



CITY OF
Tulsa
Board of Adjustment

Case Number: BOA-23586

Hearing Date: 10/24/2023 1:00 PM

Case Report Prepared by:

Austin Chapman

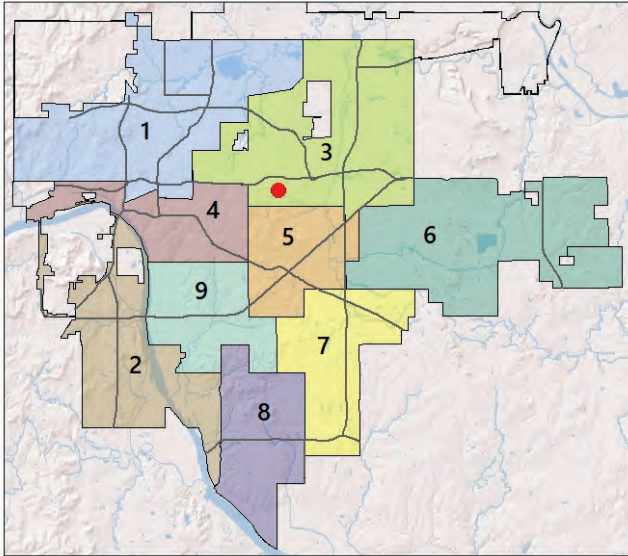
Owner and Applicant Information:

Applicant: Justin Haddock

Property Owner: R & M REALTY LLC

Action Requested: Variance to reduce the required 2,000 square feet of open space per unit for duplex uses in the RD District (Sec. 5.030, Table 5-3); Variance to reduce the required 15-foot side street setback in the RD District (Sec. 5.030, Table Note [3])

Location Map:



Additional Information:

Present Use: Vacant

Tract Size: 0.32 acres

Location: 317 S. 66th E. Ave.; 327 S. 66th E. Ave.

