

These exhibits and explanation are presented in support of the request by TOR, LLC and ENCORE MEDIA to adjust the northeast border of the Proposed Lake Hefner Parkway Scenic Corridor. *Exhibit 1*

The property located at 13601 Memorial Park Drive was purchased by TOR LLC in May 2020. At the time of purchase, the Proposed Lake Hefner Parkway Scenic Corridor did not exist and was not under consideration. The property purchased by TOR had NO RESTRICTIONS OR PROHIBITIONS AGAINST billboards along the Turner Turnpike/Memorial Road. The only restrictions were those set forth in Neighborhood Plan. TOR LLC deeded a small portion of land via lot split to ENCORE Media LLC in September 2022 for the sole purpose of erecting a billboard on the land. On October 5, 2022, Encore Media was issued permit approval by the Oklahoma Department of Transportation. *Exhibit 7 and Exhibit 9.*

TOR LLC, Encore Media LLC, and Memorial Park Healthplex have one common Manager and tenant – Dr. Blake Christensen. Dr Christensen is the owner of BDC Medical PLLC dba Oklahoma Pain Treatments Centers. Memorial Park Healthplex was built and opened in November 2022.

Exhibit 1 shows the location of the subject property within the Corridor. Oklahoma Pain Treatments Centers leases the second floor of the Memorial Park Healthplex at 13601 W. Memorial Road, Oklahoma City. The building is south of Turner Turnpike and 574 feet east from the Lake Hefner Parkway. Visibility of the building and the proposed billboard location is partially obstructed from view when a vehicle is traveling northbound or southbound on the Lake Hefner Parkway (LHP)

The land along Memorial Road to the west of the LHP is owned by the State of Oklahoma Department of Transportation. *Exhibit 1 and Exhibit 2 and Exhibit 3.* It is unlikely the property owned by the State of Oklahoma will ever be sold for commercial or residential use. Prohibiting the erection of a billboard on state

owned land is not problematic to the current landowner or a prospective purchaser of said land.

However, the property at 13601 Memorial Road was purchased for the purpose of building a health plex. The ability to erect a billboard to advertise the tenants of the Healthplex was a valuable asset considered at the time of purchase. Prohibiting the landowner from erecting a billboard amounts to a “taking” and results in economic loss to the landowner. Memorial Park Healthplex is unable to market it’s space to medical providers who desire a billboard advertising their services and location. This is a benefit that will be denied the landowner if the proposed boundary is not adjusted.

A review of the businesses and the landscape along the proposed Lake Hefner Parkway Scenic Corridor (*Exhibit 1 and Exhibit 2*) clearly establishes there is ONLY ONE business negatively impacted by the proposed boundaries for the corridor. That business is Memorial Park Healthplex and Encore Media LLC. This is unfair and is most likely an unintended consequence of an arbitrarily created north east boundary which can easily be adjusted.

The proposed northeast boundary of the corridor extends halfway onto the empty lot east of Memorial Park Healthplex. *Exhibit 5* The empty lot is owned by a restaurant out of Dallas. East of the empty lot and east of the proposed northeast boundary for the corridor is Mathis Brothers. Mathis Brothers erected a billboard on May 14, 2024 on their property. (*Exhibit 4A and Exhibit 4B*) The billboard is managed/owned by Mathis Brothers and Skyslate LLC.

The prohibition of a billboard within the Corridor’s proposed boundaries affecting only one business along the Turner Turnpike and Memorial Road – Memorial Park Healthplex – creates a punitive consequence to the tenants of the Healthplex. No other businesses along the proposed corridor would conceivably seek to erect a billboard – in fact they would have already done so. ENCORE MEDIA is the only entity in the process of securing permits to erect a billboard and Encore started this process two years ago.

Exhibit 6B is the view while traveling eastbound on Memorial Road well past the intersection of Memorial Road and the Lake Hefner Parkway. The proposed billboard would barely be visible from this angle. It would be visible in front of the Mathis Brother's billboard which is quite tiny in the picture.

