



Tulsa Metropolitan Area Planning Commission

Preliminary Plat Staff Report

Hearing Date: February 21, 2024

Prepared by: Austin Chapman

achapman@cityoftulsa.org

918-596-7597

Owner and Applicant Information

Applicant: Nathan Cross

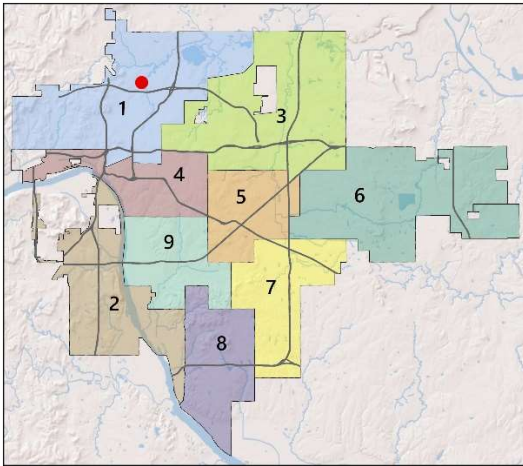
Property Owner: NP36, LLC

Property Location

Multiple lots east of the NE/c of E. 36th St. N. and N. Peoria Ave.

Location within the City of Tulsa

(shown with City Council districts)



Elected Representatives

City Council: District 1, Vanessa Hall-Harper

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 Flat Rock Terrace and a modification of Section 5.030 Table 5-1 of the Subdivision and Development Regulations to permit greater block lengths.

Tract Size: ±27.9 acres

Zoning

Existing Zoning: RMH (in process of re-zoning to RS-5)

Existing Overlays: None

Proposed Zoning: RS-5

Use

Current Use: Vacant

Proposed Use: Residential Subdivision

Comprehensive Plan Considerations

Land Use

Land Use Plan: Neighborhood

Small Area Plans: 36th Street North

Development Era: Early Automobile

Transportation

Major Street & Highway Plan: Secondary Arterial

planitulsa Street Type: None.

Transit: BRT Route

Existing Bike/Ped Facilities: None.

Planned Bike/Ped Facilities: Bike Lanes recommended on 36th St. N.

Traffic on Nearest Arterials (per lane)

North: E. 46th St. N.: Very Low

East: N. Lewis Ave. : Low

South: E. 36th St. N.: Very Low

West: N. Peoria Ave.: Very Low

Environment

Flood Area: Property contains a Floodway, City of Tulsa Regulatory Floodplain and FEMA 100- and 500-year flood plain.

Tree Canopy Coverage: Greater than 50%

Parks & Open Space: N/A

Detailed Staff Recommendation

The plat consists of 74 lots, 8 blocks, ±27.9 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:

1. Zoning: The property is zoned RMH and is currently in the process of rezoning to RS-5. Proposed lots meet the standards of the RS-5 district.
2. Addressing: Addresses are required to be shown on the face of the final plat. Provide standard address disclaimer.
3. Transportation:
 - Provide Limits of No Access on the plat and the language within the Deed of Dedication.
 - Provide ROW dedication document number or book and page information.
 - Two points of fire access will be required for residential developments of one-two family dwellings when the development exceeds 30 units. Requirements for remoteness of access points will also be required to be met. Reference 2018, IFC, Appendix D107.
 - The emergency access easements being used as turn-around points will need to meet the requirements of 2018 IFC, Appendix D and Title 14 of the City of Tulsa Charter.
 - The dead ends north of the addition must adhere to Tulsa Subdivision Regulations 5-060.5. Any phasing of the project that will leave a dead end of more than 150 feet must adhere to Tulsa Subdivision Regulations 5-060.5.
 - Sidewalks are required throughout the addition and along 36th St N – 4ft on residential - 5Ft Arterial.
 - The proposed locations of any ADA Ramps should be reviewed as it appears that there will be several new inlets that will conflict.
 - The proposed trail behind Blocks 8 and 7 needs to be privately maintained by the HOA.
 - The proposed trail between blocks 8 and 7 should be privately maintained by the HOA.
 - The parking lot will require a License Agreement.
4. Sewer and Water:
 - A predevelopment meeting was held with the Developer on 29JAN24. Public water, sanitary sewer, storm sewer, streets, drives, sidewalks will be permitted under the IDP Plan process. IDP plans can't be approved prior to accepted T-CLOMR. IDP approval is required prior to final plat approval.
 - An IDP water main line extension and sewer main extension is required to serve each lot.
 - An off-site waterline extension is required from N St Louis Ave eastward to N Troost Ave along the property north boundary line for eliminating the dead-end waterlines.
5. Engineering Graphics:
 - Submit subdivision control data sheet with the final plat.
 - Provide the individual lot addresses on the face of the plat.
 - In the Location Map remove parcel lines and Flat Rock Creek Park labels. The written legal description does not match the face of the plat.
 - Graphically label the Point of Commencement and the Point of Beginning on the face of the plat.
 - Provide the bearing angle and distance from the POC to the POB.
 - Provide date of last survey site visit. (stall)

6. Stormwater, Drainage, and Floodplain:

- Stormwater improvements are required to obtain IDP approval prior to final plat approval.
- Easements may be required for any public stormwater infrastructure required on the site.
- Developer has stated intent to adjust Tulsa Regulatory FP via City T-LOMR process, while keeping all lots out of FEMA flood zone AE. Developer will submit Engineering recommendation for Fee-in-lieu-of detention due to location adjacent to floodplain and near junction of Flat Rock Creek & Bird Creek.
- Public Storm pipe as shown will be permitted under IDP process and is appropriately located in public Right-of-way and utility or storm sewer easements.
- Stormwater access will need to be designed and constructed for the city to have access to FEMA Reserve.

7. Utilities (Telephone, Electric, Gas, Cable, Pipeline, Other): All utilities indicated to serve the site must provide a release prior to final plat approval. Provide a Certificate of Records Search from the Oklahoma Corporation Commission to verify no oil and gas activity on the site.**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 an arterial is considered Multiple Use, Local Center, or Regional Center. If a multi-dwelling unit housing property takes access from 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	AG	Neighborhood	Vacant
East	AG	Parks and Open Space	Vacant
South	RMH/ AG/ IM	Employment	Vacant
West	RM-1/MX3-F-65/ MX2-V-65	Regional Center	Comanche Park Apartments

Small Area Plans

The subject properties is located in the 36th St. North Small Area Plan location. Proposed development is consistent with the recommendations of the plan.

