

TULSA METROPOLITAN AREA PLANNING COMMISSION

Meeting No. 2827

October 7, 2020, 1:00 PM
175 East 2nd Street, 2nd Level, One Technology Center
Tulsa City Council Chamber

The meeting will be held in the Tulsa City Council Chamber and by videoconferencing and teleconferencing via **GoToMeeting**, an online meeting and web conferencing tool.

Commissioners and members of the public may attend the meeting in the Tulsa City Council Chamber, but are encouraged to attend and participate in the TMAPC meeting via videoconferencing and teleconferencing by joining from a computer, tablet or smartphone using the following link:

<https://www.gotomeet.me/CityOfTulsa/tmapc-gotomeeting-in-council-chambers-october-7th>

Commissioners and members of the public can also dial in using their phone by dialing:

United States: +1 (571) 317-3112

Participants must then enter the following **Access Code: 697-381-093**

The following Commissioners plan to attend remotely via GoToMeeting, provided that they may still be permitted to appear and attend at the meeting site, the Tulsa City Council Chambers, Second Floor of City Hall, at One Technology Center, 175 East Second Street, Tulsa Oklahoma: Chair Covey, Commissioner Blair, Commissioner Craddock, Commissioner Kimbrel, Commissioner McArtor, Commissioner Reeds, Commissioner Ritchey, Commissioner Shivel, Commissioner Van Cleave, Commissioner Walker

CONSIDER, DISCUSS AND/OR TAKE ACTION ON:

Call to Order:

REPORTS:

Chairman's Report:

Work session Report: A work session is scheduled at 10:00am on October 21, 2020 via Zoom to discuss: Plan 66 (Route 66 Master Plan update); Route 66 Bus Rapid Transit (BRT) Study; and County Comprehensive Plan update for the areas of North Tulsa County, Turley & West Central Tulsa County.

Director's Report:

1. Minutes of September 2, 2020 Meeting No. 2825
2. Minutes of September 16, 2020 Meeting No. 2826

CONSENT AGENDA

All matters under "Consent" are considered by the Planning Commission to be routine and will be enacted by one motion. Any Planning Commission member may, however, remove an item by request.

NONE

PUBLIC HEARINGS

3. **CPA-88 KKT Architects, Trey Wilson** (CD 4) Location: South of the southwest corner of East 5th Street South and South Victor Avenue requesting to amend the Land Use Map designation from "Existing Neighborhood" to "Employment". (Related to Z-7560) (Continued from July 15, 2020 and August 19, 2020) **(Withdrawn by applicant September 28, 2020)**
4. **Z-7560 KKT Architects, Trey Wilson** (CD 4) Location: South of the southwest corner of East 5th Street South and South Victor Avenue requesting rezoning from **RS-4 to IL** (Related to CPA-88) (Continued from July 15, 2020 and August 19, 2020) **(Withdrawn by applicant September 28, 2020)**
5. **TCCP-3** consider adoption of an amendment to the **Comprehensive Plan of the Tulsa Metropolitan Area** for the unincorporated areas of Tulsa County lying within the fencelines of Broken Arrow and Sand Springs; and unincorporated areas in South Tulsa County, lying between 201st Street South and 211th Street South and in the Keystone area, lying west of the Sand Springs fenceline.
6. **Woodward Acres** (County) Minor Subdivision Plat, Location: Northwest corner of East 171st Street South and South Harvard Avenue
7. **River West Phase III-IV** (CD 2) Authorization for accelerated release of building permits, Location: Northwest corner of West 23rd Street South and South Jackson Avenue
8. **CPA-90 Russell Muzika** (CD 1) Location: West of the southwest corner of East 36th Street North and North Garrison Avenue requesting to amend the Land Use Map designation from "New Neighborhood" to "Main Street". (Related to Z-7572)
9. **Z-7572 Russell Muzika** (CD 1) Location: West of the southwest corner of East 36th Street North and North Garrison Avenue requesting rezoning from **RM-1 to CS** (Related to CPA-90)

10. **Z-7573 Tulsa City Council** (CD 9) Location: Southwest corner of East 38th Street South and South Peoria Avenue requesting rezoning from **RS-3 and CH to MX1-P-65 and MX1-P-U**
11. **Z-7574 Arborstone Land Holdings, AAB Engineering, LLC** (CD 6) Location: North and west of the northwest corner of East 41st Street South and South Garnett Road requesting rezoning from **AG to CS**
12. **Z-7575 Jesse Fulcher** (CD 6) Location: North of the northeast corner of East 41st Street South and South 145th East Avenue requesting rezoning from **RS-3 to RS-4**

OTHER BUSINESS

13. Consider designation of TMAPC member to coordinate with the City Attorney's office in representing TMAPC in Tulsa County District Court case number CV-2020-1179, Randle et al v. City of Tulsa, et al.
14. Proposed 2021 TMAPC Meeting Dates

Commissioners' Comments

ADJOURN

CD = Council District

NOTE: If you require special accommodation pursuant to the Americans with Disabilities Act, please notify the Tulsa Planning Office at 918-584-7526. Exhibits, petitions, pictures, etc., presented to the Planning Commission may be received and deposited in case files to be maintained Tulsa Planning Office at INCOG. All electronic devices must be silenced during the Planning Commission meeting.

Visit our website at tulsaplanning.org

email address: esubmit@incog.org

TMAPC Mission Statement: The Mission of the Tulsa Metropolitan Area Planning Commission (TMAPC) is to provide unbiased advice to the City Council and the County Commissioners on development and zoning matters, to provide a public forum that fosters public participation and transparency in land development and planning, to adopt and maintain a comprehensive plan for the metropolitan area, and to provide other planning, zoning and land division services that promote the harmonious development of the Tulsa Metropolitan Area and enhance and preserve the quality of life for the region's current and future residents.

Sawyer, Kim

withdraw Z-7560 & CPA-88

From: Wilkerson, Dwayne
Sent: Monday, September 28, 2020 10:31 AM
To: Mary Huckabee; Sawyer, Kim; Miller, Susan
Cc: Francis Wilmore
Subject: RE: Z-7560 and CPA-88

FILE COPY

Thanks Mary and Francis,

We will withdraw both items from consideration.

Let me know when you would like to meet again.

Dwayne Wilkerson, ASLA, PLA
Principal Planner | Current Planning
Tulsa Planning Office
2 W. 2nd St., 8th Floor | Tulsa, OK 74103
918.579.9475
dwilkerson@incog.org



Shape Our Future
START HERE >



From: Mary Huckabee <MHuckabee@cwlaw.com>
Sent: Monday, September 28, 2020 10:15 AM
To: Wilkerson, Dwayne <DWilkerson@incog.org>
Cc: Francis Wilmore <Francis.Wilmore@kktarchitects.com>
Subject: Z-7560 and CPA-88

Dwayne,

My client would like to please withdraw the following applications: Z-7560 and CPA-88. They intend to reapply with a revised plan. I'll be in touch regarding our new applications. The applicant I believe was technically KKT, so I've cc'd Francis Wilmore who can respond affirming our decision to withdraw. Thank you for your assistance.

Mary Huckabee | Partner
CONNER & WINTERS, LLP
4000 One Williams Center | Tulsa, OK 74172-0148
P 918.586.5715 | M 918.902.4844
MHuckabee@cwlaw.com | [v-card](#) | [bio](#) | cwlaw.com

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Item

TCCP-3 consider adoption of an amendment to the Tulsa County Comprehensive Land Use Plan for unincorporated areas within the fencelines of Broken Arrow and Sand Springs, along with the unincorporated areas of South Tulsa County and Keystone.

Background

The Tulsa County Comprehensive Land Use Plan will serve as a guide to decision makers when determining Land Use decisions in unincorporated areas of Tulsa County. The following unincorporated areas within the fenceline of these municipalities were adopted by Tulsa Metropolitan Area Planning Commission on June 19, 2019 and approved by Tulsa County Commission on August 15, 2019: Bixby, Glenpool, Jenks, Owasso, and Skiatook (TCCP-1). Additionally, the unincorporated areas within the fenceline of the following municipalities were adopted by Tulsa Metropolitan Area Planning Commission on August 21, 2019 and approved by Tulsa County Commission on September 9, 2019: Collinsville and Sperry (TCCP-2).

Comprehensive Land Use Maps and accompanying descriptions of Land Use Designations have been prepared for adoption if the following areas within the unincorporated areas of Tulsa County:

- Broken Arrow (Adopted by Broken Arrow City Council August 6, 2019 – Resolution 1255)
- Sand Springs (Adopted by Sand Springs June 26, 2017 – Resolution 17-25)
- South Tulsa County (the southernmost portion of unincorporated Tulsa County, lying between 201st Street South and 211th Street South)
- Keystone (the Keystone area of unincorporated Tulsa County, lying west of the Sand Springs fenceline)

The areas we are calling South Tulsa County and Keystone are areas within Tulsa County which were never included in the Tulsa County Metropolitan Area Comprehensive Plan. Both areas have received public input into the desired Land Use Plan and are being considered for adoption at this time. Public engagement was through community surveys, input through an advisory team, one-on-one discussions with community members, social media, and virtual community meetings.

Remaining are the areas of North Tulsa County, Turley, and West Central Tulsa County. We anticipate a work session in October with a request for adoption in November. It is anticipated that the process of completing the Tulsa County Comprehensive Land Use Plan will be completed by December 2020.

Staff Recommendation

Staff recommends that TMAPC adopt an amendment to the Comprehensive Plan of the Tulsa Metropolitan Area for the unincorporated areas of Tulsa County lying within the fencelines of Broken Arrow and Sand Springs, along with the unincorporated areas of South Tulsa County and Keystone.

Attachment(s)

Exhibit 1: Map of Tulsa County Comprehensive Plans Coverage Areas

Exhibit 2: Tulsa County Comprehensive Plan for unincorporated area in Broken Arrow's Fenceline



- Exhibit 3: Land Use Map for unincorporated area in Broken Arrow's Fenceline
- Exhibit 4: Tulsa County Comprehensive Plan for unincorporated area in Sand Springs' Fenceline
- Exhibit 5: Land Use Map for unincorporated area in Sand Springs Fenceline
- Exhibit 6: Land Use Designations for unincorporated areas outside of all fencelines in Tulsa County
- Exhibit 7: Land Use Map for unincorporated area in South Tulsa County
- Exhibit 8: Land Use Map for unincorporated area in Keystone



Exhibit 1

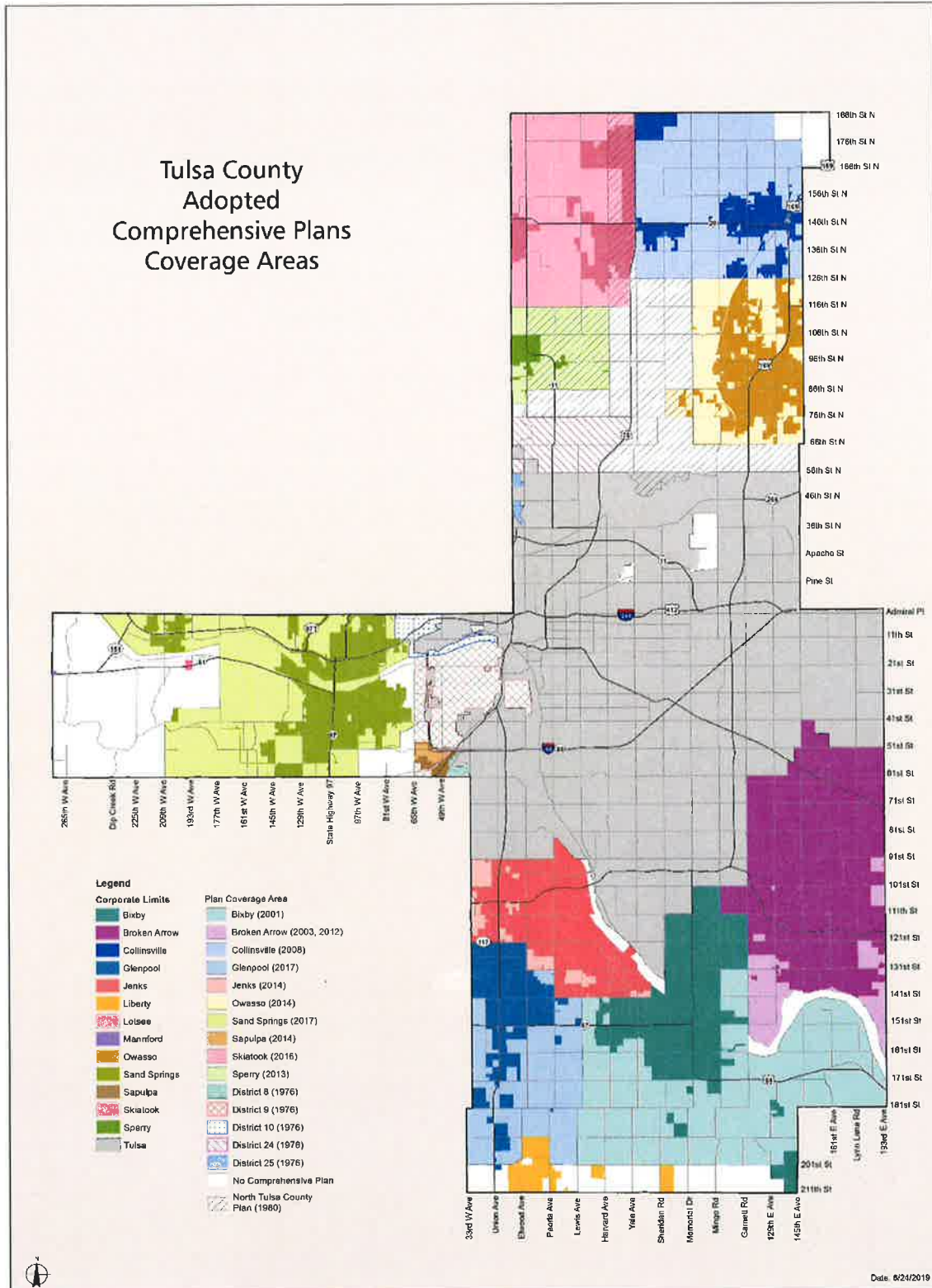


Exhibit 2

The Future Development Guide serves as a tool for the City to communicate the intended future land uses throughout Broken Arrow. Since 1997, the City has used a 'Land Use Intensity System' (LUIS) that provides structure for the Future Development Guide. This system recognizes that land uses with similar intensities (density of development on a site) are more likely compatible than land uses with different intensities.

DESIGNATION	LAND USE INTENSITY SYSTEM (LUIS) CLASSIFICATIONS – BROKEN ARROW NEXT COMPREHENSIVE PLAN
<p>Level 1</p> <p>RURAL RESIDENTIAL</p>	<p>Level 1 represents the lowest intensity of land use in Broken Arrow. It is used primarily in the non-urbanized areas of Broken Arrow or to reflect established areas of very low-density residential development that may be expected to remain as an exception in urbanized areas. The principal uses in this level are either agriculturally related or single-family homes on large lots. A request for R-2, RS-2, or RS-3 zoning in the Level 1 may be in accordance with the Comprehensive Plan, provided the site for the rezoning request is located adjacent to an arterial street, or is part of an existing R-2, RS-2, or RS-3 area which is located adjacent to an arterial street. Due to the uses allowed in this level of intensity, areas designated as Level 1 should generally be kept free of significant vehicular traffic generators and noisy or polluting uses. In addition, special consideration should be given to the manner in which Level 1 uses abut the other levels of higher intensity.</p>



Level 2 URBAN RESIDENTIAL	<p>Level 2 represents the predominant character of development in Broken Arrow. This designation is principally used for areas of typical residential subdivision development and is the base level recommended for the urbanized area of Broken Arrow.</p> <p>In addition to single-family detached homes, two-family units and neighborhood office parks may be in accordance with the Comprehensive Plan. For an RD rezoning request to be considered to be in accordance with the Comprehensive Plan, the site must be located adjacent to an arterial street or be part of an expansion of an RD area which is located adjacent to an arterial street. In addition, the streets proposed to serve the RD area must connect directly to an arterial street. None of the traffic from the RD area to the arterial street will pass on a street which contains single-family detached structures.</p> <p>Similarly, a request for ON rezoning is in accordance with the Comprehensive Plan, provided the site for the rezoning request is located adjacent to an arterial street or is part of an expansion of an existing ON area which is located adjacent to an arterial street. None of the traffic from the ON area shall utilize roads that pass through a single-family residential area prior to reaching an arterial street.</p>
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DESIGNATION	LAND USE INTENSITY SYSTEM (LUIS) CLASSIFICATIONS – BROKEN ARROW NEXT COMPREHENSIVE PLAN
Level 3 TRANSITIONAL AREA	<p>Level 3 represents a transition zone from strictly residential development to strictly non-residential development. As such, the primary uses for Level 3 are higher density residential uses and lower density employment uses. This level of intensity should be located adjacent to an arterial street. The principal uses in this district would be higher density single-family detached residential (RS-4), single-family attached (duplexes and townhouses), multi-family apartments, neighborhood offices, and planned office parks.</p> <p>Although intended primarily for attached residential dwellings and office development, single-family detached dwellings are permitted in RD and RM Zoning Districts. It may also be appropriate for R-2, RS-2, and RS-3 zoning districts to occur within Level 3 under the following circumstances:</p> <ul style="list-style-type: none">• The Proposed R-2, RS-2, or RS-3 zoning in Level 3 is an extension of an adjacent R-2, RS-2, district and would not preclude access to a potential higher intensity use from an arterial street, or• The proposed R-2, RS-2, or RS-3 zoning is part of a planned unit development with attention given to screening and buffering the single family uses from potential higher intensity uses. <p>A request for DF rezoning can be in accordance with the Comprehensive Plan, provided the site for the rezoning request is located within the Planning Area of the Broken Arrow Downtown Master Plan (between Elm Place, Kenosha Street, Washington Street, and 9th Street). In addition, the size and scope of the proposed rezoning is compatible with the surrounding land uses and meets the design standards and objectives of the Broken Arrow Downtown Master Plan.</p>
Level 4 Commercial / Employment Nodes	<p>Level 4 represents the typical local commercial and office intensity of land use in Broken Arrow. The Level 4 classification generally designates commercial or office activities that have developed in nodes around arterial street intersections. Examples of uses would include free-standing commercial buildings, small-scale shopping centers, and office developments permitted in Level 3. No residential uses are permitted within Level 4, except for those designated in the Comprehensive Plan as special district overlays with a PUD and in the NM and CM zoning districts. In these areas RM is allowed. The special district overlay, CM and DM areas are intended to be more concentrated areas of retail commercial and mixed-use office in a walkable setting, similar to the downtown area but at a smaller scale.</p>

DESIGNATION	LAND USE INTENSITY SYSTEM (LUIS) CLASSIFICATIONS – BROKEN ARROW NEXT COMPREHENSIVE PLAN
Level 5 Downtown Area (Not in Unincorporated)	<p>Level 5 is intended to represent a development intensity and style that is typical of downtown Broken Arrow. The principal uses of land in this level is for mixed-use office, retail commercial, and service commercial development on a small scale south of the Downtown Residential Overlay District area.</p> <p>Requests for zoning districts designated “possible” may be in accordance with the Comprehensive Plan if such development is undertaken according to a planned unit development and such development addressing the need to avoid height impact, if any, on single family detached dwellings that may adjoin the development.</p>
Level 6 Regional Commercial / Employment (Not in Unincorporated)	<p>Level 6 represents an opportunity to develop regionally significant and highway oriented commercial and employment nodes in Broken arrow. The Level 6 classification is for a mixture of medium to high intensity commercial and employment uses in the vicinity of major transportation corridors. Nodes along Elm Place, Aspen Avenue, and Kenosha Street, as well as key interchanges along the Broken Arrow Expressway and the Creek Turnpike, are all appropriate areas for Level 6 development. Typical uses could include large shopping centers, big box retailers, commercial, automotive, and office/employment centers.</p> <p>Industrial Light (IL) would be considered in accordance with the Comprehensive Plan under the following conditions:</p> <ul style="list-style-type: none"> • Done in association with a Planned Unit Development (PUD), and • Such sites adjoin the BA Expressway, Muskogee Turnpike, Highway 51, or Creek Turnpike or existing industrial parks, and • Such sites are reached by arterial streets that do not pass through residential areas, and • Such sites with high visibility from roadways have the appearance of a quality corporate campus or business park; feature quality landscaping, masonry building facades and no outdoor storage of materials; and are carefully reviewed as to proposed architectural styles, landscaping, location of service areas, and according to the use of Planned Unit Development procedures, and • Such sites that may adjoin residential areas are thoroughly screened and buffered from such areas by landscaping and/or less intense land uses.

DESIGNATION	LAND USE INTENSITY SYSTEM (LUIS) CLASSIFICATIONS – BROKEN ARROW NEXT COMPREHENSIVE PLAN
Level 7 Major Industrial (Not in Unincorporated)	Level 7 represents the highest intensity of land use in Broken Arrow. The predominant land uses in Level 7 would be industrial and major employment facilities. Heavy commercial uses, such as those permitted in the CH zoning district, may be in accordance with the Comprehensive Plan provided the site for the rezoning request is located along a frontage road next to a limited access highway or is part of an expansion of an existing CH area which is located along a frontage road next to a limited access highway.

DESIGNATION	OTHER LAND USES IDENTIFIED THAT DO NOT FALL WITHIN THE DIFFERENT INTENSITY LEVELS INCLUDE:
Greenway / Floodplain	Areas that fall within the FEMA designated floodplain.
Public Recreation (Not in Unincorporated)	City of Broken Arrow parkland.
Private Recreation (Not in Unincorporated)	Recreation areas such as private HOA parks or golf courses that are not open to the general public.
Public / Semi- Public	Public facilities, public schools, and cemeteries.

Zoning Districts	Level 1	Level 2	Level 3	Level 4	Level 5	Level 6	Level 7
A-1: Agricultural District	Allowed						
RE: Residential Estate District	Allowed						
RS-1: SF Residential District	Allowed						
R-2: SF Residential District	Possible	Allowed	Possible				
RS-2: SF Residential District	Possible	Allowed	Possible				
RS-3: SF Residential District	Possible	Allowed	Possible				
RS-4: SF Residential District		Allowed	Allowed				
RD: Residential Duplex District		Possible	Allowed				
RM: Residential MF District			Allowed	Possible	Possible		
RMH: Residential Mobile Home District			Allowed				
NM: Neighborhood Mixed-Use District			Allowed	Allowed			
CM: Community Mixed-Use District			Possible	Allowed			
DM: Downtown Mixed-Use Core District					Allowed		
DF: Downtown Fringe District					Allowed		
ON: Office Neighborhood District		Possible	Allowed	Allowed	Possible		
CN: Commercial Neighborhood District				Allowed	Possible	Allowed	
CG: Commercial General District				Allowed	Possible	Allowed	
CH: Commercial Heavy District						Allowed	Possible
IL: Industrial Light District						Possible	Allowed
IH: Industrial Heavy District							Allowed



Exhibit 3

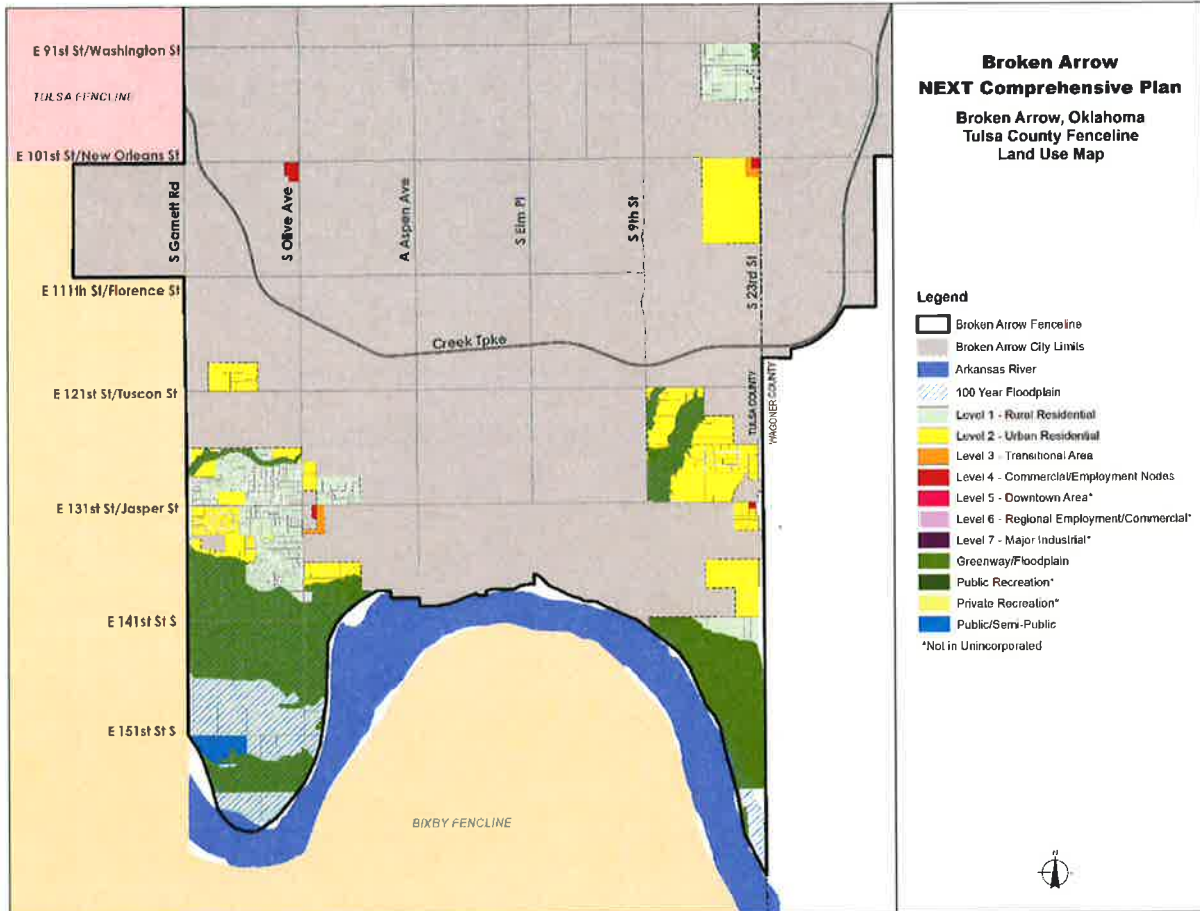


Exhibit 4

DESIGNATION	LAND USE DESCRIPTION – SAND SPRINGS 2030 LAND USE MASTER PLAN
Commercial	<p>The Commercial Land Use District represents areas of retail trade and services. Typically, these areas are located around nodes of arterial street intersections or in some cases, at intersections of collectors and arterials. Commercial Districts can also be found in corridors that have an established commercial use pattern. The Commercial District includes uses that range from small neighborhood convenience shopping areas, single free-standing buildings, big box retailers, restaurants, automotive services centers, and other similar retail uses. Residential Multi-Family uses may be allowed where deemed appropriate as increased density provides support for commercial areas.</p> <p>Access is a key factor in the location of Commercial Districts. A site with poor access or that is difficult to get to is prone to fail; whereas a site with good and safe access will stand a better chance of survival. In all cases of commercial development, access management should be carefully controlled with design treatments such as mutual or shared access drives and cross connections easements or agreements.</p>
Industrial / Regional Employment	<p>The Industrial/Regional Employment Land Use District represents the highest intensity of Land use in Sand Springs. The Plan calls for industrial uses to be targeted around existing patterns of industrial activity. Most of Sand Springs' current industrial activity includes light industrial, warehousing, storage facilities, small manufacturing shops, and numerous larger manufacturing and industrial uses. Some of the larger uses are in the manufacturing of steel pipes, fabrication, and oil refinement industries. Historically, Sand Springs has been a manufacturing community full of industry, but with economic, technological, and numerous other factors, the community has seen a downturn in industrial industry jobs in recent years. Some higher intensity commercial uses may be appropriate in the Industrial/Regional Employment Use District. These may include higher intensity auto and truck repair, truck rental facilities, lumber yards, etc., but other commercial uses, when located in appropriate areas, should be considered as many industrial areas are being cleared for redevelopment or are being underutilized.</p> <p>There are numerous areas located within the City of Sand Springs fenceline that might be appropriate for additional industrial development or that are currently being used for Industrial purposes. These properties have been displayed on the Land Use Map for the purpose of identifying additional areas of industrial growth.</p>

DESIGNATION	LAND USE DESCRIPTION – SAND SPRINGS 2030 LAND USE MASTER PLAN
<p>Parks / Recreational</p>	<p>The Parks/Recreational category generally identifies land area already being used for public parks. The plan does not identify all of the private neighborhood parks or other private recreational uses. In general, parks should be situated conveniently to allow access to all citizens in the community and be socially equitable.</p> <p>For the most part, Sand Springs citizens are geographically well served by park facilities with one notable exception, the southeastern part of the City. In this area, there has not been any substantial residential growth or development that has garnered the need for an additional park facility in this location. Additionally, a large majority of the land in this area is owned by one property owner who has not determined how the land might be used in the future. Further, the location of Chandler Park (County Owned) does provide a location for some of the residents in the area to utilize. The City encourages newer subdivisions to create neighborhood parks to be maintained by private homeowners' associations, which offers people in those particular neighborhoods a place for recreation and to socialize.</p> <p>Public parks require local funding for operations and maintenance. Currently, the City is not fiscally able to take on or acquire additional park land. Additionally, suitable tracts of land are becoming more difficult to locate and the cost of acquisition is a concern.</p>
<p>Public / Institutional / Quasi Public</p>	<p>The Public/Institutional/Quasi Public land use category includes government and quasigovernmental facilities. Uses that may be found in this category include public buildings, schools, and/or utility substations.</p> <p>Since it is difficult to predict with any degree of certainty where public and institutional uses might locate, as many of them rely on land donations or acquisition using public dollars, the Plan does not specifically identify where future public uses might occur. Rather, the public uses shown on the plan exist and are dedicated for a specific public purpose.</p> <p>This category does not include churches, as they are permitted in zoning districts with a specific use permit.</p>

DESIGNATION	LAND USE DESCRIPTION – SAND SPRINGS 2030 LAND USE MASTER PLAN
Residential	<p>The Residential category is typically comprised of single-family neighborhoods of varying lot sizes and represents the lowest intensity of all the use categories outside of Agricultural Districts. Dwelling unit densities within the Residential category generally range from 2 to 5 units per acre but density can be as little as 1 or fewer per acre. Planned Unit Developments may also be found in the Residential land use category and may contain various intensities of residential housing. In most cases, the Residential use category is buffered from higher intensity uses such as Commercial with the Transitional use district.</p> <p>Sewer is the dependent variable in terms of the type of density the neighborhood may have. Densities within future developments within the Residential category will depend greatly on the availability of sanitary sewer service. Most of the higher density single family neighborhoods can be found near available sanitary sewer service. One area of concern is the need to expand or extend sewer services into areas of potential growth to allow for more development options and densities to occur. Other areas of the fenceline area may not develop to densities any greater than 1 or 2 dwelling units per acre because of the expense of bringing sewer to these locations. As a result of the many variables involved, the Residential category was not broken apart into two different categories, such as rural or urban.</p> <p>Land availability can be an issue within Sand Springs as large parcels of land are owned by various entities, trusts, and individuals. However, there is available land for development, but unlike other communities, Sand Springs does have some geological, topographical and developmental challenges. None of which are insurmountable but do require additional prep work and design considerations compared with other communities in the Tulsa Metropolitan Area.</p> <p>In some instances, duplexes or townhomes may be appropriate in the Residential land use category. The use of these residential densities can provide for more housing stock while utilizing less land in more developed areas. These uses can serve as good transitional housing when located near higher intensity uses or provide for redevelopment/infill housing opportunities when located in proper locations. Considering this, duplex and townhome uses may be appropriate in some locations within the Residential land use district.</p>

DESIGNATION	LAND USE DESCRIPTION – SAND SPRINGS 2030 LAND USE MASTER PLAN
Transitional	<p>This designation represents a transition zone from single-family residential development to non-residential development. Typical uses found in the transitional use zone include attached housing (e.g. duplexes, apartments, townhouses) and office uses. This district would not be suitable for multiple story office buildings if adjacent to single-family neighborhoods. Office areas within this district would include planned office complexes and single use office facilities. Additionally, some commercial uses might be deemed acceptable in transitional districts should the uses be found compatible and of low impact to adjacent properties.</p> <p>Transitional zones generally act as a buffer between higher intensity uses such as commercial and lower intensity uses such as single-family residential. Additionally, there is normally a connection to an arterial street from the Transitional District. Transitional Districts can also be integrated with planned unit developments as part of a larger neighborhood master plan.</p>

Sand Springs 2030
Sand Springs, Oklahoma
Tulsa County Fenceline
Land Use Map

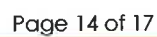


Exhibit 6

Tulsa County Land Use Designations


Color	Land Use Designation
	RURAL RESIDENTIAL/AGRICULTURAL: Land that is sparsely occupied and used primarily for farmland, agricultural uses, and single-family homes on large lots. Residential lots generally range from one-half acre or greater and may use on-site services where public utilities are not available.
	RURAL COMMERCIAL: This designation provides for a mix of retail and service uses that are typically needed by residents in rural areas and surrounding agricultural operations. Developments in Rural Commercial designated areas may include a mix of uses, recognizing that separation of uses is not practical in a rural setting.
	PARKS AND OPEN SPACE: Land or water areas generally free from development. They are used primarily for park and recreation purposes but may also indicate open spaces reserved for natural resource conservation.
	PUBLIC / SEMI-PUBLIC: This designation includes uses that are educational, governmental, or institutional in nature.
	INDUSTRIAL This land use category is designed to accommodate industrial uses as well as wholesaling, warehousing, and distribution facilities, which tend to require large buildings and generate more large-truck traffic than other types of land uses.

Exhibit 7

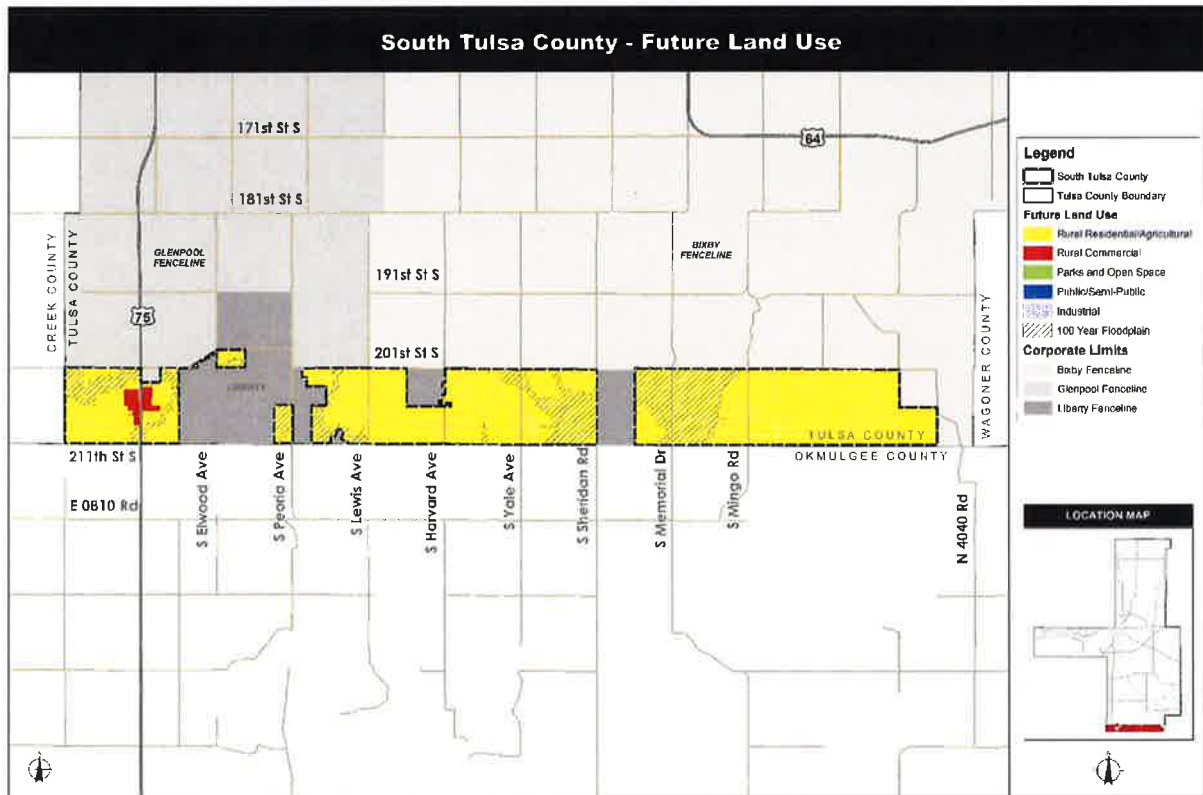
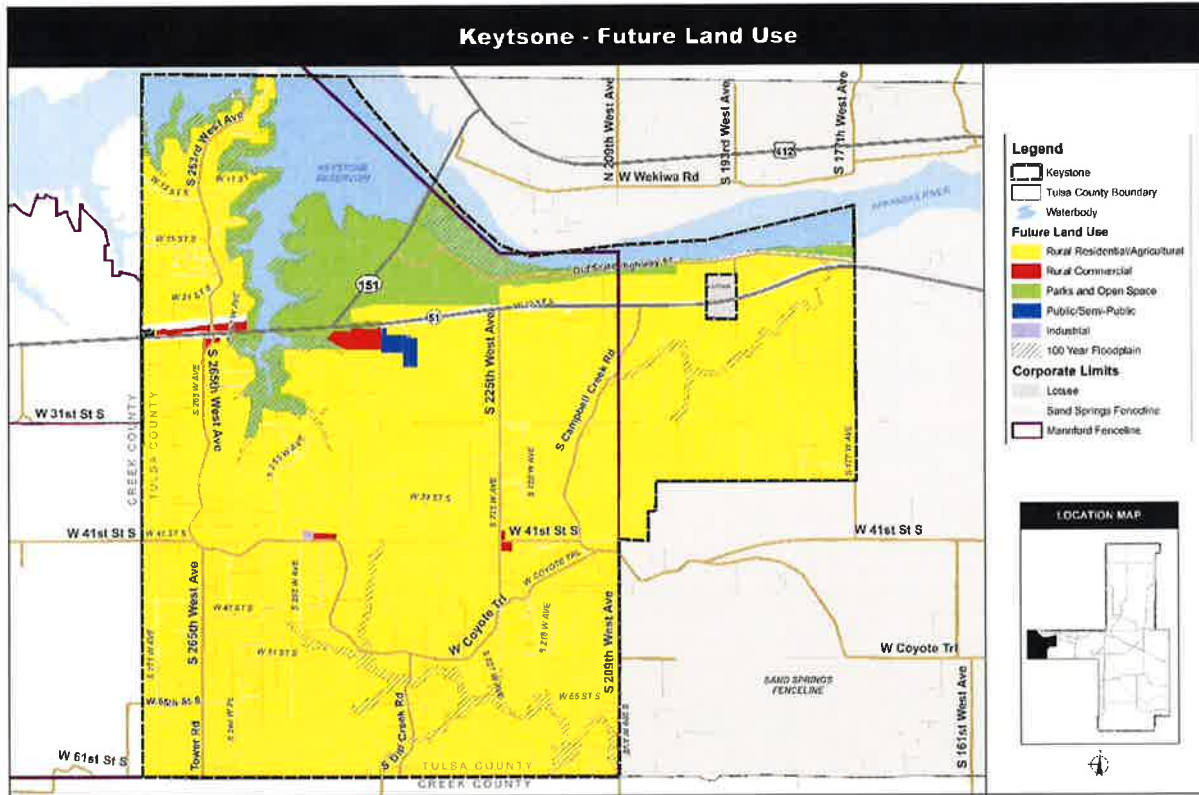


Exhibit 8





Tulsa Metropolitan Area
Planning Commission

Case : Woodward Acres

Hearing Date: October 7, 2020

Case Report Prepared by:

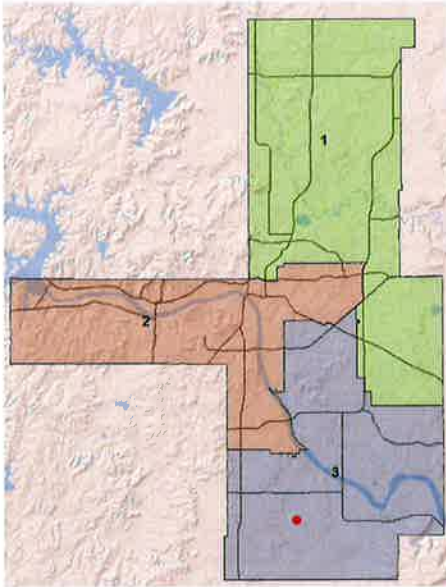
Nathan Foster

Owner and Applicant Information:

Applicant: Select Design, Ryan McCarty

Owner: DD&R Properties LLC

Location Map:
(shown with County Commission Districts)



Applicant Proposal:

Minor Subdivision Plat

8 lots, 1 block, 20 ± acres

Location: Northwest corner of East 171st
Street South and South Harvard Avenue

Zoning: AG (Agriculture)

Staff Recommendation:

Staff recommends **approval** of the minor subdivision plat

County Commission District: 3

Commissioner Name: Ron Peters

EXHIBITS: Site Map, Aerial, Plat Submittal

MINOR SUBDIVISION PLAT

Woodward Acres - (County)

Northwest corner of East 171st Street South and South Harvard Avenue

This plat consists of 8 lots, 1 block on 20 ± acres.

The Technical Advisory Committee (TAC) met on August 6, 2020 and provided the following comments:

1. **Zoning:** Proposed lots conform to the requirements of the AG district.
2. **Addressing:** Addresses provided by INCOG must be shown on face of the plat.
3. **Transportation & Traffic:** Approved as submitted.
4. **Sewer/Water:** On-site sewage disposal. Water service to be provided by Creek County Rural Water District #2. Any improvements to existing water lines must be approved through the RWD.
5. **Stormwater, Drainage, & Floodplain:** Approved as submitted.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** All release letters have been received. Oil & Gas certificate was submitted.

Staff recommends **APPROVAL** of the minor subdivision plat subject to the conditions provided by TAC and the requirements of the Subdivisions Regulations.

