

RESOLUTION NO. _____

Order of Incorporation of the Town of Hochatown, Oklahoma

The Board of County Commissioners, McCurtain County, met in regular session on November 28, 2022.

WHEREAS, on March 24, 2022, the Board of County Commissioners received the Petition for Incorporation of the Town of Hochatown (the "Petition for Incorporation"), attached hereto as Exhibit 1, required by statute as a prerequisite to a special election for the residents of the proposed municipality to decide whether the territory shown as described in Exhibit A to the Petition for Incorporation shall be incorporated as statutory town; and

WHEREAS, the Board of County Commissioners determined on August 22, 2022 that the County had received documentation sufficient to support the Petition for Incorporation and to call a special election for the purpose of deciding whether the town shall be incorporated; and

WHEREAS, on August 22, 2022, the Board of County Commissioners directed by resolution that a special election be set for November 8, 2022 to enable the residents of Hochatown to decide whether the town shall be incorporated, and submitted such resolution to the McCurtain County Election Board; and

WHEREAS, on November 8, 2022 a special election was held by the McCurtain County Election Board for the residents of Hochatown on the question of "[s]hall the Town of Hochatown be incorporated?," with the result that one hundred twenty-nine (129) "yes" votes were cast in favor of the incorporation and eighteen (18) "no" votes were cast, exceeding the simple majority required by 11 O.S. § 3-105; and

WHEREAS, on November 11, 2022 the McCurtain County Election Board certified the results of the November 8, 2022 election to the Board of County Commissioners as shown by the attached Exhibit 2; and


WHEREAS, the Petition for Incorporation provides that upon incorporation, Hochatown will conduct elections in accordance with the Oklahoma Town Meeting Act, with the initial meeting to be scheduled and presided over by Chad Wesley Sargent and the duties of the municipal clerk at the initial meeting to be performed by Dian Jordan-Werhane.


THEREFORE, IT IS ORDERED AND DECLARED by the Board of County Commissioners, McCurtain County, Pursuant to 11 O.S. § 3-105, that the Town of Hochatown, Oklahoma is hereby and henceforth a body corporate and an incorporated town in accordance with the Petition for Incorporation, with municipal limits encompassing the territory shown and described in Exhibit A to the Petition for Incorporation.

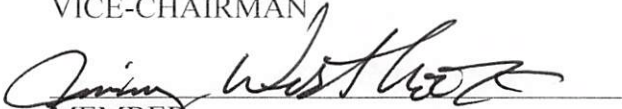
IT IS FURTHER ORDERED AND DECLARED that, as provided in the Petition for Incorporation, the Town of Hochatown shall conduct its initial election of officers in accordance with the Oklahoma Town Meeting Act. with the initial town meeting to be scheduled, noticed and

presided over by Chad Wesley Sargent and the duties of the municipal clerk at the initial meeting to be performed by Dian Jordan-Werhane.

BOARD OF COUNTY COMISSIONERS
MCCURTAIN COUNTY, OKLAHOMA


CHAIRMAN


VICE-CHAIRMAN

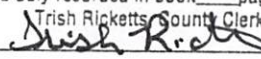

MEMBER

ATTEST:


COUNTY CLERK

State of Oklahoma McCurtain Co., SS
This instrument was filed for record
10:15 o'clock am

DEC 07 2022

and duly recorded in book _____ page _____
Trish Ricketts, County Clerk
by  Deputy

PETITION FOR INCORPORATION OF THE TOWN OF HOCHATOWN

This Petition to the Board of County Commissioners of McCurtain County, Oklahoma for incorporation of a town is supported by the following statements, facts, and attached exhibits.

