

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

THIS AMENDMENT OF DEED OF DEDICATION AND RESTRICTIVE COVENANTS FOR 61<sup>ST</sup> 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 “**61<sup>st</sup> Street Industrial Park**” and more particularly described as follows:

61<sup>st</sup> 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 61<sup>st</sup> 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 61<sup>st</sup> Street Industrial Park have been established by instrument entitled “Declaration of Protective Covenants and Restrictions” for 61<sup>st</sup> 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), 61<sup>st</sup> 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;

WHEREAS, the Second Declaration, within Section 2 of Article VII, made provision for the amendment of covenants by a written instrument from the owners of more than 60% of the lots within the subdivision, with the instrument amending covenants taking effect from the date it is properly recorded;

THEREFORE, AG Equipment, as owner of (a) Lots One (1) and Two (2), Block 1, 61<sup>st</sup> Street Industrial Park and (b) more than 60% of the record owners of lots in 61<sup>st</sup> Street Industrial Park, amends Subsection B(1) of Section I of the First Declaration as follows:

“OVERHEAD LINES FOR THE SUPPLY OF ELECTRIC, TELEPHONE AND CABLE TELEVISION SERVICES MAY BE LOCATED WITHIN THE UTILITY EASEMENT DEPICTED ON THE ACCOMPANYING PLAT, EXCEPT FOR THE WEST SIDE OF LOTS ONE (1) AND TWO (2), BLOCK ONE (1), WHERE THE SUPPLY OF ELECTRIC, TELEPHONE AND CABLE TELEVISION SERVICES SHALL BE PROVIDED BY UNDERGROUND LINES.”

IN WITNESS WHEREOF, AG Equipment has executed this instrument to be effective upon (a) the written approval of the Broken Arrow Planning Commission and the City of Broken Arrow as evidenced on page three (3) herein and (b) the proper recording of in the office of the County Clerk of Tulsa County, Oklahoma.

“AG Equipment”

**A G Equipment Company,**  
an Oklahoma corporation

By: \_\_\_\_\_  
Kent V. Bright, President

**ACKNOWLEDGMENT**

STATE OF OKLAHOMA )  
 ) ss  
COUNTY OF TULSA )

This instrument was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 2016, by **Kent V. Bright**, President of A G Equipment Company, an Oklahoma corporation.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_  
My commission number: \_\_\_\_\_

(SEAL):

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]