

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 PLANNING COMMISSION

5:30 PM

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

July 5, 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 June 7, 2022

2. Consider Items Removed from Consent

3. Information Items

4. Public Hearings

- a. Discussion, Consideration and Possible Action on PC2022-10, a Final Plat request for property located near West Main Street and South 49th Avenue.
- b. Discussion, Consideration and Possible Action on PC2022-17, a Final Plat request for property located near Main Street and Radio Road.

5. New Business

ADJOURNMENT

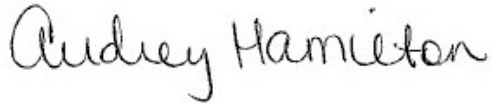
CERTIFICATE

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 8th day of December, 2021 and that an agenda of said meeting was posted at the place of such meeting at 03:00 p.m. on the 30th day of June, 2022.

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 8th day of December, 2021 and that an agenda of said meeting was posted at the place of such meeting at 09:00 a.m. on the 3rd day of June, 2022.



Audrey Hamilton, City of Durant

MINUTES OF THE MEETING OF DURANT PLANNING COMMISSION
June 7, 2022 AT 5:30 PM, Roscoe J. Hatfield
Council Chambers,
300 West Evergreen,
Durant, Oklahoma

CALL TO ORDER

Planning Commission Vice Chairman Jackson called the meeting to order at 5:32 p.m.

INVOCATION/FLAG SALUTE

Vice Chairman Jackson provided the invocation. Commission Member Knight led the flag salute.

ROLL CALL

Present:

Planning Commission Vice Chairman Drew Jackson

Planning Commissioner Shane Knight

Planning Commissioner Whitney Kerr

Absent:

Planning Commissioner Clent Horner

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 May 3, 2022

Motion was made by Commission Member Knight and seconded by Commission Member Jackson to approve the minutes as presented.

Motion Passed with the following vote:

Ayes: Jackson, Knight, Kerr

Nays: None

Abstain: None

2. Consider Items Removed from Consent

3. Information Items

4. Administration

a. Consider the Appointment of Chairperson

Motion was made by Commission Member Knight and seconded by Commission Member Kerr to appoint Drew Jackson as Chairperson.

Motion Passed with the following vote:

Ayes: Knight, Kerr

Nays: Jackson

Abstain: None

b. Consider the Appointment of a Vice-Chairperson

Motion was made by Commission Member Kerr and seconded by Commission Member Jackson to appoint Shane Knight as Vice-Chairperson.

Motion Passed with the following vote:

Ayes: Jackson, Knight, Kerr

Nays: None

Abstain: None

c. Discussion, Consideration and Possible Action on Amending Sections of Chapter 150 (Building Regulations) of the Code of Ordinances of the City of Durant, Oklahoma.

Danielle O'Neal reviewed with the Planning Commission members a request to amend section of Chapter 150 (Building Regulations). Staff has made updates to the building code to be more in line with what is adopted at the state level. Staff does understand that there may be a change to the International Residential Code (IRC) and the National Electrical Code (NEC) depending what happens at the state level; however, staff chose to stick with the codes that are fully adopted as of the date of this memo. Staff also updated the appendices within the various building codes.

Motion was made by Commission Member Kerr and seconded by Vice Chairman

Knight to approve the request as presented.

Motion Passed with the following vote:

Ayes: Jackson, Knight, Kerr

Nays: None

Abstain: None

5. Public Hearings

- a. Discussion, Consideration and Possible Action on PC2022-11, Rezoning request from A-1 General Agriculture District to R-1 Single Family Residential District and a Planned Unit Development for property located on Cemetery Road near Highway 70 (Bypass).

THE APPLICANT HAS WITHDRAWN THIS APPLICATION.

Danielle O'Neal stated that the applicant has submitted a letter to withdraw his application for the rezoning and the Planned Unit Development. The applicant stated that he no longer wishes to sell his property at this time.

- b. Discussion, Consideration and Possible Action on PC2022-16, a Re-Plat request for property located near South 12th Avenue and Texas Street.

Danielle O'Neal reviewed with the Planning Commission members a request from Mike Losawyer for a Re-Plat for property located near South 12th Avenue and Texas Street. The applicant approached staff regarding filing for a re-plat request with the hopes of separating two lots into four lots. The applicant intends to sell the homes that are at this location and while going through that process discovered that these structures sit on two platted lots. State law and City ordinance prohibits the sale of any property that has not been properly subdivided. Furthermore, City ordinances require only one primary structure per lot. This area is a part of the original town site that was platted many years ago and since has had houses built and lot lines altered. As a note, the County Assessor's office shows these houses being built in the 1960s. The subject property is approximately 0.60 acres total. The two lots are shown on the plat to be divided into four lots all approximately 0.14 acres apiece. A diagram is attached to this report showing the exact lot lines and locations of the current houses. The lots being requested do not meet all of the requirements of current ordinances; therefore, should the request be approved the applicant will also be required to go through the Board of Adjustment for a variance. There appears to be City Water and Sewer in the area; however, easements to provide access to all lots is required and are shown on the plat. The only comments from City staff were regarding the lots needing to go through the Board of Adjustment since they do not meet current lot requirements. The current Future Land Use Map has this area as mixed residential; therefore, this request is generally in line with the Comprehensive Plan. Notifications have been made to the surrounding property owners and at the time of this report, there have not been any letters or emails received by staff.

Michael Losawyer, applicant, spoke in support.

Clay Cecil spoke in support.

Motion was made by Commission Member Kerr and seconded by Vice Chairman Knight to deny the request as presented.

Motion Passed with the following vote:

Ayes:

Nays: Jackson, Knight, Kerr

Abstain: None

- c. Discussion, Consideration and Possible Action on PC2022-17, a Final Plat request for property located near Main Street and Radio Road.

Danielle O'Neal stated that due to an error within the public notice that was published in the newspaper and sent to property owners, staff will need to re-publish this item. Therefore, staff is asking the Planning Commission to take no action on this item so that the errors can be corrected and the item re-published. The applicant is aware of this and planning to be placed on the July agenda.

Chairman Jackson called for no action to be taken on the item.

6. New Business

There was no new business.

Chairman Jackson requested something be done in recognition of Mr. Keener's time served on the Planning Commission and Board of Adjustment.

ADJOURNMENT

Motion made by Vice Chairman Knight and seconded by Chairman Jackson to adjourn the meeting.

Motion Passed with the following vote:

Ayes: Jackson, Knight, Kerr

Nays: None

Abstain: None



The City of Durant

Memorandum

Date: 7/5/2022
To: Mayor and City Council
From:
Re: Information Items

Council Information / Action Requested

City Staff Information / Action Follow-up, if Council authorizes this action:

ATTACHMENTS:



THE CITY OF DURANT

Office of Community Development

Date: 07/05/2022
To: Planning Commission
Case: PC 2022-10
From: Danielle O'Neal, Community Development Director
Re: Final Plat request for property near West Main Street and South 49th Avenue

Request: Consider a request from First Texoma National Bank, for a Final Plat Request for property located near West Main Street and South 49th Avenue.

Current Zoning: C-2, Highway Commercial and Commercial Recreation

Surrounding Properties:

Direction	Zoning	Use
North	C-2	Funeral chapel
East	C-2	Vacant
South	C-2 / R-3	Vacant
West	C-2	Vacant

Lot Characteristics: (Current Lot)

Width	~ 330 ft.
Depth	~330 ft.
Total Area	~2.50 acres (~108,900 sq. ft.)

Applicant: First Texoma National Bank

Background: The applicant approached staff regarding filing for a final plat request with the hopes of separating this existing lot and placing a kidney dialysis building on one of the lots. The plat calls for this approximate 2.5 acre tract to be separated in half. This particular area is unplatted which is why they are going through the final plat process.

Notifications have been made to the surrounding property owners and at the time of this report, there have not been any letters or emails received by staff.

Analysis: The subject property is approximately 2.5 acres total. The lot is shown on the plat to be divided into two lots that are approximately 1.25 acres apiece. The proposed lots do meet the requirements for the zoning district. There appears to be City Sewer in the area and Rural Water District 2 provides water service in that area.

City Staff has reviewed the plat and provided a comment that the applicant would need to run a sewer line for the property. The applicant has chosen to file for a surety bond for the sewer line. The City Attorney and City Engineer have reviewed the surety bond, and both have stated they are comfortable with it. The only comments from City staff were regarding the sewer line and that it was the contractors / owners responsibility to install and pay connection fee. The sewer line is expected to be a public line.

The current Future Land Use Map has this area as mixed-use of commercial and residential; therefore, this request is generally in line with the Comprehensive Plan.

