TULSA COUNTY CLERK - JOAN HASTINGS RCPT 315197 10/20/98 13:12:12
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RECEIVED
OCT 06 1998
TULSA METRO. AREA PLANNING COMM.

5307

P.U.D. # 378-A

The Village

AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA
A SUBDIVISION OF A PART OF THE NORTH HALF (N/2) OF THE NORTHEAST QUARTER (NE/4) OF SECTION TWENTY-SIX (26), TOWNSHIP 18 NORTH, RANGE 13 EAST OF THE INDIAN BASE AND MERIDIAN

30 0 30 60

Benchmark

TOP OF 5/8" IRON PIN ON THE NORTHEAST CORNER OF SECTION 26, T 18 N, R 13 E EAST 101ST STREET SOUTH AND SOUTH MEMORIAL DRIVE.

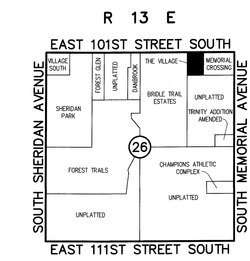
ELEVATION = 718.70

Basis of Bearings

BASIS OF BEARINGS FOR THIS PLAT IS THE PLATTED BEARINGS OF MEMORIAL CROSSING (PLAT NO. 5053)

OWNER/DEVELOPER
101st Street L.L.C.
2202 East 49th Street South
Suite 500
Tulsa, Oklahoma 74105
Phone: (918) 743-5090

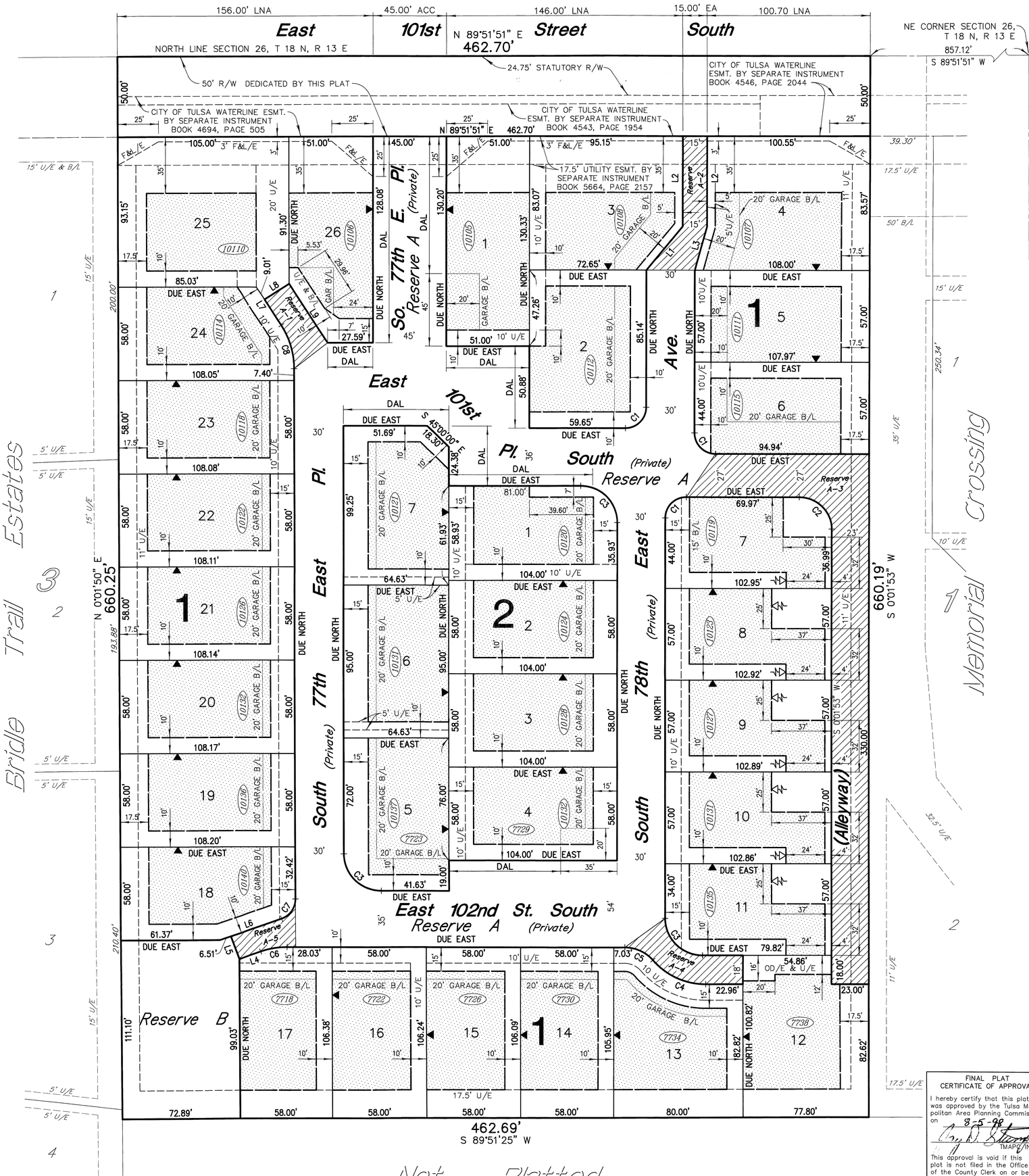
ENGINEER/SURVEYOR:
Sisemore Weisz & Associates, Inc.
1602 South Main Street
Tulsa, Oklahoma 74119
Phone: (918) 582-2700
Fax: (918) 582-5454



Location Map
SCALE: 1"=2000'