AG-R

AG

AG

SUBJECT TRACT

PUD-846

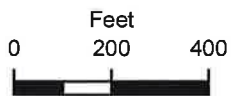
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E 171st ST S

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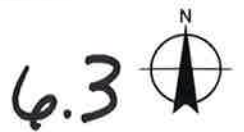
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WOODWARD
ACRES

17-13 29





SHARVARD AVE

E 171st ST S

0 Feet 200 400



Subject Tract

**WOODWARD
ACRES**

17-13 29

Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018



PRIVATE SUBDIVISION Woodward Acres

Legend

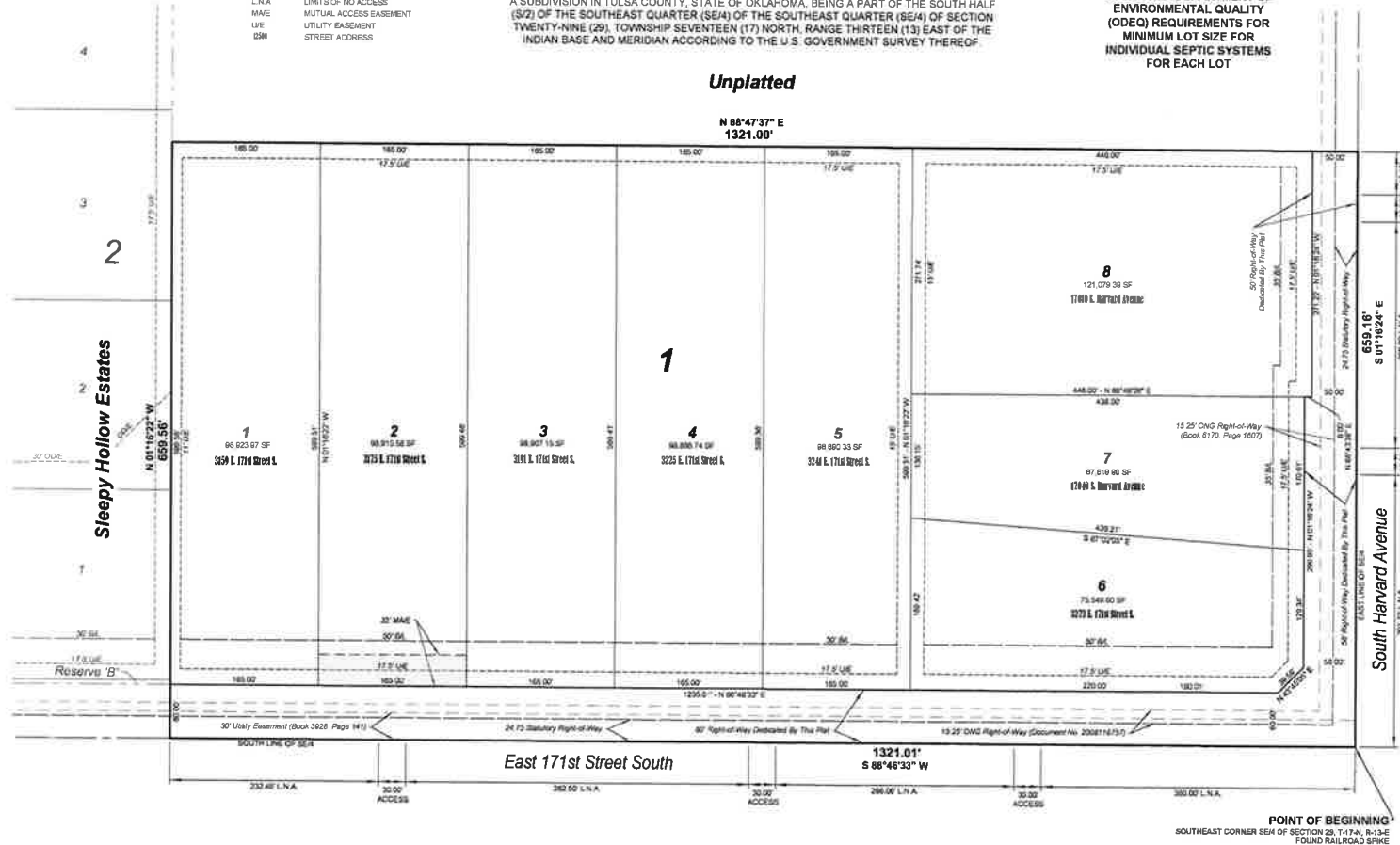
BL BUILDING SETBACK LINE
L.N.A. LIMITS OF NO ACCESS
MAE MUTUAL ACCESS EASEMENT
UE UTILITY EASEMENT
DIN STREET ADDRESS

A SUBDIVISION IN TULSA COUNTY, STATE OF OKLAHOMA, BEING A PART OF THE SOUTH HALF (SH) OF THE SOUTHEAST QUARTER (SE4) OF SECTION TWENTY-NINE (29), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF.

THIS SUBDIVISION IS DESIGNED IN ACCORDANCE WITH OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY (ODEQ) REQUIREMENTS FOR MINIMUM LOT SIZE FOR INDIVIDUAL SEPTIC SYSTEMS FOR EACH LOT

Unplatted

N 88°47'37" E
1321.00'



Driveway Summary Table

DRIVEWAY LOCATION	MINIMUM PIPE SIZE
BLOCK 1	
1	24" RCP OR HP
2	24" RCP OR HP
3	24" RCP OR HP
4	18" RCP OR HP
5	18" RCP OR HP
6	18" RCP OR HP
7	24" RCP OR HP
8	30" RCP OR HP

NOTE: MINIMUM PIPE SLOPE = 0.75%

FINAL PLAT
CERTIFICATE OF APPROVAL

I HEREBY CERTIFY THAT THIS PLAT WAS APPROVED BY THE TULSA METROPOLITAN AREA PLANNING COMMISSION ON _____

TMAP/ODCQ OFFICIAL _____

THIS APPROVAL IS VOID IF THIS PLAT IS NOT FILED IN THE OFFICE OF THE COUNTY CLERK ON OR BEFORE _____

COUNTY ENGINEER _____

Subdivision Statistics

PRIVATE SUBDIVISION CONTAINS EIGHT (8) LOTS IN ONE (1) BLOCK
GROSS SUBDIVISION AREA: 87,101.90 SF / 2.00 ACRES

Basis of Bearings

BEARINGS ARE BASED UPON THE OKLAHOMA STATE PLANE COORDINATE SYSTEM, (3001 OK N), NORTH AMERICAN DATUM 1983 (NAD83) USING THE SOUTH LINE OF THE SE4 OF SECTION 29 AS S 88°46'33" W.

Monumentation

SET 3/8" IRON PIN W/ GREEN "FRITZ C45848" CAP OR MAG NAIL W/ "FRITZ C45848" WASHER AT ALL CORNERS UNLESS NOTED AND SHOWN OTHERWISE HEREON.

Benchmark

ON-SITE NGS OPUS SOLUTIONS REPORT (NAVD 1988)

Address

ADDRESS SHOWN ON THIS PLAT IS ACCURATE AT THE TIME THE PLAT WAS FILED. ADDRESS IS SUBJECT TO CHANGE AND SHOULD NEVER BE RELIED ON IN PLACE OF THE LEGAL DESCRIPTION.

Floodplain Data

WE HAVE EXAMINED A MAP BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FLOOD INSURANCE RATE MAP, TULSA COUNTY, OKLAHOMA UNINCORPORATED AREAS, COMMUNITY PANEL NO. 401430040L, OCTOBER 15, 2012, WHICH INDICATES THE SUBJECT PROPERTY TO BE WITHIN UNSHADED ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN).

Owner / Developer

DOER PROPERTIES, LLC
5716 WEST CHARLESTON STREET
BROKEN ARROW, OK 74011
PHONE (918) 231-9829
MR ROB BREWER

Surveyor

FRITZ LAND SURVEYING, LLC
2017 WEST 91ST STREET
TULSA, OKLAHOMA 74130
PHONE (918) 231-0575
EMAIL: info@fritzsurveying.com
C.A. # 5648 EXPIRES 6-30-2022

Engineer

ENGINEERED BY DESIGN, PLLC
P.O. BOX 15067
DEL CITY, OKLAHOMA 73155
PHONE (405) 234-0890
ahsie@engineersbydesign.pro
C.A. # 7855 EXPIRES 6-30-2022

COUNTY TREASURER STAMP

WOODWARD ACRES

DEED OF DEDICATION AND RESTRICTIVE COVENANTS

KNOW ALL MEN BY THESE PRESENTS

THAT DORA PROPERTIES, LLC, AN OKLAHOMA LIMITED LIABILITY COMPANY, HEREINAFTER REFERRED TO AS THE "OWNER/DEVELOPER," IS THE OWNER OF THE FOLLOWING DESCRIBED REAL ESTATE SITUATED IN TULSA COUNTY, OKLAHOMA, TO-WIT:

A TRACT OF LAND SITUATED IN THE SOUTH 1/4 (S1/4) OF THE SOUTHEAST QUARTER (SE1/4) OF THE SOUTHEAST QUARTER (SE1/4) OF SECTION TWENTY-NINE (29) TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTIETH (30) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE SE1/4 OF SAID SECTION 28; THENCE SOUTH 88°49'39" WEST 119.00 FEET TO A POINT ON THE SOUTH LINE OF THE SE1/4 OF SAID SECTION 28; THENCE NORTH 01°16'59" EAST ALONG SAID EAST LINE FOR A DISTANCE OF 659.15 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS 871,019.9 SQUARE FEET OR 20.0 ACRES.

BEARINGS ARE BASED UPON THE OKLAHOMA STATE PLANE COORDINATE SYSTEM, (3561) OKM, NORTH AMERICAN DATUM 1983 (NAD83) USING THE SOUTH LINE OF THE SE1/4 OF SECTION 28 AS S 88°49'39" W.

AND HAS CAUSED THE ABOVE DESCRIBED TRACT OF LAND TO BE SURVEYED, STAKED, PLATTED AND SUBDIVIDED INTO NINE (9) LOTS AND ONE (1) BLOCK IN CONFORMITY WITH THE ACCOMPANYING PLAT, AND HAS DESIGNATED THE SUBDIVISION "WOODWARD ACRES," A SUBDIVISION IN TULSA COUNTY, STATE OF OKLAHOMA.

SECTION I. UTILITY EASEMENTS AND RIGHTS-OF-WAY

THE OWNER/DEVELOPER DOES HEREBY DEDICATE FOR PUBLIC USE THE UTILITY EASEMENTS AS DEPICTED ON THE ACCOMPANYING PLAT (WOODWARD ACRES) FOR THE SEVERAL PURPOSES OF CONSTRUCTING, MAINTAINING, REPAIRING, REMOVING AND REPLACING ANY AND ALL PUBLIC UTILITIES, INCLUDING STORM SEWERS, TELEPHONE LINES, CABLE TELEVISION, ELECTRIC POWER LINES AND TRANSFORMERS, GAS LINES AND WATER LINES, TOGETHER WITH ALL FITTINGS AND EQUIPMENT FOR EACH OF SUCH FACILITIES INCLUDING THE POLES, WIRES, CONDUITS, PIPES, VALVES, METERS AND ANY OTHER APPURTENANCES THERE TO, WITH RIGHT OF ACCESS AND EGRESS TO THE EASEMENTS FOR THE USES AND PURPOSES AFORESAID, PROVIDED, HOWEVER, THAT THE UNDERSIGNED HEREBY RESERVE TO ITSELF, AND TO ITS ASSIGNS, THE RIGHT TO USE OR ORIGINALLY TO OBTAIN THE RIGHT TO USE THE DESIGNATED EASEMENTS TO PROVIDE ANY OF THE SERVICES SET FORTH HEREIN, INCLUDING, BUT NOT LIMITED TO THE RIGHT TO CONSTRUCT, MAINTAIN, OPERATE, LAY AND RELAY WATER LINES, TOGETHER WITH THE RIGHT OF ACCESS AND EGRESS THERE TO, FOR THE PURPOSES OF FURNISHING WATER SERVICE TO THE AREA INCLUDED WITHIN THE PLAT. THE OWNER/DEVELOPER HEREBY IMPOSES A RESTRICTIVE COVENANT WHICH SHALL BE BINDING ON EACH LOT OWNER AND SHALL BE ENFORCEABLE BY TULSA COUNTY, OKLAHOMA AND THE SUPPLIER OF ANY AFFECTED UTILITY SERVICE THAT WITHIN THE UTILITY EASEMENTS DEPICTED ON THE ATTACHED PLAT, NO BUILDING, STRUCTURE OR OTHER ABOVE OR BELOW GROUND OBSTRUCTION THAT INTERFERES WITH THE ABOVE SET FORTH USES AND PURPOSES OF THE EASEMENT SHALL BE PLACED, ERRECTED, INSTALLED OR MAINTAINED; PROVIDED HOWEVER NOTHING HEREIN SHALL BE DEEMED TO PROHIBIT UTILITY EASEMENTS; DRIVEWAY PARKING AREAS, CURBING, AND LANDSCAPING THAT DOES NOT CONSTITUTE AN OBSTRUCTION AS AFORESAID.

A. UNDERGROUND SERVICE

- OVERHEAD POLES MAY BE LOCATED ALONG THE SOUTH AND EAST PERIMETERS OF THE SUBDIVISION AS NECESSARY IF LOCATED IN UTILITY EASEMENTS FOR THE PURPOSE OF THE SUPPLY OF UNDERGROUND LIGHT POLES OR STANDARDS MAY BE SERVED BY UNDERGROUND CABLE AND EXCEPT AS PROVIDED THE IMMEDIATELY PRECEDING SENTENCE, ALL ELECTRIC AND COMMUNICATION SUPPLY LINES SHALL BE LOCATED UNDERGROUND IN THE EASEMENTS HEREBY RESERVED FOR GENERAL UTILITY SERVICES SHOWN ON THE ATTACHED PLAT.
- ALL SUPPLY LINES IN THE SUBDIVISION INCLUDING ELECTRIC, TELEPHONE, CABLE TELEVISION AND GAS LINES SHALL BE LOCATED UNDERGROUND IN THE EASEMENTS RESERVED FOR GENERAL UTILITY SERVICES SHOWN ON THE PLAT OF THE SUBDIVISION. SERVICE PEDESTALS AND TRANSFORMERS, AS SOURCES OF SUPPLY AT SECONDARY VOLTAGES, MAY ALSO BE LOCATED IN THE SAID UTILITY EASEMENTS.
- UNDERGROUND SERVICE CABLES AND GAS SERVICE LINES TO ALL STRUCTURES WHICH MAY BE LOCATED ON A LOT WITHIN THE SUBDIVISION MAY BE LOCATED ON ALL LOTS IN THE SUBDIVISION MAY BE RUN FROM THE NEAREST GAS MAIN, SERVICE PEDDESTAL OR TRANSFORMER TO THE POINT OF USAGE DETERMINED BY THE LOCATION AND CONSTRUCTION OF SUCH STRUCTURE AS MAY BE LOCATED UPON EACH SAID LOT, PROVIDED THAT UPON THE INSTALLATION OF SUCH A SERVICE CABLE OR GAS SERVICE LINE TO A PARTICULAR STRUCTURE, THE SUPPLIER OF SERVICE SHALL THEREAFTER BE DEEMED TO HAVE A DEFINITIVE PERMANENT AND EFFECTIVE EASEMENT ON THE LOT, COVERING A 5 FOOT STRIP EXTENDING 2.5 FEET ON EACH SIDE OF THE SERVICE CABLE, EXTENDING FROM THE SERVICE PEDDESTAL, TRANSFORMER OR GAS MAIN TO THE SERVICE ENTRANCE ON THE STRUCTURE OR A POINT OF METERING.
- THE SUPPLIER OF ELECTRIC, TELEPHONE, CABLE TELEVISION AND GAS SERVICES THROUGHOUT ITS AUTHORIZED AGENTS AND EMPLOYEES SHALL AT ALL TIMES HAVE RIGHT OF ACCESS TO ALL SUCH EASEMENTS SHOWN ON THE PLAT OF THE SUBDIVISION OR PROVIDED FOR IN THIS DEED OF DEDICATION FOR THE PURPOSE OF INSTALLING, MAINTAINING, REMOVING OR REPLACING ANY PORTION OF THE UNDERGROUND ELECTRIC, TELEPHONE, CABLE TELEVISION OR GAS SERVICE FACILITIES SO INSTALLED BY THE SUPPLIER OF ELECTRIC, TELEPHONE, CABLE TELEVISION ALSO RESERVE THE POSITIVE RIGHT, PRIVILEGE AND AUTHORITY TO CUT DOWN, TRIM OR TREAT ANY TREES AND UNDERGROUNDS ON SAID EASEMENT.
- THE OWNER OF EACH LOT IN THE SUBDIVISION SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE UNDERGROUND ELECTRIC FACILITIES LOCATED ON HIS PROPERTY AND SHALL INDEMNIFY THE LOCATION OF GRADE OR ANY CONSTRUCTION ACTIVITY WHICH MAY INTERFERE WITH SAID ELECTRIC, TELEPHONE, CABLE TELEVISION OR GAS FACILITIES. THE SUPPLIER OF SERVICE SHALL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF UNDERGROUND FACILITIES BUT THE OWNER OF EACH LOT IN THE SUBDIVISION SHALL BE RESPONSIBLE FOR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER OR HIS AGENTS OR CONTRACTORS. THE FOREGOING COVENANTS CONCERNING UNDERGROUND FACILITIES SHALL BE ENFORCEABLE BY THE SUPPLIER OF ELECTRIC, TELEPHONE, CABLE TELEVISION OR GAS SERVICES.

B. WATER SERVICE

- THE OWNER OF THE LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE PUBLIC WATER MAINS LOCATED ON HIS LOT.
- WITHIN UTILITY EASEMENTS DEPICTED ON THE ATTACHED PLAT THE ALTERATION OF GRADE FROM THE CONTOURS EXISTING UPON COMPLETION OF A PUBLIC WATER MAIN OR ANY CONSTRUCTION ACTIVITY WHICH MAY INTERFERE WITH A PUBLIC WATER MAIN SHALL BE PROHIBITED.
- ON ALL LOTS OF THE SUBDIVISION, WATER DISTRICT AS HEREINAFTER REFERRED TO AS THE RWO, OR ITS SUCCESSORS SHALL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF PUBLIC WATER MAINS, BUT THE OWNER OF THE LOT SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER OR HIS AGENTS OR CONTRACTORS.
- THE RWO, OR ITS SUCCESSORS SHALL AT ALL TIMES HAVE RIGHT OF ACCESS TO ALL UTILITY EASEMENTS DEPICTED ON THE ATTACHED PLAT, OR OTHERWISE PROVIDED FOR IN THIS DEED OF DEDICATION FOR THE PURPOSE OF INSTALLING, MAINTAINING, REMOVING, OR REPLACING ANY PORTION OF THE WATER FACILITIES OWNED BY IT.
- THE FOREGOING COVENANTS CONCERNING THE WATER FACILITIES SHALL BE ENFORCEABLE BY THE RWO, OR ITS SUCCESSORS AND THE OWNER OF THE LOT AGREES TO BE BOUND HERETO.

C. GAS SERVICE

- THE SUPPLIER OF GAS SERVICE SHALL AT ALL TIMES HAVE RIGHT OF ACCESS TO ALL UTILITY EASEMENTS DEPICTED ON THE ATTACHED PLAT OR OTHERWISE PROVIDED FOR IN THIS DEED OF DEDICATION FOR THE PURPOSE OF INSTALLING, MAINTAINING, REMOVING OR REPLACING ANY PORTION OF GAS FACILITIES INSTALLED BY THE SUPPLIER OF GAS SERVICE.
- THE OWNER OF EACH LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE UNDERGROUND GAS FACILITIES LOCATED ON HIS LOT, THE ALTERATION OF GRADE OR ANY CONSTRUCTION ACTIVITY WHICH MAY INTERFERE WITH THE UNDERGROUND GAS FACILITIES SHALL BE PROHIBITED.
- ON ALL LOTS OF THE SUBDIVISION, GAS SERVICE SHALL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF THE UNDERGROUND FACILITIES, BUT THE OWNER SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER OF THE LOT OR HIS AGENT OR CONTRACTORS.
- THE FOREGOING COVENANTS CONCERNING UNDERGROUND GAS FACILITIES SHALL BE ENFORCEABLE BY THE SUPPLIER OF GAS SERVICE AND THE OWNER OF THE LOT AGREES TO BE BOUND HERETO.

D. SURFACE DRAINAGE

THE LOT SHALL RECEIVE AND DRAIN, IN AN UNOBSTRUCTED MANNER, THE STORM AND SURFACE WATERS FROM LOTS AND DRAINAGE AREAS OF HIGHER ELEVATION AND FROM PRIVATE STREETS AND EASEMENTS. NO LOT OWNER SHALL CONSTRUCT OR PERMIT TO BE CONSTRUCTED ANY FENCING OR OTHER OBSTRUCTIONS WHICH WOULD IMPAIR THE DRAINAGE OF STORM AND SURFACE WATERS OVER AND ACROSS HIS LOT. THE FOREGOING COVENANTS SET FORTH IN THIS PARAGRAPH SHALL BE ENFORCEABLE BY ANY AFFECTED LOT OWNER AND BY TULSA COUNTY, OKLAHOMA.

E. LIMITS OF NO ACCESS

- THE OWNER HEREBY RELEASES RIGHT OF WHATEVER INGRESS AND EGRESS FROM THE LOTS WITHIN THE SUBDIVISION TO ADJOINING PUBLIC STREETS WITHIN THE BOUNDS DESCRIBED AS LIMITS OF NO ACCESS IN A PLAT ON THE ATTACHED PLAT, WHICH WITHIN OR NO ACCESS MAY BE RELEASED OR AMENDED BY TULSA METROPOLITAN AREA PLANNING COMMISSION (TMAPC) OR ITS SUCCESSORS WITH TULSA COUNTY APPROVAL, OR AS OTHERWISE PROVIDED BY THE STATUTES AND LAWS OF THE STATE OF OKLAHOMA PERTAINING THERETO.
- THE FOREGOING COVENANTS CONCERNING LIMITS OF NO ACCESS SHALL BE ENFORCEABLE BY TULSA COUNTY AND THE OWNERS OF THE LOT AGREES TO BE BOUND HERETO.

F. PAVING AND LANDSCAPING WITHIN EASEMENTS

THE OWNER OF THE LOT AFFECTED SHALL BE RESPONSIBLE FOR THE REPAIR OF DAMAGE TO LANDSCAPING AND PAVING WITHIN THE UTILITY EASEMENTS WHICH MAY RESULT FROM NECESSARY USE FOR OR MAINTENANCE AND INSTALLATION OF UNDERGROUND WATER, STORM SEWER, ELECTRICAL, NATURAL GAS COMMUNICATIONS OR TELEPHONE FACILITIES PROVIDED, HOWEVER, TULSA COUNTY, OKLAHOMA, OR THE SUPPLIER OF THE UTILITY SERVICE SHALL USE REASONABLE CARE IN THE PERFORMANCE OF SUCH ACTIVITIES.

G. PRIVATE SEPTIC DRAINAGE

- WITHIN THIS SUBDIVISION, SEWERAGE IS INITIALLY INTENDED TO BE DISPOSED OF BY INDIVIDUAL SEPTIC TANK DISPOSAL SYSTEMS OR ALTERNATIVE SEPTIC SYSTEMS WHICH ARE SUBJECT TO REGULATION BY THE OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY.
- THE APPROVAL AND RELEASE OF THE PLAT OF THIS SUBDIVISION DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE THAT EACH SEPTIC TANK SYSTEM OR ALTERNATIVE SEPTIC SYSTEM WILL FUNCTION PROPERLY.
- NO SEPTIC SYSTEM OR ALTERNATIVE SEPTIC SYSTEM SHALL BE INSTALLED WITHIN ANY LOT UNTIL THE PLAN THEREOF HAVE BEEN SUBMITTED TO AND APPROVED BY THE OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY AND A PERMIT DULY ISSUED.
- IF NOT PROVIDED BY THE DEVELOPER, THE OWNER MAY OR MAY NOT BE RESPONSIBLE FOR SUPPLYING POLLUTION TESTING INFORMATION TO THE OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY FOR APPROVAL OF SEPTIC SYSTEM OR ALTERNATIVE SEPTIC SYSTEMS.
- THE SEPTIC SYSTEM OR ALTERNATE SEPTIC SYSTEM AND THE SEWER SERVICE LINE SHALL BE INSTALLED AND MAINTAINED IN ACCORDANCE WITH THE APPROVED PLANS.
- THE APPROVED PLANS MUST BE SUBMITTED TO THE OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY AND SHALL INCLUDE A SEWER LINE LOCATED AND DESIGNED TO PERMIT EFFECTIVE CONNECTION TO FUTURE PUBLIC SANITARY SEWER EXTENSIONS TO THE LOT.
- SUBSEQUENT TO INSTALLATION OF THE SEPTIC SYSTEM OR ALTERNATIVE SEPTIC SYSTEM, NO DRIVE, PAVING, DRIVEWAYS, POOL, LAWN SPRINKLER SYSTEM, OR BUILDING SHALL BE CONSTRUCTED OVER THE AREA OF THE LOT CONTAINING THE SEPTIC TANK, SEPTIC SYSTEM LATERAL LINES OR ALTERNATIVE SEPTIC SYSTEM.
- THE FOREGOING COVENANTS CONCERNING SEWERAGE FACILITIES SHALL BE COVENANTS RUNNING WITH THE LAND AND SHALL INURE TO THE BENEFIT OF AND SHALL BE ENFORCEABLE BY TULSA COUNTY, OKLAHOMA OR ITS SUCCESSORS, AND THE OWNER OF THE LOT AGREES TO BE BOUND HERETO.

H. MUTUAL ACCESS EASEMENT

MUTUAL ACCESS EASEMENTS DEPICTED AS "MUTUAL ACCESS EASEMENT" ON THE ACCOMPANYING PLAT, ARE HEREBY ESTABLISHED FOR THE PURPOSES OF PERMITTING VEHICULAR AND PEDESTRIAN ACCESS TO AND FROM ALL STREETS AND AREAS ADJACENT TO AND CONTAINED WITHIN THE SUBDIVISION. SUCH EASEMENTS SHALL BE FOR THE MUTUAL USE AND BENEFIT OF EACH AFFECTED LOT OWNER, THEIR GUARDS AND INVEEES, AND SHALL BE APPURTENANT TO EACH AFFECTED LOT OWNER, PROVIDED GOVERNMENTAL AGENCIES AND THE SUPPLIER OF UTILITY SERVICES SHALL HAVE THE REASONABLE USE OF SUCH EASEMENTS INCIDENTAL TO THE PROVISIONS OF SERVICES TO THE LOTS WITHIN THE SUBDIVISION.

SECTION II. RESTRICTIONS AND COVENANTS

A. ARCHITECTURAL COMMITTEE

WOODWARD ACRES ARCHITECTURAL COMMITTEE WILL BE FORMED TO REVIEW AND APPROVE ANY STRUCTURE TO BE BUILT ON ANY LOT OR PART THEREOF, AND SHALL ALSO BE RESPONSIBLE FOR DEVELOPMENT AND CONSTRUCTION STANDARDS CONTAINED HEREIN. NOB BREWER AND HIS SUCCESSORS AND ASSIGNS SHALL BE THE DESIGNATED ARCHITECTURAL COMMITTEE. THE COMMITTEE MAY APPOINT A SINGLE ADDITIONAL MEMBER AT A POINT IN TIME MUTUALLY AGREEABLE TO AT LEAST 50% OF THE RECORDING LOT OWNERS.

B. PRIVATE RESTRICTIONS

- STRUCTURES BUILT A LOT SHALL BE PRIMARILY FOR ONE (1) SINGLE FAMILY RESIDENCE PURPOSES. THE GRANTEE PROPERTY SHALL NOT BE USED FOR MULTI-FAMILY PURPOSES OR STRUCTURES. OUTBUILDINGS GREATER THAN 500 SQUARE FEET MUST BE APPROVED IN WRITING BY THE WOODWARD ACRES ARCHITECTURAL COMMITTEE.
- NO RESIDENTIAL STRUCTURE SHALL BE ERRECTED OR PLACED ON A LOT WHICH HAS AN AREA OF LESS THAN TWO THOUSAND (2,000) SQUARE FEET EXCLUSIVE OF GARAGE, BASEMENT, PORCHES AND CARPORTS.
- NO MOBILE HOMES OR MANUFACTURED HOUSING UNITS SHALL BE MAINTAINED, ALLOWED, OR PERMITTED ON ANY PART OF THE GRANTEE PROPERTY.
- ABOVE GROUND SWIMMING POOLS ARE PROHIBITED UNLESS APPROVED IN WRITING BY THE WOODWARD ACRES ARCHITECTURAL COMMITTEE. IN THE EVENT APPROVED A PRIVATE FENCE MUST BE CONSTRUCTED AND MAINTAINED AROUND ANY ABOVE-GROUND SWIMMING POOLS.
- NO WOODS OR OFFENSIVE TRADE OR ACTIVITY SHALL BE CARRIED ON UPON THE GRANTEE PROPERTY NOR SHALL ANYTHING INCLUDING LIVESTOCK, BE MAINTAINED, ALLOWED OR PERMITTED ON ANY PART OF THE GRANTEE PROPERTY WHICH MAY BE OR BECOME AN ANNOYANCE OR NUISANCE TO THE SURROUNDING HOMES. CHICKENS MAY BE MAINTAINED AND KEPT ON THE GRANTEE PROPERTY.
- THE GRANTEE PROPERTY SHALL BE MAINTAINED IN A NEAT AND ORDERLY CONDITION AT ALL TIMES.
- ALL OUTBUILDINGS SHALL BE ERRECTED AND MAINTAINED EVEN WITH OR BEHIND THE FRONT LINE OF THE RESIDENCE ON THE LOT. ALL OUTBUILDINGS ARE SUBJECT TO APPROVAL IN WRITING BY THE WOODWARD ACRES ARCHITECTURAL COMMITTEE.
- NO STRUCTURE OF A TEMPORARY CHARACTER, TRAILER, BASEMENT, DRAP GARAGE, BARN OR OTHER OUTBUILDING ERRECTED ON ANY PART OF A LOT AND SHALL ANY TIME BE USED AS A RESIDENCE.
- CELLULAR TOWERS OR OTHER COMMUNICATIONS FACILITIES OF SUBSTANTIAL SIZE ARE PROHIBITED.
- NO EXISTING OR OFF-SITE BUILT STRUCTURE SHALL BE MOVED ONTO OR PLACED ON ANY LOT.
- NO IMPERATIVE VEHICLE OR MACHINERY SHALL BE STORED ON ANY LOT EXCEPT WITHIN AN ENCLOSED GARAGE.
- A MAXIMUM OF TWO (2) RECREATIONAL VEHICLES, TRAILERS AND BOATS OR ANY COMBINATION THEREOF COLLECTIVELY RECREATIONAL VEHICLES SHALL BE STORED OUTSIDE ON THE LOT. THE SAME SHALL BE STORED OR PARKED FOR EXTENDED PERIODS OF TIME EVEN WITH OR BEHIND THE REAR BUILDING LINE OF THE RESIDENCE CONSTRUCTED ON THE LOT. RECREATIONAL VEHICLES IN EXCESS OF TWO (2) MUST BE STORED IN AN ENCLOSED GARAGE.
- LOT SPUTS ARE PROHIBITED.

SECTION III. ENFORCEMENT, DURATION, AMENDMENT AND SEVERABILITY

A. ENFORCEMENT

THE RESTRICTIONS HEREIN SET FORTH ARE COVENANTS TO RUN WITH THE LAND AND SHALL BE BINDING UPON THE OWNER/DEVELOPER, ITS SUCCESSORS AND ASSIGNS WITHIN THE PROVISIONS OF SECTION I. UTILITY EASEMENTS AND RIGHTS-OF-WAY ARE SET FORTH CERTAIN COVENANTS AND ENFORCEMENT RIGHTS PERTAINING THERETO AND ADDITIONALLY, THE COVENANTS CONTAINED WITHIN SECTION I, WHETHER OR NOT SPECIFICALLY THEREIN SO STATED, SHALL ALSO INURE TO THE BENEFIT OF AND SHALL BE ENFORCEABLE BY TULSA COUNTY, OKLAHOMA. THE COVENANTS CONTAINED IN SECTION II. RESTRICTIONS AND COVENANTS SHALL INURE ONLY TO THE BENEFIT OF AND SHALL BE ENFORCEABLE ONLY BY THE OWNER OF A LOT AND/OR THE WOODWARD ACRES ARCHITECTURAL COMMITTEE. IF THE UNDERSIGNED OWNER/DEVELOPER OR ITS SUCCESSORS OR ASSIGNS SHALL VIOLATE ANY OF THE COVENANTS OR RESTRICTIONS SET FORTH WITHIN SECTION II, IT SHALL BE LAWFUL FOR ANY PERSON OR PERSONS OWNING ANY LOT TO MAINTAIN ANY ACTION AT LAW OR IN EQUITY AGAINST THE PERSON OR PERSONS VIOLATING OR ATTEMPTING TO VIOLATE ANY SUCH COVENANTS TO PREVENT HIM OR THEM FROM SO DOING OR TO COMPEL COMPLIANCE WITH THE COVENANT AND/OR TO RECOVER DAMAGES. WITH THE EXCEPTION OF ACTS TO ENFORCE NOT QUANTITATIVE COVENANTS WITHIN SECTION I, PRIOR TO THE COMMENCEMENT OF ANY ACTION PERTAINING TO THESE RESTRICTIONS, THE PERSON INTENDING TO COMMENCE THE ACTION SHALL GIVE THE RECORD OWNER OF THE PROPERTY OF WHICH THE VIOLATION IS OCCURRING, OR HAS OCCURRED, WRITTEN NOTICE OF THE VIOLATION. IN THE EVENT REASONABLE EFFORTS TO CURE THE VIOLATION ARE COMMENCED WITHIN THIRTY (30) DAYS FROM RECEIPT OF NOTICE, NO JUDICIAL ACTION SHALL BE COMMENCED TO ENFORCE THE RESTRICTIONS SO LONG AS THE EFFORTS TO CURE THE VIOLATION DILIGENTLY PROCEED TO COMPLETION IN AN JUDICIAL ACTION REQUESTED TO ENFORCE THE COVENANTS OR RESTRICTIONS. THE DEFENSE THAT THE PARTY INITIATING THE ENFORCEMENT PROCEEDINGS HAS AN ADEQUATE REMEDY AT LAW IS HEREBY WAIVED. IN ANY JUDICIAL ACTION BROUGHT BY THE HOMEOWNER'S ASSOCIATION OR ANY LOT OWNER, WHICH ACTION SEEKS TO ENFORCE THE COVENANTS FOR THE BREACH, INJURY TO THE BREACH, THEREOF, THE PREVAILING PARTY SHALL BE ENTITLED TO RECEIVE HEREON ITS REASONABLE ATTORNEY FEES AND COSTS AND EXPENSES INCURRED IN SUCH ACTION.

B. DURATION

THESE COVENANTS AND RESTRICTIONS SET FORTH WITHIN THIS DEED OF DEDICATION, TO THE EXTENT PERMITTED BY APPLICABLE LAW, SHALL BE PERPETUAL, BUT IN ANY EVENT SHALL BE IN FORCE AND EFFECT FOR A TERM OF NOT LESS THAN THIRTY (30) YEARS FROM THE DATE OF THE RECORDING OF THIS DEED OF DEDICATION UNLESS TERMINATED OR AMENDED AS HEREINAFTER PROVIDED.

C. AMENDMENT

THE COVENANTS CONTAINED WITHIN SECTION I. UTILITY EASEMENTS AND RIGHTS-OF-WAY MAY BE AMENDED OR TERMINATED AT ANY TIME BY A WRITTEN INSTRUMENT SIGNED AND ACKNOWLEDGED BY THE OWNER OF THE LAND TO WHICH THE AMENDMENT OR TERMINATION IS TO BE APPLIED AND APPROVED BY THE TULSA METROPOLITAN AREA PLANNING COMMISSION (TMAPC) OR ITS SUCCESSORS AND TULSA COUNTY. THE COVENANTS AND RESTRICTIONS CONTAINED WITHIN SECTION II. RESTRICTIONS AND COVENANTS MAY BE AMENDED OR TERMINATED AT ANY TIME BY A WRITTEN INSTRUMENT SIGNED AND ACKNOWLEDGED BY THE OWNER/DEVELOPER DURING EACH PERIOD THAT THE OWNER/DEVELOPER IS THE RECORD OWNER OF AT LEAST 1 LOT OR ALTERNATIVELY, THE COVENANTS AND RESTRICTIONS MAY BE AMENDED OR TERMINATED AT ANY TIME BY A WRITTEN INSTRUMENT SIGNED AND ACKNOWLEDGED BY THE OWNERS OF AT LEAST 50% OF THE LOTS. IN THE EVENT OF ANY COMBINATION OF AN AMENDMENT OR TERMINATION PROPERLY EXECUTED BY THE OWNER/DEVELOPER (DURING ITS OWNERSHIP OF AT LEAST 1 LOT) AND ANY AMENDMENT PROPERLY EXECUTED BY THE OWNERS OF 50% OF THE LOTS, THE INSTRUMENT EXECUTED BY THE OWNER/DEVELOPER SHALL PREVAIL. THE PROVISIONS OF ANY INSTRUMENT AMENDING OR TERMINATING COVENANTS AND RESTRICTIONS SHALL BE EFFECTIVE FROM AND AFTER THE DATE IT IS PROPERLY RECORDED.

D. SEVERABILITY

IN WITNESS WHEREOF, THE OWNER/DEVELOPER HAS EXECUTED THIS INSTRUMENT ON THIS _____ DAY OF _____, 2020.

IN WITNESS WHEREOF, THE OWNER/DEVELOPER HAS EXECUTED THIS INSTRUMENT ON THIS _____ DAY OF _____, 2020.

DORA PROPERTIES, LLC,

AN OKLAHOMA LIMITED LIABILITY COMPANY

BY _____

KID BREWER, MANAGER

STATE OF OKLAHOMA _____

COUNTY OF TULSA _____

BEFORE ME, THE UNDERSIGNED A NOTARY PUBLIC IN AND FOR THE SAID COUNTY AND STATE, ON THIS DAY BEFORE ME, THE UNDERSIGNED A NOTARY PUBLIC IN AND FOR THE SAID COUNTY AND STATE, ON THIS _____ DAY OF _____, 2020, PERSONALLY APPEARED TO ME KID BREWER, MANAGER OF DORA PROPERTIES, LLC, AN OKLAHOMA LIMITED LIABILITY COMPANY, KNOWN TO BE THE IDENTICAL PERSON WHO SUBSCRIBED THEIR NAME TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME AS THEIR FREE AND VOLUNTARY ACT AND DEED ON BEHALF OF DORA PROPERTIES, LLC FOR THE USES AND PURPOSES THEREIN SET FORTH.

MY COMMISSION EXPIRES 03/30/2022

MY COMMISSION NUMBER 16030308



CERTIFICATE OF SURVEY

JENNIFER FRITZ, OF FRITZ LAND SURVEYING, LLC, A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF OKLAHOMA UNDER CERTIFICATE OF AUTHORIZATION #5489, DO HEREBY CERTIFY THAT I HAVE CAREFULLY AND ACCURATELY SURVEYED, SUBDIVIDED, AND PLATTED THE TRACT OF LAND DESCRIBED ABOVE AND THAT THE ACCOMPANYING PLAT DESIGNATED HEREIN AS "WOODWARD ACRES," A SUBDIVISION IN TULSA COUNTY, STATE OF OKLAHOMA, IS A TRUE REPRESENTATION OF THE SURVEY MADE ON THE GROUND USING GENERALLY ACCEPTED PRACTICES, AND METES OR EXCEEDS THE MINIMUM TECHNICAL STANDARDS ADOPTED BY THE OKLAHOMA STATE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS.



ANDY FRITZ

LICENSED PROFESSIONAL LAND SURVEYOR

OKLAHOMA 1984

STATE OF OKLAHOMA _____

COUNTY OF TULSA _____

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, ON THE 16TH DAY OF JULY, 2019, PERSONALLY APPEARED ANDY FRITZ, TO ME KNOWN TO BE THE IDENTICAL PERSON WHO SUBSCRIBED HIS NAME AS A LICENSED LAND SURVEYOR TO THE FOREGOING CERTIFICATE OF SURVEY AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME AS THEIR FREE AND VOLUNTARY ACT AND DEED FOR THE USES AND PURPOSES THEREIN SET FORTH.



JENNIFER FRITZ

MY COMMISSION EXPIRES 03/30/2022

MY COMMISSION NUMBER 16030308

CERTIFICATE OF THE OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

THE TULSA OFFICE OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY HAS APPROVED THIS PLAT FOR THE USE OF PUBLIC WATER SYSTEMS AND INDIVIDUAL ON-SITE SEWER SYSTEMS ON THE _____ DAY OF _____, 2020.

MICHAEL CHAD KELLER

SR ENVIRONMENTAL PROGRAM SPECIALIST IV

DEPARTMENT OF ENVIRONMENTAL QUALITY



Tulsa Metropolitan Area
Planning Commission

Case: River West Phase III-IV – Authorization for
Accelerated Release of Building Permits

Hearing Date: October 7, 2020

Case Report Prepared by:

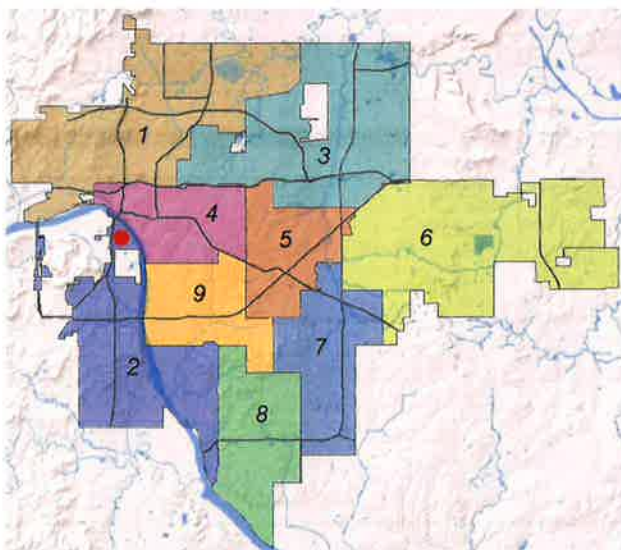
Nathan Foster

Owner and Applicant Information:

Applicant: Wallace Engineering

Owner: City of Tulsa, Housing Authority of the City of
Tulsa

Location Map:
(shown with City Council Districts)



Applicant Proposal:

Request for authorization to receive accelerated
release of building permits

2 lots, 1 block, 2 phases, 10.9 ± acres

Location: Northwest corner of West 23rd Street South
and South Jackson Avenue

Zoning: MX1-U-55

Staff Recommendation:

Staff recommends **approval** of the authorization to
receive an accelerated release of a building permit

City Council District: 2

Councilor Name: Jeannie Cue

County Commission District: 2

Commissioner Name: Karen Keith

ACCELERATED RELEASE OF BUILDING PERMIT

River West Phase III-IV - (CD 2)

Northwest corner of West 23rd Street South and South Jackson Avenue

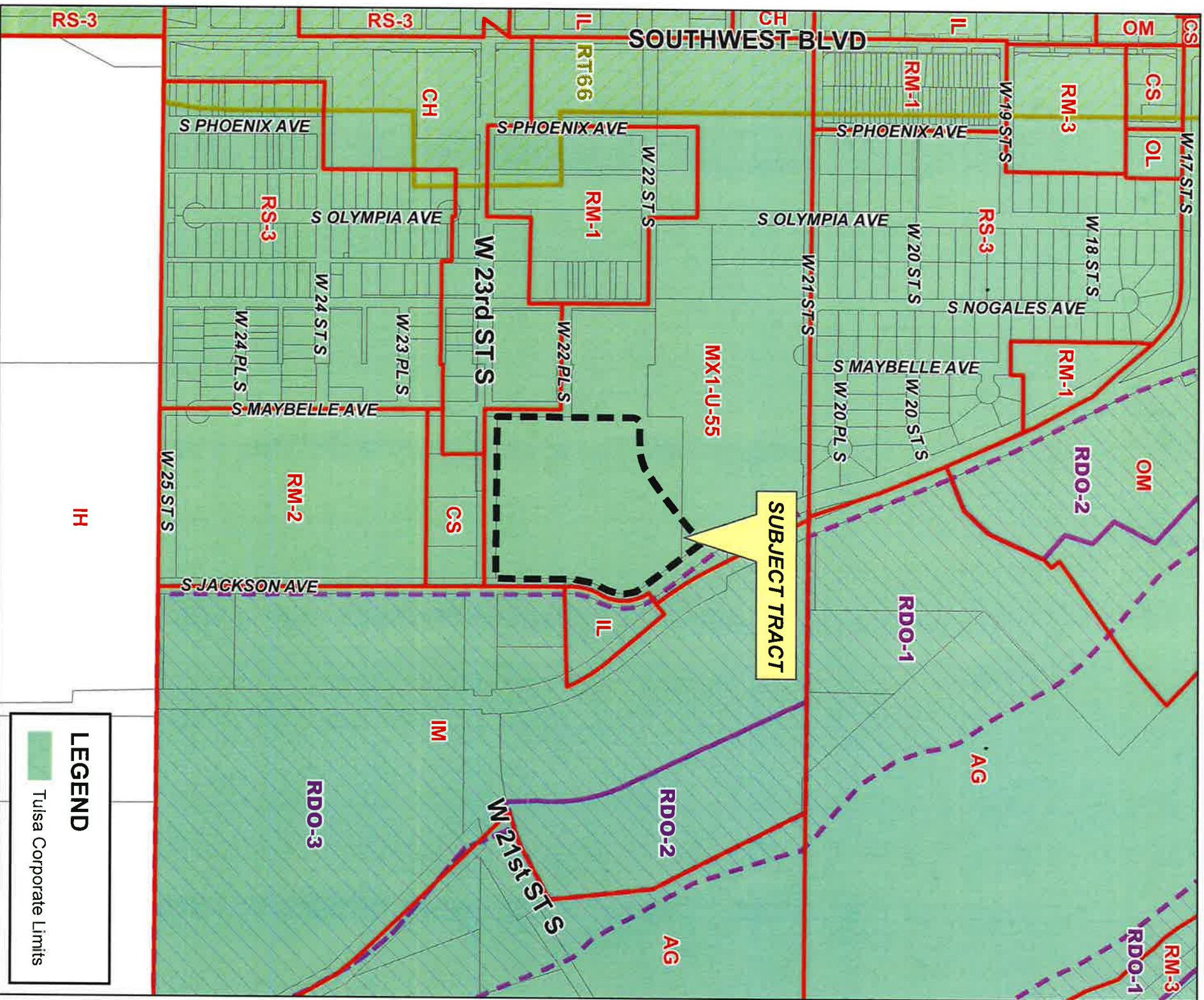
The applicant has requested that the Planning Commission authorize the City of Tulsa to issue building permits prior to the filing of a final plat. The *Subdivision & Development Regulations* require the approval of a preliminary plat prior to authorization for an accelerated release of building permits. The preliminary plat was approved by the Tulsa Metropolitan Area Planning Commission on September 2, 2020.

