

KNOW ALL MEN BY THESE PRESENTS:

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

LANDSCAPE EASEMENT IS FOR THE LIMITED PURPOSE OF INSTALLING AND MAINTAINING REQUIRED STREET FRONTAGE LANDSCAPING AS SET FORTH WITHIN THE DEVELOPMENT STANDARDS OF PLANNED UNIT DEVELOPMENT NO. 199A. WITHIN THE LANDSCAPEE

1.9. OVERLAND DRAINAGE EASEMENT

1.9.1. THE OWNER DOES HEREBY DEDICATE TO THE PUBLIC A PERPETUAL, NON-EXCLUSIVE OVERLAND DRAINAGE EASEMENT ON, OVER, AND ACROSS THOSE AREAS DESIGNATED ON THE ACCOMPANYING PLAT AS "OVERLAND DRAINAGE EASEMENT FOR THE PURPOSES OF PROVIDING ROUTINE INSPECTION AND MAINTENANCE OF THE CITY OF BROKEN ARROW, OKLAHOMA, FLOOD CONTROL AND DRAINAGE WITHIN SAID EASEMENT, BY THE OWNER THEREON OR ITS DESIGNATED CONTRACTOR."

1.9.2. DRAINAGE FACILITIES LOCATED WITHIN THE OVERLAND DRAINAGE EASEMENT SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE ADOPTED STANDARDS OF THE CITY OF BROKEN ARROW, OKLAHOMA, AND PLANS AND SPECIFICATIONS APPROVED BY THE

3.3. AMENDMENT OR TERMINATION WITHIN SECTION I. THE COVENANTS CONTAINED WITHIN SECTION I, EASEMENTS AND SECTION III, ENFORCEMENT, DURATION, AMENDMENT OR TERMINATION, AND SEVERABILITY MAY BE AMENDED, MODIFIED, SUPPLEMENTED, EXTENDED, REPEALED, REVOKED, CONFIRMED, OR TERMINATED AT ANY TIME BY A WRITTEN INSTRUMENT SIGNED AND ACKNOWLEDGED BY THE OWNER OF THE LAND TO WHICH THE AMENDMENT OR TERMINATION IS TO BE APPLICABLE AND APPROVED BY THE BROKEN ARROW PLANNING COMMISSION, OR ITS SUCCESSORS, AND THE CITY OF BROKEN ARROW, OKLAHOMA. THE COVENANTS CONTAINED WITHIN SECTION II, PLANNED UNIT DEVELOPMENT RESTRICTIONS, MAY BE AMENDED OR TERMINATED AT ANY TIME BY A WRITTEN INSTRUMENT SIGNED AND ACKNOWLEDGED BY THE OWNERS OF THE LAND TO WHICH THE AMENDMENT OR TERMINATION IS TO BE APPLICABLE AND APPROVED BY THE BROKEN ARROW PLANNING COMMISSION, OR ITS SUCCESSORS, AND THE CITY OF BROKEN ARROW, OKLAHOMA. NOTWITHSTANDING THE FOREGOING, THE COVENANTS CONTAINED WITHIN SECTION II SHALL BE DEEMED AMENDED (WITHOUT NECESSITY OF EXECUTION OF AN AMENDING DOCUMENT) UPON APPROVAL OF A MINOR AMENDMENT TO PUD 199 BY THE BROKEN ARROW PLANNING COMMISSION, OR ITS SUCCESSORS, AND RECORDING OF A CERTIFIED COPY OF THE MINUTES OF THE BROKEN ARROW PLANNING COMMISSION OR ITS SUCCESSORS WITH THE TULSA COUNTY CLERK. THE PROVISIONS OF ANY INSTRUMENT AMENDING OR TERMINATING COVENANTS AND RESTRICTIONS SHALL BE EFFECTIVE FROM AND AFTER THE DATE IT IS PROPERLY RECORDED.

3.4. SEVERABILITY

INVOLVATION OF ANY RESTRICTION SET FORTH HEREIN, OR ANY PART THEREOF, BY ANY COURT, 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

1.9.3. NO FENCE, WALL, BUILDING OR OTHER OBSTRUCTION SHALL BE PLACED OR MAINTAINED WITHIN THE OVERLAND DRAINAGE EASEMENT NOR SHALL THERE BE ANY ALTERATION OF THE GRADE IN THE EASEMENT UNLESS APPROVED BY THE ENGINEERING

PROVIDED THAT THE PARKING LOT CURBING SHALL BE PERMITTED TO POND WATER
ACCORDING TO THE PLANS AND SPECIFICATIONS APPROVED BY THE ENGINEERING AND
CONSTRUCTION DEPARTMENT OF THE CITY OF BROKEN ARROW, OKLAHOMA, AND
PROVIDED FURTHER THAT THE PLANTING OF TREES OR TYPE SHALL NOT REQUIRE THE

