it by each insurance company at the time it presents rates to Client. The Client is responsible for payment of Gallagher's fees (if applicable) within thirty (30) days of invoice receipt. If any amount is not paid in full when due without a good faith basis to withhold, that nonpayment will constitute a material breach of this Agreement that will allow Gallagher to immediately terminate this Agreement.

### **4. Performance and Scope**

(a) Representations and Warranties. Each party represents, warrants and covenants to the other that: (i) it has full power and authority to make, execute, deliver and perform its obligations under this Agreement; (ii) the performance of its obligations pursuant to this Agreement shall be in accordance with all applicable laws; (iii) this Agreement has been duly executed and delivered by an authorized representative of such party and constitutes the legal, valid and binding obligation of such party, enforceable against such party in accordance with its terms; and (iv) there are no other agreements presently in force which would encumber or prevent either party's compliance with any terms of this Agreement.

(b) Standard of Care. Gallagher will perform its duties, responsibilities and obligations with the care, skill, prudence and diligence that a prudent employee benefits consultant or insurance broker acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like

character and with like aims under the circumstances then prevailing. As appropriate, Gallagher will coordinate fiduciary review services and other related duties with the plan's claims administrator and/or insurance carrier(s). However, Gallagher generally does not accept any fiduciary duties or obligations with respect to a plan given that these are typically performed by the plan's claims administrator or insurance carriers.

(c) Reliance. In the performance of its duties, Gallagher may rely upon, and will have no obligation to independently verify the accuracy, completeness, or authenticity of, any written instructions or information provided to Gallagher by the Client or its designated representatives and reasonably believed by Gallagher to be genuine and authorized by the Client.

(d) No Practice of Law. Gallagher will not be obligated to perform, and the Client will not request performance of, any services which may constitute the unauthorized practice of law. The Client will be solely responsible for obtaining any legal advice, review or opinion as may be necessary to ensure that its own conduct and operations, including the engagement of Gallagher under the scope and terms herein, conform in all respects with applicable State and Federal laws and regulations (including ERISA, the Internal Revenue Code, State and securities laws and implementing regulations) and, to the extent that the Client has foreign operations, any applicable foreign laws and regulations.

(e) Subcontractors. Gallagher may cause another person or entity, as a subcontractor of Gallagher, to provide some of the services required to be performed by Gallagher hereunder; provided that Gallagher shall remain responsible for all acts and omissions of any such subcontractors (each of which shall be bound by Gallagher's obligations under this Agreement). Gallagher shall seek prior written approval from Client for any subcontractors providing substantive consulting, professional or managerial services. Prior written approval shall not be required for clerical, office, secretarial, IT back-up, administrative or similar support services.

(f) Conflict of Interest. Gallagher's engagement under this Agreement will not prevent it from taking similar engagements with other clients who may be competitors of the Client. Gallagher will, nevertheless, exercise care and diligence to prevent any actions or conditions which could result in a conflict with Client's best interest.

(g) Acknowledgements. In connection with Gallagher's services under this Agreement, Client agrees that:

(i) Although Gallagher will apply its professional judgment to access those insurance companies it believes are best suited to insure the Client's risks, there can be no assurance that the insurance companies Gallagher has accessed are the only or are the best suited ones to insure the Client's risks. The final decision to choose any insurance company has been made by the Client in its sole and absolute discretion. The Client understands and agrees that Gallagher does not take risk, and that Gallagher does not guarantee the financial solvency or security of any insurance company.

(ii) Any compensation of the types described above and disclosed to it does not constitute a conflict of interest and the Client expressly waives any claims alleging any such conflict of interest.

(iii) The compensation payable to Gallagher is solely for the services set forth under this Agreement, as detailed in Exhibit A. Any additional administrative, claims representative or other services (collectively, "Additional Services") will be governed by the terms of a separate agreement covering the Additional Services.

## 5. ***Confidentiality***

(a) Client Information. Gallagher recognizes that certain confidential information may be furnished by the Client to Gallagher in connection with its services pursuant to this Agreement (“Confidential Information”). Gallagher agrees that it will disclose Confidential Information only to those who, in Gallagher’s reasonable determination, have a need to know such information. Confidential Information will not include information that (i) is in the possession of Gallagher prior to its receipt of such information from the Client, (ii) is or becomes publicly available other than as a result of a breach of this Agreement by Gallagher, or (iii) is or can be independently acquired or developed by Gallagher without violating any of its obligations under this Agreement. However, disclosure by Gallagher of any Confidential Information pursuant to the terms of a valid and effective subpoena or order issued by a court of competent jurisdiction, judicial or administrative agency or by a legislative body or committee will not constitute a violation of this Agreement. Unless prohibited by law, Gallagher shall provide Client with any such subpoena or order and an opportunity to object prior to disclosure. Furthermore, Gallagher will limit disclosure to that information required to be disclosed under the terms of the subpoena or order and will reasonably cooperate with Client (at Client’s expense) to limit such disclosure.

(b) HIPAA Privacy. Gallagher and the Client will each comply with any prohibitions, restrictions, limitations, conditions, or other requirements to the extent they apply to them directly or indirectly pursuant to the Health Insurance Portability and Accountability Act of 1996 (“HIPAA”) and its implementing regulation concerning privacy of individually identifiable health information as set forth in 45 CFR Parts 160-164, as amended from time to time. When required, the Client, as a representative of the health plans and Gallagher will enter into a separate Business Associate Agreement.

(c) Use of Names; Public Announcements. No party will use, in any commercial manner, the names, logos, trademarks or other intellectual property of the other party without its prior written consent. Except as may be required by law, no party will issue any press releases or make any public announcements of any kind regarding the relationship between the parties without the other party’s prior consent.

(d) Aggregated Data. Gallagher shall own any non-identifying, aggregated and statistical data that might be derived from providing services to Client (the “Aggregated Data”). Nothing herein shall be construed as prohibiting Gallagher from utilizing the Aggregated Data for purposes of operating Gallagher’s business. Gallagher shall not: (i) disclose to any third party any Aggregated Data that reveals Client’s identity or its Confidential Information; or (ii) reveal the identity, whether directly or indirectly, of any individual whose specific data might be used by Gallagher on behalf of Client.

## **6. *Indemnification Rights and Limitation of Liability***

Gallagher will promptly defend, indemnify and hold the Client harmless from and against any and all third-party claims, suits, actions, liabilities, losses, expenses or damages which the Client may incur as a result of any violation by Gallagher of any law, or any loss or expense to the Client caused by the negligent act or omission of Gallagher or any breach of this Agreement. However, notwithstanding any other term or provision of this Agreement, Gallagher shall not be liable to the Client for any exemplary, special, indirect, incidental, consequential or punitive damages (including but not limited to lost profits) which may result from Gallagher’s action or its failure to perform any term or condition of this Agreement or whether such liability is based upon tort, strict liability, breach of warranties, failure of essential purpose or otherwise and if advised of the possibility of such damages. Furthermore, the aggregate liability under this Agreement, if any, of Gallagher to the Client for claimed losses or damages shall not exceed \$20,000,000. This provision applies to the fullest extent permitted by applicable law.

## **7. *Notices***



Any notices, requests or other communications pursuant to this Agreement will be addressed to the party at its address listed below. Such notices will be deemed to have been duly given, (i) if delivered in person or by courier, upon delivery; (ii) if sent by an overnight service with tracking capabilities, upon receipt; (iii) if sent by registered or certified mail, postage prepaid, within five (5) days of deposit in the mail; or (iv) if sent by fax or electronic mail, at such time as the party which sent the notice receives confirmation of receipt by the applicable method of transmittal.

If to the Client: City of Midwest City  
Attention: Catherine Wilson  
100 N. Midwest Blvd.  
Midwest City, OK 73110

If to Gallagher: Gallagher Benefit Services, Inc.  
Attention: Jerry Roberts  
615 E. Britton Road  
Oklahoma City, OK 73114

Either party may, by written notice to the other, change the address to which notices to such party are to be delivered or mailed.

#### **8. *Miscellaneous***

(a) Severability. The various provisions and subprovisions of this Agreement are severable and if any provision or subprovision or part thereof is held to be unenforceable by any court of competent jurisdiction, then such enforceability will not affect the validity or enforceability of the remaining provisions or subprovisions or parts thereof in this Agreement.

(b) Entire Agreement; Amendment. This Agreement, including all exhibits hereto, constitutes the entire agreement between the parties and supersedes all prior agreements and understandings, whether oral or written, between the parties regarding the subject matter hereof. Except for changes in carriers and/or lines of coverage noted in Exhibit B, which may occur upon unilateral approval of the Client, this Agreement may be modified or amended only by a written instrument executed by both parties. This Agreement may be executed by the parties in several counterparts, each of which shall be deemed to be an original copy.

(c) Waiver. No covenant, term or condition or the breach thereof will be deemed waived, except by written consent of the party against whom the waiver is claimed. Any waiver by either party hereto of any provision of this Agreement shall not be construed as a waiver of any other provision of this Agreement, nor shall such waiver be construed as a waiver of such provision with respect to any other event or circumstance, whether past, present or future.

(d) Governing Law; Rule of Construction. This Agreement will be construed, interpreted and enforced in accordance with the laws of the State of Oklahoma without giving effect to the choice of law principles thereof or any canon, custom or rule of law requiring construction against the drafter.

(e) Successors. This Agreement shall be binding upon and shall inure to the benefit of all assigns, transferees and successors in the interest of the parties hereto.

(f) Survival of Provisions. Sections 5 and 6 will survive the termination of this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Consulting Agreement to be duly executed on the date first written above.

**CITY OF MIDWEST CITY**

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**GALLAGHER BENEFIT SERVICES, INC.**

By: \_\_\_\_\_



Name: Jerry Roberts

Title: Area President

Date: \_\_\_\_\_

## **EXHIBITA SCOPE OF SERVICES**

Subject to any changes and additions as may be mutually agreed by the parties in writing, availability and delivery of data from the insurance carrier and other third party vendors, Gallagher will provide the following Services to Client on an “as needed” basis:

### **RENEWAL ANALYSIS:**

- Review and evaluate carrier projections
- Prepare “shadow” renewal projection
- Create financial modeling reports using proprietary Apex software
- Coordinate carrier negotiations
- Create employee contribution modeling reports
- Review identified benchmarks of projected plan costs
- Develop “working” rates for Client analysis and approval
- Assist with budget projections
- Provide renewal alternatives with cost impact of benefit plan changes

### **PERIODIC PLAN FINANCIAL REPORTS: (FREQUENCY TO BE MUTUALLY AGREED UPON)**

- Summary of plan costs
- Analysis of actual vs. budget
- Employee contributions
- Large claims tracking
- Identification of costs for specific line of coverage
- Comparison of plan costs to aggregate stop-loss projections, if applicable
- Utilization review
- Comparison to prior claim period
- Plan trends

### **ANNUAL FINANCIAL REPORTS (END OF YEAR ACCOUNTING):**

- Executive summary of program expenses
- Comparison of current costs to renewal costs
- Incurred But Not Reported (IBNR) claims analysis
- Overview of specific Stop-loss projections
- Future plan costs projections
- Dollars saved by contract negotiation
- Percent of benefit dollars paid by employee
- Claims by size
- Physician visit details
- Benefits paid by type of service
- Plan funding/budget comparison
- Fixed expense comparison

### **CARRIER MARKETING AND NEGOTIATIONS, AS DIRECTED BY CLIENT:**

- Work with Client to develop a strategy to identify goals, analyze program costs and review both current and alternative funding arrangements
- Manage the renewal process with the current carrier to control costs
- Implement carrier renewal strategies with Client
- Develop timeline covering every aspect from RFP preparation to the delivery of employee communications
- Provide analysis of employee disruption report and preparation of geo-access report
- Provide analysis of discounts offered by various carriers by using CPT codes and carrier pricing data

- Manage RFP development that tailors the RFP to the desires, needs and financial directions provided by Client
- Explore alternative funding solutions
- Evaluate vendor responses to track variations in coverage and costs as they are identified
- Conduct finalist interviews to investigate and document intangibles such as personalities, service orientation and responsiveness
- Draft renewal analysis report, based on renewal negotiation, covers program and claims cost projections as well as complete information on benefit designs
- Facilitate decision process by coordinating close collaboration and discussions among the Gallagher team and Client

**LEGISLATIVE AND CORPORATE COMPLIANCE SUPPORT:**

- Provide legislative updates, including Technical Bulletins and Directions newsletters
- Evaluate plan design to assist with compliance with state and federal regulations
- Review benefit plan documents, including summary plan descriptions, contracts, employee summaries, and policies/procedures
- Conduct periodic seminars on regulatory issues
- Assist with the review and evaluation of COBRA and HIPAA compliance procedures
- Provide general information and guidance to assist with compliance with ERISA, FMLA, USERRA, Medicare Part D and other Federal legislation that directly affects the administration of plan benefits
- Provide template or sample compliance notices, certificates of creditable coverage and enrollment forms as reasonably requested by Client

**DAY TO DAY ADMINISTRATIVE ASSISTANCE**

**EMPLOYEE EDUCATION PROGRAMS:**

- Facilitate focus groups
- Monthly benefit communication directed to employees
- Educational meetings on coverage and trends

**COMMUNICATION MATERIALS:**

- Assist with the drafting and distribution of participant Satisfaction Surveys
- Assist with the drafting and distribution of Open Enrollment-New Member Orientation summary information and any other communications pertaining to the health and welfare program
- Provide annual open enrollment guidance and employee meeting materials
- Assist with marketing and oversight of Customized Enrollment Materials (if elected)
- Assist with participant wellness initiatives, as directed by Client

**BENEFIT ADMINISTRATION ASSESSMENT:**

- Periodic evaluation of internal plan enrollment and benefit termination processes
- Review, coordinate and implement Client agreed upon plan “best practices” to help limit plan liability and increase participant satisfaction
- Help identify opportunities for streamlining and improving administration procedures

**MARKET BENCHMARKING STUDIES:**

- Local Area Surveys
- Industry Surveys

**BENEFIT PLAN DESIGN (OR REDESIGN):**

- Help Client identify business and HR objectives that impact benefits
- Review with Client possible benefit strategies to meet their objectives
- Help Client evaluate/review current scope of benefits package – e.g., types & levels of coverage

- Work with Client to develop funding and contribution strategies
- Assist with budget projections for design alternatives

**COORDINATE AND MANAGE SECTION 125 SERVICES:**

- Gather information and assist Client with coordinating the Section 125 services provided by Discovery Benefits.
- Serve as a primary liaison between the Client and Discovery Benefits to help Client supervise Discovery Benefits services.
- Gallagher shall coordinate the payment of all uncontested and properly documented fees associated with Discovery Benefits as outlined in the contract between the Client and Discovery Benefits form fees received by Gallagher. (This duty terminates immediately upon termination of this agreement.)
- Gallagher and the client mutually agree that Gallagher shall not be liable for services to provided by Discover Benefits.

**EXHIBIT B**  
**COMPENSATION DISCLOSURE STATEMENT**

Line of Coverage/Service	Insurance Company	Commission <sup>1</sup> / Supplemental Compensation <sup>2</sup>	Third Party Compensation	Direct Client Fees <sup>3</sup>	Effective Date
Consulting Services	N/A	N/A	N/A	\$55,560.00 Per Year	7/1/2017
Medical w/Stop Loss	BCBS of Oklahoma	N/A / \$1.000 - \$1.50 PEPM	N/A	N/A	7/1/2017
Dental	Sun Life	N/A / .5% to 3%	N/A	N/A	7/1/2017
Life / AD&D	Sun Life	15% / .5% to 3%	N/A	N/A	7/1/2017
Voluntary Life / AD&D	Sun Life	15% / .5% to 3%	N/A	N/A	7/1/2017
Voluntary Short Tern Disability	Sun Life	15% / .5% to 3%	N/A	N/A	7/1/2017
Voluntary Long Term Disability	Sun Life	15% / .5% to 3%	N/A	N/A	7/1/2017
Long Term Disability	Sun Life	15% / .5% to 3%	N/A	N/A	7/1/2017
Accident	Sun Life	20% / .5% to 3%	N/A	N/A	7/1/2017
Critical Illness	Sun Life	17% / .5% to 3%	N/A	N/A	7/1/2017

It should also be noted that:

- Gallagher is not an affiliate of the insurer or vendor whose contract is recommended. This means the insurer or vendor whose contract is recommended does not directly or indirectly have the power to exercise a controlling influence over the management or policies of Gallagher.
- Gallagher's ability to recommend other insurance contracts or vendors is not limited by an agreement with any insurance carrier or vendor and Gallagher is effecting the transaction for applicable plan(s) in the ordinary course of Gallagher business. Thus, pertinent transaction(s) are at least as favorable to the applicable plan(s) as an arm's length transaction with an unrelated party.
- Gallagher is not a trustee of the plan(s) and is neither the Plan Administrator of the plan(s), a Named Fiduciary of the plan(s), nor an employer which has employees in the plan(s).

**For Employers and Plan Sponsors Subject to ERISA:** This Disclosure Statement is being given to the Client (1) to make sure Client knows about Gallagher's and Gallagher affiliates' income before purchasing an insurance product and (2) for plans subject to ERISA, to comply with the disclosure, acknowledgment and approval requirement of Prohibited Transaction Class Exemption No. 84-24<sup>4</sup>, which protects both Client and Gallagher<sup>5</sup>. Disclosure must be made to an independent plan fiduciary for the ERISA Plan(s), and Client acknowledges and confirms that this is a reasonable transaction in the best interest of participants in its ERISA Plan(s).

For more information on Gallagher's compensation arrangements, please visit [www.ajg.com/compensation](http://www.ajg.com/compensation). In the event a client wishes to register a formal complaint regarding compensation Gallagher receives, please send an email to [Compensation\\_Complaints@ajg.com](mailto:Compensation_Complaints@ajg.com).

<sup>1</sup> Commissions include all commissions/fees paid to Gallagher that are attributable to a contract or policy between a plan and an insurance company, or insurance service. This includes indirect fees that are paid to Gallagher paid by a third party, and includes, among other things, the payment of "finders' fees" or other fees to Gallagher for a transaction or service involving the plan.

<sup>2</sup> Gallagher companies may receive supplemental compensation referred to in a variety of terms and definitions, such as contingent commissions, additional commissions and supplemental commissions.

<sup>3</sup> Direct Fees include compensation to Gallagher paid for directly by the plan sponsor/Client.

<sup>4</sup> Which allows an exemption from a prohibited transaction under Section 408(a) of the **Employee Retirement Income Security Act of 1974 (ERISA)**.

<sup>5</sup> In making these disclosures, no position is taken, nor is one to be inferred, regarding the use of assets of a plan subject to ERISA to purchase such insurance.



**Human Resources**  
100 N. Midwest Boulevard  
Midwest City, OK 73110  
office 405.739.1235

Memorandum

TO: Honorable Mayor and City Council  
FROM: Catherine Wilson, Human Resources Director  
DATE: April 25, 2017

SUBJECT: Discussion and consideration of renewing for the Fiscal Year 2017/2018 the Blue Cross and Blue Shield COBRA contract in the amount of \$75.00 per month administration fees, \$10.00 per month for each participant and a \$10.00 notification fee per participant.

Blue Cross and Blue Shield COBRA is a standard contract and a required part of the Health Plan, BCBS has not raised fees for this service.

Staff recommends approval of this item.

A handwritten signature in blue ink, appearing to read "Catherine Wilson", with a stylized flourish at the end.

Catherine Wilson, HR Director

## HCSC COBRA ADMINISTRATIVE SERVICES ADDENDUM

(If applicable, attach to Benefit Program Application)

<input type="checkbox"/> NO CHANGES	<b>ACCOUNT INFORMATION</b>
Employer Name: <u>City of Midwest City</u>	
Employer Account Number(s): <u>621602</u>	
<b>COBRA Services</b>	
COBRA Administrative Billing Services Only: <input type="checkbox"/> Yes <input type="checkbox"/> No	
COBRA Administrative Full Services: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Notification Services included: (Full Services) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Conversion Rights included: (Full Services) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Monthly Reports* included: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <i>If Yes:</i> Email Address: <u>cwilson@midwestcityok.org</u>	
*Paper reports provided by mail/electronic reports via email	
Effective date(s) of services if different from ASO Effective Date of Coverage:	
<b>COBRA Service Charges</b>	
Billing Services Fee per Participant per month: \$10.00	
<i>If Notification Services included (Full Services)</i>	
Notification Fee [per Participant, per notification]: \$10.00	
Monthly Administrative Fee: \$75.00	
The Employer will pay HCSC a sum of One Hundred Dollars (\$100.00) per hour for any system programming costs associated with non-standard administration services.	
<b>COBRA Membership</b>	
Number of Active Members*:	
Number of current COBRA participants/members*:	
Number of current COBRA retiree participants/members*:	
<i>*Full Service Unit (FSU) set-up of participants/members in BlueStar required</i>	
FSU Location:	
FSU Contact:	Email Address:
Is all COBRA participant census information attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Is all COBRA participant coverage(s) and level elected information attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Is all dependent census information attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	



## COBRA Coverage

Are rates (SINGLE/FAMILY or TIERED) for all coverages attached? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Is 2% included in attached rates? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Does Employer have any non-HCSC coverage? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
<i>If Yes, Other Carrier(s):</i>		
Name: Sun Life Assurance Company of Canada		
Address: P.O. Box 69421		Email Address:
City: Harrisburg	State: PA	Zip: 17106-9421
Administrative Contact: Scott Edie	Phone Number: 1-888-222-3660	Fax Number:
Name:		
Address:		Email Address:
City:	State:	Zip:
Administrative Contact:	Phone Number:	Fax Number:
COBRA coverage begins: <input checked="" type="checkbox"/> On date of Qualifying Event <input type="checkbox"/> First of month following date of Qualifying Event		
Should 150% of the COBRA premium be charged to participants eligible for disability extension for the remaining 11 months of COBRA? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <i>(Extension is from 18 months to 29 months when deemed disabled by Social Security)</i>		
Is contract provided and signed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Prior COBRA administrator info:		
Name:		
Address:		Email Address:
City:	State:	Zip:
Administrative Contact:	Phone Number:	Fax Number:



**Human Resources**  
100 N. Midwest Boulevard  
Midwest City, OK 73110  
office 405.739.1235

**MEMORANDUM:**

**To:** Honorable Mayor and Council

**From:** Catherine Wilson, Human Resources Director

**Date:** April 25, 2017

**Re:** Discussion and consideration of revising the current Administrative Services Agreement with Health Care Services Corporation to provide administrative services for the Employee Health Benefits Plan for the fiscal year 2016/2017 to clarify the eligibility language of the Health Plan.

Attached is a copy of a revised agreement with Health Care Service Corporation, of which Blue Cross/Blue Shield of Oklahoma is a division, amending Plan eligibility language effective April 1, 2017 to bring the Plan Document Eligibility in compliance with Oklahoma State Law, no additional fees are associated with this change to the Plan Document.

Staff recommends approval.

Catherine Wilson, Human Resources Director



## Benefit Program Application ("ASO BPA")

### Applicable to Administrative Services Only (ASO) Group Accounts

administered by Blue Cross and Blue Shield of Oklahoma, a Division of Health Care Service Corporation, a Mutual Legal Reserve Company, hereinafter referred to as "Claim Administrator" or "HCSC"

Group Status: Off-Cycle Change

Employer Account Number (6-digits): 621602      Group Number(s): 621602      Section Number(s): All

Legal Employer Name: City of Midwest City

(Specify the Employer or the employee trust applying for coverage. Names of subsidiary or affiliated companies to be covered must be named below. AN EMPLOYEE BENEFIT PLAN MAY NOT BE NAMED)

ERISA Regulated Group Health Plan\*:  Yes  No

If Yes, is your ERISA Plan Year\* a period of 12 months beginning on the Anniversary Date specified below?  Yes  No

If No, please specify your ERISA Plan Year\*: Beginning Date \_\_\_/\_\_\_/\_\_\_      End Date \_\_\_/\_\_\_/\_\_\_ (month/day/year)

ERISA Plan Administrator\*:

Plan Administrator's Address:

If you maintain that ERISA is not applicable to your group health plan, give legal reason for exemption:

Non-Federal Governmental Plan (Public Entity) ; if applicable, specify other: \_\_\_\_\_

Is your Non-ERISA Plan Year\* a period of 12 months beginning on the Anniversary Date specified below?  Yes  No

If No, please specify your Non-ERISA Plan Year\*: Beginning Date \_\_\_/\_\_\_/\_\_\_      End Date \_\_\_/\_\_\_/\_\_\_ (month/day/year)

**For more information regarding ERISA, contact your Legal Advisor.**

\*All as defined by ERISA and/or other applicable law/regulations

Effective Date of Coverage: (Month/Day/Year) 04 / 01 / 2017

Anniversary Date: (Month/Day/Year) 07 / 01 / 2017

### Account Information      NO CHANGES      SEE ADDITIONAL PROVISIONS

Standard Industry Code (SIC): 9111

Employer Identification Number (EIN): 736027530

Address: 100 N Midwest Blvd

City: Midwest City

State: OK

ZIP: 73110-4319

Administrative Contact: Catherine Wilson

Title: Group Leader

Email Address: cwilson@midwestcityok.org

Phone Number: 405-739-1235

Fax: 405-739-1359

Wholly Owned Subsidiaries:

Affiliated Companies:

(If Affiliated Companies listed above are to be covered, a separate "Addendum to the Benefit Program Application Regarding Affiliated Companies" must be completed, signed by the Employer's authorized representative, and attached to this Benefit Program Application.)

Blue Access for Employers (BAE) Contact: Catherine Wilson

(The BAE Contact is the Employee authorized by the Employer to access and maintain the Employer's account in BAE.)

Email Address: cwilson@midwestcityok.com

Phone Number: 405-739-1235

Fax Number: 405-739-1359

The Employer or other company listed in this BPA is a public entity or governmental agency/contractor

### Producer of Record      NO CHANGES      SEE ADDITIONAL PROVISION

Effective: \_\_\_\_\_

If applicable, the below-named producer(s) or agency(ies) is/are recognized as the Employer's Producer of Record (POR) to act as representative in negotiations with and to receive commissions from Blue Cross and Blue Shield of Oklahoma, a division of Health Care Service Corporation (HCSC), a Mutual Legal Reserve Company, and HCSC subsidiaries for Employer's employee benefit programs. This statement rescinds any and all previous POR appointments for the Employer. The POR is authorized to perform membership transactions on behalf of the Employer. This appointment will remain in effect until withdrawn or superseded in writing by Employer.

Are commissions to be paid?  Yes  No

**Producer or Agency to whom commissions are to be paid\*:** \_\_\_\_\_

Tax ID Number (TIN) of  Producer or  Agency: 364291971  
Gallagher Benefit Services

Producer #: 002272000

NPN:

Address: 3856 S.  
Boulevard Ste.  
100 Edmond, OK  
73013

City:

State:

ZIP:

Phone: 405-471-50034

Fax: 405-471-5104

Email: kristy\_ventimiglia@ajg.com

Is Producer/Agency appointed with HCSC in Oklahoma?  Yes  No

General Agent?  Yes  No

Affiliated with General Agent?  Yes  No

Commissions:

PCPM \$ Does a Monthly Cap Apply  Yes  No \$ (If cap is annual, divide by twelve)

Flat \$ Does a Monthly Cap Apply  Yes  No \$ (If cap is annual, divide by twelve)

Percentage of Stop Loss: % Fees  Single: \$  Family: \$  Aggregate: \$

Is there a secondary Producer or Agency to whom commissions are to be paid?  Yes  No

**If Yes\*\*, Producer or Agency to whom commissions are to be paid\*:** \_\_\_\_\_

Tax ID Number (TIN) of  Producer or  Agency:

Producer #:

NPN:

Address:

City: \_\_\_\_\_

State:

ZIP:

Phone:

Fax:

Email:

Is Producer/Agency appointed with HCSC in Oklahoma?  Yes  No

General Agent?  Yes  No

Affiliated with General Agent?  Yes  No

If commission split\*\*, designate percentage for each producer/agency (total commissions paid must equal 100%)

Producer/Agency 1: \_\_\_\_\_%

Producer/Agency 2: \_\_\_\_\_%

**Multiple Location Agency(ies):** If servicing agency is not listed above as primary or secondary Producer or Agency above, specify location below:

\* The Producer or agency name(s) above to whom commissions are to be paid must exactly match the name(s) on the appointment application(s).

\*\* If commissions are split, please provide the information requested above on both producers/agencies. **Both** must be appointed to do business with HCSC in Oklahoma.

### SCHEDULE OF ELIGIBILITY

**NO CHANGES**  **SEE ADDITIONAL PROVISIONS**

Employer has made the following eligibility decisions

1. Eligible Person means:

A full-time employee of the Employer.

A full-time employee of the Employer who is a member of: \_\_\_\_\_ (name of union)

Other: A full time employee, a retiree and elected official.

Eligible Classes of Retirees.

Notwithstanding any other state or federal law, an eligible Retiree may continue, at their own expense, coverage under this plan following termination of their active status.

Are any classes of employees to be excluded from coverage?  Yes  No

If yes, please identify the classes and describe the exclusion: \_\_\_\_\_

2. Employee Definition

Full-Time Employee means:

- A person who is regularly scheduled to work a minimum of \_\_\_\_\_ hours per week and who is on the permanent payroll of the Employer.
- Other: 1. A regular, full-time employee of the employer who regularly works at least 30 hours per week and who has been employed continuously for a period of at least two (2) months.
- 2. A regular, part-time employee of the employer who regularly works less than 30 hours per week and who has been covered by this plan as a full-time employee of the employer at least 10 years.
- 3. An elected official of the employer.

Group's retiree provisions should be as follows:

Retiree:

An eligible Retiree shall be defined as any former Employee who receives a continuing benefit pursuant to the provisions of the Oklahoma Firefighters Pension and Retirement System, or the Oklahoma Police Pension and Retirement System, or an Employee who worked for a period of at least eight (8) years or more for the Employer on a full-time basis and had a standard work-week of thirty (30) hours or more (or an annual budgeted work week averaging thirty (30) hours or more per standard work-week and for whom benefits were budgeted by the Employer). Elected officers shall be eligible for the plan as a retiree as long as elected officers have served eight (8) or more years with the City of Midwest City and who has continuously participated in the health benefits plan at the City of Midwest City at the time of retirement. The surviving Spouse or surviving minor child or children of a retiree may continue in force, at their own expense, the Plan, provided the surviving Spouse or surviving minor child or children continuously participated in the Plan at the then time of death of the Retiree. To continue in force the Plan, the surviving Spouse or surviving minor child or children shall notify the Plan Administrator within 30 days of death of the Retiree.

Due to being permanently and totally disabled as the result of a job-related sickness or accident suffered while working for the Employer as determined by the Worker's Compensation Court or effective April 4, 2010

3. The Effective Date of termination for a person who ceases to meet the definition of Eligible Person:

- The date such person ceases to meet the definition of Eligible Person.
- The last day of the calendar month in which such person ceases to meet the definition of an Eligible Person.
- Other: RETIREE ENROLLMENT PROVISIONS

Important – Failure to elect retiree coverage when first eligible shall waive any future rights to apply for retiree coverage.

Retiree enrollment is classified in the following manner:

Initial enrollment – coverage for eligible retiree participants will become effective on the day following a retiree's retirement date from employment with the City of Midwest City and/or the day immediately following their termination from active coverage as provided under this Plan, provided that the retiree has elected to participate under this coverage within thirty (30) days from the date of their retirement with the Employer. Coverage will be retroactive to the last date of coverage as an active employee.

Medicare – All retirees eligible for Medicare must elect and enroll in Part A and Part B if electing retiree coverage with the Employer.

Subsequent changes in status – application for a change in status from single to family coverage, or the addition of a previously not-covered dependent. All subsequent enrollments are subject to acceptance only during an open enrollment period. Enrollment occurs only once each year during the month of May.

Termination of Coverage. Termination of coverage may occur in one of the following ways:

1. Upon termination of the Plan.
2. Thirty (30) days from the due date of the required contribution if unpaid, together with any accrued late charge(s).
3. The Retiree does not elect to continue coverage at open enrollment, or notifies the Plan Administrator of their intent to terminate coverage.

Once retiree coverage is terminated, it cannot be reinstated without first returning to Active Employee status.

4. Select an effective date rule for a person who becomes an Eligible Person after the Effective Date of the Employer's health care plan? (The effective date must not be later than the 91st calendar day after the date that a newly eligible person becomes eligible for coverage, unless otherwise permitted applicable by law)

- The date of employment.
- The            day of employment.
- The 1st day of the month following 2 month(s) of employment.
- The            day of the month following            days of employment.
- The            day of the month following the date of employment.
- Other: RETIREE ENROLLMENT PROVISIONS

Important – Failure to elect retiree coverage when first eligible shall waive any future rights to apply for retiree coverage.

Retiree enrollment is classified in the following manner:

Initial enrollment – coverage for eligible retiree participants will become effective on the day following a retiree's retirement date from employment with the City of Midwest City and/or the day immediately following their termination from active coverage as provided under this Plan, provided that the retiree has elected to participate under this coverage within thirty (30) days from the date of their retirement with the Employer. Coverage will be retroactive to the last date of coverage as an active employee.

Medicare – All retirees eligible for Medicare must elect and enroll in Part A and Part B if electing retiree coverage with the Employer.

Subsequent changes in status – application for a change in status from single to family coverage, or the addition of a previously not-covered dependent. All subsequent enrollments are subject to acceptance only during an open enrollment period. Enrollment occurs only once each year during the month of May.

Is the waiting period requirement to be waived on initial group enrollment?  Yes  No

Are there multiple new hire waiting periods?  Yes  No

If yes, please attach eligibility and contribution details for each section.

5. Domestic Partners covered:  Yes  No

*If yes: a Domestic Partner is eligible to enroll for coverage*

*If yes, are Domestic Partners eligible for continuation of coverage?*  Yes  No

*If yes, are dependents of Domestic Partners eligible to enroll for coverage?*  Yes  No

*If yes, are dependents of Domestic Partners eligible for continuation of coverage?*  Yes  No

The Employer is responsible for providing notice of possible tax implications to those Covered Employees with coverage for Domestic Partners.

6. Limiting Age for covered children:

i.  Twenty-six (26) years, regardless of presence or absence of a child's financial dependency, residency, student status, employment status, marital status, eligibility for other coverage, or any combination of those factors. (Standard)

ii.  The Limiting Age for covered children age twenty-six (26) or over,

who are unmarried

regardless of marital status,

is            years. (Twenty-seven (27) through thirty (30) are the available options.)

iii.  The Limiting Age for covered children who are full-time students and age twenty-six (26) or over,

who are unmarried

regardless of marital status,

is            years (Twenty-seven (27) through thirty (30) are the available options.)

Student status certification:  Employer or  HCSC or  None

Frequency of Certification Letters: Annually (AN)  Quarterly (QU)  Semi-Annually (SA)

\* Certification Schedule: Month 1: \_\_\_\_\_ Month 2: \_\_\_\_\_ Month 3: \_\_\_\_\_ Month 4: \_\_\_\_\_

\* For Annual Certification Letters, indicate one month (Jan-Dec), for Semi-annual, select 2 months, for quarterly, select 4 months

7. Are unmarried step-children under the limiting age eligible for coverage?  Yes  No  
If yes, is residency with the employee required?  Yes  No

8. Are unmarried grandchildren eligible for coverage?

No  Yes (answer the question below)

Must the grandchild be dependent on the employee for federal income tax purposes at the time application is made?

Yes  No

9. Termination of coverage upon reaching the Limiting Age:

The last day of coverage is the day prior to the birthday.

The last day of coverage is the last day of the month in which the limiting age is reached.

The last day of coverage is the last day of the billing month.

The last day of coverage is the last day of the year (12/31) in which the limiting age is reached.

The last day of coverage is the day prior to the Employer's Anniversary Date.

Will coverage for a child who is medically certified as disabled and dependent on the employee terminate upon reaching the limiting age even if the child continues to be both disabled and dependent on the employee?

Yes  No

However, such coverage shall be extended in accordance with any applicable federal or state law. *The Employer will notify HCSC of such requirements.*

10. Will extension of benefits due to temporary layoff, disability or leave of absence apply?

Yes (specify number of days below)  No

Temporary Layoff: \_\_\_\_\_ days      Disability: \_\_\_\_\_ days      Leave of Absence: \_\_\_\_\_ days

*However, benefits shall be extended for the duration of an Eligible Person's leave in accordance with any applicable federal or state law. The Employer will notify HCSC of such requirements.*

11. Enrollment:

**Special Enrollment:** An Eligible Person may apply for coverage, Family coverage or add dependents within thirty-one (31) days of a Special Enrollment qualifying event if he/she did not previously apply prior to his/her Eligibility Date or when otherwise eligible to do so. Such person's Coverage Date, Family Coverage Date, and/or dependent's Coverage Date will be the effective date of the qualifying event or, in the event of Special Enrollment due to marriage or termination of previous coverage, then no later than the first day of the Plan Month following the date of receipt of the person's application of coverage.

An Eligible Person may apply for coverage within sixty (60) days of a Special Enrollment qualifying event in the case either of a loss of coverage under Medicaid or a state Children's Health Insurance program, or eligibility for group coverage where the Eligible Person is deemed qualified for assistance under a state Medicaid or CHIP premium assistance program.

**Late Enrollment:** An Eligible Person may apply for coverage, family coverage or add dependents if he/she did not apply prior to his/her Eligibility Date or did not apply when eligible to do so. Such person's Coverage Date, family Coverage Date, and/or dependent's Coverage Date will be a date mutually agreed to by the Claim Administrator and the Employer.

**Open Enrollment:** An Eligible Person may apply for coverage, family coverage or add dependents if he/she did not apply prior to his/her Eligibility Date or did not apply when eligible to do so, during the Employer's Open Enrollment Period. Such person's Coverage Date, family Coverage Date, and/or dependent's Coverage Date will be a date

mutually agreed to by the Claim Administrator and the Employer. Such date shall be subsequent to the Open Enrollment Period.

Specify Open Enrollment Period: 05/01/2016-05/31/2016

- Annual/open enrollment – late applicant may apply during open enrollment
- Annual/open enrollment

12. \* Does COBRA Auto Cancel apply?  Yes  No

Member's COBRA/Continuation of Coverage will be automatically cancelled at the end of the member's eligibility period.

*\*\*Not recommended for accounts with automated eligibility*

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### CURRENT ELIGIBILITY INFORMATION

**NO CHANGES**    **Current number of Employees enrolled \_\_\_\_\_**    **SEE ADDITIONAL PROVISIONS**

Current Employee Eligibility Information only applies to new accounts. If your account is renewing, please just indicate the current number of enrolled employees (above).

**Total number of Employees/Subscribers:**

1. on payroll \_\_\_\_\_
2. total number of employees presently eligible for coverage \_\_\_\_\_
3. on COBRA continuation coverage \_\_\_\_\_
4. with retiree coverage (if applicable) \_\_\_\_\_
5. who work part-time \_\_\_\_\_
6. serving the new hire waiting period \_\_\_\_\_
7. declining because of other **group** coverage (e.g., other commercial group coverage, Medicare, Medicaid, TRICARE/Champus) \_\_\_\_\_
8. declining coverage (not covered elsewhere) \_\_\_\_\_



**Lines of Business (Check all applicable products)****NO CHANGES****See Additional Comments**

<input type="checkbox"/> <b>Blue Edge (HCA)</b> <i>(If selected, complete separate HCA BPA)</i>
<input type="checkbox"/> <b>Blue Edge (HSA)</b>
<input type="checkbox"/> <b>Blue Edge FSA</b> (vendor: ConnectYourCare)
<input type="checkbox"/> <b>Blue Choice PPO</b>
<input type="checkbox"/> <b>Blue Traditional</b> (In and Out of Network Benefits)
<input checked="" type="checkbox"/> <b>Blue Options</b>
<input checked="" type="checkbox"/> <b>Blue Preferred</b>
<input type="checkbox"/> <b>Out of Area</b> (Traditional)
<input checked="" type="checkbox"/> <b>Drug Card</b>
<input type="checkbox"/> <b>Integrated Drug Card</b>
<input type="checkbox"/> <b>Comp Drug</b> (only for renewing/existing accounts)
<input type="checkbox"/> <b>Dental Coverage</b>
<input checked="" type="checkbox"/> <b>Vision</b>
<input checked="" type="checkbox"/> <b>Blue Care Connection®</b>
<input type="checkbox"/> <b>Blue Directions</b> (Private Exchange) <i>(If selected, the Blue Directions Addendum is attached and made a part of the Agreement.)</i>
<input checked="" type="checkbox"/> <b>Stop Loss Coverage</b> <i>(if selected, complete separate Exhibit to the Stop Loss Coverage Policy)</i>
<input type="checkbox"/> <b>Dearborn National Life Insurance</b> <i>(If selected, complete separate Life application)</i>
<input checked="" type="checkbox"/> <b>HCSC COBRA Administrative Services</b> <i>(If selected, complete separate COBRA Administrative Services Addendum)</i>
<input type="checkbox"/> <b>Other:</b>

**Additional Comments:** \_\_\_\_\_

**FEE SCHEDULE**

Payment Specifications	NO CHANGES	SEE ADDITIONAL PROVISIONS
<b>Employer Payment Method:</b> <input type="checkbox"/> Online Bill Pay <input checked="" type="checkbox"/> <b>Electronic</b> <input type="checkbox"/> Auto Debit <input type="checkbox"/> Check		
<b>Employer Payment Period:</b> <input checked="" type="checkbox"/> <b>Weekly</b> (cannot be selected if Check is selected as payment method above) <input type="checkbox"/> Semi Monthly <input type="checkbox"/> Monthly <input type="checkbox"/> Other (please specify) _____		
<b>Claim Settlement Period:</b> <input checked="" type="checkbox"/> <b>Monthly</b> <input type="checkbox"/> Other (please specify):		
<b>Run-Off Period:</b> Employer payments are to be made for <u>12</u> months following end of Fee Schedule Period. <i>Standard is twelve (12) months.</i>		
<b>Final Settlement:</b> Final Settlement to be made within <u>60</u> days after end of Run-Off Period. <i>Standard is sixty (60) days.</i>		

Fee Schedule Period
<b>To begin on Effective Date of Coverage and continue for:</b> <input checked="" type="checkbox"/> 12 Months <input type="checkbox"/> Other (please specify): _____ Months

Administrative Charge(s)
<input type="checkbox"/> <b>NO CHANGES</b> <input type="checkbox"/> <b>SEE ADDITIONAL PROVISIONS</b>

- Applies to all coverages
- Different percentage(s) or amount(s) for the following types of coverages. Please specify:

**Administrative Charge Chart:**

Each column can be used to differentiate fees between product types or employee tiers. All columns do not need to be used. All fees listed are per employee per month.

Administrative Per Employee per Month (PEPM) Charges				
Product / Service				
Medical Administrative Fee	\$ <u>57.11</u>	\$ _____	\$ _____	\$ _____
Commissions	\$ _____	\$ _____	\$ _____	\$ _____
Dental	\$ _____	\$ _____	\$ _____	\$ _____
Claims Fiduciary	\$ _____	\$ _____	\$ _____	\$ _____
Prescription Drug Administrative Fee	<b><u>\$Included in the admin fee</u></b>	\$ _____	\$ _____	\$ _____
*Prescription Drug Rebate Credit	<b><u>\$(14.96)</u></b>	\$ _____	\$ _____	\$ _____
Outpatient Imaging Management Services	\$ _____	\$ _____	\$ _____	\$ _____
Other: Select Service Category List Service: _____	\$ _____	\$ _____	\$ _____	\$ _____
Other: Select Service Category List Service: _____	\$ _____	\$ _____	\$ _____	\$ _____

Other: Select Service Category List Service: _____	\$ _____	\$ _____	\$ _____	\$ _____
Miscellaneous: _____	\$ _____	\$ _____	\$ _____	\$ _____
Miscellaneous: _____	\$ _____	\$ _____	\$ _____	\$ _____
<b>Total</b>	<b>\$42.15</b>	\$ _____	\$ _____	\$ _____

\*Prescription Drug Rebate Credit per Covered Employee per month is the guaranteed Prescription Drug Rebate savings reflected as a Prescription Drug Rebate credit. Expected rebate amounts to be received by the Claim Administrator are passed back to the Employer with one hundred percent (100%) of the expected amount applied as a credit on the monthly billing statement on a per Covered Employee per month basis. Rebate credits are paid prospectively to the Employer and shall not continue after termination of the Prescription Drug Program. (Further information concerning this credit is included in the governing Administrative Services Agreement ("Agreement") to which this ASO BPA is attached under the section titled "CLAIM ADMINISTRATOR'S SEPARATE FINANCIAL ARRANGEMENTS WITH PHARMACY BENEFIT MANAGERS.") Rebates for some drugs covered under the medical benefit are retained by the Claim Administrator as compensation for its administrative services

Administrative Line Item Charges	Frequency	Amount
Other: Select Service Category List Service: _____	Select Billing Frequency If applicable, describe other: _____	\$ _____
Other: Select Service Category List Service: _____	Select Billing Frequency If applicable, describe other: _____	\$ _____
Other: Select Service Category List Service: _____	Select Billing Frequency If applicable, describe other: _____	\$ _____
Other: Select Service Category List Service: _____	Select Billing Frequency If applicable, describe other: _____	\$ _____
Miscellaneous: _____	Select Billing Frequency If applicable, describe other: _____	\$ _____
Miscellaneous: _____	Select Billing Frequency If applicable, describe other: _____	\$ _____
<b>Total:</b>		<b>\$ _____</b>

**Note:** Additional services and/or fees may be itemized in the "Miscellaneous" fields above or in the Additional Comments section below.

**Additional Comments** (Provide any additional details regarding fee structure): \_\_\_\_\_

<b>Claim Administrator Provider Access Fee(s)</b>	<b>NO CHANGES</b>	<b>SEE ADDITIONAL PROVISIONS</b>
<b>Group Number(s):</b>		
<input type="checkbox"/> % of ADP Savings:        %		
<input type="checkbox"/> \$ per Covered Employee per month: \$		
<b>BlueCard Program/Network access fees:</b> Available upon request.		

<b>Other Service and/or Program Fee(s)</b>	<b>NO CHANGES</b>	<b>SEE ADDITIONAL PROVISIONS</b>
<b>Not applicable to Grandfathered Plans</b>		
<b>External Review Coordination:</b> <input checked="" type="checkbox"/> Yes (Claim administrator coordinates external reviews) <input type="checkbox"/> No		
If selected, Employer acknowledges and agrees: (i) to a fee of \$700 for each external review requested by a Covered Person that the Claim Administrator coordinates for the Employer in relation to the Employer's Plan; (ii) that the Claim Administrator's coordination shall include reviewing external review requests to ensure that they meet eligibility requirements, referring requests to accredited external independent review organizations, and reversing the Plan's determinations if so indicated by external independent review organizations; and (iii) that the external reviews shall be performed by an independent third party entity or organization and not the Claim Administrator. Amounts received by Claim Administrator and external independent review organizations may be revised from time to time and may be paid each time an external review is undertaken. Further, Employer elects for external reviews to be performed under		

the process selected below (select one):

Federal Affordable Care Act Process

**Reimbursement Service:**  Yes  No

If yes: The Employer has elected to utilize the reimbursement service offered by the Claim Administrator, the Corporate Reimbursement Subrogation department. It is understood and agreed that in the event the Claim Administrator makes a recovery on a third-party liability claim, the Claim Administrator will retain 25% of any recovered amounts other than recovered amounts received as a result of or associated with any Workers' Compensation Law.

**Claim Administrator's Third Party Recovery Vendor:**

Recoveries from healthcare providers can arise in several ways, including, but not limited to, anti-fraud and abuse recoveries, healthcare provider/hospital audits, credit balance audits, data mining, utilization review refunds, and unsolicited refunds. The Claim Administrator may engage a third party to assist in identification or collection of recovery amounts related to Claim Payments. It is understood and agreed that in the event the Claim Administrator's Third Party Recovery Vendor makes a recovery on a claim, the Employer will pay no more than 25% of any recovered amount.

**Alternative Compensation Arrangements:**

Employer acknowledges and agrees that Claim Administrator has Alternative Compensation Arrangements with contracted Providers, including but not limited to Accountable Care Organizations and other Value Based Programs. Further information concerning Employer's payment for Covered Services under such Arrangements is described in the Administrative Services Agreement.

**Termination Administrative Charge**

As applies to the Run-Off Period indicated in the Payment Specifications section below:

- i. **For service charges (including, but not limited to, access fees) billed on a per Covered Employee basis at the time of termination**, the Termination Administrative Charge will be the amount equal to ten percent (10%) of the annualized charges based on the service charges in effect as of the termination date and the Plan participation of the two (2) months immediately preceding the termination date. Such aggregate amount will be due the Claim Administrator within ten (10) days of the Claim Administrator's notification to the Employer of the Termination Administrative Charge described herein.
- ii. **For service charges (including, but not limited to, access fees) billed on a basis other than per Covered Employee at the time of termination**, the Termination Administrative Charge will be such service charges in effect at the time of termination to be applied and billed by the Claim Administrator, and paid by the Employer, in the same manner as prior to termination.

Termination Administrative Charges assume the continuation of the Plan benefit program(s) and the administrative services in effect prior to termination. Should such Plan benefit program(s) and/or administrative services change, or in the event the average Plan enrollment during the three (3) months immediately preceding termination varies by ten percent (10%) or more from the enrollment used to determine the service charges in effect at the time of termination, the Claim Administrator reserves the right to adjust the fees for service charges (including, but not limited to, access fees) to be used to compute the Termination Administrative Charge.

The Termination Administrative Charge applicable to the Run-Off Period shall be equal to the sum of the amounts obtained by multiplying the total number of Covered Employees by category (*per Covered Employee per individual or family composite*) during the three (3) months immediately preceding the date of termination by the appropriate factors shown below.

Product /Service				
Medical Run-off Administration Charge:	<b>\$20.67</b>	\$ _____	\$ _____	\$ _____
Dental Run-off Administration Charge	\$ _____	\$ _____	\$ _____	\$ _____
Miscellaneous	\$ _____	\$ _____	\$ _____	\$ _____
Miscellaneous	\$ _____	\$ _____	\$ _____	\$ _____
<b>Total:</b>	<b>\$20.67</b>	\$ _____	\$ _____	\$ _____

**Additional Comments:** Effective 7/1/2014: when marriage is the qualifying event, the spouse will be added the first of the month after which the application has been made to cover the spouse.

**OTHER PROVISIONS:**

NO CHANGES     SEE ADDITIONAL PROVISIONS

1. Summary of Benefits & Coverage:

a. Will Claim Administrator create Summary of Benefits & Coverage (SBC):

- Yes. (Please answer question b. The SBC Addendum is attached.)  
 No. (If No, then the Employer acknowledges and agrees that the Employer is responsible for the creation and distribution of the SBC as required by Section 2715 of the Public Health Service Act (42 USC 300gg-15) and SBC regulations (45 CFR 147.200), as supplemented and amended from time to time, and that in no event will the Claim Administrator have any responsibility or obligation with respect to the SBC. The Claim Administrator is not obligated to respond to or forward misrouted calls, but may, at its option, provide participants and beneficiaries with Employer's contact information. (Skip question b.)

b. Will Claim Administrator distribute Summary of Benefits & Coverage (SBC) to participants and beneficiaries?

- No. Claim Administrator will create SBC (only for benefits Claim Administrator administers under the Agreement) and provide SBC to Employer in electronic format. Employer will then distribute SBC to participants and beneficiaries (or hire a third party to distribute) as required by law.  
 Yes. Claim Administrator will create SBC (only for benefits Claim Administrator administers under the Agreement) and provide SBC to Employer in electronic format. Employer will then distribute to participants and beneficiaries as required by law, except that Claim Administrator will send the SBC in response to the occasional request received directly from individuals.  
 Yes. Claim Administrator will create SBC (only for benefits Claim Administrator administers under the Agreement) and distribute SBC to participants and beneficiaries via regular hardcopy mail or electronically. Distribution Fee for hardcopy mail is \$1.50 per package. The distribution fee will not apply to SBCs that Claim Administrator sends in response to the occasional request received directly from individuals.

2. Does Employer have any Employees that reside in Massachusetts?  Yes  No

The Massachusetts Health Care Reform Act requires Employers to provide, or contract with another entity to provide, a written statement to individuals residing in Massachusetts who had "creditable coverage" at any time during the prior calendar year through the Employer's group health plan and to file a separate electronic report to the Massachusetts Department of Revenue verifying information in the individual written statements.

a. Does the Employer direct Claim Administrator to provide written statements of creditable coverage to its Covered Employees who reside, or have enrolled dependents who reside, in Massachusetts and file electronic reports to the Massachusetts Department of Revenue in a manner consistent with the requirements under the Massachusetts Health Care Reform Act? Such written statements and electronic reporting shall be based on information provided to the Claim Administrator by the Employer and coverage under the Plan during the term of the Administrative Services Agreement. The Employer hereby certifies that, to the best of its knowledge, such coverage under the Plan is "creditable coverage" in accordance with the Massachusetts Health Care Reform Act. The Employer acknowledges that the Claim Administrator is not responsible for verifying nor ensuring compliance with any tax and/or legal requirements related to this service. The Employer or its Covered Employees should seek advice from their legal or tax advisors as necessary.

- Yes  No

b. If no: The Employer acknowledges it will provide written statements and electronic reporting to the Massachusetts Department of Revenue as required by the Massachusetts Health Care Reform Act.

3. Case/Utilization Management Program:  Yes  No

If Yes: The undersigned representative authorizes provision of alternative benefits for services rendered to Covered Persons in accordance with the provisions of the Administrative Services Agreement to which this ASO BPA is attached and the Employer's plan document.

4. Employer acknowledges and agrees to utilize Claim Administrator's standard list of services and supplies for which pre-notification or preauthorization is required:  Yes  No If no, Employer authorizes Claim Administrator to post Employer's pre-notification or preauthorization requirements on Claim Administrator's Website:  Yes  No

5. Essential Health Benefits ("EHB") Election:

Employer elects EHBs based on the following:

1. EHBs based on a HCSC state benchmark:

- Illinois       Oklahoma  
 Montana       Texas  
 New Mexico

2. EHBs based on benchmark of a state other than IL, MT, NM, OK and TX  
 If so, indicate the state's benchmark that Employer elects: \_\_\_

3. Other EHB, as determined by Employer

In the absence of an affirmative selection by Employer of its EHBs, then Employer is deemed to have elected the EHBs based on the Oklahoma benchmark plan.

6. Employer contribution:

Employer Contribution – Medical	Employer Contribution – Dental
_____ % of Employee's premium, or \$_____	_____ % of Employee's premium, or \$_____
_____ % of Dependent's premium, or \$_____	_____ % of Dependent's premium, or \$_____

Comments: \_\_\_\_\_

7. This ASO Benefit Program Application (ASO BPA) is incorporated into and made a part of the Administrative Services Agreement with both such documents to be referred to collectively as the "Agreement" unless specified otherwise.

### Producer/Consultant Compensation

The Employer acknowledges that if any producer/consultant acts on its behalf for purposes of purchasing services in connection with the Employer's Plan under the Administrative Services Agreement to which this ASO BPA is attached, the Claim Administrator may pay the Employer's producer/consultant a commission and/or other compensation in connection with such services under the Agreement. If the Employer desires additional information regarding commissions and/or other compensation paid the producer/consultant by the Claim Administrator in connection with services under the Agreement, the Employer should contact its producer/consultant.

### ADDITIONAL PROVISIONS:

- A. **Grandfathered Health Plans:** Employer shall provide Claim Administrator with written notice prior to renewal (and during the plan year, at least 60 days advance written notice) of any changes that would cause any benefit package of its group health plan(s) (each hereafter a "plan") to lose its status as a "grandfathered health plan" under the Affordable Care Act and applicable regulations. Any such changes (or failure to provide timely notice thereof) can result in retroactive and/or prospective changes by Claim Administrator to the terms and conditions of administrative services. In no event shall Claim Administrator be responsible for any legal, tax or other ramifications related to any plan's grandfathered health plan status or any representation regarding any plan's past, present and future grandfathered status. The grandfathered health plan form ("Form"), if any, shall be incorporated by reference into and become part of the BPA and Agreement, and Employer represents and warrants that such Form is true, complete and accurate.
- B. **Retiree Only Plans, Excepted Benefits and/or Self-Insured Nonfederal Governmental Plans:** If the BPA includes any retiree only plans, excepted benefits and/or self-insured nonfederal governmental plans (with an exemption election), then Employer represents and warrants that one or more such plans is not subject to some or all of the provisions of Part A (Individual and Group Market Reforms) of Title XXVII of the Public Health Service Act (and/or related provisions in the Internal Revenue Code and Employee Retirement Income Security Act) (an "exempt plan status"). Any determination that a plan does not have exempt plan status can result in retroactive and/or prospective changes by Claim Administrator to the terms and conditions of administrative services. In no event shall Claim Administrator be responsible for any legal, tax or other ramifications related to any plan's exempt plan status or any representation regarding any plan's exempt plan status.

C. Employer shall indemnify and hold harmless Claim Administrator and its directors, officers and employees against any and all loss, liability, damages, fines, penalties, taxes, expenses (including attorneys' fees and costs) or other costs or obligations resulting from or arising out of any claims, lawsuits, demands, governmental inquiries or actions, settlements or judgments brought or asserted against Claim Administrator in connection with (a) any plan's grandfathered health plan status, (b) any plan's exempt plan status, (c) any plan's design (including but not limited to any directions, actions and interpretations of the Employer), (d) any provision of inaccurate information, (e) the SBC, and/or (f) selection of Employer's EHB benchmark for the purpose of ACA. Changes in state or federal law or regulations or interpretations thereof may change the terms and conditions of administrative services.

The provisions of paragraphs A-C (directly above) shall be in addition to (and do not take the place of) the other terms and conditions of administrative services between the parties.

Page 3: #4 Domestic Partners Coverage: Legally married in a state that recognizes same sex marriage.

Lynnette Davis *Lynnette Davis 4-12-2017*  
 Sales Representative

403 918-551-3032 & 918-546-9836  
 District Phone & FAX Numbers

Signature of Authorized Employer Representative

Title

Producer Representative  
 Gallagher Benefit Services

Producer Firm  
 3856 S Boulevard Ste. 100, Edmond, OK 73013  
 Producer Address

Date

Signature of HCSC Vice President

Signature Underwriting

Producer Phone & FAX Numbers

Producer Email Address  
 364291971

Tax I.D. No.

# PROXY

The undersigned hereby appoints the Board of Directors of Health Care Service Corporation, a Mutual Legal Reserve Company, or any successor thereof ("HCSC"), with full power of substitution, and such persons as the Board of Directors may designate by resolution, as the undersigned's proxy to act on behalf of the undersigned at all meetings of members of HCSC (and at all meetings of members of any successor of HCSC) and any adjournments thereof, with full power to vote on behalf of the undersigned on all matters that may come before any such meeting and any adjournment thereof. The annual meeting of members shall be held each year in the corporate headquarters on the last Tuesday of October at 12:30 p.m. Special meetings of members may be called pursuant to notice mailed to the member not less than thirty (30) nor more than sixty (60) days prior to such meetings. This proxy shall remain in effect until revoked in writing by the undersigned at least twenty (20) days prior to any meeting of members or by attending and voting in person at any annual or special meeting of members.

From time to time, HCSC pays indemnification or advances expenses to a director, officer, employee or agent consistent with HCSC's bylaws then in force and as otherwise required by applicable law.

Group No.: 621602 By: \_\_\_\_\_  
Print Signer's Name Here  
➔ \_\_\_\_\_  
Signature and Title

Group Name: City of Midwest City  
Address: 100 N Midwest Blvd  
City: Midwest City State: OK ZIP: 73110-4319  
Dated this \_\_\_\_\_ day of \_\_\_\_\_  
Month Year





The City of  
**MIDWEST CITY**  
COMMUNITY DEVELOPMENT DEPARTMENT -  
ENGINEERING DIVISION

Billy Harless, Community Development Director  
Patrick Menefee, P.E., City Engineer

ENGINEERING DIVISION  
Patrick Menefee, City Engineer  
CURRENT PLANNING DIVISION  
Kellie Gilles, Manager  
COMPREHENSIVE PLANNING  
Julie Shannon, Comprehensive Planner  
BUILDING INSPECTION DIVISION  
Charles Belk, Building Official  
GIS DIVISION  
Kathy Spivey, GIS Coordinator

To: Honorable Mayor and Council

From: Patrick Menefee, P.E., City Engineer

Date: April 25th, 2017

Subject: Discussion and consideration of authorizing and entering into a Supplemental and Modification Agreement to the Original Engineering Contract for Federal-aid Railroad Project Number RRCS-255N(410)CS, State Job Number 32589(23), with the Oklahoma Department of Transportation in the total supplemental amount of \$3780.46 to reconstruct and signalize the railroad crossing located on Douglas Boulevard, between N.E. 10th Street and N.E. 23rd Street.

The modification to the following agreement is needed to fix a clerical error that occurred in ODOT's comptroller office. The revised estimate for the total project is now \$318,323.46, an increase of \$3780.46 to the total project cost. The accompanying agreement for the Midwest Boulevard crossing has been reduced by the same amount.

Staff recommends approval.

Patrick Menefee, P.E.,  
City Engineer

Attachment

**SUPPLEMENTAL AND MODIFICATION AGREEMENT  
TO THE ORIGINAL ENGINEERING CONTRACT  
JOB NO. 32589(23)  
CITY OF MIDWEST CITY**

This Supplemental Agreement entered into by and between the Department of Transportation, acting for and on behalf of the State of Oklahoma and hereinafter referred to as the Department, and the City of Midwest City, referred to as the City, said parties being the same who executed City of Midwest City Contract.

**WITNESSETH:**

**WHEREAS**, it is deemed necessary by the Department to modify original City of Midwest City Agreement.

The not to exceed compensation under Section 2 of the City Contract shall be adjusted through this Supplemental Agreement.

Total Supplemental Amount:	\$ 3780.46
Previous Contract Amount:	\$ 314,545.00
Total Contract Amount:	\$ 318,323.46

**WHEREAS**, the City is directed to make the necessary changes noted above as part of City Contract and,

**WHEREAS**, under the terms of Section 2: Changes and Modifications, it was agreed that these revisions would be paid for by a Supplemental Agreement negotiated prior to performing the additional work.

**NOW, THEREFORE**, it is mutually agreed by and between the parties hereto:

- A. An addition in the amount of **THREE THOUSAND SEVEN HUNDRED EIGHTY DOLLARS AND FORTY SIX CENTS (\$3780.46)** shall be necessary for the revisions covered under this Supplemental Agreement.

The new funding break down with the supplemental amount added in is as follows:

- 5% Federal-aid Railroad Highway Grade Crossing funds at **FIFTEEN THOUSAND SEVEN HUNDRED TWENTY SEVEN DOLLARS AND SEVENTEEN CENTS (\$15727.17)**,

- 85% State Railroad Highway Grade Crossing funds at **TWO HUNDRED SEVENTY ONE THOUSAND FIVE HUNDRED SIXTY NINE DOLLARS AND TWENTY NINE CENTS (\$271,569.29)**,
  
  - 10% matching City funds at **THIRTY-ONE THOUSAND TWENTY-SEVEN DOLLARS AND NO CENTS (\$31,027.00)** for the signal installation costs,
- B. That Contract is hereby modified as above described, said Contract in all other respects be unchanged and in full force and effect.

**IN WITNESS WHEREOF**, the Deputy Director, pursuant to authority vested in him by the State Transportation Commission, has here into subscribed his name as Deputy Director of the Oklahoma Department of Transportation and the City of Midwest City has executed same pursuant to authority prescribed by law.

The **CITY** on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and the **DEPARTMENT** on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

**CITY OF MIDWEST CITY, OKLAHOMA**

\_\_\_\_\_  
Mayor

**ATTEST:**

**APPROVED AS TO FORM AND LEGALITY**

\_\_\_\_\_  
City Clerk  
(Seal)                      Date

\_\_\_\_\_  
City Attorney                      Date

**OKLAHOMA DEPARTMENT OF TRANSPORTATION**

**RECOMMENDED**

**REVIEWED AND APPROVED AS  
FORM AND LEGALITY**

\_\_\_\_\_  
Rail Programs Division                      Date

\_\_\_\_\_  
ODOT General Counsel                      Date

**APPROVED**

\_\_\_\_\_  
Director of Capital Programs                      Date

\_\_\_\_\_  
Deputy Director                      Date



The City of  
**MIDWEST CITY**  
COMMUNITY DEVELOPMENT DEPARTMENT -  
ENGINEERING DIVISION

Billy Harless, Community Development Director  
Patrick Menefee, P.E., City Engineer

ENGINEERING DIVISION  
Patrick Menefee, City Engineer  
CURRENT PLANNING DIVISION  
Kellie Gilles, Manager  
COMPREHENSIVE PLANNING  
Julie Shannon, Comprehensive Planner  
BUILDING INSPECTION DIVISION  
Charles Belk, Building Official  
GIS DIVISION  
Kathy Spivey, GIS Coordinator

---

TO : Honorable Mayor and City Council

FROM : Patrick Menefee, P.E., City Engineer

DATE : April 25th, 2017

SUBJECT : Discussion and consideration of approval of a resolution for the following project's consideration of selection for the Transportation Alternatives Program: Palmer Loop East running between S.E. 15th Street and S.E. 29th Street.

The accompanying resolution is required in order to have the referenced project considered for approval and funding through the Association of Central Oklahoma Government's Transportation Alternative Program. All projects that the city applies for, and receives federal aid funding for through this program must be programmed in this manner.

The preliminary construction cost estimate for this project is as follows:

Palmer Loop East running between S.E. 15th Street and S.E. 29th Street  
Preliminary cost estimate - \$750,000

Staff recommends approval.

Patrick Menefee, P.E.  
City Engineer

Attachment

## RESOLUTION

### TRANSPORTATION ALTERNATIVES PROGRAM

A RESOLUTION REQUESTING THAT THE ASSOCIATION OF CENTRAL OKLAHOMA GOVERNMENTS CONSIDER THE SELECTION OF THE PALMER LOOP EAST, AS A TRAIL PROJECT CANDIDATE FOR FEDERAL FUNDING, AND TO SUBMIT IT TO THE OKLAHOMA TRANSPORTATION COMMISSION FOR ITS APPROVAL, AND REQUESTING THAT THE OKLAHOMA TRANSPORTATION COMMISSION CONCUR IN THE SELECTION OF THIS PROJECT AND TO SUBMIT IT TO THE FEDERAL HIGHWAY ADMINISTRATION FOR ITS APPROVAL AND FUNDING.

Be it remembered that on the 25<sup>th</sup> day of April 2017, at a regular meeting of the City Council of the City of Midwest City, the following resolution was presented, read and adopted:

**WHEREAS**, Transportation Alternative Program (TAP) funds for urbanized areas have been made available for transportation improvements within the Oklahoma City Urban Area, and

**WHEREAS**, The City of Midwest City has selected a project described as the Palmer Loop East running between SE 15<sup>th</sup> and SE 29<sup>th</sup>; and

**WHEREAS**, the engineer's preliminary estimate of cost is \$750,000, and Federal participation under the terms of the *Moving Ahead for Progress in the 21<sup>st</sup> Century (MAP-21)* relating to Transportation Alternatives Program funds is hereby requested for funding 80% of the project cost, which is estimated at \$600,000, and

**WHEREAS**, the City proposes to use the Capital Improvements Project Fund (157) as the source of funds for the balance of the project costs, which is estimated at \$150,000, and

**WHEREAS**, no City funds are committed by this action; and

**WHEREAS**, the City has the required matching funds available and further agrees to deposit matching funds by separate agreement with the Oklahoma Department of Transportation (ODOT) prior to advertising of the project for bid by ODOT; and

**WHEREAS**, the City has arranged for its city engineer, a qualified engineer, to furnish engineering services in preparation of detailed plans, specifications, and estimates; and

**WHEREAS**, the City agrees to provide for satisfactory maintenance after completion, and to furnish the necessary right-of-way clear and unobstructed, and

**WHEREAS**, the City agrees, as a condition to receiving any Federal financial assistance from the Department of Transportation, that it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42. U.S.C. 2000d et seq., and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, "Nondiscrimination of Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964", and

**WHEREAS**, the city assures that no qualified person with a disability shall, solely by reasons of their disability, be excluded from participation in, be denied the benefits of or otherwise be subjected to discrimination under any program or activity administered by the City; and

**WHEREAS**, the City further understands that acceptance of this resolution by the Association of Central Oklahoma Governments (ACOG) and the Oklahoma Department of Transportation is not a commitment to Federal funding, but only registers the City's interest and intent in participating in the program application process.

**NOW, THEREFORE, BE IT RESOLVED:**

That ACOG is hereby requested to consider the selection of this project as a candidate for Federal funding, and to submit same to the Oklahoma Transportation Commission for its approval;

That the Oklahoma Transportation Commission is hereby requested to concur in the selection of this project and to submit same to the Federal Highway Administration for its approval.

**ADOPTED** by the City Council of Midwest City and **SIGNED** by the Mayor

this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

Approved as to form and legality

\_\_\_\_\_  
City Attorney



The City of  
**MIDWEST CITY**  
COMMUNITY DEVELOPMENT DEPARTMENT -  
ENGINEERING DIVISION

Billy Harless, Community Development Director  
Patrick Menefee, P.E., City Engineer

ENGINEERING DIVISION  
Patrick Menefee, City Engineer  
CURRENT PLANNING DIVISION  
Kellie Gilles, Manager  
COMPREHENSIVE PLANNING  
Julie Shannon, Comprehensive Planner  
BUILDING INSPECTION DIVISION  
Charles Belk, Building Official  
GIS DIVISION  
Kathy Spivey, GIS Coordinator

TO : Honorable Mayor and City Council

FROM : Patrick Menefee, P.E., City Engineer

DATE : April 25th, 2017

SUBJECT : Discussion and consideration of approval of a resolution for the following project's consideration of selection for the Transportation Alternatives Program: Replacement of three obsolete bridges with historical truss bridges, one located in Tom Poore Park and two located in Joe B. Barnes Regional Park.

The accompanying resolution is required in order to have the referenced project considered for approval and funding through the Association of Central Oklahoma Government's Transportation Alternative Program. All projects that the city applies for, and receives federal aid funding for through this program must be programmed in this manner.

The preliminary construction cost estimate for this project is as follows:

Replacement of three obsolete bridges with historical truss bridges  
Preliminary cost estimate - \$750,000

Staff recommends approval.

Patrick Menefee, P.E.  
City Engineer

Attachment



## RESOLUTION

### TRANSPORTATION ALTERNATIVES PROGRAM

A RESOLUTION REQUESTING THAT THE ASSOCIATION OF CENTRAL OKLAHOMA GOVERNMENTS CONSIDER THE SELECTION OF REPLACEMENT OF OBSOLETE BRIDGES, AS A TRAIL PROJECT CANDIDATE FOR FEDERAL FUNDING, AND TO SUBMIT IT TO THE OKLAHOMA TRANSPORTATION COMMISSION FOR ITS APPROVAL, AND REQUESTING THAT THE OKLAHOMA TRANSPORTATION COMMISSION CONCUR IN THE SELECTION OF THIS PROJECT AND TO SUBMIT IT TO THE FEDERAL HIGHWAY ADMINISTRATION FOR ITS APPROVAL AND FUNDING.

Be it remembered that on the 25<sup>th</sup> day of April 2017, at a regular meeting of the City Council of the City of Midwest City, the following resolution was presented, read and adopted:

**WHEREAS**, Transportation Alternative Program (TAP) funds for urbanized areas have been made available for transportation improvements within the Oklahoma City Urban Area, and

**WHEREAS**, The City of Midwest City has selected a project described as the replacement of three obsolete bridges with historical truss bridges; and

**WHEREAS**, the engineer's preliminary estimate of cost is \$750,000, and Federal participation under the terms of the *Moving Ahead for Progress in the 21<sup>st</sup> Century (MAP-21)* relating to Transportation Alternatives Program funds is hereby requested for funding 80% of the project cost, which is estimated at \$600,000, and

**WHEREAS**, the City proposes to use the Capital Improvements Project Fund (157) as the source of funds for the balance of the project costs, which is estimated at \$150,000, and

**WHEREAS**, no City funds are committed by this action; and

**WHEREAS**, the City has the required matching funds available and further agrees to deposit matching funds by separate agreement with the Oklahoma Department of Transportation (ODOT) prior to advertising of the project for bid by ODOT; and

**WHEREAS**, the City agrees to provide for satisfactory maintenance after completion, and to furnish the necessary right-of-way clear and unobstructed, and

**WHEREAS**, the City agrees, as a condition to receiving any Federal financial assistance from the Department of Transportation, that it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42. U.S.C. 2000d et seq., and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, "Nondiscrimination of Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964", and

**WHEREAS**, the city assures that no qualified person with a disability shall, solely by reasons of their disability, be excluded from participation in, be denied the benefits of or otherwise be subjected to discrimination under any program or activity administered by the City; and

**WHEREAS**, the City further understands that acceptance of this resolution by the Association of Central Oklahoma Governments (ACOG) and the Oklahoma Department of Transportation is not a commitment to Federal funding, but only registers the City's interest and intent in participating in the program application process.

**NOW, THEREFORE, BE IT RESOLVED:**

That ACOG is hereby requested to consider the selection of this project as a candidate for Federal funding, and to submit same to the Oklahoma Transportation Commission for its approval;

That the Oklahoma Transportation Commission is hereby requested to concur in the selection of this project and to submit same to the Federal Highway Administration for its approval.

**ADOPTED** by the City Council of Midwest City and **SIGNED** by the Mayor

this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

Approved as to form and legality

\_\_\_\_\_  
City Attorney



**1 in = 117 ft**  
when printed actual size  
on 8-1/2"x11" paper

**DISCLAIMER**

This map is a general information public resource. The City of Midwest City makes no warranty, representation or guarantee as to the content, accuracy, timeliness or completeness of any of the information provided on this map. Any party's use or reliance on this map, or any information on it, is at that party's own risk and without liability to the City of Midwest City, its officials or its employees for any discrepancies, errors or omissions that may exist.



Tom Poore  
Park Bridge

Soldier Creek

SYCAMORE DR

HICKORY LN

HAZELWOOD DR

CEDAR HILL PL



1 in = 117 ft  
when printed actual size  
on 8-1/2"x11" paper

**DISCLAIMER**

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The City of  
**MIDWEST CITY**  
COMMUNITY DEVELOPMENT DEPARTMENT -  
ENGINEERING DIVISION

Billy Harless, Community Development Director  
Patrick Menefee, P.E., City Engineer

ENGINEERING DIVISION  
Patrick Menefee, City Engineer  
CURRENT PLANNING DIVISION  
Kellie Gilles, Manager  
COMPREHENSIVE PLANNING  
Julie Shannon, Comprehensive Planner  
BUILDING INSPECTION DIVISION  
Charles Belk, Building Official  
GIS DIVISION  
Kathy Spivey, GIS Coordinator

TO : Honorable Mayor and City Council

FROM : Patrick Menefee, P.E., City Engineer

DATE : April 25th, 2017

SUBJECT : Discussion and consideration of approval of a resolution for the following project's consideration of selection for the Transportation Alternatives Program: Rail with Trail segment between Maple Drive and Air Depot Boulevard.

The accompanying resolution is required in order to have the referenced project considered for approval and funding through the Association of Central Oklahoma Government's Transportation Alternative Program. All projects that the city applies for, and receives federal aid funding for through this program must be programmed in this manner.

The preliminary construction cost estimate for this project is as follows:

Rail with Trail segment between Maple Drive and Air Depot Boulevard  
Preliminary cost estimate - \$380,000

Staff recommends approval.

Patrick Menefee, P.E.  
City Engineer

Attachment

## RESOLUTION

### TRANSPORTATION ALTERNATIVES PROGRAM

A RESOLUTION REQUESTING THAT THE ASSOCIATION OF CENTRAL OKLAHOMA GOVERNMENTS CONSIDER THE SELECTION OF THE RAIL WITH TRAIL- PHASE 2, AS A TRAIL PROJECT CANDIDATE FOR FEDERAL FUNDING, AND TO SUBMIT IT TO THE OKLAHOMA TRANSPORTATION COMMISSION FOR ITS APPROVAL, AND REQUESTING THAT THE OKLAHOMA TRANSPORTATION COMMISSION CONCUR IN THE SELECTION OF THIS PROJECT AND TO SUBMIT IT TO THE FEDERAL HIGHWAY ADMINISTRATION FOR ITS APPROVAL AND FUNDING.

Be it remembered that on the 25<sup>th</sup> day of April 2017, at a regular meeting of the City Council of the City of Midwest City, the following resolution was presented, read and adopted:

**WHEREAS**, Transportation Alternative Program (TAP) funds for urbanized areas have been made available for transportation improvements within the Oklahoma City Urban Area, and

**WHEREAS**, The City of Midwest City has selected a project described as the Rail with Trail segment between Maple Drive and Air Depot Boulevard; and

**WHEREAS**, the engineer's preliminary estimate of cost is \$380,000, and Federal participation under the terms of the *Moving Ahead for Progress in the 21<sup>st</sup> Century (MAP-21)* relating to Transportation Alternatives Program funds is hereby requested for funding 80% of the project cost, which is estimated at \$304,000, and

**WHEREAS**, the City proposes to use the Capital Improvements Project Fund (157) as the source of funds for the balance of the project costs, which is estimated at \$76,000, and

**WHEREAS**, no City funds are committed by this action; and

**WHEREAS**, the City has the required matching funds available and further agrees to deposit matching funds by separate agreement with the Oklahoma Department of Transportation (ODOT) prior to advertising of the project for bid by ODOT; and

**WHEREAS**, the City has arranged for its city engineer, a qualified engineer, to furnish engineering services in preparation of detailed plans, specifications, and estimates; and

**WHEREAS**, the City agrees to provide for satisfactory maintenance after completion, and to furnish the necessary right-of-way clear and unobstructed, and

**WHEREAS**, the City agrees, as a condition to receiving any Federal financial assistance from the Department of Transportation, that it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42. U.S.C. 2000d et seq., and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, "Nondiscrimination of Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964", and

**WHEREAS**, the city assures that no qualified person with a disability shall, solely by reasons of their disability, be excluded from participation in, be denied the benefits of or otherwise be subjected to discrimination under any program or activity administered by the City; and

**WHEREAS**, the City further understands that acceptance of this resolution by the Association of Central Oklahoma Governments (ACOG) and the Oklahoma Department of Transportation is not a commitment to Federal funding, but only registers the City's interest and intent in participating in the program application process.

**NOW, THEREFORE, BE IT RESOLVED:**

That ACOG is hereby requested to consider the selection of this project as a candidate for Federal funding, and to submit same to the Oklahoma Transportation Commission for its approval;

That the Oklahoma Transportation Commission is hereby requested to concur in the selection of this project and to submit same to the Federal Highway Administration for its approval.

**ADOPTED** by the City Council of Midwest City and **SIGNED** by the Mayor

this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

Approved as to form and legality

\_\_\_\_\_  
City Attorney



The City of  
**MIDWEST CITY**  
COMMUNITY DEVELOPMENT DEPARTMENT -  
ENGINEERING DIVISION

Billy Harless, Community Development Director  
Patrick Menefee, P.E., City Engineer

ENGINEERING DIVISION  
Patrick Menefee, City Engineer  
CURRENT PLANNING DIVISION  
Kellie Gilles, Manager  
COMPREHENSIVE PLANNING  
Julie Shannon, Comprehensive Planner  
BUILDING INSPECTION DIVISION  
Charles Belk, Building Official  
GIS DIVISION  
Kathy Spivey, GIS Coordinator

---

TO : Honorable Mayor and City Council

FROM : Patrick Menefee, P.E., City Engineer

DATE : April 25th, 2017

SUBJECT : Discussion and consideration of approval of a resolution for the following project's consideration of selection for the Transportation Alternatives Program: Rail with Trail segment between Air Depot Boulevard and Quinlan Park.

The accompanying resolution is required in order to have the referenced project considered for approval and funding through the Association of Central Oklahoma Government's Transportation Alternative Program. All projects that the city applies for, and receives federal aid funding for through this program must be programmed in this manner.

The preliminary construction cost estimate for this project is as follows:

Rail with Trail segment between Air Depot Boulevard and Quinlan Park  
Preliminary cost estimate - \$750,000

Staff recommends approval.

Patrick Menefee, P.E.  
City Engineer

Attachment



## RESOLUTION

### TRANSPORTATION ALTERNATIVES PROGRAM

A RESOLUTION REQUESTING THAT THE ASSOCIATION OF CENTRAL OKLAHOMA GOVERNMENTS CONSIDER THE SELECTION OF THE RAIL WITH TRAIL- PHASE 3, AS A TRAIL PROJECT CANDIDATE FOR FEDERAL FUNDING, AND TO SUBMIT IT TO THE OKLAHOMA TRANSPORTATION COMMISSION FOR ITS APPROVAL, AND REQUESTING THAT THE OKLAHOMA TRANSPORTATION COMMISSION CONCUR IN THE SELECTION OF THIS PROJECT AND TO SUBMIT IT TO THE FEDERAL HIGHWAY ADMINISTRATION FOR ITS APPROVAL AND FUNDING.

Be it remembered that on the 25<sup>th</sup> day of April 2017, at a regular meeting of the City Council of the City of Midwest City, the following resolution was presented, read and adopted:

**WHEREAS**, Transportation Alternative Program (TAP) funds for urbanized areas have been made available for transportation improvements within the Oklahoma City Urban Area, and

**WHEREAS**, The City of Midwest City has selected a project described as the Rail with Trail segment between Air Depot Boulevard and Quinlan Park; and

**WHEREAS**, the engineer's preliminary estimate of cost is \$750,000, and Federal participation under the terms of the *Moving Ahead for Progress in the 21<sup>st</sup> Century (MAP-21)* relating to Transportation Alternatives Program funds is hereby requested for funding 80% of the project cost, which is estimated at \$600,000, and

**WHEREAS**, the City proposes to use the Capital Improvements Project Fund (157) as the source of funds for the balance of the project costs, which is estimated at \$150,000, and

**WHEREAS**, no City funds are committed by this action; and

**WHEREAS**, the City has the required matching funds available and further agrees to deposit matching funds by separate agreement with the Oklahoma Department of Transportation (ODOT) prior to advertising of the project for bid by ODOT; and

**WHEREAS**, the City agrees to provide for satisfactory maintenance after completion, and to furnish the necessary right-of-way clear and unobstructed, and

**WHEREAS**, the City agrees, as a condition to receiving any Federal financial assistance from the Department of Transportation, that it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42. U.S.C. 2000d et seq., and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, "Nondiscrimination of Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964", and

**WHEREAS**, the city assures that no qualified person with a disability shall, solely by reasons of their disability, be excluded from participation in, be denied the benefits of or otherwise be subjected to discrimination under any program or activity administered by the City; and

**WHEREAS**, the City further understands that acceptance of this resolution by the Association of Central Oklahoma Governments (ACOG) and the Oklahoma Department of Transportation is not a commitment to Federal funding, but only registers the City's interest and intent in participating in the program application process.

**NOW, THEREFORE, BE IT RESOLVED:**

That ACOG is hereby requested to consider the selection of this project as a candidate for Federal funding, and to submit same to the Oklahoma Transportation Commission for its approval;

That the Oklahoma Transportation Commission is hereby requested to concur in the selection of this project and to submit same to the Federal Highway Administration for its approval.

**ADOPTED** by the City Council of Midwest City and **SIGNED** by the Mayor

this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

Approved as to form and legality

\_\_\_\_\_  
City Attorney



The City of  
**MIDWEST CITY**  
COMMUNITY DEVELOPMENT DEPARTMENT -  
ENGINEERING DIVISION

Billy Harless, Community Development Director  
Patrick Menefee, P.E., City Engineer

ENGINEERING DIVISION  
Patrick Menefee, City Engineer  
CURRENT PLANNING DIVISION  
Kellie Gilles, Manager  
COMPREHENSIVE PLANNING  
Julie Shannon, Comprehensive Planner  
BUILDING INSPECTION DIVISION  
Charles Belk, Building Official  
GIS DIVISION  
Kathy Spivey, GIS Coordinator

TO : Honorable Mayor and City Council

FROM : Patrick Menefee, P.E., City Engineer

DATE : April 25th, 2017

SUBJECT : Discussion and consideration of approval of a resolution for the following project's consideration of selection for the Transportation Alternatives Program: Rail with Trail segment between Quinlan Park and Sooner Road.

The accompanying resolution is required in order to have the referenced project considered for approval and funding through the Association of Central Oklahoma Government's Transportation Alternative Program. All projects that the city applies for, and receives federal aid funding for through this program must be programmed in this manner.

The preliminary construction cost estimate for this project is as follows:

Rail with Trail segment between Quinlan Park and Sooner Road  
Preliminary cost estimate - \$600,000

Staff recommends approval.

Patrick Menefee, P.E.  
City Engineer

Attachment

## RESOLUTION

### TRANSPORTATION ALTERNATIVES PROGRAM

A RESOLUTION REQUESTING THAT THE ASSOCIATION OF CENTRAL OKLAHOMA GOVERNMENTS CONSIDER THE SELECTION OF THE RAIL WITH TRAIL- PHASE 4, AS A TRAIL PROJECT CANDIDATE FOR FEDERAL FUNDING, AND TO SUBMIT IT TO THE OKLAHOMA TRANSPORTATION COMMISSION FOR ITS APPROVAL, AND REQUESTING THAT THE OKLAHOMA TRANSPORTATION COMMISSION CONCUR IN THE SELECTION OF THIS PROJECT AND TO SUBMIT IT TO THE FEDERAL HIGHWAY ADMINISTRATION FOR ITS APPROVAL AND FUNDING.

Be it remembered that on the 25<sup>th</sup> day of April 2017, at a regular meeting of the City Council of the City of Midwest City, the following resolution was presented, read and adopted:

**WHEREAS**, Transportation Alternative Program (TAP) funds for urbanized areas have been made available for transportation improvements within the Oklahoma City Urban Area, and

**WHEREAS**, The City of Midwest City has selected a project described as the Rail with Trail segment between Quinlan Park and Sooner Road; and

**WHEREAS**, the engineer's preliminary estimate of cost is \$750,000, and Federal participation under the terms of the *Moving Ahead for Progress in the 21<sup>st</sup> Century (MAP-21)* relating to Transportation Alternatives Program funds is hereby requested for funding 80% of the project cost, which is estimated at \$600,000, and

**WHEREAS**, the City proposes to use the Capital Improvements Project Fund (157) as the source of funds for the balance of the project costs, which is estimated at \$150,000, and

**WHEREAS**, no City funds are committed by this action; and

**WHEREAS**, the City has the required matching funds available and further agrees to deposit matching funds by separate agreement with the Oklahoma Department of Transportation (ODOT) prior to advertising of the project for bid by ODOT; and

**WHEREAS**, the City agrees to provide for satisfactory maintenance after completion, and to furnish the necessary right-of-way clear and unobstructed, and

**WHEREAS**, the City agrees, as a condition to receiving any Federal financial assistance from the Department of Transportation, that it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42. U.S.C. 2000d et seq., and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, "Nondiscrimination of Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964", and

**WHEREAS**, the city assures that no qualified person with a disability shall, solely by reasons of their disability, be excluded from participation in, be denied the benefits of or otherwise be subjected to discrimination under any program or activity administered by the City; and

**WHEREAS**, the City further understands that acceptance of this resolution by the Association of Central Oklahoma Governments (ACOG) and the Oklahoma Department of Transportation is not a commitment to Federal funding, but only registers the City's interest and intent in participating in the program application process.

**NOW, THEREFORE, BE IT RESOLVED:**

That ACOG is hereby requested to consider the selection of this project as a candidate for Federal funding, and to submit same to the Oklahoma Transportation Commission for its approval;

That the Oklahoma Transportation Commission is hereby requested to concur in the selection of this project and to submit same to the Federal Highway Administration for its approval.

**ADOPTED** by the City Council of Midwest City and **SIGNED** by the Mayor

this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

Approved as to form and legality

\_\_\_\_\_  
City Attorney



The City of  
**MIDWEST CITY**  
COMMUNITY DEVELOPMENT DEPARTMENT -  
ENGINEERING DIVISION

Billy Harless, Community Development Director  
Patrick Menefee, P.E., City Engineer

ENGINEERING DIVISION  
Patrick Menefee, City Engineer  
CURRENT PLANNING DIVISION  
Kellie Gilles, Manager  
COMPREHENSIVE PLANNING  
Julie Shannon, Comprehensive Planner  
BUILDING INSPECTION DIVISION  
Charles Belk, Building Official  
GIS DIVISION  
Kathy Spivey, GIS Coordinator

To: Honorable Mayor and Council

From: Patrick Menefee, P.E., City Engineer

Date: April 25th, 2017

Subject: Discussion and consideration of authorizing and entering into a Supplemental and Modification Agreement to the Original Engineering Contract for Federal-aid Railroad Project Number RRCS-255B(411)CS, State Job Number 32589(24), with the Oklahoma Department of Transportation in the total reduced supplemental amount of -\$3,779.54 to reconstruct and signalize the railroad crossing located on Midwest Boulevard, between N.E. 10th Street and N.E. 23rd Street.

The modification to the following agreement is needed to fix a clerical error that occurred in ODOT's comptroller office. The revised estimate for the total project is now \$313,508.46, a decrease of -\$3,779.54 to the total project cost. The accompanying agreement for the Douglas Boulevard crossing has been increased by the same amount.

Staff recommends approval.

Patrick Menefee, P.E.,  
City Engineer

Attachment

**SUPPLEMENTAL AND MODIFICATION AGREEMENT  
TO THE ORIGINAL ENGINEERING CONTRACT  
JOB NO. 32589(24)  
CITY OF MIDWEST CITY**

This Supplemental Agreement entered into by and between the Department of Transportation, acting for and on behalf of the State of Oklahoma and hereinafter referred to as the Department, and the City of Midwest City, referred to as the City, said parties being the same who executed City of Midwest City Contract.

**WITNESSETH:**

**WHEREAS**, it is deemed necessary by the Department to modify original City of Midwest City Agreement.

The not to exceed compensation under Section 2 of the City Contract shall be adjusted through this Supplemental Agreement.

Total Supplemental Amount:	\$ -3,779.54
Previous Contract Amount:	\$ 317,290.00
Total Contract Amount:	\$ 313,508.46

**WHEREAS**, the Railroad is directed to make the necessary changes noted above as part of Railroad Contract and,

**WHEREAS**, under the terms of Section 2: Changes and Modifications, it was agreed that these revisions would be paid for by a Supplemental Agreement negotiated prior to performing the additional work.

**NOW, THEREFORE**, it is mutually agreed by and between the parties hereto:

- A. A reduction in the amount of THREE THOUSAND SEVEN HUNDRED SEVENTY NINE DOLLARS AND FIFTY FOUR CENTS (**\$3,779.54**) shall be necessary for the revisions covered under this Supplemental Agreement.

The new funding break down with the supplemental amount removed is as follows:

- 5% Federal-aid Railroad Highway Grade Crossing funds at **FIFTEEN THOUSAND EIGHT HUNDRED SIXTY FOUR DOLLARS AND FORTY TWO CENTS (\$15,864.42)**,

- 85% State Railroad Highway Grade Crossing funds at **TWO HUNDRED SIXTY SIX THOUSAND SEVEN HUNDRED TWENTY ONE DOLLARS AND FOUR CENTS (\$266,721.04)**,
  - 10% matching City funds at **THIRTY THOUSAND NINE HUNDRED TWENTY-THREE DOLLARS AND NO CENTS (\$30,923.00)** for the signal installation costs,
- B. That Contract is hereby modified as above described, said Contract in all other respects be unchanged and in full force and effect.



**IN WITNESS WHEREOF**, the Deputy Director, pursuant to authority vested in him by the State Transportation Commission, has here into subscribed his name as Deputy Director of the Oklahoma Department of Transportation and the City of Midwest City has executed same pursuant to authority prescribed by law.

The **CITY** on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and the **DEPARTMENT** on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**CITY OF MIDWEST CITY, OKLAHOMA**

\_\_\_\_\_  
Mayor

**ATTEST:**

**APPROVED AS TO FORM AND LEGALITY**

\_\_\_\_\_  
City Clerk  
(Seal)                      Date

\_\_\_\_\_  
City Attorney                                      Date

**OKLAHOMA DEPARTMENT OF TRANSPORTATION**

**RECOMMENDED**

**REVIEWED AND APPROVED AS  
FORM AND LEGALITY**

\_\_\_\_\_  
Rail Programs Division                      Date

\_\_\_\_\_  
ODOT General Counsel                      Date

**APPROVED**

\_\_\_\_\_  
Director of Capital Programs              Date

\_\_\_\_\_  
Deputy Director                              Date



The City of  
**MIDWEST CITY**  
COMMUNITY DEVELOPMENT DEPARTMENT -  
ENGINEERING DIVISION

Billy Harless, Community Development Director  
Patrick Menefee, P.E., City Engineer

ENGINEERING DIVISION  
Patrick Menefee, City Engineer  
CURRENT PLANNING DIVISION  
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COMPREHENSIVE PLANNING  
Julie Shannon, Comprehensive Planner  
BUILDING INSPECTION DIVISION  
Charles Belk, Building Official  
GIS DIVISION  
Kathy Spivey, GIS Coordinator

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To: Honorable Mayor and Council

From: Patrick Menefee, P.E., City Engineer

Date: April 25th, 2017

Subject: Discussion and consideration of the acceptance of and making a matter of record Permit No. WL000055170084 from the State Department of Environmental Quality for the Forest Glen North Addition, Section 3, Water Line Extension, Midwest City, Oklahoma.

Permit No. WL000055170084 is for the construction of 1135 L.F. of six inch (6") water line and 50 L.F. of eight inch (8") water line to serve the new Forest Glen North Addition, Section 3, Midwest City, Oklahoma.

Staff recommends acceptance as this is consistent with past policy.

Patrick Menefee, P.E.  
City Engineer



SCOTT A. THOMPSON  
Executive Director

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

MARY FALLIN  
Governor

March 24, 2017

J. Guy Henson, City Manager  
City of Midwest City  
100 N. Midwest Blvd.  
Midwest City, Oklahoma 73110

Re: Permit No.: WL000055170084  
Forest Glen North Addition Section 3  
Water Line Extension Project  
PWSID No.: 1020806

Dear Mr. Henson:

Enclosed is Permit No.: WL000055170084 for the construction of approximately 1,135 L. F. of six (6) inch and 50 L. F. of eight (8) inch water lines and appurtenances to serve the City of Midwest City Forest Glen North Addition Section 3 Water Line Extension Project, Oklahoma County, Oklahoma.

The project authorized by this permit should be constructed in accordance with the plans approved by this Department on March 24, 2017. Any deviations from the approved plans and specifications affecting capacity, flow, or operation of units must be approved, in writing, by the Department before changes are made.

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

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

Respectfully,

A handwritten signature in black ink, appearing to read 'Robert B. Walker', is written over a horizontal line.

Robert B. Walker  
Construction Permit Section  
Water Quality Division

RBW/RC/ag

Enclosure

c: Oklahoma City DEQ Office  
Bruce Vande Lune, R. S., Regional Manager, DEQ  
Timothy Johnson, P. E., Johnson & Associates, Inc.





SCOTT A. THOMPSON  
Executive Director

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

MARY FALLIN  
Governor

**PERMIT NO.: WL000055170084**

**WATER LINES**

**PWSID NO.: 1020806**

**PERMIT TO CONSTRUCT**

March 24, 2017

Pursuant to O.S. 27A 2-6-304, the City of Midwest City is hereby granted this Tier I Permit to construct approximately 1,135 L. F. of six (6) inch and 50 L. F. of eight (8) inch water lines and appurtenances to serve the City of Midwest City Forest Glen North Addition Section 3 Water Line Extension Project, located in part of SE-1/4, Section 9, T-10-N, R-1-W, I. M., Oklahoma County, Oklahoma, in accordance with the plans approved on March 24, 2017.

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

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

- 1) Based on review of the submitted limited hydraulic information, this water line design is deemed adequate to provide the 2015 International Fire Code minimum reduced fire flow of 1,000-gpm for one and two family dwelling with a maximum surface area of 3,600-sf.
- 2) That the recipient of the permit is responsible that the project receives supervision and inspection by competent and qualified personnel.
- 3) That construction of all phases of the project will be started within one year of the date of approval or the phases not under construction will be resubmitted for approval as a new project.
- 4) That no significant information necessary for a proper evaluation of the project has been omitted, or invalid information has been presented in applying for the permit.
- 5) That the Oklahoma Department of Environmental Quality shall be kept informed on occurrences which may affect the eventual performance of the works or that will unduly delay the progress of the project.
- 6) That before placing this facility into service, at least two samples of the water, taken on different days, shall be tested for bacteria to show that it is safe for drinking purposes.
- 7) That any deviations from approved plans or specifications affecting capacity, flow or operation of units must be approved by the Department before any such deviations are made in the construction of this project.

Page 1 of 2





SCOTT A. THOMPSON  
Executive Director

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

MARY FALLIN  
Governor

PERMIT NO.: WL000055170084

WATER LINES

PWSID NO.: 1020806

PERMIT TO CONSTRUCT

- 8) The issuance of this permit does not relieve the responsible parties of any obligations or liabilities which the permittee may be under pursuant to prior enforcement action taken by the Department.
- 9) That the recipient of the permit is responsible for the continued operation and maintenance of these facilities in accordance with rules and regulations adopted by the Environmental Quality Board, and that this Department will be notified in writing of any sale or transfer of ownership of these facilities.
- 10) That the permittee is required to inform the developer/builder that a DEQ Storm Water Construction Permit is required for a construction site that will disturb one (1) acre or more in accordance with OPDES, 27A O.S. Section 2-6-201 *et seq.* For information or a copy of the GENERAL PERMIT (OKR10) FOR STORM WATER DISCHARGES FROM CONSTRUCTION ACTIVITIES, Notice of Intent (NOI) form, Notice of Termination (NOT) form, or guidance on preparation of a Pollution Prevention Plan, contact the Storm Water Unit of the Water Quality Division at P.O. Box 1677, Oklahoma City, OK 73101-1677 or by phone at (405) 702-8100.
- 11) That any notations or changes recorded on the official set of plans and specifications in the Oklahoma Department of Environmental Quality files shall be part of the plans as approved.
- 12) That whenever plastic pipe is approved and used for potable water, it shall bear the seal of the National Sanitation Foundation and meet the appropriate commercial standards.
- 13) That when it is impossible to obtain proper 10-foot horizontal and 2-foot vertical separation between water and sewer lines as stipulated in Public Water Supply Construction Standards OAC 252:626-19-2(h)(1) and OAC 252:626-19-2(h)(2), respectively, design and construct the sewer line pipe equal to water line pipe and pressure test in accordance with OAC 252:626-19-2(h)(3).

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

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





The City of  
**MIDWEST CITY**  
COMMUNITY DEVELOPMENT DEPARTMENT -  
ENGINEERING DIVISION

Billy Harless, Community Development Director  
Patrick Menefee, P.E., City Engineer

ENGINEERING DIVISION  
Patrick Menefee, City Engineer  
CURRENT PLANNING DIVISION  
Kellie Gilles, Manager  
COMPREHENSIVE PLANNING  
Julie Shannon, Comprehensive Planner  
BUILDING INSPECTION DIVISION  
Charles Belk, Building Official  
GIS DIVISION  
Kathy Spivey, GIS Coordinator

To: Honorable Mayor and Council

From: Patrick Menefee, P.E., City Engineer

Date: April 25th, 2017

Subject: Discussion and consideration of awarding the bid to and entering into a contract with Holland Backhoe, Inc. in the amount of \$84,370.00 for the S.E. 10th Street and Meade Drive Waterline Project.

Bids were received on April 13th, 2017 for the above referenced project. Staff recommends award of the bid to Holland Backhoe, Inc., which submitted the lowest and best bid meeting specifications in the amount of \$84,370.00. Attached are the bid tabulations for the eight bids received for the project, plus the engineer's estimate. The funds for this project were designated as the Mead Drive Loop between 15th and Post Project in the 178 Construction Loan Payment Fund.

Staff recommends awarding the bid to Holland Backhoe, Inc.