Development Era

The subject property is located in an area developed during the Early Automobile Era. The subject property is in an area developed during the Early Automobile Era (1930s-50s), which retained a high degree of the connectivity from neighborhood streets to the arterial network, with mostly commercial, office, industrial, and other active uses along major streets and a mix of housing options and neighborhood-based uses like schools, churches, and libraries in the interior sections. Priorities in these areas include walkability, bikeability, access to public transit, historic preservation, housing type variety, mixed-use development, commercial revitalization, compatibility of scale for neighborhood development, and transitions between commercial corridors and residential areas.

Transportation**Arterial Traffic per Lane:**

North: E. 46th St. N.: 2,059 Vehicles per lane

East: N. Lewis Ave. : 3,368 Vehicles per day

South: E. 36th St. N.: 2,122 Vehicles per day

West: N. Peoria Ave.: 2,441 Vehicles per day

Environmental Considerations

Tree Canopy Coverage: Tree canopy in the area is Greater than 50%. Development will naturally have an impact on tree canopy, but all effort should be taken to preserve a substantial portion of the tree canopy in these areas. These areas should have the highest level of preservation to maintain the existing habitat and recreational places in the city. Future land use planning for Future Growth areas should include the goal of tree canopy preservation.

Parks & Open Space: N/A.

Exhibits

Justification for modification request.

Case map

Aerial

January 16, 2024

Tulsa Planning Office
City of Tulsa
175 E. 2nd St. Suite 480
Tulsa, OK 74103

Re: 22103 Flat Rock Terrace Subdivision Regulations Modification Request

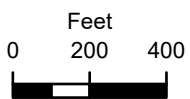
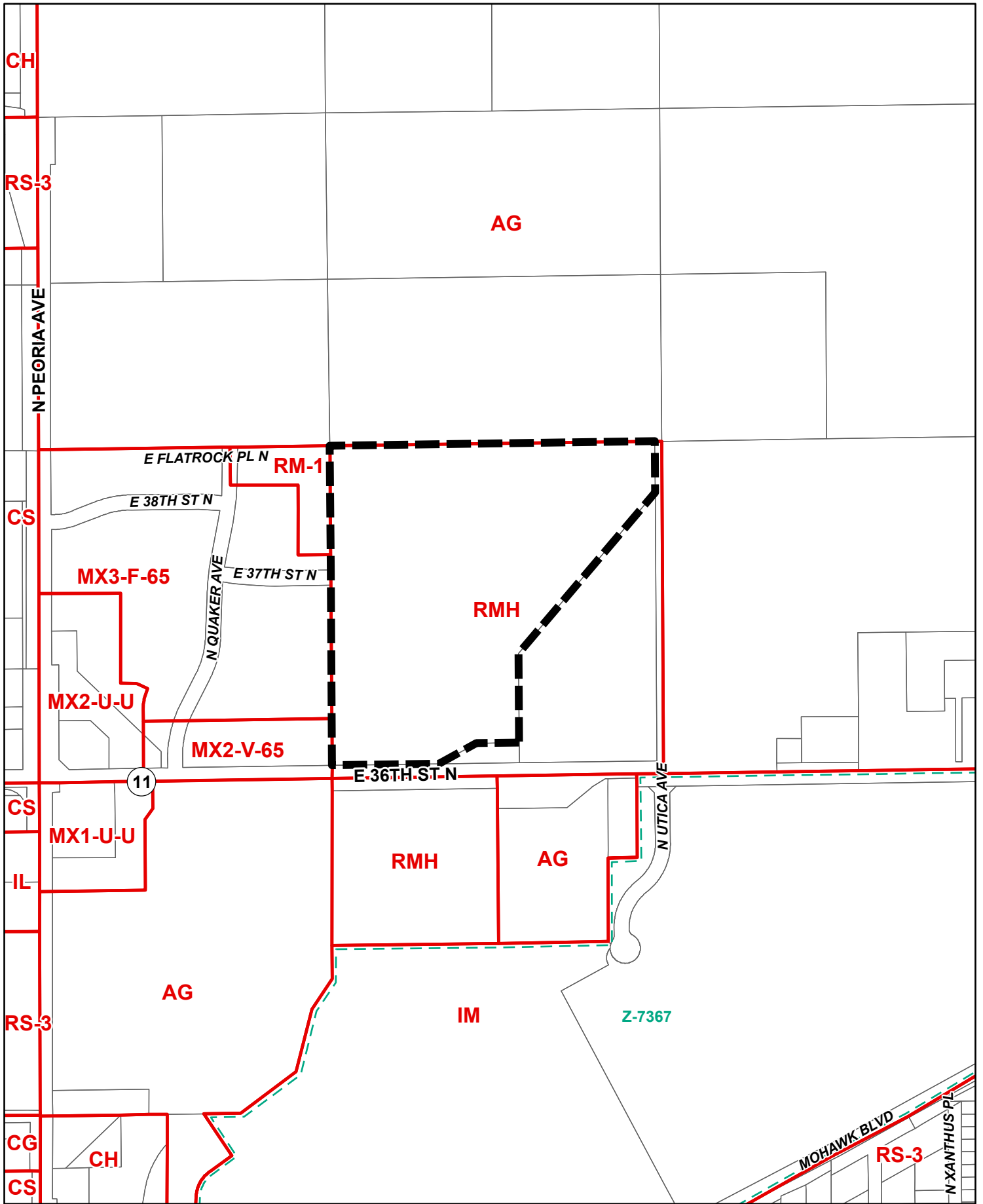
To Whom it May Concern,

As part of the preliminary plat review process for Flat Rock Terrace, I would like to formally request modifications to the requirements set forth in Table 5-1: Maximum Block Lengths in the TMAPC Subdivision and Development Regulations. As shown on the preliminary plat, City of Tulsa Regulatory and FEMA Floodplain are both present on the site and cover the southeast corner of the project. Due to these natural, environmental conditions, no streets or stub streets are proposed heading southeast, causing Blocks 7 and 8 to be over the allowed maximum block length of 700'. A pedestrian access point has been provided to ensure pedestrian connectivity. On behalf of the applicant, Nathan Cross, I respectfully request relief from the maximum block length requirement for Blocks 7 and 8 due to natural and environmental concerns.

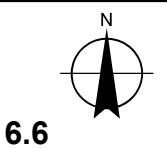
Respectfully.



