

# **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: Billy Frazier

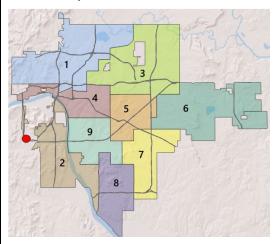
Property Owner: Billy Frazier

# **Property Location**

Northeast corner of W. 51st St. S. and the Gilcrease Expressway

#### **Location within the City of Tulsa**

(shown with City Council districts)



# **Elected Representatives**

<u>City Council:</u> District 2, Jeannie Cue <u>County Commission:</u> District 2, Karen Keith

# **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 Frazier's Addition.

Tract Size: ±15.8 acres

# **Zoning**

Existing Zoning: IL and IM Existing Overlays: None

Proposed Zoning: No change

# Use

Current Use: Self Storage

Proposed Use: Industrial Subdivision

# **Comprehensive Plan Considerations**

## Land Use

<u>Land Use Plan</u>: Employment <u>Small Area Plans</u>: None

Development Era: Late Automobile

#### **Transportation**

Major Street & Highway Plan:

planitulsa Street Type:

Gilcrease Expressway: Freeway W. 50th street is a Minor Street.

Transit: Regular Routes.

Existing Bike/Ped Facilities: None.

Planned Bike/Ped Facilities: None.

Traffic on Nearest Arterials (per lane)

North: W. 41st St. S.: Low <u>East</u>: S. 49th W. Ave.: Low <u>South</u>: W. 51st St. S.: Low <u>West</u>: S. 65th W. Ave.: Very Low

# **Environment**

Flood Area: N/A

Parks & Open Space: N/A

## **Detailed Staff Recommendation**

The plat consists of 3 lots, 1 blocks,  $\pm 15.8$  acres. Staff recommends **approval** of the preliminary subdivision plat 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 IL and IM, the proposed lots meet the standards for both zoning districts.

#### **Engineering Graphics**

- Submit subdivision control data sheet with the final plat.
- In the plat subtitle add "City of Tulsa" before Tulsa County.
- Under the engineer and surveyor heading add their CA number and renewal date along with an email address.
- The scale bar might be slightly off.
- Remove contours on the final plat submittal.
- Provide the individual lot addresses on the face of the plat.
- In the Location Map add missing platted properties. Those are shown below. Label all other land in the section as "unplatted". Add the Gilcrease Expressway to the location map.



- Provide graphically on the face of the plat the address disclaimer/caveat.
- Provide the date of last survey site visit to the face of the plat. If a range of dates provide that information.
- Under the Basis of Bearings information include the coordinate system used. Provide a bearing angle preferably shown on the face of the plat. See example below.

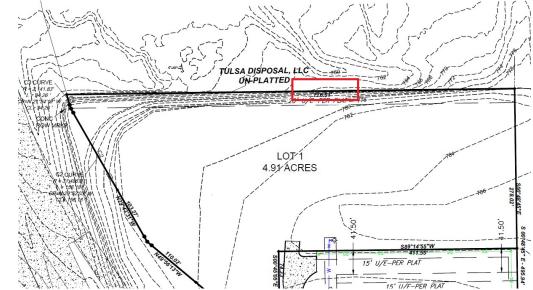
# **BASIS OF BEARINGS**

Horizontal Datum based upon NAD 83 (1993) Oklahoma State Plane Coordinate System North Zone 3501 Vertical Datum based upon NAVD 88 using N. 88°42'00" E. as the North line of the Northwest Quarter of Section 28, Township 19 North, Range 14 East of the Indian Base and Meridian was used as the bearing for this survey.

- Graphically show all property pins found or set that are associated with the plat. Either have a legend entry showing the found or set symbology or label each location with text.
- Please add the bearing angle above this distance described in the written legal description.
- Add signature block for officials to sign to the face of the plat.
- Provide the date of preparation to the face of the plat. I believe this date to be 04/05/2024.

#### **Addressing**

- Addresses will be assigned by the City of Tulsa and provided at a later date.



- W 51st Circle needs to be W 51st ST S Frontage (AR)

**Article 5: Design and Improvements** 

# Required Infrastructure and Public Improvements (5-020)

 Water & Sanitary sewer modifications were approved under IDP 108300 and its addendum #1 on 09/09/2022. Application indicates stormwater runoff mitigation was addressed similarly but it should have been handled through Tulsa County.

