

AGENDA
PLANNING COMMISSION
116 WEST NEEDLES
BIXBY, OKLAHOMA
November 19, 2012 **6:00 PM**

CALL TO ORDER

ROLL CALL

CONSENT AGENDA

- ③ 1. Approval of Minutes for the October 24, 2012 Special/Called Meeting

PUBLIC HEARINGS

2. (Continued from August 20 and September 17, 2012)

⑬ **BZ-357 – JR Donelson for Clinton Miller and Roger Metcalf.** Public Hearing, Discussion, and consideration of a rezoning request from RS-2 Single Family Dwelling District to CS Commercial Shopping Center District for part of Government Lot 7 lying West of the Centerline of Old U.S. Hwy 64 and lying North of Bentley Park in Section 13, T17N, R13E.

Property located: North dead-end of Riverview Rd.; Northwest corner of the intersection of Riverview Rd. and E. Westminster Pl. N.

3. (Continued from October 15, 2012)

⑮ **BZ-359 – Roger & LeAnn Metcalf.** Public Hearing, Discussion, and consideration of a rezoning request from AG Agricultural District to RM-2 Residential Multi-Family District for part of the W/2 of the NW/4 of Section 23, T17N, R13E.

Property located: 15329 S. Sheridan Rd.

4. **PUD 73 – Eagle SPE Multi I, Inc. – Rosenbaum Consulting, LLC.** Public Hearing, discussion, and consideration of a rezoning request for approval of a Planned Unit Development (PUD) for Lot 7 and the N. 42' of Lot 8, Block 1, *Bixby Centennial Plaza*.

Property Located: Approximately the 11900-block of S. Memorial Dr.

PLATS

5. **Preliminary Plat (Resubmitted) / Final Plat – Seven Lakes II – HRAOK, Inc.** Discussion and consideration of a Preliminary Plat and a Final Plat and certain Modifications/Waivers for “Seven Lakes II,” part of the W/2 of Section 02, T17N, R13E.

③⑨ Property located: Intersection of 67th E. Ave. and 125th Pl. S.

OTHER BUSINESS

6. **BL-387 – Rosenbaum Consulting, LLC for Eagle SPE Multi I, Inc.** Discussion and possible action to approve a Lot-Split for Lot 7 and the N. 42' of Lot 8, Block 1, *Bixby Centennial Plaza*.

Property Located: Approximately the 11900-block of S. Memorial Dr.

7. **V-43 – Rosenbaum Consulting, LLC for Eagle SPE Multi I, Inc.** Discussion and consideration of a request to Close a Utility Easement within Lot 7 and the N. 42' of Lot 8, Block 1, *Bixby Centennial Plaza*.

Property Located: Approximately the 11900-block of S. Memorial Dr.

OLD BUSINESS

NEW BUSINESS

ADJOURNMENT

Posted By: Emyart

Date: 10/24/2012

Time: 2:30 PM

2

MINUTES
PLANNING COMMISSION
116 WEST NEEDLES
BIXBY, OKLAHOMA
October 24, 2012 **6:00 PM**

SPECIAL-CALLED MEETING

STAFF PRESENT:

Erik Enyart, AICP, City Planner
Patrick Boulden, Esq., City Attorney

OTHERS ATTENDING:

See attached Sign-In Sheet

CALL TO ORDER:

Vice/Acting Chair Larry Whiteley called the meeting to order at 6:05 PM.

ROLL CALL:

Members Present: John Benjamin, Larry Whiteley, and Lance Whisman.
Members Absent: Jeff Baldwin and Thomas Holland.

CONSENT AGENDA:

1. Approval of Minutes for the October 15, 2012 Regular Meeting

Vice/Acting Chair Larry Whiteley introduced Consent Agenda Item Number 1. John Benjamin noted that he could not vote on the Minutes as he was not present at this meeting. The Commissioners decided to Pass the item to the end of the Agenda, in the event Jeff Baldwin would show up by then (it was not known if Mr. Baldwin would be in attendance). Vice/Acting Chair Larry Whiteley declared the item PASSED to the end of the Agenda.

PUBLIC HEARINGS

None.

PLATS

2. **Preliminary Plat / Final Plat – Southridge at Lantern Hill – Lantern Hill, LLC.**
Discussion and consideration of a Preliminary Plat and a Final Plat and certain Modifications/Waivers for “Southridge at Lantern Hill,” a resubdivision of all of *Lantern Hill*.
Property Located: 146th St. S. and Sheridan Rd.

Vice/Acting Chair Larry Whiteley introduced the item and asked Erik Enyart for the Staff Report and recommendations. Mr. Enyart summarized the Staff Report as follows:

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner
Date: Friday, October 19, 2012
RE: Report and Recommendations for:
Preliminary Plat & Final Plat of Southridge at Lantern Hill

LOCATION:

- 14728 S. Sheridan Rd. (pre-platted parcel address)
- 146th St. S. and Sheridan Rd.
- The NE/4 of the SE/4 of Section 15, T17N, R13E
- All of Lantern Hill

LOT SIZE: 39.9 acres, more or less

EXISTING ZONING: RS-3 Residential Single Family District / PUD 72

EXISTING USE: Lantern Hill, a vacant residential subdivision

REQUEST:

- (1) Preliminary Plat & Final Plat approval for a 115-lot residential subdivision
- (2) Modification/Waiver from Subdivision Regulations Section 12-3-4.F to exceed the 2:1 maximum lot depth to width ratio
- (3) Modification/Waiver from Subdivision Regulations Section 12-3-2.C to provide no stub-out streets
- (4) Modification/Waiver from Subdivision Regulations Section 12-3-2.T to exceed the 300' maximum length dead end/cul-de-sac street for 147th St. S.
- (5) Modification/Waiver from Subdivision Regulations Section 12-3-2.N to remove the sidewalk construction requirement along Sheridan Road

SURROUNDING ZONING AND LAND USE:

North: AG; Agricultural along S. Sheridan Rd.

South: AG; Rural residential, agricultural, and vacant along S. Sheridan Rd. & S. Kingston Ave.

East: AG; Agricultural along S. Sheridan Rd.

West: RS-3/CS/OL/PUD 62 and RS-3/PUD-46; 80-acres of agricultural land for a future development tentatively known as "Hawkeye." The The Ridge at South County residential development is to the northwest.

COMPREHENSIVE PLAN: Corridor + Development Sensitive + Vacant, Agricultural, Rural Residences, and Open Land

PREVIOUS/RELATED CASES:

BZ-333 – Lantern Hill, LLC – Request for RS-3 zoning for subject property – PC Recommended Approval 07/16/2007 and City Council Approved 08/13/2007 (Ord. # 974).

Preliminary Plat of Lantern Hill – Request for Preliminary Plat for subject property and Waivers from: (1) The 2:1 maximum depth-to-width ratio standard per SRs Section 11-3-4.F, (2) The stub-out street requirement per SRs Section 12-3-2.C, and (3) The 300' maximum length for a dead end/cul-de-sac street per SRs Section 12-3-2.T for 147th St. S. – PC Recommended Approval 11/19/2007 and City Council Approved with all Waivers 12/26/2007.

Final Plat of Lantern Hill – Request for Final Plat approval for subject property – PC Recommended Conditional Approval 09/15/2008 and City Council Approved 10/13/2008 (recorded 02/04/2009).

PUD 72 – Southridge at Lantern Hill – Lantern Hill, LLC – Request for PUD approval for subject property – PC recommended Conditional Approval 08/20/2012 and City Council Conditionally Approved 08/27/2012, including as Conditions certain requirements for minimum house construction and design quality (ordinance not numbered or signed as of 10/19/2012 due to the Applicant not having submitted the final version incorporating corrections and Conditions of Approval).

BACKGROUND INFORMATION:

Lantern Hill, containing 75 lots, four (4) Reserves, and three (3) blocks, was platted February 04, 2009. Infrastructure was completed and the lots were released for Building Permit issuance about a year later. Since then, not one lot has been sold, nor house built. The developer proposed PUD 72 to reduce the lot size requirements for use in a replat, to be known as "Southridge at Lantern Hill." The smaller lots will

likely reduce the lot costs, making them more affordable. Typical lots in Lantern Hill range from 90' X 150' (13,500 square feet, 0.31 acres) to 110' X 160' (17,600 square feet, 0.404 acres). The Zoning Code requires a minimum lot width of 65' in the RS-3 district, but PUD 72 reduced this to 60'. The developer has expressed this situation within the PUD by explaining the need to meet "market conditions" and provide "a consistent market of residential home construction."

ANALYSIS:

Subject Property Conditions. The subject property contains 39.9 acres and is zoned RS-3. It has been developed as Lantern Hill, a single-family residential subdivision with large lots, all of which are vacant and still belong to the developer/Applicant.

The subject property is bounded on the north by an 80-acre agricultural tract zoned AG, on the east by Sheridan Road, on the south by rural residential, agricultural, and vacant tracts along S. Sheridan Rd. and S. Kingston Ave, and on the west by an 80-acre tract approved for RS-3, CG, and OL zoning and PUD 62 for a development tentatively known as "Hawkeye."

The subject property is on the side of a hill and appears to drain to the east and northeast, ultimately to Bixby Creek.

Comprehensive Plan. The Comprehensive Plan designates the subject property as (1) Corridor, (2) Development Sensitive, and (3) Vacant, Agricultural, Rural Residences, and Open Land.

The single family housing development anticipated by this plat would be consistent with the Comprehensive Plan.

General. The proposed replat subdivision contains 115 lots, and will retain the existing street network, the four (4) Reserve Areas, and the three (3) blocks (however, due to Reserve "B" completely separating parts of Block 2, Staff recommends the designation of a fourth block). Typical lots range from 60' X 155' (9,300 square feet, 0.21 acres) to 60' X 165' (9,900 square feet, 0.23 acres).

On October 15, 2012, the developer's engineer, Barrick Rosenbaum of Rosenbaum Consulting, LLC, requested an expedited plat review. The Planning Commission Chair has called a Special Meeting on October 24, 2012 to review and consider the plats. The City Council is anticipated to review and consider the plats at or before its November 12, 2012 regular meeting. Staff sent the plats and information to the TAC by email October 15, 2012, requesting comments be submitted in accordance with this accelerated review schedule. As of the date of this report, issues on utility relocations remain between the developer and BTC Broadband. TAC member comments are attached to this report.

The Fire Marshal's and City Engineer's memos, and the City Attorney's email, are all attached to this Staff Report. Their comments are incorporated herein by reference and should be made conditions of approval where not satisfied at the time of approval.

Access and Internal Circulation. Primary access to the subdivision would be from S. Sheridan Rd. via 146th St. S. and 148th St. S., all of which are existing. Internally, 147th St. S., S. 62nd E. Ave., and S. 63rd E. Ave. are also in existence.

As homes have not yet been constructed, and thus no addresses are in use in the addition, Staff suggests the developer consider renaming S. 62nd E. Ave. → S. Lakewood Pl. and S. 63rd E. Ave. → S. Maplewood Pl. This would be consistent with the metropolitan Tulsa addressing convention, employed throughout most of Bixby west of Sheridan Rd. for north-south avenues. Specifically, this would be consistent with street names in nearest subdivisions Eagle Rock and The Ridge at South County, and would be consistent with Kingston Ave. to the south. Finally, builders and homeowners may prefer having their address on "Lakewood Place" or "Maplewood Place" versus a numbered avenue.

Staff Recommendation. Staff recommends Approval Staff of the Preliminary Plat and Final Plat with the following corrections, modifications, and Conditions of Approval:

1. Subject to compliance with all Fire Marshal, City Attorney, and City Engineer recommendations and requirements.
2. Subject to a Modification/Waiver from Subdivision Regulations Section 12-3-4.F, as most lots appear to exceed the 2:1 maximum depth to width ratio as per SRs Section 12-3-4.F. Staff notes that this Modification/Waiver was approved with the plat of Lantern Hill, but only for a handful of lots, and those being the ones subject to the 130' PSO easement. The Modification/Waiver may be justified by citing its necessity as a product of a replatting of much larger lots into smaller ones, at 60' in typical width, while retaining existing streets, pursuant to PUD 72, and the location and width of the 130' PSO easement affecting certain lots.

3. Subject to a Modification/Waiver from Subdivision Regulations Section 12-3-2.C to provide no stub-out streets. Staff notes that this Modification/Waiver was approved with the plat of Lantern Hill, and that the streets are already in place.
4. Subject to a Modification/Waiver from Subdivision Regulations Section 12-3-2.T to exceed the 300' maximum length dead end/cul-de-sac street for 147th St. S. Staff notes that this Modification/Waiver was approved with the plat of Lantern Hill, and that the streets are already in place.
5. Subject to a Modification/Waiver from Subdivision Regulations Section 12-3-2.N to remove the sidewalk construction requirement along Sheridan Road. The City Engineer's and City Planner's recommendation is that there be payment of a fee-in-lieu of sidewalk construction along Sheridan Rd., so that monies in proportion to sidewalk construction along Sheridan Rd. be collected and placed in escrow for sidewalk construction in other locations within Bixby, to be determined as prioritized by capital improvements planning. The Waiver request letter and PUD text include this requirement.
6. Lot 42, Block 2 does not appear to meet the 60' minimum average lot width per PUD 72.
7. Lots 22 through 46, inclusive, Block 2, are completely separated from the balance of Block 2 by Reserve Area 'B.' Per the definition of "Block" in the Subdivision Regulations and the typical block numbering conventions, the two (2) areas need to be separate blocks.
8. Land Summary statistics on the plat face report Block 1 contains 30 lots, when it actually contains 50 lots.
9. Update Lot, Block, and Reserve number statistics on the first page to add the new block number, and to update lot numbers if/as needed.
10. Preliminary Plat: Elevation contours at one (1) foot maximum intervals not represented as required per SRs Section 12-4-2.B.6.
11. "Engineer/Surveyor" listed on the plats is HRAOK, Inc. but application filed by engineer Barrick Rosenbaum of Rosenbaum Consulting, LLC. Please reconcile if / as appropriate (SRs Section 12-4-2.A.4).
12. Consider renaming streets to coincide with the metropolitan Tulsa addressing convention, as used in Bixby, as follows:
 - a. S. 62nd E. Ave. → S. Lakewood Pl.
 - b. S. 63rd E. Ave. → S. Maplewood Pl.
13. It appears the common lot line between Lots 7 and 8, Block 1 (previously Lots 5 and 6, Block 1) was moved easterly approximately 3'. However, at least three (3) dependent dimensions were not correspondingly changed:
 - a. 7.5' U/E along easterly line of Lot 8.
 - b. 11' U/E along westerly line of Lot 7.
 - c. 4.32' distance between southeast corner of Lot 8 and the intersection of the northerly line of the PSO easement with the south line of Lot 8.
14. Text and linework conflict at Lot 7, Block 1, make reading difficult.
15. Consider making the common lot line between Lots 45 and 46, Block 2, perpendicular/radial to the arc of the curved street in order to eliminate the 1.09' variance between the easterly endpoint of C6 and the common lot corner. It is not clear if the 1.09' variance is to the west or to the east of the common lot corner, due to its exceptionally small size and the scale of the plat.
16. Angle/Bearing data missing from parts of all five (5) streets.
17. 109.35' Dimension missing from Lot 7, Block 2 (and was not due east/west in Lantern Hill).
18. Angle/Bearing data missing from north line of Lot 7, Block 2.
19. Angle/Bearing data missing from south lines of Lots 16, 17, and 18, Block 2 (and was not due east/west in Lantern Hill).
20. Angle/Bearing data missing from northerly lines (both instances) of Lot 12, Block 2.
21. Angle/Bearing data missing from northerly lines of Lots 20 and 21, Block 2 (and was not due east/west in Lantern Hill).
22. 102' dimension missing from northerly line of Reserve "C."
23. 13.50' dimension missing from northerly line of Lot 13, Block 2.
24. Angle/Bearing data missing from northerly lines of Lots 22 through 25, inclusive, Block 2.
25. Angle/Bearing data missing from common line between Lots 26 through 42, inclusive, Block 2.

26. Angle/Bearing data not specified between the easterly line of Lot 37, and the westerly lot of Lot 46, Block 1.
27. Dimension missing on Lot 46, Block 1.
28. 5.59' dimension on Lot 42, Block 2 does not appear to correspond to actual distance between lot corner and point of curve/tangency as represented.
29. North/south lot dimensions in Block 1 along the north side of 146th St. S. do not correspond with dimensions per the recorded plat of Lantern Hill.
30. It appears the common lot line between Lots 10 and 11, Block 2 (previously Lots 7 and 8, Block 2) was moved northerly a few feet vis-à-vis existing lots in Lantern Hill. However, at least two (2) dependent dimensions were not correspondingly changed:
 - a. 5' U/E along northerly line of Lot 10.
 - b. 11' U/E along southerly line of Lot 11.
31. Angle/Bearing data missing from northerly lines of Lots 6 and 17, Block 3 (and was not due east/west in Lantern Hill).
32. Angle/Bearing data missing from the main north-south line within Block 3 (and was not due north/south in Lantern Hill).
33. Lots 16 and 17, Block 1 missing distance between lot corners and points of curve/tangency.
34. Four (4) items of survey data represented on the North Entry Detail of Lantern Hill are not represented on this plat. On two dimensions along lot street frontages, the text overlaps linework on the plat, making it difficult to read.
35. Most of the internal side yard U/Es of the existing plat of Lantern Hill are not represented on this plat. U/E removal must be acceptable to all concerned utility companies. Verification of easement width and location adequacy must be provided by each serving utility company in the form of a release letter, due prior to recording the Final Plat (Subdivision Regulations Section 12-2-6.B).
36. If determined necessary or appropriate by the developer's legal counsel, prior to or upon the successful recording of the Final Plat of "Southridge at Lantern Hill," it may be necessary to vacate or partially vacate the concerned part of the underlying plat of Lantern Hill to completely extinguish certain elements, such as utility easement(s), which are dedicated to the public and accepted by the City.
37. 15' B/L and U/E along the east side of Lot 5, Block 3. Consider reducing U/E to 10' or increasing B/L to 20' to provide a 5' buffer area, or the amount necessary to protect the integrity of the foundation and supporting wall, in the event of excavation of the U/E up to its interior edge.
38. Please add proposed addresses to the lots.
39. 25' B/L and U/E along the north side of 146th St. S. Consider reducing U/E to 20' or increasing B/L to 30' to provide a 5' buffer area, or the amount necessary to protect the integrity of the foundation and supporting wall, in the event of excavation of the U/E up to its interior edge.
40. Deed of Dedication / Restrictive Covenants (DoD/RCs): FL/E (Fence and Landscape Easement) is not provided for – please add appropriate dedication and maintenance responsibility language.
41. DoD/RCs Preamble: Missing critical wording such as "And has caused the above described land to be surveyed, staked, platted, granted, donated, conveyed, and dedicated, access rights reserved, and subdivided ..." as per the City Attorney's recommendations regarding fee simple ownership of rights-of-ways.
42. DoD/RCs Preamble: Legal description used was the unplatted legal description used before the recording of Lantern Hill. Legal description used should be "All of Lantern Hill..." or something to that effect.
43. DoD/RCs Preamble: describes as "...a Subdivision in the City of Bixby." Title Block on face of plat describes as "...a resubdivision..." Please reconcile. See also Surveyor's Certificate; other occurrences possible.
44. DoD/RCs Section I.E: Does not appear to provide for passive recreational uses (such as walking trails) in Reserve Areas. Advisory.
45. DoD/RCs Section I.E.3: Refers to HOA formation in DoD/RCs Section III, but should be Section IV.

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46. DoD/RCs Section I.H: Please qualify this section as follows: "...damage to landscaping and paving, when permitted by the City of Bixby, occasioned...."
47. DoD/RCs Section I.I: Refers to HOA formation in DoD/RCs Section III, but should be Section IV.
48. DoD/RCs Section I.I: As per the Developer's Engineer Barrick Rosenbaum at the TAC meeting held September 03, 2008, Reserve B must also be designated a Utility Easement, as there will be utilities within it. Please confirm if this is or is not still the case. If so, please amend this section accordingly. Alternatively, if additional utility corridors are necessary which are not represented as covering parts of Reserve B as currently shown, such specific areas may be added as U/Es.
49. DoD/RCs Section I.I: Provides, "The use of Reserve ... shall be limited to use as open space, landscaping..." This does not appear to provide for passive recreational uses such as walking trails. Advisory.
50. DoD/RCs Section I.J.2: The description of the 5' and 5' is somewhat awkwardly written – is it intended to state that 10' will be maintained between residences, rather than the sum of the two 5' side yards? Advisory.
51. DoD/RCs Section II: Section is missing parts of PUD 72 as approved (signage, minimum house design/construction quality, Use Unit 5 neighborhood swimming pool and/or clubhouse, etc.).
52. DoD/RCs Section II Preamble: Refers to "Sections 1100-1107 of Title 42, Bixby Revised Ordinances (Bixby Zoning Code)." This appears to point to the City of Tulsa's Zoning Code. Please revise to simply "... the provisions of the Bixby Zoning Code pertaining to Planned Unit Developments (PUDs)," or something to that effect.
53. DoD/RCs Section II.D: Minimum lot frontage standard is not consistent with PUD 72.
54. DoD/RCs Section II.D: Contains a subsection .1 and no other subsections. Advisory.
55. DoD/RCs Section III.A.3: 2018 date used appears to be the same as was used in Lantern Hill, apparently the customary 10 years from the [drafting date] of that plat. If 10 years is intended, the date would be some time in 2022 or 2023. Advisory.
56. DoD/RCs Section III.A.3: Refers to HOA formation in DoD/RCs Section III, but should be Section IV.
57. DoD/RCs Section III.B: Does not contemplate the planned Use Unit 5 neighborhood swimming pool and/or clubhouse.
58. DoD/RCs Section III.B: Refers to amendment provisions in DoD/RCs Section IV.C instead of [V].C as presumed intended.
59. DoD/RCs Section III.G: Indicates masonry requirement of PUD 72 may be waived by the subdivision's Architectural Committee. Please qualify appropriately. See also City Attorney's recommendations on the matter.
60. DoD/RCs Section III.K: "...shall be concrete or asphalt..." Would cobblestone or Belgian block be permitted? Advisory.
61. DoD/RCs Section III.L: Would appear to prohibit standard wood fences. Advisory.
62. DoD/RCs Section III.O: Zoning Code allows accessory dwelling units (ADUs) only by Special Exception from the Board of Adjustment, or by PUD. Please qualify language allowing for 'servants quarters' that the same is subject to City of Bixby Zoning approval. Also, ADUs are more commonly occupied by family members (e.g. 'granny shacks') and not domestic servants.
63. DoD/RCs Section III.T: "... when being utilized in connection with construction or home maintenance or repair services pertaining to a residence." Advisory.
64. DoD/RCs Section III.U: "No exposed garbage can, trash can or any trash burning apparatus or structure shall be placed on any Lot or any Reserve Area except on the day the trash is picked up." Advisory.
65. DoD/RCs Section III.BB: Appears to be the same as DoD/RCs Section III.R Lot Maintenance. Advisory.
66. DoD/RCs Section IV Enforcement, Duration, Amendment and Severability: Duplicate Section number. Section V is presumed intended.
67. DoD/RCs Section [V].C: Refers to DoD/RCs Section II.B "Use," when Section III.B "Use" is presumed intended. Still, it is not clear what this is referring to. DoD/RCs Section III.L refers to specific lots.
68. The "Sheet 1 of 1" notation at the bottom right-hand corner of the first page of the plat is not accurate.

69. *The 07/24/2012 date prepared at the bottom right-hand corner of the plat does not appear to be accurate. Date of plat preparation is required per SRs Section 12-4-2.C.1 and 12-5-2.A.1.*
70. *Final Plat: Elevation contours, floodplain boundaries, physical features, underlying Zoning district boundaries, minimum improvements acknowledgement, and other such mapping details as required per SRs Section 12-4-2.B.6, by approval of this Final Plat, shall not be required on the recording version of the Final Plat, as such would be inconsistent with Final Plat appearance conventions and historically and commonly accepted platting practices.*
71. *A copy of the approved PUD 72 including all recommended corrections shall be submitted for placement in the permanent file.*
72. *A copy of the Preliminary Plat including all recommended corrections shall be submitted for placement in the permanent file.*
73. *A copy of the Final Plat including all recommended corrections shall be submitted for placement in the permanent file.*
74. *Due to the number of minor errors, Staff does not claim that the above represents all of the necessary corrections. The Applicant is advised to re-review the plat and Deed of Dedication and Restrictive Covenants and satisfy themselves as to its correctness.*

Erik Enyart explained that the most significant item in the plat was the lot which was too small. Mr. Enyart stated that, in his conversation with the Developer's Engineer prior to the meeting, he was informed this would be resolved by adjusting the lot lines to meet the minimum requirement. Mr. Enyart stated that the problem was due to the lot becoming narrower to the south, when it started out at only about 60' in width [at the north], and due to the fact that a lot can only claim one (1) year yard line, due to the definitions in the Zoning Code.

Vice/Acting Chair Larry Whiteley clarified with Erik Enyart the number of lots in the subdivision and the nature of the replat with more and smaller lots. Mr. Enyart clarified that Block 3, as shown on the plat, was there currently, with existing, larger lots. Mr. Enyart clarified that the streets are all in place, and that the new plat will be placed over the existing plat.

John Benjamin asked Erik Enyart if his recommendations included the City Attorney's recommendations, and Mr. Enyart responded that it did. Mr. Enyart referred the Commissioners to recommended Condition of Approval numbered 1.

Vice/Acting Chair Larry Whiteley asked Erik Enyart if the escrow account he was recommending would have to be used for sidewalks. Mr. Enyart responded affirmatively, stating that, as recommended, it would go into a City-owned escrow account, to be applied to the cost of construction for new sidewalks in future street improvement projects. Mr. Whiteley and Mr. Enyart clarified the matter further. Mr. Enyart stated that, for example, in the 151st St. S. widening project recently done by the City of Bixby and Tulsa County, had there been money in such an escrow account at the time, that money could have been applied to the cost of construction of sidewalks in that project.

Lance Whisman expressed concern over the excessive number of recommended corrections and Conditions of Approval. Mr. Whisman noted that recommended Condition of Approval # 74 in the Staff report acknowledged the large number of correction items. Mr. Whisman stated that he wanted to make a point that he considered the number excessive. Erik Enyart noted that, of all of the recommended corrections, modifications, and Conditions of Approval, the two largest [categories] were (1) minor surveying notations, and (2) comments on the Deed of Dedication and Restrictive Covenants. Mr. Enyart indicated that the items were small and could be easily fixed.

Barrick Rosenbaum of Rosenbaum Consulting, LLC stated that making the corrections would not be a problem.

Lance Whisman made a MOTION to Recommend APPROVAL of the Preliminary Plat and the Final Plat subject to all the corrections, modifications, and Conditions of Approval as recommended by Staff. John Benjamin SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Benjamin, Whiteley, & Whisman
NAY: None.
ABSTAIN: None.
MOTION CARRIED: 3:0:0

OTHER BUSINESS

Vice/Acting Chair Larry Whiteley confirmed with Erik Enyart that there was no other business to consider. No action taken.

CONSENT AGENDA (Resumed):

1. Approval of Minutes for the October 15, 2012 Regular Meeting
-

Vice/Acting Chair Larry Whiteley introduced the Consent Agenda Item Number 1 and asked to entertain a Motion.

Lance Whisman made a MOTION to CONTINUE to the Minutes of the October 15, 2012 Regular Meeting to the November 19, 2012 Regular Meeting. John Benjamin SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Benjamin, Whiteley, & Whisman
NAY: None.
ABSTAIN: None.
MOTION CARRIED: 3:0:0

NEW BUSINESS:

Vice/Acting Chair Larry Whiteley confirmed with Erik Enyart that there was no new business to consider. No action taken.

OLD BUSINESS:

Vice/Acting Chair Larry Whiteley confirmed with Erik Enyart that there was no old business to consider. No action taken.

ADJOURNMENT:

There being no further business, Vice/Acting Chair Larry Whiteley asked to entertain a Motion to Adjourn. John Benjamin made a MOTION to ADJOURN. Lance Whisman SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Benjamin, Whiteley, & Whisman
NAY: None.
ABSTAIN: None.
MOTION CARRIED: 3:0:0

Meeting Adjourned at 6:15 PM.

APPROVED BY:

Chair

Date

City Planner/Recording Secretary

11

BIXBY PLANNING COMMISSION
SIGN IN SHEET
DATE: October 24, 2012 (Special-Called Meeting)

NAME	ADDRESS	ITEM
1. _____	_____	_____
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CITY OF BIXBY
P.O. Box 70
116 W. Needles Ave.
Bixby, OK 74008
(918) 366-4430
(918) 366-6373 (fax)

STAFF REPORT

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner *EE*
Date: Friday, November 09, 2012
RE: Report and Recommendations for:
BZ-357 – JR Donelson for Clinton Miller and Roger Metcalf

LOCATION: – North dead-end of Riverview Rd.
– Northwest corner of the intersection of Riverview Rd. and E. Westminster Pl. N.
– Part of Government Lot 7 lying West of the Centerline of Old U.S. Hwy 64 and lying North of Bentley Park in Section 13, T17N, R13E

LOT SIZE: 8 acres, more or less

EXISTING ZONING: RS-2 Residential Single-Family District

EXISTING USE: Part of the Riverwalk Trail and part of the bank and bed of the Arkansas River

REQUESTED ZONING: CS Commercial Shopping Center District

ANALYSIS:

As requested by the Applicant, this application was Continued to this meeting agenda from the August 20 and September 17, 2012 regular meetings. By email on this date, the Applicant has Withdrawn this application, in favor of new applications BZ-362 (RM-1 zoning), PUD 74 (RiverLoft ADDITION), and the related request for Comprehensive Plan Amendment. As the application has been Withdrawn, no action is required.

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Erik Enyart

From: Erik Enyart [eenyart@bixby.com]
Sent: Friday, November 09, 2012 2:57 PM
To: 'JR Donelson'
Subject: RE: BZ-357 and BZ-359

JR:

Yes, BZ-362, PUD 74, and the Miller/Metcalf Comprehensive Plan Amendment request will be on the 12/17/2012 agenda, (pending the receipt of the revised Amendment request letter).

Yes, also, BZ-359, PUD 75, and the Metcalf Comprehensive Plan Amendment request will be on the 12/17/2012 agenda, (pending payment of application review fee of PUD 74 and the receipt of the revised Amendment request letter).

Thanks,

Erik Enyart

From: JR Donelson [mailto:jrdon@easytelmail.com]
Sent: Friday, November 09, 2012 2:47 PM
To: Erik Enyart
Subject: Re: BZ-357 and BZ-359

Erik,
I agree with both of the comments.
I assume both items will be on the December 17, 2012 agenda.

Thank you,
JR Donelson

----- Original Message -----

From: Erik Enyart
To: JR Donelson
Sent: Friday, November 09, 2012 2:23 PM
Subject: BZ-357 and BZ-359

JR:

This email will serve to document our previous conversations, wherein you expressed intent on behalf of your clients to:

- Withdraw BZ-357 – JR Donelson for Clinton Miller and Roger Metcalf, in favor of BZ-362 (RM-1 zoning), PUD 74 (RiverLoft ADDITION), and the related request for Comprehensive Plan Amendment, and
- Request that BZ-359 – Roger & LeAnn Metcalf be Continued to the December 17, 2012 regular meeting of the Planning Commission, so that it can be reviewed along with PUD 75 (LeAnn Acres) and the related request for Comprehensive Plan Amendment.

I will report the above to the Planning Commission for its November 19, 2012 agenda, on which both items are listed as under consideration. Please confirm or advise if otherwise on either account.

Erik Enyart, AICP, City Planner
City of Bixby, PO Box 70
Bixby, OK 74008
Ph. (918) 366-0427
Fax (918) 366-4416
eenyart@bixby.com
www.bixby.com

No virus found in this message.
Checked by AVG - www.avg.com
Version: 2012.0.2221 / Virus Database: 2441/5384 - Release Date: 11/09/12

No virus found in this message.
Checked by AVG - www.avg.com
Version: 2012.0.2221 / Virus Database: 2441/5384 - Release Date: 11/09/12



CITY OF BIXBY
P.O. Box 70
116 W. Needles Ave.
Bixby, OK 74008
(918) 366-4430
(918) 366-6373 (fax)

STAFF REPORT

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner *EE*
Date: Friday, November 09, 2012
RE: Report and Recommendations for:
BZ-359 – Roger & LeAnn Metcalf

LOCATION: – 15329 S. Sheridan Rd.
– Part of the W/2 of the NW/4 of Section 23, T17N, R13E

LOT SIZE: 25 acres composed of a 15- and a 10-acre tract, more or less

EXISTING ZONING: AG Agricultural District

EXISTING USE: Agricultural with a single-family dwelling

REQUESTED ZONING: RM-2 Residential Multi-Family District

SUPPLEMENTAL ZONING: None

BACKGROUND INFORMATION:

ANALYSIS:

As requested by the Applicant, this application was Continued to this meeting agenda from the October 15, 2012 regular meeting. By email on this date, the Applicant has requested that this application be Continued to the December 17, 2012 regular meeting of the Planning Commission, so that it can be reviewed along with PUD 75 (LeAnn Acres; pending application review fee payment) and the related request for Comprehensive Plan Amendment. Staff recommends this application be Continued as requested.



CITY OF BIXBY
P.O. Box 70
116 W. Needles Ave.
Bixby, OK 74008
(918) 366-4430
(918) 366-6373 (fax)

STAFF REPORT

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner *EE*
Date: Friday, November 09, 2012
RE: Report and Recommendations for:
PUD 73 – Eagle SPE Multi I, Inc. – Rosenbaum Consulting, LLC

LOCATION: – Approximately the 11900-block of S. Memorial Dr.
– Lot 7 and the N. 42' of Lot 8, Block 1, *Bixby Centennial Plaza*

LOT SIZE: 1 acre, more or less, in two (2) parcels

EXISTING ZONING: CS Commercial Shopping Center District

SUPPLEMENTAL ZONING: Corridor Appearance District

EXISTING USE: Vacant commercial lots

REQUEST: Approval of PUD 73

SURROUNDING ZONING AND LAND USE:

North: CS, OL, and CG/OL + PUD 54; Vacant lots and the *IBC Bank* in *Bixby Centennial Plaza* and the *Jiffy Lube*.

South: CS; The former *Santa Fe Cattle Co.* restaurant and a *Bank of Oklahoma* bank branch in *Bixby Centennial Plaza*.

East: (Across Memorial Dr.) CS & CG; The *Town and Country Shopping Center* and to the northeast, the *Bank of the West* and a multi-tenant building at 11835 S. Memorial Dr. containing the *Rod Smith Company* real estate business and *DTAGS, LLC* (Digital Transport Agnostic Gateway Solutions) video services general business office.

West: CS; Vacant lots in *Bixby Centennial Plaza* and an unplatted 11-acre vacant/agricultural tract zoned CS/OL + PUD 51.

COMPREHENSIVE PLAN: Corridor + Medium Intensity + Commercial Area.