Megan Pasco, PE



Flat Rock Terrace





Feet
0 200 400



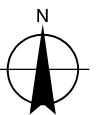
Subject
Tract

Flat Rock Terrace

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

Aerial Photo Date: 2021

6.7



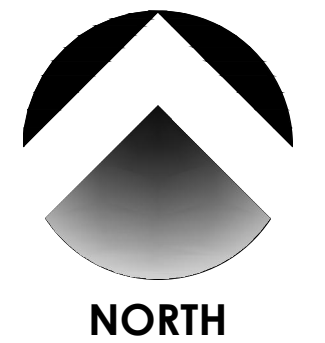
Preliminary Plat

Flat Rock Terrace

OWNER:
NP36, LLC
7030 South Yale Avenue, Suite 600
Tulsa, Oklahoma 74136
Phone: (918) 591-2426

SURVEYOR/ENGINEER:
Tanner Consulting, L.L.C.
DAN E. TANNER, P.L.S. NO. 1435
OK CA NO. 2661, EXPIRES 6/30/2025
EMAIL: DAN@TANNERBAITSHOP.COM
5323 South Lewis Avenue
Tulsa, Oklahoma 74105
Phone: (918) 745-9929

LOT ONE (1) BLOCK ONE (1) OF "BUTTER CREEK PARK"
1535 EAST 36TH STREET NORTH
CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA



Scale: 1"= 80'
Tanner Consulting

LEGEND

- B/L BUILDING LINE
- B/U BUILDING LINE & UTILITY EASEMENT
- BK PG BOOK & PAGE
- CB CHORD BEARING
- CD CHORD DISTANCE
- CL CENTERLINE
- Δ DELTA ANGLE
- DOC DOCUMENT
- ESMT EASEMENT
- GOV'T GOVERNMENT
- LNA LIMITS OF NO ACCESS
- ODE OVERLAND DRAINAGE EASEMENT
- RES RESERVE
- R/W RIGHT-OF-WAY
- U/E UTILITY EASEMENT
- 1234 ADDRESS ASSIGNED
- FOUND MONUMENT
- SET MONUMENT (SEE NOTE 2)

FINAL PLAT ENDORSEMENT OF APPROVAL
Tulsa Metropolitan Area Planning Commission
Approval Date: _____

TMAPC/INCOG

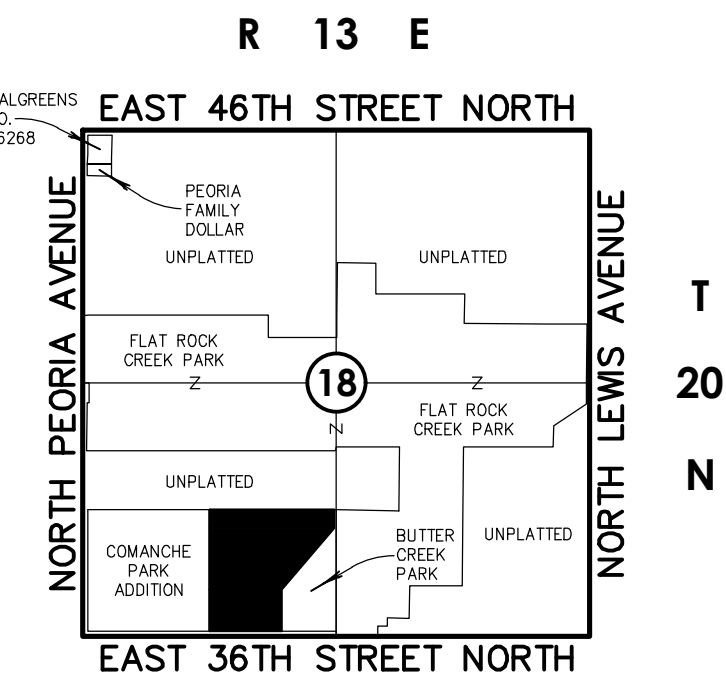
CITY ENGINEER
Council of the City of Tulsa, Oklahoma
Approval Date: _____

CHAIR

MAYOR

ATTEST: CITY CLERK

CITY ATTORNEY
The approval of this 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.



Location Map

Scale: 1"= 2000'



SUBDIVISION CONTAINS:

SEVENTY-FOUR (74) LOTS
IN EIGHT (8) BLOCKS
WITH FOUR (4) RESERVES

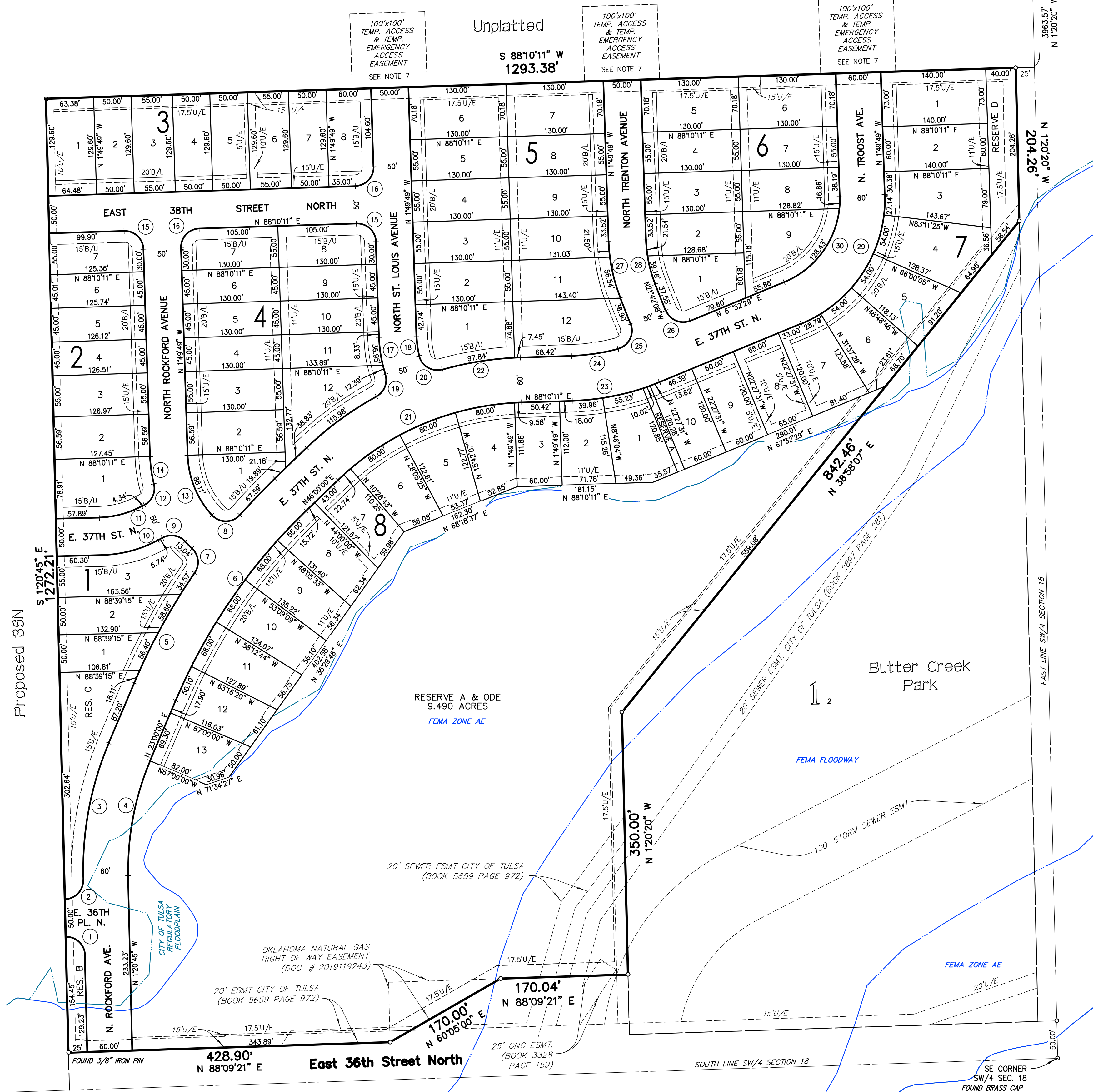
GROSS SUBDIVISION AREA: 27.948 ACRES

Notes:

- 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.
- ALL PROPERTY CORNERS ARE SET 3/8" IRON REBAR WITH YELLOW CAP STAMPED "TANNER 1435" UNLESS OTHERWISE NOTED.
- THE BEARINGS SHOWN HEREON ARE BASED UPON THE OKLAHOMA STATE PLANE COORDINATE SYSTEM, NORTH ZONE (3501), NORTH AMERICAN DATUM 1983 (NAD83); SAID BEARINGS ARE BASED LOCALLY UPON FIELD-OBSERVED TIES TO THE FOLLOWING MONUMENTS:
 - (a) FOUND 3/8" IRON PIN AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER (NW/4) OF SECTION 18;
 - (b) FOUND BRASS CAP AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER (SW/4) OF SECTION 18;THE BEARING BETWEEN SAID MONUMENTS BEING NORTH 1°20'20" WEST.
- ADDRESSES SHOWN ON THIS PLAT WERE PROVIDED BY THE CITY OF TULSA AND WERE 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.
- ACCESS AT THE TIME OF PLAT WAS PROVIDED BY EAST 36TH STREET NORTH, BEING A PUBLIC STREET.
- DATE OF LAST SURVEY VISIT: MONTH DAY, YEAR.
- THIS STREET 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.

Curve Table

CURVE	LENGTH(L)	RADIUS(R)	DELTA(Δ)	CHORD(BRG)(CB)	CHORD(DIS)(CD)
1	39.27'	25.00'	90°00'00"	N46°20'45"W	35.36'
2	39.52'	25.00'	90°34'10"	N43°22'11"E	35.53'
3	186.99'	430.00'	24°54'54"	N10°32'33"E	185.52'
4	157.22'	370.00'	24°20'45"	N10°49'38"E	156.04'
5	167.74'	830.00'	11°34'45"	N28°47'23"E	167.45'
6	309.10'	770.00'	23°00'00"	N34°30'00"E	307.03'
7	35.66'	25.00'	81°43'38"	N6°17°04"W	32.71'
8	42.08'	25.00'	96°26'59"	N89°33'31"E	37.29'
9	32.95'	25.00'	75°31'21"	N80°38'18"W	30.62'
10	77.91'	165.00'	27°03'14"	N75°07'38"E	77.19'
11	59.02'	125.00'	27°03'14"	N75°07'38"E	58.48'
12	32.95'	25.00'	75°31'21"	N23°50'21"E	30.62'
13	88.11'	125.00'	40°23'11"	N22°01'24"W	86.30'
14	36.93'	175.00'	12°05'31"	N7°52'34"W	36.86'
15	39.27'	25.00'	90°00'00"	N46°49'49"W	35.36'
16	39.27'	25.00'	90°00'00"	N43°10'11"E	35.36'
17	49.34'	175.00'	16°09'19"	N9°54'28"W	49.18'
18	25.99'	125.00'	11°54'54"	N7°47'15"W	25.95'
19	34.66'	25.00'	79°26'21"	N21°44'03"E	31.95'
20	40.19'	25.00'	92°06'51"	N59°48'07"W	36.00'
21	272.32'	370.00'	42°10'11"	N67°05'06"E	266.22'
22	105.29'	430.00'	14°01'44"	N81°09'19"E	105.02'
23	118.81'	330.00'	20°37'43"	N77°51'20"E	118.17'
24	62.90'	270.00'	13°20'48"	N81°29'47"E	62.75'
25	42.12'	25.00'	96°31'31"	N26°33'37"E	37.31'
26	39.60'	25.00'	90°45'23"	N67°04'50"W	35.59'
27	78.04'	225.00'	19°52'20"	N11°45'58"W	77.65'
28	60.70'	175.00'	19°52'20"	N11°45'58"W	60.39'
29	217.94'	180.00'	69°22'17"	N32°51'20"E	204.87'
30	145.29'	120.00'	69°22'17"	N32°51'20"E	136.58'



DATE OF PREPARATION: January 16, 2024

Flat Rock Terrace
SHEET 1 OF 3

Preliminary Plat

Flat Rock Terrace

LOT ONE (1) BLOCK ONE (1) OF "BUTTER CREEK PARK"
1535 EAST 36TH STREET NORTH
CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

Deed of Dedication

KNOW ALL MEN BY THESE PRESENTS:

NP36, LLC, AN OKLAHOMA LIMITED LIABILITY COMPANY, HEREINAFTER REFERRED TO AS THE "OWNER", IS THE OWNER OF THE FOLLOWING DESCRIBED REAL ESTATE SITUATED IN THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA:

