

The City of Durant encourages participation from all its citizens. If participation at any public meeting is not possible due to a disability, notification to the City Clerk at least 48 hours prior to the scheduled meeting is encouraged in order to make the necessary accommodations. The City of Durant may waive the 48-hour rule if interpreters for the deaf (signing) or translation services for limited English proficient (LEP) individuals are not the necessary accommodation.

DURANT BOARD OF ADJUSTMENT

5:30 PM

**Roscoe J. Hatfield
Council Chambers,
300 West Evergreen,
Durant, Oklahoma
AGENDA**

January 27, 2022

CALL TO ORDER

INVOCATION/FLAG SALUTE

ROLL CALL

ORDER OF BUSINESS

1. Consent Items

To help streamline meetings and allow the focus to be on other items requiring strategic thought, the "Consent Items" portion of the agenda groups the routine, procedural, and self-explanatory non-controversial items together. These items are voted on in a single motion (one vote). However, any Council member requesting further information on a specific item thus removes it from the "Consent Items" section for individual attention and separate vote.

- a. Consider Approval of Regular Meeting Minutes of November 18, 2021

2. Consider Items Removed from Consent

3. Public Hearings

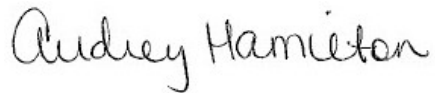
- a. BOA 2021-06 Request by Durant Independent School District (Washington Irving Elementary School) for a variance to §154.041 (C) (1) pertaining to the replacement of a nonconforming sign for property located at 812 W. Locust Street
- b. BOA 2021-07 Request by Terry Bowler for a variance to §157.32 District Regulations pertaining to lot size requirements for property located at 2608 Rodeo Road
- c. BOA 2022-01 Request by Jose Narvaez for a variance to §157.032 District Regulations pertaining to lot size requirements for property located at 1415 W. Mississippi Street
- d. BOA 2022-02 Request by Texoma Victory Real Property Investment LLC for a variance to §157.032 District Regulations pertaining to the front setback requirements for property located near West Main Street and State Highway 70

4. New Business

ADJOURNMENT

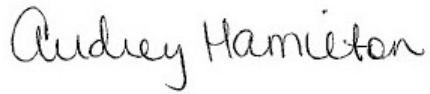
CERTIFICATE

This is to certify that in conformity with the Oklahoma Open Meeting Act, public notice of the date, time and place of this meeting was filed with the City Clerk of Durant on the 19th day of November, 2021 and that an agenda of said meeting was posted at the place of such meeting at 09:00 a.m. on the 25th day of January, 2022.

A handwritten signature in cursive script that reads "Audrey Hamilton".

Audrey Hamilton, City of Durant

This is to certify that in conformity with the Oklahoma Open Meeting Act, public notice of the date, time and place of this meeting was filed with the City Clerk of Durant on the 28th day of October, 2020 and that an agenda of said meeting was posted at the place of such meeting at 09:00 a.m. on the 16th day of November, 2021.



Audrey Hamilton, City of Durant

**MINUTES OF THE MEETING OF DURANT BOARD OF ADJUSTMENT
November 18, 2021 AT 5:30 PM, Roscoe J. Hatfield
Council Chambers,
300 West Evergreen,
Durant, Oklahoma**

CALL TO ORDER

Board of Adjustment Chair Rhynes called the meeting to order at 5:35 p.m.

INVOCATION/FLAG SALUTE

Board Member Jones provided the invocation. Board Chair Rhynes led the flag salute.

ROLL CALL

Present:

Board of Adjustment Chairman David Rhynes
Board Member Mike Allen
Board Member Wayne Jones

Absent:

Board of Adjustment Vice Chairman Mike Davis
Board Member Conner Alford

ORDER OF BUSINESS

1. Consent Items

To help streamline meetings and allow the focus to be on other items requiring strategic thought, the "Consent Items" portion of the agenda groups the routine, procedural, and self-explanatory non-controversial items together. These items are voted on in a single motion (one vote). However, any Council member requesting further information on a specific item thus removes it from the "Consent Items" section for individual attention and separate vote.

a. Consider Approval of Regular Meeting Minutes of October 28, 2021

Motion was made by Board Member Jones and seconded by Board Member Allen to approve the minutes as presented.

Motion Passed with the following vote:

Ayes: Rhynes, Allen, Jones

Nays: None

Abstain: None

- b. Discussion, Consideration and Possible Action on the 2022 Board of Adjustment Regular Meeting Calendar

Danielle O'Neal reviewed with the Board a draft of the 2022 Calendar for Board of Adjustment meetings.

Motion was made by Board Member Allen and seconded by Board Member Jones to approve the 2022 calendar and move the November and December meeting dates to the week before.

Motion Passed with the following vote:

Ayes: Rhynes, Allen, Jones

Nays: None

Abstain: None

2. Consider Items Removed from Consent

3. Administration

4. Public Hearings

- a. BOA 2021-05 Request by Durant Independent School District (Durant Middle School) for a variance to §159.14 Tables (A) pertaining to an animated or moving sign/monument sign to be placed within a residential zoned area and §159.14 Tables (B) pertaining to an animated or moving / electronic reader board sign vertical clearance and setback for property located at 802 W Walnut Street

Danielle O'Neal asked the Board to take no action on this item. The applicant has withdrawn their request.

Board Chairman Rhynes called for no action to be taken on the item at this time.

- b. BOA 2021-06 Request by Durant Independent School District (Washington Irving Elementary School) for a variance to §159.14 Tables (A) pertaining to animated or moving sign/monument sign to be placed within a residential zoned area and §159.14 Tables (B) pertaining to an animated or moving / electronic reader board sign vertical clearance and setback for property located at 812 W. Locust Street

Danielle O'Neal asked the Board to take no action on this item.

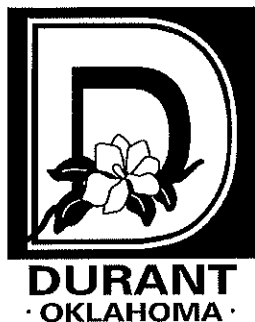
Board Chairman Rhynes called for no action to be taken on the item at this time.

5. New Business

There was no new business.

ADJOURNMENT

Motion made by Board Member Jones and seconded by Board Member Allen to adjourn the meeting.



THE CITY OF DURANT

Office of Community Development

Date: 01/27/2021
To: Board of Adjustment
Case: BOA 2021-06
From: Danielle O'Neal, Community Development Director
Re: Request by Durant Independent School District (Washington Irving Elementary School) for a variance to §159.041 (C) (1) pertaining to a nonconforming sign for property located at 812 W. Locust Street

Request: The Durant Independent School District (Washington Irving Elementary School) is asking for a variance to §159.041 (C) (1) pertaining to a nonconforming sign for property located at 812 W. Locust Street.

Current Zoning: R-2, Two-Family Residential

Surrounding Properties:

Direction	Zoning	Use
North	R-2	Residential
East	R-2	Residential
South	R-2	Residential
West	R-2	Residential

Lot Characteristics

Width	~300 ft.
Depth	~300 ft.
Total Area	~2.07 acres (90,000 sq. ft.)

Background: The applicant approached staff regarding the desire to place an animated / moving sign at the Washington Irving Elementary School location. There is an existing lighted changeable letter sign that the applicant is wanting to replace the existing sign face to an animated / moving sign.

The existing sign is considered nonconforming; however, a part of the nonconforming ordinance states the replacement of the sign would reduce visual clutter. Since the sign is going to an animated / moving sign, staff could not state that the replacement sign would reduce visual clutter. Therefore, the applicant is requesting a variance so they can replace the existing sign for an animated / moving sign.

Notifications have been made to the surrounding property owners. At the time of this report, staff received a written response opposed to the request and a phone call stating they were for the request. The written response is attached to this report.

Analysis: §158.030 of the City of Durant Code of Ordinances states the following with regards to a variance, and should be taken into consideration when making a decision.

“A variance from the terms, standards and criteria that pertain to an allowed use category within a zoning district as authorized by the Zoning Ordinance may be granted, in whole, in part or upon reasonable conditions as provided herein, only upon a finding by the Board of Adjustment that:

- (A) The application of the ordinance to the particular piece of property would create an unnecessary hardship or result in exceptional practical difficulties;*
- (B) The conditions are peculiar to the particular piece of property involved;*
- (C) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the ordinance or the Comprehensive Plan; and*
- (D) The variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship.*

The following is the ordinance language regarding nonconforming sign:

§ 159.041 NONCONFORMING SIGNS.

(A) A legal nonconforming sign is a sign which does not conform to each and every applicable provision of the city's signage regulations, but was:

- (1) Lawfully in existence prior to the passage of Ordinance 1345, as adopted on September 10, 2001;
- (2) Lawfully in existence and in use in the city prior to and at the time the provisions of the city's signage regulations with which it does not conform became effective; or
- (3) Lawfully in existence and in use on property outside the city at the time of annexation of such property to the city.

(B) All legal nonconforming signs, billboards, or commercial advertising structures specifically describing the business or nature of a conforming or legal nonconforming building, structure, or use on the premises may be maintained during the lawful lifetime of the building, structure, or use.

(C) Replacement, alteration, or relocation on same parcel.

(1) Although the resulting sign will not be in conformance in all respects with the provisions of the signage regulations, a sign permit may be issued to allow replacement, alteration, or relocation on the same parcel of a legal nonconforming sign provided that:

- (a) The resulting sign is no larger in square footage than the original legal nonconforming sign;
- (b) The resulting sign has received design approval from the Director of Community Development; and
- (c) The Director of Community Development has determined that the resulting sign will reduce visual clutter or visual blight.

The Future Land Use Map has this area as Low-Density Residential. Current City Code requires schools to be within residential zoned areas.

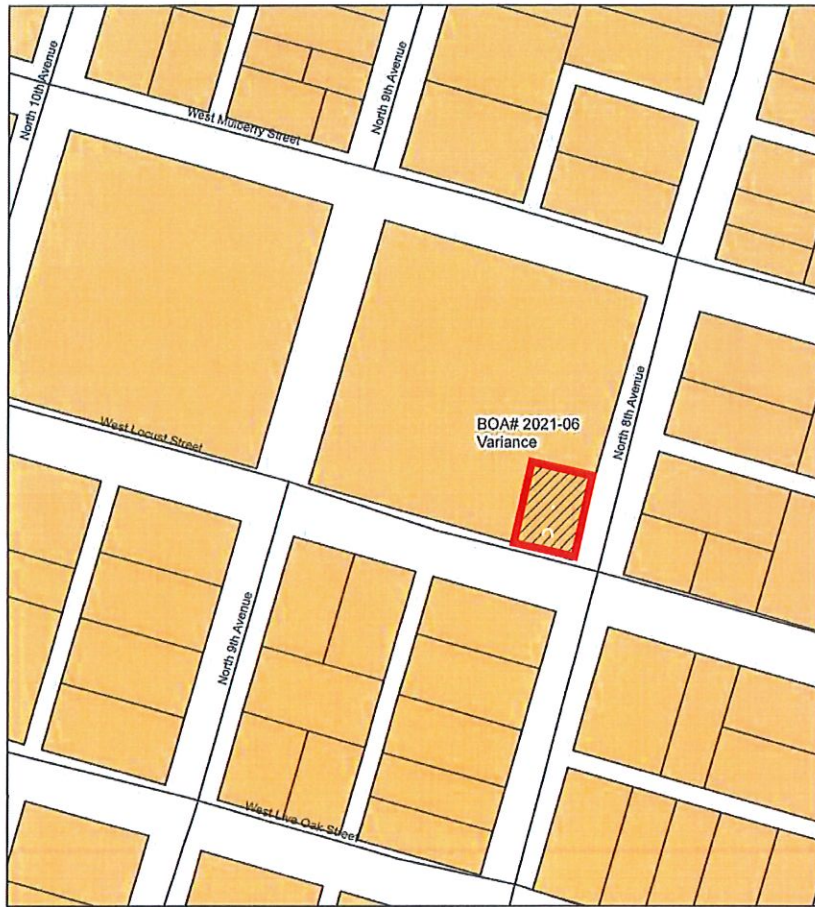
Staff Recommendation: Staff does not have a problem with this request; however, staff could not state that the new sign would reduce visual clutter. Additionally, staff recognizes this is an existing sign that is being upgraded.

Required Action: Hold a public hearing and approve or deny the variance to allow the replacement of the existing nonconforming sign to an animated / moving sign. Any specific conditions imposed by the Board should be read into the any approval motion.

Aerial Maps



Zoning Map



- A1 - Agriculture
- C0 - Professional & Business Office
- C1 - Convenient Commercial
- C2 - Highway Commercial
- C3 - General Commercial
- CBD - Central Business District
- H1 - Health Facilities
- I1 - Light Industrial
- I2 - Medium Industrial
- R1 - Single Family Residential
- R2 - Two Family Residential
- R3 - General Residential - Multi-Family

A map of a city grid with streets labeled. A blue square highlights the intersection of North 8th Avenue and West Mulberry Street. The map shows a grid of streets with various colors (yellow, orange, red, purple) and labels for North and West streets.

Streets shown include:

- North 15th Avenue
- North 14th Avenue
- North 13th Avenue
- North 12th Avenue
- North 11th Avenue
- North 10th Avenue
- North 9th Avenue
- North 8th Avenue
- North 7th Avenue
- North 6th Avenue
- North 5th Avenue
- North 4th Avenue
- North 3rd Avenue
- North 2nd Avenue
- West Mulberry Street
- West Pine Street
- West Locust Street
- West Live Oak Street
- West Elm Street
- West Beech Street
- West Arkansas Street
- West Texas Street
- West Louisiana Street
- West Maple Street
- West Oak Street
- West Elm Street
- West Beech Street
- West Arkansas Street
- West Texas Street
- West Louisiana Street
- West Maple Street
- West Oak Street

- City
- Recreation
- Agriculture
- Hospital/Health
- CBD
- Industrial
- Commercial
- Mixed Use - Commercial/Industrial
- Mixed Use - Commercial/Residential
- Mixed Residential
- Residential - Low Density
- Residential - Low to Medium Density



THE CITY OF DURANT

Office of Community Development

Board of Adjustment Application

Petition # BOA 2021-06 Fee \$ \$300

Name: Gary Canada	Gary.canada@durantisd.org	Phone #1 580-924-3805
Mailing Address: 812 West Locust St.		Phone #2 580-924-1276
City: Durant	State: OK	Zip: 74701
Fax # 580-920-4939		
Applicant's Interest in Property:		
Applying for a variance in order to install a digital marquee at Washington Irving Elementary School.		

