

TULSA METROPOLITAN AREA PLANNING COMMISSION

Meeting No. 2848

August 18, 2021, 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 at the above address.

Applicants and members of the public may attend the meeting in the Tulsa City Council Chamber or by videoconferencing and teleconferencing via Zoom Meeting by joining from a computer, tablet or smartphone using the following link:

<https://us02web.zoom.us/j/85661957447>

Meeting ID: 85661957447

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

United States: +1(312)626-6799

INTRODUCTION AND NOTICE TO THE PUBLIC

At this meeting the TMAPC, in accordance with and pursuant to applicable TMAPC Policies and Procedures, will review, consider, discuss, and may take action on, approve, recommend for approval, amend or modify, recommend for approval with modifications, deny, reject, recommend for denial, or defer action on any item listed on the agenda.

Call to Order:

REPORTS:

Chairman's Report:

Work session Report:

Director's Report:

Review and possible approval, approval with modifications, denial, or deferral of the following:

1. Minutes of August 4, 2021 Meeting No. 2847

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.

Review and possible approval, approval with modifications, denial, or deferral of the following:

None

PUBLIC HEARING-NEW CAPITAL IMPROVEMENT PROJECT

Review and possible adoption, adoption with modifications, denial, or deferral of the following:

2. **Public hearing approving new capital improvement project, Route 66 Village Improvements**, specifically acquisition of 2215 W. 38th Pl. S., and finding it in conformance with the Tulsa Comprehensive Plan.

PUBLIC HEARING-REZONING

Review and possible recommendation of approval, approval with modifications, denial, or deferral of the following:

3. **Z-7615 Timothy Janak** (CD 4) Location: Southwest corner of East 4th Place and South Yale Avenue requesting rezoning from **OL to CG**

PUBLIC HEARING-PLATS

Review and possible approval, approval with modifications, denial, or deferral of the following:

4. **Dylan Gateway** (CD 3) Minor Subdivision Plat, Location: East of the southeast corner of East 43rd Street North and North Garnett Road

OTHER BUSINESS

5. 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.

Item

Public hearing approving new capital improvement project for **Route 66 Village Improvements**, specifically acquisition of 2215 W. 38th Pl. S.

Background

The Capital Improvement Plan (CIP), containing recommended capital projects for the next five years, is a tool to implement the Comprehensive Plan. State Statutes provide that once a comprehensive plan has been adopted, no capital project shall be constructed or authorized without approval of its location, character and extent by the Planning Commission.

Voters approved Vision 2025 sales tax resources in 2003 for the preservation and economic development of historic Route 66. A Design Recommendation Committee and public meetings allocated those funds in the Vision 2025 Master Plan (2005), including the acquisition and site preparation of property located at 3766, 3770, and 3816 Southwest Boulevard for a thematic display of oil, rail, and Route 66 history. The 2020 Plan 66 lists the acquisition and improvements as accomplishments directed by the Vision 2025 Master Plan and in support of current and ongoing economic developed initiatives of the Route 66 Main Street.

The Southwest Tulsa Small Area Plan Phase I adopted May 14, 2009 recognized future community goals to expand and develop the site and the amenities to support heritage tourism and economic development. Subsequent Vision Tulsa funds and Improve Our Tulsa funds were allocated for the Route 66 Train Depot and the Route 66 Visitor Center respectively. Other amenities were funded privately or with Oklahoma Centennial funds. The operation and maintenance of the site and amenities are under lease to the Route 66 Village, Inc.

The purpose of both Plans was to provide guidance for funding decisions for catalytic actions necessary to address the overall site's future vitality as an asset Route 66 revitalization efforts overall and to the Southwest Boulevard Area in particular. Plans were guided by feedback from the community based advisory teams and other public engagement.

This new CIP project is proposed by City Councilor for District 2, utilizing Improve Our Tulsa 2 (IOT2) Community Development Project funds.

Staff Analysis

Planning Office staff reviewed the new proposed Capital Improvement Plan project for consistency with the City of Tulsa's Comprehensive Plan. In general, the acquisition and its intended purpose listed is consistent with the Comprehensive Plan.

A new CIP project summary is attached. Below is a summary of goals, including the name of the requesting Department, the project name, the goals, staff comments regarding relationship and consistency with other Plans and the Comprehensive Plan.

- **Requesting Department:** **Engineering Services**
 - Project Name: **Route 66 Village Improvements**
 - Description: Acquisition of 2215 W. 38th Pl. S.
 - Goals: Expand the Route 66 Village square area; provide a building to convert to the Main Street Program office and public meeting space.

- Other Plans
 - Vision 2025 Route 66 Enhancement and Promotion Master Plan of Development (2005): The Plan's funded project list includes land acquisition and site improvements. Site preparation to date includes circular drive, parking, electrical conduit and other building facilities.
 - The Southwest Tulsa Small Area Plan Phase I, adopted May 14, 2009 as an amendment to the Tulsa Comprehensive Plan, supports on-site facilities to further economic development.
- Comprehensive Plan maps: The area is designated with a Main Street land use designation and an Area of Growth.

Staff Recommendation

Approve based on the finding that the new capital improvement project, **Route 66 Village Improvements**, specifically acquisition of 2215 W. 38th Pl. S., is in conformance with the Tulsa Comprehensive Plan.

Attachment(s):

- Capital Project Request Form
- Assessor Property Search Record
- Sites Maps: Aerials, Land use Map & Areas of Stability and Growth Map

CAPITAL PROJECT REQUEST

New Request



Revised Previous Request

Request Year:

FY2022

PROJECT TITLE (Be specific- i.e. "Replace Convention Center Air Handler Unit")

Route 66 Village Improvements

REQUESTING DEPT.

Engineering Services

CONTACT PERSON(S)

Brent Stout / Paul Zachary

PURPOSE OF PROJECT

Provide a permanent location to house the Tulsa Route 66 Main Street program and staff. This permanent office space will further the mission of the Tulsa Route 66 Main Street program by providing public meeting space, training/education space, outdoor event space, and eventually a coworking space for new business. This project will restore an historic property on the Route 66 Corridor and adapt it to re-use, and make miscellaneous improvements to the site.

DEPARTMENT'S CLASSIFICATION OF PROJECT NEED



REQUIRES IMMEDIATE FUNDING



HIGH



MEDIUM



DEFERRABLE

REASON FOR CLASSIFICATION

The Tulsa Route 66 Main Street Board of Directors will apply for a grant requesting matching funds for façade renovations and an application for a matching neon sign grant. They will also provide liability insurance, update the property using matching grants (including HVAC upgrades and ADA compliance), and be responsible for utilities and maintenance of the property.

LOCATION OF PROJECT (Address or general area)

The property consists of a single-family residence and related improvements at 2212 West 38th Place South, Tulsa, OK 74107 (aka West Sycamore ST)

CLASSIFICATION OF PROJECT



NEW



REPLACEMENT



REHAB

ESTIMATED USEFUL LIFE (IN YEARS)

30 years

ESTIMATED PROJECT COST

ANNUAL OPERATING COSTS (ABOVE CURRENT)

(A) DESIGN	\$ 120,000	(A) PERSONNEL COSTS	\$ -
(B) LAND	\$ 150,000	(B) MAINTENANCE & OPERATING COSTS	\$ 10,000
(C) CONSTRUCTION	\$ 730,000	(C) CAPITAL EQUIPMENT REPLACEMENT	\$ -
(D) EQUIPPING	\$ -		
TOTAL EST COST	\$ 1,000,000	TOTAL ANNUAL O & M	\$ 10,000

TIME NEEDED TO DESIGN

RELATIONSHIP TO OTHER CAPITAL PROJECTS

& CONSTRUCT PROJECT

Route 66 Historical Village (Existing facilities)

(IN YEARS)

Southwest Boulevard - 31st St. S. to 40th St. S. Street Rehabilitation

2

Southwest Boulevard - 23rd St. S. to 31st St. S. Street Rehabilitation

AGENCIES TO BE COORDINATED WITH

PLAN OR STUDY IDENTIFYING PROJECT NEED

Tulsa Route 66 Main Street

Council District 2 IOT2 Community Development Project

State Historic Preservation Office

(Title 43-L-2021 Capital Improvements Sales Tax)

SIGNATURE OF REQUESTING DEPARTMENT HEAD OR DESIGNEE

DATE

07.10.21


Property Search

Disclaimer

The Tulsa County Assessor's Office has made every effort to insure the accuracy of the data contained on this web site; however, this material may be slightly dated which could have an impact on its accuracy.

The information must be accepted and used by the recipient with the understanding that the data was developed and collected only for the purpose of establishing fair cash (market) value for ad valorem taxation. Although changes may be made periodically to the tax laws, administrative rules and similar directives, these changes may not always be incorporated in the material on this web site.

The Tulsa County Assessor's Office assumes no liability for any damages incurred, whether directly or indirectly, incidental, punitive or consequential, as a result of any errors, omissions or discrepancies in any information published on this web site or by any use of this web site.

