

Notes:

1. THIS PLAT MEETS THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED BY THE OKLAHOMA STATE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS.
2. ALL PROPERTY CORNERS ARE SET 3/8" IRON REBAR WITH YELLOW CAP STAMPED "TANNER 1435" UNLESS OTHERWISE NOTED.
3. THE BEARINGS SHOWN HEREON ARE BASED UPON THE OKLAHOMA STATE PLANE COORDINATE SYSTEM, NORTH ZONE (3501), NORTH AMERICAN DATUM 1983 (NAD83); SAID BEARINGS ARE BASED LOCALLY UPON FIELD-OBSERVED TIES TO THE FOLLOWING MONUMENTS:
 - (1) MAGNETIC NAIL FOUND AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER (SE/4) OF SECTION 18;
 - (2) OKLAHOMA DEPARTMENT OF TRANSPORTATION BRASS CAP FOUND AT THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER (SE/4) OF SECTION 18;
 THE BEARING BETWEEN SAID MONUMENTS BEING SOUTH 88°51'46" WEST.
4. ADDRESSES SHOWN ON THIS PLAT ARE ACCURATE AT THE TIME THE PLAT WAS FILED; ADDRESSES ARE SUBJECT TO CHANGE AND SHOULD NEVER BE RELIED ON IN PLACE OF THE LEGAL DESCRIPTION.
5. ACCESS AT THE TIME OF PLAT WAS PROVIDED BY VIRTUE OF STATE HIGHWAY NO. 51 RIGHT-OF-WAY AS PRESENTLY LOCATED.
6. STORMWATER DETENTION ACCOMMODATIONS FOR THIS SITE ARE PROVIDED IN ACCORDANCE WITH FEE-IN-LIEU OF DETENTION DETERMINATION #DD-072817-24

OWNER:
Creek 51 Business Park, LLC
 A TEXAS LIMITED LIABILITY COMPANY
 CONTACT: REX ROBERTSON
 Email: rex@forddevelopment.net
 16400 Dallas Parkway, Suite 140
 Dallas, Texas 75248-1389
 Phone: (972) 858-1111

