



# PARK PLACE - PHASE 3 - PUD-304

AN ADDITION TO THE CITY OF BROKEN ARROW,

WAGONER COUNTY, OKLAHOMA

A PART OF THE SW/4, SECTION 2, T18N, R15E, I.M.

08-21-2024

## LOT AREA INFORMATION

### BLOCK 8

| LOT AREA TABLE |       |          |
|----------------|-------|----------|
| LOT #          | ACRES | SQ. FEET |
| 21             | 0.19  | 8400.00  |
| 22             | 0.19  | 8265.10  |
| 23             | 0.26  | 11203.54 |

### BLOCK 13

| LOT AREA TABLE |       |          |
|----------------|-------|----------|
| LOT #          | ACRES | SQ. FEET |
| 1              | 0.22  | 9406.86  |
| 2              | 0.17  | 7200.00  |
| 3              | 0.17  | 7200.00  |
| 4              | 0.17  | 7205.58  |
| 5              | 0.17  | 7200.00  |
| 6              | 0.17  | 7200.00  |
| 7              | 0.17  | 7205.58  |
| 8              | 0.17  | 7205.58  |
| 9              | 0.17  | 7200.00  |
| 10             | 0.17  | 7200.00  |
| 11             | 0.29  | 12563.77 |
| 12             | 0.28  | 12406.90 |
| 13             | 0.17  | 7200.00  |
| 14             | 0.17  | 7200.00  |
| 15             | 0.17  | 7200.00  |
| 16             | 0.17  | 7200.00  |
| 17             | 0.17  | 7200.00  |
| 18             | 0.17  | 7200.00  |
| 19             | 0.17  | 7200.00  |
| 20             | 0.17  | 7200.00  |
| 21             | 0.17  | 7200.00  |
| 22             | 0.22  | 9563.73  |

### BLOCK 14

| LOT AREA TABLE |       |          |
|----------------|-------|----------|
| LOT #          | ACRES | SQ. FEET |
| 1              | 0.21  | 9129.26  |
| 2              | 0.17  | 7197.93  |
| 3              | 0.17  | 7205.58  |
| 4              | 0.17  | 7205.58  |
| 5              | 0.17  | 7205.58  |
| 6              | 0.17  | 7205.58  |
| 7              | 0.17  | 7205.58  |
| 8              | 0.17  | 7205.58  |
| 9              | 0.17  | 7205.58  |
| 10             | 0.17  | 7205.58  |
| 11             | 0.19  | 8390.11  |
| 12             | 0.23  | 10081.48 |
| 13             | 0.17  | 7200.00  |
| 14             | 0.17  | 7200.00  |
| 15             | 0.17  | 7200.00  |
| 16             | 0.17  | 7200.00  |
| 17             | 0.17  | 7200.00  |
| 18             | 0.17  | 7200.00  |
| 19             | 0.17  | 7200.00  |
| 20             | 0.17  | 7200.00  |
| 21             | 0.17  | 7200.00  |
| 22             | 0.21  | 9353.75  |

## PARCEL - CURVE / LINE INFORMATION

| CURVE TABLE |        |        |           |                 |              |
|-------------|--------|--------|-----------|-----------------|--------------|
| CURVE #     | LENGTH | RADIUS | DELTA     | CHORD DIRECTION | CHORD LENGTH |
| C2          | 47.12' | 30.00' | 90°00'00" | N43° 50' 59"E   | 42.43'       |
| C11         | 20.42' | 13.00' | 90°00'00" | N46° 09' 01"W   | 18.38'       |
| C12         | 22.99' | 31.47' | 41°51'43" | N69° 03' 51"W   | 22.48'       |
| C13         | 8.75'  | 52.00' | 9°38'43"  | N53° 39' 53"W   | 8.74'        |
| C14         | 65.60' | 52.00' | 72°17'03" | S85° 22' 14"W   | 61.33'       |
| C15         | 45.72' | 52.00' | 50°22'43" | S24° 02' 21"W   | 44.26'       |
| C16         | 38.75' | 52.00' | 42°41'52" | S22° 29' 57"E   | 37.86'       |
| C17         | 22.65' | 31.00' | 41°51'43" | S22° 55' 02"E   | 22.15'       |
| C18         | 20.42' | 13.00' | 90°00'00" | N46° 09' 01"W   | 18.38'       |
| C19         | 23.10' | 31.00' | 42°41'52" | N20° 11' 55"E   | 22.57'       |
| C20         | 38.75' | 52.00' | 42°41'52" | N20° 11' 55"E   | 37.86'       |
| C21         | 43.89' | 52.00' | 48°21'50" | N25° 19' 58"W   | 42.60'       |
| C22         | 51.93' | 52.00' | 57°13'02" | N78° 07' 22"W   | 49.80'       |
| C23         | 24.61' | 52.00' | 27°07'00" | S59° 42' 37"W   | 24.38'       |
| C24         | 23.10' | 31.00' | 42°41'52" | S67° 30' 03"W   | 22.57'       |
| C25         | 47.12' | 30.00' | 90°00'00" | S46° 09' 01"E   | 42.43'       |
| C26         | 20.42' | 13.00' | 90°00'00" | S43° 50' 59"W   | 18.38'       |
| C27         | 47.12' | 30.00' | 90°00'00" | N46° 09' 01"W   | 42.43'       |
| C28         | 20.42' | 13.00' | 90°00'00" | N43° 50' 59"E   | 18.38'       |
| C29         | 20.42' | 13.00' | 90°00'00" | S46° 09' 01"E   | 18.38'       |
| C30         | 1.15'  | 31.00' | 2°07'21"  | S0° 05' 20"E    | 1.15'        |
| C31         | 59.18' | 52.00' | 65°24'00" | S8° 56' 31"W    | 56.04'       |
| C32         | 21.95' | 31.00' | 40°34'31" | S21° 15' 36"W   | 21.50'       |
| C33         | 41.62' | 52.00' | 45°51'38" | S46° 35' 38"E   | 40.52'       |
| C34         | 53.60' | 52.00' | 59°03'27" | N80° 56' 50"E   | 51.26'       |
| C35         | 20.42' | 13.00' | 90°00'00" | S46° 09' 01"E   | 18.38'       |
| C36         | 4.78'  | 52.00' | 5°15'59"  | N48° 47' 06"E   | 4.78'        |
| C37         | 23.10' | 31.00' | 42°41'52" | N67° 30' 03"E   | 22.57'       |

