

WILLIAMS, BOX, FORSHEE & BULLARD, P.C.

ATTORNEYS AND COUNSELLORS

JOHN MICHAEL WILLIAMS
DAVID M. BOX
KEITH R. GIBSON
CARLA J. SHARPE
PAUL LEFEBVRE
MICHAEL D. O'NEAL
AMANDA CARPENTER
MASON J. SCHWARTZ
COOPER T. HAHN
AUSTIN L. HAMM
KAITLYN A. TURNER

522 COLCORD DRIVE
OKLAHOMA CITY, OKLAHOMA 73102-2202

TELEPHONE
(405) 232-0080

TELECOPIER
(405) 236-5814

Of Counsel
DENNIS R. BOX
William J. Bullard
RICHARD D. FORSHEE

September 26, 2024

VIA ELECTRONIC MAIL

Oklahoma City Board of Adjustment
c/o Cindy Lakin
420 W. Main Street, Suite 910
Oklahoma City, OK 73102
cindy.lakin@okc.gov

Re: Native Digital, LLC's Response to Board of Adjustment Appeal; BOA-15736.

Please accept this letter on behalf of our client, Native Digital, LLC ("Native"), in response to the appeal to the Board of Adjustment, Case No. BOA-15736 (the "Appeal") in relation to Sign Permit SIGN-2024-00417 (the "Sign Permit"). A copy of the Sign Permit is attached hereto as **Exhibit 1**.

BACKGROUND

Native is the current owner/dominant estate holder of a sign easement on the subject property relevant to the Sign Permit. A copy of the Grant of Permanent Easement Agreement and Assignment of the same is attached hereto as **Exhibit 2**. Native submitted a sign permit application to the City, which ultimately resulted in the Sign Permit being approved and issued.

First and foremost, the appeal of the Sign Permit is nothing more than yet another attempt by Lamar Central Outdoor, LLC ("Lamar") to improperly limit competition. Over the past several years, Lamar's has taken numerous actions and filed multiple lawsuits against the City in an effort to create a barrier for competitors to enter the Oklahoma City market; a market dominated by Lamar. The majority of Lamar's attempts to preclude competition to date have been in the form of district court challenges to the City Council's legislative approval of rezoning applications which authorize Lamar's competitors to erect off premise signs / billboards. Here, there is no zoning decision to challenge as the subject property is zoned I-2, and an off premise sign / billboard is a use permitted by right. Still, Lamar seeks to preclude competition through an appeal to this Board

in relation to the Sign Permit, which was correctly issued by the City.

NATIVE’S RESPONSE TO THE APPEAL

Pursuant to § 59-4250.10 of the Oklahoma City Municipal Code, a party appealing the issuance of a building permit must file a notice of appeal specifying the grounds for the appeal. Such appeals shall be limited to the grounds specified in the Notice of Appeal. *Id.* The Application and/or Notice of Appeal submitted in this instance (the “Appeal Application”) fails to specify the grounds for the appeal. Instead, the Appeal Application contains only vague references to various sections of the City’s newly adopted Sign Code. The Appeal Application fails to provide any basis or argument as to how the Sign Permit does not satisfy any of the code provisions referenced therein. Accordingly, the Appeal Application is insufficient on its face and must fail.

Moreover, a review of the provisions referenced in the Appeal Application clearly demonstrates that the appeal is without merit. Below is summary of the Sign Code provisions referenced, along with other relevant information. A complete copy of each code section cited is attached hereto as **Exhibit 3.**

Section 59-16101

This section outlines the general purpose and findings relating to the City’s newly adopted sign code. Pursuant to the City’s first finding outlined § 59-16101(D), the City found that “[t]he type, dimensions, setbacks, and physical design of signs permitted by this Article protect the City’s interests in traffic safety, community character, and aesthetics, while allowing for adequate visibility, legibility, and pedestrian or motorist recognition and comprehension[.]” Because the sign authorized by the Sign Permit meets the City’s requirements on dimensions, setbacks, and physical design, the Sign Permit does not violate § 59-16101.

Section 59-16102

The application, without any basis or explanation, claims that the Sign Permit violates this section regarding the historic preservation / historic landmark district regulations prevailing over signage ordinance in the event of any conflict. First, the Sign Permit authorizes a sign that is entirely outside of the historic preservation / historic landmark district (the “HP District”). Thus, the historic preservation / landmark regulations are inapplicable to the Sign Permit and there is no conflict. As will be further explained below, the Sign Permit and the sign authorized satisfies the setback requirements from the HP District.

Section 59-16111

This section contains provisions of the new sign specific to off premise signs / billboards.

Pursuant to § 59-16111(B)(1), billboards are a use permitted by right in I-2 zoned districts, which is the zoning of the property subject to the Sign Permit. The Application incorrectly claims the Sign Permit violates the location and spacing requirements for billboards set out in this section. However, the survey provided in support of the application for the Sign Permit clearly demonstrate that the location and spacing requirements are met. Specifically, the sign authorized by the Sign Permit meets or exceeds the required setbacks, including the 25' setback requirement from the right-of-way and the 300' setback requirement from HP zoned property. A copy of the survey / site plan submitted showing the sign location with various spacing measurements is attached hereto as **Exhibit 4**.

A notable provision in this section is § 59-16111(G) requiring spacing from signs to be measured from the center of the sign support structure, which is consistent with the City's former Sign Code and industry standards. *See* § 3-119(5)(a) of the City's former Sign Code. Additionally, email correspondence between City Staff and Lamar's Senior VP, Mr. Bill Condon, further demonstrates that City Staff confirmed location and setback requirements are met and applicable code provisions were followed. *See* email correspondence attached hereto as **Exhibit 5**; specifically email sent on July 26, 2024 from Scott Wise to Bill Condon.

Section 59-16114

This section contains provisions relating to the City's administration over sign permits. The Appeal Application is completely void of explanation as to how provisions of this section were violated. Throughout the sign permit application process, Native and its contractor provided the City with any and all necessary or requested documents. City Staff then conducted its review prior to issuing the Sign Permit. Consequently, the requirements set forth in this section were satisfied and issuance of the Sign Permit was proper.

Section 59-16119

This section contains general rules of interpretation and over a hundred definitions for to the City's new sign code. Again, the Appeal Application is completely void of explanation as to which provisions of this section were violated or how any such provisions of this section were violated. Notably, the definition for 'Adjacent residentially zoned property' tells us when "residentially zoned property separated by a street, shall be measured from the sign to the nearest point of right-of-way line of the residentially zoned property on the opposite side of the street. This is consistent with § 59-5250.4(C), which states "[f]or purposes of applying the development regulations of an individual zoning district, all such requirements shall be calculated from the appropriate right-of-way line delineating a street or alley." These code provisions are consistent with City's Staff determination that the sign satisfies the 300-foot setback requirement from the HP District. *See* **Exhibit 4** and **Exhibit 5**.

The Appeal Application also inaccurately claims Native and/or its contractors failed to obtain consent from the property owner. First, Native owns a Permanent Easement which grants Native the absolute right to construct and maintain a sign at the location permitted by the Sign Permit. Thus, no further consent or authorization is necessary. Second, pursuant to the terms of the Permanent Easement, the owner of the underlying property, i.e., the servient estate, is contractually required to cooperate with Native's efforts in obtaining of any permits, variances, licenses, permissions, governmental approvals or other authorizations necessary for the construction and operation of the sign. *See* **Exhibit 2** at ¶ 1.

The Appeal Application was originally submitted with Delmar Enterprises, LLC ("Delmar") as a co-applicant. Delmar is the owner of the servient estate, i.e. the property interest subject to the Permanent Easement in favor of Native. Delmar has since been removed from the appeal given that its involvement is a clear breach of its obligations under the Permanent Easement. Delmar, however, was replaced by its direct affiliates, P.S.G. Rentals, LLC and Byron's Liquor Warehouse as co-applicants, thereby continuing and exacerbating the breach of the Permanent Easement. While not in the purview of this Board, appropriate legal recourse in response to the breach of contract will be taken as necessary.

Lastly, the Appeal Application references and includes various documents relating to a sign permit application filed in 2015, SIGN-2015-00869, submitted by Ms. Kelli Lay on behalf of Spirit Digital, LLC. The 2015 application was not denied by the City. Instead, the applicant ceased pursuit of a permit from the City due to issues in obtaining necessary approvals from the Oklahoma Department of Transportation ("ODOT"). Since that time, Native has proceeded with an administrative appeal proceeding with ODOT, and a district court action in Oklahoma County ultimately resulting in ODOT being ordered by the Honorable Judge Natalie Mai to immediately issue Native its Sign Registration and Permit. A copy of the Judge Mai's Findings of Facts and Conclusions of Law are attached hereto as **Exhibit 6**. Additionally, A copy of Native's Sign Registration and Permit approval from ODOT is attached hereto as **Exhibit 7**.

There is no evidence or legal basis to support the contentions set forth in the Appeal Application. There is however significant evidence to support to Staff's review and approval of the Sign Permit. For example, the subject property is zoned I-2, which allows for an off premise sign by right. Additionally, the survey / site plan clearly shows that each of the setback and spacing requirements have been met. *See* **Exhibit 4**. Lastly, building plans for the sign structure and other relevant documents were submitted in accordance with the City's Sign Code. *See* relevant documents submitted for permitting attached hereto as **Exhibit 8**

It should be noted that had Native not been able to meet any relevant provisions of the Oklahoma City Municipal Code, Native would have been afforded the opportunity to seek a variance from

this very Board. Because City Staff appropriately determined that all requirements were satisfied, Native must be authorized to immediately proceed with construction of its sign.

CONCLUSION

Native's undersigned counsel will be present at the October 3, 2024 hearing before the Board of Adjustment. At the hearing, Native Digital, LLC respectfully requests this Board deny the Appeal Application and allow Native to exercise its rights without further delay.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "David M. Box", is written over a horizontal line.

David M. Box, OBA #21943
Cooper T. Hahn, OBA #32788
WILLIAMS, BOX, FORSHEE & BULLARD, PC
522 Colcord Drive
Oklahoma City, OK 73102-2202
Attorneys for Native Digital, LLC

Exhibit 1



The City of

OKLAHOMA CITY

Development Services
420 West Main Street - 8th floor
Oklahoma City, OK 73102

SIGN PERMIT

SIGN-2024-00417

DATE ISSUED: 7/25/2024

PERMISSION IS HEREBY GRANTED TO: Erect

ADDRESS: 2306 N BROADWAY AVE OKLAHOMA CITY, OK 73103

CONTRACTOR NAME: MCCABE CRANE & SIGN CO. LICENSE # SI706

CONTRACTOR PHONE: 918-424-6381 SECOND PHONE # 918-424-3824

OWNER: Native Digital

COUNTY: Oklahoma

ADDITION: WINANS THIRD ADD

MOVING: No

PROPOSED TYPE OF SIGN: Non Accessory

ELECTRONIC MESSAGE DISPLAY: Yes

HEIGHT TO TOP OF SIGN: 80

EMD SIZE: 672

SQUARE FOOTAGE: 672

WITHIN 500FT OF A STATE HWY: Yes

ILLUMINATED: Yes

STATE APPROVAL #: 15578

PERMIT FEES: \$154.00

RECEIPT NUMBER: 2037796

COMMENTS: OFF PREMISE SIGN

Remember, call Okie before you dig, DIAL 811

Any Electronic Message Displays must be maintained in accordance with the Sign regulations of The City of Oklahoma City at all times. If there are any questions concerning the operation of Electronic Message Displays please contact the Development Center at 405-297-2525.

WITHOUT ACTIVITY, PERMIT EXPIRES IN 6 MONTHS. ALL PERMITS MUST BE FINAL INSPECTED. This permit shall be construed and accepted to be a license to proceed with the work and shall not be taken and accepted as authority to violate, cancel, alter, or set aside any provisions or requirements of any ordinance, rules, or regulations of The City of Oklahoma City, nor shall the issuance hereof prevent the requiring of correction of errors in plans or in construction or of violations of any ordinances of The City of Oklahoma City. Any permits issued in violation of any ordinance or statute shall be void and no rights or immunities shall be acquired thereby. Nothing in this permit shall be construed to convey or impair The City's right of maintenance and repair in its utility easements. Destruction of any permanent or temporary structure placed on or over any of The City's easements by virtue of this permit which is occasioned by said maintenance or repair shall be at the expense of permittee, his heirs or assigns.

ACCEPTED BY: _____

DEVELOPMENT SERVICES ASST DIR /
DEVELOPMENT CENTER ACTING MGR: CHRISTYLLA
MILES

MCCABE CRANE & SIGN CO.

REVIEWED BY:

801 E MIAMI AVE



**The City of
OKLAHOMA CITY**

Development Services
420 West Main Street - 8th floor
Oklahoma City, OK 73102

SIGN PERMIT

SIGN-2024-00417

DATE ISSUED: 7/25/2024

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OWNER: Native Digital

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ACCEPTED BY: _____

MCCABE CRANE & SIGN CO.

DEVELOPMENT SERVICES ASST DIR /
DEVELOPMENT CENTER ACTING MGR: CHRISTYLLA
MILES

REVIEWED BY:

ISSUED BY: Phillip Magdalena

801 E MIAMI AVE

MCALISTER, OK 74501

Any Electronic Message Displays must be maintained in accordance with the Sign regulations of The City of Oklahoma City at all times. If there are any questions concerning the operation of Electronic Message Displays please contact the Development Center at 405-297-2525.

Exhibit 2

AFTER RECORDING RETURN TO:

*Spirit Digital, L.L.C.
P.O. Box 18608
W Oklahoma City OK 73154*



20170426010572490
04/26/2017 09:49:53 AM
Bk:RE13418 Pg:534 Pgs:10 EASE
State of Oklahoma
County of Oklahoma
Oklahoma County Clerk
David B. Hooten

(SPACE ABOVE RESERVED FOR RECORDING PURPOSES)

GRANT OF PERMANENT EASEMENT AGREEMENT

THIS GRANT OF PERMANENT EASEMENT AGREEMENT (the "Agreement") dated effective as of July 29, 2014 ("Effective Date") is entered into by and between Deborah L. Dudman Revocable Trust (the "Grantor"), and Spirit Digital, L.L.C., an Oklahoma limited liability company (the "Grantee").

RECITALS

Grantor is the owner of certain real property located in Oklahoma County, Oklahoma, more particularly described on Exhibit "A" attached hereto and made a part hereof (the "Property"); and

Grantee desires to construct, operate and maintain an outdoor advertising display (the "Sign") upon the Property; and

As of the Effective Date, Grantor has agreed to grant unto Grantee a permanent, perpetual easement on or across a portion of the Property, as applicable, as more particularly described on Exhibit "B" attached hereto and made a part hereof, for the purposes of constructing, operating and maintaining the Sign, subject to the terms and conditions below.

NOW, THEREFORE, in consideration of the sum of Ten and 00/100 Dollars (\$10.00) and for other good and valuable consideration, the parties agree as follows:

1. **Grant of Easement to Grantee; Purpose of Easement.** Grantor hereby grants to Grantee an exclusive, perpetual easement (i) over and across those parts of the Property, as set forth on Exhibit "B", for the use and benefit of Grantee, for the purpose of constructing, operating, maintaining, servicing, repairing, improving, relocating and/or replacing the Sign (the "Sign Easement") and (ii) over and across those parts of the Property, as set forth on Exhibit "B", for ingress and egress to the Sign ("Access Easement") (the Sign Easement and the Access Easement are sometimes collectively referred to collectively as the "Easements"). The rights appurtenant to the above described purpose of this grant shall include a right of ingress and egress, air rights over buildings, a right for in-ground and above-ground electrical/utility service, a right to maintain telecommunication devices, and a right of view (which is to be construed as freedom from obstruction from vegetation or improvements on the Property that would obstruct the view of any portion of the Sign from all adjoining streets, highways and other roadways). Grantor agrees that it shall cooperate with Grantee in the obtaining of any permits, variances, licenses, permissions, governmental approvals or other authorizations necessary for the construction and operation of the Sign, as Grantor shall from time-to-time request. Grantor, or

its agents, will trim and remove any or all trees, vegetation, or other obstructions on the Property upon notice from Grantee if and when Grantee reasonably deems it necessary to prevent obstruction of the view of the Sign as aforementioned. Further, Grantor agrees that it shall not erect, nor directly or indirectly permit to be erected, structures, buildings, improvements, or landscaping (including the planting of trees or vegetation) upon the Property that would obstruct the view of the Sign as aforementioned, or which would unreasonably restrict Grantee's access thereto.

2. **Easement Exclusivity.** All rights of Grantee pertaining to the Easements described herein, including, inter alia, the right of ingress and egress to and from the Sign, shall be exclusive, and further, Grantee shall have the exclusive right as to the Property to prohibit obstruction of the view of the Sign described in Section 1 above, so as to permit Grantee to enjoy the use and benefits provided for in this Agreement, and to construct, operate, maintain, service, repair, improve, relocate and/or replace the Sign.

3. **Sign Ownership.** Grantee shall be responsible for maintaining the Sign, its structures and the billboard equipment, and all related items of Grantee (sometimes, collectively the "Personalty"), located at the Property. Grantee shall own all of the foregoing, and Grantee may mortgage or otherwise encumber, convey, hypothecate, remove, modify and otherwise deal with, in any manner, the easement and rights granted herein, the Sign and other Personalty, and appurtenances thereto, as it shall from time to time desire, freely and unfettered by Grantor. It is expressly acknowledged by Grantor that Grantor has no rights, title or interest in or to the Personalty or the Easements, except the inchoate reversionary interest in said Easements.

4. **Alternate Sign Location in Case of Condemnation.** Notwithstanding the location of the Sign identified on Exhibit "B", in the event that said Sign location, as identified on Exhibit "B", is taken by a governmental or quasi-governmental authority having jurisdiction over the location, through condemnation or other similar action ("Condemnation Action"), Grantee shall be entitled to relocate the Sign to an alternate location upon or in close proximity to the Property, to be determined by mutual agreement of the parties ("Alternate Sign Location"), and the Grantee shall be granted permanent easements, and all appurtenant rights thereto, identical in all respects to the Easements described in this Agreement, except as to location.

Alternatively, and as determined in Grantee's sole discretion, Grantee may contest such Condemnation Action, and Grantor shall join in such contest, and shall be responsible for such contest with regard to the fee interests, and the parties shall fully cooperate in such regard, each party being fully responsible for its own costs and attorney's fees. Further, Grantee may negotiate a settlement award for such Condemnation Action without the consent from Grantor to any ultimately agreed-to award.

To the extent that an award is arrived at, Grantee may elect, as determined in its sole discretion, to proceed, as its exclusive course of action, as follows, but not otherwise:

- a) Grantee may relocate the Sign to the Alternate Sign Location, in which case Grantee shall be entitled to the portion of the award reasonably attributable to the relocation and related costs of said Sign thereto. In this regard, the portion of the

award which is attributable to the taking of the Easements per se, and the fee interest in the land, shall be the sole property of the Grantor; or

- b) Grantee may elect to not relocate the Sign, in which case the Grantee shall remove the Sign, and be entitled to the award attributable to the cost of removal and related costs, and the value of the Easement(s) portions of the award (and any other value including, but not limited to, the Sign in place, present and future income streams, the value of all permits, and all other intangibles), and the balance of said award shall become the sole property of the Grantor with regard to the taking of the fee interest in the land upon which the Sign Easement is located.

In the event that neither the existing Sign location nor the Alternate Sign Location is available as a Sign location because of a Condemnation Action, the Grantor agrees to grant the Grantee the right to relocate the Sign to a location to be mutually agreed upon by both Grantor and Grantee (the "Second Alternate Sign Location"), and this Agreement shall be modified to account for said Second Alternate Sign Location, but shall otherwise remain unmodified and in full force and effect.