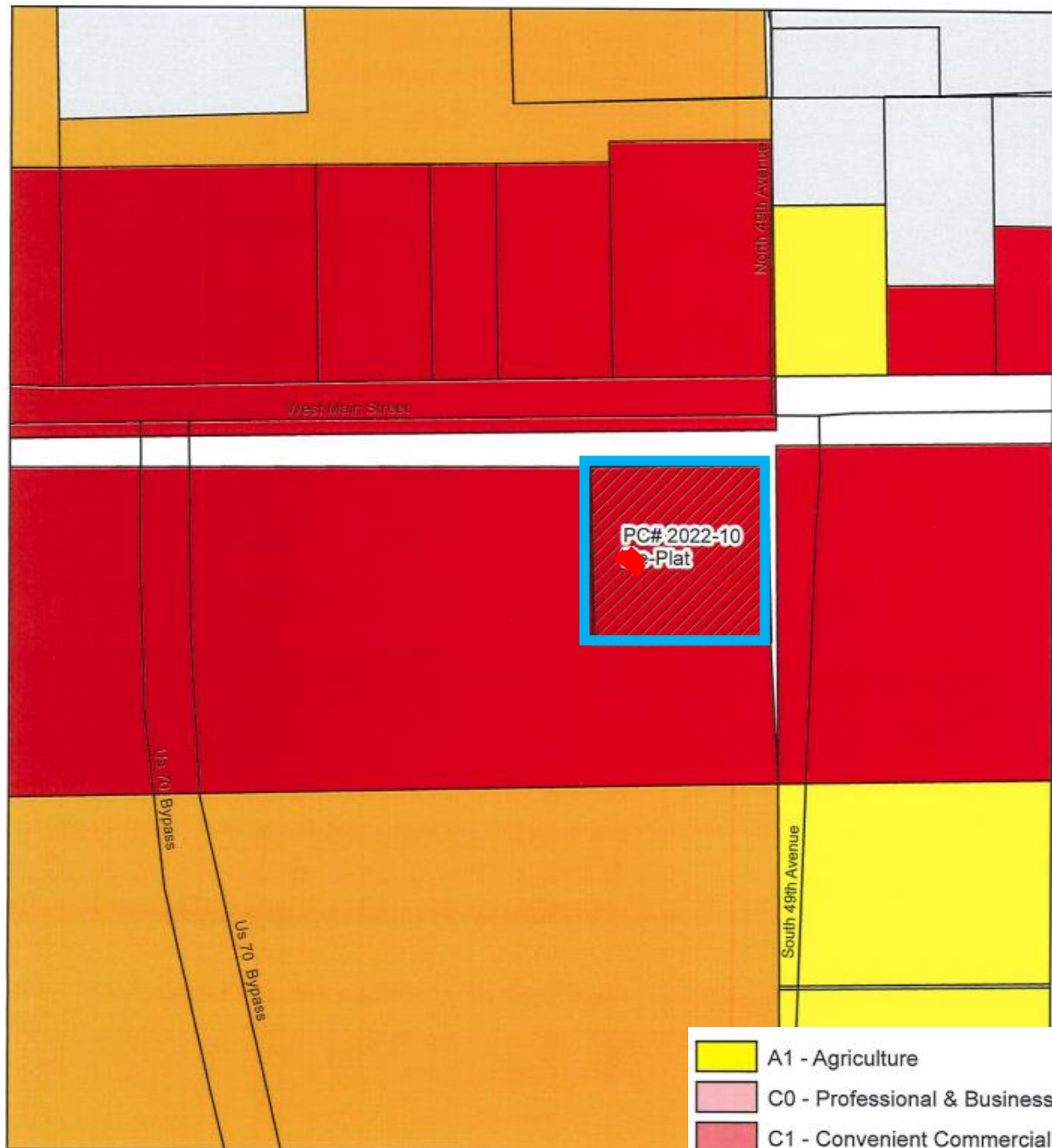
Staff Recommendation: Staff has signed off supporting the approval of the final plat.

Required Action: Hold a public hearing and recommend approval or denial of the Final Plat request for property located near West Main Street and South 49th Avenue. Any specific conditions imposed by the Commission should be read into any approval motion.

Aerial Map

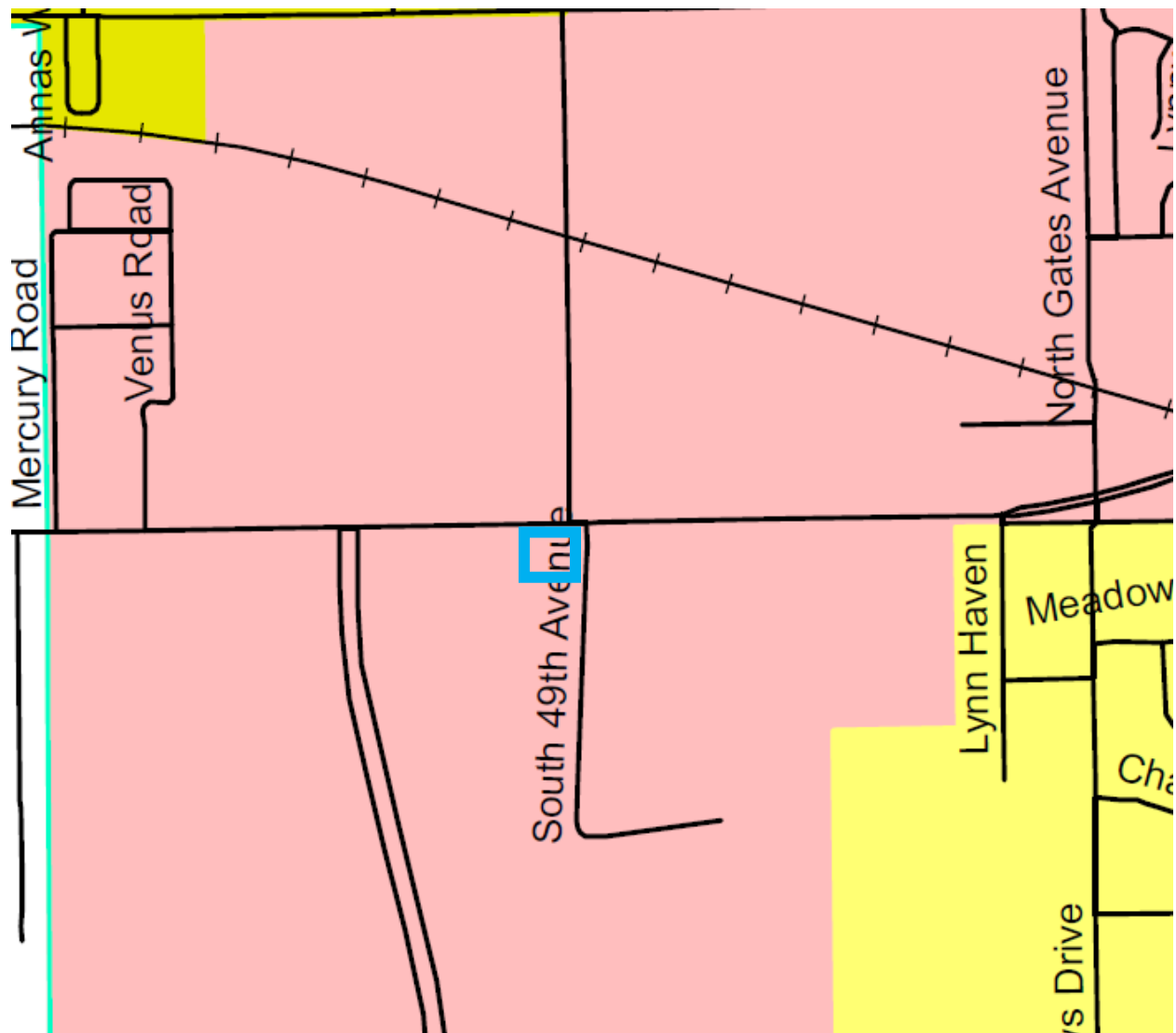


Zoning Map



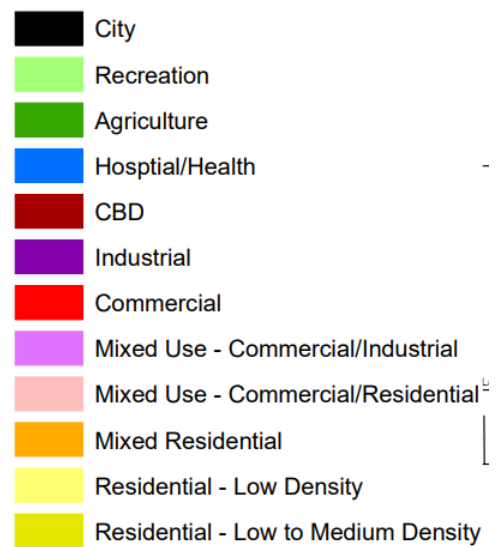
- A1 - Agriculture
- C0 - Professional & Business Office
- C1 - Convenient Commercial
- C2 - Highway Commercial
- C3 - General Commercial
- CBD - Central Business District
- H1 - Health Facilities
- I1 - Light Industrial
- I2 - Medium Industrial
- R1 - Single Family Residential
- R2 - Two Family Residential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

