



Tulsa Metropolitan Area
Planning Commission

Case : Church of Saint Mary

Hearing Date: June 17, 2020

Case Report Prepared by:

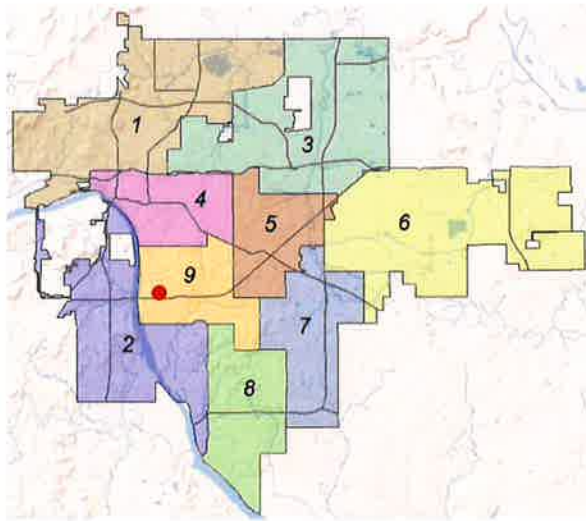
Nathan Foster

Owner and Applicant Information:

Applicant: Russell Muzika, Geodeca

Owner: Most Rev. D. A. Konderla

Location Map:
(shown with City Council districts)



Applicant Proposal:

Preliminary Plat

1 lot, 1 block, 8 ± acres

Location: Southwest corner of East 48th
Place South and South Quincy Avenue

Zoning: RS-3 (Residential)

Staff Recommendation:

Staff recommends **approval** of the
preliminary subdivision plat

City Council District: 9

Councilor Name: Ben Kimbro

County Commission District: 2

Commissioner Name: Karen Keith

EXHIBITS: Site Map, Aerial, Land Use, Growth & Stability, Preliminary Plat

PRELIMINARY SUBDIVISION PLAT

Church of Saint Mary - (CD 9)

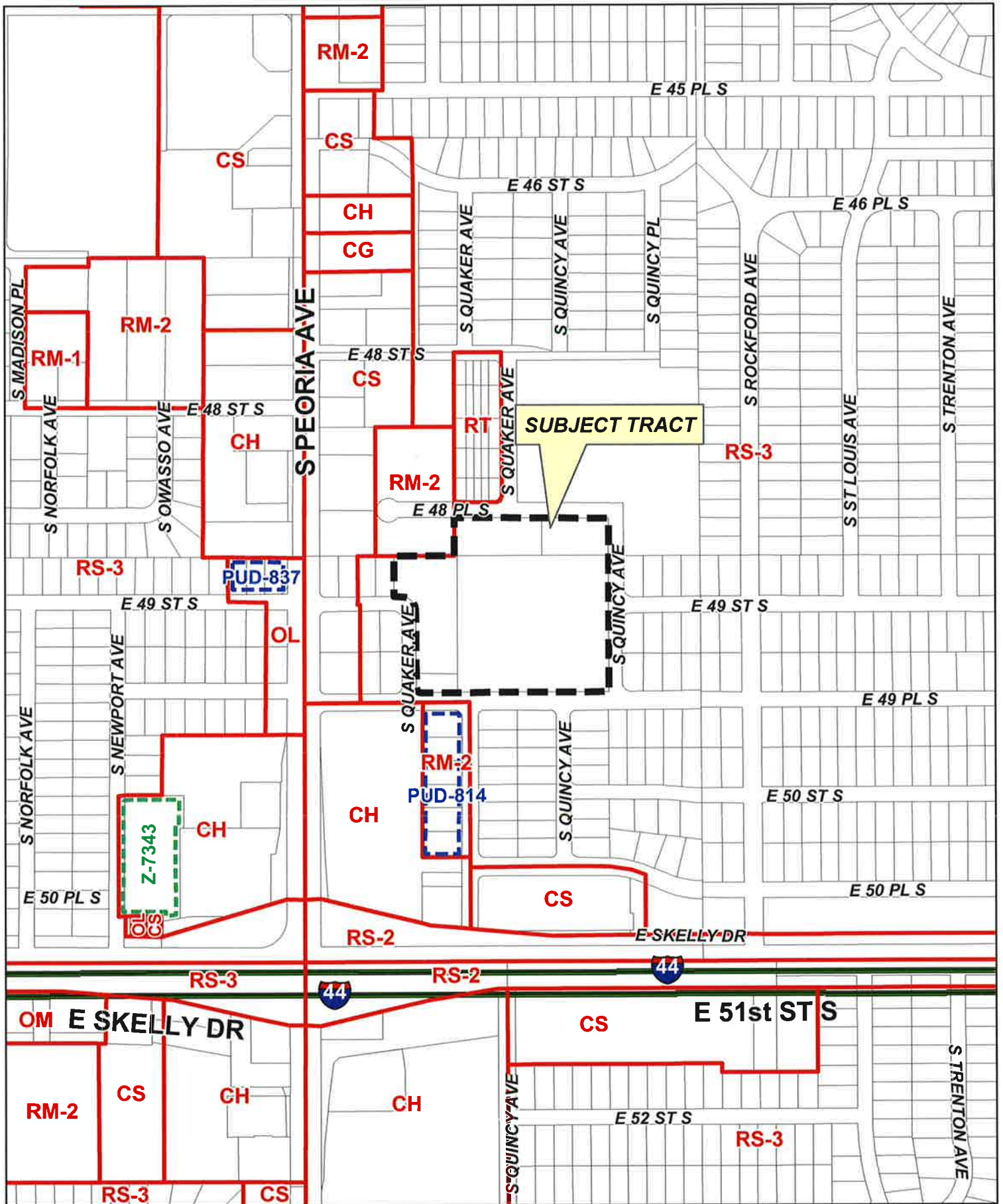
Southwest corner of East 48th Place South and South Quincy Avenue