In the event the Sign is relocated to the Second Alternate Sign Location, the Grantor and Grantee shall share the Condemnation Action award proceeds as described in Section 4.(a), above; in the event Grantor and Grantee cannot agree on a mutually acceptable Second Alternate Sign Location, the Grantor and Grantee shall share the Condemnation Award proceeds as described in Section 4.(b), above.

5. **Successors and Assigns; Counterparts.** The Easements created herein shall be binding upon and inure to the benefit of the parties hereto, their successors and assigns, and shall run with the land. This Agreement may be executed in counterparts, each of which is deemed an original, and all of which taken together shall be deemed one Agreement.

6. **Notices.** All notices pursuant to this Agreement shall be deemed given when personally delivered to the party to whom it is directed, or in lieu of personal delivery, on the second business day after the same is deposited in the United States mail, postage prepaid, sent Certified Mail, Return Receipt Requested, addressed as follows:

If to Grantor:

Deborah L. Dudman Trust
824 NW 15th Street
Oklahoma City, OK 73106

If to Grantee:

Spirit Digital, L.L.C.
PO Box 18608
Oklahoma City, Oklahoma 73154
Attn: Kelli Lay

With a copy to:

Crowe Dunlevy
324 N Robinson Ave #100
Oklahoma City, OK 73102
Attn: Eric Fisher

Either party may change their address for the purposes of this paragraph by giving notice of the changed address to the other party in the manner provided for above.

7. **Choice of Law.** This Agreement shall be governed by and construed in accordance with the laws of the State of Oklahoma.

8. **Authority.** Grantor warrants and represents that it is the record owner of the Property, that the person signing on behalf of Grantor has the right and authority to execute this Agreement on behalf of Grantor, that the Grantor has the power and right to grant, sell, and convey the rights set forth herein to Grantee, together with all privileges, licenses, easements, rights of way, appurtenances, fixtures and improvements thereon including, without limitation, abutter's rights and title to all land underlying roadways and rights adjacent thereto, and warrants the title to the same.

TO HAVE AND TO HOLD said described Property and Easements granted herein unto the said Grantee, its successors and assigns, forever, free, clear and discharged of and from all former grants, charges, taxes, judgments, mortgages and other liens and encumbrances of whatsoever nature or kind, and Grantor shall defend and indemnify Grantee against all loss, costs and expense arising from claims regarding same.

EXECUTED this 24 day of April, 2017 but effective as of the Effective Date.

GRANTOR:

Deborah L. Dudman, Trustee
Deborah L. Dudman, Trustee of the Deborah L.
Dudman Revocable Trust
[Signature]

GRANTEE:

SPIRIT DIGITAL, L.L.C., an Oklahoma limited liability company

By: [Signature]
Its: Vice President

ACKNOWLEDGMENTS

STATE OF OKLAHOMA)
) SS:
COUNTY OF OKLAHOMA)

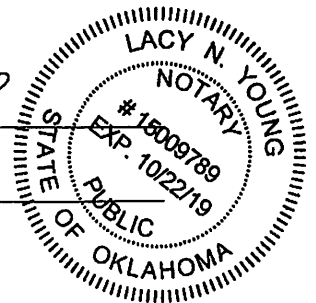
I hereby certify that before me, a Notary Public in and for said county and state, personally appeared Deborah L. Dudman, Trustee of the Deborah L. Dudman Revocable Trust, to me known to be the identical person who executed the within and foregoing Grant of Permanent Easement Agreement and acknowledged to me that he executed the same as his free and voluntary act and deed, and the free and voluntary act and deed of Deborah L. Dudman, Trustee of the Deborah L. Dudman Revocable Trust, for the uses and purposes therein set forth.

WITNESS, my hand and official seal this 24th day of April, 2017.

(SEAL)

My Commission Expires:
10/22/2019

Notary Public
Comm. No.: 15009789



STATE OF OKLAHOMA)
) SS:
COUNTY OF OKLAHOMA)

I hereby certify that before me, a Notary Public in and for said county and state, personally appeared Kelli Ray, to me known to be the identical person who executed the within and foregoing Grant of Permanent Easement Agreement and acknowledged to me that she executed the same as her free and voluntary act and deed, and the free and voluntary act and deed of Spirit Digital, L.L.C., for the uses and purposes therein set forth.

WITNESS, my hand and official seal this 24th day of April, 2017.

(SEAL)

My Commission Expires:
10/22/2019

Notary Public
Comm. No.: 15009789

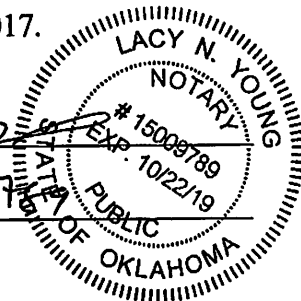


EXHIBIT "A"
LEGAL DESCRIPTION OF PROPERTY

A tract of land lying in the Northeast Quarter (NE/4) of Section Twenty-Eight (28), Township Twelve (12) North, Range Three (3) West of the Indian Meridian, being in Block One (1), WINAN'S THIRD ADDITION, Oklahoma City, Oklahoma County, Oklahoma, and being more particularly described as follows:

Commencing at a point 150.00 feet East of the East line of Broadway on the South side of 23rd Street, being also the Northwest Corner of Lot One (1), said Block One (1);

Thence South 00°28'14" East along the West line of said Block One (1), a distance of 158.57 feet to the POINT OF BEGINNING;

Thence North 89°38'18" East a distance of 116.56 feet to a point on the West property line of A. T. & S. F. Railway Company;

Thence South 06°04'27" East along said West line of A. T. & S. F. Railway Company, a distance of 202.44 feet;

Thence South 89°38'18" West along the South line of Lot Five (5), said Block One (1), a distance of 136.33 feet to Southwest corner of said Lot Five (5);

Thence North 00°28'14" West along the West line of said Lot Five (5), and along the West line of Lot Four (4) said Block 1, a distance of 70.00 feet;

Thence 89°38'18" West a distance of 10.00 feet to the Centerline of the vacated alley in said Block One (1);

Thence North 00°28'14" West, along the Centerline of said vacated alley, a distance of 131.43 feet;

Thence North 89°38'18" East a distance of 10.00 feet to the POINT OF BEGINNING.

EXHIBIT "B"
LEGAL DESCRIPTION OF SIGN EASEMENT

A tract of land being a portion of Lot Two (2) in WINANS THIRD ADDITION to Oklahoma City, Oklahoma County, Oklahoma, according to the recorded plat thereof, lying within the Northeast Quarter (NE/4) of Section Twenty-eight (28), Township Twelve (12) North, Range Three (3) West of the Indian Meridian, Oklahoma City, Oklahoma County, Oklahoma, and being more particularly described as follows:

COMMENCING at the northwest corner of Lot One (1), Block One (1) of said WINANS THIRD ADDITION;

THENCE South 00°28'14" East, along the west line of said Lot One (1) extended, a distance of 158.57 feet to a point on the north line of the tract of land described in that certain WARRANTY DEED recorded in Book 6817, Page 1647;

THENCE North 89°38'18" East, along the north line of said tract, a distance of 56.56 feet to the POINT OF BEGINNING;

THENCE continuing North 89°38'18" East, along the north line of said tract, a distance of 60.00 feet to a point on the east line of said Lot Two (2);

THENCE South 06°04'27" East, along said east line, a distance of 40.20 feet;

THENCE South 89°38'18" West, parallel with the north line of said tract, a distance of 64.00 feet;

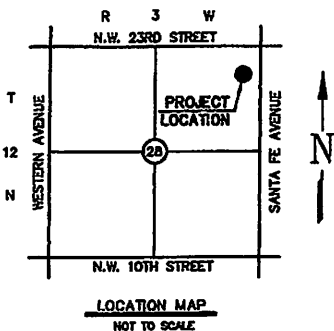
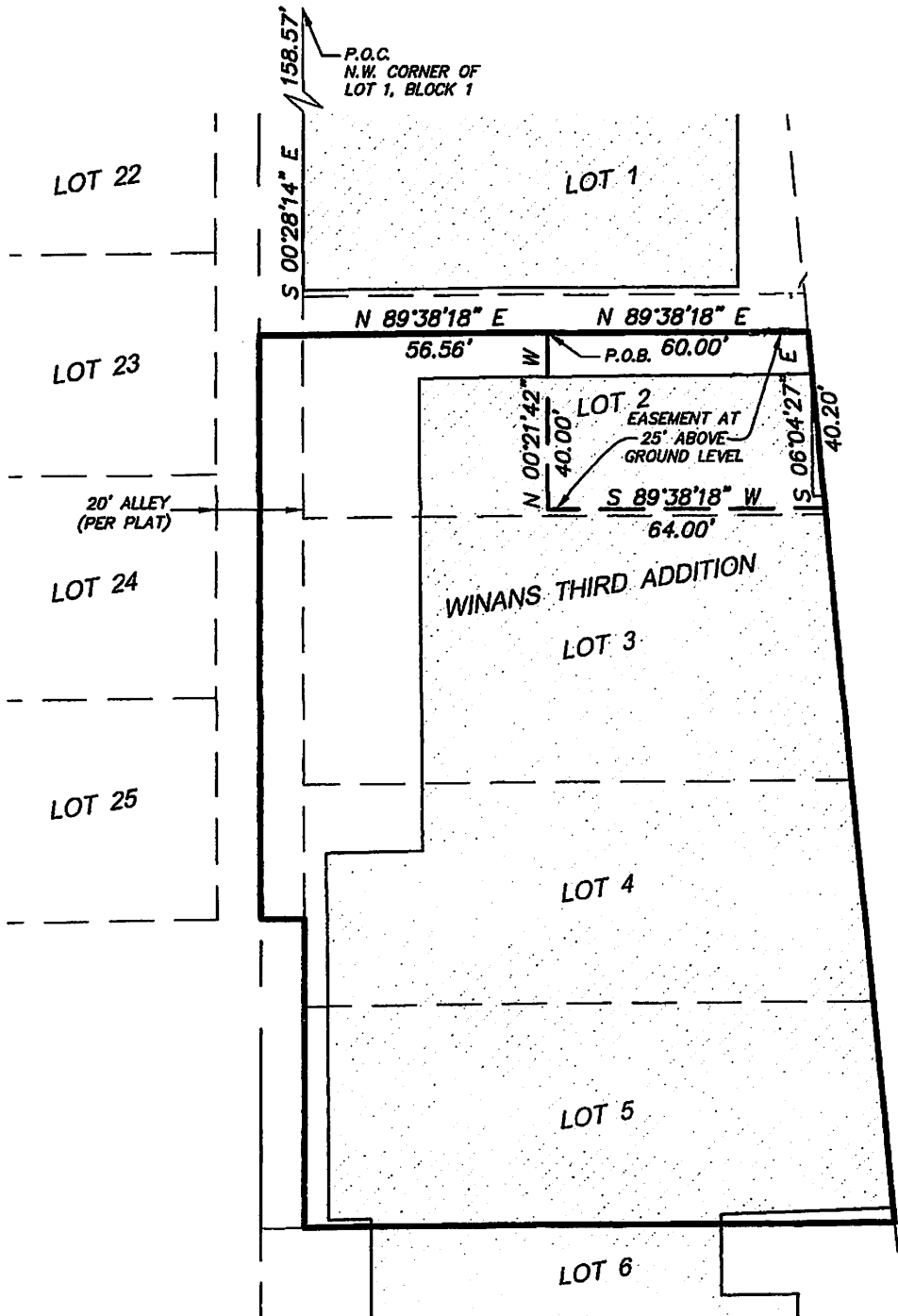
THENCE North 00°21'42" West, perpendicular to the north line of said tract, a distance of 40.00 feet to the POINT OF BEGINNING.

The above described sign easement being a three-dimensional easement 9.00 feet in width at ground level 9.00 feet south of and parallel with the north line of the tract of land described in that certain WARRANTY DEED recorded in Book 6817, Page 1647 to a height of Twenty-five (25) feet above the ground. Then said easement will widen to a width of 40.00 feet being 40.00 feet south of and parallel with said north line.

Said described tract of land contains an area of 2,480 square feet or 0.0569 acres, more or less.

Prepared by:
Darin L. Raibourn, PLS No. 1637
Smith Roberts Baldischwiler, LLC
100 N.E. 5th Street
Oklahoma City, OK 73104
(405) 840-7094
April 7, 2017

EXHIBIT "A"



ENGINEERS SURVEYORS PLANNERS
SMITH ROBERTS BALDISCHWILER, LLC
 110 NE 5th STREET - OKLAHOMA CITY, OKLAHOMA 73104
 TELEPHONE: (405) 840-7094

EXHIBIT "B"
LEGAL DESCRIPTION OF ACCESS EASEMENT

A tract of land being a portion of Lot Two (2) and a portion of the vacated 20 foot north/south alley in WINANS THIRD ADDITION to Oklahoma City, Oklahoma County, Oklahoma, according to the recorded plat thereof, lying within the Northeast Quarter (NE/4) of Section Twenty-eight (28), Township Twelve (12) North, Range Three (3) West of the Indian Meridian, Oklahoma City, Oklahoma County, Oklahoma, and being more particularly described as follows:

COMMENCING at the northwest corner of Lot One (1), Block One (1) of said WINANS THIRD ADDITION;

THENCE South 89°38'18" West, along the north line of said WINANS THIRD ADDITION, a distance of 10.00 feet to the centerline of said north/south alley;

THENCE South 00°28'14" East, along said centerline, a distance of 158.57 feet to the northwest corner of the tract of land described in that certain WARRANTY DEED recorded in Book 6817, Page 1647;

THENCE North 89°38'18" East, along the north line of said tract, a distance of 126.56 feet to a point on the east line of said Lot Two (2);

THENCE South 06°04'27" East, along said east line, a distance of 9.04 feet;

THENCE South 89°38'18" West a distance of 102.45 feet;

THENCE South 44°35'02" West a distance of 21.19 feet to a point on the east line of said north/south alley;

THENCE South 00°28'14" East, along said east line, a distance of 107.44 feet;

THENCE South 89°38'18" West a distance of 20.00 feet to a point on the west line of said north/south alley;

THENCE North 00°28'14" West, along said west line, a distance of 131.44 feet;

THENCE North 89°38'18" East a distance of 10.00 feet to the POINT OF BEGINNING.

Said described tract of land contains an area of 3,794 square feet or 0.0871 acres, more or less.

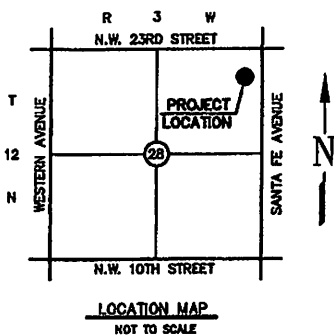
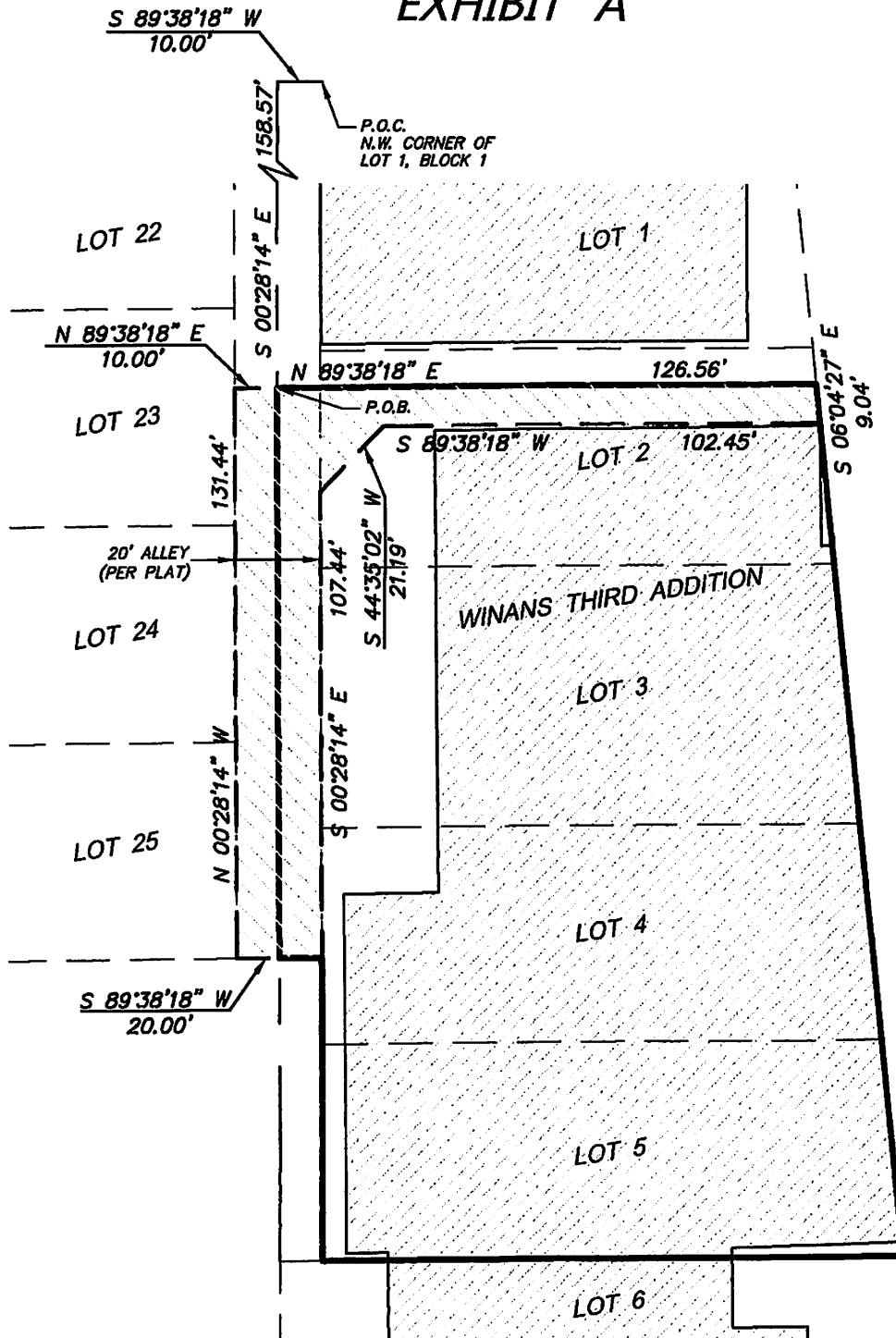
Prepared by:

Darin L. Raibourn, PLS No. 1637
Smith Roberts Baldischwiler, LLC
100 N.E. 5th Street
Oklahoma City, OK 73104
(405) 840-7094
April 7, 2017

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EASE



EXHIBIT "A"



ENGINEERS SURVEYORS PLANNERS
SMITH ROBERTS BALDISCHWILER, LLC
110 NE 5th STREET - OKLAHOMA CITY, OKLAHOMA 73104
TELEPHONE: (405) 840-7094



Assignment of Grant of Permanent Easement Agreement

This Assignment of Grant of Permanent Easement Agreement ("Assignment") is between Spirit Digital, L.L.C., an Oklahoma limited liability company, ("Spirit Digital") to Native Digital LLC, an Oklahoma limited liability company, ("Native Digital").

Recitals

A. On April 24, 2017, effective July 29, 2014, Deborah L. Dudman Revocable Trust as Grantor conveyed a permanent, perpetual easement across certain lands in Oklahoma County, Oklahoma to Spirit Digital by Grant of Permanent Easement Agreement (the "Easement Agreement") filed of record on April 26, 2017 in Book RE13418, Page 534 of the Oklahoma County Clerk's records.

B. Specifically, the Easement Agreement granted Spirit Digital an exclusive, perpetual easement over and across the lands described in Exhibit A for the use and benefit of Spirit Digital for the purpose of constructing, maintaining, servicing, repairing, improving, relocating and/or replacing an outdoor advertising display sign and for ingress and egress to the sign over and across the lands described in Exhibit B.

