



**Case:** 9100 Delaware (Related to 9100 Delaware Authorization for Accelerated Release of Building Permits)

**Hearing Date:** November 18, 2020

**Case Report Prepared by:**

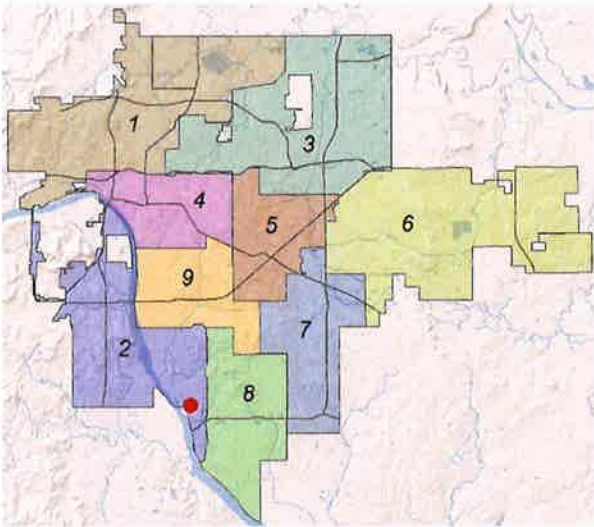
Nathan Foster

**Owner and Applicant Information:**

*Applicant:* Wallace Engineering

*Owner:* Oak Properties, LLC

**Location Map:**  
(shown with City Council Districts)



**Applicant Proposal:**

Preliminary Plat

1 lot, 1 block, 8.17 ± acres

*Location:* West of the northwest corner of East 91<sup>st</sup> Street South and South Delaware Avenue

**Zoning:** MX2-V-U

**Staff Recommendation:**

Staff recommends **approval** of the preliminary plat

**City Council District: 2**

*Councilor Name:* Jeannie Cue

**County Commission District: 2**

*Commissioner Name:* Karen Keith

## PRELIMINARY SUBDIVISION PLAT

**9100 Delaware** - (CD 2)

West of the northwest corner of East 91<sup>st</sup> Street South and South Delaware Avenue

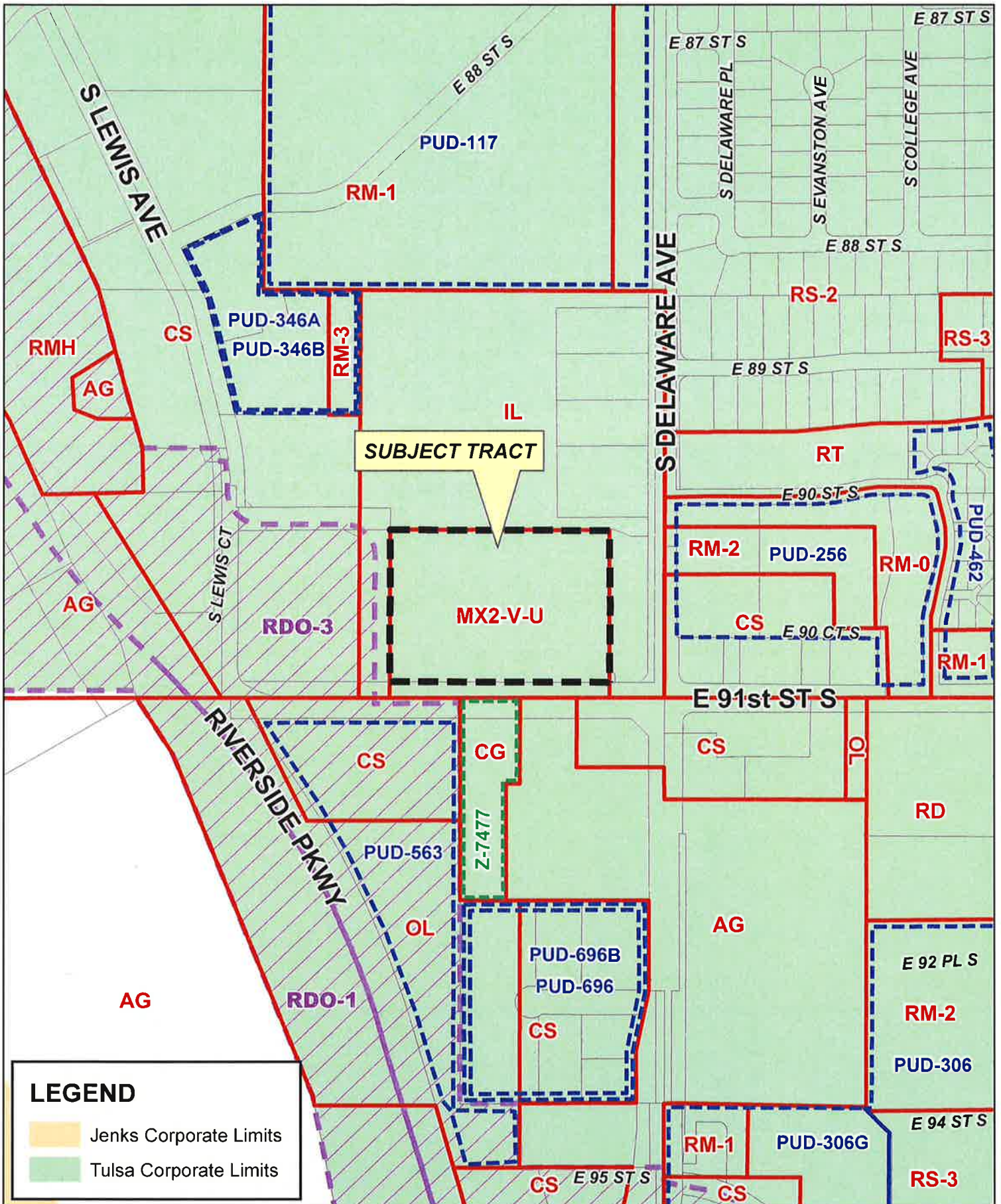
This plat consists of 1 lot, 1 block on 8.17 ± acres.