This plat consists of 1 lot, 1 block on 8 ± acres.

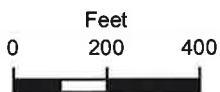
The Technical Advisory Committee (TAC) met on June 4, 2020 and provided the following conditions:

1. **Zoning:** The property is zoned RS-3. The proposed lot conforms to the requirements of the RS-3 lot and building regulations. Religious Assembly uses are permitted by special exception in the RS-3 district.
2. **Addressing:** City of Tulsa addresses and street names must be assigned and affixed to the face of the final plat along with an address disclaimer.
3. **Transportation & Traffic:** Provide corner clip at the northeast and southeast corners of the plat. Label all adjacent right-of-way with dimension, street name (if applicable) and recording information. Provide easements for sidewalks not contained within the right-of-way or an existing easement.
4. **Sewer/Water:** Easements must be provided as required to cover existing/proposed public infrastructure. All easements are required to be labeled and dimensioned on the face of the final plat. Any required IDP must obtain approval prior to final plat approval.
6. **Engineering Graphics:** Submit subdivision data control sheet with final plat submittal. Remove contours on final plat. Provide full engineer/surveyor information on the face of the plat including valid CA number. Provide appropriate signature block for City officials. Update location map to reflect only platted property boundaries; label all other property as "Unplatted". Provide a basis of bearing heading with information providing a bearing angle shown on the face of the plat. Remove improvements and update plat lines to reflect only required information for final plat. Graphically show all pins found or set associated with the plat.
7. **Stormwater, Drainage, & Floodplain:** There is existing floodplain on the subject property that must be accurately delineated on the face of the plat and, if required, contained within an overland drainage easement. Floodplain shall be plotted based on actual flood elevations and contours and labeled appropriately.
8. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** 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 & gas activity on the site.

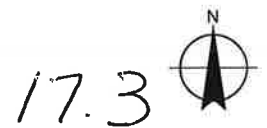
Staff recommends **APPROVAL** of the preliminary subdivision plat subject to the conditions provided by TAC and all other requirements of the Subdivision and Development Regulations. City of Tulsa release letter including Development Services, City Legal, and Engineering Services is required prior to final plat approval.