Quick Facts				
Account #	R08975922200080			
Parcel #	08975-92-22-00080			
Situs address	2215 W 38 PL S TULSA 74107			
Owner name	REDBERRY FARM LLC			
Fair cash (market) value	\$59,548			
Last year's taxes	\$853			
	Subdivision: CLINTON HGTS			
Legal description	Legal: LTS 2 THRU 5 LESS BEG NEC LT 2 TH SE30 SW100 SWLY103.58 NW57.27 NE200 POB BLK 3			
	Section: 22 Township: 19 Range: 12			
				

General Information		Tax Information			
Situs address	2215 W 38 PL S TULSA 74107				
Owner name	REDBERRY FARM LLC				
Owner mailing address	4501 W 41ST ST TULSA, OK 741076207				
Land area	0.52 acres / 22,637 sq ft				
Tax rate	T-1A [TULSA]				
	Subdivision: CLINTON HGTS				
Legal description	Legal: LTS 2 THRU 5 LESS BEG NEC LT 2 TH SE30 SW100 SWLY103.58 NW57.27 NE200 POB BLK 3				
	Section: 22 Township: 19 Range: 12				
Zoning	RES SINGLE-FAMILY HIGH DENSITY DISTRICT [RS3]				

Values	2019	2020	2021
Land value	\$18,000	\$18,000	\$18,000
Improvements value	\$41,548	\$41,548	\$41,548
Fair cash (market) value	\$59,548	\$59,548	\$59,548

Exemptions claimed	2019	2020	2021
Homestead	—	—	—
Additional homestead	—	—	—
Senior Valuation Limitation	—	—	—
Veteran	—	—	—

Tax detail (2020 millages)			
	%	Mills	Dollars
City-County Health	2.0	2.58	\$16.90
City-County Library	4.1	5.32	\$34.85
Tulsa Technology Center	10.2	13.33	\$87.31
Emergency Medical Service	0.0	0.00	\$0.00
Tulsa Community College	5.5	7.21	\$47.23
School Locally Voted	21.1	27.50	\$180.13
City Sinking	13.6	17.78	\$116.46
School County Wide Bldg	4.0	5.15	\$33.73
School County Wide ADA	3.1	4.00	\$26.20
School County Wide General	27.7	36.05	\$236.13
County Government	8.7	11.35	\$74.34

2.4

styles@hmcampus.org

Images



Office hours: 8:00–5:00 Monday–Friday (excluding holidays)

2.5



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

Aerial Photo Date: 2020/2021

0 Feet 150 300



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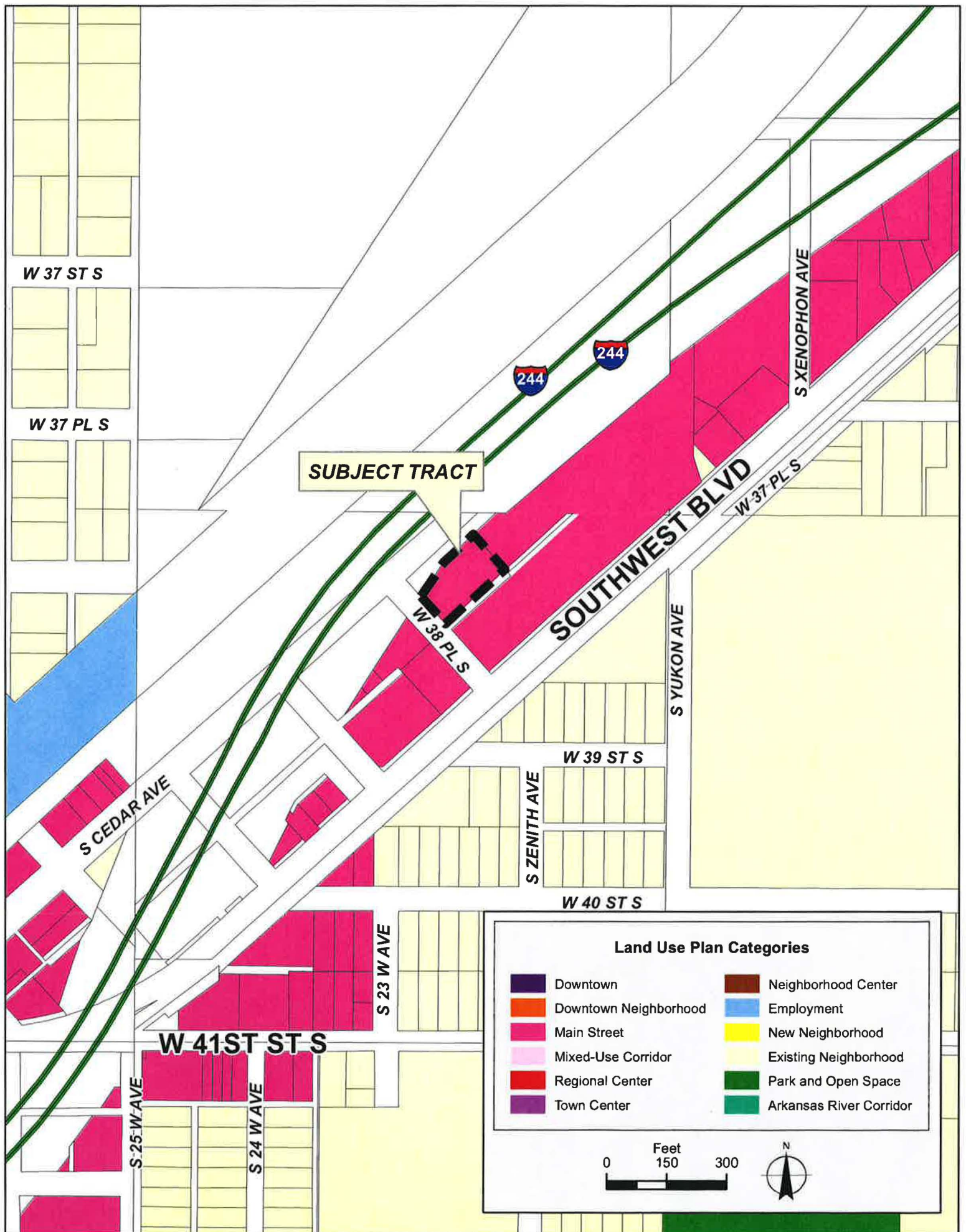
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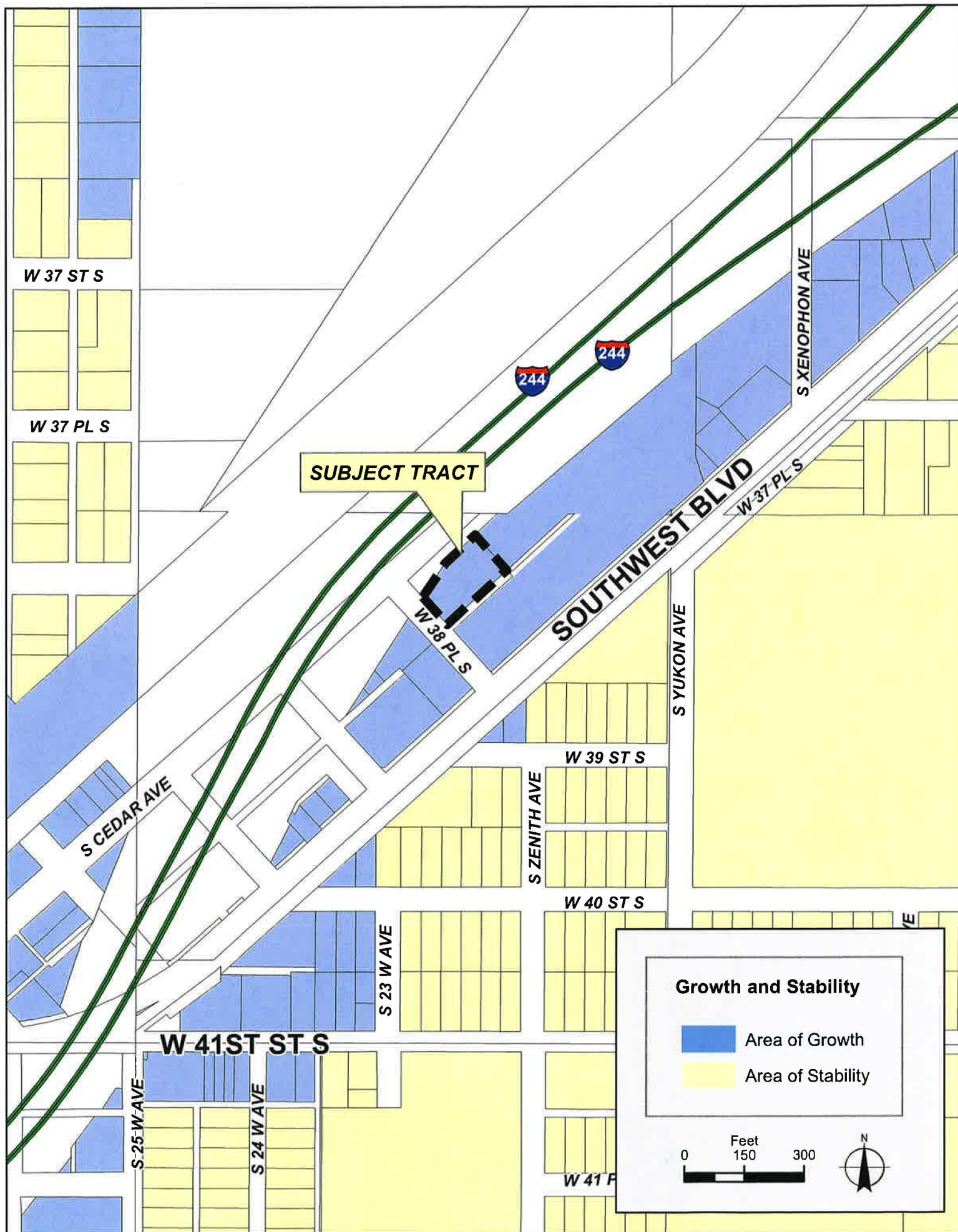
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Tulsa Metropolitan Area
Planning Commission

Case Number: Z-7615

Hearing Date: August 18, 2021

Case Report Prepared by:

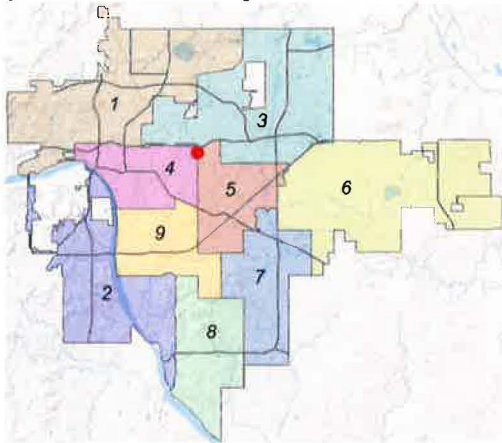
Dwayne Wilkerson

Owner and Applicant Information:

Applicant: Timothy Janak

Property Owner: Masood & Sonia Kasim

Location Map:
(shown with City Council Districts)



Applicant Proposal:

Present Use: Vacant

Proposed Use: Commerical CG

Concept summary: Change zoning to allow uses that may be more consistent with a neighborhood center land use designation and to support redevelopment of the existing property that is zoned OL with a non-conforming use.

