

# Tulsa Metropolitan Area Planning Commission

# **Preliminary Plat Staff Report**

**Hearing Date:** March 20, 2024 **Prepared by:** Austin Chapman

achapman@cityoftulsa.org

918-596-7597

# **Owner and Applicant Information**

Applicant: John Droz

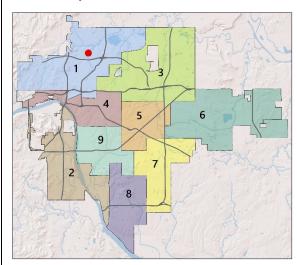
Property Owner: NP 36 LLC

### **Property Location**

Southwest corner of East 36th Street North and North Lewis Avenue

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

(shown with City Council districts)



### **Elected Representatives**

<u>City Council:</u> District 1, Vanessa Hall Harper <u>County Commission:</u> 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 NP36 North.

Tract Size: ±133.66 acres

### **Zoning**

Existing Zoning: IM and AG
Existing Overlays: None

Proposed Zoning: IM and AG

### Use

Current Use: Industrial

Proposed Use: Industrial Subdivision

## **Comprehensive Plan Considerations**

### Land Use

Land Use Plan: Employment

<u>Small Area Plans</u>: 36th Street North <u>Development Era</u>: Early Automobile

### **Transportation**

Major Street & Highway Plan: planitulsa Street Type: N/A

Transit:

Existing Bike/Ped Facilities: Planned Bike/Ped Facilities:

Traffic on Nearest Arterials (per lane)

North: E. 36th St. N.: Very Low East: N. Lewis Ave.: Low

South: E. Apache St.: Very Low West: N. Peoria Ave. : Low

### **Environment**

Flood Area: City of Tulsa Regulatory floodplain is present on

site.

Parks & Open Space: N/A

### **Detailed Staff Recommendation**

The plat consists of 6 lots, 2 blocks,  $\pm 133.66$  acres. Staff recommends **approval** of the preliminary subdivision plat subject to the following conditions provided on March 7, 2024 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. Engineering Graphics

- -Submit subdivision control data sheet with the final plat.
- -In the plat subtitle add "City of Tulsa" before Tulsa County.
- -Provide the individual lot addresses on the face of the plat.
- -In the Location Map add missing platted properties. Remove the individual parcel/lot lines. Label all other land in the section as "unplatted". Label and show the Gilcrease Expressway in the location map. Label the location of the plat in Location Map as either "project location" or "site".
- -Under the Basis of Bearings information include the coordinate system used. Provide a bearing angle preferably shown on the face of the plat.
- -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.
- -We prefer to see the plat tied to a section corner, half section, or quarter section. That being labeled graphically on the face of the plat as the POC (point of commencement) with a bearing angle and distance to the POB (point of beginning). All of this incorporated into a metes and bounds written legal description of the property.

### 2. Addressing

- -N WHEELING PL should be N WHEELING AVE.
- -Addresses will be provided at a later date.

### 3. Streets (transportation)

- -Provide Limits of No Access on the plat and the language within the Deed of Dedication. This note applies to 36th Street North and North Lewis Avenue.
- -Verify that ROW being dedicated by this plat along East 36th Street North complies with the Major Street and Highway Plan.
- -Verify that existing ROW along North Lewis Avenue and Mohawk Boulevard (as applicable) is compliant with the Major Street and Highway Plan.

### 4. Streets (fire)

-If cul de sac between Utica and 35th St N is dead ended, please ensure it is 96 ft diameter.

### 5. Sidewalks

- -Sidewalks are required along all streets adjacent to this plat and must be ADA compliant. 5' sidewalks along the Arterials and 4' for residential sidewalks.
- -Sidewalks around Lot 1, Block 2 are included in IDP 155643. Sidewalks across Mohawk frontage of Lot 3, Block 1 are existing.

# 6. Protection From Flooding and Other Natural Hazards (Floodplain)

-FEMA zone AE 100yr floodplain is on site per FIRM panels 40143C0229L & 40143C0228L. City of Tulsa Regulatory floodplain extends past FEMA boundary in limited locations, per City of Tulsa atlas panel 29. Plans do not show modification to floodplains.

### 7. Stormwater Management

-Stormwater water hazard mitigation is addressed by Fee-in-lieu-of detention due to the projects' location in the lower reach of the Dirty Butter Creek basin.

### 8. Water

-Ensure hydrant coverage is consistent with IFC 2018.

### 9. Easements

- -Floodplain in L1B3 should be contained in an OD/E. How does exclave portion of L3B1 comply with perimeter easement and frontage requirements? A perimeter easement around the unplatted area intruding to L1B1 may be required.
- -Between Blk 1 Lot 2 and 3 change the 17.5' U/E to a 30' of WL/E "By This Plat or Separate Instrument" from the asphalt road to E Mohawk Blvd for maintaining the 8-inch water main line.
- -Confirm if water meter vault easements exist in the northeast area of Blk 1 lot 3 abutting the required 30' WL/E but currently shown as a 17.5' U/E and Lot 2 Blk 1 in the southeast area from E Mohawk Blvd. If these meter vaults exist label them "By This Plat or Separate Instrument" with book and page.

# **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
Location	Existing Zoning/Overlay	Existing Land Use Designation	Existing Use
North	RMH/AG	Park and Open Space/Employment	Vacant
East	CS	Employment	Vacant
South	RS-3/AG	Neighborhood	Residential

### **Small Area Plans**

The subject properties are the 36th Street North Corridor Small Area Plan which identified it as an area of employment and as the site of a proposed industrial park.

### **Development Era**

The subject property is located in an area developed during the Early Automobile Era. The Early Automobile Era area includes those parts of the city that developed prior to and after World War II but prior to the major annexations of the 1960s. These neighborhoods developed during the rise of the automobile, but generally maintain a rectilinear street grid with homes on smaller lots.