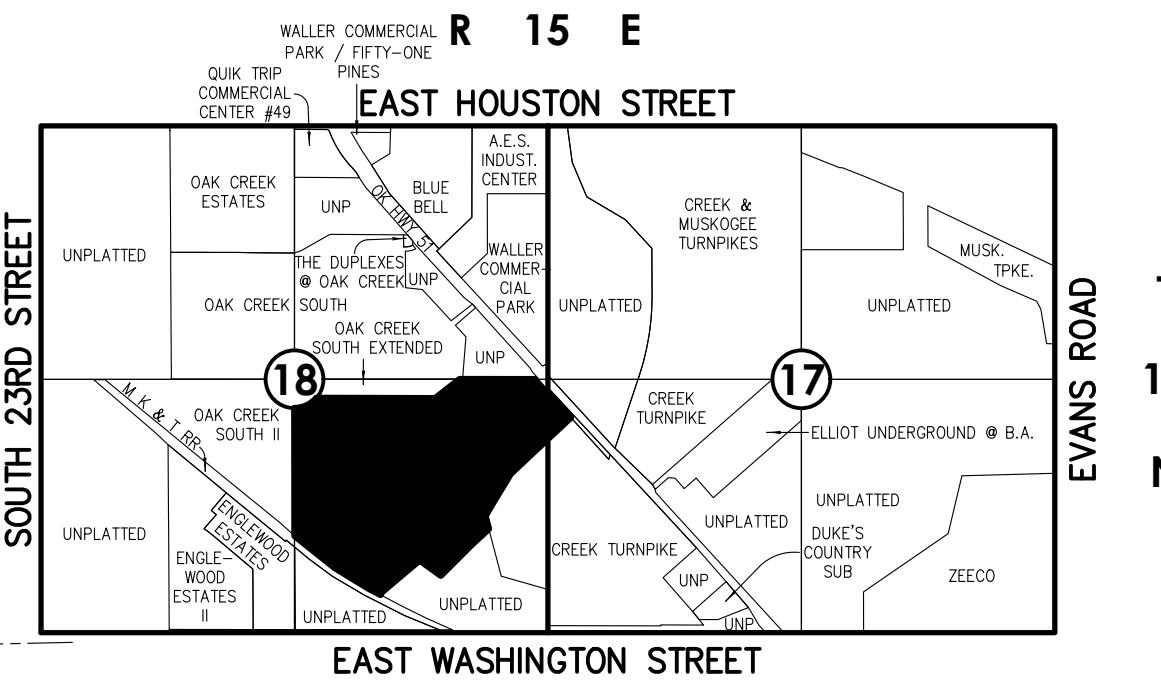
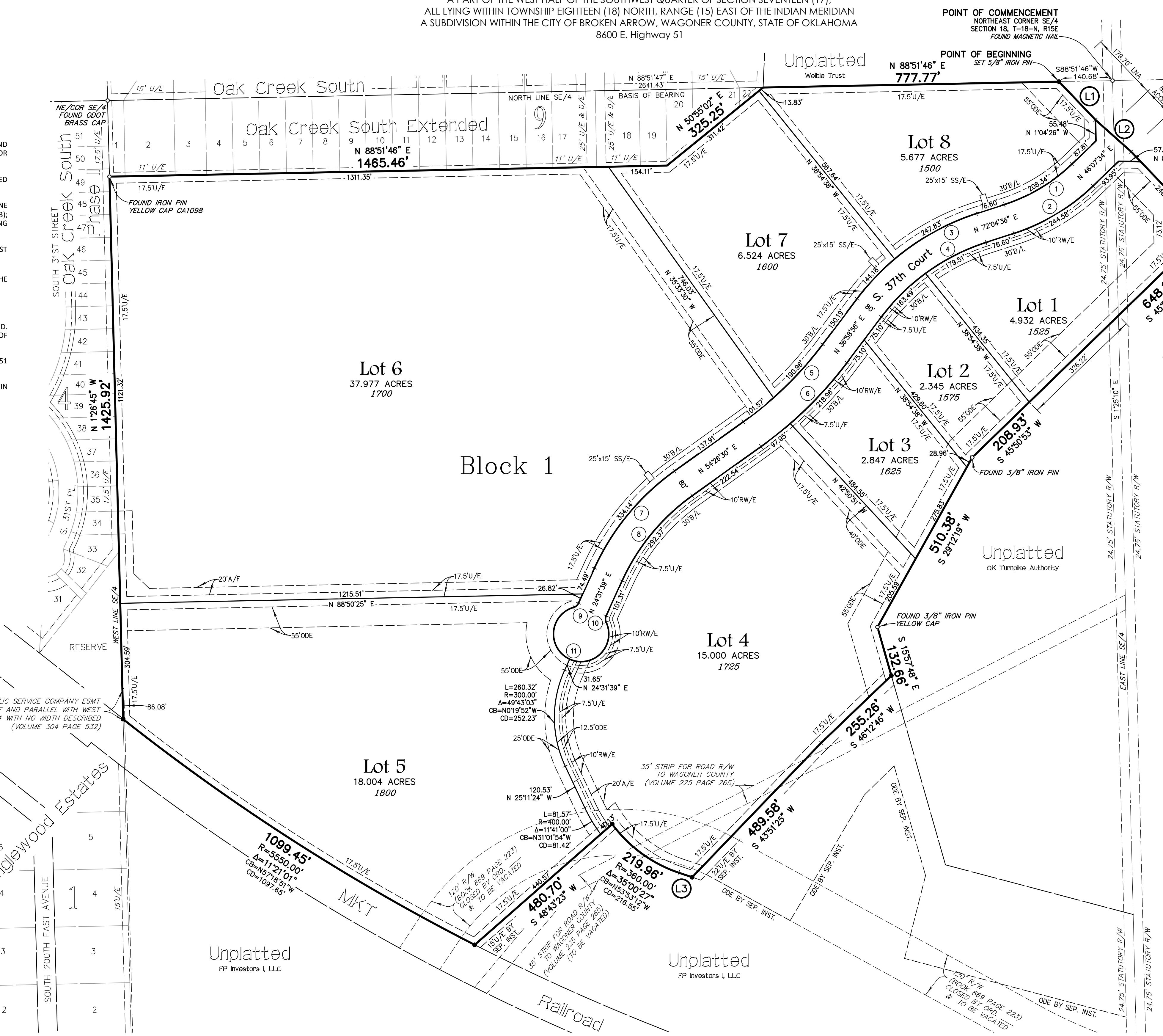
SURVEYOR/ENGINEER:
Tanner Consulting, L.L.C.
 DAN E. TANNER, P.L.S. NO. 1435
 OK CA NO. 2661, EXPIRES 6/30/2021
 EMAIL: DAN@TANNERBAITSHOP.COM
 5323 South Lewis Avenue
 Tulsa, Oklahoma 74105
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DATE OF PREPARATION: October 25, 2019

Conditional Final Plat **CREEK 51 BUSINESS PARK**

PUD 204A

PART OF THE SOUTHEAST QUARTER (SE/4) OF SECTION EIGHTEEN (18), AND A PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION SEVENTEEN (17), ALL LYING WITHIN TOWNSHIP EIGHTEEN (18) NORTH, RANGE (15) EAST OF THE INDIAN MERIDIAN A SUBDIVISION WITHIN THE CITY OF BROKEN ARROW, WAGONER COUNTY, STATE OF OKLAHOMA 8600 E. Highway 51



Location Map

Scale: 1" = 2000'

NORTH

SUBDIVISION CONTAINS:

EIGHT (8) LOTS
IN ONE (1) BLOCK

GROSS SUBDIVISION AREA: 97.208 ACRES
NET SUBDIVISION AREA: 93.306 ACRES

LEGEND

A/E	ACCESS EASEMENT
B/L	BUILDING LINE
BK PG	BOOK & PAGE
CB	CHORD BEARING
CD	CHORD DISTANCE
Δ	DELTA ANGLE
D/E	DRAINAGE EASEMENT
EAE	EMERGENCY ACCESS EASEMENT
ESMT	EASEMENT
SEP INST	SEPERATE INSTRUMENT
LNA	LIMITS OF NO ACCESS
ODE	OVERLAND DRAINAGE EASEMENT
ORD.	ORDINANCE
POB	POINT OF BEGINNING
POC	POINT OF COMMENCEMENT
R	RADIUS
RW/E	RESTRICTIVE WATER EASEMENT
R/W	RIGHT-OF-WAY
SS/E	STORM SEWER EASEMENT
U/E	UTILITY EASEMENT
/234	ADDRESS ASSIGNED
●	SET MONUMENT
○	FOUND MONUMENT