1. I, the undersigned, request a hearing before the Board of Adjustment, in regard to the following:
 - ☐ Appeal Of The Zoning Administrator's decision/Interpretation
 - ☐ Change From One Nonconforming Use To Another Nonconforming Use
 - ☒ Variance

2. Description of request being made (indicate appropriate section or subsections of the local zoning ordinance, where applicable): Installation of a digital marquee where the current marquee is located on 8th street, between Locust and Mulberry St. _____

3. Reasons for request (may be attached): In order to do a better job communicating with our students, parents, staff, and stakeholders about what's happening at Washington Irving Elementary School and the Durant Independent School District. We are requesting a variance be approved for the installation of a digital marquee. _____

4. Legal description (if applicable, may be attached): Attached _____

5. Is site plan attached (if determined necessary by the administrative official) containing the applicable requirements of the local zoning ordinance?
 Yes ☒ No ☐

6. Location of property: 812 West Locust St. Present
 Zoning: _____

7. The foregoing information and attachments are true and accurate to the best of my knowledge:

Applicant (Signature) *Gary Canada* Date 8/23/21

Date Filed	Date Payment Received	Notification Mailed Date Initial	Comments
Initial	Initial		
Proof of Publication Received		Property Posting Verified	Comprehensive Plan Recommendations
Date	Initial	Date	Initial

Staff Recommendation	PC Recommendation	City Council Action	Ordinance #
☐ Approve	☐ Approve	☐ Approve	
☐ Deny	☐ Deny	☐ Deny	

WARRANTY DEED

No 64482

KNOW ALL MEN BY THESE PRESENTS: That L. K. Hughey and wife Maude W. Hughey,

of Bryan County, State of Oklahoma, parties of the first part, in consideration of the sum of
DOLLARS,

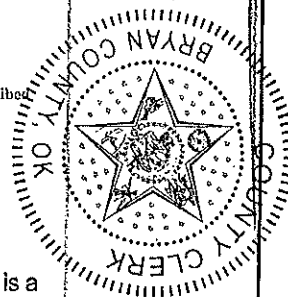
Three Thousand -----

in hand paid, the receipt of which is hereby acknowledged, and the further consideration of

do hereby grant, bargain, sell and convey unto Board of Education, City of Durant, Okla.

of Bryan County, State of Oklahoma, party of the second part, the following described
real property and premises, situate in Bryan County, State of Oklahoma, to-wit:

All of Block # 57 in the City of Durant, Okla.

STATE OF OKLAHOMA } ss
BRYAN COUNTYI hereby certify that the foregoing is a
true, correct and full copy of the instrument
herewith set out as appears of record in this
office this 13 day of Aug 20 21
Tammy Reynolds County Clerk
SC

together with all 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 part of the second part, heirs and
assigns forever, free, clear and discharged of and from all former grants, charges, taxes, judgments, mortgages and other liens and encum-
brances of whatsoever nature

Signed and delivered this 22 day of September 1919

L. K. Hughey,
Maude W. Hughey,

\$3.00 revenue stamp attached,

STATE OF OKLAHOMA,

Bryan County } ss.
 a Notary Public in and for said County and State, on this 22nd day of September 1919
 personally appeared L. K. Hughey and wife Maude W. Hughey,
 to me well 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) Witness my hand and official seal, the day and year above set forth.

My Commission expires Feb'y, 16th 1922

Fred Lowry, Notary Public.

Filed for record on the 23 day of Sept 1919, at 3:40 o'clock P. M.
 By Emma Mae Trimble Deputy, John Finney County Clerk

(SEAL)

STATE OF OKLAHOMA, SS
BRYAN COUNTY

I hereby certify that the foregoing is a true, correct and full copy of the instrument herewith set out as appears of record in this office this 13 day of Aug 20 21
Tammy Reynolds County Clerk



STATE OF OKLAHOMA,
Grady County, ss.

I, W. M. Bandurant, Ex-Officio Clerk of the County Court, in and for the County of Grady, State aforesaid, do hereby certify that the instrument hereto attached is a full, true and correct copy of Order Confirming report of Commissioners in the matter therein entitled as the same appears of record in this office.

Witness my hand and the seal of said Court at Chickasha Oklahoma, on this 5th day of July, 1909.

(SEAL)

W. M. Bandurant,
Ex-Officio County Court Clerk
Clerk of the County Court.

This instrument was filed for record this July 6, 1909, at 10.20 o'clock a.m.

Record 36 Page 236. W. L. Poole,
Register of Deeds, Bryan County, Okla.

#7517

The following is the resolution passed by the Trustees of the General Assembly of the Presbyterian Church, in the United States, at a call meeting, held March 17th, 1909.

Charlotte, N. C. March 17, 1909.

"The Board met at a call meeting of President, in the office of Mr. Geo. E. Wilson, and was opened with prayer by Rev. A. R. Shaw. Present: Geo. E. Wilson, A. R. Shaw, D. W. Oates, P. M. Brown, J. H. Wearn, A. G. Brenizer and Uno. R. Pharr.

The purpose of the meeting to confer upon the President and Secretary authority to execute a Deed to the Board of Education, Durant, Okla. for Lots 1-2-3-4-5-6, in Block #58, in the City of Durant, Okla.; formerly Durant, Chactaw Nation, Indian Territory, and according to the plot of said City, as approved by the Secretary of Interior.

On motion of Mr. Brown, the following resolution was unanimously adopted:- That the President of this Board be and he is hereby authorized and directed to execute a real estate deed conveying Lots Nos. 1-2-3-4-5 & 6, in the City of Durant, Chactaw Nation, Indian Territory, to the Board of Education of the City of Durant, Okla., and according to the plot of said City, as approved by the Secretary of the Interior for the consideration of \$20,000.00. Said Deed to be signed by the President and countersigned by the Secretary and to affix the corporate seal to the said Deed, and to deliver the said Deed. And to do any and every other act necessary to be done to vest the title to the said real estate in the said Board of Education of the City of Durant, Okla.

This deed was read and formerly executed in the presence of the Board." I, John R. Pharr, Secty. & Treas., of the Trustees of the General Assembly of the Presbyterian Church, in the United States, do hereby certify that the foregoing is a true copy of the resolution of the said Board of Trustees, passed March 17, 1909, at a call meeting, as appears by my records.

Witness my hand and official seal, this the 4th day of May, 1909.

(SEAL)

John R. Pharr, Sec'y. & Treas.

This instrument was filed for record this July 6, 1909, at 3.30 o'clock p.m.

Record 36 Page 237. W. L. Poole,
Register of Deeds, Bryan County, Okla.

#7520

IN THE DISTRICT COURT WITHIN AND FOR THE COUNTY OF BRYAN,
STATE OF OKLAHOMA.

The First National Bank of Durant,.....Plaintiff

vs

D. O. Nail,.....Defendant.

ORDER APPROVING SHERIFF'S SALE.

now on this 5th day of July, 1909, comes the plaintiff, The First National Bank of Durant, by its attorney, Chas. C. Parker, and moves the court to confirm a sale of real estate made by the sheriff of bryan County State of Oklahoma on the 10th day of June, A. D. 1909 under a writ of execution issued out of the Office of the Clerk of the District Court of said County and State, dated the 22nd day of April, 1909: said sale being of the following described property to-wit: all of the right, title and interest of D. O. Nail in and to a one-third undivided interest, subject to the life estate in and to the

W/2 of SE/4 of Sec. three (3), Twp. Five (5) South, Range nine (9) East; Also Lot one (1) and the NE/4 of SE/4 of NE/4; and the N/2 of SW/4 of NE/4 and the SE/4 of SW/4 of NE/4 of Section three (3), Twp. five (5) South and Range nine (9) East. All said property being situated in Bryan County, State of Oklahoma.

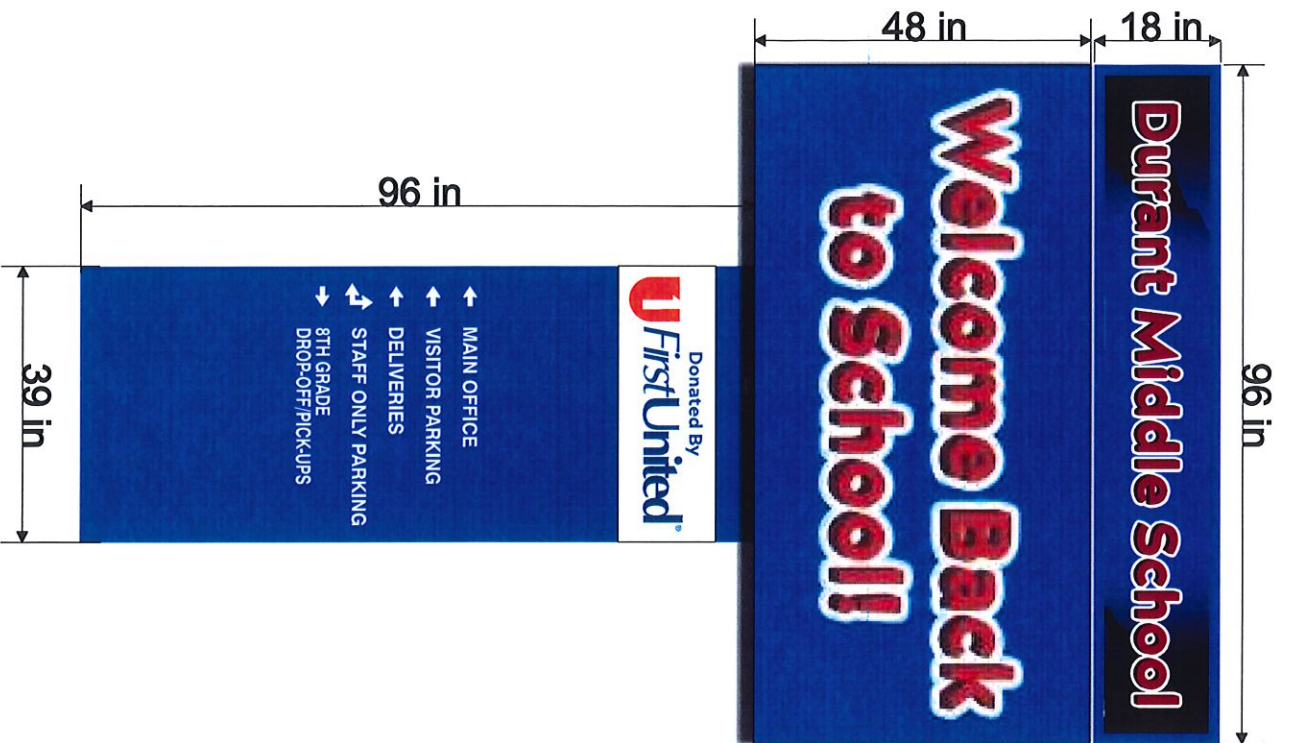
to O. H. Perkins, and the Court having examined the proceedings of said sheriff, under said writ of execution, finds that the same have been performed in all respects in conformity to law: and no exceptions being filed nor objections made, it is ordered and adjudged by the court, that said sale and the proceedings be, and the same are hereby approved and confirmed, and it further ordered that A. S. Hamilton, Sheriff of Bryan County make and execute to the said purchaser at said



Prepared by:
Michael Campo

The Sign Depot
Durant, OK

(580) 931-9363
info@signdepotdurant.com



18" x 96" Traditional Lighted Sign
w/ LED Internal Illumination

48" x 96" Electronic Message Center
Pitch 10mm - Full Color
w/ Auto Dimming by Sensor
and/or Schedule

Pole w/ 96" x 39" Decorative Skin

Prepared by:
Michael Campo



(580) 931-9363
info@signdepotdurant.com

PUBLIC COMMENT FORM

City of Durant
Community Development Department (please return by November 10, 2021)
300 W. Evergreen St.
P.O. Box 578
Durant, OK, 74701

☐ I am **FOR** the requested variance as explained on the attached public notice for Petition # BOA2021-06

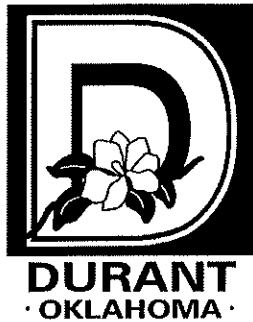
☒ I am **AGAINST** the requested variance as explained on the attached public notice for Petition #BOA2021-06

Date, Location & Time of Zoning Board of Adjustment meeting:

Thursday, November 18, 2021, 5:30 pm
Durant City Hall, Council Chambers, 300 W Evergreen Street, Durant OK 74701

Name: Scott Bryant & G. Macy Bryant
(please print)
Address: 214 & 218 W Sycamore
Durant OK 74701
Signature: G Macy Bryant
Date: 11/29/2021

COMMENTS:



THE CITY OF DURANT

Office of Community Development

Date: 01/27/2021
To: Board of Adjustment
Case: BOA 2021-07
From: Danielle O'Neal, Community Development Director
Re: Request by Terry Bowler for a variance to §157.032 District Regulations pertaining to lot size requirements for property located at 2608 Rodeo Road

Request: Terry Bowler is asking for a variance to §157.032 District Regulations pertaining to lot size requirements for property located at 2608 Rodeo Road.

Current Zoning: A-1, General Agriculture

Surrounding Properties:

Direction	Zoning	Use
North	R-1	Residential
East	R-1	Residential
South	A-1	Residential
West	R-1	Residential

Lot Characteristics

Width	~200 ft.
Depth	~200 ft.
Total Area	~1.00 acre

Background: The applicant approached staff regarding the desire to place a manufactured home at the above location; however, the current lot size does not meet the current requirements for the zoning type. Current requirements require a lot zoned as A-1, General Agriculture to have a lot size minimum of 5 acres. The lot in question is only 1 acre; therefore, the applicant is requesting a variance to the lot size requirements so he can place a manufactured home on the lot.

Notifications have been made to the surrounding property owners. At the time of this report, staff has not received and letters or phone calls.

Analysis: §158.030 of the City of Durant Code of Ordinances states the following with regards to a variance, and should be taken into consideration when making a decision.

