

DATE:

January 6, 2024

TO:

Beth Muckala, Assistant City Attorney Chris Mattingly, Director of Utilities Ken Danner, Subdivision Manager

Rone Tromble, Administrative Technician IV

Jane Hudson, Director of Planning and Community Development

Nathan Madenwald, Utilities Engineer

FROM:

Brenda Hall, City Clerk

SUBJECT:

Request to Close Daws Street at the North Porter Avenue Intersection

I am in receipt of a request to close Daws Street where it intersects with North Porter Avenue as part of the 2019 Transportation Bond Improvements Projects.

After the information has been received from the Planning Department, Public Works Department, and Utilities Department and a determination has been made on whether to recommend approval or denial, please forward your recommendation to my office in order that it may be scheduled as an agenda item.

This item will be scheduled as an agenda item on March 26, 2024, and the information must be received in my office by March 18, 2024. If there is a problem in meeting that timeframe, please advise.

BH:smr attachments



CITY OF NORMAN, OK Memorandum

FILED IN THE OFFICE OF THE CITY CLERK ON 2-6-24

DATE:

2/6/2024

REQUESTERS:

Paul D'Andrea, Capital Projects Manager for the City of Norman

Gunner Joyce, Attorney for **Jerry's LLC** and The Kaye M. Linze Revocable Trust Dated the 13th day of April, 2016 ("**Linze Trust**")

PRESENTER:

Elisabeth Muckala, Assistant City Attorney

ITEM TITLE:

Petition and Joint Request to Close Daws Street where it intersects with

North Porter Avenue

BACKGROUND:

The identified Requesters, the City of Norman, Jerry's LLC and the Linze Trust are all beneficial owners of the lands surrounding certain current public right-of-way previously utilized as Daws Street, where it intersects with North Porter Avenue, which right-of-way the requesters jointly propose be closed by the City of Norman, with reservation of certain utility easements.

On April 2, 2019, the citizens of Norman voted in favor of a Bond Issue to finance the local share of nineteen transportation improvement projects. One of the nineteen 2019 bond projects is the Porter Avenue and Acres Street Intersection Bond Project.

Proposed improvements for the Porter Avenue and Acres Street Intersection 2019 Bond Project include:

- 1. Revised geometry of the intersection to enhance traffic operations and pedestrian safety
- New traffic signals with ADA compliant ramps and crossings.
- 3. New storm water structures meeting current City of Norman codes and ordinances
- Dedicated left turn lanes to enhance traffic operations
- 5. Reconfigured access from Daws Street to accommodate intersection improvements at Porter and Acres
- 6. Utility relocations as needed to accommodate intersection improvements including new waterlines.

- 7. New ADA compliant pedestrian sidewalks adjacent to the roadway
- 8. Streetscape elements such as decorative lighting, sidewalk concrete and landscaping.

As part of the reconfiguration of Daws Street, the City eliminated the intersection between Daws Street and Porter Avenue and Daws Street became a cul-de-sac just west of Porter Avenue. Therefore, a portion of the remaining street right of way between the cul-de-sac and Porter Avenue no longer contains a city street. However, there are still City water, storm drainage and other structures in the area that the City of Norman, must maintain in the future.

DISCUSSION:

The Requesters believe the proposed closure of right-of-way is in the best interests of all parties, and ask the City of Norman to release and close, the following described portion of the Daws Street right-of-way ("Requested Closure"):

A part of ORIGINAL TOWNSITE OF NORMAN, RECORD BOOK 1 OF PLATS, PAGE 27, more particularly described as follows:

COMMENCING (POC) at the Southeast Corner of Lot 16, BLOCK 19of said ORIGINAL TOWNSITE OF NORMAN;

THENCE S62°22'14"W a distance of 16.00 feet along the South Line of Lot 16 and said point being the POINT OF BEGINNING (POB);

THENCE S27°37'46"E a distance of 80.00 feet to the North line of Lot 17, BLOCK 20:

THENCE S62°22'14"W a distance of 126.02 feet along the North Lines of Lots 17, 18, 19, 20, 21, and 22;

THENCE N27°37'46"W a distance of 10.85 feet to a point of curve;

THENCE on a tangent curve to the right having a radius of 3.00 feet, a chord bearing N07°26'33"W a distance of 2.07 feet, a central angle bearing 40°22'27", and an arc length of 2.11 feet to a point of curve;

THENCE on a tangent curve to the left having a radius of 42.00', a chord bearing N43°33'48"W a distance of 69.89 feet, a central angle bearing 112°37'17", and an arc length of 82.56 feet to a point on the South Lien of Lot 10, BLOCK 19;

THENCE N62°22'14"E a distance of 144.50 feet along the South Lines of Lots 10, 11, 12, 13, 14, 15, and 16 to the POB;

Said parcel containing 9759 square feet of 0.22 acres more or less.

Upon closure, the Requested Closure area would distribute to each of the beneficial owners as demonstrated in the attached materials.

City of Norman Staff has reviewed the Requested Closure and identified affected utilities. The only utility infrastructure found within the Requested Closure is a City of Norman waterline. To

effectuate the Requested Closure, utility easements from each of the Requesters will need to be retained for the benefit of City of Norman, as demonstrated in the attached materials.

An ownership list certified by the Director of Public Works, reflecting all owners of record, according to County records, of property within 400 feet¹ in any direction of the above-described Requested Closure area is submitted herewith. A map which is attached to said ownership list shows the location of ownership lines for each owner of record whose name appears on the ownership list. The City of Norman will bear responsibility for effectuation and applicable costs and fees associated with this closure action, and all notices required thereby.

REQUESTED ACTION:

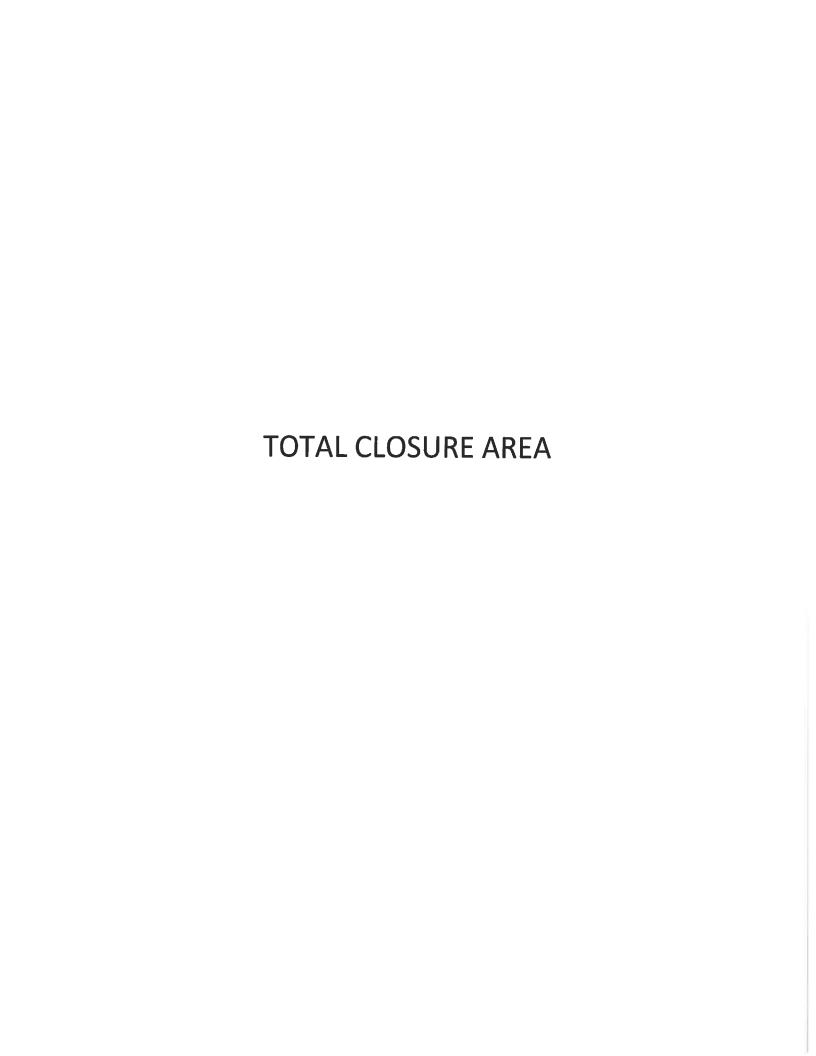
Pursuant to Resolution 8182-66, as amended, of the City of Norman, the undersigned Requestor/Applicants request the closure of the above-described Requested Closure area, by enactment of an ordinance by the City Council of the City of Norman.

Gunner Joyce, Attorney for Jerry's, and the Linze Trust

Paul D'Andrea, Capital Projects Manager for the City of Norman

[ATTACHMENTS]

¹ 300 ft. is the minimum notice radius, but the applicants have opted to notify to 400 ft.



Right of Way Vacation

A part of ORIGINAL TOWNSITE OF NORMAN, RECORD BOOK 1 OF PLATS, PAGE 27, more particularly described as follows:

COMMENCING (POC) at the Southeast Corner of Lot 16, BLOCK 19 of said ORIGINAL TOWNSITE OF NORMAN;

THENCE S62°22'14"W a distance of 16.00 feet along the South Line of Lot 16 and said point being the POINT OF BEGINNING (POB);

THENCE S27°37'46"E a distance of 80.00 feet to the North line of Lot 17, BLOCK 20;

THENCE S62°22'14"W a distance of 126.02 feet along the North Lines of Lots 17, 18, 19, 20, 21, and 22;

THENCE N27°37'46"W a distance of 10.85 feet to a point of curve;

THENCE on a tangent curve to the right having a radius of 3.00 feet, a chord bearing N07°26'33"W a distance of 2.07 feet, a central angle bearing 40°22'27", and an arc length of 2.11 feet to a point of curve;

THENCE on a tangent curve to the left having a radius of 42.00', a chord bearing N43°33'58"W a distance of 69.89 feet, a central angle bearing 112°37'17", and an arc length of 82.56 feet to a point on the South Line of Lot 10, BLOCK 19;

THENCE N62°22'14"E a distance of 144.50 feet along the South Lines of Lots 10, 11, 12, 13, 14, 15, and 16 to the POB;

Said parcel containing 9759 square feet or 0.22 acres more or less.

Bearings and Distances are GRID - Oklahoma State Plane - South Zone

SURVEYOR'S CERTIFICATE

I, Paul E. Davis of Garver, LLC, certify that the legal description herin closes in accordance with current tolerances and is a true representation of the real property described, and that the legal description of real property meets the minimum technical strandards as adopted by the Board of Registration for Professional Engineers and Land Surveyors for the State of Oklahoma.

Witness my hand and seal this 13th day of September, 2023.