Curve Table

CURVE	LENGTH(H)	RADIUS(R)	DELTA(Δ)	CHORDBRG (CB)	CHORDDIS (CD)
1	208.34'	460.00'	25°57'02"	N59°06'05"E	206.57'
2	244.58'	540.00'	25°57'02"	N59°06'05"E	242.49'
3	392.01'	640.00'	35°05'39"	N54°31'46"E	385.91'
4	343.01'	560.00'	35°05'39"	N54°31'46"E	337.67'
5	292.53'	960.00'	17°27'33"	N45°42'43"E	291.40'
6	316.91'	1040.00'	17°27'33"	N45°42'43"E	315.69'
7	334.14'	640.00'	29°54'50"	N39°29'05"E	330.36'
8	292.37'	560.00'	29°54'50"	N39°29'05"E	289.06'
9	17.33'	20.00'	49°38'53"	N49°21'06"E	16.79'
10	17.33'	20.00'	49°38'53"	N01°17'47"W	16.79'
11	354.23'	72.67'	279°17'47"	N65°28'21"W	94.10'

Line Table

LINE	LENGTH	BEARING
L1	138.88'	S 43°41'37"E
L2	125.40'	S 48°16'03"E
L3	37.10'	N 71°23'26"W

TREASURER CERTIFICATION

I hereby certify that the and back taxes have been paid on the above described property according to the tax rolls

By _____

Wagoner County Treasurer / Deputy

Dated _____ 20____

Attest: _____

City Clerk

APPROVED _____ by the City Council of the City of Broken Arrow, Oklahoma.

Mayor

Attest: _____

Creek 51 Business Park

CASE NO. PT17-115A

SHEET 1 OF 3

Conditional Final Plat

CREEK 51 BUSINESS PARK

PUD 204A

PART OF THE SOUTHEAST QUARTER (SE/4) OF SECTION EIGHTEEN (18), AND
A PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION SEVENTEEN (17),
ALL LYING WITHIN TOWNSHIP EIGHTEEN (18) NORTH, RANGE (15) EAST OF THE INDIAN MERIDIAN
A SUBDIVISION WITHIN THE CITY OF BROKEN ARROW, WAGONER COUNTY, STATE OF OKLAHOMA

DEED OF DEDICATION AND RESTRICTIVE COVENANTS (CONTINUED)

SECTION II. PLANNED UNIT DEVELOPMENT (CONTINUED)

MINIMUM LANDSCAPED AREA:

SHALL MEET THE REQUIREMENTS OF THE BROKEN ARROW ZONING ORDINANCE. LANDSCAPE EDGE SHALL BE PROVIDED ALONG ALL STREET FRONTAGES. EACH LOT SHALL HAVE AT LEAST 10% OPEN SPACE.

LANDSCAPING WILL BE PROVIDED IN ACCORDANCE WITH SECTION 5.2 OF THE BROKEN ARROW ZONING ORDINANCE IN THE SITE PLANNING PROCESS.

IT IS IMPORTANT TO NOTE THAT ALL LANDSCAPING, SCREENING, FENCING AND WALLS WILL BE DETAILED AT THE TIME OF FINAL SITE PLAN SUBMITTAL. ALL LANDSCAPING, SCREENING, FENCING AND WALLS WILL BE DESIGNED BASED ON PREDETERMINED GUIDELINES AS SET OUT IN THE COVENANTS AND MONITORED BY THE ARCHITECTURAL REVIEW COMMITTEE FOR THE PROJECT.

IT IS AGREED THAT ALL HARDSCAPE MATERIALS, AS WELL AS LANDSCAPE MATERIALS, WILL FOLLOW A COMPATIBLE DESIGN THROUGHOUT THE PUD. THIS CONCEPT FOR LANDSCAPE AND HARDSCAPE WILL PROVIDE FOR CONTINUITY AND WILL ESTABLISH AN IDENTITY FOR THE ENTIRE PROJECT. ALL MAJOR ENTRIES INTO THE DEVELOPMENT AREAS WILL BE LANDSCAPED AND HAVE SIGNAGE, LIGHTING AND IRRIGATION.

A MINIMUM OF 10% OF THE NET LAND AREA OF THE PUD LOTS WILL BE LANDSCAPED OPEN SPACE. INTERNAL LANDSCAPED OPEN SPACE INCLUDES STREET FRONTAGE LANDSCAPED YARDS (STREET RIGHT-OF-WAY EXCLUDED), PLAZAS, GREEN BELT AREAS AND PEDESTRIAN AREAS, BUT DOES NOT INCLUDE ANY PARKING, BUILDING OR DRIVEWAY AREAS.