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

No comments.

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

- Outside TFD Response Area, but is inside its permitting jurisdiction.
- Development to meet all required provisions outlined in 2018 International Fire Code.

#### Sidewalks (5-070)

Sidewalks will be required as prescribed in City Ordinances.

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

- There are no regulatory floodplains on the site.

# Stormwater Management (5-100)

- Discharge onto to ODOT right-of-way must be addressed with that entity. Provide project information/documentation to be referenced for this work to show compliance with City of Tulsa stormwater management regulations.

# Sewage Disposal (5-130)

- No comments.
- Utility easements on the exterior property lines of the subdivision may be required, more specifically the North, East and west sides of Lot 1 and the North and East lines of Lot 3.

# Water (5-140) lines

- Outside TFD Response Area
- No comments

#### Easements (5-150)

- Provide book and page of existing U/E along 51<sup>st</sup> Circle and label U/E width sizes where the existing water main lines are run inside.
- Show the reserve or detention easement for the detention facility. Confirm if there are off-site storm sewer easements to be created by separate instrument. Four separate instrument sanitary sewer easements associated with IDP 108300 (ESMTs 457, 532, 533 and 545) are currently making their way through the City's separate instrument easement process. If the intent is to plat the easements, the language of the easements needs to cover City of Tulsa infrastructure. If the separate instrument easements are going to be filed separately, they should be shown on the face of the plat with the recording documents listed. (sms)

# Perpetual Maintenance of Common Areas and Improvements (5-200)

No Comments.

# **Streets and Stormwater**

- The property appears to abut an existing dead end street, but this dead end does not have a proper cul de sac or turnaround. The applicant needs to dedicate RW for the dead end / turnaround to be built.
- Sidewalks are not shown on the plans, sidewalks will be required as prescribed in City Ordinances.
- The Limits of Access need to be reviewed and approved by the City of Tulsa's Traffic Engineer. It appears that the small area of access onto the Gilcrease Expressway access road would place the driveway within the turn lane. I believe that the access needs to be adjusted further to the northwest away from the turn bay.
- Additional RW may need to be dedicated to allow for the sidewalk construction ... OR.... The sidewalk will need to be in a dedicated sidewalk easement.
- If the new driveway is approved and moves to the construction stage A Sidewalk and Driveway permit will be required.

- If the new driveway is approved and moves to the construction stage an ADA compliant sidewalk section will be required to be built through the driveway.
- If the new driveway is approved and moves to the construction stage the location of the driveway will need to be reviewed for stormwater and it will need to be determined if a stormwater culvert will be necessary under the driveway. Any culvert necessary for the driveways construction will need to be sized by a Engineer.
- 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 Employment by the Tulsa Comprehensive Plan. The employment designation is intended to accommodate offices, warehousing and storage, manufacturing and assembly, and industrial processes. The "Industrial Site Suitability" map corresponds to the Employment land use designation and indicates where uses that are potentially incompatible with sensitive land uses are best suited to locate. This directs industrial uses to particular areas of the city while discouraging industrial in close proximity to Neighborhood areas.

# **Surrounding Properties:**

<u>Location</u>	Existing Zoning/Overlay	Existing Land Use Designation	Existing Use
North (Outside city	IM	N/A	Undertermined Industrial and Outdoor storage uses
limits)			
East (Outside city limits)	IM/IL, RS	N/A	Various mix of industrial and storage uses.
South	RS-3	N/A	Large portion of right-of- way for the Gilcrease Expressway
West	RS-3	N/A	Large portion of right-of- way for the Gilcrease Expressway

#### **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 Late Automobile Era. Beginning in the late 1950s and the 1960s major changes occurred to the urban form of Tulsa. Two significant interventions include the introduction of the Interstate Highway System and the annexation events in the 1960s that more than doubled the size of Tulsa. This area of Tulsa has developed simultaneously with the development of surrounding communities, such as Broken Arrow, Owasso, Jenks, and Bixby. Though the growth of this area has been consistent for more than 60 years, the vast majority of developable land has been developed, leading to a decline in the number of properties being built each decade since the 1970s.