This project is being managed by the Tulsa Housing Authority in partnership with the City of Tulsa and the U.S. Department of Housing and Urban Development along with other private partners. The site was awarded a federal CHOICE neighborhood grant through HUD that seeks to revitalize areas through the creation of affordable, walkable, and safe neighborhoods. The required infrastructure will be funded by the City of Tulsa and the implementation projects will be managed by Engineering Services. Any additional infrastructure not funded by the City of Tulsa will be required to obtain IDP approval.

As part of the platting process there will be relocation of existing utilities and expansions of new infrastructure as well as a need to close and vacate several underlying easements and existing rights-of-way. The associated grant with this project requires construction to begin on a specific timeline where delays could create issues. The applicant has requested deferring the requirement for the plat to be filed to the certificate of occupancy in order to prevent delays on building permits. The Technical Advisory Committee met on Thursday, September 17, 2020 and no objections were raised to the authorization of an accelerated release of building permits.

If approved, this authorization only removes the requirement that the final plat be filed prior to building permits being issued. All other codes and requirements of the City of Tulsa remain in place.

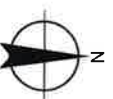
Staff recommends **approval** of the accelerated release of a building permit



RIVER WEST PHASES III & IV

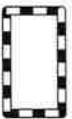
19-12 14

7.3





0
250
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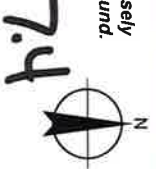
Subject
Tract

RIVER WEST PHASES III & IV

19-12 14

Note: Graphic overlays may not precisely
align with physical features on the ground.

Aerial Photo Date: February 2018



PRELIMINARY PLAT RIVER WEST PHASE 3

A RE-SUBDIVISION OF PART OF BLOCK I AND BLOCK III OF THE RIVERVIEW PARK ADDITION IN THE NORTH HALF (N/2) OF SECTION FOURTEEN (14), TOWNSHIP NINETEEN (19) NORTH, RANGE TWELVE (12) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA.

KNOW ALL MEN BY THESE PRESENTS THAT THE HOUSING AUTHORITY OF THE CITY OF TULSA A PUBLIC BODY CORPORATE AND POLITICAL ORGANIZATION AND EXISTING UNDER THE LAWS OF THE STATE OF OKLAHOMA (THA), IS THE OWNER OF THE FOLLOWING DESCRIBED REAL ESTATE SITUATED IN THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, TO WIT:

A PART OF BLOCKS I AND II OF RIVER VIEW PARK ADDITION, A REPLAT OF BLOCK 1 AND A PLAT OF BLOCKS 2, 13, CITY OF TULSA, BEING A SUBDIVISION OF PART OF THE NORTHEAST QUARTER (NE1/4) OF SECTION FOURTEEN (14), TOWNSHIP NINETEEN (19) NORTH, RANGE TWELVE (12) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDINGS TO THE U S GOVERNMENT SURVEY THEREOF, RECORDED AS PLAT NUMBER 3128.

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF RIVER WEST PHASE I, A RE-SUBDIVISION OF PART OF BLOCK I AND BLOCK II OF RIVERVIEW PARK ADDITION IN THE NORTH HALF (N/2) OF SECTION FOURTEEN (14), TOWNSHIP NINETEEN (19) NORTH, RANGE TWELVE (12) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U S GOVERNMENT SURVEY THEREOF AND RECORDED AS PLAT NO. 6619 IN THE OFFICE OF THE TULSA COUNTY CLERK, THENCE S 22° 11' 39" E, ALONG THE EAST LINE OF SAID RIVER WEST PHASE I, A DISTANCE OF 212.29 FEET, THENCE S 24° 02' 20" E, CONTINUING ALONG THE EAST LINE OF SAID RIVER WEST PHASE I, A DISTANCE OF 193.97 FEET, THENCE S 38° 34' 14" E, CONTINUING ALONG THE EAST LINE OF SAID RIVER WEST PHASE I, A DISTANCE OF 79.98 FEET, TO THE POINT OF BEGINNING, THENCE CONTINUING S 38° 34' 14" E, AND ALONG THE EAST LINE OF BLOCK I OF RIVER VIEW PARK ADDITION, A REPLAT OF BLOCK 1 AND A PLAT OF BLOCKS 2, 13, CITY OF TULSA, BEING A SUBDIVISION OF PART OF THE NORTHEAST QUARTER (NE1/4) OF SECTION FOURTEEN (14), TOWNSHIP NINETEEN (19) NORTH, RANGE TWELVE (12) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U S GOVERNMENT SURVEY THEREOF, RECORDED AS PLAT NUMBER 3128, A DISTANCE OF 58.44 FEET, TO THE NORTHEAST CORNER OF BLOCK I OF SAID RIVERVIEW PARK ADDITION, THENCE CONTINUING S 38° 34' 14" E, AND ALONG THE EAST LINE OF SAID BLOCK I, A DISTANCE OF 131.02 FEET, TO A POINT OF CURVATURE, THENCE ALONG A TANGENT CURVE TO THE RIGHT, CONTINUING ALONG THE EAST LINE OF SAID BLOCK I, HAVING A RADIUS OF 140.00 FEET, AN ARC LENGTH OF 161.98 FEET, A CENTRAL ANGLE OF 66° 17' 21", A CHORD BEARING OF S 08° 25' 33" E, AND A CHORD DISTANCE OF 133.09 FEET, TO A POINT OF REVERSE CURVATURE, THENCE ALONG A TANGENT CURVE TO THE LEFT, CONTINUING ALONG THE EAST LINE OF SAID BLOCK I, HAVING A RADIUS OF 344.71 FEET, AN ARC LENGTH OF 171.30 FEET, A CENTRAL ANGLE OF 26° 25' 21", A CHORD BEARING OF S 13° 32' 27" W, AND A CHORD DISTANCE OF 169.25 FEET, THENCE S 07° 47' 37" E, CONTINUING ALONG THE EAST LINE OF SAID BLOCK II, A DISTANCE OF 329.86 FEET, TO THE SOUTHEAST CORNER OF SAID BLOCK I, THENCE S 89° 07' 09" W, ALONG THE SOUTH LINE OF SAID BLOCK I, A DISTANCE OF 117.87 FEET, TO A POINT OF BEGINNING, PARALLEL WITH AND 330.00 FEET WEST OF LAST SAID EAST LINE, A DISTANCE OF 708.20 FEET, TO A POINT ON THE SOUTH RIGHT OF WAY OF WEST 22ND STREET ACCORDING TO SAID PLAT OF RIVER WEST PHASE I, THENCE ALONG AN ARBITRARY CURVE TO THE LEFT, ALONG SAID SOUTH RIGHT OF WAY LINE, HAVING A RADIUS OF 5000.00 FEET, AN ARC LENGTH OF 117.87 FEET, A CENTRAL ANGLE OF 01° 17' 02", A CHORD BEARING OF N 81° 16' 10" E, AND A CHORD DISTANCE OF 117.87 FEET, TO A POINT ON THE NORTH LINE OF SAID BLOCK II, THENCE CONTINUING ALONG LAST SAID CURVE TO THE LEFT, ALONG SAID SOUTH RIGHT OF WAY LINE, HAVING A RADIUS OF 5000.00 FEET, AN ARC LENGTH OF 118.45 FEET, A CENTRAL ANGLE OF 01° 21' 29", A CHORD BEARING OF N 46° 35' 58" E, AND A CHORD DISTANCE OF 118.45 FEET, TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINING 6.08 ACRES ± 264.875 30 SQUARE FEET

THE OWNER HAVE CAUSED THE SUBJECT PROPERTY TO BE SURVEYED, STAKED, PLATTED AND SUBDIVIDED INTO TWO LOTS IN ONE BLOCK, AND 3 RESERVES IN CONFORMITY WITH THE ACCOMPANYING PLAT AND HAVE DESIGNATED THE SUBDIVISION AS RIVER WEST PHASE III, HERINAFTER REFERRED TO AS THE "SUBDIVISION", A SUBDIVISION IN THE CITY OF TULSA, STATE OF OKLAHOMA.

SECTION I. PUBLIC STREETS, EASEMENTS AND UTILITIES

A. PUBLIC STREETS AND UTILITY EASEMENTS

THE OWNERS HEREBY DEDICATE TO THE PUBLIC, THOSE PORTIONS OF STREET RIGHTS - OF-WAY, HAVE TWO 23RD STREET, AS DEPICTED ON THE ACCOMPANYING PLAT AND FURTHER DEDICATES TO THE PUBLIC THE UTILITY EASEMENTS AS DEPICTED ON THE ACCOMPANYING PLAT AS "U/E" OR "UTILITY EASEMENT" FOR THE SEVERAL PURPOSES OF CONSTRUCTING, MAINTAINING, OPERATING, REPAIRING, REPLACING, AND/OR REMOVING ANY AND ALL PUBLIC UTILITIES, INCLUDING STORM SEWERS, SANITARY SEWERS, TELEPHONE AND COMMUNICATION LINES, ELECTRIC POWER LINES AND TRANSFORMERS, GAS LINES, WATER LINES AND CABLE TELEVISION LINES, TOGETHER WITH ALL FITTINGS, INCLUDING THE PIPES, WIRING, CONDUTTS, PRES, VALVES, METERS, MANHOLES AND EQUIPMENT FOR EACH OF SUCH FACILITIES, AND ANY OTHER APPURTENANCES THERETO, WITH THE RIGHT OF INGRESS AND EGRESS TO AND UPON THE UTILITY EASEMENTS FOR THE USES AND PURPOSES STATED, PROVIDED EACH OF THE OWNERS RESERVES THE RIGHT TO CONSTRUCT, MAINTAIN, OPERATE, LAY AND REPAIR OR REPLACE WATER LINES AND SEWER LINES, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS FOR SUCH CONSTRUCTION, MAINTENANCE, OPERATION, REPAIRING AND/OR REPLACING, LAYING OVER, ACROSS AND ALONGS ALL OF THE UTILITY EASEMENTS DEPICTED ON THE PLAT, WITHIN THE PROPERTY OWNED BY THE PARTICULAR OWNER, OR FOR THE PURPOSES OF FURNISHING WATER AND/OR SEWER SERVICES TO AREAS DEPICTED ON THE PLAT. THE OWNER HERIN POSSESS A RESTRICTIVE COVENANT, WHICH COVENANT SHALL BIND EACH LOT OWNER AND SHALL BE ENFORCEABLE BY THE CITY OF TULSA, OKLAHOMA, AND BY THE SUPPLIER OF ANY AFFECTED UTILITY SERVICE, THAT WITHIN THE UTILITY EASEMENTS DEPICTED ON THE ACCOMPANYING PLAT, NO BUILDING, STRUCTURE OR OTHER OBSTACLE OR BELOW GROUND OBSTRUCTION THAT INTERFERES WITH STATED USES AND PURPOSES OF THE UTILITY EASEMENTS SHALL BE PLACED, ERECTED, INSTALLED OR MAINTAINED, PROVIDED NOTHING HEREIN SHALL BE DEEMED TO PROHIBIT DRIVERS, PARKING AREAS, CURBS, LANDSCAPING AND CUSTOMARY SCREENING FENCES THAT DO NOT CONSTITUTE AN OBSTRUCTION.

B. UTILITY SERVICE

1. OVERHEAD LINES FOR THE SUPPLY OF ELECTRIC, TELEPHONE AND CABLE TELEVISION SERVICES MAY BE LOCATED ALONG THE WEST SIDE OF SOUTH JACKSON AVENUE, BOUNDARY AND NORTH SIDE OF EAST 23RD STREET, AND ALONG THE EAST SIDE OF THE NECESSARY IF LOCATED IN AN EASEMENT AS DEPICTED ON THE ACCOMPANYING PLAT. STREET LIGHT POLES OR STANDARDS SHALL BE SERVED BY UNDERGROUND CABLES AND WIREMEN THROUGHOUT THE SUBDIVISION. ALL SUPPLY LINES INCLUDING ELECTRIC, TELEPHONE, CABLE TELEVISION AND GAS LINES SHALL BE LOCATED UNDERGROUND IN EASEMENTS DEDICATED FOR GENERAL UTILITY SERVICES AND IN THE RIGHTS-OF-WAY OF THE PUBLIC STREETS AS DEPICTED ON THE ACCOMPANYING PLAT. SERVICE PEDESTALS

AND TRANSFORMERS, AS SOURCES OF SUPPLY AT SECONDARY VOLTAGES, MAY ALSO BE LOCATED IN GENERAL UTILITY EASEMENTS.

2. UNDERGROUND SERVICE CABLES AND GAS SERVICE LINES TO ALL STRUCTURES WITHIN THE SUBDIVISION MAY BE EXTENDED FROM THE NEAREST GAS MAIN, SERVICE PEDESTAL OR TRANSFORMER TO THE POINT OF USAGE DETERMINED BY THE LOCATION AND CONSTRUCTION OF SUCH STRUCTURE, UPON THE LOT, PROVIDED THAT, UPON THE INSTALLATION OF A SERVICE CABLE OR GAS SERVICE LINE TO A PARTICULAR STRUCTURE, THE SUPPLIER OF SERVICE CABLE OR GAS SERVICE LINE SHALL BE DEEMED TO HAVE A DEFINITIVE, PERMANENT, EFFECTIVE AND NON-EXCLUSIVE EASEMENT ON THE LOT, COVERING A 5 FOOT STRIP EXTENDING 2.5 FEET ON EACH SIDE OF THE SERVICE CABLE OR LINE EXTENDING FROM THE GAS MAIN, SERVICE PEDESTAL OR TRANSFORMER TO THE SERVICE ENTRANCE ON THE STRUCTURE.

3. THE SUPPLIER OF ELECTRIC, TELEPHONE, CABLE TELEVISION AND GAS SERVICE, THROUGH ITS AGENTS AND EMPLOYEES, SHALL AT ALL TIMES HAVE THE RIGHT OF ACCESS TO ALL UTILITY EASEMENTS SHOWN ON THE PLAT OR OTHERWISE PROVIDED FOR IN THIS DEED OF DEDICATION FOR THE PURPOSE OF INSTALLING, MAINTAINING, REMOVING OR REPLACING ANY PORTION OF THE UNDERGROUND ELECTRIC, TELEPHONE, CABLE TELEVISION OR GAS FACILITIES INSTALLED BY THE SUPPLIER OF THE UTILITY SERVICE.

4. THE OWNER OF ANY LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE UNDERGROUND SERVICE FACILITIES LOCATED ON THE OWNER'S LOT AND SHALL PREVENT THE ALTERATION OF GRADE OR ANY CONSTRUCTION ACTIVITY WHICH WOULD INTERFERE WITH THE ELECTRIC, TELEPHONE, CABLE TELEVISION OR GAS FACILITIES. THE SUPPLIER OF SUCH SERVICES SHALL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF UNDERGROUND FACILITIES, BUT THE LOT OWNER SHALL BE RESPONSIBLE FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE LOT OWNER OR THE LOT OWNER'S AGENTS OR CONTRACTORS.

5. THE COVENANTS SET FORTH IN THIS SUBSECTION SHALL BE ENFORCEABLE BY EACH SUPPLIER OF THE ELECTRIC, TELEPHONE, CABLE TELEVISION OR GAS SERVICE AND THE OWNER OF ANY LOT AGREES TO BE BOUND BY THESE COVENANTS.

C. WATER, SANITARY SEWER, AND STORM SEWER SERVICE

1. THE OWNER OF ANY LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE PUBLIC WATER MAINS, SANITARY SEWER MAINS, AND STORM SEWERS LOCATED ON THE OWNER'S LOT.

2. WITHIN UTILITY EASEMENTS DEPICTED ON THE ACCOMPANYING PLAT, THE ALTERATION OF GRADE FROM THE CONTIGUOUS EXISTING UPON THE COMPLETION OF THE INSTALLATION OF A PUBLIC WATER MAIN, SANITARY SEWER MAIN, OR STORM SEWER OR ANY CONSTRUCTION ACTIVITY WHICH, IN THE JUDGMENT OF THE CITY OF TULSA, WOULD INTERFERE WITH PUBLIC WATER MAINS, SANITARY SEWER MAINS, AND STORM SEWERS SHALL BE PROHIBITED.

3. THE CITY OF TULSA, OKLAHOMA, OR ITS SUCCESSORS, SHALL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF PUBLIC WATER SYSTEMS, SANITARY SEWER MAINS, AND STORM SEWERS BUT THE LOT OWNER SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE LOT OWNER OR THE LOT OWNER'S AGENTS AND/OR CONTRACTORS.

4. THE CITY OF TULSA, OKLAHOMA, OR ITS SUCCESSORS, SHALL AT ALL TIMES HAVE RIGHT OF ACCESS TO ALL UTILITY EASEMENTS DEPICTED ON THE ACCOMPANYING PLAT, OR OTHERWISE PROVIDED FOR IN THIS DEED OF DEDICATION FOR THE PURPOSE OF INSTALLING, MAINTAINING, REMOVING OR REPLACING ANY PORTION OF UNDERGROUND WATER, SANITARY SEWER, OR STORM SEWER FACILITIES.

5. THE COVENANTS SET FORTH IN THIS SUBSECTION SHALL BE ENFORCEABLE BY THE CITY OF TULSA, OKLAHOMA, OR ITS SUCCESSORS, AND THE OWNER OF THE LOT AGREES TO BE BOUND BY THESE COVENANTS.

D. GAS SERVICE

1. THE SUPPLIER OF GAS SERVICE THROUGH ITS AGENTS AND EMPLOYEES SHALL AT ALL TIMES HAVE THE RIGHT OF ACCESS TO ALL UTILITY EASEMENTS SHOWN ON THE PLAT OR OTHERWISE PROVIDED FOR IN THIS DEED OF DEDICATION FOR THE PURPOSE OF INSTALLING, MAINTAINING, REMOVING OR REPLACING ANY PORTION OF THE FACILITIES INSTALLED BY THE SUPPLIER OF GAS SERVICE.

2. THE OWNER OF ANY LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE UNDERGROUND GAS FACILITIES LOCATED WITHIN THE LOT AND SHALL PREVENT THE ALTERATION OF GRADE OR ANY OTHER CONSTRUCTION ACTIVITY WHICH WOULD INTERFERE WITH GAS SERVICE. THE SUPPLIER OF GAS SERVICE SHALL BE RESPONSIBLE FOR THE ORDINARY MAINTENANCE OF ITS FACILITIES, BUT THE LOT OWNER SHALL BE RESPONSIBLE FOR DAMAGE OR RELOCATION OF FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE LOT OWNER, OR THE LOT OWNERS AGENTS OR CONTRACTORS.

3. THE COVENANTS SET FORTH IN THIS SUBSECTION SHALL BE ENFORCEABLE BY THE SUPPLIER OF THE GAS SERVICE AND THE OWNER OF THE LOT AGREES TO BE BOUND BY THESE COVENANTS.

E. SURFACE DRAINAGE

EACH LOT SHALL RECEIVE AND DRAIN IN AN UNOBSTRUCTED MANNER, THE STORM AND SURFACE WATERS FROM LOTS AND DRAINAGE AREAS OF HIGHER ELEVATION, NO LOT OWNER SHALL CONSTRUCT OR PERMIT TO BE CONSTRUCTED ANY FENCING OR OTHER OBSTRUCTIONS WHICH WOULD IMPAIR THE DRAINAGE OF STORM AND SURFACE WATERS OVER AND ACROSS THE LOT. THE FOREGOING COVENANTS SET FORTH IN THIS SUBSECTION SHALL BE ENFORCEABLE BY ANY AFFECTED LOT OWNER AND BY CITY OF TULSA, OKLAHOMA.

F. SIDEWALKS

SIDEWALKS SHALL BE CONSTRUCTED AND MAINTAINED BY THE OWNERS ALONG STREETS DESIGNATED BY THE CITY OF TULSA, OKLAHOMA. THE PROVISIONS OF ANY ORDINANCE, JUDGMENT OR DECREE OF ANY COURT, OR OTHERWISE, SHALL NOT INVALIDATE OR AFFECT ANY OF THE OTHER RESTRICTIONS OF ANY PART HEREOF AS SET FORTH HEREIN, WHICH SHALL REMAIN IN FULL FORCE AND EFFECT.

OKLAHOMA, SIDEWALKS SHALL BE CONSTRUCTED PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR ANY BUILDING WITHIN THE SUBDIVISION.

G. PAVING AND LANDSCAPING WITHIN EASEMENTS

THE OWNER OF THE PROPERTY AFFECTED SHALL BE RESPONSIBLE FOR THE REPAIR OF DAMAGE TO LANDSCAPING AND PAVING OCCASIONED BY INSTALLATION OR NECESSARY MAINTENANCE OF UNDERGROUND WATER, SANITARY SEWER, STORM SEWER SYSTEMS AND INFRASTRUCTURE (STREETS, WATER, SANITARY SEWER, STORM SEWER SYSTEMS AND SIDEWALKS) SERVING THE ENTIRE SUBDIVISION HAS BEEN COMPLETED AND ACCEPTED BY THE CITY, NOTWITHSTANDING THE FOREGOING, THE CITY MAY AUTHORIZE THE ISSUANCE OF A TEMPORARY CERTIFICATE OF OCCUPANCY IF, IN THE CITY'S SOLE DISCRETION, THE CIRCUMSTANCES SUPPORT THE ISSUANCE. FURTHER NOTWITHSTANDING THE FOREGOING, THE CITY MAY AUTHORIZE THE PHASING OF THE CONSTRUCTION OF INFRASTRUCTURE WITHIN THE SUBDIVISION AND IF PHASING IS AUTHORIZED, A CERTIFICATE OF OCCUPANCY FOR A BUILDING WITHIN AN AUTHORIZED PHASE MAY ISSUE UPON THE COMPLETION AND ACCEPTANCE OF THE INFRASTRUCTURE SERVING THE PARTICULAR PHASE. BUILDING CONSTRUCTION OCCURRING PRIOR TO THE CITY'S ACCEPTANCE OF THE INFRASTRUCTURE SHALL BE AT THE RISK OF THE OWNER OF THE BUILDING, NOTWITHSTANDING THE ISSUANCE OF A BUILDING PERMIT OR OF A TEMPORARY CERTIFICATE OF OCCUPANCY.

H. CERTIFICATE OF OCCUPANCY

NO CERTIFICATE OF OCCUPANCY FOR A BUILDING WITHIN THE SUBDIVISION SHALL BE ISSUED BY THE CITY OF TULSA, OKLAHOMA, UNTIL CONSTRUCTION OF THE REQUIRED INFRASTRUCTURE (STREETS, WATER, SANITARY SEWER, STORM SEWER SYSTEMS AND SIDEWALKS) SERVING THE ENTIRE SUBDIVISION HAS BEEN COMPLETED AND ACCEPTED BY THE CITY, NOTWITHSTANDING THE FOREGOING, THE CITY MAY AUTHORIZE THE ISSUANCE OF A TEMPORARY CERTIFICATE OF OCCUPANCY IF, IN THE CITY'S SOLE DISCRETION, THE CIRCUMSTANCES SUPPORT THE ISSUANCE. FURTHER NOTWITHSTANDING THE FOREGOING, THE CITY MAY AUTHORIZE THE PHASING OF THE CONSTRUCTION OF INFRASTRUCTURE WITHIN THE SUBDIVISION AND IF PHASING IS AUTHORIZED, A CERTIFICATE OF OCCUPANCY FOR A BUILDING WITHIN AN AUTHORIZED PHASE MAY ISSUE UPON THE COMPLETION AND ACCEPTANCE OF THE INFRASTRUCTURE SERVING THE PARTICULAR PHASE. BUILDING CONSTRUCTION OCCURRING PRIOR TO THE CITY'S ACCEPTANCE OF THE INFRASTRUCTURE SHALL BE AT THE RISK OF THE OWNER OF THE BUILDING, NOTWITHSTANDING THE ISSUANCE OF A BUILDING PERMIT OR OF A TEMPORARY CERTIFICATE OF OCCUPANCY.

I. MUTUAL ACCESS EASEMENT

MUTUAL ACCESS EASEMENTS, DEPICTED AS "M/AE" OR "MUTUAL ACCESS EASEMENT" ON THE ACCOMPANYING PLAT, ARE HEREBY ESTABLISHED FOR THE PURPOSES OF PERMITTING VEHICULAR AND PEDESTRIAN ACCESS TO AND FROM ALL STREETS AND AREAS ADJACENT TO THE SUBDIVISION. SUCH EASEMENTS SHALL BE FOR THE MUTUAL BENEFIT OF THE LOT OWNERS AND BENEFIT OF EACH AFFECTED LOT OWNER, THEIR GUESTS AND INVITEES, AND SHALL BE SUBJECT TO EACH AFFECTED LOT OWNER, PROVIDED GOVERNMENTAL AGENCIES AND THE SUPPLIERS OF UTILITY SERVICES SHALL HAVE THE REASONABLE USE OF SUCH EASEMENTS INCIDENTAL TO THE PROVISION OF SERVICES TO THE LOTS WITHIN THE SUBDIVISION.

J. RESERVE AREAS "A" - OPEN SPACE AND PEDESTRIAN WALKWAY

THE USE OF RESERVE AREAS "A" SHALL BE LIMITED TO OPEN SPACE, RECREATION, LANDSCAPING, PEDESTRIAN WALKWAYS, AND WALLS.

K. RESERVE AREAS "B, & C" - OPEN SPACE

THE USE OF RESERVE AREAS "B, & C" SHALL BE LIMITED TO OPEN SPACE AND BIODETENTION RAIN GARDENS.

SECTION E - ENFORCEMENT, DURATION, AMENDMENT AND SEVERABILITY

A. ENFORCEMENT

THE RESTRICTIONS HEREIN SET FORTH ARE COVENANTS TO RUN WITH THE LAND AND SHALL BE BINDING UPON THE OWNERS, THEIR RESPECTIVE GRANTEES, SUCCESSORS AND ASSIGNS WITHIN THE PROVISIONS OF SECTION I. PUBLIC STREETS, EASEMENTS AND UTILITIES ARE SET FORTH CERTAIN COVENANTS AND THE ENFORCEMENT RIGHTS PERTAINING THERETO AND WHETHER OR NOT THEREIN SO STATED THE COVENANTS WITHIN SECTION I SHALL INURE TO THE BENEFIT OF AND BE ENFORCEABLE BY THE CITY OF TULSA, OKLAHOMA, IF EITHER OF THE UNDERSIGNED OWNERS, OR ANY OF THEIR RESPECTIVE GRANTEES, SUCCESSORS OR ASSIGNS, SHALL VIOLATE ANY OF THE COVENANTS WITHIN SECTION I. THE SUPPLIER OF UTILITY SERVICE OR CITY OF TULSA, OKLAHOMA MAY BRING AN ACTION AT LAW OR IN EQUITY AGAINST THE PERSON OR PERSONS VIOLATING OR ATTEMPTING TO VIOLATE ANY SUCH COVENANT, TO PREVENT HIM OR THEM FROM SO DOING OR TO COMPEL COMPLIANCE WITH THE COVENANT OR TO RECOVER DAMAGES IN ANY JUDICIAL ACTION BROUGHT TO ENFORCE THE COVENANTS ESTABLISHED WITHIN THIS DEED OF DEDICATION. THE DEFENSE THAT THE PARTY INITIATING THE EQUITABLE PROCEEDING HAS AN ADEQUATE REMEDY AT LAW IS HEREBY WAIVED.

B. DURATION

THESE RESTRICTIONS, TO THE EXTENT PERMITTED BY APPLICABLE LAW, SHALL BE PERPETUAL, BUT IN ANY EVENT SHALL BE IN FORCE AND EFFECT FOR A TERM OF NOT LESS THAN THIRTY (30) YEARS FROM THE DATE OF THE RECORDING OF THIS DEED OF DEDICATION UNLESS TERMINATED OR AMENDED AS HERINAFTER PROVIDED.

C. AMENDMENT

THE COVENANTS CONTAINED WITHIN SECTION I, PUBLIC STREETS, EASEMENTS AND UTILITIES, MAY BE AMENDED OR TERMINATED AT ANY TIME BY WRITTEN INSTRUMENT SIGNED AND ACKNOWLEDGED BY THE OWNER OF THE LAND TO WHICH THE AMENDMENT OR TERMINATION IS TO BE APPLIED, AND APPROVED BY THE TULSA METROPOLITAN AREA PLANNING COMMISSION, OR ITS SUCCESSORS AND CITY OF TULSA, OKLAHOMA. THE PROVISIONS OF ANY INSTRUMENT AMENDING OR TERMINATING THE RESTRICTIONS OR COVENANTS SHALL BE EFFECTIVE UPON AND AFTER THE INSTRUMENT IS RECORDED IN THE OFFICE OF THE TULSA COUNTY CLERK.

D. SEVERABILITY

IF ANY PROVISION OF ANY RESTRICTION SET FORTH HEREIN, OR ANY PART THEREOF, BY AN ORDER, JUDGMENT, OR DECREE OF ANY COURT, OR OTHERWISE, SHALL NOT INVALIDATE OR AFFECT ANY OF THE OTHER RESTRICTIONS OF ANY PART HEREOF AS SET FORTH HEREIN, WHICH SHALL REMAIN IN FULL FORCE AND EFFECT.

IN WITNESS WHEREOF, THE HOUSING AUTHORITY OF THE CITY OF TULSA HAS EXECUTED THIS INSTRUMENT THIS _____ DAY OF _____, 2020.

HOUSING AUTHORITY OF THE CITY OF TULSA

BY
AARON DARDEN, PRESIDENT/CEO

STATE OF OKLAHOMA)
COUNTY OF TULSA) SS

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS _____ DAY OF _____, 2020, BY AARON DARDEN, AS PRESIDENT/CEO OF THE HOUSING AUTHORITY OF THE CITY OF TULSA.

CERTIFICATE OF SURVEY

I, _____, OF _____, A LICENSED LAND SURVEYOR REGISTERED IN THE STATE OF OKLAHOMA, HEREBY CERTIFY THAT I HAVE CAREFULLY AND ACCURATELY SURVEYED, SUBDIVIDED, AND PLATTED THE TRACT OF LAND DESCRIBED ABOVE, AND THAT THE ACCOMPANYING PLAT DESIGNATED HEREIN AS STONE CREEK HOLLOW, A SUBDIVISION IN THE CITY OF BROKEN ARROW, WAGONER COUNTY, STATE OF OKLAHOMA, IS A REPRESENTATION OF THE SURVEY MADE ON THE GROUND USING GENERALLY ACCEPTED LAND SURVEYING PRACTICES AND MEETS OR EXCEEDS THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED.

WITNESS MY HAND AND SEAL THIS _____ DAY OF _____, 2020.

LICENSED PROFESSIONAL LAND SURVEYOR
OKLAHOMA # _____

ACKNOWLEDGMENT

STATE OF OKLAHOMA)
COUNTY OF TULSA) SS

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2020, BY _____.

NOTARY PUBLIC

MY COMMISSION NO. #00022022

MY COMMISSION EXPIRES: 12-11-2020



DATE: 7/14/2020
THE RIVER WEST PARK PHASE III
PRELIMINARY PLAT
SHEET 2 OF 2

75

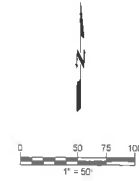
Legend

EW ELECTRIC WIRE
GW GAS WIRE
OV OVERHEAD CABLE
OE OVERHEAD ELECTRIC
OT OVERHEAD TELEPHONE
PP POWER POLE
RCP REINFORCED CONCRETE PIPE
UC UNDERGROUND CABLE
UR UNDERGROUND ELECTRIC
UL UNDERGROUND GAS
TRM TRANSFORMER
BLD BUILDING
SL SCREENING (SCREENING FENCE)
LW UTILITY GAS WIRE

PRELIMINARY PLAT

RIVER WEST PHASE IV

A RE-SUBDIVISION OF PART OF BLOCK 1 AND BLOCK III OF RIVERVIEW PARK ADDITION IN THE NORTH HALF (N/2) OF SECTION FOURTEEN (14), TOWNSHIP NINETEEN (19) NORTH, RANGE TWELVE (12) EAST OF THE INDIAN BASE MERIDIAN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA



OWNER

TULSA HOUSING AUTHORITY
415 WEST INDEPENDENCE STREET
TULSA, OK 74102
ATTN: CITY CLERK, SUITE 206

ENGINEER

WALLACE ENGINEERING
STRUCTURAL CONSULTANTS, INC.
123 MARTIN LUTHER KING JR. BLVD
TULSA, OK 74103
(918) 584-5555
OKLAHOMA CA #1462
EXP. DATE 9/30/2020
scott@wallaceinc.com
scott@wallaceinc.com

SURVEYOR

ATLAS LAND OFFICE
222 SOUTH MAIN
WAGONER, OK 74467
918-452-3067
RPLS 1580, CA #8060
EXPIRES 9/30/2020
aj@atlaslandoffice.com

SUBDIVISION STATISTICS

SUBDIVISION CONTAINS TWO (2) LOTS IN ONE (1) BLOCK AND ONE (1) RESERVE. BLOCK (1) CONTAINS 205,799 SQUARE FEET OR 4.72 ACRES.

MONUMENTATION

3/4" IRON PINS FOUND AT ALL PROPERTY CORNERS UNLESS OTHERWISE NOTED.

BASE OF BEARINGS

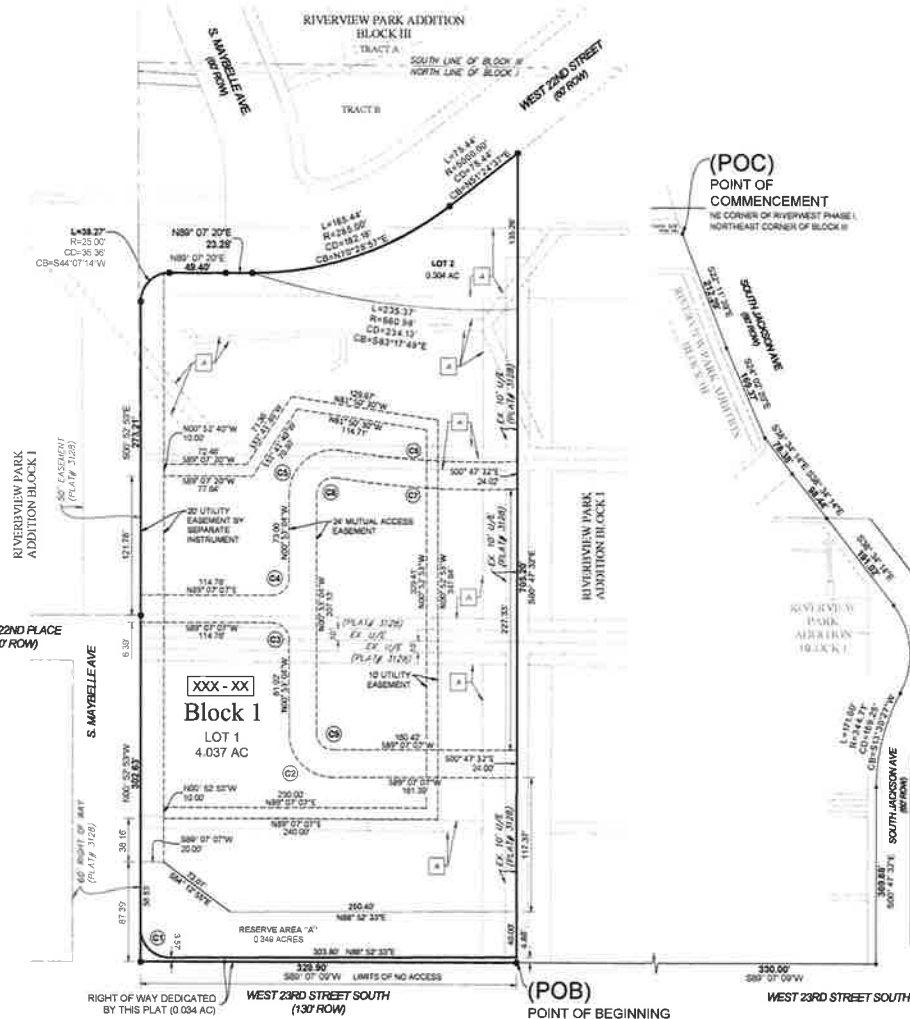
HORIZONTAL DATUM BASED UPON NAD 83 (1983) OKLAHOMA STATE PLANE COORDINATE SYSTEM NORTH ZONE 1501. VERTICAL DATUM BASED UPON NAVD 88. USING THE BEARINGS BASED ON THE EAST LINE OF RIVER WEST PHASE I AS BEING S 22° 11' 38" E.

ADDRESS NOTE

ADDRESSES SHOWN ON THIS PLAT WERE ACCURATE AT THE TIME THIS PLAT WAS ADDED. ADDRESSES ARE SUBJECT TO CHANGE AND SHOULD NEVER BE RELIED ON IN PLACE OF LEGAL DESCRIPTION.

SITE NOTE:

(A) PUBLIC RIGHT OF WAY OR EXISTING EASEMENTS TO BE RELEASED OR VACATED.



FINAL PLAT ENDORSEMENT OF APPROVAL	
TULSA METROPOLITAN AREA PLANNING COMMISSION	APPROVAL DATE _____
TMAPC / INOGG	
CITY ENGINEER	
COUNCIL OF THE CITY OF TULSA OKLAHOMA	APPROVAL DATE _____
CITY MANAGER	
MAYOR	
ATTORNEY CITY CLERK	
CITY ATTORNEY	
THE APPROVAL OF THIS FINAL PLAT WILL EXPIRE ONE YEAR FROM THE DATE OF CITY COUNCIL APPROVAL, IF NOT FILED IN THE OFFICE OF THE COUNTY CLERK BEFORE THAT DATE.	

CURVE #	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD DISTANCE
C1	36.26	25.88	88°14'24"	N45°31'19"W	28.42
C2	53.86	38.87	88°38'34"	N45°32'16"W	33.74
C3	25.98	19.82	88°38'34"	N45°32'16"W	21.27
C4	25.98	19.82	88°38'34"	N45°32'16"W	21.28
C5	87.47	38.87	88°38'34"	N45°32'16"W	69.53
C6	159.21	163.22	81°11'30"	N47°38'22"E	183.89
C7	136.87	87.22	81°11'30"	S47°38'22"E	166.72
C8	35.85	19.82	88°38'34"	S45°32'16"W	28.82
C9	25.98	19.82	88°38'34"	S45°32'16"W	21.27

DATE 7/15/2020
RIVERVIEW PHASE IV
PRELIMINARY PLAT
SHEET 1 OF 2

PRELIMINARY PLAT
RIVER WEST PHASE IV

A RE-SUBDIVISION OF PART OF BLOCK 1 AND BLOCK III OF
RIVERVIEW PARK ADDITION IN THE NORTH HALF (N/2) OF SECTION FOURTEEN (14), TOWNSHIP
NINETEEN (19) NORTH, RANGE TWELVE (12) EAST OF THE INDIAN BASE MERIDIAN, CITY OF TULSA,
TULSA COUNTY, STATE OF OKLAHOMA

KNOW ALL MEN BY THESE PRESENTS
THAT THE HOUSING AUTHORITY OF THE CITY OF TULSA A PUBLIC BODY CORPORATE AND POLITIC
ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF OKLAHOMA (THAT) IS THE OWNER
OF THE FOLLOWING DESCRIBED REAL ESTATE SITUATED IN THE CITY OF TULSA, TULSA COUNTY,
STATE OF OKLAHOMA, TO-WIT:

A PART OF BLOCK I OF RIVERVIEW PARK ADDITION, A REPLAT OF BLOCK I AND A PLAT OF BLOCKS
2-13, CITY OF TULSA, BEING A SUBDIVISION OF PART OF THE NORTHEAST QUARTER (NE/4) OF
SECTION FOURTEEN (14), TOWNSHIP NINETEEN (19) NORTH, RANGE TWELVE (12) EAST OF THE
INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S.
GOVERNMENT SURVEY THEREOF, RECORDED AS PLAT NUMBER 3128

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF RIVER WEST PHASE I, A RE-SUBDIVISION OF PART
OF BLOCK I AND BLOCK II OF RIVERVIEW PARK ADDITION IN THE NORTH HALF (N/2) OF SECTION
FOURTEEN (14), TOWNSHIP NINETEEN (19) NORTH, RANGE TWELVE (12) EAST OF THE INDIAN BASE
AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT
SURVEY THEREOF AND RECORDED AS PLAT NO. 8913 IN THE OFFICE OF THE TULSA COUNTY
CLERK, THENCE S 22° 11' 38" E, ALONG THE EAST LINE OF SAID RIVER WEST PHASE I, A DISTANCE
OF 212.23 FEET, THENCE S 24° 02' 20" E, CONTINUING ALONG THE EAST LINE OF SAID RIVER WEST
PHASE I, A DISTANCE OF 189.37 FEET, THENCE S 38° 34' 14" E, CONTINUING ALONG THE EAST LINE
OF SAID RIVER WEST PHASE I, A DISTANCE OF 78.38 FEET, THENCE CONTINUING S 38° 34' 14" E,
AND ALSO THE EAST LINE OF BLOCK II OF RIVERVIEW PARK ADDITION, A REPLAT OF BLOCK I
AND A PLAT OF BLOCKS 2-13, CITY OF TULSA BEING A SUBDIVISION OF PART OF THE NORTHEAST
QUARTER (NE/4) OF SECTION FOURTEEN (14), TOWNSHIP NINETEEN (19) NORTH, RANGE TWELVE
(12) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING
TO THE U.S. GOVERNMENT SURVEY THEREOF, RECORDED AS PLAT NUMBER 3128, A DISTANCE OF
88.44 FEET, TO THE NORTHEAST CORNER OF BLOCK I OF SAID RIVERVIEW PARK ADDITION, THENCE
CONTINUING S 38° 34' 14" E, AND ALONG THE EAST LINE OF SAID BLOCK I, A DISTANCE OF 191.02
FEET, TO A POINT OF CURVATURE, THENCE ALONG A TANGENT CURVE TO THE RIGHT, CONTINUING
ALONG THE EAST LINE OF SAID BLOCK I, HAVING A RADIUS OF 140.50 FEET, AN ARC LENGTH OF
18.98 FEET, A CENTRAL ANGLE OF 88° 17' 21", A CHORD BEARING OF S 82° 29' 37" E, AND A CHORD
DISTANCE OF 153.09 FEET, TO A POINT OF REVERSE CURVATURE, THENCE ALONG A TANGENT
CURVE TO THE LEFT, CONTINUING ALONG THE EAST LINE OF SAID BLOCK I, HAVING A RADIUS OF
344.71 FEET, AN ARC LENGTH OF 171.00 FEET, A CENTRAL ANGLE OF 88° 29' 21", A CHORD BEARING
OF S 19° 30' 29" W, AND A CHORD DISTANCE OF 189.25 FEET, THENCE S 80° 47' 32" E, CONTINUING
ALONG THE EAST LINE OF SAID BLOCK II, A DISTANCE OF 308.88 FEET, TO THE SOUTHEAST
CORNER OF SAID BLOCK I, THENCE S 88° 07' 09" W, ALONG THE SOUTH LINE OF SAID BLOCK I, A
DISTANCE OF 330.80 FEET, TO THE POINT OF BEGINNING, THENCE CONTINUING S 88° 07' 09" W,
CONTINUING ALONG THE SOUTH LINE OF SAID BLOCK I, A DISTANCE OF 338.90 FEET, TO THE
SOUTHWEST CORNER OF SAID BLOCK I, THENCE N 00° 52' 52" W, ALONG THE WEST LINE OF SAID
BLOCK I, A DISTANCE OF 303.83 FEET, TO AN INTERIOR CORNER OF SAID BLOCK I, THENCE
CONTINUING N 00° 52' 53" W, A DISTANCE OF 273.21 FEET, TO A TANGENT POINT OF CURVATURE,
THENCE ALONG A TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 25.00 FEET, AN ARC
LENGTH OF 58.77 FEET, A CENTRAL ANGLE OF 30° 00' 14", A CHORD BEARING OF N 44° 14' 14" E, AND
A CHORD DISTANCE OF 35.36 FEET, THENCE N 88° 07' 20" E, A DISTANCE OF 49.40 FEET, TO THE
SOUTHWEST CORNER OF SAID RIVER WEST PHASE I, THENCE CONTINUING N 88° 07' 20" E, ALONG
THE SOUTH LINE OF SAID RIVER WEST PHASE I, A DISTANCE OF 23.28 FEET, TO A TANGENT POINT
OF CURVATURE, THENCE ALONG A TANGENT CURVE TO THE LEFT, CONTINUING ALONG THE
SOUTH LINE OF SAID RIVER WEST PHASE I, HAVING A RADIUS OF 285.20 FEET, AN ARC LENGTH OF
185.44 FEET, A CENTRAL ANGLE OF 37° 16' 47", A CHORD BEARING OF N 70° 26' 57" E, AND A CHORD
DISTANCE OF 182.18 FEET, TO A POINT OF COMPOUND CURVATURE, THENCE ALONG A TANGENT
CURVE TO THE LEFT, CONTINUING ALONG THE SOUTH LINE OF SAID RIVER WEST PHASE I, HAVING
A RADIUS OF 802.00 FEET, AN ARC LENGTH OF 75.44 FEET, A CENTRAL ANGLE OF 80° 51' 52", A
CHORD BEARING OF N 51° 24' 37" E, AND A CHORD DISTANCE OF 75.44 FEET, THENCE S 80° 47' 32" E,
A DISTANCE OF 705.20 FEET, TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINING 4.72 ACRES / 205,788.70 SQUARE FEET.