Future Land Use Map



Location is approximate

Future Land Use



COMMUNITY DEVELOPMENT PLAT SIGN OFF SHEET

West Main & 49th Avenue PC2022-10

Department	Signature	Date	Notes
Com Dev Director Danielle O'Neal		6/1/22	
M&O Randy Cantrell		04-08-2022	Manhole the sewer will connect to is on 49 th and will be contractors responsibility to install and pay connection fee
Streets Carl Meade		4-13-22	
Public Works Director Phillip Hightower		4-13-22	
Fire Marshal Wade Boyd		5-3-22	no comment.
Building Inspector Mark Pierce		4-25-22	No Comments
Engineer Brandon Wall	see att	4-7-22	

COMMUNITY DEVELOPMENT PLAT SIGN OFF SHEET

West Main & 49th Avenue PC 2022-10

Department	Signature	Date	Notes
Com Dev Director Danielle O'Neal			
M&O Randy Cantrell		4-8-22	
Streets Carl Meade		4-13-22	
Public Works Director Phillip Hightower		4-13-22	
Fire Marshal Wade Boyd			
Building Inspector Mark Pierce		4-25-22	
Engineer Brandon Wall		04/07/22	No comments.

Subdivision/Plat Application

Sketch Plat: ☐

Preliminary Plat: ☐

Final Plat: ☒

Re-Plat: ☐

Petition # _____

Fee \$ _____

Expedited Fee \$ _____

APPLICANT INFORMATION

Name: Jim Caudle	Email: mark.kinney@davita.com	Phone # 918-580-4242
Mailing Address: 220 West Main		Phone #2
City: Durant	State: OK	Zip: 74701
		Fax #
Applicant's Interest in Property: Developer		

SURVEYOR INFORMATION

Name: Nathaniel J. Reed	Email: nathan@hardenandassoc.com	Phone #1 918-234-4859
Mailing Address: 5807 S. Garnett Road, Suite K		Phone #2
City: Tulsa	State: OK	Zip: 74146
		Fax #
Surveyor Oklahoma License Number: #1744-Individual, #4656-Firm		

ENGINEER INFORMATION

Name: Barker & Associates, Inc.	Email: dkhoury@barkerengineers.com	Phone #1 580-931-9045
Mailing Address: 3902 University BLVD		Phone #2
City: Durant	State: OK	Zip: 74701
		Fax #
Engineer Oklahoma License Number: 18513 / CA No. 3998		

LAND INFORMATION

Legal Description: NE 1/4 of the NE1/4 of Section 35, T-6-S, R-8-E	Parcel Number:
Proposed Subdivision Name: Genesis 1st	Current Zone: C-2
Proposed Use: Commercial Property / Kidney Dialysis Clinic	Proposed Zone: C-2
Current Property Owner's Name: First Texhoma National Bank LLC	

The applicant has prepared this application and supporting documentation and certifies that the facts stated herein and exhibits attached hereto are true and correct.

Applicant: James W. Caudle Date: 2-26-2022

Office Use Only

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 Initial		

Staff Recommendation ____ Approve ____ Deny	PC Recommendation ____ Approve ____ Deny	City Council Action ____ Approve ____ Deny	Ordinance #
---	--	--	-------------

APPLICATION WILL NOT BE CONSIDERED COMPLETE WITHOUT THE FOLLOWING INFORMATION ADDRESSED:

Please describe the nature and operating characteristics of the proposed use:

The property is being developed for a new kidney dialysis clinic location. The 2.5 acre property will be divided into two lots.

No proposed use is known at the time of this application for the remainder parcel.

STATE HOW THE FOLLOWING ISSUES WILL BE ADDRESSED:

1. Parking:

Parking will be provided on site per the subdivision regulations of the local authority having jurisdiction.

2. Screening of offensive areas (trash, loading areas, transformers, utility connections, detention ponds, etc.).

A trash enclosure will be provided to screen containers. Transformer will be pole mounted as of this application date.

The stormwater detention pond is in the back of the property and will be landscaped per applicable code.

3. Traffic Impacts:

The subdivision is located on Main Street (Hwy 70) and 49th Street. Main Street is 5 lanes in this area with a continuous center turn lane. The proposed driveway locations will have ample line of sight for traffic entering and exiting the property.

4. Protection of Neighborhoods:

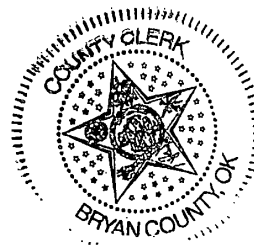
The proposed subdivision is fronting west Main Street (Hwy 70). Surrounding parcels are vacant pasture land.

What licenses and permits (if any) are required for this proposed use?

State and Federal licensing (Medicare/Medicaid) is required to operate the proposed clinic site.

Please list or describe any other reasons to support this application.

The location of the proposed subdivision fits well with the current zoning and growth on the west side of Durant. The proposed clinic will meet the growing local and regional population need for kidney care.



Warranty Deed

KNOW ALL MEN BY THESE PRESENTS:

That; **TEXOMA ASSET MANAGEMENT, L.P., of the State of Oklahoma**, party of the first part, in consideration of the sum of Ten and more (\$10.00) Dollars, the receipt of which is hereby acknowledged, do by these presents grant, bargain, sell and convey unto **FIRST TEXOMA NATIONAL BANK, P.O. Box 309, Durant, Oklahoma 74702**, party of the second part, all of the following described real property and premises, situated in Bryan County, State of Oklahoma, to-wit:

A tract of land lying in the NE/4 NE/4 of Section 35, Township 6 South, Range 8 East of the Indian Base and Meridian, Bryan County, Oklahoma, according to the Government Survey thereof, more particularly described as follows: COMMENCING at the Northeast Corner of said Section 35; Thence South 88 degrees 58 minutes 00 seconds West, along the North line of said Section 35, a distance of 16.50 feet to a point; Thence South 00 degrees 49 minutes 55 seconds East a distance of 65.00 feet to the POINT OF BEGINNING, said point lying on the South Right-of-Way of New U.S. Highway 70; Thence South 00 degrees 49 minutes 55 seconds East a distance of 330.00 feet to a point; Thence South 89 degrees 01 minutes 22 seconds West a distance of 330.00 feet to a point; Thence North 00 degrees 49 minutes 55 seconds West a distance of 330.00 feet to a point lying in said South Right-of-Way; Thence North 89 degrees 01 minutes 22 seconds East along said Right-of-Way a distance of 330.00 feet to the TRUE 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 party of the second part, her heirs and assigns, forever, free, clear and discharged of and from all former grants, charges, taxes, judgments, mortgages and other liens and encumbrances of whatsoever nature.

SIGNED AND SEALED this the 1st day of November, 2017.


JAMES W. CAUDLE
President of Texoma Asset Management, L.P.

Exempt Documentary Stamp Tax OS
Title 68, Article 32 Section 3201 or
3202, Paragraph 10

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

Before me, the undersigned, a Notary Public in and for said County and State, on this 18th day of November, 2017, personally appeared **JAMES W. CAUDLE**, to me known to be the identical person who signed the name of the Maker thereof to the within and foregoing instrument as its General Partner and acknowledged to me that he executed the same as his free and voluntary act and deed and as the free and voluntary act and deed of said Limited Partnership for the uses and purposes therein set forth.

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

NOTARY PUBLIC

My Commission Expires: 02-13-2021
Commission # 13001486



EASEMENT. Filed November 19, 1942 at 9:35 A. M. Recorded in Book
259 Page 371 #161,536

THE STATE OF OKLAHOMA
COUNTY OF BRYAN SS

KNOW ALL MEN BY THESE PRESENTS:

That for and in consideration of Eighty-eight and 25/100 (\$88.25) Dollars to the undersigned, W. E. CARPENTER and GILLIE K. CARPENTER, his wife, (herein styled Grantor, whether one or more) paid, the receipt of which is hereby acknowledged, the said Grantor does hereby Grant, Sell and Convey unto LONE STAR GAS COMPANY a corporation (herein styled Grantee), its successors and assigns, the right of way and easement to construct, maintain and operate pipe lines and appurtenances thereto over and through the following described lands situate in Bryan County, State of Oklahoma, to-wit:

That part of NW/4 Section 36, Township 6 South, Range 8 East lying North of Mineral Bayou
NE/4 of Section 35, Township 6 South, Range 8 East
S/2 SE/4 and S/2 NW/4 SE/4 of Section 26, Township 6 South, Range 8 East

TO HAVE AND TO HOLD unto said Grantee its successors and assigns so long as such lines and appurtenances thereto shall be maintained with ingress to and egress from the premises, for the purpose of constructing, inspecting, repairing, maintaining, and replacing the property of Grantee above described, and the removal of such at will, in whole or in part.

