



**Tulsa Metropolitan Area  
Planning Commission**

**Preliminary Plat Staff Report**

**Hearing Date:** June 5, 2024  
**Prepared by:** Austin Chapman  
achapman@cityoftulsa.org  
918-596-7597

**Owner and Applicant Information**

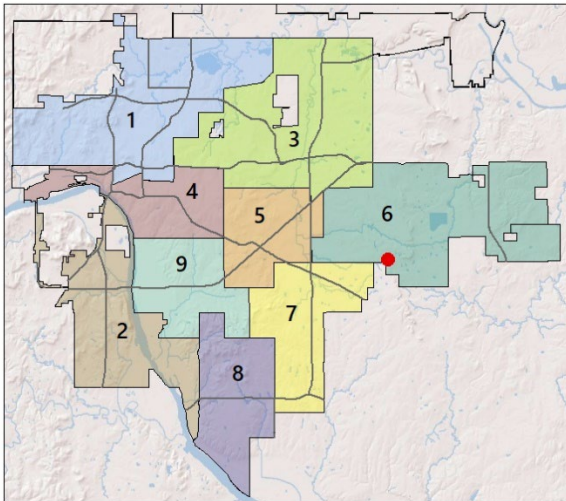
Applicant: Mark B. Capron, Wallace Design Collective  
Property Owner: Glen Wood Homes, L.P.

**Property Location**

East of the Northeast corner of S. 152nd E. Ave. and  
East 41st St. South.

**Location within the City of Tulsa**

*(shown with City Council districts)*



**Elected Representatives**

City Council: District 6, Christian Bengel  
County Commission: District 1, Stan Sallee

**Public Notice Required**

Mailed Notice to adjacent property owners a  
minimum of 10 days in advance

**Staff Recommendation**

Staff recommends approval subject to conditions.

**Request Summary**

Platting a new subdivision named Battle Creek Park Phase III.  
Applicant is requesting a modification of Section 5.030 Table  
5-1 of the Subdivision and Development Regulations to  
permit greater block lengths.

Tract Size: ±17.61 acres

**Zoning**

Existing Zoning: RS-4  
Existing Overlays: None  
Proposed Zoning: RS-5 in process

**Use**

Current Use: Vacant  
Proposed Use: Residential Subdivision

**Comprehensive Plan Considerations**

**Land Use**

Land Use Plan: Neighborhood  
Small Area Plans: None  
Development Era: Future Growth

**Transportation**

Major Street & Highway Plan:  
E. 41st St.: Secondary Arterial  
S. 152nd E. Ave.: Residential Collector  
planitulsa Street Type: None.

Transit: None.

Existing Bike/Ped Facilities: None.

Planned Bike/Ped Facilities: Sidewalks and ADA ramps are  
required to be installed along all streets.

Traffic on Nearest Arterials (per lane)

- North: E. 21st S.t S. : Very Low
- East: S. Lynn Lane Rd. : Very Low
- South: E. 41st St. S. : Low
- West: S. 145th E. Ave.: Low

**Environment**

Flood Area: None.  
Parks & Open Space: N/A.

**Detailed Staff Recommendation**

The plat consists of 109 lots, 8 blocks, ±17.61 acres. Staff recommends **approval** of the preliminary subdivision plat and a modification of Section 5.030 Table 5-1 of the Subdivision and Development Regulations to permit greater block lengths. Subject to the following conditions provided by the Technical Advisory Committee (TAC) and all other requirements of the Subdivisions Regulations. A City of Tulsa release letter is required prior to final plat approval. TAC Conditions:

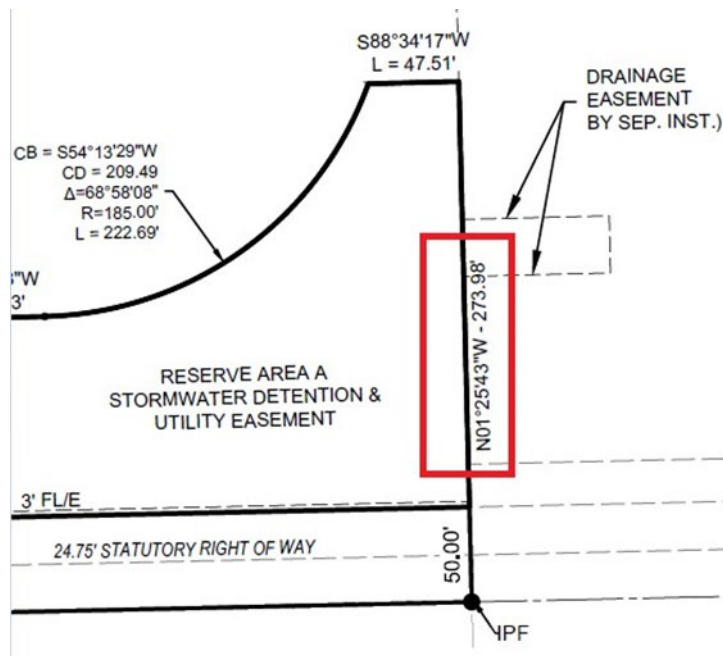
**General Conditions/Comments**

**Zoning:**

- The property is zoned RS-4 and has been approved for rezoning to RS-5. The proposed lots meet the RS-5 standards.

**Engineering Graphics**

- Submit subdivision control data sheet with the final plat.
- Under the surveyor heading add the name of the surveyor, the CA number and renewal date, along with an email address.
- Provide the individual lot addresses on the face of the plat.
- In the Location Map add missing platted properties. Those are The Crossing at Battle Creek Phase V.
- It appears that the written legal description does not match the face of the plat with one distance associated with a bearing angle. Written legal states 223.98'. The face of the plat shows 273.98'.



- Is E 38th PI S and E 39th PI S eventually going to connect to a future development to the east? If so please include an additional note stating this information. Have text at that location to see additional note.
- Provide the date of the last survey site visit on the face of the plat. If it was a range of dates provide that information.

**Addressing**

- Addresses will be assigned by the City of Tulsa and provided at a later date.
- E 39TH PI S needs to be E 40th PI .

**Article 5: Design and Improvements**

**Required Infrastructure and Public Improvements (5-020)**

- Parcel currently lacks sufficient access to utility services. IDP plans (no. 139603-2023) last submitted on 11/28/2023 to address, water, sanitary sewer, storm sewer, roads, driveways, emergency and ADA access have been reviewed. Letter of Deficiencies for the third review was returned on 12/21/2023. Issues regarding sanitary sewer capacity, later construction phase, and detention geometry must still be addressed.

**Streets (transportation) (5-060)**

- None.

**Streets (fire) (5-060)**

- None.

**Sidewalks (5-070)**

- None.

**Protection From Flooding and Other Natural Hazards (Floodplain) (5-090)**

- There are no regulatory floodplains within the site, and drainage to Adams Creek TRFP is to the SE across E 41st St (FIRM 40143C0385M & CoT Atlas panel 50).

**Stormwater Management (5-100)**

- Stormwater runoff mitigation has been considered with an area on the downhill side reserved for stormwater detention. Pond design must still be approved with IDP review. Hydrology analysis previously approved with no comments returned on drainage report.

**Sewage Disposal (5-130)**

- None.

**Water (5-140) lines**

- None.

**Easements (5-150)**

- Reserves B, C, & D need to be defined.
- Offsite Drainage easement by separate instrument required for infrastructure improvements must be file prior to IDP permitting. Comment on this was included with last IDP review.
- All along the east property line provide 17.5’ UE or obtain 11’ UE from adjacent property on east side. Provide 11’ of UE along east property line of Lot 15 Block 1.

**Streets and Stormwater**

- There are no ADA compliant ramps shown north to south across E 38th Place South at the intersections of 153rd or 154th. These locations need to be shown.
- There are not ADA compliant ramps shown north to south across E 39th Pl at 153rd.
- There are not any Temporary Dead-End (Stub) Streets shown on the plans. Additionally, there will need to be signage on the plans and notes in the plat added. See Tulsa Neighborhood Regs 5-060.5 A
- There is missing Covenant Language for staff to review .... See "Reserve "A" Stormwater

Detention Easement” number 6. It states .....In the event the HOA or POA should fail to properly maintain the ... This sentence needs to be completed so staff can review the language in its entirety.  
 -After IDP and Construction plans have been submitted, additional issues may come to light that will require additional modification to the plats/plans.

**Deed of Dedication:**

-Legal to comment after submittal of Final Plat.

**Comprehensive Plan Considerations**

**Land Use Plan**

The subject property is designated as Neighborhood by the Tulsa Comprehensive Plan. 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.

Surrounding Properties:

<u>Location</u>	<u>Existing Zoning/Overlay</u>	<u>Existing Land Use Designation</u>	<u>Existing Use</u>
North	RS-3/ RS-5	Neighborhood	Residential Subdivision
East	RS-3	Neighborhood	Vacant
South	AG	Neighborhood	Vacant
West	RS-3	Neighborhood	Residential Subdivision

**Small Area Plans**

The subject properties are not located within a small area plan.

**Development Era**

The subject property is located in an area developed during the Future Growth These areas of the city have yet to developed beyond agricultural uses and present opportunities to ensure the pattern of development is efficient and fiscally responsible. The two primary regions that have yet to develop are the northwest corner of the city, which is all located within Osage County and where the Gilcrease Expressway will connect, and the far east area of the city from roughly 145th E Ave. to beyond the Creek Turnpike.

**Transportation**

Comprehensive Plan Street Designation: None.