### **Transportation**

Comprehensive Plan Street Designation:

### Arterial Traffic per Lane:

Arterial Traffic - North (E 36th St N - 2,122 Vehicles per Lane)

Arterial Traffic - East (N Lewis Ave - 3,368 Vehicles per Lane)

Arterial Traffic - South (E Apache St - 2,057 Vehicles per Lane)

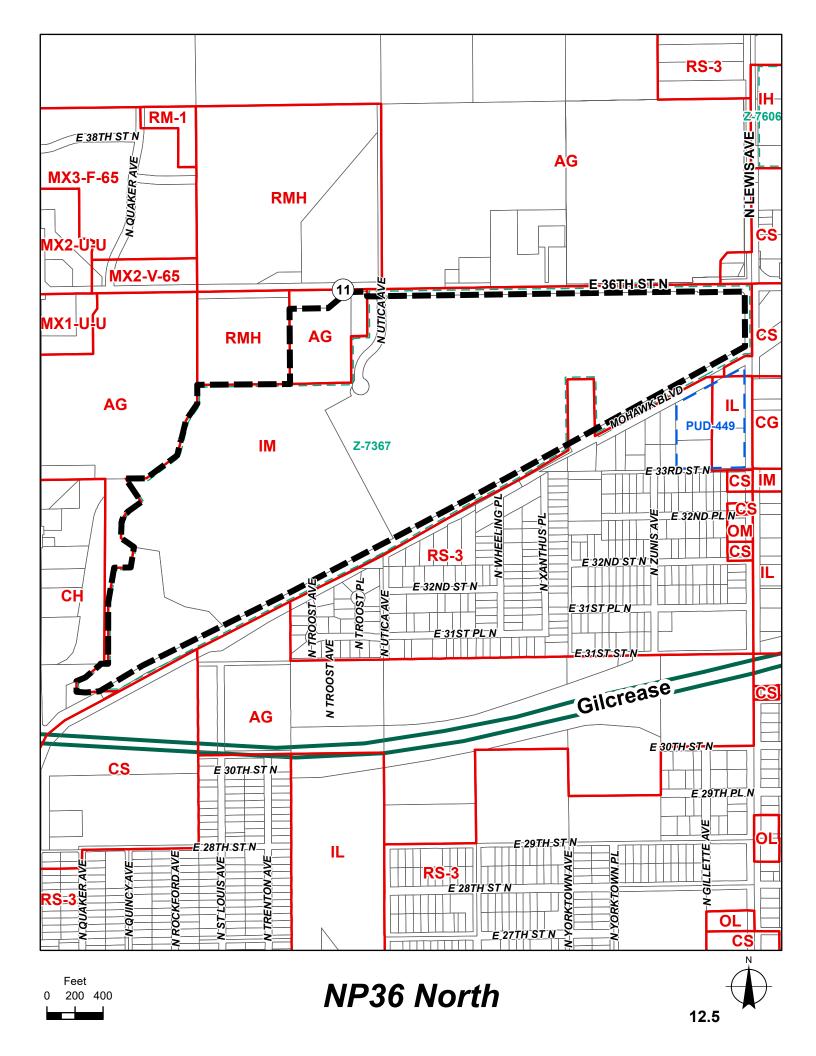
Arterial Traffic - West (N Peoria Ave - 2,851 Vehicles per Lane)

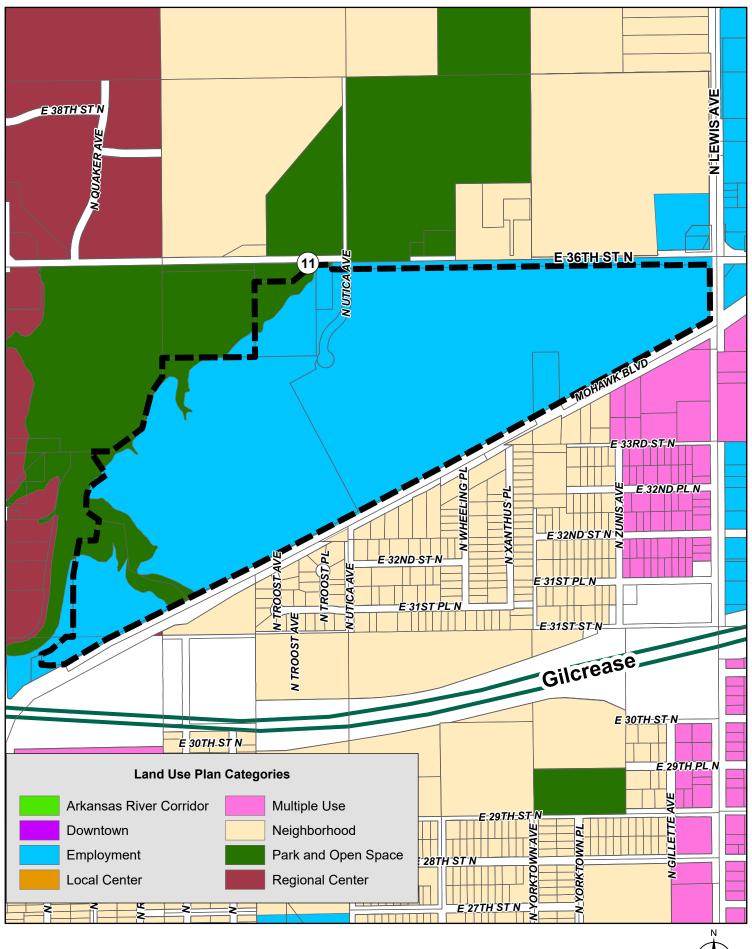
# **Environmental Considerations**

Parks & Open Space: N/A

# **Exhibits**

Case map Aerial Tulsa Comprehensive Plan Land Use Map Plat Exhibits











**NP36 North** 

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



# BASIS OF BEARING

HORIZONTAL DATUM BASED UPON NAD 83 (1993) OKLAHOMA STATE PLANE COORDINATE SYSTEM NORTH ZONE 3501. VERTICAL DATUM BASED UPON NAVD 88 USING N88°09'14"E AS THE NORTH LINE OF SECTION 19, TOWNSHIP 20 NORTH, RANGE 13 EAST OF THE INDIAN BASE AND MERIDIAN WAS USED AS THE BEARING FOR THIS SURVEY.

# PRELIMINARY PLAT NP36 NORTH

PART OF N/2 SECTION 19, T-20-N, R-13-E TULSA COUNTY, OKLAHOMA

# R 13 E East 36th Street North East Apache Street **Location Map**

Scale 1" = 2000'

# BENCHMARK

Benchmark 3/8" IRON PIN → ELEV.=705.88 N=396448.01 E=2600252.07

Benchmark 3/8" IRON PIN ELEV.=701.11 N=396384.12 E=2600905.92

Benchmark CHISELED SQUARE ELEV.=708.50 N=395811.89

# **ADDRESSES**

E=2600935.78

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

ACC. = LIMITS OF ACCESS LNA = LIMITS OF NO ACCESS RESTRICTED WATERLINE **EASEMENT** 

UTILITY EASEMENT OVERLAND DRAINAGE EASEMENT B/L = BUILDING SETBACK LINE R/W = RIGHT-OF-WAY SF = SQUARE FEET

SUBDIVISION CONTAINS 6 LOTS IN 2 BLOCKS

SUBDIVISION CONTAINS 127.43 TOTAL ACRES

24' STORM -

DRAIN EASEMENT

BY THIS PLAT

∕- 500 YEAR 33.5' R/W -FLOOD 33.5' WATER EASEMENT DEDICATED THIS TO CITY OF TULSA PLAT DOC. #2005124983 \_N88°09'14"E STATUTORY R/W N49°29'39"E 128.06 SECTION LINE

E. 36TH-ST. N. 17.5' U/E -276.62 (PER PLAT 6783) – 20' SS/E (PER PLAT 6783) 17.5' U/E BY THIS LOT 1 PLAT LOT 1

**DRAIN EASEMENT** 

– 17.5' U/E

17.5' U/E

FOUND 1/2" -IRON ROD

(PER PLAT 6783)

BY THIS PLAT

BY THIS PLAT

UNPLATTED BLOCK 3 BLOCK 2 17.5' U/E 17.5' U/E N01°13'28"W BY THIS PLAT BY THIS 529.83 17.5' U/E PLAT (PER PLAT 6783) E. 35TH ST. N. N88°09'14"E 17.5' U/E -

(PER PLAT 6783)

\_ (PER PLAT 6783)

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.