**CHURCH OF
SAINT MARY**



19-13 30





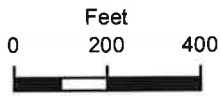
CHURCH OF SAINT MARY

19-13 30

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

Aerial Photo Date: February 2018

17.4



Subject Tract





SQUAKER AVE

E 48 PL S

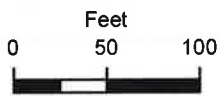
SQUINCY AVE

SQUAKER AVE

E 49 PL S

SQUAKER AVE

SQUINCY AVE



Subject Tract

CHURCH OF SAINT MARY

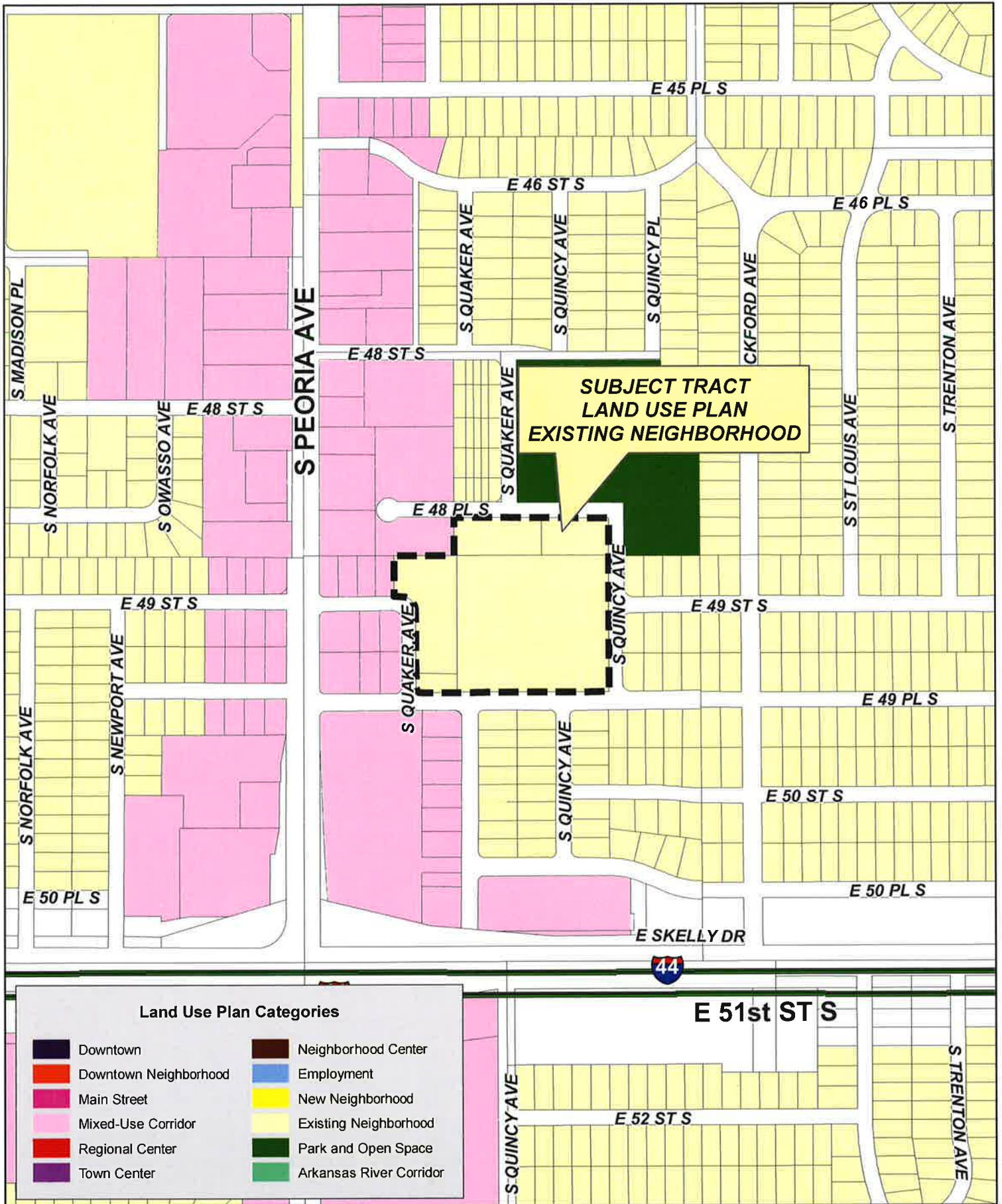
19-13 30

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

Aerial Photo Date: February 2018

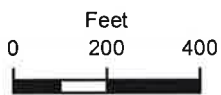
17.5





Land Use Plan Categories

- | | |
|---|---|
|  Downtown |  Neighborhood Center |
|  Downtown Neighborhood |  Employment |
|  Main Street |  New Neighborhood |
|  Mixed-Use Corridor |  Existing Neighborhood |
|  Regional Center |  Park and Open Space |
|  Town Center |  Arkansas River Corridor |