AS PER SECTION 5.2 OF THE BROKEN ARROW ZONING ORDINANCE, PRIOR TO OR WITHIN 120 DAYS OF THE ISSUANCE OF AN OCCUPANCY PERMIT FOR A BUILDING, ALL LANDSCAPE MATERIAL WILL BE INSTALLED IN ACCORDANCE WITH AN APPROVED LANDSCAPE PLAN BASED ON LANDSCAPE AND VEGETATION ON THE SECTION 5.2.B.4.A. APPROVED TREE LIST.

EXTERIOR BUILDING MATERIAL:

SHALL MEET THE COMMERCIAL REQUIREMENTS OF SECTION 5.8.G.1 OF THE BROKEN ARROW ZONING ORDINANCE.

OTHER BULK AND AREA REQUIREMENTS:

AS PROVIDED WITHIN A.I. DISTRICT.

SIGNAGE:

SHALL MEET THE REQUIREMENTS OF THE BROKEN ARROW ZONING ORDINANCE SECTION 5.7.B.3 (INTEGRATED DEVELOPMENT IDENTIFICATION). SEPARATE APPLICATION FOR SPECIFIC USE PERMIT NOT REQUIRED.

EXTERIOR LIGHTING:

SHALL MEET THE REQUIREMENTS OF THE BROKEN ARROW ZONING ORDINANCE.

OUTDOOR STORAGE:

ON LOTS ADJACENT TO THE CREEK TURNPIKE, ALL OUTDOOR STORAGE SHALL BE SCREENED FROM HIGHWAY WITH A SOLID SCREENING FENCE AT LEAST 6 FEET IN HEIGHT.

ADDITIONAL REQUIREMENTS:

SEE AGREEMENT WITH ADJACENT HOMEOWNERS

D. AGREEMENT WITH ADJACENT HOMEOWNERS FOR LOTS 2 THROUGH 7, INCLUSIVE, BLOCK 1:

PRIOR TO THE COMMENCEMENT OF CONSTRUCTION OF A BUILDING ON ANY LOT IN THE PROPOSED BUSINESS PARK (OTHER THAN LOTS 1 AND 8, BLOCK 1, WHICH FRONT ON STATE HIGHWAY 51), THE OWNER, AT ITS EXPENSE, WILL CONSTRUCT AN 8-FOOT SOLID SCREENING FENCE ALONG THE COMMON BOUNDARY OF "OAK CREEK SOUTH EXTENDED". THE OWNER INTENDS TO BUILD A VINYL FENCE WITH SOME TYPE OF MASONRY COLUMNS ON THE "OAK CREEK SOUTH EXTENDED" PROPERTY CORNERS. THE COLOR OF THE FENCE WILL BE BASED ON A MAJORITY VOTE OF THE "OAK CREEK SOUTH EXTENDED" PROPERTY OWNERS. THE OWNER AND/OR ANY PROPERTY OWNERS' ASSOCIATION FORMED BY THE OWNER WILL BE RESPONSIBLE FOR THE MAINTENANCE OF THE FENCE; HOWEVER, ANY DAMAGE CAUSED TO THE FENCE BY ONE OF THE "OAK CREEK SOUTH EXTENDED" PROPERTY OWNERS WILL BE REPAID BY SAID RESIDENTIAL PROPERTY OWNER AT ITS EXPENSE.

WITH RESPECT TO "OAK CREEK SOUTH EXTENDED" AND THE ADJACENT HOMEOWNERS, THIS PUD WILL INCLUDE THE FOLLOWING DEED RESTRICTIONS:

1. THE CONCEPTUAL DEVELOPMENT PLAN REFLECTS A 100-FOOT LANDSCAPE BUFFER ZONE FOR THE PROPOSED LIGHT INDUSTRIAL LOTS WHICH ABUT "OAK CREEK SOUTH EXTENDED". THIS 100-FOOT ZONE MAY ONLY BE USED AS A LANDSCAPE BUFFER OR OPEN SPACE. NO BUILDINGS MAY BE CONSTRUCTED IN THIS ZONE AND NO PAVING, STORAGE OR PARKING MAY OCCUR THEREIN.

2. NO BUILDINGS ON ANY LOTS WHICH ABUT "OAK CREEK SOUTH EXTENDED" MAY BE HIGHER THAN 50 FEET.

3. FOR THE LOTS WHICH ABUT "OAK CREEK SOUTH EXTENDED", THE MINIMUM REAR BUILDING SET-BACK WILL BE 130 FEET WHICH IS THE 100-FOOT BUFFER ZONE PLUS AN ADDITIONAL 30 FEET.

4. WITHIN THE LANDSCAPE BUFFER ZONE, A MINIMUM OF ONE MEDIUM TO LARGE TREE AND 10 SHRUBS WILL BE PLANTED FOR EACH 30 LINEAR FEET THAT BUT ABUT "OAK CREEK SOUTH EXTENDED". HOWEVER, IN LIEU OF THE 10 SHRUBS, ONE ADDITIONAL MEDIUM TO LARGE TREE MAY BE PLANTED (A TOTAL OF 2 MEDIUM TO LARGE TREES FOR EACH 30 LINEAR FEET).