The said Grantor is to fully use and enjoy the said premises except for the purposes hereinbefore granted to the said Grantee, which hereby agrees to bury all pipes to a sufficient depth so as not to interfere with cultivation of soil, and to pay any damages which may arise to growing crops. or fences from the construction, maintenance and operation of said pipe, said damages if not mutually agreed upon, to be ascertained and determined by three disinterested persons, one thereof to be appointed by the said Grantor, one by the said Grantee and the third by the two so appointed as aforesaid and the written award of such three persons shall be final and conclusive. Should more than one pipe line be laid under this grant at any time, the sum of Twenty Five Cents per lineal rod for each additional line shall be paid, besides the damages above provided for.

Upon written application to the Grantee at Dallas, Texas, the Grantee will make or cause to be made a tap on any gas pipe line constructed by Grantee on Grantor's premises for the purpose of supplying gas to the Grantor for domestic use only, the cost of meter, saddle and labor to be borne by said Grantee, all other expenses including fittings, to be borne by Grantor, gas to be measured and

cont'd

furnished at the main line of Grantee at the same price and under the same rules and regulations as prevail in the nearest city or town where Grantee is supplying gas.

The consideration first above recited as being paid to Grantor by Grantee is in full satisfaction of every right hereby granted. All covenants and agreements herein contained shall extend to and be binding upon the respective heirs, legal representatives, successors and assigns of the parties hereto.

It is hereby understood that party securing this grant in behalf of Grantee is without authority to make any covenant or agreement not herein expressed.

Witness the execution hereof on this the 26th day of June, 1942.

W. E. CARPENTER
GILLIE K. CARPENTER

L. B. HINES
Right of Way Agent

STATE OF OKLAHOMA
COUNTY OF BRYAN SS

Acknowledged this 26th day of June, 1942 by W. E. CARPENTER and GILLIE K. CARPENTER, his wife, before W. S. Gardner, Notary Public in and for said County and State.

(SEAL) Commission expires June 4, 1946.

Bond Number 107609602

**PERFORMANCE
BOND**

(Miscellaneous, not Construction)

TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA
Hartford, Connecticut 06183

KNOW ALL MEN BY THESE PRESENTS, That we Genesis KC Development LLC , as Principal, (hereinafter called "Principal"), and Travelers Casualty and Surety Company of America, a Connecticut corporation, as Surety, (hereinafter called "Surety"), are held and firmly bound unto Durant City Utilities Authority, as Obligee, in the full and just sum of Ninety-Two Thousand Fifty and 00/100 U.S. Dollars (\$92,050.00) to be paid to the said Obligee or its successors or assigns for which payment, well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS the Principal has entered, or is about to enter, into a written Agreement with the Obligee for Sanitary Sewer Extension as is more specifically set forth in said Agreement, to which reference is hereby made.

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH, that if the Principal shall well and truly perform and carry out the covenants, terms, and conditions of said Agreement, then this obligation to be void; otherwise to remain in full force and effect.

Signed this 16th day of May, 2022.

Genesis KC Development LLC
(Principal)

By: 

Travelers Casualty and Surety Company of America

By: 

Samantha Fazzini, Attorney-In-Fact

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Los Angeles

On MAY 16 2022 before me, Meghan Hanes, Notary Public, personally appeared Samantha Fazzini who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/~~are~~ subscribed to the within instrument and acknowledged to me that ~~he~~/she/~~they~~ executed the same in ~~his~~/her/~~their~~ authorized capacity(ies), and that by ~~his~~/her/~~their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature

A handwritten signature in blue ink that reads "Meghan Hanes".

Signature of Notary Public



**Travelers Casualty and Surety Company of America
Travelers Casualty and Surety Company
St. Paul Fire and Marine Insurance Company**

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That Travelers Casualty and Surety Company of America, Travelers Casualty and Surety Company, and St. Paul Fire and Marine Insurance Company are corporations duly organized under the laws of the State of Connecticut (herein collectively called the "Companies"), and that the Companies do hereby make, constitute and appoint **Samantha Fazzini, of Los Angeles, California**, their true and lawful Attorney-in-Fact to sign, execute, seal and acknowledge any and all bonds, recognizances, conditional undertakings and other writings obligatory in the nature thereof on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

IN WITNESS WHEREOF, the Companies have caused this instrument to be signed, and their corporate seals to be hereto affixed, this **3rd day of February, 2017**.



State of Connecticut

City of Hartford ss.

By: _____

Robert L. Raney
Robert L. Raney, Senior Vice President

On this the **3rd day of February, 2017**, before me personally appeared **Robert L. Raney**, who acknowledged himself to be the Senior Vice President of Travelers Casualty and Surety Company of America, Travelers Casualty and Surety Company, and St. Paul Fire and Marine Insurance Company, and that he, as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

In Witness Whereof, I hereunto set my hand and official seal.

My Commission expires the **30th day of June, 2021**



Marie C. Tetreault
Marie C. Tetreault, Notary Public

This Power of Attorney is granted under and by the authority of the following resolutions adopted by the Boards of Directors of Travelers Casualty and Surety Company of America, Travelers Casualty and Surety Company, and St. Paul Fire and Marine Insurance Company, which resolutions are now in full force and effect, reading as follows:

RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President, any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary may appoint Attorneys-in-Fact and Agents to act for and on behalf of the Company and may give such appointee such authority as his or her certificate of authority may prescribe to sign with the Company's name and seal with the Company's seal bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking, and any of said officers or the Board of Directors at any time may remove any such appointee and revoke the power given him or her; and it is

FURTHER RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President may delegate all or any part of the foregoing authority to one or more officers or employees of this Company, provided that each such delegation is in writing and a copy thereof is filed in the office of the Secretary; and it is

FURTHER RESOLVED, that any bond, recognizance, contract of indemnity, or writing obligatory in the nature of a bond, recognizance, or conditional undertaking shall be valid and binding upon the Company when (a) signed by the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary and duly attested and sealed with the Company's seal by a Secretary or Assistant Secretary; or (b) duly executed (under seal, if required) by one or more Attorneys-in-Fact and Agents pursuant to the power prescribed in his or her certificate or their certificates of authority or by one or more Company officers pursuant to a written delegation of authority; and it is

FURTHER RESOLVED, that the signature of each of the following officers: President, any Executive Vice President, any Senior Vice President, any Vice President, any Assistant Vice President, any Secretary, any Assistant Secretary, and the seal of the Company may be affixed by facsimile to any Power of Attorney or to any certificate relating thereto appointing Resident Vice Presidents, Resident Assistant Secretaries or Attorneys-in-Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such Power of Attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding on the Company in the future with respect to any bond or understanding to which it is attached.

I, **Kevin E. Hughes**, the undersigned, Assistant Secretary of Travelers Casualty and Surety Company of America, Travelers Casualty and Surety Company, and St. Paul Fire and Marine Insurance Company, do hereby certify that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which remains in full force and effect.

Dated this

day of

MAY 16 2022



Kevin E. Hughes
Kevin E. Hughes, Assistant Secretary

**To verify the authenticity of this Power of Attorney, please call us at 1-800-421-3880.
Please refer to the above-named Attorney-in-Fact and the details of the bond to which the power is attached.**



THE CITY OF DURANT

Office of Community Development

Date: 07/05/2022
To: Planning Commission
Case: PC 2022-17
From: Danielle O'Neal, Community Development Director
Re: Final Plat request for property near Main Street and Radio Road

Request: Consider a request from Durant Main Street Coffee LLC, for a Final Plat Request for property located near Main Street and Radio Road.

Current Zoning: C-2, Highway Commercial and Commercial Recreation

Surrounding Properties:

Direction	Zoning	Use
North	C-2	Commercial Uses
East	C-2	Commercial Uses
South	C-2	Commercial Uses
West	C-2	Commercial Uses

Lot Characteristics: (Current Lots)

Width	Triangle ~ 250 ft. Corner ~ 180 ft.
Depth	Triangle ~74 ft. Corner ~ 132 ft.
Total Area	Triangle ~ 0.42 acres (~18,500 sq. ft.) Corner ~0.54 acres (~23,760 sq. ft.)