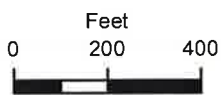
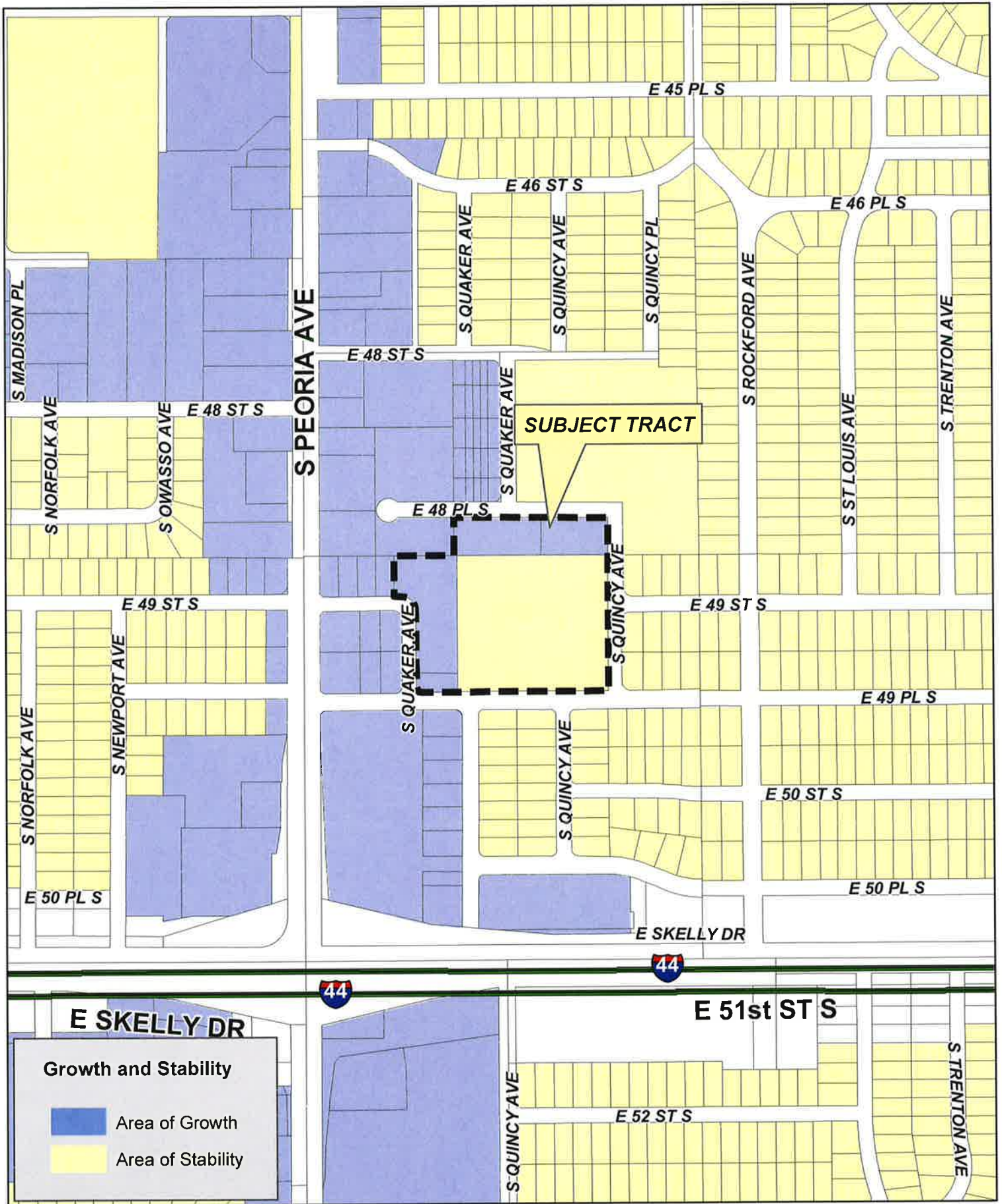


**CHURCH OF
SAINT MARY**

19-13 30

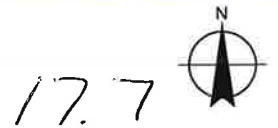
17.6





**CHURCH OF
SAINT MARY**

19-13 30



DEED OF DEDICATION AND RESTRICTIVE COVENANTS

KNOW ALL BY THESE PRESENTS: MOST REV. DAVID A. KONDRELA, BISHOP OF THE ROMAN CATHOLIC DIOCESE OF TULSA, SUCCESSOR IN INTEREST TO THE MOST REVEREND EDWARD J. SLATTERY AND MOST REVEREND ELLIUS B. BELTRAN, 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 all of Lots 5, 6, 7, 8, 9, 10 & 11 of Block 17, "BELLAIRE ACRES SECOND EXTENSION" an addition to the City of Tulsa, listed as Plat #1705 at the office of the Tulsa County Clerk, together with a part of the Southwest Quarter of Section 30, Township 19 North, Range 13 East of the Indian Meridian, Tulsa County, State of Oklahoma, all together being more particularly described as follows: Point of Beginning at the Southeast corner of Lot 7 of Block 17, "ADDITION" an addition to the City of Tulsa, listed as Plat #2449, thence N01°00'45"W a distance of 126.00 feet to the Northwest corner of said Lot 7; thence N89°50'28"E a distance of 499.90 feet; thence along the West line of the South Quincy Avenue right of way, S01°03'32"E a distance of 569.88 feet; thence along the North line of East 49th Place South right of way, S88°50'28"W a distance of 605.00 feet to the South point of curvature of Lot 11 of Block 17, "BELLAIRE ACRES SECOND EXTENSION"; thence with a curve to the right having a radius of 30.00 feet, an arc length of 31.42 feet, a central angle of 90°00'00"; a chord bearing of N46°03'32"W, and a chord length of 39.35 feet to the West point of tangency of said Lot 11; thence along the East line of the South Quaker Avenue right of way, N01°03'32"W a distance of 242.00 feet to a point of curvature of Lot 7 of Block 17, "BELLAIRE ACRES SECOND EXTENSION"; thence with a curve to the left having a radius of 50.00 feet, an arc length of 78.54 feet, a central angle of 90°00'00"; a chord bearing of N46°03'32"W, and a chord length of 70.71 feet to a point of tangency of Lot 5 of Block 17, "BELLAIRE ACRES SECOND EXTENSION"; thence S88°50'28"W a distance of 20.00 feet to the Southwest corner of said Lot 5; thence N01°03'40"W a distance of 131.89 feet to the Northwest corner of said Lot 5; thence along the North line of said Block 17 of "BELLAIRE ACRES SECOND EXTENSION", N88°50'28"E a distance of 195.00 feet to the Point of Beginning.

