



**City of Broken Arrow  
Meeting Agenda  
Planning Commission**

*Robert Goranson Chairman  
Jason Coan Vice Chairman  
Jaylee Klempa Commissioner  
Jonathan Townsend Commissioner  
Mindy Payne Commissioner*

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**Thursday, January 22, 2026**

**5:30 PM**

**City of Broken Arrow  
Council Chambers  
220 South 1st Street  
Broken Arrow, OK  
74012**

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**1. Call To Order**

**2. Roll Call**

**3. Old Business**

A. [26-196](#) Consideration, discussion, and possible action regarding PUD-002550-2025 (Planned Unit Development) and BAZ-002374-2025 (Rezoning), D&B Processing, 9.15 acres, AG (Agricultural) to IL (Industrial Light)/PUD-002550-2025, abrogation of PUD-193, located one-half mile south of Washington Street (91st Street), one-half mile east of the Creek Turnpike

**Attachments:** [2-Case Map](#)  
[3-Aerial](#)  
[4-Comprehensive Plan](#)  
[5-PUD-002550-2025 Design Statement & Fence Detail](#)

**4. Consideration of Consent Agenda**

A. [26-184](#) Approval of Planning Commission meeting minutes of January 8, 2026

**Attachments:** [01.08.2026 Meeting Minutes](#)

B. [26-172](#) Approval of LOT-002611-2025, Arrow Forge Lot Split, 1 lot to 2 lots 29.98 acres, IL Zoning District, located on the south of Florence Street (111st Street) and ¼ mile east of Olive Ave (129th E Avenue)

**Attachments:** [2 - Case Map](#)  
[3 - Aerial](#)  
[4 - Exhibits](#)

C. [26-173](#) Approval of PT-002609-2025|PR-000831-2025, Preliminary Plat Aequitas, 5.86 acres, 5 lots, A-1 (Agricultural) to CH (Commercial Heavy), IL (Industrial Light), RM (Residential Multi-Family) and FD (Floodplain) via BAZ-002280-2025 and PUD-002281-2025, located south of West Tucson Street (121st Street South) and 1/3 mile west of South Elm Place (161st East Avenue)

**Attachments:** [2 - Aequitas Preliminary Plat with Planning Department Comments](#)

D. [26-182](#) Approval of PT-002557-2025|PR-000893-2025, Preliminary Plat for Timber Ridge Crossing, 24.40 acres, 105 lots, A-1 (Agriculture) to RS-4 (Single-Family Residential) via BAZ-001906-2024, located nearly ½ mile south of Albany Street (61st Street), just west of 37th Street (209th E. Avenue))

**Attachments:** [2 - Timber Ridge Crossing Preliminary Plat with BA Planning Department Comments](#)  
[3 - Zoning Districts Established](#)

E. [26-186](#) Approval of PR-000895-2025|PT-002596-2025, Conditional Final Plat, Brook Chase Phase V, 18.56 acres, 86 Lots, AG (Agricultural) to RS-4 (Single Family Residential) via BAZ-2074, located one-half mile north of Washington Street (91st Street), one-half mile west of 23rd Street (193rd E. Avenue/County Line Road)

**Attachments:** [2-Checklist](#)  
[3-Conditional Final Plat](#)

F. [26-187](#) Approval of PR-000768-2024|PT-002601-2025, Conditional Final Plat, The Pines III, 15.83 acres, 67 lots, AG (Agricultural) to RS-P (Single Family Residential - Preservation) via BAZ-2041, at the southwest corner of Omaha Street (51st Street) and 37th Street (209th E. Avenue)

**Attachments:** [2-Checklist](#)  
[3-Conditional Final Plat](#)

## 5. Consideration of Items Removed from Consent Agenda

## 6. Public Hearings

A. [26-189](#) Public hearing, consideration, and possible action regarding PUD-002519-2025, major amendment to PUD-307, Aspen Creek Villas, 90.33 acres, Commercial Heavy (CH), located north of Tucson Street (121st Street) and approximately one quarter mile east of Olive Avenue (129th Avenue).

**Attachments:** [2 - Case Map](#)

[3 - Aerial](#)

B. [26-183](#) Public hearing, consideration, and possible action regarding PUD-002592-2025 (Planned Unit Development), JCP Expansion, 0.64 acres, CG (Commercial General), located approximately just south of Washington Street (91st Street) and just west of Aspen Place (145th East Avenue), major amendment of PUD-50

**Attachments:** [2 - Case Map](#)

[3 - Aerial](#)

**7. Appeals**

**8. General Commission Business**

**9. Remarks, Inquiries and Comments by Planning Commission and Staff (No Action)**

**10. Adjournment**

**NOTICE:**

**1. ALL MATTERS UNDER “CONSENT” ARE CONSIDERED BY THE PLANNING COMMISSION TO BE ROUTINE AND WILL BE ENACTED BY ONE MOTION.**

**HOWEVER, ANY CONSENT ITEM CAN BE REMOVED FOR DISCUSSION, UPON REQUEST.**

**2. IF YOU HAVE A DISABILITY AND NEED ACCOMMODATION IN ORDER TO PARTICIPATE IN THE MEETING, PLEASE CONTACT THE COMMUNITY DEVELOPMENT DEPARTMENT AT 918-259-8412, TO MAKE ARRANGEMENTS.**

**3. EXHIBITS, PETITIONS, PICTURES, ETC. PRESENTED TO THE PLANNING COMMISSION MAY BE RECEIVED AND DEPOSITED IN CASE FILES TO BE MAINTAINED AT BROKEN ARROW CITY HALL.**

**4. RINGING/SOUND ON ALL CELL PHONES AND PAGERS MUST BE TURNED OFF DURING THE PLANNING COMMISSION MEETING.**

**A paper copy of this agenda is available upon request.**

**POSTED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at \_\_\_\_\_ a.m./p.m.**

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**City Clerk**



# City of Broken Arrow

## Request for Action

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**File #:** 26-196, **Version:** 1

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**Broken Arrow Planning Commission**  
**01-22-2026**

**To:** **Chair and Commission Members**  
**From:** **Community Development Department**  
**Title:**

Consideration, discussion, and possible action regarding PUD-002550-2025 (Planned Unit Development) and BAZ-002374-2025 (Rezoning), D&B Processing, 9.15 acres, AG (Agricultural) to IL (Industrial Light)/PUD-002550-2025, abrogation of PUD-193, located one-half mile south of Washington Street (91<sup>st</sup> Street), one-half mile east of the Creek Turnpike

**Background:**

**Applicant:** Rob Coday, Rob Coday Architect LLC  
**Owner:** Doug Burgess, D&B Processing  
**Developer:** D&B Processing  
**Engineer:** Daryl Worley, Worley Consulting  
**Location:** One-half mile south of Washington Street (91st Street), one-half mile east of the Creek Turnpike  
**Size of Tract** 9.15 acres  
**Present Zoning:** AG (Agricultural)  
**Proposed Zoning:** IL (Industrial Light)/PUD-002550-2025  
**Comp Plan:** Level 6 (Regional Commercial/Employment)

Planned Unit Development (PUD)-002550-2025, D&B Processing, is a proposed development consisting of 9.15 acres generally located one-half mile south of Washington Street (91<sup>st</sup> Street), one-half mile east of the Creek Turnpike. BAZ-002374-2025 is a concurrent request to change the underlying zoning on the property from AG (Agricultural) to IL (Industrial Light). The property is currently one unplatte lot. This item was continued from the January 8, 2026 Planning Commission meeting. At that meeting, Planning Commission expressed concern regarding proposed screening details in the PUD, specifically the appearance of the southern frontage-facing fence and the preservation of the existing wire fence to the west.

This development is a proposed storage yard to serve the existing D&B Processing facility across East Gary Street to the south. This property, along with the property to the east, was approved as part of PUD-193 and BAZ-1818 on November 8, 2008 for Coach Port storage facility. The property to the east developed per PUD-193, with the subject property currently under consideration initially planned as a second phase of development. The second phase never developed and was not platted along with the Coach Port subdivision.

PUD-193 restricts the uses on this parcel to indoor RV storage, and the current developer would like to abrogate PUD-193 in order to develop under a different concept.

#### SUMMARY OF DEVIATION FROM THE BROKEN ARROW ZONING ORDINANCE

PUD-002550-2025 consists of one development area with two potential phases of development. The site will be used as a storage yard where raw materials will be stored for use at the existing D&B Processing manufacturing facility located in the industrial development to the south across Gary Street. No structures are proposed on this site.

IL (Industrial Light) is a possible use in Level 6 of the Comprehensive Plan, provided certain criteria are met, including the requirement of a PUD and abutting existing industrial areas. Storage yards are allowed in the IL zoning designation.

Item	Zoning Ordinance Requirement	Updated PUD-002550-2025 Request
Permitted Uses:	Uses permitted by right in IL district.	<ul style="list-style-type: none"><li>Office, Business or Professional</li><li>Research Laboratory</li><li>General Industrial Services</li><li>Assembly, Light</li><li>Manufacturing, Light</li><li>Office Warehouse</li><li>Storage Yard</li><li>Warehouse</li><li>Wholesale Establishment</li></ul>
Parking Requirements:	1 space per 2,000 square feet of storage area.	No onsite parking required, offsite parking provided at existing D&B Processing facility.
Screening Fence:	Outdoor storage areas shall be screened with an opaque fence 6'-8' in height	<ul style="list-style-type: none"><li>South: 8' opaque metal fence with gate and columns</li><li>East: No fence required abutting the same zoning designation</li><li>North: Existing wire fence will be preserved as screening between this development and the railroad right-of-way</li><li>West: Existing wire fence will be preserved in order to limit damage to existing vegetation. If vegetation to the west is removed, an opaque screening fence matching the front-facing fence will be constructed.</li></ul>

Landscaping Requirements:	<ul style="list-style-type: none"><li>• 10' wide landscape edge required along street frontage</li><li>• 1 tree per 35 linear feet of frontage required</li><li>• At least 50% of trees shall be medium to large</li><li>• Irrigation required for all landscaped areas</li></ul>	Landscape edge provided along Gary Street per Zoning Ordinance. 8' buffer provided around existing wetland, which will be preserved in its natural state.
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### SURROUNDING LAND USES/ZONING/COMPREHENSIVE PLAN

The surrounding properties contain the following uses, along with the following development guide and zoning designations:

Location	Development Guide	Zoning	Land Use
North	N/A	AG	Railroad
East	Level 6	IL/PUD-193	RV & Mini Storage
South	Level 6	IL	Industrial
West	Public/Semi-Public	AG	Public School

Access to this site will be available from East Gary Street to the south.

According to FEMA maps, none of the property is located in the 100-year floodplain. Water and sanitary sewer are available from the City of Broken Arrow.

**Attachments:** Case map  
Aerial photo  
Comprehensive Plan  
PUD-002550-2025 Design Statement & Fence Detail

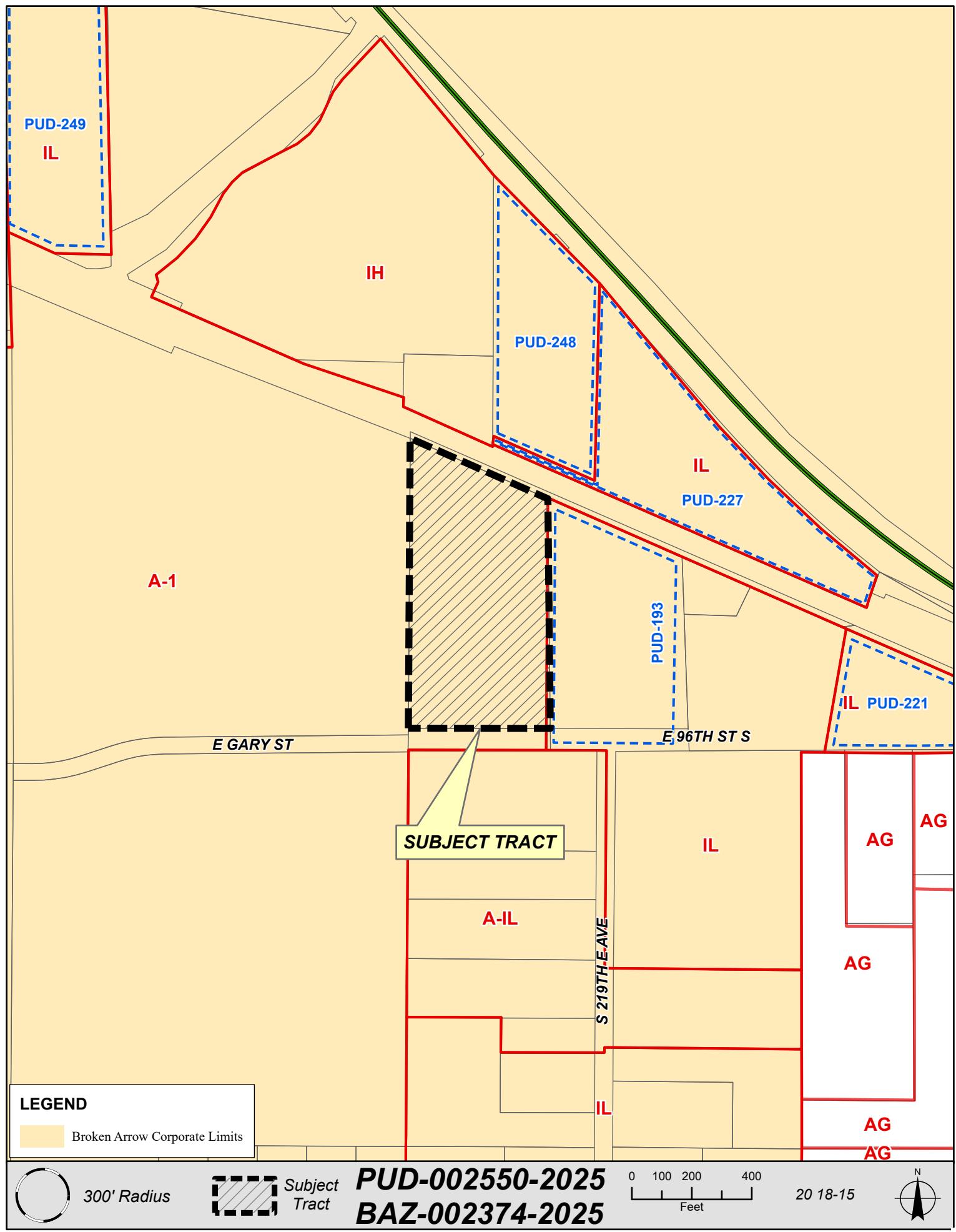
**Recommendation:**

Based upon the Comprehensive Plan, the location of the property, and the surrounding land uses, Staff recommends that PUD-002550-2025 and BAZ-002374-2025 be approved and that PUD-193 on this property be abrogated.

**Reviewed by: Jane Wyrick**

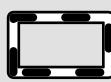
**Approved by: Rocky Henkel**

MEH





Note: Graphic overlays may  
not precisely align with physical  
features on the ground.  
Aerial Photo Date: 2025



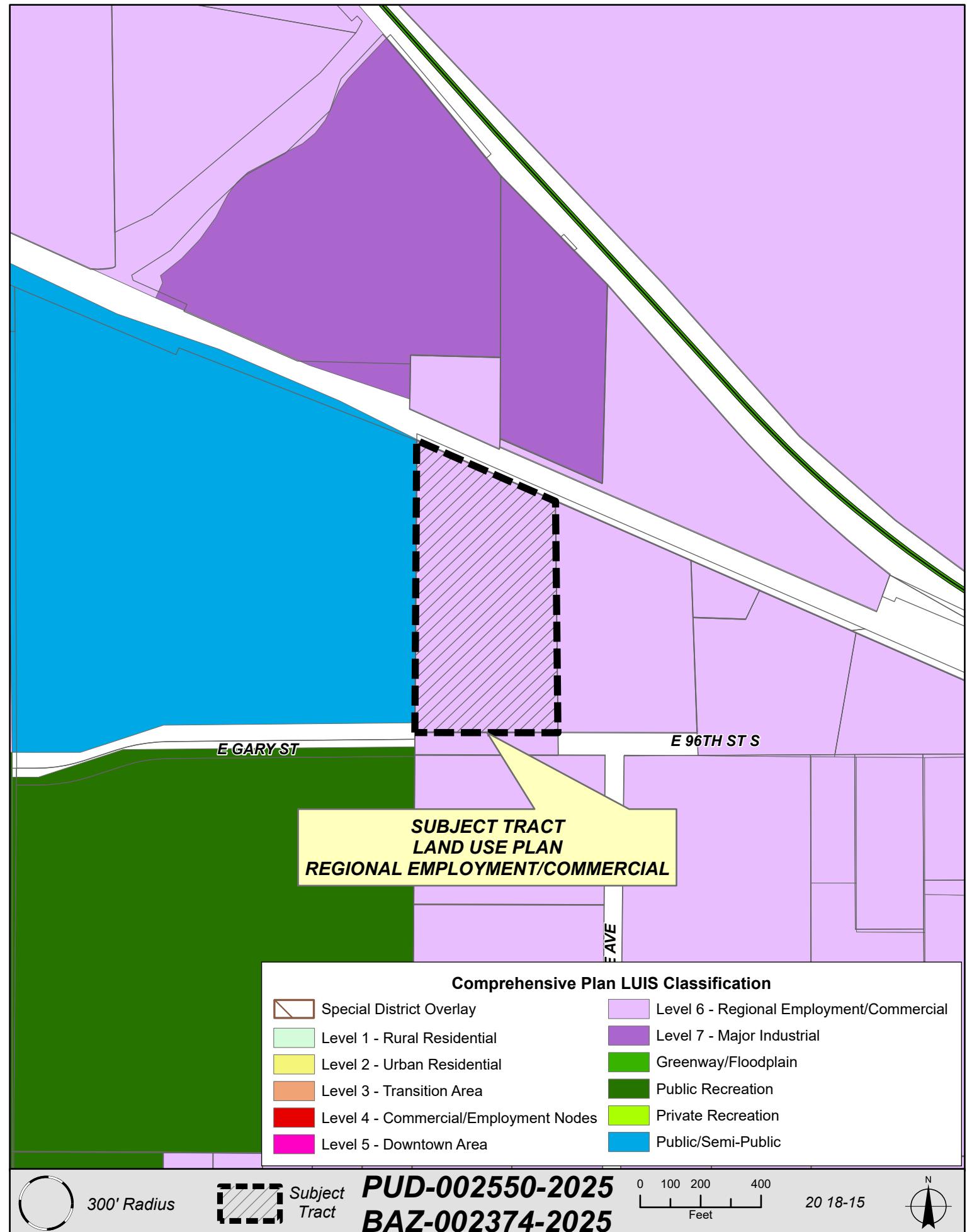
Subject  
Tract

**PUD-002550-2025**  
**BAZ-002374-2025**

0 100 200 400  
Feet

20 18-15





# **LAY-DOWN YARD PUD**

**for**

## **D & B**

Case number: PUD-002550-2025 and  
BAZ-002374-2025

Owner: Doug Burgess, D & B Processing, LLC.  
9750 South 219<sup>th</sup> E Avenue

Broken Arrow, Oklahoma  
rob coday architect, llc, aia  
13721 w 168<sup>th</sup> pl s  
Sapulpa, OK 74066

Civil Engineer: Daryl Worley, P.E.  
Worley Consulting

Location: One-half mile south of Washington Street  
(91<sup>st</sup> Street), one-half mile east of the  
Creek Turnpike

Present zoning: AG (Agricultural)

Proposed zoning: IL (Industrial Light)/PUD-002550-202

Comp Plan: Level 6 (Regional Commercial/Employment

## **LAY-DOWN YARD INDEX**

PAGE	TITLE
1	SHEET INDEX
2	DEVELOPMENT STANDARDS
3	DEVELOPMENT CRITERIA
4	SITE PLAN
5	VICINITY ZONING PLAN
EXHIBIT "A"	WETLAND AQUATIC DELINEATION REPORT
EXHIBIT "B"	PRELIMINARY CIVIL ENGINEERING
EXHIBIT "C"	SURVEY
EXHIBIT "D"	COACHPORT PUD 193 (REFERENCE ONLY)
EXHIBIT "E"	FENCES

**DEVELOPMENT STANDARDS:**

ZONING: I-L, LIGHT INDUSTRIAL DISTRICT

BUILDING SETBACK

REQUIREMENTS:

NORTH SETBACK: 30 FT  
EAST SETBACK: 0 FT  
SOUTH SETBACK: 30 FT  
WEST SETBACK: 30 FT

PERMITTED USES:

OFFICE, OFFICE BUSINESS AND PROFESSIONAL, RESEARCH  
LABORATORY, GENERAL INDUSTRIAL SERVICE, ASSEMBLY,  
LIGHT MANUFACTURING, LIGHT OFFICE/WAREHOUSE,  
[STORAGE YARD], WAREHOUSE AND WHOLESALE  
ESTABLISHMENT BY RIGHT.

MINIMUM LOT FRONTAGE:

MINIMUM FRONTAGE: 150 FT  
PROVIDED: 460 FT, COMPLIES

MAXIMUM BLDG

HEIGHT:

OFF-STREET

PARKING:

DOES NOT APPLY, NO BUILDINGS

NO EMPLOYEES THIS SITE, OFF-STREET PARKING PROVIDED  
ACROSS STREET AT MAIN PLANT.

LANDSCAPING:

LANDSCAPING CONFORMING TO CITY OF BROKEN ARROW ZONING CODE  
WILL BE PROVIDED AT PROPERTY LINE ALONG EAST GARY STREET.  
REGULATED WETLAND AREA WILL BE PROTECTED WITH AN  
EIGHT- FOOT- WIDE BUFFER. WETLAND WILL NOT BE SPRINKLERED AS IT  
WILL REMAIN IN ITS NATURAL STATE.

SCREEN FENCES:

SOUTH: AN EIGHT- FOOT-HIGH METAL PANEL FENCE WITH GATE WILL BE PROVIDED  
AT THE SOUTH SIDE OF THE PROPERTY, ELEVEN FOOT INSIDE THE PROPERTY.  
EAST: NO FENCE WILL BE PROVIDED AT THE EAST PROPERTY LINE, IL IS ADJACENT.  
NORTH: AN EXISTING WIRE FENCE WILL REMAIN AT THE NORTH PROPERTY LINE ALONG  
THE UNION PACIFIC  
RAILROAD RIGHT-OF-WAY.  
WEST: IT IS PROPOSED THAT THE POOR CONDITION WIRE FENCE REMAIN IN PLACE AT  
THE WEST PROPERTY LINE. THIS WILL MINIMIZE DAMAGE TO THE VEGETATION  
WHICH IS CURRENTLY GROWING IN THAT LOW AREA. THE LAND WEST OF THE  
SUBJECT SITE, WHICH LIES BETWEEN THE WEST PROPERTY LINE AND THE  
SCHOOL IS VERY HEAVILY COVERED WITH BRUSH AND TREES.  
THIS NATURAL BUFFER IS DIFFICULT TO PENETRATE AND IS MORE ATTRACTIVE  
THAN A SCREEN FENCE WOULD BE. SEE ADDITIONAL DETAILS NEXT PAGE.

EXTERIOR LIGHTING:

NO EXTERIOR LIGHTING IS TO BE PROVIDED.

SIGNS:

NO SIGNS EXCEPT THE REQUIRED ADDRESS SIGN WILL BE PROVIDED.

BUILDING FAÇADES AND DESIGN: NO BUILDING(S) WILL BE CONSTRUCTED.

WETLAND:

REFER EXHIBIT "A", WETLAND WILL BE PROTECTED PER AQUATIC  
RESOURCES DELINEATION REPORT PREPARED BY APEX COMPANIES, LLC.  
APPROPRIATE FEDERAL PERMITS AND APPROVALS ALONG WITH STATE OF  
OKLAHOMA AND CITY OF BROKEN ARROW RULES AND REGULATIONS WILL  
BE OBSERVED. THE WETLAND WILL NOT BE DESIGNED WITH THE  
STORMWATER SYSTEM AS IT WILL BE PROTECTED IN ITS "NATURAL" STATE.

**STORMWATER CONTROL:**

THE SITE IS SUBJECT TO RECEIVING OFF-SITE STORMWATER AS WELL AS  
HAVING A DETENTION AREA FROM THE PROPERTY TO THE EAST. THE  
REQUIREMENTS WILL BE STUDIED BY A REGISTERED OKLAHOMA CIVIL  
ENGINEER AND, IF ANY REWORK OF THE STORMWATER DRAINAGE IS  
REQUIRED, THAT DESIGN WILL BE SUBMITTED FOR REVIEW AND APPROVAL  
OF THE CITY OF BROKEN ARROW.

**MATERIAL STORAGE:**

MATERIAL IS UNLOADED FROM TRUCKS BY FORKLIFTS AND PLACED UPON  
RAILROAD TIES. THE HEIGHT OF THE RAILROAD TIES ALLOWS STORMWATER  
TO FLOW UNIMPEDED BELOW THE STEEL. THE YARD IS KEPT CLEAN AS IT IS  
CONSTANTLY HAVING MATERIAL MOVED THUS THERE IS NEVER AN AREA OF  
THE YARD WHICH WILL IMPEDE THE FLOW OF THE WATER (EXCEPT THE AREA  
WHICH IS DESIGNED TO BE A DETENTION AREA).

#### DEVELOPMENT CRITERIA

The PUD's occupancy will be as a "lay-down" yard, a staging area for metal sheets which are used by the D & B manufacturing facilities across East Gary Street (E 96<sup>th</sup> St S). Yard will be screened from the street by an 8' high metal fence.

No structures are to be built on the site. No employees will be placed there except temporarily to accept shipments and to pick up materials to transfer to the manufacturing buildings.

A wetlands area is located on the site. The wetlands regulatory area has been studied and an assessment report prepared by Apex Companies, LLC. The Owner will protect the defined wetlands area during construction and of occupancy of Phase ONE and will secure, prior to commencing construction, the proper permits for the construction of Phase TWO.

A portion of the site is utilized as a detention and stormwater flow path for stormwater from the east and north. The use of this site for the lay-down staging works well as the steel is placed on railroad ties which enables stormwater to freely flow throughout the site as well as enable protection and free flow of the wetlands area.

#### South fence:

8' high screen fence. Smooth metal panels, factory finished. Vertical panel design, +/- 6" panel appearance. CMU w/ cementitious coating pilasters at +/- 18' center to center.

#### East fence:

No fence, same zoning for both PUDs.

#### North fence:

Existing wire fence between PUD and railroad to remain.

#### West fence:

Parcel of land west of the PUD is wooded and brush covered, which creates a natural visual buffer between the PUD and the school west of the wooded area. It is thus the intent of the PUD that the existing wire fence remain in order to minimize the disturbance of the natural existing vegetation.

#### Future Action:

It does not seem likely that the west parcel will be developed and cleared of its natural vegetation as it now exists. However, if it is developed or cleared of its natural vegetation there will be a need to erect a screen fence if the west parcel remains an A zoning or is changed to a zoning requiring a screen from the IL zoning of the PUD.

#### Exception:

If a minimum 75' strip of land on the east side of the west parcel is in place and a maximum of 20% of the existing low-growth vegetation is removed then no 8' high screen will be required. Exceeding the vegetation clearance percentage as stated above results in the requirement for an 8' high screen fence. The screen, if required, will match the south screen fence and will be constructed by the PUD owner.

#### EXISTING CONDITIONS:

- 1E Parcel is zoned IL.
- 2E Parcel is m/l .
- 3E Existing parcel surface has existing gravel, detention easements, drainage easements, sanitary sewer easement and a regulated wetland easement.
- 4E Area north of the wetlands currently has limited accessibility Phase ONE, 89,622.27 SF ( 2.057 ACRES) = will consist

#### DEVELOPMENT PLANS:

1D PUD will consist of two phases:

Phase ONE, 89,622.27 SF ( 2.057 ACRES) = will consist of the south portion of the site, between Gary and the wetlands. Work this phase will consist of moving an existing metal screen fence north in order to provide a 10 foot street landscape buffer, gravel gravel yard to stage pre-production metal. The wetlands will be protected during the construction and occupancy of Phase I.

Phase TWO 253,627.58 SF (5.83 ACRES, including wetlands with buffer) will consist of the north portion of the site, between the south edge of the 8' wide wetlands "buffer" and the RR. Work will consist of design and securing required permits for implementation of protection of the wetlands, constructing the 8' wide "buffer" strip, grading and gravel placement.

Not included in the above cited area tabulations are the various easements.

## AREA TABULATIONS

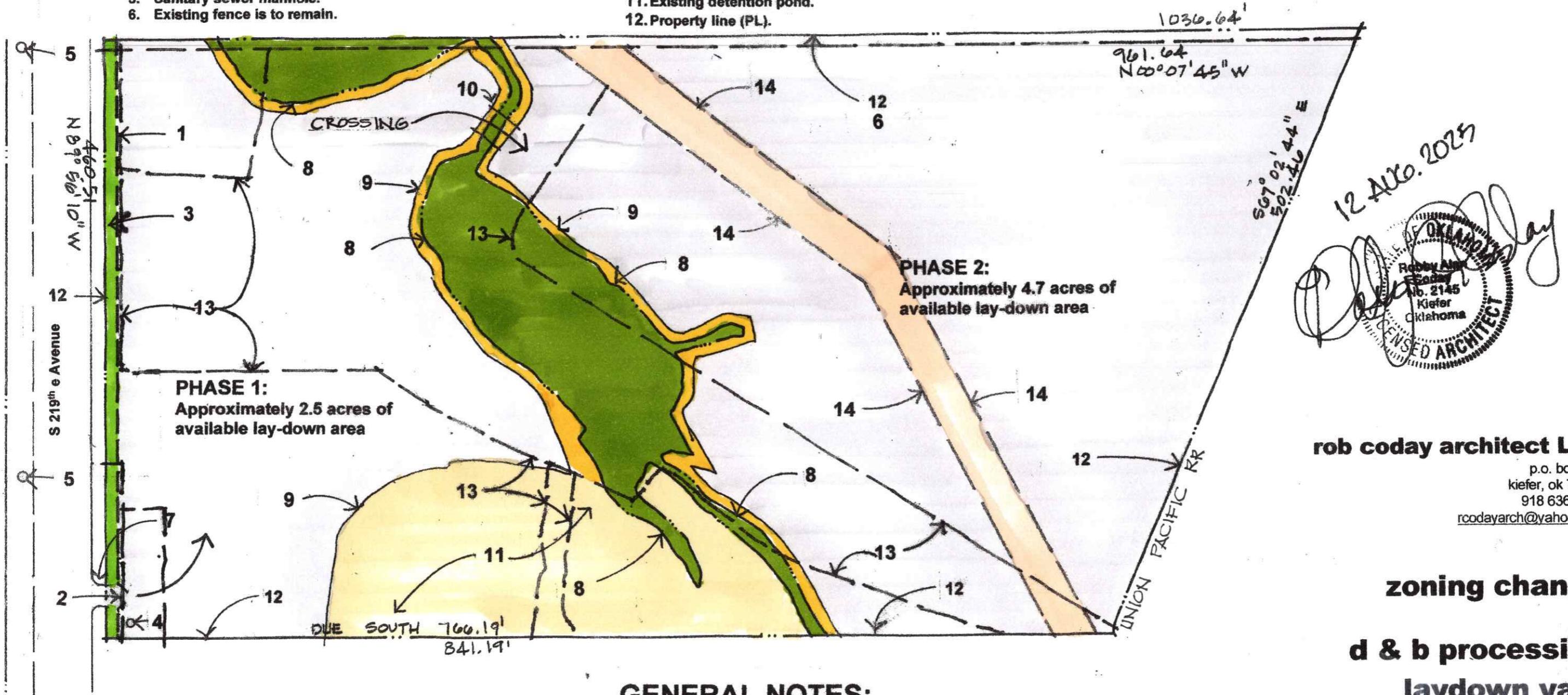
TOTAL AREA OF PARCEL:	398,703.86 SQ FT	9.15 ACRES (+/-)
PHASE ONE:	89,622.27 SQ FT	2.06 ACRES (+/-)
PHASE TWO:	253,627.58 SQ FT	5.82 ACRES (+/-)
PHASE TWO WITHOUT WETLANDS:	204,940.14 SQ FT	4.71 ACRES (+/-)
DETENTION EASEMENT:	120,647.07 SQ FT	2.77 ACRES (+/-)
20' DRAINAGE EASEMENT:	2,529.90 SQ FT	.06 ACRES (+/-)
30' SAN. SEWER EASEMENT:	20,416.50 SQ FT	0.47 ACRES (+/-)
TEMPORARY ACCESS EASEMENT:	3,360.34 SQ FT	0.07 ACRES (+/-)
EXISTING DETENTION BUFFER:	39,443.72 SQ FT	0.91 ACRES (+/-)
WETLAND AREA:	33,837.30 SQ FT	0.78 ACRES (+/-)
WETLAND WITH BUFFER:	46,687.44 SQ FT	1.07 ACRES (+/-)

## LEGAL DESCRIPTION:

A tract of land in the Southwest Quarter of the Northeast Quarter (SW/4 NE/4) of Section Twenty (20), Township Eighteen (18) North, Range Fifteen (15) East of the Indian Base and Meridian, Wagoner County, State of Oklahoma, according to the U.S. Government Survey thereof, more particularly described as follows: Beginning at the Southwest corner of said NE/4, thence N 00°07'45" W along the Westerly line thereof a distance of 1036.64 feet to a point on the Southerly Right-of-Way line of the MK&T Railroad; thence S 67°02'44" E along said line a distance of 502.46 feet to the Northwest corner of Coach Port, an Addition in Wagoner County, State of Oklahoma, according to the recorded Plat thereof; thence due South and along the West line of said Coach Port, a distance of 841.19 feet to the South line of said NE/4; thence N 89°56'10" W along the Southerly line of said SW/4 NE/4 a distance of 460.34 feet to the Point of Beginning; LESS AND EXCEPT the South 75.00 feet thereof.

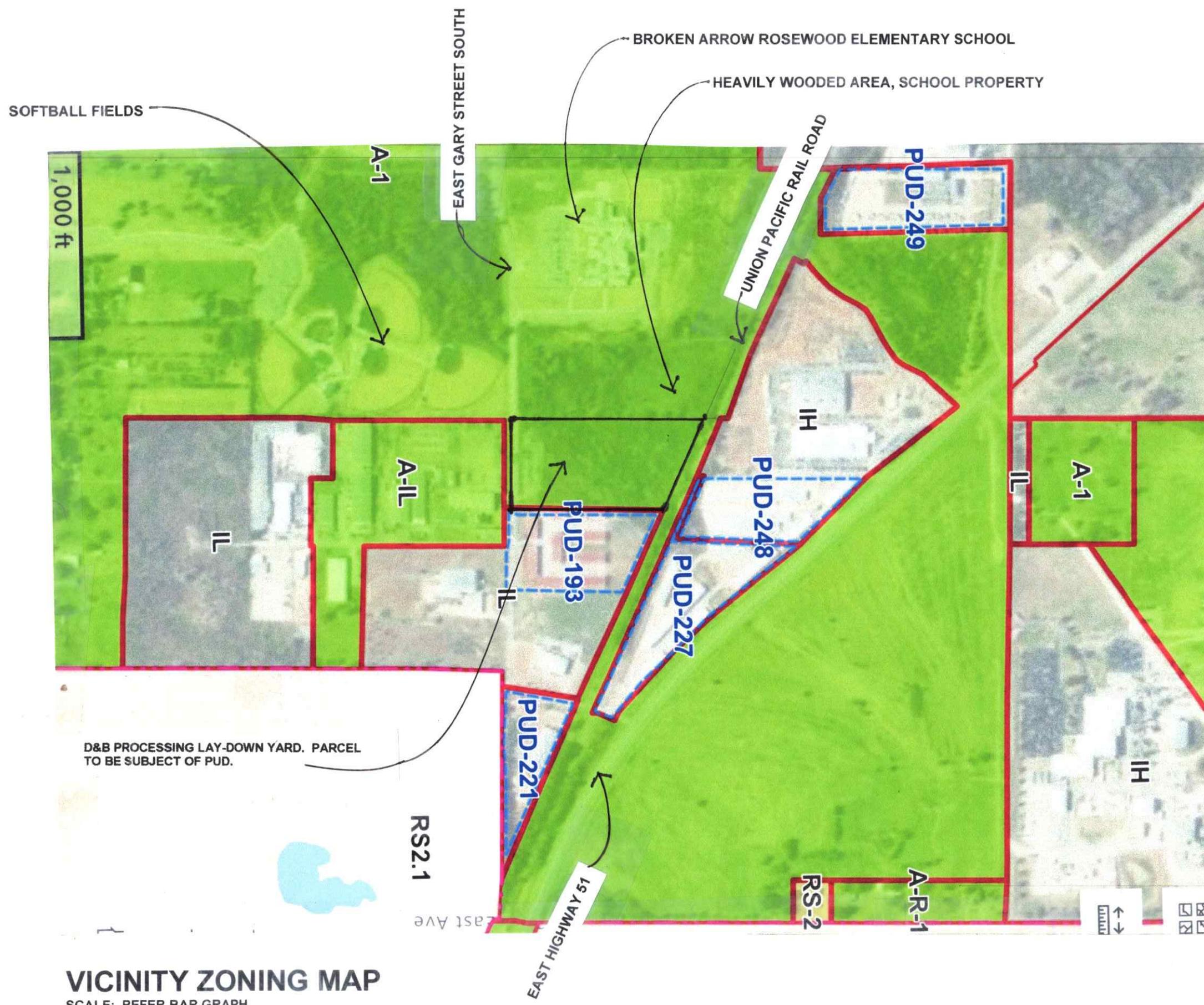
## KEY NOTES:

1. 6-foot-high metal screening fence.
2. Metal access gate w/ Knox box.
3. 10-foot-wide landscaping strip complete with sprinkler system.
4. Water service with meter. Water service to supply sprinkler system with backflow prevention.
5. Sanitary sewer manhole.
6. Existing fence is to remain.
7. Existing 16" diameter plastic pipe culvert.
8. Boundary of regulated wetland.
9. 8 foot wide "buffer" between regulated wetland and new gravel for laydown yard.
10. Wetland crossing structure.
11. Existing detention pond.
12. Property line (PL).
13. Existing Drainage easement which directs offsite stormwater. Possible to be amended (per Civil Engineer's design) with final stormwater design. Line: \_\_\_\_\_
14. Sanitary Sewer Easement. Line: \_\_\_\_\_



## GENERAL NOTES:

1. Information provided is preliminary in nature and can change during actual design and project's permit review process.
2. Wetlands boundary is based upon consultant's review.
3. Future Platting: Property's internal stormwater easements may be amended based upon engineer's stormwater design; however, no change to off-site stormwater which affects this site will be reduced without engineer's study.
4. Lay-down area has a gravel surface with defined edge at the wetland edge. Refer Civil Engineer's drawings.



## VICINITY ZONING MAP

**SCALE: REFER BAR GRAPH**

5

# **EXHIBIT A**



## **AQUATIC RESOURCES DELINEATION REPORT**

**Laydown Yard  
4600 E Gary St  
Broken Arrow, OK 74014  
Wagoner County**

Prepared for:

**D&B Processing  
9750 South 219<sup>th</sup> East Avenue  
Broken Arrow, 74014**

May 2025

Prepared by:

**Apex Companies, LLC  
6666 South Sheridan Road, Suite 250  
Tulsa, OK 74133**

Apex Project No. DBP001-0312045-25007888

## Table of Contents

1.0	INTRODUCTION.....	2
2.0	REGULATORY OVERVIEW.....	2
3.0	METHODOLOGY .....	2
3.1	Background Review.....	2
3.2	Project Area Description.....	3
3.3	Field Survey .....	3
3.4	Anticipated Determination of Jurisdictional Status.....	5
4.0	RESULTS.....	5
4.1	Delineated Aquatic Features.....	5
4.2	Aquatic Features Descriptions.....	6
4.3	Normal Circumstances, Problematic Areas, and Atypical Situations.....	8
5.0	REGULATORY CONSIDERATIONS.....	8
5.1	USACE and EPA Jurisdictional Determination .....	8
6.0	SUMMARY AND CONCLUSIONS.....	9

## Figures

- Figure 1: Site Location Map
- Figure 2: National Wetlands Inventory and USGS Topographic Map
- Figure 3: Natural Resources Conservation Service Soils Report
- Figure 4: Federal Emergency Management Agency National Flood Hazard Layer FIRMette
- Figure 5: Delineated Features Map
- Figure 6: Watershed Map

## Tables

- Table 1: Delineated Aquatic Features – Waterways
- Table 2: Delineated Aquatic Features – Waterbodies
- Table 3: Delineated Aquatic Features - Wetlands

## Appendices

- Appendix A – Figures
- Appendix B – Wetland Determination Data Sheets
- Appendix C – Antecedent Precipitation Tool Results
- Appendix D – Photographic Log

## 1.0 INTRODUCTION

Apex Companies, LLC (Apex) completed an aquatic resources delineation for the approximately 9.2-acre property located at 4600 East Gary Street in Broken Arrow, OK, in Wagoner County (Project). The Project is mostly undeveloped except for a laydown yard in the southeast portion. The Project location is provided in **Figure 1**.

The purpose of the assessment was to identify water features within the Project and determine the locations and extent of potentially jurisdictional WOTUS subject to the Clean Water Act (CWA). Under Section 404 of the CWA, the United States Army Corps of Engineers (USACE) has the authority to permit the discharge of dredged or fill material into WOTUS.

## 2.0 REGULATORY OVERVIEW

WOTUS are regulated under Section 404 of the CWA and a subset of those waters are subject to Section 10 of the Rivers and Harbors Act. The Environmental Protection Agency (EPA) is responsible for administering the laws and regulations of the CWA; however, the USACE has the primary regulatory authority for enforcing Section 404/10 requirements for WOTUS, including wetlands.

The definition of WOTUS has been in transition. EPA promulgated the "Revised Definition of 'Waters of the United States'" rule on March 20, 2023, to effectively replace the National Waters Protection Rule which was already remanded by a US Supreme Court decision. On August 29, 2023, EPA issued a final rule, the "Revised Definition of 'Waters of the United States'; Conforming" rule, to align key aspects of the regulatory text to the US Supreme Court's May 25, 2023, decision in the case of *Sackett v. EPA*. However, considering preliminary injunctions, the agencies are interpreting WOTUS consistent with the pre-2015 regulatory regime, plus the *Sackett* decision, in 26 states, including Oklahoma, until further notice.

Section 10 of the Rivers and Harbors Act applies to all navigable WOTUS, and those waters that are subject to the ebb and flow of tides, including any wetlands located below the mean high water line of tidal waters. Section 404 of the CWA applies to all waters, including wetlands, which have a continuous surface connection to other WOTUS. Wetlands have been defined by the USACE as areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

## 3.0 METHODOLOGY

### 3.1 Background Review

Prior to conducting field work, the following resources were evaluated to identify water features and areas that are prone to wetland formation within the Project. Referenced sources can be found in **Appendix A** including:

- National Oceanic and Atmospheric Administration (NOAA) National Weather Service data
- US Geological Survey (USGS) topographic map (**Figure 2**)
- US Fish and Wildlife Service (USFWS) National Wetlands Inventory (NWI) database (**Figure 2**)

- US Department of Agriculture (USDA) National Resources Conservation Service (NRCS) digital soil database (**Figure 3**)
- Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM; **Figure 4**)
- Aerial Photography, Google Earth 1995-2025

The antecedent precipitation conditions at the Project were evaluated prior to conducting the fieldwork on May 14 and 16, 2025, using the USACE Antecedent Precipitation Tool (APT) version v.2.0.0. The generated result of APT evaluation is included in **Appendix B**. Based on this evaluation; the survey occurred during the wet season and the antecedent precipitation was wetter than normal during fieldwork in May 2025.

According to NOAA, 0.71 inches of precipitation was recorded on May 7-8, 2025, prior to the May 2025 survey at the Broken Arrow 1.5 WSW weather station in Broken Arrow, OK.

### 3.2 Project Area Description

#### **Ecoregion and Land Use**

The Project lies entirely within the Osage Cuestas EPA Level IV Ecoregion within the Central Irregular Plains EPA Level III Ecoregion. The Osage Cuestas ecoregion is an irregular to undulating plain that is underlain by interbedded, westward-dipping sandstone, shale, and limestone. Natural vegetation is mostly tall grass prairie, but a mix of tall grass prairie and oak-hickory forest is native to eastern areas. Today rangeland, cropland, riparian forests, and on rocky hills, oak woodland or oak forest occur. Rivers and streams typically have low gradients, slowly moving water, muddy banks, and meander in wide valleys. Stream substrates and habitats vary from a high quality, variable mix of conditions to silt- and mud-choked channels. (Woods et al. 2005).

The Project includes approximately 9.2 acres of mostly undeveloped land which includes an approximately 0.8-acre laydown yard for metal sheets on the southeast portion. A municipal wastewater utility right-of-way (ROW) transects the Project in the central portion as evidenced by active construction during the May 2025 survey. The Project consisted of mixed grassland on the southeastern portion which transitions to forested communities dominated by deciduous trees, such as green ash (*Fraxinus pennsylvanica*), common hackberry (*Celtis occidentalis*), American elm (*Ulmus americanus*), black willow (*Salix nigra*), and eastern cottonwood (*Populus deltoides*). Per USGS topographic maps, an unnamed riverine feature transects the Project from the northeast corner to the southeast corner.

### 3.3 Field Survey

The approximately 9.2-acre Project was assessed by project scientist, Gianna Spear, MS, on May 14 and 16, 2025. The assessment was conducted following the guidance of *USACE Wetlands Delineation Manual* (1987) and *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Midwest Region* (Version 2.0, 2010). At the time of the May 2025 survey, there was active construction along the municipal wastewater utility ROW in response to a municipal wastewater pipeline break. Sewage had entered the environment; however, the volume and impact had not yet been determined at the time of the May 2025 survey. Due to safety concerns, the area of active construction and potential areas of

impact were avoided. Visual assessment of the areas was made from a safe distance. Lack of access to these portions of the Project is discussed in Section 4.3.

The field survey consisted of a visual presence/absence assessment of aquatic features within the Project. All aquatic features were digitally georeferenced/mapped using an Apple iPad tethered via Bluetooth connection with an iSXBlue II+ GNSS with sub-meter accuracy. ArcGIS's Field Maps application was used to store, host, and process collected Project data.

For waterways and waterbodies, the presence of an Ordinary High-Water Mark (OHWM) as defined in the *USACE National Ordinary High Water Mark Field Delineation Manual for Rivers and Streams*, dated January 2025 was used. The manual defines OHWM as "that line on the shore established by the fluctuations of water and indicated by physical characteristics such as [a] clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.

The presence of a wetland was determined by the existence of all three (3) of the following criteria: wetland hydrology, hydrophytic vegetation, and hydric soils. Areas meeting all three (3) wetland criteria as described below contain two (2) data points one (1) within the boundary of the wetland and one (1) demarcating the upland extent outside of the wetland). Historical aerial photography and current Project conditions were evaluated to determine connectivity with hydrologic features outside of the Project.

### **Hydrology**

Wetland hydrology indicators include the presence of surface water, high water tables, saturation, water marks, sediment deposits, drift deposits, algal mats or crusts, iron deposits, and inundation visible on aerial imagery. In addition, water-stained leaves, aquatic fauna, hydrogen sulfide odor, oxidized rhizospheres along living roots, the presence of iron reduction in tilled soils, thin muck surfaces, gauge or well data, drainage patterns, surface soil cracks, crayfish burrows, and shallow aquitards are considered indicators of wetland hydrology.

### **Hydrophytic Vegetation**

The USACE 2022 *National Wetland Plant Lists* for the Midwest Region were used to identify the appropriate wetland indicator status for each plant species identified. Hydrophytic vegetation is considered prevalent where more than 50 percent of the dominant species in a plant community have an indicator status of OBL, FACW, or FAC as defined below.

Individual plant species are classified as follows:

- OBL – obligate wetland species
- FACW – facultative trending wet and usually found in wetlands
- FAC – facultative found in wetlands and uplands
- FACU – facultative but usually found in uplands
- UPL – upland species
- NI – plants with no indicator; usually considered upland species

### **Hydric Soil**

Hydric soils are defined as soils that are saturated, flooded, or ponded during the growing season for a period sufficient to develop anaerobic conditions in the upper horizons. These conditions are created by repeated or prolonged saturation or flooding resulting in changes in soil color and chemistry which are used to differentiate hydric from non-hydric soils.

### **3.4 Anticipated Determination of Jurisdictional Status**

The anticipated jurisdictional status of each aquatic feature was determined based on our experience and guidance produced by the EPA and USACE for the pre-2015 regulatory regime and the *Sackett v. EPA* US Supreme Court decision.

## **4.0 RESULTS**

### **4.1 Delineated Aquatic Features**

A total of eight (8) aquatic features were delineated within the Project through the methodologies described above which include: four (4) waterways, one (1) waterbody, and three (3) wetlands. Additionally, a retention pond is present in the southeastern corner of the Project. The results of the assessment are summarized in **Tables 1-3**. Delineated aquatic features are depicted in **Figure 5**, clearly representing which features and boundaries have been field verified. Representative photographs from the May 2025 survey events are provided in **Appendix C**.

A total of nine (9) data points (DP; **Figure 5**) were sampled in May 2025 within the Project that were suspected of having wetland conditions or to delineate the extent of wetlands. Four (4) of the nine (9) data points met all three criteria (hydrology, hydric soils, and hydric vegetation) to be deemed a wetland. Wetland determination data sheets are provided in **Appendix B**.

**Table 1: Delineated Aquatic Features - Waterways**

ID	Resource Type <sup>1</sup>	Surface Area <sup>2</sup> (acres) within Project	Average OHWM Width (ft) <sup>3</sup>	Potentially Jurisdictional?	NWI <sup>4</sup>
WW01	Intermittent	0.120	3	Yes	PFO1A
WW02	Intermittent	0.048	3	Yes	PFO1A
WW03	Intermittent	0.024	4	Yes	PFO1A
WW04	Ephemeral	0.011	2	No	PFO1A

<sup>1</sup>Resource types defined as follows:

Ephemeral: A waterway that flows only in direct response to a precipitation event.

Intermittent: A waterway that flows more than in direct response to a precipitation event, and generally seasonally.

Perennial: A waterway that flows continuously throughout the year.

<sup>2</sup>All calculations were based on the Project using the NAD 1983 StatePlane Oklahoma North FIPS 3501 Feet coordinate system as depicted in **Figure 5**.

<sup>3</sup>Average OHWM rounded to the nearest foot.

<sup>4</sup>National Wetlands Inventory classification defined as follows:

PFO: Palustrine forested; 1: Broad-leaved deciduous; A: Temporary Flooded

**Table 2: Delineated Aquatic Features – Waterbodies**

ID	Resource Type <sup>1</sup>	Surface Area (acres) <sup>2</sup> within Project	Potentially Jurisdictional?	NWI <sup>3</sup>
WB01	Impoundment	0.15	Yes	PFO1A

<sup>1</sup>Impoundment is defined as a waterbody with a continuous and indistinguishable surface connection with a waterway.

<sup>2</sup>All calculations were based on the Project using the NAD 1983 StatePlane Oklahoma North FIPS 3501 Feet coordinate system as depicted in **Figure 5**.

<sup>3</sup>National Wetlands Inventory classification defined as follows:

PFO: Palustrine forested; 1: Broad-leaved deciduous; A: Temporary Flooded

**Table 3: Delineated Aquatic Features – Wetlands**

ID	Resource Type <sup>1</sup>	Area (acres) <sup>2</sup>	Potentially Jurisdictional?	NWI <sup>3</sup>
WET01-PEM	Palustrine Emergent	0.140	No	-
WET02-PEM	Palustrine Emergent	0.163	Yes	PFO1A
WET03-PFO	Palustrine Forested	0.386	Yes	PFO1A

<sup>1</sup>Resource type is defined as follows:

PEM – Palustrine Emergent Wetland

PFO – Forested Wetland

<sup>2</sup>All calculations were based on the Project using the NAD 1983 StatePlane Oklahoma North FIPS 3501 Feet coordinate system as depicted in **Figure 5**.

<sup>3</sup>National Wetlands Inventory classification defined as follows:

PFO: Palustrine forested; 1: Broad-leaved deciduous; A: Temporary Flooded

## 4.2 Aquatic Features Descriptions

### Waterways

#### WW01, WW02, and WW03

WW01, WW02, and WW03 are intermittent streams (**Figure 5**). WW01 extends from the east central portion of the project to the southwest before joining WW02 and flowing off the Project. WW03 is a continuation of WW01. WW01 and WW03 are bound by herbaceous upland, forested upland, and herbaceous wetland vegetation communities. Herbaceous upland species includes common ragweed (*Ambrosia artemisiifolia*), black willow, poison ivy (*Toxicodendron radicans*), Japanese honeysuckle (*Lonicera japonica*), coralberry (*Symporicarpos orbiculatus*), and Chinese privet (*Ligustrum sinense*). Within the forested upland, additional species include mulberry (*Morus rubra*), common hackberry, and snailseed (*Nephroia carolina*). Evidence of an OHWM consists of minor scouring, exposed tree roots, changes in character of soil, and drift deposits. The OHWM ranges from approximately two (2) to five (5) feet. The stream bed consists of silty clay sediment and surface water was turbid at the time of the survey. WW02 has similar vegetation community, bed, and hydrological characteristics. WW02 may have had a continuous upstream surface connection with WB01 and WET03-PFO which is further discussed in the Wetlands section. Evidence of vehicle traffic through WW01 and WW02 is evident in the west central portion of Project, likely impacting turbidity and altering rate and path of flow. Additionally, evidence of earthwork activities was observed adjacent to WW01 and WW02 which likely have contributed sediment deposition into the streams.

## WW04

WW04 is an ephemeral stream that drains excess flow during heavy precipitation events from WET02-PEM into WW02. The vegetation community is consistent with WW03. A faint OHWM is present intermittently and is evident by destruction of vegetation and minor scouring. WW04 is impacted by vehicle traffic, altering rate and path of flow.

## Waterbodies

### WB01

WB01 is an isolated impoundment northeast of WW02 and adjacent to the municipal wastewater utility pipeline right of way. Evidence of earthwork activities and additional pooling were observed within the immediate proximity of WB01. WB01 did not have a continuous surface connection with WET03-PFO or WW02 at the time of the May 2025 survey, however there likely was a historical continuous surface connection based on aerial imagery and local topography.

## Wetlands

### WET01-PEM

WET01-PEM is a palustrine emergent wetland that is present within a historical retention pond. The dominant vegetation observed within the retention pond is the Rufous bulrush (*Scirpus pendulus*). Additional species are broomsedge bluestem (*Andropogon virginicus*) and common spike-rush (*Eleocharis palustris*). The retention pond receives upland flow from the east adjacent property and drains through a concrete outlet as sheet flow into WET02-PEM.

### WET02-PEM

WET02-PEM is a palustrine emergent wetland adjacent to WW01 with which it exhibits a continuous surface connection. Dominant vegetation consists of swamp dock (*Rumex verticillatus*), bearded beggarticks (*Bidens aristosa*), summer grape (*Vitis aestivalis*), tall goldenrod (*Solidago altissima*), poison ivy, black willow, climbing rose (*Rosa setigera*), foxtail sedge (*Carex vulpinoidea*), and fleabane (*Erigeron annuus*). Intermittent standing water and drainage patterns were observed. Debris from tree removal is present within the wetland. The eastern portion of WET02-PEM likely receives subsurface flow from the retention pond.

### WET03-PFO

WET03-PFO is a forested wetland within the northern portion of the Project. Dominant vegetation consists of black willow, common spike-rush, and poison ivy. Other vegetation consists of American elm, American sycamore (*Platanus occidentalis*), late boneset (*Eupatorium serotinum*), and Japanese honeysuckle. Standing water and saturation were observed and confirmed from aerial imagery were observed. The southwestern portion of WET03-PFO has been impacted by the ongoing wastewater utility construction and sewage spill. During the May 2025 survey, the ROW between WET03-PFO and WB01 was graded, potentially filled, and installed with construction matting. These observations

combined with aerial imagery and local topography, it is likely that WET03-PFO had a historical surface connection with WB01 and WW02. However, at the time of the survey, there was no surface connection.

#### **4.3 Normal Circumstances, Problematic Areas, and Atypical Situations**

The *USACE Wetland Delineation Manual* (1987), *Regional Supplement* (2010), and *Regulatory Guidance Letters* (RGL 82-02 and 86-09) define the terms Normal Circumstances, Problematic Areas, and Atypical Situations. Apex looked for these conditions during the field events. Atypical Situations are a result of human activities or natural events that modify vegetation, hydrology, or soil. This could include placement of fill, construction of dams/levees, land use conversion, channelization of drainages, fire, drought, or flooding.

At the time of the May 2025 survey, there was construction on the municipal wastewater utility right of way that transects the Project. The right of way was graded, cleared of all vegetation, and construction matting was placed over areas between WET03-PFO and WB01. Earthwork activities were evident in areas adjacent to the right of way, altering the soils, vegetation community, and hydrology. Pooling was observed in areas and is shown in the photolog (**Appendix D**) and in **Figure 5**. The construction foreman indicated that the wastewater pipeline failed, resulting in a sewage release to the immediate area. The amount and extent of sewage release had not been determined at the time of the May 2025 survey. The approximate extent of sewage release footprint shown on **Figure 5** was determined by odor and presence of algae in areas of pooling, but the footprint has not been confirmed. Given accessibility was restricted due to avoid untreated sewage and active construction, the extent of WET03-PFO within the potential sewage release footprint was visually estimated from a safe distance and further refined with aerial imagery. These conditions classify WET03-PFO as an Atypical Situation. The presence of wetland hydrology and hydrophytic vegetation were confirmed, but soil samples were not feasible to define the entire extent of WET03-PFO.

In addition, the May 2024 survey occurred during the wet season, and according to the USACE APT, conditions were wetter than normal. Higher than normal water levels were considered during evaluation.

