



**Tulsa Metropolitan Area
Planning Commission**

Minor Plat Staff Report

Hearing Date: November 20, 2024
Prepared by: Austin Chapman
achapman@cityoftulsa.org
918-596-7597

Owner and Applicant Information

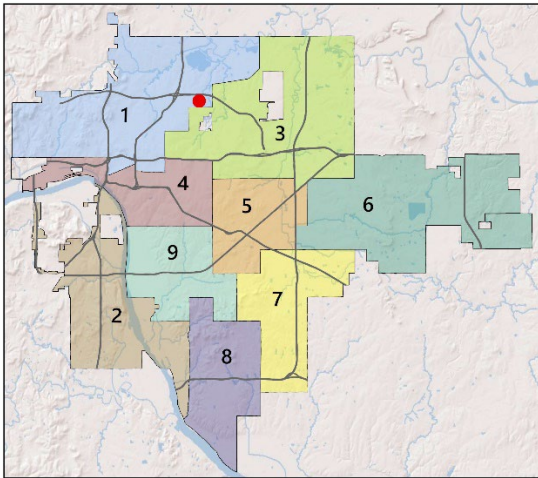
Applicant: Mark B. Capron, Wallace Design Collective
Property Owner: Food on The Move

Property Location

Northwest corner of East Apache Street North and
North New Haven

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

Minor plat approval for FoodHome.
Tract Size: ±5.01 acres

Zoning

Existing Zoning: CG
Existing Overlays: None
Proposed Zoning: CG

Use

Current Use: Warehousing
Proposed Use: Warehousing

Comprehensive Plan Considerations

Land Use

Land Use Plan: Regional Center
Small Area Plans: None
Development Era: Early Automobile

Transportation

Major Street & Highway Plan:
- E. Apache Street: Secondary Arterial
planitulsa Street Type: Not classified.
Transit: E. Apache is served by route 320 and 450.
Existing Bike/Ped Facilities: N. New Haven is planned as a
signed route for cyclist.
Planned Bike/Ped Facilities: None.

Environment

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

Detailed Staff Recommendation

The plat consists of 1 lot, 1 blocks, ±5.01 acres. Staff recommends **approval** of the minor subdivision plat subject to conditions provided by the Technical Advisory Committee (TAC) and all other requirements of the Subdivisions Regulations. Plat was approved as a preliminary plat on August 4th, 2021 which has since expired, the project is eligible to be approved by TMAPC as a Minor Plat. A City of Tulsa release letter has been provided for this project, at this time there are no additional requirements required by the Technical Advisory Committee.

Comprehensive Plan Considerations

Land Use Plan

The subject property is designated as Regional Center by the Tulsa Comprehensive Plan. Existing regional trip generators define the Regional Centers in contrast to Local Centers. These centers should be the most connected land use pockets outside of downtown for public transit access and high-capacity arterial streets. New regional trip generators should be permitted in the area with special consideration given to the transportation access and circulation. Regional trip generators include universities, malls, large medical campuses, casinos, big-box shopping centers, and very large churches.

Surrounding Properties:

<u>Location</u>	<u>Existing Zoning/Overlay</u>	<u>Existing Land Use Designation</u>	<u>Existing Use</u>
North	AG	Regional Center	Tulsa Community College Campus
East	CH/RS-3	Regional Center	Warehousing
South	CS/ RS-3	Neighborhood/ Multiple Use	Residential
West	AG	Regional Center	Tulsa Community College Campus

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 Early Automobile Era. As automobile use began to supplant the use of streetcars in cities across the country, the pattern of urban development changed. From the time of the Great Depression, through World War 2, and prior to the development of the Interstate Highway System, Tulsa’s land use pattern became more centered around the mile-by-mile grid of major streets that follows the boundaries of the township and range system. During this time period, Tulsa saw some of the fastest growth that has occurred in the city’s history, consistent with population growth across the United States. Detached house neighborhoods with a variety of architectural styles proliferated through the area, and a relatively low level of redevelopment has occurred over time as compared to the Downtown Era and the Streetcar Era.

Transportation

Major Street & Highway Plan: - E. Apache Street is classified as a Secondary Arterial which requires 100 feet of right of way.

Comprehensive Plan Street Designation: N/A.

Transit: E. Apache is served by route 320 and 450.

Existing Bike/Ped Facilities: None.

Arterial Traffic per Lane:

- North (E 36th St N - 2,007 Vehicles per Lane)
- East (N Yale Ave - 1,021 Vehicles per Lane)
- South (E Apache St - 1,506 Vehicles per Lane)
- West (N Harvard Ave - 1,712 Vehicles per Lane)