Exhibit 6A is the view from the proposed placement of the billboard looking back west towards the intersection of Lake Hefner Parkway and Turner Turnpike. This photo demonstrates the distance and poor visibility of the proposed billboard location from the proposed Corridor for approximately 30 seconds when traveling the speed limit. This landowner's contemplated billboard will only be visible from LHP for less than a minute when a vehicle is traveling north or south bound at the speed limit.

There is currently a billboard directly off LHP to the west, at the Sonic, just north of the Turner Turnpike which is far more visible to a driver than the billboard location proposed by this landowner. *Exhibit 8*. After a driver passes the billboard located at Sonic and managed by Lamar, the view southward on the Lake Hefner Parkway is esthetically pleasing. See, *Exhibit 10*. The billboard proposed by this landowner does not interfere with the pleasing view.

This landowner respectfully requests to be "grandfathered in" and "excluded" from this prohibition; and, spared from unintended negative economic impact. This can be accomplished by adjusting the northeast boundary of the corridor. This minor adjustment does not destroy the City's goal of creating a billboard free zone along LHP. If the proposed boundary is moved west from the currently proposed location to a spot aligned with the flag pole and fire hydrant shown in *Exhibit 6A*, the City would still accomplish its admirable goal of creating a scenic corridor along the Parkway.

Thank you for your consideration.

