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Lori Hendricks, Wagoner County Clerk
Wagoner County - State of Oklahoma

PLC5 - 464A

FINAL PLAT

HIGHLAND CREEK - PHASE 4

A SUBDIVISION IN WAGONER COUNTY, OKLAHOMA,
BEING A SUBDIVISION OF A PART OF THE NW/4 OF SECTION TWENTY-EIGHT (28),
TOWNSHIP 18 NORTH, RANGE 15 EAST OF THE INDIAN BASE AND MERIDIAN

3.17 SATELLITE DISHES, ANTENNAS AND SOLAR PANELS

3.17.1 EXTERIOR TELEVISION, 'CB' RADIO OR OTHER TYPE ANTENNA INCLUDING SATELLITE DISHES SHALL BE PROHIBITED WITH THE FOLLOWING EXCEPTION. SMALL SATELLITE DISHES WHICH DO NOT EXCEED 24" IN DIAMETER SHALL BE ALLOWED SO LONG AS THE DISH IS NOT INSTALLED ON THE FRONT OF THE DWELLING, OR WITHIN 25 FEET FROM THE FRONT OF THE HOUSE. OWNER MUST HAVE WRITTEN APPROVAL FROM THE ARCHITECTURAL COMMITTEE TO WAIVE THIS COVENANT.

3.17.2 ANY SOLAR PANEL INSTALLATION MUST BE APPROVED IN WRITING BY THE ARCHITECTURAL COMMITTEE. THE ARCHITECTURAL COMMITTEE RESERVES THE RIGHT TO PROHIBIT ANY SOLAR PANEL INSTALLATION.

3.18 LOT MAINTENANCE

EACH LOT SHALL BE MAINTAINED IN A NEAT AND ORDERLY CONDITION FREE OF RUBBISH, TRASH AND OTHER DEBRIS AND SHALL BE CUT, TRIMMED OR MOWED TO PREVENT GROWTH OF WEEDS OR TALL GRASS. UNDER NO CIRCUMSTANCES SHALL GRASS CLIPPINGS BE ALLOWED WITHIN THE STREET AREA.

3.19 RECREATIONAL VEHICLES, EQUIPMENT, AND UTILITY TRAILERS

BOATS, TRAILERS, CAMPERS, MOTOR HOMES AND SIMILAR RECREATIONAL VEHICLES AND EQUIPMENT SHALL NOT BE ALLOWED ON ANY LOT OR DRIVEWAY FOR MORE THAN 48 HOURS, EXCEPT WITH AN ENCLOSED GARAGE. UNDER NO CIRCUMSTANCES CAN ANY OF THE ABOVE MENTIONED BE ON ANY LOT OR DRIVEWAY CONTINUALLY, AND/OR FOR OVER 30 DAYS DURING A CALENDAR YEAR. ALL BOATS, TRAILERS, CAMPERS, MOTOR HOMES AND SIMILAR RECREATIONAL EQUIPMENT VEHICLES AND EQUIPMENT MUST BE PARKED ON PAVED SURFACES AT ALL TIMES.

3.20 INOPERATIVE VEHICLES

NO INOPERATIVE VEHICLE SHALL BE ALLOWED ON ANY LOT EXCEPT WITHIN AN ENCLOSED GARAGE. INOPERATIVE VEHICLES SHALL NOT BE PARKED OR STORED ON ANY STREET OR DRIVEWAY.

3.21 CLOTHESLINES

EXPOSED CLOTHESLINE POLES OR OTHER OUTSIDE DRYING APPARATUS ARE PROHIBITED.

3.22 TRASH CONTAINERS

TRASH CONTAINERS, EXCEPT DURING PERIODS OF COLLECTION, SHALL BE STORED OUT OF VIEW FROM ABUTTING STREETS. NO EXPOSED GARBAGE CANS, TRASH CAN OR ANY TRASH BURNING APPARATUS OR STRUCTURE SHALL BE PLACED ON ANY LOT. THE FOREGOING RESTRICTION SHALL NOT PROHIBIT THE INSTALLATION OF UNDERGROUND GARBAGE AND TRASH STORING DEVICES.

