



CITY OF NORMAN, OK BOARD OF ADJUSTMENT MEETING

Municipal Building, Council Chambers, 201 West Gray, Norman, OK 73069
Wednesday, December 06, 2023 at 4:30 PM

AGENDA

It is the policy of the City of Norman that no person or groups of persons shall on the grounds of race, color, religion, ancestry, national origin, age, place of birth, sex, sexual orientation, gender identity or expression, familial status, marital status, including marriage to a person of the same sex, disability, relation, or genetic information, be excluded from participation in, be denied the benefits of, or otherwise subjected to discrimination in employment activities or in all programs, services, or activities administered by the City, its recipients, sub-recipients, and contractors. In the event of any comments, complaints, modifications, accommodations, alternative formats, and auxiliary aids and services regarding accessibility or inclusion, please contact the ADA Technician at 405-366-5424, Relay Service: 711. To better serve you, five (5) business days' advance notice is preferred.

ROLL CALL

Members: Brad Worster, Micky Webb, Curtis McCarty, Ben Bigelow, James Howard

MINUTES

1. Consideration of Approval, Rejection, Amendment, and/or Postponement of the Minutes of the October 25, 2023 Board of Adjustment Meeting.

ACTION ITEMS

2. Consideration of Approval, Rejection, Amendment, and/or Postponement of BOA-2324-8: Kevin P. Shay and Zion T. Shay appeal an Administrative Decision regarding an administrative official's interpretation of 36-512(d)(4), the minimum 250' frontage requirement; and 36-512(d)(6)(a), the 10-acre lot area requirement in the A-2, Rural Agricultural District, for a tract of land located south of 16900 E. Tecumseh Road and east of 3501 168th Avenue N.E.

MISCELLANEOUS COMMENTS

ADJOURNMENT



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 12/6/2023

REQUESTER:

PRESENTER: Roné Tromble, Admin. Tech. IV

ITEM TITLE: Consideration of Approval, Rejection, Amendment, and/or Postponement of the Minutes of the October 25, 2023 Board of Adjustment Meeting.

ACTION NEEDED: Approve, reject, amend, or postpone the October 25, 2023 Minutes.



CITY OF NORMAN, OK BOARD OF ADJUSTMENT MEETING

Municipal Building, Council Chambers, 201 West Gray, Norman, OK 73069
Wednesday, October 25, 2023 at 4:30 PM

MINUTES

The Board of Adjustment of the City of Norman, Cleveland County, Oklahoma, met in Regular Session in City Council Chambers of the Norman Municipal Complex, 201 West Gray Street, at 4:30 p.m., on Wednesday, October 25, 2023. Notice and agenda of said meeting were posted in the Municipal Building at the above address and at [Agendas/Minutes | City of Norman Oklahoma Meetings \(municodem meetings.com\)](#) in excess of 24 hours prior to the beginning of the meeting.

Chair Curtis McCarty called the meeting to order at 4:33 p.m.

Members: Brad Worster, Micky Webb, Curtis McCarty, Ben Bigelow, James Howard

ROLL CALL

PRESENT

Curtis McCarty
Ben Bigelow
James Howard
Micky Webb

ABSENT

Brad Worster

STAFF PRESENT

Melissa Navarro, Planner II
Beth Muckala, Asst. City Attorney
Roné Tromble, Admin. Tech. IV

MINUTES

1. Consideration of Approval, Rejection, Amendment, and/or Postponement of the Minutes of the September 27, 2023 Board of Adjustment Meeting.

Motion made by Webb, seconded by Howard, to approve the minutes of the September 27, 2023 Board of Adjustment meeting as presented.

Voting Yea: Webb, Bigelow, Howard, McCarty

The motion to approve the Minutes of September 27, 2023 was adopted by a vote of 4-0.

ACTION ITEMS

2. Consideration of Approval, Rejection, Amendment, and/or Postponement of BOA-2324-6: Dr. Greg Emmert requests a Variance to 36-547(a)(1), the exterior appearance requirements, for property located at 1134 McGee Avenue.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report
3. Application with Attachments

PRESENTATION BY STAFF:

Melissa Navarro reviewed the staff report, a copy of which is filed with the minutes.

Mr. McCarty asked whether staff had verified that EIFS is considered a masonry product. Ms. Navarro responded affirmatively.

PRESENTATION BY THE APPLICANT:

Josh Schoenborn, ARC Architecture, representing the applicant, presented the project and discussed the exterior material that they would like to use. They propose to use Strukturoc Embossed Wall System, which are metal panels with a textured finish. They have a product that is storm-rated with a 20-year warranty which they plan to use.

AUDIENCE PARTICIPATION: None

DISCUSSION AND ACTION BY THE BOARD OF ADJUSTMENT:

Mr. Howard commented that the panels will still have visible joints.

Mr. McCarty commented that structural panels make more sense.

Mr. Howard suggested that the motion should include the storm-rated product.

Motion made by Howard, seconded by Webb, to approve BOA-2324-6 as proposed (East=30% masonry, North=30% masonry, West=20% masonry, South=30% masonry) with the stipulation that the product to be used on the non-masonry exterior portions of the building be Strukturoc Force Five storm-rated panels.

Voting Yea: Webb, Bigelow, Howard, McCarty

The motion to approve BOA-2324-6 with conditions was approved by a vote of 4-0.

Mr. Bigelow commented at the last meeting a neighbor had some concerns about the project. Dr. Emmert indicated he had spoken with him.

*

MISCELLANEOUS COMMENTS

Ms. Muckala gave an update on the NextEra appeal of the Boards decision denying their appeal of the Flood Plain Committee decision. The protestors requested to intervene, which the City and NextEra agreed to, and the Judge granted.

ADJOURNMENT

There being no further business and no objection, the meeting adjourned at 4:52 p.m.

Secretary, Board of Adjustment



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 12/6/2023

REQUESTER: Kevin P. Shay and Zion T. Shay

PRESENTER:

ITEM TITLE: Consideration of Approval, Rejection, Amendment, and/or Postponement of BOA-2324-8: Kevin P. Shay and Zion T. Shay appeal an Administrative Decision regarding an administrative official's interpretation of 36-512(d)(4), the minimum 250' frontage requirement; and 36-512(d)(6)(a), the 10-acre lot area requirement in the A-2, Rural Agricultural District, for a tract of land located south of 16900 E. Tecumseh Road and east of 3501 168th Avenue N.E.

ACTION NEEDED: Approve, reject, amend, or postpone the Appeal for BOA-2324-8.



TO: Board of Adjustment Commissioners

FROM: Lora Hoggatt, Planning Services Manager

DATE: November 30, 2023

SUBJECT: BOA 2324-8
Appeal an Administrative Decision regarding an administrative official's interpretation of 36-512(d)(4), the minimum 250' frontage requirement; and 36-512(d)(6)(a), the 10-acre lot area requirement in the A-2, Rural Agricultural District, for a tract of land located south of 16900 E. Tecumseh Road and east of 3501 168th Avenue N.E.

APPLICATION:

Through their attorney, Shawn D. Fulkerson, the applicants, Kevin P. and Zion T. Shay, are appealing an administrative decision regarding the administrative interpretation of the zoning requirements in the A-2, Rural Agricultural District, regarding minimum lot size and required street frontage.

BACKGROUND:

The subject tract is a 2.5-acre tract. This 2.5-acre tract was sold off from the 5-acre tract addressed as 16900 E. Tecumseh Road. The 16900 E. Tecumseh Road tract fronts E. Tecumseh Road and the subject tract is located to the south and has no address. The subject tract is located directly east of 3501 168th Ave. N.E., a legal non-conforming 2.5-acre tract of land.

As noted above, the subject tract was part of the 16900 E. Tecumseh Road tract. The 2.5-acre tract was illegally sold at some point in the past.

Staff was told there was a manufactured home on the subject tract, which was demolished to allow for a new manufactured home. City records show no permits issued for the referenced, now demolished, manufactured home on the 2.5-acre subject tract but records do show a permit for construction of a barn on the original 5-acre tract in 1976.

In the fall of 2023, the applicants met with Public Works staff to request an address for the subject tract to locate a new manufactured home on the tract. Public Works staff and Legal informed the applicants that this tract was illegally divided, does not meet the City's Subdivision Regulations, they could not assign an address and that they would need to speak with Planning staff regarding Zoning Ordinance regulations. They were informed they could not receive a building permit for a manufactured home on this subject tract.

