

**TULSA METROPOLITAN AREA PLANNING COMMISSION**

INCOG - 2 West 2<sup>nd</sup> Street, Suite 800 - Tulsa, Oklahoma 74103 - (918) 584-7526 - FAX (918) 583-1024

[www.tmapc.org](http://www.tmapc.org)

**SUBDIVISION PLAT**       **MINOR SUBDIVISION PLAT**

**APPLICATION INFORMATION**

RECEIVED BY: NF    DATE FILED: 12/19/19    PLAT NAME: CAP DELAWARE INDOOR STORAGE

**CITY**  **COUNTY**    REFERRAL CITIES: \_\_\_\_\_

SUBDIVISION PLAT SCHEDULE		REFERENCE CASES	
PUBLIC AGENCY REVIEW:	<u>1/2/20</u>	ZONING/PUD/CO CASE:	
		TMAPC DATE:	
TMAPC:	<u>1/22/20</u>	BOA CASE:	
		BOA DATE:	

**SUBJECT PROPERTY INFORMATION**

ADDRESS OR DESCRIPTIVE LOCATION: E 91ST APPROX. 400 FROM S DELAWARE    TRACT SIZE: 2.25 + acres

LEGAL DESCRIPTION: A PART OF THE NORTHEAST 10 ACRES OF LOT 1, SEC 20, TWP 18N, R 13E OF INDIAN BASE MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA

PRESENT USE: VACANT    PRESENT ZONING: CG    T-R-S: 18-13-20    COUNCIL DISTRICT: 2    CO COMM DISTRICT: 3

WATER SUPPLY: CITY OF TULSA    SANITARY SEWER: CITY OF TULSA

ELECTRIC: PSCG    GAS: ONGC    PHONE: ATT    TV: COX/ENCORE SCHOOL DISTRICT: JENKS I-5

**INFORMATION ABOUT YOUR PROPOSAL**

PROPOSED USE: INDOOR STORAGE FACILITY

PROPOSED ZONING: CG    LOTS PROPOSED: 1    BLOCKS PROPOSED: 1

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION
NAME <u>SHERRILL ASSOCIATES</u>	NAME <u>Cap Storage Pool 1, LLC</u>
ADDRESS <u>316 N MAIN STREET</u>	ADDRESS <u>935 S Main St. Suite 202</u>
CITY, ST, ZIP <u>EDWARDSVILLE, IL 62025</u>	CITY, ST, ZIP <u>Greenville, SC 29601</u>
DAYTIME PHONE <u>618-656-9251</u>	DAYTIME PHONE <u>(864)271-3894</u>
EMAIL <u>jac@sherrillasoc.com</u>	EMAIL _____
<b>I, THE UNDERSIGNED APPLICANT, CERTIFY THAT THE INFORMATION ON THIS APPLICATION IS TRUE AND CORRECT.</b>	
SIGNATURE & DATE: <u>[Signature]</u> <u>12/18/2019</u>	

DOES OWNER CONSENT TO THIS APPLICATION  YES  NO

WHAT IS APPLICANT'S RELATIONSHIP TO OWNER? SURVEYOR

APPLICATION FEES (Make checks payable to INCOG)	PRELIMINARY PLAT DISPOSITION
PRELIMINARY PLAT FEE: <u>\$1,200</u>	TMAPC ACTION: <input type="checkbox"/> APPROVED <input type="checkbox"/> DENIED
FINAL PLAT FEE: <u>\$900</u>	DATE/VOTE: _____
MINOR PLAT FEE: <u>\$650</u>	CONDITIONS: _____
<b>TOTAL AMOUNT DUE: <u>\$1,200</u></b>	
RECEIPT NUMBER: _____	

APPLICATION FEES IN WHOLE OR PART WILL NOT BE REFUNDED AFTER NOTIFICATION HAS BEEN GIVEN.

