



**ORDINANCE NO. 2026- 11**

AN ORDINANCE APPROVING AND ADOPTING THE MUSTANG DATA CENTER ECONOMIC DEVELOPMENT PROJECT PLAN AND SUPPORTING INCENTIVE DISTRICTS, CITY OF CLAREMORE, PURSUANT TO THE OKLAHOMA LOCAL DEVELOPMENT ACT; IDENTIFYING AND ESTABLISHING THREE INCENTIVE DISTRICTS TEMPORARILY IDENTIFIED IN THE PROJECT PLAN AS INCENTIVE DISTRICTS “A,” “B,” AND “C”; DESIGNATING AND ADOPTING PROJECT AREA AND INCENTIVE DISTRICT BOUNDARIES; DEFERRING NUMERICAL DESIGNATIONS AND EFFECTIVE DATES FOR THE INCENTIVE DISTRICTS; ADOPTING CERTAIN FINDINGS; AUTHORIZING THE CITY OF CLAREMORE AND THE CLAREMORE INDUSTRIAL AND ECONOMIC DEVELOPMENT AUTHORITY AS THE ENTITIES TO CARRY OUT AND ADMINISTER THE PROJECT PLAN; RATIFYING AND CONFIRMING THE ACTIONS, RECOMMENDATIONS AND FINDINGS OF THE REVIEW COMMITTEE AND THE CLAREMORE-ROGERS COUNTY METROPOLITAN AREA PLANNING COMMISSION; APPROVING AND ADOPTING A TAX INCENTIVE AGREEMENT; AND PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY.

WHEREAS, the City of Claremore, Oklahoma (“City”) has prepared the proposed Mustang Data Center Economic Development Project Plan (“Project Plan”) in accordance with the Oklahoma Local Development Act, 62 O.S. § 850, et seq. (“Act”); and

WHEREAS, the purpose of the Project Plan is to provide for an incentive necessary to support development of a data center project on approximately 255 acres of land located northwest of South Highway 66 Expressway; and

WHEREAS, the Project Plan supports both the City’s efforts to achieve its development objectives, improve the quality of life for its citizens, stimulate private investment, and enhance the tax base, thereby making possible investment that would be difficult without the adoption of the Project Plan and the provision of an incentive; and

WHEREAS, the Review Committee established by the City Council pursuant to the Act (“Review Committee”)—comprised of one representative of the City of Claremore City Council, one representative of the City of Claremore-Rogers County Metropolitan Area Planning Commission (“Planning Commission”), representatives of each of the affected taxing jurisdictions (including the Rogers County Health Department, the Board of County Commissioners of Rogers County, Oologah-Talala Public Schools, Sequoyah Public Schools, the Northeast Technology Center, the Northwest Fire District, and the Oologah-Talala EMS District [collectively, the “Taxing Entities”]), and three members representing the public at large (including one representing the business community in the City)—has reviewed the Project Plan; and

WHEREAS, as part of its review of the Project Plan, the Review Committee reviewed the proposed Project Area and the proposed Incentive Districts (temporarily identified in the Project Plan as “Incentive Districts “A,” “B,” and “C”) (“Incentive Districts”) in accordance with the criteria specified in the Act and has determined that the Incentive Districts are eligible for designation as incentive districts and for development under the Act and that the financial impacts on the affected taxing jurisdictions and business activities from implementation of the Project Plan are positive; and

WHEREAS, the Review Committee has adopted its findings and recommendation that the City Council approve the Project Plan, including the proposed Incentive Districts; and

WHEREAS, the Planning Commission has determined that the Project Plan conforms to the Claremore Comprehensive Plan and is desirable, and has adopted a resolution recommending that the City Council approve of the Project Plan, including the proposed Incentive Districts; and

WHEREAS, the Project Area, including the Incentive Districts, is located within a reinvestment area as defined by the Act; and

WHEREAS, the projected investment and development are difficult, but possible, within the proposed Project Area and Incentive Districts if the Project Plan is adopted and implemented; and

WHEREAS, the ad valorem tax incentives provided for in the Project Plan are necessary components in generating economic development in the proposed Project Area and Incentive Districts; and