SUBDIVISION CONTAINS THIRTY-THREE (33) LOTS IN TWO (2) BLOCKS AND SEVEN (7) RESERVE AREAS

7.013 ACRES



Legend

ACC = ACCESS PERMITTED
EA = EMERGENCY ACCESS
LNA = LIMITS OF NO ACCESS
B/L = BUILDING LINE
U/E = UTILITY EASEMENT
SS/E = SANITARY SEWER EASEMENT
W/E = RESTRICTED WATERLINE EASEMENT
F&L/E = FENCING & LANDSCAPE EASEMENT
MAE = MUTUAL ACCESS EASEMENT
OD/E = OVERLAND DRAINAGE EASEMENT
DAL = DRIVEWAY ACCESS LIMITATION

INDICATES VARIABLE BUILDING LINE
LOT LINE/BLDG. ENVELOPE
INDICATES MANDATORY BUILDING LINE

(7726) INDICATES STREET ADDRESS

ADDRESSES SHOWN ON THIS PLAT PROVIDED BY THE DEVELOPMENT SERVICES HOUSE NUMBERING SECTION OF THE CITY OF TULSA, MORE ACCURATE AT THE TIME THE PLAT WAS FILED. THE ADDRESSES ARE SUBJECT TO CHANGE AND SHOULD NOT BE RELIED UPON IN PLACE OF THE LEGAL DESCRIPTION.

INDICATES INTERIOR DRIVE RESERVE
INDICATES BUILDING ENVELOPE

Line Table

LINE#	LENGTH	BEARING
L1	35.34'	N 39°32'23" E
L2	56.04'	DUE NORTH
L3	28.30'	S 15°21'58" W
L4	14.30'	S 70°46'09" W
L5	15.00'	N 19°13'51" W
L6	40.40'	N 70°46'09" E
L7	28.11'	N 32°33'37" W
L8	18.00'	N 57°26'23" E
L9	43.49'	S 32°33'37" E

Curve Table

CURVE#	LENGTH	RADIUS	DELTA
C1	20.42'	13.00'	90°00'00"
C2	31.43'	20.00'	90°01'53"
C3	36.13'	23.00'	90°00'00"
C4	36.97'	43.00'	49°15'52"
C5	19.78'	23.00'	49°15'52"
C6	16.78'	50.00'	19°13'51"
C7	16.06'	13.00'	70°46'09"
C8	28.41'	50.00'	32°33'37"

CERTIFICATE

I hereby certify that all real estate taxes involved in this plat have been paid as reflected by the current tax rolls. Security as required has been provided in the amount of $ 2110.00 per trust receipt no. 13437 to be applied to 19 98 taxes.
This certificate is NOT to be construed as payment of 1998 taxes.
This certificate is given in order that this plat may be filed on record and should exceed the amount of the security deposit.
Dated Oct 20 1998

Dennis Semler
Tulsa County Treasurer
by Deputy

FINAL PLAT CERTIFICATE OF APPROVAL

I hereby certify that this plat was approved by the Tulsa Metropolitan Area Planning Commission on 8-5-98
TMAPC/INCOG
This approval is void if this plat is not filed in the Office of the County Clerk on or before: 8-5-99
COUNTY or CITY ENGINEER

APPROVED 10/15/98 by the Council of the City of Tulsa, Oklahoma.
Chairman
Mayor
Attest: City Clerk
Approved: City Attorney

The Village
SHEET 1 OF 2

PREPARED OCTOBER 5, 1998

The Village

RECEIVED
OCT 0 6 1998
TULSA METRO. AREA
PLANNING COMM.

RESTRICTIVE COVENANTS
AND
DEED OF DEDICATION

KNOW ALL MEN BY THESE PRESENTS:

101ST STREET L.L.C. AN OKLAHOMA LIMITED LIABILITY CORPORATION, HEREINAFTER REFERRED TO AS THE "OWNER/DEVELOPER", IS THE OWNER OF THE FOLLOWING DESCRIBED LAND IN THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, TO WIT:

A TRACT OF LAND THAT IS PART OF THE NORTH HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER (N/2 NE/4 NE/4) OF SECTION TWENTY-SIX (26), TOWNSHIP EIGHTEEN (18) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 26, T-18-N, R-13-E, OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA: THENCE S 89 51'51" W ALONG THE NORTH LINE OF THE NE/4 OF SECTION 26 A DISTANCE OF 857.12 FEET TO THE NORTHWEST CORNER OF "MEMORIAL CROSSING" AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE OFFICIAL PLAT THEREOF, PLAT NO. 5053, BEING THE POINT OF BEGINNING; THENCE S 00 01'53" W ALONG THE WEST LINE OF "MEMORIAL CROSSING" A DISTANCE OF 660.19 FEET TO THE SOUTHWEST CORNER OF "MEMORIAL CROSSING" ALSO BEING ON THE SOUTH LINE OF THE N/2 OF THE NE/4 OF THE NE/4 OF SECTION 26; THENCE S 89 51'25" W ALONG THE SOUTH LINE OF THE N/2 OF THE NE/4 OF THE NE/4 OF SECTION 26 A DISTANCE OF 462.69 FEET TO THE SOUTHWEST CORNER OF THE N/2 OF THE NE/4 OF THE NE/4 OF SECTION 26; THENCE N 00 01'50" E ALONG THE WEST LINE OF THE N/2 OF THE NE/4 OF THE NE/4 OF SECTION 26 A DISTANCE OF 660.25 FEET TO THE NORTHWEST CORNER OF THE N/2 OF THE NE/4 OF THE NE/4 OF SECTION 26; THENCE N 89 51'51" E ALONG THE NORTH LINE OF THE NE/4 OF SECTION 26, A DISTANCE OF 462.70 FEET TO THE POINT OF BEGINNING;

AND HAS CAUSED THE ABOVE DESCRIBED LAND TO BE SURVEYED, STAKED, PLATTED AND SUBDIVIDED INTO LOTS, BLOCKS, RESERVE AREAS AND STREETS, IN CONFORMITY WITH THE ACCOMPANYING PLAT, AND HAS DESIGNATED THE SUBDIVISION AS "THE VILLAGE", A SUBDIVISION IN THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA.