PREVIOUS/RELATED CASES: (Not necessarily a complete list)

BZ-279 – Charles Norman/Martha Plummer Roberts et al. – Request for rezoning from AG to CS, OM, RM-1, and RS-2 for 73 acres, more or less, which became *Bixby Centennial Plaza* and *Fox Hollow* and an unplatted 11-acre tract later approved as PUD 51 – PC Recommended Approval as amended for CS, OM, OL, RS-3, and RS-2 on November 19, 2001 and Approved by City Council December 10, 2001 (Ord. # 842). Subject property included in that part approved for CS zoning.

Preliminary Plat of Bixby Centennial Plaza – Request for Preliminary Plat approval including subject property – PC Approved 07/17/2006 and City Council Approved 07/24/2006.

Final Plat of Bixby Centennial Plaza – Request for Final Plat approval including subject property – PC Approved 10/16/2006 and City Council Approved 10/23/2006 (plat recorded 04/04/2007).

BL-351 – Khoury Engineering, Inc. – Request for Lot-Split approval to separate the north 42' of Lot 8 and add to Lot 7 of *Bixby Centennial Plaza* (included subject property) – PC Conditionally Approved 03/17/2008.

BL-387 – Rosenbaum Consulting, LLC for Eagle SPE Multi I, Inc. – Request for Lot-Split approval to divide Lot 7 portion of subject property – Pending PC consideration 11/19/2012.

V-43 – Rosenbaum Consulting, LLC for Eagle SPE Multi I, Inc. – Request to close a Utility Easement within subject property – Pending PC consideration 11/19/2012.

RELEVANT AREA CASE HISTORY: (not necessarily a complete list)

BZ-182 – Eugene Green – Request for rezoning from RS-1 to CG for Lots 1 and 2 of Block 5, *North Heights Addition* (the *Jiffy Lube* property at 11800 S. Memorial Dr.) for a car lot – Approved by City Council August 11, 1987 (Ord. # 569).

BBOA-449 – Patrick Moore for SBM Corporation – Request for Special Exception to authorize a Use Unit 17 Automotive and Allied Activities for a *Jiffy Lube* auto service facility at 11800 S. Memorial Dr. – Denied by Board of Adjustment 10/02/2006.

BZ-318 – SBM Corporation for Eugene & Norma Green – Request for rezoning from RS-1 to OL for Lot 3 Block 5, *North Heights Addition* (the *Jiffy Lube* property at 11800 S. Memorial Dr.) – PC Recommended Approval October 16, 2006 and City Council Approved November 13, 2006 (Ord. # 953).

PUD # 54 – Jiffy Lube – Request for PUD overlay zoning for the *Jiffy Lube* property at 11800 S. Memorial Dr. – PC Recommended Approval 03/19/2007 and City Council Approved 04/09/2007 (Ord. # 963).

BL-350 – Khoury Engineering, Inc. – Request for Lot-Split approval to separate the south 46.08' of Lot 5 of *Bixby Centennial Plaza* and add to Lot 6 (north of subject property) – PC Conditionally Approved January 2008.

AC-08-06-05 – Santa Fe Cattle Co. – Request for Detailed Site Plan approval for a Use Unit 12 restaurant at 11982 S. Memorial Dr., the S. 264.00' of Lot 8, Block 1, *Bixby Centennial*

Plaza (south of subject property) – Architectural Committee Conditionally Approved 06/16/2008.

AC-08-07-01 – IBC Bank – Request for Detailed Site Plan approval for a Use Unit 11 bank at 11886 S. Memorial Dr., The N. 158.42' of Lot 5, Block 1, *Bixby Centennial Plaza* (north of subject property) – Architectural Committee Conditionally Approved 07/21/2008.

AC-09-05-02 & AC-09-05-05– IBC Bank – Request for approval for wall signs and a ground sign, respectively, for the IBC Bank at 11886 S. Memorial Dr., The N. 158.42' of Lot 5, Block 1, *Bixby Centennial Plaza* (north of subject property) – Architectural Committee Approved both on 05/18/2009.

BBOA-529 – Khoury Engineering, Inc. – Request for Special Exception per Zoning Code Section 11-7D-2 Table 1 to allow a Use Unit 17 automotive repair and sales business use in the CS Commercial Shopping Center District for Lot 6 to the north of subject property – BOA Approved 12/06/2010.

BL-376 – Khoury Engineering, Inc. for Bixby Investors, LP – Request for Lot-Split approval for Lot 6 (north of subject property) – PC Conditionally Approved 12/20/2010.

BBOA-535 – Khoury Engineering, Inc. – Request for Variance from (1) the 150' minimum lot-width / minimum ground sign spacing standard of Zoning Code Section 11-9-21.C.[8].a, (2) from the maximum display surface area restrictions of Zoning Code Section 11-9-21.D.3, and (3) any other Zoning Code restriction preventing the erection of two (2) freestanding ground signs at three (3) square feet in display surface area [each], all for Lot 6 (north of subject property) – BOA Approved 01/03/2011.

BBOA-536 – Khoury Engineering, Inc. – Request for Variance from the 150' minimum lot-width / minimum ground sign spacing standard of Zoning Code Section 11-9-21.C.[8].a for the North 154.5' of Lot 6, and the S. 46.08' of Lot 5, Block 1, *Bixby Centennial Plaza* (north of subject property) – BOA Approved 02/07/2011.

AC-11-02-01 – Firestone Complete Auto Care – Khoury Engineering, Inc. – Request for Detailed Site Plan approval for a Use Unit 17 automotive repair and sales business for the S. 165.5' of Lot 6, Block 1, *Bixby Centennial Plaza* (north of subject property) – Withdrawn by Applicant prior to Planning Commission meeting 02/22/2011.

BL-381 – Khoury Engineering, Inc. for Bixby Investors, LP – Request for Lot-Split approval for Lot 6 (north of subject property) – PC Conditionally Approved 11/21/2011.

BBOA-544 – Khoury Engineering, Inc. – Request for Variance (A) from the 150' minimum lot-width / minimum ground sign spacing standard of Zoning Code Section 11-9-21.C.[9].a, (B) from the maximum display surface area restrictions of Zoning Code Section 11-9-21.D.3 to allow three (3) square feet of display surface area per ground sign, and (C) from any other Zoning Code restriction preventing the erection of three (3) freestanding ground signs at three (3) square feet in display area each for Lot 6, and the South 46.08' of Lot 5, Block 1, *Bixby Centennial Plaza* (north of subject property) – BOA Approved 10/03/2011.

BBOA-556 – Sack & Associates, Inc. – Request for Special Exception per Zoning Code Section 11-10-2.H to allow a total of 30 parking spaces, in excess of the 13 space maximum standard for a proposed bank in the CS Commercial Shopping Center District part of Lot 6, Block 1, *Bixby Centennial Plaza* (north of subject property) – BOA Approved 04/02/2012.

AC-12-04-02 – Communication Federal Credit Union – Sack & Associates, Inc. – Request for Detailed Site Plan approval for a Use Unit 11 bank on part of Lot 6 (north of subject property) – PC Conditionally Approved 04/16/2012.

BACKGROUND INFORMATION:

Per BL-351, Lot 8 was approved for Lot-Split to separate the north 42' from the balance of that lot (S. 264'), which was sold and developed with a *Santa Fe Cattle Co.* restaurant. Per the Planning Commission's Conditional Approval on March 17, 2008, because it would otherwise violate the 150' minimum frontage requirement of the CS district, that 42' "sliver tract" was required to be attached to Lot 7, Block 1, *Bixby Centennial Plaza*. It appears Lot 7 was divided by the conveyance of the southerly 264' to Bixby Cattle OK, LLC (*Santa Fe Cattle Co.* restaurant). The 42' "sliver tract" balance was evidently never conveyed by itself, allowing for the use of attachment deed restriction language. It was conveyed as a part of a larger acreage conveyance to Eagle SPE Multi I, Inc. by deed in early 2012. The deed to the subject property must fulfill the Lot-Split approval condition prior to or as a part of the next Lot-Split application, BL-387, also pending Planning Commission consideration at this November 19, 2012 Regular Meeting. Upon conveyance of the individual new tracts to their respective owners, as recommended herein, prior to Building Permit issuance, both owners of the two (2) lots produced by Lot-Split must plat their property cooperatively in a singular replat, in fulfillment of the PUD platting requirement.

This PUD primarily proposes to reduce the 150' minimum lot frontage/width requirement in the CS district to allow for a Lot-Split per BL-387, and to provide additional flexibility in terms of parking and ground signage. The two (2) new lots would be for a proposed business office development, consisting of a dental clinic and an optometry clinic, on individually-owned lots.

Also pending Planning Commission consideration at this November 19, 2012 Regular Meeting, the Applicant is requesting approval of an application (V-43) to close a Utility Easement within the subject property that would otherwise frustrate development plans.

ANALYSIS:

Subject Property Conditions. The subject property is vacant and zoned CS. It consists of Lot 7 and the N. 42' of Lot 8, Block 1, *Bixby Centennial Plaza*. It has a total of 174' of frontage on Memorial Dr., but access directly to Memorial Dr. is restricted by Limits of No Access (LNA) per the plat of *Bixby Centennial Plaza*. Instead, access is afforded via existing private drives within Mutual Access Easements (MAEs).

Part of the north and west sides of the property are covered by parts of MAEs, which MAEs contain existing private commercial drives. This is represented on the Exhibit 1 Conceptual Site Plan included with the PUD.

Per the Exhibit 2 Topographic Survey, the land is relatively flat and appears to drain to the north and east, ultimately to the borrow ditch along S. Memorial Dr., which drains south. When developed, the land should drain through a stormsewer system to the temporary stormwater detention pond located to the southwest of the subject property. This pond is ultimately planned to be replaced in favor of a stormsewer system to be installed along 121st St. S. and to drain west to the Fry Creek Ditch # 2.

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General. This PUD primarily proposes to reduce the 150' minimum lot frontage/width requirement in the CS district to allow for a Lot-Split per BL-387, and to provide additional flexibility in terms of parking and ground signage.

The PUD provides plans for the critical areas of site development, including, but not limited to: access and internal circulation (vehicular and pedestrian), parking, signage, screening and landscaping, soils, utilities, and the anticipated development schedule.

Staff has observed the following typographical and minor errors which should be corrected:

1. Entire document: Please add PUD number where appropriate (PUD # 73 presuming approval).
2. Page 4 Development Standards, Use Regulations: Please clarify this section as follows:

“All uses allowed by right in the CS ~~use-unit 11~~ zoning district, and specifically, Use **Unit 11** offices and studios”
3. Page 4 Development Standards, Transportation and Access: Please describe plans for creating a new MAE connecting the former restaurant on the southerly part of Lot 8 to the east-west shopping center access drive, as indicated on the site plan.
4. Page 4 Development Standards, Sidewalks: Please correct street citation, in both instances, to “South Memorial **Drive.**”
5. Page 5 Development Standards, Signs: Please correct street citation to “South Memorial **Drive.**”
6. Page 5 Development Standards, Signs: Incorrect citation to signage within a Residential district (may be leftover language from PUD 72): “Signs shall be installed as per City of Bixby Zoning Code Regulations Section 11-7B-3.B.4.b.”
7. Page 5 Development Standards, Parking: Please research, determine positively, and specify in the text that the ADA standards will allow the handicap-accessible access aisles and pedestrian route on the east and west sides of the buildings to be divided in by a common property line which will separate differently-owned lots. Specify in the text what accommodations will be used to ensure continued maintenance and shared expenses of the shared area (easement agreement, etc.). If ADA standards do not allow this even with accommodations, please amend the site plan such that the areas are wholly on one lot or the other and such that both lots comply in terms of number and type of accessible spaces and space designs.
8. Page 6 Development Standards, Lot Split: Please include language acknowledging that, prior to Building Permit issuance, both owners of the two (2) lots produced by Lot-Split will plat their property cooperatively in a singular replat, in fulfillment of the PUD platting requirement.
9. The following corrections or enhancements should be made to the Exhibit 1 Conceptual Site Plan:
 - a. Please dimension the building footprints.
 - b. Please use arrows to clarify the extent of the “24' Mutual Access” designations.
 - c. Please qualify the “24' Mutual Access” designations as “proposed” or otherwise please cite Document # where easement(s) are recorded with the Tulsa County Clerk.

- d. Please dimension the proposed front parking lot setback and increase to a minimum of 15' per Zoning Code if not already that width.
- e. Please dimension widths of handicap-accessible access aisles and pedestrian route on the east and west sides of the buildings.
- f. The plans indicate parking lot paving will encroach the 17.5' U/E along the east and west property lines. Paving over easements requires the specific approval of the City Engineer and Public Works Director. Please adjust if/as required.
- g. Drive widths and particulars must be approved by the Fire Marshal and City Engineer. Please adjust if/as required.
- h. The four (4) handicapped-accessible parking spaces (1 per parking lot area per lot) appears consistent with ADA requirements in terms of number at a 1:25 ratio. Per the Building Inspector, the ADA guidelines require one (1) van-accessible design for the handicapped-accessible space, for up to seven (7) accessible spaces. Please indicate which spaces will be of van-accessible design in compliance with ADA standards and please provide a detail diagram demonstrating compliance with applicable standards, including both ADA and Bixby Zoning Code standards (see striping standards of Figure 3 in Section 11-10-4.C). The designer should consult with the Building Inspector to confirm the plans will comply with ADA standards.
- i. The northwest corner of Lot 7 is cut off on the drawing – please restore.
- j. Please qualify “1/250 parking” notation with “minimum.”

The Technical Advisory Committee (TAC) reviewed this PUD Major Amendment on November 07, 2012. The Minutes of the meeting are attached to this report.

Comprehensive Plan. The Comprehensive Plan designates the subject property as Corridor + Medium Intensity + Commercial Area.

The underlying CS district is *In Accordance* with the Corridor, Medium Intensity, and Commercial Area designations of the Comprehensive Plan. The proposed PUD and proposed Use Unit 11 office use development should be recognized as being not inconsistent with the Corridor, Medium Intensity, or Commercial Area designations or the Comprehensive Plan itself.

Surrounding Zoning and Land Use Compatibility. The subject property is located toward the center of the Memorial Dr. frontage of the *Bixby Centennial Plaza* subdivision, which contains 40 acres and is primarily zoned CS. To the west are larger vacant lots in *Bixby Centennial Plaza* and, further west is an unplatted 11-acre vacant/agricultural tract zoned CS/OL + PUD 51.

To the east is the (across Memorial Dr.) is a 9+ acre CS district containing the *Town and Country Shopping Center* and to the northeast is a large CG district containing the *Bank of the West* and a multi-tenant building at 11835 S. Memorial Dr. containing the *Rod Smith Company* real estate business and *DTAGS, LLC* (Digital Transport Agnostic Gateway Solutions) video services general business office.

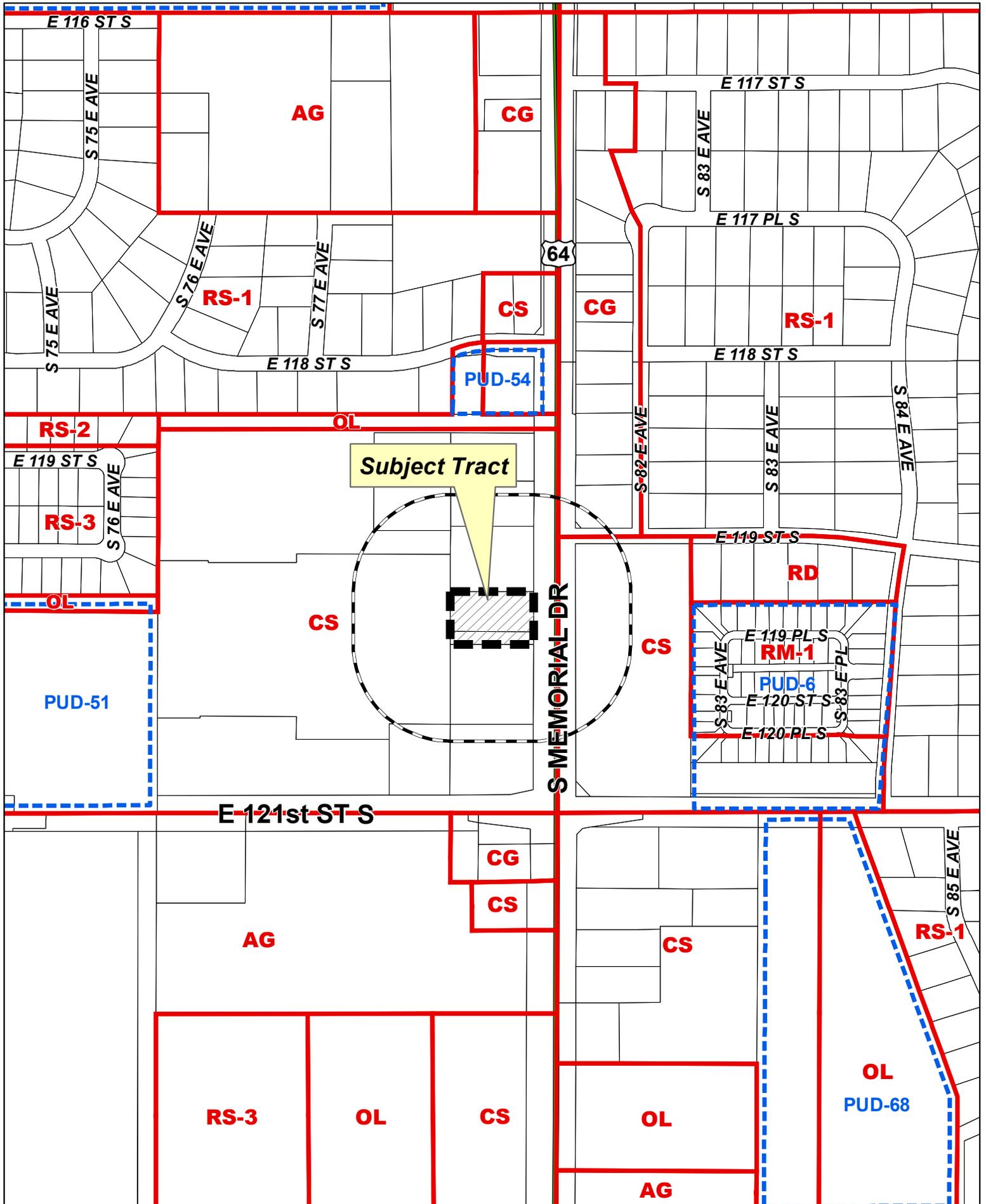
To the north are vacant commercial lots and the *IBC Bank* bank branch zoned CS in *Bixby Centennial Plaza* and, further north is the Use Unit 17 *Jiffy Lube* zoned CG/OL + PUD 54.

The PUD proposing business office development, consisting of a dental clinic and an optometry clinic, appears to be consistent with surrounding Zoning or land use patterns.

Staff Recommendation. Staff believes that the proposed PUD is consistent with Zoning Code Section 11-7I-8.C and the purposes and intent of the Zoning Code generally and recommends Approval subject to the following corrections, modifications, and Conditions of Approval:

1. Subject to the satisfaction of any outstanding Fire Marshal, City Engineer, and City Attorney recommendations.
2. Subject to the correction of the above-listed “typographical and minor errors.”
3. For the recommended Conditions of Approval necessarily requiring changes to the text or exhibits, recognizing the difficulty of attaching Conditions of Approval to PUD ordinances due to the legal requirements for posting, reading, and administering ordinance adoption per the City Attorney, please incorporate the changes into appropriate sections of the PUD, or with reasonable amendments as needed. Please incorporate also the other conditions listed here which are not completed by the time of City Council ordinance approval and/or which cannot be fully completed otherwise.
4. A corrected PUD text and exhibits package shall be submitted incorporating all of the corrections, modifications, and conditions of approval of this PUD: One (1) hard copy and one (1) electronic copy (PDF preferred).

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Subject Tract

S MEMORIAL DR

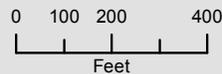


300' Radius



Subject Tract

PUD-73



18-13 35



Memo

To: ERIK ENYART, CITY PLANNER

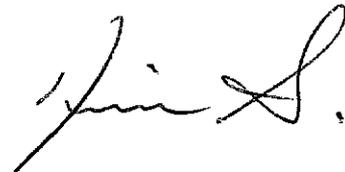
From: JIM SWEEDEN

Date: 10/24/2012

Re: PUD 73 "EAGLE SPE MULTI I, INC.

SITE PLANS FOR PUD 73 IS APPROVED BY THIS OFFICE.

NOTE: AT TAC MEETING NEED TO KNOW TYPE OF CONSTRUCTION AND DISCUSS THE DISTANCE APART OF THE TWO BUILDINGS. MAY NEED TO ADD FIRE HYDRANT.



Memo

To: Erik Enyart, City Planner
From: Jared Cottle, PE *JWC*
CC: Bea Aamodt, PE
File
Date: 10/29/12
Re: PUD "Eagle SPE Multi I, Inc."
Bixby Centennial Plaza, Lot 7 and Lot 8

General Comments:

1. Additional water and sewer taps will be required and locations approved as part of the site development approval. Boring will be required for any street crossings proposed.
2. The parking areas are shown to encroach into the 17.5' U/E on the west side of the site. Sufficient maintenance clearance (at least 3') will need to be maintained between the sanitary sewer line and the parking lot curbs.

Eagle SPE Multi I - PUD

Bixby Centennial Plaza Lot 7 & 8 less the South 264' of Lot 8
In the City of Bixby, Tulsa County, Oklahoma.

Planned Unit Development

Location:

Bixby Centennial Plaza (Lot 7 & Lot 8 less the south 264 feet of Lot 8), an addition to the City of Bixby, County of Tulsa, State of Oklahoma, According to the recorded plat thereof (Plat Number 6107) located at the northwest corner of East 121st Street South and South Memorial Drive (U.S. HWY 64) in Bixby, Oklahoma

Land Area:

Total land area 47,850 sf or 1.1 acres +/-

Date Prepared:

October 16, 2012

Owner:

Eagle SPE Multi I, Inc.

P.O. Box 35218

Tulsa, Oklahoma 74153

Prepared By:

Rosenbaum Consulting, LLC

2608 West Kenosha #304

Broken Arrow OK, 74012

918.798.0210

Eagle SPE Multi I, Inc.

PUD #

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Conceptual Site Plan	Page 8
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Exhibit of Topography	Page 12

Project Description:

Eagle SPE Multi I, Inc. PUD is to be located on Lot 7 & 8 less the south 264' of Lot 8 Bixby Centennial Plaza subdivision in Bixby. Bixby Centennial Plaza was platted in 2007 with the full development of streets, sanitary sewer, water lines, storm sewers and onsite detention which was accepted by the City of Bixby. The project is located on the northwest corner of East 121st Street South and South Memorial Drive (U.S. HWY 64) in Bixby, Oklahoma

Part of Lot 8 has been used as a restaurant and the building is now vacant. The remainder of Lot 8 and Lot 7 are vacant and prime for development with utilities and street frontage on Memorial being key issues for the continued growth in this area.

This Planned Unit Development (PUD#) is an overlay covering the existing CS (commercial shopping) zoning district and will generally follow CS dimensional and density standards with certain notable exceptions. The purpose of this PUD# is to modify the dimensional and development standards allowing the site to be lot split and developed into two tracts for a proposed dental clinic and optometry clinic.

Any public utility systems within the project will not be impacted by this PUD# and will remain in use throughout the project. There may be additional water and sewer services installed however no main line construction upgrades will be necessary. All public streets and private mutual access easements serving the current Lots 7 & 8 are currently in place and no modifications will be necessary.

Development Standards

This PUD# shall be developed in accordance with the Bixby Zoning Ordinance and the use and development regulations of the CS district except as described below.

Use Regulations:

Permitted uses: All uses allowed by right in the CS use unit 11 zoning district and specifically office and studios

Dimensional Standards:

According to Bixby Zoning Code Title 11, Chapter 7 Article D 11-7D-4: Bulk and area requirements for CS Zoning the minimum required frontage on an arterial street is 150'.

This PUD allows for lot splitting the 174' frontage into two lots with frontages of 96 feet and 78 feet (respectively north and south). Currently lot 7 has 18' of mutual access on its northern boundary and lot 7/8 has 18' of mutual access on their western boundaries.

All other dimensional standards will be as per CS zoning guidelines and the subject plat.

Transportation and Access:

The existing site has access only at specific locations as per the plat. These will continue to be the main access points to Memorial and no changes to such are hereby proposed.

As shown on the site plan the intent is to have customer parking on the east (near Memorial) and employee parking on the west. A drive lane will be constructed on both the west and east running from the existing drives on Lot 8 and continuing north to the mutual access easement between Lot 6 & Lot 7.

Sidewalks:

Sidewalks currently exist along South Memorial Avenue in this area of Bixby Centennial Plaza. The existing sidewalk shall remain and a pedestrian access from South Memorial Avenue shall extend from the existing sidewalk in an accessible route to the buildings on each lot. One common connection may be used for this purpose as shown on the site plan.

Parking:

Use unit 11 of the City of Bixby zoning code states that the minimum parking shall be at a ratio of 1/250 sf of building area. The current maximum proposed building is 5000 sf for each (proposed lot) allowing a minimum 40 spaces. Under section 11-10-2 the maximum allowed parking is 15% above the minimum required per use unit classification.

Due to the intense use of the proposed business's this PUD is requesting a total of 53 parking spaces to be shared between the proposed lots, four of which are to be handicap accessible.

Signs:

Signs in the commercial districts, whether accessory or principal uses, are subject to the use conditions of use unit 21. (Ord. 272, 4-2-1974)
Signs shall be installed as per City of Bixby Zoning Code Regulations Section 11-7B-3.B.4.b:

In specific to CS districts the code defines sign and place as per 11-9-21.D.
CS District Use Conditions For Business Signs:

1. A ground sign shall not exceed thirty feet (30') in height, measured from the mean curb level of the lot upon which it is erected, unless in addition to the minimum setback prescribed in subsection C5 of this section, the sign is set back one foot (1') for each foot of height exceeding thirty feet (30'); provided the sign shall not exceed fifty feet (50') regardless of setback.
2. Wall and canopy signs shall not exceed an aggregate display surface area of three (3) square feet per each linear foot of the building wall to which the sign or signs are affixed.
3. Other signs, including, but not limited to, roof, projecting, ground and portable (except wall, canopy and promotional business signs), whether permitted as provided herein or nonconforming, shall not exceed an aggregate display surface area of two (2) square feet per each linear foot of street frontage if only one such sign is erected, and shall not exceed one square foot per each linear foot of street frontage if more than one sign is erected.

This PUD shall allow the placement of one monument sign at the northeast corner of Lot 7 to promote and advertise both users of the new lots within this PUD. This monument sign shall be placed outside of the existing utility easements along South Memorial Avenue. A sign permit will be required to be approved prior to construction of this monument sign.

Screening and Landscaping:

Screening of all roof top units shall be provided as per City of Bixby zoning code. In addition, the common dumpster shall be screened as per City of Bixby zoning code.

Landscaping within this PUD shall be per City of Bixby zoning code.

Soil Characteristics:

An exhibit is attached showing the soil characteristics at Bixby Centennial Plaza. These soils are sufficient for construction types as proposed within this development.

General Provisions

Utilities:

Storm sewer, water, and sanitary sewer service already exist at the site. Franchise utilities will also serve the project with communications, gas and electric service as necessary. Coordination of any proposed modifications to the private franchise utilities will be done during the building permit phase of the project. There is an existing platted 10' u/e on the north side of Lot 8 that will be vacated by normal City procedures. During the ALTA/Topographic survey OKIE was called and there were no utilities located in this easement at time of survey.

Lot Split:

Prior to issuance of a building permit, a lot split shall occur and be approved per City of Bixby normal methods. Lot split legals and deeds shall be submitted to the City of Bixby for approval and subsequent filing at the Tulsa County Courthouse.

Schedule:

The building permit phase for these two lots are expected to proceed immediately upon completion of the PUD zoning and lot split processes.

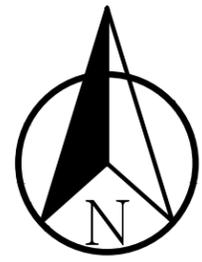
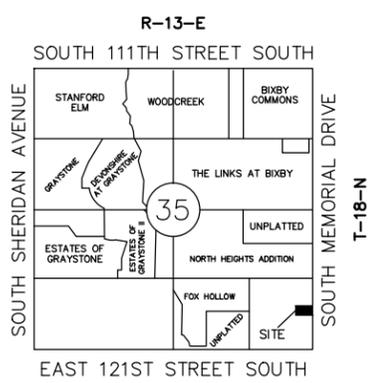
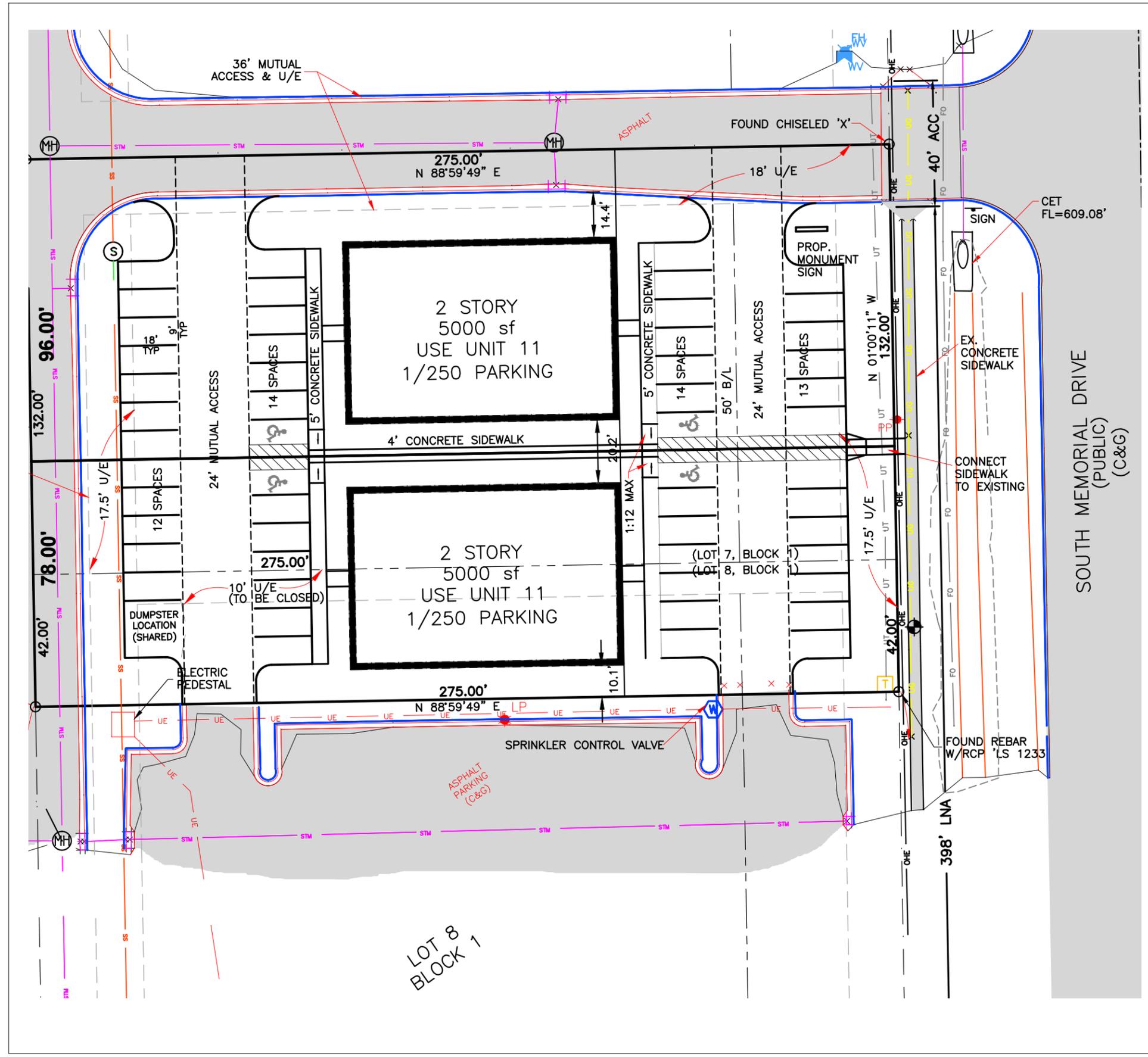
Eagle SPE Multi I, Inc.

PUD #

Legal Description:

Eagle SPE Multi I, Inc. - PUD

All of Lot 7 and Lot 8, less the south 264 feet of Lot 8, Bixby Centennial Plaza, an addition to the City of Bixby, County of Tulsa, State of Oklahoma, According to the recorded plat thereof (Plat Number 6107).



Eagle SPE Multi I, Inc.

Conceptual Site Plan

Exhibit 1

Rosenbaum Consulting, LLC
 2605 West Kenosha #304 Broken Arrow, Oklahoma 74012
 918.798.0210 office / 918.451.3263 fax
 CA#6470 / Exp. Date 6.30.2013

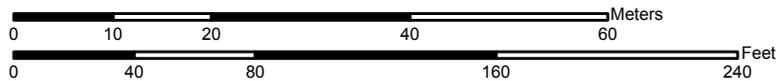
Soil Map—Tulsa County, Oklahoma
(Lot 7 & 8 Bixby Centennial Plaza)



95° 53' 17"



Map Scale: 1:787 if printed on A size (8.5" x 11") sheet.



MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)

Soils

 Soil Map Units

Special Point Features

-  Blowout
-  Borrow Pit
-  Clay Spot
-  Closed Depression
-  Gravel Pit
-  Gravelly Spot
-  Landfill
-  Lava Flow
-  Marsh or swamp
-  Mine or Quarry
-  Miscellaneous Water
-  Perennial Water
-  Rock Outcrop
-  Saline Spot
-  Sandy Spot
-  Severely Eroded Spot
-  Sinkhole
-  Slide or Slip
-  Sodic Spot
-  Spoil Area
-  Stony Spot

 Very Stony Spot

 Wet Spot

 Other

Special Line Features

-  Gully
-  Short Steep Slope
-  Other

Political Features

 Cities

Water Features

 Streams and Canals

Transportation

-  Rails
-  Interstate Highways
-  US Routes
-  Major Roads
-  Local Roads

MAP INFORMATION

Map Scale: 1:787 if printed on A size (8.5" × 11") sheet.

