

Daniel J. Morton
10500 Joshua Drive
Oklahoma City, OK 73131

March, 31 2021

Members of the Oklahoma City Planning Commission and Oklahoma City Council
c/o City of Oklahoma City Development Services Department
420 West Main Street, Suite 910
Oklahoma City, OK 73102

Re: PUD-1813; 10317 Hassett Road, Oklahoma City, OK 73131

Dear Members of the Oklahoma City Planning Commission and Oklahoma City Council,

This letter is sent to register my strong objection to the application filed on behalf of Charles Taylor III to rezone the property at 10317 Hassett Road in Oklahoma City from the current R-1 zoning to a Planned Unit Development (PUD-1813).

I own, and reside on, the property directly to the north of the subject property. We purchased the property as a relaxing semi-rural retreat from city life while still being in a residential neighborhood within the city limits. Enjoyment of the property is seriously impacted by the ongoing activities of Mr. Taylor, including, the operation of an illegal business, heavy truck traffic accessing the property, the noise from persistent chainsaw activity, and the presence of trash and debris on the property.

The City of Oklahoma City has open violation reports against Mr. Taylor/10317 Hassett Road. These include:

C20-47305 (Junk or debris by house or in yard BUT not at curb). First reported 8/18/20; violation notice 8/26/20; found to be in violation at inspections on 9/30/20, 10/19/20, 12/1/20, 12/3/20, 12/30/20 and 1/26/21; Current status Bid-inspection scheduled for 4/15/21. The city sent Mr. Taylor a letter dated 1/11/21 stating that a contractor had been hired to remediate the property, in response Mr. Taylor has filed suit against the City of Oklahoma City to prevent removal of trash and debris from his property.

C20-54474 (Illegal business operating in a residential area). First reported 9/18/20, violation notice issued 9/29/20; 30-day extension granted 10/15/20; 7-day extension granted 1/28/21; Current status 2nd inspection scheduled 4/15/21. In his suit filed against the City of Oklahoma City Mr. Taylor admits to the operation of an illegal business for the past 4 years stating "The Plaintiff's son has firewood on the property that he has processed and delivered to customers for 4 years" (see attached CJ-2021-640).

It is clear that Mr. Taylor is trying to overcome the restrictions on his illegal activity by filing the current rezoning application – a goal that is specifically prohibited by code underlying PUD applications which states "The PUD and SPUD are design and planning tools that are not to be used to circumvent policies or used in lieu of seeking variances to regulations." (ARTICLE XIV. - PLANNED UNIT DEVELOPMENT §

59.14100.3.A). This conclusion is supported by the timeline of events: 1) multiple neighbors have reported Mr. Taylor to the city for code/zoning violations since at least 2009, with minimal action taken by the city in response; 2) On August 18th 2020 a concerned neighbor reported the property for junk and debris (Case# C20-47305); 3) On September 18th 2020 the property was reported for operation of an illegal business; 4) On October 26th 2020 a PUD application (PUD-1793) was filed; 5) On December 2nd 2020 and on advice of his counsel PUD-1793 was withdrawn; 6) On January 11th 2021 Mr. Taylor was informed that a contract was pending to remediate the property at his expense; 7) On February 11th Mr. Taylor filed suit against the City of Oklahoma City; 8) In February 2021 Mr. Taylor filed the pending PUD application. This analysis is further supported by the applicants own words in his suit filed against the City; therein he states "... City of Oklahoma City, issued a Notice of Violation ... in late August to clean up his property Thereafter, the Plaintiff retained an Attorney to rezone ... to a PUD in Order to be in compliance ... so that he could keep selling firewood from that location." This underscores that Mr. Taylor's application is an inappropriate use of the PUD process – rezoning should be a proactive process, seeking to allow a proposed activity/function, not a reactive process to permit ongoing and persistent illegal activity.

The pending application is not a good-faith attempt to utilize "area-sensitive site planning and design to achieve a desirable mixture of compatible land use patterns" (§ 59.14100) and will not "Encourage innovative land development while maintaining appropriate limitations on the character and intensity of use and assuring compatibility with adjoining and proximate properties." (§ 59.14100.1.A). Rather it is an obvious attempt to avoid enforcement against Mr. Taylor's persistent violations. Mr. Taylor's ongoing nuisance activities (many illustrated with photographic evidence below,) and planned future activities are not compatible with his neighbors continued enjoyment of their residential properties. For example, Mr. Taylor uses chainsaws almost daily to breakdown logs for his illegally operated firewood business. This chainsaw use often goes on until sundown; in the summer of 2020 it was often until 9.00 or 9.30 pm, making it impossible for me to comfortably enjoy the outside spaces of my home.

