

UTILITY EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

That the undersigned, STEPHEN F. STEWART AND MARIE A. STEWART, CO-TRUSTEES, whose address is 3704 South 128th East Avenue, Tulsa, OK 74146 and THE STEPHEN F. & MARIE A. STEWART JOINT LIVING TRUST, 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 7th day of July, 2016.

THE STEPHEN F. & MARIE A. STEWART JOINT LIVING TRUST

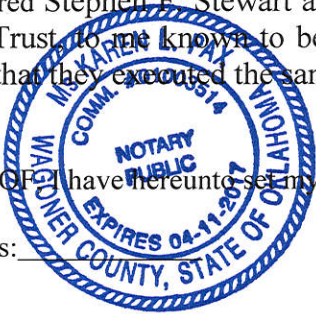
By: Stephen F. Stewart
Stephen F. Stewart, Co-Trustee
Marie A. Stewart
Marie A. Stewart, Co-Trustee

State of Oklahoma)
County of Tulsa) §

Before me, the undersigned, a Notary Public within and for said County and State, on this 7th day of July, 2016, personally appeared Stephen F. Stewart and Marie A. Stewart, Co-Trustees for The Stephen F. & Marie A. Stewart Joint Living Trust, to me known to be identical person(s) who executed the foregoing instrument, and acknowledged to me that they executed the same as their 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:



[Signature]
Notary Public

Approved as to Form:

Approved as to Substance:

Danny Lupoff
Assistant City Attorney

City Manager

Attest:

City Clerk

Engineer: [Signature] checked: 08/08/16
Project: 9th Street widening, Elgin to El Paso, project # ST1210 8.1

PARCEL 8.1

OWNER: THE STEPHEN F. & MARIA A. STEWART JOINT LIVING TRUST
PERPETUAL UTILITY EASEMENT LEGAL DESCRIPTION

A TRACT OF LAND THAT IS PART OF LOT THREE (3), BLOCK TWO (2), LEMON ADDITION, AN ADDITION TO THE CITY OF BROKEN ARROW, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, SAID TRACT OF LAND BEING DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT THAT IS THE NORTHWEST CORNER OF LOT 3, BLOCK 2, LEMON ADDITION; THENCE NORTH 88°46'52" EAST ALONG THE NORTHERLY LINE OF SAID LOT 3 FOR 7.00 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND; THENCE CONTINUING NORTH 88°46'52" EAST ALONG THE NORTHERLY LINE OF SAID LOT 3 FOR 13.00 FEET; THENCE SOUTH 01°10'07" EAST PARALLEL WITH THE WESTERLY LINE OF SAID LOT 3 FOR 61.97 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID LOT 3; THENCE SOUTH 88°46'52" WEST ALONG SAID SOUTHERLY LINE OF LOT 3 FOR 13.00 FEET; THENCE NORTH 01°10'07" WEST PARALLEL WITH SAID WESTERLY LINE OF LOT 3 FOR 61.97 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND.

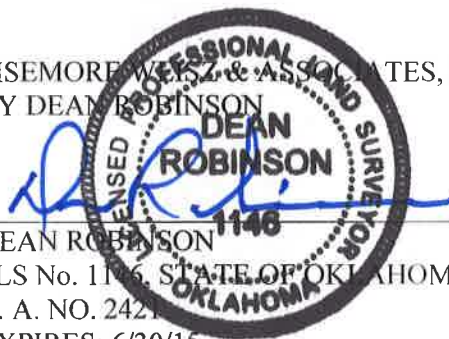
THE ABOVE DESCRIBED TRACT OF LAND CONTAINING 806 SQUARE FEET OR 0.018 ACRES, MORE OR LESS.