The Technical Advisory Committee (TAC) met on November 5, 2020 and provided the following conditions:

1. **Zoning:** The subject tract is zoned MX2-V-U. The proposed lot conforms to the requirements of the zoning district.
2. **Addressing:** City of Tulsa addresses and street names must be assigned and affixed to the face of the final plat along with an address disclaimer.
3. **Transportation & Traffic:** Corner clip dedication required at the intersection of South Lewis Place and East 91<sup>st</sup> Street South. Access limitations approved as submitted. Sidewalks will be required along street frontages in conjunction with permits for any new buildings.
4. **Sewer/Water:** Easements must be provided as required to cover existing/proposed public infrastructure. All easements are required to be labeled and dimensioned on the face of the final plat. Perimeter easements to be shown on the final plat as required by Development Services.
6. **Engineering Graphics:** Submit subdivision data control sheet with final plat submittal. Remove contours on the final plat submittal. Add City of Tulsa before Tulsa County in the plat subtitle. In the location map, show all platted boundaries in Section 17, label all other property as unplatted and label the plat location as "project location" or "site". Under the basis of bearing information, add 3501 after North Zone and provide a bearing angle shown on the face of the plat.
7. **Stormwater, Drainage, & Floodplain:** City of Tulsa Regulatory Floodplain exists on the northern portion of the property. Overland drainage easement will be required for any on-site floodplain. Any development proposed in the future within the floodplain area will be required to comply with all city floodplain ordinances and criteria.
8. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** All utilities indicated to serve the site must provide a release prior to final plat approval. Provide a Certificate of Records Search from the Oklahoma Corporation Commission to verify no oil & gas activity on the site.

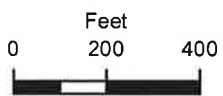
Staff recommends **APPROVAL** of the preliminary subdivision plat subject to the conditions provided by TAC and all other requirements of the Subdivision and Development Regulations. City of Tulsa release letter including Development Services, City Legal, and Engineering Services is required prior to final plat approval.

4.2



**LEGEND**

- Jenks Corporate Limits
- Tulsa Corporate Limits



**9100 DELAWARE**

4.3



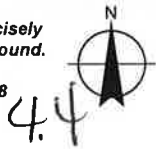
Subject Tract

# 9100 DELAWARE

18-13 17

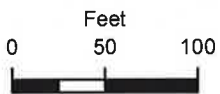
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018