On September 5, 2023, Planning staff met with the applicants regarding the zoning requirements. The applicants were informed the tract in question does not meet the 10-acre requirement adopted in the A-2, Rural Agricultural District and does not meet the minimum street frontage requirement of 250'. The applicants were again informed the City could not issue a building permit for a manufactured home because it does not meet the Zoning or Subdivision Regulations and even if they appealed the Planning decision the issue of an illegal lot was still not solved to where they could get an address and building permit.

APPLICABLE CODE REGULATIONS:

ZONING ORDINANCE INFORMATION:

Section 36-512, A-2, Rural Agricultural District, of the Zoning Ordinance requires the following:

Section 36-512(d)(4) Lot width. The minimum lot width shall be 330 feet measured at the front building line, and such lot or parcel on which a dwelling structure is or to be located shall abut on a single public street or road officially opened by action of the City Council a distance of not less than 250 feet.

Section 36-512(d)(6)(a) Intensity of use. For each dwelling unit or other permitted use allowed within the district, and buildings accessory thereto there shall be a lot area of not less than ten acres.

The subject tract contains approximately 2.52 acres and does not have street frontage.

SUBDIVISION REGULATIONS INFORMATION:

30-104 Jurisdiction. This chapter shall apply to the following forms of subdividing and/or developing of land within the corporate limits of the City:

- (a) The dividing of land into two or more tracts, lots, sites, or parcels, any part of which, when subdivided, shall contain less than 40 acres in area.
- (b) The redividing of previously platted land into tracts, lots, sites, or parcels.
- (c) The development of land in a manner not in strict conformance with the plat and plans filed of record.
- (d) The dedicating, vacating, or reserving of any public or private easement through any tract of land regardless of the area involved, including those for use of public and private utility companies.
- (e) The dedicating or reserving of any street or alley or any part thereof through any tract of land regardless of the area involved.
- (f) Planned unit development as defined in this Code.
- (g) The development of any parcel of land classified by zoning district as single-family residential, multifamily residential, commercial, industrial, recreational, or institutional.
- (h) Any tract, lot, site or parcel of land, regardless of size, which is to be developed and on which exists or will exist, because of such contemplated development, any topographic feature or improvement requiring the dedication or reservation of any easement, public or private, under the provisions of this chapter.

30-605 Exception From Platting A Single Tract For Single-Family Residential Development

- (a) A building permit shall not be denied for single-family residential development to be located on a tract of land when all of the following conditions are satisfied:
 - (1) The total area owned by the applicant shall have been conveyed by a single deed prior to June 29, 1973, or prior to annexation as part of the City;
 - (2) All required street rights-of-way shall have been previously dedicated; and
 - (3) All required easements shall have been previously granted.
- (b) In all cases where required public improvements are not in place, the requirement for the construction of said required public improvements shall not be waived but the requirement to post bond shall be waived and the installation of required public improvements may be postponed until such time that an operational project can be accomplished by an improvement district.

30-606 Exception To Allow Norman Rural Certificates of Survey As Plats In A-1 And A-2 Zoning Districts

- (a) It is the purpose of this exception to allow lots of ten acres or more to be developed and sold adjacent to public or private roadways in the A-1 and A-2 Agricultural Districts; however, private roadways should be constructed and maintained in such a manner that said roadways may be traversed and used by police, fire and other official vehicles of all municipal, county, State and federal agencies. Lots created under this process shall be designated as “City rural certificate of survey subdivisions” and may be permitted under the following procedures:

- (1) Any applicant contemplating a certificate of survey may voluntarily request a pre-development meeting, subject to the same filing requirements. The purpose of the meeting is to allow surrounding neighbors to meet with the applicant in an informal setting and share information about the proposed application. In order for the meeting to occur, the following items must be submitted to the Public Works Department:
 - a. A copy of the deed to the property.
 - b. A written description of the proposed development which provides details of the proposal that can be mailed to neighbors. The narrative should be as detailed as practicable, without being lengthy or technical. It should describe the proposed type of homes contained in the development, any proposed open space or parks, and connections to nearby major roads and subdivisions.
 - c. Because this is a preliminary meeting, a fully finished certificate of survey is not required, however, three full-sized drawing are required, as well as an 8 ½-inch by 11-inch reduction, generally showing lots, roads, topography, floodplains, existing easements and structures, physical features (such as ponds, creeks, and large stands of trees), and proposed open spaces and greenbelts.
 - d. A certified ownership list for all property within a 350-foot radius of the exterior boundary of the subject request.
 - e. A filing fee, as provided in the City fee schedule, which will be credited against any filing fee charged for a future rural certificate of survey application for the same property. This fee is nonrefundable and must be paid each time a separate meeting is requested.

A complete application packet must be received in the Public Works Department by 4:00 p.m. 17 days before the regularly scheduled pre-development meeting. Such meetings will be held on an as-needed basis and are anticipated to occur at least once a month. Staff will notify all persons identified on the certified ownership list and will include a copy of the written description of the proposed project as well as any reduced drawings.

- (2) An accurate survey of the lot, prepared by a land surveyor registered in the State, and the proposed subdivision thereof shall be submitted to the Public Works Department and shall show the same information required for a preliminary plat as referenced in NCC 30-303, except the ground contours may be drawn at five-foot intervals in such cases where the average ground slope is three percent or greater.
- (3) The following information shall be included for every oil or gas well, existing, inactive, or abandoned, as shown by the records of the Oklahoma Corporation Commission (OCC) and/or permitted by the City, according to the records of the City Oil and Gas Inspector’s office:

- a. The location of the well bore with an accuracy of one foot;
 - b. All buildings shall be a minimum of 125 feet from the well bore of an active or unplugged well, or a plugged well not meeting the then current specifications of the Oklahoma Corporation Commission and City Oil and Gas ordinance;
 - c. All buildings shall be a minimum of 45 feet from the well bore of a plugged well meeting the then current specifications of the Oklahoma Corporation Commission and the City Oil and Gas ordinance.
- (4) Planning and community development department and public works department staffs shall review and prepare a written report on the proposed City rural certificate of survey Subdivision to ensure compliance with the applicable provisions of the City's Standard Specifications and Construction Drawings and Engineering Design Criteria (NCC 26-101(a)). The applicant shall also submit for such review a certified copy of all instruments for the granting and maintenance of any required private easements and, by separate instrument, a duly executed roadway and utility easement for all adjoining public or section line roadways as reflected in the adopted City transportation plan. Staff's written report will be submitted to Planning Commission for their recommendation of approval or disapproval.
- (5) The City rural certificate of survey will be forwarded to the City Council for final action. If the application is approved by the City Council, it shall be certified by the signature of the Mayor and attested by the City Clerk. Upon approval the developer shall guarantee the proper construction of the proposed development by providing the City with an acceptable performance bond with surety as required in NCC 30-314. All street and drainage easements and improvement plans as well as provisions for their maintenance shall be approved by the City Development Committee prior to the filing of the City rural certificate of survey with the County Clerk, to ensure compliance with all standards referenced herein. Provisions for maintenance will be required through the establishment of a property owner's association and the deposit of a two-year, 15 percent maintenance bond in the name of the property owner's association.
- (6) Whenever the tract is of such unusual size or shape or is surrounded by such development or unusual conditions that the strict application of the private road standard contained in Standard Drawing No. ST28 of the Standard Specifications and Construction Drawings would result in substantial hardship or inequity, the City Council may vary or modify, except as otherwise indicated, the minimum street standard, provided that no more than four lots or residences are served by said private roadway so that the applicant may develop said property in a reasonable manner, but so, at the same time, the public welfare and interests of the City are protected and the general intent and spirit of this article are preserved. Such modification may be granted upon written request of the applicant or the applicant's engineer, stating the reason for waiver of the private road standard, and may be approved by majority vote of the regular membership of the City Council. It is not intended for this waiver procedure to be applied to anything other than the width of private road standard required by this section.
- (7) The following additional requirements shall apply to all land containing subdivisions defined above which create private streets:
- a. Prior to the sale of any land within said subdivision, the subdivider shall erect, at all entrances to the subdivision, within the private drive and street rights-of-

way, in a clearly conspicuous location, an enameled metal sign, no less than 18 inches by 24 inches in dimension, with lettering thereon of no less than two inches per letter in height, bearing the words: "CITY MAINTENANCE ENDS HERE." The sign shall be firmly affixed to a metal post no less than two inches in diameter by two metal bolts, which post shall be permanent set into the ground as required by the Public Works Department. Said sign shall be no less than four feet above the surface of the ground and shall be maintained in good repair by the subdivider and by the owners of the property within said subdivision.