Tract Size: 0.28 \pm acres

Location: Southwest corner of East 4th Place South & South Yale Avenue

Zoning:

Existing Zoning: OL

Proposed Zoning: CG

Comprehensive Plan:

Land Use Map: Neighborhood Center

Stability and Growth Map: Area of Growth

Staff Recommendation:

Staff recommends denial of CG zoning however staff recommends approval of CS.

Staff Data:

TRS: 9304
CZM: 37

City Council District: 4

Councilor Name: Kara Joy McKee

County Commission District: 2

Commissioner Name: Karen Keith

SECTION I: Z-7615

DEVELOPMENT CONCEPT:

Change zoning to allow uses that may be more consistent with a Neighborhood Center land use designation and to support redevelopment of the existing property that is zoned OL. The fueling station and convenience store has been considered a nonconforming use since before 1969.

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:
 - Building floor plan

DETAILED STAFF RECOMMENDATION:

The CG district is primarily intended to accommodate established commercial uses, while providing protection to adjacent residential areas accommodating the grouping of compatible commercial and light industrial uses. The applicant requested CG zoning with the application packet submitted for Z-7615 but setback limitations in an that district may create an unusable site. Future building permit applications will require Board of Adjustment variances to allow signs, parking, and canopies to build in the planned right-of-way. Additional approvals will be required from the Engineering Services department in the City of Tulsa for removal agreements for all of those site features. It is unlikely that those agreements will be approved and,

The zoning code does not allow a development plan to reduce setback standards, so an optional development plan was not considered to be appropriate on this site. If the site is rezoned the subdivision compliance provisions of the Tulsa Subdivision and Development Regulations will continue to add restrictions for any redevelopment opportunities and will require Board of Adjustment approval and,

Many uses allowed in a CG district are not compatible with the expected land use development in the area however staff supports CS zoning and recognizes that its uses and supplemental regulations are consistent with a Neighborhood Center land use designation in the Tulsa Comprehensive Plan and,

Staff recommends Denial of Z-7615 to rezone property from OL to CG as requested by the applicant however, staff supports the possible rezoning of the site from OL to CS knowing that additional requirements for development in Tulsa may end up with a site that is still not developable as planned by the applicant.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The site is very small and has been a nonconforming use for decades with OL zoning. This site can provide some small-scale version of a Neighborhood Center but the subdivision regulations will require subdivision compliance and approximately 25 feet of additional right-of-way will be required along South Yale Avenue during that process. The acquisition of planned right-of-way will take away most of the parking on the lot and the existing

canopy will need to be removed. Those requirements will only complicate redevelopment opportunities.

Land Use Vision:

Land Use Plan map designation:

Neighborhood Centers: This land use designation should include small-scale, one to three story mixed-use areas intended to serve nearby neighborhoods with retail, dining, and services. They can include apartments, condominiums, and townhouses, with small lot single family homes at the edges. These are pedestrian-oriented places served by transit, and visitors who drive can park once and walk to number of destinations.

Areas of Stability and Growth designation:

Area of Growth: An area of growth is a designation 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 close 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:

Multi Modal Corridor: South Yale Avenue is considered a multimodal corridor. Future development should emphasize plenty of travel choices such as pedestrian, bicycle and transit use. Multimodal streets are located in high intensity mixed-use commercial, retail, and residential areas with substantial pedestrian activity. These streets are attractive for pedestrians and bicyclists because of landscaped medians and tree lawns. Multi-modal streets can have on-street parking and wide sidewalks depending on the type and intensity of adjacent commercial land uses. Transit dedicated lanes, bicycle lanes, landscaping and sidewalk width are higher priorities than the number of travel lanes on this type of street. To complete the street, frontages are required that address the street and provide comfortable and safe refuge for pedestrians while accommodating vehicles with efficient circulation and consolidated-shared parking.

Streets on the Transportation Vision that indicate a transit improvement should use the multi-modal street cross sections and priority elements during roadway planning and design.

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 vacant and has previously been used as a single-story convenience store and a fueling station. OL zoning prohibits both uses. In 1969 a gas station was recognized as a non-conforming use during a board of adjustment case. Neither the Planning Commission Staff or applicant has determined if this is still a nonconforming use. The site may have lost its non-conforming status as outlined in Section 80.040-E.3 of the Tulsa Zoning Code. That section of the code clarifies that if the non-conforming use of a building is discontinued for 36 consecutive months or for 36 months during any 4-year period, the nonconforming use may not be re-established.

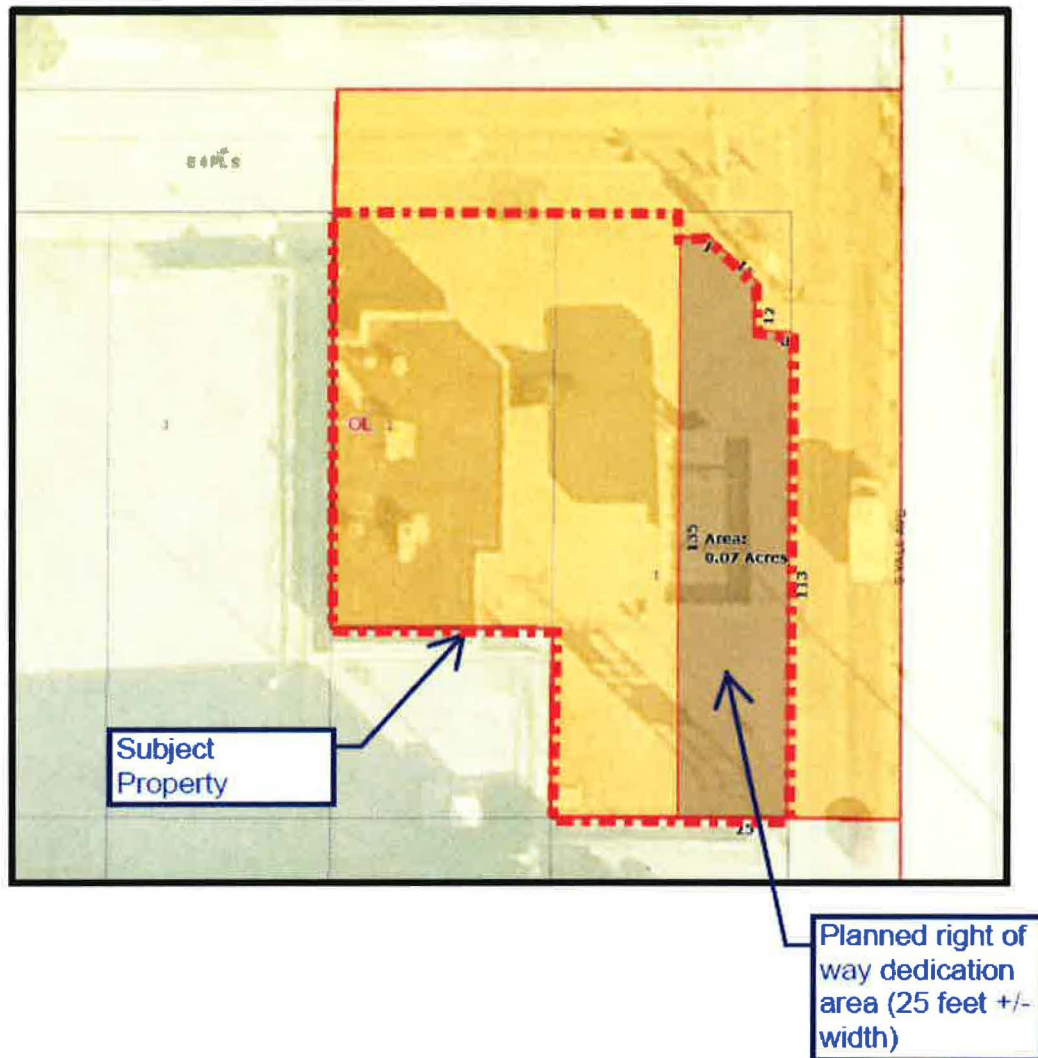
The site has multiple board of adjustment cases that have been heard with setback variances approved and canopy variances denied. Planned right of way for 50 feet width on Yale would not allow new gas canopy or building expansion on this site.

Current OL zoning would allow many uses including all office uses identified in our code, single family residential, short-term rental in the lodging category, artist and instructional services and three or more households on a single lot with a mixed-use building.

Street view looking southwest from the northeast corner of the site:



Illustration showing additional right of way requirement during the subdivision compliance review process



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>
East 4 th Place South	Residential Collector	60 feet minimum required as a minimum and the existing right of way is 60 feet.	3 lanes One lane each direction with east bound left turn lane
South Yale Avenue	Secondary arterial with Multi modal corridor designation	100 feet minimum. Existing right of way measures approximately 60 feet with approximately 25 feet west of the section line in S. Yale.	4 lanes From the center of the street

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	Existing Neighborhood	Stability	Single Family Homes
East	RS-2	Existing Neighborhood	Stability	Single Family Homes
South	RS-3	Existing Neighborhood	Growth	Church / food pantry
West	RS-4	Existing Neighborhood	Growth	Church

SECTION III: Relevant Zoning History

History:

ZONING ORDINANCE: Ordinance number 14402 dated March 23rd, 1979, established zoning for the subject property.

Subject Property:

BOA-14804 April 1988: The Board of Adjustment **approved** a Variance of setback from the centerline of South Yale from 60' to 30' to allow for a business sign; per plan submitted; subject to the execution of the existing pole and will not extend further into the setback than the existing canopy.

BOA-12940 January 1984: The Board of Adjustment **denied** a Variance of the setback requirement from 60' to 27'; for a gasoline canopy in an OL District under the provisions of Section 1670.

BOA-11585 August 1981: The Board of Adjustment **denied** a Variance of the setback requirement from 60' to 27' from the centerline of Yale Avenue to permit the erection of service station canopies in an OL District.

BOA-10432 November 1980: The Board of Adjustment **approved** a Variance (Section 630 – Bulk and Area Requirements in the office District – Under the Provisions of Section 1670 - variances) request for a variance of the setback requirements from 55' to 44.33' from the centerline of Fourth Place.

