TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT

TRS: 7225
CZM: 65
CASE NUMBER: CBOA-2876
CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 03/16/2021 1:30 PM

APPLICANT: Codey Zickefoose

ACTION REQUESTED: Variance of the minimum frontage requirement on a public street or dedicated right-of-way from 30 feet in the AG district to permit the construction of a single-family home and a lot split (Section 207).

LOCATION: 784 E 165 ST S
ZONED: AG

FENCELINE: Glenpool

PRESENT USE: Vacant
TRACT SIZE: 5 acres

LEGAL DESCRIPTION: The East 329.58 feet of the West 857.00 feet of the South Half of the Southwest Quarter of the Northeast Quarter (S/2 SW/4 NE/4) of Section Twenty-five (25), Township Seventeen (17) North, Range Twelve (12) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, Containing 5.00 acres, more or less.

RELEVANT PREVIOUS ACTIONS:

Subject Property:

CBOA-1609 October 1998: The Board approved a Variance of the required frontage on a public street from 30’ to 0’ to construct a single-family dwelling subject to there being no further splitting on the property and there only being one dwelling on the 40 acres, on property located at 819 E. 165th St. S. (See map – this was part of a 40-acre parcel has now been divided into two 13+ acre parcels, two 2+ acre parcels, and two 5+ acre parcels. The proposed application would require a lot split approval to split 5-acres from one of the 13+ acre parcels.)

Surrounding Property:

CBOA-2857 January 2018: The Board approved a Variance to allow 0 feet of frontage on a public street in the AG District subject to a right-of-way easement or a dedication easement running along the front of the subject property, on property located west of the southwest corner of East 165th Street South and South Peoria Avenue East (1038 E. 165th St. S.).

CBOA-1601 September 1998: The Board approved a Variance of the required 30’ frontage on a public street to 0’ subject to the applicant submit a copy of the recorded easement to staff and subject to obtaining a building permit and a perc. test, on property located at 1039 E. 165th St. S.

CBOA-945 January 1990: The Board approved a Variance of the required 30’ of frontage on a public street or dedicated right-of-way to 0’ to permit construction of a single-family dwelling subject to an easement, extending from Peoria Avenue to the west side of the subject property, being filed

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REVISED 2/22/2021
of record, on property located ¼ mile west of Intersection of 165\textsuperscript{th} Street south and South Peoria Avenue (906 E. 165\textsuperscript{th} St. S.).

CBOA-698 October 1986: The Board approved a Variance of the required frontage on a public street to permit all lots of Country Acres Subdivision to front on a private street; and approved a Variance of the required lot width in an AG District from 200' to 171' for Lot 14 subject to the filing of an approved plat by TMAPC, on property located ½ mile south and west of East 161\textsuperscript{st} Street South and Peoria Avenue. This is south of the subject property.

**ANALYSIS OF SURROUNDING AREA:** The subject tract is surrounded by AG zoning and a combination of residential and agricultural uses.

**STAFF COMMENTS:**

The applicant is before the Board requesting a Variance of the minimum frontage requirement on a public street or dedicated right-of-way from 30 feet in the AG district to permit the construction of a single-family home and a lot split (Section 207).

The applicant provided the following information:

1. Unnecessary hardship currently exists to the applicant due to living arrangements with family members at the current temporary residence.
2. This property is not located within 30 feet of a county-maintained road. Private road access only.
3. The proposed house will not cause substantial detriment to the public good and will meet all required permitting during the building process to ensure it doesn’t impair the purpose and intent of the zoning ordinance.

The Code requires owners of land utilized for residential purposes to maintain 30 feet of frontage on a public street or dedicated right-of-way. The Code attempts to ensure that each parcel used for residential purpose has public emergency access.

The submitted site plan indicates that the subject lot has a proposed 50' wide private roadway and utility easement. The applicant has submitted a copy of a Non-Exclusive Easement that provides access to the subject lot from East 165\textsuperscript{th} Street South; the easement is attached to this case report for the Boards review.

If inclined to approve, the Board may consider any condition it deems necessary and reasonably related to the request to ensure that the proposed use and future development of the subject property is compatible with and non-injurious to the surrounding area.

**Sample Motion:**

"Move to _______ (approve/deny) a Variance of the minimum frontage requirement on a public street or dedicated right-of-way from 30 feet in the AG district to permit the construction of a single-family home and a lot split (Section 207).

Finding the hardship to be _______.

Subject to the following conditions (if any) ____________________.

Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would
result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan."
Case No. 1608 (continued)

and 1,300' long. Mr. Lynchard wants to place the home in the middle of the property. All the surrounding homes do not meet Code either.

Comments and Questions:
Mr. Walker stated that he is from Sand Springs and is familiar with the area, this area has grown into a development by default. This applicant has ended up with a tract that has existing tracts around it. Mr. Walker supports this application.

Board Action:
On MOTION of WALKER, the Board voted 4-0-0 (Altberty, Eller, Tyndall, Walker "aye"; no "nays", no "abstentions"; Looney "absent") to APPROVE Variance of required lot width from 200' to 160' on an existing lot in an AG district. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS – Use Unit 6 on the following described property:


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Case No. 1609

Action Requested:
Variance of the required frontage on a public street from 30' to 0' to construct a single-family dwelling. SECTION 207. STREET FRONTAGE REQUIRED, located 819 E. 165th St. S.