Arterial Traffic per Lane:

- Arterial Traffic - North (E 21st St S - 1,964 Vehicles per Lane)
- Arterial Traffic - East (S Lynn Lane Rd - 2,402 Vehicles per Lane)
- Arterial Traffic - South (E 41st St S - 3,811 Vehicles per Lane)
- Arterial Traffic - West (S 145th East Ave - 3,720 Vehicles per Lane)

**Environmental Considerations**

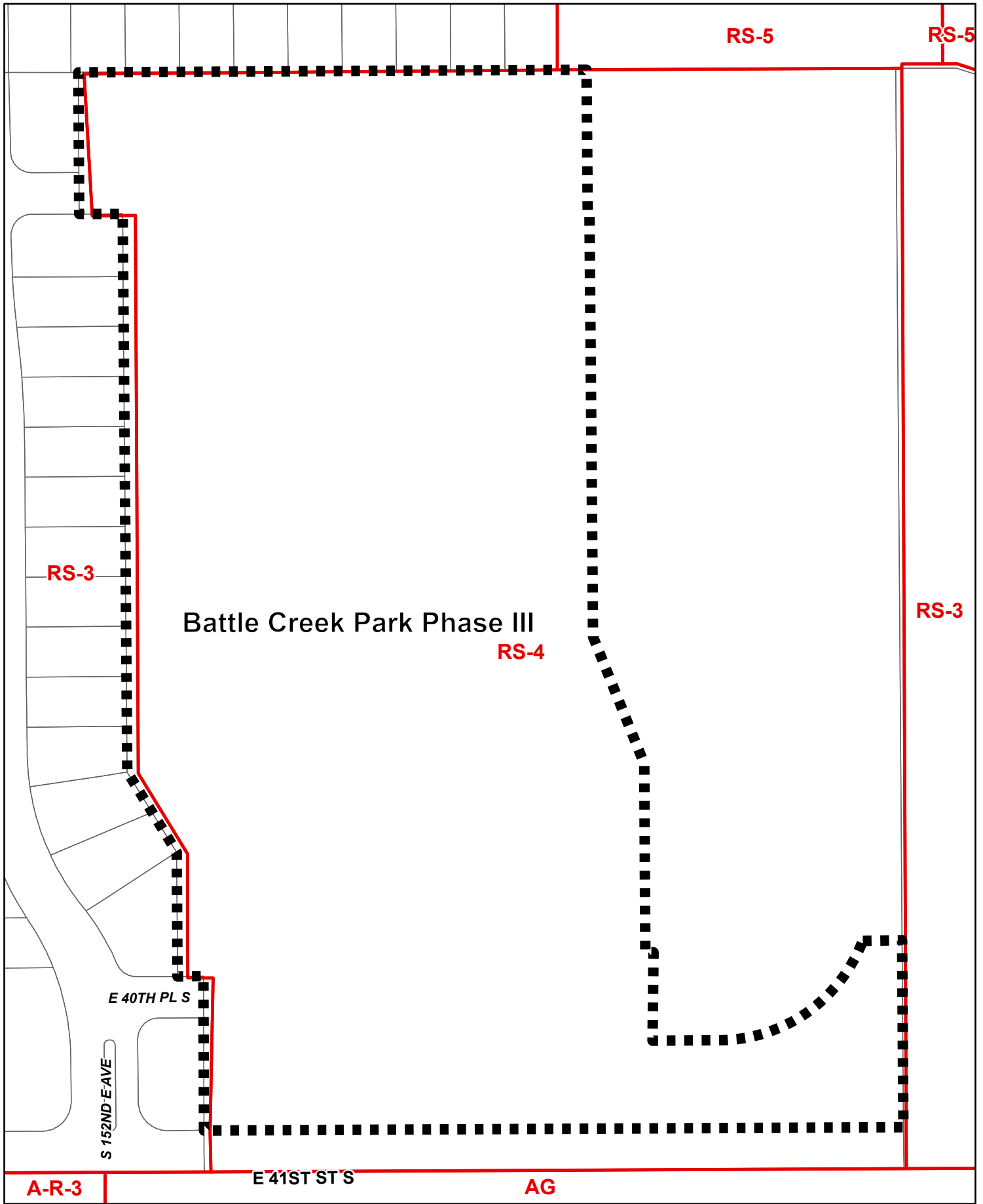
Parks & Open Space: N/A

**Exhibits**

Case map

Aerial

Tulsa Comprehensive Plan Land Use Map

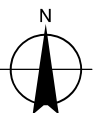


# Battle Creek Park Phase III

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

Aerial Photo Date: 2020/2021

11.6





Battle Creek Park Phase III

E 40TH PL S

S 152ND E AVE

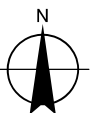
E 41ST ST S

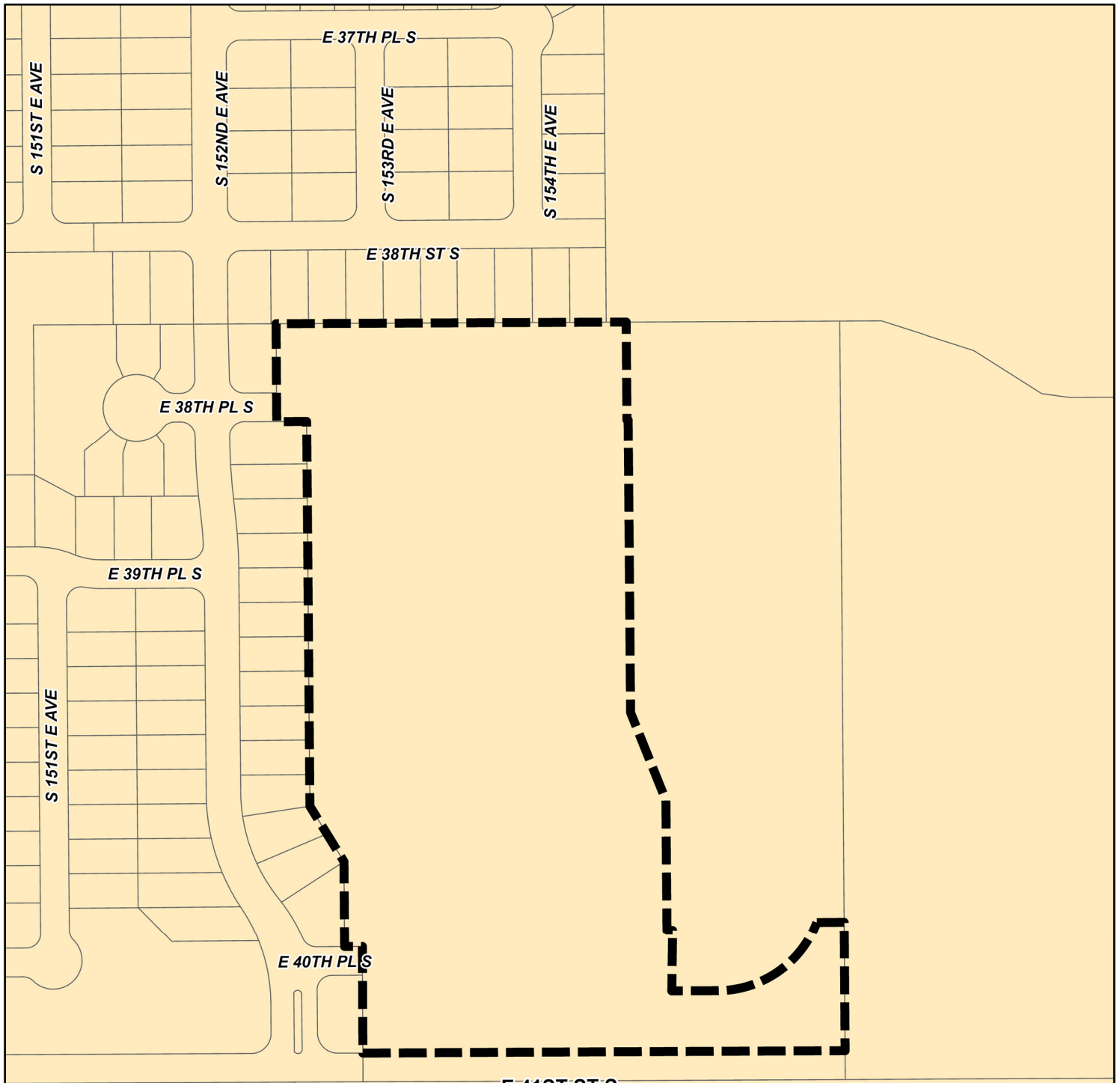
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





Aerial Photo Date: 2020/2021

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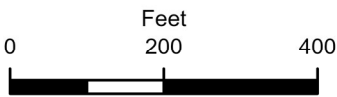




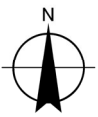
**Land Use Plan Categories**

	Arkansas River Corridor		Multiple Use
	Downtown		Neighborhood
	Employment		Park and Open Space
	Local Center		Regional Center

# Battle Creek Park Phase III



Subject  
Tract





**NOTES**

- THIS PLAT MEETS THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED BY THE OKLAHOMA STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS.
- ADDRESSES SHOWN ON THIS PLAT ARE ACCURATE AT THE TIME THE PLAT WAS FILED. ADDRESSES ARE SUBJECT TO CHANGE AND SHOULD NEVER BE RELIED ON IN PLACE OF THE LEGAL DESCRIPTION.

**FLOOD ZONE NOTE**

THE PROPERTY DESCRIBED HAS BEEN EXAMINED BY A MAP OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FLOOD INSURANCE RATE MAP, TULSA COUNTY, OKLAHOMA, MAP NO. 401430385M, MAP REVISED: SEPTEMBER 30, 2016, WHICH SHOWS THE ENTIRE PORTION OF THE PROPERTY DESCRIBED HEREON AS LOCATED OUTSIDE FLOODPLAIN LIMITS.

**BASIS OF BEARING**

HORIZONTAL DATUM BASED ON NAD 83 OKLAHOMA STATE PLANE COORDINATE SYSTEM NORTH ZONE 3501 USING N88°44'15"E AS THE SOUTH LINE OF SECTION 22, T.19N, R.14E OF THE INDIAN BASE AND MERIDIAN WAS USED AS THE BEARING FOR THIS SURVEY.

**LEGAL DESCRIPTION**

A PART OF THE SOUTH HALF (S/2) OF SECTION TWENTY-TWO (22), TOWNSHIP NINETEEN (19) NORTH, RANGE FOURTEEN (14) 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:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 1, BLOCK 8, BATTLE CREEK PARK PHASE II (PLAT NO. 6966); THENCE, S01°15'44"E FOR A DISTANCE OF 50.00 FEET TO A POINT ON THE SOUTH LINE OF SECTION 22, TOWNSHIP 19 NORTH, RANGE 14 EAST; THENCE, N88°44'15"E FOR A DISTANCE OF 840.54 FEET ALONG THE SAID SECTION LINE; THENCE, N01°25'43"W FOR A DISTANCE OF 223.98 FEET; THENCE, S88°34'17"W FOR A DISTANCE OF 47.51 TO A POINT ON A CURVE; SAID CURVE TURNING TO THE LEFT WITH LENGTH OF 222.89 FEET, A RADIUS OF 185.00 FEET, A CHORD BEARING OF S54°13'29"W, A CHORD LENGTH OF 209.49 FEET AND AN ANGLE OF 88°58'08" TO A POINT; THENCE, S88°43'39"W A DISTANCE OF 80.13 FEET; THENCE, N01°15'44"W A DISTANCE OF 110.00 FEET; THENCE, S88°42'33"W A DISTANCE OF 9.82 FEET; THENCE, N01°25'43"W A DISTANCE OF 226.45 FEET; THENCE, N22°57'48"W A DISTANCE OF 160.07 FEET; THENCE, N01°29'01"W A DISTANCE OF 510.19 FEET; THENCE, S88°43'39"W A DISTANCE OF 2.09 FEET; THENCE, N01°25'43"W A DISTANCE OF 170.01 FEET; THENCE, S88°43'39"W A DISTANCE OF 610.00 FEET TO THE NORTHEAST CORNER OF LOT 1, BLOCK 4, BATTLE CREEK PARK PHASE II; THENCE, S01°25'43"E FOR A DISTANCE OF 170.01 FEET; THENCE, N88°43'39"E FOR A DISTANCE OF 52.08 FEET TO THE NORTHEAST CORNER OF LOT 1, BLOCK 7, BATTLE CREEK PARK PHASE II; THENCE, S01°29'01"E FOR A DISTANCE OF 670.00 FEET; THENCE, S32°40'48"E FOR A DISTANCE OF 112.86 FEET; THENCE, S01°25'43"E FOR A DISTANCE OF 148.86 FEET TO THE SOUTHEAST CORNER OF LOT 14, BLOCK 7, BATTLE CREEK PARK PHASE II; THENCE, N88°44'16"E FOR A DISTANCE OF 30.18 FEET; THENCE, S01°15'44"E FOR A DISTANCE OF 185.00 FEET TO THE POINT OF BEGINNING;

SAID TRACT OF LAND CONTAINING 17.61 ACRES, MORE OR LESS.

