I-2016-017142 Book 2589 Pg 845
11/02/2016 3:38 pm Pg 845-846
Fee: $ 30.00 Doc: $ 0.00
Robin Anderson - Rogers County Clerk
State of Oklahoma

#903

FINAL PLAT
HIGHLAND POINTE AT STONE CANYON
PHASE II

AN ADDITION TO ROGERS COUNTY, STATE OF OKLAHOMA, LOCATED
PART OF SECTION 2, T-20-N, R-14-E,
ROGERS COUNTY, STATE OF OKLAHOMA

OWNER/DEVELOPER:
C.A.B.O. DEVELOPMENT CO., L.L.C.
12150 E. 96th St. N., Suite 202
Owasso, Oklahoma 74055
(918) 272-3282

ENGINEER:
KELLOGG ENGINEERING, INC.
6755 South 4060 Road
Talala, Oklahoma 74080
(918) 275-4080
Cert. of Authorization No. 2788
Renewal Date: June 30, 2017

PLANNER:
PLANNING DESIGN GROUP, INC.
5314 S. Yale Ave., Suite 710
Tulsa, Oklahoma 74135
(918) 628-1255

SURVEYOR:
BENCHMARK SURVEYING
AND LAND SERVICES, INC.
P.O. BOX 1078
Owasso, Oklahoma 74055
(918) 274-9081
Cert. of Authorization No. 2235
Renewal Date: June 30, 2018

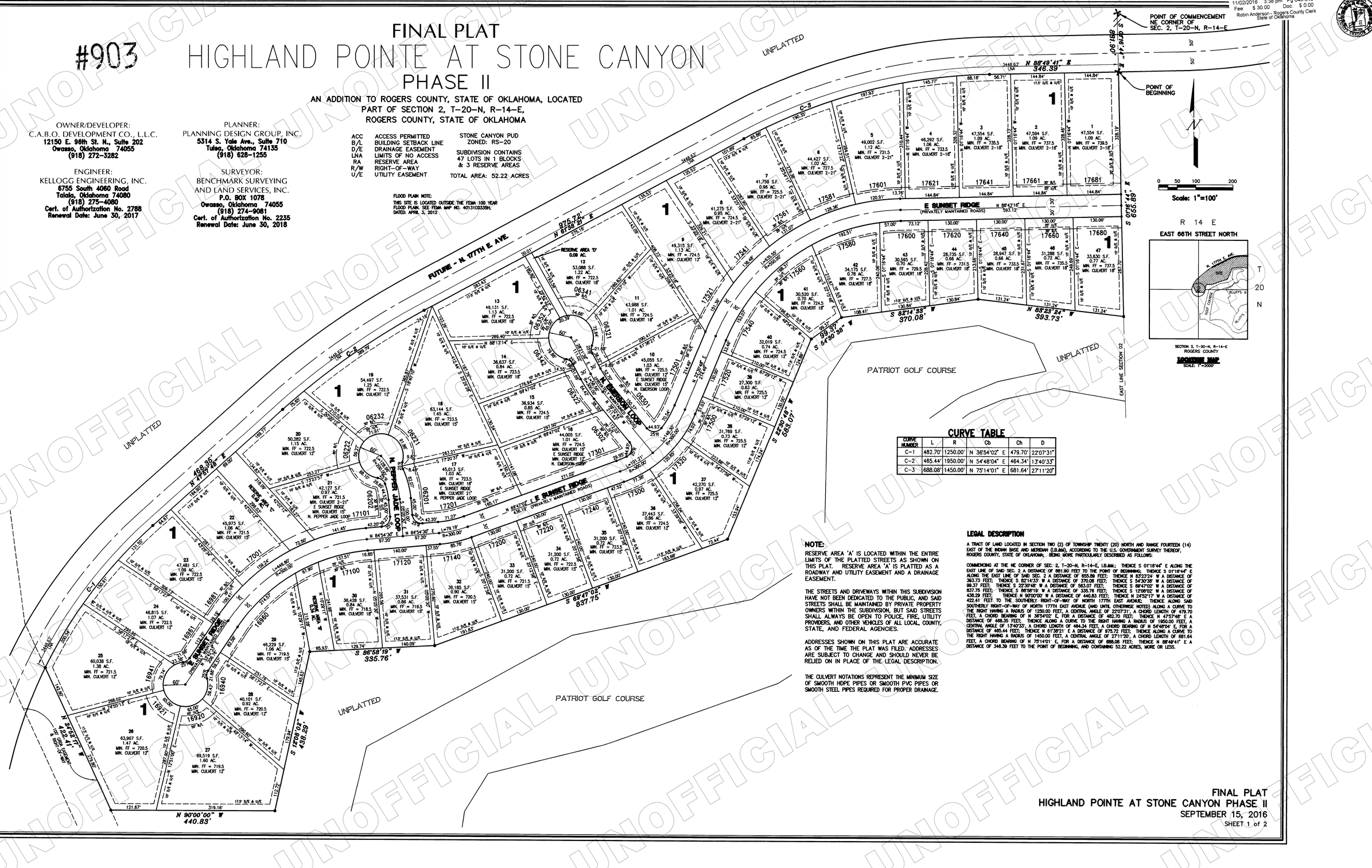
ACC ACCESS PERMITTED
B/L BUILDING SETBACK LINE
D/E DRAINAGE EASEMENT
LNA LIMITS OF NO ACCESS
RA RESERVE AREA
R/W RIGHT-OF-WAY
U/E UTILITY EASEMENT

STONE CANYON PUD
ZONED: RS-20

SUBDIVISION CONTAINS
47 LOTS IN 1 BLOCKS
& 3 RESERVE AREAS

TOTAL AREA: 52.22 ACRES

FLOOD PLAIN NOTE:
THIS SITE IS LOCATED OUTSIDE THE FEMA 100 YEAR FLOOD PLAIN. SEE FEMA MAP NO. 40131C0335H; DATED: APRIL 3, 2012



CURVE TABLE

CURVE NUMBER	L	R	Cb	Ch	D
C-1	482.70'	1250.00'	N 36°54'02" E	479.70'	22°07'31"
C-2	465.44'	1950.00'	N 54°48'04" E	464.34'	13°40'33"
C-3	688.08'	1450.00'	N 75°14'01" E	681.64'	27°11'20"

NOTE:

RESERVE AREA 'A' IS LOCATED WITHIN THE ENTIRE LIMITS OF THE PLATTED STREETS AS SHOWN ON THIS PLAT. RESERVE AREA 'A' IS PLATTED AS A ROADWAY AND UTILITY EASEMENT AND A DRAINAGE EASEMENT.