E. ACCESS AND CIRCULATION:

AS A PART OF THIS PUD, AND BY EXTENSION IN FUTURE PHASES, THE SOUTH 37TH STREET (S. 209TH E. AVE.) SECTIONLINE ROAD IS PROPOSED AS A COLLECTOR STREET CONNECTING STATE HIGHWAY 51 TO EAST WASHINGTON STREET (91ST ST. S.) UNDER THE CREEK TURNPIKE BRIDGE. THE INITIAL COLLECTOR STREET WILL EXTEND (AT LEAST) 752' AND WILL GIVE ACCESS TO ALL LOTS WITHIN PHASE I, AS INDICATED ON "CONCEPTUAL SITE PLAN" EXHIBIT B OF THE PUD. THE COLLECTOR STREET SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE CITY OF BROKEN ARROW SUBDIVISION REGULATIONS AND ENGINEERING DESIGN CRITERIA MANUAL, INCLUDING A TEMPORARY TURNAROUND UNTIL THE STREET IS EXTENDED. FINAL PLANS FOR ACCESS WILL BE DETERMINED UPON APPROVAL OF THE PUD SUBDIVISION PLAT.

SIDEWALKS SHALL BE CONSTRUCTED ALONG ALL STREETS BY THE DEVELOPER OR INDIVIDUAL LOT OWNERS IN ACCORDANCE WITH THE BROKEN ARROW SUBDIVISION REGULATIONS. SIDEWALKS SHALL BE A MINIMUM OF FIVE (5) FEET IN WIDTH, SHALL BE ADA COMPLIANT, AND SHALL BE APPROVED BY THE CITY OF BROKEN ARROW. ANY SIDEWALKS WHICH ARE PROPOSED OUTSIDE OF PUBLIC RIGHT-OF-WAY SHALL BE PLACED IN A PUBLIC SIDEWALK EASEMENT.

LIMITS OF NO ACCESS (LNA) WILL BE IMPOSED BY THE FUTURE PLAT(S) ALONG THE S.H. 51 FRONTAGE.

F. PLATTING AND SITE PLAN REQUIREMENTS:

NO BUILDING PERMIT SHALL BE ISSUED UNTIL A SUBDIVISION PLAT HAS BEEN SUBMITTED TO AND RECOMMENDED UPON BY THE BROKEN ARROW PLANNING COMMISSION AND APPROVED BY THE COUNCIL OF THE CITY OF BROKEN ARROW, AND DULY FILED OF RECORD. THE REQUIRED SUBDIVISION PLAT SHALL INCLUDE COVENANTS OF RECORD IMPLEMENTING THE DEVELOPMENT STANDARDS OF THE APPROVED PUD AND THE CITY OF BROKEN ARROW SHALL BE A BENEFICIARY THEREOF. UPON PLATTING, NO BUILDING PERMIT SHALL BE ISSUED FOR ANY LOT UNTIL A SITE PLAN HAS BEEN SUBMITTED TO AND APPROVED BY THE CITY OF BROKEN ARROW AS BEING IN COMPLIANCE WITH THE PUD AND ALL OTHER APPLICABLE BUILDING AND DEVELOPMENT CODES.

G. ARCHITECTURAL REVIEW COMMITTEE:

AN ARCHITECTURAL REVIEW COMMITTEE ("ARC") WILL BE FORMED BY THE PROPERTY OWNERS' ASSOCIATION. THIS COMMITTEE WILL CONSIST OF MEMBERS APPOINTED BY THE PROPERTY OWNERS ASSOCIATED WITH THIS PUD AT THE TIME OF ITS APPROVAL. ADDITIONAL MEMBERS MAY BE APPOINTED FROM THIS COMMITTEE AT THEIR DISCRETION. THE COMMITTEE WILL BE RESPONSIBLE FOR THE REVIEW AND APPROVAL OF ALL SITE, LANDSCAPE, DRAINAGE AND ARCHITECTURAL PLANS (AS WELL AS THE APPROVAL OF ARCHITECTURAL BUILDING MATERIALS) BEFORE SAID PLANS ARE SUBMITTED TO THE CITY OF BROKEN ARROW FOR APPROVAL. THE ARC WILL SEE THAT THE PROJECT IS DEVELOPED AS ORIGINALINTENDED.

THE BUILDING ELEVATIONS FOR OFFICES AND BUSINESSES WILL BE DESIGNED TO EXPRESS INDIVIDUALITY WITHIN A DEVELOPMENT AREA WHILE SIMULTANEOUSLY MAINTAINING THE OVERALL CHARACTER OF THE COMMUNITY. CAREFUL ATTENTION TO ALL ASPECTS OF THE BUILDING DESIGNS WILL BE GIVEN TO CREATE THE INDIVIDUALITY DESIRED. SOME OF THE BUILDING ELEMENTS TO BE STUDIED WILL INCLUDE ROOFS, WALLS, OPENINGS, FOUNDATIONS, CHIMNEY MATERIALS, PLAZAS AND DECKS. EVEN THOUGH BUILDING APPEARANCES WILL VARY THROUGHOUT THE DEVELOPMENT, CONTINUITY WILL BE PROVIDED THROUGH THE UTILIZATION OF ADDITIONAL ARCHITECTURAL AND NON-ARCHITECTURAL ELEMENTS SUCH AS LIGHTING, SIGNAGE, PAVING, HARDSCAPE AND LANDSCAPE PLANT MATERIAL.