The soil surveys that comprise your AOI were mapped at 1:12,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for accurate map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL: <http://websoilsurvey.nrcs.usda.gov>
Coordinate System: UTM Zone 15N NAD83

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

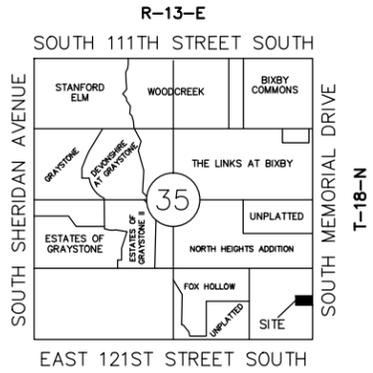
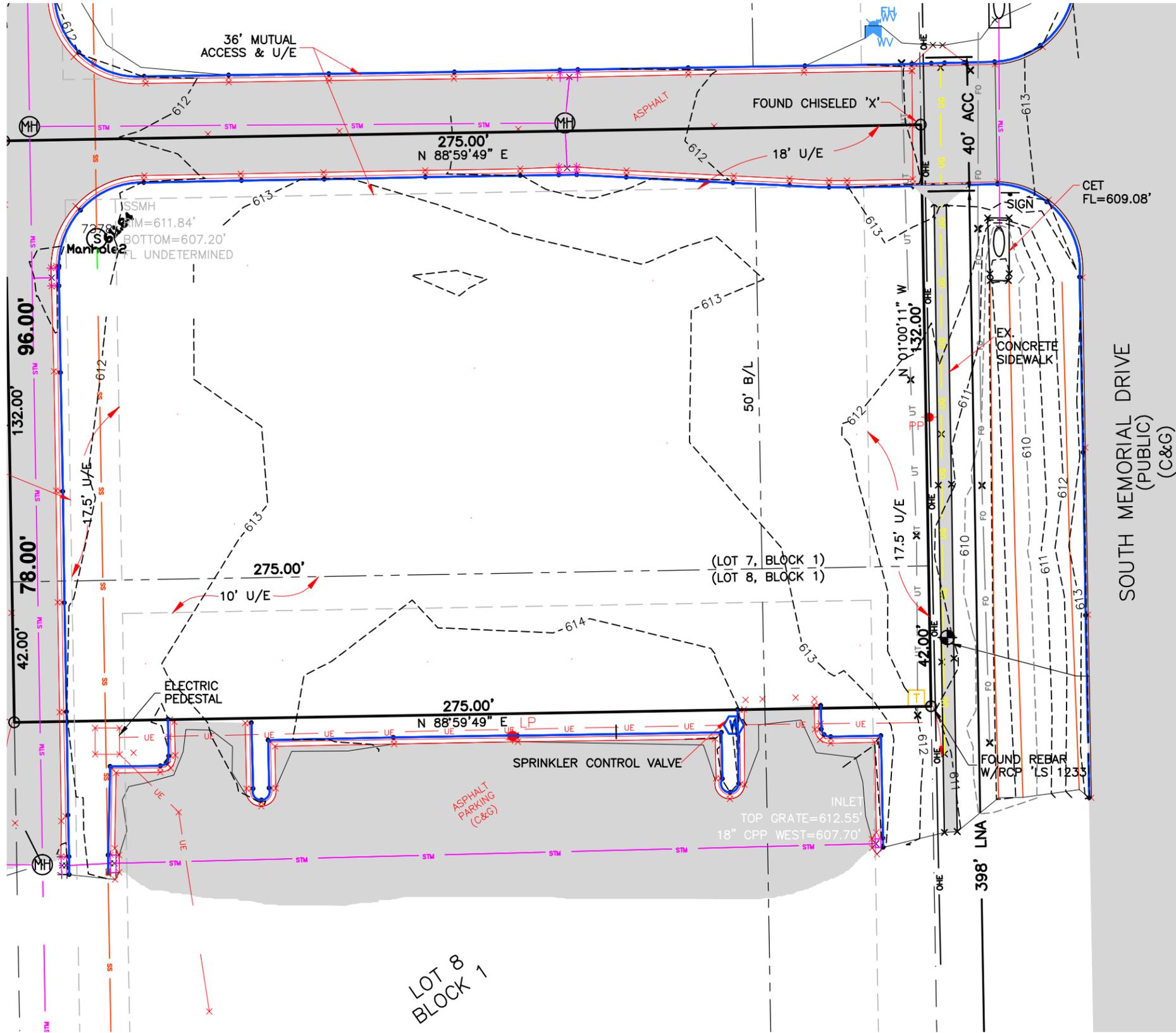
Soil Survey Area: Tulsa County, Oklahoma
Survey Area Data: Version 7, Sep 16, 2008

Date(s) aerial images were photographed: Data not available.

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Tulsa County, Oklahoma (OK143)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
45	Osage silty clay, 0 to 1 percent slopes, occasionally flooded	2.3	99.3%
49	Severn very fine sandy loam, 0 to 3 percent slopes, rarely flooded	0.0	0.7%
Totals for Area of Interest		2.3	100.0%



VICINITY MAP
TULSA COUNTY



Eagle SPE Multi I, Inc. Topographic Survey Exhibit 2

Rosenbaum Consulting, LLC
 2605 West Kenosha #304 Broken Arrow, Oklahoma 74012
 918.798.0210 office / 918.451.3263 fax
 CA#6470 / Exp. Date 6.30.2013



CITY OF BIXBY
P.O. Box 70
116 W. Needles Ave.
Bixby, OK 74008
(918) 366-4430
(918) 366-6373 (fax)

STAFF REPORT

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner 
Date: Friday, November 09, 2012
RE: Report and Recommendations for:
Preliminary Plat (Resubmitted) & Final Plat of "Seven Lakes II"

LOCATION: – Intersection of 67th E. Ave. and 125th Pl. S.
– North of *Seven Lakes I*
– Part of the W/2 of Section 02, T17N, R13E.

LOT SIZE:
Parent Tract: 36.24 acres, more or less (and that part of the Phase III tract of 23 acres, more or less, lying south of the NW/4 of this Section)
Subject Property Area: 17.70 acres, more or less

EXISTING ZONING: RS-4 Residential Single Family District

EXISTING USE: Vacant

REQUEST:

- (1) Preliminary Plat approval for 59-lot residential subdivision
- (2) Modification/Waiver from Subdivision Regulations Section 12-3-4.F to exceed the 2:1 maximum depth to width ratio*
- (3) Modification/Waiver from Subdivision Regulations Section 12-3-3.A, if any utility easements would not achieve the minimum width standards at 17.5' for perimeters

* Modification/Waivers have not yet been requested.

SURROUNDING ZONING AND LAND USE:

North: RS-4 & AG; Approximately 23-acres of unplatted land owned by the developer and zoned RS-4, and a 20-acre unplatted tract containing a house and otherwise vacant/wooded land owned by John Tiger et al., an unplatted 12-acre vacant tract owned by Tulsa County, and an unplatted vacant and wooded 20-acre tract owned by the City of Bixby, all zoned AG.

South: RS-4; Single family residential in *Seven Lakes I*.

East: AG; The Fry Creek Ditch Channel with agricultural land to the east of that.

West: RS-4; Unplatted vacant land for a future phase of "Seven Lakes" and single family residential in *Seven Lakes I*.

COMPREHENSIVE PLAN: Low Intensity + Vacant, Agricultural, Rural Residences, and Open Land.

PREVIOUS/RELATED CASES:

BZ-309 – Wynona Brooks, Trustee of Mildred A. Kienlen A Revocable Living Trust – Request for rezoning from AG to RS-4 for area including *Seven Lakes I*, subject property, and 23 acres abutting to the north – PC recommended Approval 01/18/2005 and City Council Approved 02/14/2005 (Ord. # 901).

Preliminary Plat of Seven Lakes II – Request for Preliminary Plat approval for "Seven Lakes II" for the subject property plat area and the balance of the 36.24-acre parent tract – PC recommended Conditional Approval 05/19/2008 and City Council Conditionally Approved 05/27/2008.

Preliminary Plat of Seven Lakes II – Request for Preliminary Plat approval for "Seven Lakes II" for the subject property plat area – PC recommended Conditional Approval 09/21/2011 and City Council Conditionally Approved 09/26/2011 (Approval expired 09/26/2012 per the Subdivision Regulations).

RELEVANT AREA CASE HISTORY: (not a complete list)

Preliminary Plat of Seven Lakes I – Request for Preliminary Plat approval for *Seven Lakes I* abutting subject property to the south – PC recommended Approval 06/20/2005 and City Council Approved 06/27/2005.

Final Plat of Seven Lakes I – Request for Final Plat approval for *Seven Lakes I* abutting subject property to the south – PC recommended Approval 10/16/2006 and City Council Approved 10/23/2006 (plat recorded 04/26/2007).

BACKGROUND INFORMATION:

The second phase of the "Seven Lakes" residential development, to be known as "Seven Lakes II," was previously approved for Preliminary Plat in May of 2008. At that time, it included all of the parent tract of 36.24 acres (more or less) and proposed 114 lots. The current plat proposes to develop the eastern portion of the parent tract at 59 lots, presumably more in line with a more conservative market demand than in 2008. This current plat was proposed and approved in September of 2011. However, the Preliminary Plat approval expires after one (1) year, per the Subdivision Regulations. The plat has been revised and resubmitted as a Preliminary Plat and is also submitted for Final Plat approval.

ANALYSIS:

Property Conditions. The subject property is vacant and zoned RS-4. The development will be designed to collect stormwater and drain it to the east to Fry Creek Ditch # 2. East 125th Place South already exists to the south of the subject property, and part of the westerly boundary is formed by South 68th East Avenue, both streets having been built with *Seven Lakes I*. Within this plat area, the other streets, and what appears to be two (2) additional “lakes” in “Seven Lakes,” were already “rough cut” during or after the development of the first phase.

Comprehensive Plan. The Comprehensive Plan designates the subject property as (1) Low Intensity and (2) Vacant, Agricultural, Rural Residences, and Open Land.

The single family housing development anticipated by this plat would be consistent with the Comprehensive Plan.

General. This subdivision of 36.24 acres, more or less, proposes 59 lots, four (4) blocks, and three (3) Reserves.

The Seven Lakes development, and this plat, represents a conventional but attractive design, with uniquely crisscrossed curvilinear streets and no true cul-de-sacs, interspersed with Reserves for water amenities. The subdivision is similar to *Seven Lakes I*, abutting to the south, with relatively similar-sized and configured lots. Typical lots range from 65' X 120' (7,800 square feet, 0.18 acres) to 70' X 120' (8,400 square feet, 0.19 acres). All lots appear to meet RS-4 zoning standards.

The Technical Advisory Committee (TAC) reviewed this Preliminary Plat on November 07, 2012. The Minutes of the meeting are attached to this report.

The Fire Marshal's, City Engineer's, and City Attorney's memos are attached to this Staff Report (if received). Their comments are incorporated herein by reference and should be made conditions of approval where not satisfied at the time of approval.

Access and Internal Circulation. Primary access to the subdivision would be via *Seven Lakes I* to the south, to which this subdivision will connect. *Seven Lakes I* has a street connection at 126th St. S. and has a temporary construction entrance and second means of ingress/egress about a block to the north of that.

Staff Recommendation. Staff recommends Approval Staff of the Preliminary Plat with the following corrections, modifications, and Conditions of Approval:

1. Subject to a Modification/Waiver from Subdivision Regulations Section 12-3-4.F, as Lot 15, Block 2, and Lot 7, Block 1 (and potentially others) appear to exceed the 2:1 maximum depth to width ratio as per SRs Section 12-3-4.F. The Modification/Waiver may be justified by citing its necessity as a product of an attractive subdivision design defined by the crisscrossing, curvilinear street network with no true cul-de-sacs, interspersed with Reserves for water amenities.

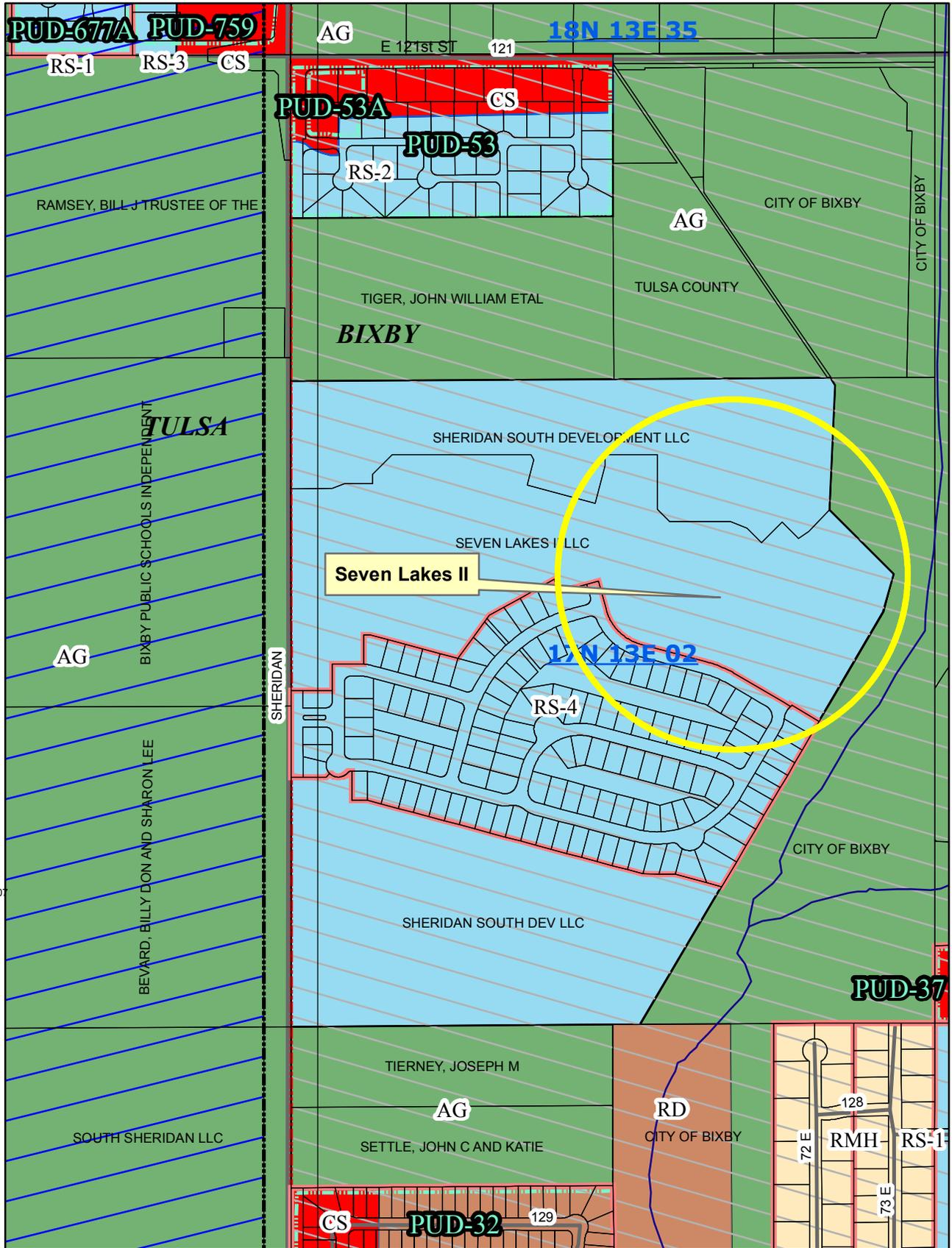
2. Subject to a Modification/Waiver from Subdivision Regulations Section 12-3-3.A, if any utility easements would not achieve the minimum width standards at 17.5' for perimeters. Such request may be justified by demonstrating where an 11' U/E will be back to back with another 11' in abutting subdivision, resulting in a 22'-wide U/E corridor between the subdivisions. Other justifications may be offered and deemed adequate.
3. Subject to compliance with all Fire Marshal, City Attorney, and City Engineer recommendations and requirements.
4. Unlike the other water amenity reserves in *Seven Lakes I*, Reserve B has no 'handle' to provide access. Access is necessary for routine maintenance and emergency access. Handle access is to be a minimum of 20' in width, per previous City Engineer recommendations. However:
 - a. Formats, widths, locations, and improved surface design and construction standards for access are all subject to the approval of the Fire Marshal and City Engineer;
 - b. It appears a 15'-wide TA/E Temporary Access Easement is now proposed from the northeast corner of the north dead-end of S. 68th E. Ave. Being located outside the plat boundary and not dedicated in the Deed of Dedication, this would have to be done by separate instrument, if allowed in lieu of the standard 'handle' access;
 - c. If to be allowed in lieu of the standard 'handle' access and if done by separate instrument, please execute and provide citation on the plat of the Document # where the instrument is recorded with the Tulsa County Clerk;
 - d. If to be allowed in lieu of the standard 'handle' access, the TA/E as represented would not appear to allow for public access as it does not have frontage along a public street; and
 - e. If to be allowed in lieu of the standard 'handle' access and if it is extended into the future S. 68th E. Ave. right-of-way projected (pursuant to the item above), the separate instrument (and the DoD/RCs if/as appropriate) needs to have language providing for its termination/defeat upon (1) the dedication of right-of-way over the concerned area, providing clear title to the City of Bixby at such time, and (2) upon the provision of alternative means of public access.
5. Elevation contours at (presumably) one (1) foot intervals represented as required per SRs Section 12-4-2.B.6. However, please label.
6. "Owner / Developer" block on face of plat, Legal Description, and Owner Signature Block: "Owner / Developer" block on the face of the plat and the Owner Signature Block at the end of the DoD/RCs states "PRHR Properties, LLC." As of October 31, 2012, the name in title recognized by the Tulsa County Assessor on its website is "Seven Lakes II, LLC."
7. As per an earlier version of this plat, the street connecting E. 125th St. S. to S. 71st E. Ave. was previously designated E. 124th Pl. S. Based on the provided addresses, S. 71st E. Ave. is implied. Depending on the future street network layout of the future phase of Seven Lakes immediately to the north, it may more appropriately be designated E. 124th Pl. S. or S. 71st E. Ave. For emergency 911 response, mail service, and general addressing purposes, please provide this street name and clearly differentiate street segments at the intersections. If to be E. 124th Pl. S., re-address the affected lots.
8. Based on existing addresses and street names, please adjust addresses such as follows:
 - Lot 1, Block 4: 12503 → 12504 S. 68th E. Ave.
 - Lot 1, Block 3: 6871 → 6803 E. 125th St. S.

- Lot 2, Block 3: 6891 → 6807 E. 125th St. S.
 - Lot 3, Block 3: 6911 → 6811 E. 125th St. S.
 - Lot 4, Block 3: 6931 → 6817 E. 125th St. S.
 - Lot 5, Block 3: 6961 → 6861 E. 125th St. S.
 - Lot 6, Block 3: 6981 → 6881 E. 125th St. S.
 - Lot 7, Block 3: 7001 → 6909 E. 125th St. S.
 - Lot 8, Block 3: 7021 → 6921 E. 125th St. S.
 - Lot 9, Block 3: 7041 → 6941 E. 125th St. S.
 - Lot 12, Block 3: 7101 → 7091 E. 125th St. S.
 - Lot 13, Block 3: 7121 → 7097 E. 125th St. S.
 - Lot 1, Block 2: 6903 → 6808 E. 125th St. S.
 - Lot 2, Block 2: 6930 → 6814 E. 125th St. S.
 - Lot 3, Block 2: 6960 → 6868 E. 125th St. S.
 - Lot 4, Block 2: 6980 → 6885 E. 125th St. S.
 - Lot 5, Block 2: 7000 → 6910 E. 125th St. S.
 - Lot 6, Block 2: 7020 → 6922 E. 125th St. S.
 - Lot 7, Block 2: 7040 → 6944 E. 125th St. S.
 - Lot 8, Block 2: 7060 → 7070 E. 125th St. S.
 - Lot 10, Block 2: 7105 → 7086 E. 125th St. S.
 - Lot 11, Block 2: 7122 → 7090 E. 125th St. S.
 - Lot 12, Block 2: 7140 → 7096 E. 125th St. S. and
12503 → 12508 S. 71st E. Ave.
 - Lot 23, Block 2: 7041 → 7007 E. 125th Pl. S.
 - Lot 24, Block 2: 7021 → 6951 E. 124th Pl. S.
 - Lot 25, Block 2: 7001 → 6919 E. 124th Pl. S.
 - Lot 26, Block 2: 6981 → 6911 E. 124th Pl. S.
 - Lot 27, Block 2: 6961 → 6861 E. 124th Pl. S.
 - Lot 28, Block 2: 6951 → 6819 E. 124th Pl. S.
 - Lot 29, Block 2: 6925 → 6767 E. 124th Pl. S.
 - Lot 30, Block 2: 6853 → 6707 E. 124th Pl. S.
 - Lot 31, Block 2: 12507 → 12575 S. 68th E. Ave.
9. Per SRs Section 12-4-2.A.5, the Location Map must include:
- All platted additions represented with the Section:
 - *LaCasa Movil Estates* (misrepresented as to configuration)
 - *LaCasa Movil Estates 2nd* (missing)
 - *Encore on Memorial* (missing)
 - *Village Ten Addition* (misrepresented as to configuration)
 - *Clyde Miller Acreage* (misrepresented as to configuration)
 - *Poe Acreage* (misrepresented as to configuration)
 - Scale at 1" = 2,000'.
10. Land Summary statistics on the plat face report two (2) Reserve Areas instead of three (3).
11. 25' B/L and U/E along all streets – is a full 25' needed? If not, consider a 20' U/E to provide a 5' buffer area, or the amount necessary to protect the integrity of the

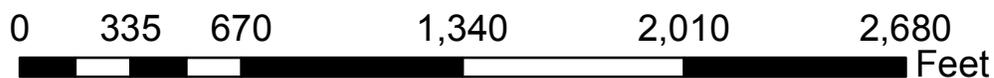
foundation and supporting wall, in the event of excavation of the U/E up to its interior edge.

12. Block 1, Lots 7, 8, 9, & 10: Has incomplete linework suggestive of an additional U/E.
13. Deed of Dedication / Restrictive Covenants (DoD/RCs) Preamble: Missing critical wording such as "And has caused the above described land to be surveyed, staked, platted, granted, donated, conveyed, dedicated, access rights reserved, and subdivided into blocks, lots, reserve areas, and streets..." as per the City Attorney's recommendations regarding fee simple ownership of rights-of-ways.
14. DoD/RCs Preamble: describes as "...a Subdivision in the City of Bixby." Title Block on face of plat describes as "An Addition to the City of Bixby." Recommend reconciliation. See also Surveyor's Certificate; other occurrences possible.
15. DoD/RCs Section I.A First Sentence: please precede the first instance of the word "dedicates" with "grants, donates, conveys, and..." as per the City Attorney's recommendations regarding fee simple ownership of rights-of-ways.
16. DoD/RCs Section I.A Final Sentence: Due to U/E encroachment experiences in Bixby, please modify as follows, "...provided, however, that nothing herein shall be deemed to prohibit properly-permitted drives, parking areas, curbing, landscaping and customary screening fences and walls."
17. DoD/RCs Section II.B.3: Should reference not be to "...the adopted standards of the City of Bixby" rather than "...of Tulsa County"?
18. DoD/RCs Section II.E.1: Use of "Architecture" in place of "Architectural" in reference to the named committee.
19. DoD/RCs Section V.A: Use of word "hereon" in place of "herein," as presumed intended. Two (2) instances observed.
20. DoD/RCs Section V.B: Reference to "Seven Lakes" instead of "Seven Lakes II," as presumed intended.
21. DoD/RCs Section V.B: Missing words "...be effective from and after the date the instrument is properly recorded."
22. DoD/RCs Signature Blocks: Specification of 2012 presumes plat will be recorded within this calendar year. Advisory.
23. Final Plat: Elevation contours, floodplain boundaries, physical features, underlying Zoning district boundaries, minimum improvements acknowledgement, and other such mapping details as required per SRs Section 12-4-2.B.6, by approval of this Final Plat, shall not be required on the recording version of the Final Plat, as such would be inconsistent with Final Plat appearance conventions and historically and commonly accepted platting practices.
24. Submit release letters from all utility companies serving the addition as per SRs Section 12-2-6.B.
25. A copy of the Preliminary Plat including all recommended corrections shall be submitted for placement in the permanent file.
26. A copy of the Final Plat including all recommended corrections shall be submitted for placement in the permanent file.

Preliminary Plat (Resubmitted) / Final Plat of Seven Lakes II – HRAOK, Inc.



- Subdivisions
- E911 Streets
- WagParcels-Clip 11-07
- Tulsa Parcels 08/12
- Bixby City Limits
- PUD
- <all other values>
- ZONE_TYPE**
- Agricultural
- Commercial
- Flood
- Industrial
- Office
- Residential SF
- Residential Multi
- Residential Manuf.
- bixby_s-t-r
- bixby_streams



Memo

To: Erik Enyart, City Planner
From: Jared Cottle, PE *Juc*
CC: Bea Aamodt, PE
File
Date: 10/29/12
Re: Seven Lake II
Final Plat

General Comments:

1. Infrastructure Plans have been reviewed and approved. Water and Sewer Plans are under review by ODEQ. As long as Platting information conforms to submitted infrastructure Plans, no exceptions taken.

Memo

To: ERIK ENYART, CITY PLANNER

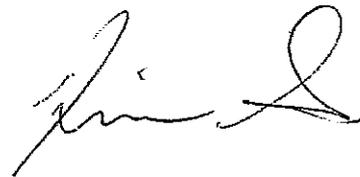
From: JIM SWEEDEN

Date: 10/24/2012

Re: PRELIMINARY PLAT (RESUBMITTED) & FINAL PLAT OF SEVEN
LAKES II

FINAL PLAT OF SEVEN LAKES II SUB-DIVISION IS APPROVED BY THIS OFFICE.

NOTE: NEED TO DISCUSS THE PHASE II FIRST SUBMITTED AS TO THE RESUBMITTED PLANS. FIRE HYDRANTS ARE NOT ON PLANS.



Erik Enyart

From: Erik Enyart
Sent: Wednesday, October 31, 2012 9:53 AM
To: 'rbingham@hraok.com'
Cc: Jared Cottle; Bea Aamodt; 'Jim Sweeden'; 'jwiedel@bixby.com'; Patrick Boulden
Subject: Staff Report - Preliminary Plat (Resubmitted) & Final Plat of Seven Lakes II - DRAFT copy drafted 10-31-12
Attachments: Staff Report - Preliminary Plat (Resubmitted) & Final Plat of Seven Lakes II - DRAFT copy drafted 10-31-12.pdf; Memo from City Engineer – Preliminary Plat (Resubmitted) & Final Plat of Seven Lakes II – 10-29-12.pdf; Seven Lakes II – Address Schedule Recommendations – 10-29-12.pdf

Roy Bingham:

Draft staff report attached. City Engineer's review memo is also attached. I have previously provided you the Fire Marshal's review. The City Attorney's review is pending.

Also, I have scanned an address schedule recommendation plat, showing block ranges existing and proposed, and recommended corrections. The recommended corrections are based on existing addresses in Seven Lakes I. Note that the street that curves back to the northwest after the knuckle corner at 71st E. Ave. was known as 124th Place South with the previous version of the plat. Based on the overall street network with the future phas(es) to the north/northwest, either street name may be more appropriate.

Please review and contact me with any questions or if you need additional information.

Erik Enyart, AICP, City Planner
City of Bixby, PO Box 70
Bixby, OK 74008
Ph. (918) 366-0427
Fax (918) 366-4416
eenyart@bixby.com
www.bixby.com

48

Preliminary Plat Seven Lakes II

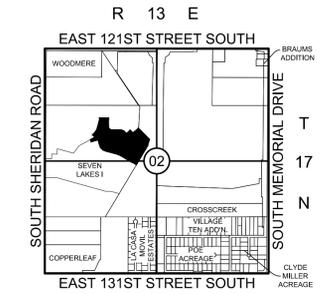
AN ADDITION TO THE CITY OF BIXBY, TULSA COUNTY, OKLAHOMA, BEING A SUBDIVISION OF A PART OF THE WEST HALF OF SECTION 02, TOWNSHIP 17 NORTH, RANGE 13 EAST OF THE INDIAN BASE AND MERIDIAN

Owner / Developer

PRHR PROPERTIES, LLC
8630 SOUTH PEORIA AVENUE
TULSA, OKLAHOMA 74132
PHONE: (918) 809-4372
CONTACT: MR. DANIEL RUHL

Engineer / Surveyor

HRAOK, INC.
1913 WEST TACOMA, SUITE A
BROKEN ARROW, OKLAHOMA 74012
PHONE: (918) 258-3737
FAX: (918) 258-2544
C.A. #3643 EXPIRES JUNE 30, 2013
INFO@HRAOK.COM



Location Map

Land Summary

SUBDIVISION CONTAINS FIFTY-NINE (59) LOTS IN FOUR (4) BLOCKS AND TWO (2) RESERVE AREAS

BLOCK 1	14 LOTS
BLOCK 2	31 LOTS
BLOCK 3	13 LOTS
BLOCK 4	1 LOT
RESERVE A	1.50 ACRES
RESERVE B	1.87 ACRES
RESERVE C	0.03 ACRES

SUBDIVISION CONTAINS 17.70 ACRES

FINAL PLAT CERTIFICATE OF APPROVAL

I HEREBY CERTIFY THAT THIS PLAT WAS APPROVED BY THE COUNCIL OF THE CITY OF BIXBY, OKLAHOMA

DATE _____

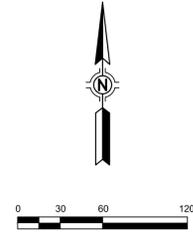
MAYOR - VICE MAYOR _____

THIS APPROVAL IS VOID IF THE ABOVE SIGNATURE IS NOT ENDORSED BY THE CITY MANAGER OR CITY CLERK.

CITY MANAGER - CITY CLERK _____

COUNTY CLERK STAMP

COUNTY TREASURER STAMP



Legend

B/L	BUILDING LINE
RW/E	RESTRICTED WATERLINE EASEMENT
TA/E	TEMPORARY ACCESS EASEMENT
U/E	UTILITY EASEMENT
1234	STREET ADDRESS

Monumentation

ALL CORNERS SHOWN HEREON WERE SET USING A 3/8" X 18" STEEL PIN WITH A PLASTIC CAP STAMPED "PLS 1580" AT ALL CORNERS.

Basis of Bearings

THE BEARING BASE FOR THIS SURVEY IS GRID BEARINGS BASED ON THE OKLAHOMA STATE PLANE COORDINATE SYSTEM - NORTH ZONE - NAD83 (1993).

ADS Benchmark

BRASS CAP LOCATED AT THE NORTHWEST CORNER OF SECTION 02, T-17N, R-13E, TULSA COUNTY, OKLAHOMA. ELEV = 611.97 (NAVD 1988)

Notes

ALL STREET RIGHT-OF-WAY SHALL BE DEDICATED AS PUBLIC STREETS BY THIS PLAT.

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

ALL WATER AND SANITARY SEWER SERVICES WILL BE SUPPLIED AND MAINTAINED BY THE CITY OF BIXBY.

NUMBER	DELTA ANGLE	RADIUS	ARC LENGTH
C1	79°31'28"	25.00'	34.70'
C2	62°57'52"	25.00'	27.47'
C3	156°08'05"	50.00'	136.25'
C4	57°35'33"	25.00'	25.15'
C5	59°59'44"	150.00'	157.07'
C6	90°00'00"	25.00'	39.27'
C7	18°13'50"	200.00'	63.64'
C8	79°50'30"	25.00'	34.84'
C9	40°09'30"	200.00'	140.16'
C10	59°59'44"	200.00'	209.42'
C11	19°34'21"	225.00'	76.86'
C12	59°10'10"	25.00'	25.82'
C13	154°43'43"	55.00'	148.53'
C14	75°32'05"	175.00'	230.71'
C15	25°23'7"	100.00'	44.29'
C16	90°00'00"	50.00'	78.54'

LOT NO.	AREA (SF)	LOT NO.	AREA (SF)	LOT NO.	AREA (SF)
1	7800	10	10482	1	11172
2	7800	11	9224	2	11779
3	7869	12	10032	3	10025
4	8425	13	8105	4	12172
5	9823	14	8444	5	8400
6	9197	15	9430	6	8400
7	7861	16	9800	7	8400
8	8233	17	8400	8	8400
9	7805	18	7800	9	8400
10	7800	19	7800	10	8225
11	7800	20	9063	11	8869
12	8400	21	7800	12	7800
13	8400	22	8520	13	8456
14	8278	23	8580	14	8478
1	9410	24	7736		
2	9837	25	8400		
3	8400	26	7800		
4	8400	27	8400		
5	8400	28	8399		
6	8400	29	9125		
7	8400	30	7415		
8	9517	31	8400		
9	10875				



SEVEN LAKES II
DEED OF DEDICATION AND RESTRICTIVE COVENANTS

PRHR PROPERTIES, LLC, AN OKLAHOMA LIMITED LIABILITY COMPANY, HEREINAFTER REFERRED TO AS THE "OWNER/DEVELOPER", IS THE OWNER OF THE FOLLOWING DESCRIBED LAND IN THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA:

A TRACT OF LAND IN THE WEST HALF (W/2) OF SECTION TWO (02), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 02; THENCE S 01°01'10" E AND ALONG THE WEST LINE OF SAID SECTION 02 A DISTANCE OF 2613.69 TO THE NORTHWEST CORNER OF SEVEN LAKES I, A SUBDIVISION IN THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, PLAT NO. 6113; THENCE N 88°58'50" E AND ALONG THE NORTH LINE OF LOT 1 BLOCK 2 OF SAID SEVEN LAKES I A DISTANCE OF 170.00 FEET; THENCE N 01°01'10" W AND ALONG SAID SEVEN LAKES I A DISTANCE OF 110.00 FEET; THENCE N 88°58'50" E AND ALONG SAID SEVEN LAKES I A DISTANCE OF 114.74 FEET; THENCE ALONG SAID SEVEN LAKES I AND A CURVE TO THE RIGHT WITH A CHORD BEARING OF S 04°22'32" E", A CHORD DISTANCE OF 15.27 FEET, A RADIUS OF 200.00 FEET FOR AN ARC DISTANCE OF 120.58 FEET; THENCE N 88°58'50" E AND ALONG THE NORTH LINE OF BLOCK 6 OF SAID SEVEN LAKES I A DISTANCE OF 120.58 FEET; THENCE N 88°58'50" E AND ALONG THE NORTH LINE OF BLOCK 6 OF SAID SEVEN LAKES I A DISTANCE OF 26.87 FEET; THENCE S 76°01'10" E AND ALONG THE NORTH LINE OF BLOCK 6 OF SAID SEVEN LAKES I A DISTANCE OF 371.75 FEET; THENCE N 35°21'21" E AND ALONG THE NORTH LINE OF BLOCK 6 OF SAID SEVEN LAKES I A DISTANCE OF 218.86 FEET; THENCE N 60°00'00" E AND ALONG THE NORTH LINE OF BLOCK 6 OF SAID SEVEN LAKES I A DISTANCE OF 305.11 FEET TO THE NORTHEAST CORNER OF LOT 12 BLOCK 6 OF SAID SEVEN LAKES I AND THE POINT OF BEGINNING; THENCE N 60°00'00" E A DISTANCE OF 117.33 FEET; THENCE ALONG A CURVE TO THE LEFT WITH A CHORD BEARING OF N 44°13'25" W, A CHORD DISTANCE OF 69.28 FEET, A RADIUS OF 200.00 FEET FOR AN ARC DISTANCE OF 69.63 FEET; THENCE N 35°48'10" E A DISTANCE OF 150.65 FEET; THENCE N 13°58'50" E A DISTANCE OF 245.90 FEET; THENCE N 1°01'10" W A DISTANCE OF 46.71 FEET; THENCE N 88°58'50" E A DISTANCE OF 215.00 FEET; THENCE S 1°01'10" E A DISTANCE OF 225.42 FEET; THENCE S 46°01'10" E A DISTANCE OF 70.12 FEET; THENCE N 88°58'50" E A DISTANCE OF 250.92 FEET; THENCE S 68°31'02" E A DISTANCE OF 71.62 FEET; THENCE S 46°00'54" E A DISTANCE OF 85.11 FEET; THENCE N 43°59'06" E A DISTANCE OF 120.00 FEET; THENCE S 46°00'54" E A DISTANCE OF 95.00 FEET; THENCE N 43°59'06" E A DISTANCE OF 50.00 FEET; THENCE S 46°00'54" E A DISTANCE OF 9.92 FEET; THENCE N 43°59'06" E A DISTANCE OF 120.00 FEET; THENCE S 46°00'54" E A DISTANCE OF 374.05 FEET; THENCE S 14°37'30" W A DISTANCE OF 162.14 FEET; THENCE S 29°31'11" W A DISTANCE OF 515.61 FEET TO THE NORTHEAST CORNER OF LOT 36 BLOCK 1 OF SAID SEVEN LAKES I; THENCE N 60°28'49" W AND ALONG THE NORTH LINE OF LOT 36 BLOCK 1 OF SAID SEVEN LAKES I A DISTANCE OF 129.65 FEET; THENCE ALONG SAID SEVEN LAKES I AND A CURVE TO THE LEFT WITH A CHORD BEARING OF S 51°56'38" W, A CHORD DISTANCE OF 7.73 FEET, A RADIUS OF 75.00 FEET FOR AN ARC DISTANCE OF 7.73 FEET; THENCE N 60°28'49" W AND ALONG THE NORTH LINE OF SAID SEVEN LAKES I A DISTANCE OF 261.09 FEET; THENCE ALONG THE NORTH LINE OF SAID SEVEN LAKES I AND A CURVE TO THE LEFT WITH A CHORD BEARING OF N 68°14'59" W, A CHORD BEARING OF 135.19 FEET, A RADIUS OF 500.00 FEET FOR AN ARC DISTANCE OF 135.60 FEET; THENCE N 76°01'10" W AND ALONG THE NORTH LINE OF SAID SEVEN LAKES I A DISTANCE OF 276.05 FEET; THENCE ALONG THE NORTH LINE OF SAID SEVEN LAKES I AND A CURVE TO THE RIGHT WITH A CHORD BEARING OF N 46°01'10" W, A CHORD DISTANCE OF 200.00 FEET, A RADIUS OF 200.00 FEET FOR AN ARC DISTANCE OF 209.44 FEET; THENCE N 16°01'10" W AND ALONG SAID SEVEN LAKES I A DISTANCE OF 121.46 FEET; THENCE S 73°58'50" W AND ALONG THE NORTH LINE OF SAID SEVEN LAKES I A DISTANCE OF 173.90 FEET; THENCE N 16°01'10" W AND ALONG THE NORTH LINE OF BLOCK 6 OF SAID SEVEN LAKES I A DISTANCE OF 54.78 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 771044.70 SF OR 17.701 ACRES

THE BASIS OF BEARINGS FOR SAID TRACT ARE BASED ON PLATTED BEARINGS OF N 01°01'10" W ALONG THE WEST LINE OF SEVEN LAKES I A SUBDIVISION IN THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF (PLAT NO. 6113), FILED IN THE OFFICES OF THE TULSA COUNTY CLERK.