THE OWNER HAS CAUSED THE SUBJECT PROPERTY TO BE SURVEYED, STAKED, PLATTED AND
SUBDIVIDED INTO TWO LOTS IN ONE BLOCK, AND 1 RESERVE IN CONFORMITY WITH THE
ACCOMPANYING PLAT AND HAVE DESIGNATED THE SUBDIVISION AS RIVER WEST PHASE IV,
HEREINAFTER REFERRED TO AS THE 'SUBDIVISION', A SUBDIVISION IN THE CITY OF TULSA, STATE
OF OKLAHOMA.

SECTION I: PUBLIC STREET, EASEMENTS AND UTILITIES

A. PUBLIC STREETS AND UTILITY EASEMENTS

THE OWNERS HEREBY DEDICATE TO THE PUBLIC, THOSE PORTIONS OF STREET RIGHTS - OF-
WAY OF WEST 2ND STREET, AS DEPICTED ON THE ACCOMPANYING PLAT AND FURTHER
DEDICATES TO THE PUBLIC THE UTILITY EASEMENTS AS DEPICTED ON THE ACCOMPANYING PLAT
AS 'U/E' OR 'UTILITY EASEMENT' FOR THE GENERAL PURPOSES OF CONSTRUCTING, MAINTAINING,
OPERATING, REPAIRING, REPLACING, AND/OR REMOVING ANY AND ALL PUBLIC UTILITIES,
INCLUDING STORM SEWERS, SANITARY SEWERS, TELEPHONE AND COMMUNICATION LINES, ELECTRIC
POWER LINES AND TRANSFORMERS, GAS LINES, WATER LINES AND CABLE TELEVISION LINES,
TOGETHER WITH ALL FITTINGS, JOINTS, VALVES, CONDUITS, PIPES, MANHOLES, AND/OR OTHER
METERS, MANHOLES AND EQUIPMENT FOR EACH OF SUCH FACILITIES AND ANY OTHER
APPURTENANCES THERETO, WITH THE RIGHT OF INGRESS AND EGRESS TO AND UPON THE
UTILITY EASEMENTS FOR THE USES AND PURPOSES SPECIFIED HEREIN. PROVIDED EACH OF THE
OWNERS RESERVES THE RIGHT TO CONSTRUCT, MAINTAIN, OPERATE, LAY AND REPAIR OR
REPLACE WATER LINES AND SEWER LINES TOGETHER WITH THE RIGHT OF INGRESS AND
EGRESS FOR SUCH CONSTRUCTION, MAINTENANCE, OPERATION, LAYING, REPAIRING AND
RE-LAYING OVER, ACROSS AND ALONG ALL OF THE UTILITY EASEMENTS DEPICTED ON THE PLAT.
WITHIN THE PROPERTY OWNERS HAVE DESIGNATED THE SUBDIVISION AS RIVER WEST PHASE IV,
WATER AND/OR SEWER SERVICES TO AREAS DEPICTED ON THE PLAT. THE OWNER HERIN
IMPOSES RESTRICTIVE COVENANTS, WHICH COVENANTS SHALL BINDING EACH LOT OWNER
AND SHALL BE ENFORCEABLE BY THE CITY OF TULSA, OKLAHOMA, AND BY THE SUPPLIER OF
ANY AFFECTED UTILITY SERVICE, THAT WITHIN THE UTILITY EASEMENTS DEPICTED ON THE
ACCOMPANYING PLAT NO BUILDING, STRUCTURE OR OTHER ABOVE OR BELOW GROUND
OBSTRUCTION THAT INTERFERES WITH STATED USES AND PURPOSES OF THE UTILITY
EASEMENTS SHALL BE PLACED, ERECTED, INSTALLED OR MAINTAINED PROVIDED NOTHING
HEREIN SHALL BE DEEMED TO PROHIBIT DRIVING, PARKING AREAS, CURBING, LANDSCAPING
AND CUSTOMARY SCREENING FENCES THAT DO NOT CONSTITUTE AN OBSTRUCTION.

B. UTILITY SERVICE

1. OVERHEAD LINES FOR THE SUPPLY OF ELECTRIC TELEPHONE AND CABLE TELEVISION
SERVICES MAY BE LOCATED ALONG THE WEST SIDE OF SOUTH JACKSON AVENUE
BOUNDARY AND NORTH SIDE OF EAST 23RD STREET BOUNDARY OF THE SUBDIVISION AS
NECESSARY IF LOCATED IN AN EASEMENT AS DEPICTED ON THE ACCOMPANYING PLAT.
STREET LIGHT POLES OR STANDARDS SHALL BE SERVED BY UNDERGROUND CABLES AND
ELSEWHERE THROUGHOUT THE SUBDIVISION. ALL SUPPLY LINES INCLUDING ELECTRIC,
TELEPHONE, CABLE TELEVISION AND GAS LINES SHALL BE LOCATED UNDERGROUND IN
EASEMENTS DEDICATED FOR GENERAL UTILITY SERVICES AND IN THE RIGHTS-OF-WAY OF
THE PUBLIC STREETS AS DEPICTED ON THE ACCOMPANYING PLAT. SERVICE PEDESTALS
AND TRANSFORMERS AS SOURCES OF SUPPLY AT SECONDARY VOLTAGES, MAY ALSO BE
LOCATED IN GENERAL UTILITY EASEMENTS.

3. UNDERGROUND SERVICE CABLES AND GAS SERVICE LINES TO ALL STRUCTURES WITHIN
THE SUBDIVISION MAY BE EXTENDED FROM THE NEAREST GAS MAIN, SERVICE PEDESTAL
OR TRANSFORMER TO THE POINT OF USAGE DETERMINED BY THE LOCATION AND
CONSTRUCTION OF SUCH STRUCTURE UPON THE LOT. PROVIDED THAT UPON THE
INSTALLATION OF A SERVICE CABLE OR GAS SERVICE LINE TO A PARTICULAR STRUCTURE,
THE SUPPLIER OF SERVICE SHALL THEREAFTER BE DEEMED TO HAVE A DEFINITIVE
PERMANENT, EFFECTIVE AND NON-EXCLUSIVE EASEMENT ON THE LOT, COVERING A 5
FOOT STRIP EXTENDING 2.5 FEET ON EACH SIDE OF THE SERVICE CABLE OR LINE
EXTENDING FROM THE GAS MAIN, SERVICE PEDESTAL OR TRANSFORMER TO THE SERVICE
ENTRANCE ON THE STRUCTURE.

3. THE SUPPLIER OF ELECTRIC, TELEPHONE, CABLE TELEVISION AND GAS SERVICE
THROUGH ITS AGENTS AND EMPLOYEES, SHALL AT ALL TIMES HAVE THE RIGHT OF ACCESS
TO ALL UTILITY EASEMENTS SHOWN ON THE PLAT OR OTHERWISE PROVIDED FOR IN THIS
DEED OF DEDICATION OR ANY CONSTRUCTION ACTIVITY WHICH WOULD INTERFERE WITH
OR REPLACING ANY PORTION OF THE UNDERGROUND ELECTRIC, TELEPHONE, CABLE
TELEVISION OR GAS FACILITIES INSTALLED BY THE SUPPLIER OF THE UTILITY SERVICE.

4. THE OWNER OF ANY LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE
UNDERGROUND SERVICE FACILITIES LOCATED ON THE OWNER'S LOT AND SHALL PREVENT
THE ALTERATION OR OBSTRUCTION OF ANY CONSTRUCTION ACTIVITY WHICH WOULD INTERFERE WITH
THE ELECTRIC, TELEPHONE, CABLE TELEVISION OR GAS FACILITIES. EACH SUPPLIER OF THESE
SERVICES SHALL BE RESPONSIBLE FOR THE PROTECTION OF UNDERGROUND SERVICE
FACILITIES, BUT THE LOT OWNER SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH
FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE LOT OWNER OR THE LOT OWNER'S
AGENTS OR CONTRACTORS.

5. THE COVENANTS SET FORTH IN THIS SUBSECTION SHALL BE ENFORCEABLE BY EACH SUPPLIER
OF THE ELECTRIC, TELEPHONE, CABLE TELEVISION OR GAS SERVICE AND THE OWNER OF ANY LOT
AGREES TO BE BOUND BY THESE COVENANTS.

C. WATER, SANITARY SEWER, AND STORM SEWER SERVICE

1. THE OWNER OF ANY LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE PUBLIC
WATER MAINS, SANITARY SEWER MAINS, AND STORM SEWERS LOCATED ON THE OWNER'S
LOT.

2. WITHIN UTILITY EASEMENTS DEPICTED ON THE ACCOMPANYING PLAT, THE ALTERATION OF
GRADE FROM THE CONTIGUOUS EXISTING UPON THE COMPLETION OF THE INSTALLATION OF
A PUBLIC WATER MAIN, SANITARY SEWER MAIN, OR STORM SEWER OR ANY
CONSTRUCTION ACTIVITY WHICH, IN THE JUDGMENT OF THE CITY OF TULSA, WOULD
INTERFERE WITH PUBLIC WATER MAINS, SANITARY SEWER MAINS, AND STORM SEWERS
SHALL BE PROHIBITED.

3. THE CITY OF TULSA, OKLAHOMA, OR ITS SUCCESSORS, SHALL BE RESPONSIBLE FOR
ORDINARY MAINTENANCE OF PUBLIC WATER SYSTEMS, SANITARY SEWER MAINS, AND
STORM SEWERS BUT THE LOT OWNER SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH
FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE LOT OWNER OR THE LOT OWNER'S
AGENTS AND/OR CONTRACTORS.

4. THE CITY OF TULSA, OKLAHOMA, OR ITS SUCCESSORS, SHALL AT ALL TIMES HAVE RIGHT
OF ACCESS TO ALL UTILITY EASEMENTS DEPICTED ON THE ACCOMPANYING PLAT, OR
OTHERWISE PROVIDED FOR IN THIS DEED OF DEDICATION FOR THE PURPOSE OF
INSTALLING, MAINTAINING, REMOVING OR REPLACING ANY PORTION OF UNDERGROUND
WATER, SANITARY SEWER, OR STORM SEWER FACILITIES.

5. THE COVENANTS SET FORTH IN THIS SUBSECTION SHALL BE ENFORCEABLE BY THE CITY
OF TULSA, OKLAHOMA, OR ITS SUCCESSORS, AND THE OWNER OF THE LOT AGREES TO BE
BOUND BY THESE COVENANTS.

D. GAS SERVICE

1. THE SUPPLIER OF GAS SERVICE THROUGH ITS AGENTS AND EMPLOYEES SHALL AT ALL
TIMES HAVE THE RIGHT OF ACCESS TO ALL UTILITY EASEMENTS SHOWN ON THE PLAT OR
AS OTHERWISE PROVIDED FOR IN THIS DEED OF DEDICATION FOR THE PURPOSE OF
INSTALLING, MAINTAINING, REMOVING OR REPLACING ANY PORTION OF THE FACILITIES
INSTALLED BY THE SUPPLIER OF GAS SERVICE.

2. THE OWNER OF ANY LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE
UNDERGROUND GAS FACILITIES LOCATED WITHIN THE LOT AND SHALL PREVENT THE
ALTERATION OF GRADE OR ANY CONSTRUCTION ACTIVITY WHICH WOULD
INTERFERE WITH GAS SERVICE. THE SUPPLIER OF GAS SERVICE SHALL BE RESPONSIBLE
FOR THE ORDINARY MAINTENANCE OF ITS FACILITIES, BUT THE LOT OWNER SHALL PAY
FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE
LOT OWNER, OR THE LOT OWNER'S AGENTS OR CONTRACTORS.

3. THE COVENANTS SET FORTH IN THIS SUBSECTION SHALL BE ENFORCEABLE BY THE
SUPPLIER OF THE GAS SERVICE AND THE OWNER OF THE LOT AGREES TO BE BOUND BY
THESE COVENANTS.

E. SURFACE DRAINAGE

EACH LOT SHALL RECEIVE AND DRAIN IN AN UNOBSTRUCTED MANNER, THE STORM AND
SURFACE WATERS FROM LOTS AND AREAS OF HIGHER ELEVATION THAN NO LOT OWNER
SHALL CONSTRUCT OR PERMIT TO BE CONSTRUCTED ANY FENCING OR OTHER
OBSTRUCTIONS WHICH WOULD IMPAIR THE DRAINAGE OF STORM AND SURFACE WATERS

OVER AND ACROSS THE LOT. THE FOREGOING COVENANTS SET FORTH IN THIS SUBSECTION
SHALL BE ENFORCEABLE BY ANY AFFECTED LOT OWNER AND BY CITY OF TULSA, OKLAHOMA.

F. SIDEWALKS

SIDEWALKS SHALL BE CONSTRUCTED AND MAINTAINED BY THE OWNERS ALONG STREETS
DESIGNATED BY AND IN ACCORDANCE WITH THE TULSA METROPOLITAN AREA SUBDIVISION
AND DEVELOPMENT REGULATIONS AND ORDINANCES OF THE CITY OF TULSA. SIDEWALKS
SHALL BE CONSTRUCTED IN CONFORMANCE WITH THE STANDARDS OF THE CITY OF TULSA.
OKLAHOMA SIDEWALKS SHALL BE CONSTRUCTED PRIOR TO THE ISSUANCE OF A CERTIFICATE
OF OCCUPANCY FOR ANY BUILDING WITHIN THE SUBDIVISION.

G. PAVING AND LANDSCAPING WITHIN EASEMENTS

THE OWNER OF THE PROPERTY AFFECTED SHALL BE RESPONSIBLE FOR THE REPAIR OF
DAMAGE TO LANDSCAPING AND PAVING OCCASIONED BY INSTALLATION OR NECESSARY
MAINTENANCE OF UNDERGROUND WATER, SANITARY SEWER, STORM SEWER, NATURAL GAS,
COMMUNICATION, CABLE TELEVISION OR ELECTRIC FACILITIES WITHIN THE EASEMENT AREAS
DEPICTED UPON THE ACCOMPANYING PLAT. PROVIDED HOWEVER, THE CITY OF TULSA OR THE
SUPPLIER OF THE UTILITY SERVICE SHALL USE REASONABLE CARE IN THE PERFORMANCE OF
SUCH ACTIVITIES.

H. CERTIFICATE OF OCCUPANCY

NO CERTIFICATE OF OCCUPANCY FOR A BUILDING WITHIN THE SUBDIVISION SHALL BE ISSUED
BY THE CITY OF TULSA, OKLAHOMA UNTIL CONSTRUCTION OF THE REQUIRED
INFRASTRUCTURE (STREETS, WATER, SANITARY SEWER, STORM SEWER SYSTEMS AND
SIDEWALKS) SERVING THE ENTIRE SUBDIVISION HAS BEEN COMPLETED AND ACCEPTED BY
THE CITY. NOTWITHSTANDING THE FOREGOING, THE CITY MAY AUTHORIZE THE ISSUANCE OF
A TEMPORARY CERTIFICATE OF OCCUPANCY IF, IN THE CITY'S SOLE DISCRETION, THE
CIRCUMSTANCES SUPPORT THE ISSUANCE. FURTHER NOTWITHSTANDING THE FOREGOING,
THE CITY MAY AUTHORIZE THE PHASING OF THE CONSTRUCTION OF INFRASTRUCTURE WITHIN
THE SUBDIVISION, AND IF PHASING IS AUTHORIZED, A CERTIFICATE OF OCCUPANCY FOR A
BUILDING WITHIN AN AUTHORIZED PHASE MAY ISSUE UPON THE COMPLETION AND
ACCEPTANCE OF THE INFRASTRUCTURE SERVING THE PARTICULAR PHASE. BUILDING
CONSTRUCTION OCCURRING PRIOR TO THE CITY'S ACCEPTANCE OF THE INFRASTRUCTURE
SHALL BE AT THE RISK OF THE OWNER OF THE LOT, NOTWITHSTANDING THE ISSUANCE OF A
BUILDING PERMIT OR OF A TEMPORARY CERTIFICATE OF OCCUPANCY.

I. MUTUAL ACCESS EASEMENT

MUTUAL ACCESS EASEMENTS, DEPICTED AS "M/A" OR "MUTUAL ACCESS EASEMENT" ON THE
ACCOMPANYING PLAT ARE HEREBY ESTABLISHED FOR THE PURPOSES OF PERMITTING
VEHICULAR AND PEDESTRIAN ACCESS TO AND FROM ALL STREETS AND AREAS ADJACENT TO
AND CONTAINED WITHIN THE SUBDIVISION. SUCH EASEMENTS SHALL BE FOR THE MUTUAL USE
AND BENEFIT OF EACH AFFECTED LOT OWNER, THEIR GUESTS AND INVITED, AND SHALL BE
APPURTENANT TO EACH AFFECTED LOT OWNER, PROVIDED GOVERNMENTAL AGENCIES AND
THE SUPPLIERS OF UTILITY SERVICES SHALL HAVE THE REASONABLE USE OF SUCH
EASEMENTS INCIDENTAL TO THE PROVISION OF SERVICES TO THE LOTS WITHIN THE
SUBDIVISION.

J. RESERVE AREAS 'A' - OPEN SPACE AND PEDESTRIAN WALKWAY

THE USE OF RESERVE AREAS 'A' SHALL BE LIMITED TO OPEN SPACE, RECREATION,
LANDSCAPING, PEDESTRIAN WALKWAYS, AND WALLS.

K. RESERVE AREAS 'B' & 'C' - OPEN SPACE

THE USE OF RESERVE AREAS 'B' & 'C' SHALL BE LIMITED TO OPEN SPACE AND BIODEVELOPMENT
RAIN GARDENS.

SECTION E - ENFORCEMENT, DURATION, AMENDMENT AND SEVERABILITY

A. ENFORCEMENT

THE RESTRICTIONS HEREIN SET FORTH ARE COVENANTS TO RUN WITH THE LAND AND SHALL
BE BINDING UPON THE OWNERS, THEIR RESPECTIVE GRANTEES, SUCCESSORS AND ASSIGNS
WITHIN THE PROVISIONS OF SECTION I, PUBLIC STREETS, EASEMENTS AND UTILITIES. ARE SET
FORTH CERTAIN COVENANTS AND THE ENFORCEMENT RIGHTS PERTAINING THERETO AND
WHETHER OR NOT THEREIN SO STATED THE COVENANTS WITHIN SECTION I SHALL INURE TO
THE BENEFIT OF AND BE ENFORCEABLE BY THE CITY OF TULSA, OKLAHOMA, IF EITHER OF THE
UNDERGROUND OWNERS OR ANY OF THEIR RESPECTIVE GRANTEES, SUCCESSORS OR
ASSIGNS, SHALL VIOLATE ANY ONE OF THE COVENANTS WITHIN SECTION I, THE SUPPLIER OF
UTILITY SERVICE OR CITY OF TULSA, OKLAHOMA MAY BRING AN ACTION AT LAW OR IN EQUITY
AGAINST THE PERSON OR PERSONS VIOLATING OR ATTEMPTING TO VIOLATE ANY SUCH
COVENANT, TO PREVENT OR RESTRAIN THEM FROM SO DOING OR TO COMPEL COMPLIANCE WITH
THE COVENANT OR TO RECOVER DAMAGES IN ANY JUDICIAL ACTION BROUGHT TO ENFORCE
THE COVENANTS ESTABLISHED WITHIN THIS DEED OF DEDICATION. THE DEFENSE THAT THE
PARTY INITIATING THE EQUITABLE PROCEEDING HAS AN ADEQUATE REMEDY AT LAW IS
HEREBY WAIVED.

B. DURATION

THESE RESTRICTIONS, TO THE EXTENT PERMITTED BY APPLICABLE LAW, SHALL BE
EFFECTIVE IN ANY AND ALL CASES WHERE THEY ARE FIRST APPLIED FOR A TERM OF NOT LESS
THAN THIRTY (30) YEARS FROM THE DATE OF THE RECORDING OF THIS DEED OF DEDICATION
UNLESS TERMINATED OR AMENDED AS HEREINAFTER PROVIDED.

C. AMENDMENT

THE COVENANTS CONTAINED WITHIN SECTION I, PUBLIC STREETS, EASEMENTS AND UTILITIES,
MAY BE AMENDED OR TERMINATED AT ANY TIME BY WRITTEN INSTRUMENT SIGNED AND
ACKNOWLEDGED BY THE OWNER OF THE LAND TO WHICH THE AMENDMENT OR TERMINATION
IS TO BE APPLICABLE AND APPROVED BY THE TULSA METROPOLITAN AREA PLANNING
COMMISSION. SUCH AMENDMENT OR TERMINATION SHALL BE BINDING ON ALL OWNERS OF ANY
INSTRUMENT AMENDING OR TERMINATING THE RESTRICTIONS OR COVENANTS SHALL BE
EFFECTIVE UPON AND AFTER THE INSTRUMENT IS RECORDED IN THE OFFICE OF THE TULSA
COUNTY CLERK.

D. SEVERABILITY

IF VALIDATION OF ANY RESTRICTION SET FORTH HEREIN, OR ANY PART THEREOF, BY AN
ORDER, JUDGMENT, OR DECREE OF ANY COURT, OR OTHERWISE, SHALL NOT INVALIDATE OR
AFFECT ANY OF THE OTHER RESTRICTIONS OF ANY PART HEREOF AS SET FORTH HEREIN,
WHICH SHALL REMAIN IN FULL FORCE AND EFFECT.

IN WITNESS WHEREOF, THE HOUSING AUTHORITY OF THE CITY OF TULSA HAS EXECUTED
THIS INSTRUMENT THIS ____ DAY OF _____, 2020.

HOMES NO AUTHORITY OF THE CITY OF TULSA

BY
AARON DARDEN, PRESIDENT / CEO

STATE OF OKLAHOMA)
COUNTY OF TULSA)

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS ____ DAY OF
_____, 2020, BY AARON DARDEN, AS PRESIDENT / CEO OF THE HOUSING AUTHORITY
OF THE CITY OF TULSA.

CERTIFICATE OF SURVEY

I, _____, OF _____, A LICENSED LAND
SURVEYOR REGISTERED IN THE STATE OF OKLAHOMA, HEREBY CERTIFY THAT I HAVE
CAREFULLY AND ACCURATELY SURVEYED, SUBDIVIDED, AND PLATTED THE TRACT OF
LAND DESCRIBED ABOVE, AND THAT THE ACCOMPANYING PLAT DESIGNATED HEREIN AS
STONE CREEK HOLLOW, A SUBDIVISION IN THE CITY OF BROKEN ARROW, WAGONER
COUNTY, STATE OF OKLAHOMA, IS A REPRESENTATION OF THE SURVEY MADE ON THE
GROUND USING GENERALLY ACCEPTED LAND SURVEYING PRACTICES AND MEETS OR
EXCEEDS THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND
SURVEYING AS ADOPTED.

WITNESS MY HAND AND SEAL, THIS ____ DAY OF _____, 2020.

LICENSED PROFESSIONAL LAND SURVEYOR
OKLAHOMA # _____

ACKNOWLEDGMENT

STATE OF OKLAHOMA)
COUNTY OF TULSA)

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME, THIS ____ DAY OF
_____, 2020.

NOTARY PUBLIC

MY COMMISSION NO.: 800020292

MY COMMISSION EXPIRES: 12-11-2020

(SEAL)



DATE: 7/14/2020
THE RIVER WEST PARK PHASE IV
PRELIMINARY PLAT
SHEET 2 OF 2

8.2

CONCEPTUAL IMPROVEMENTS PLAN



IMPROVEMENTS LEGEND

- OWNER

ENGINEER

SURVEYOR

ATLAS LAND OFFICE
202 SOUTH MAIN
WAGONER, OK 74467
918-435-5967
HPLS 1540, CA #6060
EXPIRES 6/30/2020
www.atlaslandoffice.com

DATE: 7/13/2025
RIVERVIEW PHASE III & IV
CONCEPTUAL IMPROVEMENTS PLAN
SHEET 1 OF 1



Tulsa Metropolitan Area
Planning Commission

Case Number: CPA-90
Comprehensive Plan Amendment
(Related to Z-7572)

Hearing Date: October 7, 2020

Case Report Prepared by:

Jani Wertin

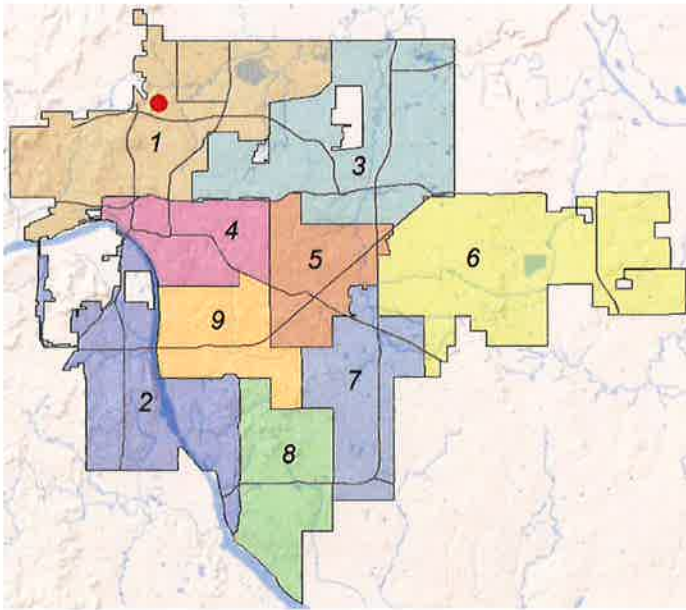
Owner and Applicant Information:

Applicant: Russell Muzika

Property Owner: Tahir Khan

Location Map:

(shown with City Council Districts)



Applicant Proposal:

Land Use Map change from ***New Neighborhood***
to ***Main Street***

Tract Size: 1.05 + acres

Location: West of the Southwest corner of East 36th
Street North & North Garrison Avenue

Comprehensive Plan:

Land Use Map

Existing: *New Neighborhood*

Proposed: *Main Street*

Stability and Growth Map

Existing: *Area of Growth*

Proposed: *Area of Growth*

Zoning

Existing Zoning: RM-1

Proposed Zoning: CS

Staff Recommendation:

Staff recommends ***approval*** of the proposed
Main Street land use designation **for the north**
45 feet of the subject tract.

Staff does not recommend approval of a land
use change for the remainder of the tract south
of that line.

City Council District: 1

Councilor Name: Vanessa Hall-Harper

County Commission District: 1

Commissioner Name: Stan Sallee

TMAPC Staff Report
CPA-90
Comprehensive Plan Amendment

Property Information and Land use Request

The property in question is a 1.86 acre tract of land made up of two separate parcels, which the applicant wishes to combine through the platting process. The applicant has submitted the following Comprehensive Plan amendment request to amend the land use designation of the southern 1.05 acre tract of the subject property from *New Neighborhood* to *Main Street*. This request is accompanied by a concurrent re-zoning request (Z-7571), which proposes a zoning change on the entire 1.86 acre tract from RM-1 to CS in order to permit an existing convenience store and proposed auto-repair shop.

Background

The parcel involved in this Comprehensive Plan amendment request is located in North Tulsa, just south of 36th Street North, and abuts a single-family residential neighborhood to the east and south, a single-family residential home and vacant lot to the west, as well as a service station and convenience store to the north. This segment of the 36th Street North also contains a mixture of commercial retail, non-profit, and religious assembly uses.

In October of 2013, the 36th Street North Corridor Small Area Plan was adopted and the land use designations of specific parcels were amended to reflect land uses that more closely aligned with the vision of this plan. This included changing the land use designation of the Osage Casino from Town Center to Regional Center, the parcels abutting 36th Street North between Osage Prairie Trail and North Elgin Avenue from Town Center to Main Street, and expanding the Town Center land use designation to more parcels around the intersection of 36th Street North and Peoria Avenue and further south along Peoria Avenue. Despite these changes to the surrounding land uses and the subject property's proximity to 36th Street North, the land use designation for the northern parcel with the existing service station and convenience store was changed to Main Street, while the southern parcel remained the same, retaining both the land use designation and growth and stability designation it was assigned by the Comprehensive Plan in 2010, *New Neighborhood* and *Area of Growth*.

The 36th Street North Corridor Small Area Plan aims to identify major capital improvements and public/private investments that will spur positive change and help draw attention to the area's many attractions, fostering this image of 36th Street North as a bustling commercial center minutes from downtown, that is a diverse, attractive place to live and invest. This vision includes the fostering of an entertainment district around the Osage Casino, increasing connectivity and access to goods and services through a walkable Main Street, and transit-oriented developments on Peoria Avenue. In order to achieve this vision, the 36th Street North Corridor Small Area Plan proposes policies that improve and expand the local trail system, encourage economic development and diverse housing options, and increase connectivity and walkability through improvements to transit, bicycle, and pedestrian infrastructure, as well as streetscapes.

Existing Land Use and Growth Designations

A *New Neighborhood* land use designation was assigned to the area subject to the amendment request at the time of the adoption of the Tulsa Comprehensive Plan in 2010:

“The New Neighborhood designation is intended for new communities developed on vacant land. These neighborhoods are comprised primarily of single-family homes on a range of lot sizes but can include townhouses and low-rise apartments or condominiums. These areas should be designed to meet high standards of internal and external connectivity and shall be paired with an existing or new Neighborhood or Town Center.”

When the Tulsa Comprehensive Plan was developed and adopted in 2010, the subject tract was designated as an *Area of Growth*:

“The purpose of Areas of Growth is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exists that development or redevelopment is beneficial. As steps are taken to plan for, and, in some cases, develop or redevelop these areas, ensuring that existing residents will not be displaced is a high priority. A major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.”

Proposed Land Use Designation (Tulsa Comprehensive Plan)

The applicant is proposing the *Main Street* land use designation for the subject property:

“Main Streets are Tulsa’s classic linear centers. They are comprised of residential, commercial, and entertainment uses along a transit-rich street usually two to four lanes wide and includes much lower intensity residential neighborhoods situated behind. Main Streets are pedestrian-oriented places with generous sidewalks, storefronts on the ground floor of buildings, and street trees and other amenities. Visitors from outside the surrounding neighborhoods can travel to Main Streets by bike, transit, or car. Parking is provided on street, small private off street lots, or in shared lots or structures.”

Zoning and Surrounding Uses

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
N	RM-1	Main Street	Area of Growth	Service Station and convenience store
S	RS-3	Existing Neighborhood	Area of Stability	Single-family Residential
E	RS-3	Existing Neighborhood	Area of Stability	Single-family Residential
W	MX 1-U-55/AG	Main Street/New Neighborhood	Area of Growth	Vacant/ Single-family Residential

Applicant's Justification

As part of the amendment application, the applicant is asked to justify their amendment request. Specifically, they are asked to provide a written justification to address:

1. How conditions on the subject site have changed, as well as those on adjacent properties and immediate area;
2. How changes have impacted the subject site to warrant the proposed amendment; and;
3. How the proposed change will enhance the surrounding area and the City of Tulsa.

"To Whom It May Concern,

Mr. Kahn's convenience store, known as "Jerrod Grocery" is in an area that does not appear to have changed and is stable. Mr. Kahn purchased two parcels (as depicted by the Tulsa County Assessor) together as one parcel with the store in 2015. The convenience store and gas pumps appear to have been operating since 1982. Both parcels have been owned and sold under the same vesting deeds since 1982 and are both currently zoned RM-1. While the assessor shows two parcels, the northerly parcel being the store and a southerly parcel being vacant, they are inextricably tied together and owned by Mr. Kahn under one warranty deed. The southerly parcel cannot be accessed except through the northerly parcel. The "36th Street North Corridor Small Area Plan" Shows the recommendation for the parcels fronting 36th Street North in that area to be "Main Street" designation. However, the plan shows the north and south parcel as separate parcels and designated the southerly parcel as "New Neighborhood". We believe these two parcels should be recognized as one parcel and thereby allowing the change to the southerly parcel to be "Main street" and allowing the zoning change of both parcels to become CS and subsequent plat of both together. We believe this request is not changing the essence or vision of the area, but more so adjusting the two parcels to be more appropriate for actuality. Mr. Kahn is investing in the area and believes he serves the locals with convenience and a good neighbor spirit."

Staff Summary & Recommendation

The 1.05 acre parcel involved in this Comprehensive Plan amendment is located in North Tulsa, just south of 36th Street North, and abuts a single-family residential neighborhood to the east and south, a single-family residential home and vacant lot to the west, as well as a service station and convenience store to the north. Despite changes to the land use designation of some neighboring parcels, the land use designation and growth and stability designation assigned to this parcel by the Comprehensive Plan in 2010 has remained the same, *New Neighborhood* and *Area of Growth*.

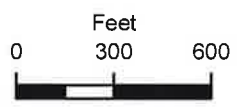
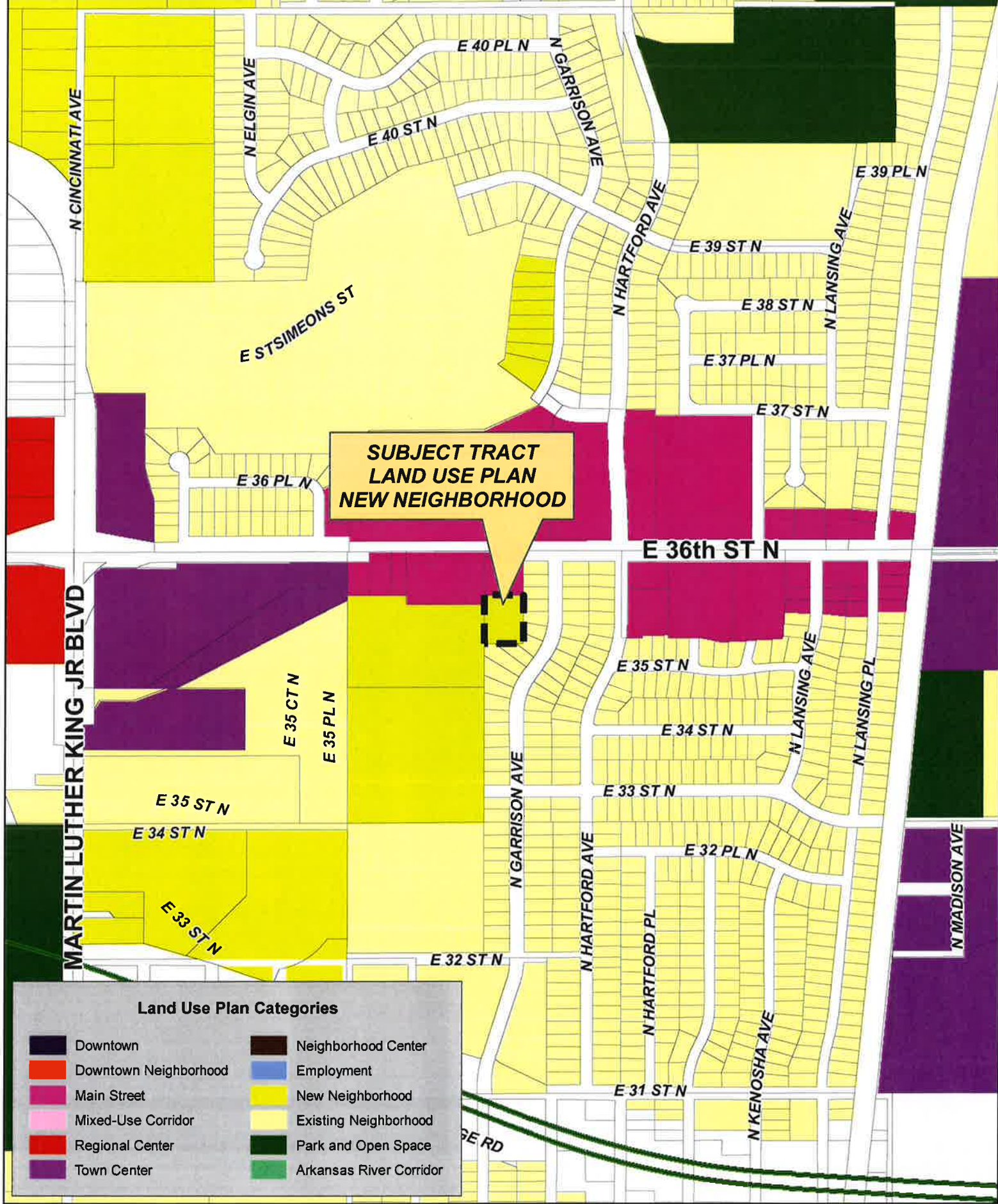
The applicant has requested both a Comprehensive Plan amendment and a concurrent re-zoning (Z-7571) to change the land use designation of the southern 1.05 acre tract from *New Neighborhood* to *Main Street*, as well as change the entire 1.86 acre tract from RM-1 to CS in order to permit an existing convenience store and proposed auto-repair shop.

According to the applicant, the convenience store and gas pumps have both been operating, as well as owned and sold under the same vesting deeds since 1982 and the area does not appear to have changed. The applicant believes that "while the assessor shows two parcels, the northerly

parcel being the store and a southerly parcel being vacant, they are inextricably tied together and owned by Mr. Kahn under one warranty deed,” and should be recognized as one parcel, noting that the southerly parcel cannot be accessed except through the northerly parcel. The applicant further suggests that these requests would not change the “essence or vision of the area,” but would more so be an “adjustment of the two parcels to be more appropriate for actuality.” While these parcels may have been sold together throughout the years, unless the parcels have been through the lot combination or platting process, the lots are still legally separate and are considered separately on issues of land use and zoning.

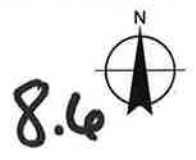
This is an important area of the City that is undergoing transformation. There is significant City focus and investment in this corridor, starting with the adoption of the 36th Street North Corridor Small Area Plan. As implementation of that plan, the City is rebuilding this segment of 36th Street North which will include a pedestrian oriented streetscape project anticipated to begin construction in Spring of 2021.

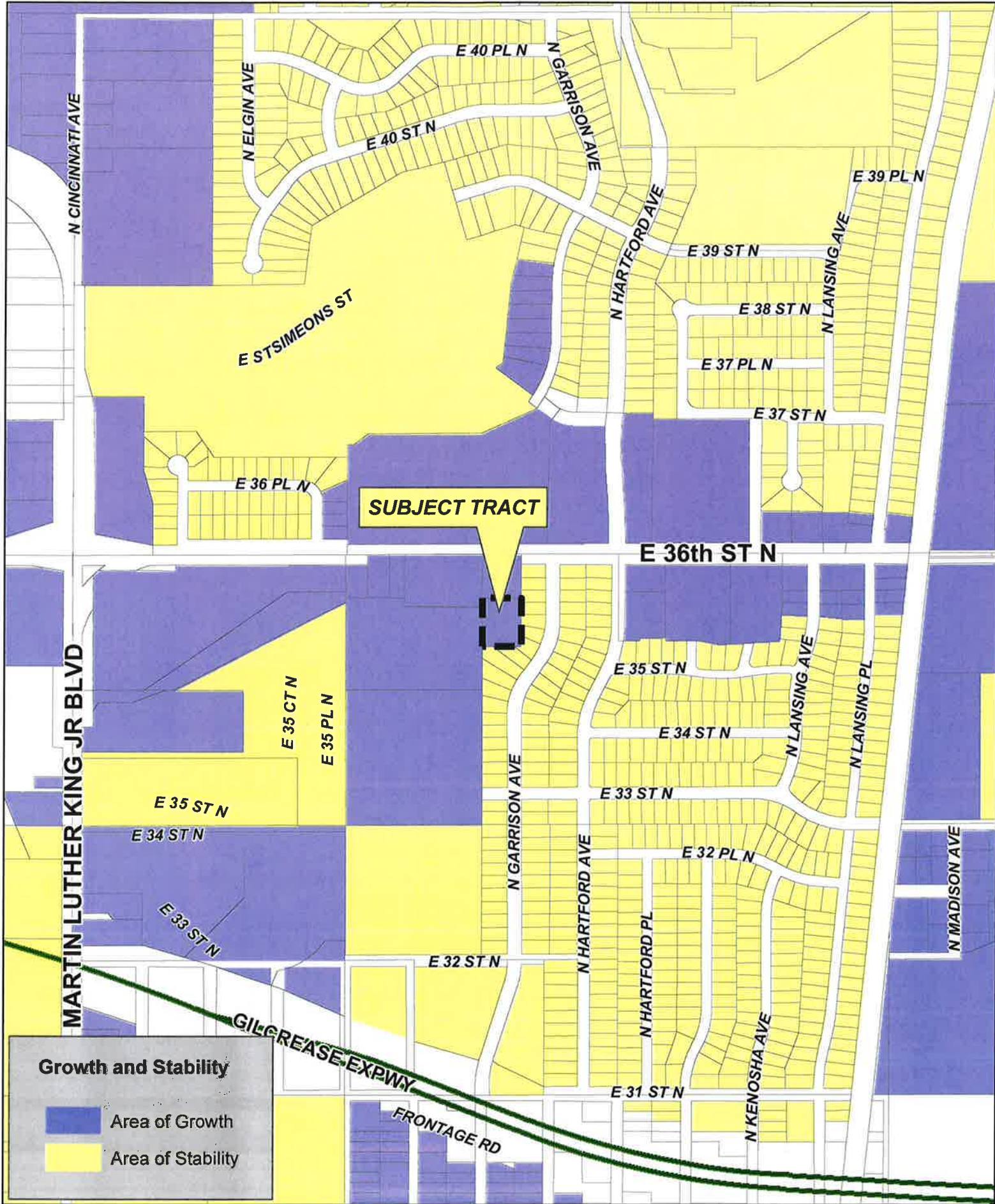
Without a development plan that offers more detail on the development, how it will impact the adjacent neighborhoods, and what may be done to mitigate any negative impacts on abutting residential uses, there is a need to limit the depth of the expansion of the Main Street land use designation. Given the extreme terrain south and west on the site, future residential expansion at this location is limited and a natural buffer is provided to abutting residential. The single home on top of a hill in the AG district southwest of this site and is separated by over 90 feet of elevation change. Staff cannot support an amendment to the entire parcel, however because of this physical barrier on the southern portion of the property, staff recommends **approval** of the proposed *Main Street* land use designation for the north 45 feet of the subject tract. Staff does not recommend approval of a land use change for the remainder of the tract south of that line.