**LINE LEGEND**

---	BOUNDARY
---	RIGHT-OF-WAY
---	LOT LINE
---	BUILDING LINE
---	EASEMENT LINE
---	CENTER LINE
---	ADJACENT PROPERTY

**ABBREVIATIONS**

ACC	ACCESS
B/L	BUILDING LINE
D/E	DRAINAGE EASEMENT
F/L/E	FENCE & UTILITY EASEMENT
IPF	IRON PIN FOUND
LNA	LIMITS OF NO ACCESS
POB	POINT OF BEGINNING
ROW	RIGHT-OF-WAY
U/E	UTILITY EASEMENT

**MONUMENTATION**

ALL CORNERS TO BE SET WITH A 3/8" X 18" STEEL PIN WITH A PINK PLASTIC CAP STAMPED "ATLAS 8060" AT ALL CORNERS

**SITE DATA**

EXISTING ZONING:	RS-4 - RESIDENTIAL SINGLE FAMILY
TOTAL ACREAGE:	17.61 ACRES (767,176.38 SQUARE FEET)
NUMBER OF BLOCKS:	8
NUMBER OF LOTS:	109
RESERVE AREAS:	3

PRELIMINARY PLAT

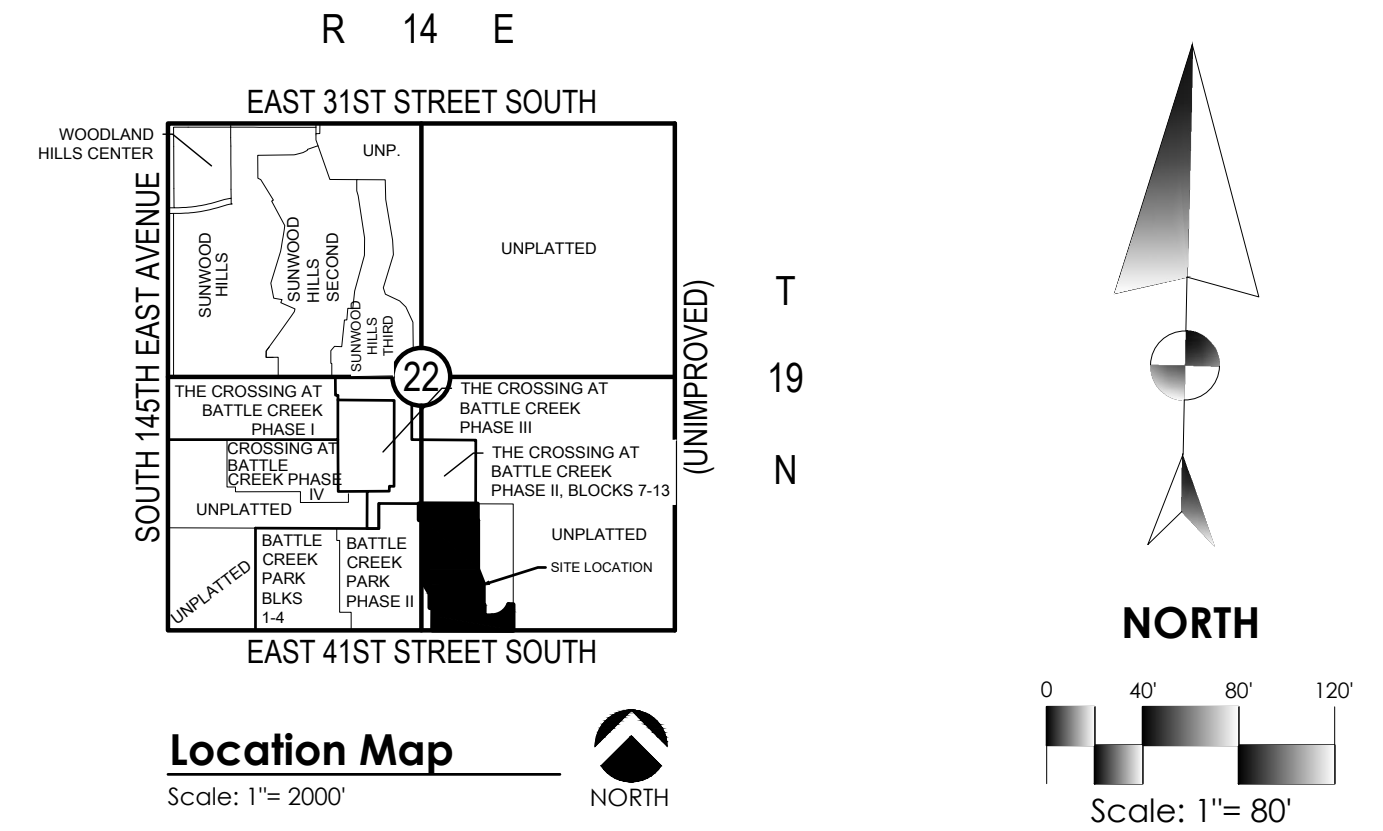
# Battle Creek Park Phase III

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**OWNER:**  
Glen Wood Homes, L.P.  
2252 N Broadway  
Moore, Oklahoma 73160  
Phone: (405) 692-2222  
MR. HAMID VALAD KHANI

**ENGINEER:**  
Wallace Design Collective,pc  
123 N M.L.K. Jr Blvd  
Tulsa, Oklahoma, 74103  
Phone: (918) 584-5858  
A. NICOLE WATTS, P.E. NO. 21511  
OK CA NO. 5305, EXPIRES 6/30/2025  
nicole.watts@wallace.design

**SURVEYOR:**  
Atlas Land Office, Inc.  
202 South Main Street  
Wagoner, Oklahoma 74467  
Phone: (918) 485-9987  
OK CA NO. CA 8060, EXPIRES 6/30/2025  
survey@atlaslandoffice.com



