



HERITAGE PARK MALL AREA URBAN RENEWAL PLAN

DECEMBER 21, 2022

I. Description of Project

a. Background and Purpose

This plan addresses a specific, small in size, distressed area near the western gateway to the City of Midwest City (“City”), specifically the northwest corner of Reno Avenue and N. Air Depot Boulevard, primarily consisting of the former Heritage Park Mall. The City has made significant progress in its effort to create a desirable community within which to live, work, play, and invest. Public investment through streetscape and drainage improvements, water and sewer infrastructure, and trails and public spaces have contributed to this effort. The City’s Comprehensive Plan identifies the current uses in this area as office and retail and designates future land use of the area as a focal point of the community where the City seeks to encourage quality development and contemplates major redevelopment, whether through new land uses and buildings or the repurposing of the existing structures.

The Heritage Park Mall Area Urban Renewal Plan (“Urban Renewal Plan”) is an urban renewal plan as defined by and in accordance with the provisions of the Oklahoma Urban Redevelopment Law, 11 O.S. §38-101, *et seq.* It is a primary element of the City’s intent to facilitate the redevelopment of the area, creating new economic development opportunities. Implementation of this Urban Renewal Plan is critical to remedying blighting conditions, in order to contribute to the economic and community health of the City into the foreseeable future.

b. Urban Renewal Area Map

The Urban Renewal Area Map is attached as Exhibit 1.

c. Legal Description of Urban Renewal Area

The Urban Renewal Area is located in Midwest City, Oklahoma County, State of Oklahoma, and is specifically described on Exhibit 2.

d. Eligibility for Redevelopment

The Urban Renewal Area is a blighted area within the meaning of the Oklahoma Urban Redevelopment Law, as found and declared by the City in Resolution 2022-23, dated August 23, 2022.

e. Urban Renewal Plan Objectives

The Urban Renewal Plan will be undertaken as approved and authorized by the City. The principal activities consist of acquisition, disposition, and redevelopment to remedy blighting conditions in the Urban Renewal Area.

Administrative implementation and support with respect to acquisition and disposition of property will be provided primarily by the Midwest City Urban Renewal Authority, a public body corporate (“MWCURA”).

The primary development and redevelopment objectives of the Urban Renewal Plan are to:

- i. Remove the blighting conditions in the Urban Renewal Area.

- ii. Create one or more new redevelopment sites in the City.
- iii. Return the under-utilized land to full economic productivity.
- iv. Build on the City's past and ongoing investment in the immediate area.
- v. Encourage investment in and redevelopment in accordance with the City's Comprehensive Plan.
- vi. Reinforce the City's image through quality urban design practices.
- vii. Encourage the redevelopment of the underutilized shopping mall to become one of the focal points of the community.
- viii. Provide economic development tools to assist in the revitalization of the Urban Renewal Area.
- ix. Address any environmental conditions impacting redevelopment and public health through identification and remediation.
- x. Improve the economic viability of the commercial corridor.
- xi. Acquire property to create development parcels.
- xii. Proactively recruit private reinvestment in the Urban Renewal Area.
- xiii. Support consistent code enforcement to beautify the area.
- xiv. Support and reinforce adopted policies of the City outlined in the Comprehensive Plan, the zoning code, and other regulatory documents.

f. Types of Renewal Actions

The primary actions of the Urban Renewal Plan are to:

- i. Facilitate the acquisition of parcels and clearance of dilapidated structures to create individual and large tract assemblages as redevelopment sites for investment and to eliminate blight.
- ii. Make properties available for redevelopment as contemplated by this Urban Renewal Plan.
- iii. Rehabilitate and bring up to a standard compatible with objectives of the Urban Renewal Plan, meeting all applicable requirements of City codes and ordinances, for any structures that may remain.
- iv. Identify key development sites and market to the development community.
- v. Coordinate needed public infrastructure and neighborhood amenity improvements related to redevelopment sites.
- vi. Coordinate any needed zoning, architectural, or urban design standards that would enhance the redevelopment efforts.

