

CITY OF NORMAN, OK BOARD OF ADJUSTMENT MEETING - SPECIAL MEETING

Development Center, Room A, 225 N. Webster Ave., Norman, OK 73069 Wednesday, December 10, 2025 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 call 405-366-5424, Relay Service: 711. To better serve you, five (5) business days' advance notice is preferred.

ROLL CALL

DISCUSSION ITEMS

1. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF BOA-2526-7: ALLISON BASDEN & LAWRENCE BASDEN JR. REQUESTS A VARIANCE TO SECTION 36-513(D)(1)(A) OF 2.85' TO THE REQUIRED 50' FRONT YARD SETBACK FOR THE PROPERTY LOCATED AT 7338 BRENDA (BERENDA) CIRCLE.

MISCELLANEOUS COMMENTS

ADJOURNMENT



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 12/10/2025

REQUESTER: Allison Basden & Lawrence Basden Jr.

PRESENTER: Justin Fish, Planner I

ITEM TITLE: CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION,

AMENDMENT, AND/OR POSTPONEMENT OF BOA-2526-7: ALLISON BASDEN & LAWRENCE BASDEN JR. REQUESTS A VARIANCE TO SECTION 36-513(D)(1)(A) OF 2.85' TO THE REQUIRED 50' FRONT YARD SETBACK FOR THE PROPERTY LOCATED AT 7338 BRENDA

(BERENDA) CIRCLE.

APPLICANT Allison Basden & Lawrence Basden Jr.

LOCATION 7338 Brenda Circle

ZONING RE, Residential Estate Dwelling District

REQUESTED ACTION Variance to Section 36-513(d)(1)(a) of 2.85' to

the required 50' front yard setback

SUPPORTING DATA Location Map

Application with Attachments

Variance Request Survey

Cleveland County Clerk Ownership Certification

1973 Plat of East Oaks No. 1 Addition

SYNOPSIS:

This application concerns a single-family dwelling that was constructed in 1974. The dwelling was constructed 22.15' from the street right-of-way line; however, the applicable front setback for this parcel is 50' from the street right-of-way line. The placement of the dwelling has resulted in an encroachment of 27.85' from the street right-of-way line. The dwelling has changed owners several times since construction in 1974, and at least 4 times since 2007, as demonstrated by available public county records. To bring the dwelling into conformity with the Zoning Ordinance, the applicant has requested a variance from the Board of Adjustment.

The requested variances as advertised are as follows:

1. A variance to Section 36-513(d)(1)(a) of 2.85' to the required 50' front yard setback.

However, upon further review of this application, it was discovered that the original advertisement was incorrectly based on the dwellings' location from the property line, rather than from the street right-of-way line located 25' deep into the northern portion of the subject lot (see Survey). Thus, in order to address the correct setback line, staff is recommending the BOA consider a variance as follows:

1. A variance to Section 36-513(d)(1)(a) of 27.85' to the required 50' front yard setback.

The application, site plan, and the variance justification form provided by the applicant are attached for your review.

APPLICABLE ZONING ORDINANCE PROVISIONS:

Section 36-513(d)(1)(a):

- (d)(1) Front yard. All buildings shall be set back from street right-of-way lines to comply with the following front yard requirements:
 - a. The minimum depth of the front yard shall be 50 feet.

VARIANCE CRITERIA PER NCC SECTION 36-570(k):

A variance is a "relaxation of the terms of" the Zoning Ordinance that may be allowed where it is not contrary to the public interest and literal enforcement would result in **unnecessary hardship** to the applicant. For the purposes of the Norman Zoning ordinance, "the term 'hardship' means a hardship peculiar to the property of the applicant that is **of such a degree of severity that its imposition is not necessary to carry out the spirit of this chapter and that would amount to substantial and unnecessary waste of the property**. From the terms of this ordinance, a variance shall not be granted by the Board of Adjustment unless and until the required hardship has been demonstrated based upon evaluation of the following factors:

- (a) That special conditions and circumstances exist that are peculiar to the land, structure, or building involved and are not applicable to other lands, structures, or buildings in the same district;
- (b) That the literal interpretation of the provisions of this ordinance would deprive the applicant of **rights commonly enjoyed by other properties in the same district** under the terms of this ordinance;
- (c) That the special conditions and circumstances do not result from the actions of the applicant;
- (d) That granting the variances requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structure, or buildings in the same district;

No non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures, or buildings in other districts, shall be considered grounds for the issuance of a variance.