Presentation:
The applicant, Thomas Zickefoose, submitted a site plan (Exhibit C-1) and stated that 165th Street dead ends on his 40 acres that he has owned for many years. Mr. Zickefoose now lives next to the 40 acres and he is asking for a variance in order to build a new home on the 40 acres.

Comments and Questions:
Mr. Tyndall asked if the street goes to his acreage. The applicant and Mr. Beach said that the street goes to his acreage but it is a private street.

Mr. Alberty asked if the two previous Board actions were in the immediate area. Mr. Beach answered yes, they are in the general area.

Mr. Beach stated that there is a mutual access easement that has been filed of record that identifies all of the abutting owners' property.
Mr. Alberty expressed concern about further development on the property but if it will only have the one development then he has no concern with it.

**Board Action:**
On MOTION of ALBERTY, the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays", no "abstentions"; Looney "absent") to APPROVE Variance of the required frontage on a public street from 30' to 0' to construct a single-family dwelling. SECTION 207. STREET FRONTAGE REQUIRED subject to there being no further splitting on the property and there only being one dwelling on the 40 acres, on the following described property:

SW, NE, Section 25, T-17-N, R-12-E, Tulsa County, State of Oklahoma.

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**Case No. 1610**

**Action Requested:**
Special Exception to permit an existing church and accessory uses in an AG district. **SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT – Use Unit 5; OR a Variance to expand a nonconforming church use. SECTION 1420. NONCONFORMING USE OF BUILDINGS OR BUILDINGS AND LAND IN COMBINATION, located 3029 S. 57th W. Ave.

**Comments and Questions:**
Mr. Beach stated that the reason for the “either/or” request is that this is a lawful nonconforming church that has been at the location since prior to 1980. If there were a questions about whether it is lawfully nonconforming or not, they wanted to make sure that he was advertised for either use.

**Presentation:**
The applicant, Mike Smith, submitted a site plan (Exhibit D-1) and stated that he represents the Berryhill United Pentecostal Church. Mr. Smith stated Mr. Beach informed him to bring evidence that the church had been at that location since before 1980. Mr. Smith submitted copies of utility bills, etc. dated 1978 and 1979 (Exhibit D-2). Mr. Smith said that the church would like to construct a fellowship hall on the back of the building.

**Comments and Questions:**
Mr. Alberty asked the applicant if this structure is going to be two stories. Mr. Smith answered that it may be in the future. The ceiling height will be 23' or 24'. They have no intention to make it two stories right now, but they might in the future.
2657—Kyle Zickefoose

Action Requested:
Variance to allow 0 feet of frontage on a public street in the AG District (Section 207). LOCATION: West of the SW/c of East 165th Street South & South Peoria Avenue East

Presentation:
Kyle Zickefoose, 15608 South Elwood Avenue, Glenpool, OK; stated he has 3 1/3 acres that is on a family farm. There is a maintained gravel driveway that goes all the way to the barn where the family runs a hay business. He applied for a permit to build a house and he was told that he would need to asphalt that entire road in order to build his house. After receiving estimates, he determined that to asphalt that road it would cost more than his house. There are plans to asphalt that road in the future, but this Variance request will allow him to build his house now.

Mr. Charney asked Mr. Zickefoose if 165th Street South terminated before his property. Mr. Zickefoose stated that 165th terminates after his property, because it goes another 990 feet approximately.

Mr. Charney stated the County does not like to issue a building permit to build a house in front of the house when there is not a publicly dedicated road, unless there is a significant mutual access easement that gives the person ingress and egress to a County road. Mr. Zickefoose stated that everyone that lives on the subject road is family, and there is a house that was permitted to be built at the very end of the road.

Mr. Dillard asked Mr. Zickefoose if he was going to borrow money to build the house. Mr. Zickefoose answered affirmatively. Mr. Dillard stated that he does not think Mr. Zickefoose will be able to obtain financing.

Mr. Charney stated that when mortgage financing studies this and they see there is no publicly dedicated right-of-way, they will very often mandate what the County wants to see which a mutual access roadway or a dedicated easement that runs in front of the subject property.

Mr. Zickefoose stated he has a road easement agreement with all the people on the road. There are houses on the north and south side of the road, and he had to have that before he could even put the road in.

Mr. Charney asked Mr. Zickefoose if it was a filed mutual access easement of record that services all the property to the west of the termination of the County right-of-way. Mr. Zickefoose answered affirmatively. Mr. Zickefoose stated that when he wanted to build the barn he had to present that easement to mortgage lender and the loan was granted.
Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On MOTION of CHARNEY, the Board voted 5-0-0 (Charney, Crall, Dillard, Hutchinson, Johnston “aye”; no “nays”; no “abstentions”; none “absent”) to APPROVE the request for a Variance to allow 0 feet of frontage on a public street in the AG District (Section 207), subject to a right-of-way easement or a dedication easement running along the front of the subject property. The Board finds the hardship to be the unique inset configuration of the land; for the following property:

E220 W440 S/2 W/2 SE NE SEC 25 17 12 3.33ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

Mr. Dillard left the meeting at 2:45 P.M.