THE STREETS AND DRIVEWAYS WITHIN THIS SUBDIVISION HAVE NOT BEEN DEDICATED TO THE PUBLIC, AND SAID STREETS SHALL BE MAINTAINED BY PRIVATE PROPERTY OWNERS WITHIN THE SUBDIVISION, BUT SAID STREETS SHALL ALWAYS BE OPEN TO POLICE, FIRE, UTILITY PROVIDERS, AND OTHER VEHICLES OF ALL LOCAL, COUNTY, STATE, AND FEDERAL AGENCIES.

ADDRESSES SHOWN ON THIS PLAT ARE ACCURATE AS OF THE TIME THE PLAT WAS FILED. ADDRESSES ARE SUBJECT TO CHANGE AND SHOULD NEVER BE RELIED ON IN PLACE OF THE LEGAL DESCRIPTION.

THE CULVERT NOTATIONS REPRESENT THE MINIMUM SIZE OF SMOOTH HDPE PIPES OR SMOOTH PVC PIPES OR SMOOTH STEEL PIPES REQUIRED FOR PROPER DRAINAGE.

LEGAL DESCRIPTION

A TRACT OF LAND LOCATED IN SECTION TWO (2) OF TOWNSHIP TWENTY (20) NORTH AND RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN (I.B.&M.), ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, ROGERS COUNTY, STATE OF OKLAHOMA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NE CORNER OF SEC. 2, T-20-N, R-14-E, I.B.&M.; THENCE S 01°16'44" E ALONG THE EAST LINE OF SAID SEC. 2 A DISTANCE OF 881.90 FEET TO THE POINT OF BEGINNING; THENCE S 01°16'44" E ALONG THE EAST LINE OF SAID SEC. 2 A DISTANCE OF 655.89 FEET; THENCE N 53°23'24" W A DISTANCE OF 363.73 FEET; THENCE S 82°14'33" W A DISTANCE OF 370.08 FEET; THENCE S 54°30'38" W A DISTANCE OF 99.37 FEET; THENCE S 22°30'48" W A DISTANCE OF 583.07 FEET; THENCE S 12°08'02" W A DISTANCE OF 837.75 FEET; THENCE S 86°58'19" W A DISTANCE OF 335.76 FEET; THENCE N 90°00'00" W A DISTANCE OF 440.83 FEET; THENCE N 24°52'17" W A DISTANCE OF 422.41 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF NORTH 177TH EAST AVENUE; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY OF NORTH 177TH EAST AVENUE (AND UNTIL OTHERWISE NOTED) ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 1250.00 FEET, A CENTRAL ANGLE OF 22°07'31", A CHORD LENGTH OF 479.70 FEET, A CHORD BEARING OF N 36°54'02" E, FOR A DISTANCE OF 482.70 FEET; THENCE N 47°57'48" E A DISTANCE OF 468.36 FEET; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 1950.00 FEET, A CENTRAL ANGLE OF 13°40'33", A CHORD LENGTH OF 464.34 FEET, A CHORD BEARING OF N 54°48'04" E, FOR A DISTANCE OF 465.44 FEET; THENCE N 61°38'21" E A DISTANCE OF 875.72 FEET; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 1450.00 FEET, A CENTRAL ANGLE OF 27°11'20", A CHORD LENGTH OF 681.64 FEET, A CHORD BEARING OF N 75°14'01" E, FOR A DISTANCE OF 688.08 FEET; THENCE N 88°49'41" E A DISTANCE OF 346.39 FEET TO THE POINT OF BEGINNING, AND CONTAINING 52.22 ACRES, MORE OR LESS.

FINAL PLAT
HIGHLAND POINTE AT STONE CANYON PHASE II
SEPTEMBER 15, 2016
SHEET 1 of 2

UNOFFICIAL UNOFFICIAL UNOFFICIAL

I-2016-017142 Book 2589 Pg 846
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FINAL PLAT
HIGHLAND POINTE AT STONE CANYON
PHASE II

AN ADDITION TO ROGERS COUNTY, STATE OF OKLAHOMA, LOCATED
PART OF SECTION 2, T-20-N, R-14-E I.B.&M.,
ROGERS COUNTY, STATE OF OKLAHOMA

DEED OF DEDICATION AND CERTAIN RESTRICTIONS.

KNOW ALL MEN BY THESE PRESENTS: C.A.B.O. DEVELOPMENT COMPANY, L.L.C. ("OWNER/DEVELOPER"), BEING THE OWNER AND DEVELOPER OF THE FOLLOWING DESCRIBED REAL ESTATE:

A TRACT OF LAND LOCATED IN SECTION TWO (2) OF TOWNSHIP TWENTY (20) NORTH AND RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN (I.B.&M.), ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, ROGERS COUNTY, STATE OF OKLAHOMA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NE CORNER OF SEC. 2, T-20-N, R-14-E, I.B.&M.; THENCE S 01°16'44" E ALONG THE EAST LINE OF SAID SEC. 2 A DISTANCE OF 881.90 FEET TO THE POINT OF BEGINNING; THENCE S 01°16'44" E ALONG THE EAST LINE OF SAID SEC. 2 A DISTANCE OF 655.89 FEET; THENCE N 83°23'24" W A DISTANCE OF 393.73 FEET; THENCE S 82°14'33" W A DISTANCE OF 370.08 FEET; THENCE S 54°30'38" W A DISTANCE OF 99.37 FEET; THENCE S 22°30'48" W A DISTANCE OF 583.07 FEET; THENCE S 89°47'02" W A DISTANCE OF 837.75 FEET; THENCE S 86°58'19" W A DISTANCE OF 335.78 FEET; THENCE S 12°08'02" W A DISTANCE OF 438.29 FEET; THENCE N 90°00'00" W A DISTANCE OF 440.83 FEET; THENCE N 24°52'17" W A DISTANCE OF 422.41 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF NORTH 177TH EAST AVENUE; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY OF NORTH 177TH EAST AVENUE (AND UNTIL OTHERWISE NOTED) ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 1250.00 FEET, A CENTRAL ANGLE OF 22°07'31", A CHORD LENGTH OF 479.70 FEET, A CHORD BEARING OF N 36°54'02" E, FOR A DISTANCE OF 482.70 FEET; THENCE N 47°57'48" E A DISTANCE OF 466.35 FEET; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 1650.00 FEET, A CENTRAL ANGLE OF 13°40'33", A CHORD LENGTH OF 464.34 FEET, A CHORD BEARING OF N 54°48'04" E, FOR A DISTANCE OF 465.44 FEET; THENCE N 61°38'21" E A DISTANCE OF 975.72 FEET; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 1450.00 FEET, A CENTRAL ANGLE OF 27°11'20", A CHORD LENGTH OF 681.64 FEET, A CHORD BEARING OF N 75°14'01" E, FOR A DISTANCE OF 688.08 FEET; THENCE N 88°49'41" E A DISTANCE OF 346.39 FEET TO THE POINT OF BEGINNING, AND CONTAINING 52.22 ACRES, MORE OR LESS.

HAS CAUSED THE SAME TO BE ENGINEERED, SURVEYED, STAKED AND PLATTED INTO LOTS, BLOCKS, STREETS AND RESERVE AREAS IN CONFORMITY TO THE ACCOMPANYING PLAT AND SURVEY THEREOF, WHICH PLAT IS MADE A PART HEREOF (THE "PLAT"), AND HAS CAUSED THE SAME TO BE NAMED HIGHLAND POINTE AT STONE CANYON PHASE II, A SUBDIVISION IN ROGERS COUNTY, STATE OF OKLAHOMA (THE "SUBDIVISION").

1. UTILITY EASEMENTS:

THE DEVELOPER DEDICATES TO THE PUBLIC, FOR PUBLIC USE FOREVER, THE UTILITY EASEMENTS AS SHOWN ON THE PLAT FOR THE SEVERAL PURPOSES OF CONSTRUCTING, MAINTAINING, OPERATING, REPAIRING AND REPLACING ANY PUBLIC UTILITIES, INCLUDING BUT NOT LIMITED TO, STORM DRAINAGE WAYS, COMMUNICATION LINES, ELECTRIC POWER LINES, CABLE TELEVISION LINES, TRANSFORMERS, PEDESTALS, GAS AND WATER LINES, TOGETHER WITH ALL FITTINGS AND EQUIPMENT FOR EACH SUCH FACILITY AND ANY OTHER APPURTENANCES THERETO, WITH THE RIGHT OF INGRESS AND EGRESS TO AND UPON SAID EASEMENTS FOR THE USES AND PURPOSES THEREOF.

2. UNDERGROUND ELECTRIC AND COMMUNICATION SERVICE:

IN CONNECTION WITH THE INSTALLATION OF UNDERGROUND ELECTRIC, TELEPHONE, COMMUNICATION AND CABLE TELEVISION SERVICES (IF ANY), ALL LOTS ARE SUBJECT TO THE FOLLOWING:

A. THE SUPPLY OF ELECTRIC SERVICE, TELEPHONE, COMMUNICATION AND CABLE TELEVISION SERVICE, SHALL ONLY BE SERVED BY UNDERGROUND LINES WITHIN THE DEDICATED UTILITY EASEMENT AREAS OF THE SUBDIVISION. STREET LIGHT POLES OR STANDARDS MAY BE SERVED BY UNDERGROUND CABLE, AND ELSEWHERE THROUGHOUT THE SUBDIVISION, ALL SUPPLY LINES SHALL BE LOCATED UNDERGROUND IN THE EASEMENT WAYS RESERVED FOR GENERAL UTILITIES AND STREETS SHOWN ON THE PLAT. SERVICE PEDESTALS AND TRANSFORMERS AS SOURCES OF SUPPLY AT SECONDARY VOLTAGES MAY BE ALSO LOCATED IN SUCH EASEMENT WAYS.

B. UNDERGROUND SERVICE CABLES TO ALL HOUSES LOCATED ON ALL LOTS IN THE SUBDIVISION SHALL RUN FROM THE NEAREST SERVICE PEDESTAL OR TRANSFORMER TO THE POINT OF USAGE DETERMINED BY THE LOCATION AND CONSTRUCTION OF SUCH HOUSE AS MAY BE LOCATED UPON EACH SAID LOT; PROVIDED THAT UPON THE INSTALLATION OF SUCH A SERVICE CABLE TO A PARTICULAR HOUSE, THE SUPPLIER OF ELECTRIC SERVICE, TELEPHONE, COMMUNICATION OR CABLE TELEVISION SERVICE SHALL THEREAFTER BE DEEMED TO HAVE A DEFINITIVE, PERMANENT, EFFECTIVE AND EXCLUSIVE RIGHT-OF-WAY EASEMENT ON SAID LOT, COVERING A FIVE FOOT (5') STRIP EXTENDING 2.5 FEET ON EACH SIDE OF SUCH SERVICE LINE, EXTENDING FROM THE SERVICE CONNECTION TO THE SERVICE ENTRANCE ON THE HOME. ALL GAS METERS SHALL BE PHYSICALLY LOCATED AT OR NEAR THE SERVICE ENTRANCE TO THE HOME.

A. ALL GAS LINES AND NECESSARY EQUIPMENT AND FITTINGS RELATIVE THERETO, SHALL BE LOCATED UNDERGROUND IN THE EASEMENTS RESERVED FOR GENERAL UTILITY SERVICES AND STREETS SHOWN ON THE PLAT OF THE SUBDIVISION.