N13°13'30"E\_ 255.86 N52°07'56"E 275.09 N88°09'14"E 147.45'

N35°47'32"W\_

N54°12'28"E

122.13

S88°50'22"W\_

203.19'

107.46 L=109.35' R=136.87' Chord L=106.46' Chord Brng=S31°19'11"W LOT 3, \_N81°26'21"W \_\_ 183.81' N01°11'36"W BLOCK 1 ← 17.5' U/E (PER PLAT 6783) N56°34'06"W \_N07°22'14"W 326.83 N08°25'54"E N65°11'16"W 147.70 17.5' U/E -(PER PLAT 6783) 162.34 N88°09'14"E

N01°13'28"W

N32'38'59"E

139.23

N80°10'32"W \_N45°28'05"W \_ 124.91' - 25' ESMT. FOR WATER LINE TO CITY OF TULSA LOT 4, BOOK 598, PAGE 416 BLOCK 1 (PER PLAT 6783) 17.5' U/E -(PER PLAT 6783)

- 17.5' U/E

(PER PLAT 6783)

N88°09'22"E 17.5' U/E -70.18 (PER PLAT 6783) N29°14'40"E 7.99' N48°35'46"E\_ (PER PLAT 6783) 142.75 N66°06'56"E 66.52' N01°10'31"W 75.37

LEGAL DESCRIPTION A RESUBDIVISION OF LOTS ONE (1), TWO (2), AND THREE (3), BLOCK FOUR (4), MURRAY  $2^{\mbox{ND}}$  ADDITION, AND ALSO PART OF LOT ONE (1), BLOCK TWO (2). OF THE VACATED PORTION OF BUTTER CREEK PARK, AND ALSO PART OF VACATED NORTH WHEELING AVENUE, AND ALSO PART OF SECTION NINETEEN (19), TOWNSHIP TWENTY (20) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERDIAN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST QUARTER OF SAID SECTION 19; THENCE S01°00'17"E FOR A

35' DEED OF

FOUND -

L=47.44'

R=30.00'

\_\_Chord L=42.65'

- POINT OF

Chord Brng=N46°32'

**BEGINNING** 

BRASS CAP

NE CORNER

SEC.19,T20N,R13E

S01°14'37"E

361.26

- 25' ESMT. FOR WATER LINE

TO CITY OF TULSA

BOOK 599, PAGE 637

**DEDICATION TO** 

**TULSA COUNTY** 

33.5' WATER

TO CITY OF TULSA

DOC. #2005141683

33.5' WATER

TO CITY OF TULSA

DOC. #2005141683

17.5' U/E -

(PER PLAT 6783)

33.5' WATER EASEMENT TO CITY OF TULSA

-2358.97<sup>1</sup> - - -

- 10' ESMNT. TO CITY OF TULSA TULSA CO.

DIST. COURT CASE # C-72-2508, REPORT

OF COMMISSIONERS, BOOK 4051, PAGE

183.65 S88°09'14"W

- 25' ESMT. FOR WATER LINE

**BOOK 593, PAGE 339 & BOOK** 

TO CITY OF TULSA

593, PAGE 330

1883 & BOOK 6468, PAGE 1188

– 20' SS/E

(PER PLAT 6783)

BY THIS PLAT

N87°27'50"E

N50°04'39"W\_

324.99'

Benchmark

MAGNETIC NAIL

ELEV=664.62

N=443878.609

E=2568998.447

241.49'

17.5' U/E

20' SS/E

N04°07'11"W

(PER PLAT 6783)

BY THIS

(PER PLAT 6783)

- 25' ESMT. FOR WATER LINE

REFILED BOOK 668, PAGE 619

TO CITY OF TULSA

BOOK 593, PAGE 331;

LOT 2,

BLOCK 1

Benchmark

Benchmark

MAGNETIC NAIL

ELEV=668.43

N=443487.879

E=2568294.265

3/8" IRON PIN

ELEV=666.08

N=443717.637

E=2568566.053

PLAT

DOC. #2005124984

(PER PLAT 6783)

LOT 1,

BLOCK 1

**EASEMENT** 

EASEMENT

Asphalt

S01°50'46"E

35' DEED OF DEDICATION TO -

(PER PLAT 6783)

TO CITY OF TULSA

BOOK 600, PAGE 600 &

BOOK 602, PAGE 600

25' ESMT. FOR WATER LINE

BOOK 3716, PAGE 480

N88°09'14"E

**DEDICATION TO** 

**TULSA COUNTY** 

BOOK 3628, PAGE 51

TULSA COUNTY (PER PLAT 6783)