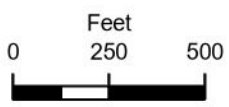
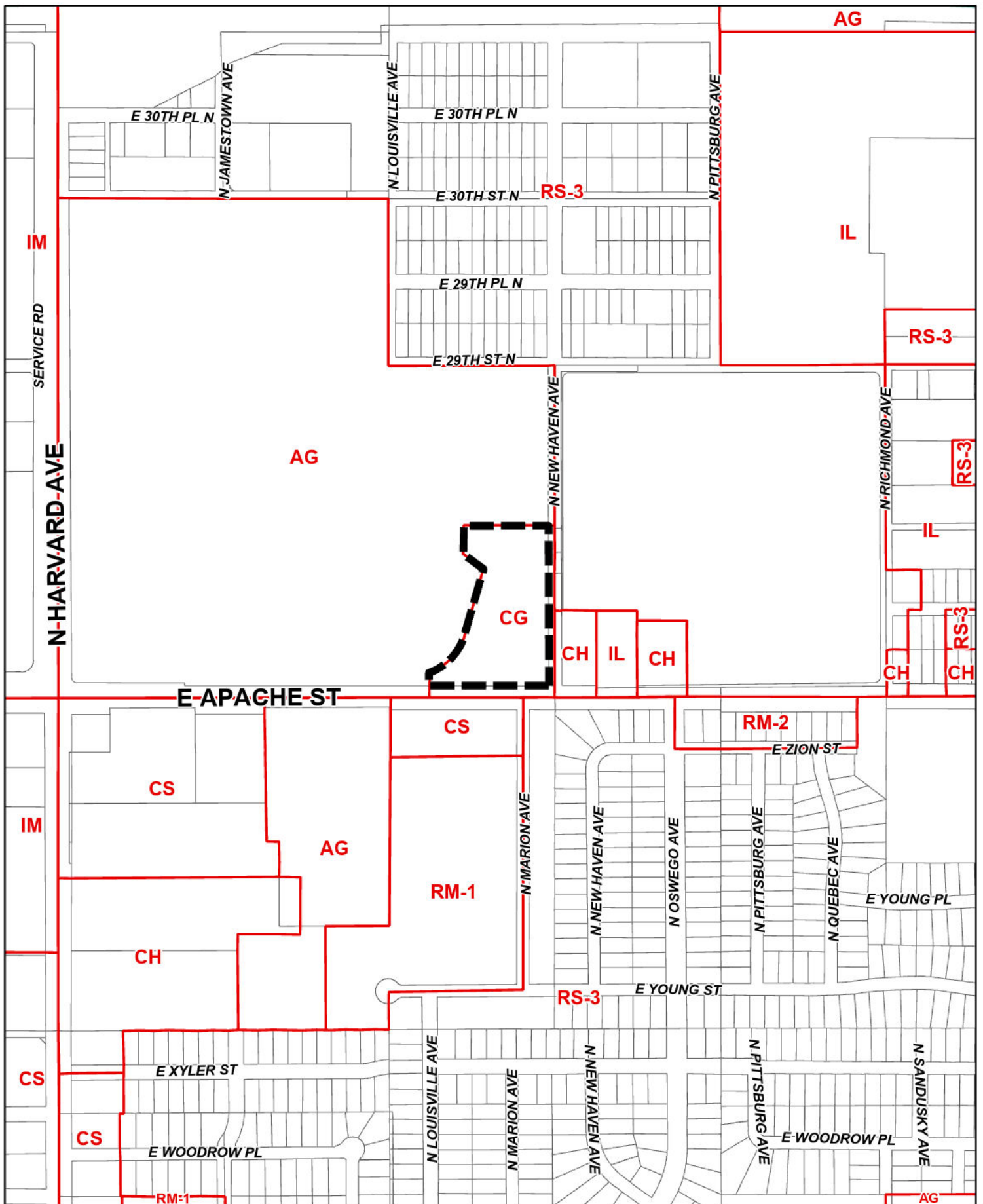
Environmental Considerations

Flood Area: None.

Parks & Open Space: N/A

Exhibits

- Case map
- Aerial (small scale)
- Aerial (large scale)
- Tulsa Comprehensive Plan Land Use
- Map
- Draft Final Plat

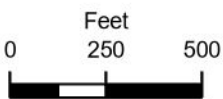
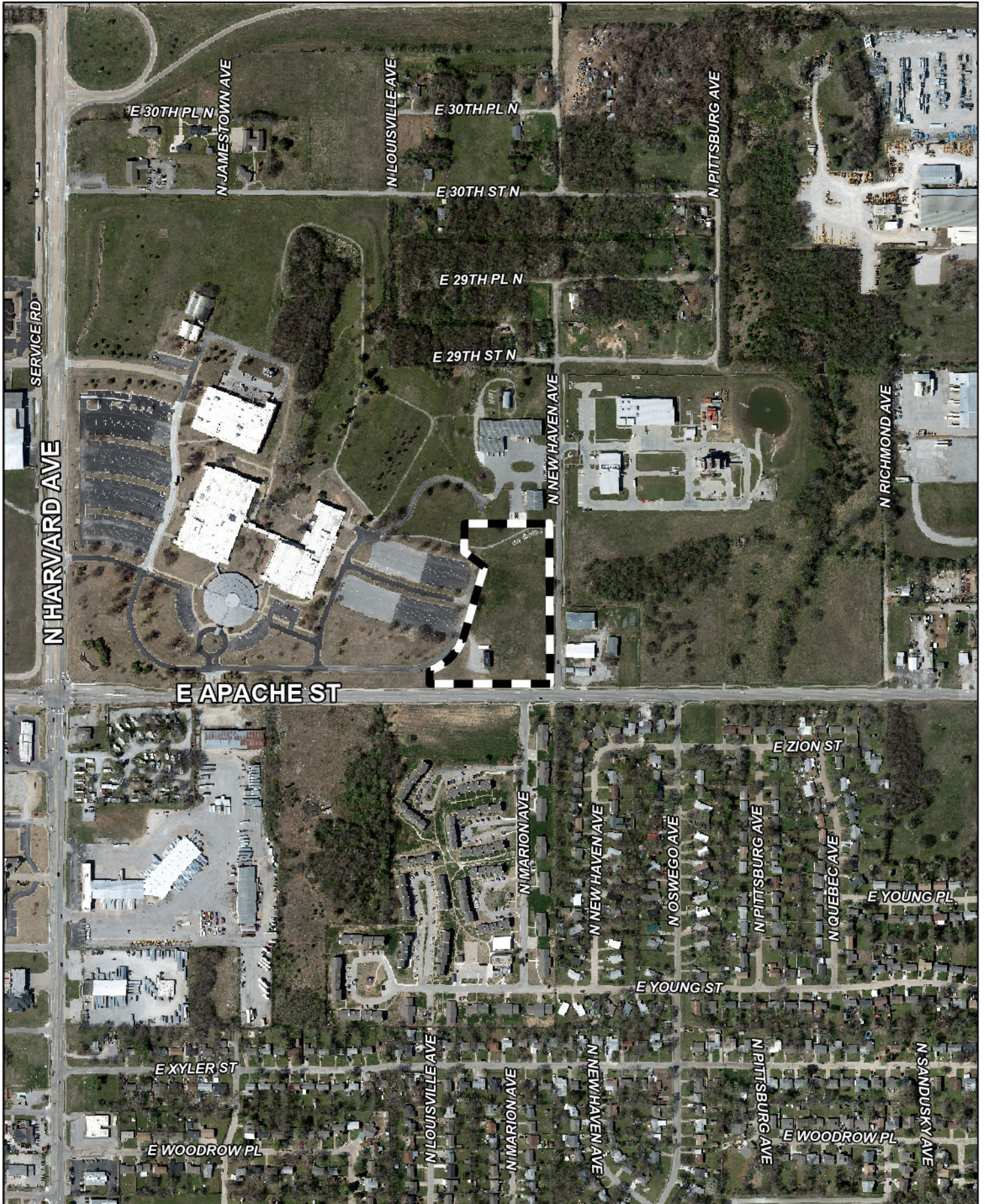