### **5.0 REGULATORY CONSIDERATIONS**

#### **5.1 USACE and EPA Jurisdictional Determination**

The USACE and EPA have not delegated the authority to make jurisdictional determinations; however, the jurisdictional determination opinions of Apex, expressed herein, are based on the records review, site observations, experience, joint USACE and EPA guidance, and the federal definition of WOTUS. The USACE asserts jurisdiction on a case-by-case basis. USACE and EPA concurrence can be sought through the Approved Jurisdictional Determination process.

There were four (4) aquatic features, WW01, WW02, WW03, and WET02-PEM, on the Project that were considered potential WOTUS based on field conditions during the May 2025 survey. The WET03-PFO jurisdictional status is dependent on post-construction conditions within the wastewater utility right of way. If pre-construction conditions are restored, and the connection between WET03-PFO is restored, then WET03-PFO is likely jurisdictional. If the connection is permanently severed, it is likely that WET03-PFO is not jurisdictional. Per the Supreme Court of the United States decision in *EPA v. Sackett*, wetlands

must have a “continuous surface connection” with another WOTUS so that there is “no clear demarcation between waters and wetlands.” Based on the May 2025 survey, WET02-PEM directly abuts WW01 and WW02 discharges into WW01. WW001 is an intermittent stream that eventually discharges into Broken Arrow Creek which discharges into the Arkansas River, a Section 10 River, and Harbors Act water according to the USACE Tulsa District (**Figure 6**). Additionally, tributaries may be considered WOTUS if they are “relatively permanent, standing or continuously flowing bodies” which excludes ephemeral streams (WW04) due to short durations of flow. Tables 1-3 summarize the type, NWI classification, and acreage of the features.

## 6.0 SUMMARY AND CONCLUSIONS

Apex completed a WOTUS assessment on an approximately 9.2-acre survey area for the D&B Processing property. The purpose of the investigation was to identify and delineate potentially jurisdictional WOTUS that are subject to regulations under Section 404 of the CWA. Jurisdictional WOTUS are regulated under the CWA by the USACE.

The investigation was completed through the review of background resources, field identification of water features, and determination of potential jurisdictional WOTUS. Apex identified eight (8) aquatic features at the Project. These features were identified based on the presence of an OHWM, hydrology indicators, hydrophytic vegetation, and/or hydric soils.

It is our opinion that four (4) aquatic features, WW01, WW02, WW03, and WET02-PEM, on the Project are likely jurisdictional WOTUS regulated by USACE under Section 404 of the CWA following the pre-2015 Rule and *Sackett* decision. WET03-PFO is also potentially jurisdictional if a surface connection is restored with WB01 and WW02 after the wastewater utility right of way construction is completed and been restored.

These services and this report were performed and prepared in accordance with generally accepted and customary practices of the environmental profession. No warranties, express or implied, are intended or made. The limitations of this assessment should be recognized as the relying party formulates conclusions on the environmental risks associated with construction of the proposed Project. Furthermore, the services herein shall in no way be construed, designed, or intended to be relied upon as legal interpretation or advice.

If you have any questions or require additional information, please contact Amy Smith at [amy.smith@apexcos.com](mailto:amy.smith@apexcos.com).

Sincerely,  
**Apex Companies, LLC**

  
Gianna Spear, MS  
Environmental Scientist II

  
Amy Smith, PhD, CSE  
Senior Program Manager

## REFERENCES

Federal Emergency Management Agency Flood Insurance Rate Map, Map Panel 40145C0115J eff. 9/30/2016.

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US Department of Agriculture National Resource Conservation Service (NRCS) Web Soil Survey (<https://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm>)

US Fish and Wildlife Service (USFWS) National Wetlands Inventory (NWI) (<https://www.fws.gov/wetlands/Data/Mapper.html>).

US Geological Survey (USGS) 7.5 Minute Topographic Quadrangle Map hosted by Esri

US Geological Survey (USGS) National Hydrography Dataset (NHD) <https://www.usgs.gov/national-hydrography/national-hydrography-dataset>

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## **APPENDIX A**

### **FIGURES**

**Figure 1**  
**Site Location Map**

**Aquatic Resources Delineation  
D&B Processing  
4600 E Gary St  
Broken Arrow, OK 74014**

**Legend**

 Project Boundary

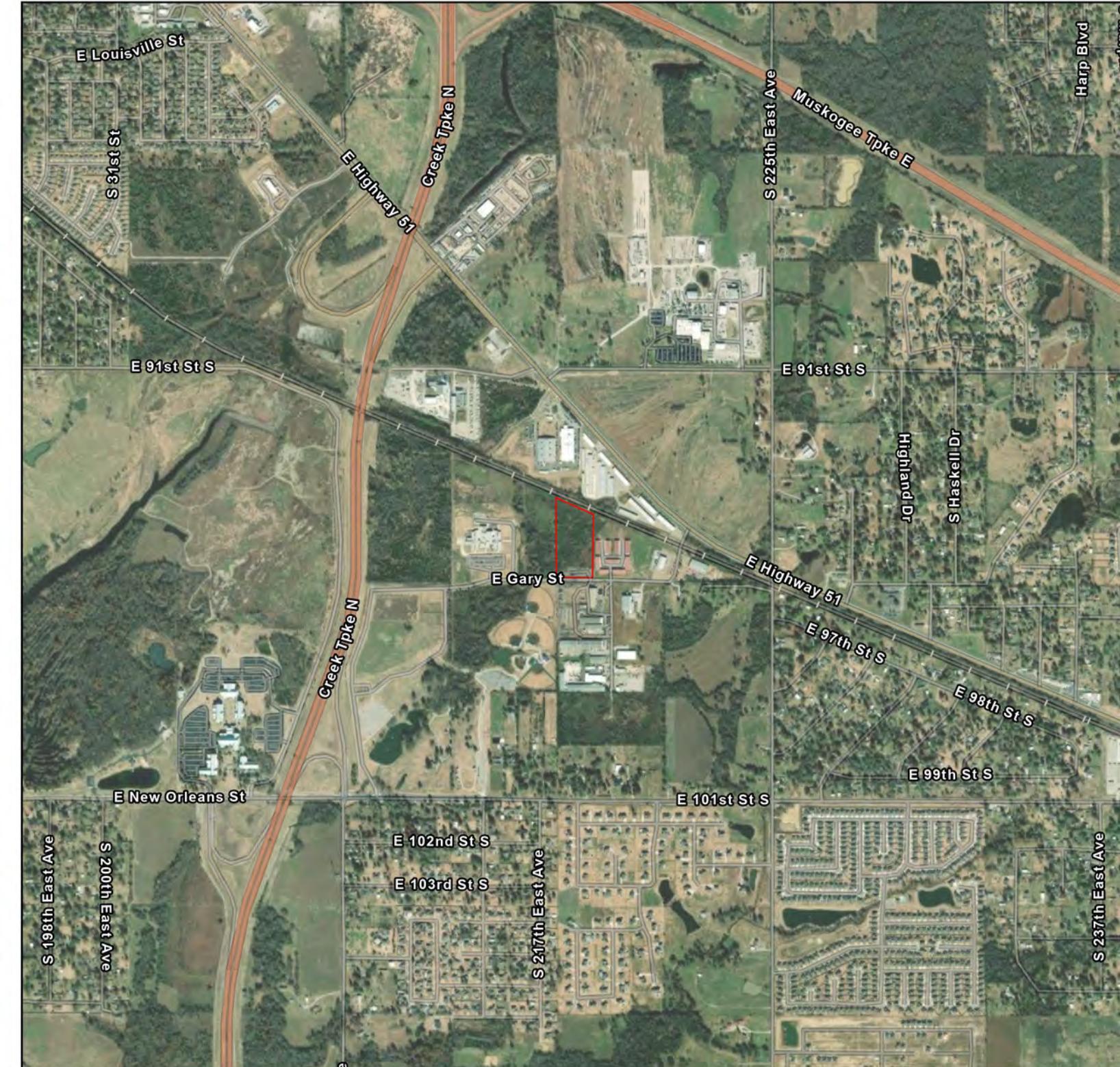


Figure 2

National Wetlands  
Inventory and USGS  
Topographic Map

Aquatic Resources Delineation  
D&B Processing  
4600 E Gary St  
Broken Arrow, OK 74014

Legend

Project Boundary

Wetlands

- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Lake
- Other
- Riverine

0 925 1,850  
Feet

Feature symbols are not shown to scale



United States  
Department of  
Agriculture

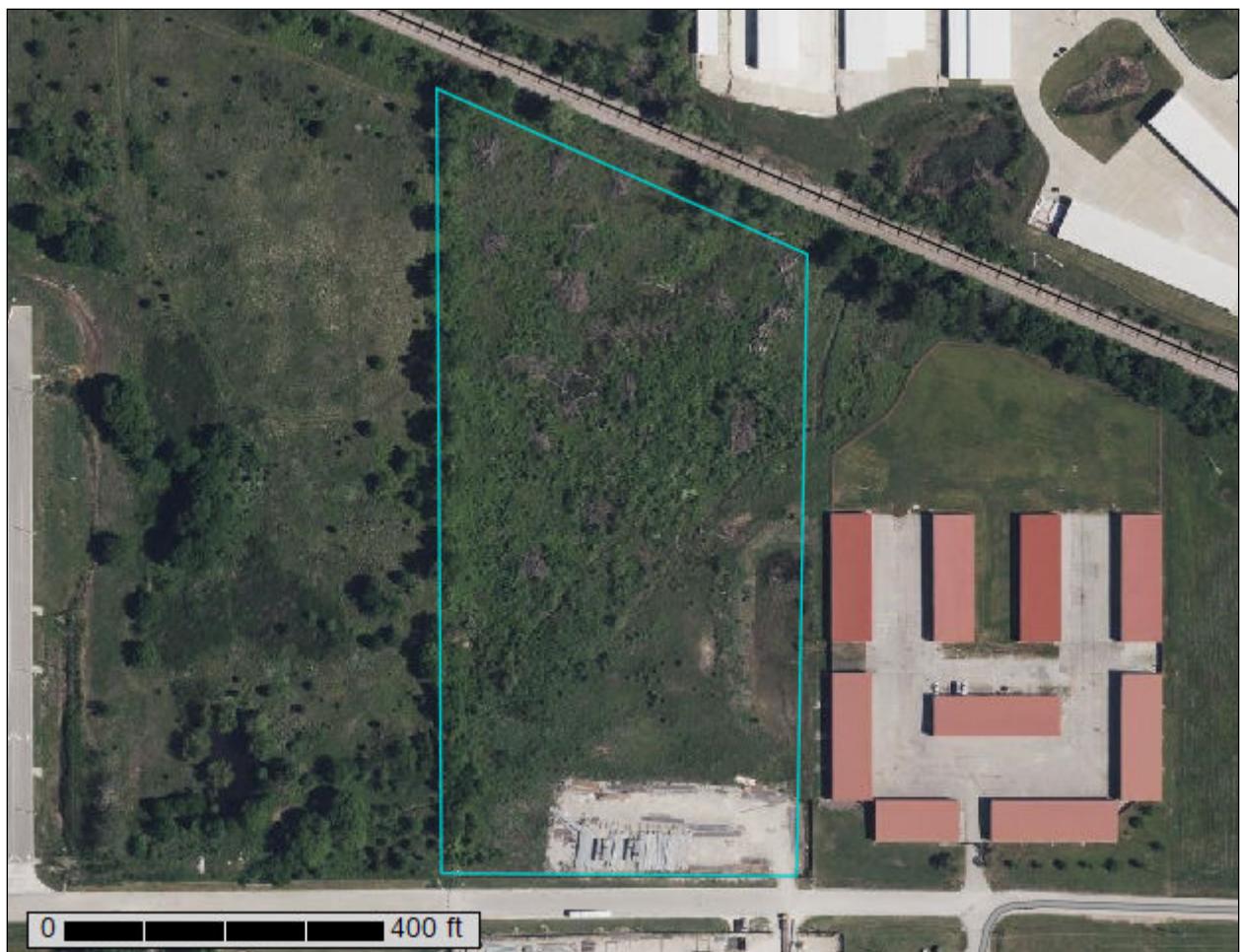


Natural  
Resources  
Conservation  
Service

A product of the National Cooperative Soil Survey, a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local participants

# Custom Soil Resource Report for Wagoner County, Oklahoma

Figure 3



# Preface

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Soil surveys contain information that affects land use planning in survey areas. They highlight soil limitations that affect various land uses and provide information about the properties of the soils in the survey areas. Soil surveys are designed for many different users, including farmers, ranchers, foresters, agronomists, urban planners, community officials, engineers, developers, builders, and home buyers. Also, conservationists, teachers, students, and specialists in recreation, waste disposal, and pollution control can use the surveys to help them understand, protect, or enhance the environment.

Various land use regulations of Federal, State, and local governments may impose special restrictions on land use or land treatment. Soil surveys identify soil properties that are used in making various land use or land treatment decisions. The information is intended to help the land users identify and reduce the effects of soil limitations on various land uses. The landowner or user is responsible for identifying and complying with existing laws and regulations.

Although soil survey information can be used for general farm, local, and wider area planning, onsite investigation is needed to supplement this information in some cases. Examples include soil quality assessments (<http://www.nrcs.usda.gov/wps/portal/nrcs/main/soils/health/>) and certain conservation and engineering applications. For more detailed information, contact your local USDA Service Center (<https://offices.sc.egov.usda.gov/locator/app?agency=nrcs>) or your NRCS State Soil Scientist ([http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/contactus/?cid=nrcs142p2\\_053951](http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/contactus/?cid=nrcs142p2_053951)).

Great differences in soil properties can occur within short distances. Some soils are seasonally wet or subject to flooding. Some are too unstable to be used as a foundation for buildings or roads. Clayey or wet soils are poorly suited to use as septic tank absorption fields. A high water table makes a soil poorly suited to basements or underground installations.

The National Cooperative Soil Survey is a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local agencies. The Natural Resources Conservation Service (NRCS) has leadership for the Federal part of the National Cooperative Soil Survey.

Information about soils is updated periodically. Updated information is available through the NRCS Web Soil Survey, the site for official soil survey information.

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# Contents

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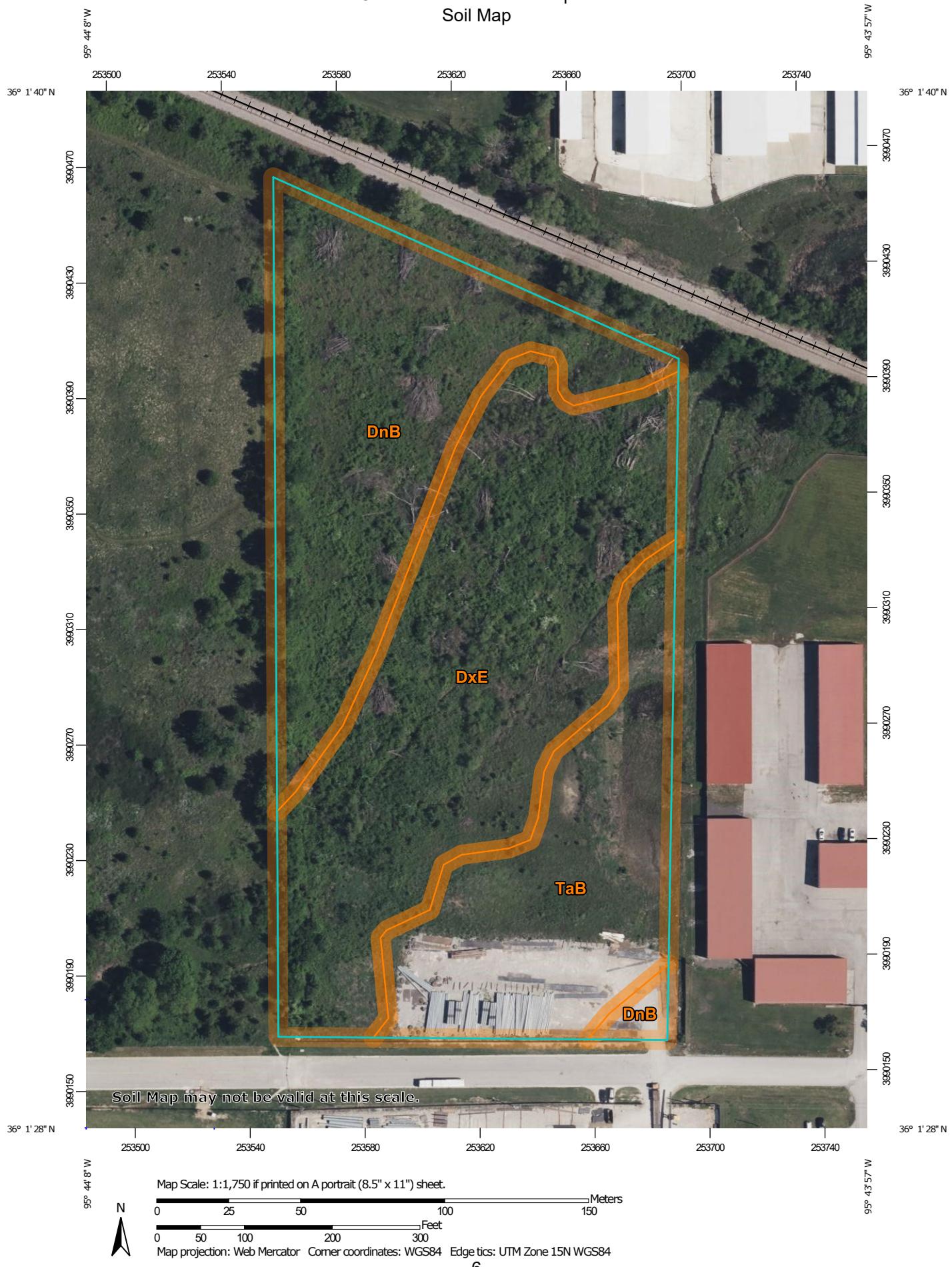
<b>Preface</b> .....	2
<b>Soil Map</b> .....	5
Soil Map.....	6
Legend.....	7
Map Unit Legend.....	8
Map Unit Descriptions.....	8
Wagoner County, Oklahoma.....	10
DnB—Dennis silt loam, 1 to 3 percent slopes.....	10
DxE—Dennis-Radley complex, 0 to 15 percent slopes.....	12
TaB—Taloka silt loam, 1 to 3 percent slopes.....	14
<b>Soil Information for All Uses</b> .....	16
Suitabilities and Limitations for Use.....	16
Land Classifications.....	16
Hydric Rating by Map Unit.....	16

# **Soil Map**

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The soil map section includes the soil map for the defined area of interest, a list of soil map units on the map and extent of each map unit, and cartographic symbols displayed on the map. Also presented are various metadata about data used to produce the map, and a description of each soil map unit.

Custom Soil Resource Report  
Soil Map



## MAP LEGEND

## Area of Interest (AOI)

 Area of Interest (AOI)

## Soils

 Soil Map Unit Polygons

 Soil Map Unit Lines

 Soil Map Unit Points

## Special Point Features

 Blowout

 Borrow Pit

 Clay Spot

 Closed Depression

 Gravel Pit

 Gravelly Spot

 Landfill

 Lava Flow

 Marsh or swamp

 Mine or Quarry

 Miscellaneous Water

 Perennial Water

 Rock Outcrop

 Saline Spot

 Sandy Spot

 Severely Eroded Spot

 Sinkhole

 Slide or Slip

 Sodic Spot

 Spoil Area

 Stony Spot

 Very Stony Spot

 Wet Spot

 Other

 Special Line Features

## Water Features

 Streams and Canals

## Transportation

 Rails

 Interstate Highways

 US Routes

 Major Roads

 Local Roads

## Background

 Aerial Photography

## MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service

Web Soil Survey URL:

Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Wagoner County, Oklahoma

Survey Area Data: Version 20, Sep 11, 2024

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: May 11, 2022—May 14, 2022

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

## Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
DnB	Dennis silt loam, 1 to 3 percent slopes	3.0	32.6%
DxE	Dennis-Radley complex, 0 to 15 percent slopes	4.0	43.9%
TaB	Taloka silt loam, 1 to 3 percent slopes	2.2	23.5%
<b>Totals for Area of Interest</b>		<b>9.2</b>	<b>100.0%</b>

## Map Unit Descriptions

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

Most minor soils have properties similar to those of the dominant soil or soils in the map unit, and thus they do not affect use and management. These are called noncontrasting, or similar, components. They may or may not be mentioned in a particular map unit description. Other minor components, however, have properties and behavioral characteristics divergent enough to affect use or to require different management. These are called contrasting, or dissimilar, components. They generally are in small areas and could not be mapped separately because of the scale used. Some small areas of strongly contrasting soils or miscellaneous areas are identified by a special symbol on the maps. If included in the database for a given area, the contrasting minor components are identified in the map unit descriptions along with some characteristics of each. A few areas of minor components may not have been observed, and consequently they are not mentioned in the descriptions, especially where the pattern was so complex that it was impractical to make enough observations to identify all the soils and miscellaneous areas on the landscape.

The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The objective of mapping is not to delineate pure taxonomic classes but rather to separate the landscape into landforms or

landform segments that have similar use and management requirements. The delineation of such segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, however, onsite investigation is needed to define and locate the soils and miscellaneous areas.

An identifying symbol precedes the map unit name in the map unit descriptions. Each description includes general facts about the unit and gives important soil properties and qualities.

Soils that have profiles that are almost alike make up a *soil series*. Except for differences in texture of the surface layer, all the soils of a series have major horizons that are similar in composition, thickness, and arrangement.

Soils of one series can differ in texture of the surface layer, slope, stoniness, salinity, degree of erosion, and other characteristics that affect their use. On the basis of such differences, a soil series is divided into *soil phases*. Most of the areas shown on the detailed soil maps are phases of soil series. The name of a soil phase commonly indicates a feature that affects use or management. For example, Alpha silt loam, 0 to 2 percent slopes, is a phase of the Alpha series.

Some map units are made up of two or more major soils or miscellaneous areas. These map units are complexes, associations, or undifferentiated groups.

A *complex* consists of two or more soils or miscellaneous areas in such an intricate pattern or in such small areas that they cannot be shown separately on the maps. The pattern and proportion of the soils or miscellaneous areas are somewhat similar in all areas. Alpha-Beta complex, 0 to 6 percent slopes, is an example.

An *association* is made up of two or more geographically associated soils or miscellaneous areas that are shown as one unit on the maps. Because of present or anticipated uses of the map units in the survey area, it was not considered practical or necessary to map the soils or miscellaneous areas separately. The pattern and relative proportion of the soils or miscellaneous areas are somewhat similar. Alpha-Beta association, 0 to 2 percent slopes, is an example.

An *undifferentiated group* is made up of two or more soils or miscellaneous areas that could be mapped individually but are mapped as one unit because similar interpretations can be made for use and management. The pattern and proportion of the soils or miscellaneous areas in a mapped area are not uniform. An area can be made up of only one of the major soils or miscellaneous areas, or it can be made up of all of them. Alpha and Beta soils, 0 to 2 percent slopes, is an example.

Some surveys include *miscellaneous areas*. Such areas have little or no soil material and support little or no vegetation. Rock outcrop is an example.

## Wagoner County, Oklahoma

### DnB—Dennis silt loam, 1 to 3 percent slopes

#### Map Unit Setting

*National map unit symbol:* 2tgssq

*Elevation:* 460 to 1,260 feet

*Mean annual precipitation:* 37 to 45 inches

*Mean annual air temperature:* 55 to 61 degrees F

*Frost-free period:* 150 to 255 days

*Farmland classification:* All areas are prime farmland

#### Map Unit Composition

*Dennis and similar soils:* 82 percent

*Minor components:* 18 percent

*Estimates are based on observations, descriptions, and transects of the mapunit.*

#### Description of Dennis

##### Setting

*Landform:* Interfluves

*Landform position (two-dimensional):* Summit, footslope

*Landform position (three-dimensional):* Interfluvial, base slope

*Down-slope shape:* Convex

*Across-slope shape:* Convex

*Parent material:* Silty and clayey residuum weathered from shale

##### Typical profile

*A - 0 to 11 inches:* silt loam

*BA - 11 to 17 inches:* silty clay loam

*Bt1 - 17 to 22 inches:* silty clay

*Bt2 - 22 to 68 inches:* silty clay

*C - 68 to 79 inches:* silty clay loam

##### Properties and qualities

*Slope:* 1 to 3 percent

*Depth to restrictive feature:* More than 80 inches

*Drainage class:* Somewhat poorly drained

*Capacity of the most limiting layer to transmit water (Ksat):* Moderately low to moderately high (0.06 to 0.20 in/hr)

*Depth to water table:* About 12 to 24 inches

*Frequency of flooding:* None

*Frequency of ponding:* None

*Maximum salinity:* Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)

*Available water supply, 0 to 60 inches:* Moderate (about 8.5 inches)

##### Interpretive groups

*Land capability classification (irrigated):* None specified

*Land capability classification (nonirrigated):* 2e

*Hydrologic Soil Group:* C/D

*Ecological site:* R112XY103KS - Loamy Upland

*Hydric soil rating:* No

## Minor Components

### Parsons

*Percent of map unit:* 5 percent  
*Landform:* Divides  
*Landform position (two-dimensional):* Summit  
*Landform position (three-dimensional):* Interfluve  
*Down-slope shape:* Concave  
*Across-slope shape:* Concave  
*Ecological site:* R112XY101KS - Claypan Upland  
*Hydric soil rating:* No

### Bates

*Percent of map unit:* 5 percent  
*Landform:* Interfluves  
*Landform position (two-dimensional):* Summit, shoulder  
*Landform position (three-dimensional):* Interfluve  
*Down-slope shape:* Convex  
*Across-slope shape:* Convex  
*Ecological site:* R112XY103KS - Loamy Upland  
*Hydric soil rating:* No

### Eram

*Percent of map unit:* 5 percent  
*Landform:* Interfluves  
*Landform position (two-dimensional):* Foothslope  
*Landform position (three-dimensional):* Base slope  
*Down-slope shape:* Convex  
*Across-slope shape:* Convex  
*Ecological site:* R112XY102KS - Clayey Upland  
*Hydric soil rating:* No

### Kenoma

*Percent of map unit:* 2 percent  
*Landform:* Interfluves  
*Landform position (two-dimensional):* Summit  
*Landform position (three-dimensional):* Interfluve  
*Down-slope shape:* Convex  
*Across-slope shape:* Convex  
*Ecological site:* R112XY102KS - Clayey Upland  
*Hydric soil rating:* No

### Pharaoh

*Percent of map unit:* 1 percent  
*Landform:* Paleoterraces  
*Landform position (three-dimensional):* Tread  
*Down-slope shape:* Concave  
*Across-slope shape:* Linear  
*Ecological site:* R112XY102KS - Clayey Upland  
*Hydric soil rating:* No

## DxE—Dennis-Radley complex, 0 to 15 percent slopes

### Map Unit Setting

*National map unit symbol:* 2wqf9  
*Elevation:* 480 to 790 feet  
*Mean annual precipitation:* 41 to 45 inches  
*Mean annual air temperature:* 59 to 63 degrees F  
*Frost-free period:* 190 to 220 days  
*Farmland classification:* Not prime farmland

### Map Unit Composition

*Dennis and similar soils:* 50 percent  
*Radley and similar soils:* 30 percent  
*Minor components:* 20 percent  
*Estimates are based on observations, descriptions, and transects of the mapunit.*

### Description of Dennis

#### Setting

*Landform:* Hillslopes  
*Landform position (two-dimensional):* Shoulder, backslope  
*Landform position (three-dimensional):* Side slope  
*Down-slope shape:* Convex  
*Across-slope shape:* Convex  
*Parent material:* Silty and clayey residuum weathered from shale

#### Typical profile

*A - 0 to 11 inches:* silt loam  
*BA - 11 to 17 inches:* silty clay loam  
*Bt1 - 17 to 22 inches:* silty clay  
*Bt2 - 22 to 68 inches:* silty clay  
*C - 68 to 79 inches:* silty clay loam

#### Properties and qualities

*Slope:* 3 to 15 percent  
*Depth to restrictive feature:* More than 80 inches  
*Drainage class:* Somewhat poorly drained  
*Capacity of the most limiting layer to transmit water (Ksat):* Moderately low to moderately high (0.06 to 0.20 in/hr)  
*Depth to water table:* About 12 to 24 inches  
*Frequency of flooding:* None  
*Frequency of ponding:* None  
*Maximum salinity:* Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)  
*Available water supply, 0 to 60 inches:* High (about 10.6 inches)

#### Interpretive groups

*Land capability classification (irrigated):* None specified  
*Land capability classification (nonirrigated):* 4e  
*Hydrologic Soil Group:* C/D  
*Ecological site:* R112XY103KS - Loamy Upland

*Hydric soil rating:* No

### Description of Radley

#### Setting

*Landform:* Drainageways  
*Landform position (three-dimensional):* Tread  
*Down-slope shape:* Linear  
*Across-slope shape:* Linear  
*Parent material:* Silty alluvium

#### Typical profile

*Ap - 0 to 16 inches:* silt loam  
*Bw - 16 to 41 inches:* silty clay loam  
*C - 41 to 79 inches:* silty clay loam

#### Properties and qualities

*Slope:* 0 to 1 percent  
*Depth to restrictive feature:* More than 80 inches  
*Drainage class:* Moderately well drained  
*Capacity of the most limiting layer to transmit water (Ksat):* Moderately high to high (0.20 to 1.98 in/hr)  
*Depth to water table:* More than 80 inches  
*Frequency of flooding:* Frequent  
*Frequency of ponding:* None  
*Maximum salinity:* Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)  
*Available water supply, 0 to 60 inches:* High (about 12.0 inches)

#### Interpretive groups

*Land capability classification (irrigated):* None specified  
*Land capability classification (nonirrigated):* 5w  
*Hydrologic Soil Group:* B  
*Ecological site:* R112XY120MO - Loamy Upland Drainageway  
*Hydric soil rating:* No

### Minor Components

#### Taloka

*Percent of map unit:* 10 percent  
*Landform:* Paleoterraces  
*Landform position (three-dimensional):* Tread  
*Down-slope shape:* Convex  
*Across-slope shape:* Linear  
*Ecological site:* R112XY101KS - Claypan Upland  
*Hydric soil rating:* No

#### Coweta

*Percent of map unit:* 5 percent  
*Landform:* Hillslopes  
*Landform position (two-dimensional):* Backslope  
*Landform position (three-dimensional):* Side slope  
*Down-slope shape:* Convex  
*Across-slope shape:* Convex  
*Ecological site:* R112XY105OK - Shallow Sandstone Upland  
*Hydric soil rating:* No

#### Parsons

*Percent of map unit:* 3 percent

*Landform:* Divides

*Landform position (two-dimensional):* Summit

*Landform position (three-dimensional):* Interfluve

*Down-slope shape:* Concave

*Across-slope shape:* Concave

*Ecological site:* R112XY101KS - Claypan Upland

*Hydric soil rating:* No

#### **Okemah**

*Percent of map unit:* 2 percent

*Landform:* Paleoterraces

*Landform position (three-dimensional):* Tread

*Down-slope shape:* Convex

*Across-slope shape:* Linear

*Ecological site:* R112XY103KS - Loamy Upland

*Hydric soil rating:* No

### **TaB—Taloka silt loam, 1 to 3 percent slopes**

#### **Map Unit Setting**

*National map unit symbol:* 2thf4

*Elevation:* 500 to 1,200 feet

*Mean annual precipitation:* 37 to 45 inches

*Mean annual air temperature:* 54 to 63 degrees F

*Frost-free period:* 185 to 255 days

*Farmland classification:* All areas are prime farmland

#### **Map Unit Composition**

*Taloka and similar soils:* 94 percent

*Minor components:* 6 percent

*Estimates are based on observations, descriptions, and transects of the mapunit.*

#### **Description of Taloka**

##### **Setting**

*Landform:* Paleoterraces

*Landform position (three-dimensional):* Tread

*Down-slope shape:* Convex

*Across-slope shape:* Linear

*Parent material:* Loamy and clayey alluvium and/or loamy and clayey colluvium over residuum weathered from sandstone and shale

##### **Typical profile**

*Ap - 0 to 8 inches:* silt loam

*E - 8 to 20 inches:* silt loam

*2Btg1 - 20 to 24 inches:* silty clay

*2Btg2 - 24 to 39 inches:* silty clay

*2BC - 39 to 59 inches:* silty clay loam

*2C - 59 to 79 inches:* silty clay loam

**Properties and qualities**

*Slope:* 1 to 3 percent

*Depth to restrictive feature:* 9 to 24 inches to abrupt textural change

*Drainage class:* Somewhat poorly drained

*Capacity of the most limiting layer to transmit water (Ksat):* Very low to moderately low (0.00 to 0.06 in/hr)

*Depth to water table:* About 6 to 18 inches

*Frequency of flooding:* None

*Frequency of ponding:* None

*Gypsum, maximum content:* 6 percent

*Maximum salinity:* Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)

*Available water supply, 0 to 60 inches:* Low (about 4.2 inches)

**Interpretive groups**

*Land capability classification (irrigated):* None specified

*Land capability classification (nonirrigated):* 3s

*Hydrologic Soil Group:* D

*Ecological site:* R112XY101KS - Claypan Upland

*Hydric soil rating:* No

**Minor Components**

**Dennis**

*Percent of map unit:* 6 percent

*Landform:* Interfluves

*Landform position (two-dimensional):* Footslope

*Landform position (three-dimensional):* Base slope

*Down-slope shape:* Convex

*Across-slope shape:* Convex

*Ecological site:* R112XY103KS - Loamy Upland

*Hydric soil rating:* No

# **Soil Information for All Uses**

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## **Suitabilities and Limitations for Use**

The Suitabilities and Limitations for Use section includes various soil interpretations displayed as thematic maps with a summary table for the soil map units in the selected area of interest. A single value or rating for each map unit is generated by aggregating the interpretive ratings of individual map unit components. This aggregation process is defined for each interpretation.

## **Land Classifications**

Land Classifications are specified land use and management groupings that are assigned to soil areas because combinations of soil have similar behavior for specified practices. Most are based on soil properties and other factors that directly influence the specific use of the soil. Example classifications include ecological site classification, farmland classification, irrigated and nonirrigated land capability classification, and hydric rating.

## **Hydric Rating by Map Unit**

This rating indicates the percentage of map units that meets the criteria for hydric soils. Map units are composed of one or more map unit components or soil types, each of which is rated as hydric soil or not hydric. Map units that are made up dominantly of hydric soils may have small areas of minor nonhydric components in the higher positions on the landform, and map units that are made up dominantly of nonhydric soils may have small areas of minor hydric components in the lower positions on the landform. Each map unit is rated based on its respective components and the percentage of each component within the map unit.

The thematic map is color coded based on the composition of hydric components. The five color classes are separated as 100 percent hydric components, 66 to 99 percent hydric components, 33 to 65 percent hydric components, 1 to 32 percent hydric components, and less than one percent hydric components.

In Web Soil Survey, the Summary by Map Unit table that is displayed below the map pane contains a column named 'Rating'. In this column the percentage of each map unit that is classified as hydric is displayed.

Hydric soils are defined by the National Technical Committee for Hydric Soils (NTCHS) as soils that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part (Federal Register, 1994). Under natural conditions, these soils are either saturated or inundated long enough during the growing season to support the growth and reproduction of hydrophytic vegetation.

The NTCHS definition identifies general soil properties that are associated with wetness. In order to determine whether a specific soil is a hydric soil or nonhydric soil, however, more specific information, such as information about the depth and duration of the water table, is needed. Thus, criteria that identify those estimated soil properties unique to hydric soils have been established (Federal Register, 2002). These criteria are used to identify map unit components that normally are associated with wetlands. The criteria used are selected estimated soil properties that are described in "Soil Taxonomy" (Soil Survey Staff, 1999) and "Keys to Soil Taxonomy" (Soil Survey Staff, 2006) and in the "Soil Survey Manual" (Soil Survey Division Staff, 1993).

If soils are wet enough for a long enough period of time to be considered hydric, they should exhibit certain properties that can be easily observed in the field. These visible properties are indicators of hydric soils. The indicators used to make onsite determinations of hydric soils are specified in "Field Indicators of Hydric Soils in the United States" (Hurt and Vasilas, 2006).

References:

Federal Register. July 13, 1994. Changes in hydric soils of the United States.

Federal Register. September 18, 2002. Hydric soils of the United States.

Hurt, G.W., and L.M. Vasilas, editors. Version 6.0, 2006. Field indicators of hydric soils in the United States.

Soil Survey Division Staff. 1993. Soil survey manual. Soil Conservation Service. U.S. Department of Agriculture Handbook 18.

Soil Survey Staff. 1999. Soil taxonomy: A basic system of soil classification for making and interpreting soil surveys. 2nd edition. Natural Resources Conservation Service. U.S. Department of Agriculture Handbook 436.

Soil Survey Staff. 2006. Keys to soil taxonomy. 10th edition. U.S. Department of Agriculture, Natural Resources Conservation Service.

Custom Soil Resource Report  
Map—Hydric Rating by Map Unit



## MAP LEGEND

## Area of Interest (AOI)

 Area of Interest (AOI)

## Soils

## Soil Rating Polygons

-  Hydric (100%)
-  Hydric (66 to 99%)
-  Hydric (33 to 65%)
-  Hydric (1 to 32%)
-  Not Hydric (0%)
-  Not rated or not available

## Soil Rating Lines

-  Hydric (100%)
-  Hydric (66 to 99%)
-  Hydric (33 to 65%)
-  Hydric (1 to 32%)
-  Not Hydric (0%)
-  Not rated or not available

## Soil Rating Points

-  Hydric (100%)
-  Hydric (66 to 99%)
-  Hydric (33 to 65%)
-  Hydric (1 to 32%)
-  Not Hydric (0%)
-  Not rated or not available

## Water Features

 Streams and Canals

## Transportation

-  Rails
-  Interstate Highways
-  US Routes
-  Major Roads
-  Local Roads

## Background

-  Aerial Photography

## MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service  
 Web Soil Survey URL:  
 Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Wagoner County, Oklahoma  
 Survey Area Data: Version 20, Sep 11, 2024

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: May 11, 2022—May 14, 2022

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

**Table—Hydric Rating by Map Unit**

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
DnB	Dennis silt loam, 1 to 3 percent slopes	0	3.0	32.6%
DxE	Dennis-Radley complex, 0 to 15 percent slopes	0	4.0	43.9%
TaB	Taloka silt loam, 1 to 3 percent slopes	0	2.2	23.5%
<b>Totals for Area of Interest</b>			<b>9.2</b>	<b>100.0%</b>

**Rating Options—Hydric Rating by Map Unit***Aggregation Method: Percent Present**Component Percent Cutoff: None Specified**Tie-break Rule: Lower*

# National Flood Hazard Layer FIRMette



95°44'22"W 36°1'49"N



## Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

### SPECIAL FLOOD HAZARD AREAS

- Without Base Flood Elevation (BFE) Zone A, V, A99
- With BFE or Depth Zone AE, AO, AH, VE, AR
- Regulatory Floodway

0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X

Future Conditions 1% Annual Chance Flood Hazard Zone X

Area with Reduced Flood Risk due to Levee. See Notes. Zone X

Area with Flood Risk due to Levee Zone D

NO SCREEN Area of Minimal Flood Hazard Zone X

Effective LOMRs

Area of Undetermined Flood Hazard Zone D

GENERAL STRUCTURES

- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

20.2 Cross Sections with 1% Annual Chance  
17.5 Water Surface Elevation

8 Coastal Transect

513 Base Flood Elevation Line (BFE)

Limit of Study

Jurisdiction Boundary

Coastal Transect Baseline

Profile Baseline

Hydrographic Feature

### OTHER FEATURES

Digital Data Available

No Digital Data Available

Unmapped



The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 5/22/2025 at 11:03 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

**Figure 5**  
**Delineated Features Map**

**Aquatic Resources Delineation  
 D&B Processing  
 4600 E Gary St  
 Broken Arrow, OK 74014**

**Legend**

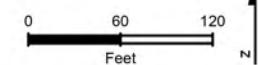
- Project Boundary
- 3-ft Contour
- Approximate Active Construction Area
- Potential Sewage Release Footprint

**Delineated Features**

- Waterway - Ephemeral Stream
- Waterway - Intermittent Stream
- Wetland - Emergent
- Wetland - Forested
- Pond
- Retention Pond
- Low Wet Area

**Data Points**

- Upland
- Wetland



Feature symbols are not shown to scale

**Figure 6**  
**Watershed Map**

Aquatic Resources Delineation  
D&B Processing  
4600 E Gary St  
Broken Arrow, OK 74014

**Legend**

- Project Boundary
- 8-Digit HUC
- 12-Digit HUC

0 2,000 4,000  
Feet

Feature symbols are not shown to scale

**APPENDIX B**

**FIELD DATA FORMS**

**U.S. Army Corps of Engineers**  
**WETLAND DETERMINATION DATA SHEET – Midwest Region**  
See ERDC/EL TR-10-16; the proponent agency is CECW-CO-R

**OMB Control #: 0710-0024, Exp: 9/30/2027**  
**Requirement Control Symbol EXEMPT:**  
**(Authority: AR 335-15, paragraph 5-2a)**

Project/Site: Laydown Yard      City/County: Broken Arrow, Wagoner County      Sampling Date: 5/14/25  
Applicant/Owner: D&B Processing      State: OK      Sampling Point: DP01  
Investigator(s): Gianna Spear      Section, Township, Range: Section 20 Township 18 N Range 15 E  
Landform (hillside, terrace, etc.): retention pond      Local relief (concave, convex, none): concave  
Slope (%): 0-1 Lat: 36.025560      Long: -95.733575      Datum: WGS 1984  
Soil Map Unit Name: Taloka silt loam, 1 to 3 percent slopes      NWI classification: None  
Are climatic / hydrologic conditions on the site typical for this time of year? Yes  No  (If no, explain in Remarks.)  
Are Vegetation , Soil , or Hydrology  significantly disturbed? Are "Normal Circumstances" present? Yes  No   
Are Vegetation , Soil , or Hydrology  naturally problematic? (If needed, explain any answers in Remarks.)

**SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.**

Hydrophytic Vegetation Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Hydric Soil Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Wetland Hydrology Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<b>Is the Sampled Area within a Wetland?</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Remarks:</b> According to the USACE APT, survey occurred during the wet season and conditions are wetter than normal. Since DP001 is within a retention pond, the soil and hydrology have been artificially impacted.	

**VEGETATION – Use scientific names of plants.**

<u>Tree Stratum</u> (Plot size: 30 )      Absolute % Cover      Dominant Species?      Indicator Status 1. _____ 2. _____ 3. _____ 4. _____ 5. _____  =Total Cover	<p><b>Dominance Test worksheet:</b>  Number of Dominant Species That Are OBL, FACW, or FAC: 1 (A)  Total Number of Dominant Species Across All Strata: 1 (B)  Percent of Dominant Species That Are OBL, FACW, or FAC: 100.0% (A/B)</p> <p><b>Prevalence Index worksheet:</b>  Total % Cover of:      Multiply by:  OBL species 80      x 1 = 80  FACW species 0      x 2 = 0  FAC species 0      x 3 = 0  FACU species 10      x 4 = 40  UPL species 0      x 5 = 0  Column Totals: 90 (A)      120 (B)  Prevalence Index = B/A = 1.33</p> <p><b>Hydrophytic Vegetation Indicators:</b>  1 - Rapid Test for Hydrophytic Vegetation  X 2 - Dominance Test is &gt;50%  X 3 - Prevalence Index is <math>\leq 3.0^1</math>  4 - Morphological Adaptations<sup>1</sup> (Provide supporting data in Remarks or on a separate sheet)  Problematic Hydrophytic Vegetation<sup>1</sup> (Explain)</p> <p><sup>1</sup>Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.</p>
<u>Sapling/Shrub Stratum</u> (Plot size: 15 ) 1. _____ 2. _____ 3. _____ 4. _____ 5. _____  =Total Cover	
<u>Herb Stratum</u> (Plot size: 5 ) 1. <i>Scirpus pendulus</i> 80      Yes      OBL 2. <i>Andropogon virginicus</i> 10      No      FACU 3. _____ 4. _____ 5. _____ 6. _____ 7. _____ 8. _____ 9. _____ 10. _____  =Total Cover	
<u>Woody Vine Stratum</u> (Plot size: 30 ) 1. _____ 2. _____  =Total Cover	<p><b>Hydrophytic Vegetation Present?</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>

Remarks: (Include photo numbers here or on a separate sheet.)

## SOIL

Sampling Point: DP01

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix		Redox Features					Remarks
	Color (moist)	%	Color (moist)	%	Type <sup>1</sup>	Loc <sup>2</sup>	Texture	
0-4	10YR 2/2	100					Loamy/Clayey	
4-6	10YR 2/2	90	10YR 5/4	10	C	M	Loamy/Clayey	Distinct redox concentrations
6-14	10YR 2/2	80	10YR 5/4	20	C	M	Loamy/Clayey	Distinct redox concentrations

<sup>1</sup>Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains.<sup>2</sup>Location: PL=Pore Lining, M=Matrix.

## Hydric Soil Indicators:

- Histosol (A1)
- Histic Epipedon (A2)
- Black Histic (A3)
- Hydrogen Sulfide (A4)
- Stratified Layers (A5)
- 2 cm Muck (A10)
- Depleted Below Dark Surface (A11)
- Thick Dark Surface (A12)
- Iron Monosulfide (A18)
- Sandy Mucky Mineral (S1)
- 5 cm Mucky Peat or Peat (S3)
- Sandy Gleyed Matrix (S4)
- Sandy Redox (S5)
- Stripped Matrix (S6)
- Dark Surface (S7)
- Loamy Mucky Mineral (F1)
- Loamy Gleyed Matrix (F2)
- Depleted Matrix (F3)
- Redox Dark Surface (F6)
- Depleted Dark Surface (F7)
- Redox Depressions (F8)

Indicators for Problematic Hydric Soils<sup>3</sup>:

- Iron-Manganese Masses (F12)
- Red Parent Material (F21)
- Very Shallow Dark Surface (F22)
- Other (Explain in Remarks)

<sup>3</sup>Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

## Restrictive Layer (if observed):

Type: \_\_\_\_\_  
Depth (inches): \_\_\_\_\_

Hydric Soil Present? Yes  No \_\_\_\_\_

Remarks:

DP001 meets hydric soil indicator F8 due to being situated in a depression

## HYDROLOGY

## Wetland Hydrology Indicators:

Primary Indicators (minimum of one is required; check all that apply)

- Surface Water (A1)
- High Water Table (A2)
- Saturation (A3)
- Water Marks (B1)
- Sediment Deposits (B2)
- Drift Deposits (B3)
- Algal Mat or Crust (B4)
- Iron Deposits (B5)
- Inundation Visible on Aerial Imagery (B7)
- Sparsely Vegetated Concave Surface (B8)
- Water-Stained Leaves (B9)
- Aquatic Fauna (B13)
- True Aquatic Plants (B14)
- Hydrogen Sulfide Odor (C1)
- Oxidized Rhizospheres on Living Roots (C3)
- Presence of Reduced Iron (C4)
- Recent Iron Reduction in Tilled Soils (C6)
- Thin Muck Surface (C7)
- Gauge or Well Data (D9)
- Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

- Surface Soil Cracks (B6)
- Drainage Patterns (B10)
- Dry-Season Water Table (C2)
- Crayfish Burrows (C8)
- Saturation Visible on Aerial Imagery (C9)
- Stunted or Stressed Plants (D1)
- Geomorphic Position (D2)
- FAC-Neutral Test (D5)

## Field Observations:

Surface Water Present? Yes \_\_\_\_\_ No \_\_\_\_\_ Depth (inches): \_\_\_\_\_  
 Water Table Present? Yes \_\_\_\_\_ No \_\_\_\_\_ Depth (inches): \_\_\_\_\_  
 Saturation Present? Yes \_\_\_\_\_ No \_\_\_\_\_ Depth (inches): \_\_\_\_\_  
 (includes capillary fringe)

Wetland Hydrology Present? Yes  No \_\_\_\_\_

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

**U.S. Army Corps of Engineers**

**WETLAND DETERMINATION DATA SHEET – Midwest Region**

See ERDC/EL TR-10-16; the proponent agency is CECW-CO-R

**OMB Control #: 0710-0024, Exp: 9/30/2027**

**Requirement Control Symbol EXEMPT:**

**(Authority: AR 335-15, paragraph 5-2a)**

Project/Site: Laydown Yard City/County: Broken Arrow, Wagoner County Sampling Date: 5/14/25

Applicant/Owner: D&B Processing State: OK Sampling Point: DP02

Investigator(s): Gianna Spear Section, Township, Range: Section 20 Township 18 N Range 15 E

Landform (hillside, terrace, etc.): hillslope Local relief (concave, convex, none): convex

Slope (%): 0-1 Lat: 36.025645 Long: -95.733752 Datum: WGS 1984

Soil Map Unit Name: Taloka silt loam, 1 to 3 percent slopes NWI classification: None

Are climatic / hydrologic conditions on the site typical for this time of year? Yes  No  (If no, explain in Remarks.)

Are Vegetation  , Soil  , or Hydrology  significantly disturbed? Are "Normal Circumstances" present? Yes  No

Are Vegetation  , Soil  , or Hydrology  naturally problematic? (If needed, explain any answers in Remarks.)

**SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.**

Hydrophytic Vegetation Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Is the Sampled Area within a Wetland? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Hydric Soil Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Wetland Hydrology Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	

Remarks:

According to the USACE APT, survey occurred during the wet season and conditions are wetter than normal. DP02 is within a retention pond berm, the soil and hydrology have been artificially impacted.

**VEGETATION – Use scientific names of plants.**

Tree Stratum (Plot size: 30 )	Absolute % Cover	Dominant Species?	Indicator Status	Dominance Test worksheet:	
1. _____	_____	_____	_____	Number of Dominant Species That Are OBL, FACW, or FAC: 0 (A)	
2. _____	_____	_____	_____	Total Number of Dominant Species Across All Strata: 2 (B)	
3. _____	_____	_____	_____	Percent of Dominant Species That Are OBL, FACW, or FAC: 0.0% (A/B)	
4. _____	_____	_____	_____		
5. _____	_____	_____	_____		
=Total Cover					
Sapling/Shrub Stratum (Plot size: 15 )	_____	_____	_____	Prevalence Index worksheet:	
1. _____	_____	_____	_____	Total % Cover of: OBL species 0	Multiply by: x 1 = 0
2. _____	_____	_____	_____	FACW species 10	x 2 = 20
3. _____	_____	_____	_____	FAC species 15	x 3 = 45
4. _____	_____	_____	_____	FACU species 145	x 4 = 580
5. _____	_____	_____	_____	UPL species 0	x 5 = 0
=Total Cover				Column Totals: 170 (A)	645 (B)
Herb Stratum (Plot size: 5 )	_____	_____	_____	Prevalence Index = B/A = 3.79	
1. <i>Bromus arvensis</i> 30	30	No	FACU		
2. <i>Apocynum cannabinum</i> 15	15	No	FAC		
3. <i>Sorghum halepense</i> 40	40	Yes	FACU		
4. <i>Rubus allegheniensis</i> 10	10	No	FACU		
5. <i>Galium aparine</i> 50	50	Yes	FACU		
6. <i>Solidago altissima</i> 15	15	No	FACU		
7. <i>Teucrium canadense</i> 10	10	No	FACW		
8. _____	_____	_____	_____		
9. _____	_____	_____	_____		
10. _____	_____	_____	_____		
=Total Cover				Hydrophytic Vegetation Indicators:	
1. _____	1 - Rapid Test for Hydrophytic Vegetation				
2. _____	2 - Dominance Test is >50%				
3. _____	3 - Prevalence Index is $\leq 3.0^1$				
4. _____	4 - Morphological Adaptations <sup>1</sup> (Provide supporting data in Remarks or on a separate sheet)				
Problems with Hydrophytic Vegetation <sup>1</sup> (Explain)					
<sup>1</sup> Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.					
Woody Vine Stratum (Plot size: 30 )	_____	_____	_____	Hydrophytic Vegetation Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
1. _____	_____	_____	_____		
2. _____	_____	_____	_____		
=Total Cover					

Remarks: (Include photo numbers here or on a separate sheet.)



## U.S. Army Corps of Engineers

## WETLAND DETERMINATION DATA SHEET – Midwest Region

See ERDC/EL TR-10-16; the proponent agency is CECW-CO-R

OMB Control #: 0710-0024, Exp: 9/30/2027

Requirement Control Symbol EXEMPT:

(Authority: AR 335-15, paragraph 5-2a)

Project/Site: Laydown Yard City/County: Broken Arrow, Wagoner County Sampling Date: 5/16/25

Applicant/Owner: D&amp;B Processing State: OK Sampling Point: DP03

Investigator(s): Gianna Spear Section, Township, Range: Section 20 Township 18 N Range 15 E

Landform (hillside, terrace, etc.): floodplain Local relief (concave, convex, none): concave

Slope (%): 0-1 Lat: 36.025747 Long: -95.734110 Datum: WGS 1984

Soil Map Unit Name: Dennis-Radley complex, 0 to 15 percent slopes NWI classification: None

Are climatic / hydrologic conditions on the site typical for this time of year? Yes  No  (If no, explain in Remarks.)Are Vegetation , Soil , or Hydrology  significantly disturbed? Are "Normal Circumstances" present? Yes  No Are Vegetation , Soil , or Hydrology  naturally problematic? (If needed, explain any answers in Remarks.)**SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.**

Hydrophytic Vegetation Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Hydric Soil Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Wetland Hydrology Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Is the Sampled Area within a Wetland? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Remarks: According to the USACE APT, survey occurred during the wet season and conditions are wetter than normal.			

**VEGETATION – Use scientific names of plants.**

Tree Stratum (Plot size: 30 )	Absolute % Cover	Dominant Species?	Indicator Status	Dominance Test worksheet:	
1. _____	_____	_____	_____	Number of Dominant Species That Are OBL, FACW, or FAC: 2 (A)	
2. _____	_____	_____	_____	Total Number of Dominant Species Across All Strata: 2 (B)	
3. _____	_____	_____	_____	Percent of Dominant Species That Are OBL, FACW, or FAC: 100.0% (A/B)	
4. _____	_____	_____	_____		
5. _____	_____	_____	_____		
=Total Cover					
Sapling/Shrub Stratum (Plot size: 15 )					Prevalence Index worksheet:
1. _____	_____	_____	_____	Total % Cover of: OBL species 5	Multiply by: x 1 = 5
2. _____	_____	_____	_____	FACW species 110	x 2 = 220
3. _____	_____	_____	_____	FAC species 10	x 3 = 30
4. _____	_____	_____	_____	FACU species 20	x 4 = 80
5. _____	_____	_____	_____	UPL species 0	x 5 = 0
=Total Cover				Column Totals: 145 (A)	335 (B)
Herb Stratum (Plot size: 5 )					Prevalence Index = B/A = 2.31
1. <i>Carex vulpinoidea</i> 80 Yes FACW	2. <i>Scirpus pendulus</i> 5 No OBL	3. <i>Lonicera japonica</i> 15 No FACU	4. <i>Rubus allegheniensis</i> 5 No FACU	5. <i>Bidens aristosa</i> 30 Yes FACW	6. <i>Toxicodendron radicans</i> 10 No FAC
7. _____	_____	_____	_____	8. _____	_____
9. _____	_____	_____	_____	10. _____	_____
=Total Cover				Hydrophytic Vegetation Indicators:	
11. <i>Woody Vine Stratum</i> (Plot size: 30 )					1 - Rapid Test for Hydrophytic Vegetation
12. _____	_____	_____	_____	13. _____	2 - Dominance Test is >50%
14. _____	_____	_____	_____	15. _____	3 - Prevalence Index is $\leq 3.0^1$
16. _____	_____	_____	_____	17. _____	4 - Morphological Adaptations <sup>1</sup> (Provide supporting data in Remarks or on a separate sheet)
18. _____	_____	_____	_____	19. _____	Problems with Hydrophytic Vegetation <sup>1</sup> (Explain)
=Total Cover				1 <sup>1</sup> Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.	
				Hydrophytic Vegetation Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Remarks: (Include photo numbers here or on a separate sheet.)					





## SOIL

Sampling Point: DP04

## Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix		Redox Features					Remarks
	Color (moist)	%	Color (moist)	%	Type <sup>1</sup>	Loc <sup>2</sup>	Texture	
0-4	10YR 2/1	100					Loamy/Clayey	
4-14	10YR 2/1	95	10YR 3/3	5	C	M	Loamy/Clayey	Distinct redox concentrations

<sup>1</sup>Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains.<sup>2</sup>Location: PL=Pore Lining, M=Matrix.

## Hydric Soil Indicators:

- Histosol (A1)
- Histic Epipedon (A2)
- Black Histic (A3)
- Hydrogen Sulfide (A4)
- Stratified Layers (A5)
- 2 cm Muck (A10)
- Depleted Below Dark Surface (A11)
- Thick Dark Surface (A12)
- Iron Monosulfide (A18)
- Sandy Mucky Mineral (S1)
- 5 cm Mucky Peat or Peat (S3)
- Sandy Gleyed Matrix (S4)
- Sandy Redox (S5)
- Stripped Matrix (S6)
- Dark Surface (S7)
- Loamy Mucky Mineral (F1)
- Loamy Gleyed Matrix (F2)
- Depleted Matrix (F3)
- Redox Dark Surface (F6)
- Depleted Dark Surface (F7)
- Redox Depressions (F8)

Indicators for Problematic Hydric Soils<sup>3</sup>:

- Iron-Manganese Masses (F12)
- Red Parent Material (F21)
- Very Shallow Dark Surface (F22)
- Other (Explain in Remarks)

<sup>3</sup>Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

## Restrictive Layer (if observed):

Type: \_\_\_\_\_

Depth (inches): \_\_\_\_\_

Hydric Soil Present?