**SUBMITTAL REQUIREMENTS:**

Checklists for all submittals are available at [www.tmapc.org](http://www.tmapc.org)

**Preliminary Plats** – Application, Checklist, 4 folded full-size copies & PDF of plat, deed of dedication, and Conceptual Improvement Plan

**Draft Final Plats** – 4 folded full-size copies & PDF

**Final Plats for Signatures** – 8-10 rolled full-size copies, fully executed by owner, surveyor, and engineer

# Parcel Map Check Report

Date: 12/12/2019 9:41:49 AM

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Parcel Name: Survey Site - 1

Description:

Process segment order counterclockwise: False

Enable mapcheck across chord: False

**Client:**

**Prepared by:**

North: 5,600.0249'

East: 5,184.0870'

Segment# 1: Line

Course: S1° 04' 18"E

Length: 212.78'

North: 5,387.2822'

East: 5,188.0666'

Segment# 2: Line

Course: S88° 36' 58"W

Length: 47.96'

North: 5,386.1239'

East: 5,140.1206'

Segment# 3: Line

Course: S1° 04' 18"E

Length: 382.76'

North: 5,003.4308'

East: 5,147.2793'

Segment# 4: Line

Course: S88° 39' 20"W

Length: 147.24'

North: 4,999.9762'

East: 5,000.0799'

Segment# 5: Line

Course: N1° 03' 49"W

Length: 595.44'

North: 5,595.3136'

East: 4,989.0271'

Segment# 6: Line

Course: N88° 36' 58"E

Length: 195.12'

North: 5,600.0259'

East: 5,184.0901'

Perimeter: 1,581.30'

Area: 97,858Sq.Ft.

Error Closure: 0.0033

Course: N72° 51' 17"E

Error North : 0.00098

East: 0.00318

Precision 1: 479,181.82

PRELIMINARY PLAT

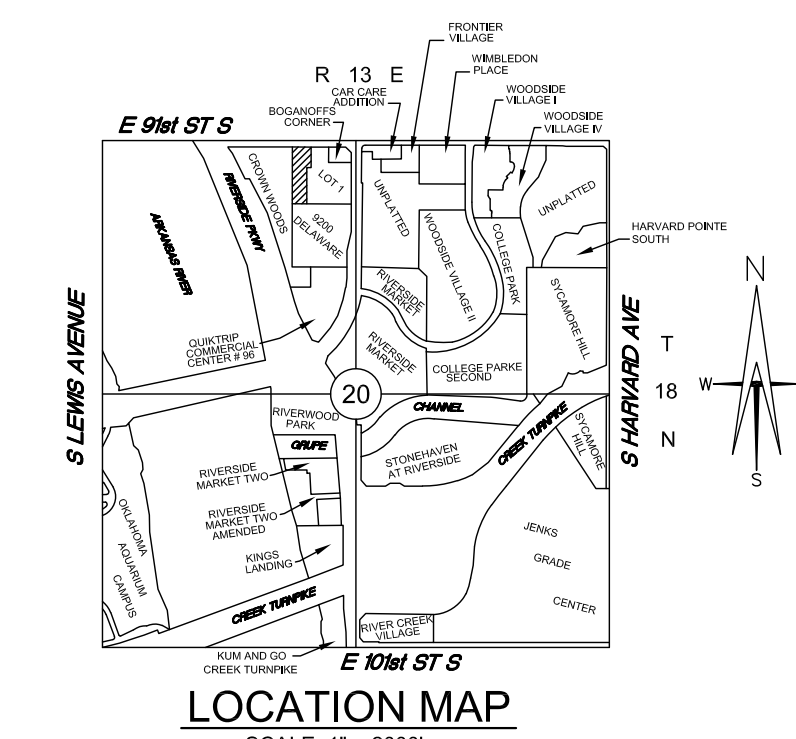
# CAP DELAWARE INDOOR STORAGE

A PART OF THE NORTHEAST TEN (10) ACRES OF LOT ONE (1), SECTION TWENTY (20), TOWNSHIP EIGHTEEN (18) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA

**OWNER:**  
CAP STORAGE POOL 1, LLC  
935 S MAIN ST, STE 202  
GREENVILLE, SC 29601  
PHONE: (864) 271-3894

**SURVEYOR:**  
SHERRILL ASSOCIATES, INC  
GREGORY S. McVICAR, P.L.S. 1828  
OK CA NO. 6780, EXPIRES 6-30-2021  
316 N. MAIN ST  
EDWARDSVILLE, IL 62025  
PHONE: (618) 656-9251  
EMAIL: gsm@sherrillassoc.com

