

BROKEN ARROW PLANNING COMMISSION AND CITY COUNCIL

Subdivision Plat Review Checklist

Preliminary Plat		Conditional Final Plat	
TAC		TAC	
Planning Commission		Planning Commission	
		City Council	

Case Number:	
Related Case Numbers:	
County:	
Section/Township/Range:	
General Location:	
Current Zoning:	

ENGINEER:	DEVELOPER:

CONDITIONS TO BE MET PRIOR TO FINAL RELEASE OF PLAT

Letter of approval from utility companies submitted?

____ Natural gas company approval ____ Telephone company approval
____ Electric company approval ____ Cable company approval

Certificate of records search from Oklahoma corporation commission submitted?

____ OK Corporation Commission Certificate of Records Search
Oklahoma Corporation Commission, 405-521-2271

Engineering approval

____ Stormwater plans, accepted on:
____ Paving plans, accepted on:
____ Water plans, accepted on:
____ Sanitary sewer plans, accepted on:
____ Sewage disposal plans, sent to department of environmental quality on:
____ Water plans sent to department of environmental quality on: _____
____ Is a sidewalk performance bond due? _____ Have they been submitted? _____
____ Are performance bonds or escrow agreement due for water, storm sewers, sanitary sewer and paving?
(circle applicable) _____ have they been submitted? _____
____ Project engineer/development services review complete on: _____

Planning approval

- ____ Addresses reviewed and approved?
____ Detention determination # assigned and verified?
____ Planning department review complete on:
____ Final plat received in planning department after utility company sign off on:
____ Final plat sent to project engineer for final review on:

Fees

- ____ Final plat processing fee (\$175 + (\$10 x ____ lots) \$ _____
____ Excess sewer capacity fee (\$700 x ____ acres) \$ _____
 (less any area in 100 year floodplain only or area in golf course)
____ Street signs, lights, etc. (\$175 x ____ signs) \$ _____
____ Sidewalk escrow \$ _____
____ Storm water fee-in-lieu of detention (.40 x ____ (sf increased impervious
area) (less any area in reserve area of ½ acre or more) \$ _____
Total fee(s) \$ _____

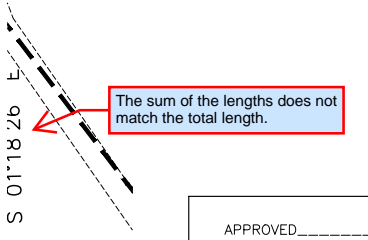
FINAL PROCESSING OF PLAT

- ____ Final plat submitted for mayor and city clerk signature on: _____
____ Fees paid on: _____ in the amount of: _____
____ Final plat picked up for recordation on: _____
____ PDF of recorded plat submitted to planning department



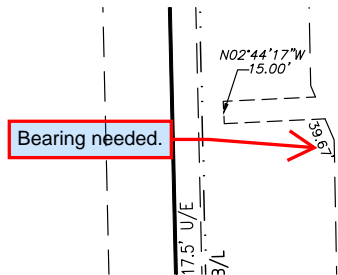
Trails at Aspen Creek - Conditional Final Plat Summary

1 (13)



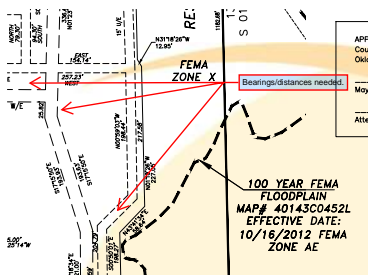
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Author: ccollins
Date: 5/16/2022 9:03:00 AM
Creation Date: 5/16/2022 9:02:22 AM

The sum of the lengths does not match the total length.



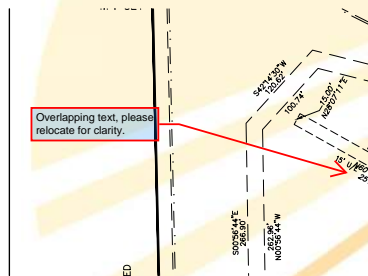
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Bearing needed.



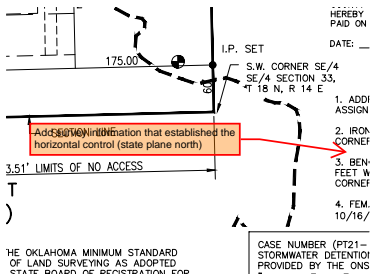
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Bearings/distances needed.



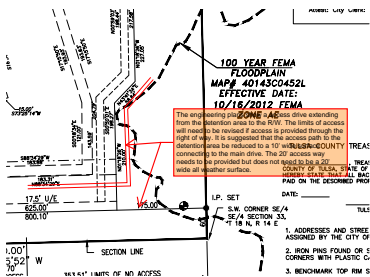
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Overlapping text, please relocate for clarity.



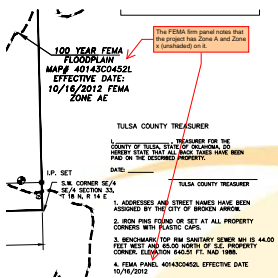
Page Label: 1
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Author: jdickeson
Date: 5/16/2022 3:37:53 PM
Creation Date: 5/16/2022 2:45:43 PM

Add survey information that established the horizontal control (state plane north)



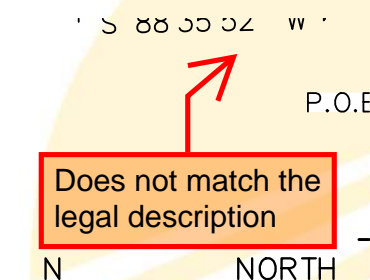
Page Label: 1
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Author: jdickeson
Date: 5/23/2022 4:46:40 PM
Creation Date: 5/16/2022 3:08:25 PM

The engineering plans show an access drive extending from the detention area to the R/W. The limits of access will need to be revised if access is provided through the right of way. It is suggested that the access path to the detention area be reduced to a 10' wide surface connecting to the main drive. The 20' access way needs to be provided but does not need to be a 20' wide all weather surface.



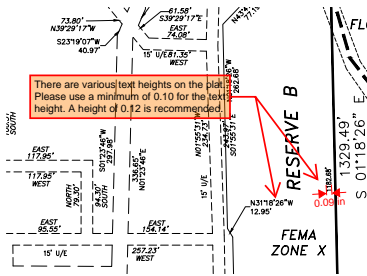
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Author: jdickeson
Date: 5/16/2022 3:34:57 PM
Creation Date: 5/16/2022 2:44:18 PM

The FEMA firm panel notes that the project has Zone A and Zone x (unshaded) on it.



