

AGENDA
PLANNING COMMISSION
116 WEST NEEDLES, BIXBY, OKLAHOMA
May 31, 2016 6:00 PM

SPECIAL-CALLED MEETING

CALL TO ORDER

ROLL CALL

CONSENT AGENDA

1. Approval of Minutes for the Regular Meeting's: March 21 and April 18, 2016
2. Approval of Minutes for the Specially Scheduled Work Session between Planning Commission and City Council on Monday, March 28, 2016

PUBLIC HEARINGS

PLATS

3. **FINAL PLAT-PINE VALLEY ADDITION, PUD 12-D, BLOCKS 4-9:**
Applicant, Tanner Consulting on behalf of Stone Horse Development, LLC
Discussion and consideration of a Final Plat for *Pine Valley Addition, PUD 12-D, Blocks 4-9*, 84 Lots, 33.717 Acres
Section 16, Township 17, Range 13
Property generally located: east of Harvard Avenue and south of 141st Street about one-quarter mile
4. **FINAL PLAT-PINE VALLEY ADDITION, PUD 12-D, BLOCKS 10-11:**
Applicant, Tanner Consulting on behalf of Stone Horse Development, LLC
Discussion and consideration of a Final Plat for *Pine Valley Addition, PUD 12-D, Blocks 10-11*, 9 Lots, 4.346 Acres
Section 16, Township 17, Range 13
Property generally located: east of Harvard Avenue and south of 141st Street less than half a mile
5. **PRELIMINARY PLAT-SEVEN LAKES VII: Applicant, Tanner Consulting on behalf of Stone Horse Development, LLC**
Discussion and possible action to approve a Preliminary Plat for *Seven Lakes VII*, 2 Lots, 0.625 Acres
Section 2, Township 17, Range 13

Property generally located: east of Sheridan Road and one-half mile north of 131st Street.

6. PRELIMINARY PLAT-ADDISON CREEK: (Continued from the Regularly Scheduled Planning Commission Meeting of April 18, 2016, with modifications)

Applicant, Tanner Consulting on behalf of Stone Horse Development, LLC

Discussion and possible action to approve a Preliminary Plat for *Addison Creek*, 61 lots, 29.138 Acres

Section 2, Township 17, Range 13

Property generally located: east of Sheridan Road and one quarter to one-half mile north of 131st Street

OTHER BUSINESS

7. Discussion of Use Unit 17 and Use Unit 25: Development Services Staff

Discussion and consideration of Use Unit 17 and Use Unit 25 in regards to the proper zoning designation for automotive collision repair requiring the use of paint to complete their restoration project

OLD BUSINESS

NEW BUSINESS

ADJOURNMENT

Posted By: Marcae' Hilton

Date: May 17, 2016

Time: 11:00am

**MINUTES
PLANNING COMMISSION
116 WEST NEEDLES
BIXBY, OKLAHOMA
MARCH 21, 2016 6:00 PM**

In accordance with the Oklahoma Open Meeting Act, Title 25 O.S. Section 311, the agenda for this meeting was posted on the bulletin board in the lobby of City Hall, 116 W. Needles Ave., Bixby, Oklahoma on the date and time as posted thereon, a copy of which is on file and available for public inspection, which date and time was at least twenty-four (24) hours prior to the meeting, excluding Saturdays and Sundays and holidays legally declared by the State of Oklahoma.

STAFF PRESENT:

Patrick Boulden, Esq., City Attorney
Marcae' Hilton, City Planner
Jason Mohler, Development Services Director
Jim Coffey, Development Services (Consultant)

OTHERS ATTENDING:

See attached Sign-In Sheet

CALL TO ORDER:

Chair Lance Whisman called the meeting to order at 6:04 PM.

ROLL CALL:

Members Present: Larry Whiteley, Jerod Hicks, and Lance Whisman
Members Absent: Tom Holland, Steve Sutton

1. Nomination and election of Secretary (City Code Section 10-1-3)

Chairman Lance Whisman introduced new City Planner, Marcae' Hilton, and new Development Services Director, Jason Mohler, to the board. Lance Whisman made a MOTION to APPROVE Jason Mohler as the PC Secretary and Marcae' Hilton as Assistant Secretary. Larry Whitely SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Whiteley, Hicks and Whisman.
NAY: None.
ABSTAIN: None.
MOTION PASSED: 3:0:0

