

This meeting is a worksession for Council/Trustee discussion only.
There is no opportunity for public comments at worksession.

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PUBLIC NOTICE OF THE MEETING OF THE
OWASSO CITY COUNCIL, OPWA & OPGA

MAR 04 2016 *lu*
City Clerk's Office

Council Chambers, Old Central Building
109 N Birch, Owasso, OK 74055
Regular Meeting
Tuesday, March 8, 2016 - 6:00 pm

1. **Call to Order**
Mayor/Chair Jeri Moberly
2. **Discussion relating to Community Development items**
Bronce Stephenson
 - A. PUD 16-02 and OZ 16-03 - Owasso Senior Living (13707 E 96th St N)
 - B. Easement Closure – Keys Landing II (west side of 129th E Ave approximately ½ mile south of E 76th St N)
 - C. OZ 16-02 Annexation/Rezoning (11595 E 116th St N)
 - D. Final Plat – Afor Center II (west side of Garnett Rd, 8700 block)
3. **Discussion relating to Public Works items**
Roger Stevens
 - A. Revised Ordinances for Sewer Assessment Areas
 - B. Ordinance - Sewer Assessment Area (Garrett Creek – Morrow Place)
 - C. Ordinance & Resolution - Sewer Use Ordinance, Fats, Oils and Greases (FOG)
 - D. Presentation of Garnett Widening Improvements Design.
4. **Discussion relating to condemnation for right-of-way acquisition for Garnett Widening Project**
Julie Lombardi & Roger Stevens
5. **Discussion relating to a contract for engineering and design – Fire Station #4**
Chris Garrett
6. **Discussion relating to City Manager items**
Warren Lehr
 - Contract for engineering and design – Festival Marketplace
 - Options relating to the cancellation of the April 19, 2016, City Council, OPWA & OPGA Regular Meeting
 - Monthly sales tax report
 - City Manager report
7. **City Council/Trustee comments and inquiries**

8. Adjournment

Notice of Public Meeting filed in the office of the City Clerk and the Agenda posted at City Hall bulletin board at 6:00 pm on Friday, March 4, 2016.



Sherry Bishop, City Clerk



TO: The Honorable Mayor and City Council
 City of Owasso

FROM: Bronce L. Stephenson, MPA
 Director of Community Development

SUBJECT: Planned Unit Development, PUD-16-02 (OZ 16-03) – Owasso Senior Living

DATE: March 4, 2016

BACKGROUND:

The City of Owasso received a Planned Unit Development (PUD) application for consideration of Owasso Senior Living from Smalygo Properties. The subject property is located at 13707 E 96th St N, one lot west of Christ's Church of Owasso. The proposed housing development is planned for senior townhome-style rental units. This development proposes an underlying Residential Townhome (RTH) zoning designation with a Planned Unit Development (PUD) overlay.

SURROUNDING ZONING:

Direction	Zoning	Use	Land Use Plan	Jurisdiction
North	RE (Residential Estate)	Undeveloped	Residential	City of Owasso
South	RE (Residential Estate)	Single Family Homes	Residential	City of Owasso
East	AG (Agriculture)	Single-Family Agriculture/Residential	Residential	City of Owasso
West	AG (Agriculture)	Single-Family Agriculture/Residential	Residential	City of Owasso

SUBJECT PROPERTY/PROJECT DATA:

Property Size	2.59 acres
Current Zoning	AG (Agriculture)
Proposed Use	Single Family Homes
Lots/Blocks	N/A
Land Use Plan	Residential
Number of Reserve Areas	N/A
Gross Dwelling Units/Acre	13.5 DU/Acre proposed
Within PUD?	OPUD 16-02
Within Overlay District?	No
Water Provider	City of Owasso
Applicable Paybacks	Storm siren fee of \$35/acre Potential Elm Creek Sanitary

	Sewer \$1580.00/Acre
Streets (public or private)	Private

CONCEPT OF A PUD:

The concept of a Planned Unit Development is to provide a creative alternative to conventional development where a particular tract is under common ownership or control and where a detailed development plan, outlining the development of the tract as a unit is proposed and submitted for public review. The use of a PUD technique is a way to amend a zoning ordinance in accordance with a complete and coordinated plan of development for a larger parcel, rather than piecemeal individual changes using the variance process. Additionally, a PUD typically produces a higher quality product with better amenities, architecture, landscaping and buffering.

ANALYSIS:

This PUD application was submitted to request the construction of senior living townhome-style rental dwelling units on a single piece of property located at 13707 E 96th St N. The proposed project identifies thirty-five (35) units which shall be under common-ownership. Though not required with a PUD, staff requested that the applicant rezone the property to a zoning district closely reflecting the intended use of the property and the project that will be developed. In this case the project closely mimics townhomes in terms of style and function as opposed to standard apartments, most commonly seen with true multi-family developments in Owasso.

Further, the 2030 Land Use Master Plan supports the zoning of RTH in the residential land use category as an individual lot development with a PUD. Having an underlying zoning classification that most closely mirrors the proposed use makes the overall City zoning map consistent with the ultimate use that will be placed on the property. An example of an inconsistency due to not ensuring the underlying zoning is consistent is found in sections of Chelsea Park. This single-family neighborhood, to the east of the TTC/TCC Campus contains areas zoned Light Industrial (IL) because the underlying zoning was not changed with the PUD. Legally, there are no issues, however it creates zoning map and property title inconsistencies.

The subject property, located along the E 96th St N corridor, has seen recent development and is expected to see additional development with infill projects. There are established single-family neighborhoods to the south and west, with some remaining large agricultural tracts that will likely see future development projects. The recently adopted Owasso Transportation Master Plan identifies 96th Street from 129th to 145th as being designed as a wider complete street with boulevard by 2020. The concept of the proposed development is to create attractive, safe, and comfortable living units targeting the 55 years and older demographic.

The development would consist of single-story, attached units arranged in four buildings that center around a courtyard that would house the majority of the amenities as well as promoting community and social interaction. The 35 proposed units would result in a gross density of thirteen and a half (13.5) units/acre, though staff has recommended a 10% reduction in the number of units (4), that would bring the number of units down to thirty-one (31) and reduce the gross density to under twelve (12) units/acre. The units are proposed to be one-bedroom units with an extra "craft" room or two bedroom units.

The Owasso Senior Townhouse development is based off a concept that the applicant has developed successfully in Collinsville, which has now expanded to Skiatook and Oologah. The units would range from 700 – 850 square feet and would rent from approximately \$750 - \$900 per month. Based on the proposed price range, the units would rent for generally the same price as the NinetyEight in town, one of the premiere developments in the area. The units are constructed to be energy efficient and ADA accessible, with interior finishes that are seen in many higher-end developments throughout the City. The grounds will be under common ownership and management, eliminating the need for the individual occupants to do their own yard maintenance. The units would not be low-income nor allow assistance vouchers. The open space provided per the plan is proposed to exceed 20% and contain features that promote physical activity and social interaction.

The Federal Housing and Urban Development (HUD) Agency has specific legislation in the form of the Housing for Older Persons Act of 1995 (HOPA), which regulates senior housing and its relation to the practice of fair housing law (see attachments). The HUD information stated that the applicant can maintain the property as 55 or older and can prohibit those younger or with children from leasing and occupying the premises without violating fair housing law. The owner must publish, market and adhere to policies and procedures that demonstrate intent to provide housing for persons 55 years and older. The applicant has stated that the development will be only for those over 55 years in age.

With any PUD, amenities are required to be provided that will make the project more appealing, will keep property values high, and will provide recreational opportunities for future residents. Being a development targeting seniors, the amenities proposed are not the same as we may see from most single-family PUD neighborhoods, but are amenities catering to the needs of older adults. The amenities would include:

- Sidewalks and walking paths throughout the development
- Central greenspace and recreational area (for shuffleboard, croquet and horseshoes, etc.)
- Gazebos
- Outdoor BBQ and fire pits
- Pond with aerator
- Onsite storm shelters
- A recycling area
- Fire sprinklers in each unit

City staff published legal notices of the PUD request in the Owasso Reporter and mailed notices to property owners within a three-hundred (300) foot radius of the subject property. After the applicant requested to delay the City Council hearing until the 5th of April, staff re-sent notices to all property owners within three-hundred (300) feet of the subject property to inform them of the change of date.

COMPREHENSIVE PLAN CONSISTENCY:

The adopted Owasso 2030 Land Use Master Plan (Plan) identifies the subject property and its surroundings as having residential uses, with RTH zoning as a possible zoning for the property, meaning it would be an allowed use in the right circumstances.

The following is language taken directly from the GrOwasso 2030 Land Use Master Plan and provides reasoning for consideration of this type of development:

In some instances, duplexes or townhomes may be appropriate in the Residential land use category. Typically, this will be accomplished using the Planned Unit Development (PUD) approach for development applications. As the City grows, it becomes more urbanized and development becomes more complex. Therefore, more care needs to be taken when allowing higher density and more intense uses in developed areas. Considering this, duplex and townhome uses may be appropriate in some locations within the Residential land use district under certain conditions.

Corresponding Zoning Classifications:

The following zoning districts are best suited for the Residential District:

- Agricultural (AG)
- Residential Estate (RE)
- Residential Single Family (RS-1, RS-2, RS-3)
- Residential Duplex (RD) or Residential Townhome (RTH) – Allowed as a single use if the proposed development is part of an existing duplex or townhome development, or if functioning as a buffer between higher and lower intensity uses such as between single family residential and commercial, or is developed as a PUD as an individual lot or a multiple lot development.
- Planned Unit Developments (PUD)

PLANNING ISSUES:

Future planning issues must still be considered if the PUD is approved. If approved, the applicant will be required to adhere to all City of Owasso subdivision regulations and engineering requirements.

According to the Owasso Zoning Code, the Planning Commission and City Council shall hold a public hearing on any PUD application and determine the following:

1. Whether the PUD is consistent with the Comprehensive Plan.
2. Whether the PUD is in harmony with the existing and expected development of surrounding areas.
3. Whether the PUD is a unified treatment of the development possibilities of the project site.
4. Whether the PUD is consistent with the stated purpose and standards of the PUD ordinance.
 - a. To permit innovative land development while maintaining appropriate limitation on the character and intensity of use assuring compatibility with adjoining and proximate properties;
 - b. To permit flexibility within the development to best utilize the unique physical features of the particular site;
 - c. To provide and preserve meaningful open space; and
 - d. To achieve a continuity of function and design within the development.

The developer held an optional neighborhood meeting at Bricktown Brewery in Owasso on February 10, 2016. The applicant introduced the proposal and asked for input from neighboring property owners. The majority of the comments were that this was the wrong location for the development due to the proximity to more expensive homes. The applicant listened to the concerns of the citizens regarding the project, and as a result has taken measures to address some of the issues raised.

This item has been met with a great deal of opposition from surrounding property owners. The property owners incorrectly labeled the development as low-income units that would attract an element that would reduce the regional property values. There is no merit to the statement of the units being low income and the developer has stated repeatedly that he will not accept vouchers or other forms of assistance. Additionally, many of the statements have asked that the development be relocated to a lower income area of town.

The issue to be decided with this proposed case is one of land use consistency. This development has been inaccurately described as spot zoning. That is not accurate, being that this development is a residential use in a residentially dominated area that has already seen higher-intensity development of numerous churches. Additionally, this item would be in compliance with the adopted 2030 GrOwasso Land Use Master Plan, therefore would not be considered spot zoning.

TECHNICAL ADVISORY COMMITTEE REVIEW:

This item was taken to the TAC for review on February 24, 2016 and the comments from this meeting are attached. After TAC review, the Community Development Department requested that the applicant make some changes to the PUD document and provide additional information. The applicant made the requested changes and provided the requested documentation.

PLANNING COMMISSION:

The Planning Commission will hear this item on March 7, 2016.

RECOMMENDATION:

Typically, a staff recommendation is not provided at the Council worksession, however, a recommendation is included here in order to inform the Council of what has been asked of the applicant and what conditions are recommended.

After considering the development proposal and the current and expected development of the area and consulting with the GrOwasso 2030 Land Use Master Plan, staff recommends approval of OPUD 16-02 and OZ-16-03, with the following conditions:

- The number of units be reduced by at least 10% , or four (4)units
- A community garden area be provided for the residents
- At least two (2) trees or large shrubs per unit be provided on the site
- A screening berm at least six (6) feet in height be provided along E 96th St N. Landscaping shall be provided atop and surrounding the berm to screen and soften the transition.
- Perimeter screening fence of at least six (6) feet in height shall be constructed with steel support poles set in concrete along the western, northern and eastern boundaries. The smooth side of the fence shall be placed outward.
- Signage along the E 96th St N frontage be constructed as a monument sign no greater than four (4) feet in height, and set in a landscaped bed
- The development only be allowed as a Senior Living Units with only those 55 years and older allowed as tenants or residents, in accordance with Fair Housing Law.

ATTACHMENTS:

Area Map

Aerial Map

Zoning Map

Land Use Plan Map

Land Use Plan Matrix

Land Use Plan Residential Use Description

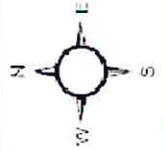
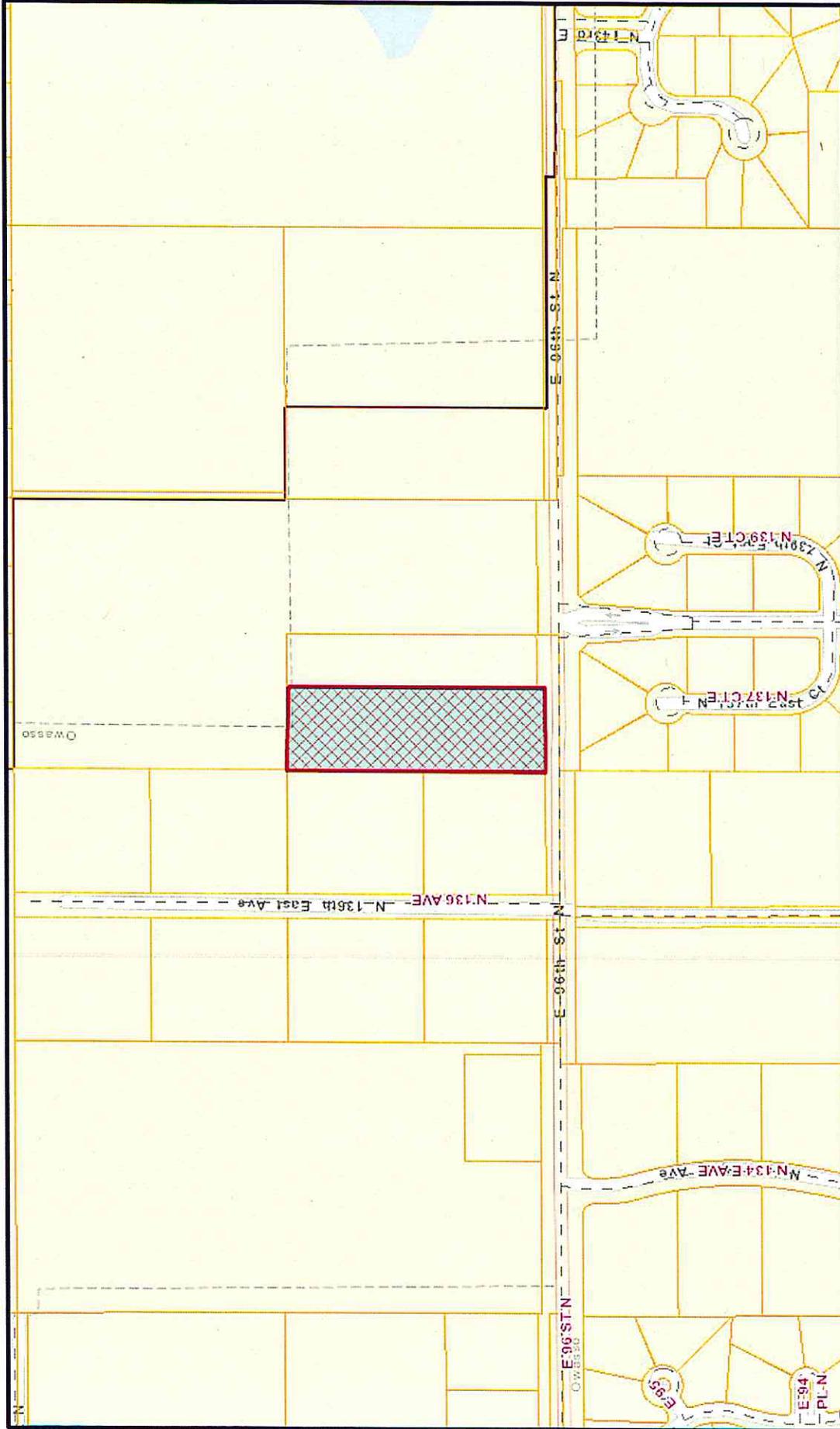
Outlined Development Plan

Conceptual Site Plan

Landscape Conceptual Drawings

Department of Housing and Urban Development (HUD) Information on Senior Housing

OPUD 16-02/OZ 16-03



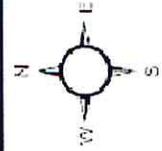
02/10/2016

Smalygo
Properties

1" = 376 ft

This map represents a visual display of related geographic information. Data provided hereon is not a guarantee of actual field conditions. To be sure of complete accuracy, please contact Owasso staff for the most up-to-date information.

OPUD 16-02/OZ 16-03



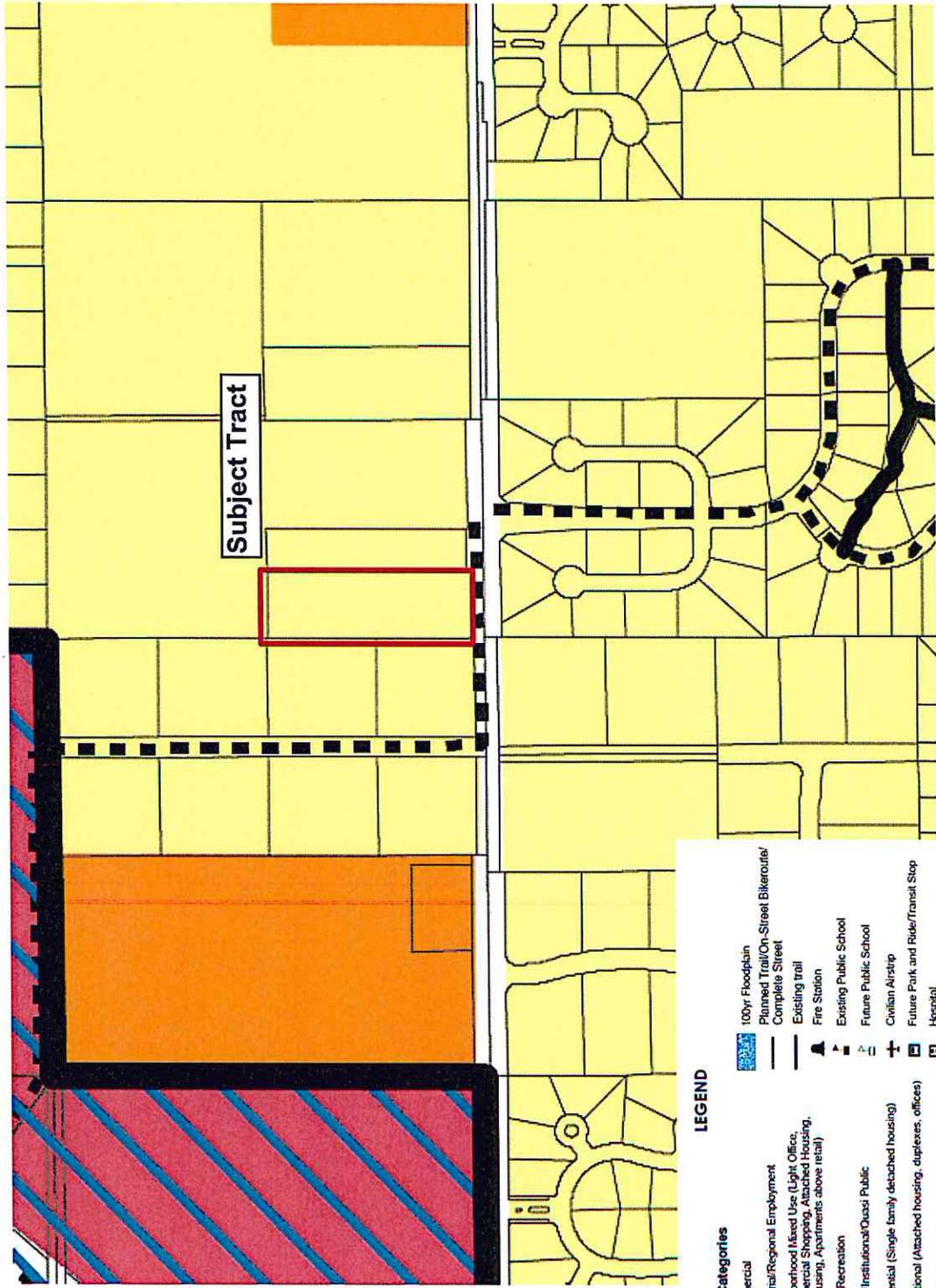
02/10/2016

Smalygo Properties

1" = 376 ft

This map represents a visual display of related geographic information. Data provided hereon is not a guarantee of actual field conditions. To be sure of complete accuracy, please contact Owasso staff for the most up-to-date information.

OPUD 16-02 Land Use Plan Map



LEGEND

Commercial	100yr Floodplain
Industrial/Regional Employment	Planned Trail/On-Street Bikeroute/Complete Street
Neighborhood Mixed Use (Light Office, Commercial Shopping, Attached Housing, SF Housing, Apartments above retail)	Existing trail
Parks/Recreation	Fire Station
Public/Institutional/Quasi Public	Existing Public School
Residential (Single family detached housing)	Future Public School
Transitional (Attached housing, duplexes, offices)	Civilian Airstrip
US-169 Overlay District	Future Park and Ride/Transit Stop
*Glen-Har Addition Special District	Hospital
**Downtown Development District	Public Park
	Golf Course
	Cemetery

Sheridan Rd

86th St. N.

76th St. N.

66th St. N.

**LAND USE PLAN
ZONING MATRIX**

Base Zoning Districts	Land Use Districts							
	Parks and Recreational	Public/Institutional/Quasi-Public	Residential	Transitional	Neighborhood Mixed Use	Commercial	Industrial/Regional Employment	Downtown Development District
Agriculture (AG)		Allowed	Allowed					
Residential Estate (RE)		Allowed	Allowed					
Residential Single Family (RS-1)		Allowed	Allowed					
Residential Single Family (RS-2)		Allowed	Allowed		Allowed			
Residential Single Family (RS-3)		Allowed	Allowed		Allowed			Allowed
Residential Duplex (RD)		Allowed	Possible	Allowed	Allowed			Allowed
Residential Townhome (RTH)		Allowed	Possible	Allowed	Allowed			Allowed
Residential Multi-Family (RM)		Allowed		Allowed	Allowed			Allowed
Office Light (OL)		Allowed		Allowed	Allowed	Allowed		Allowed
Office Medium (OM)		Allowed		Possible		Allowed		Allowed
Commercial Shopping (CS)		Allowed			Allowed	Allowed		Allowed
Commercial General (CG)		Allowed				Allowed		Allowed
Commercial High Intensity		Allowed				Allowed	Allowed	Allowed

Corresponding Zoning Classifications
Parks are permitted in all zoning districts.

Land Use Plan Residential Development Information

Specific Plan Recommendation

Identify a suitable parcel of land in the northeastern portion of the City for the construction of a neighborhood park of 3 to 25 acres in size. This recommendation should be carefully weighed against projected revenues verses long term maintenance costs

Residential



The Residential category represents the most predominant character of development in Owasso. This category typically is comprised of single family neighborhoods of varying lot sizes and represents the lowest intensity of all the use categories. Dwelling unit densities within the Residential category generally range from 2 to 5 units per acre. In some locations, particularly the eastern portions of the fence line in Roger's County, density can be as little 1 or fewer units per acre. Planned Unit Developments may also be found in the residential land use category and may contain various intensities of residential housing. In most cases, the Residential use category is buffered from higher intensity uses such as Commercial with the Transitional use district.

In some instances duplexes or townhomes may be appropriate in the residential land use category. Typically this will be accomplished using the Planned Unit Development (PUD) approach for development applications. As the City grows it becomes more urbanized and as such development becomes more complex. Therefore, more care needs to be taken when allowing higher density and more intense uses in developed areas. Considering this, duplex and townhome uses may be appropriate in some locations.

