

# Preliminary Plat QuikTrip No. 0033

A RESUBDIVISION OF ALL OF LOT ONE (1), BLOCK ONE (1), AMENDED PLAT OF WAGONER COUNTY LINE PLAZA, AND PART OF LOT TWO (2), BLOCK ONE (1), TIGER PLAZA, ADDITIONS TO THE CITY OF BROKEN ARROW, WAGONER COUNTY, STATE OF OKLAHOMA, AND PART OF THE SW/4 OF SECTION SIX (6), TOWNSHIP EIGHTEEN (18) NORTH, RANGE FIFTEEN (15) EAST OF THE I.B.&M., CITY OF BROKEN ARROW, WAGONER COUNTY, STATE OF OKLAHOMA.

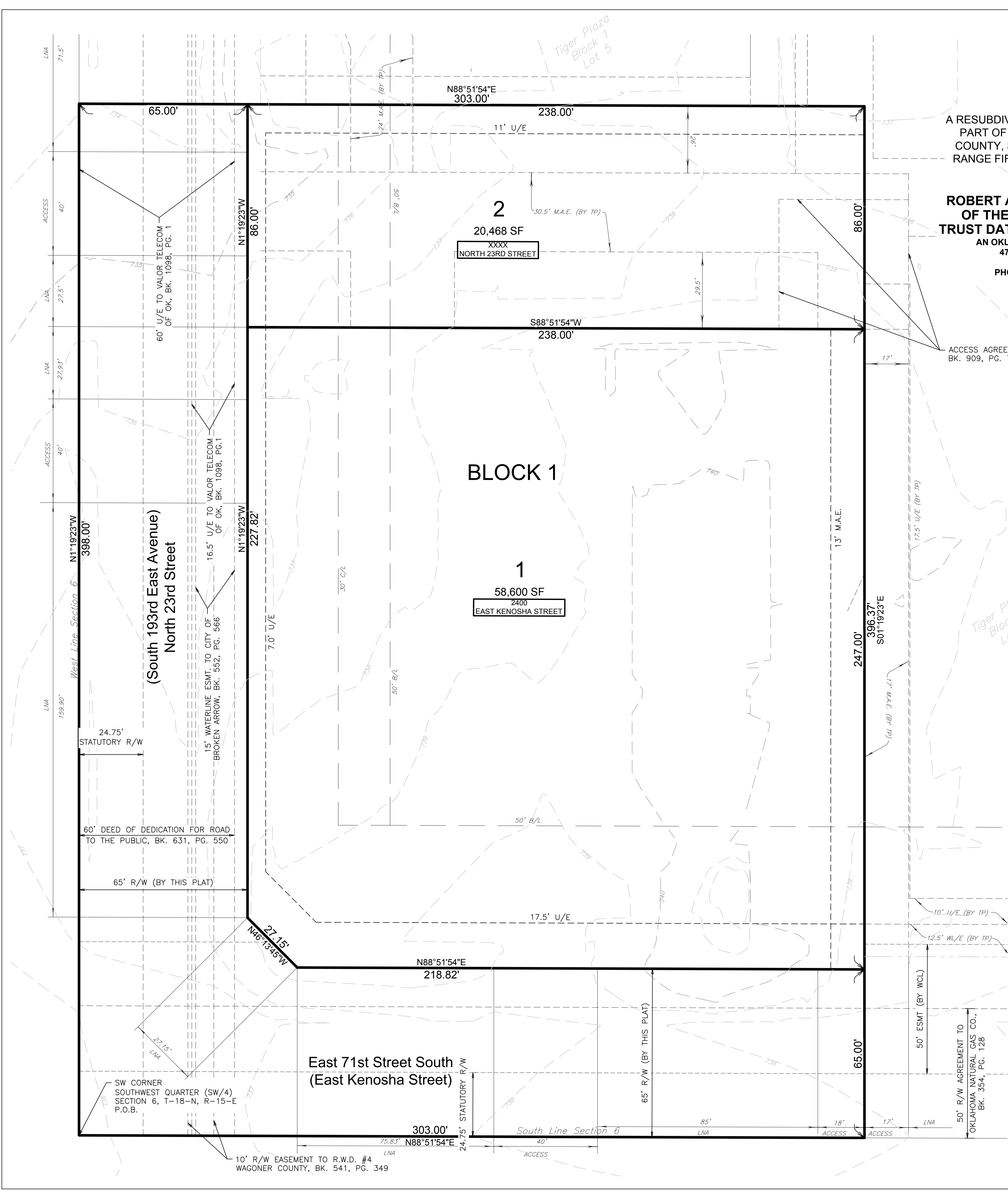
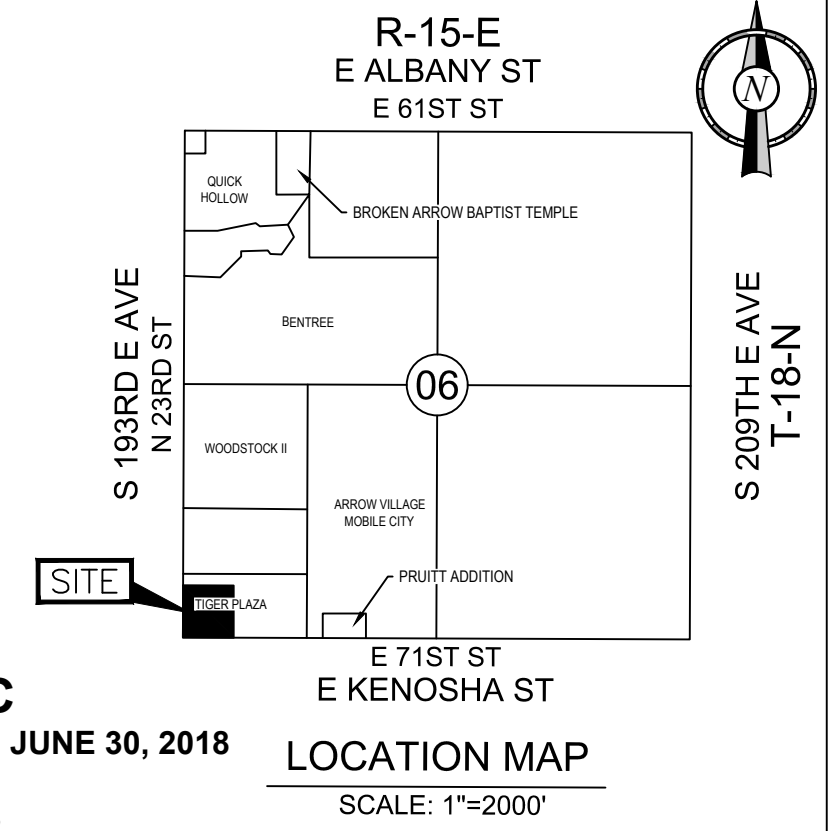
**OWNERS:**