C. Spirit Digital now wishes to convey the Easement Agreement to Native Digital, and Native Digital wishes to accept such assignment.

Agreement

For and in consideration of the terms, conditions, covenants, and agreements contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

- 1. Transfer and Assignment.** Spirit Digital hereby sells, transfers, assigns, delivers, and conveys to Native Digital, its successors and assigns, all of Spirit Digital's right, title, and interest in, to, and under the Easement Agreement as of the date of this Assignment.
- 2. Assumption of Obligations.** Native Digital hereby assumes and agrees to observe and perform all obligations and duties of Spirit Digital under the Easement Agreement from and after the date of this Assignment.
- 3. Binding Effect.** This Assignment is binding on and inures to the benefit of the parties and their respective heirs, executors, personal representatives, successors, and assigns.

Signed and delivered the 6 day of January, 2021.

Spirit Digital, LLC,
an Oklahoma limited liability company

Native Digital, LLC,
an Oklahoma limited liability company

By: Kelli Lay
Printed Name: Kelli Lay
Title: Vice President

By: Kelli Lay
Printed Name: Kelli Lay
Title: Vice President

Exhibit A
Legal Description of Sign Easement

A tract of land being a portion of Lot Two (2) in WINANS THIRD ADDITION to Oklahoma City, Oklahoma County, Oklahoma, according to the recorded plat thereof, lying within the Northeast Quarter (NE/4) of Section Twenty-eight (28), Township Twelve (12) North, Range Three (3) West of the Indian Meridian, Oklahoma City, Oklahoma County, Oklahoma, and being more particularly described as follows:

COMMENCING at the northwest corner of Lot One (1), Block One (1) of said WINANS THIRD ADDITION;

THENCE South 00°28'14" East, along the west line of said Lot One (1) extended, a distance of 158.57 feet to a point on the north line of the tract of land described in that certain WARRANTY DEED recorded in Book 6817, Page 1647;

THENCE North 89°38'18" East, along the north line of said tract, a distance of 56.56 feet to the POINT OF BEGINNING;

THENCE continuing North 89°38'18" East, along the north line of said tract, a distance of 60.00 feet to a point on the east line of said Lot Two (2);

THENCE South 06°04'27" East, along said east line, a distance of 40.20 feet;

THENCE South 89°38'18" West, parallel with the north line of said tract, a distance of 64.00 feet;

THENCE North 00°21'42" West, perpendicular to the north line of said tract, a distance of 40.00 feet to the POINT OF BEGINNING.

The above described sign easement being a three-dimensional easement 9.00 feet in width at ground level 9.00 feet south of and parallel with the north line of the tract of land described in that certain WARRANTY DEED recorded in Book 6817, Page 1647 to a height of Twenty-five (25) feet above the ground. Then said easement will widen to a width of 40.00 feet being 40.00 feet south of and parallel with said north line.

Said described tract of land contains an area of 2,480 square feet or 0.0569 acres, more or less.

Prepared by:
Darin L. Raibourn, PLS No. 1637
Smith Roberts Baldischwiler, LLC
100 N.E. 5th Street
Oklahoma City, OK 73104
(405) 840-7094
April 7, 2017

Exhibit B
Legal Description of Access Easement

A tract of land being a portion of Lot Two (2) and a portion of the vacated 20 foot north/south alley in WINANS THIRD ADDITION to Oklahoma City, Oklahoma County, Oklahoma, according to the recorded plat thereof, lying within the Northeast Quarter (NE/4) of Section Twenty-eight (28), Township Twelve (12) North, Range Three (3) West of the Indian Meridian, Oklahoma City, Oklahoma County, Oklahoma, and being more particularly described as follows:

COMMENCING at the northwest corner of Lot One (1), Block One (1) of said WINANS THIRD ADDITION;

THENCE South 89°38'18" West, along the north line of said WINANS THIRD ADDITION, a distance of 10.00 feet to the centerline of said north/south alley;

THENCE South 00°28'14" East, along said centerline, a distance of 158.57 feet to the northwest corner of the tract of land described in that certain WARRANTY DEED recorded in Book 6817, Page 1647;

THENCE North 89°38'18" East, along the north line of said tract, a distance of 126.56 feet to a point on the east line of said Lot Two (2);

THENCE South 06°04'27" East, along said east line, a distance of 9.04 feet;

THENCE South 89°38'18" West a distance of 102.45 feet;

THENCE South 44°35'02" West a distance of 21.19 feet to a point on the east line of said north/south alley;

THENCE South 00°28'14" East, along said east line, a distance of 107.44 feet;

THENCE South 89°38'18" West a distance of 20.00 feet to a point on the west line of said north/south alley;

THENCE North 00°28'14" West, along said west line, a distance of 131.44 feet;

THENCE North 89°38'18" East a distance of 10.00 feet to the POINT OF BEGINNING.

Said described tract of land contains an area of 3,794 square feet or 0.0871 acres, more or less.

Prepared by:

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April 7, 2017

Exhibit 3

§ 59-16101. - Purpose and Findings.

- A. *Generally.* This Article regulates the type, dimensions, design, erection, construction, placement, replacement, operation, display, location, maintenance and other characteristics of signs throughout the City.
- B. *Purpose.* The purpose of this Article is to:
1. Protect the character of the comprehensive plan land use typology areas (LUTAs) and zoning districts;
 2. Implement the City's comprehensive plan;
 3. Accommodate the rights of private entities to freedom of speech;
 4. Accommodate the need for businesses, institutions, and other users have for effective, individualized identity and public awareness;
 5. Promote signs as an element of proper building and site design;
 6. Encourage the most appropriate use of land;
 7. Promote community aesthetics by ensuring that the placement, design, type, and amount of signs are appropriate to the site and building;
 8. Protect places and areas of historical and cultural importance;
 9. Reduce traffic hazards caused by distractions to motorists and impairment of sight lines, while ensuring that signs are sufficiently visible to motorists based on street design and associated travel speeds;
 10. Protect property values by facilitating harmony between residential and more intensive uses;
 11. Incorporate new technologies for sign design and display;
 12. Preserve the character of residential neighborhoods;
 13. Provide a fair, equitable, and predictable regulatory framework for all sign users and businesses;
 14. Reduce administrative burdens;
 15. Avoid the creation of nonconformities or intensification of existing nonconformities, consistent with Oklahoma law;
 16. Provide for effective enforcement; and
 17. Preserve, protect and promote the public health, safety and general welfare.
- C. *Content Neutral.* This Article regulates only the sign structure and physical parameters, and not the sign's content, except for off-premise signs/billboards.
- D. *Findings.* The City finds that:
1. The type, dimensions, setbacks, and physical design of signs permitted by this Article protect the City's interests in traffic safety, community character, and aesthetics, while allowing for adequate visibility, legibility, and pedestrian or motorist recognition and comprehension; and
 2. The uncontrolled use of signs (including billboards) and their location may harm traffic safety and the public well-being, in conflict with the objectives stated above, and may have a negative impact on adjacent property values, community aesthetics, and economic development; and
 3. The standards set out in this Article were developed after a public process in which the design and

dimensional standards were tested against industry criteria, past experience in administering sign standards, and community input as to the appropriate characteristics of signs in the City's various neighborhoods and business areas.

- E. *Authority.* This Article is enacted pursuant to the home rule provisions of Article 18, Section 3(a) of the Oklahoma Constitution and the authority and powers contained in the Oklahoma Statutes (11 O.S. Section 11-43-101 et seq.) and Article 1, Sections 3 and 7 of the City Charter of the City of Oklahoma City.

(Ord. No. 27526, § 10, 2-13-24, eff. 3-15-24)

§ 59-16102. - Applicability.

A. *Generally.*

1. This article applies prospectively to permit applications for sign construction and to existing sign structures encroaching the public right-of-way within the corporate limits of the City of Oklahoma City, Oklahoma.
2. It is unlawful for any person to erect, operate, or otherwise use any sign that is prohibited by this Article.
3. It is unlawful for any person to erect, operate, or otherwise use any sign at a time, place, or manner that is prohibited by this Article.

B. *Exemptions.* This Article does not apply to:

1. *Indoor Signs.* This article does not apply to placement of signs within a structure if they are not visible from any point outside the structure (for example, inside a shopping center mall). However, all indoor signs require appropriate building and electrical permits.
2. *Vehicle Signs.* A sign affixed to a vehicle, except as provided in Section 59-16109.D of this Article.
3. *Required Signs.* Any sign required by state or federal law.
4. *PUD/SPUD Design Statements.* This Article does not supersede a PUD or SPUD design statement that was validly approved prior to the effective date of this Section.

C. *Message Neutrality.*

1. Except for off-premise signs/billboards, no sign is subject to any limitation based on the content of its message. However, no sign may be erected if its content violates the Oklahoma Law on Obscenity and Child Pornography, codified in 21 O.S. Sections 1021 et seq.
2. Any sign authorized in this Article may contain any non-commercial copy in lieu of any other copy.
3. Off-premise signs are limited to billboards (see 59-16111), supergraphics (see 59-16108), temporary signs in certain public rights-of-way (see 59-16113), and city-designated district signs in the public right-of-way (see 59-16113).

D. *Planned Unit Developments (PUDs) and Simplified Planned Unit Developments (SPUDs).*

1. A sign within a PUD or SPUD is subject to the requirements of this Article and any applicable approved master sign plan. A PUD or SPUD may not be used to modify sign standards to make them less restrictive.
2. The master sign plan for a PUD or SPUD shall comply with the number, area, height, and design

requirements for the applicable sign district . The master sign plan may include any modification permitted by Section 59-16114.

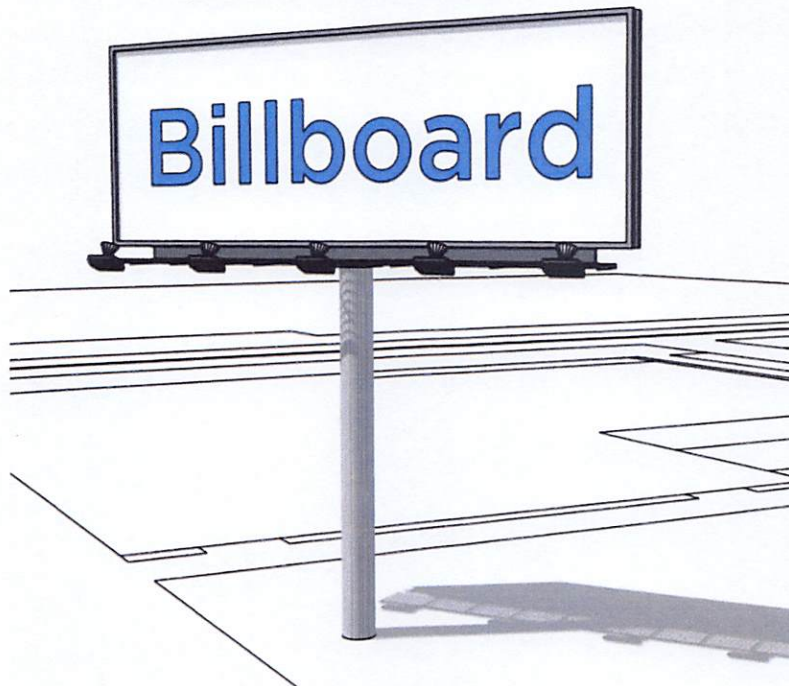
3. All applicable provisions of this Article (including the sign district standards for the zoning district in effect when the master site plan is approved) apply to any master sign plan, to the extent that the provision is not inconsistent with the approved master sign plan. Example: A master sign plan for a PUD in the O-1 district fronting a connector street provides for one ground sign, but does not address the maximum sign area. The maximum sign area is 50 feet, as provided in Section 59-16107.A, Table 59-16107.1, for the O-1 district. If the master sign plan provides that the maximum area for the ground sign is 40 feet, or 60 feet, the smaller or larger sign area would apply.

E. *Design, Zoning Overlay Districts, and Historic Preservation/Historic Landmark Districts.* Where there is any conflict between these regulations and the regulations in a given Design District, Zoning Overlay District, or Historic Preservation/Historic Landmark District, the Design District, Zoning Overlay District, or Historic Preservation/Historic Landmark District regulations prevail.

(Ord. No. 27526, § 10, 2-13-24, eff. 3-15-24)

§ 59-16111. - Off-Premise Signs/Billboards.

Figure 59-16111.1 Billboard (example)



- A. *Applicability.* This section applies only to off-premise signs or billboards (referred to collectively here as "billboards"). This section does not apply to on-premise signs, which are subject to all applicable location, size, number, design, and all other relevant development standards for on-premise signs in the remainder of this Article.
- B. *Locational Restrictions.* Billboards are permitted as follows:

1. As uses permitted by right in the C-4, I-2, and I-3 Districts; and
 2. As conditional uses in the following Districts, subject to the standards in subsection L below: DBD, C-3 and I-1.
 3. Off-premise messages are limited to billboards, supergraphics, and City-Designated District Signs on Public Right-of-Way. No other sign category may display an off-premise message.
- C. *Street Location.* Except as allowed in subsection L below, billboards are only permitted on property that abuts the following street types (these street types are identified and defined in Chapter 2 (Development Guide), part 3.0 (Infrastructure & Investment) of the comprehensive plan, which is incorporated by this reference): Highway, Industrial, or Major Arterial.
- D. *Size.* Except as allowed in subsection L below:
1. The display surface area for Billboards designed to be read from an accepted street type shall not exceed 672 square feet per sign face, except for a 20 percent allowance for extensions and cutouts.
 2. The maximum width of a Billboard is 50 feet.
- E. *Height.* Except as allowed in subsection L below:
1. The maximum height of the highest point of a billboard designed to be read from a divided, limited access roadway with four or more traffic lanes is 50 feet above grade. However, if the Billboard is adjacent to an elevated roadway, the maximum height is 30 feet above the road grade.
 2. The maximum height of the highest point of all other billboards is 35 feet above grade.
 3. The minimum clearance between ground level and the lowest point of the display surface, exclusive of supports, is 6 feet.
- F. *Location.*
1. The location shall comply with all established building lines and required setbacks as outlined in this Chapter and all other ordinances of the City.
 2. Where there is no building setback line established by ordinance or subdivision plat, Billboards shall be set back from any lot line abutting a street at least 25 feet.
 3. If a railroad right-of-way crosses a public right-of-way, required setbacks or established building lines on adjacent properties are extended through or across the railroad right-of-way.
 4. No Billboard shall be constructed, erected, or placed in any way on the roof or walls of a building. A Billboard may be constructed over, but not on, a roof if there is a minimum distance between the roof and the lowest point of the sign surface of 10 feet.
- G. *Spacing Between Billboards.* Except as allowed in Section L below:
1. The measurement for the spacing requirement is from the center of the sign support structure and following the curvature or geometry of the right-of-way.
 2. Regardless of the applicable zoning, no Billboard shall be constructed, erected, placed, or replaced closer than 1,200 feet to another Billboard facing in the same direction and on the same side of the street or roadway from which the Billboard is intended to be read.

H. *Spacing from Districts or Uses.*

1. No Billboard shall be constructed, erected, placed, or replaced closer than 50 feet to a residentially zoned property (RA, R-1, R-1ZL, R-2, R-3, R-3M, R-4M, R-4, R-MH-1, and R-MH-2 or areas of a PUD or SPUD reserved for residential uses).
2. No billboard shall be constructed, erected, placed, or replaced closer than 150 feet to the nearest detached Single-Family or Two-Family Residential building.
3. No Billboard shall be constructed, erected, placed, or replaced closer than 300' to the nearest HL or HP zoned property.

I. *Lighting.* Billboards may be illuminated in compliance with Chapters 18 and 32 of the Municipal Code, and any other applicable ordinances. However, no flashing or intermittent lighting of Billboards is permitted.

J. *Electronic Message Displays.* Billboards may incorporate Level 1 electronic message displays (see Section 59-16105 of this Article). Billboards shall not incorporate Level 2 or 3 electronic message displays.

K. *Scenic Corridor.*

1. *Purpose.* The purpose of this Section is to promote the reasonable, orderly and effective display of Billboards in the City while remaining consistent with national policies, to protect the public investment in the interstate and Federal-aid primary highways, to promote and enhance the beauty, order, and attractiveness of the City to residents, tourists and visitors and thus, positively influence the economic prosperity of the area.

2. *Designation.*

- a. *Designation Procedure.* The City Council may designate a scenic corridor in the same manner prescribed for the designation of zoning districts by this Chapter and subject to compliance with this subsection.
- b. *Criteria.* The City may designate an area as a Scenic Corridor if it possesses one or more of the following attributes within the categories below, and finds that due to those factors, it is necessary to further regulate and limit the number and placement of Billboards in the area, resulting in the overall enhancement of the public health, safety, and welfare:
 1. Significant character, interest, or value as part of the development, heritage, or cultural characteristics of the City, state or nation; or
 2. Designation as a special purpose district (Chapter 59, Article VII); or
 3. Residential neighborhood character; or
 4. Unique natural features or landscapes visible from a street; or
 5. Established and familiar visual feature(s) of the City, or a neighborhood, community, or skyline owing to its unique location or singular physical characteristics; or
 6. Substantial public and private investments that have resulted in a heightened real estate market for new development within the area, including new residential development.

3. *Designated Scenic Corridors.* No Billboard is permitted within the boundaries of the following areas:

a. *Downtown Scenic Highway Area.* The Downtown Scenic Highway Area, described as follows: *Beginning at East line of the Southeast Quarter of Section 32, Township 12 North, Range 3 West of the Indian Meridian being located 500 feet north of the North right-of-way line of Interstate-40; thence Easterly along a line 500 feet of and parallel to said north right-of-way line of Interstate-40 to the East line of Section 33, Township 12 North, Range 3 West; thence North along said East line of Section 33 to the intersection with the South line of NW 9th Street; thence East along the South line of NW 9th Street to the East line of North Broadway Avenue; thence North along the East line of North Broadway Avenue to the North line of the Southeast Quarter of Section 28, Township 12 North, Range 3 West; thence East along the North line of said Southeast Quarter of Section 28 and the North line of the Southwest Quarter of Section 27, Township 12 North, Range 3 West to the West line of North Stiles Avenue; thence South along the West line of Stiles Avenue to the South line of NE 10th Street; thence East along the South line of NE 10th Street to the East line of the Northwest Quarter of Section 34, Township 12 North, Range 3 West; thence North along the East line of said Northwest Quarter Section 34 to the intersection with the South line of NE 5th Street extended West; thence East along the South line of NE 5th Street to the West line of Lindsay Avenue; thence North along the West line of Lindsay Avenue to the South line of NE 4th Street; thence East along the South line of NE 4th Street to the West line of Lindsay Avenue, thence South along the West line of Lindsay Avenue to the South line of NE 3rd Street; thence East along the South line of NE 3rd Street to the West line of Phillips Avenue; thence South along the West line of Phillips Avenue to the South line of NE 1st Street; thence East along the South line of NE 1st Street to the East line of the Southeast Quarter of Section 34, Township 12 North, Range 3 West; thence South along the East line of said Southeast Quarter of Section 34 and the East line of the Northeast Quarter of Section 3, Township 11 North, Range 3 West to the North bank of the North Canadian River; thence Southwesterly along said north bank of the North Canadian River to a point of intersection with the South line of SW 11th Street extended East; thence West along the South line of SW 11th Street extended East to the East line of Section 4 Township 11 North, Range 3 West; thence North along the East line of Section 4 to a point of intersection with the South line of SW 10th Street extended East; thence West along the South line of SW 10th Street extended East to the East line of South Walker Avenue; thence North along said East line of South Walker Avenue to a point of intersection with the South line of SW 10th Street extended East; thence West along the South line of SW 10th Street and extended West to the North bank of the North Canadian River; thence Westerly along the North bank of the North Canadian River to the said West line of Section 5, Township 11 North, Range 3 West; thence North along the West line of Section 5 to the Northwest Corner of said Section 5; thence East along the North line of Section 5 to the Northeast corner of said Section 5, also being the Southeast corner of Section 32, Township 12 North, Range 3 West; thence North along the East line of said Section 32 to a point 500 feet North of the North right-of-way line of Interstate-40 to the point or place of beginning.*

L. *Conditional Use Standards.* The following apply to any billboard approved as a conditional use:

1. *Minimum Lot Size.* In C-3 and I-1 districts the minimum lot size is 12,000 square feet.
2. *C-3, DBD, and I-1 Districts.* The following conditions of approval apply to Billboards in the C-3, DBD, and I-1 Districts:
 - a. Billboards are permitted on property that abuts any street type. These street types are identified and defined in Chapter 2 (Development Guide), part 3.0 (Infrastructure & Investment) of the comprehensive plan, which is incorporated by this reference.

