

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**

May 27, 2021

This meeting can be watched live at durant.org/live.

SWEARING IN CEREMONY

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 October 27, 2020

2. Consider Items Removed from Consent

3. Information Items

4. Administration

- a. Consider Appointment of Chair
- b. Consider Appointment of Vice-Chair

5. Public Hearings

- a. Discussion, Consideration and Possible Action on BOA2021-01 a request for a variance to Code §157.032 (District Regulation) regarding setbacks for property located near West Main and State Highway 70

6. 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 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 25th day of May, 2021.

Audrey Hamilton

Audrey Hamilton, City of Durant

MINUTES OF THE DURANT BOARD OF ADJUSTMENT MEETING OF TUESDAY OCTOBER 27, 2020
ROSCOE J. HATFIELD, CITY COUNCIL CHAMBERS, DURANT CITY HALL

CALL TO ORDER:

David Rhynes, Vice-Chair, called the meeting to order at 6:00 p.m.

INVOCATION: Dale Goad provided the invocation.

ROLL CALL:

Present: Mike Davis, Dale Goad and David Rhynes

Absent: Randy Downs and Billy Blackburn

ORDER OF BUSINESS:

APPROVAL OF MINUTES:

Regular meeting of September 24, 2020

Motion made by Mike Davis and seconded by Dale Goad to approve the minutes as presented.

Aye: Davis, Goad, Rhynes

Nay:

Abstain:

HEARINGS

1. Petition #BOA2020-04: Variance: Monument Sign: sign size and number allowed.

Danielle Barker reviewed with the Board of Adjustment an application for a Variance from the Sign Ordinance as it pertains to size and number allowed. The applicant is wishing to place one sign that is 168 square feet and another sign that is 264 square feet. The current size allowed is no larger than 100 square feet and only one monument ground sign is allowed. No letters or comments have been received by staff at this point in time.

The Board of Adjustment held further discussion and answered the four questions. The variance would help create uniformity with current regulations. The applicant also spoke and answered questions. There were no public comments made during the meeting.

Motion was made by Mike Davis and seconded by Dale Goad to approve the variance for the sign.

Aye: Goad, Rhynes

Nay: Davis

Abstain:

2. Consideration of Amending the 2020 Calendar

Danielle Barker reviewed with the Board of Adjustment the 2020 calendar and changes to the November and December scheduled meeting dates. It was discovered the meetings both fall on holidays.

The Board of Adjustment discussed moving the November and December meeting dates up one week.

Motion was made by Mike Davis and seconded by Dale Goad to approve moving the November and December scheduled meeting dates up one week.

Aye: Davis, Goad, Rhynes

Nay:

Abstain:

3. Consideration Approval of the 2021 Calendar

Danielle Barker reviewed with the Board of Adjustment the 2021 calendar. It has been discovered that the November regular scheduled meeting date will fall on a holiday and needs to be moved. Additionally, consider possibly changing the regular scheduled meeting start time from 6:00p.m. to 5:30p.m.

The Board of Adjustment discussed moving the November and December meeting dates and changing the regular scheduled meeting start times for 2021 from 6:00p.m. to 5:30p.m.

Motion was made by Mike Davis and seconded by Dale Goad to approve the calendar as presented with changes to the November and December meeting dates and changing the regular scheduled meeting start times.

Aye: Davis, Goad, Rhynes

Nay:

Abstain:

OLD BUSINESS

None

NEW BUSINESS

The Board of Adjustment also decided to change the regular scheduled meeting start times for the November 2020 and December 2020 meetings from 6:00p.m. to 5:30p.m.

ADJOURNMENT

Motion made by Mike Davis and seconded by Dale Goad to adjourn.

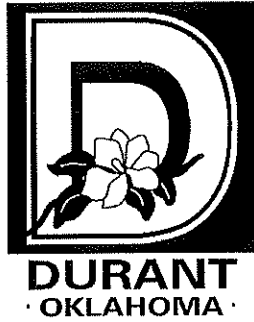
Motion carried with the following vote:

Aye:

Nay:

Abstain:

Meeting was adjourned at 6:33p.m.



THE CITY OF DURANT

Office of Community Development

Date: 05/27/2021
To: Board of Adjustment
Case: BOA 2021-01
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: Discuss, consider, and take possible action on a request by Texoma Victory Real Property Investment, LLC 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	Vacant Property
East	R-3 / C-2	Church Facility
South	R-3 / C-2	Vacant Property
West	R-3 / C-2	Vacant Property

Lot Characteristics

Width (Per Lot)	~60 ft.
Depth (Per Lot)	~100 ft.
Total Area (All Lots)	~108,000 sq. ft. (2.40 Acre) (Each lot ~0.14 Acre)

Background: The applicant approached staff regarding the desire to develop on these lots last year and received City Council approval of a preliminary plat in September, 2020. However, after the developers completed the topography study they discovered that 18 of the lots along the East side of the development on Venus Road had a steep drop on the back side of the properties.

The applicant is asking for a variance for 10 feet on the front setback in order to move the houses closer to the road and allow for more of a backyard.

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.*

These lots do meet the current standards for the zoning district. Current Right-of-Way for this section of Venus Road 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 of the Comprehensive Plan shows for this area to be high-density residential for this particular area; therefore, is in compliance with the Comprehensive Plan. It should be noted that the current land use map is in the process of being updated which could cause this area to change.

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.