| LINE TABLE |        |               |
|------------|--------|---------------|
| LINE #     | LENGTH | DIRECTION     |
| L1         | 42.23' | S88° 50' 59"W |
| L2         | 25.82' | N88° 50' 59"E |
| L3         | 9.17'  | S1° 09' 01"E  |
| L4         | 8.72'  | N1° 09' 01"W  |
| L5         | 16.65' | N88° 50' 59"E |
| L6         | 27.68' | S88° 50' 59"W |
| L7         | 12.08' | N4° 54' 46"E  |
| L8         | 41.32' | N88° 50' 59"E |

## PROPERTY DESCRIPTION - PHASE III

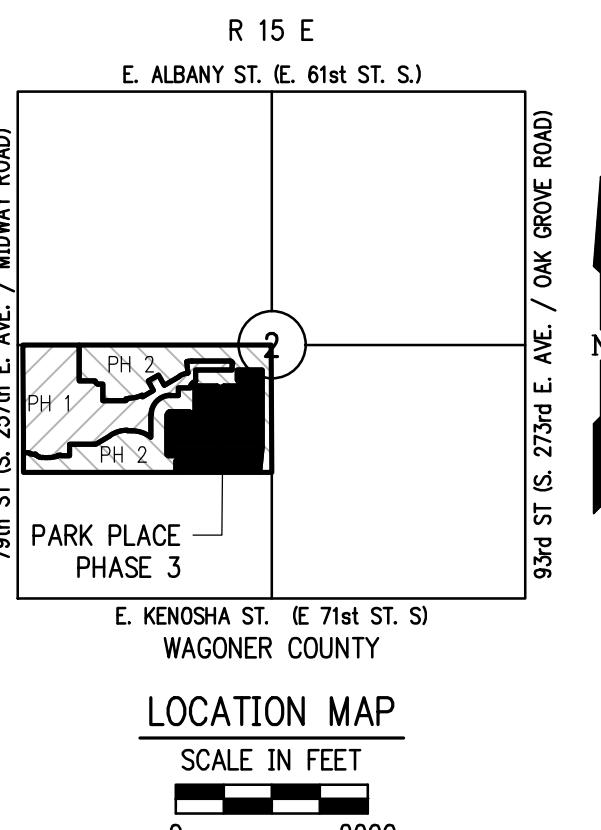
A TRACT OF LAND SITUATE WITHIN A PORTION OF THE NORTH HALF (N/2) OF THE SOUTHWEST QUARTER (SW/4) OF SECTION TWO (2), TOWNSHIP EIGHTEEN NORTH (T18N), RANGE FIFTEEN EAST (R15E) OF THE INDIAN MERIDIAN (I.M.) IN WAGONER COUNTY, OKLAHOMA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID (N/2 SW/4); THENCE S01°30'07"E, 1325.36 FEET, THENCE N88°50'58"E, 1635.03 FEET TO THE POINT OF BEGINNING; THENCE N01°09'01"W, 120.00 FEET; THENCE N88°50'59"E, 28.06 FEET; THENCE N01°09'01"W, 51.00 FEET; THENCE N88°50'59"E, 107.00 FEET TO A POINT ON A CURVE TO THE RIGHT; THENCE 20.42 FEET ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 13.00 FEET, SUBENDED BY A CHORD OF 18.38 FEET WHICH BEARS S46°09'01"E; THENCE N88°48'42"E, 50.00 FEET; THENCE N01°09'01"W, 17.97 FEET; THENCE N88°50'59"E, 120.00 FEET; THENCE N01°09'01"W, 107.00 FEET TO A POINT ON A CURVE TO THE RIGHT; THENCE 20.42 FEET ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 13.00 FEET, SUBENDED BY A CHORD OF 18.38 FEET WHICH BEARS S46°09'01"E; THENCE N88°50'59"E, 50.00 FEET TO A POINT ON A CURVE TO THE RIGHT; THENCE 20.42 FEET ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 13.00 FEET, SUBENDED BY A CHORD OF 18.38 FEET WHICH BEARS N43°50'59"E, 149.39 FEET; THENCE N01°09'01"W, 50.00 FEET TO A POINT ON A CURVE TO THE RIGHT; THENCE 20.42 FEET ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 13.00 FEET, SUBENDED BY A CHORD OF 18.38 FEET WHICH BEARS N46°09'01"E, 107.00 FEET; THENCE N88°50'59"E, 260.00 FEET; THENCE N01°09'01"W, 107.00 FEET TO A POINT ON A CURVE TO THE RIGHT; THENCE 20.42 FEET ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 13.00 FEET, SUBENDED BY A CHORD OF 18.38 FEET WHICH BEARS S46°09'01"E; THENCE N88°50'59"E, 107.00 FEET TO A POINT ON A CURVE TO THE RIGHT; THENCE 20.42 FEET ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 13.00 FEET, SUBENDED BY A CHORD OF 18.38 FEET WHICH BEARS N43°50'59"E, 149.39 FEET; THENCE N01°09'01"W, 107.00 FEET TO A POINT ON A CURVE TO THE RIGHT; THENCE 20.42 FEET ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 13.00 FEET, SUBENDED BY A CHORD OF 18.38 FEET WHICH BEARS N46°09'01"E, 107.00 FEET; THENCE N88°50'59"E, 263.48 FEET; THENCE S88°50'59"W, 870.33 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 744,429.90 SQ. FT. OR 17.09 ACRES, MORE OR LESS. BASIS OF BEARING: S01°30'07"E FOR THE WEST LINE OF SAID (N/2 SW/4).