 Subject Tract

FOODHOME

20-13 21





Subject Tract

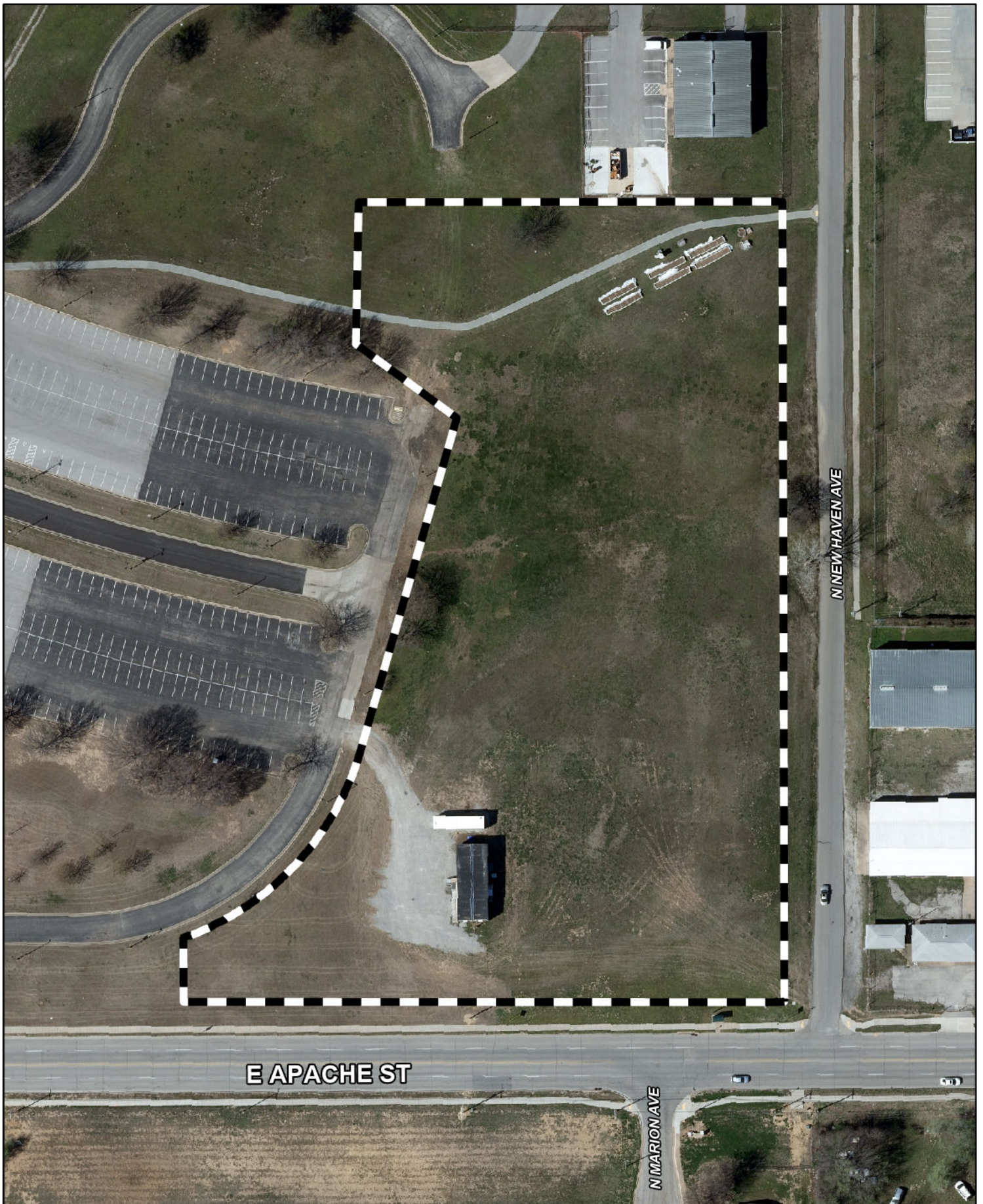
FOODHOME

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

Aerial Photo Date: 2022

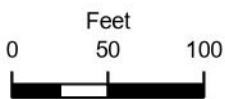




E APACHE ST

N NEW HAVEN AVE

N MARION AVE



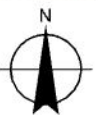
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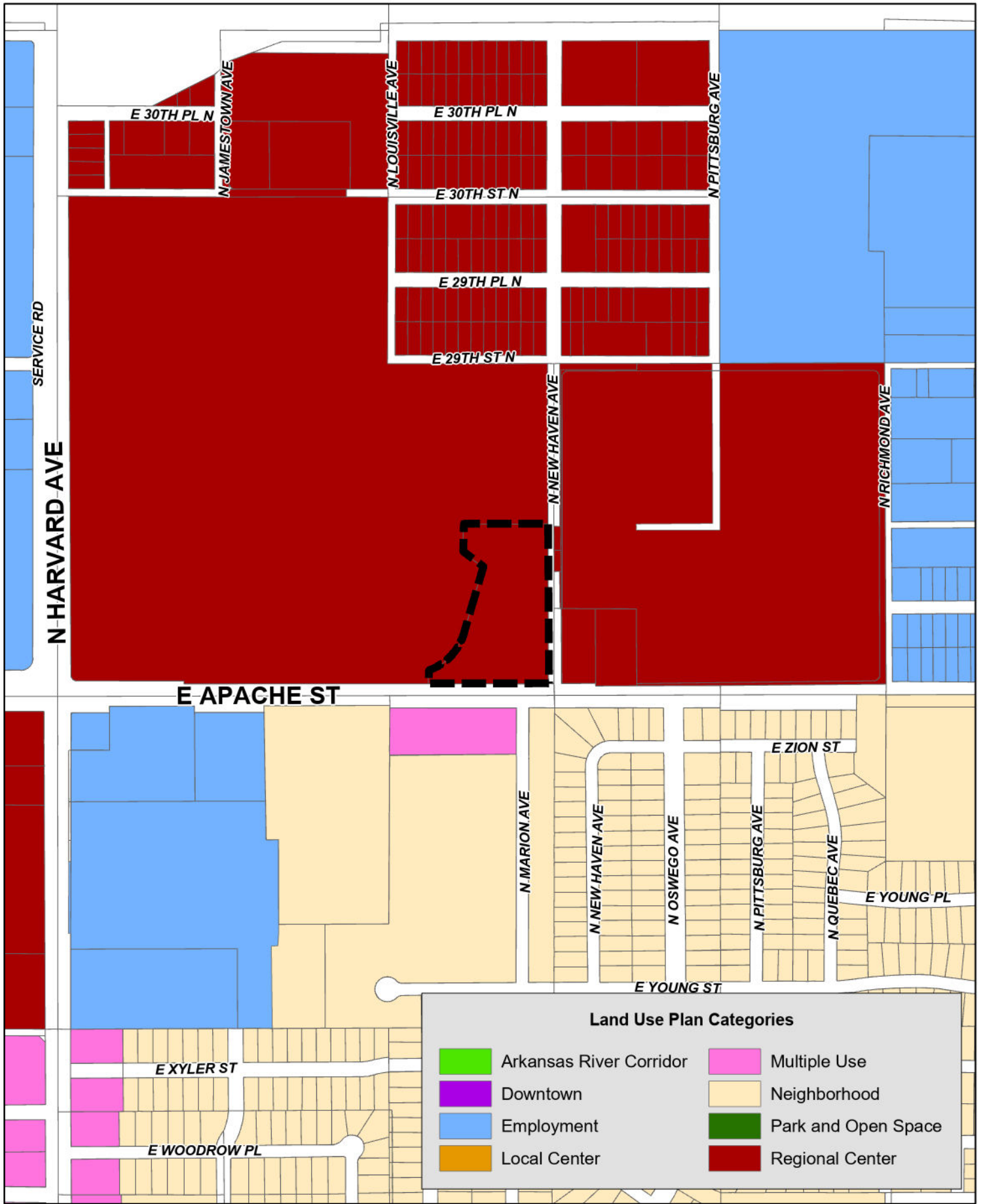
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