B. UNDERGROUND GAS SERVICE LINES TO ALL STRUCTURES WHICH MAY BE LOCATED ON ALL LOTS IN THE SUBDIVISION MAY BE RUN FROM THE NEAREST GAS MAIN TO THE POINT OF USAGE DETERMINED BY THE LOCATION AND CONSTRUCTION OF SUCH STRUCTURE AS MAY BE LOCATED UPON EACH SAID LOT: PROVIDED THAT UPON THE INSTALLATION OF SUCH A SERVICE CABLE OR GAS SERVICE LINE TO A PARTICULAR STRUCTURE, THE SUPPLIER OF GAS SERVICE SHALL THEREAFTER BE DEEMED TO HAVE A DEFINITIVE, PERMANENT, AND EFFECTIVE RIGHT-OF-WAY EASEMENT ON SAID LOT, COVERING A FIVE-FOOT STRIP EXTENDING 2.5 FEET ON EACH SIDE OF SUCH LINE, EXTENDING FROM THE GAS MAIN TO THE SERVICE ENTRANCE ON THE STRUCTURE OR A POINT OF METERING.

C. THE SUPPLIER OF GAS SERVICES, THROUGH ITS AUTHORIZED AGENTS AND EMPLOYEES, SHALL AT ALL TIMES HAVE RIGHT OF ACCESS TO ALL SUCH EASEMENTS SHOWN ON THE PLAT TO THE SUBDIVISION OR PROVIDED FOR IN THIS DEED OF DEDICATION FOR THE PURPOSE OF INSTALLING, MAINTAINING, REMOVING OR REPLACING ANY PORTION OF THE UNDERGROUND ELECTRIC, TELEPHONE, CABLE TELEVISION OR GAS SERVICE FACILITIES SO INSTALLED BY IT.

D. THE OWNER OF EACH LOT IN THE SUBDIVISION SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE UNDERGROUND GAS FACILITIES LOCATED ON HIS PROPERTY AND SHALL PREVENT THE ALTERATION OF GRADE OR ANY CONSTRUCTION ACTIVITY WHICH MAY INTERFERE WITH SAID GAS FACILITIES. THE SUPPLIER OF GAS SERVICE WILL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF UNDERGROUND FACILITIES, BUT THE OWNER OF EACH LOT IN THE SUBDIVISION WILL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF SUCH OWNER OR HIS AGENTS OR CONTRACTORS. THE FOREGOING COVENANTS CONCERNING UNDERGROUND FACILITIES SHALL BE ENFORCEABLE BY THE SUPPLIER OF GAS SERVICES. THE SUPPLIER OF GAS SERVICES ALSO RESERVES THE PERPETUAL RIGHT, PRIVILEGE AND AUTHORITY TO CUT DOWN, TRIM OR TREAT ANY TREES AND UNDERGROWTH ON SAID EASEMENT.

4. POTABLE WATER AND STORM WATER DRAINAGE:

THE OWNER OF EACH LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE PUBLIC WATER MAINS AND STORM DRAIN FACILITIES LOCATED ON SUCH OWNER'S LOT AND SHALL PREVENT THE ALTERATION OF GRADE FROM THE ORIGINAL CONTOURS OR ANY CONSTRUCTION ACTIVITY WHICH MAY INTERFERE WITH SAID FACILITIES.

A. RURAL WATER DISTRICT NO.3, ROGERS COUNTY, OR OTHER PROVIDER AS THE CASE MAY BE, SHALL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF ITS PUBLIC WATER LINE MAINS, BUT THE OWNER OF EACH LOT SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER OR HIS AGENTS OR CONTRACTORS. RURAL WATER DISTRICT NO.3, ROGERS COUNTY SHALL HAVE THE RIGHT OF ACCESS WITH ITS EQUIPMENT TO ALL EASEMENT WAYS SHOWN ON THE PLAT FOR INSTALLING, MAINTAINING, REMOVING OR REPLACING ANY PORTION OF ITS UNDERGROUND WATER LINE FACILITIES. THE FOREGOING COVENANTS CONCERNING WATER LINE FACILITIES SHALL BE ENFORCEABLE BY RURAL WATER DISTRICT NO.3, ROGERS COUNTY, AND THE OWNER OF EACH LOT AGREES TO BE BOUND HEREBY.

B. WATER SERVICE: POTABLE WATER SHALL BE PURCHASED FROM RURAL WATER DISTRICT NO.3, ROGERS COUNTY, OR ITS ASSIGNEES. IRRIGATION AND SIMILAR NEEDS MAY BE SERVICED BY ALTERNATIVE SOURCES OF WATER IF APPROVED BY THE DEVELOPER.

C. SANITARY SEWER DISPOSAL: SEWAGE SHALL BE DISPOSED OF BY INDIVIDUAL ON-SITE DEQ APPROVED AEROBIC SEWAGE DISPOSAL SYSTEMS. NO OTHER FORM OF INDIVIDUAL SEWAGE DISPOSAL SYSTEMS SHALL BE ALLOWED WITHOUT WRITTEN APPROVAL FROM THE DEVELOPER. ALL SEWAGE DISPOSAL SYSTEMS SHALL BE INSTALLED AND MAINTAINED IN ACCORDANCE WITH THE RULES AND REGULATIONS SET FORTH BY THE OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY. THE DEVELOPER RESERVES THE RIGHT TO DESIGNATE AN APPROVED THIRD-PARTY CONTRACTOR WITH EXPERIENCE IN INSTALLING/MAINTAINING AEROBIC SEWAGE DISPOSAL SYSTEMS FOR THE PURPOSE OF PERFORMING REGULAR MAINTENANCE AND MONITORING FUNCTIONS OF ALL SUCH SYSTEMS WITHIN HIGHLAND POINTE AT STONE CANYON PHASE II. IF THE DEVELOPER SO DESIGNATES, THE FEES FOR SUCH SERVICES MAY BE SATISFIED THROUGH REGULAR OR SPECIAL ASSESSMENTS IMPOSED UPON EACH LOT.