THIS DESCRIPTION WAS PREPARED ON 08/16/2024 UNDER THE SUPERVISION OF

JEREMY ADAM LAWSON PLS#1916 (OK),



CURRENT OWNER:  
TULSA L DEV, LLC  
4058 N. COLLEGE SUITE 300  
P.O. BOX 10560  
FAYETTEVILLE, AR 72703  
479-455-9090  
ENGINEER/SURVEYOR:  
GRAFTON TULL  
220 E. 8th ST.  
TULSA, OK 74119  
PH 918.584.0347  
CERTIFICATION OF AUTHORIZATION:  
CA 973 (PE/LS) EXPIRES 6/30/2024

## PHASE 3: BOUNDARY - CURVE / LINE INFORMATION

| PH3 BOUNDARY: CURVE TABLE | | | | | |
| --- | --- | --- | --- | --- | --- |
| CURVE # | LENGTH | RADIUS |
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AN ADDITION TO THE CITY OF BROKEN ARROW,  
WAGONER COUNTY, OKLAHOMA  
A PART OF THE SW/4, SECTION 2, T18N, R15E, I.M.  
08-21-2024

## DEED OF DEDICATION

### PUBLIC STREETS AND GENERAL UTILITY EASEMENTS

THE OWNER DOES HEREBY DEDICATE TO THE PUBLIC THE STREET RIGHTS-OF-WAY AS DEPICTED ON THE ACCOMPANYING PLAT. ADDITIONALLY, THE OWNER DOES HEREBY DEDICATE TO THE PUBLIC THE UTILITY EASEMENTS DESIGNATED AS "U.E." OR "UTILITY EASEMENT", 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 AND CABLE TELEVISION LINES, TOGETHER WITH ALL FITTINGS, INCLUDING THE POLES, WIRES, CONDUITS, PIPES, VALVES, METERS, 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 AFOREMENTED. PROVIDED, HOWEVER, THE OWNER HEREBY RESERVES THE RIGHT TO CONSTRUCT, MAINTAIN, OPERATE, AND RE-LAY THE UTILITY LINES, TOGETHER WITH THE RIGHTS OF INGRESS AND EGRESS, FOR SUCH CONSTRUCTION, MAINTENANCE, OPERATION, AND RELAYING OVER, ACROSS, AND ALONG ALL OF THE UTILITY EASEMENTS DEPICTED ON THE PLAT, FOR THE PURPOSE OF FURNISHING WATER AND/OR SEWER SERVICES TO THE AREA. THE OWNER HEREBY IMPOSES A RESTRICTIVE COVENANT WHICH IS BINDING ON EACH LOT OWNER AND SHALL BE ENFORCEABLE BY THE CITY OF BROKEN ARROW, 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 THE ABOVE SET FORTH USES AND PURPOSES OF AN EASEMENT SHALL BE PLACED, ERECTED, INSTALLED, AND MAINTAINED, PROVIDED HOWEVER, NOTHING HEREIN SHALL BE DEEMED TO PROHIBIT DRIVES, PARKING AREAS, CURBING, LANDSCAPING AND CUSTOMARY SCREENING FENCES AND WALLS THAT DO NOT CONSTITUTE AN OBSTRUCTION. PROVIDED, THE EASEMENT DEDICATED HEREIN FOR INSTALLATION AND MAINTENANCE OF POTABLE WATER LINES SHALL BE FOR THE EXCLUSIVE USE OF WAGONER COUNTY RURAL WATER DISTRICT NO. 4. EASEMENTS DESIGNATED AS "D.E." OR "DRAINAGE EASEMENT" SHALL HAVE NO NO PRIVACY FENCES, BUILDINGS, HVAC EQUIPMENT, GENERATORS, PUMPS OR OTHER OBSTRUCTIONS THAT WILL BLOCK OR DIVERT THE FLOW THROUGH THE EASEMENT WILL BE ALLOWED. NO MODIFICATION MAY BE MADE TO THE GRADE OF THE SWALE THAT WILL RESULT IN BLOCKAGE OR DIVERSION OF THE FLOW THROUGH THE SWALE AND THAT THE LOT OWNER SHALL BE RESPONSIBLE FOR RESTORING THE SWALE TO A CONDITION THAT WILL ALLOW STORMWATER TO FREELY FLOW THROUGH THE DRAINAGE EASEMENT. FENCES MAY BE INCLUDED IF THEY ARE A NON-OPAQUE AND OPEN FENCE THAT WILL ALLOW WATER TO FLOW FREELY THROUGH EASEMENT, PRIVACY FENCES SPECIFIED IN SECTION 2.1 WILL NOT BE ALLOWED AND THIS SECTION WILL NEED TO BE MODIFIED TO INCLUDE THE RESTRICTIONS FOR THE DRAINAGE EASEMENT. PROVIDED, THE CITY HAS THE RIGHT TO RE-ESTABLISH THE SWALE THROUGH THE DRAINAGE EASEMENT WITH THE COST OF THE RESTORATION PASSED ONTO THE LOT OWNER(S) OR A LIEN PLACED ON THE LOT IF THE LOT OWNER FAILS TO REIMBURSE THE CITY FOR THE COST.