REAL PROPERTY CERTIFICATION

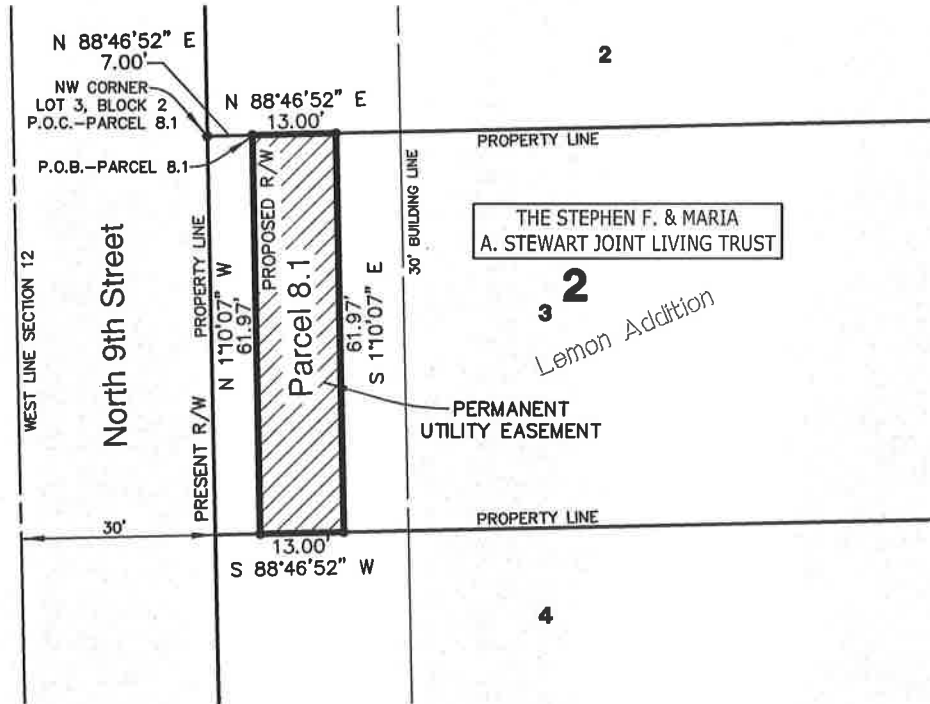
I, DEAN ROBINSON, OF SISEMORE WEISZ & ASSOCIATES, CERTIFY THAT THE ATTACHED LEGAL DESCRIPTION CLOSES IN ACCORD WITH EXISTING RECORDS, IS A TRUE REPRESENTATION OF THE REAL PROPERTY AS DESCRIBED, AND MEETS THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING OF THE STATE OF OKLAHOMA.

9/20/12
DATE

SISEMORE WEISZ & ASSOCIATES, INC.
BY DEAN ROBINSON


DEAN ROBINSON
PLS No. 1146, STATE OF OKLAHOMA
C. A. NO. 2421
EXPIRES: 6/30/15

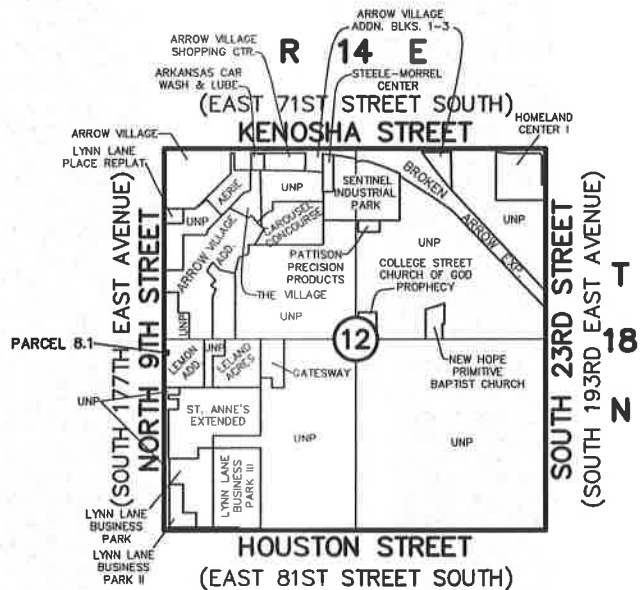
Parcel Map



SCALE 1"=20'

TOTAL PROPERTY - 0.225 ACRES
PERMANENT UTILITY ESMT. - 0.018 ACRES

P.O.B. - POINT OF BEGINNING
P.O.C. - POINT OF COMMENCEMENT
R/W - RIGHT-OF-WAY



Location Map

SCALE: NOT TO SCALE



Sisemore Weisz & Associates, Inc.

6111 EAST 32nd PLACE
TULSA, OKLAHOMA 74135
C.A. NO. 2421
W.O. NO. 16720.04

PHONE (918) 665-3600
FAX: (918) 665-8668
EXP. DATE 6/30/15
FILE NO. 18141200

DATE: 12/10/2013
SHEET 2 OF 2