State of
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Dept
of Trans

Oklahoma
Pain
Treatment

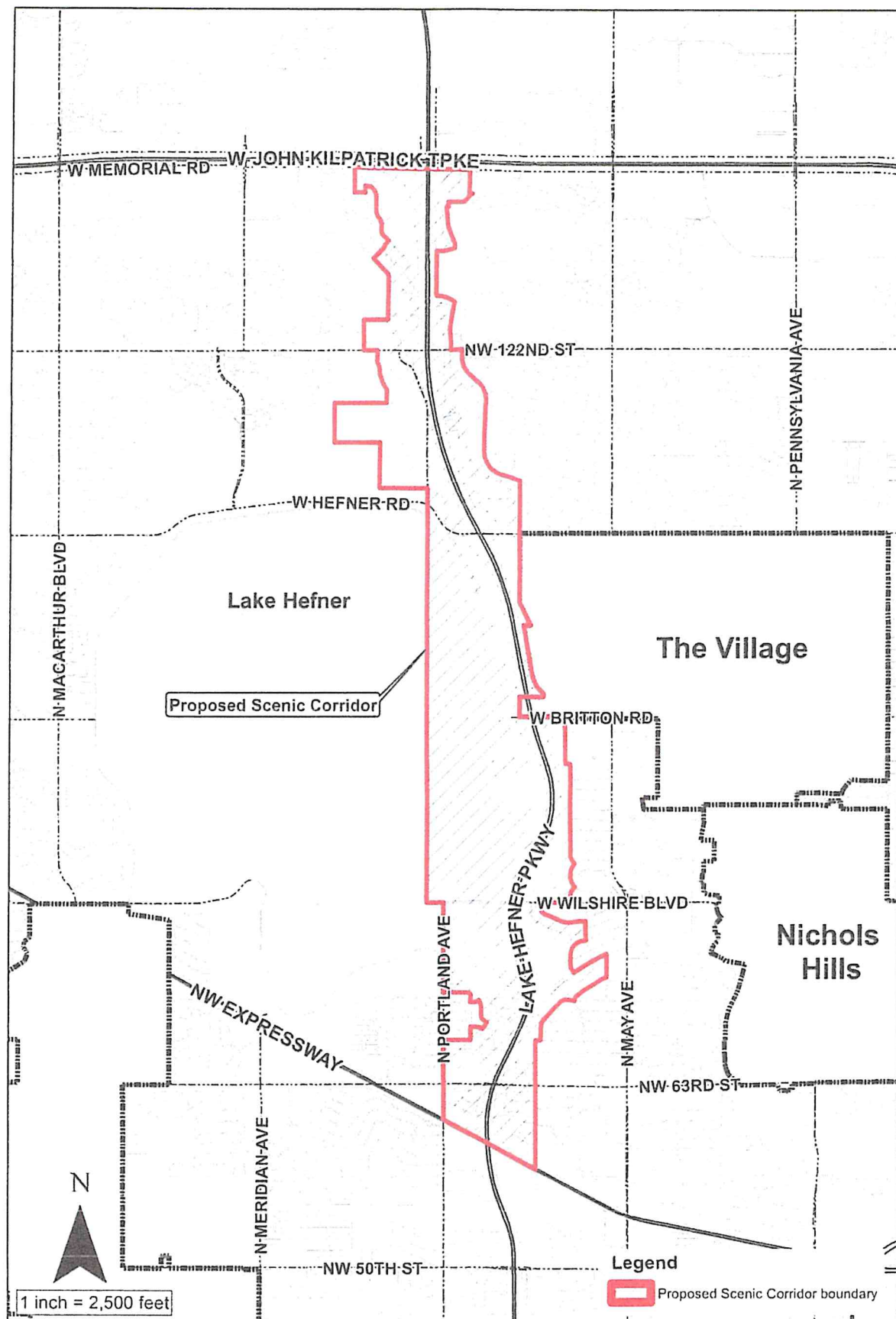