- 25' ESMT. FOR WATER LINE

TO CITY OF TULSA

BOOK 600, PAGE 600 &

BOOK 602, PAGE 600

BOOK 3716, PAGE

DISTANCE OF 88.32 FEET; THENCE S88°09'14"W FOR A DISTANCE OF 49.64 FEET TO THE POINT OF BEGINNING. THENCE S01°14'37"E FOR A DISTANCE OF 361.26 FEET; THENCE S60°48'41"W FOR A DISTANCE OF 1228.27 FEET; THENCE N01°14'37"W FOR A DISTANCE OF 353.93 FEET; THENCE S88°09'14"W FOR A DISTANCE OF 183.65 FEET; THENCE S01°14'02"E FOR A DISTANCE OF 449.46 FEET; THENCE S60°48'41"W FOR A DISTANCE OF 746.85 FEET; THENCE S60°55'09"W FOR A DISTANCE OF 1490.06 FEET; THENCE S62°58'02"W FOR A DISTANCE OF 1185.51 FEET; THENCE S58°13'33"W FOR A DISTANCE OF 362.42 FEET; THENCE S77°35'22"W FOR A DISTANCE OF 98.09 FEET; THENCE S88°50'22"W FOR A DISTANCE OF 65.40 FEET; THENCE N01°10'31"W FOR A DISTANCE OF 75.37 FEET; THENCE N66°06'56"E FOR A DISTANCE OF 66.52 FEET; THENCE N48°35'46"E FOR A DISTANCE OF 142.75 FEET; THENCE N29°14'40"E FOR A DISTANCE OF 7.99 FEET; THENCE N88°09'22"E FOR A DISTANCE OF 70.18 FEET; THENCE N01°09'41"W FOR A DISTANCE OF 436.46 FEET; THENCE N08°26'50"E FOR A DISTANCE OF 252.35 FEET; THENCE N88°09'14"E FOR A DISTANCE OF 122.13 FEET; THENCE N08°25'54"E FOR A DISTANCE OF 147.70 FEET; THENCE N56°34'06"W FOR A DISTANCE OF 117.41 FEET; THENCE N01°11'36"W FOR A DISTANCE OF 81.29 FEET; THENCE AROUND A CURVE TO THE RIGHT WITH A RADIUS OF 136.87 FEET, A LENGTH OF 109.35 FEET, A CHORD DISTANCE OF 106.46 FEET WITH A CHORD BEARING N31°19'11"E; THENCE N54°12'28"E FOR A DISTANCE OF 107.46 FEET; THENCE N35°47'32"W FOR A DISTANCE OF 203.19 FEET; THENCE N88°09'14"E FOR A DISTANCE OF 147.45 FEET; THENCE N52°07'56"E FOR A DISTANCE OF 275.09 FEET; THENCE N13°13'30"E FOR A DISTANCE OF 255.86 FEET; THENCE N32°38'59"E FOR A DISTANCE OF 139.23 FEET; THENCE N01°13'28"W FOR A DISTANCE OF 136.22 FEET; THENCE N59°19'55"E FOR A DISTANCE OF 60.19 FEET; THENCE N88°09'14"E FOR A DISTANCE OF 659.11 FEET; THENCE N01°13'28"W FOR A DISTANCE OF 529.83 FEET; THENCE N88°09'14"E FOR A DISTANCE OF 276.62 FEET; THENCE N49°29'39"E FOR A DISTANCE OF 128.06 FEET; THENCE N88°09'14"E FOR A DISTANCE OF 22532.72 FEET; THENCE S01°50'46"E FOR A DISTANCE OF 8.00 FEET; THENCE N88°09'14"E FOR A DISTANCE OF 307.07 FEET; THENCE AROUND A CURVE TO THE

RIGHT WITH A RADIUS OF 30.00 FEET, A LENGTH OF 47.44 FEET, A CHORD DISTANCE OF 42.65

FEET WITH A CHORD BEARING S46°32'42"E TO THE POINT OF BEGINNING

AREA CONTAINS 133.66 ACRES, MORE OR LESS.

OWNER / DEVELOPER

SCALE: 1" = 200'

NP 36, LLC JOSH MILLER 7030 SOUTH YALE AVENUE, SUITE 600 TULSA, OK 74136 PH (918) 591-2426 E-MAIL:josh@gkff.com

# **SURVEYOR**

WALLACE DESIGN COLLECTIVE 123 NORTH MARTIN LUTHER KING JR. BLVD. TULSA, OKLAHOMA 74103 PH (918) 584-5858 E-mail: cliff.bennett@wallace.design CA No. 1460 Renewal: June 30, 2025

# **ENGINEER**

ROUTE 66 ENGINEERING, LLC 28 NORTH WATER STREET SAPULPA, OK 74066 PH (918) 248-1129 E-mail: bcox@66eng.com CA No. 8853 Renewal: June 30, 2025

E	FINAL PLAT ENDORSEMENT OF APPROVAL
	Tulsa Metropolitan Planning Commission
	Approval Date
	TMAPC/INCOG
	CITY ENGINEER
	COUNTY ENGINEER
	Council of the City of Tulsa, Oklahoma
	Approval Date
	CHAIRMAN
	MAYOR
	ATTEST: CITY CLERK
	CITY ATTORNEY
	The approval of the Final Plat will expire one year from the date of City Council approval, if not filed

in the Office of the County Clerk before that date.

JANUARY, 30 2024 PROJECT NP36 NORTH

**SURVEY DATE:** 

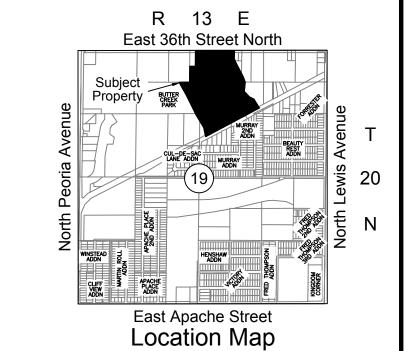
PLAT DATE:

JUNE 28, 2021

PRELIMINARY PLAT - JANUARY 31st 2024 Sheet 1 of 3

# PRELIMINARY PLAT NP36 NORTH

PART OF N/2 SECTION 19, T-20-N, R-13-E TULSA COUNTY, OKLAHOMA



Scale 1" = 2000'

