

TEMPORARY ROADWAY AND UTILITY EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

That all undersigned, David C. Frye, manager the Owner(s), of the legal and equitable title to the following described real estate situated in Tulsa County, State of Oklahoma, for and 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 are hereby acknowledged, do(es) hereby grant and convey unto the said City of Broken Arrow, County of Tulsa, State of Oklahoma, a temporary easement, through, over, and under, and across the following described property, situated in said County, to-wit:

SEE EXHIBIT "1A (1 of 2), 1A (2 of 2)"

upon the completion of the initial construction by the Grantor and the acceptance by the City of Broken Arrow for a period of until permanent access is constructed via a future street to be constructed by the Owner as part of "Ninety One-Phase III", from the date of this instrument. The Owner will build the temporary roadway for its own use and this grant of temporary right to use and occupy is given for the purpose of permitting the City of Broken Arrow, its employees, representatives, agents, and/or persons under contract with it, to use said described property for ingress and egress to the property known as "Ninety One-PHASE II" for provision of necessary city services.

That the Owner(s) agree that this temporary construction easement shall be binding upon their heirs, executors, administrators and personal representatives during the term hereof and further agree that in the event the premises covered by this temporary construction easement are sold, assigned or conveyed, that the purchaser or grantee thereof will be advised of the existence of this temporary grant and that said sale during said term shall be made subject to the rights herein given.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed this 18th day of April 2017.

David C. Frye, Manager

State of Oklahoma Ark
) ss.
County of Washington

Before me, the undersigned, a Notary Public within and for said County and State, on this 18th day of April 2017, personally appeared David C. Frye to me known to be the identical person(s) who executed the within and foregoing instrument as the free and voluntary act and deed of such person for the uses and 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
Kristy Payne
Notary Public
Washington County, Arkansas
My Commission expires Comm. No. 12390934
Comm. Exp. 11-17-22

Kristy Payne
Notary Public

Approved as to Form:

Approved as to Substance:

Asst. City Attorney

City Manager

Engineer: _____ checked: _____
Project: _____

EXHIBIT "1A" (1 OF 2)

LEGAL DESCRIPTION

OWNER: 91st LYNN LANE, L.L.C.

Section 13, T-18-N, R-14-E, I.M.

Temporary Roadway & Utility Easement

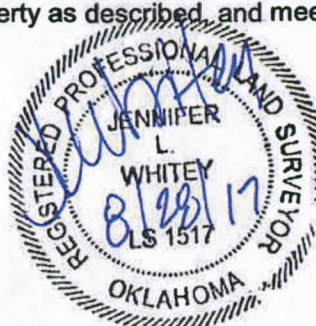
Real Estate: A parcel of land lying in the Southwest Quarter (SW/4) of Section Thirteen (13), Township Eighteen (18) North, Range Fourteen (14) East of the Indian Base and Meridian, Tulsa County, Oklahoma. Bearings based on State Plane Coordinates and evidence found in the field.

Temporary Roadway & Utility Easement Description:

Commencing at the Southeast corner of the Southwest Quarter of Section 13, Township 18 North, Range 14 East, I.M. Thence S 88°45'07" W along the South line of said section a distance of 974.43 feet, Thence N 01°14'53" W a distance of 24.75 feet to a point on the North statutory right-of-way line of Washington Street and the POINT OF BEGINNING, Thence continuing N 01°14'53" W a distance of 25.25 feet, Thence N 46°13'03" W a distance of 35.34 feet, Thence N 01°11'13" W a distance of 74.99 feet, Thence N 31°11'13" W a distance of 20.00 feet, Thence N 01°11'13" W a distance of 26.84 feet to a point of curve, Thence on a curve to the left having a radius of 233.00 feet, a distance of 106.52 feet and a central angle of 26°11'36" to a point of tangent, Thence N 27°22'48" W a distance of 50.45 feet to a point of curve, Thence on a curve to the right having a radius of 183.00 feet, a distance of 83.50 feet and a central angle of 26°08'33" to a point of tangent, Thence N 01°14'15" W a distance of 413.95 feet to a point of curve, Thence on a curve to the right having a radius of 25 feet, a distance of 39.27 feet and a central angle of 90°00'00" to a point of tangent, Thence N 88°45'45" E a distance of 147.69 feet to a point of curve, Thence on a curve to the right having a radius of 31.00 feet, a distance of 14.06 feet and a central angle of 25°58'59", Thence S 65°15'16" E a distance of 0.00 feet to a point of curve, Thence on a curve to the left having a radius of 52.00 feet, a distance of 128.86 feet and a central angle of 141°59'11", Thence N 32°37'36" W a distance of 0.00 feet to a point of curve, Thence on a curve to the right having a radius of 24.26 feet, a distance of 8.59 feet and a central angle of 20°17'44" to a point of tangent, Thence N 01°15'00" W a distance of 185.62 feet to a point of curve, Thence on a curve to the right having a radius of 31.00 feet a distance of 14.07 feet and a central angle of 26°00'13", Thence N 24°45'58" E a distance of 0.00 feet to a point of curve, Thence on a curve the left having a radius of 52 feet, a distance of 128.86 feet and a central angle of 141°59'11", Thence S 62°46'46" W a distance of 0.00 feet to a point of curve, Thence on a curve to the right having a radius of 31.00 feet, a distance of 14.06 feet and a central angle of 25°58'59" to a point of tangent, Thence S 88°45'45" W a distance of 24.93 feet to a point of curve, Thence on a curve to the right having a radius of 25 feet, a distance of 39.25 feet and a central angle of 89°56'40" to a point of tangent, Thence N 01°17'35" W a distance of 95.02 feet, Thence S 88°45'45" W a distance of 50 feet, Thence S 01°17'35" E a distance of 170.00 feet, Thence N 88°45'45" E a distance of 99.82' to a point of curve, Thence on a curve to the right having a radius of 30.00 feet, a distance of 47.12 feet and a central angle of 89°59'15" to a point of tangent, Thence S 01°15'00" E a distance of 180.01 feet to a point of curve, Thence on a curve to the right having a radius of 30.00 feet, a distance of 47.12 feet and a central angle of 90°00'00" to a point of tangent, Thence S 88°45'45" W a distance of 222.69 feet, Thence S 01°14'15" E a distance of 488.95 feet to a point of curve, Thence on a curve to the left having a radius of 233.00 feet, a distance of 106.31 feet and a central angle of 26°08'33" to a point of tangent, Thence S 27°22'48" E a distance of 50.45 feet to a point of curve, Thence on a curve to the right having a radius of 183.00 feet, a distance of 83.66 feet and a central angle of 26°11'36" to a point of tangent, Thence S 01°11'13" E a distance of 26.84 feet, Thence S 28°48'47" W a distance of 20.00 feet, Thence S 01°11'13" E a distance of 75.06 feet, Thence S 43°46'57" W a distance of 35.37 feet, Thence S 01°14'53" E a distance of 25.25 feet to a point on said North statutory right-of-way line of Washington Street, Thence N 88°45'07" E along said line a distance of 120.00 feet to the POINT OF BEGINNING. Containing 90,889 Square feet or 2.087 Acres, more or less.

Real Property Certification

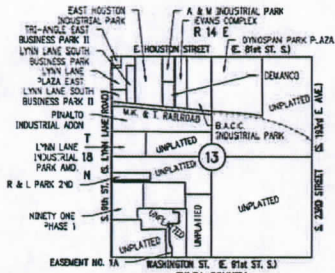
I, Jennifer L. Whitey, certify that the attached legal description closes in accord with existing records, is a true representation of the real property as described, and meets the minimum technical standards for land surveying in the State of Oklahoma.



