

**CITY OF BROKEN ARROW  
PUBLIC EASEMENT ENCROACHMENT  
RELEASE OF LIABILITY AGREEMENT**

This Public Easement Encroachment Release of Liability Agreement is entered into by and between the City of Broken Arrow, an Oklahoma municipality (City), and Robyn L. Greene, a single person.

The City has rights of access to a 17.5-foot wide public easement along and adjacent to the south property line of Owner's property at 1503 West Canton Place, Broken Arrow, Oklahoma. Said property is more particularly described as: Lot 4, Block 7, Aspen Pond, an Addition to the City of Broken Arrow, being a subdivision of the NW/4 of Section 22, Township 18 North, Range 14 East, Tulsa County, Oklahoma, plat no. 6206.

Owner has, without the permission of the City, constructed or permitted the construction of structures or other encroachments, namely a pond, concrete block stemwall, and associated fountain upon the public easement on said property.

The Owner shall not construct or permit additional encroachment other than the aforementioned encroachments upon the public easement.

The City reserves the right to require Owner to remove all encroachment from the applicable easement in the event that the encroached upon easement is required, in the sole judgment of the City, for public purpose.

In consideration of the City's agreement to not require Owner to immediately remove all encroachment from the applicable public easement(s), Owner agrees, on behalf of Owner, Owner's family and heirs, agents, devisees, successors, grantees, and assigns (collectively referred to as "Owner") to **waive any and all claims, causes of action, or damages of any kind or nature, including but not limited to any foreseen or unforeseen personal injury (including death), property damages (including loss of use), or other losses or damages arising from the construction, repair, or maintenance of utilities within the easement**, against the City of Broken Arrow, Oklahoma, its employees, agents, or officers, which may arise out of or in connection with any aspect of the encroachment upon the above described easement.

In consideration of the City's agreement to not require Owner to immediately remove all encroachments from the applicable public easement(s), Owner also agrees to **indemnify, defend (at the City's option), and hold harmless the City, its employees, officials, agents, representatives and volunteers from and against any and cause of action (whether groundless or not), losses, liabilities, damages, injuries (including death), property damage (including loss of use), claims, liens, judgments, costs, expenses, suits, actions, or proceedings and reasonable attorney's fees, and actual damages of any kind or nature** arising from the construction, repair, or maintenance of streets or utilities within the easements, directly or indirectly arising out of or in connection with the encroachment upon the above described easement(s).

In consideration of the City's agreement to not require Owner to immediately remove all encroachments from the applicable public easement(s), Owner also agrees to **reimburse City for any direct or indirect costs or expenses**, which City may incur as a direct or indirect result of an encroachment upon the above-describe property. The presence or absence of any insurance shall not be construed as a limitation on the duties or obligations of Owner under this Agreement.

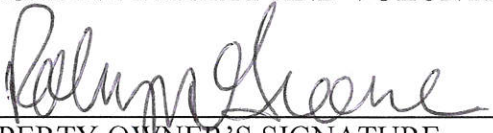
Owner shall obtain release agreement as required by all other applicable utilities, companies, and shall comply with all local, state, and federal regulations and laws which may be applicable to Owner's encroachment upon the above easement(s).

**OWNERS UNDERSTAND THEY MAY INCUR PERSONAL, PROPERTY, AND/OR FINANCIAL RISKS AS A RESULT OF THIS AGREEMENT, AND OWNERS AGREE TO ACCEPT THESE RISKS KNOWINGLY AND VOLUNTARILY.**

Owner seeks this agreement with the City voluntarily, and acknowledges that no promises, agreements or other inducements have been made to Owner. Owner understands that the City of Broken Arrow, Oklahoma will rely on this statement, that the terms of this Agreement are contractual in nature, and this Agreement is specifically designed to protect the City of Broken Arrow, Oklahoma, its citizens, employees, agents, and officers.

This Agreement is perpetual and runs with the land forever.

