

SHARED PARKING AND MUTUAL ACCESS EASEMENT AGREEMENT

THIS Shared Parking and Mutual Access Easement Agreement (hereinafter “this Agreement”) is made and entered into this _____ day of April, 2016, by and between the City of Broken Arrow, a municipal corporation (hereinafter “City”) and BA Holdings, LLC, an Oklahoma limited liability company (hereinafter “BAH”).

RECITALS

1. City and BAH are the respective owners of contiguous commercial properties in the City of Broken Arrow, Tulsa County, State of Oklahoma, to-wit:
 - a. City is the record title owner and in possession of a parcel of land more particularly described in Exhibit “A” attached (hereinafter “City of Broken Arrow Tract”);
 - b. BAH is the record title owner and in possession of a parcel of land more particularly described in Exhibit “B” hereto attached (hereinafter “BA Holdings LLC Tract”);
2. City and BAH desire to share 34 parking spaces as depicted on Exhibit “C” hereto attached in dark shading.
3. City and BAH further desire to grant mutual access easements over their respective lots to provide reasonable, convenient and efficient flow of vehicular and pedestrian traffic of their customers and visitors and to allow the customers and visitors of each owner to cross the other owners’ property while entering, circulating, parking and leaving the area.

Pursuant to the foregoing recitals, the parties covenant and agree as follows:

Section 1. SHARED PARKING AREA.

BAH shall construct and maintain a shared parking area for 34 parking spaces as depicted on Exhibit “C” (the “Shared Parking Area”).

City hereby grants BAH, its successors and assigns, the non-exclusive perpetual right to use the Shared Parking Area as an integral part of its business parking.

In the event one or more of the parking spaces in the non-exclusive Shared Parking Area are occupied by other than BAH customers and visitors, City hereby grants BAH the right to occupy other parking spaces within the City of Broken Arrow Tract on a one space for one space basis.

Section 2. DEVELOPMENT AND SURFACING.

BAH’s plans and specifications for the development, construction and surfacing of the Shared Parking Area must be prior approved by City, must be of such quality as is customarily required for the contemplated usage of the City of Broken Arrow Tract, and must meet or exceed all requirements of the City of Broken Arrow. BAH shall bear the entire cost of the development, construction and surfacing of the Shared Parking Area and shall have completed the development, construction and surfacing thereof before the issuance of its Certificate of Occupancy from the City of Broken Arrow, Oklahoma.

Section 3. MAINTENANCE.

BAH, or its successor in interest, shall be solely responsible for the reasonable maintenance of the Shared Parking Area. In the event BAH, or its successor in interest, fails to comply with the foregoing, City, or its successor in interest, may notify the defaulting party in writing specifying the default and in the event a remedy is not effected within a reasonable time, City or its successor in interest shall have the right to remedy the default and the defaulting party shall reimburse all costs thereof upon demand.

Section 4. INDEMNIFICATION.

BAH, its successors and assigns, shall defend, indemnify and hold City, its successors and assigns, harmless against any and all losses, costs, damages, claims or liabilities, including but not limited to, mechanic's and materialmen's liens and attorney's fees with respect of the development, construction surfacing and maintenance of the Shared Parking Area.

Section 5. MUTUAL ACCESS EASEMENT GRANTS.

City and BAH further hereby grant each other and to each other's successors, assigns, invitees, customers, lessees, licensees, subtenants, concessionaires, employees and agents, the non-exclusive right and privilege of entry and easement in, over and through their respective lots for reasonable, convenient and efficient flow of vehicular and pedestrian traffic of their customers and visitors and to allow the customers and visitors of each owner to cross the other owner's property while entering, circulating, parking and leaving the area.

Section 6. RESERVATION OF RIGHTS.

Notwithstanding any provisions herein to the contrary, each party reserves unto itself, its successors and assigns, title to its respective lot, and the right to grant additional easements on, over and across its respective lot for the purposes of installing and maintaining utility and communication lines and facilities necessary for the use and operation thereof.

Section 7. BINDING EFFECT.