Patrick Menefee, P.E.  
City Engineer

PM:lkb

Attachments

Bid Tab: MIDWEST CITY WATERLINE EXTENSION		Engineer's Est		Cimarron Const.		Davenport Const.		H & H Plumbing		Holland Backhoe		Luckinbill			
S.E. 10TH & MEADE DR. PROJECT		Unit	Qty	Unit Price	Est	Unit Price	Est	Unit Price	Est	Unit Price	Est	Unit Price	Est		
1	Clear and Grub	LS	1	\$ 3,500.00	\$ 3,500.00	\$ 2,300.00	\$ 2,300.00	\$ 1,660.00	\$ 1,660.00	\$ 1,550.00	\$ 1,550.00	\$ 1,500.00	\$ 1,500.00	\$ 2,000.00	\$ 2,000.00
2	Solid Slab Sodd	SY	1200	\$ 5.00	\$ 6,000.00	\$ 2.00	\$ 2,400.00	\$ 2.80	\$ 3,360.00	\$ 4.50	\$ 5,400.00	\$ 2.00	\$ 2,400.00	\$ 3.00	\$ 3,600.00
3	6" C900 Waterline Pipe	LF	1340	\$ 30.00	\$ 40,200.00	\$ 27.00	\$ 36,180.00	\$ 28.00	\$ 37,520.00	\$ 28.00	\$ 37,520.00	\$ 19.00	\$ 25,460.00	\$ 30.00	\$ 40,200.00
4	10" Casing	LF	87	\$ 45.00	\$ 3,915.00	\$ 50.00	\$ 4,350.00	\$ 62.00	\$ 5,394.00	\$ 65.00	\$ 5,655.00	\$ 30.00	\$ 2,610.00	\$ 150.00	\$ 13,050.00
5	Bedding Material	CY	200	\$ 30.00	\$ 6,000.00	\$ 35.00	\$ 7,000.00	\$ 55.00	\$ 11,000.00	\$ 40.00	\$ 8,000.00	\$ 19.00	\$ 3,800.00	\$ 12.00	\$ 2,400.00
6	6" Valve with Box	EA	4	\$ 950.00	\$ 3,800.00	\$ 765.00	\$ 3,060.00	\$ 980.00	\$ 3,920.00	\$ 975.00	\$ 3,900.00	\$ 950.00	\$ 3,800.00	\$ 950.00	\$ 3,800.00
7	6" 45° Bends	EA	4	\$ 400.00	\$ 1,600.00	\$ 385.00	\$ 1,540.00	\$ 305.00	\$ 1,220.00	\$ 435.00	\$ 1,740.00	\$ 325.00	\$ 1,300.00	\$ 250.00	\$ 1,000.00
8	6" 90° Bend	EA	1	\$ 400.00	\$ 400.00	\$ 385.00	\$ 385.00	\$ 320.00	\$ 320.00	\$ 450.00	\$ 450.00	\$ 325.00	\$ 325.00	\$ 260.00	\$ 260.00
9	6" X 6" Tee	EA	3	\$ 380.00	\$ 1,140.00	\$ 485.00	\$ 1,455.00	\$ 420.00	\$ 1,260.00	\$ 475.00	\$ 1,425.00	\$ 375.00	\$ 1,125.00	\$ 300.00	\$ 900.00
10	8" X 6" Reducer	EA	1	\$ 275.00	\$ 275.00	\$ 450.00	\$ 450.00	\$ 320.00	\$ 320.00	\$ 425.00	\$ 425.00	\$ 325.00	\$ 325.00	\$ 275.00	\$ 275.00
11	Fire Hydrant	EA	3	\$ 3,100.00	\$ 9,300.00	\$ 2,800.00	\$ 8,400.00	\$ 2,800.00	\$ 8,400.00	\$ 2,300.00	\$ 6,900.00	\$ 2,500.00	\$ 7,500.00	\$ 3,500.00	\$ 10,500.00
12	Short Service	EA	3	\$ 725.00	\$ 2,175.00	\$ 600.00	\$ 1,800.00	\$ 450.00	\$ 1,350.00	\$ 750.00	\$ 2,250.00	\$ 625.00	\$ 1,875.00	\$ 500.00	\$ 1,500.00
13	Long Service	EA	3	\$ 950.00	\$ 2,850.00	\$ 1,310.00	\$ 3,930.00	\$ 880.00	\$ 2,640.00	\$ 1,850.00	\$ 5,550.00	\$ 925.00	\$ 2,775.00	\$ 2,500.00	\$ 7,500.00
14	Remove 6" Cap	EA	1	\$ 500.00	\$ 500.00	\$ 700.00	\$ 700.00	\$ 306.00	\$ 306.00	\$ 300.00	\$ 300.00	\$ 500.00	\$ 500.00	\$ 50.00	\$ 50.00
15	Remove 8" Plug	EA	1	\$ 500.00	\$ 500.00	\$ 1,000.00	\$ 1,000.00	\$ 306.00	\$ 306.00	\$ 400.00	\$ 400.00	\$ 500.00	\$ 500.00	\$ 50.00	\$ 50.00
16	Disinfection and Pressure Test	LS	1	\$ 800.00	\$ 800.00	\$ 700.00	\$ 700.00	\$ 600.00	\$ 600.00	\$ 450.00	\$ 450.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00
17	Remove and Replace Concrete Driveway	SY	100	\$ 65.00	\$ 6,500.00	\$ 95.00	\$ 11,875.00	\$ 136.00	\$ 17,000.00	\$ 225.00	\$ 28,125.00	\$ 100.00	\$ 12,500.00	\$ 1.00	\$ 125.00
18	Asphalt Patching	SY	100	\$ 50.00	\$ 5,000.00	\$ 83.00	\$ 8,300.00	\$ 136.00	\$ 13,600.00	\$ 125.00	\$ 12,500.00	\$ 94.00	\$ 9,400.00	\$ 120.00	\$ 12,000.00
19	Erosion Control	LS	1	\$ 2,500.00	\$ 2,500.00	\$ 575.00	\$ 575.00	\$ 2,400.00	\$ 2,400.00	\$ 2,500.00	\$ 2,500.00	\$ 425.00	\$ 425.00	\$ 750.00	\$ 750.00
20	Traffic Control	LS	1	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,275.00	\$ 1,275.00	\$ 1,850.00	\$ 1,850.00	\$ 1,250.00	\$ 1,250.00	\$ 750.00	\$ 750.00
21	Mobilization	LS	1	\$ 13,343.26	\$ 13,343.26	\$ 3,600.00	\$ 3,600.00	\$ 800.00	\$ 800.00	\$ 2,000.00	\$ 2,000.00	\$ 1,500.00	\$ 1,500.00	\$ 10,000.00	\$ 10,000.00
22	Construction Staking Level II	LS	1	\$ 2,379.33	\$ 2,379.33	\$ 2,170.00	\$ 2,170.00	\$ 1,920.00	\$ 1,920.00	\$ 1,500.00	\$ 1,500.00	\$ 2,500.00	\$ 2,500.00	\$ 3,000.00	\$ 3,000.00
Subtotal				\$ 113,677.59	\$ 113,677.59	\$ 103,170.00	\$ 103,170.00	\$ 116,571.00	\$ 116,571.00	\$ 130,390.00	\$ 130,390.00	\$ 84,370.00	\$ 84,370.00	\$ 114,710.00	\$ 114,710.00
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Subtotal				\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total				\$ 113,677.59	\$ 113,677.59	\$ 103,170.00	\$ 103,170.00	\$ 116,571.00	\$ 116,571.00	\$ 130,390.00	\$ 130,390.00	\$ 84,370.00	\$ 84,370.00	\$ 114,710.00	\$ 114,710.00

Bid Tab: MIDWEST CITY WATERLINE EXTENSION		Patriot Const.		SMC Utility		SW Waterworks LLC.			
S.E. 10TH & MEADE DR. PROJECT		Unit Price	Est	Unit Price	Est	Unit Price	Est		
Unit	Qty								
1	Clear and Grub	LS	1	\$ 1,300.00	\$ 1,300.00	\$ 1,000.00	\$ 1,000.00	\$ 200.00	\$ 200.00
2	Solid Slab Sodd	SY	1200	\$ 3.50	\$ 4,200.00	\$ 4.20	\$ 5,040.00	\$ 0.50	\$ 600.00
3	6" C900 Waterline Pipe	LF	1340	\$ 16.00	\$ 21,440.00	\$ 18.00	\$ 24,120.00	\$ 34.00	\$ 45,560.00
4	10" Casing	LF	87	\$ 35.00	\$ 3,045.00	\$ 40.00	\$ 3,480.00	\$ 40.00	\$ 3,480.00
5	Bedding Material	CY	200	\$ 10.35	\$ 2,070.00	\$ 3.00	\$ 600.00	\$ 15.00	\$ 3,000.00
6	6" Valve with Box	EA	4	\$ 1,000.00	\$ 4,000.00	\$ 1,050.00	\$ 4,200.00	\$ 2,000.00	\$ 8,000.00
7	6" 45° Bends	EA	4	\$ 450.00	\$ 1,800.00	\$ 500.00	\$ 2,000.00	\$ 300.00	\$ 1,200.00
8	6" 90° Bend	EA	1	\$ 450.00	\$ 450.00	\$ 500.00	\$ 500.00	\$ 300.00	\$ 300.00
9	6" X 6" Tee	EA	3	\$ 500.00	\$ 1,500.00	\$ 600.00	\$ 1,800.00	\$ 500.00	\$ 1,500.00
10	8" X 6" Reducer	EA	1	\$ 450.00	\$ 450.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00
11	Fire Hydrant	EA	3	\$ 3,500.00	\$ 10,500.00	\$ 3,200.00	\$ 9,600.00	\$ 4,000.00	\$ 12,000.00
12	Short Service	EA	3	\$ 600.00	\$ 1,800.00	\$ 600.00	\$ 1,800.00	\$ 600.00	\$ 1,800.00
13	Long Service	EA	3	\$ 2,000.00	\$ 6,000.00	\$ 1,200.00	\$ 3,600.00	\$ 900.00	\$ 2,700.00
14	Remove 6" Cap	EA	1	\$ 300.00	\$ 300.00	\$ 250.00	\$ 250.00	\$ 300.00	\$ 300.00
15	Remove 8" Plug	EA	1	\$ 300.00	\$ 300.00	\$ 500.00	\$ 500.00	\$ 300.00	\$ 300.00
16	Disinfection and Pressure Test	LS	1	\$ 500.00	\$ 500.00	\$ 1,000.00	\$ 1,000.00	\$ 2,000.00	\$ 2,000.00
17	Remove and Replace Concrete Driveway	SY	100	\$ 100.00	\$ 12,500.00	\$ 100.00	\$ 12,500.00	\$ 20.00	\$ 2,800.00
18	Asphalt Patching	SY	100	\$ 80.00	\$ 8,000.00	\$ 80.00	\$ 8,000.00	\$ 20.00	\$ 2,000.00
19	Erosion Control	LS	1	\$ 575.00	\$ 575.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00
20	Traffic Control	LS	1	\$ 2,000.00	\$ 2,000.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00
21	Mobilization	LS	1	\$ 7,000.00	\$ 7,000.00	\$ 1,000.00	\$ 1,000.00	\$ 2,000.00	\$ 2,000.00
22	Construction Staking Level II	LS	1	\$ 2,000.00	\$ 2,000.00	\$ 3,000.00	\$ 3,000.00	\$ 2,000.00	\$ 2,000.00
Subtotal					<b>\$ 91,730.00</b>		<b>\$ 85,490.00</b>		<b>\$ 93,240.00</b>
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Subtotal					\$ -		\$ -		\$ -
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Subtotal					\$ -		\$ -		\$ -
Total					<b>\$ 91,730.00</b>		<b>\$ 85,490.00</b>		<b>\$ 93,240.00</b>





**Public Works Administration**  
**Vaughn Sullivan, Director**  
[vsullivan@midwestcityok.org](mailto:vsullivan@midwestcityok.org)  
**R. Paul Streets, Assistant Director**  
[rstreets@midwestcityok.org](mailto:rstreets@midwestcityok.org)  
8730 S.E. 15<sup>th</sup> Street,  
Midwest City, Oklahoma 73110  
O: 405-739-1060 /Fax: 405-739-1090

**MEMORANDUM**

To: Honorable Mayor and Council

From: Vaughn K. Sullivan, Public Works Director

Date: April 25, 2017

Subject: Discussion and consideration of renewing a contract for FY 17-18 weekly Welcome Center cleaning services with Crush Enterprises Inc., dba Jan-Pro of OKC, in the amount of \$295.00 per month.

Jan-Pro has been providing cleaning services at the Welcome Center since February of 2013 and the Welcome Center Manager is very pleased with the quality of their work.

Staff recommends approval.

Vaughn K. Sullivan  
Public Works Director

Attachment: Renewal Letter





**City of Midwest City Police Department**  
100 N. Midwest Boulevard  
Midwest City, OK 73110  
Office 405.739.1320  
Fax 405.739.1398

Memorandum

To: Honorable Mayor and Council

From: Brandon Clabes, Chief of Police

Date: April 25, 2017

Subject: Discussion and consideration of 1) declaring ten (10) wheeled conference chairs and seven (7) office desk chairs as surplus property; and 2) authorizing the disposal of this property by public auction or sealed bid.

---

This agenda item will declare ten (10) wheeled conference chairs and seven (7) office desk chairs as surplus property. These items are obsolete, defective or have been replaced.

If approved this item will be posted for sale on the city's auction site at: <http://stores.ebay.com/MWC-Surplus-Property-Division>

Staff recommends approval.

---

Brandon Clabes  
Chief of Police

MIDWEST CITY POLICE DEPARTMENT  
SURPLUS PROPERTY LIST  
FOR CITY COUNCIL MEETING - APRIL 25, 2017

DEPARTMENT	QTY.	DESCRIPTION	Condition
Police	10	Wheeled Conference Chairs	Very Used
Police	7	Office Desk Chairs	Very used



DISCUSSION ITEMS





The City of  
**MIDWEST CITY**  
COMMUNITY DEVELOPMENT DEPARTMENT

Billy Harless, Community Development Director

ENGINEERING DIVISION  
Patrick Menefee, City Engineer  
CURRENT PLANNING DIVISION  
Kellie Gilles, Manager  
COMPREHENSIVE PLANNING  
Julie Shannon, Comprehensive Planner  
BUILDING INSPECTION DIVISION  
Charles Belk, Building Official  
GIS DIVISION  
Kathy Spivey, GIS Coordinator

**To:** Honorable Mayor and City Council

**From:** Billy Harless, Community Development Director

**Date:** April 25, 2017

**Subject:** (MP-12) Public hearing with discussion and consideration of approval of the Uptown Addition Minor Plat located in the SE/4 of Section 3, T-11-N, R-2-W of the Indian Meridian, Oklahoma County, Oklahoma.

**Dates of Hearing:** Planning Commission – April 4, 2017  
City Council – April 25, 2017

**Ward:** Ward 2, Councilmember Pat Byrne

**Owner:** North Star Properties & Investments, LLC – Josh Atkinson

**Land Use:** Buildings are existing

**Size:**

The area of request has frontage along SE 15<sup>th</sup> Street of approximately 90 feet and a depth of approximately 1006 feet, containing an area of approximately 3.297 acres, more or less.

**Zoning Districts:**

Area of Request – C-3, Community Commercial  
South, East and West – C-3, Community Commercial  
North – R-6, Single Family Detached Residential

**Municipal Code Citation:**

Subdivision Regulations

Sec. 38-20.1. Purpose

The purpose of a minor plat is to provide a limited means for simple land division under certain circumstances, which result in minimal lot creation.

In circumstances where adequate infrastructure, easements, and right-of-way already exist and the extension of any City facilities to serve any lot within the subdivision is not required, then a minor plat may be suitable as an instrument to subdivide one lot into three or fewer lots.

In agreement with the intent of this subdivision ordinance, minor plats are intended to ensure that public facilities are available and will have sufficient capacity to serve the proposed subdivision. Additionally, minor plats are intended to ensure the future growth and development of the entire city by ensuring new development does not hinder the provision of public facilities and services to neighborhood and nearby properties.

**History:**

1. This area has been zoned commercial since the adoption of the 1985 zoning map.
2. April 4, 2017 – Planning Commission recommended approval of this request.

**Engineer's Comments:**

This application is a request to create two lots in an unplatted commercial development. It does meet current engineering requirements. No new engineering improvements are required with this application.

**Water Supply and Distribution**

A six (6) inch public water main is located in a dedicated fifteen (15) foot utility easement adjacent to part of the north side of the area of request.

An eight (8) inch public water main is located on the west side of Key Boulevard in the street right-of-way adjacent to the west side of the area of request. An eight (8) inch public water main is located on the south side of Air Depot Boulevard in the street right-of-way adjacent to the south side of the area of request

Extension of the water supply to serve this property is not required as outlined in Municipal Code 43-32.

Connection to the public water supply system for domestic service is a building permit requirement per Municipal Code 43-32 for any new building applications.

Refer to the Fire Department memo for additional comments related to water lines and fire protection.

**Sanitary Sewerage Collection and Disposal**

An eight (8) inch public sewer main is located on the west side of Uptown Drive in the street right-of-way adjacent to the west side of the area of request. An eight (8) inch public sewer main is located in dedicated fifteen (15) foot utility easement adjacent to the west side of the area of request.

Public sanitary sewer line improvements are not required with this application.

Connection to the public sanitary sewer system for service is a building permit requirement per Municipal Code 43-109 for any new building applications.

**Streets and Sidewalks**

Access to the area of request is available from Key Boulevard, S.E. 15th Street, and Uptown Drive.

S.E. 15th Street is classified as a secondary arterial road in the 2008 Comprehensive Plan. S.E. 15th Street is a five (5) lane, 65-foot wide, curbed, asphalt concrete roadway.

Current code requires a total street right-of-way width of one hundred feet (100) adjacent to the area of request and presently, S.E. 15th Street has eighty three (83) feet of right-of-way adjacent to and parallel to the south side of the area of request. Key Boulevard is classified as a collector street in the 2008 Comprehensive Plan. Key Boulevard is a three (3) lane, 39-foot wide, curbed, asphalt concrete roadway. Current code requires a total street right-of-way width of sixty feet (60) adjacent to the area of request and presently, Key Boulevard has eighty (80) feet of right-of-way adjacent to and parallel to the west side of the area of request. Uptown Drive is classified as a local street in the 2008 Comprehensive Plan. Uptown Drive is a two (2) lane, 26-foot wide asphalt concrete roadway. Current code requires a total street right-of-way width of fifty feet (50) adjacent to the area of request and presently, Uptown Drive has forty (40) feet of right-of-way adjacent to and parallel to the east side of the area of request.

Right of grants are required with this application. A seventeen (17) foot dedication along S.E. 15th Street and a five (5) foot dedication along Uptown Drive are required with this application and must be reflected on the minor plat. At the Planning Commission meeting, staff's report required a ten (10) foot dedication along Uptown Drive. The applicant was present at the meeting and stated that was not possible due to the location of the existing buildings. The City Engineer confirmed this on April 5, 2017 and will only require a five (5) foot dedication along Uptown Drive.

Street improvements are not required with this application.

Sidewalk is not required with this application.

#### **Drainage and Flood Control, Wetlands, and Sediment Control**

Drainage across the area of request is via underground storm drains and surface flow from the south to the north. Currently, the area of request is developed with a commercial development. None of the area of request is affected by flood zone AE (the 100-year floodplain) as shown on the effective Flood Insurance Rate Map (FIRM) number 40109C0310H, dated December 12, 2009.

Drainage improvements are not required with this application.

Detention improvements are not required with this application.

No identified wetlands are located on or abutting the area of request as shown on the Choctaw quadrangle of the 1989 National Wetlands Inventory map as prepared by the United States Department of the Interior Fish and Wildlife Service.

All future development on the proposed tracts must conform to the applicable requirements of Municipal Code Chapter 13, "Drainage and Flood Control."

Resolution 84-20 requires that developers install and maintain sediment and/or erosion controls in conjunction with their construction activities. Any proposed development must conform to the applicable requirements of Municipal Code Chapter 43, "Erosion Control." Sediment control plans must be submitted to and approved by the city before any land disturbance is done on-site.



The developer is responsible for the cleanup of sediment and other debris from drainage pipes, ditches, streets and abutting properties as a result of his activities.

**Easements and Right-of-Way**

All proposed side lot and rear lot utility easements, as well as previously dedicated utility and drainage easements are required to be illustrated on the minor plat.

**Right of grants are required with this application.** A seventeen (17) foot dedication along S.E. 15th Street and a ten (10) foot dedication along Uptown Drive are required with this application and must be reflected on the minor plat.

All easements and right of way dedications are to comply with Code Sections 38-41 and 38-44.

**Fire Marshal's Comments:**

The fire department has reviewed the application for MP-12. Future development must meet the provisions of Chapter 15 of the Municipal Code.

**Staff Comments:**

The applicant is making this request in order to divide one parcel into two parcels. This area has never been platted. This minor plat is intended to allow the owner to subdivide and sell one parcel, however it is not their intent at this time.

The current access points will remain as they are.

This request conforms to the requirements for minor platting, staff recommends approval subject to the comments within MP-12 file.

**Action Required:** Approve or reject the Uptown Minor Plat for the property located as noted herein, subject to the staff comments and found in the April 25, 2017 agenda packet and made a part of MP-12 file.



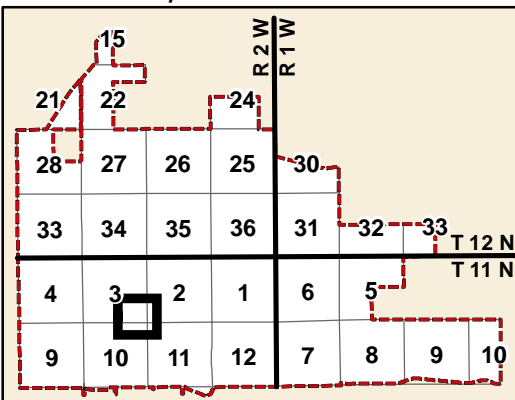
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Billy Harless, AICP  
Community Development Director

CA



Locator Map



**2015 DOP (AERIAL) VIEW FOR  
MP-12  
(SE/4, Sec. 3, T11N, R2W)**

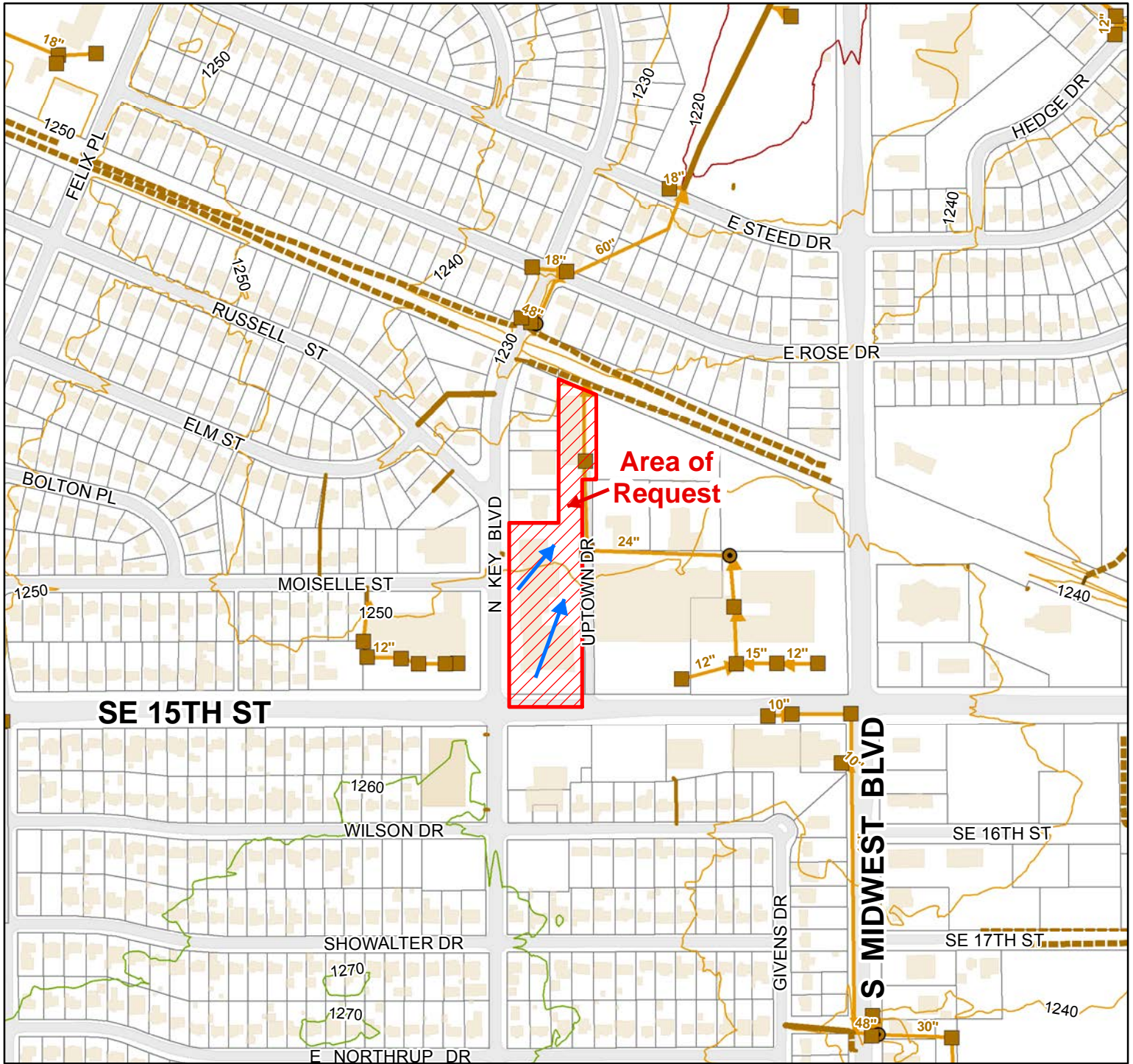


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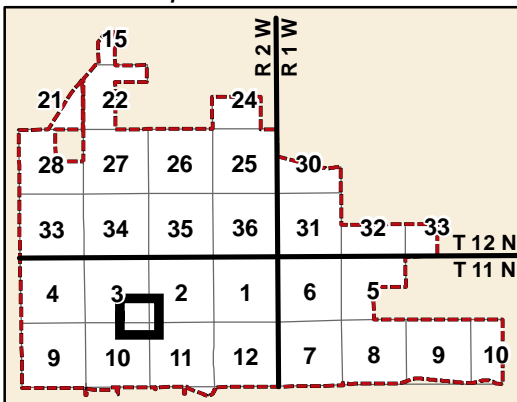


1 inch = 400 feet

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Locator Map



- Drainage Legend**
- Curb Inlets
  - Inlets
  - Junction Box
  - Culverts
  - Flumes
  - Developed Channels
  - Trickle Channels
  - Undeveloped Channels
  - Storm Lines
  - Creeks
- ELEVATION**
- 1166-1204 ft
  - 1204-1228 ft
  - 1228-1250 ft
  - 1250-1278 ft
  - 1278-1324 ft

2009 FEMA Floodplains

- 500-yr floodplain
- 100-yr floodplain
- 2009 FEMA Floodway
- FLOODWAY

## DRAINAGE LOCATION MAP FOR MP-12

(SE/4, Sec. 3, T11N, R2W)

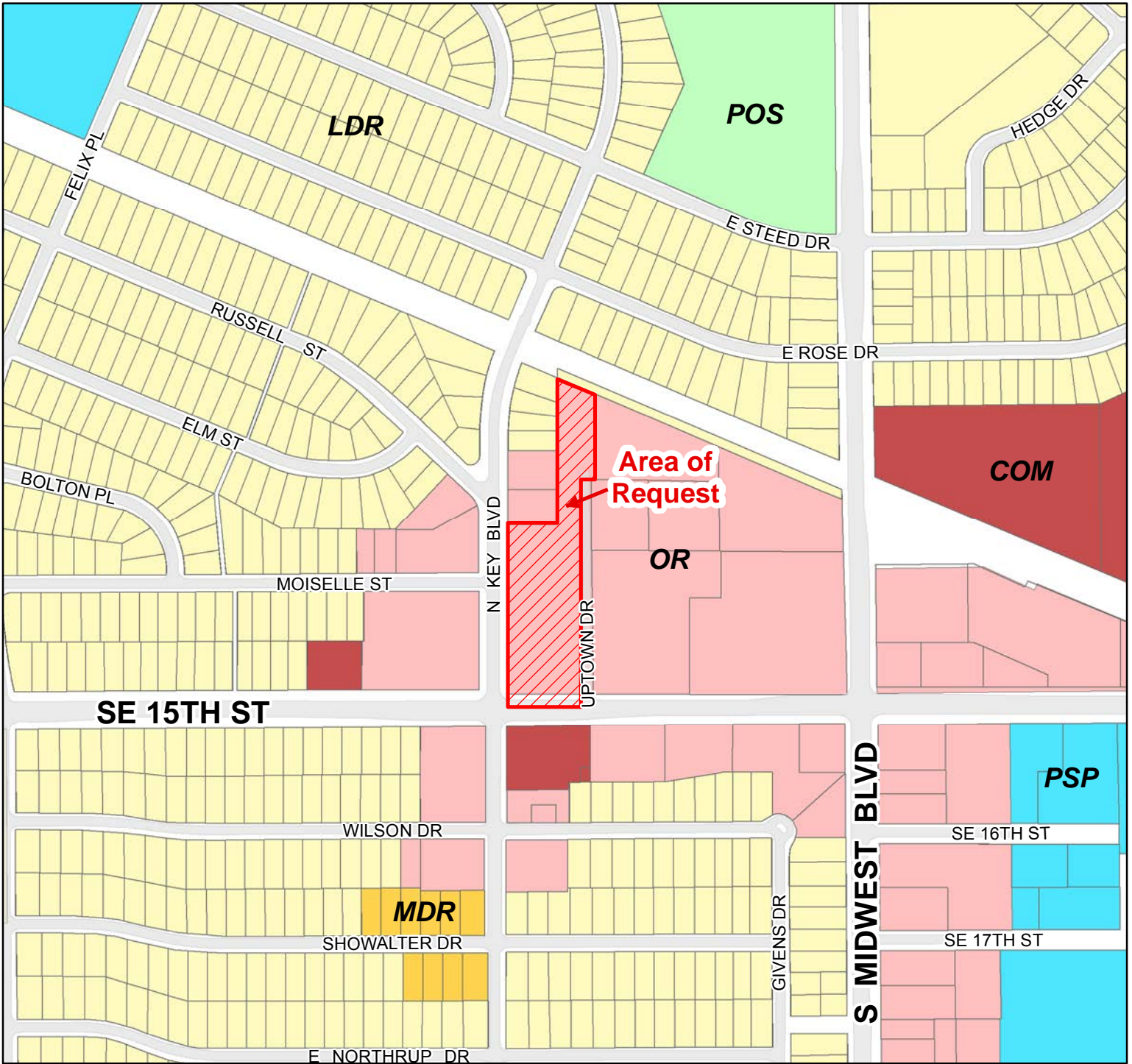


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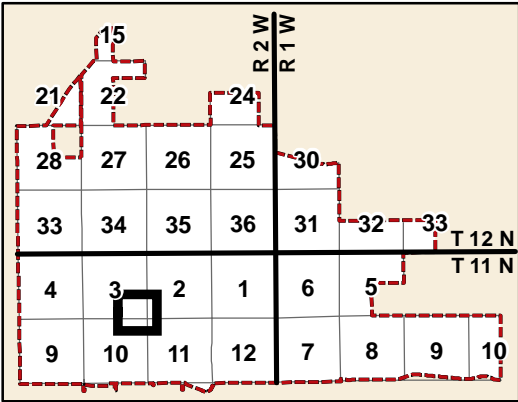


1 inch = 400 feet











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Locator Map



Future Land Use Legend

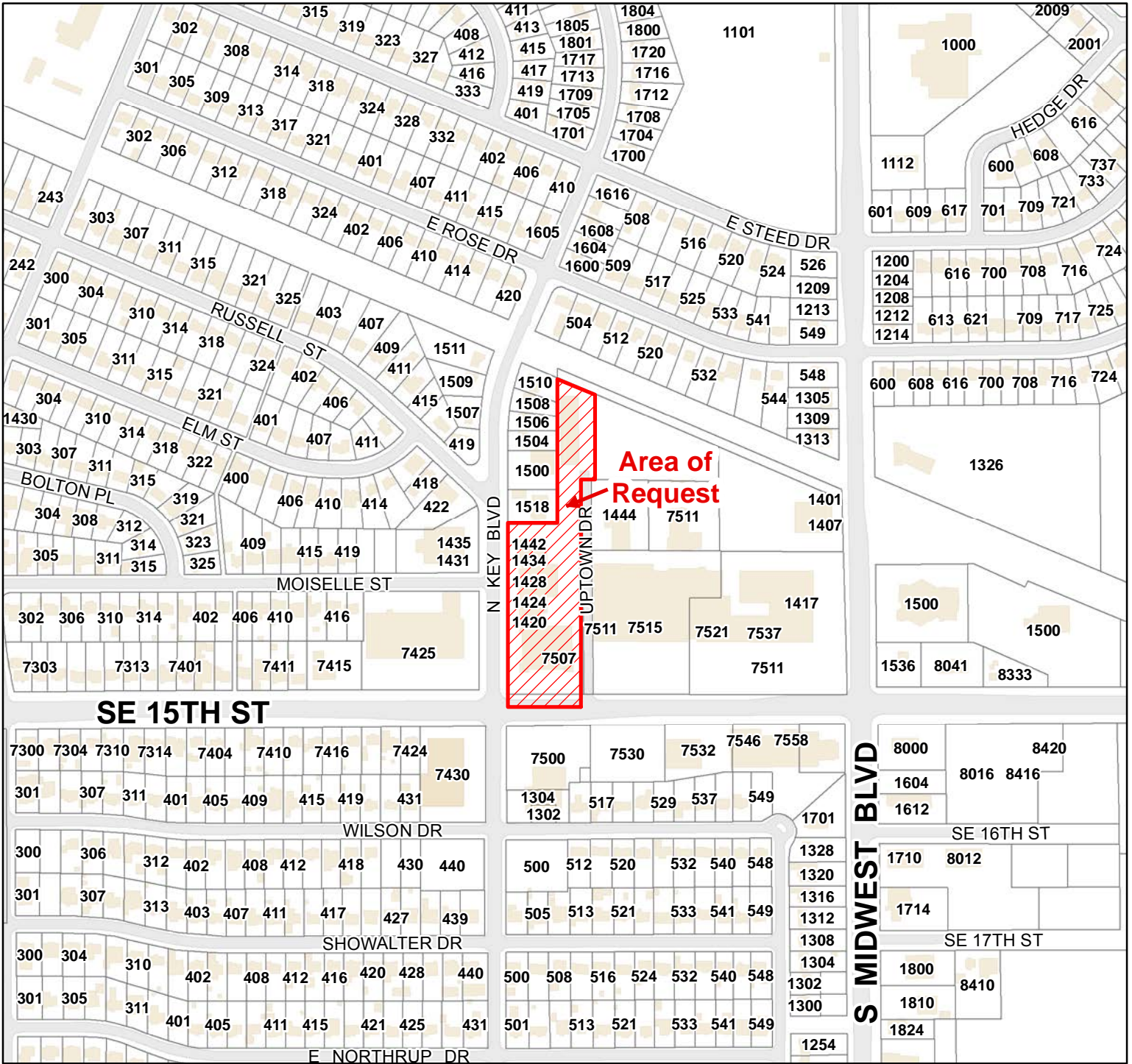
-  Single-Family Detached Residential
-  Medium Density Residential
-  High Density Residential
-  Manufactured Home
-  Public/Semi-Public
-  Parks/Open Space
-  Office/Retail
-  Commercial
-  Industrial
-  Town Center

**FUTURE LAND USE  
MAP FOR  
MP-12**

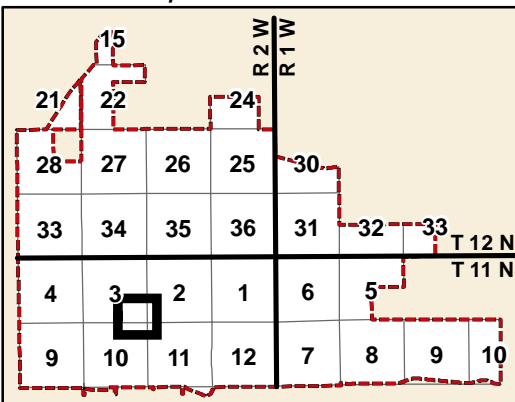
**(SE/4, Sec. 3, T11N, R2W)**








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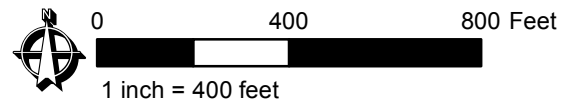
Locator Map



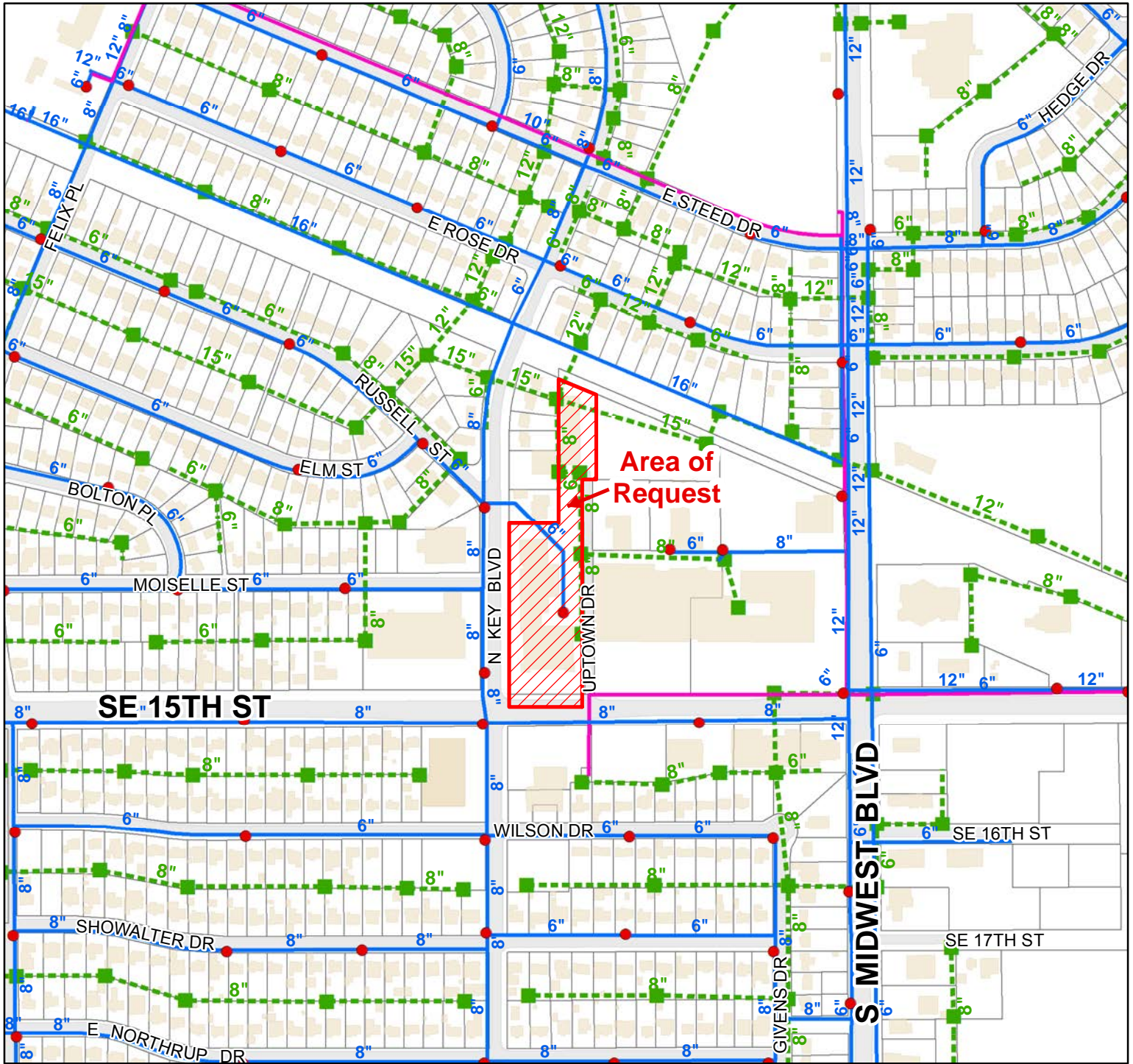
**General Map Legend**

-  Area of Request
-  Parcels with Addresses
-  Buildings
-  Edge of Pavement
-  MWC City Limits

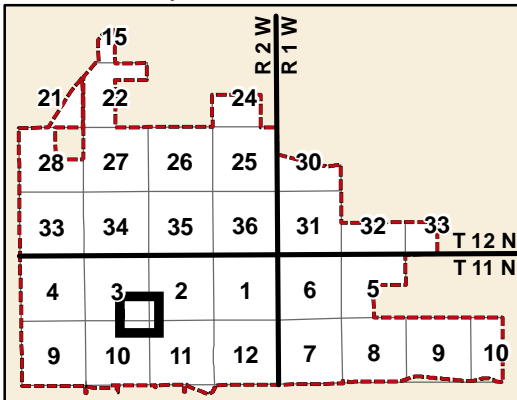
**GENERAL MAP FOR  
MP-12  
(SE/4, Sec. 3, T11N, R2W)**



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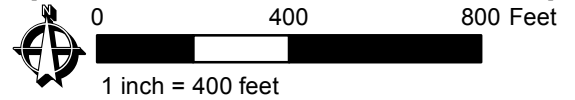
Locator Map



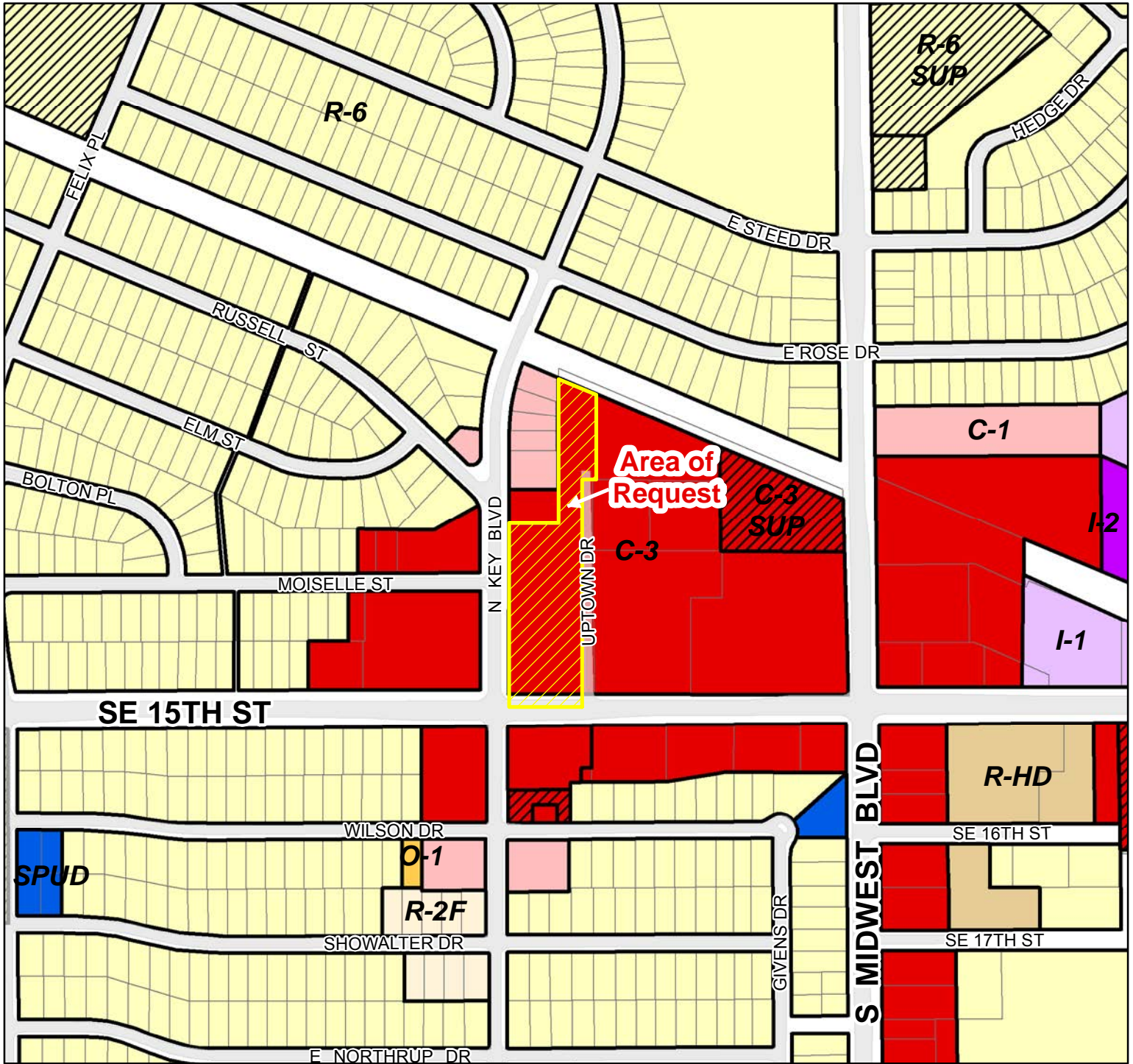
**Water/Sewer Legend**

- Fire Hydrants
- Water Lines
  - Distribution
  - Well
  - - - OKC Cross Country
  - - - Sooner Utilities
  - - - Thunderbird
  - - - Unknown
- Sewer Manholes
- - - Sewer Lines

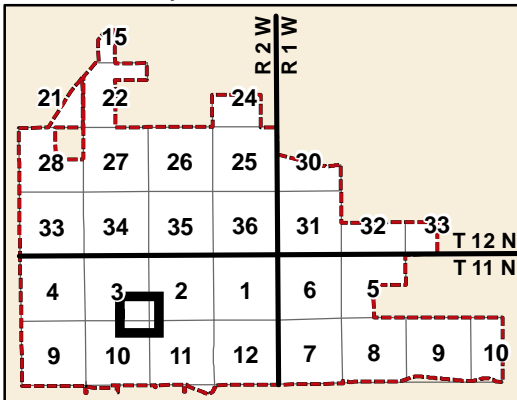
**WATER/SEWER LINE LOCATION MAP FOR MP-12 (SE/4, Sec. 3, T11N, R2W)**



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Locator Map



Current Zoning Legend

A-1	I-3	R-2F
A-1 SUP	O-1	R-MD
C-1	O-1 SUP	R-MD SUP
C-1 SUP	O-2	R-HD SUP
C-2	O-2 SUP	R-MH-1
C-3	R-6	R-MH-2
C-3 SUP	R-6 SUP	PUD
C-4	R-8	SPUD
I-1	R-10	HOS
I-2	R-22	HOS SUP
I-2 SUP	R-35	

## ZONING MAP FOR MP-12 (SE/4, Sec. 3, T11N, R2W)



0 400 800 Feet



1 inch = 400 feet

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**OWNER'S CERTIFICATE AND DEDICATION**

Know All Men By These Presents:

That the undersigned, North Star Properties & Investments, LLC, an Oklahoma limited liability company, formerly Atkinson Properties and Investment, Inc., hereby certifies that it is the owner of, and the only person, firm or corporation having any right, title or interest in, and to the land shown on the annexed plat of UPTOWN MINOR PLAT and have caused the same to be surveyed and platted, and does hereby dedicate all the streets and easements shown hereon to the public for streets, utilities and drainage, for themselves, their heirs, executors, administrators, successors and assigns forever and have caused the same to be released from all encumbrances so that title is clear, except telephone, cable, and gas lines, any duplicate lines, including transformers and pedestals, must be installed completely underground.

In witness whereof, the undersigned having caused this instrument to be executed this day of \_\_\_\_\_, 20\_\_\_\_.

Joshua W. Atkinson, Manager

STATE OF OKLAHOMA )  
  )SS  
COUNTY OF \_\_\_\_\_ )

Before me, the undersigned, a notary public in and for said County and State on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, personally appeared \_\_\_\_\_ to me known to be the identical person who executed the within and foregoing instrument and duly acknowledged to me that he executed the same as his free and voluntary act and deed for the uses and purposes therein set forth. Given under my hand and seal the day and year last above written.

My Commission Expires \_\_\_\_\_ Notary Public

**CERTIFICATE OF CITY CLERK**

I, \_\_\_\_\_, City Clerk of the City of the City of Midwest City, Oklahoma, hereby certify that I have examined the records of said City and find that all deferred payments on unreturned installments have been paid in full and that there are no special assessment procedure now pending against the land on the annexed plat of UPTOWN MINOR PLAT, to the City of Midwest City, Oklahoma.

Signed by the City Clerk this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

City Clerk

**CERTIFICATE OF PLANNING COMMISSION**

I, \_\_\_\_\_, Chair of the City Planning Commission, of the City of Midwest City, Oklahoma, hereby certify that the said Planning Commission duly approved the UPTOWN MINOR PLAT, an addition to the City of Midwest City, Oklahoma, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Chairman

**COUNTY TREASURER'S CERTIFICATE**

I, \_\_\_\_\_, do hereby certify that I am the duly qualified and acting County Treasurer of Oklahoma County, Oklahoma, that the tax records of said county show all taxes are paid for the year 20\_\_\_\_, and prior years on the land shown on the annexed plat of UPTOWN MINOR PLAT to the City of Midwest City, Oklahoma, that the required statutory security has been deposited in the offices of the County Treasurer guaranteeing payment of the current year's taxes.

In witness whereof, said County Treasurer has caused this instrument to be executed this day of \_\_\_\_\_, 20\_\_\_\_.

County Treasurer

**ACCEPTANCE OF DEDICATION BY CITY COUNCIL**

Be it resolved by the Council of the City of Midwest City, Oklahoma, that the dedications shown on the annexed plat of UPTOWN MINOR PLAT to the City of Midwest City, Oklahoma are hereby accepted.

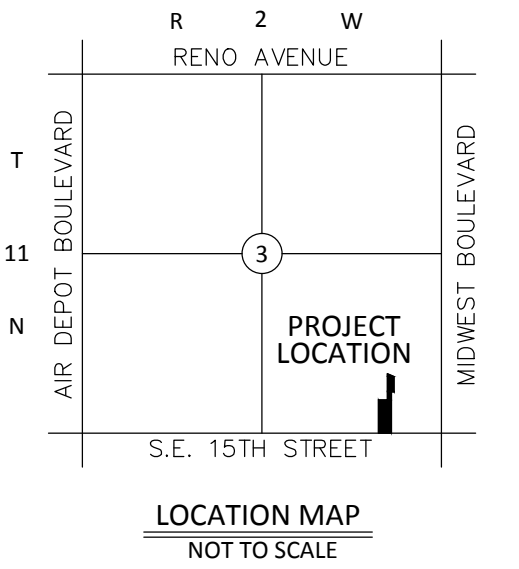
Adopted by the Council of the City of Midwest City, Oklahoma, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

City Clerk

Mayor

# UPTOWN MINOR PLAT

A SUBDIVISION LYING IN THE S.E. QUARTER OF SECTION 3, TOWNSHIP 11 NORTH, RANGE 2 WEST OF THE I.M. CITY OF MIDWEST CITY, OKLAHOMA COUNTY, OKLAHOMA



**BONDED ABTRACTOR'S CERTIFICATE**

The undersigned, a duly qualified and lawfully bonded abstractor of titles in and for Oklahoma County, State of Oklahoma, hereby certify that the records of said county show that the Title to the land shown on the annexed plat of UPTOWN MINOR PLAT to the City of Midwest City, Oklahoma is vested in North Star Properties & Investments, LLC, an Oklahoma limited liability company, formerly Atkinson Properties and Investment, Inc., on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and that there are no actions pending or judgments of any nature in any court or on file with the clerk of any court in said county and state against said land or owners thereof, that the taxes are paid for the year of 20\_\_\_\_, and prior years, that there are no outstanding tax sales certificates against said land and no tax deeds are issued to any person, that there are no liens, or other encumbrances of any kind against the land included in the Minor Plat, except, mortgages, rights-of-way, easements, and mineral conveyances of record.

In witness whereof, said Bonded Abstractor has caused this instrument to be executed this day of \_\_\_\_\_, 20\_\_\_\_.

First American Title & Trust Company

BY: \_\_\_\_\_  
(Vice) President

**REGISTERED SURVEYOR'S CERTIFICATE**

I, Randall A. Mansfield, do hereby certify that I am a Professional Land Surveyor in the State of Oklahoma, and that the UPTOWN MINOR PLAT to the City of Midwest City, Oklahoma, Oklahoma, consisting of one (1) sheet, represents a careful survey made under my supervision on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and that monuments shown thereon exist and their positions are correctly shown, that this survey meets the Oklahoma Minimum Standards for the Practice of Land Surveyors as adopted by the Oklahoma State Board of Registration for Professional Engineers and Land Surveyors.

Randall A. Mansfield, PLS 1613

STATE OF OKLAHOMA )  
  )SS  
COUNTY OF OKLAHOMA )

Before me, the undersigned, a notary public in and for said county and state on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, personally appeared \_\_\_\_\_ to me known to be the identical person who executed the foregoing instrument, and duly acknowledged to me that he executed the same as his free and voluntary act and deed for the uses and purposes therein set forth. Given under my hand and seal the day and year last above written.

My Commission Expires \_\_\_\_\_ Notary Public

**LEGAL DESCRIPTION**

A tract of land lying in the Southeast Quarter of Section Three (3), Township Eleven (11) North, Range Two (2) West of the Indian Meridian, Oklahoma County, Oklahoma being more particularly described as follows:

COMMENCING at the southeast corner of said Southeast Quarter;

THENCE South 90°00'00" West, along the south line of said Southeast Quarter, a distance of 788.82 feet to a point on the west right of way line of Uptown Drive extended as established by Ordinance No. 576 recorded in Book 2609, Page 465 and the POINT OF BEGINNING;

THENCE continuing South 90°00'00" West, along said south line, a distance of 206.31 feet to a point on the east right of way line of Key Boulevard extended as established by the plat of COUNTRY ESTATES THIRD ADDITION recorded in Book 28 of Plats, Page 77;

THENCE North 00°00'00" West, along said east right of way line, a distance of 521.72 feet;

THENCE North 90°00'00" East, parallel with the south line of said Southeast Quarter, a distance of 140.00 feet to a point on the east line of Block 8, COUNTRY ESTATES THIRD ADDITION recorded in Book 28 of Plats, Page 77 extended;

THENCE North 00°00'00" West, along said extended east line and the east line of said Block 8, a distance of 407.38 feet to the northeast corner of said Block 8, also being a point on the southerly right of way line of the O.C.A.&A. Railroad;

THENCE South 67°05'00" East, along said southerly right of way line, a distance of 115.42 feet;

THENCE South 00°00'00" East a distance of 239.68 feet to the northeast corner of aforesaid Uptown Drive right of way;

THENCE South 90°00'00" West, along the north right of way line of said Uptown Drive, a distance of 40.00 feet to the northwest corner of said Uptown Drive right of way;

THENCE South 00°00'00" East, along said west right of way line, a distance of 644.47 feet to the POINT OF BEGINNING.

Said described tract of land contains an area of 143,646 square feet or 3.2977 acres, more or less.

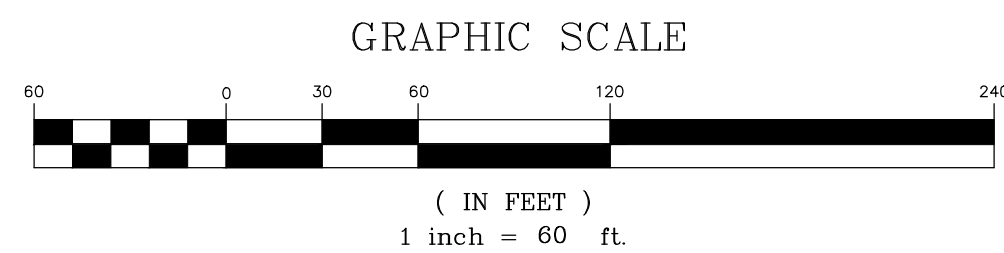
**NOTES**

- Easements shown hereon by specific recording information are shown hereon for information purposes only and are not dedicated as a part of this plat.
- The bearing of South 90°00'00" West as the south line of the Southeast Quarter of Section 3, Township 11 North, Range 2 West of the Indian Meridian was used as the basis of bearings for this plat.


**LEGEND**

P.O.C. - Point of Commencing  
P.O.B. - Point of Beginning

UNLESS OTHERWISE STATED ALL CORNERS ARE SET 1/2" IRON PINS WITH CA6391 CAPS OR MAG NAILS WITH CA6391 TAGS



OWNERS NOTARY	CITY COUNCIL	CITY CLERK	COUNTY TREASURER	ABSTRACTOR	ABSTRACTOR'S NOTARY	PROFESSIONAL LAND SURVEYOR	SURVEYOR'S NOTARY
---------------	--------------	------------	------------------	------------	---------------------	----------------------------	-------------------

 **DODSON - THOMPSON - MANSFIELD, PLLC**  
20 NE 38th Street Phone: 405-601-7402 email: randym@dm-llc.com  
Oklahoma City, OK 73105 Fax: 405-601-7421  
Surveying - Engineering - Planning  
CERTIFICATE OF AUTHORIZATION NO: 6391 EXPIRES JUNE 30, 2018





The City of  
**MIDWEST CITY**  
COMMUNITY DEVELOPMENT DEPARTMENT

Billy Harless, Community Development Director

ENGINEERING DIVISION  
Patrick Menefee, City Engineer  
CURRENT PLANNING DIVISION  
Kellie Gilles, Manager  
COMPREHENSIVE PLANNING  
Julie Shannon, Comprehensive Planner  
BUILDING INSPECTION DIVISION  
Charles Belk, Building Official  
GIS DIVISION  
Kathy Spivey, GIS Coordinator

**To:** Honorable Mayor and City Council

**From:** Billy Harless, Community Development Director

**Date:** April 25, 2017

**Subject:** (PC-1895) Public hearing with discussion and consideration of a request to amend the existing SPUD, Simplified Planned Unit Development, for the property described as part of Lots 1, 2, and 3 of Block 3, East Highland Acres located at 601 S Air Depot Blvd.

**Dates of Hearing:** Planning Commission – April 4, 2017  
City Council - April 25, 2017

**Ward:** Ward 4, Councilmember Sean Reed

**Owner:** Aldi, Inc

**Applicant:** Bryan Burger, P.E., Burger Engineering

**Land Use:** Existing Grocery Store

**Size:**

The area of request has a frontage of 200' onto Air Depot Boulevard and 360' frontage onto SE 5<sup>th</sup> and contains approximately 1.65 acres, more or less.

**Development Proposed by Comprehensive Plan:**

Area of Request – OR, Office Retail

North – OR, Office Retail and LDR, Single Family Detached Residential

South and East – OR, Office Retail

West – LDR, Single Family Detached Residential

**Zoning Districts:**

Area of Request – SPUD, Simplified Planned Unit Development

North – C-3, Community Commercial and R-6, Single Family Residential

South and East – C-3, Community Commercial

West – R-HD, Residential High Density

**Land Use:**

Area of Request – Grocery Store  
North – Residences and Fast Food Establishment  
South – Auto Parts Supply Store  
West – Single Family Residence  
East – Medical Office and vacant lot

**Comprehensive Plan Citation:**

Office/Retail Land Use

Retail land uses areas are intended to provide for a variety of retail trade, personal, and business services and establishments. Retail established generally requires greater visibility than do other types of non-residential land uses (e.g., office, commercial).

Office uses include professional offices for lawyers, doctors, realtors, and other professionals. Office land uses are generally appropriate in all other non-residential area of the City. Office development should be compatible with any adjacent residential area.

**Municipal Code Citation:**

**2.26 SPUD, Simplified Planned Unit Development**

**2.26.1. General Description**

The simplified planned unit development, herein referred to as SPUD, is a special Zoning district that provides an alternate approach to conventional land use controls to produce unique, creative, progressive or quality land developments.

The SPUD may be used for particular tracts or parcels of land that are to be developed as one unit according to a master development plan map.

The SPUD is subject to special review procedures and once approved by the City Council it becomes a special zoning classification for the property it represents.

**2.26.2 Intent and Purpose**

The intent and purpose of the simplified planned unit development provisions are to ensure:

**(A) Innovative development**

Encouraging innovative development and protect the health, safety and welfare of the community.

**(B) Efficient use of land**

Encourage efficient use of land, facilitate economic arrangement of buildings and circulation systems;

**(C) Appropriate limitations and compatibility**

Maintain appropriate limitations on the character and intensity of use, assuring compatibility with adjoining and proximate properties, and following the guidelines of the comprehensive plan.

**History:**

1. This property has been zoned C-3, Community Commercial since the adoption of the 1985 zoning code.
2. (PC-1479) – April 2003, this property was rezoned to a SPUD, Simplified Planned Unit Development governed by C-3, Community Commercial.
3. April 4, 2017 – Planning Commission recommended approval of this request.

**Staff Comments:**

**Engineer's report:**

Note: This application is a request to amend the provisions of an existing PUD that meets current engineering requirements. No new engineering improvements are required with this application.

Water Supply and Distribution

A twelve (12) inch public water main is located on the east side of Air Depot Boulevard in the street right-of-way adjacent to the east side of the area of request. A six (6) inch public water main is located on the north side of S.E. 5th Street in the street right-of-way adjacent to the north side of the area of request.

Extension of the water supply to serve this property is not required as outlined in Municipal Code 43-32.

Connection to the public water supply system for domestic service is a building permit requirement per Municipal Code 43-32 for all new buildings.

Refer to the Fire Department memo for additional comments related to water lines and fire protection.

Sanitary Sewerage Collection and Disposal

An eight (8) inch public sewer main is located on the west side of Air Depot Boulevard in the street right-of-way adjacent to the east side of the area of request. An eight (8) inch public sewer main is located on the north side of S.E. 5th Street in the street right-of-way adjacent to the north side of the area of request.

Public sanitary sewer line improvements are not required with this application.

Connection to the public sanitary sewer system for service is a building permit requirement per Municipal Code 43-109 for all new buildings.

Streets and Sidewalks

Access to the area of request is available from Air Depot Boulevard and S.E. 5th Street. Air Depot Boulevard is classified as a secondary arterial in the 2008 Comprehensive Plan. Air Depot Boulevard is a five (5) lane, 65-foot wide, curbed, asphalt concrete roadway. Current code requires a total street right-of-way width of one hundred (100) feet adjacent to the area of request and presently, Air Depot Boulevard has one hundred (100) feet of right-of-way adjacent to and parallel to the east side of the area of request.

S.E. 5th Street is classified as a secondary arterial in the 2008 Comprehensive Plan. S.E. 5th Street is a two (2) lane, 26-foot wide, curbed, asphalt concrete roadway. Current code requires a total street right-of-way width of fifty (100) feet adjacent to the area of request and presently, S.E. 5th Street has fifty (50) feet of right-of-way adjacent to and parallel to the north side of the area of request.

Right of way grants to the city are not required with this application.

Street improvements are not required with this application.

Sidewalk is located along the full frontage of the area of request. Sidewalk improvements are not required with this application.

#### Drainage and Flood Control, Wetlands, and Sediment Control

Drainage across the area of request is via overland flow from the northeast to the southwest to an detention pond. Currently, the area of request is commercial development. None of the area of request is affected by flood zone AE (the 100-year floodplain) as shown on the effective Flood Insurance Rate Map (FIRM) number 40109C0310H, dated December 12, 2009.

Drainage and detention improvements are not required with this application.

No identified wetlands are located on or abutting the area of request as shown on the Choctaw quadrangle of the 1989 National Wetlands Inventory map as prepared by the United States Department of the Interior Fish and Wildlife Service.

All future development on the proposed tracts must conform to the applicable requirements of Municipal Code Chapter 13, "Drainage and Flood Control."

Resolution 84-20 requires that developers install and maintain sediment and/or erosion controls in conjunction with their construction activities. Any proposed development must conform to the applicable requirements of Municipal Code Chapter 43, "Erosion Control." Sediment control plans must be submitted to and approved by the city before any land disturbance is done on-site. The developer is responsible for the cleanup of sediment and other debris from drainage pipes, ditches, streets and abutting properties as a result of his activities.

#### Easements and Right-of-Way

No additional rights-of-way and/or easements are required with this application.

#### **Fire Marshal's report:**

The Fire Marshal has reviewed this request based on Ch. 15 of local ordinances, and recommends approval.

A site visit was conducted as part of the review for the proposed building expansion. Closing off the access from 5th street is not ideal for fire department operations. However, there is another access / egress point at the rear of the NAPA store parking lot that could be utilized if needed. The Fire Marshal would prefer not to see that access point removed or blocked in the future if this building expansion moves forward.

If access from 5th street is removed, fire hydrant D-1-103, which is directly north of the ALDI building will be somewhat limited in its usage for the fire department in terms of “laying a line”. Most likely fire would have to lay a line from the hydrant directly across Air Depot, which in turn would block off that artery for some time. However, hydrant D-1-103 will still be readily available to connect with the FDC which is important. Fire lanes will need to be painted and the building expansion will be required to be sprinkled and tied into the existing suppression system. A fire suppression plan will have to be submitted by a licensed contractor at the same time of the building permit.

**Plan Review Comments:**

The site is the current location of an Aldi grocery store. As noted in the history section, the area of request was rezoned to a SPUD governed by C-3, Community Commercial in April 2003. This request is to amend the existing SPUD in regards to access. Currently there is one drive located on Air Depot and one drive located on SE 5<sup>th</sup> St. The applicant is proposing to eliminate the drive located on 5<sup>th</sup> street to allow for an addition of 750 sqft to be made to the existing building.

The addition will increase the building size to approximately 17,186 sqft. The required number of parking spaces for a retail building that size is 91 spaces, of which 4 are required to be handicap. As part of the SPUD amendment the applicant has requested a 5% reduction in the required parking. The current site plan shows a total of 87 parking spaces of which 4 are handicap, reflecting the requested reduction.

In regards to signage, it is noted in the original SPUD that the proposed height of the freestanding sign be 25 feet, staff recommended the sign be limited to 20 feet to meet the current MWC sign code. It is unclear if the sign that was approved is 20 or 25 feet in height. Therefore staff would recommend that in accordance with the current MWC sign code, should any structural change be made to the sign, it be required to come into compliance with current code.

Staff has not received any calls concerning this request.

Staff recommends approval of this request.

**Action Required:**

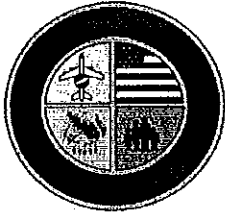
Approve or reject the ordinance to amend the SPUD for the property as noted herein, subject to staff’s comments as found in the April 25, 2017 agenda packet and made a part of PC-1895 file.



---

Billy Harless,  
Community Development Director

CA



The City of  
**MIDWEST CITY**  
COMMUNITY DEVELOPMENT DEPARTMENT  
CURRENT PLANNING DIVISION

**Simplified Planned Unit Development**

The following is to be used if the request is for a Simplified Planned Unit Development. If this request is not for a Simplified Planned Unit Development, do not complete the next 2 pages.

This document serves as the DESIGN STATEMENT and fulfills the requirement for the SPUD. The Special Development Regulations section of the form must be completed in its entirety. If the applicant proposes additional, more restrictive, design criteria than established in the Special Development Regulations, please elaborate under Other Development Regulations.

**A. Special Development Regulations**

1. List of the owners and/or developers: Aldi, Inc.
2. Please list the adjoining land uses, both existing and proposed.  
North: Residence and fast food establishment.  
South: Auto parts supply store.  
East: Eating establishment and tire store.  
West: Residence.
3. Please list the use or uses that would be permitted on the site. Grocery store.
4. This site will be developed in accordance with the Development Regulations of the C-3 zoning district.
5. Please list all applicable special development regulations or modified regulations to the base zoning district: Permitted uses of grocery store, medical office, and administrative office.
6. Please provide a statement of the existing and proposed streets, including right-of-way standards and street design concepts: S.E. 5th St. is located along and parallel to the north side of the area of request, Air Depot Blvd. is located along and parallel to the east side of the area of request. S.E. 5th St. is a two lane local street with 25' of right-of-way south of the centerline. Air Depot Blvd. is a five lane arterial roadway with 50' of right-of-way west of the centerline.
7. Please describe the physical characteristics of the following:  
Sight-proof screening proposed: Applicant will construct a 6' high wooden (stockade type) fence upon approval of the site plan.  
Landscaping proposed: Applicant, upon completion of building and parking, will provide landscape to meet or exceed City of Midwest City requirements.



The City of  
**MIDWEST CITY**  
 COMMUNITY DEVELOPMENT DEPARTMENT  
 CURRENT PLANNING DIVISION

Signs proposed: Applicant will install an elevated pole sign on property at the east side and adjacent to public right-of-way. Sign height is 25' at top and having 14' clearance. Maximum sign square footage is to be 100 S.F. each side with a total of 200 S.F.

Area of open space proposed: Limited open space is provided. This area will be landscaped including trees and shrubs.

Proposed access points: Driveway entrance onto S.E. 5th St. is to comply with Code Section 37-71, Table 4. Existing driveway entrance onto S.E. 5th St. is to be removed and new curb installed at time of building permit.

Drainage information: Drainage across the area of request is via overland flow from north to south. The area of request is currently undeveloped. The area of request is not affected by flood zone AE (the 100-year floodplain) as shown on the effective Flood Insurance Rate Map (FIRM) 40109C0405 G, dated July 2, 2002. Future development of the area of request is to comply with the requirements of Chapter 13, Drainage and Flood Control.

8. Existing or proposed building size: Ex. 16,436 S.F. Prop. Max. = +/- 17,500  
 Maximum building height: 20'  
 Number of existing or proposed buildings: One (1)  
 Building setbacks – Front: 50' along Air Depot Boulevard  
 Sides: 15' along S.E. 5th Street & 10' along south property line  
 Rear: 50' along west property line
9. Please provide a description of the proposed sequence of development.  
1. Construction of +/- 720 S.F. building expansion and parking lot improvements.  
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 \_\_\_\_\_

**B. Other Development Regulations**

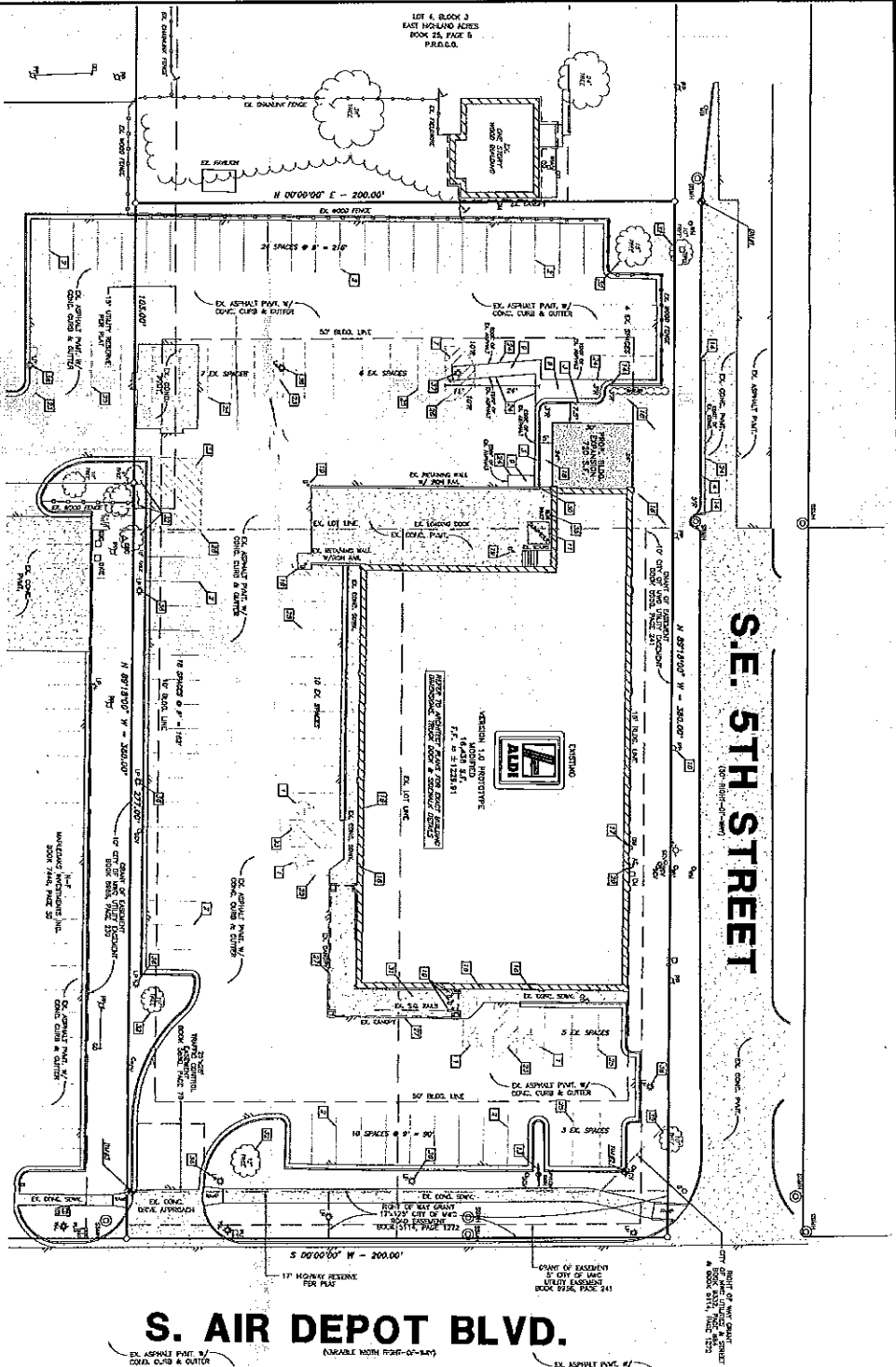
Please list any other amenities or controls included in the SPUD: A 5% reduction in the required parking per City ordinance.  
 \_\_\_\_\_  
 \_\_\_\_\_

**C. Master Plan Map (attached)**

Exhibit A: Site Plan

This site will be developed in accordance with the Master Development Plan Map as submitted to the City of Midwest City for approval in conjunction with this request.

[Signature] \_\_\_\_\_ Date 2-9-17



# S. AIR DEPOT BLVD.

**PROJECT NOTES:**

1. ALL DIMENSIONS ARE TO FACE OF CURB UNLESS OTHERWISE NOTED.
2. EXISTING CONDITIONS ARE SHOWN IN DASHED LINES. PROPOSED CONDITIONS ARE SHOWN IN SOLID LINES. EXISTING UTILITIES ARE SHOWN IN DASHED LINES WITH 'X' MARKS. PROPOSED UTILITIES ARE SHOWN IN SOLID LINES WITH 'X' MARKS.
3. ALL UTILITIES ARE TO BE DEEPENED TO 48" UNLESS OTHERWISE NOTED.
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DATE	DESCRIPTION
12/15/2011	PRELIMINARY DESIGN
01/10/2012	FINAL DESIGN
02/15/2012	CONSTRUCTION PERMITS
03/15/2012	CONSTRUCTION START
04/15/2012	CONSTRUCTION COMPLETE
05/15/2012	OPERATIONAL



NO.	DATE	DESCRIPTION
1	12/15/2011	PRELIMINARY DESIGN
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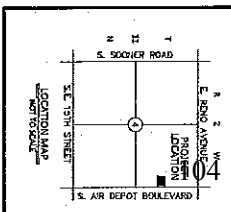
## SITE PLAN

601 S. AIR DEPOT BOULEVARD  
ALDI FOOD MARKET  
HAWKSTOWN CITY, OKLAHOMA

**ENGINEER:**  
BRIAN L. SORENSEN, P.E.  
17103 S. AIR DEPOT BLVD.  
HAWKSTOWN, OKLAHOMA 73129  
(918) 225-5400  
CONTACT: BRIAN L. SORENSEN, P.E.

**APPLICANT:**  
ALDI, INC.  
3300 WESTCOURT ROAD  
DEPT. 1000  
OKLAHOMA CITY, OKLAHOMA 73120  
(405) 225-5400  
CONTACT: CHRIS WASHICK

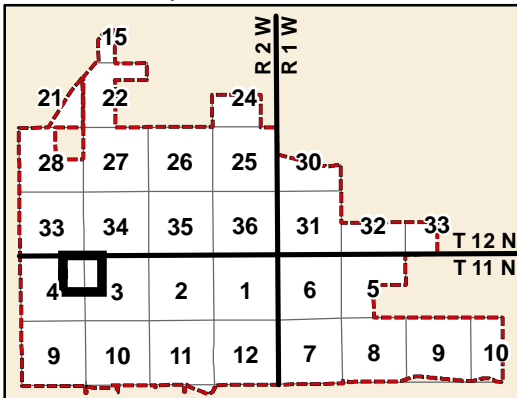
- LAYOUT NOTES:**
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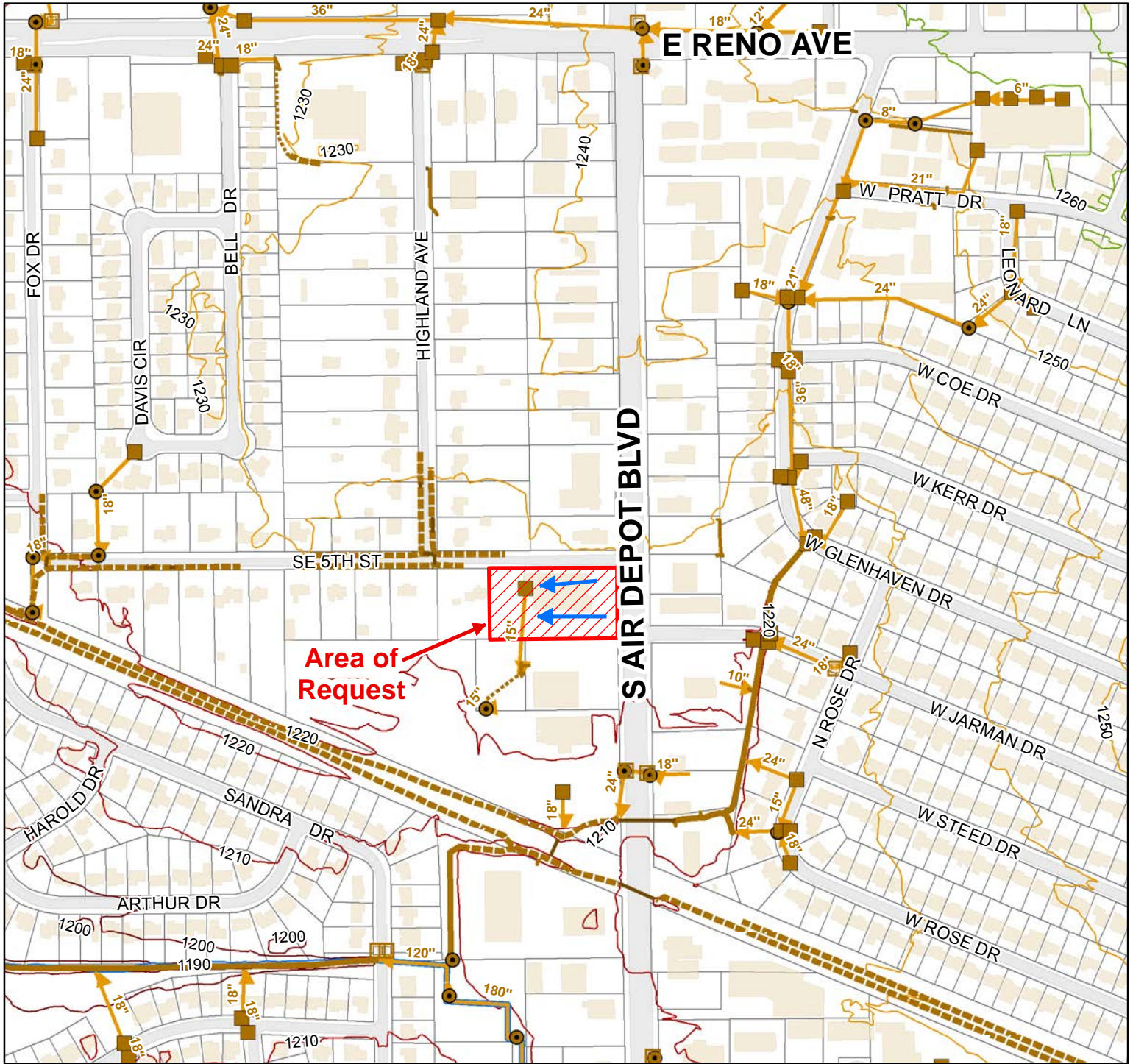
Locator Map



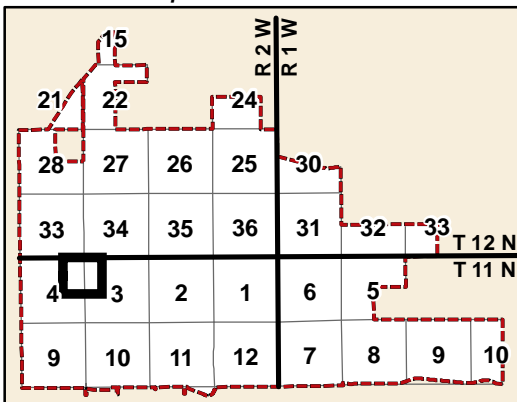
**2015 DOP (AERIAL) VIEW FOR  
PC-1895  
(NE/4, Sec. 4, T11N, R2W)**



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Locator Map

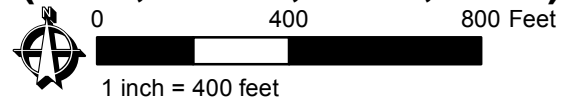


- Drainage Legend**
- Curb Inlets
  - Inlets
  - Junction Box
  - Culverts
  - Flumes
  - Developed Channels
  - Trickle Channels
  - Undeveloped Channels
  - Storm Lines
  - Creeks
- ELEVATION**
- 1166-1204 ft
  - 1204-1228 ft
  - 1228-1250 ft
  - 1250-1278 ft
  - 1278-1324 ft

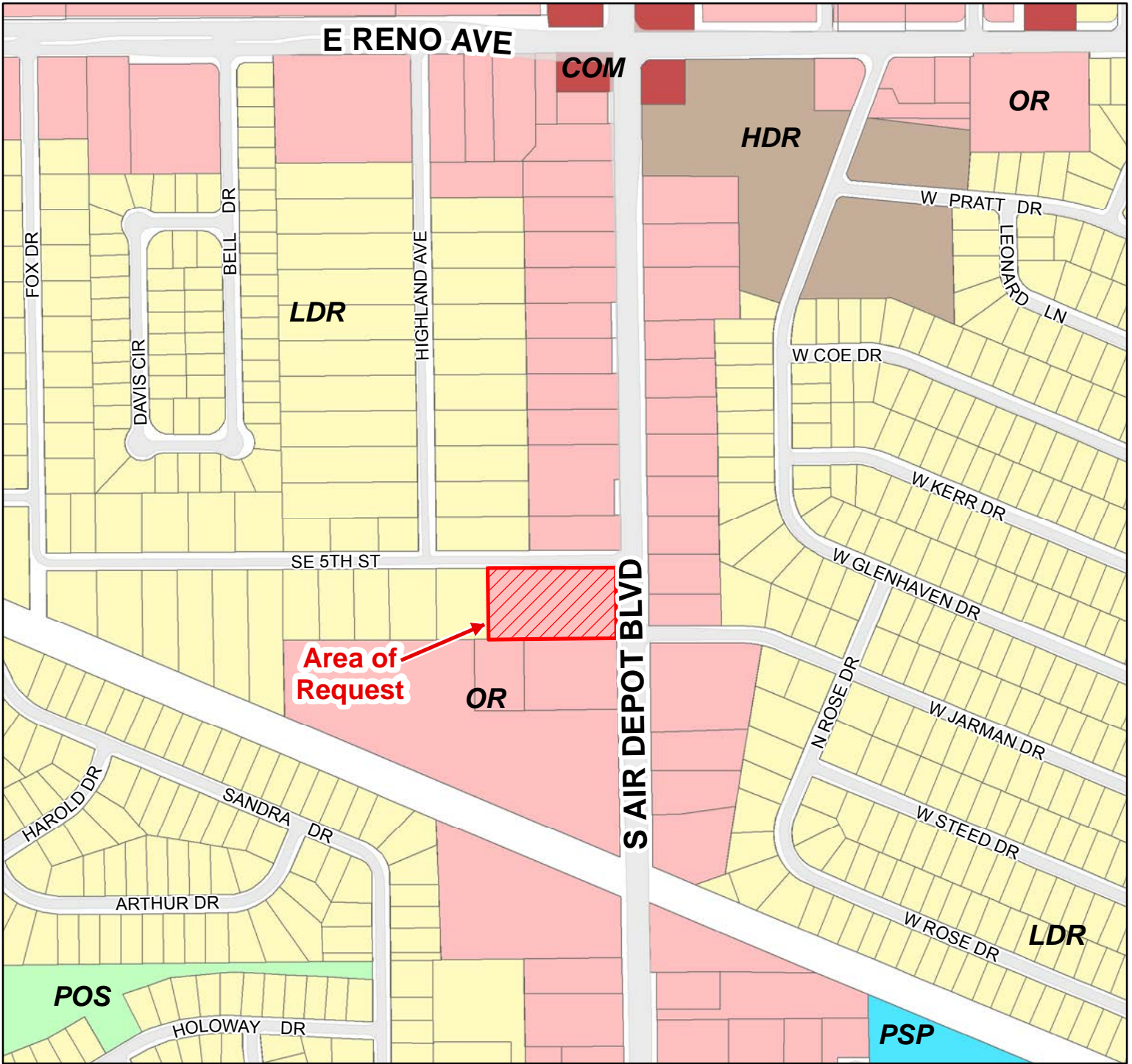
2009 FEMA Floodplains

- 500-yr floodplain
- 100-yr floodplain
- 2009 FEMA Floodway
- FLOODWAY

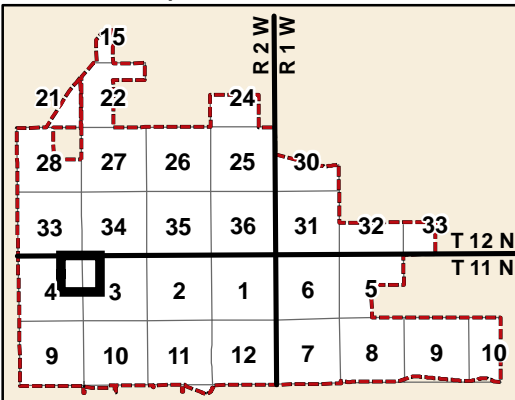
## DRAINAGE LOCATION MAP FOR PC-1895 (NE/4, Sec. 4, T11N, R2W)













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Locator Map

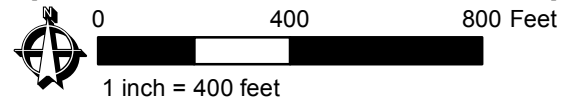


Future Land Use Legend

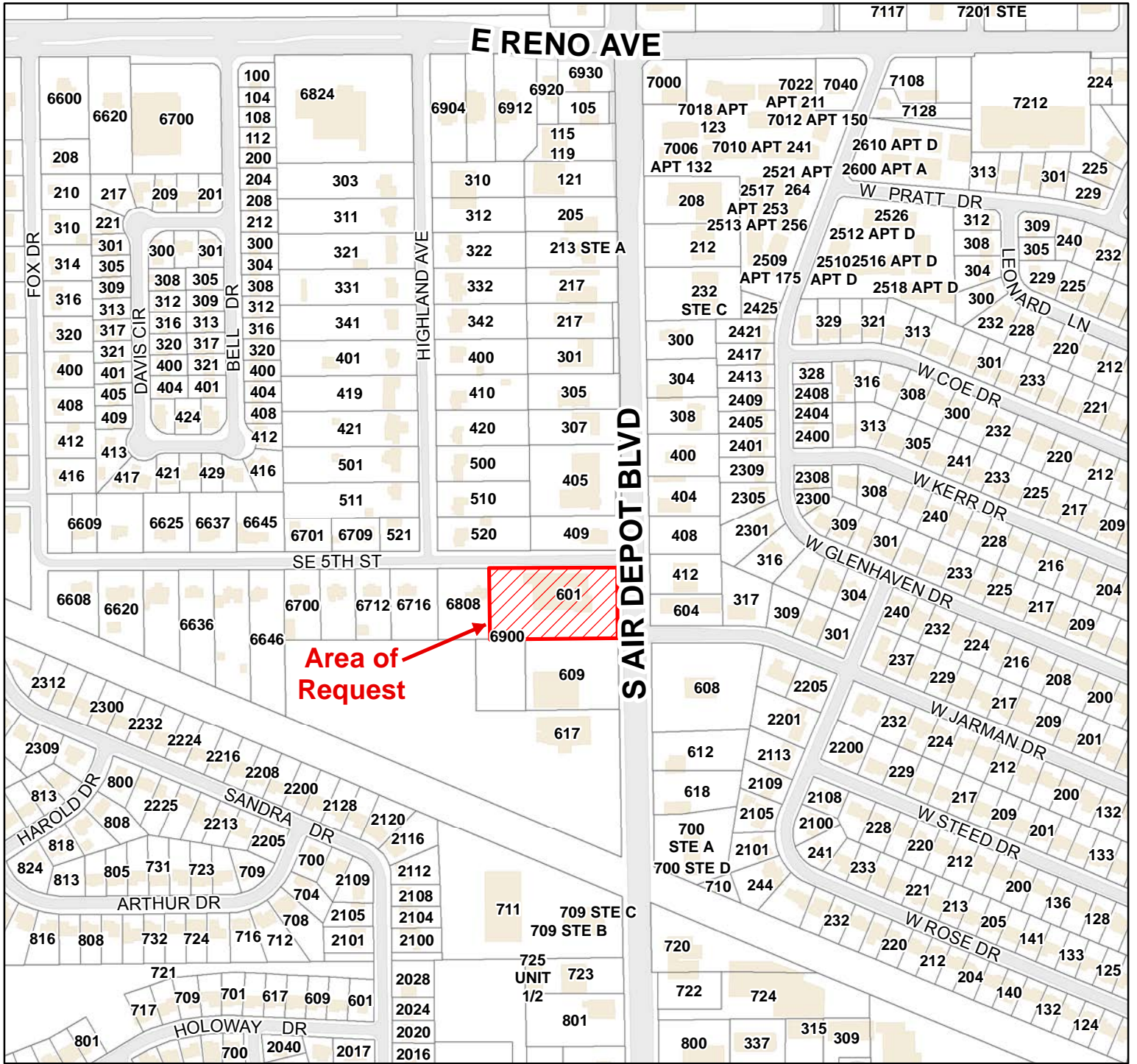
-  Single-Family Detached Residential
-  Medium Density Residential
-  High Density Residential
-  Manufactured Home
-  Public/Semi-Public
-  Parks/Open Space
-  Office/Retail
-  Commercial
-  Industrial
-  Town Center

**FUTURE LAND USE  
MAP FOR  
PC-1895**

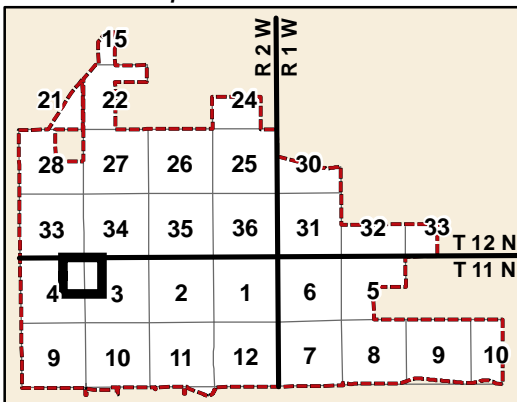
**(NE/4, Sec. 4, T11N, R2W)**








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Locator Map



General Map Legend

-  Area of Request
-  Parcels with Addresses
-  Buildings
-  Edge of Pavement
-  MWC City Limits

GENERAL MAP FOR  
PC-1895  
(NE/4, Sec. 4, T11N, R2W)

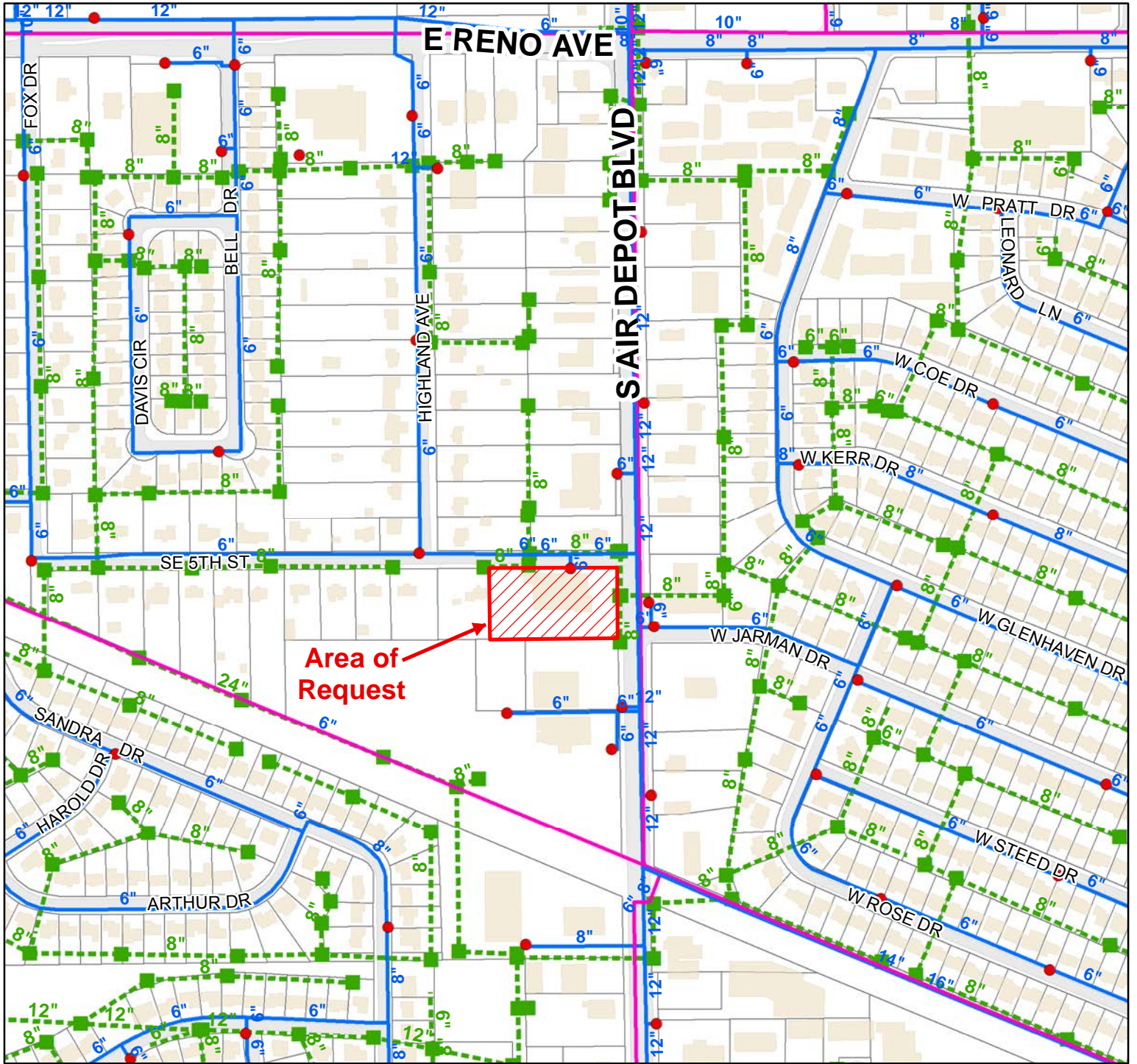


0 400 800 Feet

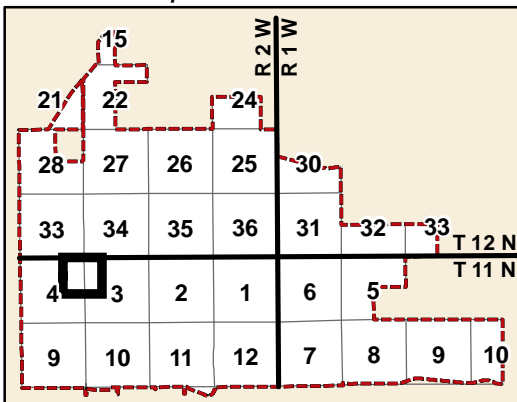


1 inch = 400 feet

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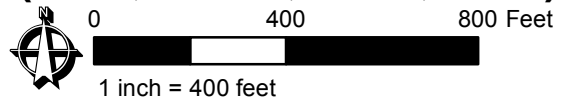
Locator Map



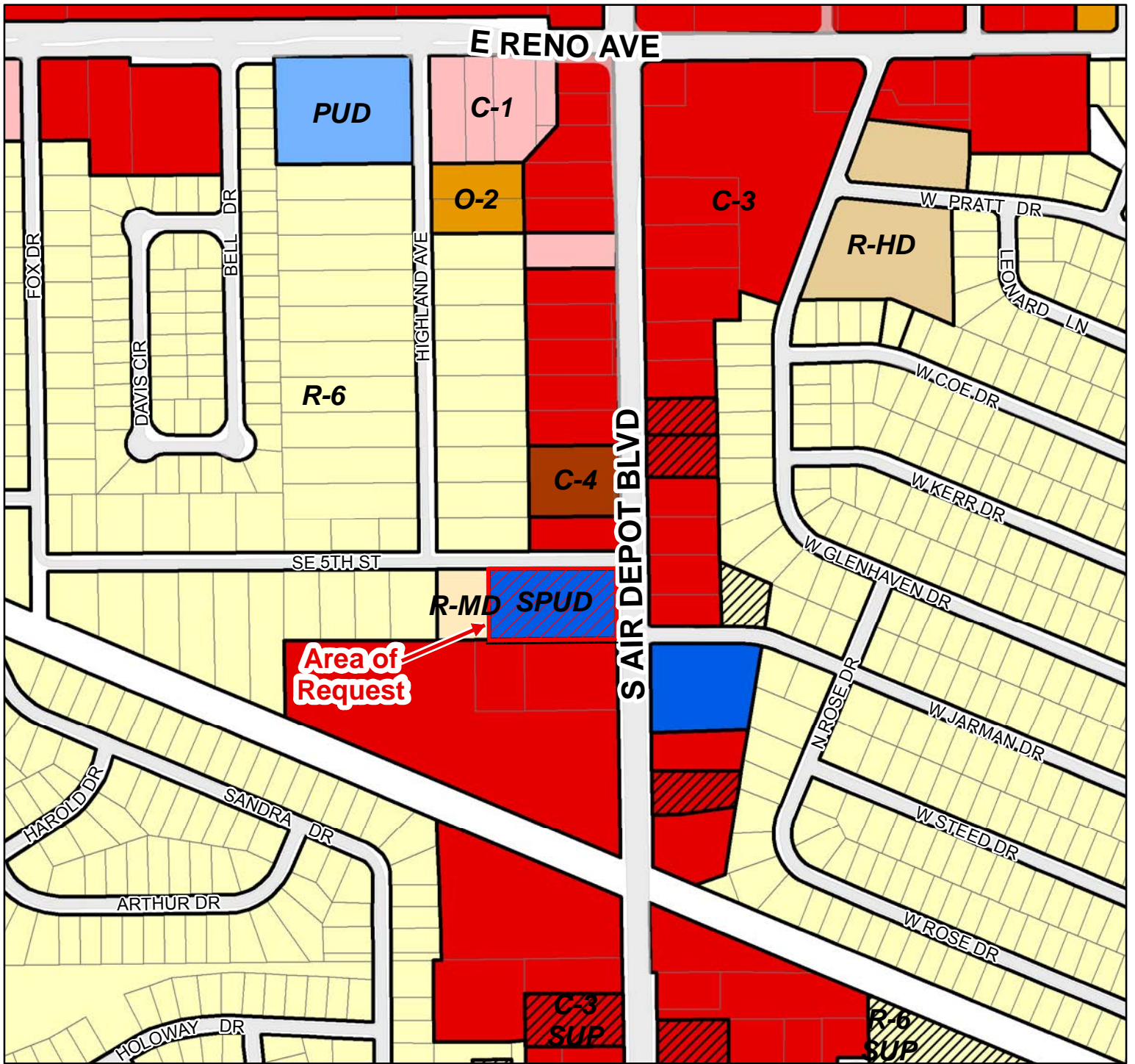
**Water/Sewer Legend**

- Fire Hydrants
- Water Lines
  - Distribution
  - Well
  - OKC Cross Country
  - Sooner Utilities
  - Thunderbird
  - Unknown
- Sewer Manholes
- Sewer Lines

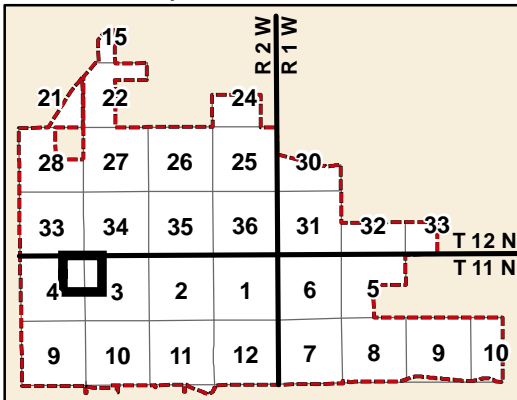
**WATER/SEWER LINE  
LOCATION MAP FOR  
PC-1895  
(NE/4, Sec. 4, T11N, R2W)**



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Locator Map



Current Zoning Legend

A-1	I-3	R-2F
A-1 SUP	O-1	R-MD
C-1	O-1 SUP	R-MD SUP
C-1 SUP	O-2	R-HD
C-2	O-2 SUP	R-HD SUP
C-3	R-6	R-MH-1
C-3 SUP	R-6 SUP	R-MH-2
C-4	R-8	PUD
I-1	R-10	SPUD
I-2	R-22	HOS
I-2 SUP	R-35	HOS SUP

## ZONING MAP FOR PC-1895 (NE/4, Sec. 4, T11N, R2W)



0 400 800 Feet



1 inch = 400 feet

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The City of  
**MIDWEST CITY**  
COMMUNITY DEVELOPMENT DEPARTMENT

Billy Harless, Community Development Director

ENGINEERING DIVISION  
Patrick Menefee, City Engineer  
CURRENT PLANNING DIVISION  
Kellie Gilles, Planning Manager  
COMPREHENSIVE PLANNING  
Julie Shannon, Comprehensive Planner  
BUILDING INSPECTION DIVISION  
Charles Belk, Building Official  
GIS DIVISION  
Kathy Spivey, GIS Coordinator

**To:** Honorable Mayor and City Council

**From:** Billy Harless, Community Development Director

**Date:** April 25, 2017

**Subject:** (PC – 1896) Public hearing with discussion and consideration of approval of an ordinance to redistrict from R-6, Single Family Detached Residential and A-1, Agriculture, to Planned Unit Development (PUD) governed by the R-6, Single Family district for the property described as a tract of land lying in the E/2 of Section 8, T-11-N, R-1-W, of the Indian Meridian, City of Midwest City, Oklahoma County, Oklahoma.

**Dates of Hearing:** Planning Commission – April 4, 2017  
City Council – April 25, 2017

**Ward:** Ward 6, Councilmember Jeff Moore

**Owners:** Ann Westmoreland, Carol Russell and Ruth Fontes

**Applicant:** Gene Methvin

**Engineer:** Brad Reid, Crafton Tull

**Proposed Use:** 205 single-family lots

**Size:**

The area of request has a frontage along S. Anderson Rd. of approximately 870 ft., a depth of approximately 2640 ft., and contains an area of approximately 52.73 acres.

**Development Proposed by Comprehensive Plan:**

Area of Request – Low Density Residential  
South, East and West – Low Density Residential  
North –LDR, Low Density Residential and POS, Parks/Open Space

**Zoning Districts:**

Area of Request –R6, Single Family Residential and A-1, General Agriculture  
North, South and West – R6, Single Family Residential  
East – PUD, Planned Unit Development and R-6, Single Family Detached Residential

**Land Use:**

Area of Request – Vacant  
North, East and West – Single family residences  
South – Vacant

**Municipal Code Citation:**

***2.25 PUD, Planned Unit Development***

**2.25.1 General Provisions**

The planned unit development, herein referred to as PUD, is a special zoning district category that provides an alternate approach to conventional land use controls to produce unique, creative, progressive, or quality land developments.

The PUD may be used for particular tracts or parcels of land that are under common ownership and are to be developed as one unit according to a master development plan.

The PUD is subject to special review procedures within the PUD application and review and once approved by the City Council it becomes a special zoning classification for the property it represents.

**2.25.2 Intent and Purpose**

The intent and purpose of the PUD provisions are as follows:

**(A) Innovative land development**

Encourage innovative land development while maintaining appropriate limitations on the character and intensity of use, assuring compatibility with adjoining and proximate properties, and following the guidelines of the comprehensive plan.

**(B) Flexibility within developments**

Permit flexibility within the development to maximize the unique physical features of the particular site.

**(C) Efficient use of land**

Encourage efficient use of land, facilitate economic arrangements of buildings and circulation systems, and encourage diversified living environments and land uses.

**(D) Function, design and diversity**

Achieve a continuity of function and design within the development and encourage diversified living environments and land uses.

**(E) Modifications to development requirements**

Provide a vehicle for negotiating modifications in standard development requirements in order to both encourage innovative development and protect the health, safety and welfare of the community.

**History:**

1. This area has been zoned R-6, Single Family Detached Residential since the adoption of the 1986 Zoning Map.
2. An approximately 8 acre circle in the middle of the property was rezoned to A-1, General Agriculture with a Special Use Permit for an oil and gas well in August of 1985.
3. The Planning Commission recommended denial of this request on April 4, 2017.



**Staff Comments:**

**Engineering Comments:**

Water Supply and Distribution

A twelve (12) inch public water main is located on the east side of Anderson Road in the street right-of-way extending along the east side of the area of request. An eight (8) inch public water main is located in a dedicated public utility easement located along and adjacent to the north side of the area of request.

Public water line improvements are not required with this application. However, public water line improvements are proposed and are part of the preliminary plat application for the area of request. The public water line extension requirements will be addressed with the preliminary plat application following this item.

Connection to the public water supply system for domestic service is a building permit requirement per Municipal Code 43-32 for all existing and new building applications.

Sanitary Sewerage Collection and Disposal

An eight (8) inch public sewer main is located in a dedicated utility easement paralleling part of the northern boundary of the area of request. An eight (8) inch public sewer main is located in a dedicated utility easement paralleling part of the western boundary of the area of request.

Public sewer line improvements are not required with this application. However, public sewer line improvements are proposed and are part of the preliminary plat application for the area of request. The public sewer line extension requirements will be addressed with the preliminary plat application following this item.

Connection to the public sanitary sewer system for service is a building permit requirement per Municipal Code 43-109 for all existing and new building applications.

Streets and Sidewalks

Access to the area of request is available from Anderson Road. Anderson Road is classified as a secondary arterial in the 2008 Comprehensive Plan. Anderson Road is a two (2) lane, 26-foot wide, uncurbed, asphalt concrete roadway. Current code requires a total street right-of-way width of one hundred (100) feet for secondary arterials and presently, Anderson Road has one hundred (100) feet of right-of-way adjacent to and parallel to the east side of the area of request.

Right of way grants to the city are not required with this application. Public right of way dedications are proposed and are part of the preliminary plat application for the area of request. The required public right of way dedications will be addressed with the preliminary plat application following this item.

Public street and sidewalk improvements are not required with this application. However, public street and sidewalk improvements are proposed and are part of the preliminary plat application for the area of request. The public street and sidewalk requirements will be addressed with the preliminary plat application following this item.

Drainage and Flood Control, Wetlands, and Sediment Control

Drainage across the area of request is partly from the southwest to the northeast, but mainly from the east to the west via overland flow. Currently, the area of request is undeveloped. The area of request is affected by flood zone AE (the 100-year floodplain) as shown on the effective Flood Insurance Rate Map (FIRM) number 40109C0330H, dated December 12, 2009. Any and all future land disturbance activities or construction in the area of request is required to meet both local and FEA requirements concerning floodplain development, including acquiring all necessary permits.