D. COMPLIANCE WITH CODE. ALL RESIDENTIAL LOTS ARE SUBJECT TO THE USES, RESTRICTIONS AND REQUIREMENTS OF THE CLAREMORE MUNICIPAL ZONING ORDINANCE.

E. THE FOLLOWING STORMWATER DRAINAGE FACILITIES/IMPROVEMENTS ARE THE PRIMARY RESPONSIBILITY OF EACH LOT OWNER TO MAINTAIN AND PROTECT:

a) THE BORROW DITCHES RUNNING PARALLEL TO THE PAVED ROADWAYS ALONG THE FRONT OF EACH LOT OWNER'S LOT, WHETHER THE DITCH IS WITHIN OR WITHOUT RESERVE AREA A;
b) THE CULVERTS AND HEADWALLS AT THE DRIVEWAY ENTRANCES TO EACH LOT OWNER'S LOT, WHETHER THE CULVERTS, HEADWALLS OR DRIVEWAYS ARE WITHIN OR WITHOUT RESERVE AREA A;
c) OVERLAND DRAINAGE SWALES LOCATED ALONG OR NEAR THE LOT LINES OF EACH LOT OWNER'S LOT;

THE ABOVE FACILITIES/IMPROVEMENTS ARE CRITICAL TO THE MANAGEMENT OF STORMWATER DRAINAGE THROUGHOUT THE SUBDIVISION. EACH OWNER SHALL NOT PERFORM ANY ALTERATION OF GRADE FROM THE ORIGINAL CONTOURS AND THE OWNER SHALL PREVENT ANY CONSTRUCTION ACTIVITY WHICH MAY INTERFERE WITH SAID FACILITIES/IMPROVEMENTS. PROVIDED, HOWEVER, THAT IN THE EVENT THAT EITHER THE OWNER/DEVELOPER OR ROGERS COUNTY DETERMINES THAT ANY CORRECTIVE OR CURATIVE WORK IS NECESSARY TO BE PERFORMED UPON ANY SUCH FACILITIES/IMPROVEMENTS, AN EASEMENT IS RETAINED IN FAVOR OF SAID OWNER/DEVELOPER AND/OR ROGERS COUNTY TO ENTER UPON ANY LOT OR RESERVE AREA TO REMEDY THE SITUATION. IN BOTH THE NEED FOR REMEDIAL ACTION AND THE NATURE OF THE REMEDIAL WORK TO BE PERFORMED, IF ANY, SHALL BE IN THE SOLE DISCRETION OF THE OWNER/DEVELOPER AND/OR ROGERS COUNTY. IN THE EVENT THAT SUCH CURATIVE OR REMEDIAL WORK IS NECESSITATED DUE TO THE ACTS OR OMISSIONS OF THE OWNER, THE COST OF SUCH CURATIVE OR REMEDIAL WORK SHALL BE PAID FOR BY THE LOT OWNER AND SUCH OBLIGATION MAY BE SECURED BY THE PLACEMENT OF A LIEN UPON THE LOT OWNER'S LOT.

5. LANDSCAPE AND PAVING REPAIR:

THE OWNER OF EACH LOT SHALL BE RESPONSIBLE FOR THE REPAIR AND REPLACEMENT OF ANY LANDSCAPING AND PAVING LOCATED WITHIN THE UTILITY EASEMENTS (OR RESERVE AREA A ALONG THE FRONT BOUNDARY LINE OF EACH LOT) IN THE EVENT IT IS NECESSARY TO REPAIR ANY UNDERGROUND WATER MAINS, STORM SEWERS OR DRAINAGE WAYS, ELECTRIC, NATURAL GAS, TELEPHONE, OR CABLE TELEVISION SERVICE. NO LOT OWNER SHALL PLANT ANY TREES OR SHRUBBERY IN DEDICATED UTILITY EASEMENTS, RESERVE AREA A OR RIGHT-OF-WAYS WHICH WOULD POTENTIALLY ENDANGER, THREATEN, OR DAMAGE ANY UTILITIES LOCATED WITHIN SAID EASEMENTS OR RIGHT-OF-WAYS. IF IT IS DETERMINED THAT ANY TREES OR SHRUBBERY LOCATED WITHIN SAID EASEMENTS OR RIGHT-OF-WAYS ARE DAMAGING OR ENDANGERING UTILITIES IN SAID EASEMENTS OR RIGHT-OF-WAYS, ROGERS COUNTY SHALL HAVE THE RIGHT TO REMOVE SAID TREES OR SHRUBBERY UPON FIVE (5) DAYS NOTICE THEREOF AT THE LOT OWNER'S EXPENSE, OR WITHIN SUCH TIME THE LOT OWNER MAY REMOVE SAME.

6. DEVELOPER'S RESERVED RIGHTS:

A. INCLUSION IN PROPERTY OWNERS ASSOCIATION: AS A PART OF THE DEVELOPMENT OF THE SUBDIVISION, THE DEVELOPER THEREOF HAS CREATED OR WILL CREATE "BLUFF'S AT STONE CANYON PROPERTY OWNERS ASSOCIATION, INC.", AN OKLAHOMA NOT-FOR-PROFIT CORPORATION (THE "BLUFF'S ASSOCIATION"). IN ADDITION, THE SUBJECT TO AND MADE A PART OF THE JURISDICTION OF THE STONE CANYON PROPERTY OWNERS ASSOCIATION, INC. (MASTER ASSOCIATION). BOTH BLUFF'S ASSOCIATION AND THE MASTER ASSOCIATION ARE COLLECTIVELY REFERRED TO HEREIN AS THE "ASSOCIATIONS".

B. BINDING EFFECT: ALL LAWFUL ACTS OF THE ASSOCIATION MADE UNDER AND PURSUANT TO ITS CERTIFICATE OF INCORPORATION AND BY-LAWS SHALL BE BINDING UPON THE LOTS CONTAINED IN THE SUBDIVISION AND THE OWNERS THEREOF. MEMBERSHIP IN THE ASSOCIATIONS SHALL CONSIST OF ALL OWNERS OF LOTS IN THE SUBDIVISION AND THE OWNERS OF ANY OTHER PARCELS/LOTS SO DESIGNATED BY THE DEVELOPER.