4 Questions must ask yourselves and each element must exist in order to grant a variance.

4 QUESTIONS FOR A VARIANCE

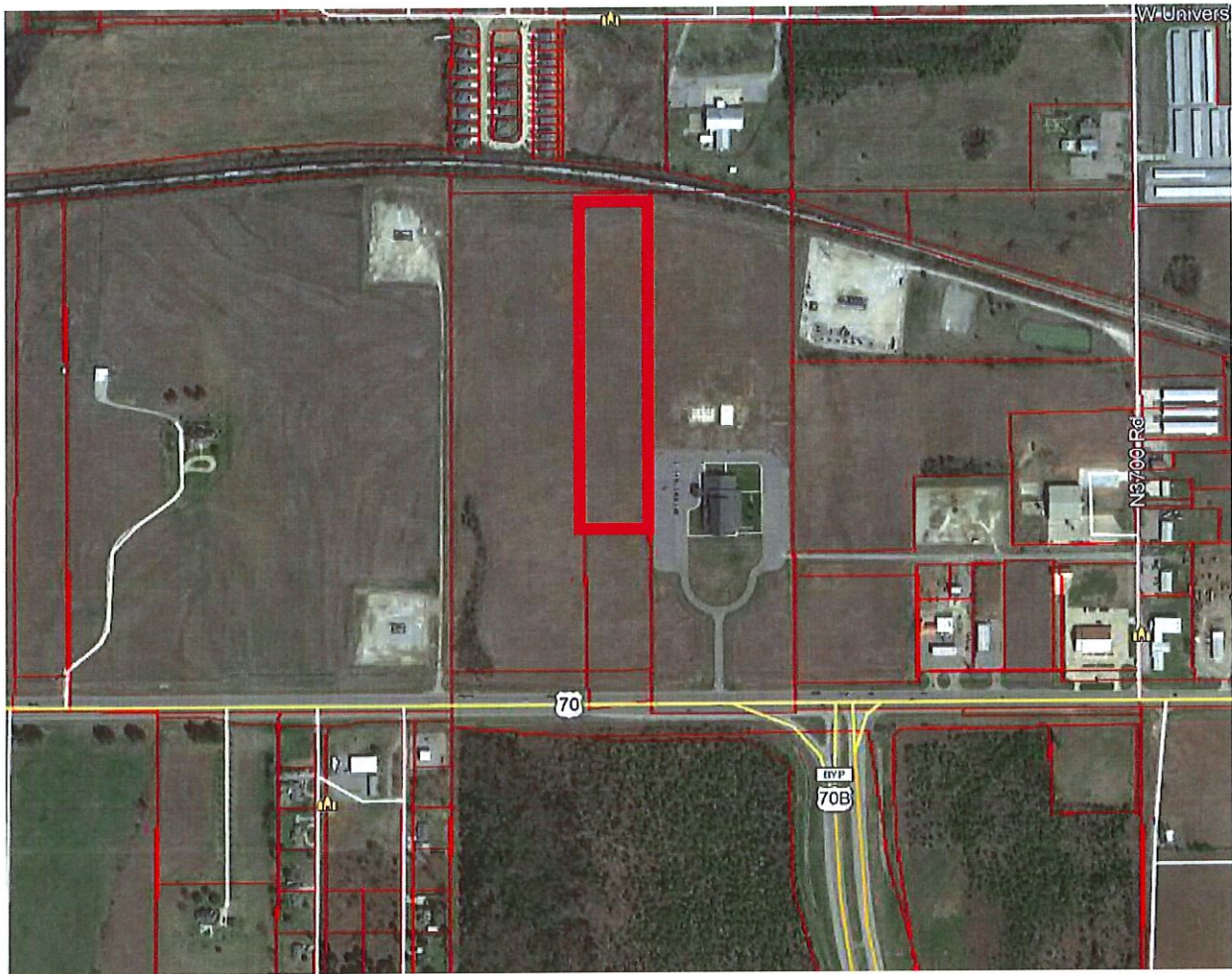
1. The application of the ordinance to the particular piece of property would create an unnecessary hardship;

2. Such conditions are peculiar to the particular piece of property involved;

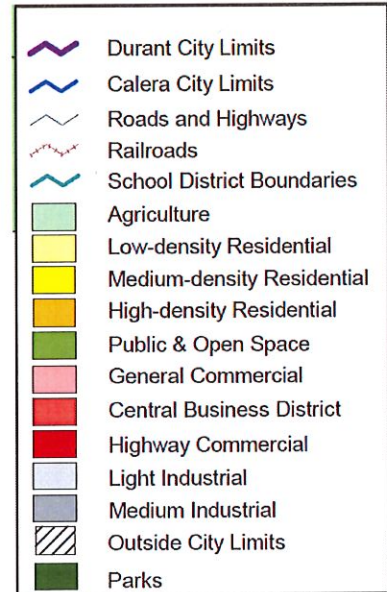
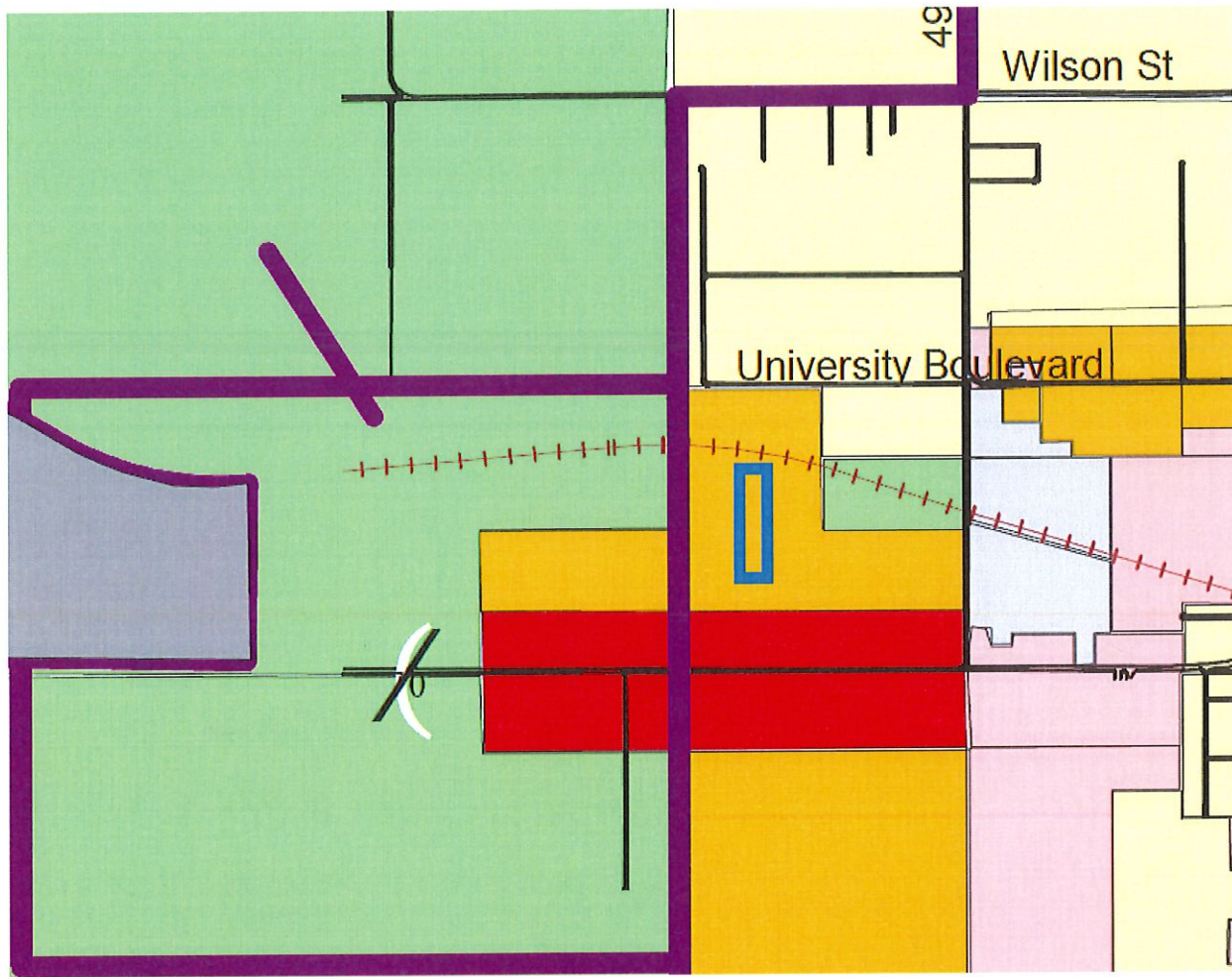
3. Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of the ordinance or the comprehensive plan; and