Present Zoning: RD



S SHERIDAN RD

E 2ND ST S

S 66TH AVE

E 4TH ST S

S 67TH AVE

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

Aerial Photo Date: 2020/2021

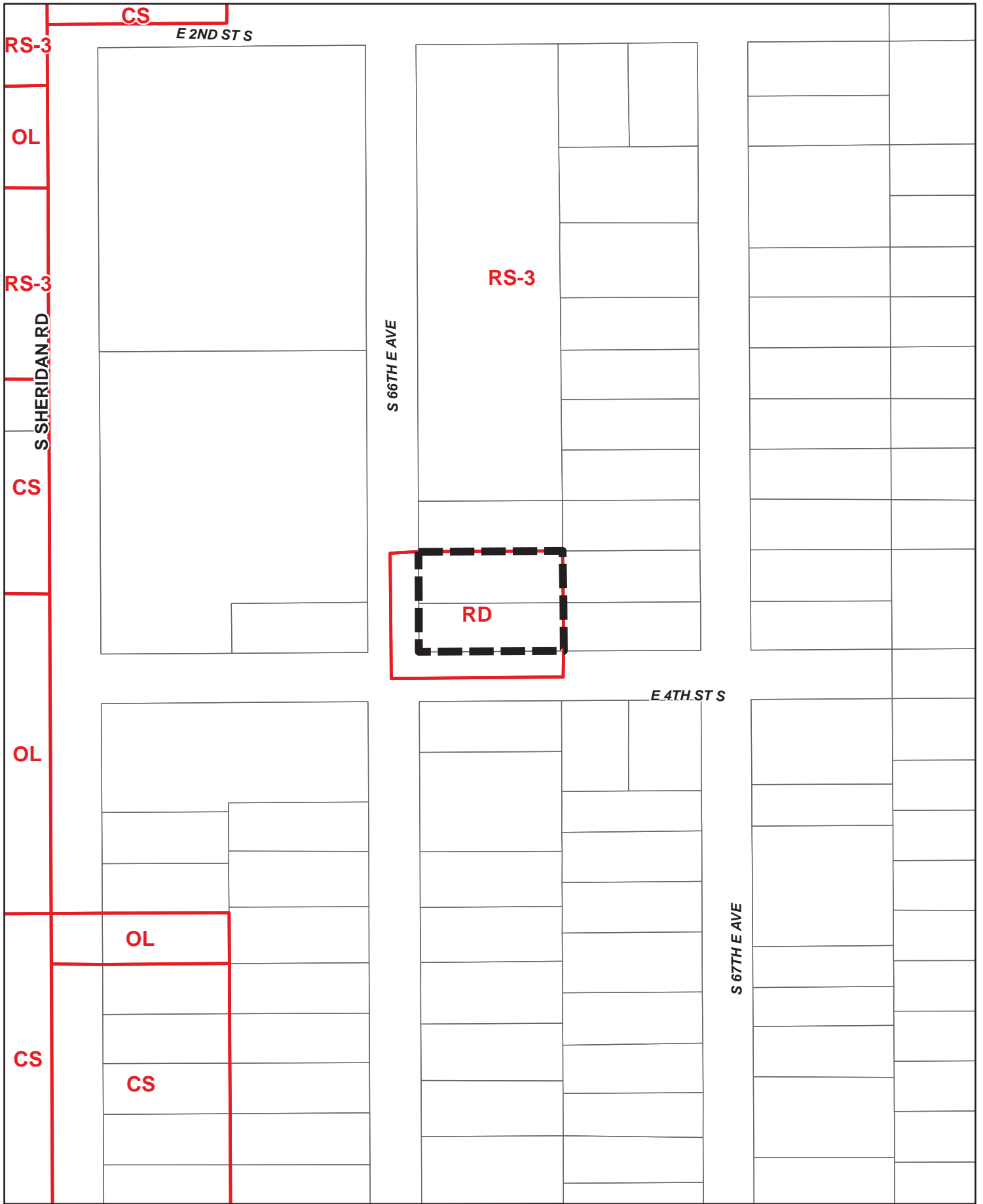
BOA-23586



Subject Tract

6.2





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

Aerial Photo Date: 2020/2021

BOA-23586



Subject Tract



6.3

**BOARD OF ADJUSTMENT
CASE REPORT**

STR: 9302

Case Number: **BOA-23586**

CD: 3

HEARING DATE: 10/24/2023 1:00 PM

APPLICANT: Justin Haddock

ACTION REQUESTED: Variance to reduce the required 2,000 square feet of open space per unit for duplex uses in the RD District (Sec. 5.030, Table 5-3); Variance to reduce the required 15-foot side street setback in the RD District (Sec. 5.030, Table Note [3])

LOCATION: 317 S. 66th E. Ave.; 327 S. 66th E. Ave.

ZONED: RD

PRESENT USE: Vacant

TRACT SIZE: 14000.24 SQ FT

LEGAL DESCRIPTION: LT 14 BLK E; LT 13 BLK E, CREST VIEW ESTATES CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

RELEVANT PREVIOUS ACTIONS: None.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of a "Neighborhood":

Neighborhoods are "Mostly Residential Uses" which includes detached, missing middle, and multi-dwelling unit housing types. Churches, schools, and other low-intensity uses that support residents' daily needs are often acceptable, particularly for properties abutting Multiple Use, Local Center, or Regional Center land use areas. Multi-dwelling unit housing that takes access off of an arterial is considered Multiple Use, Local Center, or Regional Center. If a multi-dwelling unit housing property takes access off of a lower-order street separated from the arterial, then it would be considered Neighborhood.

STAFF ANALYSIS: The applicant is requesting a Variance to reduce the required 2,000 square feet of open space per unit for duplex uses in the RD District (Sec. 5.030, Table 5-3); and a Variance to reduce the required 15-foot side street setback in the RD District (Sec. 5.030, Table Note [3]):

The applicant is requesting to reduce the 2,000 square feet of open space per unit to approximately 1,700 square feet of open space per unit;

Section 90.080 Open Space per Unit

90.080-A Open space per unit refers to the amount of outdoor open space required to be provided on a lot for each dwelling unit on the subject lot. Multiply the minimum open space-per-unit requirement by the number of dwelling units to determine the total amount of open space required on a lot. In applying minimum open space-per-unit requirements to fraternity, sorority and rooming/boarding house uses, each 600 square feet of floor area is counted as one dwelling unit.

90.080-B The following may be counted toward satisfying minimum open space-per unit requirements:

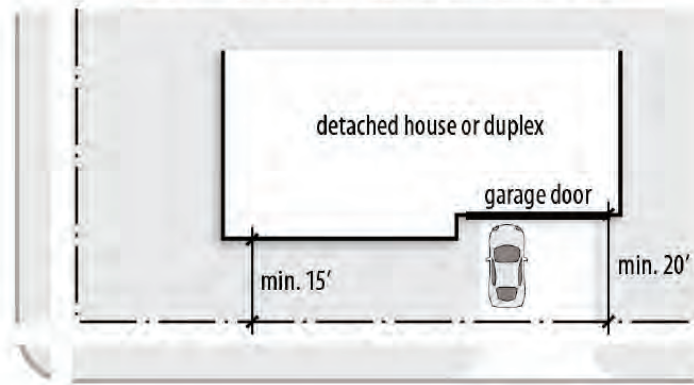
1. Outdoor areas that are not occupied by buildings, driveways or parking areas and are generally useable by residents;
2. Driveways and parking areas located in the rear yard of a detached house or duplex; and
3. Green roofs covering 25% or more of the subject building's overall roof area.

90.080-C Required open space within a townhouse development may be provided on each townhouse lot or may be provided in outdoor common areas within the townhouse development, as designated on the recorded subdivision plat or in a separately recorded legal instrument.

The applicant is seeking the required street setback on Lot from 15-feet to 5-feet.

- [3] For detached houses and duplexes on corner lots, the minimum side street setback along a non-arterial street may be reduced to 15 feet, provided that the minimum setback for street-facing garage doors is 20 feet or 20 feet from the back of the sidewalk, whichever is greater. The street setback specified in Table 5-3 applies along the other street.

Figure 5-1: Street Side Setback on Corner Lots



Facts staff finds favorable for variance request:

- A duplex could be stacked to create a 2-story structure to meet the open space standard and setback, but single-story structures are the predominate building type inside the neighborhood.

Facts Staff find unfavorable for the variance request:

- None.

SAMPLE MOTION: Move to _____ (approve/deny) a Variance to reduce the required 2,000 square feet of open space per unit for duplex uses in the RD District (Sec. 5.030, Table 5-3); and a Variance to reduce the required 15-foot side street setback in the RD District (Sec. 5.030, Table Note [3])

- Finding the hardship(s) to be _____.
- Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.
- Subject to the following conditions _____.