**I HAVE READ THE ABOVE STATEMENT AND I UNDERSTAND IT. I HAVE OBTAINED ANY LEGAL ADVICE I BELIEVE I MAY NEED PRIOR TO SIGNING THIS DOCUMENT FREELY AND VOLUNTARILY.**



PROPERTY OWNER'S SIGNATURE  
ROBYN L. GREENE

STATE OF OKLAHOMA    )  
  ) ss.  
COUNTY OF TULSA     )

On this 6 day of October, 2016, before me personally appeared Robyn L. Greene, a single person, known to me to be the person names herein and who executed the foregoing CITY OF BROKEN ARROW PUBLIC EASEMENT ENCROACHMENT AND RELEASE OF LIABILITY AGREEMENT, and who acknowledged to me that he/she/they knowingly and voluntarily executed the same.

04.17.2018  
My Commission expires

K. Kaye Baldrige  
Notary Public



OKLAHOMA NATURAL GAS COMPANY, UTILITY OWNER

APPROVED AS TO SUBSTANCE BY: (PLEASE PRINT)

James Nobles 09/02/2016  
Name Date

PLEASE SIGN: See Attached

AEP/PSO, UTILITY OWNER

APPROVED AS TO SUBSTANCE BY: (PLEASE PRINT)

Tyler Devereux \_\_\_\_\_  
Name Date

PLEASE SIGN: See Attached

WINDSTREAM, UTILITY OWNER

APPROVED AS TO SUBSTANCE BY: (PLEASE PRINT)

Angela Rahe \_\_\_\_\_  
Name Date

PLEASE SIGN: See Attached

COX COMMUNICATION, UTILITY OWNER

APPROVED AS TO SUBSTANCE BY: (PLEASE PRINT)

John Vanscoy 08/31/2016  
Name Date

PLEASE SIGN: See Attached

APPROVED AS TO SUBSTANCE

MAYOR OF THE CITY OF BROKEN ARROW

ATTEST:

(Seal) CITY CLERK

APPROVED:

  
ASSISTANT CITY ATTORNEY



# BROKEN ARROW

Where opportunity lives

## APPLICATION FOR CLOSINGS, VACATIONS AND/OR ENCROACHMENTS

### UTILITY COMPANY REVIEW FOR:

CHOOSE (1) CLOSURE:  \_\_\_\_\_ DEDICATION: \_\_\_\_\_ VACATION: \_\_\_\_\_

CHOOSE (1) EASEMENT:  \_\_\_\_\_ RIGHT OF WAY: \_\_\_\_\_ PLAT: \_\_\_\_\_

Applicant (Name & Company): Robyn Greene

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

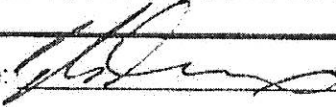
Property Location: 1503 W. Canton Pl

Legal Description: Aspen Pond Lot 4 Block 7

Parcel number: 78331842229740  
Subdivision Lot Block

Plat name\* (if applicable): Aspen Pond

\*If unplatted: Attach legal description and electronic legal description in WORD format

**AEP/PSO:** Tyler Devereux Signature: 

Phone: 918.599.2488 Comments: See attached document with signature

Fax: 918.599.3266 for details on PSO's stipulations on closure of

Email: thdevereux@aep.com part of this easement.

**Windstream:** Angela Rahe Signature: \_\_\_\_\_

Phone: 918.451.3427 Comments: \_\_\_\_\_

Fax: 918.451.1865 \_\_\_\_\_

Email: Angela.rahe@windstream.com

**ONG:** James Nobles Signature: \_\_\_\_\_

Phone: 918.831.8267 Comments: \_\_\_\_\_

Fax: 918.831.8250 \_\_\_\_\_

Email: James.nobles@onegas.com

**COX:** Kevin Catlett Signature: \_\_\_\_\_

Phone: 918.286.4658 Comments: \_\_\_\_\_

Fax: 918.286.4018 \_\_\_\_\_

Email: kevin\_catlett@cox.com

**City of BA:** Barney Campbell Signature: \_\_\_\_\_

Phone: 918.259-2400 EX 7426 Comments: \_\_\_\_\_

Email: bcampbell@brokenarrowok.gov

PSO does not consent to the closure of the entire UE located along the South side of Lot 4 Block 7 in Aspen Pond subdivision. PSO has facilities in this easement.