AND HAS CAUSED THE ABOVE DESCRIBED LAND TO BE SURVEYED, STAKED, PLATTED, DEDICATED, ACCESS RIGHTS RESERVED, AND SUBDIVIDED INTO BLOCKS, LOTS, RESERVE AREAS AND STREETS AND HAS DESIGNATED THE SAME AS "SEVEN LAKES II", A SUBDIVISION IN THE CITY OF BIXBY, TULSA COUNTY, OKLAHOMA (THE "SUBDIVISION").

SECTION I - PUBLIC STREETS, EASEMENTS AND UTILITIES

A. PUBLIC STREETS AND GENERAL UTILITY EASEMENTS. THE OWNER/DEVELOPER HEREBY DEDICATES FOR PUBLIC USE THE STREETS AS DEPICTED ON THE ACCOMPANYING PLAT AND FURTHER DEDICATES 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, OVER AND UPON THE UTILITY EASEMENTS FOR THE USES AND PURPOSES AFORESAID, PROVIDED HOWEVER, 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. OWNER/DEVELOPER HEREBY IMPOSES A RESTRICTIVE COVENANT, WHICH COVENANT SHALL BE BINDING ON EACH LOT OWNER AND SHALL BE ENFORCEABLE BY THE CITY OF BIXBY, OKLAHOMA, AND BY THE SUPPLIER OF ANY AFFECTED UTILITY SERVICE, THAT WITHIN THE STREETS AND UTILITY EASEMENTS DEPICTED ON THE ACCOMPANYING PLAT NO BUILDING, STRUCTURE OR OTHER ABOVE OR BELOW GROUND OBSTRUCTION THAT INTERFERES WITH THE ABOVE SET FORTH USES AND PURPOSES OF A STREET OR EASEMENT SHALL BE PLACED, ERECTED, INSTALLED OR MAINTAINED, PROVIDED HOWEVER, NOTHING HEREIN SHALL BE DEEMED TO PROHIBIT DRIVES, PARKING AREAS, CURBING, LANDSCAPING AND CUSTOMARY SCREENING FENCES AND WALLS.

B. UNDERGROUND SERVICE

- OVERHEAD LINES FOR THE SUPPLY OF ELECTRIC, TELEPHONE AND CABLE TELEVISION SERVICES MAY BE LOCATED ALONG THE WEST BOUNDARY OF THE SUBDIVISION IF LOCATED WITHIN THE PUBLIC STREET AND UTILITY EASEMENTS HEREIN ESTABLISHED. STREET LIGHT POLES OR STANDARDS MAY BE SERVED BY OVERHEAD LINES OR UNDERGROUND CABLE BUT ELSEWHERE THROUGHOUT THE SUBDIVISION ALL SUPPLY LINES, INCLUDING ELECTRIC, TELEPHONE, CABLE TELEVISION AND GAS LINES, SHALL BE LOCATED UNDERGROUND IN THE EASEMENT WAYS DEDICATED FOR GENERAL UTILITY SERVICES AND IN THE RIGHTS-OF-WAY OF THE PUBLIC STREETS, AS DEPICTED ON THE ACCOMPANYING PLAT. SERVICE PEDESTALS AND TRANSFORMERS, AS SOURCES OF SUPPLY AT SECONDARY VOLTAGES, MAY ALSO BE LOCATED IN EASEMENT WAYS.
- UNDERGROUND SERVICE CABLES TO ALL STRUCTURES 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, 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, EFFECTIVE AND EXCLUSIVE RIGHT-OF-WAY 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.
- THE SUPPLIERS OF ELECTRIC, TELEPHONE, CABLE TELEVISION, COMMUNICATIONS AND GAS SERVICES, THROUGH THEIR AGENTS AND EMPLOYEES, SHALL AT ALL TIMES HAVE RIGHT OF ACCESS TO ALL EASEMENT WAYS 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, CABLE TELEVISION OR GAS FACILITIES INSTALLED BY THE SUPPLIER OF THE UTILITY SERVICE.

- THE OWNER OF EACH LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE UTILITY SERVICE FACILITIES LOCATED ON SUCH OWNER'S LOT AND SHALL PREVENT THE ALTERATION OF GRADE OR ANY CONSTRUCTION ACTIVITY WHICH WOULD INTERFERE WITH THE ELECTRIC, TELEPHONE, CABLE TELEVISION, COMMUNICATION OR GAS FACILITIES. THE OWNER SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER OR HIS AGENTS OR CONTRACTORS.
- THE COVENANTS SET FORTH IN THIS SUBSECTION B SHALL BE ENFORCEABLE BY THE SUPPLIERS OF WATER, SEWER, ELECTRIC, TELEPHONE, CABLE TELEVISION OR GAS SERVICE AND THE OWNER OF EACH LOT WITHIN THE SUBDIVISION AGREES TO BE BOUND HEREBY.

C. WATER AND SANITARY SEWER SERVICE

- THE OWNER OF EACH LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE PUBLIC WATER MAINS AND PUBLIC SANITARY SEWER FACILITIES LOCATED ON THEIR LOT AND SHALL PREVENT THE ALTERATION OF GRADE OR ANY CONSTRUCTION ACTIVITY WHICH MAY INTERFERE WITH SAID PUBLIC WATER MAIN OR PUBLIC SANITARY SEWER. WITHIN THE UTILITY EASEMENT AREAS DEPICTED ON THE ACCOMPANYING PLAT, THE ALTERATION OF GRADE FROM THE CONTOURS EXISTING UPON THE COMPLETION OF THE INSTALLATION OF A PUBLIC WATER MAIN OR SANITARY SEWER, OR ANY CONSTRUCTION ACTIVITY WHICH WOULD INTERFERE WITH PUBLIC WATER AND SANITARY SEWER, SHALL BE PROHIBITED.
- THE CITY OF BIXBY, OR ITS SUCCESSORS, SHALL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF PUBLIC WATER MAINS, OR PUBLIC SANITARY SEWER 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 SUCH OWNER'S AGENTS OR CONTRACTORS.
- THE CITY OF BIXBY OR ITS SUCCESSORS THROUGH ITS PROPER AGENTS AND EMPLOYEES SHALL AT ALL TIMES HAVE RIGHT OF ACCESS WITH THEIR EQUIPMENT TO ALL SUCH EASEMENT WAYS SHOWN ON SAID PLAT OR PROVIDED FOR IN THIS DEED OF DEDICATION FOR THE PURPOSE OF INSTALLING, MAINTAINING, REMOVING, OR REPLACING ANY PORTION OF SAID UNDERGROUND WATER AND SEWER FACILITIES.

- ALL WATER AND SANITARY SEWER LINES SHALL BE MAINTAINED IN GOOD REPAIR BY THE UTILITY CONTRACTOR FOR THE TERM OF AND IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE MAINTENANCE BOND OF WHICH THE CITY OF BIXBY IS THE BENEFICIARY. IF ANY REPAIR ISSUES ARISE, THE DEVELOPER SHALL ASSIST THE CITY OF BIXBY IN COORDINATION AND FACILITATION WITH THE APPROPRIATE CONTRACTOR.

- THE FOREGOING COVENANTS CONCERNING WATER AND SEWER FACILITIES SHALL BE ENFORCEABLE BY THE CITY OF BIXBY OR ITS SUCCESSORS, AND THE OWNER OF EACH LOT AGREES TO BE BOUND HEREBY.

D. SURFACE DRAINAGE

- EACH LOT WITHIN THE SUBDIVISION 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 SUBSECTION D SHALL BE ENFORCEABLE BY ANY AFFECTED LOT OWNER, THE HOMEOWNERS' ASSOCIATION DEFINED HEREINAFTER IN SECTION IV (THE "ASSOCIATION") AND BY THE CITY OF BIXBY, OKLAHOMA.

E. 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 MAINTENANCE OF UNDERGROUND WATER, SEWER, STORM SEWER, NATURAL GAS, COMMUNICATION, CABLE TELEVISION, OR ELECTRIC FACILITIES WITHIN THE UTILITY EASEMENT AREAS DEPICTED UPON THE ACCOMPANYING PLAT, PROVIDED HOWEVER, THE CITY OF BIXBY, OKLAHOMA OR THE SUPPLIER OF THE UTILITY SERVICE SHALL USE REASONABLE CARE IN THE PERFORMANCE OF SUCH ACTIVITIES.

F. STORM SEWER

- THE CITY OF BIXBY, OR ITS SUCCESSORS, THROUGH ITS PROPER AGENTS AND EMPLOYEES, SHALL AT ALL TIMES HAVE RIGHT OF ACCESS WITH THEIR EQUIPMENT TO ALL UTILITY EASEMENTS SHOWN ON THE ACCOMPANYING PLAT FOR THE PURPOSE OF INSTALLING, MAINTAINING, REMOVING OR REPLACING ANY PORTION OF THE UNDERGROUND STORM SEWER SYSTEM.
- NO PERMANENT FENCE, PERMANENT WALL, PERMANENT BUILDING, OR PERMANENT STRUCTURE WHICH WOULD CAUSE AN OBSTRUCTION SHALL BE PLACED OR MAINTAINED IN THE UTILITY EASEMENT AREAS, AND ANY CONSTRUCTION ACTIVITY WHICH WOULD INTERFERE WITH THE STORM SEWER SYSTEM IS PROHIBITED.
- THE CITY OF BIXBY, OR ITS SUCCESSORS, SHALL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF THE PUBLIC STORM SEWER SYSTEM, BUT THE OWNER OF EACH LOT SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH SYSTEM CAUSED OR NECESSITATED BY ACTS OF THE OWNER OF EACH LOT OR ITS AGENTS OR CONTRACTORS.
- THE OWNER OF EACH LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE STORM SEWER FACILITIES LOCATED ON THEIR LOT AND SHALL PREVENT THE ALTERATION OF GRADE OR ANY CONSTRUCTION ACTIVITY WHICH MAY INTERFERE WITH SAID STORM SEWER FACILITIES. WITHIN THE UTILITY EASEMENT AREAS DEPICTED ON THE ACCOMPANYING PLAT, THE ALTERATION OF GRADE FROM THE CONTOURS EXISTING UPON THE COMPLETION OF THE INSTALLATION OF STORM SEWER FACILITIES, OR ANY CONSTRUCTION ACTIVITY WHICH WOULD INTERFERE WITH SUCH STORM SEWER FACILITIES, IS PROHIBITED WITHOUT THE CONSENT OF THE CITY OF BIXBY.
- THE FOREGOING COVENANTS CONCERNING UTILITY EASEMENTS AND THE PUBLIC STORM SEWER SYSTEM SHALL BE ENFORCEABLE BY THE CITY OF BIXBY, OR ITS SUCCESSOR, AND THE OWNER OF EACH LOT AGREES TO BE BOUND HEREBY.

SECTION II - LAND USE RESTRICTIONS

A. USE OF LAND. ALL LOTS WITHIN THE SUBDIVISION SHALL BE KNOWN AND DESCRIBED AS RESIDENTIAL LOTS AND SHALL BE USED SOLELY FOR SINGLE FAMILY RESIDENCES, SINGLE FAMILY PURPOSES AND ONE (1) COMMUNITY SWIMMING POOL. ALL ELSE HEREIN NOTWITHSTANDING, ANY LOT OWNED OR DESIGNATED BY OWNER/DEVELOPER MAY BE USED FOR MODEL HOMES OR REAL ESTATE OFFICES UNTIL RESIDENCES HAVE BEEN CONSTRUCTED ON ALL LOTS.

B. RESERVES "A", "B", AND "C"

- FOR THE COMMON USE AND BENEFIT OF THE OWNERS OF LOTS WITHIN THE SUBDIVISION AND FOR THE BENEFIT OF THE CITY OF BIXBY, STORM SEWER AND DRAINAGE FACILITIES ARE TO BE CONSTRUCTED IN RESERVE AREAS "A" AND "B" FOR THE PURPOSE OF PERMITTING THE FLOW, CONVEYANCE AND DISCHARGE OF STORM WATER RUNOFF FROM THE VARIOUS LOTS WITHIN THE SUBDIVISION AND FROM PROPERTIES OUTSIDE THE SUBDIVISION.
- RESERVE "C" IS HEREBY ESTABLISHED FOR GREEN BELT ACCESS FOR SUBSEQUENT CONVEYANCE TO THE ASSOCIATION. RESERVE "C" IS ALSO DEDICATED AS A GENERAL UTILITY EASEMENT.
- STORM SEWER AND DRAINAGE FACILITIES CONSTRUCTED IN RESERVE EASEMENTS SHALL BE IN ACCORDANCE WITH ADOPTED STANDARDS OF TULSA COUNTY AND PLANS AND SPECIFICATIONS APPROVED BY THE CITY ENGINEER OF THE CITY OF BIXBY.
- NO FENCE, WALL, BUILDING, OR OTHER OBSTRUCTION MAY BE PLACED OR MAINTAINED IN THE RESERVE EASEMENT AREAS, NOR SHALL THERE BE ANY ALTERATION OF THE GRADES OR CONTOURS IN SUCH EASEMENT AREAS UNLESS APPROVED BY THE CITY ENGINEER OF THE CITY OF BIXBY; PROVIDED, HOWEVER, THAT THE PLANTING OF TURF OR SINGLE TRUNK TREES HAVING A CALIPER OF NOT MORE THAN TWO AND ONE-HALF (2-1/2) INCHES SHALL NOT REQUIRE THE APPROVAL OF THE CITY ENGINEER OF BIXBY.

5. THE DRAINAGE FACILITIES LOCATED IN RESERVES SHALL BE MAINTAINED BY THE ASSOCIATION IN ACCORDANCE WITH THE FOLLOWING STANDARDS:

- THE RESERVE AREAS SHALL BE KEPT FREE OF SILT, OBSTRUCTION AND DEBRIS;
- THE RESERVE AREAS SHALL BE MOWED DURING THE GROWING SEASON AT INTERVALS NOT EXCEEDING TWO (2) WEEKS;
- CONCRETE APPURTENANCES, IF ANY, SHALL BE MAINTAINED IN GOOD AND WORKING CONDITION;

AND IN THE EVENT THE ASSOCIATION SHOULD FAIL TO PROPERLY MAINTAIN THE RESERVE AREAS AND FACILITIES THERE SITUATED THE CITY OF BIXBY, OR ITS DESIGNATED CONTRACTOR, MAY ENTER THE RESERVE AREAS AND PERFORM MAINTENANCE NECESSARY TO THE ACHIEVEMENT OF THE INTENDED DRAINAGE FUNCTIONS, AND THE COST THEREOF SHALL BE PAID BY THE ASSOCIATION, AT LEAST 15 DAYS PRIOR TO ITS ENTRY TO PERFORM SUCH MAINTENANCE, THE CITY OF BIXBY SHALL PROVIDE NOTICE ADDRESSED TO THE REGISTERED AGENT OF THAT ASSOCIATION OF ITS INTENTION TO PERFORM SUCH MAINTENANCE.

6. IN THE EVENT THE ASSOCIATION FAILS TO PAY THE COST OF LAND MAINTENANCE PERFORMED BY THE CITY OF BIXBY AFTER COMPLETION OF THE MAINTENANCE AND RECEIPT OF A STATEMENT OF COST, THE CITY OF BIXBY MAY FILE OF RECORD A COPY OF THE STATEMENT OF COST, AND THEREAFTER THE COSTS SHALL BE A LIEN AGAINST EACH OF THE LOTS WITHIN THE SUBDIVISION; PROVIDED, HOWEVER, THE LIEN AGAINST EACH LOT SHALL NOT EXCEED ITS PROPORTIONATE SHARE, BASED ON THE TOTAL NUMBER OF LOTS IN THE ASSOCIATION, OF THE ASSOCIATION'S COST OF MAINTENANCE.

C. RESERVES "A" AND "B". RESERVES "A" AND "B" SHALL ONLY BE USED FOR DRAINAGE FACILITIES AND SHALL NOT BE USED FOR RECREATION.

D. RESERVE "C". RESERVE "C" SHALL BE USED BY THE ASSOCIATION MEMBERS AND GUESTS FOR RECREATION.

E. SETBACKS

- STREET SETBACK. NO BUILDING OR ACCESSORY STRUCTURE SHALL BE ERECTED NEARER TO A PUBLIC STREET THAN THE BUILDING SETBACK LINES DEPICTED ON THE ACCOMPANYING PLAT.
- SIDE YARD. EACH LOT SHALL MAINTAIN SIDE YARDS WHICH IN THE AGGREGATE ARE NOT LESS THAN 10 FEET IN WIDTH AND NO SIDE YARD SHALL BE LESS THAN FIVE (5) FEET IN WIDTH. SIDE YARDS ADJUTING A STREET SHALL NOT BE LESS THAN 15 FEET, UNLESS THE GARAGE ENTRY IS LOCATED ON SUCH SIDE, WHERE IT WILL BE NO LESS THAN 20 FEET.
- REAR YARD. THE MINIMUM REAR YARD SETBACK SHALL BE 20 FEET. CUSTOMARY ACCESSORY STRUCTURES MAY BE LOCATED WITHIN THE REQUIRED REAR YARD SET BACK AREA, BUT NO BUILDING SHALL BE ERECTED NEARER THAN 5 FEET TO ANY LOT LINE.
- EASEMENT SETBACKS. NO BUILDING, WHETHER PRINCIPAL OR ACCESSORY, SHALL ENCR OACH UPON ANY UTILITY EASEMENT AS DEPICTED ON THE ACCOMPANYING PLAT.

F. BUILDING HEIGHT. NO BUILDING SHALL EXCEED 3 STORIES OR 48 FEET IN HEIGHT.

SECTION III - PRIVATE BUILDING AND USE RESTRICTIONS

WHEREAS, THE OWNER/DEVELOPER DESIRES TO ESTABLISH RESTRICTIONS FOR THE PURPOSE OF PROVIDING FOR THE ORDERLY DEVELOPMENT OF THE SUBDIVISION AND FOR THE CONFORMITY AND COMPATIBILITY OF IMPROVEMENTS THEREIN.

THEREFORE, THE OWNER/DEVELOPER HEREBY IMPOSES THE FOLLOWING RESTRICTIONS AND COVENANTS WHICH SHALL BE COVENANTS RUNNING WITH THE LAND, AND SHALL BE BINDING UPON THE OWNER/DEVELOPER, EACH LOT OWNER AND THEIR SUCCESSORS AND ASSIGNS, AND SHALL BE ENFORCEABLE AS HEREINAFTER SET FORTH.

A. ARCHITECTURAL COMMITTEE - PLAN REVIEW

- AN ARCHITECTURAL COMMITTEE IS HEREBY FORMED AND SHALL APPROVE ALL PLANS FOR ANY STRUCTURE TO BE BUILT ON ANY LOT AND SHALL ALSO BE RESPONSIBLE FOR INTERPRETING THE DEVELOPMENT AND CONSTRUCTION STANDARDS CONTAINED IN THIS SUBSECTION. THE ARCHITECTURAL COMMITTEE SHALL CONSIST OF NOT LESS THAN ONE (1) NOR MORE THAN THREE (3) MEMBERS TO BE APPOINTED BY OWNER/DEVELOPER UNTIL RESIDENCES HAVE BEEN CONSTRUCTED ON ALL LOTS IN THE SUBDIVISION; AND, THEREAFTER, THE MEMBERS OF THE ARCHITECTURAL COMMITTEE SHALL BE APPOINTED BY THE ASSOCIATION, PROVIDED, HOWEVER, THAT OWNER/DEVELOPER MAY AT ANY TIME, IN ITS SOLE DISCRETION, ASSIGN AND TRANSFER THE RESPONSIBILITY FOR THE APPOINTMENT OF THE ARCHITECTURAL COMMITTEE TO THE ASSOCIATION.

- NO BUILDING, FENCE, WALL OR FREE STANDING MAILBOX SHALL BE ERECTED, PLACED OR ALTERED ON ANY LOT IN THE SUBDIVISION UNTIL THE PLANS AND SPECIFICATIONS THEREFOR HAVE BEEN APPROVED IN WRITING BY THE ARCHITECTURAL COMMITTEE. FOR EACH BUILDING, THE REQUIRED PLANS AND SPECIFICATIONS SHALL BE SUBMITTED IN DUPLICATE AND SHALL INCLUDE A SITE PLAN, FLOOR PLAN, EXTERIOR ELEVATIONS, DRAINAGE AND GRADING PLANS, EXTERIOR MATERIALS AND COLOR SCHEME. IN THE EVENT THE ARCHITECTURAL COMMITTEE FAILS TO APPROVE OR DISAPPROVE OF SUCH PLANS AND SPECIFICATIONS SUBMITTED TO IT AS HEREIN REQUIRED WITHIN 20 DAYS AFTER SUBMISSION, APPROVAL OF THE ARCHITECTURAL COMMITTEE SHALL NOT BE REQUIRED AND THIS COVENANT SHALL BE DEEMED TO HAVE BEEN FULLY COMPLIED WITH.

- THE ARCHITECTURAL COMMITTEE'S PURPOSE IS TO PROMOTE GOOD DESIGN AND COMPATIBILITY WITHIN THE SUBDIVISION AND IN ITS REVIEW OF PLANS OR DETERMINATION OF ANY WAIVER AS HEREINAFTER AUTHORIZED MAY TAKE INTO CONSIDERATION THE NATURE AND CHARACTER OF THE PROPOSED BUILDING, STRUCTURE OR ALTERATION, THE MATERIALS OF WHICH IT IS TO BE BUILT, THE AVAILABILITY OF ALTERNATIVE MATERIALS, THE SITE UPON WHICH IT IS PROPOSED TO BE ERECTED AND THE HARMONY THEREOF WITH THE SURROUNDING AREA. THE ARCHITECTURAL COMMITTEE SHALL NOT BE LIABLE FOR ANY APPROVAL, DISAPPROVAL OR FAILURE TO APPROVE HEREUNDER AND ITS APPROVAL OF BUILDING PLANS SHALL NOT CONSTITUTE A WARRANTY OR RECOMMENDATION OF BUILDING METHODS, MATERIALS, PROCEDURES, STRUCTURAL DESIGN, GRADING OR DRAINAGE OR BUILDING CODE COMPLIANCE. THE APPROVAL OR FAILURE TO APPROVE BUILDING PLANS SHALL NOT BE DEEMED A WAIVER OF ANY RESTRICTION.

B. FLOOR AREA OF DWELLING

- SINGLE STORY. A SINGLE STORY DWELLING SHALL HAVE AT LEAST 1,500 SQUARE FEET OF FINISHED HEATED LIVING AREAS.

- TWO STORY AND THREE STORY. IF A DWELLING HAS TWO LEVELS OR STORIES IMMEDIATELY ABOVE AND BELOW EACH OTHER MEASURED VERTICALLY AND ALL SUCH LEVELS OR STORIES ARE ABOVE THE FINISHED EXTERIOR GRADE OF SUCH DWELLING, THEN SUCH DWELLING SHALL HAVE AT LEAST 1,200 SQUARE FEET OF FINISHED HEATED LIVING AREA ON THE FIRST STORY OR LEVEL AND SHALL HAVE A TOTAL OF THE VARIOUS LEVELS OR STORIES OF AT LEAST 1,800 SQUARE FEET OF FINISHED HEATED LIVING AREA.

- COMPUTATION OF LIVING AREA. THE COMPUTATION OF LIVING AREA SHALL NOT INCLUDE ANY BASEMENT, GARAGE, OR ATTIC AREA USED FOR STORAGE. ALL LIVING AREA MEASUREMENTS SHALL BE TAKEN HORIZONTALLY AT THE TOP PLATE LEVEL TO THE FACE OF THE OUTSIDE WALL. REQUIRED LIVING AREA MUST AVERAGE AT LEAST SEVEN (7) FEET SIX (6) INCHES IN HEIGHT, EXCEPT THAT IN THE COMPUTATION OF SECOND OR UPPER STORY LIVING AREA, THE HEIGHT SHALL BE SEVEN (7) FEET SIX (6) INCHES FOR AT LEAST ONE HALF (1/2) OF THE REQUIRED LIVING AREA, AND ANY AREA OF LESS THAN FIVE (5) FEET IN HEIGHT SHALL BE EXCLUDED.

- WAIVER. THE ARCHITECTURAL COMMITTEE MAY WAIVE, IN THE PARTICULAR INSTANCE, UPON WRITTEN REQUEST, THE FLOOR AREA REQUIREMENTS SET OUT IN PARAGRAPHS 1 AND 2 OF THIS SUBSECTION B.

C. GARAGES. EACH DWELLING SHALL HAVE AN ATTACHED GARAGE PROVIDING SPACE FOR A MINIMUM OF TWO AUTOMOBILES ON EACH LOT. GARAGES SHALL BE ENCLOSED AND CARPORTS ARE PROHIBITED. GLASS IN GARAGE DOORS IS PROHIBITED.

D. FOUNDATIONS. ANY EXPOSED FOUNDATION SHALL BE OF BRICK, STONE OR STUCCO. NO STEM WALL SHALL BE EXPOSED.

E. MASONRY

- THE FIRST STORY EXTERIOR WALLS OF THE DWELLING ERECTED ON ANY LOT SHALL BE 100% BRICK, STONE, OR STUCCO (EXCLUDING WINDOWS AND DOORS). AT THE DISCRETION OF THE ARCHITECTURE COMMITTEE, THE 100% REQUIRED MASONRY MAY BE WAIVED FOR PORCHES AND PATIOS.

- WAIVER. THE ARCHITECTURAL COMMITTEE MAY WAIVE, IN THE PARTICULAR INSTANCE, UPON WRITTEN REQUEST, THE REQUIREMENTS SET OUT IN PARAGRAPHS 1 OF THIS SUBSECTION E.

F. TRAFFIC CALMING DEVICES. SPEED BUMPS SHALL BE PROHIBITED, UNLESS APPROVED BY 75% OF THE LOT OWNERS OF SEVEN LAKES SUBDIVISION AT THE TIME ANY SPEED BUMP IS PROPOSED, SUBJECT TO CITY OF BIXBY APPROVAL.

G. SEASONAL DECORATIONS. ALL SEASONAL DECORATIONS SHALL BE REMOVED NO LATER THAN THIRTY (30) CALENDAR DAYS FROM THE DAY OF THE ACTUAL HOLIDAY.

H. GARAGE SALES/YARD SALES. GARAGE SALES/YARD SALES WILL BE ALLOWED TWICE EACH CALENDAR YEAR. THE DATES THEREOF SHALL BE SET BY THE BOARD OF DIRECTORS OF THE ASSOCIATION.

I. WINDOWS. ALUMINUM WINDOWS HAVING A MILL FINISH ARE PROHIBITED.

J. ROOF PITCH

- NO DWELLING SHALL HAVE A ROOF PITCH OF LESS THAN 6/12 OVER 75% OF THE HORIZONTAL AREA COVERED BY ROOF AND NO ROOF SHALL HAVE A PITCH OF LESS THAN 3/12.

- WAIVER. THE ARCHITECTURAL COMMITTEE MAY WAIVE, IN THE PARTICULAR INSTANCE, UPON WRITTEN REQUEST, THE FOREGOING RESTRICTIONS TO PERMIT A DWELLING HAVING A FLAT ROOF OVER MORE THAN 25% OF THE HORIZONTAL AREA COVERED BY ROOF.

K. ROOFING MATERIALS. ROOFING SHALL BE SELF-SEALING COMPOSITION ROOFING SHINGLES (NOT LESS THAN 230-LB 30 YEAR AND WEATHERED WOOD IN COLOR), PROVIDED HOWEVER, IN THE EVENT THAT SUCH ROOFING SHOULD HEREINAFTER NOT BE REASONABLY AVAILABLE, ALTERNATIVE ROOFING OF COMPARABLE QUALITY SHALL BE PERMITTED UPON THE DETERMINATION OF THE ARCHITECTURAL COMMITTEE THAT THE PROPOSED ALTERNATIVE IS OF COMPARABLE OR BETTER QUALITY AND OF A DESIGN AND COLOR WHICH IS COMPATIBLE WITH THE ROOFING FIRST ABOVE DESCRIBED.

L. ROOFTOP PROTRUSIONS. METAL ROOFTOP PROTRUSIONS ON THE RESIDENCE SHALL BE PAINTED TO MATCH THE ROOF COLOR SELECTIONS (WEATHERED WOOD).

M. ON-SITE CONSTRUCTION. NO EXISTING OR OFF-SITE BUILT STRUCTURE SHALL BE MOVED ONTO OR PLACED ON ANY LOT.

N. OUTBUILDINGS

- OUTBUILDINGS ARE PROHIBITED.

- WAIVER. THE ARCHITECTURAL COMMITTEE MAY WAIVE, IN THE PARTICULAR INSTANCE, UPON WRITTEN REQUEST, THE FOREGOING RESTRICTION.

O. SWIMMING POOLS. ABOVE GROUND SWIMMING POOLS ARE PROHIBITED.

P. FENCING

1. ALL FENCING SHALL BE IN ACCORDANCE WITH THE CITY OF BIXBY ZONING CODE. INTERIOR FENCING OR WALLS SHALL NOT EXTEND BEYOND THE BUILDING LINES OF THE LOT AND, IF A DWELLING IS BUILT BEHIND THE FRONT BUILDING LINE OF A LOT, NO FENCE MAY EXTEND BEYOND THE POINT NEAREST THE STREET AT EACH END CORNER OF THE DWELLING, PROVIDED HOWEVER, ON CORNER LOTS FENCING MAY EXTEND TO THE SIDE YARD LOT LINE. EXCEPT AS SPECIFIED IN SECTION III, SUBSECTION P.2 IMMEDIATELY BELOW (I) ALL FENCING SHALL BE 6" PRIVACY CONSTRUCTED OF STANDARD WOOD, AND (II) CHAIN LINK, BARBED WIRE, MESH AND OTHER METAL FENCING SHALL BE PROHIBITED. NO FENCE SHALL EXCEED 6 FEET IN HEIGHT. FENCES FACING THE STREET AND INSTALLED IN SIDE YARDS BETWEEN DWELLINGS SHALL BE ALIGNED WITH EXISTING FENCES ON ADJOINING LOTS WHERE POSSIBLE. THE GOOD SIDE OF EVERY FENCE SHALL FACE THE STREET. OTHER TYPES OF FENCING CONSTRUCTED OF WROUGHT IRON, BRICK, OR STONE MAY BE PERMITTED IF PRE-APPROVED BY THE ARCHITECTURAL COMMITTEE. VINYL COATED CHAIN LINK FENCE, WITH WOODED POST AND TOP RAIL IS RESTRICTED TO RESERVE AREAS ONLY.
2. WITH RESPECT TO LOTS WHICH ARE CONTIGUOUS WITH LAKES OR PONDS IN RESERVE AREAS, THE SIDE YARD FENCES SHALL BE TAPERED IN HEIGHT TO FOUR FEET (4') WITHIN THIRTY FEET (30') OF THE PERIMETER FENCING FACING THE LAKE AREA AND WITHIN SAID 30' AREA SHALL BE OF THE SAME SPECIFICATIONS AS THE PERIMETER FENCING DESCRIBED BELOW. PERIMETER FENCING SHALL BE REQUIRED ALONG AND PARALLEL TO THE COMMON BOUNDARY OF ALL LOTS WITH THE RESERVE AREAS WITH LAKES. SAID PERIMETER FENCING SHALL BE CONSTRUCTED OF VINYL COATED CHAIN LINK RESIDENTIAL GRADE MATERIAL WITH WOODEN TOP RAILS AND POSTS. SUCH PERIMETER FENCING SHALL BE FOUR FEET (4') IN HEIGHT AND UNIFORM IN HEIGHT, DESIGN AND MATERIAL.

Q. ANTENNAS

1. EXTERIOR TELEVISION, "CB" RADIO OR OTHER ANTENNA INCLUDING SATELLITE DISHES SHALL BE PROHIBITED WITH THE FOLLOWING EXCEPTION. SMALL SATELLITE DISHES WHICH DO NOT EXCEED 20" IN DIAMETER SHALL BE ALLOWED SO LONG AS THE DISH IS INSTALLED ON THE BACK OF THE DWELLING AND IS NOT VISIBLE FROM ANY STREET WITHIN THE SUBDIVISION.
2. WAIVER. THE ARCHITECTURAL COMMITTEE MAY WAIVE, IN THE PARTICULAR INSTANCE, UPON WRITTEN REQUEST, THE FOREGOING RESTRICTION.