Applicant: Durant Main Street Coffee, LLC

Background: The applicant approached staff regarding filing for a final plat request with the hopes of moving a lot line by approximately 40 feet to the East so that they would be able to place commercial businesses on both of these lots. This particular area is un-platted which is why they are going through the final plat process. The applicant does have an application into the Board of Adjustment for a variance to the setbacks for the triangle piece. Additionally the applicant has an application into City Council for a Revocable Permit for the parking area along Main Street. Both of these items are expected to be heard at their respective meetings in July.

Notifications have been made to the surrounding property owners and at the time of this report, there has been a letter of support received by staff.

Analysis: The subject property is approximately 1 acre total, with the triangle lot being approximately 18,000 square feet and the corner lot being approximately 23,000 square feet. The lot line is shown to move to the east approximately 40 feet. The new triangle lot would be approximately 24,000 square feet and the corner lot would be approximately 19,000 square feet. There appears to be City Water and Sewer in the area. Both lots do meet current lot size requirements.

City Staff has reviewed the plat and provided a comment that the applicant would need to provide a utility easement to ensure both lots were served by utilities. A utility easement is now shown on the plat, and is satisfactory to staff.

The current Future Land Use Map has this area as commercial; therefore, this request is generally in line with the Comprehensive Plan.

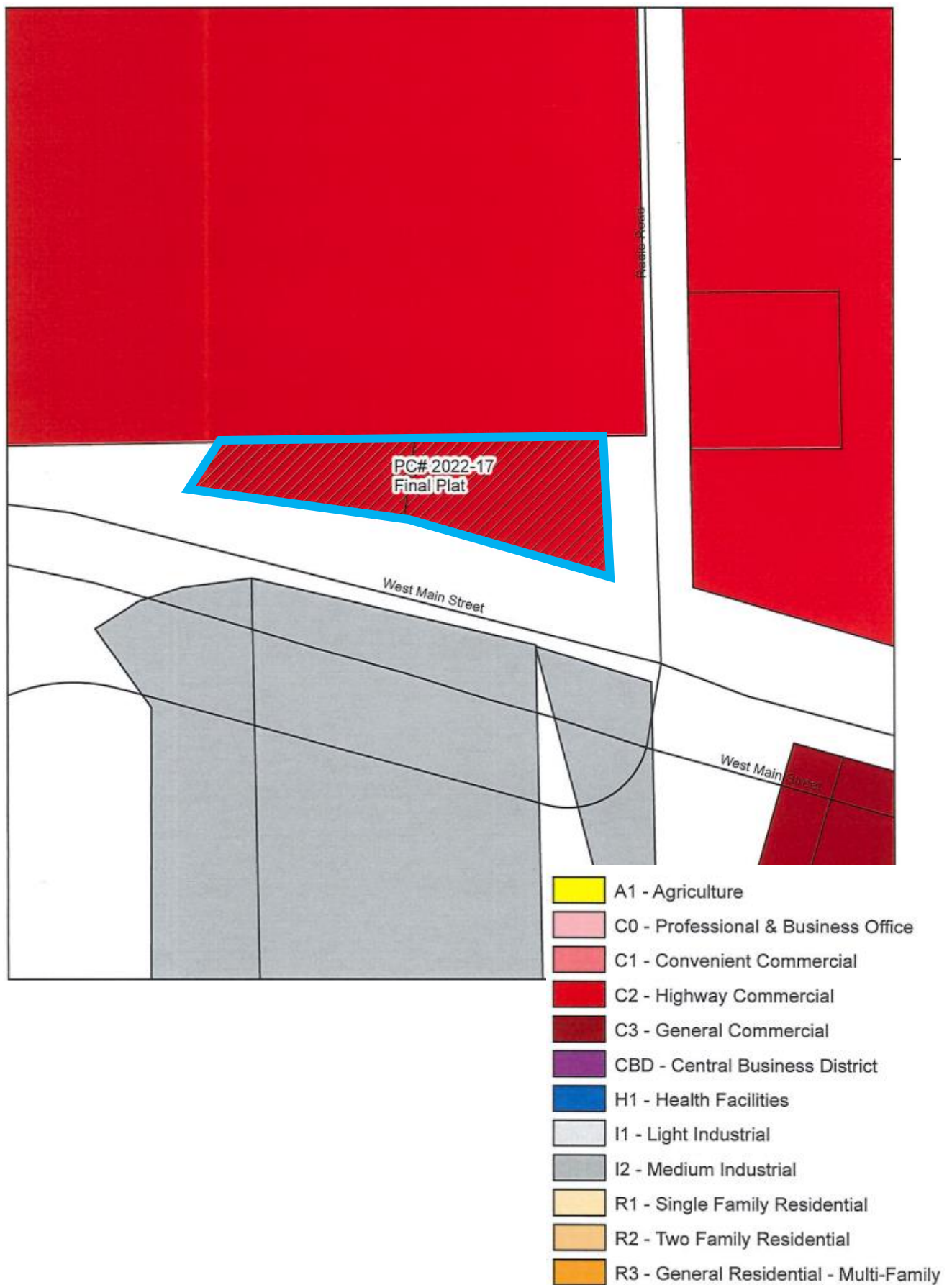
Staff Recommendation: Staff has signed off supporting the approval of the final plat.

Required Action: Hold a public hearing and recommend approval or denial of the Final Plat request for property located near Main Street and Radio Road. Any specific conditions imposed by the Commission should be read into any approval motion.