CPA-90

20-12 24



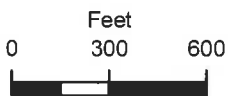


Growth and Stability



Area of Growth

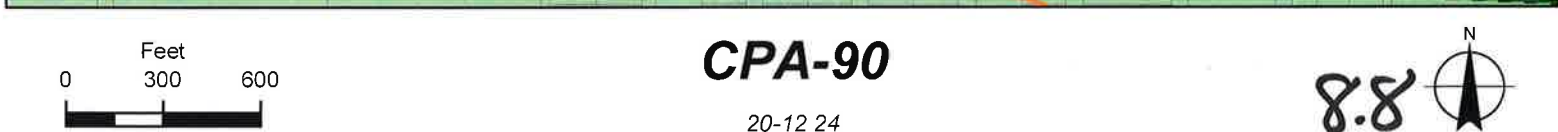
Area of Stability

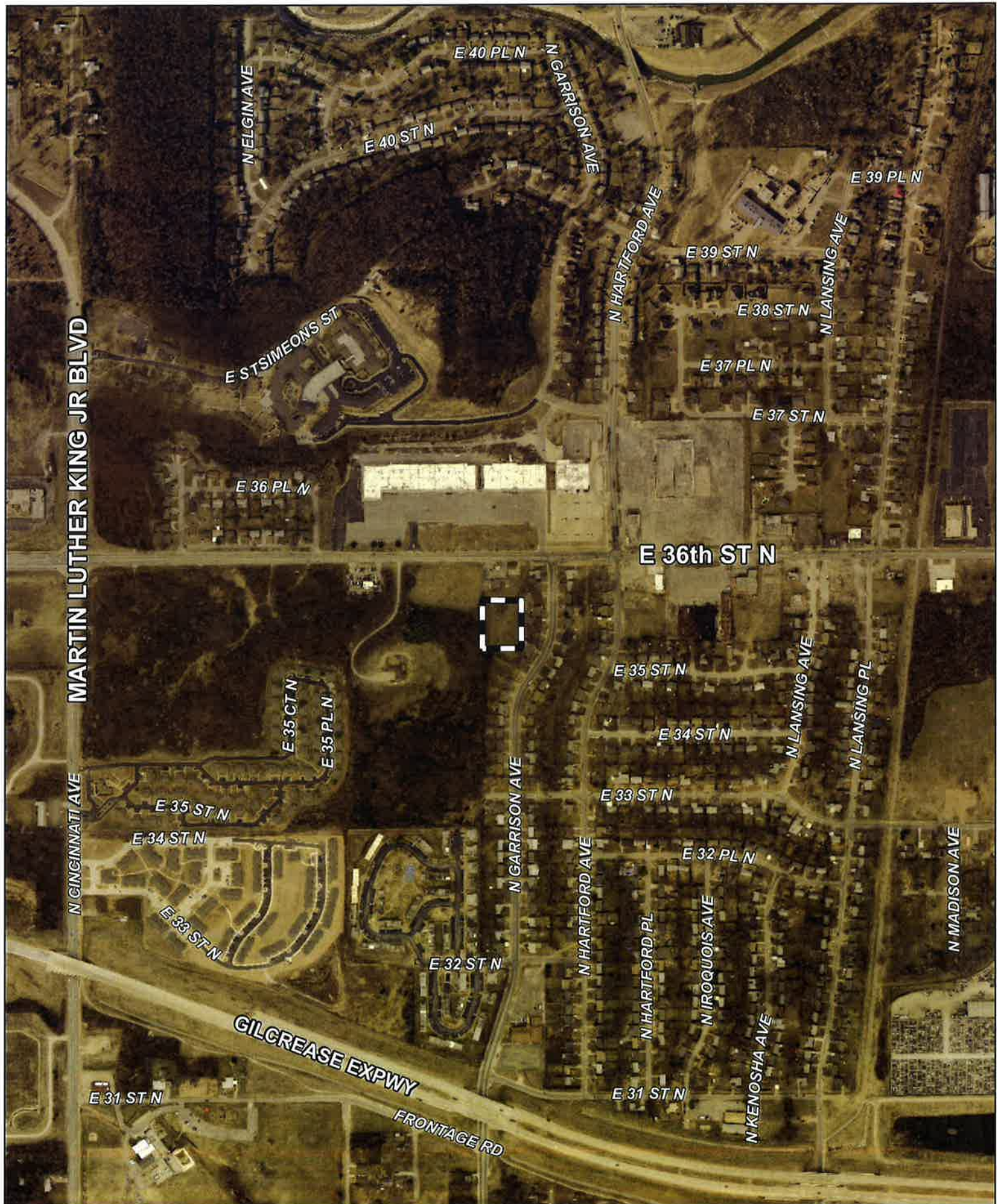


CPA-90

20-12 24







0 300 600
Feet



Subject
Tract

CPA-90

20-12 24

Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018



E 36th ST N

N GARRISON AVE



0 50 100
Feet



*Subject
Tract*

CPA-90

20-12 24

*Note: Graphic overlays may not precisely
align with physical features on the ground.*

Aerial Photo Date: February 2018





Tulsa Metropolitan Area
Planning Commission

Case Number: Z-7572 (Related to CPA-90)

Hearing Date: October 7, 2020

Case Report Prepared by:

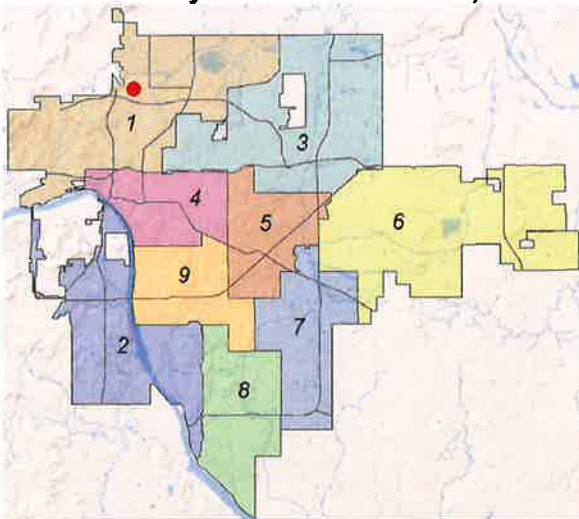
Dwayne Wilkerson

Owner and Applicant Information:

Applicant: Russell Muzika

Property Owner: Tahir A. Khan

Location Map:
(shown with City Council Districts)



Applicant Proposal:

Present Use: Convenience Store

Proposed Use: Convenience Store/Auto Repair

Concept summary: The business is a non-conforming use in an RM-1 district. The business has been in place for decades and is hoping to expand.

Tract Size: 1.86 ± acres

Location: West of the Southwest corner of East 36th Street North & North Garrison Avenue

Zoning:

Existing Zoning: RM-1

Proposed Zoning: CS

Comprehensive Plan:

Land Use Map: New Neighborhood/Main Street

Stability and Growth Map: Area of Growth

Staff Recommendation:

Staff recommends approval of CS zoning for the north 260 feet of the subject tract. Staff does not recommend rezoning the remainder of the tract south of that line.

A concurrent request has been submitted for amending the land use map of the comprehensive plan to adjust the Main Street Land use designation to that same line.

Staff Data:

TRS: 0224
CZM: 28

City Council District: 1

Councilor Name: Vanessa Hall-Harper

County Commission District: 1

Commissioner Name: Stan Sallee

SECTION I: Z-7572

DEVELOPMENT CONCEPT: The applicant has submitted a request to rezone the subject property from RM-1 to CS and has a concurrent comprehensive plan amendment request to change the current land use designation from New Neighborhood to Main Street in order to allow an existing convenience store, as well as an auto-repair shop. The applicant has mentioned that the convenience store and gas pumps appear to have been operating since 1982 and both parcels have been sold and utilized as one property since that time as well. The applicant plans to formally combine these parcels through the platting process.

EXHIBITS:

- INCOG Case map
- INCOG Aerial (small scale)
- INCOG Aerial (large scale)
- Tulsa Comprehensive Plan Land Use Map
- Tulsa Comprehensive Plan Areas of Stability and Growth Map
- Applicant Exhibits:
 - ALTA Survey

DETAILED STAFF RECOMMENDATION:

Z-7572 is fully contained by the 36th Street North Corridor Small Area Plan was adopted in October of 2013 and amended in September 2016. At that time the land use designations for most parcels abutting 36th Street North between Osage Prairie Trail and North Elgin Avenue were changed from Town Center to Main Street to reflect the goals of the plan to create a well-connected, walkable main street with access to goods and services, diverse housing options, and public transportation. CS zoning provides uses and opportunities to accomplish those goals and,

CS zoning is consistent with many of the parcels abutting East 36th Street North are commercially zoned (either CS or CH) and is consistent with the Main Street Land use designation along that corridor. and,

Commercial parcels along this corridor are spaced beyond what would normally be considered a Main street vision. The separation appears to be more of a function of these parcels' current state of development rather than an intentional distancing, meaning that these parcels have the potential to further develop in the future. Appropriate infill along this corridor is important to achieve the goals of the Main Street land use designation and CS zoning supports opportunities to achieve that goal and,

CS zoning allows a variety of low impact, service oriented commercial uses and allows residential building types such as townhouses, mixed-use, and apartments, meaning that a diverse range of housing options could also be developed and,

CS zoning may be appropriate on the subject property where the convenience store is located on the subject tracts closest to 36th Street North however the uses allowed in a CS district would adversely affect abutting residential uses south, east and west of the site and it is not consistent with the Main Street Vision of the Comprehensive plan, however

Due to the extreme terrain south and west on the site, future residential expansion at this location is limited and a natural buffer is provided to abutting residential, therefore,

Staff recommends Approval of Z-7572 to rezone the north 260 feet of the subject property from RM-1 to CS.

9.2

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary:

The north portion of the subject property currently has a Land Use designation of Main Street/*New Neighborhood* and an Area of Stability or Growth designation of *Area of Growth*, as assigned by the Comprehensive Plan in 2010. As the subject area is within the bounds of the 36th Street North Corridor Small Area Plan which was originally adopted in October of 2013 and amended in September 2016, this small area plan aims to identify major capital improvements and public/private investments that will spur positive change and help draw attention to the area's many attractions, fostering this image of 36th Street North as a bustling commercial center minutes from downtown, that is a diverse, attractive place to live and invest. This vision includes the fostering of an entertainment district around the Osage Casino, increasing connectivity and access to goods and services through a walkable Main Street, and transit-oriented developments on Peoria Avenue. In order to achieve this vision, the 36th Street North Corridor Small Area Plan proposes policies that improve and expand the local trail system, encourage economic development and diverse housing options, and increase connectivity and walkability through improvements to transit, bicycle, and pedestrian infrastructure, as well as streetscapes.

The subject property lies within the stretch of 36th Street North designated to be a walkable Main Street. As implementation of the small area plan, the City is rebuilding this segment of 36th Street North which will include a pedestrian oriented streetscape project anticipated to begin construction in Spring of 2021.

Land Use Vision:

Land Use Plan map designation: New Neighborhood on South and Main Street on North

Main Streets are Tulsa's classic linear centers. They are comprised of residential, commercial, and entertainment uses along a transit-rich street usually two to four lanes wide and includes much lower intensity residential neighborhoods situated behind. Main Streets are pedestrian-oriented places with generous sidewalks, storefronts on the ground floor of buildings, and street trees and other amenities. Visitors from outside the surrounding neighborhoods can travel to Main Streets by bike, transit, or car. Parking is provided on street, small private off street lots, or in shared lots or structures.

The New Neighborhood designation is intended for new communities developed on vacant land. These neighborhoods are comprised primarily of single- family homes on a range of lot sizes but can include townhouses and low-rise apartments or condominiums. These areas should be designed to meet high standards of internal and external connectivity and shall be paired with an existing or new Neighborhood or Town Center.

Areas of Stability and Growth designation: Area of Growth

The purpose of **Areas of Growth** is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement

exists that development or redevelopment is beneficial. As steps are taken to plan for, and, in some cases, develop or redevelop these areas, ensuring that existing residents will not be displaced is a high priority. A major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

Transportation Vision:

Major Street and Highway Plan: None affecting site redevelopment however anticipated reconstruction of East 36th Street North is currently funded and construction will begin next year.

Trail System Master Plan Considerations: None affecting site redevelopment.

Small Area Plan: 36th Street North Corridor Small Area Plan

Special District Considerations: This site is included in the Healthy Neighborhood Overlay.

The purpose of the healthy neighborhoods overlay (HNO) is to modify and supplement regulations in a specified area where there is a desire for greater diversity in retail options and convenient access to fresh meats, fruits and vegetables. These regulations are intended to:

- a. Avoid and reduce over-concentration of small box discount stores in the area.
- b. Encourage and streamline grassroots access to fresh meats, fruits and vegetables
- c. Encourage a greater diversity of retail activity and purchasing options within the area.
- d. Allow for a more community-based approach to distributing and purchasing fresh meats, fruits and vegetables in a specified area.
- e. Promote investment and development in a community where change is desired.

Historic Preservation Overlay: There are no historic preservation overlays that require consideration in this area.

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary:

The subject property includes two separate parcels. The north parcel includes the existing convenience store and fueling station. That parcel boundary is approximately 165 feet from the planned right of way.

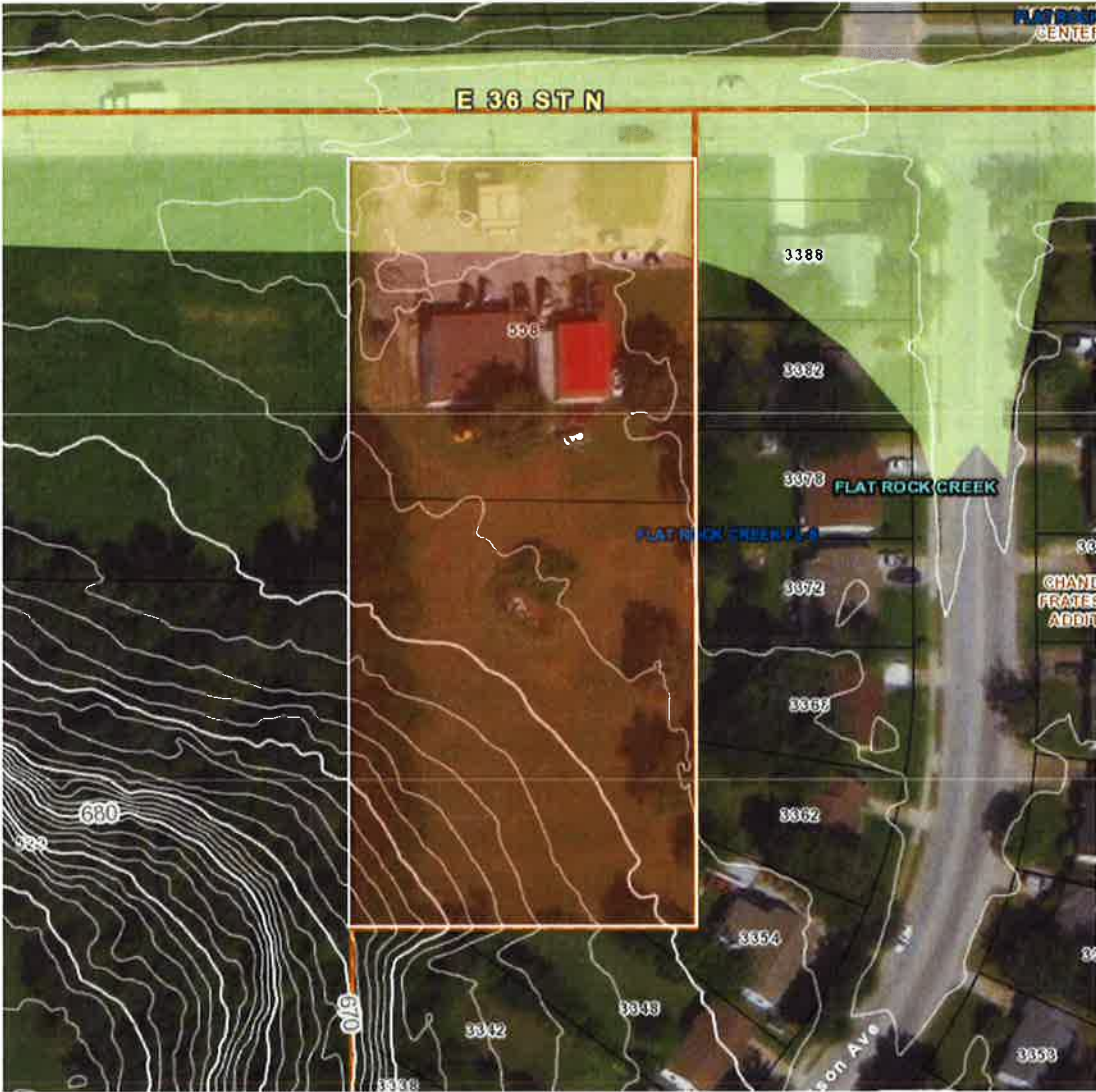
The second parcel is south and land-locked, undeveloped and extends approximately 240 feet south from the north parcel. The applicant plans to combine these parcels through the platting process. This property also abuts a bus route with a stop directly in front of the convenience store on E. 36th Street North.

Northland Commercial Strip Center is located on the north side of 36th Street North and is occupied by a variety of commercial and non-profit businesses. East and south of the site is a subdivision with single-family detached homes. West of the subject tract is a piece of land which was rezoned to MX1-U-55 in 2016 but remains undeveloped and AG zoned property with a single residence at the top of the hill.

Extreme terrain south and west will limit future residential expansion at this location. The single home on top of a hill in the AG district southwest of this site and is separated by over 90 feet of elevation change.

9.4

The north portion of the site is included in a Tulsa Regulatory flood plain. (Refer to exhibit on following page for graphics)



2' Contour and Tulsa Regulatory Floodplain exhibit above:



Figure 1. Street view from the northern edge of the property facing south.



Figure 2. Bus stop directly north of the property facing east.



Figure 3. Street view from the front of the property looking north.



Figure 4. Street view from the front of the property looking east/southeast.



Figure 5. View from the western edge of the parking lot and northern edge of the property looking west.

Environmental Considerations: There are no specific environmental considerations that would affect redevelopment of the site.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
E. 36 th St. N.	Secondary Arterial	100 ft	4 lanes

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
N	CH	Main Street	Area of Growth	Commercial Strip Center
S	RS-3	Existing Neighborhood	Area of Stability	Single-family Residential
E	RS-3	Existing Neighborhood	Area of Stability	Single-family Residential
W	MX 1-U-55/AG	Main Street/New Neighborhood	Area of Growth	Vacant/ Single-family Residential

Neighborhood Engagement:

The Tulsa Planning Office has mailed notices to property owners within 300 feet of the subject property, contracted a sign company to install a change of zoning notice sign, and published notice in the local newspaper. The planning office also has mapped current pending zoning cases in our website at tulsaplanning.org.

Staff is not aware of a formal neighborhood engagement process between the applicant and property owners. Also, staff is not aware of any neighborhood correspondence about the possible change in the 36th Street North Small Area Plan.

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 11918 dated September 1, 1970 established zoning for the subject property.

Subject Property:

SA-3 April 2018 : All concurred in **approval** at city council (TMPAC recommended **denial**) to apply supplemental zoning, HNO (Healthy Neighborhoods Overlay), to multiple properties within the plan area boundaries of Greenwood Heritage Neighborhoods Sector Plan (also known as the Unity Heritage Neighborhoods Plan), 36th Street North Corridor Small Area Plan, and The Crutchfield Neighborhood Revitalization Master Plan (related to ZCA-7). Both the subject property and the surrounding area are included in this overlay.

BOA-14542 August 1987: The Board of Adjustment **approved** a *Variance* of the required screening along the west boundary of the property in question, finding that the subject tract is abutted by vacant land on the west lot line, on property located 558 East 36th Street North.

Surrounding Property:

Z-7336 May 2016: All concurred in **approval** of a request for *rezoning* a 2.18± acre tract of land from AG/CS to MX1-U-55 for mixed use, on property located west of the southwest corner of East 36th Street North and North Garrison Avenue.

Z-7318 Withdrawn November 2015: Request to rezone a 2.18± acre tract of land from AG/CS to CH for mixed-use, on property located west of the southwest corner of East 36th Street North and North Garrison Avenue, was withdrawn November 24th, 2015.

Z-7294 Withdrawn March 2015: Request to rezone a 2.18± acre tract of land from AG/CS to CH for mixed-use, on property located west of the southwest corner of East 36th Street North and North Garrison Avenue, was withdrawn March 26th, 2015.

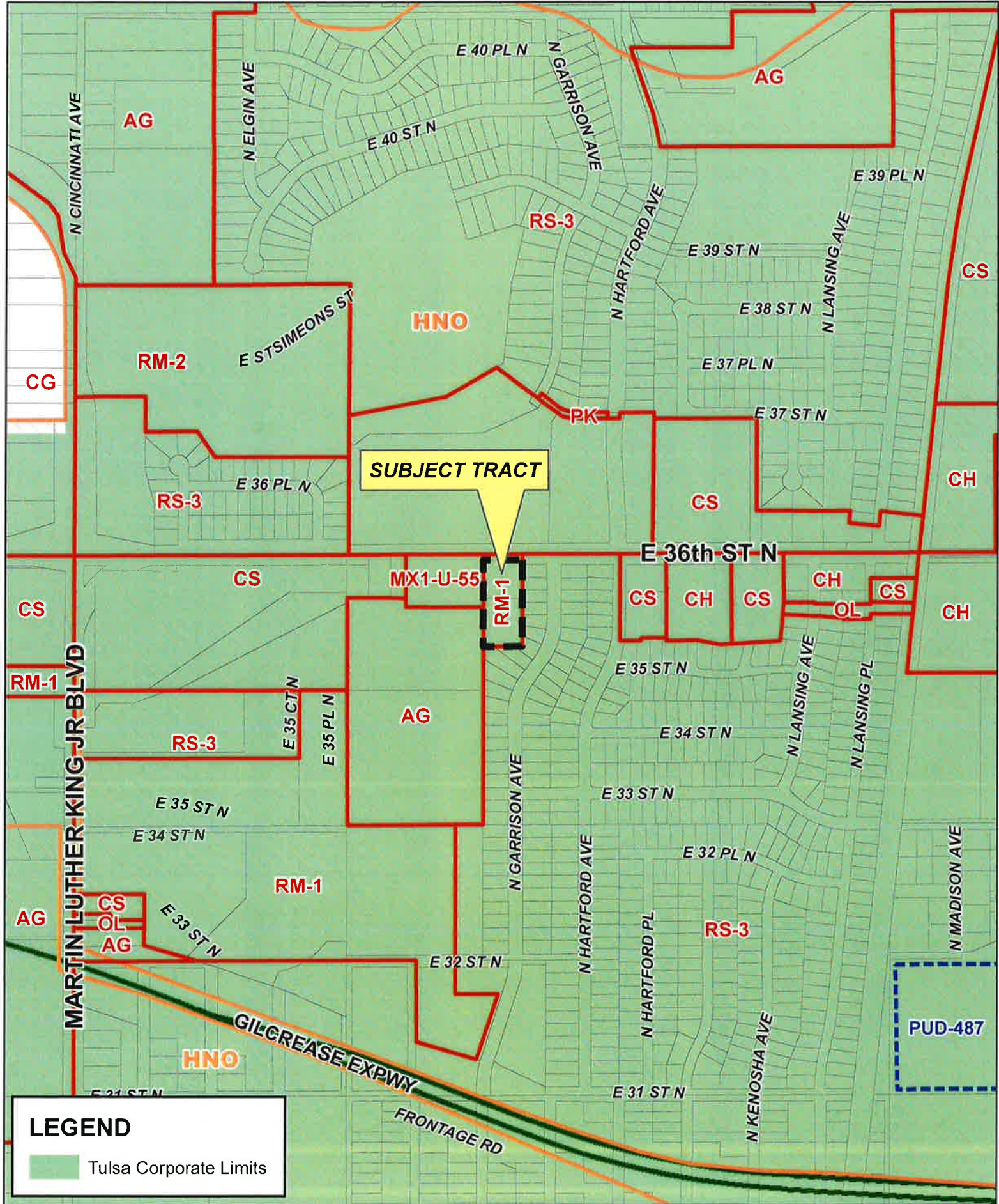
BOA-20477 April 2007: The Board of Adjustment **approved** a *Verification of the 300ft spacing requirement* for an adult entertainment establishment, as presented on agenda pages 11.7 and 11.8, and a *Special Exception* to permit an adult entertainment establishment on a lot within 150ft of an R district to permit a coffee house/beer bar, subject to a time limit of three years for this space only, as shown on agenda page 11.6, subject to no outside consumption areas designated, nor music or other outside entertainment, and no food preparation within the facility, on property located at 567 East 36th Street North.

BOA-13861 December 1985: The Board of Adjustment **approved** a *Special Exception* to allow a light industrial use in a CH, on property located at the northwest corner of 36th Street North and Hartford Avenue.

BOA-07460 May 1972: The Board of Adjustment interpreted that the requested use falls within Use Unit 5 of the Zoning Ordinance, and **approved** an *Exception* to permit using property for a nonprofit educational corporation for the training of persons engaged in the field of household employment in order to further the education and improve the working conditions of these persons, on property located at 506 East 36th Street North.

BOA-02963 July 1957: The Board of Adjustment **approved** a request for permission to establish a church, on property located at Pt. NW, NE, NW, SEC 24-20-12.

9.8



LEGEND

Tulsa Corporate Limits

Z-7572

20-12 24

9.9



0 Feet 300 600



Subject Tract

Z-7572

20-12 24

Note: Graphic overlays may not precisely align with physical features on the ground.

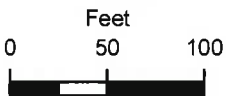
Aerial Photo Date: February 2018





E 36th ST N

N GARRISON AVE



Subject
Tract

Z-7572

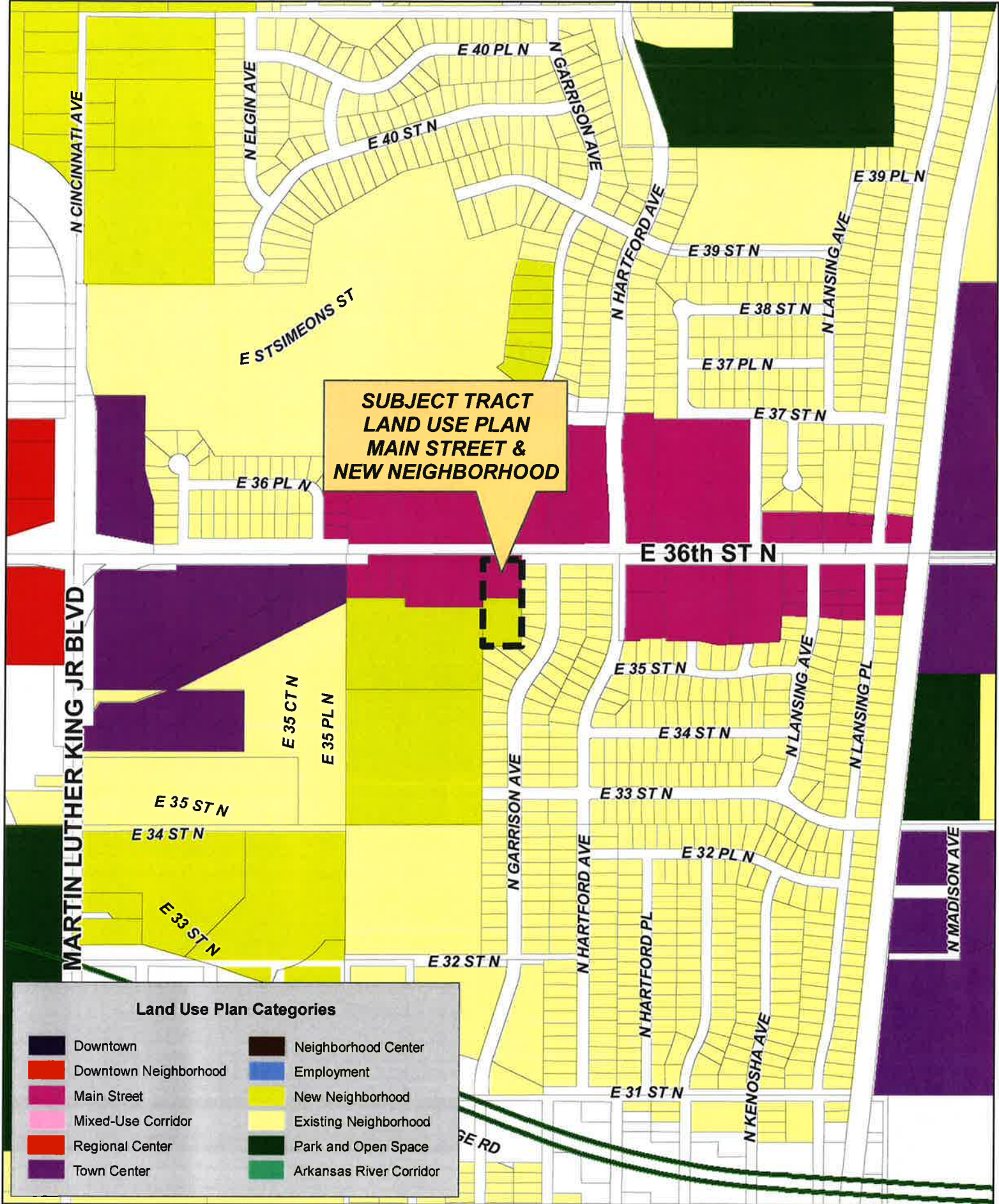
20-12 24

Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018

9.11

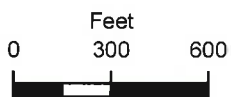
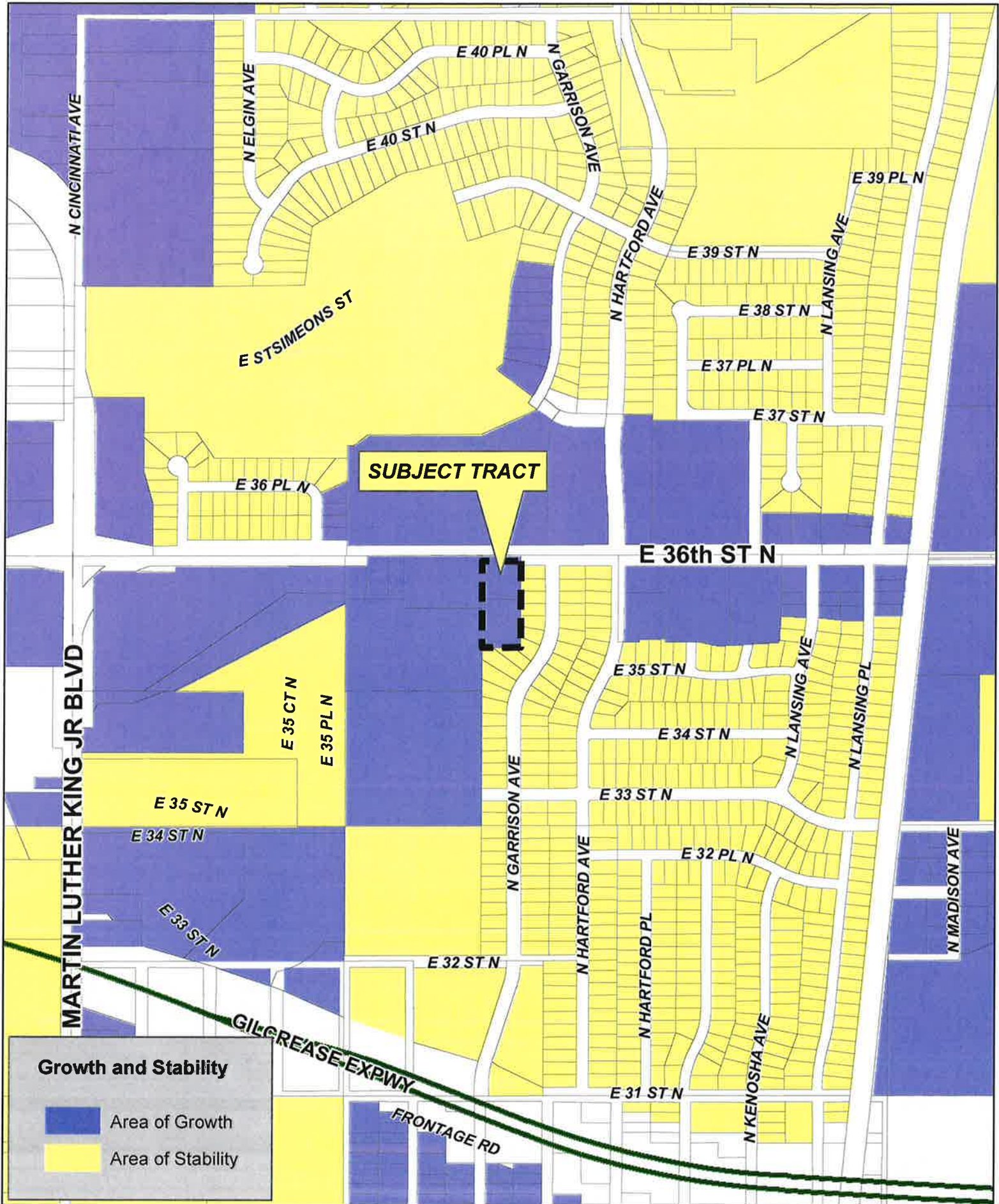




Z-7572

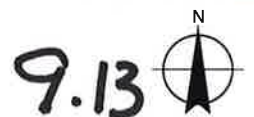
20-12 24

9.12



Z-7572

20-12 24





Tulsa Metropolitan Area
Planning Commission

Case Number: Z-7573

Hearing Date: October 7, 2020

Case Report Prepared by:

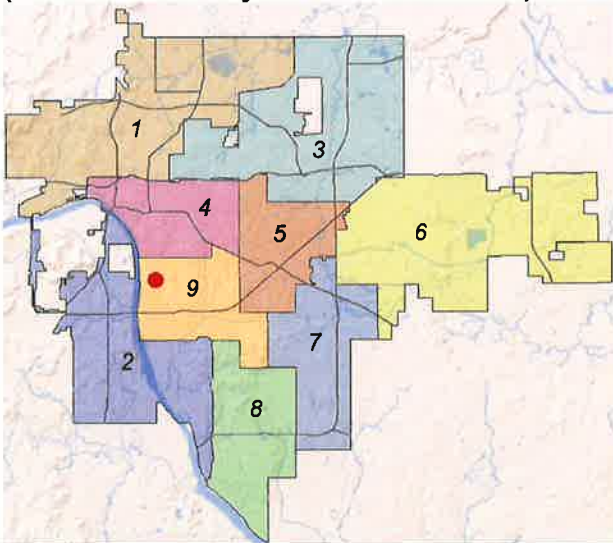
Dwayne Wilkerson

Owner and Applicant Information:

Applicant: City Council

Property Owner: The Park Church Of Christ

Location Map:
(shown with City Council Districts)



Applicant Proposal:

Present Use: Church

Proposed Use: Vertical Mixed-use

Concept summary: Repurpose existing church site for mixed use development.

Tract Size: 1.46 ± acres

Location: Southwest corner of East 38th Street South & South Peoria Avenue

Zoning:

Existing Zoning: RS-3 and CH

Proposed Zoning: MX1-P-65 and MX1-P-U

Comprehensive Plan:

Land Use Map: Main Street

Stability and Growth Map: Area of Growth

Staff Recommendation:

Staff recommends approval.

Staff Data:

TRS: 9224
CZM: 46

City Council District: 9

Councilor Name: Ben Kimbro

County Commission District: 2

Commissioner Name: Karen Keith

10.1

SECTION I: Z-7573

DEVELOPMENT CONCEPT: The applicant is requesting to rezone the subject property from RS-3 and CH to MX1-P-65 and MX1-P-U to allow a mixed-use development. The request is consistent with the Comprehensive Plan and with the City Council initiated rezoning along the bus rapid transit corridor.

EXHIBITS:

- INCOG Case map
- INCOG Aerial (small scale)
- INCOG Aerial (large scale)
- Tulsa Comprehensive Plan Land Use Map
- Tulsa Comprehensive Plan Areas of Stability and Growth Map
- Bus Rapid Transit Study zoning recommendations
- Applicant Exhibits: None included

DETAILED STAFF RECOMMENDATION:

The requested zoning is consistent with the expected zoning and land use patterns along this section of the Bus Rapid Transit Study area and on the west side of Peoria. The height transitional standards and development requirements with MX zoning abutting residential areas provides adequate and predictable results for abutting residential properties and,

Establishing MX1-P (neighborhood mixed-use) zoning designation with a 65-foot maximum height on the west portion of the property provides use limitations and design standards that are consistent with the abutting Main Street designation and,

MX1-P building placement requirements will enhance the pedestrian nature of the abutting streets and establish a consistent corridor edge on South Peoria Avenue and,

MX1-P is the least intensive mixed-use zoning district defined in the code and provides appropriate design considerations for abutting adjacent residential uses and,

Staff recommends Approval of Z-7573 to rezone property from RS-3 and CH to MX1-P-65 on west portion of the site and MX1-P-U on the east part.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

***Staff Summary:** MX1 is considered a Neighborhood Mixed-Use and is the least intensive MX-district in our code. The use is intended to accommodate small-scale retail, service and dining uses that serve nearby residential neighborhoods. The district allows a variety of residential uses and building types and is generally intended for application in areas designated by the Comprehensive Plan as Neighborhood Centers, Main Streets, and Mixed-Use Corridors. This section of Peoria has a Main Street land use designation. MX1 zoning with the P character zone and height limitations of 40 feet abutting residential uses (at the minimum setback) with a maximum of 65 feet on the west and unlimited height on the east are consistent with the expected development pattern along Peoria. Existing CH zoning is unlimited in height.*

10.2

Land Use Vision:

Land Use Plan map designation: Main Street

Main Streets are Tulsa's classic linear centers. They are comprised of residential, commercial, and entertainment uses along a transit-rich street usually two to four lanes wide and includes much lower intensity residential neighborhoods situated behind. Main Streets are pedestrian-oriented places with generous sidewalks, storefronts on the ground floor of buildings, and street trees and other amenities. Visitors from outside the surrounding neighborhoods can travel to Main Streets by bike, transit, or car. Parking is provided on street, small private off street lots, or in shared lots or structures.

Areas of Stability and Growth designation: Area of Growth

The purpose of Areas of Growth is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exists that development or redevelopment is beneficial. As steps are taken to plan for, and, in some cases, develop or redevelop these areas, ensuring that existing residents will not be displaced is a high priority. A major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

Areas of Growth are found throughout Tulsa. These areas have many different characteristics but some of the more common traits are proximity to or abutting an arterial street, major employment and industrial areas, or areas of the city with an abundance of vacant land. Also, several of the Areas of Growth are in or near downtown. Areas of Growth provide Tulsa with the opportunity to focus growth in a way that benefits the City as a whole. Development in these areas will provide housing choice and excellent access to efficient forms of transportation including walking, biking, transit, and the automobile."

Transportation Vision:

Major Street and Highway Plan: Main Street and Urban Arterial

Trail System Master Plan Considerations: None

Small Area Plan: Brookside Infill Design Recommendations

The Brookside Infill Design Recommendation primarily identifies design concepts in the street right of way and does not provide significant guidance for land use infill strategies. The Brookside Infill Development Design Recommendation plan and was adopted in 2002. The plan and has not been amended. This site is not directly affected by the concepts illustrated in that plan.

Special District Considerations: none except the provisions of the Brookside infill design recommendations and the Bus Rapid Transit Study.

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site is currently occupied with a single-family home, cell tower and two-story church building with surface parking. The church building is vacant.

Street View from northeast corner looking west



Street view from northwest corner looking north:



Street view from northwest corner looking southeast:



Environmental Considerations: None that would affect site redevelopment

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South Peoria (Frontage but no access)	Main Street and Urban Arterial	70 feet	5 (2 each direction with center turn lane)
38 th Street	None	50 feet	2
38 th Place and Alley	None	50 feet	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	CH and RS=3	Main Street	Growth	Retail, office, and surface parking
East	CH	Main Street	Growth	Office, restaurant, retail office and surface parking
South	CH and RS-3	Main Street	Growth	Detached Single Family and drive-in restaurant
West	RS-3	Existing Neighborhood	Stability	Detached Single Family

Neighborhood Engagement:

The Tulsa Planning Office has mailed notices to property owners within 300 feet of the subject property, contracted a sign company to install a change of zoning notice sign, and published notice in the local newspaper. The planning office also has mapped current pending zoning cases in our website at **tulsaplanning.org**.

Staff is not aware of a formal neighborhood engagement process between the applicant and property owners however we are aware of phone conversations between property owners and the applicant.

During the Bus Rapid Transit System process land use recommendations and study with a broad public engagement process beginning as early as 2011. The land use recommendation was presented and adopted by the Planning Commission in 2017. The MX1-P zoning classification is consistent with the Land Use Recommendation in that plan.

The City Council adopted an incentive program to encourage MX zoning along this route. The current incentive ends in December 2021.

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 11822 dated June 26, 1970 established zoning for the subject property.

Subject Property:

BOA-17260 December 1995: The Board of Adjustment **approved** a *Special Exception* to permit a 70' monopole tower used primarily to support antennas and the related operations building in an RS-3 zoned district, per plan submitted, on property located at 1132 East 38th Street.

BOA-02062 July 1949: The Board of Adjustment **granted** approval of a church, on property located W 150' of the N1/2 of the E1/2 of Track 1, Brockman's Sub.

Surrounding Property:

Z-7438 May 2018: All concurred in **approval** of a request for *rezoning* a 1.43± acre tract of land from CH/PK to MX1-P-U for park and future development, on property located at the southeast corner of South Peoria Avenue and East 37th Place South.