A TRACT OF LAND THAT IS THE A PART OF LOT ONE (1), BLOCK ONE (1), "BUTTER CREEK PARK", A SUBDIVISION OF ALL OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER (SE/4 SW/4) OF SECTION 18 AND PART OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER (NE/4 NW/4) OF SECTION NINETEEN (19) AND PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER (NW/4 NE/4) OF SAID SECTION 19, ALL IN TOWNSHIP TWENTY (20) NORTH, RANGE THIRTEEN (13) EAST, AN ADDITION IN TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF (PLAT NO. 3177), SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SE/4 SW/4 OF SECTION 18; THENCE SOUTH 88°09'21" WEST AND ALONG THE SOUTH LINE OF THE SE/4 SW/4, FOR A DISTANCE OF 1317.79 FEET; THENCE NORTH 1°50'39" WEST AND PERPENDICULAR TO SAID SOUTH LINE, FOR A DISTANCE OF 50.00 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 1, BLOCK 1, "BUTTER CREEK PARK", SAID POINT ALSO BEING THE POINT OF BEGINNING;

THENCE NORTH 1°20'45" WEST AND ALONG THE WEST LINE OF LOT 1, BLOCK 1, FOR A DISTANCE OF 1272.21 FEET TO THE NORTHWEST CORNER THEREOF; THENCE NORTH 88°10'11" EAST AND ALONG THE NORTH LINE OF LOT 1, BLOCK 1, FOR A DISTANCE OF 1293.38 FEET TO THE NORTHEAST CORNER THEREOF; THENCE ALONG THE EASTERLY LINE OF LOT 1, BLOCK 1, FOR THE FOLLOWING THREE (3) COURSES: SOUTH 1°20'20" EAST FOR A DISTANCE OF 204.26 FEET; THENCE SOUTH 38°58'07" WEST FOR A DISTANCE OF 842.46 FEET; THENCE SOUTH 1°20'20" EAST FOR A DISTANCE OF 350.00 FEET TO A POINT ON THE PRESENT NORTH RIGHT-OF-WAY LINE OF EAST 36TH STREET NORTH;

THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE FOR THE REMAINING THREE (3) COURSES: SOUTH 88°09'21" WEST FOR A DISTANCE OF 170.04 FEET; THENCE SOUTH 60°05'00" WEST FOR A DISTANCE OF 170.00 FEET; THENCE SOUTH 88°09'21" WEST FOR A DISTANCE OF 428.90 FEET TO THE POINT OF BEGINNING;

SAID TRACT CONTAINING 1,217,423 SQUARE FEET, OR 27.948 ACRES.

THE OWNER HAS CAUSED THE SAME TO BE SURVEYED, STAKED, PLATTED AND SUBDIVIDED INTO LOTS, BLOCKS, RESERVE AREAS, AND STREETS AS SHOWN BY THE ACCOMPANYING PLAT AND SURVEY THEREOF, AND WHICH PLAT IS MADE A PART HEREOF; AND THE OWNER HAS GIVEN TO SAID PLAT THE NAME OF "FLAT ROCK TERRACE", A REPLAT OF PART OF LOT ONE (1), BLOCK ONE (1), "BUTTER CREEK PARK", AN ADDITION IN TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF (PLAT NO. 3177). A SUBDIVISION WITHIN THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA, (WHEREVER THE WORD "SUBDIVISION" APPEARS HEREIN THE SAME SHALL CONCLUSIVELY BE DEEMED TO MEAN "FLAT ROCK TERRACE" UNLESS THE CONTEXT CLEARLY DICTATES OTHERWISE. LIKEWISE, WHEREVER THE WORD "CITY" APPEARS HEREIN THE SAME SHALL CONCLUSIVELY BE DEEMED TO MEAN THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA, UNLESS THE CONTEXT CLEARLY DICTATES OTHERWISE). NOW, THEREFORE, THE OWNER, FOR THE PURPOSE OF PROVIDING FOR THE ORDERLY DEVELOPMENT OF THE SUBDIVISION, AND FOR THE PURPOSE OF INSURING ADEQUATE RESTRICTIONS FOR THE MUTUAL BENEFIT OF THE OWNER, ITS SUCCESSORS, GRANTEEES AND ASSIGNS, THE BENEFICIARIES OF THE COVENANTS SET FORTH BELOW, DOES HEREBY IMPOSE THE FOLLOWING RESTRICTIONS AND COVENANTS, WHICH SHALL BE COVENANTS RUNNING WITH THE LAND AND WHICH SHALL BE ENFORCEABLE BY THE OWNER OR OWNER OF ANY PROPERTY WITHIN THE SUBDIVISION AND BY THE BENEFICIARIES OF THE COVENANTS SET FORTH BELOW AND WHICH SHALL BE ENFORCEABLE AS HEREINAFTER SET FORTH.

SECTION I. STREETS, UTILITIES, AND 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 "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 OWNER RESERVES THE RIGHT TO CONSTRUCT, MAINTAIN, OPERATE, LAY, AND REPAIR OR REPLACE WATERLINES, SANITARY SEWER MAINS, AND STORM SEWER MAINS, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS FOR SUCH CONSTRUCTION, MAINTENANCE, OPERATION, LAYING, REPAIRING, AND REPLACING OVER, ACROSS, AND ALONG ALL OF THE UTILITY EASEMENTS DEPICTED ON THE PLAT FOR THE PURPOSE OF FURNISHING WATER, SANITARY SEWER, AND STORM 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.

A. UTILITY SERVICE:

1. OVERHEAD LINES FOR THE SUPPLY OF ELECTRIC, TELEPHONE, AND COMMUNICATION SERVICES MAY BE LOCATED WITHIN THE PERIMETER UTILITY EASEMENTS OF THE SUBDIVISION. STREET LIGHT POLES OR STANDARDS SHALL BE SERVED BY UNDERGROUND CABLE AND, EXCEPT AS PROVIDED IN THE IMMEDIATELY-PRECEDING SENTENCE, ALL SUPPLY LINES INCLUDING ELECTRIC, TELEPHONE, CABLE TELEVISION AND GAS LINES SHALL BE LOCATED UNDERGROUND IN EASEMENTS DEDICATED FOR GENERAL UTILITY SERVICE 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 A STRUCTURE UPON THE LOT, PROVIDED THAT, 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. EACH SUPPLIER OF ELECTRIC, TELEPHONE, COMMUNICATION, 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, COMMUNICATION, OR GAS FACILITIES INSTALLED BY THE SUPPLIER OF THE UTILITY SERVICE.