# SUBDIVISION CONTAINS 5 LOTS IN 2 BLOCKS

RESTRICTED WATERLINE

BUILDING SETBACK LINE

OVERLAND DRAINAGE EASEMENT

SUBDIVISION CONTAINS 127.43 TOTAL ACRES

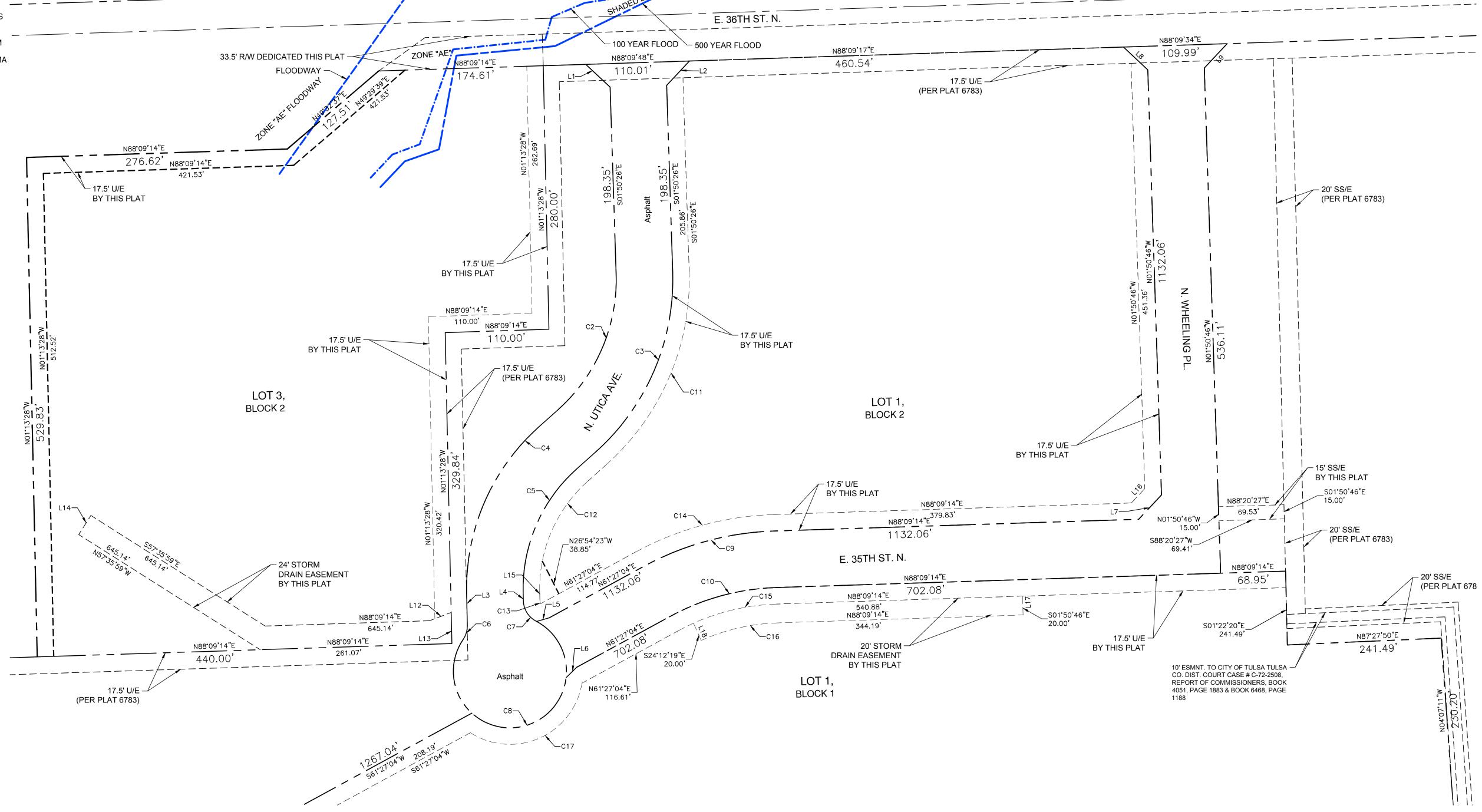
ACC. = LIMITS OF ACCESS

R/W = RIGHT-OF-WAY SF = SQUARE FEET

LNA = LIMITS OF NO ACCESS

EASEMENT
U/E = UTILITY EASEMENT

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.



# BOUNDARY LINE TABLE

	Line Table				
Line #	Length	Direction			
L1	35.37	S46°50'26"E			
L2	35.38	S43°09'34"W			
L3	34.43	S01°13'08"E			
L4	9.33	S01°13'08"E			
L5	13.90	N73°48'49"E			
L6	15.71	N45°37'32"E			
L7	35.36	N43°09'14"E			
L8	35.36	S46°50'26"E			
L9	35.36	S43°09'34"W			

# BOUNDARY CURVE TABLE

Curve Table				
Curve #	Length	Radius	Chord Length	Chord Bearing
C2	161.70	185.00	156.60	N23°11'56"E
С3	214.14	245.00	207.39	N23°11'56"E
C4	198.53	230.00	192.43	S23°30'35"W
C5	146.74	170.00	142.23	S23°30'35"W
C6	15.52	25.00	15.27	N16°33'52"E
C7	26.73	25.00	25.48	S31°51'15"E
C8	289.90	60.00	79.64	N75°55'45"E
С9	144.48	310.00	143.17	N74°48'09"E
C10	116.51	250.00	115.46	N74°48'09"E

# EASEMENT LINE TABLE

	Line lable			
	Line #	Length	Direction	
	L12	24.71	S69°13'25"W	
	L13	32.94	N01°13'28"W	
	L14	24.00	N32°24'01"E	
	L15	9.33	S01°13'08"E	
	L16	20.86	N43°09'14"E	
	L17	20.00	S01°50'46"E	
	L18	20.00	S24°12'19"E	
•				

# EASEMENT CURVE TABLE

Curve Table				
Curve #	Length	Radius	Chord Length	Chord Bearing
C11	229.44	262.50	222.20	N23°11'56"E
C12	131.64	152.50	127.59	S23°30'35"W
C13	3.59	7.50	3.55	S14°55'38"E
C14	152.63	327.50	151.25	S74°48'09"W
C15	108.37	232.50	107.39	S74°48'05"W
C16	82.93	212.50	82.40	N76°58'27"E
C17	153.47	77.50	129.60	N66°03'24"E

PROJECT NP36 NORTH
PRELIMINARY PLAT - JANUARY 31st 2024
Sheet 2 of 3

# PRELIMINARY PLAT NP36 NORTH

PART OF N/2 SECTION 19, T-20-N, R-13-E

# DEED OF DEDICATION AND DECLARATION OF RESTRICTIVE COVENANTS

# KNOW ALL MEN BY THESE PRESENTS:

NP36, LLC, HEREINAFTER REFERRED TO AS THE "OWNER/DEVELOPER", IS THE OWNER OF THE FOLLOWING DESCRIBED LAND IN THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, TO-WIT:

LOTS FIVE (5) AND SIX (6), BLOCK SIX (6), UNION GARDENS, A SUBDIVISION IN TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF.