C. ASSESSMENTS: ANNUAL ASSESSMENTS AND PERMITTED SPECIAL ASSESSMENTS MAY BE MADE BY THE BLUFF'S ASSOCIATION AND/OR THE MASTER ASSOCIATION ON A PER LOT BASIS, ALL AS MORE FULLY SET FORTH IN THE ASSOCIATIONS' GOVERNING DOCUMENTS AND IN THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR HIGHLAND POINTE AT STONE CANYON PHASE II AND MASTER DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR STONE CANYON. NO LOT SHALL BE ENTITLED TO MORE THAN ONE (1) VOTE, REGARDLESS OF NUMBER OF OWNERS.

D. OTHER RIGHTS: DEVELOPER SHALL HAVE THE RIGHT AND POWER TO EXECUTE ALL DOCUMENTS AND DO ALL OTHER ACTS AND THINGS AFFECTING THE SUBDIVISION WHICH DEVELOPER DETERMINES ARE NECESSARY OR DESIRABLE IN CONNECTION WITH THE RIGHTS OF DEVELOPER UNDER THIS DECLARATION, INCLUDING THE EXECUTION AND FILING OF VARIOUS COVENANTS, CONDITIONS AND RESTRICTIONS OR AMENDMENTS HERETO FOR THE SUBDIVISION.

7. RESERVE AREAS:

A. THE DEVELOPER DOES HEREBY ESTABLISH AND GRANT AN EASEMENT OVER THE AREAS DESIGNATED AS RESERVE "A" FOR THE PURPOSES OF ROADWAYS, UTILITIES, STORMWATER DETENTION/OPEN SPACE AND/OR RECREATIONAL FACILITIES AND OPEN SPACE. AREAS DESIGNATED ON THE PLAT AS RESERVE AREAS ARE HEREBY RETAINED BY THE DEVELOPER FOR POSSIBLE LATER CONVEYANCE, AT THE DEVELOPER'S SOLE DISCRETION, TO THE BLUFF'S ASSOCIATION OR OTHER THIRD PARTY FOR THE PURPOSE OF PROVIDING ROADWAY MAINTENANCE, GREEN AREAS, STORMWATER DETENTION, PROPER VISUAL SCREENING OF THE SUBDIVISION FROM SURROUNDING AREAS, AND FOR THE CONSTRUCTION AND MAINTENANCE OF ANY SCREENING FENCE OR WALL AND FOR OTHER PURPOSES DEEMED ADVISABLE BY THE DEVELOPER OR THE BLUFF'S ASSOCIATION. ALL RESERVE AREAS AND FENCE EASEMENTS (AS DESCRIBED BELOW) ARE HEREBY DEEMED AS ROADWAY, DRAINAGE, AND UTILITY EASEMENTS AND MAY BE USED FOR SUCH PURPOSES AS SHALL NOT SO LONG AND/OR SUCH USE DOES NOT MATERIALLY INTERFERE WITH THE DEVELOPER'S INTENDED USE OF SUCH RESERVE AREAS AND/OR FENCE EASEMENTS. EXCEPT AS SET FORTH IN PARAGRAPH 4E HEREIN, RESERVE AREAS SHALL BE MAINTAINED BY THE BLUFF'S PROPERTY OWNERS ASSOCIATION AND ALL COSTS SHALL BE BORNE BY THE BLUFF'S ASSOCIATION.

B. RESERVE AREA "A" (PRIVATE STREETS). ALL STREETS WITHIN THE SUBDIVISION ARE BY GRANT OF THE OWNER DEEMED AS PRIVATE STREETS (SHOWN AS RESERVE "A" ON THE ACCOMPANYING PLAT) FOR THE COMMON USE AND BENEFIT OF THE OWNERS OF THE RESIDENTIAL LOTS WITHIN HIGHLAND POINTE AT STONE CANYON PHASE II, ALL OTHER OR FUTURE OWNERS WITHIN HIGHLAND POINTE COMMUNITY WHO MUST TRAVEL UPON SAID RESERVE AREA "A" TO GAIN ACCESS TO THEIR RESIDENCES, PANELL GUESTS, MEMBERS OF THE BLUFF'S AT THE PATRIOT GOLF CLUB AND THE FOLDS OF HONOR FOUNDATION, MEMBERS OR INVITEES OF THE UNIVERSITY OF TULSA GOLF PROGRAM, AND OTHER INVITEES TO DESIGNATED BY THE OWNERS/DEVELOPER OR THE ASSOCIATIONS AND ASSIGNS OF SUCH GROUPS. THE PRIVATE STREET WITHIN RESERVE AREA "A" IS TO BE OWNED AND MAINTAINED BY THE BLUFF'S AT STONE CANYON PROPERTY OWNERS ASSOCIATION TO PROVIDE VEHICULAR AND PEDESTRIAN ACCESS TO AND FROM THE VARIOUS RESIDENTIAL LOTS AND HOMES OWNERS/USERS AS HEREIN ABOVE DESCRIBED. THE OWNER HEREIN GRANTS TO ROGERS COUNTY, OKLAHOMA, THE UNITED STATES POSTAL SERVICE, ANY PUBLIC UTILITY SERVICE TO THE SUBDIVISION, AND TO ANY REFUSE COLLECTION SERVICE OR SCHOOL BUS SERVICE WHICH PROVIDES SERVICE WITHIN THE SUBDIVISION, THE PERPETUAL RIGHT TO ENTER AND TRAVERSE THE PRIVATE STREETS AND TO OPERATE THEREON ALL SERVICE, EMERGENCY AND GOVERNMENT VEHICLES INCLUDING, BUT NOT LIMITED TO, POLICE AND FIRE VEHICLES AND EQUIPMENT. THE OWNER, FOR ITSELF AND ITS SUCCESSORS, HEREIN COVENANTS WITH ROGERS COUNTY, OKLAHOMA, WHICH COVENANTS SHALL RUN WITH THE LAND AND INSURE TO THE BENEFIT OF ROGERS COUNTY, OKLAHOMA, AND SHALL BE ENFORCEABLE BY ROGERS COUNTY, OKLAHOMA, TO: CONSTRUCT AND MAINTAIN STREET SURFACING EXTENDING THE FULL LENGTH OF THE PRIVATE STREETS DEPICTED WITHIN THE ACCOMPANYING PLAT, AND MEETING OR EXCEEDING ROGERS COUNTY STANDARDS FOR RESIDENTIAL STREETS. STREET SLOPE SHALL NOT EXCEED 12%, UNLESS APPROVED, PRIOR TO CONSTRUCTION, BY THE ROGERS COUNTY BOARD OF COUNTY COMMISSIONERS. PAVING MATERIALS SHALL BE THE QUALITY AND THICKNESS OF THAT OF ROGERS COUNTY STANDARDS. UNLESS IN FULL COMPLIANCE WITH THE ROGERS COUNTY REGULATIONS FOR OPERATIONAL GATES OR PRIVATE STREETS, NO STRUCTURES SHALL BE CONSTRUCTED OVER ANY PRIVATE STREETS THAT WOULD PROHIBIT ANY GOVERNMENTAL VEHICLES, SPECIFICALLY ANY FIRE VEHICLE, FROM FREE USAGE OF THE PRIVATE STREETS. THIS WILL ALLOW THE BLUFF'S ASSOCIATION THE OPPORTUNITY TO DEDICATE THE STREETS TO THE ROGERS COUNTY IF SO DESIRED. UNLESS SUCH PRIVATE STREETS ARE LATER DEDICATED TO AND ACCEPTED BY ROGERS COUNTY, THE PRIVATE STREETS SHALL BE MAINTAINED BY THE BLUFF'S ASSOCIATION AND ALL COSTS SHALL BE BORNE BY THE BLUFF'S ASSOCIATION.

