

UTILITY EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

That the undersigned, BURNSTEIN FAMILY INVESTMENT COMPANY, L.L.C., an Oklahoma limited liability company whose address is 2104 East 26<sup>th</sup> Street, Tulsa, Oklahoma 74114 and the REVOCABLE INTER VIVOS TRUST OF JOHN F. HAUSAM, the owner(s), of the legal and equitable title to the following described real estate, "Grantor," in consideration of the sum of One Dollar (\$1.00), cash in hand paid by the City of Broken Arrow, Oklahoma and other good and valuable considerations, receipt of which is hereby acknowledged, do(es) hereby assign(s), grant(s) and convey(s) to the City of Broken Arrow, Tulsa County, Oklahoma, a municipal corporation, its successors and assigns, "Grantee," an easement and right of way over and across the following described real property and premises, situated in TULSA County, State of Oklahoma to wit:

SEE EXHIBIT "A"

with right of ingress and egress to and from the same, for the purpose of constructing, operating, and replacing utility lines and appurtenances.

Grantor agrees not to build or construct any building or buildings upon the permanent easement area. However, Grantor expressly reserves the right to build and construct sidewalks, streets and driveways, water mains, gas lines, electrical lines and other public service facilities across said premises herein described.

There is further granted the right to remove any tree or parts of trees, which in the judgment of the City may interfere with the construction of the applicable utilities.

PROVIDED, that the said Grantor, his/her heirs, executors, administrators and assigns, shall fully use and enjoy the said premises except as may be necessary for the purposes herein granted to the City, its successors or assigns.

TO HAVE AND TO HOLD such easement and right of way unto the City of Broken Arrow, Oklahoma, its successors and assigns forever.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed this 1 day of July, 2015.

BURNSTEIN FAMILY INVESTMENT COMPANY, L.L.C., an Oklahoma limited liability company

By: Sanford Burnstein a/k/a Stan Burnstein, Manager Member

State of Oklahoma ) ) ss. County of )

Before me, the undersigned, a Notary Public within and for said County and State, on this 15<sup>th</sup> day of July, 2015, personally appeared Sanford Burnstein a/k/a Stan Burnstein as Manager Member of the Burnstein Family Investment Company, L.L.C., an Oklahoma limited liability company, to me known to be the identical person(s) who executed the within and foregoing instrument and acknowledged to me that he executed the same as his free and voluntary act and deed for the purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

My Commission expires: 12/15/18

Notary Public seal for Michelle E. Mitchell, Notary Public, State of Oklahoma, Tulsa County, Commission Expires 12-15-2018, No. 1401115. Signature: Michelle E. Mitchell

REVOCABLE INTER VIVOS TRUST OF JOHN F. HAUSAM

By: John F. Hausam ✓  
John F. Hausam, Trustee

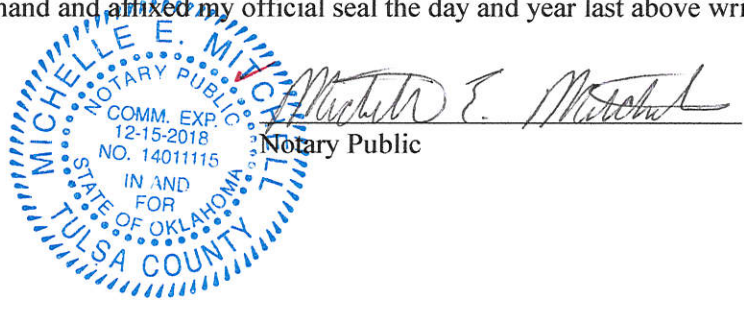
By: John Louis Hausam ✓  
John Louis Hausam, Trustee

State of Oklahoma )  
                                  ) ss.  
County of )

Before me, the undersigned, a Notary Public within and for said County and State, on this 15<sup>th</sup> day of July, 2015, personally appeared John F. Hausam, Trustee of the Revocable Inter Vivos Trust of John F. Hausam, to me known to be the identical person(s) who executed the within and foregoing instrument and acknowledged to me that he executed the same as his free and voluntary act and deed for the purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

