



Tulsa Metropolitan Area
Planning Commission

Case : The Land – Phase One

Hearing Date: October 21, 2020

Case Report Prepared by:

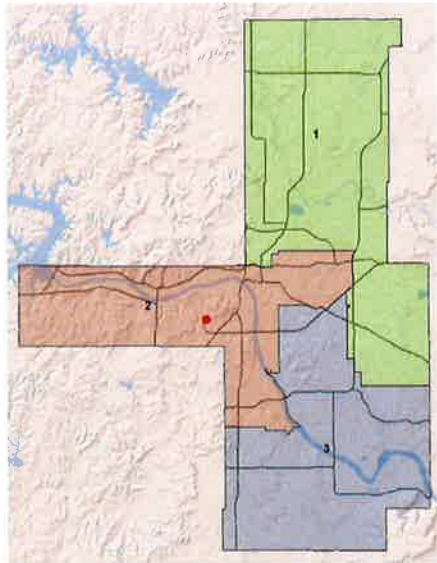
Nathan Foster

Owner and Applicant Information:

Applicant: Ted Sack

Owner: Presley Family Ministries

Location Map:
(shown with County Commission districts)



Applicant Proposal:

Amendment to Deed of Dedication

Location: Southeast corner of West 41st Street South and Gilcrease Expressway

Summary: Amending previously filed deed of dedication to adjust easement standards and clarify language.

Zoning: CG, RM-2, PUD-824

Staff Recommendation:

Staff recommends **approval** of the amendment

County Commission District: 2

Commissioner Name: Karen Keith

EXHIBITS: Amendment to Deed of Dedication

Amendment of Deed of Dedication and Restrictive Covenants for The Land – Phase One

KNOW ALL BY THESE PRESENTS:

That **Presley Family Ministries Inc.**, an Oklahoma Not For Profit Corporation, is the owner of the following described parcel of land situated in **THE LAND – PHASE ONE**, a subdivision in the County of Tulsa, State of Oklahoma, according to the recorded Plat [No. 6812] thereof:

The Land – Phase One, a Subdivision of Land in Tulsa County, State of Oklahoma, according to the recorded Plat [No. 6812] thereof.

Less And Except a Parcel Conveyed unto The Oklahoma Turnpike Authority, (Document #2019069223) and more particularly described as follows: Beginning at a Point on the North line of the NE/4 of Section Twenty-Nine (29), Township Nineteen (19) North, Range Twelve (12) East of the Indian Meridian, Tulsa County, Oklahoma and the Northeast corner of said "The Land - Phase One"; thence Southerly along the East line of said "The Land - Phase One" for a distance of 70.00 Feet; thence Westerly for a distance of 667.47 feet to a point on the West line of said "The Land - Phase One"; thence Northerly along said West line for a distance of 69.93 feet to a point on the North line of said NE/4; thence Easterly along said North line for 666.94 feet to the Point Of Beginning of said Parcel.

Pursuant to the terms and provisions of **Section IV** of the **Deed of Dedication and Restrictive Covenants for The Land – Phase One** filed for record on September 10, 2018 in the Office of the County Clerk of Tulsa County, Oklahoma as a component part of the **Plat** of The Land – Phase One, the above named owner of the specified land situated in The Land – Phase One hereby amends the **Section II "Planned Unit Development Restrictions"** set forth in the Deed of Dedication and Restrictive Covenants for The Land – Phase One in the following particulars:

D. PRIVATE STREETS – RESERVE "A"

THE STREETS DEPICTED ON THE ACCOMPANYING PLAT AS "RESERVE 'A'" AND MARKED "PRIVATE" (HEREINAFTER THE "PRIVATE STREETS") ARE HEREIN ESTABLISHED AND GRANTED BY THE DEVELOPER AS PRIVATE STREETS, ALLEYWAYS, PARKING AND SIDEWALKS FOR THE COMMON USE AND BENEFIT OF THE OWNERS OF ALL LOTS WITHIN THE LAND - PHASE ONE, THEIR GUESTS AND INVITEES, FOR THE PURPOSE OF PROVIDING

VEHICULAR AND PEDESTRIAN ACCESS TO AND FROM THOSE LOTS, AND ARE RESERVED FOR SUBSEQUENT ASSIGNMENT AND CONVEYANCE TO THE PROPERTY OWNERS' ASSOCIATION. THE USE OF RESERVE 'A' IS LIMITED TO USE FOR PRIVATE STREETS, ALLEYWAYS AND PARKING, UTILITIES, DRAINAGE, OPEN SPACE, RECREATION, SIDEWALKS AND LANDSCAPING.