Yes  No \_\_\_\_\_

Remarks:

## HYDROLOGY

## Wetland Hydrology Indicators:

Primary Indicators (minimum of one is required; check all that apply)

- Surface Water (A1)
- High Water Table (A2)
- Saturation (A3)
- Water Marks (B1)
- Sediment Deposits (B2)
- Drift Deposits (B3)
- Algal Mat or Crust (B4)
- Iron Deposits (B5)
- Inundation Visible on Aerial Imagery (B7)
- Sparsely Vegetated Concave Surface (B8)
- Water-Stained Leaves (B9)
- Aquatic Fauna (B13)
- True Aquatic Plants (B14)
- Hydrogen Sulfide Odor (C1)
- Oxidized Rhizospheres on Living Roots (C3)
- Presence of Reduced Iron (C4)
- Recent Iron Reduction in Tilled Soils (C6)
- Thin Muck Surface (C7)
- Gauge or Well Data (D9)
- Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

- Surface Soil Cracks (B6)
- Drainage Patterns (B10)
- Dry-Season Water Table (C2)
- Crayfish Burrows (C8)
- Saturation Visible on Aerial Imagery (C9)
- Stunted or Stressed Plants (D1)
- Geomorphic Position (D2)
- FAC-Neutral Test (D5)

## Field Observations:

Surface Water Present? Yes  No \_\_\_\_\_ Depth (inches): 1Water Table Present? Yes  No \_\_\_\_\_ Depth (inches): 15Saturation Present? Yes  No \_\_\_\_\_ Depth (inches): 13Wetland Hydrology Present? Yes  No \_\_\_\_\_

(includes capillary fringe)

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

## U.S. Army Corps of Engineers

## WETLAND DETERMINATION DATA SHEET – Midwest Region

See ERDC/EL TR-10-16; the proponent agency is CECW-CO-R

OMB Control #: 0710-0024, Exp: 9/30/2027

Requirement Control Symbol EXEMPT:

(Authority: AR 335-15, paragraph 5-2a)

Project/Site: Laydown Yard City/County: Broken Arrow, Wagoner County Sampling Date: 5/16/25

Applicant/Owner: D&amp;B Processing State: OK Sampling Point: DP05

Investigator(s): Gianna Spear Section, Township, Range: Section 20 Township 18 N Range 15 E

Landform (hillside, terrace, etc.): riparian edge Local relief (concave, convex, none): convex

Slope (%): 1-2 Lat: 36.025948 Long: -95.734228 Datum: WGS 1984

Soil Map Unit Name: Dennis-Radley complex, 0 to 15 percent slopes NWI classification: PFO1A

Are climatic / hydrologic conditions on the site typical for this time of year? Yes  No  (If no, explain in Remarks.)Are Vegetation , Soil , or Hydrology  significantly disturbed? Are "Normal Circumstances" present? Yes  No Are Vegetation , Soil , or Hydrology  naturally problematic? (If needed, explain any answers in Remarks.)**SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.**

Hydrophytic Vegetation Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Is the Sampled Area within a Wetland? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Hydric Soil Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Wetland Hydrology Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Remarks: According to the USACE APT, survey occurred during the wet season and conditions are wetter than normal.	

**VEGETATION – Use scientific names of plants.**

<u>Tree Stratum</u> (Plot size: 30 )	Absolute % Cover	Dominant Species?	Indicator Status	<b>Dominance Test worksheet:</b> Number of Dominant Species That Are OBL, FACW, or FAC: 0 (A)
1. _____	_____	_____	_____	Total Number of Dominant Species Across All Strata: 1 (B)
2. _____	_____	_____	_____	Percent of Dominant Species That Are OBL, FACW, or FAC: 0.0% (A/B)
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
5. _____	_____	_____	_____	
=Total Cover				
<u>Sapling/Shrub Stratum</u> (Plot size: 15 )				<b>Prevalence Index worksheet:</b> Total % Cover of: Multiply by:
1. _____	_____	_____	_____	OBL species 0 x 1 = 0
2. _____	_____	_____	_____	FACW species 0 x 2 = 0
3. _____	_____	_____	_____	FAC species 15 x 3 = 45
4. _____	_____	_____	_____	FACU species 127 x 4 = 508
5. _____	_____	_____	_____	UPL species 0 x 5 = 0
=Total Cover				Column Totals: 142 (A) 553 (B)
				Prevalence Index = B/A = 3.89
<u>Herb Stratum</u> (Plot size: 5 )				<b>Hydrophytic Vegetation Indicators:</b>
1. <i>Symporicarpos orbiculatus</i>	90	Yes	FACU	1 - Rapid Test for Hydrophytic Vegetation
2. <i>Toxicodendron radicans</i>	15	No	FAC	2 - Dominance Test is >50%
3. <i>Ambrosia artemisiifolia</i>	5	No	FACU	3 - Prevalence Index is $\leq 3.0^1$
4. <i>Rubus allegheniensis</i>	20	No	FACU	4 - Morphological Adaptations <sup>1</sup> (Provide supporting data in Remarks or on a separate sheet)
5. <i>Vitis aestivalis</i>	5	No	FACU	Problems Hydrophytic Vegetation <sup>1</sup> (Explain)
6. <i>Rosa setigera</i>	7	No	FACU	
7. _____	_____	_____	_____	
8. _____	_____	_____	_____	
9. _____	_____	_____	_____	
10. _____	_____	_____	_____	
=Total Cover				
<u>Woody Vine Stratum</u> (Plot size: 30 )				
1. _____	_____	_____	_____	
2. _____	_____	_____	_____	
=Total Cover				
<b>Hydrophytic Vegetation Present?</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>				

Remarks: (Include photo numbers here or on a separate sheet.)

## SOIL

Sampling Point: DP05

**Profile Description:** (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

<sup>1</sup>Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains.

<sup>2</sup>Location: PL=Pore Lining, M=Matrix.

## Hydric Soil Indicators:

- Histosol (A1)
- Histic Epipedon (A2)
- Black Histic (A3)
- Hydrogen Sulfide (A4)
- Stratified Layers (A5)
- 2 cm Muck (A10)
- Depleted Below Dark Surface (A11)
- Thick Dark Surface (A12)
- Iron Monosulfide (A18)
- Sandy Mucky Mineral (S1)
- 5 cm Mucky Peat or Peat (S3)
- Sandy Gleyed Matrix (S4)
- Sandy Redox (S5)
- Stripped Matrix (S6)
- Dark Surface (S7)
- Loamy Mucky Mineral (F1)
- Loamy Gleyed Matrix (F2)
- Depleted Matrix (F3)
- Redox Dark Surface (F6)
- Depleted Dark Surface (F7)
- Redox Depressions (F8)

## Indicators for Problematic Hydric Soils<sup>3</sup>:

- Iron-Manganese Masses (F12)
- Red Parent Material (F21)
- Very Shallow Dark Surface (F22)
- Other (Explain in Remarks)

<sup>3</sup>Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

### Restrictive Layer (if observed):

Type: roots  
Depth (inches): 11

Hydric Soil Present? Yes No X

**Remarks:**

## HYDROLOGY

## Wetland Hydrology Indicators:

Primary Indicators (minimum of one is required; check all that apply)

Surface Water (A1)	Water-Stained Leaves (B9)
High Water Table (A2)	Aquatic Fauna (B13)
Saturation (A3)	True Aquatic Plants (B14)
Water Marks (B1)	Hydrogen Sulfide Odor (C1)
Sediment Deposits (B2)	Oxidized Rhizospheres on Living Roots (C3)
Drift Deposits (B3)	Presence of Reduced Iron (C4)
Algal Mat or Crust (B4)	Recent Iron Reduction in Tilled Soils (C6)
Iron Deposits (B5)	Thin Muck Surface (C7)
Inundation Visible on Aerial Imagery (B7)	Gauge or Well Data (D9)
Sparsely Vegetated Concave Surface (B8)	Other (Explain in Remarks)

**Secondary Indicators (minimum of two required)**

- Surface Soil Cracks (B6)
- Drainage Patterns (B10)
- Dry-Season Water Table (C2)
- Crayfish Burrows (C8)
- Saturation Visible on Aerial Imagery (C9)
- Stunted or Stressed Plants (D1)
- Geomorphic Position (D2)
- EAC-Neutral Test (D5)

## Field Observations:

Surface Water Present? Yes \_\_\_\_\_ No \_\_\_\_\_ Depth (inches): \_\_\_\_\_  
Water Table Present? Yes \_\_\_\_\_ No \_\_\_\_\_ Depth (inches): \_\_\_\_\_  
Saturation Present? Yes \_\_\_\_\_ No \_\_\_\_\_ Depth (inches): \_\_\_\_\_

Wetland Hydrology Present? Yes  No  X

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available.

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**Remarks:**

## U.S. Army Corps of Engineers

## WETLAND DETERMINATION DATA SHEET – Midwest Region

See ERDC/EL TR-10-16; the proponent agency is CECW-CO-R

OMB Control #: 0710-0024, Exp: 9/30/2027

Requirement Control Symbol EXEMPT:

(Authority: AR 335-15, paragraph 5-2a)

Project/Site: Laydown Yard City/County: Broken Arrow, Wagoner County Sampling Date: 5/16/25

Applicant/Owner: D&amp;B Processing State: OK Sampling Point: DP06

Investigator(s): Gianna Spear Section, Township, Range: Section 20 Township 18 N Range 15 E

Landform (hillside, terrace, etc.): depression Local relief (concave, convex, none): concave

Slope (%): 1-2 Lat: 36.027007 Long: -95.733802 Datum: WGS 1984

Soil Map Unit Name: Dennis silt loam, 1 to 3 percent slopes NWI classification: PFO1A

Are climatic / hydrologic conditions on the site typical for this time of year? Yes  No  (If no, explain in Remarks.)Are Vegetation , Soil , or Hydrology  significantly disturbed? Are "Normal Circumstances" present? Yes  No Are Vegetation , Soil , or Hydrology  naturally problematic? (If needed, explain any answers in Remarks.)**SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.**

Hydrophytic Vegetation Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Is the Sampled Area within a Wetland? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Hydric Soil Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Wetland Hydrology Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Remarks: According to the USACE APT, survey occurred during the wet season and conditions are wetter than normal. DP06 located on historic earthen crossing over forested wetland.	

**VEGETATION – Use scientific names of plants.**

Tree Stratum (Plot size: 30 )	Absolute % Cover	Dominant Species?	Indicator Status	Dominance Test worksheet:	
1. <i>Salix nigra</i>	10	Yes	OBL	Number of Dominant Species That Are OBL, FACW, or FAC: 5 (A)	
2. <i>Ulmus americana</i>	5	Yes	FACW	Total Number of Dominant Species Across All Strata: 5 (B)	
3.				Percent of Dominant Species That Are OBL, FACW, or FAC: 100.0% (A/B)	
4.					
5.					
	15	=Total Cover			
Sapling/Shrub Stratum (Plot size: 15 )	Absolute % Cover	Dominant Species?	Indicator Status	Prevalence Index worksheet:	
1. <i>Salix nigra</i>	50	Yes	OBL	Total % Cover of: Multiply by:	
2. <i>Platanus occidentalis</i>	5	No	FACW	OBL species	140 x 1 = 140
3.				FACW species	15 x 2 = 30
4.				FAC species	52 x 3 = 156
5.				FACU species	5 x 4 = 20
	55	=Total Cover		UPL species	0 x 5 = 0
Herb Stratum (Plot size: 5 )	Absolute % Cover	Dominant Species?	Indicator Status	Column Totals: 212 (A) 346 (B)	
1. <i>Eleocharis palustris</i>	80	Yes	OBL	Prevalence Index = B/A = 1.63	
2. <i>Eupatorium serotinum</i>	15	No	FAC		
3. <i>Toxicodendron radicans</i>	30	Yes	FAC		
4. <i>Sorghum halepense</i>	5	No	FACU		
5. <i>Penstemon digitalis</i>	7	No	FAC		
6. <i>Platanus occidentalis</i>	5	No	FACW		
7.					
8.					
9.					
10.					
	142	=Total Cover		Hydrophytic Vegetation Indicators:	
Woody Vine Stratum (Plot size: 30 )	Absolute % Cover	Dominant Species?	Indicator Status	1 - Rapid Test for Hydrophytic Vegetation X 2 - Dominance Test is >50% X 3 - Prevalence Index is $\leq 3.0^1$ 4 - Morphological Adaptations <sup>1</sup> (Provide supporting data in Remarks or on a separate sheet) Problematic Hydrophytic Vegetation <sup>1</sup> (Explain)	
1.					
2.					
		=Total Cover			
Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>					

Remarks: (Include photo numbers here or on a separate sheet.)



## U.S. Army Corps of Engineers

## WETLAND DETERMINATION DATA SHEET – Midwest Region

See ERDC/EL TR-10-16; the proponent agency is CECW-CO-R

OMB Control #: 0710-0024, Exp: 9/30/2027

Requirement Control Symbol EXEMPT:

(Authority: AR 335-15, paragraph 5-2a)

Project/Site: Laydown Yard City/County: Broken Arrow, Wagoner County Sampling Date: 5/16/25

Applicant/Owner: D&amp;B Processing State: OK Sampling Point: DP07

Investigator(s): Gianna Spear Section, Township, Range: Section 20 Township 18 N Range 15 E

Landform (hillside, terrace, etc.): hillslope Local relief (concave, convex, none): convex

Slope (%): 3-5 Lat: 36.027023 Long: -95.734076 Datum: WGS 1984

Soil Map Unit Name: Dennis silt loam, 1 to 3 percent slopes NWI classification: None

Are climatic / hydrologic conditions on the site typical for this time of year? Yes  No  (If no, explain in Remarks.)Are Vegetation , Soil , or Hydrology  significantly disturbed? Are "Normal Circumstances" present? Yes  No Are Vegetation , Soil , or Hydrology  naturally problematic? (If needed, explain any answers in Remarks.)**SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.**

Hydrophytic Vegetation Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Is the Sampled Area within a Wetland? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Hydric Soil Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Wetland Hydrology Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Remarks: According to the USACE APT, survey occurred during the wet season and conditions are wetter than normal. DP06 located on historic earthen crossing over forested wetland.	

**VEGETATION – Use scientific names of plants.**

Tree Stratum (Plot size: 30 )	Absolute % Cover	Dominant Species?	Indicator Status	<b>Dominance Test worksheet:</b> Number of Dominant Species That Are OBL, FACW, or FAC: 1 (A)  Total Number of Dominant Species Across All Strata: 5 (B)  Percent of Dominant Species That Are OBL, FACW, or FAC: 20.0% (A/B)	
1. <i>Fraxinus pennsylvanica</i>	20	Yes	FACW		
2. _____	_____	_____	_____		
3. _____	_____	_____	_____		
4. _____	_____	_____	_____		
5. _____	_____	_____	_____		
20 =Total Cover					
Sapling/Shrub Stratum (Plot size: 15 )	Absolute % Cover	Dominant Species?	Indicator Status	<b>Prevalence Index worksheet:</b> Total % Cover of: Multiply by: OBL species 0 x 1 = 0 FACW species 20 x 2 = 40 FAC species 0 x 3 = 0 FACU species 135 x 4 = 540 UPL species 0 x 5 = 0 Column Totals: 155 (A) 580 (B)  Prevalence Index = B/A = 3.74	
1. <i>Ligustrum sinense</i>	20	Yes	FACU		
2. _____	_____	_____	_____		
3. _____	_____	_____	_____		
4. _____	_____	_____	_____		
5. _____	_____	_____	_____		
20 =Total Cover					
Herb Stratum (Plot size: 5 )	Absolute % Cover	Dominant Species?	Indicator Status	<b>Hydrophytic Vegetation Indicators:</b> 1 - Rapid Test for Hydrophytic Vegetation 2 - Dominance Test is >50% 3 - Prevalence Index is $\leq 3.0^1$ 4 - Morphological Adaptations <sup>1</sup> (Provide supporting data in Remarks or on a separate sheet)  Problematic Hydrophytic Vegetation <sup>1</sup> (Explain)	
1. <i>Symporicarpos orbiculatus</i>	30	Yes	FACU		
2. <i>Rubus allegheniensis</i>	40	Yes	FACU		
3. <i>Sorghum halepense</i>	10	No	FACU		
4. <i>Rosa setigera</i>	30	Yes	FACU		
5. <i>Solidago altissima</i>	5	No	FACU		
6. _____	_____	_____	_____		
7. _____	_____	_____	_____		
8. _____	_____	_____	_____		
9. _____	_____	_____	_____		
10. _____	_____	_____	_____		
115 =Total Cover					
Woody Vine Stratum (Plot size: 30 )	Absolute % Cover	Dominant Species?	Indicator Status	<b>Hydrophytic Vegetation Present?</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
1. _____	_____	_____	_____		
2. _____	_____	_____	_____		
=Total Cover					

Remarks: (Include photo numbers here or on a separate sheet.)



**U.S. Army Corps of Engineers**  
**WETLAND DETERMINATION DATA SHEET – Midwest Region**  
See ERDC/EL TR-10-16; the proponent agency is CECW-CO-R

**OMB Control #: 0710-0024, Exp: 9/30/2027**  
**Requirement Control Symbol EXEMPT:**  
**(Authority: AR 335-15, paragraph 5-2a)**

Project/Site: Laydown Yard      City/County: Broken Arrow, Wagoner County      Sampling Date: 5/16/25  
Applicant/Owner: D&B Processing      State: OK      Sampling Point: DP08  
Investigator(s): Gianna Spear      Section, Township, Range: Section 20 Township 18 N Range 15 E  
Landform (hillside, terrace, etc.): depression      Local relief (concave, convex, none): concave  
Slope (%): 3-5 Lat: 36.026045      Long: -95.733736      Datum: WGS 1984  
Soil Map Unit Name: Dennis-Radley complex, 0 to 15 percent slopes      NWI classification: None  
Are climatic / hydrologic conditions on the site typical for this time of year? Yes  No  (If no, explain in Remarks.)  
Are Vegetation  , Soil  , or Hydrology  significantly disturbed? Are "Normal Circumstances" present? Yes  No   
Are Vegetation  , Soil  , or Hydrology  naturally problematic? (If needed, explain any answers in Remarks.)

**SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.**

Hydrophytic Vegetation Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Hydric Soil Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Wetland Hydrology Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<b>Is the Sampled Area within a Wetland?</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Remarks:</b> According to the USACE APT, survey occurred during the wet season and conditions are wetter than normal.	

**VEGETATION – Use scientific names of plants.**

<b>Tree Stratum</b> (Plot size: 30 )      Absolute % Cover      Dominant Species?      Indicator Status 1. _____ 2. _____ 3. _____ 4. _____ 5. _____ =Total Cover	<b>Dominance Test worksheet:</b> Number of Dominant Species That Are OBL, FACW, or FAC: 2 (A) Total Number of Dominant Species Across All Strata: 2 (B) Percent of Dominant Species That Are OBL, FACW, or FAC: 100.0% (A/B)
<b>Sapling/Shrub Stratum</b> (Plot size: 15 ) 1. _____ 2. _____ 3. _____ 4. _____ 5. _____ =Total Cover	<b>Prevalence Index worksheet:</b> Total % Cover of:      Multiply by: OBL species 30 x 1 = 30 FACW species 110 x 2 = 220 FAC species 10 x 3 = 30 FACU species 0 x 4 = 0 UPL species 0 x 5 = 0 Column Totals: 150 (A) 280 (B) Prevalence Index = B/A = 1.87
<b>Herb Stratum</b> (Plot size: 5 ) 1. <i>Carex vulpinoidea</i> 30 Yes FACW 2. <i>Typha latifolia</i> 15 No OBL 3. <i>Rumex verticillatus</i> 15 No OBL 4. <i>Eupatorium serotinum</i> 10 No FAC 5. <i>Juncus spp.</i> 75 Yes FACW 6. <i>Teucrium canadense</i> 5 No FACW 7. _____ 8. _____ 9. _____ 10. _____ =Total Cover	<b>Hydrophytic Vegetation Indicators:</b> 1 - Rapid Test for Hydrophytic Vegetation X 2 - Dominance Test is >50% X 3 - Prevalence Index is $\leq 3.0^1$ 4 - Morphological Adaptations <sup>1</sup> (Provide supporting data in Remarks or on a separate sheet) Problematic Hydrophytic Vegetation <sup>1</sup> (Explain) <sup>1</sup> Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.
<b>Woody Vine Stratum</b> (Plot size: 30 ) 1. _____ 2. _____ =Total Cover	<b>Hydrophytic Vegetation Present?</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

Remarks: (Include photo numbers here or on a separate sheet.)

No inflorescence observed on the rush (*Juncus spp.*). Given presence in depression with only species that are designated either FACW or OBL, the rush species is likely FACW.

**SOIL**Sampling Point: DP08**Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)**

Depth (inches)	Matrix		Redox Features					Remarks
	Color (moist)	%	Color (moist)	%	Type <sup>1</sup>	Loc <sup>2</sup>	Texture	
0-3	10YR 2/2	100					Loamy/Clayey	
3-13	10YR 2/2	95	10YR 3/6	5	C	M	Loamy/Clayey	Prominent redox concentrations

<sup>1</sup>Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains.<sup>2</sup>Location: PL=Pore Lining, M=Matrix.**Hydric Soil Indicators:**

- Histosol (A1)
- Histic Epipedon (A2)
- Black Histic (A3)
- Hydrogen Sulfide (A4)
- Stratified Layers (A5)
- 2 cm Muck (A10)
- Depleted Below Dark Surface (A11)
- Thick Dark Surface (A12)
- Iron Monosulfide (A18)
- Sandy Mucky Mineral (S1)
- 5 cm Mucky Peat or Peat (S3)
- Sandy Gleyed Matrix (S4)
- Sandy Redox (S5)
- Stripped Matrix (S6)
- Dark Surface (S7)
- Loamy Mucky Mineral (F1)
- Loamy Gleyed Matrix (F2)
- Depleted Matrix (F3)
- Redox Dark Surface (F6)
- Depleted Dark Surface (F7)
- Redox Depressions (F8)

**Indicators for Problematic Hydric Soils<sup>3</sup>:**

- Iron-Manganese Masses (F12)
- Red Parent Material (F21)
- Very Shallow Dark Surface (F22)
- Other (Explain in Remarks)

<sup>3</sup>Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

**Restrictive Layer (if observed):**

Type: \_\_\_\_\_

Depth (inches): \_\_\_\_\_

**Hydric Soil Present?**Yes  No 

Remarks:

**HYDROLOGY****Wetland Hydrology Indicators:****Primary Indicators (minimum of one is required; check all that apply)**

- Surface Water (A1)
- High Water Table (A2)
- Saturation (A3)
- Water Marks (B1)
- Sediment Deposits (B2)
- Drift Deposits (B3)
- Algal Mat or Crust (B4)
- Iron Deposits (B5)
- Inundation Visible on Aerial Imagery (B7)
- Sparsely Vegetated Concave Surface (B8)
- Water-Stained Leaves (B9)
- Aquatic Fauna (B13)
- True Aquatic Plants (B14)
- Hydrogen Sulfide Odor (C1)
- Oxidized Rhizospheres on Living Roots (C3)
- Presence of Reduced Iron (C4)
- Recent Iron Reduction in Tilled Soils (C6)
- Thin Muck Surface (C7)
- Gauge or Well Data (D9)
- Other (Explain in Remarks)

**Secondary Indicators (minimum of two required)**

- Surface Soil Cracks (B6)
- Drainage Patterns (B10)
- Dry-Season Water Table (C2)
- Crayfish Burrows (C8)
- Saturation Visible on Aerial Imagery (C9)
- Stunted or Stressed Plants (D1)
- Geomorphic Position (D2)
- FAC-Neutral Test (D5)

**Field Observations:**

Surface Water Present?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Depth (inches): _____
Water Table Present?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Depth (inches): <u>11</u>
Saturation Present?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Depth (inches): <u>9</u>
(includes capillary fringe)			

**Wetland Hydrology Present?** Yes  No 

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

## U.S. Army Corps of Engineers

## WETLAND DETERMINATION DATA SHEET – Midwest Region

See ERDC/EL TR-10-16; the proponent agency is CECW-CO-R

OMB Control #: 0710-0024, Exp: 9/30/2027

Requirement Control Symbol EXEMPT:

(Authority: AR 335-15, paragraph 5-2a)

Project/Site: Laydown Yard City/County: Broken Arrow, Wagoner County Sampling Date: 5/16/25

Applicant/Owner: D&amp;B Processing State: OK Sampling Point: DP09

Investigator(s): Gianna Spear Section, Township, Range: Section 20 Township 18 N Range 15 E

Landform (hillside, terrace, etc.): hillslope Local relief (concave, convex, none): convex

Slope (%): 3-5 Lat: 36.026180 Long: -95.733450 Datum: WGS 1984

Soil Map Unit Name: Taloka silt loam, 1 to 3 percent slopes NWI classification: None

Are climatic / hydrologic conditions on the site typical for this time of year? Yes  No  (If no, explain in Remarks.)Are Vegetation , Soil , or Hydrology  significantly disturbed? Are "Normal Circumstances" present? Yes  No Are Vegetation , Soil , or Hydrology  naturally problematic? (If needed, explain any answers in Remarks.)**SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.**

Hydrophytic Vegetation Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Is the Sampled Area within a Wetland? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Hydric Soil Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Wetland Hydrology Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Remarks: According to the USACE APT, survey occurred during the wet season and conditions are wetter than normal.	

**VEGETATION – Use scientific names of plants.**

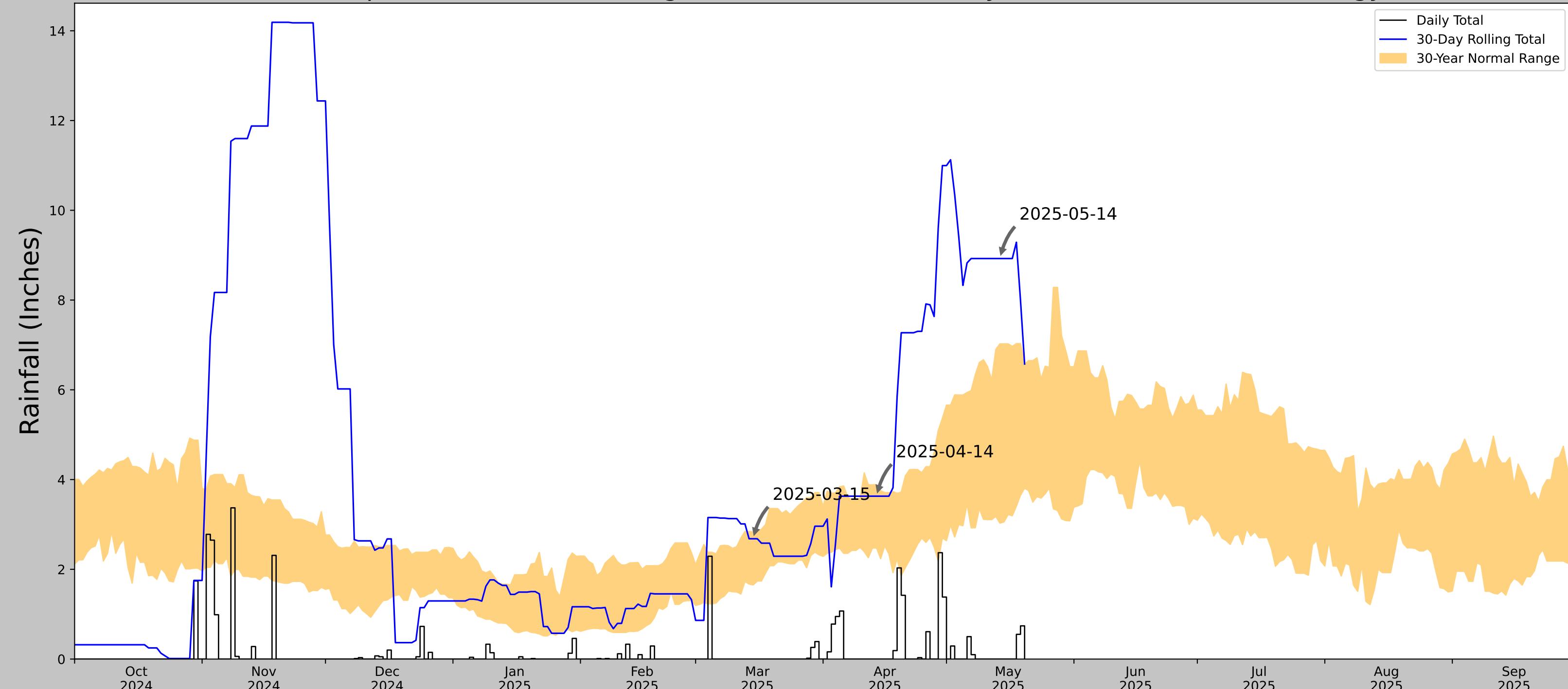
<u>Tree Stratum</u> (Plot size: 30 )	Absolute % Cover	Dominant Species?	Indicator Status	<b>Dominance Test worksheet:</b> Number of Dominant Species That Are OBL, FACW, or FAC: 0 (A)
1. _____	_____	_____	_____	Total Number of Dominant Species Across All Strata: 3 (B)
2. _____	_____	_____	_____	Percent of Dominant Species That Are OBL, FACW, or FAC: 0.0% (A/B)
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
5. _____	_____	_____	_____	
=Total Cover				
<u>Sapling/Shrub Stratum</u> (Plot size: 15 )				<b>Prevalence Index worksheet:</b> Total % Cover of: Multiply by:
1. _____	_____	_____	_____	OBL species 0 x 1 = 0
2. _____	_____	_____	_____	FACW species 0 x 2 = 0
3. _____	_____	_____	_____	FAC species 10 x 3 = 30
4. _____	_____	_____	_____	FACU species 135 x 4 = 540
5. _____	_____	_____	_____	UPL species 50 x 5 = 250
=Total Cover				Column Totals: 195 (A) 820 (B)
				Prevalence Index = B/A = 4.21
<u>Herb Stratum</u> (Plot size: 5 )				<b>Hydrophytic Vegetation Indicators:</b>
1. <i>Rhus copallina</i> 50	Yes	UPL		1 - Rapid Test for Hydrophytic Vegetation
2. <i>Rubus allegheniensis</i> 15	No	FACU		2 - Dominance Test is >50%
3. <i>Solidago altissima</i> 60	Yes	FACU		3 - Prevalence Index is $\leq 3.0^1$
4. <i>Lonicera japonica</i> 60	Yes	FACU		4 - Morphological Adaptations <sup>1</sup> (Provide supporting data in Remarks or on a separate sheet)
5. <i>Carex bushii</i> 10	No	FAC		Problematic Hydrophytic Vegetation <sup>1</sup> (Explain)
6. _____	_____	_____	_____	
7. _____	_____	_____	_____	
8. _____	_____	_____	_____	
9. _____	_____	_____	_____	
10. _____	_____	_____	_____	
=Total Cover				
<u>Woody Vine Stratum</u> (Plot size: 30 )				
1. _____	_____	_____	_____	
2. _____	_____	_____	_____	
=Total Cover				
<b>Hydrophytic Vegetation Present?</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>				

Remarks: (Include photo numbers here or on a separate sheet.)



**APPENDIX C**  
**ANTECEDENT PRECIPITATION TOOL**

# Antecedent Precipitation vs Normal Range based on NOAA's Daily Global Historical Climatology Network



Coordinates	36.025779, -95.734195
Observation Date	2025-05-14
Elevation (ft)	691.554
Drought Index (PDSI)	Mild wetness (2025-04)
WebWIMP H <sub>2</sub> O Balance	Wet Season

30 Days Ending	30 <sup>th</sup> %ile (in)	70 <sup>th</sup> %ile (in)	Observed (in)	Wetness Condition	Condition Value	Month Weight	Product
2025-05-14	3.029134	7.023622	8.925197	Wet	3	3	9
2025-04-14	2.475197	3.886614	3.629921	Normal	2	2	4
2025-03-15	1.651969	2.830709	2.681102	Normal	2	1	2
Result							Wetter than Normal - 15



Figures and tables made by the  
Antecedent Precipitation Tool  
Version 2.0

Developed by:  
U.S. Army Corps of Engineers and  
U.S. Army Engineer Research and  
Development Center

Weather Station Name	Coordinates	Elevation (ft)	Distance (mi)	Elevation Δ	Weighted Δ	Days Normal	Days Antecedent
TULSA INTL AP	36.1986, -95.8783	639.108	14.397	52.446	7.234	11352	90
TULSA RICHARD L JONES JR AP	36.0425, -95.9903	620.079	12.466	19.029	5.847	1	~73

**APPENDIX D**

**PHOTOGRAPHIC LOG**

**Photograph 1**

LOCATION: SW Corner of Project

Notes: Example of herbaceous upland vegetation community.



SW Corner  
05.14.2025 10:18 AM  
36.02518, -95.73464

**Photograph 2**

LOCATION: NW Corner of Project

Notes: Example of forested upland vegetation community.



NW Corner  
05.14.2025 01:38 PM  
36.02747, -95.73489

**Photograph 3**

LOCATION: WW01 (Waterway 01)

Notes: Intermittent stream with sediment bed. Facing upstream.



WW01  
05.14.2025 10:36 AM  
36.02667, -95.73494

**Photograph 4**

LOCATION: WW01

Notes: Example of earthwork activities potentially altering turbidity, flow rate, and flow path by sediment deposition.

**Photograph 5**

LOCATION: WW02

Notes: Intermittent stream with sediment bed. Facing upstream.

**Photograph 6**

LOCATION: WW02

Notes: Example of vehicle traffic impact potentially altering turbidity, flow rate, and flow path. Facing downstream.



**Photograph 7**

LOCATION: WW03

Notes: Intermittent stream with sediment bed. Facing downstream.

**Photograph 8**

LOCATION: WW04

Notes: Ephemeral stream with intermittent OHWM. Facing upstream.

**Photograph 9**

LOCATION: WET01-PEM (Palustrine Emergent Wetland 01) and DP01

Notes: DP01 (Data Point 01) met all three wetland criteria. WET01-PEM is within retention pond.



**Photograph 10**

LOCATION: DP01

Notes: Soil sample. Evidence of hydric soil observed.

**Photograph 11**

LOCATION: DP02

Notes: DP02 is upland reference data point for WET01-PEM, located on retention pond berm.

**Photograph 12**

LOCATION: DP02

Notes: Soil sample. No evidence of hydric soil observed.



**Photograph 13**

LOCATION: DP03

Notes: DP03 is upland reference data point for WET02-PEM.



E

**Photograph 14**

LOCATION: DP03

Notes: Soil sample. No evidence of hydric soil observed.



N

**Photograph 15**

LOCATION: WET02-PEM and DP04

Notes: DP04 met all three wetland criteria. WET02-PEM directly abuts WW01.



E

**Photograph 16**

LOCATION: DP04

Notes: Soil sample. Evidence of hydric soil observed.

**Photograph 17**

LOCATION: DP05

Notes: DP05 is upland data point to confirm extent of WET02-PEM.

**Photograph 18**

LOCATION: DP05

Notes: Soil sample. No evidence of hydric soil observed.



**Photograph 19**

LOCATION: WET03-PFO and DP06

Notes: DP06 met all three wetland criteria. WET03-PFO is adjacent to active construction and impacted sewage release on its southeastern extent. Photo taken from northern extent.

**Photograph 20**

LOCATION: DP06

Notes: Soil sample. Evidence of hydric soil observed.

**Photograph 21**

LOCATION: DP07

Notes: DP07 is upland reference data point for WET03-PFO.



**Photograph 22**

LOCATION: DP07

Notes: Soil sample. No evidence of hydric soil observed.

**Photograph 23**

LOCATION: WET02-PEM and DP08

Notes: DP08 is wetland reference data point to confirm extent of WET02-PEM.

**Photograph 24**

LOCATION: DP08

Notes: Soil sample. Evidence of hydric soil observed.



**Photograph 25**

LOCATION: DP09

Notes: DP09 is upland reference data point for WET02-PEM.

**Photograph 26**

LOCATION: DP09

Notes: Soil sample. No evidence of hydric soil observed.

**Photograph 27**

LOCATION: Central portion of Project and WET03-PFO

Notes: Sewer line right-of-way (ROW) active construction and portion of WET03-PFO.



**Photograph 28**

LOCATION: Adjacent to sewer line ROW

Notes: Evidence of earthwork activities and pooling.

**Photograph 29**

LOCATION: WB01 (Waterbody 01)

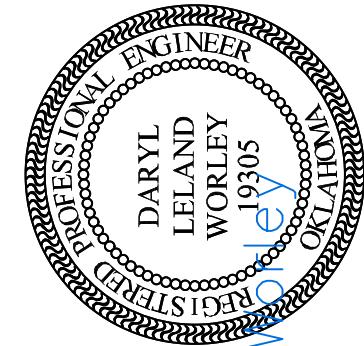
Notes: Pond located near earthwork activities.



---

## **EXHIBIT B**

DARYL WORLEY, P.E.  
2655 SE Evergreen Drive  
Broken Arrow, OK 74068  
918-440-3196  
daryl-worley@bcbgjph.net



9750 S 219TH DB  
PROCESSING  
LAYDOWN  
YARD  
BROKEN ARROW, OK

Daryl Leland  
9/25/2025

DRAWINGS ISSUED FOR

SKEETCH  
PLAN FOR  
DISCUSSION

REVISIONS  
REVISIONS  
NUMBER  
DATE

DESIGN BY: DLW  
DRAWN BY: DLW  
CHECKED BY: RC  
PROJECT NUMBER  
2025001  
DATE:  
DRAWING TITLE

COVER

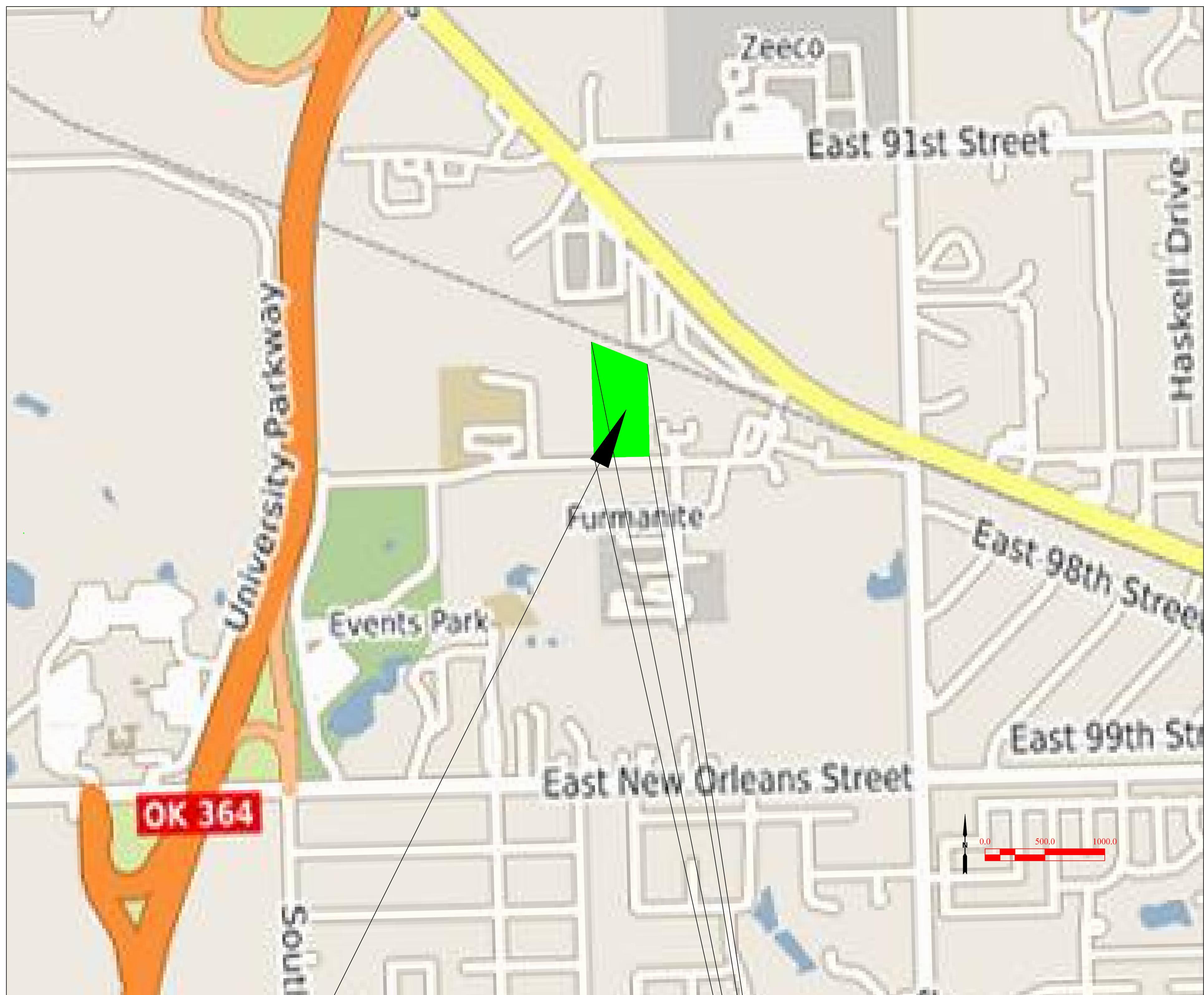
SHEET

C101

# 9750 S 219TH DB PROCESSING LAYDOWN YARD SKETCH PLAN

BROKEN ARROW

WAGONER COUNTY, OKLAHOMA



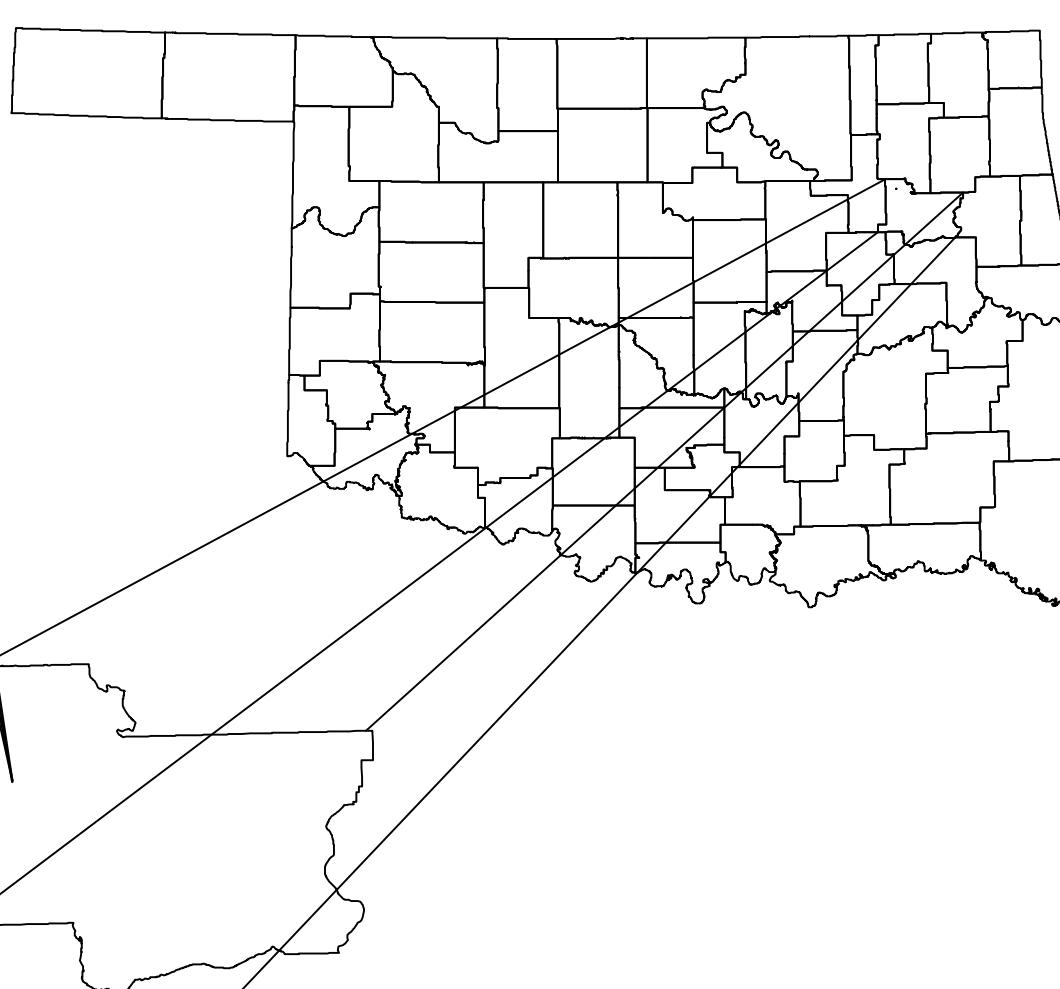
PROJECT LOCATION  
36° 04' 33.28" N LATITUDE  
95° 44' 02.95" W LONGITUDE  
APPROXIMATE CENTER  
OF PROJECT  
PER GOOGLE EARTH  
BROKEN ARROW,  
WAGONER COUNTY, OK

BEFORE YOU DIG CALL



INDEX	
Title	Number
Project Cover	C101
Project Notes	C102
Site	C103

PROJECT NAME:  
DB PROCESSING STEEL LAYDOWN YARD  
PROJECT LOCATION:  
9750 S 219TH, BROKEN ARROW, OKLAHOMA  
PROJECT OWNER: GOUG BURGESS  
918-619-6452



## GENERAL CONSTRUCTION NOTES

### QUANTITY NOTES

ALL QUANTITIES GIVEN ARE FOR INFORMATIONAL PURPOSES. THE ACTUAL QUANTITY INSTALLED MAY VARY.

### GEO-TECHNICAL NOTES

NO GEO-TECHNICAL INVESTIGATION HAS BEEN MADE. CONTRACTOR MUST SATISFY THEMSELF AS TO THE PRESENCE OF ROCK OR OTHER CONSTRUCTION HINDRANCES

### PROJECT INFO

THERE IS AN 8 FT WIDE BUFFER OUTSIDE THE REGULATED WETLAND.

THE FINAL AND EXITING GRADES ALONG THE BUFFER LINE ARE THE SAME ELEVATION

### CLEARING NOTES

CONTRACTOR IS RESPONSIBLE FOR THE CLEARING

**DARYL WORLEY, P.E.**  
2655 SE Evergreen Drive  
Barlesville, OK 74008  
918-440-3196  
daryl-worley@bogibph.net



**9750 S 219TH DB**

**PROCESSING**

**LAY DOWN**

**YARD**

**BROKEN ARROW, OK**

**Daryl Leland**  
8-6-2025

**PROFESSIONAL ENGINEER**

**LELAND**

**WORLEY**

**9905**

**REGISTRATION**

**DRAWINGS ISSUED FOR**  
**SKEETCH**  
**PLAN FOR**  
**DISCUSSION**

**REVISIONS**  
**REVISIONS**  
**NUMBER**  
**DATE**

**DESIGN BY: DLW**  
**DRAWN BY: DLW**  
**CHECKED BY: RC**  
**PROJECT NUMBER**  
**2025001**  
**DATE:**  
**DRAWING TITLE**

**PROJECT NOTES**

**SHEET**

**C102**

C-1 PROJECT WILL BE CONSTRUCTED UNDER THE 2009 ODOT STANDARD SPECIFICATIONS FOR HIGHWAY CONSTRUCTION. PROJECT SHALL BE CONSTRUCTED WITHOUT CLOSING THE ROAD TO LOCAL AND THROUGH TRAFFIC. CONTRACTOR SHALL BE RESPONSIBLE FOR THE PLACEMENT OF TEMPORARY PAVEMENT MARKINGS.

C-2 THE CONTRACTOR SHALL UTILIZE THE CALL-OF-SYSTEM (1-800-522-4543 OR 811) 48 HOURS IN ADVANCE OF EXCAVATION.

C-3 NOT USED. CONTRACTOR IS RESPONSIBLE FOR MAINTAINING WATER AND SEWER SERVICE CONNECTIONS TO THE BUSINESS IN WORKING ORDER AT ALL TIMES EXCEPT FOR BRIEF INTERRUPTIONS IN SERVICE FOR SERVICES TO BE RE-INSTATED. IN NO CASE SHALL SERVICES BE ALLOWED TO REMAIN OUT OF SERVICE OVERNIGHT.

C-4 THE CONTRACTOR SHALL MAKE THE NECESSARY PROVISIONS FOR THE SUPPORT AND PROTECTION OF ALL UTILITY POLES, GAS MAINS, TELEPHONE CABLES, SANITARY SEWER LINES, ELECTRIC CABLES, DRAINAGE PIPES, UTILITY SERVICES, AND ALL OTHER STRUCTURES BOTH ABOVE AND BELOW GROUND DURING CONSTRUCTION. THE CONTRACTOR IS LIABLE FOR ALL DAMAGES DONE TO SUCH EXISTING FACILITIES AS A RESULT OF THE CONTRACTOR'S OPERATIONS.

C-5 THE CONTRACTOR SHALL SUBMIT WRITTEN REQUEST TO THE OWNER FOR APPROVAL OF ALL AREAS TO BE USED FOR STAGING, MOBILIZATION, EQUIPMENT AND MATERIAL STORAGE, AND GENERAL PROJECT CONSTRUCTION MANAGEMENT. REQUEST SHALL BE SUBMITTED TO THE OWNER WITHIN 5 DAYS OF THE NOTICE TO PROCEED.

C-6 CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING GENERAL SAFETY AT AND ADJACENT TO THE PROJECT AREA, INCLUDING THE PERSONAL SAFETY OF THE CONSTRUCTION CREW, AND THE GENERAL PUBLIC AND THE SAFETY OF PUBLIC AND PRIVATE PROPERTY.

C-7 CONTRACTOR SHALL BE RESPONSIBLE FOR KEEPING STREETS AND SIDEWALKS ADJACENT TO PROJECT FREE OF MUD AND DEBRIS CAUSED BY CONSTRUCTION ACTIVITIES.

C-8 NO EQUIPMENT OR MATERIAL SHALL BE DEPOSITED ON PRIVATE PROPERTY WITHOUT WRITTEN PERMISSION. THE CONTRACTOR IS RESPONSIBLE FOR ALL DAMAGES RESULTING FROM SUCH ACTS, AND SHALL REMOVE THE MATERIAL AND RESTORE THE PROPERTY AT THE EXPENSE OF THE CONTRACTOR.

C-9 THE LOCATIONS OF DRIVEWAYS, STEPS, AND RETAINING WALL, TC AND ALL WATER, SANITARY, STORM SEWER, TELEPHONE, GAS, ELECTRIC, AND CABLE TELEVISION UTILITIES SHOWN ON THE PLAN ARE APPROXIMATE. ACCURATE LOCATIONS SHALL BE VERIFIED AT THE TIME OF CONSTRUCTION AFTER CONSULTATION WITH THE PROPERTY OWNERS AND THE RESPECTIVE COMPANIES.

C-10 THE CONTRACTOR PERSONNEL SHALL WEAR IDENTIFYING CLOTHING OR HATS AT ALL TIMES.

C-11 CONSTRUCTION ACTIVITIES SHALL BE LIMITED TO THE HOURS OF 7:00 AM TO 7:00 PM UNLESS APPROVED OR DIRECTED BY THE OWNER.

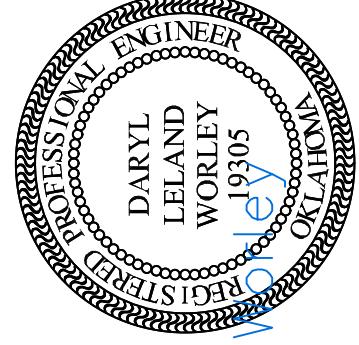
C-12 CONSTRUCTION DEBRIS SUCH AS BROKEN CONCRETE, EXCESS FILL, ETC SHALL BECOME THE PROPERTY OF THE CONTRACTOR. MATERIAL SHALL BE COMPLETELY REMOVED FROM THE SITE PRIOR TO ACCEPTANCE OF THE PROJECT. ALL MATERIAL SHALL BE DISPOSED IN A MANNER THAT IS IN COMPLIANCE WITH ALL LOCAL, STATE, AND FEDERAL REGULATIONS.

C-13 OPERATION OF ALL WATER VALVES SHALL BE PERFORMED BY THE OWNER OF THEIR UTILITY. THIS WORK SHALL BE DISCUSSED WITH THE UTILITY 72 HOURS IN ADVANCE OF THE NEED TO COMMENCE SUCH WORK.

C-14 ALL HAUL TRUCKS USED IN THE HAULING OF MATERIAL SHALL COVER THEIR BEDS WITH A HEAVY COTTON, CANVAS OR VINYL TARP.

A memorial card for Daryl Worley, P.E. The card has a white background with a black border. In the upper left corner, the name "DARYL WORLEY, P.E." is printed vertically. In the upper right corner, there is a stylized black lightning bolt graphic. Along the right edge, the text "THE SON SHINES!" is printed vertically. The center of the card contains the address and contact information:

2655 SE Evergreen Drive  
Bartlesville, OK 74006  
918-440-3186  
daryl-worley@sbccglobal.net



Daryl Lelanc  
8-6-2025

**9750 S 219TH DB  
PROCESSING  
LAYDOWN  
YARD  
BROKEN ARROW OK**

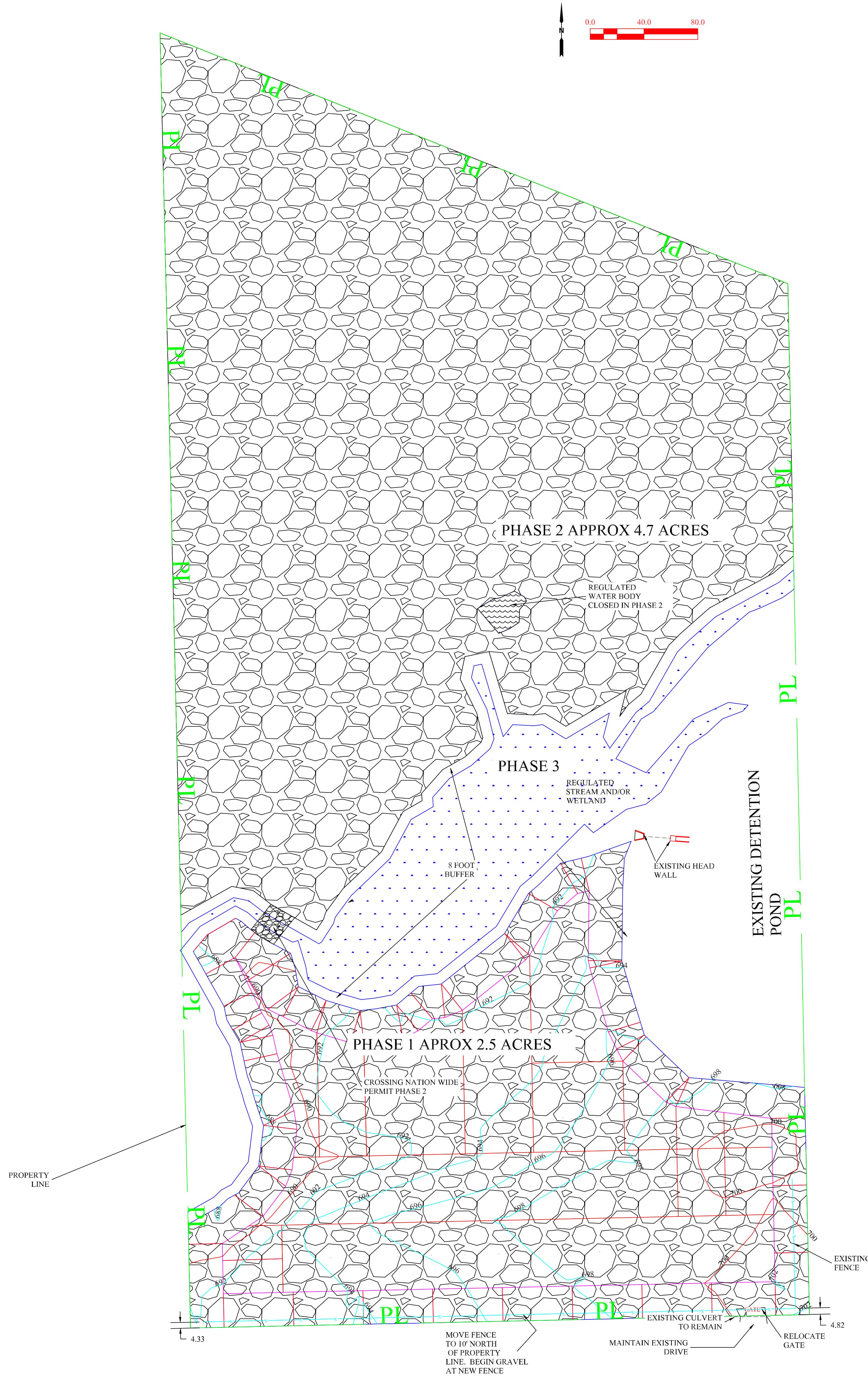
BROKEN ARROW OK

# SKETCH PLAN FOR DISCUSSION

DESIGN BY: DLW	DRAWN BY: DLW	CHECKED BY: RC	PROJECT NUMBER 025001
			DATE:

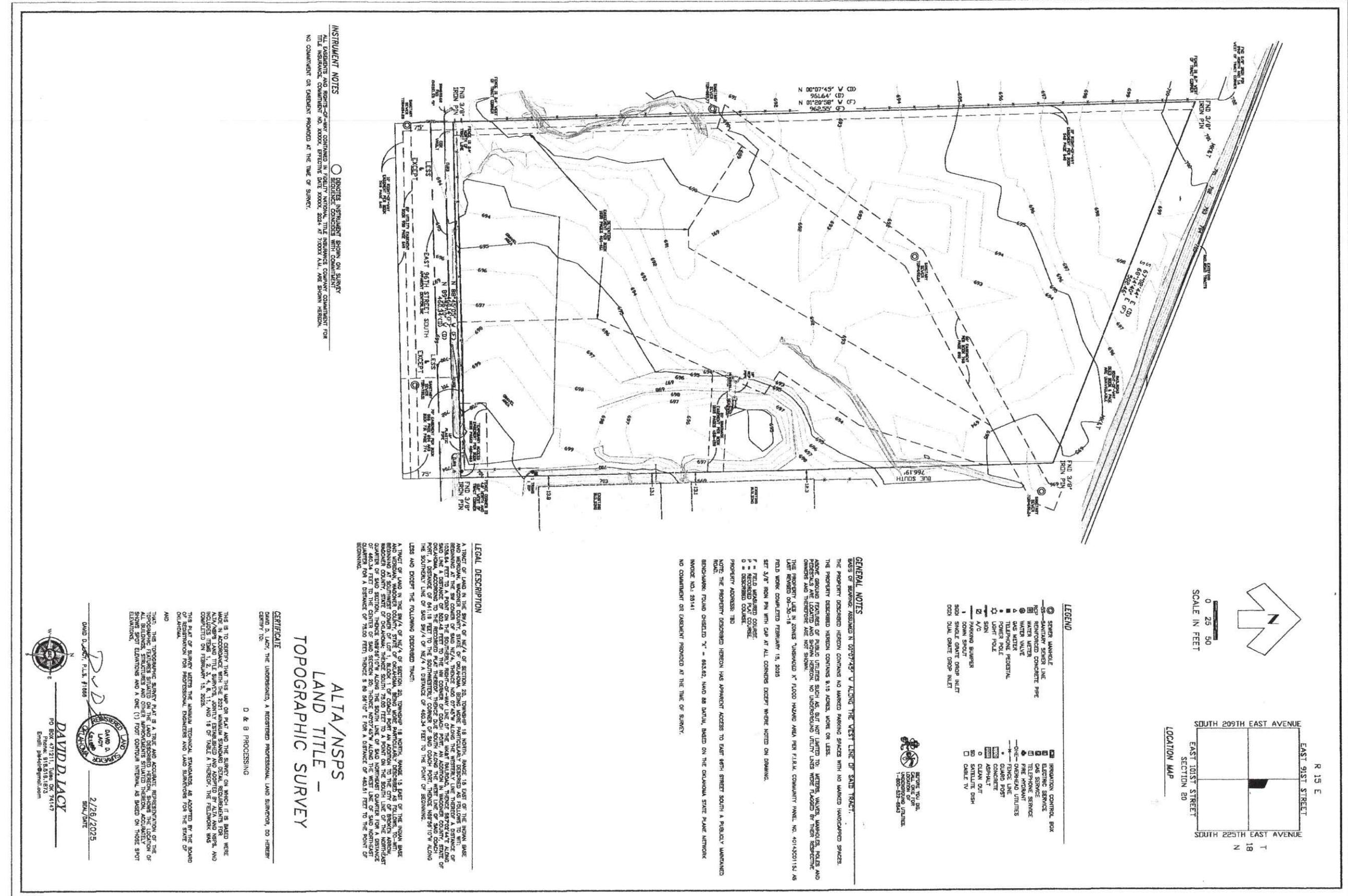
## SITE

C103



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## **EXHIBIT C**



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## **EXHIBIT D**



## **EXHIBIT E**

## FENCE NOTES:

### South fence:

8' high screen fence. Smooth metal panels, factory finished. Vertical panel design, +/- 6" panel appearance. CMU w/ cementitious coating pilasters at +/- 18' center to center.