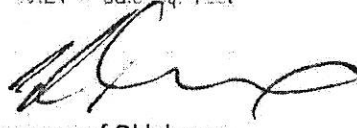
However, PSO does consent to the closure of part of the easement that is encroached on by the pond located in the backyard of Lot 4 Block 7 in Aspen Pond Subdivision. Below is the legal description of the pond that is encroaching within the UE. PSO consents to vacate this portion of the existing UE. Please see attached survey for reference.

EASEMENT VACATION DESCRIPTION

COMMENCING AT THE SW CORNER OF LOT 4 BLOCK 7 ASPEN ROAD  
THENCE N00°04'37"W A DISTANCE OF 17.58';  
THENCE N89°55'23"E A DISTANCE OF 4.44' TO THE POINT OF BEGINNING;  
THENCE S00°04'37"E A DISTANCE OF 3.50';  
THENCE N89°55'23"E A DISTANCE OF 16.57';  
THENCE N00°04'37"W A DISTANCE OF 3.50';  
THENCE S89°55'23"W A DISTANCE OF 16.57';  
TO THE POINT OF BEGINNING.

AREA = 58.0 Sq. Feet

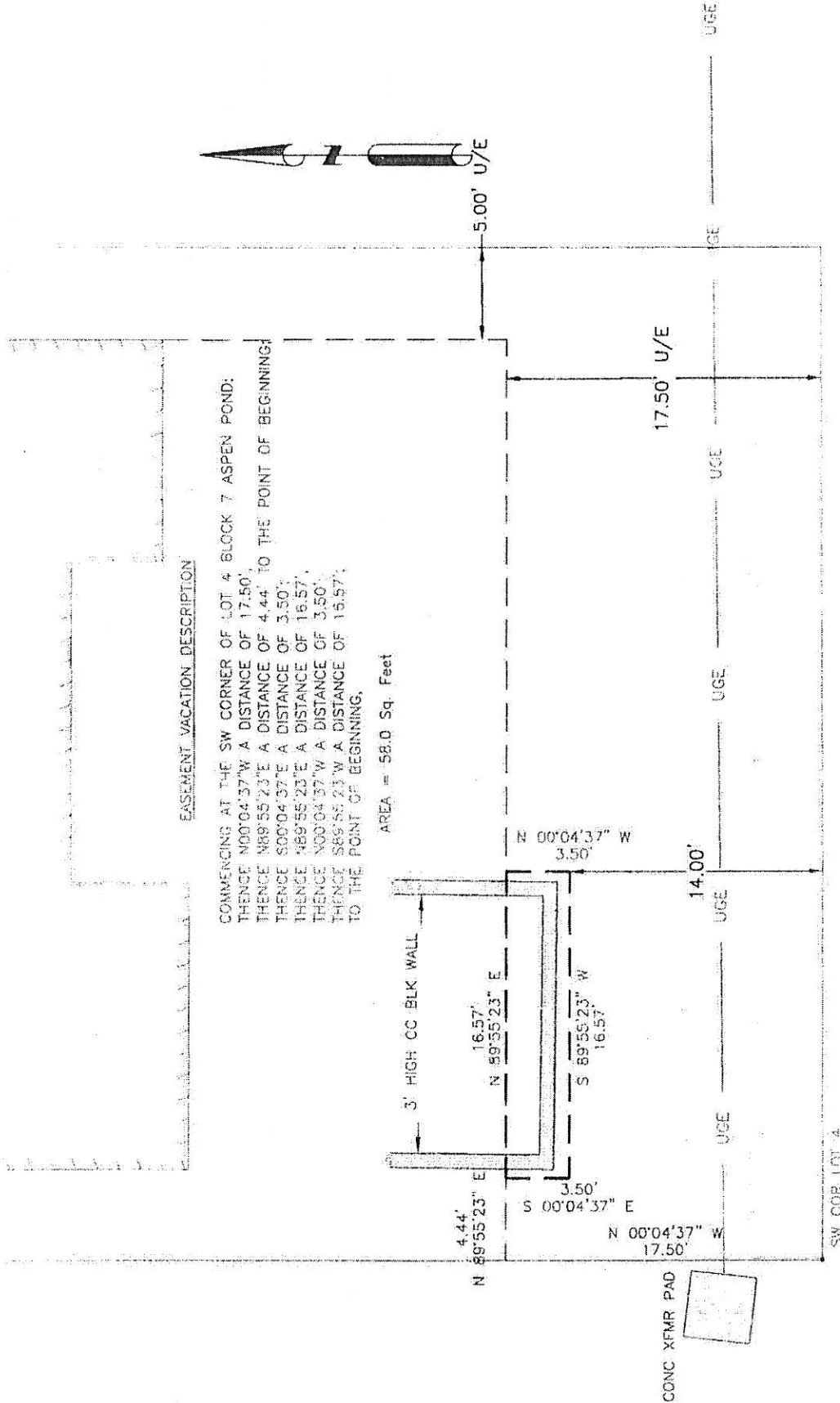
Tyler Devereux  
Public Service Company of Oklahoma