SECTION I. PUBLIC STREETS, EASEMENTS AND UTILITIES

A. PUBLIC STREETS AND GENERAL UTILITY EASEMENTS

THE OWNER/DEVELOPER DOES HEREBY DEDICATE FOR PUBLIC USE THE STREET DEPICTED ON THE ACCOMPANYING PLAT AS "EAST 101ST STREET SOUTH" AND DOES FURTHER DEDICATE FOR PUBLIC USE THE UTILITY EASEMENTS AS DEPICTED ON THE ACCOMPANYING PLAT AS "U/E" OR "UTILITY EASEMENT", FOR THE SEVERAL PURPOSES OF CONSTRUCTING, MAINTAINING, OPERATING, REPAIRING, REPLACING, AND/OR REMOVING ANY AND ALL PUBLIC UTILITIES, INCLUDING STORM SEWERS, SANITARY SEWERS, TELEPHONE AND COMMUNICATION LINES, ELECTRIC POWER LINES AND TRANSFORMERS, GAS LINES, WATER LINES AND CABLE TELEVISION LINES, TOGETHER WITH ALL FITTINGS, INCLUDING THE POLES, WIRES, CONDUITS, PIPES, VALVES, METERS AND EQUIPMENT FOR EACH OF SUCH FACILITIES AND ANY OTHER APPURTENANCES THERETO, WITH THE RIGHTS OF INGRESS AND EGRESS TO AND UPON THE UTILITY EASEMENTS FOR THE USES AND PURPOSES AFORESAID, PROVIDED HOWEVER, THE OWNER/DEVELOPER HEREBY RESERVES THE RIGHT TO CONSTRUCT, MAINTAIN, OPERATE, LAY AND RE-LAY WATER LINES AND SEWER LINES, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS FOR SUCH CONSTRUCTION, MAINTENANCE, OPERATION, LAYING AND RE-LAYING OVER, ACROSS AND ALONG ALL OF THE UTILITY EASEMENTS DEPICTED ON THE PLAT, FOR THE PURPOSE OF FURNISHING WATER AND/OR SEWER SERVICES TO THE AREA INCLUDED IN THE PLAT. THE OWNER/DEVELOPER HEREIN IMPOSES A RESTRICTIVE COVENANT, WHICH COVENANT SHALL BE BINDING ON EACH LOT OWNER AND SHALL BE ENFORCEABLE BY THE CITY OF TULSA, OKLAHOMA, AND BY THE SUPPLIER OF ANY AFFECTED UTILITY SERVICE, THAT WITHIN THE UTILITY EASEMENTS DEPICTED ON THE ACCOMPANYING PLAT NO BUILDING, STRUCTURE OR OTHER ABOVE OR BELOW GROUND OBSTRUCTION SHALL BE PLACED, ERECTED, INSTALLED OR MAINTAINED, PROVIDED HOWEVER, NOTHING HEREIN SHALL BE DEEMED TO PROHIBIT DRIVES, PARKING AREAS, CURBING AND LANDSCAPING THAT DO NOT CONSTITUTE AN OBSTRUCTION.

B. UNDERGROUND SERVICE

1. OVERHEAD LINES FOR THE SUPPLY OF ELECTRIC, TELEPHONE AND CABLE TELEVISION SERVICES MAY BE LOCATED ALONG THE WEST AND SOUTH PERIMETER BOUNDARY OF THE SUBDIVISION, IF LOCATED WITHIN A UTILITY EASEMENT AS DEPICTED ON THE ACCOMPANYING PLAT. STREET LIGHT POLES OR STANDARDS MAY BE SERVED BY OVERHEAD LINE OR UNDERGROUND CABLE AND ELSEWHERE THROUGHOUT THE SUBDIVISION ALL SUPPLY LINES SHALL BE LOCATED UNDERGROUND IN THE EASEMENT WAYS DEDICATED FOR GENERAL UTILITY SERVICES AS DEPICTED ON THE ACCOMPANYING PLAT. SERVICE PEDESTALS AND TRANSFORMERS, AS SOURCES OF SUPPLY AT SECONDARY VOLTAGES, MAY ALSO BE LOCATED IN EASEMENTWAYS.

2. UNDERGROUND SERVICE CABLES TO ALL STRUCTURES WHICH MAY BE LOCATED WITHIN THE SUBDIVISION MAY BE RUN FROM THE NEAREST SERVICE PEDESTAL OR TRANSFORMER TO THE POINT OF USAGE DETERMINED BY THE LOCATION AND CONSTRUCTION OF SUCH STRUCTURE AS MAY BE LOCATED UPON THE LOT, PROVIDED THAT UPON THE INSTALLATION OF A SERVICE CABLE TO A PARTICULAR STRUCTURE, THE SUPPLIER OF SERVICE SHALL THEREAFTER BE DEEMED TO HAVE A DEFINITIVE, PERMANENT AND EFFECTIVE EASEMENT ON THE LOT, COVERING A 5 FOOT STRIP EXTENDING 2.5 FEET ON EACH SIDE OF THE SERVICE CABLE, EXTENDING FROM THE SERVICE PEDESTAL OR TRANSFORMER TO THE SERVICE ENTRANCE ON THE STRUCTURE.

3. THE SUPPLIER OF ELECTRIC, TELEPHONE AND CABLE TELEVISION SERVICES, THROUGH ITS AGENTS AND EMPLOYEES, SHALL AT ALL TIMES HAVE RIGHT OF ACCESS TO ALL EASEMENTWAYS SHOWN ON THE PLAT OR OTHERWISE PROVIDED FOR IN THIS DEED OF DEDICATION FOR THE PURPOSE OF INSTALLING, MAINTAINING, REMOVING OR REPLACING ANY PORTION OF THE UNDERGROUND ELECTRIC, TELEPHONE OR CABLE TELEVISION FACILITIES INSTALLED BY THE SUPPLIER OF THE UTILITY SERVICE.