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Mr. Charney explained to the applicants and interested parties that there were only four board members present now, because Mr. Dillard had to leave this meeting. If an applicant or an interested party would like to postpone his or her hearing until the next meeting he or she could do so. If the applicant wanted to proceed with the hearing today it would be necessary for him to receive an affirmative vote from three board members to constitute a majority and if two board members voted no today the application would be denied. Mr. Charney asked the applicants and the interested parties if they understood and asked the applicants or interested parties what they would like to do. The audience nodded their understanding and no one requested a continuance.

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2658—Stever Arterberry

Action Requested:
Variance to permit more than one dwelling unit on a single RE zoned lot (Section 208); Special Exception to permit three manufactured housing units in a Residential Estate District (Section 410, Table 1). LOCATION: South of the intersection of South 179th West Avenue and West 41st Street South
Case No. 1600 (continued)

Tract "A" – a tract of land in the S/2 of the NE/4 of the NW//4 of Section 34, T-18-N, R-12-E of the IBM, Tulsa County, State of Oklahoma, described as follows: Beginning at the NE/c of said S/2 NE/4 NW/4; thence Wly along the N line of said S/2 NE/4 NW/4 a distance of 340.20'; thence S parallel to the E line of said S/2 NE/4 NW/4 a distance of 152.38'; thence Ely parallel to the N line of said S/2 NE/4 NW/4 a distance of 340.20' to a point on the E line of said S/2 NE/4 NW/4; thence N along said E line a distance of 152.38' to the point of beginning and Tract "B" – a tract of land in the S/2 of the NE/4 of the NW/4 of Section 34, T-18-N, R-12-E of the IBM Tulsa County, State of Oklahoma described as follows: Starting at the NE/c of said S/2 NE/4 NW/4; thence S along the E line of said S/2 NE/4 NW/4 a distance of 152.38' to the point of beginning; thence from the point of beginning, Wly parallel to the N line of said S/2 NE/4 NW/4 a distance of 340.20'; thence S parallel to the E line of said S/2 NE/4 NW/4 a distance of 156.57'; thence NEly a distance of 340.22' to a point on the E line of said S/2 NE/4 NW/4; thence N along said E line a distance of 148.18' to the point of beginning.

Case No. 1601

**Action Requested:**
Variance of the required 30' frontage on a public street to 0'. **SECTION 207. STREET FRONTAGE REQUIRED – Use Unit 6, 1039 E. 165th St. S.**

**Presentation:**
Jason Jackson, 13975 S. Oak Pl., Glenpool, Oklahoma, 74033, stated that he is requesting a Variance of the 30' street frontage so that the subject property will not be land-locked in the future.

**Comments and Questions:**
Mr. Beach pointed out that the public street extends west from Peoria and stops just east of this property. The Board discussed the easement that runs in front of the subject property.

**Interested Parties:**
David Brant, 1043 E. 165th St. S., stated that there are several homes on 3 1/3 acre tracts that are served by a private road with an easement.

**Board Action:**
On MOTION of LOONEY, the Board voted 4-0-0 (Eller, Looney, Tyndall, Walker, "aye"; no "nays", no "abstentions"; Albery "absent") to **APPROVE** a Variance of the required 30' frontage on a public street to 0'. **SECTION 207. STREET FRONTAGE REQUIRED – Use Unit 6** subject to the applicant submit a copy of the recorded easement to staff and subject to obtaining a building permit and a perc test on the following described property:
Case No. 1602 (continued)

W 440' of the NW/4, SE/4, NE/4 of Section 25, T-17-N, R-12-E, Less the W 220' thereof, Tulsa County, Oklahoma.

Case No. 1602

Action Requested:
Variance of the required 30' frontage on a public street to 0', for 4 lots to permit construction on each lot. SECTION 207. STREET FRONTAGE REQUIRED – Use Unit 6, 175th St. S. & Harvard

Presentation:
Becky Fugett, 8717 S. 72nd E. Ave., purchased the subject property at an auction in which the land was represented as being in two 15-acre tracts and two 13.9-acre tracts. She submitted a road maintenance agreement showing four owners having % ownership in the road, recorded as Exhibit B-1. The road has been built and the applicant would like to keep it as a private road. Currently it is constructed to county standards with the exception of the asphalt. She indicated that there are plans to "chip and seal" the drive at a future date.

Interested Parties:
Vernoy Godwin, 17417 S. Harvard, stated that the 60' gravel easement runs 699' along his south fence line, which stirs up a lot of dust, and noted that his son has asthma. He would like the road built to county standards, which would also allow him access to the south of his property. The county road would have to be dust free and the drainage would be maintained.

Comments and Questions:
Mr. Beach explained that if the County agreed to accept this road, the property would have to be dedicated to the County, the applicant would have to build it to County standards, and the County would then maintain it.

Applicant’s Rebuttal:
Ms. Fugett stated that Mr. Godwin’s drive is gravel, and they are trying to keep the traveling on that roadway to a minimum. Mr. Godwin had approached her about using the road to access his south property, and they explained to him that that is part of their property.