Where **hardship and uniqueness** are demonstrated, variances **must be narrowly tailored** so as to only alleviate the hardship and not confer special privileges upon the applicant.

Additionally, the existence or non-existence of protest by neighboring property owners may present facts that can be considered in establishing the necessary variance factors, namely and second and fourth factor above, but is not dispositive in any case.

DISCUSSION:

The subject property is located within the East Oaks Addition, which was platted in 1973. As platted, this subdivision is accessed by a 50' private drive (dedicated in conjunction with necessary underground utility easements, see Survey). The center of the platted private drive constitutes the property lines of lots located to both the north and south of the drive, resulting in right-of-way lines 25' deep into the northern portion of the subject lot.

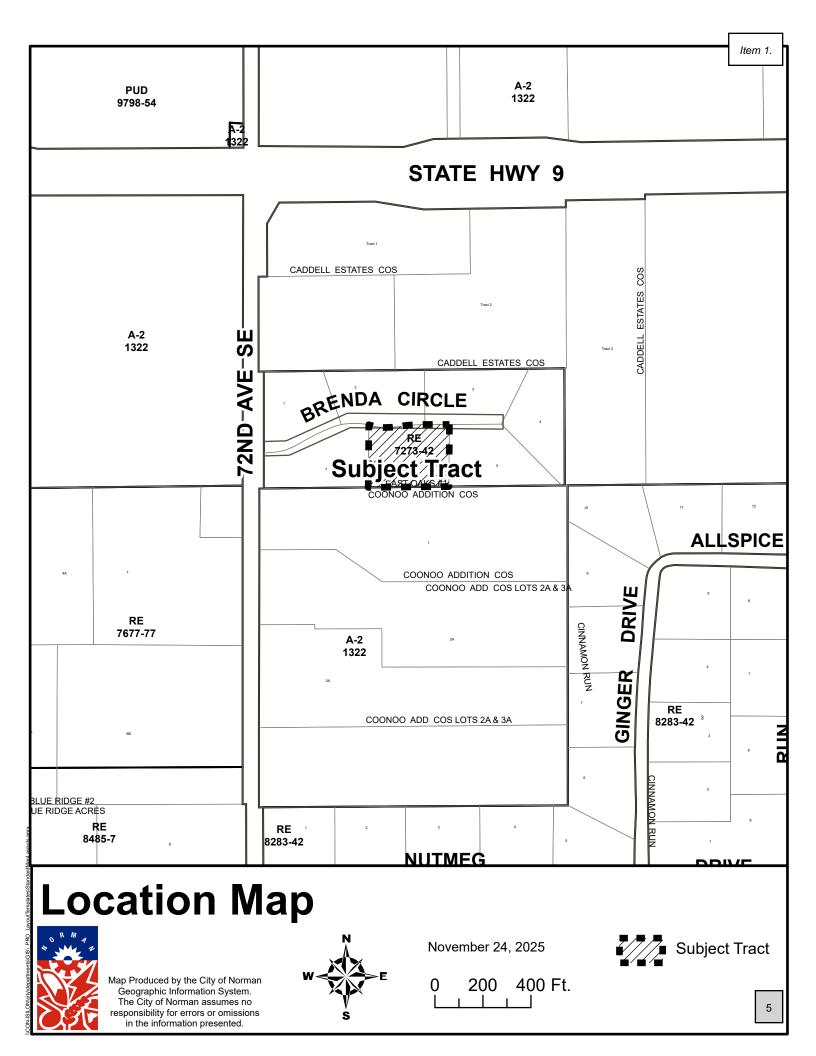
This Addition consists of single-family dwellings zoned RE, Residential Estate Dwelling District, which requires that the front setback be measured from the street right-of-way line. Measuring 50' from this street right-of-way line, the setback/build line is ultimately located 75' deep into the lot itself. The applicants have owned the subject property since 2015, and according to public records the property has changed ownership at least three times prior to their ownership since construction. While attempting to complete a sale of the subject property the prospective buyer was denied title insurance due to the dwelling being considered a non-conforming structure. The applicant has submitted a certified survey showing the existing dwelling to be a distance of 22.15' from the street right-of-way line. This results in an encroachment of the front yard setback of 27.85'.