**E 91st ST S**



*Subject Tract*

**9100 DELAWARE**

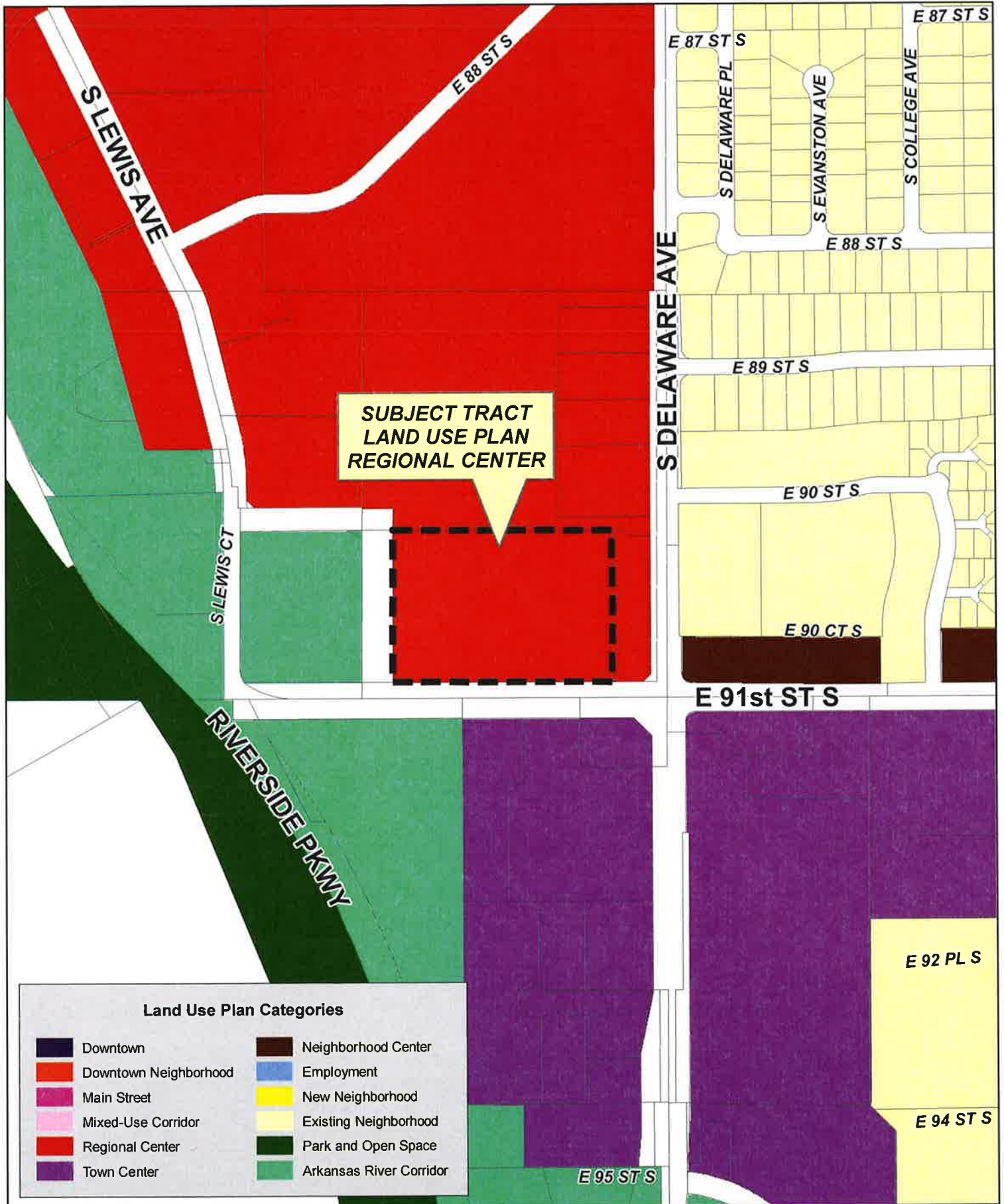
18-13 17

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

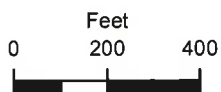
*Aerial Photo Date: February 2018*

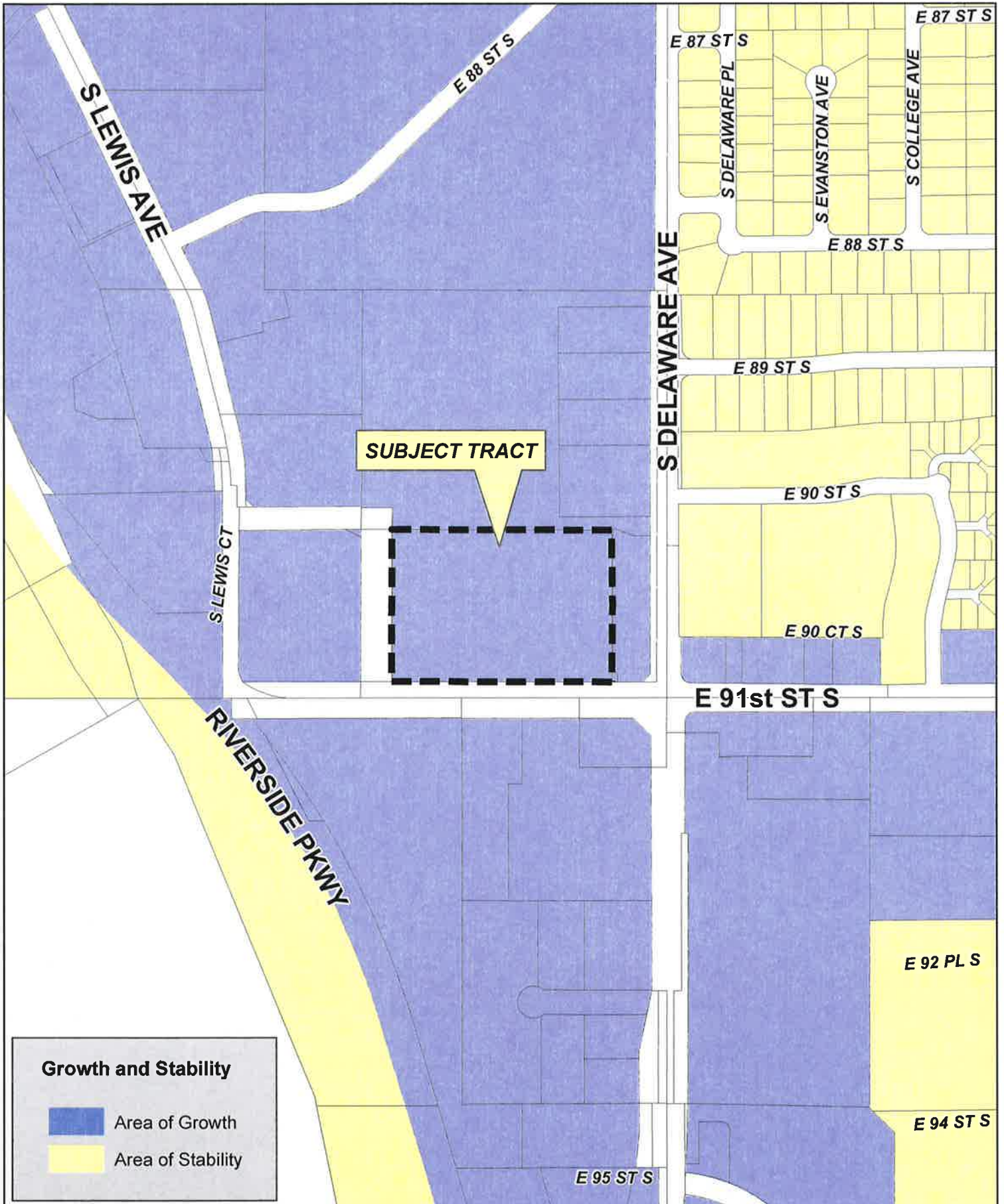


4.5



**9100 DELAWARE**





18-13 17



**PROPERTY FEATURES**  
 PROPERTY CONTAINS 1 ZONED UNIT IN 1 ZONED BLOCK  
 PROPERTY CONTAINS 235,000 SQUARE FEET OR 9.11 ACRES

**CONDEMNATION**  
 ALL CORNERS SET WITH A 7" HIGH PIN UNLESS OTHERWISE NOTED

**RECORDING**  
 RECORDED AT  
 OKLAHOMA COUNTY CLERK'S OFFICE  
 BOOK 818, PAGE 131  
 ELEVATION 821.08

**BASIS OF REPAIRS**  
 HORIZONTAL DISTANCE BASED ON NAD 83 OKLAHOMA STATE PLANE  
 COORDINATE SYSTEM NORTH ZONE USING SPM 34.13 E AS THE SOUTH LINE  
 OF SECTION SEVENTEEN (17), TOWNSHIP EIGHTEEN (18) NORTH, RANGE  
 THIRTEEN (13) EAST OF THE MERIDIAN AND MERIDIAN, TULSA COUNTY,  
 STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT  
 SURVEY THEREOF

**ADVERSE CLAIMS**  
 ADVERSE CLAIMS ON THIS PLAT WERE ASSESSED AT THE TIME THIS PLAT  
 WAS FILED. ADVERSE CLAIMS ARE SUBJECT TO CHANGE AND SHOULD NEVER BE  
 RELIED ON IN PLACE OF LEGAL DESCRIPTION.