4. THE OWNER OF THE LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE UNDERGROUND SERVICE FACILITIES LOCATED ON HIS LOT AND SHALL PREVENT THE ALTERATION OF GRADE OR ANY CONSTRUCTION ACTIVITY WHICH WOULD INTERFERE WITH THE ELECTRIC, TELEPHONE OR CABLE TELEVISION FACILITIES. THE SUPPLIER OF SERVICE SHALL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF UNDERGROUND FACILITIES, BUT THE OWNER SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER OR HIS AGENTS OR CONTRACTORS.

5. THE FOREGOING COVENANTS SET FORTH IN THIS PARAGRAPH B SHALL BE ENFORCEABLE BY THE SUPPLIER OF THE ELECTRIC, TELEPHONE OR CABLE TELEVISION SERVICE AND THE OWNER OF THE LOT AGREES TO BE BOUND HEREBY.

C. WATER AND SEWER SERVICE

1. THE OWNER OF THE LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE PUBLIC WATER AND SEWER MAINS LOCATED ON HIS LOT.

2. WITHIN THE UTILITY EASEMENT AREAS DEPICTED ON THE ACCOMPANYING PLAT, THE ALTERATION OF GRADE IN EXCESS OF 3 FEET FROM THE CONTOURS EXISTING UPON THE COMPLETION OF THE INSTALLATION OF A PUBLIC WATER MAIN OR SEWER MAIN, OR ANY CONSTRUCTION ACTIVITY WHICH WOULD INTERFERE WITH PUBLIC WATER AND SEWER MAINS, SHALL BE PROHIBITED.

3. THE CITY OF TULSA, OKLAHOMA, OR ITS SUCCESSORS, SHALL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF PUBLIC WATER AND SEWER MAINS, BUT THE OWNER SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER, HIS AGENTS OR CONTRACTORS.

4. THE CITY OF TULSA, OKLAHOMA, OR ITS SUCCESSORS, SHALL AT ALL TIMES HAVE RIGHT OF ACCESS TO ALL EASEMENTWAYS DEPICTED ON THE ACCOMPANYING PLAT, OR OTHERWISE PROVIDED FOR IN THIS DEED OF DEDICATION, FOR THE PURPOSE OF INSTALLING, MAINTAINING, REMOVING OR REPLACING ANY PORTION OF UNDERGROUND WATER OR SEWER FACILITIES.

5. THE FOREGOING COVENANTS SET FORTH IN THIS PARAGRAPH C SHALL BE ENFORCEABLE BY THE CITY OF TULSA, OKLAHOMA, OR ITS SUCCESSORS, AND THE OWNER OF THE LOT AGREES TO BE BOUND HEREBY.

D. GAS SERVICE

1. THE SUPPLIER OF GAS SERVICE THROUGH ITS AGENTS AND EMPLOYEES SHALL AT ALL TIMES HAVE RIGHT OF ACCESS TO ALL EASEMENT-WAYS SHOWN ON SAID PLAT, OR OTHERWISE PROVIDED FOR IN THIS DEED OF DEDICATION FOR THE PURPOSE OF INSTALLING, MAINTAINING, REMOVING OR REPLACING ANY PORTION OF THE UNDERGROUND FACILITIES INSTALLED BY THE SUPPLIER OF GAS SERVICE.

2. THE OWNER OF THE LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE UNDERGROUND GAS FACILITIES LOCATED ON HIS LOT, AND SHALL PREVENT THE ALTERATION OF GRADE OR ANY CONSTRUCTION ACTIVITY WHICH WOULD INTERFERE WITH THE GAS FACILITIES. THE SUPPLIER OF GAS SERVICE SHALL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF THE UNDERGROUND FACILITIES, BUT THE OWNER SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER OF THE LOT OR HIS AGENTS OR CONTRACTORS.

3. THE FOREGOING COVENANTS SET FORTH IN THIS PARAGRAPH D SHALL BE ENFORCEABLE BY THE SUPPLIER OF THE GAS SERVICE AND THE OWNER OF THE LOT AGREES TO BE BOUND HEREBY.

E. STORMWATER DETENTION

1. THE OWNER/DEVELOPER DOES HEREBY GRANT AND ESTABLISH A PERPETUAL EASEMENT TO THE CITY OF TULSA ON, OVER AND ACROSS RESERVE "B" (HEREINAFTER REFERRED TO AS THE "DETENTION EASEMENT AREA") FOR THE PURPOSES OF PERMITTING THE FLOW, CONVEYANCE, DETENTION AND DISCHARGE OF STORMWATER RUNOFF FROM THE VARIOUS LOTS WITHIN THE VILLAGE.

2. DETENTION, AND OTHER DRAINAGE FACILITIES CONSTRUCTED WITHIN RESERVE "B" SHALL BE IN ACCORDANCE WITH STANDARDS AND SPECIFICATIONS APPROVED BY THE CITY OF TULSA, OKLAHOMA.

3. DETENTION, AND OTHER DRAINAGE FACILITIES SHALL BE MAINTAINED BY THE HOMEOWNERS' ASSOCIATION (TO BE FORMED PURSUANT TO SECTION IV.) TO THE EXTENT NECESSARY TO ACHIEVE THE INTENDED DRAINAGE, AND DETENTION FUNCTIONS INCLUDING REPAIR OF APPURTENANCES AND REMOVAL OF OBSTRUCTIONS AND SILTATION AND THE HOMEOWNERS' ASSOCIATION SHALL PROVIDE ROUTINE AND CUSTOMARY GROUNDS MAINTENANCE WITHIN THE DETENTION EASEMENT AREA WHICH SHALL BE IN ACCORDANCE WITH THE FOLLOWING STANDARDS:

(a) THE DETENTION EASEMENT AREA SHALL BE KEPT FREE OF LITTER.