1. The name of the proposed town is Hochatown.
2. The survey and plat for the proposed town is incorporated herein. A full and correct copy is attached as Exhibit A. The survey includes territory as described thereon (the "Proposed Town Territory").
3. No part of the Proposed Town Territory is restricted under 11 O.S. 2-104 as the territory has historically been identified as a community of people residing in compact form (11 O.S. 2-104(C)) and the Proposed Town Territory is not considered within 3 miles of the corporate limits of another municipality pursuant to 11 O.S. 2-104(D)¹. *See* Affidavits of Surveyors attached hereto as Exhibit B: *see also* Evidence of Compliance with 11 O.S. §2-104 attached hereto as Exhibit C.
4. Petitioners are a community of people "residing in compact form," in accordance with the most recent interpretation of the phrase by the Oklahoma Attorney General, "[T]he phrase 'residing in compact form' means a unified group of people having a community of interest who permanently or continuously dwell in a limited, definite, concentrated area." 2008 OK AG 28. *See* Exhibit C.

¹ "Urban areas annexed by a municipality which are completely nonadjacent to the corporate limits of the municipality are not considered as within the corporate limits of that municipality for the purposes of this section." *See* 12 O.S. § 2-104(D).

5. The resident population, including names and addresses, of persons residing within the Proposed Town Territory as of January 26, 2022, is attached hereto as Exhibit D.

6. The registered voters residing within the Proposed Town Territory as of January 26, 2022 is attached hereto as Exhibit E.

7. The total number of residents within the Proposed Town Territory who are registered to vote is 319.

8. The proposed town shall not be divided into wards.

9. After incorporation and unless specified otherwise by ordinance, the board of trustees shall consist of five (5) members, elected at large.

10. A majority of the petitioners desire to comply with the provisions of the Oklahoma Town Meeting Act, and hereby designate Chad Wesley Sargent to be the presiding officer and designate Dian Jordan-Werhane to perform the duties of the municipal clerk at the first town meeting, and such designees may call and provide notice of the first town meeting in accordance with the Oklahoma Town Meeting Act.

11. Notice of the intent for Hochatown to apply for incorporation was provided on February 22, 2022 on or before 5:00 pm at least thirty (30) days prior to the formal presentation of this petition for incorporation at the following locations:

- a. McCurtain County Rural Water District No. 5: 9180 N. US Highway 259,
Broken Bow, Oklahoma 74728
- b. First State Bank, 129 N. Lukfata Trail, Broken Bow, Oklahoma 74728
- c. Sovereign Title Services, 8815 N. US Highway 259, Broken Bow,
Oklahoma 74728

d. Abendigo's Grill and Patio, 10050 N US Highway 259, Broken Bow,
Oklahoma 74728

12. This Petition and supporting documents will be presented/submitted to the Board of County Commissioners of McCurtain County on or about March 25, 2022.

13. An affidavit of Michal Todd McDaniel is attached hereto as Exhibit F verifying the facts set forth above.

14. The undersigned hereby petitions for incorporation in accordance with the statements contained in this Petition, states that he/she is a registered voter residing in the Proposed Town Territory, and further states that he/she has been a resident of the Proposed Town Territory for at least the sixty (60) days preceding the date of signature.

Signature

Printed Name as it appears on voter registration card

Address

AUTHENTICATION AND AFFIDAVIT OF WITNESS ON FOLLOWING PAGE

AUTHENTICATION AND AFFIDAVIT OF WITNESS

STATE OF OKLAHOMA)
) SS:
COUNTY OF _____)

I, _____, of lawful age, after being first duly sworn upon oath, state:

- (1) I personally observed and witnessed the above signature of _____;
- (2) that the signature is the genuine signature of the person names;
- (3) that the person named is a registered voter residing within the Proposed Town Territory, and
- (4) that the signature was not gathered more than 30 days prior to presentation of this Petition to the Board of County Commissioners.

AFFIANT SIGNATURE

Subscribed and sworn before me on this _____ day of _____, 2022.

(SEAL)

NOTARY PUBLIC

Matloff, Mark

From: Lysbeth George <liz@georgelawok.com>
Sent: Monday, December 5, 2022 11:05 AM
To: Matloff, Mark
Subject: Fwd: Hochatown - legal description and ordinance/referendum

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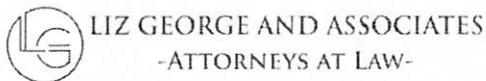
Mark:

See below. We are already being asked for that more detailed resolution that appends the survey etc. Do you have an ETA on when we can try to have that?