My Commission expires: 12/15/18

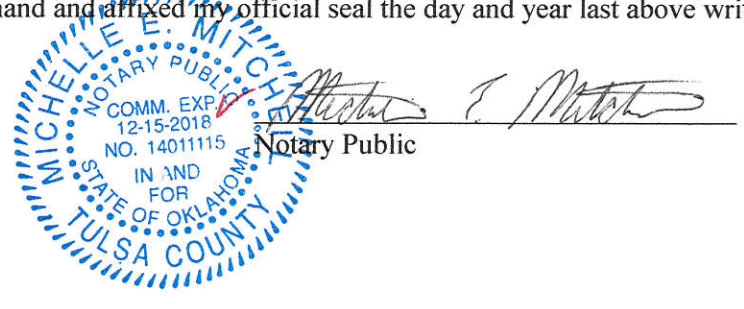


State of Oklahoma )  
                                  ) ss.  
County of )

Before me, the undersigned, a Notary Public within and for said County and State, on this 15<sup>th</sup> day of July, 2015, personally appeared John Louis Hausam, as Trustee of the Revocable Inter Vivos Trust of John F. Hausam, to me known to be the identical person(s) who executed the within and foregoing instrument and acknowledged to me that he executed the same as his free and voluntary act and deed for the purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

My Commission expires: 12/15/18



Approved as to Form:  
[Signature]  
Asst. City Attorney

Approved as to Substance:  
\_\_\_\_\_  
City Manager

Engineer: [Signature] checked: 07/14/15

Project: Aspen Creek Relief Line Sanitary Sewer Improvements #S.1307-1B

EXHIBIT A  
1 OF 2

Parcel No. 1B  
Burnstein Family Investment Co., LLC  
Revocable Inter Vivos Trust  
Of John F. Hausam

Date Written: April 8, 2015

PERMANENT EASEMENT

A tract of land located in the East one half (E1/2) of the Southeast one quarter (SE1/4) of Section 33, Township 18 North, Range 14 East of the I.B. & M., Tulsa County, Oklahoma, more particularly described as follows:

Commencing at a brass monument being the Southeast corner of said SE1/4, thence S88°41'05"W along the South line thereof 1,081.37 feet; thence N01°18'55"W 24.75 feet to the Point of Beginning, said point being on the northerly statutory section line right-of-way line; thence S88°41'05"W along said northerly statutory section line right-of-way line 22.51 feet; thence N02°47'38"W 7.49 feet; thence N10°46'11"W 18.01 feet; thence N88°41'05"E 22.81 feet; thence S10°46'11"E 15.83 feet; thence S02°47'38"E 9.64 feet to the Point of Beginning. Containing 573.36 square feet or 0.01 acres of Permanent Easement. Bearings based on Oklahoma State Plane Coordinate System, North Zone.

Real Property Certification

I, Charles W. Chastain, P.L.S., Holloway, Updike and Bellen, Inc., certify that the attached Permanent Easement closes in accord with existing records, is a true representation of the real property as described, and meets the minimum technical standards for land surveying of the State of Oklahoma.

APRIL 8, 2015  
Date


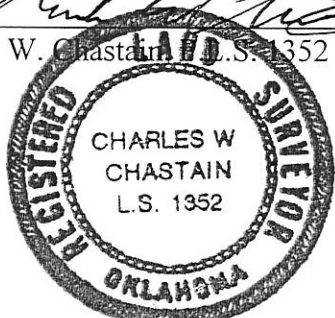
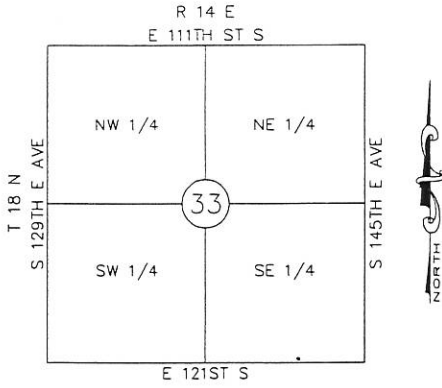
  
Charles W. Chastain, P.L.S. 1352  


EXHIBIT A  
2 OF 2

JOB NUMBER: 13BAASPENSWR  
 PARCEL NO. 1B  
 COUNTY: TULSA COUNTY

LEGAL DESCRIPTION OF RECORD:  
 SECTION 33 TOWNSHIP 18N RANGE 14E

PERMANENT EASEMENT - 573.36 S.F.