H. PROPERTY OWNERS' ASSOCIATION:

THE PROPERTY OWNERS' ASSOCIATION ("POA") WILL BE ESTABLISHED TO GOVERN THE DEVELOPMENT OF CREEK 51 BUSINESS PARK. THIS ASSOCIATION WILL HAVE AS ITS MAIN OBJECTIVE THE RESPONSIBILITY OF GOVERNING THE ARCHITECTURAL CONTROLS OF ALL BUILDINGS, OPEN SPACE, LANDSCAPED AREAS, PARKING, SIGNAGE AND LIGHTING.

PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION AT CREEK 51 BUSINESS PARK, THE ASSOCIATION DOCUMENTS OF THE POA SHALL BE FILED AND SAID DOCUMENTS SHALL SET FORTH ALL OBLIGATIONS AND REQUIREMENTS OF THE ASSOCIATION MEMBERS.

I. TRANSLOCATION OF DENSITIES, FLOOR AREAS AND LAND USE AREAS:

SUBJECT TO THE WRITTEN APPROVAL OF THE ARC, AND AS PROVIDED FOR IN THE UNDERLYING ZONING, ANY ONE TRACT OF LAND WITHIN THE CREEK 51 BUSINESS PARK PUD MAY EXCEED THE MAXIMUM ALLOWABLE DENSITY, FLOOR AREA OR LAND USE AREA FOR THAT TRACT PROVIDED THAT THE GENERAL CONCEPT AND CHARACTER OF THE PUD HAVE NOT BEEN ALTERED AND THE TOTAL ALLOWABLE DENSITY, FLOOR AREA OR LAND USE AREA FOR THE ENTIRE PUD HAVE NOT BEEN EXCEEDED.

DEVELOPMENT OF THE CREEK 51 BUSINESS PARK MAY OCCUR IN PHASES BUT NO BUILDING PERMIT SHALL BE ISSUED UNTIL A DETAILED SITE PLAN (INCLUDING LANDSCAPING) OF THE PROPOSED IMPROVEMENTS HAS BEEN SUBMITTED TO AND APPROVED BY THE CITY OF BROKEN ARROW AS BEING IN COMPLIANCE WITH THE DEVELOPMENT CONCEPT AND THE DEVELOPMENT STANDARDS. NO CERTIFICATE OF OCCUPANCY SHALL BE ISSUED FOR A BUILDING UNTIL THE LANDSCAPING OF THE APPLICABLE PHASE OF DEVELOPMENT HAS BEEN INSTALLED IN ACCORDANCE WITH A LANDSCAPING PLAN SUBMITTED TO AND APPROVED BY THE CITY OF BROKEN ARROW. NOTWITHSTANDING THE FOREGOING PROVISIONS, THE ISSUANCE OF BUILDING PERMITS MAY BE ACCELERATED IN ACCORDANCE WITH THE CITY OF BROKEN ARROW "POLICY FOR EXPEDITING CONSTRUCTION PERMITS FOR COMMERCIAL STRUCTURES."

REQUIRED PLATTING FOR THE PROJECT MAY PROCEED IN PHASES BUT NO BUILDING PERMIT SHALL BE ISSUED UNTIL SAID PHASE HAS BEEN INCLUDED WITHIN A SUBDIVISION PLAT SUBMITTED TO AND APPROVED BY THE BROKEN ARROW PLANNING COMMISSION AND CITY COUNCIL AND SAID PLAT HAS BEEN DULY FILED OF RECORD. THE DEED OF DEDICATION OF THE REQUIRED SUBDIVISION PLAT SHALL INCLUDE COVENANTS OF RECORD, ENFORCEABLE BY THE CITY OF BROKEN ARROW, SETTING FORTH THE DEVELOPMENT STANDARDS OF THE PUD.

J. EASEMENTS:

THE EASEMENTS SERVING CREEK 51 BUSINESS PARK SHALL BE WORKED OUT AS AN OVERALL PROJECT. A 17.5-FOOT UTILITY EASEMENT WILL BE PROVIDED AROUND THE PERIMETER OF THE PUD PROPERTY AND ALONG ARTERIAL STREET FRONTAGES.

SECTION III. PROPERTY OWNERS' ASSOCIATION

A. ESTABLISHED:

THE OWNER HAS FORMED OR SHALL CAUSE TO BE FORMED AN ASSOCIATION OF ALL OWNERS OF LOTS WITHIN "CREEK 51 BUSINESS PARK" (THE "ASSOCIATION"), A DOMESTIC, NOT FOR PROFIT CORPORATION, ESTABLISHED OR TO BE ESTABLISHED IN ACCORDANCE WITH THE STATUTES OF THE STATE OF OKLAHOMA, FOR THE GENERAL PURPOSES OF MAINTAINING THE OVERLAND DRAINAGE FACILITIES AND EASEMENTS WITHIN THE SUBDIVISION, OFFSITE STORMWATER DETENTION FACILITIES AND EASEMENTS, ENTRY FEATURES, SIGNAGE, AND LANDSCAPING, OTHER COMMON AREAS, AND OTHER IMPROVEMENTS AND AREAS WHICH ARE OR MAY FROM TIME TO TIME BE FOR THE COMMON USE AND BENEFIT OF THE OWNERS WITHIN THE SUBDIVISION AS DETERMINED BY THE BOARD OF DIRECTORS OF THE ASSOCIATION.