(b) THE DETENTION EASEMENT AREA SHALL BE MOWED DURING THE GROWING SEASON AT INTERVALS NOT EXCEEDING 4 WEEKS.

(c) IN THE EVENT THE HOMEOWNERS' ASSOCIATION SHOULD FAIL TO PROPERLY MAINTAIN THE DETENTION EASEMENT AREA AS ABOVE PROVIDED, THE CITY OF TULSA, OKLAHOMA, OR ITS DESIGNATED CONTRACTOR MAY ENTER THE DETENTION EASEMENT AREA AND PERFORM SUCH MAINTENANCE, AND THE COST THEREOF SHALL BE PAID BY THE HOMEOWNERS' ASSOCIATION.

(d) IN THE EVENT THE HOMEOWNERS' ASSOCIATION, AFTER COMPLETION OF THE MAINTENANCE AND RECEIPT OF A STATEMENT OF COSTS, FAILS TO PAY THE COST OF MAINTENANCE AS ABOVE SET FORTH, THE CITY OF TULSA, OKLAHOMA MAY FILE OF RECORD A COPY OF THE STATEMENT OF COSTS AND THEREAFTER THE COSTS SHALL BE A LIEN AGAINST EACH RESIDENTIAL LOT WITHIN THE VILLAGE, PROVIDED HOWEVER, THE LIEN AGAINST EACH RESIDENTIAL LOT SHALL NOT EXCEED 1/33RD OF THE COSTS.

(e) A LIEN ESTABLISHED AS ABOVE PROVIDED MAY BE FORECLOSED BY THE CITY OF TULSA, OKLAHOMA.

F. SURFACE DRAINAGE AND LOT GRADING RESTRICTION

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 TO BE CONSTRUCTED ANY FENCING OR OTHER OBSTRUCTIONS WHICH WOULD IMPAIR THE DRAINAGE OF STORM AND SURFACE WATERS OVER AND ACROSS HIS LOT. THE FOREGOING COVENANTS SET FORTH IN THIS PARAGRAPH E SHALL BE ENFORCEABLE BY ANY AFFECTED LOT OWNER AND BY THE CITY OF TULSA, OKLAHOMA.

G. LIMITS OF NO ACCESS

THE UNDERSIGNED OWNER/DEVELOPER HEREBY RELINQUISHES RIGHTS OF VEHICULAR INGRESS OR EGRESS FROM ANY PORTION OF THE PROPERTY ADJACENT TO EAST 101ST STREET SOUTH WITHIN THE BOUNDS DESIGNATED AS "LIMITS OF NO ACCESS" (L.N.A.) ON THE ACCOMPANYING PLAT, WHICH "LIMITS OF NO ACCESS" MAY BE AMENDED OR RELEASED BY THE TULSA METROPOLITAN AREA PLANNING COMMISSION, OR ITS SUCCESSOR, AND WITH THE APPROVAL OF THE CITY OF TULSA, OKLAHOMA, OR AS OTHERWISE PROVIDED BY THE STATUTES AND LAWS OF THE STATE OF OKLAHOMA PERTAINING THERETO, AND THE LIMITS OF NO ACCESS ABOVE ESTABLISHED SHALL BE ENFORCEABLE BY THE CITY OF TULSA.

H. PAVING AND LANDSCAPING WITHIN EASEMENTS

THE OWNER OF THE LOT AFFECTED SHALL BE RESPONSIBLE FOR THE REPAIR OF DAMAGE TO LANDSCAPING AND PAVING OCCASIONED BY NECESSARY INSTALLATION OR MAINTENANCE OF UNDERGROUND WATER, SEWER, STORM SEWER, NATURAL GAS, COMMUNICATION, CABLE TELEVISION OR ELECTRIC FACILITIES WITHIN THE RESTRICTED WATER LINE, SEWER LINE OR UTILITY EASEMENT AREAS DEPICTED UPON THE ACCOMPANYING PLAT, PROVIDED HOWEVER, THE CITY OF TULSA, OKLAHOMA OR THE SUPPLIER OF THE UTILITY SERVICE SHALL USE REASONABLE CARE IN THE PERFORMANCE OF SUCH ACTIVITIES.

SECTION II. PLANNED UNIT DEVELOPMENT RESTRICTIONS

WHEREAS, THE VILLAGE WAS SUBMITTED AS A PLANNED UNIT DEVELOPMENT (DESIGNATED AS PUD NO. 378-A) AS PROVIDED WITHIN SECTIONS 1100-1107 OF TITLE 42, TULSA REVISED ORDINANCES (TULSA ZONING CODE), AS THE SAME EXISTED ON MARCH 21, 1997, WHICH PUD NO. 378-A WAS APPROVED BY THE TULSA METROPOLITAN AREA PLANNING COMMISSION ON JANUARY 22, 1997, AND BY THE COUNCIL OF THE CITY OF TULSA, OKLAHOMA, ON FEBRUARY 3, 1997 THE IMPLEMENTING ORDINANCE NO. 18948 BEING ADOPTED ON MARCH 13, 1997, AND PUBLISHED ON MARCH 21, 1997;
AND

WHEREAS, THE PLANNED UNIT DEVELOPMENT PROVISIONS OF THE TULSA ZONING CODE REQUIRE THE ESTABLISHMENT OF COVENANTS OF RECORD, INURING TO AND ENFORCEABLE BY THE CITY OF TULSA, OKLAHOMA, SUFFICIENT TO ASSURE THE IMPLEMENTATION AND CONTINUED COMPLIANCE WITH THE APPROVED PLANNED UNIT DEVELOPMENT;
AND

WHEREAS, THE OWNER/DEVELOPER DESIRES TO ESTABLISH RESTRICTIONS FOR THE PURPOSE OF PROVIDING FOR AN ORDERLY DEVELOPMENT AND TO INSURE ADEQUATE RESTRICTIONS FOR THE MUTUAL BENEFIT OF THE OWNER/ DEVELOPER, ITS SUCCESSORS AND ASSIGNS, AND THE CITY OF TULSA, OKLAHOMA.