In granting the **Variance** the Board finds that the following facts, favorable to the property owner, have been established:

- a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;*
- b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;*
- c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;*
- d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;*
- e. That the variance to be granted is the minimum variance that will afford relief;*

f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and

g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan.”



Subject Property

Chapman, Austin

From: Zhuline Phillips <zhulinephillips@gmail.com>
Sent: Thursday, September 21, 2023 8:42 AM
To: Haddock, Justin; Chapman, Austin
Subject: Regarding the lots for R&M Duplex lots

To whom it may concern,

Regarding the lots with addresses of
317 and 327 S 66th E Ave. Variance regarding open space.
327 also a variance on side street setbacks.

307 S. 66th E Ave Special exception and Variance-allowing a duplex on an RS lot and a variance regarding open space.

This is one of many attempts at trying to get this resolved. We had a 3 bedroom 2 bath and we brought it down to a 2 bedroom 2 bath to try and meet the open space requirement of 2500 feet. We are told we are about 669 sq ft short of meeting that requirement.

After many conversations with planning and zoning we were told we could stack these units or re-zone them.

But first we ask the board to consider that we are trying to create not only nice beautiful units that are consistent with the neighborhood but also to accommodate the possibility of handicap units.

If we have to rezone that would then mean we may go to an RM2/3 which would then make all units 3 per lot go up 2 to 3 stories and take up more open space and it wouldn't help with staying consistent in the neighborhood or possibility of creating handicap units.

Thank you for taking the time to read this and to consider our requests.

Zhuline B. Phillips
Spirit Construction & Design LLC
[918-698-5322](tel:918-698-5322)

*"The bitterness of poor quality
lingers long after the sweetness
of a cheap price is forgotten"*

R.S.C.S.
Rocket Science Construction Services
[918-698-1556](tel:918-698-1556)
"Elevating Construction Excellence"

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DEVELOPMENT SERVICES
175 E 2ND ST., STE 405
TULSA, OK 74103
918-596-9456

CITY OF TULSA

CORRECTIONS SUMMARY

WSD Comment (1)



Subject: WSD Comment
Page Label: 1
Status:
Author: James Henley
Date: 7/14/2023 1:02:33 PM
Color: ■

The Site Plan does not show sidewalks. Sidewalks are required on curb and gutter streets pursuant to:

Title 35 Section 602 B – Tulsa City Ordinance
https://library.municode.com/ok/tulsa/codes/code_of_ordinances?nodeId=CD_ORD_TIT35INDE

Title 42 Section 70.080 B.2. 4 Sidewalks – Tulsa Zoning Code
<http://tulsaplanning.org/programs/zoning/zoning-codes/>

TMAPC Subdivision and Development Regulations Section 5-070 Sidewalks
<http://tulsaplanning.org/plans/Tulsa-Subdivision-Development-Regulations.pdf>

Revise site plan to show public sidewalks. There is also an option to pay a fee-in-lieu of sidewalks. You can reach out to kdarge@cityoftulsa.org for questions about the fee. If you choose to pay the fee, I will need the approved application and receipt of payment emailed to me at jameshenley@cityoftulsa.org.

Zoning Review (2)



Subject: Zoning Review
Page Label: 1
Status:
Author: DWhiteman
Date: 7/24/2023 2:28:39 PM
Color: ■

Section 5.030-A, Table of Regulations. The lot and building regulations of Table 5-3 apply to all principal uses and structures in R districts, except as otherwise expressly stated in this zoning code. General exceptions to these regulations and rules for measuring compliance can be found in Chapter 90. Regulations governing accessory uses and structures can be found in Chapter 45.

Review Comments: RD zoned lots are required to have a minimum open space of 2,000 square feet per unit; therefore the proposed duplex project requires a total of 4,000 square feet of open space on the lot. Per Section 90.080-B driveways in the front or side yards cannot be counted as open space. No driveway width is shown, but the the proposed duplex and driveway areas do not appear to leave 4,000 square feet of open space on the lot. Please revise the plans so that the driveway area and duplex area still leave 4,000 square feet of open space on the lot.