As addressed by applicant in its response to the variance justification factors, and as is apparent from public historical records, this home was originally built in its current location. As such, applicable factual records support the applicant's assertion that the requested variance need did not result from applicant's actions, but occurred several years prior to applicant's ownership of the property. Additionally, public records also make it clear that this issue passed, apparently unnoticed, through multiple ownership changes prior to applicant's ownership, indicating potential hardship through loss of prior investment by applicant in the property itself. Granting of the requested variance would also not appear to indicate harm to the surrounding properties in light of the more than 50 years that have passed since placement of the home in its current location. Further, granting a variance would allow the applicant to sell the property, a right commonly enjoyed by other properties, and several previous owners of this same property, in the same zoning district.

Additionally, following original advertisement, it was discovered that 25' additional variance was required by applicant for the main dwelling in order to account for the street right-of-way line's 25' encroachment into the property. City staff therefore proposes BOA's consideration of approval of a 27.85' variance.

CONCLUSION:

Staff recommends approval of BOA-2526-6, a request for a variance of 27.85' to the front building line for the principal dwelling on the subject property, subject to Section 36-513(d)(1)(a).



Application for Variance or Special Exception BOARD OF ADJUSTMENT

Case No. BOA_

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

APPLICANT(S)	ADDRESS OF APPLICANT	
Allison A Basden & Lawrence A Basden, Jr.	7338 Brenda Circle	
	Norman, OK 73026	
	Norman, OK 73020	
NAME AND PHONE NUMBER OF CONTACT PERSON(S)	EMAIL ADDRESS	
Allison Basden 405-990-0220 Jim West: 405-760-7849	aabasden72@gmail.com	
	jimwest@dillardcies.com	
Legal Description of Property: (UNLESS THE LEGAL DESCRIPT)	ON is a simple Lot and Block, the Legal De	SCRIPTION MUST BE
PROVIDED IN A WORD DOCUMENT EMAILED TO CURRENT.PLANNING	NormanOK.gov)	
Lot 6, Block 1, East Oaks 1 Norman, OK 73026		
Requests Hearing for: 36 513 (d)(1)(a)		
VARIANCE from Chapter 36, Section 513 (d)(1)(a)		
Special Exception to		
Detailed Justification for above request (refer to attached Review Proced	ures and justify request according to classification ar	nd essential
requirements therefor). For any variance, the "Detailed Justification of Variable Selling the house. When home was built in 1974, it was built over the 50' build line. This violation is preventing the buyer		
The supplier of the supplier o	r norm obtaining the misurance. Requesting a variance of 2-55 leet to the required	50 root front yard set back.
SIGNATURE OF PROPERTY OWNER(S):	ADDRESS AND TELEPHONE:	
DUMUN PASSES	7338 Brenda Circle	
Function to the Day.	Norman, OK 73026	
	405-990-0220	
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Application & Detailed Justification Form	1	Date Submitted:
Proof of Ownership Certified Ownership List and Radius Map	Variance from Chapter,	
Contribution ownership bist and readings (viap)	ction	
Filing Fee of		Checked by:
Emailed Legal Description in Word Document	SPECIAL EXCEPTION to	

Item 1.