“A variance from the terms, standards and criteria that pertain to an allowed use category within a zoning district as authorized by the Zoning Ordinance may be granted, in whole, in part or upon reasonable conditions as provided herein, only upon a finding by the Board of Adjustment that:

- (A) The application of the ordinance to the particular piece of property would create an unnecessary hardship or result in exceptional practical difficulties;*
- (B) The conditions are peculiar to the particular piece of property involved;*
- (C) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the ordinance or the Comprehensive Plan; and*
- (D) The variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship.*

The following is the ordinance language regarding lot size requirements:

§ 157.032 DISTRICT REGULATIONS.

No lot or yard shall be established in any district that does not meet the minimum requirements set forth in the following table. No building or structure shall be erected or enlarged to exceed these regulations, except as elsewhere provided in these regulations.

Zoning Districts	Lot Area Min.	Lot Width at Front Building Line (A)	Building Coverage (%)	Impervious Coverage (%)	Front (B)	Yards Min. Setback Side Interior		Exterior	Rear	Height Max.
						Adj. Res. District	Adj. Non-Res. District			
A-1 Agriculture	5 acres	150'	30% incl. acc. bldg.		50'	25'	25'	25'	50'	35'

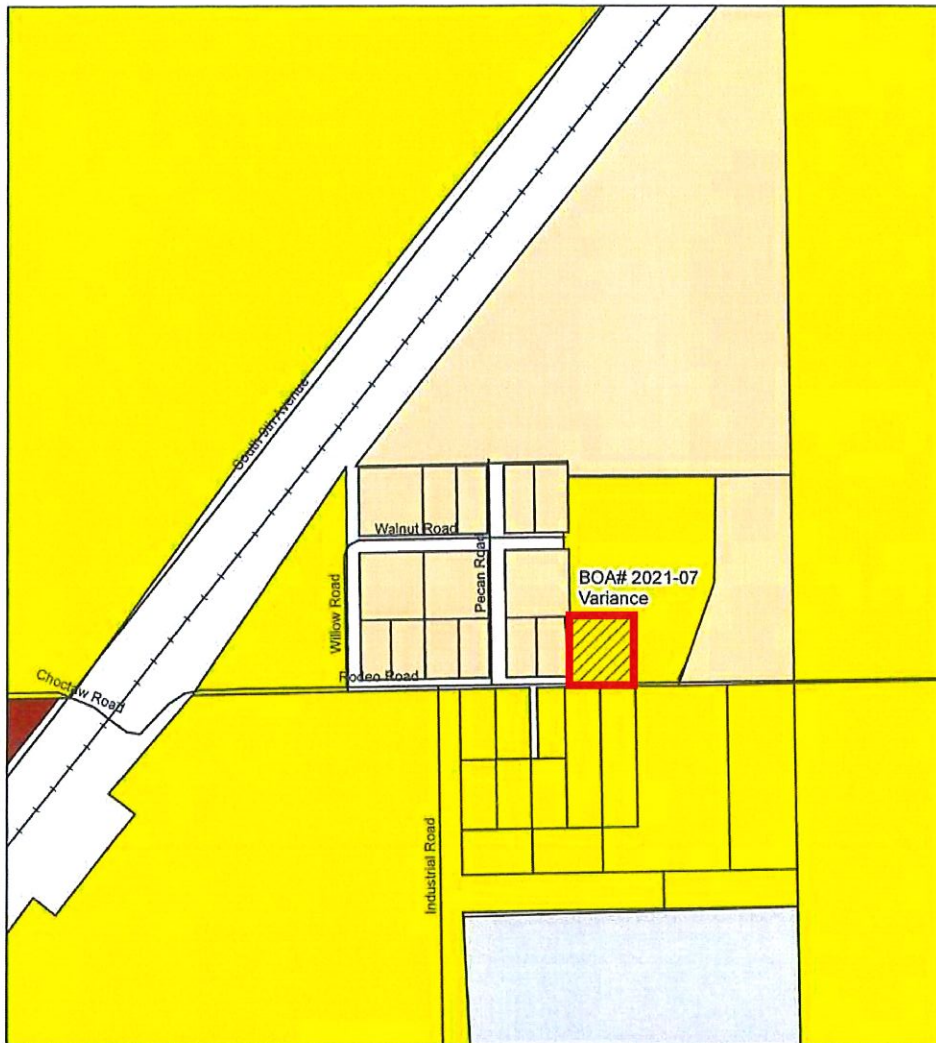
The Future Land Use Map has this area as Low-Density Residential. It should be noted that a manufactured home is allowed within the A-1, General Agriculture Zoning District.

Staff Recommendation: Staff does not have a problem with this request; however, staff could not allow a manufactured home on a lot that does not meet current lot size requirements for the zoning district.

Required Action: Hold a public hearing and approve or deny the variance to allow a manufactured home to be placed on a one-acre lot. Any specific conditions imposed by the Board should be read into the any approval motion.

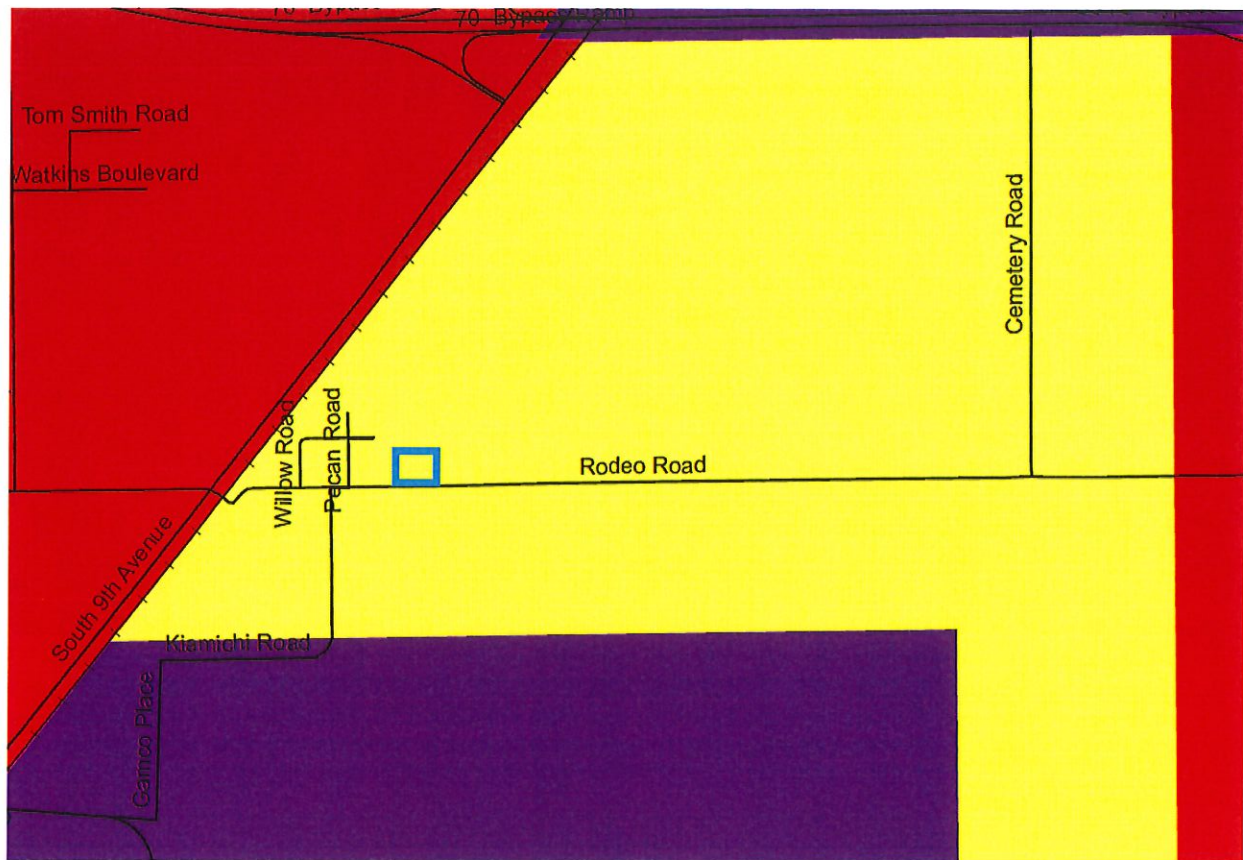
An aerial photograph of a residential neighborhood with property boundaries marked by red lines. A single property, located east of Willow Rd and north of Ridge Rd, is highlighted with a thick red border. The map includes labels for 'Equestrian Center' in the upper left, 'Sage Ave' running diagonally, 'Ridge Rd' running horizontally, 'Willow Rd' running vertically, 'Pine Rd' running vertically, and 'Cedar St' running vertically. The area contains various houses, some with swimming pools, and open fields.

Zoning Map



- A1 - Agriculture
- C0 - Professional & Business Office
- C1 - Convenient Commercial
- C2 - Highway Commercial
- C3 - General Commercial
- CBD - Central Business District
- H1 - Health Facilities
- I1 - Light Industrial
- I2 - Medium Industrial
- R1 - Single Family Residential
- R2 - Two Family Residential
- R3 - General Residential - Multi-Family

Future Land Use Map



Location is approximate

Future Land Use





THE CITY OF DURANT

Office of Community Development

Board of Adjustment Application

Petition # BOA2021-07 Fee \$ 300

Name: <u>Terry G. Bowler</u>	Email: <u>terry7470@yahoo.com</u>	Phone #1: <u>580-380-2334</u>
Mailing Address: <u>732 4th Avenue</u>		Phone #2: <u>580-230-9430</u>
City: <u>Cartwright</u> State: <u>OK</u>	Zip: <u>74731</u>	Fax #: <u></u>
Applicant's Interest in Property: <u>To reside in a new manufactured home</u>		

1. I, the undersigned, request a hearing before the Board of Adjustment, in regard to the following:
 - ☐ Appeal Of The Zoning Administrator's decision/Interpretation
 - ☐ Change From One Nonconforming Use To Another Nonconforming Use
 - ☒ Variance
2. Description of request being made (indicate appropriate section or subsections of the local zoning ordinance, where applicable): TO PLACE A MOBILE HOME ON THE LOT,
3. Reasons for request (may be attached): CURRENT LOT IS 1 ACRE,
4. Legal description (if applicable, may be attached): SEE ATTACHED
5. Is site plan attached (if determined necessary by the administrative official) containing the applicable requirements of the local zoning ordinance?

Yes ☐ No ☒
6. Location of property: 2608 Rodeo Road Present Zoning: A-3
Durant, OK 74701
7. The foregoing information and attachments are true and accurate to the best of my knowledge:

Applicant (Signature) Terry Bowler Date 11/5/21

Date Filed		Date Payment Received		Notification Mailed		Comments
Initial		Initial		Date Initial		
Proof of Publication Received				Property Posting Verified		Comprehensive Plan Recommendations
Date		Initial		Date		
Staff Recommendation	PC Recommendation	City Council Action			Ordinance #	
☐ Approve ☐ Deny	☐ Approve ☐ Deny	☐ Approve ☐ Deny				

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS:

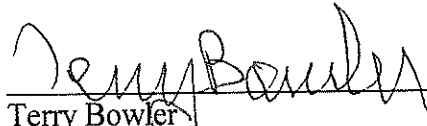
THAT **Terry Bowler**, a single person, party of the first part, in consideration of the sum of Ten (\$10.00) and more Dollars, the receipt of which is hereby acknowledged, do by these presents, grants, bargain, sell and convey unto the **Terry Bowler, 732 N. 4th Ave., Cartwright, OK 74731**, the property herein described, party of the second part, and his grantees and heirs, all of the following described real property and premises, situated in Bryan County, State of Oklahoma, to-wit:

Beginning at the Southwest Corner of the SE/4 of the SE/4 of the SW/4 of Section 7, Township 7 South, Range 9 East of the Indian Base and Meridian, Bryan County, Oklahoma; Thence East 208.71 feet; Thence North 208.71; Thence West 208.71 feet; Thence South 208.71 feet to the Point of Beginning, according to the Government Survey thereof

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 party of the second part, his grantees and heirs, forever, free, clear and discharged of and from all former grants, titles, charges, taxes, judgments, mortgages and other liens and encumbrances of whatsoever nature.

SIGNED AND SEALED this 4 day of November, 2021.


Terry Bowler

STATE OF OKLAHOMA)
) ss. ACKNOWLEDGMENT
COUNTY OF BRYAN)

BEFORE ME, the undersigned, a Notary Public, in and for said County and State, on this 4 day of November, 2021, personally appeared **Terry Bowler**, a single person, 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 for the uses and purposes therein set forth.

WITNESS my hand and seal on this 4 day of November, 2021.


Notary Public

My Commission expires: 03-28-23

FILED
BRYAN COUNTY, OKLAHOMA
DISTRICT COURT CLERK

IN THE DISTRICT COURT OF BRYAN COUNTY
STATE OF OKLAHOMA

DEC 8 2017

TERRY BOWLER,
Plaintiff,

and

SHELBY O'BRIEN TIDWELL a/k/a
SHELBY TIDWELL and
TINA VAUGHN TIDWELL a/k/a
TINA TIDWELL,
Defendants.

DONNA ALEXANDER
COURT CLERK

BY _____ Deputy

Case No. CV-2017-73

I-2017-700656 Book 1456 Pg: 492
12/20/2017 8:21 am Pg 0492-0492
Fee: \$ 13.00 Doc: \$ 0.00
Tammy Reynolds - Bryan County Clerk
State of Oklahoma

ORDER NUNC PRO TUNC

NOW, on this 8th day of Dec, 2017, the above-captioned cause comes on for hearing on the Motion for Order Nunc Pro Tunc. Plaintiff, Terry Bowler appears through his attorney, Chris D. Jones. The Court finds that the Motion for Order Nunc Pro Tunc is meritorious and should be sustained.

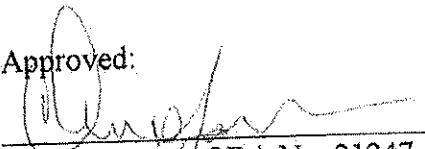
IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by this Court that all matters of the court filings herein, including the Journal Entry of Judgment, remain in full force and effect except that the description of the real property should be amended to read as follows:

Beginning at the Southwest Corner of the SE/4 of the SE/4 of the SW/4 of Section 7, Township 7 South, Range 9 East of the Indian Base and Meridian, Bryan County, Oklahoma; Thence East 208.71 feet; Thence North 208.71; Thence West 208.71 feet; Thence South 208.71 feet to the Point of Beginning, according to the Government Survey thereof.

IT IS SO ORDERED.