Having an area of 350.10 square feet, 8.0372 acres

Bearing based on the Oklahoma State Plane Zone North Grid

AND HAS CAUSED THE ABOVE DESCRIBED TRACT OF LAND TO BE SURVEYED, STAKED, PLATTED AND SUBDIVIDED INTO 1 LOT, 1 BLOCK, CONFORMITY WITH THE ACCOMPANYING PLAN, AND HAS DESIGNATED THE SUBDIVISION AS "CHURCH OF SAINT MARY" A SUBDIVISION OF THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA.

SECTION I. PUBLIC STREET AND UTILITIES

A. PUBLIC STREET OWNER HEREBY ACKNOWLEDGES ALL PUBLIC STREET RIGHT OF WAY DEPENDED ON THE PLAN TO THE EXTENT ANY PORTION OF SUCH STREET RIGHT OF WAY EXISTS BY VIRTUE OF PREVIOUS GRANTS OR DEDICATIONS OR ACQUISITIONS BY THE EXERCISE OF THE POWER OF EMINENT DOMAIN.

B. UTILITY EASEMENTS OWNER HEREBY FURTHER DEDICATES TO THE PUBLIC THE UTILITY EASEMENTS DEPICTED ON THE PLAN FOR THE SEVERAL PURPOSES OF CONSTRUCTING, MAINTAINING, OPERATING, REPAIRING, REPLACING, AND/OR REMOVING ANY AND ALL UNDERGROUND PUBLIC UTILITIES, INCLUDING STORM SEWERS, SANITARY SEWERS, TELEPHONE, AND COMMUNICATION LINES, ELECTRICITY POWER LINES AND TRANSFORMERS, GAS LINES, WATER LINES AND CABLE TELEVISION LINES, TOGETHER WITH ALL FITTINGS, INCLUDING THE WRIS, 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 PURPOSES STATED. PROVIDED OWNER RESERVES THE RIGHT TO CONSTRUCT, MAINTAIN, OPERATE, LAY, RE-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 FOR THE PURPOSES OF FURNISHING WATER AND/OR SEWER SERVICES TO THE AREA INCLUDED IN CHURCH OF SAINT MARY AND TO AREAS OUTSIDE OF CHURCH OF SAINT MARY, TO THE EXTENT ANY PORTION OF SUCH UTILITY EASEMENTS EXIST AS SUCH BY VIRTUE OF PREVIOUS GRANTS OR DEDICATION OR ACQUISITIONS BY THE EXERCISE OF THE POWER OF EMINENT DOMAIN, OWNER NOTWITHSTANDING DEDICATES SUCH UTILITY EASEMENTS IN THEIR ENTIRETY AS SHOWN, OWNER IMPOSES A RESTRICTIVE COVENANT, WHICH COVENANT SHALL BE BINDING ON OWNER AND SHALL BE ENFORCEABLE BY THE CITY AND BY THE SUPPLIER OF ANY AFFECTED UTILITY SERVICE, THAT WITHIN THE UTILITY EASEMENTS NO BUILDING, STRUCTURE OR OTHER ABOVE OR BELOW GROUND OBSTRUCTION THAT INTERFERES WITH THE STATED USES AND PURPOSES OF THE UTILITY EASEMENTS SHALL BE PLACED, ERRECTED, 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.

C. WATER, SANITARY SEWER, AND STORM SEWER SERVICE

- 1. OWNER SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE PUBLIC WATER MAINS, SANITARY SEWER MAINS, AND STORM SEWERS LOCATED ON THE LOT.
2. WITHIN THE UTILITY EASEMENTS, 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, WOULD INTERFERE WITH PUBLIC WATER MAINS, SANITARY SEWER MAINS, AND STORM SEWERS SHALL BE PROHIBITED.
3. THE CITY 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 OWNERS AGENTS AND/OR CONTRACTORS.
4. THE CITY SHALL AT ALL TIMES HAVE THE RIGHT OF ACCESS TO THE UTILITY EASEMENTS DEPICTED ON THE PLAN 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, AND THE LOT OWNER AGREES TO BE BOUND BY THESE COVENANTS.