- b. No deed of conveyance shall ever be filed of record conveying any land within said subdivision until such time as the owner thereof has Stated on the face of the deed, prior to its delivery to the prospective purchaser, the following language: "The property herein conveyed abuts on a private street which shall not be maintained by the City." Prior to the recording of any such deed, it must first be presented to and approved by the Director of Public Works and the Director of Planning and Community Development, or their designee, and no building permits shall be issued for the improvement of any such land until such departmental approval has been granted.

BOARD OF ADJUSTMENT POWERS:

The Zoning Ordinance gives the Board of Adjustment the following power in Section 36-570(c)(1):

Upon proper application, to hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official, as well as the Historic District Commission, in the enforcement of this chapter or any other ordinance adopted pursuant thereto.

Section 36-570(d) Decisions of the Board of Adjustment states:

- (1) In exercising the above-mentioned powers, the Board of Adjustment shall reverse or affirm, wholly or in part, shall modify the order, requirement, decision, or determination appealed from, shall make such order, requirement, decision, or determination as ought to be made, so long as such action is in conformity with the terms of this chapter, and to that end shall have the powers of an administrative official from whom the appeal is taken.
- (2) The concurring vote of three members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the administrative official, to decide in favor of the applicant on any matter upon which it is required to pass under this chapter, or to affect any variation in the application of this chapter.

The applicant was informed prior to applying for the appeal that the Board of Adjustment only has the power to hear an appeal to decisions regarding the Zoning Ordinance. The Board of Adjustment cannot vary or waive the requirements of the Subdivision Regulations. The reversal of an administrative decision in this particular case will not grant the applicant a building permit because the Subdivision Regulations cannot be met.

APPLICATION SUBMITTALS:

Mr. Shawn D. Fulkerson, attorney for the applicant, submitted an application packet that included several exhibits. Staff reviewed the packet submitted and has the following comments:

Exhibit A: Warranty Deed filed of record with Cleveland County on April 6, 2010 for the 2.5-acre tract that was illegally sold off from the property fronting 168th Ave. NE., purchasers Billy & Mary McCoy and Kevin & Jamie Shay.

Exhibit B: Quit Claim Deed filed of record with Cleveland County on January 16, 2018 for the subject 2.5-acre tract of land deeding the property to Kevin & Jamie Shay.

Exhibit C: A survey proposing the two 2.5-acre tracts of land, 3501 168th Avenue N.E. and the subject tract, not addressed, be surveyed as one tract. This survey is not approved or adopted by Norman City Council.

Exhibit D: Quit Claim Deed filed of record with Cleveland County on January 30, 2023 filed for the subject 2.5-acre tract of land deeding the property to Kevin P. Shay and Zion T. Shay.

Exhibit E: A survey proposing the two 2.5-acre tracts of land, 3501 168th Avenue N.E. and the subject tract, not addressed, be surveyed as two tracts. This survey is not approved or adopted by Norman City Council.

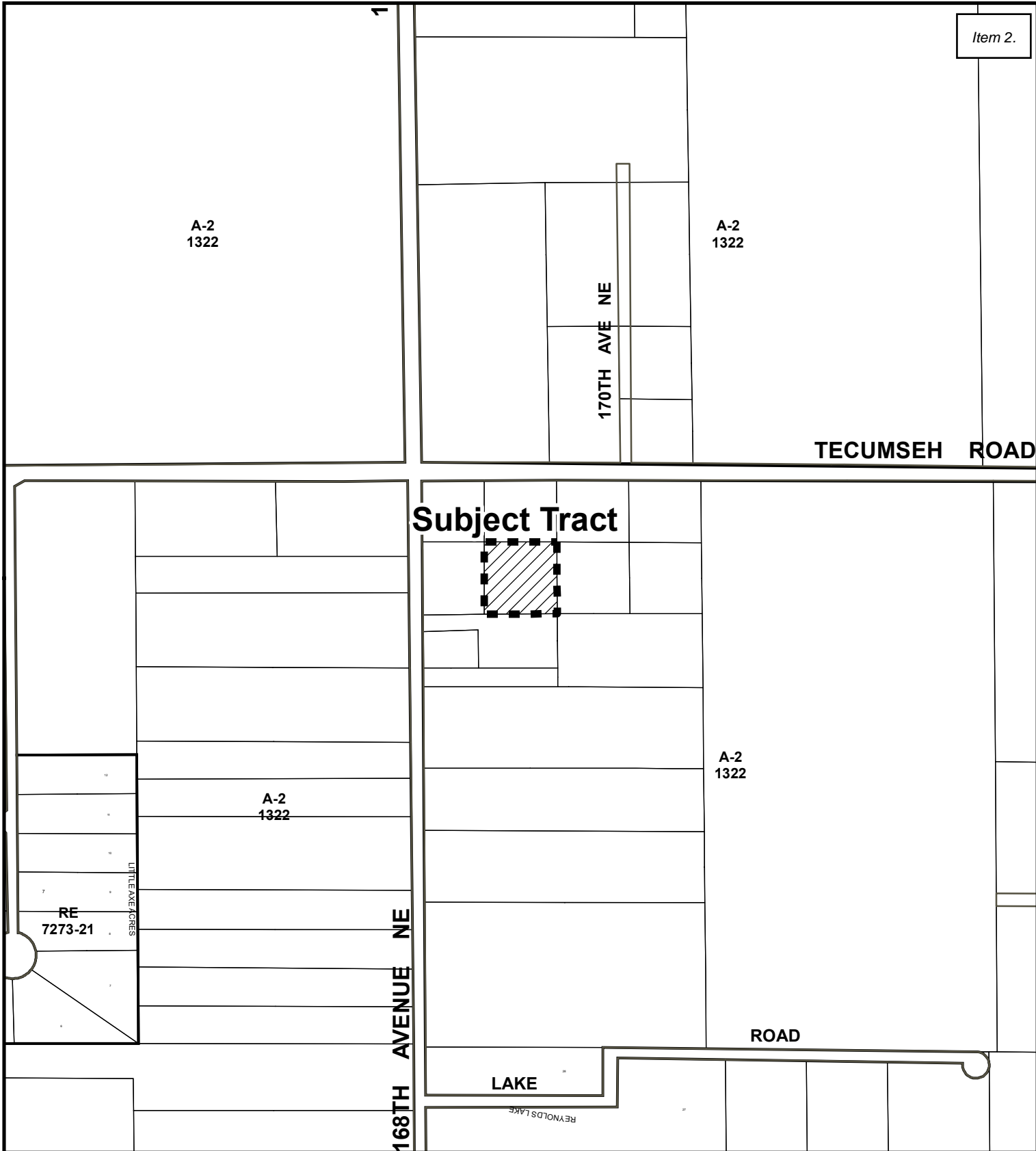
DISCUSSION:

To be clear, this is a puzzling chain of events in this general location. Who first sold off/purchased the 2.5-acre subject tract is unknown. Bottom line, for the Board of Adjustment review, there is one tract in question for this appeal. The one tract in question is the 2.5-acre tract illegally sold off the original 5-acre tract that fronts Tecumseh Road, 16900 E. Tecumseh Road. The tract to the west of this subject tract, 3501 168th Avenue N.E. (fronting 168th Avenue N.E.) is a legal non-conforming 2.5-acre tract, with a house dating from the 1950's.

Staff has not seen a deed that provides legality of the subject tract. To be a legal tract of land, the tract is required to have been in the existing 2.5-acre condition prior to the June 1973 deadline (30-605 (1)). The subject tract does not front a public street, without frontage there is no ingress/egress as defined by the applicant's attorney.

CONCLUSION:

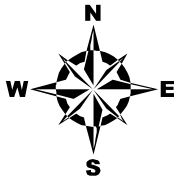
Staff forwards this request for an appeal of an administrative decision regarding an administrative official's interpretation. The disputed codes are: 36-512(d)(4), the minimum frontage requirement in the A-2, Rural Agricultural District; and 36-512(d)(6)(a), the lot area requirement, for the subject tract located south of 16900 E. Tecumseh Road and east of 3501 168th Avenue N.E. to the Board of Adjustment as BOA 2324-8.



Location Map





Map Produced by the City of Norman
Geographic Information System.
The City of Norman assumes no
responsibility for errors or omissions
in the information presented.



December 1, 2023

0 300 600 Ft.

 Subject Tract
 Zoning



Application for Variance or Special Exception
BOARD OF ADJUSTMENT

Case No. BOA 2324-8

Item 2.