Comments and Questions:
Mr. Looney asked if the four owners would be agreeable to resurfacing the road. Ms. Fugett stated that the road was recently completed. She explained that she was told that road needs time to settle, make sure there is sufficient gravel, and fill the potholes before the oil/chip is applied.
COUNTY BOARD OF ADJUSTMENT
Meeting No. 116
Tuesday, January 23, 1990, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

MEMBERS PRESENT
Alberty, Chairman
Eller
Tyndall
Walker

MEMBERS ABSENT
Looney

STAFF PRESENT
Gardner
Jones
Moore

OTHERS PRESENT
Andrew,
Building Inspection
Fields,
Building Inspection

The notice and agenda of said meeting were posted in the Office of the County Clerk, as well as in the Reception Area of the INCOG offices, on Friday, January 19, 1990 at 9:39 a.m.

After declaring a quorum present, Chairman Alberty called the meeting to order at 1:32 p.m.

MINUTES
On MOTION of ELLER, the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, aye); no "nays"; no "abstentions"; Looney, "absent") to APPROVE the Minutes of December 19, 1989 (No. 115).

UNFINISHED BUSINESS

Case No. 945

Action Requested:
Variance of the required 30' of frontage on a public street or dedicated right-of-way to 0' to permit construction of a single-family dwelling - Section 207. STREET FRONTAGE REQUIRED - Use Unit 6, located 1/4 mile west of intersection of 165th Street South and South Peoria Avenue.

Presentation:
The applicant, Thomas E. Zickefoose, PO Box 789, Glenpool, Oklahoma, stated that he owns the land surrounding the property in question. He pointed out that he maintains the road, and requested permission to construct a dwelling on three and one-half acres of the land.

Comments and Questions:
Mr. Alberty asked if the property is being split, and Mr. Zickefoose stated that he sold 10 acres, which was later split.
Case No. 945 (continued)

Mr. Gardner advised that the applicant should have a legal instrument that has been filed of record, which will assure access to the property.

The applicant remarked that there is a 60' easement off Peoria Avenue to access the property, but stated that he is not sure the easement has been filed.

Mr. Alberly pointed out that the 40 acres to the west will be landlocked if the easement has not been filed.

Protestants: None.

Board Action:

On MOTION of WALKER, the Board voted 4-0-0 (Alberly, Eller, Tyndall, Walker, aye"; no "nays"; no "abstentions"; Looney, "absent") to APPROVE a Variance of the required 30' of frontage on a public street or dedicated right-of-way to 0' to permit construction of a single-family dwelling - Section 207. STREET FRONTAGE REQUIRED - Use Unit 6; subject to an easement, extending from Peoria Avenue to the west side of the subject property, being filed of record; finding that there are similar sized tracts in the area; and the granting of the request will not be detrimental to the area or violate the spirit, purposes or intent of the Code; on the following described property:

The west 220' of the SW/4, SW/4, NE/4, Section 25, T-17-N, R-12-E, Tulsa County, Oklahoma.

Case No. 946

Action Requested:

Special Exception to permit additions to public school facilities - Section 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS - Use Unit 5.

Special Exception to permit additions to public school facilities - Section 410. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS - Use Unit 5, located NE/c of 65th West Avenue and West 31st Street South.

Comments and Questions:

Mr. Jones informed that Staff has reviewed the plan and advised the applicant to get approval for the master plan, which would prevent his returning to the Board for any future phase of work which conformed to the plan.

1.23.90:116(2)
Case No. 945

Action Requested:
Variance - Section 207 - Street Frontage Required - Use Unit 1206 - Request a variance to permit construction of single-family dwelling with 0' frontage on a dedicated street, located 1/4 mile west of intersection 165th Street South and Peoria.

Presentation:
The applicant, Thomas E. Zickefoose, was not present.

Comments and Questions:
Mr. Jones informed that the application was taken too late to complete the advertising portion of the case, and suggested that Case No. 945 be continued to January 23, 1990. He stated that the applicant has been notified of the need for a continuance.

Board Action:
On MOTION of LOONEY, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none "absent") to CONTINUE Case No. 945 to January 23, 1990.

OTHER BUSINESS

Review and Approval of 1990 Meeting Schedule

Board Action:
On MOTION of ELLER, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none "absent") to APPROVE the 1990 meeting schedule (Exhibit D-1) as presented.

There being no further business, the meeting was adjourned at 2:04 p.m.

Date Approved Jan. 23, 1990

Wayne Alberty
Chairman
Case No. 696 (continued)

Board Action:
On MOTION of LOONEY the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none, "absent") to APPROVE a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209) to allow for a mobile home; and to APPROVE a Variance (Section 208 - One Single-Family Dwelling Per Lot of Record - Use Unit 1209) to allow more than 1 dwelling unit (2) per lot of record; subject to Building Permit and Health Department approval; finding that the subject property is partially surrounded by industrial zoning; finding that there are numerous mobile homes in the area and that the granting of the requests will not be detrimental to the area and will be in harmony with the spirit and intent of the Code; on the following described property:

The north 132' of the south 264' of the east 330' of the NE/4 NE/4 NE/4, less the east 30' for roadway, Section 17, T-19-N, R-12-E, Tulsa County, State of Oklahoma.