10.4

Z-7381 ODP August 2017: All concurred in **approval** of a request for *rezoning* a .2± acre tract of land from RS-3 to OL for office or packing, on property located west of the southwest corner of East 37th Place and South Peoria Avenue.

Z-7361 Withdraw February 2017: A request to *rezone* a .2± acre tract of land from RS-3 to PK for parking, on property located west of the southwest corner of South Peoria Avenue and East 37th Place was withdrawn February 15th, 2017 by the applicant.

Z-6886 April 2003: All concurred in **approval** of a request for *rezoning* a .165± acre tract of land from RS-3 to OL for a consulting office, on property located west of the northwest corner of East 39th Street South and South Peoria Avenue.

Z-6749 February 2000: All concurred in **approval** of a request for *rezoning* a .457± acre tract of land from RS-3/RM-1 to PK for parking, on property located east of South Peoria Avenue fronting East 37th Place and East 38th Street South.

Z-6597 August 1997: All concurred in **approval** of a request for *rezoning* a .19± acre tract of land from RS-3 to PK for parking, on property located west of the southwest corner of East 37th Place South and South Peoria Avenue.

PUD-535 June 1995: All concurred in **approval** of a proposed *Planned Unit Development* on a 4.5± acre tract of land for a movie rental store, on property located at the southwest corner of East 39th Street South and South Peoria Avenue.

PUD-491-A Abandonment February 1995: All concurred in **approval** of a proposed *Major Amendment to Abandon* PUD-491 on a 1.37± acre tract of land, on property located at the southwest corner of East 39th Street South and South Peoria.

PUD-491 July 1992: All concurred in **approval** of a proposed *Planned Unit Development* on a 1.37± acre tract of land for mini-storage, on property located southwest corner of South Peoria Avenue and East 39th Street.

BOA-14272 November 1986: The Board of Adjustment **approved** a *Special Exception* to allow a crematory associated with an existing funeral home in a CH district, per specifications submitted, per Health Department approval, on property located at the northeast corner of 39th Street and Peoria.

BOA-14111 July 1986: The Board of Adjustment made an **interpretation** that a measurement is taken in a straight line from the nearest portion of one structure to the nearest portion of another structure, which in this case measures a distance of 350' from the nearest church and not 558' as indicated by the applicant. The Board of Adjustment **denied** a *Variance* of the required 500' setback from a church for a sexually oriented business, **denied** a *Variance* to permit a sexually oriented business within 300' of a non-arterial street providing access to an R district, **withdrew** a *Variance* of the setback from 1,000' to 518' of another sexually oriented business, and **denied** a *Variance* to permit business within 300' of an R district, finding that the variance request for the setback from another sexually oriented business is no longer needed since the business in question has been ordered to close August 1, 1986 and that hardship was not demonstrated that would justify the granting of the remaining variances, on property located at 3819 South Peoria.

BOA-13577 May 1985: The Board of Adjustment **denied** a *Variance* of the 500' setback from a church, **denied** a *Variance* of the 300' setback from a non-arterial street which provides access to a residentially zoned district in a CH zoned district, finding that the application failed to demonstrate a hardship that would permit the operation of a club of this nature at this location, on property located at 3741 South Peoria.

BOA-09010 May 1976: The Board of Adjustment **approved** an *Exception* to erect a duplex, **approved** a *Variance* of the minimum lot area requirements from 9,000 sq. ft. to 8,494 sq. ft., and **approved** a *Variance* of the frontage requirements from 75' to 62', as presented per plot plan in an RS-3 district, on property located at 1128 East 37th Place.

BOA-07203 October 1971: The Board of Adjustment **approved** a *Variance* to permit operating an office in an RM-1 District for a period of 1 year, on property located at 1318-A East 38th Place.

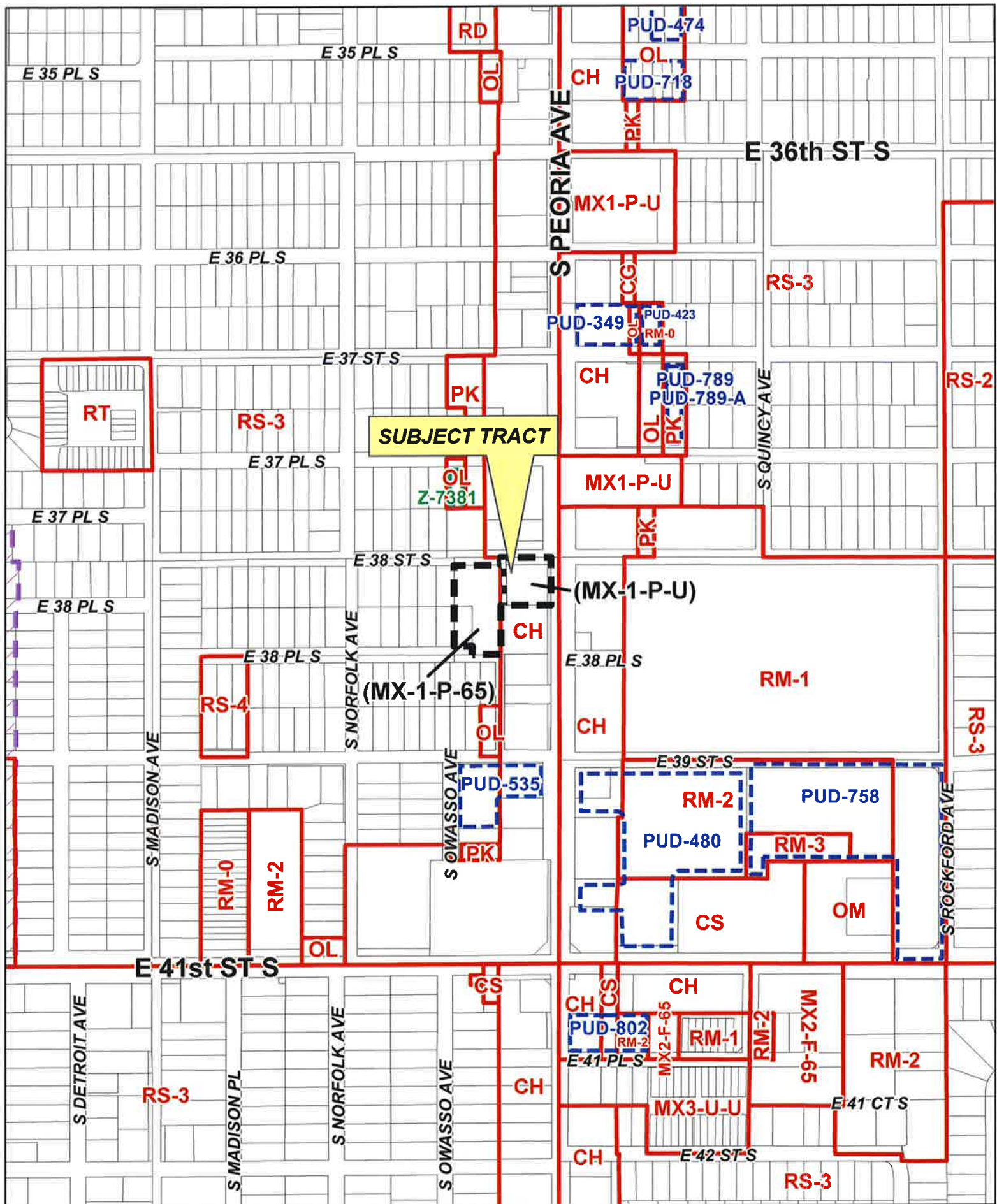
BOA-06729 October 1969: The Board of Adjustment **approved** a *Variance* to modify the Major Street setback requirements to permit placing service station pumps 47.5 ft from the centerline of Peoria Avenue, as well as a pole sign, subject to the execution of right-of-way removal agreement, on property located at 3820 South Peoria Avenue.

BOA-03103 October 1958: The Board of Adjustment **granted** permission to establish a beauty shop, on property located Lot 2, Block 4, South Brookside Addition.

BOA-02829 April 1956: The Board of Adjustment **granted** a request for permission to convert a dwelling into a duplex, on property located Lot 18 & the S 3' of Lot 1, Block 1, Newport Addition.

10/7/2020 1:00 PM

10.8



Feet

0 200 400

Z-7573

19-12 24





0 Feet 200 400



Subject Tract

Z-7573

19-12 24

Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018





Feet
0 50 100



Subject
Tract

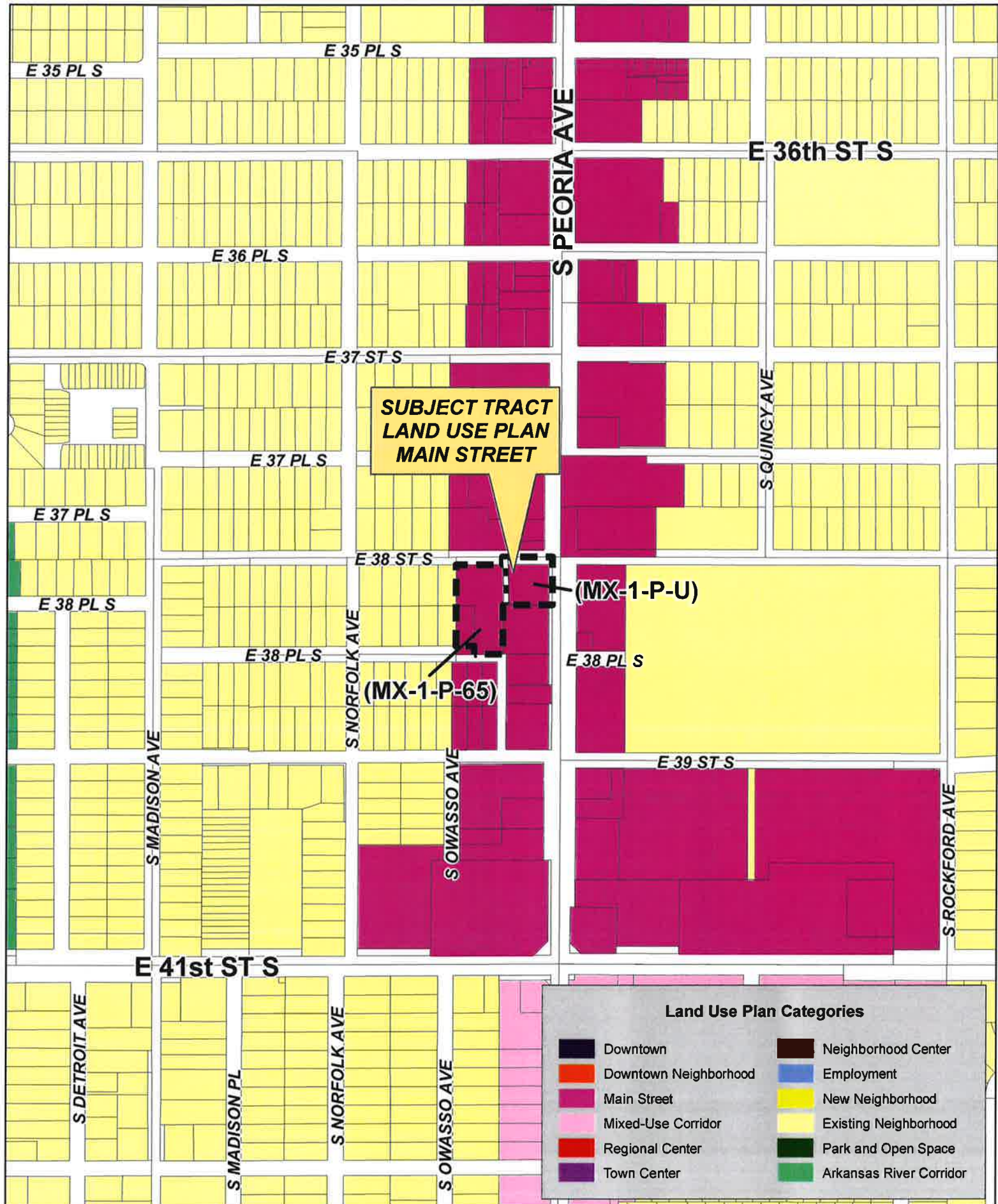
Z-7573

19-12 24

Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018





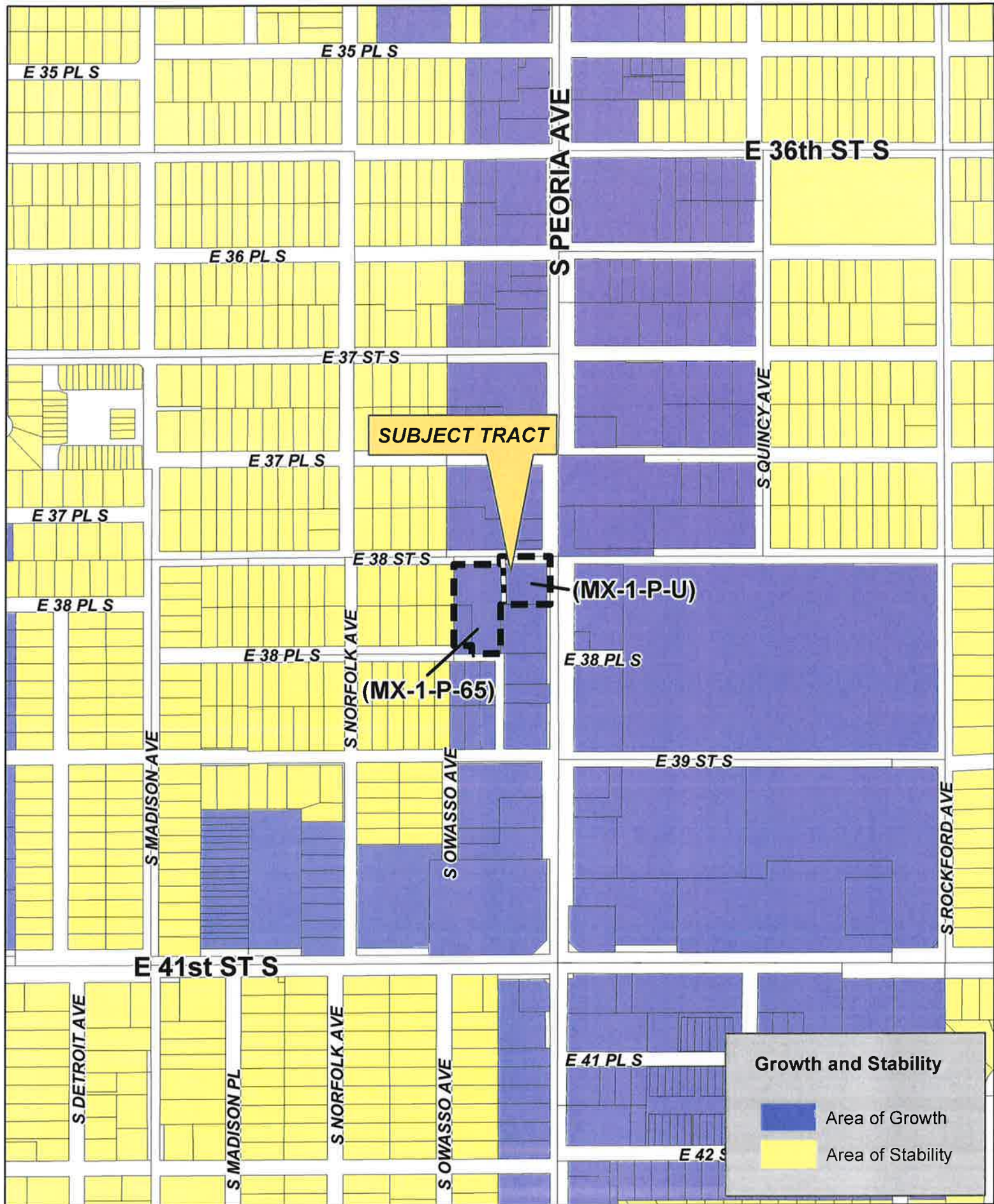
Feet
0 200 400

Z-7573

19-12 24

10.12





0 200 400
Feet

Z-7573

19-12 24

10.13





Note: Graphic overlays may not precisely align with physical features on the ground.
 Aerial Photo Date: February 2018
 Map Date: 2/10/2020

41st Street

Z-7573

0 300 600
 Feet



10.14



Tulsa Metropolitan Area
Planning Commission

Case Number: Z-7574

Hearing Date: October 7, 2020

Case Report Prepared by:

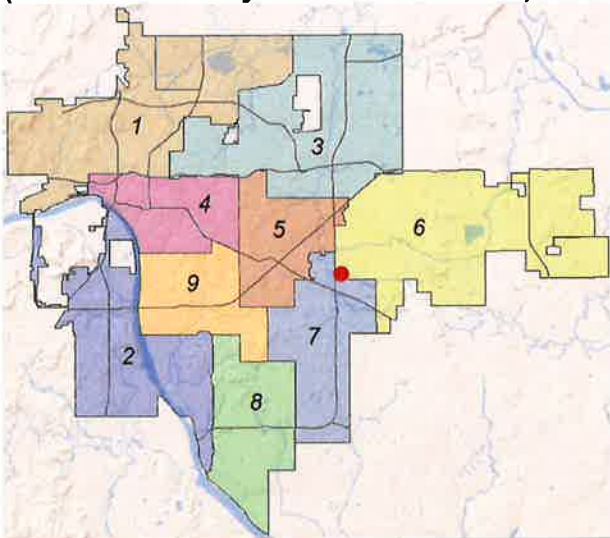
Dwayne Wilkerson

Owner and Applicant Information:

Applicant: Arborstone Land Holdings c/o AAB
Engineering, LLC

Property Owner: Arborstone Storage Tulsa 41st St,
LLC

Location Map:
(shown with City Council Districts)



Applicant Proposal:

Present Use: Vacant

Proposed Use: Self-serve Storage expansion

Concept summary: The property owner has learned that much of the AG zoned portion of his property is no longer in the mapped flood plain. He plans to expand his self-storage business into that area.

Tract Size: 3.21 ± acres

Location: North and west of the northwest corner of East 41st Street South and South Garnett Road

Zoning:

Existing Zoning: AG

Proposed Zoning: CS

Comprehensive Plan:

Land Use Map: Existing Neighborhood

Stability and Growth Map: Area of Growth

Staff Recommendation:

Staff recommends approval.

The Existing Neighborhood land use designation appears to be a mapping error. The site has never been part of planned open space or integrated into any existing neighborhood. Staff will correct this during the update of the Comprehensive Plan.

Staff Data:

TRS: 9419

CZM: 49

City Council District: 6

Councilor Name: Connie Dodson

County Commission District: 1

Commissioner Name: Stan Sallee

SECTION I: Z-7574

DEVELOPMENT CONCEPT: The property owner has learned that much of the AG zoned portion of his property is no longer in the mapped flood plain and has plans to expand his business into the area outside the newly mapped flood plain. Prior to building permit approval, the applicant will also be required to go to the Board of Adjustment for a self-storage use if the CS zoning is approved. CG zoning would allow self-storage, but that zoning designation allows many uses that are not allowed surrounding land uses.

EXHIBITS:

INCOG Case map
INCOG Aerial (small scale)
INCOG Aerial (large scale)
Tulsa Comprehensive Plan Land Use Map
Tulsa Comprehensive Plan Areas of Stability and Growth Map
Applicant Exhibits:

DETAILED STAFF RECOMMENDATION:

Z-7574 requesting CS zoning will allow uses that are not consistent with the Existing Neighborhood land use designation. Staff recognizes the uses allowed in a CS district are consistent with the provisions outlined in the Town Center land use vision and the Area of Growth provisions of the Tulsa Comprehensive Plan and,

Uses allowed in the CS zoning district are consistent with the expected future development of the subject property and,

CS zoning allows a wide range of uses and provides development guidelines that provide a predictable outcome important to the abutting residential properties, therefore

Staff recommends Approval of Z-7574 to rezone property from AG to CS.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The Existing Neighborhood land use designation appears to be a mapping error. The site has never been part of planned open space or integrated into any existing neighborhood. Staff will correct this during the update of the Comprehensive Plan.

Land Use Vision:

Land Use Plan map designation: Existing Neighborhood,

The Existing Neighborhood category is intended to preserve and enhance Tulsa's existing single-family neighborhoods. Development activities in these areas should be limited to the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects, as permitted through clear and objective setback, height, and other development standards of the zoning code. In cooperation with the existing community, the city should make improvements to sidewalks, bicycle routes, and transit so residents can better access parks, schools, churches, and other civic amenities.

11.2

Anticipated future land use designation will be Town Center or something similar:

Town Centers are medium-scale, one to five story mixed-use areas intended to serve a larger area of neighborhoods than Neighborhood Centers, with retail, dining, and services and employment. They can include apartments, condominiums, and townhouses with small lot single family homes at the edges. A Town Center also may contain offices that employ nearby residents. Town centers also serve as the main transit hub for surrounding neighborhoods and can include plazas and squares for markets and events. These are pedestrian-oriented centers designed so visitors can park once and walk to number of destinations.

Current Areas of Stability and Growth designation: Area of Stability

The Areas of Stability includes approximately 75% of the city's total parcels. Existing residential neighborhoods, where change is expected to be minimal, make up a large proportion of the Areas of Stability. The ideal for the Areas of Stability is to identify and maintain the valued character of an area while accommodating the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life.

Anticipated future designation will be similar to an Area of Growth,

The purpose of Areas of Growth is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exists that development or redevelopment is beneficial. As steps are taken to plan for, and, in some cases, develop or redevelop these areas, ensuring that existing residents will not be displaced is a high priority. A major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

Areas of Growth are found throughout Tulsa. These areas have many different characteristics but some of the more common traits are proximity to or abutting an arterial street, major employment and industrial areas, or areas of the city with an abundance of vacant land. Also, several of the Areas of Growth are in or near downtown. Areas of Growth provide Tulsa with the opportunity to focus growth in a way that benefits the City as a whole. Development in these areas will provide housing choice and excellent access to efficient forms of transportation including walking, biking, transit, and the automobile."

Transportation Vision:

Major Street and Highway Plan: None

Trail System Master Plan Considerations: None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The majority of the site has been removed from the City of Tulsa regulatory floodplain and will be available for development opportunities. The site is undeveloped at this time.

Environmental Considerations: The proximity of the site to the remaining creek and flood plain will require careful site engineering and grading design however it is anticipated that there are no significant barriers to development opportunities.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
Private drive access to 41 st Street	None	None	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

<u>Location</u>	<u>Existing Zoning</u>	<u>Existing Land Use Designation</u>	<u>Area of Stability or Growth</u>	<u>Existing Use</u>
North	RS-3	Existing Neighborhood	Stability	Single Family Detached homes
East	RS-3 and AG	Existing Neighborhood with Park and Open Space	Stability	Single family detached homes
South	CS	Town Center	Growth	Self-Storage
West	AG and CS	Town Center	Growth	Self-Storage and sports field

Neighborhood Engagement:

The Tulsa Planning Office has mailed notices to property owners within 300 feet of the subject property, contracted a sign company to install a change of zoning notice sign, and published notice in the local newspaper. The planning office also has mapped current pending zoning cases in our website at tulsaplanning.org. Additional engagement process by the application has not been provided.

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 14814 dated July 28, 1980 and Ordinance number 15000 dated April 20, 1981 established the current zoning for the subject property.

Subject Property:

Z-5504 March 1981: All concurred in **approval** of a request for *rezoning* a 5± acre tract of land from AG to CS/FD for commercial, on property located 41st Street, west of South Garnett

11.4

Road. This rezoning includes part of the subject property and part of the surrounding area. (Ordinance No. 15000, dated April 20, 1981)

Z-5413 July 1980: All concurred in **approval** of a request for *rezoning* a 4.77± acre tract of land from AG to CS/FD for commercial, on property located west of the northwest corner of 41st Street and Garnett Road. This rezoning includes part of the subject property and part of the surrounding area. (Ordinance No. 14814, dated July 28, 1980)

Z-5048 December 1977: All concurred in **approval** of a request for *rezoning* a 137.9± acre tract of land from RM-3/OM/CS to AG/RM-2/OM/CS, on property located south and west of the southwest corner of 41st Street and Garnett Road. This rezoning includes part of the subject property and part of the surrounding area. (Ordinance No. 14034, dated January 31, 1978)

Z-3622 February 1971: All concurred in **approval** of a request for *rezoning* a 239.21± acre tract of land from AG to CS/RM-1/RS-3 for commercial, residential, and multifamily uses, on property located on the northwest corner of 41st. (Ordinance No. 12067, dated March 5, 1971)

Ordinance number 11825 dated June 26, 1970 established zoning for the subject property.

Surrounding Property:

BOA-21588 July 2013: The Board of Adjustment **approved** a *Special Exception* of the tower setback of 110% (137.5 feet) to 7% (9.7 feet) adjoining an AG zoned district, per plan on 11.7, on property located at 10863 East 41st Street South.

BOA-20379 November 2006: The Board of Adjustment **approved** a *Special Exception* to permit a carwash facility in a CS district, subject to the entire lot consist of concrete or asphalt surface, lighting directed down and away from entire the adjoining motel, access curb cut be made somewhere along the eastern boundary of the property in question, per conceptual plan, on property located north of the intersection of 41st Street and 109th East Avenue.

BOA-19301 February 2002: The Board of Adjustment **approved** a *Special Exception* to permit a drive in restaurant in a CS district, per plan, providing it meets landscape requirements, on property located East 41st Street South and East of US-169.

Z-6776 July 2000: All concurred in **approval** of a request for *rezoning* a 15± acre tract of land from AG to AG/CS for commercial, on property located northeast corner of East 41st Street and Mingo Valley Expressway. This request excluded the north 260' of both tracts, as requested by the applicant and staff was directed to amend the comprehensive plan accordingly.

BOA-18676 March 2000: The Board of Adjustment **approved** a *Variance* of the required frontage from 150' on an arterial street to 15' for two lots, per plan, finding the hardship to be the existing configuration of the lot and with the condition that only one driveway access to 41st Street to serve the connecting lots, on property located on the northwest corner of East 41st Street and South 109th East Avenue.

BOA-18429 June 1999: The Board of Adjustment **approved** a *Special Exception* to allow a mini-storage in a CS zoned district, on property located at the northeast corner of East 41st Street and US Highway 169.

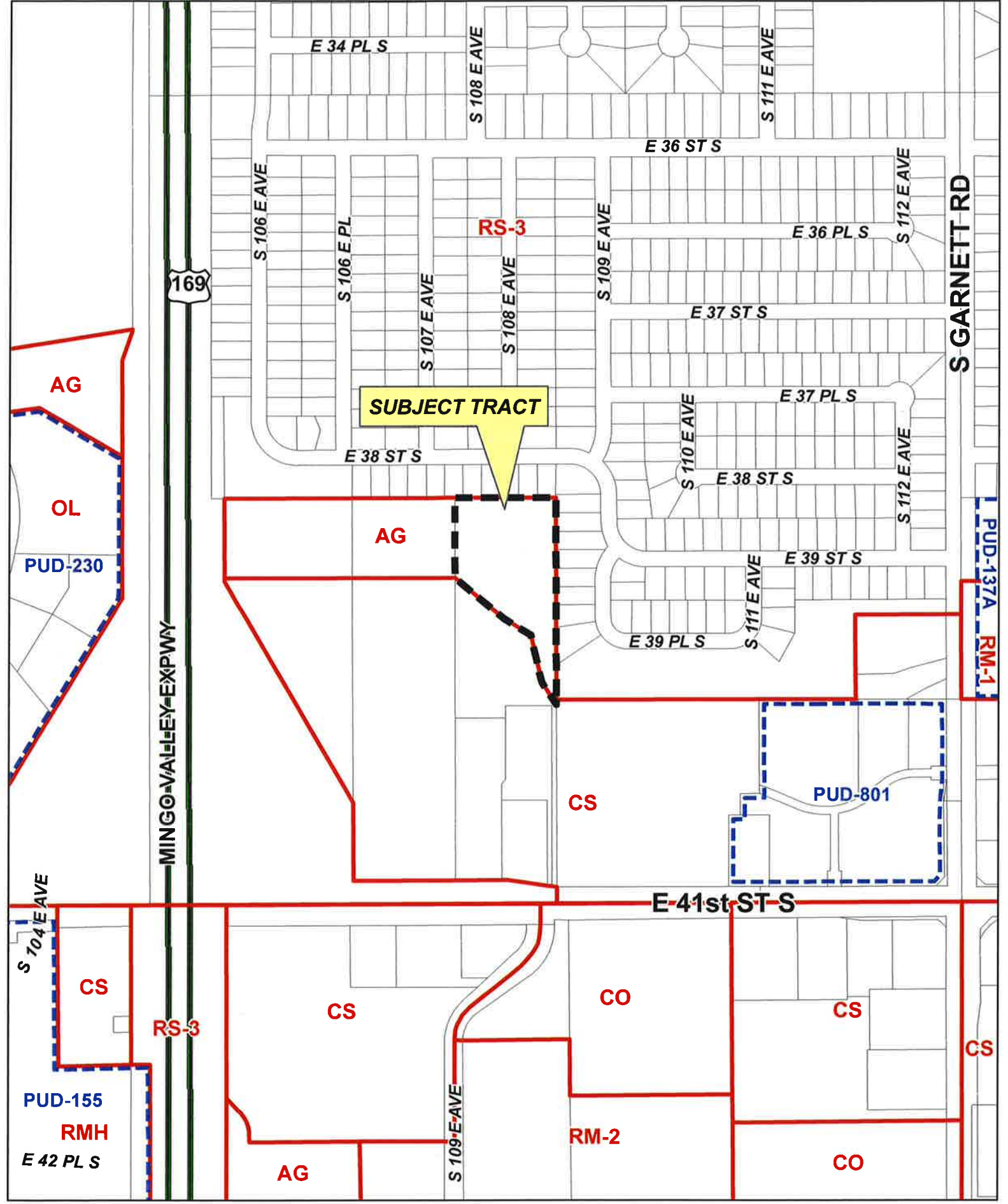
BOA-18321 February 1999: The Board of Adjustment **approved** a *Special Exception* to permit the expansion of a church in an AG district, on property located at 10811 East 41st Street South.

BOA-15445 May 1990: The Board of Adjustment **approved** a *Special Exception* to permit the operation of a dog grooming business as a home occupation, subject to a maximum of five dogs being groomed per day, subject to days and hours of operation being Monday through Friday, 7:00 a.m. to 5:00 p.m., subject to no overnight boarding of dogs, and subject to all dogs being kept inside the home, finding that the applicant has been grooming dogs at this location for approximately 14 years, and that the home occupation, as presented, is compatible with the residential area, on property located 3720 South 110th East Avenue.

BOA-06988 April 1971: The Board of Adjustment **approved** an *Exception* to permit using the site for church and other related uses, subject to the condition that the church sanctuary and related buildings be built on the south 5 acres of the tract, per plot plan, on property located at 11100 East 41st Street.

10/7/2020 1:00 PM

11.4



Z-7574

19-14 19

11.7



0 200 400
Feet



Subject
Tract

Z-7574

19-14 19

Note: Graphic overlays may not precisely
align with physical features on the ground.

Aerial Photo Date: February 2018



E 38 ST S

S 109 E AVE

E 39 ST S

E 39 PL S

0 50 100
Feet



Subject
Tract

Z-7574

19-14 19

Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018

11.9



**SUBJECT TRACT
LAND USE PLAN
EXISTING NEIGHBORHOOD**

169

MINGO VALLEY EXPWAY

S GARNETT RD

S 104 E AVE

S 106 E AVE

S 106 E PL

S 107 E AVE

S 108 E AVE

S 108 E AVE

S 111 E AVE

S 112 E AVE

S 112 E AVE

S 111 E AVE

S 110 E AVE

E 34 PL S

E 36 ST S

E 36 PL S

E 37 ST S

E 37 PL S

E 38 ST S

E 38 ST S

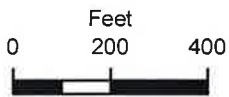
E 39 ST S

E 39 PL S

E 41st ST S

Land Use Plan Categories

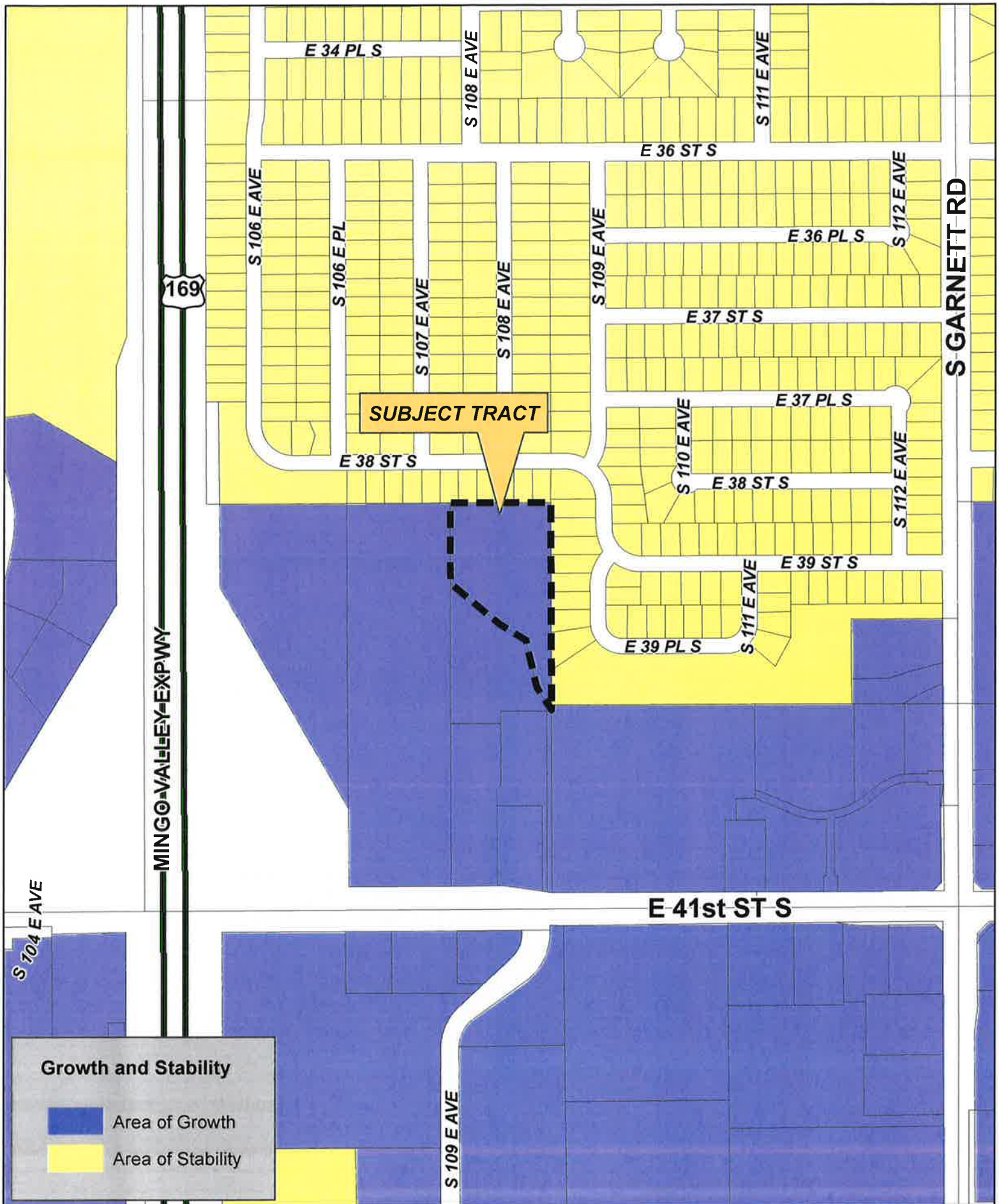
- | | |
|--|---|
|  Downtown |  Neighborhood Center |
|  Downtown Neighborhood |  Employment |
|  Main Street |  New Neighborhood |
|  Mixed-Use Corridor |  Existing Neighborhood |
|  Regional Center |  Park and Open Space |
|  Town Center |  Arkansas River Corridor |



Z-7574

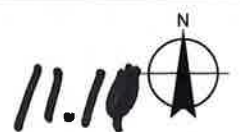
19-14 19





Z-7574

19-14 19





Tulsa Metropolitan Area
Planning Commission

Case Number: Z-7575

Hearing Date: October 7, 2020

Case Report Prepared by:

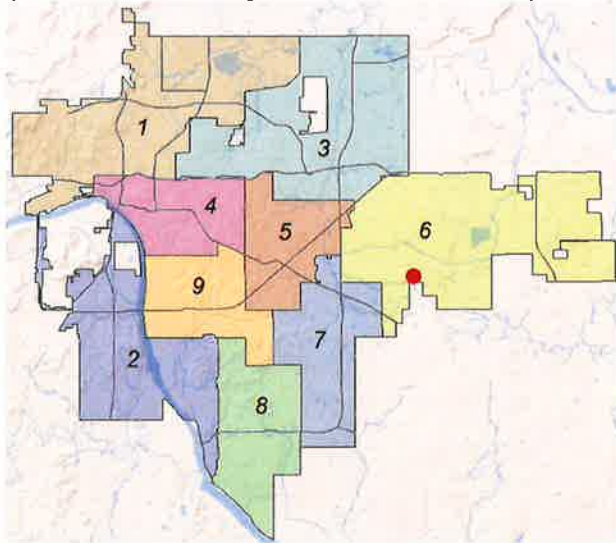
Dwayne Wilkerson

Owner and Applicant Information:

Applicant: Jesse Fulcher

Property Owner: RC Battlecreek, LLC

Location Map:
(shown with City Council Districts)



Applicant Proposal:

Present Use: Vacant

Proposed Use: Single-family Residential

Concept summary: Rezone a strip of land abutting RM-0 with an optional development plan along the south side of a detached single-family subdivision that is in the construction phase. Rezone from RS-3 (minimum 60 feet wide and 6900 sq. ft.) to RS-4 (minimum 50 feet wide and 5500 sq. ft.).

Tract Size: 5.61 \pm acres

Location: North of the Northeast corner of East 41st Street South and South 145th East Avenue

Zoning:

Existing Zoning: RS-3

Proposed Zoning: RS-4

Comprehensive Plan:

Land Use Map: New Neighborhood

Stability and Growth Map: Area of Growth

Staff Recommendation:

Staff recommends approval.

Staff Data:

TRS: 9422
CZM: 50, 49

City Council District: 6

Councilor Name: Connie Dodson

County Commission District: 1

Commissioner Name: Stan Sallee

121

SECTION I: Z-7575

APPLICANTS DEVELOPMENT CONCEPT:

This request is to rezone approximately 5.61 acres from RS-3 to RS-4, for approximately 28 lots identified in the preliminary plat for the Crossings at Battle Creek Phase 5. This request is being made to provide some lot variety within our development and respond to consumer demand. Additionally, this rezoning will help us coordinate with an adjacent development to the south that needs a secondary point of access to meet Fire Code requirements. Further, we feel that this requested zoning is compatible with the single-family lots in Crossings at Battle Creek and the planned duplex development directly south of our development.

EXHIBITS:

- INCOG Case map
- INCOG Aerial (small scale)
- INCOG Aerial (large scale)
- Tulsa Comprehensive Plan Land Use Map
- Tulsa Comprehensive Plan Areas of Stability and Growth Map
- Applicant Exhibits:
 - Applicant Letter
 - Applicant Rezoning exhibit

DETAILED STAFF RECOMMENDATION:

Z-7575 requesting RS-4 zoning allows single family residential uses that are compatible with the surrounding properties and,

Lot and building regulations in a RS-4 district allow a greater density than the abutting RS-3 zoned properties however RS-4 zoning is consistent with the anticipated future development pattern of the surrounding property and,

RS-4 zoning is consistent with the New Neighborhood land use designation of the Comprehensive Plan therefore,

Staff recommends Approval of Z-7575 to rezone property from RS-3 to RS-4.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: RS-4 zoning is primarily used for a smaller lot single family residential use and is consistent with the New Neighborhood land use designation.

Land Use Vision:

Land Use Plan map designation: New Neighborhood

The New Neighborhood residential building block is comprised of a plan category by the same name. It is intended for new communities developed on vacant land. These neighborhoods are comprised primarily of single-family homes on a range of lot sizes but can include townhouses and low-rise apartments or condominiums. These areas should be designed to meet high standards of internal and external connectivity and shall be paired with an existing or New Neighborhood or Town Center.

Areas of Stability and Growth designation: Area of Growth

The purpose of Areas of Growth is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exists that development or redevelopment is beneficial. As steps are taken to plan for, and, in some cases, develop or redevelop these areas, ensuring that existing residents will not be displaced is a high priority. A major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

Areas of Growth are found throughout Tulsa. These areas have many different characteristics but some of the more common traits are proximity to or abutting an arterial street, major employment and industrial areas, or areas of the city with an abundance of vacant land. Also, several of the Areas of Growth are in or near downtown. Areas of Growth provide Tulsa with the opportunity to focus growth in a way that benefits the City as a whole. Development in these areas will provide housing choice and excellent access to efficient forms of transportation including walking, biking, transit, and the automobile.”

Transportation Vision:

Major Street and Highway Plan: The subject property is part of a preliminary plat that is in the construction phase. No additional streets or considerations for access is contemplated in the major street and highway plan.

Trail System Master Plan Considerations: None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: *The site is being developed and currently in the construction phase and Infrastructure Development Plan process. Another development immediately south of this site is being developed for duplex construction and an anticipated stub street will be constructed to provide connectivity to that development.*

Environmental Considerations: None that affect site development.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South 145 th East Avenue	Primary Arterial	120 feet	2
South 148 th East Avenue	None	50 feet	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	RS-3	New Neighborhood	Growth	Residential subdivision in construction phase
East	RS-3	New Neighborhood	Growth	Residential subdivision in construction phase
South	RM-0 with an Optional Development plan for duplex only	New Neighborhood	Growth	Detached single family homes
West	RS-3	New Neighborhood	Growth	Single-family

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 11826 dated June 26, 1970 established zoning for the subject property.

Subject Property:

No Relevant History.