4. The variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship.

Aerial Map



Future Land Use Map



§ 157.032 DISTRICT 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'

Zoning Map

BOA# 2021-01 - W Main St

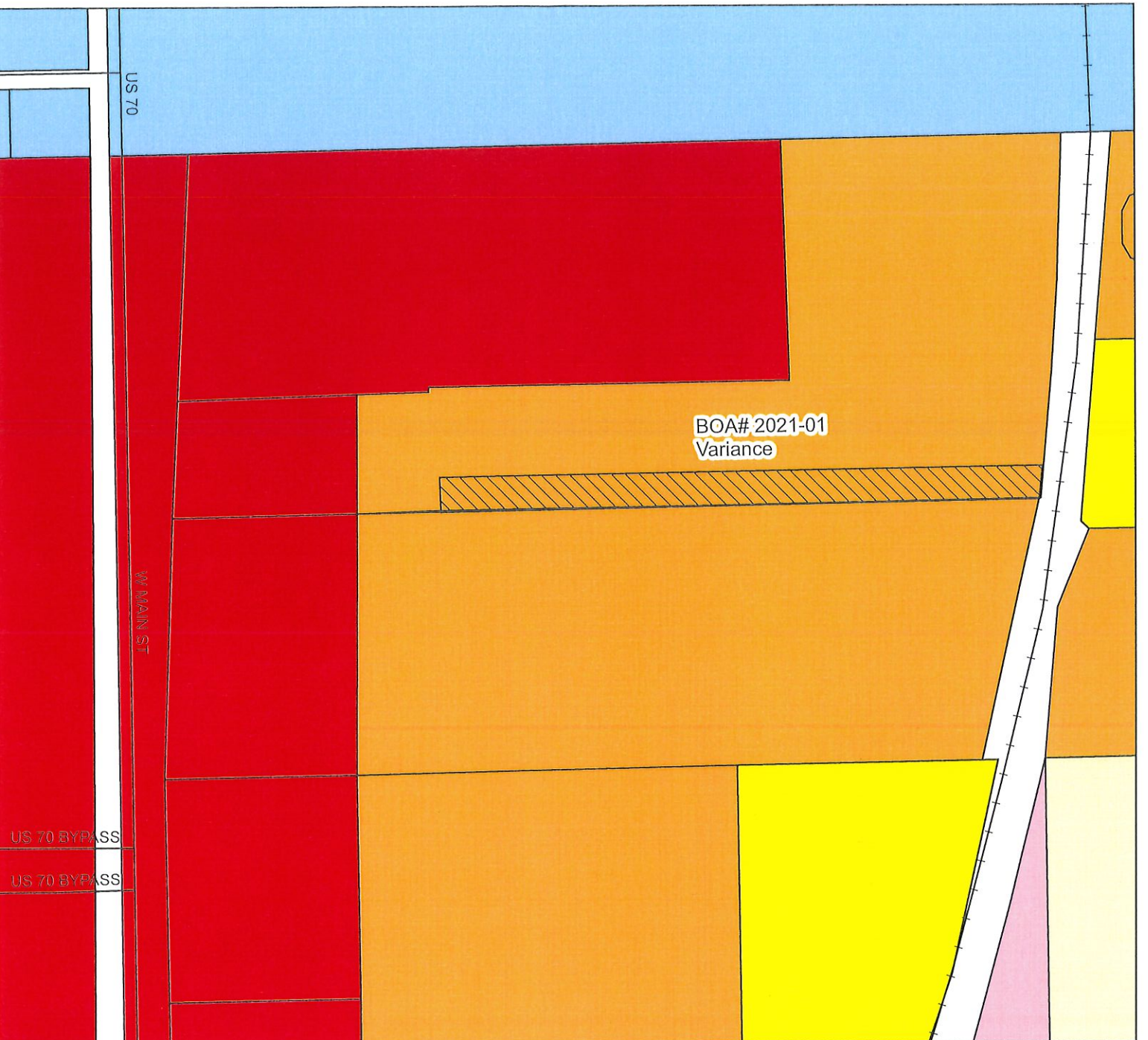
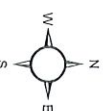
-  A1 - Agriculture
-  C0 - Professional & Business Office
-  C1 - Convenient Commercial
-  C2 - Highway Commercial
-  C3 - General Commercial
-  CBD - Central Business District
-  H1 - Health Facilities
-  I1 - Light Industrial
-  I2 - Medium Industrial
-  R1 - Single Family Residential
-  R2 - Two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

Use this map as a guide and not as definitive information. The information depicted by this map are provided for illustrative purposes only. Information such as (property ownership, acreage, property boundaries) are to be verified at the Bryan County Assessor's Office by the user. The burden for determining accuracy and/or correctness of information rest solely with the user. This map is provided "as is" with no warranties, expressed or implied.



City of Durant
Community Development

Printed: April 16, 2021



Zoning Map

BOA# 2021-01 - W Main St



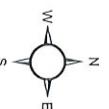
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- R2 - Two Family Residential
- R3 - General Residential - Multi-Family

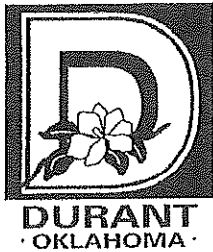
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City of Durant
Community Development

Printed: April 16, 2021





THE CITY OF DURANT

Office of Community Development

Board of Adjustment Application

Petition # _____ Fee \$ _____

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	Fax #
Applicant's Interest in Property: The company owns 100% of the property of interest			

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): **§157.032 District Regulations defines the Front setback of 25 feet for R3 zoning, single family residence. The Durant Victory Subdivision asks the Board to approve 15 feet front setback for 18 lots on the east side of Venus Rd. With the 15 the front has 32 feet driveway including 16.5 feet easement from the curb. The Heritage subdivision has about the same setback for majority of the homes.**
3. Reasons for request (may be attached): **The land elevation is substantially higher on the east side and low on the west, there is a steep slope at the backyard, and with current setback, the backyard looks smallish. Moving the houses 10 feet to the front, making front and back about the same depth, would significantly improve the backyard situation for residents,**
4. Legal description (if applicable, may be attached):

Site topo and Phase I PLAT is 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: **near Main St & Hwy 70 Bypass** Present Zoning: **R3**
7. The foregoing information and attachments are true and accurate to the best of my knowledge:

Applicant (Signature) Date 3/23/2021

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		PC Recommendation		City Council Action		Ordinance #
Approve _____ Deny _____		Approve _____ Deny _____		Approve _____ Deny _____		

MODERN

abstract and title

WARRANTY DEED

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.

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

Fidelity National Title,

12404 Park Central, Suite 200S, Dallas, TX 75251

319 W. Main Street | Durant, OK 74701 | (580)745-5363 | www.ModAbstractTitle.com

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

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

① [Signature]
Don H. Carpenter, Jr.