This Agreement shall benefit and burden on the owner of each respective lot and shall be appurtenant to and run with the land and shall inure to the benefit of and shall bind each successive owner of any part of either the City of Broken Arrow Tract or the BA Holdings LLC Tract.

Section 8. EFFECTIVE DATE.

This Agreement shall be effective on the day and year first above written.

CITY OF BROKEN ARROW,
OKLAHOMA

BA HOLDINGS, LLC

BY: _____
Craig Thurmond, Mayor

BY: Aniket Patel
Aniket (Andy) Patel, Manager

APPROVED AS TO FORM:



Assistant City Attorney

STATE OF OKLAHOMA)
)ss.
COUNTY OF TULSA)

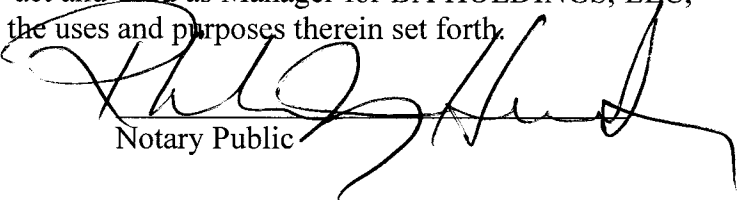
Before me, a notary Public, in and for said county and State, on this ____ day of April, 2016, personally appeared Craig Thurmond, to me known to be the identical person who executed the within and foregoing instrument, and acknowledged to me that he executed the same as his free and voluntary act and deed as Mayor of the City of Broken Arrow, for the uses and purpose therein set forth.

Notary Public

My Commission Expires:

STATE OF OKLAHOMA)
) ss.
COUNTY OF TULSA)

Before me, a notary Public, in and for said county and State, on this ^{4th} day of April, 2016, personally appeared ANIKETAN (ANDY) PATEL, to me known to be the identical person who executed the within and foregoing instrument, and acknowledged to me that he executed the same as his free and voluntary act and deed as Manager for BA HOLDINGS, LLC, an Oklahoma limited liability company, for the uses and purposes therein set forth.


Notary Public

My Commission Expires:

RHONDA JOY HUNTER
Notary Public
State of Oklahoma
Commission # 09001893
My Commission Expires Feb 25, 2017

RHONDA JOY HUNTER
Notary Public
State of Oklahoma
Commission # 09001893
My Commission Expires Feb 25, 2017

EXHIBIT "A"

A TRACT OF LAND LYING IN THE NORTHWEST QUARTER (NW1/4) OF SECTION TWO (2), TOWNSHIP EIGHTEEN (18) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN MERIDIAN, CITY OF BROKEN ARROW, TULSA COUNTY, OKLAHOMA AND FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID NW1/4;
THENCE N88°42'33"E ALONG THE NORTH LINE OF SAID NW1/4 FOR A DISTANCE OF 1112.21 FEET TO THE POINT OF BEGINNING;
THENCE CONTINUING N 88°42'33"E ALONG SAID NORTH LINE FOR A DISTANCE OF 575.19 FEET TO A POINT ON THE EAST LINE OF A QUIT-CLAIM DEED RECORDED WITH THE TULSA COUNTY CLERK'S OFFICE AS DOCUMENT NO. 2011000490 ON JANUARY 03, 2011;
(THE FOLLOWING 3 COURSE ARE ALONG SAID EAST LINE)
1. THENCE S46°14'38"E FOR A DISTANCE OF 70.65 FEET;
2. THENCE S01°11'51"E FOR A DISTANCE OF 347.76 FEET;
3. THENCE S17°19'28"E FOR A DISTANCE OF 472.79 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF WEST ALBANY STREET AS ESTABLISHED BY A SPECIAL WARRANTY DEED RECORDED WITH THE TULSA COUNTY CLERK'S OFFICE IN BOOK 7306, PAGES 2462-2464 ON JUNE 02, 2004;
THENCE S61°03'07"W ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR A DISTANCE OF 119.00 FEET;
THENCE N28°00'25"W FOR A DISTANCE OF 569.33 FEET; THENCE S63°38'37"W FOR A DISTANCE OF 79.88 FEET;
THENCE N43°09'48"W FOR A DISTANCE 182.42 FEET;
THENCE N61°17'27"W FOR A DISTANCE OF 199.19 FEET TO A CURVE TO THE LEFT;
THENCE NORTHWESTERLY ALONG SAID CURVE TO THE LEFT WITH A CENTRAL ANGLE OF 9°46'34", A RADIUS OF 178.00 FEET, FOR AN ARC LENGTH OF 30.37 FEET AND A LONG CHORD DISTANCE OF 30.33 FEET, BEARING N66°10'44"W TO THE EAST LINE OF A GENERAL WARRANTY DEED RECORDED WITH THE TULSA COUNTY CLERK'S OFFICE AS DOCUMENT NO. 2014083357 ON SEPTEMBER 19, 2014;
THENCE N01°11'31"W ALONG SAID EAST LINE FOR A DISTANCE OF 184.38 FEET TO THE POINT OF BEGINNING.