Paul E. Davis, PLS Oklahoma No. 1565 Cert. of Auth. 4193 Exp. Date June 30, 2024

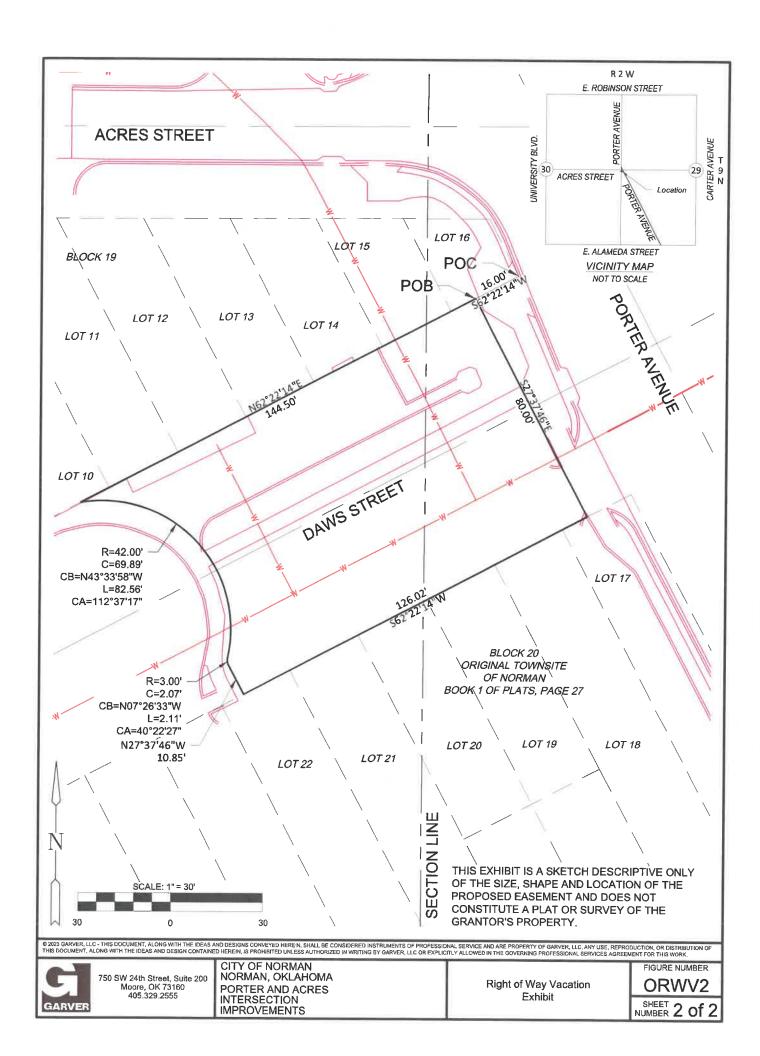


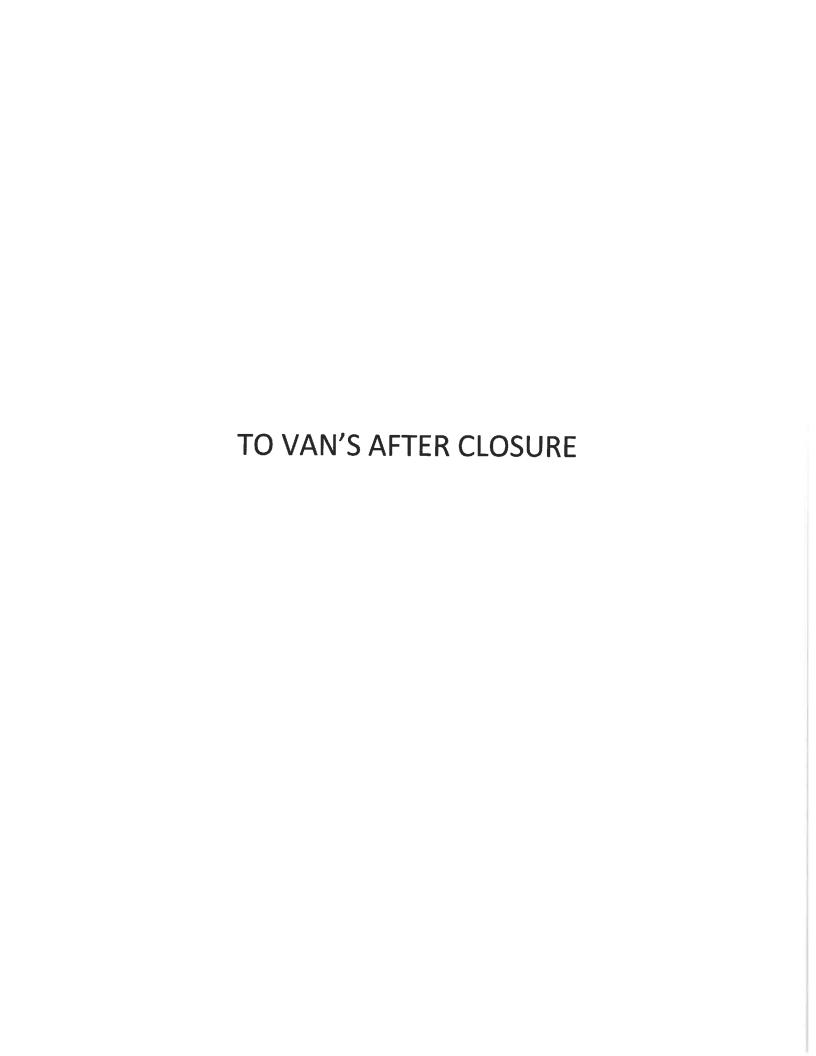
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750 SW 24th Street, Suite 200 Moore, OK 73160 405 329 2555 CITY OF NORMAN NORMAN, OKLAHOMA PORTER AND ACRES INTERSECTION IMPROVEMENTS

Right of Way Vacation Legal Description ORWV1





Right of Way Vacation

A part of ORIGINAL TOWNSITE OF NORMAN, RECORD BOOK 1 OF PLATS, PAGE 27, more particularly described as follows:

COMMENCING (POC) at the Northeast Corner of Lot 17, BLOCK 20 of said ORIGINAL TOWNSITE OF NORMAN;

THENCE S62°22'14"W a distance of 16.00 feet along the North Line of Lot 17 and said point being the POINT OF BEGINNING (POB);

THENCE S62°22'14"W a distance of 126.02 feet along the North Lines of Lots 17, 18, 19, 20, 21, and 22;

THENCE N27°37'46"W a distance of 10.85 feet to a point of curve;

THENCE on a tangent curve to the right having a radius of 3.00 feet, a chord bearing N07°26'33"W a distance of 2.07 feet, a central angle bearing 40°22'27", and an arc length of 2.11 feet to a point of curve;

THENCE on a tangent curve to the left having a radius of 42.00', a chord bearing N07°26'33"W a distance of 28.99 feet, a central angle bearing 40°22'27", and an arc length of 29.60 feet to a point on the platted centerline of Daws Street;

THENCE N62°22'14"E a distance of 115.31 feet along the platted centerline;

THENCE S27°37'46"E a distance of 40.00 feet to the POB;

Said parcel containing 4835 square feet or 0.11 acres more or less.

Bearings and Distances are GRID - Oklahoma State Plane - South Zone

SURVEYOR'S CERTIFICATE

I, Paul E. Davis of Garver, LLC, certify that the legal description herin closes in accordance with current tolerances and is a true representation of the real property described, and that the legal description of real property meets the minimum technical strandards as adopted by the Board of Registration for Professional Engineers and Land Surveyors for the State of Oklahoma.

Witness my hand and seal this 22nd day of June, 2023.

Paul E. Davis, PLS Oklahoma No. 1565 Cert. of Auth. 4193 Exp. Date June 30, 2024



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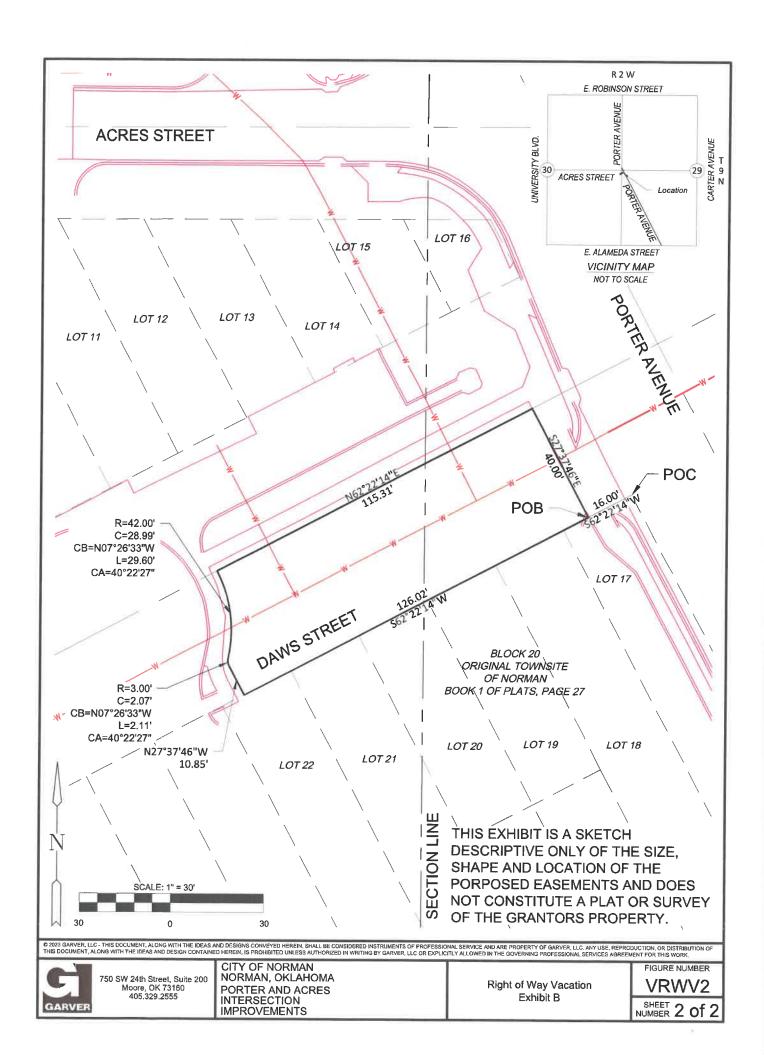