- b. Billboards shall not exceed the following dimensions:
 - 1. Maximum area: 200 square feet;
 - 2. Maximum height: 20 feet.
- c. Minimum spacing from another Billboard facing in the same direction and on the same side of the street or roadway from which the Billboard is intended to be read is 750 feet.
- 3. *DBD District.* The following additional conditions of approval apply to Billboards in the DBD District:
 - a. Billboards are subject to all regulations for freestanding signs in the Commercial (C) sign district, and
 - b. To protect the viewsapes of the Oklahoma City National Memorial, Billboards are not permitted between Dean A. McGee Avenue, NW 7th Street, North Broadway Avenue and North Hudson Avenue.
- 4. *I-1 District.* In addition to the conditions above, Billboards in the I-1 District are subject to all regulations for freestanding signs in the Commercial (C) sign district.
- 5. *C-3 District.* The following additional conditions of approval apply to Billboards in the C-3 District:
 - a. Property shall be undeveloped when the sign is erected;
 - b. If the lot is subsequently developed, the property owner shall remove the Billboard prior to occupancy or bring the sign into conformance with the regulations for freestanding signs in terms of permitted design, size and spacing.

(Ord. No. 27526, § 10, 2-13-24, eff. 3-15-24)

§ 59-16114. - Administration.

A. *Permits.*

1. *Applicability.*

- a. *Generally.* A permit from the Director is required before any person:
 - 1. displays, erects, structurally alters or relocates any sign; or
 - 2. removes or demolishes a sign.
- b. *Electrical Code.* All illuminated signs are subject to the City's Electrical Code (Chapter 18 of this Code) and associated permit fees.
- c. *Installation.* Signs not affected by building code structural requirements may be installed by other than a licensed sign contractor if a permit is issued after application and review for conformance to all applicable regulations.
- d. *Design Districts.* In a design district, no construction, enlargement, or relocation of a sign is permitted until any applicable Certificate of Approval or Certificate of Appropriateness is approved.
- e. *Alteration.* Whenever a sign is changed, other than for ordinary maintenance and repair or to restore its original colors, it is considered a new sign and is subject to the sign permit requirements and applicable design review process.

2. *Submittal Requirements.* Application for a permit shall be made upon forms or electronic media required

by the Director and shall contain the following information:

- a. The name, address, and telephone number of the applicant;
 - b. The location of the building, structure, or lot to which or upon which the sign or other advertising structure is to be attached or erected;
 - c. The position of the sign or other advertising structure in relation to nearby buildings or structures;
 - d. One blueprint or ink drawing of the plans and specifications and method of construction and attachment to the building or in the ground, when required by the Director;
 - e. Copy of stress sheets and calculations showing the structure is designed for dead load and wind pressure in any direction in the amount required by ordinance, when such is required by the Director;
 - f. The name of the person erecting the structure;
 - g. Other information the Director may require to show full compliance with all ordinances.
3. *Fee.* Prior to the issuance of a permit pursuant to this Section, the applicant shall pay the fee established in Chapter 60, the General Schedule of Fees.
4. *Owner's Consent.* Before any permit is granted for the erection of a sign, plans and specifications shall be filed with the Building Official showing the dimensions, materials, and required details of construction, including loads, stresses, and anchorage. The applications shall be accompanied by the written consent of the owner or lessee of the premises upon which the sign is to be erected.
5. *Issuance.*
- a. Upon the filing of an application for a permit, the Director shall examine the plans and specifications and other data, and the premises upon which it is proposed to be located if deemed necessary.
 - b. No person shall be issued a permit pursuant to the provisions of this Division unless they are a sign contractor licensed by the City, except as provided for certain signs in this Article, and except murals.
 - c. If it appears that the proposed structure complies with the building code, all requirements of this article, and all other laws of the City, the Director shall issue the permit.
6. *Identification.* Every sign for which a permit is issued and erected, constructed, or maintained shall be plainly marked with the name of the person, firm, or corporation owning, erecting, maintaining or operating such sign. The method and location of this identification shall appear on the plans and within the specifications filed with the Building Official.
7. *Term.* The permit becomes null and void if the work authorized under a permit is not completed within 6 months after the date of issuance.

B. Master Sign Plans.

1. Applicability.

- a. This subsection B is required for:
 1. Any development or redevelopment of at least five acres; or
 2. Any PUD or SPUD; or

3. Any other applicant who elects to file a master sign plan as part of a sign permit application.
- b. This subsection does not apply to any minor subdivision in the "R" sign districts.
2. *Master Sign Plan Incentives.*
 - a. Where non-residential or mixed-use buildings are planned as a series of individual buildings on individual lots with each individual lot having frontage on a public or private street, each individual building may have ground signs in accordance with Section 59-16107 of this article if those sign(s) are included and approved on a master sign plan if:
 1. A building on the lot does not have a wall sign facing a public or private street; and
 2. The ground sign does not exceed 70 percent of the height and 15 percent of the area of the street-facing facade of the principal building on the site.
 - b. For ground signs:
 1. The maximum height is increased by ten percent; and
 2. The maximum sign area for any individual sign is increased by 15%. If multiple ground signs are consolidated into one ground sign, then the area of the consolidated sign may be increased up to 350 additional square feet.
 3. The maximum cumulative sign area is increased by 15%. The applicant may distribute the total sign area increase for all ground signs to individual signs in the project, but the increase shall not exceed 50 square feet for an individual sign.
 - c. The maximum cumulative sign area for wall signs and projecting signs is increased by 10%. The applicant may distribute the total sign area increase for all wall and projecting signs to individual signs in the project, but the increase shall not exceed 40 square feet for an individual sign.
3. *Criteria.* The master sign plan shall comply with the following:
 - a. The master sign plan shall comply with all applicable requirements of this Article;
 - b. All signs shall be integrated into a unified development concept with the placement and design of buildings on the site; and
 - c. All signs shall use consistent mounting, and coordinate mounting location with the architectural features of the principal buildings on the site.
4. *Submittal Requirements.*
 - a. The master sign plan shall be submitted as part of the sign permit application unless requested by the Planning Commission as part of a PUD or SPUD application or design statement. If the master sign plan is submitted as part of a PUD or SPUD, a sign permit is required for any sign subject to the master sign plan (if required by sections 59-16105, 59-16107, 59-16108, 59-16109, 59-16110, 59-16111 or 59-16112) before the sign is erected or displayed.
 - b. The master sign plan shall include an overall sign program with performance standards that address design, lighting, color, materials, and type and method of construction to ensure that all signs within the development are designed in a consistent and compatible manner.

- c. The master sign plan shall include:
- 1. A written statement with supporting, scaled graphics that include, for all freestanding and attached signs:
 - i. Size, location, and number of all signs, including area, letter height, and height, and
 - ii. Materials, styles (letter colors, background colors, text, fonts, etc.), and colors for all signs subject to the master sign plan, including the context of where signs are placed along any site frontage or on any façade;
 - iii. Type of illumination; and
 - iv. A design theme with illustrative examples of each sign type and the proposed general locations of each sign type.
 - 2. A site plan and elevations identifying the location, number, setback, dimensional standards, and other design standards for all freestanding signs.
 - 3. Standards for wall signs and other types of attached signs.
 - 4. The signature of all property owners subject to the master sign plan authorizing and consenting to the application and approved master site plan standards and conditions.

C. *Variances.* An Applicant may apply for a hardship variance from the Board of Adjustment pursuant to Article IV of Chapter 59 of the Municipal Code.

Note: Applicants may also seek a master sign plan. Table 59-16114.14 (Summary of Variances and Master Sign Plans) summarizes these actions:

Table 59-16114.14 Summary of Variances and Master Sign Plans		
	Variance	Master Sign Plan
Intent	Provide relief from practical difficulties or unnecessary hardships.	Provide a unified design program for signs in a development.
Eligibility	Applicant must meet the hardship and unique circumstances criteria, found in § 59-4250.9 of the City's Municipal Code.	Minimum 5 acres
Where allowed	All districts	All districts

What is approved	Modification of standards	Modification of standards may include monument signs for individual structures.
Decision maker	Board of Adjustment	Director of Planning as part of sign master plan or amendment

D. *Approval of Electrical Inspector Required for Electrically Wired Signs.*

1. The application for a permit for the erection of a sign in which electrical wiring and connections is used shall be submitted to the electrical inspector if required by the Director.
2. The electrical inspector shall examine the plans and specifications requesting all wiring and connections to determine if they comply with the electrical ordinances and shall approve the permit if the plans and specifications comply with those ordinances.
3. This action of the electrical inspector shall be taken prior to submission of the application to the Director for final approval or disapproval of the permit.

E. *Contractors.*

1. *License.*
 - a. No person, except a licensed sign contractor, shall engage in the business of manufacturing, installing, erecting, repairing, altering, or servicing signs.
 - b. This Section does not apply to murals.
 - c. Employees of duly licensed sign contractors are not required to obtain a license or pay a fee to engage in the work of manufacturing, installing, erecting, repairing, altering, or servicing signs in the regular course of their employment.
 - d. No sign contractor's license shall be issued until the person applying for it pays to the City Treasurer the fee established in Chapter 60, the General Schedule of Fees.
2. *Bond.*
 - a. No sign contractor's license shall be issued until the applicant deposits with the City Clerk a surety bond in the sum of \$5,000.00 known as "sign contractor's bond." The bond shall be executed by the sign contractor, and the surety shall be a corporate surety company authorized to do business in this State.
 - b. The bond shall be in the favor of the City and conditioned that the licensee shall faithfully and properly conduct his business in compliance with the laws and ordinances of the City relating to signs and sign contractors and for the payment of all fines and penalties imposed by the violation of those laws and

for the protection and indemnification of the City against all damages, resulting directly or indirectly from any injury to persons or property on account of the negligence or unskilled work of the licensee.

- c. The bond shall be renewed annually and no person shall engage in the business of a sign contractor unless the bond as provided in this section is on file with the City Clerk.

3. *Vehicle Identification Required.* Every licensed sign contractor shall have the firm's name painted on the side of all vehicles used in the operation of its business.

(Ord. No. 27526, § 10, 2-13-24, eff. 3-15-24)

§ 59-16119. - Definitions, Measurement and Rules of Interpretation.

A. *General Rules of Interpretation.*

1. This Title establishes minimum requirements adopted for the promotion of the public health, safety, and welfare.
2. When a requirement of this Article varies from another provision of this Title, any other duly adopted City ordinance, or any duly promulgated rule or regulation of the City, the more restrictive, or that imposing the higher standards, applies.
3. Any action or approval authorized in this Article to be taken by an official may be taken by that official's designee.
4. When used in this Article, the phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," and "occupied for."
5. The term "include" means "including, but not limited to" unless otherwise provided.
6. Purpose statements are incorporated in some Sections to include a statement of the City's intent in adopting regulations, establish legislative findings of the facts supporting the provisions, and/or to explain how the Section works for the typical reader. Purpose statements are not requirements but may support the City's actions in interpreting and applying the requirements.
7. Any reference to a statute, provision of this Code, other laws or regulations, reference documents, technical manuals, or other documents refer to the most recent versions of those documents, including any amendments or updates to the statute, Oklahoma City Municipal Code, law, regulation, or other document.
8. The following elements of this Article are provided for explanatory purposes and for the convenience of the reader. They are not binding, and do not supersede any mandatory standards and procedures:
 - a. This Article includes graphics (such as drawings, diagrams, photographs, and images) to help the reader understand the text. If there is a conflict between a graphic and the text, the text applies.
 - b. Where a provision includes explanatory material or examples in italics, those provisions are for the reader's convenience and do not supersede the text or requirements that it explains.

- B. *Definitions.* The following words, terms and phrases have the following meaning when used in this Article, unless the context clearly indicates otherwise:

Abandoned Sign: See Section 59-16117 of this Code.

Abut or Abutting: Having a common border, or separated from a common border by a street, alley, right-of-way, service lane, stream or easement.

Adjacent residentially zoned property: The abutting residentially zoned property that is separated by a common property line. The sign setback shall be measured from the common property line. Residentially zoned property separated by a street, shall be measured from the sign to the nearest point on the right-of-way line of the residentially zoned property on the opposite side of the street.

A-Frame Sign: See "Sandwich Board."

Aggregate use: A group of primary uses integrated in a single development not separated by an opened public street, under common ownership, and sharing private parking facilities and other services in common.

Air Dancer: An inflatable device (generally about 20' in height) consisting of a long tube attached to a fan which causes the tube to move in a dancing or flailing motion. Air dancers are generally called an inflatable tube or a moving figure, such as "windyman," "skydancer," "tube man," "wacky waving inflatable arm flailing tube man," and "flyguy." Variants of an air dancer may resemble humans with tube arms.

Alter: Any change in the color, size, shape, illumination, position, location, construction or supporting structure of a sign, not including any items excluded from this definition by Section 59-16115.

Animation: A sequence of frames that, when played in order at sufficient speed, presents a smoothly moving image like a film or video. Animation includes any or a combination of digitized video or computer-generated graphics.

Arterial: Any major arterial or minor arterial.

Arterial, Major: Any street designated as a major arterial in the comprehensive plan (see Section 59-16106).

Arterial, Minor: Any street designated as a minor arterial in the comprehensive plan (see Section 59-16106).

Attached sign: A sign attached to, painted on, or in any other way represented on a building or a structural element of a building. Attached signs include any canopy sign, combination sign, marquee sign, module sign, parapet wall sign, projecting sign, roof sign, and wall sign.

Attention-Getting Device: Means an air dancer, feather sign, propeller, spinner, streamer, search light or similar device or ornamentation that is designed to attract attention.

Awning sign: Any sign painted, printed, attached, or otherwise applied to any facet or support structure of an awning. An "awning" means an architectural projection that provides weather protection, identity or decoration, and is partially or wholly supported by the building to which it is attached. An awning is comprised of a lightweight frame structure over which a covering is attached. (Source: International Building Code 2015)

Balloon Sign: An individual or grouping of inflatable devices, at least three feet in height or width, with or without a specific message, figures or designs attached to its surface, used or intended to be used to attract attention. Depending upon its size or location a balloon sign may be considered a ground sign, a roof sign, an attached sign or a freestanding

sign. Balloons that do not meet the definition in this paragraph are not governed under the regulations of this chapter.

Banner: A pennant, streamer, picture, figure, or other object, made of fabric, cloth, bunting, plastic, paper, or any other non-rigid material with no enclosing framework.

Billboard: A sign or sign structure upon which advertising may be posted, painted, or affixed, and which is primarily designed for the rental or lease of the sign space for advertising not related to the use of the property upon which the sign is located.

Block: All of the lots or parcels abutting the same side of a dedicated street between the two nearest intersecting dedicated streets. If that area exceeds 600 feet, the first 600 feet beginning at the intersecting street nearest the intersection of Sheridan and Santa Fe Streets in downtown Oklahoma City, and each additional 600 feet (or portion) that abuts or remains in the area is considered a separate block.

Building Code: The City's building code adopted pursuant to Chapter 12 of this Code.

Building Elevation: The view of any building or other structure from any one of its sides.

Canopy: A fixed shelter of any material and of any length projecting from a building and supported by columns or posts from the ground. Also known as an "awning."

Canopy Sign: An attached sign painted on or attached to the vertical side of, or erected on the roof surface of, a canopy or awning.

Channel Letter: A fabricated or formed three-dimensional letter, number, logo or symbol.

Figure 16118.2 Channel Letters





Changeable Copy: Copy that can be changed or rearranged without altering the Sign Face or Sign Structure, excluding Digital Copy.

City-Designated District: A geographically defined area of predominantly commercial land uses where property and business owners share goals of commercial district revitalization. These areas are represented by districts participating in the City's Commercial District Revitalization Program, the Downtown Business Improvement District and other City-designated improvement districts.

City Manager: The City Manager of the City of Oklahoma City, or their designee.

Combination sign: A single attached sign incorporating any combination of the features of the projecting, parapet wall, canopy, marquee, and wall signs.

Commercial Copy: Any sign text, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

Connector: Any street designated as a connector in the comprehensive plan (see [Section 59-16106](#)).

Coping: The cap at the top of a wall, installed for decoration or for protection from weather elements.

Copy: Any words, letters, numbers, figures, logos, designs or other symbolic representations incorporated into a sign.

Decoration: Any ornament, bunting, wreath, figure, insignia, or other device employed to embellish a structure and that does not include letters text, or numbers, and not including any mural. A decoration is not considered a sign for the purposes of this article.

Detached Canopy: A freestanding shelter supported by columns or posts from the ground.

Digital Copy: Static images that are controlled by electronic communications that allow the images to be turned on or off intermittently.

Director: The Development Services Director, Planning Director or Public Works Director, as context dictates.

Display surface: The net geometrical area enclosed by the display surface of the sign including the outer extremities of all letters, Figures, characters, and delineations. Display surfaces do not include the structural supports for freestanding signs if the structural supports are so arranged as not to become a part of the attention-attracting aspect of the sign.

Dissolve: A mode of message transition on an electronic message display accomplished by varying the light intensity or pattern, where the first message gradually appears to dissipate and lose legibility simultaneously with the gradual appearance and legibility of the second message.

Double-faced sign: A sign which has two display surfaces each of which is parallel to the other or joined in a "V" shape forming an angle of 30 degrees or less.

Downtown Street: Any street designated as a downtown street in the comprehensive plan (see [Section 59-16106](#)).

Eave: The projecting lower edges of a roof overhanging the wall of a building.

Electronic Message Display (EMD): A sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means. These signs are further defined into the categories described in [Section 59-16105](#).

Embellishment: An addition to the sign structure on which a continuation of the copy is placed. Standard bases and standard trim are not considered embellishments. An embellishment is considered part of the sign area.

Erect: To build, construct, place, locate, or structurally alter any sign; cause any sign to be built, constructed, placed, located, relocated or structurally altered; or benefit directly or indirectly from the building, construction, placement, location, relocation or structural alteration of any sign or other advertising device upon the site where it is to be utilized, whether permanent or temporary.

Exposed Neon: A neon sign in which the neon tubes are not enclosed by an opaque covering.

Façade: The exterior wall of a building exposed to public view or a wall viewed by persons not within the building.

Fade: A mode of message transition on an electronic message display accomplished by varying the light intensity, where the first message gradually reduces intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.

Fascia: A continuous translucent panel illuminated from within, which may extend around one or more corners, and is attached to and designed as a part of a building.

Feather Sign: A sign made of flexible material in the shape of a feather, quill, sail, blade or teardrop, and mounted on a solid or flexible pole or cord. These are sometimes referred to as "quill signs" or "sail banners."

Figure 16118.4 Feather Signs



Flag: A piece of fabric or other flexible material, with distinctive colors and patterns, customarily mounted on a pole or similar freestanding structure, or on a pole mounted on a building.

Flashing: See "intermittent".

Footcandle: A measure of illumination on a surface that is one foot from a uniform source of light of one candle and equal to one lumen per square foot.

Frame: Complete, static display screen on an Electronic Message Display.