R. LANDSCAPING AND LOT MAINTENANCE

1. EACH LOT OWNER SHALL SOD THE YARD OF A LOT AT THE TIME OF CONSTRUCTION OF A RESIDENCE THEREON. AT THE TIME OF SUCH CONSTRUCTION, THE LOT OWNER SHALL INSTALL A MINIMUM EQUIVALENT WORTH OF \$500.0 OF LANDSCAPING MATERIALS (TREES, SHRUBS, GROUND COVER, ETC.) EXCLUSIVE OF SODDING.
2. 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.
3. NO LUMBER, METALS, BULK MATERIALS, REFUSE OR TRASH SHALL BE KEPT, STORED OR ALLOWED TO ACCUMULATE ON ANY LOT OR ON THE RESERVE AREA, EXCEPT THAT BUILDING MATERIALS MAY BE STORED ON A LOT DURING THE COURSE OF CONSTRUCTION OF ANY APPROVED STRUCTURE. IF TRASH OR OTHER REFUSE IS TO BE DISPOSED OF BY BEING PICKED UP AND CARRIED AWAY ON A REGULAR AND RECURRING BASIS, CONTAINERS MAY BE PLACED IN THE OPEN ON ANY DAY THAT A PICKUP IS TO BE MADE, AT SUCH PLACE ON THE LOT SO AS TO PROVIDE ACCESS TO PERSONS MAKING SUCH PICKUP. AT ALL OTHER TIMES, SUCH CONTAINERS SHALL BE STORED IN SUCH A MANNER SO THAT THEY CANNOT BE SEEN FROM ADJACENT AND SURROUNDING PROPERTY. THE ARCHITECTURAL COMMITTEE, IN ITS DISCRETION, MAY ADOPT AND PROMULGATE REASONABLE RULES AND REGULATIONS RELATING TO THE SIZE, SHAPE, COLOR AND TYPE OF CONTAINERS PERMITTED AND THE MANNER OF STORAGE OF THE SAME.

- S. RECREATIONAL VEHICLES AND BOATS. BOATS, TRAILERS, CAMPERS, MOTOR HOMES AND SIMILAR RECREATIONAL VEHICLES AND EQUIPMENT SHALL NOT BE STORED ON ANY LOT FOR A PERIOD OF IN EXCESS OF 48 HOURS PER WEEK IF IT IS WITHIN VIEW FROM ADJOINING PROPERTY OWNERS OR THE STREET.

- T. INOPERATIVE VEHICLES. NO INOPERATIVE VEHICLE OR MACHINERY SHALL BE STORED ON ANY LOT EXCEPT WITHIN AN ENCLOSED GARAGE. NO MAINTENANCE OR REPAIRS TO VEHICLES, BOATS, MOTOR HOMES OR RECREATIONAL VEHICLES SHALL BE PERFORMED, EXCEPT IN AN ENCLOSED GARAGE.

- U. CLOTHESLINES. EXPOSED CLOTHESLINE POLES OR OTHER OUTSIDE DRYING APPARATUS ARE PROHIBITED.

- V. TRASH CONTAINERS. TRASH CONTAINERS, EXCEPT DURING PERIODS OF COLLECTION, AND WITHIN TWELVE (12) HOURS OF COLLECTION, SHALL BE STORED OUT OF VIEW FROM ADJUTING STREETS. NO EXPOSED GARBAGE CANS, TRASH CAN OR ANY TRASH BURNING APPARATUS OR STRUCTURE SHALL BE PLACED ON ANY LOT.

- W. MAILBOXES. AS LONG AS A RURAL TYPE MAILBOX IS IN USE IN THE SUBDIVISION FOR UNITED STATES POSTAL SERVICE, ALL MAILBOX PEDESTALS SHALL CONFORM IN DESIGN TO SPECIFICATIONS FOR THE SUBDIVISION TO BE ESTABLISHED BY THE ARCHITECTURAL COMMITTEE. ALL MAILBOXES SHALL BE POSITIONED SO THAT 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 WHICH BORDERS THE LARGEST CONTINUOUS LOT AREA. THE TOP OF THE MAILBOX SHALL BE 42 INCHES FROM STREET LEVEL.

- X. ANIMALS. NO ANIMALS, LIVESTOCK OR POULTRY OF ANY KIND MAY BE MAINTAINED, BRED, SOLD OR KEPT IN THE SUBDIVISION, EXCEPT THAT TWO DOGS, TWO CATS OR OTHER HOUSEHOLD PETS MAY BE KEPT PROVIDED THAT THEY ARE NOT USED FOR COMMERCIAL PURPOSES.

- Y. NOXIOUS ACTIVITY. NO ACTIVITY OF A NOXIOUS OR OFFENSIVE NATURE SHALL BE CARRIED OUT OR ALLOWED BY ANY RESIDENT FOR ANY PURPOSE UPON ANY LOT, NOR SHALL ANY COMMERCIAL OR TRADE ACTIVITY TAKE PLACE OR BE ALLOWED THEREON THAT MIGHT BE OR MIGHT BECOME AN ANNOYANCE OR NUISANCE TO THE NEIGHBORHOOD.

- Z. 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 SIGNS USED BY A BUILDER TO ADVERTISE THE PROPERTY DURING THE CONSTRUCTION AND SALES PERIOD; EXCEPT, HOWEVER, OWNER/DEVELOPER MAY MAINTAIN SIGNS OF ANY SIZE ON RESERVE AREAS AND ON LOTS OWNED BY IT SO LONG AS IT OWNS A LOT IN THE SUBDIVISION.

- AA. 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 ALL CONSTRUCTION SHALL BE COMPLETED WITHIN 9 MONTHS THEREAFTER. EACH LOT SHALL BE MAINTAINED IN A NEAT AND ORDERLY CONDITION. READY MIX CONCRETE TRUCKS SHALL WASH OUT ONLY ON THE PROPERTY ON WHICH THE CONCRETE IS BEING DELIVERED. PROPERTY OWNERS SHALL BE RESPONSIBLE FOR ASSURING THAT CONCRETE DELIVERED TO THEIR LOT STAYS ON THEIR LOT AND SHALL BE RESPONSIBLE FOR CLEANUP IF CONCRETE DELIVERED TO A LOT IS SPILLED OR WASHED ONTO STREETS OR OTHER LOTS.

- AB. TEMPORARY TRASH RECEPTACLE. A TEMPORARY TRASH RECEPTACLE IS REQUIRED ON EACH LOT DURING THE CONSTRUCTION OF ANY DWELLING IN THE SUBDIVISION. THE TEMPORARY TRASH RECEPTACLE SHALL BE MAINTAINED BY THE LOT OWNER AND SHALL BE EMPTIED ON A REGULAR BASIS OR AS NEEDED.

- AC. BASKETBALL GOAL. NO BASKETBALL GOAL OR STRUCTURES ARE ALLOWED IN THE STREET RIGHTS OF WAY.

SECTION IV - HOMEOWNERS' ASSOCIATION

- A. FORMATION OF HOMEOWNERS' ASSOCIATION. THE OWNER/DEVELOPER HAS FORMED OR SHALL CAUSE THE SEVEN LAKES HOMEOWNERS' ASSOCIATION, INC. (THE "ASSOCIATION"), A NON-PROFIT CORPORATE ENTITY TO BE ESTABLISHED IN ACCORDANCE WITH THE STATUTES OF THE STATE OF OKLAHOMA. THE ASSOCIATION SHALL BE FORMED FOR THE GENERAL PURPOSES OF MAINTAINING THE COMMON AREAS, RESERVE AREAS, LANDSCAPING, FENCING AND FOR THE PURPOSE OF ENHANCING THE VALUE, DESIRABILITY AND ATTRACTIVENESS OF THE SUBDIVISION.

- B. MEMBERSHIP. EVERY PERSON OR ENTITY WHO IS A RECORD OWNER OF THE FEE INTEREST IN A LOT IN THE SUBDIVISION 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. THE ASSOCIATION SHALL ALSO INCLUDE THE RECORD OWNERS OF LOTS IN THE OTHER PHASES OF SEVEN LAKES TO BE CONTIGUOUS TO THE SUBDIVISION. OWNER/DEVELOPER OR ITS AFFILIATE MAY, BY DESIGNATION OF THE ASSOCIATION IN THE PLATS, DEEDS OF DEDICATION AND COVENANTS OF OTHER PHASES OF SEVEN LAKES AS THE OPERATIVE HOMEOWNERS ASSOCIATION FOR SUCH ADDITIONS, EFFECT THE INCLUSION OF ALL OF THE LOT OWNERS IN SUCH ADDITIONS AS MEMBERS OF THE ASSOCIATION.

- C. COVENANT FOR ASSESSMENTS. THE OWNER/DEVELOPER AND EACH SUBSEQUENT OWNER OF A LOT, BY ACCEPTANCE OF A DEED THEREFOR, COVENANTS AND AGREES TO PAY TO THE ASSOCIATION ASSESSMENTS TO BE ESTABLISHED BY THE ASSOCIATION IN ACCORDANCE WITH A DECLARATION TO BE EXECUTED AND RECORDED BY THE OWNER/DEVELOPER PRIOR TO THE CONVEYANCE OF A LOT WITHIN THE SUBDIVISION. ALL ASSESSMENTS SHALL BE A LIEN UPON THE LOT(S) AGAINST WHICH IT IS MADE, BUT THE LIEN SHALL BE SUBORDINATE TO THE LIEN OF ANY FIRST MORTGAGE.

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

SECTION V - ENFORCEMENT, DURATION, AMENDMENT & SEVERABILITY

- A. ENFORCEMENT AND DURATION. THE RESTRICTIONS HEREON SET FORTH SHALL BE COVENANTS RUNNING WITH THE LAND AND SHALL BE BINDING UPON THE OWNER/DEVELOPER, ITS GRANTEEES, TRANSFEREES, SUCCESSORS AND ASSIGNS AND ALL PARTIES CLAIMING UNDER IT FOR A PERIOD OF TWENTY-FIVE (25) YEARS FROM THE DATE OF RECORDING OF THIS DEED OF DEDICATION, AFTER WHICH TIME SAID COVENANTS SHALL BE AUTOMATICALLY EXTENDED FOR SUCCESSIVE PERIODS OF TEN (10) YEARS UNLESS AMENDED OR TERMINATED AS HEREAFTER PROVIDED. IF ANY LOT OWNER SHALL VIOLATE ANY OF THE COVENANTS HEREON, IT SHALL BE LAWFUL FOR THE CITY OF BIXBY OR ANY PERSONS OWNING A LOT WITHIN THE SUBDIVISION TO MAINTAIN AN ACTION AT LAW OR IN EQUITY AGAINST THE PERSON OR PERSONS VIOLATING OR ATTEMPTING TO VIOLATE ANY SUCH COVENANT(S) TO PREVENT HIM/HER OR THEM FROM SO DOING OR TO COMPEL COMPLIANCE WITH THE COVENANT(S) OR TO RECOVER DAMAGES FOR SUCH VIOLATION(S).

- B. AMENDMENT. THE COVENANTS CONTAINED WITHIN SECTION I, PUBLIC STREETS, EASEMENTS AND UTILITIES MAY BE AMENDED OR TERMINATED AT ANY TIME BY A WRITTEN INSTRUMENT SIGNED AND ACKNOWLEDGED BY THE OWNER OF THE LOT OR LOTS TO WHICH THE AMENDMENT OR TERMINATION IS TO BE APPLICABLE AND BY THE BIXBY PLANNING COMMISSION, OR ITS SUCCESSORS WITH THE APPROVAL OF THE CITY OF BIXBY, OKLAHOMA. THE COVENANTS CONTAINED WITHIN SECTION II, LAND USE RESTRICTIONS MAY BE AMENDED OR TERMINATED AT ANY TIME BY A WRITTEN INSTRUMENT SIGNED AND ACKNOWLEDGED BY THE BIXBY PLANNING COMMISSION, OR ITS SUCCESSORS, AND BY THE OWNERS OF MORE THAN 75% OF THE LOTS WITHIN THE SUBDIVISION. THE COVENANTS WITHIN SECTION III, PRIVATE BUILDING AND USE RESTRICTIONS MAY BE AMENDED OR TERMINATED 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 WITHIN SEVEN LAKES OR ALTERNATIVELY, THE COVENANTS WITHIN SECTION III, MAY BE AMENDED OR TERMINATED AT ANY TIME BY A WRITTEN INSTRUMENT SIGNED AND ACKNOWLEDGED BY THE OWNERS OF MORE THAN 75% OF THE LOTS WITHIN THE SUBDIVISION, PROVIDED HOWEVER IN THE EVENT OF A CONFLICT OF AMENDING OR TERMINATING INSTRUMENTS, THE INSTRUMENT EXECUTED BY THE OWNER/DEVELOPER SHALL GOVERN. THE PROVISIONS OF ANY SUCH INSTRUMENT AMENDING OR TERMINATING COVENANTS SHALL BE EFFECTIVE FROM AND AFTER THE DATE IS PROPERLY RECORDED.

- C. SEVERABILITY. THESE RESTRICTIVE COVENANTS, TOGETHER WITH THE OTHER DOCUMENTS INCORPORATED HEREIN BY REFERENCE, SHALL BE CONSTRUED AS AN ENTITY AND THE PERTINENT SECTIONS OF ALL INSTRUMENTS AS A WHOLE. THE INVALIDITY OF ANY PHASE, CLAUSE OR PROVISIONS HEREIN CONTAINED SHALL NOT RENDER THE BALANCE OF THIS INSTRUMENT VOID, OR UNENFORCEABLE, AND THE SAME SHALL BE THEREAFTER CONSTRUED AS IF SUCH PHASE, CLAUSE OR PROVISION WERE NOT HEREIN CONTAINED, OR TO OTHERWISE GIVE MAXIMUM EFFECT TO THE INTENT OF THE OWNER/DEVELOPER. THE FAILURE OF THE OWNER/DEVELOPER OR ANY SUCCESSOR IN TITLE, TO ENFORCE ANY RESTRICTION, COVENANT, OR CONDITION AT ANY TIME, OR FROM TIME TO TIME, SHALL NOT BE DEEMED TO BE A WAIVER OR RELINQUISHMENT OF ANY RIGHT OR REMEDY NOR A MODIFICATION OF THESE RESTRICTIONS, COVENANTS OR CONDITIONS.

- D. DEFINITIONS. IN THE EVENT OF AMBIGUITY OF ANY WORD OR TERM SET FORTH HEREIN, THE MEANING THEREOF SHALL BE DEEMED TO BE DEFINED AS SET FORTH WITHIN THE CITY OF BIXBY ZONING CODE AS THE SAME EXISTED ON APRIL 9, 2012 OR AS SUBSEQUENTLY AMENDED.

IN WITNESS WHEREOF, OWNER/DEVELOPER HAS EXECUTED THIS INSTRUMENT THIS ____ DAY OF _____, 2012.

JULIUS PUMA, MANAGER
PRHR PROPERTIES, LLC
AN OKLAHOMA LIMITED LIABILITY COMPANY

DANIEL RUHL, MANAGER
PRHR PROPERTIES, LLC
AN OKLAHOMA LIMITED LIABILITY COMPANY

RYKER YOUNG, MANAGER
PRHR PROPERTIES, LLC
AN OKLAHOMA LIMITED LIABILITY COMPANY

KEVIN HERN, MANAGER
PRHR PROPERTIES, LLC
AN OKLAHOMA LIMITED LIABILITY COMPANY

STATE OF OKLAHOMA)
) SS.
COUNTY OF TULSA)

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS ____ DAY OF _____, 2012, BY THE ABOVE MANAGERS OF PRHR PROPERTIES, LLC.

NOTARY PUBLIC
MY COMMISSION EXPIRES:
MY COMMISSION NUMBER IS:

CERTIFICATE OF SURVEY

I, ALAN C. HALL, 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 DESCRIBED ABOVE, AND THAT THE ACCOMPANYING PLAT DESIGNATED HEREIN AS "SEVEN LAKES II", AN ADDITION TO THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA, IS A REPRESENTATION OF THE SURVEY MADE ON THE GROUND USING GENERALLY ACCEPTED PRACTICES AND MEETS OR EXCEEDS THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING.

ALAN C. HALL
REGISTERED PROFESSIONAL LAND SURVEYOR
OKLAHOMA NO. 1283

STATE OF OKLAHOMA)
)
COUNTY OF TULSA)

THE FOREGOING CERTIFICATE OF SURVEY WAS ACKNOWLEDGED BEFORE ME ON THIS ____ DAY OF _____, 2012, BY ALAN C. HALL.

NOTARY PUBLIC
MY COMMISSION EXPIRES:
MY COMMISSION NUMBER IS:

Final Plat Seven Lakes II

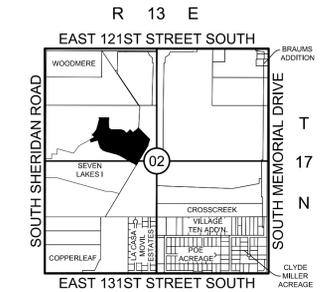
AN ADDITION TO THE CITY OF BIXBY, TULSA COUNTY, OKLAHOMA, BEING A SUBDIVISION OF A PART OF THE WEST HALF OF SECTION 02, TOWNSHIP 17 NORTH, RANGE 13 EAST OF THE INDIAN BASE AND MERIDIAN

Owner / Developer

PRHR PROPERTIES, LLC
8630 SOUTH PEORIA AVENUE
TULSA, OKLAHOMA 74132
PHONE: (918) 809-4372
CONTACT: MR. DANIEL RUHL

Engineer / Surveyor

HRAOK, INC.
1913 WEST TACOMA, SUITE A
BROKEN ARROW, OKLAHOMA 74012
PHONE: (918) 258-3737
FAX: (918) 258-2544
C.A. #3643 EXPIRES JUNE 30, 2013
INFO@HRAOK.COM



Location Map

Land Summary

SUBDIVISION CONTAINS FIFTY-NINE (59) LOTS IN FOUR (4) BLOCKS AND TWO (2) RESERVE AREAS

BLOCK 1	14 LOTS
BLOCK 2	31 LOTS
BLOCK 3	13 LOTS
BLOCK 4	1 LOT
RESERVE A	1.50 ACRES
RESERVE B	1.87 ACRES
RESERVE C	0.03 ACRES

SUBDIVISION CONTAINS 17.70 ACRES

FINAL PLAT CERTIFICATE OF APPROVAL

I HEREBY CERTIFY THAT THIS PLAT WAS APPROVED BY THE COUNCIL OF THE CITY OF BIXBY, OKLAHOMA

DATE _____

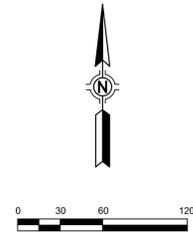
MAYOR - VICE MAYOR _____

THIS APPROVAL IS VOID IF THE ABOVE SIGNATURE IS NOT ENDORSED BY THE CITY MANAGER OR CITY CLERK.

CITY MANAGER - CITY CLERK _____

COUNTY CLERK STAMP

COUNTY TREASURER STAMP



Legend

B/L	BUILDING LINE
R/W/E	RESTRICTED WATERLINE EASEMENT
T/A/E	TEMPORARY ACCESS EASEMENT
U/E	UTILITY EASEMENT
1234	STREET ADDRESS

Monumentation

ALL CORNERS SHOWN HEREON WERE SET USING A 3/8" X 18" STEEL PIN WITH A PLASTIC CAP STAMPED "PLS 1580" AT ALL CORNERS.

Basis of Bearings

THE BEARING BASE FOR THIS SURVEY IS GRID BEARINGS BASED ON THE OKLAHOMA STATE PLANE COORDINATE SYSTEM - NORTH ZONE - NAD83 (1993).

ADS Benchmark

BRASS CAP LOCATED AT THE NORTHWEST CORNER OF SECTION 02, T-17N, R-13E, TULSA COUNTY, OKLAHOMA. ELEV = 611.97 (NAVD 1988)

Notes

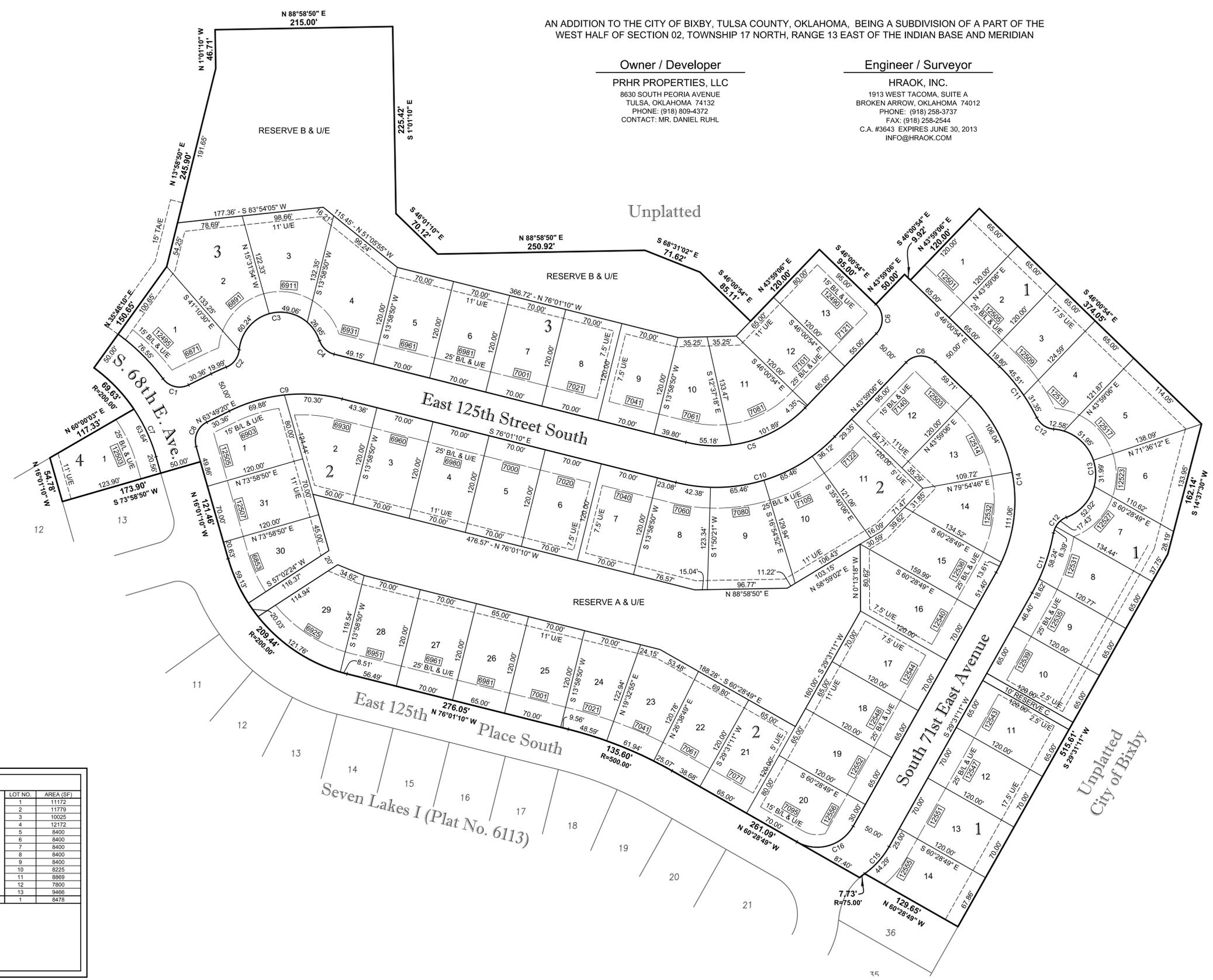
ALL STREET RIGHT-OF-WAY SHALL BE DEDICATED AS PUBLIC STREETS BY THIS PLAT.

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

ALL WATER AND SANITARY SEWER SERVICES WILL BE SUPPLIED AND MAINTAINED BY THE CITY OF BIXBY.

NUMBER	DELTA ANGLE	RADIUS	ARC LENGTH
C1	79°31'28"	25.00'	34.70'
C2	62°57'52"	25.00'	27.47'
C3	156°08'05"	50.00'	136.25'
C4	57°35'33"	25.00'	25.13'
C5	59°59'44"	150.00'	157.07'
C6	90°00'00"	25.00'	39.27'
C7	18°13'50"	200.00'	63.64'
C8	79°50'30"	25.00'	34.84'
C9	40°09'30"	200.00'	140.16'
C10	59°59'44"	200.00'	209.42'
C11	19°34'21"	225.00'	76.86'
C12	59°10'10"	25.00'	25.82'
C13	154°43'43"	55.00'	148.53'
C14	75°32'05"	175.00'	230.71'
C15	25°23'71"	100.00'	44.29'
C16	90°00'00"	50.00'	78.54'

LOT NO.	AREA (SF)	LOT NO.	AREA (SF)	LOT NO.	AREA (SF)
1	7800	10	10482	1	11172
2	7800	11	9224	2	11779
3	7869	12	10032	3	10025
4	8425	13	8105	4	12172
5	9823	14	8444	5	8400
6	9197	15	9430	6	8400
7	7861	16	9800	7	8400
8	8233	17	8400	8	8400
9	7805	18	7800	9	8400
10	7800	19	7800	10	8225
11	7800	20	9063	11	8869
12	8400	21	7800	12	7800
13	8400	22	8520	13	8456
14	8278	23	8580	14	8478
1	9410	24	7736		
2	9837	25	8400		
3	8400	26	7800		
4	8400	27	8400		
5	8400	28	8399		
6	8400	29	9125		
7	8400	30	7415		
8	9517	31	8400		
9	10875				



SEVEN LAKES II
DEED OF DEDICATION AND RESTRICTIVE COVENANTS

PRHR PROPERTIES, LLC, AN OKLAHOMA LIMITED LIABILITY COMPANY, HEREINAFTER REFERRED TO AS THE "OWNER/DEVELOPER", IS THE OWNER OF THE FOLLOWING DESCRIBED LAND IN THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA:

A TRACT OF LAND IN THE WEST HALF (W/2) OF SECTION TWO (02), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 02; THENCE S 01°01'10" E AND ALONG THE WEST LINE OF SAID SECTION 02 A DISTANCE OF 2613.69 TO THE NORTHWEST CORNER OF SEVEN LAKES I, A SUBDIVISION IN THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, PLAT NO. 6113; THENCE N 88°58'50" E AND ALONG THE NORTH LINE OF LOT 1 BLOCK 2 OF SAID SEVEN LAKES I A DISTANCE OF 170.00 FEET; THENCE N 01°01'10" W AND ALONG SAID SEVEN LAKES I A DISTANCE OF 110.00 FEET; THENCE N 88°58'50" E AND ALONG SAID SEVEN LAKES I A DISTANCE OF 114.74 FEET; THENCE ALONG SAID SEVEN LAKES I AND A CURVE TO THE RIGHT WITH A CHORD BEARING OF S 04°22'32" E", A CHORD DISTANCE OF 15.27 FEET, A RADIUS OF 200.00 FEET FOR AN ARC DISTANCE OF 120.58 FEET; THENCE N 88°58'50" E AND ALONG THE NORTH LINE OF BLOCK 6 OF SAID SEVEN LAKES I A DISTANCE OF 26.87 FEET; THENCE S 76°01'10" E AND ALONG THE NORTH LINE OF BLOCK 6 OF SAID SEVEN LAKES I A DISTANCE OF 371.75 FEET; THENCE N 35°21'21" E AND ALONG THE NORTH LINE OF BLOCK 6 OF SAID SEVEN LAKES I A DISTANCE OF 218.86 FEET; THENCE N 60°00'00" E AND ALONG THE NORTH LINE OF BLOCK 6 OF SAID SEVEN LAKES I A DISTANCE OF 305.11 FEET TO THE NORTHEAST CORNER OF LOT 12 BLOCK 6 OF SAID SEVEN LAKES I AND THE POINT OF BEGINNING; THENCE N 60°00'00" E A DISTANCE OF 117.33 FEET; THENCE ALONG A CURVE TO THE LEFT WITH A CHORD BEARING OF N 44°13'25" W, A CHORD DISTANCE OF 69.28 FEET, A RADIUS OF 200.00 FEET FOR AN ARC DISTANCE OF 69.63 FEET; THENCE N 35°48'10" E A DISTANCE OF 150.65 FEET; THENCE N 13°58'50" E A DISTANCE OF 245.90 FEET; THENCE N 1°01'10" W A DISTANCE OF 46.71 FEET; THENCE N 88°58'50" E A DISTANCE OF 215.00 FEET; THENCE S 1°01'10" E A DISTANCE OF 225.42 FEET; THENCE S 46°01'10" E A DISTANCE OF 70.12 FEET; THENCE N 88°58'50" E A DISTANCE OF 250.92 FEET; THENCE S 68°31'02" E A DISTANCE OF 71.62 FEET; THENCE S 46°00'54" E A DISTANCE OF 85.11 FEET; THENCE N 43°59'06" E A DISTANCE OF 120.00 FEET; THENCE S 46°00'54" E A DISTANCE OF 95.00 FEET; THENCE N 43°59'06" E A DISTANCE OF 50.00 FEET; THENCE S 46°00'54" E A DISTANCE OF 9.92 FEET; THENCE N 43°59'06" E A DISTANCE OF 120.00 FEET; THENCE S 46°00'54" E A DISTANCE OF 374.05 FEET; THENCE S 14°37'30" W A DISTANCE OF 162.14 FEET; THENCE S 29°31'11" W A DISTANCE OF 515.61 FEET TO THE NORTHEAST CORNER OF LOT 36 BLOCK 1 OF SAID SEVEN LAKES I; THENCE N 60°28'49" W AND ALONG THE NORTH LINE OF LOT 36 BLOCK 1 OF SAID SEVEN LAKES I A DISTANCE OF 129.65 FEET; THENCE ALONG SAID SEVEN LAKES I AND A CURVE TO THE LEFT WITH A CHORD BEARING OF S 51°56'38" W, A CHORD DISTANCE OF 7.73 FEET, A RADIUS OF 75.00 FEET FOR AN ARC DISTANCE OF 7.73 FEET; THENCE N 60°28'49" W AND ALONG THE NORTH LINE OF SAID SEVEN LAKES I A DISTANCE OF 261.09 FEET; THENCE ALONG THE NORTH LINE OF SAID SEVEN LAKES I AND A CURVE TO THE LEFT WITH A CHORD BEARING OF N 68°14'59" W, A CHORD BEARING OF 135.19 FEET, A RADIUS OF 500.00 FEET FOR AN ARC DISTANCE OF 135.60 FEET; THENCE N 76°01'10" W AND ALONG THE NORTH LINE OF SAID SEVEN LAKES I A DISTANCE OF 276.05 FEET; THENCE ALONG THE NORTH LINE OF SAID SEVEN LAKES I AND A CURVE TO THE RIGHT WITH A CHORD BEARING OF N 46°01'10" W, A CHORD DISTANCE OF 200.00 FEET, A RADIUS OF 200.00 FEET FOR AN ARC DISTANCE OF 209.44 FEET; THENCE N 16°01'10" W AND ALONG SAID SEVEN LAKES I A DISTANCE OF 121.46 FEET; THENCE S 73°58'50" W AND ALONG THE NORTH LINE OF SAID SEVEN LAKES I A DISTANCE OF 173.90 FEET; THENCE N 16°01'10" W AND ALONG THE NORTH LINE OF BLOCK 6 OF SAID SEVEN LAKES I A DISTANCE OF 54.78 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 771044.70 SF OR 17.701 ACRES

THE BASIS OF BEARINGS FOR SAID TRACT ARE BASED ON PLATTED BEARINGS OF N 01°01'10" W ALONG THE WEST LINE OF SEVEN LAKES I A SUBDIVISION IN THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF (PLAT NO. 6113), FILED IN THE OFFICES OF THE TULSA COUNTY CLERK.

AND HAS CAUSED THE ABOVE DESCRIBED LAND TO BE SURVEYED, STAKED, PLATTED, DEDICATED, ACCESS RIGHTS RESERVED, AND SUBDIVIDED INTO BLOCKS, LOTS, RESERVE AREAS AND STREETS AND HAS DESIGNATED THE SAME AS "SEVEN LAKES II", A SUBDIVISION IN THE CITY OF BIXBY, TULSA COUNTY, OKLAHOMA (THE "SUBDIVISION").

SECTION I - PUBLIC STREETS, EASEMENTS AND UTILITIES

A. PUBLIC STREETS AND GENERAL UTILITY EASEMENTS. THE OWNER/DEVELOPER HEREBY DEDICATES FOR PUBLIC USE THE STREETS AS DEPICTED ON THE ACCOMPANYING PLAT AND FURTHER DEDICATES 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, OVER AND UPON THE UTILITY EASEMENTS FOR THE USES AND PURPOSES AFORESAID, PROVIDED HOWEVER, 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. OWNER/DEVELOPER HEREBY IMPOSES A RESTRICTIVE COVENANT, WHICH COVENANT SHALL BE BINDING ON EACH LOT OWNER AND SHALL BE ENFORCEABLE BY THE CITY OF BIXBY, OKLAHOMA, AND BY THE SUPPLIER OF ANY AFFECTED UTILITY SERVICE, THAT WITHIN THE STREETS AND UTILITY EASEMENTS DEPICTED ON THE ACCOMPANYING PLAT NO BUILDING, STRUCTURE OR OTHER ABOVE OR BELOW GROUND OBSTRUCTION THAT INTERFERES WITH THE ABOVE SET FORTH USES AND PURPOSES OF A STREET OR EASEMENT SHALL BE PLACED, ERECTED, INSTALLED OR MAINTAINED, PROVIDED HOWEVER, NOTHING HEREIN SHALL BE DEEMED TO PROHIBIT DRIVES, PARKING AREAS, CURBING, LANDSCAPING AND CUSTOMARY SCREENING FENCES AND WALLS.

B. UNDERGROUND SERVICE

- OVERHEAD LINES FOR THE SUPPLY OF ELECTRIC, TELEPHONE AND CABLE TELEVISION SERVICES MAY BE LOCATED ALONG THE WEST BOUNDARY OF THE SUBDIVISION IF LOCATED WITHIN THE PUBLIC STREET AND UTILITY EASEMENTS HEREIN ESTABLISHED. STREET LIGHT POLES OR STANDARDS MAY BE SERVED BY OVERHEAD LINES OR UNDERGROUND CABLE BUT ELSEWHERE THROUGHOUT THE SUBDIVISION ALL SUPPLY LINES, INCLUDING ELECTRIC, TELEPHONE, CABLE TELEVISION AND GAS LINES, SHALL BE LOCATED UNDERGROUND IN THE EASEMENT WAYS DEDICATED FOR GENERAL UTILITY SERVICES AND IN THE RIGHTS-OF-WAY OF THE PUBLIC STREETS, AS DEPICTED ON THE ACCOMPANYING PLAT. SERVICE PEDESTALS AND TRANSFORMERS, AS SOURCES OF SUPPLY AT SECONDARY VOLTAGES, MAY ALSO BE LOCATED IN EASEMENT WAYS.
- UNDERGROUND SERVICE CABLES TO ALL STRUCTURES 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, 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, EFFECTIVE AND EXCLUSIVE RIGHT-OF-WAY 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.
- THE SUPPLIERS OF ELECTRIC, TELEPHONE, CABLE TELEVISION, COMMUNICATIONS AND GAS SERVICES, THROUGH THEIR AGENTS AND EMPLOYEES, SHALL AT ALL TIMES HAVE RIGHT OF ACCESS TO ALL EASEMENT WAYS 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, CABLE TELEVISION OR GAS FACILITIES INSTALLED BY THE SUPPLIER OF THE UTILITY SERVICE.