The applicant proposes to construct detention ponds to service the area of request as part of the preliminary plat application. The drainage improvement requirements will be addressed with the preliminary plat application following this item.

No identified wetlands are located on or abutting the area of request as shown on the Choctaw quadrangle of the 1989 National Wetlands Inventory map as prepared by the United States Department of the Interior Fish and Wildlife Service.

All future development on the proposed tracts must conform to the applicable requirements of Municipal Code Chapter 13, "Drainage and Flood Control."

Resolution 84-20 requires that developers install and maintain sediment and/or erosion controls in conjunction with their construction activities. Any proposed development must conform to the applicable requirements of Municipal Code Chapter 43, "Erosion Control." Sediment control plans must be submitted to and approved by the city before any land disturbance is done on-site. The developer is responsible for the cleanup of sediment and other debris from drainage pipes, ditches, streets and abutting properties as a result of his activities.

Easements and Right-of-Way

No additional rights-of-way and/or easements are required with this application. All easement and right of requirements are addressed with the preliminary plat application.

**Fire Marshal's Comments:**

The Fire Marshall has reviewed the application for this proposed Planned Unit Development under Chapter 15 of the municipal code. The Fire Marshall requests that "Westmoreland Drive" be renamed as there is already a Westmoreland Ave. off of 10<sup>th</sup> Street in Midwest City. The applicant may submit alternative street names for review by staff prior to application for the Final Plat. All requirements of Chapter 15 regarding fire hydrants and fire protection will need to be met with preliminary plat of the area of request.

**Plan Comments:**

The proposed PUD is to be governed by the R-6, Single Family Detached Residential District. The application was submitted to staff at the end of February 2017. The initial PUD proposed the development of 221 single family residential lots. As staff began a review of the proposed PUD, staff determined that the development was not in harmony with the Comprehensive Plan, the Zoning Ordinance or the Subdivision Regulations.

With regard to the Zoning Ordinance, the applicant requested a variance to the 7' side yard setback and did not address required items such as J-driveways and varied setbacks. With regard to the Comprehensive Plan, the proposed development was not in harmony with the goal of providing housing diversity in Midwest City with a diversity in housing type and a diversity in housing value.

Staff provided the attached memo to the applicant on the morning of March 16, 2017 and met with the applicant that same afternoon to discuss the items listed on the memo. Staff expressed concerns about the size and number of lots that will add to our abundance of small residential lots and will not provide the housing diversity as prescribed in the Comprehensive Plan. Staff also pointed out the requirements of the Zoning Ordinance such as J-Drives and varied setbacks that were not addressed in the PUD. At that meeting and in the memo, staff recommended that the applicant postpone the preliminary plat application in order to work out issues with the zoning. If parts of the zoning including the proposed lot sizes and requested variances are not approved, the preliminary plat must also be denied as it is designed according to the PUD.

On March 22, 2017, the applicant provided a revised PUD and preliminary plat. The applicant requested that the preliminary plat remain on the April Planning Commission and City Council agendas and that it not be postponed to the June meetings.

The revised PUD proposes 205 residential lots and three (3) common areas. The proposed density is 3.89 units per acre. The minimum lot width is shown on the PUD as 54' and the proposed lot area is 6,480 square feet. The applicant is requesting no variances to the side setbacks (7'), rear setbacks (20') or the minimum front setback of 25'. The PUD does state that the materials of the proposed homes will meet the requirement of 85% masonry materials and 100% masonry materials facing the street.

Two points of access are proposed off of S. Anderson Rd. As the development exceeds 50 lots, two access points are a requirement of the Subdivision Regulations.

The PUD does not reference a trail along the floodplain on the west side of the area of request, however, the Midwest City Trails Master Plan does identify a trail in this area. This will be discussed further in the preliminary plat application.

Approximately 10.91 acres are reserved for common areas to be maintained by the Homeowners Association. One of the areas is designated as the required park land and open space which will be discussed further under the preliminary plat application following this item.

The following variances from the Midwest City Zoning Ordinance have been requested:

1. Maximum lot coverage: The maximum lot coverage including accessory buildings allowed per the Zoning Ordinance is 40%. The applicant is requesting a maximum of 65% coverage, including accessory buildings. Staff does not recommend approval of this request as the more building coverage that is allowed, the less landscaping there will be for each lot. This will also have an effect on storm water runoff.

2. Single Family Driveways and Garages: The Zoning Ordinance states that “the placement of garages in a neighborhood can have a substantial impact on the neighborhood’s visual appearance. Typically, when no alley is present, a common design layout is for the garage to be placed facing the street. This design layout generally establishes the garage as the most dominant visual feature from the view of the street, and it generally does not contribute to the visual appeal of a neighborhood and does not conform to the image of quality neighborhoods established in the Comprehensive Plan.” The Zoning Ordinance provides several options for j-driveways and setback or detached garages. Staff does not recommend approval of this request.

Anti-monotony standards are referenced in both the Comprehensive Plan and the Zoning Ordinance. They are not referenced in the PUD. If approved, the homes in the development must meet the requirements including the following:

- No single front façade of a home may be duplicated within six (6) lots
- No wall length shall be uninterrupted for fifteen (15) feet
- Variations of the front setbacks of at least five (5) feet while not encroaching in the required 25’ front setback

As can be seen on the attached memo that was sent to the applicant on March 16, 2017, the 2008 Comprehensive Plan has identified the area of request as an area that is likely to be developed. The Comprehensive Plan raw land east of Douglas Blvd. as having the potential for quality residential development. Considering the density, the variances requested and the nearby subdivisions, staff does not feel that the proposed development is in harmony with the intent of the Comprehensive Plan.

The Comprehensive Plan also states that Midwest City has an abundance of small single family residential lots, meeting the minimum lot size requirements. The plan further states that varying lot sizes are necessary to provide residents with a choice of house size, lot size and price range.

On March 29, 2017, three surrounding residents submitted letters protesting certain aspects of this development. The main concerns are the proposed house and lot sizes and the impact that a large development will have on the existing properties. The protest letters are included following this staff report.

#### Zoning Ordinance - Section 7.2.3 (B) Protests

(1) Protests against proposed changes shall be filed at least three (3) days before the date of public hearings. If protests are filed by:

- a. The owners of twenty (20) percent or more of the area of the lots included in a proposed change; or
- b. The owners of fifty (50) percent or more of the area of the lots within a three hundred (300) foot radius of the exterior boundary of the territory included in a proposed change;

(2) Then the proposed change or amendment shall not become effective except by the favorable vote of three-fifths of the members of the City Council.

Although the protest do not meet the requirements for a legal protest, they are from surrounding property owners.

The applicant was present at the April 4, 2017 Planning Commission meeting along with several neighboring residents. Mr. Reid stated that the current zoning of the property allows for 6000 sq. ft. lots and that the applicant is agreeable to the 40% maximum coverage allowed by code. They are not requesting a variance to the coverage requirement. Mr. Reid stated that the requirement for J-Drives will not work on the lots proposed. He provided examples such as Turtlewood, Sundance and the recently approved Oakwood Landing where J-Drives are not used. Commissioner Greil asked staff about that and staff explained that development in those neighborhoods had begun prior to adoption of the 2008 Comprehensive Plan, 2010 Zoning Ordinance and 2012 Subdivision Regulations. Mr. Harless pointed out that Oakwood Landing was zoned for apartments and then duplexes before the applicant decided on single family homes. Due to the down zoning from multi-family to single family, staff felt that was step closer towards quality neighborhoods as prescribed in the Comprehensive Plan. Mr. Wicker asked Mr. Reid if he agreed to the masonry requirements. Mr. Reid stated he did agree. Mike Dickey of 12045 Tuscany Ridge was present. Mr. Dickey is the president of the Tuscany Ridge HOA. He and his neighbors are concerned about the two entrances to the development being on either side of the entrance to their neighborhood and the traffic that will bring. He was also concerned about the density and house size. Richard Dorn of 11708 Lorene asked if utility work will affect the lots on Lorene that about the area of request. Mr. Wicker stated that that would be discussed during the preliminary plat hearing. Tracy Kay of 12305 Jaycie Cir was present and expressed concerns about the impact of the development on CNP public schools. Collette Raulston of 11636 Lorene was present and shared concerns about the number of houses, size of houses and difference in income level that the development might bring. Brenda Holland of 1923 S. Anderson was present and asked if under the PUD, they can build under the minimum square footage for housing. Mr. Harless stated that they are not asking for a variance to the minimum square footage of 1200 sq. ft. Ms. Holland stated that she does not think the development is a good fit for the area. Mark Hansel of 11701 Roefan Rd. asked about the vacant area on the west side of the area of request. Commissioner Wicker stated that it is to be designated as park and open space. Commissioner Smith confirmed with Mr. Menefee that the area on the west is in the floodplain. Linda Linn of 2300 S. Anderson was present and shared concerns about the density, traffic and fire protection. Gary Housley of 2020 Lakeside Dr asked if a fence will cross the creek and if the trail would connect to the trail in Oakwood East and who would maintain the creek and trail. Mr. Harless explained that it is the desire of the city to have trails connect and that maintenance would be up to the HOA.

Keeping in mind the goal listed in the Comprehensive Plan of providing diversity in housing type and value, and considering the significant variances to the Zoning Ordinance and Comprehensive plan listed in the PUD, staff would recommend denial of the variances requested and of this proposed PUD as it is written.

**Action Required:** Approve or reject an ordinance to redistrict to Planned Unit Development for the property noted in this report and subject to staff's comments as found in the April 25, 2017, agenda packet, and as noted in PC – 1896 file.

A handwritten signature in black ink, appearing to read "Billy Harless".

Billy Harless, AICP  
Community Development Director

KG



The City of  
**MIDWEST CITY**

COMMUNITY DEVELOPMENT DEPARTMENT - CURRENT PLANNING DIVISION

Billy Harless – Director  
Kellie Gilles – Manager

To: Gene Methvin, Applicant and Brad Reid, Engineer  
From: Kellie Gilles, Planning Manager  
Date: March 16, 2017  
Re: Proposed Anderson Crossing Development

Mr. Methvin and Mr. Reid,

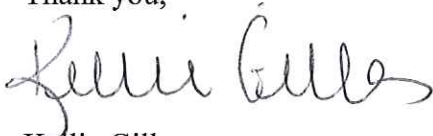
Staff has completed a review of the proposed PUD and preliminary plat applications for the proposed Anderson Crossing development and we have concerns we would like to address.

- Request for 5' side yard setbacks – the Midwest City Zoning Ordinance was revised in 2010 and the side yard setback requirement increased from 5' to 7'. This change was to encourage more space between lots and to help with drainage concerns between lots. Staff will recommend that the 7' side yard setbacks be required.
- Area of Request – the 2008 Midwest City Comprehensive Plan identified the area of request as an area likely to be developed. The Comprehensive Plan also identified raw land east of Douglas Blvd. as having the potential for quality residential development.
- Lot size variety – Midwest City has an abundance of small single family residential lots, meeting the minimum lot size requirements. The Comprehensive Plan states that varying lot sizes are necessary to provide residents with a choice of house size, lot size and price range. The proposed Anderson Crossing subdivision will add to the abundance of small single family lots. Staff will recommend the intent of the Comprehensive Plan be observed with medium-large lot single family development for new subdivisions in eastern Midwest City.
- Trails – The Midwest City Trails Plan has identified a planned trail running through the rear of the property, along the floodplain. This will need to be addressed in the PUD. Staff will recommend that provisions for the trail be included in the PUD Design Statement and development of the land.
- Sidewalks – Sidewalks will be required along both sides of each street within the development.
- Anti-Monotony Standards – The Comprehensive Plan and Zoning Ordinance have prescribed anti-monotony standards for single family homes. These standards include a requirement that no single front façade of a home may be duplicated within six (6) lots, no wall length shall be uninterrupted for fifteen (15) feet and variations of front setbacks of at least five (5) feet while not encroaching in the required 25' front setback.

- Garages – garages must be placed in a “J” formation, setback 15’ from the front building line or detached and placed in the rear yard. Staff will recommend that this be addressed in the PUD and that it will be required within the development.
- Traffic Calming – due to the length of the proposed streets, staff will recommend the use of traffic calming devices such as textured pavement/stripping at crosswalks, raised crosswalk, traffic circles, narrowings or chicanes as identified in the Comprehensive Plan.
- Exterior Construction – The Comprehensive Plan recommends a majority of masonry products on the exterior of residential homes. The Zoning Ordinance requires 85% masonry materials – 100% where facing a street. Some of the elevations submitted with the PUD applications do not meet these requirements. Staff will recommend that the masonry requirement be applied to the development.
- Thoroughfare Screening – The PUD Design Statement states that thoroughfare screening will be provided along S. Anderson. Staff will recommend that it comply with the requirements for thoroughfare screening as prescribed in the Midwest City Subdivision Regulations.

Due to the complex nature of the property and the regulations for the area as set forth in the Comprehensive Plan, Zoning Ordinance and Subdivision Regulations, staff would recommend postponing the preliminary plat application until all zoning concerns can be addressed and heard by the Planning Commission and City Council.

Thank you,

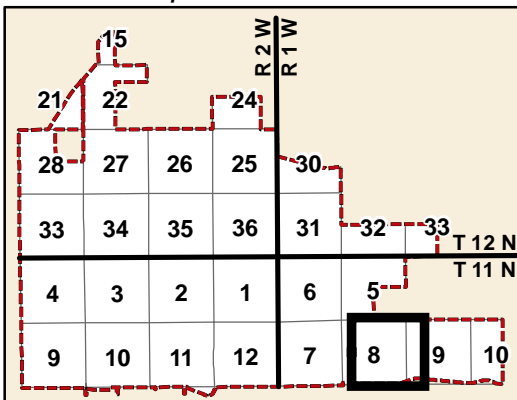


Kellie Gilles  
Planning Manager  
Community Development  
739-1223

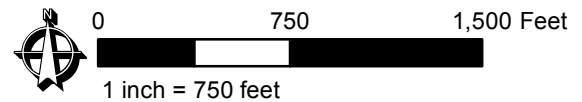




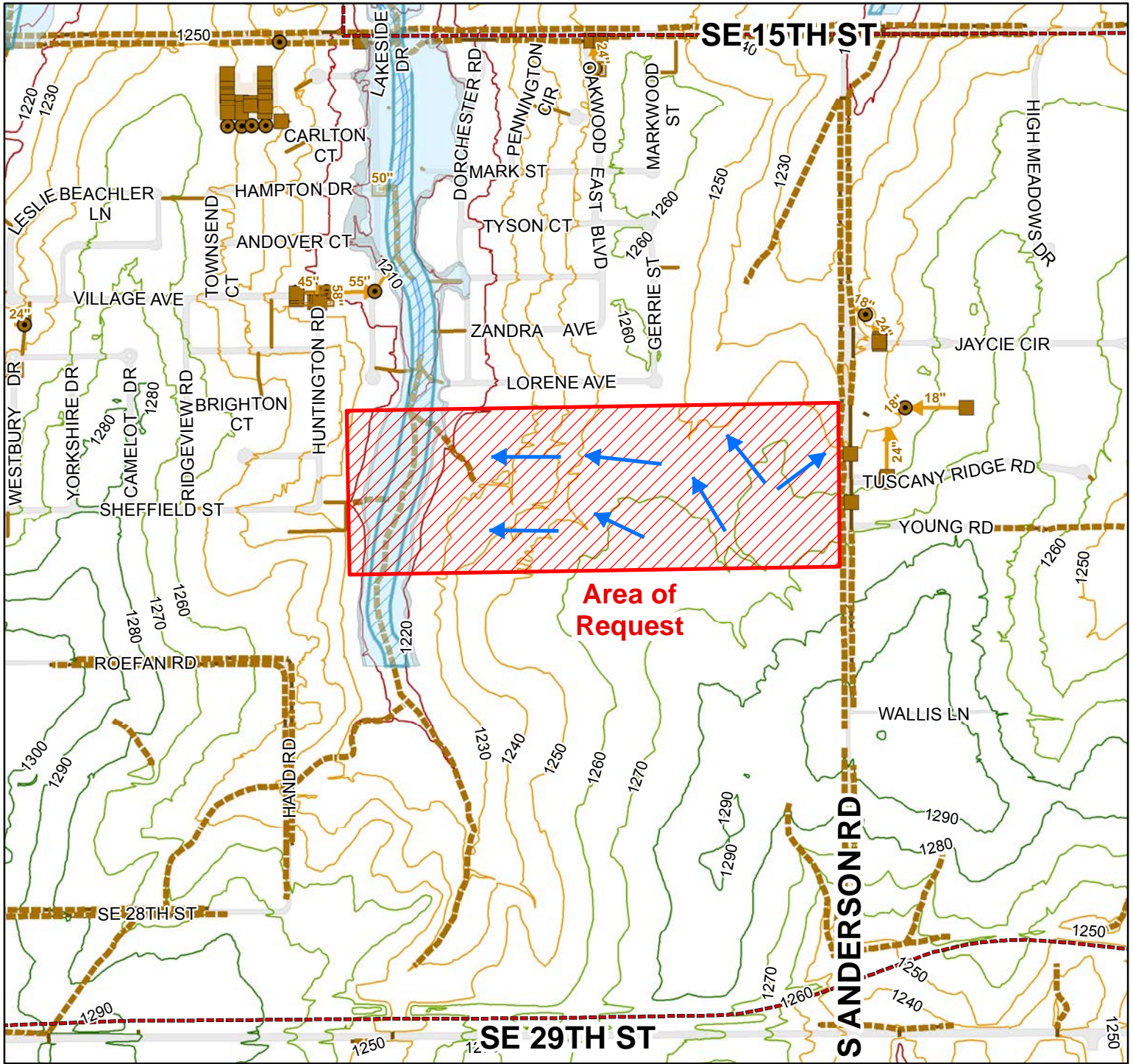
Locator Map



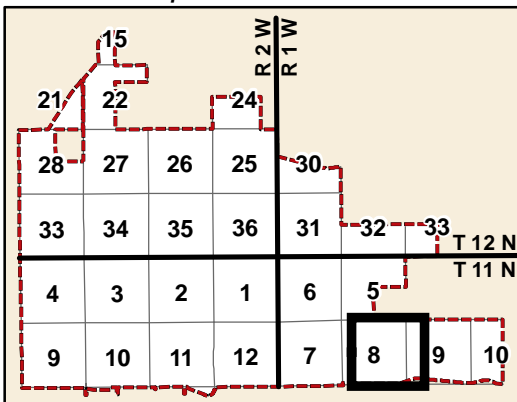
**2015 DOP (AERIAL) VIEW FOR  
PC-1896 & PC-1897  
(E/2, Sec. 8, T11N, R1W)**



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Locator Map



- Drainage Legend**
- Curb Inlets
  - Inlets
  - Junction Box
  - Culverts
  - Flumes
  - Developed Channels
  - Trickle Channels
  - Undeveloped Channels
  - Storm Lines
  - Creeks
- ELEVATION**
- 1166-1204 ft
  - 1204-1228 ft
  - 1228-1250 ft
  - 1250-1278 ft
  - 1278-1324 ft

2009 FEMA Floodplains

- 500-yr floodplain
- 100-yr floodplain
- 2009 FEMA Floodway

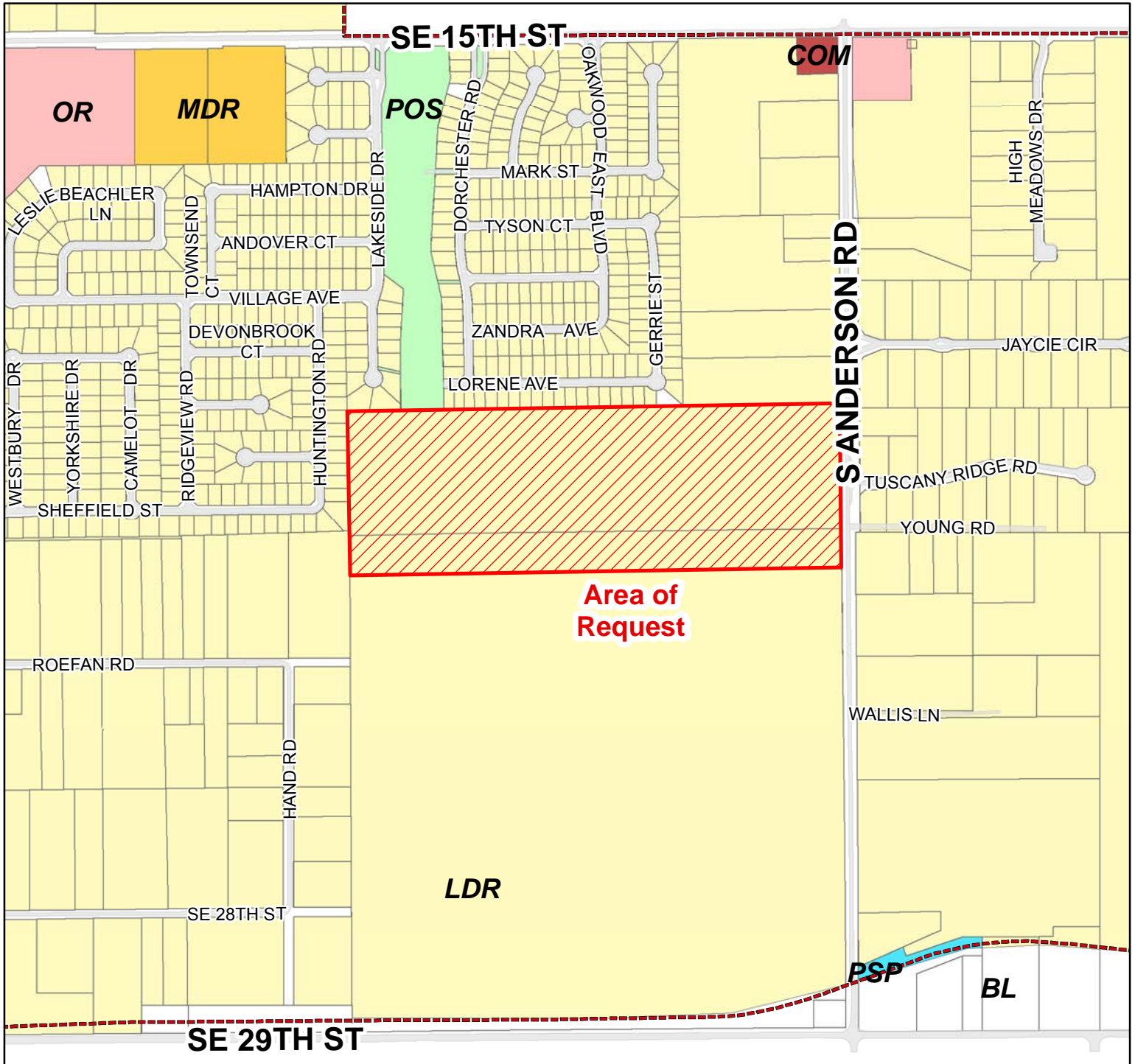
## DRAINAGE LOCATION MAP FOR PC-1896 & PC-1897 (E/2, Sec. 8, T11N, R1W)



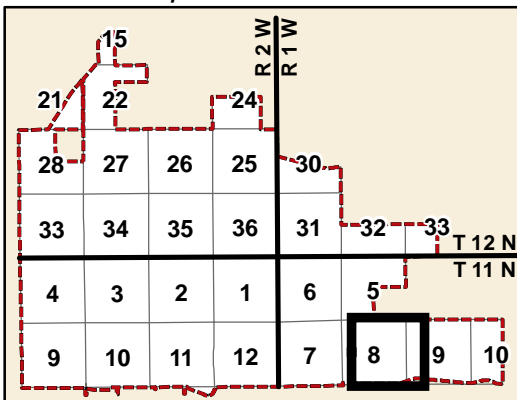
0 750 1,500 Feet

1 inch = 750 feet











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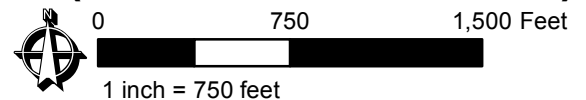
Locator Map



Future Land Use Legend

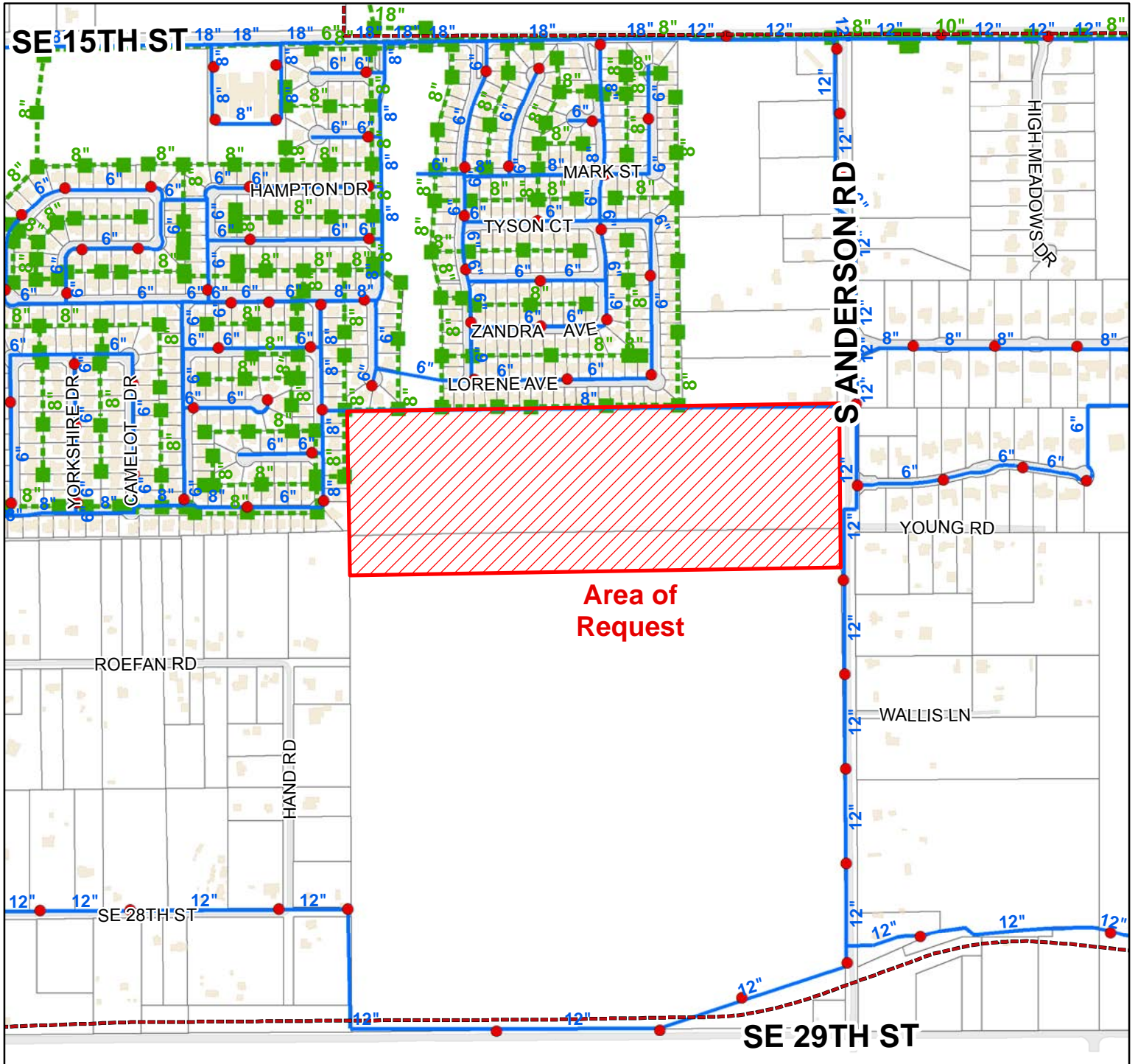
-  Single-Family Detached Residential
-  Medium Density Residential
-  High Density Residential
-  Manufactured Home
-  Public/Semi-Public
-  Parks/Open Space
-  Office/Retail
-  Commercial
-  Industrial
-  Town Center

**FUTURE LAND USE  
MAP FOR  
PC-1896 & PC-1897  
(E/2, Sec. 8, T11N, R1W)**

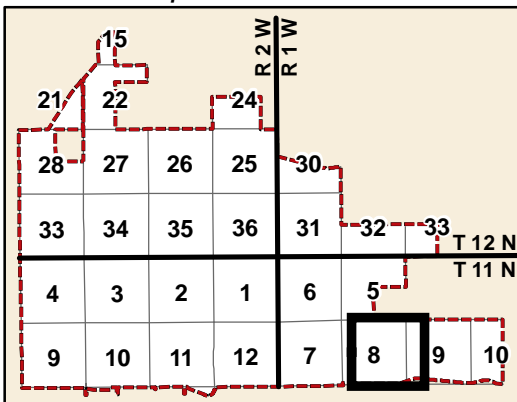


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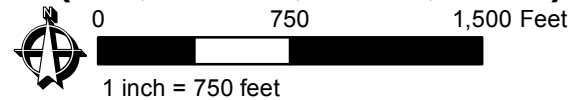
Locator Map



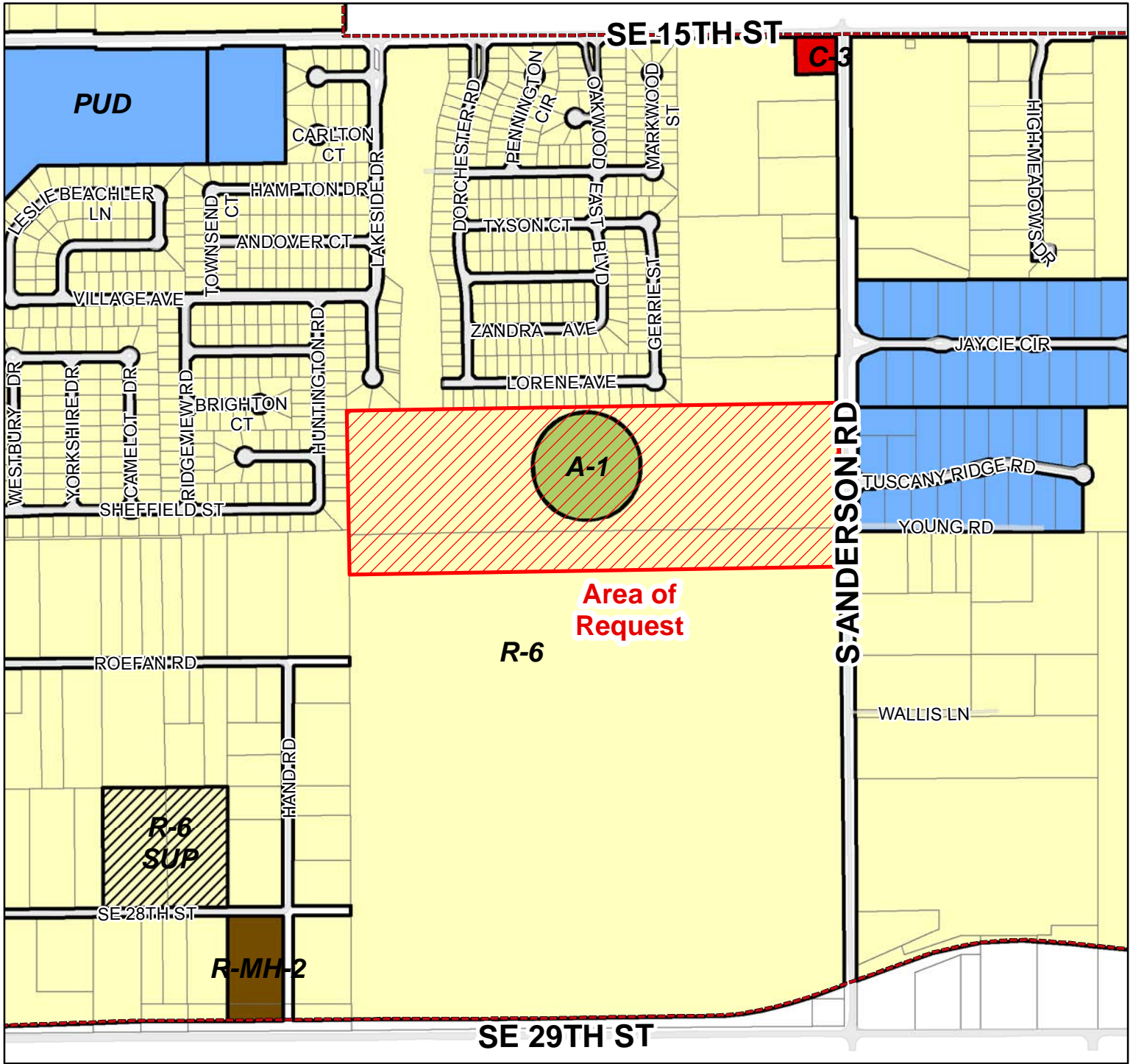
Water/Sewer Legend

- Fire Hydrants
- Water Lines
  - Distribution
  - Well
  - OKC Cross Country
  - Sooner Utilities
  - Thunderbird
  - Unknown
- Sewer Manholes
- Sewer Lines

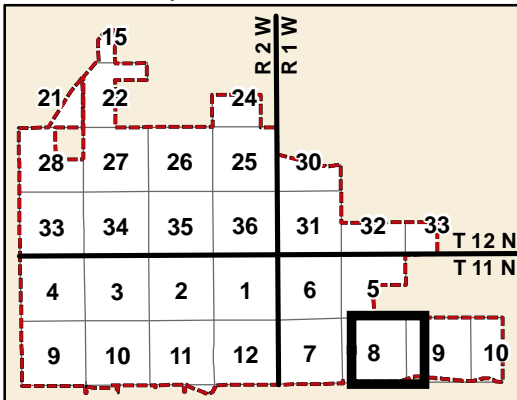
**WATER/SEWER LINE LOCATION MAP FOR PC-1896 & PC-1897 (E/2, Sec. 8, T11N, R1W)**



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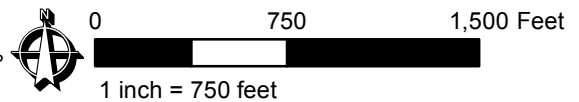
Locator Map



Current Zoning Legend

A-1	I-3	R-2F
A-1 SUP	O-1	R-MD
C-1	O-1 SUP	R-MD SUP
C-1 SUP	O-2	R-HD
C-2	O-2 SUP	R-HD SUP
C-3	R-6	R-MH-1
C-3 SUP	R-6 SUP	R-MH-2
C-4	R-8	PUD
I-1	R-10	SPUD
I-2	R-22	HOS
I-2 SUP	R-35	HOS SUP

ZONING MAP FOR  
PC-1896 & PC-1897  
(E/2, Sec. 8, T11N, R1W)



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PUD # 1896  
DESIGN STATEMENT  
OF THE PLANNED UNIT DEVELOPMENT

OF

ANDERSON CROSSING

A SINGLE FAMILY DEVELOPMENT LOCATED AT  
SOUTH ANDERSON ROAD IN BETWEEN SE 15<sup>TH</sup> STREET AND SE 29<sup>TH</sup> STREET  
MIDWEST CITY, OKLAHOMA

FEBRUARY 23, 2017  
REVISED: MARCH 22, 2017

APPLICANT:

SEDONA LAKES, LLC  
1500 SW 35<sup>TH</sup> STREET  
MOORE, OK 73160  
405.514.3968 (P)

PREPARED BY:

CRAFTON, TULL, INC.  
300 POINTE PARKWAY BLVD.  
YUKON, OKLAHOMA 73099  
405.787.6270 (P)  
405.787.6276 (F)

**ANDERSON CROSSING  
PUD #1896**

**PAGE 1**

PUD # 1896  
DESIGN STATEMENT  
OF THE PLANNED UNIT DEVELOPMENT OF OAKWOOD LANDING

**1.0 INTRODUCTION**

The Planned Unit Development of Anderson Crossing consists of approximately 52.73 acres and is located on the west side of Anderson Road south of SE 15<sup>th</sup> Street and north of SE 29<sup>th</sup> Street in the City of Midwest City, Oklahoma. This property is presently R-6 (Single-Family Detached Residential) with a 10-acre circle in the middle that is zoned A-1 with a special use permit for an oil and gas well.

The property is described as a portion of the East half of Section 8, Township 11 North, Range 1 West of the Indian Meridian, Oklahoma County, Oklahoma.

**2.0 LEGAL DESCRIPTION**

OVERALL PROPERTY

A TRACT OF LAND LYING IN THE EAST HALF (E/2) OF SECTION EIGHT (8), TOWNSHIP ELEVEN NORTH (11), RANGE ONE WEST (1) OF THE INDIAN MERIDIAN, (I.M.), BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTH FORTY (40) ACRES OF THE NORTHEAST QUARTER (NE/4) OF SECTION EIGHT (8), TOWNSHIP ELEVEN NORTH (11), RANGE ONE WEST (1) OF THE INDIAN MERIDIAN, (I.M.)

IN ADDITION, THE NORTH 210 FEET OF THE SOUTHEAST QUARTER (SE/4) OF SECTION EIGHT (8), TOWNSHIP ELEVEN NORTH (11), RANGE ONE WEST (1) OF THE INDIAN MERIDIAN, (I.M.) BEING MEASURED PERPENDICULARLY TO THE NORTH LINE OF SAID SE/4.

CONTAINING 2,296,800 Sq. Ft. OR 52.73 ACRES MORE OR LESS.

**3.0 DEVELOPER**

The development of the Planned Unit Development of Anderson Crossing is Sedona Lakes, LLC.  
1500 SW 35<sup>th</sup> Street, Moore, OK 73160

**4.0 SITE AND SURROUNDING DEVELOPMENT**

This property is presently zoned R-6 (Single-Family Detached Residential) with a 10 acre circle in the middle that is zoned A-1 with a special use permit for an oil and gas well. The property surrounding the proposed PUD is zoned as follows:

North: Zoned R-6.

South: Zoned R-6.

East: Zoned PUD & R-6.

West: Zoned R-6.



## **5.0 SITE TOPOGRAPHY AND DRAINAGE**

The property generally slopes to the west.

Storm water detention will be provided for the entire project site.

Natural, grass-lined drainage ways shall be permitted through common areas provided drainage ways meet the 100-year storm discharge capacity.

## **6.0 SERVICE AVAILABILITY**

### **6.1 STREETS**

This Planned Unit Development property will have an access to S. Anderson Road on the East. Streets within the proposed development will be public streets.

### **6.2 UTILITIES**

#### **6.2.1 WATER SERVICE**

There are existing 12" water lines located on the east side of the property along S. Anderson Road.

#### **6.2.2 SANITARY SEWER SERVICE**

There is an existing 8" sanitary sewer line located along a portion of the Northern side of the property.

#### **6.2.3 GAS LINE, TELEPHONE & ELECTRIC SERVICES**

Gas, electrical, telephone and cable lines are available to adequately meet the needs of the development. All necessary steps will be followed to coordinate the efforts of the various utilities in order to provide service for the site.

### **6.3 FIRE PROTECTION**

Fire hydrants will be installed at the required spacing within Anderson Crossing so that each building site is covered for fire protection. Fire Station #5 is located approximately 2 miles northwest on Westminster Road.

## **7.0 SCOPE AND CONCEPT**

This PUD will be governed by the R-6, Single Family Detached Residential District regulations, except as expressly provided herein.

The Subject PUD seeks to develop a single-family residential development conducive to needs of the community. The proposal for 205 single-family dwellings at a density of 3.89 units per acre,

along with approximately 10.91 acres of planned common area that will be used for natural park setting and drainage conveyance.

Land Area Use	
Zoning	R-6
Area	52.73 Acres
Unit Count	205
Maximum Density	3.89 Units/Acre
Minimum Lot Width	54 feet
Minimum Lot Area	6,480 Square Feet
Maximum Lot Coverage	65% Including Accessory Structures
Front Setbacks	25 Feet (with 5 foot variation per city regulations)
Side Setbacks	7 Feet
Rear Setbacks	20 Feet
Minimum House Size	1,200 Square Feet
Maximum Height	35 Feet
Minimum Parking	2 Per Dwelling

**8.0 SPECIAL DEVELOPMENT REGULATIONS**

The use and development regulations set out herein shall control the development and use of the property described. In case of a conflict between the regulations set out in this Planned Unit Development and ordinances contained in the Planning and Zoning Code Regulations for the City of Midwest City, the use and development regulations contained in this Planned Unit Development shall take precedent and control the development and use of the property.

**9.0 LANDSCAPING**

The subject parcel shall meet all requirements of the City of Midwest City Landscaping Ordinance in place at the time of development.

Landscape Buffers to include: (1) Thoroughfare Screening along lots abutting S. Anderson Road (2) a minimum of two (2) front yard trees per lot.

**10.0 COMMON AREAS & GREEN SPACE**

Approximately 10.91 acres of property will be reserved for detention and to provide greenspace for use and benefit of the residents.

Maintenance of common areas shall be the responsibility of the Property Owners Association. No structures, storage of material, grading, fill or other obstructions, including fences, either temporary or permanent, that shall cause blockage of flow or an adverse effect on the functioning of the storm water facility, shall be placed within the common area intended for use of conveyance of storm water, and/or drainage easements shown. Certain amenities such as, but not limited to, walks and benches shall be permitted if installed in a manner to meet the requirements specified above.

## **11.0 HOME DESIGN STANDARDS**

Residences within the PUD shall be of similar design and quality as shown in Exhibit B, attached hereto. Materials will include a combination of brick, stone, and siding in a variety of styles, such as board and batten and shake shingle. Masonry will be incorporated into every home and shall meet the minimum required total masonry coverage of 85 percent, and 100 percent on the façade facing the street, set forth by the city of Midwest City.

Section 5.15 Single-Family Driveways and Garages shall not apply to this PUD.

## **12.0 SUBDIVISION SIGNAGE**

An attractive subdivision identification sign will be located at the entrance into the subdivision. The sign shall be no taller than 8 feet in height and no larger than 120 square feet in surface area. The size and location of the sign shall comply with the City's sign ordinance.

## **13.0 DEVELOPMENT SEQUENCE**

The subject Planned Unit Development shall be developed in phases in accordance with the Midwest City Subdivision regulations.

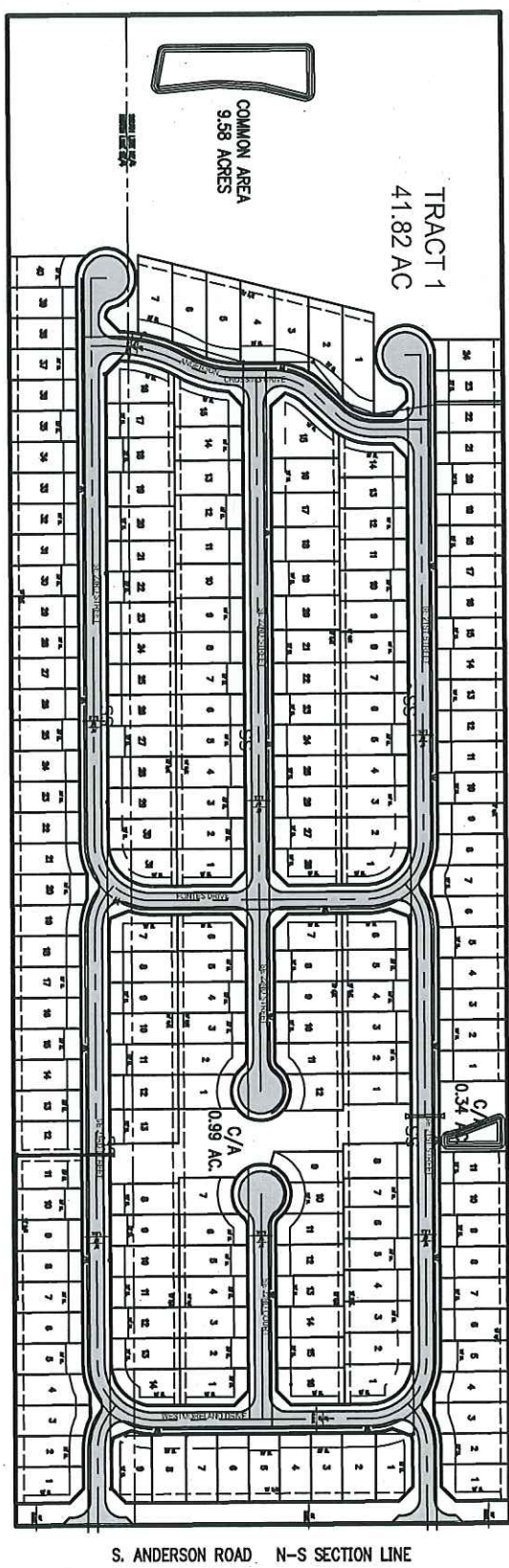
## **EXHIBITS**

The following exhibits are attached hereto and shall be made an integral part of this Planned Unit Development.

- A. Master Development Plan
- B. Single-Family Home Elevation

EXHIBIT 'A'  
 MASTER DEVELOPMENT PLAN  
 OF  
**ANDERSON CROSSING**

PART OF THE E/E OF SECTION 8  
 TOWNSHIP 11 NORTH, RANGE 1 WEST, 1.M.  
 MIDWEST CITY, OKLAHOMA COUNTY, OKLAHOMA



GRAPHIC SCALE IN FEET  
 200' 0 200'

MASTER DEVELOPMENT PLAN ANDERSON CROSSING

300 Ralston Parkway Blvd.  
 Tulsa, Oklahoma 74309

**Crafton Tull**  
 Geotechnical Engineering & Surveying  
 402.782.4201 405.281.4314  
 www.craftontull.com

STATE OF OKLAHOMA  
 CIVIL ENGINEER LICENSE NO. 17600900

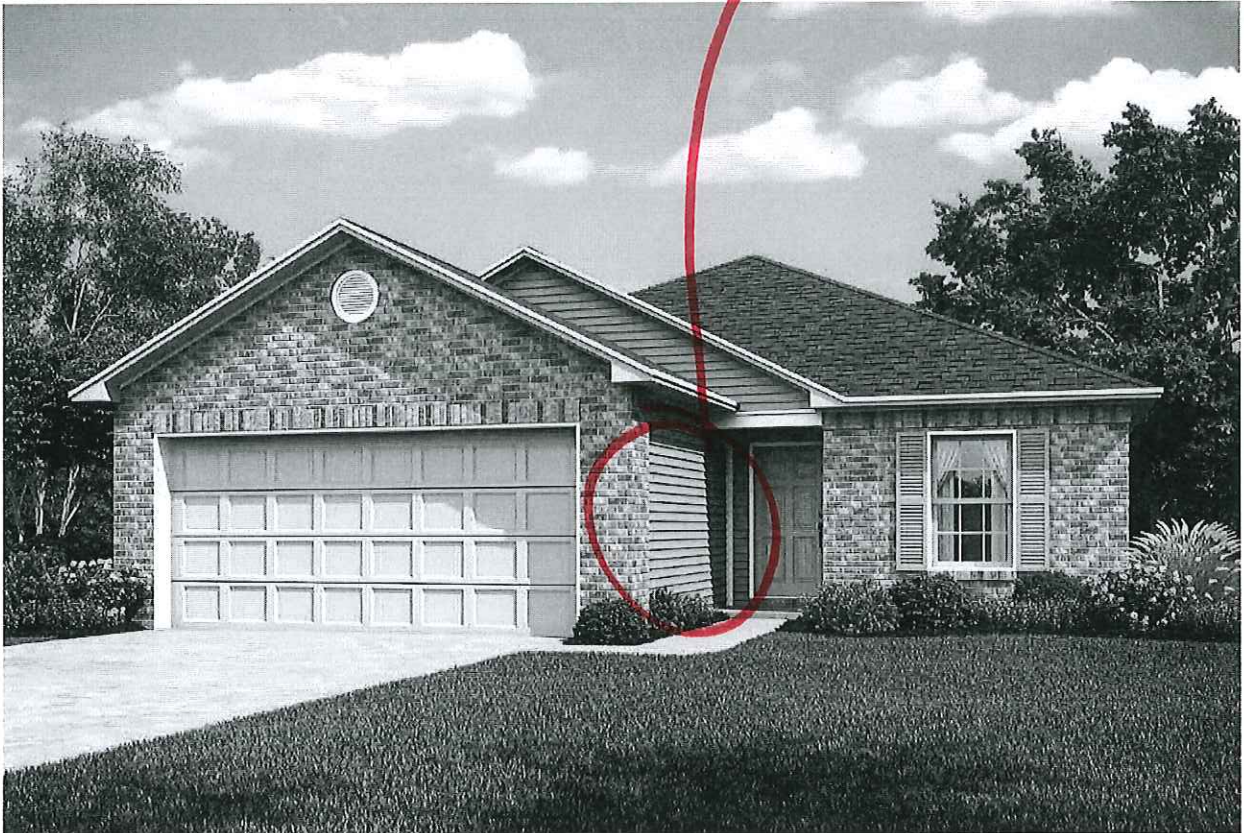
SHEET NO. 1 OF 1  
 DATE 03/22/2017  
 PROJECT NO. 17600900

EXHIBIT 'B'

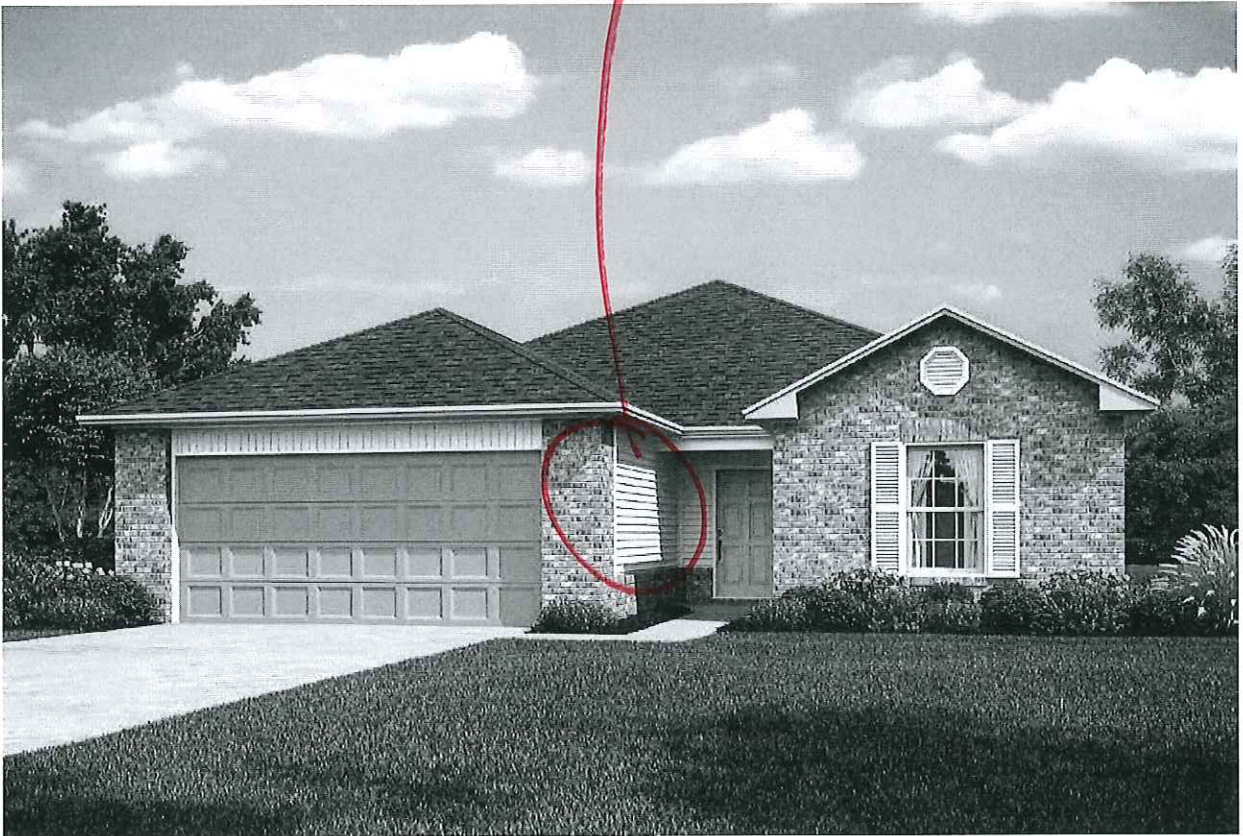
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allowed - KG



siding not allowed - KG



Siding not  
allowed - KG



# SLR ENTERPRISES LLC

P.O. Box 30876  
Midwest City, OK 73140  
(405)317-9916  
(405)627-5637

March 29, 2017

City of Midwest City,

I have received your notification of the proposed new housing development on Anderson Road, 2101 S. Anderson Road. I would like to go on record as protesting the rezoning of this property.

I own 5 acres just north of the location and I would like to keep our country feel intact. We choose to live in this area for the country feel, yet close to town for many reasons.

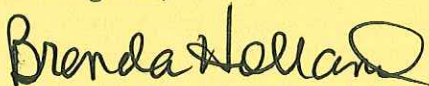
All houses within a mile of this, except for Oakwood East housing addition on 15<sup>th</sup>, are on 1 acre or larger lots. The proposed houses for this addition do not even meet the 1400 sq.ft. requirement set forth by the city. These houses do not compare to the house sizes in the area even if they met the 1400 sq.ft. requirement. All the houses in this area are in a higher price range and rezoning will bring down the property value of not only our houses on Anderson, but Tuscany Ridge and Jaycie Place. This will cheapen my neighborhood! If I wanted that I would have moved to Del City. I feel residents in Midwest City do not want more properties in this area that are cookie cutter tract homes. We already have smaller homes in Oakwood East and Turtlecreek.

These houses will likely quickly become rent houses in the future. I own several properties in the older parts of Midwest City that are rentals and the city has enough rentals. We already have the apartments going in on 15<sup>th</sup> street which are causing Anderson and S.E. 15<sup>th</sup> Streets to be much busier and causing long lines of stop and go traffic.

Not to mention the fact that Choctaw-Nicoma Park Schools may not even be able to handle the rush of children this might bring. This has already happened to many of our schools in Edmond, Piedmont, etc. The elementary is brand new and already has barracks because there is not enough room for all the kids.

I totally understand new progress means more tax dollars for our community, etc., but at what cost, crowded schools, more traffic, crime, etc.? I am very proud to say I live in Midwest City and have been a resident of this community most of my life. I choose to live here because I feel our community is the best in the Oklahoma City Area. Please consider the repercussions this may cause in OUR COMMUNITY!

Warm regards,



SLR Enterprises LLC

Brenda Holland



March 29, 2017

Planning Commission  
City of Midwest City, Oklahoma  
100 N. Midwest Blvd.  
Midwest City, OK 73110

My name is Richard Sowder and I live at 1925 S. Anderson Rd. I own approximately 5 acres to the north of the proposed PUD. At this time I am formally protesting the design of the Anderson Crossing Planned Unit Development. As an individual property owner, I am concerned with the 1,200 square foot minimum house size and the density of the development proposed. At a minimum, I feel that the Anderson Crossing development should have a larger minimum square footage requirement (1,500 – 1,700 square feet) that is more in line with the R-8 development standards.

Please take my concerns into consideration when reviewing the Anderson Crossing PUD and the aesthetic impact this development will have against the south side of my property. I will be attending the hearing on Tuesday, April 4th along with several other homeowners from nearby properties to further represent our interest.

Sincerely,

A handwritten signature in blue ink, appearing to read "Richard Sowder, Jr.", written in a cursive style.

Richard Sowder, Jr.

March 29, 2017

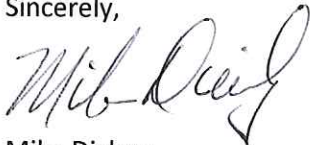
Planning Commission  
City of Midwest City, Oklahoma  
100 N. Midwest Blvd.  
Midwest City, OK 73110

Dear Planning Commission Members,

I am the President of the Tuscany Ridge HOA and represent the members of our association in protesting the design of the Anderson Crossing Planned Unit Development. As individual property owners as well as a community, we are concerned with the planned 1,200 square foot minimum house size and the density of the development proposed. At a minimum, it is our opinion that the Anderson Crossing development should have a larger minimum square footage requirements (1,400 – 1,500 square feet) that is more in line with the R-8 development standards.

Please take our concerns into consideration when reviewing the Anderson Crossing PUD and the aesthetic impact this development will have given the only entrance into Tuscany Ridge will be directly across from Anderson Crossing. I plan to attend the hearing on Tuesday, April 4<sup>th</sup> along with several other Tuscany Ridge homeowners to further represent our interest.

Sincerely,

A handwritten signature in cursive script that reads "Mike Dickey".

Mike Dickey  
President, Tuscany Ridge HOA  
12045 Tuscany Ridge Road  
Midwest City, OK, 73130



The City of  
**MIDWEST CITY**  
COMMUNITY DEVELOPMENT DEPARTMENT

Billy Harless, Community Development Director

ENGINEERING DIVISION  
Patrick Menefee, City Engineer  
CURRENT PLANNING DIVISION  
Kellie Gilles, Current Planning Manager  
COMPREHENSIVE PLANNING  
BUILDING INSPECTION DIVISION  
Charles Belk, Building Official  
GIS DIVISION  
Kathy Spivey, GIS Coordinator

**To:** Honorable Mayor and City Council

**From:** Billy Harless, Community Development Director

**Date:** April 25, 2017

**Subject:** (PC – 1897) Public hearing with discussion and consideration of approval of the Preliminary Plat of Anderson Crossing for the property described as a tract of land lying in the E/2 of Section 8, T-11-N, R-1-W, of the Indian Meridian, City of Midwest City, Oklahoma County, Oklahoma.

**Dates of Hearing:** Planning Commission – April 4, 2017  
City Council – April 25, 2017

**Ward:** Ward 6, Councilmember Jeff Moore

**Owners:** Ann Westmoreland, Carol Russell and Ruth Fontes

**Applicant:** Gene Methvin

**Engineer:** Brad Reid, Crafton Tull

**Proposed Use:** 205 single-family lots

**Size:** The area of request has a frontage along S. Anderson Road of approximately 870 ft., and a depth of approximately 2640 ft., and contains an area of approximately 52.73 acres.

**Development Proposed by Comprehensive Plan:**

Area of Request – Low Density Residential

South, East and West – Low Density Residential

North –LDR, Low Density Residential and POS, Parks/Open Space

**Zoning Districts:**

Area of Request –R6, Single Family Residential and A-1, General Agriculture

North, South and West – R6, Single Family Residential

East – PUD, Planned Unit Development and R-6, Single Family Detached Residential

Municipal Code Citation:

38-3. Purpose

38-3.1 Protection of Public and Private Interest

The development and subdivision of land, as they affect a City's quality of life, are activities for which regulation is a valid function of City government. The regulations contained within this Subdivision Ordinance are intended to protect the interest of the public and of private parties by granting certain rights and privileges.

38-18.1. Purpose

The purpose of a Preliminary Plat shall be to determine the general layout of the subdivision, the adequacy of public facilities needed to serve the intended development, and the overall compliance of the land division with applicable requirements of the Subdivision Ordinance.

History:

1. This area has been zoned R-6, Single Family Detached Residential since the adoption of the 1986 Zoning Map.
2. An approximately 8 acre circle in the middle of the property was rezoned to A-1, General Agriculture with a Special Use Permit for an oil and gas well in August of 1985.
3. This area has never been platted.
4. The Planning Commission recommended denial of this request on April 4, 2017.

Staff Comments:

**Engineering Comments:**

Water Supply and Distribution

Section 38-18 in the Subdivision Regulations requires all existing and proposed public water mains be reflected on the preliminary plat.

A twelve (12) inch public water main is located on the east side of Anderson Road in the street right-of-way extending along the east side of the area of request. An eight (8) inch public water main is located in a dedicated public utility easement located along and adjacent to the north side of the area of request.

The applicant proposes to construct multiple public water line extensions through the site to provide service to the area of request.

Improvement plans for the water line extension must be prepared by a registered professional engineer and be submitted to staff for plan review and approval. The improvement will be constructed and accepted by the city prior to any application for a final plat.

Connection to the public water system for domestic service is a building permit requirement per Municipal Code Chapter 43-32 for all lots.

### Sanitary Sewer Collection and Disposal

Section 38-18 in the Subdivision Regulations requires all existing and proposed public sanitary sewer mains be reflected on the preliminary plat.

An eight (8) inch public sewer main is located in a dedicated utility easement paralleling part of the northern boundary of the area of request. An eight (8) inch public sewer main is located in a dedicated utility easement paralleling part of the western boundary of the area of request.

The applicant proposes to construct multiple public sewer line extensions through the site to provide service to the area of request.

Improvement plans for the sewer line extensions must be prepared by a registered professional engineer and be submitted to staff for plan review and approval. The improvements will be constructed and accepted by the city prior to any application for a final plat.

Connection to the public sanitary sewer system for domestic service is a building permit requirement per Municipal Code Chapter 43-109 for all lots.

### Streets and Sidewalks

Section 38-18 in the Subdivision Regulations requires all existing and proposed public streets and sidewalks be reflected on the preliminary plat.

Access to the area of request is available from Anderson Road. Anderson Road is classified as a secondary arterial in the 2008 Comprehensive Plan. Anderson Road is a two (2) lane, 26-foot wide, uncurbed, asphalt concrete roadway. Current code requires a total street right-of-way width of one hundred (100) feet for secondary arterials and presently, Anderson Road has one hundred (100) feet of right-of-way adjacent to and parallel to the east side of the area of request.

All right of way grants to the city will be required to be dedicated on the final plat.

The applicant proposes to construct new public roads with multiple cul-de-sacs in the site to provide service to the area of request. Sidewalks are required on the frontages of the proposed roads throughout the area of request.

Improvement plans for the streets and sidewalks must be prepared by a registered professional engineer and be submitted to staff for plan review and approval. The improvement will be constructed and accepted by the city prior to any application for a final plat.

### Drainage and Flood Control, Wetlands, and Sediment Control

Drainage across the area of request is partly from the southwest to the northeast, but mainly from the east to the west via overland flow. Currently, the area of request is undeveloped. The area of request is affected by flood zone AE (the 100-year floodplain) as shown on the effective Flood

Insurance Rate Map (FIRM) number 40109C0330H, dated December 12, 2009. Any and all future land disturbance activities or construction in the area of request is required to meet both local and FEA requirements concerning floodplain development, including acquiring all necessary permits.

Section 38-18 in the Subdivision Regulations requires all existing and proposed public storm sewer pipes be reflected on the preliminary plat.

The applicant proposes to construct detention ponds to service the area of request.

Plans for the drainage improvements must be prepared by a registered professional engineer and be submitted to staff for plan review and approval. The improvements will be constructed and accepted by the city prior to any application for a final plat.

All development on the proposed tracts must conform with the applicable requirements of Municipal Code Chapter 13, "Drainage and Flood Control."

#### Easements and Right-of-Way

The required easements and right of way for the area of request are illustrated on the preliminary plat and will be dedicated to the city when the final plat is filed. All proposed side lot and rear lot utility easements, as well as previously dedicated utility and drainage easements are illustrated on the preliminary plat.

The flood plain of Choctaw Creek runs along the west side of the area of request. It is designated in Midwest City's Trails Master Plan as a part of a future extension of the city's trail system. As a part of this application, the applicant will be required to designate the 100 year flood plain as a drainage and trail easement on the final plat.

All easements and right of way dedications are to comply with Code Sections 38-41 and 38-44.

#### **Storm Water Quality**

There are two USGS blue-line creeks running through the property, Choctaw Creek to the west and Choctaw Creek Tributary 4 West Branch running through the eastern third. The Oklahoma Department of Environmental Quality's (ODEQ) 2012 OKR10 General Permit for Stormwater Discharges Associated with Construction Activities (OKR10) states the following:

"In order to minimize sediment discharges, if any waters of the State are located on or immediately adjacent to your site, you must maintain at least fifty (50) feet of natural buffer zone, as measured from the top of the bank to disturbed portions of your site, from any named or unnamed receiving streams, creeks, rivers, lakes or other water bodies unless 100 feet of natural buffer is required by Part 1.3.2.E. There are exceptions from this requirement for water crossings, limited water access, and stream restoration authorized under a CWA Section 404 permit."

This requirement will need to be included in the Stormwater Pollution Prevention Plan (SWP3), and in the Erosion and Sediment Control (ESC) plan. Management of concentrated run on water flow from the south and east needs to be addressed during the grading and construction process.

**Fire Marshal's Comments:**

The Fire Marshall has reviewed the application for this proposed preliminary plat under Chapter 15 of the municipal code. The Fire Marshall requests that "Westmoreland Drive" be renamed as there is already a Westmoreland Ave. off of 10<sup>th</sup> Street in Midwest City. The applicant may submit alternative street names for review by staff prior to application for the Final Plat. All requirements of Chapter 15 regarding fire hydrants and fire protection will need to be met with preliminary plat of the area of request.

**GIS**

In addition to the Fire Marshall's comments about the name Westmoreland Drive within the proposed subdivision, the GIS Coordinator has requested that SE 22<sup>nd</sup> Court be renamed to SE 22<sup>nd</sup> Street.

**Plan Comments:**

This proposed Preliminary Plat has been prepared in order to create a total of 205 single family detached lots. This preliminary plat is associated with the PUD that was heard prior to this item.

Two new curb-cuts along S. Anderson Road will provide access to the area of request. The Subdivision Regulations require at least 2 access points for developments consisting of more than 50 lots. This requirement is satisfied by the design of the proposed subdivision.

The Park Land Review Committee met on March 16, 2017 to review the proposed park land/open space. According to the calculations provided in the 2012 Subdivision Regulations, the applicant is required to provide 1.04 acres of park land/open space. The applicant is proposing 1 area of park land/open space totaling 9.576 acres. Rather than dedicating park land to the City, the park land/open space will remain under the private ownership the homeowners association. The HOA Covenants must be provided to staff with the Final Plat application and provisions for care and maintenance of the park land/open space must be included.

As required under section 38-53.4 of the 2012 Midwest City Subdivision Regulations, the applicant has prepared and submitted a Tree Canopy Management Plan. The applicant plans to remove a majority of the trees and is therefore required to submit a Tree Mitigation Plan. Under section 38-53.6 (A) the applicant may only remove trees located in any street right-of-way and located within any area dedicated for water, wastewater, and drainage and in any other infrastructure needs. The remaining tree canopy must remain or be restored through a Tree Mitigation Plan. The applicant has submitted a Tree Mitigation Plan. There is 1,775,380 square feet of tree canopy in the entire area of request. The applicant plans to leave 411,200 square feet of existing tree canopy. The Tree Mitigation Plan that was submitted shows that the canopy being removed from areas not intended for infrastructure will be replaced. The applicant used the mature size of the replacement trees and is proposing replacement tree canopy coverage of

100 N. Midwest Boulevard • Midwest City, Oklahoma 73110

Community Development Department (405) 739-1220 • FAX (405) 739-1399 • TDD (405) 739-1359

*An Equal Opportunity Employer*

1,006,850 square feet. It should be noted that the Tree Mitigation Plan shows some trees in the front yards on the property lines. The Zoning Ordinance requires that 2 trees be planted in the front yard of each lot. This will be a requirement in order to receive a Certificate of Occupancy. The Tree Mitigation Plan meets the requirements of the Subdivision Regulations and therefore, staff recommends approval. Section 38-53.7(B)(2)(1) of the Subdivision Regulations states that “replacement trees shall be planted prior to the approval of a Final Plat and shall be installed using best management practices.”

Thoroughfare screening is a requirement of the Subdivision Regulations. The PUD states that a thoroughfare screening will be provided with a landscaped buffer. The Subdivision Regulations requires a minimum 10’ landscape edge, a continuous 6’ to 8’ high solid masonry wall (which can be “staggered” or offset with landscape plantings or a continuous 4’ to 8’ high ornamental metal fencing. One 2.5 caliper tree may be planted per 30’ of frontage. The thoroughfare screening must be installed and approved prior to application of a Final Plat.

The Subdivision Regulations list the following as mechanisms for traffic calming:

- Textured pavement or striping at crosswalks at intersections
- Raised crosswalks at every other intersection
- Traffic island or circle at intersections
- Chicanes

Staff would recommend that at least one of these mechanisms be used as a traffic calming device within the subdivision.

There were several residents at the April 4, 2017 Planning Commission meeting. Richard Dorn of 11708 Lorene was present and asked if his fence will be replaced if they have to take it out for utilities. Staff explained that the fences will be put back up if they have to be taken down. Commissioner Wicker asked the applicant if he met with the surrounding neighbors. Mr. Reid stated that he did not meet with the surrounding neighbors prior to the meeting. Commissioner Smith noted that the traffic calming devices as listed in the staff report would be good for the area. Commissioner Greil stated that he is not against new development but our ordinances do not support this type of development. He recommended that the applicant go back to the drawing board and meet with the neighbors. Gerard Earnest of 11704 Lorene was present and spoke of the drainage problems he has experienced since he moved to Oakwood East in the 1980’s. He asked if the landscaping that he’s had done will have to be replaced if it is disturbed due to utility work. The commissioners and staff explained that landscaping does not have to be replaced as is. Fences will be put back if they must be taken down. Mr. Earnest expressed a desire to be notified before utility work is to begin. Collette Raulston of 11636 Lorene also expressed concerns about drainage and asked if there would be retaining walls. Commissioner Wicker explained that it is too early to tell if they will be necessary. Ms. Raulston asked if anything could be built on the utility easement and Mr. Menefee confirmed that nothing could be built on the easements.

The Planning Commission recommended denial of this request.



**Recommendation:**

As staff did not recommend approval of the PUD as written that was heard prior to this item, we also cannot recommend approval of this preliminary plat because of the significant variances to the Zoning Ordinance and Comprehensive Plan. If the PUD is approved by the Council, staff would recommend that approval of this preliminary plat be subject to staff comments listed in this report.

Action Required: Approve or reject the Preliminary Plat of Anderson Crossing for the property located as noted herein, subject to the staff comments and recommendations as found in the April 25, 2017, agenda packet, and as noted in PC – 1897 file.

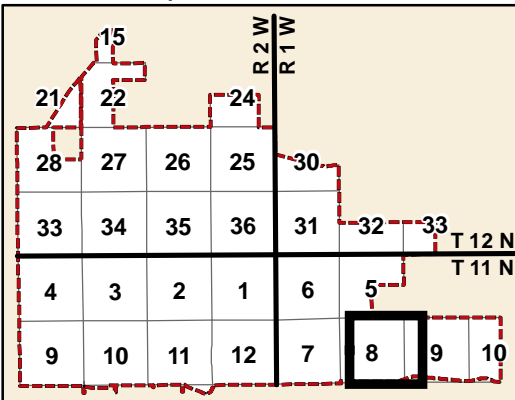


Billy Harless, AICP  
Community Development Director

KG



Locator Map



**2015 DOP (AERIAL) VIEW FOR  
PC-1896 & PC-1897  
(E/2, Sec. 8, T11N, R1W)**

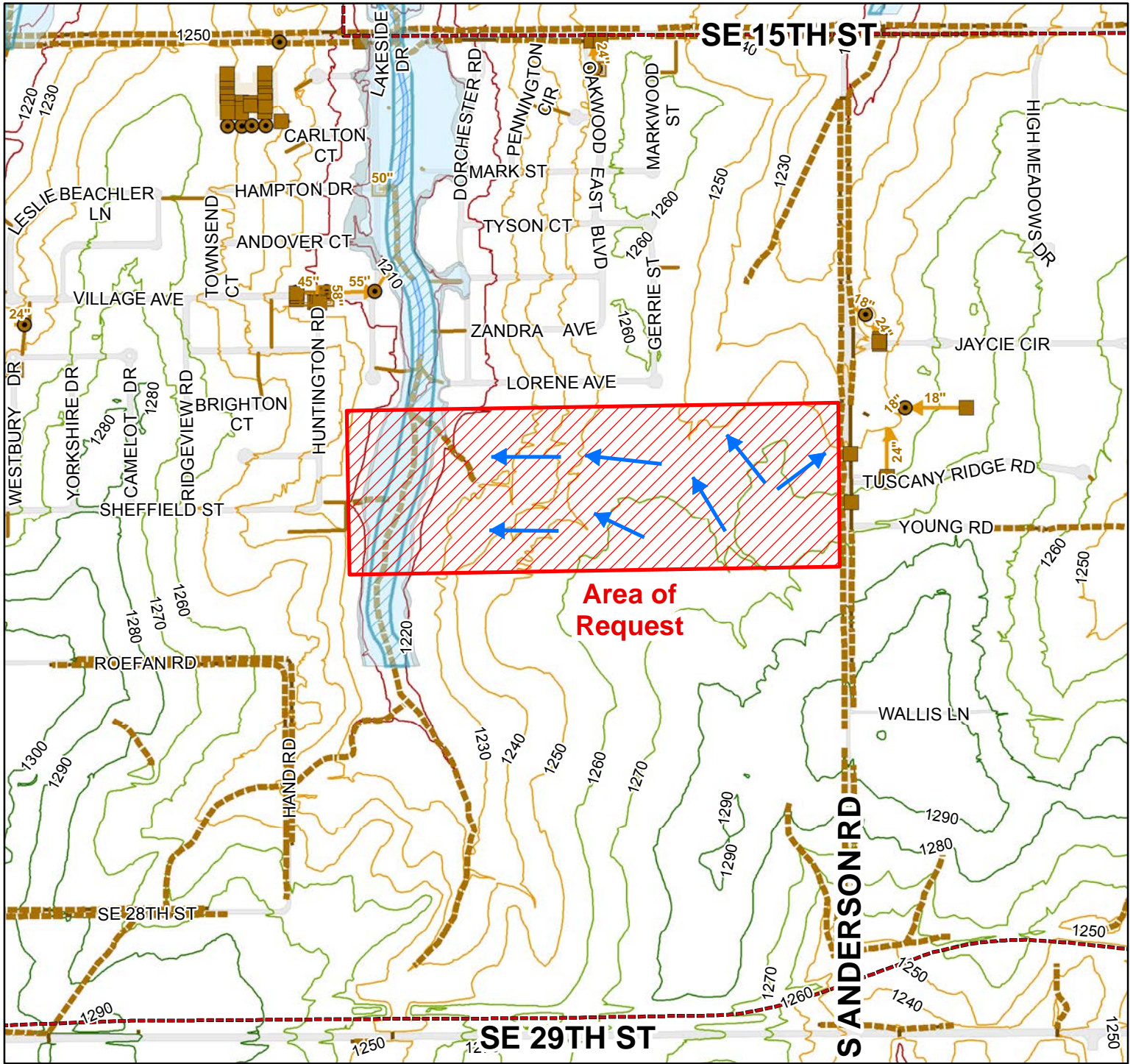


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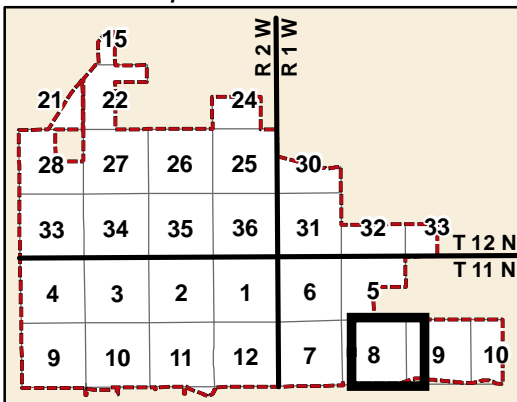


1 inch = 750 feet

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Locator Map

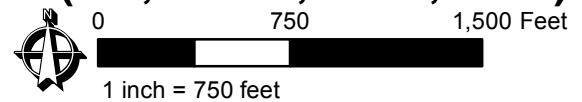


- Drainage Legend**
- Curb Inlets
  - Inlets
  - Junction Box
  - Culverts
  - Flumes
  - Developed Channels
  - Trickle Channels
  - Undeveloped Channels
  - Storm Lines
  - Creeks
- ELEVATION**
- 1166-1204 ft
  - 1204-1228 ft
  - 1228-1250 ft
  - 1250-1278 ft
  - 1278-1324 ft

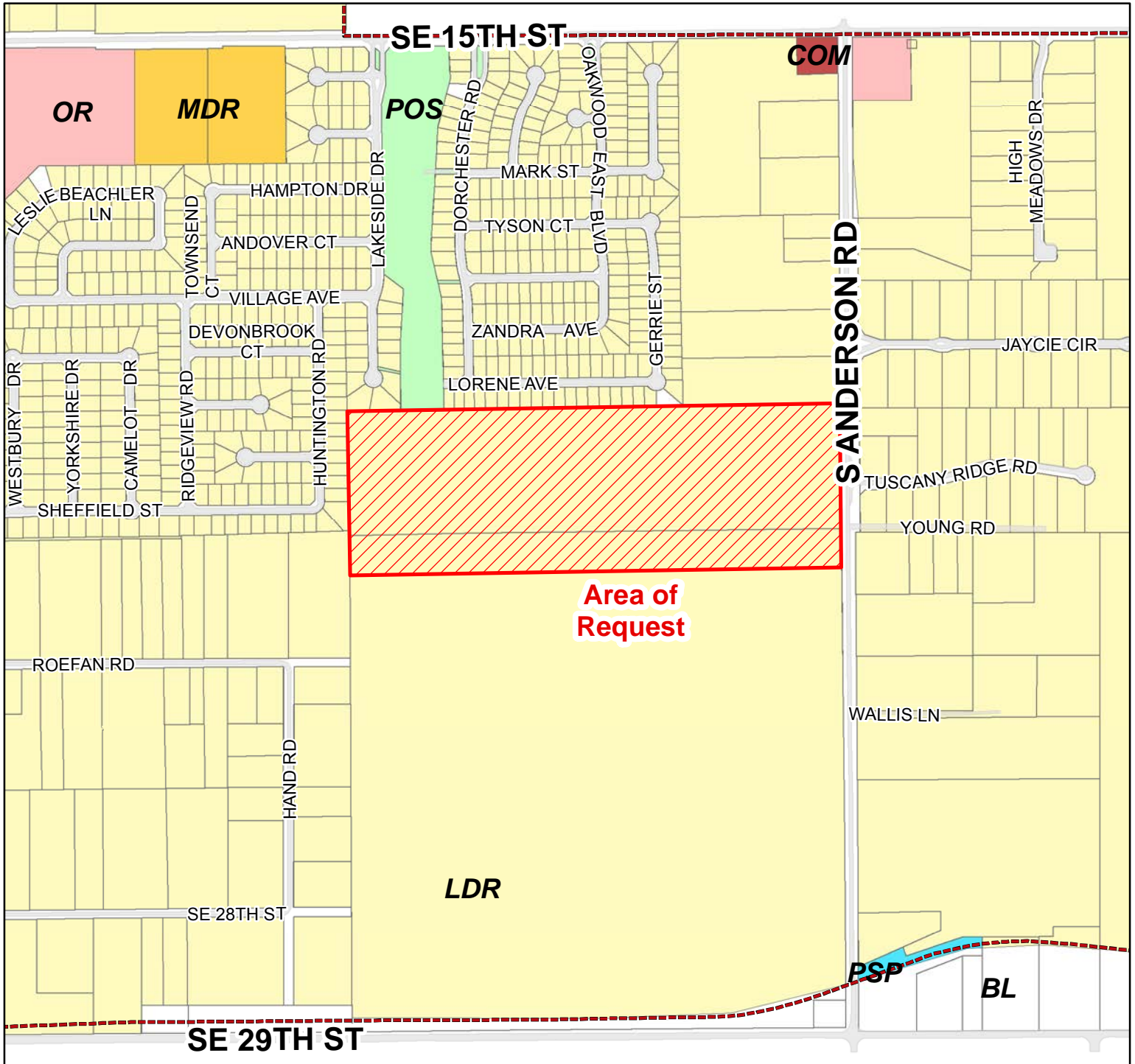
2009 FEMA Floodplains

- 500-yr floodplain
- 100-yr floodplain
- 2009 FEMA Floodway

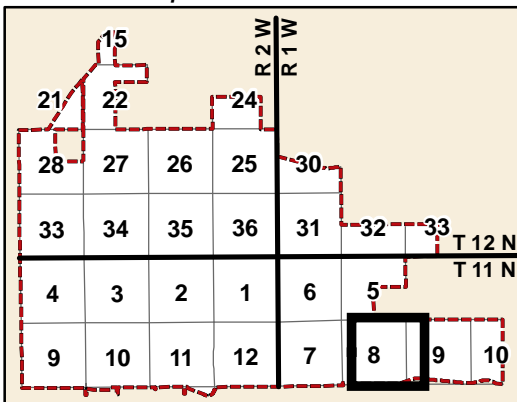
## DRAINAGE LOCATION MAP FOR PC-1896 & PC-1897 (E/2, Sec. 8, T11N, R1W)



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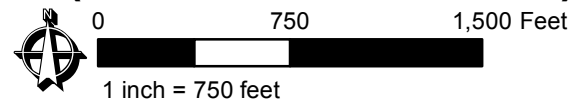
Locator Map



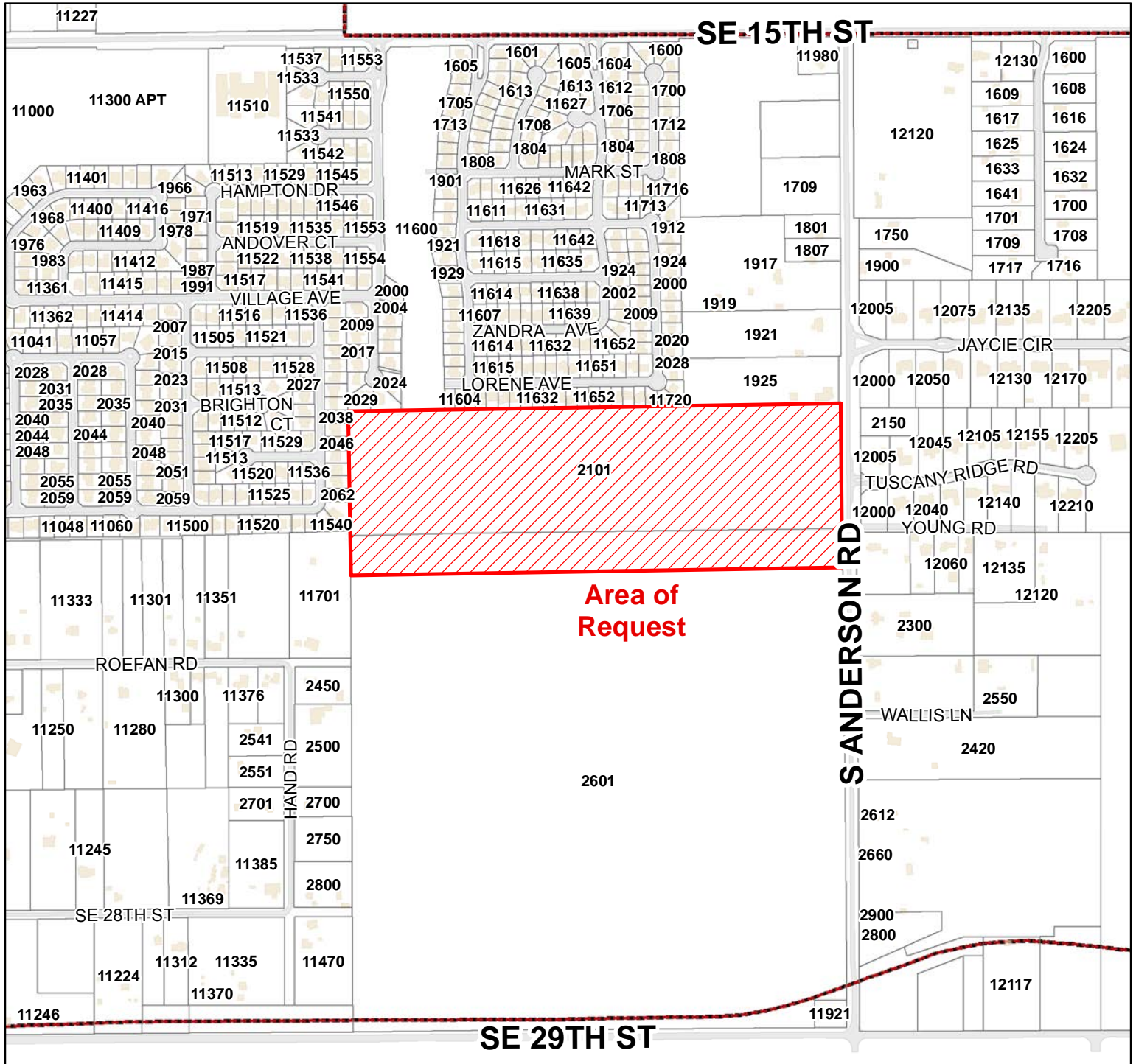
Future Land Use Legend

- Single-Family Detached Residential
- Medium Density Residential
- High Density Residential
- Manufactured Home
- Public/Semi-Public
- Parks/Open Space
- Office/Retail
- Commercial
- Industrial
- Town Center

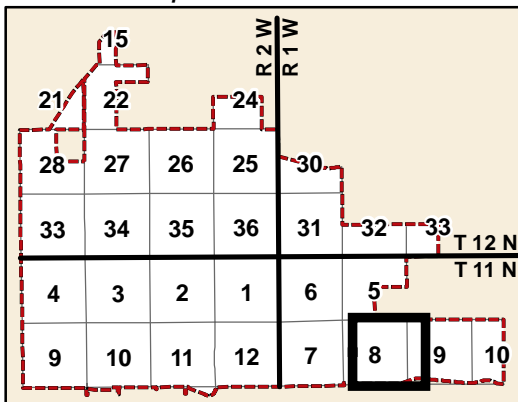
**FUTURE LAND USE  
MAP FOR  
PC-1896 & PC-1897  
(E/2, Sec. 8, T11N, R1W)**








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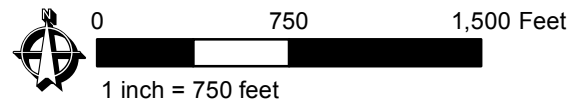
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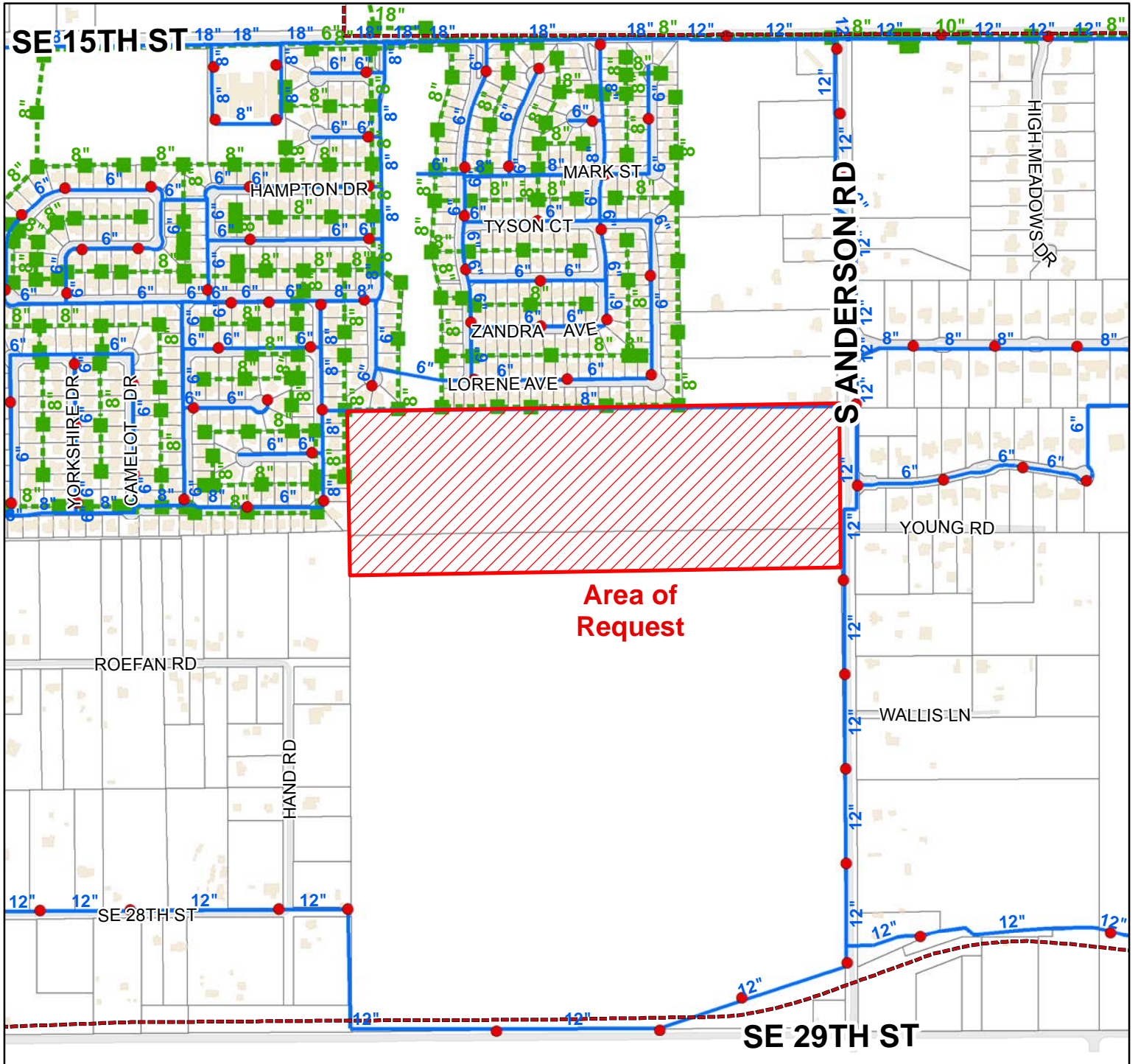
**General Map Legend**

-  Area of Request
-  Parcels with Addresses
-  Buildings
-  Edge of Pavement
-  MWC City Limits

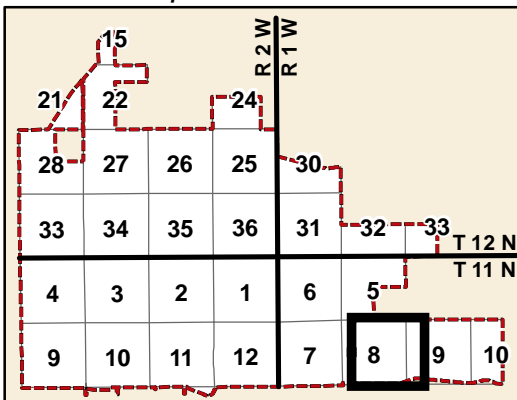
**GENERAL MAP FOR  
PC-1896 & PC-1897  
(E/2, Sec. 8, T11N, R1W)**



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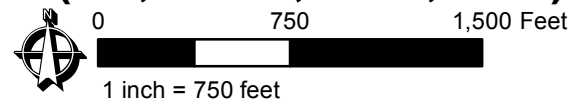
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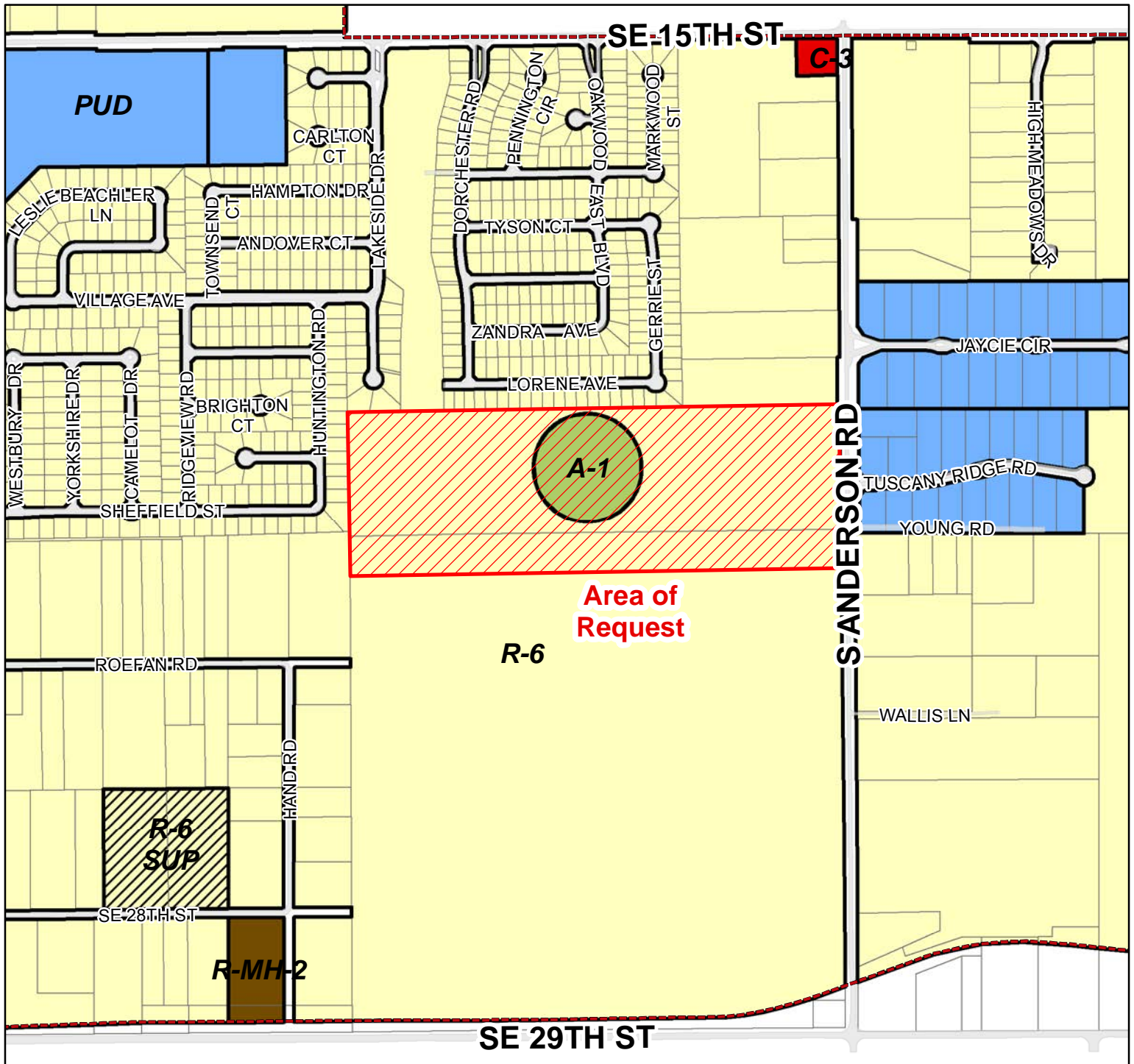
Water/Sewer Legend

- Fire Hydrants
- Water Lines
  - Distribution
  - Well
  - OKC Cross Country
  - Sooner Utilities
  - Thunderbird
  - Unknown
- Sewer Manholes
- Sewer Lines

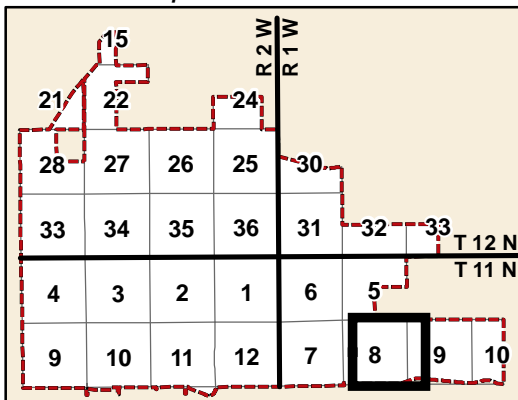
**WATER/SEWER LINE LOCATION MAP FOR PC-1896 & PC-1897 (E/2, Sec. 8, T11N, R1W)**



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Locator Map



Current Zoning Legend

A-1	I-3	R-2F
A-1 SUP	O-1	R-MD
C-1	O-1 SUP	R-MD SUP
C-1 SUP	O-2	R-HD
C-2	O-2 SUP	R-HD SUP
C-3	R-6	R-MH-1
C-3 SUP	R-6 SUP	R-MH-2
C-4	R-8	PUD
I-1	R-10	SPUD
I-2	R-22	HOS
I-2 SUP	R-35	HOS SUP

ZONING MAP FOR  
PC-1896 & PC-1897  
(E/2, Sec. 8, T11N, R1W)

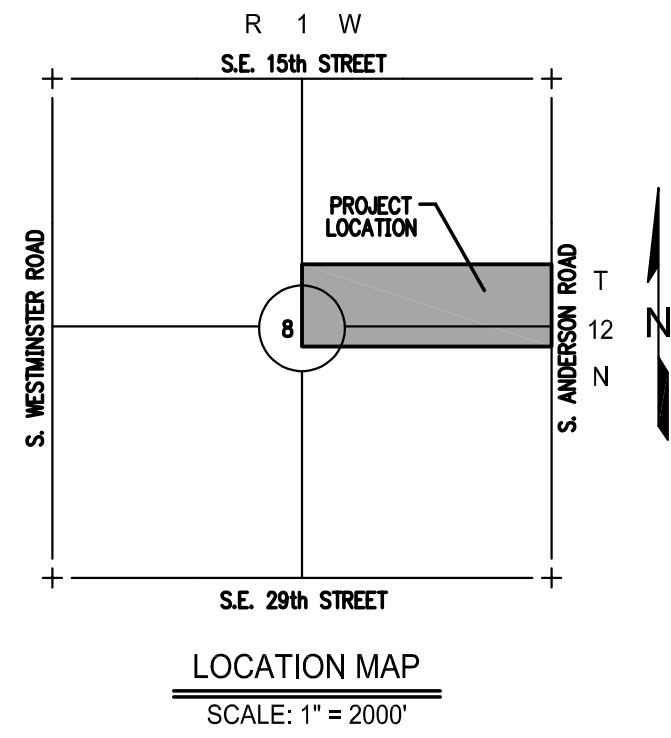


0 750 1,500 Feet

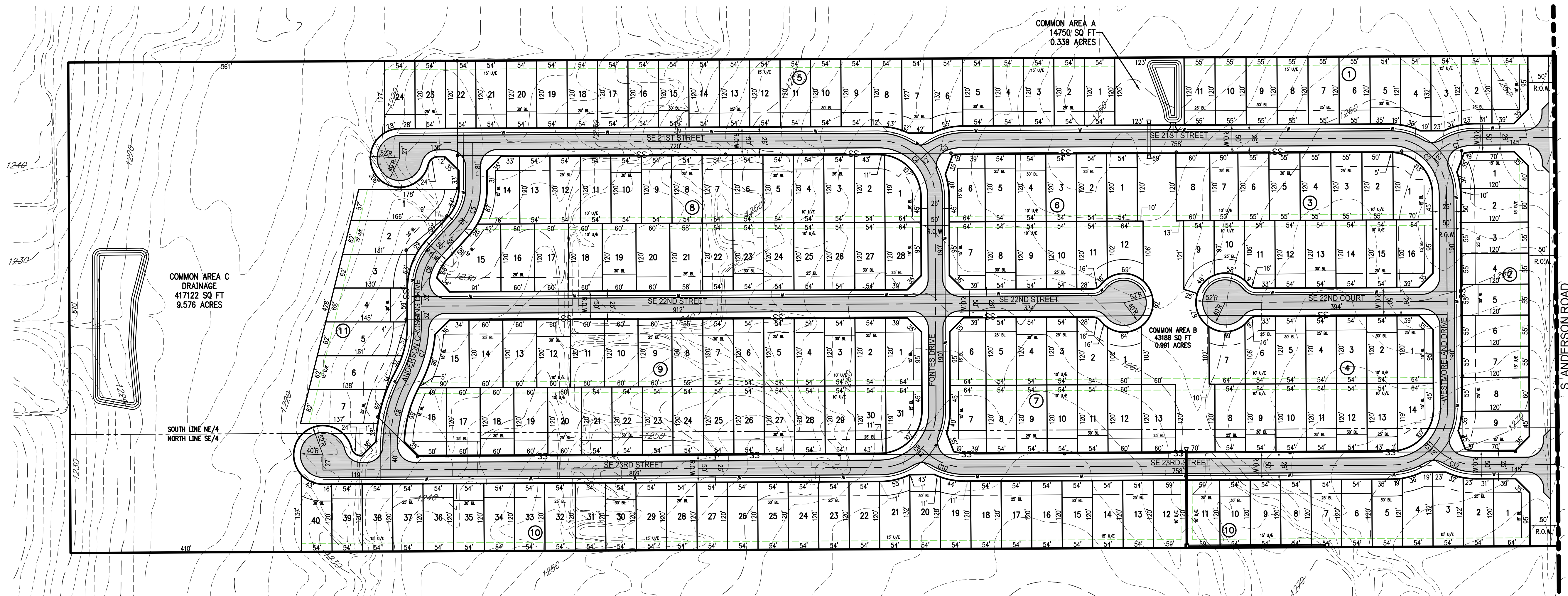
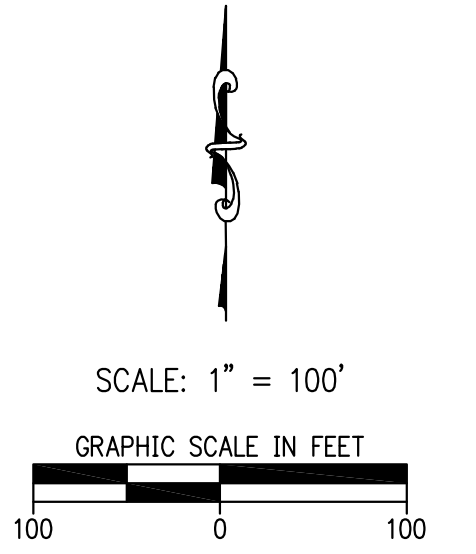


1 inch = 750 feet

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PRELIMINARY PLAT  
OF  
**ANDERSON CROSSING**  
A PART OF THE E/2 OF SECTION 8, T11N, R1W, I.M.  
MIDWEST CITY, OKLAHOMA COUNTY, OKLAHOMA




CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CHORD DIRECTION	CHORD LENGTH
C1	72.97'	100.00'	41°48'37"	N68° 49' 49"E	71.36'
C2	157.08'	100.00'	90°00'00"	S45° 15' 52"E	141.42'
C3	72.97'	100.00'	41°48'37"	N68° 49' 49"E	71.36'
C4	157.08'	100.00'	90°00'00"	S45° 15' 52"E	141.42'
C5	74.39'	100.00'	42°37'21"	N21° 02' 49"E	72.69'
C6	73.93'	100.00'	42°21'29"	N21° 10' 45"E	72.26'
C7	100.64'	200.00'	28°49'57"	N14° 24' 59"E	99.59'
C8	126.96'	250.00'	29°05'50"	N14° 17' 03"E	125.60'
C9	157.08'	100.00'	90°00'00"	S44° 44' 08"W	141.42'
C10	72.97'	100.00'	41°48'37"	N69° 21' 34"W	71.36'
C11	157.08'	100.00'	90°00'00"	S44° 44' 08"W	141.42'
C12	72.97'	100.00'	41°48'37"	S69° 21' 34"E	71.36'

LOT COUNT:	
SINGLE-FAMILY RESIDENTIAL	205 LOTS
SINGLE-FAMILY RESIDENTIAL	52.73 ACRES
RESIDENTIAL DENSITY	3.89 (DU/AC.) - 0.26 (AC./DU)
COMMON AREA	10.91 ACRES

**LEGAL DESCRIPTION**  
A tract of land situate in the East half (E/2) of Section Eight (8), Township Eleven North (T-11-N), Range One West (R-1-W), of the Indian Meridian (I.M.), City of Midwest City, Oklahoma County, Oklahoma, said tract being more particularly described as follows:  
  
The South forty (40) acres of Northeast quarter (NE/4) of Section Eight (8), Township Eleven North (T-11-N), Range One West (R-1-W), of the Indian Meridian (I.M.)  
  
In addition, the North 210 feet of the Southeast quarter (SE/4) of Section Eight (8), Township Eleven North (T-11-N), Range One West (R-1-W), of the Indian Meridian (I.M.)  
  
Said tract contains 2,296,800 Square Feet or 52.73 Acres more or less.