DEVELOPMENT SERVICES
175 E 2ND ST., STE 405
TULSA, OK 74103
918-596-9456

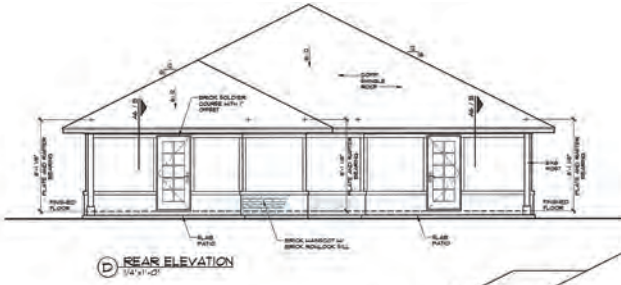
CITY OF TULSA

CORRECTIONS SUMMARY

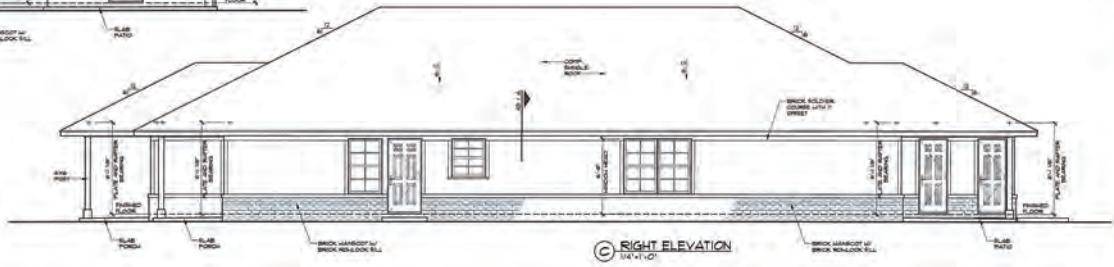


Subject: Zoning Review
Page Label: 1
Status:
Author: DWhiteman
Date: 7/24/2023 2:28:44 PM
Color: ■

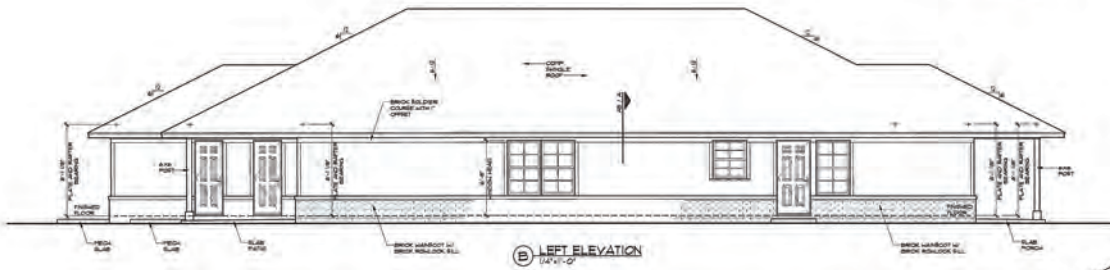
Section 55.090-C, Stall Size. Parking spaces must be at least 8.5 feet in width and 18 feet in length, exclusive of access drives and aisles. In parking areas where permanent wheel stops have been installed, 2.5 feet of the parking space length (depth) beyond the wheel stop may be counted as part of the required stall length if that area is unobstructed and not part of another parking stall, drive aisle or sidewalk.
Review Comment: Show the dimensions of the parking area for the area on the lot and not in the right of way. Two parking spots are required for each unit, per the size requirements in this section, so each pad needs to be at least 17' wide and 18' deep (not counting the part in the right of way) to provide the two necessary parking spots for each unit.



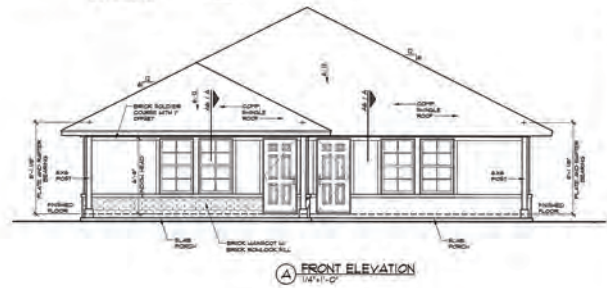
D REAR ELEVATION
1/4"=1'-0"



C RIGHT ELEVATION
1/4"=1'-0"



B LEFT ELEVATION
1/4"=1'-0"

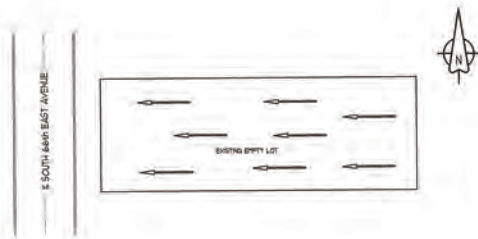


A FRONT ELEVATION
1/4"=1'-0"

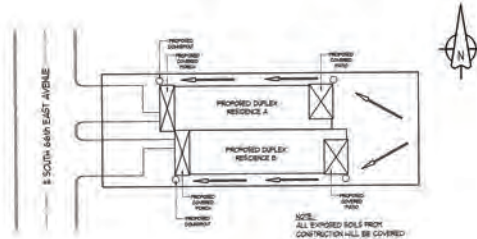


R & M REALTOR
317 SOUTH 66TH EAST AVENUE
UNIT A, AND UNIT B
TULSA, OKLAHOMA

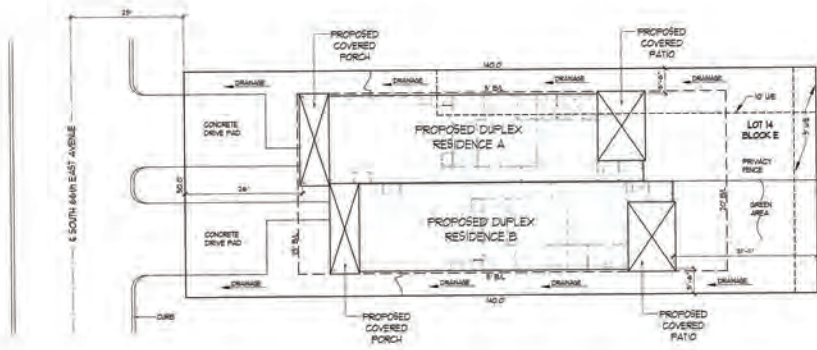
<p>A4</p> <p>SCALE AS NOTED 8-30-23 CLIFF WRIGHT</p>



(B) PRE-CONSTRUCTION DRAINAGE PLAN
1:10'-0"



(C) POST-CONSTRUCTION DRAINAGE PLAN
1:10'-0"



LEGAL DESCRIPTION:
LOT FOURTEEN (14), BLOCK 'E', CRESTVIEW SPARTAN AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA ACCORDING TO THE RECORDED PLAT THEREOF.