3.23 MAILBOXES

AS LONG AS RURAL TYPE MAILBOX IS IN USE IN HIGHLAND CREEK FOR UNITED STATES POSTAL SERVICE, ALL MAILBOX PEDESTALS SHALL CONFORM IN DESIGN TO SPECIFICATIONS FOR THE SUBDIVISION TO BE ESTABLISHED BY THE ARCHITECTURAL COMMITTEE. THE MAILBOX SHALL BE POSITIONED SO THE FRONT FACE IS APPROXIMATELY 6 INCHES IN FROM THE BASE OF THE CURB AND 6 FEET FROM THE 'INSIDE EDGE' OF THE DRIVEWAY. 'INSIDE EDGE' SHALL MEAN THE EDGE OF THE DRIVEWAY THAT BORDERS THE LARGEST CONTINUOUS LOT AREA. THE TOP OF THE MAILBOX SHALL BE 42 INCHES FROM STREET LEVEL.

3.24 ANIMALS

NO ANIMALS, LIVESTOCK OR POULTRY OF ANY KIND MAY BE MAINTAINED, BRED, SOLD OR KEPT EXCEPT THAT TWO DOGS, TWO CATS OR OTHER HOUSEHOLD PETS MAY BE KEPT PROVIDED THAT THEY ARE NOT USED FOR COMMERCIAL PURPOSES. LOTS SHALL BE KEPT CLEAN OF ANY AND ALL ANIMAL BY-PRDUCTS. ALL ANIMALS MUST BE KEPT WITHIN THE CONFINEMENTS OF THE HOME/YARD AND/OR MUST BY KEPT ON A LEASH AT ALL TIMES. NO ANIMAL IS ALLOWED TO RUN 'FREELY' WITHIN THE SUBDIVISION AT ANY TIME.

3.25 NOXIOUS ACTIVITY

NO NOXIOUS OR OFFENSIVE TRADE OR ACTIVITY SHALL BE CARRIED OUT UPON ANY LOT NOR SHALL ANYTHING BE DONE THEREON THAT MAY BE OR MAY BECOME AN ANNOYANCE OR NUISANCE TO THE NEIGHBORHOOD. THIS INCLUDES BUT IS NOT LIMITED TO 'NOISE POLLUTION' GENERATED FROM VEHICLES, MOTORS, ANIMALS, ETC.

3.26 SIGNAGE

NO SIGN OF ANY KIND SHALL BE DISPLAYED TO THE PUBLIC VIEW ON ANY LOT EXCEPT ONE SIGN OF NOT MORE THAN 6 SQUARE FEET ADVERTISING THE PROPERTY FOR SALE OR RENT OR SIGNED USED BY A BUILDER TO ADVERTISE THE PROPERTY DURING THE CONSTRUCTION AND SALES PERIOD. DEVELOPER SHALL BE ALLOWED TO PLACE A SIGN TO ADVERTISE FOR POTENTIAL BUYERS, AND ARE NOT BOUND BY SQUARE FEET REQUIREMENTS. POLITICAL OR SCHOOL RELATED SIGNS ARE ALLOWED AS PER LOCAL ORDINANCES.

3.27 MATERIALS AND STORAGE

NO LOT SHALL BE USED FOR THE STORAGE OF MATERIALS FOR A PERIOD OF GREATER THAN 30 DAYS PRIOR TO THE START OF CONSTRUCTION AND THE CONSTRUCTION SHALL BE COMPLETED WITHIN SIX (6) MONTHS THEREAFTER. EACH LOT SHALL BE MAINTAINED IN A NEAT AND ORDERLY CONDITION.

3.28 TEMPORARY TRASH RECEPTACLE

A TEMPORARY TRASH RECEPTACLE IS REQUIRED ON EACH LOT DURING THE CONSTRUCTION PERIOD OF THE HOUSE. THE TRASH RECEPTACLE SHALL BE MAINTAINED BY THE LOT OWNER AND SHALL BE EMPTIED ON A REGULAR BASIS OR AS NEEDED.