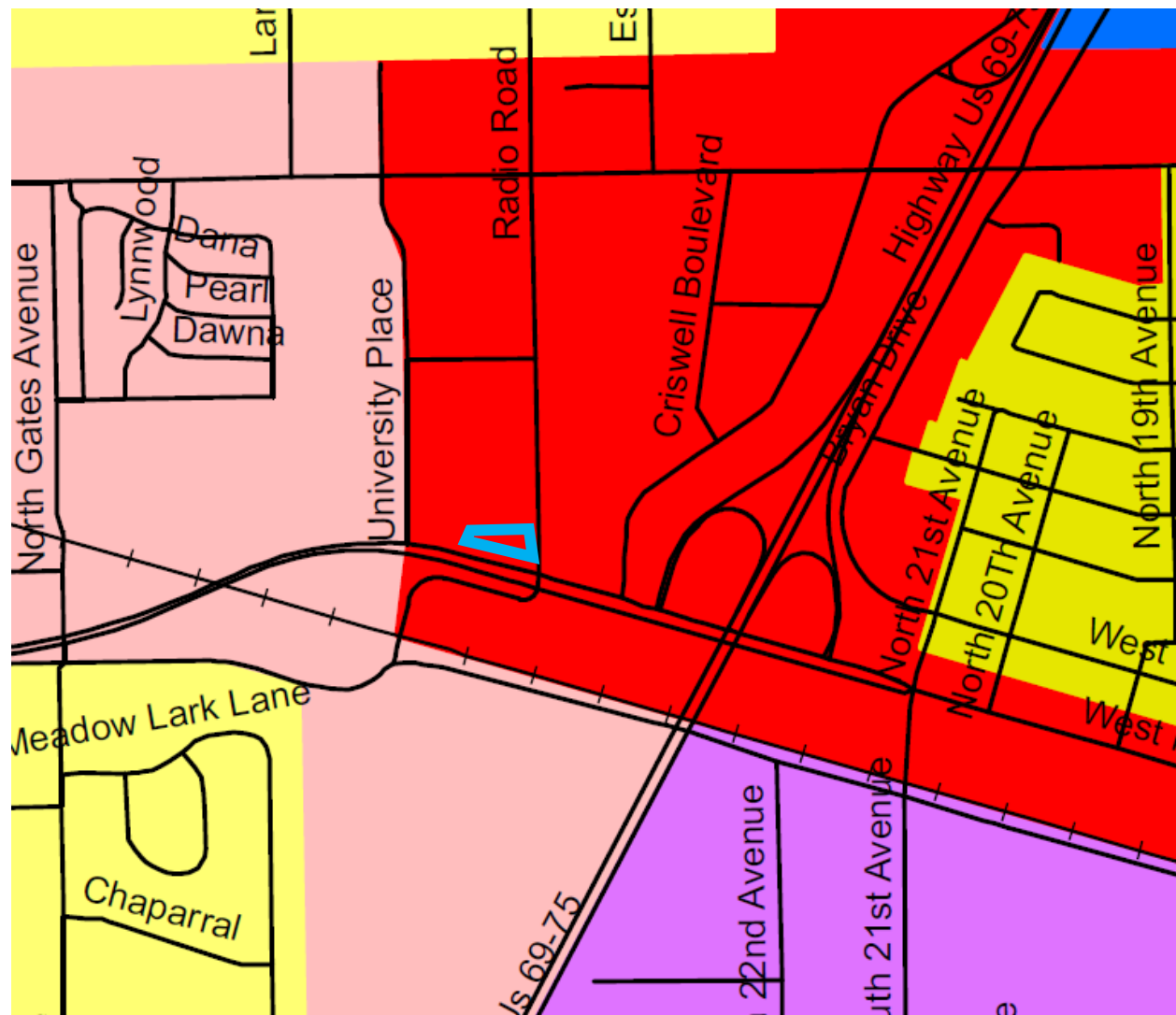
Aerial Map



Zoning Map

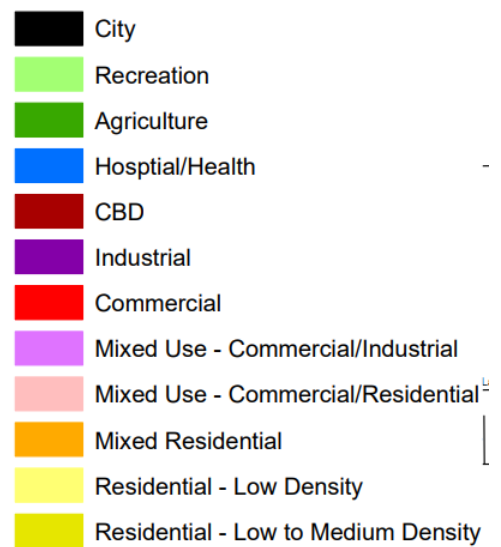


Future Land Use Map



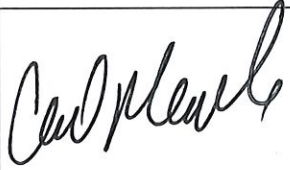
Location is approximate

Future Land Use



COMMUNITY DEVELOPMENT PLAT SIGN OFF SHEET

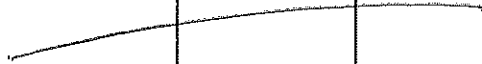
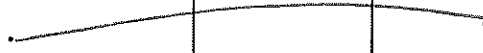
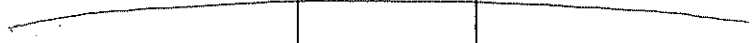
Main & Radio Rd. Final Plat PC2022-17

Department	Signature	Date	Notes
Com Dev Director Danielle O'Neal		6/16/22	
M&O Randy Cantrell		5-26-2022	Still needs private easement on North side of property for water line to lot 1. This will be private.
Streets Carl Meade		5-20-22	
Public Works Director Phillip Hightower	see att	5-20-22	
Fire Marshal Wade Boyd		5-17-22	No Comments
Building Inspector Mark Pierce		5-20-22	Easements
Engineer Brandon Wall		05/14/22	No Comments.

addressed

COMMUNITY DEVELOPMENT PLAT SIGN OFF SHEET

Main & Radio Rd. Final Plat PC2022-17

Department	Signature	Date	Notes
Com Dev Director Danielle O'Neal			
M&O Randy Cantrell			
Streets Carl Meade			
Public Works Director Phillip Hightower		5-20-22	
Fire Marshal Wade Boyd			
Building Inspector Mark Pierce			
Engineer Brandon Wall			

Subdivision/Plat Application

Sketch Plat: ☐

Preliminary Plat: ☐

Final Plat: ☒

Re-Plat: ☐

Petition# PC2022-17

Fee\$ \$300

Expedited Fee \$

APPLICANT INFORMATION

Name: Durant Main Street Coffee, LLC	Email: jimmy@burkcollinscompany.com	Phone #1 (817) 268-5489
Mailing Address: 500 Grapevine Highway #224		Phone #2 (817) 781-2914
City: Hurst	State: TX	Zip: 76054
		Fax# (817) 268-2240
Applicant's Interest in Property: Plans to redevelop for another commercial use.		

SURVEYOR INFORMATION

Name: Macbax Land Surveying, PLLC	Email: Jeremy@MBLS.US	Phone #1 (405) 872-7594
Mailing Address: 5744 Huettnr Ct. #100		Phone #2 (580) 276-0227
City: Norman	State: OK	Zip: 73069
		Fax# NA
Surveyor Oklahoma License Number: 8137		

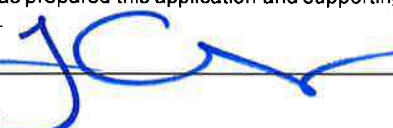
ENGINEER INFORMATION

Name: Kent Mace, PE	Email: Kent@MBLS.US	Phone #1 (405) 872-7594
Mailing Address: 5744 Huettnr Ct. #100		Phone #2 NA
City: Norman	State: OK	Zip: 73069
		Fax# NA
Engineer Oklahoma License Number: 27834		

LAND INFORMATION

Legal Description: See attached.	Parcel Number: 2502 W. Main A399-25-06S-08E-4-037-00 2510 W. Main A399-25-06S-08E-4-036-00
Proposed Subdivision Name: Durant Main Street Coffee	Current Zone: C-2
Proposed Use: Commercial retail	Proposed Zone: C-2
Current Property Owner's Name: Durant Main Street Coffee, LLC	

The applicant has prepared this application and supporting documentation and certifies that the facts stated herein and exhibits attached hereto are true and correct.

Applicant:  Date: 5/2/2022

Office Use Only

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 Initial		

Staff Recommendation ☐ Approve ☐ Deny	PC Recommendation ☐ Approve ☐ Deny	City Council Action ☐ Approve ☐ Deny	Ordinance#
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APPLICATION WILL NOT BE CONSIDERED COMPLETE WITHOUT THE FOLLOWING INFORMATION ADDRESSED:

Please describe the nature and operating characteristics of the proposed use:

To provide a national tea/coffee operation, free-standing, plus two additional national retail tenants in a separate 3,400 square foot building. Estimated annual sales of \$4,000,000 combined.

STATE HOW THE FOLLOWING ISSUES WILL BE ADDRESSED:

1. Parking:

With the new plan for 2 new structures and modification of the ingress-egress will require a new parking field, which will partially be part of a revocable permit application.

2. Screening of offensive areas (trash, loading areas, transformers, utility connections, detention ponds, etc.).

All required screening shall be installed as required by code.

3. Traffic Impacts:

The character of the parcel has undergone significant alterations with the removal of 3 different buildings and substituting 2 new state-of-the-art buildings – 3 areas of access will be reduced to 2 access drives.

4. Protection of Neighborhoods:

The integrity of the neighborhood should be improved as the subject parcel is completely surrounded by mature, stable retail users.

What licenses and permits (if any) are required for this proposed use?

Variance for a building setback may be required by the board of adjustment committee. A revocable permit application and hearing will be required.

Please list or describe any other reasons to support this application.

The redevelopment of the parcel will replace 3 local credit businesses with 3 national credit tenants with 100% new improvements. It should increase the identity to the area, increase sales tax exponentially, and bring 3 new tenants to Durant for the first time.

BAC

Bryan County Abstract Company
Serving Bryan County Since 1903

After recording return to:

Durant Main Street Coffee, LLC
500 Grapevine Hwy Ste 224
Hwst, TX 76054

I-2021-735606 Book 1567 Pg: 615
07/19/2021 3:46 pm Pg 0615-0616
Fee: \$ 20.00 Doc: \$ 1,800.00
Tammy Reynolds - Bryan County Clerk
State of Oklahoma



WARRANTY DEED STATUTORY INDIVIDUAL

Doc Stamps: \$1800.00

That Charles E. Watson, a single person, (the "Grantor"), in consideration of the sum of TEN & NO/100 Dollars and other valuable considerations, in hand paid, the receipt of which is hereby acknowledged, do (es) hereby, grant, bargain, sell and convey unto Durant Main Street Coffee, LLC, an Oklahoma limited liability company, (the "Grantee"), the following described real property and premises situate in Bryan County, State of Oklahoma, to wit:

A part of SE/4 SE/4 SE/4 of Section 25, Township 6 South, Range 8 East of the Indian Base and Meridian, in Bryan County, Oklahoma, described as Beginning 40 feet West of the Northeast Corner thereof; Thence South a distance of 132.1 feet, more or less to the North Right of Way line of U. S. Highway # 70 as described in Dedication Deed recorded in Book 405, Page 160; Thence North 73 degrees 01 minutes West along said Right of Way for a distance of 200 feet; Thence North 8 degrees 42 minutes East a distance of 74.55 feet to the North line; Thence East along the North line 180 feet to the Point of Beginning,

AND

A part of the SE/4 SE/4 SE/4 of Section 25, Township 6 South, Range 8 East of the Indian Base and Meridian, described as Beginning at a Point on the North Right of Way line of U. S. Highway No. 70, said Point bearing North 73 degrees 01 minutes West a distance of 200 feet from a Point on said North Right of Way line 40 feet West of the East line of said SE/4 SE/4 SE/4 of said Section 25; Thence from said Point of Beginning, run North 73 degrees 01 minutes West a distance of 136.7 feet; Thence Westerly on a curve to the left having a radius of 1844 feet a distance of 117.2 feet to a point on the North line of said SE/4 SE/4 SE/4 of said Section 25, said Point being 185.5 feet East of the Northwest Corner of said SE/4 SE/4 SE/4 of said Section 25; Thence East along the North line of said SE/4 SE/4 SE/4 of said Section 25 a distance of 254.5 feet more or less; to a Point 220 feet West of the Northeast corner of said SE/4 SE/4 SE/4 of said Section 25; Thence beginning a run South 8 degrees 42 minutes West a distance of 74.55 feet, more or less, to the Point of Beginning.