Corresponding Zoning Classifications:

- Agricultural (AG)
- Residential Estate (RE)
- Residential Single Family (RS-1, RS-2, RS-3)
- Residential Duplex (RD) or Residential Townhome (RTH) – Allowed as a single use if the proposed development is part of an existing duplex or townhome development or if functioning as a buffer between higher and lower intensity uses such as between single family residential and commercial, or is developed as a PUD as an individual lot or a multiple lot development.
- Planned Unit Developments (PUD)

PUD - 16-02

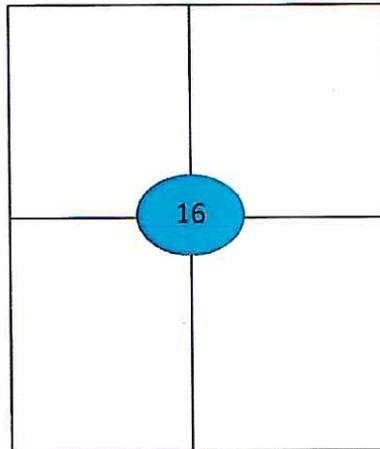
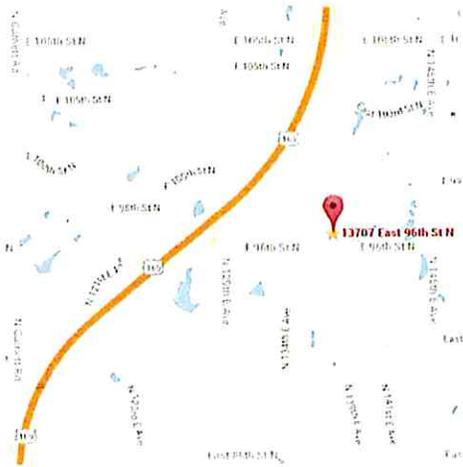
OWASSO Senior Townhouses

2.59 Acres

LOCATED AT 13707 E 96TH ST N,
OWASSO, TULSA COUNTY, OKLAHOMA

R 14 E

E 106th St N



E 96th St N

T 21 N

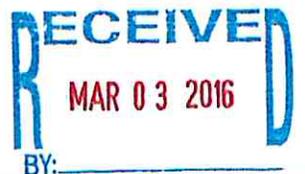
SMALYGO PROPERTIES INC

c/o KYLE SMALYGO

123 N 7TH ST

COLLINSVILLE, OK 74021

INFO@SMALYGOPROPERTIES.COM



Owasso Senior Townhouses

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Owasso Senior Townhouses

I. DEVELOPMENT CONCEPT

Owasso Senior Living (the "Development") is a proposed boutique-style multi-family development of not more than thirty-five (35) Dwelling Units (see Exhibit B, "Conceptual Site Plan" and Exhibit E, "Conceptual Detailed Site Plan", attached hereto). Living units will be made available to the public, but specifically targeted towards senior citizens as an alternative to other forms of elderly living facilities. The development concept consists of attached single family Dwelling Units, each with private parking spaces and access to shared outdoor amenities which are focused on an active senior lifestyle. Each Dwelling Unit will have frontage on a private street for convenience.

The proposed Development will repurpose and replace multiple dilapidated structures currently existing on the Site. This redevelopment will replace a non-performing asset and will provide a residential stimulation to an already active growth area.

The Site is currently zoned Agriculture (see Exhibit D, "Current Zoning Map", attached hereto). The Development proposes the RTH District (residential townhouse) zoning designation, which allows for more flexibility with laying out Dwelling Units and providing meaningful open space. The Development will have a maximum gross density of approximately 13.5 Dwelling Units per acre which accommodates space for outdoor amenities targeted toward active seniors. Although Owasso has several assisted living facilities, there is a great shortage of high quality housing for active seniors seeking residence in a low maintenance dwelling with common space encouraging fellowship and community with neighbors. Approximately twenty percent (20%) of the Site will be devoted to common space and amenities encouraging socialization and healthy activity. Such amenities will include, but will not be limited to:

- paved walking trails and recreational areas for shuffleboard, horseshoes, croquet, and other activities focused on an active senior lifestyle while providing opportunities for easy access and daily exercise;
- gazebos for gatherings, outdoor BBQ/fire pits, and bubbling water features providing opportunities to socialize;
- practical, yet highly appreciated amenities will include storm shelters, recycling bins and energy efficient units.

The Development will be enclosed on three sides (west, north and east sides) in privacy fencing consisting of six foot (6') cedar plank fencing with stone or brick columns. Beautiful landscaping including trees, shrubs and ornamental plants will adorn the entrance (south side) of the Development creating a personal, maintenance free outdoor environment. Further, the interior of the Development will also feature trees, shrubs and ornamental plants, as well as flower beds and a community garden area (see Exhibit E, "Conceptual Detailed Site Plan", attached hereto).

Owasso Senior Townhouses

The Development will be managed by both part-time on-site staffing which will utilize the model unit (one of the proposed Dwelling Units) as well as full-time management through the Developer's offices in nearby Collinsville, Oklahoma.

Based on the results of the affiliated locations of the Owasso Senior Townhouses, success of the Development is most certainly assured. Residents of the affiliated locations are thrilled with this addition to their communities as are the municipalities on which they are located. Many residents have expressed that there are no similar options anywhere in their area and that the developments are much needed. All residents have been pleased with the beautiful and welcoming exteriors and high-end interior finishes. They also greatly enjoy the outdoor areas which provide community and camaraderie with neighbors, and the safety of onsite storm shelters. They are so proud of their abode that they have chatted with prospective tenants visiting the model expressing the highest of praise and have made numerous referrals.

Owasso Senior Townhouses

II. LEGAL DESCRIPTION

The Development is located on a single lot, located at 13707 E 96th Street North, in the City Of Owasso, State of Oklahoma, and is more particularly described as:

The West 198' of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ (SW/4 SW/4 SE/4) of Section 16 (Sixteen), Township 21 (Twenty-one) North, Range 14 (Fourteen), East of the I.B.&M, Tulsa County, State of Oklahoma, According to the survey thereof; LESS AND EXCEPT the South 33 feet for Highway.

The above described property will hereinafter be referred to as the "Site" and the boundary of the Site is as depicted on Exhibit A, "Aerial Photography", attached hereto.

Owasso Senior Townhouses

III. DEVELOPMENT STANDARDS – STATISTICAL SUMMARY

Total Project Area:	+/- 112,860 SF	2.59 acres
Residential	+/- 112,860 SF	2.59 acres
Permitted Uses:	Uses permitted as a matter of right in RM- zoning district in the City of Owasso Zoning Ordinances, including landscaped features and recreational facilities and uses customary accessory to permitted uses.	
Maximum Number of Dwelling Units:	35	
Project Density	13.52 Dwelling Units per Acre	
Lot Width	198 Feet	
Maximum Building Height	20 Feet	
Off Street Parking	Minimum one and a half (1.5) parking spaces required per Dwelling Unit	
Minimum Livability Space per Dwelling Unit:	800 SF	
Minimum Land Area per Dwelling Unit	3,100 SF	

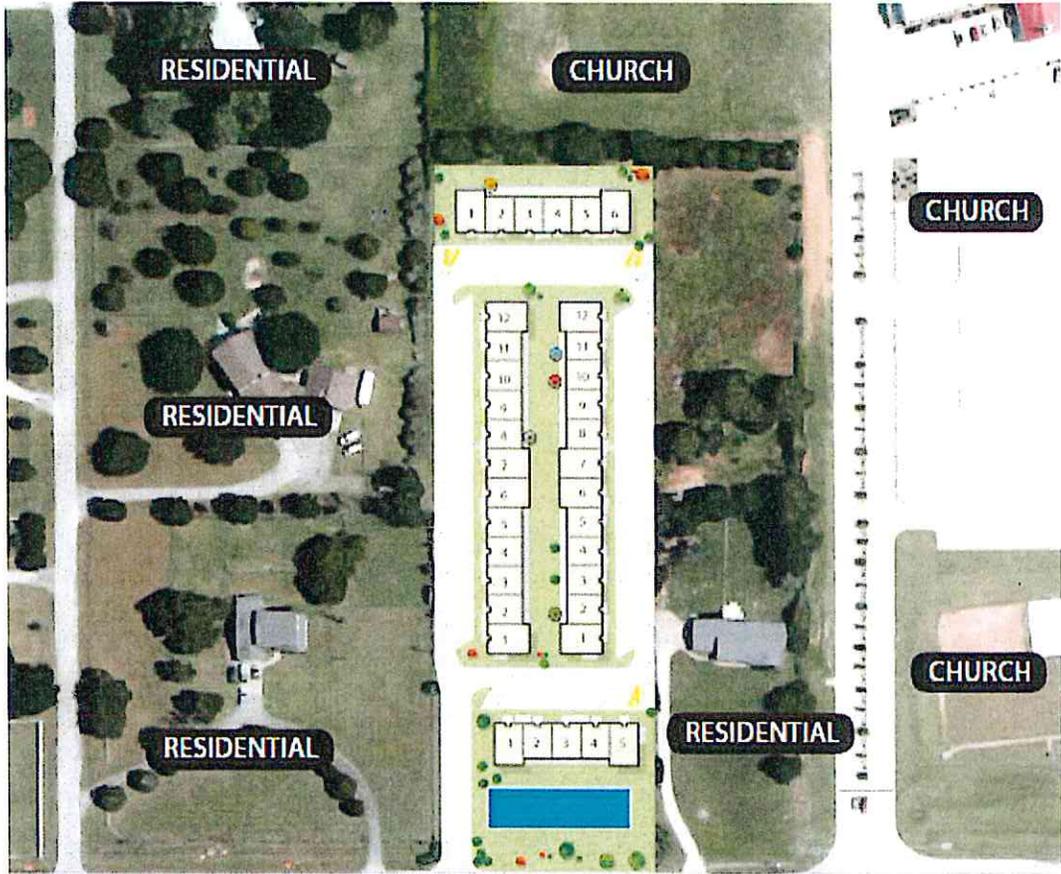
Owasso Senior Townhouses

IV. GENERAL PROVISIONS

- A. **ACCESS AND CIRCULATION:** Access for the property will be from 96th Street North. All units will be designed to facilitate the movement of emergency vehicles around the Site.
- B. **PUBLIC UTILITIES:** A water main is available directly on 96th Street. It is unknown what capacity of the Municipal storm sewer is available to the Site/if any. A detailed Hydraulic Analysis Report will be prepared for the City of Owasso for pre-construction and post completion. See Exhibit C, "Conceptual Utility Plan", attached hereto for more details.
- C. **ENVIRONMENTAL ANALYSIS AND TOPOGRAPHY:** The Site generally slopes from North to South. The Site currently drains to a common bar ditch along the north side of 96th Street.
- D. **EXISTING ZONING AND LAND USE:** The Site is currently zones AG (Agriculture). Adjacent parcels are used for residential/church (see Exhibit D, "Current Zoning Map", attached hereto).
- E. **SIGNAGE:** One (1) sign shall be permitted along the 96th Street frontage, not to exceed thirty square feet (30 SF) in size, and five feet (5') in height.
- F. **LANDSCAPING AND OPEN SPACE:** Except as modified herein, landscaping shall be as provided in accordance with "Chapter 20 – Landscape Requirements" of the City of Owasso Zoning Ordinance. Many of the planned landscaping features are shown on Exhibit E, "Conceptual Detailed Site Plan", attached hereto.
- G. **SITE PLAN REVIEW:** No building permit for the Development shall be issued until approved by the City of Owasso as being in compliance with the Planned Unit Development concept and development standards.
- H. **SCHEDULE OF DEVELOPMENT:** Initial construction of the Development is anticipated to commence by the middle of the calendar year 2016, once the PUD and the plat (or plat waiver) have been completed and approved by the City of Owasso.

PUE
Awasso
Senior Townhouses

EXHIBIT A
AERIAL PHOTOGRAPHY WITH
TRACT BOUNDARY AND SURROUNDING USES IDENTIFIED

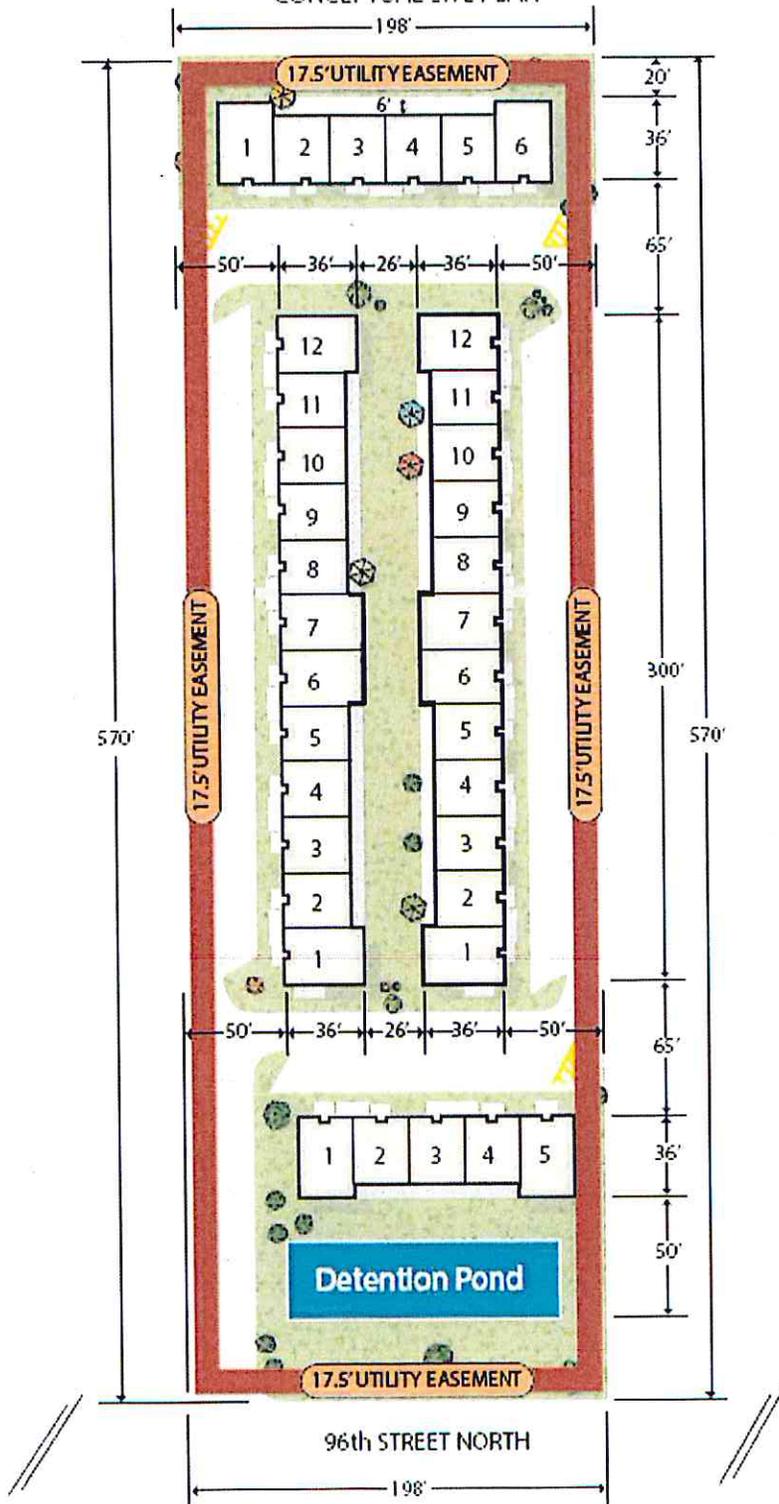


96th STREET NORTH

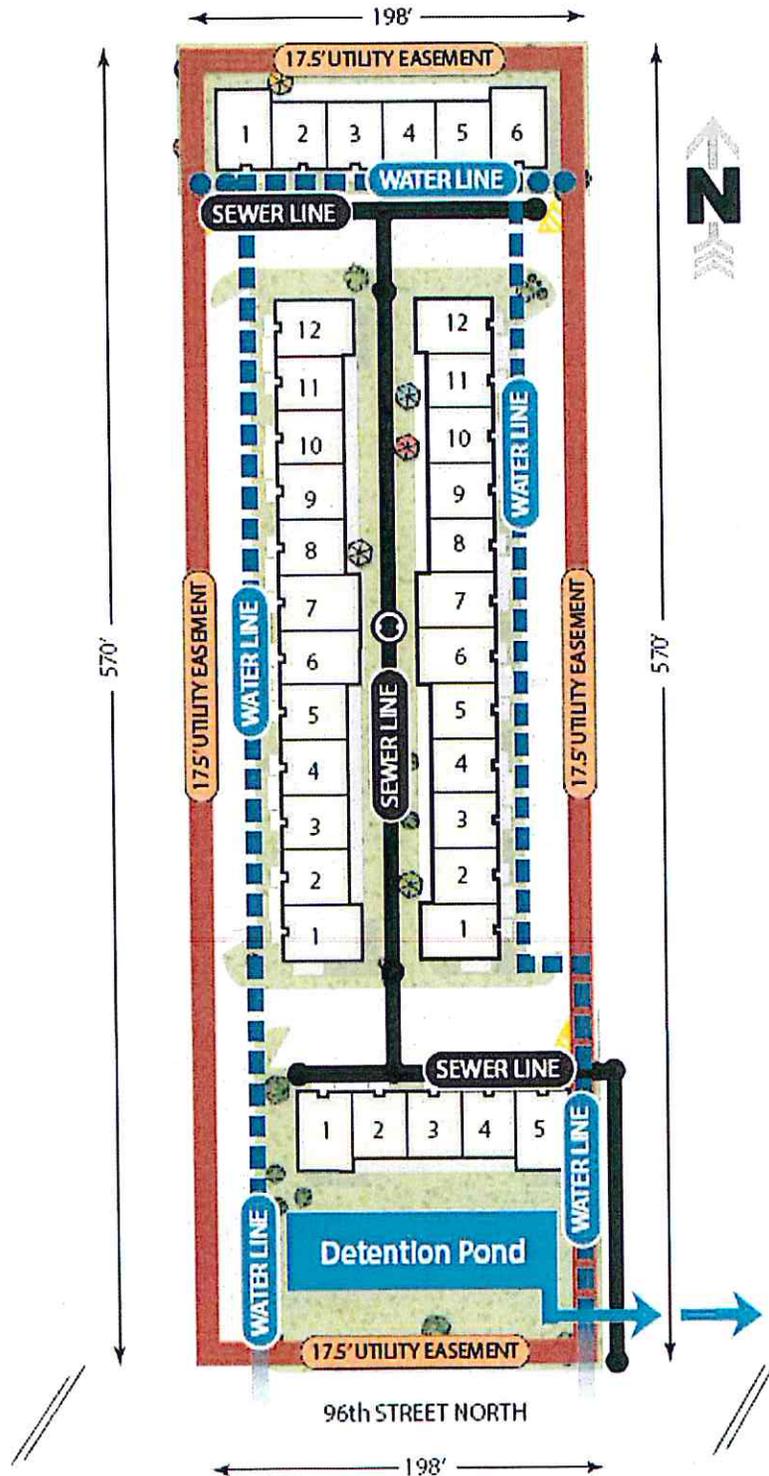


PUD
OWASSO
Senior Townhouses

EXHIBIT B
CONCEPTUAL SITE PLAN



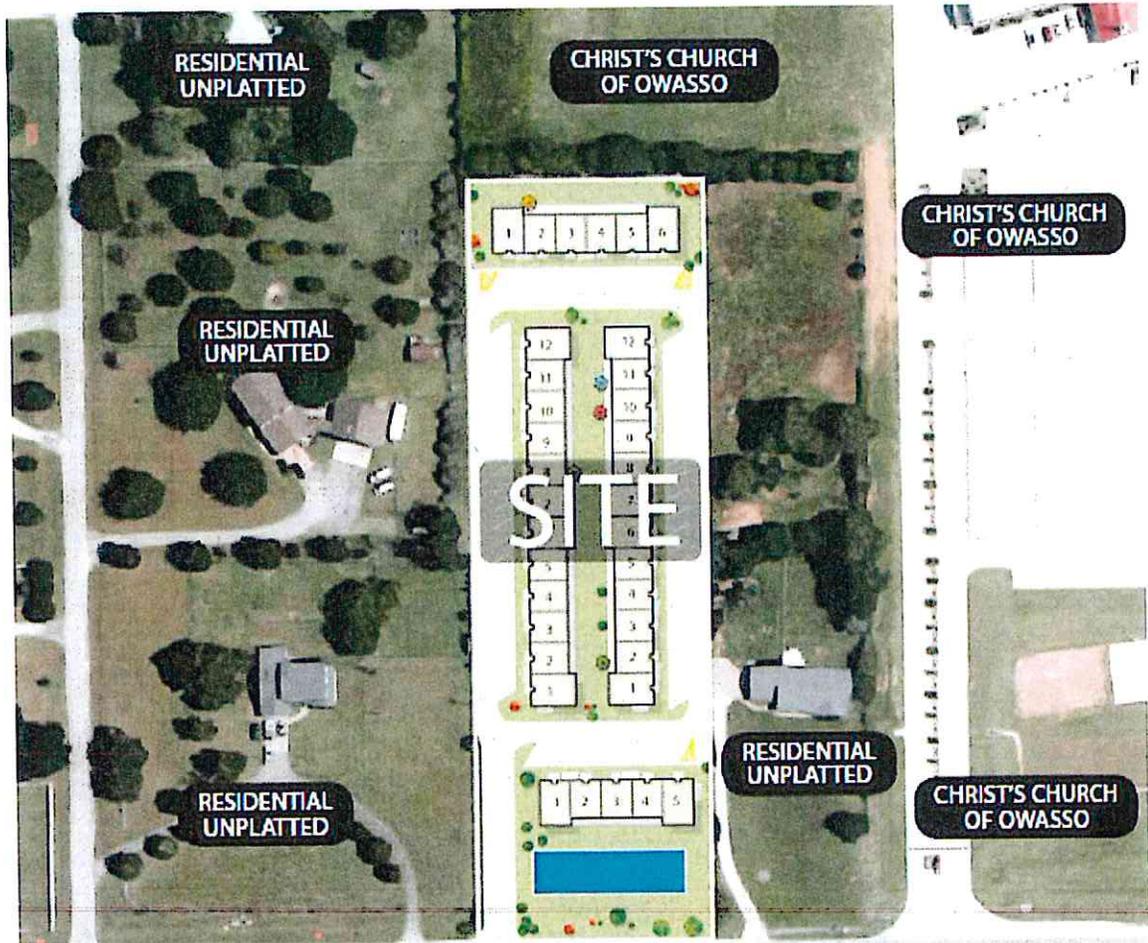
PUD
Angso
Senior Townhouses
EXHIBIT C
CONCEPTUAL UTILITY PLAN



PREPARED BY
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PUD
Owasso
 Senior Townhouses

EXHIBIT D
 CURRENT ZONING MAP



96th STREET NORTH



BASED ON 2013 ZONING MAP

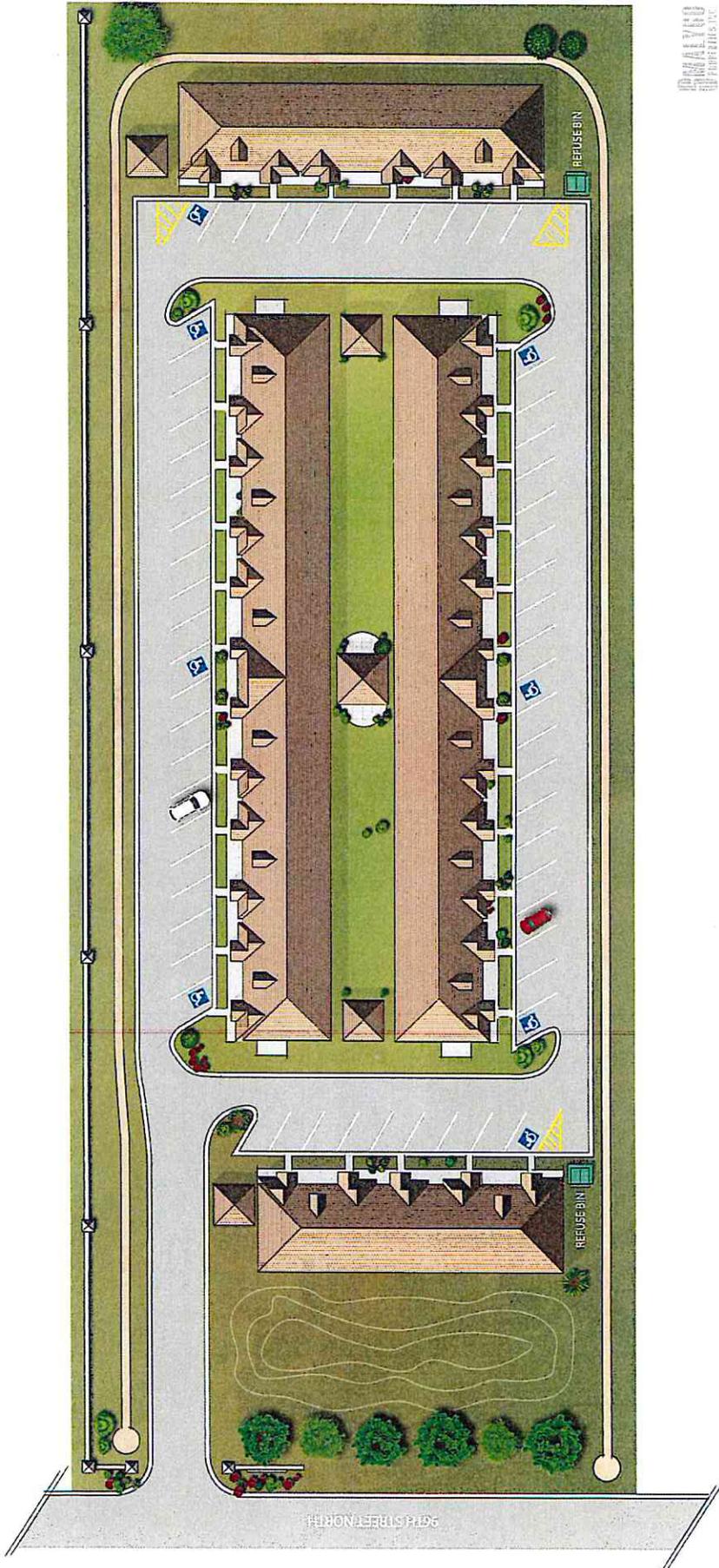
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Owasso
Senior Townhouses

EXHIBIT E

CONCEPTUAL DETAILED SITE PLAN

(see pocket attached)