# **Transportation**

Comprehensive Plan Street Designation:

# Arterial Traffic per Lane:

Arterial Traffic - North (W 41st St S - 4,647 Vehicles per Lane)

Arterial Traffic - East (S 49th West Ave - 2,778 Vehicles per Lane)

Arterial Traffic - South (W 51st St S - 4,799 Vehicles per Lane)

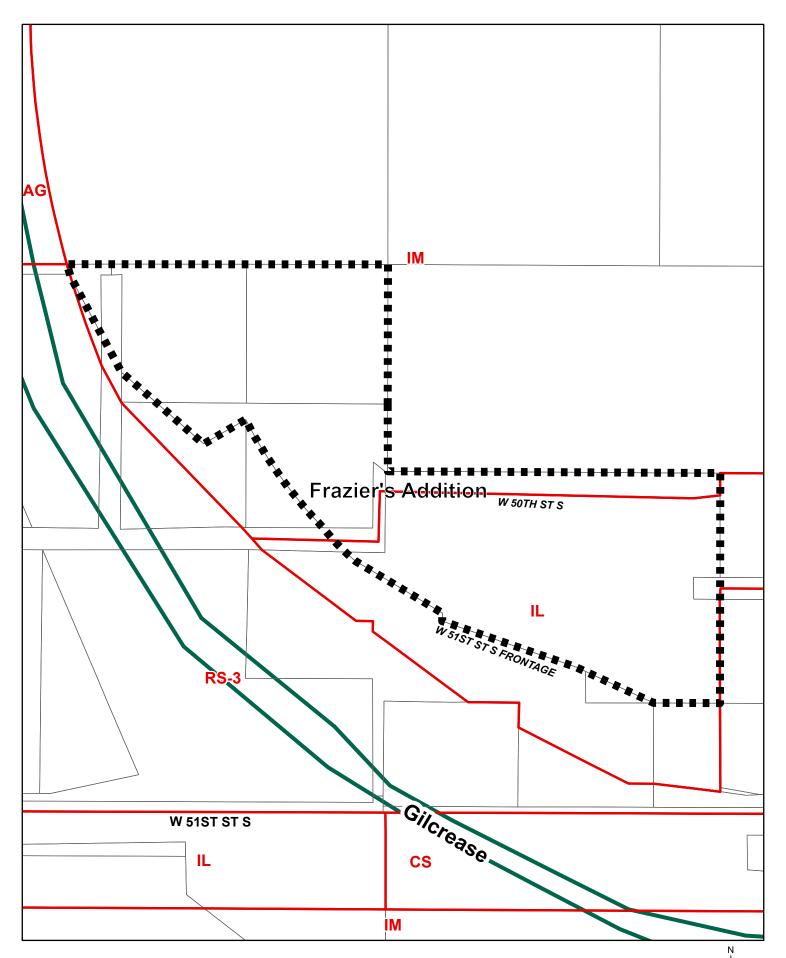
Arterial Traffic - West (S 65th West Ave - 1,368 Vehicles per Lane)