### SECTION I. STREETS AND UTILITIES

#### WATER, SANITARY SEWER, AND STORM SEWER SERVICE

1. THE OWNER OF THE LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE PUBLIC WATER MAINS, SANITARY SEWER MAINS AND STORM SEWERS LOCATED ON HIS LOT.
2. ALL PRIVATE SANITARY SEWER LINES SHALL HAVE A BACK FLOW PREVENTER INSTALLED.
3. WITHIN THE UTILITY EASEMENT, AND DRAINAGE EASEMENT AREAS 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 THAT WOULD INTERFERE WITH PUBLIC WATER MAINS, SANITARY SEWER MAINS, AND STORM SEWERS SHALL BE PROHIBITED. THE OWNER SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER, HIS AGENTS OR CONTRACTORS.
4. THE CITY OF BROKEN ARROW, OKLAHOMA, OR ITS SUCCESSORS, SHALL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF SANITARY SEWER MAINS, AND STORM SEWERS BUT THE OWNER SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER, HIS AGENTS OR CONTRACTORS.
5. THE CITY OF BROKEN ARROW, OKLAHOMA, OR ITS SUCCESSORS, SHALL AT ALL TIMES HAVE RIGHT OF ACCESS TO ALL 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 SANITARY SEWER OR STORM SEWER FACILITIES.
6. THE FOREGOING COVENANTS SET FORTH IN THE ABOVE PARAGRAPHS SHALL BE ENFORCEABLE BY THE CITY OF BROKEN ARROW, OKLAHOMA, OR ITS SUCCESSORS, AND THE OWNER OF THE LOT AGREES TO BE BOUND.
7. WAGONER COUNTY RURAL WATER DISTRICT NO. 4, OR ITS SUCCESSORS, IS THE SUPPLIER FOR POTABLE WATER FOR THESE LOTS AND SHALL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF PUBLIC WATERMAINS, BUT THE OWNER SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER, HIS AGENTS OR CONTRACTORS.
8. WAGONER COUNTY RURAL WATER DISTRICT NO. 4, OR ITS SUCCESSORS, SHALL AT ALL TIMES HAVE THE RIGHT OF ACCESS TO ALL EASEMENT 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 POTABLE WATER FACILITIES.

THE OWNER OF THE LOTS SHALL BE RESPONSIBLE FOR THE REPAIR AND REPLACEMENT OF ANY LANDSCAPING AND PAVING WITHIN THE UTILITY EASEMENTS ON THE LOT, IN THE EVENT THAT IT IS NECESSARY TO REPAIR ANY UNDERGROUND WATER, SANITARY SEWER, STORM SEWER, ELECTRIC, NATURAL GAS, CABLE TELEVISION OR PHONE SERVICE.

#### CERTIFICATE OF OCCUPANCY RESTRICTIONS

NO CERTIFICATE OF OCCUPANCY WILL BE ISSUED BY THE CITY UNTIL AFTER COMPLETION OF THE ENTIRE DEVELOPMENT AND ITS FORMAL ACCEPTANCE BY THE CITY. ANY AND ALL CONSTRUCTION PURSUANT TO SUCH A BUILDING PERMIT BUT PRIOR TO THE CITY'S FORMAL ACCEPTANCE OF THE ENTIRE DEVELOPMENT WILL BE AT THE CONTRACTOR/BUILDER-INVESTOR'S OWN RISK.