AND

A TRACT OF LAND LYING IN THE NORTHWEST QUARTER (NW1/4) OF SECTION TWO (2), TOWNSHIP EIGHTEEN (18) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN MERIDIAN, CITY OF BROKEN ARROW, TULSA COUNTY, OKLAHOMA AND FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID NW1/4;
THENCE N88°42'33"E ALONG THE NORTH LINE OF SAID NW1/4 FOR A DISTANCE OF 1112.21 FEET TO THE EAST LINE OF A GENERAL WARRANTY DEED RECORDED WITH THE TULSA COUNTY CLERK'S OFFICE AS DOCUMENT NO. 2014083357 ON SEPTEMBER 19, 2014;
THENCE S01°11'31"E ALONG SAID EAST LINE FOR A DISTANCE OF 184.38 FEET TO THE POINT OF BEGINNING SAID POINT ALSO BEING AT A CURVE TO THE RIGHT;
THENCE SOUTHEASTERLY ALONG SAID CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 9°46'34", A RADIUS OF 178.00 FEET FOR AN ARC LENGTH OF 30.37 FEET AND A LONG CHORD DISTANCE OF 30.33 FEET, BEARING S66°10'44"E;
THENCE S61°17'27"E FOR A DISTANCE OF 199.19 FEET;
THENCE S43°09'48"E FOR A DISTANCE OF 182.42 FEET;
THENCE N63°38'37"E FOR A DISTANCE OF 79.88 FEET;

EXHIBIT "A" continued

THENCE S28°00'25"E FOR A DISTANCE OF 569.33 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF WEST ALBANY STREET AS ESTABLISHED BY A SPECIAL WARRANTY DEED RECORDED WITH THE TULSA COUNTY CLERK'S OFFICE IN BOOK 7306, PAGES 2462-2464 ON JUNE 02, 2004 AND LATER AMENDED TO RETURN PORTIONS OF THE RIGHT-OF-WAY BY THE CITY OF BROKEN ARROW'S ORDINANCE NO. 2814, PASSED AND APPROVED AUGUST 21, 2006, AND RECORDED AS DOCUMENT NO. 2006098464 WITH THE TULSA COUNTY CLERK'S OFFICE;

(THE FOLLOWING 4 COURSE ARE ALONG SAID NORTHERLY RIGHT-OF-WAY)

1. THENCE S24°59'37"E FOR A DISTANCE OF 75.60 FEET;
2. THENCE S65°00'23"W FOR A DISTANCE OF 29.74 FEET TO A CURVE TO THE RIGHT;
3. THENCE NORTHWESTERLY ALONG SAID CURVE TO THE RIGHT WITH A CENTRAL ANGLE OF 81°51'26", A RADIUS OF 530.00 FEET FOR AN ARC LENGTH OF 757.20 FEET AND A LONG CHORD DISTANCE OF 694.43 FEET, BEARING N74°03'54"W;
4. THENCE N33°08'11"W FOR A DISTANCE OF 195.73 FEET;

THENCE N58°19'15"E FOR A DISTANCE OF 63.66 FEET;