① [Signature]
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 [Signature]
Notary Public #01015437

My Commission Expires: 9-13-2021



Fidelity National Title,
12404 Park Central, Suite 200S, Dallas, TX 75251

319 W. Main Street | Durant, OK 74701 | (580)745-5363 | www.ModAbstractTitle.com

Venus Road (Before)

Both side has 25 ft front setback,
plus 16.5 ft easement, making it
a 41.5 ft driveway

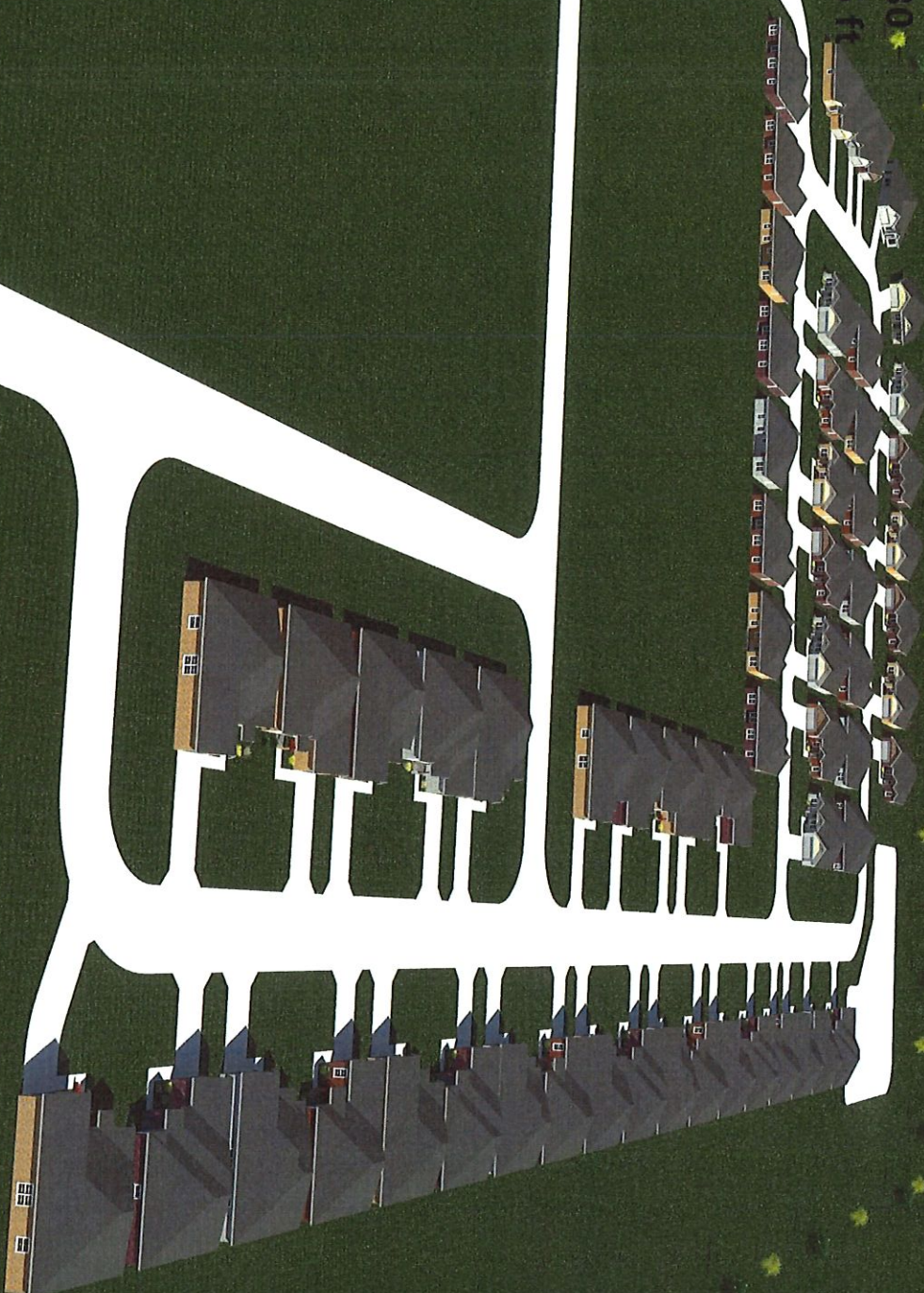
The backyard setback is 20 ft, of
which 15 ft is sloping down
from Church side, leaving only 5
ft flat surface



Venus Road: (After)

East side apply for 15 feet front setback, making it 31.5 + ft driveway.

Backyard setback is now 30 ft, and about 15 ft flat, 15 ft sloping.



DURANT VICTORY SUBDIVISION PHASE 1

A PART OF THE SE/4 OF SECTION 26, TOWNSHIP 6 SOUTH, RANGE 8 EAST, BRYAN COUNTY, STATE OF OKLAHOMA.

Texoma Victory Real Property Investments, LLC.
Owners

OWNER'S CERTIFICATE & DEDICATION

KNOW ALL MEN BY THESE PRESENTS:

That Texoma Victory Real Property Investments, LLC., being the sole owner(s) in fee simple of the following described real property respectively, to wit: LEGAL

DESCRIPTION:
I, B.J. MCININCH, A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF OKLAHOMA, DO HEREBY CERTIFY THAT THIS BOUNDARY SURVEY PLAT, PREPARED UNDER MY DIRECT SUPERVISION, ACCURATELY REPRESENTS THE FOLLOWING DESCRIBED TRACTS OF LAND TO WIT:

LEGAL DESCRIPTION:

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 a point on the North R.O.W. line of U.S. Highway 70;
Thence N 88°57'45" E, along said Right-of-Way line, a distance of 1.00 foot to the true POINT OF BEGINNING;
Thence N 00°57'41" W, parallel with the West line of the SE/4, a distance of 958.00 feet;
Thence N 88°57'45" E a distance of 512.20 feet;
Thence N 00°54'44" W a distance of 515.00 feet;
Thence N 88°57'45" E a distance of 34.03 feet;
Thence N 00°54'44" W a distance of 160.00 feet;
Thence N 88°57'45" E a distance of 52.50 feet;
Thence with a Curve turning to the left with an arc length of 21.18', with a radius of 13.50', with a chord bearing of N 44°01'30" E, with a chord length of 19.07';
Thence N 00°54'44" W a distance of 173.00 feet;
Thence with a Curve turning to the left with an arc length of 21.24', with a radius of 13.50', with a chord bearing of N 45°58'30" W, with a chord length of 19.11';
Thence N 88°57'45" W a distance of 61.47 feet; Thence N 00°54'44" W a distance of 107.43 feet to a point on the South line of the N/2 of the SE/4 of said Section 26;
Thence N 88°58'14" E, along the South line of the N/2 of the SE/4 of said Section 26, a distance of 153.28 feet to a point on the South Railroad Right-of-Way line marked with a found "steel pin with CA 4450 ID cap;
Thence S 00°54'44" E, along 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, a distance of 229.26 feet;
Thence S 88°57'45" W a distance of 100.00 feet;
Thence S 00°54'44" W a distance of 120.00 feet;
Thence S 88°57'45" E a distance of 100.00 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;
Thence S 00°54'44" E, along 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, a distance of 960.00 feet;
Thence S 88°57'45" W, along the North line of a tract of land conveyed to Great Plains Inc filed in Book 1205 at Page 117, a distance of 100.00 feet;
Thence S 88°57'45" W, parallel with the North line of a tract of land conveyed to Great Plains Inc filed in Book 1205 at Page 117, a distance of 151.00 feet;
Thence S 00°54'44" E, parallel with the West line of the SE/4 of said Section 26, a distance of 884.52 feet to a point on the North Right-of-Way line of U.S. Highway 70;
Thence N 88°57'45" W, along said Right-of-Way line, a distance of 60.00 feet to the Point of Beginning.
Containing 9.665 acres, more or less, as the case may be.