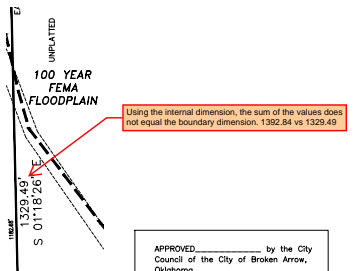
Page Label: 1
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Author: jdickeson
Date: 5/16/2022 3:39:57 PM
Creation Date: 5/16/2022 3:38:49 PM

Does not match the legal description



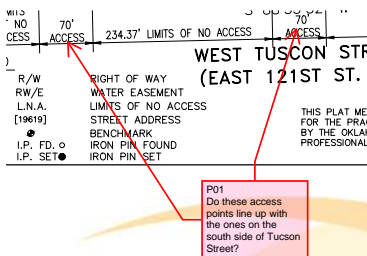
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Author: jdickeson
Date: 5/16/2022 3:48:25 PM
Creation Date: 5/16/2022 3:46:38 PM

There are various text heights on the plat. Please use a minimum of 0.10 for the text height. A height of 0.12 is recommended.



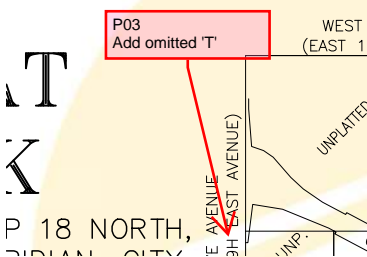
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Using the internal dimension, the sum of the values does not equal the boundary dimension. 1392.84 vs 1329.49



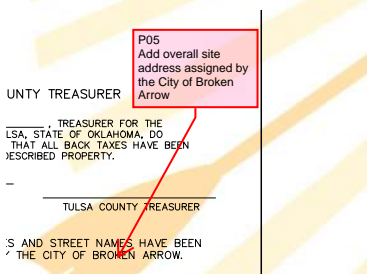
Page Label: 1
Page Index: 1
Author: Micah S
Date: 5/17/2022 9:22:39 AM
Creation Date: 5/17/2022 9:21:37 AM

P01
Do these access points line up with the ones on the south side of Tucson Street?



Page Label: 1
Page Index: 1
Author: Micah S
Date: 5/17/2022 9:55:37 AM
Creation Date: 5/17/2022 9:55:11 AM

P03
Add omitted 'T'



Page Label: 1
Page Index: 1
Author: Micah S
Date: 5/17/2022 10:05:17 AM
Creation Date: 5/17/2022 10:04:18 AM

P05
Add overall site address assigned by the City of Broken Arrow

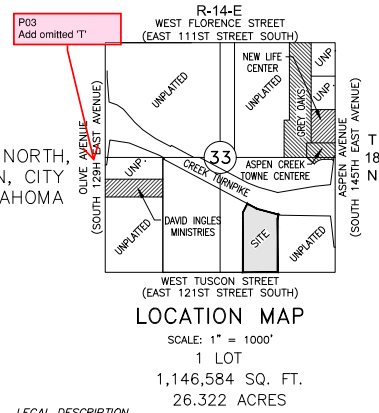
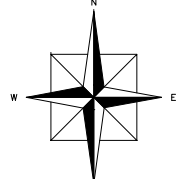
OWNER
THE TRAILS ASPEN, LLC
AN DELAWARE LIMITED LIABILITY COMPANY
4200 E. Skelly Drive, Suite 800
Tulsa, Oklahoma 74135
Phone: (918) 492-1983
scase@caseusa.com

ENGINEER/SURVEYOR
Tuttle & Associates, Inc.
P.O. Box 471313
Tulsa, Oklahoma - 74147
Phone: (918) 663-5567
CERTIFICATE OF AUTHORITY CA 465
EXPIRATION 6-30-23
tuttle-associates@sbglobal.net

FINAL PLAT THE TRAILS AT ASPEN CREEK

A PART OF THE S/2 OF SECTION 33, TOWNSHIP 18 NORTH,
RANGE 14 EAST OF THE INDIAN BASE AND MERIDIAN, CITY
OF BROKEN ARROW, TULSA COUNTY, STATE OF OKLAHOMA

PUD#307A

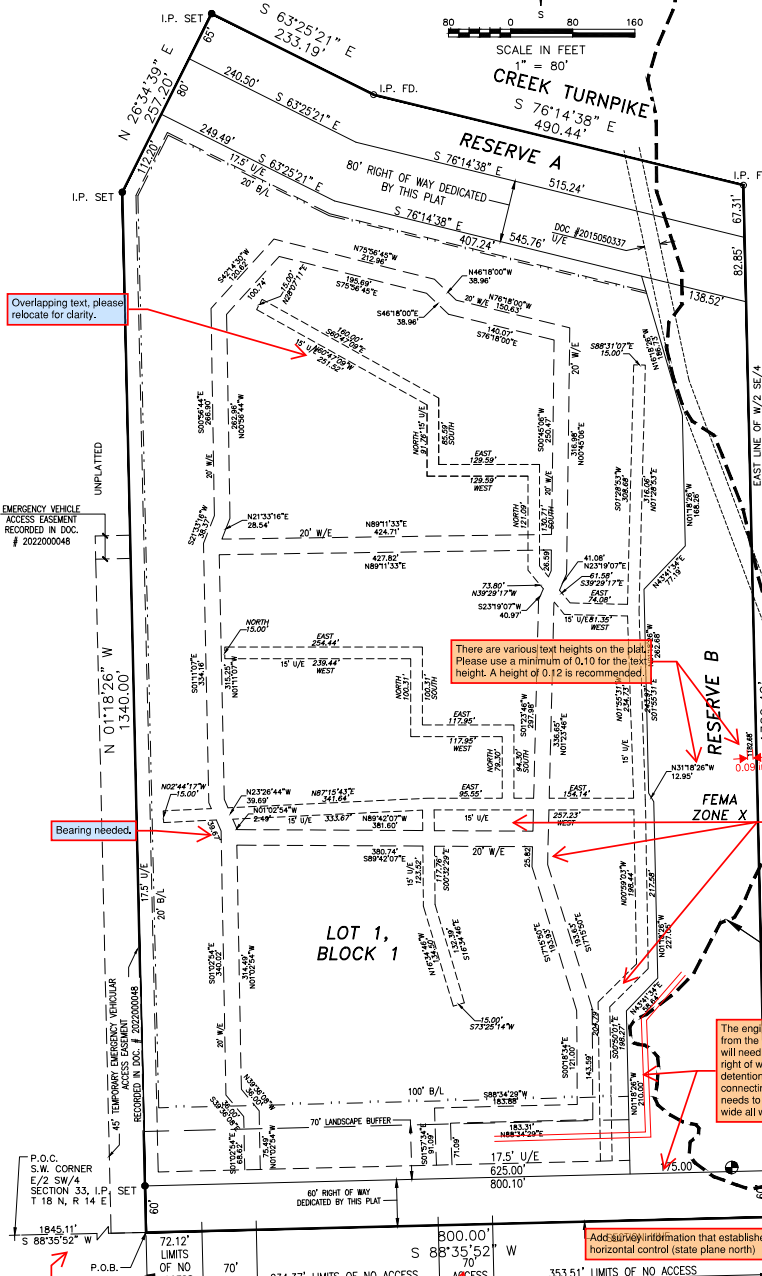


LEGAL DESCRIPTION

A TRACT OF LAND THAT IS PART OF THE SOUTH HALF (S/2) OF SECTION THIRTY-THREE (33), TOWNSHIP EIGHTEEN (18) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING AT THE SOUTHWEST CORNER OF THE E/2 OF THE SW/4 OF SAID SECTION 33; THENCE NORTH 88°35'52" EAST ALONG THE SOUTH LINE OF SECTION SAID 33 A DISTANCE OF 1845.11 FEET TO THE POINT OF BEGINNING; THENCE NORTH 01°18'26" WEST AND PARALLEL WITH THE EAST LINE OF W/2 OF THE SE/4 OF SAID SECTION 33 FOR 1340.00 FEET; THENCE NORTH 26°34'39" EAST FOR 257.20 FEET TO A POINT ON THE SOUTHWESTERLY RIGHT OF WAY LINE OF THE CREEK TURNPIKE; THENCE SOUTH 63°25'21" EAST ALONG SAID RIGHT-OF-WAY LINE FOR 233.19 FEET; THENCE CONTINUING ALONG SAID RIGHT OF WAY LINE SOUTH 76°14'38" EAST FOR 490.44 FEET; TO A POINT ON THE EAST LINE OF THE W/2 OF THE SE/4 OF SAID SECTION 33; THENCE SOUTH 01°18'26" EAST ALONG SAID EAST LINE OF THE W/2 OF THE SE/4 FOR 1329.49 FEET TO THE SOUTHEAST CORNER OF THE W/2 SAID OF THE SE/4 OF SECTION 33; THENCE SOUTH 88°35'52" WEST ALONG THE SOUTH LINE OF SECTION 33, A DISTANCE OF 800.00 FEET TO THE POINT OF BEGINNING. BASIS OF BEARING OF SAID TRACT IS THE RECORD BEARING OF NORTH 88°35'52" EAST ALONG THE SOUTH LINE OF THE SOUTH HALF (S/2) OF SECTION THIRTY-THREE (33), TOWNSHIP EIGHTEEN (18) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA AS SHOWN ON THE GENERAL WARRANTY DEED RECORDED IN DOCUMENT # 2003073357 OF THE RECORDS OF THE TULSA COUNTY CLERK.

SAID TRACT CONTAINS 1,146,584 SQUARE FEET OR 26.322 ACRES MORE OR LESS.



Using the internal dimension, the sum of the values does not equal the boundary dimension, 1392.84 vs 1329.49

The sum of the lengths does not match the total length.

APPROVED _____ by the City Council of the City of Broken Arrow, Oklahoma.
Mayor: DEBRA WIMPEE
Attest: City Clerk: Curtis Green

The FEMA firm panel notes that the project has Zone A and Zone X (unshaded) on it.

The engineering plan shows a 20' access drive extending from the detention area to the R/W. The limits of access will need to be revised if access is provided through the right of way. It is suggested that the access path to the detention area be reduced to a 10' wide access drive connecting to the main drive. The 20' access way needs to be provided but does not need to be a 20' wide all weather surface.

TREASURER
TREASURER FOR THE COUNTY OF TULSA, STATE OF OKLAHOMA, DO NOT SIGN THIS PLAT. ALL BACK TAXES HAVE BEEN PAID ON THE DESCRIBED PROPERTY.

- DATE: _____
S.W. CORNER SE/4 SE/4 SECTION 33, T18 N, R14 E
1. ADDRESSES AND STREET NAMES HAVE BEEN ASSIGNED BY THE CITY OF BROKEN ARROW.
 2. IRON PINS FOUND OR SET AT ALL PROPERTY CORNERS WITH PLASTIC CAPS.
 3. BENCHMARK TOP RIM SANITARY SEWER MH IS 44.00 FEET WEST AND 65.00 NORTH OF S.E. PROPERTY CORNER. ELEVATION 640.51 FT. NAD 1988.
 4. FEMA PANEL 40143C0452L EFFECTIVE DATE 10/16/2012

CASE NUMBER (PT21-107)
STORMWATER DETENTION ACCOMMODATIONS FOR THIS SITE ARE PROVIDED BY THE ONSITE DETENTION FACILITY AS SHOWN IN THE "NO EXCEPTIONS TAKEN" ENGINEERING PLANS IN ACCORDANCE WITH FEE-IN-LIEU OF DETENTION DETERMINATION #DD-04192-31.

DEED OF DEDICATION
AND
RESTRICTIVE COVENANTS
THE TRAILS AT ASPEN CREEK
PUD#307A

P04
Add spacing and
indentation for clarity

KNOW ALL MEN BY THESE PRESENTS:

THE TRAILS AT ASPEN LLC, A DELAWARE LIMITED LIABILITY COMPANY (HEREINAFTER THE "OWNER/DEVELOPER"), IS THE OWNER OF THE FOLLOWING-DESCRIBED REAL PROPERTY SITUATED IN THE CITY OF BROKEN ARROW, TULSA COUNTY, STATE OF OKLAHOMA, TO-WIT:

A TRACT OF LAND THAT IS PART OF THE SOUTH HALF (S/2) OF SECTION THIRTY-THREE (33), TOWNSHIP EIGHTEEN (18) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING AT THE SOUTHWEST CORNER OF THE E/2 OF THE SW/4 OF SAID SECTION 33; THENCE NORTH 89°35'52" EAST ALONG THE SOUTH LINE OF SECTION SAID 33 A DISTANCE OF 1845.11 FEET TO THE POINT OF BEGINNING; THENCE NORTH 01°18'24" WEST AND PARALLEL WITH THE EAST LINE OF W/2 OF THE SE/4 OF SAID SECTION 33 FOR 1340.00 FEET; THENCE NORTH 26°34'39" EAST FOR 187.20 FEET TO A POINT ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF THE CREEK TURNING; THENCE SOUTH 63°22'21" EAST ALONG SAID RIGHT-OF-WAY LINE FOR 233.19 FEET; THENCE CONTINUING ALONG SAID RIGHT-OF-WAY LINE SOUTH 78°14'38" EAST FOR 480.44 FEET TO A POINT ON THE EAST LINE OF THE W/2 OF THE SE/4 OF SAID SECTION 33; THENCE SOUTH 89°55'52" WEST ALONG THE SOUTH LINE OF SECTION 33, A DISTANCE OF 800.00 FEET TO THE POINT OF BEGINNING, BASIS OF BEARING OF SAID TRACT IS THE RECORD BEARING OF NORTH 89°35'52" EAST ALONG THE SOUTH LINE OF THE SOUTH HALF (S/2) OF SECTION THIRTY-THREE (33), TOWNSHIP EIGHTEEN (18) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA AS SHOWN ON THE GENERAL WARRANTY DEED RECORDED IN DOCUMENT # 2003073557 OF THE RECORDS OF THE TULSA COUNTY CLERK.

SAID TRACT CONTAINS 1146,584 SQUARE FEET OR 26.322 ACRES MORE OR LESS.

AND HAS CAUSE THE ABOVE-DESCRIBED LAND TO BE SURVEYED, STAKED, PLATTED AND SUBDIVIDED INTO ONE LOT, ONE BLOCK IN CONFORMITY WITH THE ACCOMPANYING PLAT AND SURVEY (HEREINAFTER THE PLAT) AND HAS ENTITLED AND DESIGNATED THE SUBDIVISION AS "THE TRAILS AT ASPEN CREEK" A SUBDIVISION IN THE CITY OF BROKEN ARROW, TULSA COUNTY, STATE OF OKLAHOMA (HEREINAFTER THE "SUBDIVISION OR THE TRAILS AT ASPEN CREEK").

I. EASEMENTS AND UTILITIES

A. PUBLIC STREETS AND GENERAL UTILITY EASEMENTS
THE OWNERS/DEVELOPERS DO HEREBY DEDICATE FOR PUBLIC USE THE STREETS, UTILITY EASEMENTS AND RIGHTS-OF-WAY AS DEPICTED ON THE PLAT AS 1/2" OR 3/4" FOR THE SEVERAL PURPOSES OF CONSTRUCTION, MAINTENANCE, REPAIR, REPLACEMENT, IMPROVEMENT, AND ANY AND ALL PUBLIC UTILITIES, INCLUDING STORM SEWERS, SANITARY SEWERS, TELEPHONE AND COMMUNICATION LINES, ELECTRIC POWER LINES AND TRANSFORMERS, GAS LINES, WATER LINES, AND VARIABLE TELEVISION LINES TOGETHER WITH ALL VALVES, METERS AND EQUIPMENT FOR EACH OF SUCH FACILITIES AND OTHER APPURTENANCES THERETO, WITH THE RIGHTS OF INGRESS AND EGRESS TO AND UPON THE UTILITY EASEMENTS AND RIGHTS-OF-WAY AND THE PURPOSES OF THE AFORESAID, PROVIDED HOWEVER, THAT THE OWNERS/DEVELOPERS HEREBY RESERVE THE RIGHT TO CONSTRUCT AND MAINTAIN WATER LINES AND SEWER LINES WITHIN THE UTILITY EASEMENTS AND RIGHTS-OF-WAY FOR THE PURPOSE OF FURNISHING WATER AND/OR SEWER SERVICE TO AREAS WITHIN OR OUTSIDE THE PLAT AND THE OWNERS/DEVELOPERS FURTHER RESERVE THE RIGHT TO CONSTRUCT AND MAINTAIN WITHIN THE UTILITY EASEMENTS AND RIGHTS-OF-WAY, PARKING AREAS, LANDSCAPING, SCREENING FENCES AND WALLS AND OTHER NON-OBSTRUCTING IMPROVEMENTS, UNDERGROUND ELECTRIC AND COMMUNICATION SERVICE.

1. OVERHEAD POLE LINES FOR THE SUPPLY OF ELECTRIC AND COMMUNICATIONS SERVICE MAY BE LOCATED ALONG THE WEST BOUNDARY IN THE ADDITION, STREET LIGHT POLES OR STANDARDS MAY BE SERVED BY UNDERGROUND CABLE AND FURNISH THROUGHOUT THE SUBDIVISION ALL SUPPLY LINES SHALL BE LOCATED UNDERGROUND, IN THE EASEMENT-WAYS RESERVED FOR GENERAL UTILITY SERVICES AND PUBLIC STREETS, AS DEPICTED ON THE PLAT, SERVICE PEDESTALS AND TRANSFORMERS, AS SOURCES OF SUPPLY AT SECONDARY VOLTAGES, MAY ALSO BE LOCATED IN EASEMENT-WAYS.

2. UNDERGROUND SERVICE CABLES TO ALL STRUCTURES WHICH MAY BE LOCATED WITHIN THE SUBDIVISION MAY BE RUN FROM THE NEAREST SERVICE PEDESTAL OR TRANSFORMER TO THE POINT OF USAGE DETERMINED BY THE LOCATION AND CONSTRUCTION OF THE STRUCTURE AS MAY BE LOCATED UPON A LOT PROVIDED, THAT UPON THE INSTALLATION OF SUCH A SERVICE CABLE TO A PARTICULAR STRUCTURE, THE SUPPLIER OF SERVICE SHALL THEREAFTER BE DEEMED TO HAVE A DEFINITIVE, PERMANENT, EFFECTIVE, AND EXCLUSIVE RIGHT-OF-WAY EASEMENT ON THE LOT COVERING A 5-FOOT STRIP EXTENDING 2.5 FEET ON EACH SIDE OF SUCH SERVICE CABLE, EXTENDING FROM THE SERVICE PEDESTAL OR TRANSFORMER TO THE SERVICE ENTRANCE ON THE STRUCTURE.

3. THE SUPPLIER OF SERVICE, THROUGH ITS AGENTS AND EMPLOYEES SHALL, AT ALL TIMES, HAVE THE RIGHT OF ACCESS TO ALL THE EASEMENT-WAYS DEPICTED ON THE PLAT OR PROVIDED FOR IN THIS DEED OF DEDICATION FOR THE PURPOSE OF INSTALLING, MAINTAINING, REMOVING OR REPLACING ANY PORTION OF UNDERGROUND ELECTRIC OR COMMUNICATION FACILITIES INSTALLED BY THE SUPPLIER OF THE SERVICE.