**ROBERT A. SNYDER, TRUSTEE  
OF THE JANE E. HAWKINS  
TRUST DATED JANUARY 15, 1986**  
AN OKLAHOMA CORPORATION  
4705 S. 129TH E. AVE.  
TULSA, OK 74134  
PHONE: (918) 615-7254

**QUIKTRIP CORPORATION**  
AN OKLAHOMA CORPORATION  
4705 S. 129TH E AVE  
TULSA, OKLAHOMA 74134  
PHONE: (918) 615-7788  
CONTACT: CARLY GOODNIGHT  
EMAIL: CGODNIG@QUIKTRIP.COM

**ENGINEER/SURVEYOR:**

**AAB ENGINEERING, LLC**  
CERTIFICATE OF AUTHORIZATION NO. 6318, EXP. JUNE 30, 2018  
P.O. BOX 2136  
SAND SPRINGS, OKLAHOMA 74063  
PHONE: (918) 514-4283  
EMAIL: ALAN@AABENG.COM  
CONTACT: ALAN BETCHAN



ACCESS AGREEMENT & ESMT.  
BK. 909, PG. 785

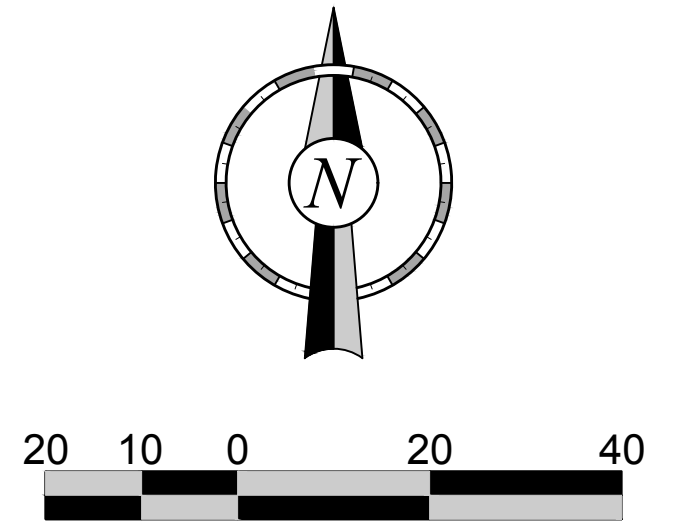
LEGEND	
B/L	BUILDING LINE
LNA	LIMITS OF NO ACCESS
U/E	UTILITY EASEMENT
M.A.E.	MUTUAL ACCESS EASEMENT
P.O.C.	POINT OF COMMENCEMENT
P.O.B.	POINT OF BEGINNING
SWC	SOUTHWEST CORNER
SEC	SOUTH EAST CORNER
IPF	IRON PIN FOUND
IPS	IRON PIN SET WITH CAP 6318
R/W	RIGHT OF WAY
C/L	CANOPY BUILDING LINE
TP	TIGER PLAZA PLAT
WCLP	WAGONER COUNTY LINE PLAZA AMENDED PLAT
W/L	WATERLINE EASEMENT