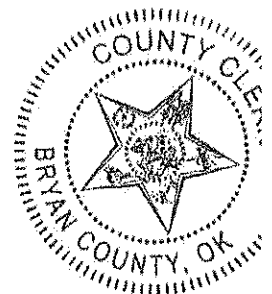

JUDGE OF THE DISTRICT COURT

Approved:


Chris D. Jones, OBA No. 21247
Jones Law, PC
113 N. 3rd Ave.
Durant, OK 74701
Telephone (580) 924-1444
Facsimile (580) 924-0444
www.joneslawpc.net

I, DONNA ALEXANDER, Court Clerk for Bryan County Okla., hereby certify that the foregoing is a true, correct and complete copy of the instrument herewith set out as appears of record in the Court Clerk's Office at Bryan County, Okla.

This 8th day of December, 20 17
DONNA ALEXANDER, Court Clerk
By Ray Barthel Deputy



IN THE DISTRICT COURT OF BRYAN COUNTY
 STATE OF OKLAHOMA



TERRY BOWLER,

Plaintiff,

and

SHELBY O'BRIEN TIDWELL a/k/a

SHELBY TIDWELL and

TINA VAUGHN TIDWELL a/k/a

TINA TIDWELL,

Defendants.

Case No. CV-2017-73

FILED
 BRYAN COUNTY, OKLAHOMA
 DISTRICT COURT CLERK

NOV 13 2017

DONNA ALEXANDER
 COURT CLERK

BY _____ Deputy

JOURNAL ENTRY OF JUDGMENT

NOW on this 13th day of November, 2017, Plaintiff, Terry Bowler, appeared by and through his attorney, Chris D. Jones. All Defendants herein appeared not. The Court thereupon examined the pleadings, process and files in this cause, and being fully advised in the premises, finds, orders, adjudges and decrees as follows:

JUDICIAL DETERMINATION OF TITLE

1. The Court finds that the Defendants served by summons are as follows, to-wit: Shelby O'Brien Tidwell a/k/a Shelby Tidwell.
2. The Court finds that the Defendants served by publication are as follows, to-wit: Tina Vaughn Tidwell a/k/a Tina Tidwell.
3. The Court finds that the following Defendant entered an appearance herein and disclaimed any and all interest in and to the real property, to-wit: Shelby O'Brien Tidwell a/k/a Shelby Tidwell.
4. The Court finds that the following Defendants executed a Quit Claim Deed conveying the real property to the Plaintiff, to-wit: Shelby O'Brien Tidwell a/k/a Shelby Tidwell and Tina Vaughn Tidwell a/k/a Tina Tidwell.
5. Upon examination of the files and records in this cause of action, the Court finds that the Affidavit for Publication, the Affidavit in Lieu of Mailing and the Publication Notice are all in due form, regular and statutory, and that due and statutory service by publication, as provided by law has been had on each of the Defendants who are named in Paragraph 9 above and each of them as having been served by publication on September 22nd, 29th and October 6th, 2017, and that all of the above named parties are in default, and the Court approves the service and finds that this is a proper case in which to enter judgment.
6. The Court further finds that an inquiry was made by Plaintiffs of all reasonably available sources which were in fact searched and that said inquiry failed to yield the information necessary to establish the whereabouts or mailing addresses of the named Defendants so served by publication; and that Plaintiff and his attorney exercised due diligence to ascertain the names and residences of the Defendants served by publication in the above entitled cause of action by personally checking the primary sources at hand to determine the whereabouts of the Defendants served by publication, and each of them, including the primary sources such as the local tax assessor's records, the local County Treasurer's records, the local probate records, the Abstract of Title on the property herein and other judicial records, as well as all secondary sources available, including, but not limited to, the telephone directories, and the City directories, before they resorted to the use of publication process against those Defendants so served by publication.
7. The Court did, thereupon, conduct a judicial inquiry into the sufficiency of Plaintiff's search to determine the names and whereabouts of the Defendants who were served herein by publication; and, based on the evidence adduced, the Court finds that Plaintiff has exercised due diligence and has conducted a meaningful search of all reasonably available sources at

hand. The Court approves the publication service given herein as meeting both statutory requirements and the minimum standards of state and federal due process.

8. The Court further finds that on the 14th day of September, 2017, Plaintiff filed its Affidavit as to Military Service stating that the Plaintiff and affiant do not possess enough personal information for the named Defendants to determine whether a named Defendant is presently engaged in the military service of the United States, as provided by the Servicemembers Civil Relief Act of 2003 (SCRA). Therefore, the Court finds that if any of said Defendants are in the military service, their rights are not prejudiced in their defense of this action within the meaning of the Act; that the interest of the Defendants will not be prejudiced by a trial, and no bond should be required under said Act.
9. That Plaintiff's attorney Chris D. Jones did claim a statutory attorney fee lien in Paragraph 22 of the Petition in accordance with 5 Okla. Stat. Ann. § 6.

WHEREUPON, the Plaintiff's evidence is introduced and Plaintiff rest; after being fully advised in the premises the Court finds that all issues of fact and law generally in favor of Plaintiff and against Defendants and also finds that the allegations of the petition are generally true and correct and that judgment should be rendered and entered in accordance therewith.

THE COURT THEREFORE: FINDS, ORDERS, ADJUDGES AND DECREES AS FOLLOWS, TO-WIT:

10. That Plaintiff Terry Bowler is the owner of and in possession of the subject real property legally described as follows:

Beginning at the Southwest Corner of the SE/4 of the SE/4 of the SW/4 of Section 7, Township 7 South, Range 8 East of the Indian Base and Meridian, Bryan County, Oklahoma; Thence East 208.71 feet; Thence North 208.71; Thence West 208.71 feet; Thence South 208.71 feet to the Point of Beginning, according to the Government Survey thereof. (The Property)

11. That the Plaintiff and the predecessors, in the chain of title have been in the open, hostile, notorious, visible, continuous and exclusive possession of said property for a period exceeding fifteen (15) years and have met all elements required to establish a title by prescription; and all Defendants named herein as claiming some right, title, interest, claim or estate in and to said property are barred from any such right, title, claim, estate or interest in and to said property by reason of the statute of limitations of the State of Oklahoma.
12. That the named Defendants, and each of them named herein, claim some right, title, lien, estate, encumbrance, claim, assessment or interest in and to the real property involved in this cause of action adverse to that of the Plaintiff and each of the named Defendants have no such right, title, lien, estate, encumbrance, claim, assessment or interest in and to the property involved in this cause of action.
13. That hereinafter certain book and page numbers will be referred to, and reference to the same has reference to the records of the office of the County Clerk of Bryan County, State of Oklahoma, unless otherwise designated herein; and records so referred to here are incorporated in these proceedings as though fully copied at length.
14. That Plaintiff Terry Bowler became vested with fee simple and merchantable title in and to the above described property in the following manner, to-wit:
 - a. The Property was conveyed to Shelby O. Tidwell and Lorena Helen Tidwell by the terms of a Warranty Deed filed August 23, 1994, of record in Book 856 Page 208, Bryan County, Oklahoma.
 - b. The Property was conveyed to Shelby O'Brien Tidwell by the terms of a Decree of Divorce filed June 5, 1996, of record in Book 881 Pages 805-813, Bryan County, Oklahoma.

- c. An Affidavit As To Contract filed April 2, 2013, of record in Book 1333, Page 968-973, Bryan County, Oklahoma.

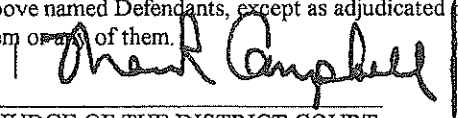
IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the Defendants as previously named herein, and their spouses, if any, and each of them specifically named herein, have no right, title, lien, estate, encumbrance, claim, assessment or interest in and to the real property involved in this cause of action.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that Plaintiff's attorney Chris D. Jones is allowed to claim a statutory attorney fee lien in accordance with 5 Okla. Stat. Ann. § 6.

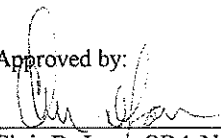
IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the title and possession of in and to the real property legally described as follows to-wit:

Beginning at the Southwest Corner of the SE/4 of the SE/4 of the SW/4 of Section 7, Township 7 South, Range 8 East of the Indian Base and Meridian, Bryan County, Oklahoma; Thence East 208.71 feet; Thence North 208.71; Thence West 208.71 feet; Thence South 208.71 feet to the Point of Beginning, according to the Government Survey thereof.

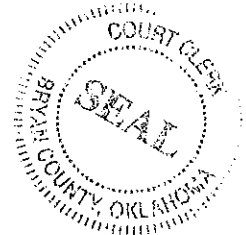
be, and the entirety of the same is hereby forever settled and quieted to Plaintiff Terry Bowler as against all claims or demands by any of the above named Defendants, except as adjudicated herein, and from those claiming or to claim under them or any of them.


JUDGE OF THE DISTRICT COURT

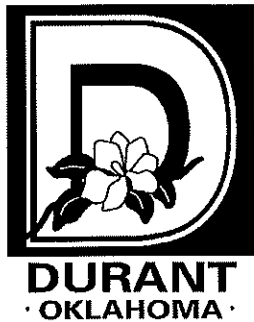
Approved by:


Chris D. Jones OBA No. 21247
Jones Law, PC
113 N. 3rd Ave.
Durant, Oklahoma 74701
Telephone (580) 924-1444
Fax (580) 924-0444
www.joneslawpc.net
Attorney for Plaintiff

I, DONNA ALEXANDER, Court Clerk for Bryan County Okla., hereby certify that the foregoing is a true, correct and complete copy of the instrument herewith set out as appears of record in the Court Clerk's Office at Bryan County, Okla.
This 15 day of Nov, 2017
By Donna Alexander Court Clerk
Donna Alexander Deputy



I-2017-699923 Book 1454 Pg: 87
11/16/2017 2:02 pm Pg 0085-0087
Fee: \$ 17.00 Doc: \$ 0.00
Tammy Reynolds - Bryan County Clerk
State of Oklahoma



THE CITY OF DURANT

Office of Community Development

Date: 01/27/2022
To: Board of Adjustment
Case: BOA 2022-01
From: Danielle O'Neal, Community Development Director
Re: Request by Jose Narvaez for a variance to §157.032 District Regulations pertaining to lot size requirements for property located at 1415 W. Mississippi Street

Request: Jose Narvaez is asking for a variance to §157.032 District Regulations pertaining to lot size requirements for property located at 1415 W. Mississippi Street.

Current Zoning: R-2, Two Family Residential

Surrounding Properties:

Direction	Zoning	Use
North	R-2	Residential
East	R-2	Residential
South	R-2	Residential
West	R-2	Residential

Lot Characteristics

Width	~50 ft.
Depth	~180 ft.
Total Area	~0.02 acre (~9,000 sq. ft.)

Background: The applicant approached staff regarding the desire to place a duplex style home at the above location; however, the current lot size does not meet the current requirements for the zoning type. Current requirements for a lot zoned as R-2, Two-Family Residential requires a lot area minimum of 8,000 square feet for a duplex / two-family home and requires a lot width at front building line of 80 feet. As shown above the lot does meet the lot area minimum, but does not meet the lot width at the front building line. Therefore, the applicant is requesting a variance to the lot size requirements in order to place a duplex type home on this lot.

Notifications have been made to the surrounding property owners. At the time of this report, staff has received one letter of support for this request.

Analysis: §158.030 of the City of Durant Code of Ordinances states the following with regards to a variance, and should be taken into consideration when making a decision.

“A variance from the terms, standards and criteria that pertain to an allowed use category within a zoning district as authorized by the Zoning Ordinance may be granted, in whole, in part or upon reasonable conditions as provided herein, only upon a finding by the Board of Adjustment that:

- (A) The application of the ordinance to the particular piece of property would create an unnecessary hardship or result in exceptional practical difficulties;*
- (B) The conditions are peculiar to the particular piece of property involved;*
- (C) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the ordinance or the Comprehensive Plan; and*
- (D) The variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship.*

The following is the ordinance language regarding lot size requirements:

§ 157.032 DISTRICT REGULATIONS.

No lot or yard shall be established in any district that does not meet the minimum requirements set forth in the following table. No building or structure shall be erected or enlarged to exceed these regulations, except as elsewhere provided in these regulations.

Zoning Districts	Lot Area Min.	Lot Width at Front Building Line (A)	Building Coverage (%)	Impervious Coverage (%)	Front (B)	Yards Min. Setback Side Interior		Exterior	Rear	Height Max.
						Adj. Res. District	Adj. Non-Res. District			
R-2 Two-Family Residential	6,000 sq. ft. (Single-family dwellings)	60'	35%	None	25' incl. dbl. front.	5'C	5'C	15'	20'	35'
	8,000 sq. ft. + (Duplex and two-family dwellings)	80'	35%	None	25' incl. dbl. front.	5'C	5'C	15'	20'	35'

Notes:

C For buildings of more than one story, the minimum width of the side yard on all lots shall be not less than 10 feet. On a lot where the principal use is a nonresidential building there shall be a side yard of not less than one-half the height of the building but in no case less than 15 feet.

E A building or structure may exceed the maximum height regulations by adding one foot onto the required front, side and rear yards for each two feet of additional height.

The Future Land Use Map has this area as Mixed Residential; therefore, the use is in line with the Future Land Use Map. Staff examined the original plat which shows one individual lot that since the original plat was split into two lots at some point in time. Parking would require two parking spaces per dwelling unit.