**NOTES**  
 THIS PLAT MEETS THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE  
 OF LAND SURVEYING AS ADOPTED BY THE OKLAHOMA STATE BOARD OF  
 LAND SURVEYING AND PROFESSIONAL ENGINEERS AND LAND SURVEYS.

WE HAVE EXAMINED A MAP BY THE FEDERAL EMERGENCY MANAGEMENT  
 AGENCY FLOOD INSURANCE RATE MAP, TULSA COUNTY, OKLAHOMA, MAP NO.  
 480483448, DATED OCTOBER 16, 2017 WHICH INDICATES THE SUBJECT PROPERTY  
 TO BE WITHIN ZONE X.

**LEGAL DESCRIPTION**  
 A TRACT OF LAND THAT IS PART OF LOT ONE (1), BLOCK ONE (1), DELAWARE  
 SQUARE, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF  
 OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF (PLAT NO. 2523),  
 SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
 BEGINNING AT THE SOUTHWEST CORNER OF LOT 1, BLOCK ONE (1), DELAWARE  
 SQUARE, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF  
 OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF (PLAT NO. 2523),  
 S34° 00' 00" E A DISTANCE OF 487.47 FEET, THENCE N89° 33' 47" E A DISTANCE  
 OF 123.00 FEET, THENCE S 89° 33' 47" W A DISTANCE OF 487.47 FEET TO THE  
 POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS 311,000 SQUARE FEET OR 9.11 ACRES  
 MORE OR LESS.

**LEGEND**

AC	ADDED
REC	RECORDED
REPL	REPLACED
PROP	PROPOSED
RES	REMOVED
REV	REVISED
REV	REVISED
REV	REVISED
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**FINAL PLAT**  
 (REQUIREMENT OF APPROVAL)

Tulsa Metropolitan Area Planning Commission

Approved Date: \_\_\_\_\_

BY: \_\_\_\_\_

CITY ENGINEER

Approved Date: \_\_\_\_\_

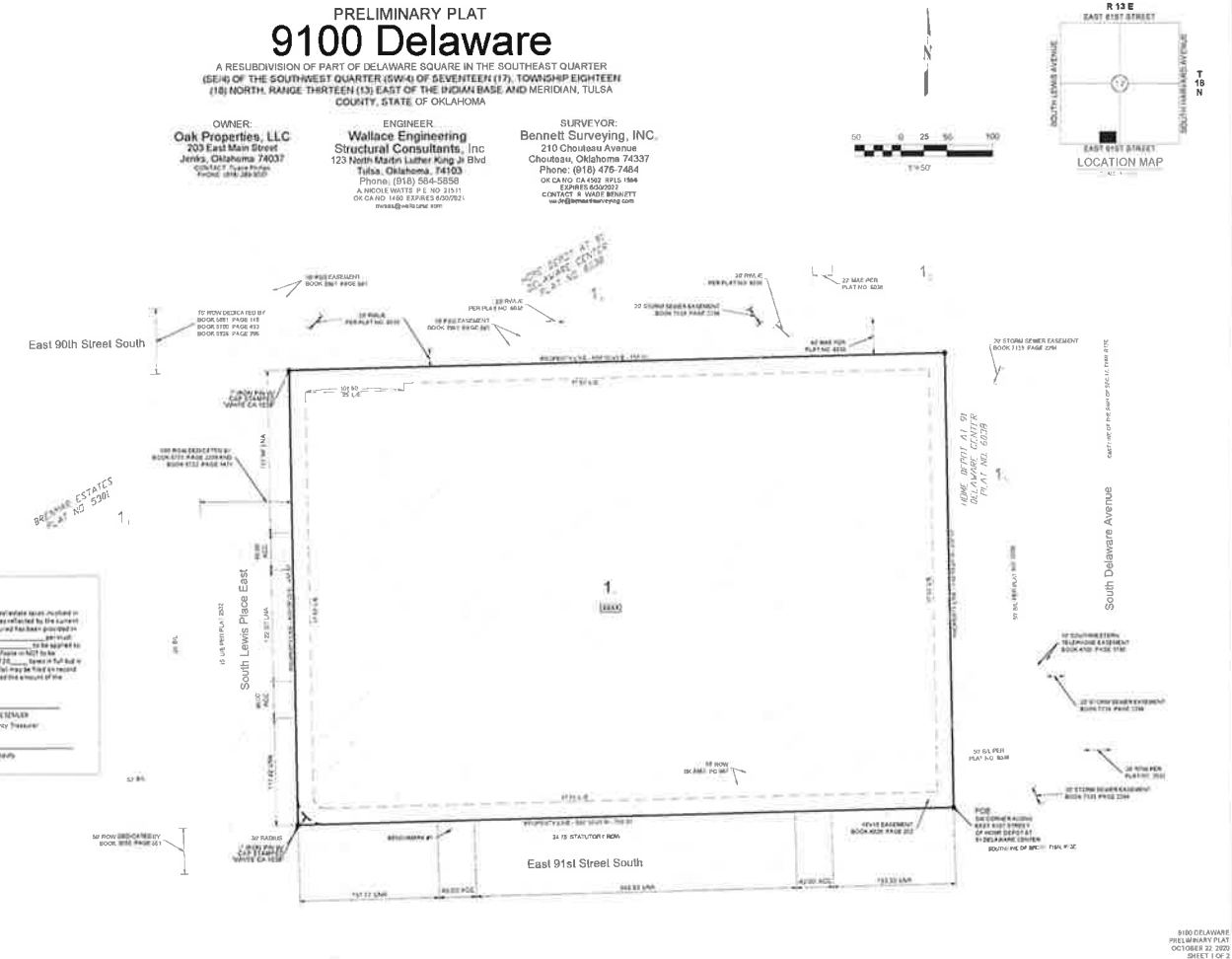
BY: \_\_\_\_\_

MAJOR

AFFECTED OWNERS

CITY ATTORNEY

The approval of the Final Plat will ensure one party  
 signs the plat at City-Council approval. Final Plat to  
 be filed in the Office of the County Clerk before final plat.