#### UNDERGROUND SERVICE

1. OVERHEAD POLES MAY BE LOCATED ALONG THE PERIMETER BOUNDARIES OF THE SUBDIVISION, AS NECESSARY, IF LOCATED IN UTILITY EASEMENTS FOR THE PURPOSE OF THE SUPPLY OF UNDERGROUND SERVICE. STREET LIGHT POLES OR STANDARDS MAY BE SERVED BY UNDERGROUND CABLE, AND EXCEPT AS PROVIDED IN THE IMMEDIATELY PRECEDING SENTENCE, ALL ELECTRIC AND COMMUNICATION SUPPLY LINES SHALL BE LOCATED UNDERGROUND, IN THE EASEMENTS RESERVED FOR GENERAL UTILITY SERVICES SHOWN ON THE ATTACHED PLAT.
2. ALL SUPPLY LINES IN THE SUBDIVISION INCLUDING ELECTRIC, TELEPHONE, CABLE TELEVISION AND GAS LINES SHALL BE LOCATED UNDERGROUND IN THE EASEMENTS RESERVED FOR GENERAL UTILITY SERVICES SHOWN ON THE ACCOMPANYING PLAT. SERVICE PEDESTALS AND TRANSFORMERS, AS SOURCES OF SUPPLY AT SECONDARY VOLTAGES, MAY ALSO BE LOCATED IN THE SAID UTILITY EASEMENTS.
3. UNDERGROUND SERVICE CABLES AND GAS SERVICE LINES TO ALL STRUCTURES WHICH MAY BE LOCATED ON ALL LOTS IN THE SUBDIVISION MAY BE RUN FROM THE NEAREST GAS MAIN, SERVICE PEDESTAL OR TRANSFORMER TO THE POINT OF USAGE DETERMINED BY THE LOCATION AND CONSTRUCTION OF SUCH STRUCTURE AS MAY BE LOCATED UPON EACH SAID LOT, PROVIDED THAT UPON THE INSTALLATION OF SUCH A SERVICE CABLE OR GAS SERVICE LINE TO A PARTICULAR STRUCTURE, THE SUPPLIER OF SERVICE SHALL THEREAFTER BE DEEMED TO HAVE A DEFINITIVE, PERMANENT AND EFFECTIVE EASEMENT ON THE LOT, COVERING A 5 FOOT STRIP EXTENDING 2.5 FEET ON EACH SIDE OF THE SERVICE CABLE, EXTENDING FROM THE SERVICE PEDESTAL, TRANSFORMER OR GAS MAIN TO THE SERVICE ENTRANCE ON THE STRUCTURE OR A POINT OF METERING.
4. THE SUPPLIER OF ELECTRIC, TELEPHONE, CABLE TELEVISION AND GAS SERVICES, THROUGH ITS AUTHORIZED AGENTS AND EMPLOYEES, SHALL AT ALL TIMES HAVE RIGHT OF ACCESS TO ALL SUCH EASEMENTS SHOWN ON THE PLAT OF THE SUBDIVISION OR 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 SERVICE FACILITIES SO INSTALLED BY IT. THE SUPPLIER OF ELECTRIC, TELEPHONE, CABLE TELEVISION ALSO RESERVE THE PERPETUAL RIGHT, PRIVILEGE AND AUTHORITY TO CUTOFF, TRIM, OR TREAT ANY TREES AND UNDERGROWTH ON SAID EASEMENT.
5. THE OWNER OF EACH LOT IN THE SUBDIVISION SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE UNDERGROUND FACILITIES LOCATED ON HIS LOT, SUCH AS TO PREVENT THE ALTERATION OF GRADE OR ANY CONSTRUCTION ACTIVITY WHICH MAY INTERFERE WITH SAID ELECTRIC, TELEPHONE, CABLE TELEVISION OR GAS FACILITIES. THE SUPPLIER OF SERVICE WILL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF UNDERGROUND FACILITIES, BUT THE OWNER OF EACH LOT IN THE SUBDIVISION WILL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER OR HIS AGENTS OR CONTRACTORS. THE FOREGOING COVENANTS CONCERNING UNDERGROUND FACILITIES SHALL BE ENFORCEABLE BY THE SUPPLIER OF ELECTRIC, TELEPHONE, CABLE TELEVISION, OR GAS SERVICES.

#### GAS SERVICE

1. THE SUPPLIER OF GAS SERVICE THROUGH ITS AGENTS AND EMPLOYEES SHALL AT ALL TIMES HAVE THE RIGHT OF ACCESS TO ALL SUCH EASEMENTS SHOWN ON THE PLAT OR AS PROVIDED FOR IN THIS CERTIFICATE 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 OWNER OF THE LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE UNDERGROUND GAS FACILITIES LOCATED IN THEIR LOT AND SHALL PREVENT THE ALTERATION, GRADE, OR ANY OTHER CONSTRUCTION ACTIVITY THAT WOULD INTERFERE WITH THE GAS SERVICE. THE SUPPLIER OF THE GAS SERVICE SHALL BE RESPONSIBLE FOR THE ORDINARY MAINTENANCE OF SAID FACILITIES, BUT THE OWNER SHALL PAY FOR DAMAGE OR RELOCATION OF FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER, OR ITS AGENTS OR CONTRACTORS.
3. THE FOREGOING COVENANTS SET FORTH IN THIS PARAGRAPH SHALL BE ENFORCEABLE BY THE SUPPLIER OF THE GAS SERVICE AND THE OWNER OF THE LOT AGREES TO BE BOUND HEREBY.

### SECTION II. DEVELOPMENT

THE OWNER DESIRES TO AND DOES HEREBY ESTABLISH THE FOLLOWING RESTRICTIONS ON ALL LOTS WITHIN THE SUBDIVISION TO RUN WITH THE LAND FOR THE PURPOSE OF PROVIDING FOR AN ORDERLY DEVELOPMENT OF THE SUBDIVISION AND ALL PROPERTY THEREIN FOR THE MUTUAL BENEFIT OF THE OWNER, ITS SUCCESSORS AND ASSIGNS, ALL FUTURE LOT OWNERS AND THE CITY.