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Right of Way Vacation Exhibit A FIGURE NUMBER

VRWV1

SHEET 1 of 2



PUBLIC WATERLINE EASEMENT RETAINED ON VAN'S AFTER CLOSURE

Waterline Easement

A part of ORIGINAL TOWNSITE OF NORMAN, RECORD BOOK 1 OF PLATS, PAGE 27, more particularly described as follows:

COMMENCING at the Northeast Corner of Lot 17, Block 20 of said ORIGINAL TOWNSITE OF NORMAN;

THENCE S62°22'14"W a distance of 16.00 feet along the North Line of Lot 17 to a point on the North Line of Lot 17;

THENCE N27°37'46"W a distance of 18.00 feet to the POINT OF BEGINNING (POB);

THENCE S62°22'14"W a distance of 121.53 feet to a point of curve;

THENCE on a curve to the left having a radius of 42.00 feet bearing N86°02'29"W, a chord bearing N07°02'18"W a length of 16.02 feet, a central angle of 21°59'39", and an arc length of 16.12 feet;

THENCE N62°22'14"E a distance of 14.36 feet;

THENCE N27°37'46"W a distance of 7.00 feet to the platted centerline of Daws Street;

THENCE N62°22'14"E along said platted centerline a distance of 10.00 feet;

THENCE S27°37'46"E a distance of 7.00 feet:

THENCE N62°22'14"E a distance of 57.54 feet;

THENCE N27°37'46"W a distance of 7.00 feet to a point on said platted centerline;

THENCE N62°22'14"E along said platted centerline a distance of 15.00 feet;

THENCE S27°37'46"E a distance of 7.00 feet;

THENCE N62°22'14"E a distance of 19.00 feet;

THENCE S27°37'46"E a distance of 15.00 to the POB;

Said parcel containing 1949 square feet or 0.05 acres more or less.

Bearings and Distances are GRID - Oklahoma State Plane - South Zone

SURVEYOR'S CERTIFICATE

I, Paul E. Davis of Garver, LLC, certify that the legal description herin closes in accordance with current tolerances and is a true representation of the real property described, and that the legal description of real property meets the minimum technical strandards as adopted by the Board of Registration for Professional Engineers and Land Surveyors for the State of Oklahoma.

Witness my hand and seal this 22nd day of June, 2023.

Paul E. Davis, PLS Oklahoma No. 1565 Cert. of Auth. 4193 Exp. Date June 30, 2024



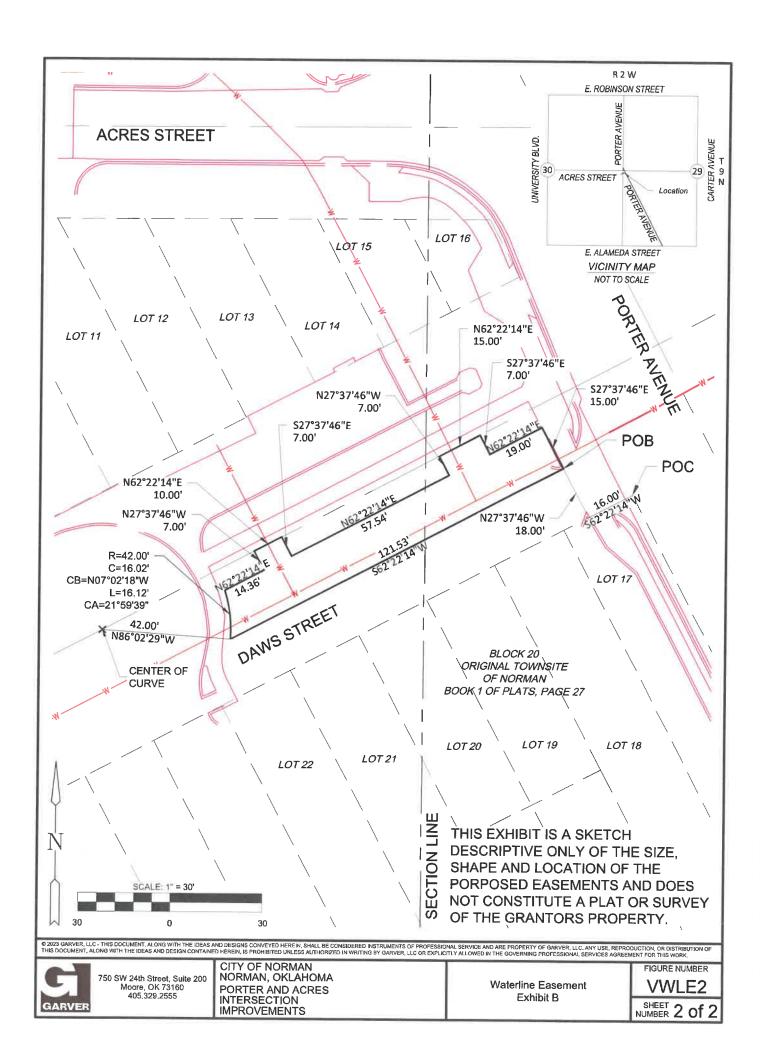
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Waterline Easement Exhibit A







RIGHT OF WAY VACATION

A part of ORIGINAL TOWNSITE OF NORMAN, RECORD BOOK 1 OF PLATS, PAGE 27, more particularly described as follows:

BEGINNING (POB) at the Southeast Corner of Lot 14;

THENCE S27°37'46"E a distance of 40.00 feet to the platted centerline of Daws Street;

THENCE S62°22'14"W a distance of 81.31 feet along the platted centerline to a point of curve;

THENCE on a curve to the left having a radius of 42.00 feet bearing S62°22'14"W, a chord bearing N63°45'12"W a distance of 49.52 feet, a central angle bearing 72°14'50", and an arc length of 52.96 feet to a point on the South Line of Lot 10;

THENCE N62°22'14"E a distance of 110.50 feet along the South Lines of Lots 10, 11, 12, 13, and 14 to the POINT OF BEGINNING;

Said parcel containing 3564 square feet or 0.08 acres more or less.

Bearings and Distances are GRID - Oklahoma State Plane - South Zone

SURVEYOR'S CERTIFICATE

I, Paul E. Davis of Garver, LLC, certify that the legal description herin closes in accordance with current tolerances and is a true representation of the real property described, and that the legal description of real property meets the minimum technical strandards as adopted by the Board of Registration for Professional Engineers and Land Surveyors for the State of Oklahoma.

