



## *Agenda Commentary*

**Item Title/ Subject:** Letter of Understanding, Westhaven Housing Addition

**Staff Source:** City Manager, Steve Hewitt

**Date:** September 20, 2011

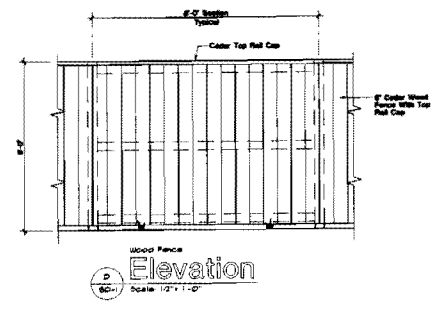
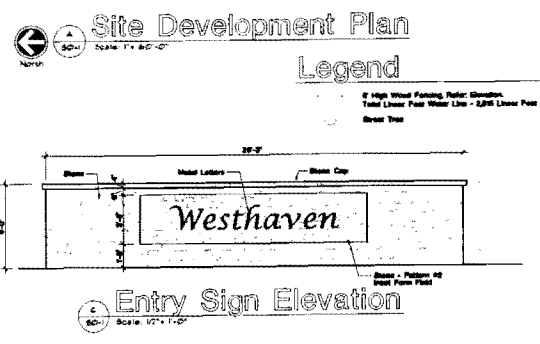
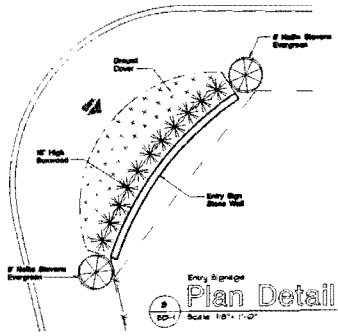
**History/Background Information:** Shawn Driver of Zerby Interests approached City Council a few months back looking to develop the property off 28<sup>th</sup> / Modelle behind the Bank of the West. Driver took the Council feedback and visited with community members to increase the amount of lots, reduce lots sizes, and reducing the size of homes required. Zerby Interests is looking for Public Improvements assistance.

**Item/Subject Summary:** After reviewing Mr. Driver's new plan (see attachment), the development looks more feasible. This nearly doubles the lots that could be developed. Driver informed me that the market for land and homes needs to be established in Clinton. I informed him the City needs to be reimbursed for as much as possible on land sales. Driver agreed that Zerby would reimburse the City \$2000 per lot (52 lots = \$104,000). Driver spells out in the LOU what Zerby and the City's obligations.

(Driver has stated lot pricing must be affordable)

**Price/Cost:** Roads and Utilities estimated \$300,000. \$104,000 reimbursed through lot sales, remainder of reimbursement would come from sales tax and utility bills as new construction is development. NOTE: The City will eventually be reimbursed, however timeline is unknown.

**Recommendation:** Housing is a need and concern. The City must get involved in non-traditional support than it has in the past. Investing in utilities and public works for new housing partnerships should help Clinton grow. This will set precedence to future development.



Revisions:


**White Design Group, P.C.**  
Architectural and Interiors Consulting  
5001 EAST 41ST STREET, SUITE 312, TULSA, OKLAHOMA 74116

Conceptual Development Plan For:  
**The Westhaven Addition**  
Clinton, Oklahoma

Sheet Content:  
Site Map, Plan, Wood Fence Elevation

Sheet Number:  
**SD-1**  
Date: 08-24-11

Preliminary  
Not for Construction

September 13, 2011

City of Clinton  
Attn: Steve Hewitt, City Manager  
415 Gary Boulevard  
Clinton, OK 73601

RE: Letter of Understanding  
Westhaven Housing Addition

Mr. Hewitt,

I'm writing you today in an effort to summarize and capture our discussions over the last several months regarding the proposed housing addition known as Westhaven, as well as the proposed structure in which the City of Clinton ("City") would partner with Elk Supply Co. ("Owner") in order for Westhaven to be successfully developed. It is our intention that after clarifying the roles in the development process, and thus alleviating any potential misunderstanding, that we can move forward toward City Council approval. Based on that intent, I've listed the major deal points below.

The Owner agrees to provide the following:

- Land – approximately 12.45 acres identified in Exhibit A
- Rezoning – conversion of commercial property to residential use
- Plating – plating of the property to include utility easements designated for City use
- Architectural & Engineering – all necessary services in order to provide construction-ready plans and specifications
- Surveying – all construction and property staking
- Fencing – as shown on Exhibit A, constructed immediately subsequent to utility and street placement
- Entry Statements – all concrete, masonry, signage, electrical, etc. to provide finished entry statements per Exhibit A
- Irrigation – a fully installed system with the capacity to irrigate the common area located parallel to Hayes Avenue
- Landscaping – trees, plants, sod, mulch to complete the common area along Hayes Avenue
- Marketing – all promotions, fees, commissions, and sales related expenses
- Home Owners' Association – all documents (inclusive of related legal fees), logistics, and miscellaneous expenses associated with a first class residential development
- Reimbursement – a \$2,000 payment to the City of Clinton upon the successful sale and closing of each residential lot with Westhaven Addition, as shown on Exhibit A.

The City agrees to provide the following:

- Streets – unless listed above, all construction related expenses associated with completing City streets as shown on Exhibit A
- Water – unless listed above, all construction related expenses associated with completing a water main project, with the scope being to adequately provide each lot within Westhaven with City water; moreover, the access to City water shall be found directly upon each lot
- Sanitary Sewer – unless listed above, all construction related expenses associated with completing a sanitary sewer main project with the scoping being to adequately provide access to the City sanitary sewer system; moreover, the access to the City sanitary sewer shall be found directly upon each lot.

If the aforementioned description adequately represents the development structure, then please add approval of such to the City Council's upcoming agenda. However, if there is something that needs to be added or modified please contact me at your earliest convenience.

Best regards,

A handwritten signature in black ink, appearing to read 'S. Driver', written in a cursive style.

Shawn Driver  
Principal

Attachment: Exhibit A