Z-5224 March 1979: All concurred in **approval** of a request for *rezoning* a 0.28+ acre tract of land from RS-3 to OL on subject Property. Ordinance number 14402 dated March 23rd, 1979 amended Ordinance No. 11815 dated June 26, 1970 for the subject property.

BOA-6236 March 1969: The Board of Adjustment **approved** a Variance (Section 23) of the permitted use provisions of U-1C (Section 5 (d)) to permit replacing a sign for nonconforming service station, not less than 60' from the centerline of Yale Avenue, and not greater than 30' in height.

Surrounding Property:

BOA-23158 July 2021: The Board of Adjustment **approved** a Special Exception to allow a dynamic display sign in an RS-3 District for a Religious Assembly Use & a Variance to allow a dynamic display sign within 20 feet of the driving surface of E. 4th Street.

BOA-17964 March 1998: The Board of Adjustment **approves** a Variance of the setback from the centerline of S. Yale Ave. from 50' to 30' to allow for a sign per plan, there is a removal contract in case Yale Ave is widened.

BOA-15111 April 1989: The Board of Adjustment **approved** a *Variance* to permit of front setback from the centerline of 4th Place from 52' to 51' to allow for an addition to the existing dwelling; per plot plan; finding that the variance request is in conformance with existing conditions in the immediate vicinity of the subject tract; Lot 386, block 2, Rodgers Heights Addition.

BOA-14656 November 1987: The Board of Adjustment **approves** a Variance of setback from the centerline of Yale Avenue from 60' to 30' to allow a gasoline island canopy; per plot plan submitted; subject to gasoline pumps being removed on 4th Place; finding that the property was platted in 1920's and numerous structures along South Yale Avenue encroach on the required setback; and finding that the granting of the variance request will not cause substantial detriment to the public good or impair the spirit, purposes and intent of the Code, or Comprehensive Plan; Lot 1 and the north 95.1' of Lot 2, block 1, Kendall View Addition.

BOA-7214 November 1971: The Board of Adjustment **approves** Special Exception to permit using property for church use and parking in an RS-3 District; and **approves** a Special Exception to permit a chain link fence in place of a solid fence, on a tract located at 510 South Yale Avenue.

BOA-6841 December 1970: The Board of Adjustment **denied** Special Exception to permit home beauty shop in an RS-2 district, on a tract located at 4904 East 4th Street.

BOA-6746 September 1970: The Board of Adjustment **denied** Special Exception to permit operating a children's day nursery in an RS-2 District, on a tract located at 4th street and Yale Avenue.

BOA-5568 September 1967: The Board of Adjustment **approves** a Special exception to permit erection of a sign for a church (sign will be 10 feet high and 8' x 10' in size) in a U-1C district.

BOA-3422 May 1960: The Board of Adjustment **approves** request for a modification of front yard requirements on 5th Street to permit addition to the present church (4 feet 4 inches from property line on 5th Street) and; request for approval of Lots 22 & 23 for Church purposes.

BOA-2687 June 1955: The Board of Adjustment grants **approval** to use Lot 6, Block 1, Kendall View Addition for church purposes.

BOA-2371 November 1952: The Board of Adjustment **approves** to waive the major street plan building set-back line of 25 feet along Yale Avenue and to waive the depth of lot requirement, land approval of lot 24 as from church purposes all on Lots 24, 25, 26, Block 4, Kendall View Addition.

BOA-2244 June 1951: The Board of Adjustment grants **approval** to use dwelling for nursery in connection with church on adjoining property on Lot 5, Block 1, Kendal View Addition at 4736 East 4th Place.

BOA-2110 March 1950: The Board of Adjustment **approves** Lots 4 and 5, Block 1, Kendall View Addition as parking lot for church.

BOA-1970 May 1948: The Board of Adjustment **approves** request waiver of building line requirements along Fifth Street to permit erection of a frame church building approximately 15 feet beyond the established building line on Lots 1, 2 and 3.

BOA-1883 January 1947: The Board of Adjustment grants **approval** of Lots 24, 25 and 26, Block 1, Kendall View Addition for church purposes.

BOA-1749 November 1945: The Board of Adjustment **approves** Lots 25 and 26, Block 4, Kendall View Addition as site for permanent church auditorium, being an extension of church use on Lots 1, 2 and 3, Block 4, Kendall View Addition.

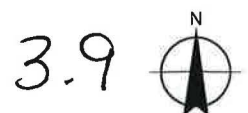
BOA-1631 November 1943: The Board of Adjustment grants **approval** to move building Lot 2, Block 4, Kendall View Addition to Lot 3, Block 4, and erection of addition to church building located on Lots 1 and 2, all building to be attached. Lot 3 not a part of original church property.

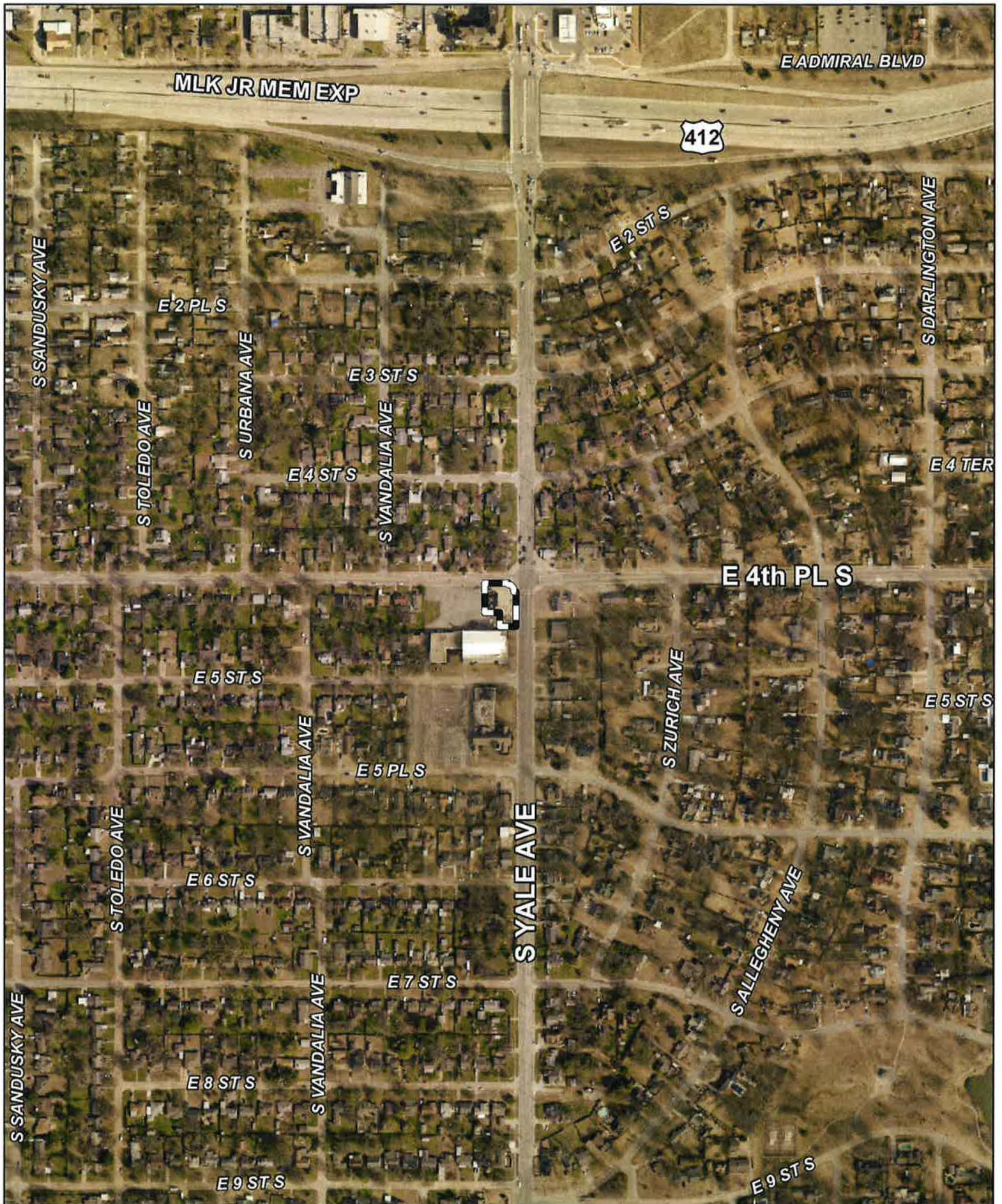
BOA-1303 December 1939: The Board of Adjustment grants **approval** of Lots 22 and 23, Blk. 1, Kendall View Addition.

BOA-1191 August 1935: The Board of Adjustment **approved** permit to erect a church building on Lot 21, Block 1, Kendall View Addition, which property has been used for church purposes for some time and submits a petition of neighboring property owners agreeing to same.

BOA-674 July 1929: The Board of Adjustment grants **approval** to permit to build a Church on Lots 1-2, Block 4, Kendall View Addition.

BOA-150 August 1925: The Board of Adjustment **approves** an appeal from the decision of the Building Inspector in refusing permit for the construction of an addition to an existing laundry building, account same nonconforming to the requirement of the district.