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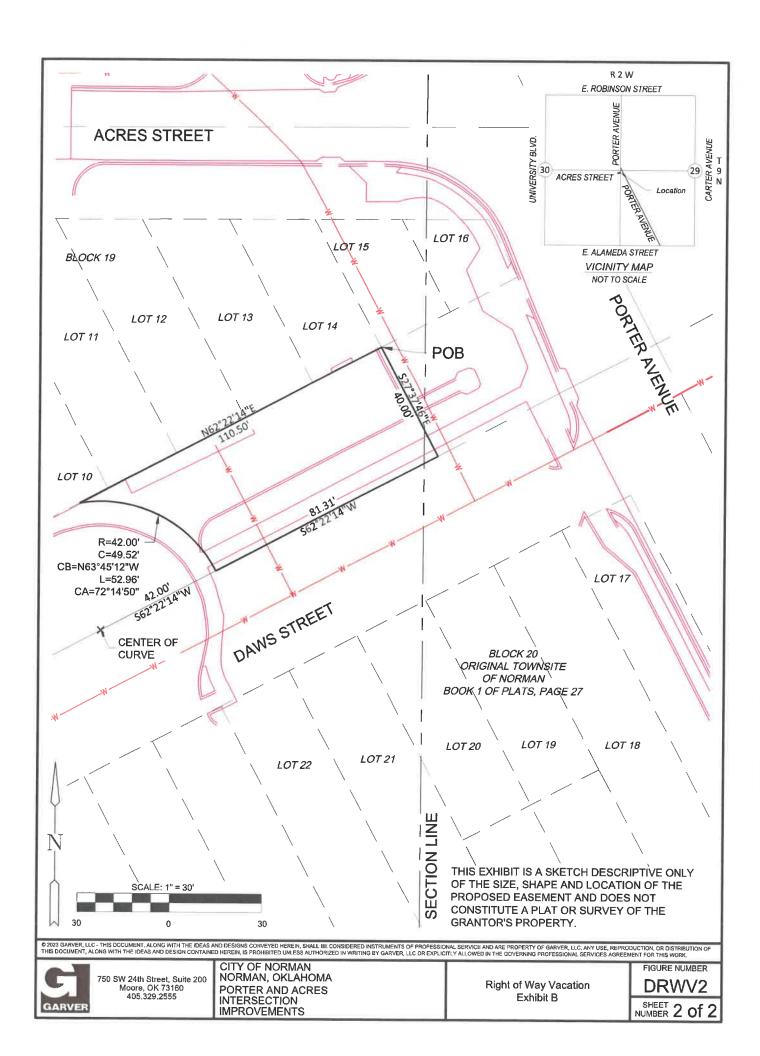


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Right of Way Vacation Exhibit A FIGURE NUMBER

DRWV1

SHEET 1 of 2



PUBLIC SIDEWALK AND DRAINAGE EASEMENT RETAINED ON DON'S AFTER CLOSURE

Drainage and Sidewalk Easement

A part of ORIGINAL TOWNSITE OF NORMAN, RECORD BOOK 1 OF PLATS, PAGE 27, more particularly described as follows:

COMMENCING (POC) at the Southeast Corner of Lot 14, Block 19 of ORIGINAL TOWNSITE OF NORMAN, BOOK 1 OF PLATS, Page 27;

THENCE S27°37'46"E a distance of 23.00 feet to a point and said point being the POINT OF BEGINNING (POB);

THENCE S27°37'46"E a distance of 17.00 feet to a point on the platted centerline of Daws Street

THENCE S62°22'14"W a distance of 81.31 feet along the platted centerline to a curve;

THENCE on a curve to the left having a radius of 42.00 feet bearing S62°22'14"W, a chord bearing N39°34'04"W a distance of 17.38 feet, a central angle of 23°52'34", and an arc length of 17.50 feet;

THENCE N62°22'14"E a distance of 84.90 feet to the POB;

Said parcel containing 1402 square feet or 0.03 acres more or less.

Bearings and Distances are GRID - Oklahoma State Plane - South Zone

SURVEYOR'S CERTIFICATE

I, Paul E. Davis of Garver, LLC, certify that the legal description herin closes in accordance with current tolerances and is a true representation of the real property described, and that the legal description of real property meets the minimum technical strandards as adopted by the Board of Registration for Professional Engineers and Land Surveyors for the State of Oklahoma.

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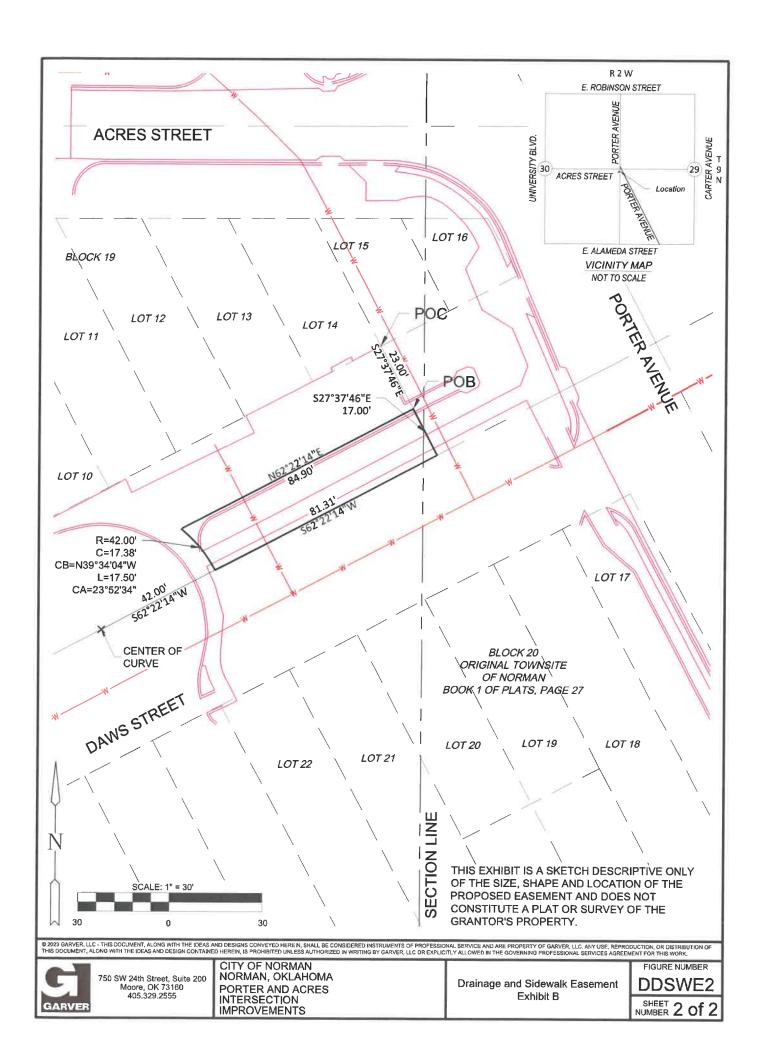


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Drainage and Sidewalk Easement Exhibit A FIGURE NUMBER

DDSWE1

SHEET 1 of 2



PUBLIC WATERLINE EASEMENT RETAINED ON DON'S CLOSURE

Waterline Easement

A part of ORIGINAL TOWNSITE OF NORMAN, RECORD BOOK 1 OF PLATS, PAGE 27, more particularly described as follows:

COMMENCING (POC) at the Southeast Corner of LOT 12, BLOCK 19 of said ORIGINAL TOWNSITE OF NORMAN:

THENCE S62°22'14"W a distance of 8.09 feet along the South Line of Lot 12 to the POINT OF BEGINNING (POB);

THENCE S27°37'46"E a distance of 40.00 feet to the platted centerline of Daws Street;

THENCE S62°22'14"W a distance of 10.00 along the platted centerline;

THENCE N27°37'46"W a distance of 40.00 feet to a point on the South Line of Lot 12;

THENCE N62°22'14"E a distance of 10.00 feet along the South Line of Lot 12 to the POB;

Said parcel containing 400 square feet or 0.01 acres more or less.