EROSION CONTROL GENERAL NOTES:
A SILT FENCE IS TO BE INSTALLED AROUND THE EXPOSED SOIL AREAS OF THE PROJECT SITE TO PREVENT SOIL SEEPAGE FROM ENTERING SOUTH MAIN EAST AVENUE ON THE WEST SIDE OF THE PROPERTY AND ANY ADJOINING PROPERTIES ACCORDING TO SPECIFICATIONS SET OUTLINED BY THE CITY OF TULSA DEVELOPMENT SERVICES DEPARTMENT.

(A) SITE PLAN
1:10'-0"



R & M REALTOR
317 SOUTH 66TH EAST AVENUE
UNIT A, AND UNIT B
TULSA, OKLAHOMA

A1
SCALE AS SHOWN
DATE: 6.20.15



DEVELOPMENT SERVICES
175 E 2ND ST., STE 405
TULSA, OK 74103
918-596-9456

CITY OF TULSA

CORRECTIONS SUMMARY

WSD Comment (1)



Subject: WSD Comment
Page Label: 1
Status:
Author: James Henley
Date: 7/14/2023 1:04:29 PM
Color: ■

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Title 35 Section 602 B – Tulsa City Ordinance
https://library.municode.com/ok/tulsa/codes/code_of_ordinances?nodeId=CD_ORD_TIT35INDE

Title 42 Section 70.080 B.2. 4 Sidewalks – Tulsa Zoning Code
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TMAPC Subdivision and Development Regulations
Section 5-070 Sidewalks
<http://tulsaplanning.org/plans/Tulsa-Subdivision-Development-Regulations.pdf>

Revise site plan to show public sidewalks. There is also an option to pay a fee-in-lieu of sidewalks. You can reach out to kdarge@cityoftulsa.org for questions about the fee. If you choose to pay the fee, I will need the approved application and receipt of payment emailed to me at jameshenley@cityoftulsa.org.

Zoning Review (2)



Subject: Zoning Review
Page Label: 1
Status:
Author: DWhiteman
Date: 7/24/2023 2:35:49 PM
Color: ■

Section 55.090-C, Stall Size. Parking spaces must be at least 8.5 feet in width and 18 feet in length, exclusive of access drives and aisles. In parking areas where permanent wheel stops have been installed, 2.5 feet of the parking space length (depth) beyond the wheel stop may be counted as part of the required stall length if that area is unobstructed and not part of another parking stall, drive aisle or sidewalk.

Review Comment: Show the dimensions of the parking area for the area on the lot and not in the right of way. Two parking spots are required for each unit, per the size requirements in this section, so each pad needs to be at least 17' wide and 18' deep (not counting the part in the right of way) to provide the two necessary parking spots for each unit.



DEVELOPMENT SERVICES
175 E 2ND ST., STE 405
TULSA, OK 74103
918-596-9456

CITY OF TULSA

CORRECTIONS SUMMARY



Subject: Zoning Review
Page Label: 1
Status:
Author: DWhiteman
Date: 7/24/2023 2:35:54 PM
Color: ■

Section 5.030-A, Table of Regulations. The lot and building regulations of Table 5-3 apply to all principal uses and structures in R districts, except as otherwise expressly stated in this zoning code. General exceptions to these regulations and rules for measuring compliance can be found in Chapter 90. Regulations governing accessory uses and structures can be found in Chapter 45.

Review Comments: RD zoned lots are required to have a minimum open space of 2,000 square feet per unit; therefore the proposed duplex project requires a total of 4,000 square feet of open space on the lot. Per Section 90.080-B driveways in the front or side yards cannot be counted as open space. No driveway width is shown, but the the proposed duplex and driveway areas do not appear to leave 4,000 square feet of open space on the lot. Please revise the plans so that the driveway area and duplex area still leave 4,000 square feet of open space on the lot.



DEVELOPMENT SERVICES
175 E 2ND ST., STE 405
TULSA, OK 74103
918-596-9456

CITY OF TULSA

CORRECTIONS SUMMARY

Zoning Review (3)



Subject: Zoning Review
Page Label: 1
Status:
Author: DWhiteman
Date: 7/24/2023 1:06:50 PM
Color: ■

Section 5.030-A, Table of Regulations. The lot and building regulations of Table 5-3 apply to all principal uses and structures in R districts, except as otherwise expressly stated in this zoning code. General exceptions to these regulations and rules for measuring compliance can be found in Chapter 90. Regulations governing accessory uses and structures can be found in Chapter 45.

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Subject: Zoning Review
Page Label: 1
Status:
Author: DWhiteman
Date: 7/24/2023 1:06:48 PM
Color: ■

Section 5.030-B, Table Notes. [3] For detached houses and duplexes on corner lots, the minimum side street setback along a non-arterial street may be reduced to 15 feet, provided that the minimum setback for street-facing garage doors is 20 feet or 20 feet from the back of the sidewalk, whichever is greater. The street setback specified in Table 5-3 applies along the other street.