# **Exhibits**

Case map

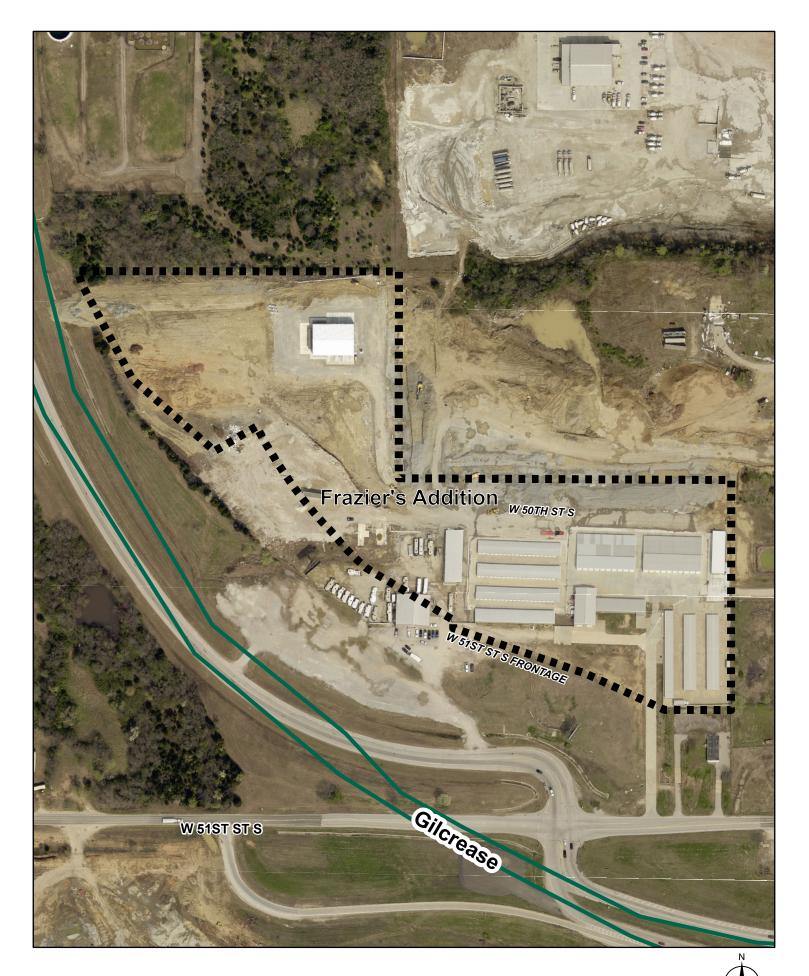
Aerial

Tulsa Comprehensive Plan Land Use Map



Frazier's Addition

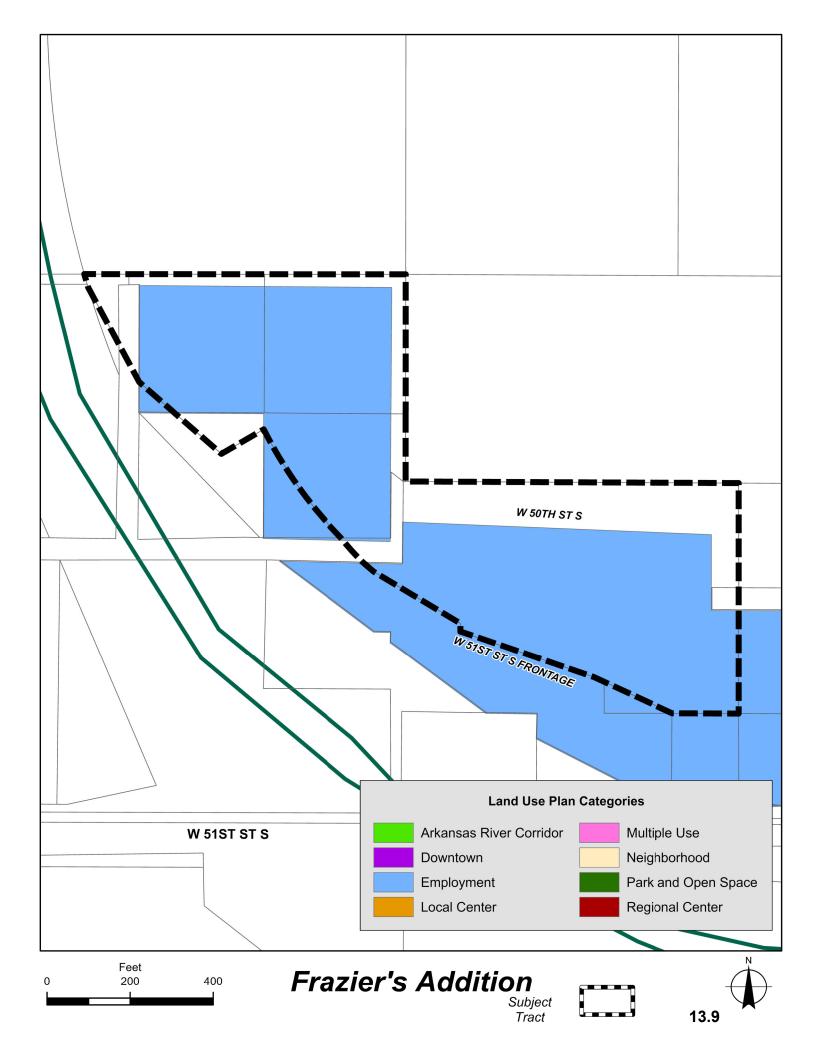
Note: Graphic overlays may not precisely align with physical features on the ground.