- THE OWNER OF EACH LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE UTILITY SERVICE FACILITIES LOCATED ON SUCH OWNER'S LOT AND SHALL PREVENT THE ALTERATION OF GRADE OR ANY CONSTRUCTION ACTIVITY WHICH WOULD INTERFERE WITH THE ELECTRIC, TELEPHONE, CABLE TELEVISION, COMMUNICATION OR GAS FACILITIES. THE OWNER SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER OR HIS AGENTS OR CONTRACTORS.
- THE COVENANTS SET FORTH IN THIS SUBSECTION B SHALL BE ENFORCEABLE BY THE SUPPLIERS OF WATER, SEWER, ELECTRIC, TELEPHONE, CABLE TELEVISION OR GAS SERVICE AND THE OWNER OF EACH LOT WITHIN THE SUBDIVISION AGREES TO BE BOUND HEREBY.

C. WATER AND SANITARY SEWER SERVICE

- THE OWNER OF EACH LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE PUBLIC WATER MAINS AND PUBLIC SANITARY SEWER FACILITIES LOCATED ON THEIR LOT AND SHALL PREVENT THE ALTERATION OF GRADE OR ANY CONSTRUCTION ACTIVITY WHICH MAY INTERFERE WITH SAID PUBLIC WATER MAIN OR PUBLIC SANITARY SEWER. WITHIN THE UTILITY EASEMENT AREAS DEPICTED ON THE ACCOMPANYING PLAT, THE ALTERATION OF GRADE FROM THE CONTOURS EXISTING UPON THE COMPLETION OF THE INSTALLATION OF A PUBLIC WATER MAIN OR SANITARY SEWER, OR ANY CONSTRUCTION ACTIVITY WHICH WOULD INTERFERE WITH PUBLIC WATER AND SANITARY SEWER, SHALL BE PROHIBITED.
- THE CITY OF BIXBY, OR ITS SUCCESSORS, SHALL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF PUBLIC WATER MAINS, OR PUBLIC SANITARY SEWER 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 SUCH OWNER'S AGENTS OR CONTRACTORS.
- THE CITY OF BIXBY OR ITS SUCCESSORS THROUGH ITS PROPER AGENTS AND EMPLOYEES SHALL AT ALL TIMES HAVE RIGHT OF ACCESS WITH THEIR EQUIPMENT TO ALL SUCH EASEMENT WAYS SHOWN ON SAID PLAT OR PROVIDED FOR IN THIS DEED OF DEDICATION FOR THE PURPOSE OF INSTALLING, MAINTAINING, REMOVING, OR REPLACING ANY PORTION OF SAID UNDERGROUND WATER AND SEWER FACILITIES.

- ALL WATER AND SANITARY SEWER LINES SHALL BE MAINTAINED IN GOOD REPAIR BY THE UTILITY CONTRACTOR FOR THE TERM OF AND IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE MAINTENANCE BOND OF WHICH THE CITY OF BIXBY IS THE BENEFICIARY. IF ANY REPAIR ISSUES ARISE, THE DEVELOPER SHALL ASSIST THE CITY OF BIXBY IN COORDINATION AND FACILITATION WITH THE APPROPRIATE CONTRACTOR.

- THE FOREGOING COVENANTS CONCERNING WATER AND SEWER FACILITIES SHALL BE ENFORCEABLE BY THE CITY OF BIXBY OR ITS SUCCESSORS, AND THE OWNER OF EACH LOT AGREES TO BE BOUND HEREBY.

D. SURFACE DRAINAGE

- EACH LOT WITHIN THE SUBDIVISION 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 SUBSECTION D SHALL BE ENFORCEABLE BY ANY AFFECTED LOT OWNER, THE HOMEOWNERS' ASSOCIATION DEFINED HEREINAFTER IN SECTION IV (THE "ASSOCIATION") AND BY THE CITY OF BIXBY, OKLAHOMA.

E. 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 MAINTENANCE OF UNDERGROUND WATER, SEWER, STORM SEWER, NATURAL GAS, COMMUNICATION, CABLE TELEVISION, OR ELECTRIC FACILITIES WITHIN THE UTILITY EASEMENT AREAS DEPICTED UPON THE ACCOMPANYING PLAT, PROVIDED HOWEVER, THE CITY OF BIXBY, OKLAHOMA OR THE SUPPLIER OF THE UTILITY SERVICE SHALL USE REASONABLE CARE IN THE PERFORMANCE OF SUCH ACTIVITIES.

F. STORM SEWER

- THE CITY OF BIXBY, OR ITS SUCCESSORS, THROUGH ITS PROPER AGENTS AND EMPLOYEES, SHALL AT ALL TIMES HAVE RIGHT OF ACCESS WITH THEIR EQUIPMENT TO ALL UTILITY EASEMENTS SHOWN ON THE ACCOMPANYING PLAT FOR THE PURPOSE OF INSTALLING, MAINTAINING, REMOVING OR REPLACING ANY PORTION OF THE UNDERGROUND STORM SEWER SYSTEM.
- NO PERMANENT FENCE, PERMANENT WALL, PERMANENT BUILDING, OR PERMANENT STRUCTURE WHICH WOULD CAUSE AN OBSTRUCTION SHALL BE PLACED OR MAINTAINED IN THE UTILITY EASEMENT AREAS, AND ANY CONSTRUCTION ACTIVITY WHICH WOULD INTERFERE WITH THE STORM SEWER SYSTEM IS PROHIBITED.
- THE CITY OF BIXBY, OR ITS SUCCESSORS, SHALL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF THE PUBLIC STORM SEWER SYSTEM, BUT THE OWNER OF EACH LOT SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH SYSTEM CAUSED OR NECESSITATED BY ACTS OF THE OWNER OF EACH LOT OR ITS AGENTS OR CONTRACTORS.
- THE OWNER OF EACH LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE STORM SEWER FACILITIES LOCATED ON THEIR LOT AND SHALL PREVENT THE ALTERATION OF GRADE OR ANY CONSTRUCTION ACTIVITY WHICH MAY INTERFERE WITH SAID STORM SEWER FACILITIES. WITHIN THE UTILITY EASEMENT AREAS DEPICTED ON THE ACCOMPANYING PLAT, THE ALTERATION OF GRADE FROM THE CONTOURS EXISTING UPON THE COMPLETION OF THE INSTALLATION OF STORM SEWER FACILITIES, OR ANY CONSTRUCTION ACTIVITY WHICH WOULD INTERFERE WITH SUCH STORM SEWER FACILITIES, IS PROHIBITED WITHOUT THE CONSENT OF THE CITY OF BIXBY.
- THE FOREGOING COVENANTS CONCERNING UTILITY EASEMENTS AND THE PUBLIC STORM SEWER SYSTEM SHALL BE ENFORCEABLE BY THE CITY OF BIXBY, OR ITS SUCCESSOR, AND THE OWNER OF EACH LOT AGREES TO BE BOUND HEREBY.

SECTION II - LAND USE RESTRICTIONS

A. USE OF LAND. ALL LOTS WITHIN THE SUBDIVISION SHALL BE KNOWN AND DESCRIBED AS RESIDENTIAL LOTS AND SHALL BE USED SOLELY FOR SINGLE FAMILY RESIDENCES, SINGLE FAMILY PURPOSES AND ONE (1) COMMUNITY SWIMMING POOL. ALL ELSE HEREIN NOTWITHSTANDING, ANY LOT OWNED OR DESIGNATED BY OWNER/DEVELOPER MAY BE USED FOR MODEL HOMES OR REAL ESTATE OFFICES UNTIL RESIDENCES HAVE BEEN CONSTRUCTED ON ALL LOTS.

B. RESERVES "A", "B", AND "C"

- FOR THE COMMON USE AND BENEFIT OF THE OWNERS OF LOTS WITHIN THE SUBDIVISION AND FOR THE BENEFIT OF THE CITY OF BIXBY, STORM SEWER AND DRAINAGE FACILITIES ARE TO BE CONSTRUCTED IN RESERVE AREAS "A" AND "B" FOR THE PURPOSE OF PERMITTING THE FLOW, CONVEYANCE AND DISCHARGE OF STORM WATER RUNOFF FROM THE VARIOUS LOTS WITHIN THE SUBDIVISION AND FROM PROPERTIES OUTSIDE THE SUBDIVISION.
- RESERVE "C" IS HEREBY ESTABLISHED FOR GREEN BELT ACCESS FOR SUBSEQUENT CONVEYANCE TO THE ASSOCIATION. RESERVE "C" IS ALSO DEDICATED AS A GENERAL UTILITY EASEMENT.
- STORM SEWER AND DRAINAGE FACILITIES CONSTRUCTED IN RESERVE EASEMENTS SHALL BE IN ACCORDANCE WITH ADOPTED STANDARDS OF TULSA COUNTY AND PLANS AND SPECIFICATIONS APPROVED BY THE CITY ENGINEER OF THE CITY OF BIXBY.
- NO FENCE, WALL, BUILDING, OR OTHER OBSTRUCTION MAY BE PLACED OR MAINTAINED IN THE RESERVE EASEMENT AREAS, NOR SHALL THERE BE ANY ALTERATION OF THE GRADES OR CONTOURS IN SUCH EASEMENT AREAS UNLESS APPROVED BY THE CITY ENGINEER OF THE CITY OF BIXBY; PROVIDED, HOWEVER, THAT THE PLANTING OF TURF OR SINGLE TRUNK TREES HAVING A CALIPER OF NOT MORE THAN TWO AND ONE-HALF (2-1/2) INCHES SHALL NOT REQUIRE THE APPROVAL OF THE CITY ENGINEER OF BIXBY.

5. THE DRAINAGE FACILITIES LOCATED IN RESERVES SHALL BE MAINTAINED BY THE ASSOCIATION IN ACCORDANCE WITH THE FOLLOWING STANDARDS:

- THE RESERVE AREAS SHALL BE KEPT FREE OF SILT, OBSTRUCTION AND DEBRIS;
- THE RESERVE AREAS SHALL BE MOWED DURING THE GROWING SEASON AT INTERVALS NOT EXCEEDING TWO (2) WEEKS;
- CONCRETE APPURTENANCES, IF ANY, SHALL BE MAINTAINED IN GOOD AND WORKING CONDITION;

AND IN THE EVENT THE ASSOCIATION SHOULD FAIL TO PROPERLY MAINTAIN THE RESERVE AREAS AND FACILITIES THERE SITUATED THE CITY OF BIXBY, OR ITS DESIGNATED CONTRACTOR, MAY ENTER THE RESERVE AREAS AND PERFORM MAINTENANCE NECESSARY TO THE ACHIEVEMENT OF THE INTENDED DRAINAGE FUNCTIONS, AND THE COST THEREOF SHALL BE PAID BY THE ASSOCIATION, AT LEAST 15 DAYS PRIOR TO ITS ENTRY TO PERFORM SUCH MAINTENANCE, THE CITY OF BIXBY SHALL PROVIDE NOTICE ADDRESSED TO THE REGISTERED AGENT OF THAT ASSOCIATION OF ITS INTENTION TO PERFORM SUCH MAINTENANCE.

6. IN THE EVENT THE ASSOCIATION FAILS TO PAY THE COST OF LAND MAINTENANCE PERFORMED BY THE CITY OF BIXBY AFTER COMPLETION OF THE MAINTENANCE AND RECEIPT OF A STATEMENT OF COST, THE CITY OF BIXBY MAY FILE OF RECORD A COPY OF THE STATEMENT OF COST, AND THEREAFTER THE COSTS SHALL BE A LIEN AGAINST EACH OF THE LOTS WITHIN THE SUBDIVISION; PROVIDED, HOWEVER, THE LIEN AGAINST EACH LOT SHALL NOT EXCEED ITS PROPORTIONATE SHARE, BASED ON THE TOTAL NUMBER OF LOTS IN THE ASSOCIATION, OF THE ASSOCIATION'S COST OF MAINTENANCE.

C. RESERVES "A" AND "B". RESERVES "A" AND "B" SHALL ONLY BE USED FOR DRAINAGE FACILITIES AND SHALL NOT BE USED FOR RECREATION.

D. RESERVE "C". RESERVE "C" SHALL BE USED BY THE ASSOCIATION MEMBERS AND GUESTS FOR RECREATION.

E. SETBACKS

- STREET SETBACK. NO BUILDING OR ACCESSORY STRUCTURE SHALL BE ERECTED NEARER TO A PUBLIC STREET THAN THE BUILDING SETBACK LINES DEPICTED ON THE ACCOMPANYING PLAT.
- SIDE YARD. EACH LOT SHALL MAINTAIN SIDE YARDS WHICH IN THE AGGREGATE ARE NOT LESS THAN 10 FEET IN WIDTH AND NO SIDE YARD SHALL BE LESS THAN FIVE (5) FEET IN WIDTH. SIDE YARDS ABUTTING A STREET SHALL NOT BE LESS THAN 15 FEET, UNLESS THE GARAGE ENTRY IS LOCATED ON SUCH SIDE, WHERE IT WILL BE NO LESS THAN 20 FEET.
- REAR YARD. THE MINIMUM REAR YARD SETBACK SHALL BE 20 FEET. CUSTOMARY ACCESSORY STRUCTURES MAY BE LOCATED WITHIN THE REQUIRED REAR YARD SET BACK AREA, BUT NO BUILDING SHALL BE ERECTED NEARER THAN 5 FEET TO ANY LOT LINE.
- EASEMENT SETBACKS. NO BUILDING, WHETHER PRINCIPAL OR ACCESSORY, SHALL ENCR OACH UPON ANY UTILITY EASEMENT AS DEPICTED ON THE ACCOMPANYING PLAT.

F. BUILDING HEIGHT. NO BUILDING SHALL EXCEED 3 STORIES OR 48 FEET IN HEIGHT.

SECTION III - PRIVATE BUILDING AND USE RESTRICTIONS

WHEREAS, THE OWNER/DEVELOPER DESIRES TO ESTABLISH RESTRICTIONS FOR THE PURPOSE OF PROVIDING FOR THE ORDERLY DEVELOPMENT OF THE SUBDIVISION AND FOR THE CONFORMITY AND COMPATIBILITY OF IMPROVEMENTS THEREIN.

THEREFORE, THE OWNER/DEVELOPER HEREBY IMPOSES THE FOLLOWING RESTRICTIONS AND COVENANTS WHICH SHALL BE COVENANTS RUNNING WITH THE LAND, AND SHALL BE BINDING UPON THE OWNER/DEVELOPER, EACH LOT OWNER AND THEIR SUCCESSORS AND ASSIGNS, AND SHALL BE ENFORCEABLE AS HEREINAFTER SET FORTH.

A. ARCHITECTURAL COMMITTEE - PLAN REVIEW

- AN ARCHITECTURAL COMMITTEE IS HEREBY FORMED AND SHALL APPROVE ALL PLANS FOR ANY STRUCTURE TO BE BUILT ON ANY LOT AND SHALL ALSO BE RESPONSIBLE FOR INTERPRETING THE DEVELOPMENT AND CONSTRUCTION STANDARDS CONTAINED IN THIS SUBSECTION. THE ARCHITECTURAL COMMITTEE SHALL CONSIST OF NOT LESS THAN ONE (1) NOR MORE THAN THREE (3) MEMBERS TO BE APPOINTED BY OWNER/DEVELOPER UNTIL RESIDENCES HAVE BEEN CONSTRUCTED ON ALL LOTS IN THE SUBDIVISION; AND, THEREAFTER, THE MEMBERS OF THE ARCHITECTURAL COMMITTEE SHALL BE APPOINTED BY THE ASSOCIATION, PROVIDED, HOWEVER, THAT OWNER/DEVELOPER MAY AT ANY TIME, IN ITS SOLE DISCRETION, ASSIGN AND TRANSFER THE RESPONSIBILITY FOR THE APPOINTMENT OF THE ARCHITECTURAL COMMITTEE TO THE ASSOCIATION.

- NO BUILDING, FENCE, WALL OR FREE STANDING MAILBOX SHALL BE ERECTED, PLACED OR ALTERED ON ANY LOT IN THE SUBDIVISION UNTIL THE PLANS AND SPECIFICATIONS THEREFOR HAVE BEEN APPROVED IN WRITING BY THE ARCHITECTURAL COMMITTEE. FOR EACH BUILDING, THE REQUIRED PLANS AND SPECIFICATIONS SHALL BE SUBMITTED IN DUPLICATE AND SHALL INCLUDE A SITE PLAN, FLOOR PLAN, EXTERIOR ELEVATIONS, DRAINAGE AND GRADING PLANS, EXTERIOR MATERIALS AND COLOR SCHEME. IN THE EVENT THE ARCHITECTURAL COMMITTEE FAILS TO APPROVE OR DISAPPROVE OF SUCH PLANS AND SPECIFICATIONS SUBMITTED TO IT AS HEREIN REQUIRED WITHIN 20 DAYS AFTER SUBMISSION, APPROVAL OF THE ARCHITECTURAL COMMITTEE SHALL NOT BE REQUIRED AND THIS COVENANT SHALL BE DEEMED TO HAVE BEEN FULLY COMPLIED WITH.

- THE ARCHITECTURAL COMMITTEE'S PURPOSE IS TO PROMOTE GOOD DESIGN AND COMPATIBILITY WITHIN THE SUBDIVISION AND IN ITS REVIEW OF PLANS OR DETERMINATION OF ANY WAIVER AS HEREINAFTER AUTHORIZED MAY TAKE INTO CONSIDERATION THE NATURE AND CHARACTER OF THE PROPOSED BUILDING, STRUCTURE OR ALTERATION, THE MATERIALS OF WHICH IT IS TO BE BUILT, THE AVAILABILITY OF ALTERNATIVE MATERIALS, THE SITE UPON WHICH IT IS PROPOSED TO BE ERECTED AND THE HARMONY THEREOF WITH THE SURROUNDING AREA. THE ARCHITECTURAL COMMITTEE SHALL NOT BE LIABLE FOR ANY APPROVAL, DISAPPROVAL OR FAILURE TO APPROVE HEREUNDER AND ITS APPROVAL OF BUILDING PLANS SHALL NOT CONSTITUTE A WARRANTY OR RECOMMENDATION OF BUILDING METHODS, MATERIALS, PROCEDURES, STRUCTURAL DESIGN, GRADING OR DRAINAGE OR BUILDING CODE COMPLIANCE. THE APPROVAL OR FAILURE TO APPROVE BUILDING PLANS SHALL NOT BE DEEMED A WAIVER OF ANY RESTRICTION.

B. FLOOR AREA OF DWELLING

- SINGLE STORY. A SINGLE STORY DWELLING SHALL HAVE AT LEAST 1,500 SQUARE FEET OF FINISHED HEATED LIVING AREAS.
- TWO STORY AND THREE STORY. IF A DWELLING HAS TWO LEVELS OR STORIES IMMEDIATELY ABOVE AND BELOW EACH OTHER MEASURED VERTICALLY AND ALL SUCH LEVELS OR STORIES ARE ABOVE THE FINISHED EXTERIOR GRADE OF SUCH DWELLING, THEN SUCH DWELLING SHALL HAVE AT LEAST 1,200 SQUARE FEET OF FINISHED HEATED LIVING AREA ON THE FIRST STORY OR LEVEL AND SHALL HAVE A TOTAL OF THE VARIOUS LEVELS OR STORIES OF AT LEAST 1,800 SQUARE FEET OF FINISHED HEATED LIVING AREA.
- COMPUTATION OF LIVING AREA. THE COMPUTATION OF LIVING AREA SHALL NOT INCLUDE ANY BASEMENT, GARAGE, OR ATTIC AREA USED FOR STORAGE. ALL LIVING AREA MEASUREMENTS SHALL BE TAKEN HORIZONTALLY AT THE TOP PLATE LEVEL TO THE FACE OF THE OUTSIDE WALL. REQUIRED LIVING AREA MUST AVERAGE AT LEAST SEVEN (7) FEET SIX (6) INCHES IN HEIGHT, EXCEPT THAT IN THE COMPUTATION OF SECOND OR UPPER STORY LIVING AREA, THE HEIGHT SHALL BE SEVEN (7) FEET SIX (6) INCHES FOR AT LEAST ONE HALF (1/2) OF THE REQUIRED LIVING AREA, AND ANY AREA OF LESS THAN FIVE (5) FEET IN HEIGHT SHALL BE EXCLUDED.

- WAIVER. THE ARCHITECTURAL COMMITTEE MAY WAIVE, IN THE PARTICULAR INSTANCE, UPON WRITTEN REQUEST, THE FLOOR AREA REQUIREMENTS SET OUT IN PARAGRAPH 1 AND 2 OF THIS SUBSECTION B.
- GARAGES. EACH DWELLING SHALL HAVE AN ATTACHED GARAGE PROVIDING SPACE FOR A MINIMUM OF TWO AUTOMOBILES ON EACH LOT. GARAGES SHALL BE ENCLOSED AND CARPORTS ARE PROHIBITED. GLASS IN GARAGE DOORS IS PROHIBITED.
- FOUNDATIONS. ANY EXPOSED FOUNDATION SHALL BE OF BRICK, STONE OR STUCCO. NO STEM WALL SHALL BE EXPOSED.

E. MASONRY

- THE FIRST STORY EXTERIOR WALLS OF THE DWELLING ERECTED ON ANY LOT SHALL BE 100% BRICK, STONE, OR STUCCO (EXCLUDING WINDOWS AND DOORS). AT THE DISCRETION OF THE ARCHITECTURE COMMITTEE, THE 100% REQUIRED MASONRY MAY BE WAIVED FOR PORCHES AND PATIOS.
- WAIVER. THE ARCHITECTURAL COMMITTEE MAY WAIVE, IN THE PARTICULAR INSTANCE, UPON WRITTEN REQUEST, THE REQUIREMENTS SET OUT IN PARAGRAPHS 1 OF THIS SUBSECTION E.

F. TRAFFIC CALMING DEVICES. SPEED BUMPS SHALL BE PROHIBITED, UNLESS APPROVED BY 75% OF THE LOT OWNERS OF SEVEN LAKES SUBDIVISION AT THE TIME ANY SPEED BUMP IS PROPOSED, SUBJECT TO CITY OF BIXBY APPROVAL.

G. SEASONAL DECORATIONS. ALL SEASONAL DECORATIONS SHALL BE REMOVED NO LATER THAN THIRTY (30) CALENDAR DAYS FROM THE DAY OF THE ACTUAL HOLIDAY.

H. GARAGE SALES/YARD SALES. GARAGE SALES/YARD SALES WILL BE ALLOWED TWICE EACH CALENDAR YEAR. THE DATES THEREOF SHALL BE SET BY THE BOARD OF DIRECTORS OF THE ASSOCIATION.

I. WINDOWS. ALUMINUM WINDOWS HAVING A MILL FINISH ARE PROHIBITED.

J. ROOF PITCH

- NO DWELLING SHALL HAVE A ROOF PITCH OF LESS THAN 6/12 OVER 75% OF THE HORIZONTAL AREA COVERED BY ROOF AND NO ROOF SHALL HAVE A PITCH OF LESS THAN 3/12.
- WAIVER. THE ARCHITECTURAL COMMITTEE MAY WAIVE, IN THE PARTICULAR INSTANCE, UPON WRITTEN REQUEST, THE FOREGOING RESTRICTIONS TO PERMIT A DWELLING HAVING A FLAT ROOF OVER MORE THAN 25% OF THE HORIZONTAL AREA COVERED BY ROOF.

K. ROOFING MATERIALS. ROOFING SHALL BE SELF-SEALING COMPOSITION ROOFING SHINGLES (NOT LESS THAN 230-LB 30 YEAR AND WEATHERED WOOD IN COLOR), PROVIDED HOWEVER, IN THE EVENT THAT SUCH ROOFING SHOULD HEREINAFTER NOT BE REASONABLY AVAILABLE, ALTERNATIVE ROOFING OF COMPARABLE QUALITY SHALL BE PERMITTED UPON THE DETERMINATION OF THE ARCHITECTURAL COMMITTEE THAT THE PROPOSED ALTERNATIVE IS OF COMPARABLE OR BETTER QUALITY AND OF A DESIGN AND COLOR WHICH IS COMPATIBLE WITH THE ROOFING FIRST ABOVE DESCRIBED.

L. ROOFTOP PROTRUSIONS. METAL ROOFTOP PROTRUSIONS ON THE RESIDENCE SHALL BE PAINTED TO MATCH THE ROOF COLOR SELECTIONS (WEATHERED WOOD).

M. ON-SITE CONSTRUCTION. NO EXISTING OR OFF-SITE BUILT STRUCTURE SHALL BE MOVED ONTO OR PLACED ON ANY LOT.

N. OUTBUILDINGS

- OUTBUILDINGS ARE PROHIBITED.
- WAIVER. THE ARCHITECTURAL COMMITTEE MAY WAIVE, IN THE PARTICULAR INSTANCE, UPON WRITTEN REQUEST, THE FOREGOING RESTRICTION.

O. SWIMMING POOLS. ABOVE GROUND SWIMMING POOLS ARE PROHIBITED.

P. FENCING

1. ALL FENCING SHALL BE IN ACCORDANCE WITH THE CITY OF BIXBY ZONING CODE. INTERIOR FENCING OR WALLS SHALL NOT EXTEND BEYOND THE BUILDING LINES OF THE LOT AND, IF A DWELLING IS BUILT BEHIND THE FRONT BUILDING LINE OF A LOT, NO FENCE MAY EXTEND BEYOND THE POINT NEAREST THE STREET AT EACH END CORNER OF THE DWELLING, PROVIDED HOWEVER, ON CORNER LOTS FENCING MAY EXTEND TO THE SIDE YARD LOT LINE. EXCEPT AS SPECIFIED IN SECTION III, SUBSECTION P.2 IMMEDIATELY BELOW (I) ALL FENCING SHALL BE 6" PRIVACY CONSTRUCTED OF STANDARD WOOD, AND (II) CHAIN LINK, BARBED WIRE, MESH AND OTHER METAL FENCING SHALL BE PROHIBITED. NO FENCE SHALL EXCEED 6 FEET IN HEIGHT. FENCES FACING THE STREET AND INSTALLED IN SIDE YARDS BETWEEN DWELLINGS SHALL BE ALIGNED WITH EXISTING FENCES ON ADJOINING LOTS WHERE POSSIBLE. THE GOOD SIDE OF EVERY FENCE SHALL FACE THE STREET. OTHER TYPES OF FENCING CONSTRUCTED OF WROUGHT IRON, BRICK, OR STONE MAY BE PERMITTED IF PRE-APPROVED BY THE ARCHITECTURAL COMMITTEE. VINYL COATED CHAIN LINK FENCE, WITH WOODED POST AND TOP RAIL IS RESTRICTED TO RESERVE AREAS ONLY.
2. WITH RESPECT TO LOTS WHICH ARE CONTIGUOUS WITH LAKES OR PONDS IN RESERVE AREAS, THE SIDE YARD FENCES SHALL BE TAPERED IN HEIGHT TO FOUR FEET (4') WITHIN THIRTY FEET (30') OF THE PERIMETER FENCING FACING THE LAKE AREA AND WITHIN SAID 30' AREA SHALL BE OF THE SAME SPECIFICATIONS AS THE PERIMETER FENCING DESCRIBED BELOW. PERIMETER FENCING SHALL BE REQUIRED ALONG AND PARALLEL TO THE COMMON BOUNDARY OF ALL LOTS WITH THE RESERVE AREAS WITH LAKES. SAID PERIMETER FENCING SHALL BE CONSTRUCTED OF VINYL COATED CHAIN LINK RESIDENTIAL GRADE MATERIAL WITH WOODEN TOP RAILS AND POSTS. SUCH PERIMETER FENCING SHALL BE FOUR FEET (4') IN HEIGHT AND UNIFORM IN HEIGHT, DESIGN AND MATERIAL.

Q. ANTENNAS

1. EXTERIOR TELEVISION, "CB" RADIO OR OTHER ANTENNA INCLUDING SATELLITE DISHES SHALL BE PROHIBITED WITH THE FOLLOWING EXCEPTION. SMALL SATELLITE DISHES WHICH DO NOT EXCEED 20" IN DIAMETER SHALL BE ALLOWED SO LONG AS THE DISH IS INSTALLED ON THE BACK OF THE DWELLING AND IS NOT VISIBLE FROM ANY STREET WITHIN THE SUBDIVISION.
2. WAIVER. THE ARCHITECTURAL COMMITTEE MAY WAIVE, IN THE PARTICULAR INSTANCE, UPON WRITTEN REQUEST, THE FOREGOING RESTRICTION.

R. LANDSCAPING AND LOT MAINTENANCE

1. EACH LOT OWNER SHALL SOD THE YARD OF A LOT AT THE TIME OF CONSTRUCTION OF A RESIDENCE THEREON. AT THE TIME OF SUCH CONSTRUCTION, THE LOT OWNER SHALL INSTALL A MINIMUM EQUIVALENT WORTH OF \$500.0 OF LANDSCAPING MATERIALS (TREES, SHRUBS, GROUND COVER, ETC.) EXCLUSIVE OF SODDING.
2. 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.
3. NO LUMBER, METALS, BULK MATERIALS, REFUSE OR TRASH SHALL BE KEPT, STORED OR ALLOWED TO ACCUMULATE ON ANY LOT OR ON THE RESERVE AREA, EXCEPT THAT BUILDING MATERIALS MAY BE STORED ON A LOT DURING THE COURSE OF CONSTRUCTION OF ANY APPROVED STRUCTURE. IF TRASH OR OTHER REFUSE IS TO BE DISPOSED OF BY BEING PICKED UP AND CARRIED AWAY ON A REGULAR AND RECURRING BASIS, CONTAINERS MAY BE PLACED IN THE OPEN ON ANY DAY THAT A PICKUP IS TO BE MADE, AT SUCH PLACE ON THE LOT SO AS TO PROVIDE ACCESS TO PERSONS MAKING SUCH PICKUP. AT ALL OTHER TIMES, SUCH CONTAINERS SHALL BE STORED IN SUCH A MANNER SO THAT THEY CANNOT BE SEEN FROM ADJACENT AND SURROUNDING PROPERTY. THE ARCHITECTURAL COMMITTEE, IN ITS DISCRETION, MAY ADOPT AND PROMULGATE REASONABLE RULES AND REGULATIONS RELATING TO THE SIZE, SHAPE, COLOR AND TYPE OF CONTAINERS PERMITTED AND THE MANNER OF STORAGE OF THE SAME.

- S. RECREATIONAL VEHICLES AND BOATS. BOATS, TRAILERS, CAMPERS, MOTOR HOMES AND SIMILAR RECREATIONAL VEHICLES AND EQUIPMENT SHALL NOT BE STORED ON ANY LOT FOR A PERIOD OF IN EXCESS OF 48 HOURS PER WEEK IF IT IS WITHIN VIEW FROM ADJOINING PROPERTY OWNERS OR THE STREET.

- T. INOPERATIVE VEHICLES. NO INOPERATIVE VEHICLE OR MACHINERY SHALL BE STORED ON ANY LOT EXCEPT WITHIN AN ENCLOSED GARAGE. NO MAINTENANCE OR REPAIRS TO VEHICLES, BOATS, MOTOR HOMES OR RECREATIONAL VEHICLES SHALL BE PERFORMED, EXCEPT IN AN ENCLOSED GARAGE.

- U. CLOTHESLINES. EXPOSED CLOTHESLINE POLES OR OTHER OUTSIDE DRYING APPARATUS ARE PROHIBITED.

- V. TRASH CONTAINERS. TRASH CONTAINERS, EXCEPT DURING PERIODS OF COLLECTION, AND WITHIN TWELVE (12) HOURS OF COLLECTION, SHALL BE STORED OUT OF VIEW FROM ADJUTING STREETS. NO EXPOSED GARBAGE CANS, TRASH CAN OR ANY TRASH BURNING APPARATUS OR STRUCTURE SHALL BE PLACED ON ANY LOT.

- W. MAILBOXES. AS LONG AS A RURAL TYPE MAILBOX IS IN USE IN THE SUBDIVISION FOR UNITED STATES POSTAL SERVICE, ALL MAILBOX PEDESTALS SHALL CONFORM IN DESIGN TO SPECIFICATIONS FOR THE SUBDIVISION TO BE ESTABLISHED BY THE ARCHITECTURAL COMMITTEE. ALL MAILBOXES SHALL BE POSITIONED SO THAT 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 WHICH BORDERS THE LARGEST CONTINUOUS LOT AREA. THE TOP OF THE MAILBOX SHALL BE 42 INCHES FROM STREET LEVEL.

- X. ANIMALS. NO ANIMALS, LIVESTOCK OR POULTRY OF ANY KIND MAY BE MAINTAINED, BRED, SOLD OR KEPT IN THE SUBDIVISION, EXCEPT THAT TWO DOGS, TWO CATS OR OTHER HOUSEHOLD PETS MAY BE KEPT PROVIDED THAT THEY ARE NOT USED FOR COMMERCIAL PURPOSES.

- Y. NOXIOUS ACTIVITY. NO ACTIVITY OF A NOXIOUS OR OFFENSIVE NATURE SHALL BE CARRIED OUT OR ALLOWED BY ANY RESIDENT FOR ANY PURPOSE UPON ANY LOT, NOR SHALL ANY COMMERCIAL OR TRADE ACTIVITY TAKE PLACE OR BE ALLOWED THEREON THAT MIGHT BE OR MIGHT BECOME AN ANNOYANCE OR NUISANCE TO THE NEIGHBORHOOD.

- Z. 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 SIGNS USED BY A BUILDER TO ADVERTISE THE PROPERTY DURING THE CONSTRUCTION AND SALES PERIOD; EXCEPT, HOWEVER, OWNER/DEVELOPER MAY MAINTAIN SIGNS OF ANY SIZE ON RESERVE AREAS AND ON LOTS OWNED BY IT SO LONG AS IT OWNS A LOT IN THE SUBDIVISION.

- AA. 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 ALL CONSTRUCTION SHALL BE COMPLETED WITHIN 9 MONTHS THEREAFTER. EACH LOT SHALL BE MAINTAINED IN A NEAT AND ORDERLY CONDITION. READY MIX CONCRETE TRUCKS SHALL WASH OUT ONLY ON THE PROPERTY ON WHICH THE CONCRETE IS BEING DELIVERED. PROPERTY OWNERS SHALL BE RESPONSIBLE FOR ASSURING THAT CONCRETE DELIVERED TO THEIR LOT STAYS ON THEIR LOT AND SHALL BE RESPONSIBLE FOR CLEANUP IF CONCRETE DELIVERED TO A LOT IS SPILLED OR WASHED ONTO STREETS OR OTHER LOTS.

