

**IN THE DISTRICT COURT OF MUSKOGEE COUNTY
STATE OF OKLAHOMA**

POLARIS TECHNOLOGIES, INC.,

Plaintiff,

v.

THE CITY OF MUSKOGEE, OKLAHOMA,
a Municipal Corporation,

Defendant.

Case No. CV-2025-

457

FILED BY ROBYN BOSWELL
DISTRICT COURT CLERK

JUL 29 2025

PETITION FOR DECLARATORY JUDGMENT AND PERMANENT INJUNCTION

In accordance with the Oklahoma Statutes on Declaratory Relief, Okla. Stat. tit. 12 § 1651, *et seq.*, the Plaintiff, Polaris Technologies, Inc. (“Plaintiff” or “Polaris”) and for their Petition against Defendant, the City of Muskogee, Oklahoma, a Municipal Corporation, (“Defendant” or “City”), allege and state as follows:

PARTIES, JURISDICTION, AND VENUE

1. Polaris is an Oklahoma corporation located in Muskogee County, Oklahoma.
2. Polaris is an infrastructure provider that engages in digital mining, including blockchain data mining, which is the process of analyzing and extracting insights from transaction data recorded on decentralized, tamper-proof blockchain networks. One such facility is currently located outside the municipal boundaries of the City and is more particularly described as follows:

The Northwest Quarter of the Southwest Quarter of Section 15, Township 14 North, Range 18 East of the Indian Base and Meridian, Muskogee County, Oklahoma.

3. The City of Muskogee, Oklahoma, is a Municipal Corporation and political subdivision of the State of Oklahoma.

4. The City passed Ordinance No. 4266-A, which purports to annex property adjacent to the municipal boundaries, including property owned by Polaris, and which is the subject of this suit.

BACKGROUND FACTS

5. On June 14, 2025, and June 21, 2025, the City caused Notice of Public Hearing and Annexation to be published in The Muskogee Phoenix, which appeared as is attached hereto at Exhibit A.

6. The relevant portion of the Notice recites that “notice was provided to the *property owners whom are within a 300 foot radius to the above mentioned site* [the territory to be annexed]”:

105 PUBLIC NOTICES

SAID SW1/4 OF THE
NW1/4: THENCE N88°
45'27"E A DISTANCE OF
400.00 FEET TO THE
POINT OF BEGINNING.

A notice was provided to
the property owners whom
are within a 300 foot radius
to the above mentioned
site to inform them of the
following public hearings
regarding the above pro-
posal:

July 8, 2025 at 9:00 A.M.:
Planning and Zoning
Commission
July 14, 2025 at 5:30
P.M.: Special Call City
Council
July 28, 2025 at 5:30
P.M.: City Council

And for any other actions
as authorized by law, of
which all interested per-
sons will take notice,
If you have questions
about this notice or need
additional information prior
to the public hearing,
please contact the Plan-
ning Department at (918)
684-6232.

**Published in The
Muskogee Phoenix
on June 14 & 21,
2025**

Ex. A (emphasis added).

7. On July 14, 2025, the City held a public hearing wherein public comments were heard regarding the proposed annexation and Ordinance No. 4266-A.

8. On July 28, 2025, the City passed Ordinance No. 4266-A.

9. Pursuant to 11 O.S. § 21-103(D): “Before any territory is annexed to a municipality, without the written consent of the owners of at least a majority of the acres to be annexed to the municipality in accordance with subsection A of this section, the governing body of the municipality shall direct that notice of the proposed annexation of the territory be published in a legally qualified newspaper of general circulation in the territory and shall hold a public hearing on the proposed annexation. . . . *A copy of the notice of annexation shall be mailed by first-class mail to all owners of property to be annexed as shown by the current year’s ownership rolls in the office of the county treasurer* and to the Department of Transportation for purposes of clarifying any road maintenance responsibilities; provided that the notice of annexation shall be mailed by certified mail to every person who owns parcel of land of five (5) acres or more used for agricultural purposes and to the board of county commissioners of the respective county where the proposed annexation is located.” 11 O.S. § 21-103(D) (emphasis added).