WHEREAS, the establishment of the proposed Incentive Districts will work in conjunction with existing programs and other locally implemented economic development efforts in order to encourage economic development in the proposed Project Area; and

WHEREAS, the Project is expected to generate substantial new investment within the Incentive Districts and to stimulate additional indirect economic benefits outside of the Incentive Districts which would not occur without the Project; and

WHEREAS, the Project Plan provides tools which will supplement and not supplant or replace normal public functions and services; and

WHEREAS, the boundaries of the proposed Incentive Districts do not dissect any similar area nor create an unfair competitive advantage; and

WHEREAS, maximum efforts have been made to allow full public knowledge, and participation in the process under the Act in the review and approval of the Project Plan; and

WHEREAS, all required notices have been given and all required hearings have been held in connection with the Project Plan, as prescribed by the Act, the Oklahoma Open Meetings Act, 25 O.S. § 301, *et seq.*, and other applicable law; and

WHEREAS, pursuant to said notice, all persons present were given an opportunity to ask questions and to be heard for and against the Project Plan; and

WHEREAS, the City and the Claremore Industrial and Economic Development Authority shall be authorized and designated to carry out certain provisions of the Project Plan, pursuant to the Act; and

WHEREAS, Section 856 of the Act authorizes the City Council to defer determination of the effective dates of the proposed Incentive Districts, provided that effective dates are not more than 10 years after the date of approval of the project plan; and

WHEREAS, the City finds that it is in the best interest of the overall success of the Project to defer the determination of the effective dates of the proposed Incentive Districts until such date as the City Council may determine, which dates must be no later than 10 years of the date of the approval of the Project Plan; and

WHEREAS, the City Council retains the right, pursuant to the Act, to make minor amendments to the Project Plan; and

WHEREAS, as required by Article 10, Section 6C of the Oklahoma Constitution and pursuant to Sections 865 and 866 of the Act, the governing bodies of all taxing entities whose taxes are to be included in the incentives to be provided by the Incentive Districts have or will be requested to approve and executed a written agreement with the City providing for the same; and

WHEREAS, the incentives described in the Project Plan and the Tax Incentive Agreement (defined below) are designed to grant a one hundred percent (100%) ad valorem tax exemption on all new investment attributable to property qualifying under U.S. Industry Number 518218 of the NAICS Manual, 2017 Revision, within each Incentive District, during the twenty-five (25) year duration of each Incentive District, upon the terms and conditions set forth in the Project Plan and Tax Incentive Agreement (“Incentive District Exemptions”); and

WHEREAS, the City Council has caused to be prepared a written agreement by and among the City, the Taxing Entities, and Mustang Tulsa Holdings, LLC (“Company”) (as the developer and future owner of the Project Site and recipient of the Incentive District Exemptions), as required by Section 865 and 866 of the Act (“Tax Incentive Agreement”), setting forth the terms and conditions applicable to the Incentive District Exemptions; and

WHEREAS, in consideration for the Incentive District Exemptions granted for all Incentive Districts, the Company has agreed to make certain direct payments in lieu of taxes (“PILOT Payments”) to the Taxing Entities for each data center and for each year a data center is exempted pursuant to the Incentive District Exemptions for the duration of each Incentive District, as more particularly described in and subject to the terms of the Tax Incentive Agreement and the Project Plan; and

WHEREAS, in consideration for the Incentive District Exemptions granted for all Incentive Districts, the Company has also agreed to make certain direct community betterment payments (“Community Betterment Payments”) to the City each year, as more particularly

described in and subject to the terms and conditions of the Tax Incentive Agreement and Project Plan; and

WHEREAS, the City Council deems it appropriate and desirable and in the best interest of the City and its citizens to adopt and approve the Project Plan, including the establishment of the Incentive Districts, and to approve and adopt the Tax Incentive Agreement.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF CLAREMORE, OKLAHOMA, AS FOLLOWS:

Section 1. In order to develop the eligible Project Area, the City elects to utilize Article 10, Section 6C of the Oklahoma Constitution and the Act, which authorizes the provision of incentives, exemptions, and other forms of relief from taxation for historic preservation, reinvestment, or enterprise areas that are exhibiting economic stagnation or decline.