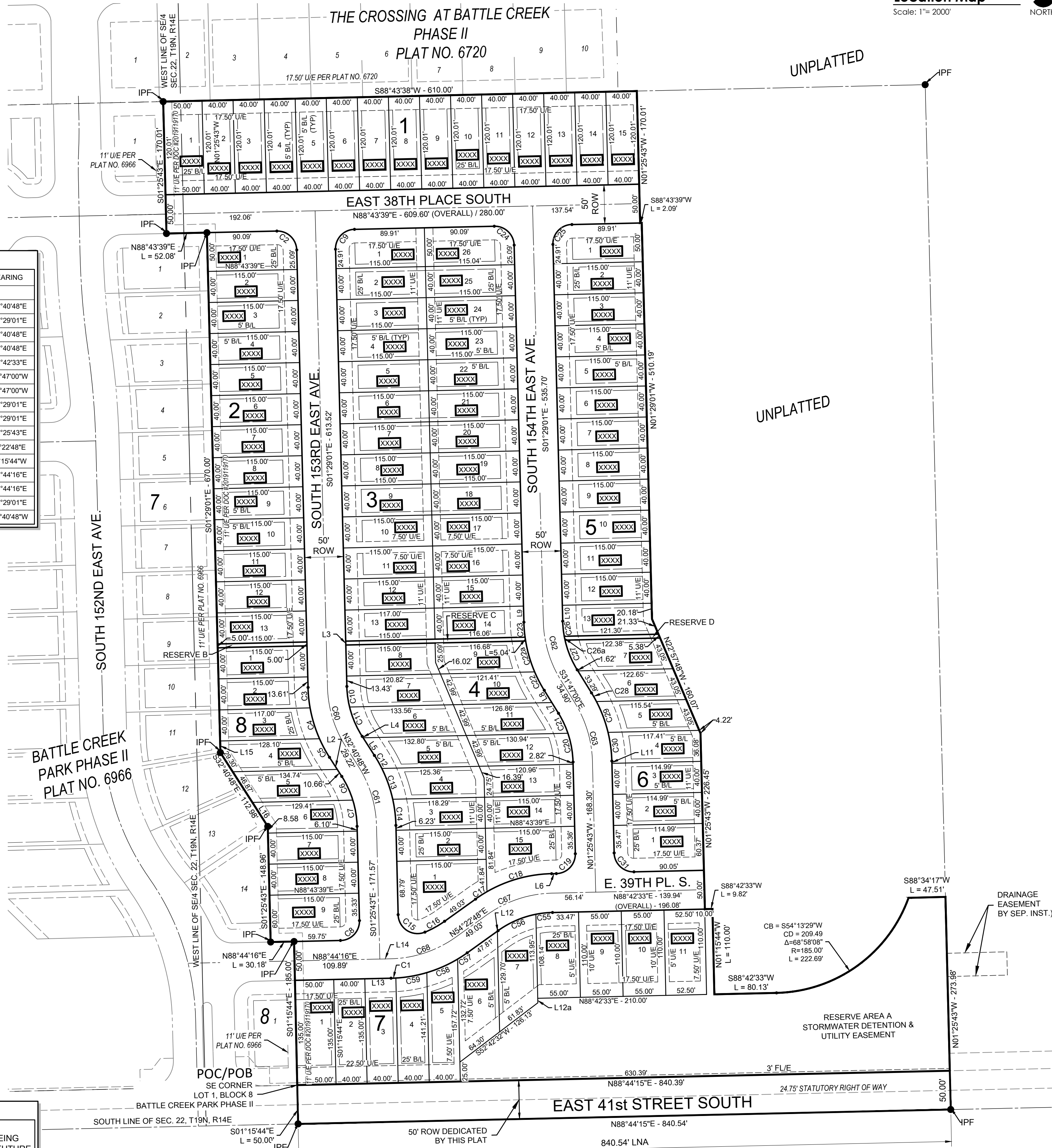
**Curve Data**

CURVE NO.	DISTANCE	RADIUS	DELTA ANGLE	CHORD LENGTH	CHORD BEARING	CURVE NO.	DISTANCE	RADIUS	DELTA ANGLE	CHORD LENGTH	CHORD BEARING
C1	6.23	175.00	02°02'28"	6.23	N87°43'02"E	C22a	41.50	175.00	01°35'14"	41.40	N16°13'52"W
C2	39.18	25.00	89°47'20"	35.29	S46°22'41"E	C23	20.04	175.00	006°33'38"	19.24	N04°45'50"W
C3	26.50	175.00	08°40'31"	26.47	S05°49'17"E	C24	39.18	25.00	89°47'20"	35.29	S46°22'41"E
C4	41.65	175.00	13°38'10"	41.55	S16°58'37"E	C25	39.36	25.00	90°12'40"	35.42	S43°37'19"W
C5	27.14	175.00	08°53'06"	27.11	S28°14'15"E	C26	19.48	125.00	008°55'41"	19.46	S05°56'52"E
C6	33.83	125.00	15°30'31"	33.73	S24°55'33"E	C26a	5.08	125.00	002°19'46"	5.08	S11°34'36"E
C7	34.35	125.00	15°44'34"	34.24	S09°18'00"E	C27	41.54	125.00	019°02'31"	41.35	S22°15'44"E
C8	39.34	25.00	90°09'59"	35.41	S43°39'16"W	C28	12.87	175.00	004°12'55"	12.87	S29°40'32"E
C9	39.36	25.00	90°12'40"	35.42	S43°37'19"W	C29	42.50	175.00	013°54'48"	42.39	S20°36'41"E
C10	26.79	125.00	012°16'43"	26.74	S7°37'23"E	C30	37.34	175.00	012°13'33"	37.27	S07°32'30"E
C11	41.27	125.00	018°55'04"	41.09	S23°13'16"E	C31	39.21	25.00	089°51'44"	35.31	S46°21'35"E
C12	19.26	175.00	006°18'17"	19.25	S29°31'40"E	C35	21.63	125.00	009°55'00"	21.61	N83°46'09"E
C13	42.21	175.00	013°49'08"	42.10	S19°27'57"E	C56	53.30	125.00	024°25'51"	52.90	N66°35'43"E
C14	33.99	175.00	011°07'40"	33.89	S6°59'33"E	C57	14.77	175.00	004°50'08"	14.77	N56°47'52"E
C15	48.39	25.00	110°54'40"	41.18	S66°53'04"E	C58	43.38	175.00	014°12'12"	43.27	N68°19'02"E
C16	28.97	125.00	013°16'48"	28.91	N61°01'12"E	C59	40.55	175.00	013°16'39"	40.46	N80°03'28"E
C17	17.44	175.00	005°42'40"	17.44	N57°14'08"E	C60	81.67	150.00	31°11'47"	80.67	S17°04'55"E
C18	87.47	175.00	028°38'11"	86.56	N74°24'33"E	C61	81.82	150.00	31°15'05"	80.81	S17°03'16"E
C19	39.33	25.00	090°08'16"	35.40	N43°38'25"E	C62	79.32	150.00	30°17'59"	78.40	S16°38'01"E
C20	37.77	125.00	017°18'48"	37.63	N10°05'08"W	C63	79.47	150.00	30°21'17"	78.54	S16°36'22"E
C21	28.45	125.00	013°02'28"	28.39	N25°15'46"W	C67	89.92	150.00	34°20'51"	88.58	N71°33'13"E
C22	26.75	175.00	008°45'30"	26.73	N27°24'15"W	C68	89.95	150.00	34°21'28"	88.61	N71°33'32"E

**Line Data**

LINE NO.	DISTANCE	BEARING
L1	NOT USED	
L2	18.56'	S32°40'48"E
L3	5.00'	S01°29'01"E
L4	2.21'	S32°40'48"E
L5	27.00'	S32°40'48"E
L6	6.03'	N88°42'33"E
L7	16.32'	N31°47'00"W
L8	18.58'	N31°47'00"W
L9	20.79'	S01°29'01"E
L10	20.61'	S01°29'01"E
L11	2.95'	S01°25'43"E
L12	1.22'	N54°22'48"E
L12a	5.81'	N01°15'44"W
L13	33.77'	N88°44'16"E
L14	13.87'	N88°44'16"E
L15	15.00'	S01°29'01"E
L16	36.81'	N32°40'48"W

NOTE: SEE SHEET 2 FOR LOT AREA TABLES



**ADS Control Data**

STATION	COORDINATES	DESCRIPTION OF POINTS
NW CORNER OF PROPERTY	N: 410396.221 E: 2615543.272	IRON PIN - 18" LONG SET WITH PLASTIC CAP STAMPED "COWAN" AT NW PROPERTY CORNER
3	N: 409356.507 E: 2613764.403	5/8" REBAR-1 1/2" ALUMINUM CAP-FLUSH-STAMPED "3", SET IN CONCRETE, SET NW OF 41ST ST AND 145TH EAST AVE.
BA 42	N: 409444.454 E: 2619201.446	5/8" REBAR-1 1/2" ALUMINUM CAP-FLUSH-STAMPED "BA 42", ON THE NORTH SIDE OF EAST 41ST ST, APPROX. 1.05 MILES EAST OF S. 145TH EAST AVE

**ADDITIONAL NOTE (\*)**

SOUTH 155TH EAST AVENUE RIGHT-OF-WAY IS NOT INTENDED TO BE A PERMANENT DEAD-END STREET. IT IS PLATTED WITH THE INTENT OF BEING EXTENDED AND CONNECTED TO STREETS THAT MAY BE BUILT IN THE FUTURE, THEREBY PROVIDING ACCESS TO AND FROM ADJUTING PROPERTIES.

**FINAL PLAT**  
ENDORSEMENT OF APPROVAL

Tulsa Metropolitan Area Planning Commission

Approval Date: \_\_\_\_\_

TMAPC

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CITY ENGINEER  
Council of the City of Tulsa, Oklahoma

Approval Date: \_\_\_\_\_

CHAIRMAN

MAYOR

ATTEST: CITY CLERK

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CITY ATTORNEY

The approval of the Final Plat will expire one year from the date of City Council approval if not filed in the Office of the County Clerk before that date.

**CERTIFICATE**

I hereby certify that all real estate taxes involved in this plat have been paid as reflected by the current tax rolls. Security as required has been provided in the amount of \$ \_\_\_\_\_ per trust receipt no. \_\_\_\_\_ to be applied to 20 \_\_\_\_\_ taxes. This certificate is NOT to be construed as payment of 20 \_\_\_\_\_ taxes in full but is given in order that this plat may be filed on record. 20 \_\_\_\_\_ taxes may exceed the amount of the security deposit.

Dated: \_\_\_\_\_  
JOHN M. FOTHERGILL  
Tulsa County Treasurer

By: \_\_\_\_\_  
Deputy

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Lot Area Table (Block 1)		
Lot #	Area	(ACRE)
1	6,000.04	0.14
2	4,800.25	0.11
3	4,800.26	0.11
4	4,800.26	0.11
5	4,800.44	0.11
6	4,800.09	0.11
7	4,800.27	0.11
8	4,800.27	0.11
9	4,800.28	0.11
10	4,800.37	0.11
11	4,800.20	0.11
12	4,800.29	0.11
13	4,800.29	0.11
14	4,800.29	0.11
15	4,800.30	0.11

Lot Area Table (Block 2)		
Lot #	Area	(ACRE)
1	5,617.01	0.13
2	4,600.03	0.11
3	4,600.03	0.11
4	4,600.03	0.11
5	4,600.03	0.11
6	4,600.03	0.11
7	4,600.03	0.11
8	4,600.03	0.11
9	4,600.03	0.11
10	4,600.03	0.11
11	4,600.03	0.11
12	4,600.03	0.11
13	4,600.03	0.11

Lot Area Table (Block 3)		
Lot #	Area	(ACRE)
1	5,614.71	0.13
2	4,600.03	0.11
3	4,600.03	0.11
4	4,600.03	0.11
5	4,600.03	0.11
6	4,600.03	0.11
7	4,600.03	0.11
8	4,600.03	0.11
9	4,600.03	0.11
10	4,600.03	0.11
11	4,600.03	0.11
12	4,600.03	0.11
13	4,600.03	0.11
14	4,606.80	0.11
15	4,600.03	0.11
16	4,600.03	0.11
17	4,600.03	0.11
18	4,600.03	0.11
19	4,600.03	0.11
20	4,600.03	0.11
21	4,600.03	0.11
22	4,600.03	0.11
23	4,600.03	0.11
24	4,600.03	0.11
25	4,600.03	0.11
26	5,617.01	0.13

Lot Area Table (Block 4)		
Lot #	Area	(ACRE)
1	8,559.67	0.20
2	4,600.02	0.11
3	4,636.90	0.11
4	4,911.18	0.11
5	5,145.52	0.12
6	5,381.22	0.12
7	5,119.49	0.12
8	4,643.38	0.11
9	4,800.87	0.11
10	4,937.35	0.11
11	5,197.71	0.12
12	5,081.87	0.12
13	4,645.50	0.11
14	4,600.02	0.11
15	7,398.30	0.17

Lot Area Table (Block 5)		
Lot #	Area	(ACRE)
1	5,614.71	0.13
2	4,600.03	0.11
3	4,600.03	0.11
4	4,600.03	0.11
5	4,600.03	0.11
6	4,600.03	0.11
7	4,600.03	0.11
8	4,600.03	0.11
9	4,600.03	0.11
10	4,600.03	0.11
11	4,600.03	0.11
12	4,600.03	0.11
13	4,667.65	0.11

Lot Area Table (Block 6)		
Lot #	Area	(ACRE)
1	6,810.83	0.16
2	4,599.75	0.11
3	4,599.75	0.11
4	4,645.49	0.11
5	4,622.66	0.11
6	4,755.00	0.11
7	4,953.64	0.11

Lot Area Table (Block 7)		
Lot #	Area	(ACRE)
1	6,749.76	0.15
2	5,399.81	0.12
3	5,400.04	0.12
4	5,494.70	0.13
5	5,939.81	0.14
6	6,806.40	0.16
7	6,198.07	0.14
8	6,036.71	0.14
9	6,050.00	0.14
10	6,048.46	0.14
11	5,775.00	0.13

Lot Area Table (Block 8)		
Lot #	Area	(ACRE)
1	4,600.03	0.11
2	4,617.60	0.11
3	4,867.80	0.11
4	5,341.68	0.12
5	5,333.03	0.12
6	4,847.46	0.11
7	4,600.02	0.11
8	4,600.02	0.11
9	6,809.57	0.16

# Battle Creek Park PHASE III

A SUBDIVISION IN TULSA COUNTY, OKLAHOMA, BEING PART OF THE SOUTH HALF (S/2) OF SECTION TWENTY-TWO (22); TOWNSHIP NINETEEN (19) NORTH, RANGE FOURTEEN (14) EAST ON THE INDIAN BASE AND MERIDIAN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

**DEED OF DEDICATION**

KNOW ALL MEN BY THESE PRESENTS:

GLEN WOOD HOMES, L.P., AN OKLAHOMA LIMITED PARTNERSHIP, 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 PART OF THE SOUTH HALF OF (S/2) OF SECTION TWENTY-TWO (22), TOWNSHIP NINETEEN (19) NORTH, RANGE FOURTEEN (14) 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:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 1, BLOCK 8, BATTLE CREEK PARK PHASE II (PLAT NO. 6966); THENCE, S01°15'44"E FOR A DISTANCE OF 50.00 FEET TO A POINT ON THE SOUTH LINE OF SECTION 22, TOWNSHIP 19 NORTH, RANGE 14 EAST; THENCE N88°44'15"E FOR A DISTANCE OF 840.54 FEET ALONG THE SAID SECTION LINE; THENCE, N01°25'43"W FOR A DISTANCE OF 223.98 FEET; THENCE, S88°34'17"W FOR A DISTANCE OF 47.51 TO A POINT ON A CURVE; SAID CURVE TURNING TO THE LEFT WITH LENGTH OF 222.69 FEET, A RADIUS OF 185.00 FEET, A CHORD BEARING OF S54°13'29"W, A CHORD LENGTH OF 209.49 FEET AND AN ANGLE OF 68°58'08" TO A POINT; THENCE S88°42'33" W A DISTANCE OF 80.13 FEET; THENCE N01°15'44" W A DISTANCE OF 110.00 FEET; THENCE S88°42'33" W A DISTANCE OF 9.82 FEET; THENCE N01°25'43" W A DISTANCE OF 226.45 FEET; THENCE N22°57'48" W A DISTANCE OF 160.07 FEET; THENCE N01°29'01" W A DISTANCE OF 510.19 FEET; THENCE S88°43'38" W A DISTANCE OF 2.09 FEET; THENCE N01°25'43" W A DISTANCE OF 170.01 FEET; THENCE S88°43'38" W A DISTANCE OF 810.00 FEET TO THE NORTHEAST CORNER OF LOT 1, BLOCK 4, BATTLE CREEK PARK PHASE II; THENCE, S01°25'43"E FOR A DISTANCE OF 170.01 FEET; THENCE, N88°43'39"E FOR A DISTANCE OF 52.08 FEET TO THE NORTHEAST CORNER OF LOT 1, BLOCK 7, BATTLE CREEK PARK PHASE II; THENCE, S01°29'01"E FOR A DISTANCE OF 670.00 FEET; THENCE, S32°40'48"E FOR A DISTANCE OF 112.98 FEET; THENCE, S01°25'43"E FOR A DISTANCE OF 148.96 FEET TO THE SOUTHEAST CORNER OF LOT 14, BLOCK 7, BATTLE CREEK PARK PHASE II; THENCE, N88°44'16"E FOR A DISTANCE OF 30.18 FEET; THENCE, S01°15'44"E FOR A DISTANCE OF 185.00 FEET TO THE POINT OF BEGINNING;

SAID TRACT OF LAND CONTAINING 17.61 ACRES, MORE OR LESS.

THE OWNER HAS CAUSED THE ABOVE DESCRIBED LAND TO BE SURVEYED, STAKED, PLATTED AND SUBDIVIDED INTO 124 LOTS, 6 BLOCKS, AND 2 RESERVES, IN CONFORMITY WITH THE ACCOMPANYING PLAT AND SURVEY (HEREINAFTER THE "PLAT") AND HAS ENTITLED AND DESIGNATED THE SUBDIVISION AS "BATTLE CREEK PARK PHASE III", A SUBDIVISION IN THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA (HEREINAFTER "BATTLE CREEK PARK PHASE III" OR THE "SUBDIVISION").

**SECTION I. PUBLIC STREETS, EASEMENTS AND UTILITIES**

**A. PUBLIC STREETS AND UTILITY EASEMENTS**

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

**B. UTILITY SERVICE**

1. OVERHEAD LINES FOR THE SUPPLY OF ELECTRIC, TELEPHONE AND CABLE TELEVISION SERVICES MAY BE LOCATED WITHIN THE PERIMETER EASEMENTS OF THE SUBDIVISION. 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 EASEMENTS DEDICATED FOR GENERAL UTILITY SERVICES AND IN THE RIGHTS-OF-WAY OF THE PUBLIC STREETS AS DEPICTED ON THE ACCOMPANYING PLAT. SERVICE PEDESTALS AND TRANSFORMERS, AS SOURCES OF SUPPLY AT SECONDARY VOLTAGES, MAY ALSO BE LOCATED IN GENERAL UTILITY EASEMENTS.

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

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

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

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

**C. GAS SERVICE**

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

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

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

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

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

2. WITHIN UTILITY EASEMENTS DEPICTED ON THE ACCOMPANYING PLAT, THE ALTERATION OF GRADE FROM THE 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, WOULD INTERFERE WITH PUBLIC WATER MAINS, SANITARY SEWER MAINS, AND STORM SEWERS SHALL BE PROHIBITED.

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

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

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

**RESERVE 'A' - STORMWATER DETENTION EASEMENT**

1. THE OWNER DOES HEREBY DEDICATE TO THE PUBLIC A PERPETUAL EASEMENT ON, OVER, AND ACROSS THE PROPERTY DESIGNATED AND SHOWN ON THE ACCOMPANYING PLAT AS RESERVE 'A' FOR THE PURPOSES OF PERMITTING THE FLOW, CONVEYANCE, RETENTION, DETENTION AND DISCHARGE OF STORMWATER RUNOFF FROM THE VARIOUS LOTS WITHIN THE SUBDIVISION AND FROM PROPERTIES NOT INCLUDED WITHIN THE SUBDIVISION.

2. DETENTION, RETENTION AND OTHER DRAINAGE FACILITIES LOCATED WITHIN THE RESERVE SHALL BE CONSTRUCTED IN ACCORDANCE WITH STANDARDS AND SPECIFICATIONS APPROVED BY THE CITY OF TULSA, OKLAHOMA.

3. NO FENCE, WALL, BUILDING, OR OTHER OBSTRUCTION SHALL BE PLACED OR MAINTAINED IN THE RESERVE NOR SHALL THERE BE ANY ALTERATION OF GRADE IN SAID RESERVE UNLESS APPROVED BY THE DEPARTMENT OF PUBLIC WORKS OF THE CITY OF TULSA, OKLAHOMA.

4. DETENTION, RETENTION, AND OTHER DRAINAGE FACILITIES SHALL BE MAINTAINED BY THE HOMEOWNERS' ASSOCIATION OR PROPERTY OWNER'S ASSOCIATION TO THE EXTENT NECESSARY TO ACHIEVE THE INTENDED DRAINAGE, RETENTION, AND DETENTION FUNCTIONS INCLUDING REPAIR OF APPURTENANCES AND REMOVAL OF OBSTRUCTIONS AND SILTATION AND THE ASSOCIATION SHALL PROVIDE CUSTOMARY GROUNDS MAINTENANCE WITHIN THE RESERVE IN ACCORDANCE WITH THE FOLLOWING MINIMUM STANDARDS:

- a. GRASS AREAS SHALL BE MOWED (IN SEASON) AT REGULAR INTERVALS OF FOUR WEEKS, OR LESS.
  - b. CONCRETE APPURTENANCES SHALL BE MAINTAINED IN GOOD CONDITION AND REPLACED IF DAMAGED.
  - c. THE RESERVE SHALL BE KEPT FREE OF DEBRIS.
  - d. 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 RESERVE.
6. IN THE EVENT THE HOMEOWNERS' ASSOCIATION OR PROPERTY OWNER'S ASSOCIATION SHOULD FAIL TO PROPERLY MAINTAIN THE

**H. 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 PHASING OF THE CONSTRUCTION OF INFRASTRUCTURE WITHIN THE SUBDIVISION, AND IF PHASING IS AUTHORIZED, A CERTIFICATE OF OCCUPANCY FOR A BUILDING WITHIN AN AUTHORIZED PHASE MAY ISSUE UPON THE COMPLETION AND ACCEPTANCE OF THE INFRASTRUCTURE SERVING THE PARTICULAR PHASE. BUILDING CONSTRUCTION OCCURRING PRIOR TO THE CITY'S ACCEPTANCE OF THE INFRASTRUCTURE SHALL BE AT THE RISK OF THE OWNER OF THE LOT, NOTWITHSTANDING THE ISSUANCE OF A BUILDING PERMIT OR OF A TEMPORARY CERTIFICATE OF OCCUPANCY.

**I. SURFACE DRAINAGE**

EACH LOT SHALL RECEIVE AND DRAIN, IN AN UNOBSTRUCTED MANNER, THE STORMWATER 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 COVENANTS SET FORTH IN

THIS SUBSECTION SHALL BE ENFORCEABLE BY ANY AFFECTED LOT OWNER AND BY THE CITY OF TULSA, OKLAHOMA.

**J. ROOF DRAIN REQUIREMENTS**

THE OWNER HEREBY IMPOSES A RESTRICTIVE COVENANT, WHICH COVENANT SHALL BE BINDING ON THE LOT OWNER AND SHALL BE ENFORCEABLE BY THE CITY OF TULSA, OKLAHOMA, THAT BUILDINGS CONSTRUCTED SHALL EACH HAVE ROOF DRAINS DESIGNED AND CONSTRUCTED TO DISCHARGE STORMWATER RUNOFF TO THE ADJACENT STREET.

**K. LIMITS OF NO ACCESS**

THE OWNER HEREBY RELINQUISHES RIGHTS OF VEHICULAR INGRESS OR EGRESS FROM ANY PORTION OF THE PROPERTY ADJACENT TO EAST 41ST STREET SOUTH 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.

**L. PAVING AND LANDSCAPING WITHIN EASEMENTS**

THE OWNER OF ANY LOT 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 WATER, SANITARY SEWER, STORM SEWER, NATURAL GAS, COMMUNICATION, CABLE TELEVISION OR ELECTRIC 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.

**M. SIDEWALKS**

SIDEWALKS SHALL BE CONSTRUCTED AND MAINTAINED ALONG STREETS DESIGNATED BY AND IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF THE CITY OF TULSA, OKLAHOMA. SIDEWALKS SHALL BE CONSTRUCTED IN CONFORMANCE WITH THE STANDARDS OF THE CITY OF TULSA, OKLAHOMA. THE OWNER SHALL BE REQUIRED TO CONSTRUCT SIDEWALKS WITHIN RESERVES, COMMON AREAS AND ALONG ARTERIAL STREET FRONTAGES. WHERE SIDEWALKS ARE NOT CONSTRUCTED BY THE OWNER, THE OWNER OF THE LOT SHALL CONSTRUCT THE REQUIRED SIDEWALK.