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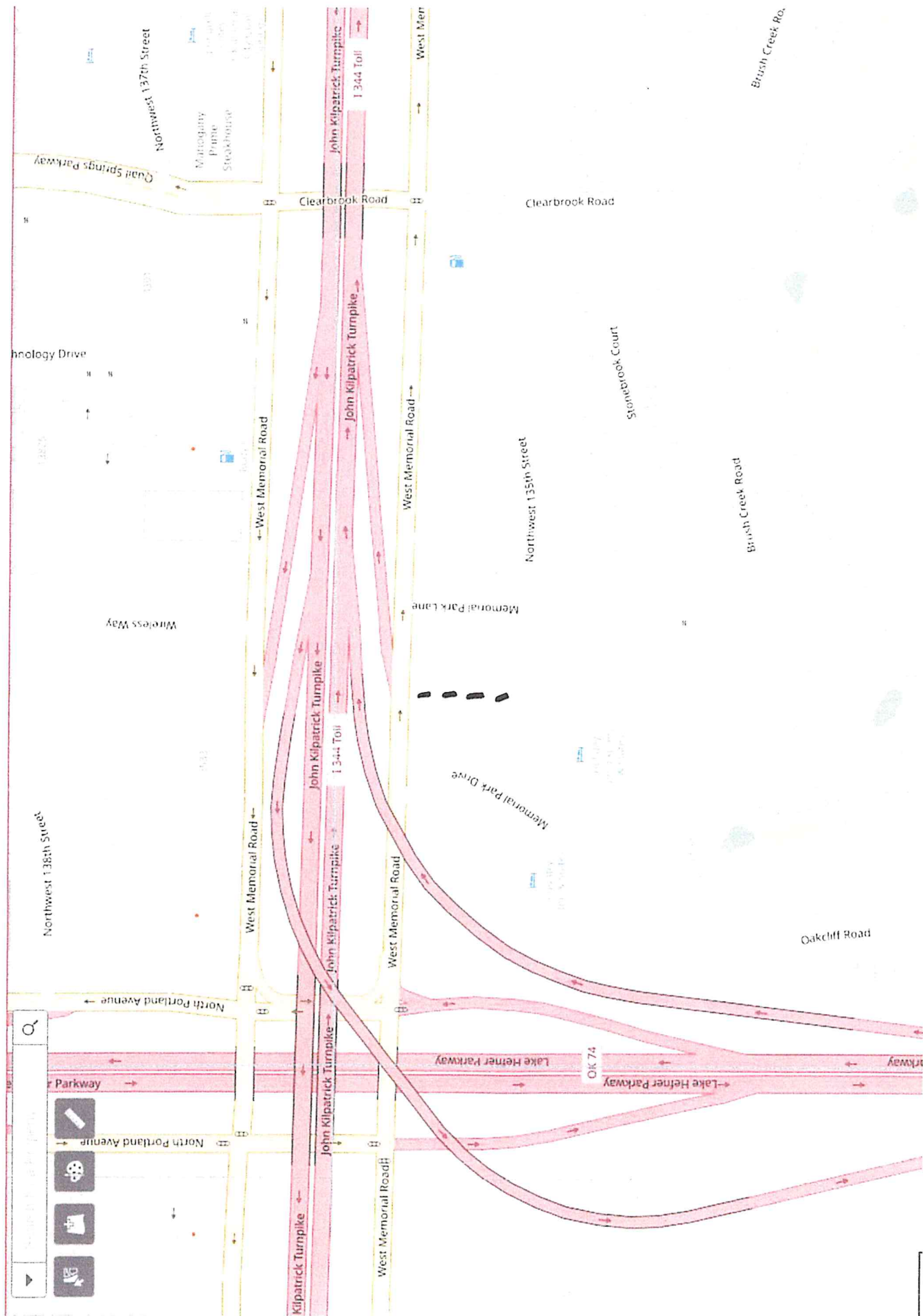
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Exh 2