City of Norman Planning & Community Development - 225 N. Webster Avenue - Norman, OK 73069 — (405) 307-7112 Phone

APPLICANT(S) KEVIN P. SHAY ZION T. SHAY	ADDRESS OF APPLICANT 3501 168TH AVE. N.E. NORMAN, OK 73026
NAME AND PHONE NUMBER OF CONTACT PERSON(S) SHAWN D. FULKERSON, ATTORNEY for Applicants, 405-691-4949	EMAIL ADDRESS sfulkerson@fulkersonlawoffice.com

Legal Description of Property: (UNLESS THE LEGAL DESCRIPTION IS A SIMPLE LOT AND BLOCK, THE LEGAL DESCRIPTION MUST BE PROVIDED IN A WORD DOCUMENT EMAILED TO CURRENT.PLANNING@NORMANOK.GOV)

The S/2 of the NW/4 of the NW/4 of the NW/4 of Section 15, T9N, R1E, of the Indian Meridian, Norman, Cleveland County, OK (Word document will be emailed.)

Requests Hearing for:

- ☒ VARIANCE from Chapter 36, Section 36-512-A-2(d)(6)
- ☐ SPECIAL EXCEPTION to _____

Detailed Justification for above request (refer to attached Review Procedures and justify request according to classification and essential requirements therefor):

SEE ATTACHED.

(Attach additional sheets for your justification, as needed.)

SIGNATURE OF PROPERTY OWNER(S):

Kevin Shay

ADDRESS AND TELEPHONE:

3501 168th Ave. N.E.
 NORMAN, OK 73026
 405-420-2012

OFFICE
USE
ONLY

- ☒ Application
☒ Proof of Ownership
☒ Certified Ownership List and Radius Map
☐ Site Plan
☒ Filing Fee of \$ 200.00
☐ Emailed Legal Description in Word Document

- ☒ VARIANCE from Chapter 36,
 Section 512(d)(6)
☐ SPECIAL EXCEPTION to _____

Date Submitted:

10-12-2023

Checked by:

ant



CERTIFICATION OF OWNERSHIP

Case No. BOA _____

Item 2.

City of Norman Planning & Community Development - 225 N. Webster Avenue - Norman, OK 73069 — (405) 307-7112 Phone

DATE: 9-3-2023

I, KEVIN P. SHAY AND ZION T. SHAY, hereby certify and attest that I am the owner, or that I have an option to purchase the following described property in the City of Norman:

AND, I further certify and attest that this legal description describes accurately the property requested for rezoning.

AND, I accept billing for the cost of publishing legal notice in the NORMAN TRANSCRIPT.

Owner's Signature: [Signature]

Address: 3501 168th Ave. N.E. Norman

Agent's Signature: [Signature]

Address: 10444 Greenbriar Pl. OKC
Oklahoma City, OK 73159

NOTARY

Before me, the undersigned, a Notary Public in and for the State of Oklahoma, on this 3rd day of September, 2023, personally appeared Kevin P. Shay and Zion T. Shay, to me known to be the identical persons who executed the within and foregoing instrument and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

(SEAL)



My commission expires: 6-24-25

[Signature]
Notary Public

I hereby accept this Certification of Ownership in lieu of a deed or other legal document showing proof of ownership.

Signature: _____

Title: _____

CITY OF NORMAN



BOARD OF ADJUSTMENT
FUNCTION AND REVIEW PROCEDURES

Item 2.

(Revised 03/23)

City of Norman Planning & Community Development - 225 N. Webster Avenue - Norman, OK 73069 -- (405) 307-7112 Phone

EXISTING VARIANCE CONDITIONS:

There are special conditions or circumstances peculiar to the land or structure involved:

See attached Detailed
Justification for Request.

Attest
ZTS *[Signature]*

The literal interpretation of the provisions of the Ordinance would deprive the applicant of rights enjoyed by others in the same district:

See attached Detailed
Justification for Request.

Attest
ZTS *[Signature]*

The special conditions or circumstances do not result from the actions of the applicant:

See attached Detailed
Justification for Request.

Attest
ZTS *[Signature]*

The granting of the Variance will not confer special privileges on the applicant that are denied to other lands and/or structures in the same district:

See attached Detailed
Justification for Request.

Attest
ZTS *[Signature]*

Detailed Justification for request.

Applicant Kevin P. Shay's original Warranty Deed dated April 2, 2010, and the Quit Claim Deed dated January 10, 2018 (said deeds attached as Exhibits A and B), provided two separate tracts of land, said land containing a separate resident (house) on Tract 1 and a residence (mobile home) on Tract 2 allowing for two separate residences with outgoing roads leading from each tract (see attached survey dated July 7, 2013, as Exhibit C). Each tract has a well and septic tank.

On January 23, 2023, Tract 2 was deeded to Applicants Kevin P. Shay and Zion T. Shay by Quit Claim Deed (said deed attached as Exhibit D). See also attached survey dated December 15, 2022, marked Exhibit E.

Applicant Zion T. Shay then attempted to move a new modular home onto Tract 2 and was advised by the City of Norman that no permits would be allowed.

Applicants were advised by the City of Norman that this parcel should never have been divided. Applicants relied on these individual tracts being separate residences at the time of the original purchase of said property. When Tract 2 was conveyed to Applicants Kevin P. Shay and Zion T. Shay, they both were relying on the knowledge that Tract 2 was a separate residence.

These circumstances do not result from the actions of the Applicants. Without the granting of a variance, it would result in undue hardship to the Applicants. Applicant's hardship is that Zion T. Shay and his family moved into temporary housing in order to save money. They have now succeeded in buying the land and home, but have been prohibited from moving the modular home onto the land. The granting of this variance will not be an undue burden for neighboring lands, as Tract 2 has been a separate residence with its own ingress and egress.

Return To:
Billy T. McCoy and Mary McCoy
8700 S. Walker
Oklahoma City, OK 73139

State of Oklahoma
Cleveland County
Documentary Stamps
\$ 22.50

WARRANTY DEED
JOINT TENANCY
(Trustee Form)

FA (3) 15.00

File No.: **1446649-NO01 (PFZ)**

Doc Stamps: **\$22.50**

Tax ID#: **0052320**

* AKA DONNA M. LIPPS

* AKA THERESA A. TRAMMELL

That **Donna Marie Lipps**,^{*} Co-Trustee and **Theresa Ann Trammell**,^{*} Co-Trustee of the **Janet B. Lipps Revocable Living Trust dated July 1, 2004**, and , of , party(ies) of the first part, in consideration of the sum of TEN & NO/100-----Dollars and other valuable considerations, in hand paid, the receipt of which is hereby acknowledged, do(es) hereby, grant, bargain, sell and convey unto **Billy T. McCoy and Mary McCoy and Kevin Shay and Jamie Shay, husband and wife** , as joint tenants and not as tenants in common, with the right of survivorship, the whole estate to vest in the survivor, party(ies) of the second part, the following described real property and premises situate in **Cleveland County, State of Oklahoma**, to wit:

The Southeast Quarter (SE/4) of the Northwest Quarter (NW/4) of the Northwest Quarter (NW/4) of the Northwest Quarter (NW/4) of Section Fifteen (15), Township Nine (9) North, Range One (1) East of the Indian Meridian, Norman, Cleveland County, Oklahoma.

AND

Donna Lipps
Theresa Trammell

The South Half (S/2) of the West Half (W/2) of the Northwest Quarter (NW/4) of the Northwest Quarter (NW/4) of the Northwest Quarter (NW/4) of Section Fifteen (15), Township Nine (9) North, Range One (1) East of the Indian Meridian, Cleveland County, Oklahoma.

Property Address: **3500 168th Avenue, Norman, OK**

Together with all the improvements thereon and the appurtenances thereunto belonging, and warrant the title to the same.

TO HAVE AND TO HOLD said described premises unto the said parties of the second part, as such joint tenants, and to the heirs, successors and assigns of the survivor, forever, free, clear and discharged of and from all former grants, charges, taxes, judgments, mortgages and other liens and encumbrances of whatsoever nature.

EXCEPT covenants, conditions, easements, restrictions and mineral, reservations or conveyances of record.

Signed and delivered this **April 02, 2010**.

N1446649 mn 2/15 ✓

DOC-22.50 ✓
Exhibit A
page 1 of 2

Donna Marie Lipps and Theresa Ann
Trammell, as Co-Trustees of the Janet B.
Lipps Revocable Living Trust dated July 1,
2004

Donna M Lipps

Donna Marie Lipps, Co-Trustee AKA DONNA M. LIPPS

Theresa A Trammell

Theresa Ann Trammell, Co-Trustee AKA THERESA A. TRAMMELL

ACKNOWLEDGMENT - OKLAHOMA FORM

STATE OF **OKLAHOMA**

}

} **ss.**

COUNTY OF **CLEVELAND**

}

* DONNA M. LIPPS

This instrument was acknowledged before me on **April 02, 2010**, by **Donna Marie Lipps*, Co-Trustee and Theresa Ann Trammell, *Co-Trustee** of the Janet B. Lipps Revocable Living Trust dated **July 1, 2004**.