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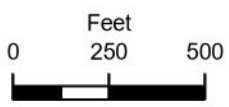
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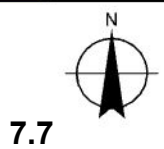


Land Use Plan Categories			
	Arkansas River Corridor		Multiple Use
	Downtown		Neighborhood
	Employment		Park and Open Space
	Local Center		Regional Center



 Subject Tract

FOODHOME
20-13 21





DRAFT FINAL PLAT #7

FoodHome

A SUBDIVISION IN THE CITY OF TULSA LOCATED WITHIN THE SOUTH HALF (S/2) OF THE SOUTHWEST QUARTER (SW/4) OF SECTION TWENTY-ONE (21), TOWNSHIP TWENTY (20) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA.

SUBDIVISION STATISTICS

SUBDIVISION CONTAINS 1 (ONE) LOT IN 1 (ONE) BLOCK
LOT 1 (ONE) BLOCK 1 (ONE) CONTAINS 215,265 SQUARE FEET OR 4.94 ACRES
R/W BEING DEDICATED BY PLAT CONTAINS 3,178 SQUARE FEET OR 0.07 ACRES
SUBDIVISION CONTAINS 218,443 SQUARE FEET OR 5.01 ACRES

MONUMENTATION

3/8" IRON PIN WAS SET AT ALL PROPERTY CORNERS UNLESS OTHERWISE NOTED.

BENCHMARK

CHISELED "SQUARE" SET ON THE NORTH CURB OF EAST APACHE STREET 73.52' WEST OF WEST CURB OF NORTH NEW HAVEN AVENUE

N: 440274.0548; E: 2578121.6919 ELEVATION: 691.23 (NAVD 88)

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°53'56" E AS THE SOUTHERLY LINE OF SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 20 NORTH, RANGE 13 EAST OF THE INDIAN BASE AND MERIDIAN WAS USED AS THE BEARING FOR THIS SURVEY.

ADDRESSES

ADDRESS SHOWN ON THIS PLAT WERE ACCURATE AT THE TIME THIS PLAT WAS FILED. ADDRESSES ARE SUBJECT TO CHANGE AND SHOULD NEVER BE RELIED ON IN PLACE OF LEGAL DESCRIPTION.

NOTES

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

FLOODPLAIN NOTE

FIRM MAP NUMBER 40143C0233 L WITH A REVISED DATE OF OCTOBER 16, 2012. SHOWS THE PROPERTY DESCRIBED HEREON IS LOCATED IN ZONE X (NOT SHADED) WHICH IS CLASSIFIED AS AN AREA THAT IS OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD. THE CITY OF TULSA REGULATORY FLOODPLAIN MAP ATLAS WITH EFFECTIVE DATE OF APRIL 2017, AND THE PROPERTY DESCRIBED HEREON IS NOT AFFECTED.