PROPERTY OF
PAPERBROS.COM

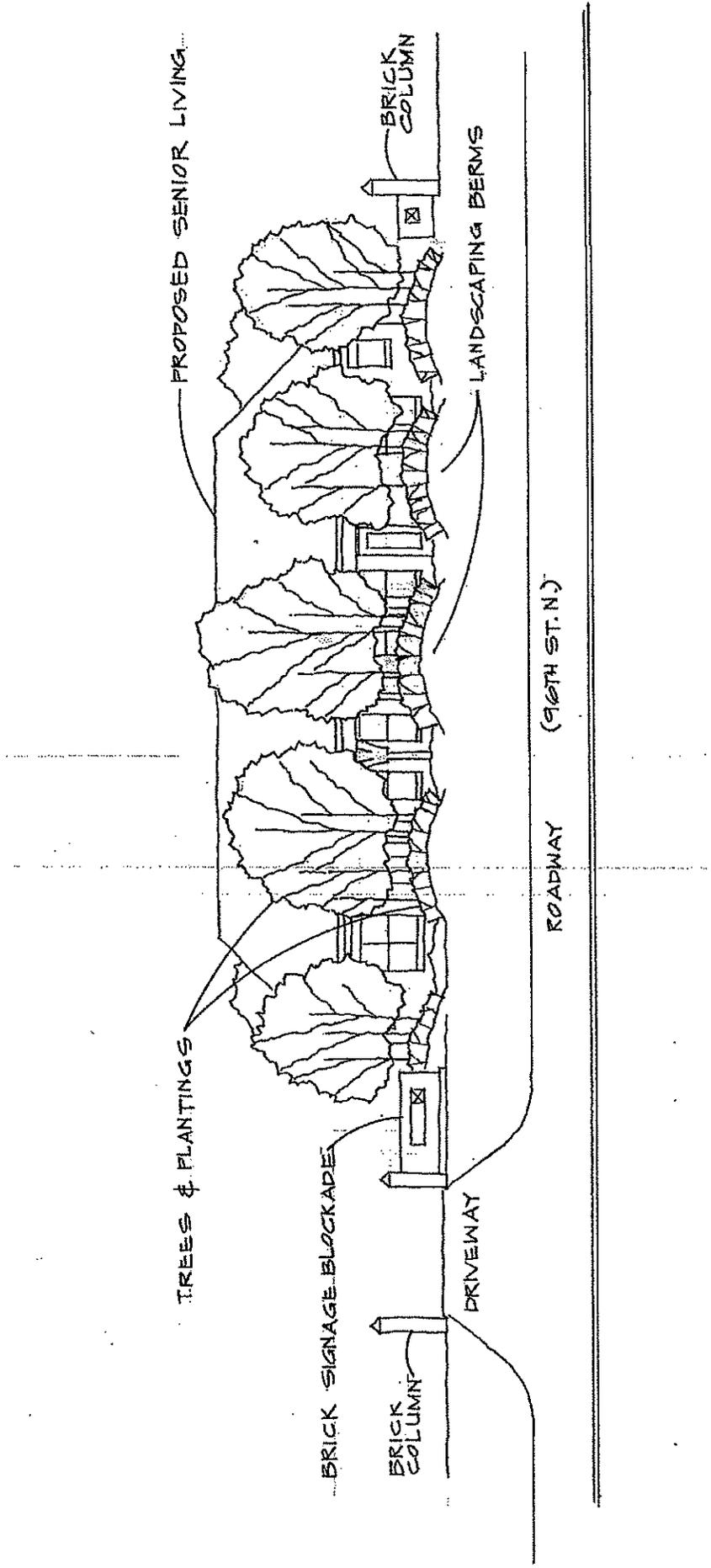
POTENTIAL BERM CONCEPTUAL ALONG 96th



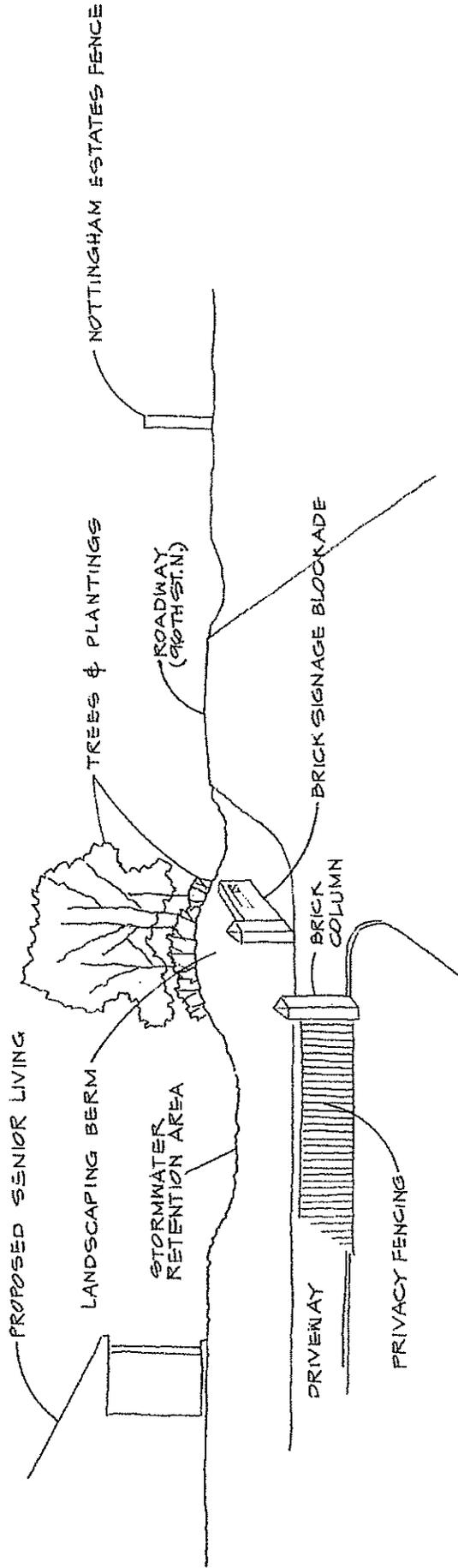
EXAMPLE OF PROPOSED ENTRANCE LANDSCAPE CONCEPTUAL



BERM/LANDSCAPE SCREENING CONCEPTUAL



CROSS-SECTION CONCEPTUAL OF 96th



CROSS SECTION
(LOOKING EAST)

HUD > Program Offices > Fair Housing > Senior Housing

Senior Housing: What you should know...



Housing for Older Persons

The Fair Housing Act (FHAct) protects all residents from discrimination on the basis of race, color, national origin, religion, sex, handicap or familial status (families with children under the age of 18 living with parents or legal guardians; pregnant women and people trying to get custody of children under 18).

The "Housing for Older Persons" Exemption: The Fair Housing Act specifically exempts some senior housing facilities and communities from liability for familial status discrimination. Exempt senior housing facilities or communities can lawfully refuse to sell or rent dwellings to families with minor children. In order to qualify for the "housing for older persons" exemption, a facility or community must prove that its housing is:

- **Provided under any State or Federal program that HUD has determined to be specifically designed and operated to assist elderly persons (as defined in the State or Federal program); or**
- Intended for, and solely occupied by persons 62 years of age or older; or
- Intended and operated for occupancy by persons 55 years of age or older.

In order to qualify for the "55 or older" housing exemption, a facility or community must satisfy each of the following requirements:

- At least 80 percent of the units must have at least one occupant who is 55 years of age or older; and

- The facility or community must publish and adhere to policies and procedures that demonstrate the intent to operate as "55 or older" housing; and
- The facility or community must comply with HUD's regulatory requirements for age verification of residents.

The "housing for older persons" exemption does not protect senior housing facilities or communities from liability for housing discrimination based on race, color, religion, sex, disability, or national origin.

HUD is ready to help with any problem of housing discrimination. If you think your rights have been violated, you may file a complaint online, write a letter or telephone the HUD office nearest you. You have one year after the alleged discrimination occurred or ended to file a complaint with HUD, but you should file it as soon as possible.

Reminder: Protection If You Have A Disability

If you or someone associated with you:

- Has a physical or mental disability (including hearing, mobility and visual impairments, cancer, chronic mental illness, HIV/ AIDS, or mental retardation) that substantially limits one or more major life activities
- Has a record of such a disability or
- Is regarded as having such a disability, a housing provider may not:
- Refuse to let you make reasonable modifications to your dwelling or common use areas, at your expense, if it may be necessary for you to fully use the housing. (Where reasonable, a landlord may permit changes only if you agree to restore the property to its original condition when you move.)
- Refuse to make **reasonable accommodations** in rules, policies, practices or services if it may be necessary for you to use the housing on an equal basis with nondisabled persons.

Example:A building with a "no pets" policy must allow a visually impaired tenant to keep a guide dog.

Example:An apartment complex that offers tenants ample, unassigned parking must honor a request from a mobility-impaired tenant for a reserved space near her apartment if it may be necessary to assure that she can have access to her apartment.

However, the Fair Housing Act does not protect a person who is a direct threat to the health or safety of others or who currently uses illegal drugs.

Accessibility Requirements for New Multifamily Buildings:

In buildings with four or more units that were first occupied after March 13, 1991, and that have an elevator:

Public and common use areas must be accessible to persons with disabilities

All doors and hallways must be wide enough for wheelchairs

All units must have:

An accessible route into and through the unit

Accessible light switches, electrical outlets, thermostats and other environmental controls

Reinforced bathroom walls to allow later installation of grab bars and

Kitchens and bathrooms that can be used by people in wheelchairs.

If a building with four or more units has no elevator and was first occupied after March 13, 1991, these standards apply to ground floor units only.

These accessibility requirements for new multifamily buildings do not replace more stringent accessibility standards required under State or local law.

Useful Links:

Housing for Older Persons Act of 1995 (HOPA) Links

Housing for Older Persons Act of 1995 (HOPA) Regulation

HOPA Guidance for Hurricane Evacuees

HOPA Questions and Answers

Disability Links

Joint HUD/DOJ Statement on Reasonable Accommodations under the Fair Housing Act

Joint HUD/DOJ Statement on Reasonable Modifications under the Fair Housing Act

Joint HUD/DOJ Statement on the Design and Construction Requirements

Assistance Animals For People With Disabilities



TO: Honorable Mayor and City Council
City of Owasso

FROM: Karl A. Fritschen, Urban and Long Range Planner

SUBJECT: Partial Utility/Drainage Easement Closure Request

DATE: March 4, 2016

BACKGROUND:

The City of Owasso received a request from Keys Landing Development, LLC for the closing of a portion of both a utility easement and drainage easement. The location lies just south of Keys Landing I located on the west side of 129th E. Ave. approximately ½ mile south of E 76th St. N.

The area where the subject easements are located is where the developer plans to construct Keys Landing II. When Keys Landing I was developed, a large drainage and utility easement was filed by separate instrument to allow for the conveyance of stormwater to an offsite detention facility located in the area that was to be used as the future Keys Landing II subdivision. Because Keys Landing II was not platted, the easement was filed by separate instrument and will eventually be shown on the final plat.

The plat for Keys Landing II is currently being prepared and the developer desires to close a small portion of what will become the backyards of two lots. Not knowing the exact layout of the future phase of Keys Landing at the time, they filed the easement hoping it would work for the future phase, unfortunately this was not the case. The easement closure will allow for the construction of future single-family lots. The final plat for Keys Landing II will be designed around the remaining boundary of the easement.

Required notice was sent to all franchise utility companies. The City of Owasso Public Works Department was also notified of the proposed closing of the portion of the easement and indicated there should be no impacts to future utilities and drainage, as area requested to be closed is only 4,921 square feet. The Owasso Public Works Department indicated that they could still service the City utilities located within the easement and don't foresee any issues with the closing of this portion of the easement. No other utilities appear to be affected by the closing of this portion of the easement.

While Council action will close the easement, it technically can be reopened unless the applicant takes it to district court and files for vacation of the easement, which will completely remove it from the books.

TECHNICAL ADVISORY COMMITTEE:

The Technical Advisory Committee reviewed the request at their February 24, 2016 meeting. No comments or concerns were expressed at the meeting. If this item is approved by the City Council, staff will prepare a closing ordinance for Council consideration.

RECOMMENDATION:

Staff recommends approval of the utility easement closure requests.

ATTACHMENTS:

Location Map
Legal Description Exhibits
Survey of Record

Legal Description for Utility Easement to be Closed

A tract of land located in the NW/4 of the SE/4 of Section 32, T-21-N, R-14-E of the Indian Meridian, Tulsa County, State of Oklahoma, according to the Official U.S. Government Survey thereof, more particularly described as follows:

Commencing at the southwest corner of Lot 10, Block 4, "Keys Landing - I", a subdivision in the City of Owasso, Tulsa County, State of Oklahoma, according to the official recorded plat thereof, Plat No. 6134, as filed in the records of the Tulsa County Clerk's office, also being the most westerly northwest corner of the Utility Easement, 'A-1', recorded on 03/15/2013 as Doc. No. 2013026017 in the office of the Tulsa County Clerk;

Thence N 87°18'43"E along the southerly line of said Lot 10 and the northerly line of said Utility Easement a distance of 153.05 feet to a bend in said Utility Easement;

Thence S 05°54'04"E along the northerly line of said Utility Easement a distance of 162.82 feet to the "Point of Beginning";

Thence continuing S 05°54'04"E along the northerly line of said Utility Easement a distance of 72.05 feet to a bend in said Utility Easement;

Thence S 10°38'09"W along the northerly line of said Utility Easement a distance of 125.94 feet.

Thence N 19°49'29"W a distance of 86.66 feet;

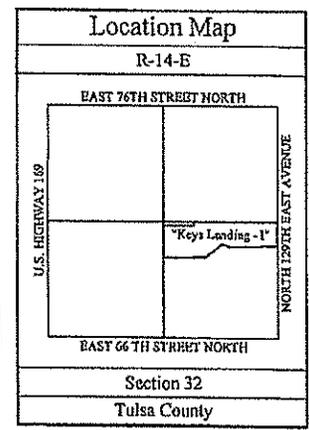
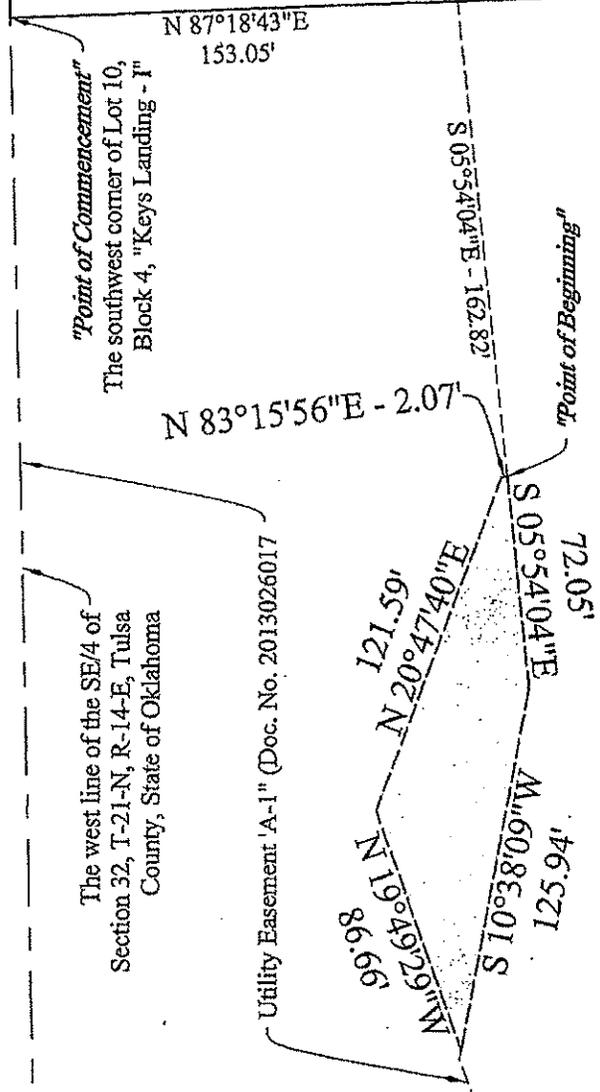
Thence N 20°47'40"E a distance of 121.59 feet;

Thence N 83°15'56"E a distance of 2.07 feet to the "Point of Beginning".

Said tract contains 4,921 square feet or 0.1130 acres.

The non-astronomic bearings for said tract are based on a Oklahoma State Plane Grid bearing of N 87°18'43"E along the southerly line of Lot 10, Block 4, as platted in "Keys Landing - I", a subdivision in the City of Owasso, Tulsa County, State of Oklahoma, according to the official recorded plat thereof, Plat No. 6134, as filed in the records of the Tulsa County Clerk's office. The bearings and distances for the above described tract is based on the Oklahoma State Plane Coordinate System North Zone.

9
 4 "Keys Landing - I"
 10 Plat No. 6134
 N. 120th
 E. Ave. 2
 1



PORTION OF UTILITY EASEMENT TO BE CLOSED
 A PART OF THE NW/4 OF THE SE/4 OF SECTION 32, T-21-N, R-14-E



Tulsa Engineering & Planning Associates, Inc.
 9820 East 41st Street, Suite 102 Tulsa, OK 74116
 Phone: 918-252-9621 Fax: 918-250-4566
 Civil Engineering • Landsurveying • Land Planning
 Certificate of Authorization No. CA 531 PEALS Renewal Date June 30, 2017



Job No: 14-018.00
 Scale: 1" = 60'
 Date: 12/15/2015
 Sheet 1 of 2



DRAINAGE EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

That all undersigned, KEYS LANDING, LLC. by RON STAGGS, its MANAGER the Owner(s), of the legal and equitable title to the following described real estate situated in Tulsa County, State of Oklahoma, for and in consideration of the sum of One Dollar (\$1.00), cash in hand, paid by the City of Owasso, Oklahoma, and other good and valuable considerations, receipt of which are hereby acknowledged, do(es) hereby grant and convey unto the said City of Owasso, County of Tulsa, State of Oklahoma, a drainage easement, through, over, under, and across the following described property, situated in said County, to-wit:

SEE ATTACHED EXHIBITS 'A'

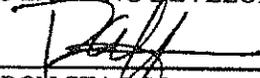
with right of ingress and egress to and from the same, for the purpose of constructing, maintaining, operating, and replacing stormwater detention facilities and appurtenances.

The City is hereby given and granted the exclusive possession of said above described premises for the purposes aforesaid, and grantor(s), for him/her and their heirs, administrators, successors and assigns, covenant(s) and agree(s) that no building, structure, wall or other above ground obstruction will be placed, erected, installed or permitted upon the above described land; the stormwater detention facilities and appurtenances located thereon shall be maintained and kept clear of debris by the grantor(s) and further covenant(s) and agree(s) that in the event the terms of this paragraph are violated by the grantor(s) or any person in privity with them, such violation will be promptly corrected and eliminated immediately upon receipt of notice from City or City shall have right to remove or otherwise eliminate such violation, and grantor(s), his/her heirs, administrators, successors and assigns, shall promptly pay the actual cost thereof.

TO HAVE AND TO HOLD such easement and right of way unto the City of Owasso, Oklahoma, its successors and assigns forever.

DATED this _____ day of _____ 2013

KEYS LANDING DEVELOPMENT, LLC

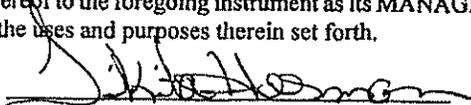


BY RON STAGGS
MANAGER

State of Oklahoma)
County of Tulsa) ss.

Before me, the undersigned Notary Public, in and for said County and State, on this 15th day of March _____ 2013, personally appeared RON STAGGS for KEYS LANDING DEVELOPMENT, LLC known to me to be the identical person(s) who subscribed the name of the maker thereof to the foregoing instrument as its MANAGER and as the free and voluntary act and deed of such corporation for the uses and purposes therein set forth.

My Commission Expires: 9-28-14
10008202

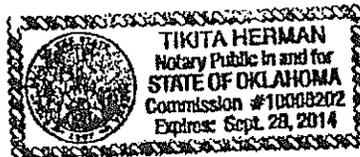


Notary Public

Approved as to Form:

City Attorney

RONALD E STAGGS
10024 N DOVER PL
OWASSO, OK 74055

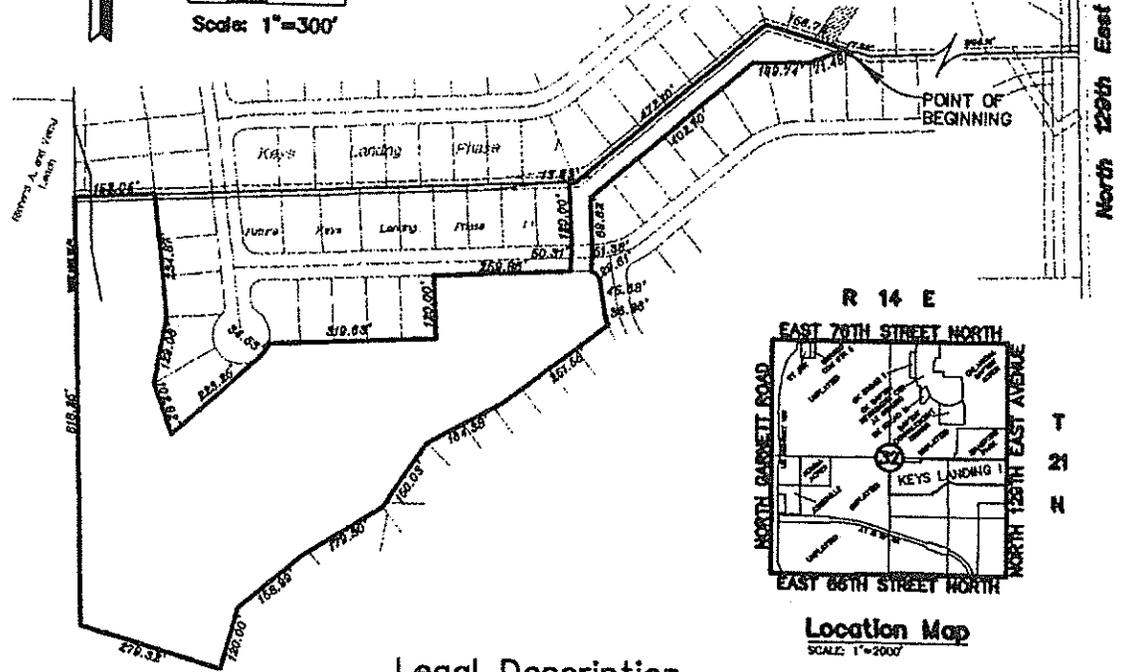
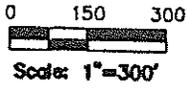


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JAN 22 2016
BY: _____

Exhibit 'A'

of the
**Drainage Easement
Adjacent to Keys Landing - I**

POINT OF COMMENCEMENT
NE CORNER OF SE/4,
SEC. 32, T-21-N, R-14-E



Legal Description

A DRAINAGE EASEMENT LOCATED IN THE SOUTHEAST QUARTER (SE/4) OF SECTION THIRTY-TWO (32) OF TOWNSHIP TWENTY-ONE (21) NORTH AND RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN (I.B.&M.) ACCORDING TO THE U.S. GOVERNMENT SURVEY, THEREOF, TULSA COUNTY, STATE OF OKLAHOMA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NE CORNER OF THE SE/4 OF SEC. 32, T-21-N, R-14-E, I.B.&M.; THENCE S 88°45'01" W ALONG THE NORTH LINE OF SAID SE/4 A DISTANCE OF 16.50 FEET; THENCE S 01°05'52" E PARALLEL WITH THE EAST LINE OF SAID SE/4 A DISTANCE OF 548.77 FEET; THENCE S 87°38'10" W A DISTANCE OF 1109.11 FEET; THENCE N 73°49'15" W A DISTANCE OF 47.92 FEET TO THE POINT OF BEGINNING; THENCE S 67°34'56" W A DISTANCE OF 71.48 FEET; THENCE S 88°31'51" W A DISTANCE OF 109.74 FEET; THENCE S 49°44'51" W A DISTANCE OF 402.70 FEET; THENCE S 02°41'17" E A DISTANCE OF 89.82 FEET; THENCE S 03°40'50" W A DISTANCE OF 51.38 FEET; THENCE ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 25.00 FEET, A DELTA ANGLE OF 67°52'06", A CHORD BEARING OF S 41°59'29" E, A CHORD LENGTH OF 27.91 FEET, FOR A DISTANCE OF 29.61 FEET, THENCE S 08°03'26" E A DISTANCE OF 45.38 FEET; THENCE ALONG A CURVE TO THE LEFT WITH A RADIUS OF 172.94 FEET, A DELTA ANGLE OF 12°00'51", A CHORD BEARING OF S 13°59'36" E, A CHORD LENGTH OF 36.20 FEET, FOR A DISTANCE OF 36.28 FEET, THENCE S 52°32'43" W A DISTANCE OF 251.58 FEET; THENCE S 61°18'44" W A DISTANCE OF 164.38 FEET; THENCE S 33°45'33" W A DISTANCE OF 150.03 FEET; THENCE S 58°14'15" W A DISTANCE OF 179.30 FEET; THENCE S 49°36'56" W A DISTANCE OF 158.99 FEET; THENCE S 16°10'49" W A DISTANCE OF 120.00 FEET; THENCE N 74°00'28" W A DISTANCE OF 279.32 FEET TO THE WEST LINE OF SAID SE/4; THENCE N 01°12'25" W ALONG THE WEST LINE OF SAID SE/4 A DISTANCE OF 818.25 FEET; THENCE N 87°18'43" E A DISTANCE OF 153.05 FEET; THENCE S 05°54'04" E A DISTANCE OF 234.87 FEET; THENCE S 10°38'09" W A DISTANCE OF 129.08 FEET; THENCE S 19°49'29" E A DISTANCE OF 102.92 FEET; THENCE N 48°07'24" E A DISTANCE OF 223.25 FEET; THENCE ALONG A CURVE TO THE LEFT WITH A RADIUS OF 55.00 FEET, A DELTA ANGLE OF 35°58'32", A CHORD BEARING OF N 33°33'34" E, A CHORD LENGTH OF 33.97 FEET, FOR A DISTANCE OF 34.53 FEET, THENCE N 87°18'43" E A DISTANCE OF 319.63 FEET; THENCE N 02°41'17" W A DISTANCE OF 120.00 FEET; THENCE N 87°18'43" E A DISTANCE OF 259.86 FEET, THENCE N 03°40'50" E A DISTANCE OF 50.31 FEET; THENCE N 02°41'17" W A DISTANCE OF 120.00 FEET; THENCE N 87°18'43" E A DISTANCE OF 13.63 FEET; THENCE N 49°44'51" E A DISTANCE OF 472.10 FEET; THENCE S 73°49'15" E A DISTANCE OF 156.78 FEET; WHICH IS THE POINT OF BEGINNING, AND CONTAINING 10.09 ACRES, MORE OR LESS.

WO# 12853 DATE: 1/03/07 FILE: 2114.3220

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12853X-DE.dwg



TO: The Honorable Mayor and City Council
City of Owasso

FROM: Bronce L. Stephenson
Director of Community Development

SUBJECT: Annexation & Rezoning of Property at 11595 E 116th St N

DATE: March 4, 2016

BACKGROUND:

The Community Development Department received a request for annexation and rezoning for property located at 11595 E 116 St N. The property is 0.52 acres in size and contains one residential structure and an outbuilding. The applicant is requesting to be assigned a Commercial Shopping (CS) zoning upon annexation.

SUMMARY TABLE:

Direction	Zoning	Use	Land Use Plan	Jurisdiction
North	RS-3 (Residential Single Family)	Residential	Residential	City of Owasso
South	AG (Agriculture)	Undeveloped	Commercial	Tulsa County
East	RS-3 (Residential Single Family)	Residential	Residential	City of Owasso
West	CS (Commercial Shopping)	Commercial	Commercial	Tulsa County

SUBJECT PROPERTY/PROJECT DATA:

Property Size	.52 acres
Current Zoning	AG (Tulsa County)
Lots/Blocks	N/A
Number of Reserve Areas	N/A
Within PUD?	N/A
Within Overlay District?	N/A
Water Provider	City of Owasso
Applicable Paybacks	Storm siren fee of \$35/acre
Streets (public or private)	N/A

ANALYSIS:

The property is currently zoned AG (Agriculture) in Tulsa County and the first step to developing the property is to annex the property into Owasso's corporate limits. The applicant also requests CS (Commercial Shopping) be applied once the property is annexed into Owasso City Limits. The proposed zoning on the property is appropriate because it corresponds to what the Land Use Plan prescribes for this location, which is for commercial uses.

E 116th St N has seen extraordinary growth in the past few years and has been identified as a major commercial and residential growth area. The subject property has been identified for many years as having a future use of Commercial.

Any development that occurs on the subject property must adhere to all subdivision, zoning, and engineering requirements including but not limited to paved streets, landscaping, and sidewalks. The property can be served with utilities and by Owasso emergency services.

COMPREHENSIVE PLAN CONSISTENCY:

The Owasso 2025 Land Use Master Plan identifies the subject property and its surroundings as having a future land use of Commercial. The proposed rezoning to Commercial will be in conformance with the Land Use Master Plan and the expected development of the area.

ANNEXATION COMMITTEE:

The Annexation Committee met on February 24, 2016 and voted unanimously to recommend approval of the annexation request.

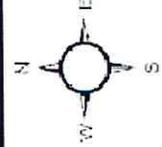
PLANNING COMMISSION

The Planning Commission will review this item at their meeting on March 7, 2016.

ATTACHMENTS:

Area Map
Aerial Map
Zoning Map

Annexation/Rezoning



03/01/2016

OA 16-01/
OZ 16-02

1" = 376 ft

This map represents a visual display of related geographic information. Data provided hereon is not a guarantee of actual field conditions. To be sure of complete accuracy, please contact Owasso staff for the most up-to-date information.



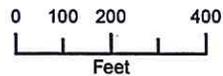
Subject Tract



Subject Tract

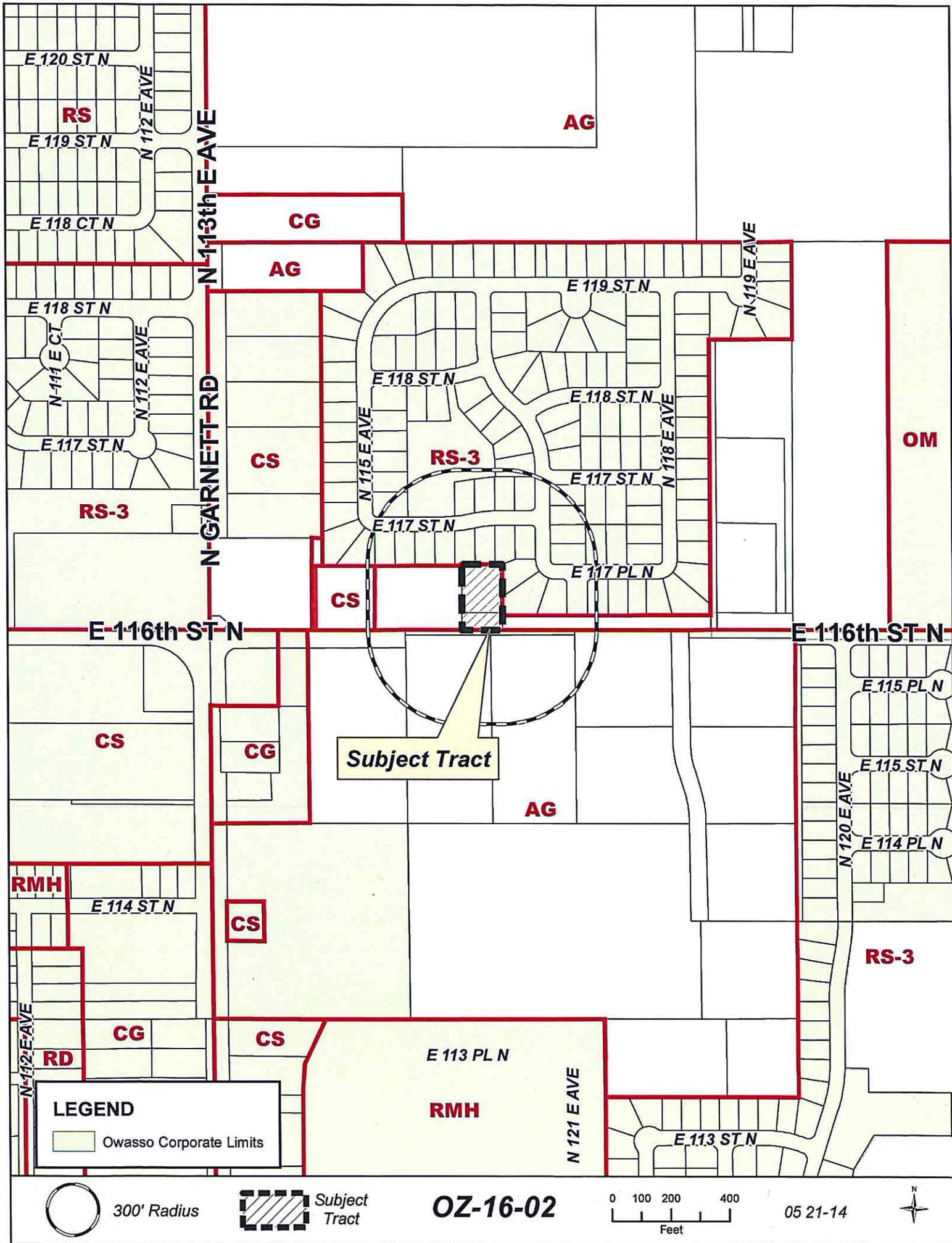
*Note: Graphic overlays may not precisely align with physical features on the ground.
Aerial Photo Date: March 2014*

OZ-16-02



05 21-14





E 120 ST N

RS

E 119 ST N

AG

E 118 CT N

CG

N 113th E AVE

AG

E 118 ST N

E 119 ST N

N 119 E AVE

N 111 E CT

E 118 ST N

E 118 ST N

N 112 E AVE

CS

RS-3

E 117 ST N

E 117 ST N

RS-3

E 117 ST N

E 117 PL N

N GARNETT RD

CS

E 116th ST N

E 116th ST N

OM

Subject Tract

CS

CG

AG

E 115 PL N

E 115 ST N

E 114 PL N

N 120 E AVE

RS-3

RMH

E 114 ST N

CS

N 112 E AVE

CG

CS

E 113 PL N

N 121 E AVE

RMH

E 113 ST N

LEGEND

Owasso Corporate Limits

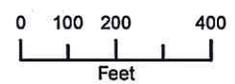


300' Radius



Subject Tract

OZ-16-02



05 21-14





TO: The Honorable Mayor and City Council
 City of Owasso

FROM: Bronce L. Stephenson, MPA
 Director of Community Development

SUBJECT: Final Plat, Ator Center II

DATE: March 4, 2016

BACKGROUND:

The City of Owasso received an application for review and approval of a final plat for a replat of Ator Center II. The subject property is located on the west side of Garnett Rd, just north of E 86th St N. The property was originally platted as one lot, one block. The property has never been fully developed and has had temporary uses on it.

SURROUNDING ZONING:

Direction	Zoning	Use	Land Use Plan	Jurisdiction
North	CG (Commercial General)	Commercial	Commercial	City of Owasso
South	CG (Commercial General)	Commercial	Commercial	City of Owasso
East	CG (Commercial General)	Commercial	Commercial	City of Owasso
West	RS3 – (Single Family Homes)	Single Family Homes	Residential	City of Owasso

SUBJECT PROPERTY/PROJECT DATA:

Property Size	5.87 acres
Current Zoning	CG Commercial General
Proposed Use	Commercial
Lots/Blocks	4 lots in 1 block
Number of Reserve Areas	N/A
Within PUD?	No
Within Overlay District?	US-169 Overlay
Water Provider	City of Owasso
Applicable Paybacks/Fees	N/A
Streets (public or private)	N/A

ANALYSIS:

The final plat for the replat of Ator Center II shows four lots in one block. The original dedications of right-of-way and utility easements are unchanged, though the replat does dedicate additional public utility easements. The new alignment will provide for buildable commercial lots, with lot 1 being set up for connection to the lot that currently has Trails End BBQ.

Perimeter and interior utility easements are shown on the final plat that will provide utility companies adequate access to provide and maintain service to the proposed development. Any development that occurs on the subject property shall adhere to all subdivision, zoning, and engineering requirements including but not limited to paved streets, detention, fire protection, landscaping, and sidewalks. The City of Owasso will provide sanitary sewer service and water to the property.

TECHNICAL ADVISORY COMMITTEE (TAC):

The Technical Advisory Committee reviewed the plat for Ator Center II at their regularly scheduled meeting on January 27, 2016

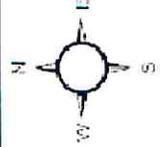
PLANNING COMMISSION:

This item is being taken to the regular meeting of the Planning Commission on March 7, 2016.

ATTACHMENTS:

- Area Map
- Aerial Map
- Final Plat for Ator Center II

Ator Center II



02/29/2016

Final Plat
Amended

1" = 752 ft

This map represents a visual display of related geographic information. Data provided hereon is not a guarantee of actual field conditions. To be sure of complete accuracy, please contact Owasso staff for the most up-to-date information.



TO: The Honorable Mayor and City Council
City of Owasso

FROM: Sherry Bishop
Assistant City Manager

SUBJECT: Revised Ordinances for Sewer Assessment Areas

DATE: March 4, 2016

BACKGROUND:

For many years, the City of Owasso and the OPWA have used some form of sewer assessment areas to enable the extension of the sewer utility into unserved areas. The Owasso Code of Ordinances defines four sewer projects with assessment areas:

Section 17-301-A – 76th Street Sewer Interceptor,
Section 17-303 – Meadowcrest Gravity Sewer Relief Line Assessment Area and Fee,
Section 17-304 – Elm Creek Sewer Interceptor, and
Section 17-305 – Ranch Creek Sewer Interceptor Assessment Area.

Each of the four sections of the code relating to a sewer assessment area is slightly different from the others. All are substantively the same with variations in language.

PROPOSAL:

This proposal is to rewrite the four sections of the code relating to sewer assessments to eliminate the variations and to provide base language for any future assessment area.

A revised Section 17-301, Designated Sewer Improvements, would include the basic definitions and language common to the existing four assessment area ordinances. Following sections would define each of the existing four assessment areas.

This proposed revision would not change anything about the existing assessment area fees, how they are applied or how they are paid. The revisions would only simplify the language and consistency for all sewer assessment areas.

The proposed revised ordinance and the current Code sections relating to sewer assessments are attached.

ATTACHMENTS:

Draft Ordinance
Code of Ordinances Section 17-301-A through Section 17-305

**CITY OF OWASSO
ORDINANCE DRAFT**

AN ORDINANCE RELATING TO PART 17 UTILITIES, CHAPTER 3, SEWER SYSTEM, OF THE CODE OF ORDINANCES OF THE CITY OF OWASSO, OKLAHOMA, DEFINING DESIGNATED SEWER IMPROVEMENTS AND DEFINING ESTABLISHED SEWER ASSESSMENT AREAS

THIS ORDINANCE AMENDS PART 17, CHAPTER 3, OF THE CITY OF OWASSO CODE OF ORDINANCES BY AMENDING SECTION 17-301, DESIGNATED SEWER IMPROVEMENTS; RENUMBERING AND AMENDING SECTION 17-301-A, 76TH STREET SEWER INTERCEPTOR SEWER ASSESSMENT AREA; AMENDING SECTION 17-303, MEADOWCREST GRAVITY SEWER RELIEF LINE SEWER ASSESSMENT AREA; SECTION 17-304, ELM CREEK SEWER INTERCEPTOR SEWER ASSESSMENT AREA; SECTION 17-305, RANCH CREEK SEWER INTERCEPTOR SEWER ASSESSMENT AREA.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OWASSO, OKLAHOMA, THAT, TO-WIT:

SECTION ONE (1): Part 17, Utilities, Chapter 3, Sewer System, of the Code of Ordinances of the City of Owasso, Oklahoma, shall be amended and renumbered by providing and codifying as follows:

SECTION 17-301 DESIGNATED SEWER IMPROVEMENTS

A. The purpose of this ordinance is to promote public health, safety and welfare by constructing and maintaining and improving sewer systems in designated areas.

B. A sewer system improvement project may be identified as a "Designated Sewer Improvement."

C. Areas served by a "Designated Sewer Improvement" may be designated as a "Sewer Assessment Area."

D. All property within a "Sewer Assessment Area" may connect to the "Designated Sewer Improvement."

E. All costs associated with the construction of the "Designated Sewer Improvement," including costs for the acquisition of the land, construction costs, professional fees, interest, and other lawful and authorized costs and fees, may be recouped through a per acre assessment for all property located within the "Sewer Assessment Area."

F. The per acre assessment amount shall be established through adoption of a Resolution by the Owasso Public Works Authority after construction of the Designated "Sewer Improvement" has been completed.

G. This assessment shall be paid as a fee for sewer services for properties developed henceforth in a "Sewer Assessment Area."

H. Payment of this assessment is mandatory, and shall be due upon the approval of a final plat.

I. Properties within a Sewer Assessment Area which have already been developed shall pay such assessment upon connection to a "Sewer Assessment Area."

J. Properties not located within a "Sewer Assessment Area" may request connection to a "Designated Sewer Improvement." Upon approval of the connection, payment of the assessment becomes mandatory and shall be due upon the approval of a final plat. Properties which have already been developed shall pay such assessment upon connection to a "Designated Sewer Improvement."

SECTION 17-302 76TH STREET SEWER INTERCEPTOR SEWER ASSESSMENT AREA

The 76th Street Sewer Interceptor is a sewer line from a point between 129th East Avenue and 145th East Avenue along 76th Street North to approximately 193rd East Ave. The 76th Street Sewer Interceptor Assessment Area was established by ordinance in 2009. The 76th Street Sewer Interceptor is a "Designated Sewer Improvement." The area depicted on the map attached hereto as Exhibit "76SSI" shall be made a part of this ordinance and shall be designated as the 76th Street Sewer Interceptor (76SSI) Sewer Assessment Area.

(Note: OPWA Resolution 2011-04 established the per acre assessment fee of \$1,341.)

SECTION 17-303 MEADOWCREST GRAVITY SEWER RELIEF LINE SEWER ASSESSMENT AREA

The Meadowcrest Gravity Sewer Relief Line serves an area in the northwest section of town and is hereby defined as a "Designated Sewer Improvement." The Meadowcrest Gravity Sewer Relief Line Assessment Area was established by ordinance in 2012. The area depicted on the map attached hereto as Exhibit "MGSRL" shall be made a part of this ordinance and shall be designated as the Meadowcrest Gravity Sewer Relief Line (MGSRL) Sewer Assessment Area. Tracts for the Sports Park, Meadowcrest, Maple Glen, Maple Glen II and a 15-acre designated area have been exempted from the per acre assessment fee.

(Note: Ordinance 1000 established the per acre assessment fee of \$867.)

SECTION 17-304 ELM CREEK SEWER INTERCEPTOR SEWER ASSESSMENT AREA

The Elm Creek Sewer Interceptor, constructed in 1998 to serve the Elm Creek Sewer Drainage Basin, is hereby defined as a "Designated Sewer Improvement." The Elm Creek Interceptor Sewer Assessment Area was established by ordinance in 1999 and is hereby defined as a "Sewer Assessment Area." The area depicted on the map attached hereto as Exhibit "ECSI" shall be made a part of this ordinance and shall be designated as the Elm Creek Sewer Interceptor (ECSI) Sewer Assessment Area.

(Note: OPWA Resolution 2013-01 established the per acre assessment fee of \$1,580.)

SECTION 17-305 RANCH CREEK SEWER INTERCEPTOR SEWER ASSESSMENT AREA

The Ranch Creek Sewer Interceptor, constructed in 2015 to improve a sewer line from a point between East 76th Street North and East 96th Street North adjacent to Mingo Road, is hereby defined as a "Designated Sewer Improvement." The Ranch Creek Sewer Interceptor Assessment Area was established by ordinance in 2015 and is hereby defined as a "Sewer Assessment Area." The area depicted on the map attached hereto as Exhibit "RCSI" shall be made a part of this

ordinance and shall be designated as the Ranch Creek Sewer Interceptor (RCSI) Sewer Assessment Area.

(Note: OPWA Resolution 2015-01 established the per acre assessment fee of \$610.33.)

SECTION TWO (2): REPEALER

All ordinances or parts of ordinances, in conflict with this ordinance are repealed to the extent of the conflict only.

SECTION THREE (3): SEVERABILITY

If any part or parts of this ordinance are held invalid or ineffective, the remaining portion shall not be affected but remain in full force and effect.

SECTION FOUR (4): DECLARING AN EFFECTIVE DATE

The provisions of this ordinance shall become effective thirty (30) days from the date of final passage as provided by state law.

SECTION FIVE (5): CODIFICATION

The City of Owasso Code of Ordinances is hereby amended by amending and renumbering the ordinances shown above to be codified in Part 17, Chapter 3, as Section 17-301 through 17-305.

PASSED by the City Council of the City of Owasso, Oklahoma on the ___ day of _____, 20__.

_____, Mayor

_____, City Clerk

_____ City Attorney

CHAPTER 3

SEWER SYSTEM

Section 17-301	Sewer System Regulations Adopted, Penalty
Section 17-301-A	76 th Street Sewer Interceptor
Section 17-303	Meadowcrest Gravity Sewer Relief Line Assessment Area and Fee
Section 17-304	Elm Creek Sewer Interceptor
Section 17-305	Ranch Creek Sewer Interceptor Assessment Area

SECTION 17-301 **SEWER SYSTEM REGULATIONS ADOPTED, PENALTY**

The city's sewer system regulations, as approved by the Owasso Public Works Authority, and as adopted by Ordinance No. 426, 1/15/91, and all amendments thereto, are hereby adopted and incorporated herein by reference, applicable as if fully set out at length herein, punishable as provided in Section 1-108 of this code. (Ord. No. 426, 1/15/91)

SECTION 17-301-A **76TH STREET SEWER INTERCEPTOR**

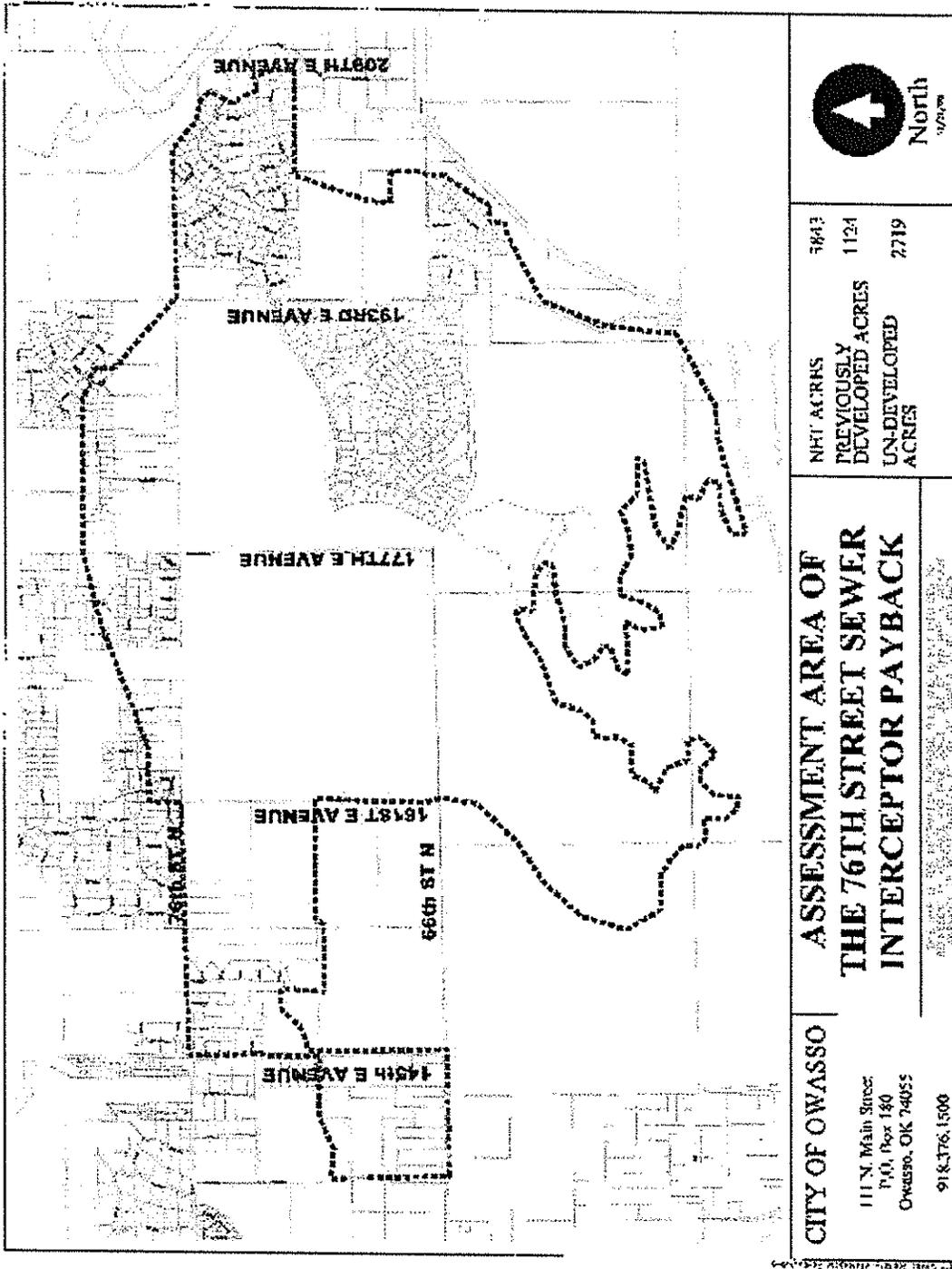
It is the purpose of this ordinance to promote public health, safety and welfare by constructing and maintaining a sewer line from a point between 129th East Ave. and 145th East Avenue along 76th Street North to approximately 193rd East Ave. This improvement shall be known as and referred to within this ordinance as the "76th Street Sewer Interceptor."

The 76th Street Sewer Interceptor is hereby established as the area depicted on the map attached hereto as Exhibit "A." Exhibit "A" shall be made a part of this ordinance. This area shall be designated as the Assessment Area. All property within the Assessment Area may connect to the 76th Street Sewer Interceptor subsequent to the effective date of this ordinance.

All costs associated with the construction of the 76th Street Sewer Interceptor, including costs for the acquisition of the land, construction costs, professional fees, interest, and other lawful and authorized costs and fees, shall be recouped through an assessment per acre for all property located within the Assessment Area. The assessment amount per acre shall be established subsequent to approval of this Ordinance through adoption of a Resolution by the Owasso Public Works Authority after all costs have been paid and the construction of the 76th Street Sewer Interceptor has been completed.

This assessment shall be paid as a fee for sewer services for properties developed henceforth in the Assessment Area. Payment of this assessment is mandatory, and shall be due upon the approval of a final plat. Properties within the Assessment Area which have already been developed shall pay such assessment upon connection to the 76th Street Sewer Interceptor.

Properties not located within the Assessment Area may request connection to the 76th Street Sewer Street Interceptor. Upon approval of the connection, payment of the assessment becomes mandatory and shall be due upon the approval of a final plat. Properties which have already been developed shall pay such assessment upon connection to the 76th Street Sewer Interceptor. (Ord No. 935, 1/6/09; 956, 12/1/09)



NET ACRES	7643
PREVIOUSLY DEVELOPED ACRES	1124
UN-DEVELOPED ACRES	2719

**ASSESSMENT AREA OF
THE 76TH STREET SEWER
INTERCEPTOR PAYBACK**

CITY OF OWASSO
 111 N. Main Street
 P.O. Box 180
 Owasso, OK 74055
 918.376.1500



SECTION 17-303

MEADOWCREST GRAVITY SEWER RELIEF LINE ASSESSMENT AREA AND FEE

A. It is the purpose of this ordinance to promote public health, safety and welfare by constructing and maintaining a sewer line in the northwest section of town to be known and referred to as the Meadowcrest Gravity Sewer Relief Line, and to further establish both the area included within the Meadowcrest Gravity Sewer Relief Line Assessment Area and the mandatory assessment fee for that area.

B. The Meadowcrest Gravity Sewer Relief Line Assessment Area is hereby established as the area depicted on the map attached hereto as Exhibit "A" which shall be made a part of this ordinance. All property within the Assessment Area may connect to the Meadowcrest Gravity Sewer Relief Line subsequent to the effective date of this ordinance. The complete drainage basin area contains 612 acres from which tracts for the Sports Park, Meadowcrest, Maple Glen, Maple Glen II and a 15 acre designated area have been exempted as shown below. The remaining Assessment Area shall contain 408 acres:

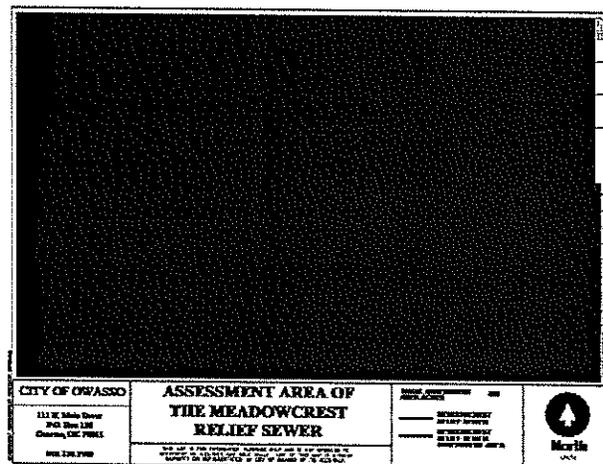
<u>Tract</u>	<u>Acres</u>
Complete Drainage Basin	612
Minus:	
Sports Park	79
Meadowcrest	50
Maple Glen	24
Maple Glen II	36
<u>Designated Area</u>	<u>15</u>

Total Remaining Assessment Area 408 acres

C. A significant portion of the costs associated with the construction of the Meadowcrest Gravity Sewer Relief Line, including costs for the acquisition of right-of-way, construction costs, professional fees, interest, and other lawful and authorized costs and fees, shall be recouped through a per acre assessment fee for all property located within the Assessment Area that is developed and ties in to the Meadowcrest Gravity Relief Line after the effective date of this ordinance. The total cost of the project is \$353,660 resulting in an assessment fee of \$867 per acre.

D. This assessment shall be paid as a fee by properties within the Assessment Area that are authorized to tie into the Meadowcrest Gravity Sewer Relief Line. Payment of the Assessment Fee is mandatory and will be due upon approval of a final plat. Existing single family residents located within the Assessment Area may tap into the Relief Line upon payment of a flat fee of \$867 regardless of the property's acreage. In the event such a property is subsequently subdivided by the owner for future development, payment of the \$867 per acre assessment fee shall be required.

(Ord. 1000 1/17/2012)



Section 17-304

ELM CREEK SEWER INTERCEPTOR

A. It is the purpose of this ordinance to promote public health, safety and welfare. The Elm Creek Sewer Interceptor was constructed in 1998 to serve the Elm Creek Sewer Drainage Basin. This improvement shall be known as and referred to within this ordinance as the "Elm Creek Sewer Interceptor."

B. The Elm Creek Sewer Interceptor is hereby established as the area depicted on the map attached hereto as Exhibit "A." Exhibit "A" shall be made a part of this ordinance. This area shall be designated as the Assessment Area. All property within the Assessment Area may connect to the Elm Creek Sewer Interceptor subsequent to the effective date of this ordinance.

C. All costs associated with the construction of the Elm Creek Sewer Interceptor shall be recouped through an assessment per acre for all property located within the Assessment Area. The assessment amount per acre was previously established by adoption of a Resolution by the Owasso Public Works Authority and may be amended by Resolution of the Owasso Public Works Authority.

D. This assessment shall be paid as a fee for sewer services for properties developed henceforth in the Assessment Area. Payment of this assessment is mandatory, and shall be due upon the approval of a final plat. Properties within the Assessment Area which have already been developed shall pay such assessment upon connection to the Elm Creek Sewer Interceptor.

E. Properties not located within the Assessment Area may request connection to the Elm Creek Sewer Street Interceptor. Upon approval of the connection, payment of the assessment becomes mandatory, and shall be due upon the approval of a final plat. Properties which have already been developed shall pay such assessment upon connection to the Elm Creek Sewer Interceptor.

F. This ordinance expressly repeals all provisions of Ordinance 596, uncodified, previously adopted on January 5, 1999.

{ORD. 1022 4/16/2013}

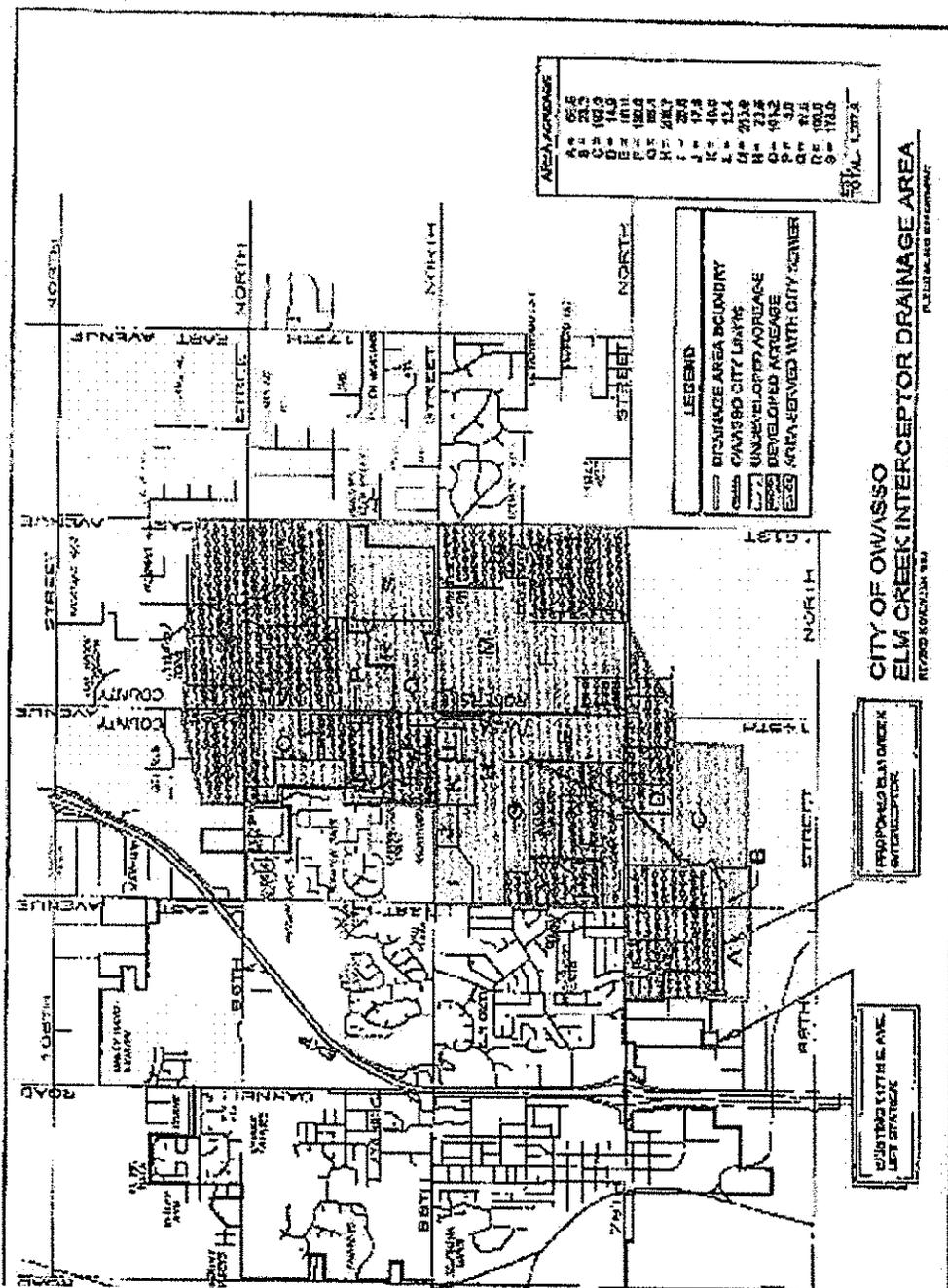


EXHIBIT A - ELM CREEK INTERCEPTORASSESSMENT AREA

SECTION 17-305

RANCH CREEK SEWER INTERCEPTOR ASSESSMENT AREA

A. It is the purpose of this ordinance to promote public health, safety and welfare by constructing and maintaining and improving a sewer line from a point between East 76th Street North and East 96th Street North adjacent to Mingo Road. This improvement shall be known as and referred to within this ordinance as the "Ranch Creek Sewer Interceptor."

B. The Ranch Creek Sewer Interceptor is hereby established as the area depicted on the map attached hereto as Exhibit "A." Exhibit "A" shall be made a part of this ordinance. This area shall be designated as the Sewer Assessment Area. All property within the Sewer Assessment Area may connect to the Ranch Creek Sewer Interceptor subsequent to the effective date of this ordinance.

C. All costs associated with the construction of the Ranch Creek Sewer Interceptor, including costs for the acquisition of the land, construction costs, professional fees, interest, and other lawful and authorized costs and fees, may be recouped through a per acre assessment for all property located within the Sewer Assessment Area. The assessment amount per acre shall be established subsequent to approval of this Ordinance through adoption of a Resolution by the Owasso Public Works Authority after construction of the Ranch Creek Sewer Interceptor has been completed.

D. This assessment shall be paid as a fee for sewer services for properties developed henceforth in the Sewer Assessment Area. Payment of this assessment is mandatory, and shall be due upon the approval of a final plat. Properties within the Sewer Assessment Area which have already been developed shall pay such assessment upon connection to the Ranch Creek Sewer Interceptor.

E. Properties not located within the Sewer Assessment Area may request connection to the Ranch Creek Sewer Street Interceptor. Upon approval of the connection, payment of the assessment becomes mandatory and shall be due upon the approval of a final plat. Properties which have already been developed shall pay such assessment upon connection to the Ranch Creek Sewer Interceptor.

(Ord. 1049, 3/3/15)

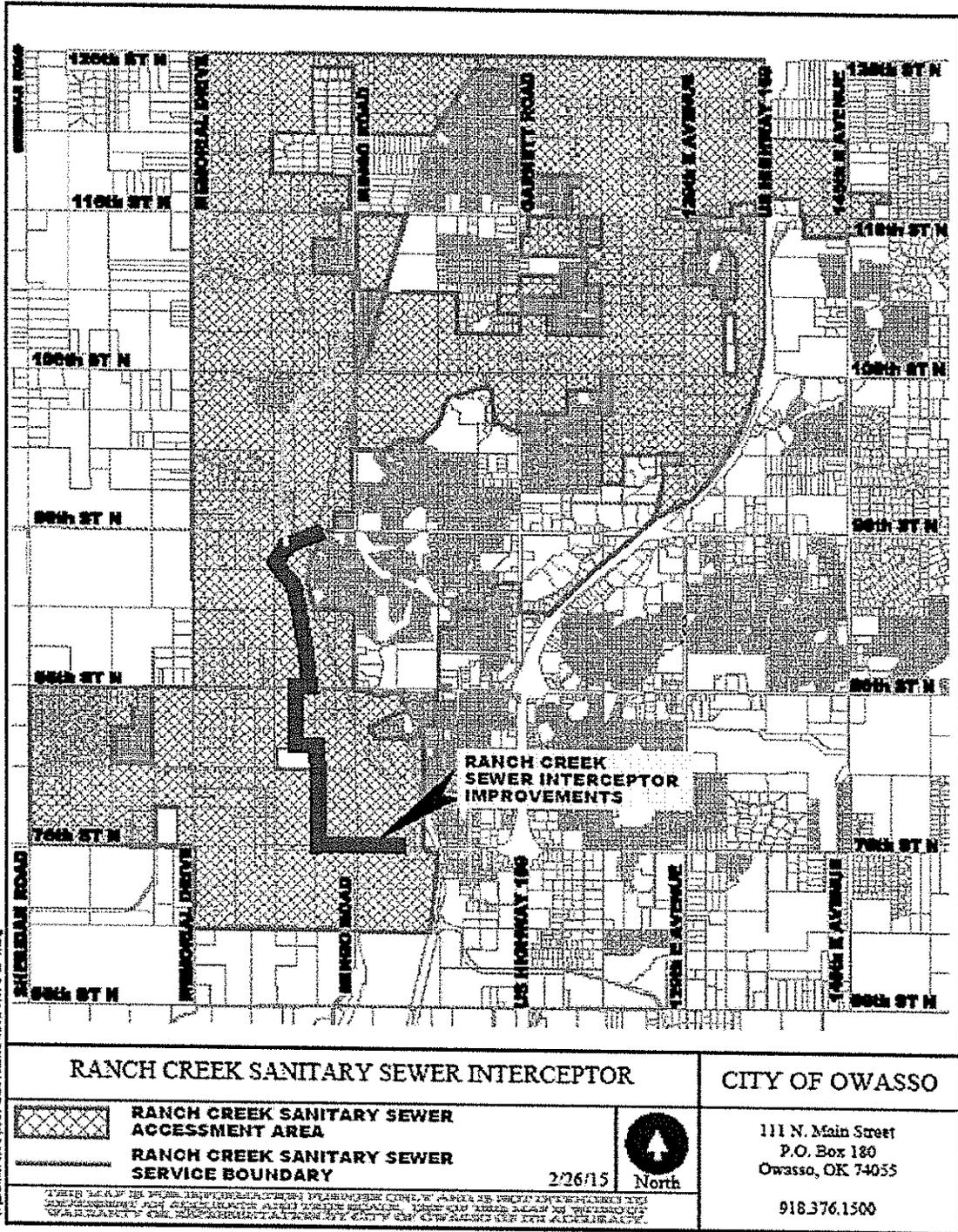


EXHIBIT A – Ranch Creek Sanitary Sewer Assessment Area



TO: The Honorable Chair and Trustees
Owasso Public Works Authority

FROM: Roger Stevens
Public Works Director

SUBJECT: Garrett Creek – Morrow Place Sanitary Sewer Assessment Area

DATE: March 4, 2016

BACKGROUND:

The Garrett Creek lift station and force main was constructed in 2004. The lift station is currently operating at approximately 80% of its rated capacity and provides sewer service to Garrett Creek Residential and Commercial, Rejoice School, Rejoice Church, Walgreens, McDonalds, Taco Bell, Discount Tire, Village and Ace Hardware.

With the development of Morrow Place and other potential development within the area, City of Owasso and Owasso Land Trust have been working on a solution for several years in order to accommodate the sanitary sewer needs for existing and future development from E 106 St N to E 126 St N and HWY 169 to N 129 E Ave. In 2011, Owasso Land Trust took the initiative and hired Kellogg Engineering to begin the study of the basin and determined a new lift station, force main and gravity line is in need in order to accommodate the existing sanitary sewer flows from the Garrett Creek lift station and future estimated sanitary sewer flow within the basin.

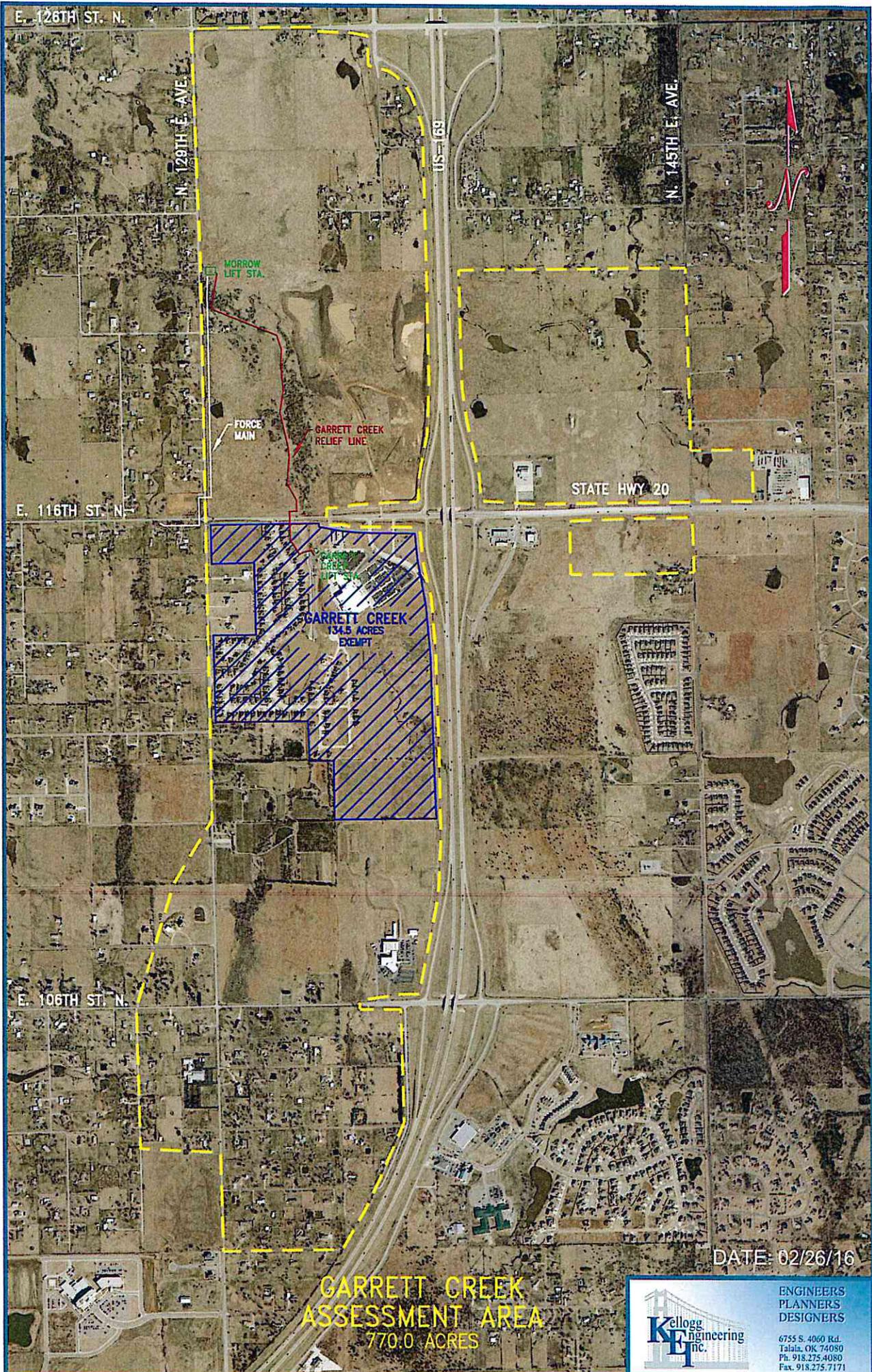
The design is near completion and Owasso Land Trust has requested funding assistance for the future capacity of properties not owned by the Owasso Land Trust. The construction of a new lift station is being proposed to be funded through a public/private partnership. In order for the City of Owasso to receive a return on the investment, City of Owasso is recommending the proposed "Garrett Creek – Morrow Place Sanitary Sewer Assessment Area" be defined and established by an ordinance.

PROPOSED ASSESSMENT AREA:

As mentioned above, staff is proposing an ordinance to establish an assessment area. The complete assessment area includes a total of 770 acres as represented on the attached map. The Garrett Creek Residential and Commercial has been deducted from the assessment area acreage. Should the sanitary sewer assessment area be approved, a per-acre assessment fee will be calculated using the final project cost, to be determined upon completion of the construction phase.

ATTACHMENTS:

Garrett Creek – Morrow Place Sanitary Sewer Assessment Area
Proposed Ordinance - Draft



E. 126TH ST. N.

N. 129TH E. AVE.

US 169

N. 145TH E. AVE.

MORROW LIFT STA.

FORCE MAIN

GARRETT CREEK RELIEF LINE

E. 116TH ST. N.

STATE HWY 20

GARRETT CREEK
134.5 ACRES
EXEMPT

E. 106TH ST. N.

DATE: 02/26/16

**GARRETT CREEK
ASSESSMENT AREA**
770.0 ACRES



ENGINEERS
PLANNERS
DESIGNERS

6755 S. 4060 Rd.
Tulala, OK 74080
Ph. 918.275.4080
Fax. 918.275.7171

**CITY OF OWASSO
ORDINANCE DRAFT**

AN ORDINANCE RELATING TO PART 17 UTILITIES, CHAPTER 3, SEWER SYSTEM, SECTION 17-306, GARRET CREEK-MORROW PLACE SEWER IMPROVEMENT ASSESSMENT AREA, OF THE CODE OF ORDINANCES OF THE CITY OF OWASSO, OKLAHOMA, DESIGNATING THE GARRET CREEK-MORROW PLACE SEWER IMPROVEMENT PROJECT AND ESTABLISHING A SEWER ASSESSMENT AREA.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OWASSO, OKLAHOMA, THAT, TO-WIT:

SECTION ONE (1): Part 17, Utilities, Chapter 3, Sewer System, of the Code of Ordinances of the City of Owasso, Oklahoma, shall be amended by providing and codifying as follows:

SECTION 17-306 GARRET CREEK-MORROW PLACE SEWER IMPROVEMENT ASSESSMENT AREA

The Garret Creek-Morrow Place Sewer Improvement Project will be constructed to accommodate the sanitary sewer needs for existing and future development from E 106 St N to E 126 St N and HWY 169 to N 129 E Ave and is hereby established as a "Designated Sewer Improvement." The area depicted on the map attached hereto as Exhibit "GCMPSI" shall be made a part of this ordinance and shall be designated as the Garret Creek-Morrow Place Sewer Improvement (GCMPSI) Assessment Area.

SECTION TWO (2): REPEALER

All ordinances or parts of ordinances, in conflict with this ordinance are repealed to the extent of the conflict only.

SECTION THREE (3): SEVERABILITY

If any part or parts of this ordinance are held invalid or ineffective, the remaining portion shall not be affected but remain in full force and effect.

SECTION FOUR (4): DECLARING AN EFFECTIVE DATE

The provisions of this ordinance shall become effective thirty (30) days from the date of final passage as provided by state law.

SECTION FIVE (5): CODIFICATION

The City of Owasso Code of Ordinances is hereby amended by enacting an ordinance to be codified in Part 17, Chapter 3, as Section 17-306.

PASSED by the City Council of the City of Owasso, Oklahoma on the ____ day of _____, 20__.

_____, Mayor

_____, City Clerk

_____ City Attorney



TO: The Honorable Mayor and City Council
City of Owasso

The Honorable Chair and Trustees
Owasso Public Works Authority

FROM: Travis Blundell
Utility Superintendent

SUBJECT: Amending PART 17, Utilities, Chapter 3, Sewer System

DATE: March 4, 2016

BACKGROUND:

Due to the negative impact fats, oils, and grease (FOG) has on the City of Owasso sewer system, this past year Public Works staff and an environmental consultant began reviewing the Sewer System ordinance. Review of the Sewer System Ordinance revealed the need to modernize some of the language, remove repetitious or unnecessary provisions, and develop a section specifically focused on a FOG Management Program that will enable staff to effectively monitor the discharge of fats, oils and grease from food service establishments (FSEs).

A draft of the new ordinance was completed in September of 2015. The most significant change within the Sewer System Ordinance is the development of a FOG Management Program. Since the FOG program specifically focuses on the operations of FSEs there were five (5) public meetings held in November for FSEs to meet with public officials. The purpose of the meetings was to provide a venue for staff to explain the reasons for and the requirements of the FOG program. In addition, to provide FSEs an opportunity to ask questions, provide ideas for the program and express any concerns.

DRAFT ORDINANCE:

The most significant change to the proposed Sewer System ordinance is Section 17-330 – General Limitations, Prohibitions and Requirements on Fats, Oils and Grease (FOG) discharges. This section authorizes the City of Owasso to establish uniform maintenance and monitoring requirements for limiting the discharge of FOG from FSEs and establishes regulation of FOG transporters operating within the City limits. In addition, staff is proposing to increase the renewal fee for the Industrial Wastewater Discharge permit from two hundred and fifty dollars (\$250) to five hundred dollars (\$500).

The proposed Sewer System Ordinance would do the following but not limited to:

- Authorize the OPWA to establish a FOG Management Program for FSEs and FOG Transporters to operate by.
- Require FSEs to apply for a FOG Wastewater Discharge permit prior to discharging wastewater.
- Assess a FOG Wastewater Discharge utility billing fee to food service establishments (\$25 a month).