Section 2. The Project Plan is hereby adopted and approved as recommended by the Planning Commission and the Review Committee. As used herein, "Project Plan" shall mean the document attached to this Ordinance as "Schedule A" and comprised of one cover sheet, one table of contents sheet, nine pages of text, three exhibits titled "Exhibit A," "Exhibit B," "Exhibit C," and "Exhibit D," and titled "Mustang Center Economic Development Project Plan."

Section 3. The membership of the Review Committee and all actions taken and all recommendations and findings made in connection with the Project Plan by the Review Committee and the Planning Commission are hereby ratified and confirmed.

Section 4. For identification purposes and until such time that the City officially numbers, designates, and makes effective each of the Incentive Districts established in the Project Plan and this Ordinance, the Incentive Districts shall be identified as Incentive Districts "A," "B," and "C," as shown on Exhibit A and described on Exhibit B of the Project Plan.

Section 5. The designation, numbering, and effective dates of each of the Incentive Districts are deferred pending the fulfillment of the conditions set forth in the Project Plan, provided that such deferred action for all three Incentive Districts shall be made no later than 10 years after the effective date of this Ordinance, as follows:

- (a) The effective date for the Incentive Districts shall be the earlier of: (i) January 1 following the completion of a Data Center within that Incentive District as evidenced by the issuance of a certificate of occupancy for the Data Center ("Certificate of Occupancy"), or in lieu of a Certificate of Occupancy, the Company may deliver notice of substantial completion to the City to trigger the effective date, which shall be January 1 immediately following delivery of the notice of substantial completion, or (ii) January 1 of the year in which the tenth anniversary of adoption of this Ordinance approving the Project Plan occurs ("Exemption Activation Condition") with the date of activation being the "Exemption Effective Date."
- (b) Upon the occurrence of an Exemption Activation Condition, the City Manager will confirm the Exemption Effective Date and designation of the Incentive District in accordance with Section VII.D. of the Project Plan, Section 858(D) of the Act, and

Section 10(b) of this Ordinance. The City Manager shall thereafter promptly provide written notice to each of the Taxing Entities, the Rogers County Assessor, and the Company identifying the Incentive District activated and the Exemption Effective Date.

Section 6. Once an Incentive District is made effective pursuant to Section 5 of this Ordinance, the Incentive District shall be effective for a period of twenty-five (25) fiscal years from its effective date (such 25-year period, “Incentive District Term”).

Section 7. The boundaries of the Project Area of the Project Plan are shown on Exhibit A of the Project Plan, and described on Exhibit B of the Project Plan, and are hereby designated and adopted as follows:

The Project Area can be described, simply, as the full area coextensive with the boundaries of all three Incentive Districts listed and described in Exhibit B of the Project Plan and in Section 8 of this Ordinance.

Section 8. The boundaries of the three Incentive Districts are shown on Exhibit A of the Project Plan and described on Exhibit B of the Project Plan, and are hereby designated and adopted as follows:

Incentive District A:

All that part of a tract of land lying in the East half (E 1/2) of Section Thirty-Three (33), Township Twenty-Two (22), Range Sixteen (16) East of the Indian Base and Meridian, Rogers County, Oklahoma, more particularly described by Gregory Chad Weller, Oklahoma PLS-2075 of Olsson, LS-114, on March 24, 2026, as follows:

BEGINNING at the Northwest corner of the Northeast Quarter (NE 1/4) of Section Thirty-Three (33), Township Twenty-Two (22) North, Range Sixteen (16) East; thence on the North line of the Northeast Quarter (NE 1/4) of said Section North 88 degrees 44 minutes 12 seconds East a distance of 1,319.40 feet to a point; thence departing said line South 01 degrees 29 minutes 57 seconds East a distance of 990.28 feet to a point on the North line of the South Half (S 1/2) of the South Half (S 1/2) of the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of said Section; thence on said line North 88 degrees 20 minutes 55 seconds East a distance of 1,319.80 feet to a point on the East line of the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of said Section; thence departing said South line on said East line South 01 degrees 29 minutes 57 seconds East a distance of 330.09 feet to a point, said point being the Southeast corner of the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of said Section; thence departing said line on the North line of the South Half (S 1/2) of the Northeast Quarter (NE 1/4) South 88 degrees 20 minutes 55 seconds West a distance of 1,319.65 feet to a point, said point being the Northeast corner of the Southwest Quarter (SW 1/4) of the Northeast Quarter (NE 1/4); thence departing said line South 01 degrees 29 minutes 54