LEGAL DESCRIPTION

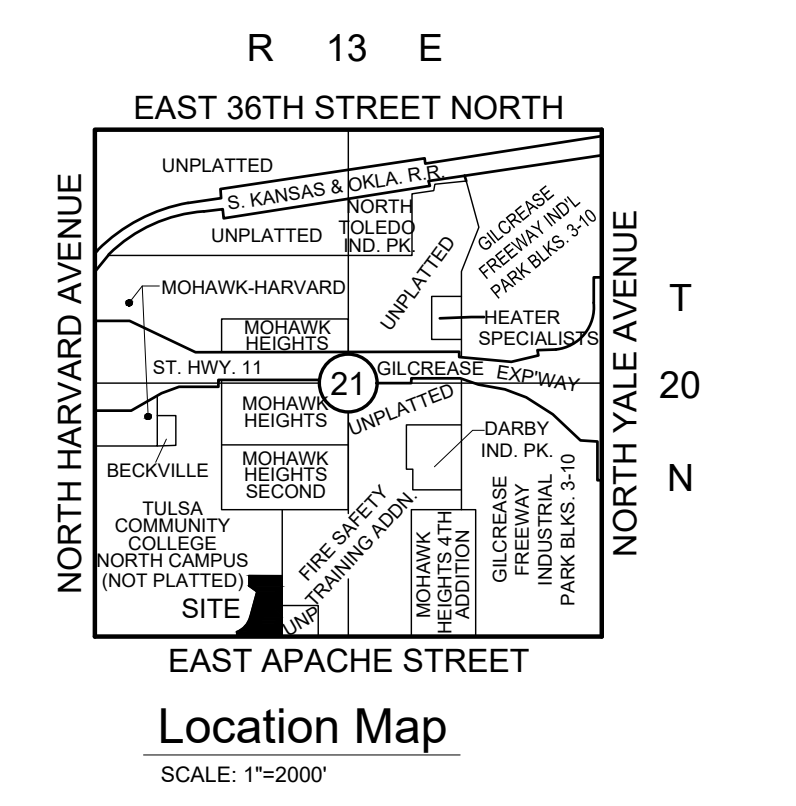
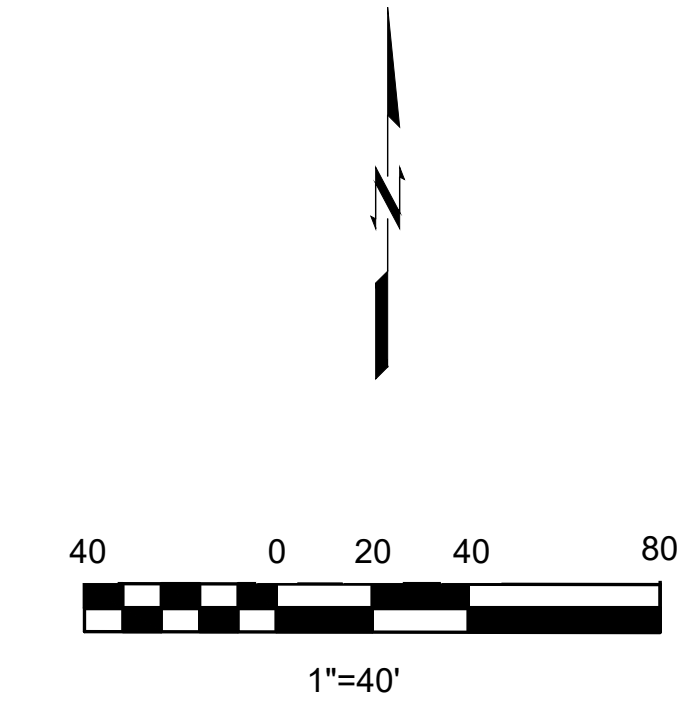
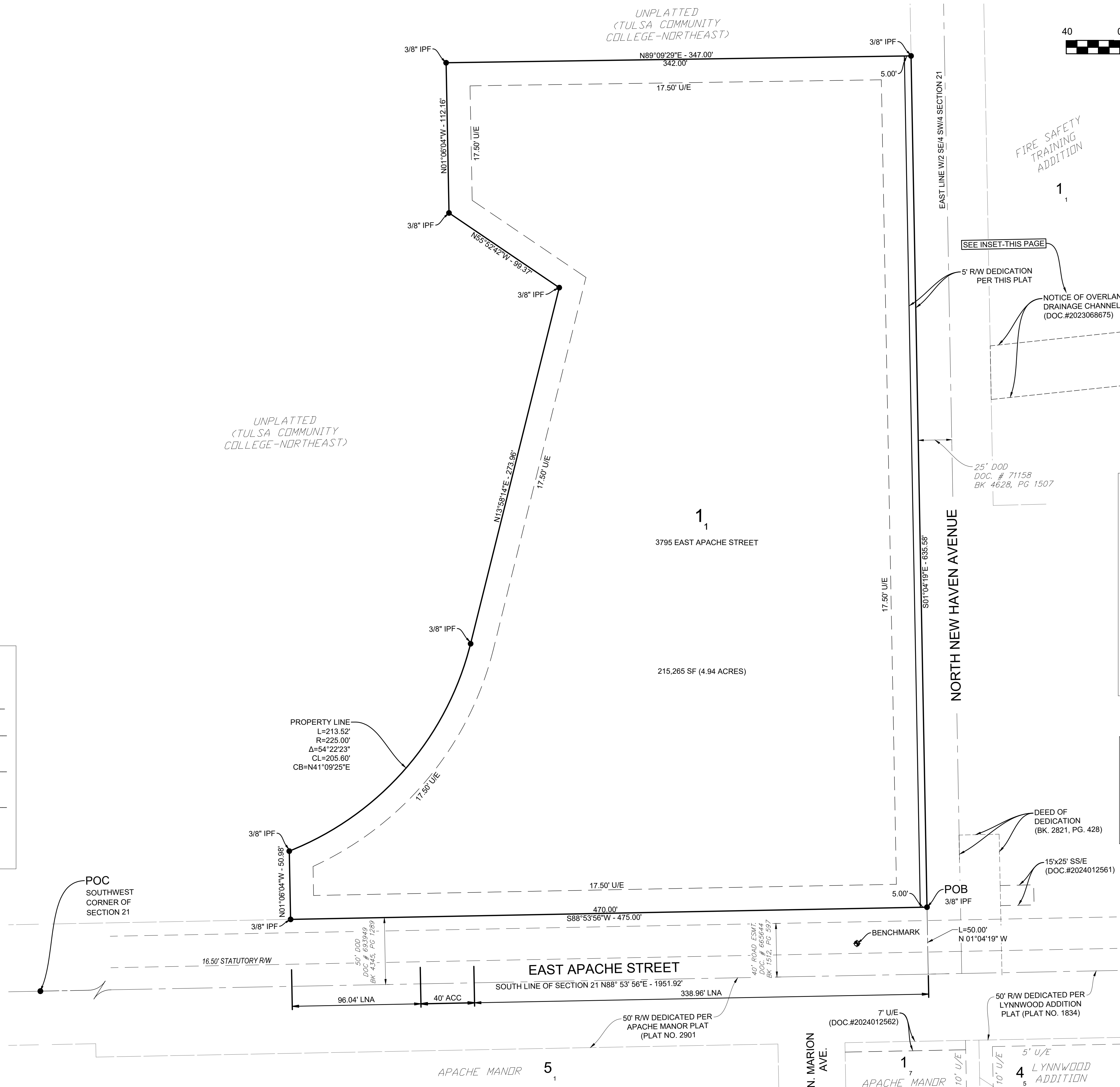
A TRACT OF LAND THAT IS PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER (W/2 SE/4 SW/4) OF SECTION TWENTY-ONE (21), TOWNSHIP TWENTY (20) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING AT A POINT THAT IS THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER (SW/4) OF SAID SECTION TWENTY-ONE (21); THENCE N88°53'56"E FOR A DISTANCE OF 1951.92 FEET; THENCE N01°04'19"W FOR A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING; THENCE S88°53'56"W FOR A DISTANCE OF 475.00 FEET; THENCE N01°06'04"W FOR A DISTANCE OF 50.98 FEET TO THE BEGINNING OF A NON-TANGENTIAL CURVE, SAID CURVE TURNING TO THE LEFT THROUGH AN ANGLE OF 54°22'23", HAVING A RADIUS OF 225.00 FEET, A LENGTH OF 213.52 FEET AND WHOSE LONG CHORD BEARS N41°09'25"E FOR A DISTANCE OF 205.60 FEET. THENCE N13°58'14"E FOR A DISTANCE OF 273.96 FEET; THENCE N55°52'42"W FOR A DISTANCE OF 99.37 FEET; THENCE N01°06'04"W FOR A DISTANCE OF 112.16 FEET; THENCE N89°09'29"E FOR A DISTANCE OF 347.00 FEET; THENCE S01°04'19"E A DISTANCE OF 635.58 FEET TO THE POINT OF BEGINNING;

LEGAL DESCRIPTION WAS PREPARED ON APRIL 12, 2022 BY CLIFF BENNETT, PLS #1815 WITH THE BEARINGS BASED ON THE OKLAHOMA STATE PLANE COORDINATE SYSTEM NORTH ZONE 3501 USING N88°53'56"E AS THE SOUTHERLY LINE OF SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 20 NORTH, RANGE 13 EAST OF THE INDIAN BASE AND MERIDIAN.