PRELIMINARY PLAT  
DEED OF DEDICATION  
**9100 Delaware**

A RESUBDIVISION OF PART OF DELAWARE SQUARE IN THE SOUTHEAST QUARTER  
(SE4) OF THE SOUTH-WEST QUARTER (SW4) OF SEVENTEEN (17), TOWNSHIP EIGHTEEN  
(18) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA  
COUNTY, STATE OF OKLAHOMA

**INDIVIDUALS WHO ARE PARTIES HERETO**

QAA PROPERTIES LLC A OKLAHOMA LIMITED LIABILITY COMPANY HERINAFTER 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 THAT IS PART OF THE SOUTHWEST QUARTER OF SECTION 18 TOWNSHIP 18 NORTH RANGE 13 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: TO-WIT:

A TRACT OF LAND THAT IS PART OF LOT ONE (1) BLOCK ONE (1) DRAYWALK SQUARE AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, APPLICABLE TO THE RECORDED PLAT THREE (PLAT NO. 751); SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHERN MOST SOUTHWEST CORNER OF LOT 1, BLOCK 1 HOME DEPOT AT 8150 DELAWARE CENTER, ACCORDING TO THE RECORDED PLAT 10 HOME DEPOT 8150 32 32 AT A DISTANCE OF 115.00 FEET THENCE N 06 36 07 E A DISTANCE OF 40.67 FEET THENCE N 06 33 43 E A DISTANCE OF 150.00 FEET THENCE S 06 38 28 W A DISTANCE OF 47.87 FEET TO THE POINT OF BEGINNING

SAID TRACT OF LAND CONTAINING 300.00 SQUARE FEET OR 1/17 ACRES, MORE OR LESS

THE OWNER HAS CAUSED THE ABOVE DESCRIBED TRACT OF LAND TO BE SUBDIVIDED AS SHOWN PLATTED AND SUBDIVIDED INTO 1 LOT AND 1 BLOCK HEREIN AFTER THE LOT IS IN CONFORMITY WITH THE ACCOMPANYING PLAT, AND HAS DESIGNATED THE SUBDIVISION AS THE DELAWARE 2 SUBDIVISION IN THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA, HEREINAFTER REFERRED TO AS THE SUBDIVISION.

**SECTION 1. STREETS, EASEMENTS AND UTILITIES**

**A. PUBLIC STREETS, EASEMENTS AND GENERAL UTILITY EASEMENTS**  
THE OWNER DOES HEREBY DEDICATE TO THE PUBLIC THE STREET RIGHTS OF WAY AS DESCRIBED ON THE ACCOMPANYING PLAT ADDITIONALLY THE OWNER DOES HEREBY DEDICATE TO THE PUBLIC THE UTILITY EASEMENTS DESIGNATED AS SET ON THE UTILITY EASEMENT FOR THE SEVERAL PURPOSES OF CONSTRUCTING, MAINTAINING, OPERATING, REPAIRING, REPLACING, AND/OR REPAIRING AND/OR UNDERGROUND 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 POLES, TOWERS, CONDUITS, PIPES, VALVES, MANHOLES, AND EQUIPMENT FOR EACH OF SUCH FACILITIES AND ANY OTHER APPURTENANCES THEREON, 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 CONDUCT MAINTENANCE, REPAIR, AND REPAIR OR RELAY WATER LINES AND SEWER LINES, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS FOR SUCH CONSTRUCTION, MAINTENANCE, OPERATION, LAYING, REPAIRING AND RELAYING OVER, ACROSS AND AROUND ALL OF THE UTILITY EASEMENTS SHOWN ON THE PLAT, FOR THE PURPOSE OF FURNISHING WATER AND/OR SEWER SERVICES TO THE AREA SHOWN IN THE PLAT. THE OWNER HEREBY IMPOSES A RESTRICTIVE COVENANT WHICH COVENANT SHALL BE BINDING ON THE OWNER AND ITS SUCCESSORS AND ASSIGNS TOGETHER WITH THE LOT OWNERS, AND SHALL BE ENFORCEABLE BY THE CITY OF TULSA, OKLAHOMA, AND BY THE SUPPLIER OF ANY AFFECTED UTILITY SERVICE THAT WITHIN THE UTILITY EASEMENTS SHOWN ON THE ACCOMPANYING PLAT NO BUILDING STRUCTURE OR OTHER ABOVE OR BELOW GROUND CONSTRUCTION HAS INTERFERED WITH THE ABOVE SET FORTH LINES AND PURPOSES OF AN EASEMENT. SHALL BE PLACED IN THE PUBLIC RECORDS ON THE ACCOMPANYING PLAT. THE CITY OF TULSA, OKLAHOMA, SHALL BE DEEMED TO PROMPTLY SERVE ANY AREA BEING COMING UNLAWFULLY AND CUSTOMER SERVICE PRACTICES THAT DO NOT CONSTITUTE AN OBSTRUCTION.

**B. UTILITY SERVICE**  
1. CONDUIT LINES FOR THE SUPPLY OF ELECTRIC, TELEPHONE AND CABLE TELEVISION SERVICE MAY BE LOCATED IN THE REMAINDER UTILITY EASEMENTS AND IN THE REMAINDER BOUNDARIES OF THE SUBDIVISION. STREET LIGHT POLES OR STANDARDS MAY BE SERVICE OR OVERHEAD OR UNDERGROUND CABLE AND EQUIPMENT 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 REMAINDER OF THE PUBLIC STREETS AS DESCRIBED UPON THE ACCOMPANYING PLAT. SERVICE PRESTALS AND TRANSFORMERS AS SOURCES OF SUPPLY AT CERTAIN VOLTAGES MAY ALSO BE LOCATED IN THE 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 POINT OR TRANSFORMER TO THE POINT OF USE, UNLESS OTHERWISE BY THE LOCATION AND CONSTRUCTION OF SUCH STRUCTURE UPON THE LOT. PROHIBITED UPON INSTALLATION OF A SERVICE CABLE OR GAS SERVICE LINE TO A PARTICULAR STRUCTURE THE SUPPLIER OF SERVICE SHALL THEREAFTER BE DEEMED TO HAVE A DEFINITE PERMANENT AND NON-EXCLUSIVE EASEMENT ON THE LOT COVERING A 5 FOOT STRIP EXTENDING 5 FEET ON EACH SIDE OF THE SERVICE CABLE OR LINE, EXTENDING FROM THE GAS MAIN SERVICE PRESTAL OR TRANSFORMER TO THE SERVICE ENTRANCE ON THE STRUCTURE.