THENCE S51°32'54"E FOR A DISTANCE OF 40.65 FEET;

THENCE N53°03'12"E FOR A DISTANCE OF 25.18 FEET;

THENCE N20°00'08"E FOR A DISTANCE OF 329.91 FEET;

THENCE N61°14'14"W FOR A DISTANCE OF 119.72 FEET TO A CURVE TO THE LEFT;

THENCE SOUTHWESTERLY ALONG SAID CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 60°03'06", A RADIUS OF 142.00 FEET FOR AN ARC LENGTH OF 148.83 FEET AND A LONG CHORD DISTANCE OF 142.11 FEET, BEARING S88°41'00"W;

THENCE S58°39'27"W FOR A DISTANCE OF 188.51 FEET TO A POINT ON SAID NORTHERLY RIGHT-OF-WAY LINE OF WEST ALBANY STREET;

THENCE N33°08'11"W ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR A DISTANCE OF 36.02 FEET TO A POINT ON THE SOUTHERLY LINE OF A GENERAL WARRANTY DEED RECORDED WITH THE TULSA COUNTY CLERK'S OFFICE AS DOCUMENT NO. 2014083357 ON SEPTEMBER 19, 2014;

(THE FOLLOWING 2 COURSES ARE ALONG SAID SOUTHERLY LINE)

1. THENCE N58°39'27"E FOR A DISTANCE OF 189.64 FEET TO A CURVE TO THE RIGHT;
2. THENCE NORTHEASTERLY ALONG SAID CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 50°16'32", HAVING A RADIUS OF 178.00 FEET FOR AN ARC LENGTH OF 156.19 FEET AND A LONG CHORD DISTANCE OF 151.23 FEET, BEARING N83°47'43"E TO THE POINT OF BEGINNING.

Exhibit B

A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER (NW/4) OF SECTION TWO (2), TOWNSHIP EIGHTEEN (18) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING AT A BRASS CAP FOUND AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER (NW/4); THENCE N88°42'33"E ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER A DISTANCE OF 750.25 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID NORTH LINE N88°42'33"E A DISTANCE OF 361.95 FEET; THENCE S01°11'31"E A DISTANCE OF 184.37 FEET; THENCE ALONG A CURVE TO THE LEFT WITH A CHORD BEARING OF S83°47'43"W, CHORD DISTANCE OF 151.23 FEET, A RADIUS OF 178.00 FEET FOR 156.19 FEET, THENCE S58°39'27"W A DISTANCE OF 189.61 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF ALBANY STREET; THENCE N33°08'04"W A DISTANCE OF 27.42 FEET ALONG SAID NORTH RIGHT OF WAY LINE; THENCE CONTINUING ALONG SAID RIGHT OF WAY ALONG A CURVE TO THE LEFT WITH A CHORD BEARING OF N43°54'22"W, A CHORD DISTANCE OF 252.31 FEET, A RADIUS OF 675.00 FEET FOR 253.81 FEET; THENCE N57°40'39"E A DISTANCE OF 25.55 FEET; THENCE N88°42'40"E A DISTANCE OF 66.31 FEET; THENCE N01°11'17"W A DISTANCE OF 39.94 FEET; THENCE N57°40'39"E A DISTANCE OF 58.56 FEET TO A POINT ON SAID NORTH LINE OF THE NORTHWEST QUARTER AND TO THE POINT OF BEGINNING HAVING AN AREA OF 92,300 SQUARE FEET OR 2.12 ACRES MORE OR LESS.