FINAL PLAT ENDORSEMENT OF APPROVAL	
Tulsa Metropolitan Area Planning Commission	
Approval Date: _____	CHAIR _____
_____	MAYOR _____
TMAPC	ATTEST: CITY CLERK _____
CITY ENGINEER _____	
Council of the City of Tulsa, Oklahoma	CITY ATTORNEY _____
Approval Date: _____	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.

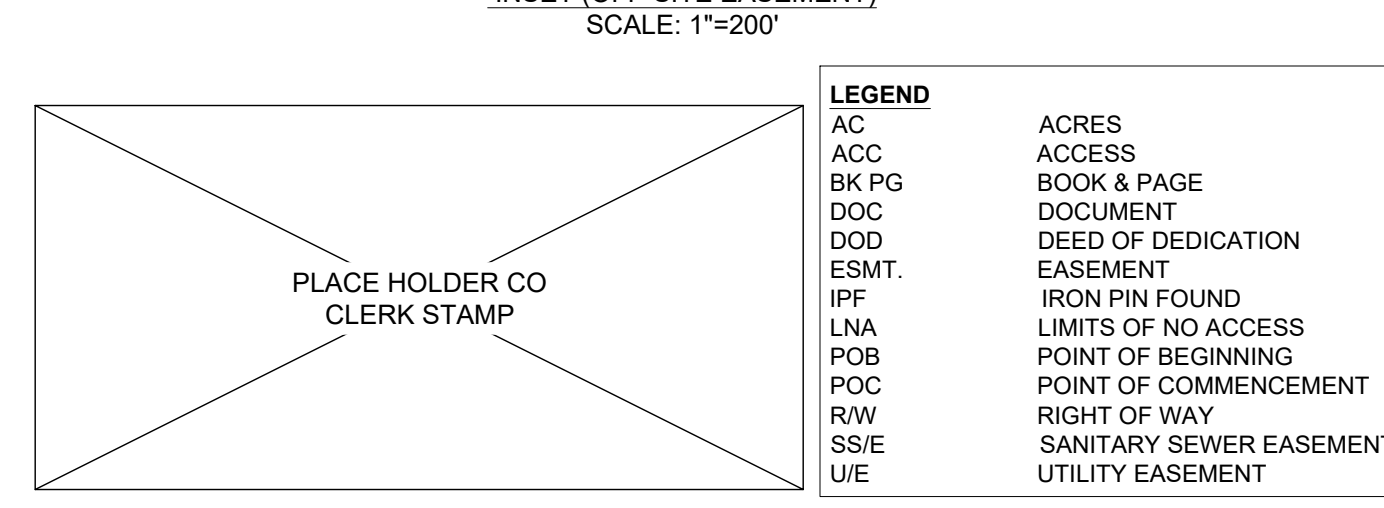
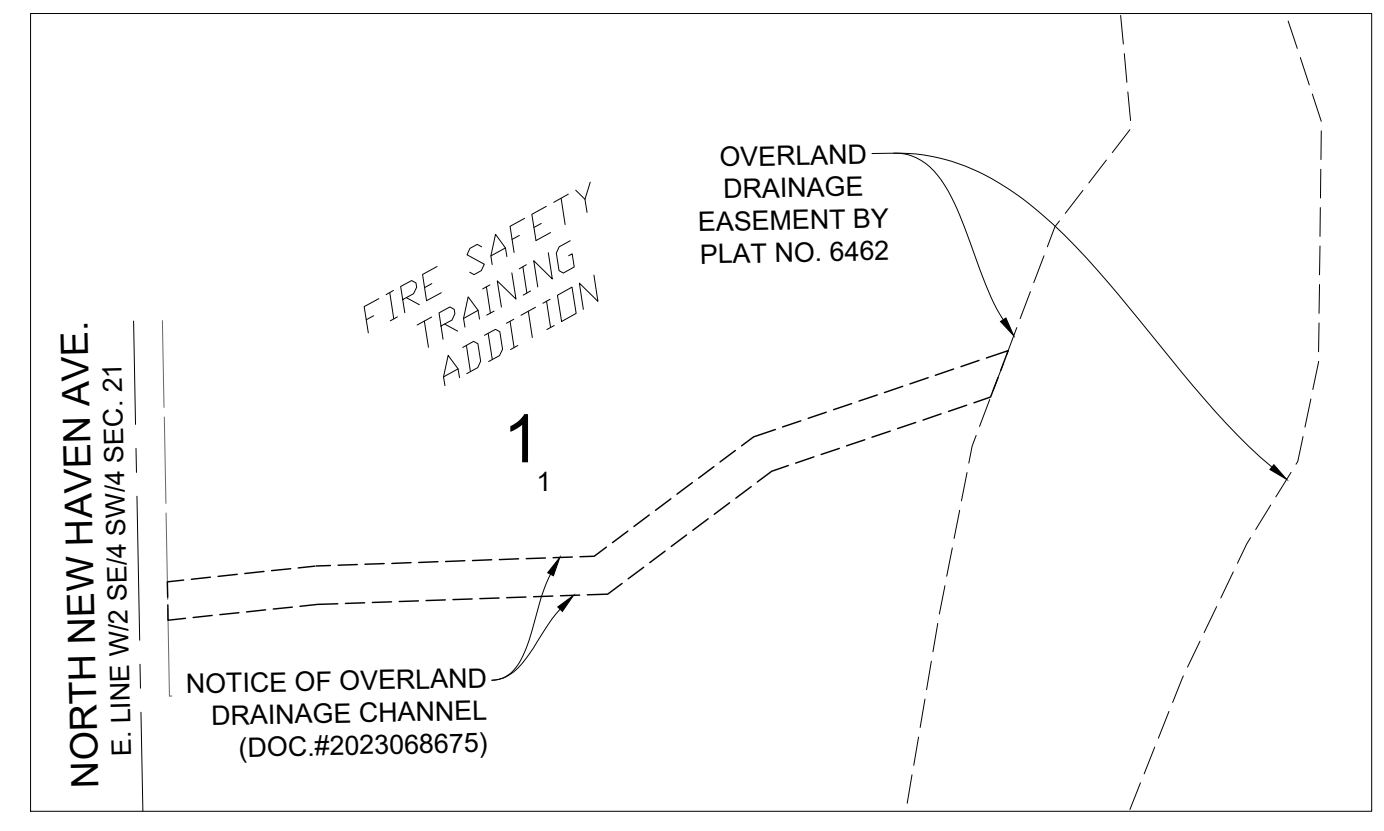
ADS BENCHMARK		
STATION NAME	COORDINATES (US SURVEY FT)	DESCRIPTION
B118 OFFSET	N: 434899.744 E: 257657.535	6" REBAR - 2" ALUMINUM CAP - FLUSH - STAMPED "B118 OFFSET, SET S.E. OF THE INTERSECTION OF PINE ST. AND INDIANAPOLIS AVE, APPROX 300' EAST OF HARVARD AVE.