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

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

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

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

C. WATER, SANITARY SEWER, AND STORM SEWER SERVICE:

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

2. WITHIN THE 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 MAINS, SANITARY SEWER MAINS, AND STORM SEWERS BUT THE OWNER OF THE LOT OR RESERVE AREA SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE LOT OR RESERVE AREA OWNER OR SAID OWNER'S AGENTS 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 FOREGOING COVENANTS SET FORTH IN SUBSECTION C. SHALL BE ENFORCEABLE BY THE CITY OF TULSA, OKLAHOMA, OR ITS SUCCESSORS, AND THE OWNER OF EACH LOT OR RESERVE AREA AGREES TO BE BOUND BY THESE COVENANTS.

D. SURFACE DRAINAGE:

EACH LOT AND RESERVE AREA SHALL RECEIVE AND DRAIN, IN AN UNOBSTRUCTED MANNER, THE STORM AND SURFACE WATERS FROM LOTS, RESERVE AREAS, AND DRAINAGE AREAS OF HIGHER ELEVATION. NO LOT OR RESERVE AREA 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 OR RESERVE AREA. THE COVENANTS SET FORTH IN THIS SUBSECTION SHALL BE ENFORCEABLE BY ANY AFFECTED LOT OR RESERVE AREA OWNER AND BY THE CITY OF TULSA, OKLAHOMA.

E. PAVING AND LANDSCAPING WITHIN EASEMENTS:

THE OWNER OF ANY LOT OR RESERVE AREA 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, OR ELECTRIC FACILITIES WITHIN THE UTILITY 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.

F. SIDEWALKS:

SIDEWALKS SHALL BE CONSTRUCTED AND MAINTAINED ALONG STREETS DESIGNATED BY AND IN ACCORDANCE WITH THE TULSA METROPOLITAN AREA SUBDIVISION AND DEVELOPMENT REGULATIONS AND THE ORDINANCES OF THE CITY OF TULSA, OKLAHOMA. SIDEWALKS SHALL BE CONSTRUCTED IN CONFORMANCE WITH THE CITY OF TULSA ENGINEERING DESIGN STANDARDS. THE OWNER SHALL BE RESPONSIBLE FOR CONSTRUCTION OF A SIDEWALK WITHIN THE EAST 36TH STREET NORTH RIGHT-OF-WAY AND WITHIN THE RIGHTS-OF-WAY ADJACENT TO ALL RESERVE AREAS AS DEPICTED ON THE ATTACHED PLAT. ELSEWHERE WITHIN THE SUBDIVISION, PRIOR TO THE ISSUANCE OF AN OCCUPANCY PERMIT FOR THE DWELLING WITHIN A LOT, THE OWNER OF THE PARTICULAR LOT SHALL CONSTRUCT, AND THEREAFTER MAINTAIN, THE SIDEWALK WITHIN THE RIGHT-OF-WAY ADJACENT TO THE LOT. SIDEWALKS SHALL BE CONTINUOUS WITH ADJOINING SIDEWALKS.

G. 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, AND STORM SEWER SYSTEMS, SIDEWALKS ADJACENT TO ALL RESERVE AREAS, AND THE SIDEWALK WITHIN THE EAST 36TH STREET NORTH STREET RIGHT-OF-WAY) 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.

H. OVERLAND DRAINAGE EASEMENT:

1. THE OWNER DOES HEREBY DEDICATE TO THE PUBLIC A PERPETUAL EASEMENT ON, OVER, AND ACROSS THAT PORTION OF RESERVE A AS DESIGNATED ON THE ACCOMPANYING PLAT AS "OVERLAND DRAINAGE EASEMENT" FOR THE PURPOSES OF PERMITTING THE OVERLAND AND UNDERGROUND FLOW, CONVEYANCE, AND DISCHARGE OF STORMWATER RUNOFF FROM THE VARIOUS LOTS AND OTHER AREAS WITHIN THE SUBDIVISION AND FROM PROPERTIES NOT INCLUDED WITHIN THE SUBDIVISION.

2. STORMWATER DRAINAGE FACILITIES LOCATED WITHIN THE OVERLAND DRAINAGE EASEMENT 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 OVERLAND DRAINAGE EASEMENT, NOR SHALL THERE BE ANY ALTERATION OF GRADE IN SAID EASEMENT UNLESS APPROVED BY THE CITY OF TULSA, OKLAHOMA, PROVIDED THAT THE PLANTING OF TURF SHALL NOT REQUIRE THE APPROVAL OF THE CITY OF TULSA, OKLAHOMA.

4. STORMWATER DRAINAGE FACILITIES CONSTRUCTED WITHIN THE OVERLAND DRAINAGE EASEMENT SHALL BE MAINTAINED BY THE PROPERTY OWNERS' ASSOCIATION, AS PROVIDED FOR WITHIN SECTION III. HEREIN, TO THE EXTENT NECESSARY TO ACHIEVE THE INTENDED STORMWATER DRAINAGE FUNCTIONS, INCLUDING REPAIR OF APPURTENANCES AND REMOVAL OF OBSTRUCTIONS AND SILTATION.

5. IN THE EVENT THE ASSOCIATION SHOULD FAIL TO PROPERLY MAINTAIN THE STORMWATER DRAINAGE FACILITIES OR, IN THE EVENT OF THE PLACEMENT OF AN OBSTRUCTION, THE ACCUMULATION OF SILTATION, OR THE ALTERATION OF GRADE WITHIN THE OVERLAND DRAINAGE EASEMENT, THE CITY OF TULSA, OKLAHOMA, OR ITS DESIGNATED CONTRACTOR MAY ENTER THE OVERLAND DRAINAGE EASEMENT AREA AND PERFORM MAINTENANCE NECESSARY TO ACHIEVE THE INTENDED DRAINAGE FUNCTIONS AND MAY REMOVE ANY OBSTRUCTION OR SILTATION OR CORRECT ANY ALTERATION OF GRADE, AND THE COSTS THEREOF SHALL BE PAID BY THE ASSOCIATION. IN THE EVENT THE ASSOCIATION SHOULD THEN FAIL TO PAY THE COSTS OF MAINTENANCE AFTER COMPLETION OF THE MAINTENANCE AND RECEIPT OF A STATEMENT OF COSTS FROM THE CITY OF TULSA, OKLAHOMA, THE CITY MAY FILE OF RECORD A COPY OF THE STATEMENT OF COSTS WITH THE TULSA COUNTY CLERK, AND THEREAFTER THE COSTS SHALL BE A LIEN AGAINST EACH LOT WITHIN THE SUBDIVISION, PROVIDED, THE LIEN AGAINST EACH LOT SHALL BE EQUAL TO 1/74 OF THE COSTS. A LIEN ESTABLISHED AS PROVIDED ABOVE MAY BE FORECLOSED BY THE CITY OF TULSA, OKLAHOMA.