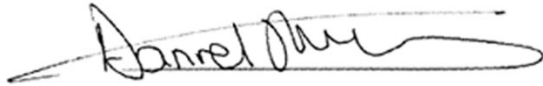
In addition, Mr. Taylor made minimal attempts to clean up his property when issued with a notice of violation, and no attempt at all to curtail his illegal business activities. Nothing has materially changed, and the applicant's filings are just a delaying tactic, in the hope that our community will eventually give up and allow him to proceed. There is every reason to believe that granting Mr. Taylor this PUD will be interpreted by him as permission to continue behaving as he always has; there will be more trash, more mess, more noise, and more general deterioration of the neighborhood. We live in an area full of well maintained and appointed homes, large and small, on lots varying from 1 to 10 or more acres (I have attached photographs of some of the homes below). There are homes on most of the properties adjoining the applicant property, and the city should be encouraging construction of similar homes on vacant lots rather than allowing incompatible and disruptive businesses to operate in the center of a residentially zoned neighborhood. There are no other variances in the immediate vicinity, and allowing this one will negatively impact current residents' rights to enjoy their property as well as reducing the city's ability to increase its tax base with appropriate infill development.

The PUD application itself is deceptive or factually inaccurate in a number of respects. For example, section 5.0 Physical Characteristics states "There is currently a home on the property". This is not true, according to the County Assessor's webpage the only building on the site is a 5,184-sf barn with zero

bathrooms or bedrooms (see attached screen capture from <https://assessor.oklahomacounty.org/>). This does not constitute a home. Nowhere does the application address the fact that Hassett is a single lane private road that is the responsibility of the residents to maintain – it is not suitable for the frequent heavy traffic that the proposed business will entail, or indeed the frequent heavy traffic that the current illegally operating business brings in now (see photographic evidence below). The PUD application also states that it is “consistent and in compliance with Plan OKC”. planokc “focuses on the compatibility of different land uses” and states that “New developments should be compatible with surrounding uses ...”. The proposal is clearly incompatible with the homes that surround the site – the representation of the proposal as consistent with planokc is disingenuous.

I know I am joined by the vast majority of my neighbors in asking the Planning Commission to recommend denial of PUD 1813; I am not aware of any support for this egregious and insincere proposal. Our quiet, relatively secluded rural neighborhood is not suitable for the proposed development or the illegal business operation currently ongoing on the property.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel Morton", with a long horizontal flourish extending to the right.

Daniel J. Morton, PhD

Specific Nuisance Activities Ongoing at Applicant Property (10317 Hasset Road): Photographic evidence

Trash/Debris/Illegal Dumping:

The property is littered with trash. On multiple occasions Mr. Taylor has plowed trash under, in essence treating the property as an illegal dump/landfill. Plowed under trash washes to the surface in heavy rains; litter and loose trash frequently blow on to my property.



Photo taken 3.24.21. At fence line. Shows trash and debris at NE corner of barn, along fence line with 10500 Joshua Drive.



Photo taken 3.24.21. At fence line. Shows old carpet or underlay that has been lying there for months.



Photo taken 3.24.21. At fence line. Shows trash in front of barn.



Photo taken 3.25.21. At fence line. Various items, including filing cabinet, suitcase, chest of drawers discarded. Also shows piles of soil, logs, and other debris. Suitcase is located west of the abandoned semi-trailers.



Photo taken 3.29.21. Please note that plowing activity on 3.29.21 has pushed the suitcase in the above photo to a new location (north of the semi-trailers). This typifies the ongoing behavior, trash is pushed around with a bobcat until it is buried.



Photo taken 3.29.21. Plowing activity referred to above also left cinder blocks, logs, and other miscellaneous trash. Based on prior behavior the plastic totes will be left to decay, be plowed under, and eventually inundate my property with plastic debris following heavy rains.



Photo taken 3.25.21. Multiple old lawnmowers. Moved to this location since 11.22.20 (see photo below).



Photo taken 11.22.20. At fence line. Shows multiple abandoned lawnmowers and other assorted trash/debris



Photo taken 3.30.21. Trash at fence line.



Photo taken 3.30.21. Trash at fence line. Recently plowed to this location



Photo taken 11.22.20. At fence line. Shows 55-gallon drums and piles of tires.



Photo taken 3.24.21. Tires have been placed in a metal cage and “hidden” in trees towards the western end of the property.



Photo taken 3.28.21. Shows 55-gallon drums lying in the pond located at the SW corner of the property. Possibly the same drums as in the photo above but this cannot be verified.