SITE DATA	
BENCHMARK ADS CONTROL "BA-33" - 5/8" REBAR - 1 1/2" ALUMINUM CAP ELEVATION=732.73' (NAVD 88)	
BASIS OF BEARINGS THE BEARING BASE FOR THE SURVEY IS BASED ON THE RECORDED PLATS OF AMENDED PLAT WAGONER COUNTY LINE PLAZA, AND TIGER PLAZA, TOGETHER WITH THE OKLAHOMA STATE PLAN COORDINATE SYSTEM NORTH ZONE.	
LAND AREA 79,068 SF ± / 1.82 ACRES ±	
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.	

**STORMWATER DISPOSITION NOTE**  
STORMWATER DETENTION ACCOMMODATIONS FOR THIS SITE ARE PROVIDED IN ACCORDANCE WITH DETENTION DETERMINATION # \_\_\_\_\_.

FINAL PLAT ENDORSEMENT OF APPROVAL	
Broken Arrow Planning Commission	
Approval Date:	_____
_____	BAPC
_____	CITY ENGINEER
Council of the City of Broken Arrow, Oklahoma	
Approval Date:	_____
_____	CHAIRMAN
_____	MAYOR
_____	ATTEST: CITY CLERK
_____	CITY ATTORNEY
The approval of this Final Plat will expire one year from the date of City Council approval if not filed in the Office of the County Clerk before that date.	

**FLOODPLAIN**  
THE ENTIRE PROPERTY IS NOT LOCATED WITHIN ANY FEDERALLY DESIGNATED FEMA FLOODPLAIN PER FIRM PANEL NUMBER 40145C0095J, DATED SEPTEMBER 30, 2016.



FILE LOCATION: F:\1815\06-07\_0033\01-0033\_Civil - Plat.dwg TAB NAME: Plat USER: rtech12 SAVES: 5/2/2017 9:30 AM PLOTTED: 5/3/2017 9:31 AM

Preliminary Plat  
**QuikTrip No. 0033**

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**ROBERT A. SNYDER, TRUSTEE  
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EMAIL: ALAN@AABENG.COM  
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**Deed of Dedication**

QuikTrip NO. 0033

KNOW ALL BY THESE PRESENTS:

ROBERT A. SNYDER, TRUSTEE OF THE JANE E. HAWKINS TRUST DATED JANUARY 15, 1986 IS THE OWNER OF LOT 1 AS DEPICTED ON THE ATTACHED PLAT AND QUIKTRIP CORPORATION, AN OKLAHOMA CORPORATION, IS THE OWNER OF LOT 2 AS DEPICTED ON THE ATTACHED PLAT, BOTH PARTIES HEREINAFTER REFERRED TO AS THE "OWNERS", SAID PROPERTIES BEING MORE COMPLETELY DESCRIBED AS FOLLOWS, TO-WIT:

A TRACT OF LAND THAT IS DEPICTED ON THE ATTACHED PLAT AS LOT ONE (1), BLOCK ONE (1), THE OWNER BEING QUIKTRIP CORPORATION, AN OKLAHOMA CORPORATION, AND LOT TWO (2), BLOCK ONE (1), THE OWNER BEING ROBERT A. SNYDER, TRUSTEE OF THE JANE E. HAWKINS TRUST DATED JANUARY 15, 1986, AND PART OF THE SOUTHWEST QUARTER (SW/4) OF SECTION SIX (6), 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, SAID TRACT OF LAND BEING DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT THAT IS THE SOUTHWEST CORNER OF SAID SW/4 OF SECTION 6; THENCE NORTH 01°19'23" WEST ALONG THE WESTERLY LINE OF SAID SECTION 6 FOR 398.00 FEET; THENCE NORTH 88°51'54" EAST ALONG THE WESTERLY EXTENSION OF A NORTHERLY LINE OF SAID LOT 2, TIGER PLAZA, THE SAME BEING A WESTERLY EXTENSION OF THE SOUTHERLY LINE OF LOT 5, BLOCK 1, TIGER PLAZA, AND ALONG THE COMMONLY PLATTED LINES, AND AN EASTERLY EXTENSION THEREOF FOR 303.00 FEET; THENCE SOUTH 01°19'23" EAST ALONG THE NORTHERLY EXTENSION OF THE EASTERLY LINE OF SAID LOT 1, AMENDED PLAT OF WAGONER COUNTY LINE PLAZA, AND ALONG SAID EASTERLY LINE, AND A SOUTHERLY EXTENSION THEREOF, FOR 398.00 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID SECTION 6; THENCE SOUTH 88°51'54" WEST ALONG SAID SOUTHERLY LINE FOR 303.00 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND.