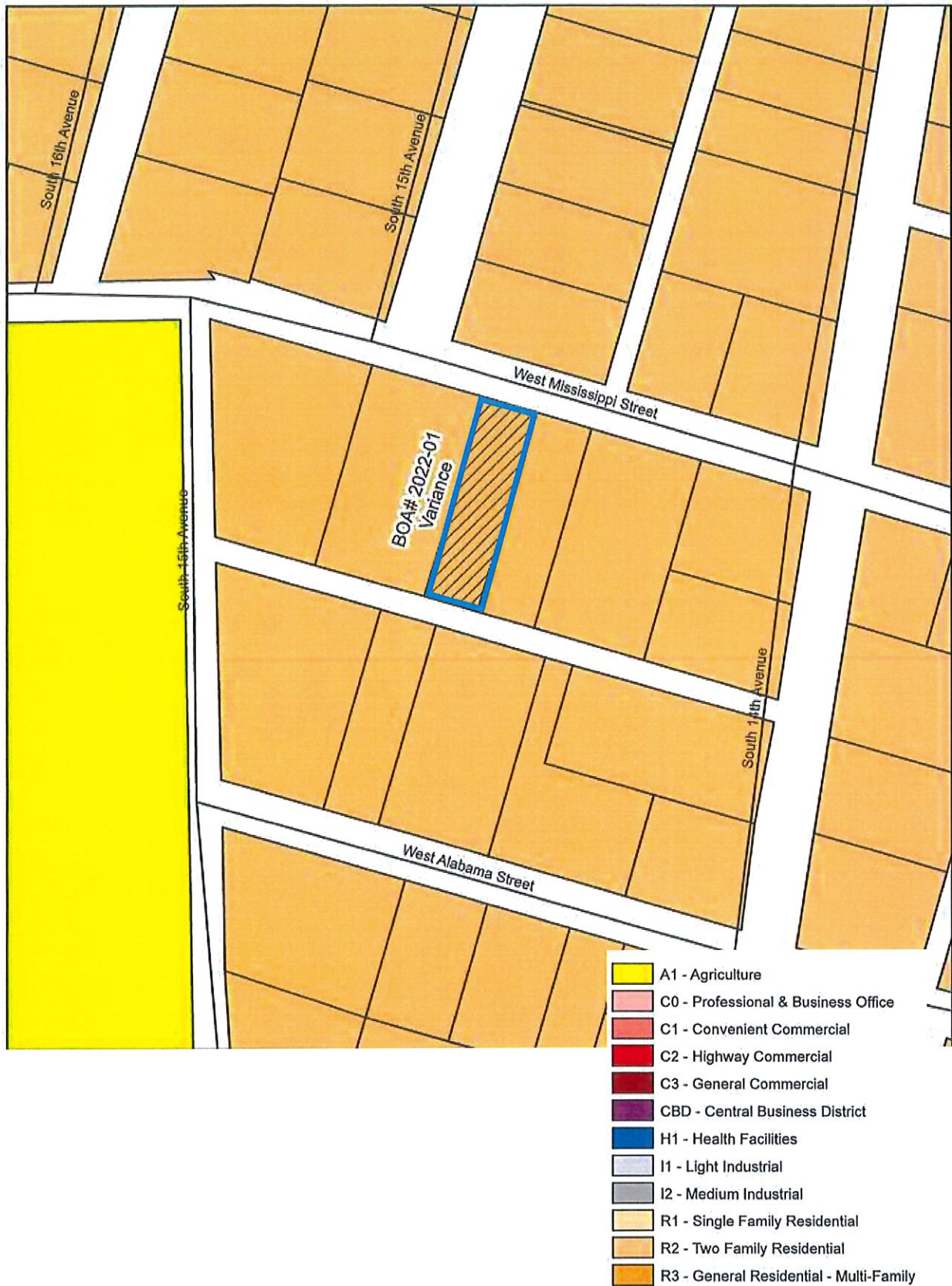
Staff Recommendation: Staff's concern with this request is in regards to a duplex style home being able to meet all required setbacks and parking requirements.

Required Action: Hold a public hearing and approve or deny the variance to the lot size requirements allowing the lot width to be reduced to 50 feet. Any specific conditions imposed by the Board should be read into the any approval motion.

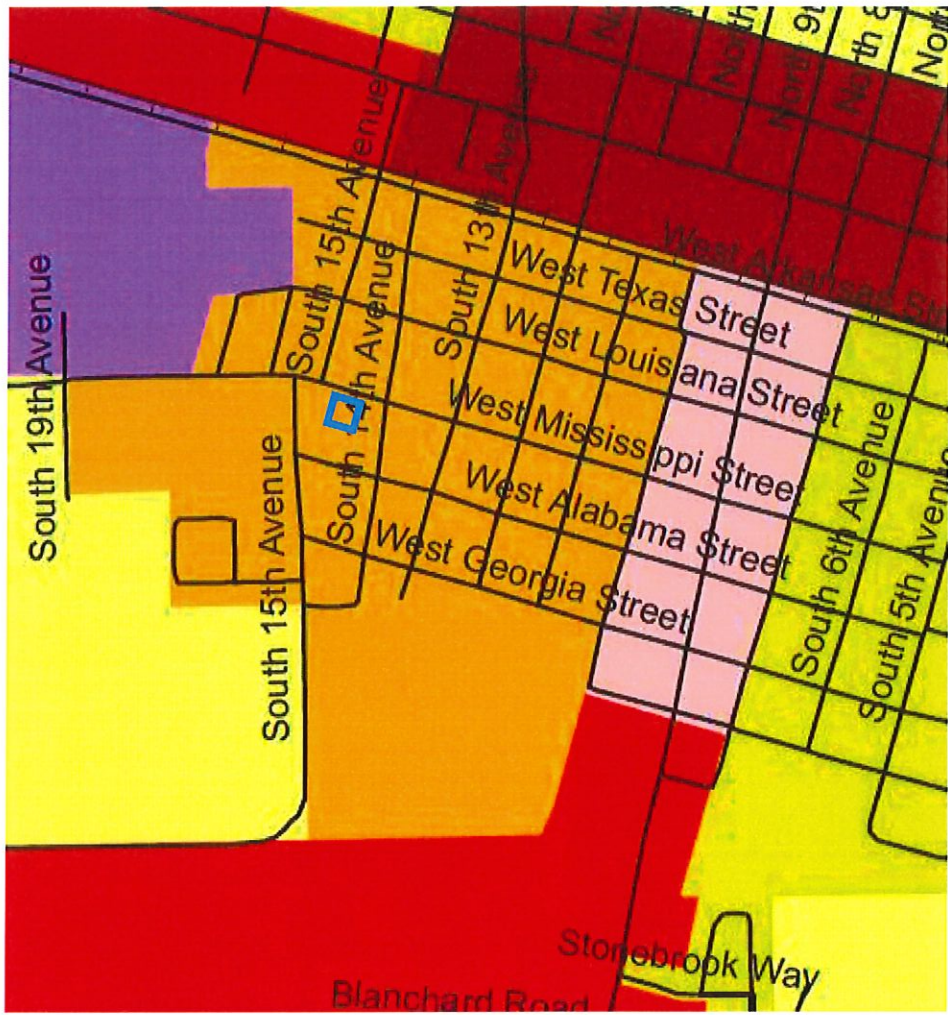
Aerial Maps



Zoning Map



Future Land Use Map



Location is approximate

Future Land Use

- City
- Recreation
- Agriculture
- Hospital/Health
- CBD
- Industrial
- Commercial
- Mixed Use - Commercial/Industrial
- Mixed Use - Commercial/Residential
- Mixed Residential
- Residential - Low Density
- Residential - Low to Medium Density



THE CITY OF DURANT

Office of Community Development

Board of Adjustment Application

Name: <u>Jose L. Narvaez</u>		Email: <u>e2concretes@9mail.com</u>	Phone #1: <u>(580) 475-7684</u>
Mailing Address:		Phone #2:	
City: <u>Durant</u>	State: <u>OK</u>	Zip: <u>74701</u>	Fax #:
Applicant's Interest in Property: <u>Jose L. Narvaez</u>			

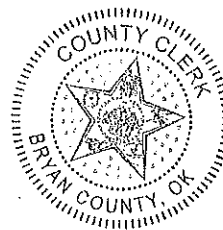
1. I, the undersigned, request a hearing before the Board of Adjustment, in regard to the following:
 - ☐ Appeal Of The Zoning Administrator's decision/Interpretation
 - ☐ Change From One Nonconforming Use To Another Nonconforming Use
 - ☒ Variance
2. Description of request being made (indicate appropriate section or subsections of the local zoning ordinance, where applicable): We ask for the minimum lot width at front building line to be reduced to 50 Feet to coincide with the current width of the lot (Section 157.032)
3. Reasons for request (may be attached): We would like to build this dwelling for a growing community that needs more housing options. This variance would allow us to build on our existing lot.
4. Legal description (if applicable, may be attached): The West half of lot 3 in block 298 in the City of Durant OK, according to the official Plat and Survey Thereof
5. Is site plan attached (if determined necessary by the administrative official) containing the applicable requirements of the local zoning ordinance?
Yes ☒ No ☐
6. Location of property: 1415 W. Mississippi St Durant OK 74701 Present Zoning: R2
7. The foregoing information and attachments are true and accurate to the best of my knowledge:

Applicant (Signature) JOSE L. NARVAEZ Date 11-19-2021

Date Filed Initial		Date Payment Received Initial		Notification Mailed Date Initial		Comments	
Proof of Publication Received Date Initial				Property Posting Verified Date Initial		Comprehensive Plan Recommendations	
Staff Recommendation ___ Approve ___ Deny		PC Recommendation ___ Approve ___ Deny		City Council Action ___ Approve ___ Deny		Ordinance #	

WARRANTY DEED

JOINT TENANCY



KNOW ALL MEN BY THESE PRESENTS:

THAT MARLENE KONDOLOJY SINGLE

part Y of the first part, in consideration of the sum of
TEN (\$ 10) DOLLARS in hand paid,
the receipt of which is hereby acknowledged, do hereby quit claim, grant, bargain, sell and convey unto,
JOSE LUIS NARVAEZ, ALONDRA GARCIA MARRIED COUPLE and
1424 W. ALABAMA DURANT OK 74701

as joint tenants, the survivor
to take all, and not as tenants in common, parties of the second part, their grantees, and their heirs and grantees
of the survivor, all of the following described real property and premises situated in the BRYAN
County, State of Oklahoma, to-wit:

THE WEST HALF OF LOT 3 IN BLOCK 298, IN THE CITY
OF DURANT, OKLAHOMA, ACCORDING TO THE OFFICIAL
PLAT AND SURVEY THEREOF.

together with all the improvements thereon and the appurtenances thereto belonging, and warrant the title to the
same.

TO HAVE AND TO HOLD said described premises unto parties of the second part, their grantees and
the heirs and grantees of the survivors, forever, free, clear, and discharged of and from all former grants, titles,
charges, judgments, taxes, mortgages and other liens and incumbrances of whatsoever nature

SIGNED and sealed this 30th day of March, 2021.

Marlene Kondoloy

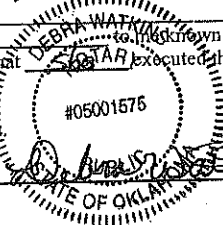
ACKNOWLEDGMENT

STATE OF OKLAHOMA Bryan County, ss.

Before me, the undersigned, a Notary Public in and for said County and State, on this 30 day of March,
2021, personally appeared Marlene Kondoloy - Single to me known to be the identical person she who
executed the within and foregoing instrument, and acknowledged to me that she executed the same as Her free and
voluntary act and deed for the uses and purposes therein set forth.

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

My Commission Expires 2-11-2025



Debra Watkins, Notary Public

ACKNOWLEDGMENT BY CORPORATION

STATE OF OKLAHOMA _____ County, ss.

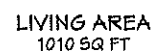
Before me, the undersigned, a Notary Public in and for said County and State, on this _____ day of _____,
20____, personally appeared _____ to me known to be the identical person _____ who
subscribed the name of the maker thereof to the foregoing instrument as its _____ President and acknowledged
to me that _____ he executed the same as _____ free and voluntary act and deed and as the free and voluntary act and deed of such
corporation, for the uses and purposes therein set forth.

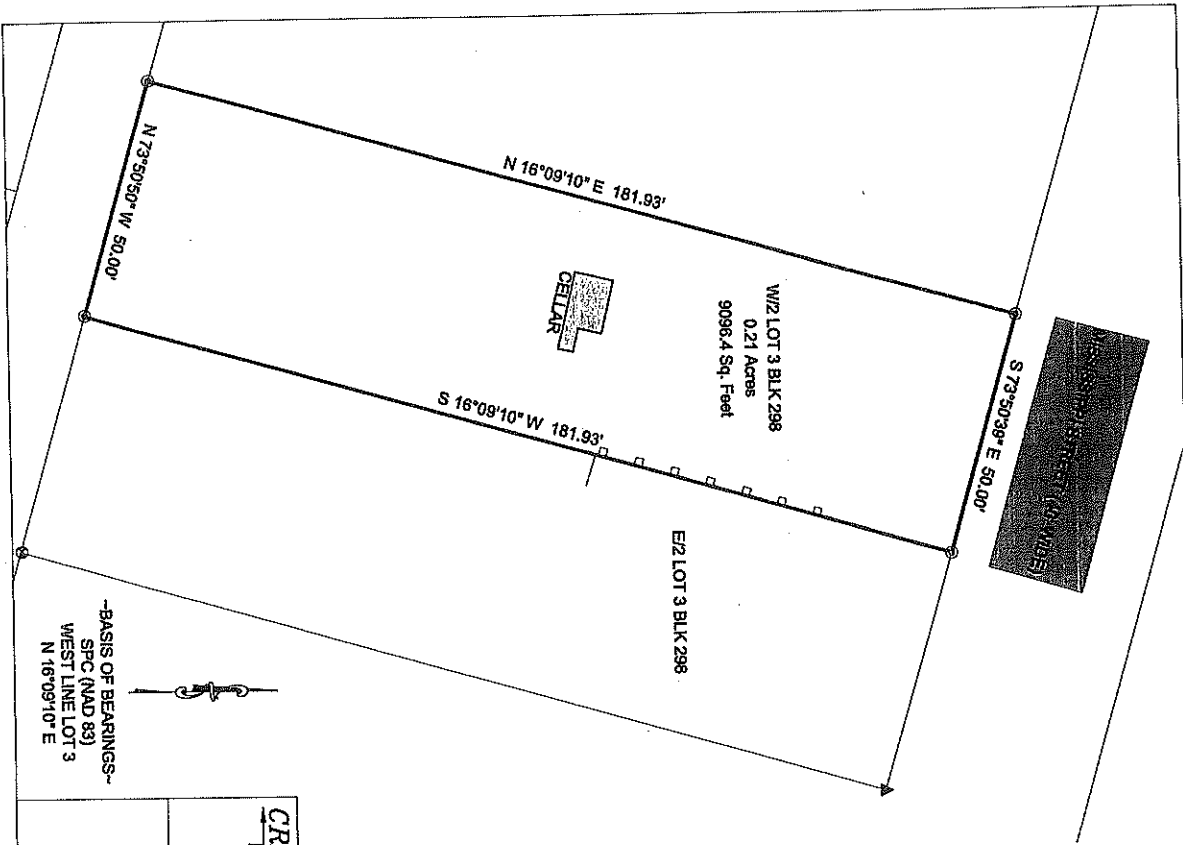
Given under my hand and Seal of office the day and year last above written.