3.29 ON-STREET PARKING

NO OWNER OR RESIDENT SHALL PARK ANY VEHICLE IN THE STREETS OR COMMON AREAS AT ANY TIME. THIS INCLUDES UTILITY TRAILERS AND WORK VEHICLES/TRAILERS. THERE CAN BE EXCEPTIONS FOR FAMILY EVENTS AND SPECIAL OCCASIONS.

3.30 SEASONAL HOUSE AND YARD DECORATIONS

3.30.1 SEASONAL HOUSE AND YARD DECORATIONS WILL BE ALLOWED FOR 15 CALENDAR DAYS BEFORE AND 7 DAYS AFTER ALL HOLIDAY SEASONS, EXCEPT CHRISTMAS. CHRISTMAS DECORATIONS, INCLUDING LIGHTS, MAY BE INSTALLED AFTER THE 1ST OF NOVEMBER AND MUST BE REMOVED BY JANUARY 31ST.

3.30.2 ALL STATUES AND FIGURINES OVER THREE (3) FEET IN HEIGHT, LANDSCAPE FEATURES/STRUCTURES, BIRD BATHS, FLAG POLE DISPLAYS AND OTHER SIMILAR ITEMS MUST BE APPROVED IN WRITING BY THE ARCHITECTURAL COMMITTEE BEFORE INSTALLATION.

3.31 DEFINITIONS

IN THE EVENT OF AMBIGUITY OF ANY WORD OR TERM SET FORTH IN SECTIONS I, II AND III, THE MEANING THEREOF SHALL BE DEEMED TO BE DEFINED AS SET FORTH WITHIN THE WAGONER COUNTY ZONING CODE AS THE SAME EXISTED ON THE DATE HEREOF, OR AS SUBSEQUENTLY AMENDED.

SECTION IV. HOMEOWNER'S ASSOCIATION

4.1 FORMATION OF HOMEOWNER'S ASSOCIATION: THE OWNER/DEVELOPER HAS FORMED OR SHALL CAUSE TO BE FORMED THE 'HIGHLAND CREEK' HOMEOWNERS' ASSOCIATION, INC. (HEREINAFTER REFERRED TO AS THE 'ASSOCIATION'), A NON-PROFIT CORPORATE ENTITY TO BE ESTABLISHED IN ACCORDANCE WITH THE STATUTES OF THE STATE OF OKLAHOMA, AND TO BE FORMED FOR THE GENERAL PURPOSES OF MAINTAINING THE COMMON AREAS AND ENHANCING THE VALUE, DESIRABILITY AND ATTRACTIVENESS OF HIGHLAND CREEK.

4.2 MEMBERSHIP: EVERY PERSON OR ENTITY WHO IS A RECORD OWNER OF THE FEE INTEREST OF A LOT SHALL BE A MEMBER OF THE ASSOCIATION, AND MEMBERSHIP SHALL BE APPURTENANT TO AND MAY NOT BE SEPARATED FROM THE OWNERSHIP OF A LOT. THE ACCEPTANCE OF A DEED TO A LOT SHALL CONSTITUTE ACCEPTANCE OF MEMBERSHIP TO THE ASSOCIATION AS OF THE DATE OF INCORPORATION, OR AS OF THE DATE OF RECORDING OF THE DEED, WHICHEVER OCCURS LAST.

4.3 COVENANT FOR ASSESSMENTS: THE OWNER/DEVELOPER AND EACH SUBSEQUENT OWNER OF A LOT, BY ACCEPTANCE OF A DEED THEREOF, IS DEEMED TO COVENANT AND AGREE TO PAY TO THE ASSOCIATION ASSESSMENTS TO BE ESTABLISHED BY THE BOARD OF DIRECTORS IN ACCORDANCE WITH A DECLARATION TO BE EXECUTED AND RECORDED BY THE OWNER/DEVELOPER PRIOR TO THE CONVEYANCE OF A LOT WITHIN HIGHLAND CREEK. AN ASSESSMENT SHALL BE A LIEN ON THE LOT AGAINST WHICH IT IS MADE, BUT THE LIEN SHALL BE SUBORDINATE OF THE LIEN OF ANY FIRST MORTGAGE. NO ASSESSMENTS SHALL BE DUE FOR LOTS IN PHASE 4 UNTIL APRIL 1, 2021 OR UNTIL THE LOT IS PURCHASED BY A HOMEOWNER, WHICHEVER COMES FIRST.