CERTIFICATION OF OWNERSHIP



Case No. BOA

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

DATE: November 21, 2025
I, Allison A Basden & Lawrence A. Basden, Jr. , 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: 7338 Brenda Circle Norman, OK. 72026
Address: Agent's Signature:
Address:
NOTARY NOTARY
$\frac{\text{NOTARY}}{\text{Before me, the undersigned, a Notary Public in and for the State of Oklahoma, on this}} = \frac{22}{\text{day of}} = \frac{800}{\text{NoU}}$
Before me, the undersigned, a Notary Public in and for the State of Oklahoma, on this
Before me, the undersigned, a Notary Public in and for the State of Oklahoma, on this <u>22</u> day of <u>NOU</u> , 20 <u>25</u> , personally appeared <u>Allzson Basden & Laurence</u> <u>Basden II</u> , to me known to be the identical
Before me, the undersigned, a Notary Public in and for the State of Oklahoma, on this
Before me, the undersigned, a Notary Public in and for the State of Oklahoma, on this
Before me, the undersigned, a Notary Public in and for the State of Oklahoma, on this
Before me, the undersigned, a Notary Public in and for the State of Oklahoma, on this

Item 1.

BOARD OF ADJUSTMENT DETAILED JUSTIFICATION OF VARIANCE REQUEST

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

Revised 08/23

Please attach additional sheets, as necessary.	
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Special conditions or circumstances exist that are peculiar to the land, structure, or building involved and are not applicable to other lands, structures, or buildings in the same district:

Yes my house was built in the wrong place in 1974 as well as other houses.

Attest

ARB LAB

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

Yes, house was orginally built and encrouching set back.

Attest

AMB LAB

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

Yes. Home was built in 1974. It has passed title 5 additional times

Attest

AAB LAB

Granting of the Variances requested will not confer on the applicant any special privilege that is denied to other lands, structures, or buildings in the same district:

Yes because it allows house to be sold like other houses in this zoning district.

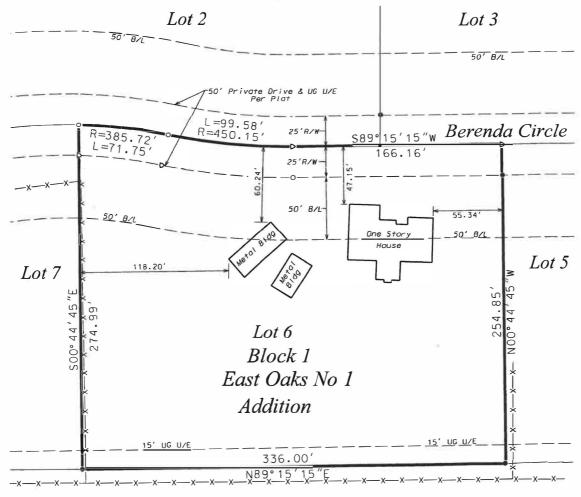
Attest

AMB LAB

CERTIFICATE OF SURVEY

LOT 6 BLOCK 1 OF EAST OAKS No 1 ADDITION NORMAN, CLEVELAND COUNTY, OKLAHOMA

7338 Berenda Circle, Norman, OK 73026



Bearings shown are based on the final Plat of East Oaks No 1 Addition to Norman, Cleveland Oklahoma as filed in Plat Book 11 at Page 21, dated July 25, 1973 in the Cleveland County Clerk's records.

- (•) Indicates Existing 3/8" Iron Pin Or Monument As Noted Hereon.
- Indicates Set 1/2" Iron Pin With Plastic Cap Marked " Pollard PLS 1474"
- (D) Indicates Mag Nail With Metal Washer Marked " P+W Survey CA 2380"
- (—X—X—) Indicates Existing Fence Line
- (R/W) Indicates Platted Street Right-of-way
- (UG U/E) Indicates Platted Underground Utility Easement

(B/L) - Indicates Platted Building Line Setback

The Subject Property Is Located in Zone "X" according FEMA's FIRM Map/Panel Number 40027C0315H with an effective Date of 09/26/2008. Zone "X" is best defined as "Areas of Minimal Flood Hazards".