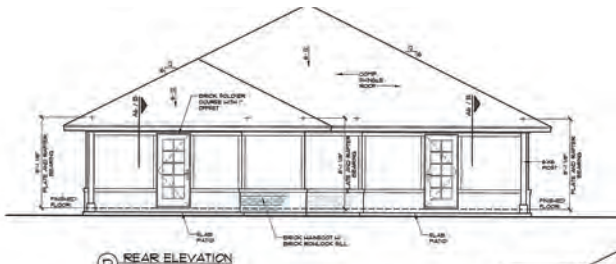
Review Comment: a 15' side street setback is required from the south property line. Please revise the plans to provide a minimum 15' side street setback.



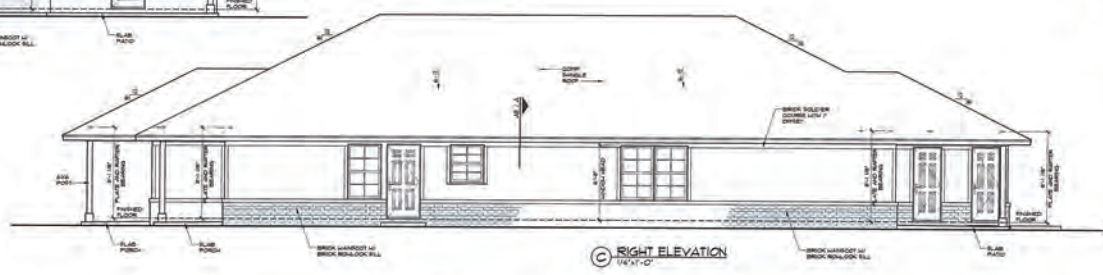
Subject: Zoning Review
Page Label: 1
Status:
Author: DWhiteman
Date: 7/24/2023 1:06:53 PM
Color: ■

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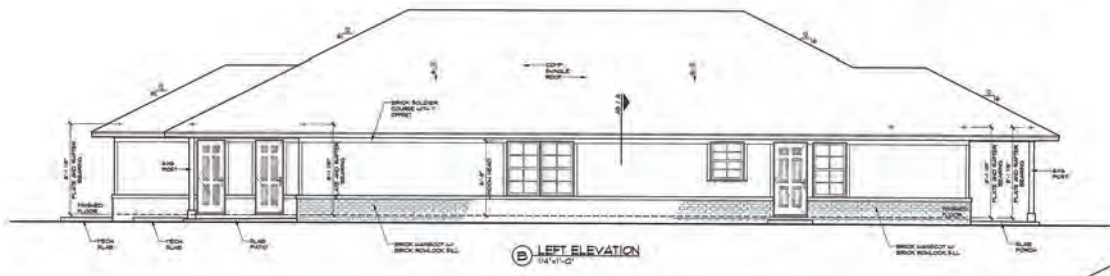
Review Comment: Show the dimensions of the parking area for the area on the lot and not in the right of way. Two parking spots are required for each unit, per the size requirements in this section, so each pad needs to be at least 17' wide and 18' deep (not counting the part in the right of way) to provide the two necessary parking spots for each unit.



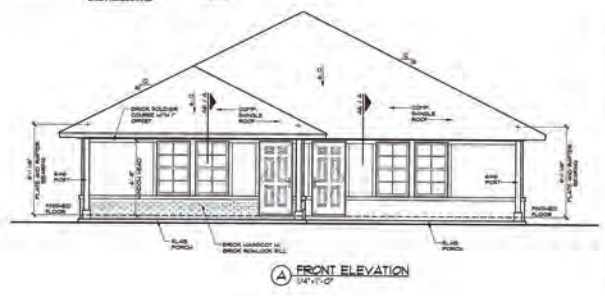
D REAR ELEVATION
1/4" = 1'-0"



C RIGHT ELEVATION
1/8" = 1'-0"



B LEFT ELEVATION
1/8" = 1'-0"