4. THE OWNER OF EACH LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE UNDERGROUND SERVICE FACILITIES LOCATED ON THE LOT AND SHALL PREVENT THE ALTERATION OF GRADE OR ANY CONSTRUCTION ACTIVITY, WHICH MAY INTERFERE WITH ELECTRIC, TELEPHONE OR CABLE TELEVISION FACILITIES. THE SUPPLIER OF SERVICE SHALL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF UNDERGROUND FACILITIES, BUT THE OWNER SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER OR HIS AGENTS OR CONTRACTORS.

5. THE FOREGOING COVENANTS SET FORTH IN THIS SUBSECTION B SHALL BE ENFORCEABLE BY THE SUPPLIER OF SERVICE AND THE OWNER OF EACH LOT AGREES TO BE BOUND HEREBY.

C. WATER AND SEWER SERVICE
1. THE OWNER OF THE LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE PUBLIC WATER AND SEWER MAINS LOCATED ON THE LOT.
2. WITHIN THE DEPICTED UTILITY EASEMENT AREAS, THE ALTERATION OF GRADE IN EXCESS OF 3 FEET FROM THE CONTOURS EXISTING UPON THE COMPLETION OF THE INSTALLATION OF A PUBLIC WATER MAIN OR SEWER MAIN, OR ANY CONSTRUCTION ACTIVITY WHICH MAY INTERFERE WITH PUBLIC WATER AND SEWER MAINS, SHALL BE PROHIBITED. WITHIN THE UTILITY EASEMENTS, IF THE GROUND ELEVATIONS ARE IN CONFORMANCE WITH THE CONTOURS EXISTING UPON THE COMPLETION OF THE INSTALLATION OF A PUBLIC WATER OR SEWER MAIN, ALL GROUND LEVEL APERTURE, INCLUDING VALVE BOXES, FIRE HYDRANTS AND MANHOLES SHALL BE ADJUSTED TO THE ALTERED GROUND ELEVATIONS BY THE OWNER OF THE LOT OR AT ITS ELECTION AND THE CITY OF BROKEN ARROW AND MAY MAKE SUCH ADJUSTMENT AT THE LOT OWNER'S EXPENSE.

3. THE CITY OF BROKEN ARROW OR ITS SUCCESSORS SHALL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF PUBLIC SANITARY SEWER MAINS, AND PUBLIC WATER MAINS, BUT 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 OR ITS SUCCESSORS SHALL, AT ALL TIMES HAVE RIGHT OF ACCESS WITH THEIR EQUIPMENT TO ALL EASEMENT-WAYS DEPICTED ON THE PLAT OR OTHERWISE PROVIDED FOR IN THIS DEED OF DEDICATION FOR THE PURPOSE OF INSTALLING, MAINTAINING, REMOVING OR REPLACING ANY PORTION OF UNDERGROUND WATER OR SEWER FACILITIES.

5. WHERE WATERLINES FALL WITHIN A UTILITY EASEMENT, THAT PORTION OF THE UTILITY EASEMENT IS FOR THE USE OF THE CITY OF BROKEN ARROW, OR ITS SUCCESSORS. THE EASEMENTS DEDICATED HEREIN FOR PURPOSE OF PROVIDING POTABLE WATER ARE DEDICATED EXCLUSIVELY TO THE CITY OF BROKEN ARROW, SEWER, GAS AND SOLID WASTE MANAGEMENT DISTRICT NO. 4, PROVIDERS OF UTILITIES OTHER THAN POTABLE WATER MAY USE SAID EASEMENTS.

6. THE FOREGOING COVENANTS SET FORTH IN THIS SUBSECTION C SHALL BE ENFORCEABLE BY THE CITY OF BROKEN ARROW OR ITS SUCCESSORS AND THE OWNER OF THE LOT AGREES TO BE BOUND HEREBY.

1. THE OWNER OF THE LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE UNDERGROUND GAS FACILITIES LOCATED ON THE LOT.
2. WITHIN THE DEPICTED UTILITY EASEMENT AREAS, THE ALTERATION OF GRADE OR ANY CONSTRUCTION ACTIVITY WHICH MAY INTERFERE WITH THE UNDERGROUND GAS FACILITIES, SHALL BE PROHIBITED.
3. THE SUPPLIER OF GAS SERVICE OR ITS SUCCESSORS SHALL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF THE GAS FACILITIES, BUT 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 SUPPLIER OF GAS SERVICE OR ITS SUCCESSORS SHALL, AT ALL TIMES HAVE RIGHT OF ACCESS WITH THEIR EQUIPMENT TO ALL EASEMENT-WAYS DEPICTED ON THE PLAT OR OTHERWISE PROVIDED FOR IN THE DEED OF DEDICATION FOR THE PURPOSE OF INSTALLING, MAINTAINING, REMOVING OR REPLACING ANY PORTION OF UNDERGROUND GAS FACILITIES.
5. UNDERGROUND GAS SERVICE LINES TO ALL STRUCTURES WHICH MAY BE LOCATED WITHIN THE SUBDIVISION MAY BE RUN FROM THE NEAREST GAS MAIN TO THE POINT OF USAGE DETERMINED BY THE LOCATION AND CONSTRUCTION OF SUCH STRUCTURE AS MAY BE LOCATED UPON THE LOT, PROVIDED THAT UPON THE INSTALLATION OF A 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 LINE, EXTENDING FROM THE GAS MAIN TO THE SERVICE ENTRANCE ON THE STRUCTURE.

6. THE FOREGOING COVENANTS SET FORTH IN THIS SUBSECTION D SHALL BE ENFORCEABLE BY THE SUPPLIER OF GAS SERVICE OR ITS SUCCESSORS AND THE OWNER OF THE LOT AGREES TO BE BOUND HEREBY.

E. SURFACE DRAINAGE

1. THE LOT, IN ACCORDANCE WITH THE FINISH GRADING PLAN, 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 THE LOT OWNER SHALL NOT CONSTRUCT OR PERMIT TO BE CONSTRUCTED ANY FENCING OR OTHER OBSTRUCTIONS WHICH WOULD IMPAIR THE DRAINAGE OF STORM AND SURFACE WATERS OVER AND ACROSS THE LOT.

F. PAVING AND LANDSCAPING WITHIN EASEMENTS

1. THE OWNER OF THE LOT AFFECTED SHALL BE RESPONSIBLE FOR THE REPAIR OF DAMAGE TO LANDSCAPING AND PAVING OCCASIONED BY NECESSARY MAINTENANCE OF UNDERGROUND WATER, SEWER, STORM SEWER, ELECTRIC, NATURAL GAS AND COMMUNICATION FACILITIES AS DEPICTED UPON THE PLAT, PROVIDED, HOWEVER, THE CITY OF BROKEN ARROW, OKLAHOMA OR THE SUPPLIER OF THE UTILITY SERVICE SHALL USE REASONABLE CARE IN THE PERFORMANCE OF SUCH ACTIVITIES.

2. PLANNED UNIT DEVELOPMENT RESTRICTIONS
WHEREAS, THE TRAILS AT ASPEN CREEK WAS SUBMITTED AS A PLANNED UNIT DEVELOPMENT (ENTITLED 307A) AS PROVIDED WITHIN SECTION 8.4.E OF THE ZONING ORDINANCE OF THE CITY OF BROKEN ARROW, OKLAHOMA (ORDINANCE NO. 2931) AS AMENDED AND EXISTING ON, HEREINAFTER THE "BROKEN ARROW ZONING CODE", WHICH PUD 307A WAS AFFIRMATIVELY RECOMMENDED BY THE BROKEN ARROW PLANNING COMMISSION ON JUNE 10, 2021, AND APPROVED BY THE COUNCIL OF THE CITY OF BROKEN ARROW, OKLAHOMA ON JULY 20, 2021;

WHEREAS, THE PLANNED UNIT DEVELOPMENT PROVISIONS OF THE BROKEN ARROW ZONING CODE REQUIRE THE ESTABLISHMENT OF COVENANTS OF RECORD, HURDING TO AND ENFORCEABLE BY THE CITY OF BROKEN ARROW, OKLAHOMA, SUFFICIENT TO ASSURE THE IMPLEMENTATION AND CONTINUED COMPLIANCE WITH THE APPROVED PLANNED UNIT DEVELOPMENT; AND
WHEREAS, THE OWNER/DEVELOPERS DESIRE TO ESTABLISH RESTRICTIONS FOR THE PURPOSE OF PROVIDING FOR AN ORDERLY DEVELOPMENT AND TO ENSURE ADEQUATE RESTRICTIONS FOR THE MUTUAL BENEFIT OF THE OWNERS/DEVELOPERS, THEIR SUCCESSORS AND ASSIGNS, AND THE CITY OF BROKEN ARROW, OKLAHOMA;

THEREFORE, THE OWNER/DEVELOPERS DO HEREBY IMPOSE THE FOLLOWING RESTRICTIONS AND COVENANTS WHICH SHALL BE COVENANTS RUNNING WITH THE LAND AND SHALL BE BINDING UPON THE OWNERS/DEVELOPERS, THEIR SUCCESSORS AND ASSIGNS, AND SHALL BE ENFORCEABLE AS HEREINAFTER SET FORTH:

A. USE OF LAND
ALL PROVISIONS OF THE BROKEN ARROW ZONING ORDINANCE SHALL APPLY TO THIS PUD EXCEPT AS MODIFIED BY THE DEVELOPMENT STANDARDS BELOW. THE DEVELOPMENT OF THE TRAILS AT ASPEN CREEK, SHALL BE SUBJECT TO THE PLANNED UNIT DEVELOPMENT APPROVED ON JULY 20, 2021.

B. DEVELOPMENT STANDARDS (PUD 307A)
THE DEVELOPMENT, SHALL BE SUBJECT TO THE FOLLOWING DEVELOPMENT STANDARDS:

1. USE
FAMILY DISTRICT AND USES CUSTOMARILY ACCESSORY TO PERMITTED USES.

2. MAXIMUM NUMBER OF DWELLING UNITS
THE NUMBER OF DWELLING UNITS SHALL NOT EXCEED 367.

3. MAXIMUM BUILDING HEIGHT
-MULTIFAMILY DWELLING 3 STORY BLDGS. 50 FT TO THE HIGHEST ROOF RIDGELINE
-MULTIFAMILY GARAGE/DWELLING 3 STORY BLDGS. 50 FT TO THE HIGHEST ROOF RIDGELINE
-MULTIFAMILY GARAGE/DWELLING 2 STORY BLDGS. 35 FT TO THE HIGHEST ROOF RIDGELINE

4. MINIMUM OPEN LIVABILITY SPACE
THERE SHALL BE LIVABILITY SPACE OF NOT LESS THAN 1200 SQUARE FEET PER DWELLING UNIT. (OPEN SPACE NOT UTILIZED FOR PARKING OR DRIVES).

5. MINIMUM OFF-STREET PARKING SPACE
A MINIMUM OF 1.75 OFF-STREET PARKING SPACES SHALL BE REQUIRED OF EACH DWELLING UNIT.

6. BUILDING SETBACKS AND BUFFERS
A. NORTH (THE FUTURE FRONTAGE ROAD) 20' SETBACK / 20' LANDSCAPE BUFFER

B. SOUTH ALONG TUCSON STREET 100' SETBACK / 70' LANDSCAPE BUFFER
C. WEST PROPERTY LINE ABUTTING AREA 20' SETBACK / 20' LANDSCAPE BUFFER
D. EAST PROPERTY LINE ABUTTING TUCSON STREET 20' SETBACK / 70' LANDSCAPE BUFFER
NO BUILDINGS OR STRUCTURES WILL BE PLACED IN THE 100'-YEAR FLOODPLAIN.

AR CONDITIONING CONDENSING UNITS SHALL BE ALLOWED TO BE LOCATED WITHIN A BUILDING SETBACK OR LANDSCAPE BUFFER PROVIDED THAT THEY ARE SCREENED FROM A PUBLIC RIGHT-OF-WAY BY LANDSCAPING MATERIALS. FURTHER, BALCONIES SHALL BE ALLOWED TO OVERLAP THE SETBACK AND LANDSCAPE BUFFER AREAS, BUT WILL NOT BE LOCATED IN ANY UTILITY EASEMENTS.

7. MINIMUM DISTANCE BETWEEN BUILDINGS
(A) THE MINIMUM DISTANCE BETWEEN BUILDINGS SHALL BE 20 FEET.

8. BUILDING FACADES
AS REQUIRED AND REGULATED BY CHAPTER 5, SECTION 5.5 MULTI-FAMILY RESIDENTIAL BUILDING DESIGN STANDARDS EXCEPT:
(c) THE MAXIMUM LENGTH OF ANY MULTI-FAMILY BUILDING SHALL BE 220 FEET, SECTION 5.5.C.2.A

(REVISED 7-16-12).

(A) THE MAXIMUM LENGTH OF A CONTINUOUS MULTI-FAMILY ROOFLINE SHALL BE 105 FEET AND

(B) EXTERIOR BUILDING MATERIALS OF THE CLUBHOUSE, MULTI-FAMILY BUILDINGS, GARAGES AND ACCESSORY BUILDINGS (EXCLUDES DOORS AND WINDOWS) SHALL BE AT THE MINIMUM PERCENTAGES (65% 45% 25% OR 0%) OR BRICK/STONE AS REFLECTED ON THE SITE PLAN AND BUILDING ELEVATIONS INCLUDED IN EXHIBIT C OF THE AMENDED PUD TEXT. THE REMAINDER OF EXTERIOR BUILDING WALLS SHALL BE CONSTRUCTED WITH CEMENT FIBER MATERIAL.