THE SUBDIVISION CONTAINING 120,594 SQUARE FEET OR 2.768 ACRES, MORE OR LESS.

THE OWNERS HAVE CAUSED THE ABOVE DESCRIBED TRACT OF LAND TO BE SURVEYED, STAKED, PLATTED AND SUBDIVIDED INTO TWO (2) LOTS, ONE (1) BLOCK, IN CONFORMITY WITH THE ACCOMPANYING PLAT, AND HAS DESIGNATED THE SUBDIVISION AS "QUIKTRIP NO. 0033", A SUBDIVISION IN THE CITY OF BROKEN ARROW, WAGONER COUNTY, OKLAHOMA (HEREINAFTER REFERRED TO AS "QUIKTRIP NO. 0033" OR THE "SUBDIVISION").

**SECTION I. PUBLIC STREETS AND UTILITIES**

**A. PUBLIC STREETS AND UTILITY EASEMENTS**

- THE OWNERS HEREBY DEDICATE TO THE PUBLIC THE STREET RIGHTS-OF-WAY DEPICTED ON THE ACCOMPANYING PLAT. THE OWNERS FURTHER DEDICATES TO THE PUBLIC THE UTILITY EASEMENTS DESIGNATED AS "U/E" OR "UTILITY EASEMENT" 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, MANHOLES 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 STATED, PROVIDED THE OWNERS RESERVES THE RIGHT TO CONSTRUCT, MAINTAIN, OPERATE, LAY AND REPAIR OR REPLACE WATER LINES AND SEWER LINES, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS FOR SUCH CONSTRUCTION, MAINTENANCE, OPERATION, LAYING, REPAIRING AND RE-LAYING OVER, ACROSS AND ALONG ALL OF THE UTILITY EASEMENTS DEPICTED ON THE PLAT FOR THE PURPOSE OF FURNISHING WATER AND/OR SEWER SERVICES TO AREAS DEPICTED ON THE PLAT. THE OWNERS HEREIN IMPOSES A RESTRICTIVE COVENANT, WHICH COVENANT SHALL BE BINDING ON EACH LOT OWNERS 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 THAT INTERFERES WITH STATED USES AND PURPOSES OF THE UTILITY EASEMENTS SHALL BE PLACED, ERECTED, INSTALLED OR MAINTAINED, PROVIDED NOTHING HEREIN SHALL BE DEEMED TO PROHIBIT DRIVES, PARKING AREAS, CURBING, LANDSCAPING AND CUSTOMARY SCREENING FENCES WHICH DO NOT CONSTITUTE AN OBSTRUCTION.

**B. WATER, SANITARY SEWER, AND STORM SEWER SERVICE**

- THE OWNERS OF ANY LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE PUBLIC WATER MAINS, SANITARY SEWER MAINS, AND STORM SEWERS LOCATED ON THE OWNERS'S LOT.
- WITHIN UTILITY EASEMENTS, 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, OR STORM SEWER OR ANY CONSTRUCTION ACTIVITY WHICH, IN THE JUDGMENT OF THE CITY OF BROKEN ARROW, WOULD INTERFERE WITH PUBLIC WATER MAINS, SANITARY SEWER MAINS, AND STORM SEWERS SHALL BE PROHIBITED.
- THE CITY OF BROKEN ARROW, OKLAHOMA, OR ITS SUCCESSORS, SHALL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF PUBLIC WATER SYSTEMS, SANITARY SEWER MAINS, AND STORM SEWERS BUT THE OWNERS SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNERS, OR THE OWNER'S AGENTS AND/OR CONTRACTORS.
- THE CITY OF BROKEN ARROW, OKLAHOMA, OR ITS SUCCESSORS, SHALL AT ALL TIMES HAVE RIGHT OF ACCESS TO ALL 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 UNDERGROUND WATER, SANITARY SEWER, OR STORM SEWER FACILITIES.
- THE COVENANTS SET FORTH IN THIS SUBSECTION SHALL BE ENFORCEABLE BY THE CITY OF BROKEN ARROW, OKLAHOMA, OR ITS SUCCESSORS, AND THE OWNERS OF EACH LOT AGREES TO BE BOUND BY THESE COVENANTS.

**C. PAVING AND LANDSCAPING WITHIN EASEMENTS**

THE OWNERS OF ANY LOT DEPICTED ON THE ACCOMPANYING PLAT SHALL BE RESPONSIBLE FOR THE REPAIR OF DAMAGE TO LANDSCAPING AND PAVING OCCASIONED BY INSTALLATION OR NECESSARY MAINTENANCE OF UNDERGROUND WATER, SANITARY SEWER, STORM SEWER, NATURAL GAS, COMMUNICATION, CABLE TELEVISION OR ELECTRIC FACILITIES WITHIN THE EASEMENT AREAS DEPICTED UPON THE ACCOMPANYING PLAT, PROVIDED THE CITY OF BROKEN ARROW, OKLAHOMA, OR ITS SUCCESSORS, OR THE SUPPLIER OF THE UTILITY SERVICE SHALL USE REASONABLE CARE IN

THE PERFORMANCE OF SUCH ACTIVITIES.