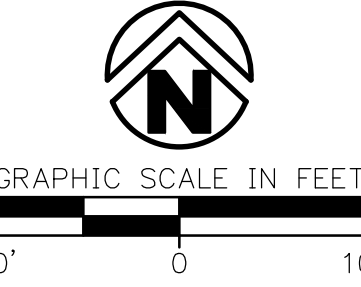
**NOTES:**  
1. MAINTENANCE OF THE COMMON AREAS AND ISLANDS/MEDIANS IN PUBLIC RIGHTS-OF-WAY SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNERS ASSOCIATION. NO STRUCTURES, STORAGE OF MATERIAL, GRADING, FILL, OR OTHER OBSTRUCTIONS, EITHER TEMPORARY OR PERMANENT SHALL BE PLACED WITHIN THE DRAINAGE RELATED COMMON AREAS AND/OR DRAINAGE AREAS 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.

PRELIMINARY PLAT TO SERVE ANDERSON CROSSING	
300 Pointe Parkway Blvd. Tulsa, Oklahoma 74399	
 <b>Crafton Tull</b> architecture   engineering   surveying 405.787.6270 • 405.787.6276 www.craftontull.com	
SHEET NO.:	1 of 1
DATE:	03/22/17
PROJECT NO.:	17600900





CERTIFICATE OF AUTHORIZATION:  
 CA 973 (P) AS EXPIRES 6/30/2018



**ANDERSON CROSSING**  
 MIDWEST CITY, OK

Key Plan

No.	Description	Date

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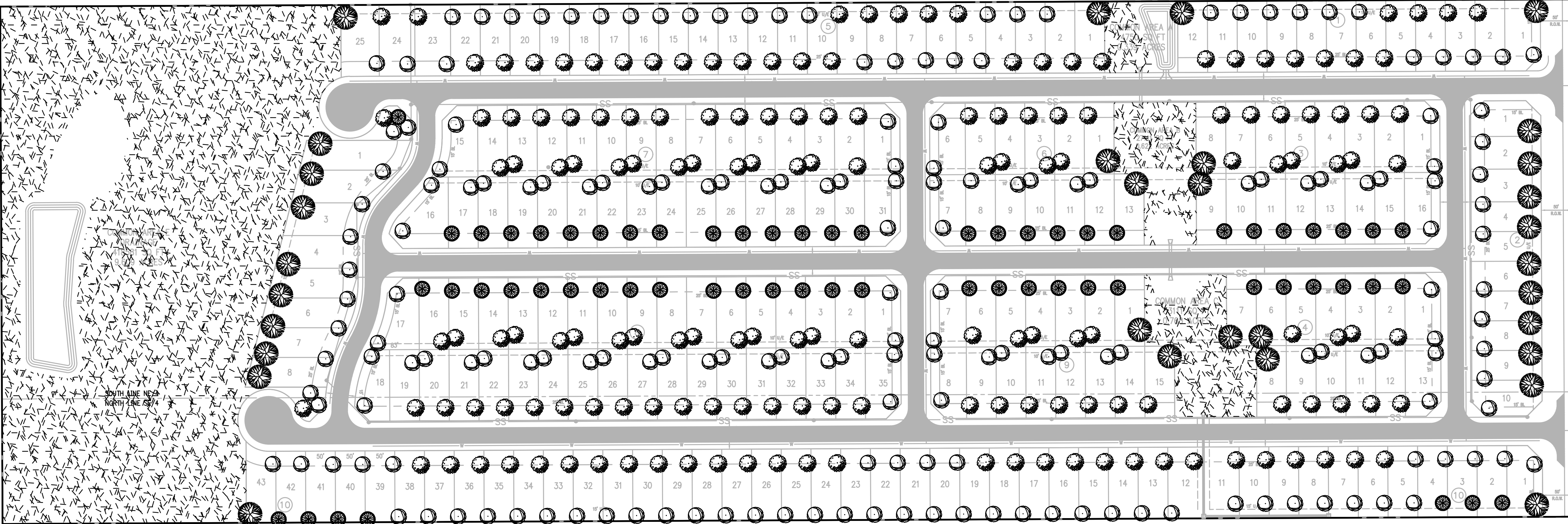
PROJECT NO: 17600900  
 ISSUE DATE: 2/23/2017  
 CONTACT: B. REID  
 CHECKED BY:

**ISSUED FOR PERMIT**

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**TREE PLANTING AND PRESERVATION PLAN**

**LP-102**



**LANDSCAPE MATERIALS SCHEDULE**

TREES AND SHRUBS

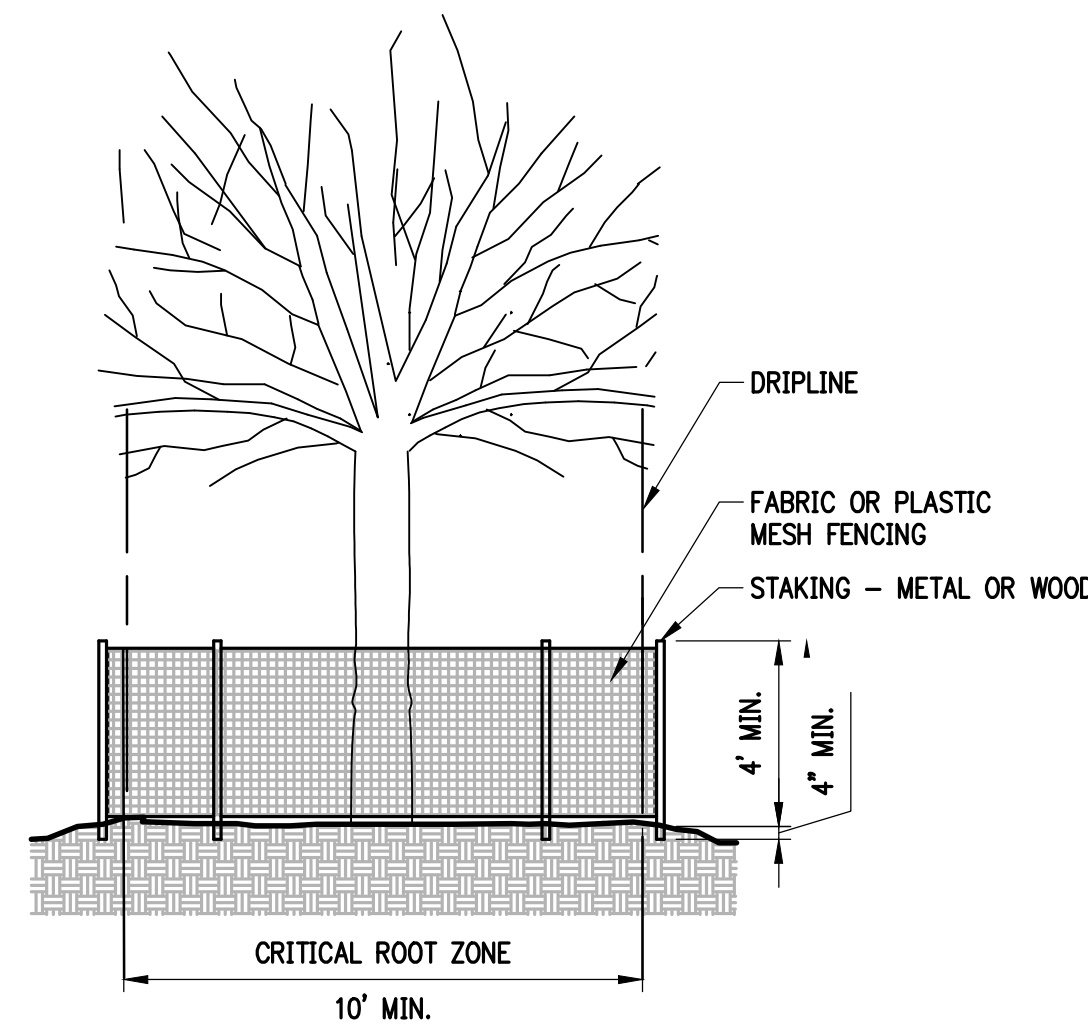
Quan.	Code	Symbol	Name	Spacing	Size	Comment	Canopy SF
32	SS		SILVERWOOD SYCAMORE <i>Platanus occidentalis</i> 'Greenickel'	A.S.	2.5'-Cal.	MATURE SPREAD: 70'	123,200
187	SO		SAWTOOTH OAK <i>Quercus acutissima</i>	A.S.	2.5'-Cal.	MATURE SPREAD: 45'	297,330
166	SH		SHUMARD OAK <i>Quercus shumardii</i>	A.S.	2.5'-Cal.	MATURE SPREAD: 60'	464,800
62	BE		LACEBARK ELM <i>Ulmus parvifolia</i> 'UPMTF'	A.S.	2.5'-Cal.	MATURE SPREAD: 50'	121,520
			NATIVE TREE STAND TO BE PRESERVED				411,200

## PLANTING NOTES

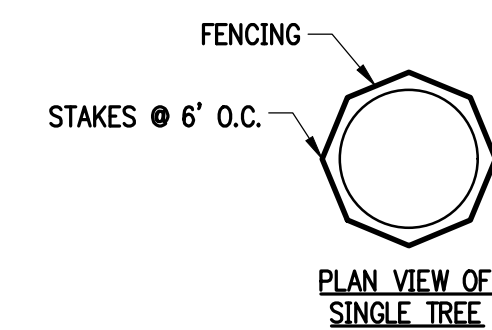
1. THE LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR LOCATING ALL SITE UTILITIES, PROTECTING UTILITIES DURING CONSTRUCTION AND INSTALLATION, AND COORDINATING UTILITY CONSTRUCTION WITHIN HIS SCOPE WITH GENERAL CONTRACTOR. CALL OKLAHOMA ONE-CALL SYSTEM AT 1-800-522-OKIE TO COORDINATE EXISTING UTILITIES, AND COORDINATE WITH GENERAL CONTRACTOR REGARDING NEWLY INSTALLED UTILITIES.
2. THE LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR ALL PLANTS SHOWN ON PLANTING PLANS AND COVERAGE OF ALL DISTURBED AREAS IN CONSTRUCTION AREA, UNLESS OTHERWISE NOTED. WHEN ANY DISCREPANCIES OCCUR BETWEEN PLANT LIST AND PLANTING PLAN, THE PLANTING PLAN IS TO SUPERCEDE. NOTIFY ARCHITECT OF ANY LAYOUT DISCREPANCIES PRIOR TO BEGINNING CONSTRUCTION.
4. NO SUBSTITUTIONS SHALL BE ALLOWED WITHOUT APPROVAL OF THE ARCHITECT. ALL PLANTING BED LOCATIONS, BED SHAPES, AND THE LOCATIONS OF ALL TREES MUST BE APPROVED BY THE ARCHITECT BEFORE THE INSTALLATION OF ANY PLANT MATERIAL. STAKE TREE LOCATIONS AND MARK BED LOCATIONS WITH STAKES OR PAINT, THEN NOTIFY THE GENERAL CONTRACTOR TO ARRANGE FOR INSPECTION.
5. ALL UNEVEN AREAS CAUSED BY PLANTING SHALL BE GRADED SMOOTH. ANY AREAS DISTURBED FOR ANY REASON PRIOR TO FINAL ACCEPTANCE OF THE PROJECT SHALL BE CORRECTED BY THE CONTRACTOR AT NO COST TO THE OWNER.
7. ALL PLANT MATERIALS SHALL BE PLANTED IN ACCORDANCE WITH DETAILS, RE: L501. ALL TREES SHALL BE STAKED IN ACCORDANCE WITH DETAILS, RE: L501.
8. ALL PLANT MATERIAL TO BE #1 GRADE A, GROWN AND PLANTED TO ANSI SPECIFICATIONS, AND SHALL BE INSECT AND DISEASE FREE.
9. NO PLANT MATERIAL SHALL BE PLANTED IN FROZEN GROUND.

## TREE PRESERVATION NOTES

1. ALL TREES AND NATURAL AREAS SHOWN ON THESE PLANS TO BE PRESERVED SHALL BE PROTECTED DURING CONSTRUCTION WITH TEMPORARY FENCING.
2. MIDWEST CITY TREE PRESERVATION ORDINANCE AND GUIDELINES SHALL SUPERCEDE WHEN MIDWEST CITY RESTRICTIONS ARE MORE STRINGENT THAN THOSE OUTLINED IN THIS PLAN. OTHERWISE, CTA STANDARDS AND BEST PRACTICES SHALL BE IN EFFECT.
3. PROTECTIVE FENCES SHALL BE ERECTED ACCORDING TO STANDARDS FOR TREE PROTECTION.
4. PROTECTIVE FENCES SHALL BE INSTALLED PRIOR TO THE START OF ANY SITE PREPARATION WORK AND SHALL BE MAINTAINED THROUGHOUT ALL PHASES OF THE CONSTRUCTION PROJECT.
5. EROSION AND SEDIMENTATION CONTROL BARRIERS SHALL BE INSTALLED OR MAINTAINED IN A MANNER WHICH DOES NOT RESULT IN SOIL BUILD-UP WITHIN TREE DRIPLINES.
6. PROTECTIVE FENCES SHALL SURROUND THE TREES OR GROUP OF TREES, AND WILL BE LOCATED AT THE DRIPLINE, FOR NATURAL AREAS. PROTECTIVE FENCES SHALL FOLLOW THE LIMIT OF CONSTRUCTION LINE, IN ORDER TO PREVENT THE FOLLOWING:
  - A. SOIL COMPACTION IN THE ROOT ZONE AREA RESULTING FROM VEHICULAR TRAFFIC OR STORAGE OF EQUIPMENT.
  - B. ROOT ZONE DISTURBANCES DUE TO GRADE CHANGES (GREATER THAN 6" OR TRENCHING NOT REVIEWED BY CITY ARBORIST).
  - C. WOUNDS TO EXPOSED ROOTS, TRUNK OR LIMBS BY MECHANICAL EQUIPMENT.
  - D. OTHER ACTIVITIES DETRIMENTAL TO TREES SUCH AS CHEMICAL STORAGE, CEMENT TRUCK CLEANING, AND FIRES.
7. EXCEPTIONS TO INSTALLING FENCES AT TREE DRIPLINES MAY BE PERMITTED IN THE FOLLOWING CASES:
  - A. WHERE THERE IS TO BE AN APPROVED GRADE CHANGE, IMPERMEABLE PAVING SURFACE, TREE WELL, OR OTHER SUCH SITE DEVELOPMENT.
  - B. WHERE PERMEABLE PAVING IS TO BE INSTALLED WITHIN A TREE'S DRIPLINE, ERECT THE FENCE AT THE OUTER LIMITS OF THE PERMEABLE PAVING AREA (PRIOR TO SITE GRADING SO THAT THIS AREA IS GRADED SEPARATELY PRIOR TO PAVING INSTALLATION TO MINIMIZE ROOT DAMAGE).
  - C. WHERE TREES ARE CLOSE TO PROPOSED BUILDINGS, ERECT THE FENCE TO ALLOW 6 TO 10 FEET OF WORK SPACE BETWEEN THE FENCE AND THE BUILDING.
  - D. WHERE THERE ARE SEVERE SPACE CONSTRAINTS DUE TO TRACT SIZE, OR OTHER SPECIAL REQUIREMENTS.
8. WHERE ANY OF THE ABOVE EXCEPTIONS RESULT IN A FENCE BEING CLOSER THAN 4 FEET TO A TREE TRUNK, PROTECT THE TRUNK WITH STRAPPED OR PLANKING TO A HEIGHT OF 8 FEET (OR LIMITS OF LOWER BRANCHING) IN ADDITION TO THE REDUCED FENCING PROVIDED.
9. TREES APPROVED FOR REMOVAL SHALL BE REMOVED IN A MANNER WHICH DOES NOT IMPACT TREES TO BE PRESERVED.
10. ANY ROOTS EXPOSED BY CONSTRUCTION ACTIVITY SHALL BE PRUNED FLUSH WITH THE SOIL. BACKFILL ROOT AREAS WITH GOOD QUALITY TOP SOIL AS SOON AS POSSIBLE. IF EXPOSED ROOT AREAS ARE NOT BACKFILLED WITHIN 2 DAYS, COVER THEM WITH ORGANIC MATERIAL IN A MANNER WHICH REDUCES SOIL TEMPERATURE AND MINIMIZES WATER LOSS DUE TO EVAPORATION.
11. ANY TRENCHING REQUIRED FOR THE INSTALLATION OF LANDSCAPE IRRIGATION SHALL BE PLACED AS FAR FROM EXISTING TREE TRUNKS AS POSSIBLE.
12. NO LANDSCAPE TOPSOIL DRESSING GREATER THAN 4 INCHES SHALL BE PERMITTED WITHIN THE DRIPLINE OF TREES. NO SOIL IS PERMITTED ON THE ROOT FLARE OF ANY TREE.
13. PRUNING TO PROVIDE CLEARANCE FOR STRUCTURES, VEHICULAR TRAFFIC, AND EQUIPMENT SHALL TAKE PLACE BEFORE CONSTRUCTION BEGINS.
14. ALL FINISHED PRUNING MUST BE DONE ACCORDING TO RECOGNIZED, APPROVED STANDARDS OF THE INDUSTRY (REFERENCE THE NATIONAL ARBORIST ASSOCIATION PRUNING STANDARDS FOR SHADE TREES AVAILABLE UPON REQUEST FROM THE CITY ARBORIST).
15. DEVIATIONS FROM THE ABOVE NOTES MAY BE CONSIDERED ORDINANCE VIOLATIONS IF THERE IS SUBSTANTIAL NON-COMPLIANCE OR IF A TREE SUSTAINS DAMAGE AS A RESULT.

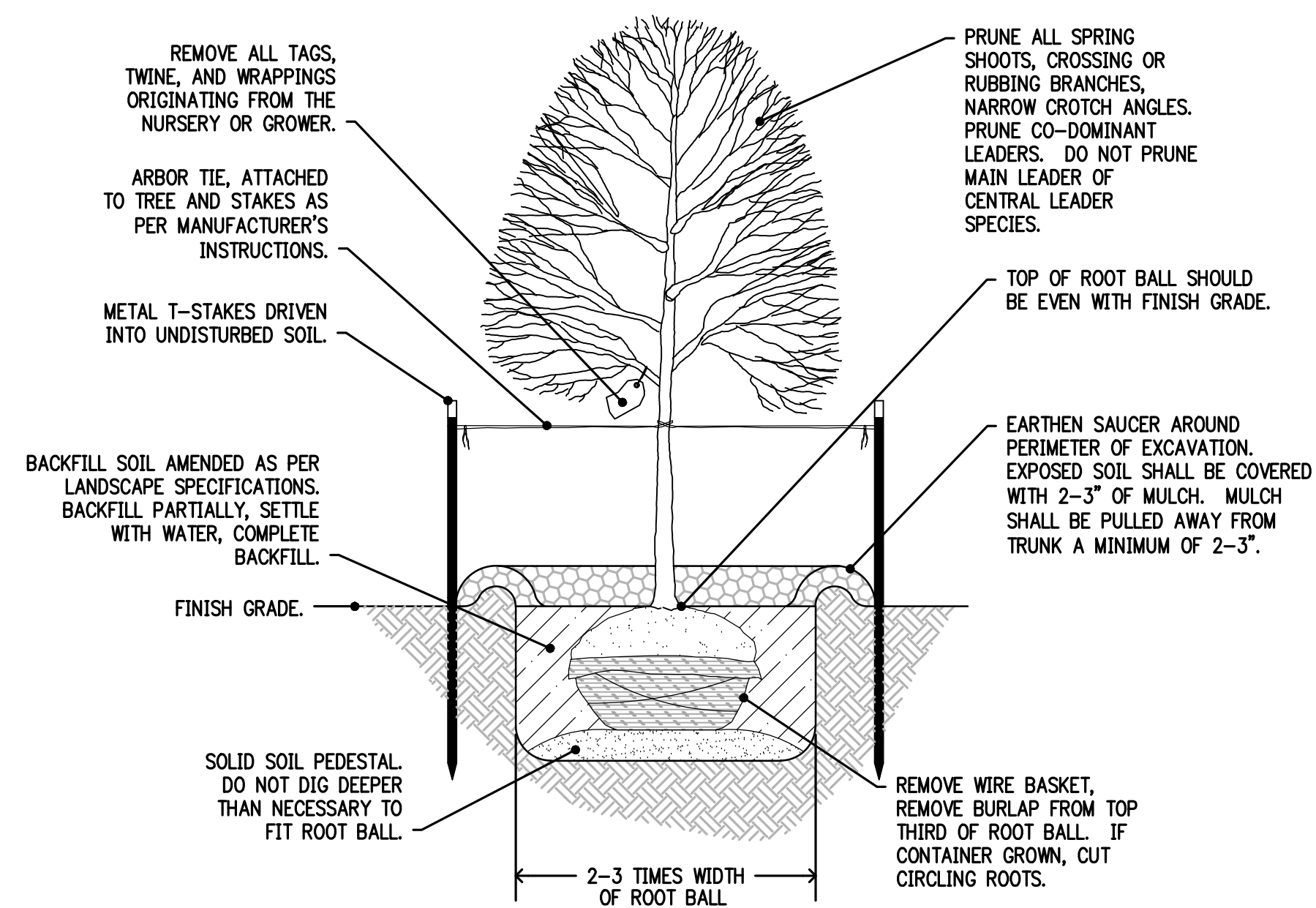


NOTE:  
1. TREE PROTECTION FENCING TO BE PLACED AROUND ALL PRESERVED TREES



NOTE:  
1. TREE PROTECTION FENCING SHOWN 5' OUTSIDE TREE PRESERVATION CANOPY FOR GRAPHICAL PURPOSES. THE TREE PROTECTION FENCING SHALL BE RUN UNDER THE DRIP LINE OF THE PRESERVED CANOPY.

1 TREE PROTECTION FENCING DETAIL NTS



NOTE:  
1. APPLY BALAN OR EQUAL PRE-EMERGENT FOR WEED CONTROL.  
2. AREAS WHERE GROUNDCOVER OR SHRUB MASS PLANTING BORDER A CURB WILL NOT HAVE EDGING.  
3. TAPER EDGING TO BE FLUSH WITH FINISHED GRADE ADJACENT TO PAVING OR CURBS.

3 SHRUB PLANTING AND BED PREPARATION NTS



ANDERSON CROSSING  
MIDWEST CITY, OK

Key Plan

No.	Description	Date

This document, and the ideas and designs incorporated herein, as an instrument of professional service, is the property of Crafton, Tull & Associates, Inc., and is not to be used, in whole or in part, for any other project, without the written authorization of Crafton, Tull & Associates, Inc.

PROJECT NO: 17600900  
ISSUE DATE: 2/23/2017  
CONTACT: B. REID  
CHECKED BY:

ISSUED FOR PERMIT

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TREE CANOPY PRESERVATION AND PLANTING DETAILS

LP-501



The City of  
**MIDWEST CITY**  
COMMUNITY DEVELOPMENT DEPARTMENT

Billy Harless, Community Development Director

ENGINEERING DIVISION  
Patrick Menefee, City Engineer  
CURRENT PLANNING DIVISION  
Kellie Gilles, Planning Manager  
COMPREHENSIVE PLANNING  
Julie Shannon, Comprehensive Planner  
BUILDING INSPECTION DIVISION  
Charles Belk, Building Official  
GIS DIVISION  
Kathy Spivey, GIS Coordinator

**To:** Honorable Mayor and City Council

**From:** Billy Harless, Community Development Director

**Date:** April 25, 2017

**Subject:** (PC – 1899) Public hearing with discussion and consideration of approval of an ordinance to amend the Planned Unit Development governed by the C-3, Community Commercial district for the property described as a tract of land lying in the SW/4 of Section 4, T-11-N, R-2-W, of the Indian Meridian, City of Midwest City, Oklahoma County, Oklahoma.

**Dates of Hearing:** Planning Commission – April 4, 2017  
City Council – April 25, 2017

**Council Ward:** Ward 1, Councilmember Susan Eads

**Owner and Applicant:** Bob Stearns, Sooner Rose, LLC

**Proposed Use:** commercial

**Development Proposed by Comprehensive Plan:**

Area of Request – PUD, Planned Unit Development

North – OR, Office Retail

South – OR - Office / Retail and COMM - Commercial

East – OR, Office / Retail and MDR, Medium Density Residential

West – Del City

**Zoning Districts:**

Area of Request – PUD, Planned Unit Development

North – R6, Single Family Residential

South – C4, General Commercial and C3, Community Commercial

East - R6, Single Family Residential and C3, Community Commercial

West – Del City

**Land Use:**

Area of Request – Vacant and parking area for Academy

North – Single family residence

South – Small commercial strip center and Home Depot

East – Vacant

West – gas station and single family residences

**Comprehensive Plan Citation:**

Office/Retail Land Use

Retail land uses areas are intended to provide for a variety of retail trade, personal, and business services and establishments. Retail establishments generally require greater visibility than do other types of non-residential land uses (e.g., office, commercial).

Office uses include professional offices for lawyers, doctors, realtors, and other professionals. Office land uses are generally appropriate in all other non-residential areas of the City. Office development should be compatible with any adjacent residential area.

**Municipal Code Citation:**

2.25 PUD, Planned Unit Development

2.25.1 General Provisions

The planned unit development, herein referred to as PUD, is a special zoning district category that provides an alternate approach to conventional land use controls to produce unique, creative, progressive, or quality land developments.

The PUD may be used for particular tracts or parcels of land that are under common ownership and are to be developed as one unit according to a master development plan.

The PUD is subject to special review procedures within the PUD application and review and once approved by the City Council it becomes a special zoning classification for the property it represents.

2.25.2 Intent and Purpose

The intent and purpose of the PUD provisions are as follows:

(A) Innovative land development

Encourage innovative land development while maintaining appropriate limitations on the character and intensity of use, assuring compatibility with adjoining and proximate properties, and following the guidelines of the comprehensive plan.

(B) Flexibility within developments

Permit flexibility within the development to maximize the unique physical features of the particular site.

(C) Efficient use of land

Encourage efficient use of land, facilitate economic arrangements of buildings and circulation systems, and encourage diversified living environments and land uses.

(D) Function, design and diversity

Achieve a continuity of function and design within the development and encourage diversified living environments and land uses.

(E) Modifications to development requirements

Provide a vehicle for negotiating modifications in standard development requirements in order to both encourage innovative development and protect the health, safety and welfare of the community.

**History:**

1. This area was zoned R6, Single Family Residential with the adoption of the 1986 Zoning Ordinance and Map.
2. The PUD for this area was approved on February 23, 2016.
3. April 4, 2016 – The Planning Commission recommended approval of this request.

**Staff Comments:**

**Engineering Comments:**

Note: This application is a request to adjust property lines in a development that meets current engineering requirements. No new engineering improvements are required with this application.

Water Supply and Distribution

An eight (8) inch public water main is located on the east side of Sooner Road in the street right-of-way adjacent to the east side of the area of request. A twelve (12) inch public water main is located on the south side of S.E. 15th Street in the street right-of-way adjacent to the south side of the area of request.

Extension of the water supply to serve this property is not required as outlined in Municipal Code 43-32.

Connection to the public water supply system for domestic service is a building permit requirement per Municipal Code 43-32 for all new buildings.

Sanitary Sewerage Collection and Disposal

An eight (8) inch public sewer main is located in an existing dedicated public utility easement adjacent to and along the north side of the area of request. An eight (8) inch public sewer main is located on the east side of Sooner Road in the street right-of-way adjacent to the east side of the area of request.

Public sanitary sewer line improvements are not required with this application.

Connection to the public sanitary sewer system for service is a building permit requirement per Municipal Code 43-109 for all new buildings.

Streets and Sidewalks

Access to the area of request is available from Sooner Road and S.E. 15th Street. Sooner Road is classified as a primary arterial in the 2008 Comprehensive Plan. Sooner Road is a five (5) lane, 65-foot wide, curbed, asphalt concrete roadway. Current code requires a total street right-of-way width of one hundred twenty feet (120) adjacent to the area of request and presently, Sooner Road has one hundred twenty (120) feet of right-of-way adjacent to and parallel to the west side of the area of request.

S.E. 15th Street is classified as a secondary arterial in the 2008 Comprehensive Plan. S.E. 15th Street is a five (5) lane, 65-foot wide, curbed, asphalt concrete roadway. Current code requires a total street right-of-way width of one hundred feet (100) adjacent to the area of request and presently, S.E. 15th Street has one hundred (100) feet of right-of-way adjacent to and parallel to the south side of the area of request.

Right of way grants to the city are not required with this application.

Street improvements are not required with this application.

Sidewalk is located along the full frontage of the area of request. Sidewalk improvements are not required with this application.

Drainage and Flood Control, Wetlands, and Sediment Control

Drainage across the area of request is via overland flow from the east to the west to an understand drainage system. Currently, the area of request is commercial development. None of the area of request is affected by flood zone AE (the 100-year floodplain) as shown on the effective Flood Insurance Rate Map (FIRM) number 40109C0310H, dated December 12, 2009.

Drainage and detention improvements are not required with this application.

No identified wetlands are located on or abutting the area of request as shown on the Choctaw quadrangle of the 1989 National Wetlands Inventory map as prepared by the United States Department of the Interior Fish and Wildlife Service.

All future development on the proposed tracts must conform to the applicable requirements of Municipal Code Chapter 13, "Drainage and Flood Control."

Resolution 84-20 requires that developers install and maintain sediment and/or erosion controls in conjunction with their construction activities. Any proposed development must conform to the applicable requirements of Municipal Code Chapter 43, "Erosion Control." Sediment control plans must be submitted to and approved by the city before any land disturbance is done on-site. The developer is responsible for the cleanup of sediment and other debris from drainage pipes, ditches, streets and abutting properties as a result of his activities.

Easements and Right-of-Way

No additional rights-of-way and/or easements are required with this application.

**Fire Marshal's Comments:**

The Fire Marshal has reviewed PC-1899. Any future development must meet Chapter 15 of the Municipal Code.

**Plan Comments:**

Lots 2B and 2C are intended to be an exchange of parking. Lot 2B is currently the site of 28 parking spaces for Academy in the Sooner Rose Phase I Development. The applicant is proposing to use the area of proposed lot 2B for part of the anchor tenant building as referenced in the Retail PUD. In exchange for the 28 parking spaces that will be lost if this PUD/preliminary plat are approved, the applicant is providing the area of lot 2C which encompasses 48 parking spaces that will go to the Academy lot in Sooner Rose Phase 1.

No other amendments are proposed for the Sooner Rose Phase I PUD.

As the number of parking spaces proposed to be eliminated will be replaced, staff recommends approval.

**Action Required:** Approve or reject the ordinance to amend the Planned Unit Development for the property noted in this report and subject to staff's comments as found in the April 25, 2017, agenda packet, and as noted in PC – 1899 file.



---

Billy Harless, AICP  
Community Development Director

KG



STATE OF OKLAHOMA

FIRST AMENDMENT TO  
PLANNED UNIT DEVELOPMENT

COUNTY OF OKLAHOMA

THIS FIRST AMENDMENT TO PLANNED UNIT DEVELOPMENT (this "First Amendment") is entered into as of the \_\_\_ day of April, 2017, by and between Sooner Investment Group, Inc. ("Sooner"), an Oklahoma corporation, and the City of Midwest City, a municipal corporation of Oklahoma (the "City").

STATEMENT OF PURPOSE

The City and Sooner entered into that certain Planned Unit Development for the Sooner Rose Shopping Center, located at the northeast quadrant of SE 15<sup>th</sup> Street and S. Sooner Road, for the property more particularly described in Exhibit A, attached hereto and incorporated by this reference (the "Property") (collectively, the "Original PUD"). The City approved the Original PUD pursuant to Ordinance 3265, dated February 23, 2016. Subsequent to entering into the Original PUD, Sooner acquired and developed the Property through an affiliate entity, Sooner Rose, LLC, and thereafter Sooner Rose, LLC conveyed a portion of the Property to SR-HL, LLC. The retail buildings on Lots 1 and 2 of the Property have since been developed in accordance with the Original PUD, while Lots 3 – 5 have not yet been developed.

Sooner intends to develop a compatible retail development immediately adjacent to the east of the Property on property more particularly shown on Exhibit B (the "Phase II – Retail Property") for the "Sooner Rose Phase II – Retail Project" pursuant to the Sooner Rose Phase II – Retail Planned Unit Development Agreement (the "Phase II – Retail PUD Agreement"). As part of the Sooner Rose Phase II – Retail Project, Sooner intends to exchange a portion of the parking area on the Property (identified as Lot 2B on Exhibit C) for a newly constructed parking area on the Phase II – Retail Property (identified as Lot 2C on Exhibit C), which areas are more particularly shown on Exhibit B. Therefore, the parties have agreed to this First Amendment to amend the boundary of the Original PUD (i.e., the Property) as more particularly described herein.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. **Incorporation by Reference.** The Statement of Purpose set forth above, and all Exhibits attached hereto, are true and correct and hereby incorporated by reference. The Exhibits attached to this First Amendment are as follows:
  - 1.1. Exhibit A – Legal Description – the Property
  - 1.2. Exhibit B – Phase II – Retail Property Development Plan
  - 1.3. Exhibit C – Amended and Restated Legal Description – the Property
2. **Amended and Restated Property Description.** Upon approval of this First Amendment, Exhibit A of the Original PUD shall be amended and restated in its entirety with the description provided on Exhibit C, attached hereto and incorporated by reference.
3. **No Other Amendments; Full Force and Effect.** Except as otherwise expressly provided in this First Amendment, no other amendment is intended for the Original PUD, and the Original PUD shall remain in full force and effect.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

# SOONER INVESTMENT

*Commercial and Investment Real Estate*

March 13, 2017

**VIA ELECTRONIC MAIL**

Ms. Kellie Gilles, Planning Manager  
Community Development  
City of Midwest City  
100 N. Midwest Blvd.  
Midwest City, OK 73110

Re: Sooner Rose Phase I Planned Unit Development Amendment  
Sooner Rose Phase II – Retail Planned Unit Development

Dear Kellie:

I write on behalf of Sooner Investment Group, Inc. with respect to the above-referenced applications associated with the development of the Sooner Rose Phase II – Retail Planned Unit Development (the "Phase II Retail"). As you know, as part of the Phase II Retail development, we intend change the eastern boundary of Sooner Rose Phase I immediately abutting the Phase II Retail property. The change will be accomplished via the proposed Sooner Rose Phase I PUD Amendment previously submitted to your office, the basis for which I have described below.

This change will involve allocating the area currently utilized for parking and truck turnaround area immediately adjacent to the Academy building to the Phase II Retail. In exchange, we will expand the Sooner Rose Phase I parking area immediately in front of Academy to the east to offset the lost parking spaces. I have enclosed with this letter the Sooner Rose I/II Land Exchange Exhibit, prepared by Goppold Architecture and dated March 13, 2017 for your reference. As you can see, the parcel being allocated from Sooner Rose Phase I to Phase II Retail is 0.63 acres in size, and will result in a loss of 28 parking spaces on the Sooner Rose Phase I Academy parcel. In exchange, Sooner Rose Phase I will receive a parcel of 0.58 acres in size with 48 additional parking spaces.

This change provides several benefits to both developments. Most importantly, it allows us to construct the Phase II Retail anchor tenant building closer to the Academy building, which will result in a more integrated, cohesive retail development program between Sooner Rose Phase I and Phase II Retail. The new parking spaces provided to the Academy parcel will be located in front of the building and closer to the entrance, and therefore will be more useful to shoppers. Furthermore, as part of the exchange, we will construct a single truck turnaround servicing both Sooner Rose Phase I and Phase II Retail, rather than have two separate truck turnarounds, thus consolidating and minimizing the amount of service area serving the shopping centers.

We believe the proposed change will allow us to better integrate the two shopping centers into a cohesive retail project, which benefits both properties. If you have any questions concerning the above, please do not hesitate to let me know.

Sincerely,

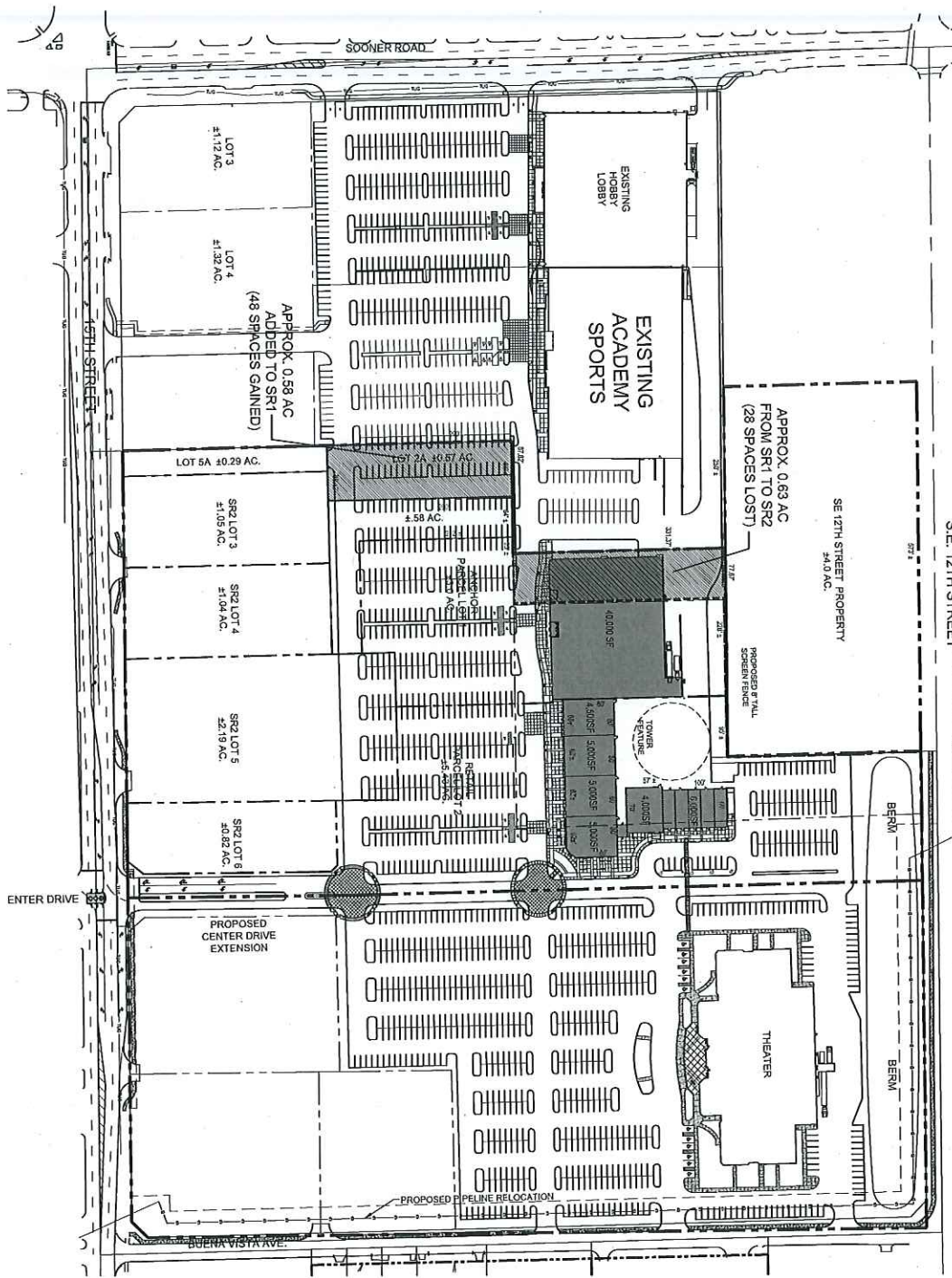
A handwritten signature in black ink, appearing to read "C. Challis", written over a horizontal line.

Christopher N. Challis

On behalf of Sooner Investment Group, Inc.

Enclosure

SOONER ROSE I / II LAND EXCHANGE



<p><b>SOONER ROSE - PHASE II</b></p> <p>MIDWEST CITY, OKLAHOMA</p> <p>SOONER ROSE I / II LAND EXCHANGE</p>		<p><b>gopood</b> architecture</p> <p>1111 North Lincoln Ave. #100 Midwest City, OK 73122 Phone: 405.241.7272 www.gopood.com</p>	<p><b>SOONER INVESTMENT</b></p> <p>Commercial and Investment Real Estate</p> <p>2301 West I-44 Service B, Suite 100, Oklahoma City, OK 73112 (405) 842-0156 Fax (405) 840-2365</p>
<p>REV</p> <p>DATE</p>	<p>DATE</p> <p>PROJECT NO. 16,001,100</p> <p>DATE 03-13-2017</p> <p>SHEET CP-1</p>	<p>164</p>	

**Exhibit A**

**Legal Description – the Property**

DECEMBER 15, 2015

A tract of land lying in the Southwest Quarter (SW/4) of Section Four (4), Township Eleven (11) North, Range Two (2) West of the Indian Meridian, City of Midwest City, Oklahoma County, Oklahoma, and being more particularly described as follows:

BEGINNING at the southwest corner of the said Southwest Quarter of Section 4;

THENCE North 01°20'38" West, along the west line of said Southwest Quarter, a distance of 991.70 feet;

THENCE North 89°24'49" East, parallel with the south line of said Southwest Quarter, a distance of 848.49 feet;

THENCE South 01°20'38" East, parallel with the west line of said Southwest Quarter, a distance of 331.70 feet;

THENCE South 89°24'49" West, parallel with the south line of said Southwest Quarter, a distance of 254.66 feet;

THENCE South 01°20'38" East, parallel with the west line of said Southwest Quarter, a distance of 660.00 feet to a point on the south line of said Southwest Quarter;

THENCE South 89°24'49" West, along said south line, a distance of 593.83 feet to the POINT OF BEGINNING.

Said tract of land containing 673,313 square feet or 15.4571 acres more or less.

Prepared by:  
Glen W. Smith PLS 993  
Smith Roberts Baldischwiler, LLC  
December 15, 2015

**Exhibit C**  
**Amended and Restated Legal Description for the Property**

A tract of land lying in the Southwest Quarter of Section Four (4), Township Eleven (11) North, Range Two (2) West of the Indian Meridian, Oklahoma County, Oklahoma, and containing within its bounds part of Lot One (1), and All of Lots Two (2), Three (3), Four (4) and Five (5), in Block One (1), of SOONER ROSE ADDITION, an Addition to the City of Midwest City, Oklahoma, according to the plat thereof recorded in Book 75 of Plats at Page 12 in the records of the Oklahoma County Clerk, and being more particularly described as follows:

BEGINNING at the southwest corner of said Southwest Quarter;

THENCE North 01°20'38" West, along the west line of said Southwest Quarter, a distance of 991.70 feet to the northwest corner of the said plat of SOONER ROSE ADDITION;

THENCE North 89°24'49" East, along the north line of said plat of SOONER ROSE ADDITION, a distance of 768.49 feet to a point, said point being 80.00 feet South 89°24'49" West of the northeast corner of said plat of SOONER ROSE ADDITION;

THENCE South 01°20'38" East a distance of 331.70 feet to a point on a southerly line of said plat of SOONER ROSE ADDITION;

THENCE South 89°24'49" West, along said southerly line, a distance of 89.06 feet;

THENCE South 01°20'38" East a distance of 289.80 feet;

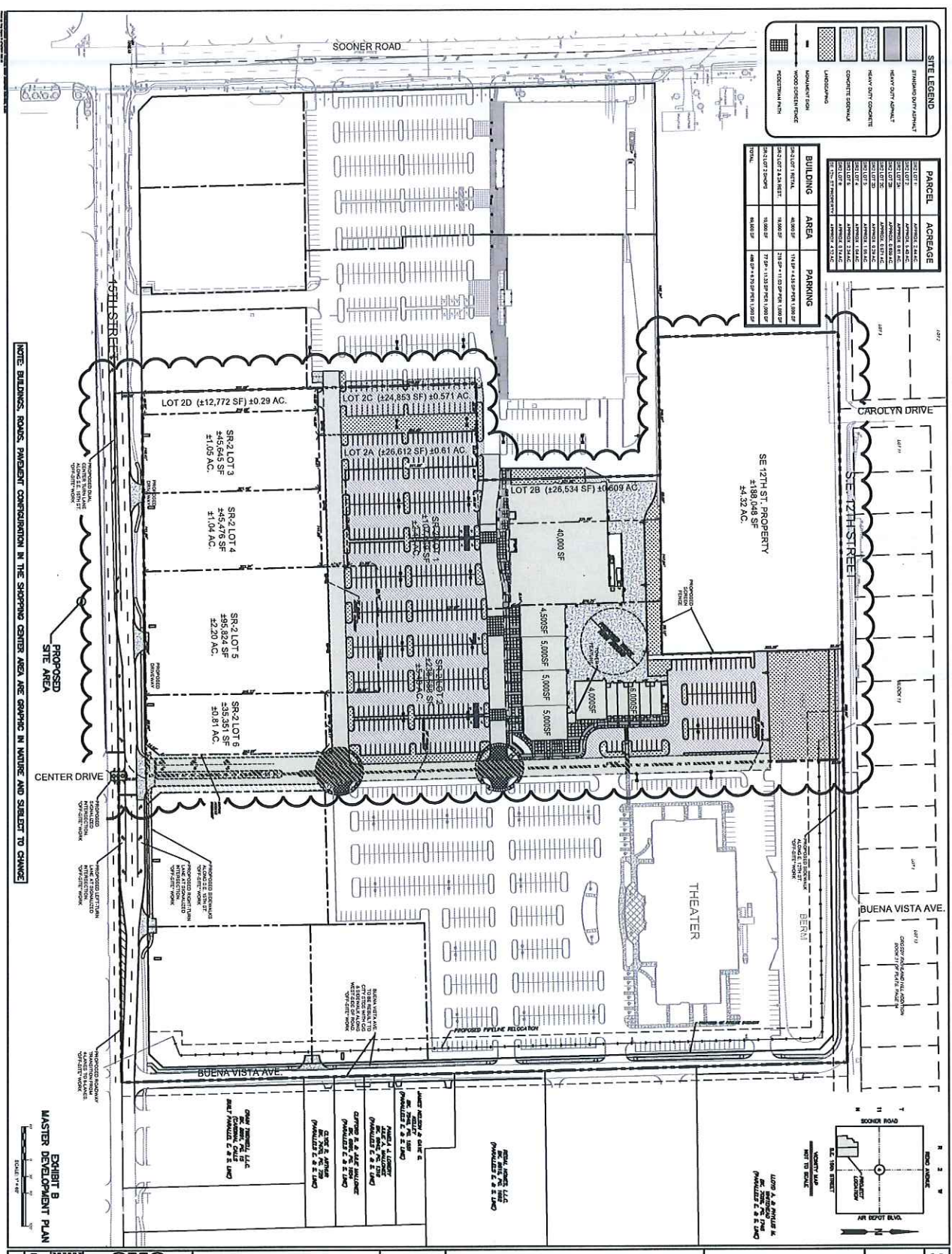
THENCE South 88°39'22" West a distance of 85.59 feet to a point on the east line of Lot One (1) in Block One (1) of SOONER ROSE ADDITION;

THENCE South 01°20'38" East, along the east line of said Lot 1, passing at a distance of 19.07 feet the common corner of Lots 1 and 5 in Block 1 of SOONER ROSE ADDITION, and continuing along the east line of said Lot 5 and said line extended, a total distance of 369.07 feet to a point on the south line of the said Southwest Quarter;

THENCE South 89°24'49" West, along said south line, a distance of 593.83 feet to the POINT OF BEGINNING.

Said tract of land containing 671,634 square feet or 15.4186 acres more or less.

GWS 3-10-17



**SITE LEGEND**

- IMPROVED DRIVEWAY
- PAVED DRIVEWAY
- GRAVEL DRIVEWAY
- CONCRETE DRIVEWAY
- LANDSCAPE
- WOODS RETENTION
- WOODS RESTORATION
- PROPOSED NEW

PARCEL	ACREAGE
LOT 1	APPROX. 2.82 AC
LOT 2	APPROX. 3.83 AC
LOT 3	APPROX. 3.83 AC
LOT 4	APPROX. 3.83 AC
LOT 5	APPROX. 3.83 AC
LOT 6	APPROX. 3.83 AC
LOT 7	APPROX. 3.83 AC
LOT 8	APPROX. 3.83 AC
LOT 2A	APPROX. 20.61 AC
LOT 2B	APPROX. 11.609 AC
LOT 2C	APPROX. 40.57 AC
LOT 2D	APPROX. 20.29 AC
SR-2 LOT 1	APPROX. 40,000 SF
SR-2 LOT 2	APPROX. 4,500 SF
SR-2 LOT 3	APPROX. 445,645 SF
SR-2 LOT 4	APPROX. 445,478 SF
SR-2 LOT 5	APPROX. 455,824 SF
SR-2 LOT 6	APPROX. 235,291 SF
SR-2 LOT 7	APPROX. 235,291 SF
SR-2 LOT 8	APPROX. 235,291 SF
TOTAL	APPROX. 442.82 AC

BUILDING	AREA	PARKING
SR-2 LOT 1	40,000 SF	1,740 SP
SR-2 LOT 2	4,500 SF	192 SP
SR-2 LOT 3	445,645 SF	19,327 SP
SR-2 LOT 4	445,478 SF	19,327 SP
SR-2 LOT 5	455,824 SF	19,327 SP
SR-2 LOT 6	235,291 SF	10,164 SP
SR-2 LOT 7	235,291 SF	10,164 SP
SR-2 LOT 8	235,291 SF	10,164 SP
TOTAL	1,851,081 SF	80,134 SP

NOTE: BUILDINGS, ROADS, PAVEMENT CONSTRUCTION IN THE SHOPPING CENTER AREA ARE GRAYING IN NATURE AND SUBJECT TO CHANGE

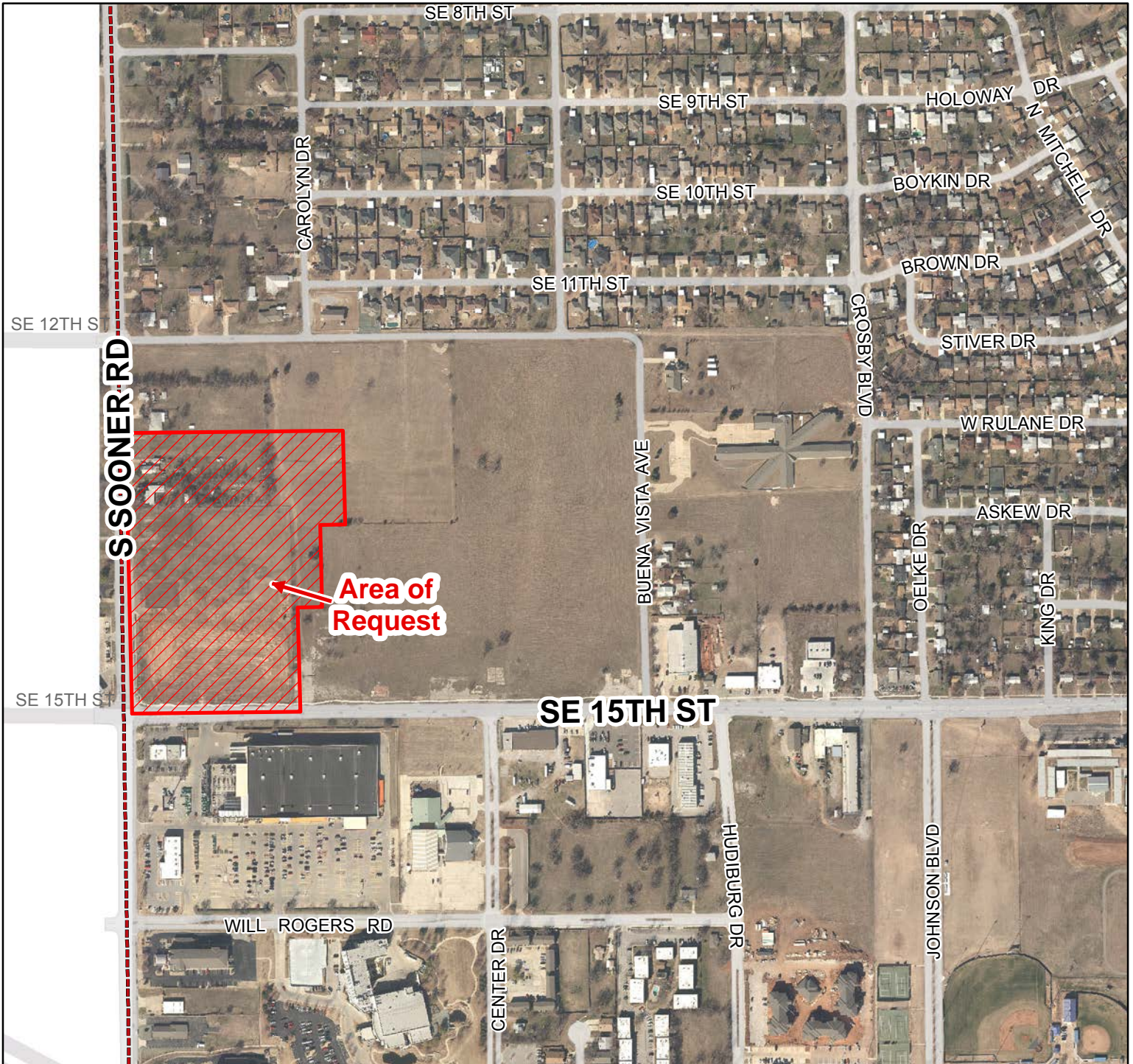
EXHIBIT B  
MASTER DEVELOPMENT PLAN

**SMC**  
Sooner Rose Phase II - Retail  
Midwest City, Oklahoma

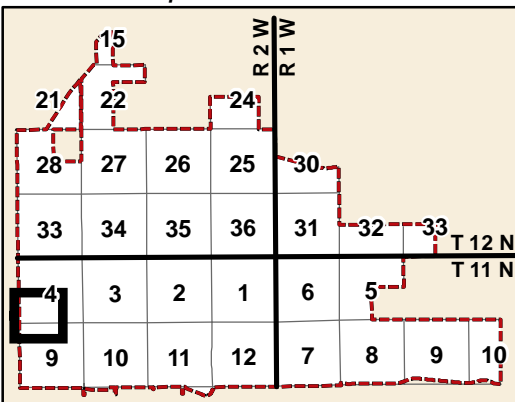
**SOONER ROSE PHASE II - RETAIL**  
SOONER ROAD & 16TH STREET  
MIDWEST CITY, OKLAHOMA

**SOONER INVESTMENT**  
Commercial and Residential Real Estate  
2379th Ave S, Suite 100, Midwest City, OK 73110  
731-634-3333

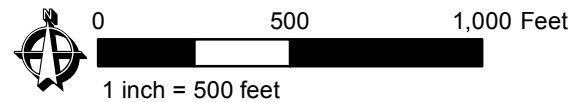
ROAD ABANDONED  
SOONER ROAD  
15TH STREET  
CENTER DRIVE  
BUENA VISTA AVE.



Locator Map

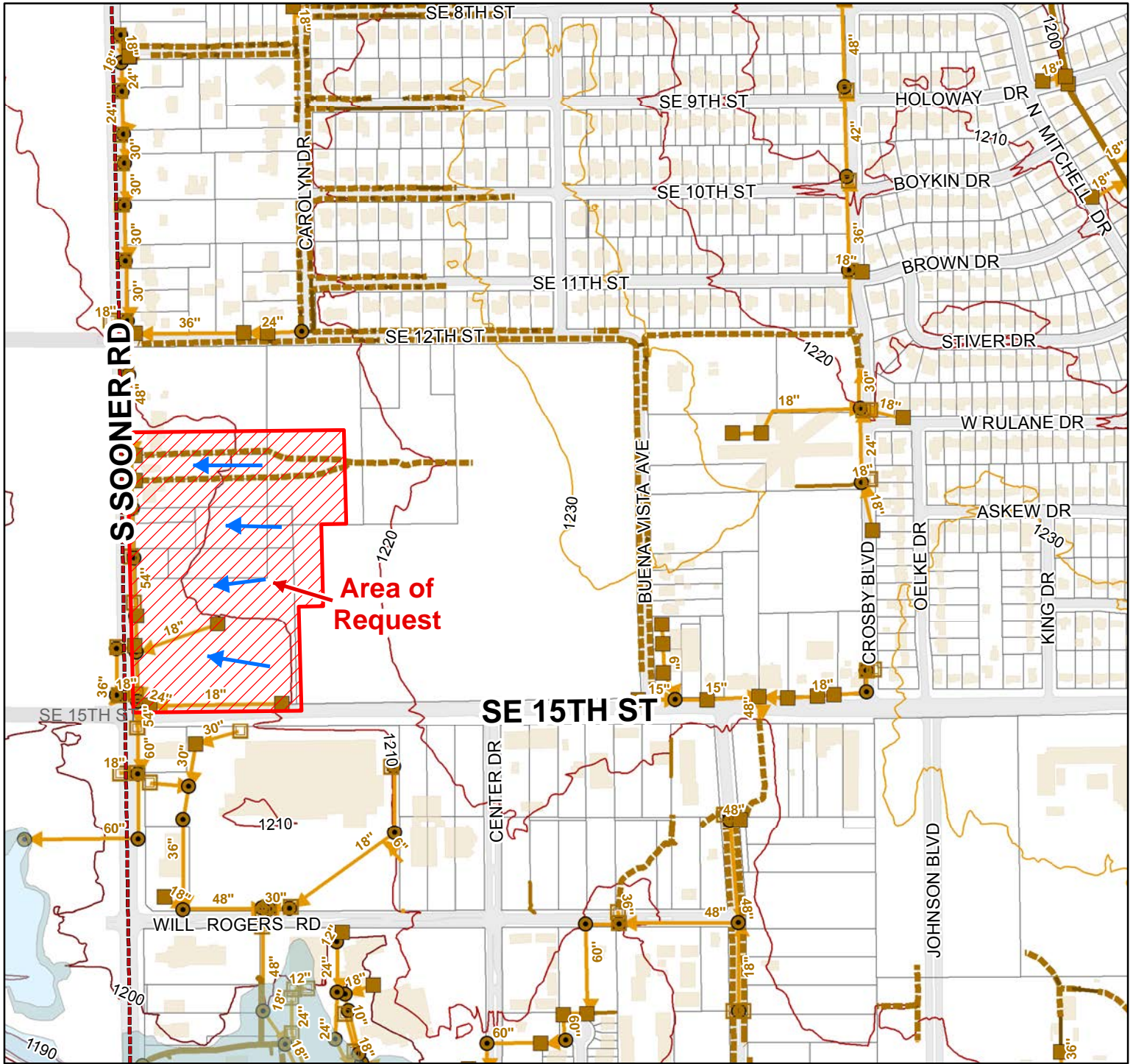


**2015 DOP (AERIAL) VIEW FOR  
PC-1899  
(SW/4, Sec. 4, T11N, R2W)**

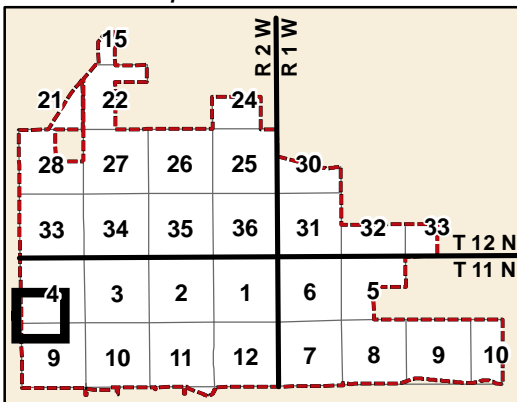













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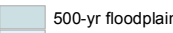
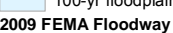
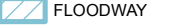



Locator Map



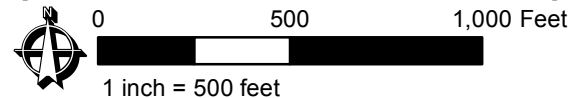
- Drainage Legend**
-  Curb Inlets
  -  Inlets
  -  Junction Box
  -  Culverts
  -  Flumes
  -  Developed Channels
  -  Trickle Channels
  -  Undeveloped Channels
  -  Storm Lines
  -  Creeks
- ELEVATION**
-  1166-1204 ft
  -  1204-1228 ft
  -  1228-1250 ft
  -  1250-1278 ft
  -  1278-1324 ft

2009 FEMA Floodplains

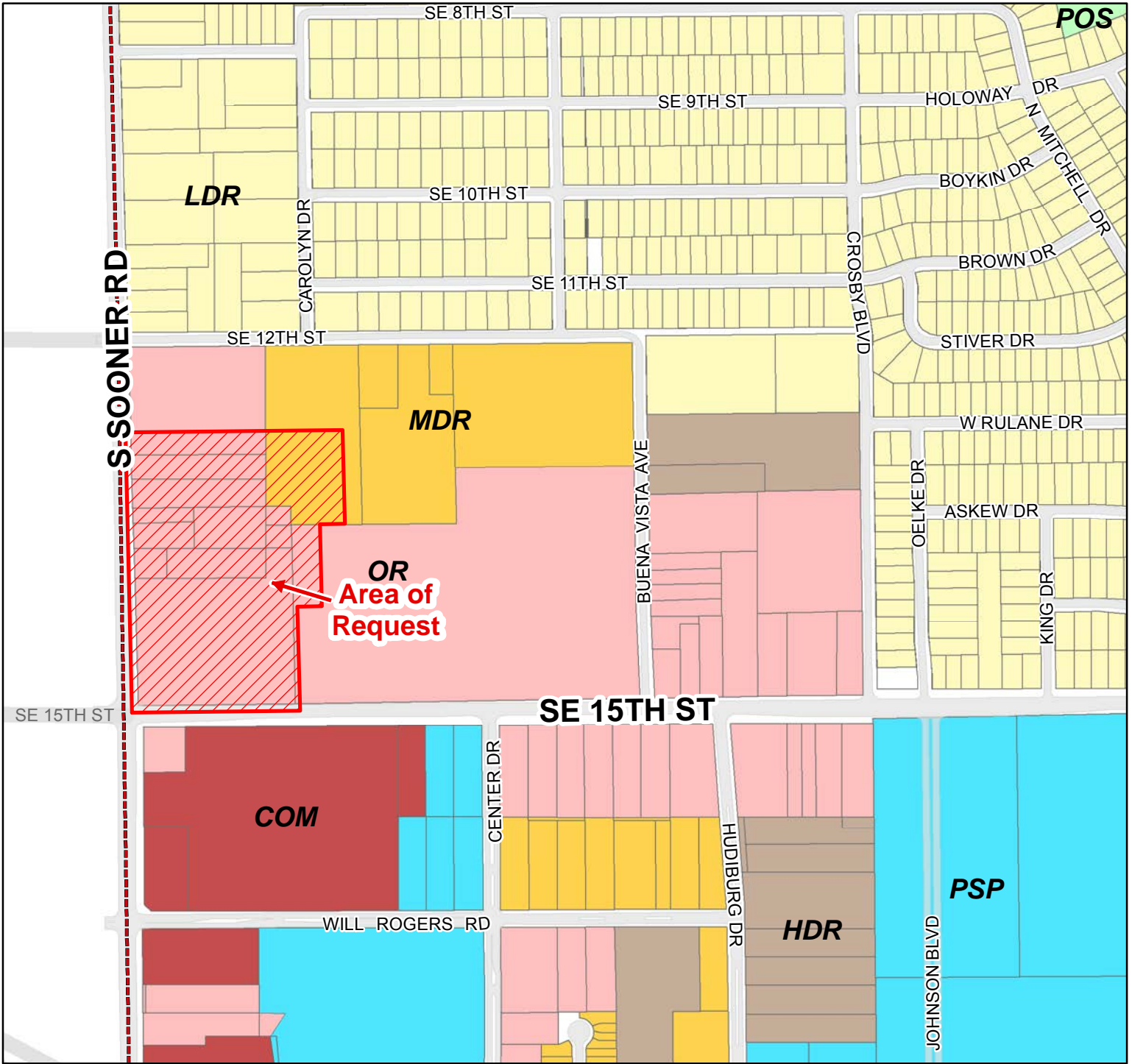
-  500-yr floodplain
-  100-yr floodplain
-  2009 FEMA Floodway
-  FLOODWAY

# DRAINAGE LOCATION MAP FOR PC-1899

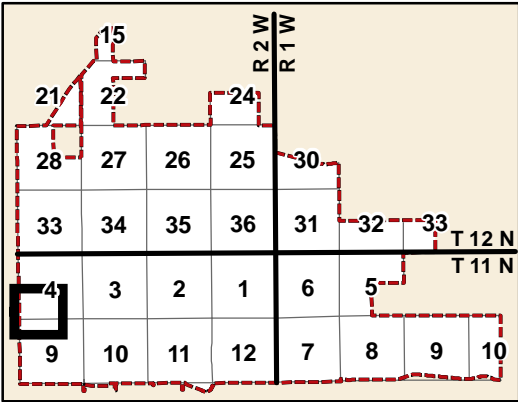
(SW/4, Sec. 4, T11N, R2W)













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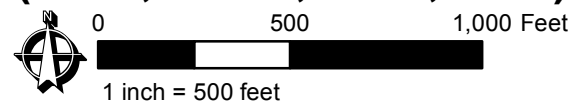
Locator Map



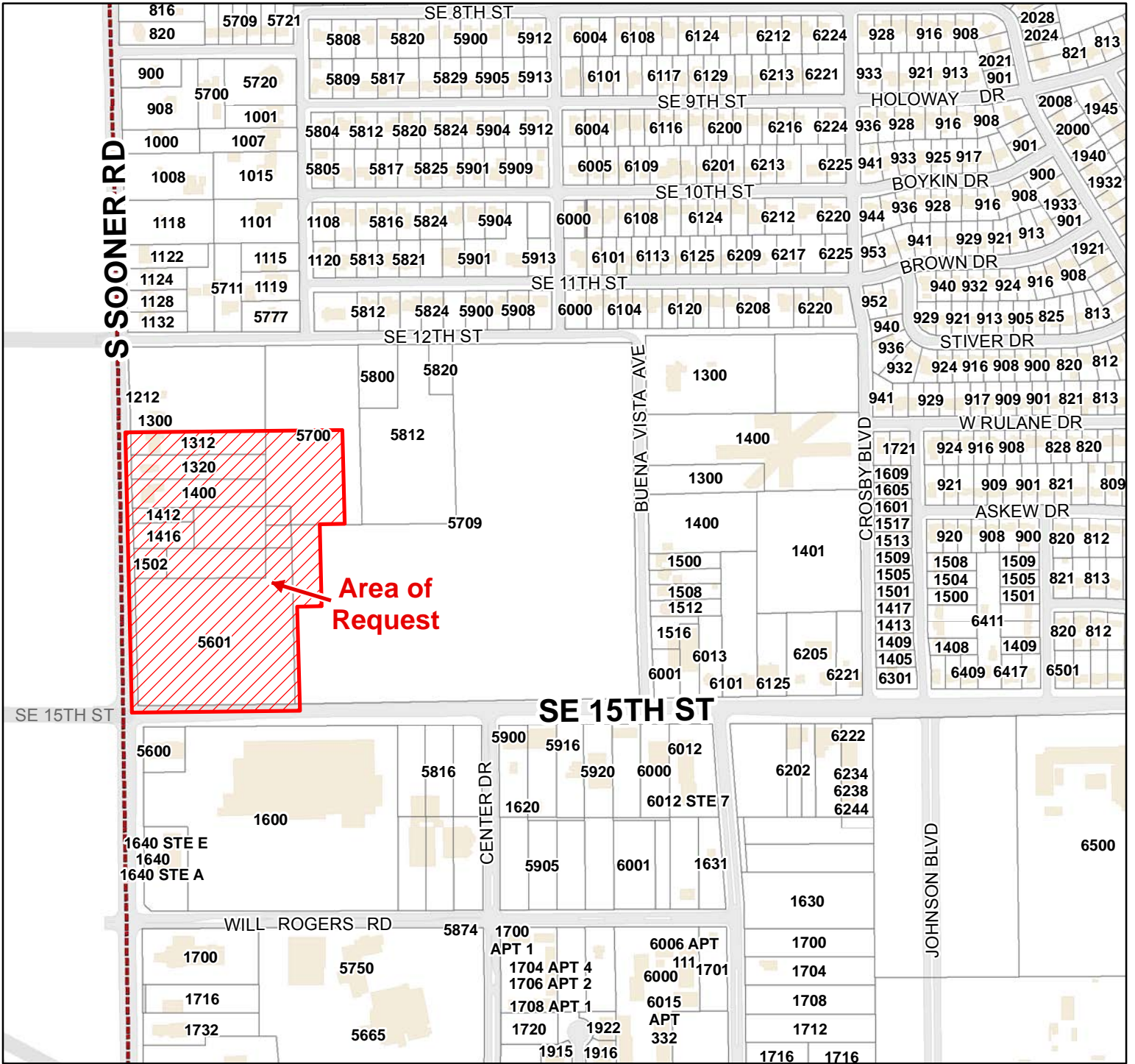
Future Land Use Legend

-  Single-Family Detached Residential
-  Medium Density Residential
-  High Density Residential
-  Manufactured Home
-  Public/Semi-Public
-  Parks/Open Space
-  Office/Retail
-  Commercial
-  Industrial
-  Town Center

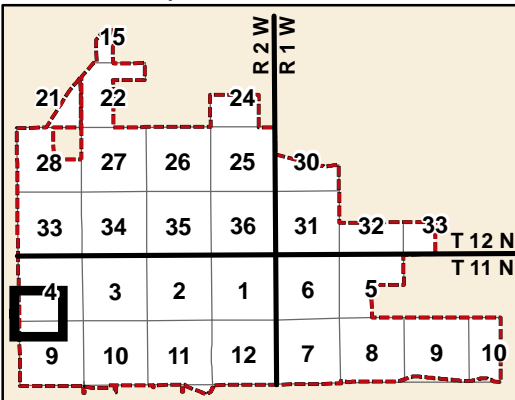
**FUTURE LAND USE  
MAP FOR  
PC-1899  
(SW/4, Sec. 4, T11N, R2W)**








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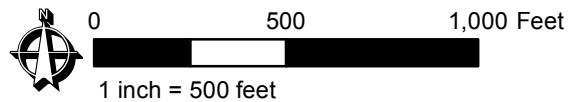
Locator Map



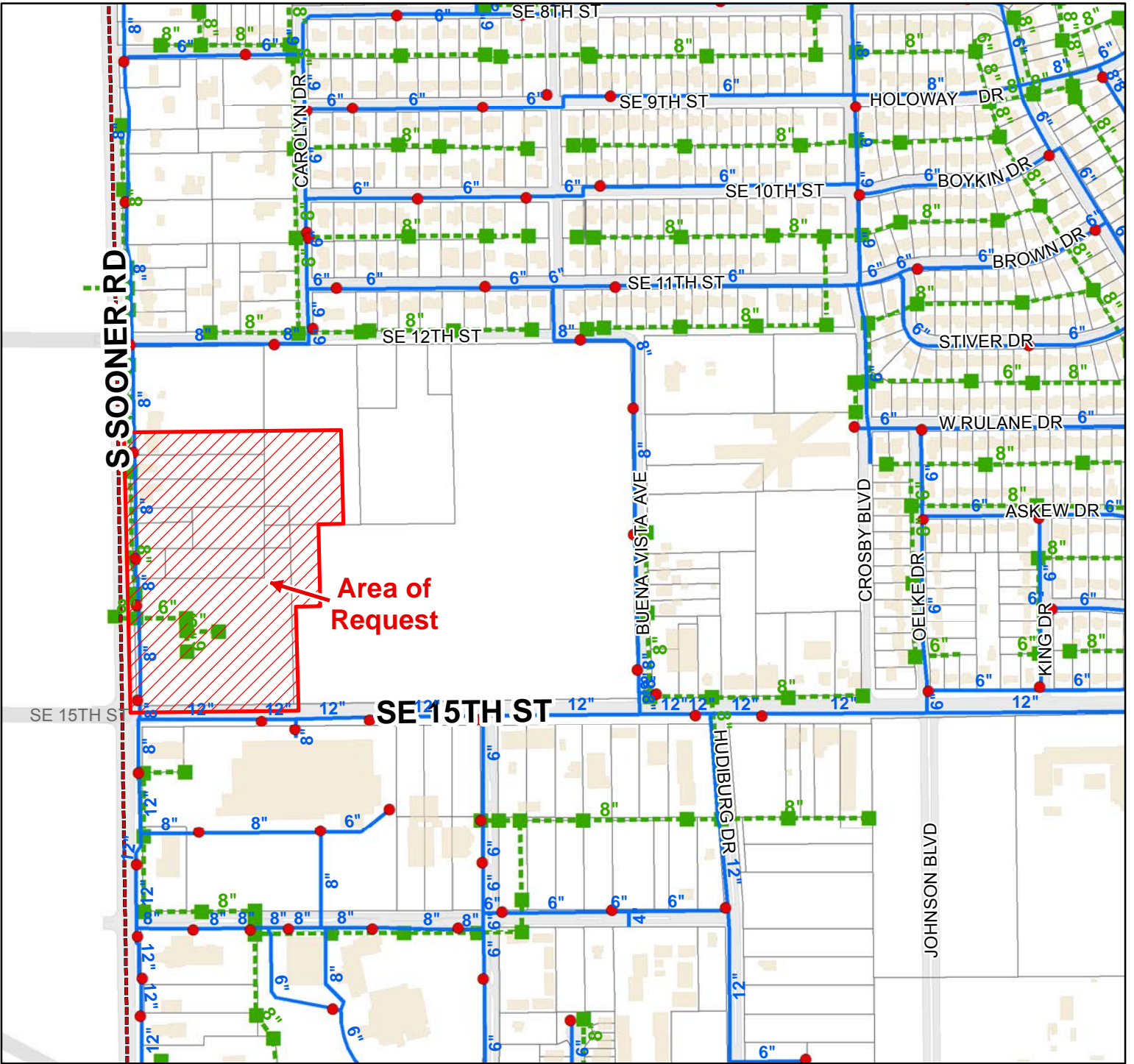
**General Map Legend**

-  Area of Request
-  Parcels with Addresses
-  Buildings
-  Edge of Pavement
-  MWC City Limits

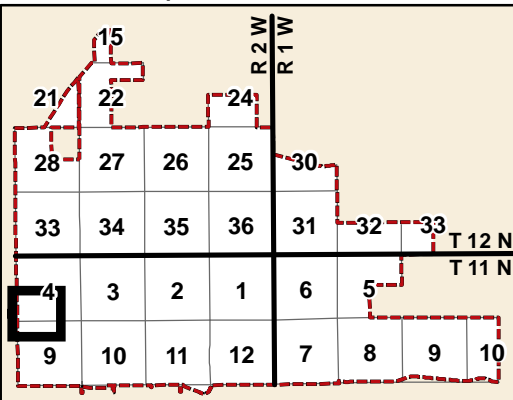
**GENERAL MAP FOR  
PC-1899  
(SW/4, Sec. 4, T11N, R2W)**



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Locator Map



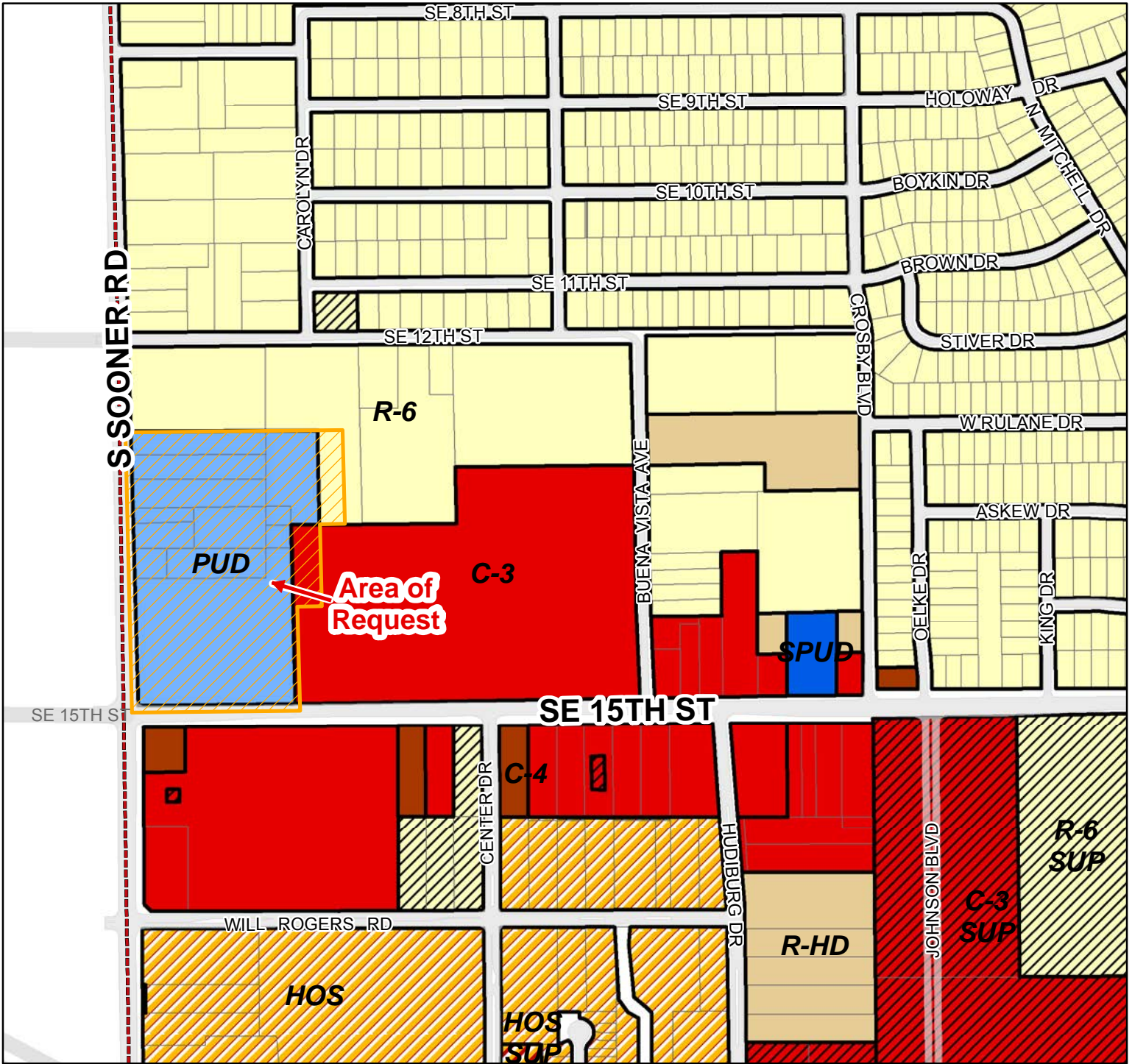
Water/Sewer Legend

- Fire Hydrants
- Water Lines
  - Distribution
  - Well
  - OKC Cross Country
  - Sooner Utilities
  - Thunderbird
  - Unknown
- Sewer Manholes
- Sewer Lines

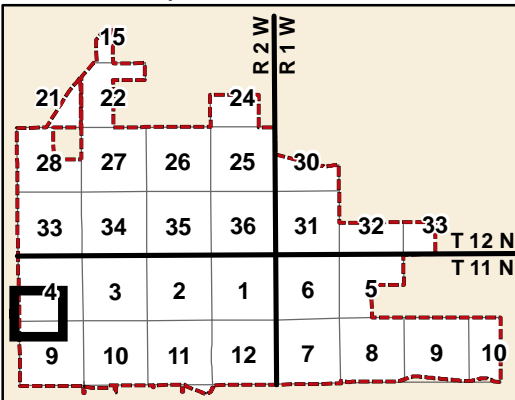
**WATER/SEWER LINE LOCATION MAP FOR PC-1899 (SW/4, Sec. 4, T11N, R2W)**



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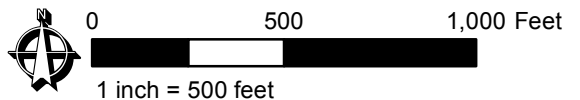
Locator Map



Current Zoning Legend

A-1	I-3	R-2F
A-1 SUP	O-1	R-MD
C-1	O-1 SUP	R-MD SUP
C-1 SUP	O-2	R-HD
C-2	O-2 SUP	R-HD SUP
C-3	R-6	R-MH-1
C-3 SUP	R-6 SUP	R-MH-2
C-4	R-8	PUD
I-1	R-10	SPUD
I-2	R-22	HOS
I-2 SUP	R-35	HOS SUP

ZONING MAP FOR  
PC-1899  
(SW/4, Sec. 4, T11N, R2W)



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The City of  
**MIDWEST CITY**  
COMMUNITY DEVELOPMENT DEPARTMENT

Billy Harless, Community Development Director

ENGINEERING DIVISION  
Patrick Menefee, City Engineer  
CURRENT PLANNING DIVISION  
Kellie Gilles, Planning Manager  
COMPREHENSIVE PLANNING  
Julie Shannon, Comprehensive Planner  
BUILDING INSPECTION DIVISION  
Charles Belk, Building Official  
GIS DIVISION  
Kathy Spivey, GIS Coordinator

**To:** Honorable Mayor and City Council

**From:** Billy Harless, Community Development Director

**Date:** April 25, 2017

**Subject:** (PC – 1900) Public hearing with discussion and consideration of approval a resolution to amend a portion of the Comprehensive Plan from MDR, Medium Density Residential to OR, Office/Retail and an ordinance to redistrict from R-6, Single Family Detached Residential and C-3, Community Commercial to Planned Unit Development (PUD) governed by the C-3, Community Commercial district for the property described as a tract of land lying in the SW/4 of Section 4, T-11-N, R-2-W, of the Indian Meridian, City of Midwest City, Oklahoma County, Oklahoma.

**Dates of Hearing:** Planning Commission – April 4, 2017  
City Council – April 25, 2017

**Council Ward:** Ward 1 – Councilmember Susan Eads

**Owners:** G. Michael Vloedman, N. Carolyn Hurst Revocable Trust, Garrett Vloedman, Emily Vloedman Living Trust, the Midwest City Memorial Hospital Authority, Sooner Rose LLC and Sooner Rose Investment Group, Inc. (Contract purchaser)

**Applicant:** Bob Stearns, Sooner Investment Group, Inc

**Proposed Use:** re-development of site for new commercial uses

**Size:**

The area of request has a frontage along SE 15<sup>th</sup> St of approximately 692 ft and contains an area of approximately 19.74 acres.

**Development Proposed by Comprehensive Plan:**

Area of Request – OR, Office / Retail and MDR, Medium Density Residential

North – LDR, Low Density Residential

South – OR - Office / Retail, COMM - Commercial and PSP – Public/Semi-Public

East – OR, Office / Retail and MDR, Medium Density Residential

West – Del City

**Zoning Districts:**

Area of Request – R6, Single Family Residential and C-3, Community Commercial  
North – R6, Single Family Residential  
South – C4, General Commercial, C3, Community Commercial and R-6, Single Family Residential with a Special Use Permit for a church  
East - R6, Single Family Residential and C3, Community Commercial  
West – Del City

**Land Use:**

Area of Request – Vacant  
North – Single family residence  
South – Sooner Road Baptist Church and Home Depot  
East – Vacant  
West – Academy and Hobby Lobby – Sooner Rose Phase I

**Comprehensive Plan Citation:**

Office/Retail Land Use

Retail land uses areas are intended to provide for a variety of retail trade, personal, and business services and establishments. Retail establishments generally require greater visibility than do other types of non-residential land uses (e.g., office, commercial).

Office uses include professional offices for lawyers, doctors, realtors, and other professionals. Office land uses are generally appropriate in all other non-residential areas of the City. Office development should be compatible with any adjacent residential area.

**Municipal Code Citation:**

2.25 PUD, Planned Unit Development

2.25.1 General Provisions

The planned unit development, herein referred to as PUD, is a special zoning district category that provides an alternate approach to conventional land use controls to produce unique, creative, progressive, or quality land developments.

The PUD may be used for particular tracts or parcels of land that are under common ownership and are to be developed as one unit according to a master development plan.

The PUD is subject to special review procedures within the PUD application and review and once approved by the City Council it becomes a special zoning classification for the property it represents.

2.25.2 Intent and Purpose

The intent and purpose of the PUD provisions are as follows:

(A) Innovative land development

Encourage innovative land development while maintaining appropriate limitations on the character and intensity of use, assuring compatibility with adjoining and proximate properties, and following the guidelines of the comprehensive plan.

(B) Flexibility within developments

Permit flexibility within the development to maximize the unique physical features of the particular site.

(C) Efficient use of land

Encourage efficient use of land, facilitate economic arrangements of buildings and circulation systems, and encourage diversified living environments and land uses.

(D) Function, design and diversity

Achieve a continuity of function and design within the development and encourage diversified living environments and land uses.

(E) Modifications to development requirements

Provide a vehicle for negotiating modifications in standard development requirements in order to both encourage innovative development and protect the health, safety and welfare of the community.

**History:**

1. This area was zoned R6, Single Family Residential with the adoption of the 1986 Zoning Ordinance and Map.

**Staff Comments:**

**Engineering Comments:**

Water Supply and Distribution

A twelve (12) inch public water main is located on the south side of S.E. 15th Street in the street right-of-way extending along the south side of the area of request. Eight (8) inch public water mains are located in dedicated public utility easements located along and adjacent to the west side of the area of request.

Public water line improvements are not required with this application. However, public water line improvements are proposed and are part of the preliminary plat application for the area of request. The public water line extension requirements are addressed in PC-1901.

Connection to the public water supply system for domestic service is a building permit requirement per Municipal Code 43-32 for all existing and new building applications.

Sanitary Sewerage Collection and Disposal

An eight (8) inch public sewer main is located on the north side of S.E. 12th Street in the street right-of-way extending along the north side of the area of request. Eight (8) inch public sewer mains are located in dedicated public utility easements located along and adjacent to the west side of the area of request.

Public sewer line improvements are not required with this application. However, public sewer line improvements are proposed and are part of the preliminary plat application for the area of request. The public sewer line extension requirements are addressed in PC-1901.

Connection to the public sanitary sewer system for service is a building permit requirement per Municipal Code 43-109 for all existing and new building applications.



#### Streets and Sidewalks

Access to the area of request is available from S.E. 12th Street and S.E. 15th Street. S.E. 12th Street is classified as a local street in the 2008 Comprehensive Plan. S.E. 12th Street is a two (2) lane, 26-foot wide, uncurbed, asphalt concrete roadway. Current code requires a total street right-of-way width of fifty (50) feet for local streets and presently, S.E. 12th Street has fifty (50) feet of right-of-way adjacent to and parallel to the north side of the area of request. S.E. 15th Street is a four (4) lane, 52-foot wide, curbed, asphalt concrete roadway. Current code requires a total street right-of-way width of one hundred (100) feet for secondary arterials and presently, S.E. 15th Street has one hundred (100) feet of right-of-way adjacent to and parallel to the south side of the area of request.

Street improvements and right of way grants to the city are not required with this application.

Public sidewalk improvements are not required with this application. However, sidewalk improvements are proposed and are part of the preliminary plat application for the area of request. The public sidewalk requirements are addressed in PC-1901.

#### Drainage and Flood Control, Wetlands, and Sediment Control

Drainage across the area of request is mainly from the east to the west via overland flow. Currently, the area of request is undeveloped. The area of request is not affected by flood zone AE (the 100-year floodplain) as shown on the effective Flood Insurance Rate Map (FIRM) number 40109C0310H, dated December 12, 2009.

The applicant proposes to construct underground drainage improvements and detention facilities to service the area of request as part of the preliminary plat application. The drainage improvement requirements are addressed in PC-1901.

No identified wetlands are located on or abutting the area of request as shown on the Choctaw quadrangle of the 1989 National Wetlands Inventory map as prepared by the United States Department of the Interior Fish and Wildlife Service.

All future development on the proposed tracts must conform to the applicable requirements of Municipal Code Chapter 13, "Drainage and Flood Control."

Resolution 84-20 requires that developers install and maintain sediment and/or erosion controls in conjunction with their construction activities. Any proposed development must conform to the applicable requirements of Municipal Code Chapter 43, "Erosion Control." Sediment control plans must be submitted to and approved by the city before any land disturbance is done on-site. The developer is responsible for the cleanup of sediment and other debris from drainage pipes, ditches, streets and abutting properties as a result of his activities.

#### Easements and Right-of-Way

No additional rights-of-way and/or easements are required with this application. All easement and right of requirements are addressed with the preliminary plat application.

**Fire Marshal's Comments:**

The Fire Marshal has reviewed this proposed PUD. All development will have to meet Chapter 15 of the Municipal Code.

**Plan Comments:**

Master Development Plan

The Master Development Plan and the preliminary plat identify ten (10) lots. Lots 1, 2, 2B, 2D, 3, 4, 5 and 6 are intended for commercial development. Lots 2A and 2C are intended for parking. The last lot is identified as "SE 12<sup>th</sup> Street" lot. The SE 12<sup>th</sup> Street lot is owned by the City of Midwest City and the City plans to retain ownership of this lot and develop it at a later date. At the time of the development, that lot will be subject to the provisions as noted in the Retail Planned Unit Development.

Lots 2B and 2C are intended to be an exchange of parking. Lot 2B is currently the site of 28 parking spaces for Academy in the Sooner Rose Phase 1 Development. The applicant is proposing to use the area of proposed lot 2B for part of the anchor tenant building as referenced in the Retail PUD. In exchange for the 28 parking spaces that will be lost if this PUD/preliminary plat are approved, the applicant is providing the area of Lot 2C which encompasses 48 parking spaces that will go to the Academy lot in Sooner Rose Phase 1.

Lot 2D is not intended for individual development. The applicant wanted to keep open the possibility of adding the land area of Lot 2D either to lot 3 of this proposed development or Lot 5 of the Sooner Rose Phase 1 development. Staff requests that the applicant submit a statement of intent for the future use of this lot as it does not meet code as far as size.

Underlying Zoning

The PUD states that the Retail Property (Lots 1, 2, 2B, 2C, 2D, 3, 4, 5 and 6) of this development will be governed by the C-3, Community Commercial District. The following uses are prohibited in the Retail Property:

- Community recreation: property owners association
- Funeral and internment services: undertaking
- Personal storage
- Wholesaling, storage and distribution: restricted
- Horticulture
- Commercial parking
- Moderate impact institutional
- Community-based care facility

The PUD requests that the following Special Use Permit (SUP) uses be allowed in the Retail Property (Lots 1-6) without having to obtain a SUP:

- Alcoholic beverage retail sale
- Eating establishments (sit-down, alcoholic beverages and low point beer permitted)

The SE 12<sup>th</sup> Street property is to be mixed use, allowing R-MD and Administrative and Professional Office uses. Staff would recommend that group care facilities be permitted by right, without having to apply for a Special Use Permit as required per code.

#### Access

Access to the area of request will be three (3) new curb cuts along SE 15<sup>th</sup> Street as well as interior connections from the Sooner Rose Phase I (Academy and Hobby Lobby) development to the west and the proposed PUD to the east. Staff recommends that all lots within the area of request provide for interior connections to allow people to move within the entire development without having to access SE 15<sup>th</sup> Street. The PUD states that access between all lots within the retail property shall be provided. Staff would recommend that a future access point to the SE 12<sup>th</sup> Street lot be included although the access point would not be constructed until such time that the SE 12<sup>th</sup> Street property is developed. The access point would be the responsibility of the party developing the SE 12<sup>th</sup> Street lot.

Access for service and delivery trucks will be north of the buildings on Lots 1 and 2 and will serve this development as well as Sooner Rose Phase I.

On February 21, 2017, the applicant and staff met with neighbors from the Ranchet's neighborhood directly north of the area of request. Many neighbors expressed a desire for walkable connectivity from the neighborhood into the development. The applicant is proposing a sidewalk along the north and east sides of the proposed PUD that will be heard following this item. A sidewalk is also proposed to be installed along the west side of Center Drive. A sidewalk along Center Drive will help create a safe, walkable space within both developments and are in harmony with the City's desire to provide sidewalks and connectivity within developments. An interior sidewalk will allow the neighbors who walk to the area to be able to safely move around within the development.

#### Parking

Parking will be required to meet the minimum standards as set forth in the Zoning Ordinance.

#### Screening

Screening is required where a commercial, office or industrial district abuts a residential district and is only required if the lot is developed. The only part of the area of request that abuts a residential district is the 12<sup>th</sup> Street lot. Screening will be required prior to the lot being developed. Screening will be the responsibility of the party who is developing the lot.

The Zoning Ordinance requires that commercial dumpsters be screened on three (3) sides with a minimum of 8' tall brick walls and a minimum 10' wide clear space when opened. The PUD states that dumpsters will be screened with 8' tall free standing walls, building walls or landscape berms.

### Landscaping

Code requires a base of six (6) trees and twelve (12) shrubs for each building plus two (2) trees and two (2) shrubs for every ten (10) parking spaces installed. The landscaping must be installed and approved prior to issuance of any Certificates of Occupancy.

### Signage

The PUD references both pylon and monument signs. It should be noted that both pylon and monument signs are considered free-standing signs and subject to the provisions for free-standing signs as noted in section 9-386 of the Sign Ordinance. For the proposed Retail PUD, the applicant is requesting a total of five (5) free-standing signs. For Lots 3-6, 7'4" monument signs are proposed. The Master Sign Plan shows that these signs will be approximately 73.3 square feet in surface area. The proposed signs on Lots 3-6 meet the provisions for free-standing signs as listed in the Midwest City Sign Ordinance. For Lots 1 and 2, the SE 12<sup>th</sup> Street lot and the Theater property that will be heard following this item, one (1) free-standing, multi-tenant sign is proposed. The applicant is requesting a variance to allow off-premise advertising as the proposed multi-tenant sign will be located along SE 15<sup>th</sup> Street. The exact location can be seen on the Master Sign Plan.

Staff is agreeable to the variance to allow for off-premise advertising as that has been allowed in similar shopping center developments such as town center. Allowing multiple businesses to advertise on a single sign reduces the total number of signs needed and allowed. The proposed multi-tenant sign is shown on the Master Sign Plan as 38' in height and 260 sq. ft. in surface area. The Midwest City Sign Ordinance allows a maximum height of 20' and surface area of 200 sq. ft. for free-standing signs. Other elements listed in the PUD as submitted such as exterior material, pocket park, site lighting and outdoor seating areas must be complied with throughout development.

### Variances Requested

- 100' of frontage required for commercial lots for Lots 1, 2, DD and lot 6 along SE 15<sup>th</sup> Street – staff recommends approval of this request. It is common in multi-tenant commercial developments to have separate lots without the required amount of frontage on a public street such as in Sooner Rose Phase 1 and in Town Center. The PUD does not list Lot 1 as not having 100' of frontage but the Master Development Plan does not show frontage for Lot 1 on SE 15<sup>th</sup> Street.
- Side perimeter easement between Lots 1 and 2 – this is a requirement of the Subdivision Regulations. The Zoning Ordinance does allow for commercial properties to have a 0' side setback when sharing a common wall.
- Wall façade articulation requirement of 3 ft. in depth for every 25' of horizontal wall length for buildings over 15,000 square feet – staff recommends that the required articulation be provided for the south and west elevations of the building on Lot 1. Staff has recommended approval for the variance to the façade articulation on the backs of buildings such as Academy, Hobby Lobby and Winco Foods but not on sides that are easily visible to the public. The elevations submitted show articulation but staff does not recommend the blanket request for the variance in the text of the PUD document.

- After the Planning Commission meeting, the applicant submitted a revised PUD document which states that the articulation will be constructed substantially similar to the buildings shown on Exhibit G (elevations). Staff is agreeable to this request.
- Off-premise signage for Lots 1, 2, the SE 12<sup>th</sup> Street lot and the Theater property – staff recommends approval.
  - Height and surface area of the “Tower Feature” – This sign is considered a projecting sign in the Midwest City Sign Ordinance. Vertical projecting signs are limited to 100 sq. ft. of surface area. The proposed tower feature sign is approximately 360 sq. ft. in surface area. The top of the proposed sign is 65’ above the base elevation of the building to which it is attached. The Sign Ordinance does not list a height limitation for projecting signs. Section 5.4.1 of the Zoning Ordinance lists an exception to the height limitation for towers and other projections that are not used for human occupancy. The tower shall not exceed 15’ above the maximum height allowable of the district in which it is located without prior approval of the City Council. At 65’ this tower does not exceed the maximum height allowable for the C-3 zoning district. Staff would recommend that the sign either be one-sided, facing south or two-sided in a V-shape facing southeast and southwest. This will prevent glare from the sign onto the adjacent neighborhood. Staff does not recommend any advertising facing north.
  - Height of pylon sign – Prior to this request, staff has only recommended approval for a small number of signs to exceed the height limitation since the adoption of the Midwest City Sign Ordinance. For example, the maximum height allowed for anchor tenant signs in Town Center is 25’ and variances have been granted to allow signs taller than 20’ for businesses within 100’ of I-40 right-of-way which is allowed by a favorable vote of the Council. Other signs such as those for Academy and Hobby Lobby and the rest of the signs in Town Center have been held to the maximum height of 20’. Staff would recommend a variance of no more than 28’ for the multi-tenant pylon sign. By eliminating the base of the sign, the height would decrease by approximately 10’ while allowing for the same amount of display surface area for each tenant. A variance is also requested for the surface area of the sign.
  - Wall signage – this is listed as a requested variance but it is unclear what the variance is for. The proposed wall sign regulations provided in Section 5.4.1.3 of the PUD meet the regulations for wall signs in the Sign Ordinance. The Sign Ordinance prescribes a maximum surface area of 200 sq. ft. and the proposed multi-tenant sign is 260 sq. ft. staff recommends approval of this request as the number of signs allowed is being decreased to allow for multiple tenants to advertise on one sign.

There were several residents who voiced concerns regarding this item as well as the three that will follow at the April 4, 2017 Planning Commission meeting. The Community Development Director addressed the Commission and explained that, in the past, the City has granted variances for street improvement requirements when the street is not being accessed. In this case, there is no proposed access from the development onto SE 12<sup>th</sup> Street at this time. Jerry Maynard, who lives near the proposed development, stated that the condition of SE 12<sup>th</sup> Street was his main concern. Mr. Maynard stated that SE 12<sup>th</sup> Street is already in poor condition and the additional traffic that this development will cause will only cause it to wear more quickly. Mr. Maynard requested that the city or the applicant make the necessary improvements to SE 12<sup>th</sup> Street. Mr. Maynard also asked if there would be a barrier at the corner of Buena Vista and SE 12<sup>th</sup>. He stated that there are accidents there now and worries about the impact of the berm on the corner. The City Engineer stated that proper sight triangles would have to be observed and if there is a safety concern, his department would look into it. Several other neighbors also expressed concerns about the additional traffic on SE 12<sup>th</sup> Street. There was also discussion regarding signage at the Planning Commission meeting. The Community Development Director and the applicant agreed that the tower feature sign should face south. The Commission discussed the variance requested for the height of the proposed pylon sign. Staff reiterated that they would recommend approval for a maximum of 28' in height but could not recommend approval of the requested 38'. The Commission voted to recommend approval of the PUD with the variance for the pylon sign height left to the Council to decide.

Following the Planning Commission meeting, the applicant submitted a revised copy of the PUD. The revised copy addresses the intent for lot 2D, the tower sign facing south, and clarification to the wall façade articulation. The redlined items in the PUD that is a part of this agenda item are the only items in the document that have changed since the Planning Commission meeting.

This PUD shares many similarities with the Town Center PUD and the Sooner Rose Phase I PUD. Both of those developments have been successful and are complimentary to the City of Midwest City. As this proposed PUD is, for the most part, in harmony with Town Center and Sooner Rose Phase I, staff recommends approval subject to staff comments.

**Action Required:** Approve or reject the resolution to amend a portion of the Comprehensive Plan to OR, Office/Retail and approve or reject an ordinance to redistrict to Planned Unit Development for the property noted in this report and subject to staff's comments as found in the April 25, 2017, agenda packet, and as noted in PC – 1900 file.



Billy Harless, AICP  
Community Development Director

**Title:** Sooner Rose Phase II – Retail Planned Unit Development (PUD)

**Owners:** G. Michael Vloedman, N. Carolyn Hurst Revocable Trust, Garrett Vloedman and Emily Vloedman Living Trust

Midwest City Memorial Hospital Authority, a public trust

Sooner Rose, LLC, or assigns

Sooner Investment Group, Inc., or assigns (contract purchaser)

**Developer:** Sooner Investment Group, Inc., or assigns

**Date:** \_\_\_\_\_, 2017

STATE OF OKLAHOMA

SOONER ROSE PHASE II – RETAIL  
PLANNED UNIT DEVELOPMENT AGREEMENT

COUNTY OF OKLAHOMA

**THIS SOONER ROSE PHASE II – RETAIL PLANNED UNIT DEVELOPMENT AGREEMENT** (this “PUD”) is entered into as of the \_\_\_\_ day of \_\_\_\_\_, 2017, by and between Sooner Investment Group, Inc. (“Sooner”), an Oklahoma corporation, and the City of Midwest City, a municipal corporation of Oklahoma (the “City”).

**STATEMENT OF PURPOSE**

The parties listed in Exhibit L, attached hereto and incorporated by this reference, are the owners of that certain parcels of property, which parcels comprise an approximate 15.2-acre property located in the northwest quadrant of Buena Vista Avenue and Southeast 15<sup>th</sup> Street in Midwest City, Oklahoma, and more particularly described in Exhibit A (the “Property”). Sooner is the contract purchaser of a portion of the Property comprising Lots 1 – 6 of the Property as depicted on Exhibit B (defined in Section 2, below). The Property is currently underutilized and in need of redevelopment. This PUD will allow for best utilization of the Property and ensure compatibility of the Project with abutting properties. The design standards contained in this PUD will allow for a unique development that will provide for the highest and best use of the Property while ensuring the Project is compatible with adjoining land uses, which could not otherwise be achieved through a conventional zoning approach. The City has determined that the redevelopment of the Property will be a significant asset to the City and the public. The current owners of the parcels comprising the Property have consented to this application, and their respective current ownership interests are set forth in Exhibit L, attached hereto and incorporated by reference.

**NOW, THEREFORE**, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

**1. Incorporation by Reference.**

- 1.1. The Statement of Purpose set forth above is true and correct and hereby incorporated by reference.
- 1.2. The following exhibits are attached hereto and incorporated by reference:
  - 1.2.1. Exhibit A – Legal Description – the Property
  - 1.2.2. Exhibit A-1 – Legal Description – “SE 12<sup>th</sup> St. Addition Property”
  - 1.2.3. Exhibit A-2 – Legal Description – “Theatre Property”
  - 1.2.4. Exhibit B – Master Development Plan (the “Master Plan”);
  - 1.2.5. Exhibit C – Relationship to Abutting Uses;
  - 1.2.6. Exhibit D – Intentionally Omitted;
  - 1.2.7. Exhibit E – Existing and Abutting Zoning Classifications;
  - 1.2.8. Exhibit F – Contour Map;
  - 1.2.9. Exhibit G – Conceptual Architectural Elevations;
  - 1.2.10. Exhibit H – Master Signage Plan;
  - 1.2.11. Exhibit I – Intentionally Omitted;
  - 1.2.12. Exhibit J – Sidewalk Plan;
  - 1.2.13. Exhibit K – Site Lighting Plan; and
  - 1.2.14. Exhibit L – Current Owners of Parcels within the Property.