1.3.4. THE OVERLAND DRAINAGE EASEMENT SHALL BE MAINTAINED BY THE OWNER OF THE LOT IN SUCH OWNERS' EXCLUSIVE ACCORDANCE WITH STANDARDS PRESCRIBED BY THE CITY OF BROKEN ARROW, OKLAHOMA. IF THE OWNER OF THE LOT FAILS TO PROPERLY MAINTAIN THE OVERLAND DRAINAGE EASEMENT LOCATED THEREON OR IN THE EVENT OF THE OCCURRENCE OF AN OBSTRUCTION WITHIN SUCH EASEMENT OR THE ALTERATION OF GRADE THEREIN, IN THE CITY OF BROKEN ARROW, OKLAHOMA, OR ITS DESIGNATED CONTRACTOR, IT SHALL BE THE DUTY OF THE OVERLAND DRAINAGE EASEMENT AND DRAINAGE MAINTENANCE DISTRICT TO ACHIEVE THE INTENDED DRAINAGE FUNCTIONS AND THE DISTRICT SHALL BE PAID BY THE LOT OWNER. IN THE EVENT THE LOT OWNER DOES NOT PAY THE COST OF MAINTENANCE AFTER RECEIPT OF A STATEMENT OF COSTS FROM THE CITY OF BROKEN ARROW, OKLAHOMA, THE CITY MAY FILE OF RECORD A LIEN AGAINST THE EASEMENT AND THE RECORDS OF THE TULSA COUNTY CLERK. THE DISTRICT, HOWEVER, THE COSTS SHALL BE A LIEN AGAINST THE LOT OWNER. A LIEN ESTABLISHED AS PROVIDED ABOVE MAY BE FORECLOSED BY THE CITY OF BROKEN ARROW, OKLAHOMA.

WHEREAS, 121 ELM WAS SUBMITTED AS A PLANNED UNIT DEVELOPMENT (DESIGNATED AS PUD NO. 199) AS PROVIDED WITHIN THE PUD PROVISIONS OF THE ZONING ORDINANCE OF THE CITY OF BROKEN ARROW, OKLAHOMA AS THE SAME EXISTED ON MARCH 17, 2009; AND

WHEREAS, PUD NO. 199 WAS RECOMMENDED FOR APPROVAL BY THE BROKEN ARROW PLANNING COMMISSION ON MARCH 12, 2009 AND APPROVED BY THE COUNCIL OF THE CITY OF BROKEN ARROW ON MARCH 17, 2009; AND

WHEREAS, A MINOR AMENDMENT TO PUD NO. 199, PUD NO. 199A, WAS APPROVED BY THE BROKEN ARROW PLANNING COMMISSION ON APRIL 27, 2017; AND

WHEREAS, THE PLANNED UNIT DEVELOPMENT PROVISIONS OF THE BROKEN ARROW ZONING ORDINANCE REQUIRE THE ESTABLISHMENT OF COVENANTS OF RECORD INSURING TO AND ENFORCEABLE BY THE CITY OF BROKEN ARROW, SUFFICIENT TO INSURE THE IMPLEMENTATION AND CONTINUED COMPLIANCE WITH THE APPROVED PLANNED UNIT DEVELOPMENT; AND

WHEREAS, THE OWNER DESIRES TO ESTABLISH COVENANTS OF RECORD FOR THE PURPOSE OF PROVIDING FOR AN ORDERLY DEVELOPMENT AND TO INSURE ADEQUATE COMPLIANCE WITH PUD NO. 199 FOR THE MUTUAL BENEFIT OF THE OWNER, ITS SUCCESSORS AND ASSIGNS, AND THE CITY OF BROKEN ARROW.

NOW, THEREFORE, THE 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

PROVISIONS OF THE BROKEN ARROW ZONING ORDINANCE AS SUCH PROVISIONS EXISTED ON MARCH 17, 2009, OR AS MAY BE SUBSEQUENTLY AMENDED.

2.2. PERMITTED USES

THOSE USES INCLUDED AS A MATTER OF RIGHT IN THE COMMERCIAL NEIGHBORHOOD DISTRICT (CN) AND USES CUSTOMARILY ACCESSORY TO PERMITTED USES.

2.3. MAXIMUM BUILDING COVERAGE

THE MAXIMUM COVERAGE OF ANY BUILDING ON ANY LOT OR PARCEL SHALL NOT EXCEED FIFTY PERCENT (50%) OF THE NET LOT AREA.

2.4. MAXIMUM BUILDING FLOOR AREA

100,000 S.F.

2.5. MINIMUM LOT SIZE

18,000 S.F.

2.6. ACCESS TO ABUTTING STREETS

THERE SHALL BE A MAXIMUM OF FOUR ACCESS POINTS TO TUCSON STREET AND ONE ACCESS POINT TO ELM PLACE WITHIN PAD 199. ALL ACCESS POINTS SHALL BE LOCATED AT LEAST 200 FEET APART, CENTRINE TO CENTRINE. CROSS ACCESS SHALL BE

2.8. LOT SPLITS

LOT SPLITS SHALL BE PERMITTED PROVIDED THE LOTS MEET THE MINIMUM SIZE OF 18,000 SQUARE FEET AND EACH LOT HAS A MINIMUM FRONTAGE OF 100 FEET ON A

2.9. MAXIMUM BUILDING HEIGHT 35 FEET
ARCHITECTURAL ELEMENTS AND BUSINESS LOGOS MAY EXCEED THE MAXIMUM BUILDING HEIGHT WITH SITE PLAN APPROVAL.