B. MEMBERSHIP:

EVERY PERSON OR ENTITY WHO IS A RECORD OWNER OF THE FEE INTEREST OF A LOT IN THE SUBDIVISION SHALL BE A MEMBER OF THE ASSOCIATION. MEMBERSHIP SHALL BE APPURTENANT TO AND SHALL NOT BE SEPARATED FROM THE OWNERSHIP OF A LOT. THE ACCEPTANCE OF A DEED TO A LOT SHALL CONSTITUTE ACCEPTANCE OF MEMBERSHIP TO THE ASSOCIATION AS OF THE DATE OF THE INCORPORATION OF THE ASSOCIATION OR THE RECORDING OF THE DEED, WHICHEVER OCCURS LAST.

C. COVENANT FOR ASSESSMENTS:

EACH OWNER OF A LOT SUBSEQUENT TO THE OWNER, BY ACCEPTANCE OF A DEED THEREFOR, COVENANTS AND AGREES TO PAY TO THE ASSOCIATION ASSESSMENTS TO BE ESTABLISHED BY BOARD OF DIRECTORS OF THE ASSOCIATION. ALL UNPAID ASSESSMENTS SHALL BE A LIEN UPON THE LOT(S) AGAINST WHICH IT IS MADE, BUT THE LIEN SHALL BE SUBORDINATE TO THE LIEN OF ANY FIRST MORTGAGE.

D. SEVERABILITY:

IN VALIDATION 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 OR ANY PART THEREOF AS SET FORTH HEREIN, WHICH SHALL REMAIN IN FULL FORCE AND EFFECT.

D. ENFORCEMENT RIGHTS OF THE ASSOCIATION:

WITHOUT LIMITATION OF SUCH OTHER POWERS AND RIGHTS AS THE ASSOCIATION MAY HAVE, THE ASSOCIATION SHALL BE A BENEFICIARY, TO THE SAME EXTENT AS A LOT OWNER, OF THE VARIOUS COVENANTS SET FORTH WITHIN THIS DEED OF DEDICATION AND SHALL HAVE THE RIGHT TO ENFORCE THE COVENANTS TO THE SAME EXTENT AS A LOT OWNER.

SECTION IV. PRIVATE RESTRICTIONS

A. USE OF LAND:

ALL LOTS WITHIN THE SUBDIVISION SHALL BE KNOWN AND DESCRIBED AS LOTS AND SHALL BE USED SOLELY FOR THE USES PERMITTED IN THE APPROVED PLANNED UNIT DEVELOPMENT.

B. SETBACKS:

NO BUILDING, WHETHER PRINCIPAL OR ACCESSORY, SHALL BE ERECTED NEARER TO A PUBLIC STREET THAN THE BUILDING SETBACK LINES DEPICTED ON THE ACCOMPANYING PLAT, NOR SHALL ANY BUILDING ENCROACH UPON ANY UTILITY EASEMENT AS DEPICTED ON THE ACCOMPANYING PLAT.

C. ADDITIONAL PRIVATE RESTRICTIONS AND COVENANTS:

ADDITIONAL PRIVATE RESTRICTIONS AND COVENANTS MAY BE IMPOSED AND IF IMPOSED, WILL BE CONTAINED IN A SEPARATE INSTRUMENT DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS, OR SIMILARLY-TITLED DOCUMENT. THIS DOCUMENT MAY INCLUDE THE FORMATION OF AN ARCHITECTURAL REVIEW COMMITTEE.

SECTION V. ENFORCEMENT, DURATION, AMENDMENT OR TERMINATION, AND SEVERABILITY

A. ENFORCEMENT:

THE RESTRICTIONS HEREIN SET FORTH ARE COVENANTS TO RUN WITH THE LAND AND SHALL BE BINDING UPON THE OWNER, ITS SUCCESSORS AND ASSIGNS. WITHIN THE PROVISIONS OF SECTION I. PUBLIC STREETS, EASEMENTS, 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 OF BROKEN ARROW. THE COVENANTS CONTAINED IN SECTION II. PLANNED UNIT DEVELOPMENT RESTRICTIONS ARE ESTABLISHED PURSUANT TO THE PLANNED UNIT DEVELOPMENT PROVISIONS OF THE BROKEN ARROW ZONING ORDINANCE AND SHALL INURE TO THE BENEFIT OF THE CITY OF BROKEN ARROW, OWNERS OF A LOT, AND THE PROPERTY OWNERS' ASSOCIATION. IF THE UNDERSIGNED OWNER OR ITS SUCCESSORS OR ASSIGNS VIOLATE ANY COVENANT SET FORTH HEREIN, IT SHALL BE LAWFUL FOR THE CITY OF BROKEN ARROW, ANY OWNER OF A LOT, OR THE PROPERTY OWNERS' ASSOCIATION TO MAINTAIN ANY ACTION AT LAW OR IN EQUITY AGAINST THE PERSON OR PERSONS VIOLATING OR ATTEMPTING TO VIOLATE ANY SUCH COVENANT, TO PREVENT HIM FROM DOING OR TO COMPEL COMPLIANCE WITH THE COVENANT. IN ANY JUDICIAL ACTION BROUGHT TO ENFORCE THE COVENANTS ESTABLISHED WITHIN THIS DEED OF DEDICATION, THE DEFENDANT, IF ANY, PARTICIPATING IN THE EQUITABLE PROCEEDING HAS AN ADEQUATE REEDAY AT LAW, IS HEREBY WAIVED IN ANY JUDICIAL ACTION BROUGHT BY ANY OWNER OF A LOT OR THE PROPERTY OWNERS' ASSOCIATION, WHICH ACTION SEEKS TO ENFORCE THE COVENANTS CONTAINED HEREIN AND/OR TO RECOVER DAMAGES FOR THE BREACH THEREOF. THE PREVAILING PARTY SHALL BE ENTITLED TO RECEIVE REASONABLE ATTORNEY'S FEES AND COSTS AND EXPENSES INCURRED IN SUCH ACTION.