Photo taken 11.22.20. At fence line. Shows pallet of rusting dented cans of paint wrapped in loose degrading plastic. Cans of paint are degrading to the point that there is an obvious paint odor. Piles of lumber and other assorted trash.



Photo taken 11.22.20. At fence line. Shows degraded paint cans and other assorted trash.



Photo taken 3.25.21 At fence line.
Shows degraded paint cans still
present and other assorted trash.
Smell of paint noticeable on many
occasions.



Photo taken 11.22.20. At fence line.
Shows decaying crate full of electronic
waste.



Photo taken 12.02.20. At fence line. Shows the same crate of electronic waste now destroyed by recent plowing activity with no attempt made to contain the waste. This demonstrates applicant's indifference to the well-being of the environment or his neighbors and their property.

Photo below taken 3.28.21. Shows the area where the case of electronic waste was located. Electronic waste is visible protruding from the soil.





Photo taken 3.28.21. At fence line to south. Shows illegally dumped construction/demolition waste.



Photo taken 3.28.21. At fence line to south. Shows illegally dumped construction/demolition waste. Also shows huge piles of dumped logs



Photo taken 3.28.21. At fence line to south. Shows illegally dumped construction/demolition waste.



Photo taken 3.28.21. At fence line to south. Shows illegally dumped construction/demolition waste. Also shows damage to neighbors fence from the illegal dumping (see property damage below)



Photo taken 3.28.21. At fence line to south. Shows construction debris and logs.



Photo taken 3.28.21. At fence line to south. Shows construction debris/asphalt.

Property Damage:

Mr. Taylor plows dumped soil/construction debris/woodchips under or in to piles with indifference to the impact on neighboring properties.



Photo taken 11.29.20. At fence line to south. Shows damage to property owners fence caused by plowing of dumped soil/construction debris/wood chips.



Photo taken 3.24.21. At fence line to south. Shows worsening damage to property owners fence caused by plowing of dumped soil/construction debris/wood chips. Also shows massively increased debris pile since 11.29.20

Road damage:

Access to the property is currently via a private road (Hassett Road) which also provides access for four residential properties. The constant influx of heavy vehicles that the road was not intended to support has caused significant degradation of the road surface. Mr. Taylor previously attempted to fill potholes by dumping loads of woodchips on the road – of course these woodchips wash away in any significant rain. More recently he has bought in gravel to fill potholes – the gravel similarly washes away. These attempts at repairs indicate that Mr. Taylor recognizes he is the cause of the road damage.



Photo taken 11.30.20. Damage to Hassett Road



Photo taken 11.30.20. Damage to Hassett Road



Photo taken 3.27.21. Damage to Hassett Road and attempted filling of potholes with gravel

Storage of semi-trailers on private property:

Two semi-trailers have been stored on the property for multiple years, they are in disrepair and on occasion the back doors are left open which causes additional blowing trash as the contents fall out.



Photo taken 3.25.21 Semi-trailers.
Various assorted trash/debris

Illegal business operation:

Mr. Taylor admits to operating an illegal firewood business for 4 years (see his filing for injunctive relief CJ-2021-640 appended below). The pending PUD application is ostensibly to permit “development of a Firewood Production facility”. However, the applicant admits this has been on ongoing illegal activity for 4 years, and the PUD is merely an attempt to circumvent the regulations. The firewood business involves a local tree service (Forest Tree Service; 5820 NW 58th St, Oklahoma City, OK 73122), as well as other tree companies and private individuals who bring in loads of logs, tree limbs, and wood chips which are dumped on the property. The wood is cut and split for firewood and the wood chips are either plowed in or left in piles. Private vehicles access the property to purchase wood. The below is by no means a comprehensive list, I am not at home most of the time so am unlikely to catch all activity – still the evidence is in the piles of logs, limbs, and wood chips that appear on the property



Photo taken 11.3.20. Forest Tree Service truck dumping load of wood chips on the east end of the property



Photo taken 11.27.20. Forest Tree Service truck dumping load of logs and woodchips on the property



Photo taken 1.9.21. Shows two Forest Tree Service trucks, dumped logs and woodchips. Also shows damage to Hassett Road.



Photo taken 1.19.21. Forest Tree Service truck entering property full of logs.



Photo taken 1.29.21. Forest Tree Service Truck dumping



Photo taken 3.8.21. Forest Tree Service truck leaving property.



Photo taken 3.3.21. Wichita Tree Service truck dumping logs of property.



Photo taken 3.3.21. Wichita Tree Service Truck



Photo taken 3.3.21. Logs just dumped by Wichita Tree Service truck



Photo taken 3.5.21. Same Wichita Tree Service truck leaving property after being recorded dumping logs of the property.