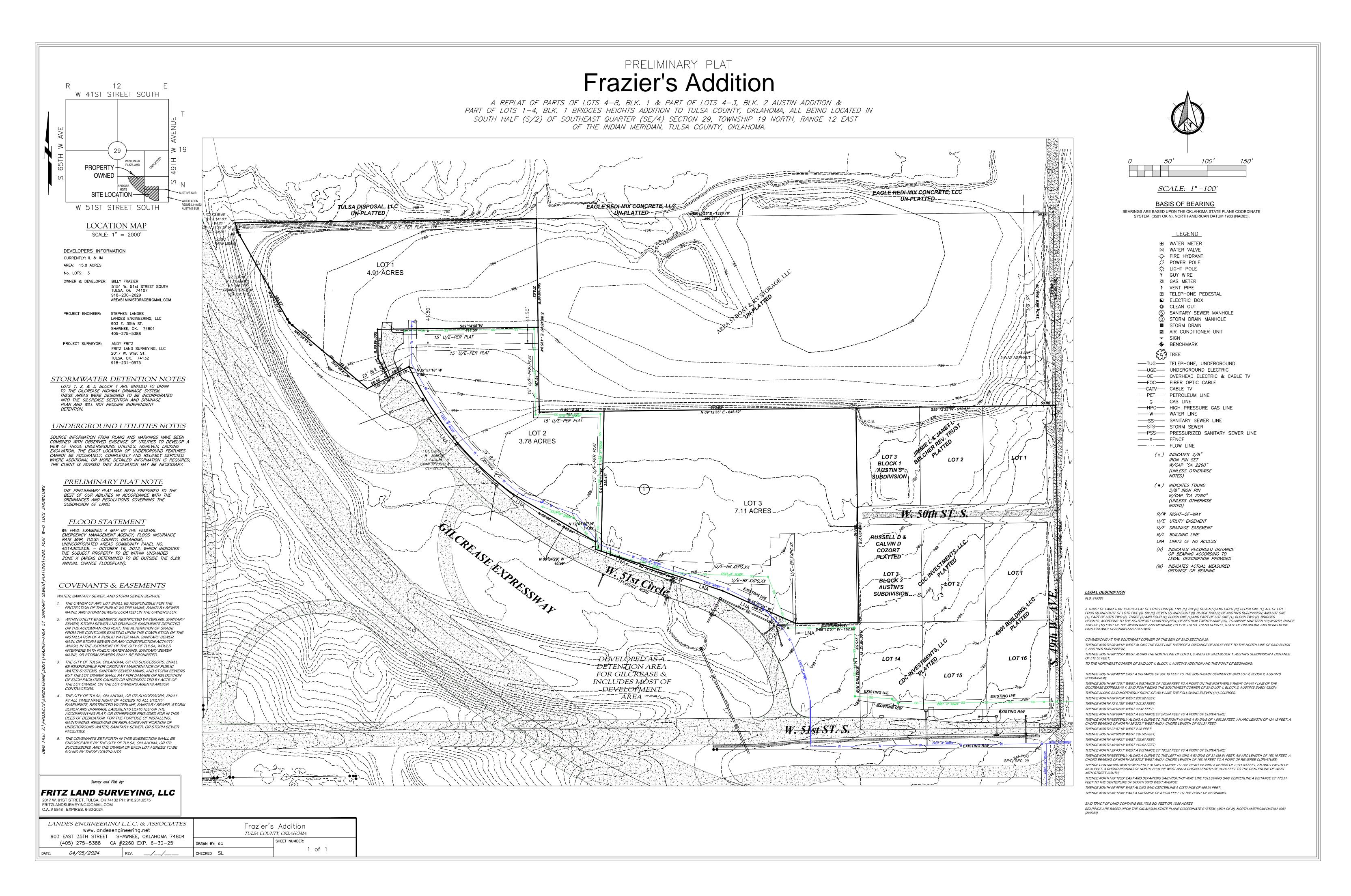


Frazier's Addition

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

13.8





# **DEED OF DEDICATION**

# KNOW ALL MEN BY THESE PRESENTS:

THAT A SAFE PLACE MINI STORAGE, INC., AN OKLAHOMA CORPORATION, AREA 51 BOAT & RV STORAGE LLC, AN OKLAHOMA LIMITED LIABILITY COMPANY, AND BILLY LEE FRAZIER, AS TRUSTEE OF THE FRAZIER FAMILY REVOCABLE LIVING TRUST DATED JUNE 19, 2018 (collectively, the "owners"), OWN THE FOLLOWING DESCRIBED PROPERTY SITUATED IN THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, TO-WIT:

A TRACT OF LAND THAT CONSISTS OF LOT 4 THROUGH EIGHT (8), BLOCK ONE (1), LOT FOUR (4) AND PART OF LOTS FIVE (5) THROUGH EIGHT (8) BLOCK TWO (2), AUSTIN'S SUBDIVISION, AN ADDITION TO THE SOUTHEAST QUARTER (SE/4) OF SECTION TWENTY-NINE (29), TOWNSHIP NINETEEN (19) NORTH, RANGE TWELVE (12) EAST OF THE INDIAN BASE AND MERIDIAN, CITY OF TULSA, TULSA COUNTY. STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, AND PART OF LOTS ONE (1) THROUGH FOUR (4), BLOCK ONE (1), BRIDGES HEIGHTS, AN ADDITION TO THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER (SW/4 SE/4) OF SAID SECTION (29), TOWNSHIP NINETEEN (19) NORTH, RANGE TWELVE (12) EAST OF THE INDIAN BASE AND MERIDIAN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLA T THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 29; THENCE SOUTH 89°12'52" WEST ALONG THE SOUTH LINE OF SAID SE/4 A DISTANCE OF 512.80 FEET; THENCE NORTH 00°50'46" WEST A DISTANCE OF 275.53 FEET TO THE POINT OF BEGINNING LOCATED AT A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF THE GILCREASE EXPRESSWAY; THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE THE FOLLOWING FOUR (4) COURSES: SOUTH 89°12'52" WEST 162.60 FEET, THENCE NORTH 65°57'17" WEST 179.25 FEET; THENCE NORTH 65°53'34" WEST 26.45 FEET; THENCE NORTH 72°00'05" WEST A DISTANCE OF 327.37 FEET; THENCE CONTINUING ALONG SAID NORTHERLY RIGHT-OF-WAY LINE THE FOLLOWING FOUR (4) COURSES: NORTH 72°00'05" WEST 14.95 FEET; THENCE NORTH 00°02'44" WEST 19.42 FEET; THENCE NORTH 60°05'02" WEST 243.64 FEET TO A POINT OF CURVATURE; THENCE NORTH MESTERLY ALONG A CURVE TO THE RIGHT(C1) HAVING A RADIUS OF 1056.26 FEET, AN ARC LENGTH OF 424.57 FEET, A CHORD BEARING OF NORTH 39°22'06" WEST AND A CHORD LENGTH OF 421.71 FEET; THENCE CONTINUING ALONG SAID NORTHERLY RIGHT-OF-WAY LINE THE FOLLOWING FIVE (5) COURSES: THENCE NORTH 27°53'27" WEST 197 FEET; THENCE SOUTH 62°09'46" WEST 120.45 FEET; THENCE NORTH 49°55'36" WEST 262.37 FEET; THENCE NORTH 29°39'43" WEST 266.54 FEET; THENCE NORTH 16°05'56" WEST A DISTANCE OF 25.52 FEET AND TO THE 16TH LINE OF THE SE QUARTER; THENCE EXITING RIGHT-OF-WAY LINE AND ALONG THE 16TH LINE NORTH 89°12'13" EAST A DISTANCE OF 773.56 FEET ALONG THE EAST LINE OF THE SOUTHEAST QUARTER (SE/4) OF SECTION TWENTY-NINE (29), TOWNSHIP NINETEEN (19) NORTH, RANGE TWELVE (12) EAST OF THE INDIAN BASE AND MERIDIAN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA; THENCE SOUTH 00°50'46" EAST FOR A DISTANCE OF 551.07 FEET TO THE POINT OF BEGINNING.

# SAID TRACT OF LAND CONTAINS 688,221.64 SQ. FEET OR 15.799 ACRES.

BEARINGS ARE BASED UPON THE OKLAHOMA STATE PLANE COORDINATE SYSTEM, (3501 OK N), NORTH AMERICAN DATUM 1983 (NAD83).

# (THE "PROPERTY").

B. UTILITY SERVICE

THE OWNERS HAVE CAUSED THE PROPERTY TO BE SURVEYED, STAKED, PLATTED AND SUBDIVIDED INTO THREE (3) LOTS IN ONE (1) BLOCK, IN CONFORMITY WITH THE ACCOMPANYING PLAT AND SURVEY THEREOF, AND HAVE DESIGNATED THE SUBDIVISION AS "FRAZIER'S ADDITION", A SUBDIVISION IN THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA.