*AKA THERESA A. TRAMMELL

Penny Zumwalt
NOTARY PUBLIC

My Commission Expires:



Mail Tax Statements To:

SAME AS ABOVE

*Exhibit A
Page 2 of 2*

Doc # R2018-1332 BT: RB B: 5759 P: 1341 QC
01/16/2018 01:32:53 PM Pages: 1

Cleveland County Clerk, OK - Tammy Belinson
Fee: \$ 13.00



Quit Claim Deed
Joint Tenancy

M/13⁰⁰

KNOW ALL MEN BY THESE PRESENTS: THAT

as Grantor(s), in the consideration of the sum of Billy T & Mary McCoy, married
(Family Transaction) dollars, and other
valuable considerations, in hand paid, the receipt of which is hereby acknowledged, do hereby quitclaim, grant, bargain,
sell, and convey unto:

Title 68: Sec. 3201 or 3202
Tax shall not apply: 4

Kevin & Jaime Shay, married
the Grantee(s), as joint tenants and not as tenants in common with full rights of survivorship, the whole estate to vest in the
survivor in the event of the death of either, the following described real property and premises situated in Cleveland County,
State of Oklahoma to wit: 3500 168th Ave NE, Norman, OK 73026

The Southeast Qtr (SE/4) of the NW Qtr (NW/4) of the NW Qtr (NW/4) of the NW Qtr (NW/4) of Section Fifteen (15), Township
Nine (9) North, Range One (1) East of the Indian Meridian, Norman, Cleveland County, OK

AND

The South Half (S/2) of the West Half (W/2) of the NW Qtr (NW/4) of the NW Qtr (NW/4) of the NW Qtr (NW/4) of section fif
teen (15) Township Nine (9) North, Range One (1) East of the Indian meridian, Norman, Cleveland County, OK

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

TO HAVE AND TO HOLD the above described premises unto the said parties of the second part as joint tenants.

Signed and delivered this 10 day of January, 2018

x Mary McCoy
x Billy McCoy

Individual Acknowledgement

State of Oklahoma
County of Cleveland

This instrument was acknowledged before me this 10 day of January, 2018

personally appeared Mary McCoy + Billy McCoy to me
known to be the identical person(s) who executed the within and foregoing document, and acknowledged such as a free and
voluntary act.

Given under my hand and seal the day and year last above written.

My commission expires: 7/23/19

3501 168th Ave NE
Norman, OK 73026

***SASE**

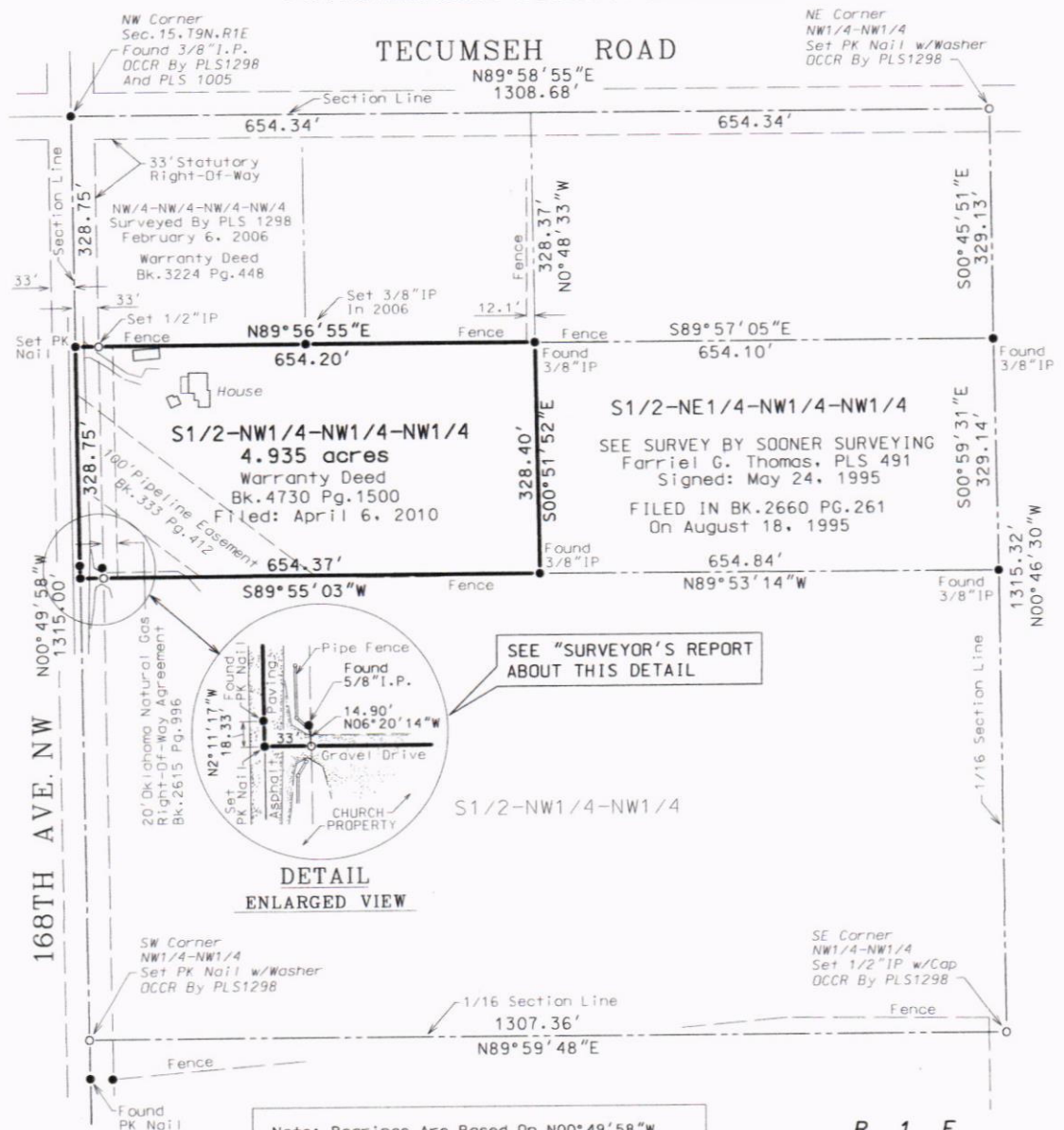
Teresa L Stamps
NOTARY PUBLIC



Exhibit B

CERTIFICATE OF SURVEY

A BOUNDARY SURVEY OF
OF THE S1/2-NW1/4-NW1/4 OF SEC.15.T9N.R1E, 1M
POTTAWATOMIE COUNTY, OKLAHOMA

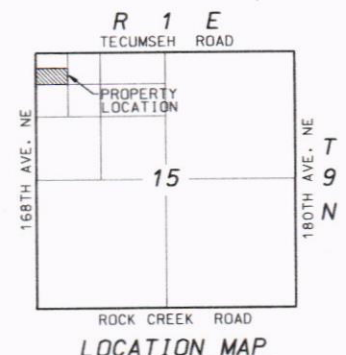


Note: Bearings Are Based On N00°49'58"W
Between Monuments At The SW Corner And The
NW Corner Of The NW1/4-NW1/4 At Locations
Shown On Oklahoma Certified Corner Records
(OCCR) On File With The Oklahoma Dept. Of
Libraries, Archives & Records Division.

(O) : Indicates Set 1/2" Iron Pin With Plastic Cap Marked: "WHITED PLS 1298"
Unless Otherwise Noted.

(●) Indicates Found 3/8" Iron Pin Unless Otherwise Noted.

OCCR : Indicates Oklahoma Certified Corner
 Record On File With The Oklahoma Dept. Of
 Libraries, Archives and Records Division
 In OKC. Filed By The Land Surveyor Noted
 By PLS License Number



Revised: July 7, 2014 (See Note 15 On Sheet 4)

Kevin & Jaime Shay
Boundary Survey In Sec.15, T9N, R1E, J.M.
Cleveland County, Oklahoma
May 19, 2014 (Revised: July 7, 2014)
Job: "15A9N1E" In GPS Drawn By: R. Whited
15A9N1E.dan GPS/GR3 w/FC2200 Sheet 1

POLLARD & WHITED SURVEYING, INC.

2514 Tee Drive Norman, OK 73069

CA 2380 exp.6-30-15

405-366-0001

CERTIFICATE OF SURVEY

I, Rodger Whited, a Professional Land Surveyor hereby certify that the attached drawing is a true and accurate representation of a Boundary Survey of the described property. Said Boundary Survey is subject to the notes and qualifying statements shown herein.