3. THE SUPPLIER OF ELECTRIC, TELEPHONE, CABLE TELEVISION AND GAS SERVICES THROUGH ITS AUTHORIZED AGENTS AND EMPLOYEES SHALL AT ALL TIMES HAVE RIGHT OF ACCESS TO THE UTILITY EASEMENTS SHOWN ON THE PLAT ON 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 SERVICE FACILITIES INSTALLED BY THE SUPPLIER OF THE UTILITY SERVICE.  
4. THE LOT OWNER SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE OVERHEAD AND/OR UNDERGROUND SERVICE FACILITIES LOCATED ON THE LOT AND SHALL PREVENT THE ALTERATION OF GRADE OR ANY CONSTRUCTION ACTIVITY WHICH MAY INTERFERE WITH SAID ELECTRIC, TELEPHONE, CABLE TELEVISION OR GAS FACILITIES. EACH SUPPLIER OF THESE SERVICES SHALL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF OVERHEAD AND/OR UNDERGROUND FACILITIES, BUT THE LOT OWNER SHALL MAINTAIN AND/OR REPAIR OR REPLACE SUCH FACILITIES CAUSED BY NEGLIGENCE 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, COMMUNICATION, CABLE TELEVISION OR GAS SERVICE AND THE LOT OWNER AGENTS TO BE BOUND BY THESE COVENANTS.

**E. WATER, SANITARY SEWER AND STORM SEWER SERVICE**

1. THE LOT OWNER SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE PUBLIC WATER MAIN, SANITARY SEWER MAINS AND STORM SEWERS LOCATED IN THE SUBDIVISION.  
2. WITHIN THE UTILITY EASEMENTS, DESIGNATED WATERING, EASEMENT AND SANITARY SEWER EASEMENTS SHOWN ON THE ACCOMPANYING PLAT, THE ALTERATION OF GRADE FROM THE CONTIGUOUS EXISTING UNIFORM 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 MAIN, 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 EXISTING SANITARY SEWER MAINS AND STORM SEWERS, BUT THE LOT OWNER SHALL MAINTAIN AND/OR REPAIR OR REPLACE SUCH FACILITIES CAUSED BY NEGLIGENCE BY ACTS OF THE LOT OWNER OR THE LOT OWNER'S AGENTS OR CONTRACTORS.  
4. THE CITY OF TULSA, OKLAHOMA, OR ITS SUCCESSORS SHALL AT ALL TIMES HAVE RIGHT OF ACCESS TO THE UTILITY EASEMENTS, DESIGNATED WATERING, EASEMENT AND SANITARY SEWER EASEMENTS SHOWN ON THE PLAT OR OTHERWISE PROVIDED FOR IN THIS DEED OF DEDICATION FOR THE PURPOSES OF INSTALLING, MAINTAINING, REPAIRING 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 LOT OWNER AGENTS TO BE BOUND BY THESE COVENANTS.

**G. GAS SERVICE**

1. THE SUPPLIER OF GAS SERVICE THROUGH ITS AGENTS AND EMPLOYEES SHALL AT ALL TIMES HAVE THE RIGHT OF ACCESS TO ALL THE UTILITY EASEMENTS SHOWN ON THE PLAT OR AS OTHERWISE PROVIDED FOR IN THIS DEED OF DEDICATION FOR THE PURPOSES OF INSTALLING, MAINTAINING, REPAIRING OR REPLACING ANY PORTION OF THE FACILITIES INSTALLED BY THE SUPPLIER OF GAS SERVICE.  
2. THE LOT OWNER SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE UNDERGROUND GAS FACILITIES LOCATED WITHIN THE SUBDIVISION, AND SHALL PREVENT THE ALTERATION OF GRADE OR ANY OTHER CONSTRUCTION ACTIVITY WHICH WOULD INTERFERE WITH SAID SERVICE. THE SUPPLIER OF GAS SERVICE SHALL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF SUCH FACILITIES, BUT THE LOT OWNER SHALL MAINTAIN AND/OR REPAIR OR REPLACE SUCH FACILITIES CAUSED BY NEGLIGENCE 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 GAS SERVICE, AND THE LOT OWNER AGENTS TO BE BOUND BY THESE COVENANTS.

**F. SURFACE DRAINAGE**

THE LOT OWNER SHALL RECEIVE AND DRAIN BY AN UNOBTAINED MANNER THE STORM AND SURFACE WATER FROM LOTS AND UNOBTAINED AREAS OF ADJACENT LOTS. THE LOT OWNER SHALL NOT CONDUCT OR PERMIT TO BE CONDUCTED ANY FENCING OR OTHER OBSTRUCTIONS WHICH WOULD IMPAIR THE DRAINAGE OF STORM AND SURFACE WATER OVER AND ACROSS THE LOT. THE FENCED COVENANTS SET FORTH IN THIS PARAGRAPH SHALL BE ENFORCEABLE BY THE LOT OWNER AND BY THE CITY OF TULSA, OKLAHOMA.

**F. FENCE MAINTENANCE AND REPAIR COVENANTS**  
THE LOT OWNER SHALL BE RESPONSIBLE FOR THE REPAIR OF DAMAGE TO LANDSCAPING AND PAVING OCCASIONED BY INSTALLATION OF NECESSARY PLACEMENTS, REPAIRS, OR MAINTENANCE OF WATER, SEWER, STORM SEWER, NATURAL GAS, COMMUNICATION, CABLE TELEVISION, OR ELECTRIC FACILITIES WITHIN THE EASEMENT AREAS SHOWN ON THE ACCOMPANYING PLAT. PRIOR TO THE CITY OF TULSA, OKLAHOMA, OR THE SUPPLIER OF THE UTILITY SERVICE SHALL USE REASONABLE CARE IN THE PERFORMANCE OF SUCH ACTIVITIES.