### East fence:

No fence, same zoning for both PUDs.

### North fence:

Existing wire fence between PUD and railroad to remain.

### West fence:

Parcel of land west of the PUD is wooded and brush covered, which creates a natural visual buffer between the PUD and the school west of the wooded area. It is thus the intent of the PUD that the existing wire fence remain in order to minimize the disturbance of the natural existing vegetation.

### Future Action:

It does not seem likely that the west parcel will be developed and cleared of its natural vegetation as it now exists. However, if it is developed or cleared of its natural vegetation there will be a need to erect a screen fence if the west parcel remains an A zoning or is changed to a zoning requiring a screen from the IL zoning of the PUD.

### Exception:

If a minimum 75' strip of land on the east side of the west parcel is in place and a maximum of 20% of the existing low-growth vegetation is removed then no 8' high screen will be required.

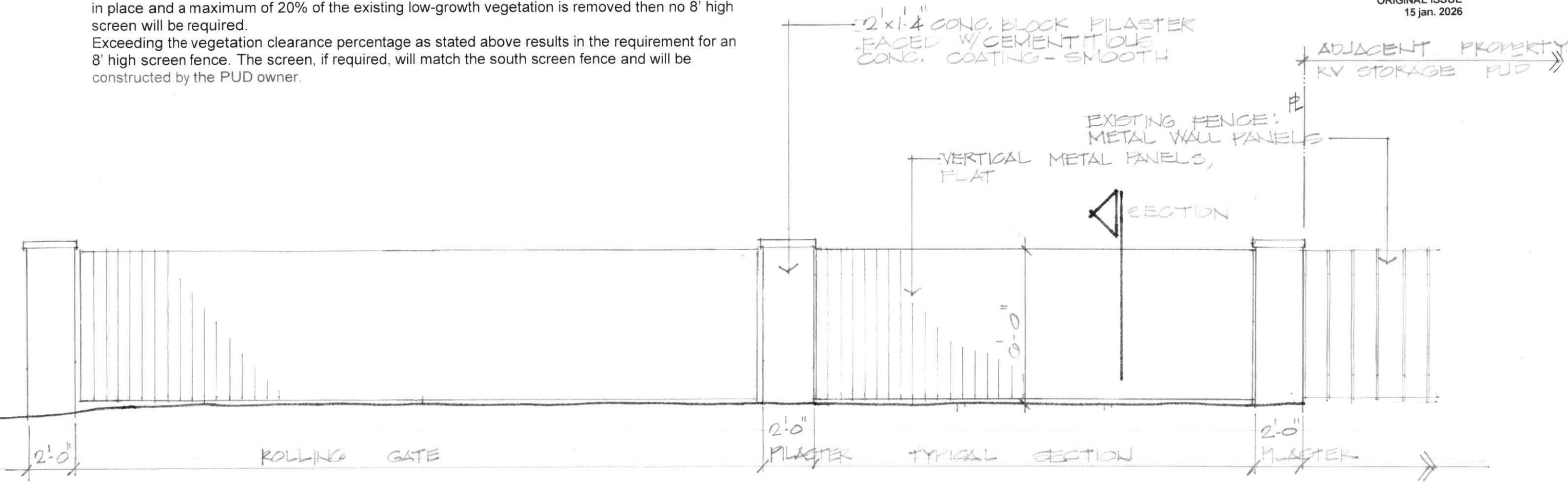
Exceeding the vegetation clearance percentage as stated above results in the requirement for an 8' high screen fence. The screen, if required, will match the south screen fence and will be constructed by the PUD owner.

rob coday  
architect llc  
13721 w 168<sup>th</sup> pl s  
sapulpa, ok 74066

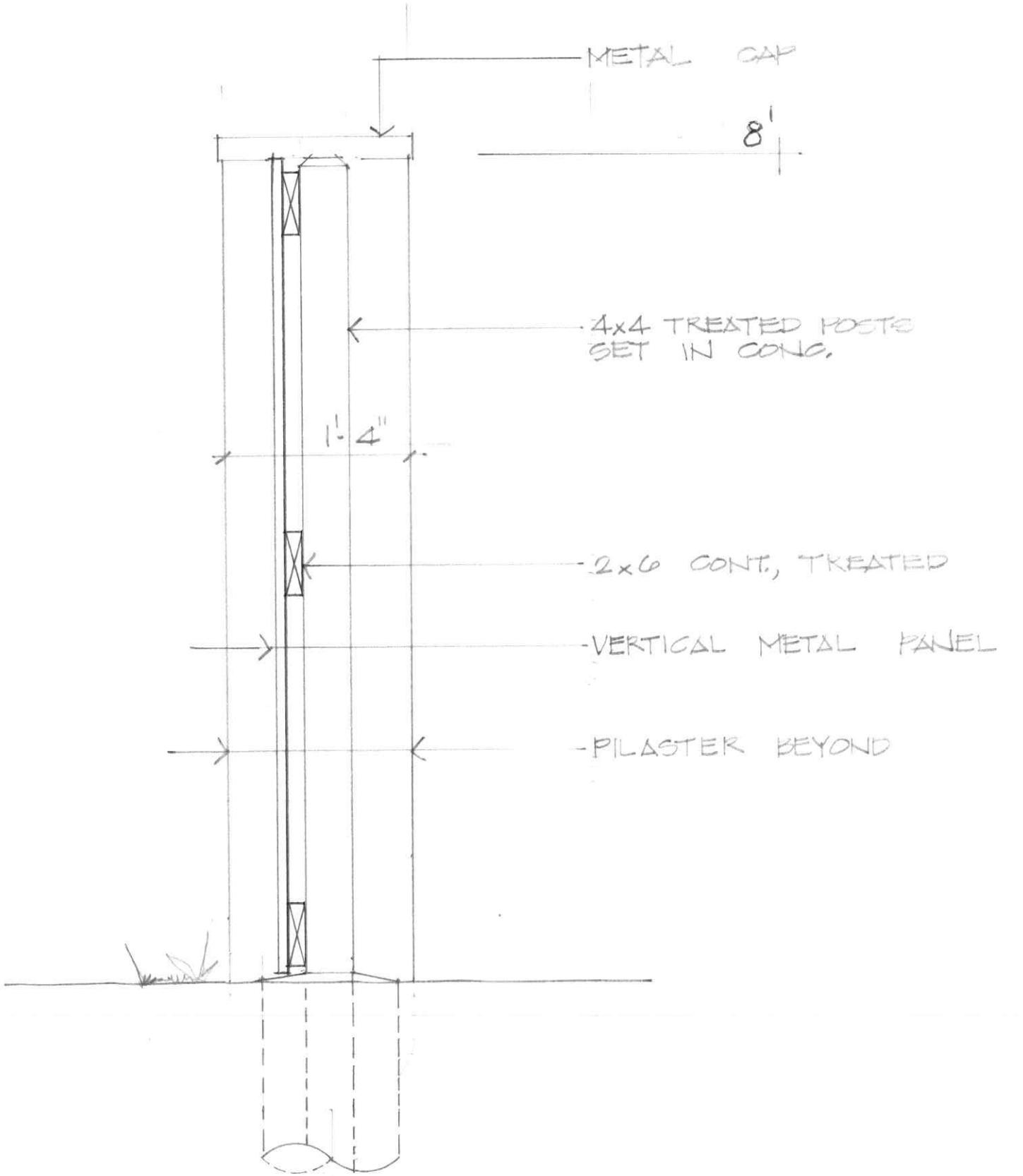
918 636 0574  
email: rcodayarch@yahoo.com

**zoning change  
and  
PUD  
for  
D&B PROCESSING  
LAYDOWN YARD**  
broken arrow, oklahoma

ORIGINAL ISSUE  
15 jan. 2026



REVISION:



rob coday  
architect llc  
13721 w 168<sup>th</sup> pl s  
sapulpa, ok 74066

918 636 0574  
email: rcodayarch@yahoo.com

**zoning change  
and  
PUD  
for  
D&B PROCESSING  
LAYDOWN YARD**  
broken arrow, oklahoma

ORIGINAL ISSUE  
15 jan. 2026

REVISION :

**A300**



# City of Broken Arrow

## Request for Action

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**File #:** 26-184, **Version:** 1

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**Broken Arrow Planning Commission**  
**01-22-2026**

**To:** **Chairman and Commission Members**  
**From:** **Community Development Department**

**Title:** Approval of Planning Commission meeting minutes of January 8, 2026  
**Background:** Minutes recorded for the Broken Arrow Planning Commission meeting.

**Attachments:** 01 08 2026 Planning Commission Minutes

**Recommendation:** Approve minutes of Planning Commission meeting held January 8, 2026.

**Reviewed By:** **Jane Wyrick**

**Approved By:** **Rocky Henkel**



## City of Broken Arrow

### Minutes

### Planning Commission

City of Broken Arrow  
220 South 1<sup>st</sup> Street  
Broken Arrow, OK  
74012

**Robert Goranson Chairman**  
**Jason Coan Vice Chairman**  
**Jaylee Klempa Commissioner**  
**Jonathan Townsend Commissioner**  
**Mindy Payne Commissioner**

**Thursday, January 8, 2026**

**5:30 p.m.**

**Council Chambers**

#### 1. Call to Order

Chairman Robert Goranson called the meeting to order at 5:30 p.m.

#### 2. Roll Call

**Present:** 5 - Mindy Payne, Jonathan Townsend, Jaylee Klempa, Jason Coan, Robert Goranson

#### 3. Old Business - NONE

#### 4. Consideration of Consent Agenda

A. 26-134      **Approval of Planning Commission meeting minutes of December 18, 2025**  
B. 26-135      **Approval of PT-002580-2025|PR-000809-2025, Preliminary Plat, Harvest Church BA, approximately 4.56 acres, 1 Lot, AG (Agricultural) to CG (Commercial General) via BAZ-002238-2025, and SP-002459-2025, located at the northwest corner of New Orleans Street (101st Street) and 9th Street (177th E. Avenue/Lynn Lane Road)**

MOTION: A motion was made by Jaylee Klempa, seconded by Mindy Payne  
**Move to Approve Consent Agenda minus Item 26-134**

The motion carried by the following vote:

**Aye:** 5 - Mindy Payne, Jonathan Townsend, Jaylee Klempa, Jason Coan, Robert Goranson

#### 5. Consideration of Items Removed from Consent Agenda

A. 26-134      **Approval of Planning Commission meeting minutes of December 18, 2025**

The commissioners clarify that written minutes are required under the Oklahoma Open Meeting Act and serve as the official record, while audio and video recordings are supplemental. If a matter ever went to court, the video would be transcribed word-for-word rather than relying solely on the written minutes, and neither record inherently takes precedence over the other.

MOTION: A motion was made by Robert Goranson, seconded by Jason Coan

**Move to approve the December 18, 2025 meeting minutes**

The motion carried by the following vote:

**Aye:** 5 - Mindy Payne, Jonathan Townsend, Jaylee Klempa, Jason Coan, Robert Goranson

#### 6. Public Hearings

A. 26-133      **Public hearing, consideration, and possible action regarding BAZ-002565-2025 (Rezoning), Oneta 71, LLC, approximately 16.875 acres, AG (Agricultural) to CG (Commercial General) located approximately one-tenth mile north of the northwest corner of E. Kenosha Street (71st Street) and Oneta Road (241st E. Avenue).**

Rebecca Blaine, Planning Section Manager, presented Item 26-133. The request seeks to rezone property from Agricultural to Commercial General to allow a commercial development, following a related comprehensive plan amendment that would align part of the site with existing Level Four designations. Public opposition raised concerns about traffic, safety, noise, lighting, property values, litter, competition, and quality of life. At the same time, the applicant stated the project would meet all city standards, include sidewalks, and rely on a completed traffic impact analysis showing no degradation in peak-hour service levels. Planning Commission unanimously recommended approval of the comprehensive plan amendment, which is scheduled for City Council consideration before the rezone, and staff notes that traffic,

lighting, litter, and pedestrian safety are addressed through existing ordinances and requirements. Based on the comprehensive plan, surrounding land uses, and supporting studies, staff recommends approval of the rezone, subject to the property being platted.

The discussion clarifies that the City does not currently control all of the right-of-way along Oneida or Kenosha Streets, though it may own a portion of it. If the project is approved, additional right-of-way could be required and obtained through the platting and site review process, particularly if future roadway expansion is planned, with any new right-of-way likely coming from the project's west side.

Lou Reynolds, of Eller & Deitrich, explains that the Planning Commission previously approved a more intensive PUD for the nearby Iron Buck site and argues that the proposed grocery store represents a less impactful use consistent with the recommended comprehensive plan level. They address past concerns by stating that stormwater, litter, and other impacts will be handled under existing ordinances, that traffic studies show no adverse effects, and that the development would improve quality of life and property values, citing positive outcomes from similar commercial projects in other parts of the city.

Mr. Reynolds explains that the traffic impact analysis was voluntarily commissioned rather than required at the zoning stage to address concerns about traffic and pedestrian safety proactively. They note that sidewalks will be installed on both sides of the property, lighting will comply with city standards to prevent spillover onto neighboring properties, and the grocery store is not expected to create noise issues. The applicant characterizes the project as a positive development for the area and asks the commission to approve the request as recommended by staff.

**MOTION:** A motion was made by Jason Coan, seconded by Jaylee Klempa

**Move to Approve Item 26-133 BAZ-002565-202 (Rezoning), Oneta71, LLC, approximately 16.875 acres, AG (Agricultural) to CG (Commercial General) located approximately one-tenth mile north of the northwest corner of E. Kenosha Street (71st Street) and Oneta Road (241st E. Avenue).**

The motion carried by the following vote:

**Aye: 5 -**

Mindy Payne, Jonathan Townsend, Jaylee Klempa, Jason Coan, Robert Goranson

**B. 26-145**

**Public hearing, consideration, and possible action regarding PUD-002514-2025 (Planned Unit Development) and BAZ-002575-2025 (Rezoning), Pediatrics Plus, 14.55 acres, RS (Residential Single-Family) and RM (Residential Multi-Family) to AG (Agricultural) and CG (Commercial General), located just south of Washington St (91st Street) and just east of Aspen Ave (145th E Avenue)**

Jose Jimenez, Planner II, presented Item 26-145. The request involves a public hearing on a planned unit development and rezone for a 14.55-acre site to allow a therapeutic farm associated with Pediatrics Plus, with the property proposed to be split between Commercial General and Agricultural zoning. The PUD would accommodate the farm use on the rear portion of the site and includes a request to adjust the landscaping requirements for the internal buffer yard. Staff reviewed surrounding land uses, comprehensive plan designations, available utilities, and the presence of a portion of the site within the 100-year floodplain, and recommends approval of both the PUD and rezoning, subject to floodplain considerations.

The discussion focuses on buffer yard requirements within the proposed PUD, clarifying that because the different zoning areas are under single ownership and part of one planned unit development, interior buffer yards are not required where the zones meet. Staff explains that this treatment is tied to the PUD and remains with the property regardless of ownership, meaning the same PUD regulations would bind any future owner unless they returned to the Planning Commission to amend or remove the PUD. This process would likely be necessary for a substantially different use.

David Tapp, the applicant, explains that the project would be a weekday, non-overnight therapeutic farm for children with autism, operating Monday through Friday and designed to feel residential rather than commercial. The development would include a farmhouse with therapy spaces, gyms, and kitchens, along with agricultural elements such as a barn, greenhouse, garden, and animals to support hands-on therapy and life-skills training. The goal is to help children develop practical skills for future employment, and the applicant emphasizes maintaining a natural, low-impact setting with minimal lighting while meeting all city standards, expressing enthusiasm about locating the project in Broken Arrow.

The discussion highlights strong support for the proposed therapeutic farm, with commissioners praising its mission, community benefit, and fit for Broken Arrow. Mr. Tapp described the scale and operations of similar facilities, including weekday, non-overnight therapy for children ages five to eighteen, supervised farm activities, limited monthly community farmers markets, and extensive safety protocols such as cameras, staffing ratios,

and behavioral safeguards. Questions addressed staffing levels, parking, animal care, child and staff safety history, and the organization's long track record of operating pediatric therapy facilities without significant incidents. Mr. Tapp outlined a tentative timeline to begin construction in May, following approvals, with an estimated ten-month build. He expressed enthusiasm about serving the community and meeting the growing need for autism services.

Further discussion addresses concerns about animal limits within city limits, with staff explaining that city ordinances primarily regulate the placement of animal enclosures rather than the number of typical farm animals, and that agricultural zoning within the PUD was intentionally included to accommodate barnyard animals appropriately. Commissioners noted that the PUD would remain tied to the property and that any future issues could be addressed through existing processes, such as variances or City Council review. Mr. Tapp confirmed that roosters would not be kept, minimizing potential noise impacts. He emphasized the preservation of tree lines and buffers to maintain a quiet, rural character and provide a smooth transition between commercial and residential areas.

**MOTION:** A motion was made by Mindy Payne, seconded by Jonathan Townsend **Move to Approve Item 26-145 PUD-002514-2025 (Planned Unit Development) and BAZ-002575-2025 (Rezoning), Pediatrics Plus, 14.55 acres, RS (Residential Single-Family) and RM (Residential Multi-Family) to AG (Agricultural) and CG (Commercial General), located just south of Washington St (91st Street) and just east of Aspen Ave (145th E Avenue)**

The motion carried by the following vote:

**Aye: 5 -**

Mindy Payne, Jonathan Townsend, Jaylee Klempa, Jason Coan, Robert Goranson

**C. 26-150**

**Public hearing, consideration, and possible action regarding PUD-002550-2025 (Planned Unit Development) and BAZ-002374-2025 (Rezoning), D&B Processing, 9.15 acres, AG (Agricultural) to IL (Industrial Light)/PUD-002550-2025, abrogation of PUD-193, located one-half mile south of Washington Street (91st Street), one-half mile east of the Creek Turnpike**

Mackenzie Hackett, Staff Planner, presented Item 26-150. The request involves a public hearing on a planned unit development and rezoning of a 9.15-acre unplatte tract from Agricultural to Industrial Light to allow a storage yard serving an existing DMV processing facility located south of the site. The property was initially included in a 2008 PUD that limited its use to indoor RV storage. Still, that second phase never developed, and the applicant is seeking to abrogate the prior PUD to pursue a new storage-yard concept. The proposed PUD would allow phased development with no buildings, access from East Gary Street, and compliance with Level Six comprehensive plan criteria, with utilities available and no floodplain impacts. Based on the comprehensive plan, site conditions, and surrounding industrial uses, the staff recommends approval of the new PUD and rezoning and abrogation of the previous PUD on the property.

The discussion centers on clarifying procedural questions and addressing design concerns related to the proposed PUD and rezoning, with Commissioner Mindy Payne expressing concern about the proposed fencing requirements. Commissioner Jason Coan ensured that the wetland area is explicitly protected in the PUD, particularly with respect to fencing, landscaping, and long-term aesthetics, given the nearby amphitheater and potential future traffic. Commissioners expressed concern that existing and proposed metal fencing, especially along Gary Street and the west property line, could negatively affect the area's appearance if vegetation were to be lost. They emphasized a desire for enhanced or replacement fencing tied to landscaping conditions. The applicant, Rob Coday, of Rob Coday Architect LLC, acknowledged these concerns, noted plans to relocate fencing and add landscaping buffers, and agreed to work with staff on improved designs. To keep the project on schedule for City Council consideration on February 3, the Planning Commission decided to continue the item to the January 22 meeting so revised fence and landscape concepts could be reviewed, while also confirming that protections for the on-site stream and wetlands are already embedded in the PUD and would remain binding on future owners.

**MOTION:** A motion was made by Mindy Payne, seconded by Jason Coan **Move to Continue Item 26-150 to the January 22, 2026, meeting**

The motion carried by the following vote:

**Aye: 5 -**

Mindy Payne, Jonathan Townsend, Jaylee Klempa, Jason Coan, Robert Goranson

**7. Appeals - NONE**

**8. General Commission Business – NONE**

**9. Remarks, Inquiries, and Comments by Planning Commission and Staff (No Action)**

The commission uses closing remarks to clarify process and authority: City Council can

“remand” any item that comes before it back to Planning Commission with specific instructions, often to take additional evidence or reopen public comment, and related items (like a rezone following a comprehensive plan amendment) can be left in limbo unless Council also sends them back. They also discuss when traffic studies can be requested, concluding that the Planning Commission or City Council can ask them at any stage if traffic is a concern, even though applicants often wait until later in the development process to avoid spending money before approvals. The group then reviews why zoning and conditional use permits are sometimes handled as separate motions—especially on controversial items—to allow City Council to make distinct decisions and preserve flexibility. Finally, staff explains a significant code change: Broken Arrow no longer requires rezonings to be “subject to platting” as a condition the way it did from 1984 to 2025; zoning now takes effect when Council approves the ordinance, while platting remains a required later step before development to address rights-of-way, easements, access, grades/elevations, and other site constraints. They also clarify how PUDs relate to platting and timing: historically, PUDs could have time limits tied to platting, and once the property is platted, the PUD is considered in effect for phased development unless changed by Council.

## **10. Adjournment**

The meeting was adjourned at 6:47 p.m.

**MOTION:** A motion was made by Robert Goranson, seconded by Mindy Payne

**Move to Adjourn**

The motion carried by the following vote:

**Aye: 5 -** Mindy Payne, Jonathan Townsend, Jaylee Klempa, Jason Coan, Robert Goranson



# City of Broken Arrow

## Request for Action

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**File #:** 26-172, **Version:** 1

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**Broken Arrow Planning Commission**  
**01-22-2025**

**To:** **Chairman and Commission Members**  
**From:** **Community Development Department**  
**Title:**

Approval of LOT-002611-2025, Arrow Forge Lot Split, 1 lot to 2 lots 29.98 acres, IL Zoning District, located on the south of Florence Street (111st Street) and ¼ mile east of Olive Ave (129th E Avenue)

**Background:**

**Applicant:** Charlie Bright, City of Broken Arrow  
**Owner:** Broken Arrow Economic Development Authority  
**Developer:** NA  
**Surveyor:** Russell M. Muzika, GEODECA LLC.  
**Location:** South of Florence Street (111st Street) and ¼ mile east of Olive Ave (129th E Avenue)  
**Size of Tract** 29.98 acres  
**Number of Lots:** 2 proposed  
**Zoning:** AG (Agricultural) to IL (Industrial Light) via BAZ-002505-2025  
**Comp Plan:** Level 7 via COMP-002424-2025

Lot Split request LOT-002611-2025 involves 29.98 acres, platted as Arrow Forge. The property is located south of Florence Street (111st Street) and ¼ mile east of Olive Ave (129th E Avenue). The applicant is requesting this split for the purpose of the land being used for the development of an industrial light development.

According to FEMA Maps, no portion of the property to be split off is located within the 100-year floodplain.

LOT-002611-2025 was discussed by the Technical Advisory Committee on January 13, 2026. Oklahoma Natural Gas (ONG), Public Service Company of Oklahoma (PSO), Windstream, and Cox Communications did not indicate any issues with the proposed lot split.

**Attachments:** Case map  
Aerial

Exhibits

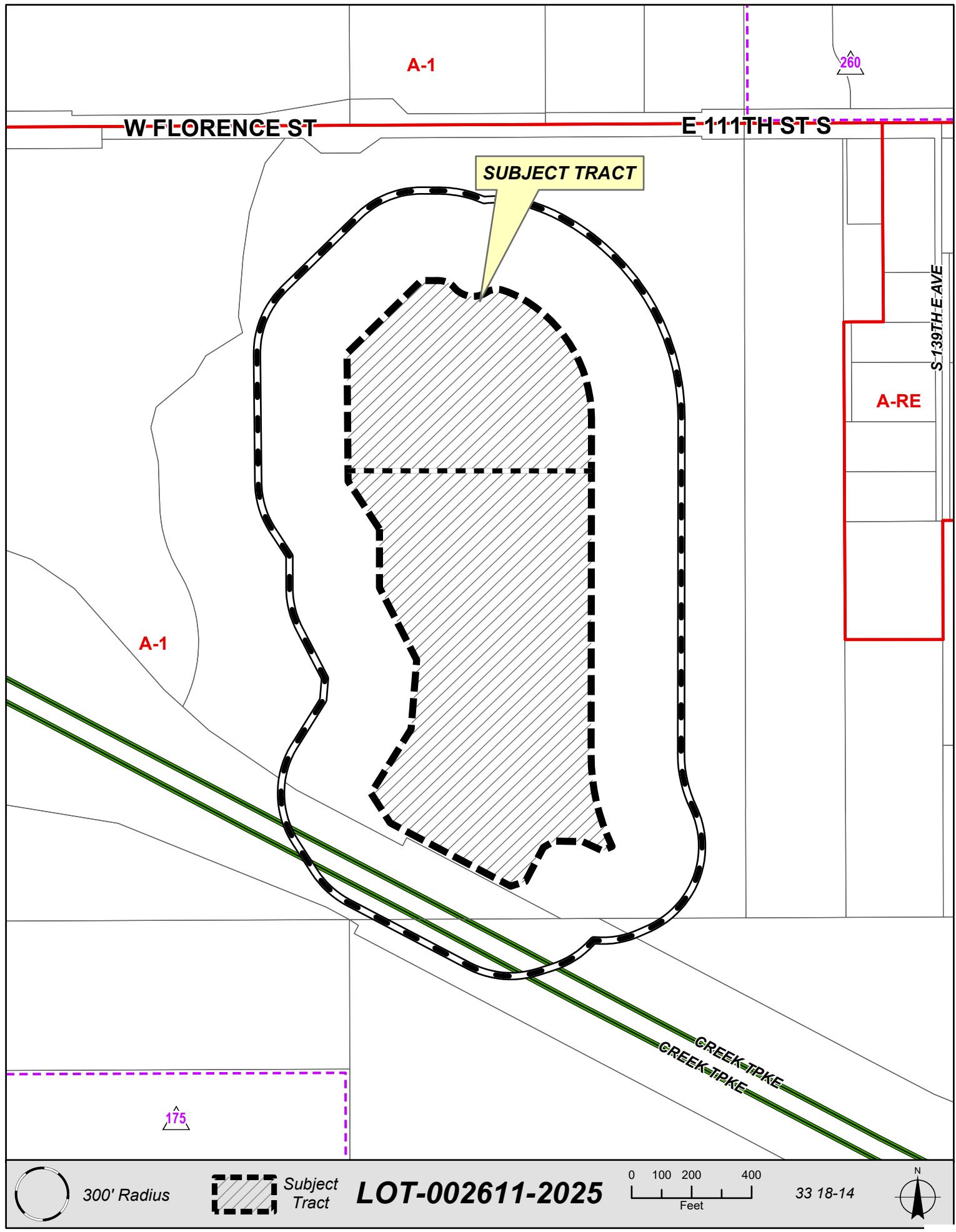
**Recommendation:**

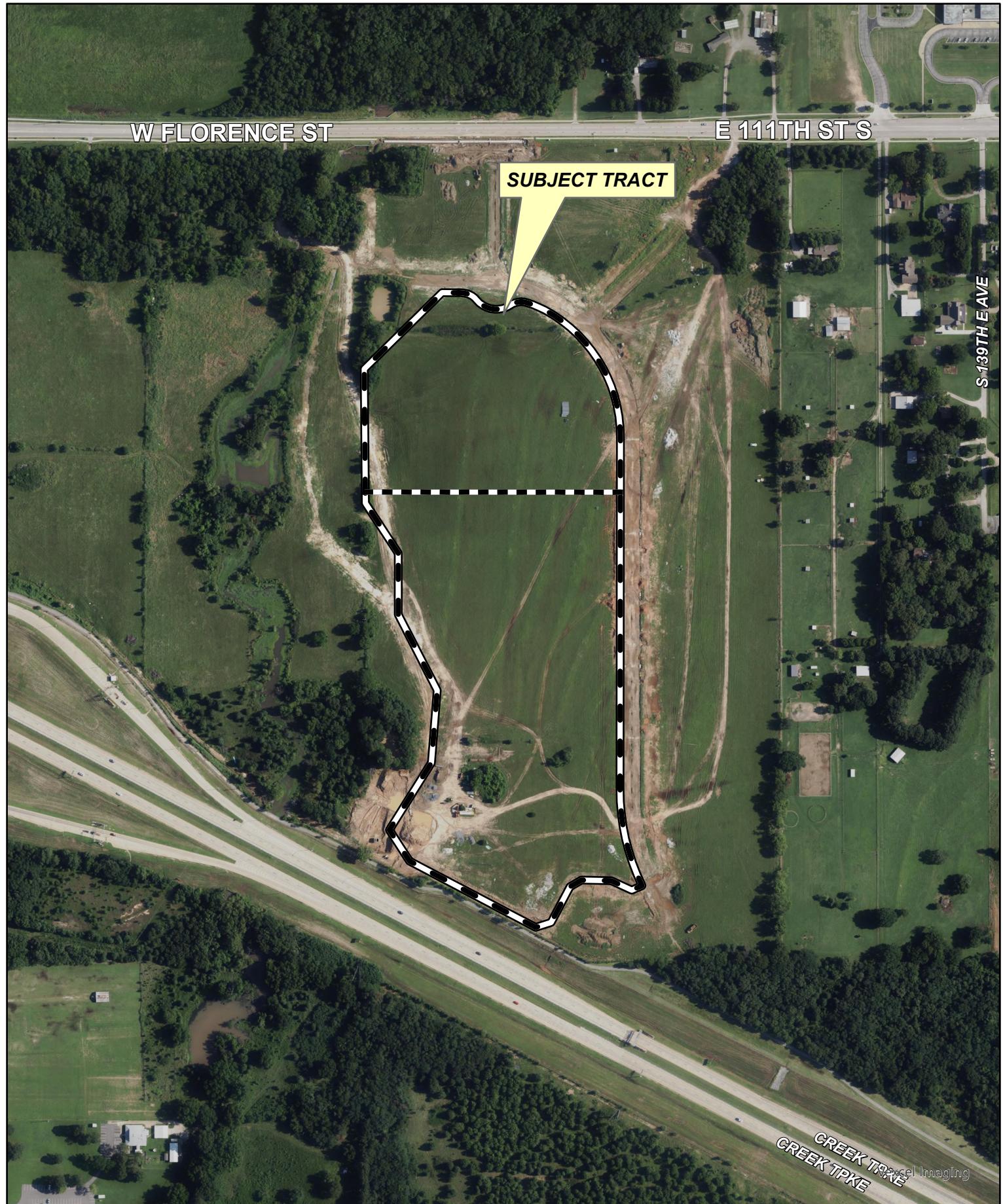
Staff recommends LOT-002611-2025 be approved, subject to new warranty deeds for all parcels being brought simultaneously to the Planning & Development Division to be stamped prior to being recorded in Tulsa County.

**Reviewed by:** **Jane Wyrick**

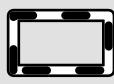
**Approved by:** **Rocky Henkel**

JAJ





Note: Graphic overlays may  
not precisely align with physical  
features on the ground.  
Aerial Photo Date: 2024



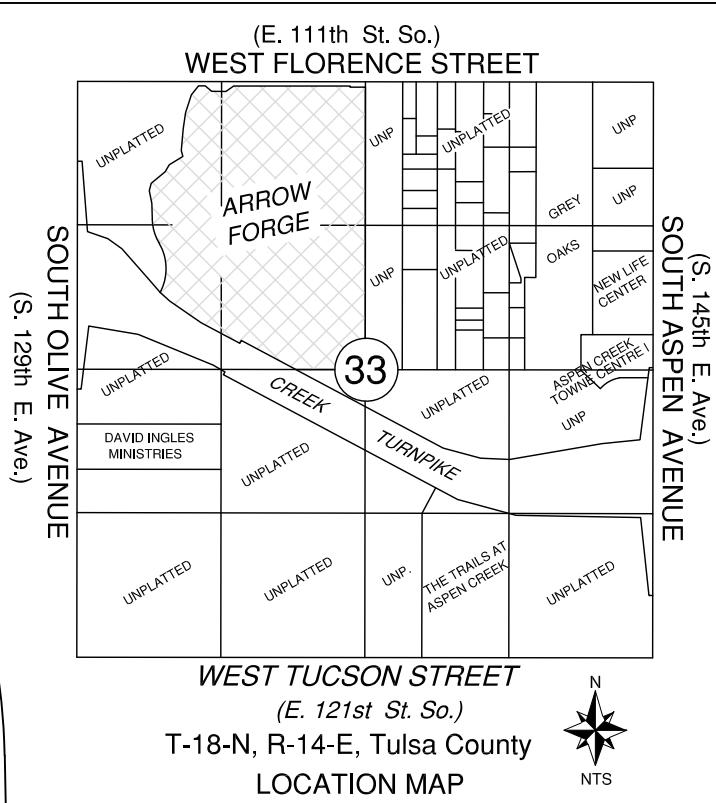
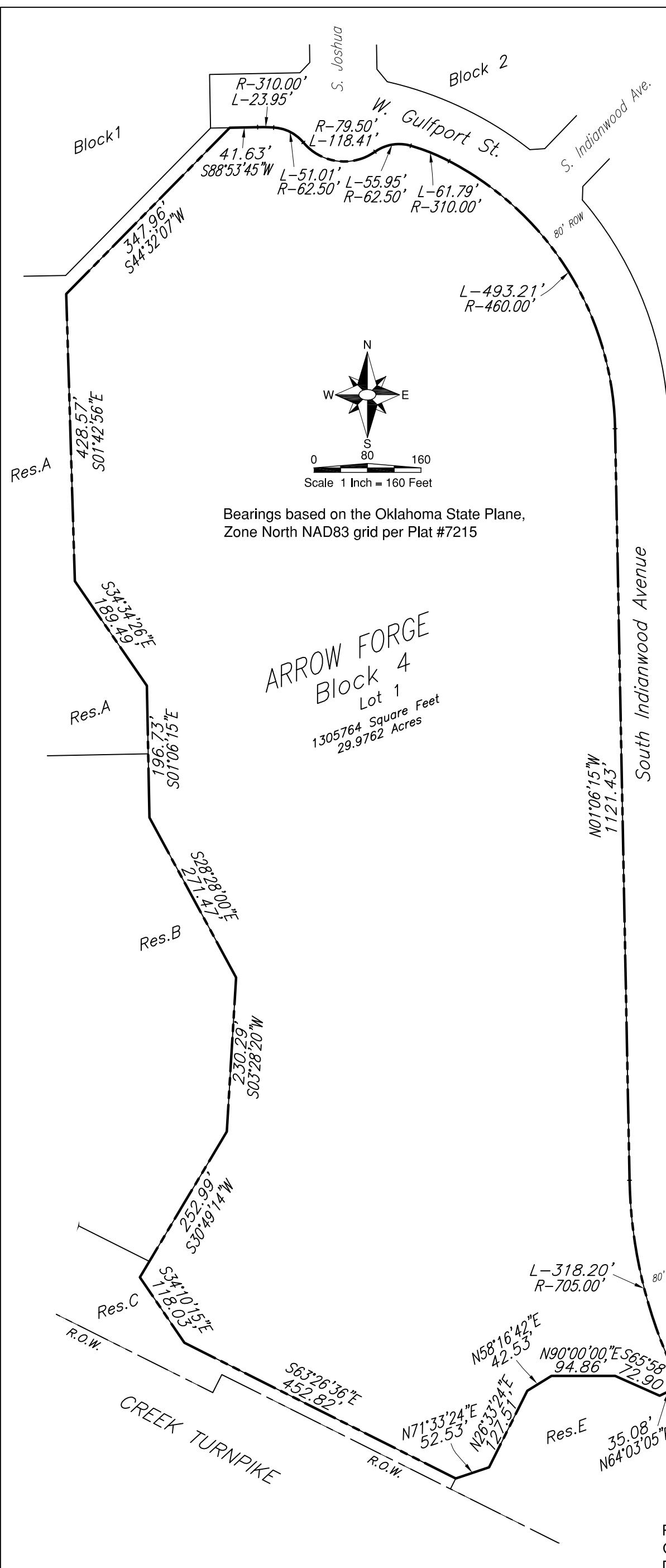
Subject  
Tract

**LOT-002611-2025**

0 100 200 400  
Feet

33 18-14





## LOT LINE ADJUSTMENT EXHIBIT

*Lot One (1) of Block Four (4),  
"ARROW FORGE"*

LEGAL DESCRIPTION: PARENT TRACT  
(before adjustment)

*Lot One (1) of Block Four (4), ARROW FORGE,  
an addition to the City of Broken Arrow, Tulsa  
County, Oklahoma, filed as Plat #7215 at the  
office of the Tulsa County Clerk.*

1,305,764 Square Feet or 29.9762 Acres

**Address:**

*3205 West Gulfport Street*

*5156 South Indianwood Avenue*

## *City of Broken Arrow*

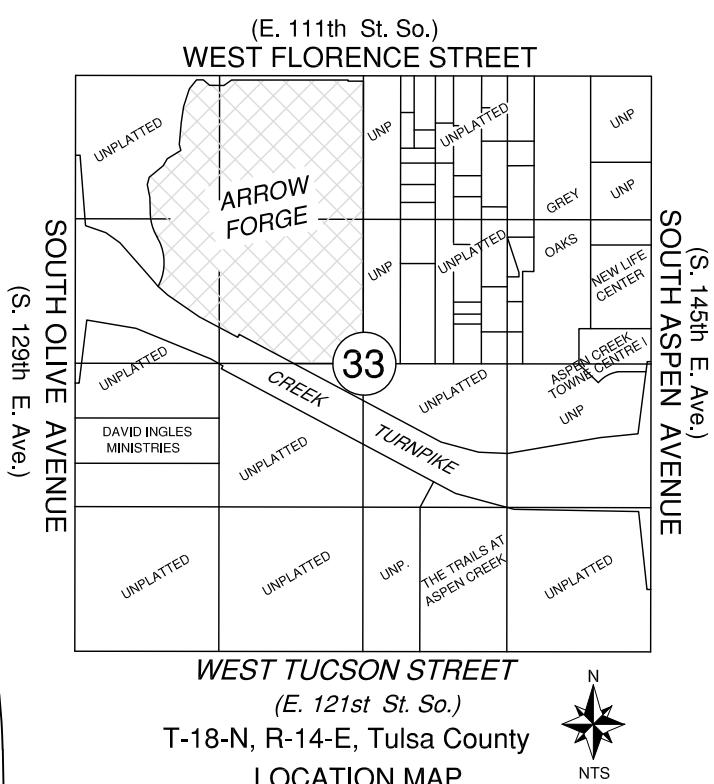
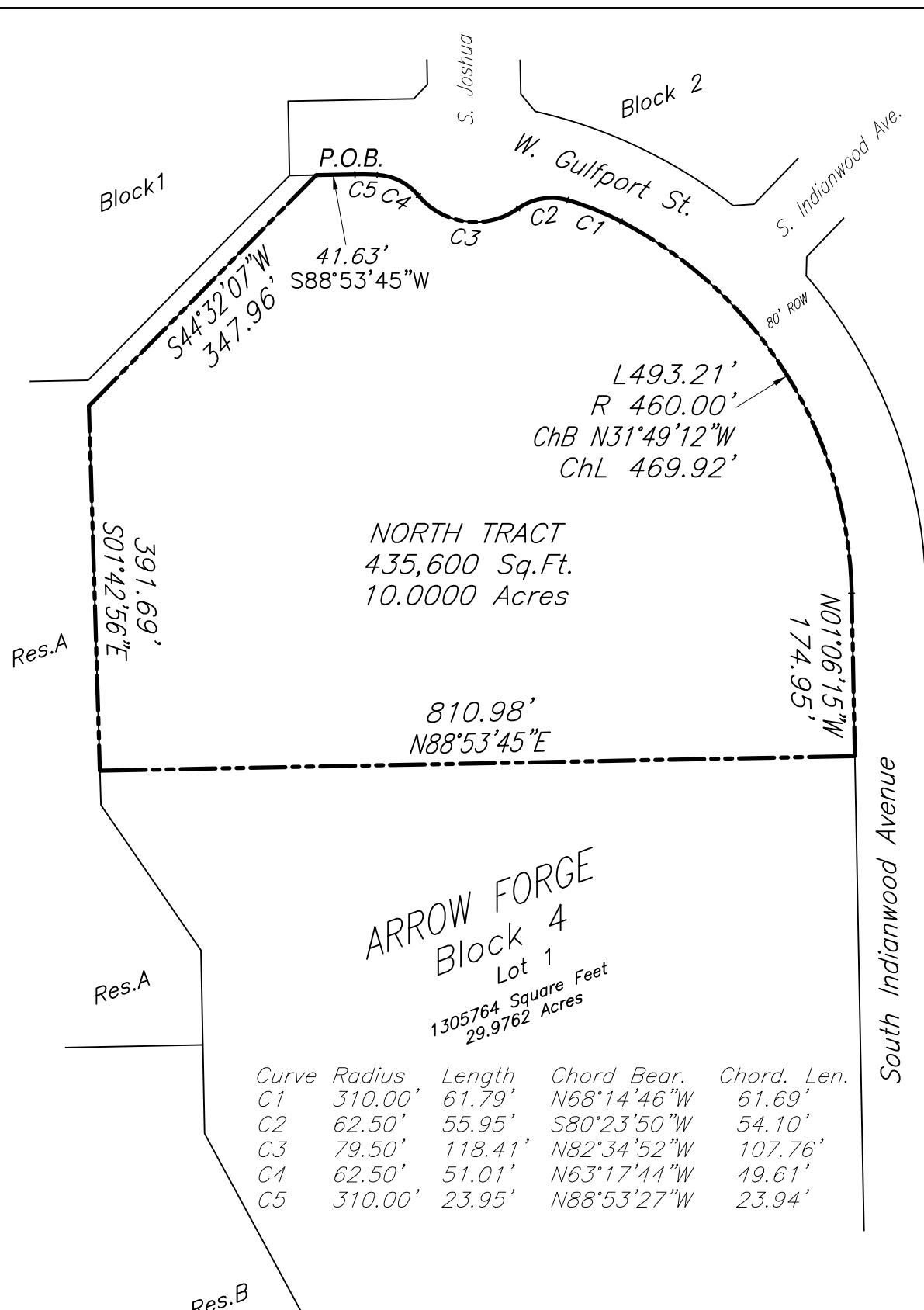
A circular registration stamp with a double concentric border. The inner border contains the text 'PROFESSIONAL LAND SURVEYOR' in blue, all-caps, sans-serif font. The outer border contains 'REGISTERED' at the top and 'OKLAHOMA' at the bottom, also in blue, all-caps, sans-serif font. The center of the stamp contains the name 'RUSSELL M. MUZIKA' in blue, all-caps, sans-serif font, with 'RUSSELL M.' on top and 'MUZIKA' below it. Below the name is 'L.S. 1603' in blue, all-caps, sans-serif font.

Prepared by Russell M. Muzika,  
Ok. PLS No. 1603  
December 22, 2025



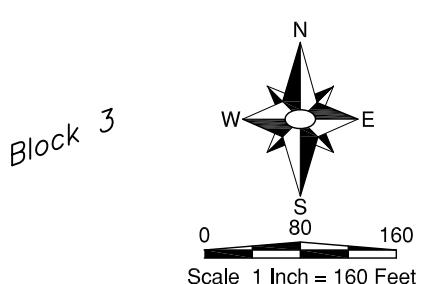
GEODECA  
LAND SURVEYING COMPANY

GEODECA LLC  
P.O. Box 33012  
Tulsa Oklahoma 74153  
(918) 949 4065  
CA # 5524 renewal date



## LOT LINE ADJUSTMENT EXHIBIT

*Lot One (1) of Block Four (4),  
"ARROW FORGE"*



Bearings based on the Oklahoma State Plane,  
Zone North NAD83 grid per Plat #7215

LEGAL DESCRIPTION: NORTH TRACT

*A tract of Land that is a part of Lot One (1) of Block Four (4), ARROW FORGE", an addition to the City of Broken Arrow, Tulsa County, Oklahoma, filed as Plat #7215 at the office of the Tulsa County Clerk, said tract being more particularly described as follows:*

Point of Beginning at the Northwest corner of said Lot One (1) of Block Four (4); thence S44°32'07"W a distance of 347.96 feet; thence S01°42'56"E a distance of 391.69 feet; thence N88°53'45"E a distance of 810.98 feet; thence N01°06'15"W a distance of 174.95 feet; thence on a curve to the left having a radius of 460.00 feet, an arc length of 493.21 feet, with a chord bearing of N31°49'12"W, and a chord length of 469.92 feet; thence with a compound curve to the left having a radius of 310.00 feet, an arc length of 61.79 feet, with a chord bearing of N68°14'46"W, and a chord length of 61.69 feet; thence with a compound curve to the left having a radius of 62.50 feet, an arc length of 55.95 feet, with a chord bearing of S80°23'50"W, and a chord length of 54.10 feet; thence with a reverse curve to the right having a radius of 79.50 feet, an arc length of 118.41 feet, with a chord bearing of N82°34'52"W, and a chord length of 107.76 feet; thence with a reverse curve to the left having a radius of 62.50 feet, an arc length of 51.01 feet, with a chord bearing of N63°17'44"W, and a chord length of 49.61 feet; thence with a compound curve to the left having a radius of 310.00 feet, an arc length of 23.95 feet, with a chord bearing of N88°53'27"W, and a chord length of 23.94 feet; thence S88°53'45"W a distance of 41.63 feet to the Point of Beginning.

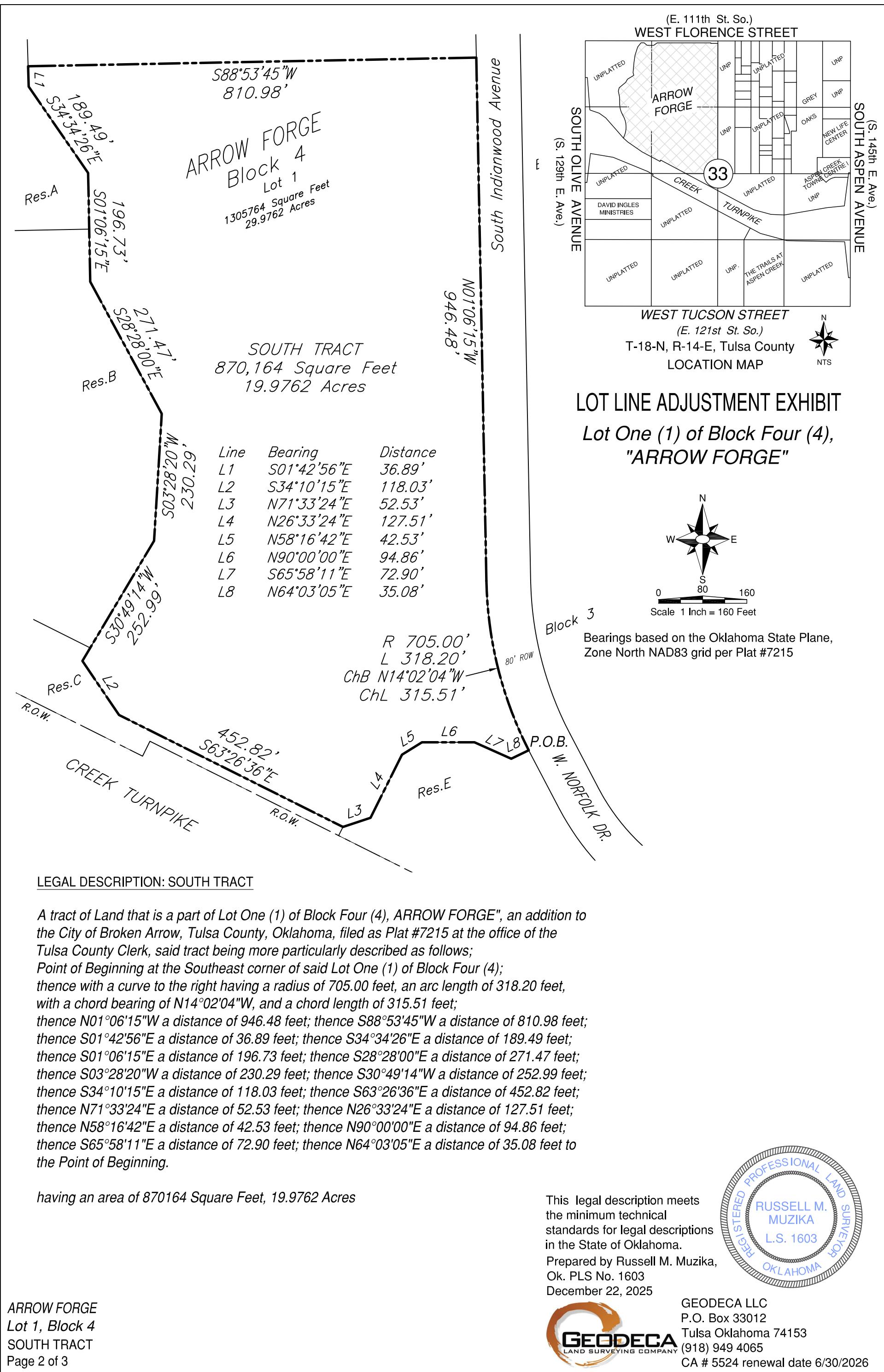
having an area of 435600 Square Feet, 10.0000 Acres.

This legal description meets the minimum technical standards for legal descriptions in the State of Oklahoma.

in the State of Oklahoma.  
Prepared by Russell M. Muzika,  
Ok. PLS No. 1603  
December 22, 2025



GEODECA LLC  
P.O. Box 33012  
Tulsa Oklahoma 74153  
(918) 949 4065  
CA # 5524 renewal date 6/30/2026





# City of Broken Arrow

## Request for Action

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**File #:** 26-173, **Version:** 1

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**Broken Arrow Planning Commission**  
**01-22-2025**

**To:** **Chairman and Commission Members**  
**From:** **Community Development Department**  
**Title:**

Approval of PT-002609-2025|PR-000831-2025, Preliminary Plat Aequitas, 5.86 acres, 5 lots, A-1 (Agricultural) to CH (Commercial Heavy), IL (Industrial Light), RM (Residential Multi-Family) and FD (Floodplain) via BAZ-002280-2025 and PUD-002281-2025, located south of West Tucson Street (121<sup>st</sup> Street South) and 1/3 mile west of South Elm Place (161<sup>st</sup> East Avenue)

**Background:**

**Applicant:** Purvi Patel and Mark Capron, Wallace Design Collective  
**Owner:** Aequitas Holdings  
**Developer:** Brian Cherry, Myers-Cherry Construction  
**Engineer:** Nicole Watts and Mitchell Mueller, Wallace Design Collective  
**Location:** South of West Tucson Street (121st Street South) and 1/3 miles west of South Elm Place (161st East Avenue)  
**Size of Tract** Approximately 5.86 acres  
**Number of Lots:** 5  
**Present Zoning:** A-1 (Agricultural)  
**Proposed Zoning:** CH (Commercial Heavy), IL (Industrial Light), RM (Residential Multi-Family) and FD (Floodplain) via BAZ-002280-2025 and PUD-002281-2025  
**Comp Plan:** Level 2 - Urban Residential & Level 3 - Transitional Area to Level 3 - Transition Area, Level 6 - Regional Commercial/Employment and FD - Greenway/Floodplain via COMP-002093-2025

PT-002609-2025, the preliminary plat for Aequitas, contains 5 lots on 5.86 acres. This property is generally located just south of West Tucson Street (121st Street South) and 1/3 mile west of South Elm Place (161st East Avenue). The property is currently unplatted.

BAZ-002280-2025 and PUD-002281-2025 was a request to rezone the property from A-1 (Agricultural) to CH (Commercial Heavy), IL (Industrial Light), RM (Residential Multi-Family) and FD (Floodplain). The rezoning and planned unit development requests were heard by Planning Commission on July 24, 2025 where it was recommended for approval. BAZ-002280-2025 and PUD-002281-2025 were approved by City Council on July 30, 2025, subject to platting. PT-002609-2025 is the first application towards platting this property and

implementing BAZ-002280-2025 and PUD-002281-2025.

This development will have access via West Tucson Street (121<sup>st</sup> Street South).

According to FEMA's National Flood Hazard Layer, sections of the property are located within the 100-year floodplain. These areas are planned to be dedicated as Overland Drainage Easements or Reserve Areas. All developments will follow city, FEMA, and US-ACOE regulations.

**Attachments:** Aequitas Preliminary Plat with Planning Department Comments

**Recommendation:**

Staff recommends PT-002609-2025|PR-000831-2025, preliminary plat for Aequitas, be approved subject to the attached comments.

**Reviewed by:** Jane Wyrick

**Approved by:** Rocky Henkel

JJR

## PRELIMINARY PLAT

## AEQUITAS HOLDINGS

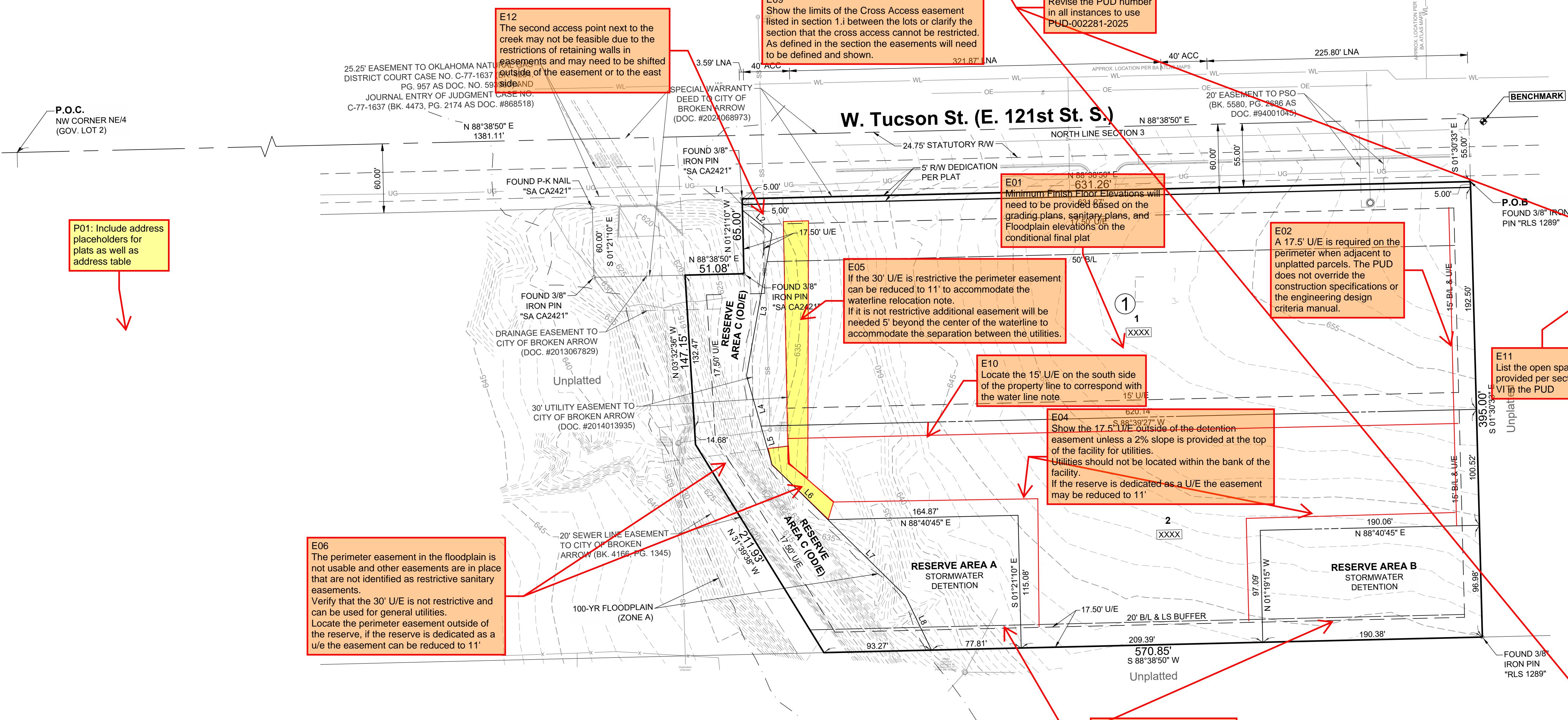
PUD-02281-2025

PART OF THE NORTHEAST QUARTER (NE/4) OF SECTION THREE (3), TOWNSHIP SEVENTEEN (17) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, CITY OF BROKEN ARROW, TULSA COUNTY, STATE OF OKLAHOMA.