10. Polaris never received a copy of the notice of annexation via mail. Upon information and belief, the City failed to mail the notice of annexation to Polaris via first-class mail as is required by Oklahoma law.

11. 75A O.S. §§ 100-104 is an act relating to blockchains generally and establishes comprehensive protections for blocking technology and digital assets in Oklahoma by affirming the rights to mine digital assets and prohibiting certain actions by the government of Oklahoma and its political subdivisions.

12. Relating to political subdivisions, § 102(D) of Title 75A provides that “a political subdivision shall not be able to impose any other requirements on a digital asset mining business that is also not a requirement for data centers in its area of jurisdiction.” 75A O.S. § 102(D).

13. Polaris is a digital asset mining business.

14. The City of Muskogee has a Franchise Agreement with OG&E wherein the City collects a franchise fee from OG&E, which is a 3% fee of OG&E’s gross revenues on electricity sales within the municipal limits of the City of Muskogee.

15. OG&E passes this franchise fee to its customers so that electric consumers within the municipal limits are billed the additional cost that OG&E incurs by way of its electric franchise.

16. Upon information and belief, the City of Muskogee provides or will be providing discounts or rebates to certain data centers within the City of Muskogee for their electric franchise fee so that the net cost the data centers pay is less than the full 3% franchise fee.

17. When Ordinance No. 4266-A goes into effect, Polaris will be responsible for paying the 3% electric franchise fee in full.

18. Despite the passage of 75A O.S. § 102(D), the City refuses to offer Polaris, a digital asset mining business, a discount or rebate on its electric franchise payment that the City offers to data centers within the municipality.

COUNT I: DECLARATORY AND INJUNCTIVE RELIEF

19. Plaintiff hereby adopts and incorporates by reference all of the statements and allegations contained above as if fully set forth herein.

20. Pursuant to 12 O.S. § 1651, “[d]istrict courts may, in cases of actual controversy, determine rights, status, or other legal relations, including by not limited to a determination of the construction or validity of any foreign judgment or decree, deed, contract, trust, or other instrument

or agreement or of any statute, municipal ordinance, or other governmental regulation” 12 O.S. § 1651.

21. An actual controversy exists between Plaintiff and the City with respect to the validity and enforceability of Ordinance No. 4266-A.

11 O.S. § 21-103(D)

22. Section 21-103(D) of Title 11 of the Oklahoma Statutes governs the procedures a municipality must follow when “any territory is annexed to a municipality, without the written consent of the owners of at least a majority of the acres to be annexed to the municipality. . . .” 11 O.S. § 21-103(D).

23. Subsection (D) of § 21-103 provides that “the governing body of the municipality shall direct that notice of the proposed annexation of the territory be published in a legally qualified newspaper of general circulation in the territory and shall hold a public hearing on the proposed annexation.” 11 O.S. § 21-103(D).

24. In addition, “[t]he notice shall describe the boundaries of the territory proposed to be annexed by reference to a map, geographical locations, legal or physical description or other reasonable designation and shall state that the proposed service plan is available for inspection at a specified location. The notice shall state the date, time, and place when the governing body shall conduct a public hearing on the question of annexing the territory. The notice shall be published in a legal newspaper of general circulation in the territory sought to be annexed within fourteen (14) days following the date the governing body directed the notice to be published.

25. For purposes of this case, § 21-103(D) also requires that “[a] copy of the notice of annexation shall be mailed by first-class mail to all owners of property to be annexed as shown by the current year’s ownership rolls in the office of the county treasurer and to the Department of

Transportation for purposes of clarifying any road maintenance responsibilities; provided that the notice of annexation shall be mailed by certified mail to every person who owns parcel of land of five (5) acres or more used for agricultural purposes and to the board of county commissioners of the respective county where the proposed annexation is located. If the territory to be annexed encroaches upon any adjacent county, a copy of the notice of annexation shall be mailed by first-class mail to the board of county commissioners of the adjacent county and of the county where the proposed annexation is located. . . .” 11 O.S. § 21-103(D).