**SECTION II. FENCE AND LANDSCAPE EASEMENT**

**A. FENCE AND LANDSCAPE EASEMENT**

THE OWNER HEREBY ESTABLISHES AND RESERVES FOR SUBSEQUENT CONVEYANCE TO THE HOMEOWNERS' ASSOCIATION AN EXCLUSIVE PERPETUAL EASEMENT TO ERECT AND MAINTAIN FENCING, LANDSCAPING AND SUCH WALLS AS MAY BE PERMITTED BY THE CITY, WITHIN THE EASEMENTS DEPICTED ON THE ACCOMPANYING PLAT AS "FENCE & LANDSCAPE EASEMENT" OR "F/E". THE RIGHT TO CONSTRUCT AND MAINTAIN FENCING OR WALLS WITHIN THE EASEMENTS SHALL BE SUBORDINATE THE RIGHTS TO ESTABLISHED IN UTILITY EASEMENTS.

**SECTION III. HOMEOWNERS' ASSOCIATION**

**A. FORMATION OF HOMEOWNERS' ASSOCIATION**

THE OWNER HAS FORMED OR SHALL CAUSE TO BE FORMED AND ASSOCIATED OF THE OWNERS OF THE LOTS WITHIN BATTLE CREEK PARK PHASE III (THE "HOMEOWNERS' ASSOCIATION") TO BE ESTABLISHED IN ACCORDANCE WITH THE STATUTES OF THE STATE OF OKLAHOMA, AND TO BE FORMED FOR THE GENERAL PURPOSES OF MAINTAINING THE COMMON AREA OF THE SUBDIVISION, INCLUDING BUT WITHOUT LIMITATION, THE LANDSCAPING, STORM WATER DETENTION FACILITIES, FENCING, ENTRY FEATURES AS MAY EXIST WITHIN RESERVE AREA A AND RESERVE AREA B, THE SIDEWALK WITHIN THE RIGHTS OF WAY OF EAST 41ST STREET SOUTH ABUTTING RESERVE AREA A, AND FENCING AND LANDSCAPING WITHIN THE FENCE & LANDSCAPE EASEMENTS, AND ENHANCING THE VALUE, DESIRABILITY AND ATTRACTIVENESS OF BATTLE CREEK PARK PHASE III.

**B. MEMBERSHIP**

EVERY PERSON OR ENTITY WHO IS A RECORD OWNER OF THE FEE INTEREST OF A LOT IN THE SUBDIVISION SHALL BE A MEMBER OF THE HOMEOWNERS' ASSOCIATION. MEMBERSHIP SHALL BE APPURTENANT TO AND MAY NOT BE SEPARATED FROM THE OWNERSHIP OF A LOT.

**C. ASSESSMENT**

EACH RECORD OWNER OF A LOT IN THE SUBDIVISION SHALL BE SUBJECT TO ASSESSMENT BY THE HOMEOWNERS' ASSOCIATION FOR THE PURPOSES OF IMPROVEMENT AND MAINTENANCE OF THE COMMON AREAS OF THE SUBDIVISION.

**SECTION IV. PRIVATE RESTRICTIONS AND COVENANTS**

THE OWNER DESIRES TO ESTABLISH RESTRICTIONS FOR THE PURPOSE OF PROVIDING FOR THE ORDERLY DEVELOPMENT OF THE LOTS IN THE SUBDIVISION AND CONFORMITY AND COMPATIBILITY OF IMPROVEMENTS THEREIN. THEREFORE, THE OWNER DOES HEREBY IMPOSE THE FOLLOWING RESTRICTIONS AND COVENANTS WHICH SHALL BE APPLICABLE TO ALL LOTS AND SHALL BE COVENANTS RUNNING WITH THE LAND, AND SHALL BE BINDING UPON THE OWNER, ITS SUCCESSORS AND ASSIGNS, AND SHALL BE ENFORCEABLE BY THE OWNER OF A LOT AND BY THE HOMEOWNERS' ASSOCIATION.

**A. ARCHITECTURAL COMMITTEE**

1. PLAN REVIEW. NO BUILDING, STRUCTURE, FENCE, WALL, PAVING, HARDSCAPE, LANDSCAPING, SWIMMING POOL, EXTERIOR LIGHTING, EXTERIOR ANTENNAE, EXTERIOR WINDOWS, EXTERIOR DOORS, EXTERIOR FINISH (INCLUDING EXTERIOR PAINTING AND COLORS AND WINDOW COVERINGS VISIBLE FROM THE EXTERIOR), GARBAGE RECEPTACLE ENCLOSURE, OR FREE STANDING MAIL BOX SHALL AT ANY TIME BE ERECTED, PLACED OR ALTERED ON ANY LOT UNTIL THE PLANS AND SPECIFICATIONS HAVE BEEN APPROVED IN WRITING BY THE OWNER OR ITS AUTHORIZED REPRESENTATIVES OR SUCCESSORS, WHICH ARE HEREINAFTER REFERRED TO AS THE "ARCHITECTURAL COMMITTEE". FOR EACH BUILDING, THE REQUIRED PLANS AND SPECIFICATIONS SHALL BE SUBMITTED IN DUPLICATE AND INCLUDE A SITE PLAN; A FLOOR PLAN; EXTERIOR ELEVATIONS, INCLUDING DESIGNATION OF EXTERIOR MATERIALS, COLOR SCHEME AND LIGHTING; A LANDSCAPE PLAN, INCLUDING LANDSCAPE HARDSCAPE AND LIGHTING; AND DRAINAGE AND

GRADING PLANS. APPROVAL OF PLANS IS AT THE SOLE DISCRETION OF THE ARCHITECTURAL COMMITTEE EXERCISED IN ACCORDANCE WITH THE PURPOSES OF THE COMMITTEE HEREINAFTER SET FORTH. IN THE EVENT THE ARCHITECTURAL COMMITTEE FAILS TO APPROVE OR DISAPPROVE PLANS AND SPECIFICATIONS SUBMITTED TO IT AS HEREIN REQUIRED WITHIN TWENTY (20) DAYS AFTER SUBMISSION, THE PLANS SO SUBMITTED SHALL BE DEEMED APPROVED. THE DEVELOPMENT AND USE OF THE SUBJECT LOT SHALL THEREAFTER BE IN SUBSTANTIAL COMPLIANCE WITH THE APPROVED PLANS OR APPROVED AMENDMENTS THERETO. IN THE EVENT NO SUIT TO ENJOIN THE ERECTION OF THE BUILDING OR STRUCTURE OR THE MAKING OF AN ALTERATION HAS BEEN COMMENCED PRIOR TO THE 30TH DAY FOLLOWING COMPLETION THEREOF, APPROVAL OF THE ARCHITECTURAL COMMITTEE SHALL NOT BE REQUIRED AND THIS COVENANT SHALL BE DEEMED TO HAVE BEEN FULLY COMPLIED WITH. NOTWITHSTANDING THE FOREGOING, THE APPROVAL OR FAILURE TO APPROVE BUILDING PLANS SHALL NOT BE DEEMED A WAIVER OF ANY RESTRICTION.

2. COMMITTEE PURPOSE. THE ARCHITECTURAL COMMITTEE'S PURPOSE IS TO PROMOTE GOOD DESIGN AND COMPATIBILITY WITHIN THE SUBDIVISION AND IN ITS REVIEW OF PLANS OR DETERMINATION OF ANY WAIVER AS HEREINAFTER AUTHORIZED MAY TAKE INTO CONSIDERATION THE NATURE AND CHARACTER OF THE PROPOSED BUILDING OR STRUCTURE, THE MATERIALS OF WHICH IT IS TO BE BUILT, THE AVAILABILITY OF ALTERNATIVE MATERIALS, THE PROPOSED COLOR SCHEME, THE SITE UPON WHICH IT IS PROPOSED TO BE ERECTED AND THE HARMONY THEREOF WITH THE SURROUNDING AREA. THE ARCHITECTURAL COMMITTEE SHALL NOT BE LIABLE FOR ANY APPROVAL, DISAPPROVAL OR FAILURE TO APPROVE HEREUNDER, AND ITS APPROVAL OF BUILDING PLANS SHALL NOT CONSTITUTE A WARRANTY OR RESPONSIBILITY FOR BUILDING METHODS, MATERIALS, PROCEDURES, STRUCTURAL DESIGN, GRADING OR DRAINAGE OR CODE VIOLATIONS. THE APPROVAL OR FAILURE TO APPROVE BUILDING PLANS SHALL NOT BE DEEMED A WAIVER OF ANY RESTRICTION. NOTHING HEREIN CONTAINED SHALL BE DEEMED TO PREVENT ANY LOT OWNER IN THE SUBDIVISION FROM PROSECUTING ANY LEGAL ACTION RELATING TO IMPROVEMENTS WITHIN THE SUBDIVISION WHICH THEY WOULD OTHERWISE BE ENTITLED TO PROSECUTE.

3. TRANSFER OF DUTIES. THE OWNER MAY ASSIGN THE POWERS AND DUTIES OF THE ARCHITECTURAL COMMITTEE TO THE HOMEOWNERS' ASSOCIATION AT ANY TIME, AT THE DISCRETION OF THE OWNER, BY A WRITTEN INSTRUMENT. UNLESS ASSIGNED TO IT IN WRITING BY THE ARCHITECTURAL COMMITTEE PRIOR TO SUCH TIME, THE POWERS AND DUTIES OF THE ARCHITECTURAL COMMITTEE SHALL BE DEEMED TRANSFERRED TO THE HOMEOWNERS' ASSOCIATION AT SUCH TIME AS THE OWNER (OR ITS SUCCESSOR BY ASSIGNMENT) OWNS NO LOTS OR RESERVES, AND THEREAFTER THE FOREGOING POWERS AND DUTIES SHALL BE EXERCISED BY THE BOARD OF DIRECTORS OF THE HOMEOWNERS' ASSOCIATION.