Photo taken 2.27.21. Pickup truck hauling trailer full of logs. Logs were dumped on the property.



Photo taken 3.20.21. Private vehicle leaving having purchased load of wood



Photo taken 3.25.21. Piles of logs taken from the north.

Photo below taken 3.28.21. Piles of logs from the south



Photo taken 3.31.21. New pile of logs appearing within the previous 18 hours. Possibly freshly dumped.

Altering terrain:

Much of the behavior outlined above, specifically dumping of construction/demolition waste, woodchips, and soil has significantly altered the surface elevation of the property and redirected rainwater runoff. This has negatively impacted one resident in particular causing significant damage to the only means of access to the property. The demolition waste was shown above. The following photographs are of piles of soil, woodchips, wood processing offcuts, and other miscellaneous waste.



Photo taken 11.20.20. Piles of soil dumped the day photo was taken. Piles contain multiple logs and possibly other debris.



Photo taken 3.25.21. Pile of wood chips taken from Joshua Drive, west end of subject property.



Photo taken 3.28.21. Multiple piles of wood chips seen from the south fence line.



Photo taken 3.28.21. Pile of dirt, wood debris, logs, and concrete at SE corner of property



Photo taken 3.28.21. Piles of dirt, wood chips, wood processing waste, and other miscellaneous debris from Hassett Road.



Photo taken 3.27.21. Piles of dirt, wood chips, wood processing waste, and other miscellaneous debris from Hassett Road. Closer view of pile in photo directly above



Photo taken 3.27.21. Pile of dirt, wood chips, and other miscellaneous debris on the easement at the NE corner of the property. The dumping and plowing in this location has completely blocked the natural drainage path down the west side of Hassett and forced water to drain directly down Hassett, causing significant hardship and financial cost to the resident most affected.



Photo taken 3.28.21. Pile of wood chips and other miscellaneous debris taken from the north. The wood chip had been supplemented the previous day with wood processing waste that includes treated lumber.



Photo taken 3.29.21. Same pile as above showing miscellaneous trash mixed in with wood processing waste.



Above photograph zoomed in to emphasize the trash mixed in. A water bottle and electronic waste are visible. This reflects the applicant's overall behavior.



Photo taken 3.28.21. From north, shows alteration in ground level on applicant's side. Also, miscellaneous plowed under garbage.



Photo taken 3.28.21. Taken from north. Illustrating the original level of the ground at the bottom of the fence. When I purchased my property in 2010 the ground level was even on both sides. The dumping of wood chips and construction waste and continual plowing have significantly raised the ground level on applicant's side of the fence. Also shows broken concrete slabs and other waste.



Photo taken 3.25.21. From north, shows retaining wall like structure built of miscellaneous waste. Illustrates how high the ground has been raised on the south side of the structure by the spreading of woodchips and plowing under of trash.



Photo taken 3.25.21. From north, close up of retaining wall like structure built of miscellaneous waste. The white string like structures are shredded paper; a large quantity of shredded paper was disposed of and plowed under behind the wall.

Trash inundating neighboring property:

Trash is pushed under the fence by plowing activity or washes under the fence in heavy rain. The following photos were taken on 3.29.21 and 3.30.21 and are samplings of trash that has come under the fence. The trash was picked up on single walks along portions of the fence line.



Neighborhood homes:

10500 Joshua Drive



2401 NE 100th Street



9920 Bartlett Drive



2417 NE 100th Street



9910 Bartlett Drive (Ongoing new build)





10501 Joshua Drive



10401 Joshua Drive









Screen Capture from Oklahoma County Assessor's Webpage describing building at 10317 N. Hassett and establishing that it is not a home.

	<h2 style="text-align: center;">Oklahoma County Assessor's Public Access System</h2>	
<p>Larry Stein County Assessor</p>	<p style="text-align: center;">320 Robert S. Kerr #313 Oklahoma City, Ok 73102 (405) 713-1200</p>	<p style="text-align: center;">Oklahoma Conservation Commission</p>
<p style="text-align: center;"><u>All records are current as of close of previous working day.</u></p>		