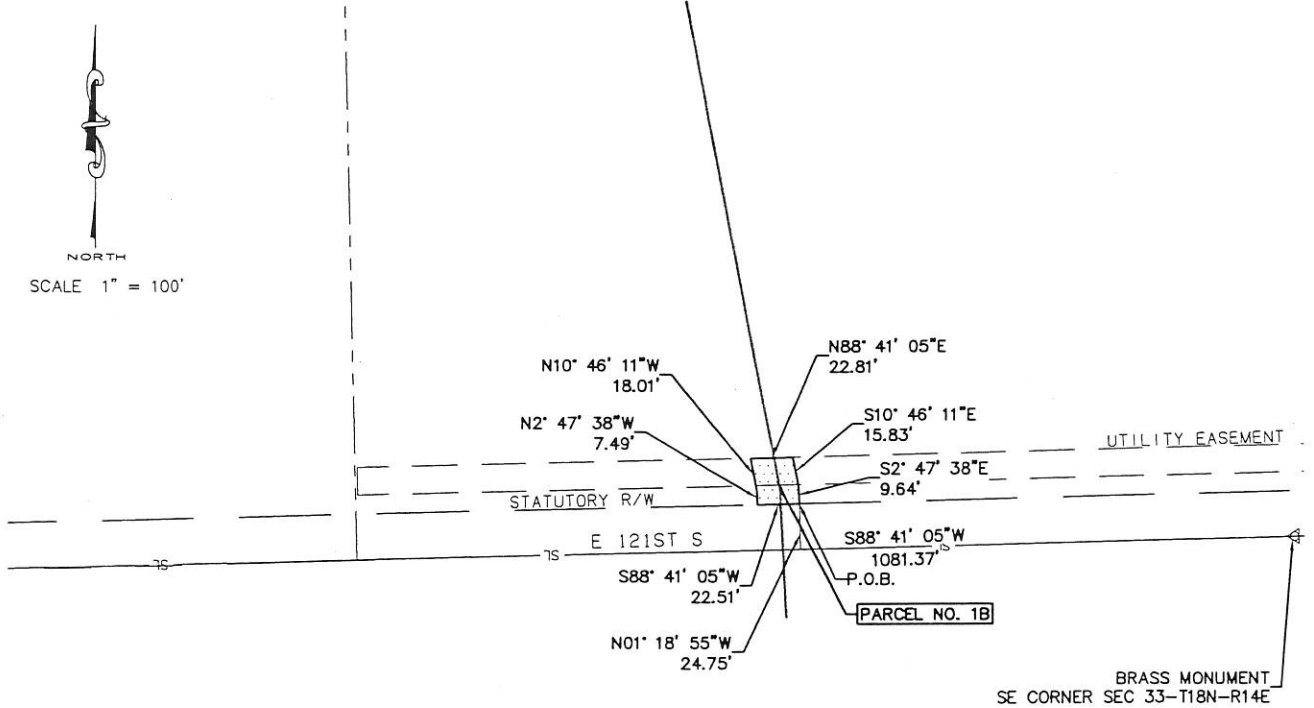
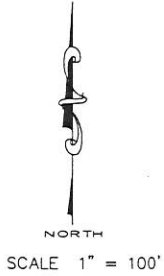
LEGEND

PERMANENT EASEMENT

RECORDED DISTANCES

CHARLES W. CHASTAIN, OK L.S. #1352

BASIS OF BEARING - OKLAHOMA STATE PLANE COORDINATE SYSTEM (NAD 83)



HOLLOWAY, UPDIKE AND BELLEN INC.  
 905-A SOUTH 9TH STREET, BROKEN ARROW, OK  
 918-251-0717, FAX 918-251-0754  
 CA #219, EXPIRES 06/30/15

TITLE:	SANITARY SEWER IMPROVEMENTS ASPEN CREEK RELIEF LINE		
PROJECT:	13BAASPENSWR		
OWNER:	BURNSTEIN FAMILY INVEST. CO. LLC AND REV. INT. TRUST OF JOHN F. HAUSAM		
DATE:	4-8-15	REVISION:	