**D. UTILITY SERVICE**

- OVERHEAD LINES** FOR THE SUPPLY OF ELECTRIC, TELEPHONE AND CABLE TELEVISION SERVICES MAY BE LOCATED WITHIN THE PERIMETER EASEMENTS OF THE SUBDIVISION. STREET LIGHT POLES OR STANDARDS MAY BE SERVED BY OVERHEAD LINE 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 ON THE ACCOMPANYING PLAT. SERVICE PEDESTALS AND TRANSFORMERS, AS SOURCES OF SUPPLY AT SECONDARY VOLTAGES, MAY ALSO BE LOCATED IN GENERAL UTILITY EASEMENTS.
- UNDERGROUND SERVICE CABLES** AND GAS SERVICE LINES TO ALL STRUCTURES WITHIN THE SUBDIVISION MAY BE EXTENDED FROM THE NEAREST GAS MAIN, SERVICE PEDESTAL OR TRANSFORMER TO THE POINT OF USAGE DETERMINED BY THE LOCATION AND CONSTRUCTION OF SUCH STRUCTURE UPON THE LOT, PROVIDED UPON INSTALLATION OF A SERVICE CABLE OR GAS SERVICE LINE TO A PARTICULAR STRUCTURE, THE SUPPLIER OF SERVICE SHALL THEREAFTER BE DEEMED TO HAVE A DEFINITIVE, PERMANENT, EFFECTIVE AND NON-EXCLUSIVE EASEMENT ON THE LOT, COVERING A 5 FOOT STRIP EXTENDING 2.5 FEET ON EACH SIDE OF THE SERVICE CABLE OR LINE EXTENDING FROM THE GAS MAIN, SERVICE PEDESTAL OR TRANSFORMER TO THE SERVICE ENTRANCE ON THE STRUCTURE.
- THE SUPPLIER OF ELECTRIC, TELEPHONE, CABLE TELEVISION AND GAS SERVICE, THROUGH ITS AGENTS AND EMPLOYEES, SHALL AT ALL TIMES HAVE THE RIGHT OF ACCESS TO ALL UTILITY EASEMENTS SHOWN ON THE 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 GAS FACILITIES INSTALLED BY THE SUPPLIER OF THE UTILITY SERVICE.
- THE OWNERS OF ANY LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE UNDERGROUND SERVICE FACILITIES LOCATED ON THE OWNERS'S LOT AND SHALL PREVENT THE ALTERATION OF GRADE OR ANY CONSTRUCTION ACTIVITY WHICH WOULD INTERFERE WITH THE ELECTRIC, TELEPHONE, CABLE TELEVISION OR GAS FACILITIES. EACH SUPPLIER OF THESE SERVICES SHALL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF UNDERGROUND FACILITIES, BUT THE OWNERS SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNERS OR THE OWNER'S AGENTS OR CONTRACTORS.
- THE COVENANTS SET FORTH IN THIS SUBSECTION SHALL BE ENFORCEABLE BY EACH SUPPLIER OF THE ELECTRIC, TELEPHONE, CABLE TELEVISION OR GAS SERVICE AND THE OWNERS OF ANY LOT AGREES TO BE BOUND BY THESE COVENANTS.

**E. GAS SERVICE**

- THE SUPPLIER OF GAS SERVICE THROUGH ITS AGENTS AND EMPLOYEES SHALL AT ALL TIMES HAVE THE RIGHT OF ACCESS TO ALL UTILITY EASEMENTS SHOWN ON THE PLAT OR AS OTHERWISE PROVIDED FOR IN THIS DEED OF DEDICATION FOR THE PURPOSE OF INSTALLING, REMOVING, REPAIRING, OR REPLACING ANY PORTION OF THE FACILITIES INSTALLED BY THE SUPPLIER OF GAS SERVICE.
- THE OWNERS OF ANY LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE UNDERGROUND GAS FACILITIES LOCATED WITHIN THE LOT AND SHALL PREVENT THE ALTERATION OF GRADE OR ANY OTHER CONSTRUCTION ACTIVITY WHICH WOULD INTERFERE WITH GAS SERVICE. THE SUPPLIER OF GAS SERVICE SHALL BE RESPONSIBLE FOR THE ORDINARY MAINTENANCE OF ITS FACILITIES, BUT THE OWNERS SHALL PAY FOR DAMAGE OR RELOCATION OF FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNERS, OR THE OWNER'S AGENTS OR CONTRACTORS.
- THE COVENANTS SET FORTH IN THIS SUBSECTION SHALL BE ENFORCEABLE BY THE SUPPLIER OF THE GAS SERVICE AND THE OWNERS OF THE LOT AGREES TO BE BOUND BY THESE COVENANTS.