Larry Stein-Oklahoma County Assessor Public Access System

Home	Contact Us	Guest Book	Map Search	New Search
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Building Detail Results - Screen Produced 3/25/2021 11:31:44 AM				
Account #:	R134922415	<div style="text-align: center;"> <p>Bldg #1 Sketch</p>  </div>	<p style="text-align: center;">Photos</p> <div> <p>2018 </p> <p>2014 </p> <p>2010 </p> <p>2006 </p> <p>2003 </p> </div>	
Building #:	1			
Built As:	Misc Imp - Res			
# of Stories:	1 Stories			
Square Feet:	1			
Year Built:	2000			
Remodel Year:				
Building Name:				
Alt Land Use Desc:	Residential Improvement			
Quality Desc:	Average			
Bldg Frame Description:				
Foundation Desc:	Slab			
Bldg Exterior:	Frame Siding Misc			
Roof Type:				
Roof Cover:				
Avg Floor Height:	8			
Percent Sprinkled:	0			
Bldg Interior:				
Total Rooms:				
# of Units w/Bedrooms:	# of units () with Bedrooms			
# of Baths:	(0)-Full, (0)-3/4, (0)-half			
HVAC Type:	None			
# of Fire Places:	0			
Percent Heated:	100			
Physical Condition:	Average			
# of Res Units:	0			
# of Comm Units:	0			
Commercial Desc:				
Occ Type:				
Commercial Class:				
MFG Home Length:	0			
MFG Home Width:	0			

Garage, Porch, Basement, Storage, Utility etc. (GLA=Gross Living Area GBA=Gross Bldg Area)				
Account #	Feature	Description	Sqft/Area	Number of Stories
R134922415	GLA	GLA	1	1

Additional Details					
Account #:	Bldg #	Description	Qty	# Of Units	Description
R134922415	1	Barn, Wood, Pole and Metal	1	5,184	Square Feet
R134922415	1	Outbuilding	1	180	Square Feet



2021-640 TIMMONS

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

FILED IN DISTRICT COURT
OKLAHOMA COUNTY

CHARLES ZELL TAYLOR III, TRUSTEE
CH FAMILY IRREVOCABLE TRUST

Plaintiff,

vs.

CITY OF OKLAHOMA CITY,

Defendant.

FEB 11 2021

RICK WARREN
COURT CLERK

111

CASE NO.: CJ-2021-_____

CJ-2021-640

PETITION

COMES NOW the Plaintiff, Charles Zell Taylor III, Trustee CH Family Irrevocable Trust,
and for his cause of action against the Defendant, City of Oklahoma City., alleges and states as
follows:

JURISDICTION AND VENUE

1. Plaintiff, Charles Zell Taylor III, Trustee CH Family Irrevocable Trust, is a
landowner of the following described real property and premises located in Oklahoma County,
State of Oklahoma:

A part of the Northwest Quarter (NW/4) of Section 25, Township 13 North,
Range 3 West of the Indian Meridian, Oklahoma County Oklahoma, being more
particularly described as follows:

Commencing at the Southeast corner of said NW/4, Thence N0°19'07"E along the
East line of said NW/4 a distance of 653.94 feet to the Point or Place of Beginning;
Thence N89°45'09"W a distance of 655.94 feet; Thence N0°14'21"E distance of
333.00 feet; Thence S89°45'09"E a distance of 656.40 feet to a point on the East
line of said NW/4; Thence SO°19'07"W along said East line a distance of 333.00
feet to the Point or Place of Beginning. AKA Tract 5.

(See Attached Exhibit A)

2. Defendant, City of Oklahoma City is located in Oklahoma County, State of
Oklahoma.
3. The facts giving rise to this cause of action occurred within Oklahoma County.

4. Jurisdiction and venue are therefore proper before this Court.

FACTS

5. The Plaintiff's son has firewood on the Property that he has processed and delivered to customers for 4 years.

6. The property is zoned R-1 but is in an area where the properties are 5 acre parcels More or less.

7. Sometime in August 2020 a neighbor decided to complain to the City of Oklahoma City about the Plaintiff selling firewood from this property and the Defendant, City of Oklahoma City, issued a Notice of Violation to the Plaintiff in late August to clean up his property of trash, junk and debris according to Chapter 35 section 103 of the Municipal Code.

8. Thereafter, the Plaintiff retained an Attorney to rezone the Property R-1 to a PUD in Order to be in compliance with the City zoning code so that he could keep selling firewood from that location.

9. On October 20, 2020, an Application to rezone the property from R-1 to PUD was filed.

10. On November 25 and 29, 2020, four Protests of the PUD from neighbors were sent to the City of Oklahoma City's Planning Commission

11. On December 10, 2020, the Attorney for the Plaintiff moved to withdraw the PUD Application as it was his opinion that it would fail in the face of the protests and he didn't want to cost the Plaintiff any more money despite the Plaintiff wanting to go forward with the Application.