Subject
Tract

Z-7615

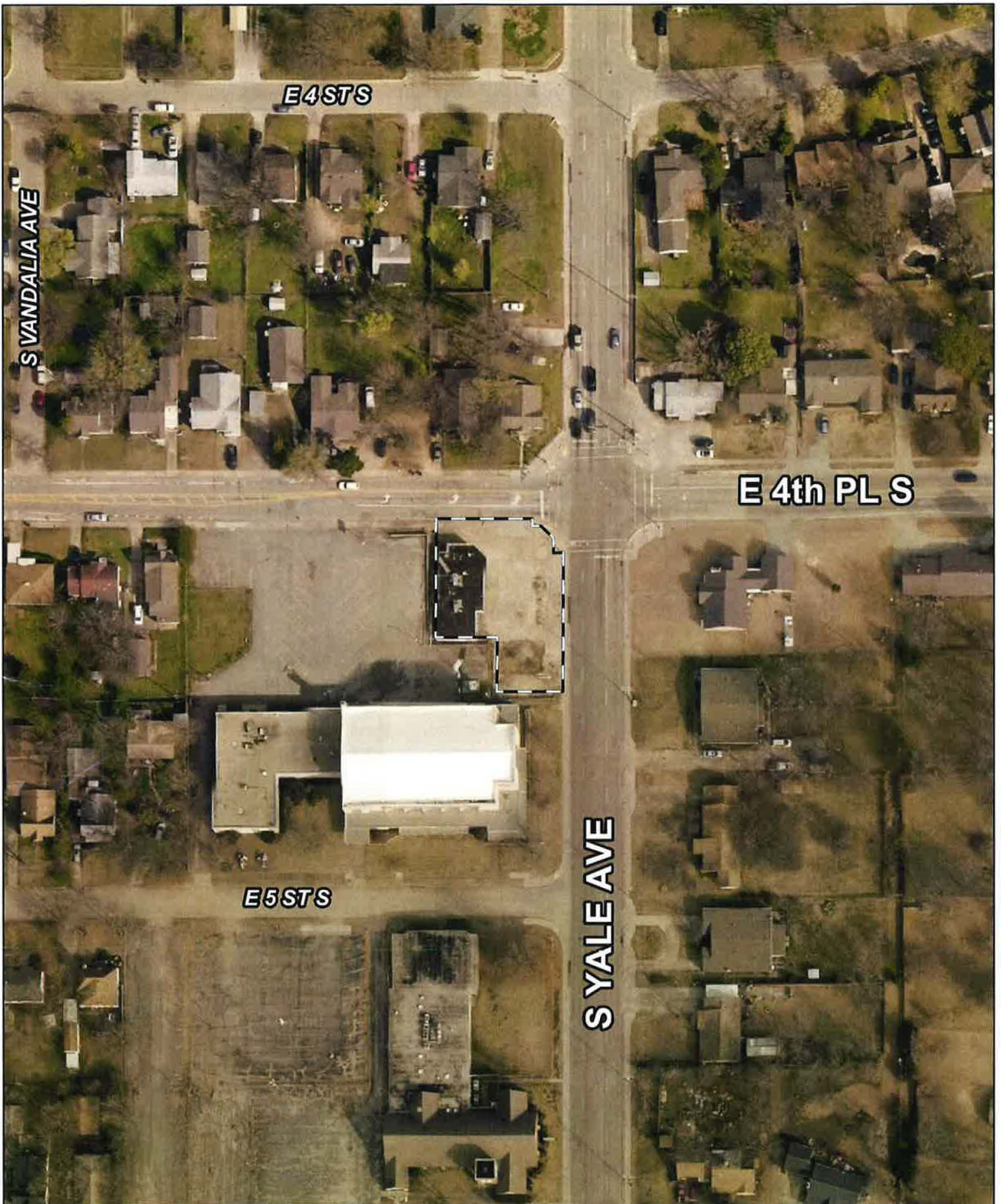
19-13 04

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

Aerial Photo Date: 2020/2021

3.10





E 4th St

S VANDALIA AVE

E 4th PL S

E 5th St

S YALE AVE



Subject
Tract

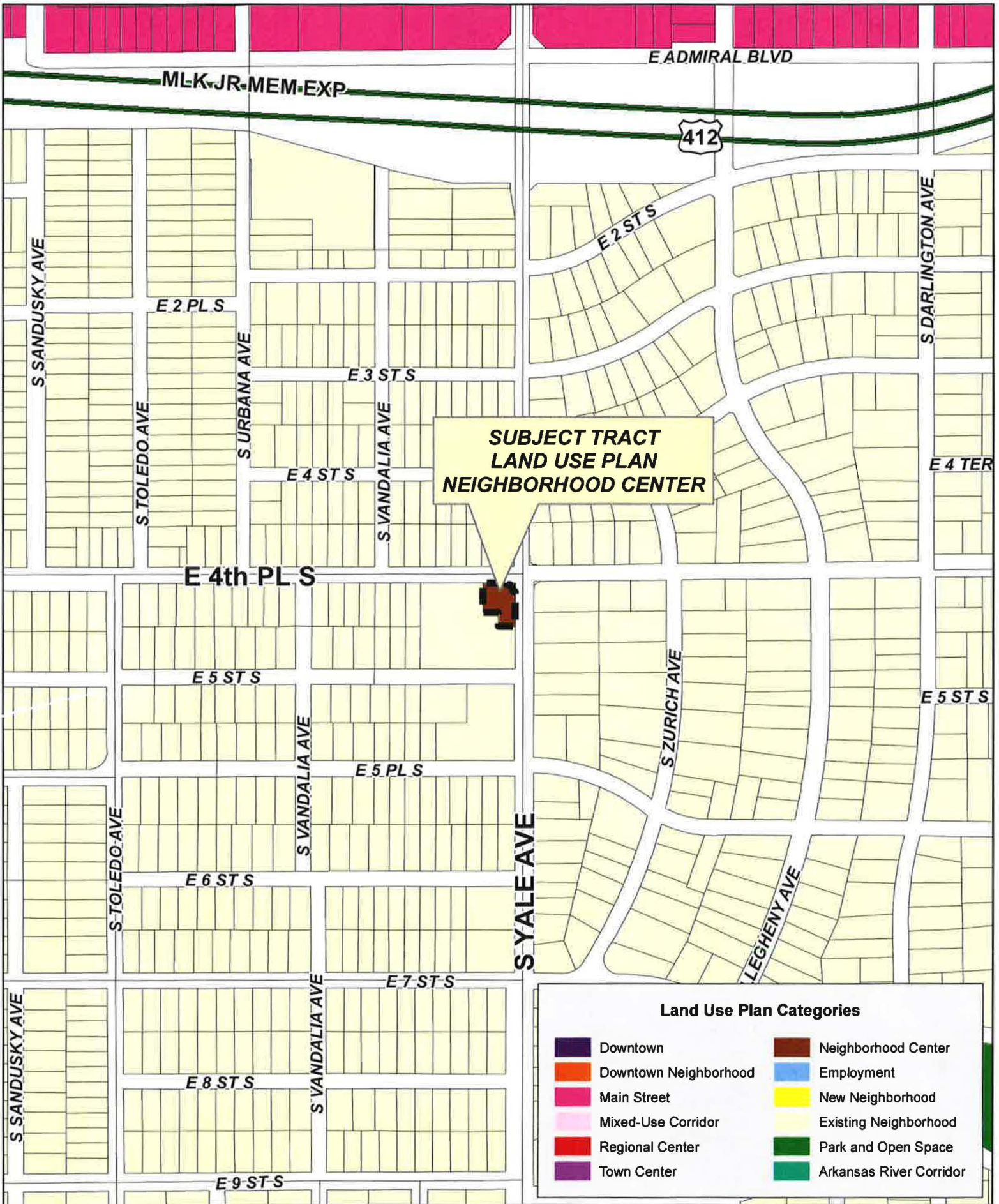
Z-7615

19-13 04

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Aerial Photo Date: 2020/2021

