

**DRAINAGE EASEMENT
CORPORATE or PARTNERSHIP**

KNOW ALL MEN BY THESE PRESENTS:

That **Broken Arrow Retail, LLC.**, by E. Barry Tapp, its manager of **Oklahoma** County, State of Oklahoma, the owner of the legal and equitable title to the following described real estate, party of the first part, in consideration of the sum of One Dollar, cash in hand paid, receipt of which is hereby acknowledged, do(es) hereby assign, grant and convey to the City of Broken Arrow, **Wagoner** County, Oklahoma, a municipal corporation, party of the second part, its successors and assigns, an easement and right of way over and across the following described real property and premises, situated in County, State of Oklahoma, to wit:

Attached Exhibit A (2 pages)

with right of ingress and egress to and from the same, for the purpose of constructing, maintaining, operating, and replacing drainage facilities and appurtenances.

The City is hereby given and granted the exclusive possession of said above described premises for the purposes aforesaid, and grantor(s), for him/her and their heirs, administrators, successors and assigns, covenant(s) and agree(s) that no building, structure, wall or other above ground obstruction will be placed, erected, installed or permitted upon the above described land; and further covenant(s) and agree(s) that in the event the terms of this paragraph are violated by the grantor(s) or any person in privity with them, such violation will be promptly corrected and eliminated immediately upon receipt of notice from City or City shall have right to remove or otherwise eliminate such violation, and grantor(s), his/her heirs, administrators, successors and assigns, shall promptly pay the actual cost thereof.

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

DATED this 10 day of October 2017

Broken Arrow Retail, LLC.

By E. Barry Tapp

State of Oklahoma)
) ss.
County of Oklahoma)

Before me, the undersigned Notary Public, in and for said County and State, on this 10 day of October 2017, personally appeared E. Barry Tapp for **Broken Arrow Retail, LLC.**, known to me to be the identical person(s) who subscribed the name of the maker thereof to the foregoing instrument as its manager and as the free and voluntary act and deed of such corporation for the uses and purposes therein set forth.
My Commission Expires: 08/26/18

Kelly R. Burke
Notary Public

Approved as to Form:

Approved as to Substance:

Asst. City Attorney

City Manager

Engineer _____ checked: _____

Project: Retail Phase 1, Lot 1A, Block 2, Northeast Crossroads, Broken Arrow, ST17-119