- AB. TEMPORARY TRASH RECEPTACLE. A TEMPORARY TRASH RECEPTACLE IS REQUIRED ON EACH LOT DURING THE CONSTRUCTION OF ANY DWELLING IN THE SUBDIVISION. THE TEMPORARY TRASH RECEPTACLE SHALL BE MAINTAINED BY THE LOT OWNER AND SHALL BE EMPTIED ON A REGULAR BASIS OR AS NEEDED.

- AC. BASKETBALL GOAL. NO BASKETBALL GOAL OR STRUCTURES ARE ALLOWED IN THE STREET RIGHTS OF WAY.

SECTION IV - HOMEOWNERS' ASSOCIATION

- A. FORMATION OF HOMEOWNERS' ASSOCIATION. THE OWNER/DEVELOPER HAS FORMED OR SHALL CAUSE THE SEVEN LAKES HOMEOWNERS' ASSOCIATION, INC. (THE "ASSOCIATION"), A NON-PROFIT CORPORATE ENTITY TO BE ESTABLISHED IN ACCORDANCE WITH THE STATUTES OF THE STATE OF OKLAHOMA. THE ASSOCIATION SHALL BE FORMED FOR THE GENERAL PURPOSES OF MAINTAINING THE COMMON AREAS, RESERVE AREAS, LANDSCAPING, FENCING AND FOR THE PURPOSE OF ENHANCING THE VALUE, DESIRABILITY AND ATTRACTIVENESS OF THE SUBDIVISION.

- B. MEMBERSHIP. EVERY PERSON OR ENTITY WHO IS A RECORD OWNER OF THE FEE INTEREST IN A LOT IN THE SUBDIVISION 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. THE ASSOCIATION SHALL ALSO INCLUDE THE RECORD OWNERS OF LOTS IN THE OTHER PHASES OF SEVEN LAKES TO BE CONTIGUOUS TO THE SUBDIVISION. OWNER/DEVELOPER OR ITS AFFILIATE MAY, BY DESIGNATION OF THE ASSOCIATION IN THE PLATS, DEEDS OF DEDICATION AND COVENANTS OF OTHER PHASES OF SEVEN LAKES AS THE OPERATIVE HOMEOWNERS ASSOCIATION FOR SUCH ADDITIONS, EFFECT THE INCLUSION OF ALL OF THE LOT OWNERS IN SUCH ADDITIONS AS MEMBERS OF THE ASSOCIATION.

- C. COVENANT FOR ASSESSMENTS. THE OWNER/DEVELOPER AND EACH SUBSEQUENT OWNER OF A LOT, BY ACCEPTANCE OF A DEED THEREFOR, COVENANTS AND AGREES TO PAY TO THE ASSOCIATION ASSESSMENTS TO BE ESTABLISHED BY THE ASSOCIATION IN ACCORDANCE WITH A DECLARATION TO BE EXECUTED AND RECORDED BY THE OWNER/DEVELOPER PRIOR TO THE CONVEYANCE OF A LOT WITHIN THE SUBDIVISION. ALL ASSESSMENTS SHALL BE A LIEN UPON THE LOT(S) AGAINST WHICH IT IS MADE, BUT THE LIEN SHALL BE SUBORDINATE TO THE LIEN OF ANY FIRST MORTGAGE.

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

SECTION V - ENFORCEMENT, DURATION, AMENDMENT & SEVERABILITY

- A. ENFORCEMENT AND DURATION. THE RESTRICTIONS HEREON SET FORTH SHALL BE COVENANTS RUNNING WITH THE LAND AND SHALL BE BINDING UPON THE OWNER/DEVELOPER, ITS GRANTEEES, TRANSFEREES, SUCCESSORS AND ASSIGNS AND ALL PARTIES CLAIMING UNDER IT FOR A PERIOD OF TWENTY-FIVE (25) YEARS FROM THE DATE OF RECORDING OF THIS DEED OF DEDICATION, AFTER WHICH TIME SAID COVENANTS SHALL BE AUTOMATICALLY EXTENDED FOR SUCCESSIVE PERIODS OF TEN (10) YEARS UNLESS AMENDED OR TERMINATED AS HEREAFTER PROVIDED. IF ANY LOT OWNER SHALL VIOLATE ANY OF THE COVENANTS HEREON, IT SHALL BE LAWFUL FOR THE CITY OF BIXBY OR ANY PERSONS OWNING A LOT WITHIN THE SUBDIVISION TO MAINTAIN AN ACTION AT LAW OR IN EQUITY AGAINST THE PERSON OR PERSONS VIOLATING OR ATTEMPTING TO VIOLATE ANY SUCH COVENANT(S) TO PREVENT HIM/HER OR THEM FROM SO DOING OR TO COMPEL COMPLIANCE WITH THE COVENANT(S) OR TO RECOVER DAMAGES FOR SUCH VIOLATION(S).

- B. AMENDMENT. THE COVENANTS CONTAINED WITHIN SECTION I, PUBLIC STREETS, EASEMENTS AND UTILITIES MAY BE AMENDED OR TERMINATED AT ANY TIME BY A WRITTEN INSTRUMENT SIGNED AND ACKNOWLEDGED BY THE OWNER OF THE LOT OR LOTS TO WHICH THE AMENDMENT OR TERMINATION IS TO BE APPLICABLE AND BY THE BIXBY PLANNING COMMISSION, OR ITS SUCCESSORS WITH THE APPROVAL OF THE CITY OF BIXBY, OKLAHOMA. THE COVENANTS CONTAINED WITHIN SECTION II, LAND USE RESTRICTIONS MAY BE AMENDED OR TERMINATED AT ANY TIME BY A WRITTEN INSTRUMENT SIGNED AND ACKNOWLEDGED BY THE BIXBY PLANNING COMMISSION, OR ITS SUCCESSORS, AND BY THE OWNERS OF MORE THAN 75% OF THE LOTS WITHIN THE SUBDIVISION. THE COVENANTS WITHIN SECTION III, PRIVATE BUILDING AND USE RESTRICTIONS MAY BE AMENDED OR TERMINATED 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 WITHIN SEVEN LAKES OR ALTERNATIVELY, THE COVENANTS WITHIN SECTION III, MAY BE AMENDED OR TERMINATED AT ANY TIME BY A WRITTEN INSTRUMENT SIGNED AND ACKNOWLEDGED BY THE OWNERS OF MORE THAN 75% OF THE LOTS WITHIN THE SUBDIVISION, PROVIDED HOWEVER IN THE EVENT OF A CONFLICT OF AMENDING OR TERMINATING INSTRUMENTS, THE INSTRUMENT EXECUTED BY THE OWNER/DEVELOPER SHALL GOVERN. THE PROVISIONS OF ANY SUCH INSTRUMENT AMENDING OR TERMINATING COVENANTS SHALL BE EFFECTIVE FROM AND AFTER THE DATE IS PROPERLY RECORDED.

- C. SEVERABILITY. THESE RESTRICTIVE COVENANTS, TOGETHER WITH THE OTHER DOCUMENTS INCORPORATED HEREIN BY REFERENCE, SHALL BE CONSTRUED AS AN ENTITY AND THE PERTINENT SECTIONS OF ALL INSTRUMENTS AS A WHOLE. THE INVALIDITY OF ANY PHASE, CLAUSE OR PROVISIONS HEREIN CONTAINED SHALL NOT RENDER THE BALANCE OF THIS INSTRUMENT VOID, OR UNENFORCEABLE, AND THE SAME SHALL BE THEREAFTER CONSTRUED AS IF SUCH PHASE, CLAUSE OR PROVISION WERE NOT HEREIN CONTAINED, OR TO OTHERWISE GIVE MAXIMUM EFFECT TO THE INTENT OF THE OWNER/DEVELOPER. THE FAILURE OF THE OWNER/DEVELOPER OR ANY SUCCESSOR IN TITLE, TO ENFORCE ANY RESTRICTION, COVENANT, OR CONDITION AT ANY TIME, OR FROM TIME TO TIME, SHALL NOT BE DEEMED TO BE A WAIVER OR RELINQUISHMENT OF ANY RIGHT OR REMEDY NOR A MODIFICATION OF THESE RESTRICTIONS, COVENANTS OR CONDITIONS.

- D. DEFINITIONS. IN THE EVENT OF AMBIGUITY OF ANY WORD OR TERM SET FORTH HEREIN, THE MEANING THEREOF SHALL BE DEEMED TO BE DEFINED AS SET FORTH WITHIN THE CITY OF BIXBY ZONING CODE AS THE SAME EXISTED ON APRIL 9, 2012 OR AS SUBSEQUENTLY AMENDED.

IN WITNESS WHEREOF, OWNER/DEVELOPER HAS EXECUTED THIS INSTRUMENT THIS ____ DAY OF _____, 2012.

JULIUS PUMA, MANAGER
PRHR PROPERTIES, LLC
AN OKLAHOMA LIMITED LIABILITY COMPANY

DANIEL RUHL, MANAGER
PRHR PROPERTIES, LLC
AN OKLAHOMA LIMITED LIABILITY COMPANY

RYSKER YOUNG, MANAGER
PRHR PROPERTIES, LLC
AN OKLAHOMA LIMITED LIABILITY COMPANY

KEVIN HERN, MANAGER
PRHR PROPERTIES, LLC
AN OKLAHOMA LIMITED LIABILITY COMPANY

STATE OF OKLAHOMA)
) SS.
COUNTY OF TULSA)

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS ____ DAY OF _____, 2012, BY THE ABOVE MANAGERS OF PRHR PROPERTIES, LLC.

NOTARY PUBLIC
MY COMMISSION EXPIRES:
MY COMMISSION NUMBER IS:

CERTIFICATE OF SURVEY

I, ALAN C. HALL, 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 DESCRIBED ABOVE, AND THAT THE ACCOMPANYING PLAT DESIGNATED HEREIN AS "SEVEN LAKES II", AN ADDITION TO THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA, IS A REPRESENTATION OF THE SURVEY MADE ON THE GROUND USING GENERALLY ACCEPTED PRACTICES AND MEETS OR EXCEEDS THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING.

ALAN C. HALL
REGISTERED PROFESSIONAL LAND SURVEYOR
OKLAHOMA NO. 1283

STATE OF OKLAHOMA)
)
COUNTY OF TULSA)

THE FOREGOING CERTIFICATE OF SURVEY WAS ACKNOWLEDGED BEFORE ME ON THIS ____ DAY OF _____, 2012, BY ALAN C. HALL.

NOTARY PUBLIC
MY COMMISSION EXPIRES:
MY COMMISSION NUMBER IS:



CITY OF BIXBY
P.O. Box 70
116 W. Needles Ave.
Bixby, OK 74008
(918) 366-4430
(918) 366-6373 (fax)

STAFF REPORT

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner 
Date: Friday, November 09, 2012
RE: Report and Recommendations for:
BL-387 – Rosenbaum Consulting, LLC for Eagle SPE Multi I, Inc.

LOCATION: -- Approximately the 11900-block of S. Memorial Dr.
-- Lot 7 and the N. 42' of Lot 8, Block 1, *Bixby Centennial Plaza*

LOT SIZE: 1 acre, more or less, in two (2) parcels

ZONING: CS Commercial Shopping Center District

SUPPLEMENTAL ZONING: Corridor Appearance District

EXISTING USE: Vacant commercial lots

REQUEST: Lot-Split approval

COMPREHENSIVE PLAN: Corridor + Medium Intensity + Commercial Area.

PREVIOUS/RELATED CASES: (Not necessarily a complete list)

BZ-279 – Charles Norman/Martha Plummer Roberts et al. – Request for rezoning from AG to CS, OM, RM-1, and RS-2 for 73 acres, more or less, which became *Bixby Centennial Plaza* and *Fox Hollow* and an unplatted 11-acre tract later approved as PUD 51 – PC Recommended Approval as amended for CS, OM, OL, RS-3, and RS-2 on November 19, 2001 and Approved by City Council December 10, 2001 (Ord. # 842). Subject property included in that part approved for CS zoning.

Preliminary Plat of Bixby Centennial Plaza – Request for Preliminary Plat approval including subject property – PC Approved 07/17/2006 and City Council Approved 07/24/2006.

Final Plat of Bixby Centennial Plaza – Request for Final Plat approval including subject property – PC Approved 10/16/2006 and City Council Approved 10/23/2006 (plat recorded 04/04/2007).

BL-351 – Khoury Engineering, Inc. – Request for Lot-Split approval to separate the north 42' of Lot 8 and add to Lot 7 of *Bixby Centennial Plaza* (included subject property) – PC Conditionally Approved 03/17/2008.

PUD 73 – Eagle SPE Multi I, Inc. – Rosenbaum Consulting, LLC – Request for approval of PUD 44 supplemental zoning for subject property – Pending PC consideration 11/19/2012.

V-43 – Rosenbaum Consulting, LLC for Eagle SPE Multi I, Inc. – Request to close a Utility Easement within subject property – Pending PC consideration 11/19/2012.

BACKGROUND INFORMATION:

Per BL-351, Lot 8 was approved for Lot-Split to separate the north 42' from the balance of that lot (S. 264'), which was sold and developed with a *Santa Fe Cattle Co.* restaurant. Per the Planning Commission's Conditional Approval on March 17, 2008, because it would otherwise violate the 150' minimum frontage requirement of the CS district, that 42' "sliver tract" was required to be attached to Lot 7, Block 1, *Bixby Centennial Plaza*. It appears Lot 7 was divided by the conveyance of the southerly 264' to Bixby Cattle OK, LLC (*Santa Fe Cattle Co.* restaurant). The 42' "sliver tract" balance was evidently never conveyed by itself, allowing for the use of attachment deed restriction language. It was conveyed as a part of a larger acreage conveyance to Eagle SPE Multi I, Inc. by deed in early 2012. The deed to the subject property must fulfill the Lot-Split approval condition prior to or as a part of this Lot-Split application, pending Planning Commission consideration at this November 19, 2012 Regular Meeting. Upon conveyance of the individual new tracts to their respective owners, as recommended herein, prior to Building Permit issuance, both owners of the two (2) lots produced by Lot-Split must plat their property cooperatively in a singular replat, in fulfillment of the PUD platting requirement.

PUD 73 primarily proposes to reduce the 150' minimum lot frontage/width requirement in the CS district to allow for a Lot-Split per BL-387, and to provide additional flexibility in terms of parking and ground signage. The two (2) new lots would be for a proposed business office development, consisting of a dental clinic and an optometry clinic, on individually-owned lots.

Also pending Planning Commission consideration at this November 19, 2012 Regular Meeting, the Applicant is requesting approval of an application (V-43) to close a Utility Easement within the subject property that would otherwise frustrate development plans.

ANALYSIS:

Subject Property Conditions. The subject property is vacant and zoned CS. It consists of Lot 7 and the N. 42' of Lot 8, Block 1, *Bixby Centennial Plaza*. It has a total of 174' of frontage on Memorial Dr., but access directly to Memorial Dr. is restricted by Limits of No Access (LNA)

per the plat of *Bixby Centennial Plaza*. Instead, access is afforded via existing private drives within Mutual Access Easements (MAEs).

Part of the north and west sides of the property are covered by parts of MAEs, which MAEs contain existing private commercial drives. This is represented on the Exhibit 1 Conceptual Site Plan included with PUD 73.

Per the PUD 73 Exhibit 2 Topographic Survey, the land is relatively flat and appears to drain to the north and east, ultimately to the borrow ditch along S. Memorial Dr., which drains south. When developed, the land should drain through a stormsewer system to the temporary stormwater detention pond located to the southwest of the subject property. This pond is ultimately planned to be replaced in favor of a stormsewer system to be installed along 121st St. S. and to drain west to the Fry Creek Ditch # 2.

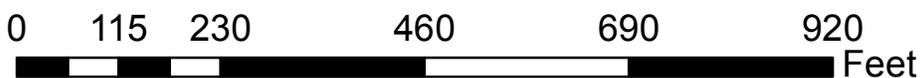
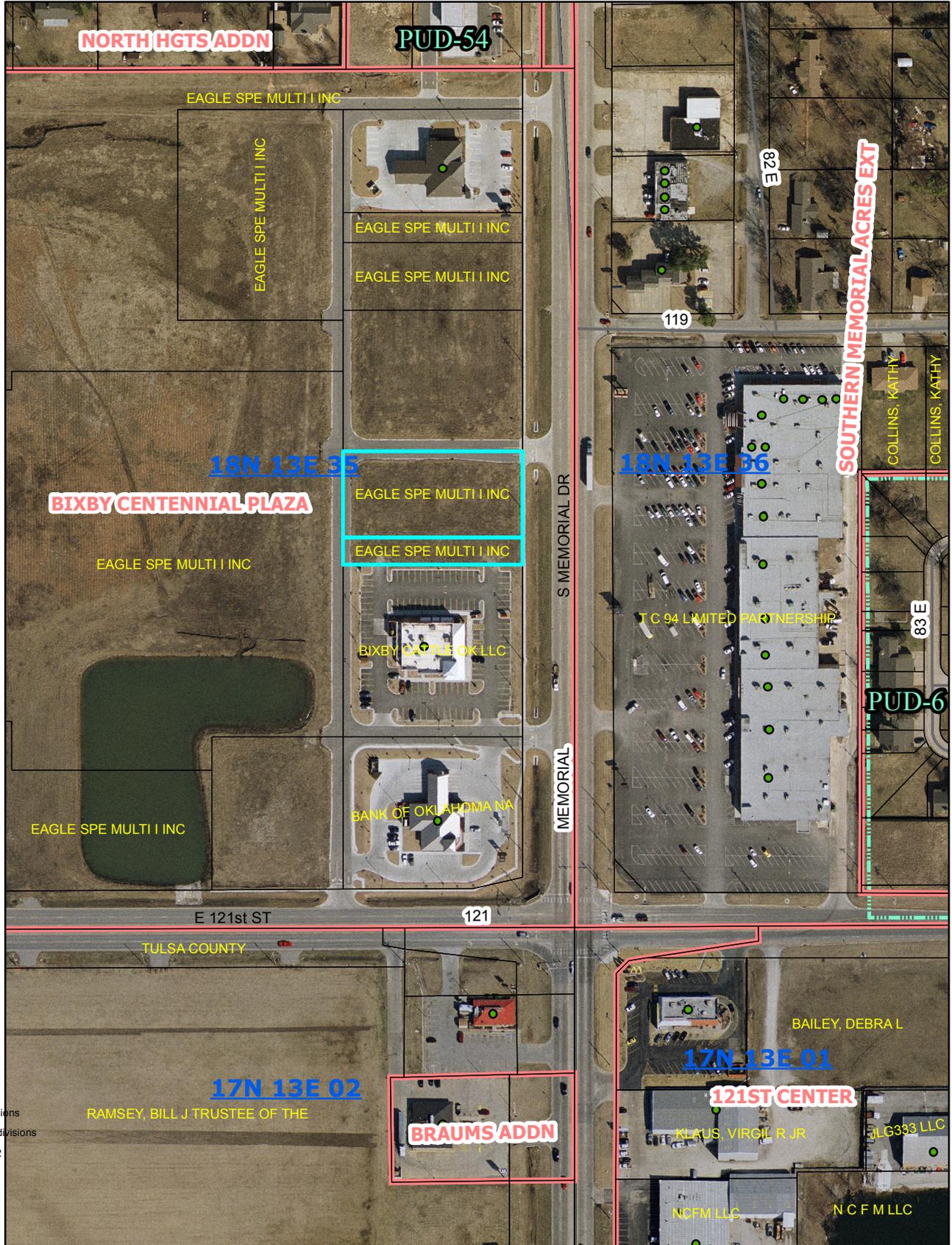
General. The Lot-Split is proposed to allow for the creation of two (2) tracts from the subject property. The resulting tracts would not meet the 150' minimum lot frontage/width requirement in the CS district. However, PUD 73 would reduce the lot frontage/width requirement such that would allow the Lot-Split.

The Technical Advisory Committee (TAC) reviewed this Lot-Split application on November 07, 2012. The Minutes of the meeting are attached to this report.

Staff Recommendation. Staff recommends Approval subject to:

1. The approval of PUD 73, and
2. The deed(s) to the subject property must fulfill the BL-351 Lot-Split approval condition to combine lots prior to or as a part of this Lot-Split application.

BL-387 – Rosenbaum Consulting, LLC for Eagle SPE Multi I, Inc.
V-43 – Rosenbaum Consulting, LLC for Eagle SPE Multi I, Inc.



LOT SPLIT APPLICATION

THE FOLLOWING INFORMATION IS TO BE SUPPLIED BY APPLICANT

NAME OF RECORD OWNER _____ WHAT IS THE PRESENT USE OF THE TRACT _____

LEGAL DESCRIPTION OF EXISTING UNDIVIDED TRACT, THAT YOU PROPOSE TO SPLIT, AS SHOWN ON THE RECORD OF THE COUNTY CLERK _____

Lot 7 & 8 Block 1 Bixby Centennial Plaza less the south 26ft of Lot 8

- metes and bounds as shown on Exhibit A Parent tract Attached

Attach 4 Copies of a Drawing that will include all existing and proposed lot lines, all existing buildings and improvements and their distances from lot lines, adjacent street widths, existing access limitations, and north arrow and scale

FIRST TRACT TO BE CREATED	Legal Description of Proposed Tract	Inst. Released	Source of Water supply for this Tract <input checked="" type="checkbox"/> CITY <input type="checkbox"/> WELL <input type="checkbox"/> OTHER
	Refer Exhibit B & B.1 Attached		Type of Sewage Disposal to be Available for this Tract <input checked="" type="checkbox"/> SEWER <input type="checkbox"/> SEPTIC <input type="checkbox"/> OTHER
			Street of Streets Tract will face <u>Memorial</u>
			Proposed Use of this Tract <u>Commercial 65 use unit III</u> Lot Size of Proposed Tract FT <u>7640 sq ft or 0.606 Ac</u>
SECOND TRACT TO BE CREATED	Legal Description of Proposed Tract	Inst. Released	Source of Water supply for this Tract <input checked="" type="checkbox"/> CITY <input type="checkbox"/> WELL <input type="checkbox"/> OTHER
	Refer Exhibit C & C.1 Attached		Type of Sewage Disposal to be Available for this Tract <input checked="" type="checkbox"/> SEWER <input type="checkbox"/> SEPTIC <input type="checkbox"/> OTHER
			Street of Streets Tract will face <u>Memorial</u>
			Proposed Use of this Tract <u>Commercial 65 use unit III</u> Lot Size of Proposed Tract FT <u>21450 sq ft or 0.492 Acres</u>
THIRD TRACT TO BE CREATED	Legal Description of Proposed Tract	Inst. Released	Source of Water supply for this Tract <input type="checkbox"/> CITY <input type="checkbox"/> WELL <input type="checkbox"/> OTHER
			Type of Sewage Disposal to be Available for this Tract <input type="checkbox"/> SEWER <input type="checkbox"/> SEPTIC <input type="checkbox"/> OTHER
			Street of Streets Tract will face
			Proposed Use of this Tract
FOURTH TRACT TO BE CREATED	Legal Description of Proposed Tract	Inst. Released	Source of Water supply for this Tract <input type="checkbox"/> CITY <input type="checkbox"/> WELL <input type="checkbox"/> OTHER
			Type of Sewage Disposal to be Available for this Tract <input type="checkbox"/> SEWER <input type="checkbox"/> SEPTIC <input type="checkbox"/> OTHER
			Street of Streets Tract will face
			Proposed Use of this Tract

Are there any private or deed restrictions controlling the size of the lots? YES NO

Does Record Owner consent to this application? YES NO

If Application is other than Owner, indicate interest: Consulting Engineer

I do hereby certify that the information submitted herein is complete, true and accurate

Signature: [Signature] Rosenbaum Consulting Date: 10/18/2012

Address: 2608 West Karosha #30A BACK 34012 Phone: 918 798 0210

FOR INTERNAL USE ONLY

Received by: <u>[Signature]</u>	PRIOR APPROVAL	PC	ACTION
App. Date: <u>10/19/2012</u>	FOR DISCUSSION "ABUTTING OWNERS"		
FEE: <u>650.00</u>	FOR WAIVER	TAC	PC
RECEIPT NO: _____	DATE	RECEIVED	COMMENTS
APPLICATION SENT TO: _____			

ATLAS: _____ LOT WIDTH: _____
 ZONING: _____ LOT AREA: _____
 STP: _____ DEDICATION: _____
 CZM: _____

HOLD
 APPLICATION APPROVED SUBJECT TO RELEASES FI
 HEALTH DEPT. _____ R/W
 W & S DEPT. _____ U/E
 PSO _____ BOA
 ONG _____ SW

BL-387

53

EXHIBIT "A"

PARENT TRACT

A TRACT OF LAND BEING LOT 7 AND PART OF LOT 8, BLOCK 1 OF BIXBY CENTENNIAL PLAZA, A SUBDIVISION OF PART OF THE SOUTH HALF OF THE SOUTHEAST QUARTER (S/2 SE/4) OF SECTION 35, TOWNSHIP EIGHTEEN (18) NORTH, RANGE THIRTEEN (13) EAST, INDIAN BASE AND MERIDIAN, CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 7, BLOCK 1;
THENCE NORTH 88°59'49" EAST ALONG THE NORTHERLY LINE OF SAID LOT 7 A DISTANCE OF 275.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 7;
THENCE SOUTH 01°00'11" EAST ALONG THE EASTERLY LINE OF SAID LOT 7 A DISTANCE OF 174.00 FEET TO A POINT ON THE EASTERLY LINE OF LOT 8;
THENCE SOUTH 88°59'49" WEST A DISTANCE OF 275.00 FEET TO A POINT ON THE WESTERLY LINE OF LOT 8;
THENCE NORTH 01°00'11" WEST ALONG THE WESTERLY LINE OF LOT 8 A DISTANCE OF 174.00 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 47,849 SQUARE FEET OR 1.098 ACRES, MORE OR LESS.

BASIS OF BEARING OF PROPERTY DESCRIPTION IS THE WEST LINE OF LOT 7, BLOCK 1 OF BIXBY CENTENNIAL PLAZA BEING N01°00'11"W.

THIS PROPERTY DESCRIPTION WAS PREPARED ON OCTOBER 18, 2012 BY JOSHUA R. LAMB, LICENSED PROFESSIONAL LAND SURVEYOR NO. 1678.

REAL PROPERTY CERTIFICATION

I, JOSHUA R. LAMB, 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.





JOSHUA R. LAMB, PLS, PE
OKLAHOMA P.L.S. #1678



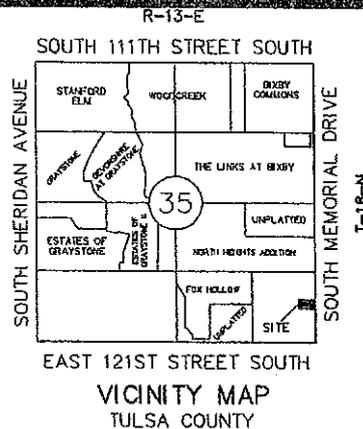
TULSA LAND SURVEYING LLC
CERTIFICATE OF AUTHORIZATION NO. 6038
CA EXPIRATION DATE: JUNE 30, 2013

54

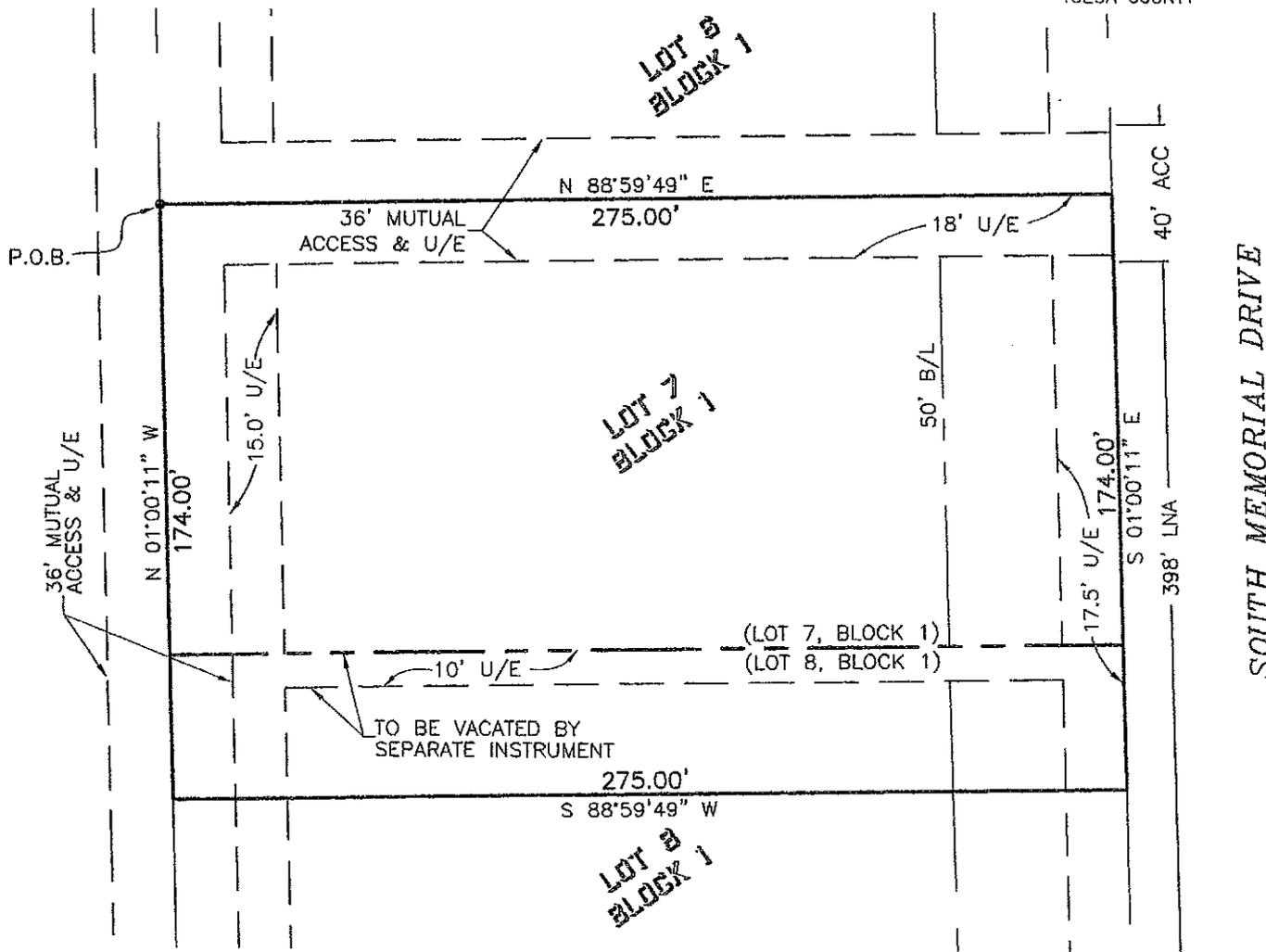
EXHIBIT 'A.1'

PROPOSED LOT SPLIT

PARENT TRACT



1" = 50'



- LNA = LIMITS OF NO ACCESS
- ACC = ACCESS PERMITTED
- P.O.B. = POINT OF BEGINNING
- P.O.C. = POINT OF COMMENCEMENT
- U/E = UTILITY EASEMENT

REGISTERED PROFESSIONAL LAND SURVEYOR
 JOSHUA R. LAMB
 1678
 10/18/12
 OKLAHOMA



TULSA LAND SURVEYING LLC
 1903 S. BOSTON AVE.
 TULSA, OK 74119
 (539) 664-5539
 CA 6038
 EXPIRES 6/30/2013

DATE PREPARED: OCTOBER 18, 2012
 TLS NO. 12-141 - BIXBY CENTENNIAL



55

EXHIBIT "B"
PROPOSED LOT SPLIT

A TRACT OF LAND BEING PART OF LOT SEVEN (7), BLOCK ONE (1) OF BIXBY CENTENNIAL PLAZA, A SUBDIVISION OF PART OF THE SOUTH HALF OF THE SOUTHEAST QUARTER (S/2 SE/4) OF SECTION 35, TOWNSHIP EIGHTEEN (18) NORTH, RANGE THIRTEEN (13) EAST, INDIAN BASE AND MERIDIAN, CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 7, BLOCK 1;
THENCE NORTH 88°59'49" EAST ALONG THE NORTHERLY LINE OF SAID LOT 7 A DISTANCE OF 275.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 7;
THENCE SOUTH 01°00'11" EAST ALONG THE EASTERLY OF SAID LOT 7, A DISTANCE OF 96.00 FEET;
THENCE SOUTH 88°59'49" WEST A DISTANCE OF 275.00 FEET TO A POINT ON THE WESTERLY LINE OF LOT 7;
THENCE NORTH 01°00'11" WEST ALONG THE WESTERLY LINE OF SAID LOT 7 A DISTANCE OF 96.00 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 26,400 SQUARE FEET OR 0.606 ACRES, MORE OR LESS.

BASIS OF BEARING OF PROPERTY DESCRIPTION IS THE WEST LINE OF LOT 7, BLOCK 1 OF BIXBY CENTENNIAL PLAZA BEING N01°00'11"W.

THIS PROPERTY DESCRIPTION WAS PREPARED ON OCTOBER 18, 2012 BY JOSHUA R. LAMB, LICENSED PROFESSIONAL LAND SURVEYOR NO. 1678.

REAL PROPERTY CERTIFICATION

I, JOSHUA R. LAMB, 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.