# SECTION I. STREETS, EASEMENTS AND UTILITIES

# A. PUBLIC STREETS AND GENERAL UTILITY EASEMENTS

THE OWNERS HEREBY DEDICATE TO THE PUBLIC THE STREET RIGHTS-OF-WAY DEPICTED ON THE ACCOMPANYING PLAT. THE OWNERS FURTHER DEDICATE TO THE PUBLIC THE UTILITY EASEMENTS DESIGNATED AS "U/E" OR "UTILITY EASEMENT" FOR THE SEVERAL PURPOSES OF CONSTRUCTING, MAINTAINING, OPERATING, REPAIRING, REPLACING, AND/OR REMOVING ANY AND ALL PUBLIC UTILITIES, INCLUDING STORM SEWERS, SANITARY SEWERS, 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 OWNERS RESERVE 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 OWNERS HEREIN IMPOSE A RESTRICTIVE COVENANT, WHICH COVENANT SHALL BE BINDING ON EACH LOT OWNER AND SHALL BE ENFORCEBABLE 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.

# 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 LOT OWNER 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 LOT OWNER OR THE LOT OWNER'S AGENTS OR CONTRACTORS.
- 5. THE COVENANTS SET FORTH IN THIS SUBSECTION SHALL BE ENFORCEABLE BY EACH SUPPLIER OF THE ELECTRIC, TELEPHONE, CABLE TELEVISION OR GAS SERVICE AND THE LOT OWNER AGREES TO BE BOUND BY THESE COVENANTS.
- C. WATER, SANITARY SEWER, AND STORM SEWER SERVICE
- 1. THE LOT OWNER 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, OR 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
- 5. THE COVENANTS SET FORTH IN THIS SUBSECTION SHALL BE ENFORCEABLE BY THE CITY OF TULSA, OKLAHOMA, OR ITS SUCCESSORS, AND THE LOT OWNER AGREES TO BE BOUND BY THESE COVENANTS.
- D. 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 LOT OWNER SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE UNDERGROUND GAS FACILITIES LOCATED WITHIN ITS 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 LOT OWNER AGREES TO BE BOUND BY THESE COVENANTS.

DEDICATION, FOR THE PURPOSE OF INSTALLING, MAINTAINING, REMOVING OR REPLACING ANY PORTION OF UNDERGROUND WATER, SANITARY SEWER, OR STORM SEWER FACILITIES.

# Survey and Plat by:

# FRITZ LAND SURVEYING, LLC

2017 W. 91ST STREET, TULSA, OK 74132 PH: 918.231.0575 FRITZLANDSURVEYING@GMAIL.COM

C.A. # 5848 EXPIRES: 6-30-2024

LANDES ENGINEERING L.L.C. & ASSOCIATES  www.landesengineering.net  903 EAST 35TH STREET SHAWNEE, OKLAHOMA 74804	Frazier's Addition TULSA COUNTY, OKLAHOMA		
(405) 275-5388 CA #2260 EXP. 6-30-25	DRAWN BY: SC	SHEET NUMBER:	
DATE: 04/05/2024 REV/	CHECKED SL	2 of 2	

# 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.

# A. PAVING AND LANDSCAPING WITHIN EASEMENTS

THE LOT OWNER SHALL BE RESPONSIBLE FOR THE REPAIR OF DAMAGE TO LANDSCAPING AND PAVING OCCASIONED BY INSTALLATION OR NECESSARY MAINTENANCE OF UNDERGROUND WATER, SANITARY SEWER, STORM SEWER, NATURAL GAS, COMMUNICATION, CABLE TELEVISION OR ELECTRIC FACILITIES WITHIN THE EASEMENT AREAS DEPICTED UPON THE ACCOMPANYING PLAT, PROVIDED 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.

# B. LIMITS OF NO ACCESS

THE OWNERS HEREBY RELINQUISH RIGHTS OF VEHICULAR INGRESS OR EGRESS FROM ANY PORTION OF THE PROPERTY ADJACENT TO WEST 51ST CIRCLE WITHIN THE BOUNDS DESIGNATED AS "LIMITS OF NO ACCESS" 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.

# C SIDEWALKS

SIDEWALKS SHALL BE CONSTRUCTED AND MAINTAINED ALONG STREETS DESIGNATED BY AND IN ACCORDANCE WITH THE TULSA METROPOLITAN AREA SUBDIVISION AND DEVELOPMENT REGULATIONS AND IN ACCORDANCE WITH CITY ORDINANCES. SIDEWALKS SHALL BE CONSTRUCTED IN CONFORMANCE WITH THE ADOPTED STANDARDS OF THE CITY OF TULSA, OKLAHOMA.