C. UNPLATTED AREAS. CABO DEVELOPMENT COMPANY, L.L.C. AND/OR O.L.T.-STONE CANYON INVESTMENT COMPANY, L.L.C., (HEREINAFTER "THE DEVELOPER") HEREBY STATES THAT THERE IS AN UNPLATTED TRACT OF LAND (HEREINAFTER THE "UNPLATTED TRACT") GENERALLY LOCATED ALONG THE REAR PROPERTY LINES OF LOTS 25 THROUGH 47, BLOCK 1 OF HIGHLAND POINTE AT STONE CANYON PHASE II (HEREINAFTER THE "HIGHLAND POINTE II PLAT"). WHETHER THE UNPLATTED TRACT NOR THE PATRIOT GOLF COURSE ARE A PART OF THE HIGHLAND POINTE II PLAT. OWNERSHIP OF THE UNPLATTED TRACT AT THE TIME OF PLATTING IS RETAINED BY THE DEVELOPERS FOR POSSIBLE LATER CONVEYANCE, AT THE DEVELOPER'S SOLE DISCRETION. THE UNPLATTED TRACT IS NOT A PART OF THE PROPERTY TO BE OVERSEEN BY THE STONE CANYON COMMUNITY ASSOCIATION, INC. OR THE BLUFFS AT STONE CANYON PROPERTY OWNER'S ASSOCIATION, INC. (HEREINAFTER THE "HOA"). NEITHER THE HOA NOR FUTURE OWNERS (HEREINAFTER "THE OWNERS") OF ANY LOTS IN THE HIGHLAND POINTE II PLAT OR THEIR AGENTS, OR INVITEES ARE ENTITLED TO ENTER UPON THE UNPLATTED TRACT UNLESS GIVEN WRITTEN PERMISSION BY THE DEVELOPER. THE UNPLATTED TRACT SHALL NOT BE DISTURBED IN ANY WAY BY THE HOA OR THE OWNERS. DISTURBING INCLUDES BUT IS NOT LIMITED TO MOWING, CLEARING, BRUSH HOGGING, BRUSH BURNING, TREE TRIMMING, HUNTING, FISHING AND RELATED ACTIVITIES. FURTHER, THE DEVELOPER RETAINS THE RIGHT TO CONVEY SAID UNPLATTED TRACT TO A THIRD PARTY OR TO IMPOSE A CONSERVATION EASEMENT OR OTHER EASEMENT, AT ITS SOLE DISCRETION, WITHOUT THE NEED FOR APPROVAL FROM THE HOA OR OWNERS. CONVERSELY, THE DEVELOPER HAS NO DUTY TO CLEAR OR MAINTAIN THE UNPLATTED TRACT IN ANY WAY, ALTHOUGH IT MAY CHOOSE TO DO SO, IN ITS SOLE DISCRETION.

8. LEGAL ACCESS TO HIGHLAND POINTE AT STONE CANYON:

ACTUAL LEGAL ACCESS TO HIGHLAND POINTE AT STONE CANYON PHASE II IS PROVIDED BY THAT CERTAIN PRIVATE ROADWAY KNOWN AS PATRIOT DRIVE. SUNSET RIDGE WAS CREATED BY A SEPARATE LEGAL INSTRUMENT AND WAS FILED OF RECORD IN THE OFFICE OF THE ROGERS COUNTY CLERK IN BOOK 2038 AT PAGE 0316-0338 (SPECIFICALLY EXHIBIT "B" THEREOF) PRIOR TO THE FILING OF THIS PLAT. THIS PRIVATE ROADWAY EXTENDS FROM AND IS CONNECTED TO THAT CERTAIN PUBLIC DEDICATED COUNTY ROAD KNOWN AS NORTH 177TH EAST AVENUE. A PRIVATE, CONTROLLED ACCESS GATE WILL BE CONSTRUCTED ON PATRIOT DRIVE PRIOR TO THE POINT THAT PATRIOT DRIVE INTERSECTS THE ROADWAY LEADING INTO HIGHLAND POINTE AT STONE CANYON PHASE II. CERTAIN OF THE DUES COLLECTED BY THE BLUFF'S AT STONE CANYON PROPERTY OWNERS ASSOCIATION, INC. WILL BE USED FOR THE CARE, LANDSCAPING AND GENERAL MAINTENANCE OF PATRIOT DRIVE AND THE ASSOCIATED CONTROLLED ACCESS STRUCTURES, ALL AS MORE SPECIFICALLY SET FORTH IN THE GOVERNING ASSOCIATION DOCUMENTS OF THE BLUFF'S AT STONE CANYON PROPERTY OWNERS ASSOCIATION, INC.