4.4 ENFORCEMENT RIGHTS OF THE ASSOCIATION: WITHOUT LIMITATION OF SUCH OTHER POWERS AND RIGHTS AS THE ASSOCIATION MAY HAVE, THE ASSOCIATION SHALL BE DEEMED A BENEFICIARY, TO THE SAME EXTENT AS A LOT OWNER, OF THE VARIOUS COVENANTS SET FORTH WITHIN THIS DOCUMENT, AND SHALL HAVE THE RIGHT TO ENFORCE THE COVENANTS TO THE SAME EXTENT AS A LOT OWNER.

SECTION V. ENFORCEMENT, DURATION, AMENDMENT AND SEVERABILITY

5.1 ENFORCEMENT

THE COVENANTS AND RESTRICTIONS HEREIN SET FORTH, AND THE GRANTS AND RESERVATIONS OF EASEMENTS AND RIGHTS OF WAY HEREIN SET FORTH, ARE COVENANTS TO RUN WITH THE LAND. THE SAME SHALL BE BINDING UPON AND INURE TO THE BENEFIT OF ALL OWNERS OF PROPERTY IN THE SUBDIVISION. IN ADDITION CERTAIN EASEMENTS AND COVENANTS SET FORTH IN SECTION 1 HEREOF MAY IN SPECIFIED INSTANCES BE ENFORCEABLE BY WAGONER COUNTY, OKLAHOMA. SUCH COVENANTS, RESTRICTIONS, GRANTS AND RESERVATIONS MAY BE ENFORCED BY APPROPRIATE ACTION IN ANY COURT OF COGNIZANT JURISDICTION, IN SUCH ACTION TO ENFORCE THE SAME, THE ULTIMATELY PREVAILING PARTY SHALL BE ENTITLED TO RECOVER FROM THE OTHER ITS COSTS AND EXPENSES INCURRED IN SUCH ENFORCEMENT, AND IN ANY APPEAL OF SUCH ACTION, INCLUDING REASONABLE ATTORNEY'S FEES AND COURT COSTS.

5.2 VALIDITY

VIOLATION OF OR FAILURE TO COMPLY WITH THESE COVENANTS AND RESTRICTIONS SHALL NOT AFFECT THE VALIDITY OF ANY MORTGAGE, BONA FIDE LIEN OR OTHER SIMILAR SECURITY INSTRUMENT WHICH MAY BE THEN EXISTING ON ANY LOT. INVALIDATION OF ANY ONE OR MORE OF THESE COVENANTS AND RESTRICTION, OR ANY PORTIONS THEREOF, BY A JUDGEMENT, DECREE, OR COURT ORDER SHALL NOT AFFECT ANY OF THE OTHER PROVISIONS OR COVENANTS HEREIN CONTAINED WHICH SHALL REMAIN IN FULL FORCE AND EFFECT. IN THE EVENT ANY PORTION OF THESE COVENANTS CONFLICT WITH ANY ORDINANCE OR REGULATION PROMULGATED BY A GOVERNMENTAL AUTHORITY, THEN THE GOVERNMENTAL PROVISIONS SHALL CONTROL.