A RESUBDIVISION OF LOTS ONE (1), TWO (2), AND THREE (3), BLOCK FOUR (4), MURRAY 2<sup>ND</sup> ADDITION, AND ALSO PART OF LOT ONE (1), BLOCK TWO (2). OF THE VACATED PORTION OF BUTTER CREEK PARK, AND ALSO PART OF VACATED NORTH WHEELING AVENUE, AND ALSO PART OF SECTION NINETEEN (19), TOWNSHIP TWENTY (20) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERDIAN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST QUARTER OF SAID SECTION 19; THENCE S01°00'17"E FOR A DISTANCE OF 88.32 FEET; THENCE S88°09'14"W FOR A DISTANCE OF 49.64 FEET TO THE POINT OF BEGINNING. THENCE S01°14'37"E FOR A DISTANCE OF 361.26 FEET; THENCE S60°48'41"W FOR A DISTANCE OF 1228.27 FEET; THENCE N01°14'37"W FOR A DISTANCE OF 353.93 FEET; THENCE S88°09'14"W FOR A DISTANCE OF 183.65 FEET; THENCE S01°14'02"E FOR A DISTANCE OF 449.46 FEET; THENCE S60°48'41"W FOR A DISTANCE OF 746.85 FEET; THENCE S60°55'09"W FOR A DISTANCE OF 1490.06 FEET; THENCE S62°58'02"W FOR A DISTANCE OF 1185.51 FEET; THENCE S58°13'33"W FOR A DISTANCE OF 362.42 FEET; THENCE S77°35'22"W FOR A DISTANCE OF 98.09 FEET: THENCE S88°50'22"W FOR A DISTANCE OF 65.40 FEET: THENCE N01°10'31"W FOR A DISTANCE OF 75.37 FEET; THENCE N66°06'56"E FOR A DISTANCE OF 66.52 FEET; THENCE N48°35'46"E FOR A DISTANCE OF 142.75 FEET; THENCE N29°14'40"E FOR A DISTANCE OF 7.99 FEET; THENCE N88°09'22"E FOR A DISTANCE OF 70.18 FEET; THENCE N01°09'41"W FOR A DISTANCE OF 436.46 FEET; THENCE N08°26'50"E FOR A DISTANCE OF 252.35 FEET; THENCE N88°09'14"E FOR A DISTANCE OF 122.13 FEET; THENCE N08°25'54"E FOR A DISTANCE OF 147.70 FEET; THENCE N56°34'06"W FOR A DISTANCE OF 117.41 FEET; THENCE N01°11'36"W FOR A DISTANCE OF 81.29 FEET; THENCE AROUND A CURVE TO THE RIGHT WITH A RADIUS OF 136.87 FEET, A LENGTH OF 109.35 FEET, A CHORD DISTANCE OF 106.46 FEET WITH A CHORD BEARING N31°19'11"E; THENCE N54°12'28"E FOR A DISTANCE OF 107.46 FEET; THENCE N35°47'32"W FOR A DISTANCE OF 203.19 FEET; THENCE N88°09'14"E FOR A DISTANCE OF 147.45 FEET; THENCE N52°07'56"E FOR A DISTANCE OF 275.09 FEET; THENCE N13°13'30"E FOR A DISTANCE OF 255.86 FEET; THENCE N32°38'59"E FOR A DISTANCE OF 139.23 FEET; THENCE N01°13'28"W FOR A DISTANCE OF 136.22 FEET; THENCE N59°19'55"E FOR A DISTANCE OF 60.19 FEET; THENCE N88°09'14"E FOR A DISTANCE OF 659.11 FEET; THENCE N01°13'28"W FOR A DISTANCE OF 529.83 FEET; THENCE N88°09'14"E FOR A DISTANCE OF 276.62 FEET; THENCE N49°29'39"E FOR A DISTANCE OF 128.06 FEET; THENCE N88°09'14"E FOR A DISTANCE OF 22532.72 FEET; THENCE S01°50'46"E FOR A DISTANCE OF 8.00 FEET; THENCE N88°09'14"E FOR A DISTANCE OF 307.07 FEET; THENCE AROUND A CURVE TO THE RIGHT WITH A RADIUS OF 30.00 FEET, A LENGTH OF 47.44 FEET, A CHORD DISTANCE OF 42.65 FEET WITH A CHORD BEARING S46°32'42"E TO THE POINT OF BEGINNING.

AREA CONTAINS 133.66 ACRES, MORE OR LESS.

# SECTION I. STREETS, EASEMENTS AND UTILITIES

# 1. PUBLIC STREETS AND UTILITY EASEMENTS

1.1. THE OWNER HEREBY DEDICATES TO THE PUBLIC THE UTILITY EASEMENTS DESIGNATED AS U/EOR " UTILITYEASEMENT" FOR THE SEVERAL PURPOSES OF CONSTRUCTING, MAINTAINING, OPERATING, REPAIRING, REPLACING, AND/OR REMOVING ANY AND ALL PUBLIC UTILITIES, INCLUDING STORM SEWERS, SANITARY SEWERS, TELEPHONE AND COMMUNICATION LINES, ELECTRIC POWER LINES AND TRANSFORMERS, GAS LINES, WATER LINES AND CABLE TELEVISION LINES, TOGETHER WITH ALL FITTINGS, INCLUDING THE POLES, WIRES, CONDUITS, PIPES, VALVES, METERS, MANHOLES AND EQUIPMENT FOR EACH OF SUCH FACILITIES AND ANY OTHER APPURTENANCES THERETO, WITH THE RIGHTS OF INGRESS AND EGRESS TO AND UPON THE UTILITY EASEMENTS FOR THE USES AND PURPOSES STATED, PROVIDED THE OWNER RESERVES THE RIGHT TO CONSTRUCT, MAINTAIN, OPERATE, LAY AND REPAIR OR REPLACE WATER LINES AND SEWER LINES, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS FOR SUCH CONSTRUCTION, MAINTENANCE, OPERATION, LAYING, REPAIRING AND RE-LAYING OVER, ACROSS AND ALONG ALL OF THE UTILITY EASEMENTS DEPICTED ON THE PLAT, FOR THE PURPOSE OF FURNISHING WATER AND/OR SEWER SERVICES TO AREAS DEPICTED ON THE PLAT. THE OWNER HEREIN 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.

# 2. RESTRICTED WATERLINE EASEMENTS

2.1. THE OWNER DOES HEREBY DEDICATE TO THE PUBLIC PERPETUAL EASEMENTS ON, OVER, AND ACROSS THOSE AREAS DEPICTED ON THE ACCOMPANYING PLAT AS "RESTRICTEDWATERLINE EASEMENT" FOR THE PURPOSES OF CONSTRUCTING, MAINTAINING, OPERATING, REPAIRING, REPLACING, AND/OR REMOVING WATERLINES TOGETHER WITH ALL FITTINGS INCLUDING THE PIPES, VALVES, METERS AND EQUIPMENT AND OTHER APPURTENANCES THERETO TOGETHER WITH RIGHTS OF INGRESS AND EGRESS TO AND UPON THE EASEMENTS FOR THE USES AND PURPOSES STATED.

# 3. STORMWATER DETENTION EASEMENTS

- 3.1. THE OWNER DOES HEREBY DEDICATE TO THE PUBLIC PERPETUAL EASEMENTS ON, OVER, AND ACROSS THE PROPERTY DESIGNATED AND SHOWN ON THE ACCOMPANYING PLAT AS "STORMWATER DETENTION EASEMENT" FOR THE PURPOSES OF PERMITTING THE FLOW, CONVEYANCE, RETENTION, DETENTION AND DISCHARGE OF STORMWATER RUNOFF FROM THE SUBDIVISION.
- 3.2. DETENTION, RETENTION AND OTHER DRAINAGE FACILITIES LOCATED WITHIN THE STORMWATER DETENTION EASEMENTS SHALL BE CONSTRUCTED IN ACCORDANCE WITH STANDARDS AND SPECIFICATIONS APPROVED BY THE CITY OF TULSA, OKLAHOMA.
- 3.3. NO FENCE, WALL, BUILDING, OR OTHER OBSTRUCTION MAY BE PLACED OR MAINTAINED IN STORMWATER DETENTION EASEMENTS NOR SHALLTHERE BE ANY ALTERATION OF GRADE IN SAID EASEMENTS UNLESS APPROVED BY THE CITY OF TULSA, OKLAHOMA.
- DETENTION, RETENTION, AND OTHER DRAINAGE FACILITIES SHALL BE MAINTAINED BY THE OWNER, TO THE EXTENT NECESSARY TO ACHIEVE THE INTENDED DRAINAGE, RETENTION, AND DETENTION FUNCTIONS INCLUDING REPAIR OF APPURTENANCES AND REMOVAL OF OBSTRUCTIONS AND SILTATION. DETENTION FACILITIES SHALL BE MAINTAINED BY THE OWNER IN ACCORDANCE WITH THE FOLLOWING MINIMUM STANDARDS:

# TULSA COUNTY, OKLAHOMA

- GRASS AREAS SHALL BE MOWED (IN SEASON) AT REGULAR INTERVALS OF FOUR WEEKS, OR LESS.
- 3.4.2. CONCRETE APPURTENANCES SHALL BE MAINTAINED IN GOOD CONDITION AND REPLACED IF DAMAGED.
- 3.4.3. THE DETENTION EASEMENT SHALL BE KEPT FREE OF DEBRIS.
- 3.4.4. CLEANING OF SILTATION AND VEGETATION FROM CONCRETE CHANNELS SHALL BE PERFORMED TWICE YEARLY.
- 3.5. LANDSCAPING, APPROVED BY THE CITY OF TULSA, OKLAHOMA, SHALL BE ALLOWED WITHIN THE DETENTION EASEMENTS.
- IN THE EVENT THE OWNER SHOULD FAIL TO PROPERLY MAINTAIN THE DETENTION, RETENTION, AND OTHER DRAINAGE FACILITIES OR, IN THE EVENT OF THE PLACEMENT OF AN OBSTRUCTION, OR THE ALTERATION OF GRADE WITHIN A DETENTION EASEMENT, THE CITY OF TULSA, OKLAHOMA, OR ITS DESIGNATED CONTRACTOR MAY ENTER AND PERFORM MAINTENANCE NECESSARY TO ACHIEVE THE INTENDED DRAINAGE AND DETENTION FUNCTIONS AND MAY REMOVE ANY OBSTRUCTION OR CORRECT ANY ALTERATION OF GRADE, AND THE COSTS THEREOF SHALL BE PAID BY THE OWNER. IN THE EVENT THE OWNER FAILS TO PAY THE COST OF MAINTENANCE AFTER COMPLETION OF THE MAINTENANCE AND RECEIPT OF A STATEMENT OF COSTS, THE CITY OF TULSA, OKLAHOMA, MAY FILE OF RECORD A COPY OF THE STATEMENT OF COSTS IN THE LAND RECORDS OF THE TULSA COUNTY CLERK, AND THEREAFTER THE COSTS SHALL BE A LIEN AGAINST THE PROPERTY IN THE SUBDIVISION. A LIEN ESTABLISHED AS ABOVE PROVIDED MAY BE FORECLOSED BY THE CITY OF TULSA, OKLAHOMA.

## 4. UTILITY SERVICE

- 4.1. 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.
- 4.2. 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.
- 4.3. 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.
- 4.4. THE OWNER OF ANY LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE UNDERGROUND SERVICE FACILITIES LOCATED ON THE OWNER'S LOT AND SHALL PREVENT THE ALTERATION OF GRADE OR ANY CONSTRUCTION ACTIVITY WHICH WOULD INTERFERE WITH THE ELECTRIC, TELEPHONE, CABLE TELEVISION OR GAS\_FACILITIES. EACH SUPPLIER OF THESE SERVICES SHALL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF UNDERGROUND FACILITIES, BUT THE LOT OWNER SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE LOT OWNER OR THE LOT OWNER'S AGENTS OR CONTRACTORS.
- 4.5. THE COVENANTS SET FORTH IN THIS SUBSECTION SHALL BE ENFORCEABLE BY EACH SUPPLIER OF THE ELECTRIC, TELEPHONE, CABLE TELEVISION OR GAS SERVICE AND THE OWNER OF ANY LOT AGREES TO BE BOUND BY THESE COVENANTS.

# 5. WATER, SANITARY SEWER AND STORM SEWER SERVICES

- 5.1. THE OWNER OF ANY LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE PUBLIC WATER MAINS, SANITARY SEWER MAINS, AND STORM SEWERS LOCATED ON THE OWNER'S LOT.
- 5.2. WITHIN UTILITY EASEMENTS, RESTRICTED WATERLINE, SANITARY SEWER, STORM SEWER AND DRAINAGE 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.
- 5.3. 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.
- 5.4. THE CITY OF TULSA, OKLAHOMA, OR ITS SUCCESSORS, SHALL AT ALL TIMES HAVE RIGHT OF ACCESS TO ALL UTILITY EASEMENTS, RESTRICTED WATERLINE, SANITARY SEWER, STORM SEWER AND DRAINAGE 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.
- 5.5. THE COVENANTS SET FORTH IN THIS SUBSECTION SHALL BE ENFORCEABLE BY THE CITY OF TULSA, OKLAHOMA, OR ITS SUCCESSORS, AND THE OWNER OF EACH LOT AGREES TO BE BOUND BY THESE COVENANTS.

# 6. GAS SERVICE

- 6.1. 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.
- 6.2. THE OWNER OF ANY LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE UNDERGROUND GAS FACILITIES LOCATED WITHIN THE LOT AND SHALL PREVENT THE ALTERATION OF GRADE OR ANY OTHER CONSTRUCTION ACTIVITY WHICH WOULD INTERFERE

WITH GAS SERVICE. THE SUPPLIER OF GAS SERVICE SHALL BE RESPONSIBLE FOR THE ORDINARY MAINTENANCE OF ITS FACILITIES, BUT THE LOT OWNER SHALL PAY FOR DAMAGE OR RELOCATION OF FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE LOT OWNER, OR THE LOT OWNER'S AGENTS OR CONTRACTORS.

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

# 7. LIMITS OF NO ACCESS

7.1. THE UNDERSIGNED OWNER/DEVELOPER HEREBY RELINQUISHES RIGHTS OF VEHICULAR INGRESS OR EGRESS FROM ANY PORTION OF THE PROPERTY ADJACENT TO E. 36tH STREET NORTH, NORTH LEWIS AVENUE, E. MOHAWK BLVD., E. 35th STREET NORTH AND NORTH UTICA PLACE WITHIN THE BOUNDS DESIGNATED AS "LIMITS OF NO ACCESS" (L.N.A.) ON THE ACCOMPANYING PLAT, WHICH "LIMITS OF NO ACCESS" MAY BE AMENDED OR RELEASED BY THE TULSA METROPOLITAN AREA PLANNING COMMISSION, OR ITS SUCCESSOR, AND 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 ABOVE ESTABLISHED SHALL BE ENFORCEABLE BY THE CITY OF TULSA.