26. Polaris never received a copy of the notice of annexation via mail. Upon information and belief, the City failed to mail the notice of annexation to Polaris via first-class mail as is required by Oklahoma law.

27. Ordinance No. 4266-A was not passed in accordance with the requirements of 11 O.S. §21-103(D).

28. The City’s failure to mail the statutorily mandated notice invalidates Ordinance No. 4266-A.

29. Ordinance No. 4266-A is void and unenforceable under 11 O.S. § 21-103(D).

75A O.S. § 102(D)

30. On January 18, 2024, House Bill 3594 was introduced in the Oklahoma House of Representatives. The same bill passed in the House on March 18, 2024, and passed in the Senate on April 24, 2024. Governor Stitt signed HB 3594 into law on May 13, 2024.

31. HB 3594 was codified into the Oklahoma Statutes at Title 75A, §§ 100-104, and became effective November 1, 2024.

32. 75A O.S. §§ 100-104 is an act relating to blockchains generally and establishes comprehensive protections for blocking technology and digital assets in Oklahoma by affirming

the rights to mine digital assets and prohibiting certain actions by the government of Oklahoma and its political subdivisions.

33. Relating to political subdivisions, § 102(D) of Title 75A provides that “a political subdivision shall not be able to impose any other requirements on a digital asset mining business that is also not a requirement for data centers in its area of jurisdiction.” 75A O.S. § 102(D).

34. Polaris is a digital asset mining business.

35. The City of Muskogee has a Franchise Agreement with OG&E wherein the City collects a franchise fee from OG&E, which is a 3% fee of OG&E’s gross revenues on electricity sales within the municipal limits of the City of Muskogee.

36. OG&E passes this franchise fee to its customers so that electric consumers within the municipal limits are billed the additional cost that OG&E incurs by way of its electric franchise.

37. Upon information and belief, the City of Muskogee provides or will be providing discounts or rebates to certain data centers within the City of Muskogee for their electric franchise fee so that the net cost the data centers pay is less than the full 3% franchise fee.

38. When Ordinance No. 4266-A goes into effect, Polaris will be responsible for paying the 3% electric franchise fee in full.

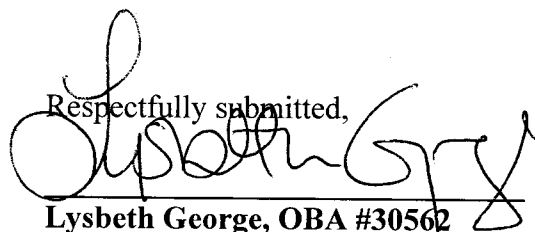
39. Despite the passage of 75A O.S. § 102(D), the City refuses to offer Polaris, a digital asset mining business, a discount or rebate on its electric franchise payment that the City offers to other data centers within the municipality.

40. The City in refusing to grant Polaris a discounted or rebated electric franchise fee, which it offers certain data centers within the municipality, creates an “additional requirement for digital asset mining businesses” in violation of 75A O.S. § 102(D).

41. WHEREFORE, Plaintiff respectfully requests the Court enter an order 1) declaring as void and invalid Ordinance No. 4266-A; and 2) enjoining the City from enforcing Ordinance No. 4266-A.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully request the Court enter an order 1) declaring as void and invalid Ordinance No. 4266-A; and 2) enjoining the City from enforcing Ordinance No. 4266-A.