**F. LIMITS OF NO ACCESS**

THE OWNERS HEREBY RELINQUISH RIGHTS OF VEHICULAR INGRESS OR EGRESS FROM ANY PORTION OF THE PROPERTY ADJACENT TO NORTH 23RD STREET AND EAST KENOSHA STREET WITHIN THE BOUNDS DESIGNATED AS "LIMITS OF NO ACCESS" OR "L.N.A." 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.

**G. SURFACE DRAINAGE**

EACH LOT WITHIN THE SUBDIVISION SHALL RECEIVE AND DRAIN, IN AN UNOBSTRUCTED MANNER, THE STORM AND SURFACE WATERS FROM LOTS AND DRAINAGE AREAS OF HIGHER ELEVATION. NO LOT OWNERS 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 THE OWNER'S LOT. THE FOREGOING COVENANTS SET FORTH IN THIS PARAGRAPH SHALL BE ENFORCEABLE BY ANY AFFECTED LOT OWNERS AND BY THE CITY OF BROKEN ARROW, OKLAHOMA.

**H. MUTUAL ACCESS EASEMENT**

MUTUAL ACCESS EASEMENTS, DEPICTED AS "M.A.E." OR "MUTUAL ACCESS EASEMENTS" ON THE ACCOMPANYING PLAT, 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, SUCH EASEMENTS SHALL BE FOR THE MUTUAL USE AND BENEFIT OF THE OWNERS OF ANY LOT IN THE SUBDIVISION AND THE OWNER'S GUESTS, AND INVITEES, AND SHALL BE APPURTENANT TO EACH LOT IN THE SUBDIVISION, PROVIDED GOVERNMENTAL AGENCIES AND THE SUPPLIERS OF THE UTILITY SERVICES SHALL HAVE THE REASONABLE USE OF SUCH EASEMENTS INCIDENTAL TO THE PROVISION OF SERVICES TO THE LOTS WITHIN THE

**I. SIDEWALKS**

SIDEWALKS SHALL BE CONSTRUCTED AND MAINTAINED ALONG STREETS DESIGNATED BY AND IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF THE CITY OF BROKEN ARROW, OKLAHOMA, AND ALL SUCH SIDEWALKS SHALL BE CONSTRUCTED BY THE OWNERS PRIOR TO THE ISSUANCE OF THE OCCUPANCY PERMIT FOR ANY BUILDING WITHIN THE SUBDIVISION. THE OWNERS SHALL CONSTRUCT SIDEWALKS IN CONFORMANCE WITH THE STANDARDS OF THE CITY OF BROKEN ARROW ENGINEERING DESIGN STANDARDS.

**J. CERTIFICATE OF OCCUPANCY RESTRICTIONS**

NO CERTIFICATE OF OCCUPANCY FOR A BUILDING WITHIN THE SUBDIVISION SHALL BE ISSUED BY THE CITY OF BROKEN ARROW, OKLAHOMA UNTIL CONSTRUCTION OF THE REQUIRED INFRASTRUCTURE (STREETS, WATER, SANITARY SEWER, STORM SEWER SYSTEMS AND SIDEWALKS) SERVING THE ENTIRE SUBDIVISION HAS BEEN COMPLETED AND ACCEPTED BY THE CITY OF BROKEN ARROW, OKLAHOMA. NOTWITHSTANDING THE FOREGOING, THE CITY MAY AUTHORIZE THE ISSUANCE OF A TEMPORARY CERTIFICATE OF OCCUPANCY IF, IN THE CITY'S SOLE DISCRETION, THE CIRCUMSTANCES SUPPORT THE ISSUANCE. FURTHER NOTWITHSTANDING THE FOREGOING, THE CITY MAY AUTHORIZE THE PHASING OF THE CONSTRUCTION OF INFRASTRUCTURE WITHIN THE SUBDIVISION, AND IF PHASING IS AUTHORIZED, A CERTIFICATE OF OCCUPANCY FOR A BUILDING WITHIN AN AUTHORIZED PHASE MAY ISSUE UPON THE COMPLETION AND ACCEPTANCE OF THE INFRASTRUCTURE SERVING THE PARTICULAR PHASE. BUILDING CONSTRUCTION OCCURRING PRIOR TO THE CITY'S ACCEPTANCE OF THE INFRASTRUCTURE SHALL BE AT THE RISK OF THE OWNERS OF THE LOT, NOTWITHSTANDING THE ISSUANCE OF A BUILDING PERMIT OR OF A TEMPORARY CERTIFICATE OF OCCUPANCY.