Proposed Lake Hefner Parkway Scenic Corridor



Exh 2



Ex 3



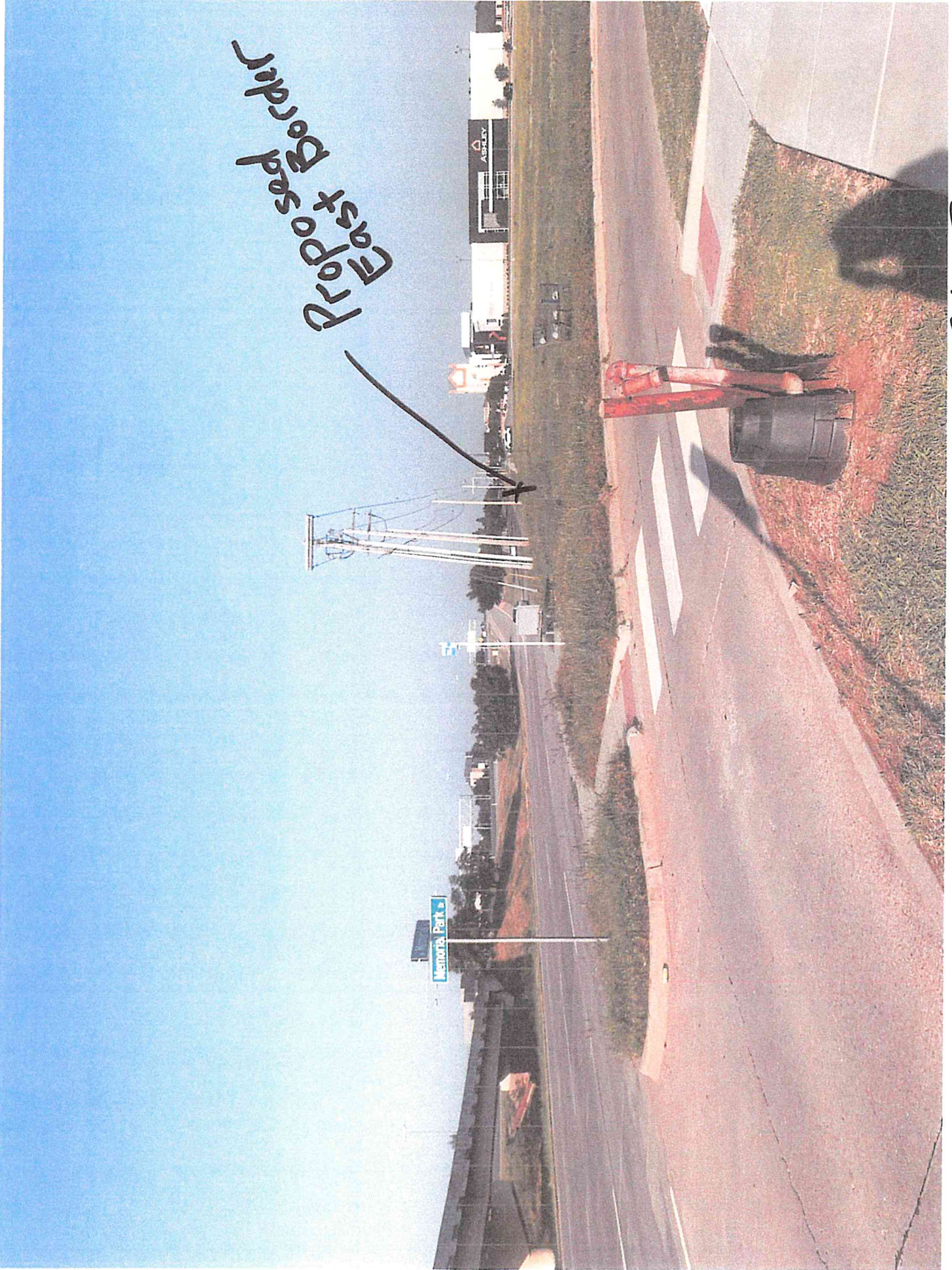
Exh JA JA



Exh. 4B

Proposed Roadway

Exh 5

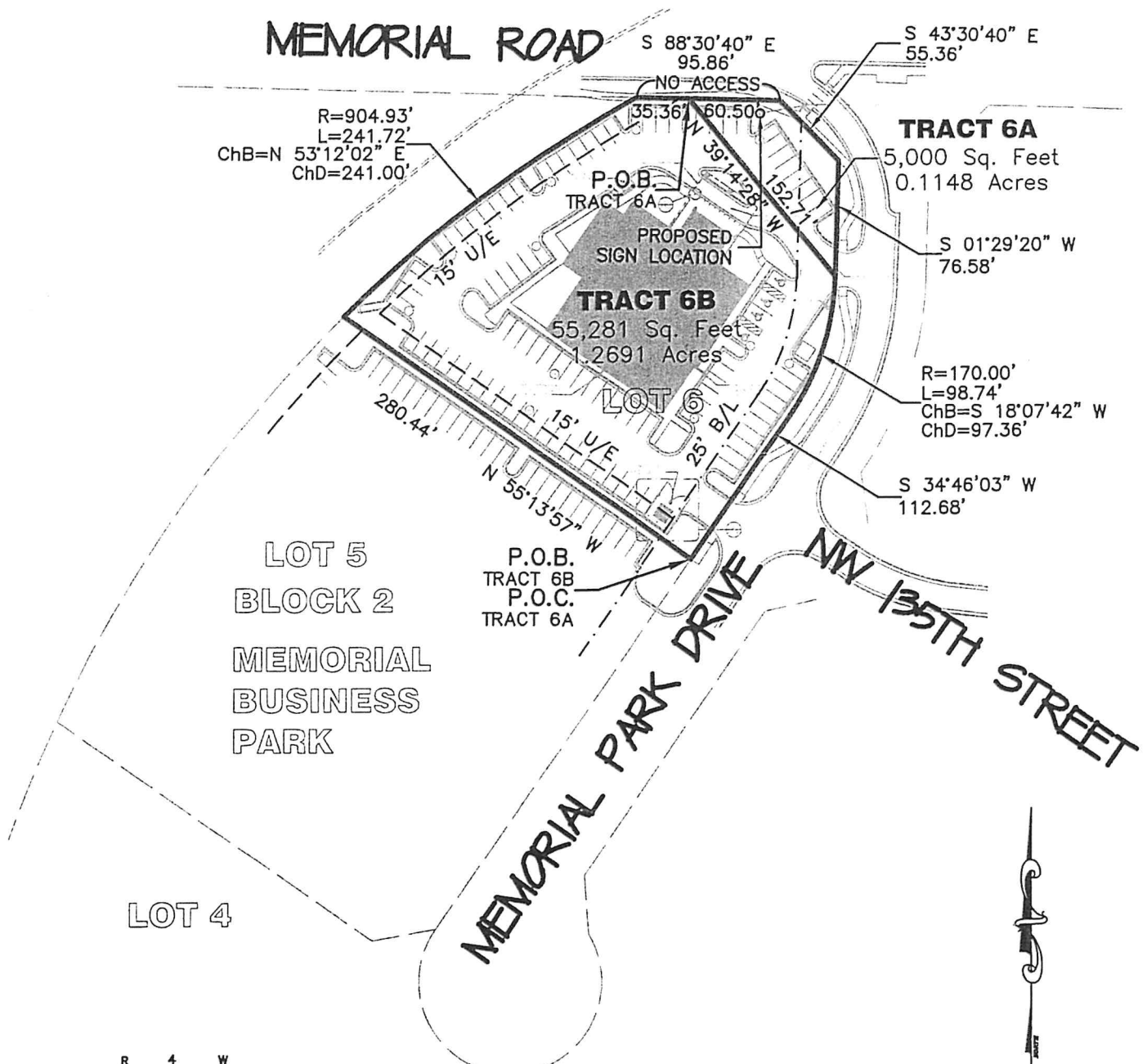




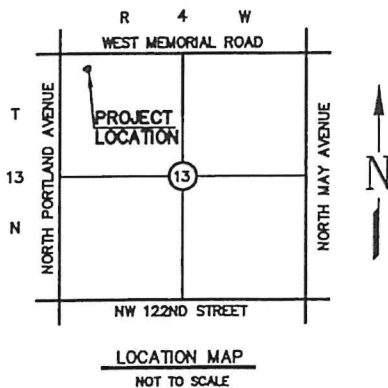


Exh. 6B

LOT SPLIT EXHIBIT TO ACCOMPANY DESCRIPTION



1 inch = 100 ft.



Notes:

1. This exhibit is based on the provided site plan only.

Exh. 7

Mark Deal and Associates, P.C.
P.O. Box 6578 - Norman, OK 73070
405.681.3325 Phone & Fax
shaun@rpls.net
Certificate of Authorization No. 3045
Expires June 30, 2023
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Exh 8



**OKLAHOMA
Transportation**

Outdoor Advertising Control

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

October 5, 2022

Encore Media LLC
Attn: Blake Christensen
2929 Nw 138th St
Oklahoma City, OK 73134

*Re: Conditional Approval of Sign Location
Sign Registration No. 15443
TKIL (Kilpatrick Turnpike) Oklahoma County
Latitude: 35.60863, Longitude: -97.582323*

Dear Mr. Christensen:

In accordance with Title 69 O.S. 2011 §1271 et.seq. and the Oklahoma Administrative Code §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 on the property owner you designated on your application. This will serve to ensure that no state right-of-way violations occur with the sign placement.

When constructing your sign be sure to use personal property for access to the site unless officially authorized to utilize public property. Upon completion of the sign or installation of the permanent marker, please notify this office so that a final inspection can be made.

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 messages displayed, or any other incident of control of the signs or uses.

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

Respectfully,

for Barbara Hoppes
Transportation Manager
Outdoor Advertising Control Branch

BH/dv

Exh 19





Exhibit 10