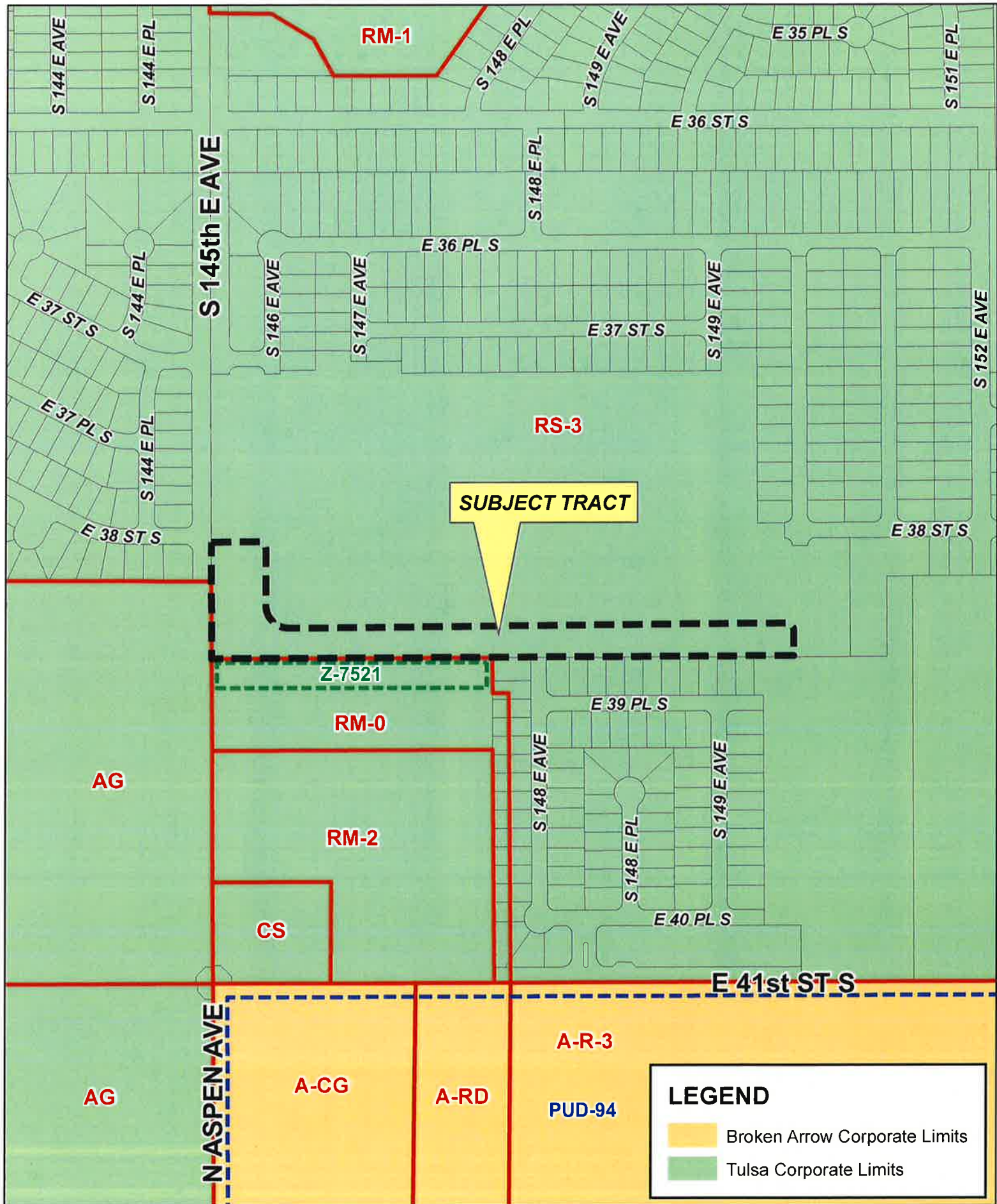
Surrounding Property:

Z-7521 February 2020: All concurred in **approval** of a request for *rezoning* a 18.21± acre tract of land from RS-3 to RM-0 for residential duplexes, on property located north of the northeast corner of East 41st Street South and South 145th East Avenue.

Z-7388 June 2017: All concurred in **approval** of a request for *rezoning* a 12.9± acre tract of land from RM-0/CS to RM-2 for multifamily residential, on property located north and east of the northeast corner of East 41st Street South and South 145th East Avenue.

10/7/2020 1:00 PM

12.4



Z-7575

19-14 22





0 200 400
Feet



Subject
Tract

Z-7575

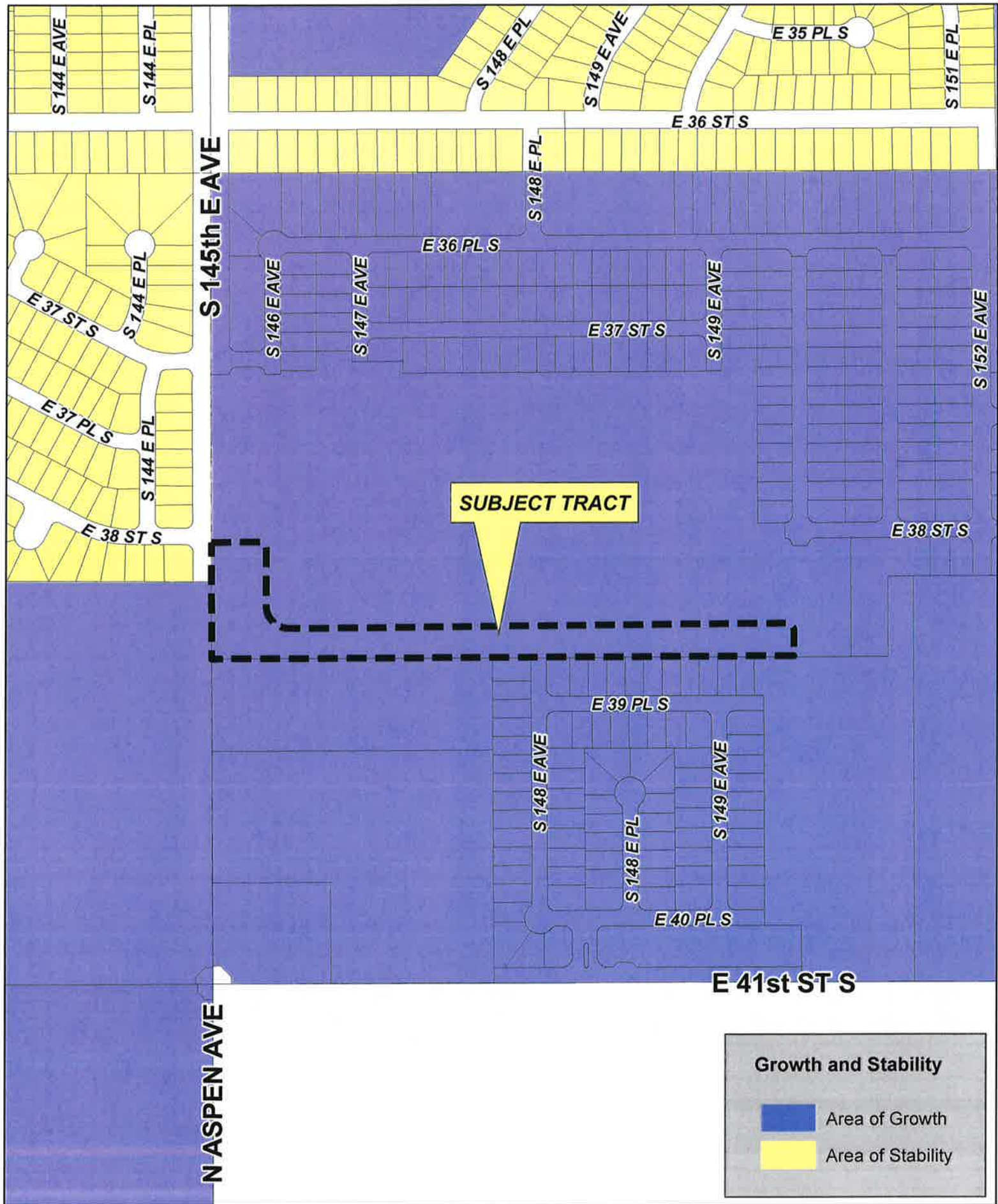
19-14 22

Note: Graphic overlays may not precisely
align with physical features on the ground.

Aerial Photo Date: February 2018







Z-7575

19-14 22



August 26, 2020

Nathan Foster
Tulsa Planning Office
2 W. 2nd Street
Tulsa, OK 74103

Mr. Foster,

Please accept this letter as our request to rezone approximately 5.61 acres from RS-3 to RS-4, for approximately 28 lots in the Crossings at Battle Creek Phase 5. This request is being made to provide some lot variety within our development and respond to consumer demand. Additionally, this rezoning will help us coordinate with an adjacent development to the south that needs a secondary point of access to meet Fire Code requirements. Further, we feel that this requested zoning is compatible with the single-family lots in Crossings at Battle Creek and the planned duplex development directly south of our development.

Please don't hesitate to contact me with any questions.

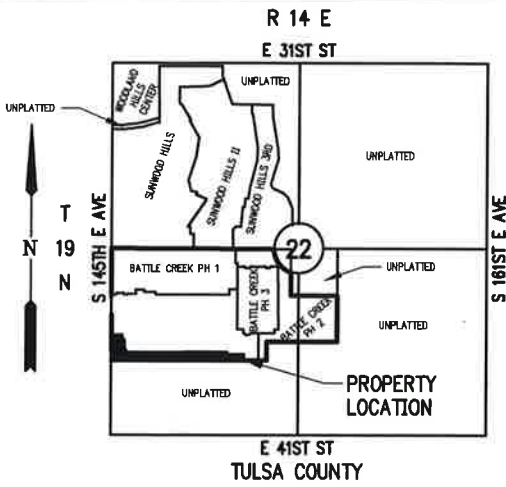
Sincerely,



Jesse Fulcher

REZONE EXHIBIT

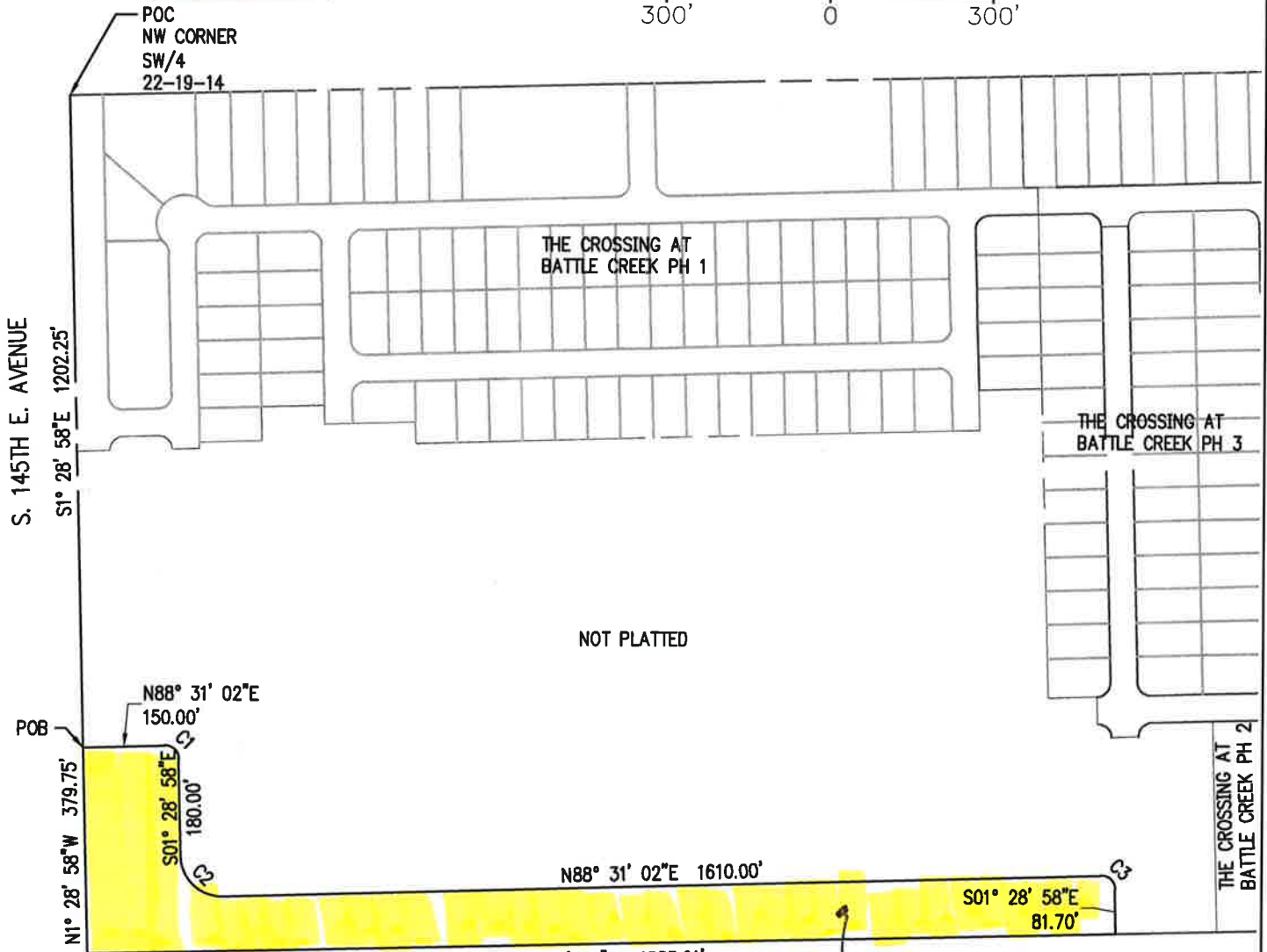
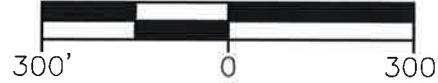
JOB: 13108905
 COUNTY: TULSA
 LOCATION DESC: SW/4 SEC. 22, T-19-N, R-14-E, I.M.
 REZONE AREA 5.61 AC
 OWNER: RC BATTLE CREEK, L.L.C.



LOCATION MAP



GRAPHIC SCALE IN FEET



CURVE TABLE

CURVE #	LENGTH	RADIUS	DELTA	CHORD DIRECTION	CHORD LENGTH
C1	39.27'	25.00'	90°00'00"	S46° 28' 58"E	35.36'
C2	117.81'	75.00'	90°00'00"	S46° 28' 58"E	106.07'
C3	39.27'	25.00'	90°00'00"	S46° 28' 58"E	35.36'

CERTIFICATE OF AUTHORIZATION
 CA 973 (PEL/SI) EXPIRES 6/30/2022

300 Pointe Parkway Blvd.
 Yukon, Oklahoma 73099

Crafton Tull
 architecture | engineering | surveying

405.787.6270 | 405.787.6276 f
 www.craftontull.com

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DRAWING: G:\13108905\BATTLECREEK\INFRASTRUCTURE\SURVEY\DWG\REZONE DESC.DWG
 LAYOUT: ---, LAST SAVED: 8/27/2020 9:16:34 AM
 LAST PLOTTED BY: SEAN JOHNSON, 8/27/2020 9:16:56 AM ("PLOTTED BY:" VALID ON HARD COPY ONLY)

PROJECT NO.: 13108905
 DRAWN BY: SJ
 DATE: 8/26/2020
 SHEET: 1 OF 1
 CHECKED:

12.10



IN THE DISTRICT COURT IN AND FOR TULSA COUNTY
STATE OF OKLAHOMA

DISTRICT COURT
FILED

SEP - 1 2020

DON NEWBERRY, Court Clerk
STATE OF OKLA. TULSA COUNTY

1. LESSIE BENNINGFIELD RANDLE,)
Tulsa Race Massacre Survivor)

2. HISTORIC VERNON A.M.E. CHURCH, INC.,)
a domestic not-for-profit corporation,)

3. LAUREL STRADFORD,)
great-granddaughter of J.B. Stradford,)

4. ELLOUISE COCHRANE-PRICE,)
daughter of Clarence Rowland and)
cousin of Dick Rowland,)

5. TEDRA WILLIAMS,)
granddaughter of Wess Young,)

6. DON M. ADAMS,)
nephew and next friend of Dr. A.C. Jackson,)

7. DON W. ADAMS,)
grandson of H.A. Guess,)

8. STEPHEN WILLIAMS,)
grandson of A.J. Smitherman)

9. THE TULSA AFRICAN)
ANCESTRAL SOCIETY,)
an unincorporated association,)

Plaintiffs,)

v.)

1. CITY OF TULSA,)
a municipal corporation,)

2. TULSA REGIONAL CHAMBER,)
a domestic not-for-profit corporation,)

3. TULSA DEVELOPMENT AUTHORITY,)

CV-2020-01179

JURY TRIAL DEMANDED
ATTORNEY LIEN CLAIM

Caroline Wall

4. TULSA METROPOLITAN AREA PLANNING)
COMMISSION,)
5. BOARD OF COUNTY COMMISSIONERS)
FOR TULSA COUNTY, OKLAHOMA)
6. VIC REGALADO, IN HIS OFFICIAL)
CAPACITY AS SHERIFF OF TULSA)
COUNTY,)
7. OKLAHOMA MILITARY DEPARTMENT,)
Defendants.)

PETITION

COME NOW the Plaintiffs, by and through their counsel of record, Damario Solomon-Simmons of *SolomonSimmonsLaw*; Spencer Bryan and Steven Terrill of *Bryan & Terrill, P.L.L.C.*; Professor Eric Miller of *LMU Loyola Law School*; Professor Emerita Adjoa A. Aiyetoro of *UALR Wm. H. Bowen School of Law*; Maynard M. Henry, Sr. of *Maynard M. Henry Sr., Attorney At Law, P.C.*; and Lashandra Peoples-Johnson and Cordal Cephas of *Johnson | Cephas Law*, bring this action against Defendants to abate the public nuisance caused by Defendants' unlawful acts and omissions that began with the Tulsa Race Massacre of 1921 ("Massacre") and continues to this day. The Plaintiffs also seek to recover for unjust enrichment for the Defendants' exploitation of the Massacre for their own economic and political gain For their cause of action against Defendants, Plaintiffs hereby state as follows:

I. STATEMENT OF THE CASE

1. This lawsuit seeks to remedy the ongoing nuisance caused by the 1921 Tulsa Race Massacre in the Greenwood District of Tulsa and to obtain benefits unjustly received by

Defendants based on the Massacre. The type of nuisance inflicted upon the Greenwood neighborhood and community was aptly described by current City of Tulsa Mayor, G.T. Bynum, "In Tulsa, the racial and economic disparities that still exist today can be traced to the 1921 race massacre."¹ The victims of this nuisance are residents of the Greenwood community and members of the predominantly Black, North Tulsa community.² Plaintiffs seek a court order, as authorized by Oklahoma's Public Nuisance Law, Okla. Stat. tit. 50, § 1, requiring Defendants to abate the public nuisance of racial disparities, economic inequalities, insecurity, and trauma their unlawful actions and omissions caused in 1921 and continue to cause ninety-nine years after the Massacre.

2. Beginning on May 31, 1921 and lasting through June 1, 1921, one of the worst acts of domestic terrorism in United States history since slavery completely decimated Tulsa's thriving, all-Black community of Greenwood. A large, angry White mob, including some members of the Tulsa Police Department, The Tulsa County Sheriff's Department, and the National Guard, as well as other City and County leaders and members of the Chamber of Commerce, overwhelmed the approximately 35-square-block community, killing hundreds of Black residents, injuring thousands more, burning down over one thousand homes and businesses, and stealing residents' personal property. This brutal, inhumane attack, now referred to as the Tulsa Race Massacre of 1921, robbed thousands of African Americans of their right of self-determination³ on which they

¹ *Bloomberg Philanthropies Announces City of Tulsa Will Receive \$1 Million for Public Art Project Honoring America's First 'Black Wall Street', City Of Tulsa* (archived Mar. 2, 2019), <https://www.cityoftulsa.org/press-room/city-of-tulsa-named-bloomberg-philanthropies-2018-public-art-challenge-winner/>.

² The history of the development of North Tulsa includes the facts that the Greenwood District and community destroyed by the Defendants is in North Tulsa, the Black population grew in North Tulsa generally from 1921 to the present largely due to "white flight" and today, most people in Tulsa, White or Black, consider North Tulsa to be synonymous with Black Tulsa.

³ Okla. Const. Art. II, § 2.

had built this self-sustaining community, and annoyed, injured and endangered the comfort, repose, health, and safety of the members of the Greenwood community, and rendered them insecure in their lives and the use of their real and personal property.

3. Following the Massacre, Defendants exacerbated the damage and suffering of the Greenwood residents. Defendants unlawfully detained thousands of Greenwood survivors and enacted unconstitutional laws that deprived Greenwood residents of the reasonable use of their property. From the period immediately after the Massacre until the present day, Defendants actively and unlawfully thwarted the community's efforts to rebuild, neglecting the Greenwood and predominantly Black, North Tulsa communities. Instead, Defendants redirected public resources to benefit the overwhelmingly White parts of Tulsa. Defendants also used federal programs such as Urban Renewal to continue the destruction of the Greenwood community. As a direct result, Plaintiffs and other Greenwood and North Tulsa residents and their descendants have experienced and continue to experience insecurity in their lives and property and their sense of comfort, health, and safety has been destroyed. Plaintiffs therefore seek to abate this public nuisance that has continued to plague Tulsa's Black community for nearly one hundred years.

4. To add to the Plaintiffs' other injuries, in 2016 the Defendants began enriching themselves by promoting the site of the Massacre as a tourist attraction, obtaining funds to do so, as well as aiding in obtaining funds to create a history center of which Defendants will have a central role. The residents of the Greenwood neighborhood and North Tulsa have reaped no significant direct benefits from Defendants' appropriation of the Massacre.

II. THE PARTIES

5. Plaintiff **Lessie E. Benningfield Randle** ("Mother Randle") is an individual who at all relevant times has resided in the County of Tulsa, State of Oklahoma. Mother Randle is directly affected by the Massacre and the ongoing public nuisance.
6. Plaintiff **Historic Vernon A.M.E. Church, Inc.** ("Vernon") is a domestic not-for-profit corporation which at all relevant times has been a resident of Greenwood, at 307 North Greenwood Avenue, in the County of Tulsa, State of Oklahoma. Vernon is directly affected by the Massacre and the ongoing public nuisance.
7. Plaintiff **Laurel Stradford** ("Stradford") is an individual who resides in Chicago, Illinois. Stradford is the great-granddaughter of J.B. Stradford who owned the Stradford Hotel in Greenwood, the largest Black owned hotel in the United States at the time of the Massacre. Stradford is directly affected by the Massacre and the ongoing public nuisance.
8. Plaintiff **Ellouise Cochrane-Price** ("Price") is an individual who at all relevant times has resided in the County of Tulsa, State of Oklahoma. Price is the daughter of Massacre victim Clarence Rowland and the cousin of Massacre victim Dick Rowland. Price is directly affected by the Massacre and the ongoing public nuisance.
9. Plaintiff **Tedra Williams** ("Williams") is the granddaughter of Massacre survivor **Wess Young** ("Young"). Williams is an individual who resides in Dallas, Texas. Williams is directly affected by the Massacre and the ongoing public nuisance.
10. Plaintiff **Don M. Adams** ("M. Adams") is an individual who resides in Del City, Virginia. Adams is the nephew and next of kin of Massacre victim Dr. A.C. Jackson. Adams is directly affected by the Massacre and the ongoing nuisance.

11. Plaintiff **Don W. Adams** ("W. Adams") is an individual who resides in Alpharetta, Georgia. W. Adams is the grandson of Massacre survivor Attorney H.A. Guess. W. Adams is directly affected by the Massacre and the ongoing nuisance.
12. Plaintiff **Stephen Williams** ("S. Williams") is an individual who resides in San Bernardino, California. S. Williams is the grandson of Massacre survivor Attorney A.J. Smitherman. S. Williams is directly affected by the Massacre and the ongoing nuisance.
13. Plaintiff **The Tulsa African Ancestral Society** ("Society") is a domestic not-for-profit corporation that maintains its principal place of business in the County of Tulsa, State of Oklahoma. Society's membership includes descendants of Massacre survivors. Society is directly affected by the Massacre and the ongoing public nuisance.
14. Defendant **City of Tulsa** ("City") is a municipal corporation created and authorized under the laws of the State of Oklahoma, which is and at all relevant times has been situated in the County of Tulsa, State of Oklahoma.
15. Defendant **Tulsa Regional Chamber** ("Chamber") is a domestic not-for-profit corporation that maintains its principal place of business in the County of Tulsa, State of Oklahoma.
16. Defendant **Tulsa Metropolitan Area Planning Commission** ("Planning Commission") is a public body corporate created and existing in the City of Tulsa, County of Tulsa, State of Oklahoma. Defendant's principal office is located in the City of Tulsa, State of Oklahoma.
17. Defendant **Tulsa Development Authority** ("TDA") is a public body corporate created and existing in the City of Tulsa, County of Tulsa. Defendant's principal office is located in the City of Tulsa, State of Oklahoma.

18. Defendant **Tulsa County** ("Tulsa County") founded at statehood, in 1907, is a political subdivision of the State of Oklahoma. Defendant's principal office is located in Tulsa, Oklahoma.

19. Defendant **Oklahoma Military Department** ("National Guard") is an agency of the State of Oklahoma pursuant to 44. O.S. 2001 Section 21. Defendant's principal office is located in Oklahoma City, Oklahoma.

20. Defendant **Vic Regalado** ("Regalado") was elected Sheriff of Tulsa County, Oklahoma in 2016. He is sued in his official capacity as the duly elected Sheriff of Tulsa County. Defendant's principal place of business is located in Tulsa, Oklahoma.

III. JURISDICTION AND VENUE

21. This Court has exclusive jurisdiction over the parties and subject matter and venue is proper in Tulsa County.

IV. SPECIAL HARM TO THE PLAINTIFFS

22. **Mother Randle**, at 105 years old, is a survivor of the Massacre. Defendants looted and destroyed Mother Randle's grandmother's home, rendered her insecure in her health and sense of safety in the immediate aftermath of the Massacre and caused her to have emotional and physical distress that continues to this day. She experiences flashbacks of Black bodies that were stacked up on the street as her neighborhood was burning, causing her to constantly relive the terror of May 31 and June 1, 1921. The Massacre left her family without sufficient financial resources to provide the needed physical and emotional support to overcome the terror of the

Massacre. Throughout her life, she has struggled financially, emotionally, and socially as a result of the continuing public nuisance and will do so until the nuisance is abated.

23. **Vernon**, founded in 1905, is the only standing Black-owned structure from the Historic Black Wall Street era and the only edifice that remains from the Massacre. Vernon's sanctuary burned in the Massacre. The basement was the only part of the red brick building that remained. Vernon also lost many prominent members, including its pastor, Reverend C.R. Tucker, all of whom had contributed to the church, financially or socially. The trauma of the Massacre, including the loss of prominent members who contributed both financially and by their involvement, made it harder for the remaining church members to repair and furnish the basement to make it usable for services at this time of great spiritual need. Greenwood founder O.W. Gurley, who also founded Vernon, is an example of this significant loss. The trauma and losses caused by the 1921 Massacre continue to plague the congregation today and will do so until the nuisance is abated.

24. **Stradford** is the descendant of Attorney J.B. Stradford, a businessman widely regarded as the wealthiest resident of Greenwood at the time of the Massacre. Defendants destroyed J.B. Stradford's property, including the Stradford Hotel. Immediately after the Massacre Defendants empaneled an all-White Tulsa County grand jury that criminally indicted J.B. Stradford on charges of causing the Massacre. Defendants' actions injured J.B. Stradford's security and caused him to flee Tulsa in fear of his life. Defendants interfered with his returning to rebuild and enjoy the use of his land. Defendants' destructive acts rendered J.B. Stradford and his descendants, including Stradford, insecure in their health and security, and caused a loss of

family wealth, status, and security that continues to affect Stradford to this day and will until the nuisance is abated.

25. **Price** is the descendant and daughter of Massacre survivor Clarence Rowland who was kidnapped by White men the day after the Massacre which was caused by the Defendants' acts in inciting the Massacre. Rowland was held, beaten, and tortured by the White men for 2 weeks because he could not tell them the whereabouts of his and Price's cousin, Dick Rowland, who was falsely accused of sexually assaulting a White woman (the false accusation that incited the angry White mob, leading to the Massacre). Defendants' actions destroyed Clarence Rowland's property, rendered Rowland and his descendant Price to be insecure in their health and security, and caused Price continuing physical and emotional distress. The destruction of Greenwood and Defendants' active interference in reconstruction efforts have resulted in a loss of family wealth, status, security, and mental and physical health that continues to plague Price to this day and will continue until the nuisance is abated.

26. **Williams** is the granddaughter of Wess Young. Defendants destroyed Young's property and unlawfully detained him against his will at the Booker T. Washington High School. Defendants' actions rendered Young and his descendant Williams insecure in their health and security, and caused continuing physical and emotional distress that continues to plague Williams to this day and will continue until the nuisance is abated.

27. **M. Adams** is an heir and nephew of Dr. A.C. Jackson. Dr. A.C. Jackson was brutally murdered and his property looted and destroyed during the Massacre. Defendants' actions rendered Adams insecure in his health and security and caused continuing physical and emotional distress. Defendants' destruction of Greenwood, murder of Dr. A.C. Jackson, and use

of Dr. A.C. Jackson's story, name and likeness for their own benefit and self-aggrandizement has resulted in a loss of family wealth, status, security, and negatively affected M. Adams' mental and physical health that continues to this day and will continue until the nuisance is abated.

28. **W. Adams** is the grandson of Attorney H.A. Guess. Defendants looted and destroyed Guess' property. Guess lost clients, income, and his savings as a result of the Massacre. Further, Defendants' actions rendered Guess and his descendants insecure in their health and security, and caused financial, physical, and emotional distress that continues to plague W. Adams to this day and will continue until the nuisance is abated.

29. **S. Williams** is the grandson of Attorney A.J. Smitherman, journalist. Defendants looted and destroyed Smitherman's property. Smitherman, the nationally known and influential publisher, and editor-in-chief of the Tulsa Star was also forced into exile first to escape the White mob and later from Defendants' spurious criminal charges. Defendants' actions rendered Smitherman and his descendants insecure in their health and security, and caused continuing financial, physical, and emotional distress that continues to plague S. Williams to this day and will continue until the nuisance is abated.

30. **Society** includes descendants of Massacre survivors and represents descendants of Massacre survivors by publicizing their ancestors' experiences during the Massacre and ongoing destruction of Greenwood. The Society's work to chronicle the history of the Massacre has been excluded by Defendants as they seek to profit from the Massacre, which has caused emotional distress and financial losses to the Society membership. Defendants actions have and continue to result in a loss of family wealth, status, security, and mental and physical health that continues to this day and will until the nuisance is abated.

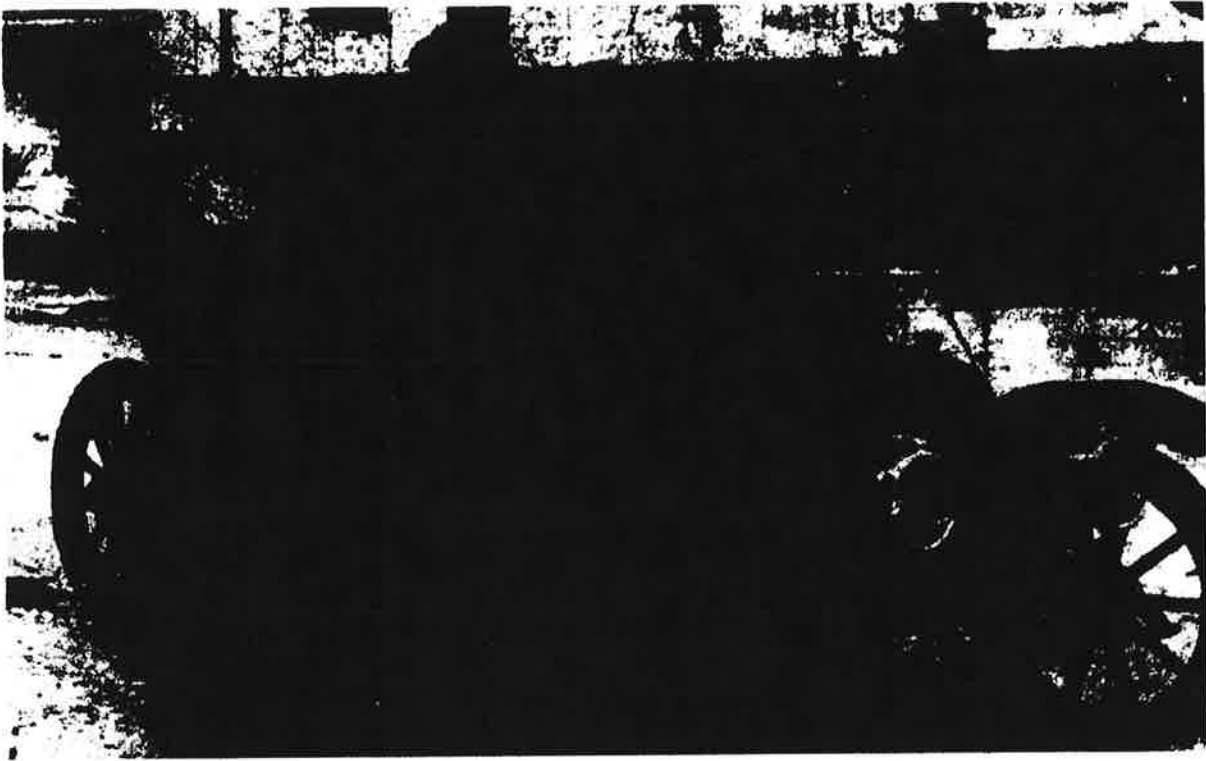
V. GREENWOOD

31. In 1906, African American community leader O.W. Gurley founded "Greenwood," a community on the northeast side of Tulsa.

32. In May 1921, the Greenwood community and neighborhood was home to more than 10,000 African Americans as well as hundreds of thriving Black-owned businesses and organizations.

33. Running north out of the downtown commercial district and shaped, more or less, like an elongated jigsaw puzzle piece, Greenwood was bordered by the Frisco railroad yards to the south, by Lansing Street and the Midland Valley tracks to the east, and by Stand Pipe and Sunset Hills to the west.

34. Greenwood was unlike any other Black community in the country. Its founders and residents had successfully created an affluent, self-sufficient, and flourishing community. Much of the land and the structures in Greenwood were owned by Greenwood residents. Black people from around the country visited Greenwood to witness and enjoy its prosperity.



35. Gurley and other community leaders played a central role in developing the Greenwood neighborhood and its economy. For example, community leader Attorney J.B. Stradford built the Stradford Hotel which was known as the largest and finest African American owned hotel in the United States. Community leader Attorney A.J. Smitherman published the nationally influential Black-owned newspaper, the *Tulsa Star*, and served as the President of the Western Negro Press Association, the purpose of which was to represent Black newspaper publishers west of the Mississippi and support their efforts to expose racial terrorism. These and other community leaders were essential to creating a flourishing community. Famous for its social cohesion and economic strength, Greenwood became known throughout the United States as "Black Wall Street."

VI. TULSA RACE MASSACRE

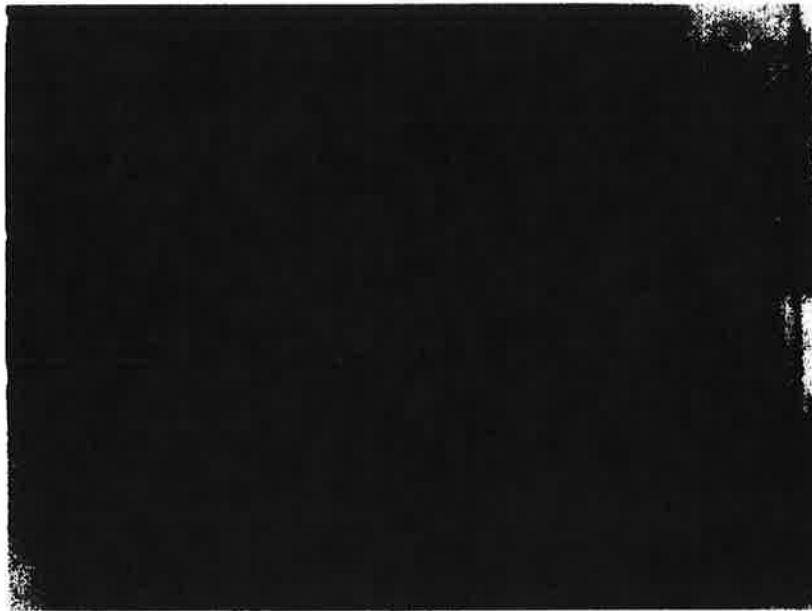
36. On May 31, 1921, Tulsa City police arrested a 19-year-old resident of the Greenwood community, Dick Rowland, on false charges of assaulting a White woman. The *Tulsa Tribune* published a false and inflammatory article which accused Rowland of attempting to rape the White woman. It also published an editorial that encouraged White people in Tulsa "To Lynch a Negro Tonight."

37. The *Tribune's* false and inflammatory reporting endangered Rowland's life and fueled the formation of an angry White mob that led to the Massacre.

Defendants Deputize and Arm White Residents

38. By 10:00 p.m. on May 31, the Tulsa police station was filled with a mob of armed, angry White people - overwhelmingly male. The police deputized and armed male civilians without regard for the safety and security of the African American residents of Greenwood. They kept no record of which civilians were issued weapons. Instead the police department ordered deputies and non-deputies alike to "go home, get a gun, and get a nigger."⁴

⁴ Scott Ellsworth, *Tulsa Race Massacre*, OKLA. HIST'L SOC. [hereinafter "Ellsworth, *Tulsa Race Massacre*"] (last visited Jan. 23, 2020 2:08 P.M. C.S.T.), <https://www.okhistory.org/publications/enc/entry.php?entry=TU013>.



39. From May 31 - June 1, 1921, Defendants ripped the Greenwood community apart. Valiant efforts by Greenwood residents to defend their community from this brutal attack were unsuccessful. They were outnumbered and outgunned. This angry, White mob attacked Greenwood, killing hundreds of Greenwood's residents, looting their homes and businesses, and reducing an approximately 35-square-block area (4 square miles) of homes and businesses to ash and rubble. Hundreds of Greenwood residents died. Thousands more were injured. Still thousands more were left homeless—many forced to flee Tulsa never to return. Many were simply never heard from again.

40. Various City and County officials including officers of the Defendant City's Police Department and members of the County Sheriff's office unlawfully and without just cause, participated with the angry White mob, killing African American Greenwood residents.

41. The newly-deputized members of the Tulsa Police Department, County Sheriff and City and County officials also committed arson on hundreds of Greenwood residents' homes and

businesses. One witness, Judge John A. Oliphant, testified that, "Instead of protecting property, they were the chief fellows setting fires."⁵

42. Defendants used airplanes to drop incendiary materials on the streets of Greenwood.

43. Defendants' wanton acts of destruction and violations of their public duties during the Massacre did more than deprive hundreds of residents of the Greenwood neighborhood of their lives. Those who survived were robbed of their homes, personal property, livelihoods, dignity, community leaders, sense of safety, physical security, economic capital, and consequently the exercise of their right to self-determination,⁶ the basis upon which they created this successful community.

44. In allowing its police officers and deputized White residents to engage in the aforementioned conduct, City, County, and State elected leaders breached their duty to protect the security of all Tulsa residents without regard to race, and affirmatively acted to injure and endanger the comfort, repose, health, safety, lives and property of Greenwood's African American residents.

45. White people who chose to participate in this raging White mob, both City, County, and State officials and other residents, were responsible for these acts of terror.

46. The Massacre was not simply an act of domestic terrorism. It was an economic, social, and cultural human-made disaster for the Greenwood neighborhood, a community of the City of Tulsa.

47. Overnight more than 9,000 Black people were left homeless and over 1,200 homes and businesses were destroyed.

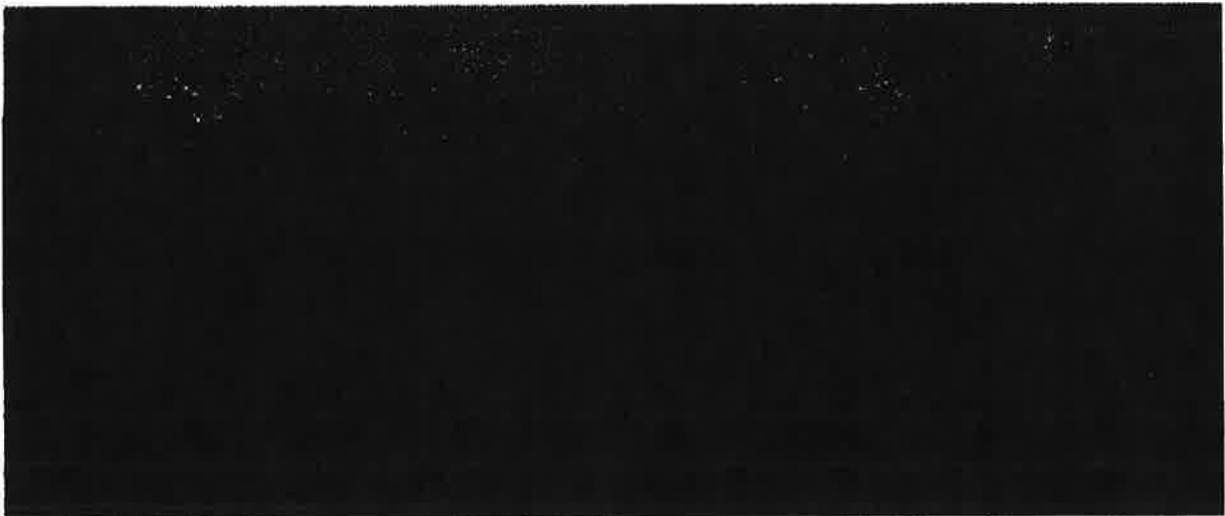
⁵ Tulsa Race Riot Commission Report, at 160 (citing Testimony of John A. Oliphant 2, Attorney General's Civil Case Files, RG 1-2, A-G Case No. 1062, Box 25 (Oklahoma State Archives)).

⁶ Okla. Const. Art. II, § 2.

48. Defendants were responsible for stealing and looting personal property worth millions of dollars.

49. Defendants' actions, in addition to murdering hundreds of Greenwood community members and destroying residences and businesses, tore families and social networks apart and destroyed its leadership structure.

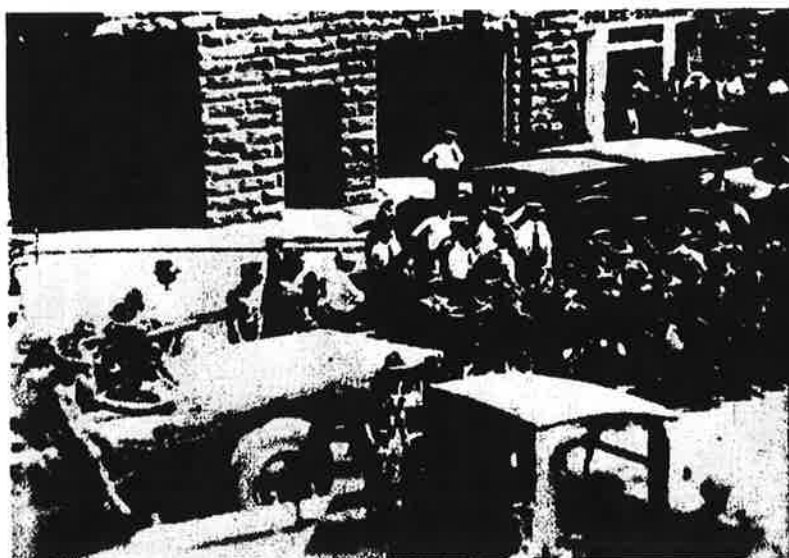
50. Estimates of the property damage alone suffered by the residents of Greenwood are between \$50-100 million in today's currency.



National Guard Joins the Angry White Mob, Participating in the Massacre

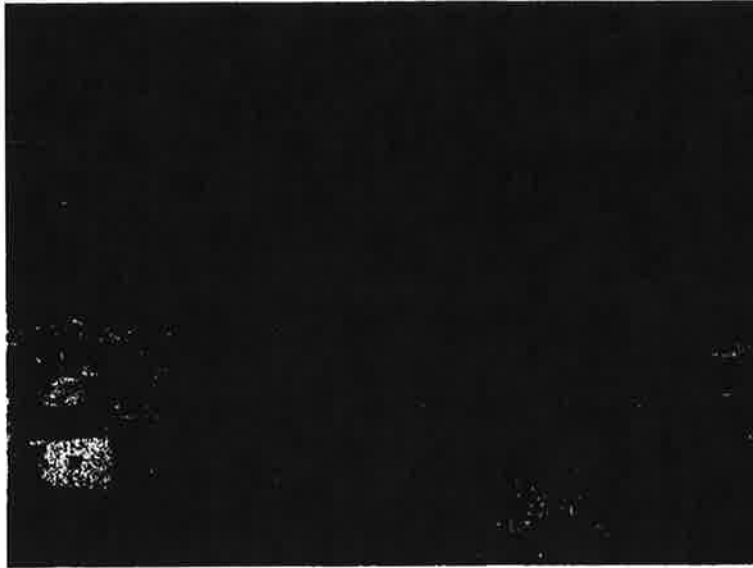
51. Local officials sought the assistance of the State National Guard. Members of the National Guard were in Tulsa early on May 31, and participated with and provided tactical and logistical support to the angry White mob. It was not until round 2:00 a.m. on June 1, 1921, that the Governor of Oklahoma declared martial law and ordered the National Guard to move against the "Negro Uprising."