THEREFORE, THE OWNER/DEVELOPER DOES HEREBY IMPOSE THE FOLLOWING RESTRICTIONS AND COVENANTS WHICH SHALL BE COVENANTS RUNNING WITH THE LAND AND SHALL BE BINDING UPON THE OWNER/DEVELOPER, ITS SUCCESSORS AND ASSIGNS, AND SHALL BE ENFORCEABLE AS HEREINAFTER SET FORTH.

A. USE OF LAND

THE DEVELOPMENT OF THE VILLAGE SHALL BE SUBJECT TO THE PLANNED UNIT DEVELOPMENT PROVISIONS OF THE CITY OF TULSA ZONING CODE, AS SUCH PROVISIONS EXISTED ON MARCH 21, 1997, OR AS MAY BE SUBSEQUENTLY AMENDED.

B. PRIVATE STREETS

THE STREETS, AND INTERIOR DRIVES, (EXCEPT EAST 101ST STREET SOUTH) AS DESIGNATED ON THE ACCOMPANYING PLAT AND COLLECTIVELY COMPRISING RESERVES "A", "A-1", "A-2", "A-3", "A-4", AND "A-5", ARE HEREIN DEDICATED BY THE OWNER/DEVELOPER AS PRIVATE STREETS, AND INTERIOR DRIVES FOR THE COMMON USE AND BENEFIT OF THE OWNERS OF THE RESIDENTIAL LOTS WITHIN THE VILLAGE, THEIR GUESTS AND INVITEES, FOR THE PURPOSE OF PROVIDING VEHICULAR AND PEDESTRIAN ACCESS TO AND FROM THE VARIOUS LOTS, TO AND FROM PUBLIC STREETS, AND FOR PROVIDING COMMON PARKING AREAS, ENTRANCE SECURITY FACILITIES, DECORATIVE FENCING AND LANDSCAPING, AND ARE RESERVED FOR SUBSEQUENT CONVEYANCE TO A HOMEOWNER'S ASSOCIATION, AS SET FORTH WITHIN SECTION IV. TO BE FORMED FOR THE PURPOSES OF THE ADMINISTRATION AND MAINTENANCE OF THE PRIVATE STREETS AND OTHER COMMON AREAS OF THE SUBDIVISION.

THE OWNER/DEVELOPER HEREIN GRANTS TO THE CITY OF TULSA, OKLAHOMA, THE UNITED STATES POSTAL SERVICE, ANY PUBLIC UTILITY PROVIDING UTILITY SERVICE TO THE SUBDIVISION, AND TO ANY REFUSE COLLECTION SERVICE WHICH PROVIDES SERVICE WITHIN THE SUBDIVISION, THE 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/DEVELOPER, FOR ITSELF AND ITS SUCCESSORS, HEREIN COVENANTS WITH THE CITY OF TULSA, OKLAHOMA, WHICH COVENANTS SHALL RUN WITH THE LAND AND INURE TO THE BENEFIT OF THE CITY OF TULSA, OKLAHOMA, AND SHALL BE ENFORCEABLE BY THE CITY OF TULSA, OKLAHOMA, TO:

1. CONSTRUCT AND MAINTAIN STREET SURFACING OF THE PRIVATE STREETS DEPICTED WITHIN THE ACCOMPANYING PLAT, MEETING OR EXCEEDING THE NOW EXISTING SPECIFICATIONS OF THE CITY OF TULSA APPLICABLE TO MINOR RESIDENTIAL PUBLIC STREETS INCLUDING BUT NOT LIMITED TO THE FOLLOWING:

(a) QUALITY AND THICKNESS SPECIFICATIONS FOR GUTTERS, BASE AND PAVING MATERIALS;

(b) SURFACING WIDTH OF NOT LESS THAN 26' MEASURED FROM FACE OF CURB TO FACE OF CURB, PROVIDED HOWEVER, THE SURFACING WIDTH ON EACH SIDE OF A BOULEVARD STREET SHALL NOT BE LESS THAN 18' MEASURED FROM FACE OF CURB TO FACE OF CURB; AND THE PAVING WIDTH OF INTERIOR DRIVES AS DEPICTED ON THE ACCOMPANYING PLAT MAY VARY BUT SHALL NOT BE LESS THAN 10 FEET;

(c) BARRICADE CURBING; AND

(d) VERTICAL GRADE;

PROVIDED HOWEVER, RIGHT-OF-WAY WIDTHS, AS DEPICTED UPON THE ACCOMPANYING PLAT ARE PERMITTED.

2. PROHIBIT THE ERECTION OF ANY ARCH OR SIMILAR STRUCTURE OVER ANY PRIVATE STREET AS DEPICTED ON THE ACCOMPANYING PLAT WHICH WOULD PROHIBIT ANY GOVERNMENTAL VEHICLE, SPECIFICALLY ANY FIRE VEHICLE, FROM EFFECTIVE USAGE OF THE PRIVATE STREETS PROVIDED HOWEVER, CUSTOMARY SECURITY GATING MAY BE INSTALLED.