I further certify that this Survey meets or exceeds the current "Oklahoma Minimum Standards For The Practice Of Land Surveying" as adopted by the Oklahoma State Board Of Licensure For Professional Engineers and Land Surveyors.

EXISTING LEGAL DESCRIPTION *(From the Warranty Deed filed in Book 4730 Page 1500 on April 6, 2010, Lipps and Trammell (grantor) to McCoy & Shay (grantee))*

The Southeast Quarter (SE1/4) of the Northwest Quarter (NW1/4) of the Northwest Quarter (NW1/4) of the Northwest Quarter (NW1/4) of Section Fifteen (15), Township Nine (9) North, Range One (1) East of the Indian Meridian, Norman, Cleveland County, Oklahoma.

AND

The South Half (S1/2) of the West Half (W1/2) of the Northwest Quarter (NW1/4) of the Northwest Quarter (NW1/4) of the Northwest Quarter (NW1/4) of Section Fifteen (15), Township Nine (9) North, Range One (1) East of the Indian Meridian, Norman, Cleveland County, Oklahoma.

Property Address: 3500 168th Avenue NE, Norman, Oklahoma

SURVEYOR'S NOTE: *The above described two tracts could be combined and simplified as: The South Half of the Northwest Quarter of the Northwest Quarter of the Northwest Quarter (S1/2-NW1/4-NW1/4-NW1/4) of Section Fifteen (15), Township Nine (9) North, Range One (1) East of the Indian Meridian, Norman, Cleveland County, Oklahoma.*

SURVEYOR'S REPORT AND NOTES

The following notes and qualifying statements are intended to be a report for the owner, adjoining land owners, title examiners, interested parties and subsequent Land Surveyors. Contact the undersigned Land Surveyor if a further explanation of any items shown below or on the attached drawing is needed.

(1) This Boundary Survey is based on the Original Government Survey by the General Land Office (GLO) approved on April 19, 1873. The Section was subdivided by the GLO into Quarter-Quarter sections by the GLO using what is commonly referred to as "The Three Mile Method". The East-West 1/4 Section Line and the East-West 1/16 Section Lines were set by the GLO by running lines East-West through the Section. All exterior and interior 1/16 Corners and 1/4 Corners were set by the 1873 GLO Survey. GLO set 25 monuments to bound and subdivide this Section in 1873.

(2) The Bureau Of Land Management, 2009 Manual Of Surveying Instructions was used as a guide to Surveying the subject property. Chapter 10 Sections 10-16 through 10-20 and Chapter 6 Sections 6-35 through 6-49 are some of the portions of the BLM 2009 Manual that have direct relevance and pertinent information affecting the subject property.

(3) This Boundary Survey is also based on a Boundary Survey by Farriel G. Thomas, PLS 491 signed on May 24, 1995 **AND FILED** in Book 2660 Page 261 on August 18, 1995 in the Cleveland County Clerk's records. This Boundary Survey of the S1/2-NE1/4-NW1/4-NW1/4 is located immediately east of the subject property. I found all corner monuments set by PLS 491 and agree with them because only they differ within acceptable tolerances of where I calculated their positions to be. The location of the Survey, by PLS 491, is shown on Sheet 1.

(4) This Boundary Survey is also based in part on Boundary Survey field notes by Gordon Jones, PLS 474 done on or about 1972. His field notes show the North line of said Section 15. He referenced the N1/4 Corner which I was able to recover the location. It did not fit an exact in line/even split between the Section Corners as he states but it was within about one (1) foot east-west and less than 0.5 feet north-south. This is detailed on Sheet 2 of this Boundary Survey.

(5) There is a disagreement on the location of the SW Corner of the subject property with the property owner to the south (Church Property). There are two (2) sets of monuments at the SW Corner which differ significantly. An enlarged "DETAIL" is shown which illustrates the differences. The owner to the south stated that he had a Survey but was unwilling to allow me to review it or get a copy of it. As far as I know this Survey (to the south) is not filed of record.

(6) A search of the Cleveland County Clerk's records did not reveal a Survey of the property south of the subject property BUT as stated herein this Boundary Survey does NOT represent a complete search of the County Clerk's records. This documentation is a Boundary Survey of the property described on the above noted Warranty Deed. This is not a determination of "clear title", as defined by Black's Law Dictionary. Title is based on said Warranty Deed.

Exhibit C
page 2 of 3

(7) This Boundary Survey is also based on a review of existing "Oklahoma Certified Corner Records" (OCCR) on file with the Oklahoma Department Of Libraries, Archives & Records Division in Oklahoma City, Oklahoma. All OCCR's on file were reviewed and there were no contradicting OCCR's that affect the location of the subject property. A complete review of this Boundary Survey cannot be made without reviewing the OCCR's on file. Additional information is shown on the OCCR's that is not shown on this Boundary Survey.

(8) When this Boundary Survey was started OCCR's were on file for each of the four (4) Section Corners, the W1/4 Corner and the E1/4 Corner. None of the other 25 original GLO Corners of 1873 had OCCR's filed on them. Additional OCCR's will be filed, by the undersigned, with the State Archives subsequent to the completion of this Boundary Survey. This will include *(but not necessarily be limited to)* an update of the NW Corner of Sec.15, the NE Corner of the NW1/4-NW1/4, the NE Corner of the NW1/4, the SW Corner of the NW1/4-NW1/4 and the SE Corner of the NW1/4-NW1/4.

(9) The purpose of this Boundary Survey was to mark the property corners. This does not represent a complete search of the Cleveland County Clerk's records by the undersigned. This Boundary Survey is not an indication, by the undersigned, that it shows all easements and rights-of-way of record and those that possibly exist that are not of record. This Boundary Survey was done without the benefit of a Commitment For Title Insurance, Title Opinion or other similar title research. Except as specifically stated or shown this Boundary Survey does not reflect any easements, rights-of-way, building lines, restrictive covenants, subdivision restrictions, zoning or other land use regulations.

(10) Fences locations are shown on the drawing on Sheet 1. Distances to fences were measured at the property corners. Fence locations between property corners and in areas not dimensioned were not located. Distances to fences may be approximate and all fences are not necessarily shown on this Boundary Survey.

(11) No excavations were made, as a part of this Boundary Survey, to locate underground utilities and facilities. Call 1-800-522-6543 or the owners of underground facilities to have them marked before any excavation or construction.

(12) All surface and subsurface improvements on or adjacent to the subject property are not necessarily shown. This "Boundary Survey" was made to locate the boundary of said property and not to locate improvements. Most of the apparent and significant above ground improvements are shown on the attached drawing.

(13) Bearings are ONLY given to show the angle relationship between lines. Bearings are not necessarily geodetic. The basis of bearings for this Boundary Survey is stated on the attached drawing(s). Previous Boundary Surveys in this area, by the undersigned and others, may have used a different basis of bearing.

(14) It is advised, by the undersigned, that all adjoining property owners should be contacted prior to building any fences or other structures along or on the property lines. If any difference of opinion is indicated a resolution should be reached, preferably in writing, if possible between the owners on the location of any improvements along or on the property lines. If a resolution cannot be reached the undersigned should be contacted.

(15) Revised: July 7, 2014. This revision is on the "DETAIL", "ENLARGED VIEW" shown on Sheet 1 of 4. The distances to the monuments found at the SW Corner of the subject property now shown as 18.33' N02°11'17"W and 14.90' N06°20'14"W were incorrectly shown on the version of this Boundary Survey signed and dated June 16, 2014. This error occurred when I made the "ENLARGED VIEW" two (2) times as large as the actual drawing of the 4.935 acres. This made the distances twice there actual measured distance.



Rodger Whited
Rodger Whited, PLS 1298

NOTARY

State Of Oklahoma)
County Of Cleveland) SS

Before me, a Notary Public, in and for said County and State, on this 7th day of July, 2014, personally appeared, Rodger Whited, to me known to be the identical person who executed the within and foregoing instrument and acknowledged to me that he executed the same as his free and voluntary act and deed.