Preliminary Plat

Flat Rock Terrace

LOT ONE (1) BLOCK ONE (1) OF "BUTTER CREEK PARK"
1535 EAST 36TH STREET NORTH
CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

Deed of Dedication (Continued)

SECTION II. RESERVE AREAS

A. RESERVE A

RESERVE A SHALL BE FOR THE COMMON USE AND ENJOYMENT OF THE MEMBERS OF THE PROPERTY OWNERS' ASSOCIATION, REFERRED TO IN SECTION III. HEREOF, AND SHALL BE LIMITED TO USE FOR STORMWATER DRAINAGE, NEIGHBORHOOD PARKS, PARKING, OPEN SPACE, LANDSCAPING, UTILITIES, AND PEDESTRIAN ACCESS. A PORTION OF RESERVE A IS HEREBY ALSO DEDICATED AS A OVERLAND DRAINAGE EASEMENT AS DESIGNATED SO ON THE ACCOMPANYING PLAT.

B. RESERVES B, C, AND D

RESERVES B, C, AND D SHALL BE FOR THE COMMON USE AND ENJOYMENT OF THE MEMBERS OF THE PROPERTY OWNERS' ASSOCIATION, REFERRED TO IN SECTION III. HEREOF, AND SHALL BE LIMITED TO USE FOR NEIGHBORHOOD PARKS, PARKING, OPEN SPACE, LANDSCAPING, UTILITIES, AND PEDESTRIAN ACCESS.

C. ALL RESERVE AREAS

1. ALL COSTS AND EXPENSES ASSOCIATED WITH ALL RESERVE AREAS, INCLUDING MAINTENANCE OF VARIOUS IMPROVEMENTS AND RECREATIONAL FACILITIES, SHALL BE THE RESPONSIBILITY OF THE OWNER THEREOF, WHICH SHALL BE THE PROPERTY OWNERS' ASSOCIATION UPON CONVEYANCE OF THE RESERVE AREAS TO THE ASSOCIATION. THE CITY OF TULSA SHALL NOT BE LIABLE FOR ANY DAMAGE OR REMOVAL OF ANY LANDSCAPING OR IRRIGATION SYSTEMS IN ANY RESERVE AREA.

2. EACH LOT AND RESERVE AREA OWNER OR RESIDENT AND/OR MEMBER OF THE PROPERTY OWNERS' ASSOCIATION AGREES TO HOLD HARMLESS THE OWNER AND THE CITY OF TULSA, AND THEIR RESPECTIVE AGENTS AND REPRESENTATIVES, FROM ALL CLAIMS, DEMANDS, LIABILITIES, OR DAMAGES ARISING IN CONNECTION WITH THE OWNERSHIP OR USE OF THE FACILITIES AND IMPROVEMENTS CONSTRUCTED OR SITUATED IN THE RESERVE AREAS AND FURTHER AGREES THAT NEITHER THE CITY OF TULSA NOR THE OWNER SHALL BE LIABLE TO THE LOT OR RESERVE AREA OWNER OR RESIDENT AND/OR MEMBER OF THE PROPERTY OWNERS' ASSOCIATION OR ANY GUEST, VISITOR OR INVITEE THEREOF FOR ANY DAMAGE TO PERSON OR PROPERTY CAUSED BY ACTION, OMISSION OR NEGLIGENCE OF ANY LOT OR RESERVE AREA OWNER OR RESIDENT AND/OR MEMBER OF THE ASSOCIATION OR ANY GUEST, VISITOR, OR INVITEE THEREOF.

SECTION III. PROPERTY OWNERS' ASSOCIATION

A. FORMATION OF PROPERTY OWNERS' ASSOCIATION

THE OWNER HAS FORMED OR SHALL CAUSE TO BE FORMED A PROPERTY OWNERS' ASSOCIATION COMPRISED OR TO BE COMPRISED OF THE OWNERS OF THE LOTS WITHIN "FLAT ROCK TERRACE" AND ANY OTHER RESIDENTIAL SUBDIVISION WHICH MAY BE SUBSEQUENTLY ANNEXED TO THE GEOGRAPHIC JURISDICTION OF THE ASSOCIATION. THE ASSOCIATION HAS BEEN OR SHALL BE ESTABLISHED IN ACCORDANCE WITH THE STATUTES OF THE STATE OF OKLAHOMA AND FORMED FOR THE GENERAL PURPOSES OF MAINTAINING ALL RESERVE AREAS WITHIN "FLAT ROCK TERRACE" AND OTHER COMMON AREAS AND FACILITIES THAT ARE OR FROM TIME TO TIME MAY BE FOR THE COMMON USE AND BENEFIT OF THE LOT OWNERS AS THE SAME MAY BE AGREED TO BY THE MEMBERS OF THE ASSOCIATION.

B. PRIVATE RESTRICTIONS AND COVENANTS

FOR THE BENEFIT OF THE ASSOCIATION AND OF ALL OWNERS OF LOTS WITHIN THE SUBDIVISION, THE OWNER SHALL ESTABLISH AN ARCHITECTURAL REVIEW COMMITTEE AND VARIOUS PRIVATE RESTRICTIONS AND COVENANTS FOR THE PURPOSE OF PROVIDING FOR THE ORDERLY DEVELOPMENT OF THE SUBDIVISION AND CONFORMITY AND COMPATIBILITY OF IMPROVEMENTS THEREIN. SAID PRIVATE RESTRICTIONS AND COVENANTS SHALL BE FILED OF RECORD WITH THE TULSA COUNTY CLERK, SHALL BE APPLICABLE TO THE LOTS WITHIN THE SUBDIVISION, AND SHALL BE COVENANTS RUNNING WITH THE LAND AND BINDING UPON THE OWNER, ITS SUCCESSORS AND ASSIGNS, AND SHALL BE ENFORCEABLE AS FURTHER STATED IN SAID FILED DOCUMENT.