5.3 DURATION

THESE COVENANTS SHALL BE BINDING UPON THE UNDERSIGNED OWNERS AND ALL PERSONS CLAIMING UNDER THEM UNTIL JANUARY 1, 2030, AFTER WHICH TIME SAID COVENANTS SHALL BE DEEMED AUTOMATICALLY EXTENDED FOR SUCCESSIVE PERIODS OF 10 YEARS; PROVIDED, HOWEVER, EITHER BEFORE OR AFTER THE YEAR 2030, THE THEN MAJORITY OF ALL THE LOT OWNERS IN SAID SUBDIVISION MAY CHANGE OR VACATE THESE COVENANTS, EITHER IN WHOLE OR IN PART, AND SUCH CHANGE OR VACATION SHALL BE EVIDENCED BY A WRITTEN INSTRUMENT SIGNED BY THE THEN OWNERS OF THE MAJORITY OF THE LOTS IN SAID SUBDIVISION AND DULY RECORDED AND FILED WITH THE COUNTY CLERK OF WAGONER COUNTY, OKLAHOMA. THE PROVISIONS CONTAINED IN THESE COVENANTS MAY BE CHANGED OR AMENDED AT ANY TIME IN ACCORDANCE WITH SECTION 5.4.

5.4 AMENDMENT OR TERMINATION

ANY AND ALL OF THE PROVISIONS CONTAINED IN THESE COVENANTS MAY BE CHANGED OR AMENDED AT ANY TIME BY A WRITTEN INSTRUMENT SIGNED AND ACKNOWLEDGED BY THE OWNER/DEVELOPER DURING SUCH PERIOD THAT THE OWNER/DEVELOPER IS THE RECORD OWNER OF AT LEAST ONE (1) LOT OR ALTERNATIVELY, THE COVENANTS AND RESTRICTIONS MAY BE AMENDED OR TERMINATED AT ANY TIME BY WRITTEN INSTRUMENT SIGNED AND ACKNOWLEDGED BY THE OWNERS OF SIXTY PERCENT (60%) OF THE LOTS. IN THE EVENT OF ANY CONFLICT BETWEEN AN AMENDMENT OR TERMINATION PROPERLY EXECUTED BY THE OWNER/DEVELOPER (DURING ITS OWNERSHIP OF AT LEAST 1 LOT) AND ANY AMENDMENT OR TERMINATION PROPERLY EXECUTED BY THE OWNERS OF SIXTY PERCENT (60%) OF THE LOTS, THE INSTRUMENT EXECUTED BY THE OWNER/DEVELOPER SHALL PREVAIL DURING THE TIME OF THE OWNER/DEVELOPER'S OWNERSHIP OF AT LEAST ONE (1) LOT. THE PROVISIONS OF ANY INSTRUMENT AMENDING OR TERMINATING COVENANTS AND RESTRICTIONS SHALL BE EFFECTIVE FROM AND AFTER THE DATE IT IS PROPERLY RECORDED.

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

CERTIFICATE OF OWNER

IN WITNESS WHEREOF, THE OWNER HAS CAUSED THESE PRESENT TO BE EXECUTED THIS 24th DAY OF November, 2020.

HIGHLAND CREEK DEVELOPMENT, LLC
an OKLAHOMA LIMITED LIABILITY COMPANY

BY: _____
KEITH JONES, MANAGER

STATE OF OKLAHOMA)
) SS
COUNTY OF TULSA)

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, ON THIS 24th DAY OF November, 2020, PERSONALLY APPEARED KEITH JONES TO ME KNOWN TO BE THE IDENTICAL PERSON WHO SUBSCRIBED THE NAME OF THE MAKER THEREOF TO THE FOREGOING INSTRUMENT, AS ITS MANAGER AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE AND VOLUNTARY ACT AND DEED AND AS THE FREE AND VOLUNTARY ACT AND DEED OF SUCH COMPANY FOR THE USES AND PURPOSES THEREIN SET FORTH. THE DAY AND YEAR LAST ABOVE WRITTEN.

7/27/2022 _____
MY COMMISSION EXPIRES NOTARY PUBLIC

SABRINA M. NELSON
Notary Public
State of Oklahoma
Commission # 19007262 Expires

CERTIFICATE OF SURVEY

I, R. WADE BENNETT , A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF OKLAHOMA, DO HEREBY CERTIFY THAT I HAVE CAREFULLY AND ACCURATELY SURVEYED, SUBDIVIDED, AND PLATTED THE TRACT OF LAND HEREIN DESCRIBED ABOVE, AND THAT THE ACCOMPANYING PLAT IS A TRUE REPRESENTATION OF A SURVEY MADE ON THE GROUND USING GENERALLY ACCEPTED PRACTICES, AND MEETS OR EXCEEDS THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING.