52. The National Guard did not act to quell the violence directed at the residents of Greenwood. Rather, it joined the police and the angry White mob, including the newly deputized White residents. The Guard systematically rounded up African Americans during the Massacre, going so far as to kill those who would not leave their homes. The National Guard was not the savior of the African Americans, but rather intervened in the Massacre to advance the brutal, inhumane blood bath and destruction – an intervention that was pivotal to the success of the Massacre.



53. Members of the National Guard facilitated the marauding of local officials and the angry White mob. Guardsmen advanced on Greenwood and indiscriminately murdered, beat, terrorized, disarmed, and arrested African American residents and participated in setting Greenwood on fire. Brigadier Barrett, dispatched to command the National Guard, wrote, "In all my experience, I have never witnessed such scenes that prevailed in this city when I arrived at the height of the rioting. 25,000 whites, armed to the teeth, were ranging the city in utter and

ruthless defiance of every concept of law and righteousness. Motorcars bristling with guns swept through your city, their occupants firing at will.”⁷



VII. THE MASSACRE'S CONTINUING INJURIES

Trauma

54. The Massacre had and continues to have a severe impact on the comfort, repose, health, and safety of the Greenwood neighborhood and Greenwood community of Tulsa.

55. Defendants, having unlawfully and maliciously destroyed the comfort, repose, health, and safety of the Greenwood neighborhood and Greenwood community, had a duty of care to provide resources to mitigate the damage and trauma they caused. Defendants breached that

⁷ “Citizens in Mass Meeting Voice Shame Over Riots That Razed Negro Quarter.” *The New York Times*, June 3, 1921, sec. Archives.
<https://www.nytimes.com/1921/06/03/archives/tulsa-in-remorse-to-rebuild-homes-dead-now-put-at-30-citizens-in.html>. (last visited Aug. 11, 2020 9:08 A.M. C.S.T.),

duty by instead piling trauma upon trauma through a conspiracy of silence that lasted for seventy-five years. Defendants continued, through various unlawful acts and omissions, to thwart the Greenwood community's efforts to rebuild and recapture a community that promoted residents' economic, social, physical, and financial well-being. Defendants' actions over the next ninety-nine years excluded Greenwood community members and the predominantly Black North Tulsa community members from participating in the decisions that affected their health, safety, peace, and the community's shared social, economic, and cultural affairs.

56. In the immediate aftermath of the Massacre the Chamber was given charge of Tulsa while it was under martial law. The Chamber formed the Public Welfare Board, all members of which were White. The failure to include any Greenwood residents precluded the Greenwood community from influencing public efforts at reconstruction.

57. Under the authority of the Public Welfare Board, more than 5,000 Greenwood residents were forcefully detained in what the *Tulsa World* called "concentration camps."⁸ These camps, including the Ballpark and Convention Center, were guarded by armed White men including the City's police and members of the National Guard. Members of the Greenwood Community were only able to leave these camps if a White person sponsored them, vouching for their good character. The "paroled" Greenwood community members were required to wear or carry a green card bearing their sponsor's name while out of the camp. Many Greenwood community residents were forced to work for their sponsors or for the City under threat of violence and without pay. These conditions amounted to a badge of slavery.

⁸5,000 Negroes Held in Fairgrounds Camp, *TULSA DAILY WORLD*, Jun. 2, 1921 (final ed.), at 2, <https://chroniclingamerica.loc.gov/lccn/sn85042345/1921-06-02/ed-1/seq-2/>. (last visited Aug. 11, 2020 9:08 A.M. C.S.T.).

58. Defendant Chamber paid for the green cards that the City of Tulsa and the State of Oklahoma's National Guard required every African American adult to carry. These green cards were adorned with the words 'Police Protection' printed on one side, and various other data recorded on the other, including the person's name, address, and employer. It has been reported that "any black found on the street without a green card properly filled out was arrested and sent back to the detention camp."⁹

Name _____
Sex _____
Where Living _____
Employed by _____
Address _____
Kind of Work _____
Employer's Signature _____
Card Approved _____
Date _____

59. In addition, Defendants Chamber, City, and National Guard required African Americans to work their way out of custody by cleaning up the destruction caused by the angry White mob. At some time on June 2, General Barrett issued Field Order Number 4, which decreed that "all able bodied [N]egro men remaining in detention camp at the Fairgrounds and other places in the City of Tulsa [would] be required to render such service and perform such labor as [was] required by the military commission."¹⁰ The African American Greenwood residents were treated like chattel, reminiscent of slavery.

⁹ Scott Ellsworth, *Death in a Promise Land: The Tulsa Riot of 1921*, (1982).

¹⁰ Smith, Gerald Jerome. "Race and the States' Use of Police and Military Force." *Oklahoma City University Law Review*, Spring 2002.
<https://racism.org/articles/race/62-defining-racial-groups/africans-and-african-descendents/298-afam06-01>. (Last visited August 4, 2020).

Prevented Rebuilding and Expansion

60. From the Massacre until the present day, the Defendants have imposed or supported policies that stifled the ability of Greenwood residents to rebuild and thrive, except to the extent that development and preservation would benefit the parts of Tulsa that are predominantly White. Defendants continuing unlawful acts and omissions violated Greenwood and subsequently North Tulsa residents' constitutional right to equal protection under Oklahoma law, rendering them insecure in their lives and property. Defendants curtailed economic, social, and cultural opportunities in the Greenwood and North Tulsa communities, redirecting those benefits to White businesses and institutions in other parts of Tulsa, to the detriment of African Americans in Greenwood and North Tulsa, whose wellbeing in all areas of life was endangered. The Massacre and its ongoing marginalization of Black Tulsans constitute racial terrorism and inflict "deep traumatic and psychological wounds on survivors, witnesses, family members, and the entire African American community."¹¹

61. In the days and weeks following the Massacre, City and County officials and local White businessmen, including members of the Chamber, engaged in unlawful acts designed to prevent reconstruction of the Greenwood neighborhood and community.

62. While members of the Greenwood community of Tulsa were forcefully interned, the City and Chamber unlawfully pushed for changes in fire regulations and zoning laws that illegally deprived Greenwood community members of their property without due process of law.

¹¹ *Equal Justice Initiative*, "Lynching in America: Confronting the Legacy of Racial Terror" (3d Ed. 2017). <https://eji.org/reports/lynching-in-america/>. See the report attached herein as Exhibit 1. See also Deangolis, Tori, "The Legacy of trauma: An emerging line of research is exploring how historical and cultural traumas affect survivors' children for generations to come." American Psychology Association, February 2019. <https://www.apa.org/monitor/2019/02/legacy-trauma>. (Last visited August 26, 2020).

63. Many Greenwood residents lived on the sites of the internment camps for over a year in squalid conditions while awaiting reconstruction.

64. The zoning change, eventually declared unlawful by the Oklahoma Supreme Court, made reconstruction efforts prohibitively costly for Greenwood residents. The Oklahoma Supreme Court struck down the zoning ordinance in response to an expensive and time-consuming lawsuit brought by Massacre survivors that further drained their limited resources for rebuilding. The unlawful ordinance caused months-long delay in the rebuilding efforts. Defendants' unlawful actions left survivors of the Massacre to live in makeshift tents as their shelter into the winter, subjecting them to cold, filth and disease for up to a year after the Massacre.



65. The Massacre injured the reputation and standing of the whole of Tulsa. To cover up the true nature of the destruction and mitigate the public relations disaster caused by the Massacre, the City and Chamber colluded in a campaign to cover up the true nature of the destruction of Greenwood, characterizing the Massacre as a "race riot" to misrepresent the attack and extent of the damage. In a statement to the local newspaper, Alva J. Niles, President of Defendant

Chamber at the time, blamed the Massacre on “a group of negroes exhibiting a spirit of lawlessness.”¹²

66. The City and Chamber, through the Public Welfare Board, affirmatively rejected monetary aid from around the country that was intended to assist those who had been displaced as a result of the Massacre.

67. Their material misrepresentations also prevented Greenwood residents, including business owners, from collecting on insurance policies, leaving them no choice but to use any savings and capital they had or undertaking exorbitant debt to rebuild.

68. The County convened an all-White Grand Jury to determine whether there should be indictments related to the Massacre. This Grand Jury only indicted residents of Greenwood for causing the Massacre - people who had had their homes and businesses destroyed by the angry White mob. The Grand Jury also called for more aggressive policing of Black people in Greenwood which continues to this day.

69. As a result, the Greenwood community suffered economic ruin, which robbed Greenwood descendants of their rightful inheritance, and the wealth and financial security they would have had but for the actions of Defendants.

Defendants Continued to Support Acts that Undermined the Safety and Security of Greenwood Immediately After the Massacre

70. In the years following the Massacre the Defendants continued to support the Greenwood Community being terrorized by racist threats in the form of the Ku Klux Klan (“KKK”). The Defendants participated in overt public displays by the KKK. In fact, all five of the men who

¹² “Okla. Historian, Hannibal Johnson, Gives Annotation of 1921 Tulsa Chamber Meeting Minutes.” *The Black Wall Street Times*, June 30, 2020. <https://theblackwallstimes.com/2019/05/28/okla-historian-hannibal-johnson-gives-annotation-of-1921-tulsa-chamber-meeting-minutes/>. (Last visited August 4, 2020).

incorporated the Tulsa KKK in January 1922 were prominent leaders of the City, County, and Chamber. Just two months later in March 1922, Greenwood resident John Smitherman, brother of A.J. Smitherman, was kidnapped, beaten, and mutilated by the Tulsa KKK. John Smitherman's "crime" was registering Greenwood residents to vote. No one was charged or arrested for the attack on John Smitherman. The Defendants knew that some of their officers and employees were active in the Tulsa KKK, enhancing the sense of insecurity caused by the Massacre that continues to this day for Black Tulsans.



71. In 1923, Defendants again used zoning laws to impede the reconstruction of the Greenwood neighborhood. Defendants enacted a comprehensive zoning plan that designated Greenwood for industrial uses, while Black Tulsans, due to racially discriminatory laws and City sanctioned practices, were prohibited from moving outside the Greenwood neighborhood. This caused overcrowding in the decades that followed. Defendants' unlawful acts and omissions drove up rent prices and mortgage rates to levels most Greenwood residents could barely afford.

For residents of the Greenwood neighborhood, housing costs became an outsized portion of their budgets. Due to the high costs of loans and lack of basic resources to repair, many homes in Greenwood were virtually makeshift shacks.

72. In the 1930s, 1940s, and 1950s, Defendant City and County unlawfully neglected their duty to provide public services, utilities, and amenities to the Greenwood neighborhood, such as paved streets, running water, sewers and regular trash pickup, or a comparable number of parks and playgrounds. In 1958, the Tulsa Urban League published a report entitled "*A Concise Review of Housing Problems Affecting Negroes In Tulsa*" that documents these concerns.¹³

73. Defendants' unlawful acts and omissions in the years and decades following the Massacre blighted the Greenwood neighborhood, endangering the health and safety of the Greenwood community. The City's unlawful acts and violations of duty led to a lack of adequate and code-compliant housing during the 1950s that continues to this day. The City, after participating in the burning and looting of Greenwood, refused to enforce housing codes, and thereby neglected their duty to provide assistance to Greenwood homeowners at that time to make needed repairs. Its unlawful acts and violations of its municipal duties made houses prone to rapid deterioration and led to substandard conditions and blight that threatened the health, comfort, and safety of the Greenwood neighborhood and North Tulsa community and rendered them insecure in their lives and property.

74. Defendants' interference with investment in the Greenwood and North Tulsa community and neighborhood, which began after the Massacre, continues to this day. There is still no viable public infrastructure in these communities. For example, the City has yet to replace structures

¹³ Tulsa Urban League, *A Concise Review of Housing Problems Affecting Negroes In Tulsa*, utulsa.as.atlas-sys.com/repositories/2/archival/objects/85594 (ed., 1958).

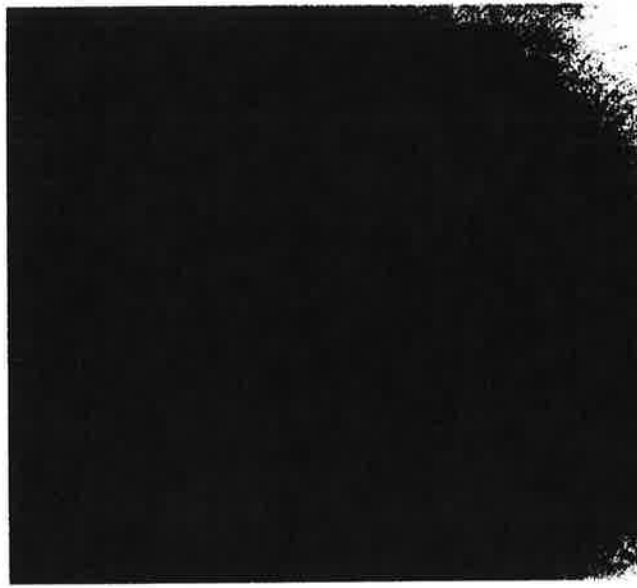
and other institutions destroyed during the Massacre. Since the Massacre, Defendants have oppressed and undermined the predominantly Black North Tulsa community in Tulsa, diverting resources to other communities to the detriment of the health, safety, and security of the Black community in Tulsa. Defendants have failed to provide material support for rebuilding the Black businesses, homes, schools, and hospital and recapturing the wealth and ready access to services destroyed in the Massacre. Instead, Defendants continue to neglect their obligation to abate the nuisance they created to the detriment of the Greenwood and North Tulsa communities, rather, focusing on providing opportunities for overwhelmingly White-owned and run businesses, organizations, and nonprofits.

75. The latest version of the City's business plan is to profit off the Massacre by turning it into a tourism attraction and primarily White-owned commercial hub.

76. In addition to the direct economic losses that resulted from the Massacre, the Greenwood community suffered other severe losses that destroyed the integrity of the community and contributed to the public nuisance that continues today.

Destroyed Leadership

77. Defendants' actions during the Massacre and its aftermath destroyed the Greenwood community's leadership. The mob murdered professionals and business owners who contributed to the community's prosperity, such as nationally renowned surgeon Dr. A.C. Jackson. Dr. Jackson was a prominent Greenwood resident who was brutally shot on June 1, 1921, by members of the angry White mob deputized and armed by the City of Tulsa while coming out of his home, hands raised. He bled to death while imprisoned at the Convention Center by Defendants.



78. The City and the *Tulsa Tribune* encouraged the formation of a grand jury that targeted twenty-seven Greenwood community leaders, including Gurley, Smitherman and Stradford. The resulting indictments forced Smitherman, Gurley and Stradford, along with others, into permanent exile. Many other Greenwood leaders fled the state. And even more of its leadership and those who were key to its economic viability, including doctors, lawyers, teachers, nurses, businesspeople, skilled and blue-collar workers needed to make the community thrive, left Greenwood because the Massacre destroyed community businesses and institutions that provided them with employment.

79. From the 1920s and continuing to the present day, Defendants' unlawful acts and violations of their duties have prevented the African American members of the Greenwood and North Tulsa communities from occupying top level leadership positions in City government.

80. During the 1930s, the City, with the support of the Chamber, engaged in more extensive racial segregation in public employment than any other southern and southwestern city. For example, unlike other Southern cities, Tulsa did not hire any African Americans for public

service jobs with the exception of those hired as police for the Greenwood community or teachers in the segregated school system.

81. Similarly, in the 1920s through the 1960s, the City and the Chamber unlawfully excluded the few African American businesses run by members of the Greenwood and North Tulsa communities from participation in business opportunities.

82. The Chamber excluded Greenwood and North Tulsa Black-owned businesses in its publicity materials commemorating Oklahoma's fiftieth anniversary.

83. In addition to the Chamber's significant involvement in creating the public nuisance stemming from the Massacre, the Chamber has not taken any affirmative action to abate the nuisance. The City and County continued their practices of limiting employment opportunities for African Americans. In the 1970s African Americans were predominantly in lower-level jobs. Few African American members of the Greenwood and North Tulsa communities were appointed to managerial positions that would enhance the stature of the community and permit the Greenwood and North Tulsa communities to have some measure of control over the future of their neighborhoods.

84. The Chamber, County, and City continue to deny African American businesses in the Greenwood and North Tulsa communities an equal voice by excluding their representatives from leadership positions and on decision-making bodies that determine economic and social policy for Tulsa, including the Greenwood and North Tulsa communities.

Destroyed Neighborhood and Community Integrity 1921 to Present

85. Defendants' continuous unlawful acts and persistent neglect of required duties towards the Greenwood neighborhood and community laid the fertile ground for the effects of the

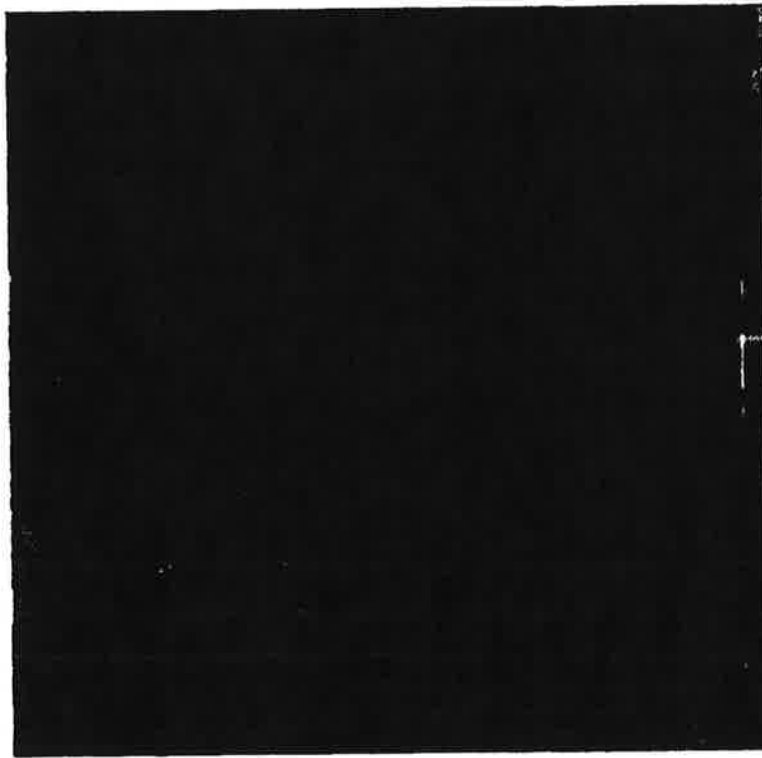
nuisance created by the Defendants to not only be experienced in the Greenwood community and North Tulsa, but to follow Black Tulsans who migrated from these communities, either by choice or through acts of the Defendants, to other parts of Tulsa. These unlawful acts and persistent neglect of governmental duties include the continuous dispossession and taking of land owned by Greenwood residents, blighting the Greenwood and North Tulsa neighborhoods and community by causing a steady decline of the Greenwood and North Tulsa property values, the fragmentation of the Greenwood and North Tulsa neighborhood and community by placement of a highway that physically divided it, and the destruction of a base of professionals and entrepreneurs who lived and worked in Greenwood and North Tulsa. Defendants, on the other hand, made it possible for property values in predominantly White South Tulsa to appreciate, new housing and commercial developments to sprout, and White professional and entrepreneurial residents to maintain their base in South Tulsa.

86. Throughout the 1950s, 1960s, and 1970s, Defendants City, County, and Chamber, acting through TDA and the Planning Commission, implemented or promoted policies of "urban renewal" and urban planning initiatives without regard for the health and safety needs of the Greenwood community and Black Tulsans. Defendant's unlawful failure to include the Greenwood and North Tulsa communities in the decision-making process ensured any urban renewal plan would not serve these communities but rather would serve the interests of the predominantly White South Tulsa residents.

87. This failure exacerbated nuisance conditions in the Greenwood and North Tulsa neighborhoods. The initiatives adopted by Defendants and their actions pursuant to them including unlawfully taking land from Black Greenwood for less than market value, led to

further fragmentation of the Greenwood community and deepened Tulsa's geographical, racial and wealth divide that still exists today.

88. In the 1960s and 1970s, Defendants unlawfully harmed the health and safety of the Greenwood and North Tulsa community by deciding that the location of Interstate 244 and the construction of the inner dispersal loop would go through the middle of the Greenwood community and neighborhood, despite other viable alternatives.



89. That placement continued Defendants' practice of isolating and fragmenting the Greenwood and North Tulsa communities from the rest of the city. The Interstate divided the Greenwood neighborhood and community in two, creating a physical barrier between the North side, which had an overwhelmingly Black population, from the rest of the city, and displaced

many families and businesses.¹⁴ A May 4, 1967 article in the *Tulsa Tribune* states, “The crosstown expressway slices across the 100 block of North Greenwood Avenue, ... There will still be a Greenwood Avenue, but it will be a lonely, forgotten lane ducking under the shadow of a big overpass.”¹⁵

90. Defendants used their urban renewal powers to take property from Greenwood residents for projects that provided no direct benefit to them—for example, the sprawling *University Center at Tulsa* (now *Oklahoma State University-Tulsa*¹⁶) pictured below. This taking perpetuated the Defendants’ acts that diminished the enjoyment by Greenwood residents of their property and further eroded Greenwood’s tax base negatively affecting residents, businesses, and schools in the Greenwood and North Tulsa Community.

¹⁴ A May 2020 report by the internationally acclaimed Human Rights Watch found that Defendants’ disparate use of Urban Renewal powers “claimed and demolished so many businesses and homes in Tulsa, more than 1,000, many of them in Greenwood, that black Tulsans would come to call urban renewal “urban removal...this led black Tulsans to move north, east, and west—but with few exceptions, not to the more prosperous neighborhoods south of the railroad tracks.” See, *The Case for Reparations in Tulsa, Oklahoma A Human Rights Argument*, <https://www.hrw.org/news/2020/05/29/us-provide-reparations-1921-tulsa-race-massacre>.

¹⁵ Joe Looney, “Greenwood Fades Away Before Advance of Expressway,” *Tulsa Tribune*, May 4, 1967, <http://cdm15020.contentdm.oclc.org/cdm/singleitem/collection/p16063coll1/id/439/rec/18> (Last visited August 4, 2020).

¹⁶ Not only is the Oklahoma State University-Tulsa Board of Trustees devoid of any Massacre or Greenwood descendants, the Oklahoma State University Board of Trustees is all-White.¹



91. These initiatives only further exacerbated Defendant-created disparities in education, policing, housing, poverty, and health outcomes, rendering members of Tulsa's African American community insecure in their lives and property, and annoying, injuring, and endangering Greenwood and North Tulsa residents in their comfort, repose, health, and safety.

92. An August 1977 report by the *Oklahoma Advisory Committee to the U.S. Commission on Civil Rights* describing North Tulsa, which includes the Greenwood District, found that the Tulsa "Black population is concentrated mainly in the northern part of the city [Tulsa]. At the present time, this section of Tulsa is experiencing a decline in property values, an increase in housing abandonment, and loss of business...increasingly the...northern sections of the city are being forsaken. Conversely, the southeastern part of Tulsa has prospered and is experiencing a tremendous growth in housing."

93. By 1980, very little remained of the original Greenwood community. At the same time, Greenwood and North Tulsa residents had the worst outcomes in every conceivable social-economic category, including housing, education, employment, and mental and physical health, in addition to the continuing racially disparate treatment by Tulsa law enforcement.



94. Throughout the 1980s, Defendants continued to injure and endanger the comfort, repose, health, and safety of the Greenwood neighborhood and community that first began during the Massacre. In 1989, then- Tulsa School Board member Judy Eason-McIntyre lamented that the hardships Black Tulsans endured were caused by “years of discrimination...dating back to Tulsa’s race riot in 1921...” These “years of discrimination” perpetuated the public nuisance created in 1921 that continues to destroy the lives of North Tulsa and Greenwood residents.

95. The Defendants had a duty to rebuild the Greenwood neighborhood that they destroyed in 1921. Rather than fulfilling this duty, they consistently underserved the Greenwood and North Tulsa communities throughout the 1990s and 2000s. They did not use federal funding, programs, and services to which they had access in the Greenwood neighborhood and North Tulsa community to enhance these communities’ ability to thrive.

96. The racially disparate health outcomes, including life expectancy,¹⁷ chronic diseases and infant deaths, as well as other negative health outcomes documented in the 2000s flow from the public nuisance created by Defendants.

97. Defendants have continued the public nuisance in the Greenwood neighborhood and North Tulsa communities by making them less viable for commercial activity, threatening the health and safety of the Greenwood and North Tulsa communities by depriving North Tulsans of easy access to meet their basic needs, like grocery stores, schools, and hospitals, all of which the rest of Tulsa enjoyed. Current Chamber President and CEO Mike Neal stated “the racism that enabled the massacre also shaped the economic disparities in our community.”¹⁸

98. There is now an established consensus among medical professionals that such disparities in access to the resources that enable well-being, like nutritious food and primary care providers, threatens community health. The American Academy of Pediatrics, the American Medical Association, and the American College of Emergency Physicians recently formally declared “institutional racism an urgent public health issue”¹⁹ and states and cities around the country are beginning to declare racism a public health crisis.

¹⁷ In 2018 Mayor Bynum stated “For this generation of Tulsans, the great moral issue we face is in resolving the racial disparities that have been allowed to persist in our city for far too long. In 1921, Tulsa was the site of the largest race massacre in United States history. Hundreds of Black Tulsans were killed and businesses were destroyed in Tulsa’s Greenwood District – a place known around America at that time as Black Wall Street. Today, a child born in the most predominantly Black part of our city has a life expectancy that is 11 years shorter than a child born elsewhere in Tulsa.” See, <https://www.cityoftulsa.org/media/7673/resilient-tulsa-digital-web.pdf>. (Last visited August 4, 2020).

¹⁸ “Chamber Donates Meetings Minutes From 1921 to Greenwood Cultural Center.” Tulsa Regional Chamber, May 28, 2019. See, <https://tulsachamber.com/news/2019/05/28/community-development/chamber-donates-meeting-minutes-from-1921-to-greenwood-cultural-center/>. (Last visited August 4, 2020).

¹⁹ Vestal, Christine. “Racism Is a Public Health Crisis, Say Cities and Counties.” The Pew Charitable Trusts, June 15, 2020. See, <https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2020/06/15/racism-is-a-public-health-crisis-say-cities-and-counties> (Last visited August 4, 2020).

99. As a direct and proximate result of the Massacre and the Defendants' continued unlawful actions described above, Black Tulsans face disparate treatment and outcomes with respect to every single basic human need: jobs, financial security, education, housing, justice, and health, both mental and physical health, that annoys, injures, or endangers their comfort, repose, health, or safety and renders them insecure in life, or in the use of their property. Examples of how the nuisance, caused and perpetuated by the Defendants, has imperiled the lives of Black Tulsans are documented by the City in its *2019 Tulsa Equality Indicators Annual Report*,²⁰ and include:

- a. **Jobs.** Unemployment in Tulsa's Black community is more than twice that of unemployment among White Tulsans.
- b. **Financial Security.** The median household income of White residents of Tulsa is over \$20,000.00 more than that of Black residents of Tulsa. Significantly more Black residents of Tulsa live at or below the poverty line than White residents.
- c. **Education.** Black students are nine times more likely than White students to be suspended from school.
- d. **Housing.** Fifty-eight percent of White adults own their homes, compared to only 34.8% of Black adults.

²⁰ The findings of the Tulsa Equality Indicators Annual Reports only further documented that the nuisance created by the 1921 Race Massacre continues to hinder and harm Black Tulsans and the Greenwood community. See, Tulsa Equality Indicators Ann. Rpt. (2019) https://www.tulsaei.org/wp-content/uploads/2019/07/Tulsa-Equality-Indicators-Report_2019.pdf (last visited August 10, 2020). It should be noted that in response to the City of Tulsa's *2018 Equality Indicators Annual Report* the NAACP Legal Defense Fund and over fifty local community, elected, and religious leaders sent a letter to Mayor Bynum and the Tulsa City Council demanding reforms be immediately implemented. The letter stated, "it is simply unacceptable to acknowledge racial inequities in City report and do little to nothing to address them." To date none of the reforms requested in the letter have been implemented.

- e. **Justice.** The arrest rate of Black youth is nearly three-and-a-half times that of White youth. Likewise, the arrest rate of Black adults is over twice that of White adults. Blacks Tulsans are one-and-a half times more likely to be victims of police use of force than White Tulsans and are five times more likely to be victims of officer use-of-force than all other racial and ethnic groups.
- f. **Health.** The rate of infant mortality among Black Tulsans is over four times that of the rate among White Tulsans.

VIII. EXPLOITATION OF THE MASSACRE FOR DEFENDANTS' GAIN AT PLAINTIFFS' EXPENSE

100. The Defendants City, County, Chamber, Sheriff, and National Guard participated in the Massacre that destroyed the Greenwood neighborhood and community and in the discriminatory schemes to thwart the complete rebuilding of Greenwood. They have and still actively participate in schemes to prevent Greenwood's full reconstruction and harm North Tulsa's residential and business communities. Yet, Defendants are now appropriating the trauma and terror suffered by the survivors and descendants of the Tulsa Massacre for their economic benefit at Plaintiffs' expense.

101. Defendants have appropriated the history of the Massacre, using the names and likenesses of survivors and descendants of Massacre victims, to exploit the horrific event in which they actively participated and the subsequent trauma they caused and which continues to this day. Their purpose is to promote tourism and economic development by appropriating the name "Black Wall Street," along with its cultural and historical significance and through use of the names and likenesses of survivors—predominantly for the benefit of White-owned or controlled Tulsa businesses and organizations. Their appropriations not only result in their

unjust enrichment; but rather than offering an apology and compensation for the damages they caused, they are exacerbating the pain of the continued trauma they caused. For example, Tulsa Mayor Bynum on May 31, 2020, during a televised program about the Tulsa Race Massacre, shared the story of Dr. A.C. Jackson, without apology to Jackson's heir M. Adams or acknowledgment of a debt owed to M. Adams or the Jackson family.

102. The Defendants are working to bring business to Tulsa using the Massacre and Black Wall Street as a "cultural tourism" draw. The problem is not that the Defendants want to increase the attraction to Tulsa, it is that they are doing so on the backs of those they destroyed, without ensuring that the community and descendants of those subjected to the nuisance they created are significantly represented in the decision-making group and are direct beneficiaries of these efforts. This exclusion appears intentional, not a happenstance.

103. The Defendants City, Chamber and County are partnering in the development of a "cultural tourism" district that includes the \$30 million *Greenwood Rising History Center*. The Black residents of Greenwood and North Tulsa and survivors and descendants of those who were killed or suffered losses in the 1921 Massacre are not guaranteed any income producing and generating role in the project.

104. The Defendants' exploitation of the death, destruction, and disparities they created and perpetuated for financial gain and failure to address the public nuisance they created that caused significant injuries to the Greenwood neighborhood and North Tulsa community, have resulted in their unjust enrichment at the expense of these communities and worsened the racial disparities including the wealth divide.

IX. CLAIM # 1: PUBLIC NUISANCE

All Defendants

105. Plaintiffs restate and incorporate paragraphs 1 through 104 as if fully set forth herein.

106. Defendants' above-described unlawful acts and omissions injured Plaintiffs and the Greenwood and North Tulsa communities, endangered their comfort, repose, health, and safety and rendered them insecure in life and in the use of their property.

107. The above-described unlawful acts and omissions constitute a public nuisance, and such nuisance has affected the entire Greenwood community and the Black population of North Tulsa more generally.

108. Defendants' actions and violations of duty that caused the nuisance in the Greenwood and the North Tulsa communities accelerate aging, shorten life expectancy²¹ and cause Black Tulsans to experience significant psychological and emotional injury.

109. Oklahoma statutes define a "nuisance" as "unlawfully doing an act, or omitting to perform a duty, which act or omission . . . annoys, injures or endangers the comfort, repose, health, or safety of others . . . or . . . [i]n any way renders other persons insecure in life, or in the use of property"²²

²¹ Liam Knox, *New Study Shows Racism May Shorten Black Americans' Lifespans*, NBCNews.com (Feb. 5, 2020, 2:06 P.M. C.S.T.), <https://www.nbcnews.com/news/nbcblk/new-study-shows-racism-may-shorten-black-americans-lifespans-n1128351>; David H. Chae, *et al.*, *Racial Discrimination and Telomere Shortening Among African Americans*, 39 HEALTH PSYCH. 209 (2020), available at <https://psycnet.apa.org/doiLanding?doi=10.1037%2Fhca0000832> (last accessed Feb. 10, 2020, 1:38 P.M.); Sierra E. Carter, *et al.*, *The Effect of Early Discrimination on Accelerated Aging Among African Americans*, SCIENCE DAILY.COM (Sept. 30, 2019), <https://www.sciencedaily.com/releases/2019/09/190930161920.htm> (last accessed Feb. 10, 2020, 1:42 P.M.).

²² 50 O.S. § 1.

110. A nuisance is public, as opposed to private, if it “affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon the individuals may be unequal.”²³

111. The public nuisance, as described above, is continuing, and has resulted in an obstruction of public rights including, but not limited to, the inherent right to life, liberty, the pursuit of happiness, and the enjoyment of the gains of one’s own industry, the right of equal protection under the law, the right not to be placed in harm’s way by Defendants’ affirmative actions, the right to security in health, the right to access public roads and thoroughfares, and the right to enjoy reasonable use of property as guaranteed under the Oklahoma Constitution. Accordingly, “[n]o lapse of time can legalize” the nuisance described herein.²⁴

112. As a direct and proximate result of the Massacre and the unlawful actions and omissions of Defendants since the Massacre, Greenwood and North Tulsa Community residents continue to face racially disparate treatment and City-created barriers to basic human needs, including jobs, financial security, education, housing, justice, and health that annoy, injure, or endanger their comfort, repose, health, or safety and render them insecure in life, or in the use of their property.

113. Plaintiffs, who are African American residents and organizations of the Greenwood and North Tulsa communities, or descendants of previous residents, have suffered injuries that are unique to their status and their injuries are substantial in nature. Thus, Plaintiffs have authority to bring this claim against Defendants for abatement of the public nuisance they created and to be compensated for the injuries they caused to Plaintiffs.

²³ 50 O.S. § 2. In Oklahoma, “the nuisance or wrong does not have to affect the government or the entire community of the state to be a public nuisance.” L. Mark Walker & Dale E. Cottingham, *An Abridged Primer on the Law of Public Nuisance*, 30 Tulsa L.J. 355, 358 (1994) (citing *Finkelstein v. City of Sapulpa*, 234 P. 187 (Okla. 1925)).

²⁴ 50 O.S. § 7.

X. CLAIM # 2: UNJUST ENRICHMENT

Defendants City, County and Chamber

114. Plaintiffs restate and incorporate paragraphs 1 through 113 as if fully set forth herein.

115. Defendants by their purported efforts to revitalize the Greenwood neighborhood and community, known as the “Black Wall Street,” have appropriated the historic reputation of “Black Wall Street” to their own financial and reputational benefit.

116. Defendants actively engaged in the destruction of the Greenwood District and its viability, prosperity, and national acclaim. It is inequitable for the Defendants to retain the benefits they receive from marketing Black Wall Street rather than providing those benefits to the Black residents and businesses in the Greenwood District and North Tulsa, with top priority placed on those who are descendants of the Black residents who resided in the Greenwood District at the time of the Massacre.

XI. PRAYER FOR RELIEF

Plaintiffs pray this Court will grant the following:

1. A declaration that Defendants’ policies, actions, and omissions during and after the 1921 Massacre created a public nuisance as defined by Oklahoma law and that said public nuisance is on-going and a public health emergency.
2. A declaration that the public nuisance created by Defendants is capable of being abated through the expenditure of money and labor.
3. A declaration that the National Guard’s conduct contributed to the creation of the nuisance.

4. A declaration and order of abatement of the public nuisance by Defendants including all costs necessary to abate such nuisance.
5. A declaration that the deployment of the national guard in 1921 was inconsistent with its charter.
6. An injunction prohibiting Defendants from using the likenesses of victims of the Massacre, or of individuals and businesses destroyed in the Massacre, to their benefit without fair and equitable compensation to the descendants of those likenesses; and if there are no living descendants, payment into the Tulsa Massacre Victims Compensation Fund ("Victims Compensation Fund") created herein.²⁵
7. An injunction to prohibit the Defendants from receiving any monies or financial benefit from the Greenwood Rising facility. Any monies designated for Defendants shall be placed in the Victims Compensation Fund.
8. An injunction prohibiting Defendants receiving any money or other material benefits from appropriating the legacy of the Massacre and the reputation of the Greenwood District and neighborhood. Any fees or revenue due the Defendants associated with providing licensing or other services to private or public groups to implement this appropriation, including the Greenwood Rising History Center, shall be placed in the Victims Compensation Fund.
9. An accounting of the unjust enrichment Defendants received by appropriating the historic reputation and legacy of the Massacre and the ongoing nuisance to its benefit while causing the nuisance and neglecting to repair the injuries caused to the

²⁵ Plaintiffs propose creation of a fund modeled after those compensating victims of other mass casualty events such as the fund created for victims of the September 11, 2001 terrorist attacks.

Greenwood District, and subsequently North Tulsa, by its breach of its fiduciary duty to the residents of Greenwood and North Tulsa. The accounting shall include:

- a. All money raised by the Defendants, through private and public sources, since 2010 from marketing of the Greenwood District and neighborhood, or North Tulsa, as the site of the Massacre.
- b. All money received by the Defendants, from public and private sources, for use in the Greenwood neighborhood and community from June 1, 1921 to 1960.
- c. All money received by the Defendants from public and private sources for use in North Tulsa from 1960 to the present.²⁶
- d. All benefits, including money, Defendants received from licensing private groups to engage in the appropriation of Black Wall Street and the Massacre.
- e. All money dispersed by the Defendants to residents of the Greenwood neighborhood and North Tulsa, or their descendants, to abate the nuisance from May 31, 1921 to the present. This should not include money for which eligibility is given to all Tulsa residents.
- f. All money disbursed to directly benefit the Greenwood neighborhood and community, subsequently North Tulsa, from May 31, 1921 to the present.
- g. The value of the loss of life in the Greenwood neighborhood and subsequently North Tulsa, as determined by licensed professional actuaries based upon published mortality tables that can be reasonably attributable to Defendants'

²⁶ Specifically, monies received from public and private sources for use in zip codes 74106, 74126, 74130.

actions in causing the nuisance, including those who were killed on May 31 and June 1, 1921 to the present.

h. The value of the loss of private personal property stolen and looted from Greenwood residents by Defendants from May 31, 1921 to the present.

i. The value of all claims made by survivors after the Massacre, whether to private companies or to the City, County, and State of Oklahoma.

j. The value of the emotional and psychological trauma inflicted on the residents of Greenwood, subsequently North Tulsa, by the nuisance created by Defendants.

k. The difference in property values pre-Massacre and every ten (10) years subsequent to the Massacre of property owned by residents of Greenwood and North Tulsa.

l. The value of property lost due to Defendants' actions, including Defendants' policies and practices, from May 31, 1921 to the present.

m. An audit of land records of property owned by residents of Greenwood on May 30, 1921, and purportedly owned by them or their descendants on June 2, 1921, and thereafter to ensure all proper title and ownership.

n. An assessment of the current value of the Greenwood District, both the one destroyed in 1921 and the one that has been renamed by the Defendants, and neighborhood including the realization of its 1921 potential but for Defendants' actions, including Defendants' policies and practices.

10. Creation of the Victims Compensation Fund in which the valuation of the unjust enrichment derived from the accounting shall be placed as well as all monies determined by the Court to be necessary for the abatement of the nuisance based upon the accounting outlined in paragraph 9 above. These funds shall be used for the sole benefit of survivors of the Massacre, Descendants of those killed, injured, or lost property in the Massacre, and residents of the Greenwood and North Tulsa Community who have lived in Greenwood or North Tulsa for at least 10 years, five of which are consecutive, or were displaced from these communities at any time from May 31, 1921, until the present in that order.
11. Abating all the conditions in the Greenwood neighborhood and North Tulsa that are aspects of the nuisance created by Defendants as demonstrated by the evidence presented in this matter and not addressed by any other demand in this prayer for relief including but not limited to:
- a. Payment of all outstanding claims presented by Greenwood residents as a direct result of losses sustained in the Massacre that were denied by Defendants or insurance companies.
 - b. Property development, including purchase of business and residential property and repairs and upgrading of existing property, in the Greenwood neighborhood or North Tulsa.
 - c. Development of mental health and educational programs by individuals who live in Greenwood or North Tulsa for residents of Greenwood and North

Tulsa; or organizations with 75% of their leadership consisting of individuals who live in Greenwood or North Tulsa.

d. Development of a quality of life program for individuals who live in Greenwood or North Tulsa for emergency needs related to maintaining employment, medical emergencies, and home maintenance

e. Creation of a land trust into which all vacant or undeveloped land in the historical Greenwood neighborhood and North Tulsa community currently owned by Defendants will be placed. Residents who are descendants of those who lost homes or businesses in the Massacre shall be able to receive a parcel as close to the size that was destroyed in the Massacre or taken for less than fair market value during urban renewal.

f. Construction of a Level 1 Trauma Center hospital, including an urgent care center, in Greenwood, in which Greenwood and North Tulsa residents are given top priority for employment at all levels, that is named after and dedicated to the Massacre murder victim and nationally acclaimed surgeon, Dr. A.C. Jackson.

g. Immunity from all City of Tulsa and County of Tulsa taxes, fees, assessments, and/or utility expenses for the next 99 years for residents of the City of Tulsa or Tulsa County who are Massacre descendants. descendants of those who were killed, injured or lost property in the Massacre.

h. Creation of a scholarship program for Massacre descendants of the Greenwood District who lived in Greenwood on May 31, 1921 or for at least 10

years, with at least five years consecutive, between May 31, 1921, and until the present. The scholarship shall pay tuition, room and board, books, and fees to attend a university, college, or other post high school education or training institution in Oklahoma. This program shall last 99 years.

i. Black Tulsans who live in the Greenwood neighborhood and North Tulsa communities shall have top priority and fair representation reflective of their percentage of the Tulsa population, among recipients of City contracts, with those who are descendants of Massacre victims having the highest priority for the next 99 years.

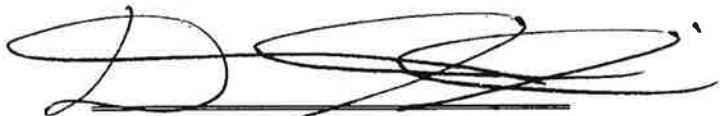
12. The plaintiffs shall be awarded punitive damages as allowed by law. These punitive damages shall be added to the Tulsa Massacre Victims Compensation Fund.

13. The plaintiffs shall be awarded attorneys' fees and expenses.

14. The plaintiffs shall be awarded any and all further relief this Court deems just and equitable, including as well as pre-judgment and post-judgment interest at the appropriate lawful rate.

Respectfully submitted,

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²⁷ Reinstatement to active status from retired status pending.

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ATTORNEYS FOR PLAINTIFFS

ATTORNEY LIEN CLAIMED
JURY TRIAL DEMANDED

Proposed 2021 SCHEDULE

Tulsa Metropolitan Area Planning Commission (TMAPC)

Regular meetings of the TMAPC are held on the first and third Wednesday of each month at 1:00 p.m. in the One Technology Center, 175 E. 2nd Street, City Council Chambers, 2nd Level, Tulsa, Oklahoma.

Work sessions of the TMAPC are held, as necessary, typically prior to regular TMAPC business in the One Technology Center, 175 E. 2nd Street, in a room location to be announced at the time an agenda is posted.

JANUARY	FEBRUARY	MARCH
6	3	3
20	17	17
APRIL	MAY	JUNE
7	5	2
21	19	16
JULY	AUGUST	SEPTEMBER
7	4	1
21	18	15
OCTOBER	NOVEMBER	DECEMBER
6	3	1
20	17	15

9/30/2020