**OWNER:**  
Aequitas Holdings LLC  
824 West Jasper Street  
Broken Arrow, Oklahoma, 74011  
DAVID MYERS  
dmyers@myers-cherry.com  
BRIAN CHERRY  
bcherry@myers-cherry.com

**ENGINEER:**  
Wallace Design Collective, PC  
123 North Martin Luther King Jr Blvd.  
Tulsa, Oklahoma, 74103  
Phone: (918) 584-5858  
OK CA NO. 1460, EXPIRES 6/30/2027  
A. NICOLE WATTS, P.E.  
nicole.watts@wallace.design

**SURVEYOR:**  
Wallace Design Collective, PC  
123 North Martin Luther King Jr Blvd.  
Tulsa, Oklahoma, 74103  
Phone: (918) 584-5858  
OK CA NO. 1460, EXPIRES 6/30/2027  
R. WESLEY BENNETT, PLS 1562  
wes.bennett@wallace.design

0 50 75 100  
1" = 50'

ORIG SIZE 24x6"

PLOT: 12/22/25

\\civil-server\\Projects\\240418\_Aequitas Development - BA04 Production\\04 Plat\\0240418 Preliminary Plat.dwg

LINE TABLE		
LINE #	LENGTH	BEARING
L1	10.00'	S 01°21'10"E
L2	32.49'	S 51°59'05"E
L3	125.22'	S 10°09'06"W
L4	45.56'	S 15°59'37"E
L5	34.73'	S 15°59'37"E
L6	67.97'	S 45°24'56"E
L7	94.10'	S 45°24'56"E
L8	52.24'	S 25°47'57"E

LOT AREA TABLE (BLOCK 1)		
LOT #	AREA (SF)	(ACRE)
1	119,466	2.74
2	76,943	1.77

RESERVE AREA TABLE		
RESERVE	AREA (SF)	(ACRE)
A	13,142	0.30
B	18,458	0.42
C	24,027	0.55

**\*BLANKET EASEMENT NOTE: (EXCEPTION 10)**  
ASSIGNMENT OF OIL AND GAS LEASE IN FAVOR OF S.P. HAZEN AND JAMES R. HALL, DATED JANUARY 30, 1925, FILED FEBRUARY 6, 1925 AS DOCUMENT NO. 279131, AND RECORDED IN BOOK 546, PAGE 258 IN THE OFFICE OF THE TULSA COUNTY CLERK.

STORMWATER DETENTION ACCOMMODATIONS FOR THIS SITE ARE PROVIDED IN ACCORDANCE WITH FEE-IN-LIEU OF DETENTION DETERMINATION NO.: DD-

**BACKFLOW PREVENTER NOTE**  
"ALL NEW BUILDINGS THAT ARE SERVED BY SANITARY SEWER SERVICE SHALL INSTALL A BACKWATER DEVICE (BACKFLOW PREVENTER). INSTALLATION OF THESE DEVICES AND ALL MAINTENANCE SHALL BE AT THE SOLE EXPENSE OF THE PROPERTY OWNER." BROKEN ARROW ORDINANCE NO. 3527, SECTION 24303, ADOPTED MAY 15, 2018.  
ALL LOTS REQUIRE A BACKFLOW PREVENTER VALVE.

APPROVED \_\_\_\_\_ by the City  
Council of the City of Broken Arrow,  
Oklahoma,  
Mayor \_\_\_\_\_  
Attest: City Clerk \_\_\_\_\_

E08  
Add a reference to  
PR-000831-2025

P02: Include  
PT-002609-2025 as  
case number

DATE: 12/22/2025  
AEQUITAS HOLDINGS  
PUD-02281-2025  
PRELIMINARY PLAT  
SHEET 1 OF 3

LEGEND	
B/L	BUILDING SETBACK
ACC	ACCESS
LNA	LIMITS OF NO ACCESS
R/W	RIGHT-OF-WAY
LS	LANDSCAPE
OD/E	OVERLAND DRAINAGE EASEMENT
U/E	UTILITY EASEMENT
ESMT	EASEMENT
BK/P.G.	BOOK/PAGE
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCEMENT
XXXX	ADDRESS
①	BLOCK NUMBER
2	LOT NUMBER
○	IRON PIN FOUND

**SUBDIVISION STATISTICS**  
SUBDIVISION CONTAINS TWO (2) LOTS IN ONE (1) BLOCK AND THREE (3) RESERVE AREAS.  
SUBDIVISION CONTAINS 255,192 SF (5.86 ACRES)  
R/W DEDICATED BY PLAT CONTAINS 3,156 SF (0.07 ACRES)  
PROPERTY ZONED: PUD-02281-2025 (CH/L/RM)

**MONUMENTATION**  
MONUMENTATION FOUND AS NOTED.  
3/8" IRON PINS TO BE SET AT ALL PROPERTY CORNERS.  
1/2" IRON PINS TO BE SET AT MAIN EXTERIOR CORNERS.

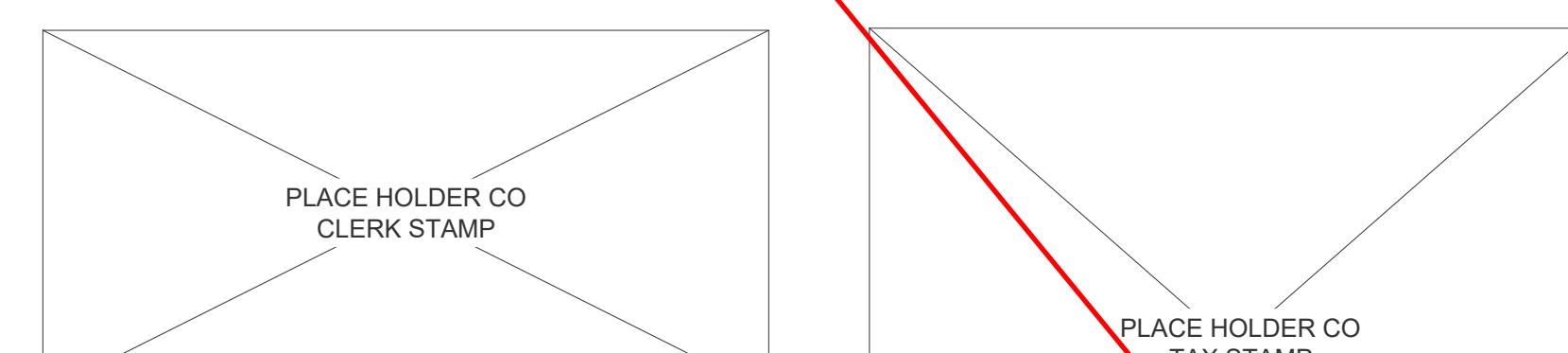
**BENCHMARK**  
MAG NAIL IN ASPHALT  
NORTHING=367136.694  
EASTING=2616820.409  
ELEV=658.47  
NAVD 1988 DATUM

**BASIS OF BEARINGS**  
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 ON THE NORTH LINE OF THE NORTH QUARTER OF SECTION 3, TOWNSHIP 17 NORTH, RANGE 14 EAST OF THE INDIAN BASE AND MERIDIAN AS S88°38'50"W.

**ADDRESS NOTE**  
ADDRESSES SHOWN ON THIS PLAT WERE ACCURATE AT THE TIME THIS PLAT WAS FILED. ADDRESSES ARE SUBJECT TO CHANGE AND SHOULD NEVER BE RELIED ON IN PLACE OF LEGAL DESCRIPTION.

**FLOODPLAIN NOTE**  
WE HAVE EXAMINED A MAP BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FLOOD INSURANCE RATE MAP, TULSA COUNTY, OKLAHOMA AND INCORPORATED AREAS, MAP NO. 40143C0456M, WITH A REVISION DATE OF SEPTEMBER 30, 2016, WHICH SHOWS THE ENTIRE PORTION OF THE PROPERTY DESCRIBED HEREON AS LOCATED IN ZONES (A) WHICH IS CLASSIFIED AS AREAS OF 100-YEAR FLOOD AND (X) WHICH IS CLASSIFIED AS AREAS DETERMINED TO BE OUTSIDE THE 500-YEAR FLOODPLAIN.

**SURVEYOR'S LAST SITE VISIT:**  
NOVEMBER 6, 2025



PLACE HOLDER CO  
CLERK STAMP  
PLACE HOLDER CO  
TAX STAMP

# AEQUITAS HOLDINGS

PUD-002281-2025

## DEED OF DEDICATION AND RESTRICTIVE COVENANTS

KNOW ALL MEN BY THESE PRESENTS:

AEQUITAS HOLDINGS LLC, AN OKLAHOMA LIMITED LIABILITY COMPANY, HEREINAFTER REFERRED TO AS THE "OWNER", IS THE OWNER OF THE FOLLOWING DESCRIBED TRACT OF LAND IN THE CITY OF BROKEN ARROW, TULSA COUNTY, STATE OF OKLAHOMA, TO-WIT:

PART OF THE NORTHEAST QUARTER (NE/4) OF SECTION THREE (3), TOWNSHIP SEVENTEEN (17) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, CITY OF BROKEN ARROW, TULSA COUNTY, STATE OF OKLAHOMA, MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING (P.O.C.) AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER (NE/4) OF SAID SECTION; THENCE N88°38'50"E ALONG SAID SECTION FOR A DISTANCE OF 1381.11 FEET; THENCE S01°30'33"E FOR A DISTANCE OF 55.00 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF A SPECIAL WARRANTY DEED TO CITY OF BROKEN ARROW, RECORDED AS DOCUMENT #2024068973, ACCORDING TO TULSA COUNTY LAND RECORDS THEREOF AND THE POINT OF BEGINNING (P.O.B.); THENCE CONTINUING S01°30'33"E FOR A DISTANCE OF 395.00 FEET; THENCE S88°38'50"W FOR A DISTANCE OF 570.85 FEET TO A POINT ON THE EASTERN BOUNDARY OF AN EXISTING 20 FOOT SEWER EASEMENT TO THE CITY OF BROKEN ARROW, OKLAHOMA, RECORDED IN BOOK 4166, PAGE 1345, ACCORDING TO TULSA COUNTY LAND RECORDS THEREOF; THENCE N31°39'38"W ALONG THE EASTERN BOUNDARY OF SAID EASEMENT FOR A DISTANCE OF 211.93 FEET; THENCE N03°32'36"W FOR A DISTANCE OF 147.15 FEET; THENCE N88°38'50"E FOR A DISTANCE OF 51.08 FEET; THENCE N01°21'10"W FOR A DISTANCE OF 65.00 FEET; THENCE N88°38'50"E AND PARALLEL TO SAID SECTION FOR A DISTANCE OF 631.26 FEET TO THE POINT OF BEGINNING (P.O.B.). SAID TRACT CONTAINING 5.86 ACRES, MORE OR LESS.

AND HAS CAUSED THE ABOVE-DESCRIBED TRACT OF LAND TO BE SURVEYED, STAKED, PLATTED AND SUBDIVIDED INTO TWO (2) LOTS, ONE BLOCK, AND THREE (3) RESERVE AREAS IN CONFORMITY WITH THE ACCOMPANYING PLAT AND SURVEY (HEREINAFTER THE "PLAT"), AND HAS ENTITLED AND DESIGNATED THE SUBDIVISION AS "AEQUITAS", A SUBDIVISION IN THE CITY OF BROKEN ARROW, TULSA COUNTY, STATE OF OKLAHOMA (HEREINAFTER THE "SUBDIVISION" OR "PLATTED AREA" OR "AEQUITAS HOLDINGS").

### SECTION I. EASEMENTS AND UTILITIES

#### A. GENERAL UTILITY EASEMENTS

1. THE OWNER DOES HEREBY DEDICATE TO THE PUBLIC THE UTILITY EASEMENTS DESIGNATED AS "U/E" OR "UTILITY EASEMENT", FOR THE PURPOSES OF CONSTRUCTING, MAINTAINING, OPERATING, REPAIRING, REPLACING, AND/OR REMOVING ANY AND ALL PUBLIC UTILITIES, INCLUDING STORM SEWERS, SANITARY SEWERS, TELEPHONE AND COMMUNICATION LINES, ELECTRIC POWER LINES AND TRANSFORMERS, GAS LINES, WATER LINES AND CABLE TELEVISION LINES, TOGETHER WITH ALL FITTINGS, INCLUDING THE POLES, WIRES, CONDUITS, PIPES, VALVES, METERS, AND EQUIPMENT FOR EACH OF SUCH FACILITIES AND ANY OTHER APPURTENANCES THERETO, WITH THE RIGHTS OF INGRESS AND EGRESS TO AND UPON THE UTILITY EASEMENTS FOR THE USES AND PURPOSES AFORESAID, PROVIDED HOWEVER, THE OWNER HEREBY RESERVES THE RIGHT TO CONSTRUCT, MAINTAIN, OPERATE, LAY AND RE-LAY WATER LINES AND SEWER LINES, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS FOR SUCH CONSTRUCTION, MAINTENANCE, OPERATION, LAYING AND RELAYING OVER, ACROSS AND ALONG ALL OF THE UTILITY EASEMENTS DEPICTED ON THE PLAT, FOR THE PURPOSE OF FURNISHING WATER AND/OR SEWER SERVICES TO THE AREA INCLUDED IN THE PLAT. THE OWNER HEREIN IMPOSES A RESTRICTIVE COVENANT, WHICH COVENANT SHALL BE BINDING ON THE LOT OWNER AND SHALL BE ENFORCEABLE BY THE CITY OF BROKEN ARROW, TULSA COUNTY, OKLAHOMA, AND BY THE SUPPLIER OF ANY AFFECTED UTILITY SERVICE, THAT WITHIN THE UTILITY EASEMENTS DEPICTED ON THE ACCOMPANYING PLAT NO BUILDING, STRUCTURE OR OTHER ABOVE OR BELOW GROUND OBSTRUCTION THAT INTERFERES WITH THE ABOVE SET FORTH USES AND PURPOSES OF AN EASEMENT SHALL BE PLACED, ERECTED, INSTALLED OR MAINTAINED, PROVIDED HOWEVER, NOTHING HEREIN SHALL BE DEEMED TO PROHIBIT DRIVES, PARKING AREAS, CURBING, LANDSCAPING AND CUSTOMARY SCREENING FENCES AND WALLS THAT DO NOT CONSTITUTE AN OBSTRUCTION.

2. NO IMPROVEMENT, INCLUDING BUT NOT LIMITED TO FENCES OR RETAINING WALLS, SHALL BE CONSTRUCTED WITHIN ANY UTILITY EASEMENT WITHOUT PRIOR WRITTEN APPROVAL FROM THE CITY OF BROKEN ARROW. ANY SUCH IMPROVEMENTS SHALL BE MAINTAINED BY THE RESPECTIVE LOT OWNER IN ACCORDANCE WITH THE CITY OF BROKEN ARROW BUILDING CODE, AND EACH OWNER HEREBY GRANTS AN EASEMENT FOR LATERAL SUPPORT FOR SUCH RETAINING WALL TO EACH RESPECTIVE ADJACENT LOT OWNER.

3. THE OWNER OF THE LOT AFFECTED SHALL BE RESPONSIBLE FOR MAINTENANCE OF THE UTILITY EASEMENT (U/E) OVER THE EXISTING DRAINAGE EASEMENT FOR COMPLIANCE WITH CITY OF BROKEN ARROW DEVELOPMENT REGULATIONS AND IN ACCORDANCE WITH THE APPEARANCE STANDARDS OF THE CITY OF BROKEN ARROW ONLY.

#### B. UNDERGROUND SERVICE

1. OVERHEAD POLES FOR THE SUPPLY OF ELECTRIC AND COMMUNICATION SERVICE MAY BE LOCATED IN THE PERIMETER UTILITY EASEMENT AND IN THE PERIMETER RIGHT-OF-WAYS OF THE SUBDIVISION. STREET LIGHT POLES OR STANDARDS MAY BE SERVED BY OVERHEAD OR UNDERGROUND CABLE, AND ELSEWHERE THROUGHOUT THE SUBDIVISION, ALL SUPPLY LINES INCLUDING ELECTRIC, TELEPHONE, CABLE TELEVISION AND GAS LINES SHALL BE LOCATED UNDERGROUND IN EASEMENTS DEDICATED FOR GENERAL UTILITY SERVICES AND IN THE RIGHTS-OF-WAY OF THE PUBLIC STREETS AS DEPICTED UPON THE ACCOMPANYING PLAT. SERVICE PEDESTALS AND TRANSFORMERS, AS SOURCES OF SUPPLY AT SECONDARY VOLTAGES, MAY ALSO BE LOCATED IN THE GENERAL UTILITY EASEMENTS.

2. UNDERGROUND SERVICE CABLES AND GAS SERVICE LINES TO ALL STRUCTURES WHICH MAY BE LOCATED ON ALL LOTS IN THE SUBDIVISION MAY BE RUN FROM THE NEAREST GAS MAIN, SERVICE PEDESTAL OR TRANSFORMER TO THE POINT OF USAGE DETERMINED BY THE LOCATION AND CONSTRUCTION OF SUCH STRUCTURE AS MAY BE LOCATED UPON EACH SAID LOT, PROVIDED THAT UPON THE INSTALLATION OF SUCH A SERVICE CABLE OR GAS 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 CABLE, EXTENDING FROM THE SERVICE PEDESTAL, TRANSFORMER OR GAS MAIN TO THE SERVICE ENTRANCE ON THE STRUCTURE OR A POINT OF METERING.

3. THE SUPPLIER OF ELECTRIC, TELEPHONE, CABLE TELEVISION AND GAS SERVICES, THROUGH ITS AUTHORIZED AGENTS AND EMPLOYEES, SHALL AT ALL TIMES HAVE RIGHT OF ACCESS TO ALL SUCH EASEMENTS SHOWN ON THE PLAT OF THE SUBDIVISION OR PROVIDED FOR IN THIS DEED OF DEDICATION FOR THE PURPOSE OF INSTALLING, MAINTAINING, REMOVING OR REPLACING ANY PORTION OF THE UNDERGROUND ELECTRIC, TELEPHONE, CABLE TELEVISION OR GAS SERVICE FACILITIES SO INSTALLED BY IT. THE SUPPLIER OF ELECTRIC, TELEPHONE, CABLE TELEVISION ALSO RESERVES THE PERPETUAL RIGHT, PRIVILEGE AND AUTHORITY TO CUT DOWN, TRIM, OR TREAT ANY TREES AND UNDERGROWTH ON SAID EASEMENT.

4. THE LOT OWNER SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE UNDERGROUND ELECTRIC FACILITIES LOCATED ON THE OWNER'S PROPERTY AND SHALL PREVENT THE ALTERATION OF GRADE OR ANY CONSTRUCTION ACTIVITY WHICH MAY INTERFERE WITH SAID ELECTRIC, TELEPHONE, CABLE TELEVISION OR GAS FACILITIES. THE SUPPLIER OF SERVICE WILL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF UNDERGROUND FACILITIES, BUT THE LOT OWNER WILL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER OR THEIR AGENTS OR CONTRACTORS. THE FOREGOING COVENANTS CONCERNING UNDERGROUND FACILITIES SHALL BE ENFORCEABLE BY THE SUPPLIER OF ELECTRIC, TELEPHONE, CABLE TELEVISION, OR GAS SERVICES.

#### C. WATER MAINS, SANITARY SEWERS, AND STORM SEWER SERVICES

1. THE OWNER OF THE LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE PUBLIC WATER MAINS, SANITARY SEWER MAINS AND STORM SEWERS IN THIS ADDITION.

1. WITHIN THE UTILITY EASEMENT AREAS DEPICTED ON THE ACCOMPANYING PLAT, THE ALTERATION OF GROUND ELEVATIONS FROM THE CONTOURS EXISTING UPON THE COMPLETION OF THE INSTALLATION OF A PUBLIC WATER MAIN, SANITARY SEWER MAIN, OR STORM SEWER MAIN, OR ANY CONSTRUCTION ACTIVITY WHICH WOULD INTERFERE WITH PUBLIC WATER MAINS, SANITARY SEWER MAINS AND STORM SEWERS, SHALL BE PROHIBITED.

2. THE CITY OF BROKEN ARROW, OKLAHOMA, OR ITS SUCCESSORS, SHALL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF PUBLIC WATER MAINS, SANITARY SEWER MAINS AND STORM SEWER MAINS, BUT THE OWNER SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER, THEIR AGENTS OR CONTRACTORS.

3. THE CITY OF BROKEN ARROW, OKLAHOMA, OR ITS SUCCESSORS, SHALL AT ALL TIMES HAVE RIGHT OF ACCESS TO ALL EASEMENTWAYS DEPICTED ON THE ACCOMPANYING PLAT, OR OTHERWISE PROVIDED FOR IN THE DEED OF DEDICATION FOR THE PURPOSE OF INSTALLING, MAINTAINING, REMOVING, OR REPLACING ANY PORTION OF UNDERGROUND WATER, SANITARY SEWER OR STORM SEWER FACILITIES.

4. ALL STORM SEWER OUTSIDE OF THE RIGHT OF WAY WILL BE CONSIDERED PRIVATE AND IDENTIFIED IN THE PLANS AS PRIVATE OF PUBLIC.

5. THE FOREGOING COVENANTS SET FORTH IN THIS PARAGRAPH SHALL BE ENFORCEABLE BY THE CITY OF BROKEN ARROW, OKLAHOMA, OR ITS SUCCESSORS, AND THE OWNER OF THE LOT AGREES TO BE BOUND HEREBY.

#### D. SURFACE DRAINAGE

EACH LOT DEPICTED ON THE PLAT OF AEQUITAS, SHALL RECEIVE AND DRAIN, IN AN UNOBSTRUCTED MANNER, THE STORM AND SURFACE WATERS FROM LOTS AND DRAINAGE AREAS OF HIGHER ELEVATION AND FROM STREETS AND EASEMENTS. NO LOT OWNER(S) SHALL CONSTRUCT OR PERMIT TO BE CONSTRUCTED ANY FENCING OR OTHER OBSTRUCTIONS WHICH WOULD IMPAIR THE DRAINAGE OF STORM AND SURFACE WATERS OVER AND ACROSS ANY LOT. THE FOREGOING COVENANTS SET FORTH IN THIS PARAGRAPH SHALL BE ENFORCEABLE BY ANY AFFECTED LOT OWNER.

#### E. RESERVE AREAS "A" & "B" - STORMWATER DETENTION EASEMENTS

1. THE OWNER DOES HEREBY DEDICATE TO THE PUBLIC A PERPETUAL EASEMENT ON, OVER, AND ACROSS THE PROPERTY DESIGNATED AND SHOWN ON THE ACCOMPANYING PLAT AS RESERVE AREA "A" & RESERVE AREA "B" FOR THE PURPOSES OF PERMITTING THE FLOW, CONVEYANCE, RETENTION, DETENTION AND DISCHARGE OF STORMWATER RUNOFF FROM THE VARIOUS LOTS WITHIN THE SUBDIVISION AND FROM PROPERTIES NOT INCLUDED WITHIN THE SUBDIVISION.

2. DETENTION, RETENTION AND OTHER DRAINAGE FACILITIES LOCATED WITHIN THE RESERVES SHALL BE CONSTRUCTED IN ACCORDANCE WITH STANDARDS AND SPECIFICATIONS APPROVED BY THE CITY OF BROKEN ARROW, OKLAHOMA.

3. NO FENCE, WALL, BUILDING, OR OTHER OBSTRUCTION SHALL BE PLACED OR MAINTAINED IN THE RESERVE NOR SHALL THERE BE ANY ALTERATION OF GRADE IN SAID RESERVE UNLESS APPROVED BY THE CITY OF BROKEN ARROW, OKLAHOMA.

4. DETENTION, RETENTION, AND OTHER DRAINAGE FACILITIES SHALL BE MAINTAINED BY THE HOMEOWNERS' ASSOCIATION OR PROPERTY OWNER'S ASSOCIATION TO THE EXTENT NECESSARY TO ACHIEVE THE INTENDED DRAINAGE, RETENTION, AND DETENTION FUNCTIONS INCLUDING REPAIR OF APPURTENANCES AND REMOVAL OF OBSTRUCTIONS AND SILTATION AND THE ASSOCIATION SHALL PROVIDE CUSTOMARY GROUNDS MAINTENANCE WITHIN THE RESERVE IN ACCORDANCE WITH THE FOLLOWING MINIMUM STANDARDS:

- a. GRASS AREAS SHALL BE MOWED (IN SEASON) AT REGULAR INTERVALS OF FOUR WEEKS, OR LESS.
- b. CONCRETE APPURTENANCES SHALL BE MAINTAINED IN GOOD CONDITION AND REPLACED IF DAMAGED.
- c. THE RESERVE SHALL BE KEPT FREE OF DEBRIS.
- d. CLEANING OF SILTATION AND VEGETATION FROM CONCRETE CHANNELS SHALL BE PERFORMED TWICE YEARLY.

#### F. RESERVE AREA "C" (OVERLAND DRAINAGE EASEMENT)

1. RESERVE AREA "C", DEPICTED ON THE ACCOMPANYING PLAT AS OVERLAND DRAINAGE EASEMENTS, ARE DEDICATED TO THE CITY OF BROKEN ARROW, OKLAHOMA, FOR THE PURPOSE OF PERMITTING THE FLOW, CONVEYANCE, AND DISCHARGE OF STORM WATER RUNOFF FROM VARIOUS LOTS WITHIN THE SUBDIVISION AND FROM PROPERTIES OUTSIDE THE SUBDIVISION.

2. DRAINAGE FACILITIES OR OTHER IMPROVEMENTS CONSTRUCTED IN THE OVERLAND DRAINAGE EASEMENTS SHALL BE IN ACCORDANCE WITH THE ADOPTED STANDARDS OF THE CITY OF BROKEN ARROW, OKLAHOMA, AND PLANS AND SPECIFICATIONS APPROVED BY THE CITY OF BROKEN ARROW, OKLAHOMA.

3. NO FENCE, WALL, BUILDING OR OTHER OBSTRUCTION MAY BE PLACED OR MAINTAINED IN THE OVERLAND DRAINAGE EASEMENTS NOR SHALL THERE BE ANY ALTERATION OF THE GRADES OF CONTOURS IN THE EASEMENT AREAS UNLESS APPROVED BY THE CITY OF BROKEN ARROW, OKLAHOMA.

4. MAINTENANCE OF THE OVERLAND DRAINAGE EASEMENTS SHALL BE BY THE OWNER THEREOF IN ACCORDANCE WITH STANDARDS PRESCRIBED BY THE CITY OF BROKEN ARROW, OKLAHOMA. IN THE EVENT THE OWNER SHOULD FAIL TO PROPERLY MAINTAIN THE EASEMENT AREAS AND FACILITIES LOCATED THEREON OR, IN THE EVENT OF THE PLACEMENT OF AN OBSTRUCTION WITHIN THE EASEMENT AREAS, OF THE ALTERATION OF THE GRADE OR CONTOUR THEREIN, THE CITY OF BROKEN ARROW, OKLAHOMA, OR ITS DESIGNATED CONTRACTOR MAY ENTER THE EASEMENT AREAS AND PERFORM MAINTENANCE NECESSARY TO THE ACHIEVEMENT OF THE INTENDED DRAINAGE FUNCTIONS AND MAY REMOVE ANY OBSTRUCTION OR CORRECT ANY ALTERATION OF GRADE OR CONTOUR, AND THE COST THEREOF SHALL BE PAID BY THE OWNER THEREOF. IN THE EVENT THE OWNER FAILS TO PAY THE COST OF MAINTENANCE AFTER COMPLETION OF THE MAINTENANCE AND RECEIPT OF A STATEMENT OF COSTS, THE CITY OF BROKEN ARROW, OKLAHOMA, MAY FILE OR RECORD A COPY OF THE STATEMENT OF COSTS, AND THEREAFTER THE COSTS SHALL BE A LIEN AGAINST LOTS 1 AND 2, BLOCK 1, WHICH LIEN MAY BE FORECLOSED BY THE CITY OF BROKEN ARROW, OKLAHOMA.

#### G. LIMITS OF NO ACCESS

THE OWNER HEREBY RELINQUISHES RIGHTS OF VEHICULAR INGRESS OR EGRESS FROM ANY PORTION OF THE PROPERTY ADJACENT TO WEST TUCSON STREET (EAST 121ST STREET SOUTH) WITHIN THE BOUNDS DESIGNATED AS "LIMITS OF NO ACCESS" (LNA) ON THE ACCOMPANYING PLAT, WHICH LIMITS OF NO ACCESS MAY BE AMENDED OR RELEASED BY THE BROKEN ARROW PLANNING COMMISSION, OR ITS SUCCESSOR, WITH THE APPROVAL OF THE CITY OF BROKEN ARROW, OKLAHOMA, OR AS OTHERWISE PROVIDED BY THE STATUTES AND LAWS OF THE STATE OF OKLAHOMA PERTAINING THERETO, AND THE LIMITS OF NO ACCESS ESTABLISHED ABOVE SHALL BE ENFORCEABLE BY THE CITY OF BROKEN ARROW, OKLAHOMA.

H. PAVING AND LANDSCAPING WITHIN EASEMENTS

THE OWNER OF THE LOT AFFECTED SHALL BE RESPONSIBLE FOR THE REPAIR OF DAMAGE TO LANDSCAPING AND PAVING OCCASIONED BY NECESSARY PLACEMENTS, REPLACEMENTS, OR MAINTENANCE OF WATER, SEWER, STORM SEWER, NATURAL GAS, COMMUNICATION, CABLE TELEVISION, OR ELECTRIC FACILITIES WITHIN THE UTILITY EASEMENT AREAS DEPICTED UPON THE ACCOMPANYING PLAT. PROVIDED HOWEVER, THE CITY OF BROKEN ARROW, TULSA COUNTY, OKLAHOMA OR THE SUPPLIER OF THE UTILITY SERVICE SHALL USE REASONABLE CARE IN THE PERFORMANCE OF SUCH ACTIVITIES.

#### I. CROSS ACCESS EASEMENT

MUTUAL ACCESS EASEMENTS, ARE HEREBY ESTABLISHED FOR THE PURPOSES OF PERMITTING VEHICULAR AND PEDESTRIAN ACCESS TO AND FROM ALL STREETS AND AREAS ADJACENT TO AND CONTAINED WITHIN THE SUBDIVISION ON PRIVATE DRIVES AND SIDEWALKS. SUCH EASEMENTS SHALL BE FOR THE MUTUAL USE AND BENEFIT OF EACH AFFECTED LOT OWNER, THEIR GUESTS, AND INVITEES, AND SHALL BE APPURTENANT TO EACH AFFECTED LOT OWNER, PROVIDED GOVERNMENTAL AGENCIES AND THE SUPPLIERS OF UTILITY SERVICES SHALL HAVE THE REASONABLE USE OF SUCH EASEMENTS INCIDENTAL TO THE PROVISION OF SERVICES TO THE LOTS WITHIN THE SUBDIVISION.

### SECTION II. PLANNED UNIT DEVELOPMENT RESTRICTIONS (PUD-002281-2025)

WHEREAS, AEQUITAS WAS SUBMITTED AS PART OF A PLANNED UNIT DEVELOPMENT (DESIGNATED AS PUD-002281-2025) AS PROVIDED WITHIN SECTIONS 6.4 ET SEQ. OF THE CITY OF BROKEN ARROW ZONING CODE, AS THE SAME EXISTED ON AUGUST 4, 2025, WHICH P.U.D. NO. 002281-25 WAS APPROVED BY THE BROKEN ARROW PLANNING COMMISSION ON JULY 24, 2025 AND BY THE BROKEN ARROW CITY COUNCIL ON AUGUST 4, 2025; AND

WHEREAS, THE PLANNED UNIT DEVELOPMENT PROVISIONS OF THE BROKEN ARROW ZONING CODE REQUIRE THE ESTABLISHMENT OF COVENANTS OF RECORD, INURING 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, OWNER DESIRES TO ESTABLISH RESTRICTIONS FOR THE PURPOSE OF PROVIDING FOR AN ORDERLY DEVELOPMENT AND TO INSURE ADEQUATE RESTRICTIONS FOR THE MUTUAL BENEFIT OF OWNER, ITS SUCCESSORS AND ASSIGNS, AND THE CITY OF BROKEN ARROW, OKLAHOMA.

THEFORE, OWNER DOES HEREBY IMPOSE THE FOLLOWING RESTRICTIONS AND COVENANTS WHICH SHALL BE COVENANTS RUNNING WITH THE LAND AND SHALL BE BINDING UPON THE OWNER, ITS SUCCESSORS AND ASSIGNS, AND SHALL BE ENFORCEABLE AS HEREINAFTER SET FORTH.

#### DEVELOPMENT STANDARDS:

##### A. DEVELOPMENT AREA "A"

NET LAND AREA: 3.51 ACRES

UNDERLAYING ZONING: UNLESS OTHERWISE SPECIFIED, THE CH DISTRICT STANDARDS AND REGULATIONS SHALL APPLY. PERMITTED USES:

- O GOVERNMENT ADMINISTRATION & CIVIC BUILDINGS
- O PLACES OF ASSEMBLY
- O PUBLIC SAFETY FACILITY
- O ART GALLERY OR MUSEUM, PUBLIC
- O LIBRARY, PUBLIC
- O MEDICAL OFFICE OR CLINIC
- O BROADCASTING OR RECORDING STUDIO (NO TOWER)
- O VETERINARY CLINIC/ANIMAL HOSPITAL
- O FINANCIAL INSTITUTION, WITHOUT DRIVE-THRU
- O CATERING SERVICE
- O MICRO FOOD OR BEVERAGE PRODUCTION
- O OFFICE, BUSINESS OR PROFESSIONAL
- O RESEARCH LABORATORY
- O ART GALLERY OR MUSEUM, PRIVATE
- O FITNESS & RECREATIONAL SPORTS CENTER
- O GENERAL INDOOR RECREATION
- O DRY CLEANING & LAUNDRY SERVICE
- O GENERAL PERSONAL SERVICES
- O INSTRUCTIONAL SERVICES
- O RETAIL, GENERAL
- O OFFICE WAREHOUSE
- O STORAGE YARD
- O WAREHOUSE
- O WHOLESALE ESTABLISHMENT

LOT AREA: NONE

PUD MINIMUM FRONTAGE ALONG WEST TUCSON STREET: 100 FEET

NOTE: THIS IS THE PUD MINIMUM FRONTAGE. INDIVIDUAL LOTS WITH THE DEVELOPMENT DO NOT HAVE A MINIMUM LOT FRONTAGE.

MAXIMUM BUILDING COVERAGE: NONE

MAXIMUM BUILDING HEIGHT: 4 STORIES OR 50 FEET FOR BUILDINGS NOT ABUTTING RESIDENTIAL USES.

2 STORIES OR 35 FEET FOR BUILDINGS ABUTTING RESIDENTIAL USES.

MINIMUM YARD SETBACKS:

OTHER THAN THE SETBACK LISTED BELOW, THERE SHALL BE NO INTERNAL SETBACKS WITHIN THE DEVELOPMENT, OTHER THAN THOSE REQUIRED TO MEET BUILDING AND FIRE CODE.

FROM WEST TUCSON STREET: 50 FEET (FROM WEST TUCSON STREET)

SOUTHERN BOUNDARY OF DEVELOPMENT AREA A: 0 FEET

EASTERN BOUNDARY OF DEVELOPMENT AREA A: 15 FEET

WESTERN BOUNDARY OF DEVELOPMENT AREA A: 0 FEET

OFF-STREET PARKING:

AS REQUIRED FOR THE APPLICABLE USE TYPE AS SET FORTH WITHIN THE CITY OF BROKEN ARROW CODE.

CROSS PARKING WILL BE ALLOWED WITHIN DEVELOPMENT AREA A AND B.

OTHER BULK AND AREA REQUIREMENTS:

AS REQUIRED WITHIN THE CH DISTRICT

EXTERIOR MATERIALS:

ALL STRUCTURES ALONG WEST TUCSON SHALL HAVE VERTICAL EXTERIORS THAT ARE FACING THE ARTERIAL STREET CONSTRUCTED OF BUT NOT LIMITED TO: MASONRY, CONCRETE PANELS, GLASS BLOCK, GLASS CURTAIN WALLS, EXTERIOR INSULATED FINISHED SYSTEMS (EIFS), STUCCO, OR ARCHITECTURAL METAL. EIFS, HOWEVER, SHALL NOT BE USED AS THE PRIMARY EXTERIOR BUILDING MATERIAL.

# AEQUITAS HOLDINGS

## PUD-02281-2025

### DEED OF DEDICATION AND RESTRICTIVE COVENANTS

B. DEVELOPMENT AREA "B"  
 NET LAND AREA: 4.74 ACRES  
 UNDERLAYING ZONING: UNLESS OTHERWISE SPECIFIED, THE IL DISTRICT STANDARDS AND REGULATIONS SHALL APPLY.

PERMITTED USES:

- GOVERNMENT ADMINISTRATION & CIVIC BUILDINGS
- PLACES OF ASSEMBLY
- PUBLIC SAFETY FACILITY
- ART GALLERY OR MUSEUM, PUBLIC
- LIBRARY, PUBLIC
- MEDICAL OFFICE OR CLINIC
- BROADCASTING OR RECORDING STUDIO (NO TOWER)
- VETERINARY CLINIC/ANIMAL HOSPITAL
- FINANCIAL INSTITUTION, WITHOUT DRIVE-THRU
- CATERING SERVICE
- MICRO FOOD OR BEVERAGE PRODUCTION
- OFFICE, BUSINESS OR PROFESSIONAL
- RESEARCH LABORATORY
- ART GALLERY OR MUSEUM, PRIVATE
- FITNESS & RECREATIONAL SPORTS CENTER
- GENERAL INDOOR RECREATION
- DRY CLEANING & LAUNDRY SERVICE
- GENERAL PERSONAL SERVICES
- INSTRUCTIONAL SERVICES
- RETAIL, GENERAL
- MINI-STORAGE
- OFFICE WAREHOUSE
- STORAGE YARD
- WAREHOUSE
- WHOLESALE ESTABLISHMENT
- "EXECUTIVE GARAGE/STORAGE" MINI-STORAGE - THIS USE WILL BE RESTRICTED TO LUXURY GARAGE UNITS/STORAGE WITH POTENTIAL LOFT SPACE BUT RESTRICTIONS TO OVERNIGHT STAYS IN THE SPACE. THESE UNITS MAY BE AVAILABLE FOR RENT OR PURCHASE AND WILL INCLUDE OPTIONS FOR TEMPERATURE CONTROLS AND UTILITIES, SUCH AS WATER, SEWER, GAS, ELECTRICITY, CABLE & INTERNET. SEE EXHIBIT A CONCEPT IMAGES OF THIS USE UNIT.

LOT AREA: NONE

PUD MINIMUM FRONTAGE ALONG WEST TUCSON STREET: 100 FEET

NOTE: THIS IS THE PUD MINIMUM FRONTAGE. INDIVIDUAL LOTS WITH THE DEVELOPMENT DO NOT HAVE A MINIMUM LOT FRONTAGE.

MAXIMUM BUILDING COVERAGE: NONE

MAXIMUM NUMBER SQUARE FOOTAGE:

"EXECUTIVE GARAGE/STORAGE" MINI-STORAGE: MAXIMUM OF 32,000 SQUARE FEET.

NO MAXIMUM FOR ALL OTHER USES IN THIS DEVELOPMENT AREA.

MAXIMUM BUILDING HEIGHT:

4 STORIES OR 50 FEET FOR BUILDINGS NOT ABUTTING RESIDENTIAL USES.

2 STORIES OR 35 FEET FOR BUILDINGS ABUTTING RESIDENTIAL USES.

MINIMUM YARD SETBACKS:

OTHER THAN THE SETBACK LISTED BELOW, THERE SHALL BE NO INTERNAL SETBACKS WITHIN THE DEVELOPMENT OTHER THAN THOSE REQUIRED TO MEET BUILDING AND FIRE CODE.

FROM WEST TUCSON STREET: 20 FEET (FROM WEST TUCSON STREET)

SOUTHERN BOUNDARY OF DEVELOPMENT AREA A: 20 FEET

EASTERN BOUNDARY OF DEVELOPMENT AREA A: 15 FEET

WESTERN BOUNDARY OF DEVELOPMENT AREA A: 0 FEET

OFF-STREET PARKING:

AS REQUIRED FOR THE APPLICABLE USE TYPE AS SET FORTH WITHIN THE CITY OF BROKEN ARROW CODE.

CROSS PARKING WILL BE ALLOWED WITHIN DEVELOPMENT AREA A AND B.

THERE SHALL BE NO MINIMUM PARKING REQUIREMENT FOR THE "EXECUTIVE GARAGE/STORAGE" MINI-STORAGE USE.

OTHER BULK AND AREA REQUIREMENTS: AS REQUIRED WITHIN THE IL DISTRICT

EXTERIOR MATERIALS:

ALL STRUCTURES ALONG WEST TUCSON SHALL HAVE VERTICAL EXTERIORS THAT ARE FACING THE ARTERIAL STREET CONSTRUCTED OF BUT NOT LIMITED TO: MASONRY, CONCRETE PANELS, GLASS BLOCK, GLASS CURTAIN WALLS, EXTERIOR INSULATED FINISHED SYSTEMS (EIFS), STUCCO, OR ARCHITECTURAL METAL. EIFS, HOWEVER, SHALL NOT BE USED AS THE PRIMARY EXTERIOR BUILDING MATERIAL.

ALL OTHER STRUCTURE SHALL BE CONSTRUCTED OF MASONRY, CONCRETE PANELS, GLASS BLOCK, GLASS CURTAIN WALLS, EXTERIOR INSULATED FINISHED SYSTEMS (EIFS), STUCCO, OR ARCHITECTURAL METAL.

SCREENING:

OUTDOOR STORAGE AREAS SHALL BE SCREENED FROM VIEW FROM ALL PROPERTY LINES AND ADJACENT RIGHTS-OF-WAY BY AN OPAQUE FENCE OR WALL BETWEEN SIX FEET AND EIGHT FEET IN HEIGHT THAT INCORPORATES AT LEAST ONE OF THE PREDOMINANT MATERIALS AND ONE OF THE PREDOMINANT COLORS USED IN THE PRIMARY STRUCTURE.

A BRICK OR OTHER MASONRY PERIMETER WALL OF NO LESS THAN SIX FEET IN HEIGHT SHALL BE PROVIDED ALONG THE SOUTHERN AND EASTERN BOUNDARY OF THE MINI-STORAGE FACILITY.

SIGNAGE:

ALL SIGNAGE SHALL MEET THE REQUIREMENTS OF THE CITY OF BROKEN ARROW CODE.

LOTS WITHIN THIS PUD THAT DO NOT HAVE FRONTAGE ALONG WEST TUCSON SHALL BE PERMITTED AN OFF-PREMISE SIGN ALONG WEST TUCSON WITHIN DEVELOPMENT AREA A AND B FRONTAGES. THIS SIGN SHALL NOT EXCEED 100 SQUARE FEET.

A MAXIMUM OF 5 SIGNS SHALL BE PERMITTED ALONG THE WEST TUCSON FRONTAGE OF THE PUD.

LANDSCAPE BUFFER: A 20-FOOT LANDSCAPE BUFFER SHALL BE PROVIDED ALONG THE SOUTHERN BOUNDARY OF DEVELOPMENT AREA B.

C. DEVELOPMENT AREA "C"

NET LAND AREA: 3.47 ACRES

UNDERLAYING ZONING: UNLESS OTHERWISE SPECIFIED, THE RMF DISTRICT STANDARDS AND REGULATIONS SHALL APPLY.

PERMITTED USES:

DWELLING, DUPLEX - THIS USE WILL BE RESTRICTED TO ROW HOUSES/TOWNHOMES FOR INDIVIDUALS AGED 55 YEARS AND OVER.

DWELLING-MULTI-FAMILY - THIS USE WILL BE RESTRICTED TO ROW HOUSES/TOWNHOMES FOR INDIVIDUALS AGED 55 YEARS AND OVER.

LOT AREA: NONE  
 PUD MINIMUM FRONTAGE ALONG WEST TUCSON STREET: 100 FEET

NOTE: THIS IS THE PUD MINIMUM FRONTAGE. INDIVIDUAL LOTS WITH THE DEVELOPMENT DO NOT HAVE A MINIMUM LOT FRONTAGE.

MAXIMUM BUILDING COVERAGE: NONE

MAXIMUM NUMBER OF UNITS:

DWELLING, DUPLEX AND/OR MULTI-FAMILY: MAXIMUM OF 55 UNITS.

MAXIMUM BUILDING HEIGHT: 2 STORIES OR 35 FEET

MINIMUM YARD SETBACKS: OTHER THAN THE SETBACK LISTED BELOW, THERE SHALL BE NO INTERNAL SETBACKS WITHIN THE DEVELOPMENT, OTHER THAN THOSE REQUIRED TO MEET BUILDING AND FIRE CODE.

MECHANICAL EQUIPMENT AND SCREENING SHALL BE PERMITTED WITHIN THE SETBACKS LISTED BELOW.

FROM WEST TUCSON STREET: 20 FEET (FROM WEST TUCSON STREET)

SOUTHERN BOUNDARY OF DEVELOPMENT AREA B: 20 FEET

EASTERN BOUNDARY OF DEVELOPMENT AREA B: 0 FEET

WESTERN BOUNDARY OF DEVELOPMENT AREA B: 20 FEET

OFF-STREET PARKING:

AS REQUIRED FOR THE APPLICABLE USE TYPE AS SET FORTH WITHIN THE CITY OF BROKEN ARROW CODE FOR DWELLING USES.

OTHER BULK AND AREA REQUIREMENTS:

AS REQUIRED WITHIN THE RM DISTRICT

EXTERIOR MATERIALS:

AT LEAST SIXTY PERCENT (60%) OF THE EXTERIOR OF THE BUILDING, EXCLUDING DOORS AND WINDOWS, SHALL BE CONSTRUCTED OF BUT NOT LIMITED TO MASONRY, CONCRETE PANELS, EXTERIOR INSULATED FINISHED SYSTEMS, AND/OR STUCCO. IN ADDITION, TWENTY PERCENT (20%) OF THE STREET FACING FAÇADE SHALL BE CONSTRUCTED OF NATURAL BRICK OR MASONRY ROCK.

SCREENING:

O AN OPAQUE FENCE OR WALL BETWEEN SIX FEET AND EIGHT FEET IN HEIGHT SHALL BE PROVIDED ALONG THE SOUTHERN AND WESTERN BOUNDARY OF DEVELOPMENT AREA C.

SIGNAGE: ALL SIGNAGE SHALL MEET THE REQUIREMENTS OF THE CITY OF BROKEN ARROW CODE.

LOTS WITHIN THIS PUD THAT DO NOT HAVE FRONTAGE ALONG WEST TUCSON SHALL BE PERMITTED AN OFF-PREMISE SIGN ALONG WEST TUCSON WITHIN DEVELOPMENT AREA C FRONTAGE. THIS SIGN SHALL NOT EXCEED 100 SQUARE FEET.

A MAXIMUM OF 5 SIGNS SHALL BE PERMITTED ALONG THE WEST TUCSON FRONTAGE OF THE PUD.

LANDSCAPE BUFFER:

A 20-FOOT LANDSCAPE BUFFER SHALL BE PROVIDED ALONG THE WESTERN AND SOUTHERN BOUNDARY OF DEVELOPMENT AREA C.

ACCESS AND CIRCULATION:

THE SUBJECT PROPERTY HAS FRONTAGE ALONG WEST TUCSON STREET AND FOUR CURB CUTS ARE PROPOSED ALONG THE 1,191-FOOT FRONTAGE. THE EASTERN TWO CURB CUTS WILL SERVE DEVELOPMENT AREA A AND A PORTION OF DEVELOPMENT AREA B AND THE WESTERN TWO CURB CUTS WILL SERVE DEVELOPMENT AREAS B AND C. CROSS ACCESS FROM THE PROPOSED CURB CUTS WILL BE PROVIDED WITHIN DEVELOPMENT AREA A AND A PORTION OF DEVELOPMENT AREA B; WHEREAS, DEVELOPMENT AREA B AND C SHALL HAVE AN EMERGENCY ACCESS CONNECTION BETWEEN THE PROPOSED TOWNHOMES AND "EXECUTIVE GARAGE/STORAGE" USES. THERE IS NO CROSS ACCESS BETWEEN THE DEVELOPMENT AREA ACROSS THE FLOODPLAIN THAT SEPARATES THE PROPERTY. LIMITS OF NO ACCESS (LNA) WILL BE PROVIDED ALONG WEST TUCSON STREET OUTSIDE OF THE PROPOSED ENTRANCES TO THE DEVELOPMENT.

ALL DEVELOPMENT AREAS WILL BE SERVED BY PRIVATE DRIVES THAT WILL MEET FIRE ACCESS REQUIREMENTS.

SIDEWALKS:

A SIDEWALK WILL BE CONSTRUCTED ALONG THE WEST TUCSON STREET FRONTAGE OF THIS PUD AND SHALL BE PROVIDED IN ACCORDANCE WITH THE CITY OF BROKEN ARROW SUBDIVISION REGULATIONS. SIDEWALKS SHALL BE PROVIDED INTERNALLY, AS SHOWN ON THE CONCEPTUAL SITE PLAN.

PRIVATE AMENITIES:

NOT LESS THAN 18% OF THE NET LAND AREA SHALL BE PRESERVED AS COMMON OPEN SPACE FOR THE ENJOYMENT OF THE RESIDENTS OF THIS DEVELOPMENT AREA B. THESE AREAS MAY INCLUDE, BUT ARE NOT LIMITED TO, THE ONSITE STORMWATER DETENTION POND RESERVE AREAS AND LANDSCAPE BUFFER AREAS. ALL CITY OF BROKEN ARROW ENGINEERING STANDARDS SHALL BE MET FOR THE DETENTION POND RESERVE AREAS.

#### SECTION 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 OWNER, ITS SUCCESSORS AND ASSIGNS. WITHIN THE PROVISIONS OF SECTION I, EASEMENTS, AND UTILITIES ARE SET FORTH CERTAIN COVENANTS AND THE ENFORCEMENT RIGHTS PERTAINING THERETO. IF THE UNDERSIGNED OWNER OR ITS SUCCESSORS OR ASSIGNS SHALL VIOLATE ANY OF THE COVENANTS WITHIN SECTION I, IT SHALL BE LAWFUL FOR ANY PERSON OR PERSONS OWNING ANY LOT SITUATED WITHIN THE SUBDIVISION, OR THE CITY OF BROKEN ARROW, OKLAHOMA, OR ITS SUCCESSOR, 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 OR TO RECOVER DAMAGES.

##### B. DURATION

THESE RESTRICTIONS, TO THE EXTENT PERMITTED BY APPLICABLE LAW, SHALL BE PERPETUAL AND 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 CITY OF BROKEN ARROW PLANNING COMMISSION, OR ITS SUCCESSORS WITH THE APPROVAL OF THE CITY OF BROKEN ARROW, TULSA COUNTY, OKLAHOMA.

##### D. SEVERABILITY

INVALIDATION 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.

#### CERTIFICATE OF OWNERSHIP

IN WITNESS WHEREOF: AEQUITAS HOLDINGS LLC, BEING THE SOLE OWNER OF AEQUITAS HOLDINGS, HEREBY APPROVES THE FOREGOING DEED OF DEDICATION, AND COVENANTS THIS \_\_\_\_ DAY OF \_\_\_\_ 2026.

BRIAN CHERRY, MANAGING MEMBER

#### ACKNOWLEDGMENT

STATE OF OKLAHOMA )  
 ) SS:  
 COUNTY OF TULSA )

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_ 2026, BY \_\_\_\_\_, AS MANAGING MEMBER OF AEQUITAS HOLDINGS LLC.

NOTARY PUBLIC

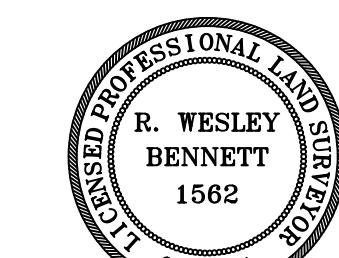
MY COMMISSION EXPIRES: \_\_\_\_\_  
 MY COMMISSION NUMBER: \_\_\_\_\_

[SEAL]

#### CERTIFICATE OF SURVEY

I, R. WESLEY BENNETT, OF WALLACE DESIGN COLLECTIVE, PC, A LICENSED PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF OKLAHOMA, 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 AEQUITAS HOLDINGS, 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 GENERALLY ACCEPTED LAND SURVEYING PRACTICES AND MEETS OR EXCEEDS THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED BY THE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS FOR THE STATE OF OKLAHOMA.

WITNESS MY HAND AND SEAL THIS \_\_\_\_ DAY OF \_\_\_\_ 2026.



R. WESLEY BENNETT, PLS  
 OK PLS 1562

#### ACKNOWLEDGMENT

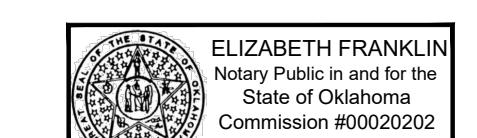
STATE OF OKLAHOMA )  
 ) SS:  
 COUNTY OF TULSA )

BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, ON THIS \_\_\_\_ DAY OF \_\_\_\_ 2026, PERSONALLY APPEARED R. WESLEY BENNETT, TO ME KNOWN TO BE THE IDENTICAL PERSON WHO SUBSCRIBED HIS NAME AS A LICENSED LAND SURVEYOR, TO THE FOREGOING CERTIFICATE OF SURVEY AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE AND VOLUNTARY ACT AND DEED FOR THE USES AND PURPOSES THEREIN SET FORTH.

NOTARY PUBLIC

MY COMMISSION EXPIRES: 12/11/2028  
 MY COMMISSION NUMBER: 00020202

[SEAL]



ELIZABETH FRANKLIN  
 Notary Public for the  
 State of Oklahoma  
 Commission #00020202  
 Comm. Exp. 12/11/2028

# CONCEPTUAL IMPROVEMENTS PLAN

# AEQUITAS HOLDINGS

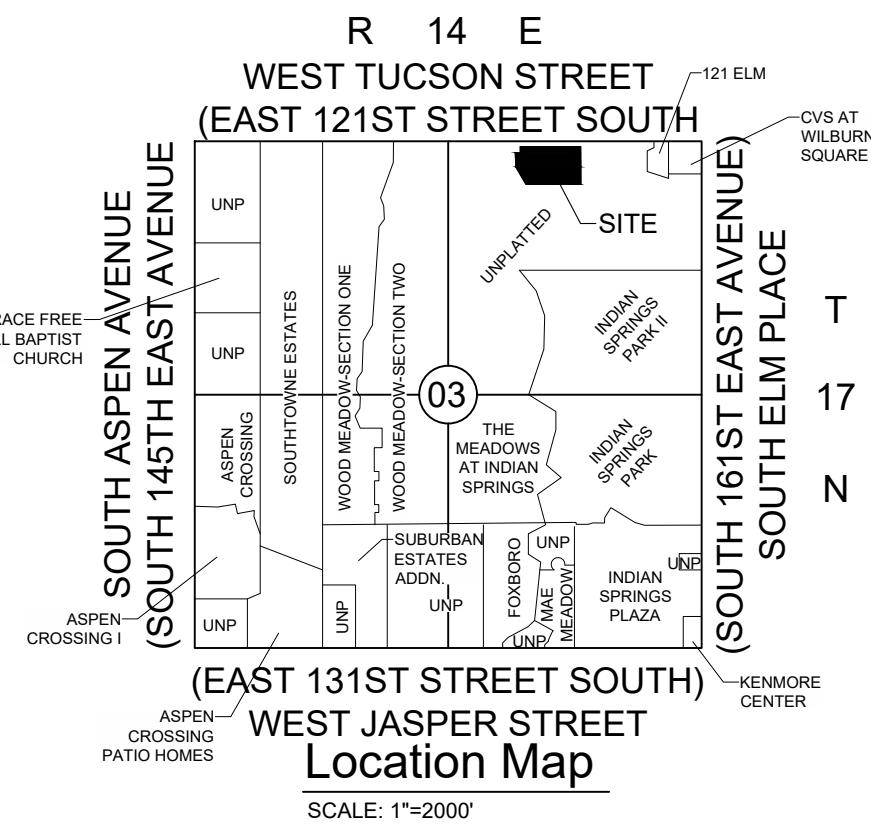
PUD-02281-2025

PART OF THE NORTHEAST QUARTER (NE/4) OF SECTION THREE (3), TOWNSHIP SEVENTEEN (17) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, CITY OF BROKEN ARROW, TULSA COUNTY, STATE OF OKLAHOMA.