OWNER:
Food On the Move, Inc.
 P.O. Box 1626
 Tulsa, Oklahoma 74101-1626
 CONTACT: Kevin Harper
 PHONE: (918)886-5010
 kevinh@foodonthemove.com

ENGINEER:
Wallace Design Collective, PC
 123 North Martin Luther King Jr Blvd.
 Tulsa, Oklahoma, 74103
 Phone: (918) 584-5858
 A. NICOLE WATTS, P.E. NO. 21511
 OK CA NO. 1460, EXPIRES 6/30/2025
 nicole.watts@wallace.design

SURVEYOR:
Wallace Design Collective, PC
 123 North Martin Luther King Jr Blvd.
 Tulsa, Oklahoma, 74103
 Phone: (918) 584-5858
 OK CA NO. 1460, EXPIRES 6/30/2025
 R. WESLEY BENNETT, PLS 1562
 wes.bennett@wallace.design



LEGEND	
AC	ACRES
ACC	ACCESS
BK PG	BOOK & PAGE
DOC	DOCUMENT
DOD	DEED OF DEDICATION
ESMT.	EASEMENT
IPF	IRON PIN FOUND
LNA	LIMITS OF NO ACCESS
POB	POINT OF BEGINNING
POC	POINT OF COMMENCEMENT
R/W	RIGHT OF WAY
SS/E	SANITARY SEWER EASEMENT
U/E	UTILITY EASEMENT

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DRAFT FINAL PLAT #7
FoodHome

A SUBDIVISION IN THE CITY OF TULSA LOCATED WITHIN THE SOUTH HALF (S/2) OF THE SOUTHWEST QUARTER (SW/4) OF SECTION TWENTY-ONE (21), TOWNSHIP TWENTY (20) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA.

DEED OF DEDICATION AND RESTRICTIVE COVENANTS

KNOW ALL MEN BY THESE PRESENTS:

FOOD ON THE MOVE, INC., AN OKLAHOMA CORPORATION (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 TRACT OF LAND THAT IS PART OF THE WEST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER (W/2 SE/4 SW/4) OF SECTION TWENTY-ONE (21), TOWNSHIP TWENTY (20) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING AT A POINT THAT IS THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER (SW/4) OF SAID SECTION TWENTY-ONE (21); THENCE N88°53'56"E FOR A DISTANCE OF 1951.92 FEET; THENCE N01°04'19"W FOR A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING; THENCE

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LEGAL DESCRIPTION WAS PREPARED ON APRIL 12, 2022 BY CLIFF BENNETT, PLS #1815 WITH THE BEARINGS BASED ON THE OKLAHOMA STATE PLANE COORDINATE SYSTEM NORTH ZONE 3501 USING N88°53'56"E AS THE SOUTHERLY LINE OF SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 20 NORTH, RANGE 13 EAST OF THE INDIAN BASE AND MERIDIAN.

THE OWNER HAS CAUSED THE ABOVE DESCRIBED TRACT OF LAND TO BE SURVEYED, STAKED, PLATTED AND SUBDIVIDED INTO 1 LOT, AND 1 BLOCK (HEREIN AFTER THE "LOT") IN CONFORMITY WITH THE ACCOMPANYING PLAT, AND HAS DESIGNATED THE SUBDIVISION AS "FOODHOME" A SUBDIVISION IN THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA (HEREINAFTER THE "SUBDIVISION").

SECTION I. STREETS, EASEMENTS AND UTILITIES

A. PUBLIC STREETS AND GENERAL UTILITY EASEMENTS

THE OWNER DOES HEREBY DEDICATE TO THE PUBLIC THE STREET RIGHTS-OF-WAY AS DEPICTED ON THE ACCOMPANYING PLAT. ADDITIONALLY, THE OWNER DOES HEREBY 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 AFORESAID, PROVIDED HOWEVER, THE OWNER HEREBY RESERVES THE RIGHT TO CONSTRUCT, MAINTAIN, OPERATE, LAY AND REPAIR OR RE-LAY WATER LINES AND SEWER LINES, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS FOR SUCH CONSTRUCTION, MAINTENANCE, OPERATION, LAYING, REPAIRING AND RELAYING OVER, ACROSS AND ALONG ALL OF THE UTILITY EASEMENTS DEPICTED ON THE PLAT, FOR THE PURPOSE OF FURNISHING WATER AND/ OR SEWER SERVICES TO THE AREA INCLUDED IN THE PLAT. THE OWNER HEREBY IMPOSES A RESTRICTIVE COVENANT, WHICH COVENANT SHALL BE BINDING ON THE OWNER AND ITS SUCCESSORS AND ASSIGNS (TOGETHER, THE "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 THE ABOVE SET FORTH USES AND PURPOSES OF AN EASEMENT SHALL BE PLACED, ERECTED, INSTALLED OR MAINTAINED, PROVIDED HOWEVER, 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 SERVICE MAY BE LOCATED IN THE PERIMETER UTILITY EASEMENTS AND THE IN THE PERIMETER RIGHTS-OF-WAY OF THE SUBDIVISION. STREET LIGHT POLES OR STANDARDS MAY BE SERVED BY OVERHEAD 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 UPON THE ACCOMPANYING PLAT. SERVICE PEDESTALS AND TRANSFORMERS, AS SOURCES OF SUPPLY AT SECONDARY VOLTAGES, MAY ALSO BE LOCATED IN THE 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 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 SERVICES, THROUGH ITS AUTHORIZED AGENTS AND EMPLOYEES, SHALL AT ALL TIMES HAVE 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 SERVICE FACILITIES INSTALLED BY THE SUPPLIER OF THE UTILITY SERVICE.