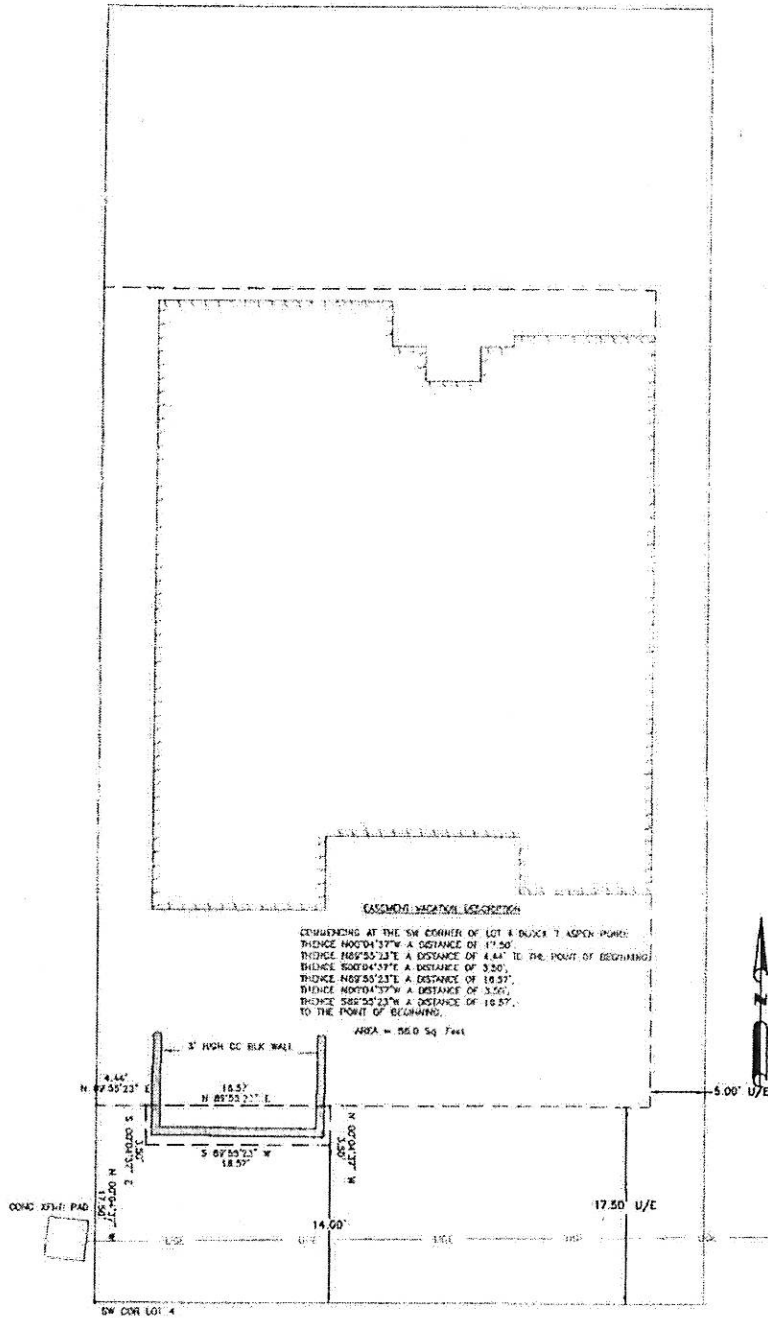
EASEMENT VACATION DESCRIPTION

COMMENCING AT THE SW CORNER OF LOT 4 BLOCK 7 ASPEN POND;  
 THENCE N00°04'37"W A DISTANCE OF 17.50';  
 THENCE N89°55'23"E A DISTANCE OF 4.44' TO THE POINT OF BEGINNING;  
 THENCE S00°04'37"E A DISTANCE OF 3.50';  
 THENCE N89°55'23"E A DISTANCE OF 16.57';  
 THENCE N00°04'37"W A DISTANCE OF 3.50';  
 THENCE S89°55'23"W A DISTANCE OF 16.57';  
 TO THE POINT OF BEGINNING.