#### A. GENERAL

##### 1. DEVELOPMENT IN ACCORDANCE WITH PUD 304

THE SUBDIVISION SHALL BE DEVELOPED AND USED IN SUBSTANTIAL ACCORDANCE WITH THE RESTRICTIONS AND DEVELOPMENT STANDARDS OF PUD 304.

##### 2. APPLICABLE ORDINANCE

THE DEVELOPMENT OF THE SUBDIVISION SHALL BE SUBJECT TO THE PUD PROVISIONS OF THE CITY ZONING CODE FROM PUD 304 APPROVED BY CITY COUNCIL ON MAY 19, 2020.

#### B. DEVELOPMENT STANDARDS

TOTAL LAND AREA : 80 ACRES

PERMITTED USE: HOUSEHOLD LIVING, DWELLING, SINGLE-FAMILY DETACHED, TOGETHER WITH OPEN SPACE, LANDSCAPING, UTILITIES, TRAILS, STORM WATER DETENTION, PROJECT SIGNAGE, ENTRY FEATURES, AND SIMILAR USES AND USES CUSTOMARY ACCESSORY TO THE PERMITTED USES.

MAXIMUM NUMBER OF LOTS: 259

MINIMUM LOT WIDTH: 60 FEET

(A MINIMUM OF 79 LOTS WILL HAVE A LOT WIDTH OF 70 FEET)

MINIMUM LOT SIZE: 7,000 SQUARE FEET

(A MINIMUM OF 79 LOTS WILL HAVE A MINIMUM LOT AREA OF 8000 S.F.)

MAXIMUM BUILDING HEIGHT: 2 STORIES

OFF-STREET PARKING: MINIMUM 2 ENCLOSED OFF-STREET PARKING SPACES AND 2 PARKING SPACES

MINIMUM LIVABILITY SPACE: 3000 SQUARE FEET

MINIMUM YARD SETBACKS

FRONT YARD: 25 FEET

REAR YARD: 20 FEET

SIDE YARD ABUTTING A STREET: 25 FEET

SIDE YARD NOT ABUTTING A STREET: 5 FEET

REAR YARD ABUTTING MIDWAY ROAD LANDSCAPE RESERVE: 25 FEET

#### C. LANDSCAPING, TREES, SCREENING AND FENCING

1. LANDSCAPING FOR THE PROJECT WILL EXCEED THE MINIMUM REQUIREMENTS OF SECTION 5.2 OF THE ZONING ORDINANCE. PART OF THE LANDSCAPE PLAN FOR THE PROJECT, A TEN FOOT (10 FT) WIDE LANDSCAPE EDGE/RESERVE AREA WILL BE PROVIDED BETWEEN THE EAST SIDE OF MIDWAY ROAD AND THE WESTERLY BOUNDARY FENCE OF THE PROJECT. THIS LANDSCAPE AREA WILL HAVE LARGE TREES PLANTED AT A RATIO OF ONE (1) LARGE TREE PER THIRTY FEET (30 FT) OF PROPERTY FRONTRAGE. BETWEEN THE LANDSCAPE EDGE AND THE WESTERLY BOUNDARY OF THE LOTS ALONG MIDWAY ROAD, A FENCE WILL BE INSTALLED THAT COMPLIES WITH THE REQUIREMENTS OF SECTION 5.2(E) OF THE ZONING ORDINANCE. THIS FENCE WILL BE MAINTAINED BY THE PROPERTY OWNERS ASSOCIATION.
2. ONE (1) LARGE SPECIES TREE WILL BE INSTALLED IN THE FRONT YARD OF ALL LOTS IN PARK PLACE. ANY TREE THAT FAILS WILL BE REPLACED BY THE PROPERTY OWNER.
3. ALL TREES IN THIS PUD SHALL BE AT LEAST TWO INCHES (2 IN) IN CALIPER AT THE TIME OF INSTALLATION.
4. THE CONCEPTUAL LANDSCAPE PLAN FOR THE PROJECT IS ATTACHED HERETO AS EXHIBIT 'D'.

#### OPEN SPACE:

APPROXIMATELY 10.48 AC. DEDICATED IN PHASE 1 AND APPROXIMATELY FIVE ACRES (5.01 AC) OF GREEN SPACE WILL BE RETAINED WITHIN THE PROJECT, PHASE 2, RESERVES B, C AND D. ADDITIONALLY, RESERVE C .77 ACRE (.77 AC) WILL BE DEVELOPED AS A NEIGHBORHOOD PARK. THIS PARK AREA WILL SERVE AS A GATHERING PLACE FOR THE NEIGHBORS, A PICNIC PLACE, AS WELL AS A DESTINATION FOR A PICKUP GAME OF FOOTBALL AND OTHER SPORTING ACTIVITIES. LARGE TREES WILL BE PLANTED WITHIN THIS NEIGHBORHOOD GREEN SPACE EVERY THIRTY FEET (30 FT) ALONG THE STREET AND STRATEGICALLY WITHIN THE GREEN SPACE FOR SHADE.