4. THE LOT OWNER SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE OVERHEAD AND/OR UNDERGROUND SERVICE FACILITIES LOCATED ON THE LOT AND SHALL PREVENT THE ALTERATION OF GRADE OR ANY CONSTRUCTION ACTIVITY WHICH MAY INTERFERE WITH SAID ELECTRIC, TELEPHONE, CABLE TELEVISION OR GAS FACILITIES. EACH SUPPLIER OF THESE SERVICES SHALL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF OVERHEAD AND/OR 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, COMMUNICATION, 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 IN THE SUBDIVISION.

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, OKLAHOMA, 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 THE UTILITY EASEMENTS DEPICTED ON THE 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 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 THE UTILITY EASEMENTS SHOWN ON THE PLAT OR AS OTHERWISE PROVIDED FOR IN THIS DEED OF DEDICATION FOR THE PURPOSE OF INSTALLING, MAINTAINING, 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 THE SUBDIVISION 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 GAS SERVICE, AND THE LOT OWNER AGREES TO BE BOUND BY THESE COVENANTS.

E. 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.

F. 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 PLACEMENTS, REPLACEMENTS, OR MAINTENANCE OF WATER, SEWER, STORM SEWER, NATURAL GAS, COMMUNICATION, CABLE TELEVISION, OR ELECTRIC FACILITIES WITHIN THE EASEMENT AREAS DEPICTED UPON THE ACCOMPANYING PLAT, PROVIDED HOWEVER, THE CITY OF TULSA, OKLAHOMA OR THE SUPPLIER OF THE UTILITY SERVICE SHALL USE REASONABLE CARE IN THE PERFORMANCE OF SUCH ACTIVITIES.

G. LIMITS OF NO ACCESS

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

H. 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 AND ALL SUCH SIDEWALKS SHALL BE CONSTRUCTED BY THE OWNER PRIOR TO THE FIRST ISSUANCE OF THE FIRST OCCUPANCY PERMIT FOR ANY BUILDING WITHIN THE SUBDIVISION. SIDEWALKS SHALL BE CONSTRUCTED IN CONFORMANCE WITH THE CITY OF TULSA ENGINEERING DESIGN STANDARDS.

I. 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 OF TULSA, OKLAHOMA. NOTWITHSTANDING THE FOREGOING, THE CITY OF TULSA, OKLAHOMA MAY AUTHORIZE THE ISSUANCE OF A TEMPORARY CERTIFICATE OF OCCUPANCY IF, IN THE CITY OF TULSA'S SOLE DISCRETION, THE CIRCUMSTANCES SUPPORT THE ISSUANCE. FURTHER, NOTWITHSTANDING THE FOREGOING, THE CITY OF TULSA, OKLAHOMA 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 OF TULSA, OKLAHOMA'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.

SECTION II. ENFORCEMENT, DURATION, AMENDMENT OR TERMINATION, AND SEVERABILITY

A. ENFORCEMENT

THE COVENANTS 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, EASEMENTS AND UTILITIES) 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. IF THE UNDERSIGNED OWNER OR ITS SUCCESSORS OR ASSIGNS SHALL VIOLATE ANY OF THE COVENANTS WITHIN SECTIONS I, IT SHALL BE LAWFUL FOR ANY PERSON OR PERSONS OWNING ANY LOT SITUATED WITHIN THE SUBDIVISION, OR THE CITY OF TULSA, 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 OR TO RECOVER DAMAGES. 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.

B. DURATION

THESE COVENANTS AND RESTRICTIONS SHALL REMAIN IN FULL FORCE AND EFFECT UNTIL TERMINATED OR AMENDED AS HEREINAFTER PROVIDED.

C. AMENDMENT OR TERMINATION

THE COVENANTS CONTAINED HEREIN MAY BE AMENDED OR TERMINATED AT ANY TIME BY A WRITTEN INSTRUMENT SIGNED AND ACKNOWLEDGED BY THE OWNER AND APPROVED BY THE TULSA METROPOLITAN AREA PLANNING COMMISSION AND THE CITY OF TULSA. ANY SUCH AMENDMENT SHALL BECOME EFFECTIVE WHEN RECORDED IN THE RECORDS OF THE TULSA COUNTY CLERK.

D. SEVERABILITY

INVALIDATION OF ANY COVENANT 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: FOOD ON THE MOVE, INC., HAS EXECUTED THIS INSTRUMENT THIS ____ DAY OF _____, 2024.

FOOD ON THE MOVE, INC.

BY: _____
KEVIN HARPER, PRESIDENT

ACKNOWLEDGMENT

STATE OF OKLAHOMA)
)SS:
COUNTY OF TULSA)

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS ____ DAY OF _____, 2024, BY KEVIN HARPER AS PRESIDENT OF FOOD ON THE MOVE, INC., AN OKLAHOMA CORPORATION.

NOTARY PUBLIC

MY COMMISSION NO: _____

MY COMMISSION EXPIRES: _____

[SEAL]

CERTIFICATE OF SURVEY

I, R. WESLEY BENNETT, OF WALLACE DESIGN COLLECTIVE, PC, A LICENSED LAND SURVEYOR REGISTERED IN THE STATE OF OKLAHOMA, 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 FOODHOME, A SUBDIVISION IN THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, IS A REPRESENTATION OF THE SURVEY MADE ON THE GROUND USING GENERALLY ACCEPTED LAND SURVEYING PRACTICES AND MEETS OR EXCEEDS THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED BY THE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS FOR THE STATE OF OKLAHOMA.

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



R. WESLEY BENNETT, PLS
OK PLS 1562

ACKNOWLEDGMENT

STATE OF _____)
)SS:
COUNTY OF _____)

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS ____ DAY OF _____, 2024, BY R. WESLEY BENNETT.

NOTARY PUBLIC

MY COMMISSION NO: #00020202

MY COMMISSION EXPIRES: 12-11-2024

[SEAL]