Case No. 698

Action Requested:
Variances - Section 207 - Street Frontage Required - Use Unit 1206 - Request a variance of the required frontage on a public street to permit all lots of Country Acres Subdivision to front on a private street.

Variances - Section 330 - Bulk and Area Requirements in Agriculture Districts - Request a variance of the required lot width in an AG District from 200' to 171' for Lot 14, located 1/2 mile south and west of East 161st Street South and Peoria Avenue.

Presentation:
The applicant, Jack Cox, 7935 East 57th Street, Tulsa, Oklahoma, who submitted a plot plan (Exhibit C-1) and a copy of the preliminary plat (Exhibit C-2), stated that he represents the owners of the property in question. He asked that a private street be permitted in lieu of a dedicated street and that the lot width of Lot 14 be reduced. Mr. Cox pointed out that this lot exceeds the acreage requirement. He stated that Glenpool requested that a cul-de-sac be installed, which has been complied with.

Comments and Questions:
Mr. Alberty asked the applicant if a covenant has been drawn up that states that the homeowners are responsible for maintenance of the street and he answered in the affirmative.

Protestants: None.
Case No. 698 (continued)

Board Action:

On MOTION of LOONEY the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none, "absent") to APPROVE a Variance (Section 207 - Street Frontage Required - Use Unit 1206) of the required frontage on a public street to permit all lots of Country Acres Subdivision to front on a private street; and to APPROVE a Variance (Section 330 - Bulk and Area Requirements in Agriculture Districts) of the required lot width in an AG District from 200' to 171' for Lot 14; subject to the filing of an approved plat by TMAPC; finding a hardship demonstrated by the size of the lot and the fact that it exceeds the acreage requirement; on the following described property:

N/2, SE/4 of Section 25, T-17-N, R-12-E, Tulsa County, Oklahoma.

Case No. 700

Action Requested:

Variaence - Section 208 - One Single Family Dwelling Per Lot of Record - Use Unit 1206 - Request a variance to allow three dwelling units per lot of record, located approximately NE/c of 52nd Street and 107th West Avenue.

Presentation:

The applicant, Corrine Briscoe, 2914 Victor, Kansas City, Missouri, stated that she owns the property in question. She stated that a house was moved on her property to use for rental units and that she was not aware that she needed permission for the additional dwelling.

Comments and Questions:

Mr. Alberty asked where the additional house is located on the property and Ms. Briscoe informed that it was placed between the 2 existing houses.

Mr. Alberty inquired if the houses are on a septic system and she answered in the affirmative.

Mr. Alberty asked Ms. Briscoe if she lives in one of the dwellings and she informed that they are all rental units. The applicant pointed out that there is another lot with 3 dwellings located down the street from her property.

Mr. Jones stated that the irregular tract could be split into 3 separate lots by right, but Ms. Briscoe did not want to create 3 separate parcels.

Protestants: None.
Note: Graphic overlays may not precisely align with physical features on the ground.
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: May 2020
NON-EXCLUSIVE EASEMENT

The undersigned Clinton T. Zickefoose and Tamara L. Zickefoose, husband and wife, and Andrew Zickefoose, a single person, (hereinafter “Grantors”) do hereby grant, bargain, sell and convey to Codey Zickefoose, a single person, (hereinafter “Grantee”), his lawful invitees, successors and assigns, for and in consideration of ten dollars ($10.00) and other good and valuable consideration a non-exclusive road and utility easement over and across the following described property, to-wit:

TRACT A: The South 30 feet of a tract described as beginning at the NE/corner of the SW/4 NE/4 of Section 25, Township 17 North, Range 12 East of the Indian Base and Meridian, Tulsa County, Oklahoma, thence South 660.93 feet; thence West 467.08 feet; thence North 660.86 feet; thence East 467.25 feet to the point of beginning.

AND

TRACT B: The North 30 feet of the East 463 feet of the S/2 SW/4 NE/4 of Section 25, Township 17 North, Range 12 East of the Indian Base and Meridian, Tulsa County, Oklahoma,

This road and utility easement is given for the express purpose of allowing Grantee access to and ingress and egress to and from his lands which are more particularly described as follows, to-wit:

The East 329.58 feet of the West 857 feet of the S/2 SW/4 NE/4 of Section 25, Township 17 North, Range 12 East of the Indian Base and Meridian, Tulsa County, Oklahoma,

and for permitting Grantee to locate, construct, build and maintain utility facilities reasonable and necessary for the development, use and enjoyment of Grantee’s land.

Grantee shall save and hold harmless Grantors from any liability or damage resulting from Grantee’s use of the easements granted to them herein.

Grantors, acting in their sole discretion, reserve the right to make use of the subject easement in a manner which is not inconsistent with the rights granted to Grantee herein. In this regard, Grantors shall have no responsibility or liability for the maintenance of any road constructed and/or used by Grantee, unless and until Grantors actually makes use of such road for their own purposes.