**SECTION II. PLANNED UNIT DEVELOPMENT RESTRICTIONS**

WHEREAS QUIKTRIP NO. 0033 WAS SUBMITTED AS A PLANNED UNIT DEVELOPMENT, DESIGNATED AS PUD 225 PURSUANT TO SECTION 2.Y, ARTICLE A OF THE ZONING ORDINANCE OF THE CITY OF BROKEN ARROW, OKLAHOMA, (ORDINANCE NO. 2931) AS AMENDED AND EXISTED ON FEBRUARY 1, 2008 (HEREINAFTER REFERRED TO AS THE "BROKEN ARROW ZONING ORDINANCE"), WHICH P.U.D. NO. 225 WAS RECOMMENDED FOR APPROVAL BY THE PLANNING COMMISSION ON JANUARY 12, 2017, AND WAS APPROVED BY THE COUNCIL OF THE CITY OF BROKEN ARROW, OKLAHOMA, ON FEBRUARY 7, 2017; WHEREAS THE PLANNED UNIT DEVELOPMENT PROVISIONS OF THE CITY OF BROKEN ARROW ZONING CODE REQUIRED THE ESTABLISHMENT OF COVENANTS OF RECORD, INURING TO AND ENFORCEABLE BY THE CITY OF BROKEN ARROW, OKLAHOMA, SUFFICIENT TO ASSURE THE IMPLEMENTATION AND CONTINUING COMPLIANCE WITH THE APPROVED PLANNED UNIT DEVELOPMENT, AND WHEREAS, THE OWNERS DESIRE TO ESTABLISH RESTRICTIONS FOR THE PURPOSE OF PROVIDING FOR AN ORDERLY DEVELOPMENT AND TO INSURE ADEQUATE RESTRICTIONS FOR THE MUTUAL BENEFIT OF THE OWNERS, ITS SUCCESSORS AND ASSIGNS, AND THE CITY OF BROKEN ARROW, OKLAHOMA; THEREFORE, THE OWNERS DOES HEREBY IMPOSE THE FOLLOWING RESTRICTIONS AND COVENANTS WHICH SHALL BE COVENANTS RUNNING WITH THE LAND AND SHALL BE BINDING UPON THE OWNERS, ITS SUCCESSORS AND ASSIGNS, AND SHALL BE ENFORCEABLE AS HEREINAFTER SET FORTH.

**A. PERMITTED USES**

ALL USES PERMITTED BY RIGHT WITHIN THE ZONING DISTRICT COMMERCIAL NEIGHBORHOOD

**B. NET DEVELOPMENT AREA**

1.82 ACRES

**C. MINIMUM LOT WIDTH**

86 FEET

**D. MINIMUM BUILDING SETBACKS**

WEST, N. 23RD ST. (BUILDING)	50 FEET
WEST, N. 23RD ST. (CANOPY)	30 FEET
EAST	15 FEET
SOUTH, KENOSHA ST.	50 FEET
SIDE YARD, INTERNAL	0 FEET
NORTH	0 FEET

**E. LANDSCAPE AND SCREENING STANDARDS**

LANDSCAPING AND SCREENING WILL BE PROVIDED ALONG SOUTH 193RD EAST AVENUE AND EAST 71ST STREET SOUTH IN ACCORDANCE WITH THE CITY OF BROKEN ARROW ZONING ORDINANCE, EXCEPT AS HEREINAFTER MODIFIED:

MINIMUM PERCENTAGE OF INTERNAL LANDSCAPE AREA	8%
MINIMUM WIDTH OF LANDSCAPE EDGE SOUTH	6.5 FEET
WEST	9.5 FEET
MINIMUM # OF SHRUBS WITH EDGE FRONTAGE	15 SHRUBS PER 50 FEET OF
MINIMUM WIDTH OF LANDSCAPE ISLAND ABUTTING DRIVES	5 FEET

THERE WILL BE NO REQUIREMENT REGARDING PLACEMENT OF A LANDSCAPED AREA WITHIN A PRESCRIBED DISTANCE OF ALL PARKING SPACES. TREES AND SHRUBS REQUIRED WITHIN THE LANDSCAPE EDGE MAY BE CONTAINED WITHIN THE ROW PROVIDED THEY ARE WITHIN 3' OF THE PROPERTY LINE. A NOTE SHALL BE PLACED ON THE LANDSCAPE PLAN STATING: "PROPERTY OWNERS(S), OR THEIR DESIGNEES, ASSUMES ALL LIABILITY AND REPLACEMENT RESPONSIBILITIES FOR ANY DAMAGE TO LANDSCAPING WITHIN RIGHTS-OF-WAY." THE FOREGOING ALLOWANCE OF LANDSCAPING WITHIN THE ROW SHALL BE NULL IF THE ROW VACATION OF 5' ALONG BOTH ARTERIAL FRONTAGES IS APPROVED. EXHIBIT B DEPICTS THE PROPOSED LANDSCAPING PLAN FOR THE PROPERTY.