THE OWNER/DEVELOPER ACKNOWLEDGES FOR ITSELF AND ITS SUCCESSORS IN TITLE THAT THE PRIVATE STREETS, ALLEYS AND DRIVES AS DEPICTED ON THE ACCOMPANYING PLAT DO NOT MEET THE CITY OF TULSA, OKLAHOMA STANDARD AS TO WIDTH OF RIGHT-OF-WAY AND WIDTH OF PAVING, AND FURTHER ACKNOWLEDGES THAT THE CITY OF TULSA, OKLAHOMA SHALL HAVE NO DUTY TO MAINTAIN ANY OF THE PRIVATE STREETS, ALLEYS AND DRIVES WITHIN THE SUBDIVISION, NOR HAVE ANY IMPLIED OBLIGATION TO ACCEPT ANY SUBSEQUENT TENDER OF DEDICATION OF ANY PRIVATE STREET, ALLEY OR DRIVE WITHIN THE SUBDIVISION.

C. RESERVE AREAS

1. RESERVES "A"

THE USE OF RESERVE "A" SHALL BE LIMITED TO PRIVATE STREETS, UTILITY EASEMENTS, COMMON PARKING AREAS, LANDSCAPING AND ENTRY FEATURES. ENTRY FEATURES INCLUDE, BUT ARE NOT LIMITED TO, SIGNAGE AND SECURITY FACILITIES. THE USE OF RESERVES "A-1", "A-2", "A-3", "A-4", AND "A-5" SHALL BE LIMITED TO INTERIOR DRIVES.

2. RESERVE "B"

THE USE OF RESERVE "B" SHALL BE LIMITED TO STORMWATER DRAINAGE AND DETENTION FACILITIES AND OPEN SPACE AND LANDSCAPING.

D. RESIDENTIAL DEVELOPMENT AREA

THE LOTS WITHIN THE VILLAGE (HEREINAFTER REFERRED TO AS THE "LOTS") SHALL BE SUBJECT TO THE FOLLOWING RESTRICTIONS AND LIMITATIONS:

1. USE

THE USE OF THE LOTS SHALL BE LIMITED TO DETACHED SINGLE FAMILY RESIDENCES HAVING AN ATTACHED GARAGE PROVIDING SPACE FOR A MINIMUM OF TWO AUTOMOBILES.

2. FRONTING AND ACCESS LIMITATION

EACH DWELLING SHALL FRONT AN INTERIOR PRIVATE STREET OR DRIVE AND DERIVE ITS ACCESS SOLELY FROM AN INTERIOR PRIVATE STREET OR DRIVE.

3. PUBLIC STREET SETBACK

NO BUILDING SHALL BE ERECTED NEARER TO A PUBLIC STREET THAN THE BUILDING SETBACK LINES DEPICTED ON THE ACCOMPANYING PLAT.

4. GARAGE OPENING SETBACK

WITHIN EACH LOT (EXCEPTING LOTS 7 THROUGH 11 BLOCK 1) A GARAGE BUILDING LINE HAS BEEN ESTABLISHED AND DEPICTED ON THE ACCOMPANYING PLAT AS "GARAGE B/L". NO GARAGE OPENING SHALL BE ERECTED NEARER TO PRIVATE STREET, OR DRIVE FROM WHICH ACCESS IS DERIVED THAN THE GARAGE BUILDING LINE DEPICTED ON THE ACCOMPANYING PLAT, PROVIDED HOWEVER, SIDE ENTRY GARAGES SHALL NOT BE SUBJECT TO THE FOREGOING RESTRICTION. WITHIN LOTS 7 THROUGH 11, BLOCK 1, EACH GARAGE SHALL BE ACCESSED FROM THE INTERIOR DRIVE LOCATED ALONG THE EAST BOUNDARY OF THE LOTS.

5. DRIVEWAY ACCESS LIMITATION

WITHIN THE BOUNDARIES OF A LOT DESIGNATED ON THE ACCOMPANYING PLAT AS "DRIVEWAY ACCESS LIMITATION" OR " DAL ",VEHICULAR ACCESS TO THE ADJOINING PRIVATE STREET SHALL BE PROHIBITED, PROVIDED HOWEVER THE ACCESS LIMITATION MAY BE AMENDED BY THE OWNER/DEVELOPER DURING THE PERIOD OF ITS OWNERSHIP OF THE APPLICABLE PRIVATE STREET RESERVE AREA AND THEREAFTER THE ACCESS LIMITATION MAY BE AMENDED BY THE HOMEOWNERS' ASSOCIATION TO BE FORMED AS SET FORTH WITHIN SECTION IV.

6. SITING REQUIREMENTS

THE CONCEPT OF THE VILLAGE IS A PATIO HOME DEVELOPMENT IN WHICH THE SINGLE FAMILY RESIDENCE IS BUILT ALONG ONE OR MORE PREDETERMINED LOT LINES ESTABLISHED TO PROVIDE PRIVACY TO THE ADJOINING RESIDENCE AND TO ACHIEVE A MORE USEFUL AGGREGATE OF YARD SPACE. IN ORDER TO IMPLEMENT THE CONCEPT, THE FOLLOWING SITING AND CONSTRUCTION REQUIREMENTS ARE ESTABLISHED:

(a) WITHIN EACH LOT A BUILDING ENVELOPE HAS BEEN ESTABLISHED, THE BOUNDARIES OF WHICH ARE DEPICTED ON THE ACCOMPANYING PLAT BY THE GRAPHIC SYMBOL [ ]. THE DWELLING SHALL BE LOCATED WITHIN THE BUILDING ENVELOPE.

(b) WITHIN SELECTED LOTS, ONE OR MORE OF THE LOT LINES HAVE BEEN ESTABLISHED AS A MANDATORY BUILDING LINE AS DEPICTED ON THE ACCOMPANYING PLAT BY THE GRAPHIC SYMBOL ◀ WITHIN A LOT CONTAINING ONE OR MORE MANDATORY BUILDING LINES, A BUILDING WALL SHALL BE CONSTRUCTED ADJACENT TO, PARALLEL WITH, AND SHALL EXTEND ALONG EACH MANDATORY BUILDING LINE A DISTANCE OF NOT LESS THAN 30 FEET.

