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June 29, 2016

Roland Investments, Ltd.  
C/O Phillip Roland, President  
P.O. Box 660  
Coweta, OK 74429

RE: Easement for Ingress and Egress - Lot 4 and the West 75' of Lot 5, Block 1, Vandever Office Park, an Addition to the City of Broken Arrow, Tulsa County, State of Oklahoma according to the recorded plat thereof.

Dear Mr. Roland:

At your request I have reviewed the Notice of Public Hearing before the Broken Arrow Planning Commission - Case No. PUD 250 - which is scheduled for public hearing on July 14, 2016. The case is a request by the applicant to approve a PUD for a drive-in restaurant on the East 192 feet of Lot 5, Block 1 in the Vandever Office Park subdivision.

As you know, your company owns the west 75 feet of Lot 5 as well as the entirety of the abutting Lot 4 to the west which is undeveloped at this time.

The concern regarding the future development of your property is having adequate access for ingress and egress.

The use restrictions that accompany the Vandever Office Park subdivision plat (Plat No. 3742, approved by the Broken Arrow Planning Commission on January 13, 1977 and filed in the office of the Tulsa County Clerk on September 14, 1977) provide mutual access over all the parking lots and driveways (a nonexclusive easement appurtenant) between and among all the lots in the subdivision. The restrictive covenant reads in part verbatim as follows:

*"Those portions of each lot in the Addition which are now or hereafter improved, provided or available for parking areas*

*and driveways, as the same may be reduced or increased in size or relocated from time to time, shall be subject to nonexclusive easements appurtenant to the other lots in the Addition, for roadways, walkways, ingress and egress, the parking of motor vehicles, loading and unloading of commercial and other vehicles and use of facilities installed thereon for the comfort and convenience of customers, invitees, agents, servants, tenants, and employees. Employees, agents, servants, and tenants of the owners of each lot shall use the parking areas and driveways located on the lot of such owners unless otherwise occupied. Customers and invitees shall not be permitted to use the driveways or parking areas except while transacting business in the Addition."*

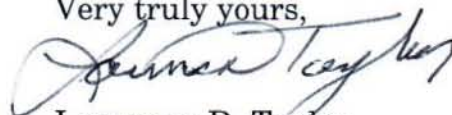
My inspection of the proposed PUD for the drive-in restaurant does not appear to provide for the type of mutual access contemplated by the subdivision use restriction. The portion of the driveway proposed for the drive-in restaurant that would provide the only meaningful ingress and egress for your property appears to be narrow and to only allow traffic to travel one-way.

You, as the representative of the owner of Lot 4, are a member of the Architectural Committee and will have your say and a vote in approving the proposed construction plans when they are presented for Committee approval. Also, as a lot owner, your company has standing to enforce the use restrictions contained in the Certificate of Dedication and Restrictive Covenants which would include equitable relief.

My advice, however, is not to wait to employ those remedies but to notify the Planning Commission without delay of your concerns about your company's rights as the Lot 4 dominant estate in the nonexclusive easement appurtenant over and across the parking areas and driveways of the Lot 5 servient estate.

In summary, you have the absolute right to use the driveways and parking lots of Lot 5 for ingress and egress to your property so long as you respect the property rights of the owner of Lot 5 during use. At the same time, the owner of Lot 5 as the holder of the servient estate cannot develop and use Lot 5 in a way that does not respect your easement rights as the holder of the dominant estate and does not accommodate mutual access for ingress and egress.

Very truly yours,



Lawrence D. Taylor

LDT/pt