**OWNER:**  
Aequitas Holdings LLC  
824 West Jasper Street  
Broken Arrow, Oklahoma, 74011  
CONTACT: DAVID MYERS AND BRIAN CHERRY

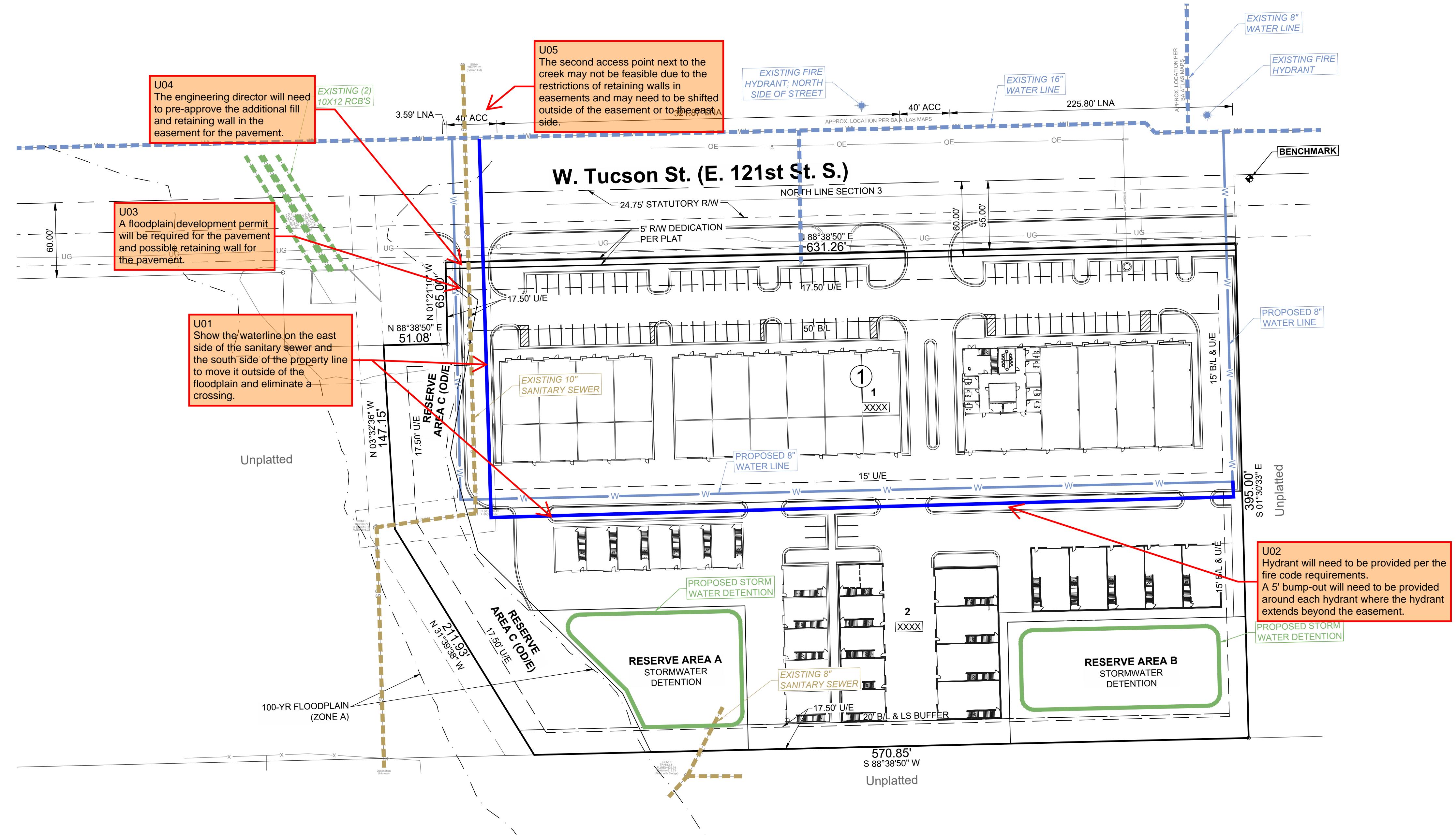
**ENGINEER:**  
Wallace Design Collective, PC  
123 North Martin Luther King Jr Blvd.  
Tulsa, Oklahoma, 74103  
Phone: (918) 584-5858  
OK CA NO. 1460, EXPIRES 6/30/2027  
A. NICOLE WATTS, P.E.  
nicole.watts@wallace.design

**SURVEYOR:**  
Wallace Design Collective, PC  
123 North Martin Luther King Jr Blvd.  
Tulsa, Oklahoma, 74103  
Phone: (918) 584-5858  
OK CA NO. 1460, EXPIRES 6/30/2027  
R. WESLEY BENNETT, PLS 1562  
wes.bennett@wallace.design

0 50 75 100  
1" = 50'

**LEGEND**

B/L	= BUILDING SETBACK
ACC	= ACCESS
LNA	= LIMITS OF NO ACCESS
R/W	= RIGHT-OF-WAY
LS	= LANDSCAPE
U/E	= UTILITY EASEMENT
OD/E	= OVERLAND DRAINAGE EASEMENT
EXISTING WATER	
PROPOSED WATER	
EXISTING SANITARY SEWER	
EXISTING STORM BOXES (RCB)	
PROPOSED DETENTION	





# City of Broken Arrow

## Request for Action

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**File #:** 26-182, **Version:** 1

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**Broken Arrow Planning Commission**  
**01-22-2026**

**To:** **Chairman and Commission Members**  
**From:** **Community Development Department**  
**Title:**

Approval of PT-002557-2025|PR-000893-2025, Preliminary Plat for Timber Ridge Crossing, 24.40 acres, 105 lots, A-1 (Agriculture) to RS-4 (Single-Family Residential) via BAZ-001906-2024, located nearly ½ mile south of Albany Street (61st Street), just west of 37th Street (209th E. Avenue))

**Background:**

**Applicant:** Alan Betchan, AAB Engineering, LLC  
**Owner:** Patrick Delehanty, Delco Holdings  
**Developer:** N/A  
**Engineer:** Alan Betchan, AAB Engineering, LLC  
**Location:** ½ mile south of Albany Street (61st Street), just west of 37th Street (209th E. Avenue)  
**Size of Tract** 24.40 acres  
**Number of Lots:** 105  
**Present Zoning:** A-1 (Agricultural)  
**Proposed Zoning:** A-1 (Agriculture) to RS-4 (Single-Family Residential) via BAZ-001906-2024  
**Comp Plan:** Level 2 - Urban Residential

PT-002557-2025, the preliminary plat for Timber Ridge Crossing, contains 105 lots on 24.40 acres. This property is generally located ½ mile south of Albany Street (61st Street) and just west of 37th Street (209th E. Avenue). The property is currently unplatted.

BAZ-001906-2025 was a request to rezone the property from A-1 (Agricultural) to RS-4 (Single Family Residential) rezoning was heard by Planning Commission on January 16, 2025 where it was recommended for approval. BAZ-002130-2025 was approved by City Council on February 4, 2025, subject to platting. PT-002557-2025 is the first application towards platting this property and implementing BAZ-001906-2024.

RS-4 will translate to one of the new zones, aligning most with RS-P (Single-family residential - Preservation), as part of the updated zoning ordinance which came into effect July 1, 2025. The exhibit titled “Zoning Districts Established” show this table of changes.

This development will have access via 37<sup>th</sup> Street (209<sup>th</sup> E. Avenue), as well as via a planned neighborhood to

the north that is in the process of being developed.

According to FEMA's National Flood Hazard Layer, none of the property is located in the 100-year floodplain.

**Attachments:** Timber Ridge Crossing Preliminary Plat with Comments  
Zoning Districts Established

**Recommendation:**

Staff recommends PT-002557-2025|PR-000893-2025, preliminary plat for Timber Ridge Crossing, be approved subject to the attached comments.

**Reviewed by: Jane Wyrick**

**Approved by: Rocky Henkel**

JJR

PRELIMINARY PLAT

# Timber Ridge Crossing

ENGINEERSURVEYOR  
AAB ENGINEERING, LLC

CERTIFICATE OF AUTHORIZATION NO. 6318, EXP. JUNE 30, 2006

SANCT. NO. 1915-14-2286

PHONE 913-514-2286

FAX 913-514-4286

EMAIL: ALAN @ AABENG.COM

P02. Include RDS Business  
Park Planned area

P01. Show broken  
arrow lines and  
street names in  
parenthesis

E 193RD E AVE  
N 23RD ST

LOCATION MAP

SCALE: 1=2000

R-15-E

E 193RD E AVE  
E 61ST ST

LOCATION

05

SECTION

LOT

PARCEL

LOT







### Sec. 2-1-2: Zoning Districts Established and Purpose Statements



**A. General.** Established in Table 2-1-2.1, *Zoning Districts Established*, are the zoning districts for the City. The table identifies the district name and abbreviation, along with the previous district name.

**Table 2-1-2.1, Zoning Districts Established**

Abbreviation	District Name	Prior Districts Consolidated/Renamed
<b>Agricultural and Residential Districts</b>		
AG	Agricultural	A-1, Agricultural
RS	Single-family residential	RE, Residential estate RS-1, Single-family residential 1
RS-C	Single-family residential - Compact	R-2, Single-family residential 2 RS-2, Single-family residential 2
RS-P	Single-family residential - Preservation	RS-3, Single-family residential 3 RS-4, Single-family residential 4
RMD	Residential medium density	RD, Residential duplex
RMF	Residential multifamily	RM, Residential multi-family
RMH	Residential manufactured home	RMH, Residential mobile home park
<b>Mixed-Use Districts</b>		
CM	Community mixed-use	CM, Community mixed-use NM, Neighborhood mixed-use
DM	Downtown mixed-use core	DM, Downtown mixed-use core
DF	Downtown fringe	DF, Downtown fringe
<b>Office and Commercial Districts</b>		
ON	Office neighborhood	ON, Office neighborhood
CN	Commercial neighborhood	CN, Commercial neighborhood
CG	Commercial general	CG, Commercial general
CH	Commercial heavy	CH, Commercial heavy
IL	Industrial light	IL, Industrial light
IH	Industrial heavy	IH, Industrial heavy
<b>Special Purpose and Overlay Districts</b>		
PUD	Planned Unit Development	PUD, Planned Unit Development
FD	Floodplain	FD, Floodplain
DROD	Downtown residential overlay district	DRO, Downtown residential overlay
HDOD	Highway design overlay district	HDO, Highway design overlay
NOSOD	New Orleans Square overlay district	New Orleans Square overlay district



# City of Broken Arrow

## Request for Action

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**File #:** 26-186, **Version:** 1

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**Broken Arrow Planning Commission**  
**01-22-2026**

**To:** Chairman and Commission Members  
**From:** Community Development Department  
**Title:**

Approval of PR-000895-2025|PT-002596-2025, Conditional Final Plat, Brook Chase Phase V, 18.56 acres, 86 Lots, AG (Agricultural) to RS-4 (Single Family Residential) via BAZ-2074, located one-half mile north of Washington Street (91<sup>st</sup> Street), one-half mile west of 23<sup>rd</sup> Street (193<sup>rd</sup> E. Avenue/County Line Road)

**Background:**

**Applicant:** Mikel Vanover, Olsson, Inc.  
**Owner:** Dave Cocolin, Eagle 1 Investments  
**Developer:** N/A  
**Engineer:** Mikel Vanover & Austin Mayes, Olsson, Inc.  
**Location:** One-half mile north of Washington Street, one-half mile west of 23rd Street  
**Size of Tract** 18.56 acres  
**Number of Lots:** 86  
**Present Zoning:** AG (Agricultural)  
**Proposed Zoning:** RS-4 (Single Family Residential)  
**Comp Plan:** Level 2 (Urban Residential)

PT-002596-2025, the conditional final plat for Brook Chase Phase V, contains 86 lots on 18.56 acres. This property, which is located one-half mile west of 23rd Street (193rd Avenue/County Line Road) and one-half mile north of Washington Street (91st Street), has been approved for rezoning from AG (Agricultural) to RS-4 (Single-Family Residential), subject to the property being platted.

Single-family lots encompass the majority of the proposed plat, and these lots generally meet the minimum standards of the RS-4 zoning district. Primary access to this development will be provided on Washington Street by way of 16th Street accessed through the adjoining subdivision Brook Chase Phase III.

According to FEMA maps, none of this property is located in the 100-year floodplain. Water and sanitary sewer are available from the City of Broken Arrow. This conditional final plat was reviewed by the Technical Advisory Committee on January 13, 2026, where the stakeholders did not have any comments.

**Attachments:** Checklist  
Conditional Final Plat

**Recommendation:**

Staff recommends PR-000895-2025|PT-002596-2025, conditional final plat for Brook Chase Phase V, be approved subject to the attached checklist.

**Reviewed by: Rocky Henkel**

**Approved by: Jane Wyrick**

MEH

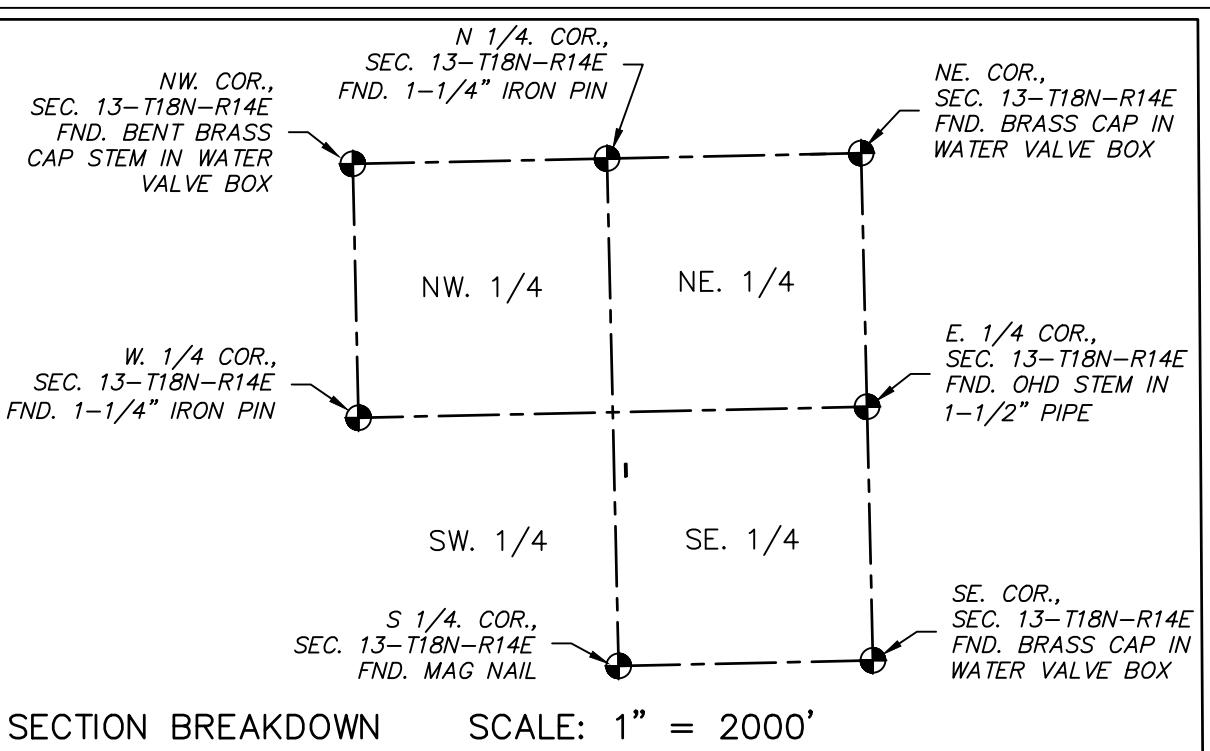
## Brook Chase Phase V – Conditional Final Plat

### Checklist

- Planning – Ensure all numbering and lettering in the deed of dedication is consistent.
- Engineering – The Conditional Final Plat is conditionally approved subject to the final plat includes all the easements and property line locations included in the engineering plans since all the engineering plans have not been finalized.

# CONDITIONAL FINAL PLAT BROOK CHASE PHASE V

A TRACT OF LAND THAT IS A PART OF THE SOUTHEAST QUARTER (SE/4) OF SECTION THIRTEEN (13), TOWNSHIP EIGHTEEN (18) NORTH, RANGE FOURTEEN (14) EAST  
OF THE INDIAN BASE AND MERIDIAN (I.B.&M.), A SUBDIVISION IN THE CITY OF BROKEN ARROW, TULSA COUNTY, STATE OF OKLAHOMA



OWNER:  
EAGLE I INVESTMENTS, LLC  
DAVE COCOLIN, MANAGER  
P.O. BOX 472106  
TULSA, OK 74147  
918-629-6671  
EMAIL: DAVE@PARADIGMTULSA.COM

ENGINEER:  
OLSSON, INC.  
AUSTIN MAYES, PE  
OK C.A. No. 2483 (PE/LS)  
EXPIRES JUNE 30, 2027  
1717 S. BOULDER AVE., STE 600  
TULSA, OK 74119  
918-376-4294  
EMAIL: AMAYES@OLSSON.COM

SURVEYOR:  
OLSSON, INC.  
DARREL RAY MASON, OKPLS 1690  
OK C.A. No. 2483 (PE/LS)  
EXPIRES JUNE 30, 2027  
11600 BROADWAY EXTENSION, SUITE 300  
OKLAHOMA CITY, OK 73114  
405-242-6000  
EMAIL: DMASON@OLSSON.COM

ZONING REQUIREMENTS  
CURRENT ZONING: RS-4  
MIN. LOT FRONTAGE: 55'  
MIN. LOT AREA: 6,500 SF.  
MIN. FRONT BUILDING SETBACK: 20'  
MIN. SIDE YARD SETBACK (BOTH): 10'  
MIN. SIDE YARD SETBACK (ONE): 5'  
MIN. REAR YARD SETBACK: 20'  
MAX. HEIGHT: 35'

PLAT DATA  
SUBDIVISION CONTAINS 86 LOTS ON 5 BLOCKS  
TOTAL AREA = 808,549.93 SF, 18.56 AC

UTILITY NOTES:  
WATER SERVICE BY CITY OF BROKEN ARROW.  
SANITARY SERVICE BY CITY OF BROKEN ARROW.

FLOOD ZONE  
FEMA MAP NUMBER 40143C0392L,  
PANEL NUMBER 0392L  
ZONE X  
MAP REVISED SEPT 30, 2016

BASIS OF BEARINGS  
OKLAHOMA STATE PLANE COORDINATE SYSTEM,  
NORTH ZONE: 3501 THE WEST LINE OF THE SE/4  
OF THE SECTION 13, TOWNSHIP 18 NORTH, RANGE  
14 EAST, TULSA COUNTY, STATE OF OKLAHOMA  
N01°18'45" W

BENCHMARK  
BENCHMARK NAME: BA 26  
DESCRIPTION: 5/8" REBAR-1 1/2" ALUMINUM  
CAP-FLUSH-STAMPED "BA 26"  
SET S.E. OF 91ST ST. AND 193RD E. AVE.

HORIZONTAL DATUM: NAD 83  
NORTHING: 383229.887  
EASTING: 2630291.884  
VERTICAL DATUM: NAVD 88 ELEV. 670.307

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# CONDITIONAL FINAL PLAT BROOK CHASE PHASE V

A TRACT OF LAND THAT IS A PART OF THE SOUTHEAST QUARTER (SE/4) OF SECTION THIRTEEN (13), TOWNSHIP EIGHTEEN (18) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN (I.B.&M.), A SUBDIVISION IN THE CITY OF BROKEN ARROW, TULSA COUNTY, STATE OF OKLAHOMA

## DEED OF DEDICATION AND RESTRICTIVE COVENANTS

KNOW ALL MEN BY THESE PRESENTS

EAGLE I INVESTMENTS, LLC, HERINAFTER REFERRED TO AS THE "OWNER/DEVELOPER", IS THE OWNER OF THE FOLLOWING DESCRIBED LAND IN THE CITY OF BROKEN ARROW, TULSA COUNTY, STATE OF OKLAHOMA.

A TRACT OF LAND THAT IS A PART OF THE SOUTHEAST QUARTER (SE/4), OF SECTION THIRTEEN (13), TOWNSHIP EIGHTEEN (18) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, CITY OF BROKEN ARROW, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF, SAID TRACT OF LAND BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SECTION 13, TOWNSHIP 18 NORTH, RANGE 14 EAST NORTH 01°18'45" WEST, A DISTANCE OF 1427.64 FEET ALONG THE WEST LINE OF THE SOUTHEAST QUARTER TO THE POINT OF BEGINNING;

THENCE BEGINNING AT THE NORTHWEST CORNER OF RESERVE 'D' OF BROOK CHASE PHASE III, A FILED PLAT IN THE TULSA COUNTY CLERK'S OFFICE; THENCE NORTH 01°18'45" WEST, A DISTANCE OF 1988.45 FEET ALONG SAID SECTION LINE;

THENCE NORTH 88°42'35" EAST FROM SAID SECTION LINE, A DISTANCE OF 182.00 FEET;

THENCE NORTH 01°18'45" WEST, A DISTANCE OF 31.83 FEET;

THENCE SOUTH 88°46'22" EAST, A DISTANCE OF 1063.80 FEET TO THE NORTHWEST CORNER OF LOT 55 BLOCK 2 OF BROOK CHASE PHASE IV, A FILED PLAT IN THE TULSA COUNTY CLERK'S OFFICE;

THENCE SOUTH 01°13'38" EAST, A DISTANCE OF 125.00 FEET,

THENCE SOUTH 88°46'22" WEST, A DISTANCE OF 55.64 FEET;

THENCE SOUTH 01°18'09" EAST, A DISTANCE OF 450.00 FEET;

THENCE SOUTH 09°35'51" EAST, A DISTANCE OF 109.87 FEET;

THENCE SOUTH 73°12'11" WEST, A DISTANCE OF 50.86 FEET;

THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 175.00 FEET, AN ARC DISTANCE OF 46.77 FEET, A CHORD DISTANCE OF 46.63 FEET, AND A CHORD BEARING OF SOUTH 80°51'35" WEST;

THENCE SOUTH 88°31'00" WEST, A DISTANCE OF 18.63 FEET;

THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 25.00 FEET, AN ARC DISTANCE OF 39.34 FEET, A CHORD DISTANCE OF 35.41 FEET, AND A CHORD BEARING OF NORTH 46°23'52" WEST;

THENCE NORTH 01°18'45" WEST, A DISTANCE OF 12.50 FEET;

THENCE SOUTH 88°46'22" WEST, A DISTANCE OF 296.27 FEET;

THENCE SOUTH 01°18'45" EAST, A DISTANCE OF 7.04 FEET;

THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 25.00 FEET, AN ARC DISTANCE OF 39.31 FEET, A CHORD DISTANCE OF 35.38 FEET, AND A CHORD BEARING OF SOUTH 43°43'48" WEST;

THENCE SOUTH 88°46'22" WEST, A DISTANCE OF 196.27 FEET;

THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 25.00 FEET, AN ARC DISTANCE OF 39.23 FEET, A CHORD DISTANCE OF 35.33 FEET, AND A CHORD BEARING OF NORTH 46°16'12" WEST;

THENCE SOUTH 88°51'28" WEST, A DISTANCE OF 50.00 FEET;

THENCE 01°18'45" WEST, A DISTANCE OF 523.54 FEET;

THENCE SOUTH 88°41'15" WEST, A DISTANCE OF 428.27 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT OF LAND CONTAINING 808.549.93 SQUARE FEET OR 18.56 ACRES, MORE OR LESS.

AND HAS CAUSED THE ABOVE DESCRIBED LAND TO BE SURVEYED, STAKED, PLATTED AND SUBDIVIDED INTO LOTS, BLOCKS, STREETS AND RESERVE AREAS IN CONFORMITY WITH THE ACCOMPANYING PLAT AND SURVEY (HEREINAFTER THE "PLAT") AND HAS ENTITLED AND DESIGNED THE SUBDIVISION AS 'BROOK CHASE PHASE V', A SUBDIVISION IN THE CITY OF BROKEN ARROW, TULSA COUNTY, STATE OF OKLAHOMA (HEREINAFTER THE 'SUBDIVISION' OR 'BROOK CHASE PHASE V'). THE LOTS DEPICTED UPON THE PLAT SHALL HEREINAFTER BE REFERRED TO COLLECTIVELY AS THE "LOTS", AND INDIVIDUALLY AS A "LOT".

P01: Ensure  
numbering and  
lettering are correct.

## SECTION I. STREETS, EASEMENTS AND UTILITIES

### A. PUBLIC STREETS AND GENERAL UTILITY EASEMENTS

THE DEVELOPER DOES HEREBY DEDICATE FOR THE PUBLIC USE THE STREETS, AS DESIGNATED ON THE ACCOMPANYING PLAT, AND DOES FURTHER DEDICATE FOR THE UTILITY EASEMENTS AS DESIGNATED ON THE ACCOMPANYING PLAT FOR THE SEVERAL PURPOSES OF CONSTRUCTING, MAINTAINING, OPERATING, REPAIRING, AND/OR REMOVING ANY AND ALL PUBLIC UTILITIES INCLUDING STORM SEWERS, TELEPHONE AND COMMUNICATION LINES, ELECTRIC POWER LINES AND TRANSFORMERS, GAS LINES, WATER LINES, AND CABLE TELEVISION FACILITIES AND ANY OTHER APPURTENANCES HERETO WITH THE RIGHTS OF INGRESS AND EGRESS TO AND UPON SAID UTILITY EASEMENTS AND RIGHT-OF-WAYS FOR THE USES AND PURPOSES AFORESAID. NO BUILDING, STRUCTURE, OR OTHER ABOVE OR BELOW GROUND OBSTRUCTION THAT WILL INTERFERE WITH THE PURPOSES AFORESAID, WILL BE PLACED, ERECTED, INSTALLED OR PERMITTED UPON THE EASEMENTS OR RIGHTS-OF-WAY AS SHOWN: PROVIDED, HOWEVER, THAT THE DEVELOPER HEREBY RESERVES THE RIGHT TO CONSTRUCT, MAINTAIN, OPERATE, LAY AND RELAY WATER LINES AND SEWER LINES, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS FOR SUCH CONSTRUCTION, MAINTENANCE, FURNISHING WATER AND/OR SEWER SERVICES TO THE AREA INCLUDED IN SAID PLAT.

### A. UNDERGROUND ELECTRIC AND COMMUNICATION SERVICE

1. OVERHEAD LINES FOR THE SUPPLY OF ELECTRIC AND COMMUNICATION SERVICES MAY BE LOCATED ALONG WASHINGTON STREET. STREET LIGHT POLES OR STANDARDS MAY BE SERVED BY UNDERGROUND CABLE AND ELSEWHERE THROUGHOUT THE SUBDIVISION. ALL SUPPLY LINES SHALL BE LOCATED UNDERGROUND, IN THE EASEMENT-WAYS RESERVED FOR GENERAL UTILITY SERVICES, SHOWN ON THE ATTACHED PLAT, SERVICE PEDESTALS AND TRANSFORMERS, AS SOURCES OF SUPPLY AT SECONDARY VOLTAGES, MAY ALSO BE LOCATED IN SAID EASEMENT-WAYS.

2. UNDERGROUND SERVICE CABLES TO ALL STRUCTURES WHICH MAY BE LOCATED ON THE LOTS IN THE SUBDIVISION MAY BE RUN FROM THE NEAREST SERVICE PEDESTAL OR TRANSFORMER TO THE POINT OF USAGE DETERMINED BY THE LOCATION AND CONSTRUCTION OF SUCH STRUCTURE AS IT MAY BE LOCATED UPON EACH SAID LOT. THE SUPPLIERS OF ELECTRIC OR COMMUNICATION SERVICE SHALL THEREAFTER BE DEEMED TO HAVE A DEFINITIVE, PERMANENT, EFFECTIVE AND EXCLUSIVE RIGHT-OF-WAY EASEMENT ON SAID LOT COVERING A FIVE-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 SAID STRUCTURE.

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

4. THE OWNER OF EACH LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE UNDERGROUND ELECTRIC AND COMMUNICATION FACILITIES LOCATED ON HIS PROPERTY AND SHALL PREVENT THE ALTERATION OF GRADE OR ANY CONSTRUCTION ACTIVITY WHICH MAY INTERFERE WITH SAID ELECTRIC FACILITIES. THE UTILITY COMPANY WILL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF UNDERGROUND ELECTRIC AND COMMUNICATION FACILITIES, BUT THE OWNER WILL 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 CONCERNING UNDERGROUND ELECTRIC AND COMMUNICATION FACILITIES SHALL BE ENFORCEABLE BY THE SUPPLIER OF ELECTRIC OR COMMUNICATION SERVICE, AND THE OWNER OF EACH LOT AGREES TO BE BOUND HEREBY.

### C. WATER AND SEWER SERVICE

1. THE OWNER OF EACH LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE PUBLIC WATER AND SEWER MAINS LOCATED ON OR IN HIS 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 ANY CONSTRUCTION ACTIVITY WHICH MAY INTERFERE WITH PUBLIC WATER MAINS SHALL BE PROHIBITED.

3. THE CITY OF BROKEN ARROW OR ITS SUCCESSORS WILL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF PUBLIC WATER MAINS, BUT THE OWNER WILL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER, HIS AGENTS OR CONTRACTORS.

4. CITY OF BROKEN ARROW OR ITS SUCCESSORS WILL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF PUBLIC SEWER MAINS, BUT THE OWNER WILL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER, HIS AGENTS OR CONTRACTORS.

5. OKLAHOMA NATURAL GAS CO. AND THE CITY OF BROKEN ARROW OR THEIR SUCCESSORS, THROUGH ITS PROPER AGENTS AND EMPLOYEES, SHALL AT ALL TIMES HAVE RIGHT OF ACCESS WITH THEIR EQUIPMENT TO ALL SUCH EASEMENT-WAYS SHOWN ON SAID PLAT, OR PROVIDED FOR IN THIS DEED OF DEDICATION FOR THE PURPOSE OF INSTALLING, MAINTAINING, REMOVING OR REPLACING ANY PORTION OF THEIR RESPECTIVE UNDERGROUND WATER OR SEWER FACILITIES.

6. THE FOREGOING COVENANTS SET FORTH IN THIS PARAGRAPH SHALL BE ENFORCEABLE BY THE CITY OF BROKEN ARROW WATER, SEWER, SOLID WASTE, AND OKLAHOMA NATURAL GAS CO. OR ITS SUCCESSORS, AND THE OWNER OF EACH LOT AGREES TO BE BOUND HEREBY.

7. A BACKFLOW PREVENTOR IS REQUIRED AT EACH BUILDING.

### D. GAS SERVICE

1. THE SUPPLIER OF GAS SERVICE THROUGH ITS AGENTS AND EMPLOYEES SHALL AT ALL TIMES HAVE THE RIGHT OF ACCESS TO ALL SUCH EASEMENTS SHOWN ON THE PLAT OR AS PROVIDED FOR IN THIS CERTIFICATE OF DEDICATION FOR THE PURPOSE OF INSTALLING, REMOVING, REPAIRING, OR REPLACING ANY PORTION OF THE FACILITIES INSTALLED BY THE SUPPLIER OF GAS SERVICE. UNDERGROUND SERVICE CABLES AND GAS SERVICE LINES TO ALL STRUCTURES WHICH ARE LOCATED WITHIN THE SUBDIVISION MAY BE RUN FROM THE NEAREST GAS MAIN, COVERING A 5-FOOT STRIP EXTENDING 2.5 FEET ON EACH SIDE OF THE SERVICE VALVE OR LINE EXTENDING FROM THE GAS MAIN.

2. THE OWNER OF THE LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE UNDERGROUND GAS FACILITIES LOCATED IN THEIR LOT AND SHALL PREVENT THE ALTERATION, GRADE, OR ANY OTHER CONSTRUCTION ACTIVITY WHICH WOULD THEREFORE INTERFERE WITH THE GAS SERVICE. THE SUPPLIER OF THE GAS SERVICE SHALL BE RESPONSIBLE FOR THE ORDINARY MAINTENANCE OF SAID FACILITIES, BUT THE OWNER SHALL PAY FOR DAMAGE OR RELOCATION OF FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER, OR ITS AGENTS OR CONTRACTORS.

3. THE FOREGOING COVENANTS SET FORTH IN THIS PARAGRAPH SHALL BE ENFORCEABLE BY THE SUPPLIER OF THE GAS SERVICE AND THE OWNER OF THE LOT AGREES TO BE BOUND HEREBY.

### E. SURFACE DRAINAGE

EACH LOT SHALL RECEIVE AND DRAIN, IN AN UNBLOCKED MANNER, THE STORM AND SURFACE WATERS FROM LOTS AND DRAINAGE AREAS OF HIGHER ELEVATION AND FROM PUBLIC STREETS AND EASEMENTS. NO LOT OWNER SHALL CONSTRUCT OR PERMIT TO BE CONSTRUCTED ANY FENCE OR OTHER OBSTRUCTIONS WHICH WOULD IMPAIR THE DRAINAGE OF STORM AND SURFACE WATERS OVER AND ACROSS HIS LOT. NO FENCING SHALL BE ALLOWED TO BE INSTALLED WITHIN AN OVERLAND DRAINAGE EASEMENT. HOME AND STRUCTURE CONSTRUCTION ON A LOT SHALL BE PERFORMED IN SUCH A MANNER AS TO PRESERVE THE INTENT OF THE STORMWATER CONVEYANCES AS PRESENTED ON THE APPROVED SUB-DIVISION PLAT.

### F. OVERLAND DRAINAGE EASEMENT REQUIREMENTS

OVERLAND DRAINAGE EASEMENTS SHALL BE MAINTAINED BY THE PROPERTY OWNER ASSOCIATION TO BE FORMED PURSUANT TO SECTION III ("THE PROPERTY OWNER ASSOCIATION") TO THE EXTENT NECESSARY TO ACHIEVE THE INTENDED DRAINAGE, RETENTION, AND DETENTION FUNCTIONS INCLUDING REPAIR OF APPURTENANCES AND REMOVAL OF OBSTRUCTIONS AND SILTATION. THE ASSOCIATION SHALL MAINTAIN THE OVERLAND DRAINAGE EASEMENT AREA IN ACCORDANCE WITH THE FOLLOWING MINIMUM STANDARDS:

1. GRASS AREAS SHALL BE MOWED (IN SEASON) AT REGULAR INTERVALS OF FOUR WEEKS, OR LESS.

2. CONCRETE APPURTENANCES SHALL BE MAINTAINED IN GOOD CONDITION AND REPLACED IF DAMAGED.

3. THE STORM WATER DETENTION EASEMENT AREA SHALL BE KEPT FREE OF DEBRIS.

2. CLEANING OF SILTATION AND VEGETATION FROM CONCRETE CHANNELS SHALL BE PERFORMED TWICE YEARLY.

### G. FENCE REQUIREMENT ALONG WASHINGTON STREET:

1. FENCING AND WALLS ALONG WASHINGTON STREET SHALL MEET THE REQUIREMENTS OF SECTION 5.2.E.2.A OF THE CITY OF BROKEN ARROW ZONING ORDINANCE.

2. THE SIDE OR REAR YARDS OF RESIDENTIAL USES ADJACENT TO WASHINGTON STREET SHALL HAVE AN ARCHITECTURALLY ATTRACTIVE OPAQUE FENCE OF AT LEAST 6 FEET IN HEIGHT.

3. FENCING ALONG THE ARTERIAL STREETS (WASHINGTON STREET) SHALL BE INSTALLED BY THE DEVELOPER.

4. MAINTENANCE OF THE FENCE ALONG THE ARTERIAL STREET SHALL BE THE RESPONSIBILITY OF THE HOMEOWNERS ASSOCIATION.

5. FENCING PLANS SHALL BE PRESENTED TO AND APPROVED BY THE PLANNING COMMISSION AT THE SAME TIME LANDSCAPE PLANS ARE SUBMITTED FOR REVIEW.

## SECTION II. DEVELOPMENT RESTRICTIONS

A. THESE COVENANTS ARE TO RUN WITH THE LAND AND SHALL BE BINDING ON PARTIES AND ALL PERSONS CLAIMING UNDER THEM UNTIL DECEMBER 31, 2031 AT WHICH TIME SAID COVENANTS SHALL BE AUTOMATICALLY EXTENDED FOR SUCCESSIVE PERIODS OF TEN YEARS UNLESS BY A VOTE OF THE MAJORITY OF THE OWNERS OF THE LOTS, THEN IT IS AGREED TO CHANGE SAID COVENANTS IN WHOLE OR IN PART. IF THE PARTIES HERETO, OR ANY OF THEM, OR THEIR HEIRS OR ASSIGNS, SHALL VIOLATE, OR ATTEMPT TO VIOLATE ANY OF THE COVENANTS HEREIN, IT SHALL BE LAWFUL FOR ANY OTHER PERSON OR PERSONS OWNING ANY REAL ESTATE SITUATED IN SAID DEVELOPMENT OR SUBDIVISION TO PROSECUTE ANY PROCEEDINGS AT LAW OR IN EQUITY AGAINST THE PERSON VIOLATING OR ATTEMPTING TO VIOLATE ANY SUCH COVENANT, AND EITHER TO PREVENT HIM OR THEM FROM DOING SO, TO RECOVER DAMAGES OR OTHER DUES FOR SUCH VIOLATIONS. INVALIDATION OF ANY OF THESE COVENANTS BY JUDGMENT OR COURT ORDER SHALL IN NO WAY AFFECT ANY OF THE OTHER PROVISIONS AND THEY SHALL REMAIN IN FULL FORCE AND EFFECT.

1. EACH LOT MAY BE USED FOR ONLY ONE SINGLE FAMILY DWELLING.

2. NO BUILDING SHALL BE LOCATED NEARER THAN 20 FEET FROM THE FRONT LOT LINE, NOR NEARER THAN 5 FEET OF ANY SIDE LOT LINE.

3. NO NOXIOUS TRADE OR ACTIVITY SHALL BE CARRIED ON, UPON ANY LOT, NOR SHALL ANYTHING BE DONE THEREON WHICH MAY BE, OR MAY BECOME AN ANNOYANCE OR A NUISANCE TO THE NEIGHBORHOOD. NO PART OF THE PROPERTY DESCRIBED SHALL BE USED FOR THE MAINTENANCE, CARE OR HOUSING OF SWINE, POULTRY, CATTLE OR HORSES.

4. EACH TRACT SHALL BE PERMITTED TO CONSTRUCT A STORAGE BUILDING, NOT TO EXCEED 120 SQUARE FEET, AND MUST BE MAINTAINED AND KEPT CLEAN AND IN AN ORDERLY CONDITION. THE STORAGE BUILDING MUST REFLECT THE COLORING AND FINISHES SCHEME OF THE ASSOCIATED DWELLING.

5. NO TRAILER, BASEMENT, TENT, SHACK, GARAGE, BARN OR OTHER OUTBUILDING ERECTED IN THIS TRACT SHALL, AT ANY TIME BE USED AS A RESIDENCE, EITHER TEMPORARILY OR PERMANENTLY, NOR SHALL ANY STRUCTURE OF TEMPORARY NATURE OR CHARTER BE USED AS A RESIDENCE.

6. NO DWELLING SHALL BE ERECTED ON ANY SINGLE FAMILY RESIDENTIAL LOT IN THE TRACT, THE LIVING AREA OF THE MAIN STRUCTURE OF WHICH, EXCLUSIVE OF OPEN PORCHES AND GARAGES, IS LESS THAN 1,500 SQUARE FEET IN AREA, AND THE EXTERIOR SURFACE OF ALL SINGLE FAMILY DWELLINGS SHALL BE 75% MASONRY.

7. ROOFING, THE ROOF OF THE DWELLING ERECTED ON ANY LOT SHALL BE WEATHERED WOOD TONE IN COLOR. A MINIMUM OF 6/12 FOR ROOF SYSTEMS SHALL BE USED.

8. FENCING, FENCING SHALL BE APPROVED BY THE ARCHITECTURAL CONTROL COMMITTEE AND BE ERECTED TO OBSTRUCT THE VIEW OF STORAGE OF MOTOR HOMES, OUT BUILDINGS, ETC.

9. NO STRUCTURE PREVIOUSLY USED SHALL BE MOVED ONTO ANY LOT IN THIS SUBDIVISION.

10. NO LOT SHALL BE USED OR MAINTAINED AS A DUMPING GROUND FOR RUBBISH, TRASH, GARBAGE OR OTHER WASTE, OR FOR THE STORAGE OF MOTOR VEHICLES NOT IN USE BY THE OCCUPANT OF THE LOT, OR FOR REPAIR OF MOTOR VEHICLES OF ANY KIND.

11. NO MOTOR HOME, BOAT TRAILER, TRAVEL TRAILER OR SIMILAR RECREATIONAL VEHICLE SHALL BE LOCATED, PARKED, OR STORED WITHIN A SIDE, FRONT OR REAR YARD THAT IS NOT FENCED IN WITH A PRIVACY FENCE. PARKING ON STREETS IS NOT AUTHORIZED ON A ROUTINE BASIS.

### B. DEFINITIONS

1. ARCHITECTURAL CONTROL COMMITTEE: ARCHITECTURAL CONTROL COMMITTEE SHALL MEAN THE ARCHITECTURAL CONTROL COMMITTEE APPOINTED AS PROVIDED IN SECTION II C. OF THIS DECLARATION.

2. ASSOCIATION: ASSOCIATION SHALL MEAN BROOK CHASE - PHASE I (AND ALL FUTURE PHASES) PROPERTY OWNERS ASSOCIATION, AN OKLAHOMA NON-PROFIT CORPORATION.

3. BOARD: BOARD SHALL MEAN THE BOARD OF DIRECTORS OF THE ASSOCIATION.

4. CHANGE IN THE EXISTING STATE OF PROPERTY: CHANGE IN THE EXISTING STATE OF PROPERTY SHALL MEAN AND INCLUDE, WITHOUT LIMITATION: (A) ANY CHANGE OR ALTERATION OF THE CONSTRUCTION, INSTALLATION, ALTERATION OR EXPANSION OF ANY TEMPORARY OR PERMANENT BUILDING, STRUCTURE OR OTHER IMPROVEMENT, INCLUDING BUT NOT LIMITED TO UTILITY FACILITIES, FENCING OR RECREATIONAL EQUIPMENT; (B) THE DESTRUCTION BY VOLUNTARY ACTION OR THE

# CONDITIONAL FINAL PLAT BROOK CHASE PHASE V

A TRACT OF LAND THAT IS A PART OF THE SOUTHEAST QUARTER (SE/4) OF SECTION THIRTEEN (13), TOWNSHIP EIGHTEEN (18) NORTH, RANGE FOURTEEN (14) EAST  
OF THE INDIAN BASE AND MERIDIAN (I.B.&M.), A SUBDIVISION IN THE CITY OF BROKEN ARROW, TULSA COUNTY, STATE OF OKLAHOMA

7. GENERAL CRITERIA FOR ARCHITECTURAL CONTROL COMMITTEE: THE ARCHITECTURAL CONTROL COMMITTEE SHALL HAVE COMPLETE DISCRETION TO APPROVE OR DISAPPROVE ANY CHANGE IN THE EXISTING STATE OF PROPERTY. THE ARCHITECTURAL CONTROL COMMITTEE SHALL EXERCISE SUCH DISCRETION WITH THE FOLLOWING OBJECTIVES IN MIND, AMONG OTHERS, (A) TO CARRY OUT THE GENERAL PURPOSES EXPRESSED IN THIS DECLARATION, (B) TO PREVENT VIOLATION OF ANY SPECIFIC PROVISION OF THIS DECLARATION OR ANY SUPPLEMENTARY DECLARATION, (C) TO PREVENT ANY CHANGE WHICH WOULD BE UNSAFE OR HAZARDOUS TO ANY PERSONS OR PROPERTIES; (D) TO MINIMIZE OBSTRUCTION OR DIMINISH OF THE VIEW OF OTHERS, (E) TO PRESERVE VISUAL CONTINUITY, (F) TO ASSURE THAT ANY CHANGE WILL BE OF GOOD AND ATTRACTIVE DESIGN AND IN HARMONY WITH DEVELOPMENT ON OTHER PORTIONS OF THE PROPERTY, (G) TO ASSURE THAT MATERIALS AND WORKMANSHIP FOR ALL IMPROVEMENTS ARE OF HIGH QUALITY, COMPARABLE TO OTHER IMPROVEMENTS IN THE AREA, (H) TO ASSURE THE SAFETY OF PERSONS UTILIZING THE COMMON AREAS, AND (I) TO ASSURE THE FIRST-CLASS QUALITY OF THE VISUAL IMPACT OF ANY CHANGE. THE ARCHITECTURAL CONTROL COMMITTEE SHALL ESTABLISH AND MODIFY FROM TIME TO TIME STANDARDS AND GUIDELINES FOR SUCH CHANGES IN THE EXISTING STATE OF PROPERTY, AS IT MAY DEEM APPROPRIATE.

8. COMPLETION OF WORK AFTER APPROVAL. AFTER APPROVAL OF THE ARCHITECTURAL CONTROL COMMITTEE OF ANY PROPOSED CHANGE IN THE EXISTING STATE OF PROPERTY, THE PROPOSED CHANGE SHALL BE ACCOMPLISHED AS PROMPTLY AND DILIGENTLY AS POSSIBLE, IN COMPLETE CONFORMITY WITH THE DESCRIPTION OF THE PROPOSED CHANGE, AND WITH FINAL PLANS AND SPECIFICATIONS PROVIDED TO THE ARCHITECTURAL CONTROL COMMITTEE. FAILURE TO ACCOMPLISH THE CHANGE WITHIN ONE YEAR AFTER THE DATE OF APPROVAL OR TO COMPLETE THE PROPOSED CHANGE STRICTLY IN COMPLIANCE WITH THE DESCRIPTION THEREOF AND THE PLANS AND SPECIFICATION THEREFORE SHALL OPERATE AUTOMATICALLY TO REVOKE THE APPROVAL OF THE PROPOSED CHANGE, AND, UPON DEMAND BY THE ARCHITECTURAL CONTROL COMMITTEE, THE PROPERTY SHALL BE RESTORED AS NEARLY AS POSSIBLE TO ITS STATE EXISTING PRIOR TO ANY WORK IN CONNECTION WITH THE PROPOSED CHANGE. THE ARCHITECTURAL CONTROL COMMITTEE SHALL HAVE THE RIGHT AND AUTHORITY TO RECORD A NOTICE TO SHOW THAT ANY PARTICULAR CHANGE IN THE EXISTING STATE OF PROPERTY HAS NOT BEEN APPROVED OR THAT ANY APPROVAL GIVEN HAS BEEN REVOKED.

9. REMOVAL AND ALTERATION OF STRUCTURES; LIENS.

(A) IF ANY STRUCTURE SHALL BE ALTERED, ERECTED, PLACED OR MAINTAINED UPON ANY LOT OR ANY NEW USE COMMENCED ON ANY LOT OTHERWISE THAN IN ACCORDANCE WITH PLANS AND SPECIFICATIONS APPROVED BY THE ARCHITECTURAL CONTROL COMMITTEE PURSUANT TO THE PROVISIONS OF THIS DECLARATION, SUCH ALTERATION, ERECTION, MAINTENANCE OR USE SHALL BE DEEMED TO HAVE BEEN UNDERTAKEN IN VIOLATION OF THIS ARTICLE AND WITHOUT THE APPROVAL REQUIRED HEREIN. UPON WRITTEN NOTICE FROM THE ARCHITECTURAL CONTROL COMMITTEE, ANY SUCH STRUCTURE SO ALTERED, ERECTED, PLACED OR MAINTAINED UPON ANY LOT IN VIOLATION HEREOF SHALL BE REMOVED OR RE-ALTERED AND ANY SUCH USE SHALL BE TERMINATED SO AS TO EXTINGUISH SUCH VIOLATION.

(B) IF FIFTEEN (15) DAYS AFTER ANY NOTICE OF VIOLATION REFERRED TO IN (A) ABOVE, THE OWNER OF THE LOT UPON WHICH SUCH VIOLATION EXISTS SHALL NOT HAVE TAKEN REASONABLE STEPS TOWARD THE REMOVAL OR TERMINATION OF THE SAME, THE ASSOCIATION OR THE ARCHITECTURAL CONTROL COMMITTEE SHALL HAVE THE RIGHT, THROUGH THEIR AGENTS AND EMPLOYEES, TO ENTER UPON SUCH LOT AND TAKE SUCH STEPS AS MAY BE NECESSARY TO EXTINGUISH SUCH VIOLATION, AND THE COST THEREOF SHALL BE A BINDING, PERSONAL OBLIGATION OF SUCH OWNER AND THE COST MAY MATURE INTO A LIEN (ENFORCEABLE IN THE SAME MANNER AS A MORTGAGE) UPON THE (LOTS) IN QUESTION IN THE FOLLOWING MANNER: THE ASSOCIATION OR THE ARCHITECTURAL CONTROL COMMITTEE MAY RECORD AN AFFIDAVIT OF NONPAYMENT OF REMOVAL OR ALTERATION CHARGES IN THE OFFICE OF THE REGISTER OF DEEDS OF TULSA COUNTY, OKLAHOMA, STATING, (I) THE LEGAL DESCRIPTION OF THE PROPERTY ON WHICH THE LIEN IS CLAIMED, (II) THE NAME(S) OF THE OWNER(S) OF SAID PROPERTY; AND (III) THE AMOUNT OF THE REMOVAL AND ALTERATION CHARGES WHICH ARE UNPAID. THE LIEN SHALL BE CREATED AT THE TIME OF THE FILING AND RECORDING OF THE AFFIDAVIT AND SUCH LIEN SHALL BE SUPERIOR TO ALL OTHER CHARGES, LIENS OR ENCUMBRANCES WHICH MAY THEREAFTER IN ANY MANNER ARISE OR BE IMPOSED UPON THE PROPERTY, WHETHER ARISING FROM OR IMPOSED BY JUDGMENT OR DECREE OR BY ANY AGREEMENT, CONTRACT, MORTGAGE OR OTHER INSTRUMENT, SAVING AND EXCEPTING ONLY SUCH LIENS FOR TAXES OR OTHER PUBLIC CHARGES AS ARE BY APPLICABLE LAW MADE SUPERIOR.

(C) IN THE EVENT A LIEN IS OBTAINED PURSUANT TO THIS DECLARATION AND THEREAFTER THE REMOVAL OR ALTERATION CHARGES, PLUS INTEREST AT A RATE EQUAL TO 9% PER ANNUM (PROVIDED THAT THE INTEREST RATE SHALL NEVER EXCEED THE MAXIMUM ALLOWED BY LAW), SHALL BE FULLY PAID. THE ASSOCIATION OR THE ARCHITECTURAL CONTROL COMMITTEE SHALL, WITHIN TEN (10) DAYS FOLLOWING PAYMENT: (I) FILE WITH THE REGISTER OF DEEDS OF TULSA COUNTY, OKLAHOMA AN AFFIDAVIT OF PAYMENT OF REMOVAL OR ALTERATION CHARGES WHICH CREATED THE LIEN WHICH HAS BEEN SATISFIED; (II) STATE THE LEGAL DESCRIPTION OF THE PROPERTY AFFECTED; AND, (III) STATE THE NAME(S) OF THE OWNER(S) OF THE PROPERTY. THE RECORDING OF THE AFFIDAVIT OF PAYMENT OF REMOVAL OR ALTERATION CHARGES SHALL FULLY AND COMPLETELY RELEASE THE LIEN REFERRED TO IN SAID AFFIDAVIT, AND SAID AFFIDAVIT SHALL BE CONCLUSIVE EVIDENCE TO ANY PURCHASER OR ENCUMBRANCE OR AS TO ANY TITLE INSURER OR TITLE EXAMINER THAT THE PRE-EXISTING LIEN HAS BEEN FULLY AND COMPLETELY RELEASED AND DISCHARGED.

(D) IN THE EVENT OF ANY TRANSFER, SALE OR ASSIGNMENT OF ANY LOT OR LOTS TO A BONA FIDE PURCHASER, AND IN THE EVENT THAT NO AFFIDAVIT OF NONPAYMENT OF REMOVAL OR ALTERATION CHARGES HAS BEEN RECORDED AS PROVIDED IN THIS SECTION PRIOR TO SUCH TRANSFER, SALE OR ASSIGNMENT; ANY SUCH AFFIDAVIT FILED SUBSEQUENT TO THE ABOVE REFERENCED TRANSFER, SALE OR ASSIGNMENT SHALL BE INVALID AND UNENFORCEABLE.

10. RIGHT OF INSPECTION. THE ASSOCIATION, THE ARCHITECTURAL CONTROL COMMITTEE OR ANY OF THEIR AGENTS MAY, AT ANY REASONABLE TIME OR TIMES, AND WITH REASONABLE NOTICE, ENTER UPON AND INSPECT ANY LOT OR THE EXTERIOR OF ANY IMPROVEMENTS THEREON FOR THE PURPOSE OF ASCERTAINING WHETHER THE MAINTENANCE OF SUCH LOT AND THE MAINTENANCE, CONSTRUCTION OR ALTERATION OF STRUCTURES THEREON ARE IN COMPLIANCE WITH THE PROVISIONS HEREOF; AND NEITHER THE ARCHITECTURAL CONTROL COMMITTEE, THE ASSOCIATION NOR ANY SUCH AGENT SHALL BE DEEMED TO HAVE COMMITTED A TRESPASS OR OTHER WRONGFUL ACT BY REASON OF SUCH ENTRY OR INSPECTION.

11. ESTOPPEL CERTIFICATE. THE ASSOCIATION SHALL BE AUTHORIZED TO, AND SHALL, UPON THE REASONABLE REQUEST OF ANY INTERESTED PERSON, AFTER CONFIRMING NECESSARY FACTS WITH THE ARCHITECTURAL CONTROL COMMITTEE, FURNISH A CERTIFICATE WITH RESPECT TO APPROVAL OR DISAPPROVAL BY THE ARCHITECTURAL CONTROL COMMITTEE OF ANY CHANGE IN THE EXISTING STATE OF PROPERTY, AND ANY PERSON, WITHOUT ACTUAL NOTICE TO THE CONTRARY, SHALL BE ENTITLED TO RELY ON SAID CERTIFICATE WITH RESPECT TO ALL MATTERS SET FORTH THEREIN. THIS CERTIFICATE MAY BE A SET OF ARCHITECTURAL PLANS SIGNED BY THE COMMITTEE.

12. VARIANCES BY ARCHITECTURAL CONTROL COMMITTEE. THE ARCHITECTURAL CONTROL COMMITTEE MAY AUTHORIZE VARIANCE FROM COMPLIANCE WITH ANY OF THE PROVISIONS, COVENANTS, CONDITIONS AND RESTRICTIONS CONTAINED IN EITHER THIS DECLARATION OR SUCH COMMITTEE'S STANDARDS IN EFFECT FROM TIME TO TIME IN THE ARCHITECTURAL CONTROL COMMITTEE'S SOLE DISCRETION. SUCH VARIANCES MUST BE EVIDENCED IN WRITING AND MAY BE RECORDED. IF SUCH VARIANCES ARE GRANTED, NO VIOLATION OF THE PROVISIONS, COVENANTS, RESTRICTIONS OR CONDITIONS CONTAINED IN THIS DECLARATION SHALL BE DEEMED TO HAVE OCCURRED WITH RESPECT TO THE MATTER FOR WHICH THE VARIANCE WAS GRANTED, AND SUBSEQUENT OWNERS MAY RELY ON AND SHALL BE BOUND BY THE PROVISIONS SET FORTH IN THE VARIANCE. THE GRANTING OF SUCH A VARIANCE SHALL NOT OPERATE TO WAIVE ANY OF THE PROVISIONS, COVENANTS, CONDITIONS OR RESTRICTIONS CONTAINED IN THIS DECLARATION FOR ANY PURPOSE EXCEPT AS TO THE PARTICULAR PORTION OF THE PROPERTY AND THE PARTICULAR PROVISION COVERED BY THE VARIANCE. THE ARCHITECTURAL CONTROL COMMITTEE MAY ALSO APPROVE APPLICATIONS WHICH DEVIATE FROM THE SUBMISSION PROCESS OR MATERIALS OTHERWISE REQUIRED HEREUNDER, E.G., THE ARCHITECTURAL CONTROL COMMITTEE MAY APPROVE PLAN TYPES OF HOMES TO BE CONSTRUCTED.

13. DEVELOPMENT BY DECLARANT. NOTWITHSTANDING ANYTHING TO THE CONTRARY CONTAINED HEREIN, THE PROVISIONS OF THIS ARTICLE SHALL NOT APPLY TO DECLARANT'S CONSTRUCTION OF STREETS, SEWERS, UTILITIES, WALLS, LANDSCAPING, RECREATIONAL IMPROVEMENTS, SIDEWALKS AND SIMILAR ITEMS.

D. ARCHITECTURAL CONTROL COMMITTEE MEMBERSHIP.

1. THE ARCHITECTURAL CONTROL COMMITTEE SHALL CONSIST OF THREE (3) MEMBERS, WHICH MEMBERS SHALL INITIALLY BE APPOINTED BY DECLARANT UPON RELINQUISHMENT OF SUCH RIGHTS BY DECLARANT AS HEREINAFTER PROVIDED BY THE BOARD. DECLARANT MAY RELINQUISH ITS RIGHTS ON ANY PORTION THEREOF UNDER THIS SECTION C TO THE BOARD BY ADVISING THE BOARD IN WRITING OF ITS INTENT TO DO SO, AND IN SUCH EVENT, THE ASSOCIATION SHALL HAVE THE AUTHORITY OF DECLARANT UNDER THIS SECTION. DECLARANT SHALL RELINQUISH SUCH RIGHTS AT OR PRIOR TO, SUCH TIME AS DECLARANT SHALL CEASE TO OWN ANY LOTS. THE ASSOCIATION SHALL PROMPTLY FURNISH THE NAMES AND ADDRESSES OF THE CURRENT MEMBERS OF THE ARCHITECTURAL CONTROL COMMITTEE TO ANY INTERESTED PERSON.