# 8. PAVING AND LANDSCAPING WITHIN EASEMENTS

8.1. THE OWNER OF ANY LOT DEPICTED ON THE ACCOMPANYING PLAT SHALL BE RESPONSIBLE FOR THE REPAIR OF DAMAGE TO LANDSCAPING AND PAVING OCCASIONED BY INSTALLATION OR NECESSARY MAINTENANCE OF UNDERGROUND WATER, SANITARY SEWER, STORM SEWER, NATURAL GAS, COMMUNICATION, CABLE TELEVISION OR ELECTRIC FACILITIES WITHIN THE EASEMENT AREAS DEPICTED UPON THE ACCOMPANYING PLAT, PROVIDED THE CITY OF TULSA, OKLAHOMA, OR ITS SUCCESSORS, OR THE SUPPLIER OF THE UTILITY SERVICE SHALL USE REASONABLE CARE IN THE PERFORMANCE OF SUCH ACTIVITIES.

# 9. SIDEWALKS

9.1. SIDEWALKS TO BE TIED INTO EXISTING SIDEWALK ALONG E. 36TH STREET NORTH, NORTH LEWIS AVENUE, E. MOHAWK BLVD., E. 35TH STREET NORTH AND NORTH UTICA PLACE IN ACCORDANCE WITH THE TULSA METROPOLITAN AREA SUBDIVISION AND DEVELOPMENT REGULATIONS. REQUIRED SIDEWALKS SHALL BE CONSTRUCTED AND MAINTAINED IN CONFORMANCE WITH THE CITY OF TULSA ENGINEERING DESIGN STANDARDS.

# 10. CERTIFICATE OF OCCUPANCY RESTRICTIONS

10.1. NO CERTIFICATE OF OCCUPANCY FOR A BUILDING WITHIN THE SUBDIVISION SHALL BE ISSUED BY THE CITY OF TULSA, OKLAHOMA UNTIL CONSTRUCTION OF THE REQUIRED INFRASTRUCTURE (STREETS, WATER, SANITARY SEWER, STORM SEWER SYSTEMS AND SIDEWALKS) SERVING THE ENTIRE SUBDIVISION HAS BEEN COMPLETED AND ACCEPTED BY THE CITY. NOTWITHSTANDING THE FOREGOING, THE CITY MAY AUTHORIZE THE ISSUANCE OF A TEMPORARY CERTIFICATE OF OCCUPANCY IF, IN THE CITY'S SOLE DISCRETION, THE CIRCUMSTANCES SUPPORT THE ISSUANCE. FURTHER NOTWITHSTANDING THE FOREGOING, THE CITY MAY AUTHORIZE THE PHASING OF THE CONSTRUCTION OF INFRASTRUCTURE WITHIN THE SUBDIVISION, AND IF PHASING IS AUTHORIZED, A CERTIFICATE OF OCCUPANCY FOR A BUILDING WITHIN AN AUTHORIZED PHASE MAY ISSUE UPON THE COMPLETION AND ACCEPTANCE OF THE INFRASTRUCTURE SERVING THE PARTICULAR PHASE. BUILDING CONSTRUCTION OCCURRING PRIOR TO THE CITY'S ACCEPTANCE OF THE INFRASTRUCTURE SHALL BE AT THE RISK OF THE OWNER OF THE LOT, NOTWITHSTANDING THE ISSUANCE OF A BUILDING PERMIT OR OF A TEMPORARY CERTIFICATE OF OCCUPANCY.

# SECTION II. ENFORCEMENT, DURATION, AMENDMENT AND SEVERABILITY

# 1. ENFORCEMENT

THE RESTRICTIONS HEREIN SET FORTH ARE COVENANTS TO RUN WITH THE LAND AND SHALL BE BINDING UPON THE OWNER/DEVELOPER, 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. 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

# 2. DURATION

THESE RESTRICTIONS AND COVENANTS, 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.

# 3. AMENDMENT

THE COVENANTS CONTAINED WITHIN SECTION I. STREETS, EASEMENTS AND UTILITIES MAY BE AMENDED OR TERMINATED AT ANY TIME BY A WRITTEN INSTRUMENT SIGNED AND ACKNOWLEDGED BY THE OWNER OF THE LAND TO WHICH THE AMENDMENT OR TERMINATION IS TO BE APPLICABLE AND APPROVED BY THE TULSA METROPOLITAN AREA PLANNING COMMISSION, OR ITS SUCCESSORS AND THE CITY OF TULSA, OKLAHOMA. THE PROVISIONS OF ANY INSTRUMENT AMENDING OR TERMINATING COVENANTS AS ABOVE SET FORTH SHALL BE EFFECTIVE FROM AND AFTER THE DATE IT IS PROPERLY RECORDED IN THE RECORDS OF THE COUNTY CLERK OF TULSA COUNTY.

# 4. 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.

# CERTIFICATE OF OWNERSHIP

IN WITNESS WHEREOF, NP36 LLC., BEING THE OWNER OF THE SUBDIVISION, HEREB'	APPROVES THE
FOREGOING DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS ON THIS	ı
DAY OF, 2023.	

BY:			

JOSH MILLER, MANAGER

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

BEFORE ME, THE UNDERSIGNED, NOTARY OF PUBLIC IS AND FOR SAID COUNTY AND AND STATE, ON THIS \_\_\_\_\_\_\_ DAY OF \_\_\_\_\_\_, 2023 PERSONALLY APPEARED TO ME JOSH MILLER, MANAGER OF NP36, LLC., KNOWN TO BE THE IDENTICAL PERSON WHO SUBSCRIBED THEIR NAME AS THE MAKER OF THE FOREGOING INSTRUMENT, AS ITS OWNER AND ACKNOWLEDGED TO ME THAT EXECUTED THE SAME AS HIS FREE AND VOLUNTARY ACT AND DEED OF SUCH COMPANY FOR THE USES AND PURPOSES THEREIN SET FORTH.

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

MY COMMISSION EXPIRES: _	
	NOTARY PUBLIC

# CERTIFICATE OF SURVEY

I, CLIFF BENNETT, A REGISTERED LAND SURVEYOR 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 SAID PLAT DESIGNATED HEREIN AS THE FINAL PLAT OF "PROJECT HALO", A SUBDIVISION IN THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, IS A TRUE AND CORRECT REPRESENTATION OF SAID SURVEY.

WITNESS MY HAND AND SEAL THIS	DAY OF	, 2023.

CLIFF BENNETT	
REGISTERED PROFESSIONAL LAND SURVE	YOR
OKLAHOMA NO. 1815	

STATE OF OKLAHOMA )	
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COUNTY OF

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, ON THIS

DAY OF \_\_\_\_\_\_, 2023., PERSONALLY APPEARED CLIFF BENNETT TO ME KNOWN TO

BE THE IDENTICAL PERSON WHO EXECUTED THE WITHIN AND FOREGOING INSTRUMENT.

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

MY COMMISSION EXPIRES:		

PROJECT NP36 NORTH
PRELIMINARY PLAT - JANUARY 31st 2024

**NOTARY PUBLIC**