THE DEVELOPER HEREIN GRANTS TO THE CITY OF TULSA AND TULSA COUNTY, OKLAHOMA, THE UNITED STATES POSTAL SERVICE, ANY PUBLIC UTILITY PROVIDING UTILITY SERVICE TO THE SUBDIVISION, AND TO ANY REFUSE COLLECTION SERVICE WHICH PROVIDES SERVICE WITHIN THE SUBDIVISION, THE RIGHT TO ENTER AND TRAVERSE THE PRIVATE STREETS AND TO OPERATE THEREON ALL SERVICE, EMERGENCY AND GOVERNMENT VEHICLES INCLUDING, BUT NOT LIMITED TO, POLICE AND FIRE VEHICLES AND EQUIPMENT.

THE DEVELOPER ACKNOWLEDGES FOR ITSELF AND ITS SUCCESSORS IN TITLE THAT THE PRIVATE STREETS, AS DEPICTED ON THE ACCOMPANYING PLAT DO NOT MEET TULSA COUNTY STANDARD AS TO WIDTH OF RIGHT-OF-WAY AND WIDTH OF PAVING, AND FURTHER ACKNOWLEDGES THAT THE PRIVATE STREETS SHALL BE MAINTAINED BY THE PROPERTY OWNERS' ASSOCIATION, AND THAT TULSA COUNTY SHALL HAVE NO DUTY TO MAINTAIN ANY PRIVATE STREET WITHIN THE SUBDIVISION, NOR HAVE ANY IMPLIED OBLIGATION TO ACCEPT ANY SUBSEQUENT TENDER OF DEDICATION OF ANY PRIVATE STREET WITHIN THE SUBDIVISION.

THE DEVELOPER FURTHER DEDICATES THE AREA AS A UTILITY EASEMENT AS PREVIOUSLY DEFINED IN SECTION I. PUBLIC STREETS, EASEMENTS AND UTILITIES.

FOLLOWING THE CONSTRUCTION, MAINTENANCE, OR REPAIR OF A UTILITY LINE OR APPURTENANCE THERETO, THE SURFACE COURSE DISTURBED DURING SAID ACTIVITY, IF NOT A TYPICAL MATERIAL IN THE JUDGMENT OF THE UTILITY PROVIDER, SHALL BE REPAIRED OR REPLACED BY THE PROPERTY OWNERS' ASSOCIATION AND SHALL NOT BE THE RESPONSIBILITY OF THE UTILITY PROVIDER OR THEIR CONTRACTOR, HOWEVER, THE UTILITY PROVIDER AND THEIR CONTRACTOR SHALL USE REASONABLE CARE IN PERFORMING THE CONSTRUCTION, MAINTENANCE, OR REPAIR ACTIVITY TO MINIMIZE DISTURBANCE OF THE SURFACE COURSE.

All Development Standards prescribed in the original PUD 824, except as specifically provided above, remain unchanged and are not amended or modified hereby.

Presley Family Ministries Inc., an Oklahoma Not For Profit Corporation, as the original "Developer" of The Land – Phase One subdivision and an owner of at least one lot in such subdivision hereby joins in this Amendment of the Deed of Dedication and Restrictive Covenants for The Land – Phase One as required by the provisions of Section IV thereof.

EXECUTED at Tulsa, Oklahoma, to be effective for all purposes as of _____ day of _____, 2020.

**Presley Family Ministries Inc.
An Oklahoma Not For Profit Corporation**

By: _____
Dr. Richard Presley, President

APPROVED BY THE TULSA METROPOLITAN AREA PLANNING COMMISSION on _____, 2020.

Date: _____
Chair

Secretary

STATE OF OKLAHOMA)
COUNTY OF TULSA) ss.

This instrument was acknowledged before me this _____ day of _____, 2020, by Dr. Richard Presley as President of Presley Family Ministries Inc., an Oklahoma Not For Profit Corporation.

(SEAL)

Notary Public

Commission No./Expiration:
