

# REQUEST FOR COMMENTS

## TECHNICAL ADVISORY COMMITTEE CITY OF BIXBY, OKLAHOMA

**Request for Comments by September 06, 2012**

Please complete the following and fax to (918) 366-4416 or email to [eenyart \(at\) bixby \(dot\) com](mailto:eenyart@bixby.com)

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- 1 **BL-386 – William G. Elliott.** Discussion and possible comment on a Lot-Split for Lot 15, Block 1, *Village at the Legends*.  
Property located: 9555 E. 109<sup>th</sup> St. S.

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Comments: \_\_\_\_\_

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### Respondent Information

Agency: \_\_\_\_\_ Contact Person: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone Number: (\_\_\_\_) \_\_\_\_/\_\_\_\_ Fax Number: (\_\_\_\_) \_\_\_\_/\_\_\_\_

Email: \_\_\_\_\_

Posted By: \_\_\_\_\_

Date: \_\_\_\_\_

Time: \_\_\_\_\_



**WILLIAM G. ELLIOTT**  
**Real Estate Services**  
**10021 South Sheridan Rd. #218**  
**Tulsa, Oklahoma 74133**

August 13, 2012

City of Bixby  
c/o Eric Enyart, AICP City Planner  
Post Office Box 70  
Bixby, Oklahoma

RE: Lot Split Application  
Village at the Legends Subdivision  
LaVerne M. McCoy Trust

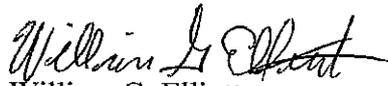
Dear Sir:

Attached are the following documents relative to the referenced:

- (1) Letter from the property owner giving me the authority to process the lot split request.
- (2) Completed Lot Split Application form.
- (3) Legal Descriptions of the lot after the split.
- (4) Copy of the referenced addition's Deed of Dedication and Restrictive Covenants
- (5) Copy of Copy of the subdivision, Village at the Legends
- (6) Aerial photograph of the subject lot to be split and the immediate neighborhood  
Two vacant lots across the street from the subject lot now have houses under construction.
- (7) Four (4) copies of the professional survey of the involved lots.

If further information is needed I may be contacted at: Office 918-298-0539 Cell 918-344-9403

Thanks

  
William G. Elliott

**LAVERNE McCOY REVOCABLE TRUST**  
**9571 East 109 Street**  
**Bixby, Oklahoma 74133**

August 10, 2012

City of Bixby  
c/o Eric Enyart AICP, City Planner  
Post Office Box 70  
Bixby, Oklahoma 74008

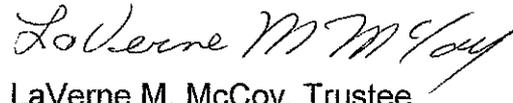
RE: Lot Split request - Village at The Legends

To Whom It May Concern:

I am appointing William (Bill) G. Elliott, an Oklahoma Licensed Real Estate Broker/Appraiser, as my sole agent to apply for and process an application for a lot split to the City of Bixby. I own an unimproved single family dwelling lot which I want to divide and attach to the two adjoining lots. I own one of the adjacent lots and occupy the single family home on it. I have a contract to sell the other part of the lot to the owners of the other adjacent lot who also occupy their single family home there. The purpose of the lot split is to increase our side yards and have more privacy and better view of the lake and undeveloped common park area to the north of our homes.

If the lot split is approved new deeds to the combined properties will be executed and will have deed restriction language, ie "the foregoing properties are restricted from being transferred or conveyed unless approved by the Bixby Planning Commission, or its successors, and/or the Bixby City Council as provided by applicable Oklahoma State law."

Thank You



LaVerne M. McCoy, Trustee

**LOT SPLIT APPLICATION**

THE FOLLOWING INFORMATION IS TO BE SUPPLIED BY APPLICANT

NAME OF RECORD OWNER <b>LAVERNE M MCCOY REVOCABLE TRUST</b>	WHAT IS THE PRESENT USE OF THE TRACT <b>Residential</b>
LEGAL DESCRIPTION OF EXISTING UNDIVIDED TRACT, THAT YOU PROPOSE TO SPLIT, AS SHOWN ON THE RECORD OF THE COUNTY CLERK <b>Lot Fifteen (15), Block One (1), Village at the Legends, a subdivision in the City of Bixby, Tulsa County, State of Oklahoma, according to the recorded Plat No. 6083 thereof.</b>	

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	Type of Sewage Disposal to be Available for this Tract	Street of Streets Tract will face	Proposed Use of this Tract	Lot Size of Proposed Tract FT
	See Attached LOT 14 & WEST PART OF LOT 15		<input checked="" type="checkbox"/> CITY <input type="checkbox"/> WELL <input type="checkbox"/> OTHER	<input checked="" type="checkbox"/> SEWER <input type="checkbox"/> SEPTIC <input type="checkbox"/> OTHER	E. 109th St. So	Residential	3,400.39 Sq. Ft.
	See Attached LOT 16 & EAST PART OF LOT 15		<input checked="" type="checkbox"/> CITY <input type="checkbox"/> WELL <input type="checkbox"/> OTHER	<input checked="" type="checkbox"/> SEWER <input type="checkbox"/> SEPTIC <input type="checkbox"/> OTHER	E. 109th St. So	Residential	3,399.37 Sq. Ft.
			<input type="checkbox"/> CITY <input type="checkbox"/> WELL <input type="checkbox"/> OTHER	<input type="checkbox"/> SEWER <input type="checkbox"/> SEPTIC <input type="checkbox"/> OTHER			
			<input type="checkbox"/> CITY <input type="checkbox"/> WELL <input type="checkbox"/> OTHER	<input type="checkbox"/> SEWER <input type="checkbox"/> SEPTIC <input type="checkbox"/> OTHER			

Are there any private or deed restrictions controlling the size of the lots?  YES  NO  
SEE ATTACHED DEED OF DEDICATION & RESTRICTIVE COVENANTS

Does Record Owner consent to this application?  YES  NO

If Application is other than Owner, indicate interest: SEE ATTACHED AGENCY LETTER TO CITY OF BIXBY

I do hereby certify that the information submitted herein is complete, true and accurate:  
 Signature: William A. D... 74133 Date: AUGUST 19, 2012  
 Address: 10021 SOUTH SHERIDAN RD #218 TULSA, OK Phone: 918-298-0539

FOR INTERNAL USE ONLY

Received by: <u>Engok</u>	PRIOR APPROVAL FOR DISCUSSION "ABUTTING OWNERS"	ACTION
App. Date: <u>08/14/2012</u>	FOR WAIVER	PC
FEE: <u>\$500</u>	TAC	BOA
RECEIPT NO: <u>01006118</u>	ACTION	ACTION
APPLICATION SENT TO:	DATE	RECEIVED
		COMMENTS

ATLAS: \_\_\_\_\_ LOT WIDTH: \_\_\_\_\_  
 ZONING: \_\_\_\_\_ LOT AREA: \_\_\_\_\_  
 STP: \_\_\_\_\_ DEDICATION: \_\_\_\_\_  
 CZM: \_\_\_\_\_

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

**BL-386**

McCoy TRUST  
8/10/2012

TRACT 1: To COMBINE WITH LOT 14

A PART OF LOT FIFTEEN (15), BLOCK ONE (1), VILLAGE AT THE LEGENDS, A SUBDIVISION IN THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 6083 THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS TO WIT:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 15; THENCE N 01°23'47" W ALONG THE WEST LINE THEREOF, A DISTANCE OF 120.00 FEET TO THE NORTHWEST CORNER THEREOF; THENCE N 88°36'13" E ALONG THE NORTH LINE OF SAID LOT 15, A DISTANCE OF 28.51 FEET; THENCE S 01°23'47" E A DISTANCE OF 115.47 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID LOT 15; THENCE ALONG SAID LINE AROUND A CURVE TO THE RIGHT HAVING A RADIUS OF 25.00 FEET, A CHORD BEARING OF S 71°05'20" W, FOR AN ARC DISTANCE OF 15.29 FEET; THENCE ALONG SAID LINE, S 88°36'13" W A DISTANCE OF 14.16 FEET TO THE POINT OF BEGINNING.

TRACT 2: To COMBINE WITH LOT 16

A PART OF LOT FIFTEEN (15), BLOCK ONE (1), VILLAGE AT THE LEGENDS, A SUBDIVISION IN THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 6083 THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS TO WIT:

BEGINNING AT A POINT ON THE NORTH LINE OF SAID LOT 15, SAID POINT BEING N 88°36'13" E A DISTANCE OF 28.51 FEET FROM THE NORTHWEST CORNER THEREOF; THENCE CONTINUING N 88°36'13" E ALONG SAID LINE A DISTANCE OF 33.49 FEET TO THE NORTHEAST CORNER OF SAID LOT 15; THENCE S 01°23'47" E ALONG THE EAST LINE THEREOF A DISTANCE OF 93.42 FEET TO THE SOUTHEAST CORNER OF SAID LOT 15; THENCE AROUND A CURVE TO THE LEFT, HAVING A RADIUS OF 42.00 FEET, A CHORD BEARING OF S 57°53'12" W FOR AN ARC DISTANCE OF 33.18; THENCE AROUND A CURVE TO THE RIGHT, HAVING A RADIUS OF 25.00 FEET, A CHORD BEARING OF S 44°25'00" W FOR AN ARC DISTANCE OF 7.99 FEET; THENCE N 01°23'47" W A DISTANCE OF 115.47 FEET TO THE POINT OF BEGINNING.

Tulsa County Clerk - BARBARA WILSON  
 Doc # 2007910103 Pages 1  
 Time: 04:10:27:48 07/13/07 10:12:00  
 Fee 30.00

TULSA COUNTY CLERK  
 BARBARA WILSON  
 2007910103

**CERTIFICATE**  
 I hereby certify that all real estate taxes involved in this plat have been paid as directed by the contract. Security as required has been provided in the amount of \$ 3,524.00 per acre receipt no. 1000 to be applied to 2007 taxes. This certificate is NOT to be construed as payment of 2007 taxes but rather to be used in order that this plat may be filed on record. 2007 taxes may appear the amount of the security deposit.



Dated: 7/13/07  
 Donald S. Wilson  
 Tulsa County Clerk  
 Deputy

**PLAT No. 6083**  
 TULSA COUNTY, OKLAHOMA  
 OFFICE OF APPROVAL  
 LICENSED SURVEYOR THAT THIS PLAT WAS FILED BY THE CITY OF TULSA  
 BY: [Signature]  
 TULSA COUNTY CLERK  
 BY: [Signature]  
 CITY MANAGER

STATE OF OKLAHOMA )  
 COUNTY OF TULSA )  
 I, Barbara Wilson, Tulsa County Clerk, do and for the County and State above named, do hereby certify that the foregoing is a true and correct copy of a plat last submitted now on file in my office.  
 Dated this 7th day of July 2007  
 BARBARA WILSON, Tulsa County Clerk  
 Deputy

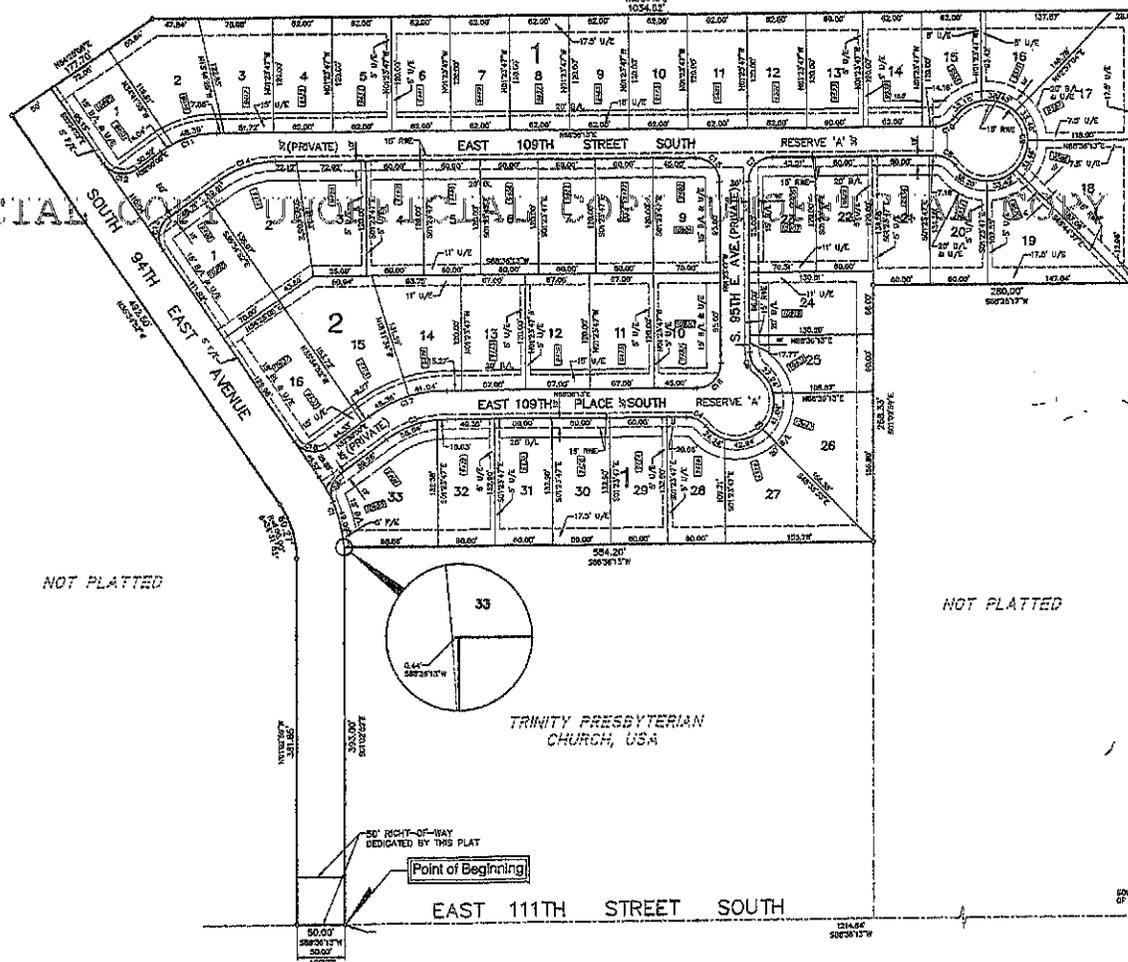
**Curve Table**

CURVE	LENGTH	RADIUS	DELTA
C1	78.24	150.00	30°08'17"
C2	53.60	25.00	77°08'44"
C3	89.47	110.00	35°48'11"
C4	22.70	25.00	62°01'17"
C5	128.47	40.00	104°02'25"
C6	22.70	25.00	52°01'17"
C7	39.27	25.00	60°00'00"
C8	23.26	25.00	53°20'37"
C9	710.15	47.00	208°41'14"
C10	23.26	25.00	53°20'37"
C11	42.43	100.00	35°48'11"
C12	30.85	25.00	61°35'09"
C13	28.52	25.00	68°24'52"
C14	62.43	100.00	35°48'11"
C15	39.27	25.00	60°00'00"
C16	28.27	25.00	60°00'00"
C17	87.40	140.00	38°40'14"
C18	52.55	25.00	61°35'09"

# Village at the Legends

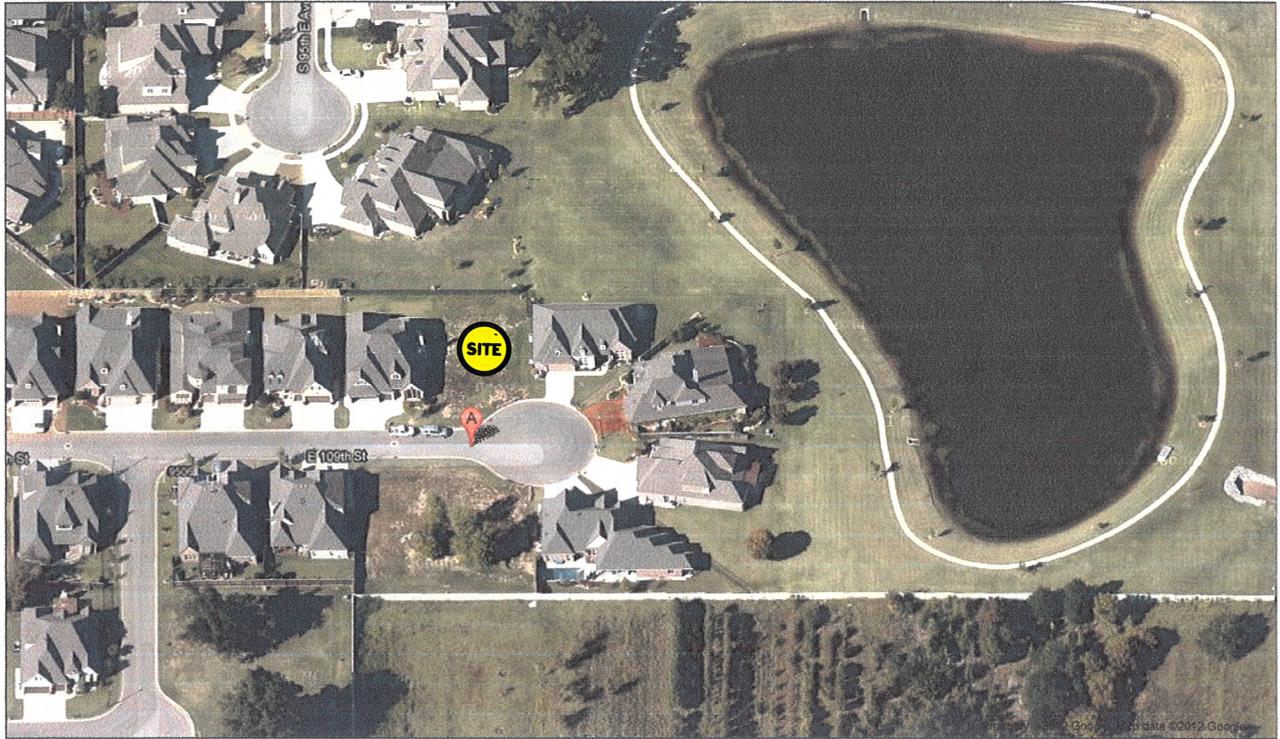
A SUBDIVISION OF PART OF THE  
**SE/4 OF SECTION 25, T-18-N, R-13-E**  
 CITY OF BIXBY, TULSA COUNTY, OKLAHOMA

PLANNED UNIT DEVELOPMENT NUMBER 44





To see all the details that are visible on the screen, use the "Print" link next to the map.



# Deed of Dedication and Restrictive Covenants

## B. DEVELOPMENT STANDARDS

1. NET LAND AREA 11.65 ACRES  
807,285 SF
2. PERMITTED USES  
ATTACHED SINGLE FAMILY DWELLINGS, INCLUDING CUSTOMARY ACCESSORY USES SUCH AS PARKING AND LANDSCAPED AREAS AND SECURITY GATEHOUSES.
3. MINIMUM LAND AREA PER DWELLING UNIT 8,720 SF
4. MAXIMUM NUMBER OF LOTS 40
5. MINIMUM LOT AREA 8,600 SF
6. BUILDING HEIGHT 45 FT  
NO BUILDING SHALL HAVE MORE THAN 3 STORIES.
7. OFF-STREET PARKING AS REQUIRED BY CITY OF BIXBY ZONING CODE.
8. MINIMUM YARDS  
FRONT SIDE 20 FT  
SIDE STREET SIDE 8 FT  
REAR 16 FT  
20 FT
9. PRIVATE STREET  
MINIMUM WIDTH 28 FT

ALL BASE AND PAVING MATERIALS SHALL BE OF A QUALITY AND THICKNESS WHICH MEET THE CITY OF BIXBY STANDARDS FOR MINOR RESIDENTIAL PUBLIC STREETS.

## 10. HOMEOWNERS ASSOCIATION

THE VILLAGE AT THE LEGENDS HOMEOWNERS ASSOCIATION SHALL BE CREATED AND VESTED WITH SUFFICIENT AUTHORITY AND FINANCIAL RESOURCES TO PROPERLY MAINTAIN ALL PRIVATE STREETS AND COMMON AREAS INCLUDING ANY SECURITY GATES, WALLS, DETENTION FACILITIES, GUARDHOUSES OR OTHER COMMONLY OWNED STRUCTURES WITHIN THE VILLAGE AT THE LEGENDS.

## SECTION III. PRIVATE RESTRICTIONS

FOR THE PURPOSE OF PROVIDING FOR THE ORDERLY DEVELOPMENT OF "VILLAGE AT THE LEGENDS", AND FOR THE PURPOSE OF MAINTAINING COMPATIBILITY OF THE IMPROVEMENTS THEREIN, THE OWNER DOES HEREBY IMPOSE THE FOLLOWING RESTRICTIONS AND COVENANTS WHICH SHALL BE COVENANTS RUNNING WITH THE LAND AND SHALL BE BINDING UPON THE OWNER, ITS SUCCESSORS AND ASSIGNS, AND SHALL BE ENFORCEABLE AS HEREINAFTER SET FORTH.

### A. ARCHITECTURAL COMMITTEE - PLAN REVIEW

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 HAVE BEEN APPROVED IN WRITING BY BIST AND MEMORIAL LLC, OR ITS AUTHORIZED REPRESENTATIVES OR SUCCESSORS, WHICH ARE HEREINAFTER REFERRED TO AS THE "ARCHITECTURAL COMMITTEE". FOR EACH BUILDING, THE REQUIRED PLANS AND SPECIFICATIONS SHALL BE SUBMITTED IN DUPLICATE AND INCLUDE A PLOT PLAN DEPICTING THE FACINGS OF THE BUILDING, DRAINAGE AND GRADING PLANS, AND EXTERIOR MATERIALS AND COLOR SCHEME. IN THE EVENT THE ARCHITECTURAL COMMITTEE FAILS TO APPROVE OR DISAPPROVE ANY PLANS, SPECIFICATIONS, COLOR SCHEME, MATERIALS AND PLOT PLANS SUBMITTED TO IT AS HEREIN REQUIRED WITHIN 10 DAYS AFTER THE SUBMISSION, OR IN THE EVENT NO SUIT TO ENJOIN THE ERECTION OF THE BUILDING OR STRUCTURE OR THE MAKING OF AN ALTERATION HAS BEEN COMMENCED PRIOR TO THE 30TH DAY FOLLOWING COMPLETION THEREOF, 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 OR STRUCTURE, 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 BE DEEMED A WAIVER OF ANY RESTRICTION, UNLESS THE ARCHITECTURAL COMMITTEE IS HEREINAFTER AUTHORIZED TO GRANT THE PARTICULAR WAIVER. NOTHING HEREIN CONTAINED SHALL BE DEEMED TO PREVENT ANY LOT OWNER IN THE SUBDIVISION FROM PROSECUTING ANY LEGAL ACTION RELATING TO IMPROVEMENTS WITHIN THE SUBDIVISION WHICH THEY WOULD OTHERWISE BE ENTITLED TO PROSECUTE.

THE POWERS AND DUTIES OF THE ARCHITECTURAL COMMITTEE SHALL, ON THE JANUARY 1, 2008, BE DEEMED TRANSFERRED TO THE HOMEOWNERS ASSOCIATION PROVIDED FOR IN SECTION IV, OR UPON WRITTEN ASSIGNMENT TO THE HOMEOWNERS ASSOCIATION BY THE OWNER, WHICHEVER EVENT FIRST OCCURS, AND THEREAFTER THE FOREGOING POWERS AND DUTIES SHALL BE EXERCISED BY THE BOARD OF DIRECTORS OF THE HOMEOWNERS ASSOCIATION.

### B. FLOOR AREA

DWELLINGS SHALL HAVE A MINIMUM OF 2,200 SQUARE FEET OF FINISHED HEATED LIVING AREA. ONE AND ONE-HALF (1-1/2) OR TWO (2) STORY DWELLINGS SHALL HAVE A MINIMUM OF 2,200 SQUARE FEET OF FINISHED HEATED LIVING AREA; PROVIDED HOWEVER, THE FIRST FLOOR SHALL HAVE A MINIMUM OF 1,800 SQUARE FEET OF FINISHED HEATED LIVING AREA. THE COMPUTATION OF SQUARE FEET OF LIVING AREA SHALL EXCLUDE GARAGES, OPEN SPACES AND BREEZENAYS.

### C. GARAGES

EACH DWELLING SHALL HAVE AN ATTACHED ENCLOSED GARAGE PROVIDING SPACE FOR A MINIMUM OF TWO AUTOMOBILES. CARPORTS ARE PROHIBITED. GLASS IN VEHICULAR ENTRY DOORS IS PROHIBITED.

### D. FOUNDATIONS

THE EXTERIOR SURFACE OF ANY EXPOSED FOUNDATION, INCLUDING STEM WALLS, SHALL BE OF BRICK, STONE OR STUCCO.

### E. MASONRY

THE EXTERIOR WALLS (EXCLUDING WINDOWS AND DOORS) SHALL BE 80% BRICK, NATURAL ROCK OR STUCCO. VINYL SIDING OF ANY EXTERIOR WALL IS PROHIBITED. THE ARCHITECTURAL COMMITTEE MAY IN THE PARTICULAR INSTANCE AND UPON WRITTEN REQUEST APPROVE A WAIVER OF THE RESTRICTIONS SET FORTH IN THIS SUBSECTION.

### F. WINDOWS

VINYL WINDOWS SHALL BE USED. METAL WINDOWS ARE RESTRICTED, HOWEVER, THE ARCHITECTURAL COMMITTEE MAY IN THE PARTICULAR INSTANCE AND UPON WRITTEN REQUEST APPROVE A WAIVER OF THE METAL WINDOW RESTRICTIONS SET FORTH IN THIS SUBSECTION.

### G. ROOF FLASHING

EXPOSED ROOF FLASHING, VENT PIPES AND CHIMNEY COVERS SHALL BE PAINTED.

### H. ROOF PITCH

NO DWELLING SHALL HAVE A ROOF PITCH OF LESS THAN 8/12, PROVIDED HOWEVER, THE ARCHITECTURAL COMMITTEE MAY, IN THE PARTICULAR INSTANCE AND UPON WRITTEN REQUEST, APPROVE A WAIVER OF THIS RESTRICTION TO PERMIT A DWELLING HAVING A FLAT ROOF AREA EQUAL TO NO MORE THAN TWENTY PERCENT (20%) OF THE AREA COVERED BY ALL ROOF SURFACES.

### I. ROOFING MATERIALS

ROOFS SHALL BE COMPOSITION SHINGLE ROOF - HERITAGE II, PROVIDED HOWEVER, IF FEDERAL, STATE, OR LOCAL LAWS PROHIBIT SUCH ROOFING OR SUBSTANTIALLY IMPAIR THE ENFORCEMENT OF THIS RESTRICTION OR IF HERITAGE II ROOFING IS NOT REASONABLY AVAILABLE, THE ARCHITECTURAL COMMITTEE MAY APPROVE FOR THE SUBDIVISION, SPECIFICATIONS FOR ALTERNATIVE ROOFING THAT IS HEAVY DUTY ORGANIC OR INORGANIC COMPOSITION SHINGLE AND WHICH SIMULATES A "WEATHERED WOOD" LOOK.

## J. ON-SITE CONSTRUCTION

NO EXISTING OR OFF-SITE BUILT DWELLING MAY BE MOVED ONTO OR PLACED ON ANY LOT.

## K. OUTBUILDINGS

OUTBUILDINGS ARE PROHIBITED. HOWEVER, THE ARCHITECTURAL COMMITTEE MAY IN THE PARTICULAR INSTANCE AND UPON WRITTEN REQUEST APPROVE A WAIVER OF THE RESTRICTIONS SET FORTH IN THIS SUBSECTION.

## L. SWIMMING POOLS

ABOVE GROUND SWIMMING POOLS ARE PROHIBITED.

## M. INTERIOR FENCING

INTERIOR FENCING OR WALLS SHALL NOT EXTEND BEYOND THE FRONT BUILDING LINE OF THE LOT, AND IF A DWELLING IS BUILT BEHIND THE FRONT BUILDING LINE OF A LOT, NO FENCE MAY EXTEND BEYOND THAT POINT NEAREST THE STREET AT EACH END CORNER OF THE DWELLING. INTERIOR FENCES OR WALLS SHALL BE OF WOOD, BRICK, STUCCO, NATURAL STONE OR WROUGHT IRON. CHAIN LINK, BARBED WIRE, WESHED OR OTHER METAL FENCING IS SPECIFICALLY PROHIBITED. NO INTERIOR FENCE OR WALL SHALL EXCEED SIX FEET IN HEIGHT. THE ARCHITECTURAL COMMITTEE MAY, IN THE PARTICULAR INSTANCE AND UPON WRITTEN REQUEST, APPROVE A WAIVER OF THE FOREGOING RESTRICTIONS.

## N. ANTENNAS

EXTERIOR TELEVISION, "CB" RADIO OR OTHER TYPES OF ANTENNA SHALL BE PROHIBITED, PROVIDED HOWEVER, SATELLITE DISHES OR SIMILAR OUTSIDE ELECTRONIC RECEPTION DEVICES NOT EXCEEDING 20 INCHES IN DIAMETER AND NOT VISIBLE FROM THE FRONT BOUNDARY OF THE LOT, SHALL BE PERMITTED. THE ARCHITECTURAL COMMITTEE MAY, IN THE PARTICULAR INSTANCE AND UPON WRITTEN REQUEST, APPROVE A WAIVER OF THE FOREGOING RESTRICTIONS.

## O. LOT MAINTENANCE

NO INCOPERATIVE VEHICLE OR MACHINERY SHALL BE STORED ON ANY LOT, AND EACH LOT SHALL BE MAINTAINED IN A NEAT AND ORDERLY CONDITION FREE OF RUBBISH, TRASH, OR OTHER DEBRIS AND SHALL BE CUT, TRIMMED OR MOWED TO PREVENT UNSIGHTLY GROWTH OF WEEDS OR TALL GRASS.

## P. RECREATIONAL VEHICLES

BOATS, TRAILERS, CAMPERS, MOTORHOMES AND SIMILAR RECREATIONAL EQUIPMENT SHALL NOT BE STORED ON ANY LOT FOR A PERIOD EXCEEDING 24 HOURS IF IN VIEW FROM AN ADJOINING STREET OR FROM AN ADJOINING LOT.

## Q. CLOTHESLINES AND TRASH RECEPTACLES

EXTERIOR CLOTHESLINE POLES OR OTHER OUTDOOR DRYING APPARATUS ARE PROHIBITED. BARBECUE GRILLS AND OTHER TRASH RECEPTACLES SHALL BE OUT OF VIEW FROM ANY ADJOINING STREET OR FROM ANY ADJOINING LOT EXCEPT DURING REASONABLE TIMES NECESSARY TO PERMIT CURBSIDE PICKUP.

## R. MAILBOXES

AS LONG AS A RURAL TYPE MAILBOX IS IN USE IN "VILLAGE AT THE LEGENDS" FOR UNITED STATES POSTAL SERVICE, ALL MAILBOX PEDESTALS SHALL CONFORM IN DESIGN TO SPECIFICATIONS APPLICABLE TO THE SUBDIVISION AS ESTABLISHED BY THE ARCHITECTURAL COMMITTEE. THE MAILBOX SHALL BE POSITIONED SO THAT THE FRONT FACE IS APPROXIMATELY SIX (6) INCHES IN FROM THE BASE OF THE CURB AND SIX (6) FEET FROM THE "INSIDE EDGE" OF THE DRIVEWAY. "INSIDE EDGE" SHALL MEAN THE EDGE OF THE DRIVEWAY WHICH BORDERS THE LARGEST CONTIGUOUS LOT AREA. THE TOP OF THE MAILBOX SHALL BE FORTY-TWO (42) INCHES FROM STREET LEVEL.

## S. ANIMALS

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

## T. NOXIOUS ACTIVITY

NO NOXIOUS OR OFFENSIVE TRADE OR ACTIVITY SHALL BE CARRIED OUT UPON ANY LOT, NOR SHALL ANYTHING BE DONE THEREON THAT MAY BE OR MAY BECOME AN ANNOYANCE OR NUISANCE TO THE NEIGHBORHOOD.

## U. SIGNAGE

NO SIGN OTHER THAN CUSTOMARY NAME PLATE AND ADDRESS SHALL BE LOCATED ON ANY LOT IN PUBLIC VIEW, EXCEPT ONE SIGN OF NOT MORE THAN FIVE (5) SQUARE FEET ADVERTISING THE PROPERTY FOR SALE OR SIGNS USED BY A BUILDER TO ADVERTISE THE PROPERTY DURING THE CONSTRUCTION AND SALES PERIOD. NO RENT OR LEASE SIGNS ARE ALLOWED.

## V. MATERIALS AND STORAGE

NO LOT SHALL BE USED FOR THE STORAGE OF MATERIALS FOR A PERIOD OF GREATER THAN THIRTY (30) DAYS PRIOR TO THE START OF CONSTRUCTION AND THE CONSTRUCTION PERIODS SHALL BE COMPLETED WITHIN NINE (9) MONTHS, THEREAFTER. EACH LOT SHALL BE MAINTAINED IN A NEAT AND ORDERLY CONDITION.

## W. BUILDING SETBACKS

FRONT YARD	20 FT
REAR YARD	20 FT
SIDE YARD	6 FT AND 5 FT
SIDE YARD ADJACENT TO STREET	15 FT
MINIMUM FOR SIDE ENTRY GARAGE	20 FT

## SECTION IV. HOMEOWNERS ASSOCIATION

### A. FORMATION OF HOMEOWNERS ASSOCIATION

THE OWNER HAS FORMED OR SHALL CAUSE TO BE FORMED AN ASSOCIATION OF THE OWNERS OF THE RESIDENTIAL LOTS WITHIN VILLAGE AT THE LEGENDS (HEREINAFTER REFERRED TO AS THE "HOMEOWNERS ASSOCIATION") TO BE FORMED IN ACCORDANCE WITH THE STATUTES OF THE STATE OF OKLAHOMA, AND TO BE FORMED FOR THE GENERAL PURPOSE OF MAINTAINING THE COMMON AREAS OF THE SUBDIVISION, INCLUDING BUT WITHOUT LIMITATION, RESERVE "A" AND THE FENCE EASEMENT FOR THE FURTHER PURPOSES OF ENHANCING THE VALUE, DESIRABILITY AND ATTRACTIVENESS OF VILLAGE AT THE LEGENDS. THE DETAILS OF ASSOCIATION MEMBERSHIP, INCLUDING ASSESSMENTS SHALL BE ESTABLISHED BY A DECLARATION RECORDED OR TO BE RECORDED IN THE OFFICE OF THE COUNTY CLERK, TULSA COUNTY, OKLAHOMA.

### B. MANDATORY MEMBERSHIP

EACH RECORD OWNER OF A RESIDENTIAL LOT WITHIN "VILLAGE AT THE LEGENDS" SHALL BE A MEMBER OF THE HOMEOWNERS ASSOCIATION. MEMBERSHIP IN THE HOMEOWNERS ASSOCIATION SHALL BE APPURTENANT TO AND MAY NOT BE SEPARATED FROM THE OWNERSHIP OF THE RESIDENTIAL LOT.

### C. ASSESSMENT

EACH RECORD OWNER OF A RESIDENTIAL LOT WITHIN "VILLAGE AT THE LEGENDS" SHALL BE SUBJECT TO ASSESSMENT BY THE HOMEOWNERS ASSOCIATION FOR THE PURPOSES OF IMPROVEMENT AND MAINTENANCE OF THE STORMWATER DETENTION FACILITIES AND OTHER COMMON AREAS OF THE SUBDIVISION.

## SECTION V. ENFORCEMENT, DURATION, AMENDMENT AND SEVERABILITY

### A. ENFORCEMENT

THE RESTRICTIONS HEREIN SET FORTH ARE COVENANTS TO RUN WITH THE LAND AND SHALL BE BINDING UPON THE OWNER/DEVELOPER, ITS SUCCESSORS AND ASSIGNS. WITHIN THE PROVISIONS OF SECTION I, PUBLIC STREETS, EASEMENTS AND UTILITIES, ARE SET FORTH CERTAIN COVENANTS AND THE ENFORCEMENT RIGHTS PERTAINING THERE TO AND WHETHER OR NOT THEREIN SO STATED, THE COVENANTS WITHIN SECTION I, SHALL INURE TO THE BENEFIT OF AND BE ENFORCEABLE BY THE CITY OF BIXBY, OKLAHOMA. THE COVENANTS CONTAINED IN SECTION II, PLANNED UNIT DEVELOPMENT RESTRICTIONS, ARE ESTABLISHED PURSUANT TO THE PLANNED UNIT DEVELOPMENT PROVISIONS OF THE BIXBY ZONING CODE AND SHALL INURE TO THE BENEFIT OF AND BE ENFORCEABLE BY THE OWNER OF ANY RESIDENTIAL LOT WITHIN "VILLAGE AT THE LEGENDS" AND/OR THE HOMEOWNERS ASSOCIATION AND/OR THE CITY OF BIXBY, OKLAHOMA. THE COVENANTS CONTAINED IN SECTION III, PRIVATE RESTRICTIONS AND SECTION IV, HOMEOWNERS ASSOCIATION SHALL INURE ONLY TO THE BENEFIT OF AND BE ENFORCEABLE BY THE OWNERS OF THE RESIDENTIAL LOTS AND/OR THE HOMEOWNERS ASSOCIATION. IF THE UNDERSIGNED OWNER/DEVELOPER, OR ITS

SUCCESSORS OR ASSIGNS, SHALL VIOLATE ANY OF THE COVENANTS WITHIN SECTION I, THE SUPPLIER OF UTILITY SERVICES AND/OR THE CITY OF BIXBY, OKLAHOMA MAY BRING AN ACTION AT LAW OR IN EQUITY AGAINST THE PERSON OR PERSONS VIOLATING OR ATTEMPTING TO VIOLATE ANY SUCH COVENANT, TO PREVENT HIM OR THEM FROM SO DOING OR TO COMPEL COMPLIANCE WITH THE COVENANT OR TO RECOVER DAMAGES. IF THE UNDERBOWED OWNER/DEVELOPER, OR ITS SUCCESSORS OR ASSIGNS, SHALL VIOLATE ANY OF THE COVENANTS WITHIN SECTION II, IT SHALL BE LAWFUL FOR ANY PERSON OWNING ANY RESIDENTIAL LOT WITHIN "VILLAGE AT THE LEGENDS", AND/OR THE HOMEOWNERS' ASSOCIATION AND/OR THE CITY OF BIXBY TO BRING AN ACTION AT LAW OR IN EQUITY AGAINST THE PERSON OR PERSONS VIOLATING OR ATTEMPTING TO VIOLATE ANY SUCH COVENANT, TO PREVENT HIM OR THEM FROM SO DOING OR TO COMPEL COMPLIANCE WITH THE COVENANT OR TO RECOVER DAMAGES. IF THE UNDERBOWED OWNER/DEVELOPER, OR ITS SUCCESSORS OR ASSIGNS, SHALL VIOLATE ANY OF THE COVENANTS WITHIN SECTION III OR SECTION IV, IT SHALL BE LAWFUL FOR ANY PERSON OWNING ANY RESIDENTIAL LOT WITHIN "VILLAGE AT THE LEGENDS" AND/OR THE HOMEOWNERS' ASSOCIATION TO BRING AN ACTION AT LAW OR IN EQUITY AGAINST THE PERSON OR PERSONS VIOLATING OR ATTEMPTING TO VIOLATE ANY SUCH COVENANT, TO PREVENT HIM OR THEM FROM SO DOING OR TO COMPEL COMPLIANCE WITH THE COVENANT OR TO RECOVER DAMAGES. IN ANY JUDICIAL ACTION TO ENFORCE THE PROVISIONS OF SECTION III OR SECTION IV, THE PREVAILING PARTY MAY RECOVER REASONABLE COSTS AND ATTORNEY FEES.

**B. DURATION**

THESE RESTRICTIONS, TO THE EXTENT PERMITTED BY APPLICABLE LAW, SHALL BE PERPETUAL BUT IN ANY EVENT SHALL BE IN FORCE AND EFFECT FOR A TERM OF NOT LESS THAN THIRTY (30) YEARS FROM THE DATE OF THE RECORDING OF THIS DEED OF DEDICATION UNLESS TERMINATED OR AMENDED AS HERINAFTER PROVIDED.

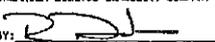
**C. AMENDMENT**

THE COVENANTS CONTAINED WITHIN SECTION I, PUBLIC STREETS, EASEMENTS AND UTILITIES, MAY BE AMENDED OR TERMINATED AT ANY TIME BY WRITTEN INSTRUMENT SIGNED AND ACKNOWLEDGED BY THE OWNER OF THE LAND TO WHICH THE AMENDMENT OR TERMINATION IS TO BE APPLICABLE AND APPROVED BY THE BIXBY PLANNING COMMISSION, OR ITS SUCCESSORS AND THE CITY OF BIXBY, OKLAHOMA. THE COVENANTS CONTAINED WITHIN SECTION II, PLANNED UNIT DEVELOPMENT RESTRICTIONS, SECTION III, PRIVATE RESTRICTIONS AND SECTION IV, HOMEOWNERS ASSOCIATION, MAY BE AMENDED OR TERMINATED AT ANY TIME BY A WRITTEN INSTRUMENT SIGNED AND ACKNOWLEDGED BY BIST AND MEMORIAL, LLC DURING EACH PERIOD THAT BIST AND MEMORIAL LLC IS THE OWNER OF AT LEAST 10 RESIDENTIAL LOTS WITHIN "VILLAGE AT THE LEGENDS" OR ALTERNATIVELY THE COVENANTS CONTAINED WITHIN SECTION II, SECTION III OR SECTION IV MAY BE AMENDED OR TERMINATED AT ANY TIME BY A WRITTEN INSTRUMENT SIGNED AND ACKNOWLEDGED BY THE OWNERS OF MORE THAN 70% OF THE RESIDENTIAL LOTS AND APPROVED BY THE BIXBY PLANNING COMMISSION OR ITS SUCCESSORS. IN THE EVENT OF ANY CONFLICT BETWEEN AN AMENDMENT OR TERMINATION PROPERLY EXECUTED BY BIST AND MEMORIAL, LLC (DURING ITS OWNERSHIP OF AT LEAST 10 RESIDENTIAL LOTS), AND ANY AMENDMENT OR TERMINATION PROPERLY EXECUTED BY THE OWNERS OF 70% OF THE RESIDENTIAL LOTS WITHIN "VILLAGE AT THE LEGENDS", THE INSTRUMENT EXECUTED BY BIST AND MEMORIAL, LLC SHALL PREVAIL DURING THE TIME OF BIST AND MEMORIAL, LLC'S OWNERSHIP OF AT LEAST 10 RESIDENTIAL LOTS. THE PROVISIONS OF ANY INSTRUMENT AMENDING OR TERMINATING COVENANTS AS ABOVE SET FORTH SHALL BE EFFECTIVE FROM AND AFTER THE DATE IT IS PROPERLY RECORDED.

**D. SEVERABILITY**

INVALIDATION OF ANY RESTRICTION SET FORTH HEREIN, OR ANY PART THEREOF, BY AN ORDER, JUDGMENT, OR DECREE OF ANY COURT, OR OTHERWISE, SHALL NOT INVALIDATE OR AFFECT ANY OF THE OTHER RESTRICTIONS OR ANY PART HEREOF AS SET FORTH HEREIN, WHICH SHALL REMAIN IN FULL FORCE AND EFFECT.

IN WITNESS WHEREOF, BIST AND MEMORIAL LLC, AN OKLAHOMA LIMITED LIABILITY COMPANY HAS EXECUTED THIS INSTRUMENT THE 30TH DAY OF AUGUST, 2008.

BIST AND MEMORIAL LLC, AN  
OKLAHOMA LIMITED LIABILITY COMPANY  
BY:   
RICHARD L. DORSAN, MANAGER

STATE OF OKLAHOMA }  
COUNTY OF TULSA } ss.

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 30TH DAY OF AUGUST, 2008, BY RICHARD L. DORSAN, AS MANAGER OF BIST AND MEMORIAL LLC, AN OKLAHOMA LIMITED LIABILITY COMPANY.

AUGUST 28, 2009  
BY COMMISSION EXPIRES

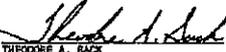
  
NOTARY PUBLIC



**Certificate of Survey**

I, THEODORE A. BACK, OF BACK AND ASSOCIATES, INC., 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 "VILLAGE AT THE LEGENDS", A SUBDIVISION IN THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA, IS A TRUE 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.

EXECUTED THIS 30TH DAY OF AUGUST, 2008.

  
THEODORE A. BACK  
REGISTERED PROFESSIONAL LAND  
SURVEYOR, OKLAHOMA NO. 1139



STATE OF OKLAHOMA }  
COUNTY OF TULSA } ss.

DATE SIGNED: 8-28-08

THE FOREGOING CERTIFICATE OF SURVEY WAS ACKNOWLEDGED BEFORE ME THIS 30TH DAY OF AUGUST, 2008, BY THEODORE A. BACK.

AUGUST 28, 2009  
BY COMMISSION EXPIRES

  
NOTARY PUBLIC