AREA = 58.0 Sq. Feet



# WEST CANTON PLACE



3' HIGH CONCRETE BLOCK WALL

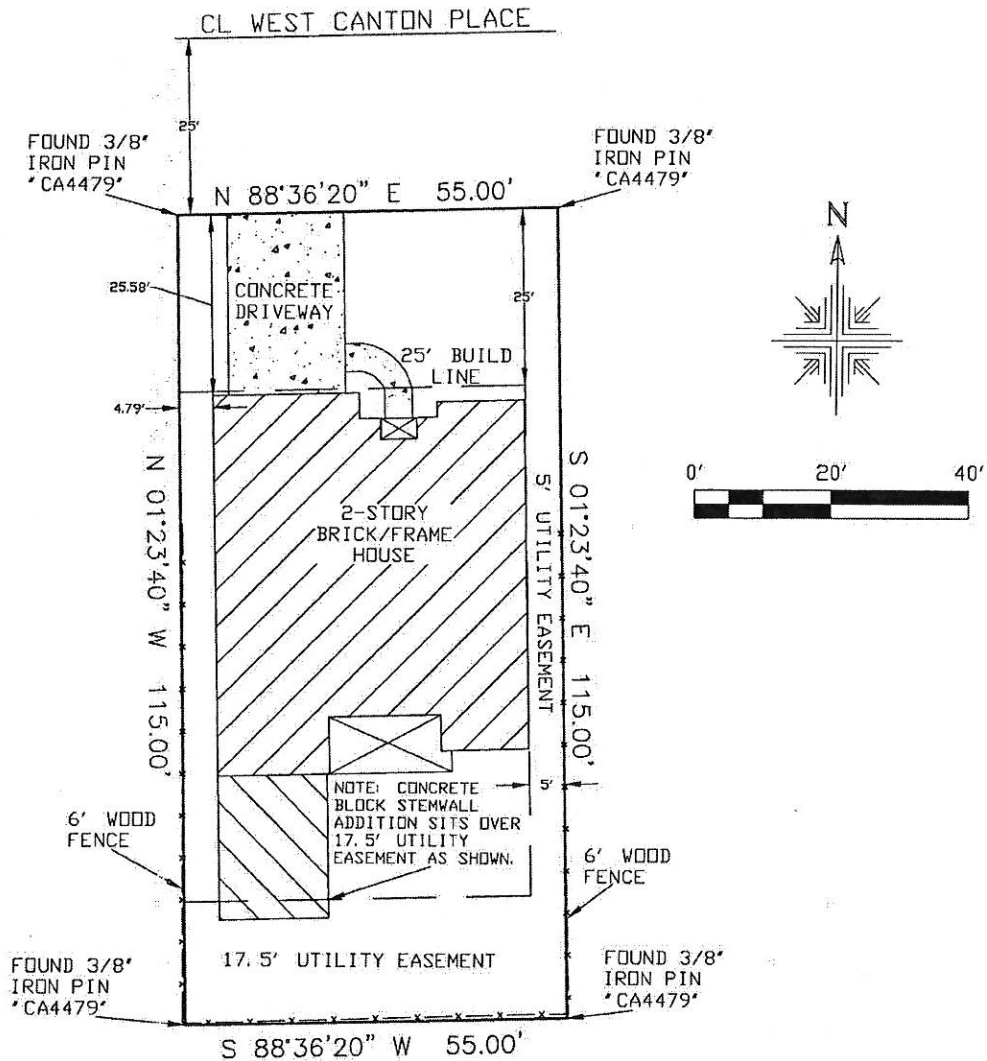


# PLAT of SURVEY

PROPERTY ADDRESS: 1503 WEST CANTON PLACE, BROKEN ARROW, OK, 74016-6880

SURVEYOR'S CLIENT: ROBYN GREENE

LEGAL DESCRIPTION: LOT FOUR (4), BLOCK SEVEN (7), ASPEN POND, A SUBDIVISION IN THE CITY OF BROKEN ARROW,  
TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 6206



**SURVEYOR'S NOTES:**

- DATE OF LAST SITE VISIT WAS SEPTEMBER 20, 2016.
- BASIS FOR BEARINGS ARE ASSUMED / PER THE RECORDED PLAT.
- UTILITIES WERE NOT FIELD LOCATED AND ARE NOT SHOWN - CALL OKIE 1-800-522-6543!
- SURVEYOR WAS NOT CONTRACTED TO PERFORM A RECORDS SEARCH NOR WAS HE PROVIDED WITH ANY ADDITIONAL DOCUMENTATION TO CONSIDER OR NOTE. DOCUMENTS OF RECORD MAY EXIST THAT AFFECT THE SUBJECT PROPERTY.

**SURVEYOR'S STATEMENT**

FRITZ LAND SURVEYING, LLC AND THE UNDERSIGNED PROFESSIONAL LAND SURVEYOR, UNDER CERTIFICATE OF AUTHORIZATION CA #5848, DO HEREBY STATE THAT THIS PLAT OF SURVEY IS A TRUE AND ACCURATE REPRESENTATION OF THE SURVEY MADE ON THE GROUND BY ANDY FRITZ, PLS, AND OF THE FACTS AS FOUND AT THE TIME OF THE SURVEY AND THAT THIS PLAT MEETS OR EXCEEDS THE MINIMUM TECHNICAL STANDARDS ADOPTED BY THE OKLAHOMA STATE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS.