**ENGINEER:**  
BLUE WATER CIVIL DESIGN  
CHRISTOPHER PRICE, P.E. 30443  
OK CA NO. 8096, EXPIRES 7-31-2020  
718 LOWNDES HILL ROAD  
GREENVILLE, SC 29607  
PHONE: (864) 775-5619  
EMAIL: chris@bluewatercivil.com



**SUBDIVISION STATISTICS**  
SUBDIVISION CONTAINS 1 LOT IN 1 BLOCK  
BLOCK AREA: 2.25 ACRES (97,858 S.F.)

**CONTACTS**

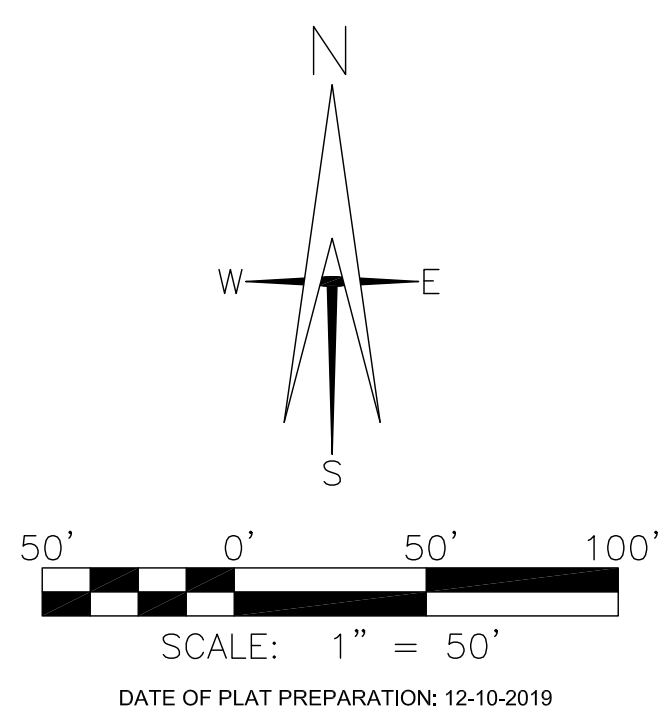
MUNICIPAL AUTHORITY

CITY OF TULSA, OK  
175 E 2ND STREET, SUITE 690  
TULSA, OK 74103

UTILITY CONTACTS

OKLAHOMA NATURAL GAS COMPANY 2319 W. EDISON ST. TULSA, OK 74127 (918) 534-8000	COX COMMUNICATIONS 11811 E 51ST ST TULSA, OK 74145 (918) 286-4658
PUBLIC SERVICE COMPANY OF OKLAHOMA 212E, 6TH ST TULSA, OK 74119 1(888) 216-3523	AT&T 5303 E. 71ST ST TULSA, OK 74138 (918) 596-6422
	ENGORE COMMUNICATIONS 2408 E 81ST ST, STE 435 TULSA, OK 74137 (918) 488-8300

- LEGEND**
- SURVEY MONUMENT FOUND
  - 5/8" IRON PIPE SET WITH CAP
  - SITE BENCHMARK
  - P.O.C.
  - POINT OF COMMENCEMENT
  - P.O.B.
  - POINT OF BEGINNING
  - U.E.
  - UTILITY EASEMENT
  - S.S.E.
  - STORM SEWER EASEMENT
  - SANITARY SEWER EASEMENT



**BASIS OF BEARINGS**

BEARINGS ARE BASED ON THE EASTERLY LINE OF CROWN WOODS, AN ADDITION TO THE CITY OF TULSA, WITH A RECORD BEARING OF NORTH 01 DEGREES 03 MINUTES 49 SECONDS WEST.