My Commission Expires _____

_____, Notary Public

STATE OF OKLAHOMA
Bryan County
Documentary Stamps \$ 9.00





LEGEND

These standard symbols will be found in the drawing.

- ⊙ RAILROAD SPIKE FOUND
- ⊙ 1/2" IRON PIN SET (PLS 1780)
- ▲ CALCULATED POINT
- WOODEN FENCE
- BOUNDARY LINE

GENERAL SURVEY NOTES:

SUBJECT TO EASEMENTS AND/OR RIGHT-OF-WAYS, EITHER RECORDED, OR IMPLIED, THEREOF:
THIS SURVEY WAS PERFORMED FOR THE BENEFIT OF KENT HELMS AND LUIS NARVAEZ, ANY OTHER USE OF THIS PLAT IS PROHIBITED.

THIS SURVEY WAS PREPARED FOR THE EXCLUSIVE USE OF THE CLIENTS AND DOES NOT EXTEND TO ANY UNNAMED PERSON(S) WITHOUT EXPRESS RECERTIFICATION BY SURVEYOR NAMING SAID PERSON(S).
THIS IS NOT A VALID SURVEY WITHOUT THE SURVEYORS HAND WRITTEN SIGNATURE AND DATE.

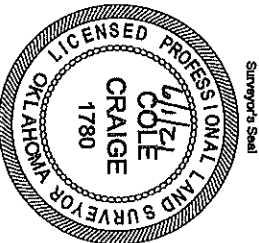
THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF AN ABSTRACT OR TITLE OPINION.

THIS PLAT AND SURVEY MEETS THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED BY THE OKLAHOMA STATE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS.
CRAIGE SURVEYING L.L.C. COPYRIGHT 2021.

CRAIGE SURVEYING L.L.C.

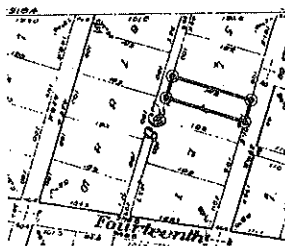
P.O. BOX 383 BOKCHITO, OK 74728
(580) 265-2404
CA # 8165, PLS # 1780
craigesurveying@gmail.com
craigelg@aol.com

KENT HELMS
LUIS NARVAEZ
MISSISSIPPI STREET
DURANT, OKLAHOMA
PART OF LOT 3 BLOCK 298
CITY OF DURANT
BRYAN COUNTY, OKLAHOMA



LAND BOUNDARY SURVEY PLAT PART OF LOT 3 BLOCK 298 CITY OF DURANT, OK

LOCATION & SURVEY CONTROL MAP



I, CRAIGE, A LICENSED PROFESSIONAL LAND SURVEYOR NO. 1780 IN THE STATE OF OKLAHOMA, DO HEREBY CERTIFY TO KENT HELMS AND LUIS NARVAEZ THAT THIS BOUNDARY SURVEY PLAT, PREPARED UNDER MY DIRECT SUPERVISION, ACCURATELY REPRESENTS A PARCEL OF LAND DESCRIBED AS BEING
THE W/2 OF LOT 3 BLOCK 298, CITY OF DURANT, IN BRYAN COUNTY, OKLAHOMA.

DATE 6/1/21 for Craig
CRAIGE PLS # 1780

SURVEY INFO.	REVISION/ISSUE
SURVEY ORDERED- 4-20-21	1.
FIELDWORK DATE(S)- 5-28-21	2.
SURVEY PLAT COMPLETE- 5-28-21	3.
DATE OF LAST VISIT 5-28-21	4.
SCALE 1" = 30'	SHEET 1 OF 1

CAD FILE- Z:\BRYAN CO. SUBDIVISIONS\DURANT O.TBL\LOCK 298\11-18-20.cad
DWG FILE- Z:\BRYAN CO. SUB\IDURANT O.TBL\LOCK 298\HELMAS 5-28-21.dwg

PUBLIC COMMENT FORM

City of Durant
Community Development Department (please return by January 20, 2022)
300 W. Evergreen St.
P.O. Box 578
Durant, OK, 74701

☒ I am **FOR** the requested variance as explained on the attached public notice for Petition # BOA2022-01

____ I am **AGAINST** the requested variance as explained on the attached public notice for Petition #BOA2022-01

Date, Location & Time of Zoning Board of Adjustment meeting:

Thursday, January 27, 2022, 5:30 pm

Durant City Hall, Council Chambers, 300 W Evergreen Street, Durant OK 74701

Name: Maria Bonilla / Gerardo Jesus Vega Herbert
(please print)

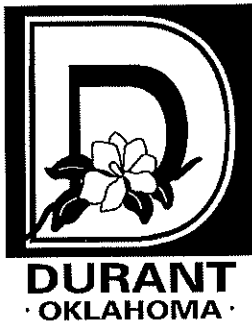
Address: 1427 W Alabama St.
Drum + OK 74701

Signature: Maria Balle / Gefalt 16 Jesus 200 H.

Date: 01/12/2022

COMMENTS:

[illegible]



THE CITY OF DURANT

Office of Community Development

Date: 01/27/2022
To: Board of Adjustment
Case: BOA 2022-02
From: Danielle O'Neal, Community Development Director
Re: Request by Texoma Victory Real Property Investment, LLC for a variance to § 157.032 (District Regulations) regarding the front setback for property located near West Main and State Highway 70.

Request: Texoma Victory Real Property Investment, LLC is asking for a variance to § 157.032 (District Regulations) regarding the front setback for property located near State Highway 70 and West Main.

Current Zoning: R-3, General Residential

Surrounding Properties:

Direction	Zoning	Use
North	A-1 / R-3	Railroad / Residential
East	R-3	Residential
South	R-3	Residential / Vacant

Lot Characteristics

Width (Per Lot)	~60 ft.
Depth (Per Lot)	~100 ft.
Total Area (Per Lot)	~0.14 Acre

Background: The applicant went through the Preliminary Plat process for Phase II of the Durant Victory Subdivision in July, 2021. The original Preliminary Plat called for the front setbacks for lots 1-11 and lots 26-27 to be at 15 feet. The Planning Commission and City Council approved the preliminary plat with these lots having setbacks at 25 feet as required by the District Regulations. The applicant approached staff regarding the desire to ask for a variance for the setbacks of lots 1-11 and lots 26-27 to be at 15 feet. Lots 1 through 11 face Pluto Road and Mars Avenue. Lots 26-27 will face Venus Road. The applicants engineer states in a letter attached with the application that there is a 30-foot gas easement that runs on the back of lots 1-4 and a 50-foot gas easement that runs along the back of lots 5-11, causing a reduction in the buildable area of these lots. For lots 26 and 27, the letter is requesting the setbacks to match those

within phase I lots 1-16, which received a variance last year. The applicant is asking for a variance of 10 feet on the front setback in order to have a similar buildable area as phase I of the development.

Notifications have been made to the surrounding property owners. At the time of this report, no letters or comment cards have been received by staff.

Analysis: §158.030 of the City of Durant Code of Ordinances states the following with regards to a variance, and should be taken into consideration when making a decision.

“A variance from the terms, standards and criteria that pertain to an allowed use category within a zoning district as authorized by the Zoning Ordinance may be granted, in whole, in part or upon reasonable conditions as provided herein, only upon a finding by the Board of Adjustment that:

- (A) The application of the ordinance to the particular piece of property would create an unnecessary hardship or result in exceptional practical difficulties;*
- (B) The conditions are peculiar to the particular piece of property involved;*
- (C) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the ordinance or the Comprehensive Plan; and*
- (D) The variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship.*

The following is the ordinance language regarding lot size requirements:

§ 157.032 DISTRICT REGULATIONS.

No lot or yard shall be established in any district that does not meet the minimum requirements set forth in the following table. No building or structure shall be erected or enlarged to exceed these regulations, except as elsewhere provided in these regulations.

Zoning Districts	Lot Area Min.	Lot Width at Front Building Line (A)	Building Coverage (%)	Impervious Coverage (%)	Front (B)	Yards Min. Setback Side Interior		Exterior	Rear	Height Max.
						Adj. Res. District	Adj. Non-Res. District			
R-3 General Residential (F)	6,000 sq. ft. (Single-family dwellings)	50'	50%	None	25' incl. dbl. front.	5'C	5'C	15'	20'	35'
	8,000 sq. ft. + (Duplex and two-family dwellings)	70'	50%	None	25' incl. dbl. front.	5'C	5'C	15'	20'	35'
	8,000 sq. ft. + 1,200 sq. ft./unit over 2 (All other developments)	80'	50%	75%	25' incl. dbl. front.	15'C or 1'1" ht.	15'C or 1'1" ht.	15'	20'	35'

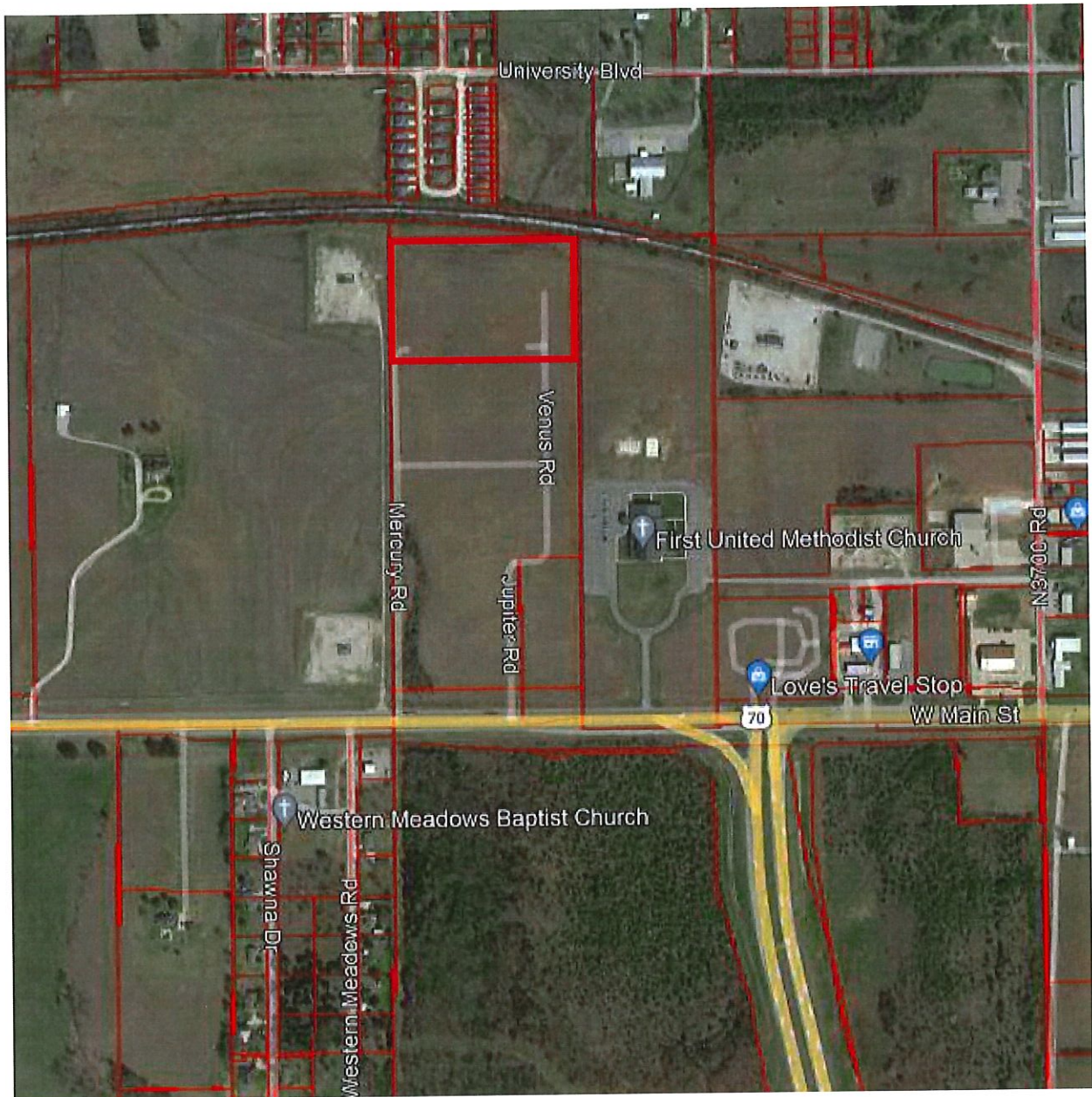
These lots do meet the current standards for the zoning district. Current Right-of-Way for all sections of roadway is 60 feet. The setbacks for these lots would begin at the property line; therefore, each lot would be required to have a 25-foot front setback, a 20-foot rear setback and 5-foot side setback (on each side).

The current Future Land Use Map shows for this area to be mixed-use (commercial / residential) for this particular area; therefore, is in line with the Future Land Use Map.