seconds East a distance of 1,319.92 feet to a point, said point being the Northwest corner of the West Half (W 1/2) of the Southeast Quarter (SE 1/4) of said Section; thence departing the South line of the Northeast Quarter (NE 1/4) South 01 degrees 29 minutes 54 seconds East a distance of 448.49 feet to a point; thence South 88 degrees 35 minutes 49 seconds West a distance of 1,067.90 feet to a point; thence North 01 degrees 35 minutes 00 seconds West a distance of 2,439.01 feet to a point; thence North 69 degrees 00 minutes 50 seconds West a distance of 268.28 feet to a point on the West line of said Northeast Quarter (NE 1/4); thence on said line North 01 degrees 30 minutes 50 seconds West a distance of 550.82 feet to the POINT OF BEGINNING.

Contains 3,891,301 Square Feet, or 89.3320 Acres, more or less.

Incentive District B:

All that part of a tract of land lying in Section Thirty-Three (33), Township Twenty-Two (22) North, Range Sixteen (16) East of the Indian Base and Meridian, Rogers County, Oklahoma, more particularly described by Gregory Chad Weller, Oklahoma PLS-2075 of Olsson, LS-114, on March 24, 2026, as follows:

COMMENCING at the Northeast corner of the Northwest Quarter (NW 1/4) of Section Thirty-Three (33), Township Twenty-Two (22) North, Range Sixteen (16) East; thence on the East line of the said Northeast Quarter (NE 1/4) South 01 degrees 30 minutes 50 seconds East a distance of 550.82 feet to a point, said point being the POINT OF BEGINNING; thence departing said line South 69 degrees 00 minutes 50 seconds East a distance of 268.28 feet to a point; thence South 01 degrees 35 minutes 00 seconds East a distance of 2,439.01 feet to a point; thence South 88 degrees 35 minutes 49 seconds West a distance of 71.97 feet; thence in a Southwesterly direction, on a tangent curve to the left, whose initial tangent bears South 88 degrees 35 minutes 49 seconds West, having a radius of 280.00 feet, through a central angle of 48 degrees 46 minutes 06 seconds, an arc distance of 238.33 feet to a point on a tangent line; thence South 39 degrees 49 minutes 43 seconds West a distance of 391.69 feet to a point; thence North 88 degrees 15 minutes 57 seconds West a distance of 489.93 feet to a point; thence North 77 degrees 55 minutes 01 seconds West a distance of 248.50; thence South 78 degrees 31 minutes 08 seconds West a distance of 390.00 feet to a point; thence South 09 degrees 55 minutes 48 seconds West a distance of 155.70 feet to a point; thence South 88 degrees 33 minutes 02 seconds West a distance of 1,204.45 feet to a point on the West line of the Southwest Quarter (SW 1/4) of said Section; thence on said line North 01 degrees 29 minutes 34 seconds West a distance of 334.43 feet to a point; thence departing said line North 88 degrees 40 minutes 02 seconds East a distance of 201.45 feet to a point; thence North 00

degrees 57 minutes 46 seconds West a distance of 46.56 feet to a point; thence North 01 degrees 26 minutes 28 seconds West a distance of 599.63 feet to a