**FLOODPLAIN**

THIS PROPERTY LIES IN SHADED ZONE "X" AND IS NOT LOCATED WITHIN ANY PRESENTLY ESTABLISHED 100-YEAR FLOOD PLAIN, AS SHOWN BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FLOOD INSURANCE RATE MAP FOR THE COUNTY OF TULSA OKLAHOMA COMMUNITY PANEL NUMBER 40143C0364L EFFECTIVE OCTOBER 16, 2012

**SITE BENCHMARK**

"0" IN OPEN ON FIRE HYDRANT LOCATED APPROXIMATELY 61.5' EAST AND 21.5' NORTH OF THE NORTHWEST CORNER OF THE PROPERTY  
ELEVATION=624.90 (NAVD 88)

**LAND AREA**

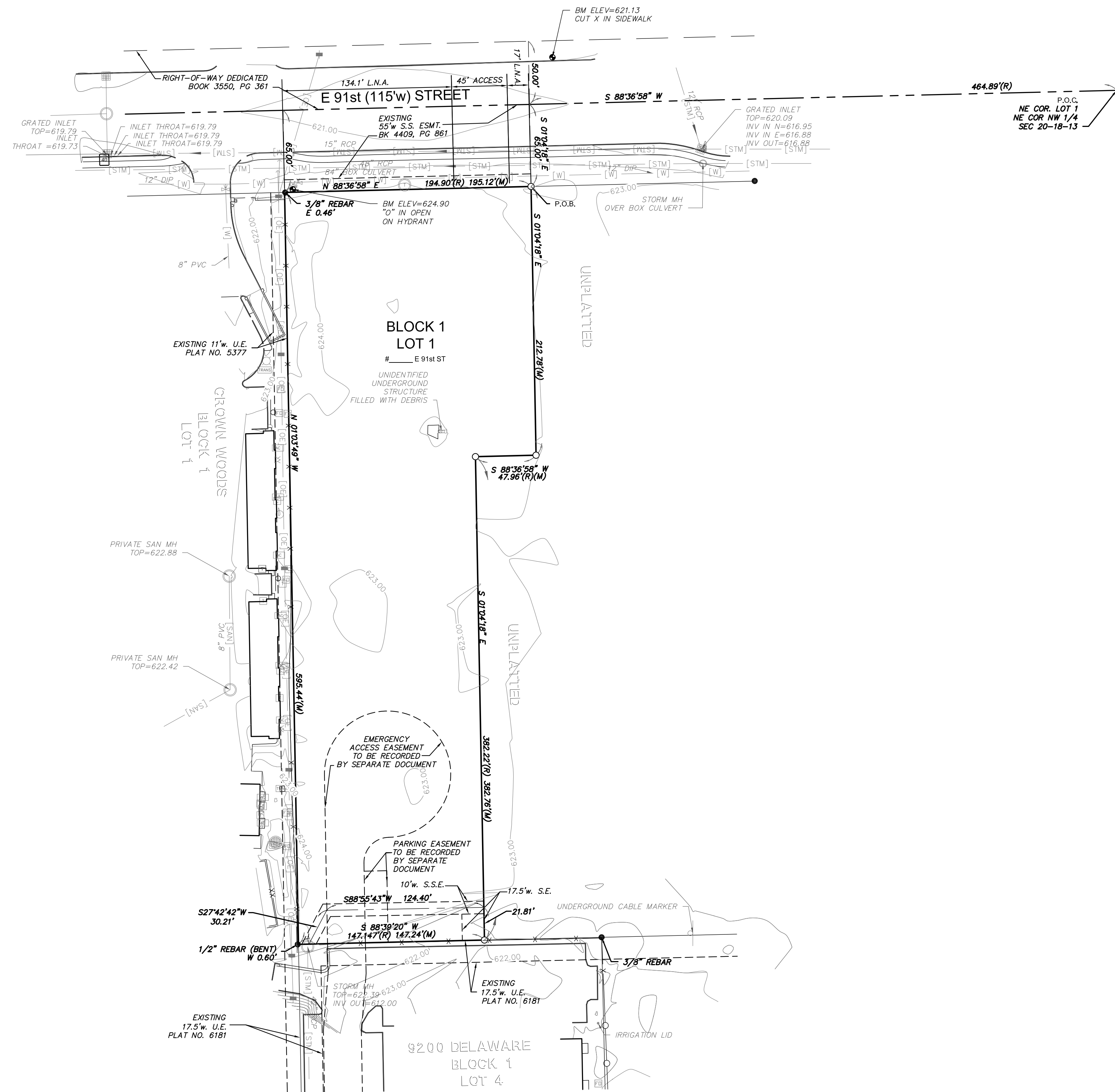
97,858± S.F.  
2.25± ACRES

**CERTIFICATE OF SURVEY**

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

**CITY OF TULSA BENCHMARK**

STATION NAME - CANNON  
LAT 36° 01' 24.48039"  
LONG 96° 06' 56.89438"  
ELEVATION = 619.87



PRELIMINARY PLAT

# CAP DELAWARE INDOOR STORAGE

A PART OF THE NORTHEAST TEN (10) ACRES OF LOT ONE (1), SECTION TWENTY (20), TOWNSHIP EIGHTEEN (18) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA

**OWNER:**  
CAP STORAGE POOL 1, LLC  
935 S MAIN ST, STE 202  
GREENVILLE, SC 29601  
PHONE: (864) 271-3894

**SURVEYOR:**  
SHERRILL ASSOCIATES, INC  
GREGORY S. McVICAR, P.L.S. 1828  
OK CA NO. 6780, EXPIRES 6-30-2021  
316 N. MAIN ST  
EDWARDSVILLE, IL 62025  
PHONE: (618) 656-9251  
EMAIL: gsm@sherrillassoc.com

**ENGINEER:**  
BLUE WATER CIVIL DESIGN  
CHRISTOPHER PRICE, P.E. 30443  
OK CA NO. 8096, EXPIRES 7-31-2020  
718 LOWNDES HILL ROAD  
GREENVILLE, SC 29607  
PHONE: (864) 775-5619  
EMAIL: chris@bluewatercivil.com