- Require FSEs to submit a permit application within ninety (90) days of adoption of the proposed ordinance.
- Establish Prohibitions that apply to FSEs.
- Require FSEs to implement best management practices (BMPs) as specified in the FOG Management Program.
- Require new and existing FSEs to install a FOG pretreatment system.
- Establish maintenance requirements for FOG pretreatment systems.
- Require FOG Transporters operating within the City of Owasso to obtain a FOG Transporter permit.
- Establish a yearly FOG Transporter permit fee (\$150).

PROPOSED RESOLUTIONS:

Proposed resolutions of the City Council and the OPWA establishing the rates and fees associated with the FOG Management Program are attached. The Wastewater Discharge Permit monthly fee, the FOG Transporter Permit annual fee and the Industrial Wastewater Permit annual renewal fee are included in the resolutions.

Staff is recommending that the Sewer System ordinance authorize the aforementioned fees to be established by resolution of the City Council with a resolution of endorsement of the OPWA Trustees. This allows greater flexibility for changes within a fee schedule, if necessitated, given that resolutions are not subject to the costly publication requirements statutorily mandated by amendment of an ordinance.

PROPOSED ACTION:

Approval of the Ordinance enacting the new provisions and repealing the old sewer use ordinance and additional approval of City Council and OPWA resolutions establishing a fee schedule for the FOG Wastewater Discharge Permit, the FOG Transporter Permit and the Industrial Wastewater Permit.

ATTACHMENTS:

Draft Ordinance
Draft Council Resolution
Draft OPWA Resolution

**CITY OF OWASSO, OKLAHOMA
ORDINANCE DRAFT**

AN ORDINANCE REPEALING PART SEVENTEEN (17), UTILITIES, CHAPTER THREE (3), SEWER SYSTEM, SECTION 17-301, SEWER SYSTEM, AND ENACTING SECTIONS 17-320 THROUGH 17-335, OF THE CODE OF ORDINANCES OF THE CITY OF OWASSO, OKLAHOMA, ESTABLISHING DEFINITIONS, REGULATIONS, MONITORING AND PENALTIES FOR THE DISCHARGE OF FATS, OILS AND GREASE BY FOOD SERVICE ESTABLISHMENTS INTO THE CITY'S WASTEWATER TREATMENT PLANT, AND FURTHER ESTABLISHING REGULATIONS FOR GREASE HAULERS OPERATING WITHIN THE OWASSO CITY LIMITS.

THIS ORDINANCE REPEALS PART 17, CHAPTER 3, SECTION 17-301, AND ENACTS PART 17, CHAPTER 3, SECTIONS 17-320 THROUGH 17-335, OF THE CITY OF OWASSO CODE OF ORDINANCES.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OWASSO, OKLAHOMA, THAT, TO-WIT:

SECTION ONE (1): Part 17, Utilities, Chapter 3, Sewer System, Section 17-301 of the Code of Ordinances of The City of Owasso, shall be repealed, and Sections 17-320 through 17-335 of the Code of Ordinances of The City of Owasso, Oklahoma, shall be enacted as follows:

TO BE REPEALED:

**CHAPTER 3
SEWER SYSTEM**

SECTION 17-301 – SEWER SYSTEM REGULATIONS ADOPTED, PENALTY

The city's sewer system regulations, as approved by the Owasso Public Works Authority, and as adopted by Ordinance No. 426, 1/15/91, and all amendments thereto, are hereby adopted and incorporated herein by reference, applicable as if fully set out at length herein, punishable as provided in Section 1-108 of this code.

TO BE ENACTED:

**CHAPTER 3
SEWER SYSTEM**

SECTION 17-320 – SCOPE

This Chapter shall include all general requirements and restrictions in respect to the connection, use, protection and maintenance of the City of Owasso's Wastewater Collection system.

SECTION 17-321- DEFINITIONS

Unless a provision explicitly states otherwise, the following terms, phrases, words and their derivations shall have the meaning given herein:

- A. ACT: The term "Act" or "The Act" shall mean the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, Et. Seq.
- B. ANALYTE: The term "Analyte" shall mean a substance whose chemical constituents are being identified and measured.
- C. AUTHORIZED REPRESENTATIVE OF INDUSTRIAL USER: The term "Authorized Representative of Industrial User" may be: (1) A principal executive officer of at least the level of vice-president, if the Industrial User is a corporation; (2) A general partner or proprietor if the Industrial User is a partnership or proprietorship, respectively; (3) A duly authorized representative is responsible for the overall operation of the facilities from which the indirect discharge originates.
- D. BEST MANAGEMENT PRACTICES (BMP): The term "Best Management Practices" or "BMPs" shall mean schedules of activities, prohibitions of practices, maintenance procedures and other management practices to prevent or reduce the introduction of FOG to the public sanitary sewer.
- E. B.O.D.: The term "B.O.D." shall mean the quantity of oxygen expressed in milligrams per liter, utilized in the biochemical oxidation of organic matter under standard laboratory conditions for five (5) days at a temperature of twenty (20) degree centigrade. The laboratory determinations of B.O.D. shall be made in accordance with procedures set forth in "Standard Methods."
- F. BUILDING DRAIN: The term "Building Drain" shall mean that of the lowest horizontal piping of sanitary drainage system, which receives the discharge from the sanitary waste, pipes inside the walls of the building and conveys it to the building sanitary sewer.
- G. BUILDING SEWER, HOUSE SEWER, or HOUSE SEWER LINE: The term "Building Sewer," "House Sewer," or "House Sewer Line" shall mean the extension from the building drain to the public sanitary sewer or other place of disposal.
- H. CITY: The term "City" shall mean The City of Owasso, Oklahoma, a municipal corporation, acting through the Owasso Public Works Authority and the City's duly authorized officers or agents.
- I. CITY MANAGER: The term "City Manager" shall mean the City Manager of the City of Owasso or the person succeeding to these duties and functions by whatever name known, or their duly authorized deputy, agent, or representative.
- J. CODE OF FEDERAL REGULATIONS (CFR): The term "Code of Federal Regulations" or "CFR" refers to documents published by The Office of Federal Register, National Archives and Records Service, General Services Administration, Codifying general and permanent rules published in The Federal Register by The Executive Departments and agencies of The Federal Government.
- K. COMPOSITE SAMPLE: The term "Composite Sample" shall mean a sample of wastewater composed of samples collected at equal intervals, not exceeding one hour, throughout the operational day of a user, representative of the discharge of the facility.
- L. DIRECTOR: The term "Director" shall mean the Public Works Director of the City of Owasso or the person succeeding to these duties and functions by whatever name known, or their duly authorized deputy, agent, or representative.
- M. DOMESTIC SEWAGE: The term "Domestic Sewage" shall mean water-carried waste normally discharged into the sanitary sewers of dwellings (including apartments, houses, hotels, office buildings, factories and institutions) that is free from storm surface water and industrial wastewater.
- N. FATS, OILS, AND GREASE ("FOG"): The term "Fats, Oils, And Grease" or "FOG" shall mean any substance such as vegetable or animal products that is used in, or is a byproduct of, the cooking or food preparation process, and that turns or may turn viscous or solidifies with a change in temperature or other conditions. It is typically a non-petroleum organic polar compound derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules and are detectable and measureable using analytical

procedures established in the most current version of the United States Code of Federal Regulations 40 CFR 136.3.

- O. FEDERAL CATEGORICAL PRETREATMENT STANDARD OR CATEGORICAL STANDARD: Any regulation containing pollutant discharge limits promulgated by the Environmental Protection Agency in accordance with Section 307 (b) and (c) of the Act (33 U.S.C. 1347) which applies to specific Industrial Users.
- P. FOG PRETREATMENT SYSTEM: The term "FOG Pretreatment System" refers to properly installed and operated Grease Interceptors, Grease Traps, FOG Recovery Units, and other alternate systems as approved by the City of Owasso.
- Q. FOG TRANSPORTER: The term "FOG Transporter" shall mean any person carrying on or engaging in vehicular transport of FOG waste as part of, or incidental to, any business for that purpose.
- R. FOOD SERVICE ESTABLISHMENT (FSE): The term "Food Service Establishment" or "FSE" shall mean any food service establishment and any other commercial facility with the potential to discharge fats, oils and grease above the effluent limit of 100 milligrams per liter such as, but not limited to, restaurants, hotel kitchens, hospital kitchens, school kitchens, bars, factory cafeterias, assisted living facilities and clubs. An establishment is not considered an FSE when engaged only in reheating, hot holding or assembly of ready-to-eat food products and as a result, there is no wastewater discharge containing a significant amount of FOG and does not include any operation that changes the form, flavor, or consistency of food.
- S. GARBAGE: The term "Garbage" shall mean solid wastes and residue from the preparation, cooking and dispensing of food, and from the handling, storage and sale of food products and produce.
- T. GRAB SAMPLE: The term "Grab Sample" shall mean a sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.
- U. GREASE INTERCEPTOR: The term "Grease Interceptor" shall mean a passive tank installed outside a building and designed to remove fats, oils and grease prior to the wastewater being discharged into the public sanitary sewer system and, as further defined herein.
- V. GREASE TRAP: The term "Grease Trap" shall mean a device for separating and retaining FOG and solids prior to the wastewater exiting the trap and entering the sanitary sewer collection system. Such traps are typically located under-the-sink units that are located in or near food preparation areas.
- W. INDUSTRIAL USER: The term "Industrial User" or "Industry" shall mean:
 - 1. Any user of publically owned treatment works which discharges more than equivalent of 25,000 gallons per day (gpd) of sanitary wastes and which is identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented under one of the following divisions:
 - Division A - Agriculture, Forestry, and Fishing**
 - Division B - Mining**
 - Division D - Manufacturing**
 - Division E - Transportation, Communications, Electric, Gas, and Sanitary Services**
 - Division I Services**A user in the divisions listed shall be excluded if it is determined by the Director that it will introduce only segregated domestic wastes or wastes from sanitary conveniences.
 - 2. Any user of publically owned treatment works which discharges wastewater to the treatment works which contains toxic pollutants or poisonous solids, liquids, or gasses in sufficient quantity either singly or by interaction with other wastes, to contaminate sludge of any municipal systems, or to interfere with any sewage

treatment process, or which constitutes a hazard to humans, or animals, creates a public nuisance, or creates any hazard in or has an adverse effect on the waters receiving any discharge from the treatment works.

3. Any user for which Federal Categorical Standards apply.

- X. INDUSTRIAL WASTE: The term "Industrial Waste" shall mean all water-carried solids, liquids, and gaseous wastes resulting from any industrial, manufacturing or food processing operation or process, from the development of any natural resource, or any mixture of these with water or domestic sewage as distinct from normal domestic sewage.
- Y. INTERFERENCE: The inhibition or disruption of The City of Owasso treatment process or operations, which contributes to a violation of any requirement of the City's NPDES Permit. The term includes prevention of sewage sludge use or disposal by The City of Owasso in accordance with Section 405 of the Act, (33 U.S.C. 1345) or any criteria, guidelines, or regulations developed pursuant to The Solids Waste Disposal Act (SWDA), The Clean Air Act, The Toxic Substance Control Act, or more stringent State of Oklahoma criteria (including those contained in any State of Oklahoma Sludge Management Plan prepared pursuant to Title VI of SWDA) applicable to the method of disposal or use employed by the City.
- Z. MILLIGRAMS PER LITER (mg/l): The term "Milligrams Per Liter" or "mg/l" shall mean a weight to volume ratio; the milligrams per liter value multiplied by the factor 8.34 shall be equivalent to pounds per million gallons of water.
- AA. MONITORING: The term "Monitoring" shall mean the performance of procedures (wastewater flow measurements, wastewater sampling, sample analysis, etc.) necessary to determine Ordinance compliance and/or to verify strength of wastewater flows.
- BB. NEW SOURCE: The term "New Source" shall mean any source, the construction of which is commenced after the publication of proposed regulations prescribing a Section 307 (c) (33 U.S.C. 1317) Federal Categorical Pretreatment Standard which will be applicable to such source, if such standard is thereafter promulgated within 120 days after proposal. A new source means any source, the construction of which is commenced after the date of promulgation of the standard.
- CC. NORMAL DOMESTIC SEWAGE: The term "Normal Domestic Sewage" shall mean sewage of The City of Owasso in which the average concentration of suspended solids and five-day B.O.D. is established at 250 milligrams per liter.
- DD. OPERATIONAL DAY: The term "Operational Day" shall mean that period of time during a twenty-four hour period during which the facility is operating and consequently discharging wastewater.
- EE. PERSON, ESTABLISHMENT, OR OWNER: The term "Person," "Establishment," or "Owner" shall mean any individual, firm, company, association, society, corporation, partnership or group, their agents, servants, or employees.
- FF. pH: The term "pH" shall mean the logarithm (Base 10) of the reciprocal of the hydrogen ion concentration expressed in moles per liter. It shall be determined by one of the procedures outlines in "Standard methods."
- GG. PREMISE: The term "Premise" shall be construed to mean any plot or tract of ground, regardless of size or plat under individual ownership and/or individual use and occupancy where the water service is metered independently of any other use.
- HH. PRETREATMENT: The term "Pretreatment" shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutants, or the alteration of the nature of pollutants properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the public sanitary sewer system. The reduction or alteration can be obtained by physical, chemical, or biological processes, or process changes or other means, except as prohibited herein.
- II. PRETREATMENT COORDINATOR: The term "Pretreatment Coordinator" shall mean the Pretreatment Coordinator of the City of Owasso or the person succeeding to these

- duties and functions by whatever name known, or their duly authorized deputy, agent, or representative.
- JJ. PUBLIC SANITARY SEWERS: The term "Public Sanitary Sewers" shall include the following meanings:
1. All sanitary sewer of whatever size or extent for which The City of Owasso is responsible for the operation, repair and maintenance thereof.
 2. Any sanitary sewer, of whatever size or extent, the construction cost of which has been paid for out of public funds in accordance with Section 287, Title 11, Statutes of The State of Oklahoma.
- KK. RENDERABLE FOG: The term "Renderable FOG" shall mean uncontaminated fats, oils and grease from the food preparation process that can be used as a source of material that is free of impurities and can be recycled into products such as animal feed and cosmetics.
- LL. SANITARY SEWER: The term "Sanitary Sewer" shall mean sewer which carries sewage and to which stormwaters, surface waters and groundwaters are not intentionally admitted.
- MM. SEWER SERVICE CHARGE: The term "Sewer Service Charge" shall mean the charge made on all users of the sanitary sewer system whose wastes do not exceed in strength the concentrations values established in this Ordinance.
- NN. SEWER SYSTEM: The term "Sewer System" shall mean all facilities for collecting, pumping, treating, and disposing of wastewaters and would include the wastewater treatment facilities.
- OO. SLUG: The term "Slug" shall mean any discharge of water, sewage, or industrial waste other than toxic materials which in concentration of any given constituent or in quantity or flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration of flows during normal operations.
- PP. STANDARD METHODS: The term "Standard Methods" shall mean the examination and analytical procedures set forth in the latest edition at the time of analysis of "Standard Methods for the Examination of Water and Wastewater" as prepared, approved and published jointly by the American Water Works Association, and the Water Pollution Control Federation.
- QQ. STORM WATER RUNOFF: The term "Storm Water Runoff" shall mean that portion of the rainfall that is drained into the storm sewers.
- RR. SURCHARGE: The term "Surcharge" shall mean the charge in addition to the sewer service charge which is made on those persons whose wastes are greater in strength than the concentration values established as representative of normal charges.
- SS. SUSPENDED SOLIDS: The term "Suspended Solids" shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by a laboratory filtration device. Quantitative determination of suspended solids shall be made in accordance with procedures set forth in "Standard Methods."
- TT. WASTEWATER OR SEWAGE: The terms "Wastewater" or "Sewage" shall mean a combination of the water-carried waste from residences, business establishments, institutions and industrial establishments.
- UU. WASTEWATER DISCHARGE PERMIT: The term "Wastewater Discharge Permit" shall refer to a permit issued by the City subject to the requirements and conditions established by the City authorizing the permittee or discharger to discharge wastewater into the public sewer system or transport FOG wastewater from an FSE within the City of Owasso. Wastewater Discharge Permits include: FOG Wastewater Discharge Permit, FOG Transporter Permit and/or Industrial Wastewater Discharge Permit.
- VV. WASTEWATER PLANT: The term "Wastewater Plant" shall mean any City-owned facility, device, and structure used for receiving and treating wastewater from The City sanitary sewer system.

SECTION 17-322 PERMIT AND INSPECTION REQUIRED

- A. No unauthorized person shall construct any building sewer, nor uncover, make any connections with or opening into, use, alter or disturb any public sewer without first obtaining a permit from the City.
- B. Any owner, authorized agent or contractor who desires to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any plumbing system shall first make application to the Plumbing Inspector and obtain the required permit for the work.
- C. The Plumbing Inspector, upon notification from the permit holder or the permit holder's agent, shall make the following inspections and such other inspections as necessary, and shall either release that portion of the construction or shall notify the permit holder or an agent of any violations that must be corrected. The holder of the permit shall be responsible for the scheduling of such inspections.

SECTION 17-323 – ALTERING AFTER INSPECTION

It shall hereby be declared to be unlawful for any person to alter or change any sewer pipe or remove any material after inspection has been made without obtaining a permit from the City to do so, and then said Plumbing Inspector shall re-inspect all work altered or changed and the same fee shall be charged as provided for the original inspection.

SECTION 17-324 - PROHIBITED CONNECTIONS—RESPONSIBILITY OF PROPERTY OWNERS

No sources of stormwater, surface water, groundwater, subsurface water, or any other source of infiltration or inflow shall be allowed to be connected directly or indirectly to a public sanitary sewer. The City hereby requires that all property owners utilizing the City sanitary sewer system be responsible for the maintenance of all connections, lines and fixtures in a manner sufficiently watertight so as not to allow or permit leakage out of or seepage into said connections, lines and fixtures from the place of discharge to the place of connection to the public sewage system main. Such connections, lines and fixtures shall be subject to inspection and testing by the City.

SECTION 17-325 – RESPONSIBILITY FOR MAINTENANCE

It shall be the duty of all persons owning any property upon which there is a building sewer line connecting to the public sanitary sewer system, to keep such sanitary sewer line up to and including the connection to the public sewer line, in a good state of repair that it does not constitute a health nuisance or interfere with the operation and maintenance of the public sanitary sewer system. It shall be the duty of such owner to have the proper repairs made in accordance with the City of Owasso Plumbing Code. The City shall have the right to enter onto private property for the purpose of inspection, maintenance and evaluation of building sewer lines to assure safe and sanitary conditions.

SECTION 17-326 – PLUGGING OF ABANDONED BUILDING SEWERS, HOUSE SEWERS, OR HOUSE SEWER LINE CONNECTIONS TO PUBLIC SANITARY SEWERS.

- A. Any person or establishment owning any house or other structure connected to any public sanitary sewer shall, before demolition of such house or other structure or before removal of such house or other structure from its site, cause such line connection to any public sanitary sewer to be plugged adequately and properly.

- B. Such plugging as referred to in paragraph (a) of this Section shall be done only by a licensed plumber.
- C. Before any line connection to the public sanitary sewer shall be plugged, the licensed plumber who is to do such plugging shall secure a permit from the City for the plugging of such line connection to the public sanitary sewer.
- D. After the permit referred to in paragraph (c) of this Section is secured and after the plugging has been completed, it shall be the responsibility of the permit holder or the permit holder's agent, to notify the Plumbing Inspector to inspect such sanitary sewer plug to ascertain that the same is proper and adequate.
- E. No permit shall be issued for the removal or demolition of any such structure referred to in paragraph (a) hereof until and after the Plumbing Inspector shall have approved the sewer plug as being proper and adequate.

SECTION 17-327 – RECONSTRUCTION OF PUBLIC SANITARY SEWERS

No building, structure, wall, or other above ground obstruction including additional fill material shall be placed, erected, installed, or permitted directly over any public sanitary sewer. In the event any of the above obstructions are to occupy the ground immediately above a public sanitary sewer, it shall be necessary to first re-route the public sanitary sewer at the property owner's expense in order to subsequently comply with the above provisions. In the event there is no sufficient grade available in order to perform the re-routing, it shall be necessary for the property owner to present a proposed plan to the City setting forth the necessary construction to safeguard the public sanitary sewer. In any event, either the re-routing of the sanitary sewer or reconstruction as approved by the City shall be carried out through proper contracts and bonds with the City of Owasso.

SECTION 17-328 – ADMISSION OF INDUSTRIAL WASTE INTO THE PUBLIC SANITARY SEWERS

- A. Approval Required. Review and acceptance by the Director shall be obtained prior to discharge into the public sanitary sewers of wastes or waters having:
 - 1. A five day 20 degree Centigrade biochemical oxygen demand (B.O.D.) greater than 250 mg/l.
 - 2. Suspended Solids containing greater than 250 mg/l.
 - 3. The potential to discharge prohibited discharges.
- B. Pretreatment. Where required, as herein specified to modify or eliminate wastes that are harmful to the structures, process, or operation of the sewage works, or detrimental to the quality of the effluent, sludge, the person shall provide, at their expense, such pretreatment as may be determined by the Director, necessary to render the wastes acceptable for admission to the public sanitary sewers, and comply with the limitations specified herein.
- C. Industrial Waste with excessive B.O.D. or Suspended Solids. Person or owners discharging industrial wastes which exhibit none of the characteristics of wastes prohibited in Section 17-309, other than excessive B.O.D. or Suspended Solids but have a concentration during a twenty-four (24) hour period average of B.O.D. or Suspended Solids content in excess of "normal domestic sewage" shall be required to pretreat the industrial wastes to meet the requirements of "normal domestic sewage" however, such wastes may be accepted for treatment if all the following requirements are met:
 - 1. The waste will not cause damage to the sanitary sewer collection system;
 - 2. The waste will not impair the wastewater treatment process;
 - 3. The discharger of the waste enters into a contractual agreement with The City of Owasso providing for a surcharge over and above the published sewer rates.
- D. Grease, Oil and Sand Interceptors. Grease, Oil, and sand traps or interceptors shall be provided for proper handling of liquid wastes containing grease or any flammable

wastes, sand and other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwellings. All interceptors shall be of a type and capacity as defined in the City of Owasso Plumbing Code shall be approved by the City and shall be located to be readily and easily accessible for easy cleaning and inspection. Grease and Oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature.

They shall be of substantial construction, watertight and equipped with easily removable covers which, when bolted in place, shall be gas tight and watertight. Where installed, all grease, oil, and sand interceptors shall be maintained by the owner at their expense, in continuously efficient operation at all times. Materials removed from these facilities shall be either utilized by industry or disposed of at designated approved locations.

E. Control Chambers For Industrial Waste

1. Any person discharging or desiring to discharge industrial waste into the public sanitary sewer system which leads to the City's wastewater treatment plant shall, within one (1) year from the effective date of this Ordinance, provide and maintain in a suitable and accessible position on the premises, or such premises occupied by them, an inspection chamber or manhole near the outlet of each building sewer, drain, pipe, channel or connection which discharges industrial waste into any sanitary sewer or any sewer connected therewith.

2. Every such manhole or inspection chamber shall be of such design and construction as to prevent infiltration by ground and surface waters or introduction of slugs of solids by the installation of screens with maximum openings of one inch, but of sufficient fineness to prevent the entrance of the objectionable slugs of solids to the sanitary sewer system, and shall be so maintained by the person discharging wastes so that any authorized representative or employee of the City may readily and safely measure the volume and obtain samples of the flow at all times. Plans for construction of control manholes or inspection chambers including such flow measuring devices as may be required by this Ordinance, shall be approved by the Director prior to the beginning of construction.

F. Submission of Information. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment or processing facilities or flow equalization facilities shall be submitted for approval by the City prior to the start of their construction, if effluent from such facilities is to be discharged into public sanitary sewers. All plans shall be prepared by a Registered Professional Engineer and shall bear his or her signature and seal.

SECTION 17-329 – PROHIBITED DISCHARGES

A. No person shall discharge, or cause to be discharged, any storm water, ground water, roof runoff, subsurface drainage or any water from down spouts, yard drains, yard fountains, and ponds, septic tanks, or lawn sprays into any sanitary sewer. Water from swimming pools, boiler drains, blow-off pipes or cooling water from various equipment, may be discharged into the sanitary sewer by an indirect connection whereby such discharge is cooled if required, and flows into the sanitary sewer, at a rate not to exceed the capacity of the sanitary sewer provided the waste does not contain materials or substances in suspension or solution in violation of the limits prescribed by this Chapter; and provided further that said water from an air conditioning or cooling unit shall in no event exceed one-tenth (0.1) gallon per minute per ton capacity of the unit. Dilution of any waste discharge to the sanitary sewer system is prohibited, whether accomplished by the combination of two or more waste streams by a person or addition of other liquids solely for the purpose of diluting the quality of the waste discharge.