12. On January 11, 2021, Defendant, City of Oklahoma City, sent a notice to the Plaintiff wherein it was determined that the Plaintiff had allowed junk, debris and trash to remain on the premises and as such, they issued a work Order to clean up his property at a cost of \$20,444.00. The City can commence this work at will at any time. (Attached as Exhibit B)

13. The City of Oklahoma City has defined the logs on the Plaintiff's property that are processed and sold as firewood as "junk, debris and trash".

14. On January 27, 2021, the Plaintiff hired counsel in this case to refile for a rezoning on this property as well as stop the City of Oklahoma City from illegally depriving him of valuable property without due process.

15. Plaintiff has invested substantial sums of money on his property and will be irreparably damaged/harmed if the Defendant is allowed to continue the course of action described above.

16. The Defendant, City of Oklahoma City, has relied on City Ordinance Chapter 35-Section 103, for authority to remove Plaintiff's property (firewood) from the premises. This ordinance states verbatim:

"It shall be unlawful for any owner or occupant of any lot, tract or parcel of land to allow trash to accumulate or exist upon such premises, or along the unpaved streets, unpaved alleys or public easements adjacent to such premises, and it shall be the duty of such owner or occupant to remove any and all trash on such premises."

Additionally, the Notice and Order to remove trash under City Ordinance Chapter 35-Section 104 says:

"Whenever the Director shall determine that the accumulation or existence of trash constitutes a threat to the public health, comfort, safety or welfare.....work shall be done by the city.

17. The Defendant, City of Oklahoma City, defines trash under City Ordinance Chapter 35-Section 101(4) which states as follows:

"Trash means any refuse, litter, ashes, debris, paper, combustible materials, rubbish, offal or waste, or matter of any kind or form which is uncared for, discarded, or abandoned."

COUNT 1

(Temporary Restraining Order, Temporary Injunction and Permanent Injunction)

18. Plaintiff incorporates paragraphs 1-17, above, as though fully pled herein.

19. The Defendant is attempting to deprive the Plaintiff of his Personal Property (Firewood) by defining it as "Trash". Firewood is not "Trash" it is a commodity which is usable and, in this case, saleable. It is not uncared for, discarded or abandoned as it is constantly being used, processed and sold. In no way, shape or form does Firewood fall under the City's own definition of trash. If they are allowed to define Firewood as trash it will, in essence, constitute a taking and result in irreparable harm to the Plaintiff by depriving him of a valuable commodity that he has expended substantial sums to obtain in addition to placing an unduly burdensome lien on his property in the exorbitant amount of \$20,444.00.

20. The Defendant, City of Oklahoma City's notice and Order to remove trash under City Ordinance Chapter 35-Section 104 does not apply to Firewood, as it does not constitute a threat to the public health, comfort, safety or welfare. By allowing the Director (Superintendent in this case) to declare Firewood as a threat to the public health, comfort, safety or welfare is ridiculous. By that logic, everyone with firewood on their property poses a threat to their neighbors. Again, allowing the Defendant City of Oklahoma City, to characterize the Plaintiff's firewood as trash that somehow constitutes a threat to neighbors would cause irreparable harm to the Plaintiff by depriving him of a valuable investment and commodity which he sells and placing an exorbitant lien on his property for the privilege of this deprivation.

21. Plaintiff's have no right to deprive the Defendant of his Personal Property (Firewood) under the guise of calling it "Trash" and a Temporary Restraining Order, Temporary Injunction and Permanent Injunction are appropriate remedies to ensure the Defendant doesn't deprive the Plaintiff of his property.

22. Accordingly, Plaintiff is entitled to a Temporary Restraining Order, Temporary Injunction and Permanent Injunction preventing the Defendant from moving forward with any action which would be injurious to the Plaintiff's property without some sort of compensation for the taking, including but not limited to removing firewood or equipment or any other thing of

value that doesn't meet the definition of trash.

23. Unless Defendant is restrained before they are available to be heard in opposition to this Motion, Plaintiff will suffer immediate and irreparable harm.

24. A Temporary Restraining Order is necessary to preserve the status quo until the Court hears the Plaintiff's Petition for Temporary Injunction, and is appropriate because Plaintiff is likely to prevail on the merits of his claims. Furthermore, if the Defendant is allowed to continue its actions, Plaintiff will be greatly harmed.

25. The harm to Plaintiff if this Temporary Restraining Order is not granted outweighs the harm to the Defendant if it is granted due to the allegations set forth above and throughout this Motion, as well as the allegations in the Petition for Injunction, all of which are hereby incorporated by reference. Furthermore, in the absence of the granting of this Temporary Restraining Order, Plaintiff has no adequate remedy at law to stop the actions of the Defendant. Furthermore, the interests of the public will not be disserved by granting Plaintiff's Motion, due to the interests of both parties with respect to the above litigation.