9. FENCE AND LANDSCAPE EASEMENT:

AREAS DESIGNATED ON THE PLAT AS FENCE EASEMENTS AND/OR LANDSCAPE EASEMENTS ARE HEREBY DESIGNATED BY THE DEVELOPER AS PERPETUAL EASEMENTS FOR THE BENEFIT OF THE BLUFF'S ASSOCIATION FOR THE PURPOSES OF PROVIDING PROPER VISUAL SCREENING OF THE SUBDIVISION FROM SURROUNDING AREAS, MAINTENANCE OF ENTRYWAYS AND FOR THE CONSTRUCTION AND MAINTENANCE OF ANY SIGNAGE, FENCE, LANDSCAPING OR WALL AND FOR OTHER PURPOSES DEEMED TO BE IN THE COMMON GOOD BY DEVELOPER AND/OR THE BLUFF'S ASSOCIATION.

10. DRAINAGE:

EACH LOT SHALL RECEIVE AND DRAIN IN AN UNOBSTRUCTED MANNER THE STORM AND SURFACE WATERS FROM LOTS AND DRAINAGE AREAS OF HIGHER ELEVATION AND FROM PUBLIC STREETS AND EASEMENTS. NO LOT OWNER SHALL CONSTRUCT OR PERMIT BE CONSTRUCTED ANY FENCING OR OTHER OBSTRUCTIONS WHICH WOULD IMPAIR THE DRAINAGE OF STORM AND SURFACE WATERS OVER AND ACROSS THEIR LOT. THE DEVELOPER EXPRESSLY RESERVES THE RIGHT TO ENTER UPON EACH LOT FOR THE PURPOSE OF RESOLVING DRAINAGE ISSUES, IN THE DEVELOPER'S SOLE DISCRETION, WHICH ARE RELATED TO ADJACENT OR NEARBY LOTS. NO PROPERTY OWNER SHALL MODIFY OR CHANGE THE DIRECTION OF DRAINAGE OF SURFACE STORMWATER FROM THE ORIGINAL CONSTRUCTION PLANS APPROVED BY THE DEVELOPER, UNLESS THE DEVELOPER CONSENTS. THE PROPERTY OWNER SHALL PREVENT THE ALTERATION OF GRADE WITHIN ALL EASEMENT AREAS FROM THE ORIGINAL CONTOURS (FINISH GRADE) AND PREVENT ANY CONSTRUCTION ACTIVITY THAT MAY INTERFERE WITH SUCH PUBLIC WATER MAINS, VALVES, STORM SEWERS, AND OR PUBLIC SANITARY SEWER FACILITIES. THE COVENANTS SET FORTH IN THIS PARAGRAPH SHALL BE ENFORCEABLE BY ANY AFFECTED PROPERTY OWNER, THE DEVELOPER AND/OR THE BLUFF'S ASSOCIATION AND BY ROGERS COUNTY.

11. INGRESS, EGRESS AND WALKWAYS:

CONSTRUCTION OF ALL ROADWAYS WITH HIGHLAND POINTE AT STONE CANYON PHASE II SHALL BE COMPLETED BY THE OWNER AS REQUIRED BY AND IN ACCORDANCE WITH THE STANDARDS OF ROGERS COUNTY.

12. FINISHED FLOOR ELEVATIONS:

THE FINISHED FLOOR ELEVATIONS AS SHOWN ON THE FINAL PLAT ARE RECOMMENDED ELEVATIONS AND SHOULD NOT BE CONSIDERED AS THE FINAL, DESIGNED PROPER FINISHED FLOOR ELEVATION OF ANY PROPOSED DWELLING. THE RESPECTIVE OWNER OF EACH DWELLING AND THE OWNER'S BUILDER SHALL BE RESPONSIBLE FOR DETERMINING THE PROPER FINISHED FLOOR ELEVATION OF THE RESPECTIVE DWELLING. THE FINISHED FLOOR ELEVATION SHALL BE DETERMINED BY ESTABLISHING AND ACCOUNTING FOR PROPER DRAINAGE IN ALL DIRECTIONS RELATIVE TO, BUT NOT LIMITED TO, ESTABLISHED ROADWAYS, AREAS OF HIGHER ELEVATION IN THE IMMEDIATE TOPOGRAPHIC SLOPE OF THE LOT, THE AESTHETICS OF THE PROPOSED ELEVATION OF THE DWELLING, BORROW DITCHES, CULVERT PIPES, ELEVATION OF ADJACENT LOTS, ETC.

13. OWNER'S RESPONSIBILITIES:

THE RESPECTIVE OWNER OF EACH DWELLING AND THE OWNER'S BUILDER SHALL BE RESPONSIBLE FOR ALL STRUCTURE DESIGN, GEOTECHNICAL DESIGN, FOUNDATION DESIGN, GRADING, DRAINAGE, AND ALL OTHER STRUCTURAL ASPECTS OF THE DWELLING INDEPENDENT OF THE DEVELOPER AND THE DEVELOPER'S ENGINEER. SAID OWNER AND BUILDER SHALL CONSTRUCT ALL ASPECTS OF THE DWELLING IN ACCORDANCE WITH ALL FEDERAL, STATE, AND ROGERS COUNTY BUILDING CODES.

14. DRIVEWAYS AND CULVERTS:

ALL DRIVEWAYS SHALL BE SURFACED WITH CONCRETE, OR ASPHALT, FROM THE SUBDIVISION'S ROAD TO THE CONCRETE PAD IN FRONT OF THE GARAGE AND SHALL BE A MINIMUM OF SIXTEEN (16) FEET WIDE AT THE POINT THE DRIVEWAY CONNECTS TO THE ADJACENT ROADWAY. ALL DRIVEWAY CULVERTS SHALL BE SIZED AS DEPICTED ON THE FINAL PLAT OF HIGHLAND PO