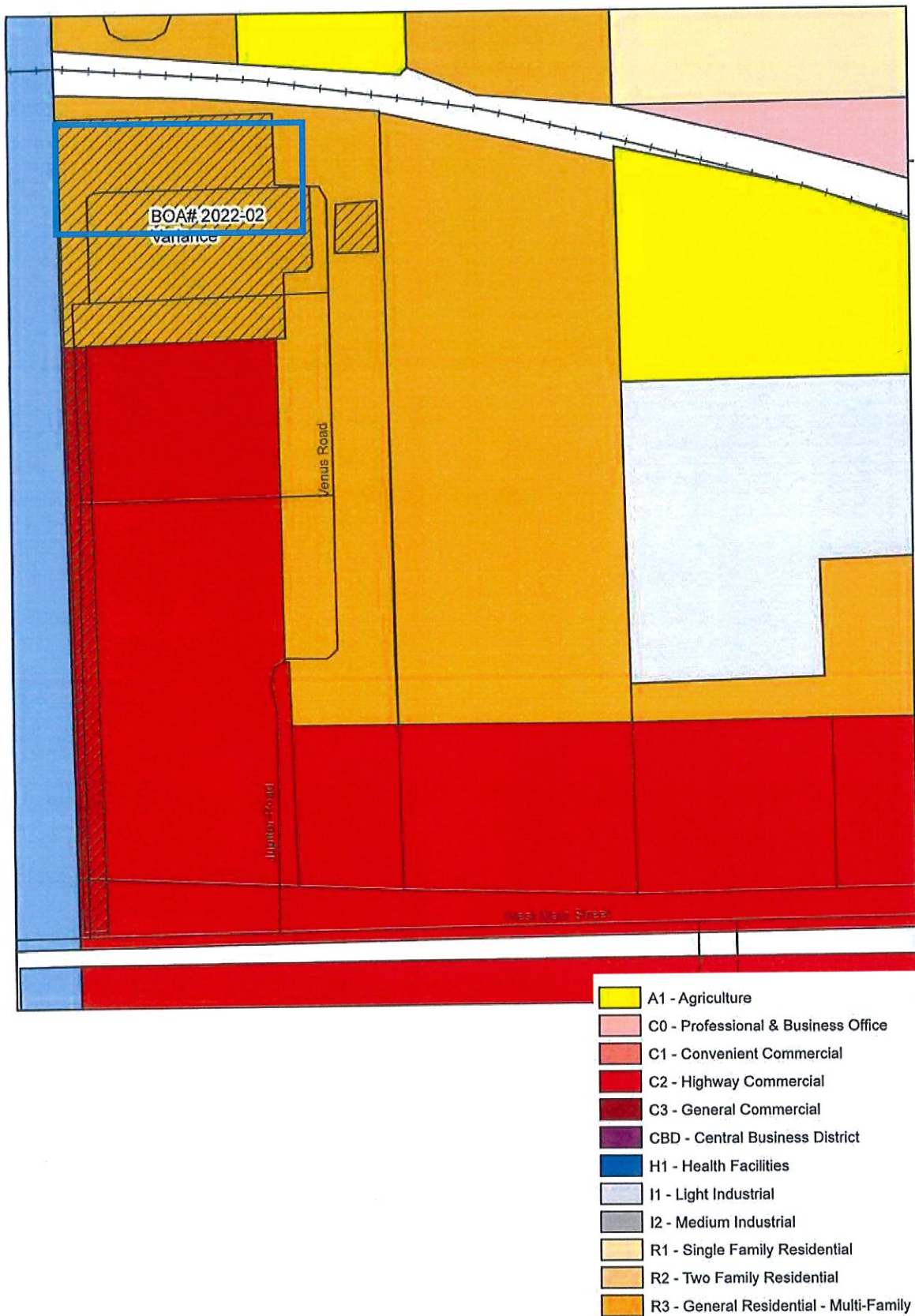
Staff Recommendation: Staff understands there was a variance given previously. There remain concerns regarding if there is an unnecessary hardship and if the conditions are peculiar to this particular piece of property.

Required Action: Hold a public hearing and approve or deny the variance to allow the front setback requirements to be reduced by 10 feet. Any specific conditions imposed by the Board should be read into the any approval motion.

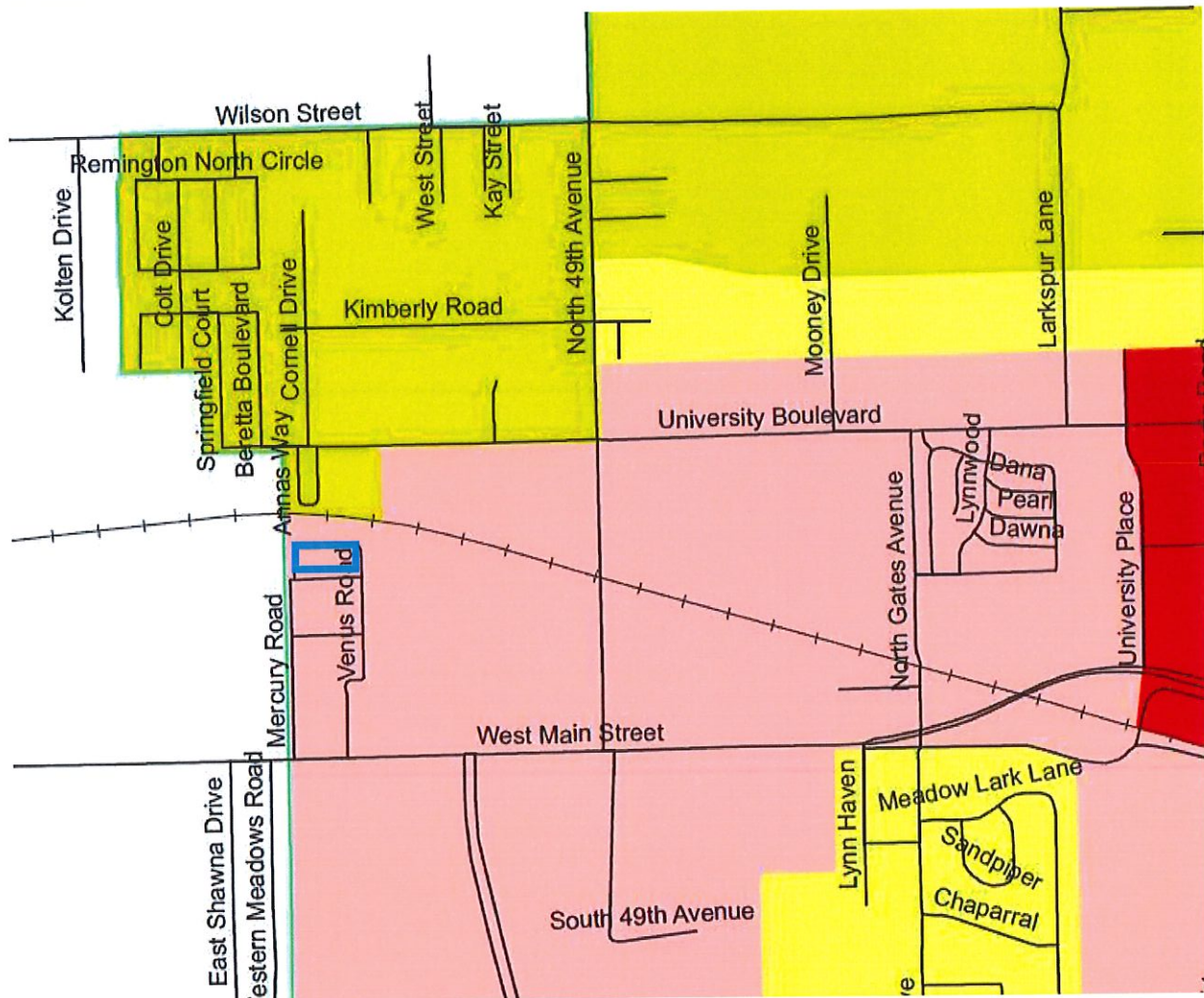
Aerial Maps



Zoning Map



Future Land Use Map

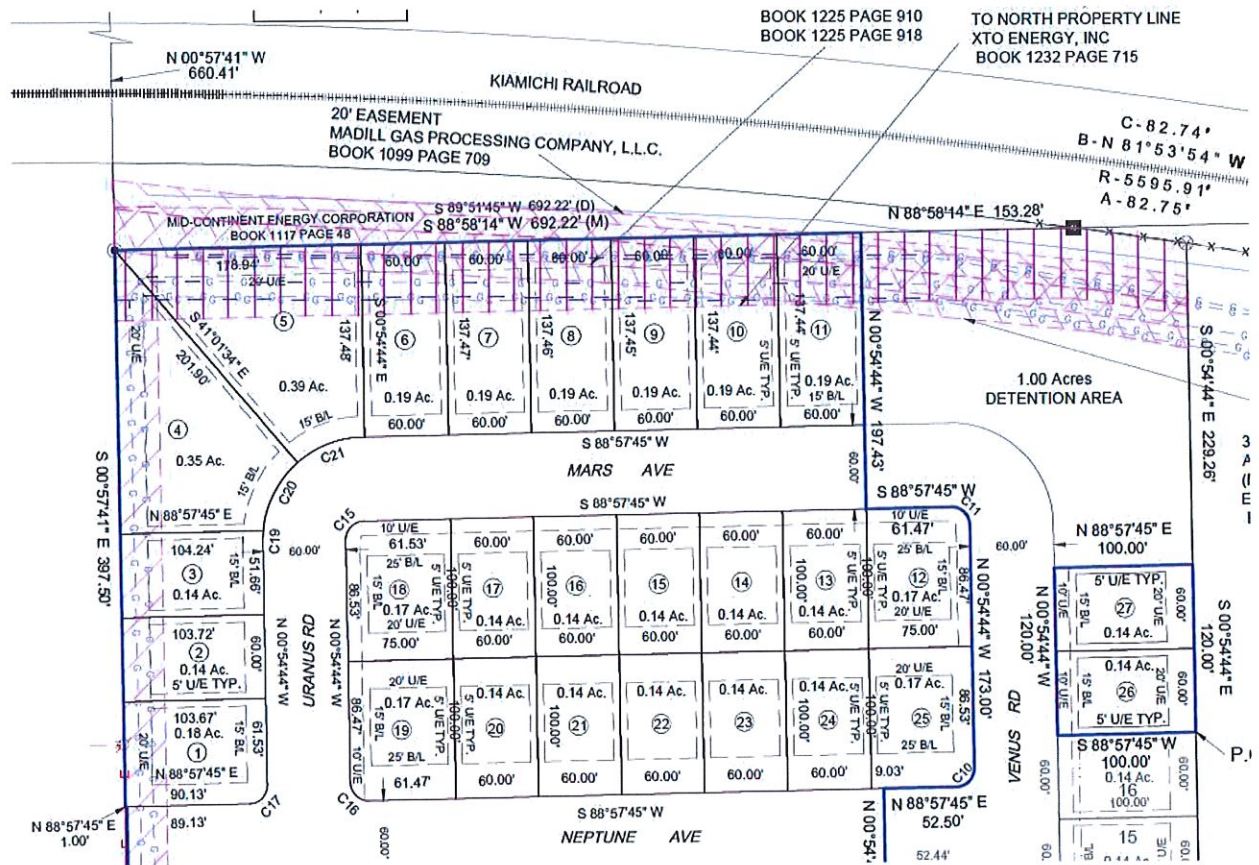


Location is approximate

Future Land Use

- City
- Recreation
- Agriculture
- Hospital/Health
- CBD
- Industrial
- Commercial
- Mixed Use - Commercial/Industrial
- Mixed Use - Commercial/Residential
- Mixed Residential
- Residential - Low Density
- Residential - Low to Medium Density

Preliminary Plat Snippet (with desired setbacks)





THE CITY OF DURANT

Office of Community Development

Board of Adjustment Application

Petition # BOA2022-02 Fee \$ 300

Name: Texoma Victory Real Property Investment, LLC	Email: Benjamin.Jia@TexomaVictory.com	Phone #1 469-600-9231
Mailing Address: 412 Woodland Cir		Phone #2 972-655-6876
City: Durant	State: OK	Zip: 74701
Applicant's Interest in Property: 100% Ownership		

1. I, the undersigned, request a hearing before the Board of Adjustment, in regard to the following:

- ☐ Appeal Of The Zoning Administrator's decision/Interpretation
- ☐ Change From One Nonconforming Use To Another Nonconforming Use
- ☒ **Variance**

2. Description of request being made (indicate appropriate section or subsections of the local zoning ordinance, where applicable):

We are requesting the city to approve a 15-foot front setback for 13 of the 35 lots in the phase II development.

3. Reasons for request (may be attached):

Please see Engineering Recommendation attached.

4. Legal description (if applicable, may be attached):

Attached.

5. Is site plan attached (if determined necessary by the administrative official) containing the applicable requirements of the local zoning ordinance?

Yes ☒ No ☐

6. Location of property: Durant Victory Subdivision Present Zoning: **Residential single family**

7. The foregoing information and attachments are true and accurate to the best of my knowledge:

Applicant (Signature) Benjamin Jia Date 1/3/2022

Date Filed		Date Payment Received		Notification Mailed		Comments
Initial		Initial		Date Initial		
Proof of Publication Received				Property Posting Verified		Comprehensive Plan Recommendations
Date		Initial		Date		
Staff Recommendation		PC Recommendation		City Council Action		Ordinance #
☐ Approve ☐ Deny		☐ Approve ☐ Deny		☐ Approve ☐ Deny		

Engineering recommendation for a 15 ft front setback

Subject: Durant Victory Subdivision, Phase II

The typical house dimensions that the developer built in the first phase of this subdivision are 50ft wide x 55ft deep.

For lots 1 through 4 in phase II:

The lot depth is roughly 103 ft

We have a 30ft existing gas easement along the back of these lots, if we applied the 25 ft set back to these lots that would leave a buildable area of 48 feet deep only.

To be able to build the typical house plan that was used for phase 1 and to allow for grade transition between the gas easement and the houses we need the city to Approve a 15ft set back from the property line instead of 25.

For lots 5 through 11 in phase II:

The lot depth is roughly 137 ft

We have a 50ft existing gas easement along the back of these lots, we had to raise the grade up in this area from 5 to 7 ft to allow the storm water to flow into the pond and to collect the sewer and allow it to flow into the left station that was constructed on site. The gas company will allow more than 2ft of fill above the gas easement and if we grade the ground as 3' H to 14' V we need additional 15' from the edge of the gas easement to the edge of the house foundation. If we applied the 25 ft set back to these lots that would leave a buildable area of 47 feet deep only.

To be able to build the typical house plan that was used for phase 1 and to allow for grade transition between the gas easement and the houses we need the city to Approve a 15ft set back from the property line instead of 25.

For lots 26 & 27 in phase II:

We are requesting from the City of Durant to approve a 15ft set back to match the building set back that was approved for phase I for lots 1 through 16.

Thanks

Danny Khoury

Barker & Associates, Inc.