2. **Project Description.** The Shopping Center is proposed as a retail Planned Unit Development (the "Project"). The Project combines a traditional "big box" retail anchor, restaurants and retail shops, with associated outparcel users into an integrated land use plan. The Project may consist of approximately 70,000 square feet of retail and restaurant uses, exclusive of the outparcel uses, arranged as generally depicted on Exhibit B. Exhibit B sets forth a feasible yet innovative use of the Property. This PUD establishes the intensity of use of the Property and appropriate standards and guidelines to assure a desired quality and character of development.
3. **Property Description / Existing Site Conditions.**
  - 3.1. **Location.** The Property is located along SE 15<sup>th</sup> Street. Exhibit C depicts the Property in relationship to abutting land uses. Immediately adjacent to the North of the Property is the "12<sup>th</sup> St. Addition Property," described on Exhibit A-1, and immediately adjacent to the East of the Property is the "Theatre Property," described on Exhibit A-2. The Property is located immediately adjacent to the west of the Property is the "Sooner Rose Addition Property."
  - 3.2. **Existing Land Use and Zoning.** The existing land use and zoning for the Property is illustrated on Exhibit E. The Property is vacant.
    - 3.2.1. The zoning of properties immediately adjacent to the Property area as follows: North – R-6; South – C-3; East – R-6 and C-3; and West – Planned Unit Development.
    - 3.2.2. The Property is designated as OR (Office Retail) and MDR (Medium Density Residential) on the Comprehensive Plan. The land use and intensity of use of the Project will conform to the C-3 zoning district. The C-3 zoning district is permitted in OR Land Use Designation.
  - 3.3. **Elevation and Topography.** The Property exhibits relief across the site with grade differences fo approximately 15 – 17 feet, from the northeast to the southwest. The highest elevation on the Property is 1,233 feet above sea level (northeast), with the lowest elevation of 1,214 feet above sea level (southwest).
  - 3.4. **Drainage.** Exhibit F shows the existing drainage basis and contours for the Property. On-site detention will be provided by underground detention system located beneath a portion of the west parking lot, as depicted on Exhibit B.
  - 3.5. **Soil Characteristics and Tree Cover.** The soil conditions on the Property are generally good. The Property is generally made of the Northern Cross Timbers Stephenville-Darnell soil group. It is considered acceptable for commercial uses according to the U.S. Department of Agriculture, Soil Conservation Service. The remainder of the Property has been previously cleared of trees relating to the historic agricultural and commercial uses.
  - 3.6. **Existing and Proposed Streets.** Exhibit B depicts the existing street pattern in the area. These existing street alignments will not be changed as part of the Property. SE 15<sup>th</sup> Street will be improved as more particularly shown on Exhibit B.
  - 3.7. **Utilities.** The Project will be fully serviced with public water and sewer service that will conform to City requirements. Private utilities lines will be located in easements on the Property as depicted on Exhibit B.
4. **Project Information.**
  - 4.1. **Development Regulations.** This PUD will be governed by the C-3 Community Commercial District regulations, except as expressly provided herein.
    - 4.1.1. The following uses allowed by right under the C-3 District will be prohibited:
      - 4.1.1.1. Community recreation: property owners' association;
      - 4.1.1.2. Funeral and interment services: undertaking;
      - 4.1.1.3. Personal storage;
      - 4.1.1.4. Wholesaling, storage and distribution: restricted;
      - 4.1.1.5. Horticulture; and
      - 4.1.1.6. Commercial parking.

- 4.1.2. Outdoor seating for restaurants located on Lot 2 shall be permitted in the outdoor patio areas as shown on Exhibit J. Live and recorded music shall be permitted in the outdoor patio areas provided such use is conducted in accordance with applicable City Ordinances.
- 4.1.3. The following uses by special use permits in the C-3 District will be prohibited: Moderate impact institutional, and Community-based care facility.
- 4.1.4. The following special use permit uses in the C-3 District will be allowed on the Property: alcoholic beverage retail sale; and eating establishments (sit-down, alcoholic beverages and low point beer permitted). In the event City Ordinances are amended consistent with State Question 792 and Senate Bill 383 to modify or eliminate the low point beer sales restriction, the low point beer restriction in this Section shall be amended consistent with City Ordinances without need for further amendment to this PUD.
- 4.1.5. All lots shall comply with the parking standards set forth in the C-3 District zoning criteria, subject to the following:
- 4.1.5.1. Lot 1 shall satisfy the parking requirements for the uses located thereon;
  - 4.1.5.2. Lot 2 shall satisfy the parking requirement for the uses located thereon by aggregating the total number of parking spaces on Lots 2 and 2A; and
  - 4.1.5.3. Lots 3 – 6 shall each individually satisfy the parking requirements for the uses located on each separate Lot.
- 4.1.6. The Exhibits attached hereto set forth an anticipated representation of how the buildings will be located in the Project; provided, however, the building layout will be subject to further refinement during the site plan process and pursuant to this Section.
- 4.1.6.1. The following may be administratively authorized as minor modifications to this Agreement without need for formal amendment thereto:
- 4.1.6.1.1. Modifications to Exhibit B as to building size and orientation on Lots 1 and 2, provided that such changes do not conflict with the terms of this Agreement, including but not limited to, modifications needed to address retail or restaurant tenant standards (where such standard is generally utilized on a majority of tenant's comparable retail stores in the metropolitan area);
  - 4.1.6.1.2. Modifications consisting solely of revisions to plan exhibits that are necessary for compliance with the provisions of this Agreement or, where not superseded by this Agreement, provisions of the Code, and modifications to plan exhibits that are necessary for compliance with extra-jurisdictional permitting requirements; and
  - 4.1.6.1.3. De minimus modifications of up to ten percent (10%) to any of the dimensional requirements that are listed in this Agreement, as well as any associated modifications to the plan exhibits, where such modifications are needed to address errors, unanticipated conditions, or retail tenant standards (where such tenant standard is generally utilized on a majority of tenant's comparable retail stores in the metropolitan area).
- 4.1.6.2. Any other changes that those identified in Sections 4.1.6 shall be deemed major modifications and shall require formal amendment of this Agreement.
- 4.1.7. All Lots within the Property shall provide cross access rights to the benefit of all other Lots within the Property as shown on Exhibit B. In addition, the following cross access rights described below and shown on Exhibit B shall also be provided:
- 4.1.7.1. Access for service and delivery trucks to the north behind the buildings on Lots 1 and 2 shall be provided to serve the buildings on Lots 1 and 2, as well as Sooner Rose Phase 1;

- 4.1.7.2. The main entry drive off SE 15<sup>th</sup> Street shall be located on the Property (Lot 2) and Theatre Property serving all of the Property, Sooner Rose Addition, the SE 12<sup>th</sup> St. Addition Property, and the Theatre Property; and
- 4.1.7.3. Shared driveway access between Lots 3 and 4, and between Lots 5 and 6, shall be provided for ingress and egress to SE 15<sup>th</sup> Street as shown on Exhibit B.
- 4.1.8. Without limiting the applicability of the provisions of this Agreement, the following variances from the City's Zoning Ordinance shall be permitted by this Agreement:
  - 4.1.8.1. One hundred feet (100') of frontage for Lots 3, 4 and 6 along SE 15<sup>th</sup> Street, as shown on the Master Development Plan;
  - 4.1.8.2. Side perimeter easement along the common property line between Lots 1 and 2, as shown on Exhibit B;
  - 4.1.8.3. The wall façade articulation for any building over fifteen thousand square feet (15,000 sq.ft.) may have less than three feet (3') in depth for every twenty-five feet (25') of horizontal wall length;
  - 4.1.8.4. Wall signage for the buildings on Lots 1 and 2 and on the Tower Feature (defined below) as shown on Exhibit H;
  - 4.1.8.5. Off-premises signage for Lot 1, Lot 2, the SE 12<sup>th</sup> St. Addition Property, and the Theatre Property which is more particularly described in Exhibit A-1 and more particularly shown on Exhibit B, to be located on the pylon sign as shown on Exhibit H; and
  - 4.1.8.6. The height of the architectural tower feature, as depicted on Exhibit G and located on Exhibit B shall not exceed sixty-five feet (65'), measured from the base elevation of such building (the "Tower Feature").
- 4.2. **Sequence of Development.** Upon receiving the necessary approvals, mass grading of the site will commence in 2017. It is anticipated that site development of Lots 1, 2, 2A, 2B, and 2C and the driveway and parking lot improvements on Lot 5, all as shown on Exhibit B, will be completed in 2017. Incremental site development of the Outparcel Lots will occur upon completion of the above-referenced areas.
- 4.3. **Development Amenities.**
  - 4.3.1. **Signage** – Signage within the Property will comply with the City's sign ordinance except as provided in this Section and Exhibit H. In the event of any conflict between the City's sign ordinance and this Agreement (including Exhibit H), this Agreement shall control. With respect to any issue not specifically addressed by this Agreement (including Exhibit H), the City's sign ordinance shall control.
    - 4.3.1.1. **Pylon Signage** – Pursuant to the Code, the Property would be entitled to three (3) pylon signs (two on SE 15<sup>th</sup> St. and one on SE 12<sup>th</sup> St.), and the Theatre Property would be entitled to four (4) pylon signs (one on SE 15<sup>th</sup> St., two on Buena Vista Ave., and one on SE 12<sup>th</sup> St.), for a combined total of 2,800 sq.ft. of sign area (7 signs x 400 sq.ft. of sign area). The parties hereto have agreed to reduce the number of permitted pylon signs and the combined total square footage of the sign area as provided in this Section.
      - 4.3.1.1.1. One (1) shopping center pylon sign shall be permitted to be located along SE 15<sup>th</sup> St. for uses located on Lots 1 and 2 of the Property, the SE 12<sup>th</sup> St. Addition Property, and the Theatre Property. Off-site signage for the SE 12<sup>th</sup> St. Addition Property and the Theatre Property is justified by the public benefit of creating a unified, cohesive mixed-use commercial development incorporating all three properties. Use of a single pylon sign for all three properties will result in less

sign square footage than if all properties employed code-compliant signage. The pylon sign shall comply with the design criteria as set forth in Exhibit H.

4.3.1.1.2. No other pylon signs shall be permitted on the Property except as provided in this Section.

4.3.1.2. **Monument Signage** – Lots 3 – 6 shall be each permitted a monument sign to be located on SE 15<sup>th</sup> Street. All monument signs shall be located as provided on Exhibit B and shall be designed consistent with Exhibit H.

4.3.1.3. **Wall Signage** – Wall signage buildings on the Property shall be as follows:

4.3.1.3.1. For Lot 1:

4.3.1.3.1.1. Maximum height is 72" at single lines, 96" at double lines. A 6" space must be maintained between rows of double lines.

4.3.1.3.1.2. The overall length or spread of letters shall not exceed 55% of leased front footage unless otherwise approved by the Landlord.

4.3.1.3.1.3. Signage must be centered on storefront or entrance.

4.3.1.3.1.4. Maximum size not to exceed 300 SF per sign, 375 SF aggregate.

4.3.1.3.1.5. Primary sign shall face the main parking lot. A secondary sign shall be permitted facing a common property line. If a secondary sign is used, the aggregate signage shall not exceed the maximum sign area.

4.3.1.3.2. For Lot 2:

4.3.1.3.2.1. Maximum height is 48" at single or 60" at double lines. A 6" space must be maintained between lines text.

4.3.1.3.2.2. The overall length or spread of letters shall not exceed 80% of leased length of façade or 80 SF maximum area per façade and 160 SF aggregate. All text must be centered on storefront or entrance.

4.3.1.3.2.3. One sign per façade of each business, facing a public parking area, shall be permitted.

4.3.1.3.2.4. Other than the primary business name and logo, secondary copy describing the nature of the business will not be permitted.

4.3.1.3.3. For Lots 3 – 6:

4.3.1.3.3.1. A maximum of 1.5 square feet of signage area for every linear foot of building façade will be allowed for each building façade that faces a public street.

4.3.1.3.3.2. A maximum of 1.0 square feet of signage area for a building façade will be allowed for each building façade that faces a common property line.

4.3.1.3.3.3. Graphic logos are permitted provided the sign area of the logo is included in the maximum allowable sign area for each façade.

4.3.1.3.3.4. No signs attached to buildings shall be mounted lower than 7'-0" A.F.F.

4.3.1.4. Signage on the south side of the Tower Feature facing SE 15<sup>th</sup> Street shall be as provided on Exhibit H, and shall be provided only for the uses located on Lot 2, in addition to any wall signage permitted as set forth herein.

4.3.2. **Architecture** – The design of each building shall be generally consistent with Exhibit G. Building design shall be compatible with or in a clear relationship with the buildings throughout the Project. With respect to any issue not specifically addressed by the Exhibit G, the architectural design provisions of the City's zoning ordinance shall control. Except as expressly provided below, the buildings throughout the Project shall comply with the architectural design provisions of the City's zoning ordinance.

- 4.3.2.1. Exterior building materials shall utilize at least three different exterior wall materials on each wall.
- 4.3.2.2. Anchor tenants' main entrance façade shall incorporate brick or stone elements.
- 4.3.2.3. Window frames shall be aluminum storefront.
- 4.3.2.4. Return features on the building façade should have a depth of five feet (5') of the façade plane.
- 4.3.2.5. The following exterior building materials shall be permitted:
  - 4.3.2.5.1. Boral bricks;
  - 4.3.2.5.2. Mortar – natural;
  - 4.3.2.5.3. Cast Stone – Cordova Stone "Buff";
  - 4.3.2.5.4. Miscellaneous Metal – Paint Black;
  - 4.3.2.5.5. Colored Concrete Block (integral color);
  - 4.3.2.5.6. Awnings or horizontal metal canopies - Standing-seam metal. Awnings shall be black, corporate identity color, or other colors as permitted by the City's architectural design ordinance;
  - 4.3.2.5.7. Coping – Kawneer 500 finish to match adjacent cornice material;
  - 4.3.2.5.8. Storefront – Clear anodized aluminum with clear insulating glass; and
  - 4.3.2.5.9. Metal roofing – Standing seam metal (Kawneer 500 Finish).
- 4.3.2.6. The following exterior building materials shall not be permitted:
  - 4.3.2.6.1. Fabric awnings;
  - 4.3.2.6.2. EIFS material less than 36 inches above grade;
  - 4.3.2.6.3. Cast concrete panels, unless such panels are articulated with decorative reveals and coated to simulate a textured stucco appearance; and
  - 4.3.2.6.4. Exposed neon tubing as building decoration.
- 4.3.3. Screening**
  - 4.3.3.1. All rooftop mechanical units and equipment shall be screened from view from public rights-of-way.
  - 4.3.3.2. Dumpster and service areas shall be screened as follows:
    - 4.3.3.2.1. Landscaping for a softening effect or a solid screen can be of shrubs or climbing vines, which provide color and texture; and
    - 4.3.3.2.2. All utility service not screened within a solid, screen wall or fence shall have a natural evergreen screen which completely screens the utility service view from public areas upon installation.
  - 4.3.3.3. Screening along the common boundary of the north side of the Property and the south side of the 12<sup>th</sup> St. Addition Property shall be screen as shown on Exhibit B, which screening shall be required until such time that the adjoining property to the North is zoned for commercial uses. The landscaped berm located on the northern boundary of the Property along Se 12<sup>th</sup> St. shall be constructed as shown on Exhibit B.
- 4.3.4. Pocket Park** – A pocket park shall be provided on the Property consistent with Exhibit B and Exhibit J.
- 4.3.5. Sidewalks** – Sidewalks shall be installed on the Property consistent with Exhibit J. Crosswalks will not be installed where access from arterial streets of SE 15<sup>th</sup> Street is provided.
- 4.3.6. Site Lighting** – Site lighting shall be provided for the Property consistent with Exhibit K. Site lighting shall be directional so as to minimize glare onto properties adjoining the Property.
- 4.3.7. Landscaping** – Landscaping materials shall be installed through the Property consistent with this Section. In addition, landscaping materials required for buffering and screening from adjoining uses shall be installed along the Property perimeter as required by the City's Zoning Ordinance and consistent with this Section.

- 4.3.7.1. **Landscape Standards** - The following landscape standards shall apply to all parcels. Shrubbery and ground covers shall be used in mass plantings to provide variety and contrasting visual effect in color, shapes, and texture. Irrigation must be supplied to assure survival of the plant material and ease in the maintenance of the site.
- 4.3.7.2. **Landscape – Design Criteria**
- 4.3.7.2.1. Minimum Pervious Area Requirements:
- 4.3.7.2.1.1. For each parcel developed, the maximum area for both building and paved area cannot exceed 90%. Pervious area must be at least 10%. The pervious area shall be landscaped with trees, shrubs, and grass.
- 4.3.7.2.1.2. Total landscaping expenditures for a lot must be a minimum of \$25,000/acre for outparcels, and \$10,000/acre for all anchor store and remaining developer retail tracts. Total landscaping expenditures shall be limited to materials and labor for all in-ground landscaping, irrigation, planters, and other landscaping materials. Expenditures shall not include cost of professional fees, hardscape paving, and maintenance.
- 4.3.7.2.2. Plant Materials
- 4.3.7.2.2.1. Trees shall be species having a minimum mature spread ranging from 15' to 40' and with a minimum mature height of 20' and installation size of 2 ½" minimum calibers at 3" above base.
- 4.3.7.2.2.2. Evergreen trees shall have a minimum of 7' in height when installed.
- 4.3.7.2.2.3. Flowering trees shall be a 2" minimum caliber when installed.
- 4.3.7.2.2.4. Shrubs used for Section 4.3.3 screening purposes shall be minimum of 2' in height and 18" in width at installation.
- 4.3.7.2.2.5. Flower beds are encouraged and shall be planted in acceptable areas to create color, texture, and interest.
- 4.3.7.2.2.6. Refer to Section 4.3.7.5 for listing of acceptable plant materials.
- 4.3.7.3. **Types of Landscaped Areas** – The following items shall be provided as shown on Exhibit B:
- 4.3.7.3.1. A planted area between the designated walk and adjacent vehicular drives shall be provided.
- 4.3.7.3.2. Curbed island at the end of every double row of parking and equal to the parking space length shall be provided.
- 4.3.7.3.3. Landscaping shall be provided at perimeter of parking areas.
- 4.3.7.3.4. Landscaping shall be provided at base of building, between building and parking areas.
- 4.3.7.3.5. Plant Maintenance Requirements – all landscaped areas shall be maintained to provide clean, attractive grounds.
- 4.3.7.4. **Hardscape Amenities**
- 4.3.7.4.1. Site furnishings such as benches, waste receptacles, tables, bike rack, etc. shall be in character with the building architecture and the surrounding landscaping.
- 4.3.7.4.2. A minimum of one (1) 5'-0" long bench and one (1) trash receptacle with ash urn shall be provided at each outparcel building front entrance.
- 4.3.7.4.3. Solid concrete paving shall be stamped or tooled to form a scaled down pattern.
- 4.3.7.5. **Permitted Landscaping Materials** (see following page)

**LARGE TREES – SINGLE AND MULTI-TRUNK**

Autumn Applause Ash  
 Urbanite Ash Lacebark Elm Chinese Pistache  
 Greenspire Linden  
 Green Vase Zelkova  
 Shumard Oak  
 Autumn Blaze Maple  
 Green Mountain Maple  
 Legacy Maple Autumn Purple  
 Ash Bloodgood London  
 Planetree English Oak  
 Fruitless Sweetgum  
 Black Gum  
 Hackberry  
 Burr Oak  
 Heritage Birch

**SMALL/FLOWERING ACCENT TREES – SINGLE TRUNKS**

Capital Pear  
 Redspire Pear  
 Cleveland Select Pear (Chanticleer Pear)  
 Oklahoma Redbud  
 Texas White Redbud  
 Forest Pansy Redbud  
 Yoshino Cherry  
 Kousa Dogwood  
 Common Chokecherry  
 Some Crabapple Species

**EVERGREEN TREES**

Blue Atlas Cedar  
 Scotch Pine  
 Austrian Pine  
 Loblolly Pine  
 Slash Pine  
 Live Oak  
 Bracken's Brown Beauty & Select #3 So.  
 Magnolia  
 Merrill Magnolia

**UPRIGHT EVERGREEN ACCENTS**

Nellie R. Stevens Holly  
 Foster's Holly  
 DWF Alberta Spruce  
 DWF Bosnian Pine (DWF Austrian)  
 Cailf Incense Cedar  
 Hoopsi Spruce  
 Emily Brunner Holly

**EVERGREEN SHRUBS**

Nellie R. Stevens Holly  
 Manhattan Euonymus  
 Otto Luyken's Laurel  
 DWF Yaupon Holly Pride of Houston  
 Greenmound Juniper  
 Broadmoor Juniper  
 Shore Juniper  
 Prince of Wales Jun.  
 Harbor DWF Nandina  
 Gulfstream Nandina  
 Santolina  
 Abelia  
 Japanese Spreading Yew  
 Blue Hollies  
 Wintergreen Boxwood

**DECIDUOUS SHRUBS**

Dwarf Burning Bush  
 Goldmound Spiraea  
 Hosta  
 Gro-Low Sumac Dwarf  
 Crape Myrtle  
 Limemound Spiraea  
 Compact Butterfly Bush  
 Pygmy Barberry  
 Rosy Glow Barberry  
 Blue Mist Caryopteris  
 Meidiland Rose  
 Dwarf Kelsey Dogwood

**MULTI-TRUNK ACCENT TREES/SHRUBS**

Chase Tree  
 Saucer Magnolia  
 Red Osier Dogwood (Red Twig)  
 Yaupon Holly  
 American Holly  
 Warren's Red Delicious Holly  
 AmurMaple Serviceberry Crape Myrtle  
 Royal Star Magnolia  
 Cockspur Hawthorn  
 Viburnum

**GROUNDCOVER**

Big Blue Liriope  
 Coloratus  
 Ajuga  
 Dwarf Mondo Grass  
 Vinca Minor

## Exhibit A

### Legal Description

A tract of land lying in the Southwest Quarter of Section Four (4), Township Eleven (11) North, Range Two (2) West of the Indian Meridian, Oklahoma County, Oklahoma being more particularly described as follows:

COMMENCING at the southwest corner of said Southwest Quarter;

THENCE North 89°24'49" East, along the south line of said Southwest Quarter, a distance of 593.83 feet to a point of intersection with the projected east line of Lot Five (5), in Block One (1) of SOONER ROSE ADDITION, an Addition to the City of Midwest City, Oklahoma according to the plat thereof recorded in Book 75 of Plats at Page 12 in the records of the Oklahoma County Clerk, said point being the POINT OF BEGINNING;

THENCE along said projected line and the actual east line of said Lot 5 and the east, south and east lines of Lot One (1), in Block One (1) of said SOONER ROSE ADDITION, the following three (3) courses:

1. North 01°20'38" West a distance of 660.00 feet;
2. North 89°24'49" East a distance of 254.66 feet;
3. North 01°20'38" West, passing at a distance of 331.70 feet the northeast corner of said Lot 1, Block 1, SOONER ROSE ADDITION, and continuing for a total distance of 410.00 feet;

THENCE North 89°24'49" East, parallel with the south line of said Southwest Quarter, a distance of 242.96 feet;

THENCE North 01°20'38" West, parallel with the west line of said Southwest Quarter, a distance of 328.30 feet; feet to a point on the centerline of Southeast 12<sup>th</sup> Street as shown on the plat of CROSBY RICHLAND HILL ADDITION, according to the plat thereof recorded in Book 31 of Plats, Page 94, Oklahoma County records;

THENCE North 89°24'49" East, along said centerline and parallel with the south line of said Southwest Quarter, a distance of 200.00 feet;

THENCE South 01°20'38" East, parallel with the west line of said Southwest Quarter, a distance of 920.64 feet;

THENCE South 00°35'11" East, perpendicular to the south line of said Southwest Quarter, a distance of 399.33 feet to a point on the south line of said Southwest Quarter;

THENCE South 89°24'49" West, along said south line, a distance of 692.36 feet to the POINT OF BEGINNING.

Said tract of land containing 671,922 square feet or 15.4252 acres more or less.



The basis of bearings for this legal description is the Oklahoma State Plane Coordinate System (NAD83-North Zone) using a bearing of South 89°24'49" West on the south line of the Southwest Quarter of Section 4, Township 11 North, Range 2 West of the Indian Meridian, Oklahoma County, Oklahoma.

GWS 2-22-17

**Exhibit A-1**

**SE 12<sup>th</sup> St. Addition Property**

A tract of land lying in the Southwest Quarter of Section Four (4), Township Eleven (11) North, Range Two (2) West of the Indian Meridian, Oklahoma County, Oklahoma being more particularly described as follows:

COMMENCING at the southwest corner of said Southwest Quarter;

THENCE North 01°20'38" West, along the west line of said Southwest Quarter, a distance of 1,320.00 feet to the centerline of Southeast 12<sup>th</sup> Street as shown on the plat of CROSBY RICHLAND HILL ADDITION, according to the plat thereof recorded in Book 31 of Plats, Page 94, Oklahoma County records;

THENCE North 89°24'49" East, along said centerline and parallel with the south line of said Southwest Quarter, a distance of 518.62 feet (518.50 feet record) to the POINT OF BEGINNING;

THENCE continuing North 89°24'49" East, along said centerline of Southeast 12<sup>th</sup> Street and parallel with the south line of said Southwest Quarter, a distance of 572.85 feet;

THENCE South 01°20'38" East, parallel with the west line of said Southwest Quarter, a distance of 328.30 feet;

THENCE South 89°24'49" West, parallel with the south line of said Southwest Quarter, a distance of 572.85 feet to the southeast corner of a tract of land described in WARRANTY DEED recorded in Book 10163, Page 1030, said point being 518.62 feet North 89°24'49" East of the west line of said Southwest Quarter;

THENCE North 01°20'38" West, along the east line of said tract of land and said line extended, said line parallel with the west line of said Southwest Quarter, a distance of 328.30 feet to the POINT OF BEGINNING.

Said tract of land containing 188,050 square feet or 4.3170 acres more or less.

The foregoing description being all lands described in the WARRANTY DEED recorded in Book 8230, Page 900, and the remainder lands of WARRANTY DEED recorded in Book 7654, Page 1018, and WARRANTY DEED recorded in Book 7734, Page 1846.

The basis of bearings for this legal description is the Oklahoma State Plane Coordinate System (NAD83-North Zone) using a bearing of South 89°24'49" West on the south line of the Southwest Quarter of Section 4, Township 11 North, Range 2 West of the Indian Meridian, Oklahoma County, Oklahoma

GWS 2-22-17

**Exhibit A-2**

**Theatre Property**

A tract of land lying in the Southwest Quarter of Section Four (4), Township Eleven (11) North, Range Two (2) West of the Indian Meridian, Oklahoma County, Oklahoma being more particularly described as follows:

COMMENCING at the southwest corner of said Southwest Quarter;

THENCE North 89°24'49" East, along the south line of said Southwest Quarter, a distance of 1,286.19 feet to the POINT OF BEGINNING;

THENCE North 00°35'11" West, perpendicular to the south line of said Southwest Quarter, a distance of 399.33 feet;

THENCE North 01°20'38" West, parallel with the west line of said Southwest Quarter, a distance of 920.64 feet to a point on the centerline of Southeast 12<sup>th</sup> Street as shown on the plat of CROSBY RICHLAND HILL ADDITION, according to the plat thereof recorded in Book 31 of Plats, Page 94, Oklahoma County records;

THENCE North 89°24'49" East, along said centerline and parallel with the south line of said Southwest Quarter, a distance of 547.18 feet to a point, said point being 792.00 feet South 89°24'49" West of the east line of the said Southwest Quarter;

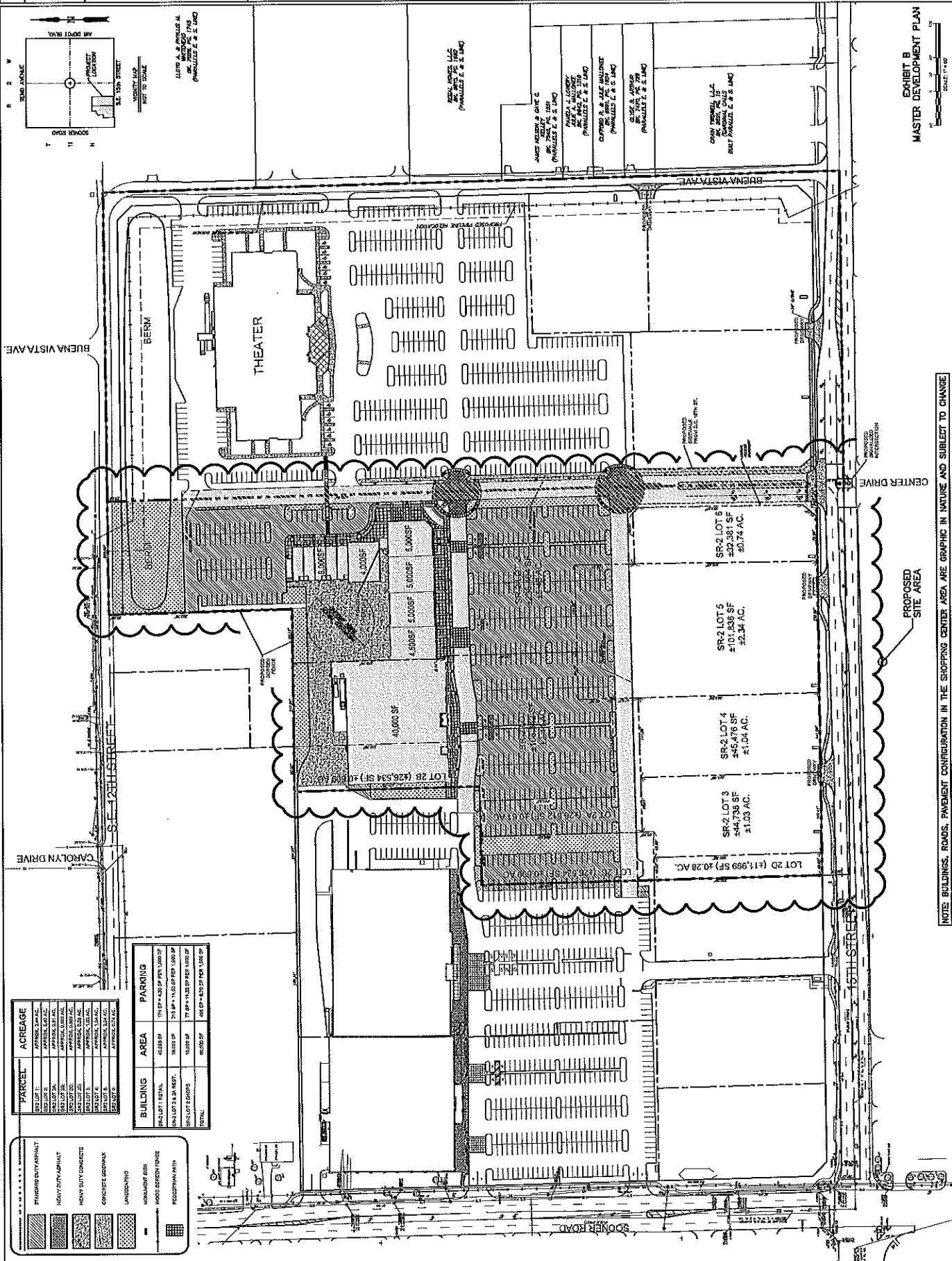
THENCE South 01°23'57" East, parallel with the east line of said Southwest Quarter, a distance of 1,320.02 feet to a point on the south line of said Southwest Quarter, said point being 792.00 feet South 89°24'49" West of the southeast corner of said Southwest Quarter;

THENCE South 89°24'49" West, along said south line, a distance of 553.73 feet to the POINT OF BEGINNING.

Said tract of land containing 724,111 square feet or 16.6233 acres more or less.

The basis of bearings for this legal description is the Oklahoma State Plane Coordinate System (NAD83-North Zone) using a bearing of South 89°24'49" West on the south line of the Southwest Quarter of Section 4, Township 11 North, Range 2 West of the Indian Meridian, Oklahoma County, Oklahoma.

GWS 1-18-17



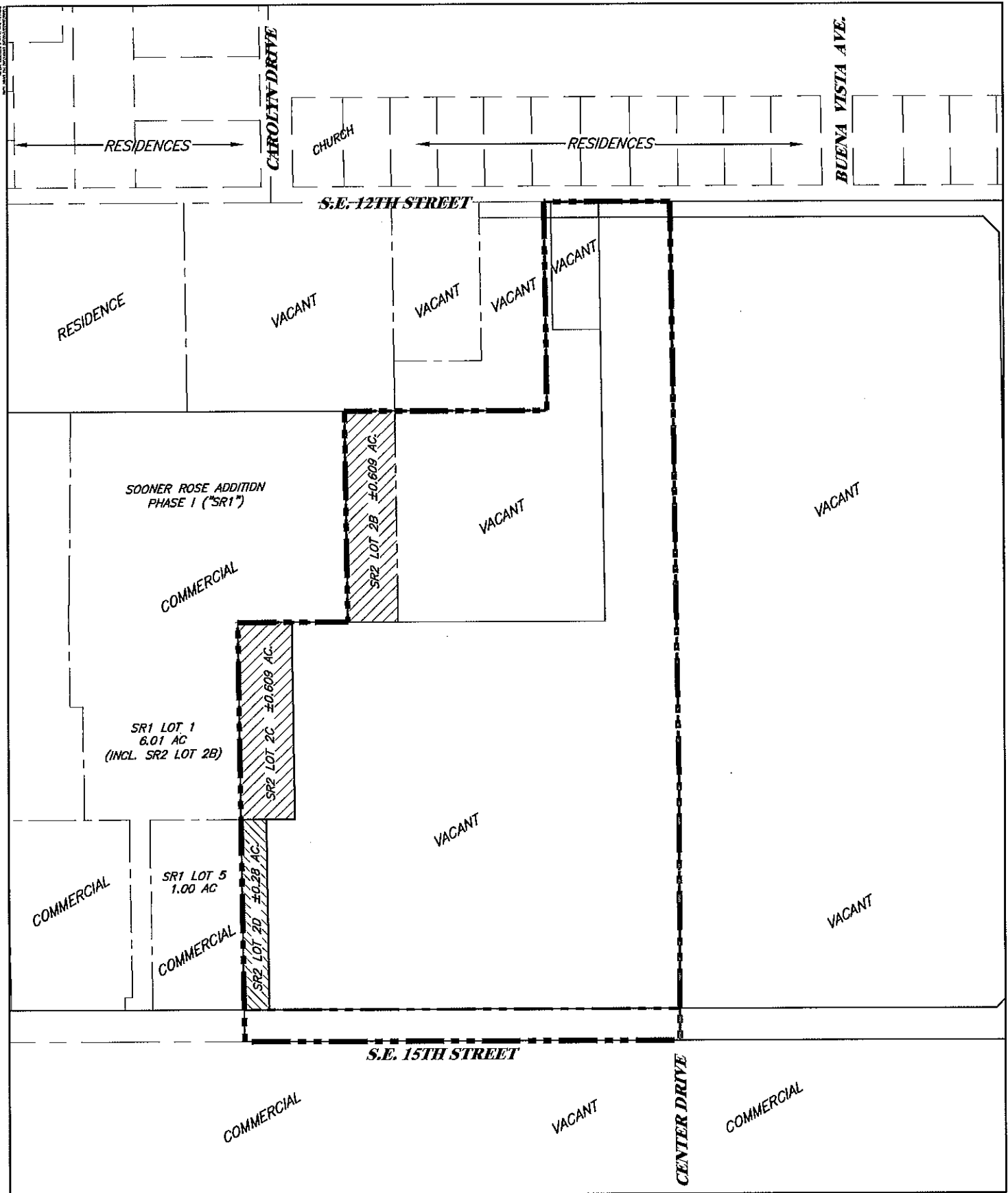
PARCEL	ACREAGE	BUILDING AREA	PARKING
SR-2 LOT 3	1.03 AC.	44,738 SF	118 SP
SR-2 LOT 4	1.04 AC.	45,718 SF	118 SP
SR-2 LOT 5	2.34 AC.	101,538 SF	258 SP
SR-2 LOT 6	1.19 AC.	52,381 SF	132 SP
LOT 20	0.28 AC.	41,999 SF	105 SP
LOT 26	9.74 AC.	426,534 SF	1,071 SP
TOTAL	6.48 AC.	612,904 SF	1,602 SP

**FINISHES**  
 FINISHED ASPHALT  
 HEAVY DUTY ASPHALT  
 HEAVY DUTY CONCRETE  
 CONCRETE ASPHALT  
 LANDSCAPING  
 WOOD GREEN BENCH  
 POLYURETHANE FINISH

**NOTES**  
 1. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.  
 2. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODE (IBC) AND THE INTERNATIONAL PLUMBING CODE (IPC).  
 3. ALL UTILITIES SHALL BE DEPTH MARKED PRIOR TO CONSTRUCTION.  
 4. ALL EXISTING UTILITIES SHALL BE PROTECTED AND NOT TO BE MOVED OR DELETED.  
 5. ALL EXISTING UTILITIES SHALL BE DEPTH MARKED PRIOR TO CONSTRUCTION.  
 6. ALL EXISTING UTILITIES SHALL BE PROTECTED AND NOT TO BE MOVED OR DELETED.  
 7. ALL EXISTING UTILITIES SHALL BE DEPTH MARKED PRIOR TO CONSTRUCTION.  
 8. ALL EXISTING UTILITIES SHALL BE PROTECTED AND NOT TO BE MOVED OR DELETED.  
 9. ALL EXISTING UTILITIES SHALL BE DEPTH MARKED PRIOR TO CONSTRUCTION.  
 10. ALL EXISTING UTILITIES SHALL BE PROTECTED AND NOT TO BE MOVED OR DELETED.

**EXHIBIT B**  
**MASTER DEVELOPMENT PLAN**  
 SCALE: 1" = 40'

NOTE: BUILDINGS, ROADS, PAVEMENT CONFIGURATION IN THE SHOPPING CENTER AREA ARE GRAPHIC IN NATURE AND SUBJECT TO CHANGE



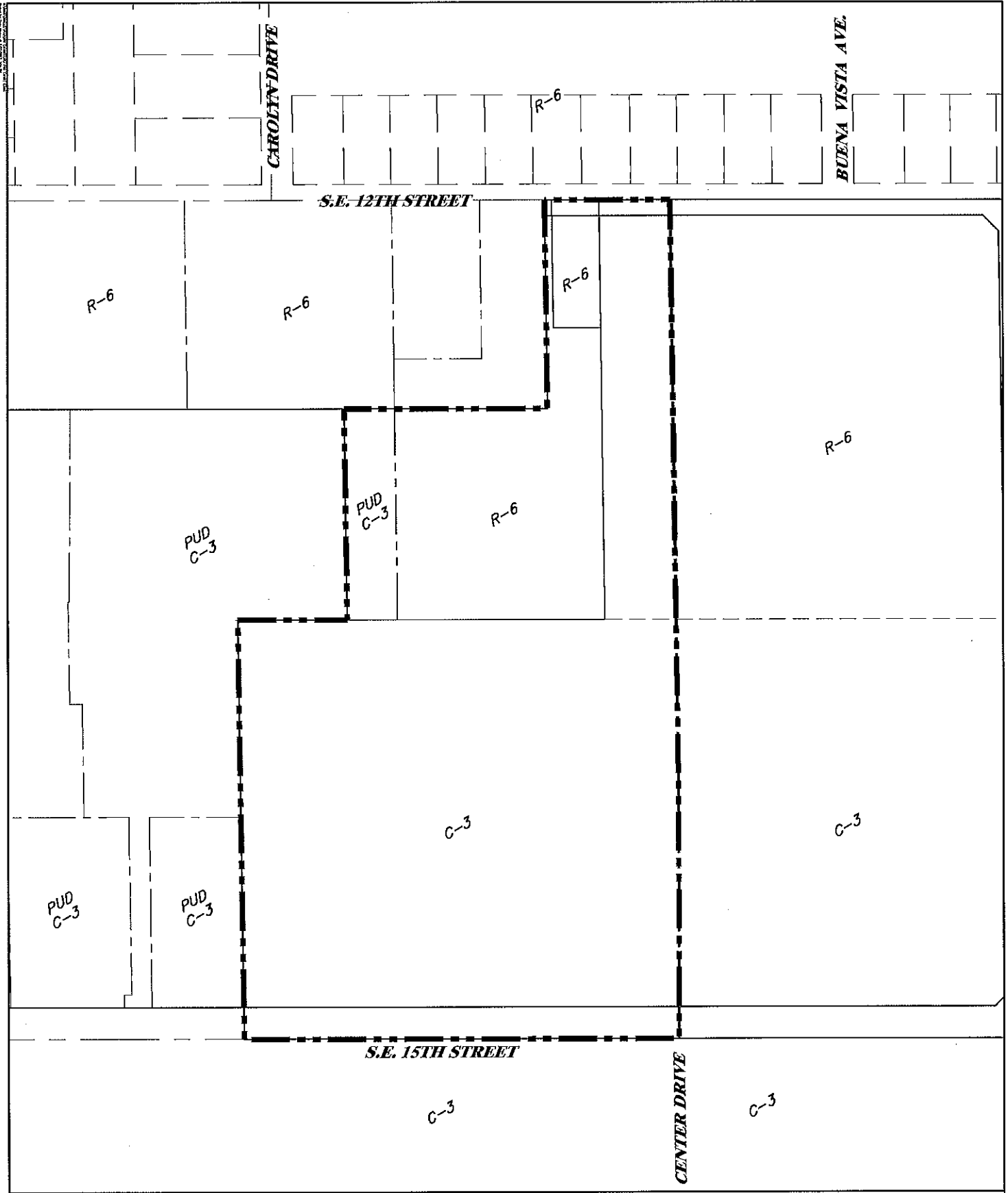
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 815 West Main - Oklahoma City, OK 73106  
 PH: 405-232-7715 Fax: 405-232-7859

PLANNED UNIT DEVELOPMENT  
 SOONER ROSE PHASE 2  
 MIDWEST CITY, OK

RELATIONSHIP TO  
 ABUTTING USES  
 EXHIBIT "C"

NOT TO SCALE  
 107  
 REV: 02/23/17


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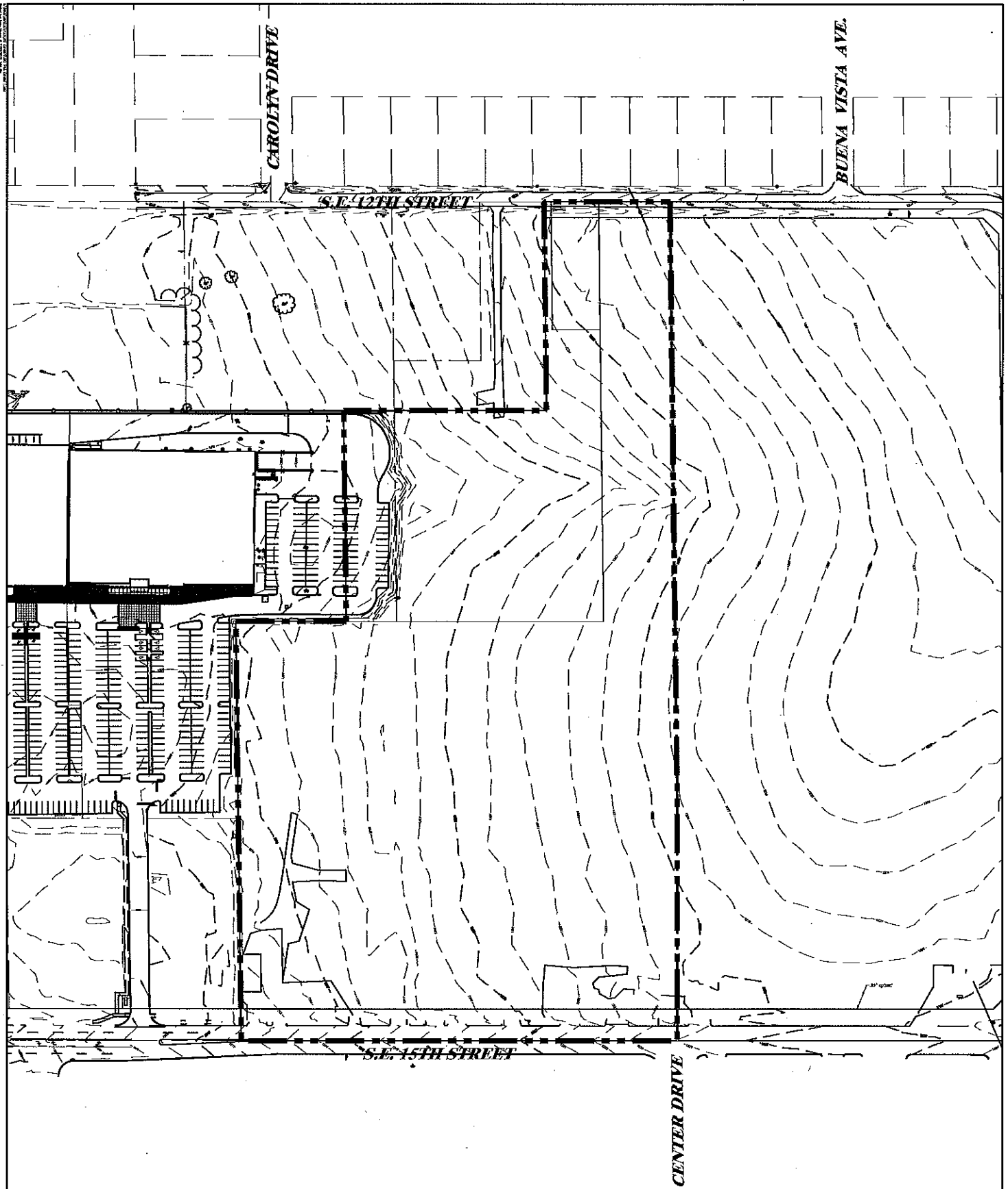
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PLANNED UNIT DEVELOPMENT  
 SOONER ROSE PHASE 2  
 MIDWEST CITY, OK

EXISTING AND ABUTTING  
 ZONING CLASSIFICATIONS  
**EXHIBIT "E"**

  
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 198  
 REV. 02/23/17

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PLANNED UNIT DEVELOPMENT  
 SOONER ROSE PHASE 2  
 MIDWEST CITY, OK

EXISTING CONTOUR MAP  
EXHIBIT "F"

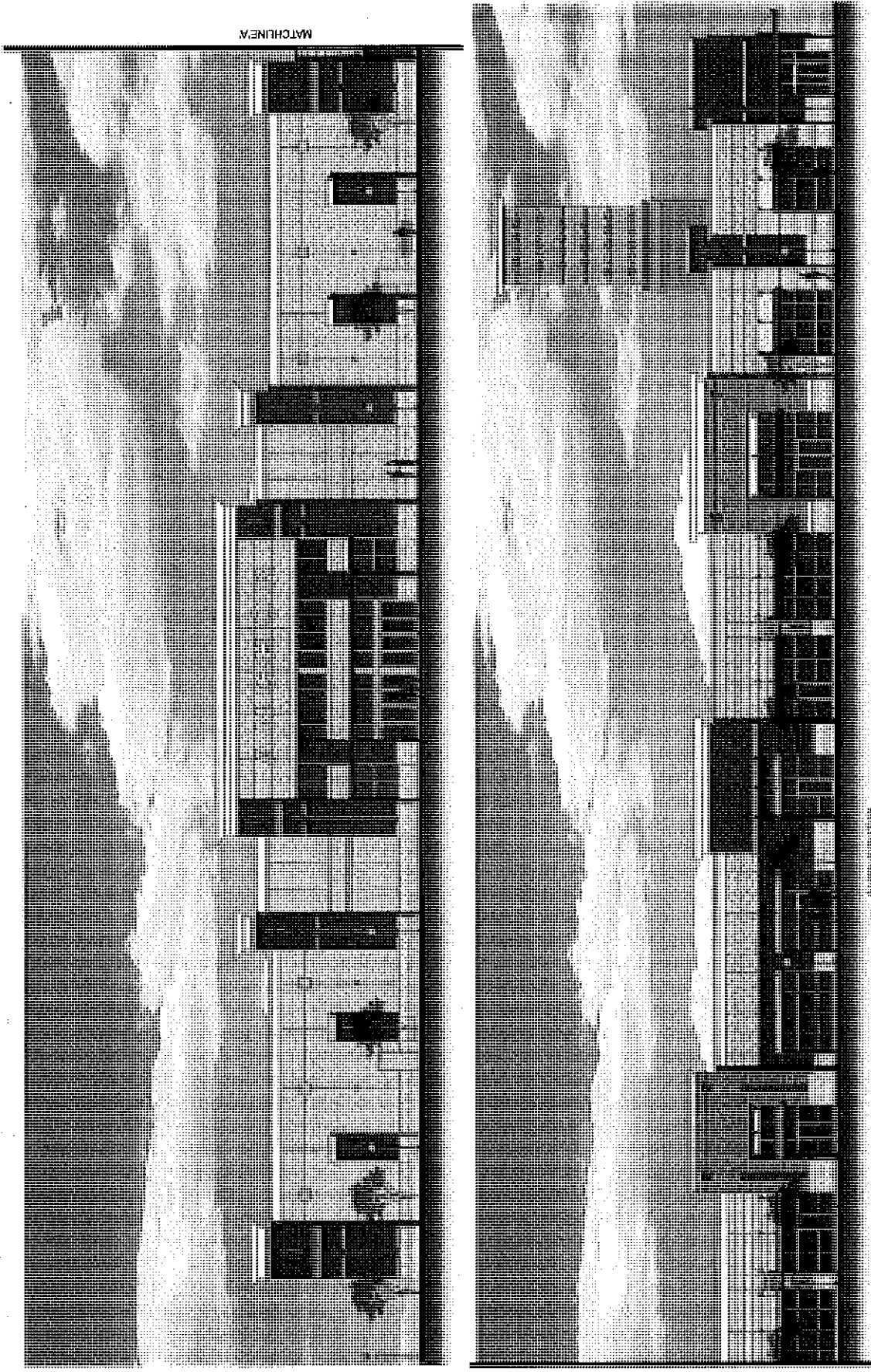


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CONCEPTUAL

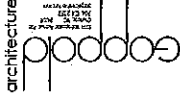
SOONER ROSE - PHASE II - RETAIL  
 EXHIBIT "G"  
 MIDWEST CITY, OKLAHOMA  
 CONCEPTUAL ELEVATIONS

REV	DATE

PROJECT NO.  
16.001.00

DATE  
02-28-2017

SHEET  
EL-1

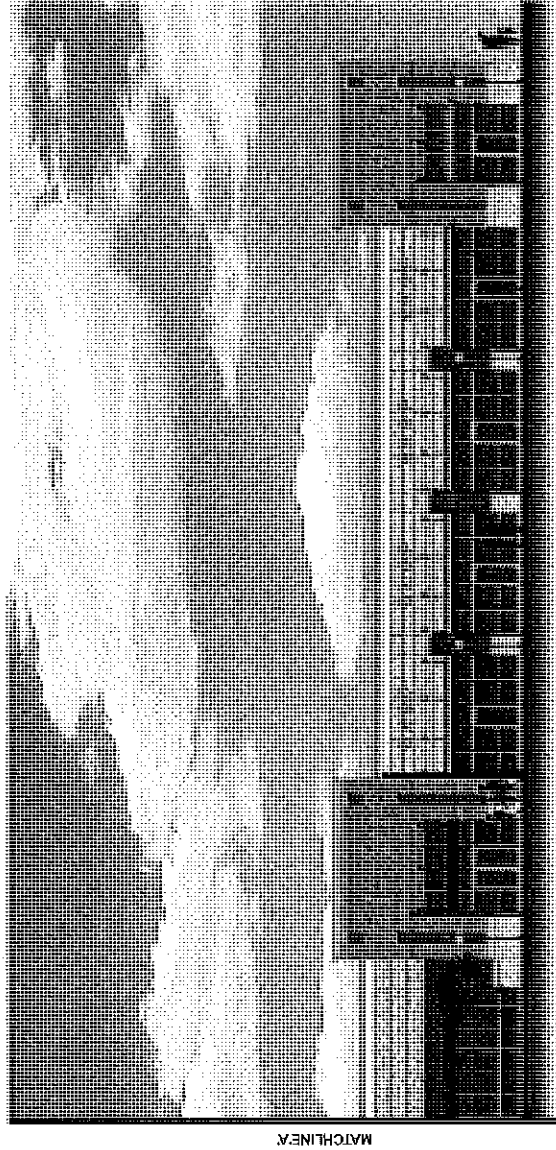
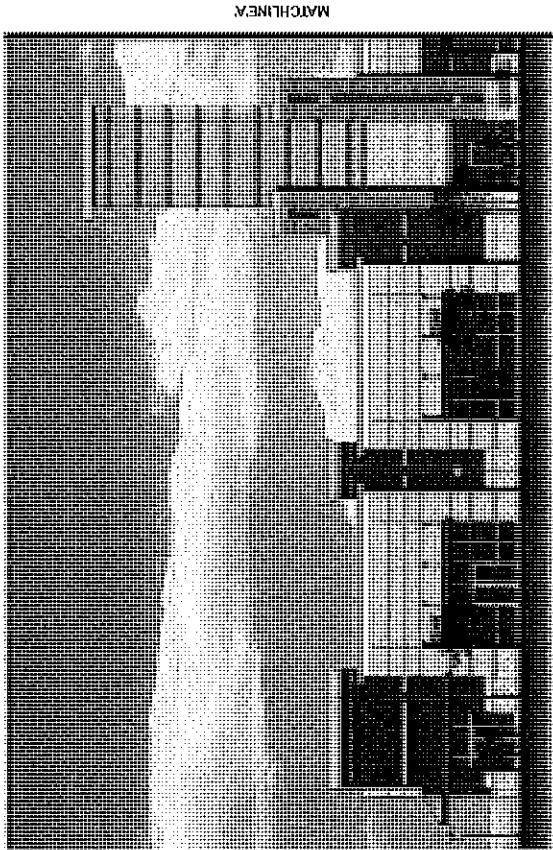


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SOONER ROSE - PHASE II - RETAIL  
EXHIBIT "G"  
MIDWEST CITY, OKLAHOMA  
CONCEPTUAL ELEVATIONS

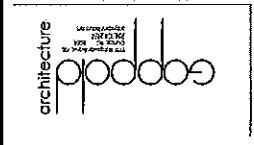
REV	DATE

PROJECT NO.  
18.001.00

DATE  
02-28-2017

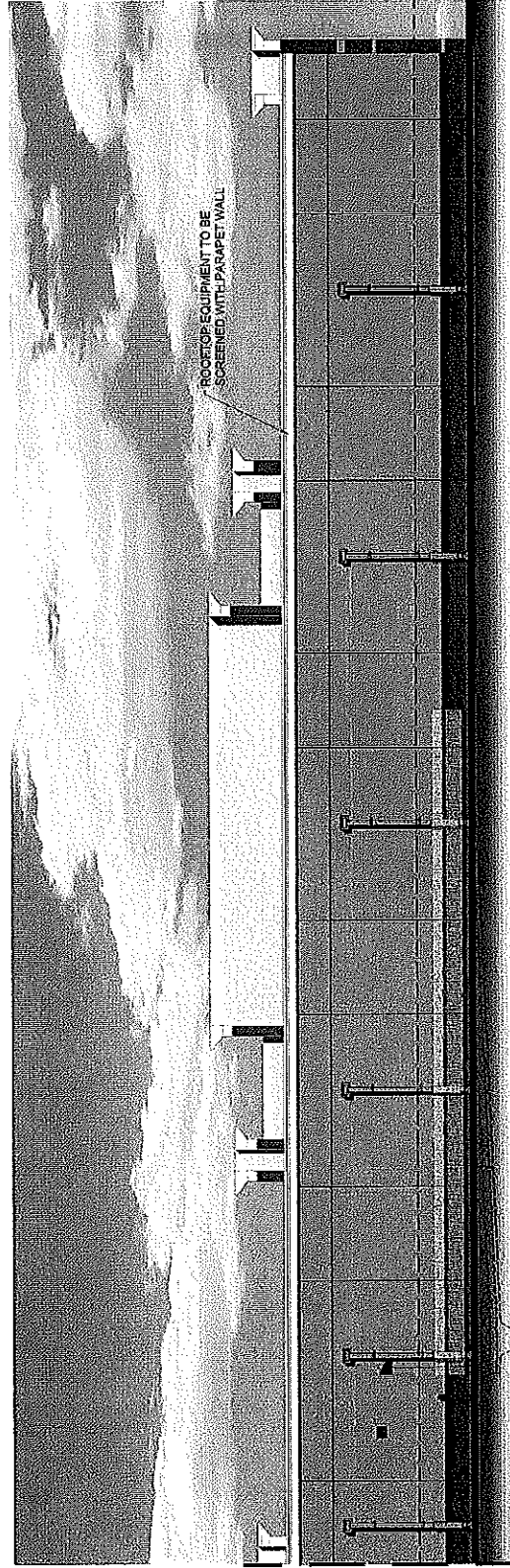
SHEET  
EL-2

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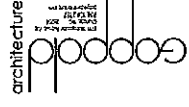


1 NORTH ELEVATION  
SCALE: 1/8" = 1'-0"

SOONER ROSE - PHASE II - RETAIL  
EXHIBIT "G"  
MIDWEST CITY, OKLAHOMA  
CONCEPTUAL ELEVATIONS

REV	DATE

PROJECT NO.  
16.001.00  
DATE  
02-28-2017  
SHEET  
EL-3

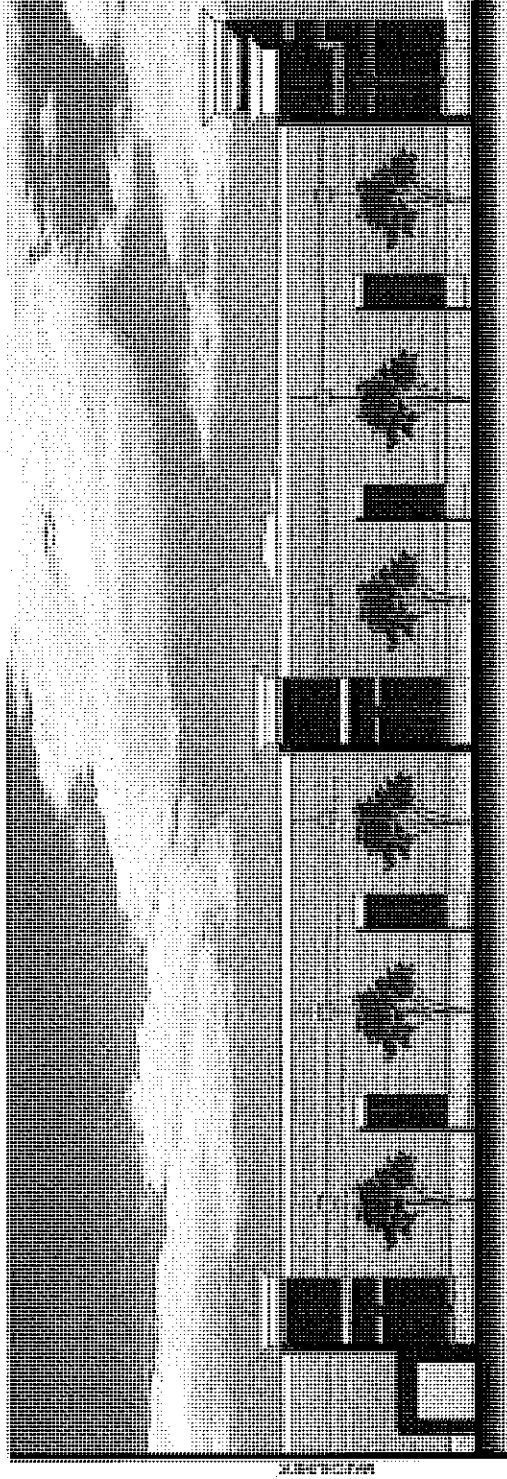
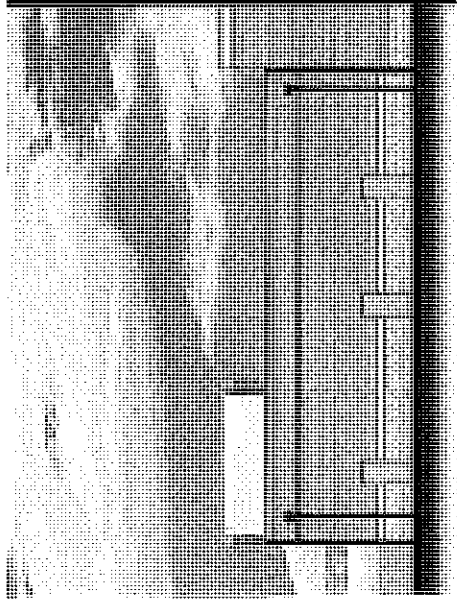


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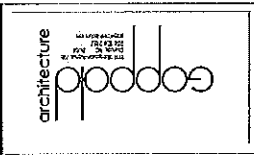
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MATERIALS LIST	
COPING	PRE-FINISHED METAL
WALLS	BRICK, EIFS, CAST STONE
STOREFRONT	CLEAR ANODIZED ALUMINUM
CANOPIES	STANDING SEAM, FABRIC
HORIZONTAL AWNINGS	PRE-FINISHED METAL



1 WEST ELEVATION  
SCALE: 1/8" = 1'-0"

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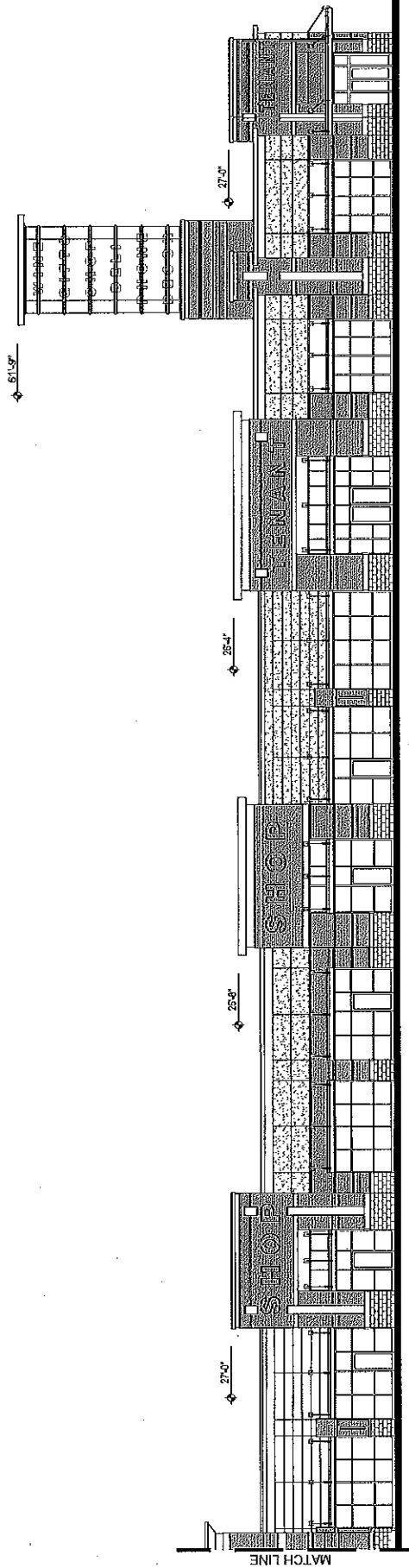
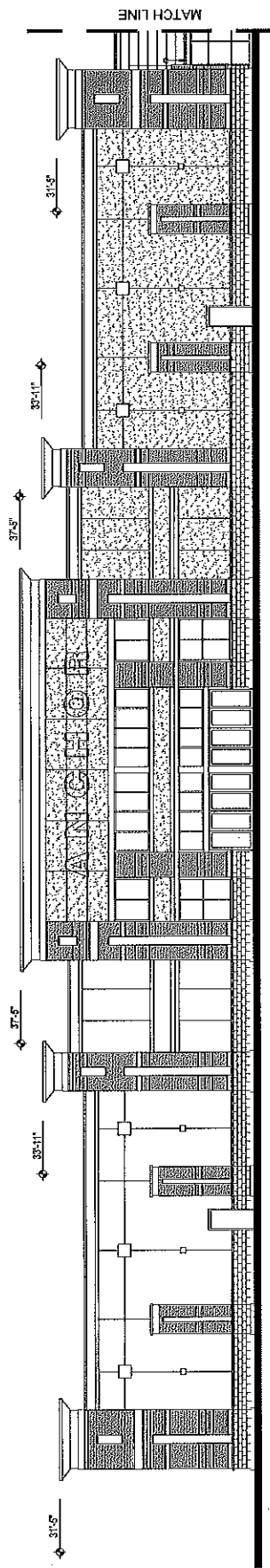
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 EXHIBIT "G"  
 MIDWEST CITY, OKLAHOMA  
 CONCEPTUAL ELEVATIONS

REV	DATE

PROJECT NO. 163.001.00  
 DATE 02-28-2017  
 SHEET EL-4

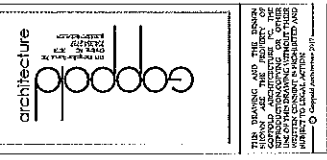
NOTE: ELEVATION RENDERINGS ARE SCHEMATIC IN NATURE. CHANGES TO THE DESIGN TO ALLOW FOR TENANT LAYOUT AND BRANDING SHALL BE APPROVED ADMINISTRATIVELY PRIOR TO CONSTRUCTION.

- MATERIALS LIST**
- COPING
  - WALLS
  - STOREFRONT
  - CANOPIES
  - HORIZONTAL AWNINGS
  - PRE-FINISHED METAL
  - BRICK, EIFS, CAST STONE
  - CLEAR ANODIZED ALUMINUM
  - STANDING SEAM, FABRIC
  - PRE-FINISHED METAL



1 SOUTH ELEVATION  
SCALE: 1/8" = 1'-0"

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Oklahoma City, Oklahoma 73102  
(405) 241-1234

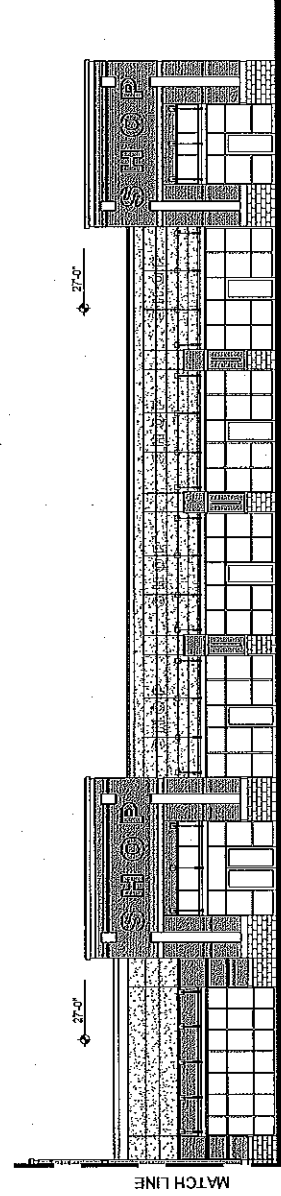
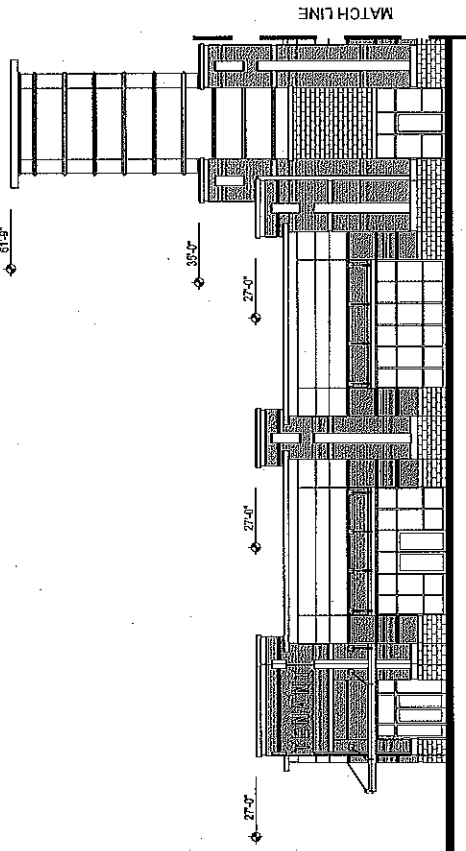


**SOONER ROSE - PHASE II RETAIL**  
EXHIBIT 'G'  
MIDWEST CITY, OKLAHOMA  
CONCEPTUAL ELEVATIONS

REV	DATE

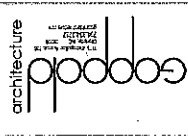
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DATE 02-28-2017  
SHEET EL-1

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① EAST ELEVATION  
SCALE: 1/8" = 1'-0"

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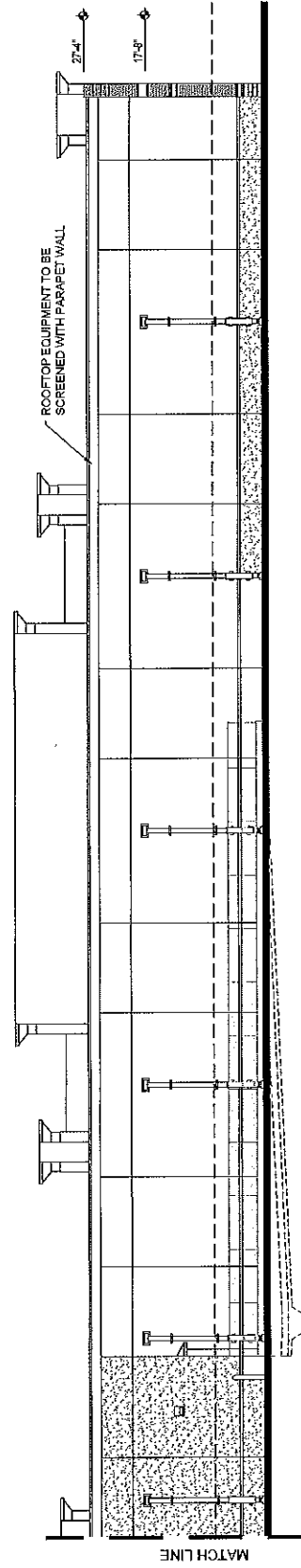
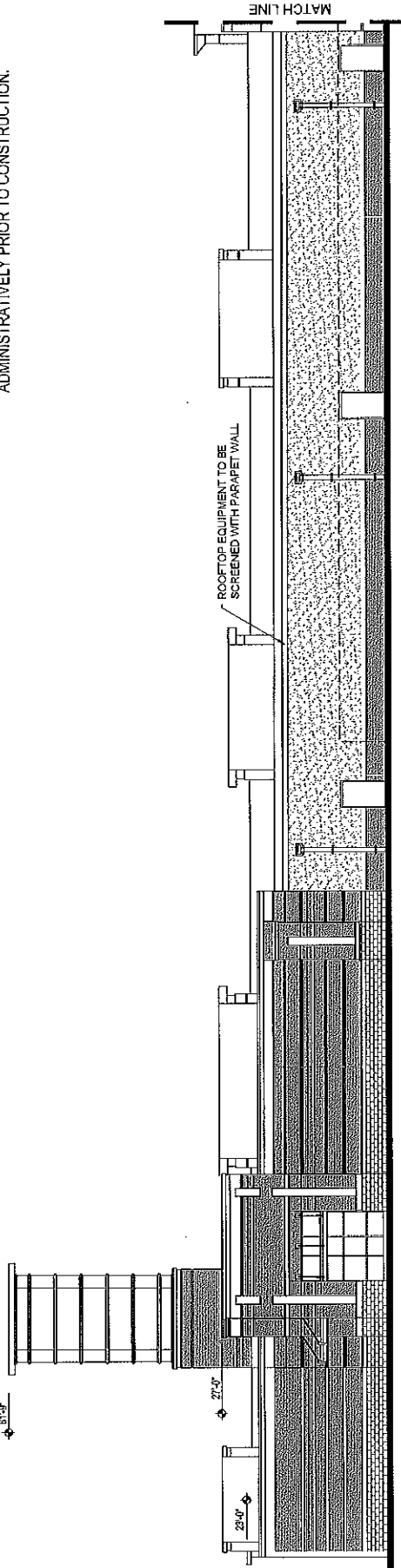
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EXHIBIT G  
MIDWEST CITY, OKLAHOMA  
CONCEPTUAL ELEVATIONS

REV	DATE

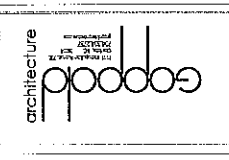
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DATE 02-28-2017  
SHEET EL-2

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1 NORTH ELEVATION  
SCALE 1/8" = 1'-0"

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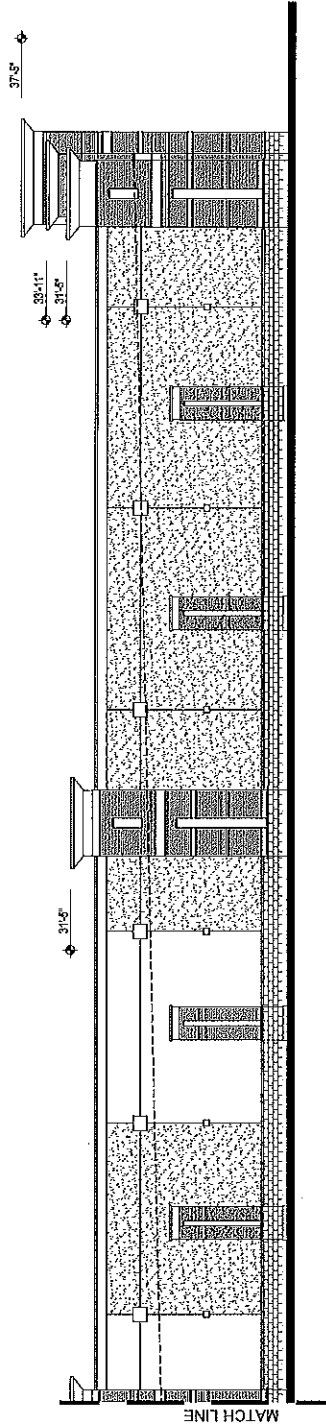
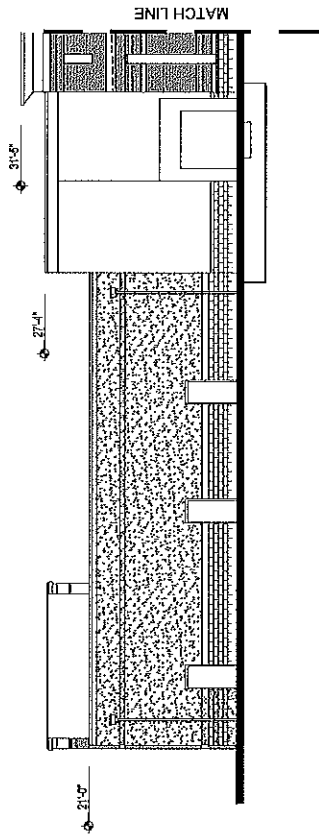


SOONER ROSE - PHASE II RETAIL  
EXHIBIT 'G'  
MIDWEST CITY, OKLAHOMA  
CONCEPTUAL ELEVATIONS  
02-28-2017

REV	DATE

PROJECT NO. 16.001.00  
DATE 02-28-2017  
SHEET ELS-3

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1 WEST ELEVATION  
SCALE: 1/8" = 1'-0"

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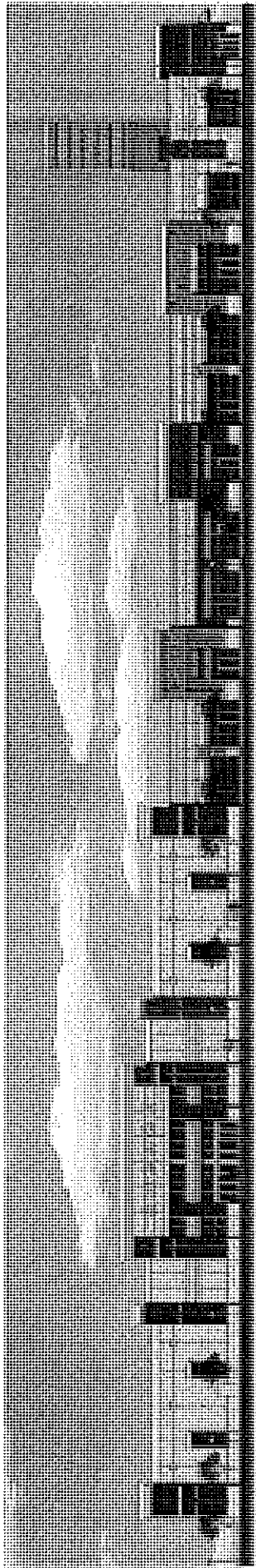
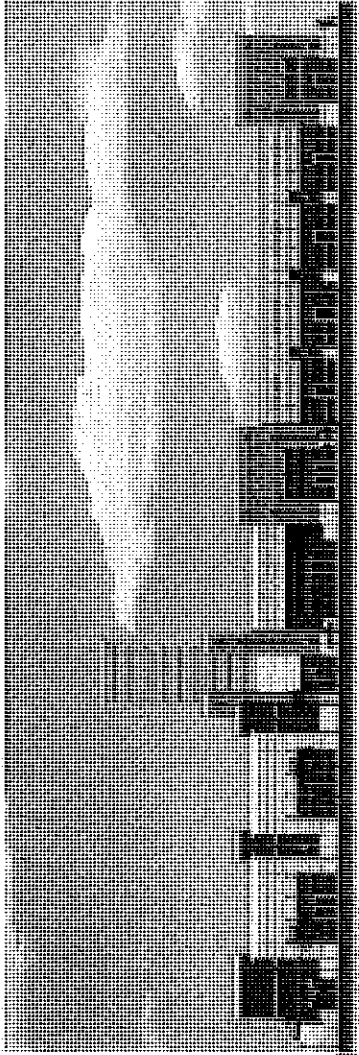
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CONCEPTUAL ELEVATIONS

REV	DATE

PROJECT NO. 18.001.00  
DATE 02-28-2017  
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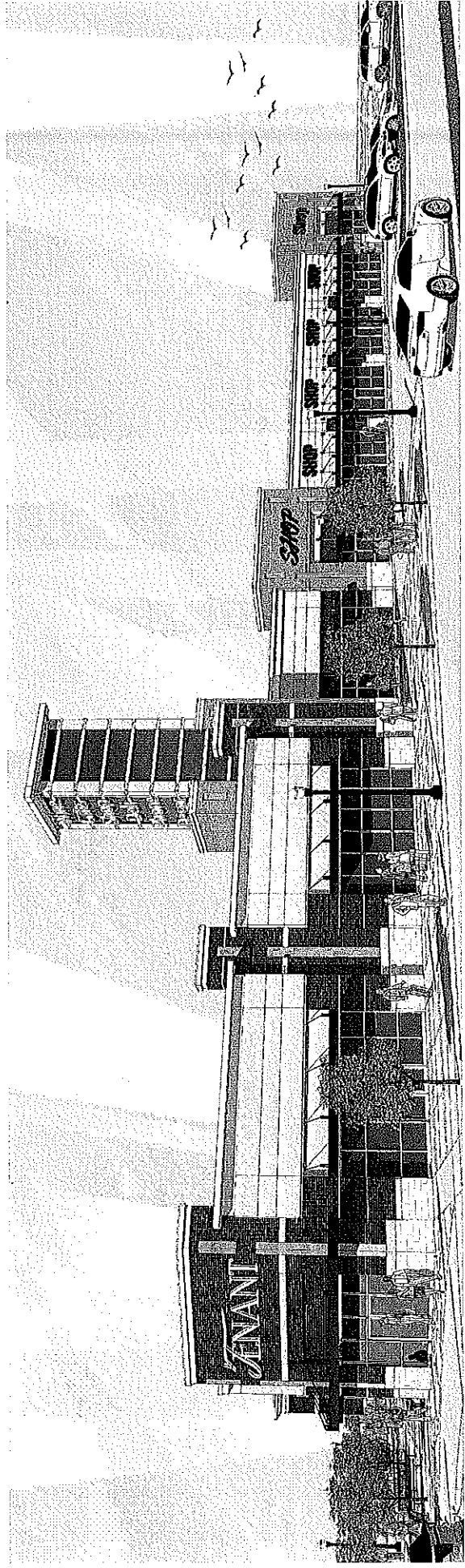
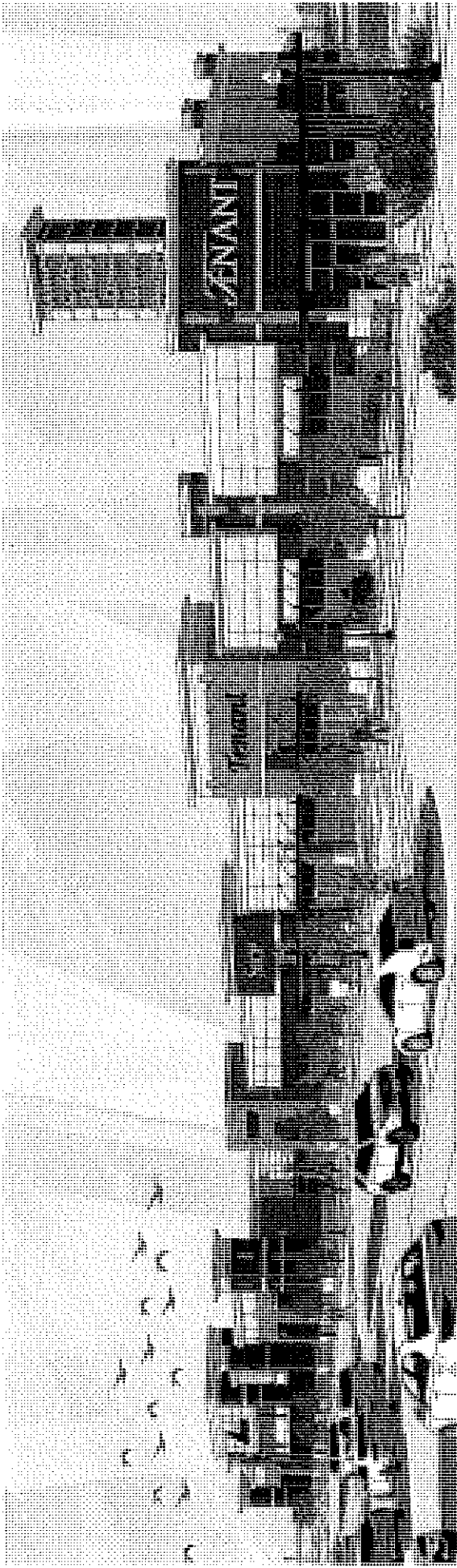


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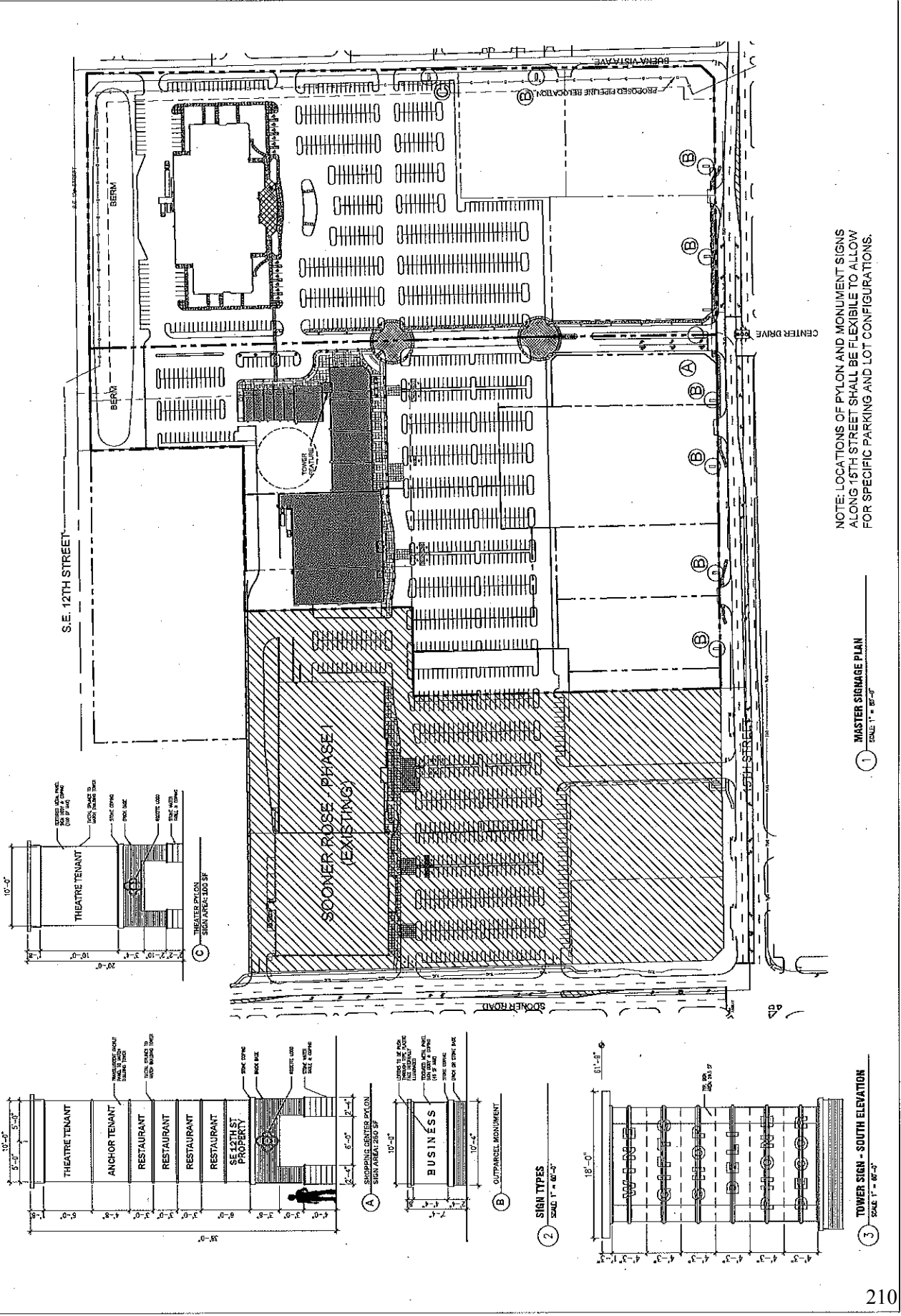
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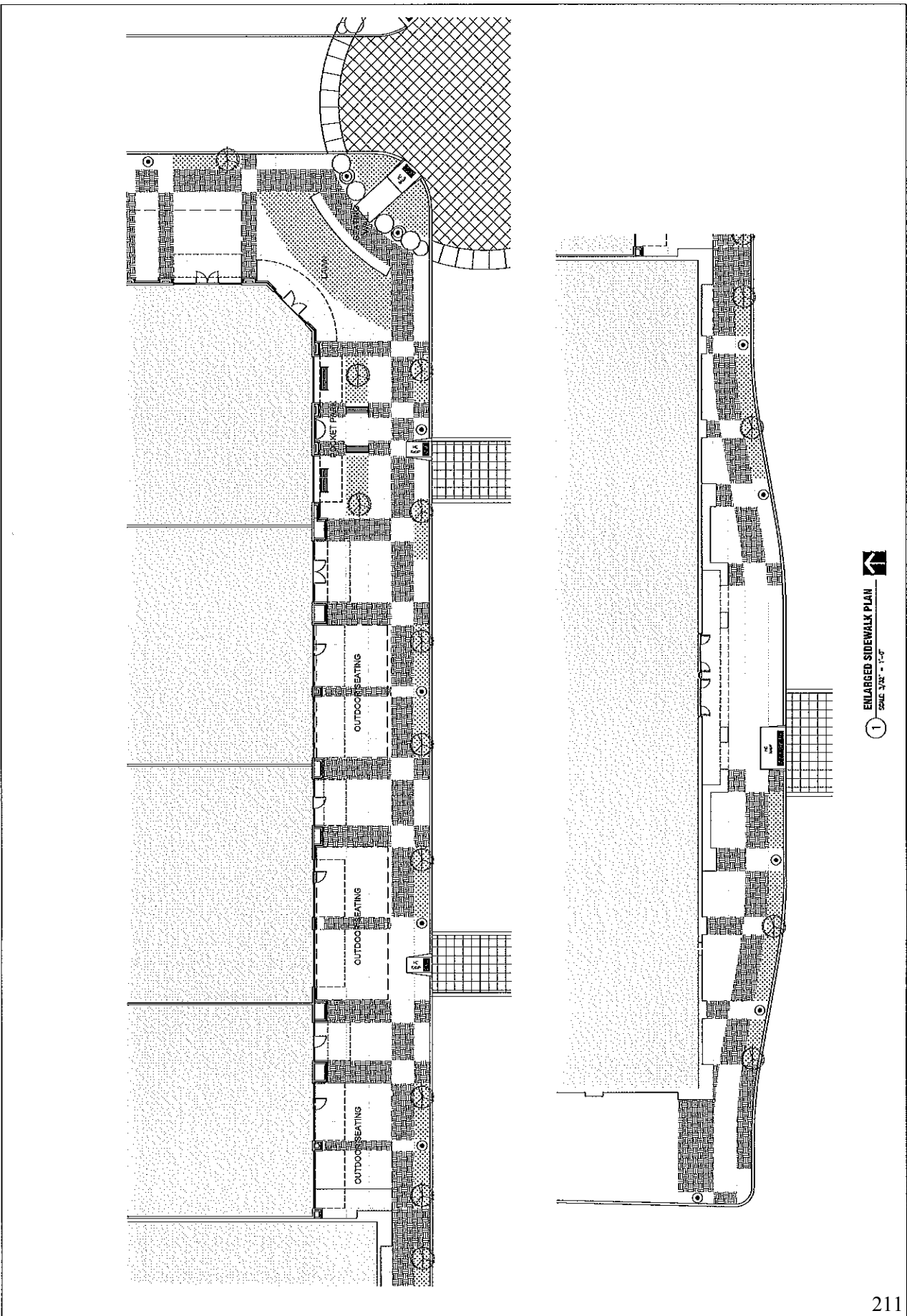
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02-28-2017  
 SIDEWALK PLAN  
 MIDWEST CITY, OKLAHOMA  
 EXHIBIT J  
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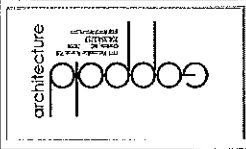
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PROJECT NO. 15.001.00  
 DATE 02-28-2017  
 SHEET PL-1



1 ENLARGED SIDEWALK PLAN  
 SCALE: 3/32" = 1'-0"

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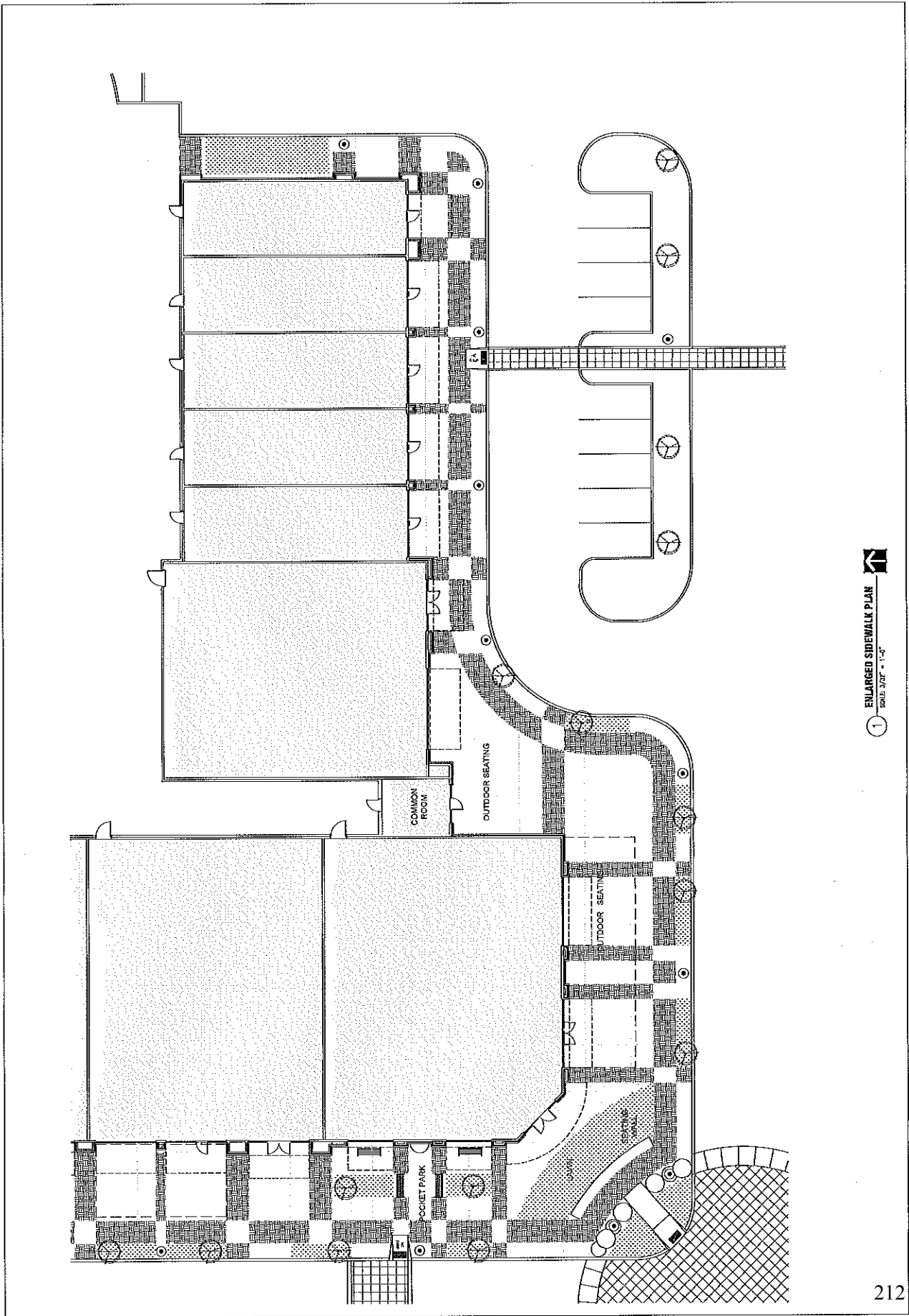
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 EXHIBIT 'J'  
 MIDWEST CITY, OKLAHOMA  
 SIDEWALK PLAN  
 02-28-2017

REV	DATE

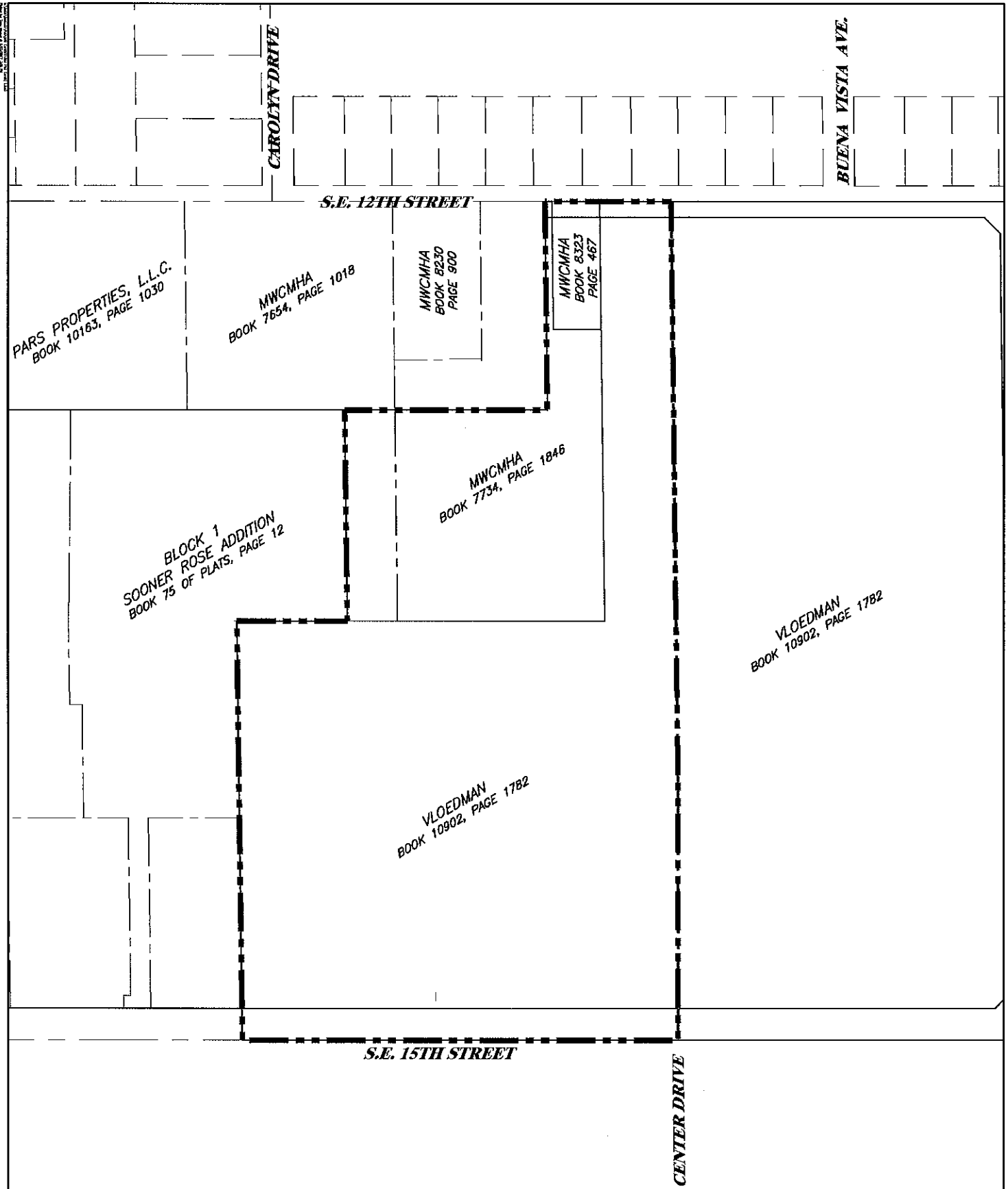
PROJECT NO.  
16.001.00

DATE  
02-28-2017

SHEET  
PL-2




1 ENLARGED SIDEWALK PLAN  
 SCALE: 3/8" = 1'-0"



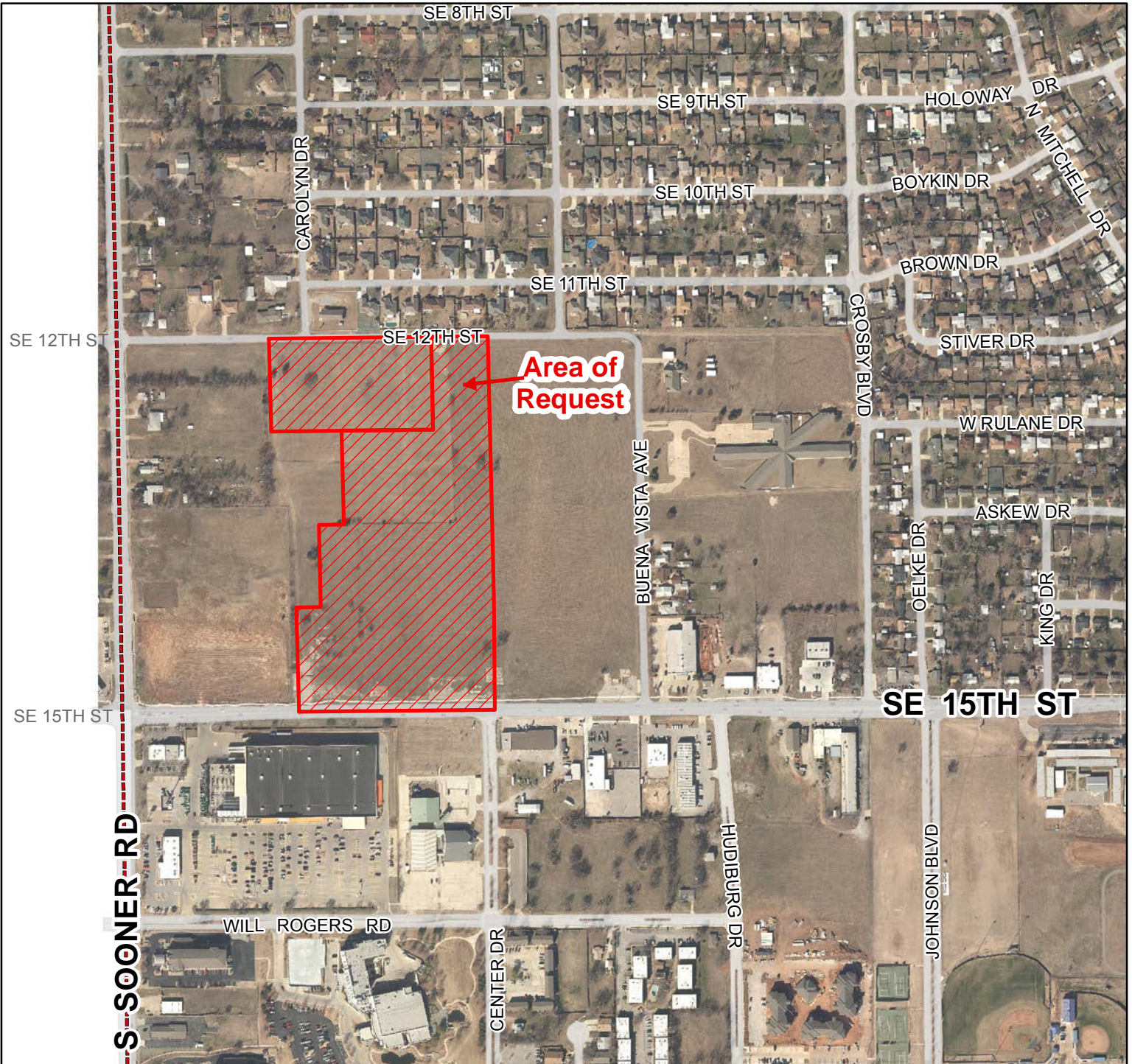
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 PH: 405-232-7715 Fax: 405-232-7858

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 SOONER ROSE PHASE 2  
 MIDWEST CITY, OK

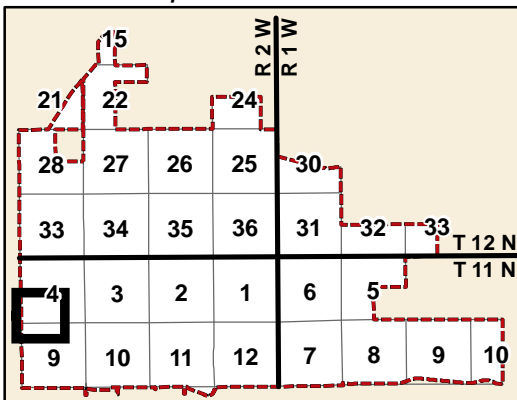
CURRENT OWNERS  
 OF PARCELS  
EXHIBIT "L"

  
 NOT TO SCALE  
 REV. 02/23/13

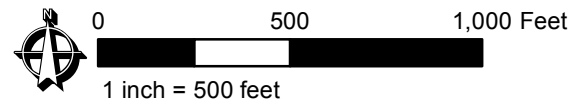
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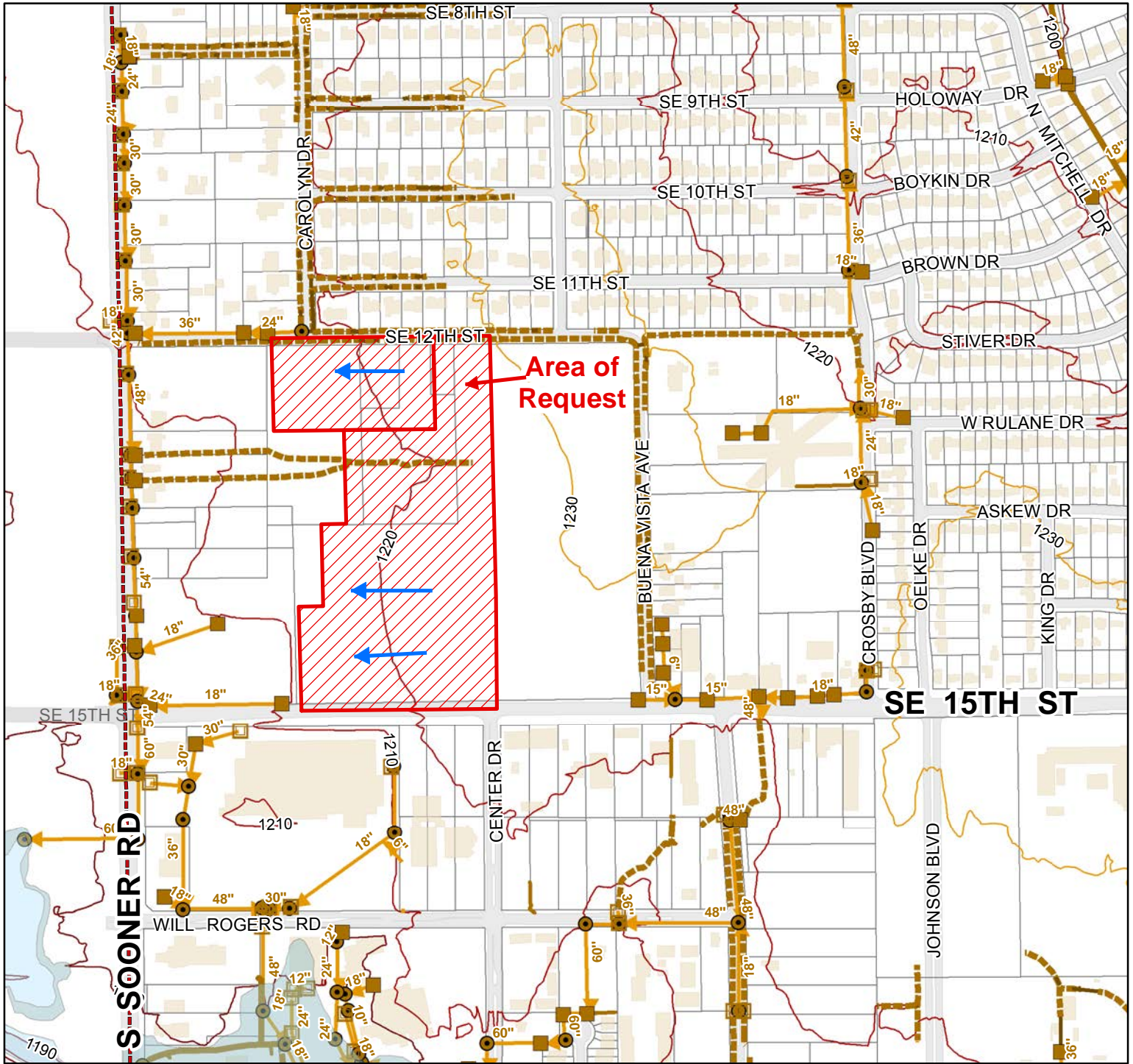
Locator Map