The above legal description was prepared by B.J. McIninch, PLS 1819 in the State of Oklahoma, on August 14, 2020. The basis of bearings for the above described tract being an Oklahoma State Plane Bearing (NAD 83) of N 00°57'41" W along the West line of the SE/4 of Section 26, Township 6 South, Range 8 East of the Indian Meridian and Baseline, in Bryan County, Oklahoma.

Texoma Victory Real Property Investments, LLC., offers for dedication to the public use of all streets, roads, avenues, parks, public facilities and easements as shown on the annexed plat of Durant Victory Subdivision - Phase 1, to the City of Durant, Bryan County, State of Oklahoma. The transaction of this irrevocable offer of dedication shall be consummated upon the execution of the Certificate for Acceptance of Dedication, for the purpose of providing an orderly development of Durant Victory Subdivision - Phase 1, to Bryan County, State of Oklahoma, we do hereby provide restrictive covenants. Filed in Book _____ Page _____ of the records in the office of the County Clerk, Bryan County, Oklahoma.

ONG's easement(s) recorded in Book 997, Page 239-241 remain in full force and effect. ONG's easement(s) pre-date the right-of-way dedication in this plat and may prohibit or limit certain uses of ONG's right-of-way, including paving, other utility lines, and permanent structures, without ONG's prior written consent

Texoma Victory Real Property Investment, LLC. Date

STATE OF OKLAHOMA COUNTY OF BRYAN

Before me, the undersigned, a Notary Public in and for said County and State on this _____ day of _____, 2020, personally appeared _____ to me known to be the identical person who executed the within and foregoing instrument and acknowledged to me that _____ executed the same as _____ free and voluntary act and deed for the uses and purposes therein set forth.
Given under my hand and seal of office the day and year last above written.

Notary Public
Commission Expiration

UTILITY EASEMENT #1

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 a point on the North R.O.W. line of U.S. Highway 70;
Thence N 88°57'45" E, along said Right-of-Way line, a distance of 61.00 feet to the true POINT OF BEGINNING;
Thence N 88°57'45" E, along said Right-of-Way line, a distance of 10.00 feet;
Thence N 00°57'41" W, parallel with the West line of the SE/4, a distance of 227.89 feet;
Thence N 44°02'19" E a distance of 32.53 feet;
Thence N 00°57'41" W, parallel with the West line of the SE/4, a distance of 54.14 feet;
Thence N 45°57'41" W a distance of 32.53 feet;
Thence N 00°57'41" W, parallel with the West line of the SE/4, a distance of 556.48 feet;
Thence with a Curve, turning to the right, with an arc length of 5.54 feet, with a radius of 3.50 feet, with a chord bearing of N 44°21'14" E, with a chord length of 4.98 feet;
Thence N 88°57'45" E a distance of 439.05 feet;
Thence with a Curve, turning to the right, with an arc length of 17.67 feet, with a radius of 13.50 feet, with a chord bearing of N 51°28'32" E, with a chord length of 15.43 feet;
Thence S 88°57'45" W a distance of 452.05 feet;
Thence with a Curve, turning to the left, with an arc length of 21.27 feet, with a radius of 13.50 feet, with a chord bearing of S 44°10'30" W, with a chord length of 19.14 feet;
Thence S 00°57'41" E, parallel with the West line of the SE/4, a distance of 884.52 feet back to the Point of Beginning.

The above legal description was prepared by B.J. McIninch, PLS 1819 in the State of Oklahoma, on August 14, 2020. The basis of bearings for the above described tract being an Oklahoma State Plane Bearing (NAD 83) of N 00°57'41" W along the West line of the SE/4 of Section 26, Township 6 South, Range 8 East of the Indian Meridian and Baseline, in Bryan County, Oklahoma

UTILITY EASEMENT #2

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 151.74 feet to a point on the North R.O.W. line of U.S. Highway 70;
Thence N 88°57'45" E, along said Right-of-Way line, a distance of 61.00 feet to the true POINT OF BEGINNING;
Thence N 00°57'41" W, along the West line of the SE/4, a distance of 10.00 feet;
Thence N 88°57'45" E a distance of 547.58 feet;
Thence S 00°54'44" W a distance of 10.00 feet;
Thence S 88°57'45" W a distance of 470.58 feet;
Thence S 00°57'41" E, parallel with the West line of the SE/4, a distance of 405.00 feet;
Thence S 88°57'45" W a distance of 10.00 feet;
Thence N 00°57'41" W, parallel with the West line of the SE/4, a distance of 405.00 feet;
Thence S 88°57'45" W a distance of 61.00 feet back to the Point of Beginning.

The above legal description was prepared by B.J. McIninch, PLS 1819 in the State of Oklahoma, on August 14, 2020. The basis of bearings for the above described tract being an Oklahoma State Plane Bearing (NAD 83) of N 00°57'41" W along the West line of the SE/4 of Section 26, Township 6 South, Range 8 East of the Indian Meridian and Baseline, in Bryan County, Oklahoma

SURVEYOR NOTES:

- This survey was performed on the Oklahoma State Plane Coordinate System(NAD 83) and all bearings and distance shown hereon are indicative of said Grid system.
- U.S. Highway 70 plans were used in ascertaining the R.O.W. lines for said U.S. Highway 70.
- There are numerous utilities traversing the interior of subject parcel. Call OKIE before a excavation on site.
- The utilities shown hereon were located from visible field evidence. There appears to be numerous pipeline markers missing or destroyed in the pipeline right-of-ways. The surveyor does not warrant the exact position of each utility is as shown nor make up the entirety of utilities on site.
- The width of the right-of-way for the ONG L-62 pipeline shown on the supplied plat was taken from restriction of right of way document filed in Book 997 at Page 239-241, but positioned on the actual centerline of the pipeline.
- All Lot and Block Corners will be marked with a 1/2" steel pin with PLS 1819 ID cap unless otherwise noted.
- There is an intentional 1.00 foot strip of land between Mercury RD and Jupiter RD and adjacent landowners for control of access to public roads.
- Property being subject to all easements, rights-of-ways, restrictions, filed of record, if any.