Frame effect: Visual effect on an Electronic Message Display applied to a single frame to attract the attention of viewers. Examples include words or symbols with intermittent lighting, zooming, chasing lights, and font or color changes.

Freestanding sign: Sign which is attached to or a part of a completely self-supporting structure. The supporting structure is not attached to any building or any other structure and is anchored firmly to or below the ground surface.

Grade level: Means the average level of the finished or natural surface of the ground area adjacent to the exterior walls of a building or adjacent to the supports of a sign structure. In this instance, adjacent shall be limited to a radius of 25 feet from the center of the sign structure.

Ground sign: A freestanding sign of limited height which is independent of any building or structure on the property and is placed upon the ground or supported by a base that is at least 50% of the width of the sign at its widest point. A sign attached to a wall or fence that serves as the boundary of a parcel is considered a ground sign. A ground sign does not include a pole sign.

Halo Lit: Illumination created by concealing the light source behind three-dimensional opaque letters, numbers, or other characters of a sign, resulting in the nighttime perception of a halo around the silhouette of each character. This is also referred to as "reverse channel" or "reverse lit" illumination. A halo lit sign is not considered an internally illuminated sign.

Height: See "sign height."

Highway: Any street designated as an interstate or state highway (or its adjacent frontage road) in the comprehensive plan (see [Section 59-16106](#)).

Illegal Sign: A sign that does not meet the requirements of this Code and that has not received legal nonconforming status.

Illuminated Awning: Any awning lighted by or exposed to artificial lighting, either by lights on or in the awning, or directed toward the awning.

Illuminated sign: Sign which has characters, letters, figures, designs, or outlines illuminated by electric lights or luminous tubes whether such sources of illumination are a part of a sign or not.

Illumination: An artificial light source incorporated internally or externally to emanate light from, or direct light to, a surface. Light sources may include exposed tubing, electrical bulbs, fluorescent lights, neon tubes, light emitting diodes (LED), liquid crystal displays, or other artificial sources of light.

Illumination, internal: Illumination performed by electrical apparatus from within the sign structure or which is otherwise a part of the sign structure. Includes interior lighting behind a translucent panel, unless otherwise provided.

Illumination, external: Illumination performed by spotlights or other lighting devices and which is not a part of the sign proper.

Incidental Sign: A sign with copy located on a rigid panel and mounted on a pole or a wall or similar structure, with or without a structural frame, that is normally incidental to the allowed use of the property, but can contain any message or content. An incidental sign does not include a billboard, or an attention-getting device or other prohibited sign. [Note: examples of customary uses for incidental signs include directional signs, real estate signs, non-commercial opinion signs, menu boards, garage sale signs, holiday decorations, property or tenant identification names or numbers, names of occupants, signs on mailboxes or newspaper tubes, signs posted on private property relating to circulation or private parking, political signs or signs warning the public against trespassing or danger from animals. This paragraph is provided to clarify the regulations and does not limit the content of incidental signs.]

Industrial Street: Any street designated as an industrial street in the comprehensive plan (see [Section 59-16106](#)).

Intermittent: Directly or indirectly illuminated sign, message, lighting or frame or portion thereof that changes at intervals of less than eight seconds. This includes any sign or portion thereof that exhibits changing light or color effect by any means at intervals of less than eight seconds. Examples include illumination that changes light color intensity in transitory bursts, illumination that creates the illusion of light changes by streaming, graphic bursts showing movement, or any mode of lighting which resembles zooming, twinkling, or sparkling.

Licensed Sign Contractor: A contractor licensed to engage in the business of manufacturing, installing, erecting, repairing, painting, altering, servicing or removing signs pursuant to § 59-16114.E.

Light: For purposes of defining a window, the aperture through which daylight may pass, such as a pane of glass. Lights are surrounded by mullions or transoms.

Main Street: Any street designated as a main street in the comprehensive plan (see [Section 59-16106](#)).

Maintenance: The cleaning, painting, repair, or replacement of worn or defective parts of a sign in a manner that does not alter in any way the approved signage.

Marquee: A permanent, fixed roof attached to, wholly supported by and projecting from a building.

Marquee Sign: An attached sign painted on or attached to the vertical side of, or erected on the roof surface of, a marquee.

Module: Separate unit of a sign which consists of an individual letter or an individual metal, plastic, masonry, or wood unit upon which no more than one letter or message is mounted or printed. Modules are open on three sides or mounted on a building with no visible interconnections between modules.

Module Sign: A sign formed of individual modules. A module sign shall be erected so that there is a space between modules. This sign shall be governed by the regulations applicable to the type of sign which the module sign represents. Any sign not meeting this definition is subject to the regular sign regulations.

Monument sign: See "Ground Sign."

Move or Movement: A sign or part of a sign that changes physical position by any movement or rotation. "Movement" includes any visible moving, revolving, or rotating parts or visible mechanical movement, or any apparent visible movement achieved by electrical, electronic or mechanical means, other than an electronic message display.

Mural: A one-of-a-kind visual depictions and/or work of art or licensed reproduction of an original work of art including, but not limited to, mosaic, painting, or graphic art techniques that are applied, painted, implanted, or placed directly onto the exterior of any structure. This definition is not intended to discourage the use of new paint and printing technologies. [Reference: see Section 59-16112 of this Code.]

Mullion: Vertical posts between the lights of a window.

Neighborhood Association: A geographically defined area of predominantly residential land uses where residents share goals of neighborhood improvement activities that promote safety, sociability, and beautification, with or without a requirement to collect mandatory dues from their members.

Neighborhood Street: Any street designated as a neighborhood street in the comprehensive plan (see Section 59-16106).

Neon: A source of light supplied by a glass tube that is filled with neon gas, argon, mercury or other inert gas that produces ultraviolet light, and bent to form letters, symbols, or other shapes. Neon includes all tubular light sources that employ a charged gas to illuminate a tube that glows, similar gas-activated tubular light systems that emit colors, and other tubular light sources (including fiber optics) that are used to form letters and shapes. The term " neon " also includes flexible light-emitting diode (LED) technology that simulates neon.

Nit: Measurement of luminance. One nit is equal to one candela per square meter (1cd/m²). An ordinary wax candle generates approximately one candela of luminance.

Non-Commercial Copy: Any copy other than commercial copy.

Nonconforming Sign: Any sign that does not conform to one or more applicable provisions of this Code, but that was lawfully erected and maintained, or approved in an PUD or SPUD, prior to the applicable provision or provisions.

Off-Premise Sign: A sign or advertising device which directs attention to an activity, service or product sold or offered elsewhere than on the premises on which the sign is located. Any sign previously defined as a "non-accessory" sign prior to the enactment of this Article is considered an off-premise sign. [Note: Pursuant to Section 59-16102C.2, off-premise signs may display non-commercial copy.]

On-Premise Sign: A sign which identifies or displays information concerning business conducted on the premises.

Over-Canopy Sign: A sign on the top of a roof overhang of a covered porch or walkway.

Owner: A person recorded as such on official records. The owner of property on which a sign is located is presumed to be the owner of the sign, unless facts to the contrary are officially recorded or otherwise brought to the attention of the City.

Parapet Wall: That part of any wall which extends through or above the roofline.

Parapet Wall Sign: Attached sign erected on the top surface of a parapet.

Painted Sign: Paint that is applied directly on a building wall to create a sign.

Panel: A plate, backing material, or other delineating surface that contains copy within a sign structure.

Pennant: A geometric shaped sign made of flexible materials, suspended from one or two corners fastened to a string, which is secured or tethered so as to allow movement and used as an attention-getting form of media.

Figure 16118.5 Pennants



Planning Director: The Planning Director established pursuant to Municipal Code § 59-3550, or their designee.

Pole Sign: A freestanding sign that is supported by a pole, is not attached to a building, and where the bottom edge of the sign face is located at least three (3) feet above the average finished grade at the base of the sign and the sign complies with the standards set out in Section 59-16107 of the Municipal Code. A "pole sign" does not include a flag mounted on a flagpole, where permitted by this Article.

Portable Sign: Transportable sign with or without wheels and/or tires designed for temporary or permanent use. Typically, such signs are less than six feet in height, are mounted on a wheeled undercarriage or temporary base, and contain a display area designed to allow rapid revision of the letters, numbers and other characters in the advertising message. Such signs are a separate type and class of sign, and shall not be construed as being one of the other signs addressed in, or defined by, this chapter.

Premises: A lot or parcel, and includes other parcels that are included as part of master sign plan. For use in this Section, "premises" does not include: (1) easements, or (2) adjacent parcels except as provided above.

Primary Use: The single dominant use of any piece of property, or lot.

Projecting Sign: An attached sign which projects from and which has one end attached to a building, and which does not employ ground support in any manner.

Projection Image Sign: Static or moving image electronically projected onto a structure or other stationary surface. Except as specifically regulated in the Design Review Districts, these are reviewed as Electronic Message Display signs.

Property Line: The boundary of any lot, parcel, or tract as platted or described in the conveyance of the property to the owner. "Property Line" does not include the streets or alleys upon which the lot, parcel, or tract abuts.

Property Line Setback: The required distance from any property line and a sign.

Public Agency: The City, a County, the state or federal government, or any agency created by the City, County, state or federal government.

Public Property: Any property, real or personal, owned, leased or licensed by a public agency, including public rights-of-way, and for which the right to possess and control such property has not been legally surrendered, granted, licensed, or conveyed to a private person or entity.

Public Sign: A sign erected by any governmental entity in conjunction with the conduct of any governmental program, operation or activity, including, but not limited to, federal, state, county, and City governments, and school and recreation districts.

Residential District: The following districts, or areas or designated for residential use in an PUD/SPUD: AA (Agricultural); RA2 (Single-Family Two-Acre Rural Residential); RA (Single-Family One-Acre Rural Residential); R-1 (Single-Family Residential 6,000 square foot minimum)); R-1ZL (Single-Family Residential Zero Lot Line); R-2 (Medium-Low Density Residential); R-3 (Medium Density Residential); R-3M (Medium Density Multiple-Family Residential); R-4M (Medium-High Density Multiple-Family Residential); R-4 (General Residential); R-MH-1 (Manufactured [Mobile] Home Subdivision); R-MH-2 (Manufactured [Mobile] Home Park District; and NC (Neighborhood Conservation, Tracts 1, 2 and 3).

Right-of-Way: The land within the public sphere which may be used by pedestrian or vehicular traffic.

Roof: The outside top covering of occupiable space in any building or structure.

Roof Sign: A sign that is mounted on the roof of a building, or that is wholly or partially dependent upon the building for support, and that projects above the highest point of a building with a flat roof, the eave-line of a building with a gambrel, gable, or hip roof, or the deck-line of a building with a mansard roof.

Roof sign, Type A: A roof sign that is located immediately and entirely over the roof of a building and attached to a wall, pylon or similar physical support that is part of the physical and architectural design of the building.

Roof sign, Type B: Attached sign erected on a vertical framework supported by and located immediately and entirely over the roof of a building

Roofline: The eave or fascia of any wall plane.

Sandwich Board: A freestanding sign which is ordinarily in the shape of an "A," or spring mounted on a fixed base (or a variation of that), and which is usually two-sided. A "sandwich board" is also known as an A-frame or springer sign.

Scroll: Mode of message transition on an electronic message display where the message appears to move vertically across the display surface.

Setback: The required distance between a sign and the lot line of the lot on which it is located (i.e., a property line setback) or other features as set out in the Sign Code (such as a residential district line).

Sight Triangle: See Section 59-12300 (Sight Distance Triangle Requirements).

Sign: A structure or device, permanently or temporarily attached to, painted on, supported by, or represented on a building, fence, post or other structure which is used or intended to be used to attract attention. Unless otherwise provided, a "sign" includes the erection, construction or maintenance of any structure that meets the definition of "sign" above.

Sign Area: See Section 59-16117 of the Sign Code.

Sign Copy: See "copy."

Sign District: A family of districts identified in Section 59-16106 for purposes of applying the Sign Code.

Sign Face: The area or display surface used for the graphic message.

Sign Height: The vertical distance measured as follows: (1) for freestanding signs, from the highest point of a sign to the lowest grade beneath the sign, and (2) for attached signs, the vertical extent from the lowest to the highest point of the sign.

Sign Location: The site where one or more freestanding sign structures may be erected. Where more than one structure is placed on either a permanent or temporary basis, there shall be no more than a 12-inch separation between structures at the same sign location.

Sign Permit: A permit authorizing the erection or maintenance of a sign pursuant to Section 59-16114 of this Chapter.

Sign Structure: Any combination of materials to form a construction for the purpose of attaching, fixing, or otherwise supporting a sign, whether installed on, above, or below the surface of the land, a building, or any other solid surface.

Skyline Sign: An attached sign that is placed above the first 250 feet of a building.

Snipe Sign: A sign illegally attached to a utility pole or utility box, or affixed to a public sign.

Springer Sign: See "Sandwich Board."

Static: Having no motion; being at rest. Fixed - stationary.

Streamer: An attention-getting device consisting of two or more balloons, ribbons, reflectors, fringes or similar objects strung together on a common line, pole, or sign structure, or attached to one or more products offered for sale.

Figure 16118.6 Streamers



String Light: A lighting fixture that is composed of electrical wiring encased in plastic with sockets for bulb placement.

Strobe: Sign where the message or lighting flashes on and off more often than once every second. This shall not include the use of flashing lights in a chasing or alternating fashion around the sign perimeter.

Structure: Anything built or constructed, whether or not permanently attached to the ground. Unless otherwise provided in this Article, "structure" includes the entire structure or any part of a structure.

Subdivision Entry Sign: A monument sign located along the entry to a subdivision from a collector or arterial street.

Supergraphic: A pennant, streamer, flag or any graphic illustration constructed of any material that exceeds 100 square feet in total area that is draped from or envelops portions of one or more sides of a structure and that is designed to attract the attention of passersby. Also referred to as a "wallscape," "building wrap," or a "large display banner."

Swinger Sign: A sign which ordinarily swings freely from a frame or similar device, located on the ground, but not otherwise attached to the ground, and which is usually two-sided.

Temporary sign: A sign constructed of cloth, canvas, light fabric, cardboard, wood, wallboard, metal, or other light materials, with or without frames, which is intended to be displayed for a limited period of time only.

Tenant Space: That portion of a façade attached to interior space that is occupied by one occupant that has a ground floor entry that provides public or customer access to the occupant. An "occupant" includes one tenant, owner or business.

Transition: A visual effect used on an Electronic Message Display to change from one message to another.

Transom: A horizontal element framed across a window.

Travel: A mode of message transition on an Electronic Message Display where the message appears to move horizontally across the display surface.

Under Canopy Sign: A sign suspended from the underside of a canopy, awning, ceiling, marquee, roof overhang, a covered porch, or walkway.

Used: Designed or intended to be used.

Wall Area: For purposes of the attached sign regulations, "wall area" means the entire facade of a building where a wall sign is placed. This includes all windows and projecting or recessed elements of the facade.

Wall Sign: An attached sign painted on or attached to the wall or surface of a building or display surface which is parallel to the supporting surface. A sign attached to a wall or fence located on the boundary of a parcel shall be regulated as a ground sign.

Warning Sign: Any temporary or permanent sign used for warning or informing the public of any hazardous, dangerous or unsafe condition at any public or private property.

Wind Sign: An attention-getting device with or without copy, or a series of devices such as streamers, balloons, feather signs, and pennants with or without copy, fastened in such a manner as to move in the wind.

Window: An opening constructed in a wall and which admits light or air to an enclosure, is framed and spanned with glass, and which may be mounted to permit opening and closing.

Window sign: A sign attached or painted on the surface of, located on the interior of, or flashing through a window.

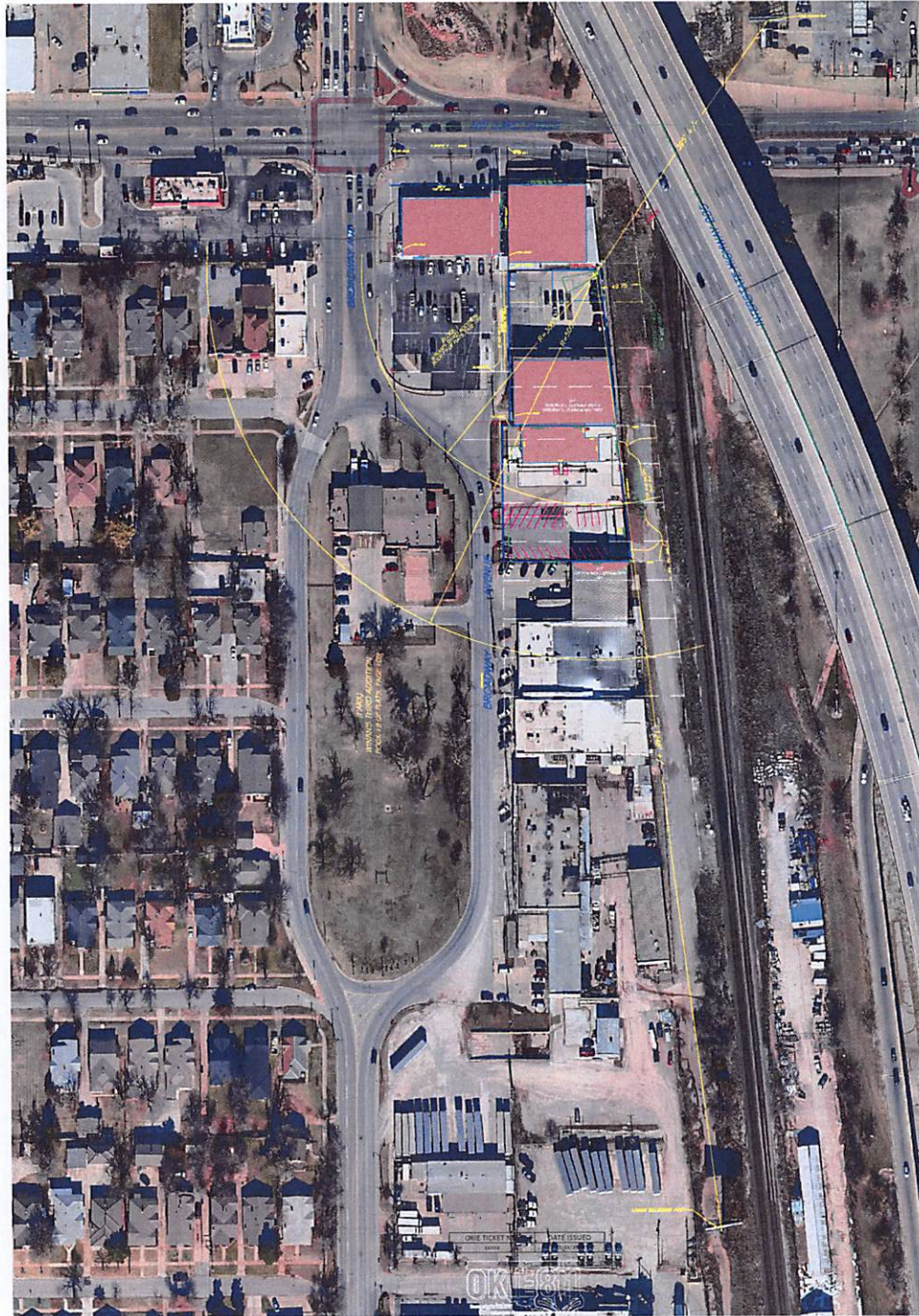
C. *Acronyms.* The following acronyms have the following meanings for purposes of this Title, unless the context clearly indicates otherwise:

Table 16119 Acronyms	
' or ft	feet
fc	Footcandle
lf	Lineal feet of frontage
EMD	Electronic Message Display
Max.	Maximum; indicates that the value prescribed is the maximum allowed
Min.	Minimum; indicates that the value prescribed is the

	minimum required
n/a	not applicable
O.S.	Oklahoma Statutes
sf	Square feet
PUD	Planned Unit Development
SPUD	Simplified Planned Unit Development
USC	United States Code