ALL TRASH ENCLOSURES SHALL BE SCREENED FROM PUBLIC VIEW OF A PERSON STANDING AT GROUND LEVEL BY A MASONRY WALL A MINIMUM OF 6' IN HEIGHT. ENCLOSURE DOORS COMPOSED OF A FABRIC WITH A MINIMUM OPACITY OF 95% WILL BE PERMITTED.

**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 OWNERS, ITS SUCCESSORS AND ASSIGNS. WITHIN THE PROVISIONS OF SECTION I. PUBLIC STREETS AND UTILITIES, ARE SET FORTH CERTAIN COVENANTS AND THE ENFORCEMENT RIGHTS PERTAINING THERETO AND WHETHER OR NOT THEREIN SO STATED, THE COVENANTS WITHIN SECTION I SHALL INURE TO THE BENEFIT OF, AND BE ENFORCEABLE BY, THE CITY OF BROKEN ARROW, OKLAHOMA. IF ANY JUDICIAL ACTION IS BROUGHT TO ENFORCE THE COVENANTS ESTABLISHED IN THIS DEED OF DEDICATION THE DEFENSE THAT THE PARTY INITIATING THE EQUITABLE PROCEEDING HAS AN ADEQUATE REMEDY AT LAW IS HEREBY WAIVED.

**B. DURATION**

THESE RESTRICTIONS SHALL REMAIN IN FULL FORCE AND EFFECT FOR 25 YEARS AND SHALL AUTOMATICALLY BE CONTINUED THEREAFTER FOR SUCCESSIVE PERIODS OF 10 YEARS EACH, UNLESS TERMINATED OR AMENDED AS HEREINAFTER PROVIDED.

**C. AMENDMENT**

THE COVENANTS CONTAINED WITHIN SECTION I. PUBLIC STREETS AND UTILITIES, MAY BE AMENDED OR TERMINATED AT ANY TIME WHETHER BEFORE OR AFTER THE PERIOD(S) SPECIFIED IN SUBSECTION B, BY A WRITTEN INSTRUMENT SIGNED AND ACKNOWLEDGED BY THE OWNERS OF THE LOT 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.

**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 OF ANY PART THEREOF AS SET FORTH HEREIN, WHICH SHALL REMAIN IN FULL FORCE AND EFFECT.

IN WITNESS WHEREOF: ROBERT A. SNYDER, TRUSTEE OF THE JANE E. HAWKINS TRUST, HAS EXECUTED THIS INSTRUMENT THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2017.

ROBERT A. SNYDER, TRUSTEE OF THE JANE E. HAWKINS TRUST

BY: \_\_\_\_\_

ROBERT A. SNYDER

STATE OF OKLAHOMA )

) SS

COUNTY OF WAGONER )

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2017, BY ROBERT A. SNYDER, TRUSTEE OF THE JANE E. HAWKINS TRUST.

NOTARY PUBLIC

COMMISSION NUMBER: \_\_\_\_\_

EXPIRES: \_\_\_\_\_

IN WITNESS WHEREOF: "THE OWNERS" HAS EXECUTED THIS INSTRUMENT THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2017.

QUIKTRIP CORPORATION, AN OKLAHOMA CORPORATION

BY: \_\_\_\_\_

CHAD STANFORD

VICE PRESIDENT OF REAL ESTATE

STATE OF OKLAHOMA )

) SS

COUNTY OF WAGONER )

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2017, BY QUIKTRIP CORPORATION, AN OKLAHOMA CORPORATION.

NOTARY PUBLIC

COMMISSION NUMBER: \_\_\_\_\_

EXPIRES: \_\_\_\_\_

**CERTIFICATE OF SURVEY**

I, ERIC ROLLSTON, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF OKLAHOMA, HEREBY CERTIFY THAT I HAVE SURVEYED, SUBDIVIDED, AND PLATTED THE ABOVE TRACT DESIGNATED AS "QUIKTRIP NO. 0033", A SUBDIVISION IN THE CITY OF BROKEN ARROW, WAGONER COUNTY, STATE OF OKLAHOMA. THE ABOVE PLAT IS AN ACCURATE REPRESENTATION OF SAID SURVEY.



ERIC ROLLSTON

REGISTERED PROFESSIONAL LAND SURVEYOR

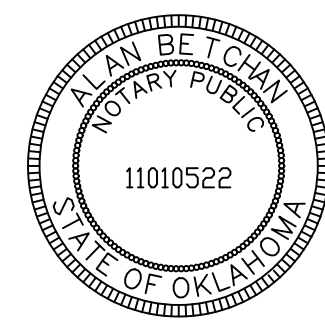
OKLAHOMA NO. 1761

STATE OF OKLAHOMA )

) SS

COUNTY OF WAGONER )

BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID STATE AND COUNTY, ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2017, PERSONALLY APPEARED ERIC ROLLSTON, 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

COMMISSION NUMBER: 11010522

EXPIRES: 11-20-2019