9. LANDSCAPING AND SCREENING

LANDSCAPING

AS REQUIRED AND REGULATED BY CHAPTER 5, SECTION 5.2.B EXCEPT SECTION 5.2.B.1.A.IV, IS MODIFIED TO REMOVE THE NUMBER OF TREES REQUIRED PER DWELLING UNIT FROM TWO TREES TO ONE TREE PROVIDED EACH TREE SHALL HAVE A CALIPER OF 3 INCHES (ZONING ORDINANCE REQUIRES 2-INCH CALIPER) AND SHRUBS ARE INCREASED AS FOLLOWS:

(A) 7.5 - 3 GALLON SHRUBS ARE INSTALLED PER DWELLING UNIT (ZONING ORDINANCE REQUIRES 5 - 3 GALLON SHRUBS - 50% INCREASE); AND

(B) 5-1 GALLON GROUNDCOVER OR FLOWERING SHRUBS ARE INSTALLED PER DWELLING UNIT (ZONING ORDINANCE DOES NOT REQUIRE ANY GROUNDCOVER OR FLOWERING SHRUBS).

LANDSCAPE EDGE TREE REQUIREMENTS PER CHAPTER 5, SECTION 5.2.B.1.A.II SHALL APPLY ALONG TUCSON STREET. THE LANDSCAPE ISLAND REQUIRED BY SECTION 5.2.B.1.C.II SHALL BE REPLACED BY STRIPED ACCESSIBLE ALONG THE SIDEWALKS THAT ARE LANDSCAPED ACCESSIBLE AND CONNECT TO ALL GROUND FLOOR BREZZEWAYS. LANDSCAPE MATERIALS OTHERWISE SPECIFIED ON THE ISLANDS SHALL BE LOCATED THROUGHOUT THE PROJECT. THE OTHER PROVISIONS OF SECTION 5.2.B SHALL REMAIN IN FULL FORCE AND EFFECT.

SCREENING

OFFSETS IN THE FENCE ALONG SOUTH PROPERTY LINES SHALL BE NO LONGER THAN 50'.

NORTH - AN ARCHITECTURAL VINYL OR ORNAMENTAL METAL FENCE WITH MASONRY COLUMNS

SOUTH - AN ARCHITECTURAL VINYL OR ORNAMENTAL METAL FENCE WITH MASONRY COLUMNS EVERY 50 FEET ON CENTER. A VINYL SPLIT RAIL FENCE CAN ALSO BE USED.
WEST - A HIGH WOOD PRIVACY FENCE, BRACING AND POLES SHALL BE ORIENTED TOWARDS THE RESIDENTIAL USE.

EAST - A 6" HIGH ORNAMENTAL WHITE 3 RAIL FENCE OR ARCHITECTURAL METAL FENCE. ANY FENCING IN THE 100-YEAR FLOODPLAIN SHALL BE REVIEWED AND APPROVED BY THE CITY OF BROKEN ARROW PRIOR TO INSTALLATION.

ALL PERMITTER FEES SHALL BE MAINTAINED BY THE OWNER OF THE LOT ON WHICH LOCATED.

AS REQUIRED AND REGULATED BY CHAPTER 5, SECTIONS 5.2.D AND 5.2.E. AN ARCHITECTURAL OPEN VINYL OR ORNAMENTAL METAL FENCE WITH LANDSCAPED MASONRY COLUMNS AND/OR WALLS SHALL BE PROVIDED ALONG THE SOUTH BOUNDARY ABUTTING TUCSON STREET, EXCEPT ALONG THE NORTHERN MOST BOUNDARY. THE MAXIMUM CONTINUOUS SEGMENTS OF THE ARCHITECTURAL OPEN VINYL FENCE OR ORNAMENTAL METAL FENCE SHALL BE 40 FEET ALONG TUCSON STREET. ALONG ALL OTHER PROPERTY BOUNDARIES, EXCEPT ALONG THE SOUTH BOUNDARY, AN OPAQUE FENCE AT LEAST 6 FEET IN HEIGHT, SHALL BE PROVIDED.
ALL BRACING AND METAL POSTS SHALL BE INSTALLED ON THE INSIDE PART OF THE FENCE ALONG THE SOUTH BOUNDARY. THE REQUIRED SCREENING FENCES SHALL BE MAINTAINED BY THE OWNER OF THE LOT ON WHICH LOCATED.

10. LIGHTING

AS PERMITTED AND REGULATED BY CHAPTER 5, SECTION 5.6 EXTERIOR LIGHTING FOR THE USES PERMITTED IN THIS PUD.

11. OTHER REQUIREMENTS

THE DEVELOPER SET FORTH, BUILDINGS AND OTHER IMPROVEMENTS SHALL COMPLY WITH THE BULK AND AREA REQUIREMENTS OF AN RM RESIDENTIAL MULTI-FAMILY DISTRICT AS SET FORTH WITHIN THE BROKEN ARROW ZONING CODE.

12. SIDEWALKS

AS PERMITTED AND REGULATED BY CHAPTER 5, SECTION 5.3 SIDEWALKS FOR USES PERMITTED IN THIS PUD, MONUMENT SIGN TO BE MAXIMUM OF 64 SQUARE FEET OF SIGN SURFACE AREA. ALL SIGNS SHALL BE LOCATED OUTSIDE THE PUBLIC RIGHT-OF-WAY AND UTILITY EASEMENT. AN ADDITIONAL SINGLE FREE-STANDING SIGN WILL BE ALLOWED ALONG THE CREEK TURNPIKE THAT SHALL NOT EXCEED 28 FEET WIDE BY 12 FEET TALL THAT DOES NOT EXCEED 120 SF OF SIGN SURFACE AREA. THE EXISTING OFF-PREMISE ADVERTISING SIGNS IN RESERVE A, WHILE NON-CONFORMING, CAN CONTINUE TO EXIST AS IS IN CONFORMANCE WITH SECTION 8.5 OF THE ZONING ORDINANCE.

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As well as a sidewalk system on the interior of the development that links the overall building complex to the street.

E. SITE PLAN REVIEW

NO BUILDING PERMIT SHALL BE ISSUED FOR ANY BUILDING OR SIGN TO BE CONSTRUCTED WITHIN THE TRAILS AT ASPEN CREEK UNTIL A SITE PLAN AND DETAIL SIGN PLAN HAVE BEEN SUBMITTED TO AND APPROVED BY THE CITY OF BROKEN ARROW IN ACCORD WITH THE APPROVED PLANNED UNIT DEVELOPMENT AND THE PROVISIONS OF THE BROKEN ARROW ZONING CODE.