# Battle Creek Park PHASE IIII

A SUBDIVISION IN TULSA COUNTY, OKLAHOMA, BEING PART OF THE SOUTH HALF (S/2) OF SECTION TWENTY-TWO (22); TOWNSHIP NINETEEN (19) NORTH, RANGE FOURTEEN (14) EAST ON THE INDIAN BASE AND MERIDIAN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

B. USE OF LOTS

THE LOTS SHALL BE SUBJECT TO THE FOLLOWING RESTRICTIONS AND LIMITATIONS:

- USE - THE USE OF THE LOTS SHALL BE LIMITED TO DETACHED SINGLE FAMILY RESIDENCES AND CUSTOMARY ACCESSORY USES.
- FLOOR AREA - A SINGLE STORY DWELLING SHALL HAVE A MINIMUM OF 1100 SQUARE FEET OF LIVING FLOOR AREA. THE COMPUTATION OF LIVING AREA SHALL EXCLUDE BASEMENTS, ATTICS, GARAGES, OPEN SPACE AND BREEZEWAYS.
- ORIENTATION OF DWELLINGS - THE ORIENTATION OF THE DWELLING WITHIN A LOT (DIRECTION FACED BY FRONT OF THE DWELLING) SHALL BE SUBJECT TO THE APPROVAL OF THE ARCHITECTURAL COMMITTEE.
- GARAGES - WITHIN EACH LOT THERE SHALL BE PROVIDED A MINIMUM OF 2 PARKING SPACES WITHIN AN ATTACHED GARAGE. GARAGES SHALL BE ENCLOSED, AND CARPORTS ARE PROHIBITED. RAISED PANEL GARAGE SHALL BE CONSTRUCTED AND GLASS IN GARAGE DOORS IS PROHIBITED.
- FOUNDATIONS - ANY EXPOSED FOUNDATION SHALL BE BRICK, STONE OR STUCCO. NO STEM WALL SHALL BE EXPOSED.
- EXTERIOR WALLS - THE EXTERIOR SURFACE OF THE FIRST STORY OF A DWELLING, EXCEPTING WINDOWS AND DOORS, SHALL BE A MINIMUM OF 25% BRICK, STONE, OR STUCCO. NO STEEL, ALUMINUM, VINYL OR PLASTIC SIDING SHALL BE PERMITTED. THE ARCHITECTURAL COMMITTEE MAY, IN THE PARTICULAR INSTANCE AND UPON WRITTEN REQUEST, WAIVE THE REQUIREMENTS OF THIS PARAGRAPH 6.
- WINDOWS - WINDOWS SHALL BE VINYL, WOOD, OR VINYL CLAD WOOD. ALUMINUM WINDOWS ARE PROHIBITED.
- ROOF PITCH - NO DWELLING SHALL HAVE A ROOF PITCH OF NOT LESS THAN 6/12.
- ROOFING MATERIALS - ROOFING FOR A DWELLING SHALL BE COMPOSITION SHINGLES HAVING A MINIMUM THIRTY YEAR LIFE RATING AND SHALL BE WOOD GRAINED IN APPEARANCE SUCH AS TAMKO HERITAGE 30 YEAR SIMULATED "WEATHERED WOOD" SHINGLES. PROVIDED, HOWEVER, THAT IF SUCH ROOFING SHOULD NOT BE REASONABLY AVAILABLE, ALTERNATIVE ROOFING APPROVED BY THE ARCHITECTURAL COMMITTEE SHALL BE PERMITTED UPON DETERMINATION OF THE ARCHITECTURAL COMMITTEE THAT THE ALTERNATIVE IS OF EQUAL OR SUPERIOR QUALITY AND OF A DESIGN AND COLOR COMPATIBLE WITH THE ROOFING MATERIAL ABOVE SPECIFIED. IN NO EVENT SHALL WOOD SHINGLES BE PERMITTED. ROOF FLASHING AND VALLEYS SHALL BE BRONZE OR COPPER OR SHALL BE PAINTED TO MATCH THE ROOF OF THE DWELLING SHEET METAL, ALUMINUM VENTS, FLUE LINER TERMINALS, CHIMNEY CAPS OR OTHER ROOFTOP PROTRUSIONS SHALL BE PAINTED TO MATCH THE ROOF OF THE DWELLING. ROOF MOUNTED EQUIPMENT, INCLUDING BUT NOT LIMITED TO MECHANICAL EQUIPMENT, AIR CONDITIONING AND SOLAR EQUIPMENT, IS PROHIBITED.
- CHIMNEYS - THE EXTERIOR SURFACE OF CHIMNEYS SHALL BE SUBJECT TO THE APPROVAL OF THE ARCHITECTURAL COMMITTEE. CHIMNEYS SHALL HAVE A DECORATIVE SHROUD OR CAP, AND ALL CHIMNEY SHROUDS AND CAPS ARE SUBJECT TO THE APPROVAL OF THE ARCHITECTURAL COMMITTEE.
- DRIVEWAYS - DRIVEWAYS SHALL BE CONCRETE AND SHALL BE THE SAME COLOR AS THE SIDEWALKS AND CURBS WITHIN THE SUBDIVISION, PROVIDED HOWEVER, THE ARCHITECTURAL COMMITTEE MAY, IN THE PARTICULAR INSTANCE, UPON WRITTEN REQUEST, WAIVE THIS RESTRICTION.
- FENCING - FENCING OR WALLS WITHIN A LOT ARE SUBJECT TO THE APPROVAL OF THE ARCHITECTURAL COMMITTEE. FENCING OR WALLS WITHIN A LOT SHALL NOT EXTEND BEYOND THE FRONT BUILDING LINE DEPICTED WITHIN THE ACCOMPANYING PLAT. IF A DWELLING IS BUILT BEHIND THE FRONT BUILDING LINE, NO FENCE MAY EXTEND BEYOND THAT POINT NEAREST THE STREET AT EACH CORNER OF THE FRONT BUILDING WALL OF THE DWELLING. ALL FENCES SHALL BE PRIVACY FENCES CONSTRUCTED OF WOOD OR MASONRY AND SHALL BE 6 FEET IN HEIGHT, PROVIDED HOWEVER, THAT THE ARCHITECTURAL COMMITTEE MAY IN THE PARTICULAR INSTANCE, AND UPON WRITTEN REQUEST, WAIVE THE REQUIREMENTS OF THIS PARAGRAPH. ALL FENCE TYPES PROPOSED FOR LOCATION ADJACENT TO RESERVES, PONDS, AND GREEN BELTS SHALL BE SUBMITTED TO THE ARCHITECTURAL COMMITTEE FOR DETERMINATION AND SHALL NOT BE INSTALLED PRIOR TO APPROVAL OF THE ARCHITECTURAL COMMITTEE.
- LANDSCAPING OF LOTS; IRRIGATION SYSTEMS - LANDSCAPING WITHIN A LOT IS SUBJECT TO THE APPROVAL OF THE ARCHITECTURAL COMMITTEE. PRIOR TO THE OCCUPANCY OF A DWELLING, THE OWNER OF THE LOT SHALL HAVE PROFESSIONALLY LANDSCAPED THE FRONT (AND SIDE OF DWELLING ON CORNER LOTS), ENTIRE BACK YARD SHALL BE SODDED.
- ON-SITE CONSTRUCTION - NO DWELLING OR BUILDING BUILT OFF-SITE SHALL BE MOVED TO, OR PLACED ON, ANY LOT.
- OUTBUILDINGS - OUTBUILDINGS ARE PROHIBITED, PROVIDED HOWEVER, THE ARCHITECTURAL COMMITTEE MAY, IN THE PARTICULAR INSTANCE, WAIVE THIS RESTRICTION.
- SWIMMING POOLS - ABOVE GROUND SWIMMING POOLS ARE PROHIBITED.
- ANTENNAS - EXTERIOR TELEVISION, RADIO OR OTHER TYPE ANTENNAS INCLUDING SATELLITE DISHES SHALL BE PROHIBITED, PROVIDED HOWEVER THAT ONE SATELLITE DISH NOT EXCEEDING TWO (2) FEET IN DIAMETER, AND IN A LOCATION NOT VISIBLE FROM A PUBLIC OR PRIVATE STREET, SHALL BE PERMITTED WITHIN A LOT.
- LOT MAINTENANCE - NO INOPERATIVE VEHICLE OR MACHINERY SHALL BE STORED ON ANY LOT AND EACH LOT SHALL BE MAINTAINED IN A NEAT AND ORDERLY CONDITION FREE OF RUBBISH, TRASH AND OTHER DEBRIS AND SHALL BE CUT, TRIMMED OR MOWED TO PREVENT GROWTH OF WEEDS OR TALL GRASS.
- RECREATIONAL VEHICLES AND EQUIPMENT - NO BOATS, RECREATIONAL TRAILERS, PERSONAL WATER CRAFT, CAMPERS, MOTOR HOMES OR OTHER RECREATIONAL VEHICULAR EQUIPMENT, SHALL BE STORED, PLACED OR PARKED ON ANY STREET WITHIN THE SUBDIVISION OR ON ANY LOT, EXCEPT WITHIN AN ENCLOSED GARAGE.

- TRAILERS, MACHINERY AND EQUIPMENT; COMMERCIAL VEHICLES - NO TRAILERS, MACHINERY OR EQUIPMENT, OR COMMERCIAL VEHICLES, SHALL BE STORED, PLACED OR PARKED ON ANY STREET WITHIN THE SUBDIVISION OR ON ANY LOT, EXCEPT WITHIN AN ENCLOSED GARAGE; PROVIDED HOWEVER, NOTHING HEREIN SHALL PROHIBIT THE PARKING OF VEHICLES, TRAILERS, MACHINERY OR EQUIPMENT WHEN BEING UTILIZED IN CONNECTION WITH SERVICES PERTAINING TO A RESIDENCE IN THE SUBDIVISION; FURTHER PROVIDED THAT NOTHING HEREIN SHALL PROHIBIT THE PARKING OF LIGHT TRUCKS WITHOUT COMMERCIAL SIGNAGE (MAXIMUM 3/4 TON).
- ALL-TERRAIN VEHICLES AND UNLICENSED MOTOR VEHICLES - NO ALL-TERRAIN VEHICLES (ATVS) OR UNLICENSED MOTOR VEHICLES SHALL BE OPERATED WITHIN THE SUBDIVISION.
- BASKETBALL GOALS - NO BASKETBALL GOALS SHALL BE VISIBLE FROM A PUBLIC OR PRIVATE STREET.
- ON-STREET PARKING PROHIBITED - ON-STREET PARKING BY OWNERS OF LOTS OR THEIR TENANTS IS PROHIBITED, PROVIDED THAT THE HOMEOWNERS' ASSOCIATION MAY PERMIT, BY RULES AND REGULATIONS, ON-STREET PARKING DURING OCCASIONAL EVENTS WITHIN THE SUBDIVISION.
- CLOTHESLINES AND GARBAGE RECEPTACLES - CLOTHESLINE POLES OR OTHER OUTSIDE DRYING APPARATUS ARE PROHIBITED, AND NO EXPOSED GARBAGE CAN, TRASH CAN OR ANY TRASH BURNING APPARATUS OR STRUCTURE SHALL BE PLACED ON ANY LOT. ALL TRASH CONTAINERS SHALL BE STORED OUT OF PUBLIC VIEW EXCEPT FOR A 12-HOUR PERIOD DURING COLLECTION.
- MAILBOXES - MAILBOXES SHALL BE CONSTRUCTED OF BRICK AND OF A UNIFORM DESIGN TO BE SELECTED BY THE ARCHITECTURAL COMMITTEE AND SHALL BE PLACED AT A HEIGHT AND LOCATION WITHIN THE LOT TO BE DESIGNATED BY THE ARCHITECTURAL COMMITTEE.
- ANIMALS - NO ANIMALS, LIVESTOCK OR POULTRY OF ANY KIND MAY BE MAINTAINED, BRED, SOLD OR KEPT EXCEPT THAT TWO DOGS, TWO CATS AND OTHER HOUSEHOLD PETS MAY BE KEPT PROVIDED THAT THEY ARE NOT USED FOR COMMERCIAL PURPOSES. EXCEPT WHEN ACCOMPANIED BY THE OWNER OF THE LOT, THE OWNER'S FAMILY MEMBER OR GUEST, DOGS SHALL BE KEPT INSIDE THE DWELLING ON THE LOT BETWEEN THE HOURS OF 10:00 P.M. AND 7:00 A.M.
- NOXIOUS ACTIVITY - NO NOXIOUS OR OFFENSIVE TRADE OR ACTIVITY SHALL BE CARRIED OUT UPON ANY LOT NOR SHALL ANYTHING BE DONE THEREON THAT MAY BE OR MAY BECOME AN ANNOYANCE OR NUISANCE TO THE NEIGHBORHOOD.
- SIGNAGE - NO SIGN OF ANY KIND SHALL BE DISPLAYED TO THE PUBLIC VIEW ON ANY LOT EXCEPT ONE SIGN OF NOT MORE THAN 6 SQUARE FEET ADVERTISING THE PROPERTY FOR SALE OR RENT OR SIGNS USED BY THE OWNER OR A BUILDER TO ADVERTISE THE PROPERTY DURING THE CONSTRUCTION AND SALES PERIOD.
- MATERIALS AND STORAGE - NO LOT SHALL BE USED FOR THE STORAGE OF MATERIALS FOR A PERIOD OF GREATER THAN THIRTY (30) DAYS PRIOR TO THE START OF CONSTRUCTION AND THE CONSTRUCTION SHALL BE COMPLETED WITHIN SIX (6) MONTHS THEREAFTER. EACH LOT SHALL BE MAINTAINED IN A NEAT AND ORDERLY CONDITION.