II. Land Use Plan and Provisions

a. Land Use Plan

The existing zoned uses of the properties within in the Urban Renewal Area are depicted on the attached Exhibit 4, Existing Land Use Map. The Land Use Plan consists of the current and future Land Use Plan Map contained in Exhibit 5 and the Land Use Provisions in Section II of this Urban Renewal Plan. The Land Use Plan will be consistent with the City's Comprehensive Plan and the land use provisions contained herein.

b. Permitted Land Use Categories

Permitted land use categories are shown on Exhibit 5, the Land Use Plan Map. The current and future permitted land use categories include office, retail, residential, institutional, and public. Private and public uses (including institutional) shall permit accessory uses and complementary uses, whether public or private. Specific land uses will be controlled by applicable zoning approved by the City. The Land Use Plan Map is a general guide subject to specific adjustment and modification by the City without amendment of this Urban Renewal Plan.

c. Specific Regulations, Controls, and Restrictions to Be Imposed by the Urban Renewal Plan on the Sale, Lease, or Other Disposition of All Real Property Acquired

In order to achieve the objectives of the Urban Renewal Plan and in order to assist redevelopers in redeveloping property, MWCURA, acting on behalf of the City, will subject land to be redeveloped to specific regulations and controls at the time of land disposition. Such specific regulations and controls may include, but are not limited to, floor area ratio, building coverage, height, setback, open areas, uses, off-street parking, and landscaping.

MWCURA shall review the proposals and plans for redevelopment, and it shall prescribe such controls, regulations, restrictions, and obligations in the redevelopment contract, deeds of disposition, and other related documents as it determines to be appropriate to carry out the objectives of the Urban Renewal Plan.

d. Duration of Controls, Effective Date and Renewal Provisions

Building requirements which are implemented by covenants in disposition or other documents shall be effective for the period provided in the redevelopment documents, but in any event until January 1 of the year 2045, unless otherwise extended by the City.

III. Project Authorizations

a. Implementation Authority

- i. The City shall provide overall policy direction and approvals as required under the Oklahoma Urban Redevelopment Law and applicable state law regarding development, redevelopment, and financing activities. The City may make budgetary appropriations and undertake land acquisitions and dispositions as it deems necessary and appropriate and in accordance with applicable law.
- ii. The Midwest City Economic Development Authority, a public trust whose beneficiary is the City (“MWCEDA”), and the Midwest City Memorial Hospital Authority, a public trust whose beneficiary is the City (“Trust”), may provide primary financing authorizations and establish financing priorities necessary or appropriate to implement the Urban Renewal Plan.
- iii. MWCURA may undertake acquisition (including relocation and other related activities) and disposition activities necessary or appropriate to undertake the Urban Renewal Plan in accordance with City approvals.

- iv. The City, the MWCEDA, the Trust, and MWCURA are each separately authorized to utilize powers, funds, employees, consultants, and members to accomplish the objectives of the Urban Renewal Plan to the extent permitted by law.
- v. MWCURA may devote properties acquired by it in the Urban Renewal Area, prior to the time such properties are needed for redevelopment purposes, to rental, lease, or other continuation of present uses or to temporary uses, such as parking, relocation, or recreation, etc., in accordance with such standards, controls and regulations as MWCURA and/or the City may deem appropriate.
- vi. Administrative interpretations of the land use provisions during the period of Urban Renewal Plan execution shall be provided by the appropriate and designated department of the City upon its own motion or within thirty (30) days after receipt of a written request for such interpretation.
- vii. The City shall be a beneficiary to all instruments and agreements incorporating land use provisions and building requirements and shall be entitled to enforce such provisions by actions of law or in equity including suits for injunctions both prohibitive and mandatory.

b. Project Coordination

Implementation and coordination actions shall be guided by the City Manager and such staff, employees, officers, consultants, and members of the City, the MWCEDA, the Trust, and MWCURA as may be necessary or appropriate from time to time. Implementation and coordination participation shall, at a minimum, include representatives of the City, the MWCEDA, the Trust, and MWCURA, and their legal counsel. Additional participants may be designated at any time by the City Manager. Public benefits, such as public improvements and financial assistance, should be conferred in a manner that leverages quality private development consistent with the City's development and redevelopment objectives, as reflected in this Urban Renewal Plan, the Comprehensive Plan, and applicable zoning. Whenever possible, development agreements shall be used to ensure that public resources generate corresponding private development.