#### PEDESTRIAN ACCESS:

SIDEWALKS WILL BE CONSTRUCTED ALONG MIDWAY ROAD AND ON BOTH SIDES OF THE INTERIOR STREETS WITHIN THE PROJECT IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS. SIDEWALKS ALONG MIDWAY ROAD AND THE RESERVE AREAS WITH STREET FRONTRAGE WILL BE INSTALLED BY THE DEVELOPER. SIGNS: NEIGHBORHOOD IDENTIFICATION

#### SIGNAGE:

1. WILL BE INSTALLED WITH THE FIRST PHASE OF THE DEVELOPMENT IN THE RESERVE AREA ALONG MIDWAY ROAD. ALL NEIGHBORHOOD SIGNAGE WILL BE OWNED AND MAINTAINED BY THE PROPERTY OWNERS ASSOCIATION.
2. CONCEPTUAL PLANS FOR THE SIGNS HAVE NOT BEEN PREPARED AT THE TIME OF THIS PUD WAS SUBMITTED; HOWEVER, SUCH SIGNAGE SHALL COMPLY WITH THE STANDARDS OF THE ZONING ORDINANCE.

#### C. RESTRICTIVE COVENANTS

NO LOT MAY BE DIVIDED OR SPLIT. THE SUBDIVISION (AND EACH LOT SITUATED THEREIN) SHALL BE CONSTRUCTED, DEVELOPED, OCCUPIED AND USED AS FOLLOWS.

- (a) RESIDENTIAL LOTS. ALL REMAINING LOTS WITHIN THE SUBDIVISION SHALL BE USED, KNOWN AS RESIDENTIAL LOTS. ONLY ONE SINGLE FAMILY RESIDENTIAL DWELLING SHALL BE PERMITTED ON EACH LOT. IN ADDITION, ONLY CUSTOMARY AND USUAL NECESSARY STRUCTURES MAY BE CONSTRUCTED ON EACH LOT AS MAY BE PERMITTED BY THE CITY. NO BUILDING OR STRUCTURE INTENDED FOR OR ADDED TO BUSINESS PURPOSES SHALL BE ERECTED, PLACED, PERMITTED OR MAINTAINED ON ANY LOT. THIS COVENANT SHALL BE CONSTRUED AS PROHIBITING THE ENGAGING IN OR PRACTICE OF ANY COMMERCE, INDUSTRY, BUSINESS, TRADE OR PROFESSION WITHIN THE SUBDIVISION AND/OR WITHIN ANY LOT. THE RESTRICTIONS ON USE HEREIN CONTAINED SHALL BE CUMULATIVE OF AND IN ADDITION TO SUCH RESTRICTIONS ON USAGE AS MAY FROM TIME TO TIME BE APPLICABLE UNDER AND PURSUANT TO THE STATUTES, RULES, REGULATIONS AND ORDINANCES OF THE CITY OR ANY OTHER GOVERNMENTAL AUTHORITY OR POLITICAL SUBDIVISION HAVING JURISDICTION OVER THE SUBDIVISION.
- (b) RESIDENTIAL PURPOSES. BY ACQUISITION OF ANY LOT WITHIN THE SUBDIVISION, EACH OWNER EXCLUDING BONA FIDE HOME BUILDERS COVENANTS WITH AND REPRESENTS TO THE DECLARANT AND TO THE ASSOCIATION THAT THE LOT IS BEING SPECIFICALLY ACQUIRED FOR THE SPECIFIC AND SINGULAR PURPOSE OF CONSTRUCTING AND USING A SINGLE FAMILY RESIDENTIAL DWELLING THEREON, OR AS A RESIDENCE FOR SUCH OWNER AND/OR OWNER'S IMMEDIATE FAMILY MEMBERS.

THE OWNER OF EACH LOT IN THE SUBDIVISION SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE UNDERGROUND FACILITIES LOCATED ON HIS LOT, SUCH AS TO PREVENT THE ALTERATION OF GRADE OR ANY CONSTRUCTION ACTIVITY WHICH MAY INTERFERE WITH SAID ELECTRIC, TELEPHONE, CABLE TELEVISION OR GAS FACILITIES. THE SUPPLIER OF SERVICE WILL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF UNDERGROUND FACILITIES, BUT THE OWNER OF EACH LOT IN THE SUBDIVISION WILL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER OR HIS AGENTS OR CONTRACTORS. THE FOREGOING COVENANTS CONCERNING UNDERGROUND FACILITIES SHALL BE ENFORCEABLE BY THE SUPPLIER OF ELECTRIC, TELEPHONE, CABLE TELEVISION, OR GAS SERVICES.