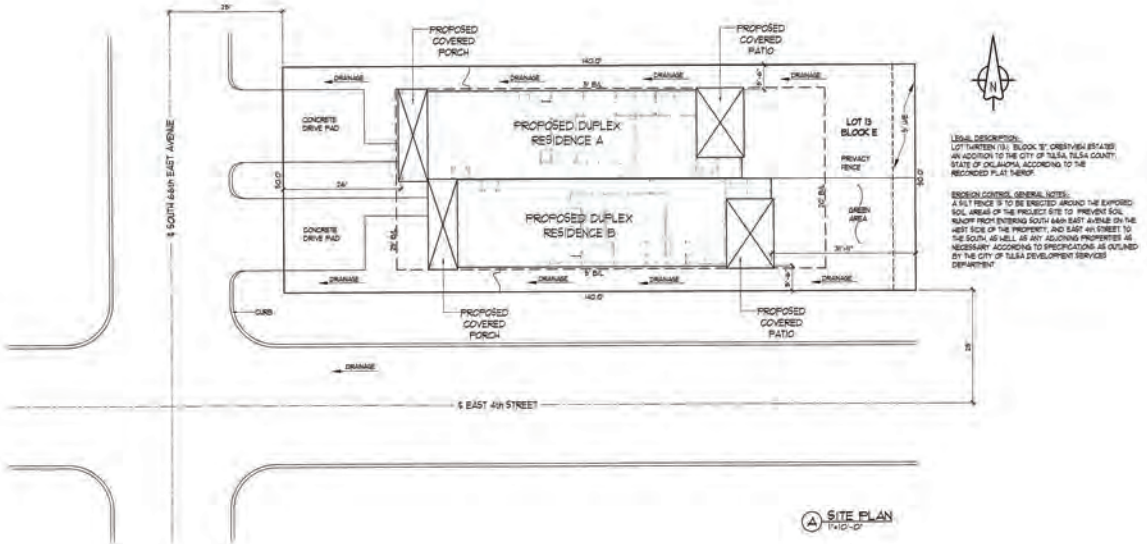
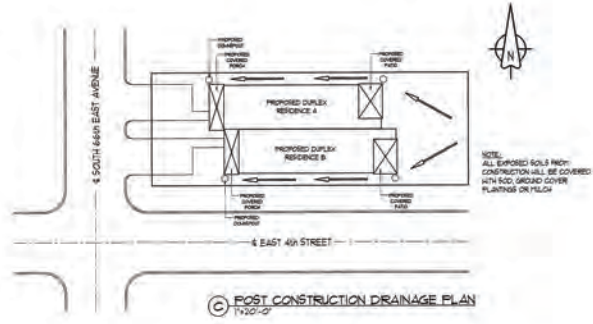
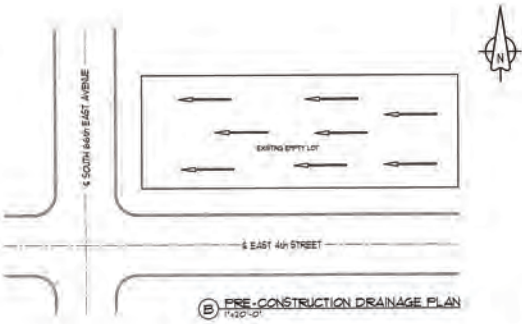


A FRONT ELEVATION
1/4" = 1'-0"



R&M REALTOR
327 SOUTH 66TH EAST AVENUE
UNIT A, AND UNIT B
TULSA, OKLAHOMA

<p>DATE: 10/15/2019</p> <p>PROJECT: 327 SOUTH 66TH EAST AVENUE UNIT A, AND UNIT B TULSA, OKLAHOMA</p> <p>CLIENT: R&M REALTOR</p> <p>ARCHITECT: CLIFF WRIGHT DESIGN</p> <p>SCALE: AS SHOWN</p> <p>CLIFF WRIGHT DESIGN</p>
<h1>A4</h1> <p>SCALE AS SHOWN P. 30 TO 31 CLIFF WRIGHT DESIGN</p>



R&M REALTOR
327 SOUTH 66TH EAST AVENUE
UNIT A, AND UNIT B
TULSA, OKLAHOMA

A1
SCALE: AS SHOWN
8-30-23



DEVELOPMENT SERVICES
175 E 2ND ST., STE 405
TULSA, OK 74103
918-596-9456

CITY OF TULSA

CORRECTIONS SUMMARY



Subject: WSD comment
Page Label: 1
Status:
Author: rwestbrook
Date: 7/14/2023 2:00:56 PM
Color: ■

2.Review Comment:
The Site Plan does not show the required sidewalks along the streets.

Required Revision:
Revise the Site Plan to show new sidewalks on the south and west along the streets, centered between the property line and the curb.

Zoning Review (3)



Subject: Zoning Review
Page Label: 1
Status:
Author: DWhiteman
Date: 7/24/2023 1:20:11 PM
Color: ■

Section 5.030-B, Table Notes. [3] For detached houses and duplexes on corner lots, the minimum side street setback along a non-arterial street may be reduced to 15 feet, provided that the minimum setback for street-facing garage doors is 20 feet or 20 feet from the back of the sidewalk, whichever is greater. The street setback specified in Table 5-3 applies along the other street.

Review Comment: a 15' side street setback is required from the south property line. Please revise the plans to provide a minimum 15' side street setback.



Subject: Zoning Review
Page Label: 1
Status:
Author: DWhiteman
Date: 7/24/2023 1:20:15 PM
Color: ■

Section 55.090-C, Stall Size. Parking spaces must be at least 8.5 feet in width and 18 feet in length, exclusive of access drives and aisles. In parking areas where permanent wheel stops have been installed, 2.5 feet of the parking space length (depth) beyond the wheel stop may be counted as part of the required stall length if that area is unobstructed and not part of another parking stall, drive aisle or sidewalk.