(c) A BUILDING WALL LOCATED ALONG A MANDATORY BUILDING LINE SHALL NOT BE PENETRATED BY DOORS OR WINDOWS, PROVIDED HOWEVER, DORMER WINDOWS MAY BE LOCATED ON THE UPPER LEVEL (IF ANY) OF THE DWELLING.

(d) DWELLINGS SHALL BE SEPARATED A DISTANCE OF NOT LESS THAN 7 FEET.

(e) WITHIN LOTS 7 THROUGH 11 BLOCK 1, ONE OR MORE BUILDING ENVELOPE LINES EXTENDING PERPENDICULAR TO A A COMMON LOT LINE OF AN ADJOINING LOT ARE IDENTIFIED ON THE ACCOMPANYING PLAT BY THE GRAPHIC SYMBOL ◀▶ EACH OF THE IDENTIFIED LINES BEING HEREINAFTER REFERRED TO AS THE "VARIABLE BUILDING LINE". THE BUILDING ENVELOPE OF A LOT CONTAINING A VARIABLE BUILDING LINE MAY BE ENLARGED BY RELOCATION OF THE VARIABLE BUILDING LINE ALONG THE LOT LINE TO WHICH IT EXTENDS, PROVIDED HOWEVER, THE RELOCATION SHALL REQUIRE THE WRITTEN RECORDED CONCURRENCE OF THE OWNER OF THE ADJOINING LOT WHICH SHALL SET FORTH A CONCURRENT OFFSETTING REDUCTION OF THE BUILDING ENVELOPE OF THE ADJOINING LOT AND IN ALL INSTANCES THERE SHALL BE MAINTAINED A SEPARATION BETWEEN DWELLINGS OF NOT LESS THAN 7 FEET.

7. SCREENING REQUIREMENT

A SCREENING FENCE NOT LESS THAN 6 FEET IN HEIGHT SHALL BE ERECTED AND MAINTAINED BY THE INDIVIDUAL LOT OWNERS ALONG THE WEST BOUNDARY OF THE SUBDIVISION.

8. OTHER BULK AND AREA REQUIREMENTS

EXCEPT AS ABOVE MODIFIED, THE LOTS SHALL COMPLY WITH THE BULK AND AREA REQUIREMENTS OF THE RS-4 RESIDENTIAL SINGLE FAMILY DISTRICT AS SET FORTH WITHIN THE CITY OF TULSA ZONING CODE.

9. SIGNAGE

ONE MONUMENT SIGN IDENTIFYING THE RESIDENTIAL DEVELOPMENT MAY BE LOCATED ALONG THE EAST 101ST STREET SOUTH FRONTAGE NOT EXCEEDING 6' IN HEIGHT NOR 32 SQUARE FEET OF DISPLAY SURFACE AREA.

10. BUILDING PLAN AND SIGN PLAN REQUIREMENTS

PRIOR TO THE ISSUANCE OF A BUILDING PERMIT, THE BUILDING PLANS OF THE DWELLING INCLUDING A DETAILED SITE PLAN SHALL BE SUBMITTED TO AND APPROVED BY THE TULSA METROPOLITAN AREA PLANNING COMMISSION. PRIOR TO THE INSTALLATION OF ANY SIGNAGE, A DETAILED PLAN OF THE SIGN OR SIGNS PROPOSED TO BE INSTALLED SHALL BE SUBMITTED TO AND APPROVED BY THE TULSA METROPOLITAN AREA PLANNING COMMISSION. THE DEVELOPMENT AND USE OF THE VILLAGE SHALL BE IN COMPLIANCE WITH THE APPROVED BUILDING PLANS, SITE PLANS AND SIGN PLANS, OR SUCH AMENDMENTS THEREOF AS MAY BE LATER APPROVED BY THE TULSA METROPOLITAN AREA PLANNING COMMISSION OR ITS SUCCESSOR.

E. MINOR AMENDMENTS

THE FOREGOING RESTRICTIONS SHALL BE DEEMED AMENDED (WITHOUT NECESSITY OF EXECUTION OF AN AMENDING DOCUMENT) TO CONFORM TO AMENDMENTS TO BULK AND AREA REQUIREMENTS THAT MAY SUBSEQUENTLY BE APPROVED BY THE TULSA METROPOLITAN AREA PLANNING COMMISSION PURSUANT TO ITS REVIEW OF A MINOR AMENDMENT PROCESSED IN ACCORDANCE WITH THE PROVISIONS OF SUBSECTION H. OF SECTION 1107 OF THE CITY OF TULSA ZONING CODE, AND THE FILING OF A CERTIFIED COPY OF THE MINUTES OF THE TULSA METROPOLITAN AREA PLANNING COMMISSION WITH THE TULSA COUNTY CLERK.

F. DEFINITIONS

IN THE EVENT OF AMBIGUITY OF ANY WORD OR TERM SET FORTH IN SECTION II., THE MEANING THEREOF SHALL BE DEEMED TO BE DEFINED AS SET FORTH WITHIN THE CITY OF TULSA ZONING CODE AS THE SAME EXISTED ON MARCH 21, 1997 OR AS SUBSEQUENTLY AMENDED.

SECTION III. PERIMETER FENCING AND LANDSCAPING

THE OWNER/DEVELOPER HEREIN RESERVES FOR SUBSEQUENT CONVEYANCE TO THE HOMEOWNERS' ASSOCIATION TO BE FORMED PURSUANT TO SECTION IV. A PERPETUAL EASEMENT TO ERECT AND MAINTAIN FENCING, WALLS AND LANDSCAPING ALONG THE BOUNDARIES OF THE SUBDIVISION WITHIN THE EASEMENTS DEPICTED ON THE ACCOMPANYING PLAT AS "