point on the North line of the Southwest Quarter (SW 1/4) of said section; thence on said line South 88 degrees 39 minutes 32 seconds West a distance of 202.42 feet to a point on the West line of said Southwest Quarter (SW 1/4); thence departing said North line on said West line North 01 degrees 29 minutes 34 seconds West a distance of 444.37 feet to a point; thence departing said West line North 88 degrees 39 minutes 32 seconds East a distance of 247.12 feet to a point; thence South 15 degrees 14 minutes 43 seconds West a distance of 232.20 feet to a point; thence South 15 degrees 14 minutes 43 seconds West a distance of 21.13 feet to a point; thence South 11 degrees 31 minutes 18 seconds West a distance of 139.89 feet to a point; thence South 82 degrees 46 minutes 00 seconds East a distance of 340.43 feet to a point; thence South 89 degrees 20 minutes 11 seconds East a distance of 184.52 feet to a point; thence North 82 degrees 44 minutes 17 seconds East a distance of 340.63 feet to a point; thence North 72 degrees 07 minutes 00 seconds East a distance of 487.30 feet to a point; thence North 40 degrees 16 minutes 10 seconds West a distance of 76.21 feet to a point; thence South 70 degrees 23 minutes 08 seconds West a distance of 59.24 feet to a point; thence North 46 degrees 09 minutes 52 seconds West a distance of 226.93 feet to a point; thence North 11 degrees 57 minutes 01 seconds West a distance of 61.77 feet to a point; thence North 11 degrees 57 minutes 01 seconds West a distance of 45.48 feet to a point; thence North 16 degrees 11 minutes 28 seconds

East a distance of 135.86 feet to a point; North 03 degrees 17 minutes 56 seconds West a distance of 273.58 feet to a point; thence North 48 degrees 25 minutes 46 seconds East a distance of 1,855.92 feet to the POINT OF BEGINNING.

Contains 5,009,878 Square Feet, or 115.0110 Acres, more or less.

#### Incentive District C:

All that part of a tract of land lying in the Southwest Quarter (SW 1/4) of Section Twenty-Eight (28), Township Twenty-Two (22) North, Range Sixteen (16) East and also lying in Section Thirty-Three (33), Township Twenty-Two (22) North, Range Sixteen (16) East of the Indian Base and Meridian, Rogers County, Oklahoma, more particularly described by Gregory Chad Weller, Oklahoma PLS-2075 of Olsson, LS-114, on March 24, 2026, as follows:

BEGINNING at the Northeast corner of the Northwest Quarter (NW 1/4) of Section Thirty-Three (33), Township Twenty-Two (22) North, Range Sixteen (16) East; thence on the East line of the Northeast Quarter (NE 1/4) South 01 degrees 30 minutes 50 seconds East a distance of 550.82 feet to a point; thence departing said line South 48 degrees 25 minutes 46 seconds West a distance of 1,855.92 feet to a point; thence North 43 degrees 36 minutes 35 seconds West a distance of 580.68 feet to a point on the South line of the Northwest Quarter (NW 1/4) of the Northwest Quarter (NW 1/4); thence on said line North 88 degrees 42 minutes 10 seconds East a distance of 487.82 feet to a point; thence

departing said line North 01 degrees 30 minutes 16 seconds West a distance of 1,322.63 feet to a point on the North line of the Northwest Quarter (NW 1/4) of said Section, said line also being the South line of the Southwest Quarter (SW 1/4) of Section Twenty-Eight (28), Township Twenty-Two (22) North, Range Sixteen (16) East; thence departing said line North 01 degrees 30 minutes 16 seconds West a distance of 1,322.63 feet to a point; thence North 88 degrees 16 minutes 24 seconds East a distance of 1,321.57 feet to a point on the East line of Southwest Quarter of said Section Twenty-Eight (28); thence on said line South 01 degrees 30 minutes 50 seconds East a distance of 1,334.02 feet to the POINT OF BEGINNING.

Contains 3,344,432 Square Feet, or 76.7776 Acres, more or less.

Section 9. The City hereby finds and determines:

- (a) That the Project Area, including the Incentive Districts, lacks public improvements necessary to reverse economic stagnation and to attract major investment in the area, thereby complying with the statutory definition of “reinvestment area” in the Act and qualifying the area for the use of the Act’s tools;
- (b) That the financial impacts of the proposed Project Plan and Project on the affected taxing jurisdictions and business activities within the Incentive Districts are positive and that the economic benefits for the community as a whole offset any adverse impacts;
- (c) That the improvement of the Project Area is likely to enhance the value of the other real property in the area and to promote the general public interest;
- (d) That the Project Plan complies with the guidelines of Section 852 of the Act, including specifically paragraphs 1 and 2;
- (e) That the Project Plan is feasible and conforms to the Claremore Comprehensive Plan.