**RIGHTS OF ADJACENTS**

THE LOT OWNER HEREBY REINDEEDS RIGHTS OF VEHICULAR INGRESS OR EGRESS FROM ANY PORTION OF THE PROPERTY ADJACENT TO SOUTH LOTS 10 AND EAST 1/2 STREET SOUTH WITHIN THE BOARDS DESIGNATED AS LIMITS OF NO ACCESS ON THE ACCOMPANYING PLAT, WHICH LIMITS OF NO ACCESS MAY BE MODIFIED OR RELAXED BY THE TULSA METROPOLITAN AREA PLANNING COMMISSION OR ITS SUCCESSOR 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 ESTABLISHED ABOVE SHALL BE ENFORCEABLE BY THE CITY OF TULSA, OKLAHOMA.

**H. SIDEWALKS, PUBLIC SIDEWALK EASEMENT**

SIDEWALKS SHALL BE CONSTRUCTED AND MAINTAINED BY THE LOT OWNER IN ACCORDANCE WITH THE TULSA METROPOLITAN AREA SUBDIVISION AND DEVELOPMENT REGULATIONS AND IN ACCORDANCE WITH THE STANDARDS OF THE CITY OF TULSA. ALL SUCH SIDEWALKS SHALL BE CONSTRUCTED PRIOR TO THE COMMENCEMENT OF OCCUPANCY FOR ANY BUILDING WITHIN THE SUBDIVISION. TO THE EXTENT SAID SIDEWALKS AS DESCRIBED ON THE ACCOMPANYING PLAT EXTEND OUTSIDE OF THE RIGHT OF WAY, THE OWNER HEREBY DEDICATES TO THE PUBLIC A PERPETUAL EASEMENT ON, OVER AND ACROSS THE SET FOR CONSTRUCTION, MAINTENANCE AND USE AS A PUBLIC SIDEWALK.

**I. 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 SITE SUBDIVISION HAS BEEN COMPLETED AND ACCEPTED BY THE CITY OF TULSA, OKLAHOMA, NOTWITHSTANDING THE FOREGOING, THE CITY OF TULSA, OKLAHOMA, MAY AUTHORIZE THE ISSUANCE OF A TEMPORARY CERTIFICATE OF OCCUPANCY IF, IN THE CITY OF TULSA, OKLAHOMA, THE REQUIREMENTS SUPPORT THE ISSUANCE. FURTHER NOTWITHSTANDING THE FOREGOING, THE CITY OF TULSA, OKLAHOMA, 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 BE ISSUED UPON THE COMPLETION AND ACCEPTANCE OF THE INFRASTRUCTURE SERVING THE PARTICULAR PHASE. BUILDING CONSTRUCTION OCCURRING PRIOR TO THE CITY OF TULSA, OKLAHOMA'S ACCEPTANCE OF THE INFRASTRUCTURE SHALL BE AT THE RISK OF THE LOT OWNER, NOTWITHSTANDING THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR A TEMPORARY CERTIFICATE OF OCCUPANCY.

**SECTION 2. 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, WITHIN THE PRINCIPALS OF SECTION 1 (STREETS, EASEMENTS AND UTILITIES) ARE SET FORTH CERTAIN COVENANTS AND THE ENFORCEMENT RIGHTS PERTAINING THEREOF AND ADDITIONALLY, THE COVENANTS WITHIN SECTION 1 (STREETS, EASEMENTS AND UTILITIES) HEREIN SO STATED SHALL RUN TO THE BENEFIT OF AND SHALL BE ENFORCEABLE BY THE CITY OF TULSA, OKLAHOMA. IF THE UNDERGROUNDER OWNER OR ITS SUCCESSORS OR AGENTS SHALL VIOLATE ANY OF THE COVENANTS WITHIN SECTIONS 1 IT SHALL BE LIABLE FOR ANY PERSON OR PERSONS CAUSING ANY LOT BOUNDING WITHIN THE SUBDIVISION OR THE CITY OF TULSA TO VIOLATE ANY 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 DOING SO OR TO OBTAIN 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 FOREAID PROCEEDINGS HAS AN ADEQUATE REMEDY AT LAW IS HEREBY WAIVED.

**B. DURATION**  
THESE COVENANTS AND RESTRICTIONS SHALL REMAIN IN FULL FORCE AND EFFECT UNTIL TERMINATED OR AMENDED AS HEREBY SET FORTH.

**C. AMENDMENT OR TERMINATION**  
THE COVENANTS CONTAINED HEREIN MAY BE AMENDED OR TERMINATED AT ANY TIME BY A WRITTEN INSTRUMENT SIGNED AND ACKNOWLEDGED BY THE OWNER AND APPROVED BY THE TULSA METROPOLITAN AREA PLANNING COMMISSION AND THE CITY OF TULSA, ANY SUCH INSTRUMENT SHALL BECOME EFFECTIVE WHEN RECORDED IN THE RECORDS OF THE TULSA COUNTY CLERK.

**SEVERABILITY**

IF ANY PROVISION OF ANY RESTRICTION SET FORTH HEREIN OR ANY PART THEREOF BY AN ORDER JUDICIAL OR DECREE OF ANY COURT OR OTHERWISE SHALL NOT BE ENFORCEABLE 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, QAA PROPERTIES LLC HAS EXECUTED THIS INSTRUMENT THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2020.

QAA PROPERTIES LLC, OKLAHOMA LIMITED LIABILITY COMPANY

BY: \_\_\_\_\_  
DUANE PHILLIPS, MANAGER

STATE OF OKLAHOMA  
COUNTY OF TULSA

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2020 BY DUANE PHILLIPS AS MANAGER OF QAA PROPERTIES LLC, A OKLAHOMA LIMITED LIABILITY COMPANY.

