

**AMENDMENT OF
DEED OF DEDICATION AND RESTRICTIVE COVENANTS
FOR
61ST STREET INDUSTRIAL PARK**

THIS AMENDMENT OF DEED OF DEDICATION AND RESTRICTIVE COVENANTS FOR 61ST STREET INDUSTRIAL PARK (this “**Amendment**”) is made this ____ day of _____, 2016, by **A G EQUIPMENT COMPANY**, an Oklahoma Corporation (“**AG Equipment**”).

WHEREAS, building and use restrictions applicable to the lots within the subdivision commonly known as “**61st Street Industrial Park**” and more particularly described as follows:

61st Street Industrial Park, an addition to the City of Broken Arrow, Tulsa County, Oklahoma, according to the recorded plat thereof (which is Plat No. 5597),

have heretofore been established by instrument entitled “Deed of Dedication and Restrictive Covenants” for 61st Street Industrial Park, dated February 27, 2002, and recorded March 5, 2002 as Document No. 02029345 in the records of the County Clerk of Tulsa County, Oklahoma (hereafter referred to as the “**First Declaration**”);

WHEREAS, additional building and use restrictions applicable to the lots within 61st Street Industrial Park have been established by instrument entitled “Declaration of Protective Covenants and Restrictions” for 61st Street Industrial Park, dated December 9, 2002, and recorded on March 19, 2003 as Document No. 03038322 in the records of the County Clerk of Tulsa County, Oklahoma (hereafter referred to as the “**Second Declaration**”);

WHEREAS, AG Equipment desires to amend the terms of the utility easement granted in the First Declaration, specifically Subsection B(1) of Section I of the First Declaration, to prohibit the use of overhead electric, cable and telephone lines on the west sides of Lots One (1) and Two (2), Block One (1), 61st Street Industrial Park as overhead utility lines may impact AG Equipment’s business operations on such lots;

WHEREAS, the First Declaration, within Subsection C of Section III thereof, made provision for amendment of covenants by a written instrument from the owner of the lot or parcel which is intended to be subject to such covenant or restriction, so long as such amendment is approved by the City of Broken Arrow and the Broken Arrow Planning Commission, with the instrument amending covenants taking effect from the date it is properly recorded;

APPROVED BY THE BROKEN ARROW PLANNING COMMISSION, CITY OF BROKEN ARROW,
OKLAHOMA, ON _____, 2016.

By: _____
[Insert Name, Title]

APPROVED BY THE CITY COUNCIL, CITY OF BROKEN ARROW, OKLAHOMA,
ON _____, 2016.

By: _____
Craig, Thurmond, Mayor

ATTEST: _____
Lisa Blackford, City Clerk, City of
Broken Arrow, Oklahoma

APPROVED AS TO FORM:

By: _____
[Insert Name, Title]