Respectfully submitted,


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jana@basslaw.net

ATTORNEYS FOR PLAINTIFF

105 PUBLIC NOTICES**Case No. CJ-2025-45****PUBLICATION
NOTICE****THE STATE OF
OKLAHOMA TO:****Andrew Hopkins and
Michelle Hopkins,
and John Doe as oc-
cupant of the Premis-
es.**

You are hereby notified that you have been sued by Plaintiff in the above cause in the District Court of Muskogee County, Oklahoma, entitled Denise Vinci, Trustee, Plaintiff v. Andrew Hopkins and Michelle Hopkins, et al., Defendants, and that you must answer the Petition of said Plaintiff on or before the 30th day of July, 2025, or the allegations of said Petition will be taken as true and a judgment will be entered for the sums due under the Note and Mortgage which are the subject of said suit in the amount of \$302,252.51 principal, with interest, attorney fees and all costs and a Decree ordering foreclosure of said Mortgage, barring your interest in the following described real property:

Tract 1: Lots 8, 9, and 10 in SEVERS SUBDIVISION of original Block 10 in the City of Muskogee, according to the official plat thereof, Muskogee County, Oklahoma,

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tion of I-1 Light Industrial by rezoning said properties from R-1 Single Family to I-1 Light Industrial to the City Council, of the City of Muskogee, Muskogee County, State of Oklahoma.

The properties being more particularly described as follows:

• THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 14 NORTH, RANGE 18 EAST OF THE INDIAN BASE AND MERIDIAN, MUSKOGEE COUNTY, OKLAHOMA.

• THE EAST 208.71 FEET OF THE NORTH 1043.55 FEET OF THE WEST HALF OF THE WEST HALF OF THE NE/4 OF THE NW/4 OF SECTION 15, TOWNSHIP 14 NORTH, RANGE 18 EAST OF THE INDIAN MERIDIAN, MUSKOGEE COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE OFFICIAL PLAT THEREOF.

• LOT 3 AND 4 IN BLOCK 3, WEBSTER'S SECOND SUBDIVISION OF THAT PART OF THE WEST HALF OF THE NE/4 IN SECTION 15, TOWNSHIP 14 NORTH, RANGE 18 EAST OF THE INDIAN MERIDIAN, ACCORDING TO THE OFFICIAL PLAT THEREOF, MUSKOGEE COUNTY, OKLAHOMA

• THE EAST HALF OF THE EAST HALF OF THE NW/4 AND THE EAST HALF OF THE WEST HALF OF THE EAST HALF OF THE NW/4 OF SECTION 15, TOWNSHIP 14 NORTH, RANGE 18 EAST OF THE INDIAN BASE AND MERIDIAN, MUSKOGEE COUNTY, OKLAHOMA.

AND

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SAID SW1/4 OF THE NW1/4; THENCE N88° 45'27"E A DISTANCE OF 400.00 FEET TO THE POINT OF BEGINNING.

A notice was provided to the property owners whom are within a 300 foot radius to the above mentioned site to inform them of the following public hearings regarding the above proposal:

**July 8, 2025 at 9:00 A.M.:
Planning and Zoning
Commission
July 14, 2025 at 5:30
P.M.: Special Call City
Council
July 28, 2025 at 5:30
P.M.: City Council**

And for any other actions as authorized by law, of which all interested persons will take notice. If you have questions about this notice or need additional information prior to the public hearing, please contact the Planning Department at (918) 684-6232.

**Published in The
Muskogee Phoenix
on June 14 & 21,
2025**

PUBLIC NOTICE

Public Notice is hereby given that the Housing Authority of the City of Muskogee, Oklahoma will present a draft copy of the 2025 Agency Plan for review by the public and Residents. These documents will be available for viewing at the Administration offices of the Muskogee Housing Authority located at 220 N. 40th St. Muskogee, Oklahoma 74401. The hours for viewing are 8:00 AM till noon and 1:00 PM till 5:00 PM during Monday

EXHIBIT**A**

a/k/a 420 W. Broadway St., Muskogee, OK 74401

Dated this 3rd day of June, 2025.