2. Approval of Minutes for the February 16, 2016 Regular Meeting

City Planner Marcae' Hilton asked to pass the February 16, 2016 Minutes of the Regular Meeting until the next Regular Meeting. Larry Whiteley made a MOTION to APPROVE passing the February 16, 2016 Minutes until the next Regular meeting. Jerod Hicks SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Whiteley, Hicks and Whisman.
NAY: None.
ABSTAIN: None.
MOTION PASSED: 3:0:0

PUBLIC HEARINGS

3. **BCPA-14 – City of Bixby.** Public Hearing to receive Public review and comment, and Planning Commission recommendations regarding the adoption of a proposed amendment to the Comprehensive Plan Text regarding policy on single-family residential entitlements including preference for Planned Unit Developments (PUDs), amending the Matrix to Determine Bixby Zoning Relationship to the Bixby Comprehensive Plan, recommending additions, subtractions, and/or changes to certain residential zoning districts in the Zoning Code, and making certain other amendments.

4. **Zoning Code Text Amendment.** Public Hearing to receive Public review and comment, and Planning Commission recommendations regarding the adoption of a proposed amendment to the Zoning Code of the City of Bixby, Oklahoma, pursuant to Oklahoma Statutes Title 11 Section 43-101 et seq. and Bixby Zoning Code/City Code Title 11 Section 11-5-3, to add, subtract, and/or change certain residential zoning districts, to amend Section 11-2-1 to define “masonry” and “masonry alternatives,” and to make certain other amendments.

Chair Lance Whisman introduced Items 3 and 4 in a combined fashion and asked Jim Coffey for the Staff Report and recommendation. Jim Coffey presented the background information and Staff recommendation. Chair Lance Whisman asked if there was anyone in the audience here to speak on the item. Mike Maguffee spoke and requested the opportunity to review the Staff Report and noted that Planning Commission Minutes have not been posted for past meetings. Discussion continued regarding the Planning Commissions desire to continue the item and communicate further with Staff and City Council. Jarod Hicks requested an opportunity to collaborate with City Council in an upcoming City Council Work Session. Larry Whiteley made a MOTION to CONTINUE the public hearing to the next regular scheduled Planning Commission meeting. Jerod Hicks seconded the MOTION. Roll was called:

ROLL CALL:

AYE: Whiteley, Hicks and Whisman.
NAY: None.
ABSTAIN: None.
MOTION PASSED: 3:0:0

PLATS

5. **Preliminary Plat – “Chisholm Ranch II” – Tanner Consulting.** Discussion and consideration of a Preliminary Plat for “Chisholm Ranch II”, approximately 26.056 acres (68 Lots) in the NW/4 of Section 6, T17N, R14E.
-

Chair Lance Whisman introduced the Item 5 and asked Marcae’ Hilton for the Staff Report and recommendation. Marcae’ Hilton presented the background information and Staff recommendation. Ricky Jones with Tanner Consulting concurred with Staff. Jarod Hicks asked a question about resolution of the sidewalks. Mr. Jones confirmed resolution and indicated that are going to construct sidewalks along the frontage. Chair Lance Whisman asked if there was anyone in the audience here to speak on the item. Mike Maguffee expressed concern with sidewalk construction for Seven Lakes. Jarod Hicks made a MOTION to APPROVE the Preliminary Plat for “Chisholm Ranch II”. Larry Whiteley seconded the MOTION. Roll was called:

ROLL CALL:

AYE: Whiteley, Hicks and Whisman.
NAY: None.
ABSTAIN: None.
MOTION PASSED: 3:0:0

6. **Preliminary Plat – Chisholm Ranch Villas II – Tanner Consulting.** Discussion and consideration of a Preliminary Plat for “Chisholm Ranch Villas II”, approximately 4.654 acres (16 Lots) in the NW/4 of Section 6, T17N, R14E.
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Chair Lance Whisman introduced the Item 6 and asked Marcae’ Hilton for the Staff Report and recommendation. Marcae’ Hilton presented the background information and Staff recommendation specifically noting the gate requirements. Marcae’ Hilton requested that the Applicant address all Preliminary Plat comments before submittal of the Final Plat. Ricky Jones with Tanner Consulting concurred with Staff. Chair Lance Whisman asked if there was anyone in the audience here to speak on the item: none. Larry Whiteley made a MOTION to APPROVE the Preliminary Plat for “Chisholm Ranch Villas II”. Jarod Hicks seconded the MOTION. Roll was called:

ROLL CALL:

AYE: Whiteley, Hicks and Whisman.
NAY: None.
ABSTAIN: None.
MOTION PASSED: 3:0:0

OTHER BUSINESS

7. **BL-402 – Stephen Linn.** Discussion and possible action to approve a Lot-Split for approximately Lots 9 and 10, Block 3, *WoodMere*
-

Chair Lance Whisman introduced the Item 7 and asked Jason Mohler for the Staff Report and recommendation. Jason Mohler presented the background information and Staff recommendation. The Applicant and property Owner, Mr. Stephen Linn, was present and expressed agreement with City Staff. Chair Lance Whisman asked if there was anyone in the audience here to speak on the item: none. Jarod Hicks made a MOTION to APPROVE the Lot-Split. Larry Whiteley seconded the MOTION. Roll was called:

ROLL CALL:

AYE: Whiteley, Hicks and Whisman.
NAY: None.
ABSTAIN: None.
MOTION PASSED: 3:0:0

ADJOURNMENT:

There being no further business, Chair Lance Whisman declared the meeting Adjourned at 6:32 PM.

APPROVED BY:

Chair

Date

City Planner/Recording Secretary

BIXBY PLANNING COMMISSION
SIGN IN SHEET
DATE: March 21, 2016

NAME	ADDRESS	ITEM
1. STEPHEN LUNN	9626 S. VANDALIA TULSA	BL-402
2. MIKE MAGUIFFE	0698 E. 127ST. S.	
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**MEETING MINUTES
PLANNING COMMISSION
116 WEST NEEDLES, BIXBY, OKLAHOMA
April 18, 2016 6:00 PM**

In accordance with the Oklahoma Open Meeting Act, Title 25 O.S. Section 311, the agenda for this meeting was posted on the bulletin board in the lobby of City Hall, 116 W. Needles Ave., Bixby, Oklahoma on the date and time as posted thereon, a copy of which is on file and available for public inspection, which date and time was at least twenty-four (24) hours prior to the meeting, excluding Saturdays and Sundays and holidays legally declared by the State of Oklahoma.

CALL TO ORDER: Chair Lance Whisman called the meeting to order at 6:11 PM.

ROLL CALL

PLANNING COMMISSION (PC):

Members Present: Lance Whisman (Chairman)
Steve Sutton (Vice Chair)
Larry Whiteley

Members Absent: Tom Holland, Jerod Hicks

STAFF PRESENT:

Patrick Boulden, Esq., City Attorney
Marcae' Hilton, City Planner
Jason Mohler, Development Services Director & City Engineer
Jim Coffey, City (Consultant)

OTHERS ATTENDING:

See attached Sign-In Sheet
Tanner Consulting

CONSENT AGENDA

1. Approval of Minutes for the Regular Meeting's:
January 19, 2016
February 16, 2016
March 21, 2016

Approval of Minutes from the Specially Scheduled Work Session between Planning Commission and City Council on Monday, March 28, 2016

DISCUSSION: Chairman Lance Whisman

MOTION: Larry Whitley-move to approve the meeting minutes from the Jan 19, 2016 and Feb 16, 2016 Planning Commission meeting.

Motion to continue the March 21, 2016 meeting minutes to the May 16, 2016 Planning Commission for approval.

Marcae Hilton the City Planner brought to the attention of Chairman Whisman, the minutes of the Specially Scheduled work session between the Planning Commission and City Council Larry made a motion to continue the meeting minutes to next meeting.

(May 16, 2016)

SECOND: Steve Sutton

ROLL CALL:

AYE: Whitley, Sutton, Whisman

NAY: None

ABSTAIN: None

MOTION PASSED: 3:0:0

PUBLIC HEARINGS:

2. BZ-389: Applicant, Jerry Green for Norma ODA Green Revocable Trust

Public Hearing, discussion, and consideration of a rezoning request RS-1 (Residential Single-Family) & CS (Shopping Center District), to PUD (Planned Unit Development) OL (Office Low Intensity) CS (Commercial Shopping) for Lot 11, Lot 12, Lot 13 of Block 7, North Heights Amended, City of Bixby, Oklahoma, Section 35, Township 18, Range 13

Property generally located: west of Memorial, North of 121st St. South about one quarter mile.

Public Hearing: BZ 389, Chairman Lance Whisman recommend the item be moved to next meeting. Marcae commented, the items were pulled from the agenda, they did not meet the public hearing notice requirement, and they will be on next agenda. No action was required.

3. PUD-93: Applicant, JR Donelson, Inc. for Norma ODA Green Revocable Trust

Public Hearing discussion, and consideration of a request for approval of Planned Unit Development (PUD) (PUD-93), on Lot 11, Lot 12, Lot 13, Block 7, North Heights Amended, City of Bixby, Oklahoma, Section 35, Township 18, Range 13

Property generally located: west of Memorial, North of 121st St. South about one quarter mile.

Public Hearing: PUD 93, Chairman Lance Whisman recommend the item be moved to next meeting. Marcae commented, the items were pulled from the agenda, they did not meet the public hearing notice requirement, and they will be on next agenda. No action was required.

PLATS:

4. PLAT (PRELIMINARY)-ADDISON CREEK: Applicant, Tanner Consulting on behalf of Stone Horse Development, LLC

AGENDA – Bixby Planning Commission

April 18, 2016

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All items are for Public Hearing unless the item is worded otherwise

Persons who require a special accommodation to participate in this meeting should contact Development Services, 116 West Needles Avenue, Bixby, Oklahoma, 918-366-4430, or via Email: jmohler@bixbyok.gov as far in advance as possible and preferably at least 48-hours before the date of the meeting. Persons using a TDD may contact OKLAHOMA RELAY at 1-800-722-0353 and voice calls should be made to 1-800-522-8506 to communicate via telephone with hearing telephone users and vice versa.

Discussion and possible action to approve a Preliminary Plat for Addison Creek, **Property generally located:** East of Sheridan Road and one quarter to one-half mile north of East 131st Street.

***39 adults present (27 adults signed up to speak) see attached list of names
7 children present***

BACKGROUND INFORMATION:

REQUEST: Preliminary Plat Approval for Addison Creek
STR: S2, T17N, R13E
LOCATION: 12500-block of S. Sheridan Road
SIZE OF TRACT: 29.762 acres, gross subdivision area
LOT INFO: 61 Lots
4 Blocks
1 Reserve

EXISTING ZONING: RS-4 Residential Single-Family District, in the 100 Year Floodplain

SURROUNDING ZONING AND LAND USE:

North: RS-4 (Residential Single-Family); Seven Lakes I, II, III, IV, V
South: AG (Agricultural); large Agricultural Tracts
West: AG (Agricultural); across Sheridan, large undeveloped Agricultural Tracts with contiguous floodplain
East: AG (Agricultural); Fry Creek, Fry Ditch No. 1, 100 Year Floodplain, undeveloped Agricultural Tracts

COMPREHENSIVE PLAN:

Low Intensity Land Use, the area is currently shown in the 100-Year Floodplain, but not listed as development sensitive per the Comprehensive Plan.

The preliminary plat for Addison Creek is generally located East of Sheridan Road and one-quarter to one-half mile north of 131st Street South. The proposed plat consists of 61 lots on 29.762 acres. The property is currently zoned RS-4, per BZ-309 which was sent to City Council as a second reading for approval

amending Ordinance No. 272 and was filed in Tulsa County as Ordinance No. 901 on March 3, 2005.

The entire plat is located within a 100-year floodplain. The City Engineer has detailed comments requiring extensive documentation and finish floor elevations to be included in the Final Plat. Please see attached Engineering Memo.

This item was heard by Technical Advisory Committee (TAC) on Wednesday, April 6, 2016. There was a request for additional easements from the utility companies please see the TAC minutes and attached drawing from COX Communications. The Fire Marshal provided comments, please see the attached Fire Marshal Memo. Staff is working with Tanner Consulting to resolve these comments. Staff requests all comments be resolved before submittal of the Final Plat.

City Attorney, Patrick Boulden: Planning Commission (PC) reviews plats as a recommending body to City Council, looks at technical requirements and makes sure plat meets subdivision requirements. We understand there is litigation on this property, advised on injunction on this property, Bixby has not been served. I have advised the planning commission any comments should not be based on the litigation, but if the plat meets the subdivision regulations as provided in our ordinances. I have advised Staff to go ahead and act on the plat.

Vice Chair (PC), Steve Sutton: Wanted to make sure everyone understood what the City Attorney said, Planning Commission is the technical arm, approve the format of things presented to us. If the intent of most of the people here is to stop the action of the City, the correct/perfect venue is the City Council, they are elected officials. I am glad you are here; we want to hear what you have to say. You can still speak, but City Council meeting is the correct place to speak. Asked Patrick to state the format and explain what the Planning Commission and City Council are able to do. City council can say stop, we can just say “not this way”.

Chair (PC), Lance Whisman: 2 comments

If someone already said a point just say it has been covered.

We have children, so please be civil, a request on my part.

When you come up state our name and address.

Guest, Mike Maguffee: is Tanner going to make a presentation?

Applicant, TANNER CONSULTING: Present Ricky Jones, Justin Morgan, one of the developers

Applicant, Ricky Jones: 5323 S Lewis Ave, Tulsa, OK 74105

Cul-de-sac length and stub street to the south, will work with Fire Department and City Staff, and if inclined PC and CC can approve

We are exceeding what City requires, minimum square feet, 2000 per house

REQUEST TO MODIFY: 75% masonry, covenants say 100%, we got ahead of our developer

RS-4 not in a PUD, lots usually 50 foot wide lots, we are exceeding that, proposing 80 and 85 foot lots exceeding zoning.

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Chair (PC), Lance Whisman: looks like about 79.5 is the smallest width, asked if any questions about sidewalks

Applicant, Ricky Jones: exceeding regulations by masonry

City Planner Marcae': sidewalks come up during the site plan phase. Sidewalks will be built to city standards

Guest: Mike Maguffee: asked staff for picture of site on screen.

Chair (PC), Lance Whisman: reserve Area A-Drainage area- drain west side of Sheridan to Fry Creek

Guest: Mike Maguffee: thank you, 6698 E 127th street, Seven Lakes

Thank you to staff for transparency and access

Brevity, I will speak on behalf of most-provide brief history

Original Developers: made reference to the area south being designated as greenbelt and wetlands, each homeowner paid a premium of \$10,000 for access to the reserve.

Families have lived there for 8 years-swing sets, trees

Property was sold to a person who is developer to Seven Lakes 2, 3, 4, 5, 6

New owner developer is old owner/developer

Most people's back yard is sloped, built on fill dug out of reserve. A letter of map revision was submitted to FEMA. Map carried over in 2012. The original builders put in sprinkler systems, homeowners have landscaping, sprinklers systems.

New owner threatened a barb wire fence when purchased. New owner put up fence, the area has never been maintained by new owner, the City came out to brush hog.

The City cannot look at it as merely houses to sale. In terms of development, Bixby code and comprehensive plan-builders and developers maintain as much as green as possible.

80 acres across the street being developed by Tanner.

Much has happened that people do not know about unless you read the paper

School sold property to developer for more houses, the comp plan specifically talks about preserving land and or the wetlands. Submitted document designating Wetlands

Staff input should be more than putting dirt and raising finish floor elevation

Map is in error-school property has been rezoned. Number of issues: we look to you as people who represent the interest of the people and do the right thing

At minimum continue to next meeting when more things can be looked at

Guest: David Hodges: When was Aspen Creek area rezoned form wetlands to single family housing?

Guest: Mike Maguffee: 2005

FEMA approved, only relates to structure, your backyard is still in the floodplain,

What happens when we put this easement in and then increase drainage, all plats in Tulsa specify off site detention?

Developer said 2 reasons for fence and clearing the area

1. to get your attention
2. for drainage

There are 2 36 inch drainage pipes under Sheridan. This will increase the volume and rate of water being pushed through.

Fence was removed today.

The preliminary plat says the developer can build a wall

Please continue to next meeting we can sit down with Developer, Consultant, Planner and Engineer. There is much to consider

2 lots adjacent to Seven Lakes using seven Lakes streets, the developer said he would sale the lots to us for 20,000.00

1. these houses don't need to be there in the first place
2. floodplain issue all the way onto the property
3. 35 foot frontage on one lot

I think we are representative of the citizenry of Bixby, we understand houses provide a broader tax base to help do what we like to do, adverse to builders and developers

Continue to next meeting not a special meeting, so all the questions can be resolved

Chair (PC), Lance Whisman: any new comments?

Guest, Terry Adams: 6626 E. 127th Street, Husband Mark has attended 98% of your meetings for over a year, all meetings, City Council etc.

Postpone the item to the next meeting, other details to be considered.

20 acres assigned at time of purchase, 14.5 feet to fence, When the fence was constructed we took out rosebushes, etc. No longer have a buffer of trees, now cancelled wedding.

Concern about erosion, at base of area, 20 percent grade, also concerned the yard will have issues similar to 111th and Memorial 20 feet ravine. We don't want to have erosion issues. The developer indicated we are going to get the water; Bixby will take the hit for Tulsa water.

Special email, Mr. Maguffee can make a list of issues to be discussed.

Don't make a rush to judgement, more investigation

(PC) Larry Whiteley: Who is the present owner of the property? Stone Horse Development (Ricky)

(PC) Larry Whiteley: Who gives them the right to go on wetlands and take trees out? Doesn't wetlands regulate if you can remove trees.

Applicant, Ricky Jones: we have a wetland report and do not believe the property is part of a wetland.

(PC) Larry Whiteley: Who does those?

Applicant, Ricky Jones: Approved by the Corps of Engineer, we are in the preliminary plat, we don't get into hydrology and engineering at platting level.

(PC) Larry Whiteley: why move forward if not sure not it will get approved, don't you think it will flood after the build out?

(PC) Larry Whiteley: Who gave the permission to put the drainage for the other side of Sheridan?

Applicant, Ricky Jones: meetings with City of Bixby and Tulsa

City Engineer, Jason Mohler: Per conversation with engineer, the proposed storm sewer under South Sheridan is not intended to convey water from the west side of Sheridan. The purpose of

this pipe is only to alleviate flooding of Sheridan in high flow events. Final design shall be completed in accordance with this concept and will be vetted in the process.

(PC) Larry Whiteley: The developer got ahead of themselves by removing trees.

Chair (PC), Lance Whisman: 2 lots of Seven Lakes, originally unplatted and abuts a public street, right of access to public street.

Applicant, Ricky Jones: suggest you act on the preliminary plat, go to City Council, 45 days before final plat, plenty of time to work out and meet. I don't see the need to continue today's application. Agree with staff recommendation, no reason to delay.

Guest, Terry Adams: from experience the preliminary usually gets approved at council, we have time, this is a train wreck, no erosion, all safe, HOA issues, and covenants. Too many unanswered questions even to safety.

Vice Chair (PC), Steve Sutton: certifications of most up to date available: stormwater regulated by FEMA, Wetlands regulated by Corps of Engineers a letter from the corps is the current status

Guest, Mike Maguffee: across the street is a wetland, in the past the Commission had the preliminary plat along with final plat on same agenda don't get ahead of self

Guest, Andy Oiler: 6860 E 127th, lived in 5 states, 5 houses, looked in Jenks. Looked at Bixby, reputation is so pro-business, quality of life is secondary. Maybe we should change the reputation of Bixby. Started the meeting by passing the buck, who is accountable for quality of life. I was sold: speck home retaining wall with steps, sprinkler system, sodded. BAIT and Switch, explicitly told use it like you own it. Owner wants to retain ownership. I have 40 or 50 people who can confirm my story. I ask you to stop it now.

Guest, Mark Adams: 6626E. 127th husband to Terry Adams,

Water, drainage pipe drains water from the pond and both sides of streets, 15-foot-wide pool about 3 feet deep. Asked the developer, can you cut a trench to this area, I was not going to buy that lot knowing there was only a 15-foot pond that was going to flood? They cut a drainage for us. 4 feet deep and 5 feet wide, I am concerned about erosion and neighbors

Mr. Jenkins from another area was told, never going to build behind you

Trails at Whitehawk, never going to build behind you

Seven Lakes, now this project, never going to build behind you

Guest, Mike Ramsey: 6950 E. 127th

Terry and Mark, attended the meetings when we found out about this, further address this drainage issue off fields flooding around Sheridan. Worried about erosion

Vice Chair (PC), Steve Sutton: Jason or Jared, make a special inquires Tulsa is not going to push that water over on us.

Chair (PC), Lance Whisman: water flow, assume water continues the on to the basin.

Applicant, Ricky Jones: we are doing the subdivisions around the plat, we are familiar with the hydrology.

Guest, Mike Maguffee: PUD 812, water gently flows to the east, Stormwater runoff will be stored off site. Bent River, 2014, called for the same thing, same developer

MOTION-(PC) Larry Whiteley: extend to next meeting so we can look at this a little bit farther

AGENDA – Bixby Planning Commission

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Chair (PC): Lance Whisman: 2nd?