D. UTILITY SERVICES

- 1. ALL SUPPLY LINES WITHIN CHURCH OF SAINT MARY, INCLUDING ELECTRICITY, TELEPHONE, COMMUNICATION, CABLE TELEVISION AND GAS LINES, SHALL BE LOCATED UNDERGROUND IN THE EASEMENTS DEDICATED FOR GENERAL UTILITY SERVICES AND IN THE RIGHT OF WAY OF THE PUBLIC STREET AS DEPICTED ON THE PLAN. STREET LIGHT POLES OR STANDARDS MAY BE SERVED BY UNDERGROUND CABLE ONLY. SERVICE PEDESTALS AND TRANSFORMERS, AS SOURCES OF SUPPLY AT SECONDARY VOLTAGES, MAY ALSO BE LOCATED IN THE UTILITY EASEMENTS.
2. UNDERGROUND SERVICE CABLES AND GAS SERVICE LINES TO ALL STRUCTURES WITHIN CHURCH OF SAINT MARY MAY BE EXTENDED FROM THE NEAREST GAS MAIN, SERVICE PEDESTAL OR TRANSFORMER TO THE POINT OF USE 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 WIDE STRIP EXTENDING 2 1/2 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 RESPECTIVE SUPPLIERS OF ELECTRICITY, TELEPHONE, COMMUNICATION, CABLE TELEVISION AND GAS SERVICES, THROUGH THEIR AGENTS AND EMPLOYEES, SHALL AT ALL TIMES HAVE THE RIGHT OF ACCESS TO THE UTILITY EASEMENTS DEPICTED ON THE PLAN OR OTHERWISE PROVIDED FOR WITHIN THIS DEED OF DEDICATION FOR THE PURPOSE OF INSTALLING, MAINTAINING, REMOVING OR REPLACING ANY PORTION OF THE UNDERGROUND ELECTRICITY, TELEPHONE, COMMUNICATION, CABLE TELEVISION OR GAS FACILITIES INSTALLED BY THE SUPPLIER OF THE UTILITY SERVICE.
4. THE LOT OWNER SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE UNDERGROUND SERVICE FACILITIES LOCATED ON THE LOT AND SHALL PREVENT THE ALTERATION OF GRADE OR ANY CONSTRUCTION ACTIVITY WHICH WOULD INTERFERE WITH THE ELECTRICITY, TELEPHONE, COMMUNICATION, 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 OWNERS AGENTS OR CONTRACTORS.
5. THE COVENANTS SET FORTH IN THIS SUBSECTION SHALL BE ENFORCEABLE BY EACH SUPPLIER OF THE ELECTRICITY, TELEPHONE, COMMUNICATION, CABLE TELEVISION OR GAS SERVICE, AND THE LOT OWNER AGREES TO BE BOUND BY THESE COVENANTS.

E. 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 OF THE LOT, AND OTHERWISE PROVIDED FOR IN THIS DEED OF DEDICATION FOR THE PURPOSE OF INSTALLING, REMOVING, REPAIRING, OR REPLACING ANY PORTION OF THE FACILITIES INSTALLED BY THE SUPPLIER OF GAS SERVICE.
2. THE LOT OWNER SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE UNDERGROUND GAS FACILITIES LOCATED WITHIN 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 OWNERS 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.
F. LIMITS OF NO ACCESS OWNER HEREBY REINDEMNIFIES RIGHTS OF VEHICULAR INGRESS TO OR EGRESS FROM ANY PORTION OF THE PROPERTY DESIGNATED AS "LIMITS OF NO ACCESS" ON THE PLAN, WHICH LIMITS OF NO ACCESS MAY BE AMENDED OR RELEASED BY THE "LIMITS OF NO ACCESS" WITH THE APPROVAL OF THE CITY, 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.
G. SURFACE DRAINAGE EACH LOT SHALL RECEIVE AND DRAIN IN AN UNOBSTRUCTED MANNER, THE STORM AND SURFACE WATERS FROM THE LOT 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 LOT. THE FOREGOING COVENANTS SET FORTH IN THIS PARAGRAPH SHALL BE ENFORCEABLE BY THE LOT OWNER AND BY THE CITY.
H. STORMWATER DETENTION EASEMENT