Bearings and Distances are GRID - Oklahoma State Plane - South Zone

SURVEYOR'S CERTIFICATE

I, Paul E. Davis of Garver, LLC, certify that the legal description herin closes in accordance with current tolerances and is a true representation of the real property described, and that the legal description of real property meets the minimum technical strandards as adopted by the Board of Registration for Professional Engineers and Land Surveyors for the State of Oklahoma.

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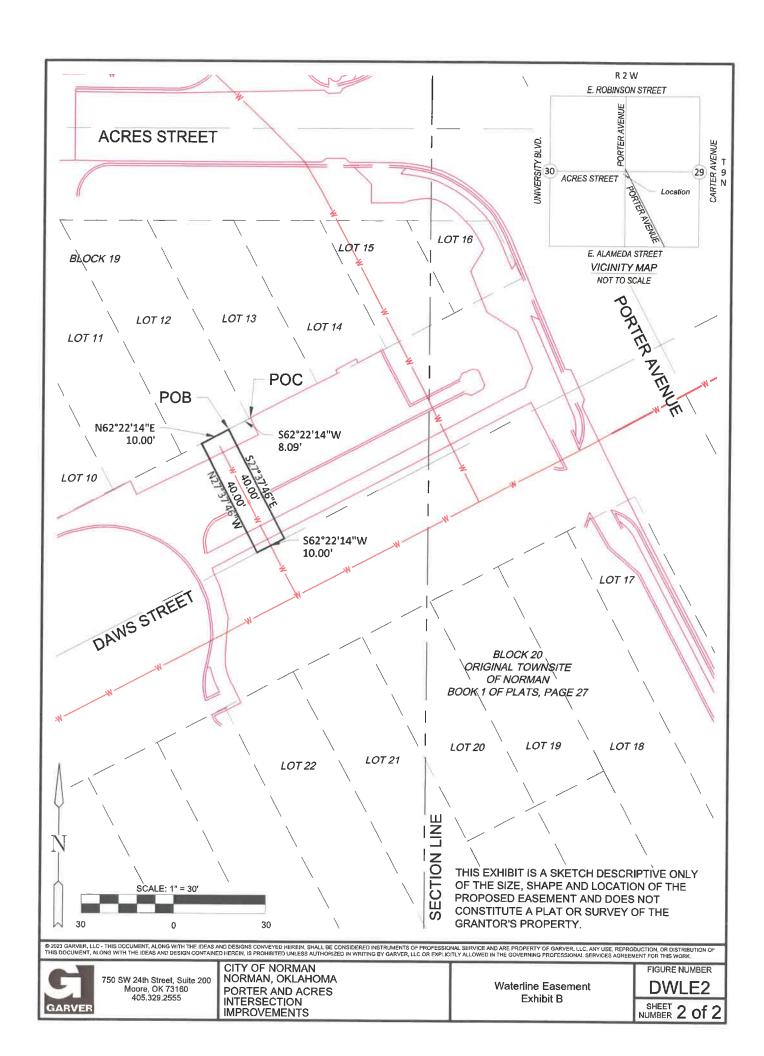


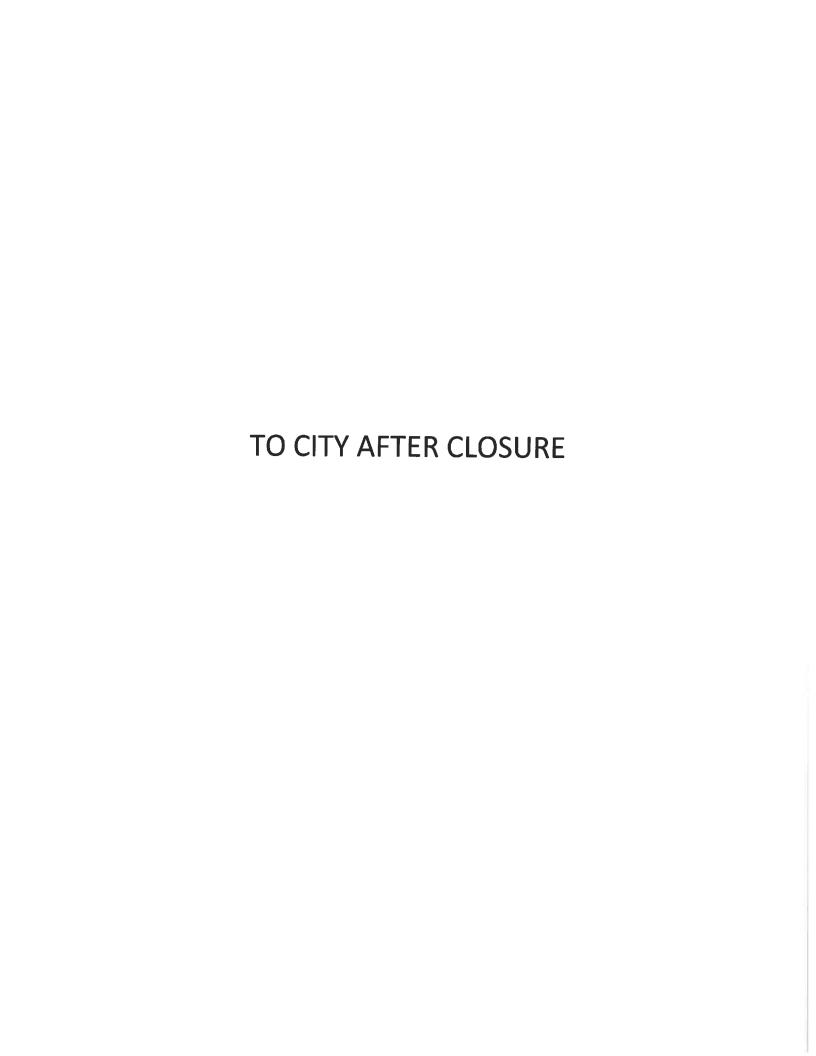
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Waterline Easement Exhibit A FIGURE NUMBER

DWLE1

SHEET 1 of 2





Right of Way Vacation

A part of ORIGINAL TOWNSITE OF NORMAN, RECORD BOOK 1 OF PLATS, PAGE 27, more particularly described as follows:

BEGINNING (POB) at the Southwest Corner of Lot 15, Block 19 of said ORIGINAL TOWNSITE OF NORMAN;

THENCE N62°22'14"E a distance of 34.00 feet along the South Lines of Lots 15 and 16;

THENCE S27°37'46"E a distance of 40.00 feet to a point on the platted centerline of Daws Street;

THENCE S62°22'14"W a distance of 34.00 feet along the platted centerline;

THENCE N27°37'46"W a distance of 40.00 feet to the POB;

Said parcel containing 1360 square feet or 0.03 acres more or less.

