

THE CITY OF OKLAHOMA CITY
OFFICE OF CITY CLERK
MUNICIPAL BUILDING
200 NORTH WALKER AVE.
OKLAHOMA CITY, OKLAHOMA 73102

WF

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Bk 10639
Pg 824-825
DATE 10/22/07 09:07:05
Filing Fee \$15.00
Documentary Tax \$0.00
State of Oklahoma
County of Oklahoma
Oklahoma County Clerk
Carolynn Caudill

PUD-1324

PERMANENT EASEMENT

(Representative—City)

29,823

KNOW ALL MEN BY THESE PRESENTS THAT I/44 Lincoln Road LTD, an Oklahoma Limited Partnership, for and in consideration of One Dollar and other good and valuable consideration, receipt of which is hereby acknowledged, does hereby grant and convey unto **THE CITY OF OKLAHOMA CITY**, a municipal corporation, a permanent easement over the following described property situated in Oklahoma County, Oklahoma, to wit:

The South 25 feet of the following described property: A tract of land lying in the Southwest Quarter of Section 10 Township 12 North, Range 3 West of the Indian Meridian, Oklahoma City, Oklahoma County, Oklahoma being more particularly described as commencing at the Southwest corner of said Southwest Quarter; thence N00°00'00"E along the West line of said Southwest Quarter, a distance of 990.00 feet to a point; thence N89°57'38"E a distance of 233.93 feet to a point of beginning; thence N00°04'38"W, a distance of 288.26 feet to a point; thence S89°59'00"W, a distance of 153.89 feet; thence N10°00'46"E, a distance of 30.46 feet; thence N89°59'00"E, a distance of 159.79 feet; thence N20°29'14"E, a distance of 359.67 feet to a point; thence N00°05'56"E, a distance of 164.95 feet to a point; thence N10°41'31"E, a distance of 385.24 feet to a point; thence N334°07'09"E, a distance of 180.24 feet to a point; thence S89°53'05"E, a distance of 713.93 feet to a point; thence S00°22'04"E, a distance of 278.95 feet to a point; thence S42°57'12"E, a distance of 96.09 feet to a point; thence S80°55'53"E, a distance of 166.68 feet to a point; thence N69°13'06"E, a distance of 45.00 feet to a point; thence S15°30'04"E, a distance of 119.89 feet to a point; thence S66°59'28"W, a distance of 306.36 feet to a point; thence S83°38'38"W, a distance of 47.86 feet to a point; thence S06°21'22"E, a distance of 157.47 feet to a point; thence S21°08'56"W, a distance of 61.14 feet to a point; thence S83°38'39"W, a distance of 44.39 feet to a point; thence S06°20'37"E, a distance of 531.66 feet to a point; thence S89°59'51"W, a distance of 1009.03 feet to the point of beginning

plus all right, title and interest in and to all land, fixtures, and appurtenances with the boundaries of the Subject Property, incidentally removed during the use of said easement, for the use of **THE CITY OF OKLAHOMA CITY** for the exclusive purpose of constructing, maintaining, and operating public streets and other public utilities and appurtenances thereto, over, under, through and upon the same. Should the grantee abandon the permanent easement and right-of-way for the purposes above stated, then the said easement shall revert to the grantor, its successors and/or assigns.

PUD-1324

Dated this 10th day of October, 2007.

1/44 Lincoln Road LTD, an Oklahoma Limited Partnership

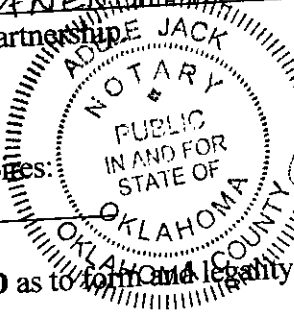
[Signature]
General Partner

CORPORATE ACKNOWLEDGEMENT

STATE OF Oklahoma)
) ss
COUNTY OF Oklahoma)

This instrument was acknowledged before me on this 10th day of October, 2007,
by RICHARD I. TANENBAUM as General Partner of 1/44 Lincoln Road LTD, an
Oklahoma Limited Partnership.

My Commission Expires:
11-25-2008



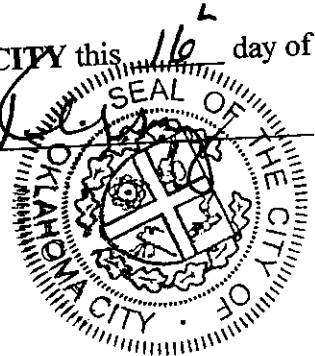
[Signature]
NOTARY PUBLIC # 00018838

REVIEWED as to form and legality this 11th day of October, 2007.

[Signature]
Assistant Municipal Counselor

ACCEPTED by the Council of THE CITY OF OKLAHOMA CITY this 16th day of
October, 2007

[Signature]
City Clerk






MEMORANDUM

The City of
OKLAHOMA CITY

Council Agenda
Item No. VIII. A. 5.
10/16/07

TO: Mayor and City Council

FROM: James D. Couch, City Manager 

(PUD-1324) Application by I 44 Lincoln Road, Ltd., to rezone 101 NE 53rd Street from R-1 Single Family Residential, R-4 General Residential, C-3 Community Commercial, and I-2 Moderate Industrial Districts to PUD-1324 District. (Ward 7)

Reason

for Request

The applicant proposes multi-family residential development.