Thanks,

Liz

Lysbeth "Liz" George
8101 S Walker, Suite F
Oklahoma City, OK 73139
Phone/Fax: (405) 689-5502
www.georgelawok.com
liz@georgelawok.com



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From: Steve Oliver <steve.oliver@tax.ok.gov>
Sent: Monday, December 5, 2022, 10:33 AM
To: Stiehler, Ronald D. Jr. <dstiehler@ou.edu>; Di Jordan <dijordan@ymail.com>
Subject: RE: Hochatown

I need the Legal Description, and Ordinance / Referendum that is filed in the County Clerk's Office.

Sincerely,

Steve Oliver



Steve Oliver
Municipal Boundary Coordinator.
Ad Valorem Division
405.319.8204
steve.oliver@tax.ok.gov | tax.ok.gov
Oklahoma Tax Commission | OKC, OK | 73194

From: Stiehler, Ronald D. Jr. <dstiehler@ou.edu>
Sent: Monday, December 5, 2022 10:31 AM
To: Di Jordan <dijordan@ymail.com>; Steve Oliver <steve.oliver@tax.ok.gov>
Subject: [EXTERNAL] RE: Hochatown

Dian
This is the certification report from the election board.
I think Steve needs the on that was filed and stamp with the county clerk.

Steve:
Am I correct or will this do

Doug

From: Di Jordan <dijordan@ymail.com>
Sent: Monday, December 5, 2022 10:25 AM
To: Stiehler, Ronald D. Jr. <dstiehler@ou.edu>
Subject: Re: Hochatown

<https://www.hochatown360.com/news>

Click the "download" at top of page.

Dian Jordan

From: Stiehler, Ronald D. Jr. <dstiehler@ou.edu>
Sent: Monday, December 5, 2022 10:20:37 AM
To: dijordan@ymail.com <dijordan@ymail.com>
Subject: FW: Hochatown

Can you get this
Doug

From: Steve Oliver <steve.oliver@tax.ok.gov>
Sent: Monday, December 5, 2022 7:47 AM
To: Stiehler, Ronald D. Jr. <dstiehler@ou.edu>
Subject: RE: Hochatown

I need the County Clerk Filed Copy, of the Resolution/ Ordinance

Sincerely,

Steve Oliver



Steve Oliver
Municipal Boundary Coordinator,
Ad Valorem Division
405.319.8204
steve.oliver@tax.ok.gov | tax.ok.gov
Oklahoma Tax Commission | OKC, OK | 73194



Matloff, Mark

From: Lysbeth George <liz@georgelawok.com>
Sent: Friday, December 2, 2022 10:56 AM
To: Matloff, Mark
Subject: Hiochatown Resolution
Attachments: RESOLUTION NO.docx; 1. Hochatown Petition for Incorporation .pdf

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Mark:

Thank you for discussing this with me yesterday. Attached is a formal resolution on the Hochatown Incorporation. This document is often referred to as the "Articles of Incorporation" for the Town and is used in connection with various things the Town may have to apply for or submit supporting documentation. The attached includes all the typical information (and exhibits) commonly included in the Articles.

The order entered last week was certainly sufficient to incorporate the town, this attached document is really more of a formality to meet the requirements/expectations of various entities the Town will have to deal with over the years.

I have also included the referenced Exhibit 1 (the Petition) and Exhibit A (the Survey). Exhibit 2 is a copy of the votes as certified by the County Election Board. I spoke with Donna this morning and she is preparing a copy for Di to pick up Monday for me so we can append that as well.

The Survey was too large to attach so I have included a link to it here:

<https://www.dropbox.com/t/t9Cb8LsCrHWspwNb>

Please feel free to call me with any questions or concerns.

Thanks,

Liz