Bearings and Distances are GRID - Oklahoma State Plane - South Zone

SURVEYOR'S CERTIFICATE

I, Paul E. Davis of Garver, LLC, certify that the legal description herin closes in accordance with current tolerances and is a true representation of the real property described, and that the legal description of real property meets the minimum technical strandards as adopted by the Board of Registration for Professional Engineers and Land Surveyors for the State of Oklahoma.

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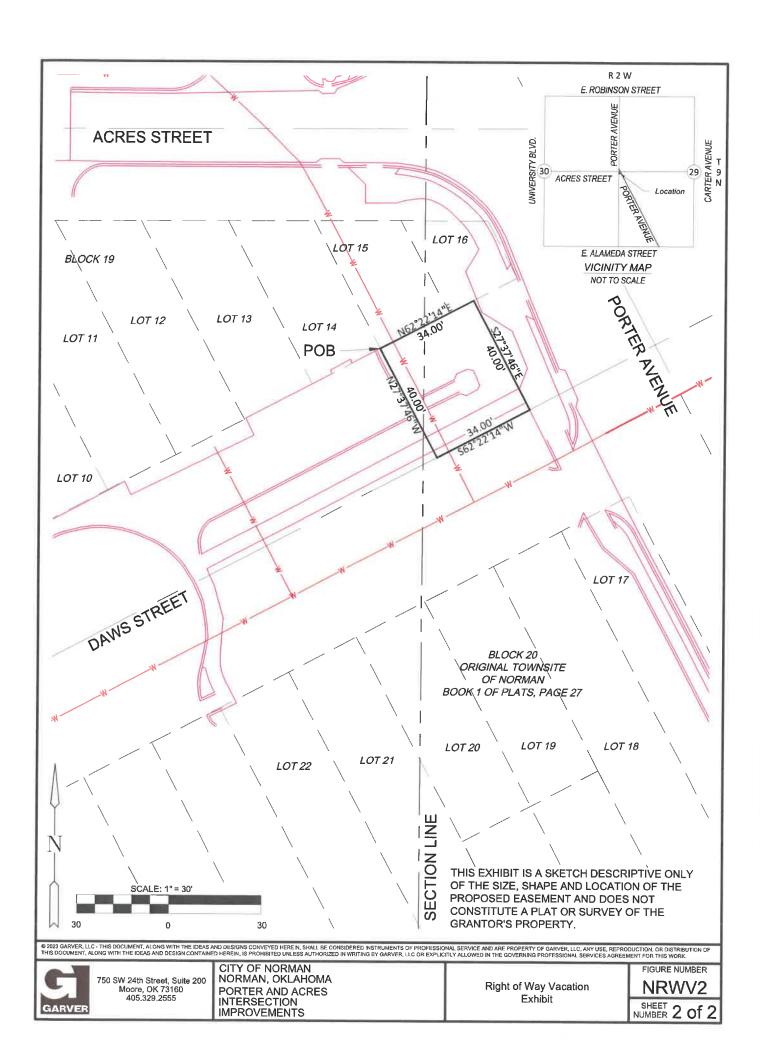


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Right of Way Vacation Legal Description NRWV1



PUBLIC WATERLINE EASEMENT RETAINED ON CITY'S AFTER CLOSURE

WATERLINE EASEMENT

A part of the of ORIGINAL TOWNSITE OF NORMAN, RECORD BOOK 1 OF PLATS, PAGE 27, more particularly described as follows:

BEGINNING at the Northwest Corner of Lot 15, Block 19 of said ORIGINAL TOWNSITE OF NORMAN;

THENCE S27°37'46"E a distance of 86.86 feet to a point on the platted centerline of Daws Street;

THENCE N62°22'14"E a distance of 15.00 feet along the platted centerline of Daws Street;

THENCE N27°37'46"W a distance of 79.08 feet to a point on the North Line of Lot 15;

THENCE S89°47'34"W a distance of 16.90 feet along the North Line to the POINT OF BEGINNING;

Said parcel containing 1245 square feet or 0.03 acres more or less.

Bearings and Distances are GRID - Oklahoma State Plane - South Zone

SURVEYOR'S CERTIFICATE

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Witness my hand and seal this 22nd day of June, 2023.

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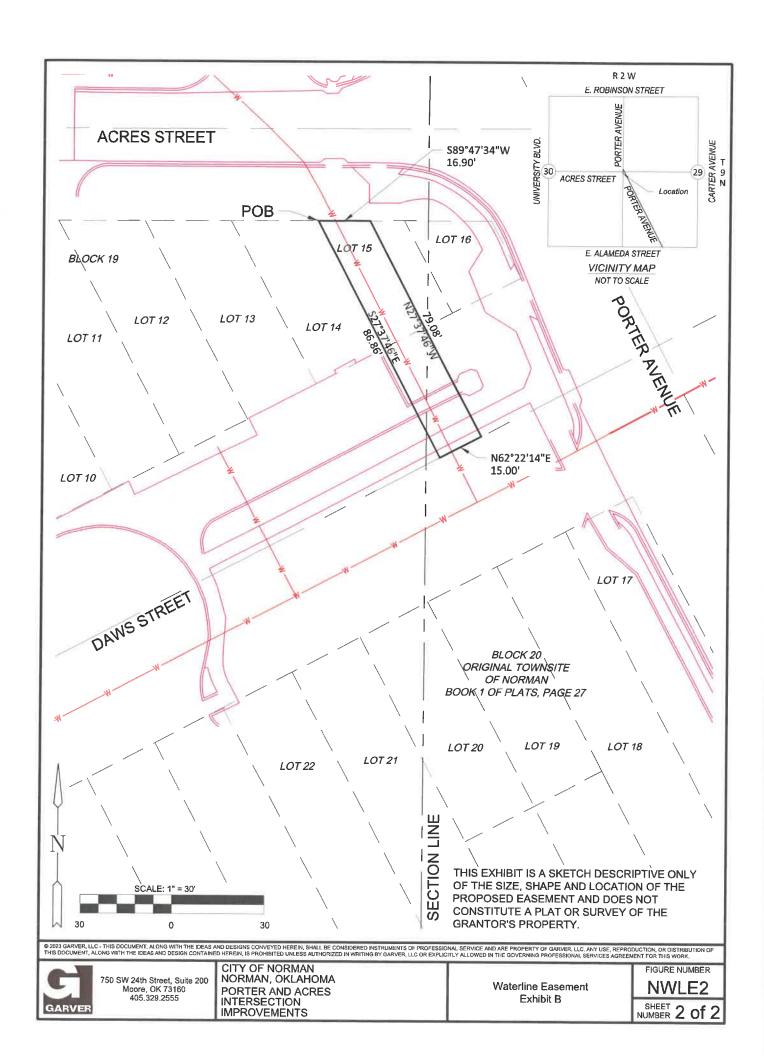