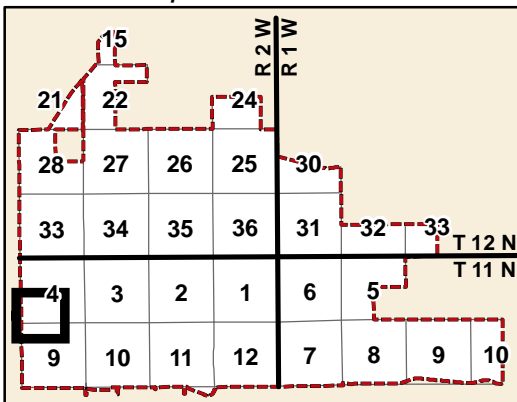
**2015 DOP (AERIAL) VIEW FOR  
PC-1900 and PC-1901  
(SW/4, Sec. 4, T11N, R2W)**















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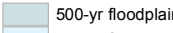
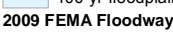
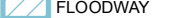



Locator Map



- Drainage Legend**
-  Curb Inlets
  -  Inlets
  -  Junction Box
  -  Culverts
  -  Flumes
  -  Developed Channels
  -  Trickle Channels
  -  Undeveloped Channels
  -  Storm Lines
  -  Creeks
- ELEVATION**
-  1166-1204 ft
  -  1204-1228 ft
  -  1228-1250 ft
  -  1250-1278 ft
  -  1278-1324 ft

**2009 FEMA Floodplains**

-  500-yr floodplain
-  100-yr floodplain
-  2009 FEMA Floodway
-  FLOODWAY

**DRAINAGE LOCATION MAP FOR PC-1900 and PC-1901 (SW/4, Sec. 4, T11N, R2W)**

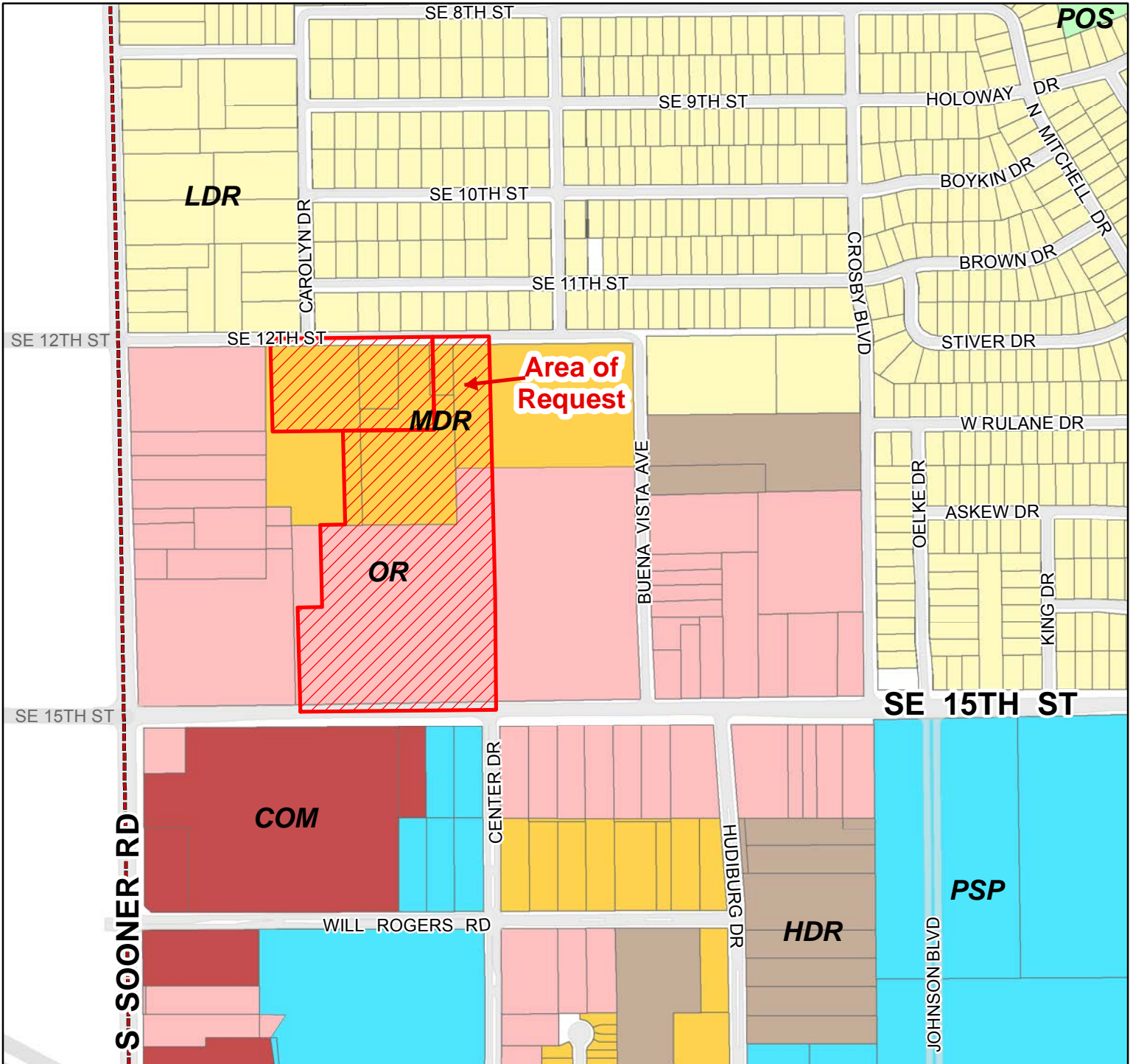


0 500 1,000 Feet

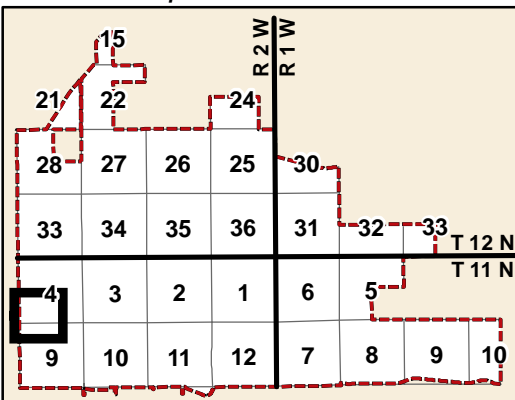


1 inch = 500 feet











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Locator Map



Future Land Use Legend

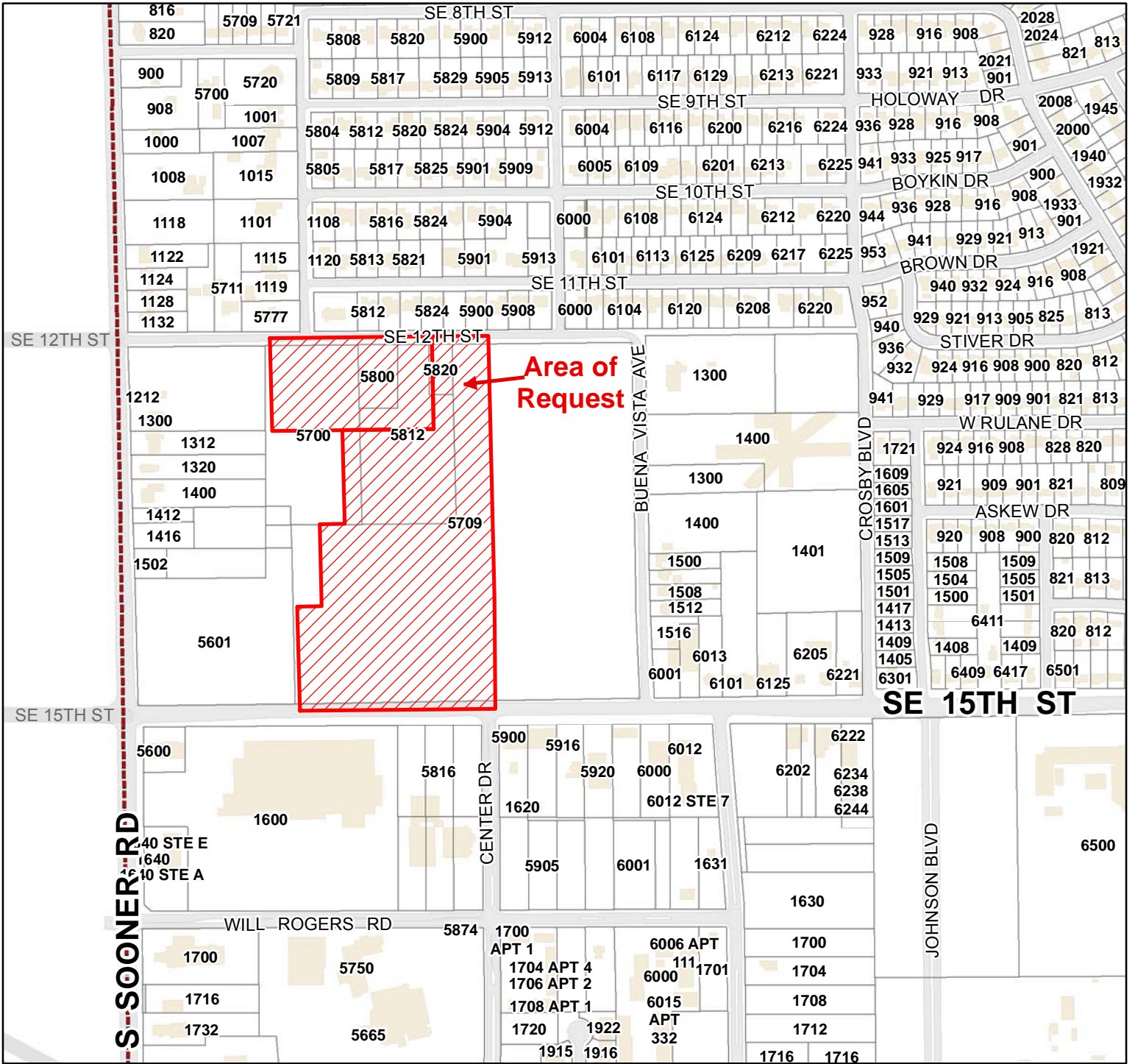
-  Single-Family Detached Residential
-  Medium Density Residential
-  High Density Residential
-  Manufactured Home
-  Public/Semi-Public
-  Parks/Open Space
-  Office/Retail
-  Commercial
-  Industrial
-  Town Center

**FUTURE LAND USE  
MAP FOR  
PC-1900 and PC-1901  
(SW/4, Sec. 4, T11N, R2W)**

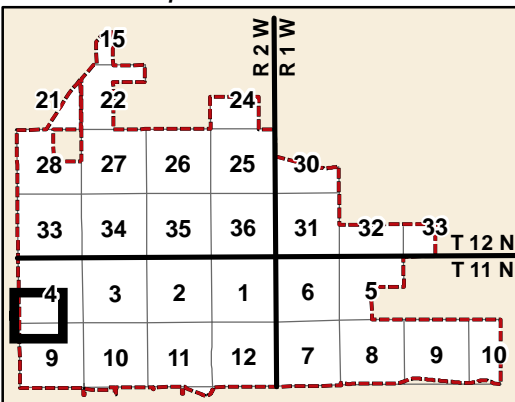


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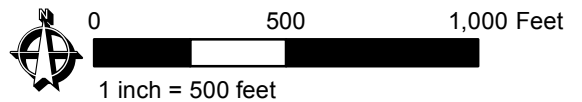
Locator Map



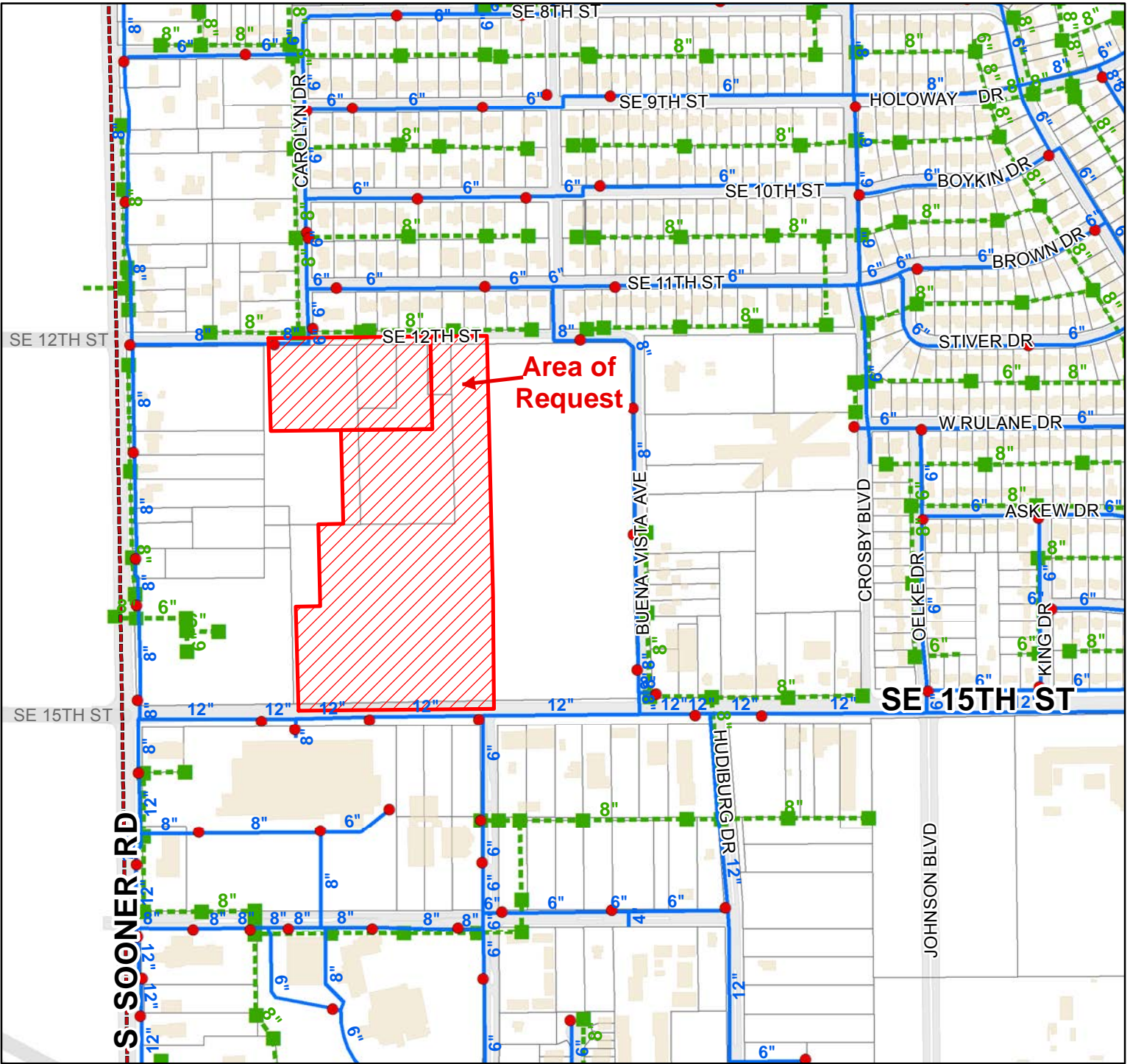
**General Map Legend**

-  Area of Request
-  Parcels with Addresses
-  Buildings
-  Edge of Pavement
-  MWC City Limits

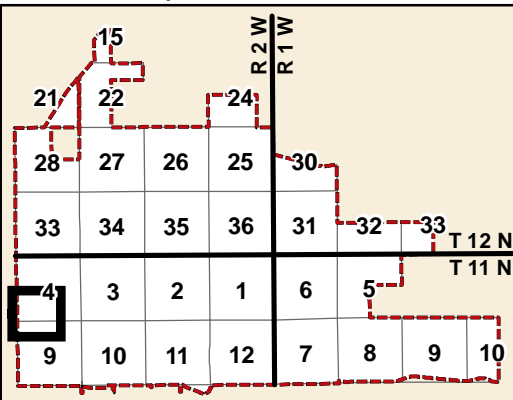
**GENERAL MAP FOR  
PC-1900 and PC-1901  
(SW/4, Sec. 4, T11N, R2W)**



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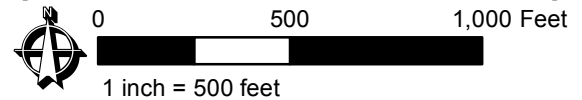
Locator Map



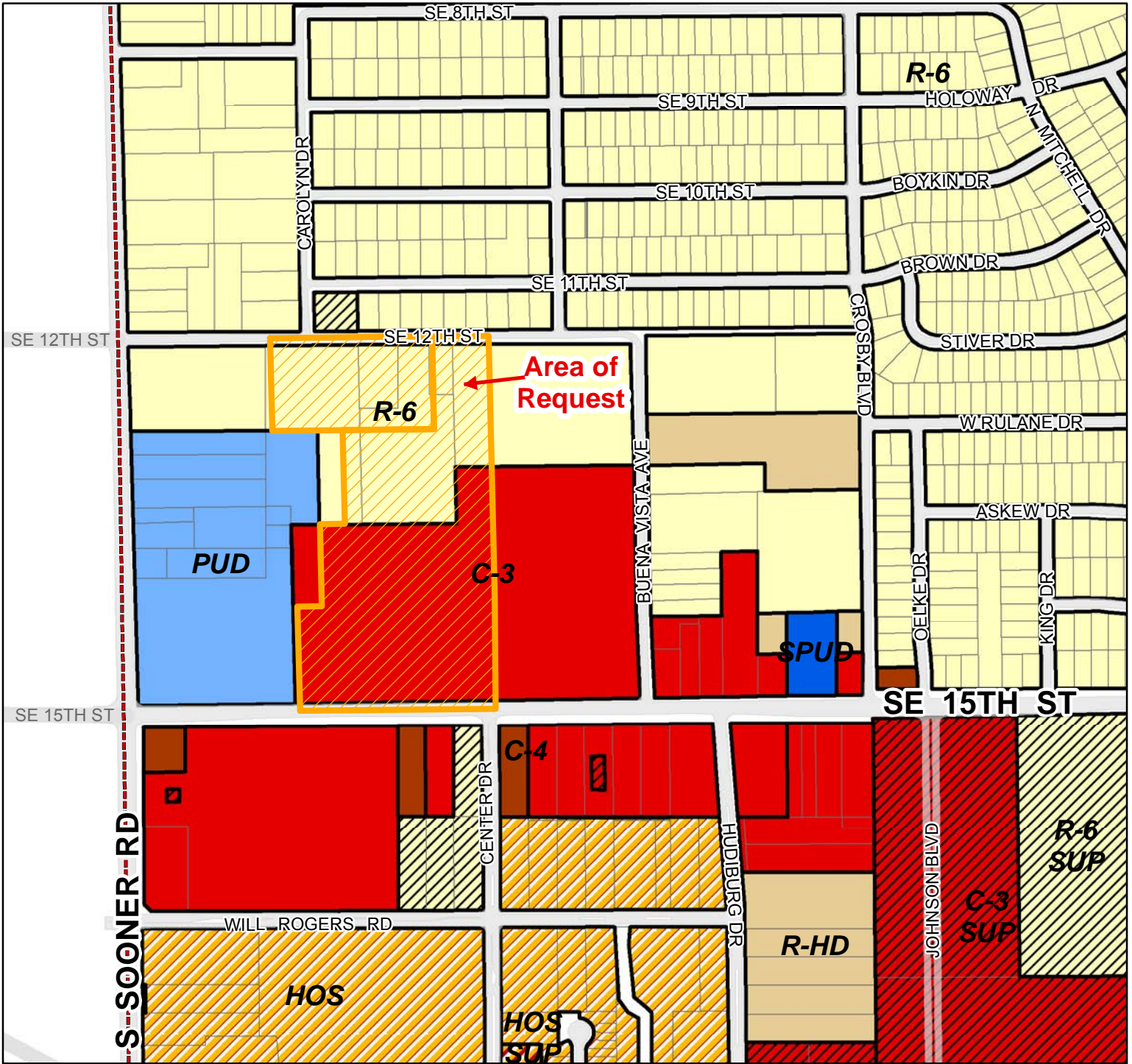
**Water/Sewer Legend**

- Fire Hydrants
- Water Lines
  - Distribution
  - Well
  - OKC Cross Country
  - Sooner Utilities
  - Thunderbird
  - Unknown
- Sewer Manholes
- Sewer Lines

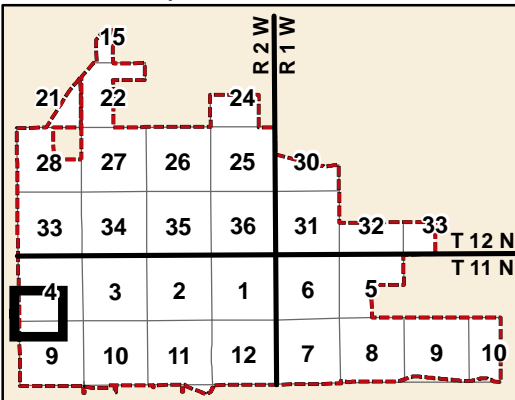
**WATER/SEWER LINE  
LOCATION MAP FOR  
PC-1900 and PC-1901  
(SW/4, Sec. 4, T11N, R2W)**



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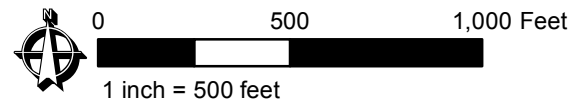
Locator Map



Current Zoning Legend

A-1	I-3	R-2F
A-1 SUP	O-1	R-MD
C-1	O-1 SUP	R-MD SUP
C-1 SUP	O-2	R-HD
C-2	O-2 SUP	R-HD SUP
C-3	R-6	R-MH-1
C-3 SUP	R-6 SUP	R-MH-2
C-4	R-8	PUD
I-1	R-10	SPUD
I-2	R-22	HOS
I-2 SUP	R-35	HOS SUP

**ZONING MAP FOR  
PC-1900 and PC-1901  
(SW/4, Sec. 4, T11N, R2W)**



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The City of  
**MIDWEST CITY**  
COMMUNITY DEVELOPMENT DEPARTMENT

Billy Harless, Community Development Director

ENGINEERING DIVISION  
Patrick Menefee, City Engineer  
CURRENT PLANNING DIVISION  
Kellie Gilles, Planning Manager  
COMPREHENSIVE PLANNING  
Julie Shannon, Comprehensive Planner  
BUILDING INSPECTION DIVISION  
Charles Belk, Building Official  
GIS DIVISION  
Kathy Spivey, GIS Coordinator

**To:** Honorable Mayor and City Council

**From:** Billy Harless, Community Development Director

**Date:** April 25, 2017

**Subject:** (PC – 1901) Public hearing with discussion and consideration of approval of the Sooner Rose Addition Phase II Preliminary Plat for the property described as a tract of land lying in the SW/4 of Section 4, T-11-N, R-2-W, of the Indian Meridian, City of Midwest City, Oklahoma County, Oklahoma.

**Dates of Hearing:** Planning Commission – April 4, 2017  
City Council – April 25, 2017

**Council Ward:**

Ward 1 – Susan Eads

**Owners:** G. Michael Vloedman, N. Carolyn Hurst Revocable Trust, Garrett Vloedman, Emily Vloedman Living Trust, the Midwest City Memorial Hospital Authority, Sooner Rose LLC and Sooner Rose Investment Group, Inc. (Contract purchaser)

**Applicant:** Bob Stearns, Sooner Investment Group, Inc

**Proposed Use:** re-development of site for new commercial uses

**Size:**

The area of request has a frontage along SE 15<sup>th</sup> St of approximately 692 ft and contains an area of approximately 19.74 acres.

**Development Proposed by Comprehensive Plan:**

Area of Request – OR, Office / Retail and MDR, Medium Density Residential

North – LDR, Low Density Residential

South – OR - Office / Retail, COMM - Commercial and PSP – Public/Semi-Public

East – OR, Office / Retail and MDR, Medium Density Residential

West – Del City

**Zoning Districts:**

Area of Request – R6, Single Family Residential and C-3, Community Commercial

North – R6, Single Family Residential

South – C4, General Commercial, C3, Community Commercial and R-6, Single Family Residential with a Special Use Permit for a church

East - R6, Single Family Residential and C3, Community Commercial

West – Del City

**Land Use:**

Area of Request – Vacant

North – Single family residence

South – Sooner Road Baptist Church and Home Depot

East – Vacant

West – Academy and Hobby Lobby – Sooner Rose Phase I

**Municipal Code Citation:**

38-18 Preliminary Plat

38-18.1. *Purpose*

The purpose of a Preliminary Plat shall be to determine the general layout of the subdivision, the adequacy of public facilities needed to serve the intended development, and the overall compliance of the land division with applicable requirements of this Subdivision Ordinance.

**History:**

1. This area has never been platted.
2. The Planning Commission recommended approval of this request April 4, 2017.

**Staff Comments:**

**Engineering Comments:**

Water Supply and Distribution

Section 38-18 in the Subdivision Regulations requires all existing and proposed public water mains be reflected on the preliminary plat.

A twelve (12) inch public water main is located on the south side of S.E. 15th Street in the street right-of-way extending along the south side of the area of request. Eight (8) inch public water mains are located in dedicated public utility easements located along and adjacent to the west side of the area of request.

Currently, there is no water line along the frontage of S.E. 12th Street and an extension from Carolyn Drive to Buena Vista Drive is a requirement of this application.

The applicant proposes to construct multiple public water line extensions through the site and along S.E. 12th Street to provide service to the area of request.

Improvement plans for the water line extension must be prepared by a registered professional engineer and be submitted to staff for plan review and approval. The improvement will be constructed and accepted by the city prior to any application for a final plat.

Connection to the public water system for domestic service is a building permit requirement per Municipal Code Chapter 43-32 for all lots.

Sanitary Sewerage Collection and Disposal

Section 38-18 in the Subdivision Regulations requires all existing and proposed public sanitary sewer mains be reflected on the preliminary plat.

An eight (8) inch public sewer main is located on the north side of S.E. 12th Street in the street right-of-way extending along the north side of the area of request. Eight (8) inch public sewer mains are located in dedicated public utility easements located along and adjacent to the west side of the area of request.

The applicant proposes to construct multiple public sewer line extensions through the site to provide service to the area of request.

Improvement plans for the sewer line extensions must be prepared by a registered professional engineer and be submitted to staff for plan review and approval. The improvements will be constructed and accepted by the city prior to any application for a final plat.

Connection to the public sanitary sewer system for domestic service is a building permit requirement per Municipal Code Chapter 43-109 for all lots.

#### Streets and Sidewalks

Section 38-18 in the Subdivision Regulations requires all existing and proposed public streets and sidewalks be reflected on the preliminary plat.

Access to the area of request is available from S.E. 12th Street and S.E. 15th Street. S.E. 12th Street is classified as a local street in the 2008 Comprehensive Plan. S.E. 12th Street is a two (2) lane, 26-foot wide, uncurbed, asphalt concrete roadway. Current code requires a total street right-of-way width of fifty (50) feet for local streets and presently, S.E. 12th Street has fifty (50) feet of right-of-way adjacent to and parallel to the north side of the area of request. S.E. 15th Street is a four (4) lane, 52-foot wide, curbed, asphalt concrete roadway. Current code requires a total street right-of-way width of one hundred (100) feet for secondary arterials and presently, S.E. 15th Street has one hundred (100) feet of right-of-way adjacent to and parallel to the south side of the area of request.

Street improvements are not required with this application.

The applicant's development agreement for the second phase of the Sooner Rose Addition established the objective of promoting walkability and interconnectivity of sidewalks not only throughout the area of request but to the adjacent neighborhoods and commercial districts. These sidewalks will connect the Eastern portion of the Sooner Rose Phase I development to the Sooner Rose Phase II and Warren developments.

Sidewalks are required as part of this application along S.E. 12th Street to Carolyn Drive creating a connection to the neighborhood adjacent to the north side area of request. Sidewalk is also noted bisecting the site north from the Center Drive and S.E. 15th Street intersection. This provides a connection to the City's designated hospitality district south of the area of request. Another sidewalk extends from Phase I sidewalk system east connecting it to the new Phase II development.

Improvement plans for the sidewalks must be prepared by a registered professional engineer and be submitted to staff for plan review and approval. The improvement will be constructed and accepted by the city prior to any application for a final plat.

Drainage and Flood Control, Wetlands, and Sediment Control

Drainage across the area of request is mainly from the east to the west via overland flow. Currently, the area of request is undeveloped. The area of request is not affected by flood zone AE (the 100-year floodplain) as shown on the effective Flood Insurance Rate Map (FIRM) number 40109C0310H, dated December 12, 2009.

Section 38-18 in the Subdivision Regulations requires all existing and proposed public storm sewer pipes be reflected on the preliminary plat.

The applicant proposes to construct an underground drainage system and detention pond to service the area of request.

Plans for the drainage improvements must be prepared by a registered professional engineer and be submitted to staff for plan review and approval. The improvements will be constructed and accepted by the city prior to any application for a final plat.

All development on the proposed tracts must conform with the applicable requirements of Municipal Code Chapter 13, "Drainage and Flood Control."

Easements and Right-of-Way

The required easements and existing right of way for the area of request are illustrated on the preliminary plat and will be dedicated to the city when the final plat is filed. All proposed side lot and rear lot utility easements, as well as previously dedicated utility and drainage easements are illustrated on the preliminary plat.

All easements and right of way dedications are to comply with Code Sections 38-41 and 38-44.

**Fire Marshal's Comments:**

The Fire Marshal has reviewed this preliminary plat. All future development must meet the requirements of Chapter 15 of the Municipal Code.

**Plan Comments:**

The proposed Sooner Rose Addition Phase II Preliminary Plat has been prepared in order to create ten (10) individual lots. The entire plat encompasses approximately 14.16 acres. Two (2) of the lots were a part of the Sooner Rose Addition Phase I Final Plat but will become a part of this plat if it is approved. This is to account for parking that will be reallocated from one lot to another (A further explanation will follow). The remainder of the Sooner Rose Addition Phase I plat will not be affected by this. The sizes of the proposed lots are as follows:

- SR-1 Lot 1: 6.01 Acres
- SR-1 Lot 5: 1.00 Acre
- SR-2 Lot 1: Approximately 2.44 Acres
- SR-2 Lot 2: Approximately 5.43 Acres
- SR-2 Lot 2A: Approximately .61 Acre
- SR-2 Lot 2B: Approximately .609 Acre
- SR-2 Lot 2C: Approximately .609 Acre
- SR-2 Lot 2D: Approximately .28 Acre

SR-2 Lot 3: Approximately 1.03 Acres  
SR-2 Lot 4: Approximately 1.04 Acres  
SR-2 Lot 5: Approximately 2.34 Acres  
SR-2 Lot 6: Approximately .74 Acre

SR-2 Lot 2A is intended to provide the remainder of the required parking spaces for Lot 2. Due to the location of Center Drive and the proposed Warren Preliminary Plat abutting Lot 2 to the east, additional parking was needed for Lot 2 elsewhere in the development. This is just to account for the required number of spaces required for each use.

SR-2 Lot 2B is currently the site of 28 parking spaces for Academy. The applicant is requesting to remove those spaces to allow for the building on SR-2 Lot 1 to be placed closer to Academy. Because of the loss of 28 parking spaces, SR-2, Lot 2C is intended to provide 48 parking spaces for Academy.

SR-2 Lot 2D is intended to be used for a future expansion of either SR-1 Lot 5 or SR-2 Lot 3. Lot 2D is too small to be developed. A variance to the frontage requirement for commercial lots was requested in the PUD that was heard prior to this item.

Access will be via three (3) new curbcuts along SE 15<sup>th</sup> Street as well as access from the Sooner Rose Addition Phase I property.

Staff has determined that Tree Canopy Management Plan is not necessary as there is not a sufficient amount of trees currently on the property.

The dedication of parks and open space is not required with this application as the Midwest City Subdivision Regulations only require this dedication for residential subdivisions.

The final plat will need to include the name of the subdivision centered at the top of the page along with the name of the city, county, state, section, township and range. The final plat must also include the names and addresses of all owners of property within the plat and signature blocks for the appropriate City and County personnel.

The Planning Commission did recommend approval of this item. There was no discussion regarding this item at the Planning Commission meeting, however, the Community Development Director's comments regarding the variance for the street improvements on SE 12<sup>th</sup> as described in PC-1900 would also carry for this item. Jerry Maynard also stated that his concerns listed in PC-1900 were for this item as well as PC-1902 and PC-1903.

As the proposed Sooner Rose Addition Phase II Preliminary Plat conforms to the Midwest City Subdivision Regulations, staff recommends approval.

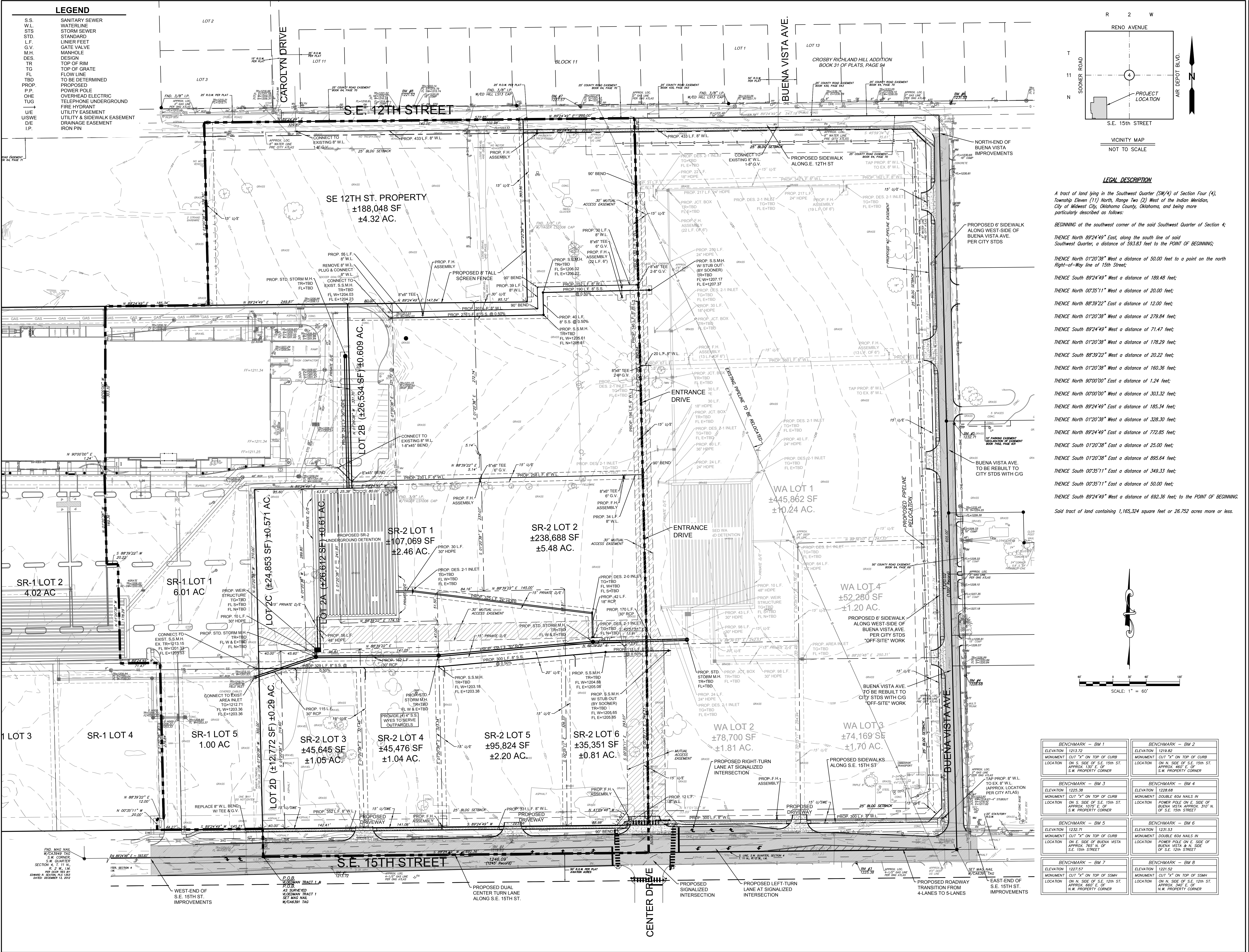


**Action Required:** Approve or reject the Sooner Rose Addition Phase II Preliminary Plat for the property noted in this report and subject to staff's comments as found in the April 25, 2017, agenda packet, and as noted in PC – 1901 file.

A handwritten signature in black ink, appearing to read "Billy Harless".

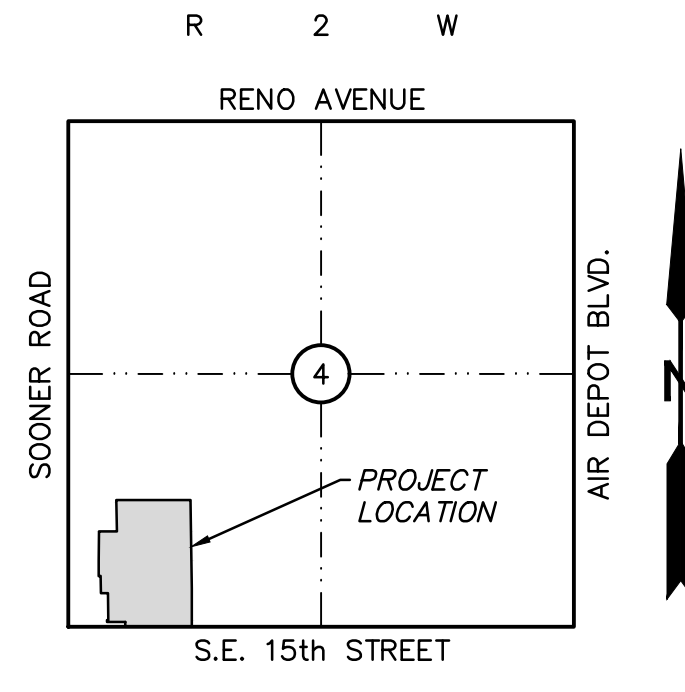
Billy Harless, AICP  
Community Development Director

KG



**LEGEND**

S.S.	SANITARY SEWER
W.L.	WATERLINE
STS	STORM SEWER
L.F.	LINEAR FEET
G.V.	GATE VALVE
M.H.	MANHOLE
DES.	DESIGN
TR	TOP OF RIM
TG	TOP OF GRATE
FL	FLOW LINE
TBD	TO BE DETERMINED
PROP.	PROPOSED
P.P.	POWER POLE
OHE	OVERHEAD ELECTRIC
TUG	TELEPHONE UNDERGROUND
U/E	UTILITY EASEMENT
U/SWE	UTILITY & SIDEWALK EASEMENT
D/E	DRAINAGE EASEMENT
I.P.	IRON PIN



**LEGAL DESCRIPTION**

A tract of land lying in the Southwest Quarter (SW/4) of Section Four (4), Township Eleven (11) North, Range Two (2) West of the Indian Meridian, City of Midwest City, Oklahoma County, Oklahoma, and being more particularly described as follows:

**BEGINNING** at the southwest corner of the said Southwest Quarter of Section 4;

**THENCE** North 89°24'49" East, along the south line of said Southwest Quarter, a distance of 593.83 feet to the **POINT OF BEGINNING**;

**THENCE** North 01°20'38" West a distance of 50.00 feet to a point on the north Right-of-Way line of 15th Street;

**THENCE** South 89°24'49" West a distance of 189.48 feet;

**THENCE** North 00°35'11" West a distance of 20.00 feet;

**THENCE** North 88°39'22" East a distance of 12.00 feet;

**THENCE** North 01°20'38" West a distance of 279.84 feet;

**THENCE** South 89°24'49" West a distance of 71.47 feet;

**THENCE** North 01°20'38" West a distance of 178.29 feet;

**THENCE** South 88°39'22" West a distance of 20.22 feet;

**THENCE** North 01°20'38" West a distance of 160.36 feet;

**THENCE** North 00°00'00" West a distance of 1.24 feet;

**THENCE** North 89°24'49" East a distance of 303.32 feet;

**THENCE** North 01°20'38" West a distance of 328.30 feet;

**THENCE** North 89°24'49" East a distance of 272.85 feet;

**THENCE** South 01°20'38" East a distance of 75.00 feet;

**THENCE** South 01°20'38" East a distance of 895.64 feet;

**THENCE** South 00°35'11" East a distance of 349.33 feet;

**THENCE** South 89°24'49" West a distance of 692.36 feet; to the **POINT OF BEGINNING**.

Said tract of land containing 1,165,324 square feet or 26.752 acres more or less.

NOT VALID FOR CONSTRUCTION  
**PRELIMINARY NOT FOR CONSTRUCTION**  
UNLESS SHOWN IN THIS BLOCK

**SOONER ROSE ADDITION PHASE 2**  
**SOONER ROAD & 15TH STREET**  
**MIDWEST CITY, OKLAHOMA**

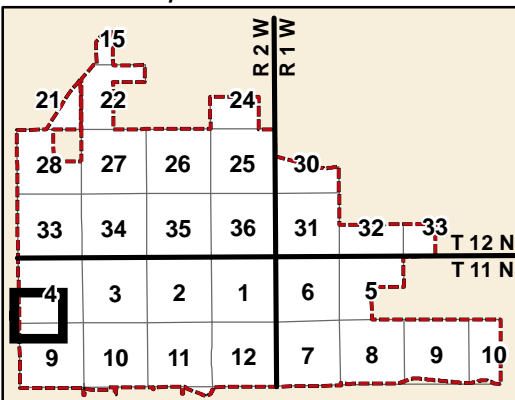
<b>BENCHMARK - BM 1</b> ELEVATION 1213.72 MONUMENT CUT "X" ON TOP OF CURB LOCATION ON S. SIDE OF S.E. 15th ST. APPROX. 130' E. OF S.W. PROPERTY CORNER	<b>BENCHMARK - BM 2</b> ELEVATION 1215.82 MONUMENT CUT "X" ON TOP OF CURB LOCATION ON N. SIDE OF S.E. 15th ST. APPROX. 460' E. OF S.W. PROPERTY CORNER
<b>BENCHMARK - BM 3</b> ELEVATION 1225.38 MONUMENT CUT "X" ON TOP OF CURB LOCATION ON S. SIDE OF S.E. 15th ST. APPROX. 1075' E. OF S.W. PROPERTY CORNER	<b>BENCHMARK - BM 4</b> ELEVATION 1225.68 MONUMENT DOUBLE 60d NAILS IN LOCATION POWER POLE ON E. SIDE OF BUENA VISTA APPROX. 310' N. OF S.E. 15th STREET
<b>BENCHMARK - BM 5</b> ELEVATION 1232.71 MONUMENT CUT "X" ON TOP OF CURB LOCATION ON E. SIDE OF BUENA VISTA APPROX. 760' N. OF S.E. 15th STREET	<b>BENCHMARK - BM 6</b> ELEVATION 1231.53 MONUMENT DOUBLE 60d NAILS IN LOCATION POWER POLE ON E. SIDE OF BUENA VISTA APPROX. 340' E. OF S.E. 15th STREET
<b>BENCHMARK - BM 7</b> ELEVATION 1227.57 MONUMENT CUT "X" ON TOP OF SSMH LOCATION ON N. SIDE OF S.E. 12th ST. APPROX. 660' E. OF N.W. PROPERTY CORNER	<b>BENCHMARK - BM 8</b> ELEVATION 1227.52 MONUMENT CUT "X" ON TOP OF SSMH LOCATION ON N. SIDE OF S.E. 12th ST. APPROX. 340' E. OF N.W. PROPERTY CORNER

**SMC Consulting Engineers, P.C.**  
1000 N. W. QUARTER, SECTION 2, T. 11 N., R. 2 W., L. 14  
EDWARD R. SEAR, P.E. 1855  
DATE: DECEMBER 13, 2012

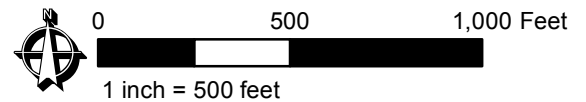
PROJECT NO: 6062.00  
DATE: 01/20/16  
SCALE: 1"=60'  
DRAWN BY: MS  
ENGINEER: TRENDS L. HAYNES  
P.E. NUMBER: 16820



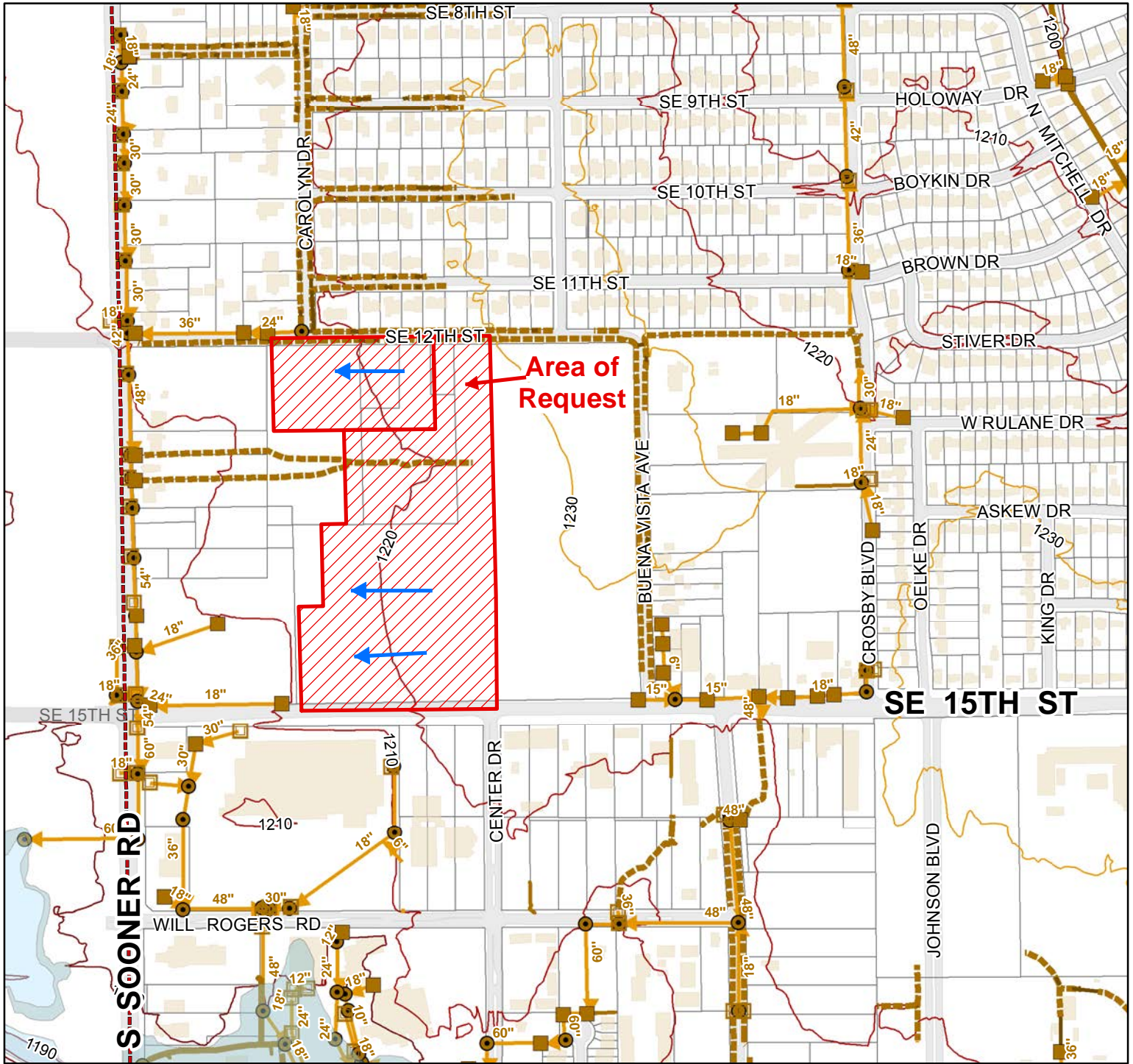
Locator Map



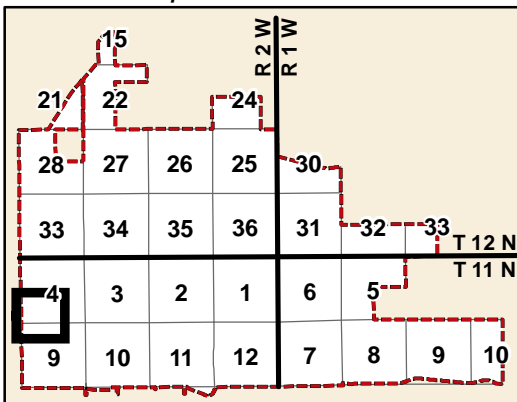
**2015 DOP (AERIAL) VIEW FOR  
PC-1900 and PC-1901  
(SW/4, Sec. 4, T11N, R2W)**



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Locator Map

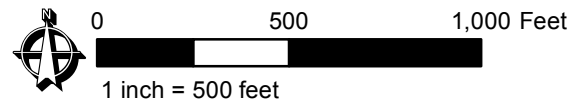


- Drainage Legend**
- Curb Inlets
  - Inlets
  - Junction Box
  - Culverts
  - Flumes
  - Developed Channels
  - Trickle Channels
  - Undeveloped Channels
  - Storm Lines
  - Creeks
- ELEVATION**
- 1166-1204 ft
  - 1204-1228 ft
  - 1228-1250 ft
  - 1250-1278 ft
  - 1278-1324 ft

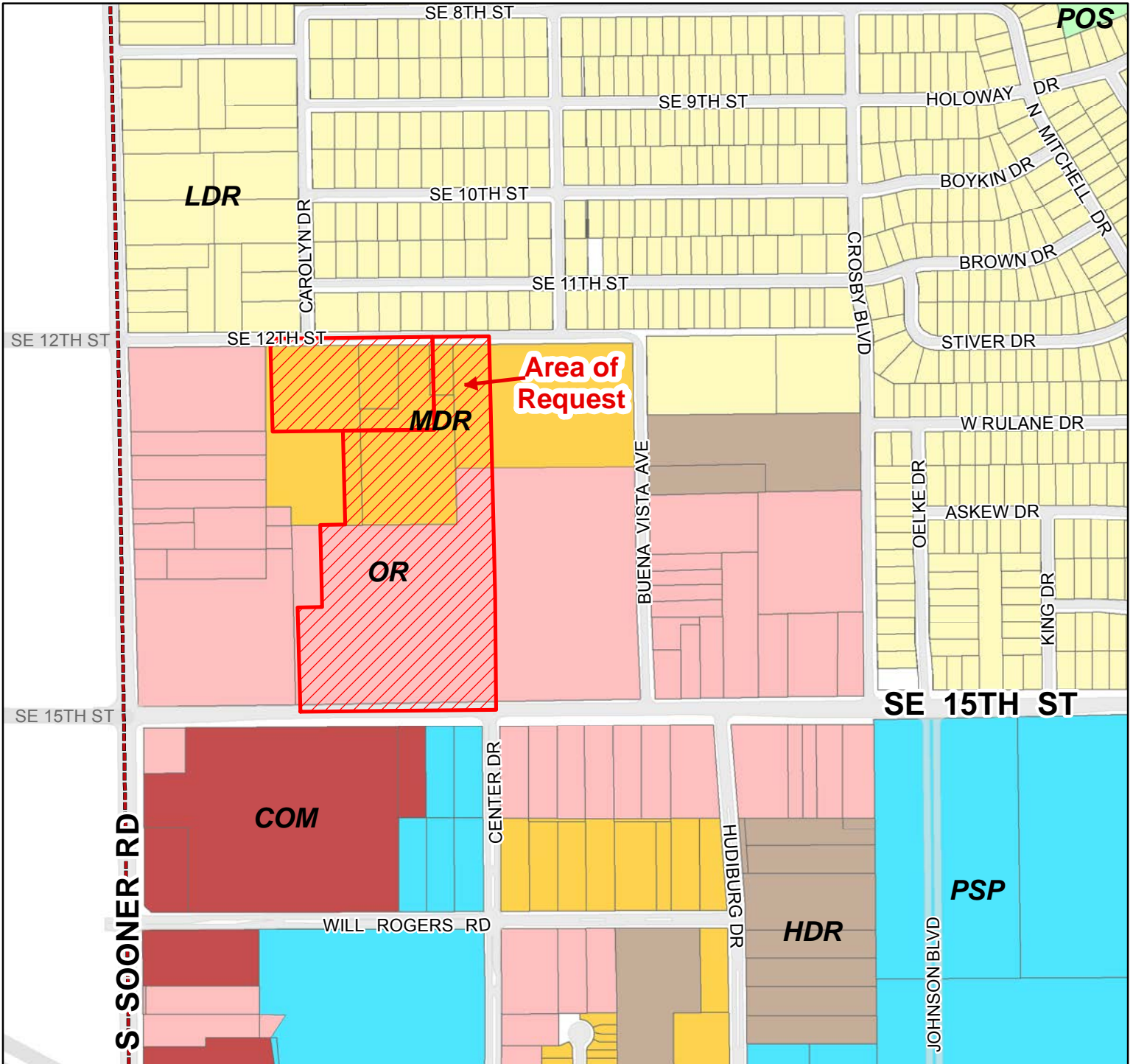
2009 FEMA Floodplains

- 500-yr floodplain
- 100-yr floodplain
- 2009 FEMA Floodway
- FLOODWAY

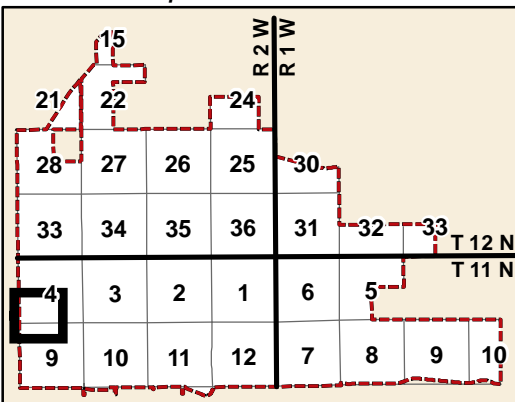
**DRAINAGE LOCATION MAP FOR PC-1900 and PC-1901 (SW/4, Sec. 4, T11N, R2W)**













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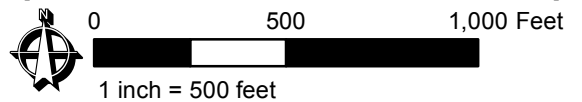
Locator Map



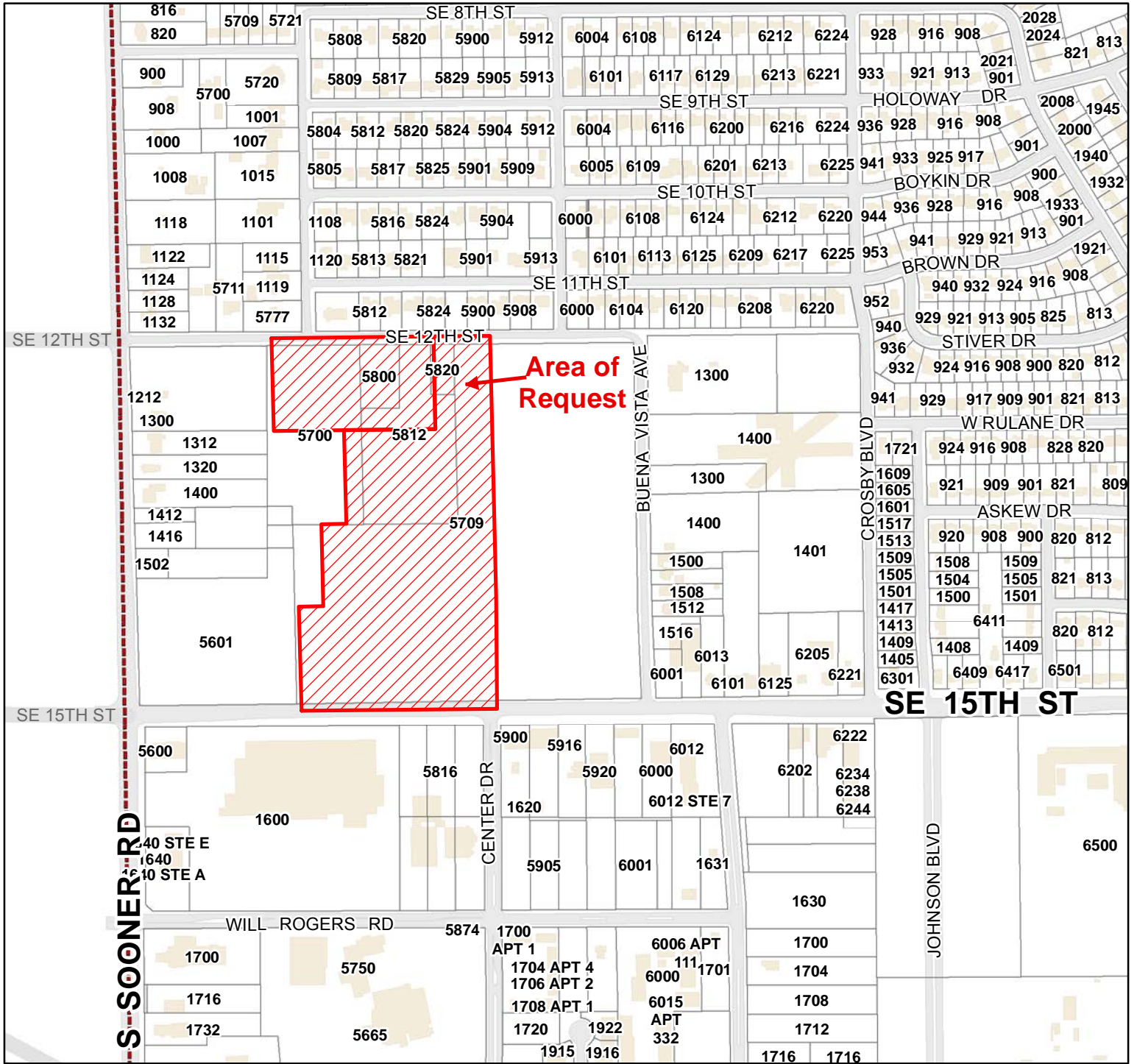
Future Land Use Legend

-  Single-Family Detached Residential
-  Medium Density Residential
-  High Density Residential
-  Manufactured Home
-  Public/Semi-Public
-  Parks/Open Space
-  Office/Retail
-  Commercial
-  Industrial
-  Town Center

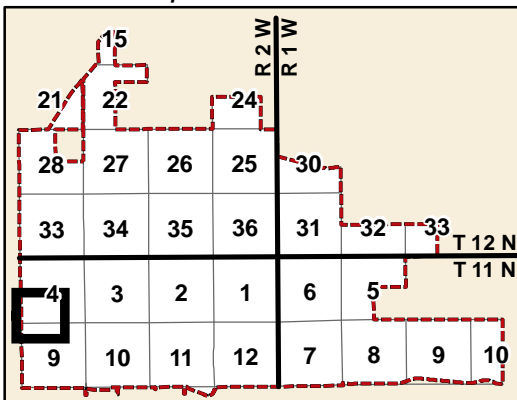
**FUTURE LAND USE  
MAP FOR  
PC-1900 and PC-1901  
(SW/4, Sec. 4, T11N, R2W)**








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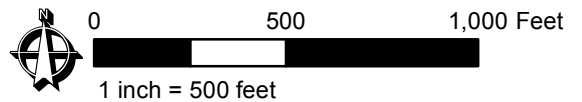
Locator Map



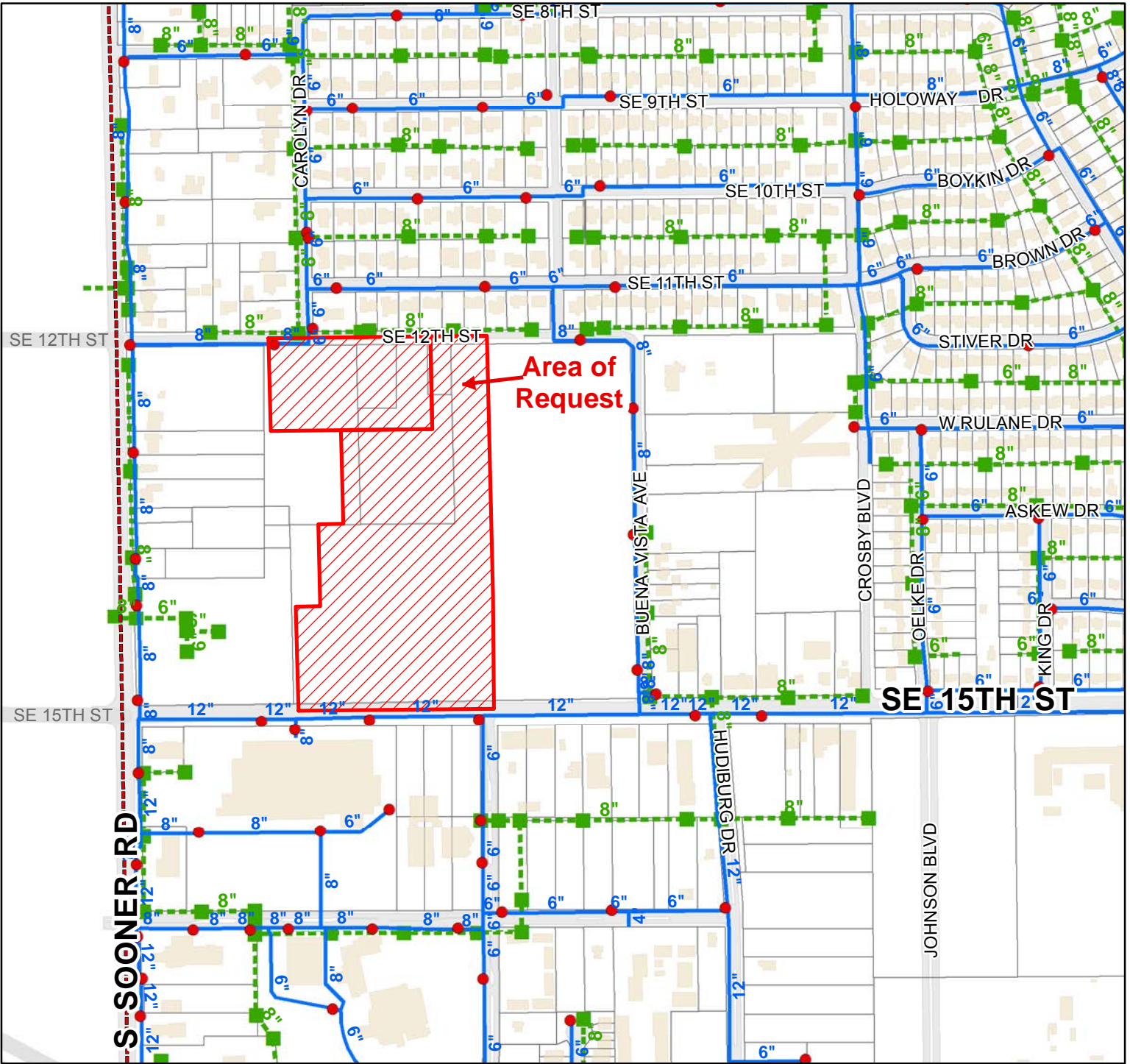
**General Map Legend**

-  Area of Request
-  Parcels with Addresses
-  Buildings
-  Edge of Pavement
-  MWC City Limits

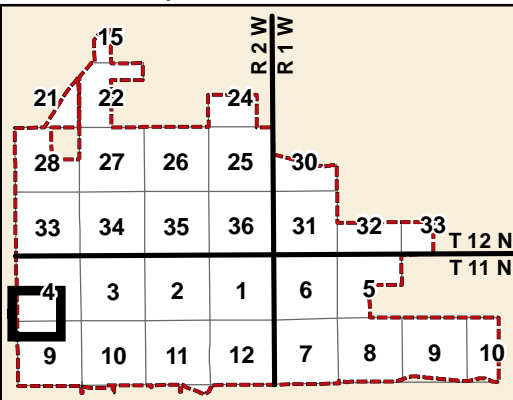
**GENERAL MAP FOR  
PC-1900 and PC-1901  
(SW/4, Sec. 4, T11N, R2W)**



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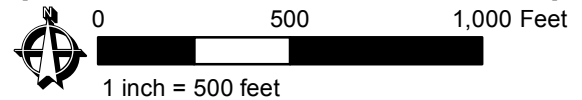
Locator Map



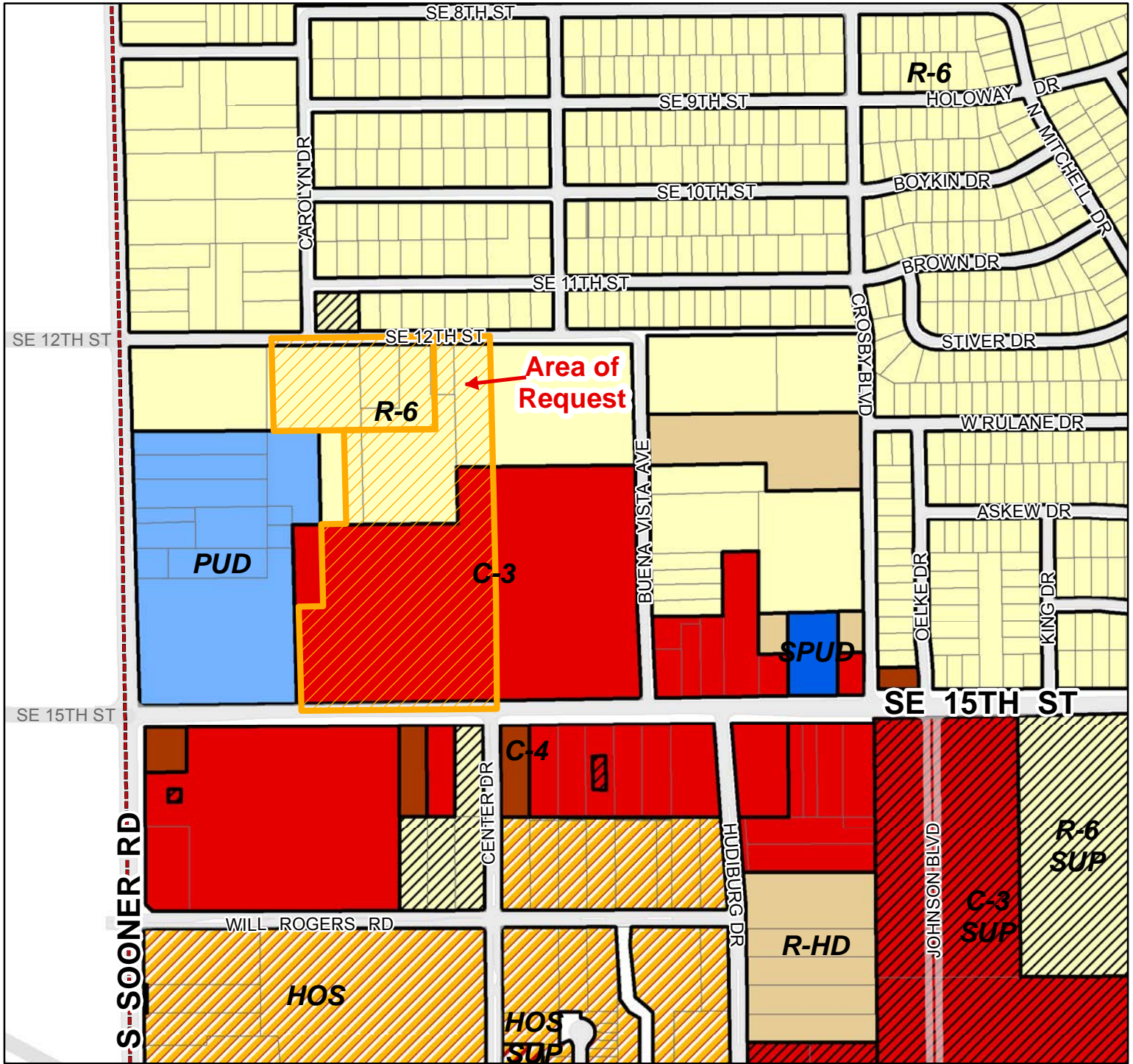
Water/Sewer Legend

- Fire Hydrants
- Water Lines
  - Distribution
  - Well
  - OKC Cross Country
  - Sooner Utilities
  - Thunderbird
  - Unknown
- Sewer Manholes
- Sewer Lines

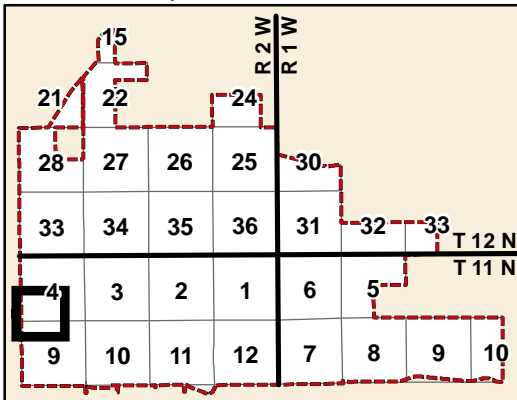
**WATER/SEWER LINE  
LOCATION MAP FOR  
PC-1900 and PC-1901  
(SW/4, Sec. 4, T11N, R2W)**



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Locator Map



Current Zoning Legend

A-1	I-3	R-2F
A-1 SUP	O-1	R-MD
C-1	O-1 SUP	R-MD SUP
C-1 SUP	O-2	R-HD
C-2	O-2 SUP	R-HD SUP
C-3	R-6	R-MH-1
C-3 SUP	R-6 SUP	R-MH-2
C-4	R-8	PUD
I-1	R-10	SPUD
I-2	R-22	HOS
I-2 SUP	R-35	HOS SUP

## ZONING MAP FOR PC-1900 and PC-1901 (SW/4, Sec. 4, T11N, R2W)



0 500 1,000 Feet



1 inch = 500 feet

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The City of  
**MIDWEST CITY**  
COMMUNITY DEVELOPMENT DEPARTMENT

Billy Harless, Community Development Director

ENGINEERING DIVISION  
Patrick Menefee, City Engineer  
CURRENT PLANNING DIVISION  
Kellie Gilles, Planning Manager  
COMPREHENSIVE PLANNING  
Julie Shannon, Comprehensive Planner  
BUILDING INSPECTION DIVISION  
Charles Belk, Building Official  
GIS DIVISION  
Kathy Spivey, GIS Coordinator

**To:** Honorable Mayor and City Council

**From:** Billy Harless, Community Development Director

**Date:** April 25, 2017

**Subject:** (PC – 1902) Public hearing with discussion and consideration of approval a resolution to amend a portion of the Comprehensive Plan from MDR, Medium Density Residential to OR, Office/Retail and an ordinance to redistrict from R-6, Single Family Detached Residential and C-3, Community Commercial to Planned Unit Development (PUD) governed by the C-3, Community Commercial district for the property described as a tract of land lying in the SW/4 of section 4, T-11-N, R-2-W, of the Indian Meridian, City of Midwest City, Oklahoma County, Oklahoma.

**Dates of Hearing:** Planning Commission – April 4, 2017  
City Council – April 25, 2017

**Council Ward:** Ward 1 – Councilmember Susan Eads

**Owners:** G. Michael Vloedman, N. Carolyn Hurst Revocable Trust, Garrett Vloedman, Emily Vloedman Living Trust

**Applicant:** Ray Trail, Warren Theaters, LLC

**Proposed Use:** Entertainment and retail/commercial uses

**Size:**

The area of request has a frontage along SE 15<sup>th</sup> St of approximately 553 ft and contains an area of approximately 16.6 acres.

**Development Proposed by Comprehensive Plan:**

Area of Request – OR, Office / Retail and MDR, Medium Density Residential

North – LDR, Low Density Residential

South – OR - Office / Retail

East – OR, Office / Retail, HDR, High Density Residential and LDR, Low Density Residential

West – OR – Office/Retail

**Zoning Districts:**

Area of Request – R6, Single Family Residential and C-3, Community Commercial  
North – R6, Single Family Residential  
South – C4, General Commercial, C3, Community Commercial  
East - R6, Single Family Residential and C3, Community Commercial and R-HD, High Density Residential  
West – C-3 and R-6 (Property directly to the west of the area of request was the PUD application heard prior to this item)

**Land Use:**

Area of Request – Vacant  
North – Single family residence  
South – Commercial businesses  
East – Single family homes and Mojo Sports  
West – Vacant

**Comprehensive Plan Citation:**

Office/Retail Land Use

Retail land uses areas are intended to provide for a variety of retail trade, personal, and business services and establishments. Retail establishments generally require greater visibility than do other types of non-residential land uses (e.g., office, commercial).

Office uses include professional offices for lawyers, doctors, realtors, and other professionals. Office land uses are generally appropriate in all other non-residential areas of the City. Office development should be compatible with any adjacent residential area.

**Municipal Code Citation:**

*2.25 PUD, Planned Unit Development*

2.25.1 General Provisions

The planned unit development, herein referred to as PUD, is a special zoning district category that provides an alternate approach to conventional land use controls to produce unique, creative, progressive, or quality land developments.

The PUD may be used for particular tracts or parcels of land that are under common ownership and are to be developed as one unit according to a master development plan.

The PUD is subject to special review procedures within the PUD application and review and once approved by the City Council it becomes a special zoning classification for the property it represents.

2.25.2 Intent and Purpose

The intent and purpose of the PUD provisions are as follows:

(A) Innovative land development

Encourage innovative land development while maintaining appropriate limitations on the character and intensity of use, assuring compatibility with adjoining and proximate properties, and following the guidelines of the comprehensive plan.

(B) Flexibility within developments

Permit flexibility within the development to maximize the unique physical features of the particular site.

(C) Efficient use of land

Encourage efficient use of land, facilitate economic arrangements of buildings and circulation systems, and encourage diversified living environments and land uses.

(D) Function, design and diversity

Achieve a continuity of function and design within the development and encourage diversified living environments and land uses.

(E) Modifications to development requirements

Provide a vehicle for negotiating modifications in standard development requirements in order to both encourage innovative development and protect the health, safety and welfare of the community.

**History:**

1. This area was zoned C-3, Community Commercial and R6, Single Family Residential with the adoption of the 1986 Zoning Ordinance and Map.
2. The Planning Commission recommended approval of this item on April 4, 2017.

**Staff Comments:**

**Engineering Comments:**

Water Supply and Distribution

A twelve (12) inch public water main is located on the south side of S.E. 15th Street in the street right-of-way extending along the south side of the area of request. An eight (8) inch public water main is located on the west side of Buena Vista Drive in the street right-of-way extending along the east side of the area of request.

Public water line improvements are not required with this application. However, public water line improvements are proposed and are part of the preliminary plat application for the area of request. The public water line extension requirements are addressed in PC-1903.

Connection to the public water supply system for domestic service is a building permit requirement per Municipal Code 43-32 for all existing and new building applications.

Sanitary Sewerage Collection and Disposal

An eight (8) inch public sewer main is located on the north side of S.E. 12th Street in the street right-of-way extending along part of the north side of the area of request. An eight (8) inch public sewer main is located on the east side of Buena Vista Drive in the street right-of-way extending along part of the east side of the area of request.

Public sewer line improvements are not required with this application. However, public sewer line improvements are proposed and are part of the preliminary plat application for the area of request. The public sewer line extension requirements are addressed in PC-1903.

Connection to the public sanitary sewer system for service is a building permit requirement per Municipal Code 43-109 for all existing and new building applications.

### Streets and Sidewalks

Access to the area of request is available from S.E. 12th Street and S.E. 15th Street. S.E. 12th Street is classified as a local street in the 2008 Comprehensive Plan. S.E. 12th Street is a two (2) lane, 26-foot wide, uncurbed, asphalt concrete roadway. Current code requires a total street right-of-way width of fifty (50) feet for local streets and presently, S.E. 12th Street has fifty (50) feet of right-of-way adjacent to and parallel to the north side of the area of request. S.E. 15th Street is a four (4) lane, 52-foot wide, curbed, asphalt concrete roadway. Current code requires a total street right-of-way width of one hundred (100) feet for secondary arterials and presently, S.E. 15th Street has one hundred (100) feet of right-of-way adjacent to and parallel to the south side of the area of request. Buena Vista Drive is classified as a local street in the 2008 Comprehensive Plan. Buena Vista Drive is a two (2) lane, 26-foot wide, uncurbed, asphalt concrete roadway. Current code requires a total street right-of-way width of fifty (50) feet for local streets and presently, Buena Vista Drive has fifty (50) feet of right-of-way adjacent to and parallel to the east side of the area of request.

Right of way grants to the city are not required with this application.

Public street and sidewalk improvements are not required with this application. However, street and sidewalk improvements are proposed and are part of the preliminary plat application for the area of request. The public street and sidewalk requirements are addressed in PC-1903.

### Drainage and Flood Control, Wetlands, and Sediment Control

Drainage across the area of request is mainly from the east to the west via overland flow. Currently, the area of request is undeveloped. The area of request is not affected by flood zone AE (the 100-year floodplain) as shown on the effective Flood Insurance Rate Map (FIRM) number 40109C0310H, dated December 12, 2009.

The applicant proposes to construct underground drainage improvements and detention facilities to service the area of request as part of the preliminary plat application. The drainage improvement requirements are addressed in PC-1903.

No identified wetlands are located on or abutting the area of request as shown on the Choctaw quadrangle of the 1989 National Wetlands Inventory map as prepared by the United States Department of the Interior Fish and Wildlife Service.

All future development on the proposed tracts must conform to the applicable requirements of Municipal Code Chapter 13, "Drainage and Flood Control."

Resolution 84-20 requires that developers install and maintain sediment and/or erosion controls in conjunction with their construction activities. Any proposed development must conform to the applicable requirements of Municipal Code Chapter 43, "Erosion Control." Sediment control plans must be submitted to and approved by the city before any land disturbance is done on-site. The developer is responsible for the cleanup of sediment and other debris from drainage pipes, ditches, streets and abutting properties as a result of his activities.

Easements and Right-of-Way

No additional rights-of-way and/or easements are required with this application. All easement and right of requirements are addressed with the preliminary plat application.

**Fire Marshal's Comments:**

All future development will have to meet the requirements of Chapter 15 of the Municipal Code including provisions for access, hydrants and fire protection.

**Plan Comments:**

Master Development Plan

The Master Development Plan and the preliminary plat identify four (4) lots. Lot 1 is intended for a new Warren Theater. Lots 2, 3 and 4 are intended for future commercial developments.

Underlying Zoning

The PUD states that this development will be governed by the C-3, Community Commercial District. The following uses are prohibited:

- Community recreation: property owners association
- Funeral and internment services: undertaking
- Personal storage
- Wholesaling, storage and distribution: restricted
- Horticulture
- Commercial parking
- Moderate impact institutional
- Community-based care facility

The PUD requests that the following Special Use Permit (SUP) uses be allowed in the retail property (lots 1-6) without having to obtain a SUP:

- Alcoholic beverage retail sale
- Eating establishments (sit-down, alcoholic beverages and low point beer permitted)

Access

Access to the area of request is proposed with two (2) new curbcuts along SE 15<sup>th</sup> Street, three (3) new curbcuts along Buena Vista Ave., as well as interior connections from the Sooner Rose Phase I and II development to the west. Staff recommends that all lots within the area of request provide for interior connections to allow people to move within the entire development without having to access SE 15<sup>th</sup> Street. The PUD states that access between all lots within the retail property shall be provided.

On February 21, 2017, Ray Trail and Rance Blann of Warren Theaters, representatives of Sooner Investment and staff met with the neighbors from the Ranchet's neighborhood directly north of the area of request. Many neighbors expressed a desire for walkable connectivity from the neighborhood into the development. The applicant is proposing a sidewalk along the north and east sides of the area of request to allow neighbors to walk safely from the neighborhood into the development.

### Parking

Parking will be required to meet the minimum standards as set forth in the Zoning Ordinance. For a movie theater, one (1) space is required for every three (3) seats.

### Screening

Screening is required where a commercial, office or industrial district abuts a residential district. The applicant is proposing a landscape berm along the north side of the area of request to screen the development from the residential area to the north.

The Zoning Ordinance requires that commercial dumpsters be screened on three (3) sides with a minimum of 8' tall brick walls and a minimum 10' wide clear space when opened. The PUD states that dumpsters will be screened with 7' tall free standing walls, building walls or landscape berms.

### Landscaping

Code requires a base of six (6) trees and twelve (12) shrubs for each building plus two (2) trees and two (2) shrubs for every ten (10) parking spaces installed. The landscaping must be installed and approved prior to issuance of any Certificates of Occupancy.

### Signage

The PUD references both pylon and monument signs. It should be noted that both pylon and monument signs are considered free-standing signs and subject to the provisions for free-standing signs as noted in section 9-386 of the Sign Ordinance. For the proposed Theater PUD, the applicant is requesting a total of three (3) free-standing signs. For lots 2-4, 7'4" monument signs are proposed. The Master Sign Plan shows that these signs will be approximately 73.3 square feet in surface area. The proposed signs on lots 3-6 meet the provisions for free-standing signs as listed in the Midwest City Sign Ordinance. A proposed pylon sign located within the Retail PUD that was heard prior to this item has a display area for advertisement of the Warren Theater. The Retail PUD contained a request for a variance to allow off-premise advertising for the Warren Theater to advertise on the proposed pylon sign that is shown on the Master Sign Plans to be located on the Retail PUD property. The proposed multi-tenant sign is shown on the Master Sign Plan as 38' in height and 260 sq. ft. in surface area. The Midwest City Sign Ordinance allows a maximum height of 20' and surface area of 200 sq. ft. for free-standing signs.

Other elements listed in the PUD as submitted such as exterior material, pocket park, site lighting and outdoor seating areas must be complied with throughout development.

### Variations Requested

- 100' of frontage required for commercial lots for Lot 1 – staff recommends approval of this request. Although Lot 1 has in excess of 100' of frontage along Buena Vista, the front of the proposed building faces SE 15<sup>th</sup> Street.
- Wall façade articulation requirement of 3 ft. in depth for every 25' of horizontal wall length for buildings over 15,000 square feet – staff recommends approval of this request. The applicant has made an effort to not make this building a simple rectangle or square. Due to the unique character of the theaters housed within the building, the building shape suits the use.

- Wall signage – The PUD requests a variance for the wall signage for the building on Lot 1 as shown on Exhibit G of the PUD. The PUD does not state the specific variance that is being requested and the signage shown on Exhibit G is in compliance with the Sign Ordinance regarding wall signs.
- Height of the architectural entry feature – Section 5.4.1 of the Zoning Ordinance lists an exception to the height limitation for towers and other projections that are not used for human occupancy. The tower shall not exceed 15' above the maximum height allowable in the district in which it is located without prior approval of the City Council. The entry feature is a part of the proposed Warren Theater building but is not intended to be used for human occupancy. The height from the ground elevation to the top of the feature is approximately 102'. This does not exceed the maximum height allowable for this zoning district. Staff recommends approval.
- Parking space width – The Zoning Ordinance requires that the parking spaces be 18.5' in width. The applicant is requesting 18' wide parking spaces. The original PUD that the Planning Commission reviewed did state that the parking spaces were proposed to be 18' wide, however, staff did not recognize that variance prior to the Planning Commission meeting. Staff is agreeable to this request.

The Planning Commission recommended approval of this request.

Following the Planning Commission meeting, the applicant submitted a revised copy of the PUD. The only item that was revised on the PUD was the specific requested variance for the width of the parking spaces. The redlined item in the PUD that is a part of this agenda item is the only item in the document that have changed since the Planning Commission meeting.

This PUD shares many similarities with the Town Center PUD and the Sooner Rose Phase I PUD and the Sooner Rose Phase II PUD heard prior to this item. Town Center and Sooner Rose Phase I have been successful and are complimentary to the City of Midwest City. As this proposed PUD is, for the most part, in harmony with Town Center and Sooner Rose Phase I, staff recommends approval subject to staff comments.

**Action Required:** Approve or reject the resolution to amend a portion of the Comprehensive Plan to OR, Office/Retail and approve or reject an ordinance to redistrict to Planned Unit Development for the property noted in this report and subject to staff's comments as found in the April 25, 2017, agenda packet, and as noted in PC – 1902 file.



Billy Harless, AICP  
Community Development Director

**Title:** Warren Rose Phase II – Theatre Planned Unit Development (PUD)

**Owners:** G. Michael Vloedman, N. Carolyn Hurst Revocable Trust, Garrett Vloedman and Emily Vloedman Living Trust

**Developer:** Warren Theatres, LLC, or assigns

**Date:** April \_\_, 2017



STATE OF OKLAHOMA

WARREN ROSE PHASE II – THEATRE  
PLANNED UNIT DEVELOPMENT AGREEMENT

COUNTY OF OKLAHOMA

THIS WARREN ROSE PHASE II – THEATRE PLANNED UNIT DEVELOPMENT AGREEMENT (this “PUD”) is entered into as of the \_\_\_ day of April, 2017, by and between Warren Theatres, LLC (“Warren”), an Oklahoma corporation, and the City of Midwest City, a municipal corporation of Oklahoma (the “City”).

STATEMENT OF PURPOSE

The parties listed in Exhibit L, attached hereto and incorporated by this reference, are the owners of that certain parcels of property, which parcels comprise an approximate 16-6-acre property located in the northwest quadrant of Buena Vista Avenue and Southeast 15<sup>th</sup> Street in Midwest City, Oklahoma, and more particularly described in Exhibit A (the “Property”). Sooner Investment Group, Inc. (“Sooner”) is the contract purchaser of the Property. The Midwest City Memorial Hospital Authority (the “Authority”) and Warren have entered into that certain Sooner Rose Phase II – Theatre Economic Development Agreement, which provides for the assignment of Sooner’s rights to acquire the Property to the Authority, the conveyance of the Property to Warren, and for Warren’s development of the Property consistent with the terms of this PUD. The Property is currently underutilized and in need of redevelopment. This PUD will allow for best utilization of the Property and ensure compatibility of the Project with abutting properties. The design standards contained in this PUD will allow for a unique development that will provide for the highest and best use of the Property while ensuring the Project is compatible with adjoining land uses, which could not otherwise be achieved through a conventional zoning approach. The City has determined that the redevelopment of the Property will be a significant asset to the City and the public. The current owners of the parcels comprising the Property have consented to this application, and their respective current ownership interests are set forth in Exhibit L, attached hereto and incorporated by reference.

**NOW, THEREFORE**, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. **Incorporation by Reference.**

- 1.1. The Statement of Purpose set forth above is true and correct and hereby incorporated by reference.
- 1.2. The following exhibits are attached hereto and incorporated by reference:
  - 1.2.1. Exhibit A – Legal Description – the Property;
  - 1.2.2. Exhibit A-1 – Legal Description – Sooner Rose Phase II – Retail Property (the “Retail Property”);
  - 1.2.3. Exhibit B – Master Development Plan (the “Master Plan”);
  - 1.2.4. Exhibit C – Relationship to Abutting Uses;
  - 1.2.5. Exhibit D – Intentionally Omitted;
  - 1.2.6. Exhibit E – Existing and Abutting Zoning Classifications;
  - 1.2.7. Exhibit F – Contour Map;
  - 1.2.8. Exhibit G – Conceptual Architectural Elevations;
  - 1.2.9. Exhibit H – Master Signage Plan;
  - 1.2.10. Exhibit I – Intentionally Omitted;
  - 1.2.11. Exhibit J – Plaza Plan;

- 1.2.12. Exhibit K – Site Lighting Plan;
  - 1.2.13. Exhibit L – Current Owners of Parcels within the Property.
2. **Project Description.** The Property is proposed to be developed pursuant to this Planned Unit Development for a luxury movie theatre containing approximately 10 main level auditoriums and 4 balcony auditoriums, together with ancillary uses such as mezzanine bar/restaurant, main level upscale concessions, main level birthday/special events space, and related merchandise sales (the “Project”). The Project will also include three outparcels developed in an integrated land use plan as shown on Exhibit B. Exhibit B sets forth a feasible yet innovative use of the Property. This PUD establishes the intensity of use of the Property and appropriate standards and guidelines to assure a desired quality and character of development
3. **Property Description / Existing Site Conditions.**
- 3.1. **Location.** The Property is located along SE 15<sup>th</sup> Street. Exhibit C depicts the Property in relationship to abutting land uses. The Property is located immediately adjacent to the east of the Retail Property.
  - 3.2. **Existing Land Use and Zoning.** The existing land use and zoning for the Property is illustrated on Exhibit E. The Property is vacant.
    - 3.2.1. The zoning of properties immediately adjacent to the Property area as follows: North – R-6; South – C-3; East – R-6 and C-3; and West – C-3.
    - 3.2.2. The Property is designated as OR (Office Retail) and MDR (Medium Density Residential) on the Comprehensive Plan. The land use and intensity of use of the Project will conform to the C-3 zoning district. The C-3 zoning district is permitted in OR Land Use Designation.
  - 3.3. **Elevation and Topography.** The Property is relatively flat and generally drains west, southwest and southeast. The highest elevation on the Property is 1,233 feet above sea level at the northeast corner; the lowest elevation on the Property is 1,225 feet above sea level at the southwest and southeast corners.
  - 3.4. **Drainage.** Exhibit F shows the existing drainage basis and contours for the Property. On-site detention will be provided and consist of an underground Detention system, located beneath a portion of the west parking lot as depicted on Exhibit B.
  - 3.5. **Soil Characteristics and Tree Cover.** The soil conditions on the Property are generally good. The Property is generally made of the Northern Cross Timbers Stephenville-Darnell soil group. It is considered acceptable for commercial uses according to the U.S. Department of Agriculture, Soil Conservation Service. The remainder of the Property has been previously cleared of trees relating to the historic agricultural and commercial uses.
  - 3.6. **Existing and Proposed Streets.** Exhibit B depicts the existing street pattern in the area. These existing street alignments will not be changed as part of the Property. SE 15<sup>th</sup> Street and Buena Vista Avenue will be improved as more particularly shown on Exhibit B.
  - 3.7. **Utilities.** The Project will be fully serviced with public water and sewer service that will conform to City requirements. Private utilities lines will be located in easements on the Property as depicted on Exhibit B.
4. **Project Information.**
- 4.1. **Development Regulations.** This PUD will be governed by the C-3 Community Commercial District regulations, except as expressly provided herein.
    - 4.1.1. The following uses allowed by right under the C-3 District will be prohibited:
      - 4.1.1.1. Community recreation: property owners’ association;
      - 4.1.1.2. Funeral and interment services: undertaking;
      - 4.1.1.3. Personal storage;
      - 4.1.1.4. Wholesaling, storage and distribution: restricted;

- 4.1.1.5. Horticulture; and
  - 4.1.1.6. Commercial parking.
- 4.1.2. The following uses by special use permits in the C-3 District will be prohibited: Moderate impact institutional, and Community-based care facility.
- 4.1.3. The following special use permit uses in the C-3 District will be allowed on the Property: alcoholic beverage retail sale; and eating establishments (sit-down, alcoholic beverages and low point beer permitted). In the event City Ordinances are amended consistent with State Question 792 and Senate Bill 383 to modify or eliminate the low point beer sales restriction, the low point beer restriction in this Section shall be amended consistent with City Ordinances without need for further amendment to this PUD.
- 4.1.4. All lots shall comply with the parking standards set forth in the C-3 District zoning criteria, subject to the following:
- 4.1.4.1. The parking space dimensions on Lot 1 are permitted to be 9-ft wide by 18-ft long with 24-ft wide 2-way drive aisles; and
  - 4.1.4.2. Lots 2 – 4 shall each individually satisfy the parking requirements for the uses located on each separate Lot.
- 4.1.5. All outdoor storage shall meet Section 2.20.3(C) of the City's Zoning Ordinance. Furthermore, shipping containers shall not be used for storage of materials except in areas screened consistent with Section 4.3.3.
- 4.1.6. The Exhibits attached hereto set forth an anticipated representation of how the buildings will be located in the Project; provided, however, the building layout will be subject to further refinement during the site plan process and pursuant to this Section.
- 4.1.6.1. The following may be administratively authorized as minor modifications to this Agreement without need for formal amendment thereto:
    - 4.1.6.1.1. Modifications to Exhibit B as to building size and orientation on Lot 1, provided that such changes do not conflict with the terms of this Agreement;
    - 4.1.6.1.2. Modification or recombination of the outparcel configuration to reduce the number of outparcel Lots from three lots to two lots;
    - 4.1.6.1.3. Modifications consisting solely of revisions to plan exhibits that are necessary for compliance with the provisions of this Agreement or, where not superseded by this Agreement, provisions of the Code, and modifications to plan exhibits that are necessary for compliance with extra-jurisdictional permitting requirements; and
    - 4.1.6.1.4. De minimus modifications of up to ten percent (10%) to any of the dimensional requirements that are listed in this Agreement, as well as any associated modifications to the plan exhibits, where such modifications are needed to address errors, unanticipated conditions, or retail tenant standards (where such tenant standard is generally utilized on a majority of tenant's comparable retail stores in the metropolitan area).
  - 4.1.6.2. Any changes other than those identified in Sections 4.1.5 shall be deemed major modifications and shall require formal amendment of this Agreement.
- 4.1.7. Cross access between Lots 1 - 4, as more particularly shown on Exhibit B, shall be required. In addition, the main shopping center drive serving the Property and the Retail Property shall be located along the Property's and Retail Property's common boundary as shown on Exhibit B for mutual ingress and egress serving all lots in the Property and Retail Property.
- 4.1.8. Without limiting the applicability of the provisions of this Agreement, the following variances from the City's Zoning Ordinance shall be permitted by this Agreement:

- 4.1.8.1.** Less than one hundred feet (100') of frontage for Lot 1 on SE 15<sup>th</sup> Street shall be permitted, as shown on the Master Development Plan;
- 4.1.8.2.** Vehicular parking stalls shall be permitted to eighteen feet (18') long, and parking field drive aisles shall be twenty-four feet (24') wide;
- 4.1.8.3.** The wall façade articulation for any building over fifteen thousand square feet (15,000 sq.ft.) may have less than three feet (3') in depth for every twenty-five feet (25') of horizontal wall length;
- 4.1.8.4.** Wall signage for the building on Lot 1 as shown on Exhibit G;
- 4.1.8.5.** Off-premises signage for Lot 1, to be located on the pylon sign located as shown on Exhibit H; and
- 4.1.8.6.** The height of the architectural entry feature, as identified on Exhibit G, shall not exceed one hundred feet (100') measured from the finish floor in front of the main entry doors (the "Tower Feature"). The Tower Feature may also include an additional decorative light fixture element not to exceed an additional seven feet (7') of height measured from the top of the architectural entry feature.
- 4.2. Sequence of Development.** Upon receiving the necessary approvals, mass grading of the site will commence in 2017. It is anticipated that site development of Lot 1 will be completed in 2017. Incremental site development of the Outparcel Lots will occur upon completion of the above-referenced areas.
- 4.3. Development Amenities.**
- 4.3.1. Signage** – Signage within the Property will comply with the City's sign ordinance except as provided in this Agreement and Exhibit H. In the event of any conflict between the City's sign ordinance and this Agreement (including Exhibit H), this Agreement shall control. With respect to any issue not specifically addressed by this Agreement (or Exhibit H), the City's sign ordinance shall control.
- 4.3.1.1. Pylon Signage** – Pursuant to the Code, the Retail Property would be entitled to five (5) free standing signs (four on SE 15<sup>th</sup> St. and one on SE 12<sup>th</sup> St.), and the Property would be entitled to five (5) free standing signs (two on SE 15<sup>th</sup> St., two on Buena Vista Ave., and one on SE 12<sup>th</sup> St.), for a combined total of 4,000 sq.ft. of sign area (10 signs x 400 sq.ft. (200 sq.ft. per sign side) of sign area). In lieu of the forgoing, the number of permitted pylon signs and the combined total square footage of the sign area shall be as provided in this Section.
- 4.3.1.1.1.** One (1) shopping center pylon sign shall be permitted to be located along SE 15<sup>th</sup> St. for uses located on Lots 1 and 2 of the Retail Property, the SE 12<sup>th</sup> St. Addition Property, and the Lot 1 of the Property. Off-site signage for the SE 12<sup>th</sup> St. Addition Property and the Property is justified by the public benefit of creating a unified, cohesive mixed-use commercial development incorporating all three properties. Use of a single pylon sign for all three properties will result in substantially less sign square footage and reduce the number of free standing signs than if all properties employed code-compliant signage. The pylon sign shall comply with the design criteria as set forth in Exhibit H.
- 4.3.1.1.2.** One (1) shopping center pylon sign shall be permitted to be located along Buena Vista Ave. on the Property as shown on Exhibit H.
- 4.3.1.1.3.** No other pylon signs shall be permitted on the Property except as provided in this Section.
- 4.3.1.2. Monument Signage** – Lots 2 – 4 shall be each permitted a monument sign to be located on SE 15<sup>th</sup> Street and Buena Vista Avenue as shown on Exhibit H. All monument

signs shall be located as provided on Exhibit B and shall be designed consistent with Exhibit H.

**4.3.1.3. Wall Signage**

4.3.1.3.1. Wall Signage for Lot 1 shall be permitted as depicted on Exhibit G.

4.3.1.3.2. Wall signs for Lots 2 – 4 shall be permitted as follows:

4.3.1.3.2.1. A maximum of 1.5 square feet of signage area for every linear foot of building façade will be allowed for each building façade that faces a public street.

4.3.1.3.2.2. A maximum of 1.0 square feet of signage area for a building façade will be allowed for each building façade that faces a common property line.

4.3.1.3.2.3. Graphic logos are permitted provided the sign area of the logo is included in the maximum allowable sign area for each façade.

4.3.1.3.2.4. No signs attached to buildings shall be mounted lower than 7'-0" A.F.F.

**4.3.2. Architecture** – The design of the building on Lot 1 shall be generally consistent with Exhibit G. With respect to any issue not specifically addressed by the Exhibit G, the architectural design provisions of the City's zoning ordinance shall control. Except as expressly provided below, the buildings throughout the Project shall comply with the architectural design provisions of the City's zoning ordinance.

4.3.2.1. Exterior building materials shall utilize at least three different exterior wall materials or colors on each wall.