1

State Highway 9

LOCATION MAP

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8

N

SUBJECT LOCATION

2nd

30

POLLARD & WHITED SURVEYING, INC. Certificate of Survey Lot 6 Block 1 East oaks No1 Addition Norman, Cleveland County, Oklahoma 2514 Tee Drive Norman. OK 73069 Drawn By: T. Pollard November 20, 2025 405-366-0001 CA 2380 exp.6-30-27 tpollard@pwsurveying.com East oaks 1.dan Sheet 1 of 2

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 survey of the described property.

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.

LEGAL DESCRIPTION

Lot Six (6) of Block One (1) of East Oaks No 1 Addition to Norman, Cleveland County, Oklahoma according to the recorded plat thereof.

NOTES

- (1) The attached boundary survey was made to establish the boundary locations as shown hereon and is based on the Final Plat of East oaks No. 1 Addition to Norman, Cleveland County, Oklahoma, as filed in Plat Book 11 at Page 21, date July 25, 1973, in the Cleveland County Clerk's records.
- (2) This does not represent a complete search of the County Clerk's records by the undersigned, to determine ownership.
- (3) 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. The undersigned has not abstracted the property.
- (4) This survey should be filed with the Cleveland County Clerk and referred to by any deeds, conveyances or other instruments made in connection with the subject property.
- (5) No excavations were made during the progress of this Survey to locate underground utilities and facilities. Contact OKIE 811 or the owners of underground facilities to have them marked before any excavation.
- (6) 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.
- (7) 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 all improvements.
- (8) 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.

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. Certain legal rights may exist with existing fences that have been used for particular periods of time for lines of possession. If any difference of opinion is indicated a resolution should be reached, preferably in writing, between the owners on the location of any improvements along or on the property lines.

TIMOTHY &

KLAHON

Pollard, PLS 1474

Notary Public

NOTARY

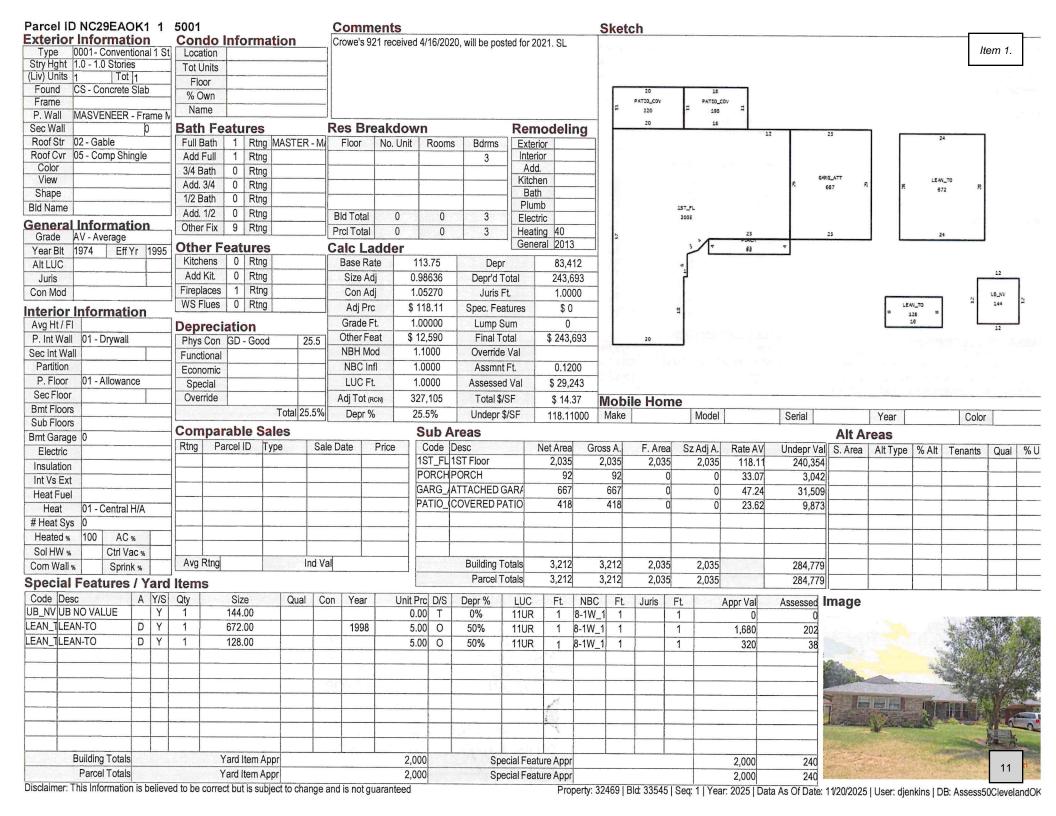
State Of Oklahoma) County Of Cleveland) SS