NOTARY PUBLIC  
MY COMMISSION EXPIRES \_\_\_\_\_  
(REAL)

**CERTIFICATE OF PUBLICITY**

I, R. WADE BENNETT, OF BENNETT SURVEYING 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 DESCRIBED HEREIN AS FOR DELAWARE 2, A SUBDIVISION OF THE CITY OF TULSA, TULSA 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.

R. WADE BENNETT  
LICENSED PROFESSIONAL LAND SURVEYOR  
OKLAHOMA #1158

STATE OF OKLAHOMA  
COUNTY OF TULSA

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2020 BY R. WADE BENNETT.

NOTARY PUBLIC  
MY COMMISSION EXPIRES: 08/01/2020  
MY COMMISSION NUMBER: 12411220

(REAL)

4.9

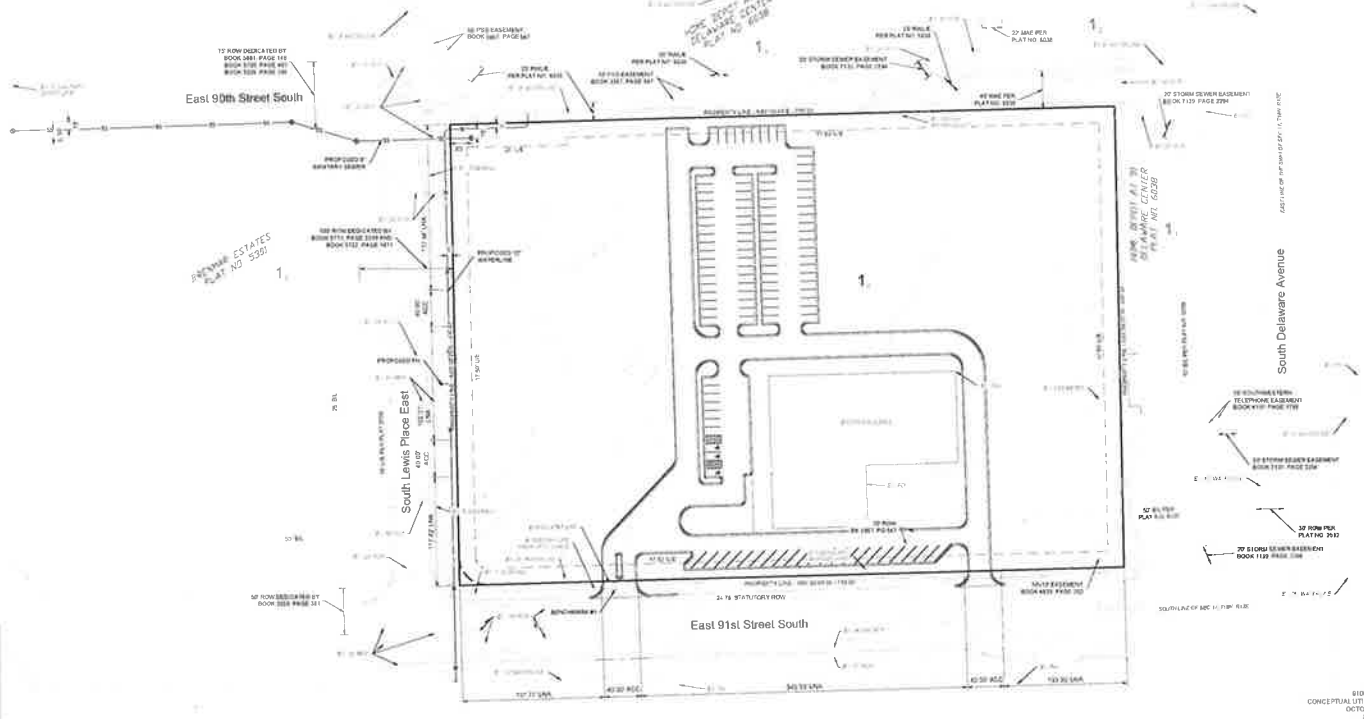
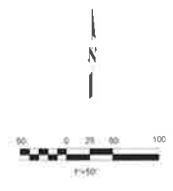
# CONCEPTUAL UTILITY LAYOUT 9100 Delaware

A RESUBDIVISION OF PART OF DELAWARE SQUARE IN THE SOUTHEAST QUARTER (SE/4) OF THE SOUTHWEST QUARTER (SW/4) OF SEVENTEEN (17), TOWNSHIP EIGHTEEN (18) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA

**OWNER**  
Oak Properties, LLC  
203 East Main Street  
Jenks, Oklahoma 74037  
CONTACT: Dana Fisher  
PHONE: (918) 286-6007

**ENGINEER**  
Wallace Engineering  
Structural Consultants, Inc  
123 North Martin Luther King Jr Blvd  
Tulsa, Oklahoma 74103  
Phone: (918) 504-5955  
A SOCIETY AFFILIATE, P.E. NO. 71811  
OKLAHOMA LICENSE ENGINEER  
wall@wallaceinc.com

**SURVEYOR**  
Bennett Surveying, INC.,  
210 Chouteau Avenue  
Chouteau, Oklahoma 74337  
Phone: (918) 476-7484  
OKLAHOMA LICENSED SURVEYOR  
LICENSE NO. 5229722  
CONTACT: T. MARK BENNETT  
tmark@bennettsurveying.com



LEGEND	
AC	ADDRESS
ACC	ACCESS
AL	ALLIANCE
BL	BUILDING LINE
BR PG	BROWN PAGE
TRAC	TRAILER
BY	BY
LDA	LINE OF ADDRESS
POOL	POOL
RDW	RIGHT OF WAY
UE	UTILITY ELEMENT

9100 DELAWARE  
CONCEPTUAL UTILITY LAYOUT  
OCTOBER 22, 2009  
SHEET 1 OF 1

4.10