[Signature]
Notary Public

Exhibit C
page 3 of 3

Doc # R2023-2385 BT: RB B: 6516 P: 46 QC
01/30/2023 02:09:38 PM Pages: 2

Cleveland County Clerk, OK - Tammy Belinson
Fee: \$ 20.00



**QUIT CLAIM DEED
(JOINT TENANCY)**

THIS INDENTURE made this 23rd day of January, 2023, between KEVIN P. SHAY AND JAIME R. SHAY, husband and wife, party of the first part, and ZION T. SHAY and KEVIN P. SHAY, as joint tenants and not as tenants in common, with full rights of survivorship, the whole estate to vest in the survivor in the event of the death of either, parties of the second part. 29m

WITNESSETH, that said party of the first part, in consideration of the sum of Ten and 00/100 Dollars, and other valuable considerations, in hand paid, the receipt of which is hereby acknowledged, does hereby quit claim, grant, bargain, sell and convey unto the said party of the second part all their right, title, interest, estate, and every claim and demand, both at law and in equity, as joint tenants and not as tenants in common, with full rights of survivorship, the whole estate to vest in the survivor in the event of the death of either, parties of the second part, in and to all the following described property situated in Cleveland County, State of Oklahoma, to-wit:

The South Half (S ½) of the Northwest Quarter (NW ¼) of the Northwest Quarter (NW ¼) of the Northwest Quarter (NW ¼) of Section Fifteen (15), Township Nine (9) North, Range One (1) East of the Indian Meridian, Norman, Cleveland County, Oklahoma,

together with all the improvements thereon and the appurtenances thereunto belonging LESS AND EXCEPT any interest in and to oil, gas, and minerals previously conveyed or reserved of record and SUBJECT TO recorded easements, rights-of-way, restrictive covenants restrictions, zoning, ordinances, and oil, gas or mineral leases.

**EXEMPT DOCUMENTARY STAMP TAX O.S. TITLE 68, ARTICLE 32,
SECTION 3202 (NO SALE)**

TO HAVE AND TO HOLD the above-described premises unto the said party of the second part as joint tenants, and to the heirs and assigns of the survivor forever, so that neither the said party of the first part or any person in their name and behalf, shall or will hereafter claim or demand any right or title to the said premises or any part thereof; but, they and each of them shall by these presents be excluded and forever barred.

IN WITNESS THEREOF, the said party of the first part has hereunto set their hands the day and year first above written.

Kevin P. Shay
KEVIN P. SHAY

Jaime R. Shay
JAIME R. SHAY

**Exhibit D
Page 1 of 2**

Doc #R2023-2385 01/30/2023 02:09:38 PM BT: RB B: 6516 P: 47 Page 2 of 2

STATE OF OKLAHOMA)
) ss:
 COUNTY OF CLEVELAND)

Before me, the undersigned, a Notary Public, in and for said County and State on this 23rd day of January, 2023, personally appeared KEVIN P. SHAY and JAIME R. SHAY, husband and wife, to me known to be the identical persons who executed the within and foregoing instrument and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

Given under my hand and seal the day and year last above written.



Pam Jenkins
 NOTARY PUBLIC
My Commission Expires 6/24/25
My Commission No. 1008627

RETURN TO:

ZION T. SHAY & KEVIN P. SHAY
 3500 168TH Ave. N.E.
 Norman, OK 73026

SEND TAX STATEMENTS TO:

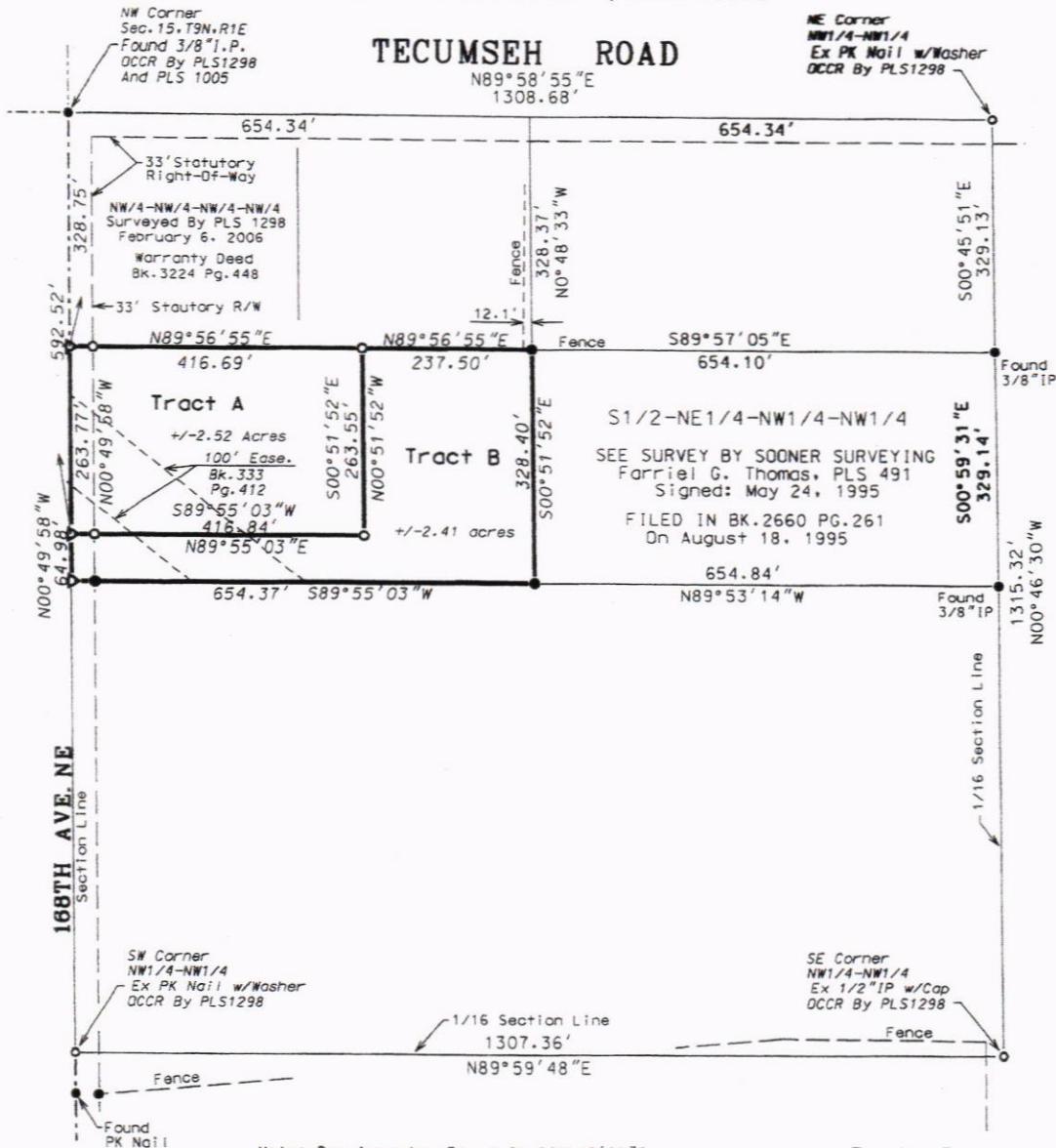
ZION T. SHAY & KEVIN P. SHAY
 3500 168TH Ave. N.E.
 Norman, OK 73026

Jaime Shay
3501 168th Ave. NE
Norman, Ok. 73026 *SASE

Exhibit D
Page 2 of 2

CERTIFICATE OF SURVEY

A BOUNDARY SURVEY OF
OF THE S1/2-NW1/4-NW1/4 OF SEC.15, T9N, R1E, 1M
POTTAWATOMIE COUNTY, OKLAHOMA



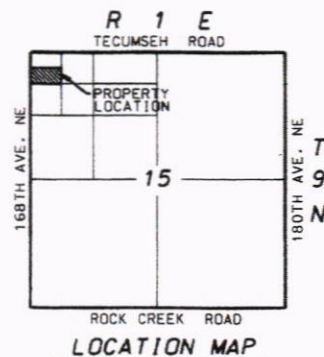
Note: Bearings Are Based On S00°49'58"E Between Monuments At The SW Corner And The NW Corner Of The NW1/4-NW1/4 At Locations Shown On Oklahoma Certified Corner Records (OCCR) On File With The Oklahoma Dept. Of Libraries, Archives & Records Division.

(○) : Indicates Set 1/2" Iron Pin With Plastic Cap Marked: "Pollard PLS 1474" Unless Otherwise Noted.

(▶) : Indicates Set Mag Nail With Metal Washer Marked: "P+W Survey CA 2380"

(●) : Indicates Found 3/8" Iron Pin Unless Otherwise Noted.

