

DEED RESTRICTION

STATE OF Oklahoma)

COUNTY OF Tulsa)

JDC BKA, L.L.C., is the owner of all that real property more particularly described in Exhibit A attached hereto and made a part hereof (hereinafter the Property). The approximately 11.48-acre Property is also referenced in "The Mitigation Plan". The Property is subject to the conditions of U.S. Army Corps of Engineers (USACE) Section 404 Permit Number SWT-2015-319, dated March 11, 2016, and/or any revision thereof. The intent of this document is to assure that the Property will be retained and maintained forever in the vegetative and hydrologic condition described in the success criteria of the "The Mitigation Plan for Department of Army Permit No. SWT-2015-319."

As a condition to the aforementioned USACE permit the following restrictions apply to the Property:

- 1) The Property is hereby dedicated as an aquatic ecosystem preserve for the purpose of providing stream and wetland mitigation. Activities within the Property prohibited by this dedication include, but are not limited to, grazing of livestock, haying, cropping, and commercial timber harvesting. Land clearing, filling or draining, and other vegetation and soil disturbing activities are prohibited except as required to accomplish the mitigation site goals and objectives.
- 2) The USACE shall have the right to enter and go upon the Property for purposes of inspection, and to take actions including but not limited to scientific or educational observations and studies, and collection of samples.
- 3) In the event of a breach of the restrictions by the Owner, or a third party working with the permission of or under the direction of the Owner, the Owner must immediately notify the USACE. If the USACE becomes aware of a breach of this Agreement, the USACE will notify the Owner of the breach. The Owner shall have thirty (30) calendar days after receipt of such notice to undertake actions that are reasonably calculated to swiftly correct the conditions constituting the breach. If the Owner corrects the conditions constituting the breach in a timely and reasonable manner, no further action is warranted or authorized. If the Owner fails to initiate such corrective action within thirty (30) calendar days or fails to complete the necessary corrective action, the USACE may undertake such actions, including legal proceedings, as are necessary to effect such corrective action. Any forbearance on the part of the USACE to exercise its rights in the event of a breach of the restrictions shall not be deemed or construed to be a waiver of their rights hereunder in the event of any subsequent failure of the Property owner to comply.
- 4) These restrictions may not be removed or revised without obtaining a modification of the aforementioned USACE authorization and/or prior written approval of the USACE. Permit revisions can be granted only by the USACE, Tulsa District, Regulatory Office.

\* This Deed Restriction shall run with the land in perpetuity and be binding on all future owners, heirs,



"Exhibit A"

AN EASEMENT BEING A PART OF THE EAST HALF (E/2) OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER (SE/4 SW/4) OF SECTION 12, TOWNSHIP 18 NORTH, RANGE 14 EAST, BROKEN ARROW, TULSA COUNTY, OKLAHOMA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: TO-WIT,

BEGINNING AT THE SOUTHEAST CORNER OF THE SE/4 OF THE SW/4, THENCE ALONG THE SOUTH LINE OF SAID SE/ SW/4 S 88°47'33" W A DISTANCE OF 370.63 FEET, THENCE N 01°12'38" W A DISTANCE OF 1089.72 FEET, THENCE N 54°39'16" W A DISTANCE OF 88.74 FEET, THENCE N 01°25'44" W A DISTANCE OF 170.30 FEET TO A POINT ON THE NORTH LINE OF SAID SE/ SW/4, THENCE ALONG SAID NORTH LINE N 88°47'21" E A DISTANCE OF 441.55 FEET TO THE NE CORNER OF THE SE/4 SW/4, THENCE ALONG THE EAST LINE OF SAID SE/4 SW/4, S 01°15'17" E A DISTANCE OF 1312.90 FEET TO THE POINT OF BEGINNING. CONTAINING 11.48 ACRES, MORE OR LESS.