B. DURATION:

THESE RESTRICTIONS, TO THE EXTENT PERMITTED BY APPLICABLE LAW, SHALL BE PERPETUAL BUT IN ANY EVENT SHALL BE IN FORCE AND EFFECT FOR A TERM OF NOT LESS THAN THIRTY (30) YEARS FROM THE DATE OF THE RECORDING OF THIS DEED OF DEDICATION UNLESS TERMINATED OR AMENDED AS HEREINAFTER PROVIDED.

C. AMENDMENT OR TERMINATION:

THE COVENANTS CONTAINED WITHIN SECTION I. PUBLIC STREETS, EASEMENTS, AND UTILITIES AND SECTION V. ENFORCEMENT, DURATION, AMENDMENT OR TERMINATION, AND SEVERABILITY MAY BE AMENDED OR TERMINATED AT ANY TIME BY A WRITTEN INSTRUMENT SIGNED AND ACKNOWLEDGED BY THE OWNER OF THE LAND TO WHICH THE AMENDMENT OR TERMINATION IS TO BE APPLICABLE AND APPROVED BY THE BROKEN ARROW PLANNING COMMISSION, OR ITS SUCCESSORS. NOTWITHSTANDING THE FOREGOING, THE COVENANTS CONTAINED WITHIN SECTION II. SHALL BE DEEMED AMENDED (WITHOUT NECESSITY OF EXECUTION OF AN AMENDING DOCUMENT) UPON APPROVAL OF AN AMENDMENT TO PUD NO. 204 BY THE BROKEN ARROW PLANNING COMMISSION AND RECORDING OF A CERTIFIED COPY OF THE MINUTES OF THE BROKEN ARROW PLANNING COMMISSION WITH THE WAGONER COUNTY CLERK.

THE COVENANTS CONTAINED WITHIN SECTION III. PROPERTY OWNERS' ASSOCIATION, SECTION IV. PRIVATE RESTRICTIONS, AND ANY OTHER PROVISION OF THIS DEED OF DEDICATION AND RESTRICTIVE COVENANTS WHICH DID NOT INITIALLY REQUIRE THE APPROVAL OF THE BROKEN ARROW PLANNING COMMISSION AND/OR THE CITY OF BROKEN ARROW MAY BE AMENDED OR TERMINATED AT ANY TIME BY A WRITTEN INSTRUMENT SIGNED AND ACKNOWLEDGED BY THE OWNER OF THE LAND TO WHICH THE AMENDMENT OR TERMINATION IS TO BE APPLICABLE AND APPROVED BY THE BROKEN ARROW PLANNING COMMISSION AND RECORDING OF A CERTIFIED COPY OF THE MINUTES OF THE BROKEN ARROW PLANNING COMMISSION WITH THE WAGONER COUNTY CLERK. THE COVENANTS CONTAINED WITHIN SECTION III. PROPERTY OWNERS' ASSOCIATION, SECTION IV. PRIVATE RESTRICTIONS, AND ANY OTHER PROVISION OF THIS DEED OF DEDICATION AND RESTRICTIVE COVENANTS WHICH DID NOT INITIALLY REQUIRE THE APPROVAL OF THE BROKEN ARROW PLANNING COMMISSION AND/OR THE CITY OF BROKEN ARROW MAY BE AMENDED OR TERMINATED AT ANY TIME BY A WRITTEN INSTRUMENT SIGNED AND ACKNOWLEDGED BY THE OWNER OF THE LAND TO WHICH THE AMENDMENT OR TERMINATION IS TO BE APPLICABLE AND APPROVED BY THE BROKEN ARROW PLANNING COMMISSION AND RECORDING OF A CERTIFIED COPY OF THE MINUTES OF THE BROKEN ARROW PLANNING COMMISSION WITH THE WAGONER COUNTY CLERK.

D. SEVERABILITY:

IN VALIDATION 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 OR ANY PART THEREOF AS SET FORTH HEREIN, WHICH SHALL REMAIN IN FULL FORCE AND EFFECT.

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