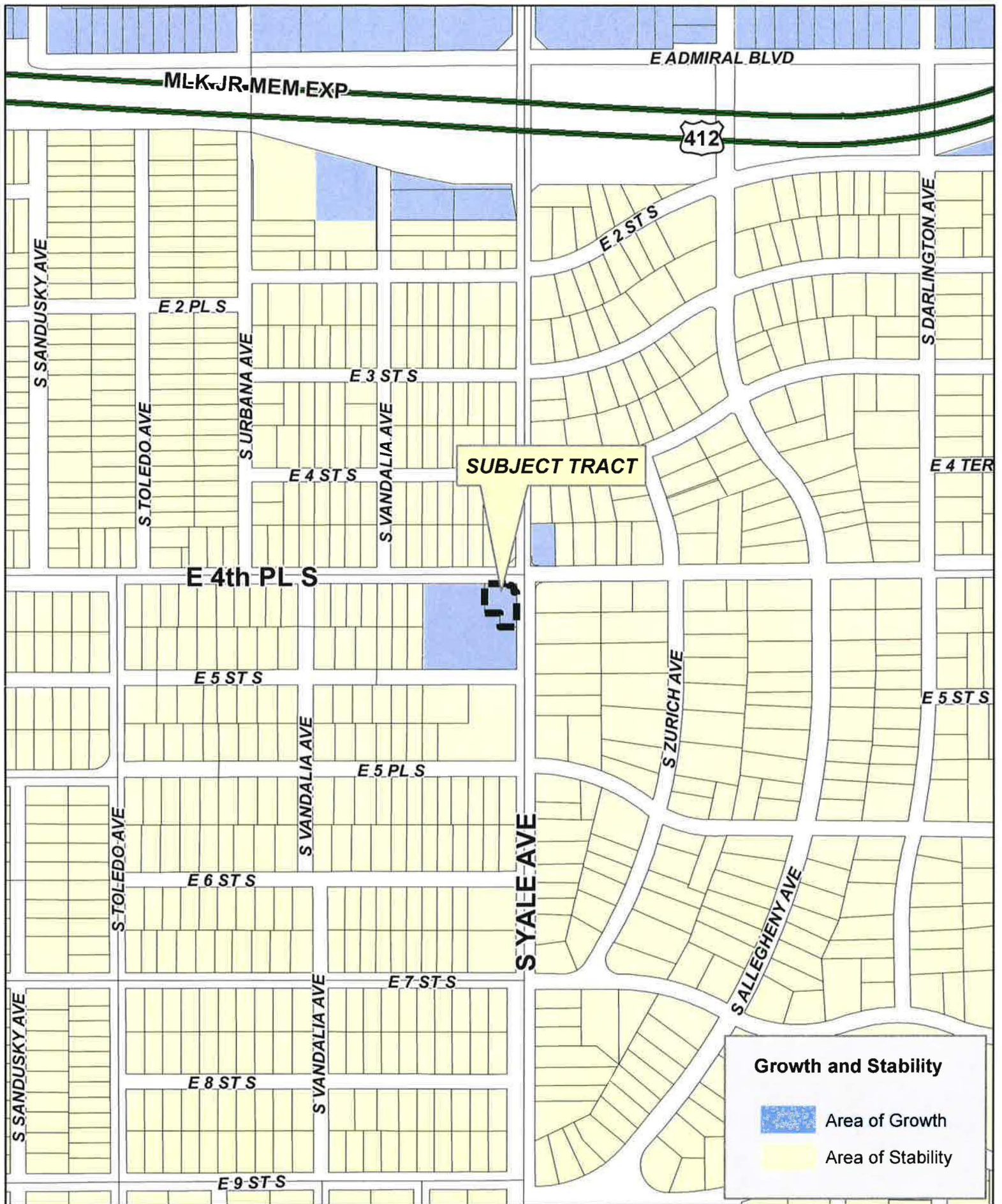




Z-7615

19-13 04

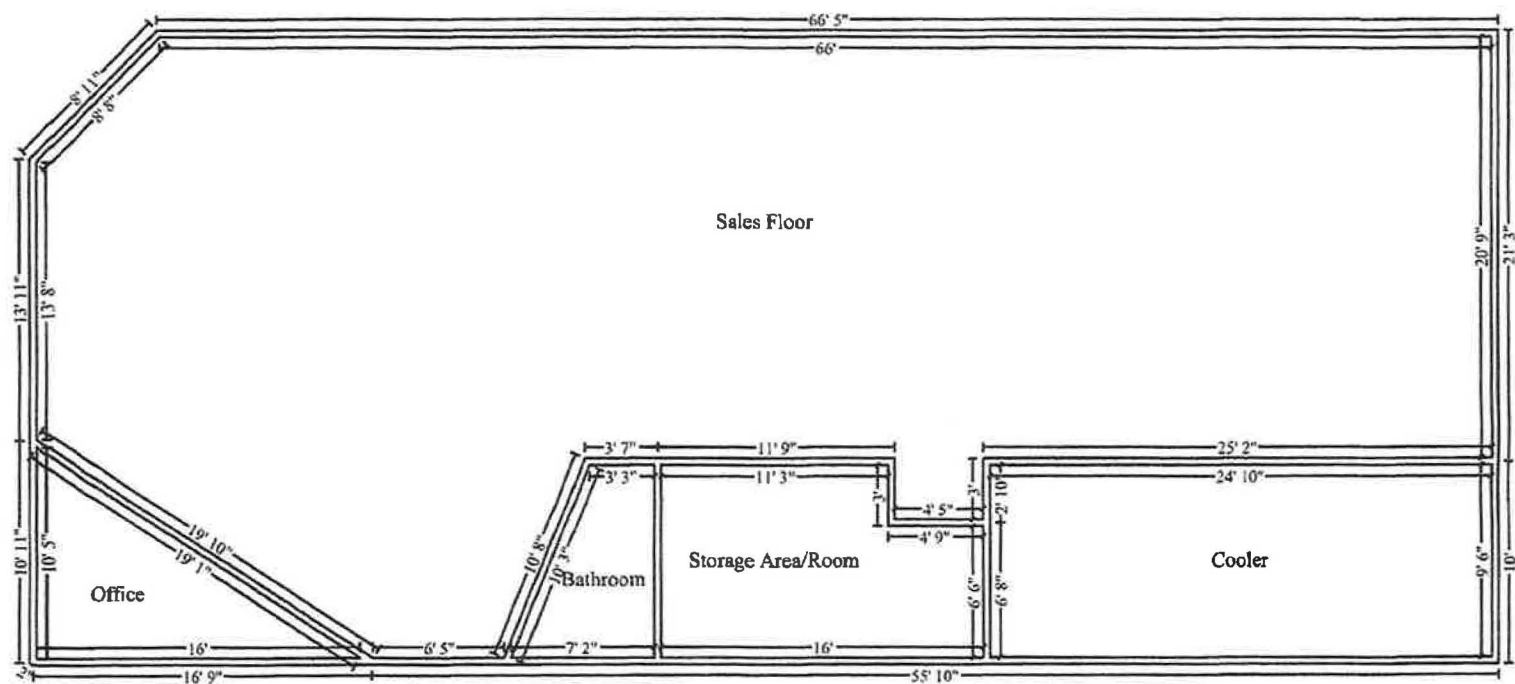




Z-7615

19-13 04

3.13



Main Level



Tulsa Metropolitan Area
Planning Commission

Case : Dylan Gateway

Hearing Date: August 18, 2021

Case Report Prepared by:

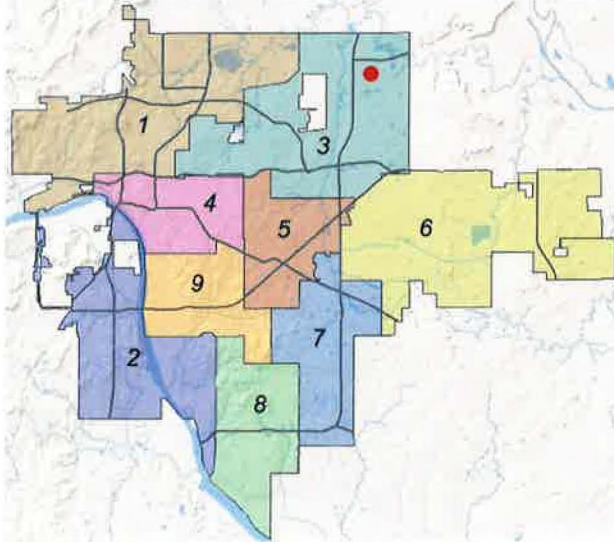
Nathan Foster

Owner and Applicant Information:

Applicant: John Droz, Cyntergy

Owner: Net Lease Capital Advisors, LLC

Location Map:
(Shown with City Council districts)



Applicant Proposal:

Minor Subdivision Plat

1 lot, 1 block, 81.79 ± acres

Location: East of the southeast corner of East
43rd Street North and North Garnett Road

Zoning: IH (Industrial – High)

Staff Recommendation:

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

City Council District: 3

Councilor Name: Crista Patrick

County Commission District: 1

Commissioner Name: Stan Sallee

EXHIBITS: Site Map, Aerial, Land Use, Growth & Stability, Preliminary Plat Submittal,
Conceptual Improvements

PRELIMINARY SUBDIVISION PLAT

Dylan Gateway - (CD 3)

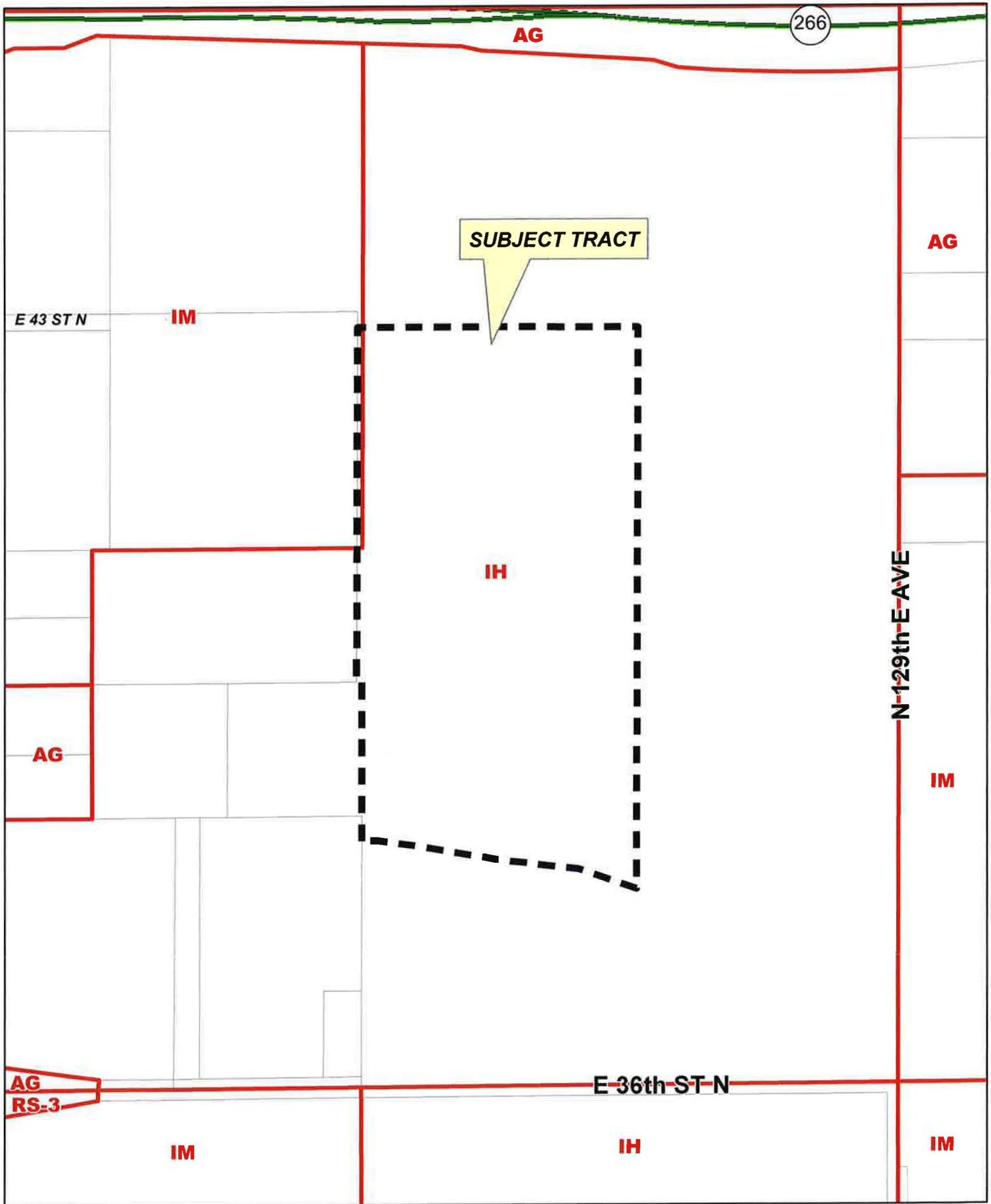
East of the southeast corner of East 43rd Street North and North Garnett Road

This plat consists of 1 lot, 1 block on 81.79 ± acres.