2. ACTION BY ARCHITECTURAL CONTROL COMMITTEE. THE VOTE OR WRITTEN CONSENT OF ANY TWO (2) MEMBERS OF THE ARCHITECTURAL CONTROL COMMITTEE SHALL CONSTITUTE ACTION BY THE ARCHITECTURAL CONTROL COMMITTEE.

3. POWER TO EMPLOY CONSULTANTS. THE ARCHITECTURAL CONTROL COMMITTEE SHALL BE EMPOWERED TO EMPLOY CONSULTANTS AND AGENTS, AS IT MAY DEEM NECESSARY TO ASSIST IT IN THE PERFORMANCE OF ITS DUTIES.

4. ASSOCIATION PAYMENT OF COMPENSATION AND COSTS. THE ASSOCIATION IS AUTHORIZED TO PAY ANY REASONABLE COMPENSATION TO MEMBERS OF THE ARCHITECTURAL CONTROL COMMITTEE FOR ACTUAL SERVICES RENDERED AND TO REIMBURSE THE MEMBERS OF SAID COMMITTEE FOR ACTUAL AND REASONABLE EXPENSES INCURRED, AND SHALL BE ENTITLED TO UTILIZE FOR SUCH PURPOSES THE FEE PAYABLE FOR REVIEW OF PROPOSED CHANGES IN THE EXISTING STATE OF PROPERTY TOGETHER WITH OTHER FUNDS OF THE ASSOCIATION, IF NECESSARY.

E. ASSOCIATION

1. FORMATION OF ASSOCIATION. THE ASSOCIATION HAS BEEN INCORPORATED AS A NON-PROFIT CORPORATION FOR A PERPETUAL TERM UNDER THE LAWS OF THE STATE OF OKLAHOMA.

2. PURPOSE OF ASSOCIATION. THE ASSOCIATION WILL BE FORMED TO FURTHER THE COMMON INTERESTS OF THE MEMBERS AND TO PERFORM THE FUNCTIONS HEREINAFTER REQUIRED OR PERMITTED TO BE PERFORMED BY THE ASSOCIATION.

3. NONCOMPLIANCE BY OWNERS. IN THE EVENT OF THE FAILURE BY AN OWNER TO COMPLY WITH ANY PROVISION OF THIS DECLARATION AND ANY STANDARDS IN EFFECT FROM TIME TO TIME AS ADOPTED BY THE ARCHITECTURAL CONTROL COMMITTEE, THE ASSOCIATION, AFTER WRITTEN NOTICE, MAILED OR DELIVERED TO THE OWNER AT HIS OR HER LAST KNOWN ADDRESS, SHALL BE AUTHORIZED AND HAVE THE POWER TO TAKE SUCH ACTION AS THE ASSOCIATION DEEMS NECESSARY OR DESIRABLE TO CAUSE COMPLIANCE WITH THE PROVISIONS OF THIS DECLARATION OR SUCH STANDARDS WITH RESPECT TO SUCH LOT OWNER. ALL COMPLIANCE EXPENDITURES SHALL BE PAYABLE BY SUCH OWNER ON DEMAND BY THE ASSOCIATION.

4. RULES AND REGULATIONS: THE ASSOCIATION SHALL BE AUTHORIZED AND HAVE THE POWER TO ADOPT AND ENFORCE RULES AND REGULATIONS TO REGULATE USE OF THE PROPERTY. EACH OWNER SHALL BE OBLIGATED TO COMPLY WITH AND TO SEE THAT SUCH OWNER'S TENANTS, GUESTS, AND INVITÉS COMPLY WITH ANY SUCH RULES AND REGULATIONS. ADDITIONALLY, THE BOARD MAY FROM TIME TO TIME PROVIDE FOR ENFORCEMENT OF ANY SUCH RULES AND REGULATIONS AND PROVISIONS OF THIS DECLARATION BY IMPOSING REASONABLE AND UNIFORMLY APPLIED FINES.

5. INITIAL PERFORMANCE BY DECLARANT. THE INITIAL PERFORMANCE OF THE FUNCTIONS OF THE ASSOCIATION AND THE BOARD AS SPECIFIED IN THIS DECLARATION AND THE EXERCISE AND ENFORCEMENT OF RIGHTS (INCLUDING COLLECTION AND USE OF ASSESSMENTS) AND REMEDIES GIVEN TO THE ASSOCIATION HEREIN FOR THE PURPOSES HEREIN STATED MAY BE CONDUCTED BY DECLARANT IN LIEU OF THE ASSOCIATION AND/OR THE BOARD. DECLARANT SHALL TRANSFER ALL OF THE FOREGOING RIGHTS AND RESPONSIBILITIES TO THE ASSOCIATION OR ANY SUCCESSOR(S) THERETO AT ANY TIME ON OR BEFORE THIRTY (30) DAYS FOLLOWING THE SALE OF THE LAST LOT OWNED BY DECLARANT BUT MAY TRANSFER SUCH RIGHTS AND RESPONSIBILITIES AT SUCH EARLIER DATE AS IT MAY SO DESIRE.

6. MASTER PROPERTY OWNERS ASSOCIATION. PROPERTY OWNERS ASSOCIATION WILL BE COMPRISED OF THE ENTIRE 40 ACRES OF BROOK CHASE PHASE-I. FUTURE SECTIONS OF THE BROOK CHASE DEVELOPMENT YET TO BE NAMED, WILL BE INCLUDED IN THE PROPERTY OWNER ASSOCIATION.

I. LIEN FOR ASSESSMENTS, FINES AND COMPLIANCE EXPENDITURES. THE ASSOCIATION SHALL HAVE A LIEN AGAINST EACH LOT TO SECURE PAYMENT OF ANY ASSESSMENT, FINE, COMPLIANCE EXPENDITURE OR OTHER AMOUNT DUE AND OWING THE ASSOCIATION BY THE OWNER OF THAT LOT, PLUS INTEREST FROM THE DATE SUCH AMOUNT WAS DUE AND PAYABLE AT A RATE EQUAL TO FOUR PERCENT (4%) PER ANNUM OVER THE PRIME INTEREST RATE ADJUSTED ON EACH DAY ON WHICH THERE OCCURS A CHANGE IN SAID PRIME INTEREST RATE (PROVIDED THAT THE INTEREST RATE SHALL NEVER EXCEED THE MAXIMUM ALLOWED BY LAW), IN ADDITION TO ALL COSTS AND EXPENSES OF COLLECTING THE UNPAID AMOUNT, INCLUDING BUT NOT LIMITED TO REASONABLE ATTORNEY FEES. THE LIEN MAY BE FORECLOSED IN THE MANNER FOR FORECLOSURE OF MORTGAGES IN THE STATE OF OKLAHOMA. THE LIEN PROVIDED HEREIN SHALL BE JUNIOR TO THE LIEN OF ANY FIRST MORTGAGE ON ANY LOT TAKEN IN GOOD FAITH AND FOR VALUE AND PERFECTED BY RECORDING IN THE OFFICE OF THE REGISTER OF DEEDS OF TULSA COUNTY, OKLAHOMA, PRIOR TO THE TIME AND RECORDING IN SAID OFFICE OF A NOTICE OF LIEN, BUT SHALL BE PRIOR TO ANY AND ALL OTHER LIENS. THE NOTICE OF LIEN SHALL SET FORTH THE AMOUNT OF ANY ASSESSMENT, FINE, COMPLIANCE EXPENDITURE OR OTHER AMOUNT DUE AND OWING TO THE ASSOCIATION, SPECIFYING THE DATE SUCH AMOUNT WAS DUE AND PAYABLE AND FROM WHICH INTEREST ACCRUES, SPECIFYING ALL COSTS AND EXPENSES, INCLUDING REASONABLE ATTORNEY FEES, OF COLLECTING THE UNPAID AMOUNT TO THE DATE OF RECORDING SUCH NOTICE OF LIEN, DESCRIBING THE LOT AFFECTED BY THE LIEN AND SPECIFYING THE NAME OR NAMES LAST KNOWN TO THE ASSOCIATION OF THE OWNER OR OWNERS OF THE LOT. EACH OWNER ACKNOWLEDGES AND AGREES, BY ACCEPTANCE OF SUCH OWNER'S DEED OR OTHER INTEREST IN ANY LOT SUBJECT TO THIS DECLARATION, THAT THE LIEN OF THE ASSOCIATION FOR ASSESSMENTS DUE HEREUNDER, AND FOR ALL OTHER SUMS WHICH MAY BECOME DUE THE ASSOCIATION HEREUNDER FROM AN OWNER, SHALL BE SUPERIOR TO ANY HOMESTEAD EXEMPTION AS IS NOW OR MAY HEREAFTER BE PROVIDED BY OKLAHOMA OR FEDERAL LAW. THE ACCEPTANCE OF A DEED OR OTHER INTEREST TO A LOT SUBJECT TO THIS DECLARATION SHALL CONSTITUTE AN EXPRESS WAIVER OF THE HOMESTEAD EXEMPTION AS AGAINST ALL SUMS, WHICH MAY BECOME DUE THE ASSOCIATION FROM THE OWNER OF SUCH LOT.

J. SUCCESSORS' LIABILITY FOR ASSESSMENTS. THE ASSOCIATION'S LIEN FOR DELINQUENT ASSESSMENTS, DAMAGES, COSTS, EXPENSES, COMPLIANCE EXPENDITURES, ATTORNEY FEES AND ALL OTHER CHARGES ALLOWED HEREUNDER AGAINST A LOT SHALL PASS TO AN OWNER'S SUCCESSORS IN TITLE, REGARDLESS OF WHETHER SAID OBLIGATION WAS EXPRESSLY ASSUMED BY THEM, EXCEPT WITH RESPECT TO THE SALE OR TRANSFER OF ANY LOT WHICH IS SUBJECT TO ANY MORTGAGE PURSUANT TO A DECREE OF FORECLOSURE UNDER SUCH MORTGAGE OR ANY PROCEEDING IN LIEU OF FORECLOSURE THEREOF.

K. NO OFFSETS. ALL ASSESSMENTS SHALL BE PAYABLE IN THE AMOUNTS SPECIFIED IN THE LEVY THEREOF, AND NO OFFSETS OR REDUCTIONS THEREOF SHALL BE PERMITTED FOR ANY REASON, INCLUDING WITHOUT LIMITATION ANY CLAIM OF NON-USE OF THE COMMON AREAS OR ANY CLAIM THAT DECLARANT, THE ASSOCIATION, THE BOARD OF THE ARCHITECTURAL CONTROL COMMITTEE IS NOT OR HAS NOT PROPERLY EXERCISED ITS DUTIES AND POWERS UNDER THIS DECLARATION.

L. MAINTENANCE OF THE FENCE AND LANDSCAPING ALONG WASHINGTON STREET AND THE RESERVE AREAS ARE THE RESPONSIBILITY OF THE PROPERTY OWNER, WHICH SHALL BE THE HOMEOWNERS' ASSOCIATION.

SECTION III. OPERATIONS OF THE ASSOCIATION, ASSESSMENTS

A. MEMBERSHIP IN THE ASSOCIATION. MEMBERSHIP IN THE ASSOCIATION IS MANDATORY FOR LOT OWNERS. THE OWNER OF A LOT SHALL AUTOMATICALLY BE THE HOLDER OF A MEMBERSHIP IN THE ASSOCIATION APPURTENANT TO THAT LOT, AND THE ASSOCIATION MEMBERSHIP FOR THAT LOT SHALL AUTOMATICALLY PASS WITH FEE SIMPLE TITLE TO THAT LOT. IN THE EVENT ANY OWNER SHALL HAVE ENTERED INTO A CONTRACT TO SELL HIS OR HER INTEREST IN A LOT AND IF THE CONTRACT VENDEE IS IN POSSESSION OF THE LOT, HE OR SHE SHALL BE CONSIDERED TO BE THE MEMBER RATHER THAN THE OWNER. THERE SHALL BE ONE (1) VOTE FOR EACH LOT. WHEN MORE THAN ONE PERSON HOLDS AN INTEREST IN ANY LOT, ALL OF SUCH PERSONS SHALL BE MEMBERS, BUT, EXCEPT AS PROVIDED BELOW, IN NO EVENT SHALL MORE THAN ONE (1) VOTE BE CAST WITH RESPECT TO ANY LOT. THE VOTE FOR SUCH LOT SHALL BE EXERCISED AS THE OWNERS THEREOF MAY DETERMINE AMONG THEMSELVES, PROVIDED THAT IF THEY ARE UNABLE TO SO DETERMINE, NONE OF SUCH MEMBERS SHALL BE ENTITLED TO VOTE. NOTWITHSTANDING THE FOREGOING, DECLARANT SHALL BE ENTITLED TO FOUR (4) VOTES FOR EACH SINGLE LOT OF WHICH IT IS THE OWNER.

B. BOARD OF DIRECTORS. THE AFFAIRS OF THE ASSOCIATION SHALL BE MANAGED BY THE BOARD, WHICH MAY, HOWEVER, BY RESOLUTION, DELEGATE ANY PORTION OF ITS AUTHORITY TO AN EXECUTIVE COMMITTEE OR AN OFFICER, EXECUTIVE MANAGER OR DIRECTOR OF THE ASSOCIATION. THE MEMBERS OF THE BOARD SHALL BE ELECTED BY THE MEMBERS; PROVIDED, HOWEVER, DECLARANT SHALL HAVE THE RIGHT TO APPOINT THE MEMBERS OF THE BOARD UNTIL IT EITHER (A) NO LONGER OWNS A LOT, OR (B) RELINQUISHES ITS RIGHT TO APPOINT BOARD MEMBERS, WHICHEVER FIRST OCCURS.

C. CERTIFICATE OF INCORPORATION AND BYLAWS. THE PURPOSES AND POWERS OF THE ASSOCIATION AND THE RIGHTS AND OBLIGATIONS WITH RESPECT TO MEMBERS SHALL BE AMPLIFIED BY PROVISIONS OF THE ARTICLES OF INCORPORATION AND BYLAWS OF THE ASSOCIATION. SUCH ARTICLES AND BYLAWS INCLUDE PROVISIONS WITH RESPECT TO CORPORATE MATTERS, INCLUDING PROVISIONS SUCH AS NOTICES, RECORD DATES AND QUORUMS FOR MEETINGS OF DIRECTORS AND MEMBERS, BUT NO SUCH PROVISIONS MAY BE INCONSISTENT WITH ANY PROVISIONS OF THIS DECLARATION.

D. CERTIFICATE OF INCORPORATION AND BYLAWS. THE PURPOSES AND POWERS OF THE ASSOCIATION AND THE RIGHTS AND OBLIGATIONS WITH RESPECT TO MEMBERS SHALL BE AMPLIFIED BY PROVISIONS OF THE ARTICLES OF INCORPORATION AND BYLAWS OF THE ASSOCIATION. SUCH ARTICLES AND BYLAWS INCLUDE PROVISIONS WITH RESPECT TO CORPORATE MATTERS, INCLUDING PROVISIONS SUCH AS NOTICES, RECORD DATES AND QUORUMS FOR MEETINGS OF DIRECTORS AND MEMBERS, BUT NO SUCH PROVISIONS MAY BE INCONSISTENT WITH ANY PROVISIONS OF THIS DECLARATION.

E. ASSESSMENTS. ALL OF THE LOTS SHALL BE SUBJECT TO AN ANNUAL ASSESSMENT CHARGE AS SET FORTH IN SECTION III, E. (A) HEREOF, WHICH IS DUE AND PAYABLE BY THE RESPECTIVE OWNERS THEREOF TO THE ASSOCIATION ANNUALLY IN ADVANCE ON THE FIRST DAY OF JULY IN EACH YEAR. THE BOARD MAY PERMIT THE ANNUAL ASSESSMENT CHARGE TO BE PAID EITHER ANNUALLY, SEMI-ANNUALLY OR MONTHLY AND SHALL HAVE THE FURTHER RIGHT TO REQUIRE PAYMENT OF THE SAME IN ADVANCE. ANNUAL ASSESSMENTS SHALL COMMENCE UPON SALE OF A LOT TO THE HOMEOWNER. THAT IS; ASSESSMENTS COMMENCE UPON THE SALE OF A NEW HOME.

F. ANNUAL ASSESSMENTS

1. THE ANNUAL ASSESSMENT (IN ADDITION TO SUMS ASSESSED PURSUANT TO OTHER SECTIONS HEREOF) FOR THE CALENDAR YEAR BEGINNING 2019, SHALL BE ONE HUNDRED FIFTY DOLLARS (\$150.00) PER LOT. THE BOARD MAY INCREASE THE ANNUAL ASSESSMENT FOR ANY SUBSEQUENT CALENDAR YEAR BUT SUCH INCREASE SHALL NOT BE IN EXCESS OF TEN PERCENT (10%) COMPOUNDED ABOVE THE MAXIMUM PERMITTED ANNUAL ASSESSMENT FOR THE PREVIOUS YEAR, EXCEPT AS PROVIDED IN SECTION III, E. (B) BELOW.

2. THE ANNUAL ASSESSMENT FOR ANY YEAR COMMENCING AFTER 2019 MAY BE INCREASED TO AN AMOUNT GREATER THAN THAT PERMITTED BY SUBSECTION (A) OF THIS SECTION III, E. ONLY BY AN AFFIRMATIVE VOTE OF THE MAJORITY OF THE MEMBERS WHO ARE VOTING IN PERSON OR BY PROXY AT A MEETING DULY CALLED FOR SUCH PURPOSE.

3. SUB-ASSOCIATIONS MAY REQUIRE ADDITIONAL ASSESSMENT FEES TO CARE FOR GATED AND PRIVATE STREETS ALONG WITH ASSOCIATED LANDSCAPING.

G. USE OF ASSESSMENT FUNDS. ASSESSMENT FUNDS SHALL BE USED FOR PURPOSES AS THE ASSOCIATION SHALL DETERMINE NECESSARY AND ADVISABLE, WHICH MAY INCLUDE BUT SHALL NOT BE LIMITED TO THE FOLLOWING: FOR IMPROVING AND MAINTAINING THE COMMON AREAS AND OTHER PROPERTY OF THE ASSOCIATION, INCLUDING GUARDHOUSES, IF ANY; FOR PLANTING TREES AND SHRUBBERY AND THE CARE THEREOF; FOR PAYMENT OF EXPENSES INCIDENTAL TO THE PROPER OPERATION AND MAINTENANCE OF FACILITIES LOCATED WITHIN THE COMMON AREAS; FOR OPERATION AND MAINTENANCE OF DETENTION PONDS (INCLUDING DREDGING OF SILT, AS REQUIRED) AND CARE OF SURROUNDING LANDSCAPED AREAS; FOR MAINTENANCE OF IRRIGATION SYSTEMS; FOR EMPLOYING NIGHT WATCHMEN; FOR CARING FOR VACANT PROPERTY; FOR REMOVING GRASS OR WEEDS; FOR STREET CLEANING; FOR STREET REPAIRS AND STREET LIGHTS; FOR CONSTRUCTING, PURCHASING, MAINTAINING OR OPERATING ANY COMMUNITY SERVICE; FOR PURCHASE OF INSURANCE; FOR LEGAL COSTS AND EXPENSES; FOR SUPPLIES AND FERTILIZERS; FOR SNOW REMOVAL; OR FOR DOING ANY OTHER THING NECESSARY OR ADVISABLE, THAT IN THE OPINION OF THE ASSOCIATION, IS FOR THE GENERAL WELFARE OF THE OWNERS; FOR EXPENSES INCIDENTAL TO THE ENFORCEMENT OF THESE RESTRICTIONS FOR THE PAYMENT OF OPERATING EXPENSES OF THE ASSOCIATION; OR FOR ANY OTHER PURPOSE WITHIN THE PURPOSES FOR WHICH THE ASSOCIATION IS INCORPORATED.

H. SPECIAL ASSESSMENTS FOR CAPITAL IMPROVEMENTS. IN ADDITION TO THE ANNUAL ASSESSMENTS AUTHORIZED ABOVE, THE ASSOCIATION MAY LEVY, IN ANY ASSESSMENT YEAR, A SPECIAL ASSESSMENT APPLICABLE TO THAT YEAR ONLY FOR THE PURPOSE OF DEFRAYING, IN WHOLE OR IN PART, THE COST OF ANY CONSTRUCTION, RECONSTRUCTION, REPAIR OR REPLACEMENT OF A CAPITAL IMPROVEMENT UPON THE COMMON AREAS, INCLUDING FIXTURES AND PERSONAL PROPERTY RELATED THERETO, PROVIDED THAT ANY SUCH ASSESSMENT SHALL HAVE THE CONSENT OF A MAJORITY OF THE MEMBERS WHO ARE VOTING IN PERSON OR BY PROXY AT A MEETING DULY CALLED FOR SUCH PURPOSE.

I. SIGHT LINES. NO FENCE, WALL, HEDGE OR SHRUB PLANTING WHICH OBSTRUCTS SIGHT LINES AT ELEVATIONS BETWEEN TWO AND SIX FEET (2' - 6') ABOVE THE ROADWAYS SHALL BE PLACED OR PERMITTED TO REMAIN ON ANY CORNER LOT WITHIN THE TRIANGULAR AREA FORMED BY THE STREET PROPERTY LINES AND A LINE CONNECTING THEM AT A POINT TWENTY-FIVE FEET (25') FROM THE INTERSECTION OF THE STREET LINES (OR IN THE CASE OF A ROUNDED PROPERTY CORNER, FROM THE INTERSECTION OF THE STREET LINES EXTENDED PAST THE CORNER), UNLESS WRITTEN APPROVAL OF THE ARCHITECTURAL CONTROL COMMITTEE IS OBTAINED. THE SAME SIGHT LINE RESTRICTIONS SHALL APPLY TO ANY LOT WITHIN TEN FEET (10') FROM THE INTERSECTION OF A STREET PROPERTY LINE WITH THE EDGE OF A DRIVEWAY OR ALLEY PAVEMENT. NO TREE SHALL BE PERMITTED TO REMAIN WITHIN SUCH DISTANCES OF SUCH INTERSECTIONS UNLESS THE FOLIAGE LINE IS MAINTAINED TO A SUFFICIENT HEIGHT TO AVOID OBSTRUCTION OF SUCH SIGHT LINES.

K. MOTOR VEHICLES. NO MOTOR VEHICLES OF ANY TYPE, OTHER THAN CONSTRUCTION OR MAINTENANCE VEHICLES AUTHORIZED BY THE ASSOCIATION, SHALL BE OPERATED ON ANY OF THE COMMON AREAS.

L. GARAGES. EACH DWELLING UNIT SHALL HAVE AN ENCLOSED GARAGE FOR AT LEAST TWO AUTOMOBILES AND GARAGE DOOR(S) WHICH FACE ON A STREET SHALL BE KEPT CLOSED AT ALL TIMES EXCEPT FOR PURPOSES OF ENTRY, EXIT OR MAINTENANCE.

M. NOXIOUS, DANGEROUS AND OFFENSIVE ACTIVITIES PROHIBITED. NO NOXIOUS, DANGEROUS, OFFENSIVE ACTIVITY OR LOUD MUSIC SHALL BE CARRIED ON OR PERMITTED, NOR SHALL ANYTHING BE DONE WHICH MAY BECOME AN ANNOYANCE OR NUISANCE TO THE NEIGHBORHOOD.

**CONDITIONAL FINAL PLAT  
BROOK CHASE PHASE V**

A TRACT OF LAND THAT IS A PART OF THE SOUTHEAST QUARTER (SE/4) OF SECTION THIRTEEN (13), TOWNSHIP EIGHTEEN (18) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN (I.B.&M.), A SUBDIVISION IN THE CITY OF BROKEN ARROW, TULSA COUNTY, STATE OF OKLAHOMA

- N. MODEL HOMES AND REAL ESTATE OFFICES. ALL ELSE HEREIN NOTWITHSTANDING, ANY LOT OWNED BY DECLARANT OR PERSONS SO AUTHORIZED BY DECLARANT MAY BE USED FOR A MODEL HOME OR REAL ESTATE OFFICE UNTIL RESIDENCES HAVE BEEN CONSTRUCTED ON ALL LOTS.
- O. OCCUPANCY OF RESIDENTIAL STRUCTURES. NO RESIDENTIAL STRUCTURES ON ANY LOT SHALL BE USED OR OCCUPIED BY MORE THAN A SINGLE FAMILY, ITS SERVANTS AND OCCASIONAL GUESTS.
- P. LAUNDRY AND MACHINERY. NO CLOTHING OR ANY OTHER HOUSEHOLD FABRIC SHALL BE HUNG IN THE OPEN ON ANY LOT AND NO CLOTHESLINES OR SIMILAR DEVICES SHALL BE ALLOWED. NO MACHINERY SHALL BE PLACED OR OPERATED UPON ANY LOT, EXCEPT SUCH MACHINERY AS IS USUAL IN THE MAINTENANCE OF A PRIVATE RESIDENCE, YARD OR GARDEN.
- Q. NOISE. NO EXTERIOR HOMES, WHISTLES, BELLS OR OTHER SOUND DEVICES, WHICH MAY ANNOY NEIGHBORING OWNERS, EXCEPT DOORBELLS AND SECURITY DEVICES, SHALL BE PLACED OR USED ON ANY LOT, COMMON AREA OR IMPROVEMENT THEREON.
- R. NO BUSINESS OR COMMERCIAL ACTIVITY. NO LOT SHALL BE USED AT ANY TIME FOR BUSINESS, COMMERCIAL OR PROFESSIONAL ACTIVITY, INCLUDING HOME OCCUPATIONS, EXCEPT THAT (A) DECLARANT AND THOSE DESIGNATED BY DECLARANT MAY USE ANY PORTION OF THE PROPERTY OWNED BY DECLARANT OR THOSE DESIGNATED BY DECLARANT IN CONNECTION WITH REAL ESTATE SALES EFFORTS AND (B) THOSE USES APPROVED BY DECLARANT.
- S. DAMAGE OR DESTRUCTION OF IMPROVEMENTS. IN THE EVENT OF COMPLETE OR PARTIAL DAMAGE OR DESTRUCTION OF ANY IMPROVEMENTS ON A LOT FOR ANY REASON WHATSOEVER, THE OWNER OF SUCH LOT SHALL PROMPTLY PROCEED TO REPAIR AND REPLACE SUCH IMPROVEMENTS, SUBJECT TO APPROVAL OF THE ARCHITECTURAL CONTROL COMMITTEE, AS THOUGH SUCH REPAIR OR REPLACEMENT INVOLVED CONSTRUCTION OF AN ORIGINAL STRUCTURE, OR THE LOT OWNER SHALL PROMPTLY PROCEED TO RAZE THE IMPROVEMENT AND LANDSCAPE THE LOT FORMERLY OCCUPIED BY SUCH IMPROVEMENT IN A MANNER APPROVED IN WRITING BY THE ARCHITECTURAL CONTROL COMMITTEE.
- T. RESTRICTIONS NOT EXCLUSIVE. THE RESTRICTIONS CONTAINED IN THIS DECLARATION SHALL NOT BE TAKEN AS PERMITTING ANY ACTION OR THING PROHIBITED BY APPLICABLE ZONING LAWS OR THE LAWS, RULES OR REGULATIONS OF ANY GOVERNMENTAL AUTHORITY OR BY SPECIFIC RESTRICTIONS IMPOSED BY ANY DEED OR LEASE. IN THE EVENT OF ANY CONFLICT, THE MOST RESTRICTIVE PROVISIONS OF SUCH LAWS, RULES, REGULATIONS, DEEDS, LEASES OR THIS DECLARATION SHALL BE TAKEN TO GOVERN AND CONTROL.
- U. SOLAR PANELS. NO SOLAR PANELS OR SIMILAR ITEMS MAY BE INSTALLED UPON ANY LOT, OR UPON ANY IMPROVEMENT ON ANY LOT, WITHOUT THE PRIOR APPROVAL OF THE ARCHITECTURAL CONTROL COMMITTEE.
- V. BASKETBALL BACKBOARDS. BASKETBALL BACKBOARDS AND GOALS SHALL BE INSTALLED CONSISTENT WITH GOOD TASTE AND ANY STANDARDS ADOPTED FROM TIME TO TIME BY THE ARCHITECTURAL CONTROL COMMITTEE. BASKETBALL BACKBOARDS AND GOALS SHALL NOT BE INSTALLED ON PUBLIC RIGHT-OF-WAY OR EASEMENTS.
- W. SATELLITE DISHES. SATELLITE DISHES MAY BE INSTALLED CONSISTENT WITH GOOD TASTE AND STANDARDS ADOPTED FROM TIME TO TIME BY THE ARCHITECTURAL CONTROL COMMITTEE. SATELLITE DISHES SHALL NOT BE INSTALLED ON PUBLIC RIGHT-OF-WAY OR EASEMENTS.
- X. LANDSCAPE EASEMENT. DECLARANT HEREBY RESERVES THE RIGHT AND EASEMENT, IN ITS SOLE DISCRETION AND AT ITS OWN EXPENSE, TO CONSTRUCT OR INSTALL (WHETHER BEFORE OR AFTER TRANSFER OF TITLE TO OWNERS) ENTRANCE TREATMENTS, LANDSCAPE, FENCES AND/OR WALLS, OF DECLARANT'S OWN CHOICE, TYPE AND DESIGN, AT THE ENTRY OF THE DEVELOPMENT. THE ASSOCIATION IS HEREBY GRANTED A PERPETUAL, NONEXCLUSIVE EASEMENT TO ENTER UPON ANY LANDSCAPE EASEMENT ON WHICH THERE IS SITUATED AN ENTRANCE TREATMENT, LANDSCAPE, FENCE OR WALL INSTALLED OR ERECTED BY DECLARANT AND TO MAINTAIN, IMPROVE, REPAIR AND/OR REPLACE THE SAME.
- Y. INTERIOR FENCES OR WALLS. PERIMETER FENCES SITUATED ALONG THE SIDES AND REAR LOT LINES SHALL COMPLY WITH THE FOLLOWING:
  - 1. DECORATIVE FENCES OR WALLS SHALL BE PERMITTED ON THAT PORTION OF ANY LOT IN FRONT OF THE BUILDING SETBACK LINE. DECORATIVE FENCING OR WALLS WILL BE APPROVED BY THE ARCHITECTURAL CONTROL COMMITTEE AND SHALL BE OF THE SAME DECOR, MATERIALS, (I.E., WROUGHT IRON) AND STYLING AS USED IN THE ARCHITECTURE AND CONSTRUCTION OF THE DWELLING SITUATED ON THE LOT. SCREENING FENCES AND BAFFLES MAY BE ERECTED UP TO SIX FEET (6') IN HEIGHT, BUT MUST BE AN EXTENSION OF THE HOUSE STRUCTURE AND NOT LOCATED ON THE LOT LINE.
  - 2. NOTWITHSTANDING THE FOREGOING OR ANYTHING CONTAINED HEREIN TO THE CONTRARY, PERIMETER FENCING SHALL BE ALONG AND PARALLEL TO THE COMMON BOUNDARY OF ALL LOTS WITHIN A PARTICULAR SUBDIVISION OF THIS AREA AND SHALL BE CONSISTENT IN DESIGN, MATERIAL, SHAPE AND HEIGHT AND APPROVED BY THE ARCHITECTURAL CONTROL COMMITTEE.

**SECTION V. MISCELLANEOUS PROVISIONS**

- A. DURATION OF DECLARATION. ALL PROVISIONS CONTAINED IN THIS DECLARATION SHALL RUN WITH AND BIND THE LAND FOR A TERM OF TWENTY (20) YEARS FROM THE DATE THIS DECLARATION IS RECORDED IN THE REGISTER OF DEEDS OFFICE FOR TULSA COUNTY, OKLAHOMA. AFTER WHICH TIME IT SHALL AUTOMATICALLY BE EXTENDED FOR SUCCESSIVE PERIODS OF TEN (10) YEARS EACH, UNLESS AND UNTIL THIS SECTION IS AMENDED OR THIS DECLARATION IS REPEALED IN ACCORDANCE WITH SECTION V.2 HEREOF.
- B. AMENDMENT OF DECLARATION. ANY PROVISION CONTAINED IN THIS DECLARATION MAY BE AMENDED OR REPEALED, OR ADDITIONAL PROVISIONS ADDED TO THIS DECLARATION BY THE RECORDING OF A WRITTEN INSTRUMENT OR INSTRUMENTS SPECIFYING THE AMENDMENT OR THE REPEAL, EXECUTED BY THE OWNERS AS SHOWN BY THE RECORDS IN THE OFFICE OF THE REGISTER OF DEEDS OF THE COUNTY OF TULSA, OKLAHOMA, OF NOT LESS THAN A MAJORITY OF THE LOTS THEN SUBJECT TO THIS DECLARATION, AND THOSE LOTS YET TO BE DEVELOPED BY DECLARANT. ANY SUCH INSTRUMENT OR INSTRUMENTS SHALL REQUIRE THE WRITTEN CONSENT OF DECLARANT.
- C. EFFECT OF PROVISIONS OF DECLARATION. EACH PROVISION OF THIS DECLARATION SHALL BE DEEMED INCORPORATED IN EACH DEED OR OTHER INSTRUMENT BY WHICH ANY RIGHT, TITLE OR INTEREST IN ANY OF THE PROPERTY IS GRANTED, DEVISED OR CONVEYED, WHETHER OR NOT SET FORTH OR REFERRED TO IN SUCH DEED OR OTHER INSTRUMENT, AND EACH OWNER SHALL BE BOUND BY THE TERMS OF THIS DECLARATION.
- D. ENFORCEMENT AND REMEDIES. THE ASSOCIATION, DECLARANT OR ANY OWNER SHALL HAVE THE RIGHT TO ENFORCE BY ANY PROCEEDING, AT LAW OR IN EQUITY, ALL RESTRICTIONS, CONDITIONS, COVENANTS, RESERVATIONS, LIENS, COMPLIANCE EXPENDITURES AND CHARGES NOW OR HERAFTER IMPOSED BY THE PROVISIONS OF THIS DECLARATION.
- E. LIMITED LIABILITY. NEITHER DECLARANT, THE ASSOCIATION, THE BOARD, THE ARCHITECTURAL CONTROL COMMITTEE NOR ANY MEMBER, AGENT OR EMPLOYEE OF ANY OF THE SAME SHALL BE LIABLE TO ANY PARTY FOR ANY ACT OR FOR ANY FAILURE TO ACT WITH RESPECT TO ANY MATTER IF THE ACT OR FAILURE TO ACT WAS IN GOOD FAITH AND WITHOUT MALICE, AND SUCH DECLARANT, THE ASSOCIATION, THE BOARD, THE ARCHITECTURAL CONTROL COMMITTEE, AND ANY MEMBER, AGENT OR EMPLOYEE OF THE SAME, SHALL BE REIMBURSED BY THE ASSOCIATION FOR ANY COSTS AND EXPENSES, INCLUDING BUT NOT LIMITED TO ATTORNEY FEES REASONABLY INCURRED BY THEM WITH THE PRIOR APPROVAL OF THE BOARD, WHICH APPROVAL SHALL NOT UNREASONABLY BE WITHHELD OR DELAYED AS A RESULT OF THREATENED OR PENDING LITIGATION IN WHICH THEY ARE OR MAY BE NAMED AS PARTIES.
- F. SUCCESSORS AND ASSIGNS. EXCEPT AS OTHERWISE PROVIDED HEREIN, THIS DECLARATION SHALL BE BINDING UPON AND SHALL INURE TO THE BENEFIT OF DECLARANT, THE ASSOCIATION AND EACH OWNER AND THE HEIRS, PERSONAL REPRESENTATIVES, SUCCESSORS AND ASSIGNS OF EACH. DECLARANT SHALL HAVE THE RIGHT AND POWER TO ASSIGN AND DELEGATE TO THE ASSOCIATION, OR ANY SUCCESSOR OR SUCCESSORS THERETO, AT ANY TIME AND FROM TIME TO TIME, ALL OR ANY PART OF ANY OF THE RIGHTS, POWERS AND AUTHORITY CONTAINED IN THIS DECLARATION.
- G. SEVERABILITY. INVALIDATION 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.
- H. CAPTIONS. THE CAPTIONS AND HEADINGS IN THIS DECLARATION ARE FOR CONVENIENCE ONLY AND SHALL NOT BE CONSIDERED IN CONSTRUING ANY PROVISIONS OF THIS DECLARATION.
- I. NO WAIVER. FAILURE TO ENFORCE ANY PROVISIONS OF THIS DECLARATION SHALL NOT OPERATE AS A WAIVER OF ANY SUCH PROVISIONS OR OF ANY OTHER PROVISION OF THIS DECLARATION.

**OWNER'S CERTIFICATE AND DEDICATION**

WE, THE UNDERSIGNED, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF AND THE ONLY PERSONS HAVING ANY RIGHT, TITLE OR INTEREST IN THE LAND SHOWN ON THE PLAT OF BROOK CHASE PHASE V AND THAT THE PLAT REPRESENTS A CORRECT SURVEY OF THE ABOVE DESCRIBED PROPERTY MADE WITH OUR CONSENT, AND THAT WE HEREBY DEDICATE TO THE PUBLIC USE ALL STREETS AS SHOWN ON THE PLAT, THAT THE EASEMENTS AS SHOWN ON THE PLAT ARE CREATED FOR THE INSTALLATION AND MAINTENANCE OF PUBLIC UTILITIES; THAT WE HEREBY GUARANTEE A CLEAR TITLE TO ALL LANDS SO DEDICATED FROM OURSELVES, OUR HEIRS, OR ASSIGNS FOREVER AND HAVE CAUSED THE SAME TO BE RELEASED FROM ALL ENCUMBRANCES SO THE TITLE IS CLEAR, EXCEPT AS SHOWN IN THE ABSTRACTER'S CERTIFICATE.

IN WITNESS THEREOF, EAGLE I INVESTMENTS, BEING THE OWNERS OF BROOK CHASE PHASE V, HEREBY APPROVES THE FOREGOING DEED OF DEDICATION.

THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2026.

SIGNATURE \_\_\_\_\_ TITLE \_\_\_\_\_

STATE OF OKLAHOMA )  
) SS  
COUNTY OF OKLAHOMA )

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2026, PERSONALLY APPEARED DAVE COCOLIN TO ME KNOWN TO BE THE IDENTICAL PERSON WHO SUBSCRIBED THE NAME OF EAGLE I INVESTMENTS, LLC THEREOF TO THE FOREGOING INSTRUMENT, AND DULY ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE AND VOLUNTARY ACT AND DEED AND AS THE FREE AND VOLUNTARY ACT AND DEED OF SAID COMPANY, FOR THE USES AND PURPOSES THEREIN SET FORTH.

MY COMMISSION EXPIRES:

NOTARY PUBLIC

**SURVEYOR'S CERTIFICATE**

I, DARREL RAY MASON, A DULY REGISTERED LAND SURVEYOR IN THE STATE OF OKLAHOMA, HEREBY CERTIFY THAT I HAVE CAREFULLY AND ACCURATELY SURVEYED, SUBDIVIDED AND PLATTED THE TRACT OF LAND DESCRIBED ABOVE, AND THAT SAID PLAT DESIGNATED HEREIN AS "BROOK CHASE PHASE V", A SUBDIVISION IN BROKEN ARROW, TULSA COUNTY, STATE OF OKLAHOMA, IS A TRUE AND CORRECT REPRESENTATION OF SAID SURVEY THAT MEETS OR EXCEEDS THE MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING IN OKLAHOMA.

WITNESS MY HAND AND SEAL THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2026.

SIGNATURE \_\_\_\_\_

STATE OF OKLAHOMA )  
) SS  
COUNTY OF OKLAHOMA )

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2026, PERSONALLY APPEARED DARREL RAY MASON TO ME KNOWN TO BE THE IDENTICAL PERSON WHO SUBSCRIBED THE NAME OF THE MAKER THEREOF TO THE FOREGOING INSTRUMENT, AND DULY ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE AND VOLUNTARY ACT AND DEED AND AS THE FREE AND VOLUNTARY ACT AND DEED OF SAID COMPANY, FOR THE USES AND PURPOSES THEREIN SET FORTH.

MY COMMISSION EXPIRES:

EXPIRATION DATE \_\_\_\_\_ NOTARY PUBLIC \_\_\_\_\_

**CERTIFICATE OF TULSA COUNTY CLERK**

I, MICHAEL WILLIS, THE COUNTY CLERK OF TULSA COUNTY, DO HERE NOW STATE THAT THE SUBDIVISION CALLED BROOK CHASE PHASE V HAS BEEN FILED INTO TULSA COUNTY RECORDS.

MICHAEL WILLIS, TULSA COUNTY CLERK

**CERTIFICATE OF TULSA COUNTY TREASURER**

I, JOHN M. FOTHERGILL, DO HERE NOW STATE THAT THE TAXES HAVE BEEN PAID FOR THE YEAR 2025 AND PRIOR YEARS FOR THOSE PROPERTIES HEREIN LISTED TO BE DESIGNATED AS BROOK CHASE PHASE V.

JOHN M. FOTHERGILL, TULSA COUNTY TREASURER



# City of Broken Arrow

## Request for Action

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**File #:** 26-187, **Version:** 1

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**Broken Arrow Planning Commission**  
**01-22-2026**

**To:** **Chairman and Commission Members**  
**From:** **Development Services Department**  
**Title:**

Approval of PR-000768-2024|PT-002601-2025, Conditional Final Plat, The Pines III, 15.83 acres, 67 lots, AG (Agricultural) to RS-P (Single Family Residential - Preservation) via BAZ-2041, at the southwest corner of Omaha Street (51<sup>st</sup> Street) and 37<sup>th</sup> Street (209<sup>th</sup> E. Avenue)

**Background:**

**Applicant:** Alan Betchan, AAB Engineering, LLC  
**Owner:** The Pines at the Preserve LLC  
**Developer:** The Pines at the Preserve LLC  
**Engineer:** Alan Betchan, AAB Engineering, LLC  
**Location:** Southwest corner of Omaha Street (51st Street) and 37th Street (209th East Avenue)  
**Size of Tract** 15.83 acres  
**Number of Lots:** 67 lots  
**Present Zoning:** AG to RS-P via BAZ-2041  
**Comp Plan:** Level 2 (Urban Residential)

PT-002601-2025, the conditional final plat for The Pines III, contains 67 lots on 15.83 acres. This property is located at the southwest corner of Omaha Street and 37<sup>th</sup> Street. BAZ-2041, a request to change the zoning on the property from AG to RS-P, was approved by the City Council on January 21, 2020.

The preliminary plat for The Pines II was divided into two phases. This conditional final plat is the second phase on the easternmost portion of the property located east of the existing Pines at the Preserve development. Access to this phase is available from 37<sup>th</sup> Street and from Omaha Street through The Pines at the Preserve Phase I.

According to FEMA maps, none of this property is located in the 100-year floodplain.

Water and sanitary sewer service to this site are available from the City of Broken Arrow. This item was reviewed by the Technical Advisory Committee on January 13, 2026, where no stakeholders had any comments.

**Attachments:** Checklist  
Conditional Final Plat

**Recommendation:**

Staff recommends PT-002601-2025, conditional final plat for The Pines III, be approved subject to the attached checklist.

**Reviewed by:**      **Rocky Henkel**

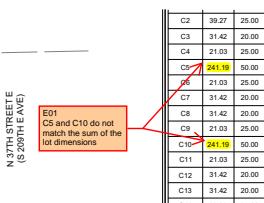
**Approved by:**      **Jane Wyrick**

MEH



## Pines III - Final Plat Summary

1 (17)



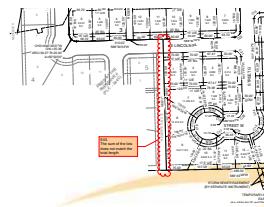
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**Page Index:** 1  
**Author:** jdickeson  
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**Creation Date:** 1/16/2026 11:22:15 AM  
**Layer:**

E01  
C5 and C10 do not match the sum of the lot dimensions



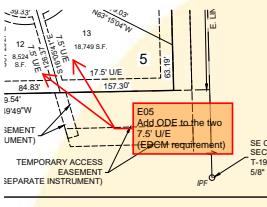
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**Page Index:** 1  
**Author:** jdickeson  
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E02  
The sums of the lots do not match each other



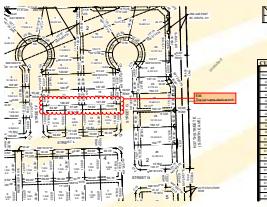
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**Page Index:** 1  
**Author:** jdickeson  
**Date:** 1/16/2026 2:00:43 PM  
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E03  
The sum of the lots does not match the total length



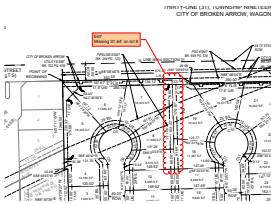
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**Page Index:** 1  
**Author:** jdickeson  
**Date:** 1/16/2026 2:01:09 PM  
**Creation Date:** 1/16/2026 11:27:49 AM  
**Layer:**

E05  
Add ODE to the two 7.5' U/E (EDCM requirement)



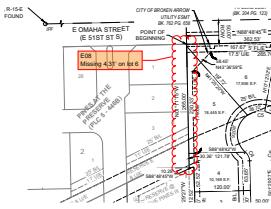
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**Author:** jdickeson  
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**Creation Date:** 1/16/2026 11:31:43 AM  
**Layer:**

E06  
The lot sums don't match



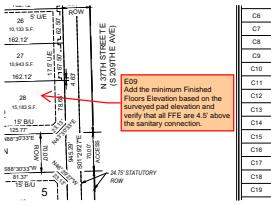
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**Layer:**

E07  
Missing 31.64' on lot 8



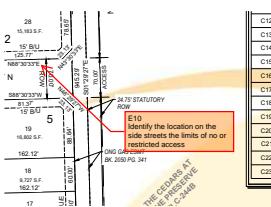
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**Page Index:** 1  
**Author:** jdickeson  
**Date:** 1/16/2026 2:01:29 PM  
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E08  
Missing 4.31' on lot 6



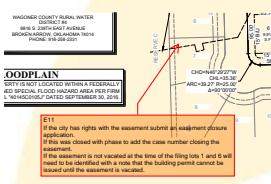
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**Page Index:** 1  
**Author:** jdickeson  
**Date:** 1/16/2026 2:02:56 PM  
**Creation Date:** 1/16/2026 11:38:22 AM  
**Layer:**

E09  
Add the minimum Finished Floors Elevation based on the surveyed pad elevation and verify that all FFE are 4.5' above the sanitary connection.



**Subject:** Jason Comments  
**Page Label:** [1] Pines III - Base-PLAT  
**Page Index:** 1  
**Author:** jdickeson  
**Date:** 1/16/2026 2:01:35 PM  
**Creation Date:** 1/16/2026 11:40:08 AM  
**Layer:**

E10  
Identify the location on the side streets the limits of no or restricted access



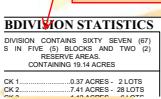
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**Page Index:** 1  
**Author:** jdickeson  
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**Layer:**

E11  
If the city has rights with the easement submit an easement closure application. If this was closed with phase to add the case number closing the easement. If the easement is not vacated at the time of the filing lots 1 and 6 will need to be identified with a note that the building permit cannot be issued until the easement is vacated.



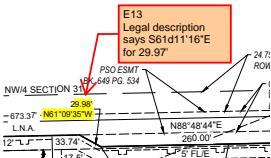
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**Page Index:** 1  
**Author:** jdickeson  
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**Layer:**

E12  
Add a note that the city is the sewer provider and RWD4 is the water provider.





WEEKLY CRED (51), TOWNSHIP NINETEEN (19)  
CITY OF BROKEN ARROW, WAG



**Subject:** Group  
**Page Label:** [1] Pines III - Base-PLAT  
**Page Index:** 1  
**Author:** jdickeson  
**Date:** 1/16/2026 2:12:00 PM  
**Creation Date:** 1/16/2026 2:05:05 PM  
**Layer:**

E13  
Legal description says S61d11'16"E for 29.97'

IN THE PART OF THE NORTHEAST QUARTER (INC 31), TOWNSHIP NINETEEN (19) NORTH, RANGE FIFTY BROKEN ARROW, WAGONER COUNTY, STATE OF O



**Subject:** Group  
**Page Label:** [1] Pines III - Base-PLAT  
**Page Index:** 1  
**Author:** jdickeson  
**Date:** 1/16/2026 2:12:04 PM  
**Creation Date:** 1/16/2026 2:06:57 PM  
**Layer:**

E14  
Legal description says N88d48'45"E

P01: Add PR-000786-2024  
The I  
Case No. 5  
Date Prepared: December

**Subject:** Mackenzie Comments  
**Page Label:** [1] Pines III - Base-PLAT  
**Page Index:** 1  
**Author:** Mackenzie Hackett  
**Date:** 1/12/2026 9:39:04 AM  
**Creation Date:** 1/12/2026 9:38:19 AM  
**Layer:**

P01: Add PR-000786-2024

P02: Update street names.

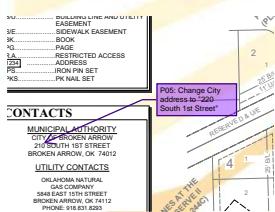
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**Page Index:** 1  
**Author:** Mackenzie Hackett  
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**Creation Date:** 1/12/2026 9:39:43 AM  
**Layer:**

P02: Update street names.

P03: Add addresses as assigned.

**Subject:** Mackenzie Comments  
**Page Label:** [1] Pines III - Base-PLAT  
**Page Index:** 1  
**Author:** Mackenzie Hackett  
**Date:** 1/12/2026 9:40:23 AM  
**Creation Date:** 1/12/2026 9:40:04 AM  
**Layer:**

P03: Add addresses as assigned.



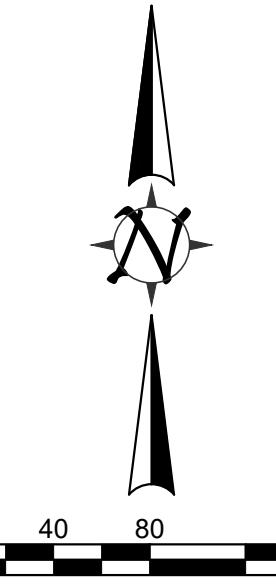
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**Page Index:** 1  
**Author:** Mackenzie Hackett  
**Date:** 1/12/2026 9:49:20 AM  
**Creation Date:** 1/12/2026 9:47:27 AM  
**Layer:**

P05: Change City address to "220 South 1st Street"



## CONDITIONAL FINAL PLAT

## The Pines III



## OWNER/DEVELOPER

THE PINES AT THE PRESERVE, LLC  
1420 WEST KENOSHA  
BROKEN ARROW, OK 74012  
PHONE: 918-688-5660  
ATTN: CHUCK RAMSAY

NW CORNER NE/4  
SECTION 31  
T-19-N, R-15-E  
3/8" IRON PIN FOUND

DRAWING SCALE: 1" = 80'

## LEGEND

B/L	BUILDING LINE
LNA	LIMITS OF NO ACCESS
POB	POINT OF BEGINNING
POC	POINT OF COMMENCEMENT
ROW	RIGHT OF WAY
U/E	RIGHT EASEMENT
F/L/E	FENCE AND LANDSCAPE EASEMENT
B/U	BUILDING LINE AND UTILITY EASEMENT
S/E	SIDEWALK EASEMENT
BK	BOOK
PG	PAGE
RA	RESTRICTED ACCESS
1234	ADDRESS
IPS	IRON PIN SET
PKS	PK NAIL SET

## CONTACTS

MUNICIPAL AUTHORITY  
CITY OF BROKEN ARROW  
210 SOUTH 1ST STREET  
BROKEN ARROW, OK 74012

## UTILITY CONTACTS

OKLAHOMA NATURAL GAS COMPANY  
5548 EAST 15TH STREET  
BROKEN ARROW, OK 74112  
PHONE: 918.831.8293

WINDSTREAM TELECOM COMPANY  
2300 EAST 1ST PLACE  
BROKEN ARROW, OK 74012  
PHONE: 918.451.3427

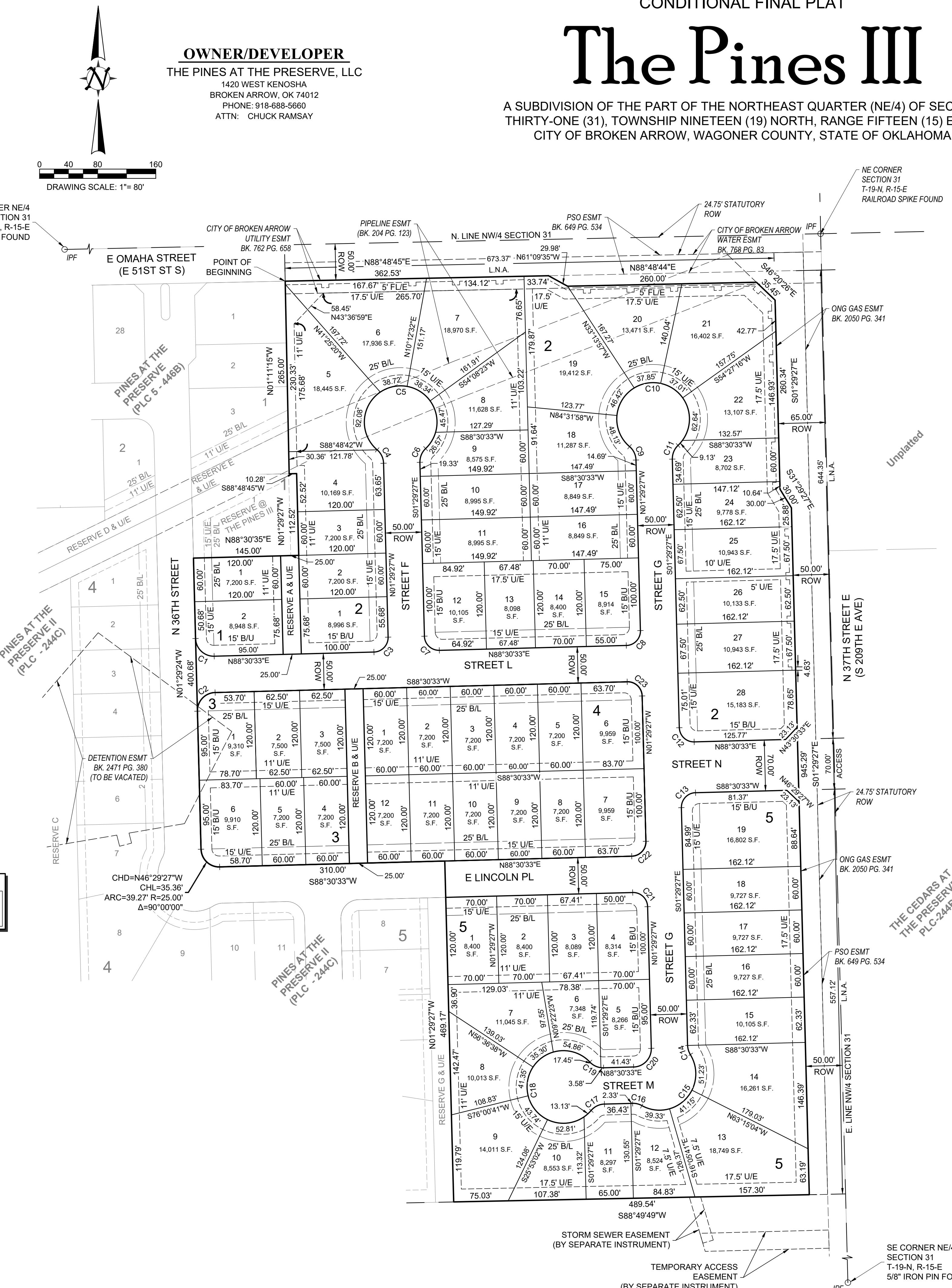
AEP / PSO  
212 EAST 6TH STREET  
BROKEN ARROW, OK 74119  
PHONE: 918.599.2351

COX COMMUNICATIONS  
11811 EAST 1ST STREET  
BROKEN ARROW, OK 74145  
PHONE: 918.266.4658

WAGONER COUNTY RURAL WATER DISTRICT #4  
9816 S. 239TH EAST AVENUE  
BROKEN ARROW, OKLAHOMA 74014  
PHONE: 918-258-2331

## FLOODPLAIN

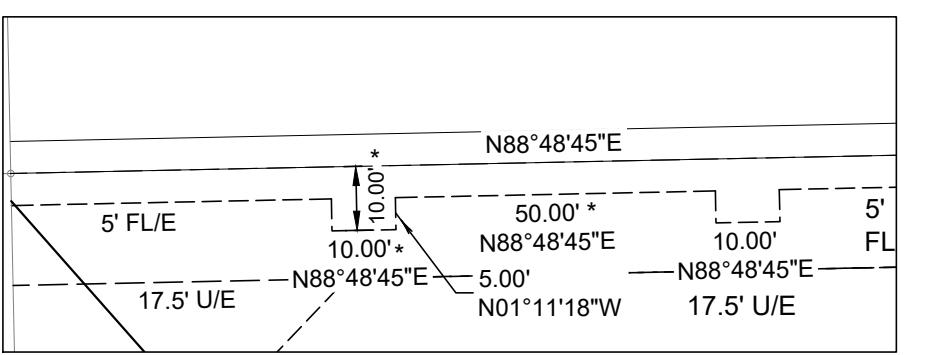
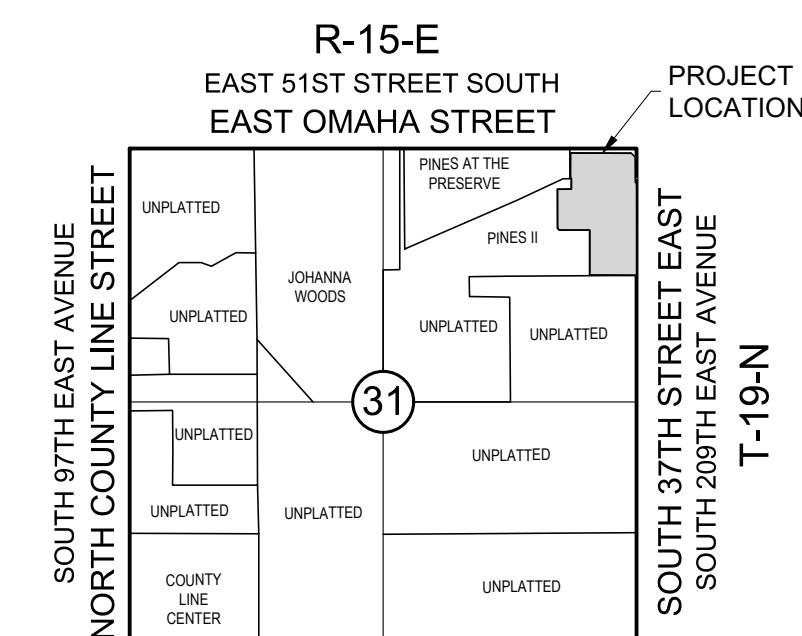
PROPERTY IS NOT LOCATED WITHIN A FEDERALLY DEFINED SPECIAL FLOOD HAZARD AREA PER FIRM PANEL 40145C0105J DATED SEPTEMBER 30, 2016.