Surveyor's Name: **Jennifer L. Whitey**
Oklahoma P.L.S. # **1517**
Certificate of Authorization No. **973**
CA expiration date: **June 30, 2018**

EXHIBIT "1A" (2 OF 2) TEMPORARY ROADWAY & UTILITY EASEMENT

JOB: 15106901
 PARCEL NO.: 1A
 COUNTY: TULSA
 LOCATION DESC: SW/4 SEC 13, T 18 N, R 14 E, I.M.
 TEMPORARY ROADWAY EASEMENT: 87,859 SF 2.017
 OWNER: 91st LYNN LANE, LLC

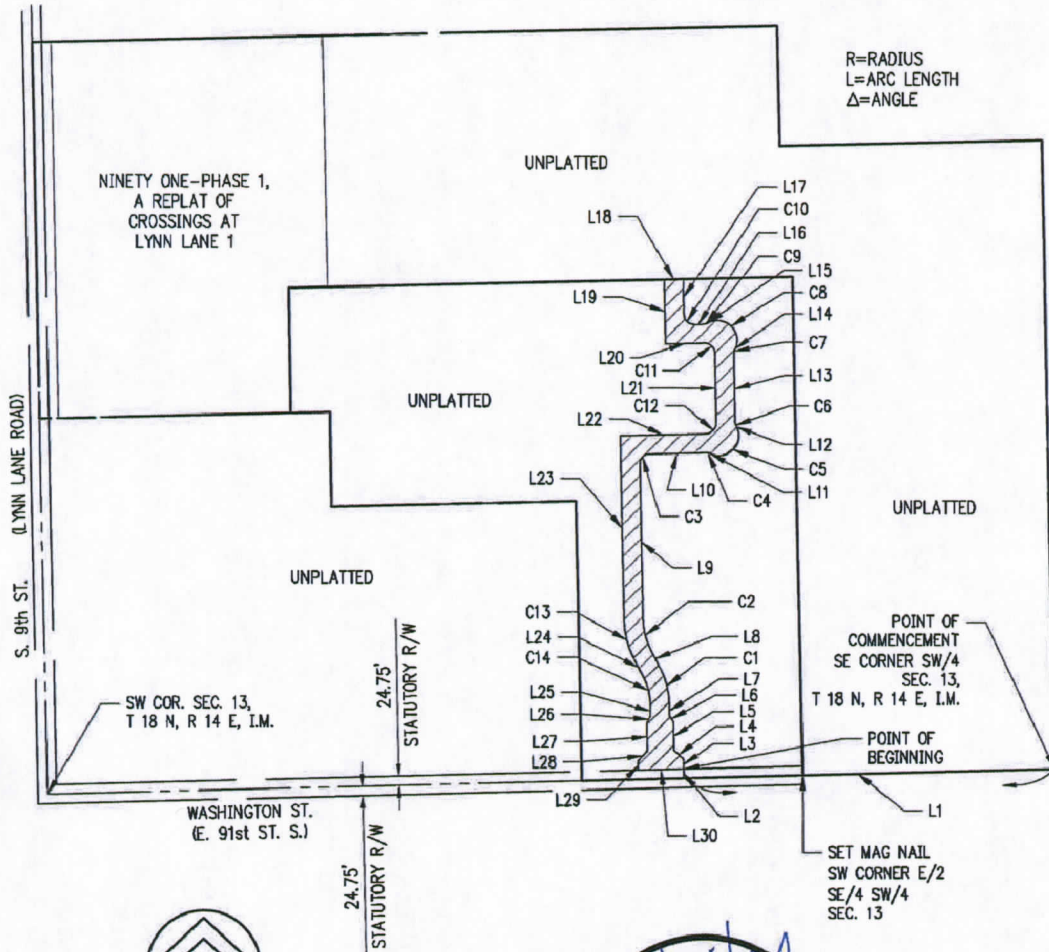


LOCATION MAP
SCALE IN FEET
0 2000

LINE#	DIRECTION	DISTANCE
L1	S 88°45'07" W	974.43'
L2	N 01°14'53" W	24.75'
L3	N 01°14'53" W	25.25'
L4	N 46°13'03" W	35.34'
L5	N 01°11'13" W	74.99'
L6	N 31°11'13" W	20.00'
L7	N 01°11'13" W	26.84'
L8	N 27°22'48" W	50.45'
L9	N 01°14'15" W	413.95'
L10	N 88°45'45" E	147.69'
L11	S 65°15'16" E	0.00'
L12	N 32°37'36" W	0.00'
L13	N 01°15'00" W	185.62'
L14	N 24°45'58" E	0.00'
L15	S 62°46'46" W	0.00'