LICENSED LAND SURVEYORS CERTIFICATE

I, B.J. McIninch, a Licensed Land Surveyor in the State of Oklahoma, do hereby state that this plat of survey is based on an actual field survey, by myself, or under my direction, in conformance with the Oklahoma Minimum Standards for the Practice of Land Surveying. And subject to easements and/or rights-of-way, either recorded, or implied, thereof,
Given under my hand and seal of office the day and year last above written.

B.J. McIninch P.L.S. 1819 Date

STATE OF OKLAHOMA COUNTY OF BRYAN

Before me, the undersigned, a Notary Public in and for said County and State on this _____ day of _____, 2020, personally appeared _____ to me known to be the identical person who executed the within and foregoing instrument and acknowledged to me that _____ executed the same as _____ free and voluntary act and deed for the uses and purposes therein set forth.
Given under my hand and seal of office the day and year last above written.

Notary Public
Commission Expiration

COUNTY TREASURERS CERTIFICATE

I, _____, The duly elected and qualified County Treasurer of Bryan County, Oklahoma, do hereby certify that there are no unpaid taxes up to and including the year 2019 on the described real property known as Texoma Victory Subdivision - Phase 1 being a part of Bryan County, State of Oklahoma, and the required security has been deposited in the office of the County Treasurer guaranteeing payment of the current years taxes.

Witness my hand this _____ day of _____, 2020.

County Treasurer

STATE OF OKLAHOMA COUNTY OF BRYAN

Before me, the undersigned, a Notary Public in and for said County and State on this _____ day of _____, 2020, personally appeared _____ to me known to be the identical person who executed the within and foregoing instrument and acknowledged to me that _____ executed the same as _____ free and voluntary act and deed for the uses and purposes therein set forth.
Given under my hand and seal of office the day and year last above written.

Notary Public
Commission Expiration

DEPARTMENT OF ENVIRONMENTAL QUALITY APPROVAL

The Oklahoma State Department of Environmental Quality, certifies that this plat is approved for the construction of a _____ sewage disposal system and a _____ water system this _____ day of _____, 2020.

Environmental Specialist

COUNTY CLERK CERTIFICATE STATE OF OKLAHOMA COUNTY OF BRYAN

This instrument, _____, was filed on the _____ day of _____, 2020, at _____, and duly recorded in book _____ page _____.

County Clerk

STATE OF OKLAHOMA COUNTY OF BRYAN

Before me, the undersigned, a Notary Public in and for said County and State on this _____ day of _____, 2020, personally appeared _____ to me known to be the identical person who executed the within and foregoing instrument and acknowledged to me that _____ executed the same as _____ free and voluntary act and deed for the uses and purposes therein set forth.
Given under my hand and seal of office the day and year last above written.

Notary Public
Commission Expiration

BRYAN COUNTY COMMISSIONERS APPROVAL

I, _____, Chairman of the Bryan County Planning Commission for the County of Bryan, State of Oklahoma, hereby certify that the said commission duly approved the plat of Durant Victory Subdivision - Phase 1, on this _____ day of _____, 2020.

Chairman

BM SURVEYING, INC

2836 W. TWIN OAKS RD
CANEY, OKLAHOMA 74533
(580) 279-9544
BM.SURVEYING@YAHOO.COM

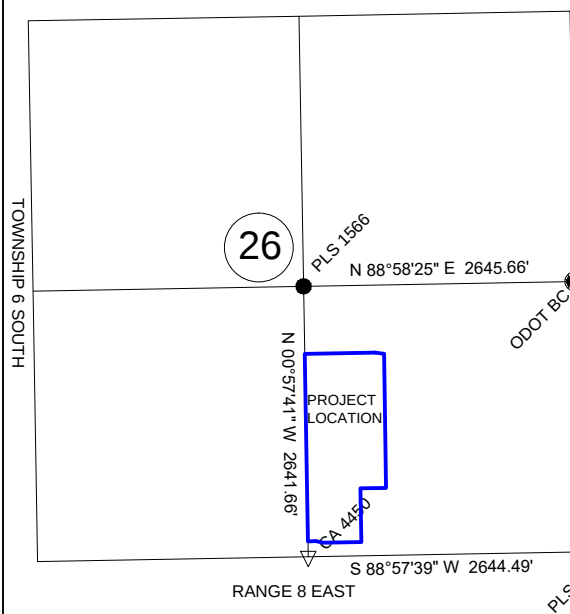
B.J. MCININCH - COPYRIGHT 2020
PROFESSIONAL LAND SURVEYOR - #1819
CERTIFICATE OF AUTHORIZATION - #7076

DURANT VICTORY SUBDIVISION PHASE 1

A PART OF THE SE/4 OF SECTION 26,
TOWNSHIP 6 SOUTH, RANGE 8 EAST
BRYAN COUNTY, STATE OF
OKLAHOMA.

DATE B.J. McIninch P.L.S. #1819

VICINITY MAP



NOTARY

TREASURER

NOTARY

ENVIRONMENTAL
QUALITY

NOTARY

CLERK

NOTARY

GENERAL NOTES

SUBJECT TO EASEMENTS AND/OR RIGHTS-OF-WAY, EITHER RECORDED, OR IMPLIED, THEREOF.

NO UTILITIES OF ANY KIND HAVE BEEN LOCATED EXCEPT THOSE SHOWN ON THE ABOVE PLAT

CONTROLLING CORNERS FOR THIS SURVEY ARE AS SHOWN ON THE LOCATION MAP

THIS IS NOT A VALID SURVEY WITHOUT THE SURVEYORS ORIGINAL SIGNATURE AND ORIGINAL SEAL

PORTIONS OF THIS PLAT ARE IN COLOR, PHOTO AND ELECTRONIC COPIES OF THIS PLAT MAKE IT INVALID AND MAY ALTER ITS MEANING

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.