- 1. OWNER DOES HEREBY DEDICATE TO THE PUBLIC A PERPETUAL EASEMENT ON, OVER, AND ACROSS THE PROPERTY DESIGNATED AS "STORMWATER DETENTION EASEMENT" FOR THE PURPOSES OF PERMITTING THE FLOW, CONVEYANCE, RETENTION, DETENTION AND DISCHARGE OF STORM WATER RUNOFF FROM THE LOTS WITHIN THE SUBDIVISION AND FROM PROPERTIES NOT INCLUDED WITHIN THE SUBDIVISION.
2. DETENTION, RETENTION AND OTHER DRAINAGE FACILITIES LOCATED WITHIN THE STORMWATER DETENTION EASEMENT SHALL BE CONSTRUCTED IN ACCORDANCE WITH STANDARDS AND SPECIFICATION APPROVED BY THE CITY OF TULSA, OKLAHOMA.
3. NO FENCE, WALL, BUILDING, OR OTHER OBSTRUCTION SHALL BE PLACED OR MAINTAINED IN THE STORMWATER DETENTION EASEMENT NOR SHALL THERE BE ANY ALTERATION OF GRADE IN THE STORMWATER DETENTION EASEMENT UNLESS APPROVED BY THE CITY OF TULSA, OKLAHOMA.
4. DETENTION, RETENTION, AND OTHER DRAINAGE FACILITIES SHALL BE MAINTAINED BY THE LOT OWNER TO THE EXTENT NECESSARY TO ACHIEVE THE INTENDED DRAINAGE, RETENTION, AND DETENTION FUNCTIONS INCLUDING THE REMOVAL OF APPURTENANCES AND REMOVAL OF OBSTRUCTIONS AND SILTATION. DETENTION FACILITIES SHALL BE MAINTAINED BY THE LOT OWNER IN ACCORDANCE WITH THE FOLLOWING MINIMUM STANDARDS:
A. GRASS AREAS SHALL BE MOWED (IN SEASON) AT REGULAR INTERVALS OF FOUR WEEKS, OR LESS.
B. CONSTRUCTION DEBRIS SHALL BE MAINTAINED IN GOOD CONDITION AND AGED IF DAMAGED.
C. THE DETENTION EASEMENT SHALL BE KEPT FREE OF DEBRIS.
D. CLEANING OF SILTATION AND VEGETATION FROM CONCRETE CHANNELS SHALL BE PERFORMED TWICE YEARLY.
5. LANDSCAPING APPROVED BY THE CITY OF TULSA, OKLAHOMA, SHALL BE ALLOWED WITHIN THE STORMWATER DETENTION EASEMENT.
6. IN THE EVENT THE LOT OWNER SHOULD FAIL TO MAINTAIN THE DETENTION, RETENTION, AND OTHER DRAINAGE FACILITIES PROPERLY OR, IN THE EVENT OF THE PLACEMENT OF AN OBSTRUCTION WITHIN, OR THE ALTERATION OF GRADE WITHIN, THE STORMWATER DETENTION EASEMENT, THE CITY OF TULSA, OKLAHOMA, OR ITS DESIGNATED CONTRACTOR MAY ENTER AND PERFORM MAINTENANCE NECESSARY TO ACHIEVE THE INTENDED DRAINAGE FUNCTIONS AND MAY REMOVE ANY OBSTRUCTION OR CORRECT ANY ALTERATION OF GRADE, AND THE COSTS THEREOF SHALL BE PAID BY THE LOT OWNER. IN THE EVENT THE LOT OWNER FAILS TO PAY THE COSTS 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 EACH LOT WITHIN THE SUBDIVISION. A LIEN ESTABLISHED AS ABOVE PROVIDED MAY BE FORECLOSED BY THE CITY OF TULSA, OKLAHOMA.

I. SIDEWALKS SIDEWALKS ARE REQUIRED ALONG STREETS DESIGNATED BY AND IN ACCORDANCE WITH THE TULSA METROPOLITAN AREA SUBDIVISION AND DEVELOPMENT REGULATIONS. REQUIRED SIDEWALKS SHALL BE CONSTRUCTED AND MAINTAINED IN CONFORMANCE WITH THE CITY'S ENGINEERING DESIGN STANDARDS. OWNER SHALL CONSTRUCT ALL REQUIRED SIDEWALKS.

J. PAVING AND LANDSCAPING WITHIN EASEMENTS THE LOT OWNER SHALL BE RESPONSIBLE FOR THE REPAIR OF DAMAGE TO LANDSCAPING AND PAVING OCCASIONED BY INSTALLATION OR NECESSARY MAINTENANCE OF UNDERGROUND WATER, SANITARY SEWER, STORM SEWER, NATURAL GAS, COMMUNICATION, CABLE TELEVISION OR ELECTRICITY FACILITIES WITHIN THE EASEMENT AREAS DEPICTED ON THE ACCOMPANYING PLAN, PROVIDED THE CITY OR THE SUPPLIER OF THE UTILITY SERVICE SHALL USE REASONABLE CARE IN THE PERFORMANCE OF SUCH ACTIVITIES.