(Ord. No. 27526, § 10, 2-13-24, eff. 3-15-24)

Exhibit 4



SURVEY LEGEND

1. SURVEYOR'S NAME	2. DATE	3. PROJECT NAME	4. SCALE
5. SURVEYOR'S LICENSE NUMBER	6. SURVEYOR'S SIGNATURE	7. SURVEYOR'S FIRM	8. SURVEYOR'S ADDRESS
9. SURVEYOR'S PHONE NUMBER	10. SURVEYOR'S FAX NUMBER	11. SURVEYOR'S E-MAIL ADDRESS	12. SURVEYOR'S WEBSITE
13. SURVEYOR'S BUSINESS ADDRESS	14. SURVEYOR'S BUSINESS PHONE NUMBER	15. SURVEYOR'S BUSINESS FAX NUMBER	16. SURVEYOR'S BUSINESS E-MAIL ADDRESS
17. SURVEYOR'S BUSINESS WEBSITE	18. SURVEYOR'S BUSINESS ADDRESS	19. SURVEYOR'S BUSINESS PHONE NUMBER	20. SURVEYOR'S BUSINESS FAX NUMBER
21. SURVEYOR'S BUSINESS E-MAIL ADDRESS	22. SURVEYOR'S BUSINESS WEBSITE	23. SURVEYOR'S BUSINESS ADDRESS	24. SURVEYOR'S BUSINESS PHONE NUMBER
25. SURVEYOR'S BUSINESS FAX NUMBER	26. SURVEYOR'S BUSINESS E-MAIL ADDRESS	27. SURVEYOR'S BUSINESS WEBSITE	28. SURVEYOR'S BUSINESS ADDRESS
29. SURVEYOR'S BUSINESS PHONE NUMBER	30. SURVEYOR'S BUSINESS FAX NUMBER	31. SURVEYOR'S BUSINESS E-MAIL ADDRESS	32. SURVEYOR'S BUSINESS WEBSITE
33. SURVEYOR'S BUSINESS ADDRESS	34. SURVEYOR'S BUSINESS PHONE NUMBER	35. SURVEYOR'S BUSINESS FAX NUMBER	36. SURVEYOR'S BUSINESS E-MAIL ADDRESS
37. SURVEYOR'S BUSINESS WEBSITE	38. SURVEYOR'S BUSINESS ADDRESS	39. SURVEYOR'S BUSINESS PHONE NUMBER	40. SURVEYOR'S BUSINESS FAX NUMBER
41. SURVEYOR'S BUSINESS E-MAIL ADDRESS	42. SURVEYOR'S BUSINESS WEBSITE	43. SURVEYOR'S BUSINESS ADDRESS	44. SURVEYOR'S BUSINESS PHONE NUMBER
45. SURVEYOR'S BUSINESS FAX NUMBER	46. SURVEYOR'S BUSINESS E-MAIL ADDRESS	47. SURVEYOR'S BUSINESS WEBSITE	48. SURVEYOR'S BUSINESS ADDRESS
49. SURVEYOR'S BUSINESS PHONE NUMBER	50. SURVEYOR'S BUSINESS FAX NUMBER	51. SURVEYOR'S BUSINESS E-MAIL ADDRESS	52. SURVEYOR'S BUSINESS WEBSITE
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57. SURVEYOR'S BUSINESS WEBSITE	58. SURVEYOR'S BUSINESS ADDRESS	59. SURVEYOR'S BUSINESS PHONE NUMBER	60. SURVEYOR'S BUSINESS FAX NUMBER
61. SURVEYOR'S BUSINESS E-MAIL ADDRESS	62. SURVEYOR'S BUSINESS WEBSITE	63. SURVEYOR'S BUSINESS ADDRESS	64. SURVEYOR'S BUSINESS PHONE NUMBER
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69. SURVEYOR'S BUSINESS PHONE NUMBER	70. SURVEYOR'S BUSINESS FAX NUMBER	71. SURVEYOR'S BUSINESS E-MAIL ADDRESS	72. SURVEYOR'S BUSINESS WEBSITE
73. SURVEYOR'S BUSINESS ADDRESS	74. SURVEYOR'S BUSINESS PHONE NUMBER	75. SURVEYOR'S BUSINESS FAX NUMBER	76. SURVEYOR'S BUSINESS E-MAIL ADDRESS
77. SURVEYOR'S BUSINESS WEBSITE	78. SURVEYOR'S BUSINESS ADDRESS	79. SURVEYOR'S BUSINESS PHONE NUMBER	80. SURVEYOR'S BUSINESS FAX NUMBER
81. SURVEYOR'S BUSINESS E-MAIL ADDRESS	82. SURVEYOR'S BUSINESS WEBSITE	83. SURVEYOR'S BUSINESS ADDRESS	84. SURVEYOR'S BUSINESS PHONE NUMBER
85. SURVEYOR'S BUSINESS FAX NUMBER	86. SURVEYOR'S BUSINESS E-MAIL ADDRESS	87. SURVEYOR'S BUSINESS WEBSITE	88. SURVEYOR'S BUSINESS ADDRESS
89. SURVEYOR'S BUSINESS PHONE NUMBER	90. SURVEYOR'S BUSINESS FAX NUMBER	91. SURVEYOR'S BUSINESS E-MAIL ADDRESS	92. SURVEYOR'S BUSINESS WEBSITE
93. SURVEYOR'S BUSINESS ADDRESS	94. SURVEYOR'S BUSINESS PHONE NUMBER	95. SURVEYOR'S BUSINESS FAX NUMBER	96. SURVEYOR'S BUSINESS E-MAIL ADDRESS
97. SURVEYOR'S BUSINESS WEBSITE	98. SURVEYOR'S BUSINESS ADDRESS	99. SURVEYOR'S BUSINESS PHONE NUMBER	100. SURVEYOR'S BUSINESS FAX NUMBER

Billboard Exhibit
Native Digital
2322 N. Broadway Avenue
Oklahoma City, Oklahoma County
State of Oklahoma

Project Number
177458
Survey
1/2020



Exhibit 5

From: Randall, Susan D <susan.randall@okc.gov>
Subject: FW: Billboard - SIGN-2024-00417 - 2306 N. Broadway Ave.
Date: August 7, 2024 at 12:41 PM
To: Cooper Hahn <chahn@wbflaw.com>

SR

FYI



Susan D. Randall
Assistant Municipal Counselor
Land Use Division Head
200 N. Walker Avenue, Suite 400
Oklahoma City, OK 73102
405-297-2757
Susan.Randall@okc.gov

From: Wise, Scott T <scott.wise@okc.gov>
Sent: Wednesday, August 7, 2024 11:47 AM
To: Bill Condon <bcondon@lamar.com>
Cc: Aaron Stiles <aaron@downtownlegal.com>; Randall, Susan D <susan.randall@okc.gov>; Magdalena, Phillip M <mark.magdalena@okc.gov>; McMurtrey, Donna S <donna.mcmurtrey@okc.gov>; William Hickman <hickman@hickmanlawgroup.com>
Subject: RE: Billboard - SIGN-2024-00417 - 2306 N. Broadway Ave.

Mr. Condon,

Please see the attached which was sent by email today as a follow-up to a phone conversation with the contractor. It seems that our staff was unable to reach the developer either by phone or email previously; though we had provided verbal notice, by phone, to the sign contractor on the 26th of July.

Thank You,
Scott T. Wise
Development Center Manager
The City of Oklahoma City
420 W. Main St., OKC, OK, 73102
405-297-2979



For plans or permits status updates, please click [here](#)

From: Bill Condon <bcondon@lamar.com>
Sent: Wednesday, August 7, 2024 10:48 AM
To: Wise, Scott T <scott.wise@okc.gov>
Cc: Aaron Stiles <aaron@downtownlegal.com>; Randall, Susan D <susan.randall@okc.gov>; Magdalena, Phillip M <mark.magdalena@okc.gov>; McMurtrey, Donna S <donna.mcmurtrey@okc.gov>; William Hickman <hickman@hickmanlawgroup.com>
Subject: Re: Billboard - SIGN-2024-00417 - 2306 N. Broadway Ave.

Scott,

Good morning!

Just following up on my email from last week. I've been informed the applicant recently had contractors on site at Byron's and wanted to confirm the city notified the applicant of our Board of Adjustment appeal. Please let me know at your earliest convenience.



Bill Condon / Senior VP / Territory Manager
bcondon@lamar.com / Cell: 405.210.1256

Lamar of Oklahoma City
Office: 405.528.2683
123 NW 50th Street Oklahoma City, OK 73118
lamar.com/OklahomaCity



On Wed, Jul 31, 2024 at 11:24 AM Bill Condon <bcondon@lamar.com> wrote:

Scott,

Thanks for the email.

Lamar has filed an application on Monday, July 29th, with the Board of Adjustment to appeal the administrative decision to issue the permit. I've been informed the applicant intends to erect the digital billboard after August 1st. Please see Mr Box's letter attached.

Has the applicant been notified to not proceed until after the appeal? If so, please provide a copy of the notice.

Thanks again for the correspondence and I look forward to hearing back from you.



Bill Condon / Senior VP / Territory Manager
bcondon@lamar.com / Cell: 405.210.1256

Lamar of Oklahoma City
Office: 405.528.2683
123 NW 50th Street Oklahoma City, OK 73118
lamar.com/OklahomaCity

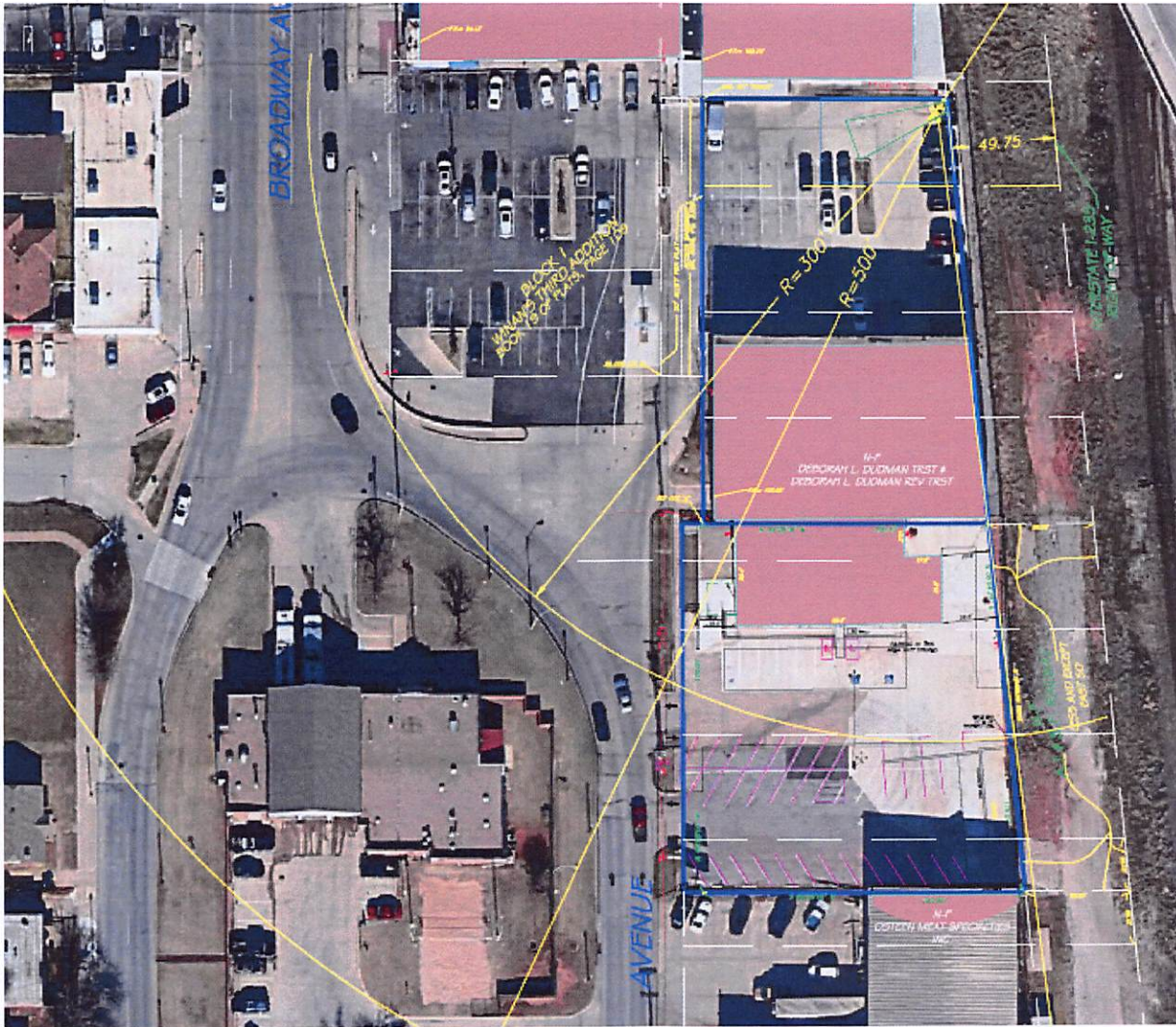


On Fri, Jul 26, 2024 at 2:34 PM Wise, Scott T <scott.wise@okc.gov> wrote:

Hello Mr. Condon,

1. The sign permit for billboard, SIGN-2024-00417, should be officially issued as of the morning of July 26th. You will actually have a 30 day's timeframe for the zoning Board of Adjustments. This timeframe for appeal has started as of the first email notification I sent you on July 17th it seems.
2. In regards to the 300 foot measurement. It was determined by City staff that the distance must be measured from the sign pole itself to the edge of the nearest HP property. In this instance, this would provide the clearance radius as shown in the image below. Please also keep in mind that the fire station property will not actually start at the curb, but further back at the property line.
3. Regarding the setback requirements from the Right-of-Way. The nearest ROW was determined to be to the East as was dedicated for the highway. There was then a buffer of 50 feet which was granted to the railway. This would then provide the necessary 25' from ROW as required.

Please let us know if you have any further questions.



Scott T. Wise
 Development Center Manager
 The City of Oklahoma City
 420 W. Main St., OKC, OK, 73102
 405-297-2979



For plans or permits status updates, please click [here](#)

From: Bill Condon <bcondon@lamar.com>
Sent: Thursday, July 25, 2024 3:32 PM
To: Wise, Scott T <scott.wise@okc.gov>
Cc: Aaron Stiles <aaron@downtownlegal.com>; Randall, Susan D <susan.randall@okc.gov>; Magdalena, Phillip M <mark.magdalena@okc.gov>; McMurtrey, Donna S <donna.mcmurtrey@okc.gov>
Subject: Re: FW: Billboard - SIGN-2024-00417 - 2306 N. Broadway Ave.

Scott,

Thanks for the follow up email. I would be interested for the city to share with me how the applicant satisfied the 25' setback and the 300' HP spacing requirement. This would be helpful with understanding how the city interprets these key elements in order to stay compliant with the new sign ordinance. It would also provide clarity for Lamar when we are considering new billboard opportunities within the city of OKC.

Currently, the city's portal indicates this sign application is "ready to be issued" status. It's my understanding that if Lamar files an appeal with the Board of Adjustment there's a 10 day deadline. Does the 10 days start from your original email notification to me or when the permit is actually issued?

Thanks again for the helpful correspondence.



Bill Condon / Senior VP / Territory Manager
bcondon@lamar.com / Cell: 405.210.1256

Lamar of Oklahoma City
Office: 405.528.2683
123 NW 50th Street Oklahoma City, OK 73118
lamar.com/OklahomaCity



On Wed, Jul 24, 2024 at 1:34 PM Wise, Scott T <scott.wise@okc.gov> wrote:

Mr. Condon,

The review process for the permitting of any sign or billboard will require compliance with various regulations as listed under current Municipal Ordinance. Any and all prior corrections, or requests for further information, have since been provided to our review team in compliance with the code. If you have a question regarding any specific regulation we will be happy to assist in providing clarification. However, at this time, we find that the proposal for billboard to be located at 2306 N. Broadway Ave. complies in its current form. Please note that you may also have the right to appeal the Board of Adjustments regarding this decision by contacting our Zoning section at 405-297-2623 option 1.

Please let me know if you have further questions.

Thank You,
Scott T. Wise
Development Center Manager
The City of Oklahoma City
420 W. Main St., OKC, OK, 73102
405-297-2979



For plans or permits status updates, please click [here](#)

From: Bill Condon <bcondon@lamar.com>
Sent: Thursday, July 18, 2024 10:33 AM
To: Wise, Scott T <scott.wise@okc.gov>

Cc: Aaron Stiles <aaron@downtownlegal.com>; Randall, Susan D <susan.randall@okc.gov>; Magdalena, Phillip M <mark.magdalena@okc.gov>; McMurtrey, Donna S <donna.mcmurtrey@okc.gov>
Subject: Re: Billboard - SIGN-2024-00417 - 2306 N. Broadway Ave.

You don't often get email from bcondon@lamar.com. [Learn why this is important](#)

Scott,

Thanks for the notification email. Please provide the rationale the City used to satisfy all the "corrections" needed to issue this permit.



Bill Condon / Senior VP / Territory Manager
bcondon@lamar.com / Cell: 405.210.1256

Lamar of Oklahoma City
Office: 405.528.2683
123 NW 50th Street Oklahoma City, OK 73118
lamar.com/Oklahoma City



On Wed, Jul 17, 2024 at 11:07 AM Wise, Scott T <scott.wise@okc.gov> wrote:

Dear Mr. Condon and Mr. Stiles,

I am writing to inform you that sign permit SIGN-2024-00417 for the billboard proposed at 2306 N. Broadway Ave. is set to be issued today for construction.

The two of you, representing both Lamar Signs and the owner Delmar Enterprises, LLC. had recently raised concerns or opposition to the placement of a new billboard on said property. Our staff has been in review of said proposal, and is now prepared to issue sign permit SIGN-2024-00417 as all relevant regulations and restrictions listed under local ordinance have been met. This email is meant to provide you our courtesy notice of this change in status.

Please let us know if you have any questions.

Thank You,
Scott T. Wise
Development Center Manager
The City of Oklahoma City
420 W. Main St., OKC, OK, 73102
405-297-2979



For plans or permits status updates, please click [here](#)

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From: [Magdalena, Phillin M](#)
To: [McCabe Crane & Sign; Wise, Scott T](#)
Cc: kelli@irishrealty.com
Subject: Notice of pending appeal
Date: Wednesday, August 7, 2024 11:30:13 AM

This is notification that there a pending appeal on Sign-2024-00417 at 2306 N Broadway.
All work must be stopped until the appeal process is complete.

Thank You,

Mark Magdalena

Development Center
Plans Examiner
405.297.2466

420 W. Main St. 8th Fl
OKC, OK 73102

For plans or permits status updates, please click [here](#)
To check what is needed for your Certificate of Occupancy, please click [here](#)



Exhibit 6

SEP 22 2023

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

RICK WARREN
COURT CLERK

85

Native Digital, LLC, an
Oklahoma Limited Liability Company,

Plaintiff/Appellant,

vs.

State of Oklahoma, ex rel.
Department of Transportation,

Defendant/Appellee.

Case No. CV-2021-2441

FINDINGS OF FACT AND CONCLUSIONS OF LAW

I. FINDINGS OF FACT

1. Appellant submitted an Application for Sign Registration and Permit (the "Application") for a two (2) panel V-type sign on the west side of I-235 at a proposed location more particularly identified in the Application and supporting documents (the "Proposed Sign").¹

2. Prior to the Application at issue, Appellant had not submitted any applications to the Department for Sign Registration and Permits.