c. Land Acquisition

Real property in the Urban Renewal Area may be acquired as shown on the Land Acquisition Map, Exhibit 3. Such property may be acquired by direct negotiation and/or by the exercise of the power of eminent domain granted by law to MWCURA, including specifically any currently vacant property as shown on the Existing Land Use Map, Exhibit 4, or which has become vacant by removal of structures thereon. In addition, title to and interests in street rights-of-way and other public use land will be acquired by MWCURA or the City as necessary to carry out the Urban Renewal Plan objectives. The City consents to the acquisition through eminent domain of any such property in which it may have a legal or beneficial interest. Under the provisions of this section, MWCURA may, as it determines appropriate, acquire a lesser interest in property than fee simple, which lesser interest may include acquisition of one or more structures, but excluding the land or some interest therein where the acquisition of such lesser interest will serve the objectives of this Urban Renewal Plan and where its requirements for redevelopment are otherwise met.

d. Reports to The City

MWCURA shall provide to the City upon request periodic reports detailing activities undertaken by MWCURA in the Urban Renewal Area.

e. Redevelopers' Obligations

Redevelopment of land in the Urban Renewal Area shall be made subject to the redevelopment requirements specified by MWCURA. The purpose of such redevelopment requirements is to assure the redevelopment of the Urban Renewal Area will conform to the planning and design objectives of the Urban Renewal Plan. It is therefore the obligation of all redevelopers not only to comply with these requirements, but also to familiarize themselves with the overall Urban Renewal Plan and to prepare development or redevelopment proposals which are in harmony with the Urban Renewal Plan. All such proposals will be subject to design review, comment, and approval by MWCURA prior to disposition and prior to commencement of construction.

Redevelopers will be obligated, under the terms of the disposition instrument, to carry out certain specified improvements, in accordance with the Urban Renewal Plan, within a reasonable period of time as set forth in the contract or agreement. Redevelopers will not be permitted to dispose of property until the improvements are completed, without the prior written consent of MWCURA, which consent will not be granted except under conditions that will prevent speculation and protect the interests of the City and MWCURA.

f. Underground Utility Lines

When required by MWCURA, utility distribution lines, whether public or private, shall be placed underground.

g. Other Provisions Necessary to Meet State and Other Local Requirements

The land in the Urban Renewal Area is to be made available to public or private enterprises for redevelopment as provided in this Urban Renewal Plan.

h. Modification of the Urban Renewal Plan

This Urban Renewal Plan may be modified as provided by state law as now in effect or as it may hereafter be amended.

i. Planning and Zoning

The land use provisions contained in this Urban Renewal Plan shall be implemented and supplemented by the zoning ordinances and other codes of the City.

IV. Land Disposition

a. Methods

Land disposition pursuant to this Urban Renewal Plan may be accomplished by methods which comply with the laws of the State of Oklahoma.

b. Procedures for Contracts

- i. Applicability. MWCURA shall comply with the following procedures when it proposes to enter into contracts or agreements with respect to land or the redevelopment thereof for residential, recreational, commercial, industrial, other uses, or for public uses, other than for retention of property for public use, in accordance with the Urban Renewal Plan. The procedure below will apply until such time as the City adopts and approves procedures by ordinance, resolution, or otherwise, which are intended to supersede these provisions.
- ii. Obligations to be Imposed. MWCURA shall require the purchaser or redeveloper to devote property to the uses provided in this Urban Renewal Plan and agree to development in accordance with the Urban Renewal Plan.
- iii. Notice. Prior to entering into any agreement for land disposition to a private purchaser or any agreement for private redevelopment, MWCURA shall give at least ten (10) days' notice by publication in a newspaper of general circulation in the City, which notice shall state the address and office hours of MWCURA, recite that MWCURA is considering a proposal to enter into an agreement for disposal of land and/or private redevelopment, containing the name of the proposed redeveloper, and setting forth a description of the land involved. The terms of the proposal shall be available for public inspection at the office of MWCURA.
- iv. Approval. Approval of any contacts, agreements, or disposition of land, land use, or redevelopment of land pursuant to negotiation shall be pursuant to a public meeting of MWCURA. Ten (10) days' notice of such meeting shall be given by publication in a newspaper of general circulation in the City, which notice shall specify the time and place of the meeting, the nature of the agreement to be approved, and the proposed purchaser or redeveloper. Such notice may be combined with the notice referred to in subsection IV(b)(iii) above.