K. CERTIFICATE OF OCCUPANCY RESTRICTIONS NO CERTIFICATE OF OCCUPANCY FOR A BUILDING WITHIN CHURCH OF SAINT MARY SHALL BE ISSUED BY THE CITY 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 OWNER, NOTWITHSTANDING THE ISSUANCE OF A BUILDING PERMIT OR OF A TEMPORARY CERTIFICATE OF OCCUPANCY.

SECTION II. ENFORCEMENT, DURATION, AMENDMENT, AND SEVERABILITY

- A. ENFORCEMENT THE RESTRICTIONS HEREIN SET FORTH ARE COVENANTS TO RUN WITH THE LAND AND SHALL BE BINDING UPON OWNER, ITS SUCCESSORS AND ASSIGNS, WITHIN THE PROVISIONS OF SECTION I (PUBLIC STREETS 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. IF OWNER SHALL VIOLATE ANY OF THE COVENANTS HEREIN, IT SHALL BE LIABLE TO ANY PERSON OR PERSONS OWNING THE LOT SITUATED WITHIN CHURCH OF SAINT MARY OR ANY PORTION THEREOF OR THE CITY TO MAINTAIN ANY ACTION AT LAW OR IN EQUITY AGAINST THE PERSON OR PERSONS VIOLATING OR ATTEMPTING TO VIOLATE ANY SUCH COVENANTS, TO PREVENT HIM, HER, IT OR THEM 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.
B. DURATION THESE COVENANTS AND RESTRICTIONS SHALL REMAIN IN FULL FORCE AND EFFECT UNTIL TERMINATED OR AMENDED AS HEREAFTER 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 OF THE LAND WHICH THE AMENDMENT OR TERMINATION IS TO BE APPLICABLE AND APPROVED BY THE TULSA COUNTY CLERK. THE CITY, OR ANY SUCH AMENDMENT SHALL BECOME EFFECTIVE WHEN RECORDED IN THE RECORDS OF THE TULSA COUNTY CLERK.
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 OF ANY PART THEREOF AS SET FORTH HEREIN, WHICH SHALL REMAIN IN FULL FORCE AND EFFECT.

PRELIMINARY PLAT

Church of Saint Mary

An Addition to the City of Tulsa Being a replat of Lots 5, 6, 7, 8, 9, 10 & 11 of Block 17 "BELLAIRE ACRES SECOND EXTENSION" Plat#1705, together with a subdivision of a Part of the Southwest Quarter of Section 30, Township 19 North, Range 13 East of the Indian Meridian, Tulsa County, State of Oklahoma

THIS DEED OF DEDICATION HAS BEEN EXECUTED AT TULSA, OKLAHOMA

THIS ___ DAY OF _____, 2020

MOST REV. DAVID A. KONDRELA BISHOP OF THE ROMAN CATHOLIC DIOCESE OF TULSA

STATE OF OKLAHOMA)

COUNTY OF TULSA) SS.

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON

THIS ___ DAY OF _____, 2020

BY, MOST REV. DAVID A. KONDRELA, BISHOP OF THE ROMAN CATHOLIC DIOCESE OF TULSA

NOTARY PUBLIC

COMMISSION NO. / EXPIRATION DATE

CERTIFICATE OF SURVEY

I, RUSSELL M. MUZKA, OF GEODECA, LLC, 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 DESCRIBED ABOVE, AND THAT THE ACCOMPANYING PLAT DESIGNATED HEREIN AS "CHURCH OF SAINT MARY," AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, IS A TRUE REPRESENTATION OF THE SURVEY MADE ON THE GROUND USING GENERALLY ACCEPTED PRACTICES AND MEETS OR EXCEEDS THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING.

EXECUTED THIS ___ DAY OF _____, 2020



RUSSELL M. MUZKA PROFESSIONAL LAND SURVEYOR, OKLAHOMA #1833 GEODECA LLC, CERTIFICATE OF AUTHORIZATION #5624 RENEWAL JUNE 30TH 2020

STATE OF OKLAHOMA)

COUNTY OF TULSA) SS.

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON

THIS ___ DAY OF _____, 2020

BY RUSSELL M. MUZKA OF GEODECA LLC, AN OKLAHOMA CORPORATION

NOTARY PUBLIC

COMMISSION NO. / EXPIRATION DATE

APPROVED by the City Council of the City of Broken Arrow, Oklahoma Mayor: _____ Attest: City Clerk

7.9