2.10. OFF-STREET PARKING

AS REQUIRED BY CHAPTER 5 OF THE BROKEN ARROW ZONING ORDINANCE FOR THE

THE SITE PLAN REVIEW PROCESS AFTER THE SUBMITTAL OF A DETAILED SITE PLAN, PART OF THE REQUIRED OFF-STREET PARKING FOR ANY LOT MAY BE PROVIDED ON ANOTHER LOT WITH APPROVED MUTUAL ACCESS AND PARKING COVENANTS.

2.12. LANDSCAPING

LANDSCAPING SHALL BE PROVIDED IN ACCORDANCE WITH SECTION 5.2 OF THE BROKEN ARROW ZONING ORDINANCE, EXCEPT THAT A LANDSCAPE EDGE AT LEAST 15 FEET IN WIDTH SHALL BE PROVIDED ALONG EACH PLACE AND TUCSON STREET AT LEAST 10% OF

	FROM THE WISL BOUNDARY OF PUD 199	FROM INTERIOR BOUNDARIES
	1.5 FEET	0 FEET

2.13. VISUAL SCREENING
VISUAL SCREENING SHALL NOT BE REQUIRED ALONG THE BOUNDARIES OF ADJACENT STORMWATER DRAINAGE AREAS DEVELOPED UNDER AN APPROVED STORMWATER MANAGEMENT PLAN. VISUAL SCREENING, WHEN REQUIRED, SHALL BE ESTABLISHED AS PART OF THE SITE PLAN REVIEW AND APPROVAL.

2.14. SIGNS
SIGNS SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF BROKEN ARROW ZONING ORDINANCE. ALL FREE STANDING SIGNS SHALL BE LIMITED TO A MAXIMUM HEIGHT OF 14 FEET AND A MAXIMUM SIZE OF 100 SQUARE FEET WITH A MONUMENT TYPE BASE.

2.15. LIGHTING
EXTERIOR LIGHTING FOR THE DEVELOPMENT SHALL CONFORM TO THE STANDARDS SET FORTH IN SECTION 5.6 OF THE BROKEN ARROW ZONING ORDINANCE.

SECTION III. ENFORCEMENT, DURATION, AMENDMENT OR TERMINATION, AND SEVERABILITY

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, SECTION II, PLANNED UNIT DEVELOPMENT RESTRICTIONS, AND SECTION III, ENFORCEMENT, DURATION, AMENDMENT OR TERMINATION, AND SEVERABILITY ARE SET FORTH CERTAIN COVENANTS AND THE ENFORCEMENT RIGHTS PERTAINING THEREO, AND ADDITIONALLY THE COVENANTS AND ENFORCEMENT RIGHTS PERTAINING THEREO.

LAWFUL FOR THE CITY OF BROKEN ARROW OR ANY OWNER OF LAND WITHIN THE JURISDICTION TO MAINTAIN ANY ACTION AT LAW OR IN EQUITY AGAINST THE DEEDOR OF SAID INSTRUMENT.

3.2. DURATION

THESE RESTRICTIONS TO THE EXTENT PERMITTED BY APPLICABLE LAW SHALL REMAIN IN FULL FORCE AND EFFECT UNTIL THE PARTY INITIATING THE EQUITABLE PROCEEDING HAS AN ADEQUATE REMEDY AT LAW IS HEREBY WAIVED.

CERTIFICATE OF SURVEY

I, DAN E. TANNER, A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF OKLAHOMA, DO HEREBY CERTIFY THAT I HAVE CAREFULLY AND ACCURATELY SURVEYED

WITNESS MY HAND AND SEAL THIS 13 DAY OF Sept., 2019.

BY: _____

DAN E. TANNER
LICENSED PROFESSIONAL LAND SURVEYOR
OKLAHOMA NO. 1435

A circular seal for a Licensed Professional Land Surveyor in Oklahoma. The outer ring contains the text "OKLAHOMA" at the top and "LICENSED PROFESSIONAL LAND SURVEYOR" at the bottom. In the center, the name "Dan Edwin Tanner" is written above the license number "1435".

STATE OF OKLAHOMA)
) SS
COUNTY OF TULSA)

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, ON THE 23 DAY OF April, 2019, PERSONALLY APPEARED James Earl before me, the undersigned, and acknowledged to me that he executed the foregoing instrument for the purposes and consideration therein expressed.

SUBSCRIBED HIS NAME AS LICENSED PROFESSIONAL LAND SURVEYOR TO THE FOREGOING CERTIFICATE, AS HIS FREE AND VOLUNTARY ACT AND DEED, FOR THE USES AND PURPOSES THEREIN SET FORTH.

GIVEN UNDER MY HAND AND SEAL THE DAY AND YEAR LAST ABOVE WRITTEN.

ANNIFER N. MILLER
NOTARY PUBLIC
STATE OF TEXAS

12002299

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121 Elm
CASE NO. PT17-101
SHEET 2 OF 2