V. Project Financing Plan

Financing authorizations and support will be primarily provided by the City, the MWCEDA, and/or the Trust. Implementation and financing of the Urban Renewal Plan may be phased. The scope, complexity, and execution times of the many projects and activities required to achieve the objectives of this Urban Renewal Plan may necessitate such an implementation and financing method. The Urban Renewal Plan may be undertaken in conjunction with other local and state economic development and redevelopment tools and programs, including by way of example, capital improvement bond issues, the Oklahoma Local Development Act, 62 O.S. §850, *et seq.*, and the Oklahoma Local Development and Enterprise Zone Incentive Leverage Act, 62 O.S. §840, *et seq.* Financing approvals and authorizations shall be provided from time to time as deemed appropriate by the City, the MWCEDA, and the Trust.

VI. Relocation Plan

MWCURA shall carry out all relocation activities in accordance with 11 O.S. §38-108(8) of the Oklahoma Urban Redevelopment Law, this Urban Renewal Plan, and the Midwest City Urban Renewal Authority Relocation Policy and Procedures, as adopted and amended from time to time (“Policy”), in order to provide a feasible method for the relocation of families and businesses displaced by its actions into decent, safe, and sanitary accommodations within their means and without undue hardship to such families and businesses. The City may direct further benefits and financial assistance in a manner that is clear, uniform, and nondiscriminatory, in addition to the relocation assistance offered through the Policy.

MWCURA will provide reasonable notice to relocatees of all relocation actions as set out in the Policy. Likewise, appeals procedures shall be provided to all those to be relocated or displaced. MWCURA shall perform ongoing monitoring of all relocation or displacement activities, including adequate records keeping, site occupants’ needs and concerns, counseling and advisory services, claims processing, appeals processing, and other such activities.

Relocation activities shall be reviewed periodically to assure compliance with applicable laws and policies.

EXHIBIT 1

Urban Renewal Area Map



EXHIBIT 2

Legal Description of Urban Renewal Area

Blocks 5, 6, 7, and 8 in Heritage Park Mall, a Re-Subdivision of Blocks 3, 4, and 5 of Miracle Mile Addition, an Addition to Midwest City, Oklahoma County, Oklahoma, as shown by the recorded plat thereof (former What-A-Burger and Remainder of Heritage Park Mall); and

Lot 3 in Heritage Park Mall (a Re-Subdivision of Block 3, 4, and 5 of Miracle Mile Addition) in Midwest City, Oklahoma County, Oklahoma, according to the recorded plat thereof, recorded in Book 47 at Page 96, Oklahoma County Records, Oklahoma; (former Montgomery Wards building) and

Block 2 of Heritage Park Map, a Re-Subdivision of Blocks 3, 4, and 5 of Miracle Mile Addition, an Addition to the City of Midwest City, Oklahoma County, Oklahoma, according to the recorded plat thereof. Together with Construction, Operation and Reciprocal Easement Agreement recorded August 1, 1977, in Book 4388, Page 784; and Amendment, Ratification and Adoption of Construction, Operation and Reciprocal Easement Agreement recorded November 14, 1977, in Book 4415, Page 935 together will all improvement thereon and the appurtenances thereunto belonging. (Former Sears building).