NO.	REVISION/ISSUE	DATE

SURVEY INFORMATION
FIELD WORK PERFORMED: 1-1-20 TO 1-21-20
DATE OF LAST SITE VISIT: 1-21-20
PLAT COMPLETED: 8-17-20

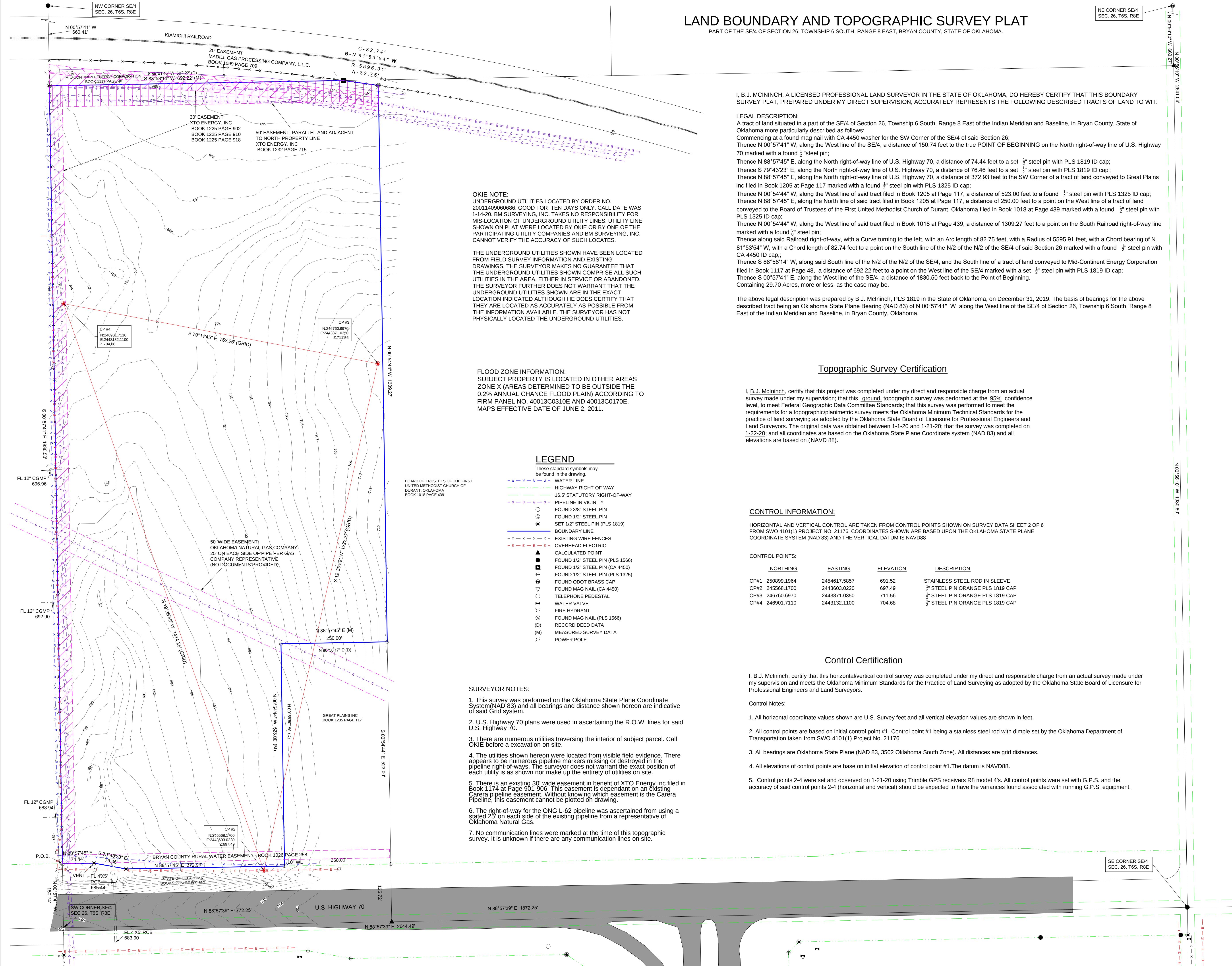
Project:
**TEXOMA VICTORY REAL
PROPERTY INVESTMENT, LLC**

DATE 8-17-20

SCALE 1" = 100'

SHEET NO. 1 OF 1

THIS DOCUMENT IS PRELIMINARY IN NATURE AND NOT
THE FINAL SIGNED AND SEALED PLAT



LAND BOUNDARY AND TOPOGRAPHIC SURVEY PLAT
PART OF THE SE/4 OF SECTION 26, TOWNSHIP 6 SOUTH, RANGE 8 EAST, BRYAN COUNTY, STATE OF OKLAHOMA.

I, B.J. MCININCH, A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF OKLAHOMA, DO HEREBY CERTIFY THAT THIS BOUNDARY SURVEY PLAT, PREPARED UNDER MY DIRECT SUPERVISION, ACCURATELY REPRESENTS THE FOLLOWING DESCRIBED TRACTS OF LAND TO WIT:

LEGAL DESCRIPTION:
A tract of land situated in a part of the SE/4 of Section 26, Township 6 South, Range 8 East of the Indian Meridian and Baseline, in Bryan County, State of 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 3/4" 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 3/4" 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 3/4" 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 3/4" 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 3/4" 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 3/4" 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 of the N/2 of the SE/4 of said Section 26 marked with a found 3/4" steel pin with CA 4450 ID cap.;
Thence S 88°58'14" W, along said South line of the N/2 of the N/2 of the 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 3/4" 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.
Containing 29.70 Acres, more or less, as the case may be.

The above legal description was prepared by B.J. McIninch, PLS 1819 in the State of Oklahoma, on December 31, 2019. The basis of bearings for the above described tract being an Oklahoma State Plane Bearing (NAD 83) of N 00°57'41" W along the West line of the SE/4 of Section 26, Township 6 South, Range 8 East of the Indian Meridian and Baseline, in Bryan County, Oklahoma.

Topographic Survey Certification

I, B.J. McIninch, certify that this project was completed under my direct and responsible charge from an actual survey made under my supervision; that this ground, topographic survey was performed at the 95% confidence level, to meet Federal Geographic Data Committee Standards; that this survey was performed to meet the requirements for a topographic/planimetric survey meets the Oklahoma Minimum Technical Standards for the practice of land surveying as adopted by the Oklahoma State Board of Licensure for Professional Engineers and Land Surveyors. The original data was obtained between 1-1-20 and 1-21-20; that the survey was completed on 1-22-20; and all coordinates are based on the Oklahoma State Plane Coordinate system (NAD 83) and all elevations are based on (NAVD88).

CONTROL INFORMATION:

HORIZONTAL AND VERTICAL CONTROL ARE TAKEN FROM CONTROL POINTS SHOWN ON SURVEY DATA SHEET 2 OF 6 FROM SWO 4101(1) PROJECT NO. 21176. COORDINATES SHOWN ARE BASED UPON THE OKLAHOMA STATE PLANE COORDINATE SYSTEM (NAD 83) AND THE VERTICAL DATUM IS NAVD88

CONTROL POINTS:	NORTHING	EASTING	ELEVATION	DESCRIPTION
CP#1	250899.1964	2454617.5857	691.52	STAINLESS STEEL ROD IN SLEEVE
CP#2	245568.1700	2443603.0220	697.49	3/4" STEEL PIN ORANGE PLS 1819 CAP
CP#3	246760.6970	2443871.0350	711.56	3/4" STEEL PIN ORANGE PLS 1819 CAP
CP#4	246901.7110	2443132.1100	704.68	3/4" STEEL PIN ORANGE PLS 1819 CAP

Control Certification

I, B.J. McIninch, certify that this horizontal/vertical control survey was completed under my direct and responsible charge from an actual survey made under my supervision and 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.