Together with all the improvements thereon and the appurtenances thereunto belonging, and warrant the title to the same. LESS AND EXCEPT any interest in and to oil, gas, coal, metallic ores and other minerals therein and thereunder previously reserved or conveyed of record and all rights, interests and estates of whatsoever nature incident thereto or arising thereunder, and SUBJECT TO easements, rights of way, restrictive covenants of record.

TO HAVE AND TO HOLD said described premises unto said Grantee, and to the heirs, successors and assigns forever, free, clear and discharged of and from all former grants, charges, taxes, judgments, mortgages and other liens and encumbrances of whatsoever nature.

Streamline - Warranty Deed - Statutory Individual Rev 07/08/21

STATE OF OKLAHOMA
Bryan County
Documentary Stamps \$ 1800.00


Charles E. Watson

State of: Oklahoma)
)SS.
County Of: Bryan)

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

Notary Public

File No.: 2021050020
Name of Title Insurer: First American Title Insurance Company



Page 34 of 36

public hearing PC2022-17

1 message

Boyd Bass <bc3@earthlink.net>
To: planning@durant.org

Mon, May 30, 2022 at 3:42 PM

Danielle,

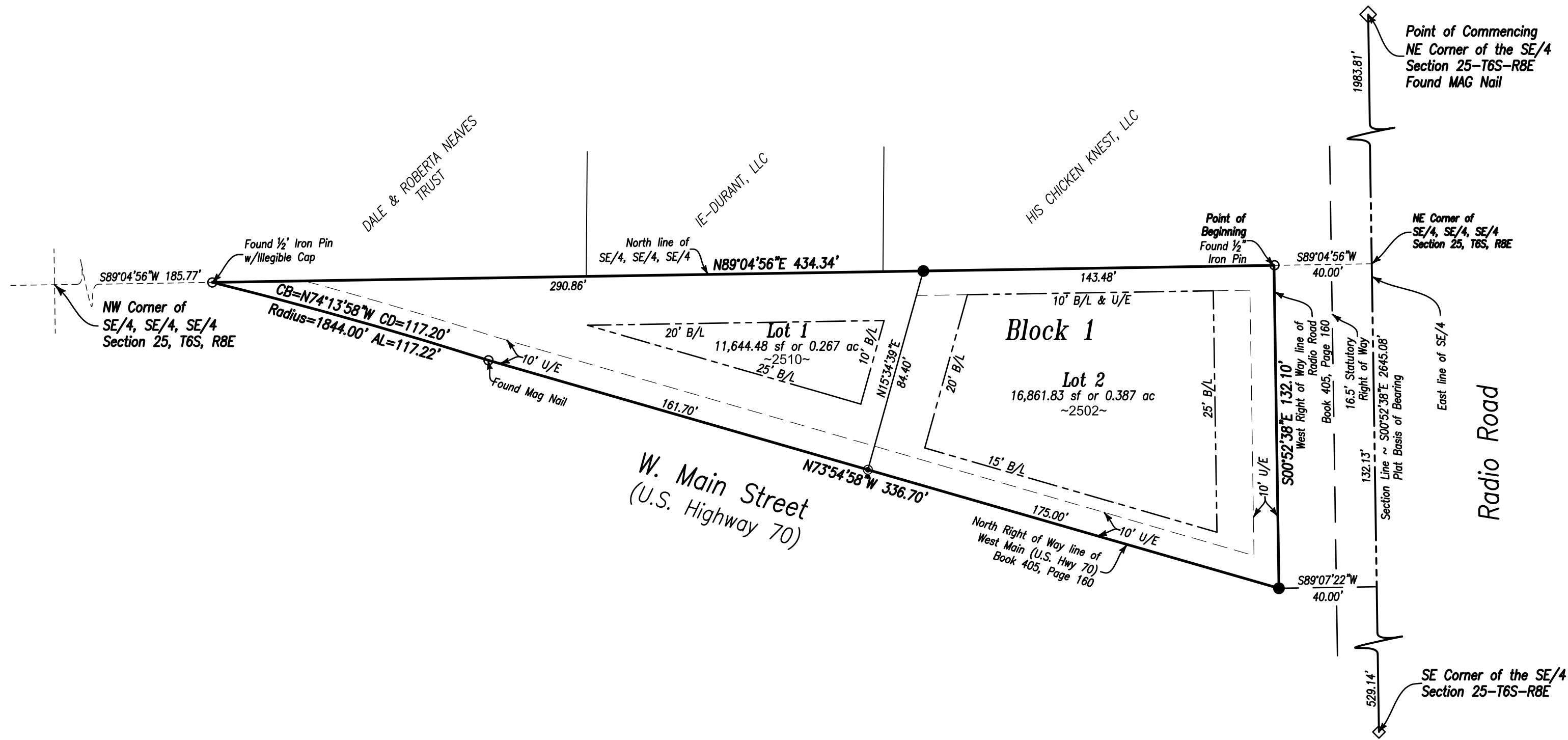
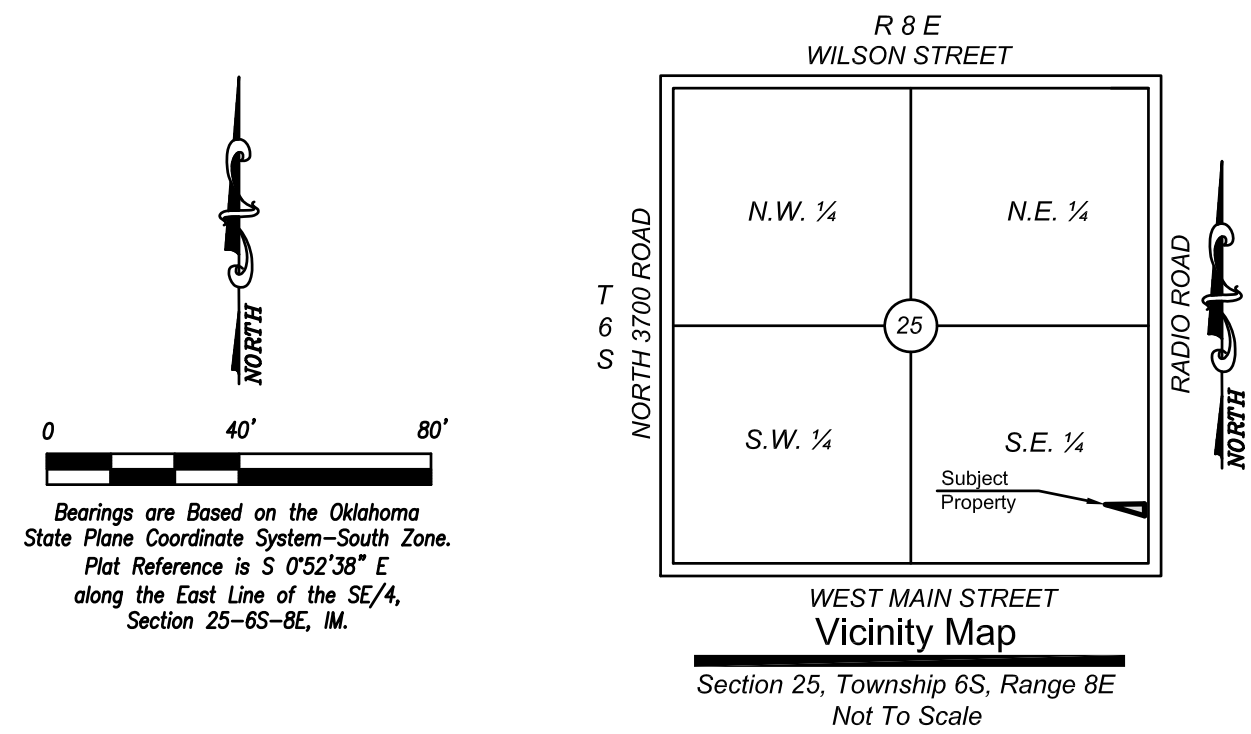
As a owner of a track of land across the street from the proposed Durant Main Street Coffee LLC project we support this development. Our property is held under the name of Bass Family Trust and we own the land where the Markita Inn and the KFC fast food restaurant are located. The address of these properties are 2403 W Main St. for the KFC, and 2401 West Main St for the Markita Inn.