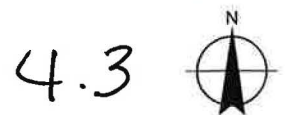
The Technical Advisory Committee (TAC) met on August 4, 2021, and provided the following conditions:

1. **Zoning:** All property contained within the subdivision is zoned IH (Industrial-High). The proposed lot conforms to the requirements of the IH district.
2. **Addressing:** Label lot with assigned address prior to submittal of final plat.
3. **Transportation & Traffic:** New public street construction approved and accepted through IDP process.
4. **Sewer:** Sewer main extensions approved through IDP.
5. **Water:** Water main extensions approved through IDP.
6. **Engineering Graphics:** No comments.
7. **Fire:** No comments.
8. **Stormwater, Drainage, & Floodplain:** Storm sewer improvements approved through IDP.
9. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** All utilities release letters have been received.

Staff recommends **APPROVAL** of the minor subdivision plat subject to a final release from the City of Tulsa including City Legal, City Engineering, and Development Services being received prior to signature and recording.



**DYLAN
GATEWAY**
20-14 17



**SUBJECT TRACT
LAND USE PLAN
EMPLOYMENT**

E 43 ST N

N 129th E AVE

E 36th ST N

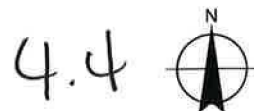
Land Use Plan Categories

	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



**DYLAN
GATEWAY**

20-14 17





SUBJECT TRACT

E 43 ST N

N 129th E AVE

E 36th ST N

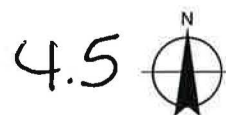
Growth and Stability

-  Area of Growth
-  Area of Stability



**DYLAN
GATEWAY**

20-14 17



DYLAN GATEWAY

Deed of Dedication and Declaration of Restrictive Covenants

KNOW ALL PERSONS BY THESE PRESENTS:

FC Tulsa OK Landlord DST, a Delaware statutory trust, hereinafter referred to as the "Owner," is the owner of the following described land in the City of Tulsa, Tulsa County, State of Oklahoma, to-wit:

A tract of land located in Section Seventeen (17) of Township Twenty (20) North and Range Fourteen (14) East of the Indian Base and Meridian (I.B.&M.), according to the U.S. Government Survey, thereof, Tulsa County, State of Oklahoma; being more particularly described as follows:

Commencing at the SW corner of the SE/4 of Sec. 17, T-20-N, R-14-E, (I.B.&M.); Thence N 01°32'29" W along the west line of said SE/4 a distance of 1203.09 feet to the Point of Beginning; Thence N 01°32'29" W along the west line of said SE/4 a distance of 779.28 feet; Thence S 88°56'31" W a distance of 25.00 feet; Thence N 01°32'29" W a distance of 665.05 feet to the north line of the SW/4 of said Sec. 17; Thence N 01°32'33" W parallel with the east line of the NW/4 of said Sec. 17 a distance of 1156.68 feet; Thence N 88°39'27" E a distance of 1375.00 feet; Thence N 01°32'33" W a distance of 1223.24 feet to the southerly right-of-way of State Highway No. 266; Thence S 86°48'43" E along said southerly right-of-way a distance of 70.06 feet; Thence S 75°58'35" E along said southerly right-of-way a distance of 10.30 feet; Thence S 01°32'33" E a distance of 2018.06 feet to the south line of said Sec. 17; Thence S 88°55'18" W along the south line of said Sec. 17 a distance of 80.00 feet; Thence N 01°32'33" W a distance of 966.80 feet to the north line of a present sanitary sewer easement recorded in Doc. No. 200706681; Thence N 72°09'51" W along the north line of said present sanitary sewer easement (and otherwise noted) a distance of 302.15 feet; Thence S 84°42'49" W a distance of 401.32 feet; Thence N 82°11'33" W a distance of 399.31 feet; Thence N 83°59'36" W a distance of 191.74 feet; Thence S 88°56'31" W (leaving north line of present sanitary sewer easement) a distance of 80.00 feet to the Point of Beginning, and containing 93.550 acres, more or less.

And has caused the above described tract of land to be surveyed, staked, platted and subdivided into 1 Lot in Block in conformity with the accompanying plat and has designated the subdivision as "DYLAN GATEWAY" a subdivision in the City of Tulsa, Tulsa County, Oklahoma (herein referred to as "DYLAN GATEWAY" or the "Subdivision").

SECTION I - STREETS, EASEMENTS AND UTILITIES

A. Public Streets and Utility Easements

The Owner does hereby dedicate to the public the street rights-of-way depicted on the accompanying plat. The Owner 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, telephones and communication lines, electric power lines and transformers, gas lines, water lines and cable television lines, together with all fittings, including the poles, wires, conduits, pipes, valves, meters, and equipment for each of such facilities and any other appearances thereto, with the rights of ingress and egress to and upon the utility easements for the uses and purposes aforesaid, provided however, the Owner hereby reserves the right to construct, maintain, operate, lay, repair or replace water lines and sewer lines, together with the right of ingress and egress for such construction, maintenance, operation, laying, repairing and related over, across and along all of the utility easements depicted on the plat, for the purpose of furnishing water and/or sewer services to the area included in the plat. The Owner hereby imposes a restrictive covenant, which covenant shall run with the land 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 the above set forth uses and purposes for the utility easements shall be deemed, erected, installed or maintained, provided however, nothing herein shall be deemed to prohibit drives, parking areas, curbs, landscaping and customary screening fences that do not constitute an obstruction.

B. Restricted Waterline Easements

The Owner does hereby dedicate to the public perpetual, non-exclusive easements on, over, and across these areas depicted on the accompanying plat as "Restricted Waterline Easement" or "RW/E" for the purposes of constructing, maintaining, operating, repairing, replacing, and/or removing waterlines, together with all fittings including the pipes, valves, meters and equipment and other appearances thereto, and together with rights of ingress and egress to and upon the easements for the uses and purposes aforesaid.

C. Sanitary Sewer Easement

The Owner does hereby dedicate to the public a perpetual, non-exclusive easement on, over, and across the area depicted on the accompanying plat as "Sanitary Sewer Easement" or "SSE" for the purposes of constructing, maintaining, operating, repairing, replacing, and/or removing sanitary sewer lines, together with all fittings including the pipes, manholes, latrines and equipment and other appearances thereto, and together with rights of ingress and egress to and upon the easement for the uses and purposes aforesaid.

D. Underground Service

1. Street light poles or standards may be served by overhead line or underground cable and elsewhere throughout the Subdivision all supply lines, including electric, telephone, cable television and gas lines, shall be located underground in the easements dedicated for general utility services and in the rights-of-way of public streets as depicted on the accompanying plat. Service pedestals and transformers, as sources of supply at secondary voltages, may also be located in the general utility easements.

2. Underground service cables and gas service lines to all structures which may be located within the Subdivision may be run from the nearest gas main, service pedestal or transformer to the point of usage determined by the local authority. Construction of such structures may be located 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 services, through its agents and employees, shall at all times have right of access to all general utility easements depicted on the accompanying plat or otherwise provided for in this Deed of Dedication for the purposes of installing, maintaining, repairing 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 shall be responsible for the protection of the underground service facilities located on the 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 service shall be responsible for ordinary maintenance of underground facilities, but the Owner shall pay for damage or relocation of such facilities caused or necessitated by acts of the Owner or its agents or contractors.

5. The foregoing easements set forth in this paragraph D shall be enforceable by the supplier of the electric, telephone, cable television service or gas, and the Owner agrees to be bound hereby.

E. Water, Sanitary Sewer and Storm Sewer Services

1. The Owner shall be responsible for the protection of the public water mains, sanitary sewer mains and storm sewers located on the lot.

2. Within the Utility Easement, Restricted Waterline and Sanitary Sewer Easement areas depicted on the accompanying plat, the alteration of grade from the contours 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, Oklahoma would interfere with public water mains, sanitary sewer mains or storm sewers shall be prohibited.

3. The City of Tulsa, Oklahoma, or its successors, shall be responsible for the ordinary maintenance of public water mains, sanitary sewer mains and storm sewers, but the Owner shall pay for damage or relocation of such facilities caused or necessitated by acts of the Owner or its agents or contractors.

4. The City of Tulsa, Oklahoma, or its successors, shall at all times have right of access to all Utility Easements, Restricted Water Line Easements, and Sanitary Sewer 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 foregoing easements set forth in this paragraph E shall be enforceable by the City of Tulsa, Oklahoma, or its successors, and the Owner agrees to be bound hereby.

F. 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, removing, repairing, or replacing any portion of the facilities installed by the supplier of gas service.

2. The Owner 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 installation, maintenance, and replacement of such facilities, but the Owner shall pay for damage or relocation of facilities caused or necessitated by acts of the Owner, or the 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 agrees to be bound by these covenants.

G. 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 owner's lot. The foregoing covenants set forth in this paragraph G shall be enforceable by any affected lot owner and by the City of Tulsa, Oklahoma, as appropriate.

H. Limits of No Access

The undersigned hereby relinquishes rights of vehicular ingress or egress from any portion of the property adjacent to East 43rd Street North and North 125th East Avenue within the bounds designated as "Limits of No Access" (L.N.A.) on the accompanying plat, which "Limits of No Access" may be amended or released by the Tulsa Metropolitan Area Planning Commission, or its successor, and with the approval of the City of Tulsa, Oklahoma, or as otherwise provided by the statutes and laws of the State of Oklahoma pertaining thereto, and the Limits of No Access above established shall be enforceable by the City of Tulsa, Oklahoma.

I. Overland Drainage Easements

1. The Owner does hereby dedicate to the public perpetual, non-exclusive easements on, over, and across those areas designated on the accompanying plat as "O/E" or "Overland Drainage Easement" for the purposes of permitting the overland flow, conveyance, and discharge of stormwater runoff from the various lots within the subdivision.

2. Drainage facilities located within Overland Drainage Easements shall be constructed in accordance with the adopted standards of the City of Tulsa, Oklahoma and plans and specifications approved by the City of Tulsa, Oklahoma.

3. No fence, wall, building or other obstruction may be placed or maintained in the Overland Drainage Easement area nor shall there be any alteration of the grades or contours in the easement area unless approved by the City of Tulsa, Oklahoma, provided, however, that the planting of turf shall not require the approval of the City of Tulsa, Oklahoma.