IN WITNESS WHEREOF, the Grantors herein named have hereunto set their hand seals this 10 day of Feb, 2022.
STATE OF OKLAHOMA)

COUNTY OF Tulsa

Before me, a Notary Public in and for said County and State, on this 10th day of February, 2021, personally appeared Clinton T. Zickefoose, Tamara L. Zickefoose, to me known to be the identical persons who executed the within and foregoing instrument, and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

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

My Commission Expires: 11-19-21

(SEAL)

TARA ZICKEFOOSE
Notary Public/Commission # 13010632

ACKNOWLEDGMENT

STATE OF OKLAHOMA)

COUNTY OF Tulsa

Before me, a Notary Public in and for said County and State, on this 10th day of February, 2021, personally appeared Andrew Zickefoose, 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 and year last above written.

My Commission Expires: 11-19-21

(SEAL)

TARA ZICKEFOOSE
Notary Public in and for STATE OF OKLAHOMA Commission #13010632

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DEDICATION FOR PUBLIC ROAD

Dedication made this 20th day of February, 1990, by BOBBY J. HUNT and LISA M. HUNT, husband and wife, of 16430 South Peoria, Bixby, Oklahoma, 74008, herein referred to as "Grantor" to the County of Tulsa, State of Oklahoma, herein referred to as "Grantee".

Grantor for the consideration of One Dollar ($1.00) and other good and valuable consideration paid by Grantee, receipt of which is acknowledged, Grantor hereby grants to Grantee, its successors and assigns, an easement hereinafter described, over and across the hereinafter described land for a public road. The easement is located and described as follows:

The South 30 feet of the following described property: The South 220 feet of the Northeast Quarter of the Southeast Quarter of the Northeast Quarter (NE/4 SE/4 NE/4) more particularly described as beginning 661.17 feet North of the Southeast Corner of the Northeast Quarter; Thence North 220 feet; Thence West 662.2 feet; Thence South 220 feet; Thence East 662.15 feet to the Point of Beginning, all being a part of Section Twenty-five (25), Township Seventeen (17) North, Range Twelve (12) East, Tulsa County, Oklahoma containing 3.34 acres, more or less.

IN WITNESS WHEREOF, the Grantors have executed this Dedication the day and year first above written.

BOBBY J. HUNT

LISA M. HUNT

STATE OF OKLAHOMA )
COUNTY OF TULSA )

Before me, the undersigned, a Notary Public, in and for said County and State, on this 20th day of February, 1990, personally appeared Bobby J. Hunt and Lisa M. Hunt, husband and wife, to be known to me to be the identical persons who executed the within and foregoing instrument, and acknowledged to me that they executed the same as their free and voluntary act and deed for the purposes therein set forth.

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

Notary Public

My Commission Expires: 1, 1990

10.26
THIS AGREEMENT entered into this 27th day of May, 1992, by and among Clinton T. Zickefoose and Tamara L. Zickefoose, husband and wife, (Clinton Zickefoose), and Thomas E. Zickefoose and Frances D. Zickefoose, husband and wife (Thomas Zickefoose) and David R. Brandt and Judith Y. Brandt, husband and wife, (Brandt), and Kyle E. Zickefoose and Kristi J. Zickefoose, husband and wife, (Kyle Zickefoose) and Sam E. Smith and Jackie L. Smith, husband and wife (Smith), and Bobby J. Hunt and Lisa M. Hunt, husband and wife, (Hunt);

WHEREAS, Clinton Zickefoose is the owner of:

West 220 feet of the Southwest Quarter of the Northeast Quarter (SE/4 SE/4 NE/4), Section 25, Township 17 North, Range 12 East, Tulsa County, State of Oklahoma; (Tract 1)

WHEREAS, Thomas Zickefoose is the owner of:

West 220 feet of the Northwest Quarter of the Northeast Quarter (NW/4 SE/4 NE/4) of Section 25, Township 17 North, Range 12 East, Tulsa County, State of Oklahoma; (Tract 2)

WHEREAS, Thomas Zickefoose is the owner of:

East 220 feet of the West 440 feet of the Southwest Quarter of the Northeast Quarter (SW/4 SE/4 NE/4) Section 25, Township 17 North, Range 12 East, Tulsa County, State of Oklahoma; (Tract 3)

WHEREAS, Brandt is the owner of:

East 440 feet of the Northwest Quarter of the Northeast Quarter (NW/4 SE/4 NE/4) of Section 25, Township 17 North, Range 12 East, Tulsa County, State of Oklahoma; (Tract 4)

WHEREAS, Kyle Zickefoose is the owner of:

East 220 feet of the Southwest Quarter of the Northeast Quarter (SW/4 SE/4 NE/4) of Section 25, Township 17 North, Range 12 East, Tulsa County, State of Oklahoma; (Tract 5)

WHEREAS, Smith is the owner of:

North Half of the Southeast Quarter of the Northeast Quarter N/2 SE/4 SE/4 NE/4 of Section 25, Township 17 North, Range 12 East, Tulsa County, State of Oklahoma; (Tract 6)

WHEREAS, Hunt is the owner of:

South 220 feet of the Northeast Quarter of the Southwest Quarter of the Northeast Quarter (NE/4 SE/4 NE/4) of Section 25, Township 17 North, Range 12 East, Tulsa County, State of Oklahoma; (Tract 7)
WHEREAS, Hunt, pursuant to document recorded in Book 5237 at Page 2221, have granted a 30 foot roadway easement across the South 30 feet of Tract 1, and

WHEREAS, Smith, pursuant to document recorded in Book 5237 at Page 2220, have granted a 30 foot roadway easement across the North 30 feet of Tract 6, and

NOW, THEREFORE, the parties hereto do agree as follows:

1. That C. Zickelfoose does hereby grant, create, convey and devise to the Public a 30 foot strip over the North 30 feet of Tract 1 for roadway purposes;

2. That Thomas Zickelfoose does hereby give, create, convey and devise to the Public a 30 foot strip for roadway purposes over the South 30 feet of Tract 2 for roadway purposes;

3. That Thomas Zickelfoose does hereby give, create, convey and devise to the Public a 30 foot strip for roadway purposes over the North 30 feet of Tract 3 for roadway purposes;

4. That Brandt does hereby give, create, convey and devise to the Public a 30 foot strip for roadway purposes over the South 30 feet of Tract 4 for roadway purposes;

5. That Kyle Zickelfoose does hereby give, create, convey and devise to the Public a 30 foot strip for roadway purposes over the North 30 feet of Tract 5 for roadway purposes;

6. That each owner grants a perpetual non-exclusive mutual access easement for the purposes of permitting access to and from public streets to and from each of the lands to which this mutual access easement extends.

7. That vehicular parking upon a mutual access easement shall be limited to parking which does not prohibit or unreasonably interfere with the passage of other owners to and from their respective lands.

8. That each owner whose land derives its access from a mutual access easement shall be responsible for a pro rata share of the cost of maintaining in good repair the surfacing in the configuration and at the standard of construction existing at the time of occupancy of the first land which derived its access from the mutual access easement.

9. That any two land owners, whose lands derive their access from a mutual access easement, may undertake necessary maintenance of the surfacing and recover from the other lands who derive access from the mutual access easement a pro rata share of the costs of maintenance; provided, however, maintenance activity shall meet a standard, both as to need and as to materials and workmanship, as would be acceptable by FHA or VA standards.

10. That in the event of any dispute arising concerning maintenance of the common drive or mutual access easement, each party shall choose one arbitrator and such arbitrators shall collectively choose an additional arbitrator, and the decision shall be by majority of all the arbitrators.

11. That this Agreement shall be binding upon the heirs, successors and assigns of the parties and further any grantee of any party shall bear his or her portion thereof.

Signed:

Clinton T. Zickelfoose
Tamara L. Zickelfoose

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STATE OF OKLAHOMA

COUNTY OF TULSA

Before me, the undersigned, a Notary Public, in and for said County and State, on this 25th day of May, 1992, personally appeared Clinton T. Zickfoose and Tamara L. Zickfoose, husband and wife, to me known to be the identical persons who executed the within and foregoing instrument, and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

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

Notary Public

STATE OF OKLAHOMA

COUNTY OF TULSA

Before me, the undersigned, a Notary Public, in and for said County and State, on this 24th day of May, 1992, personally appeared Thomas E. Zickfoose and Frances D. Zickfoose, husband and wife, to me known to be the identical persons who executed the within and foregoing instrument, and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

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

Notary Public

STATE OF OKLAHOMA

COUNTY OF TULSA

Before me, the undersigned, a Notary Public, in and for said County and State, on this 26th day of May, 1992, personally appeared David R. Brandt and Judith Y. Brandt, husband and wife, to me known to be the identical persons who executed the within and foregoing instrument, and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

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

Notary Public
STATE OF OKLAHOMA  
COUNTY OF TULSA  

Before me, the undersigned, a Notary Public, in and for said County and State, on this 16 day of JULY, 1992, personally appeared Kyle E. Ziekefoose and Kirsti J. Ziekefoose, husband and wife, to me known to be the identical persons who executed the within and foregoing instrument, and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

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

Notary Public

My Commission Expires: 

STATE OF OKLAHOMA  
COUNTY OF TULSA  

Before me, the undersigned, a Notary Public, in and for said County and State, on this 28 day of JUNE, 1992, personally appeared Sam E. Smith and Jackie L. Smith, husband and wife, to me known to be the identical persons who executed the within and foregoing instrument, and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

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

Notary Public

My Commission Expires: 

STATE OF OKLAHOMA  
COUNTY OF TULSA  

Before me, the undersigned, a Notary Public, in and for said County and State, on this 16 day of JULY, 1992, personally appeared Bobby J. Hunt and Lisa M. Hunt, husband and wife, to me known to be the identical persons who executed the within and foregoing instrument, and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

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

Notary Public

My Commission Expires:
JOINT TENANCY
WARRANTY DEED
(INDIVIDUAL FORM)

KNOW ALL MEN BY THESE PRESENTS:
That Thomas E. Zickafoose and Frances D. Zickafoose, husband and wife
are grantors
in consideration of the sum of Ten and other
and other valuable considerations, in hand paid, the receipt of which is hereby acknowledged, do hereby
grant, bargain, sell and convey unto Robert Edward Harris and Daley Kathryn Harris,
husband and wife
as joint tenants and not as tenants in common, with the right of survivorship, the whole estate to vest in the
survivor, parties of the second part, the following described real property and premises situate in
TULSA County, State of Oklahoma, to-wit:

The North Half (N2) of the West Half (W2) of the Southeast Quarter (SE1/4) of the Northeast Quarter (NE1/4) of Section 25, Township 17
North, Range 12 East of the Indian Base and Meridian LESS AND
EXCEPT all the oil, gas, minerals and mineral rights, and RESERVING
unto the grantors a roadway easement and right-of-way over and
across the South 30 feet of the described property.