Before me, a Notary Public, in and for said County and State, on this 20th day of November 2025, 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.

UBLIC

Etp. Novem

Sheet 2 of 2



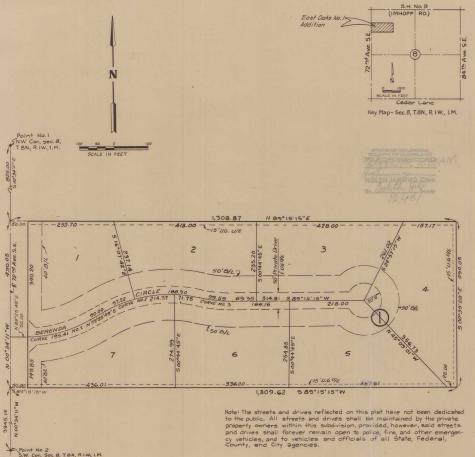
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EAST OAKS NO I

ADDITION TO

NORMAN, CLEVELAND COUNTY, OKLAHOMA

Being a part of the NW/4 NW/4 Sec. 8, T. 8 N., R. I W., I.M.



Legal Description A tract of land located in the NW/4, NW/4, Sec. 8, T.8N. R.I.W. L.M. more particularly described as follows: Beginning at a point which is 500°34'II"E (assumed bearing along the west line of said section) a distance of 825.00 feet from the NW corner of said section; thence N 89° 15' 15" E a distance of 1,308.87 feet; thence 500°39'28" E a distance of 490.05 feet; thence \$89°15'15" W a distance of 1,309.62 feet; thence N 00°34'11"W a distance of 4'30.05 feet to the

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2	385.72	42° 30' 00"	286.12	150.00
3	450.15	12° 40' 34"	99.58	50.00

OWNERS CERTIFICATE AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS: that we, the undersigned, Dell Pierce and Norma Jean Pierce

Item 1.

are the owners of and the only possesors of any right, title or interest in and to the following described property: See legal d and we have caused said land to be surveyed and subdivided into Lots, Blocks, Streets and Avenues, and that hereafter said subdivided land shall be known a to Norman, Oklahoma, and we dedicate to public use all the easements within the subdivision. All lands so dedicated for public us

clear from all encumbrances and mortgages. for the purpose of providing an orderly development of the entire tract, the property within the subdivision is subject to certain restrictions contained in instrument executed as a part and parcel hereof and filed for record in the office of the County Clerk of Cleveland County, Okiohoma with this plat and de IN WITNESS WHEREOF We, the undersigned, have caused this instrument to be executed, on the 16 th day of May, 1973.