Sincerely,

Boyd Bass

970-819-2089

FINAL PLAT OF
2502 & 2510 W MAIN STREET
AN ADDITION TO DURANT, BRYAN COUNTY, OKLAHOMA
A PART OF THE SE/4, SECTION 25,
TOWNSHIP 6 SOUTH, RANGE 8 EAST, I.M.



LEGAL DESCRIPTION

A part of SE/4 SE/4 SE/4 of Section 25, Township 6 South, Range 8 East of the Indian Base and Meridian, Bryan County, Oklahoma, more particularly described as follows: COMMENCING at the Northeast Corner of said Southeast Quarter; THENCE S 00°52'38" E, along the east line of said Southeast Quarter, a distance of 1983.81 feet to the Northeast Corner of the Southeast Quarter of the Southeast Quarter of said Southeast Quarter; THENCE S 89°04'56" W (Deed=West), along the north line of the Southeast Quarter of the Southeast Quarter of said Southeast Quarter, a distance of 40.00 to the POINT OF BEGINNING; THENCE S 00°52'38" E (Deed=South), along the west line of a Public Highway described in Dedication Deed, recorded in Book 405, Page 160, distance of 132.10 feet (Deed) to the north line of West Main Street (U.S. Highway 70 as described in Dedication Deed, recorded in Book 405, Page 160); THENCE N 73°54'58" W (Deed=N 73°01'W), along said north line of West Main Street, a distance of 336.70 feet; THENCE Westerly along a curve to the left, having a chord bearing of N 74°13'58" W, a chord distance of 117.20 feet, a radius of 1844.00 feet, and an arc length of 117.22 feet (Deed=117.2 feet) to a point on the North line of the Southeast Quarter of the Southeast Quarter of said Southeast Quarter, Point being 185.77 feet (Deed=185.5 feet) east of the Northwest Corner of the Southeast Quarter of the Southeast Quarter of said Southeast Quarter; Thence N 89°04'56" E (Deed=East), along the north line of the Southeast Quarter of the Southeast Quarter of said Southeast Quarter, a distance of 434.34 feet to the POINT OF BEGINNING, containing 28,506.31 square feet (0.654 acres) more or less.

CERTIFICATE OF COUNTY CLERK

I, Tammy Reynolds, County Clerk of Bryan County, Oklahoma, hereby certify that I have examined the records of said City and find that all deferred payments on unmatured installments have been paid in full and that there is no special assessment procedure now pending against the land on the Final Plat of 2502 & 2510 W. Main Street, to the City of Durant, Bryan County, Oklahoma. Signed by the County Clerk on this _____ day of _____, 2022.

County Clerk

OWNER'S CERTIFICATE AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS:

That we the undersigned, Durant Main Street Coffee, LLC, an Oklahoma limited liability company, do hereby certify that we are the owners of and the only person or persons, corporation or corporations having any right, title or interest in the land shown on the annexed plat of 2502 & 2510 W MAIN STREET, a subdivision of a part of the Southeast Quarter of Section 25, Township 6 South, Range 8 East, of the Indian Meridian, to the City of Durant, Bryan County, Oklahoma, and have caused the said premises to be surveyed and platted into lots, blocks, streets and easements as shown on said annexed plat. Said annexed plat represents a correct survey of all property included therein and is hereby, adopted as the plat of land under the name 2502 & 2510 W MAIN STREET. Durant Main Street Coffee, LLC, an Oklahoma limited liability company, dedicates all streets and easements shown on said annexed plat to the public for public highways, streets, and easements, for themselves, their successors and assigns forever and have caused the same to be released from all rights, easements and encumbrances except as shown on the Bonded Abstractor's Certificate.

In Witness Whereof, the undersigned have caused this instrument to be executed this _____ day of _____, 2022.

Durant Main Street Coffee, LLC,
an Oklahoma limited liability company

Jimmy Cox, Manager

STATE OF TEXAS, COUNTY OF TARRANT §

Before me, the undersigned, a Notary Public, in and for said County and State, on this _____ day of _____, 2022, personally appeared Jimmy Cox as Manager of Durant Main Street Coffee, LLC, an Oklahoma limited liability company, 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 and as the free and voluntary act and deed of Durant Main Street Coffee, LLC, an Oklahoma an Oklahoma limited liability company, for the uses and purposes therein set forth.

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

My Commission Expires Notary Public

ACCEPTANCE OF DEDICATION BY CITY COUNCIL

Be it resolved by the Council of the City of Durant, Oklahoma that the dedications of streets and utility easements shown on the final plat of 2502 & 2510 W. Main Street, to the City of Durant, Bryan County, Oklahoma are hereby accepted.
Adopted by the Council of the City of Durant, Oklahoma on this _____ day of _____, 2022.

City Clerk

Mayor

CERTIFICATE OF APPROVAL

I, _____, Chairman of the Planning Commission of the City of Durant, Oklahoma, hereby certify that the said Planning Commission approved the Final Plat of 2502 & 2510 W. MAIN STREET, to Durant, Oklahoma this _____ day of _____, 2022.

Chairman of Planning Commission

Planning Commission Secretary

COUNTY TREASURER'S CERTIFICATE

I, Prudy Sullivan-Holt, hereby certify that I am the duly elected and acting County Treasurer of Bryan County, State of Oklahoma, that the tax records of said County show all taxes are paid for the year _____ and all prior years on the land shown on the annexed plat of 2502 & 2510 W MAIN STREET, an addition to the City of Durant, Bryan County, Oklahoma that the required statutory security has been deposited in the office of the County Treasurer, guaranteeing payment of the current years taxes. In witness whereof, said County Treasurer has caused this instrument to be executed in the City of Durant, Bryan County, Oklahoma on this _____ day of _____, 2022.

County Treasurer

LAND SURVEYOR'S CERTIFICATE

I, Kent Mace, do hereby certify that I am a Professional Land Surveyor in the State of Oklahoma, and that the annexed plat of 2502 & 2510 W MAIN STREET, an addition to the City of Durant, Bryan County, Oklahoma, represents a survey made by me on the _____ day of _____, 2022, and the monuments shown thereon exist and their positions are correctly shown, and this 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, and that said Final Plat complies with the requirements of Title 11 Section 41-108 of the Oklahoma State Statute.

Kent Mace, PE, LS - LS #1873

STATE OF OKLAHOMA, COUNTY OF CLEVELAND §

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared Kent Mace, 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.

Given under my hand and seal the _____ day of _____, 2022.

My Commission Expires Notary Public

NOTICE:

Selling a portion of this addition by metes and bounds is a violation of city ordinance and state law and is subject to fines and withholding of utilities and building permits.

DATE PREPARED:

6/30/2022

OWNER/SUBDIVIDER

Durant Main Street Coffee, LLC
500 Grapevine Highway, Suite 224
Hurst, Texas 76054
817-268-5489

ENGINEER & LAND SURVEYOR



5744 Huettnier Court, Suite 100
Norman, OK 73069
Telephone: (405) 872-7594
Email: kent@MBLS.us

Certificate of
Authorization
No. 8137

LEGEND

- | | | |
|--------|--|--------------------------------|
| ■ | PERMANENT MONUMENT-SET 5/8" IRON PIN WITH ALUMINUM CAP | —○—○—○— FENCE |
| ● | SET 1/2" IRON PIN WITH CAP "MACBAX CA 8137" | ----- SECTION LINE |
| ⊙ | SET MAG NAIL WITH SHINER "MACBAX CA 8137" | - - - - - QUARTER SECTION LINE |
| ▲ | SET COTTON SPINDLE WITH SHINER "MACBAX CA 8137" | ===== BOUNDARY LINE |
| * | FOUND MAG NAIL WITH FOUND IRON PIN | ===== LOT LINES |
| ○ | FOUND PLSS MONUMENT | - - - - - EASEMENT LINES |
| ◇ | ADDRESS | U/E = UTILITY EASEMENT |
| ~1000~ | | D/E = DRAINAGE EASEMENT |
| | | L/E = LANDSCAPE EASEMENT |
| | | PE/E = PEDESTRIAN EASEMENT |
| | | B/L = BUILDING LINE |
| | | ROW = RIGHT OF WAY |