Control Notes:

- All horizontal coordinate values shown are U.S. Survey feet and all vertical elevation values are shown in feet.
- All control points are based on initial control point #1. Control point #1 being a stainless steel rod with dimple set by the Oklahoma Department of Transportation taken from SWO 4101(1) Project No. 21176
- All bearings are Oklahoma State Plane (NAD 83, 3502 Oklahoma South Zone). All distances are grid distances.
- All elevations of control points are base on initial elevation of control point #1. The datum is NAVD88.
- Control points 2-4 were set and observed on 1-21-20 using Trimble GPS receivers R8 model 4's. All control points were set with G.P.S. and the accuracy of said control points 2-4 (horizontal and vertical) should be expected to have the variances found associated with running G.P.S. equipment.

OKIE NOTE:
UNDERGROUND UTILITIES LOCATED BY ORDER NO. 20011409060686. GOOD FOR TEN DAYS ONLY. CALL DATE WAS 1-14-20. BM SURVEYING, INC. TAKES NO RESPONSIBILITY FOR MIS-LOCATION OF UNDERGROUND UTILITY LINES. UTILITY LINE SHOWN ON PLAT WERE LOCATED BY OKIE OR BY ONE OF THE PARTICIPATING UTILITY COMPANIES AND BM SURVEYING, INC. CANNOT VERIFY THE ACCURACY OF SUCH LOCATES.

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM THE INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.

FLOOD ZONE INFORMATION:
SUBJECT PROPERTY IS LOCATED IN OTHER AREAS ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD PLAIN) ACCORDING TO FIRM PANEL NO. 40013C0310E AND 40013C0170E. MAPS EFFECTIVE DATE OF JUNE 2, 2011.

LEGEND

These standard symbols may be found in the drawing.

- WATER LINE
- HIGHWAY RIGHT-OF-WAY
- 16.5' STATUTORY RIGHT-OF-WAY
- PIPELINE IN VICINITY
- FOUND 3/8" STEEL PIN
- FOUND 1/2" STEEL PIN
- SET 1/2" STEEL PIN (PLS 1819)
- BOUNDARY LINE
- EXISTING WIRE FENCES
- OVERHEAD ELECTRIC
- CALCULATED POINT
- FOUND 1/2" STEEL PIN (PLS 1566)
- FOUND 1/2" STEEL PIN (CA 4450)
- FOUND 1/2" STEEL PIN (PLS 1325)
- FOUND ODOT BRASS CAP
- FOUND MAG NAIL (CA 4450)
- TELEPHONE PEDESTAL
- WATER VALVE
- FIRE HYDRANT
- FOUND MAG NAIL (PLS 1566)
- RECORD DEED DATA
- MEASURED SURVEY DATA
- POWER POLE

SURVEYOR NOTES:

- This survey was performed on the Oklahoma State Plane Coordinate System(NAD 83) and all bearings and distance shown hereon are indicative of said Grid system.
- U.S. Highway 70 plans were used in ascertaining the R.O.W. lines for said U.S. Highway 70.
- There are numerous utilities traversing the interior of subject parcel. Call OKIE before a excavation on site.
- The utilities shown hereon were located from visible field evidence. There appears to be numerous pipeline markers missing or destroyed in the pipeline right-of-ways. The surveyor does not warrant the exact position of each utility is as shown nor make up the entirety of utilities on site.
- There is an existing 30' wide easement in benefit of XTO Energy Inc. filed in Book 1174 at Page 901-906. This easement is dependant on an existing Carera pipeline easement. Without knowing which easement is the Carera Pipeline, this easement cannot be plotted on drawing.
- The right-of-way for the ONG L-62 pipeline was ascertained from using a stated 25' on each side of the existing pipeline from a representative of Oklahoma Natural Gas.
- No communication lines were marked at the time of this topographic survey. It is unknown if there are any communication lines on site.

BM SURVEYING, INC

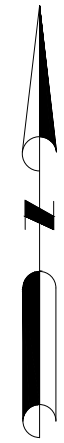
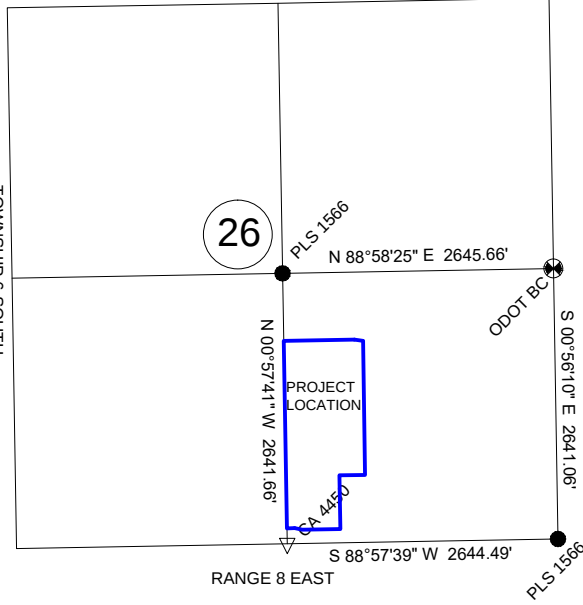
2836 W. TWIN OAKS RD
CANBY, OKLAHOMA 74533
(580) 279-9544
BM.SURVEYING@YAHOO.COM

B.J. MCININCH - COPYRIGHT 2020
PROFESSIONAL LAND SURVEYOR - #1819
CERTIFICATE OF AUTHORIZATION - #7076



DATE B.J. McIninch P.L.S. #1819

VICINITY MAP



-BASIS OF BEARINGS-
OKLAHOMA STATE PLANE BEARINGS
(NAD 83)
DETERMINED FROM G.P.S. OBSERVATIONS
CONTROLLING CORNERS ARE EXISTING MONUMENTS
FOUND AT THE SECTION AND QUARTER SECTION
CORNERS OF SECTION 26, TOWNSHIP 6 SOUTH,
RANGE 8 EAST, BRYAN COUNTY, OKLAHOMA

GENERAL NOTES

SUBJECT TO EASEMENTS AND/OR RIGHTS-OF-WAY, EITHER RECORDED, OR IMPLIED, THEREOF.
NO UTILITIES OF ANY KIND HAVE BEEN LOCATED EXCEPT THOSE SHOWN ON THE ABOVE PLAT
CONTROLLING CORNERS FOR THIS SURVEY ARE AS SHOWN ON THE LOCATION MAP
THIS IS NOT A VALID SURVEY WITHOUT THE SURVEYORS ORIGINAL SIGNATURE AND ORIGINAL SEAL
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NO.	REVISION/ISSUE	DATE

SURVEY INFORMATION
FIELD WORK PERFORMED: 1-1-20 TO 1-21-20
DATE OF LAST SITE VISIT: 1-21-20
PLAT COMPLETED: 1-22-20

Project:
DON H. CARPENTER JR.
CYNTHIA NEWELL
MARGARET L. FRAZIER

DATE 1-20-20

SCALE 1" = 100'

SHEET NO. 1 OF 1