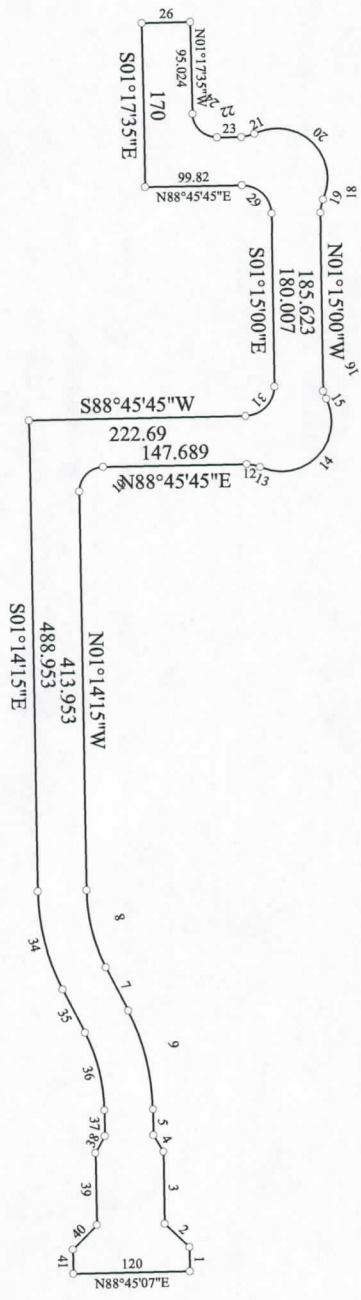
LINE#	DIRECTION	DISTANCE
L16	S 88°45'45" W	24.93'
L17	N 01°17'35" W	95.02'
L18	S 88°45'45" W	50.00'
L19	S 01°17'35" E	170.00'
L20	N 88°45'45" E	99.82'
L21	S 01°15'00" E	180.01'
L22	S 88°45'45" W	222.69'
L23	S 01°14'15" E	488.95'
L24	S 27°22'48" E	50.45'
L25	S 01°11'13" E	26.84'
L26	S 28°48'47" W	20.00'
L27	S 01°11'13" E	75.06'
L28	S 43°46'57" W	35.37'
L29	S 01°14'53" E	25.25'
L30	N 88°45'07" E	120.00'

EASEMENT CURVE TABLE			
C1	R=233.00' L=106.52' Δ=26°11'36"	C2	R=183.00' L=83.50' Δ=26°08'33"
C3	R=25.00' L=39.27' Δ=90°00'00"	C4	R=31.00' L=14.06' Δ=25°58'59"
C5	R=52.00' L=128.86' Δ=141°59'11"	C6	R=24.26' L=8.59' Δ=20°17'44"
C7	R=31.00' L=14.07' Δ=26°00'13"	C8	R=52.00' L=128.86' Δ=141°59'11"
C9	R=31.00' L=14.06' Δ=25°58'59"	C10	R=25.00' L=39.25' Δ=89°56'40"
C11	R=30.00' L=47.12' Δ=89°59'15"	C12	R=30.00' L=47.12' Δ=90°00'00"
C13	R=233.00' L=106.31' Δ=26°08'33"	C14	R=183.00' L=83.66' Δ=26°11'36"



GRAPHIC SCALE IN FEET





Title: 15106901- Ninety One Phase II Offsite Roadway & Waterline Ea		Date: 06-28-2017
Scale: 1 inch = 200 feet	File: Offsite Road Easement 1A.des	