WITNESS MY HAND AND SEAL THIS  
23RD DAY OF SEPTEMBER, 2016.

PREPARED BY:  
**FRITZ LAND SURVEYING, LLC**  
2017 W. 91st STREET  
TULSA, OK 74132  
PH: 918.231.0575  
FRITZLANDSURVEYING@GMAIL.COM  
FLS# 16434 ROBYN GREENE

  
\_\_\_\_\_  
ANDY FRITZ, PLS  
OK LIC. 1694





UTILITY COMPANY REVIEW FOR:

CHOOSE (1) CLOSURE: X DEDICATION: \_\_\_\_\_ VACATION: \_\_\_\_\_  
 CHOOSE (1) EASEMENT: X RIGHT OF WAY: \_\_\_\_\_ PLAT: \_\_\_\_\_

Applicant (Name & Company): Robyn Greene

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Property Location: 1503 W. Canton Pl

Legal Description: Aspen Pond Lot 4 Block 7

Parcel number: 78331842229740

Plat name\* (if applicable): Aspen Pond

\*If unplatted: Attach legal description and electronic legal description in WORD format

**AEP/PSO:** Tyler Devereux Signature: \_\_\_\_\_

Phone: 918.599.2488 Comments: \_\_\_\_\_

Fax: 918.599.3266

Email: thdevereux@aep.com

**Windstream:** Angela Rahe Signature: Angela Rahe

Phone: 918.451.3427 Comments: Agree to Release North 3'