Recommendation
and Background

On September 27, 2007, the Planning Commission recommended approval for PUD-1324 subject to the following Summary of Technical Evaluation as contained in the Planning Department staff report, except that Technical Evaluations #2 and #12 were amended as shown. **The applicant's responses are shown in bold type.**

1. Section 7.0 should be revised to read: "The following Special Development Regulations and/or limitations are placed upon the development of the PUD. Planning and zoning regulations will be those, which are in effect at the time of development of this PUD, provided, however, that the density and or intensity of the PUD shall not be increased. Development is when a permit is issued for any construction or addition to any structure on a development tract. Certain zoning districts are referred to as a part of the Special Development Regulations of this PUD. For purposes of interpretation of these Special Development Regulations, the operative and controlling language and regulations of such zoning districts shall be the language and regulations applicable to the referenced zoning districts as contained in the City of Oklahoma City's Planning and Zoning Code as such exists at the time of development of this PUD. In the event of conflict between provisions of this PUD and any of the provisions of the Oklahoma City Municipal Code, as amended (Code), in effect at the time a permit is applied for with respect to any lot, block, tract and/or parcel of land subject to this PUD, the provisions of the Code shall prevail and be controlling; provided however, that in the event of a conflict between the Special Use and Development Regulations specifically negotiated as a part of this PUD and the provisions of the Code in effect at the time a permit is applied for with respect to any lot, block, tract and/or parcel of land subject to this PUD, such Special Use and Development Regulations of this PUD shall prevail and be controlling."

Notwithstanding Section 59-5200.3C of the Oklahoma City Municipal Code, 2002, as amended, pertaining to administrative approval of minor amendments, the following special conditions listed in Sections 7.1 through 7.7.2 shall not be changed or amended in any way except by action of the City Council, after review and recommendation by the Planning Commission. **The applicant has agreed with this condition and the PUD document has been amended accordingly.**

2. Section 7.2.1 should be revised to read: ~~The subject parcel shall meet all requirements of the City of Oklahoma City's Landscaping Ordinance in place at the time of development.~~ No Certificate of Occupancy for Phase 2 will be issued until access to Santa Fe Avenue is obtained. **The applicant has agreed with this condition and the PUD document has been amended accordingly.**
3. Section 7.2.2 should be revised to read: No less than a six-foot and no greater than an eight-foot high wall shall be required along the boundary of this parcel where it is adjacent to any industrial use. Said wall shall be constructed of stucco, brick, stone, wood, or iron and/or any combination thereof and shall be solid and opaque. **The applicant has agreed with this condition and the PUD document has been amended accordingly.**
4. Section 7.3.3 should be revised to read: Exterior building wall finish on all main structures shall consist of a minimum 70% brick veneer, masonry, drivet, rock, stone, stucco or wood or other similar type finish approved by the Planning Director of the City of Oklahoma City. Buildings finished with EIFS (Exterior Insulation Finish System) material shall be permitted. Exposed metal or exposed concrete block buildings shall not be permitted. **The applicant has agreed with this condition and the PUD document has been amended accordingly.**
5. Section 7.5.1 should be revised to read: Drainage improvements, if required, will be in accordance to applicable sections of the Oklahoma City Code of Ordinances. Drainage ways may be permitted and constructed in accordance with Chapter 16 of the Oklahoma Municipal Code, which includes certain allowances in construction standards for Planned Unit Developments, provided the PUD is platted with drainage areas confined to common areas. Such drainage ways must be designed to handle adequate flows and cannot be built without specific approval of the City Engineer. The maintenance will be the responsibility of the property owners. **The applicant has agreed with this condition and the PUD document has been amended accordingly.**
6. Section 7.5.2 should be deleted. **The applicant has agreed with this condition and the PUD document has been amended accordingly.**

7. Section 7.6.1 should be revised to read: One access shall be taken from NE 53rd Street which will be improved to City Standards. Section 7.6.5 should be revised to read: NE 53rd Street shall be improved to City Standards by the owner. **The applicant has agreed with this condition and the PUD document has been amended accordingly.**
8. Section 7.6.2 should be revised to read: Drives within the apartment complex shall connect internally with the abutting complex to the east, which takes access from Central Park Drive, provided there is common ownership of the parcels or joint use agreements for common access between different owners are filed of record in Oklahoma County. **The applicant has agreed with this condition and the PUD document has been amended accordingly.**
9. Section 7.6.3 should be revised to read: There shall be no access to North Santa Fe Avenue. **The applicant has agreed with this condition and the PUD document has been amended accordingly.**
10. Section 7.7.5.1 should be added to read: Sidewalks will be provided throughout the PUD to provided pedestrian connectivity and shown on the Master Development Plan Map. **The applicant has agreed with this condition and the PUD document has been amended accordingly.**
11. The Conceptual Plan should be substituted as the Master Development Plan Map or the site should be platted and a site plan be submitted at the time of platting. The Master Development Plan Map should be amended to show the right-of-way width of NE 53rd Street. **The applicant has agreed with this condition and the PUD document has been amended accordingly.**
12. A Traffic Impact Study shall be required per Traffic Management prior to development of Phase 2. **The applicant has agreed with this condition and the PUD document has been amended accordingly.**

The Planning Commission suggested that a 25-foot street easement along NE 53rd Street be requested. The easement has been submitted.

Council Vote Five votes required for approval

Protest None

The minutes of the pertinent Planning Commission meeting and the Planning Department staff report are attached.

10/16/07

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The ordinance for redistricting was introduced September 25, 2007, set for final hearing October 16, 2007, and appropriate notice was published and mailed.

MM:ls

Attachments