Muskogee County
Court Clerk

By: /s/ Michael Dean
Deputy Court Clerk

Brian R. Huddleston,
OBA #13295
Huddleston Law
Offices, PLLC
4527 E. 91st St.
Tulsa, OK 74137
(918) 237-3857
brian@huddleston.law
Attorney For Petitioners

Published In The
Muskogee Phoenix on
June 21 & 28, 2025

**CITY OF MUSKOGEE
PUBLIC NOTICE OF
HEARING FOR
ANNEXATION**

Notice is hereby given that on July 8, 2025 at 9:00 a.m. in the Council Chambers of the Municipal Building, located at 229 W Okmulgee Ave., 3rd Floor, Muskogee, Oklahoma 74401, in accordance with city ordinance 3948-A, § 1 (Att.) a public hearing will be conducted by the Planning Commission, and on July 14, 2025 at 5:30 p.m. by the Muskogee City Council in a Special Call Session; and on July 28, 2025 at 5:30 p.m. by the Muskogee City Council to consider the proposed annexation into the City the properties shown on the map and being described below.

The City of Muskogee within Muskogee County, State of Oklahoma, to recommend the approval of Ordinance No. 4266-A annexing the property hereunder into the city limits of the City of

A TRACT OF LAND IN THE NW/4 OF SECTION 15, TOWNSHIP 14 NORTH, RANGE 18 EAST OF THE INDIAN MERIDIAN, MUSKOGEE COUNTY, OKLAHOMA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE WEST HALF OF THE WEST HALF OF THE SE/4 OF THE NW/4; THENCE S01°37'08"E ALONG THE EAST LINE THEREOF 180.00 FEET; THENCE S88°45'27"W 400.00 FEET; THENCE N01°37'08"W 180.00 FEET TO THE NORTH LINE OF SAID SW/4 OF THE NW/4; THENCE CONTINUING N01°37'08"W 276.45 FEET; THENCE N88°48'27"E 400.00 FEET TO A POINT ON THE EAST LINE OF THE WEST HALF OF THE WEST HALF OF THE NW/4 AT 1043.58 FEET SOUTH OF THE NORTHEAST CORNER THEREOF; THENCE S01°37'08"E ALONG SAID LINE 276.45 FEET TO THE POINT OF BEGINNING

• SW1/4 OF THE NW1/4 AND WEST HALF OF THE WEST HALF OF THE SE1/4 OF THE NW1/4 OF SECTION 15, TOWNSHIP 14 NORTH, RANGE 18 EAST OF THE INDIAN BASE AND MERIDIAN, MUSKOGEE COUNTY, STATE OF OKLAHOMA.

LESS AND EXCEPT A TRACT OF LAND LOCATED IN THE NORTHEAST CORNER OF SAID TRACT BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID WEST HALF OF THE WEST HALF OF THE SE1/4 OF THE NW1/4; THENCE S01°37'08"E A DISTANCE OF 180 FEET; THENCE S88°45'27"W A DISTANCE OF 400.00 FEET; THENCE N01°37'08"W 180 FEET

thru Friday June 20 thru July 21, 2025. The following Public Housing Sites (Honor Heights Towers 300 N. 40th St., Green Country Village 1518 S. 5th St. and Port City Acres 2103 N. 36th St.) will also have draft copies for public review during the same hours of operation.

A Public review and comments will be held June 27, 2025 Green Country Village 10:00 AM and on the same day at Port City Acres 1:30 PM. A final review and comments session will be held at Honor Heights Towers July 02, 2025 10:00 AM in the Dining room. Agency staff will be available to answer any questions.

Published In The
Muskogee Phoenix
on June 21, 2025

**Town of Summit
4900 Chimney
Mountain Road
Muskogee, Ok 74401**

RESOLUTION NO.
2025-4-25

A RESOLUTION CALLING A BIENNIAL TOWN MEETING FOR THE PURPOSE OF ELECTING A TOWN TRUSTEE TO FILL AN UNEXPIRED TERM

WHEREAS, the Town of Summit, Oklahoma, is required by law to hold a biennial town meeting for the purpose of electing town officials; and WHEREAS, a vacancy exists on the Board of Trustees due to the res-

muskogee and designat-
ing a zoning classifica-

TO THE NORTH LINE OF

trustees due to his res-
ignation of a trustee;

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