

**IN THE DISTRICT COURT OF TULSA COUNTY
STATE OF OKLAHOMA**

IN THE MATTER OF THE APPLICATION)
OF ASPEN CORNER, LLC, FOR A DECREE)
VACATING A PORTION OF THE PLAT OF)
SOUTHTOWNE ESTATES, AN ADDITION)
TO THE CITY OF BROKEN ARROW,)
STATE OF OKLAHOMA.)

APPLICATION

COMES NOW the Applicant, Aspen Corner, LLC, an Oklahoma limited liability company (“**Applicant**”), and represents to the Court as follows:

1. Pursuant to a Plat and Deed of Dedication and Restrictive Covenants filed in the records of the Tulsa County Clerk on or about March 11, 2002 as Plat No. 5599 in Book 6707 at Page 2402 (such Plat and Deed of Dedication and Restrictive Covenants is hereinafter referred to as the “**Plat**”), certain real property located in the City of Broken Arrow, Tulsa County, Oklahoma, was surveyed, staked and subdivided into Residential Lots, Blocks, Reserve Areas and Streets known as “SouthTowne Estates”.

2. The Plat was specifically modified by: Amendment to Deed of Dedication and Restrictive Covenants filed April 2, 2004 at Book 7265 at Page 1; Addendum – Deed of Dedication and Restrictive Covenants filed October 9, 2009 as Document No. 2009104902; Amendment to Deed of Dedication and Restrictive Covenants filed February 24, 2011 as Document No. 2011017057; Amendment and Ratification to Restrictive Covenants filed April 1, 2013 as Document No. 2013031053; Amendment to Deed of Dedication and Restrictive Covenants filed March 16, 2015 as Document No. 2015020670; and Amendment to Deed of Dedication and Restrictive Covenants filed May 25, 2016 as Document No. 2016048797;

Amendment to Deed of Dedication and Restrictive Covenants filed May 25, 2016 as Document No. 2016048800.

3. On June 4, 2014, Applicant acquired Lot 1, Block 8, in SouthTowne Estates (the **“Block 8 Property”**). The Deed by which Applicant acquired the Block 8 Property was recorded on June 6, 2014, as document number 201404778.

4. Applicant’s current address is 7170 South Braden Avenue, Suite 200, Tulsa, Oklahoma 74136.

5. Applicant intends to develop the Block 8 Property by incorporating the Block 8 Property, along with adjoining property, in a new residential subdivision plat.

6. No public streets were dedicated or exist within the Block 8 Property.

7. The Block 8 Property is separated from the remainder of SouthTowne Estates by an active flowing creek bed and flood zone and Reserve “B”.

8. The Block 8 Property is not connected to the remainder of SouthTowne Estates by any streets or bridges over the flowing creek and flood zone and Reserve “B”, and the Block 8 Property does not have access to any of the streets in SouthTowne Estates dedicated in the Plat.

9. Although the Plat dedicated certain public utility easements within the Block 8 Property, such easements were for the purpose of utilities serving the Block 8 Property and not the remainder of SouthTowne Estates, with the exception of the 25-foot utility easement in which a sanitary sewer line is located; no utilities have been installed or are located within the perimeter 17.5-foot utility easements on the Block 8 Property; and the dedicated 17.5-foot utility easements on the Block 8 Property are not needed or beneficial for the remainder of SouthTowne Estates.

10. The Block 8 Property consists of one (1) single lot that is approximately 6.44 acres in size. The average residential lot size in the remainder of SouthTowne Estates is approximately .45 acres. It was never intended that the Block 8 Property would be developed as a single residential lot.

11. By this Action, Applicant seeks to vacate the Plat, as amended, insofar as it applies to the Block 8 Property, resulting in the vacation of the SouthTowne Estates lot lines, 17.5-foot utility easements, limits of no access, setbacks, development standards and other restrictive covenants imposed upon the Block 8 Property.

12. Attached as **Exhibit A** is a list prepared by Guaranty Abstract Company evidencing all persons owning real property located within 300 feet of the Block 8 Property.

13. The vacation of the Block 8 Property from the Plat will not injuriously affect the rights of owners of any other portion of Southtowne Estates or the public.

WHEREFORE, Applicant prays for an order from this Court vacating the Plat, as amended, insofar as it applies to the Block 8 Property, resulting in the vacation of the SouthTowne Estates lot lines, 17.5-foot utility easements, limits of no access, setbacks, development standards and other restrictive covenants imposed upon the Block 8 Property.

Respectfully Submitted,

JONES, GOTCHER & BOGAN, P.C.

By: _____

Thomas L. Vogt, OBA 10995
3800 First Place Tower
15 East Fifth Street
Tulsa, OK 74103-4309
(918) 581-8200
(918) 583-1189 *facsimile*
ATTORNEY FOR APPLICANT

VERIFICATION

STATE OF OKLAHOMA)
) SS.
COUNTY OF OKLAHOMA)

Thomas L. Vogt, being first duly sworn, upon his oath, deposes and states: That he is authorized as attorney on behalf of Aspen Corner, LLC, Applicant in the above entitled cause, to execute this verification on its behalf, that he has read the above and foregoing instrument, knows the contents thereof, and believes the same to be true and correct to the best of his knowledge and belief.

Thomas L. Vogt

Subscribed and sworn to before me this ____ day of _____, 2017 by Thomas L. Vogt.

[Seal]

Notary Public

My Commission No.: _____ Expires: _____

This Application to be heard on the ____ day of _____, 2017 at _____ o'clock __.m. before Judge _____.

Exhibit A