OCCR : Indicates Oklahoma Certified Corner Record On File With The Oklahoma Dept. Of Libraries, Archives and Records Division In OKC. Filed By The Land Surveyor Noted By PLS License Number



POLLARD & WHITED SURVEYING, INC.
2514 Tee Drive Norman, OK 73069
405-366-0001

CA 2380 exp. 6-30-23

tim@pwsurveying.com

Kevin & Jaime Shay
Boundary Survey In Sec. 15, T9N, R1E, 1M.
Cleveland County, Oklahoma
December 15, 2022
Job: "15A9N1E" In GPS Drawn By: R. Whited
15A9N1E.dgn GPS/GR3 w/FC6000 Sheet 1 of 3

CERTIFICATE OF SURVEY

I, Timothy G Pollard, a Professional Land Surveyor hereby certify that the attached drawing is a true and accurate representation of a Boundary Survey of the described property. Said Boundary Survey is subject to the notes and qualifying statements shown herein.

I further certify that this Survey meets or exceeds the current "Oklahoma Minimum Standards For The Practice Of Land Surveying" as adopted by the Oklahoma State Board Of Licensure For Professional Engineers and Land Surveyors.

EXISTING LEGAL DESCRIPTION *(From the Warranty Deed filed in Book 4730 Page 1500 on April 6, 2010. Lipps and Trammell (grantor) to McCoy & Shay (grantee)*

The Southeast Quarter (SE1/4) of the Northwest Quarter (NW1/4) of the Northwest Quarter (NW1/4) of the Northwest Quarter (NW1/4) of Section Fifteen (15), Township Nine (9) North, Range One (1) East of the Indian Meridian, Norman, Cleveland County, Oklahoma.

AND

The South Half (S1/2) of the West Half (W1/2) of the Northwest Quarter (NW1/4) of the Northwest Quarter (NW1/4) of the Northwest Quarter (NW1/4) of Section Fifteen (15), Township Nine (9) North, Range One (1) East of the Indian Meridian, Norman, Cleveland County, Oklahoma.

SURVEYOR'S NOTE: The above described two tracts can be combined and simplified as:

The South Half of the Northwest Quarter of the Northwest Quarter of the Northwest Quarter (S1/2-NW1/4-NW1/4-NW1/4) of Section Fifteen (15), Township Nine (9) North, Range One (1) East of the Indian Meridian, Cleveland County, Oklahoma.

Tract A

A tract of land in the South Half of the Northwest Quarter of the Northwest Quarter of the Northwest Quarter (S1/2-NW1/4-NW1/4-NW1/4) of Section Fifteen (15), Township Nine (9) North, Range One (1) East of the Indian Meridian, Norman, Cleveland County, Oklahoma written by Timothy G. Pollard, PLS 1474 dated December 15, 2022 using an Arbitrary Bearing of S00°49'58"E between existing monuments on the West line of said NW1/4-NW1/4 as a Basis of Bearing, said tract further described as:

COMMENCING at the Northwest corner of NW1/4-NW1/4;

Thence S00°49'58"E, on the West line of said NW1/4-NW1/4, for a distance of 328.75 feet to the Northwest corner of said S1/2-NW1/4-NW1/4-NW1/4 and the **POINT OF BEGINNING**;

Thence N89°56'55"E, on the North line of said S1/2-NW1/4-NW1/4-NW1/4, for a distance of 416.69 feet;

Thence S00°51'52"E for a distance of 263.55 feet;

Thence S89°55'03"W for a distance of 416.84 feet to the West line of said S1/2-NW1/4-NW1/4-NW1/4;

Thence N00°49'58"W, on said West line, for a distance of 263.77 feet to the **POINT OF BEGINNING**, containing 2.52 acres more or less and subject to easements, rights-of-way and encumbrances of record.

Tract B

A tract of land in the South Half of the Northwest Quarter of the Northwest Quarter of the Northwest Quarter (S1/2-NW1/4-NW1/4-NW1/4) of Section Fifteen (15), Township Nine (9) North, Range One (1) East of the Indian Meridian, Norman, Cleveland County, Oklahoma written by Timothy G. Pollard, PLS 1474 dated December 15, 2022 using an Arbitrary Bearing of S00°49'58"E between existing monuments on the West line of said NW1/4-NW1/4 as a Basis of Bearing, said tract further described as:

COMMENCING at the Northwest corner of NW1/4-NW1/4;

Thence S00°49'58"E, on the West line of said NW1/4-NW1/4, for a distance of 592.52 feet to the **POINT OF BEGINNING**;

Thence N89°55'03"E for a distance of 416.84 feet;

Thence N00°51'52"W for a distance of 263.55 feet to the North line of said S1/2-NW1/4-NW1/4-NW1/4;

Thence N89°56'55"E, on said North line, for a distance of 237.50 feet to the Northeast corner of said S1/2-NW1/4-NW1/4-NW1/4;

Thence S00°51'52"E for a distance of 328.40 feet to the Southeast corner of said S1/2-NW1/4-NW1/4-NW1/4;

Thence S89°55'03"W for a distance of 654.37 feet to the Southwest corner of said S1/2-NW1/4-NW1/4-NW1/4;

Thence N00°49'58"W, on the West line of said S1/2-NW1/4-NW1/4-NW1/4, for a distance of 64.98 feet to the **POINT OF BEGINNING**, containing 2.41 acres more or less and subject to easements, rights-of-way and encumbrances of record.

SURVEYOR'S REPORT AND NOTES

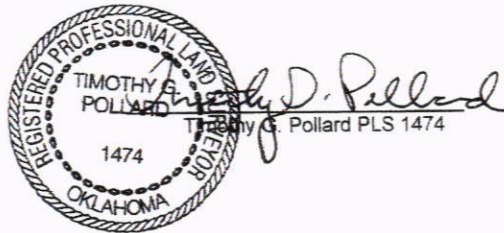
(1) The attached survey is based on a boundary survey of the subject property by LS 1298 dated July 7, 2014 in which the two (2) existing deeds were determined to be S1/2-NW1/4-NW1/4-NW1/4. The attached descriptions were written and staked on the ground, by the undersigned, to subdivide the 4.93 acre tract into two (2) separate tracts. No courthouse research was made by the undersigned for additional deeds or easement information, except as noted hereon.

(2) State of Oklahoma statutes established a statutory right-of-way running along section lines. This would apply and affect the West line of the subject property as shown on the attached drawing.

(3) This survey was made to establish the boundary of the subject tracts only as shown and is based upon previous surveys by others. This does not represent a complete search of the County Clerk's records to determine ownership.

Exhibit E
page 2 of 3

- (4) This survey does not represent a complete search of the County Clerk's records to determine if any easements or rights-of-way affect the property except as noted.
- (5) This survey should be filed with the Cleveland County Clerk and referred to or filed with any deeds, conveyances or other instruments made in connection with the subject property.
- (6) No excavations were made during the progress of this Survey to locate underground utilities and facilities. Call 1-800-522-6543 or the owners of underground facilities to have them marked before any excavation.
- (7) Except as specifically stated or shown this Survey does not reflect any easements, rights-of-way, building lines, restrictive covenants, subdivision restrictions, zoning or other land use regulations. Further this Survey does not show any other facts which an accurate and current title search would disclose.
- (8) All buildings, surface or subsurface improvements on or adjacent to the subject property are not necessarily shown. This "Boundary Survey" was made to locate the boundary of said property and not necessarily to locate improvements.
- (9) The attached boundary survey was based upon Monuments recovered from Oklahoma Certified Corner Records filed in the Oklahoma State Department of Libraries, Archives Division. All monuments recovered were used as part of this survey.
- (10) Bearings are given to show the angle relationship between lines. Bearings are not necessarily geodetic. The basis of bearings for this survey is stated on the attached drawing.
- (11) **IT IS ADVISED**, by the undersigned, that all adjoining property owners be contacted prior to building any fences or other structures or improvements along or on the property lines. Certain legal rights may exist with existing fences that have been used for particular periods of time for lines of possession. An agreement should be reached between the owners on the location of any improvement along or on the property lines prior to the commencement of any such activities.

**NOTARY**

State Of Oklahoma)

County Of Cleveland) SS

Before me, a Notary Public, in and for said County and State, on this _____ day of _____, 2014, personally appeared, Timothy G. Pollard, to me known to be the identical person who executed the within and foregoing instrument and acknowledged to me that he executed the same as his free and voluntary act and deed.

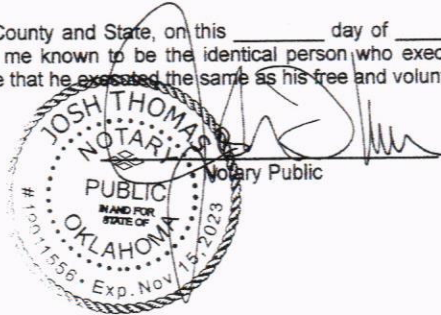


Exhibit E
Page 3 of 3