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DEVELOPMENT SERVICES
175 E 2ND ST., STE 405
TULSA, OK 74103
918-596-9456

CITY OF TULSA

CORRECTIONS SUMMARY



Subject: Zoning Review
Page Label: 1
Status:
Author: DWhiteman
Date: 7/24/2023 1:20:19 PM
Color: ■

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MORTGAGE INSPECTION PLAT



1"=30'

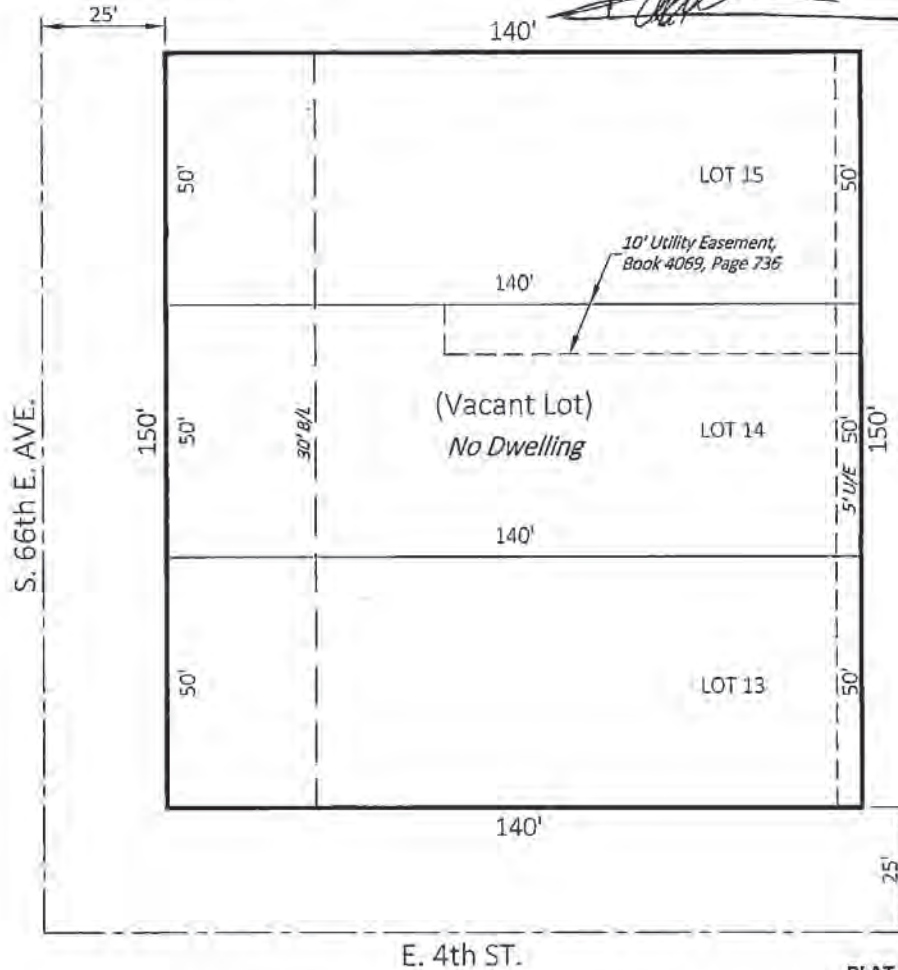
PROJECT NO.: 184859-560

MORTGAGOR: Cesar Arturo Salazar Diaz

CLIENT: Executives Title & Escrow Company, LLC
File No.: 18100340

LEGEND

- B/E BURIED ELECTRIC SERVICE CABLE ESMT (APPROX LOCATION)
- B/L BUILDING LINE
- D/E DRAINAGE EASEMENT
- U/E UTILITY EASEMENT
- EM ELECTRIC METER



PLAT NO. 1085

LEGAL DESCRIPTION AS PROVIDED:

LOTS THIRTEEN (13) AND FOURTEEN (14), BLOCK "E", CREST VIEW ESTATES, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF.

AND

LOT FIFTEEN (15), BLOCK "E", CREST VIEW ESTATES, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF.

SURVEYOR'S STATEMENT

Harden & Associates, Surveying and Mapping, PC, an Oklahoma corporation, and the undersigned Registered Professional Land Surveyor, under Certificate of Authorization No. CA4656 renewal date: June 30, 2019, do hereby state that in our professional opinion the above Inspection Plat shows the dwelling as located on the premises described, that it is entirely within the described tract boundaries, and there are no encroachments thereon by visible permanent improvements, except as indicated; that the above Inspection Plat shows all Recorded Plat easements and other such easements which have been disclosed by a current Title Opinion or by Commitment for Title Insurance and copies thereof provided to us; that this Inspection Plat was prepared for identification purposes only for the mortgagee and is not a Land or Boundary Line Survey; that no property corners were set, and is not to be used or relied upon for the establishment of fence, building or other improvements; that underground or above ground utilities were not field located and therefore are not shown on this Inspection Plat unless specifically requested by the client; that this Inspection Plat is prepared solely for the client's use as of this date and may not be used for any subsequent loan closing, refinance, or other transaction and that no responsibility or liability is assumed hereon by the present or future land owner or occupant.

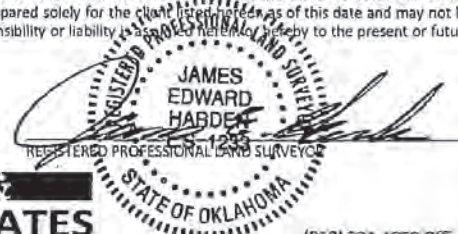
WITNESS MY HAND AND SEAL THIS DATE: 10/29/18

REVISED: _____

UPDATED: _____

5807 South Garnett Road, Suite K
Tulsa, Oklahoma 74146

HARDEN & ASSOCIATES
SURVEYING AND MAPPING, PC



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