- B. No person shall discharge, or cause to be discharged, into any public sanitary sewer any of the following described substances, materials, waters, or wastes:
1. Any liquid or vapor having a temperature higher than 140 Fahrenheit or (60 degrees Centigrade), or which would cause the wastewater treatment plant influent to exceed 104 degrees Fahrenheit, or 40 degrees Centigrade.)
 2. Any water or waste which contains wax, grease, oil, plastic, or other substance that will solidify or become discernibly viscous at temperatures between 32 degrees to 140 degrees Fahrenheit.
 3. Flammable or explosive liquid, solids or gas, such as gasoline, kerosene, benzene, naphtha, and other like substances.
 4. Solids or viscous substances in quantities capable of causing obstruction to flow in sanitary sewers, or other interference with the proper operation of the sewage works, such as ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, whole blood, paunch, manure, hair, and fleshing, entrails, lime slurry, lime residue, slops, chemical residues, plant residues, fiberglass, or bulk solids.
 5. Any noxious or malodorous substance which can form a gas, which either singly or interacting with other wastes, is capable of causing objectionable odors or hazards to life and property, which forms solids in concentrations exceeding limits established herein or creates any other condition deleterious to structures or treatment processes; or requires unusual facilities, attention, or expense to handle such materials.
- C. Except in quantities, or concentrations, or with provisions as stipulated herein, it shall be unlawful for any person, commercial property, corporation, or individual to discharge waters or waste to the public sanitary sewers containing:
1. Free or emulsified oil and grease exceeding on analysis an average of 100 mg/l of either or both or combinations of free or emulsified oil and grease, if, in the opinion of the City, it appears probable that such wastes:
 - a. Can deposit grease or oil in the sanitary sewer lines such manner as to clog the sanitary sewers;
 - b. Can over load the discharge's skimming and grease handling equipment;
 - c. Are not amenable to biological oxidation and will therefore pass to the receiving waters without being affected by normal wastewater treatment processes; or
 - d. Can have deleterious effects on the treatment process due to excessive quantities.
 2. Discharge of wastes through food grinders and/or garbage-disposal-type devices to the public sanitary sewer is prohibited.
 3. Acids or alkali, which attack or corrode sanitary sewers or wastewater disposal structures or have a pH value lower than 5.0 or higher than 12.5.
 4. Salts of heavy metals, in solution or suspension, in concentrations, toxic to biological wastewater treatment processes, or adversely affect sludge digestion or any other biochemical, biological, or other wastewater treatment process, or to the biota of the receiving stream to which the effluent of the wastewater treatment facility discharges, or exceeding the following, the analytical results to be expressed in terms of the elements indicated:

TOXIC SUBSTANCE – MG/L

Cadmium	0.7
Chromium	3
Copper	3

Lead	0.4
Mercury	.002
Nickel	3
Zinc	3

Or other elements which will damage collection facilities or are detrimental to treatment processes or are detrimental to the biota of the receiving stream to which the effluent of the wastewater treatment facility discharges.

When the volume of a single toxic industrial waste discharge, or the combined toxic industrial waste discharge of a group of industries within a single contributory area, is so large as to raise a question of the ultimate concentration of toxic substances entering a treatment plant or a receiving stream, the City shall impose separate or special concentration limits upon the discharger to insure:

- a. That the concentrations in wastewater of any toxic substances shall not exceed those concentrations in the influent of any wastewater treatment plant toxic to biological wastewater treatment processes, or adversely affect sludge digestion, or "sludge quality," or any biochemical, biological or other wastewater treatment process.
 - b. That in no instance will the combined concentrations of any toxic substances in the effluent of any wastewater treatment plant exceed the discharge stream limitations as published by the state regulatory agency.
5. Cyanide or Cyanogen compounds capable of liberating hydrocyanic gas on acidification in excess of two (2) mg/l as CN in the waste from any outlet into the public sanitary sewers.
 6. Radioactive materials exceeding the existing standards of The Oklahoma State Department of Health, or unless they comply with The Atomic Energy Commission Act of 1954 (68 O.D. 919 as amended and Part 20, Sub-Part D – Waste Disposal, Section 20.303, of the regulations issued by The Atomic Energy Commission, or amendments thereto).
 7. Any wastewater containing phenols or other taste producing substances in such concentrations as to produce odor or taste in the effluent as to affect the taste and odor of the receiving waters.
 8. Materials which exert or cause:
 - a. Unusual concentrations of solids or composition; as for example in total suspended solids of inert nature (such as Fuller's Earth) and /or in total dissolved solids (such as Sodium Chloride, Calcium Chloride, or Sodium Sulfate).
 - b. Excessive discoloration
 - c. Unusual biochemical oxygen demand or an immediate oxygen demand
 - d. High Hydrogen Sulfide content; or
 - e. Unusual flow and concentration.
 9. Toxic substances which are not amenable to treatment or reduction by the wastewater treatment process employed, or are amenable to treatment only to such degree that the wastewater treatment plant cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters without first pretreating to a concentration acceptable to the City.

When wastewater containing any of the aforementioned materials is discharged into the sanitary sewer and such wastes are not properly pretreated or otherwise corrected, the City may (1) reject the wastes and terminate the service to the sanitary sewer; (2) require control of the quantities and rates of discharge of such wastes with flow regulating devices; (3) require payment of surcharge for excessive cost of treatment provided such wastes are amenable to treatment by existing wastewater treatment plant facilities.

10. Except where expressly authorized by the City to do so by an applicable categorical Pretreatment Standard, no Industrial User shall ever increase the use of process water or, in any other way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with Ordinance discharge limitations.

SECTION 17-330 - GENERAL LIMITATIONS, PROHIBITIONS AND REQUIREMENTS ON FATS, OILS AND GREASE ("FOG") DISCHARGES

- A. This Section establishes requirements for controlling the discharge of fats, oils and grease (FOG) from food service establishments (FSE) discharging into the City's sewer system and for regulation of FOG Transporters operating within the city limits. The objectives of this Section are:
 1. To reduce operational and maintenance cost of maintaining the Wastewater Treatment Plant and the sanitary sewer lines through the implementation of a FOG management program.
 2. To prevent clogging or blocking of the City's sewer lines due to grease build-up causing sanitary sewer overflows onto streets, into stormwater systems or waterways and into residences and commercial buildings, resulting in potential liability to the City.
 3. To prevent maintenance and odor problems at wastewater pumping stations due to grease build-up.
 4. To establish fees for the recovery of costs resulting from the program established herein.
 5. To permit FOG Transporters and FSEs operating within the City of Owasso.
 6. To ensure that all existing and future FSEs have a properly functioning FOG pretreatment system.
- B. GENERAL LIMITATIONS AND REQUIREMENTS- Food service establishments (FSEs) discharging wastewater to the City of Owasso's sewer system and FOG Transporters that transport FOG within the City of Owasso are subject to the following requirements, which shall constitute the City of Owasso's Fats, Oils and Grease Management Program ("FOG"):
 1. Compliance with the FOG Management Program for the discharge of wastewater and hauling associated with FSEs.
 2. Filing of a FOG Wastewater Discharge Permit application. All applications are non-transferable and must be resubmitted to the City after any change in ownership.
 3. Inspections performed by the City to verify compliance with these requirements and those requirements of the FOG Management Program for the discharge of wastewater associated with FSEs.
 4. Quarterly submittal of manifests by FOG Transporters.
 5. Payment of any fees associated with registration, fines or violations, variances and reimbursement for costs associated with any emergency services provided by the City of Owasso.
- C. DISCHARGE LIMITS - No facility shall discharge or cause to be discharged any wastewater with a FOG concentration in excess of one hundred (100) milligrams per liter, as determined by the currently approved test for total recoverable fats and grease listed in 40 CFR 136.3, or that may accumulate and/or cause or contribute to blockages in the sewer system or at the building sewer lateral which connects the FSE to the public sewer system, as determined by the City of Owasso.
- D. PROHIBITIONS- The following prohibitions shall apply to all FSEs:
 1. Installation of food grinders in the plumbing system of new construction of FSEs shall be prohibited. Furthermore, all food grinders shall be removed from all

existing FSEs within one hundred eighty (180) working days of the effective date of this Chapter.

2. Introduction of any additives into an FSE's wastewater system for the purpose of emulsifying FOG or biologically/chemically treating FOG for grease remediation or as a supplement to interceptor maintenance.
 3. Disposal of waste cooking oil into drainage pipes is prohibited. All waste cooking oils shall be collected and stored properly in receptacles such as barrels or drums for recycling or other acceptable methods of disposal.
 4. Discharge of wastewater with temperatures in excess of one hundred forty (140) degrees F to any FOG Pretreatment System is prohibited.
 5. Discharge of wastes from toilets, urinals, washbasins, and other fixtures containing fecal materials to sewer lines intended for grease interceptor service, or vice versa, is prohibited.
 6. Discharge of any waste including FOG and solid materials removed from the grease trap or interceptor to the sewer system is prohibited. Grease removed from grease traps or interceptors shall be hauled, by a permitted FOG Transporter, periodically, as defined in the FOG Management Program, as part of the operation and maintenance requirements for grease interceptors.
 7. Operation of grease interceptors with FOG and solids accumulation exceeding twenty-five (25) percent of the design hydraulic depth of the grease interceptor (twenty-five (25) percent rule) is prohibited.
 8. Renderable FOG shall not be disposed of in any sewer, septic tank or grease interceptor. All renderable fats, oil and grease shall be stored in a separate, covered, leak-proof, renderable FOG container, stored out of reach of vermin, and collected by a permitted FOG Transporter.
- E. FOG WASTEWATER DISCHARGE PERMIT REQUIRED - No person shall discharge, or cause to be discharged any wastewater from FSEs directly or indirectly into the City sewer system without first obtaining a FOG Wastewater Discharge permit pursuant to this Section.
- F. FOG WASTEWATER DISCHARGE PERMIT FEE - The FOG Wastewater Discharge Permit fee shall be a monthly fee as established by resolution of the City Council and shall be paid by the applicant on the monthly Utility Bill. Permit applications shall be submitted within ninety (90) days of adoption of this Ordinance. A permittee shall also pay any delinquent invoices in full prior to permit issuance. Fees are non-refundable.
- G. FOG TRANSPORTER PERMIT REQUIRED - It shall be unlawful and an offense for any person or entity to collect or transport grease interceptor/pretreatment system wastes within the City of Owasso unless such person or entity possesses a valid FOG Transporter Permit pursuant to this Section. Possession of a FOG Transporter Permit shall not relieve the permit holder of any obligations to comply with all federal, state and local laws and regulations including but not limited to applicable Pretreatment Standards and Stormwater regulations.
- H. FOG TRANSPORTER PERMIT APPLICATION AND RENEWAL FEE - The FOG Transporter Permit application and renewal fees shall be established by resolution of the City Council and shall be paid by the applicant upon submittal of the required FOG Transporter Permit application for coverage under the FOG Management Program. Payment of all applicable fees or charges must be paid upon submission of the permit application. A permittee shall also pay any delinquent invoices in full prior to permit issuance or renewal. Fees are non-refundable.
- I. PERMIT REVOCATION: An issued permit may be terminated for, but not limited to the following reasons:
1. Failure to abide by FOG Management Program requirements;
 2. Failure to pay fines;
 3. Failure to pay fees; or

4. Failure to meet compliance schedules.
- J. BEST MANAGEMENT PRACTICES REQUIRED- All FSEs shall implement best management practices in its operation to minimize the discharge of FOG to the sewer system. Detailed requirements for best management practices shall be specified in the FOG Management Program. This may include, but not be limited to, kitchen practices and employee training that is essential in minimizing FOG discharge. Commercial and industrial discharges shall also be in full compliance with the provisions of this Ordinance.
- K. FOG PRETREATMENT SYSTEM REQUIRED.
1. An approved FOG Pretreatment System shall be required for all new and existing FSEs, including restaurants, cafeterias, diners, and similar non-industrial facilities using food preparation processes. FOG Pretreatment Systems shall not be required for single-family private living quarters or dwelling units.
 2. An existing FSE that requires a new FOG Pretreatment System, as determined by the City of Owasso, shall be installed within one (1) year of adoption of this Ordinance. The installation date may be extended at the discretion of the City.
 3. All existing FSEs that have an existing FOG Pretreatment System may, as determined by the City of Owasso, keep the existing FOG Pretreatment System in operation provided the FOG Pretreatment System is in good operating condition and complies with the purpose and intent of the FOG Management Program.
 4. The City may require an existing facility to install a new FOG Pretreatment System that complies with the requirements of the City of Owasso Plumbing Code, or to modify or repair any noncompliant plumbing or existing FOG Pretreatment System when any one (1) or more of the following conditions exist:
 - a. The facility is found to be contributing grease in quantities sufficient to cause line blockages or necessitate increased maintenance on the sewer system.
 - b. Grease concentrations exceed one hundred (100) mg/l on wastewater effluent as determined by sampling performed by the City.
 - c. The facility does not have a FOG Pretreatment System.
 - d. The facility has an irreparable or defective FOG Pretreatment System.
 - e. Remodeling the food preparation or kitchen waste plumbing system is performed which requires a plumbing permit to be issued by the City of Owasso.
 - f. The facility is sold or undergoes a change of ownership.
 - g. The facility does not have plumbing connections to a FOG Pretreatment System in compliance with the requirements of this article.
 5. All costs and related expenses associated with the installation and connection of the FOG Pretreatment System(s) shall be at the FSE's expense.
- L. FOG PRETREATMENT SYSTEM AND MAINTENANCE REQUIREMENTS.
1. All FOG Pretreatment Systems must be installed in accordance with the requirements of the City of Owasso Plumbing Code and shall be maintained continuously in satisfactory and effective operation, at the FSE's expense.
 2. The grease interceptor shall be cleaned by a permitted FOG Transporter whenever twenty-five percent (25%) of the operating depth of the grease interceptor is occupied by fats, oils, grease, and settled solids, or a minimum of once every three (3) months, whichever is more frequent unless allowed by the City for good cause shown. Such approval will be granted on a case-by-case basis upon submittal of a request by the FSE documenting reasons for the proposed frequency variance. The City shall not approve any request unless the applicant demonstrates that the frequency variance will not result in the introduction of any greater quantities of FOG into the public sanitary sewer system than would otherwise be introduced.
 3. Cleaning of grease interceptors shall include the complete removal of all contents, including floating materials, wastewater and settled sludge. Decanting back into the Grease Interceptor shall not be permitted. Grease Interceptor cleaning shall include

- scraping excessive solids from the wall, floors, baffles and all piping.
4. All material removed and hauled from FOG Pretreatment Systems must be performed by a FOG Transporter permitted by the City of Owasso.
- M. MONITORING, REPORTING, NOTIFICATION AND INSPECTION REQUIREMENTS.
1. The City may require periodic reporting of the status of implementation of best management practices, in accordance with the FOG Management Program.
 2. The City may require reports for self-monitoring of wastewater constituents and FOG characteristics for the permittee needed for determining compliance with any conditions or requirements as specified in the FOG Management Program or this Ordinance. Failure by the permittee to perform any required monitoring, or to submit monitoring reports required by the City constitutes a violation of this Chapter and shall be cause for the City to initiate all necessary tasks and analyses to determine the wastewater constituents and FOG characteristics for compliance with any conditions and requirements specified in the FOG Management Program or in this Chapter. The permittee shall be responsible for any and all expenses of the City in undertaking such monitoring analyses and preparation of reports.
 3. Other reports may be required such as compliance schedule progress reports, FOG control monitoring reports, and any other reports deemed reasonably appropriate to ensure compliance with this Ordinance.
 4. Manifests will be used to track grease interceptor/trap, oil/water separator and/or grit trap waste from the initial generation of the waste to the final disposal. It will be the responsibility of the FOG Transporter to prepare the manifest. Manifests will be issued to each FOG Transporter who has been issued a permit by the City. The FOG Transporter will ensure that the form is completed entirely. The FOG Transporter will keep a copy for their files, leave the appropriate copy of the manifest with the generator and mail a completed copy to the Owasso Public Works Department in accordance with the Permit.
- N. RECORD KEEPING REQUIREMENTS - The permittee shall be required to keep all manifests, receipts and invoices of all cleaning, maintenance, grease removal of/from the FOG pretreatment system, FOG Transporter and disposal site location for no less than three (3) years. The permittee shall, upon request, make the manifests, receipts and invoices available to any City representative. These records shall be kept and include but are not limited to:
1. A record of FOG pretreatment system cleaning and maintenance practices.
 2. A record of best management practices being implemented including employee training.
 3. Copies of records and manifests of FOG pretreatment system cleaning.
 4. Records of any spills and/or cleaning by the FSE or FSE's contractor of private lateral or building sewer system.
 5. Any other information deemed appropriate by the City to ensure compliance with this Ordinance.
 6. Failure to accurately maintain the FOG information and records or if the records are not available upon request is considered a violation of the permittee's FOG Wastewater Discharge Permit.
- O. FALSIFYING INFORMATION OR TAMPERING WITH PROCESS - It shall be unlawful to make any false statement, representation, record, report, plan or other document that is filed with the City, or to tamper with or knowingly render inoperable any FOG pretreatment system, monitoring device or method or access point required under this Chapter.

SECTION 17-331 – INDUSTRIAL WASTEWATER DISCHARGE PERMITS

It shall be unlawful to discharge wastewater to the public sanitary sewer except as authorized in accordance with the provisions of this Ordinance. Upon promulgation of the Federal Categorical Pretreatment Standards for a particular industrial subcategory, if the discharge limitations defined in that regulation are more stringent than imposed under this Ordinance, the categorical limitation shall govern.

- A. INDUSTRIAL WASTEWATER DISCHARGE PERMITS- No Industrial User shall discharge wastewater to the public sanitary sewer without a valid Industrial Wastewater Discharge Permit issued by the City. All Industrial Users proposing to connect to or to discharge wastewater, industrial waste, and other waste to the public sanitary sewers shall obtain an Industrial Wastewater Discharge Permit before connecting to or discharging to the public sanitary sewer.
- B. PERMIT APPLICATION – NEW ESTABLISHMENT- Industrial Wastewater Discharge Permits for new establishments constructed after the effective date of this Ordinance will be issued only after the following conditions are met:
 1. Formal application is submitted on a form issued by the City.
 2. Where applicable, pretreatment facilities and/or flow regulating devices or inspection chambers approved by the City have been installed.
 3. Estimated flow, amounts and strengths of industrial wastes have been agreed upon by both parties. When a discharger discharges 25,000 gallons or more daily, strengths of analytes shall be based on actual samples from the point or points of discharge.
 4. All new discharges shall provide a control chamber or inspection chamber subject to approval of the City.
- C. PERMIT CONDITIONS- Industrial Wastewater Discharge Permits shall be expressly subject to all provisions of this Ordinance and all other applicable regulations, user charges and fees established by the City. Permits may contain the following:
 1. The unit charge or schedule of user charges and fees for the wastewater to be discharged to a public sanitary sewer;
 2. Limits on the average and maximum wastewater constituents and characteristics;
 3. Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;
 4. Requirements for installation and maintenance of inspection and sampling facilities;
 5. Specification for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for test and reporting schedule;
 6. Compliance schedules;
 7. Requirements for submission of technical reports or discharge reports;
 8. Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the City, and affording City access thereto;
 9. Requirements for notification of the City of any new introduction of wastewater constituents or any substantial change in the volume or characteristics of the wastewater constituents being introduced into the wastewater treatment system;
 10. Requirements for notification of slug discharges;
 11. Other conditions as deemed appropriate by the City to ensure compliance with this Ordinance.
- D. PERMIT ISSUANCE AND RENEWAL FEES - The Industrial Wastewater Discharge Permit application and renewal fees shall be an annual fee as established by resolution of the City Council and shall be paid by the applicant upon submittal of the required Industrial Wastewater Discharge Permit application for coverage under the Industrial Pretreatment Program. Payment of all applicable fees or charges must be received by the City upon submission of the permit application. A permittee shall also pay any delinquent invoices in full prior to permit issuance or renewal. Fees are non-refundable.

For permit renewal, a certified annual report shall be submitted to the Director certifying that there have been no changes in the operational procedures, flow rates, BOD, and Suspended Solids values, or if there have been such changes, furnishing the information in such detail as may be required by the City. Failure to submit such reports shall constitute cause for the suspension or revocation of the Industrial Wastewater Discharge Permit. Any significant changes in flow rate, BOD, and/or Suspended Solids values or other characteristics of the industrial waste being discharged shall be reported to the City within thirty (30) days of such changes. In the event a permit is cancelled for any cause under the provisions hereof, a fee in the amount twice the applicable initial permit fee shall be charged for subsequent permit.

- E. PERMIT TRANSFER- Industrial Wastewater Discharge Permits shall be issued to an Industrial User for a designated premise or premises. An Industrial Wastewater Discharge Permit shall not be reassigned, transferred, or sold to a new owner, new user, different premises, or new or changed operations.
- F. PERMIT MODIFICATIONS- Upon promulgation of Federal Categorical Standards, the Industrial Wastewater Discharge Permit of applicable users shall be modified to require compliance with such regulations and compliance with applicable requirements under 40 CFR 403.12.
- G. PERMIT REVOCATION- The Director may revoke a wastewater discharge permit for good cause, including, but not limited to, the following reasons:
 - 1. Failure of the user to report significant changes in operations or wastewater constituents and characteristics to the Director prior to changed discharge.
 - 2. Misrepresentation or failure to fully disclose all relevant facts in the Industrial Wastewater Discharge Permit application.
 - 3. Falsifying self-monitoring reports.
 - 4. Tampering with monitoring equipment.
 - 5. Refusing to allow the Director timely access to the facility premises for the purpose of monitoring and inspections of records.
 - 6. Failure to meet effluent limitations.
 - 7. Failure to pay fines.
 - 8. Failure to pay sewer charges.
 - 9. Failure of a user to make payment on any monthly industrial surcharge, annual permit renewal fees, additional testing costs, etc., that may be assessed by or due to the City.
 - 10. Failure to meet compliance schedules.
 - 11. Violation of conditions of the Industrial Wastewater Discharge Permit.
 - 12. Failure to complete a wastewater survey or the Industrial Wastewater Discharge Permit application.
 - 13. Failure to provide advance notice of the transfer of business ownership of a permitted facility.
 - 14. Violation of any pretreatment standard or requirement or any terms of the wastewater discharge permit or this article.

Industrial Wastewater Discharge Permits shall be voidable upon cessation of operations or transfer of business ownership. All Industrial Wastewater Discharge Permits issued to a particular industrial user are void upon the issuance of a new Industrial Wastewater Discharge Permit to that industrial user.

SECTION 17-332 – CONFIDENTIAL INFORMATION

Information and data obtained from applications, questionnaires, permits, monitoring programs and inspections and any other required reports or documents under this chapter shall be

available for inspection by the public or any government agency without restriction, unless a user specifically states that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user. Any information submitted to the City may be claimed as confidential in accordance with applicable federal regulations. Any claim of confidentiality must be made at the time of submittal by stamping the words "Confidential Business Information" on each page containing such information. When requested by the user furnishing the report, the portion of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available upon written request to governmental agencies for uses related to regulation of the user's discharge; subject, however, to the confidentiality provisions of 40 CFR part 2, which are incorporated by this reference as applicable to the City to the same extent part 2 is applicable to the EPA, or any applicable state law. If a party to any judicial or administrative proceeding or any court or any administrative agency (except as specified in this Section) demands or subpoenas or orders the production of any such confidential information, the City shall immediately notify the person who supplied such information so that the person shall have the opportunity to secure judicial or administrative relief to preserve such confidentiality. Unless such person gets such relief, the City will comply with such demand, subpoena or order if it is legally required to do so. Wastewater constituents and characteristics will not be recognized as confidential information. Persons, other than authorized representatives of the United States Environmental Protection Agency or the state department of natural resources, requesting to review information and data, must do so in writing and must pay all applicable costs associated with the preparation and copying of such information and data.

SECTION 17-333 – RESERVED

SECTION 17-334 – POWERS AND AUTHORITY OF ENFORCING AGENTS

- A. RIGHT OF ENTRY - The Director or their duly authorized agents bearing credentials and identification shall be permitted to gain access to such properties as may be necessary for the purpose of inspection, observation, measurement, sampling, and testing, to determine compliance of provisions of this Ordinance and the wastewater discharge permit.
- B. NOTIFICATION OF VIOLATION - When the Director finds that a person has violated, or continues to violate, any provision of this Ordinance, a wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Director may serve upon that person a written Notice of Violation. Within seven (7) days of the receipt of such notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the person to the Director. Submission of such a plan in no way relieves the person of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this Section shall limit the authority of the Director to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.
- C. CONSENT ORDERS - The Director may enter into Consent Orders, assurances of compliance, or other similar documents establishing an agreement with any person responsible for noncompliance. Such documents shall include specific action to be taken by the person to correct the noncompliance within a time period specified by the document.
- D. SHOW CAUSE HEARING - The Director may order a person which has violated, or continues to violate, any provision of this ordinance, any Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, to appear before the Director and show cause why the proposed

enforcement action should not be taken. Notice shall be served on the person specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the person show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least fifteen (15) days prior to the hearing. Such notice may be served on any Authorized Representative of the person. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the person.

- E. COMPLIANCE ORDERS - When the Director finds that a person has violated, or continues to violate, any provision of this ordinance, a Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Director may issue an order to the person responsible for the discharge directing that the person come into compliance within a specified time. If the person does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a compliance order relieve the person of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the person.
- F. CEASE AND DESIST ORDERS - When the Director finds that a person has violated, or continues to violate, any provision of this ordinance, a Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, or that the person's past violations are likely to recur, the Director may issue an order to the person directing it to cease and desist all such violations and directing the person to:
 - 1. Immediately comply with all requirements; and
 - 2. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the person.
- G. TERMINATION OF DISCHARGE - In addition to the provisions in this Section, any person who violates the following conditions is subject to discharge termination:
 - 1. Violation of wastewater discharge permit conditions;
 - 2. Failure to accurately report the wastewater constituents and characteristics of its discharge;
 - 3. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
 - 4. Refusal of reasonable access to the person's premises for the purpose of inspection, monitoring, or sampling; or
 - 5. Violation of the Prohibited Discharges in Section 17-309 of this Ordinance.Such person will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under this Section why the proposed action should not be taken. Exercise of this option by the Director shall not be a bar to, or a prerequisite for, taking any other action against the person.
- H. WATER SEVERENCE - Whenever a person has violated or continues to violate any provision of this Ordinance, a wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, water service to the

person may be severed. Service will recommence, at the person's expense, only after the person has satisfactorily demonstrated its ability to comply.

- I. EMERGENCY SUSPENSION - The Director may immediately suspend a person's discharge, after informal notice to the person, whenever such suspension is necessary to stop an actual or threatened discharge, which reasonably appears to be present, or cause an imminent or substantial endangerment to the health or welfare of persons. The Director may also immediately suspend a person's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the publicly owned treatment works (POTW), or which presents, or may present, an endangerment to the environment.