# D. <u>CERTIFICATE OF OCCUPANCY RESTRICTIONS</u>

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 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 LOT OWNER NOTWITHSTANDING THE ISSUANCE OF A BUILDING PERMIT OR OF A TEMPORARY CERTIFICATE OF OCCUPANCY.

# II. ENFORCEMENT, DURATION, AMENDMENT AND SEVERABILITY

# A. <u>ENFORCEMENT</u>

THE COVENANTS AND RESTRICTIONS SET FORTH HEREIN SHALL BE COVENANTS WHICH SHALL RUN WITH THE LAND AND WHICH SHALL BE BINDING UPON THE LOT OWNERS, THEIR SUCCESSORS, GRANTEES, LESSEES AND ASSIGNS. WITHIN THE PROVISIONS OF SECTION I, "STREETS, EASEMENTS AND UTILITIES", ARE SET FORTH CERTAIN COVENANTS AND CERTAIN ENFORCEMENT RIGHTS PERTAINING THERETO AND ADDITIONALLY THE COVENANTS WITHIN SECTION I, "STREETS, EASEMENTS AND UTILITIES" IF NOT SPECIFICALLY THEREIN SO STATED SHALL INURE TO THE BENEFIT OF AND SHALL BE ENFORCEABLE BY THE CITY OF TULSA, OKLAHOMA. IN THE EVENT THE DEVELOPER, A LOT OWNER, OR ANY OF THEIR SUCCESSORS, GRANTEES, LESSEES OR ASSIGNS, OR ANY PERSON CLAIMING UNDER THEM, SHALL VIOLATE OR BREACH ANY OF THE COVENANTS AND RESTRICTIONS SET FORTH HEREIN OR IMPOSED HEREBY, THE BENEFICIARIES OF THE COVENANTS, OR THE CITY OF TULSA, OKLAHOMA, SHALL HAVE THE RIGHT TO MAINTAIN AN ACTION AT LAW OR IN EQUITY AGAINST THE PERSON OR PERSONS ATTEMPTING TO VIOLATE ANY COVENANTS OR RESTRICTIONS TO PREVENT SUCH VIOLATION OR TO RECOVER DAMAGES FOR THE VIOLATION THEREOF.

# B. <u>DURATION</u>

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 HEREINAFTER PROVIDED.

# C. <u>AMENDMENT</u>

THE COVENANTS CONTAINED HEREIN 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 SUCCESSOR, AND THE CITY OF TULSA, OKLAHOMA. THE PROVISION OF SUCH INSTRUMENT SHALL BE EFFECTIVE FROM AND AFTER THE DATE IT IS RECORDED IN THE OFFICE OF THE TULSA COUNTY CLERK.

# D. <u>SEVERABILITY</u>

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 HEREOF AS SET FORTH HEREIN, WHICH SHALL REMAIN IN FULL FORCE AND EFFECT.

IN WITNESS WHEREOF, _	, HAS EXECUTED THIS INSTRUM	MENT THIS DAY OF	, 2023	
ACKNOWLEDGMENT				
STATE OF oklahoma				
	) SS			
COUNTY OF				
this instrument was acknowle	edged before me on THIS DAY OF	2023, by	as	PRESIDENT of
MY COMMISSION EXPIRES	NOTARY			
WIT COMMISSION EXPIRES	NOTART			

# Certificate of Survey

I, \_\_\_\_\_\_\_\_, a registered 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 "FRAZIER'S ADDITION", A SUBDIVISION IN TULSA County, State of Oklahoma, is a representation of the survey made on the ground using generally accepted practices and meets or exceeds the Oklahoma Minimum Standards for the practice of land surveying.

Oklahoma Minimum Standards for the practice of land surveying.	of the survey made on the ground using
WITNESS MY HAND AND SEAL THISDAY OF, 2023.	
BY:  REGISTERED LAND SURVEYOR  OKLAHOMA NO	
STATE OF OKLAHOMA ) ) SS COUNTY OF)	
The foregoing Certificate of Survey was acknowledged before me on THIS DAY OF, 2023, by	as a Registered Land Surveyor.

MY COMMISSION EXPIRES NOTARY