(c) SUBMISSION OF PLANS. IN ORDER TO MAINTAIN A BEAUTIFUL AND PLEASING SETTING IN THE SUBDIVISION TWO (2) SETS OF BUILDING AND SITE IMPROVEMENT PLANS AND SPECIFICATIONS MUST BE SUBMITTED TO THE ARCHITECTURAL CONTROL COMMITTEE ("COMMITTEE") FOR ITS APPROVAL PRIOR TO THE COMMENCEMENT OF CONSTRUCTION. THE COMMITTEE SHALL ACT TO ENFORCE THE REQUIREMENTS OF THESE COVENANTS IN A REASONABLE MANNER. THE COMMITTEE HAS THE AUTHORITY TO MAINTAIN THE ARCHITECTURAL CONFORMITY OF THE SUBDIVISION, AND IN CONSIDERATION THEREOF SHALL DETERMINE THAT THE PROPOSED CONSTRUCTION SHALL NOT DETRACT FROM THE DEVELOPMENT AND SHALL ENHANCE THE PURPOSE OF THE DEVELOPMENT TO PROVIDE A BEAUTIFUL AND PLEASING SETTING IN THE SUBDIVISION. THE COMMITTEE SHALL CONSIDER SUCH MATTERS AS THE PROPOSED SQUARE FOOTAGE, LOCATION, MATERIALS, EXTERIOR STYLE AND LANDSCAPING, ETC. THE COMMITTEE MAY ADOPT RULES OR BYLAWS EXPLAINING THE MECHANICS OF ITS OPERATION AND PROVIDING FOR A TWENTY-ONE (21) DAY MAXIMUM TIME WITHIN WHICH PLANS MUST BE REVIEWED AND APPROVED OR DISAPPROVED AFTER SUBMISSION, AND IF NOT APPROVED OR DISAPPROVED IN THAT PERIOD, THAT THE SAME SHALL BE CONSIDERED AS AUTOMATICALLY APPROVED. THE BOARD MAY ALSO EXERCISE THE DUTIES OF THE COMMITTEE IN THE EVENT THE BOARD DEEMS IT NECESSARY AND EFFICIENT TO DO SO.

#### (d) ARCHITECTURAL REQUIREMENTS

- EACH DWELLING SHALL FRONT A DEDICATED PUBLIC STREET.
- NO BUILDING SHALL BE LOCATED CLOSER TO THE STREET THAN THE MINIMUM BUILDING OR SET-BACK LINES SHOWN ON THE RECORDED PLAT.
- ALL RESIDENCES SHALL HAVE ROOF SHINGLES THAT ARE GREY OR BLACK IN COLOR, PREFERABLY WEATHERWOOD DEVIATION FROM THIS COLOR REQUIRES APPROVAL FROM THE ARC.

(e) ADDITIONS TO EXISTING STRUCTURES. ALL ADDITIONS SHALL CONFORM TO THE BASIC STYLING AND MATERIALS OF THE DWELLING IN ANY LOT. ALL ADDITIONS SHALL FALL WITHIN THE BUILDING SET-BACKS ON SAID LOT AND SHALL NOT BE PLACED OVER ANY DRAINAGE OR UTILITY EASEMENT. ALL IMPROVEMENTS SHALL BE CONSTRUCTED IN ACCORDANCE WITH APPLICABLE CITY CODES, RULES AND REGULATIONS. ANY ADDITIONS CONTEMPLATED BY THE HOME OWNER OR LOT OWNER MUST SUBMIT PLANS PRIOR TO CONSTRUCTION TO THE COMMITTEE FOR APPROVAL. THE COMMITTEE HAS COMPLETE AND SOLE DISCRETION TO APPROVE, MODIFY, DENY OR CHANGE ANY REQUEST FOR AN ADDITION TO AN EXISTING STRUCTURE.

(f) SURFACE DRAINAGE. EACH LOT SHALL RECEIVE AND DRAIN IN AN UNOBSTRUCTED MANNER THE STORM AND SURFACE WATERS FROM LOTS AND DRAINAGE AREAS OF HIGHER ELEVATION AND FROM PUBLIC STREETS AND EASEMENTS. 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 HIS LOT. THE FOREGOING COVENANTS SET FORTH IN THIS PARAGRAPH SHALL BE ENFORCED BY THE PUD states ATTACHED LOT OWNER AND BY THE HOA.

(g) GARAGE AND DETACHED STRUCTURES AND STORAGE BUILDINGS. ALL RESIDENCES car garage IN THE SUBDIVISION SHALL HAVE A PRIVATE GARAGE TO ACCOMMODATE A MINIMUM OF ONE (1) AUTOMOBILE. NO CARS OR CRAFTS ARE ALLOWED ON THE SIDE, REAR OR FRONT YARDS OF ANY LOTS. EACH GARAGE SHALL BE FULLY ENCLOSED AND CONTAIN A FULL-LENGTH OVERHEAD STYLE DOOR. ALL GARAGE DOORS ARE TO BE KEPT CLOSED WHEN NOT ENTERING OR EXITING THE GARAGE. ANY DETACHED STRUCTURE TO BE BUILT ON A LOT, SUCH AS A COVERED ENTERTAINMENT AREA, GUEST HOUSE, POOL HOUSE, STORAGE BUILDING, OR OTHER STRUCTURE, SHALL CONFORM TO THE BASIC STYLING AND MATERIALS OF THE RESIDENTIAL DWELLING. ANY DETACHED STRUCTURE CONTEMPLATED BY THE HOME OWNER OR LOT OWNER MUST SUBMIT PLANS PRIOR TO CONSTRUCTION, APPROVED BY THE COMMITTEE. THE COMMITTEE HAS COMPLETE AND SOLE DISCRETION TO APPROVE, MODIFY, DENY OR CHANGE ANY REQUEST FOR AN ADDITION TO ANY EXISTING STRUCTURE.

(h) TEMPORARY STRUCTURES. NO TRAILER, MOBILE HOME, TENT, CONSTRUCTION SHACK, OR OTHER OUTBUILDING SHALL BE ERECTED ON ANY LOT IN THE SUBDIVISION EXCEPT FOR TEMPORARY USE BY CONSTRUCTION CONTRACTORS FOR A REASONABLE PERIOD OF TIME.