4.3.2.2. Anchor tenants' main entrance façade shall incorporate masonry, tile or stone elements.

4.3.2.3. Window frames shall be aluminum storefront or aluminum curtainwall.

4.3.2.4. The following exterior building materials shall be permitted:

4.3.2.4.1. Boral bricks;

4.3.2.4.2. Mortar – natural;

4.3.2.4.3. Cast Stone – Cordova Stone "Buff";

4.3.2.4.4. Miscellaneous Metal – Paint Black;

4.3.2.4.5. Colored Concrete Block (integral color);

4.3.2.4.6. Awnings or horizontal metal canopies - Standing-seam metal. Awnings shall be black, corporate identity color, or other colors as permitted by the City's architectural design ordinance;

4.3.2.4.7. Coping – Kawneer 500 finish to match adjacent cornice material;

4.3.2.4.8. Storefront – Clear anodized aluminum with clear insulating glass;

4.3.2.4.9. Metal roofing – Standing seam metal (Kawneer 500 Finish).

4.3.2.5. The following exterior building materials shall not be permitted:

4.3.2.5.1. Fabric awnings;

4.3.2.5.2. EIFS material shall not be permitted (i) less than 36 inches above grade, and (ii) the total square footage of EIFS material used on a building shall not exceed twenty percent (20%) of the total amount of surface area of all walls of the building;

4.3.2.5.3. Cast concrete panels, unless such panels are articulated with decorative reveals or control/expansion joints and coated to simulate a textured stucco appearance;

4.3.2.5.4. Exposed neon tubing as building decoration except at main entry and Tower Feature.

**4.3.3. Screening**

- 4.3.3.1. All rooftop mechanical units and equipment shall be screened from view from public rights-of-way.
- 4.3.3.2. Dumpster and service areas shall be screened as shown on Exhibit B and as follows:
  - 4.3.3.2.1. All dumpsters on Lot 1 shall be screened as provided on Exhibit J. All other dumpsters on the Property shall be screened by either free standing walls, building walls, or landscape berms of not less than seven feet (7') in height on three (3) sides, with a ten foot (10') opening;
  - 4.3.3.2.2. Landscaping for a softening effect or a solid screen can be of shrubs or climbing vines, which provide color and texture; and
  - 4.3.3.2.3. All utility service not screened within a solid, screen wall or fence shall have a natural evergreen screen which completely screens the utility service view from public areas upon installation.
- 4.3.3.3. Screening and a landscape berm along the northern boundary of the Property shall be provided in the area as shown on Exhibit B and designed consistent with Exhibit G-1.
- 4.3.4. **Sidewalks** – Sidewalks shall be installed on the Property consistent with Exhibit J. Crosswalks will not be installed where access from arterial streets of SE 15<sup>th</sup> Street is provided.
- 4.3.5. **Site Lighting** – Site lighting shall be provided for the Property consistent with Exhibit K (identified on Exhibit K as the “Theatre Property”). Site lighting shall be directional so as to minimize glare onto properties adjoining the Property. Lighting levels at Lot 1 parking lot and drives shall be a range of 5 to 6 footcandles at the front and sides of the building and a range of 4 to 5 footcandles at the back of the building. Lighting levels at Lots 2, 3, and 4 shall be 3.5 footcandles average.
- 4.3.6. **Landscaping** – Landscaping materials shall be installed through the Property consistent with this Section. In addition, landscaping materials required for buffering and screening from adjoining uses shall be installed along the Property perimeter as required by the City’s Zoning Ordinance and consistent with this Section.
  - 4.3.6.1. **Landscape Standards** - The following landscape standards shall apply to all parcels. Shrubbery and ground covers shall be used in mass plantings to provide variety and contrasting visual effect in color, shapes, and texture. Irrigation must be supplied to assure survival of the plant material and ease in the maintenance of the site.
  - 4.3.6.2. **Landscape – Design Criteria**
    - 4.3.6.2.1. **Minimum Pervious Area Requirements:**
      - 4.3.6.2.1.1. For each parcel developed, the maximum area for both building and paved area cannot exceed 90%. Pervious area must be at least 10%. The pervious area shall be landscaped with trees, shrubs, and grass.
      - 4.3.6.2.1.2. Total landscaping expenditures for a lot must be a minimum of \$25,000/acre for outparcels, and \$10,000/acre for all anchor store and remaining developer retail tracts. Total landscaping expenditures shall be limited to materials and labor for all in-ground landscaping, irrigation, planters, and other landscaping materials. Expenditures shall not include cost of professional fees, hardscape paving, and maintenance.
      - 4.3.6.2.1.3. River rock shall not be considered a pervious material for purposes of this Section.
    - 4.3.6.2.2. **Plant Materials**

- 4.3.6.2.2.1. Trees shall be species having a minimum mature spread ranging from 15' to 40' and with a minimum mature height of 20' and installation size of 2 ½" minimum calibers at 3" above base.
- 4.3.6.2.2.2. Evergreen trees shall have a minimum of 7' in height when installed.
- 4.3.6.2.2.3. Flowering trees shall be a 2" minimum caliber when installed.
- 4.3.6.2.2.4. Shrubs used for Section 4.3.3 screening purposes shall be minimum of 2' in height and 18" in width at installation.
- 4.3.6.2.2.5. Flower beds are encouraged and shall be planted in acceptable areas to create color, texture, and interest.
- 4.3.6.2.2.6. Refer to Section 4.3.6.5 for listing of acceptable plant materials.
- 4.3.6.3. **Types of Landscaped Areas** – The following items shall be provided as shown on Exhibit B:
  - 4.3.6.3.1. A planted area between the designated walk and adjacent vehicular drives shall be provided.
  - 4.3.6.3.2. A landscaped area within one hundred feet (100') of every parking space;
  - 4.3.6.3.3. Curbed island at the end of every double row of parking and equal to the parking space length shall be provided.
  - 4.3.6.3.4. Landscaping shall be provided at perimeter of parking areas.
  - 4.3.6.3.5. Landscaping shall be provided at base of building, between building and parking areas.
  - 4.3.6.3.6. Plant Maintenance Requirements – all landscaped areas shall be maintained to provide clean, attractive grounds.
- 4.3.6.4. **Hardscape Amenities**
  - 4.3.6.4.1. Site furnishings such as benches, waste receptacles, tables, bike rack, etc. shall be in character with the building architecture and the surrounding landscaping.
  - 4.3.6.4.2. A minimum of one (1) 5'-0" long bench and one (1) trash receptacle with ash urn shall be provided at each outparcel building front entrance.
  - 4.3.6.4.3. Solid concrete paving shall be stamped or tooled to form a scaled down pattern.
- 4.3.6.5. **Permitted Landscaping Materials** (see following page)

**LARGE TREES – SINGLE AND MULTI-TRUNK**

Autumn Applause Ash  
 Urbanite Ash Lacebark Elm Chinese Pistache  
 Greenspire Linden  
 Green Vase Zelkova  
 Shumard Oak  
 Autumn Blaze Maple  
 Green Mountain Maple  
 Legacy Maple Autumn Purple  
 Ash Bloodgood London  
 Planetree English Oak  
 Fruitless Sweetgum  
 Black Gum  
 Hackberry  
 Burr Oak  
 Heritage Birch

**SMALL/FLOWERING ACCENT TREES – SINGLE TRUNKS**

Capital Pear  
 Redspire Pear  
 Cleveland Select Pear (Chanticleer Pear)  
 Oklahoma Redbud  
 Texas White Redbud  
 Forest Pansy Redbud  
 Yoshino Cherry  
 Kousa Dogwood  
 Common Chokecherry  
 Some Crabapple Species

**EVERGREEN TREES**

Blue Atlas Cedar  
 Scotch Pine  
 Austrian Pine  
 Loblolly Pine  
 Slash Pine  
 Live Oak  
 Bracken's Brown Beauty & Select #3 So.  
 Magnolia  
 Merrill Magnolia

**UPRIGHT EVERGREEN ACCENTS**

Nellie R. Stevens Holly  
 Foster's Holly  
 DWF Alberta Spruce  
 DWF Bosnian Pine (DWF Austrian)  
 Cailf Incense Cedar  
 Hoopsi Spruce  
 Emily Brunner Holly

**EVERGREEN SHRUBS**

Nellie R. Stevens Holly  
 Manhattan Euonymus  
 Otto Luyken's Laurel  
 DWF Yaupon Holly Pride of Houston  
 Greenmound Juniper  
 Broadmoor Juniper  
 Shore Juniper  
 Prince of Wales Jun.  
 Harbor DWF Nandina  
 Gulfstream Nandina  
 Santolina  
 Abelia  
 Japanese Spreading Yew  
 Blue Hollies  
 Wintergreen Boxwood

**DECIDUOUS SHRUBS**

Dwarf Burning Bush  
 Goldmound Spiraea  
 Hosta  
 Gro-Low Sumac Dwarf  
 Crape Myrtle  
 Limemound Spiraea  
 Compact Butterfly Bush  
 Pygmy Barberry  
 Rosy Glow Barberry  
 Blue Mist Caryopteris  
 Meidiland Rose  
 Dwarf Kelsey Dogwood

**MULTI-TRUNK ACCENT TREES/SHRUBS**

Chase Tree  
 Saucer Magnolia  
 Red Osier Dogwood (Red Twig)  
 Yaupon Holly  
 American Holly  
 Warren's Red Delicious Holly  
 AmurMaple Serviceberry Crape Myrtle  
 Royal Star Magnolia  
 Cockspur Hawthorn  
 Viburnum

**GROUND COVER**

Big Blue Liriope  
 Coloratus  
 Ajuga  
 Dwarf Mondo Grass  
 Vinca Minor



**Exhibit A**  
**Property Legal Description**

A tract of land lying in the Southwest Quarter of Section Four (4), Township Eleven (11) North, Range Two (2) West of the Indian Meridian, Oklahoma County, Oklahoma being more particularly described as follows:

COMMENCING at the southwest corner of said Southwest Quarter;

THENCE North 89°24'49" East, along the south line of said Southwest Quarter, a distance of 1,286.19 feet to the POINT OF BEGINNING;

THENCE North 00°35'11" West, perpendicular to the south line of said Southwest Quarter, a distance of 399.33 feet;

THENCE North 01°20'38" West, parallel with the west line of said Southwest Quarter, a distance of 920.64 feet to a point on the centerline of Southeast 12<sup>th</sup> Street as shown on the plat of CROSBY RICHLAND HILL ADDITION, according to the plat thereof recorded in Book 31 of Plats, Page 94, Oklahoma County records;

THENCE North 89°24'49" East, along said centerline and parallel with the south line of said Southwest Quarter, a distance of 547.18 feet to a point, said point being 792.00 feet South 89°24'49" West of the east line of the said Southwest Quarter;

THENCE South 01°23'57" East, parallel with the east line of said Southwest Quarter, a distance of 1,320.02 feet to a point on the south line of said Southwest Quarter, said point being 792.00 feet South 89°24'49" West of the southeast corner of said Southwest Quarter;

THENCE South 89°24'49" West, along said south line, a distance of 553.73 feet to the POINT OF BEGINNING.

Said tract of land containing 724,111 square feet or 16.6233 acres more or less.

The basis of bearings for this legal description is the Oklahoma State Plane Coordinate System (NAD83-North Zone) using a bearing of South 89°24'49" West on the south line of the Southwest Quarter of Section 4, Township 11 North, Range 2 West of the Indian Meridian, Oklahoma County, Oklahoma.

GWS 1-18-17

**Exhibit A-1**  
**Retail Property Legal Description**

A tract of land lying in the Southwest Quarter of Section Four (4), Township Eleven (11) North, Range Two (2) West of the Indian Meridian, Oklahoma County, Oklahoma, and including within its bounds a part of Lot One (1) in Block One (1) of SOONER ROSE ADDITION, an addition to the City of Midwest City, Oklahoma, according to the plat thereof recorded in Book 75 of Plats at Page 12 in the records of the Oklahoma County Clerk. and being more particularly described as follows:

COMMENCING at the southwest corner of said Southwest Quarter;

THENCE North 89°24'49" East, along the south line of said Southwest Quarter, a distance of 593.83 feet to a point of intersection with the projected east line of Lot Five (5), in Block One (1) of SOONER ROSE ADDITION, an Addition to the City of Midwest City, Oklahoma, according to the plat thereof recorded in Book 75 of Plats at Page 12 in the records of the Oklahoma County Clerk, said point being the POINT OF BEGINNING;

THENCE North 01°20'38" West, along said projected line and the actual east line of said Lot Five (5) and Lot One (1) in Block One (1) of SOONER ROSE ADDITION, passing at a distance of 350.00 feet the northeast corner of said Lot 5, and continuing for a total distance of 369.07 feet;

THENCE North 88°39'22" East, perpendicular to the east line of said Lots 5 and 1, a distance of 85.59 feet;

THENCE North 01°20'38" West, parallel with the west line of said Southwest Quarter, a distance of 289.80 feet to a point on a southerly line of Lot 1, in Block 1, SOONER ROSE ADDITION;

THENCE North 89°24'49" East, along said southerly line of said Lot 1, a distance of 89.06 feet;

THENCE North 01°20'38" West a distance of 331.70 feet to a point on the north line of said Lot 1;

THENCE North 89°24'49" East, passing at a distance of 80.00 feet the northeast corner of said Lot 1, Block 1, SOONER ROSE ADDITION, and continuing for a total distance of 322.98 feet;

THENCE North 01°20'38" West, parallel with the west line of said Southwest Quarter, a distance of 328.30 feet to a point on the centerline of Southeast 12<sup>th</sup> Street as shown on the plat of CROSBY RICHLAND HILL ADDITION, according to the plat thereof recorded in Book 31 of Plats, Page 94, Oklahoma County records;

THENCE North 89°24'49" East, along said centerline and parallel with the south line of said Southwest Quarter, a distance of 200.00 feet;

THENCE South 01°20'38" East, parallel with the west line of said Southwest Quarter, a distance of 920.64 feet;

THENCE South 00°35'11" East, perpendicular to the south line of said Southwest Quarter, a distance of 399.33 feet to a point on the south line of said Southwest Quarter;

THENCE South 89°24'49" West, along said south line, a distance of 692.36 feet to the POINT OF BEGINNING.

Said tract of land containing 673,609 square feet or 15.4639 acres more or less.

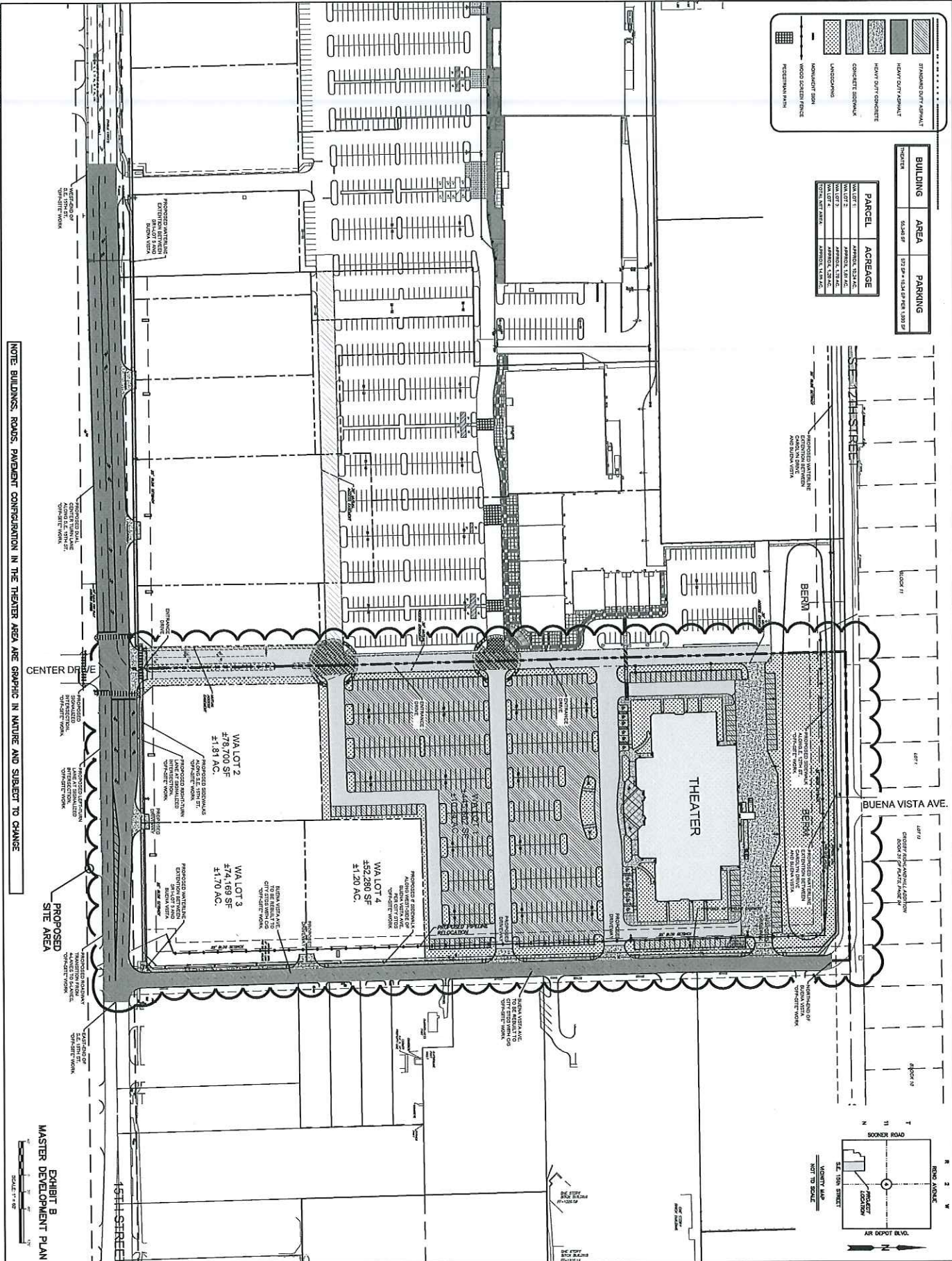
The basis of bearings for this legal description is the Oklahoma State Plane Coordinate System (NAD83-North Zone) using a bearing of South 89°24'49" West on the south line of the Southwest Quarter of Section 4, Township 11 North, Range 2 West of the Indian Meridian, Oklahoma County, Oklahoma.

GWS 3-10-17

[Pattern]	STANDARD DIRT ASPHALT
[Pattern]	HEAVY DUTY ASPHALT
[Pattern]	HEAVY DUTY CONCRETE
[Pattern]	CONCRETE SIDEWALK
[Pattern]	LANDSCAPING
[Pattern]	MONUMENT SIGN
[Pattern]	WOOD COLORED FENCE
[Pattern]	PERESTAL SIGN

BUILDING	AREA	PARKING
THEATER	52,400 SF	127 SP - 10,240 SF (80% 1,000 SF)

PARCEL	ACREAGE
WA LOT 1	APPROX. 1.20 AC.
WA LOT 2	APPROX. 1.20 AC.
WA LOT 3	APPROX. 1.20 AC.
WA LOT 4	APPROX. 1.20 AC.
TOTAL NET AREA	APPROX. 4.80 AC.



NOTE: BUILDINGS, ROADS, PAVEMENT CONFIGURATION IN THE THEATER AREA ARE GRAPHIC IN NATURE AND SUBJECT TO CHANGE.

EXHIBIT B  
MASTER DEVELOPMENT PLAN

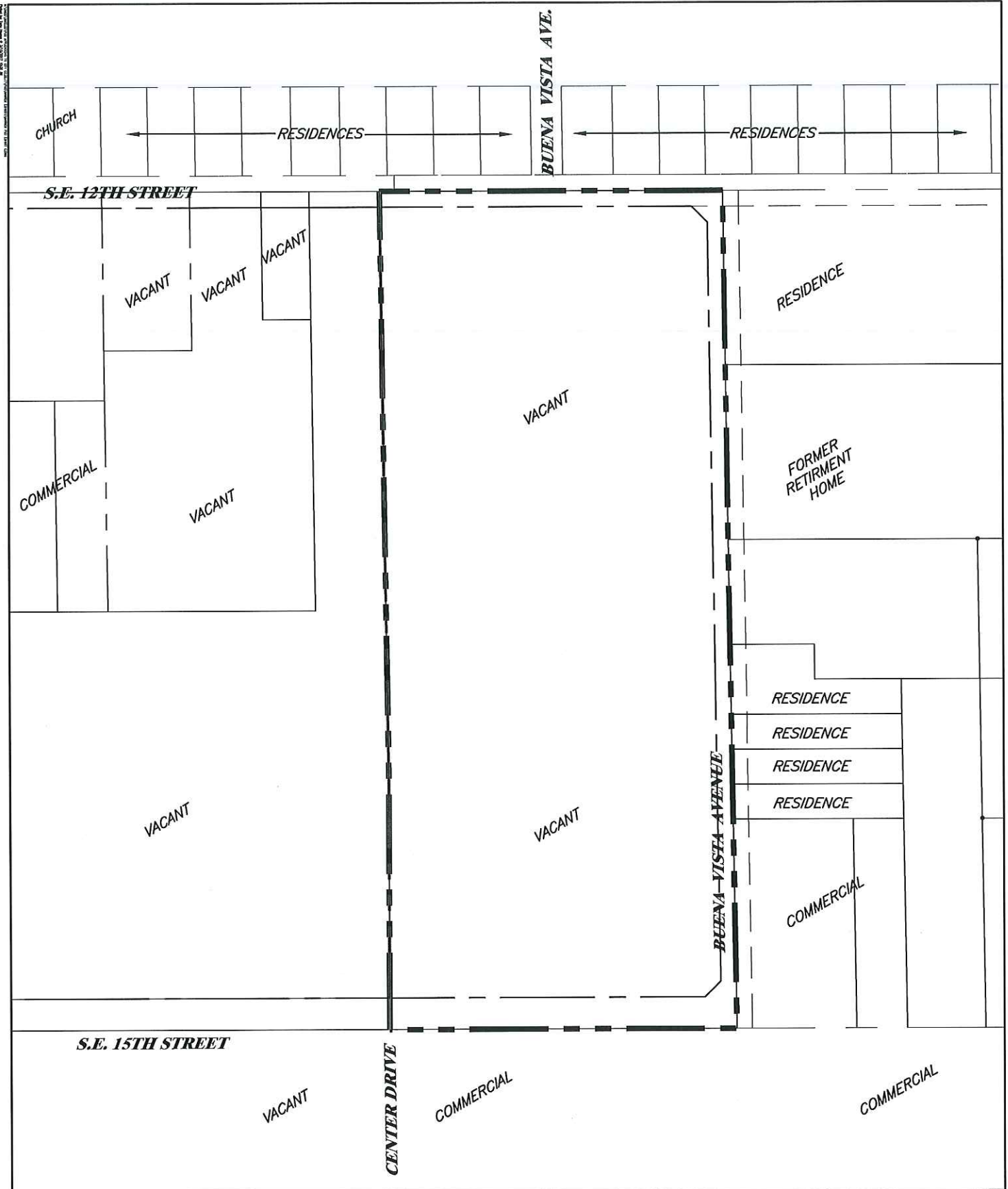
**SMC**  
S.M. Consulting Engineers, P.A.  
1111 N. W. 10th Street, Suite 100  
Midwest City, Oklahoma 73101  
Tel: (405) 410-1111 Fax: (405) 410-1112  
www.smc-engineers.com

SOONER ROSE PHASE II - WARREN  
SOONER ROAD & 15TH STREET  
MIDWEST CITY, OKLAHOMA

**PRELIMINARY CONSTRUCTION**

**SOONER INVESTMENT**  
Commercial and Investment Real Estate  
1234 Main St. Suite 100, Midwest City, OK 73101  
(405) 410-1111 Fax: (405) 410-1112


252

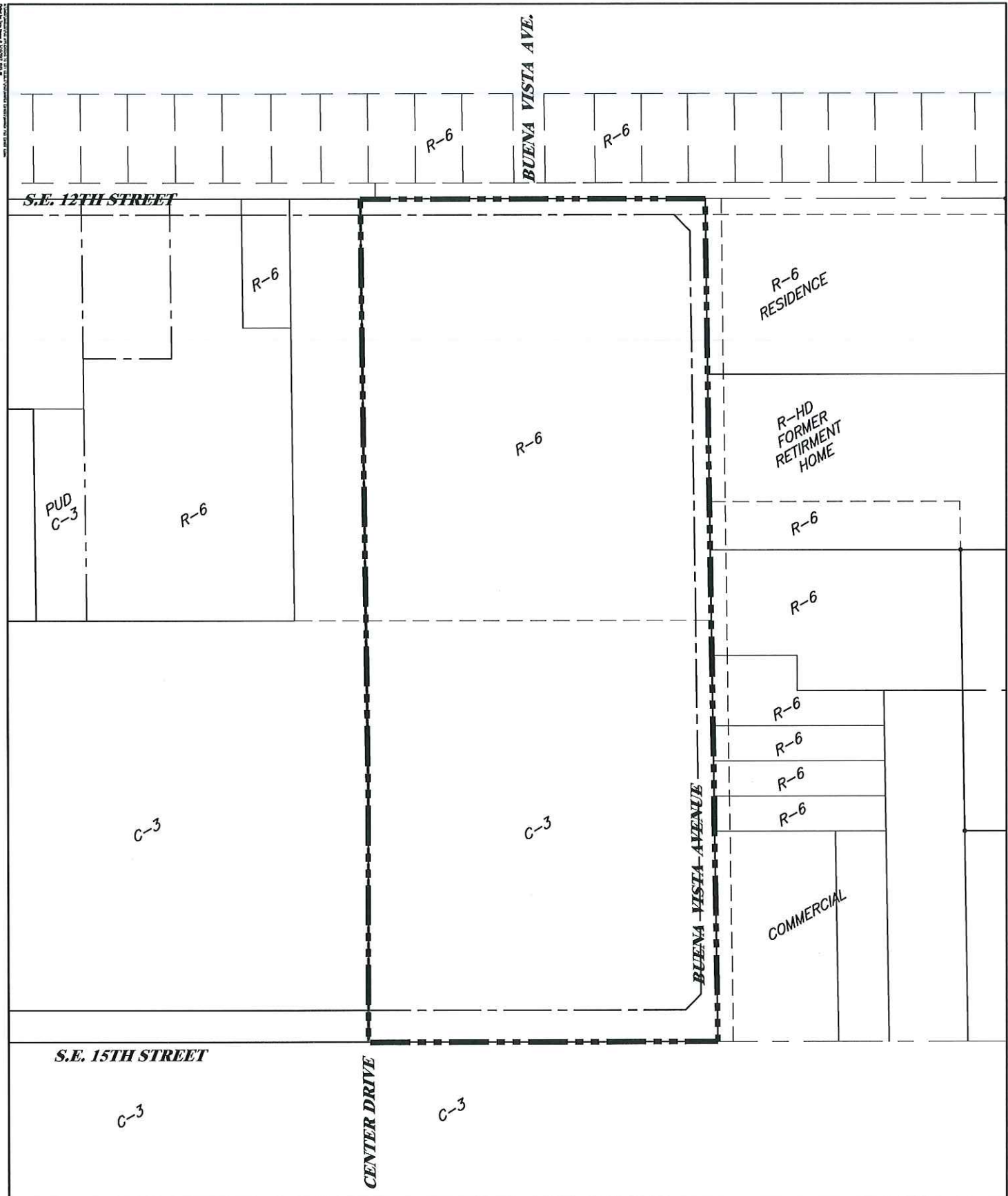


**SMC**  
 SMC Consulting Engineers, P.C.  
 815 West Main - Oklahoma City, OK 73106  
 PH: 405-232-7715 Fax: 405-232-7859

PLANNED UNIT DEVELOPMENT  
 WARREN ROSE PHASE 2 - THEATRE  
 MIDWEST CITY, OK

RELATIONSHIP TO  
 ABUTTING USES  
**EXHIBIT "C"**


  
 NOT TO SCALE  
 352  
 REV 03/10/17  
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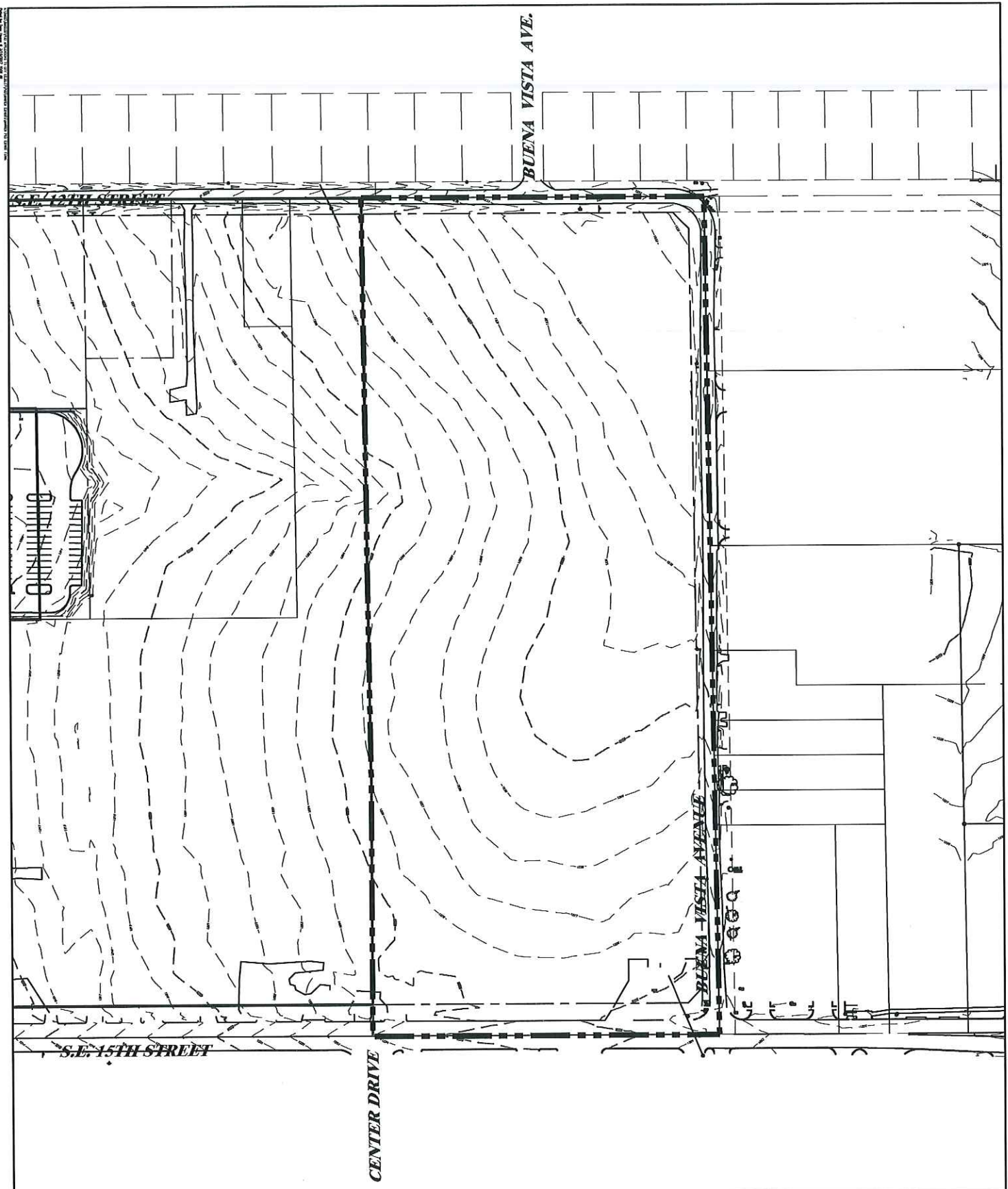


**SMC**  
 SMC Consulting Engineers, P.C.  
 815 West Main - Oklahoma City, OK 73106  
 PH: 405-232-7715 Fax: 405-232-7859

PLANNED UNIT DEVELOPMENT  
 WARREN ROSE PHASE 2 - THEATRE  
 MIDWEST CITY, OK

EXISTING AND ABUTTING  
 ZONING CLASSIFICATIONS  
**EXHIBIT "E"**

  
 NOT TO SCALE  
 REV 03/16/14  
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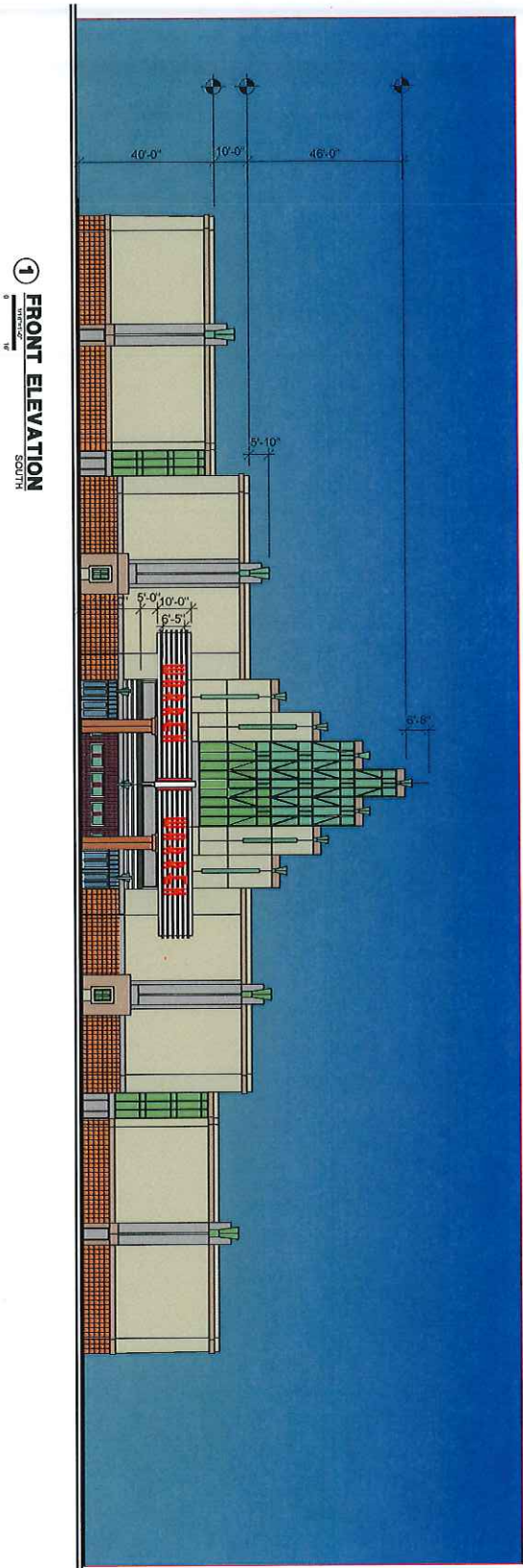
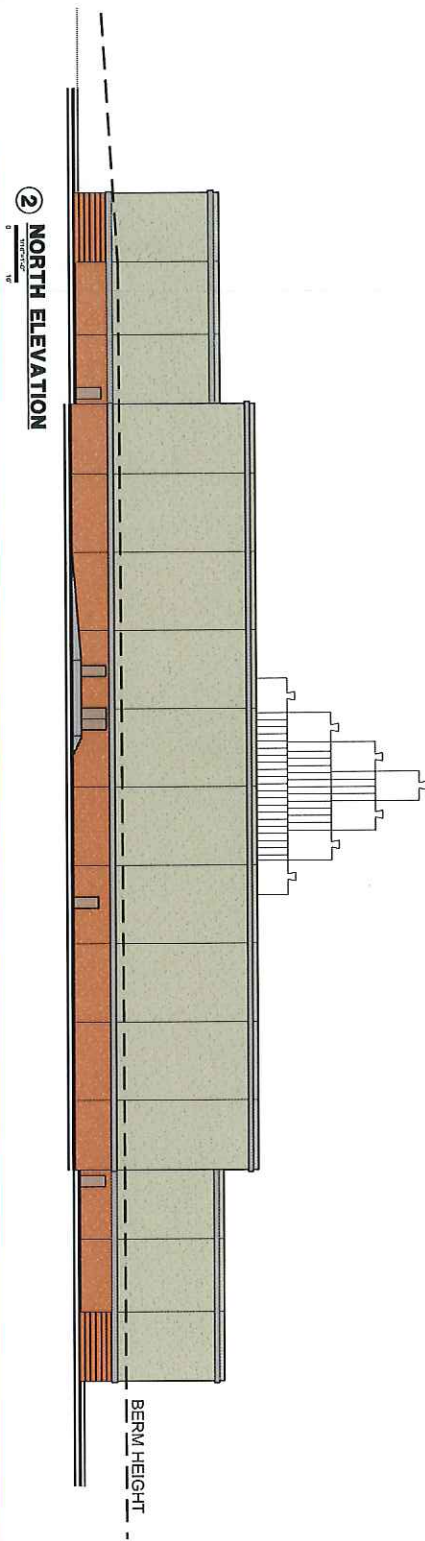


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 SMC Consulting Engineers, P.C.  
 815 West Main - Oklahoma City, OK 73106  
 PH: 405-232-7715 Fax: 405-232-7859

PLANNED UNIT DEVELOPMENT  
 WARREN ROSE PHASE 2 - THEATRE  
 MIDWEST CITY, OK

EXISTING CONTOUR MAP  
EXHIBIT "F"

  
 NOT TO SCALE  
 255  
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**SPT**  
SPANGENBERG PHILLIPS TIGE  
ARCHITECTURE  
T 318.267.4002 www.sptarchitecture.com

WARREN THEATRE - MIDWEST CITY

09 MARCH 2017

Exhibit G



Exhibit G-1



LOOKING SOUTH

A1

17 FEB 17  
NORTH  
RENDERINGS

WARREN THEATRE  
MIDWEST CITY  
MIDWEST CITY OKLAHOMA

SPANGENBERG PHILLIPS TICE  
ARCHITECTURE  
121 N Mead Ste 201 Wichita KS 67202  
T 316.267.4002 F 316.267.1509  
www.sptarchitecture.com



257



LOOKING SOUTHEAST



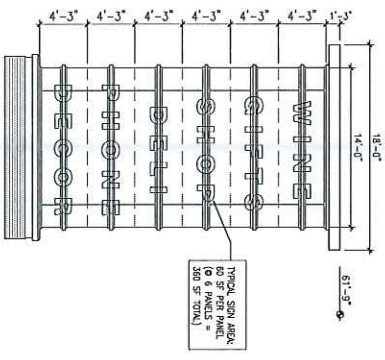
LOOKING SOUTHWEST

**WARREN THEATRE**  
**MIDWEST CITY**  
 MIDWEST CITY OKLAHOMA

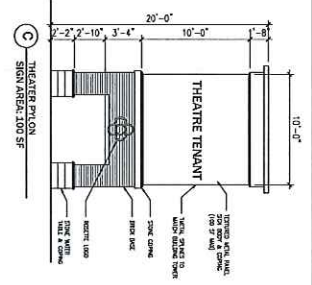
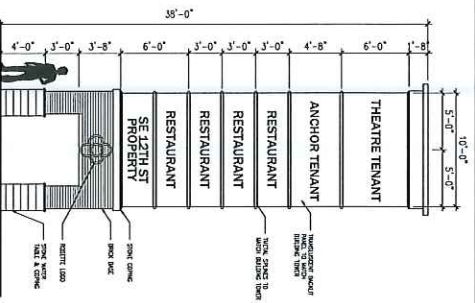
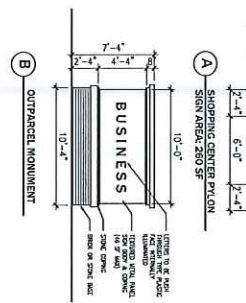
SPANGENBERG PHILLIPS TICE  
**ARCHITECTURE**  
 121 N Mead Ste 201 Wichita KS 67202  
 T 316.267.4002 F 316.267.1509  
 www.sptarchitecture.com



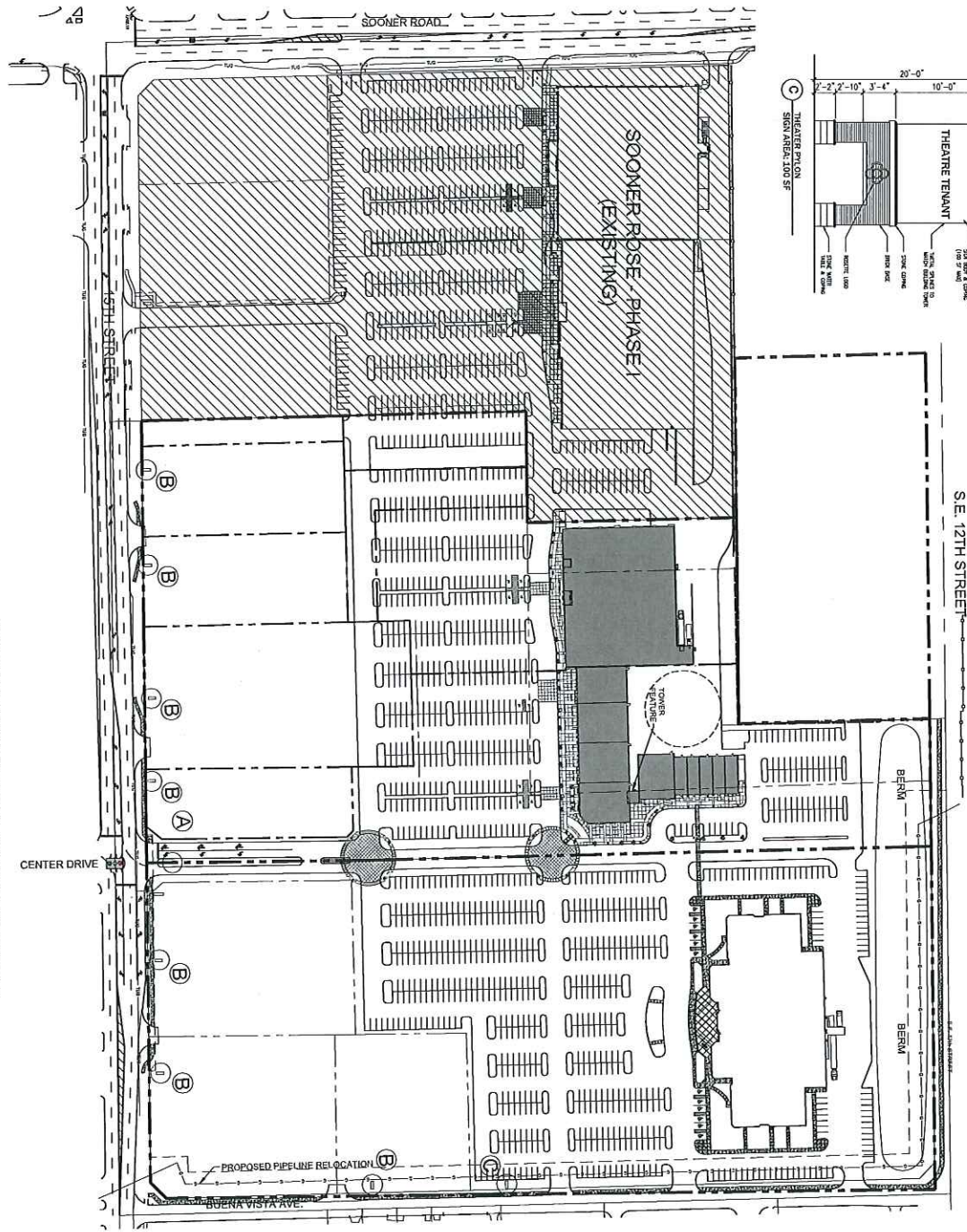
3 TOWER SIGN - SOUTH ELEVATION  
SCALE: 1" = 60'-0"



2 SIGN TYPES  
SCALE: 1" = 60'-0"



1 MASTER SIGNAGE PLAN  
SCALE: 1" = 60'-0"



PROJECT NO.	16.001.00
DATE	03-09-2017
SHEET	MSP-1

SOONER ROSE - PHASE II RETAIL  
EXHIBIT 'H'  
MIDWEST CITY, OKLAHOMA  
MASTER SIGNAGE PLAN



GOOD architecture  
101 West Main Street, Suite 100  
Midwest City, Oklahoma 73102  
724.424.2727

SOONER INVESTMENT  
Commercial and Investment Real Estate  
2301 West 1-14 Street, Suite 100, Midwest City, OK 73102  
918.334.0000 Fax 918.334.1300

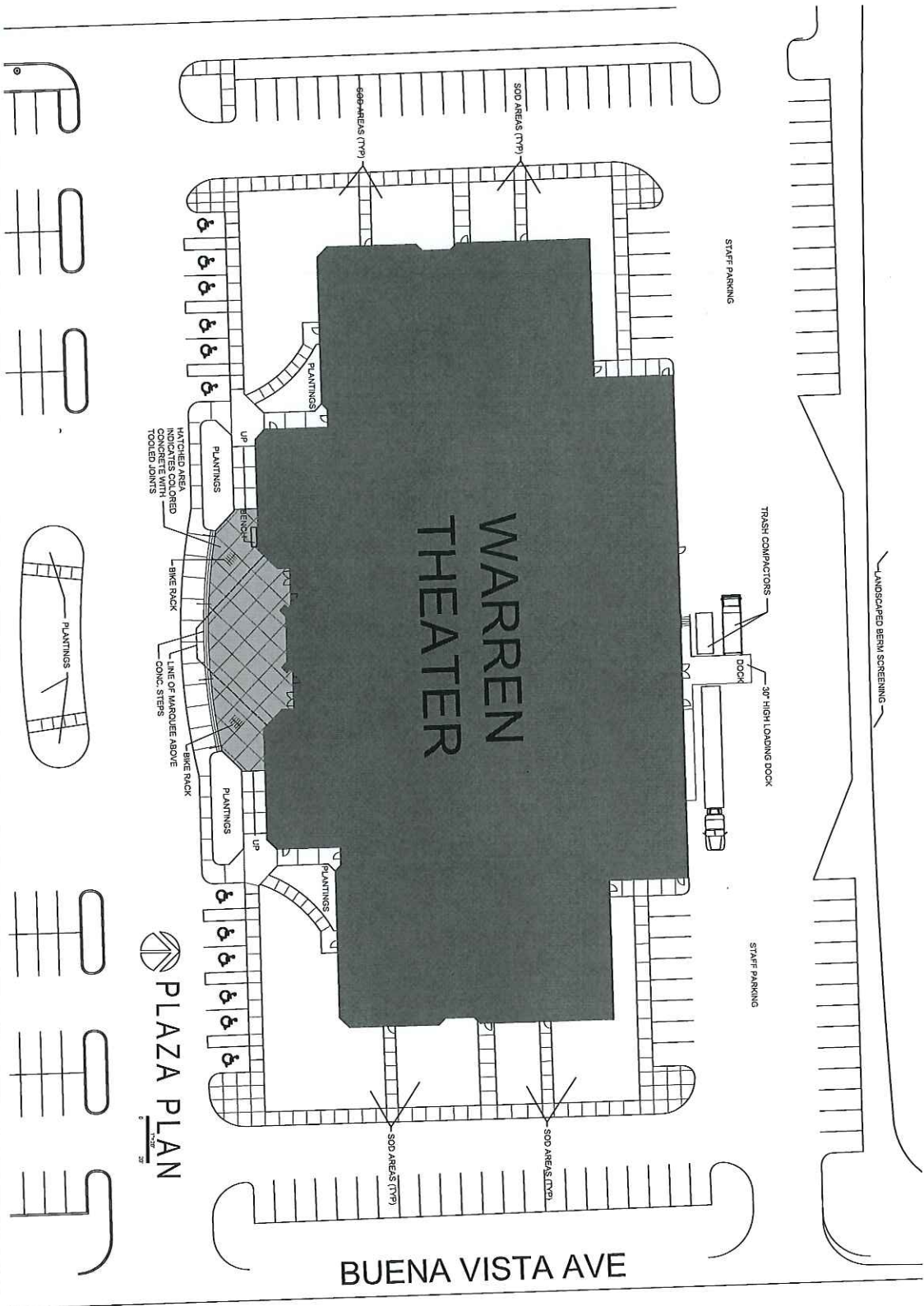


Exhibit J



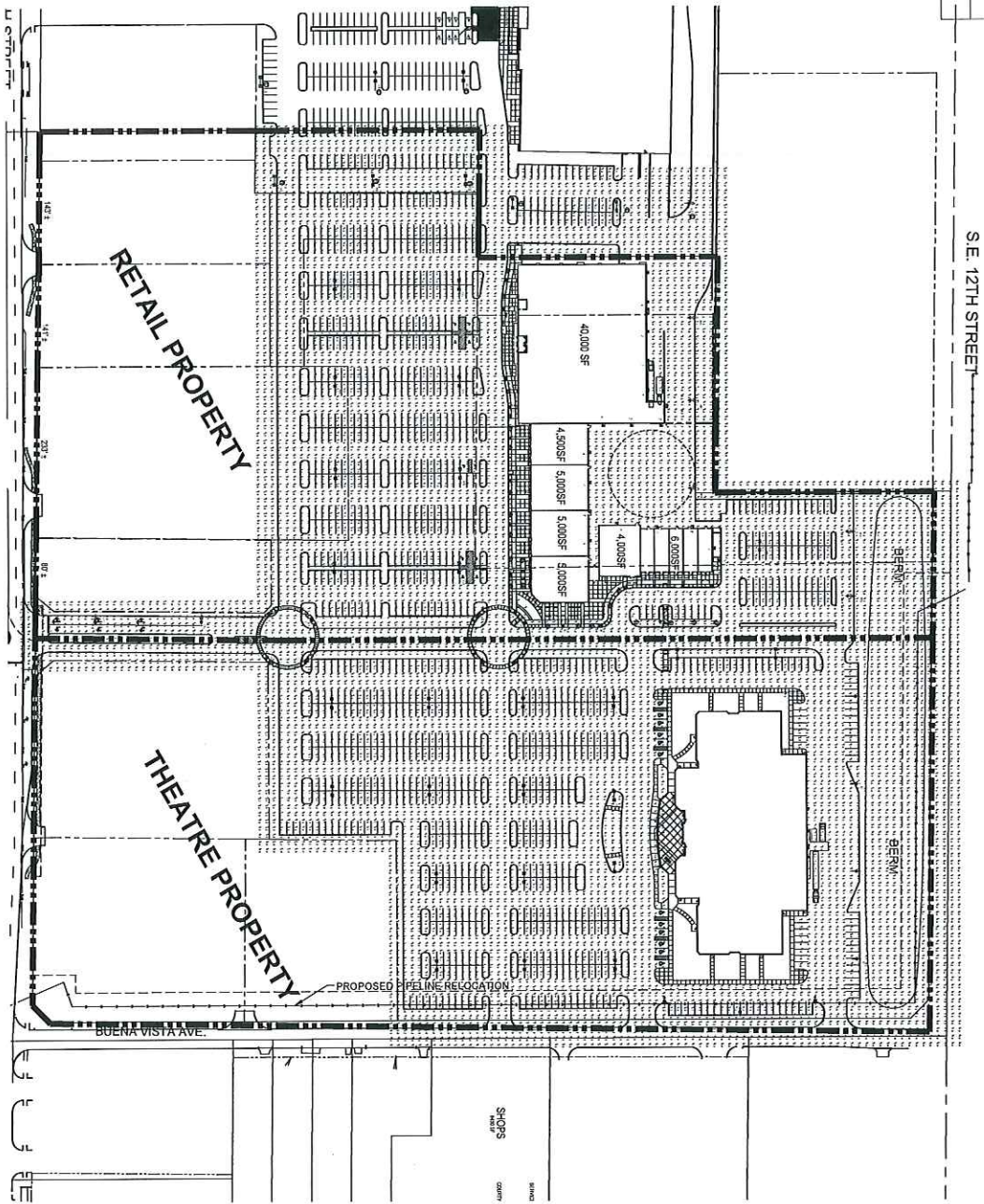
SPANGENBERG PHILLIPS TICE  
 ARCHITECTS  
 316.267.4002 / F 316.267.1509 / www.sptarchitecture.com

PROPOSED WARREN THEATER - MIDWEST CITY, OK 09 MARCH 17



REVISIONS		
REV #	DATE	BY:
1	3/7/17	J.P.
2	3/9/17	J.P.

### Exhibit K



- ⊙ - EXISTING
- ⊗ - RELOCATED EXISTING

BASED ON THE INFORMATION PROVIDED, ALL DIMENSIONS AND LUMINAIRE LOCATIONS SHOWN ARE APPROXIMATE. THE ENGINEER AND/OR ARCHITECT MUST DETERMINE APPLICABILITY OF THE LAYOUT TO EXISTING OR FUTURE FIELD CONDITIONS. THE PATTERN REPRESENTS ILLUMINATION LEVELS CALCULATED FROM LABORATORY DATA TAKEN UNDER CONTROLLED CONDITIONS UTILIZING CURRENT INDUSTRY STANDARD LAMP RATINGS IN ACCORDANCE WITH ILLUMINATING ENGINEERING SOCIETY (IES) RECOMMENDATIONS. ILLUMINATION LEVELS MAY VARY DUE TO VARIATION IN ELECTRICAL VOLTAGE, TOLERANCE IN LAMPS AND OTHER VARIABLE FIELD CONDITIONS.

ROOM NO.	AREA (SQ. FT.)	AVG. FOOT-CANDLES	AVG. FOOT-CANDLES	AVG. FOOT-CANDLES	AVG. FOOT-CANDLES	AVG. FOOT-CANDLES	AVG. FOOT-CANDLES	AVG. FOOT-CANDLES	AVG. FOOT-CANDLES
1	40,000	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0
2	4,500	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0
3	5,000	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0
4	5,000	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0
5	5,000	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0
6	4,000	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0
7	6,000	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0

ROOM NO.	AREA (SQ. FT.)	AVG. FOOT-CANDLES	AVG. FOOT-CANDLES	AVG. FOOT-CANDLES	AVG. FOOT-CANDLES	AVG. FOOT-CANDLES	AVG. FOOT-CANDLES	AVG. FOOT-CANDLES	AVG. FOOT-CANDLES
1	40,000	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0
2	4,500	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0
3	5,000	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0
4	5,000	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0
5	5,000	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0
6	4,000	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0
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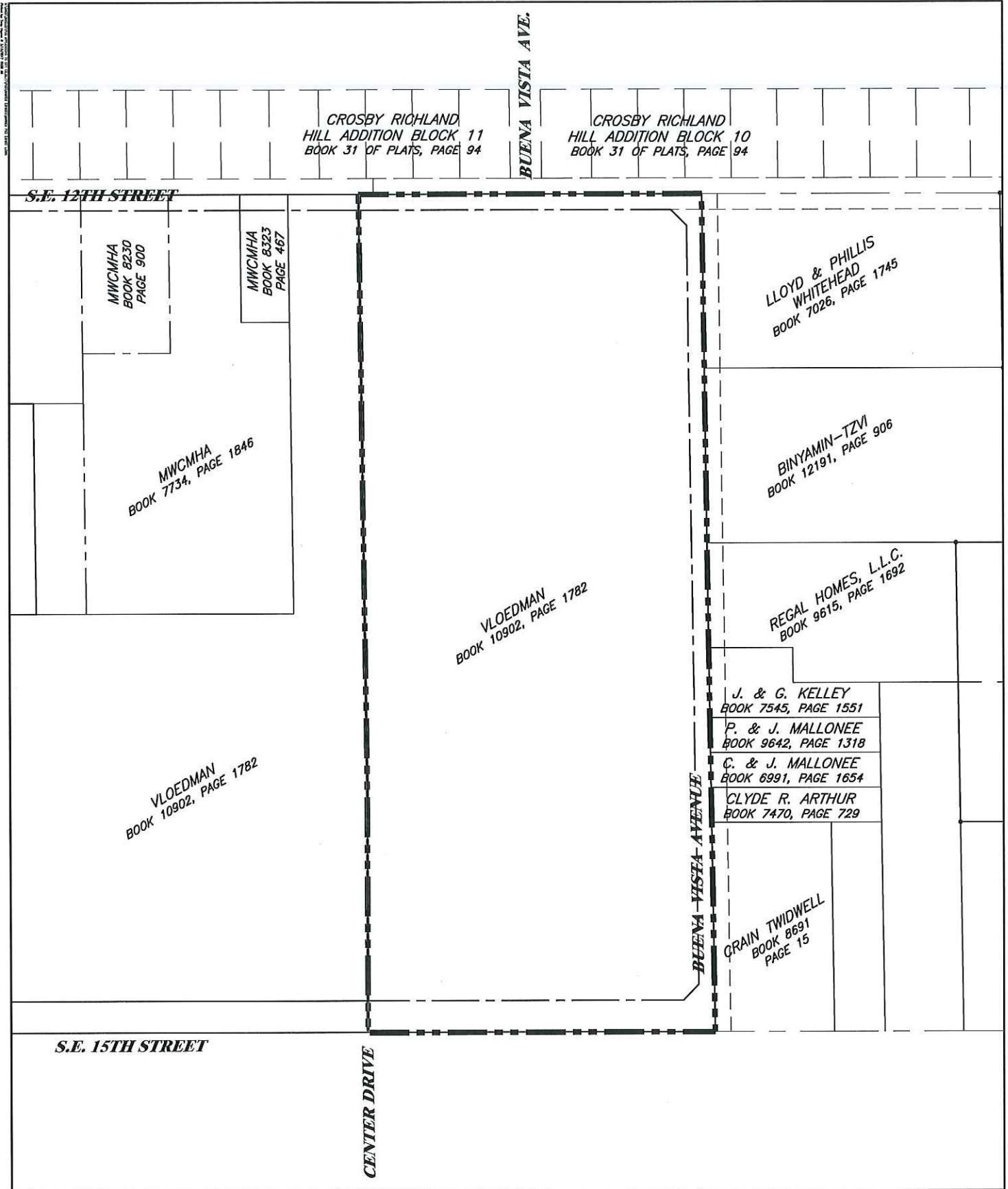
SOONER ROSE  
PHASE II  
MIDWEST CITY, OK

**WLS LIGHTING SYSTEMS**

Consider the Impact!

1919 WINDSOR PLACE  
FORT WORTH, TX 76110  
WWW.WLSLIGHTING.COM


WLS-15332A	DATE -2/22/17	SCALE: 1"=50'	800-633-8711	PM: STEVE	BY: J.P.	SHEET 1 OF 1
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PLANNED UNIT DEVELOPMENT  
WARREN ROSE PHASE 2 - THEATRE  
MIDWEST CITY, OK

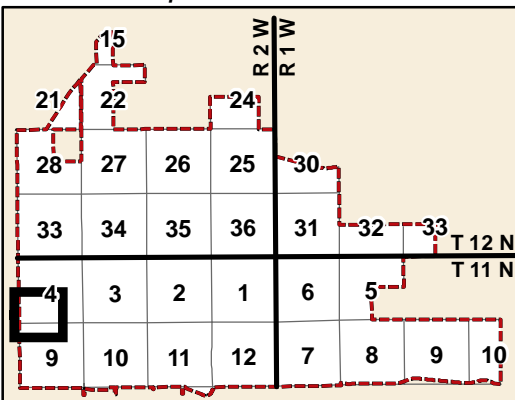
CURRENT OWNERS  
OF PARCELS  
**EXHIBIT "L"**

  
 NOT TO SCALE  
 262  
 REV 03/10/17

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Locator Map



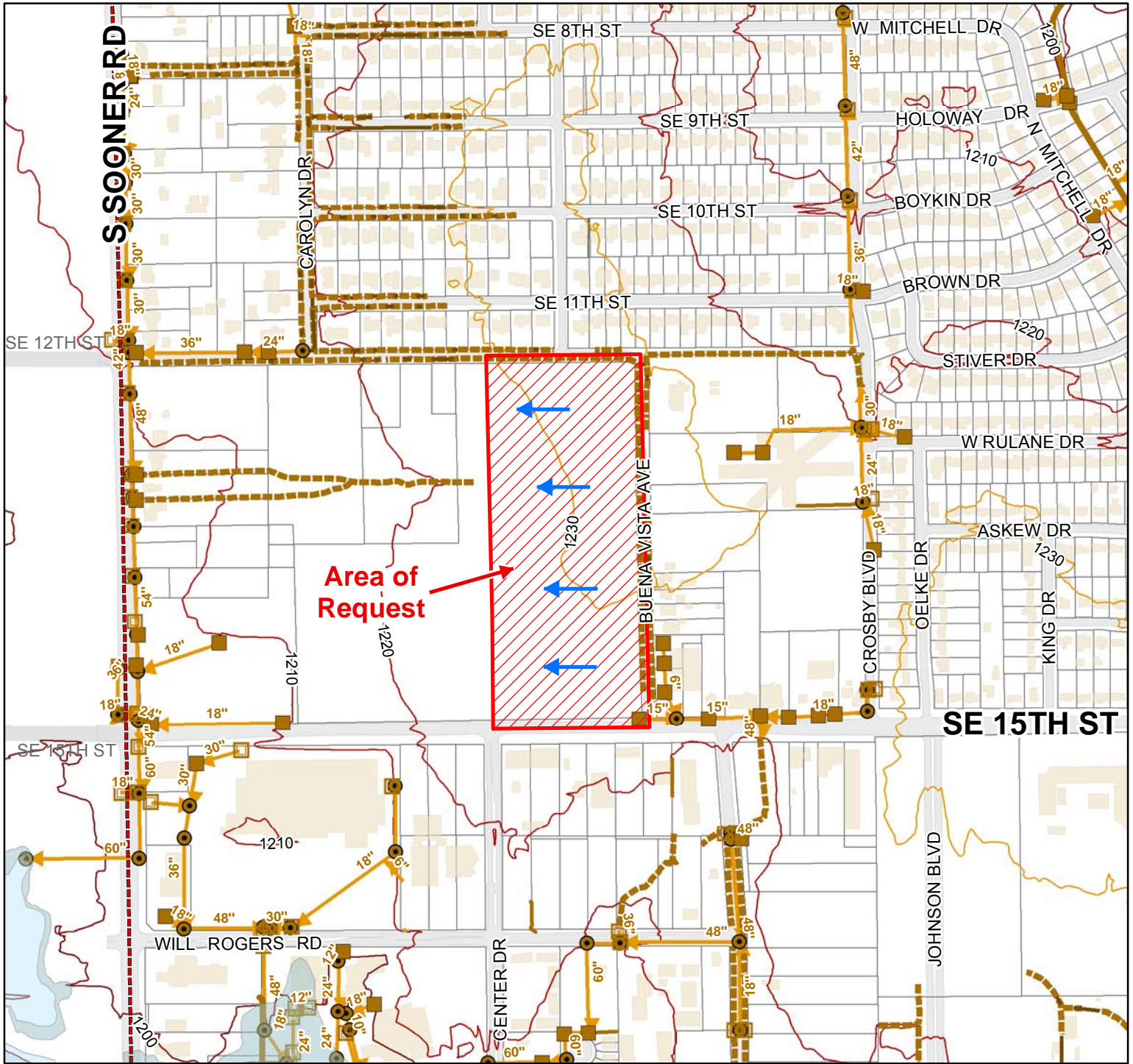
**2015 DOP (AERIAL) VIEW FOR  
PC-1902 & PC-1903  
(SW/4, Sec. 4, T11N, R2W)**



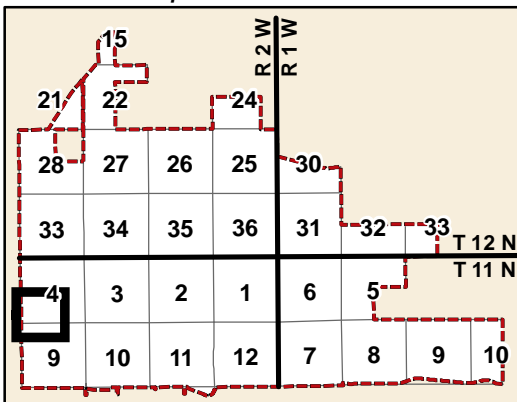
0 500 1,000 Feet

1 inch = 500 feet

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Locator Map



- Drainage Legend**
- Curb Inlets
  - Inlets
  - Junction Box
  - Culverts
  - Flumes
  - Developed Channels
  - Trickle Channels
  - Undeveloped Channels
  - Storm Lines
  - Creeks
- ELEVATION**
- 1166-1204 ft
  - 1204-1228 ft
  - 1228-1250 ft
  - 1250-1278 ft
  - 1278-1324 ft

2009 FEMA Floodplains

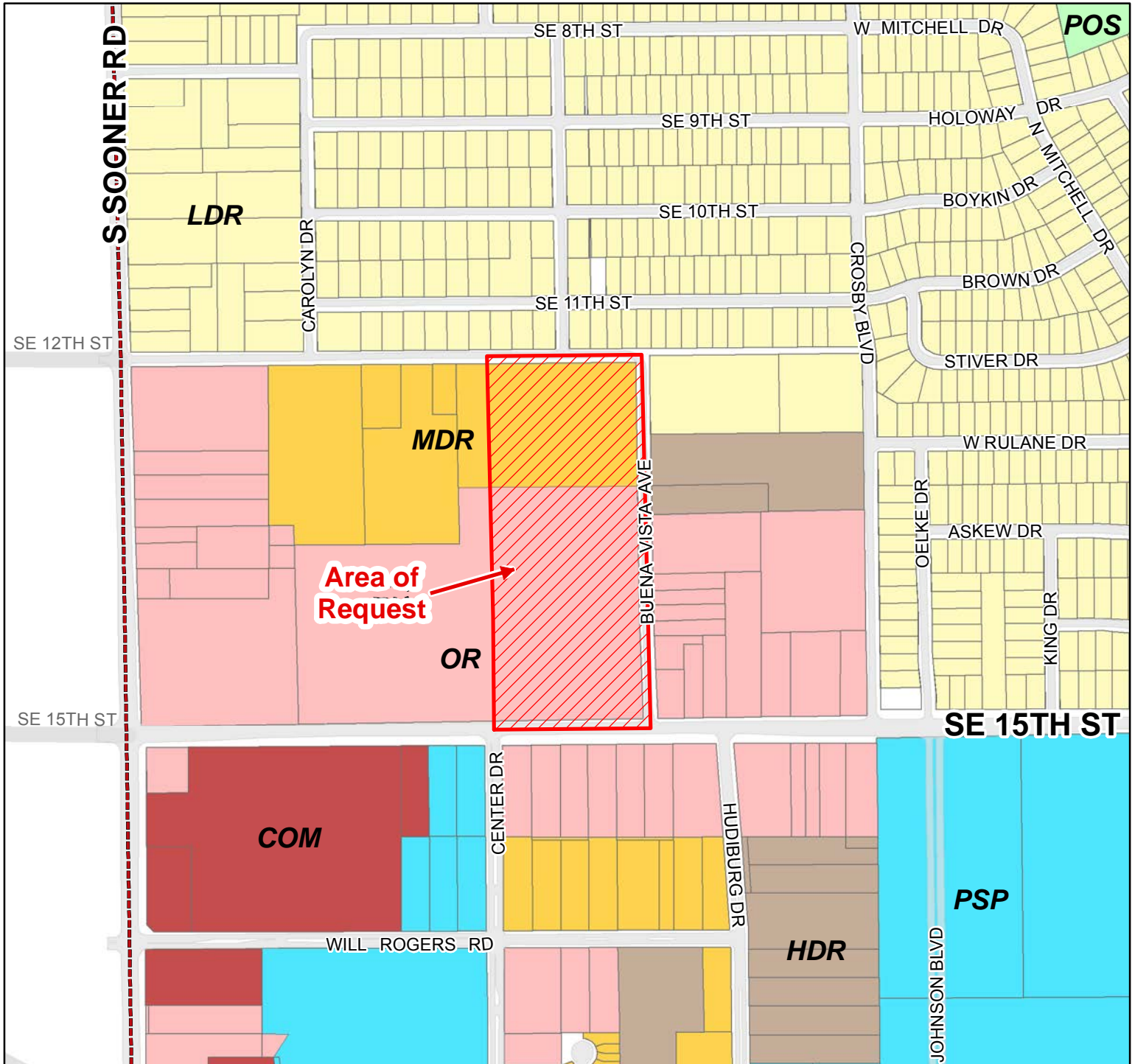
- 500-yr floodplain
- 100-yr floodplain
- 2009 FEMA Floodway

**DRAINAGE LOCATION MAP FOR PC-1902 & PC-1903 (SW/4, Sec. 4, T11N, R2W)**

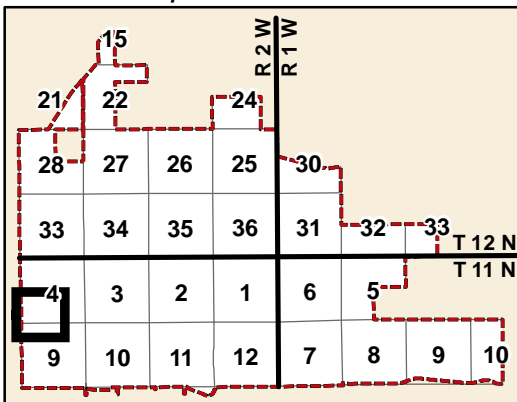


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













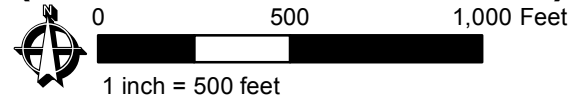
Locator Map



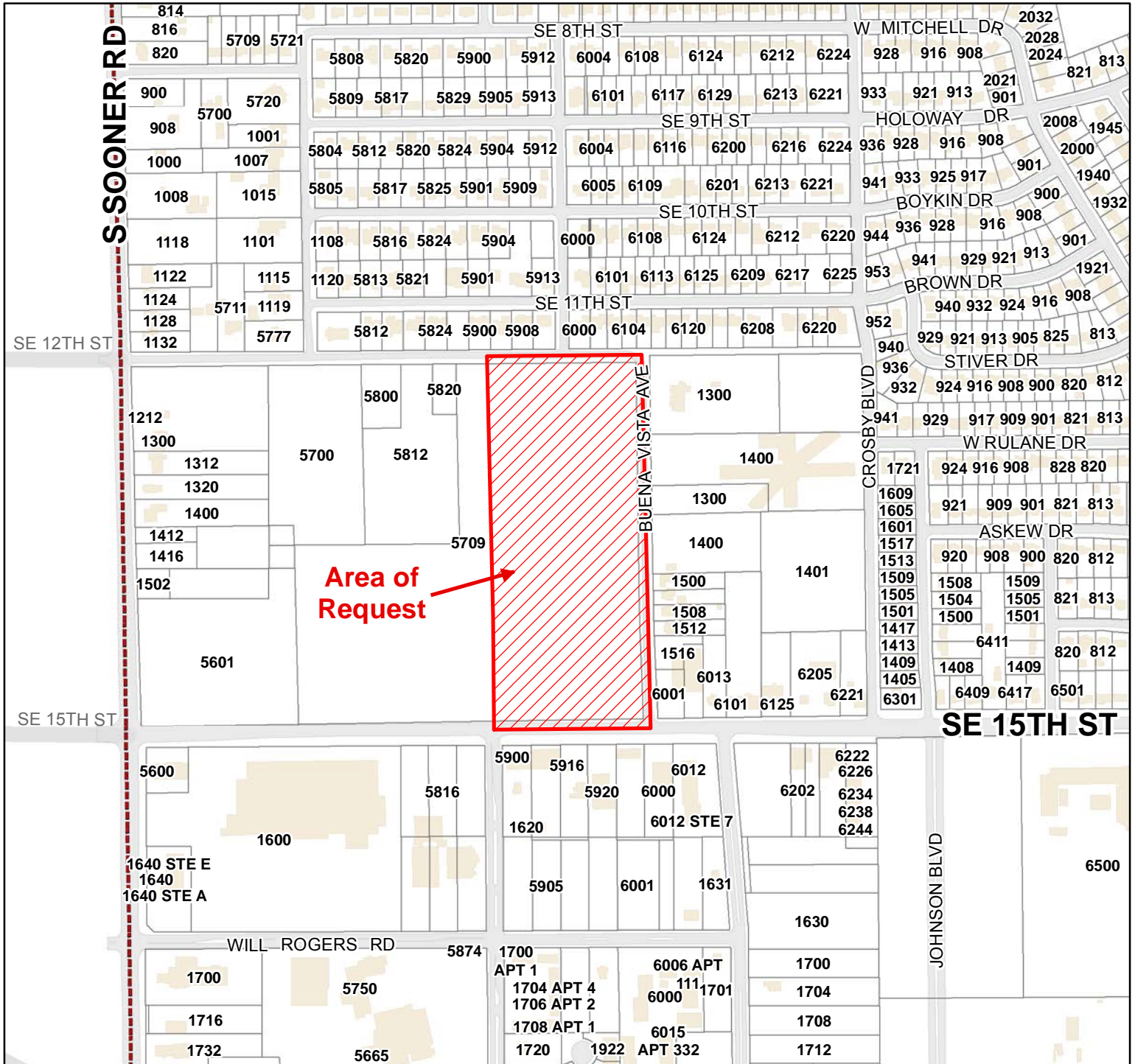
Future Land Use Legend

-  Single-Family Detached Residential
-  Medium Density Residential
-  High Density Residential
-  Manufactured Home
-  Public/Semi-Public
-  Parks/Open Space
-  Office/Retail
-  Commercial
-  Industrial
-  Town Center

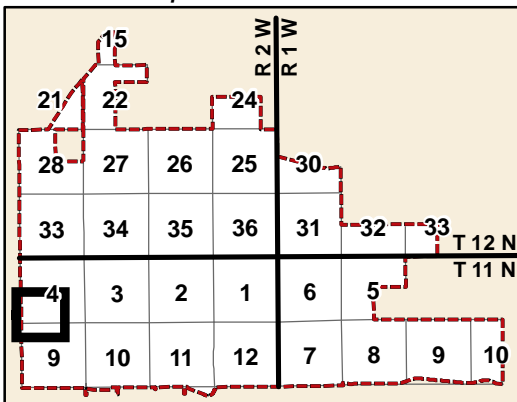
**FUTURE LAND USE  
MAP FOR  
PC-1902 & PC-1903  
(SW/4, Sec. 4, T11N, R2W)**








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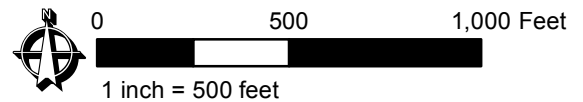
Locator Map



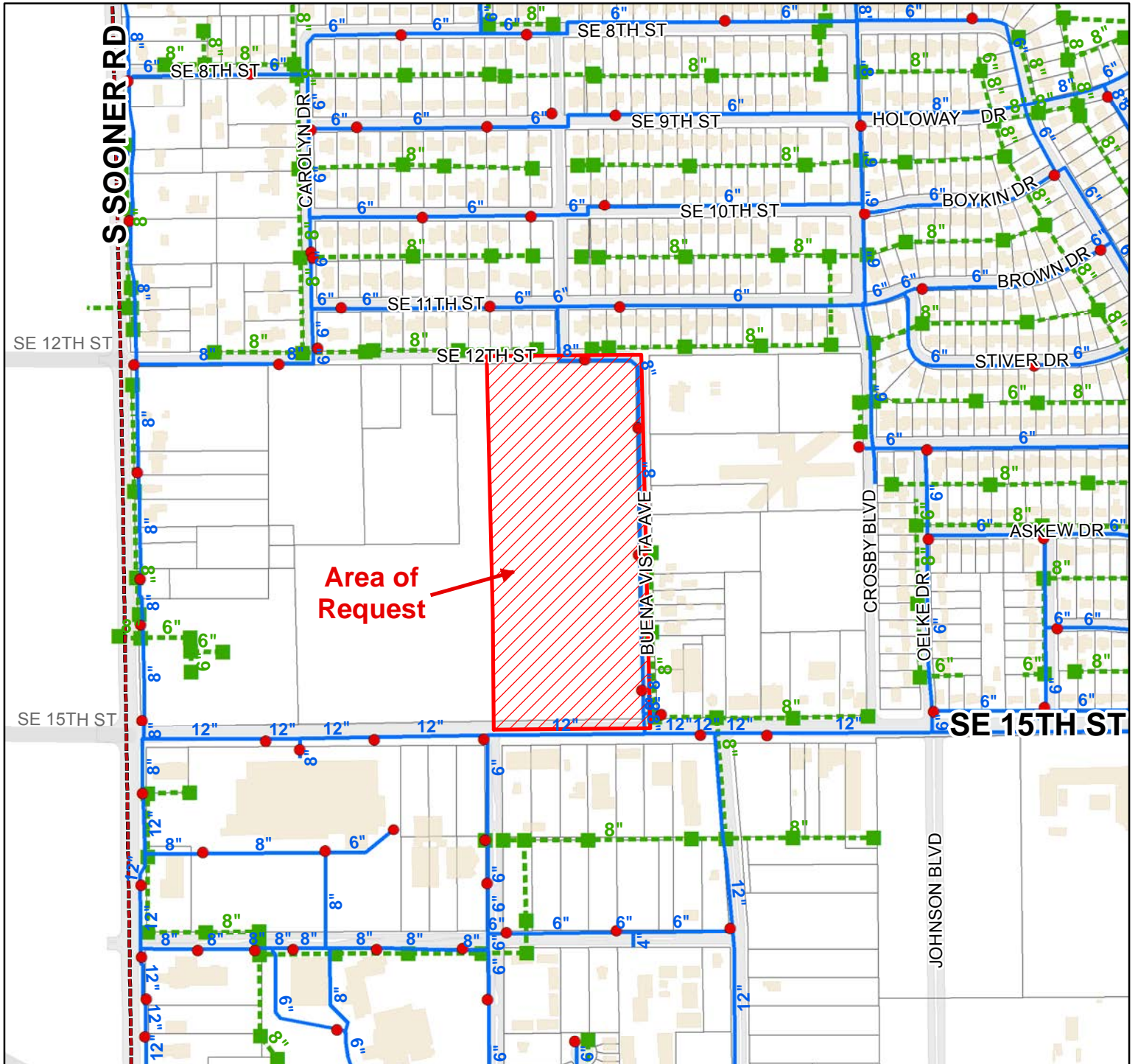
**General Map Legend**

-  Area of Request
-  Parcels with Addresses
-  Buildings
-  Edge of Pavement
-  MWC City Limits

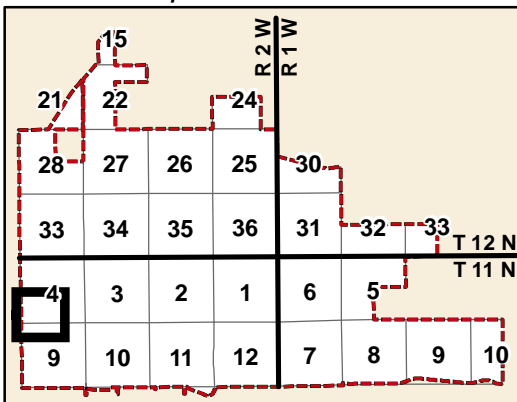
**GENERAL MAP FOR  
PC-1902 & PC-1903  
(SW/4, Sec. 4, T11N, R2W)**



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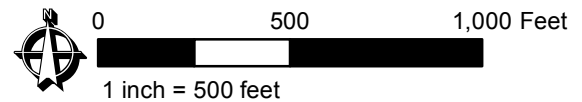
Locator Map



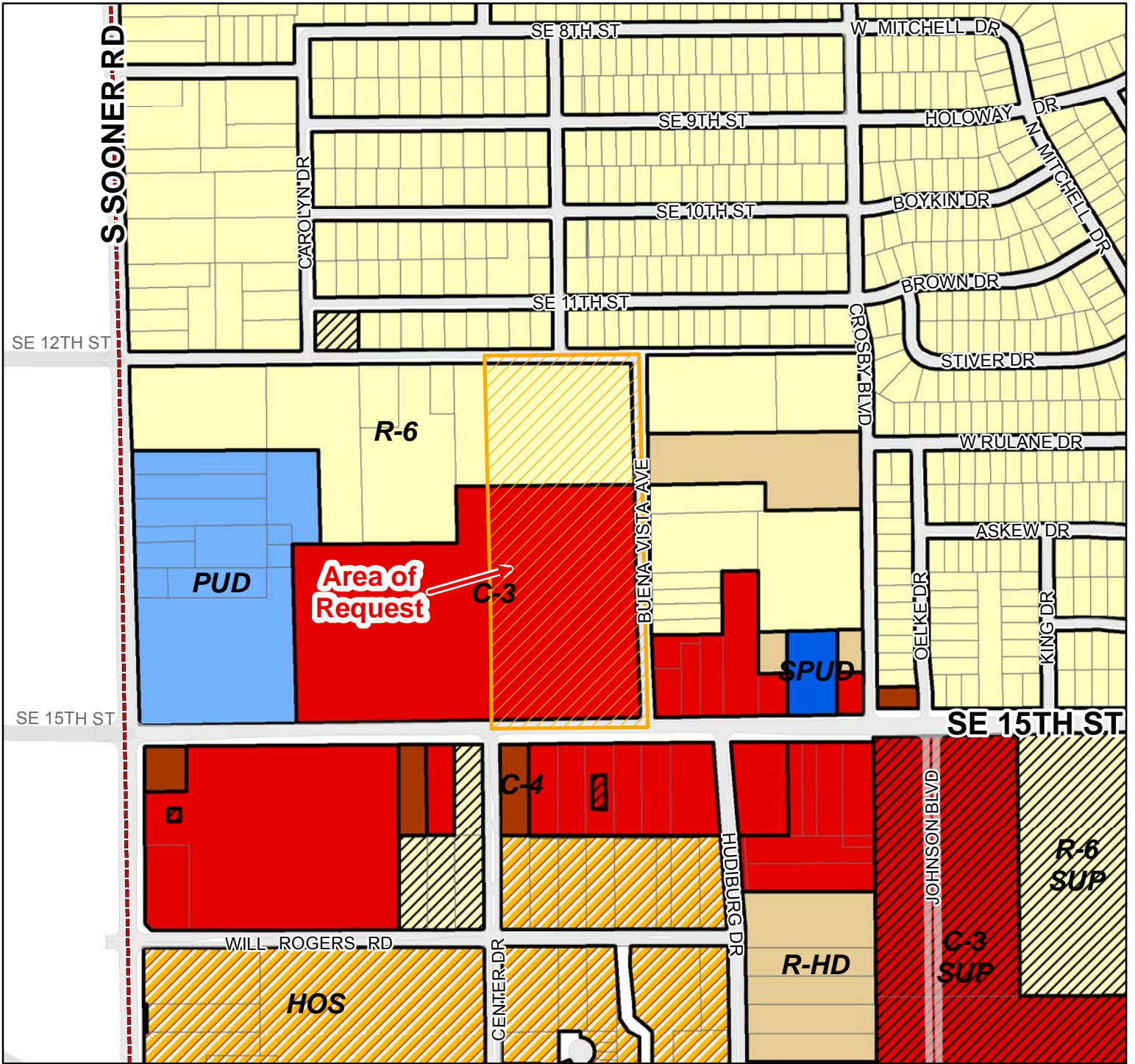
Water/Sewer Legend

- Fire Hydrants
- Water Lines
  - Distribution
  - Well
  - - - OKC Cross Country
  - - - Sooner Utilities
  - - - Thunderbird
  - - - Unknown
- Sewer Manholes
- - - Sewer Lines

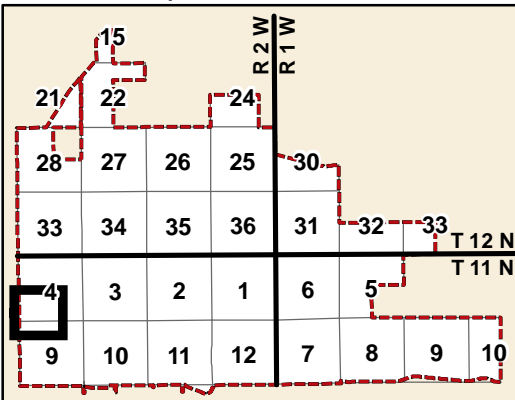
**WATER/SEWER LINE LOCATION MAP FOR PC-1902 & PC-1903 (SW/4, Sec. 4, T11N, R2W)**



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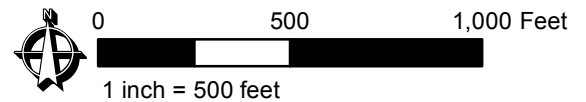
Locator Map



Current Zoning Legend

A-1	I-3	R-2F
A-1 SUP	O-1	R-MD
C-1	O-1 SUP	R-MD SUP
C-1 SUP	O-2	R-HD
C-2	O-2 SUP	R-HD SUP
C-3	R-6	R-MH-1
C-3 SUP	R-6 SUP	R-MH-2
C-4	R-8	PUD
I-1	R-10	SPUD
I-2	R-22	HOS
I-2 SUP	R-35	HOS SUP

## ZONING MAP FOR PC-1902 & PC-1903 (SW/4, Sec. 4, T11N, R2W)



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The City of  
**MIDWEST CITY**  
COMMUNITY DEVELOPMENT DEPARTMENT

Billy Harless, Community Development Director

ENGINEERING DIVISION  
Patrick Menefee, City Engineer  
CURRENT PLANNING DIVISION  
Kellie Gilles, Planning Manager  
COMPREHENSIVE PLANNING  
Julie Shannon, Comprehensive Planner  
BUILDING INSPECTION DIVISION  
Charles Belk, Building Official  
GIS DIVISION  
Kathy Spivey, GIS Coordinator

**To:** Honorable Mayor and City Council

**From:** Billy Harless, Community Development Director

**Date:** April 25, 2017

**Subject:** (PC – 1903) Public hearing with discussion and consideration of approval the Sooner Rose Warren Addition Preliminary Plat for the property described as a tract of land lying in the SW/4 of Section 4, T-11-N, R-2-W, of the Indian Meridian, City of Midwest City, Oklahoma County, Oklahoma.

**Dates of Hearing:** Planning Commission – April 4, 2017  
City Council – April 25, 2017

**Council Ward:** Ward 1 – Councilmember Susan Eads

**Owners:** G. Michael Vloedman, N. Carolyn Hurst Revocable Trust, Garrett Vloedman, Emily Vloedman Living Trust

**Applicant:** Ray Trail, Warren Theaters LLC

**Proposed Use:** Entertainment and retail/commercial uses

**Size:**

The area of request has a frontage along SE 15<sup>th</sup> St of approximately 553 ft and contains an area of approximately 16.6 acres.

**Development Proposed by Comprehensive Plan:**

Area of Request – OR, Office / Retail and MDR, Medium Density Residential

North – LDR, Low Density Residential

South – OR - Office / Retail

East – OR, Office / Retail, HDR, High Density Residential and LDR, Low Density Residential

West – OR – Office/Retail

**Zoning Districts:**

Area of Request – R6, Single Family Residential and C-3, Community Commercial  
North – R6, Single Family Residential  
South – C4, General Commercial, C3, Community Commercial  
East - R6, Single Family Residential and C3, Community Commercial and R-HD, High Density Residential  
West – C-3 and R-6 (Property directly to the west of the area of request was the PUD application heard prior to this item)

**Land Use:**

Area of Request – Vacant  
North – Single family residence  
South – Commercial businesses  
East – Single family homes and Mojo Sports  
West – Vacant

**Municipal Code Citation:**

38-18 Preliminary Plat

38-18.1. *Purpose*

The purpose of a Preliminary Plat shall be to determine the general layout of the subdivision, the adequacy of public facilities needed to serve the intended development, and the overall compliance of the land division with applicable requirements of this Subdivision Ordinance.

**History:**

1. This area has never been platted.
2. The Planning Commission recommended approval of this item on April 4, 2017.

**Staff Comments:**

**Engineering Comments:**

Water Supply and Distribution

Section 38-18 in the Subdivision Regulations requires all existing and proposed public water mains be reflected on the preliminary plat.

A twelve (12) inch public water main is located on the south side of S.E. 15th Street in the street right-of-way extending along the south side of the area of request. An eight (8) inch public water main is located on the west side of Buena Vista Drive in the street right-of-way extending along the east side of the area of request.

The applicant proposes to construct multiple public water line extensions through the site to provide service to the area of request.

Improvement plans for the water line extension must be prepared by a registered professional engineer and be submitted to staff for plan review and approval. The improvement will be constructed and accepted by the city prior to any application for a final plat.

Connection to the public water system for domestic service is a building permit requirement per Municipal Code Chapter 43-32 for all lots.

#### Sanitary Sewerage Collection and Disposal

Section 38-18 in the Subdivision Regulations requires all existing and proposed public sanitary sewer mains be reflected on the preliminary plat.

An eight (8) inch public sewer main is located on the north side of S.E. 12th Street in the street right-of-way extending along part of the north side of the area of request. An eight (8) inch public sewer main is located on the east side of Buena Vista Drive in the street right-of-way extending along part of the east side of the area of request.

The applicant proposes to construct multiple public sewer line extensions through the site to provide service to the area of request.

Improvement plans for the sewer line extensions must be prepared by a registered professional engineer and be submitted to staff for plan review and approval. The improvements will be constructed and accepted by the city prior to any application for a final plat.

Connection to the public sanitary sewer system for domestic service is a building permit requirement per Municipal Code Chapter 43-109 for all lots.

#### Streets and Sidewalks

Section 38-18 in the Subdivision Regulations requires all existing and proposed public streets and sidewalks be reflected on the preliminary plat.

Access to the area of request is available from S.E. 12th Street and S.E. 15th Street. S.E. 12th Street is classified as a local street in the 2008 Comprehensive Plan. S.E. 12th Street is a two (2) lane, 26-foot wide, uncurbed, asphalt concrete roadway. Current code requires a total street right-of-way width of fifty (50) feet for local streets and presently, S.E. 12th Street has fifty (50) feet of right-of-way adjacent to and parallel to the north side of the area of request. S.E. 15th Street is a four (4) lane, 52-foot wide, curbed, asphalt concrete roadway. Current code requires a total street right-of-way width of one hundred (100) feet for secondary arterials and presently, S.E. 15th Street has one hundred (100) feet of right-of-way adjacent to and parallel to the south side of the area of request. Buena Vista Drive is classified as a local street in the 2008 Comprehensive Plan. Buena Vista Drive is a two (2) lane, 26-foot wide, uncurbed, asphalt concrete roadway. Current code requires a total street right-of-way width of fifty (50) feet for local streets and presently, Buena Vista Drive has fifty (50) feet of right-of-way adjacent to and parallel to the east side of the area of request.

Right of way grants to the city are not required with this application.

Buena Vista Drive does not meet current code requirements for a local street and half street improvements along the full frontage of Buena Vista Drive are required with this application.

Sidewalks are also required on S.E. 12th Street and Buena Vista Drive across the area of request.

Improvement plans for the streets and sidewalks must be prepared by a registered professional engineer and be submitted to staff for plan review and approval. The improvements will be constructed and accepted by the city prior to any application for a final plat.

Drainage and Flood Control, Wetlands, and Sediment Control

Drainage across the area of request is mainly from the east to the west via overland flow. Currently, the area of request is undeveloped. The area of request is not affected by flood zone AE (the 100-year floodplain) as shown on the effective Flood Insurance Rate Map (FIRM) number 40109C0310H, dated December 12, 2009.

Section 38-18 in the Subdivision Regulations requires all existing and proposed public storm sewer pipes be reflected on the preliminary plat.

The applicant proposes to construct an underground drainage system and detention pond to service the area of request.

Plans for the drainage improvements must be prepared by a registered professional engineer and be submitted to staff for plan review and approval. The improvements will be constructed and accepted by the city prior to any application for a final plat.

All development on the proposed tracts must conform with the applicable requirements of Municipal Code Chapter 13, "Drainage and Flood Control."

Easements and Right-of-Way

The required easements and existing right of way for the area of request are illustrated on the preliminary plat and will be dedicated to the city when the final plat is filed. All proposed side lot and rear lot utility easements, as well as previously dedicated utility and drainage easements are illustrated on the preliminary plat.

All easements and right of way dedications are to comply with Code Sections 38-41 and 38-44.

**Fire Marshal's Comments:**

All future development must meet the requirements of Chapter 15 of the Municipal Code.

**Plan Comments:**

The proposed Sooner Rose Warren Addition Preliminary Plat has been prepared in order to create four (4) individual lots. The entire plat encompasses approximately 16.62 acres. The sizes of the proposed lots are as follows:

- Lot 1: Approximately 10.24 Acres
- Lot 2: Approximately 1.81 Acres
- Lot 3: Approximately 1.70 Acres
- Lot 4: Approximately 1.20 Acres

In the future, the applicant may combine Lots 3 and 4. This can be done through the Amending Plat process.



Access will be via two (2) new curbcuts along SE 15<sup>th</sup> Street as well as access from the Sooner Rose Addition Phase I and II properties. The access at SE 15<sup>th</sup> Street and Center Drive will be shared between this plat and the plat for Sooner Rose Addition Phase II. The plat only shows one (1) access point onto Buena Vista Avenue, however, the PUD Master Development Plan Map shows two (2) more access points from Lot 1 onto Buena Vista Avenue.

Staff has determined that Tree Canopy Management Plan is not necessary as there is not a sufficient amount of trees currently on the property.

The dedication of parks and open space is not required with this application as the Midwest City Subdivision Regulations only require this dedication for residential subdivisions.

The final plat will need to include the name of the subdivision centered at the top of the page along with the name of the city, county, state, section, township and range. The final plat must also include the names and addresses of all owners of property within the plat and signature blocks for the appropriate City and County personnel.

The Planning Commission recommended approval of this item.

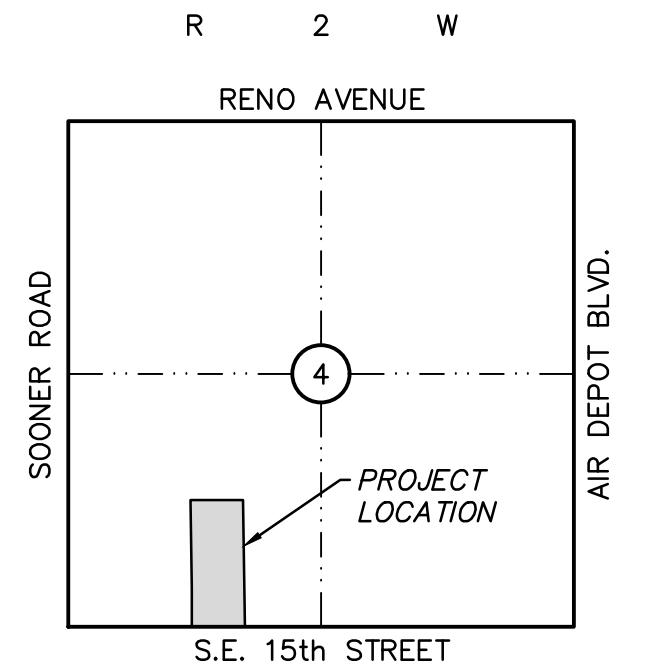
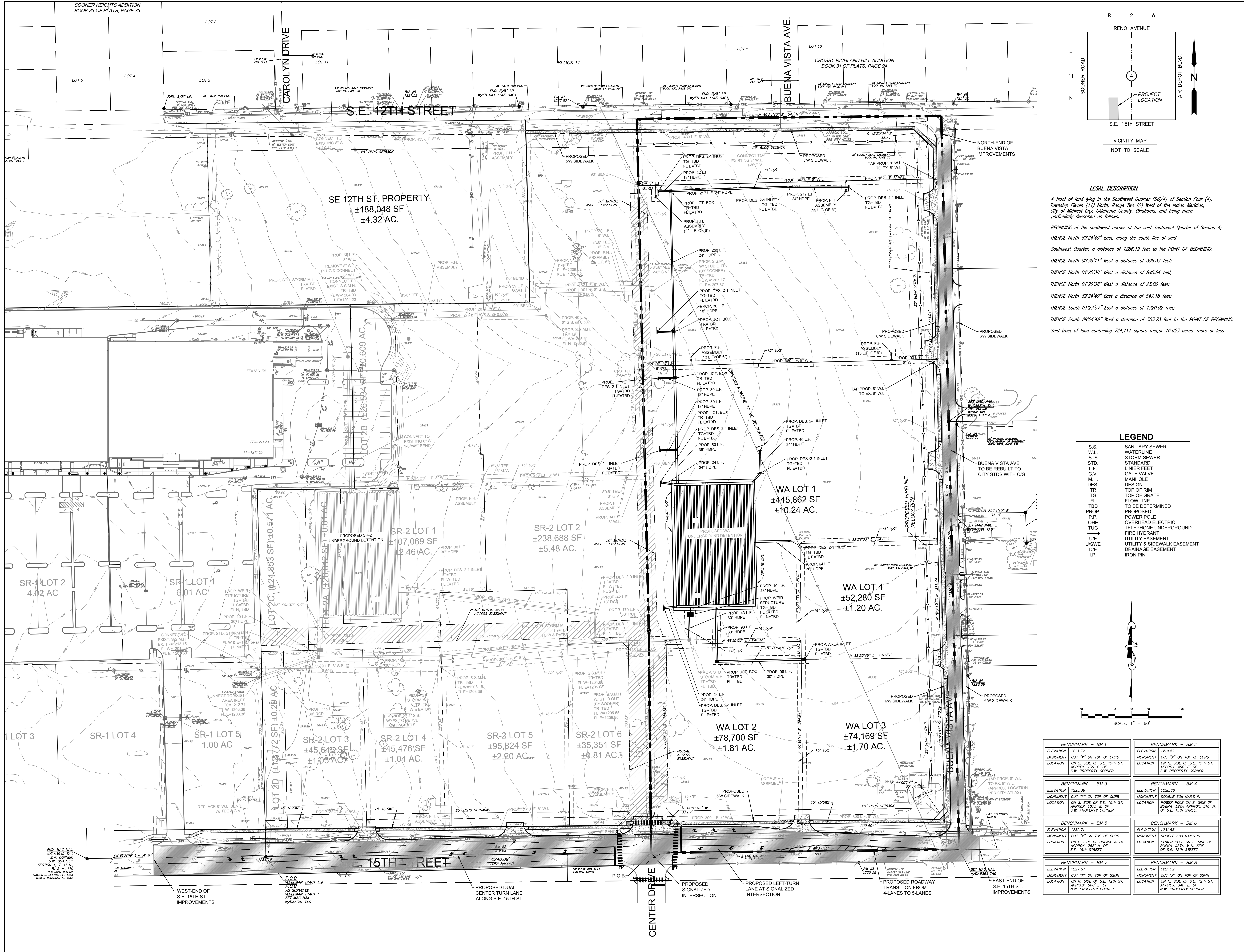
As the proposed Sooner Rose Warren Addition Preliminary Plat conforms to the Midwest City Subdivision Regulations, staff recommends approval.

**Action Required:** Approve or reject the Sooner Rose Warren Addition Preliminary Plat for the property noted in this report and subject to staff's comments as found in the April 25, 2017, agenda packet, and as noted in PC – 1903 file.



Billy Harless, AICP  
Community Development Director

KG



**LEGAL DESCRIPTION**

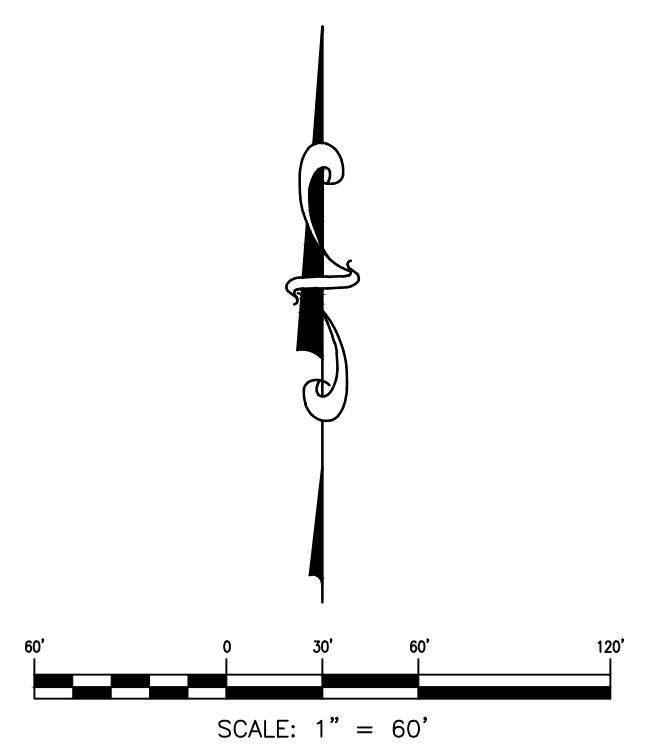
A tract of land lying in the Southwest Quarter (SW/4) of Section Four (4), Township Eleven (11) North, Range Two (2) West of the Indian Meridian, City of Midwest City, Oklahoma County, Oklahoma, and being more particularly described as follows:

BEGINNING at the southwest corner of the said Southwest Quarter of Section 4; THENCE North 89°24'49" East, along the south line of said Southwest Quarter, a distance of 1286.19 feet to the POINT OF BEGINNING; THENCE North 00°35'11" West a distance of 399.33 feet; THENCE North 01°20'38" West a distance of 895.64 feet; THENCE North 01°20'38" West a distance of 25.00 feet; THENCE North 89°24'49" East a distance of 547.18 feet; THENCE South 01°23'57" East a distance of 1320.02 feet; THENCE South 89°24'49" West a distance of 553.73 feet to the POINT OF BEGINNING.

Said tract of land containing 724,111 square feet, or 16.623 acres, more or less.