Section 10. The following Project and Incentive Districts authorizations are hereby approved:

- (a) The City of Claremore is designated and authorized as the principal public entity to carry out and administer the provisions of this Project Plan. The City is designated and authorized to exercise all powers necessary or appropriate thereto pursuant to 62 O.S. § 854, including all powers set forth in this Project Plan.
- (b) The City may designate and authorize an additional public entity, including without limitation the Claremore Industrial and Economic Development Authority, a public trust, to exercise any powers necessary or appropriate to implementing this Project Plan, including borrowing and financing undertakings in support thereof, and to carry out any powers described in 62 O.S. § 854 except for those powers indicated in 62 O.S. § 854, paragraphs 1, 4, and 7, which are to be reserved by the City.

- (c) The City Manager, or the City Manager’s successor in office or designee, shall be the person in charge of implementation of this Project Plan in accordance with the provisions, authorizations, and respective delegations of responsibilities contained in the Project Plan, including, specifically, the authority to approve minor amendments to the Project Plan as provided in Section 858, paragraph “d” of the Act. The City Manager, or the City Manager’s successor in office or designee, is authorized to empower one or more designees to exercise responsibilities in connection with Project implementation.

Section 11. The Project Plan is hereby determined to be desirable and is approved, subject to the satisfaction of the condition described in Section 14 of this Ordinance.

Section 12. The Tax Incentive Agreement is hereby adopted and approved, subject to the satisfaction of the condition described in Section 14 of this Ordinance. As used herein, the “Tax Incentive Agreement” shall mean the document by and among the City, Company, and Taxing Entities, attached hereto as “Schedule A” and comprised of fifteen (15) pages of text, signature pages, an Exhibit Table of Contents, eleven (11) exhibits labeled Exhibits A.1, A.2, B.1, B.2, C, D, E, G, H.1, and H.2.

Section 13. Subject to the Terms of the Project Plan and Tax Incentive Agreement, the incentive to be provided within each Incentive District shall be an exemption of 100% of the ad valorem taxes and special assessments levied on all new investments in real and personal property in each Incentive District qualifying under U.S. Industry Number 518210 of the North American Industry Classification System (NAICS) Manual, 2017 Revision, for the duration of each Incentive District’s Incentive District Term, during which the Incentive District Exemptions shall be in effect. The Incentive District Exemptions shall not include Public Service Property (as defined in Article 10, Section 21 of the Oklahoma Constitution and Title 68, Section 2847 of the Oklahoma Statutes), if any, located within each Incentive District.


Section 14. To ensure compliance with the requirements of Article 10, Section 6C of the Oklahoma Constitution and the requirements of Section 865 of the Act, the approvals of the Project Plan and Tax Incentive Agreement provided for in Sections 11 and 12 of this Ordinance are conditioned upon, and shall not take effect until, such time as every Taxing Entity has approved and provided for the execution of the Tax Incentive Agreement.

Section 15. Repealer. All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed to the extent of the conflict only.

Section 16. Severability. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional, such portion shall not affect the validity of the remaining portions of this Ordinance.

PASSED AND APPROVED the 18<sup>th</sup> day of May, 2026.

CITY OF CLAREMORE,  
OKLAHOMA



DEBBIE LONG  
MAYOR

ATTEST: (SEAL)

  
LISA ROGERS  
DEPUTY CITY CLERK

APPROVED AS TO FORM  
AND LEGALITY:



ADAM HEAVIN  
CITY ATTORNEY

Dated: 05/19/26

**SCHEDULE A  
PROJECT PLAN**

[Document is available at the  
City Clerk's office]

**SCHEDULE B  
TAX INCENTIVE AGREEMENT**

[Document is available at the City  
Clerk's office]