3. The Department notified Appellant on March 17, 2021 that the Application was denied. The Department returned the Application with the following remarks: "Cannot accept application, within 500' of a park. (Winans Park)."²

4. Following the Department's denial of the Application, Appellant filed the instant appeal in accordance with the Department's rules and/or instructions.³

¹ See Record at Doc 11, Exhibit 1.

² See Record at Doc 11, Exhibit 1; *see also* Record at Doc. 10, Exhibit 3.

³ See Stipulations contained in Amended Pre-Hearing Conference Order, Record at Doc. 6, § 12.

5. ODOT appointed Mr. David Miley, ODOT's Assistant General Counsel, to serve as the Administrative Hearing Officer.

6. Mr. Miley denied Appellant the ability to elicit testimony from Mr. Mitch Surret and Ms. Montie Smith.⁴

7. An Administrative Hearing on the record was held on August 18, 2021.

8. In concluding that the Proposed Sign is within five hundred (500) feet of Winans Park, the Department relied exclusively on a methodology of measurement referred to as the "adjacent area methodology."⁵

9. The Department refused to consider the straight-line method of measurement to determine whether the Proposed Sign was within five hundred (500) feet of Winans Park.⁶

10. In 1999 the Oklahoma legislature passed into law the following operative language for the purposes of measuring the distance between an outdoor advertising signs adjacent to any interstate or highway and a public park, public forest, playground, or cemetery:

Provided, however, the Transportation Commission shall promulgate rules pursuant to the Administrative Procedures Act governing the measurement methodology to be prospectively utilized by the Department when determining spacing between outdoor advertising signs, displays and devices and public parks, public forests, playgrounds and cemeteries. Provided further, any measurement methodology heretofore utilized by the Department, including but not limited to the straight-line method, shall be accepted by the Department without prejudice.⁷

11. The operative language of 69 O.S. § 1275(3)(c) set forth above is not vague.⁸

⁴ See Record at Doc. 9; *see also* Administrative Hearing Transcript.

⁵ See Administrative Hearing Testimony from Derek Vinson; *see also* Administrative Hearing Testimony from Barbara Hoppes.

⁶ See Administrative Hearing Testimony from Derek Vinson; *see also* Administrative Hearing Testimony from Barbara Hoppes.

⁷ See Record at Doc. 11, Appellant's Exhibit 3, 69 O.S. Supp. 1999 § 1275(3)(c).

⁸ See Administrative Hearing Testimony from Barbara Hoppes, Pg. 162 ln 18-24.

12. The straight-line method of measurement was previously utilized by the Department for the purposes of measuring the distance between outdoor advertising signs, displays and devices and public parks.⁹

13. Prior to June 21, 2021, the Department had not promulgated a rule as directed by 69 O.S. § 1275 pursuant to the Oklahoma Administrative Procedures Act specifically governing the measurement methodology to be prospectively utilized by the Department when determining spacing between outdoor advertising signs, displays and devices and public parks.¹⁰

14. The area on which the Oklahoma City Fire Department is located includes the area north of the south fence line, which is exclusively maintained and utilized by fire department personnel.¹¹

15. The area on which the Oklahoma City Fire Department Station 5 is located is not a public park.¹²

16. The area to the south of the south fence line of the Oklahoma City Fire Department Station 5 is a public park known as Winans Park.¹³

17. Using the straight-line method of measurement, the Proposed Sign is more than five hundred (500) feet from Winans Park.¹⁴

⁹ See Record at Doc. 11, Appellant's Exhibit 3, 69 O.S. Supp. 1999 § 1275(3)(c); see also Administrative Hearing Testimony from Barbara Hoppes.

¹⁰ See Stipulations contained in Amended Pre-Hearing Conference Order, Record at Doc. 6, § 12; see also Administrative Hearing Testimony from Barbara Hoppes.

¹¹ See Record at Doc. 11, Appellant's Exhibit 9.

¹² See Record at Doc. 11, Appellant's Exhibit 4; see also Stipulations contained in Amended Pre-Hearing Conference Order, Record at Doc. 6, § 12.

¹³ See Record at Doc. 11, Appellant's Exhibit 4 and Exhibit 9.

¹⁴ See Record at Doc. 11, Appellant's Exhibit 2.

18. Winans Park being visible from the highway is irrelevant to ODOT's restrictions on potential sign locations.¹⁵

19. There is no federal regulation or guideline requiring outdoor advertising signs to be five hundred (500) feet from public parks.¹⁶

20. There is no federal regulation or guideline requiring the adjacent area methodology to be utilized to measure the distance between an outdoor advertising sign and a public park.¹⁷

21. Appellant was not a party to any previous litigation relating to proposed outdoor advertising signs.¹⁸

22. Appellant's has different ownership than any parties to previous litigation relating to proposed outdoor advertising signs.¹⁹

23. The issue of whether ODOT is statutorily mandated to accept and utilize the straight straight-line method of measurement for determining spacing between outdoor advertising signs, displays and devices and public parks, public forests, playgrounds and cemeteries pursuant to 69 O.S. § 1275 (3)(c) has not been actually adjudicated in prior litigation.²⁰

24. The issue of whether ODOT is statutorily mandated to accept and utilize the straight straight-line method of measurement for determining spacing between outdoor advertising signs, displays and devices and public parks, public forests, playgrounds and cemeteries pursuant to 69 O.S. § 1275 (3)(c) was not necessary or essential to the outcome of any prior litigation.²¹

¹⁵ See Administrative Hearing Testimony from Derek Vinson at Pg. 95 ln 8-25 and Pg. 96 ln 1-3.

¹⁶ See Record at Doc. 11, Appellant's Exhibit 5.

¹⁷ See Record at Doc. 11, Appellant's Exhibit 5.

¹⁸ See Record at Doc. 11, Appellant's Exhibit 4; *see also* Administrative Hearing Testimony from Kelli Lay.

¹⁹ See Administrative Hearing Testimony from Kelli Lay.

²⁰ See Transcript from District Court Hearing on August 15, 2022, at Pg. 15 ln 8-15. *see also* Administrative Hearing Testimony from Kelli Lay.

²¹ *Id.*

25. Appellant has not had the full and fair opportunity to litigate the issue of whether ODOT is statutorily mandated to accept and utilize the straight straight-line method of measurement for determining spacing between outdoor advertising signs, displays and devices and public parks, public forests, playgrounds and cemeteries pursuant to 69 O.S. § 1275 (3)(c).²²

26. Following the Administrative Hearing, the parties submitted to Mr. Miley proposed findings of facts and conclusions of law.

27. On September 23, 2021, Mr. Miley submitted his Findings of Fact, Conclusions of Law and Recommendations of Hearing Officer.

28. On October 11, 2021, ODOT entered its Final Agency Order adopting the Findings of Fact, Conclusions of Law and Recommendations of Hearing Officer in its entirety (“ODOT’s Final Order”).²³

29. ODOT’s Final Order did not find that Appellant’s claims should be barred by the doctrine of issue preclusion, although such a finding was requested by ODOT’s Proposed Findings of Fact and Conclusions of Law as to Arm’s Length Transaction.²⁴

30. Appellant timely filed its Petition for Judicial Review with the District Court on October 26, 2021.

31. ODOT promulgated a rule defining the Control Area Measurement Methodology, which was finally adopted June 21, 2022, more than a year after Appellant’s Application was submitted and denied.²⁵

²² *Id.*

²³ Record at Doc. 15.

²⁴ *Id.*; *see also* Record at Doc. 13.

²⁵ *See* Exhibit A to ODOT’s Brief in Response filed July 21, 2022.

II. CONCLUSIONS OF LAW

1. State Statute requires the Department to promulgate rules pursuant to the Administrative Procedures Act regarding measurement methodologies not previously utilized for determining spacing between outdoor advertising signs, displays and devices and public parks, public forests, playgrounds and cemeteries.²⁶

2. “No agency rule is valid or effective against any person or party, or may be invoked by the agency for any purpose, until it has been promulgated as required in the Administrative Procedures Act.”²⁷

1. The cardinal rule of statutory construction is to ascertain and give effect to the legislative intent and purpose as expressed by the plain and ordinary meaning of the statutory language.²⁸

2. It is “presume[d] the legislature intended what it expressed in a statute and the plain language of a statute will be followed without further inquiry.”²⁹

3. “In the construction of statutes, ‘shall’ is usually given its common meaning of ‘must.’ It is interpreted as implying a command or mandate.”³⁰

4. The plain and ordinary language contained in provision in 69 O.S. § 1275 (3)(c) stating that, “any measurement methodology heretofore utilized by the Department, including but not limited to the straight-line method, shall be accepted by the Department without prejudice,” mandates the Department accept and utilize any measurement methodology previously utilized by

²⁶ 69 O.S. § 1275(3)(c); *see also* Appellant’s Exhibit 3, 69 O.S. Supp. 1999 § 1275(3)(c).

²⁷ 75 O.S. § 308.2(a).

²⁸ *Naylor v. Petuskey*, 1992 OK 88, ¶ 4, 834 P.2d 439, 440.

²⁹ *Humphrey v. Denney*, 1988 OK 69, 757 P.2d 833.

³⁰ *Sneed v. Sneed*, 1978 OK 138, 585 P.2d 1363, 1364.

the Department for determining spacing between outdoor advertising signs, displays and devices and public parks, public forests, playgrounds and cemeteries.³¹

5. The plain and ordinary language contained in 69 O.S. § 1275 (3)(c) stating that, "any measurement methodology heretofore utilized by the Department, including but not limited to the straight-line method, shall be accepted by the Department without prejudice," mandates the Department accept and utilize the straight-line method of measurement for determining spacing between outdoor advertising signs, displays and devices and public parks, public forests, playgrounds and cemeteries.³²

6. The Department's refusal to apply the straight-line method to the Application is in violation of 69 O.S. § 1275(3)(c).³³

³¹ 69 O.S. § 1275; *see also* Administrative Hearing Testimony from Derek Vinson and Barbara Hoppes.

³² 69 O.S. § 1275; *see also* Administrative Hearing Testimony from Derek Vinson at Pg 104 ln 15-20:

Q Okay. But just strictly based on the terms within . . . that third sentence of 1275, does that sentence say that ODOT must accept the straight-line method of measurement?

A It would appear so, yes.

³³ 69 O.S. § 1275; *see also* Administrative Hearing Testimony from Barbara Hoppes at Pg 151 ln 13-25 and Pg 152 ln 1-8:

Q Okay. So how can your training where we're told you have to use this one method not be contrary to state law that says any method is accepted, even list the method my client wants to use, and it says "shall be accepted by the Department"? Is it not true then that when we submit for you to accept, Department --

A Uh-huh.

Q -- the straight-line method --

A Uh-huh.

Q -- that when you say our exclusive method is this other method --

A Uh-huh.

Q -- that that's contrary to state law; correct?

A Seems to be from what you're saying, yeah.

Q Okay. Not from what I'm saying. It's 5 from what the legislature --

A Okay.

Q -- told us in the state law; correct?

A Okay.

7. The Department has exceeded its statutorily granted authority by refusing to apply the straight-line method to the Application.³⁴

8. The statutory provisions within 69 O.S. § 1275(3)(c) requiring and/or mandating the Department to accept and utilize the straight-line method are not preempted or otherwise unenforceable pursuant to any alternative authority, federal or otherwise.

9. The Department's refusal to apply the straight-line method to the Application is in error.

10. To establish issue preclusion, a party must prove: 1) that the party against whom it is being asserted was either a party to or a privy of a party to the prior action; 2) that the issue subject to preclusion has actually been adjudicated in the prior case; 3) that the adjudicated issue was *necessary and essential to the outcome* of that prior case; and 4) the party against whom it is interposed had a full and fair opportunity to litigate the claim or critical issue.³⁵

11. ODOT's Final Order determined that the doctrine of issue preclusion did not apply to Appellant's claims.

12. Appellant's claims are not barred by the doctrine of issue preclusion.³⁶

13. The Department's promulgated rule defining the Control Area Measurement Methodology, finally adopted June 21, 2022, does not relieve the Department of the statutory mandate to accept and utilize the straight straight-line method of measurement for determining spacing between outdoor advertising signs, displays and devices and public parks, public forests, playgrounds and cemeteries pursuant to 69 O.S. § 1275 (3)(c).

³⁴ 75 O.S. § 306.

³⁵ *Durham v. McDonald's Restaurants of Oklahoma, Inc.*, 2011 OK 45, ¶ 5, 256 P.3d 64, 66.

³⁶ *Id.*; see also Administrative Hearing Testimony from Kelli Lay.

14. The Department's promulgated rule defining the Control Area Measurement Methodology, finally adopted June 21, 2022, cannot be retroactively applied to Appellant's Application.³⁷

15. "[T]he validity or applicability of a rule may be determined in an action for declaratory judgment in the district court of the county of the residence of the person seeking relief or, at the option of such person, in the county wherein the rule is sought to be applied, if it is alleged the rule, or its threatened application, interferes with or impairs, or threatens to interfere with or impair, the legal rights or privileges of the plaintiff."³⁸

THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED:

16. Appellant is entitled to declaratory relief from the Department's application of an invalid unpromulgated rule pursuant to 75 O.S. § 306 at the time of Appellant's application.

17. The Department's denial of the Application is in error and must be overturned.

18. ODOT's Final Order is arbitrary and capricious.

19. ODOT's Final Order is clearly erroneous.

20. ODOT's Final Order is contrary to law.

21. ODOT's Administrative Hearing Officer improperly denied Appellant the opportunity to elicit testimony from Mr. Mitch Surrett and Ms. Montie Smith.

22. ODOT's Final Order was made upon unlawful procedure.

23. ODOT is directed to approve Appellant's Application and immediately issue Appellant the Sign Registration and Permit sought therein.

³⁷ *Dolese Bros. v. State ex rel. Oklahoma Tax Comm'n*, 2003 OK 4, ¶¶ 8-9, 64 P.3d 1093, 1097-98.

³⁸ 75 O.S. § 306.

Dated this 22nd day of September 2023.



JUDGE OF THE DISTRICT COURT

Exhibit 7



OKLAHOMA
Transportation

Outdoor Advertising Control

200 N.E. 21st Street
Oklahoma City, OK 73105-3204
(405) 521-3005

November 15, 2023

Native Digital LLC
Attn: David Box
522 Colcord Drive
Oklahoma City, OK 73102

*RE: Approval of Sign Location
Registration No. 15578
Sign File No. 40805-01
I-235, Oklahoma Co.*

Dear Mr. Box:

In accordance with Title 69 O.S. 2011 §1271 et.seq. and the Oklahoma Administrative Code Title 730:35-5, the Oklahoma Department of Transportation has approved the attached application for registration and permitting. We have enclosed copies of your registration certificate, permit and tag. The original documents along with the registration tag will be sent to you upon our receipt of the survey you will be obtaining from a certified PLS, confirming the sign will be completely located within the easement you designated on your application. This will serve to ensure that no state right-of-way or other property encroachments occur with the sign placement.

Although you cannot construct the sign until copy of the survey has been submitted we want to go ahead and address your intentions to utilize LED/digital technology on the sign. The use of LED/digital technology is sanctioned under the Tri-Vision sign regulations. Although your structure will not be using rotating slats as are used with Tri-Vision signs there are still certain guidelines that coincide with these two types of technology. State and federal laws prohibit moving, flashing or intermittent lights being used on off-premise commercial advertisement, therefore the transformation from one display to the next, will need to occur with static displays, without any type of obvious animation such as fading or scrolling. Each individual display will need to remain in place no less than 8 seconds. You will also need to be cognizant of the brilliance of the lighting so that your sign does not pose a safety risk to the travelling public. All controls for LED/digital signs including illumination and operational requirements shall be programmed so that any malfunction shall cause the sign to default to a static operation mode. Be sure to remain within these guidelines to ensure the compliance of your sign. The regulations pertaining to illumination can be found in the Oklahoma Administrative Code, Section 730:35-5-12 (c).

Be advised that the issuance of this permit shall not be construed to supersede or override any ordinance, act or rule of a city, town, county, zoning authority or other duly constituted regulatory body, which may forbid or otherwise restrict the signs, the signal structures, any message displayed, or any other incident of control of the sign or its use.

If you have any questions or need additional information, please do not hesitate to call this office. (405)521-3005

Respectfully,

Barbara Hoppes

Barbara Hoppes
Transportation Manager
Outdoor Advertising Control Branch

Enclosures

BH/dv

"The mission of the Oklahoma Department of Transportation is to provide a safe, economical, and effective transportation network for the people, commerce and communities of Oklahoma."

AN EQUAL OPPORTUNITY EMPLOYER

OKLAHOMA DEPARTMENT OF TRANSPORTATION
APPLICATION FOR SIGN REGISTRATION & PERMIT
(See back of form for instructions.)

FOR OFFICIAL USE ONLY		
BX MGR. INITIALS	3710 OWNER NO.	15578 REG. NO.
\$100.00 FEE AMOUNT	APPLICATION NO.	40805-01 SIGN FILE NO.

OAC MAR 16 2021

Part I - SIGN OWNER INFORMATION

101 Applicant's Name: Native Digital LLC c/o David Box 102 Address: 522 Colcord Drive
103 City: Oklahoma City 104 State: OK 105 Zip Code: 73102
106 Telephone No.: () 232-0080 107 Fax No.: () 236-5814 108 Email Address: dmbox@wbflaw.com

Part II - LOCATION OF SIGN SITE

201 Located on Hwy.: I-235 202 Side of Hwy.: W 203 County Name: Oklahoma 204 City Name: Oklahoma City
205 Nearest Intersecting Hwy.: I-40 206 Direction from Intersection: N 207 Distance from Intersection: apprx 2.1 Miles 208 Distance from Right-of-Way: 105
209 GPS Coordinates: Latitude: apprx 35 29' 33.83" N Longitude: apprx 97 30' 45.74" W

Part III - LAND OWNER INFORMATION (No. Assigned: _____)

301 Land Owner's Name: Delmar Enterprises LLC 302 Address: 2216 N Broadway
303 City: Oklahoma City 304 State: OK 305 Zip Code: 73101
306 Telephone No.: () 307 Have you enclosed proof of land use consent? ☒ YES ☐ NO

Part IV - PHYSICAL DESCRIPTION OF SIGN

401 DIMENSIONS: Height of Facing: 14 ft. Width of Facing: 48 ft. Overall Height Above Ground: 80 ft.
(Cannot exceed 25 ft.) (Cannot exceed 80 ft.) (No limit by state)
402 TYPE OF SIGN: ☐ Single ☐ Side-by-Side ☐ Stacked ☒ V-Type ☐ Back-to-Back ☐ Tri-Vision (Rotating Signs)
(Cannot exceed 30 ft.)
403 NO. OF PANELS: 2 404 WILL SIGN BE ILLUMINATED? ☒ YES ☐ NO If yes, will it be an LED/digital display? ☒ YES ☐ NO
(Advertising Displays)

Part V - ZONING AND COMMERCIAL/ INDUSTRIAL QUALIFICATIONS (One of these options is required for Class A Permit. However if applying for a Class C (Informational) Permit, this section does not apply.)

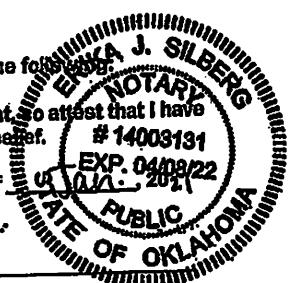
ZONED AREA ONLY
501 - Is proposed location zoned? ☒ YES ☐ NO (If answer is no, then go directly to Item 505.)
502 - What is the zoning designation? I-2
(Must be some type of commercial, industrial or business designation.)
503 - Who is the zoning authority? Oklahoma City
504 - If the area is zoned, a Zoning Confirmation from must be completed and attached. (Form OAC Z-504 or its equivalent.)
UNZONED AREA ONLY
505 - Is proposed location within 600 ft. of a conforming business? (Refer to OAC §730:35-6-12(a)(2))
☐ YES ☐ NO
506 - What is the name of the business?
507 - Please attach a diagram depicting the layout of the business and the proposed sign site.