WITNESS MY HAND AND SEAL THIS 24th DAY OF November, 2020.

BY: _____
R. WADE BENNETT
REGISTERED PROFESSIONAL LAND SURVEYOR
OKLAHOMA NO. 1556

R. WADE BENNETT
1556
REGISTERED PROFESSIONAL LAND SURVEYOR
OKLAHOMA

STATE OF OKLAHOMA)
) SS
COUNTY OF TULSA)

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, ON THE 24th DAY OF November, 2020, PERSONALLY APPEARED TO ME R. WADE BENNETT KNOWN TO BE THE IDENTICAL PERSON WHO SUBSCRIBED HIS NAME AS REGISTERED PROFESSIONAL LAND SURVEYOR TO THE FOREGOING CERTIFICATE, AS HIS FREE AND VOLUNTARY ACT AND DEED, FOR THE USES AND PURPOSES THEREIN SET FORTH.

GIVEN UNDER MY HAND AND SEAL THE DAY AND YEAR LAST ABOVE WRITTEN.

7/27/2022 _____
MY COMMISSION EXPIRES NOTARY PUBLIC

SABRINA M. NELSON
Notary Public
State of Oklahoma
Commission # 19007262 Expires

CERTIFICATE OF THE OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

THE WAGONER COUNTY OFFICE OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY HAS APPPROVED THIS PLAT FOR THE USE OF PUBLIC WATER SYSTEMS AND COMMUNITY SEWER SYSTEMS ON THE 23 DAY OF Nov, 2020.

_____
ENVIRONMENTAL SUPERVISOR OR THE
OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

CERTIFICATE OF WAGONER COUNTY PLANNING COMMISSION

I, RACHAEL COOPER, DIRECTOR OF THE WAGONER COUNTY PLANNING COMMISSION, DO HERE NOW CERTIFY THAT THE PROPOSED SUBDIVISION, HIGHLAND CREEK - PHASE 4, HAS BEEN PROCESSED THROUGH THE WAGONER COUNTY PLANNING COMMISSION WITH APPROVED FOR ACCEPTANCE.

_____
RACHAEL COOPER, DIRECTOR OF THE
WAGONER COUNTY PLANNING COMMISSION

CERTIFICATE OF WAGONER COUNTY BOARD OF COMMISSIONERS

I, JAMES HANNING, CHAIRMAN OF THE BOARD OF COMMISSIONS OF THE WAGONER COUNTY BOARD OF COMMISSIONERS, DO HERE NOW APPROVE THE ACCEPTANCE OF HIGHLAND CREEK - PHASE 4 AS A SUBDIVISION OF WAGONER COUNTY.

_____
JAMES HANNING, CHAIRMAN OF THE WAGONER COUNTY
BOARD OF COMMISSIONERS

CERTIFICATE OF WAGONER COUNTY TREASURER

I, DANA PATTEN, DO HERE NOW STATE THAT THE TAXES HAVE BEEN PAID FOR THE YEAR 2020 AND PRIOR YEARS FOR THOSE PROPERTIES HEREIN LISTED TO BE DESIGNATED AS HIGHLAND CREEK - PHASE 4.

Dana Patten by Dana D Stamps
DANA PATTEN, WAGONER COUNTY TREASURER

COUNTY TREASURER 46 SEAL WAGONER COUNTY, OKLA.

CERTIFICATE OF WAGONER COUNTY CLERK

I, LORI HENDRICKS, THE COUNTY CLERK OF WAGONER COUNTY, DO HERE NOW STATE THAT THE SUBDIVISION CALLED HIGHLAND CREEK - PHASE 4 HAS BEEN FILED INTO WAGONER COUNTY RECORDS.

Lori Hendricks by Evelyn Plunkett
LORI HENDRICKS, WAGONER COUNTY CLERK

COUNTY CLERK SEAL

Certified True Copy
LORI HENDRICKS, COUNTY CLERK
Wagoner County, Okla.
By _____ DEPUTY