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 the said parties of the second part, as such joint
tenants, and to the heirs and assigns of the survivor, forever, free, clear and discharged of and from all former
grants, charges, taxes, judgments, mortgages and other liens and incumbrances of whatsoever nature.

COUNTY OF TULSA
State of OKLAHOMA

Before me, a Notary Public in and for said County and State, on this 2nd day of January, 1979
personally appeared thee and thereto subscribed, and acknowledged to me that
they
executed the within and foregoing instrument, and acknowledged to me that they
executed the above and voluntary act and deed for the uses and purposes therein set forth.

My commission expires

Notary Public

STATE OF OKLAHOMA
County of Creek

Given under my hand and seal.

Commission expires

Notary Public
Know all men by these presents:

That the undersigned owner of the legal and equitable title to the following described real estate, for and in consideration of the value received, the receipt of which is hereby acknowledged, does hereby grant and convey to Rural Water District Number 2, Creek County, State of Oklahoma, a perpetual easement through, over, under, and across the following described property:

The North Half (N/2) of the West Half (W/2) of the Southeast Quarter (SE/4) of the Northeast Quarter (NE/4) of Section 25, Township 17 North, Range 12 East of the Indian Base and Meridian, OK and

Tulsa County, Oklahoma

for the purposes of permitting the construction of water lines, telephone and electric lines, cables, conduits, pole lines and roads thereon, through, over, under, and across said property, together with all necessary and convenient appurtenances thereto; and to use and maintain the same, and affording the owners and operators of the above mentioned Rural Water District Number 2, Creek County, Oklahoma, their officers, agents, employees, and/or all persons under contract with them, the right to enter upon said premises and strip of land for the purpose of surveying, excavating for, constructing, operating, and maintaining such utility, and for terminating such use.

The Rural Water District Number 2, Creek County, Oklahoma is hereby given and granted possession of the above described premises for the purposes aforesaid, and the undersigned, for himself, and his heirs, assigns, attorneys, successors, and assigns, does agree that no building, structure, or other above or below ground obstruction that will interfere with the purposes aforesaid, will be placed, erected, installed, or permitted upon the above described premises; and further covenants and agrees that in the event the terms of this paragraph are violated by the undersigned, or any person in privy with him, such violation will be corrected and eliminated immediately upon receipt of notice from the above mentioned Rural Water District Number 2, or that utility shall have the right to correct and eliminate such violation.

TO HAVE AND TO HOLD such easement unto Rural Water District Number 2, Creek County, Oklahoma forever.

Dated this 29th day of [date]

ATTEST: [Seal]

STATE OF OKLAHOMA
COUNTY OF TULSA

Before me, the undersigned, a Notary Public in and for said County and State, on this 29th day of [date], 19_, personally appeared [name], to me known to be the identical person who executed the foregoing instrument and acknowledged to me that they executed the same in the presence of [name], free and voluntary act and deed for the purposes therein set forth.

My commission expires: [date]

Notary Public

STATE OF [state]
COUNTY OF [county]

Before me, the undersigned, a Notary Public in and for said County and State, on this day of [date], 19_, personally appeared [name], to me known to be the identical person who subscribed the name of the undersigned to the foregoing instrument as its , and acknowledged to me that they executed the same as free and voluntary act and deed for the purposes therein set forth.

My commission expires: [date]

Notary Public

10.33
BOUNDARY SURVEY PLAT

LEGAL DESCRIPTION

The East 329.58 feet of the West 857.00 feet of the South Half of the Southeast Quarter of the Northeast Quarter (S/2 SW/4 NE/4) of Section Twenty-five (25), Township Seventeen (17) North, Range Twelve (12) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, Containing 5.00 acres, more or less.

LINE AND SYMBOL LEGEND

SURVEYOR'S CERTIFICATE

I, Jason R. Lilly, a Registered Professional Land Surveyor of the State of Oklahoma, do hereby certify that I or others under my direct supervision have made a careful survey of the property shown hereon. I further certify that this Plat of 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.

Foresight Land Surveying, LLC
318 West Main Street
Henryetta, OK 74437
918-268-2502
OFFICE@FORESIGHTSURVEYING.NET
WWW.FORESIGHTSURVEYING.NET
CA BS62

Sheet: 1 of 1
Date: 6/1/2013
Fieldwork by: RLL
Drawn by: JSL
Directed by: JRL
Owner: Zickefoose
Project No. 29-0039

10.34