26. A Temporary Restraining Order may be granted without written or oral notice to the adverse party or the attorney for the adverse party only if it clearly appears from specific facts shown by affidavit or verified Petition that immediate and irreparable harm, loss, or damage will result to the applicant before the adverse party or the attorney for the adverse party can be heard in opposition. Okla. Stat. Tit.12 Section 1384.1.

27. A Restraining Order has the object of preserving the status quo, in Order to prevent irreparable harm until such time as the Court may determine Plaintiff's application for a Temporary Injunction. *Morse vs. Earnest, Inc.*, 547 P.2d 955 (Okla. 1976).

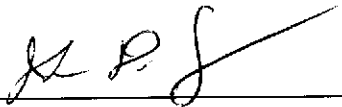
28. Such relief is clearly warranted in this action since Plaintiff has shown by affidavit and documentary proof that the interference with Defendant's rights by granting Restraining

Order will be minimal while protecting Plaintiff from incalculable irreparable harm and immediate harm.

29. Here, this Court should enter a Temporary Restraining Order, without notice, Restraining the Defendant from taking the following action:

Taking any action which may cause damage to the Plaintiff's property, including but not limited to, hauling off Firewood or logs or anything that has value such as equipment, trailers or parts of equipment that can be salvaged or sold on the open market.

WHEREFORE, Plaintiff, Charles Zell Taylor III, Trustee CH Family Irrevocable Trust, prays this Court enter a Temporary Restraining Order, Temporary Injunction and Permanent Injunction preventing the Defendant from removing any valuable property from the Plaintiff's property that would cause the Plaintiff immediate and irreparable harm and damage, in addition to attorney's fees and costs for this Court action and any other such relief as this Court warrants.




JOHN D. COURY, OBA #15445
825 E. 33rd
Edmond, OK 73013
(405) 478-1188
(405) 478-5501 fax
Attorney for Plaintiff

VERIFICATION

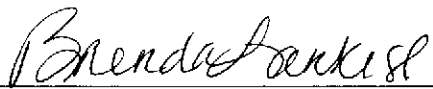
STATE OF OKLAHOMA)
)
COUNTY OF OKLAHOMA) SS:

I, Charles Zell Taylor III, of lawful age and sound mind, states: I have read the foregoing instrument and further state under the penalty of perjury under the laws of the State of Oklahoma that all statements contained therein are true and correct to the best of my knowledge, information, and belief.

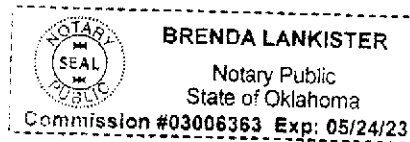


Charles Zell Taylor III

The above verification was signed, sworn to and acknowledged before me on the 10 day of February, 2021, by Charles Zell Taylor III.



Notary Public



**AFFIDAVIT IN SUPPORT OF PETITION FOR
TEMPORARY RESTRAINING ORDER**

STATE OF OKLAHOMA)
)
COUNTY OF OKLAHOMA)

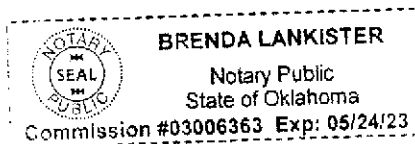
Charles Zell Taylor III, of lawful age, upon oath states:

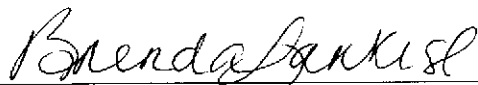
1. That the allegations above are true and correct;
2. I believe that the Plaintiff will suffer substantial and irreparable harm because of the allegations set forth in the above and foregoing document;
3. A Temporary Restraining Order is necessary for the reasons set forth in the above and foregoing document; and
4. A Temporary Injunction and Permanent Injunction are necessary for the reasons set forth in the above and foregoing document; and
5. Plaintiff has no immediate remedy at law other than seeking a Temporary Restraining Order without notice, and the harm to the Plaintiff if the Restraining Order is not Granted, will outweigh the harm to the Defendant if the relief is Granted. Further, Plaintiff has no immediate remedy at law other than seeking the injunctive relief sought in his Petition on file herein, and the harm to the Plaintiff if the Restraining Order is not granted, will outweigh the harm to the Defendant if the relief is granted.



Charles Zell Taylor III

Subscribed and sworn to before me this 10 day of February, 2021.