## DEED OF DEDICATION

KNOW ALL MEN BY THESE PRESENTS: THAT CAP STORAGE POOL 1, LLC, IS THE OWNER OF THE PROPERTY AS DEPICTED ON THE ATTACHED PLAT AND IS HERINAFTER REFERRED TO AS THE "OWNER", SAID PROPERTY BEING MORE COMPLETELY DESCRIBED AS FOLLOWS, TO-WIT:

A PART OF THE NORTHEAST TEN (10) ACRES OF LOT ONE (1), SECTION TWENTY (20), TOWNSHIP EIGHTEEN (18) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING AT THE NORTHEAST CORNER OF LOT 1 OF SAID SECTION 20 SAID CORNER ALSO BEING THE NE CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 20; THENCE ALONG THE NORTHERLY LINE OF LOT 1, SOUTH 88 DEGREES 36 MINUTES 59 SECONDS WEST, A DISTANCE OF 484.89 FEET; THENCE LEAVING SAID NORTHERLY LINE, SOUTH 01 DEGREE 04 MINUTES 18 SECONDS EAST, A DISTANCE OF 65.00 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF 91ST STREET (115W.), AND THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 01 DEGREE 04 MINUTES 18 SECONDS EAST, A DISTANCE OF 212.78 FEET; THENCE SOUTH 88 DEGREES 36 MINUTES 58 SECONDS WEST, A DISTANCE OF 47.96 FEET; THENCE SOUTH 01 DEGREE 04 MINUTES 18 SECONDS EAST, A DISTANCE OF 382.76 FEET TO A POINT ON THE NORTHERLY LINE OF 9200 DELAWARE SUBDIVISION; THENCE ALONG SAID NORTHERLY LINE, SOUTH 88 DEGREES 39 MINUTES 20 SECONDS WEST, A DISTANCE OF 147.24 FEET TO THE NORTHWEST CORNER OF LOT 4 OF SAID 9200 DELAWARE SUBDIVISION; THENCE LEAVING SAID NORTHERLY LINE, ALONG THE EASTERLY LINE OF LOT 1 OF CROWN WOODS SUBDIVISION, NORTH 01 DEGREE 03 MINUTES 49 SECONDS WEST, A DISTANCE OF 506.44 FEET TO THE NORTHERLY LINE OF SAID 91ST STREET (116W.); THENCE ALONG SAID NORTHERLY LINE, NORTH 88 DEGREES 36 MINUTES 58 SECONDS EAST, A DISTANCE OF 195.12 FEET TO THE POINT OF BEGINNING.