Dell Pierce Pierce Norma Jean Pierce

STATE OF OKLAHOMA SS

Before me, the undersigned, a Notary Public in and for said County and State on the Middle of Many , 1973, personally appeared Pierce and Norma Jean Pierce

known by me to be the identical persons who subscribed their names as mokers to the within and foregoing instrument and acknowledged to me that they same as their free and valuntary act and deed for the purpose and uses therein set forth.

WITNESS my hand and seal the day and year last above written.

Sue Woodard

Harold Cox, President

BONDED ABSTRACTER'S CERTIFICATE:

The undersigned duly qualified and lawfully bonded Abstracter of Titles in and for the County of Cleveland, State of Oklahoma, hereby certifies that the reco proper officials of said County show that title to the land included in the annexed plat of East Oaks No. I. Addition

to Norman, Oklahoma, is vested in Dell Pierce and Norma Jean Pierce

and that on the 14 day of MAY , 1973, there are no actions pending or judgments of any nature in any court or on file with the Clerk of any Court in State against said land or the owner thereof, that he lares are paid for the year 1972, and all the prior years, that no autstanding lax sales certificates are against said land or lox deads are issued to any person or persons, and that here are no liens, martgages or other encumbrances of any kind against the land included annexed plat. ELECET: Annotingoes, Experiments and Mineral Conveyances of Record.

IN WITHESS WHEREOF, said Bonded Abstracter has executed this instrument at Norman, Okiohoma, this 14 day of MAY , 1973, American First Abstract Tests:

ATTEST:

Bullin Tests

Hariat Cox, President

Hariat Cox, President

STATE OF OKLAHOMA

COUNTY OF CLEVELAND COUNTY OF CLEVELAND.

After me, in the undersigned, a Notary Public in and for said County and State, on the 17th day of MAY, 1973, personally appeared Harold Cos, President to me to be the identical person who subscribed his name as moter to the within a designing instrument and exhamiled to me to the executed his free and voluntary act and deep of soil capacition for the purpose and uses there are that. WITNESS my hand and seal the day and year last above written.

My commission expires: Leptember 30,1974

Kena Vanis Notary Public

COUNTY TREASURER'S CERTIFICATE:

I, Mabel Gilmore , do hereby certify that I am the duly elected, qualified and acting County Treasurer of Cleveland County, State of Okiahoma, the of said County show all taxes are paid for the year 1972 and all prior years on the land shown on the annexed plot of East Oaks No. I Addition to Norman, Oklahoma

IN WITNESS WHEREOF, soid County Treasurer has caused this instrument to be executed at Norman, Oklahama, on this 15 day of May 1, 1973.

County Treasurer

CITY PLANNING COMMISSION APPROVAL:

William H. Hardwick. Chairman of the City Planning Commission of Norman, Oklahoma, do hereby certify that the said Planning Commission

to Norman, Oklahoma, at a meeting on the 14th day of June , 1973, and forwarded same to City Council without recommendation.

William H. Hardwick, Char

CITY COUNCIL APPROVAL

Mayor of the City of Norman, Cleveland County, Oklahoma, do hereby certify that the City Council of said City approved the

to Norman, Oklahoma, at a meeting on the 10TH day of July , 1973

ATTEST: DAW ilent

City Clerk

ENGINEER'S CERTIFICATE

, a registered professional engineer and registered land surveyor do hereby certify that the annexed plat of East Oaks No. 1 Addition

to Norman, Okidhoma, consisting of this sheet only, correctly represents a survey thereof made under my supervision and that all of the monuments of actually exist and their respective positions are correctly snown.

GROUND WATER ASSOCIATES, Consulting E

aul E. Steels

STATE OF OKLAHOMA SS

Before me the undersigned, a Notary Public in and for said County and State, on the 16 day of May , 1973, personally appeared Carl E. Steele by me to be the identical person who subscribed his name as maker to the within and foregoing instrument and acknowledged to me that he executed the free and voluntary act and deed for the purpose and uses therein set forth. WITNESS my hand and seal the day and the year last above written.

My commission expires: 11-3-73