Notary Public

WARRANTY DEED
Statutory Form - Individual

20100817011009570
08/17/2010 01:10:29 PM
Bk RE11435 Pg:147 Pgs:1 DEED
State of Oklahoma
County of Oklahoma
Oklahoma County Clerk
Carolynn Caudill

Know All Men by These Presents:

THAT Charles Z. Taylor, III, a single person, party of the first part, in consideration of the sum of TEN and No/100 (\$10.00) in hand paid, the receipt of which is hereby acknowledged, does hereby Grant, Bargain, Sell and Convey unto Charles Zell Taylor, III, Trustee of the CH Family Irrevocable Trust, party of the second part, the following described real property and premises situated in Oklahoma County, State of Oklahoma, to wit:

A part of the Northwest Quarter (NW/4) of Section 25, Township 13 North, Range 3 West of the Indian Meridian, Oklahoma County Oklahoma, being more particularly described as follows:

Commencing at the Southeast corner of said NW/4, Thence N0°19'07"E along the East line of said NW/4 a distance of 653.94 feet to the Point or Place of Beginning; Thence N89°45'09" W a distance of 655.94 feet; Thence N0°14'21"E a distance of 333.00 feet; Thence S89°45'09"E a distance of 656.40 feet to a point on the East line of said NW/4; Thence S0°19'07"W along said East line a distance of 333.00 feet to the Point or Place of Beginning. AKA Tract 5.

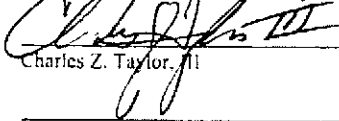
TAX ID #: 13-492-2415

Grantee's Mailing Address: 2012 NE 100th Street, Oklahoma City, OK 73131

together with all the improvements thereon and the appurtenances thereunto belonging, and warrant the title to the same.

TO HAVE AND TO HOLD said described premises unto the said party of the second part, his heirs 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. SUBJECT to existing zoning, easements, right-of-ways and restrictive covenants of record.

Signed and delivered this 12th day of August, 2010


Charles Z. Taylor, III

**COURTESY FILING ONLY
NO LIABILITY ASSUMED**

EXHIBIT A
CERTIFIED COPY
OCT 03 2010
100

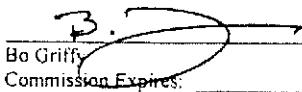


Courtesy Filing Fee \$13.00 DS Exempt under Sec 3202 Par 4
INDIVIDUAL ACKNOWLEDGMENT
Oklahoma Form

STATE OF OKLAHOMA)
COUNTY OF OKLAHOMA) SS

Before me, the undersigned, a Notary Public in and for said County and State on the 12th day of August, 2010, personally appeared Charles Z. Taylor, III, a single person, to me known to be the identical person who executed the within and foregoing instrument and acknowledged to me that he executed the same as his free and voluntary act and deed for the uses and purposes therein set forth.

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


Bo Griffy
Commission Expires: _____

RETURN TO: Charles Taylor, 2012 NE 100th Street, Oklahoma City, OK 73131

A
Sum - Abstract & Title
Highway, Since 200
Oklahoma City, OK 73102
NH-CF

20100817011009570
Filing Fee \$13.00
Doc Stamps \$ 00
08/17/2010 01:10:29 PM
DEED



"EXHIBIT B"



The City of
OKLAHOMA CITY

DEVELOPMENT SERVICES DEPARTMENT

January 11, 2021

TAYLOR CHARLES ZELL III TRS
CH FAMILY IRREVOCABLE TRUST
2012 NE 100TH ST
OKLAHOMA CITY, OK 73131

Violation Address: 10317 HASSETT ST

Case #: C20-47305

Dear TAYLOR CHARLES ZELL III TRS

You are hereby advised that the City of Oklahoma City has found the property 10317 HASSETT ST to be in violation of the City Ordinance Chapter 35 Section 103, allowing junk, debris, and/or trash to remain on the premises.

The property was posted on August 26, 2020 with a violation notice for allowing junk, debris, and/or trash to remain on the premises. A notice was mailed to the owner of record shown by the records at the Oklahoma County Treasurers office August 28, 2020. On September 18, 2020 a second inspection was performed and the property remained to be in violation.

A work order has been issued to our contractor to clean the property and the minimum cost will be \$20,444.00. Once the work is completed a lien will be filed on the property and a bill will be mailed to the property owner. The bill must be paid in full within 30 days. If not paid within 30 days, the bill will be certified to the Oklahoma County Treasurers office for collection with interest and penalties added.

If you have any questions, please contact me at 405-297-2317.

Sincerely,

A handwritten signature in black ink, appearing to be "C. W. Nelson", written over a horizontal line.

City Superintendent