Nothing in this Section shall be interpreted as requiring a hearing prior to any Emergency Suspension under this Section.

- J. INJUNCTIVE RELIEF - When the Director finds that a person has violated, or continues to violate, any provision of this Ordinance, a wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Director may petition the appropriate court of the State of Oklahoma for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this Ordinance on activities of the person. The Director may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the person to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a person.

K. ADMINISTRATIVE FINES -

1. When it has been determined that a person has violated, or continues to violate, any provision of this Ordinance, a wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Director may fine such person in an amount not to exceed one thousand dollars (\$1,000.00) per day per violation. Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.
2. The Director is hereby authorized to establish an administrative procedure or plan to be known as the Pretreatment Enforcement Response Plan for the administration of this Chapter and the enforcement of compliance with the provisions of this Chapter. The Director may amend the Pretreatment Enforcement Response Plan from time to time as may be necessary to enforce compliance.
3. Unpaid charges, fines, and penalties shall, after thirty (30) calendar days, be assessed an additional penalty of an amount, as approved by the courts each year, of the unpaid balance, and interest shall accrue thereafter at the allowed interest rate as approved by the State of Oklahoma Statutes. A lien against the person's property will be sought for unpaid charges, fines, and penalties.
4. A person desiring to dispute such fines must file a written request for the City Manager to reconsider the fine along with full payment of the fine amount within ten (10) days of being notified of the fine. Where a request has merit, the City Manager may convene a hearing on the matter. In the event the person's appeal is successful, the payment shall be returned to the person. The City Manager may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.
5. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the person.

L. RECOVERY OF COSTS INCURRED - Any permittee violating any of the provisions of an issued permit or this ordinance or causing damage to or otherwise inhibiting the public sanitary sewer system shall be liable to the City of Owasso for any expense, loss or damage caused by such violation or discharge. The cost incurred by the City of Owasso for any cleaning, repair or replacement work caused by the violation will be added to the permittee's monthly utility bill for payment.

M. PROCESS OF APPEAL -

(1) Any person affected by any notice which has been served upon the person in connection with the enforcement of any provision of this Section, or of any rule or regulation adopted pursuant thereto, or who is aggrieved thereby, and who believes the same to be contrary to the Ordinances or the regulations of the City, may appeal and shall be granted a hearing on the matter complained of before the City Manager; provided that such person shall file in the office of the City Manager a petition containing a brief statement of the grounds thereof, within ten (10) days after the notice was served or received by the person. Upon receipt of such petition the City Manager or designated representative shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing, the petitioner shall be afforded an opportunity to be heard and show cause why such notice should be modified or withdrawn. The hearing shall be commenced within not more than fifteen (15) days after the day on which the petition is filed; provided that upon application of the petitioner, the date of the hearing may be postponed for a reasonable time beyond such fifteen (15) days period, and in the judgment of the City Manager or a designated representative the petitioner has submitted a good and sufficient reason for such postponement.

(2) At such hearing, the City Manager or a designated representative may sustain, modify or withdraw the notice, depending upon their findings as to whether the provisions of the Ordinance and of the rules and regulations adopted pursuant thereto have been complied with. If the City Manager or a designated representative sustains or modifies such notice, it shall be deemed to be final order; provided that any notice served pursuant to this Section shall become a final order if written petition for hearing is not filed in the office of the City Manager within ten (10) days after such notice is served or received by the person upon which the same is served.

After the hearing in the case of any notices suspending the permit required by this Ordinance and such notice having been sustained by the City Manager or a designated representative, the permit shall be deemed to have been revoked; provided that any such permit which has been suspended by notice shall be deemed to be revoked if a petition for hearing is not filed, in the office of the City Manager, within ten (10) days after such notice is served or received.

N. APPEAL FROM FINAL ORDERS TO THE CITY OF OWASSO CITY COUNCIL, CITY OF OWASSO, OKLAHOMA - The proceedings of any hearing held pursuant to this Section, including the findings and decision of the City Manager or a designated representative, shall be summarized, reduced to writing, and entered as a matter of public record in the office of the City Manager. Such records shall also include a copy of every notice or order issued in connection with the matter. Appeals from any final order of the City Manager or a designated representative may be made to The City of Owasso City Council, within ten (10) days after a copy of the same has been served upon or received by the petitioner. All such appeals shall be effective when a notice thereof specifying the grounds of the appeal shall have been filed in the office of the City Manager. Hearing an appeal shall be done before said City

Council meetings at their second regular meeting, excluding Council worksessions, following filing of the notice of appeal.

SECTION 17-335 – CITY’S RIGHT OF REVISION

The City reserves the right to establish by ordinance or in individual wastewater discharge permits more stringent Standards or Requirements on discharges to the POTW consistent with the purpose of this ordinance.

SECTION TWO (2): REPEALER

All ordinances, or parts of ordinances, in conflict with this ordinance are hereby repealed to the extent of the conflict only.

SECTION THREE (3): SEVERABILITY

If any part or parts of this ordinance are deemed unconstitutional, invalid or ineffective, the remaining portion shall not be affected but shall remain in full force and effect.

SECTION FOUR (4): DECLARING AN EFFECTIVE DATE

The provisions of this ordinance shall become effective thirty (30) days from the date of final passage as provided by state law.

SECTION FIVE (5): CODIFICATION

This ordinance shall be codified in Part 17, Chapter 3, Sections 17-320 through 17-335. Section 17-301 of Part 17, Chapter 3, is hereby repealed.

PASSED by the City Council of the City of Owasso, Oklahoma on the ____ day of March, 2016.

Jeri Moberly, Mayor

ATTEST:

Sherry Bishop, City Clerk

(S E A L)

APPROVED as to form and legality this _____ day of March, 2016.

Julie Lombardi, City Attorney

**CITY OF OWASSO, OKLAHOMA
RESOLUTION DRAFT**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OWASSO ESTABLISHING FEES FOR THE
INDUSTRIAL WASTEWATER PRETREATMENT PROGRAM AND FATS, OILS AND GREASE (FOG)
MANAGEMENT PROGRAM**

WHEREAS, the City Council of the City of Owasso, Oklahoma has approved an ordinance establishing an Industrial Wastewater Pretreatment Program and a Fats, Oils and Grease (FOG) Management Program, Codified as Part 17, Chapter 3, Sections 17-320 through 17-335; and

WHEREAS, the City Council of the City of Owasso, Oklahoma desires to establish the following fee schedule for Industrial Wastewater Discharge Permits, FOG Wastewater Discharge Permits, and FOG Transporter Permits;

Industrial Wastewater Discharge Permit and Renewal Fee	\$500 annual fee
FOG Wastewater Discharge Permit Fee	\$25 monthly fee
FOG Transporter Permit and Renewal Fee	\$150 annual fee

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OWASSO, OKLAHOMA, THAT:

The fee schedule, as set forth above, shall become effective on MONTH DAY, 2016.

PASSED AND APPROVED at Owasso, Oklahoma this _____ day of March, 2016.

CITY COUNCIL, CITY OF OWASSO, OKLAHOMA

Jeri Moberly, Mayor

ATTEST:

Sherry Bishop, City Clerk

APPROVED as to form and legality:

Julie Lombardi, City Attorney

**OWASSO PUBLIC WORK AUTHORITY
OWASSO, OKLAHOMA
RESOLUTION DRAFT**

A RESOLUTION OF THE OWASSO PUBLIC WORK AUTHORITY ENDORSING A FEE SCHEDULE FOR THE INDUSTRIAL WASTEWATER PRETREATMENT PROGRAM AND FATS, OILS AND GREASE (FOG) MANAGEMENT PROGRAM AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Owasso, Oklahoma has approved an ordinance establishing an Industrial Wastewater Pretreatment Program and a Fats, Oils and Grease (FOG) Management Program, Codified as Part 17, Chapter 3, Sections 17-320 through 17-335; and

WHEREAS, the City Council of the City of Owasso, Oklahoma has approved Resolution 2016-XX establishing the following fee schedule for Industrial Wastewater Discharge Permits, FOG Wastewater Discharge Permits, and FOG Transporter Permits;

Industrial Wastewater Discharge Permit and Renewal Fee	\$500 annual fee
FOG Wastewater Discharge Permit Fee	\$25 monthly fee
FOG Transporter Permit and Renewal Fee	\$150 annual fee

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE OWASSO PUBLIC WORKS AUTHORITY, THAT:

The Authority endorses the fees established pursuant to City of Owasso Resolution 2016-XX to become effective MONTH DAY, 2016..

PASSED, ADOPTED AND APPROVED this _____ day of March, 2016.

THE OWASSO PUBLIC WORKS AUTHORITY

Jeri Moberly, Chair

ATTEST:

Sherry Bishop, Authority Secretary

APPROVED as to form and legality:

Julie Lombardi, Authority Attorney



TO: The Honorable Mayor and City Council
City of Owasso

FROM: Julie Trout Lombardi
City Attorney and General Counsel

SUBJECT: Authorization to Initiate Condemnation Proceedings to Acquire Property for the
North Garnett Road Widening Project from 96th Street North to 106th Street North

DATE: March 4, 2016

BACKGROUND:

The City of Owasso is currently in the process of acquiring private property along Garnett Road as public right-of-way (ROW) in accordance with the North Garnett Road Widening Project from 96th Street North to 106th Street North. Parcel No. 5 is located at 9801 North Garnett Road, is approximately 11,080 square feet in size and is owned by Cavins Owasso, 1, LLC. An appraisal of this property was performed on or about November 22, 2015, at the City's request. As a result of that appraisal, an Offer Letter was submitted to the property owner on January 28, 2016, offering to acquire the ROW and compensate the landowner for resultant damages in the amount of \$98,308. A response was received from the landowner on February 8, 2016, rejecting that offer.

Based upon the foregoing, it has become apparent that condemnation is the sole mechanism available to the City to obtain the necessary ROW on the Cavins Owasso, 1, LLC, parcel. The ROW in question will be utilized for a public purpose, therefore a condemnation action is both warranted and appropriate. The City obtained an appraisal of the property and offered the landowners a fair price equaling the property's Fair Market Value plus additional damages. Due to the landowner's refusal to accept this offer, City staff believes that agreement upon a mutually acceptable purchase price cannot be reached through additional negotiation. Therefore, staff submits that a Resolution of Necessity authorizing the filing and prosecution of a condemnation action is appropriate and required to obtain needed ROW from the Cavins Owasso, 1, LLC, property.

Staff will recommend approval of Resolution 2016-02 authorizing the filing and prosecution of a condemnation action to obtain the necessary ROW on the Cavins Owasso, 1, LLC, property described therein.

ATTACHMENTS:

Offer Letter to Property Owner, dated January 28, 2016
Landowner Letter Rejecting Offer and Requesting Condemnation Proceedings, dated February 8, 2016
Response Letter from Roger Stevens, dated February 9, 2016
Resolution 2016-02

Project: STP-XXXX
City of Owasso
Parcel: 5
J/P: 30742 (04)

OFFER LETTER

Dear: Vickie L. Mann
Cavins Owasso I, LLC
PO Box 1153
Denton, TX 76202

A road widening improvement project has been planned for construction in your area. The project will require that the City of Owasso will acquire right-of-way across the property which your own or in which you have an interest. The agent presenting this letter has explained the project and its effects upon you and your property and is making an offer to acquire the right-of-way from you in the name of City of Owasso.

Our offer is as follows:

To acquire right-of-way \$98,308.00

Of the amount \$11,982.00 is compensation for Cost to Cure Damages.

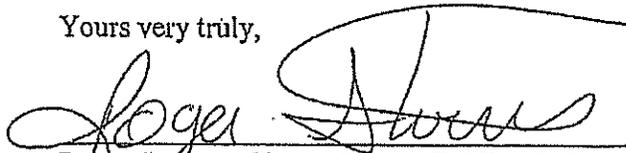
Total Offer w/damages is \$98,308.00

The agent making you the offer is not authorized to change the amount.

The above offer is the amount the City of Owasso has determined to be the Fair Market Value of the part of your property needed inclusive of damages (if any) to your remaining property. This is a firm offer made according to statutory requirements; however, there is no prohibition against you donating the land for the right-of-way, if you wish to do so.

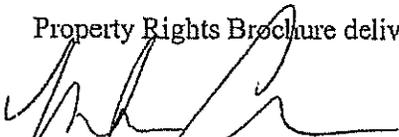
If it is necessary for you to move any of your personal property, you will be given 90 days from the date shown below to clear the right-of-way. Your consideration of our purchase offer to buy your property will be appreciated.

Yours very truly,



Roger Stevens, City of Owasso Public Works Director

Property Rights Brochure delivered and written offer made by:



Mike Craddock, Terra Acquisition Services

Date: 1-28-16 / 11-6-15
(Date Written Offer and Property Rights Brochure delivered)

February 08, 2016

Roger Stevens
Public Works Director
City of Owasso
Owasso, Oklahoma 74055

Re: Offer Letter, Project STP-XXXX, Parcel 5, J/P: 30742 (04)

Mr. Stevens:

This letter will acknowledge receipt by Cavins Owasso I, LLC (hereafter "Owner") of the City of Owasso's (hereafter "City") "firm offer" for the purchase of unspecified tracts of land owned by the undersigned and more particularly described in the materials accompanying your offer letter.

After careful consideration, the undersigned rejects your offer and refuses to donate said tracts to the City of Owasso. Further, Owner requests that you immediately submit to the Owasso City Council for their February 16, 2016 council meeting an appropriate resolution authorizing the initiation of the condemnation process for the tracts should you still have a desire to acquire the tracts.

Please use the contact information below for all necessary communication with Owner.

Sincerely yours,

CAVINS OWASSO, I, LLC

By: _____

Vickie L. Mann, Member/Manager

10001 Hanford Dr.
Denton, TX 76207
940-262-0441
vmann@privacyabroad.com

C: Mike R. Craddock, Terra Acquisition Services

February 9, 2016

Vickie L. Mann
Cavins Owasso, 1, LLC
10001 Hanford Drive
Denton, TX 76207

VIA: vamann@privacyabroad.com

RE: City of Owasso Garnett Road Widening Project
Parcel 5 J/P 30742(04)

Dear Mrs. Mann:

The City of Owasso is in receipt of your letter dated 2-08-16 requesting the initiation of the condemnation process for your tract.

I wanted to clarify some items based on your letter. You were provided the specific land areas needed that include the specific legal descriptions for the needed right of way and easements.

You were provided the appraisal and the review appraisal and copies of the legal documents. You were also provided an Offer letter which stated the City of Owasso would pay to Cavins Owasso, 1, LLC a total of \$98,308.00.

However, per your letter rejecting the City of Owasso's offer, we will commence our process and will notify the legal counsel once we are informed of who will be representing Cavins Owasso, 1, LLC.

If you have any questions please feel free to contact me.

Sincerely,



Roger Stevens
PWD
City of Owasso

Cc: Mike Craddock

**CITY OF OWASSO, OKLAHOMA
PROPOSED RESOLUTION 2016-02**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OWASSO, OKLAHOMA, RESOLVING THE NECESSITY OF INSTITUTING AND PROSECUTING CONDEMNATION PROCEDURES TO OBTAIN PERMANENT RIGHT-OF-WAY AND TEMPORARY AND PERMANENT EASEMENTS FOR THE NORTH GARNETT ROAD WIDENING PROJECT FROM 96TH STREET NORTH TO 106TH STREET NORTH.

WHEREAS: The City of Owasso, by and through officers and agents thereof, has endeavored to obtain permanent right-of-way for the legal description of property, attached hereto and marked Exhibit "A," deemed necessary for the Garnett Road Widening Project from 96th Street North to 106th Street from the landowner, Cavins Owasso, L, LLC;

WHEREAS: In connection with such efforts to obtain the needed permanent right-of-way consensually, the City of Owasso, by and through officers and agents thereof, has made a bona fide good faith offer to purchase same; and,

WHEREAS: The above-referred landowner has not accepted such offer and by reason thereof, condemnation proceedings, as provided for under the Constitution and Statutes of the State of Oklahoma, are necessary.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OWASSO, OKLAHOMA, THAT: Officers and agents of the City of Owasso, Oklahoma, are hereby authorized to initiate, and prosecute to the conclusion thereof, condemnation proceedings against the above-named landowner to obtain the necessary permanent right-of-way, temporary easements and permanent easement as set forth in Exhibit "A" hereto, as well as any additional relief to which the City of Owasso, Oklahoma, may, by law, be entitled to.

APPROVED AND ADOPTED this ____ day of March, 2016, by the City Council of the City of Owasso, Oklahoma.

Jeri Moberly, Mayor

Attest:

Sherry Bishop, City Clerk

Approved As To Form:

Julie Trout Lombardi,
City Attorney

Project	North Garnett Road Widening
Parcel	5., 5.1
Owner	Cavins Owasso I, LLC
County	Tulsa
Sec. 17	T-21-N, R-14-E, I.B.&M.

LEGAL DESCRIPTION

5. PERMANENT RIGHT-OF-WAY

A tract of land located in the Southwest Quarter (SW/4) of Section Seventeen (17) of Township Twenty-one (21) North and Range Fourteen (14) East of the Indian Base and Meridian (I.B.&M.), according to the U.S. Government Survey, thereof, Tulsa County, State of Oklahoma; being more particularly described as follows:

Commencing at the SW corner of the SW/4 of Sec. 17, T-21-N, R-14-E, I.B.&M.; Thence N 01°10'25" W along the west line of said SW/4 a distance of 991.81 feet to the Point of Beginning; Thence N 01°10'25" W a distance of 330.71 feet; Thence N 88°44'53" E a distance of 50.00 feet; Thence S 01°10'25" E a distance of 330.72 feet; Thence S 88°45'22" W a distance of 50.00 feet to the Point of Beginning.

Basis of bearing is the Oklahoma State Plane Coordinate System.

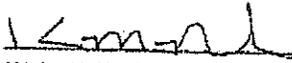
5.1 TEMPORARY RIGHT-OF-WAY

A tract of land located in the Southwest Quarter (SW/4) of Section Seventeen (17) of Township Twenty-one (21) North and Range Fourteen (14) East of the Indian Base and Meridian (I.B.&M.), according to the U.S. Government Survey, thereof, Tulsa County, State of Oklahoma; being more particularly described as follows:

Commencing at the SW corner of the SW/4 of Sec. 17, T-21-N, R-14-E, I.B.&M.; Thence N 01°10'25" W along the west line of said SW/4 a distance of 991.81 feet; Thence N 88°45'22" E a distance of 50.00 feet to the Point of Beginning; Thence N 01°10'25" W a distance of 10.00 feet; Thence N 88°45'22" E a distance of 45.00 feet; Thence S 01°10'25" E a distance of 10.00 feet; Thence S 88°45'22" W a distance of 45.00 feet to the Point of Beginning.

I, Kevin M Newlun, P.L.S., Benchmark Surveying and Land Services, Inc., certify that the attached legal description closes in accord with existing records, is a true representation of the real property as described, and meets the minimum technical standards for land surveying of the State of Oklahoma.

8-27-15
Signature Date


Kevin M Newlun, PLS OK 1289
C.A. No. 2235
Expires: 06-30-16

Sheet 2 of 4

Exhibit "A"

Project	North Garnett Road Widening
Parcel	5.2, 5.3
Owner	Cavins Owasso I, LLC
County	Tulsa
Sec. 17	T-21-N, R-14-E, I.B.&M.

LEGAL DESCRIPTION

5.2 TEMPORARY RIGHT-OF-WAY

A tract of land located in the Southwest Quarter (SW/4) of Section Seventeen (17) of Township Twenty-one (21) North and Range Fourteen (14) East of the Indian Base and Meridian (I.B.&M.), according to the U.S. Government Survey, thereof, Tulsa County, State of Oklahoma; being more particularly described as follows:

Commencing at the SW corner of the SW/4 of Sec. 17, T-21-N, R-14-E, I.B.&M.; Thence N 01°10'25" W along the west line of said SW/4 a distance of 1141.51 feet; Thence N 88°49'35" E a distance of 50.00 feet to the Point of Beginning; Thence N 01°10'25" W a distance of 80.00 feet; Thence N 88°49'35" E a distance of 65.00 feet; Thence S 01°10'25" E a distance of 60.00 feet; Thence S 88°49'35" W a distance of 65.00 feet to the Point of Beginning.

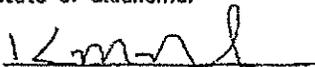
5.3 TEMPORARY RIGHT-OF-WAY

A tract of land located in the Southwest Quarter (SW/4) of Section Seventeen (17) of Township Twenty-one (21) North and Range Fourteen (14) East of the Indian Base and Meridian (I.B.&M.), according to the U.S. Government Survey, thereof, Tulsa County, State of Oklahoma; being more particularly described as follows:

Commencing at the SW corner of the SW/4 of Sec. 17, T-21-N, R-14-E, I.B.&M.; Thence N 01°10'25" W along the west line of said SW/4 a distance of 1322.52 feet; Thence N 88°44'53" E a distance of 50.00 feet to the Point of Beginning; Thence N 88°44'53" E a distance of 47.00 feet; Thence S 01°10'25" E a distance of 30.00 feet; Thence S 88°44'53" W a distance of 47.00 feet; Thence N 01°10'25" W a distance of 30.00 feet to the Point of Beginning.

I, Kevin M Newlun, P.L.S., Benchmark Surveying and Land Services, Inc., certify that the attached legal description closes in accord with existing records, is a true representation of the real property as described, and meets the minimum technical standards for land surveying of the State of Oklahoma.

8-27-15
Signature Date


Kevin M Newlun, PLS OK 1289
C.A. No. 2235
Expires: 06-30-16

Sheet 3 of 4

Project No. 30742(04) / Fed ID No. STPY--XXXX
North Garnett Road E. 96th St to E 106th St.; Tulsa County, OK
Parcel No. 5 / Cavins Owasso 1 LLC
Addenda

Project	North Garnett Road Widening
Parcel	5.A
Owner	Cavins Owasso I, LLC
County	Tulsa
Sec. 17	T-21-N, R-14-E, I.B.&M.

LEGAL DESCRIPTION
S.A PERPETUAL EASEMENT

A tract of land located in the Southwest Quarter (SW/4) of Section Seventeen (17) of Township Twenty-one (21) North and Range Fourteen (14) East of the Indian Base and Meridian (I.B.&M.), according to the U.S. Government Survey, thereof, Tulsa County, State of Oklahoma; being more particularly described as follows:

Commencing at the SW corner of the SW/4 of Sec. 17, T-21-N, R-14-E, I.B.&M.; Thence N 01°10'25" W along the west line of said SW/4 a distance of 991.81 feet; Thence N 88°45'22" E a distance of 50.00 feet to the Point of Beginning; Thence N 01°10'25" W a distance of 330.72 feet; Thence N 88°44'53" E a distance of 10.00 feet; Thence S 01°10'25" E a distance of 330.72 feet; Thence S 88°45'22" W a distance of 10.00 feet to the Point of Beginning.

8-27-15
Signature Date

Kevin M. Newlin
Kevin M Newlin, PLS OK 1289
C.A. No. 2235
Expires: 06-30-16

Sheet 4 of 4





TO: The Honorable Mayor and City Council
City of Owasso

FROM: Christopher A. Garrett
Fire Chief

SUBJECT: Design and Engineering Contract for Fire Station No. 4

DATE: March 4, 2016

BACKGROUND:

On December 17, 2015, eight (8) Request for Qualifications (RFQ) submittals for the Fire Station No. 4 Project were opened. Over the course of several weeks, a review team of six individuals conducted a thorough review of the eight submitted RFQ's. Submittals were scored by each team member. The scores for each firm were tallied, resulting in a final ranking of all eight firms. The two highest ranked firms were invited to participate in the interview phase.

Interviews were conducted on February 4, 2016. After the completion of the interviews, each team member submitted their personal recommendation of which architectural and design firm was best suited for this project, and would deliver the best value product for the City of Owasso.

ARCHITECTURAL AND DESIGN FIRM:

The architectural and design firm, Williams Spurgeon Kuhl and Freshnock (WSKF) of Kansas City, Missouri was chosen by all six team members. They (WSKF) have done extensive work in the design of fire stations, administrative offices, and fire training centers. The review team believed that WSKF's project approach and design processes (including checks and balances), as well as their team of expert consultants would assure the city a finished product that meets all of its current and future needs. In particular, WSKF is working with Abercrombie Design Consulting of Fort Worth, Texas to bring additional fire station and training center design expertise to this project.

CONTRACT SCOPE:

Staff met with WSKF on February 15, 2016 to discuss the scope of services and contract structure. During this meeting, several topics were discussed, including: philosophy of the city and the fire department as it relates to community presence and partnership; needs and priorities of the three project components—fire station, training center, and administrative facility; project timeline; contract challenges related to an undetermined final project scope; and contract structure to ensure the interests of both parties are protected.

Both parties agreed that a complete project design was necessary, regardless of whether or not the construction of the three project components was sequenced or concurrent. Additionally, the uncertainty of the final project scope would prevent either party from setting a predetermined cost for services; therefore, in fairness to both parties, this aspect of the contract

has to be adaptable to City Council's final decision.

Since the initial meeting, preliminary programming has started and negotiations are ongoing. The contract has been structured to contain two parts: (1) master plan design for the complete project, and (2) design and engineering services for construction of the component(s) as approved by City Council.

FUTURE ACTION:

While negotiations with WSKF are not yet complete, staff is confident that both parties will agree to terms by March 11, 2016. Staff expects to present the Council with a recommended contract for approval between the City of Owasso and WSKF at the March 15, 2016 City Council Meeting.