Consulting Engineers

3902 University Boulevard

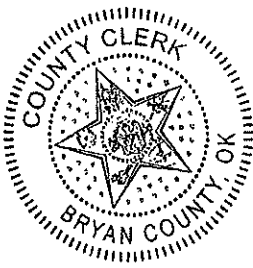
Durant, OK 74701

Phone: (580) 931-9045

Cell: (904) 661-9851

dkhoury@barkerengineers.com





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abstract and title

WARRANTY DEED

2020-720910 Book 1518 Pg: 773
12/10/2020 10:04 am Pg 0773-0774
Fee: \$ 20.00 Doc: \$ 140.25
Tammy Reynolds - Bryan County Clerk
State of Oklahoma

KNOW ALL MEN BY THESE PRESENTS:

That Cynthia Newell and William Michael Newell, wife and husband, party/parties of the first part, in consideration of the sum of Ten and more (\$10.00) Dollars, the receipt of which is hereby acknowledged, do(es) by these presents grant, bargain, sell and convey unto **Texoma Victory Real Property Investment, LLC, a Limited Liability Company**, 412 Woodland Cr, Durant, OK 74701, party/parties of the second part, his/her/their grantees and heirs, all of the following described real property and premises, situated in Bryan County, Oklahoma, to wit:

A tract of land situated in a part of the SE/4 of Section 26, Township 6 South, Range 8 East of the Indian Base and Meridian, Bryan County, Oklahoma, more particularly described as follows: Commencing at a found mag nail with CA 4450 washer for the SW Corner of the SE/4 of said Section 26; Thence N 00°57'41" W, along the West line of the SE/4, a distance of 150.74 feet to the true Point of Beginning on the North right-of-way line of U.S. Highway 70 marked with a found 1/2" steel pin; Thence N 88°57'45" E, along the North right-of-way line of U.S. Highway 70, a distance of 74.44 feet to a set 1/2" steel pin with PLS 1819 ID cap; Thence S 79°43'23" E, along the North right-of-way line of U.S. Highway 70, a distance of 76.46 feet to a set 1/2" steel pin with PLS 1819 ID cap; Thence N 88°57'45" E, along the North right-of-way line of U.S. Highway 70, a distance of 372.93 feet to the SW Corner of a tract of land conveyed to Great Plains Inc filed in Book 1205 at Page 117 marked with a found 1/2" steel pin with PLS 1325 ID cap; Thence N 00°54'44" W, along the West line of said tract filed in Book 1205 at Page 117, a distance of 523.00 feet to a found 1/2" steel pin with PLS 1325 ID cap; Thence N 88°57'45" E, along the North line of said tract filed in Book 1205 at Page 117, a distance of 250.00 feet to a point on the West line of a tract of land conveyed to the Board of Trustees of the First United Methodist Church of Durant, Oklahoma filed in Book 1018 at Page 439 marked with a found 1/2" steel pin with PLS 1325 ID cap; Thence N 00°54'44" W, along the West line of said tract filed in Book 1018 at Page 439, a distance of 1309.27 feet to a point on the South Railroad right-of-way line marked with a found 5/8" steel pin; Thence along said Railroad right-of-way, with a Curve turning to the left, with an Arc length of 82.75 feet, with a Radius of 5595.91 feet, with a Chord bearing of N 81°53'54" W, with a Chord length of 82.74 feet to a point on the South line of the N/2 N/2 SE/4 of said Section 26 marked with a found 1/2" steel pin with CA 4450 ID cap; Thence S 88°58'14" W, along said South line of the N/2 N/2 SE/4, and the South line of a tract of land conveyed to Mid-Continent Energy Corporation filed in Book 1117 at Page 48, a distance of 692.22 feet to a point on the West line of the SE/4 marked with a set 1/2" steel pin with PLS 1819 ID cap; Thence S 00°57'41" E, along the West line of the SE/4, a distance of 1830.50 feet back to the Point of Beginning.

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 said party/parties of the second part, his/her/their grantees and the heirs and grantees of the survivors, forever, free, clear and discharged of and from all former grants, titles, charges, taxes, judgments, mortgages and other liens and encumbrances of

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STATE OF OKLAHOMA
Bryan County
Documentary Stamp \$ 140.25

WARRANTY DEED

(Continued)

whatsoever nature. Exceptions: Easements and rights of ways of record; oil, gas, and other mineral leases of record; prior oil, gas, and other mineral conveyances or reservations of record; restrictive and protective covenants of record; and applicable zoning ordinances.

Revenue Stamps: ~~\$104.25~~ 140.25

SIGNED AND SEALED this the 5th day of February 2020.

⑧ Cynthia Newell
Cynthia Newell

⑧ William Michael Newell
William Michael Newell

NOTARY AND ACKNOWLEDGMENT

STATE OF Colorado

COUNTY OF Chaffee

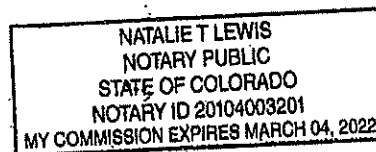
I, Natalie Lewis, a Notary Public for the County of Chaffee and State of Colorado, do hereby certify that Cynthia Newell and William Michael Newell, wife and husband, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the 5th of February 2020.

⑧ Natalie T Lewis
Notary Public

My Commission Expires: 3/4/22

(SEAL)



File No.: 191207446

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1-2020-720910 Book 1518 Pg: 774
12/10/2020 10:04 am Pg 0773-0774
Fee: \$ 20.00 Doc: \$ 140.25
Tammy Reynolds - Bryan County Clerk
State of Oklahoma



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abstract and title

WARRANTY DEED

2020-720911 Book 1518 Pg: 775
12/10/2020 10:04 am Pg 0775-0776
Fee: \$ 20.00 Doc: \$ 140.25
Tammy Reynolds - Bryan County Clerk
State of Oklahoma

KNOW ALL MEN BY THESE PRESENTS:

That Margaret L. Frazier, a single person, party/parties of the first part, in consideration of the sum of Ten and more (\$10.00) Dollars, the receipt of which is hereby acknowledged, do(es) by these presents grant, bargain, sell and convey unto Texoma Victory Real Property Investment, LLC, a Limited Liability Company, 412 Woodland Cr, Durant, OK 74701, party/parties of the second part, his/her/their grantees and heirs, all of the following described real property and premises, situated in Bryan County, Oklahoma, to wit:

A tract of land situated in a part of the SE/4 of Section 26, Township 6 South, Range 8 East of the Indian Base and Meridian, Bryan County, Oklahoma, more particularly described as follows: Commencing at a found mag nail with CA 4450 washer for the SW Corner of the SE/4 of said Section 26; Thence N 00°57'41" W, along the West line of the SE/4, a distance of 150.74 feet to the true Point of Beginning on the North right-of-way line of U.S. Highway 70 marked with a found 1/2" steel pin; Thence N 88°57'45" E, along the North right-of-way line of U.S. Highway 70, a distance of 74.44 feet to a set 1/2" steel pin with PLS 1819 ID cap; Thence S 79°43'23" E, along the North right-of-way line of U.S. Highway 70, a distance of 76.46 feet to a set 1/2" steel pin with PLS 1819 ID cap; Thence N 88°57'45" E, along the North right-of-way line of U.S. Highway 70, a distance of 372.93 feet to the SW Corner of a tract of land conveyed to Great Plains Inc filed in Book 1205 at Page 117 marked with a found 1/2" steel pin with PLS 1325 ID cap; Thence N 00°54'44" W, along the West line of said tract filed in Book 1205 at Page 117, a distance of 523.00 feet to a found 1/2" steel pin with PLS 1325 ID cap; Thence N 88°57'45" E, along the North line of said tract filed in Book 1205 at Page 117, a distance of 250.00 feet to a point on the West line of a tract of land conveyed to the Board of Trustees of the First United Methodist Church of Durant, Oklahoma filed in Book 1018 at Page 439 marked with a found 1/2" steel pin with PLS 1325 ID cap; Thence N 00°54'44" W, along the West line of said tract filed in Book 1018 at Page 439, a distance of 1309.27 feet to a point on the South Railroad right-of-way line marked with a found 5/8" steel pin; Thence along said Railroad right-of-way, with a Curve turning to the left, with an Arc length of 82.75 feet, with a Radius of 5595.91 feet, with a Chord bearing of N 81°53'54" W, with a Chord length of 82.74 feet to a point on the South line of the N/2 N/2 SE/4 of said Section 26 marked with a found 1/2" steel pin with CA 4450 ID cap; Thence S 88°58'14" W, along said South line of the N/2 N/2 SE/4, and the South line of a tract of land conveyed to Mid-Continent Energy Corporation filed in Book 1117 at Page 48, a distance of 692.22 feet to a point on the West line of the SE/4 marked with a set 1/2" steel pin with PLS 1819 ID cap; Thence S 00°57'41" E, along the West line of the SE/4, a distance of 1830.50 feet back to the Point of Beginning.

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 said party/parties of the second part, his/her/their grantees and the heirs and grantees of the survivors, forever, free, clear and discharged of and from all former grants, titles, charges, taxes, judgments, mortgages and other liens and encumbrances of

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STATE OF OKLAHOMA
Bryan County
Documentary Stamp \$ 140.25

WARRANTY DEED

(Continued)

whatsoever nature. Exceptions: Easements and rights of ways of record; oil, gas, and other mineral leases of record; prior oil, gas, and other mineral conveyances or reservations of record; restrictive and protective covenants of record; and applicable zoning ordinances.

Revenue Stamps: ~~\$104.25~~ 140.25

SIGNED AND SEALED this the 5th day of February 2020.

ⓧ Margaret L. Frazier
Margaret L. Frazier

NOTARY AND ACKNOWLEDGMENT

STATE OF California

COUNTY OF Riverside

I, Shannea Forrest, a Notary Public for the County of Riverside and State of California, do hereby certify that Margaret L. Frazier, a single person, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

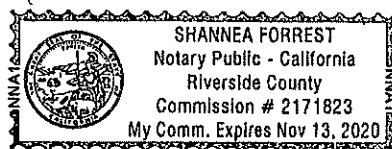
Witness my hand and official seal, this the 5th of February 2020.

ⓧ Shannea Forrest
Notary Public

My Commission Expires: 11/13/2020

(SEAL)

File No.: 191207446



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i-2020-720911 Book 1518 Pg: 776
2/10/2020 10:04 am Pg 0775-0776
Fee: \$ 20.00 Doc: \$ 140.25
Tammy Reynolds - Bryan County Clerk
State of Oklahoma



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2020-720912 Book 1518 Pg: 777
12/10/2020 10:04 am Pg 0777-0778
Fee: \$ 20.00 Doc: \$ 140.25
Tammy Reynolds - Bryan County Clerk
State of Oklahoma

KNOW ALL MEN BY THESE PRESENTS:

That Don H. Carpenter, Jr. and Elizabeth M. Carpenter, husband and wife, party/parties of the first part, in consideration of the sum of Ten and more (\$10.00) Dollars, the receipt of which is hereby acknowledged, do(es) by these presents grant, bargain, sell and convey unto **Texoma Victory Real Property Investment, LLC, a Limited Liability Company**, 412 Woodland Cr, Durant, OK 74701, party/parties of the second part, his/her/their grantees and heirs, all of the following described real property and premises, situated in Bryan County, Oklahoma, to wit:

A tract of land situated in a part of the SE/4 of Section 26, Township 6 South, Range 8 East of the Indian Base and Meridian, Bryan County, Oklahoma, more particularly described as follows: Commencing at a found mag nail with CA 4450 washer for the SW Corner of the SE/4 of said Section 26; Thence N 00°57'41" W, along the West line of the SE/4, a distance of 150.74 feet to the true Point of Beginning on the North right-of-way line of U.S. Highway 70 marked with a found 1/2" steel pin; Thence N 88°57'45" E, along the North right-of-way line of U.S. Highway 70, a distance of 74.44 feet to a set 1/2" steel pin with PLS 1819 ID cap; Thence S 79°43'23" E, along the North right-of-way line of U.S. Highway 70, a distance of 76.46 feet to a set 1/2" steel pin with PLS 1819 ID cap; Thence N 88°57'45" E, along the North right-of-way line of U.S. Highway 70, a distance of 372.93 feet to the SW Corner of a tract of land conveyed to Great Plains Inc filed in Book 1205 at Page 117 marked with a found 1/2" steel pin with PLS 1325 ID cap; Thence N 00°54'44" W, along the West line of said tract filed in Book 1205 at Page 117, a distance of 523.00 feet to a found 1/2" steel pin with PLS 1325 ID cap; Thence N 88°57'45" E, along the North line of said tract filed in Book 1205 at Page 117, a distance of 250.00 feet to a point on the West line of a tract of land conveyed to the Board of Trustees of the First United Methodist Church of Durant, Oklahoma filed in Book 1018 at Page 439 marked with a found 1/2" steel pin with PLS 1325 ID cap; Thence N 00°54'44" W, along the West line of said tract filed in Book 1018 at Page 439, a distance of 1309.27 feet to a point on the South Railroad right-of-way line marked with a found 5/8" steel pin; Thence along said Railroad right-of-way, with a Curve turning to the left, with an Arc length of 82.75 feet, with a Radius of 5595.91 feet, with a Chord bearing of N 81°53'54" W, with a Chord length of 82.74 feet to a point on the South line of the N/2 N/2 SE/4 of said Section 26 marked with a found 1/2" steel pin with CA 4450 ID cap; Thence S 88°58'14" W, along said South line of the N/2 N/2 SE/4, and the South line of a tract of land conveyed to Mid-Continent Energy Corporation filed in Book 1117 at Page 48, a distance of 692.22 feet to a point on the West line of the SE/4 marked with a set 1/2" steel pin with PLS 1819 ID cap; Thence S 00°57'41" E, along the West line of the SE/4, a distance of 1830.50 feet back to the Point of Beginning.

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

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STATE OF OKLAHOMA

Bryan County

County Stamps \$

140.25

WARRANTY DEED

(Continued)

whatsoever nature. Exceptions: Easements and rights of ways of record; oil, gas, and other mineral leases of record; prior oil, gas, and other mineral conveyances or reservations of record; restrictive and protective covenants of record; and applicable zoning ordinances.

Revenue Stamps: \$104.25 ~~140.25~~ 140.25

SIGNED AND SEALED this the 5th day of February 2020.

① Don H. Carpenter, Jr.
Don H. Carpenter, Jr.

② Elizabeth M. Carpenter
Elizabeth M. Carpenter

NOTARY AND ACKNOWLEDGMENT

STATE OF Oklahoma

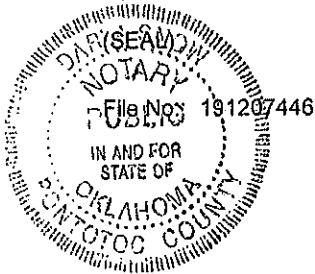
COUNTY OF Pontotoc

I, Darla Snow, a Notary Public for the County of Pontotoc and State of Oklahoma, do hereby certify that Don-H. Carpenter, Jr. and Elizabeth M. Carpenter, husband and wife, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the 5th of February 2020.

① Darla Snow
Notary Public #01015437

My Commission Expires: 9-13-2021



2020-720912 Book 1518 Pg: 778
12/10/2020 10:04 am Pg 0777-0778
Fee: \$ 20.00 Doc: \$ 140.25
Tammy Reynolds - Bryan County Clerk
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