4. The Overland Drainage Easement areas and facilities located within the lot shall be maintained by the Owner at its cost, in accordance with standards prescribed by the City of Tulsa, Oklahoma. In the event the Owner should fail to properly maintain the easement area and facilities located on the lot or, in the event of the placement of an obstruction within the easement area, or the alteration of the grade or contour thereof, the City of Tulsa, Oklahoma, or its designated contractor may enter the easement area and perform maintenance necessary to the achievement of the intended drainage functions and may remove any obstruction or correct any alteration of grade or contour, and the costs thereof shall be paid by the Owner. In the event the Owner fails to pay the cost of maintenance within forty-five (45) days after completion of the maintenance and receipt by the Owner of a statement of costs, the City of Tulsa, Oklahoma, may file of record a copy of the statement of costs in the land records of the Tulsa County Clerk, and thereafter the costs shall be a lien against the lot. A lien established as above provided may be foreclosed by the City of Tulsa, Oklahoma.

J. Stormwater Detention Easements

1. The Owner does hereby dedicate to the public perpetual, non-exclusive easements on, over, and across the property designated and shown on the accompanying plat as "Stormwater Detention Easement" for the purposes of permitting the flow, conveyance, retention, detention and discharge of stormwater runoff from the subdivision.

2. Detention, retention and other drainage facilities located within the stormwater detention easements shall be constructed in accordance with standards and specifications approved by the City of Tulsa, Oklahoma.

3. No fence, wall, building, or other obstruction may be placed or maintained in stormwater detention easements nor shall there be any alteration of grade in said easements, unless approved by the City of Tulsa, Oklahoma.

4. Detention, retention, and other drainage facilities shall be maintained by the Owner to the extent necessary to achieve the intended drainage, retention, and detention functions including repair of appearances and removal of obstructions and siltation. Detention facilities shall be maintained by the Owner in accordance with the following minimum standards:

- Gross areas shall be mowed (in season) at regular intervals of four weeks, or less.
- Concrete appearances shall be maintained in good condition and replaced if damaged.
- The detention easement shall be kept free of debris.
- Cleaning of siltation and vegetation from concrete channels shall be performed twice yearly.

5. Landscaping, approved by the City of Tulsa, Oklahoma, shall be allowed within the detention easements.

6. In the event the Owner should fail to properly maintain the detention, retention, and other drainage facilities or, in the event of the placement of an obstruction, or the alteration of grade within a detention easement, the City of Tulsa, Oklahoma, or its designated contractor may enter and perform maintenance necessary to achieve the intended drainage functions and may remove any obstruction or correct any alteration of grade, and the costs thereof shall be paid by the Owner. In the event the lot owner fails to pay the cost of maintenance within forty-five (45) days after completion of the maintenance and receipt by the Owner of a statement of costs, the City of Tulsa, Oklahoma, may file of record a copy of the statement of costs in the land records of the Tulsa County Clerk, and thereafter the costs shall be a lien against the property. A lien established as above provided may be foreclosed by the City of Tulsa, Oklahoma.

K. Compensatory Storage Easements

1. The Owner dedicates to the public perpetual, non-exclusive easements on, over, and across the area depicted on the accompanying plat as "Compensatory Storage Easement" for the purposes of permitting the storage of stormwater.

2. Drainage facilities located within the Compensatory Storage Easements shall be constructed in accordance with standards and specifications approved by the City of Tulsa, Oklahoma.

3. The grades within Compensatory Storage Easements shall not be altered after completion of the final grading required for compensatory storage. Compensatory storage easements shall be revegetated with sod sub only and no trees or shrubs or other above grade vegetation shall be planted or maintained within compensatory storage easements.

4. No construction or installation of any structure or other improvement, no grading, filling or other earth-change, and no activity causing a reduction of flood storage volume shall occur or be permitted, without prior written approval from the City of Tulsa, Oklahoma, or its successor, for the installation, maintenance and storage functions. The cost of this work shall be paid by the Owner. In the event the Owner fails to pay the cost of maintenance within forty-five (45) days after completion of the maintenance and receipt by the Owner of a statement of costs, the City of Tulsa, Oklahoma, may file of record a copy of the statement of costs in the land records of the Tulsa County Clerk, and thereafter the costs shall be a lien against the property. A lien established as provided may be foreclosed by the City of Tulsa, Oklahoma.

L. Fencing and Landscaping within Easements

The Owner 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, Oklahoma, or its successor, shall be responsible for the maintenance and repair of the easement areas in the performance of such activities.

M. Sidewalks

Sidewalks are required along East 43rd Street North and North 125th East Avenue in accordance with the Tulsa Metropolitan Area Planning and Development Regulations and City of Tulsa ordinances. Required sidewalks shall be constructed and maintained in accordance with the City of Tulsa Engineering Design Standards. Sidewalks along the south side of East 43rd Street North and along the west side of North 125th East Avenue, except for the north 1224.24 feet and the south 966.80 feet, thereof, shall be constructed prior to the issuance of a certificate of occupancy for any building in the subdivision.

N. Certificate of Occupancy Restrictions

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 issuing of the construction of infrastructure within the subdivision, and if planning 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 portion thereof. Building construction occurring prior to the City's acceptance of the infrastructure shall be at the risk of the Owner, notwithstanding the issuance of a Building Permit or a Temporary Certificate of Occupancy. Notwithstanding the foregoing, the requirements set forth in this subsection shall be applicable only with respect to any Certificate of Occupancy issued on or after the date hereof and shall not apply to or otherwise affect any Certificate of Occupancy for a building within the subdivision previously issued prior to the date hereof.

O. Drainage Easements

The Owner does hereby dedicate to the public perpetual, non-exclusive easements on, over, and across those areas depicted on the accompanying plat as "Drainage Easement" for the purposes of permitting the overland flow, conveyance, and discharge of stormwater runoff from the various lots within the subdivision and from properties outside the subdivision and for the purposes of constructing, maintaining, repairing, removing and replacing storm sewers, and any appearances thereto, with the rights of ingress and egress to and upon the Drainage Easements for the uses and purposes aforesaid.

2. Drainage facilities located within Drainage Easements shall be constructed in accordance with standards and specifications approved by the City of Tulsa, Oklahoma, or its successors.

3. No fence, wall, building or other obstruction shall be placed or maintained in Drainage Easements nor shall there be any alteration of the grades or contours in the easement area unless approved by the City of Tulsa, Oklahoma, provided the planting of turf shall not require the approval of the City.

4. The above ground area of any Drainage Easement shall be maintained by the Owner, and maintenance shall be in accordance with standards prescribed by the City of Tulsa, Oklahoma. In the event the Owner fails to properly maintain the Drainage Easement or, in the event of the placement of an obstruction, or the alteration of the grade within the easement area, the City of Tulsa, Oklahoma, or its designated contractor may enter the easement and perform maintenance necessary to achieve the intended drainage functions and may remove any obstruction or correct any alteration of grade, and the costs thereof shall be paid by the Owner. In the event the Owner fails to pay the cost of maintenance within forty-five (45) days after completion of the maintenance and receipt by the Owner of a statement of costs, the City of Tulsa, Oklahoma, may file of record a copy of the statement of costs, and thereafter the costs shall be a lien against the lot. A lien established as above provided may be foreclosed by the City of Tulsa, Oklahoma.

SECTION II - 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, its successors and assigns. The term "Owner" shall mean the owner of the land from time to time and upon any conveyance of the land, the previous owner shall be released from all obligations hereunder with respect to events occurring after such conveyance. Within the provisions of Section I, Streets, Easements and Utilities are set forth certain covenants and the enforcement rights pertaining thereto, and additionally the covenants within Section I, whether or not specifically therein so stated, shall inure to the benefit of and shall be enforceable by the City of Tulsa, Oklahoma, in any judicial action brought to enforce the covenants established within this Deed of Dedication, the effect of which the party initiating the equitable proceeding has an adequate remedy at law is hereby waived.

B. Duration

These restrictions and covenants, 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, Streets, Easements and Utilities 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 applicable and approved by the Tulsa Metropolitan Area Planning Commission, or its successors and the City of Tulsa, Oklahoma. The provisions of any instrument amending or terminating covenants as above set forth shall be effective from and after the date it is properly recorded in the records of the County Clerk of Tulsa County, Oklahoma.

D. Severability

Invalidation 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 or any part thereof as set forth herein, which shall remain in full force and effect.

IN WITNESS WHEREOF, Owner, has executed this instrument this ____ day of _____, 2021.

FC TULSA OK LANDLORD DST, a Delaware statutory trust

By: NLC Trustee Servicing 3 LLC, a Delaware limited liability company, as trustee

By:
Name: Bruce S. MacDonald
Title: Manager

State of _____

County of _____

This instrument was acknowledged before me on this ____ day of _____, 2021, by Bruce S. MacDonald, as manager of NLC Trustee Servicing 3 LLC, which is the trustee of FC Tulsa OK Landlord DST, a Delaware statutory trust.

Notary public:
My Commission Expires: _____
Commission No. _____

Certificate of Survey

I, Kevin M. Newsum, a registered professional land surveyor in the State of Oklahoma, do hereby certify that I have carefully and accurately surveyed, staked, subdivided, and platted the tract of land described above, and that the accompanying plat, designated herein as "DYLAN GATEWAY," a Subdivision in the City of Tulsa, Tulsa County, State of Oklahoma, is a representation of the survey made on the ground using generally accepted practices and meets or exceeds the Oklahoma Minimum Standards for the practice of land surveying.

Kevin M. Newsum
Registered Professional Land Surveyor
Oklahoma No. 1289

STATE OF OKLAHOMA)

) ss

COUNTY OF TULSA)

Before me, the undersigned a Notary Public in and for said County and State, on this ____ day of _____, 2021, personally appeared Kevin M. Newsum, to me known to be the identical person who subscribed his name as the maker thereof to the foregoing instrument and acknowledged to me that he executed the same as his free and voluntary act and deed, for the uses and purposes set forth therein. Given under my hand and seal of office the day and year last above written.

Notary Public:
My Commission Expires: _____
Commission No. _____

DYLAN GATEWAY
August 10, 2021
SHEET 3 of 3