**SECTION V. 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, EASEMENTS AND UTILITIES AND SECTION II, FENCE AND LANDSCAPE EASEMENT 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. THE COVENANTS CONTAINED IN SECTION III, HOMEOWNERS' ASSOCIATION AND SECTION IV, PRIVATE RESTRICTIONS AND COVENANTS SHALL INURE TO THE BENEFIT OF ANY OWNER OF A LOT AND THE HOMEOWNERS' ASSOCIATION. IF THE UNDERSIGNED OWNER, OR ITS SUCCESSORS OR ASSIGNS, SHALL VIOLATE ANY OF THE COVENANTS WITHIN SECTIONS II OR III, IT SHALL BE LAWFUL FOR ANY OWNER OF A LOT OR THE HOMEOWNERS' ASSOCIATION TO MAINTAIN 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 SO DOING OR TO COMPEL COMPLIANCE WITH THE COVENANT. IN ANY JUDICIAL ACTION BROUGHT TO ENFORCE THE COVENANTS ESTABLISHED WITHIN THIS DEED OF DEDICATION, THE DEFENSE THAT THE PARTY INITIATING THE EQUITABLE PROCEEDING HAS AN ADEQUATE REMEDY AT LAW IS HEREBY WAIVED. IN ANY JUDICIAL ACTION BROUGHT BY ANY OWNER OF A LOT OR THE ASSOCIATION, WHICH ACTION SEEKS TO ENFORCE THE COVENANTS CONTAINED IN SECTIONS II OR III AND/OR TO RECOVER DAMAGES FOR THE BREACH THEREOF, THE PREVAILING PARTY SHALL BE ENTITLED TO RECEIVE REASONABLE ATTORNEY FEES AND COSTS AND EXPENSES INCURRED IN SUCH ACTION.

B. DURATION

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

C. AMENDMENT

THE COVENANTS CONTAINED WITHIN SECTION I (PUBLIC STREET, 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 COVENANTS CONTAINED WITHIN SECTION III, HOMEOWNERS' ASSOCIATION OR SECTION IV, PRIVATE RESTRICTIONS AND COVENANTS MAY BE AMENDED OR TERMINATED AT ANY TIME BY A WRITTEN INSTRUMENT SIGNED AND ACKNOWLEDGED BY THE OWNER DURING SUCH PERIOD THAT THE OWNER IS THE RECORD OWNER OF AT LEAST 1 LOT OR ALTERNATIVELY, THE COVENANTS AND RESTRICTIONS MAY BE AMENDED OR TERMINATED BY A WRITTEN INSTRUMENT SIGNED AND ACKNOWLEDGED BY THE OWNERS OF NOT LESS THAN 60% OF THE LOTS. IN THE EVENT OF ANY CONFLICT BETWEEN AN AMENDMENT OR TERMINATION PROPERLY EXECUTED BY THE OWNER (DURING ITS OWNERSHIP OF AT LEAST 1 LOT) AND ANY AMENDMENT PROPERLY EXECUTED BY THE OWNERS OF 60% OF THE LOTS, THE INSTRUMENT EXECUTED BY THE OWNER SHALL PREVAIL. THE PROVISIONS OF ANY INSTRUMENT AMENDING OR TERMINATING COVENANTS AND RESTRICTIONS SHALL BE EFFECTIVE FROM AND AFTER THE DATE IT IS PROPERLY RECORDED.

D. SEVERABILITY

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 \_\_\_\_\_, 2024.

GLEN WOOD HOMES, L.P.  
AN OKLAHOMA LIMITED PARTNERSHIP

BY: \_\_\_\_\_  
HAMID VALAD KHANI, GENERAL PARTNER

STATE OF OKLAHOMA )  
 ) SS.  
COUNTY OF TULSA )

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2024, BY HAMID VALAD KHANI AS GENERAL PARTNER OF GLEN WOOD HOMES, L.P., AN OKLAHOMA LIMITED PARTNERSHIP.

\_\_\_\_\_  
NOTARY PUBLIC

\_\_\_\_\_  
MY COMMISSION NUMBER

\_\_\_\_\_  
MY COMMISSION EXPIRES

**CERTIFICATE OF SURVEY**

I, ALBERT JONES III, OF ATLAS LAND OFFICE, INC., A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF OKLAHOMA, DO HEREBY CERTIFY THAT I HAVE CAREFULLY AND ACCURATELY SURVEYED, SUBDIVIDED, AND PLATTED THE TRACT OF LAND DESCRIBED ABOVE, AND THAT THE ACCOMPANYING PLAT DESIGNATED HEREIN AS "BATTLE CREEK PARK PHASE IIII", A SUBDIVISION IN THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, IS A TRUE 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 AS ADOPTED.

\_\_\_\_\_  
ALBERT JONES  
LICENSED PROFESSIONAL LAND SURVEYOR  
OKLAHOMA NO. 1580

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 \_\_\_\_\_, 2024, PERSONALLY APPEARED ALBERT JONES III, TO ME KNOWN TO BE THE IDENTICAL PERSON WHO SUBSCRIBED HIS NAME AS A LICENSED LAND SURVEYOR TO THE FOREGOING CERTIFICATE OF SURVEY AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE AND VOLUNTARY ACT AND DEED FOR THE USES AND PURPOSES THEREIN SET FORTH.

\_\_\_\_\_  
NOTARY PUBLIC

\_\_\_\_\_  
MY COMMISSION EXPIRES:

\_\_\_\_\_  
MY COMMISSION NUMBER:

CONCEPTUAL UTILITY LAYOUT

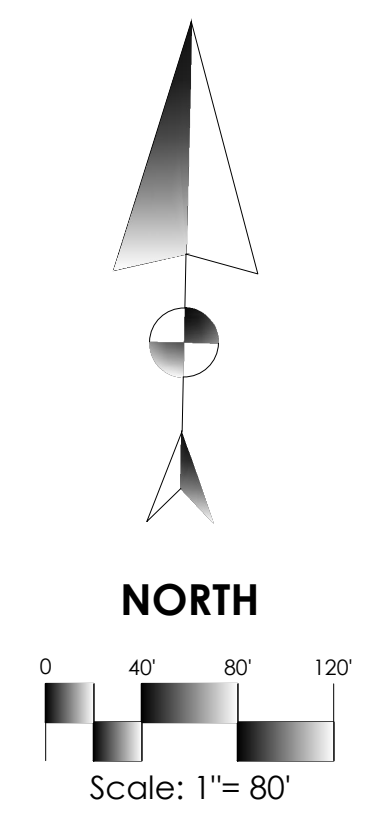
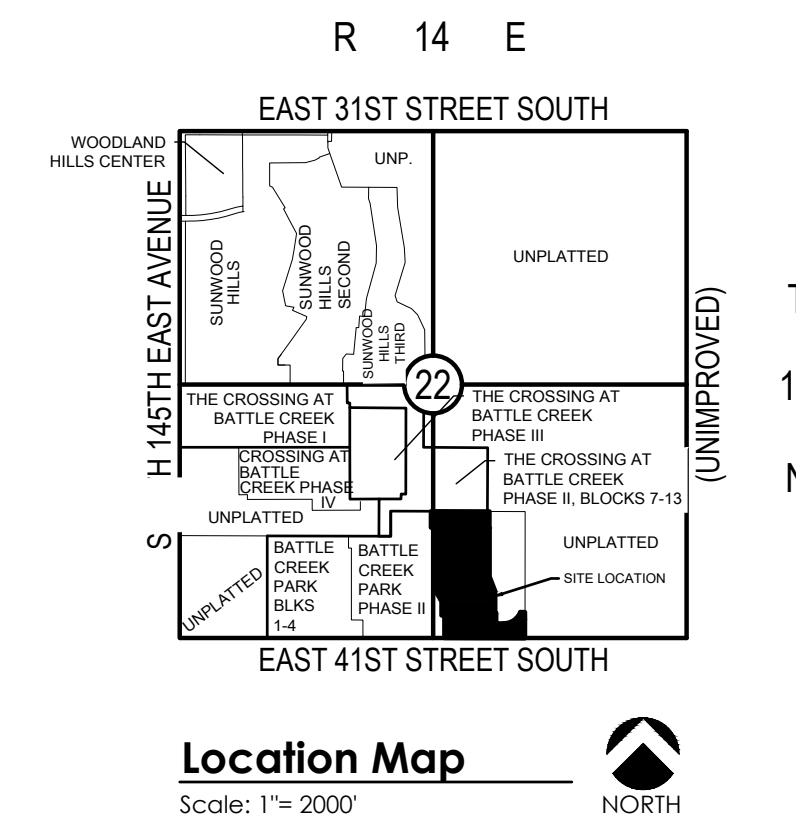
# Battle Creek Park Phase III

A SUBDIVISION IN TULSA COUNTY, OKLAHOMA, BEING PART OF THE SOUTH HALF (S/2) OF SECTION TWENTY-TWO (22); TOWNSHIP NINETEEN (19) NORTH, RANGE FOURTEEN (14) EAST ON THE INDIAN BASE AND MERIDIAN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

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OK CA NO. 5305, EXPIRES 6/30/2025  
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survey@atlaslandoffice.com



PLOT DATE: MAR 17, 2024  
 FILE: LOCAL\_SERVER\PROJECTS\20240317\_BATTLE\_CREEK\_PARK\_PHASE\_III\PRODUCTION\PRELIMINARY\PLAT\CONCEPTUAL UTILITY LAYOUT