F. ACCESS

THERE WILL BE ONE POINT OF ACCESS ALONG TUCSON STREET. IN ADDITION, THERE WILL BE AT LEAST ONE POINT OF EMERGENCY ACCESS TO THE ABUTTING PROPERTY TO THE WEST. A MUTUAL ACCESS AGREEMENT BETWEEN THE TWO PROPERTIES WILL BE PROVIDED AS PART OF THE PLATTING PROCESS. ACCESS TO THE PROPERTY FROM THE STREET SHALL BE PROVIDED AS PART OF THE PLATTING PROCESS. THE REQUIREMENTS OF THE SUBDIVISION REGULATIONS, ACCESS POINTS ON TUCSON STREET WILL MEET THE ACCESS REQUIREMENTS OF THE BROKEN ARROW ZONING ORDINANCE.

ACCESS TO THE FUTURE FRONTAGE ROAD ON THE NORTH IS PERMITTED WHEN CONSTRUCTED. THE DEVELOPER IS NOT RESPONSIBLE FOR THE CONSTRUCTION OF THIS ROAD. A RIGHT OF WAY WITH OF AT LEAST 80'-R/W IS BEING DEDICATED AS PART OF THE PLATTING PROCESS BY THIS PLAT.

F. RESERVE AREAS

RESERVE AREA 'A' SHALL BE FOR OPEN SPACE AND PUBLIC UTILITIES. NO BUILDING OF ANY KIND IS ALLOWED. THE MAINTENANCE WILL BE THE RESPONSIBILITY OF THE OWNER.

RESERVE AREA 'B' SHALL BE FOR OPEN SPACE, PUBLIC UTILITIES, OVERLAND DRAINAGE AND DETENTION. NO BUILDING OF ANY KIND IS ALLOWED. THE MAINTENANCE WILL BE THE RESPONSIBILITY OF THE OWNER OF LOT 1.

III. ENFORCEMENT, DURATION, AMENDMENT AND SEVERABILITY

A. ENFORCEMENT

THE RESTRICTIONS HEREIN SET FORTH ARE COVENANTS TO RUN WITH THE LAND AND

SHALL BE BINDING UPON THE OWNERS/DEVELOPERS, THEIR SUCCESSORS AND ASSIGNS, WITHIN THE PROVISIONS OF SECTION I. 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 NURE TO THE BENEFIT OF AND SHALL BE ENFORCEABLE BY THE CITY OF BROKEN ARROW, OKLAHOMA. THE COVENANTS CONTAINED IN SECTION I, PLANNED UNIT DEVELOPMENT RESTRICTIONS ARE ESTABLISHED PURSUANT TO THE PLANNED UNIT DEVELOPMENT PROVISIONS OF THE BROKEN ARROW ZONING CODE AND SHALL NURE TO THE BENEFIT OF THE CITY OF BROKEN ARROW, OKLAHOMA AND THE OWNERS OF THE SUBDIVISION. IF THE UNDERSIGNED OWNERS/DEVELOPERS, OR THEIR SUCCESSORS OR ASSIGNS, SHALL VIOLATE ANY OF THE COVENANTS WITHIN SECTION I, IT SHALL BE LAWFUL FOR THE CITY OF BROKEN ARROW OR THE OWNER, 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 OR THEM FROM SO DOING OR TO COMPEL COMPLIANCE WITH THE COVENANT. IN ANY JUDICIAL ACTION BROUGHT BY THE OWNERS, WHICH ACTION SEEKS TO ENFORCE THE COVENANTS OR RESTRICTIONS SET FORTH HEREIN OR TO RECOVER DAMAGES FOR THE BREACH THEREOF, THE PREVAILING PARTY SHALL BE ENTITLED TO RECOVER 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

THE COVENANTS CONTAINED WITHIN SECTION I. EASEMENTS AND UTILITIES 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 CITY OF BROKEN ARROW, OKLAHOMA. THE COVENANTS CONTAINED WITHIN SECTION II, PLANNED UNIT DEVELOPMENT RESTRICTIONS, 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 CITY OF BROKEN ARROW, OKLAHOMA. THE PROVISIONS OF ANY INSTRUMENT AMENDING OR TERMINATING COVENANTS AS ABOVE SET FORTH SHALL BE EFFECTIVE FROM AND AFTER THE DATE IT IS PROPERLY RECORDED.

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 THERE OF AS SET FORTH HEREIN, WHICH SHALL REMAIN IN FULL FORCE AND EFFECT.

IN WITNESS WHEREOF, THE OWNER HAS EXECUTED THIS INSTRUMENT THIS _____ DAY OF _____, 2022.

THE TRAILS ASPEN LLC
A DELAWARE LIMITED LIABILITY COMPANY

BY: _____
MIKE D. CASE, MANAGER

STATE OF OKLAHOMA)
) SS.
COUNTY OF TULSA)

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2022, BY MIKE D. CASE AS MANAGER.

NOTARY PUBLIC

MY COMMISSION NUMBER: _____

MY COMMISSION EXPIRES: _____

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As well as a sidewalk system on the interior of the development that links the overall building complex to the street.

I, JEFFREY A. TUTTLE, A REGISTERED PROFESSIONAL LAND SURVEYOR, IN THE STATE OF OKLAHOMA, DO HEREBY CERTIFY THAT I HAVE CAREFULLY AND ACCURATELY SURVEYED, SUBDIVIDED, AND PLATTED THE TRACT OF LAND DESCRIBED ABOVE, AND THAT THE ACCOMPANYING PLAT DESIGNATED HEREIN AS "THE TRAILS AT ASPEN CREEK," A SUBDIVISION IN THE CITY OF BROKEN ARROW, TULSA COUNTY, STATE OF OKLAHOMA, IS A TRUE REPRESENTATION OF THE SURVEY MADE ON THE GROUND USING GENERAL ACCEPTED PRACTICES AND MEETS OR EXCEEDS THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING.

JEFFREY A. TUTTLE
REGISTERED PROFESSIONAL ENGINEER AND LAND SURVEYOR

STATE OF OKLAHOMA)
) SS.
COUNTY OF TULSA)

THE FOREGOING CERTIFICATE OF SURVEY WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2022, BY JEFFREY A. TUTTLE.

NOTARY PUBLIC

MY COMMISSION NUMBER: _____

MY COMMISSION EXPIRES: _____

Add overland drainage to reserve A