**LEGEND**

S.S.	SANITARY SEWER
W.L.	WATERLINE
STD.	STORM SEWER
L.F.	LINEAR FEET
G.V.	GATE VALVE
M.H.	MANHOLE
DES.	DESIGN
TR	TOP OF RIM
TG	TOP OF GRATE
FL	FLOW LINE
TBD	TO BE DETERMINED
PROP.	PROPOSED
P.P.	POWER POLE
O.H.E.	OVERHEAD ELECTRIC
TUG	TELEPHONE UNDERGROUND
F.H.	FIRE HYDRANT
U/E	UTILITY EASEMENT
U/SW/E	UTILITY & SIDEWALK EASEMENT
D/E	DRAINAGE EASEMENT
I.P.	IRON PIN



<b>BENCHMARK - BM 1</b> ELEVATION 1213.72 MONUMENT CUT "X" ON TOP OF CURB LOCATION ON S. SIDE OF S.E. 15th ST. APPROX. 130' E. OF S.W. PROPERTY CORNER	<b>BENCHMARK - BM 2</b> ELEVATION 1215.82 MONUMENT CUT "X" ON TOP OF CURB LOCATION ON N. SIDE OF S.E. 15th ST. APPROX. 460' E. OF S.W. PROPERTY CORNER
<b>BENCHMARK - BM 3</b> ELEVATION 1225.38 MONUMENT CUT "X" ON TOP OF CURB LOCATION ON S. SIDE OF S.E. 15th ST. APPROX. 1075' E. OF S.W. PROPERTY CORNER	<b>BENCHMARK - BM 4</b> ELEVATION 1225.68 MONUMENT DOUBLE 60# NAILS IN LOCATION POWER POLE ON E. SIDE OF BUENA VISTA APPROX. 310' N. OF S.E. 15th STREET
<b>BENCHMARK - BM 5</b> ELEVATION 1232.71 MONUMENT CUT "X" ON TOP OF CURB LOCATION ON E. SIDE OF BUENA VISTA APPROX. 762' N. OF S.E. 15th STREET	<b>BENCHMARK - BM 6</b> ELEVATION 1231.53 MONUMENT DOUBLE 60# NAILS IN LOCATION POWER POLE ON E. SIDE OF BUENA VISTA APPROX. 340' E. OF S.E. 15th STREET
<b>BENCHMARK - BM 7</b> ELEVATION 1227.52 MONUMENT CUT "X" ON TOP OF SSMH LOCATION ON N. SIDE OF S.E. 12th ST. APPROX. 660' E. OF N.W. PROPERTY CORNER	<b>BENCHMARK - BM 8</b> ELEVATION 1227.52 MONUMENT CUT "X" ON TOP OF SSMH LOCATION ON N. SIDE OF S.E. 12th ST. APPROX. 340' E. OF N.W. PROPERTY CORNER

NOT VALID FOR CONSTRUCTION  
**PRELIMINARY  
NOT FOR  
CONSTRUCTION**  
UNLESS SHOWN IN THIS BLOCK

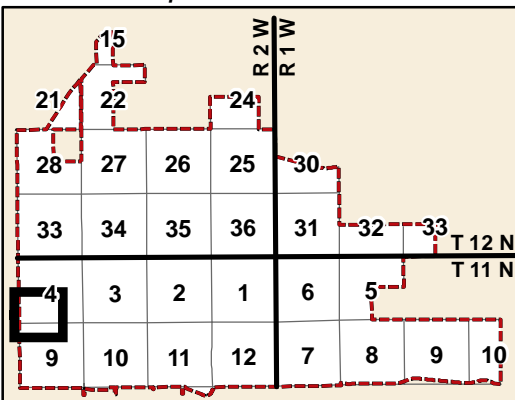
**SOONER ROSE WARREN ADDITION**  
**SOONER ROAD & 15TH STREET**  
**MIDWEST CITY, OKLAHOMA**

**SMC Consulting Engineers, P.C.**  
1000 N. W. 10th St., Suite 100  
Midwest City, Oklahoma 73110  
Phone: 405-232-7715 Fax: 405-232-7859  
www.smccoe.com  
PROJECT NO: 6062.00  
DATE: 01/20/16  
SCALE: 1"=60'  
DRAWN BY: MS  
ENGINEER: TRENDS L. HAYNES  
P.E. NUMBER: 16820

**PRELIMINARY PLAT**  
SHEET NO. 1



Locator Map



**2015 DOP (AERIAL) VIEW FOR  
PC-1902 & PC-1903  
(SW/4, Sec. 4, T11N, R2W)**

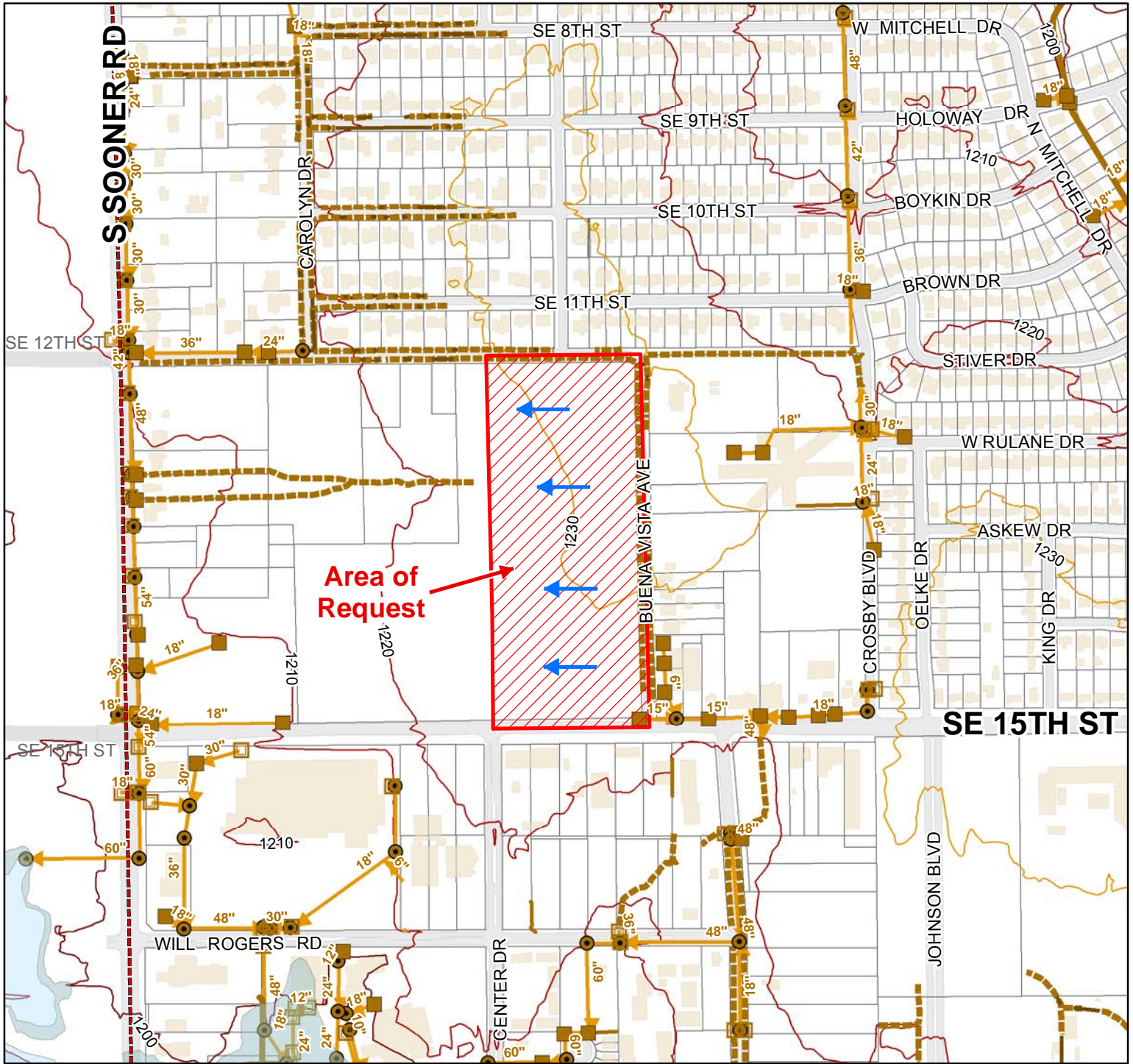


0 500 1,000 Feet

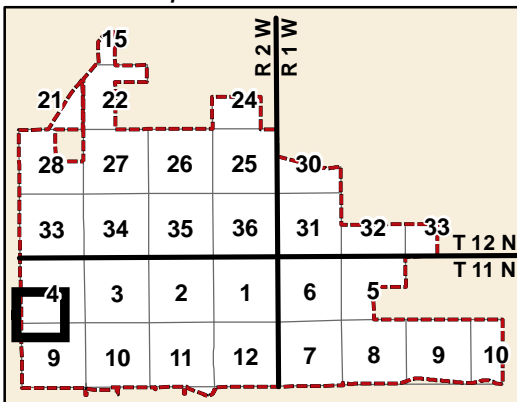


1 inch = 500 feet

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Locator Map



- Drainage Legend**
- Curb Inlets
  - Inlets
  - Junction Box
  - Culverts
  - Flumes
  - Developed Channels
  - Trickle Channels
  - Undeveloped Channels
  - Storm Lines
  - Creeks
- ELEVATION**
- 1166-1204 ft
  - 1204-1228 ft
  - 1228-1250 ft
  - 1250-1278 ft
  - 1278-1324 ft

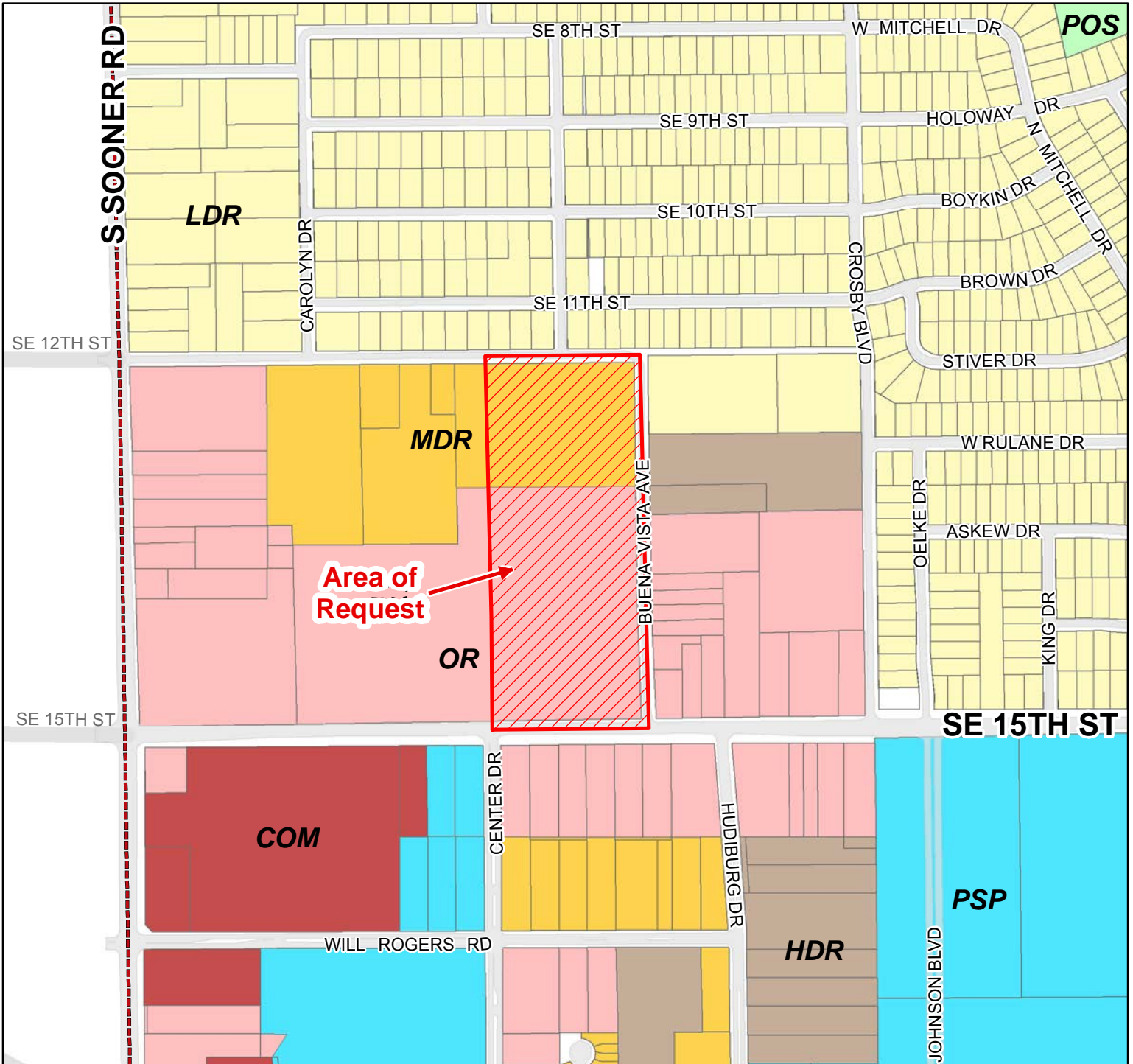
**2009 FEMA Floodplains**

- 500-yr floodplain
- 100-yr floodplain
- 2009 FEMA Floodway

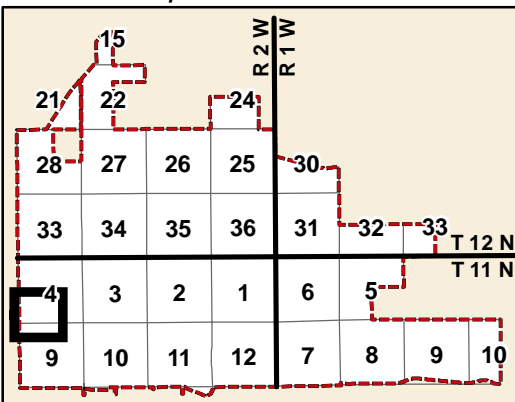
**DRAINAGE LOCATION MAP FOR PC-1902 & PC-1903 (SW/4, Sec. 4, T11N, R2W)**













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Locator Map



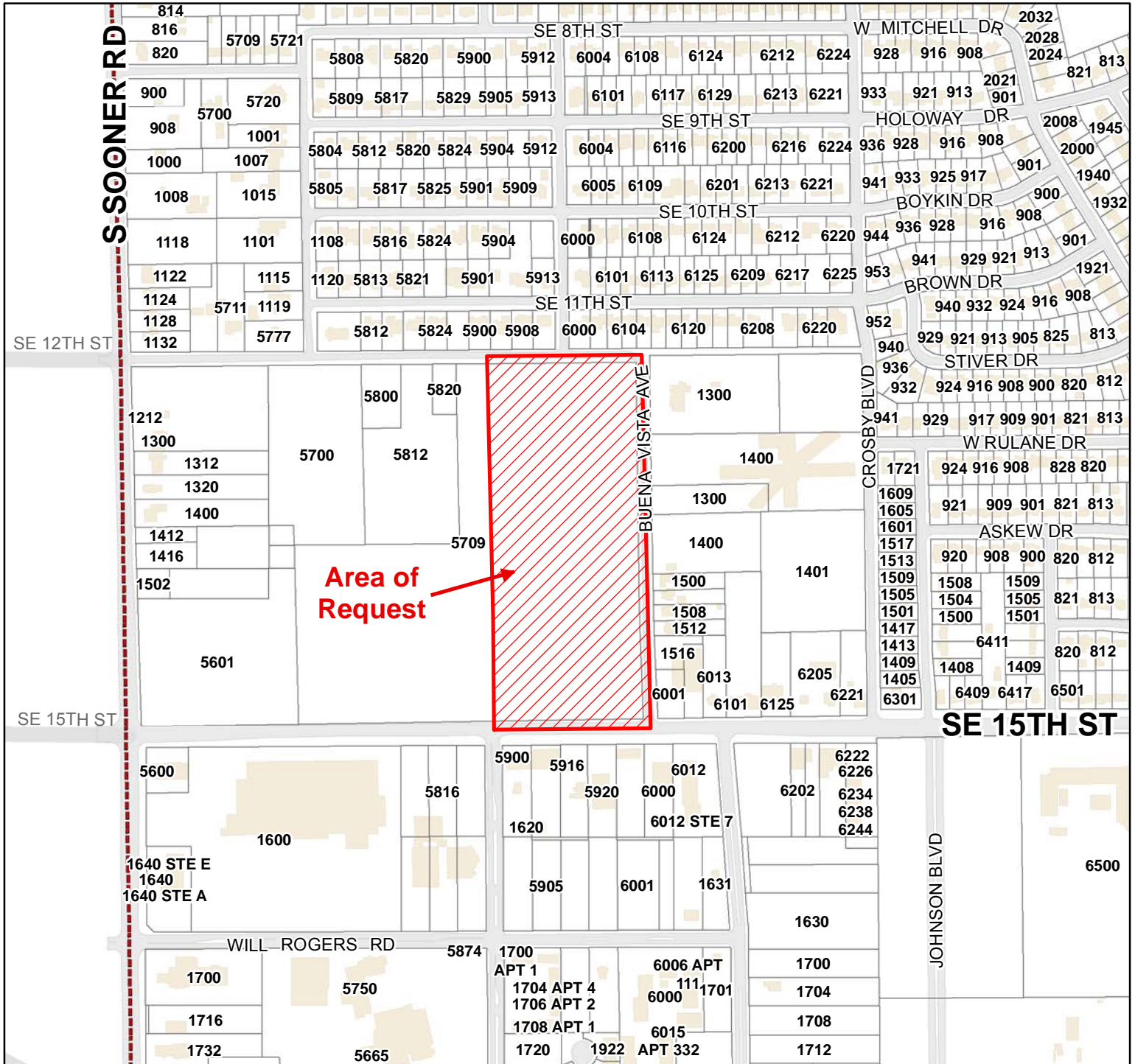
Future Land Use Legend

-  Single-Family Detached Residential
-  Medium Density Residential
-  High Density Residential
-  Manufactured Home
-  Public/Semi-Public
-  Parks/Open Space
-  Office/Retail
-  Commercial
-  Industrial
-  Town Center

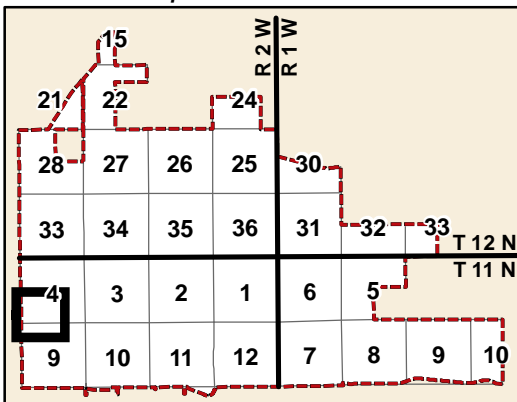
**FUTURE LAND USE  
MAP FOR  
PC-1902 & PC-1903  
(SW/4, Sec. 4, T11N, R2W)**








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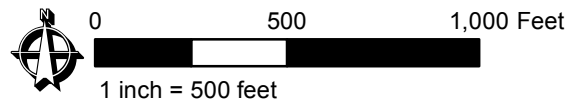
Locator Map



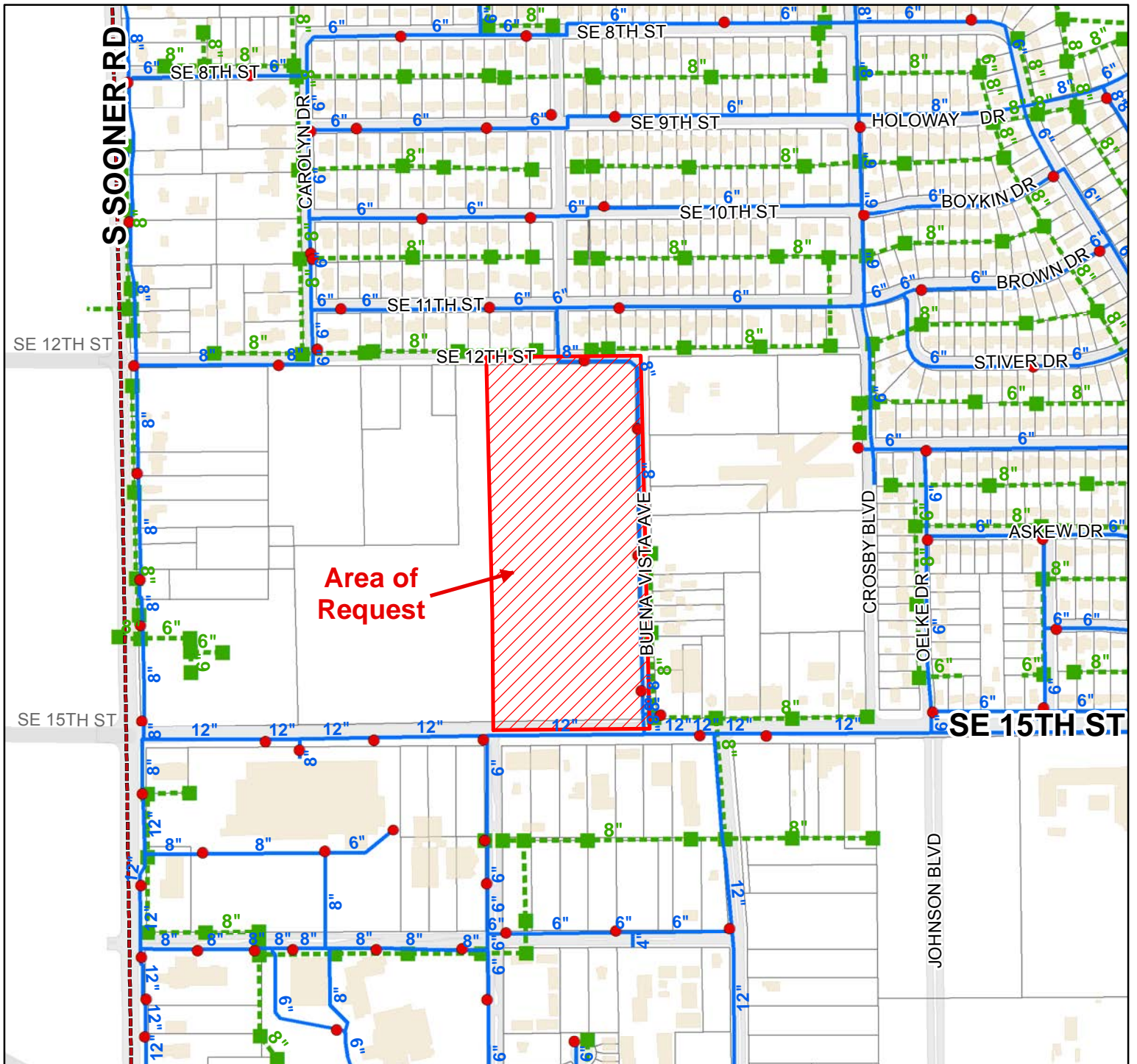
**General Map Legend**

-  Area of Request
-  Parcels with Addresses
-  Buildings
-  Edge of Pavement
-  MWC City Limits

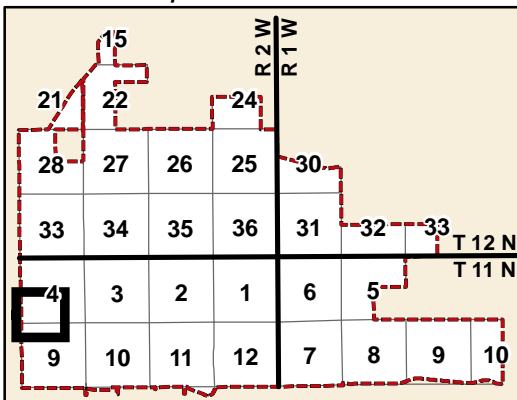
**GENERAL MAP FOR  
PC-1902 & PC-1903  
(SW/4, Sec. 4, T11N, R2W)**



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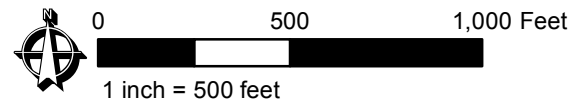
Locator Map



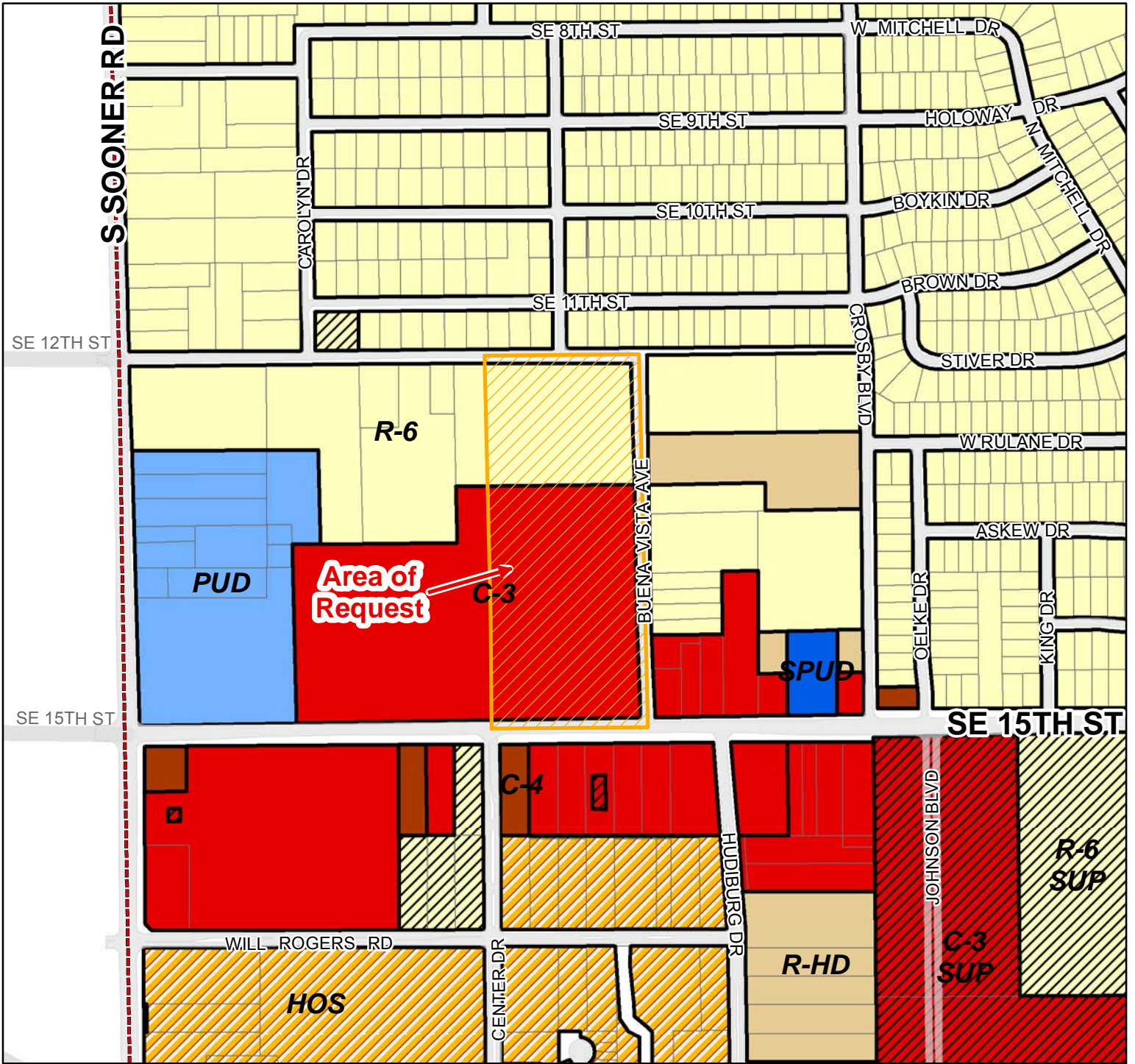
Water/Sewer Legend

- Fire Hydrants
- Water Lines
  - Distribution
  - Well
  - OKC Cross Country
  - Sooner Utilities
  - Thunderbird
  - Unknown
- Sewer Manholes
- Sewer Lines

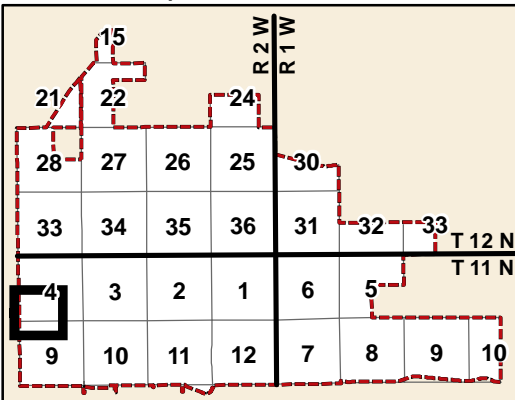
**WATER/SEWER LINE  
LOCATION MAP FOR  
PC-1902 & PC-1903  
(SW/4, Sec. 4, T11N, R2W)**



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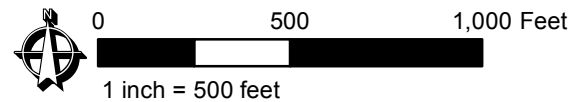
Locator Map



Current Zoning Legend

A-1	I-3	R-2F
A-1 SUP	O-1	R-MD
C-1	O-1 SUP	R-MD SUP
C-1 SUP	O-2	R-HD
C-2	O-2 SUP	R-HD SUP
C-3	R-6	R-MH-1
C-3 SUP	R-6 SUP	R-MH-2
C-4	R-8	PUD
I-1	R-10	SPUD
I-2	R-22	HOS
I-2 SUP	R-35	HOS SUP

**ZONING MAP FOR  
PC-1902 & PC-1903  
(SW/4, Sec. 4, T11N, R2W)**



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NEW BUSINESS/  
PUBLIC DISCUSSION





FURTHER INFORMATION



Notice of regular Midwest City Planning Commission meetings in 2017 was filed for the calendar year with the Midwest City Clerk prior to December 15, 2016 and copies of the agenda for this meeting were posted at City Hall at least 24 hours in advance of the meeting.

## **MINUTES OF MIDWEST CITY PLANNING COMMISSION MEETING**

**April 4, 2017 - 7:00 p.m.**

This regular meeting of the Midwest City Planning Commission was held in the Council Chambers, 100 North Midwest Boulevard, Midwest City, Oklahoma County, Oklahoma, on April 4, 2017 at 7:00 p.m., with the following members present:

Commissioners present:      Floyd Wicker, Chairman  
   Stan Greil  
   Dean Hinton  
   Jess Huskey  
   Russell Smith  
   Jay Dee Collins

Staff present:                      Billy Harless, Community Development Director  
   Patrick Menefee, City Engineer  
   Kellie Gilles, Current Planning Manager  
   Christine Allison, Associate Current Planner

The meeting was called to order by Chairman Wicker at 7:00 p.m.

### **A. MINUTES:**

1. Motion was made by Huskey, seconded by Collins, to approve the minutes of the March 7, 2017 Planning Commission meeting as presented. Voting aye: Hinton, Greil, Huskey, Smith, Collins and Wicker. Nay: none. Motion carried.

### **B. NEW MATTERS:**

1. **(PC 1985) Public hearing with discussion and consideration of a request to amend the existing SPUD, Simplified Planned Unit Development, for the property described as part of Lots 1, 2 and 3 of Block 3, East Highland Acres, located at 601 S. Air Depot Blvd.**

Staff members presented a brief overview of this item. Smith asked if there was a cross access agreement between ALDI and NAPA? Staff did not know of such agreement between the two businesses. The applicant, Bryan Burger of 17103 Preston Rd., Dallas, TX, was present. There was general discussion about this item. A motion was made by Hinton, seconded by Smith, to recommend approval of this item subject to all staff comments. Voting aye: Hinton, Greil, Huskey, Smith, Collins and Wicker. Nay: None. Motion carried.

**2 (PC-1896) Public hearing with discussion and consideration of approval of an ordinance to redistrict from R-6, Single Family Detached Residential and A-1, Agriculture, to Planned Unit Development (PUD) governed by the R-6, Single Family district for the property described as a tract of land lying in the E/2 of Section 8, T-11-N, R-1-W, of the Indian Meridian, City of Midwest City, Oklahoma County, Oklahoma.**

The applicant, Brad Reid of Crafton Tull at 300 Point Parkway Pl., Yukon, OK, was present. There was general discussion about this item. Mr. Reid stated that the current zoning of the property allows for 6000 sq. ft. lots and that the applicant is agreeable to the 40% maximum coverage allowed by code. They are not requesting a variance to the coverage requirement. Mr. Reid stated that the requirement for J-Drives will not work on the lots proposed. He provided examples such as Turtlewood, Sundance and the recently approved Oakwood Landing where J-Drives are not used. Commissioner Greil asked staff about that and staff explained that development in those neighborhoods had begun prior to adoption of the 2008 Comprehensive Plan, 2010 Zoning Ordinance and 2012 Subdivision Regulations. Mr. Harless pointed out that Oakwood Landing was zoned for apartments and then duplexes before the applicant decided on single family homes. Due to the down zoning from multi-family to single family, staff felt that was step closer towards quality neighborhoods as prescribed in the Comprehensive Plan. Mr. Wicker asked Mr. Reid if he agreed to the masonry requirements. Mr. Reid stated he did agree. Mike Dickey of 12045 Tuscan Ridge was present. Mr. Dickey is the president of the Tuscan Ridge HOA. He and his neighbors are concerned about the two entrances to the development being on either side of the entrance to their neighborhood and the traffic that will bring. He was also concerned about the density and house size. Richard Dorn of 11708 Lorene asked if utility work will affect the lots on Lorene that abut the area of request. Mr. Wicker stated that that would be discussed during the preliminary plat hearing. Tracy Kay of 12305 Jaycie Cir was present and expressed concerns about the impact of the development on CNP public schools. Collette Raulston of 11636 Lorene was present and shared concerns about the number of houses, size of houses and difference in income level that the development might bring. Brenda Holland of 1923 S. Anderson was present and asked if under the PUD, they can build under the minimum square footage for housing. Mr. Harless stated that they are not asking for a variance to the minimum square footage of 1200 sq. ft. Ms. Holland stated that she does not think the development is a good fit for the area. Mark Hansel of 11701 Roefan Rd. asked about the vacant area on the west side of the area of request. Commissioner Wicker stated that it is to be designated as park and open space. Commissioner Smith confirmed with Mr. Menefee that the area on the west is in the floodplain. Linda Linn of 2300 S. Anderson was present and shared concerns about the density, traffic and fire protection. Gary Housley of 2020 Lakeside Dr asked if a fence will cross the creek and if the trail would connect to the trail in Oakwood East and who would maintain the creek and trail. Mr. Harless explained that it is the desire of the city to have trails connect and that maintenance would be up to the HOA. A motion was made by Smith, seconded by Hinton, to recommend denial subject to all staff comments. Voting aye: Hinton, Greil, Huskey, Smith, Collins and Wicker. Nay: None. Motion carried.

**3 (PC-1897) Public hearing with discussion and consideration of approval the Preliminary Plat of Anderson Crossing for the property described as a tract of land lying in the E/2 of Section 8, T-11-N, R-1-W, of the Indian Meridian, City of Midwest City, Oklahoma County, Oklahoma.**

The applicant, Brad Reid of Crafton Tull at 300 Point Parkway Pl., Yukon, OK, was present. There was general discussion about this item. Richard Dorn of 11708 Lorene was present and asked if his fence will be replaced if they have to take it out for utilities. Staff explained that the fences will be put back up if they have to be taken down. Commissioner Wicker asked the applicant if he met with the surrounding neighbors. Mr. Reid stated that he did not meet with the surrounding neighbors prior to the meeting. Commissioner Smith noted that the traffic calming devices as listed in the staff report would be good for the area. Commissioner Greil stated that he is not against new development but our ordinances do not support this type of development. He recommended that the applicant go back to the drawing board and meet with the neighbors. Gerard Earnest of 11704 Lorene was present and spoke of the drainage problems he has experienced since he moved to Oakwood East in the 1980's. He asked if the landscaping that he's had done will have to be replaced if it is disturbed due to utility work. The commissioners and staff explained that landscaping does not have to be replaced as is. Fences will be put back if they must be taken down. Mr. Earnest expressed a desire to be notified before utility work is to begin. Collette Raulston of 11636 Lorene also expressed concerns about drainage and asked if there would be retaining walls. Commissioner Wicker explained that it is too early to tell if they will be necessary. Ms. Raulston asked if anything could be built on the utility easement and Mr. Menefee confirmed that nothing could be built on the easements. A motion was made by Smith, seconded by Huskey, to recommend denial subject to all staff comments. Voting aye: Hinton, Greil, Huskey, Smith, Collins and Wicker. Nay: None. Motion carried.

**4 (MP-12) Public hearing with discussion and consideration of approval of the Uptown Addition Minor Plat located in the SE/4 of Section 3 T-11-N, R-2-W, of the Indian Meridian, City of Midwest City, Oklahoma County, Oklahoma.**

The applicant, Josh Atkinson of 7430 SE 15<sup>th</sup> St. was present. The applicant stated that the staff report lists a requirement for 10' additional feet of right-of-way on Uptown Drive and that due to the existing buildings, only 5' is possible. The City Engineer stated that he would look at it and have it resolved before the item is heard by the City Council. A motion was made by Smith, seconded by Greil, to recommend approval subject to all staff comments. Voting aye: Hinton, Greil, Huskey, Smith, Collins and Wicker. Nay: None. Motion carried.

**5 (PC-1899) Public hearing with discussion and consideration of approval of an ordinance to amend the Planned Unit Development governed by the C-3, Community Commercial district for the property described as a tract of land lying in the SW/4 of Section 4, T-11-N, R-2W, of the Indian Meridian, City of Midwest City, Oklahoma County, Oklahoma.**

Staff presented an overview of this item. The applicant, Chris Challis of Sooner Rose LLC, 2301 W. I-44 Service Road, OKC, OK was present. Mr. Challis and Brad Teeter of 121 N. Meade, Wichita, KS gave a presentation for the last 5 items on the Planning Commission agenda. There was general discussion about item number 5. A motion was made by Hinton, seconded by Huskey, to recommend approval subject to all staff comments. Voting aye: Hinton, Greil, Huskey, Smith, Collins and Wicker. Nay: None. Motion carried.

**6 (PC-1900) Public hearing with discussion and consideration of approval of a resolution to amend a portion of the Comprehensive Plan from MDR, Medium Density Residential to OR, Office/Retail and an ordinance to redistrict from R-6, Single Family Detached Residential and C-3, Community Commercial to Planned Unit Development governed by the C-3, Community Commercial district for the property described as a tract of land lying in the SW/4 of Section 4, T-11-N, R-2W, of the Indian Meridian, City of Midwest City, Oklahoma County, Oklahoma.**

Staff presented an overview of this item. Regarding the street improvements to SE 12<sup>th</sup> Street, Mr. Harless noted that the City usually grants a variance to street improvement requirements when the street is not being accessed. In this case, the applicant is not planning to access SE 12<sup>th</sup> Street. Regarding the tower sign, Mr. Harless wanted to make sure that no glare would affect the abutting residences. The applicant, Chris Challis of Sooner Investment, 2301 W I-44 Service Rd, OKC, OK was present. Mr. Challis stated that the tower sign will only face south. Regarding the variance requested for the pylon sign, Mr. Challis stated that one common sign would reduce the need for multiple individual signs and would be a benefit to the city. Mr. Harless stated that staff could not make a recommendation in favor of a sign over 28'. Staff is agreeable to 28' – If the applicant eliminated the base of the sign, it would be approximately 28' in height. Jerry Maynard of 5900 SE 12<sup>th</sup> Street was present. The condition of 12<sup>th</sup> Street was his first concern. Mr. Maynard stated that SE 12<sup>th</sup> Street is already in poor condition and the additional traffic that this development will cause will only cause it to wear more quickly. Mr. Maynard requested that the city or the applicant make the necessary improvements to SE 12<sup>th</sup> Street. Mr. Maynard also asked how wide the proposed berm at the north end of the area of request was. Terry Haynes of SMC did not have that information readily available but advised he could get it. Mr. Maynard also asked if there would be a barrier at the corner of Buena Vista and SE 12<sup>th</sup>. He stated that there are accidents there now and worries about the impact of the berm on the corner. Mr. Menefee stated that proper sight triangles would have to be observed and if there is a safety concern, his department would look into it. James Gravel of 5777 SE 12<sup>th</sup> Street was present. He was also concerned about the traffic on SE 12<sup>th</sup>. He proposed that SE 12<sup>th</sup> end at Buena Vista. Jeanette Ryan of 5908 SE 11<sup>th</sup> was present. She asked if the berm will be built before, after or during construction. Mr. Challis stated that it would be built during construction and would be complete prior to any businesses receiving a certificate of occupancy. Charles Collins of 5812 SE 11<sup>th</sup> Street was present and also concerned about traffic. A motion was made by Smith, seconded by Huskey to recommend approval of this item subject to all staff comments with the

variance for the pylon sign being left to the Council. Voting aye: Hinton, Greil, Huskey, Smith, Collins and Wicker. Nay: None. Motion carried.

**7 (PC-1901) Public hearing with discussion and consideration of approval of the Sooner Rose Addition Phase II Preliminary Plat for the property described as a tract of land lying in the SW/4 of Section 4, T-11-N, R-2W, of the Indian Meridian, City of Midwest City, Oklahoma County, Oklahoma.**

Staff presented an overview of this item. Commissioner Wicker noted that the agendas that were posted did not state "Preliminary Plat" however, the item that was published in the journal record and mailed to the residences within 300 feet of the area of request, as well as the subject of the item in the staff reports does identify this item as a preliminary plat. Chris Challis of Sooner Investment, 2301 W. I-44 Service Road, OKC, OK was present. There was general discussion about this item. A motion was made by Huskey, seconded by Collins to recommend approval of this item subject to all staff comments. Voting aye: Hinton, Greil, Huskey, Smith, Collins and Wicker. Nay: None. Motion carried.

**8 (PC-1902) Public hearing with discussion and consideration of approval of a resolution to amend a portion of the Comprehensive Plan from MDR, Medium Density Residential to OR, Office/Retail and an ordinance to redistrict from R-6, Single Family Detached Residential and C-3, Community Commercial to Planned Unit Development governed by the C-3, Community Commercial district for the property described as a tract of land lying in the SW/4 of Section 4, T-11-N, R-2W, of the Indian Meridian, City of Midwest City, Oklahoma County, Oklahoma.**

Staff presented an overview of this item. Mr. Menefee noted that the improvements to Buena Vista are required. Brad Teeter of 121 N. Meade, Wichita, KS was present. Commissioner Wicker asked how far it was from the service drive curb behind the proposed theater to SE 12<sup>th</sup> Street. Terry Haynes of SMC estimated 80'. There was general discussion about this item. A motion was made by Smith, seconded by Hinton to recommend approval of this item subject to all staff comments. Voting aye: Hinton, Greil, Huskey, Smith, Collins and Wicker. Nay: None. Motion carried.

**9 (PC-1903) Public hearing with discussion and consideration of approval of the Sooner Rose Warren Addition Phase II Preliminary Plat for the property described as a tract of land lying in the SW/4 of Section 4, T-11-N, R-2W, of the Indian Meridian, City of Midwest City, Oklahoma County, Oklahoma.**

Staff presented an overview of this item. Commissioner Wicker noted that the agendas that were posted did not state "Preliminary Plat" however, the item that was published in the journal record and mailed to the residences within 300 feet of the area of request, as well as the subject of the item

in the staff reports does identify this item as a preliminary plat. Brad Teeter of 121 N. Meade, Wichita, KS was present. There was general discussion. Smith made a motion, seconded by Hinton, to recommend approval of this item subject to all staff comments. Voting aye: Hinton, Greil, Huskey, Smith, Collins and Wicker. Nay: None. Motion carried.

**C. COMMISSION DISCUSSION:** None.

**D. PUBLIC DISCUSSION:** None.

**E. FURTHER INFORMATION:** There were no items of further information for discussion.

There being no further matters before the Commission, motion to adjourn was made by Smith, seconded by Hinton. Voting aye: Hinton, Greil, Huskey, Smith, Collins and Wicker. Nay: None. Motion carried.

The meeting adjourned at 10:26 p.m.

---

Floyd Wicker, Chairman  
(KG)





**Public Works Administration**  
**Vaughn Sullivan, Director**  
[vsullivan@midwestcityok.org](mailto:vsullivan@midwestcityok.org)  
**R. Paul Streets, Assistant Director**  
[rstreets@midwestcityok.org](mailto:rstreets@midwestcityok.org)  
8730 S.E. 15<sup>th</sup> Street,  
Midwest City, Oklahoma 73110  
O: 405-739-1060 /Fax: 405-739-1090

## Memorandum

To: Honorable Mayor and Council

From: Vaughn K. Sullivan, Public Works Director

Date: April 25, 2016

Subject: Discussion and consideration of approving and passing an ordinance amending Chapter 30, Parks and Recreation, of the Midwest City Code, Article IV, In General, by amending Section 30-46(a) and (b), Golf course rates; establishing an effective date; and providing for repealer and severability (This item to be under Further Information on the April 25, 2017 agenda).

Staff is recommending a one dollar (\$1.00) increase per player in the regular green fee rate and senior rate, as well as a fifty cent (\$.50) increase for driving range tokens at John Conrad Golf Course. In addition, staff is proposing a one dollar (\$1.00) increase to Senior/Military green fees at John Conrad and Hidden Creek Family Golf Course. However, in an effort to attract a new segment of senior player to both golf courses, staff proposes reducing the senior age to fifty five and older.

The proposed rates will be effective July 1, 2017. This rate increase keeps our pricing below our competitors in each category.

### **John Conrad (after rate increase)**

Weekday: \$25.00  
Weekend: \$25.00  
Twilight: \$16.00 (after 2:00pm)  
Super twilight: \$8.00(after 6:00pm)  
Senior & Military Fee \$16.50  
Junior \$6.00  
18 hole cart rental \$28.00  
18 hole cart rental \$14.00 (single rider)  
9 hole cart rental \$14.00  
9 hole cart rental \$7.00 (single rider)  
Monday thru Thursday special: \$9.00\*  
Range \$3.25 (42 balls)

### **Oklahoma City (current)**

Weekday: \$26.00, Lincoln \$28.00  
Weekend: \$26.00, Lincoln \$28.00  
Twilight: \$21.00 (after 1:00pm)  
Super twilight: \$15.75 (after 4:00pm)  
Senior Fee \$15.75  
Junior \$7.25  
18 hole cart rental \$28.00  
18 hole cart rental \$14.00 (single rider)  
9 hole cart rental \$14.00  
9 hole cart rental \$7.00 (single rider)  
Monday thru Thursday special: None  
Range \$3.25 (30 balls)

### **Hidden Creek (after rate increase)**

Footgolf 9 hole \$7.00  
Regular 9 hole Senior and Military \$7.00

\*The Monday special is from dawn to 3:00 and the Tuesday through Thursday special is from 1:00 to 3:00. (Staff is also proposing we change the start time from 1:30 to 1:00 p.m. on Tuesday through Thursday and make this fee good year round by eliminating the “during daylight savings time” language.)

The rate increase is expected to generate approximately \$20,000.00 annually.

Staff recommends approval.

A handwritten signature in black ink that reads "Vaughn K. Sullivan". The signature is written in a cursive style with a large initial 'V'.

Vaughn K. Sullivan, Public Works Director

Attachments: Redlined copy of the ordinance  
Clean copy of the ordinance

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ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING CHAPTER 30, PARKS AND RECREATION, OF THE  
MIDWEST CITY CODE, ARTICLE IV, IN GENERAL, BY AMENDING SECTION 30-  
46 (a) AND (b), GOLF COURSE RATES; ESTABLISHING AN EFFECTIVE DATE;  
AND PROVIDING FOR REPEALER AND SEVERABILITY.**

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

**ORDINANCE**

**SECTION 1.** That Chapter 30, Parks and Recreation, of the Midwest City Code, Article IV, In General, Section 30-46(a) and (b), Golf course rates, be amended to read as follows:

- (a) The following rates, which do not include tax, will be in effect at the Hidden Creek Family Golf Course for each nine (9) holes played:
- (1) Regular 9 hole green fees shall be eight dollars and seventy five cents (\$8.75) and for all day play shall be fourteen dollars (\$14.00) and Foot-golf 9 hole green fee shall be ~~five~~six dollars (\$5.00);
  - (2) Regular 9 hole green fees for City of Midwest City employees shall be six dollars and twenty five cents (\$6.25) and regular all day green fees for City of Midwest City employees shall be ten dollars (\$10.00).
  - (3) Regular 9 hole green fees for seniors (~~age sixty (60)~~age fifty five (55) or older), and military, for weekdays shall be ~~six dollars and forty three cents~~seven dollars (\$7.00) and for all day play shall be ten dollars and thirty cents (\$10.30);
  - (4) Regular 9 hole green fees for juniors shall be four dollars (\$4.00) and for all day play shall be six dollars (\$6.00);
  - (5) Nine-hole golf car rental shall be six dollars (\$6.00) per player;
  - (6) Daily trail fees shall be four dollars and fifty cents (\$4.50);
  - (7) Annual regular green fee memberships shall be four hundred twenty dollars (\$420.00);
  - (8) Annual junior green fee memberships shall be one hundred ninety-seven dollars and forty cents (\$197.40);
  - (9) Annual regular green fee membership with half golf car shall be one thousand dollars (\$1,000.00);
- (b) The following rates, which do not include tax, will be in effect for all day play at the John Conrad Regional Golf Course:
- (1) Regular green fees shall be twenty ~~four~~five dollars (~~\$24.00~~\$25.00);

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- (2) Green fees for City of Midwest City employees shall be ten dollars and fifty cents (\$10.50);
- (3) Green fees for seniors (~~age sixty (60)~~ age fifty five (55)) or older) and military for weekdays shall be ~~fifteen~~ sixteen dollars and fifty cents (~~\$15.50~~ \$16.50). This fee shall also apply after 12:00 p.m. on Saturdays, Sundays and federal holidays;
- (4) Green fees for juniors shall be six dollars (\$6.00);
- (5) Registered school golf team green fees shall be four dollars (\$4.00);
- (6) Twilight green fees (after 2:00 pm during daylight savings time and after 1:00 pm during regular time) shall be sixteen dollars (\$16.00);
- (7) Green fees shall be eight dollars (\$8.00) after 6:00 p.m.;
- (8) Golf car rentals shall be twenty eight dollars (\$28.00) for eighteen (18) holes. Single rider car rental shall be fourteen dollars (\$14.00) for (18) holes. Golf car rentals shall be fourteen dollars (\$14.00) for nine (9) holes. Single rider car rental shall be seven dollars (\$7.00) for nine (9) holes.
- (9) Trail fees shall be ten dollars (\$10.00);
- (10) Senior (~~age sixty (60)~~ age fifty five or older) trail fees shall be seven dollars (\$7.00);
- (11) Annual locker rental fee shall be thirty dollars (\$30.00);
- (12) Driving range fees shall be three dollars and twenty five cents (~~\$3.00~~ \$3.25).
- (13) Annual green fee memberships shall be one thousand one hundred eighty dollars (\$1,180.00);
- (14) Annual green fee membership with half golf car rental shall be two thousand dollars (\$2,000.00);
- (15) Annual Monday through Thursday green fee memberships shall be seven hundred dollars (\$700.00);
- (16) Annual Monday through Thursday green fee memberships with half golf car rental shall be one thousand two hundred dollars (\$1,200.00);
- (17) Annual junior green fee memberships shall be three hundred sixty dollars (\$360);
- (18) Annual trail fee, with annual green fee membership, shall be four hundred dollars (\$400.00). Annual trail fee, with annual Monday through Thursday membership shall be two hundred dollars (\$200.00);

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(19) Regular green fees for each 18 holes played before 3:00 p.m. on Mondays year round and ~~1:30~~1:00 to 3:00 Tuesday through Thursday ~~during day-light savings time~~ shall be nine dollars (\$9.00). This fee shall not apply on federal holidays, or for tournaments or league play;

SECTION 2. EFFECTIVE DATE. This ordinance shall be in force and effect on and after July 1, 2017.

SECTION 3. REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4. SEVERABILITY. If any section, sentence, clause or portion of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance.

PASSED AND APPROVED by the Mayor and Council of the City of Midwest City, Oklahoma, on the \_\_\_\_\_ day of May 9, 2017.

THE CITY OF MIDWEST CITY, OKLAHOMA

\_\_\_\_\_  
Mathew Dukes., Mayor

ATTEST: \_\_\_\_\_

\_\_\_\_\_  
Sara Hancock, City Clerk

APPROVED as to form and legality this \_\_\_\_\_ day of May, 2017.

\_\_\_\_\_  
Philip Anderson, City Attorney



**Public Works Administration**  
**Vaughn Sullivan, Director**  
[vsullivan@midwestcityok.org](mailto:vsullivan@midwestcityok.org)  
**R. Paul Streets, Assistant Director**  
[rstreets@midwestcityok.org](mailto:rstreets@midwestcityok.org)  
8730 S.E. 15<sup>th</sup> Street,  
Midwest City, Oklahoma 73110  
O: 405-739-1060 /Fax: 405-739-1090

### **Memorandum**

To: Honorable Mayor and Council

From: Vaughn K. Sullivan, Public Works Director

Date: April 25, 2016

Subject: Discussion and consideration of approving and passing an ordinance amending Chapter 30, Parks and Recreation, of the Midwest City Code, Article I, In General, by amending Section 30-1(c), Park hours, posting signs, trespass, disorderly conduct; penalty; establishing an effective date; and providing for repealer and severability (This item to be under Further Information on the April 25, 2017 agenda).

Staff is recommending a change in the hours of operation for the pavilions and improved playgrounds located in Regional, Kiwanis and Lions parks. This change provides for seasonal hours of operation based roughly on sunset times. This adjustment is being made in an effort to provide patrol officers the ability to prohibit loitering in or near these facilities after dark.

The Park Board will be hearing and discussing this recommendation at their April 19<sup>th</sup> meeting, and will be providing a recommendation to you prior to voting on the ordinance change.

Staff recommends approval.

Vaughn K. Sullivan, Public Works Director

Attachments: Redlined copy of the ordinance  
Clean copy of the ordinance

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING CHAPTER 30, PARKS AND RECREATION, OF THE MIDWEST CITY CODE, ARTICLE I, IN GENERAL, BY AMENDING SECTION 30-1 (C), PARKS HOURS, POSTING SIGNS, TRESPASS, DISORDERLY CONDUCT; PENALTY; ESTABLISHING AN EFFECTIVE DATE; AND PROVIDING FOR REPEALER AND SEVERABILITY.**

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

**ORDINANCE**

SECTION 1. That Chapter 30, Parks and Recreation, of the Midwest City Code, Article I, In General, Section 30-1 (c), Park hours, posting signs, trespass, disorderly conduct; penalty, be amended to read as follows:

Sec. 30-1. - Park hours, posting signs, trespass, disorderly conduct; penalty.

- (a) It shall be unlawful and an offense for any person to occupy or use the designated public parks and public municipal facilities other than during those hours hereafter set forth:
  - (1) Regional Park shall be open for public use between the hours of 5:00 a.m. and 11:00 p.m.
  - (2) Lions Park and Kiwanis Park shall be open for public use between the hours of 7:00 a.m. and 10:00 p.m.
  - (3) All other parks, unless otherwise posted, including the pavilions therein, shall be open for public use between the hours of dawn and dusk.
- (b) The city manager shall cause signs of the hours of such parks to be posted therein.
- (c) It shall be unlawful and an offense for any person to occupy or use the designated special facilities in the city except between the hours hereinafter set forth and with the approval of the city park and recreation board, if approval of the board is hereinafter indicated as necessary:
  - (1) Regional Park lighted tennis, basketball and volleyball court shall be open for public use between the hours of 5:00 a.m. and 11:00 p.m.
  - (2) Regional Park trail shall be open for public use between the hours of 5:00 a.m. to 11:00 p.m.
  - (3) Regional, Kiwanis and Lions pavilions and improved playgrounds shall be open for public use between the hours of 7:00 a.m. to ~~10:00~~9:00 p.m. the months of March through October and 8:00 a.m. through 6:00 p.m. the months of November through February.
- (d) Any person present in a park during other than the designated hours in this section shall be guilty of trespass in accordance with and subject to the penalties prescribed under section 28-54.
- (e) Any person who remains on the premises of a park, city recreational facility or other city-owned public facility after being issued a lawful command or demand by a city official having authority to issue such lawful command or demand shall be guilty of trespass and/or disorderly conduct subject to the penalties prescribed under sections 28-54 and/or 28-90.1 respectively.

SECTION 2. EFFECTIVE DATE. This ordinance shall be in force and effect on and after July 1, 2017.

SECTION 3. REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4. SEVERABILITY. If any section, sentence, clause or portion of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance.

PASSED AND APPROVED by the Mayor and Council of the City of Midwest City, Oklahoma, on the \_\_\_\_\_ day of May 9, 2017.

THE CITY OF MIDWEST CITY, OKLAHOMA

\_\_\_\_\_  
Mathew Dukes., Mayor

ATTEST: \_\_\_\_\_

\_\_\_\_\_  
Sara Hancock, City Clerk

APPROVED as to form and legality this \_\_\_\_\_ day of May, 2017.

\_\_\_\_\_  
Philip Anderson, City Attorney





**Assistant City Attorney  
Municipal Court**

100 N. Midwest Boulevard  
Midwest City, OK 73110  
Office: 405-739-1284  
[makarns@midwestcityok.org](mailto:makarns@midwestcityok.org)  
[www.midwestcityok.org](http://www.midwestcityok.org)

To: Honorable Mayor and Council

From: Mary Ann Karns, Assistant City Attorney/City Prosecutor

Date: April 25, 2017

Subject: Discussion and consideration of approving and passing an ordinance amending Chapter 25, Municipal Court, of the Midwest City Code, Article I, General Provisions, of the Midwest City Code, by Adding a New Section 25-45, Expungement Fee, Providing for an Effective Date, Providing for Severability, and Providing for Repealer.

---

Attached you will find the proposed amended ordinance. Every month, the City receives 5-8 requests for the expungement of records of those who have been convicted of an offense in municipal court or who were arrested by the Midwest City Police Department with charges filed elsewhere. This request is allowed by Oklahoma Statutes under certain circumstances, and those circumstances have become broader over time.

When a request is made, the offender files a petition in District Court and serves the Prosecutor. The Prosecutor reviews the petition to determine whether it is in order and then either contests or agrees to the request. The cases proceed on until a District Court Judge issues an order of expungement. At that time, the Prosecutor is served with that order and distributes it to the Court Clerk and the Police Department Records Division. Those departments withdraw both the computer and paper records and seal them. Thereafter, if anyone asks about the defendant's history or seeks the records, the person is told we have no record of that person.

The Prosecutor, Court Clerk and Records Clerk total time in these matters is at least one hour and sometimes more.

I recommend that the Mayor and City Council impose a fee of \$50 for each expungement, to be paid at the time the District Court order is filed. The distribution would be 60% to the Court fund, due to the involvement of the Prosecutor and 40% to the Police fund.

Staff recommends approval.

Mary Ann Karns  
Assistant City Attorney/City Prosecutor

**ORDINANCE NO.**

**An Ordinance Amending Chapter 25, Municipal Court, Article I, General Provisions, of the Midwest City Code, by Adding a New Section 25-45, Expungement Fee, Providing for an Effective Date, Providing for Severability, and Providing for Repealer.**

---

**Chapter 25, Article 1**

**WHEREAS**, individuals who have been arrested by Police Department of Midwest City frequently seek to have those records expunged; and

**WHEREAS**, if the individuals were charged in the Municipal Court of Midwest City they also seek to have those records expunged; and

**WHEREAS**, in order to obtain expungement, the individual files a court action which is reviewed by an attorney for the city to determine to whether the petition is in the proper form according to statutes; and

**WHEREAS**, if a court orders an expungement, employees of the Records Division of the Midwest City Police Department and employees of the Court Clerk's Office of the Municipal Court then research the records, remove them from files paper files and computer records, then seal or otherwise place them in storage, and

**WHEREAS**, this is a special service and an amount should be charged to defray the City's expenses for these actions;

**IT IS ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MIDWEST CITY THAT SUCH A FEE SHOULD BE DETERMINED:**

**Section 1.** There is hereby established a fee for processing an order for expungement of records from Municipal Court and Police Department files. The Fee shall be Fifty Dollars (\$50.00), and shall be paid by the defendant when the order of expungement is presented to the court. Forty percent (40%) of the revenues generated by this fee shall be placed into the police fund and Sixty Percent (60) shall be placed into the Court fund.

**Section 2. Effective Date.** This ordinance shall take effect thirty days after publication.

**Section 3. Severability.** If any section, sentence, clause or portion of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance.

**Section 4. Repealer.** Any section, subsection or portion thereof in conflict with this ordinance is hereby repealed.

PASSED AND APPROVED by the Mayor and Council of the City of Midwest City, Oklahoma, on the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

THE CITY OF MIDWEST CITY, OKLAHOMA

ATTEST:

\_\_\_\_\_  
MATTHEW D. DUKES II, Mayor

\_\_\_\_\_  
SARA HANCOCK, City Clerk

Approved as to form and legality:

\_\_\_\_\_  
PHILIP ANDERSON, City Attorney



MUNICIPAL AUTHORITY  
AGENDA



**MIDWEST CITY MUNICIPAL AUTHORITY AGENDA**

City Hall - Midwest City Council Chambers, 100 N. Midwest Boulevard

April 25, 2017 - 7:01 PM

Special Assistance requests – tcoplen@midwestcityok.org or 739-1002. (Please provide no less than 24 hours' notice) Special assistance request during a meeting call 739-1388.

A. CALL TO ORDER.

B. CONSENT AGENDA. These items are placed on the Consent Agenda so that trustees of the Midwest City Municipal Authority, by unanimous consent, can approve routine agenda items by one motion. If any item proposed does not meet with approval of all trustees, or members of the audience wish to discuss an item, that item will be removed and heard in regular order.

1. Discussion and consideration of approving the minutes of the staff briefing and regular meeting of April 11, 2017, as submitted. (Secretary - S. Hancock)
2. Discussion and consideration of supplemental budget adjustments to the following funds for FY 2016-2017, increase: Sewer Construction Fund, expenses/Transfers Out (46) \$99,677. Capital Improvements Revenue Bond Fund, revenue/Transfers In (00) \$99,677. Hotel/Conference Center Fund, revenue/Transfers In (40) \$740,000. (Finance - C. Barron)
3. Discussion and consideration of accepting the report on the current financial condition of the Sheraton Midwest City Hotel at the Reed Center for the period ending March 31, 2017 (City Manager - T. Lyon).
4. Discussion and consideration of approving the Reverter and Quitclaim Deed with the Yes Companies EXP, LLC for the property deeded to the City, east of the corporate limits of the City of Midwest City for the future site of a proposed elevated water tower. (Community Development - P. Menefee)
5. Discussion and consideration of approving the Termination of the Sewer and Water Agreement with the Yes Companies EXP, LLC for the water and sewer service provided to the Timberland Mobile Home Park property east of the corporate limits of the City of Midwest City. (Community Development - P. Menefee)
6. Discussion and consideration of approving the Termination of Easement Grant for Sanitary Sewer with the Yes Companies EXP, LLC for the existing utility easement located on the Timberland Mobile Home Park property east of the corporate limits of the City of Midwest City. (Community Development - P. Menefee)

C. NEW BUSINESS/PUBLIC DISCUSSION.

D. ADJOURNMENT.



CONSENT AGENDA



Notice of regular meetings for staff briefings for the Midwest City Municipal Authority was filed for the calendar year with the City Clerk of Midwest City and copies of the agenda for this meeting were posted at City Hall and on the City's website, accessible to the public for at least 24 hours in advance of the meeting.

**MINUTES OF THE REGULAR STAFF BRIEFING FOR  
MIDWEST CITY MUNICIPAL AUTHORITY TRUSTEES**

April 11, 2017 – 6:00 p.m.

This regular meeting was held in the Midwest City Council Conference Room on the second floor of City Hall, 100 N. Midwest Boulevard, Midwest City, County of Oklahoma, State of Oklahoma. The following members were present: Chairman Matt Dukes; Trustees Susan Eads, Pat Byrne, Rick Dawkins, Sean Reed, Christine Allen and Jeff Moore; and Secretary Sara Hancock. Absent: none.

Chairman Dukes called the meeting to order at 6:43 p.m.

**Clarification of agenda items, handouts, and presentation of new or additional information for items on the Municipal Authority agenda for April 11, 2017.** The Trustees did not have questions for clarification or discussion on the individual agenda items.

Chairman Dukes closed the meeting at 6:43 p.m.

ATTEST:

\_\_\_\_\_  
MATTHEW D. DUKES, II, Chairman

\_\_\_\_\_  
SARA HANCOCK, Secretary

Notice of regular Midwest City Municipal Authority meetings was filed for the calendar year with the City Clerk of Midwest City and copies of the agenda for this meeting were posted at City Hall and on Midwest City's website, accessible to the public for at least 24 hours in advance of the meeting.

**MINUTES OF THE REGULAR MIDWEST CITY  
MUNICIPAL AUTHORITY MEETING**

April 11, 2017 - 7:01 p.m.

This regular meeting was held in the Midwest City Council Chambers, 100 North Midwest Boulevard, Midwest City, County of Oklahoma, State of Oklahoma. The following members were present: Chairman Matt Dukes, Trustees Susan Eads, Pat Byrne, Rick Dawkins, Sean Reed, Christine Allen, and Jeff Moore; and Secretary Sara Hancock. Absent: none.

Chairman Dukes called the meeting to order at 7:43 p.m.

**Discussion Item.**

1. **Discussion and consideration of approving the minutes of the staff briefing and regular meeting of March 28, 2017, as submitted.** Motion was made by Dawkins, seconded by Reed, to approve the minutes, as submitted. Voting aye: Eads, Byrne, Dawkins, Reed, Allen, Moore and Mayor Dukes. Nay: none. Absent: none. Motion carried.

**New Business/Public Discussion.** There was no new business or public discussion.

**Adjournment.** Chairman Dukes adjourned the meeting at 7:44 p.m.

ATTEST:

\_\_\_\_\_  
MATTHEW D. DUKES II, Chairman

\_\_\_\_\_  
SARA HANCOCK, Secretary



# The City of MIDWEST CITY

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100 N. MIDWEST BLVD \* MIDWEST CITY, OKLAHOMA 73110  
(405) 739-1240 \* FAX (405) 739-1247 \* TDD (405) 739-1359

## Memorandum

**TO:** Honorable Chairman and Trustees  
Midwest City Municipal Authority

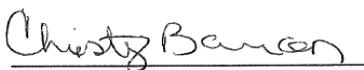
**FROM:** Christy Barron, Finance Director

**DATE:** April 25, 2017

**Subject:** Discussion and consideration of supplemental budget adjustments to the following funds for FY 2016-2017, increase: Sewer Construction Fund, expenses/Transfers Out (46) \$99,677. Capital Improvements Revenue Bond Fund, revenue/Transfers In (00) \$99,677. Hotel/Conference Center Fund, revenue/Transfers In (40) \$740,000.

The first and second supplements are needed to increase the transfer from the Sewer Construction Fund to the Capital Improvement Revenue Bond Fund due to FY16-17 sales tax collections falling below projections. The bond payments for the sewer plant are partially funded by sales tax revenue dedicated to the sewer plant and from the Sewer Construction Fund. Since sales taxes are coming in below budget projections, the portion of bond payments that will have to be paid from the Sewer Construction Fund needs to increase to make up the difference.

The third supplement is needed to budget a transfer from the Capital Improvements Fund into Hotel/Conference Center Fund to eliminate a Due To for owner's return on investment. See the memo on the City Agenda budget supplements for a detailed explanation.



Christy Barron  
Finance Director



## SUPPLEMENTS

**April 25, 2017**

Fund SEWER CONSTRUCTION (186)		BUDGET AMENDMENT FORM Fiscal Year 2016-2017			
		Estimated Revenue		Budget Appropriations	
<u>Dept Number</u>	<u>Department Name</u>	<u>Increase</u>	<u>Decrease</u>	<u>Increase</u>	<u>Decrease</u>
46	Transfers Out			99,677	
		<u>0</u>	<u>0</u>	<u>99,677</u>	<u>0</u>
<b>Explanation:</b> Increase budget for transfer to Capital Improvements Revenue Bond Fund due to fiscal year 2016-2017 sales tax collections falling below projections. Funding to come from fund balance.					

Fund CAPITAL IMPROVEMENT REVENUE BOND (250)		BUDGET AMENDMENT FORM Fiscal Year 2016-2017			
		Estimated Revenue		Budget Appropriations	
<u>Dept Number</u>	<u>Department Name</u>	<u>Increase</u>	<u>Decrease</u>	<u>Increase</u>	<u>Decrease</u>
00	Transfers In	99,677			
		<u>99,677</u>	<u>0</u>	<u>0</u>	<u>0</u>
<b>Explanation:</b> Increase budget for transfer in from Sewer Construction Fund due to fiscal year 2016-2017 sales tax collections falling below projections.					

Fund HOTEL/CONFERENCE CTR (195)		BUDGET AMENDMENT FORM Fiscal Year 2016-2017			
		Estimated Revenue		Budget Appropriations	
<u>Dept Number</u>	<u>Department Name</u>	<u>Increase</u>	<u>Decrease</u>	<u>Increase</u>	<u>Decrease</u>
40	Transfers In	740,000			
		<u>740,000</u>	<u>0</u>	<u>0</u>	<u>0</u>
<b>Explanation:</b> Budget transfer in from Capital Improvements Fund to eliminate Due To for owner's return on investment.					



THE CITY OF  
**MIDWEST CITY**

**MEMORANDUM**

TO: Honorable Chairman and Trustees  
Midwest City Municipal Authority

FROM: Tim Lyon, Assistant City Manager

DATE: April 25, 2017

RE: Discussion and consideration of accepting the report on the current financial condition of the Sheraton Midwest City Hotel at the Reed Center for the period ending March 31, 2017.

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This item is on the agenda at the request of the Authority. Attached to this memorandum is information concerning the status of the Sheraton Midwest City Hotel at the Reed Center.

Any time you have a question concerning the conference center and hotel, please feel free to contact me at 739-1201.

*Tim L. Lyon*

---

Tim Lyon  
Assistant City Manager

Attachment (1)

**SHERATON MIDWEST CITY HOTEL AT THE REED CENTER**

<b>Fiscal Year 2016-2017</b>	Jul-16	Aug-16	Sep-16	Oct-16	Nov-16	Dec-16	Jan-17	Feb-17	Mar-17	Apr-17	May-17	Jun-17
<b>Revenue</b>												
Budgeted (MTD)	456,340	456,340	456,340	456,340	456,340	456,340	456,340	456,340	456,340			
Actual (MTD)	430,970	420,241	481,316	571,284	465,481	270,078	289,607	438,034	529,524			
Budgeted (YTD)	456,340	912,680	1,369,020	1,825,360	2,281,700	2,738,040	3,194,380	3,650,720	4,107,060			
Actual (YTD)	430,970	851,211	1,332,527	1,903,811	2,369,292	2,639,370	2,928,977	3,367,011	3,896,535			
<b>Expenses</b>												
Budgeted (MTD)	452,385	454,833	452,880	458,476	453,217	449,274	448,194	452,407	475,392			
Actual (MTD)	422,001	445,980	446,293	514,505	467,175	374,710	372,928	411,386	449,017			
Budgeted (YTD)	452,385	907,218	1,360,098	1,818,574	2,271,791	2,721,065	3,169,259	3,621,666	4,097,058			
Actual (YTD)	422,001	867,982	1,314,275	1,828,780	2,295,955	2,670,665	3,043,593	3,454,978	3,903,996			
<b>Revenue vs. Expenses</b>												
Budgeted (MTD)	3,955	1,507	3,460	(2,136)	3,123	7,066	8,146	3,933	(19,052)			
Actual (MTD)	8,969	(25,740)	35,022	56,779	(1,694)	(104,632)	(83,320)	26,648	80,507			
Budgeted (YTD)	3,955	5,462	8,922	6,786	9,909	16,975	26,121	29,054	10,002			
Actual (YTD)	8,969	(16,771)	18,252	75,031	73,337	(31,295)	(114,615)	(87,967)	(7,460)			

<b>Key Indicators</b>												
Hotel Room Revenue	268,993	216,282	265,640	252,315	256,155	116,079	147,556	219,474	280,651			
Food and Banquet Revenue	105,613	220,229	183,624	266,797	175,240	184,013	123,798	181,911	198,025			

<b>Fiscal Year 2015-2016</b>	Jul-15	Aug-15	Sep-15	Oct-15	Nov-15	Dec-15	Jan-16	Feb-16	Mar-16	Apr-16	May-16	Jun-16
<b>Revenue</b>												
Budgeted (MTD)	415,653	654,459	469,101	625,953	517,137	406,643	385,258	516,383	615,828	574,553	502,540	417,056
Actual (MTD)	368,618	555,622	398,995	602,341	466,410	278,641	327,078	477,464	523,016	593,390	405,609	366,136
Budgeted (YTD)	415,653	1,070,112	1,539,213	2,165,166	2,682,303	3,088,946	3,474,204	3,990,587	4,606,415	5,180,968	5,683,508	6,100,564
Actual (YTD)	368,618	924,240	1,323,235	1,925,576	2,391,986	2,670,627	2,997,705	2,475,169	3,998,185	4,591,575	4,997,183	5,363,319
<b>Expenses</b>												
Budgeted (MTD)	484,903	555,499	488,849	558,297	506,550	470,492	468,588	491,614	562,689	567,092	492,597	483,163
Actual (MTD)	467,394	527,910	464,834	527,746	483,374	467,189	413,287	483,039	499,838	564,893	428,981	443,108
Budgeted (YTD)	484,903	1,041,022	1,529,871	2,088,168	2,594,718	3,065,210	3,533,798	4,025,412	4,588,101	5,155,193	5,647,790	6,130,953
Actual (YTD)	467,394	995,304	1,460,138	1,987,884	2,471,258	2,938,447	3,351,734	3,834,773	4,334,611	4,899,504	5,328,485	5,771,593
<b>Revenue vs. Expenses</b>												
Budgeted (MTD)	(69,250)	97,960	(19,748)	67,656	10,587	(63,849)	(83,330)	24,769	53,139	7,461	9,943	(66,107)
Actual (MTD)	(98,776)	27,712	(65,839)	74,595	(16,964)	(188,548)	(86,209)	(5,575)	23,178	28,497	(23,373)	(76,972)
Budgeted (YTD)	(69,250)	29,090	9,342	76,998	87,585	23,736	(59,594)	(34,825)	18,314	25,775	35,718	(30,389)
Actual (YTD)	(98,776)	(71,064)	(136,903)	(62,308)	(79,272)	(267,820)	(354,029)	(359,604)	(336,426)	(307,929)	(331,302)	(408,274)



The City of  
**MIDWEST CITY**  
COMMUNITY DEVELOPMENT DEPARTMENT -  
ENGINEERING DIVISION

Billy Harless, Community Development Director  
Patrick Menefee, P.E., City Engineer

ENGINEERING DIVISION  
Patrick Menefee, City Engineer  
CURRENT PLANNING DIVISION  
Kellie Gilles, Manager  
COMPREHENSIVE PLANNING  
Julie Shannon, Comprehensive Planner  
BUILDING INSPECTION DIVISION  
Charles Belk, Building Official  
GIS DIVISION  
Kathy Spivey, GIS Coordinator

To: Honorable Chairman and Trustees

From: Patrick Menefee, P.E., City Engineer

Date: April 25th, 2017

Subject: Discussion and consideration of approving the Reverter and Quitclaim Deed with the Yes Companies EXP, LLC for the property deeded to the City, east of the corporate limits of the City of Midwest City for the future site of a proposed elevated water tower.

The accompanying Reverter and Quitclaim Deed is needed to donate the property of concern back to the Yes Companies EXP, LLC. An agreement to donate to the property was made between the park's prior ownership group and the City of Midwest City, March 11th, 2014. Before the deed could be recorded at the county clerk's office, the park's ownership group changed, making the parties to the agreement inaccurate. If the reverter and quitclaim deed is agreed upon, the current ownership group will reenter into a new agreement with the city, under its name, and it will rededicate the property back to the City for the future water tower site.

Staff recommends approval.

Patrick Menefee, P.E.  
City Engineer

Attachments

**REVERTER AND QUITCLAIM DEED**

THIS REVERTER AND QUITCLAIM DEED is made as of April \_\_, 2017, but effective as of March 31, 2014 (this "Deed") from the MIDWEST CITY MUNICIPAL AUTHORITY, a public trust ("Grantor"), to YES COMPANIES EXP, LLC, a Delaware limited liability company ("Grantee").

WHEREAS, on March 31, 2014, Grantee, as grantor, entered into that certain Special Warranty Deed in favor of Grantor, as grantee, with respect to the property described on Exhibit A hereto (the "Property"), which Special Warranty Deed contained a right of reverter in favor of Grantee if the Property was not used solely for a drinking water storage facility as provided therein;

WHEREAS, the Property was never so used and Grantor and Grantee agreed that the Property reverted to Grantee effective as of March 31, 2014;

WHEREAS, on April 5, 2017, the above referenced Special Warranty Deed was inadvertently recorded in the records of the Oklahoma County Clerk in Book RE13401, Page 887, as document number 20170405010462590; and

WHEREAS, Grantor and Grantee desire to enter into this Deed to confirm the reversion of the Property back to Grantee as of March 31, 2014 and for Grantor to confirm the conveyance of any remaining right, title or interest in or to the Property to Grantee effective as of such date.

NOW THEREFORE, KNOWN BY ALL THESE PRESENTS:

THAT Grantor and Grantee hereby confirm the reversion of the Property to Grantee effective as of March 31, 2014 and the termination of the above referenced Special Warranty Deed and the provisions thereof and THAT Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration, in hand paid, the receipt and sufficiency of which is hereby acknowledged, has GRANTED, BARGAINED, SOLD and CONVEYED, and by these presents does GRANT, BARGAIN, SELL and CONVEY unto Grantee effective as of March 31, 2014, all right, title and interest in and to, the Property, together with all the improvements thereon and appurtenances thereunto belonging.

TO HAVE AND TO HOLD said described premises unto Grantee, is successors and assigns forever, free, clear and discharged of and from all former grants, charges, taxes, judgments, mortgage and other liens and encumbrances of whatsoever nature by or through Grantor but not otherwise.

[Signature Page Follows]

IN WITNESS WHEREOF, the undersigned has executed this Deed as of the date first above written but effective as of March 31, 2014.

GRANTOR:

MIDWEST CITY MUNICIPAL AUTHORITY,  
a public trust

ATTEST: CITY OF MIDWEST CITY

\_\_\_\_\_  
CITY CLERK

By: \_\_\_\_\_  
Name:  
Title:

APPROVED AS TO FORM AND LEGALITY this by City of Midwest City this \_\_\_\_ day of \_\_\_\_\_ 2017.

\_\_\_\_\_  
City Attorney

STATE OF OKLAHOMA     )  
  ) ss.  
COUNTY OF OKLAHOMA    )

On the \_\_\_\_\_ day of \_\_\_\_\_ in the year 2017, before me, the undersigned, a Notary Public in and for said State, personally appeared \_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

\_\_\_\_\_  
Notary Public

My Commission Expires:

GRANTEE:

YES COMPANIES EXP, LLC

By: \_\_\_\_\_

Name:

Title: Authorized Person

STATE OF COLORADO     )  
  ) ss..  
COUNTY OF DENVER     )

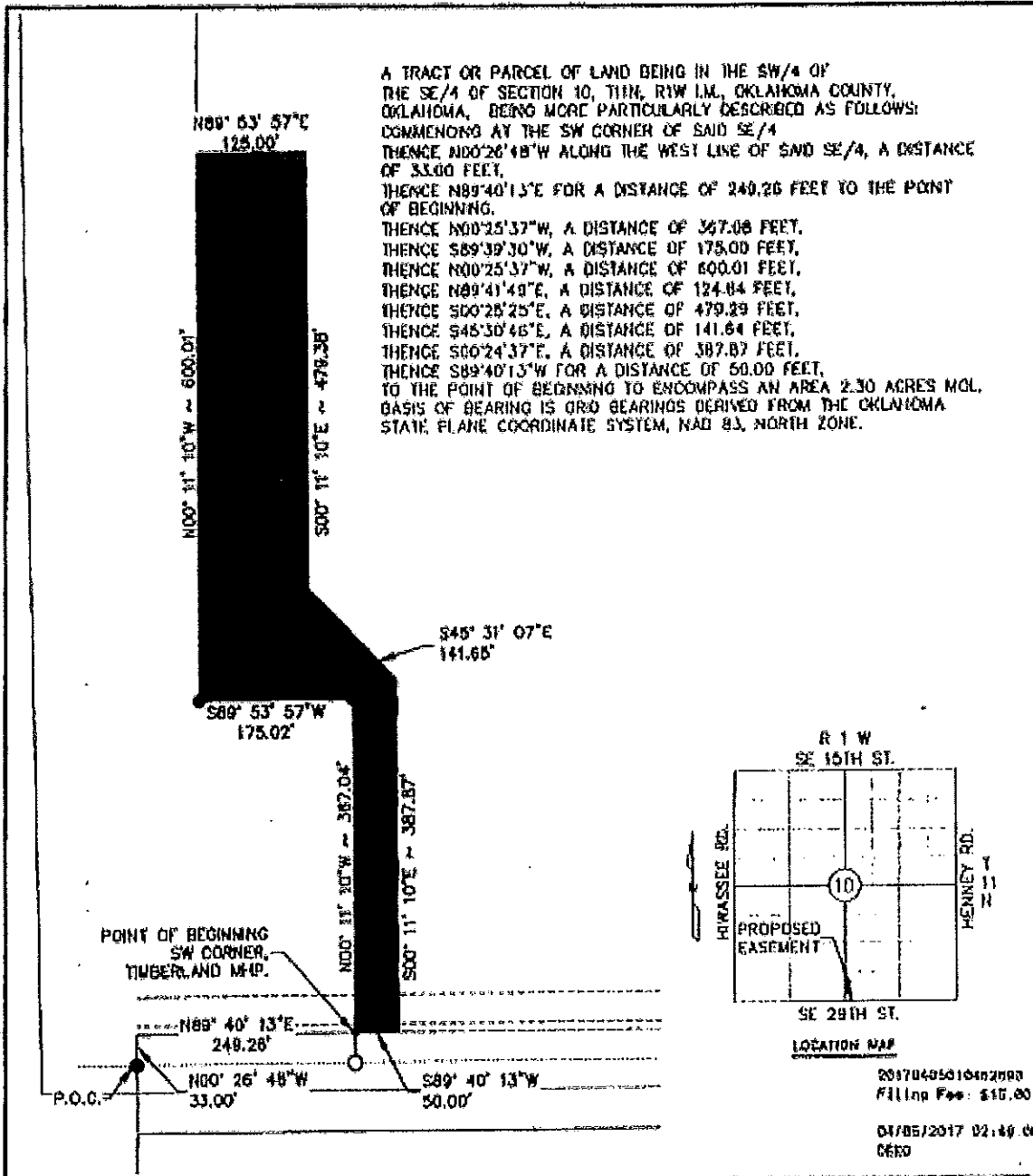
On the \_\_\_\_\_ day of \_\_\_\_\_ in the year 2017, before me, the undersigned, a Notary Public in and for said State, personally appeared \_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

\_\_\_\_\_  
Notary Public

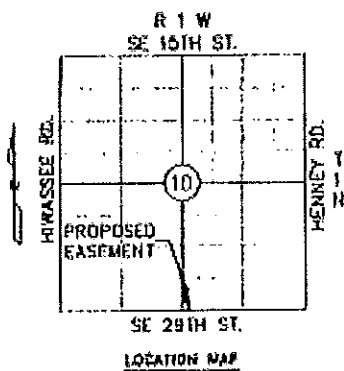
My Commission Expires:

EXHIBIT A

PROPERTY



A TRACT OR PARCEL OF LAND BEING IN THE SW/4 OF THE SE/4 OF SECTION 10, T11N, R1W I.M., OKLAHOMA COUNTY, OKLAHOMA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SW CORNER OF SAID SE/4 THENCE N00°26'48"W ALONG THE WEST LINE OF SAID SE/4, A DISTANCE OF 33.00 FEET, THENCE N89°40'13"E FOR A DISTANCE OF 249.26 FEET TO THE POINT OF BEGINNING. THENCE N00°25'37"W, A DISTANCE OF 367.06 FEET, THENCE S89°39'30"W, A DISTANCE OF 175.00 FEET, THENCE N00°25'37"W, A DISTANCE OF 600.01 FEET, THENCE N89°41'48"E, A DISTANCE OF 124.84 FEET, THENCE S00°28'25"E, A DISTANCE OF 479.29 FEET, THENCE S45°30'46"E, A DISTANCE OF 141.64 FEET, THENCE S00°24'37"E, A DISTANCE OF 387.87 FEET, THENCE S89°40'13"W FOR A DISTANCE OF 50.00 FEET, TO THE POINT OF BEGINNING TO ENCOMPASS AN AREA 2.30 ACRES MOL. BASIS OF BEARING IS GRID BEARINGS DERIVED FROM THE OKLAHOMA STATE PLANE COORDINATE SYSTEM, NAD 83, NORTH ZONE.



20170405010425893  
Filing Fee: \$15.00

01/05/2017 02:49 AM PT  
0650



C:\Users\jcardinal\Documents\Projects\2017\1045010425893\DWG\1045010425893.dwg

**CARDINAL ENGINEERING**  
1818 N. Broadway Avenue, Suite 330  
Oklahoma City, OK 73101  
Phone 405.812.1044 Fax 405.843.4487  
3126 Bob Center Drive Norman, OK 73072  
Phone 405.879.0653 Fax 405.346.0340  
http://www.cardinalengineers.com  
C-# 2051, expiraton 06/16/2016

DRAWING TITLE  
**PUBLIC WATER IMPROVEMENTS**

Project  
**TIMBERLAND MOBILE HOME PARK**

Location  
**13301 SE 29TH ST.  
OKLAHOMA COUNTY, OK**

Prepared For  
**YES! COMMUNITIES  
DENVER, CO**

Proposed By	13091
Drawn By	CC
Checked By	NJB
Date	02/08/2014
Scale	1" = 150'
Prepared For	APPROVAL
Sheeting No.	

EX-A



**AFTER RECORDING MAIL TO:**

Ness M. Cohen, Esq.  
Clifford Chance US LLP  
31 West 52<sup>nd</sup> Street  
New York, New York 10019

**THIS SPACE FOR RECORDER'S USE ONLY**

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**DO NOT REMOVE THIS PAGE  
THIS IS A PART OF YOUR RECORDED DOCUMENT**

**TITLE OF DOCUMENT: Reverter and Quitclaim Deed**

**DATE OF DOCUMENT: April \_\_\_\_, 2017 but effective as of March 31, 2014**

**THIS PAGE ADDED TO PROVIDE ADEQUATE SPACE FOR RECORDING INFORMATION  
(ADDITIONAL RECORDING FEE APPLIES)  
Oklahoma Statute 1997 Supplement Title 19 Section 298.B**



The City of  
**MIDWEST CITY**  
COMMUNITY DEVELOPMENT DEPARTMENT -  
ENGINEERING DIVISION

Billy Harless, Community Development Director  
Patrick Menefee, P.E., City Engineer

ENGINEERING DIVISION  
Patrick Menefee, City Engineer  
CURRENT PLANNING DIVISION  
Kellie Gilles, Manager  
COMPREHENSIVE PLANNING  
Julie Shannon, Comprehensive Planner  
BUILDING INSPECTION DIVISION  
Charles Belk, Building Official  
GIS DIVISION  
Kathy Spivey, GIS Coordinator

To: Honorable Chairman and Trustees

From: Patrick Menefee, P.E., City Engineer

Date: April 25th, 2017

Subject: Discussion and consideration of approving the Termination of the Sewer and Water Agreement with the Yes Companies EXP, LLC for the water and sewer service provided to the Timberland Mobile Home Park property east of the corporate limits of the City of Midwest City.

The accompanying proposal is for terminating the service that allows the City to provide water and sewer service to the Timberland mobile home park. An agreement to provide service to was made between the park's prior ownership group and the City, March 11th, 2014. Before the agreement could be recorded at the county clerk's office, the park's ownership group changed, making the parties to the agreement inaccurate. If the existing agreement is terminated, the current ownership group will reenter into a new agreement with to the city under its name, allowing the City to continue to provide service to the Timberland mobile home park.

Staff recommends terminating the agreement.

Patrick Menefee, P.E.  
City Engineer

Attachments

After Recording Return to:

Clifford Chance US LLP  
31 West 52 Street  
New York, New York 10019  
Attn: Ness M. Cohen, Esq.

**TERMINATION OF SEWER AND WATER AGREEMENT**

THIS TERMINATION OF SEWER AND WATER AGREEMENT, is made as of this \_\_\_ day of April 2017 but effective as of March 11, 2014 (this "Termination Agreement"), among the CITY OF MIDWEST CITY, OKLAHOMA ("Midwest City"), the MIDWEST CITY MUNICIPAL AUTHORITY, a public trust (the "Authority"), and YES COMPANIES EXP, LLC, a Delaware limited liability company ("YES").

**RECITALS:**

A. Midwest City, the Authority and YES entered into that certain Sewer and Water Agreement dated March 11, 2014 (the "Original Agreement") affecting that certain manufactured housing community known as Timberland located at 13501 SW 29<sup>th</sup> Street, Midwest City, Oklahoma and more particularly described on Exhibit A attached hereto (the "Property").

B. The Original Agreement was not originally recorded and Midwest City, the Authority and YES intended and agreed that it no longer be effective.

C. On August 12, 2016, in reliance on the foregoing, YES Companies EXP, LLC transferred all of its right, title and interest in and to the property to YES Companies EXP Key, LLC free and clear of the Original Agreement and the rights and obligations created thereby.

D. On April 5, 2017, the Original Agreement was inadvertently recorded in the records of the Oklahoma County Clerk in Book RE13401, Page 889, as document number 20170405010462600

E. Midwest City, the Authority and YES desire to enter into this agreement to confirm that the Original Agreement has been terminated and has no further force and effect, effective as of March 11, 2014.

NOW THEREFORE, for the consideration of one dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto hereby agree as follows:

**AGREEMENT:**

1. Incorporation of Recitals. The above recitals are true and correct and incorporated herein as if set forth fully herein.

2. Termination of Easement. Midwest City, the Authority and YES hereby confirm and agree that the Original Agreement has been terminated and shall be of no further force or effect, in each case effective as of March 11, 2014.

3. Governing Law. The terms and conditions of this Termination Agreement shall be governed and construed under the laws of the State of Oklahoma, without giving effect to the conflicts of laws provisions thereof.

4. Miscellaneous. This Termination Agreement may be executed in one or more counterparts (including by means of electronic transmission in portable document format (pdf) or comparable electronic transmission), each of which shall be deemed an original and all of which together shall constitute one and the same agreement, binding on all of the parties hereto, notwithstanding that all the parties are not signatories to the original or the same counterpart. This Termination Agreement shall be binding on the parties hereto and their respective successors and assigns.

*[Signature Page Follows]*

IN WITNESS WHEREOF, the undersigned have executed this Termination Agreement as of the date first above written but effective as of March 11, 2014.

MIDWEST CITY:

CITY OF MIDWEST CITY, OKLAHOMA

ATTEST: CITY OF MIDWEST CITY

\_\_\_\_\_  
CITY CLERK

By: \_\_\_\_\_  
Name:  
Title:

APPROVED AS TO FORM AND LEGALITY this by City of Midwest City this \_\_\_\_ day of \_\_\_\_\_ 2017.

\_\_\_\_\_  
City Attorney

STATE OF OKLAHOMA     )  
  ) ss.  
COUNTY OF OKLAHOMA    )

On the \_\_\_\_\_ day of \_\_\_\_\_ in the year 2017, before me, the undersigned, a Notary Public in and for said State, personally appeared \_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

\_\_\_\_\_  
Notary Public

My Commission Expires:

**AUTHORITY:**

**MIDWEST CITY MUNICIPAL AUTHORITY,  
a public trust**

ATTEST: CITY OF MIDWEST CITY

\_\_\_\_\_  
CITY CLERK

By: \_\_\_\_\_  
Name:  
Title:

APPROVED AS TO FORM AND LEGALITY this by City of Midwest City this \_\_\_\_ day of \_\_\_\_\_ 2017.

\_\_\_\_\_  
City Attorney

STATE OF OKLAHOMA     )  
  ) ss.  
COUNTY OF OKLAHOMA    )

On the \_\_\_\_\_ day of \_\_\_\_\_ in the year 2017, before me, the undersigned, a Notary Public in and for said State, personally appeared \_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

\_\_\_\_\_  
Notary Public

My Commission Expires:

YES:

YES COMPANIES EXP, LLC

By: \_\_\_\_\_

Name:

Title: Authorized Person

ACKNOWLEDGED AND AGREED TO BY:

YES COMPANIES EXP KEY, LLC

By: \_\_\_\_\_

Name:

Title: Authorized Person

STATE OF COLORADO        )  
  ) ss..  
COUNTY OF DENVER        )

On the \_\_\_\_\_ day of \_\_\_\_\_ in the year 2017, before me, the undersigned, a Notary Public in and for said State, personally appeared \_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

\_\_\_\_\_  
Notary Public

My Commission Expires:

STATE OF COLORADO        )  
  ) ss..  
COUNTY OF DENVER        )

On the \_\_\_\_\_ day of \_\_\_\_\_ in the year 2017, before me, the undersigned, a Notary Public in and for said State, personally appeared \_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

\_\_\_\_\_  
Notary Public

My Commission Expires:

EXHIBIT A

LEGAL DESCRIPTION

Real property in the City of Choctaw, County of Oklahoma, State of Oklahoma, described as follows:

Parcel I:

A tract of land lying in the Southeast Quarter (SE/4) of Section Ten (10), Township Eleven (11) North, Range One (1) West of the Indian Meridian, Oklahoma County, Oklahoma, and further described as follows:

Commencing at the Southeast corner of said Southeast Quarter (SE/4);

Thence South 89°53'57" West along the South line of said Southeast Quarter (SE/4) for a distance of 1092.00 feet to the Point of Beginning;

Thence South 89°53'57" West along said South line for a distance of 1282.49 feet;

Thence North 00°11'10" West for a distance of 400.00 feet;

Thence South 89°53'57" West for a distance of 175.00 feet;

Thence North 00°11'10" West for a distance of 917.00 feet;

Thence North 89°53'57" East for a distance of 1549.77 feet;

Thence North 00°10'26" West for a distance of 1071.00 feet;

Thence North 89°53'57" East for a distance of 400 feet;

Thence South 00°10'26" East for a distance of 1488.00 feet;

Thence South 89°53'57" West for a distance of 492.00 feet;

Thence South 00°10'26" East for a distance of 900.00 feet to the Point of Beginning.

Parcel II:

Together with the Easement rights created by Easement for private sewer line, filed June 1, 1995 and recorded in Book 6749, Page 1075, records of Oklahoma County, Oklahoma, over the tract of land described as follows:

A tract of land lying in the Southeast Quarter (SE/4) of Section Ten (10), Township Eleven (11) North, Range One (1) West of the Indian Meridian, Oklahoma County, Oklahoma, and more particularly described as follows:

Beginning at a point, said point being located 1092 feet West and 300 feet North from the Southeast corner of the Southeast Quarter (SE/4) of Section 10;

Thence North and parallel to the East boundary of the said Southeast Quarter (SE/4) for a distance of 600 feet;

Thence East and parallel to the South boundary of said Southeast Quarter (SE/4) for a distance of 120 feet;

Thence South and parallel to the East boundary of said Southeast Quarter (SE/4) for a distance of 600 feet;

Thence West and parallel to the South boundary of said Southeast Quarter (SE/4) for a distance of 120 feet to the Point of Beginning.





The City of  
**MIDWEST CITY**  
COMMUNITY DEVELOPMENT DEPARTMENT -  
ENGINEERING DIVISION

Billy Harless, Community Development Director  
Patrick Menefee, P.E., City Engineer

ENGINEERING DIVISION  
Patrick Menefee, City Engineer  
CURRENT PLANNING DIVISION  
Kellie Gilles, Manager  
COMPREHENSIVE PLANNING  
Julie Shannon, Comprehensive Planner  
BUILDING INSPECTION DIVISION  
Charles Belk, Building Official  
GIS DIVISION  
Kathy Spivey, GIS Coordinator

To: Honorable Chairman and Trustees

From: Patrick Menefee, P.E., City Engineer

Date: April 25th, 2017

Subject: Discussion and consideration of approving the Termination of Easement Grant for Sanitary Sewer with the Yes Companies EXP, LLC for the existing utility easement located on the Timberland Mobile Home Park property east of the corporate limits of the City of Midwest City.

The accompanying proposal is for the vacating of a utility easement that connects the Timberland mobile home park's sewer system to the City's sewer system. An agreement for the connection of the systems and the granting of the overlying easement was made between the park's prior ownership group and the City, March 11th, 2014. Before the easement could be recorded at the county clerk's office, the park's ownership group changed, making the parties to the agreement inaccurate. If the existing easement is vacated, the current ownership will rededicate the easement to the city under its name, allowing the City to continue to provide sewer service to the Timberland mobile home park.

Staff recommends terminating the easement.

Patrick Menefee, P.E.  
City Engineer

Attachments

After Recording Return to:

Clifford Chance US LLP  
31 West 52 Street  
New York, New York 10019  
Attn: Ness M. Cohen, Esq.

**TERMINATION OF EASEMENT GRANT FOR SANITARY SEWER**

THIS TERMINATION OF EASEMENT GRANT FOR SANITARY SEWER, is made as of this \_\_\_ day of April 2017 but effective as of March 27, 2014 (this "Termination Agreement"), among the CITY OF MIDWEST CITY, OKLAHOMA ("Grantee"), and YES COMPANIES EXP, LLC, a Delaware limited liability company ("Grantor").

**RECITALS:**

A. Grantor and Grantee entered into that certain Easement Grant for Sanitary Sewer dated on or around March 27, 2014 (the "Original Agreement") whereby Grantor granted Grantee certain easements over under and across a portion of that certain manufactured housing community known as Timberland located at 13501 SW 29<sup>th</sup> Street, Midwest City, Oklahoma and more particularly described on Exhibit A attached hereto (the "Property").

B. The Original Agreement was not originally recorded and Grantor and Grantee intended and agreed that it no longer be effective.

C. On August 12, 2016, in reliance on the foregoing, YES Companies EXP, LLC transferred all of its right, title and interest in and to the property to YES Companies EXP Key, LLC free and clear of the Original Agreement and the rights and obligations created thereby.

D. On April 5, 2017, the Original Agreement was inadvertently recorded in the records of the Oklahoma County Clerk in Book RE13401, Page 879, as document number 20170405010462580

E. Grantor and Grantee desire to enter into this agreement to confirm that the Original Agreement has been terminated and has no further force and effect, effective as of March 27, 2014.

NOW THEREFORE, for the consideration of one dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto hereby agree as follows:

**AGREEMENT:**

1. Incorporation of Recitals: The above recitals are true and correct and incorporated herein as if set forth fully herein.

2. Termination of Easement. Grantee and Grantor hereby confirm and agree that the Original Agreement has been terminated and shall be of no further force or effect, in each case effective as of March 27, 2014.

3. Governing Law. The terms and conditions of this Termination Agreement shall be governed and construed under the laws of the State of Oklahoma, without giving effect to the conflicts of laws provisions thereof.

4. Miscellaneous. This Termination Agreement may be executed in one or more counterparts (including by means of electronic transmission in portable document format (pdf) or comparable electronic transmission), each of which shall be deemed an original and all of which together shall constitute one and the same agreement, binding on all of the parties hereto, notwithstanding that all the parties are not signatories to the original or the same counterpart. This Termination Agreement shall be binding on the parties hereto and their respective successors and assigns.

*[Signature Page Follows]*

IN WITNESS WHEREOF, the undersigned have executed this Termination Agreement as of the date first above written but effective as of March 27, 2014.

GRANTOR:

MIDWEST CITY MUNICIPAL AUTHORITY,  
a public trust

ATTEST: CITY OF MIDWEST CITY

\_\_\_\_\_  
CITY CLERK

By: \_\_\_\_\_  
Name:  
Title:

APPROVED AS TO FORM AND LEGALITY this by City of Midwest City this \_\_\_\_ day of \_\_\_\_\_ 2017.

\_\_\_\_\_  
City Attorney

STATE OF OKLAHOMA     )  
                                  ) ss.  
COUNTY OF OKLAHOMA    )

On the \_\_\_\_\_ day of \_\_\_\_\_ in the year 2017, before me, the undersigned, a Notary Public in and for said State, personally appeared \_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

\_\_\_\_\_  
Notary Public

My Commission Expires:

YES:

YES COMPANIES EXP, LLC

By: \_\_\_\_\_

Name:

Title: Authorized Person

ACKNOWLEDGED AND AGREED TO BY:

YES COMPANIES EXP KEY, LLC

By: \_\_\_\_\_

Name:

Title: Authorized Person

STATE OF COLORADO     )  
  ) ss..  
COUNTY OF DENVER     )

On the \_\_\_\_\_ day of \_\_\_\_\_ in the year 2017, before me, the undersigned, a Notary Public in and for said State, personally appeared \_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

\_\_\_\_\_  
Notary Public

My Commission Expires:

STATE OF COLORADO     )  
  ) ss..  
COUNTY OF DENVER     )

On the \_\_\_\_\_ day of \_\_\_\_\_ in the year 2017, before me, the undersigned, a Notary Public in and for said State, personally appeared \_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

\_\_\_\_\_  
Notary Public

My Commission Expires:

EXHIBIT A

LEGAL DESCRIPTION

Real property in the City of Choctaw, County of Oklahoma, State of Oklahoma, described as follows:

Parcel I:

A tract of land lying in the Southeast Quarter (SE/4) of Section Ten (10), Township Eleven (11) North, Range One (1) West of the Indian Meridian, Oklahoma County, Oklahoma, and further described as follows:

Commencing at the Southeast corner of said Southeast Quarter (SE/4);

Thence South  $89^{\circ}53'57''$  West along the South line of said Southeast Quarter (SE/4) for a distance of 1092.00 feet to the Point of Beginning;

Thence South  $89^{\circ}53'57''$  West along said South line for a distance of 1282.49 feet;

Thence North  $00^{\circ}11'10''$  West for a distance of 400.00 feet;

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Thence East and parallel to the South boundary of said Southeast Quarter (SE/4) for a distance of 120 feet;

Thence South and parallel to the East boundary of said Southeast Quarter (SE/4) for a distance of 600 feet;

Thence West and parallel to the South boundary of said Southeast Quarter (SE/4) for a distance of 120 feet to the Point of Beginning.



NEW BUSINESS/  
PUBLIC DISCUSSION





MEMORIAL HOSPITAL  
AUTHORITY AGENDA





**MIDWEST CITY MEMORIAL HOSPITAL AUTHORITY AGENDA**

City Hall - Midwest City Council Chambers, 100 N. Midwest Boulevard

April 25, 2017 - 7:02 PM

Special Assistance requests – tcoplen@midwestcit yok.org or 739-1002. (Please provide no less than 24 hours' notice) Special assistance request during a meeting call 739-1388.

A. CALL TO ORDER.

B. DISCUSSION ITEMS.

1. Discussion and consideration of approving the minutes of the staff briefing and regular meeting of April 11, 2017, as submitted. (Secretary - S. Hancock)
2. Discussion and consideration of action to reallocate assets, change fund managers or make changes in the Statement of Investment Policy, Guidelines and Objectives. (Secretary - S. Hancock)

C. NEW BUSINESS/PUBLIC DISCUSSION.

D. EXECUTIVE SESSION.

1. Discussion and consideration of 1) entering into executive session, as allowed under 25 O.S. § 307(C)(10), to confer on matters pertaining to economic development, including the transfer of property, financing or the creation of a proposal to entice a business to remain or to locate within the City; and 2) in open session, authorizing action as appropriate based on the discussion in executive session. (Hospital Authority - G. Henson)

E. ADJOURNMENT.



DISCUSSION ITEMS



Notice of regular meetings for staff briefings for the Midwest City Memorial Hospital Authority was filed for the calendar year with the City Clerk of Midwest City and copies of the agenda for this meeting were posted at City Hall and on the City of Midwest City's website, accessible to the public for at least 24 hours in advance of the meeting.

**MINUTES OF THE REGULAR STAFF BRIEFING FOR  
MIDWEST CITY MEMORIAL HOSPITAL AUTHORITY**

April 11, 2017 – 6:00 p.m.

This regular meeting was held in the Midwest City Council Conference Room on the second floor of City Hall, 100 N. Midwest Boulevard, Midwest City, County of Oklahoma, State of Oklahoma. The following members were present: Chairman Matt Dukes; Trustees Susan Eads, Pat Byrne, Rick Dawkins, Sean Reed, Christine Allen, and Jeff Moore; and Secretary Sara Hancock. Absent: none.

Chairman Dukes called the meeting to order at 6:43 p.m.

**Clarification of agenda items, handouts, and presentation of new or additional information for items on the Hospital Authority agenda for April 11, 2017.** The Trustees did not have questions for clarification or discussion on the individual agenda items.

Chairman Dukes closed the meeting at 6:47 p.m.

ATTEST:

\_\_\_\_\_  
MATTHEW D. DUKES, II, Chairman

\_\_\_\_\_  
SARA HANCOCK, Secretary

Notice of regular Midwest City Memorial Hospital Authority meetings was filed for the calendar year with the City Clerk of Midwest City and copies of the agenda for this meeting were posted at City Hall and on the City of Midwest City's website, accessible to the public for at least 24 hours in advance of the meeting.

**MINUTES OF THE REGULAR MIDWEST CITY  
MEMORIAL HOSPITAL AUTHORITY MEETING**

April 11, 2017 - 7:02 p.m.

This regular meeting was held in the Midwest City Council Chambers, 100 North Midwest Boulevard, Midwest City, County of Oklahoma, State of Oklahoma. The following members were present: Chairman Matt Dukes; Trustees Susan Eads, Pat Byrne, Rick Dawkins, Sean Reed, Christine Allen, and Jeff Moore; and Secretary Sara Hancock. Absent: none.

Chairman Dukes called the meeting to order at 7:44 p.m.

**Consent Agenda.** Motion was made by Dawkins, seconded by Allen, to approve the Consent Agenda, as submitted.

1. Discussion and consideration of approving the minutes of the staff briefing and regular meeting of March 28, 2017, as submitted.
2. Discussion and consideration of supplemental budget adjustments to the Hospital Authority Fund for FY 2016-2017, increase: Hospital Authority Fund, revenue/Transfers In (90) \$40,000; expenses/Hospital Authority (90) \$40,000.

Voting aye: Eads, Byrne, Dawkins, Reed, Allen, Moore, and Chairman Dukes. Nay: none. Absent: none. Motion carried.

**Discussion Item.**

1. **Discussion and consideration of action to reallocate assets, change fund managers or make changes in the Statement of Investment Policy, Guidelines and Objectives.** No action was taken.
2. **Discussion and consideration of 1) approving and entering into an Economic Development Agreement with Sooner Investment Group, Inc. and the City of Midwest City in the approximate amount of \$3,800,000 and other good and valuable consideration, to establish the terms and conditions under which the parties will participate in the purchase and redevelopment of approximately 14.5 acres located on the north side of SE 15th Street between South Sooner Road and Buena Vista Avenue; and 2) and authorizing the chairman and/or the general manager/ administrator to enter into such other agreements and execute such other documents as may be necessary or appropriate to effect the provisions of the Agreement.** No action was taken.
3. **Discussion and consideration of 1) approving and entering into an Economic Development Agreement with Midwest City Warren Theatre, Inc. and the Midwest City Memorial Hospital Authority in the approximate amount of \$11,100,000 and other good and valuable consideration, to establish the terms and conditions under which the parties will participate**

**in the development of approximately 16.6233 acres located on the northwest corner of Buena Vista Avenue and SE 15th Street; and 2) and authorizing the chairman and/or the general manager/administrator to enter into such other agreements and execute such other documents as may be necessary or appropriate to effect the provisions of the Agreement.** No action was taken.

- 4. Discussion and consideration of authorizing up to \$750,000 use of discretionary funds towards relocating and burying overhead utilities lines on SE 15th Street from S Sooner Road to Buena Vista Avenue as part of the Sooner Rose Shopping Center project.** After discussion, Dawkins made a motion to authorized the use of discretionary funds, seconded by Allen. Voting aye: Eads, Byrne, Dawkins, Allen, and Chairman Dukes. Nay: Reed and Moore. Absent: none. Motion carried.

**New Business/Public Discussion.** There was no new business or public discussion.

**Executive Session.**

- 1. Discussion and consideration of 1) entering into executive session, as allowed under 25O.S. § 307(C)(10), to confer on matters pertaining to economic development, including the transfer of property, financing or the creation of a proposal to entice a business to remain or to locate within the City.** Dawkins made a motion to go into executive session, seconded by Byrne. Voting aye: Eads, Byrne, Dawkins, Reed, Allen, Moore, and Mayor Dukes. Nay: none. Absent: none. Motion carried. The Council went into executive session at 7:54 p.m. \*Councilmember Moore left the meeting at 7:54 p.m.

Mayor Dukes reconvened in open session at 8:34 p.m. Dawkins made a motion to authorize the City Manager to take action as discussed in executive session, seconded by Eads. Voting aye: Eads, Byrne, Dawkins, Reed, Allen, and Mayor Dukes. Nay: none. Absent: Moore. Motion carried.

\*Councilmember Moore returned to the meeting.

**Adjournment.** There being no further business, Chairman Dukes adjourned the meeting at 8:34 p.m.

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MATTHEW D. DUKES, II, Chairman

ATTEST:

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SARA HANCOCK, Secretary



## Midwest City Memorial Hospital Authority

100 North Midwest Boulevard  
Midwest City, Oklahoma 73110  
(405) 739-1204 FAX (405) 739-1208 TDD (405) 739-1359

J. Guy Henson  
*General Manager/  
Administrator*

*Trustees*

Matt Dukes  
Susan Eads  
Pat Byrne  
Rick Dawkins  
Sean Reed  
Christine Allen  
Jeff Moore

*Board of Grantors*

Sherry Beaird  
John Cauffiel  
Marcia Conner  
Pam Dimski  
Dara McGlamery  
Joyce Jackson  
Charles McDade  
Nancy Rice  
Sheila Rose

### MEMORANDUM

TO: Honorable Chairman and Trustees  
Midwest City Memorial Hospital Authority

FROM: Sara Hancock, Secretary

DATE: April 25, 2017

SUBJECT: Discussion and consideration of action to reallocate assets, change fund managers or make changes in the Statement of Investment Policy, Guidelines and Objectives.

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Jim Garrels, President, Fiduciary Capital Advisors, asked staff to put this item on each agenda in the event the Hospital Authority's investments need to be reallocated, an investment fund manager needs to be changed or changes need to be made to the Statement of Investment Policy on short notice.

Action is at the discretion of the Authority.

*Sara Hancock*

Sara Hancock, Secretary



NEW BUSINESS/  
PUBLIC DISCUSSION





EXECUTIVE SESSION







## ***Midwest City Memorial Hospital Authority***

100 North Midwest Boulevard  
Midwest City, Oklahoma 73110  
(405) 739-1207 Fax (405) 739-1208 TDD (405) 739-1359  
E-mail: ghenson@midwestcityok.org

J. Guy Henson  
*General Manager/  
Administrator*

*Trustees*

Matt Dukes  
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Nancy Rice  
Sheila Rose

### **MEMORANDUM**

TO: Honorable Chairman and Trustees

FROM: J. Guy Henson, General Manager/Administrator

DATE: April 25, 2017

SUBJECT: Discussion and consideration of 1) entering into executive session, as allowed under 25 O.S. § 307(C)(10), to confer on matters pertaining to economic development, including the transfer of property, financing or the creation of a proposal to entice a business to remain or to locate within the City; and 2) in open session, authorizing action as appropriate based on the discussion in executive session. (Hospital Authority - G. Henson)

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Appropriate information will be provided in executive session.

J. Guy Henson  
General Manager/Administrator