C. MEMBERSHIP

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

D. ASSESSMENT

EACH LOT OWNER SHALL BE SUBJECT TO ANNUAL AND SPECIAL ASSESSMENTS BY THE ASSOCIATION FOR THE PURPOSE OF IMPROVEMENT AND MAINTENANCE OF RESERVE AREAS AND ANY OTHER PROPERTY AND FACILITIES THAT, FROM TIME TO TIME, ARE FOR THE COMMON USE AND BENEFIT OF THE OWNERS OF THE LOTS AS THE SAME MAY BE AGREED TO BY THE MEMBERS OF THE ASSOCIATION.

E. ASSOCIATION TO BE BENEFICIARY

WITHOUT LIMITATION OF SUCH OTHER POWERS AND RIGHTS AS THE ASSOCIATION MAY HAVE, THE ASSOCIATION SHALL BE DEEMED A BENEFICIARY OF THE VARIOUS COVENANTS, CONDITIONS AND RESTRICTIONS CONTAINED IN THIS DEED OF DEDICATION TO THE SAME EXTENT AS ALL OTHER BENEFICIARIES THEREOF, INCLUDING EACH LOT OWNER, THE CITY AND THE SUPPLIER OF ANY UTILITY OR OTHER SERVICE WITHIN THE SUBDIVISION, AND SHALL HAVE THE RIGHT TO ENFORCE THESE COVENANTS AND AGREEMENTS.

SECTION IV. ENFORCEMENT, DURATION, AMENDMENT OR TERMINATION, 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. STREETS, UTILITIES, AND EASEMENTS AND SECTION II. RESERVE AREAS ARE SET FORTH CERTAIN COVENANTS AND THE ENFORCEMENT RIGHTS PERTAINING THERETO, AND ADDITIONALLY THE COVENANTS WITHIN SECTIONS I. AND II., 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. PROPERTY OWNERS' ASSOCIATION SHALL INURE TO THE BENEFIT OF ANY OWNER OF A LOT AND THE PROPERTY OWNERS' ASSOCIATION. IF THE UNDERSIGNED OWNER, OR ITS SUCCESSORS OR ASSIGNS, SHALL VIOLATE ANY OF THE COVENANTS WITHIN SECTION III., IT SHALL BE LAWFUL FOR ANY OWNER OF A LOT OR THE PROPERTY OWNERS' 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 SUCH PERSON OR PERSONS 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 PROPERTY OWNERS' ASSOCIATION, WHICH ACTION SEEKS TO ENFORCE THE COVENANTS CONTAINED IN SECTION 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 HEREINAFTER PROVIDED.

C. AMENDMENT OR TERMINATION

THE COVENANTS CONTAINED WITHIN SECTION I. STREETS, UTILITIES, AND EASEMENTS AND SECTION II. RESERVE AREAS 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 ANY OTHER SECTION OF THIS DEED OF DEDICATION 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, BY A WRITTEN INSTRUMENT SIGNED AND ACKNOWLEDGED BY THE OWNERS OF AT LEAST 60% OF THE LOTS WITHIN THE SUBDIVISION. 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 OR TERMINATION PROPERLY EXECUTED BY THE OWNERS OF AT LEAST 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, NP36, LLC, AN OKLAHOMA LIMITED LIABILITY COMPANY HAS EXECUTED THIS INSTRUMENT ON THIS ____ DAY OF _____, 2024.

NP36, LLC
AN OKLAHOMA LIMITED LIABILITY COMPANY

BY: _____
JOSH MILLER, MANAGER

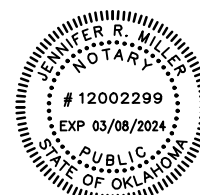
STATE OF OKLAHOMA)
) SS
COUNTY OF TULSA)

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, ON THIS ____ DAY OF _____, 2024, PERSONALLY APPEARED JOSH MILLER, TO ME KNOWN TO BE THE IDENTICAL PERSON WHO SUBSCRIBED THE NAME NP36, LLC TO THE FOREGOING INSTRUMENT, AS ITS MANAGER, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE AND VOLUNTARY ACT AND DEED AND AS THE FREE AND VOLUNTARY ACT AND DEED OF SUCH COMPANY FOR THE USES AND PURPOSES THEREIN SET FORTH.

GIVEN UNDER MY HAND AND SEAL THE DAY AND YEAR LAST ABOVE WRITTEN.

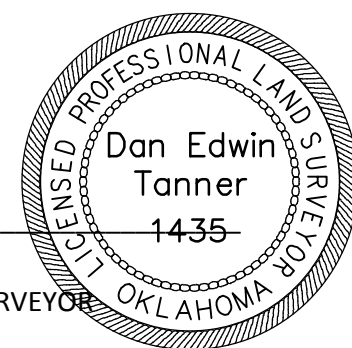
03/08/2024
MY COMMISSION EXPIRES JENNIFER MILLER, NOTARY PUBLIC

CERTIFICATE OF SURVEY



I, DAN E. TANNER, 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 HEREIN DESCRIBED ABOVE, AND THAT THE ACCOMPANYING PLAT DESIGNATED HEREIN AS "FLAT ROCK TERRACE", A SUBDIVISION WITHIN THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, IS A TRUE REPRESENTATION OF A SURVEY MADE ON THE GROUND USING GENERALLY ACCEPTED PRACTICES, AND MEETS OR EXCEEDS THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING.

WITNESS MY HAND AND SEAL THIS ____ DAY OF _____, 2024.



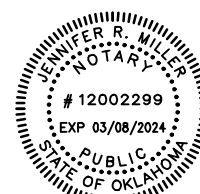
BY: _____
DAN E. TANNER
LICENSED PROFESSIONAL LAND SURVEYOR
OKLAHOMA NO. 1435

STATE OF OKLAHOMA)
) SS
COUNTY OF TULSA)

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, ON THE ____ DAY OF _____, 2024, PERSONALLY APPEARED TO ME DAN E. TANNER KNOWN TO BE THE IDENTICAL PERSON WHO SUBSCRIBED HIS NAME AS LICENSED PROFESSIONAL LAND SURVEYOR TO THE FOREGOING CERTIFICATE, AS HIS FREE AND VOLUNTARY ACT AND DEED, FOR THE USES AND PURPOSES THEREIN SET FORTH.

GIVEN UNDER MY HAND AND SEAL THE DAY AND YEAR LAST ABOVE WRITTEN.

03/08/2024
MY COMMISSION EXPIRES JENNIFER MILLER, NOTARY PUBLIC



Flat Rock Terrace