EXHIBIT 3

Land Acquisition Map



EXHIBIT 4

Existing Land Use Map

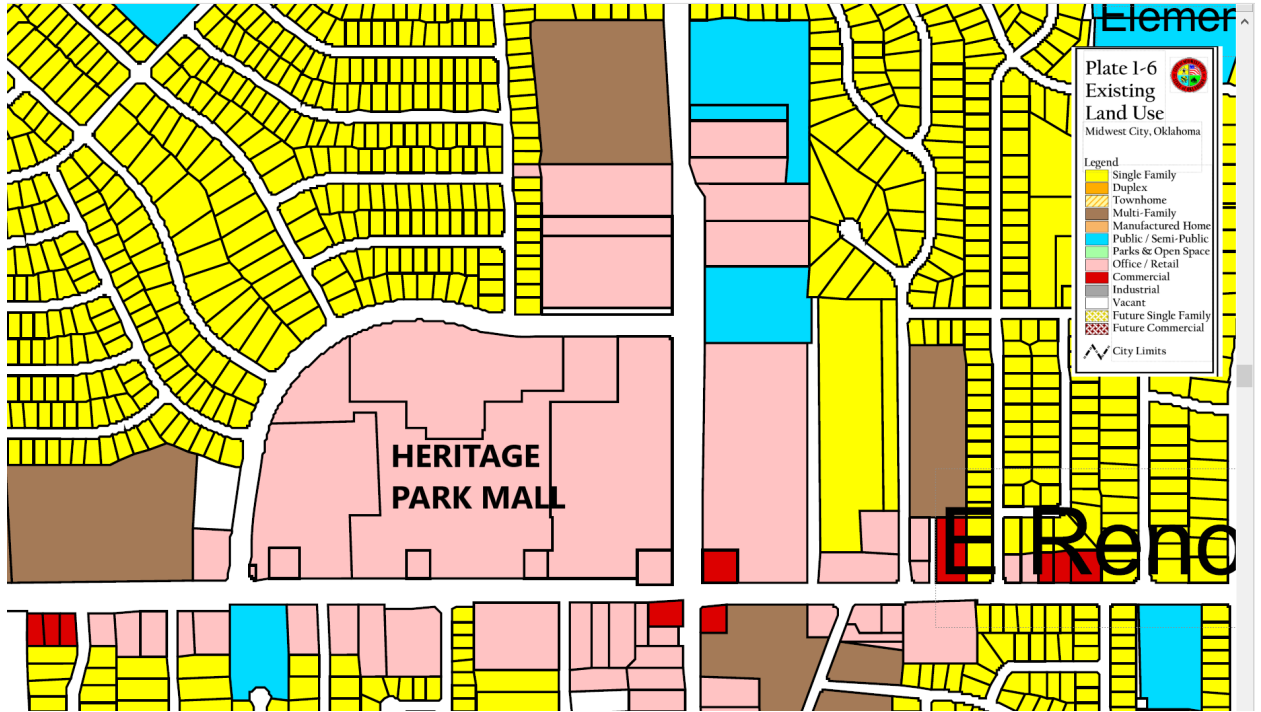
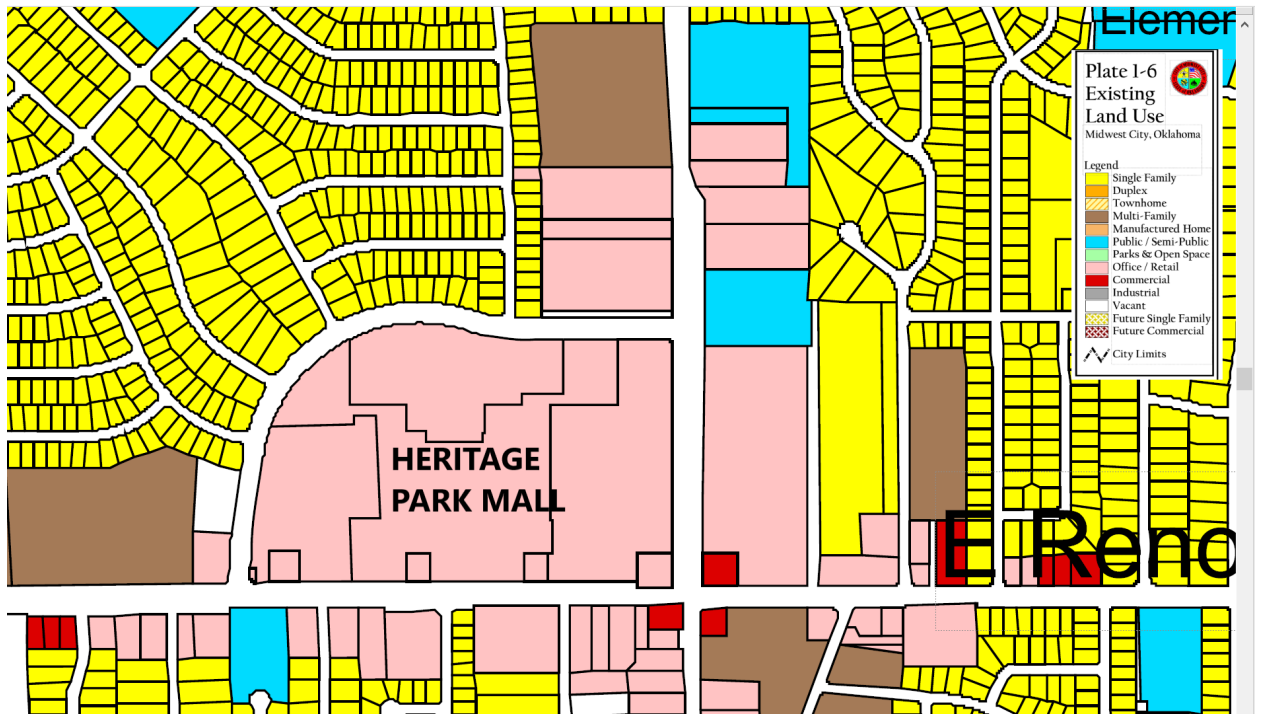
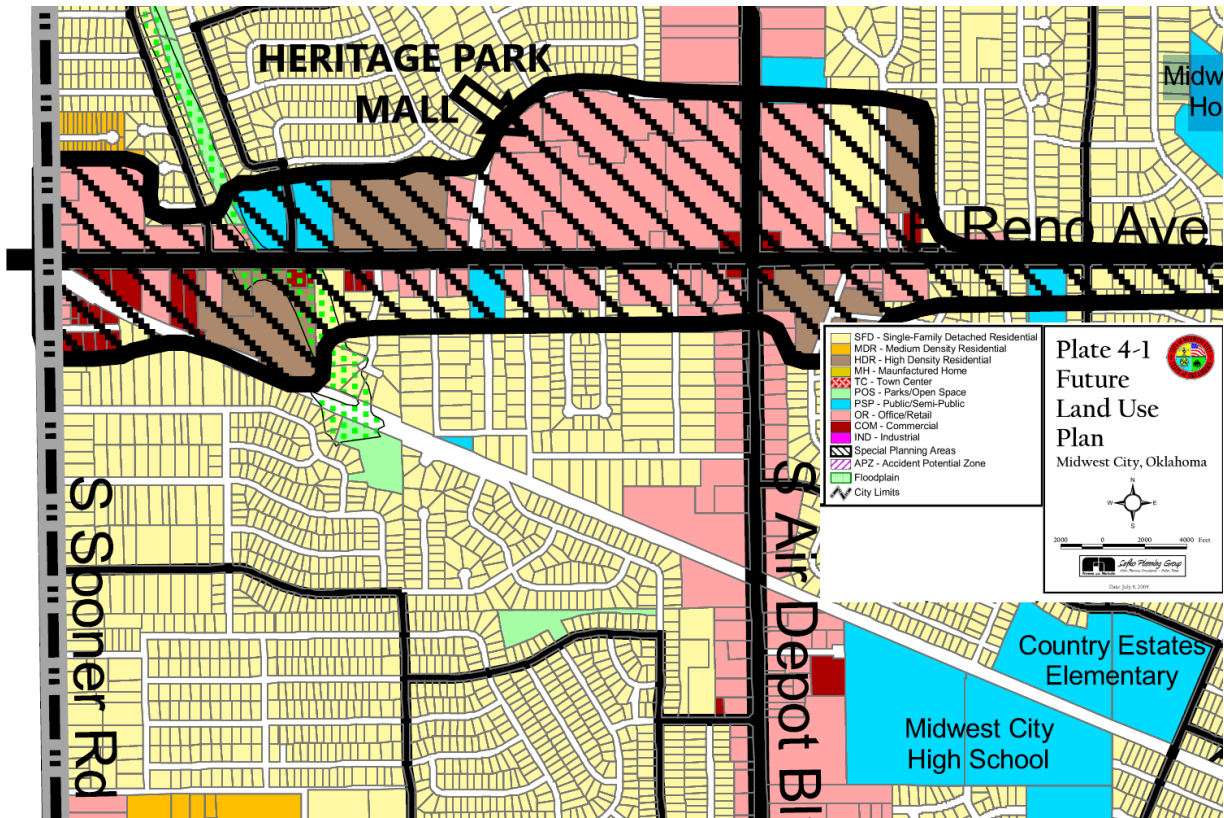


EXHIBIT 5

Land Use Plan





Specific land uses will be controlled by applicable zoning approved by the City. The Land Use Plan Maps are a general guide subject to specific adjustment and modification by the City without amendment to the Urban Renewal Plan.