CONTAINING 97,859 SQUARE FEET, OR 2.246 ACRES, MORE OR LESS

THE PROPERTY DESCRIPTION WAS PREPARED ON DECEMBER 10, 2019 BY GREGORY S. McVICAR, LICENSED PROFESSIONAL LAND SURVEYOR NO. 1828, BASIS OF BEARINGS OF THE PROPERTY IS THE EASTERLY LINE OF CROWN WOODS, AN ADDITION TO THE CITY OF TULSA, WITH A RECORD BEARING OF NORTH 01 DEGREES 03 MINUTES 49 SECONDS WEST

THE OWNER HAS CAUSED THE ABOVE DESCRIBED TRACT OF LAND TO BE SURVEYED, STAKED, PLATTED AND COMBINED INTO ONE (1) LOT, ONE (1) BLOCK, IN CONFORMITY WITH THE ACCOMPANYING PLAT, AND HAS DESIGNATED THE SUBDIVISION AS "CAP DELAWARE INDOOR STORAGE", A SUBDIVISION IN THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA (HEREINAFTER REFERRED TO AS "CAP DELAWARE INDOOR STORAGE" OR THE "SUBDIVISION")

## SECTION I. PUBLIC STREETS AND UTILITIES

- A. PUBLIC STREETS AND EASEMENTS**  
1. THE OWNER HEREBY DEDICATES TO THE PUBLIC THE STREET RIGHT-OF-WAY DEPICTED ON THE ACCOMPANYING PLAT. THE OWNER FURTHER DEDICATES TO THE PUBLIC THE SANITARY SEWER AND STORM SEWER EASEMENTS DESIGNATED AS "S.S.E." OR "STORM SEWER EASEMENT" AND "S.E." OR "SANITARY SEWER EASEMENT" FOR THE PURPOSES OF CONSTRUCTING, MAINTAINING, OPERATING, REPAIRING, REPLACING, AND/OR REMOVING ANY AND ALL STORM SEWERS AND SANITARY SEWERS, TOGETHER WITH ALL FITTINGS, INCLUDING THE MANHOLES AND EQUIPMENT FOR EACH OF SUCH FACILITIES AND ANY OTHER APPURTENANCES THERETO, WITH THE RIGHTS OF INGRESS AND EGRESS TO AND UPON THE EASEMENT FOR THE USES AND PURPOSES STATED, PROVIDED THE OWNER RESERVES THE RIGHT TO CONSTRUCT, MAINTAIN, OPERATE, LAY AND REPAIR OR REPLACE SEWER LINES, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS FOR SUCH CONSTRUCTION, MAINTENANCE, OPERATION, LAYING, REPAIRING AND RE-LAYING OVER, ACROSS AND ALONG ALL SUCH EASEMENTS DEPICTED ON THE PLAT, FOR THE PURPOSE OF FURNISHING SEWER SERVICES TO THE AREA DEPICTED ON THE PLAT. THE OWNER HEREIN IMPOSES A RESTRICTIVE COVENANT, WHICH COVENANT SHALL BE BINDING TO SAID LOT AND SHALL BE ENFORCEABLE BY THE CITY OF TULSA, OKLAHOMA (HEREINAFTER THE "CITY"), THAT WITHIN SAID EASEMENTS DEPICTED ON THE ACCOMPANYING PLAT NO BUILDING, STRUCTURE OR OTHER ABOVE OR BELOW GROUND OBSTRUCTION THAT INTERFERES WITH STATE USES AND PURPOSES OF THE SAID EASEMENTS SHALL BE PLACED, ERECTED, INSTALLED OR MAINTAINED, PROVIDED NOTHING HEREIN SHALL BE DEEMED TO PROHIBIT DRIVES, PARKING AREAS, CURBING, LANDSCAPING AND CUSTOMARY SCREENING FENCES WHICH DO NOT CONSTITUTE AN OBSTRUCTION.
- B. SANITARY SEWER AND STORM SEWER SERVICE**  
1. THE OWNER OF SAID LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE PUBLIC SANITARY SEWER MAINS AND PUBLIC STORM SEWERS LOCATED ON THE OWNER'S LOTS  