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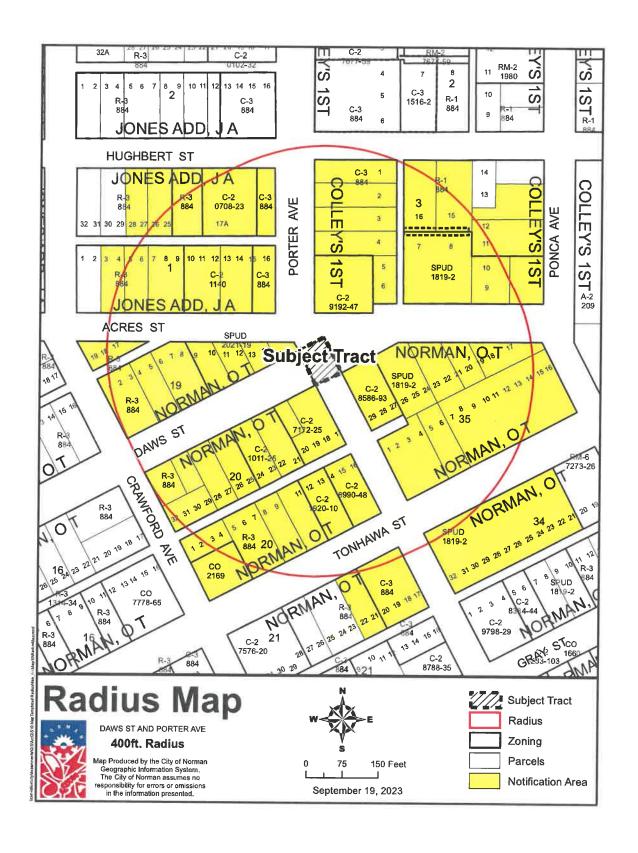
Waterline Easement Exhibit A FIGURE NUMBER

NWLE1

SHEET 1 of 2



RADIUS MAP & NOTICE ADDRESS LIST



COX, JEFFREY & LISA KIMMEL, BRENDA WOODROW, MOLLY 301 E Daws ST 309 E Daws ST 315 E DAWS ST Norman OK 73069-7214 Norman OK 73069-7214 NORMAN OK 73069 CLEAR, DENISE LINZE, KAYE M-REV TRT LINZE, KAYE M-REV TRT 3300 Fireside CIR 3101 Cruden DR 3101 Cruden DR Norman OK 73072-2928 Norman OK 73072 Norman OK 73072 CITY OF NORMAN GOODMAN INVESTMENTS, LLC DAWSON, SHELLEY 201 W Gray ST 820 W Franklin RD 315 N Crawford AVE Norman OK 73069-7108 Norman OK 73069-8107 Norman OK 73069-7221 JB COMMERCIAL, LLC HOOPER RENTAL, LLC WATERMAN, DAVID H 1875 Rolling Hills ST 100 W Main ST 315 E Tonhawa ST Norman OK 73072-6707 Norman OK 73069-1301 Norman OK 73069-7236 DILLON, MARK JERRY'S LLC JERRY'S LLC 278 1st AVE, Apt 6A 320 N Porter AVE 320 N Porter AVE New York NY 10009-1829 Norman OK 73071-5839 Norman OK 73071-5839 JERRY'S LLC JERRY'S LLC JERRY'S LLC 320 N Porter AVE 320 N Porter AVE 320 N Porter AVE Norman OK 73071-5839 Norman OK 73071-5839 Norman OK 73071-5839 JERRY'S LLC SOLTERO, TRISTEN H OSBURN, ARVA 320 N Porter AVE 312 E Daws ST 310 E Daws ST Norman OK 73071-5839 Norman OK 73069-7215 Norman OK 73069-7215

HARMON, LISA MARIE 308 E DAWS ST NORMAN OK 73069

Norman OK 73069-6463

2301 W Main ST

MURPHY, EARL W 319 N CRAWFORD AVE NORMAN OK 73069

NORTH PORTER CENTER, LLC 2301 W Main ST Norman OK 73069-6463

CATHOLIC CHURCH & RECTORY 211 N Porter AVE Norman OK 73071-5836

ARCHDIOCESE OF OKLA CITY 425 E Tonhawa ST Norman OK 73071-5842

NORTH PORTER CENTER, LLC

MCQUINNESS, EUGENE REV 409 N PORTER AVE NORMAN OK 73071 ST JOSEPHS SCHOOL 425 N PORTER AVE NORMAN OK 73071

WILLIGE, JUSTIN D

Norman OK 73069-7215

306 E Daws ST

SALATKA, CHARLES A-ARCHBISHOP 425 E Tonhawa ST Norman OK 73071-5842

QUINN, JOHN R 420 E ACRES ST NORMAN OK 73071

QUINN, JOHN R REV 414 E ACRES ST NORMAN OK 73071

ST JOSEPHS CATHOLIC CHURCH 410 E DAWS ST NORMAN OK 73071

DAVE'S HEALTH MART PHARMACY INC 12520 S Youngs PL Oklahoma City OK 73170-3415 D & J RENTAL PROPERTIES, LLC 142 Breakenridge DR Eufaula OK 74432-5271

WOODS PROPERTY MANAGEMENT LLC 2301 W Main ST Norman OK 73069-6463

WOODS PROPERTY MANAGEMENT LLC 2301 W Main ST Norman OK 73069-6463 WOODS PROPERTY MANAGEMENT LLC 2301 W Main ST Norman OK 73069-6463

VESPER PROPERTIES, LLC 501 N Porter AVE Norman OK 73071-6027 WOODS PROPERTY MANAGEMENT LLC 2301 W Main ST Norman OK 73069-6463 REED ET AL, VICTOR RT RE 413 E ACRES ST Norman OK 73071

REED ET AL, VICTOR RT RE 429 E ACRES ST Norman OK 73071 REED ET AL, VICTOR RT RE 425 E ACRES ST Norman OK 73071 GRAVEL, LARRY H & KARLINDA J 410 N PONCA AVE NORMAN OK 73071

CLAYDON, CAROLINE KAY 1920 Delancey DR Norman OK 73071-3817

COKER, JEANETTE 418 E HUGHBERT ST NORMAN OK 73071 WOODS PROPERTY MANAGEMENT LLC 2301 W Main ST Norman OK 73069-6463

PRICE, JERRY D & MARTHA J-REV LIV TRT 708 N Cockrel AVE Norman OK 73071-6212

HUNTINGTON INVESTMENT CORP 3113 MILLBURY RD NORMAN OK 73071 KHOURI & JAZZAR PROPERTIES, LLC 620 N Berry RD Norman OK 73069-7542

GOODMAN, BRADLEY K 300 1/2 E Main ST Norman OK 73069-1305

RAYA, LLC 506 N PORTER AVE NORMAN OK 73071 GOODMAN INVESTMENTS, LLC 820 W Franklin RD Norman OK 73069-8107

GOODMAN INVESTMENTS, LLC 820 W Franklin RD Norman OK 73069-8107

GOODMAN HOLDINGS, LLC 300 1/2 E MAIN ST NORMAN OK 73069