Exhibit C
**CITY OF BROKEN ARROW
 MUTUAL ACCESS EASEMENT
 (FOR SHARED PARKING)**

OWNER:

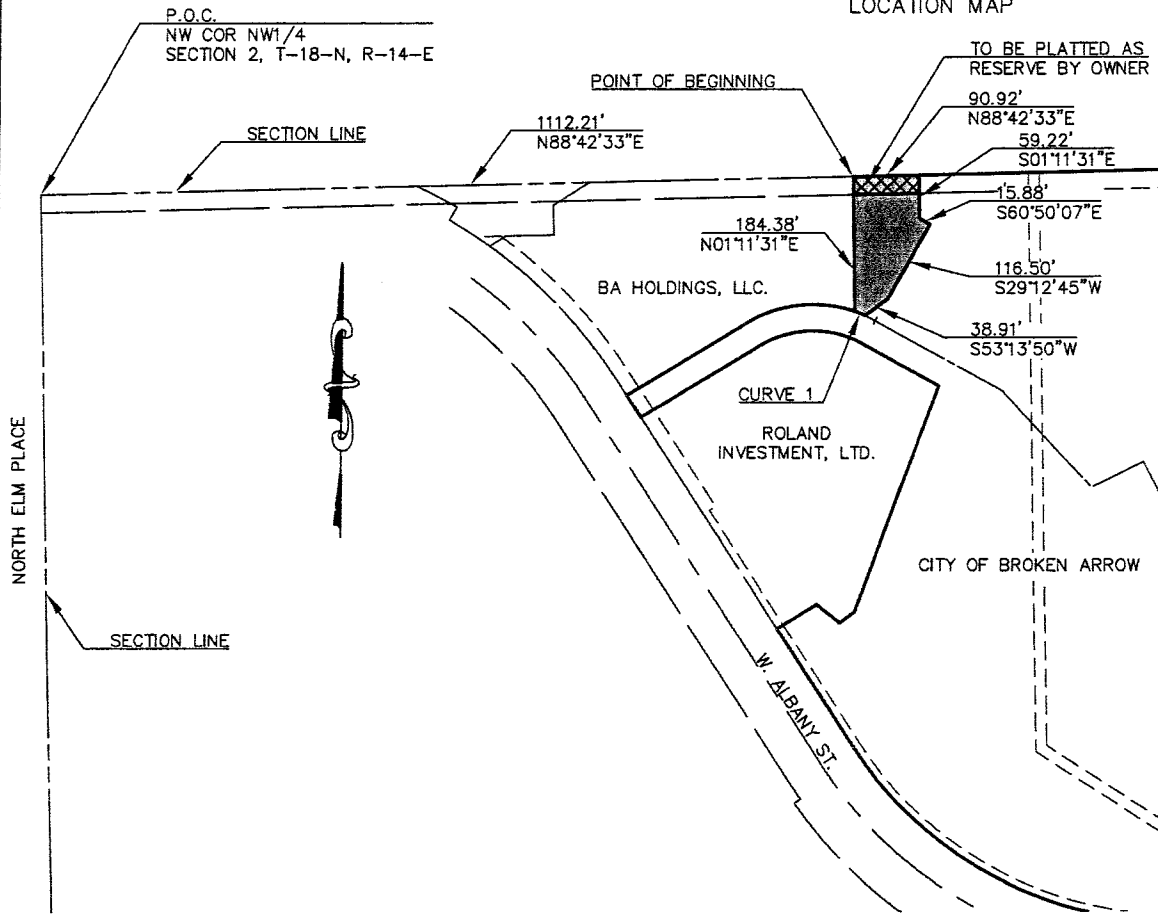
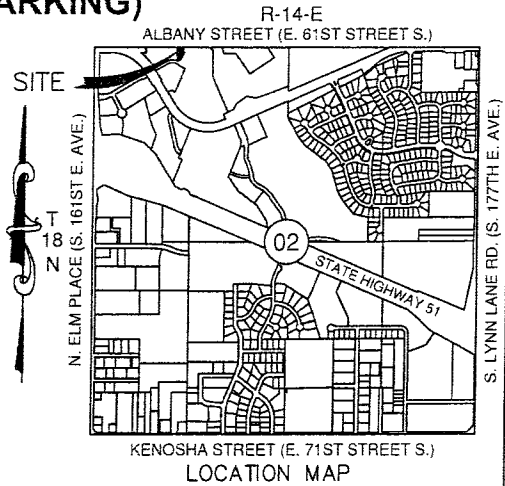
CITY OF BROKEN ARROW

ADDRESS:

220 SOUTH FIRST STREET
 BROKEN ARROW, OK 74012

STATEMENT OF BEARINGS:

GRID BEARING ALONG THE NORTH LINE OF THE NW1/4 OF
 SEC. 2-T18N-R14E (N88°42'33"E) BASED ON THE
 OKLAHOMA STATE PLANE COORDINATE SYSTEM, NORTH
 ZONE, U.S. SURVEY FEET



CURVE TABLE					
NO.	LENGTH	RADIUS	CENTRAL ANGLE	CHORD BEARING	CHORD DISTANCE
C1	15.18'	178.00'	04°53'10"	N68°37'26"W	15.17'

(SEE EXHIBIT C1 FOR LEGAL DESCRIPTION)

THIS EXHIBIT IS NOT A LAND OR BOUNDARY SURVEY PLAT



City of
BROKEN ARROW
Where opportunity lives

LOTS 1 & 3 OF TRACT C	DATE - MAY 2015
DRAWING - EXHIBIT A	DRAWN BY - KRR
REV -	SCALE - 1" = 200'
	CHECKED BY - JWS

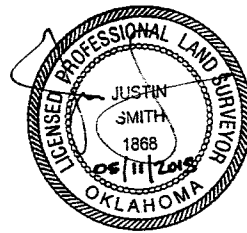
EXHIBIT C - CONT'D
CITY OF BROKEN ARROW
MUTUAL ACCESS EASEMENT
(FOR SHARED PARKING)

LEGAL DESCRIPTION:

A TRACT OF LAND LYING IN THE NORTHWEST QUARTER (NW1/4) OF SECTION TWO (2), TOWNSHIP EIGHTEEN (18) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN MERIDIAN, CITY OF BROKEN ARROW, TULSA COUNTY, OKLAHOMA AND FURTHER DESCRIBED AS FOLLOWS:
 COMMENCING AT THE NORTHWEST CORNER OF SAID NW1/4;
 THENCE N88°42'33"E ALONG THE NORTH LINE OF SAID NW1/4 FOR A DISTANCE OF 1112.21 FEET TO THE POINT OF BEGINNING;
 THENCE N88°42'33"E ALONG SAID NORTH LINE FOR A DISTANCE OF 90.92 FEET;
 THENCE S01°11'31"E FOR A DISTANCE OF 59.22 FEET;
 THENCE S60°50'07"E FOR A DISTANCE OF 15.88 FEET;
 THENCE S29°12'45"W FOR A DISTANCE OF 116.50 FEET;
 THENCE S53°13'50"W FOR A DISTANCE OF 38.91 FEET TO A CURVE TO THE LEFT
 THENCE NORTHWESTERLY ALONG SAID CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 04°53'10", HAVING A RADIUS OF 178.00 FEET FOR AN ARC LENGTH OF 15.18 FEET AND A LONG CHORD DISTANCE OF 15.17 FEET, BEARING N68°37'26"W;
 THENCE N01°11'31"W FOR A DISTANCE OF 184.38 FEET TO THE POINT OF BEGINNING;
 THE ABOVE DESCRIPTION CONTAINING 0.33 ACRES MORE OR LESS.

BEARINGS ARE BASED ON A GRID BEARING ALONG THE NORTH LINE OF THE NW1/4 OF SECTION 2, TOWNSHIP 18 NORTH, RANGE 14 EAST (N88°42'33"E) BASED ON THE OKLAHOMA STATE PLANE COORDINATE SYSTEM, NORTH ZONE, U.S. SURVEY FEET.

THIS DESCRIPTION WAS PREPARED ON MAY 05, 2015 ON BEHALF COWAN GROUP ENGINEERING, LLC. BY JUSTIN SMITH, PLS 1868, CERTIFICATE OF AUTHORIZATION NUMBER CA6414, EXPIRES ON JUNE 30, 2016.



JUSTIN SMITH, PLS 1868

DATE



CITY OF
BROKEN ARROW
Where opportunity lives

LOT 1 & 3 OF TRACT C	DATE - MAY 2015
DRAWING -	DRAWN BY - KRR
EXHIBIT B	SCALE -
REV -	CHK'D BY - JWS