Fax: 918.451.1865 of the Southern & parimeter 17.5' East

Email: Angela.rahe@windstream.com

**ONG:** James Nobles Signature: \_\_\_\_\_

Phone: 918.831.8267 Comments: \_\_\_\_\_

Fax: 918.831.8250

Email: James.nobles@onegas.com

**COX:** Kevin Catlett Signature: \_\_\_\_\_

Phone: 918.286.4658 Comments: \_\_\_\_\_

Fax: 918.286.4018

Email: kevin.catlett@cox.com

**City of BA** Barney Campbell Signature: \_\_\_\_\_

Phone: 918.259-2400 EX 7426 Comments: \_\_\_\_\_

Email: bcampbell@brokenarrowok.gov



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Where opportunity lives

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Phone: 918.599.2488 Comments: \_\_\_\_\_

Fax: 918.599.3266 \_\_\_\_\_

Email: thdevereux@aep.com \_\_\_\_\_

**Windstream:** Angela Rahe Signature: \_\_\_\_\_

Phone: 918.451.3427 Comments: \_\_\_\_\_

Fax: 918.451.1865 \_\_\_\_\_

Email: Angela.rahe@windstream.com \_\_\_\_\_

**ONG:** James Nobles Signature: *James Nobles 9/24/10*

Phone: 918.831.8267 Comments: *concur*

Fax: 918.831.8250 \_\_\_\_\_

Email: James.nobles@onegas.com \_\_\_\_\_

**COX:** Kevin Catlett Signature: \_\_\_\_\_

Phone: 918.286.4658 Comments: \_\_\_\_\_

Fax: 918.286.4018 \_\_\_\_\_

Email: kevin.catlett@cox.com \_\_\_\_\_

**City of BA** Barney Campbell Signature: \_\_\_\_\_

Phone: 918.259-2400 EX 7426 Comments: \_\_\_\_\_

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Where opportunity lives

**APPLICATION FOR  
CLOSINGS, VACATIONS  
AND/OR ENCROACHMENTS**

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Applicant (Name & Company): Robyn Greene

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Parcel number: 7833184229740 Subdivision Lot Block

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Phone: 918.599.2488 Comments: \_\_\_\_\_

Fax: 918.599.3266 \_\_\_\_\_

Email: thdevereux@aep.com \_\_\_\_\_

**Windstream:** Angela Rahe Signature: \_\_\_\_\_

Phone: 918.451.3427 Comments: \_\_\_\_\_

Fax: 918.451.1865 \_\_\_\_\_

Email: Angela.rahe@windstream.com \_\_\_\_\_

**ONG:** James Nobles Signature: \_\_\_\_\_

Phone: 918.831.8267 Comments: \_\_\_\_\_

Fax: 918.831.8250 \_\_\_\_\_

Email: James.nobles@onegas.com \_\_\_\_\_

**COX:** John Vanscoy Signature: John S Vanscoy 8/31/2016

Phone: 918-286-4542 Comments: Right of Way Agent

Fax: 918.286.4018 \_\_\_\_\_

Email: john.vanscoy2@Cox.com \_\_\_\_\_

**City of BA** Barney Campbell Signature: \_\_\_\_\_

Phone: 918.259-2400 EX 7426 Comments: \_\_\_\_\_

Email: bcampbell@brokenarrowok.gov \_\_\_\_\_



Now you're living.

DATE: 8/31/2016

1503 W Canton Pl Broken Arrow

Reference:

(Name of Plat)

Attention: Applicant: Robyn Greene and City of Broken Arrow:

The easements in the subdivision named Does  Does Not satisfy the requirements of Cox Communications. However, this is not meant to be construed that at some future date we may not require additional easement(s) to satisfy the requirements of the customer who occupies this property.

Very truly yours,

*John S. Vanscoy*

Right of Way Agent

(918) 286-4542 Fax: (918) 286-4008

List any special conditions:

[john.vanscoy2@cox.com](mailto:john.vanscoy2@cox.com)

Cox has facilities in rear Underground U/E running East and West and should be outside of edge of Koi Pond.