2. WITHIN SAID EASEMENTS, DEPICTED ON THE ACCOMPANYING PLAT, THE ALTERATION OF GRADE FROM CONTOURS EXISTING UPON THE COMPLETION OF THE INSTALLATION OF A PUBLIC SEWER MAIN OR STORM SEWER OR ANY CONSTRUCTION ACTIVITY WHICH, IN THE JUDGEMENT OF THE CITY OF TULSA, WOULD INTERFERE WITH 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 SANITARY SEWER MAINS AND STORM SEWERS BUT THE LOT OWNERS SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE LOT OWNER, OR THE LOT OWNER'S AGENTS AND/OR CONTRACTORS.  
4. THE CITY OF TULSA, OKLAHOMA, OR ITS SUCCESSORS, SHALL AT ALL TIMES HAVE RIGHT OF ACCESS TO ALL SANITARY SEWER AND STORM 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 SANITARY SEWER, OR STORM SEWER FACILITIES.  
5. THE COVENANT SET FORTH IN THIS SUBSECTION SHALL BE ENFORCEABLE BY THE CITY OF TULSA, OKLAHOMA, OR ITS SUCCESSORS, AND THE OWNERS OF THE LOT AGREE TO BE BOUND BY THESE COVENANTS.
- C. PAVING AND LANDSCAPING WITHIN EASEMENTS**  
THE OWNER OF THE DEPICTED ON THE ACCOMPANYING PLAT SHALL BE RESPONSIBLE FOR THE REPAIR OF DAMAGE TO LANDSCAPING AND PAVING OCCASIONED BY INSTALLATION OR NECESSARY MAINTENANCE OF UNDERGROUND SANITARY SEWER, STORM SEWER FACILITIES WITHIN THE EASEMENT AREAS DEPICTED UPON THE ACCOMPANYING PLAT, PROVIDED THE CITY OF TULSA OKLAHOMA, OR ITS SUCCESSORS, OR THE SUPPLIER OF THE UTILITY SERVICE SHALL USE REASONABLE CARE IN THE PERFORMANCE OF SUCH ACTIVITIES.
- D. LIMITS OF NO ACCESS**  
THE OWNER HEREBY RELINQUISH RIGHTS OF VEHICULAR INGRESS OR EGRESS FROM ANY PORTION OF THE PROPERTY ADJACENT TO E 91ST STREET WITHIN THE BOUNDS DESIGNATED AS "LIMITS OF NO ACCESS" OR "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, 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.
- E. SURFACE DRAINAGE**  
THE LOT WITHIN THIS SUBDIVISION 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 FOR IN THIS PARAGRAPH SHALL BE ENFORCEABLE BY AN AFFECTED LOT OWNER AND BY THE CITY OF TULSA, OKLAHOMA.
- F. 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 (SANITARY SEWER AND STORM SEWER SYSTEMS) SERVING THE ENTIRE SUBDIVISION HAS BEEN COMPLETED AND ACCEPTED BY THE CITY OF TULSA, OKLAHOMA, NOTWITHSTANDING THE FOREGOING, THE CITY MAY AUTHORIZE THE ISSUANCE OF A TEMPORARY CERTIFICATE OF OCCUPANCY IF, IN THE CITY'S SOLE DISCRETION, THE CIRCUMSTANCES SUPPORT THE ISSUANCE, FURTHER NOTWITHSTANDING THE FOREGOING, THE CITY MAY AUTHORIZE THE PHASING OF THE CONSTRUCTION OF INFRASTRUCTURE WITHIN THE SUBDIVISION, AND IF PHASING IS AUTHORIZED, A CERTIFICATE OF OCCUPANCY FOR A BUILDING WITHIN A AUTHORIZED PHASE MAY ISSUE UPON THE COMPLETION AND ACCEPTANCE OF THE INFRASTRUCTURE SERVING THE PARTICULAR PHASE, BUILDING CONSTRUCTION OCCURRING PRIOR TO THE CITY'S ACCEPTANCE OF THE INFRASTRUCTURE SHALL BE AT THE RISK OF THE OWNER OF THE LOT, NOTWITHSTANDING THE ISSUANCE OF A BUILDING PERMIT OR OF A TEMPORARY CERTIFICATE OF OCCUPANCY.

## 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, WITHIN THE PROVISIONS OF SECTION I, PUBLIC STREETS AND UTILITIES, ARE SET FORTH CERTAIN COVENANTS AND THE ENFORCEMENT RIGHTS PERTAINING THERETO AND WHETHER OR NOT THEREIN SO STATED, THE COVENANTS WITHIN SECTION I SHALL INURE THE BENEFIT OF, AND BE ENFORCEABLE BY, THE CITY OF TULSA, OKLAHOMA, IF ANY JUDICIAL ACTION IS BROUGHT TO ENFORCE THE COVENANTS ESTABLISHED IN THIS DEED OF DEDICATION THE DEFENSE THAT THE PARTY INITIATING THE EQUITABLE PROCEEDING HAS AN ADEQUATE REMEDY AT LAW IS HEREBY WAIVED.
- B. DURATION**  
THESE RESTRICTIONS SHALL REMAIN IN FULL FORCE AND EFFECT FOR 25 YEARS AND SHALL AUTOMATICALLY BE CONTINUED THEREAFTER FOR SUCCESSIVE PERIODS OF 10 YEARS EACH, UNLESS TERMINATED OR AMENDED AS HERINAFTER PROVIDED.
- C. AMENDMENT**  
THE COVENANTS CONTAINED WITHIN SECTION I, PUBLIC STREETS AND UTILITIES, MAY BE AMENDED OR TERMINATED AT ANY TIME WHETHER BEFORE OR AFTER THE PERIOD(S) SPECIFIED IN SUBSECTION B, BY A WRITTEN INSTRUMENT SIGNED AND ACKNOWLEDGED AND APPROVED BY THE TULSA METROPOLITAN AREA PLANNING COMMISSION, OR ITS SUCCESSORS AND THE CITY OF TULSA, OKLAHOMA.
- D. SEVERABILITY**  
INVALIDATION OF ANY RESTRICTION SET FORTH HEREIN, OR ANY PART THEREOF, BY AN ORDER, JUDGEMENT, OR DECREE OF ANY COURT, OR OTHERWISE, SHALL NOT INVALIDATE OR AFFECT ANY OF THE OTHER RESTRICTIONS OF ANY PART THEREOF AS SET FORTH HEREIN, WHICH SHALL REMAIN IN FULL FORCE AND EFFECT.

IN WITNESS WHEREOF, THE OWNER\* HAS EXECUTED THIS INSTRUMENT THIS \_\_\_ DAY OF \_\_\_, 20\_\_

CAP STORAGE POOL 1, LLC

BY: \_\_\_\_\_  
NAME  
TITLE

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ )

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS \_\_\_ DAY OF \_\_\_, 20\_\_ BY \_\_\_\_\_ AS \_\_\_\_\_ OF CAP STORAGE POOL 1, LLC

NOTARY PUBLIC  
COMMISSION NUMBER: \_\_\_\_\_  
EXPIRES: \_\_\_\_\_

## CERTIFICATE OF SURVEY

I, GREGORY S. McVICAR, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF OKLAHOMA, HEREBY CERTIFY THAT I HAVE SURVEYED, SUBDIVIDED, AND PLATTED THE ABOVE TRACT DESIGNED AS "CAP DELAWARE INDOOR STORAGE", A SUBDIVISION IN THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA. THE ABOVE PLAT IS AN ACCURATE REPRESENTATION OF SAID SURVEY.



GREGORY S. McVICAR  
P.L.S. 1828  
IN THE STATE OF OKLAHOMA  
LICENSE EXPIRATION 8-31-2020

STATE OF ILLINOIS )  
COUNTY OF MADISON )

BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID STATE AND COUNTY, ON THIS \_\_\_ DAY OF \_\_\_, 20\_\_ PERSONALLY APPEARED GREGORY S. McVICAR, TO ME KNOWN TO BE THE IDENTICAL PERSON WHO SUBSCRIBED HIS NAME 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 PURPOSE THEREIN SET FORTH.

NOTARY PUBLIC  
COMMISSION NUMBER: \_\_\_\_\_  
EXPIRES: \_\_\_\_\_