A SUBDIVISION OF THE PART OF THE NORTHEAST QUARTER (NE/4) OF SECTION THIRTY-ONE (31), TOWNSHIP NINETEEN (19) NORTH, RANGE FIFTEEN (15) EAST.  
CITY OF BROKEN ARROW, WAGONER COUNTY, STATE OF OKLAHOMA

## ENGINEER/SURVEYOR

AAB ENGINEERING LLC  
CERTIFICATE OF AUTHORIZATION NO. 6318, EXP. JUNE, 30, 2026  
PO BOX 2136  
SAND SPRINGS, OK 74063  
PHONE: 918.514.4283  
FAX: 918.514.4288  
EMAIL: ALAN@AABENG.COM



FENCE EASEMENT DETAIL  
SCALE: 1"=30' \* TYPICAL DISTANCE UNLESS OTHERWISE NOTED

## CURVE TABLE

Curve #	Length	Radius	Chord Length	Chord Bearing
C1	39.27	25.00	35.36	S46°29'27"E
C2	39.27	25.00	35.36	S43°30'33"W
C3	31.42	20.00	28.28	N43°30'33"E
C4	21.03	25.00	20.41	N25°35'09"W
C5	241.19	50.00	66.67	N88°30'33"E
C6	21.03	25.00	20.41	S22°36'14"W
C7	31.42	20.00	28.28	S46°29'27"E
C8	31.42	20.00	28.28	N43°30'33"E
C9	21.03	25.00	20.41	N25°35'09"W
C10	241.19	50.00	66.67	N88°30'33"E
C11	21.03	25.00	20.41	S22°36'14"W
C12	31.42	20.00	28.28	S46°29'27"E
C13	31.42	20.00	28.28	N43°30'33"E
C14	13.29	25.00	13.14	N16°43'26"W
C15	131.71	50.00	96.80	N43°30'33"E
C16	13.29	25.00	13.14	S76°15'28"E
C17	21.03	25.00	20.41	N64°24'51"E
C18	241.19	50.00	66.67	S1°29'27"E
C19	21.03	25.00	20.41	N67°23'46"W
C20	39.27	25.00	35.36	S43°30'33"W
C21	31.42	20.00	28.28	S46°29'27"E
C22	31.42	20.00	28.28	N43°30'33"E
C23	31.42	20.00	28.28	N46°29'27"W

SUBDIVISION STATISTICS	
SUBDIVISION CONTAINS SIXTY SEVEN (67) LOTS IN FIVE (5) BLOCKS AND TWO (2) RESERVE AREAS. CONTAINING 19.14 ACRES	
BLOCK 1	0.37 ACRES - 2 LOTS
BLOCK 2	7.41 ACRES - 28 LOTS
BLOCK 3	1.12 ACRES - 6 LOTS
BLOCK 4	2.11 ACRES - 12 LOTS
BLOCK 5	4.61 ACRES - 19 LOTS
RESERVE A	0.07 ACRES
RESERVE B	0.14 ACRES

## SITE DATA

BENCHMARK  
5/8" REBAR-1 1/2" ALUMINUM CAP-FLUSH-SET IN CONCRETE-STAMPED "90", SET N.E. OF THE INTERSECTION OF 193RD E AVE. AND 51ST ST. ELEV: 686.25' (NAVD '88)

BASIS OF BEARINGS  
ASSUMED BEARING OF S 1°29'27"E BEING THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 31 T-19-N R-15-E.

LAND AREA  
833.544 SF / 19.14 ACRES\*

MONUMENTATION  
A 3/8"X 18" REBAR WITH A YELLOW PLASTIC CAP STAMPED "6318" TO BE SET AT ALL LOT CORNERS, ALL STREET CENTERLINE INTERSECTIONS, POINTS OF CURVE, POINTS OF TANGENT, POINTS OF COMPOUND CURVE, POINTS OF REVERSE CURVE, CENTER OF CUL-DE-SACS AND CENTER OF EYEBROWS, AFTER COMPLETION OF IMPROVEMENTS, UNLESS NOTED OTHERWISE.

ADDRESSES  
ADDRESSES SHOWN ON THIS PLAT WERE ACCURATE AT THE TIME THIS PLAT WAS FILED. ADDRESSES ARE SUBJECT TO CHANGE AND SHOULD NEVER BE RELIED ON IN PLACE OF LEGAL DESCRIPTION.

DETENTION DETERMINATION  
DETENTION DETERMINATION NUMBER: DD-111617-39

APPROVED BY THE CITY COUNCIL OF THE CITY OF BROKEN ARROW, OKLAHOMA ON
MAYOR
ATTEST: CITY CLERK

# The Pines III

**OWNER/DEVELOPER**  
**THE PINES AT THE PRESERVE, LLC**  
1420 WEST KENOSHA  
BROKEN ARROW, OK 74012  
PHONE: 918-688-5660  
ATTN: CHUCK RAMSAY

A SUBDIVISION OF THE PART OF THE NORTHEAST QUARTER (NE/4) OF SECTION THIRTY-ONE (31), TOWNSHIP NINETEEN (19) NORTH, RANGE FIFTEEN (15) EAST.  
CITY OF BROKEN ARROW, WAGONER COUNTY, STATE OF OKLAHOMA

**ENGINEER/SURVEYOR**  
**AAB ENGINEERING LLC**  
CERTIFICATE OF AUTHORIZATION NO. 6318, EXP. JUNE, 30, 2026  
PO BOX 2136  
SAND SPRINGS, OK 74063  
PHONE: 918.514.4283  
FAX: 918.514.4288  
EMAIL: ALAN @AABENG.COM

KNOW ALL MEN BY THESE PRESENTS:  
THE PINES AT THE PRESERVE, LLC, AN OKLAHOMA LIMITED LIABILITY COMPANY, HEREINAFTER REFERRED TO AS THE "OWNER/DEVELOPER", IS THE OWNER OF THE FOLLOWING DESCRIBED LAND IN THE CITY OF BROKEN ARROW, WAGONER COUNTY, STATE OF OKLAHOMA, TO-WIT:

A TRACT OF LAND BEING PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER (NE/4 NE/4) OF SECTION 31, TOWNSHIP NINETEEN (19) NORTH, RANGE FIFTEEN (15) EAST OF THE INDIAN BASE AND MERIDIAN, WAGONER COUNTY, STATE OF OKLAHOMA ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT ONE (1), BLOCK ONE (1) OF THE PINES AT THE PRESERVE, A SUBDIVISION PLAT PLC5-4668 TO THE CITY OF BROKEN ARROW, WAGONER COUNTY CLERKS OFFICE DOCUMENT NO. 2018-15255 IN BOOK 2472 AT PAGE 359; THENCE NORTH 88°48'45" EAST ALONG THE SOUTH RIGHT-OF-WAY LINE OF EAST 51ST STREET, A DISTANCE OF 362.53 FEET; THENCE SOUTH 61°11'16" EAST CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 29.97 FEET; THENCE NORTH 88°48'45" EAST CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 260.00 FEET TO THE WEST RIGHT-OF-WAY LINE OF SOUTH 37TH STREET EAST (SOUTH 209TH EAST AVENUE); THENCE SOUTH 46°20'26" EAST ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 35.45 FEET; THENCE SOUTH 01°29'27" EAST CONTINUING ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 260.34 FEET; THENCE SOUTH 31°29'27" EAST CONTINUING ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 30.00 FEET; THENCE SOUTH 01°29'27" EAST CONTINUING ALONG THE SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 945.29 FEET TO THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER (NE/4 NE/4); THENCE SOUTH 88°49'49" WEST ALONG SAID SOUTH LINE, A DISTANCE OF 489.54 FEET TO THE SOUTHEAST CORNER OF THE PINES AT THE PRESERVE II, A SUBDIVISION PLAT PLC-244C TO THE CITY OF BROKEN ARROW, WAGONER COUNTY CLERKS OFFICE DOCUMENT NO. 2023-11022 IN BOOK 2909 AT PAGE 893; THENCE NORTH 01°29'27" WEST ALONG THE EASTERLY LINE OF THE PINES AT THE PRESERVE II, A DISTANCE OF 469.17 FEET; THENCE SOUTH 88°30'33" WEST CONTINUING ALONG THE EASTERLY LINE OF THE PINES AT THE PRESERVE II, A DISTANCE OF 310.00 FEET; A CHORD BEARING OF NORTH 46°29'27" WEST, A CHORD DISTANCE OF 35.36 FEET AND AN ARC LENGTH OF 39.27 FEET; THENCE NORTH 01°29'24" WEST CONTINUING ALONG SAID EASTERLY LINE, A DISTANCE OF 400.68 FEET TO THE SOUTHWEST CORNER OF RESERVE AT THE PINES III, A SUBDIVISION PLAT PLC3-254A TO THE CITY OF BROKEN ARROW, WAGONER COUNTY CLERKS OFFICE DOCUMENT NO. 2025-1813 IN BOOK 3044 AT PAGE 443; THENCE NORTH 88°30'35" EAST ALONG THE SOUTH LINE OF SAID RESERVE AT THE PINES III, A DISTANCE OF 145.00 FEET; THENCE NORTH 01°29'27" WEST ALONG THE EAST LINE OF SAID RESERVE OF THE PINES III, A DISTANCE OF 112.52 FEET TO THE NORTHEAST CORNER OF SAID RESERVE AT THE PINES III; THENCE SOUTH 88°48'45" WEST ALONG THE NORTH LINE OF SAID RESERVE AT THE PINES III, A DISTANCE OF 10.28 FEET TO THE SOUTHEAST CORNER OF THE PINES AT THE PRESERVE; THENCE NORTH 01°11'15" WEST ALONG THE EAST LINE OF SAID THE PINES AT THE PRESERVE, A DISTANCE OF 265.00 FEET TO THE POINT OF BEGINNING. CONTAINING 829.567 SQUARE FEET OR 19.04 ACRES, MORE OR LESS.

LEGAL DESCRIPTION BASIS OF BEARINGS IS THE OKLAHOMA STATE PLANE COORDINATE SYSTEM (ZONE 3501 NORTH) WITH THE SOUTH RIGHT-OF-WAY LINE OF EAST 51ST STREET SOUTH BEING NORTH 88°48'45" EAST.

THIS LEGAL DESCRIPTION WAS PREPARED ON DECEMBER 15, 2025, BY MIKEL L. STEWART, OKLAHOMA LICENSED LAND SURVEYOR NO. 2105.

SAID TRACT CONTAINS 829.567 SQUARE FEET OR 19.04 ACRES, MORE OR LESS.

AND HAS CAUSED THE ABOVE DESCRIBED TRACT OF LAND TO BE SURVEYED, STAKED, PLATTED AND SUBDIVIDED INTO 67 LOTS IN 5 BLOCKS AND 2 RESERVES EACH ONE REFERRED TO HEREIN AS A "LOT" OR COLLECTIVELY AS "LOTS", IN CONFORMITY WITH THE ACCOMPANYING PLAT, AND HAS DESIGNATED THE SUBDIVISION AS "THE PINES III", A SUBDIVISION IN THE CITY OF BROKEN ARROW, WAGONER COUNTY, OKLAHOMA (HEREINAFTER REFERRED TO AS "THE PINES III" OR THE "SUBDIVISION").

## SECTION I. PUBLIC STREETS, EASEMENTS AND UTILITIES

### A. PUBLIC STREETS AND GENERAL UTILITY EASEMENTS

THE OWNER/DEVELOPER DOES HEREBY DEDICATE FOR PUBLIC USE THE STREETS DEPICTED ON THE ACCOMPANYING PLAT AS "UE" OR "UTILITY EASEMENT", FOR OWNER/DEVELOPER AND ALL UTILITY SERVICES WITHIN THE CITY OF BROKEN ARROW FOR THE SEVERAL PURPOSES OF CONSTRUCTING, MAINTAINING, OPERATING, REPAIRING, REPLACING, AND/OR REMOVING ANY AND ALL PUBLIC UTILITIES, INCLUDING STORM SEWERS, SANITARY SEWERS, TELEPHONE AND COMMUNICATION LINES, ELECTRIC POWER LINES AND TRANSFORMERS, GAS LINES, WATER LINES AND CABLE TELEVISION LINES, TOGETHER WITH ALL FITTINGS, INCLUDING THE POLES, WIRES, CONDUITS, PIPES, VALVES, METERS AND EQUIPMENT FOR EACH OF SUCH FACILITIES AND ANY OTHER APPURTENANCES THERETO, WITH THE RIGHTS OF INGRESS AND EGRESS TO AND UPON THE UTILITY EASEMENTS FOR THE USES AND PURPOSES AFORESAID, PROVIDED HOWEVER, THE OWNER/DEVELOPER HEREBY RESERVES THE RIGHT TO CONSTRUCT, MAINTAIN, OPERATE, LAY AND RE-LAY ALL UTILITY LINES, INCLUDING WATER LINES AND SEWER LINES, EXCLUDING GAS LINES AND GAS SERVICE LINES, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS FOR SUCH CONSTRUCTION, MAINTENANCE, OPERATION, LAYING AND RE-LAYING OVER, ACROSS AND ALONG ALL OF THE UTILITY EASEMENTS DEPICTED ON THE PLAT, FOR THE PURPOSE OF FURNISHING WATER SERVICE, SEWER SERVICE AND ALL UTILITY SERVICES, EXCLUDING NATURAL GAS, TO THE AREA INCLUDED IN THE PLAT AND ELSEWHERE, AS MAY BE REQUIRED. THE OWNER/DEVELOPER HEREIN IMPOSES A RESTRICTIVE COVENANT, WHICH COVENANT SHALL BE BINDING ON EACH LOT OWNER AND SHALL BE ENFORCEABLE BY THE CITY OF BROKEN ARROW, OKLAHOMA, AND BY THE SUPPLIER OF ANY AFFECTED UTILITY SERVICE, THAT WITHIN THE UTILITY EASEMENTS DEPICTED ON THE ACCOMPANYING PLAT NO BUILDING, STRUCTURE OR OTHER ABOVE OR BELOW GROUND OBSTRUCTION SHALL BE PLACED, ERECTED, INSTALLED OR MAINTAINED, PROVIDED HOWEVER, NOTHING HEREIN SHALL BE DEEMED TO PROHIBIT DRIVES, PARKING AREAS, CURBING, LANDSCAPING, CUSTOMARY SCREENING FENCES AND WALLS THAT DO NOT CONSTITUTE AN OBSTRUCTION.

### B. UTILITY LINES AND SERVICE

1. OVERHEAD LINES FOR THE SUPPLY OF ELECTRIC, TELEPHONE AND CABLE TELEVISION SERVICES AND OTHER COMMUNICATION SERVICES MAY BE LOCATED ALONG THE PERIMETER EASEMENTS OF THE SUBDIVISION, STREET LIGHT POLES OR STANDARDS MAY BE SERVED BY OVERHEAD LINE OR UNDERGROUND CABLE THROUGHOUT THE SUBDIVISION. OTHERWISE, ALL SUPPLY LINES SHALL BE LOCATED UNDERGROUND IN THE GENERAL UTILITY EASEMENTS AND IN THE RIGHTS-OF-WAY FOR PUBLIC STREETS AS DEPICTED BY THE PLAT. SERVICE PEDESTALS AND TRANSFORMERS, AS SOURCES OF SUPPLY AT SECONDARY VOLTAGES, MAY ALSO BE LOCATED IN THE GENERAL UTILITY EASEMENTS.

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 SUCH STRUCTURE AS MAY BE LOCATED UPON THE LOT, PROVIDED THAT UPON THE INSTALLATION OF A SERVICE CABLE 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 CABLE, EXTENDING FROM THE SERVICE PEDESTAL OR TRANSFORMER TO THE SERVICE ENTRANCE ON THE STRUCTURE.

3. THE SUPPLIER OF ELECTRIC, TELEPHONE AND CABLE TELEVISION SERVICES AND OTHER COMMUNICATION SERVICES, THROUGH ITS AGENTS AND EMPLOYEES, SHALL AT ALL TIMES HAVE THE RIGHT OF ACCESS TO ALL GENERAL UTILITY EASEMENTS DEPICTED ON THE ACCOMPANYING PLAT OR OTHERWISE PROVIDED FOR IN THIS DEED OF DEDICATION FOR THE PURPOSE OF INSTALLING, MAINTAINING, REMOVING OR REPLACING ANY PORTION OF THE UNDERGROUND ELECTRIC, TELEPHONE, CABLE TELEVISION OR COMMUNICATION FACILITIES INSTALLED BY THE SUPPLIER OF THE UTILITY SERVICE.

4. THE OWNER OF THE LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE UNDERGROUND SERVICE FACILITIES LOCATED ON HIS LOT AND SHALL PREVENT THE ALTERATION OF GRADE OR ANY CONSTRUCTION ACTIVITY THAT WOULD INTERFERE WITH THE ELECTRIC, TELEPHONE, CABLE TELEVISION OR COMMUNICATION 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 PARAGRAPH B SHALL BE ENFORCEABLE BY THE SUPPLIER OF THE ELECTRIC, TELEPHONE, CABLE TELEVISION OR OTHER COMMUNICATION SERVICE AND THE OWNER OF THE LOT AGREES TO BE BOUND HEREBY.

### C. WATER, SANITARY SEWER AND STORM SEWER SERVICE

1. THE OWNER OF THE LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE PUBLIC WATER MAINS, SANITARY SEWER MAINS AND STORM SEWERS LOCATED ON THEIR LOT AND SHALL PREVENT THE ALTERATION OF GRADE OR ANY CONSTRUCTION ACTIVITY WHICH MAY INTERFERE WITH SAID PUBLIC WATER MAIN, PUBLIC SANITARY SEWER MAIN OR STORM SEWER.
2. WITHIN THE UTILITY AND DRAINAGE EASEMENT AREAS DEPICTED ON THE ACCOMPANYING PLAT, THE ALTERATION OF GRADE FROM THE CONTOURS EXISTING UPON THE COMPLETION OF THE INSTALLATION OF A PUBLIC WATER MAIN, SANITARY SEWER MAIN, STORM SEWER OR DRAINAGEWAYS, OR ANY CONSTRUCTION ACTIVITY WHICH WOULD INTERFERE WITH PUBLIC WATER MAINS, SANITARY SEWER MAINS AND STORM SEWERS SHALL BE PROHIBITED. THE CITY OF BROKEN ARROW, INTER ALIA, MAY SPECIFICALLY ENFORCE THIS PROVISION.
3. WAGONER COUNTY RURAL WATER DISTRICT #4, OR ITS SUCCESSORS AS THE PROVIDER, SHALL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF 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, OKLAHOMA, OR ITS SUCCESSORS, SHALL AT ALL TIMES HAVE RIGHT OF ACCESS TO ALL EASEMENTS DEPICTED ON THE ACCOMPANYING 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 OR STORM WATER FACILITIES. WAGONER COUNTY RURAL WATER DISTRICT #4 SHALL HAVE SUCH RIGHT OF ACCESS FOR THE PURPOSE OF INSTALLING, MAINTAINING, REMOVING OR REPLACING ANY PORTION OF POTABLE WATER FACILITIES. ITS SUCCESSOR UTILITY OR MUNICIPALITY PROVIDING WATER SERVICE SHALL HAVE SIMILAR RIGHT OF ACCESS.
5. WHERE WATER LINES ARE INSTALLED WITHIN A UTILITY EASEMENT, THAT PORTION OF THE UTILITY EASEMENT IS FOR THE USE OF WAGONER COUNTY RURAL WATER DISTRICT #4, OKLAHOMA, OR ITS SUCCESSORS. THE UTILITY EASEMENTS DEDICATED HEREIN FOR THE PURPOSE OF PROVIDING POTABLE WATER ARE DEDICATED TO WAGONER COUNTY RURAL WATER DISTRICT #4, OR ITS SUCCESSORS OR ASSIGNS, AS THE EXCLUSIVE PROVIDER OF POTABLE WATER TO THE SUBDIVISION. SEWER, GAS, ELECTRIC, COMMUNICATION, CABLE, SOLID WASTE MANAGEMENT, AND OTHER PROVIDERS OF UTILITIES, OTHER THAN POTABLE WATER, MAY ALSO USE SAID EASEMENTS.
6. THE FOREGOING COVENANTS SET FORTH IN THIS PARAGRAPH C SHALL BE ENFORCEABLE BY THE CITY OF BROKEN ARROW, OKLAHOMA, WAGONER COUNTY RURAL WATER DISTRICT #4, THEIR SUCCESSORS, OR ANY UTILITY PROVIDER OF SERVICES AND THE OWNER OF THE LOT AGREES TO BE BOUND HEREBY.

### D. PAVING AND LANDSCAPING WITHIN EASEMENTS

THE OWNER OF THE LOT AFFECTED SHALL BE RESPONSIBLE FOR THE REPAIR OF DAMAGE TO LANDSCAPING AND PAVING OCCASIONED BY NECESSARY INSTALLATION OR MAINTENANCE OF UNDERGROUND WATER, SEWER, STORM SEWER, NATURAL GAS, COMMUNICATION, CABLE TELEVISION OR ELECTRIC FACILITIES WITHIN THE EASEMENT AREAS DEPICTED UPON THE ACCOMPANYING 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.

### E. GAS SERVICE

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 THIS 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 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 E SHALL BE ENFORCEABLE BY THE SUPPLIER OF GAS SERVICE OR ITS SUCCESSORS AND THE OWNER OF THE LOT AGREES TO BE BOUND HEREBY.

### F. RESERVES A AND B

THE USE OF RESERVES A AND B SHALL BE LIMITED TO OPEN SPACE, RECREATION, LANDSCAPING AND UTILITIES. THE RESERVE AREAS SHALL SUBSEQUENTLY BE CONVEYED TO THE HOMEOWNERS' ASSOCIATION TO BE FORMED PURSUANT TO SECTION III FOR THE PURPOSES OF THE ADMINISTRATION AND MAINTENANCE OF RESERVES AND OTHER COMMON AREAS OF THE SUBDIVISION.

### G. SURFACE DRAINAGE AND LOT GRADING RESTRICTION

EACH LOT 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. NO LOT OWNER SHALL CONSTRUCT OR PERMIT TO BE CONSTRUCTED ANY FENCING OR OTHER OBSTRUCTIONS WHICH WOULD IMPAIR THE DRAINAGE OF STORM AND SURFACE WATERS OVER AND ACROSS HIS LOT. THE FOREGOING COVENANTS SET FORTH IN THIS PARAGRAPH F SHALL BE ENFORCEABLE BY ANY AFFECTED LOT OWNER, BY THE OWNER/DEVELOPER AND BY THE CITY OF BROKEN ARROW, OKLAHOMA.

### H. LIMITS OF NO ACCESS

THE UNDERSIGNED OWNER/DEVELOPER HEREBY RELINQUISHES RIGHTS OF VEHICULAR INGRESS OR EGRESS FROM ANY PORTION OF THE PROPERTY ADJACENT TO EAST OMAHA STREET AND SOUTH 37TH STREET EAST WITHIN THE BOUNDS DESIGNATED AS "LIMITS OF NO ACCESS" (L.N.A.) ON THE ACCOMPANYING PLAT, WHICH "LIMITS OF NO ACCESS" MAY BE AMENDED OR RELEASED BY THE CITY OF BROKEN ARROW AREA PLANNING COMMISSION, OR ITS SUCCESSOR, WITH THE APPROVAL OF THE CITY OF BROKEN ARROW, OKLAHOMA, OR AS OTHERWISE PROVIDED BY THE STATUTES AND LAWS OF THE STATE OF OKLAHOMA PERTAINING THERETO, AND THE LIMITS OF NO ACCESS ABOVE ESTABLISHED SHALL BE ENFORCEABLE BY THE CITY OF BROKEN ARROW.

### I. SIDEWALKS

SIDEWALKS ARE REQUIRED ALONG STREETS DESIGNATED BY AND IN ACCORDANCE WITH SUBDIVISION REGULATIONS. THE OWNER SHALL CONSTRUCT REQUIRED SIDEWALKS WITHIN ANY RESERVE AREAS, COMMON AREAS AND ALONG ARTERIAL STREET FRONTAGES OF ABUTTING LOTS HAVING ACCESS ONTO MINOR STREETS, WHERE SIDEWALKS ARE NOT CONSTRUCTED BY THE OWNER/DEVELOPER, THE BUILDER OF A RESIDENCE ON EACH LOT SHALL CONSTRUCT THE REQUIRED SIDEWALK. REQUIRED SIDEWALKS SHALL BE CONSTRUCTED IN CONFORMANCE WITH CITY OF BROKEN ARROW ENGINEERING DESIGN STANDARDS.

### J. MINIMUM BUILDING SETBACKS AND YARDS

1. NO BUILDING SHALL BE LOCATED NEARER TO THE RIGHT OF WAY OF AN ADJOINING PUBLIC STREET THAN THE BUILDING LINE DEPICTED ON THE ACCOMPANYING PLAT.
2. EACH LOT SHALL MAINTAIN SIDE YARDS WHICH IN THE AGGREGATE ARE NOT LESS THAN TEN (10) FEET IN WIDTH AND NO SIDE YARD SHALL BE LESS THAN FIVE (5) FEET IN WIDTH. SIDE YARDS ABUTTING A STREET SHALL NOT BE LESS THAN FIFTEEN (15) FEET, UNLESS THE GARAGE ENTRY IS LOCATED ON SUCH SIDE, WHERE IT WILL BE NO LESS THAN TWENTY-FIVE (25) FEET.
3. THE MINIMUM REAR YARD SHALL BE TWENTY (20) FEET. CUSTOMARY ACCESSORY STRUCTURES MAY BE LOCATED IN THE REQUIRED REAR YARD, BUT NO BUILDING SHALL BE ERECTED NEARER THAN FIVE (5) FEET TO ANY LOT LINE.
4. NO BUILDING, WHETHER PRINCIPAL OR ACCESSORY, SHALL ENCRAGE UPON ANY UTILITY EASEMENT AS DEPICTED ON THE ACCOMPANYING PLAT.

### K. CERTIFICATE OF OCCUPANCY RESTRICTIONS

NO CERTIFICATE OF OCCUPANCY SHALL BE ISSUED BY THE CITY OF BROKEN ARROW UNTIL COMPLETION OF THE ENTIRE DEVELOPMENT AND ITS FORMAL ACCEPTANCE BY THE CITY OF BROKEN ARROW. ANY AND ALL CONSTRUCTION PURSUANT TO ANY BUILDING PERMIT, BUT PRIOR TO THE CITY OF BROKEN ARROW'S FORMAL ACCEPTANCE OF THE ENTIRE DEVELOPMENT, SHALL BE AT THE OWNER/DEVELOPER'S, CONTRACTOR'S/BUILDER'S OR INVESTOR'S OWN RISK.

### L. FENCE AND LANDSCAPE EASEMENT

THE OWNER HEREBY ESTABLISHES AND RESERVES FOR SUBSEQUENT CONVEYANCE TO THE HOMEOWNER'S ASSOCIATION AN EXCLUSIVE PERPETUAL EASEMENT TO ERECT AND MAINTAIN FENCING, WALLS AND LANDSCAPING ALONG THE NORTH BOUNDARY OF THE SUBDIVISION WITHIN THE EASEMENTS DEPICTED ON THE ACCOMPANYING PLAT AS "FENCE & LANDSCAPE EASEMENT" OR "FLE".

## SECTION II. PRIVATE RESTRICTIONS

### A. ARCHITECTURAL COMMITTEE

1. PLAN REVIEW. NO BUILDING, FENCE, WALL, OR EXTERIOR ANTENNA SHALL BE ERECTED, PLACED OR ALTERED (INCLUDING EXTERIOR PAINTING) ON ANY LOT UNTIL THE PLANS AND SPECIFICATIONS HAVE BEEN APPROVED IN WRITING BY THE OWNER/DEVELOPER OR ITS AUTHORIZED REPRESENTATIVES OR SUCCESSORS, WHICH ARE HEREAFTER REFERRED TO AS THE "ARCHITECTURAL COMMITTEE". FOR EACH BUILDING, THE REQUIRED PLANS AND SPECIFICATIONS SHALL BE SUBMITTED IN DUPLICATE AND INCLUDE A SITE PLAN, FLOOR PLAN, EXTERIOR ELEVATIONS, DRAINAGE AND GRADING PLANS, EXTERIOR MATERIALS AND COLOR SCHEME. IN THE EVENT THE ARCHITECTURAL COMMITTEE FAILS TO APPROVE OR DISAPPROVE PLANS AND SPECIFICATIONS SUBMITTED TO IT AS HEREIN REQUIRED WITHIN THIRTY (30) DAYS AFTER SUBMISSION, THE PLANS SO SUBMITTED SHALL BE DEEMED APPROVED. THE DEVELOPMENT AND USE OF THE SUBJECT LOT SHALL THEREAFTER BE IN SUBSTANTIAL COMPLIANCE WITH THE APPROVED PLANS OR APPROVED AMENDMENTS THERETO. IN THE EVENT NO SUIT TO ENJOIN THE ERECTION OF THE BUILDING OR STRUCTURE OR THE MAKING OF AN ALTERATION HAS BEEN COMMENCED PRIOR TO THE 30TH DAY FOLLOWING COMPLETION THEREOF, APPROVAL OF THE ARCHITECTURAL COMMITTEE SHALL NOT BE REQUIRED AND THIS COVENANT SHALL BE DEEMED TO HAVE BEEN FULLY COMPLIED WITH.
2. COMMITTEE PURPOSE. THE ARCHITECTURAL COMMITTEE'S PURPOSE IS TO PROMOTE GOOD DESIGN AND COMPATIBILITY WITHIN THE SUBDIVISION AND IN ITS REVIEW OF PLANS OR DETERMINATION OF ANY WAIVER AS HEREAFTER AUTHORIZED MAY TAKE INTO CONSIDERATION THE NATURE AND CHARACTER OF THE PROPOSED BUILDING OR STRUCTURE, THE MATERIALS OF WHICH IT IS TO BE BUILT, THE AVAILABILITY OF ALTERNATIVE MATERIALS, THE SITE UPON WHICH IT IS PROPOSED TO BE ERECTED AND THE HARMONY THEREOF WITH THE SURROUNDING AREA. THE ARCHITECTURAL COMMITTEE SHALL NOT BE LIABLE FOR ANY APPROVAL, DISAPPROVAL OR FAILURE TO APPROVE HEREUNDER, AND ITS APPROVAL OF BUILDING PLANS SHALL NOT CONSTITUTE A WARRANTY OR RESPONSIBILITY FOR BUILDING METHODS, MATERIALS, PROCEDURES, STRUCTURAL DESIGN, GRADING OR DRAINAGE OR CODE VIOLATIONS. THE APPROVAL OR FAILURE TO APPROVE BUILDING PLANS SHALL NOT BE DEEMED A WAIVER OF ANY RESTRICTION. NOTHING HEREIN CONTAINED SHALL BE DEEMED TO PREVENT ANY LOT OWNER IN THE SUBDIVISION FROM PROSECUTING ANY LEGAL ACTION RELATING TO IMPROVEMENTS WITHIN THE SUBDIVISION WHICH THEY WOULD OTHERWISE BE ENTITLED TO PROSECUTE.
3. TRANSFER OF DUTIES. THE POWERS AND DUTIES OF THE ARCHITECTURAL COMMITTEE SHALL, ON LATER OF JANUARY 1, 2025, OR THE TRANSFER OF THE OWNER/DEVELOPER OF ITS LAST LOT IN THE ADDITION BE DEEMED TRANSFERRED TO THE PINES HOMEOWNERS' ASSOCIATION, INC., OWNER/DEVELOPER, OR UPON WRITTEN ASSIGNMENT TO SAID HOMEOWN

## CONDITIONAL FINAL PLAT

## The Pines III

OWNER/DEVELOPER

THE PINES AT THE PRESERVE, LLC  
1420 WEST KENOSHA  
BROKEN ARROW, OK 74012  
PHONE: 918-688-5660  
ATTN: CHUCK RAMSAY

A SUBDIVISION OF THE PART OF THE NORTHEAST QUARTER (NE/4) OF SECTION THIRTY-ONE (31), TOWNSHIP NINETEEN (19) NORTH, RANGE FIFTEEN (15) EAST. CITY OF BROKEN ARROW, WAGONER COUNTY, STATE OF OKLAHOMA

ENGINEER/SURVEYOR

AAB ENGINEERING LLC  
CERTIFICATE OF AUTHORIZATION NO. 6318, EXP. JUNE, 30, 2026  
PO BOX 2136  
SAND SPRINGS, OK 74063  
PHONE: 918.514.4283  
FAX: 918.514.4288  
EMAIL: ALAN @ AABENG.COM

K. DRIVEWAYS

DRIVEWAYS SHALL BE CONCRETE, SHALL BE THE SAME COLOR AS THE SIDEWALKS AND CURBS WITHIN THE SUBDIVISION, AND SHALL REQUIRE APPROVAL OF THE ARCHITECTURAL COMMITTEE.

L. FENCING

1. ALL FENCING SHALL BE IN ACCORDANCE WITH THE CITY OF BROKEN ARROW ZONING CODE. INTERIOR FENCING OR WALLS SHALL NOT EXTEND BEYOND THE BUILDING LINES OF THE LOT AND, IF A DWELLING IS BUILT BEHIND THE FRONT BUILDING LINE OF A LOT, NO FENCE MAY EXTEND BEYOND THE POINT NEAREST THE STREET AT EACH END CORNER OF THE DWELLING, PROVIDED, HOWEVER, ON CORNER LOTS, FENCING MAY EXTEND TO THE SIDE YARD LOT LINE. EXCEPT AS SPECIFIED IN SECTION L(2) IMMEDIATELY BELOW, (I) ALL FENCING SHALL BE 6' PRIVACY CONSTRUCTED OF STANDARD WOOD; AND (II) CHAIN LINK, BARBED WIRE, MESH AND OTHER METAL FENCING IS PROHIBITED. NO FENCE SHALL EXCEED 6 FEET IN HEIGHT. FENCES FACING THE STREET AND INSTALLED IN SIDE YARDS BETWEEN DWELLINGS SHALL BE ALIGNED WITH EXISTING FENCES ON ADJOINING LOTS WHERE POSSIBLE. THE GOOD SIDE OF EVERY FENCE SHALL FACE THE STREET AND WOOD FENCES SHALL BE STAINED WITH CLEAR STAIN UNLESS OTHERWISE APPROVED BY THE ARCHITECTURAL COMMITTEE. OTHER TYPES OF FENCING CONSTRUCTED OF WROUGHT IRON, BRICK, OR STONE MAY BE PERMITTED IF PREAPPROVED BY THE ARCHITECTURAL COMMITTEE. VINYL COATED CHAIN LINK FENCE, WITH WOODED POST AND TOP RAIL IS RESTRICTED TO LOTS ADJACENT TO RESERVE AREAS ONLY IN ACCORDANCE WITH SECTION III(L2) IMMEDIATELY BELOW.

2. WITH RESPECT TO LOTS WHICH ARE CONTIGUOUS WITH LAKES, PONDS OR DETENTION FACILITIES IN RESERVE AREAS, THE SIDE YARD FENCES SHALL BE TAPERED IN HEIGHT TO FIVE FEET (5') WITHIN THIRTY FEET (30') OF THE PERIMETER FENCING THE LAKE, POND OR DETENTION AREA AND WITHIN SAID 30' AREA SHALL BE OF THE SAME SPECIFICATIONS AS THE PERIMETER FENCING DESCRIBED BELOW. PERIMETER FENCING SHALL BE REQUIRED ALONG AND PARALLEL TO THE COMMON BOUNDARY OF ALL LOTS WITH THE RESERVE AREAS WITH LAKES, PONDS OR DETENTION AREAS AND SAID PERIMETER FENCING SHALL BE CONSTRUCTED OF VINYL COATED CHAIN LINK RESIDENTIAL GRADE MATERIAL WITH WOODEN TOP RAILS AND POSTS. SUCH PERIMETER FENCING SHALL BE FOUR FEET (4') IN HEIGHT AND UNIFORM IN HEIGHT, DESIGN AND MATERIAL.

M. SEASONAL DECORATIONS

ALL SEASONAL DECORATIONS SHALL BE REMOVED NO LATER THAN THIRTY (30) CALENDAR DAYS FROM THE DAY OF THE ACTUAL HOLIDAY.

N. ON-SITE CONSTRUCTION

NO RESIDENCE OR BUILDING BUILT OFF-SITE SHALL BE MOVED TO, OR PLACED ON, ANY LOT.

O. OUTBUILDINGS

WITHIN EACH LOT, OUTBUILDINGS ARE PROHIBITED.

P. SWIMMING POOLS

ABOVE GROUND SWIMMING POOLS ARE PROHIBITED.

Q. ANTENNAS

EXTERIOR TELEVISION, "CB" RADIO OR OTHER TYPE ANTENNAS INCLUDING SATELLITE DISHES SHALL BE PROHIBITED, EXCEPT SATELLITE DISHES NOT EXCEEDING 20" IN DIAMETER MAY BE AFFIXED TO A REAR BUILDING WALL OR DORMER IF BELOW THE EAVE, OR GROUND MOUNTED WITHIN A REAR YARD IF NOT EXCEEDING 6' IN HEIGHT, AND IN EACH INSTANCE THE SATELLITE DISH SHALL NOT BE VISIBLE FROM THE STREET VIEW OF THE DWELLING.

R. LOT MAINTENANCE

NO INOPERATIVE VEHICLE OR MACHINERY SHALL BE STORED ON ANY LOT AND EACH LOT SHALL BE MAINTAINED IN A NEAT AND ORDERLY CONDITION FREE OF RUBBISH, TRASH AND OTHER DEBRIS AND SHALL BE CUT, TRIMMED OR MOVED TO PREVENT GROWTH OF WEEDS OR TALL GRASS.

S. RECREATIONAL VEHICLES

BOATS, TRAILERS, CAMPERS AND OTHER RECREATIONAL VEHICULAR EQUIPMENT SHALL NOT BE STORED ON ANY LOT EXCEPT WITHIN AN ENCLOSED GARAGE.

T. NON-RECREATIONAL TRAILERS, MACHINERY AND EQUIPMENT

NO NON-RECREATIONAL TRAILERS, MACHINERY OR EQUIPMENT SHALL BE STORED, PLACED OR PARKED ON ANY LOT, EXCEPT WITHIN AN ENCLOSED GARAGE, OR ON ANY STREET WITHIN THE SUBDIVISION; PROVIDED HOWEVER, NOTHING HEREIN SHALL PROHIBIT THE PARKING OF VEHICLES, MACHINERY AND EQUIPMENT WHEN BEING UTILIZED IN CONNECTION WITH SERVICES PERTAINING TO A RESIDENCE.

U. CLOTHESLINES AND GARBAGE RECEPTACLES

EXPOSED CLOTHESLINE POLES OR OTHER OUTSIDE DRYING APPARATUS ARE PROHIBITED, AND NO EXPOSED GARBAGE CAN, TRASH CAN OR ANY TRASH BURNING APPARATUS OR STRUCTURE SHALL BE PLACED ON ANY LOT OR ANY RESERVE AREA.

V. ANIMALS

NO ANIMALS, LIVESTOCK OR POULTRY OF ANY KIND MAY BE MAINTAINED, BRED, SOLD OR KEPT EXCEPT THAT TWO DOGS, TWO CATS AND OTHER HOUSEHOLD PETS MAY BE KEPT PROVIDED THAT THEY ARE NOT USED FOR COMMERCIAL PURPOSES.

W. NOXIOUS ACTIVITY

NO NOXIOUS OR OFFENSIVE TRADE OR ACTIVITY SHALL BE CARRIED OUT UPON ANY LOT OR UPON ANY RESERVE AREA, NOR SHALL ANYTHING BE DONE THEREON THAT MAY BE OR MAY BECOME AN ANNOYANCE OR NUISANCE TO THE NEIGHBORHOOD.

X. SIGNAGE

NO SIGN OF ANY KIND SHALL BE DISPLAYED TO THE PUBLIC VIEW ON ANY LOT EXCEPT ONE SIGN OF NOT MORE THAN FIVE (5) SQUARE FEET ADVERTISING THE PROPERTY FOR SALE OR RENT. SIGNS USED BY THE OWNER/DEVELOPER OR A BUILDER TO ADVERTISE ANY PROPERTY WITHIN THE ADDITION DURING THE CONSTRUCTION AND LOT SALES PERIOD MAY BE UP TO TWELVE (12) SQUARE FEET. OWNER/DEVELOPER MAY MAINTAIN SIGNAGE AND PROMOTIONAL DISPLAYS FOR AS LONG AS IT OWNS A LOT IN THE ADDITION.

Y. MATERIALS AND STORAGE

NO LOT SHALL BE USED FOR THE STORAGE OF MATERIALS FOR A PERIOD OF GREATER THAN THIRTY (30) DAYS PRIOR TO THE START OF CONSTRUCTION AND THE CONSTRUCTION SHALL BE COMPLETED WITHIN SIX (6) MONTHS THEREAFTER. EACH LOT SHALL BE MAINTAINED IN A NEAT AND ORDERLY CONDITION.

Z. GARAGE SALES/YARD SALES

GARAGE SALES/YARD SALES WILL BE ALLOWED ONCE EACH CALENDAR YEAR. THE DATE WILL BE SET BY THE BOARD OF DIRECTORS OF THE PINES II HOMEOWNER'S ASSOCIATION.

IN WITNESS WHEREOF: THE PINES AT THE PRESERVE, LLC, AN OKLAHOMA LIMITED LIABILITY COMPANY, HAS EXECUTED THIS INSTRUMENT THIS \_\_\_\_TH DAY OF \_\_\_\_ 2025.

THE PINES AT THE PRESERVE, LLC  
AN OKLAHOMA LIMITED LIABILITY COMPANY

BY: \_\_\_\_\_  
CHUCK RAMSAY, MANAGER

STATE OF OKLAHOMA )  
) SS  
COUNTY OF WAGONER)

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS \_\_\_\_TH DAY OF \_\_\_\_ 2025, BY CHUCK RAMSAY, MANAGER OF THE PINES AT THE PRESERVE, LLC.

NOTARY PUBLIC  
MY COMMISSION EXPIRES: \_\_\_\_\_  
COMMISSION NUMBER: \_\_\_\_\_

CERTIFICATE OF SURVEY

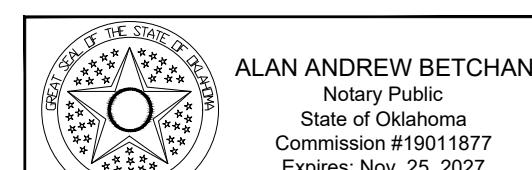
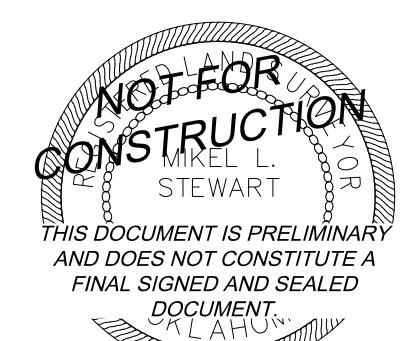
I, MIKEL L. STEWART, A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF OKLAHOMA, HEREBY CERTIFY THAT I HAVE SURVEYED, SUBDIVIDED AND PLATTED THE ABOVE TRACT DESIGNATED AS "THE PINES III" AN ADDITION TO THE CITY OF BROKEN ARROW, WAGONER COUNTY, STATE OF OKLAHOMA. THE ABOVE PLAT IS AN ACCURATE REPRESENTATION OF SAID SURVEY AND 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.

MIKEL L. STEWART  
LICENSED PROFESSIONAL LAND SURVEYOR  
OKLAHOMA NO. 2105

STATE OF OKLAHOMA )  
) SS  
COUNTY OF WAGONER)

BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID STATE AND COUNTY, ON THIS \_\_\_\_TH DAY OF \_\_\_\_ 2025, PERSONALLY APPEARED MIKEL L. STEWART, TO ME KNOWN TO BE THE IDENTICAL PERSON WHO SUBSCRIBED HIS NAME TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE AND VOLUNTARY ACT AND DEED, FOR THE USES AND PURPOSE THEREIN SET FORTH.

NOTARY PUBLIC  
MY COMMISSION EXPIRES: NOVEMBER 25, 2027  
COMMISSION NUMBER: 11010522





# City of Broken Arrow

## Request for Action

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**File #:** 26-189, **Version:** 1

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**Broken Arrow Planning Commission**  
**01-22-2025**

**To:** **Chair and Commission Members**  
**From:** **Community Development Department**  
**Title:**

Public hearing, consideration, and possible action regarding PUD-002519-2025, major amendment to PUD-307, Aspen Creek Villas, 90.33 acres, Commercial Heavy (CH), located north of Tucson Street (121st Street) and approximately one quarter mile east of Olive Avenue (129th Avenue).

**Background:**

**Applicant:** Alan Betchan, AAB Engineering, LLC  
**Owner:** Chuck Ramsey, S & R Development  
**Developer:** Chuck Ramsey, S & R Development  
**Engineer:** Alan Betchan, AAB Engineering, LLC  
**Location:** North of Tucson Street (121st Street) and approximately one quarter mile east of Olive Avenue (129th Avenue).  
**Size of Tract** 90.33 acres  
**Present Zoning:** Commercial Heavy (CH) and PUD-307  
**Proposed Zoning:** Commercial Heavy (CH) and PUD-002519-2025  
**Comp Plan:** Level 2 - via COMP-001296-2024

PUD-002519-2025 is a major amendment to PUD-307. This property is located north of Tucson Street (121st Street) and approximately one quarter mile east of Olive Avenue (129th Avenue). The land is currently unplatted.

A rezoning case needs to be associated with this Planned Unit Development request as it includes altering the underlying zoning. For that reason, both staff and applicants are requesting to continue this item to the February 26, 2025, meeting of the Broken Arrow Planning Commission.

**Attachments:** Case Map  
Aerial Map

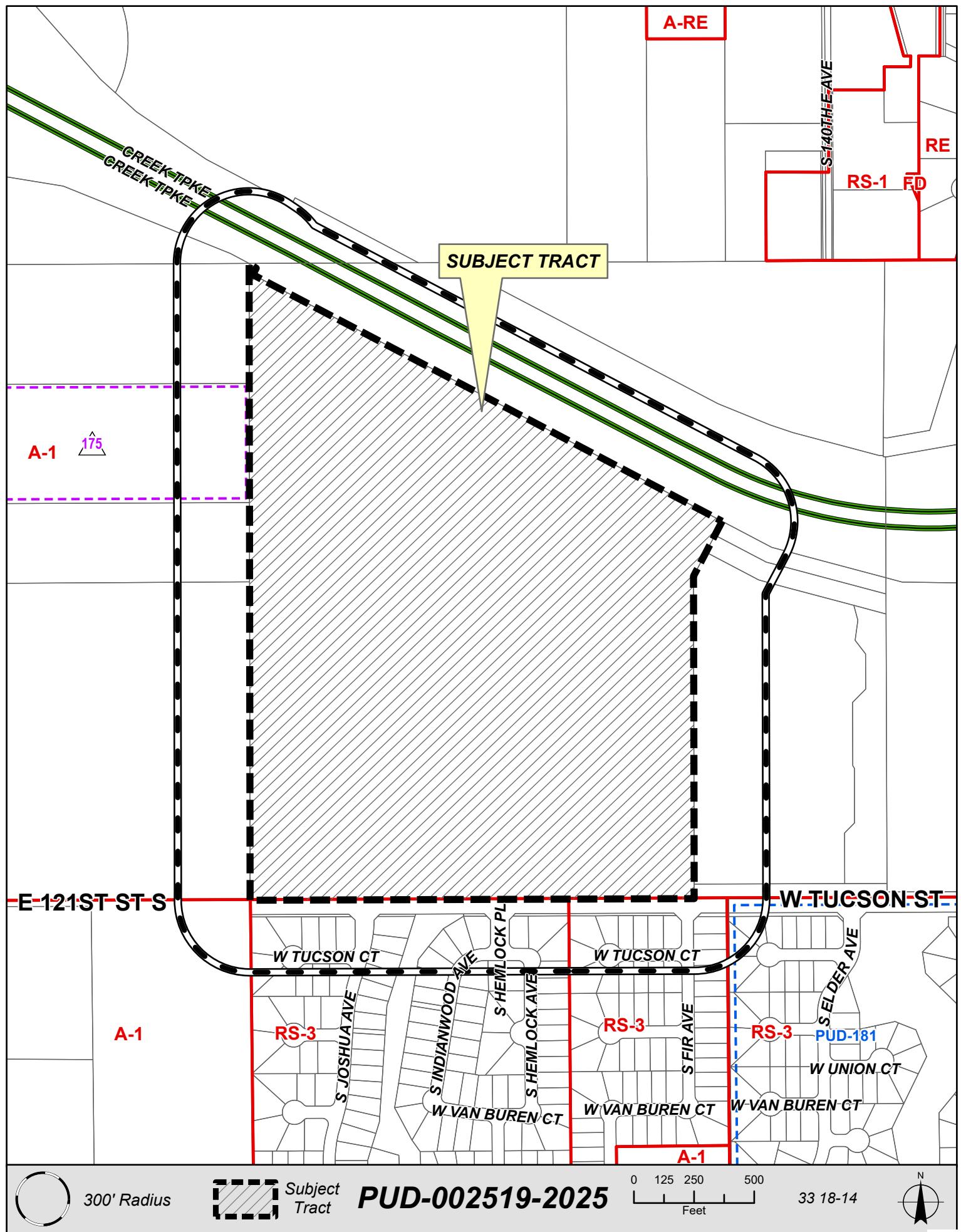
**Recommendation:**

Based upon the need for a rezoning case to be considered with this PUD request, Staff recommends that PUD-002519-2025 be continued to the February 26, 2025 meeting of the Broken Arrow Planning Commission.

**Reviewed by:** Jane Wyrick

**Approved by:** Rocky Henkel

JAJ



*300' Radius*

The logo for Subject Tract, featuring a stylized 'T' shape composed of black squares and white diagonal lines.

**PUD-002519-2025**

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# City of Broken Arrow

## Request for Action

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**File #:** 26-183, **Version:** 1

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**Broken Arrow Planning Commission**  
**01-22-2026**

**To:** **Chairman and Commission Members**  
**From:** **Community Development Department**  
**Title:**

Public hearing, consideration, and possible action regarding PUD-002592-2025 (Planned Unit Development), JCP Expansion, 0.64 acres, CG (Commercial General), located approximately just south of Washington Street (91st Street) and just west of Aspen Place (145th East Avenue), major amendment of PUD-50

**Background:**

**Applicant:** Jessi Stringer, Country City, LLC.  
**Owner:** Jonathan Pride, JCP Investments  
**Developer:** N/A  
**Engineer:** N/A  
**Location:** Approximately just south of Washington Street (91st Street) and just west of Aspen Place (145th East Avenue)  
**Size of Tract** 0.64 acres  
**Number of Lots:** 1  
**Present Zoning:** CG - Commercial General  
**Comp Plan:** Level 4 - Commercial/Employment Nodes

PUD-002592-2025 (Planned Unit Development) is a major amendment to PUD-50 on 0.64 acres which is currently platted as Lot 7, Block 1 of the Brentwood Center addition. The property is located just south of Washington Street (91st Street) and just west of Aspen Place (145th East Avenue).

This amendment is intended to facilitate site plan approval of an expansion to an existing building on site. During the site plan review process a parking requirement of 1 parking space per 200 sq. ft. of building space was identified. This would have required 29 parking spaces for the existing building and proposed expansion; however, the site can only accommodate 12. Parking requirements under current code require "Office, business, or professional" uses to have 1 parking space per 350 sq. ft. which would require the existing building and proposed expansion to have 17 spaces.

The applicant was not able to submit a Development Outline detailing the changes before the publishing of this agenda.

### SURROUNDING LAND USES/ZONING/COMPREHENSIVE PLAN

The surrounding properties contain the following uses, along with the following development guide and zoning

designations:

Location	Comprehensive Plan	Zoning	Land Use
North	Level 4 - Commercial/Employment Nodes	CN - Commercial Neighborhood	General Commercial/Retail
East	Level 4 - Commercial/Employment Nodes	CG - Commercial General/ PUD-50	General Commercial/Retail
South	Level 4 - Commercial/Employment Nodes	CG - Commercial General/ PUD-50	General Commercial/Retail
West	Level 2 - Urban Residential	R-3, Residential Single-Family	Single-Family Residential

According to FEMA National Flood Hazard Layer Maps, no portion of this property is located within the 100-year floodplain. Water and Sanitary Sewer are available from the City of Broken Arrow.

**Attachments:** Case Map  
Aerial Photo

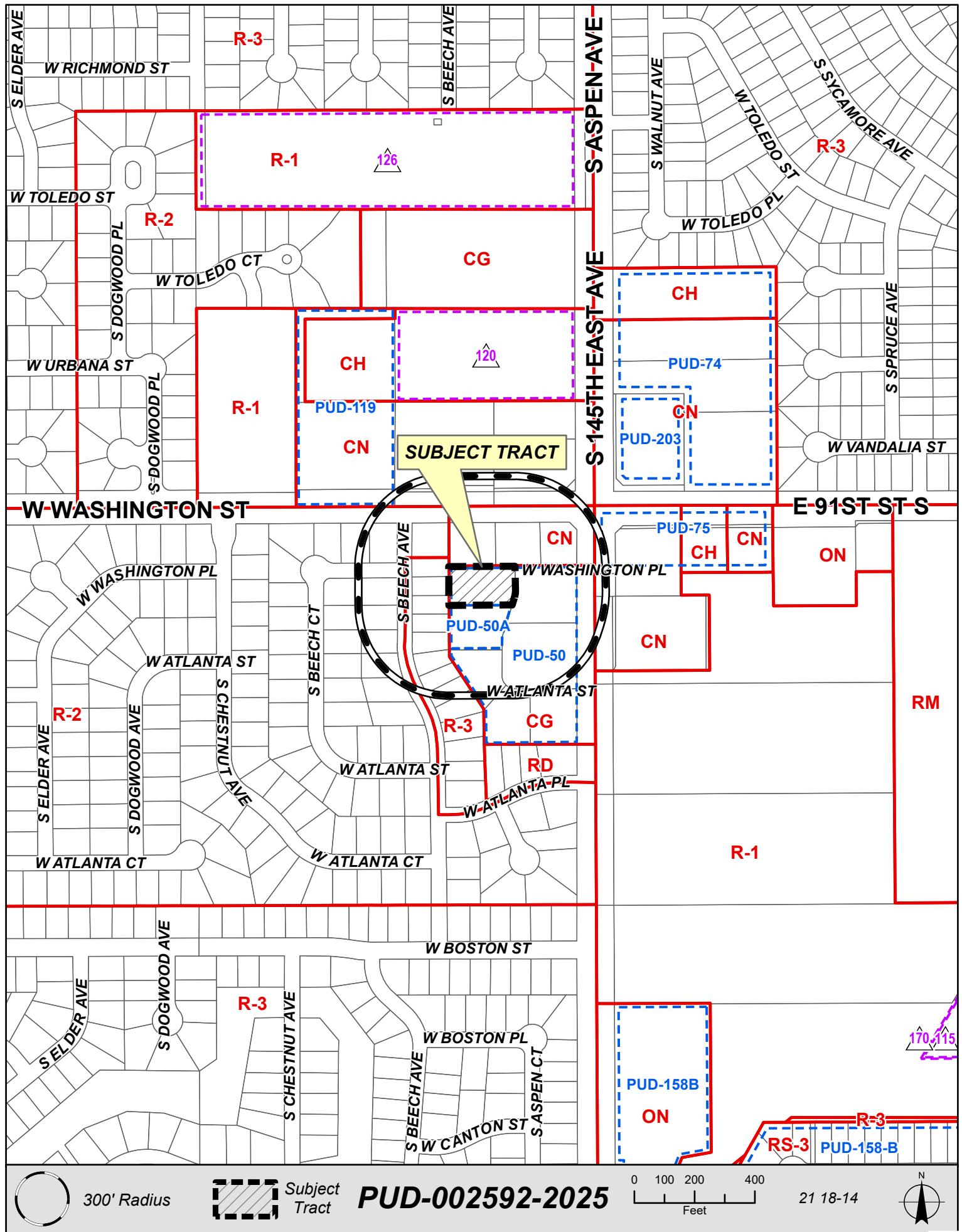
**Recommendation:**

Based on the need for a Development Outline for the PUD amendment, Staff recommends PUD-002592-2025 (Planned Unit Development) be continued to the February 12, 2026 meeting of the Broken Arrow Planning Commission.

**Reviewed by:** Jane Wyrick

**Approved by:** Rocky Henkel

JAJ



300' Radius

The logo consists of a stylized 'T' shape with diagonal lines through it, followed by the text 'Subject Tract'.

**PUD-002592-2025**

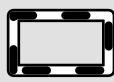
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**Note: Graphic overlays may not precisely align with physical features on the ground.**  
**Aerial Photo Date: 2024**



## Subject Tract

**PUD-002592-2025**

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