Part VI - ACKNOWLEDGMENT

Have you read all of the statutes and regulations pertaining to outdoor advertising control? ☒ YES Barbara Rogers 11/5/23
REMARKS: Within 500' of a park. B. Rogers 317-24 Inspector Pre-review:

STATE OF: Oklahoma
County of: Oklahoma
David M. Box being of lawful age and first duly sworn upon oath deposes and states the foregoing to be true and correct.

I, David M. Box, myself (or) X as authorized representation of the organization listed above as Applicant, do attest that I have read the foregoing information and that the facts set out therein are true and correct to the best of my knowledge and belief.
Signature of Applicant or Representative: David M. Box
Printed Signature: David M. Box
NOTARY PUBLIC:
Subscribed and sworn to me this 22nd day of April, 2021.
My commission expires: 4/8/22
Signature of Notary: [Signature]





OKLAHOMA
Transportation

PERMIT

FOR

HIGHWAY OUTDOOR ADVERTISING SIGN

Classification: CLSA (See below for description.)

Print Date: 11/10/2023

Expires: 12/31/2025

REGISTRATION NO.: 15578

SIGN FILE NO.: 40805-01

OWNER OF RECORD

NATIVE DIGITAL

522 COLCORD DRIVE

OKLAHOMA CITY, OK 73102

Owner No.: 3710

DESCRIPTION OF SIGN LOCATION:

On the W side of I235 in OKLAHOMA County

2.10 miles N of Highway I40

Legal Description of Permitted Site:

Highway Control Section: I235-55-42

NE NE NE S28 T12N R3W

PERMIT CLASSIFICATION DESCRIPTION:

CLSA: A Class "A" Permit for a sign location that meets all current requirements including spacing between registered signs.(Spacing between registered signs was increased November 1, 2001.)

ISSUANCE STATEMENT

Pursuant to the Highway Advertising Control Act O.S. 2011§ 1271, et. seq., as amended, and the regulations promulgated by the Oklahoma Transportation Commission, this permit is issued as effective for the continued existence of the specific outdoor advertising, display or device as identified above, as its location as of the field inspection date. The permit relates to the combined site and structure and shall be deemed transferred with change of ownership of the sign structure at its present location. The issuance of this permit shall not be construed to supersede or override any ordinance, act or rule of a city, town, county, zoning authority or other duly constituted regulatory body, which may forbid or otherwise restrict the sign, signal structure or message displayed, or any other incident of control of the sign or its use. Unless sooner revoked this permit shall continue in force through the expiration date specified above.

SIGN FILE NO: 40805-01

SIGN REGISTRATION NO: 15578

Date: 11/10/23

STATE OF OKLAHOMA
CERTIFICATE OF REGISTRATION FOR OUTDOOR ADVERTISING

ISSUED TO: NATIVE DIGITAL
522 COLCORD DRIVE
OKLAHOMA CITY
OK
73102

DESCRIPTION OF SIGN LOCATION
(At approved site only.)

Date Erected:

OKLAHOMA CITY
ON THE W SIDE OF I235 In OKLAHOMA COUNTY
2.10 MILES N of HIGHWAY I40

OK

I hereby certify that according to the records of the Oklahoma Department of Transportation, the person, firm or corporation named herein has duly registered the above described sign.



A handwritten signature in black ink, appearing to read "Tim J. Gatz".

Tim J. Gatz, Executive Director

KEEP THIS CERTIFICATE OF REGISTRATION IN A SAFE PLACE, DO NOT ACCEPT ANY
REGISTRATION CERTIFICATE SHOWING ANY ERASURE, ALTERATION, OR MUTILATION.

OKLAHOMA

15578

Exhibit 8



April 11, 2024

To: Native Digital, LLC
Attn: Kelli Lay

RE: Billboard Elevation Certificate

To Whom it May Concern:

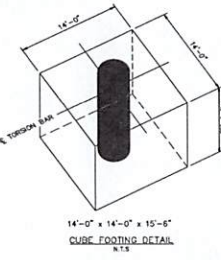
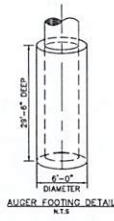
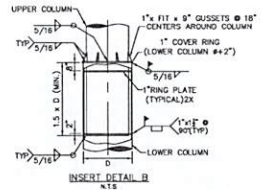
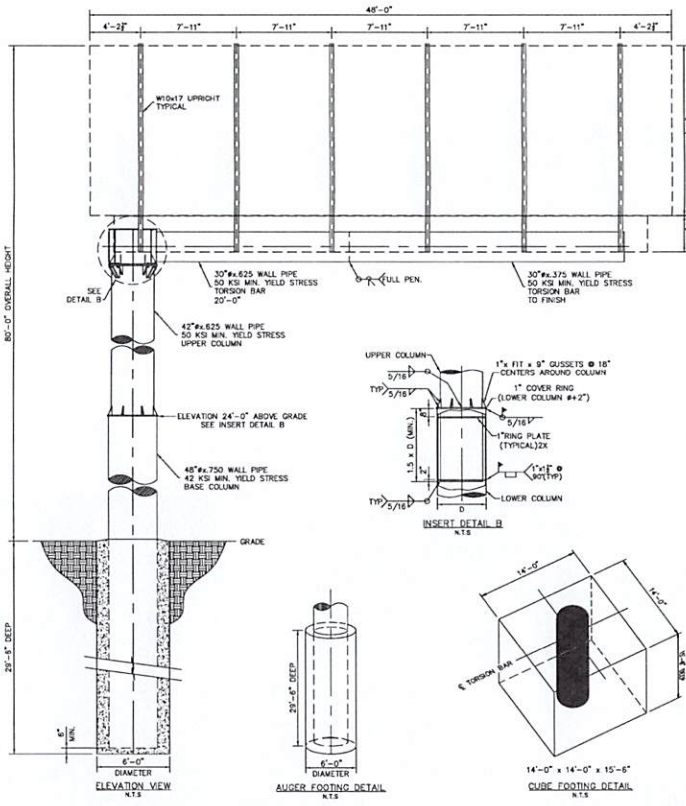
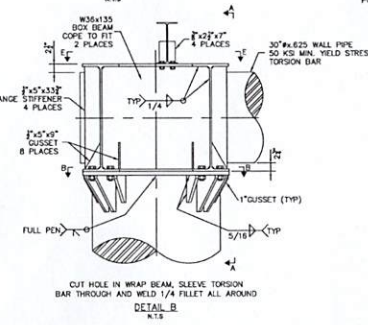
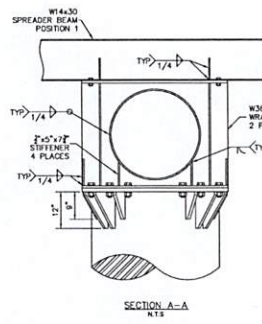
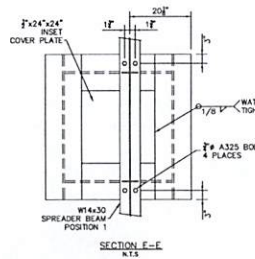
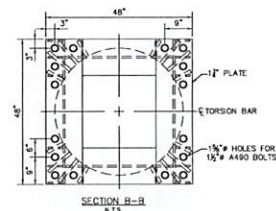
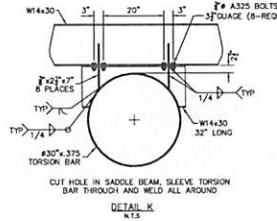
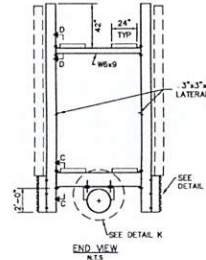
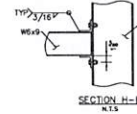
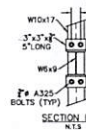
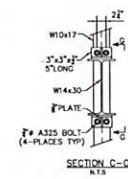
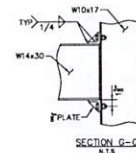
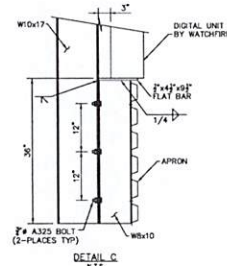
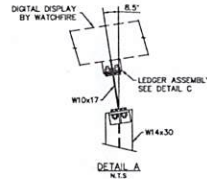
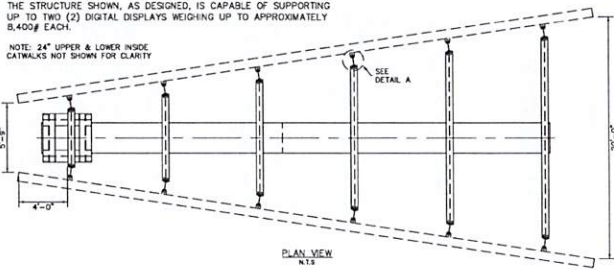
I, Justin Smith, a Licensed Professional Land Surveyor in the State of Oklahoma, hereby certify the natural ground elevation at the northeast corner of the proposed billboard site is 1196.15 feet and the driving surface of Interstate No. 235 perpendicular to the northeast corner of proposed billboard site is 1246.70 feet. Total difference between elevations being 50.55 feet. Elevations are based on NAVD 88 Vertical Datum.


Taylor Denniston, Professional Land Surveyor No. 1787



THE STRUCTURE SHOWN, AS DESIGNED, IS CAPABLE OF SUPPORTING UP TO TWO (2) DIGITAL DISPLAYS WEIGHING UP TO APPROXIMATELY 8,400# EACH.

NOTE: 24" UPPER & LOWER INSIDE CATWALKS NOT SHOWN FOR CLARITY



GENERAL NOTES:

- All design, detailing, fabricating and construction shall conform to the following codes and specifications:
 - The International Building Code (2018/2021 Edition)
 - American Society of Testing and Materials (ASTM) specifications.
 - Building Code Requirements for Reinforced Concrete (ACI 318--(Current Edition))
 - Code for Welding in Building Construction of the American Welding Society (AWS) (Current Edition)
 - Specification for the Design, Fabrication and Erection of Structural Steel for Buildings by the American Institute of Steel Construction (AISC) (Current Edition)
- Concrete shall be $f_c=2500$ P.S.I. @ 28 days Compressive Strength, Standard Weight (150 P.C.F.)
- Reinforcing Steel (if required) shall be ASTM A-615 Grade 60.
 - All reinforcing steel shall be free from mud, oil, rust or coatings that would reduce or destroy bond.
 - All reinforcing bars shall be 30 diameters minimum, except as noted.
 - Minimum concrete cover on ties, stirrups and main bars shall be 3/4 inch for slab, wall and surfaces not exposed to weather or in contact with ground, 3 inches for surfaces exposed against the ground except as noted.
- Structural Material Specifications
 - Structural Steel and Plates shall be A-36
 - W-Shape beams shall be (F_y=50 ksi) Minimum
 - Structural tubing shall be ASTM A-500, Grade B, (F_y=45 ksi)
 - Structural piping shall be ASTM A-53, Grade B, Type E or S, (F_y=35 ksi), ASTM A572 Grade 42 (F_y=42 ksi) or ASTM A572 Grade 50 (F_y=50 ksi), unless otherwise noted (see drawing for individual member specifications).
- Anchor Bolts (if required) shall be ASTM F-1554 Grade 36, unless otherwise noted
- High strength bolts for connections shall be ASTM D11-1 (Current Edition), E70xx.
- Welding electrodes shall comply with AWS D11-1 (Current Edition), E70xx.
- Design Wind Speed= 110 MPH (115 E1F1) Equivalent Wind Load= 33.20 PSF @ 80'-0" above the ground. (S See Wind Gusts.) Exposure "C" $I_w=1.0$ $G=0.98$
- Soil Bearing Capacity Requirements:
 - Spread Footings shall be _____ P.S.F.
 - Cube or Auger Footing: Minimum Lateral Soil Bearing Capacity shall be $(200 \frac{W}{F} + 2) \times 4500$ P.S.F. per foot of depth. (See two increase per Section 188.14)
- Contractor shall verify all dimensions and conditions in the field before erection and notify the Engineer of any discrepancies.
- Splicing of pipes having an equal diameter, wall and yield is permitted. A full penetration weld all around (per AWS D1.1) shall be used and must be performed by a certified welder. Splices shall not be within one half of the foundation depth below grade, within 10' above grade or within 10' above telescoping splices. Unless noted otherwise.
- The structure shown, as designed, is capable of supporting up to two (2) future digital units weighing approximately 8,400# each.

NOTICE: This drawing is for permit procurement purposes only and is for the sole use of T.E.S. and its designees. Unauthorized use is strictly prohibited.

Selective Structures, LLC
811 East Avenue
Athens, TN 37303

14'-0" x 48'-0" 4" PF, 20'V @ 80'-0" O.A.H.
w/Up to Two (2) 8,400# Digital Units
Located In: Oklahoma City, OK

T.E.S.
THOMPSON ENGINEERING SERVICES, LLC
P.O. BOX 1000, OKLAHOMA CITY, OK 73101
PHONE: (405) 761-7333 FAX: (405) 761-7334

REVISIONS:	
R1-Changed from CM to 4" PF	
DRAWN BY:	WCV
DATE:	6/24/24
SELECTIVE#	Permitting
SCALE:	1/4"=1'-0"
PROJ#	024524
DWG#	ED-11204R1
SHEET#	1 OF 1

CARL E. THOMPSON, JR., P.E.

**LEGAL DESCRIPTION
(SIGN EASEMENT)**

A tract of land being a portion of Lot Two (2) in WINANS THIRD ADDITION to Oklahoma City, Oklahoma County, Oklahoma, according to the recorded plat thereof, lying within the Northeast Quarter (NE/4) of Section Twenty-eight (28), Township Twelve (12) North, Range Three (3) West of the Indian Meridian, Oklahoma City, Oklahoma County, Oklahoma, and being more particularly described as follows:

COMMENCING at the northwest corner of Lot One (1), Block One (1) of said WINANS THIRD ADDITION;

THENCE South 00°28'14" East, along the west line of said Lot One (1) extended, a distance of 158.57 feet to a point on the north line of the tract of land described in that certain WARRANTY DEED recorded in Book 6817, Page 1647;

THENCE North 89°38'18" East, along the north line of said tract, a distance of 56.56 feet to the POINT OF BEGINNING;

THENCE continuing North 89°38'18" East, along the north line of said tract, a distance of 60.00 feet to a point on the east line of said Lot Two (2);

THENCE South 06°04'27" East, along said east line, a distance of 40.20 feet;

THENCE South 89°38'18" West, parallel with the north line of said tract, a distance of 64.00 feet;

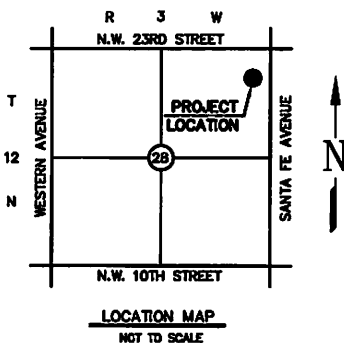
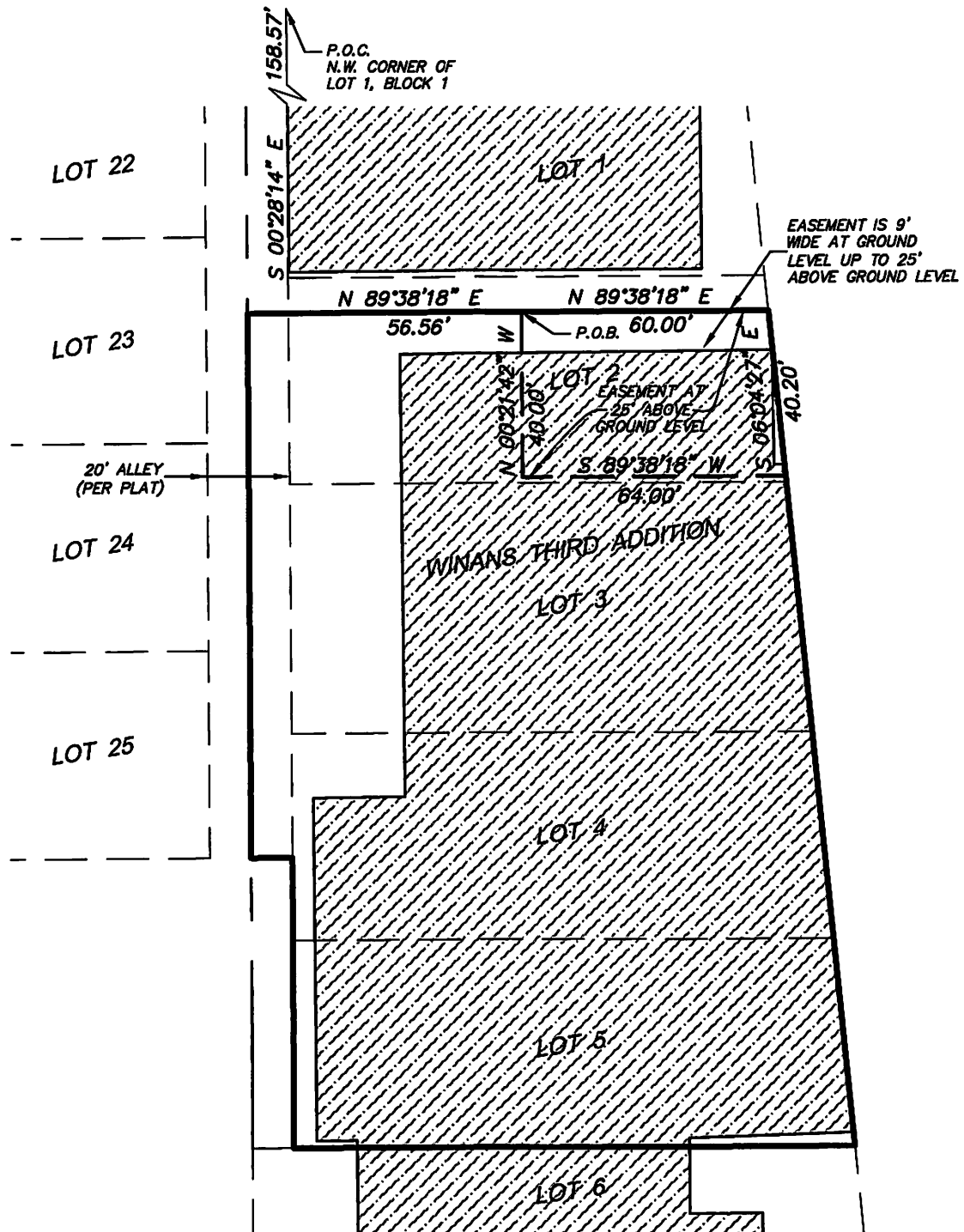
THENCE North 00°21'42" West, perpendicular to the north line of said tract, a distance of 40.00 feet to the POINT OF BEGINNING.

The above described sign easement being a three-dimensional easement 9.00 feet in width at ground level 9.00 feet south of and parallel with the north line of the tract of land described in that certain WARRANTY DEED recorded in Book 6817, Page 1647 to a height of Twenty-five (25) feet above the ground. Then said easement will widen to a width of 40.00 feet being 40.00 feet south of and parallel with said north line.

Said described tract of land contains an area of 2,480 square feet or 0.0569 acres, more or less.

Prepared by:
Darin L. Raibourn, PLS No. 1637
Smith Roberts Baldischwiler, LLC
100 N.E. 5th Street
Oklahoma City, OK 73104
(405) 840-7094
April 7, 2017

EXHIBIT "A"



ENGINEERS SURVEYORS PLANNERS
SMITH ROBERTS BALDISCHWILER, LLC
 110 NE 5th STREET - OKLAHOMA CITY, OKLAHOMA 73104
 TELEPHONE: (405) 840-7094