JOSHUA R. LAMB, PLS, PE
OKLAHOMA P.L.S. #1678



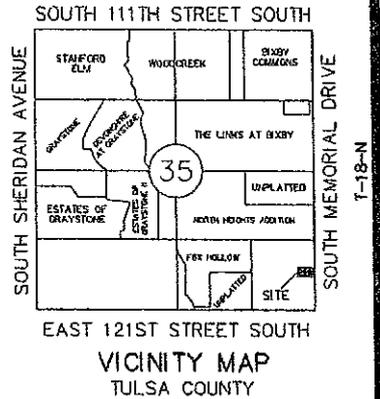
TULSA LAND SURVEYING LLC
CERTIFICATE OF AUTHORIZATION NO. 6038
CA EXPIRATION DATE: JUNE 30, 2013

56

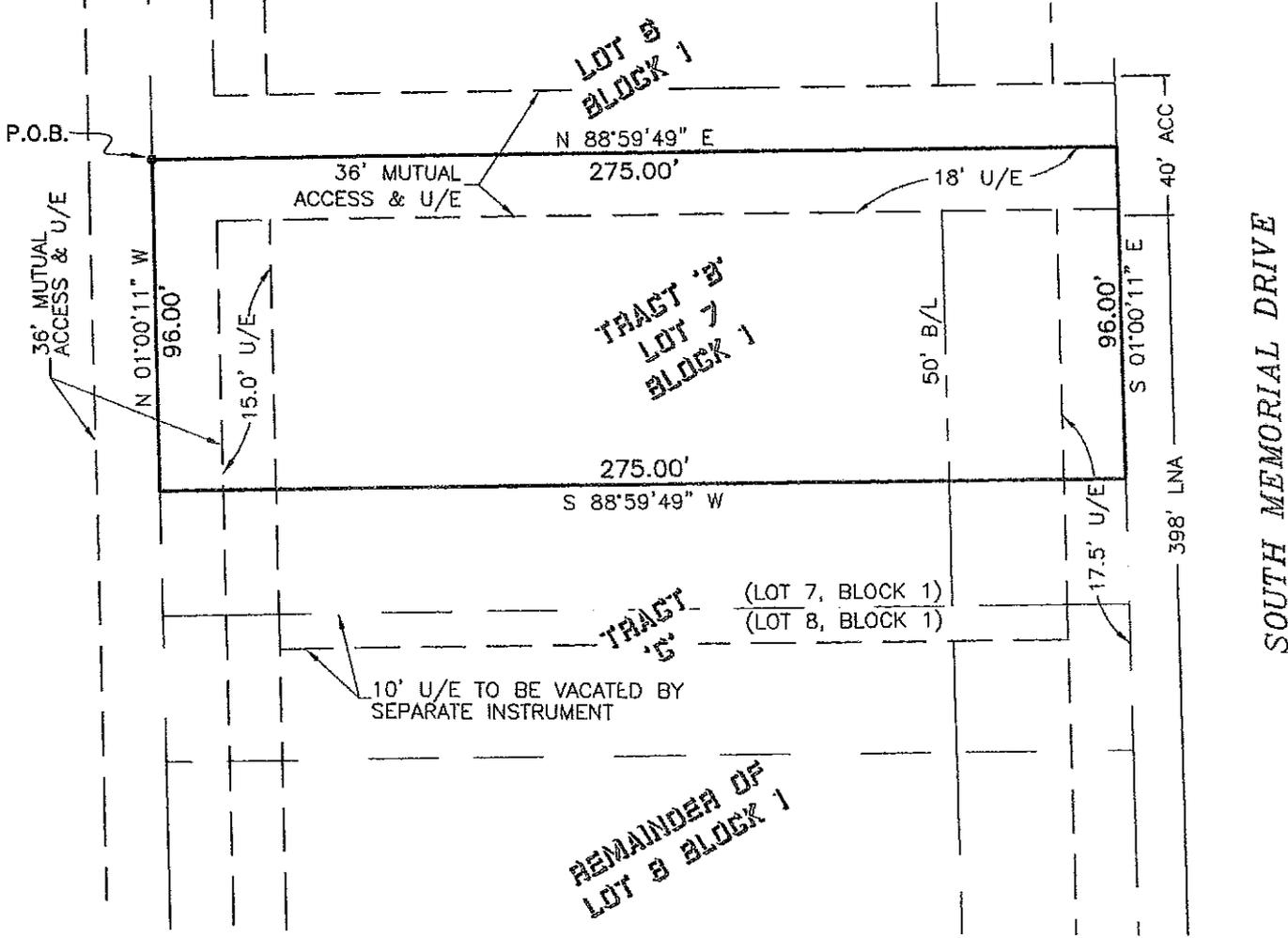
EXHIBIT 'B.1'

PROPOSED LOT SPLIT TRACT 'B'

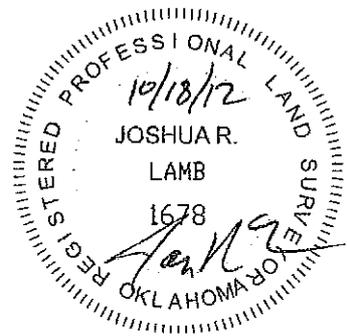
R-13-E



1" = 50'



- LNA = LIMITS OF NO ACCESS
- ACC = ACCESS PERMITTED
- P.O.B. = POINT OF BEGINNING
- P.O.C. = POINT OF COMMENCEMENT
- U/E = UTILITY EASEMENT



TULSA LAND SURVEYING LLC
1903 S. BOSTON AVE.
TULSA, OK 74119
(539) 664-5539
CA 6038
EXPIRES 6/30/2013



DATE PREPARED: OCTOBER 18, 2012
TLS NO. 12-141 - BIXBY CENTENNIAL

57

EXHIBIT "C"
PROPOSED LOT SPLIT

A TRACT OF LAND BEING PART OF LOT SEVEN (7) AND PART OF LOT EIGHT (8), BLOCK 1 OF BIXBY CENTENNIAL PLAZA, A SUBDIVISION OF PART OF THE SOUTH HALF OF THE SOUTHEAST QUARTER (S/2 SE/4) OF SECTION 35, TOWNSHIP EIGHTEEN (18) NORTH, RANGE THIRTEEN (13) EAST, INDIAN BASE AND MERIDIAN, CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 7;
THENCE NORTH 01°00'11" WEST ALONG THE WESTERLY LINE OF SAID LOT 7, A DISTANCE OF 36.00 FEET TO A POINT ON THE WESTERLY LINE OF SAID LOT 7;
THENCE NORTH 88°59'49" EAST A DISTANCE OF 275.00 FEET TO A POINT ON THE EASTERLY LINE OF SAID LOT 7;
THENCE SOUTH 01°00'11" EAST ALONG THE EASTERLY LINE OF SAID LOT 7, A DISTANCE OF 78.00 FEET TO A POINT ON THE WESTERLY LINE OF LOT 8;
THENCE SOUTH 88°59'49" WEST A DISTANCE OF 275.00 FEET TO A POINT ON THE WESTERLY LINE OF SAID LOT 8;
THENCE NORTH 01°00'11" WEST ALONG THE WESTERLY LINE OF SAID LOT 8 A DISTANCE OF 78.00 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 21,450 SQUARE FEET OR 0.492 ACRES, MORE OR LESS.

BASIS OF BEARING OF PROPERTY DESCRIPTION IS THE WEST LINE OF LOT 7, BLOCK 1 OF BIXBY CENTENNIAL PLAZA BEING S01°00'11"E.

THIS PROPERTY DESCRIPTION WAS PREPARED ON OCTOBER 18, 2012 BY JOSHUA R. LAMB, LICENSED PROFESSIONAL LAND SURVEYOR NO. 1678.

REAL PROPERTY CERTIFICATION

I, JOSHUA R. LAMB, 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.





JOSHUA R. LAMB, PLS, PE
OKLAHOMA P.L.S. #1678



TULSA LAND SURVEYING LLC
CERTIFICATE OF AUTHORIZATION NO. 6038
CA EXPIRATION DATE: JUNE 30, 2013

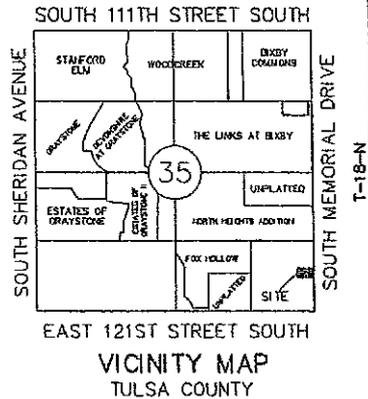
58

EXHIBIT 'C.1'

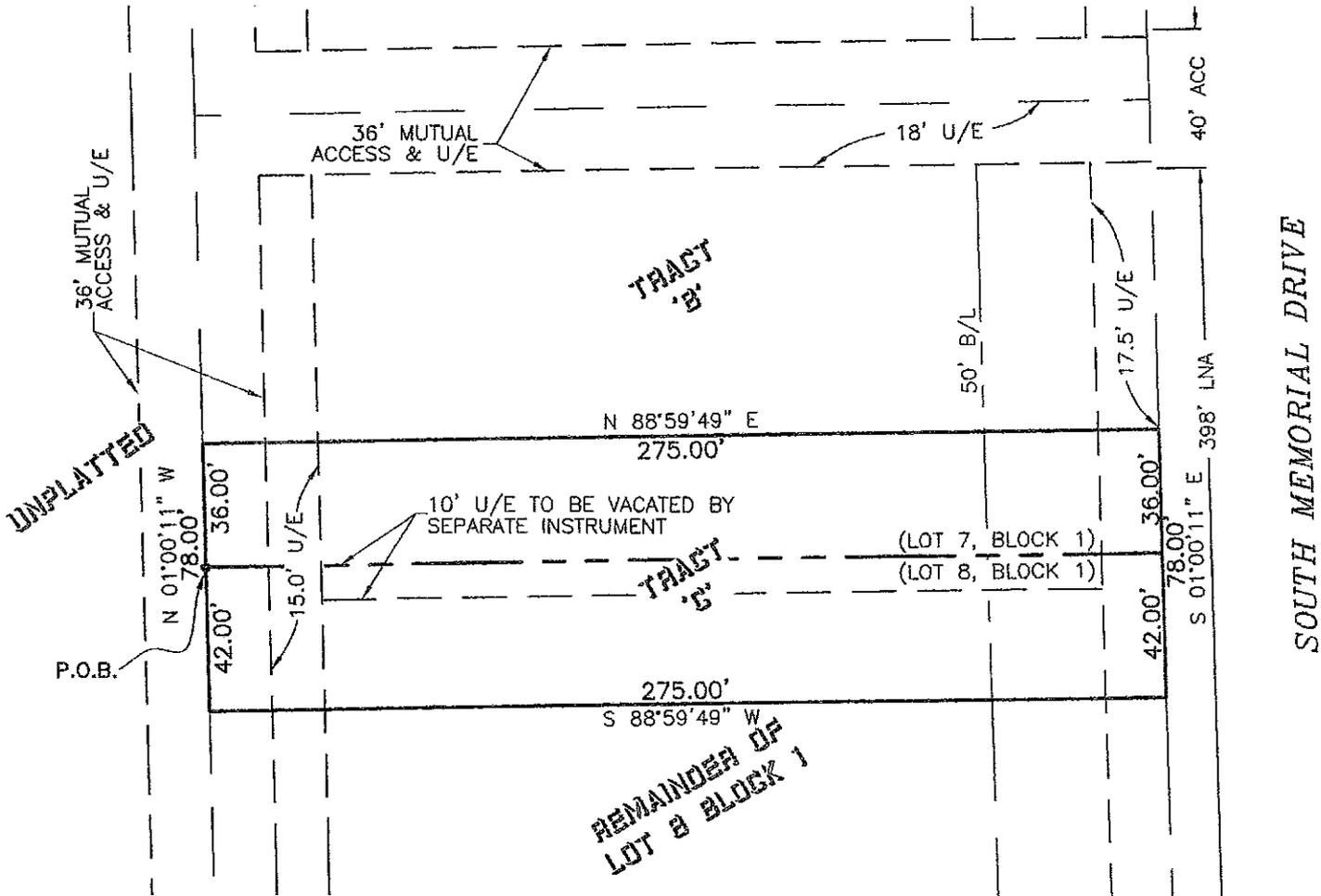
PROPOSED LOT SPLIT

TRACT 'C'

R-13-E

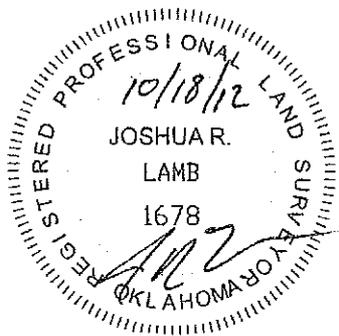


1" = 50'



REMAINDER OF
LOT 8 BLOCK 1

- LNA = LIMITS OF NO ACCESS
- ACC = ACCESS PERMITTED
- P.O.B. = POINT OF BEGINNING
- P.O.C. = POINT OF COMMENCEMENT
- U/E = UTILITY EASEMENT



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CA 6038
EXPIRES 6/30/2013

DATE PREPARED: OCTOBER 18, 2012
TLS NO. 12-141 - BIXBY CENTENNIAL



59

EXHIBIT "D"

EASEMENT VACATION

A TRACT OF LAND BEING PART OF LOT 8, BLOCK 1 OF BIXBY CENTENNIAL PLAZA, A SUBDIVISION OF PART OF THE SOUTH HALF OF THE SOUTHEAST QUARTER (S/2 SE/4) OF SECTION 35, TOWNSHIP EIGHTEEN (18) NORTH, RANGE THIRTEEN (13) EAST, INDIAN BASE AND MERIDIAN, CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 8, BLOCK 1;
THENCE NORTH 88°59'49" EAST ALONG THE NORTH LINE OF SAID LOT 8, A DISTANCE OF 33.00 FEET TO THE POINT OF BEGINNING;
THENCE CONTINUING NORTH 88°59'49" EAST ALONG THE NORTHERLY LINE OF SAID LOT 8, A DISTANCE OF 224.50 FEET TO A POINT ON THE NORTHERLY LINE OF SAID LOT 8;
THENCE SOUTH 01°00'11" EAST A DISTANCE OF 10.00 FEET;
THENCE SOUTH 88°59'49" WEST A DISTANCE OF 224.50 FEET;
THENCE NORTH 01°00'11" WEST A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 0.052 SQUARE FEET OR 0.052 ACRES, MORE OR LESS.

BASIS OF BEARING OF PROPERTY DESCRIPTION IS THE NORTH LINE OF LOT 8, BLOCK 1 OF BIXBY CENTENNIAL PLAZA BEING N88°59'49"E.

THIS PROPERTY DESCRIPTION WAS PREPARED ON OCTOBER 18, 2012 BY JOSHUA R. LAMB, LICENSED PROFESSIONAL LAND SURVEYOR NO. 1678.

REAL PROPERTY CERTIFICATION

I, JOSHUA R. LAMB, 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.




JOSHUA R. LAMB, PLS, PE
OKLAHOMA P.L.S. #1678

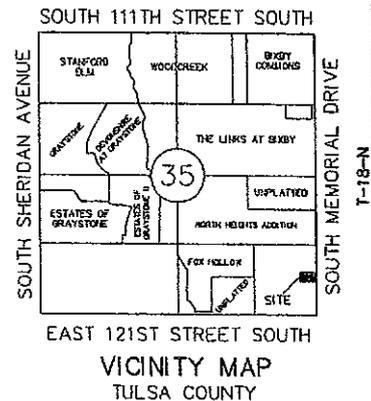


TULSA LAND SURVEYING LLC
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CA EXPIRATION DATE: JUNE 30, 2013

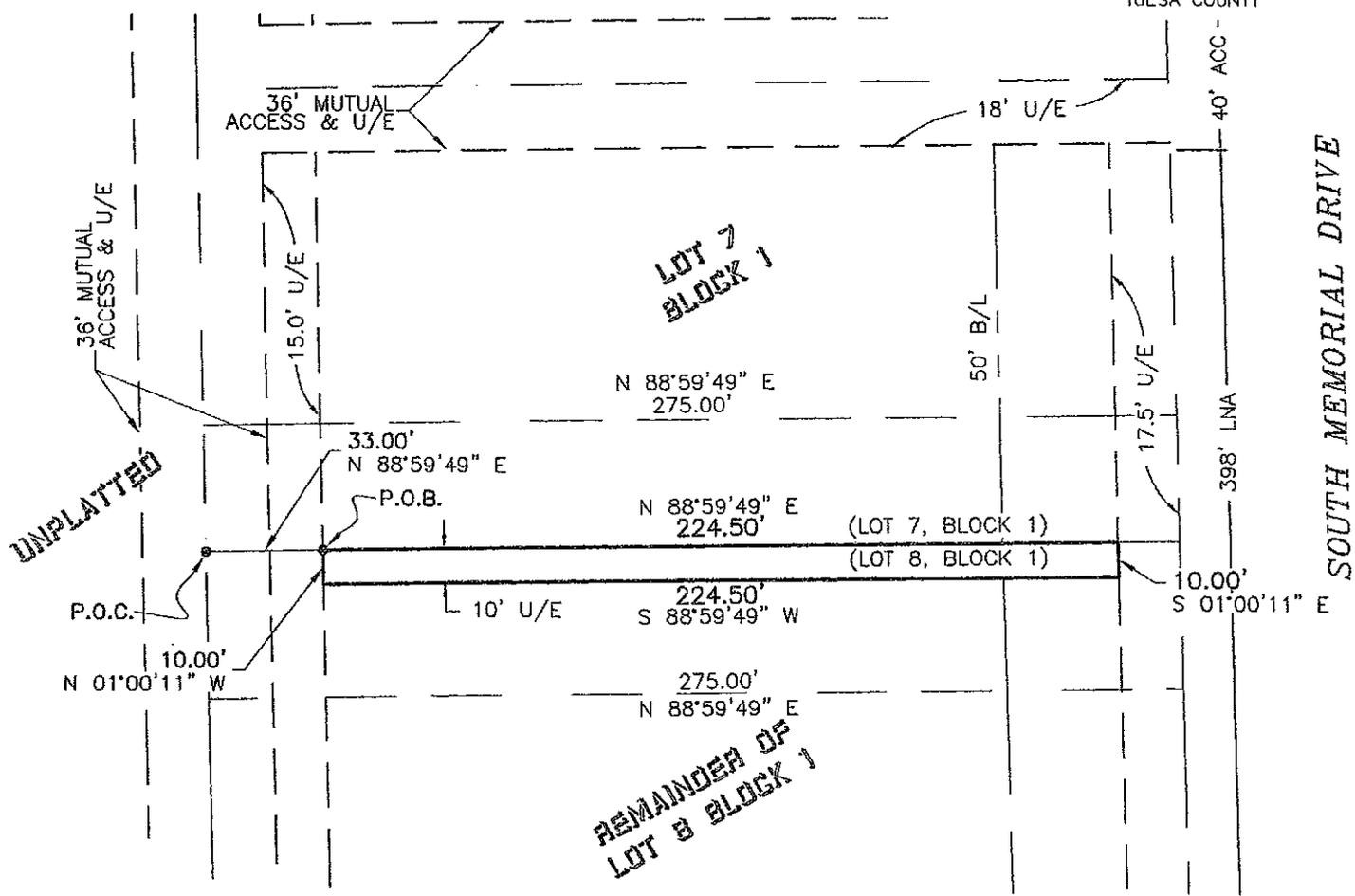
EXHIBIT 'D.1'

EASEMENT VACATION

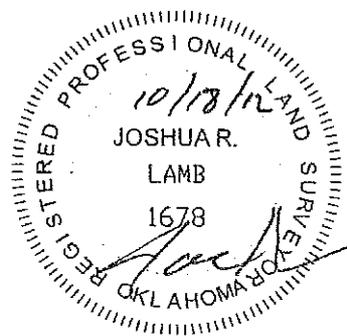
R-13-E



1" = 50'



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- ACC = ACCESS PERMITTED
- P.O.B. = POINT OF BEGINNING
- P.O.C. = POINT OF COMMENCEMENT
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TULSA LAND SURVEYING LLC
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 (539) 664-5539
 CA 6038
 EXPIRES 6/30/2013



DATE PREPARED: OCTOBER 18, 2012
 TLS NO. 12-141 - BIXBY CENTENNIAL

61



CITY OF BIXBY
P.O. Box 70
116 W. Needles Ave.
Bixby, OK 74008
(918) 366-4430
(918) 366-6373 (fax)

STAFF REPORT

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner *EE*
Date: Friday, November 09, 2012
RE: Report and Recommendations for:
V-43 – Rosenbaum Consulting, LLC for Eagle SPE Multi I, Inc.

LOCATION: – Approximately the 11900-block of S. Memorial Dr.
– Lot 7 and the N. 42' of Lot 8, Block 1, *Bixby Centennial Plaza*

LOT SIZE: 1 acre, more or less, in two (2) parcels

EXISTING ZONING: CS Commercial Shopping Center District (PUD 73 requested)

EXISTING USE: Vacant commercial lots

REQUEST: Close a Utility Easement

PREVIOUS/RELATED CASES: (Not necessarily a complete list)

BZ-279 – Charles Norman/Martha Plummer Roberts et al. – Request for rezoning from AG to CS, OM, RM-1, and RS-2 for 73 acres, more or less, which became *Bixby Centennial Plaza* and *Fox Hollow* and an unplatted 11-acre tract later approved as PUD 51 – PC Recommended Approval as amended for CS, OM, OL, RS-3, and RS-2 on November 19, 2001 and Approved by City Council December 10, 2001 (Ord. # 842). Subject property included in that part approved for CS zoning.

Preliminary Plat of Bixby Centennial Plaza – Request for Preliminary Plat approval including subject property – PC Approved 07/17/2006 and City Council Approved 07/24/2006.

Final Plat of Bixby Centennial Plaza – Request for Final Plat approval including subject property – PC Approved 10/16/2006 and City Council Approved 10/23/2006 (plat recorded 04/04/2007).

Staff Report – V-41 – Rosenbaum Consulting, LLC for Eagle SPE Multi I, Inc.
November 19, 2012

Page 1 of 2

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BL-351 – Khoury Engineering, Inc. – Request for Lot-Split approval to separate the north 42’ of Lot 8 and add to Lot 7 of *Bixby Centennial Plaza* (included subject property) – PC Conditionally Approved 03/17/2008.

PUD 73 – Eagle SPE Multi I, Inc. – Rosenbaum Consulting, LLC – Request for approval of PUD 44 supplemental zoning for subject property – Pending PC consideration 11/19/2012.

BL-387 – Rosenbaum Consulting, LLC for Eagle SPE Multi I, Inc. – Request for Lot-Split approval to divide Lot 7 portion of subject property – Pending PC consideration 11/19/2012.

BACKGROUND INFORMATION:

ANALYSIS:

Subject Property Conditions. The subject property is vacant and zoned CS. It consists of Lot 7 and the N. 42’ of Lot 8, Block 1, *Bixby Centennial Plaza*. It has a total of 174’ of frontage on Memorial Dr., but access directly to Memorial Dr. is restricted by Limits of No Access (LNA) per the plat of *Bixby Centennial Plaza*. Instead, access is afforded via existing private drives within Mutual Access Easements (MAEs).

Part of the north and west sides of the property are covered by parts of MAEs, which MAEs contain existing private commercial drives. This is represented on the Exhibit 1 Conceptual Site Plan included with PUD 73.

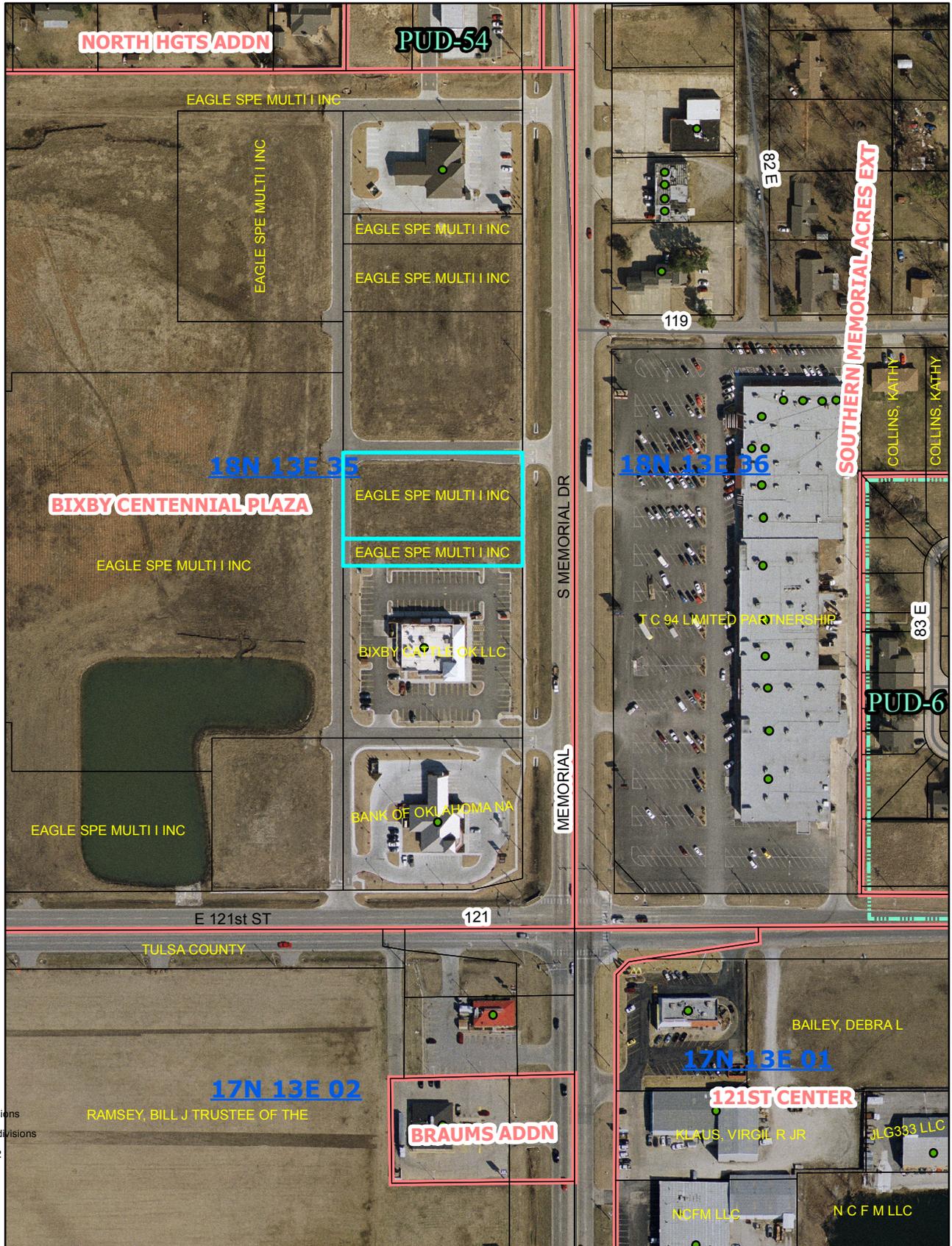
Per the PUD 73 Exhibit 2 Topographic Survey, the land is relatively flat and appears to drain to the north and east, ultimately to the borrow ditch along S. Memorial Dr., which drains south. When developed, the land should drain through a stormsewer system to the temporary stormwater detention pond located to the southwest of the subject property. This pond is ultimately planned to be replaced in favor of a stormsewer system to be installed along 121st St. S. and to drain west to the Fry Creek Ditch # 2.

General. The Applicant is requesting approval of an application (V-43) to close a Utility Easement within the subject property that would otherwise frustrate development plans. The U/E consists of the northerly 10’ of Lot 8, Block 1, *Bixby Centennial Plaza*. Per the Applicant, the easement is not in use by any utility lines, and no objections to its closure have been received by Staff.

The Technical Advisory Committee (TAC) reviewed this Lot-Split application on November 07, 2012. The Minutes of the meeting are attached to this report.

Staff Recommendation. Staff recommends Approval.

BL-387 – Rosenbaum Consulting, LLC for Eagle SPE Multi I, Inc.
V-43 – Rosenbaum Consulting, LLC for Eagle SPE Multi I, Inc.



APPLICATION FOR VACATION OR CLOSING

NATURE OF REQUEST

Set out below the specifics of your application. Where applicable indicate pertinent uses, distances, dimensions, etc. You should attach any plot plans, photographs and other factual information which will assist the City Council in determining the merits of your application.

Need to close north 10' of a lot 8 Block 1 of
 Roxby Centennial Plaza for new office
 Development

Legal Description or location:

see attached exhibit D & D.1

As applicant what is your interest

- Present Owner
- Purchaser
- Attorney for Owner
- Agent for Owner
- Other

Consulting Engineer

I CERTIFY THAT THE SUBMITTED INFORMATION IS TRUE AND CORRECT

Name: Boschman Consulting, LLC David Bosch
 Address: 2608 W. 12th St #304 Broken Arrow OK 74012
 Phone: 918 798 0210

FOR INTERNAL OFFICE USE

Application received by:	DISPOSITION
Application Date:	ACTION
Public Hearing Date:	Staff Recommendation:
Type of Request	City Council:
Comments for Utility Companies	

65

EXHIBIT "D"

EASEMENT VACATION

A TRACT OF LAND BEING PART OF LOT 8, BLOCK 1 OF BIXBY CENTENNIAL PLAZA, A SUBDIVISION OF PART OF THE SOUTH HALF OF THE SOUTHEAST QUARTER (S/2 SE/4) OF SECTION 35, TOWNSHIP EIGHTEEN (18) NORTH, RANGE THIRTEEN (13) EAST, INDIAN BASE AND MERIDIAN, CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 8, BLOCK 1;
THENCE NORTH 88°59'49" EAST ALONG THE NORTH LINE OF SAID LOT 8, A DISTANCE OF 33.00 FEET TO THE POINT OF BEGINNING;
THENCE CONTINUING NORTH 88°59'49" EAST ALONG THE NORTHERLY LINE OF SAID LOT 8, A DISTANCE OF 224.50 FEET TO A POINT ON THE NORTHERLY LINE OF SAID LOT 8;
THENCE SOUTH 01°00'11" EAST A DISTANCE OF 10.00 FEET;
THENCE SOUTH 88°59'49" WEST A DISTANCE OF 224.50 FEET;
THENCE NORTH 01°00'11" WEST A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 0.052 SQUARE FEET OR 0.052 ACRES, MORE OR LESS.

BASIS OF BEARING OF PROPERTY DESCRIPTION IS THE NORTH LINE OF LOT 8, BLOCK 1 OF BIXBY CENTENNIAL PLAZA BEING N88°59'49"E.

THIS PROPERTY DESCRIPTION WAS PREPARED ON OCTOBER 18, 2012 BY JOSHUA R. LAMB, LICENSED PROFESSIONAL LAND SURVEYOR NO. 1678.

REAL PROPERTY CERTIFICATION

I, JOSHUA R. LAMB, 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.



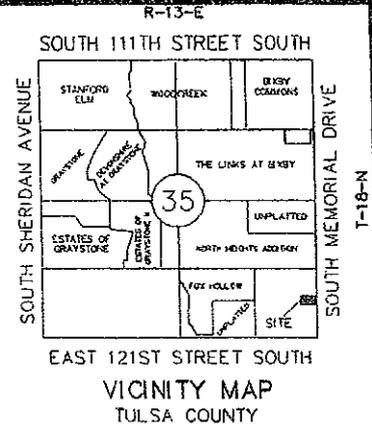

JOSHUA R. LAMB, PLS, PE
OKLAHOMA P.L.S. #1678



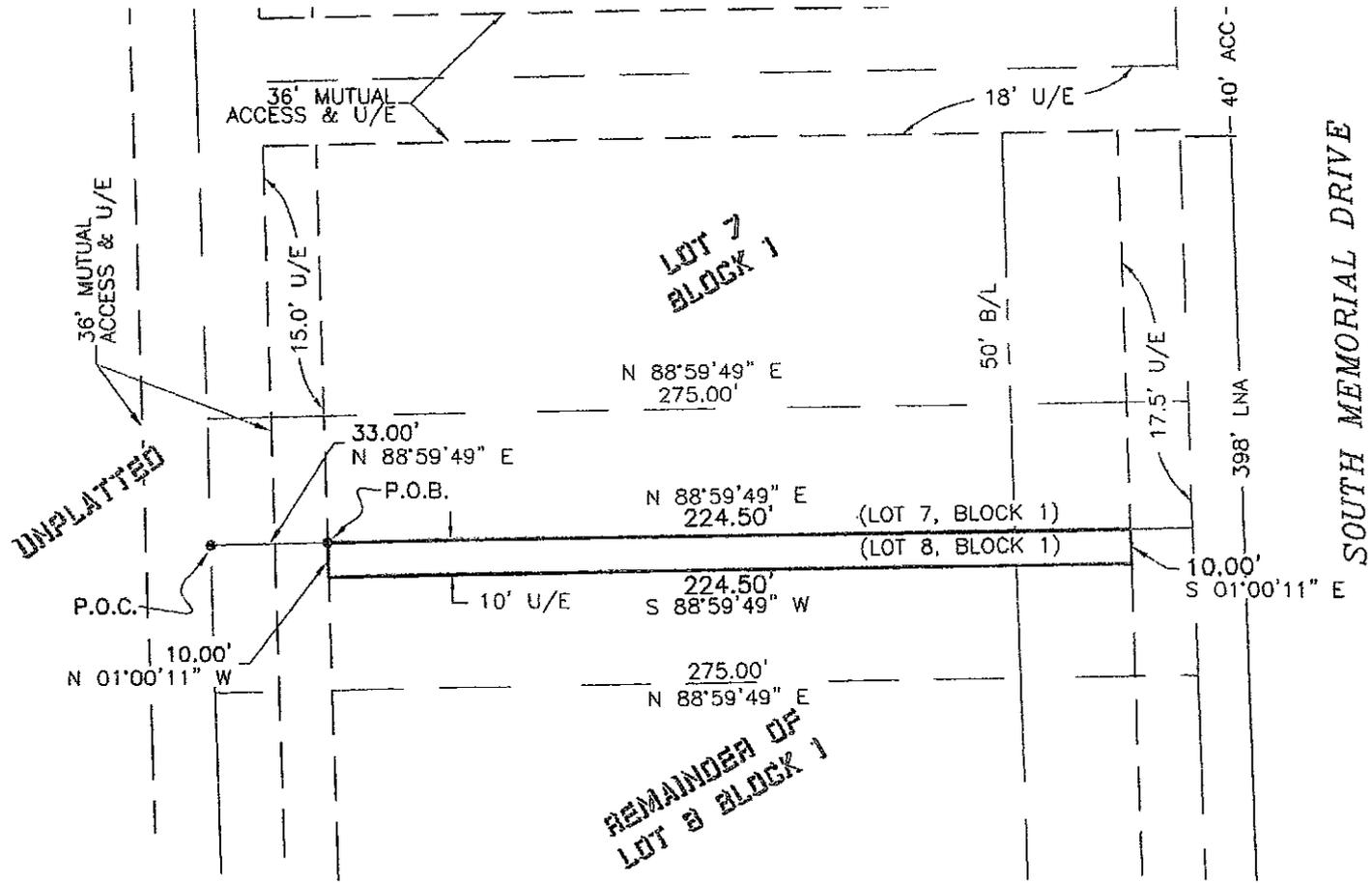
TULSA LAND SURVEYING LLC
CERTIFICATE OF AUTHORIZATION NO. 6038
CA EXPIRATION DATE: JUNE 30, 2013

EXHIBIT 'D.1'

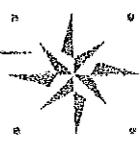
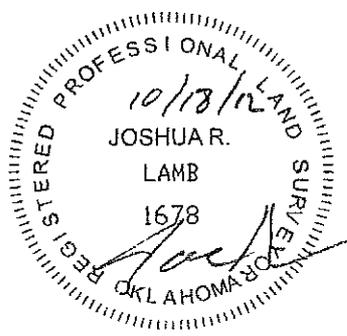
EASEMENT VACATION



1" = 50'



- LNA = LIMITS OF NO ACCESS
- ACC = ACCESS PERMITTED
- P.O.B. = POINT OF BEGINNING
- P.O.C. = POINT OF COMMENCEMENT
- U/E = UTILITY EASEMENT



TULSA LAND SURVEYING LLC
 1903 S. BOSTON AVE.
 TULSA, OK 74119
 (539) 664-5539
 CA 6038
 EXPIRES 6/30/2013



DATE PREPARED: OCTOBER 18, 2012
 TLS NO. 12-141 - BIXBY CENTENNIAL