Vice Chair (PC), Steve Sutton: comment first, I don't like passing the buck, my comments originally were to make sure if you want to stop something in its tracks, I know how to do it, and it is in front of CC. I do agree about a continuance, but because there are too many issues which need to be dove into a little bit more. It appears the owner and engineering group needs to meet with the subdivision, I hope you don't need to get the attorneys in it I how when you all come back we will have something different to play with.

Chair (PC): Lance Whisman: Motion by Larry and Second by Steve, recommendation-be continued to the next PC meeting.

City Planner Marcae': May 16 PC meeting.

MOTION: Larry Whitley

SECOND: Steve Sutton

ROLL CALL:

AYE: Whitley, Sutton, Whisman

NAY: None

ABSTAIN: None

MOTION PASSED: 3:0:0

Chair (PC): Lance Whisman: Take a break for 10 minutes

OTHER BUSINESS

5. BCPA-16: City of Bixby

Continuation of the Public Hearing from March 21, 2016 regular Planning Commission Meeting: to receive Public review and comment, and Planning Commission recommendations regarding the adoption of a proposed amendment to the Comprehensive Plan Text concerning policy on single-family residential entitlements, including preference for Planned Unit Developments (PUDs), amending the Matrix to Determine Bixby Zoning Relationship to the Bixby Comprehensive Plan, recommending additions, subtractions, and/or changes to certain residential zoning districts in the Zoning Code, and making various other amendments.

City Consultant, Jim Coffey:

ORDINANCE BCPA -14 AN ORDINANCE TO AMEND THE COMPREHENSIVE PLAN ADD AND CHANGE CERTAIN OBJECTIVED, AREA POLICIES, AND EXHIBIT 5 MATRIC TO DETERMINE ZONING RELATIONSHIP TO BIXBY COMPREHENSIVE PLAN TO WIT:

Page 33 Residential Area Objectives add the following new items:

4. Better residential development outcome will result with more properties developing by PUD Planned Unit Development and utilizing development standards appropriate to context.

5. New residential developments will achieve the highest measure of compatibility and consistency with the context of the surrounding neighborhoods

Page 33, Residential Area Policies should be amended and reorganized as follows:

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1. Residential areas will be zoned, designed and developed to ensure the existing and future use of those areas as residential. Residential areas will be located primarily in a neighborhood and may be located in activity centers and corridors according to the Urban Development Design Guideline goals, objectives, and policies.
2. The City of Bixby has observed that better residential development outcomes result when properties develop by PUD Planned Unit Development and utilize development standards appropriate to context. PUD's typically secure better planning and site design and afford the community the ability to provide more input into the design, minimum construction standards, and development amenities. Development standards, established through the PUD or land use restrictions contained within a subdivision plat, should be planned to achieve the highest measure of compatibility and consistency with the context of the surrounding neighborhoods.
3. Residential development within areas subject to periodic flooding will be strongly discouraged and regulated. Compliance with flood prevention codes and other applicable regulations is required.
4. New residential developments will be designed, developed and constructed in a manner harmonious with preserving the natural environment. Forested areas, sloped land in excess of 15%, drainage ways, lake, river and scenic vistas will be preserved and natural contours of land will be carefully considered in project and site development.
5. Abandoned and deteriorating structures should be rehabilitated or cleared.
6. Residential mobile home subdivisions or parks will be buffered and screened from abutting land use.
7. Residential lot arterial street frontage access will be avoided. Residential lots which back or side on adjacent arterial streets will be designed to have additional lot depth, width, setback, buffering, open space or separation from the arterial to alleviate traffic impact on the residential use. Appropriate revisions to the zoning and subdivision regulations should be developed and adopted.
8. Undeveloped and developed land annexed into the City of Bixby will be zoned as applicable at the time of annexation and in accordance with the Bixby Comprehensive Plan 2001-2010. Annexed existing uses in conflict with the provisions of the Plan are allowed to continue use and operation according to municipal policy as long as the public health, safety and general welfare are protected and not endangered. Such uses are not intended to be expanded.

Exhibit 5 Matrix to Determine Zoning Relationship to Bixby Comprehensive Plan shall be reorganized to show the relationship of all Bixby Zoning Districts with the addition of RS 2.5.

BCPA-14 Amendments to the Comprehensive Plan and approved this date _____ in an open meeting of the Bixby City Council and PASSED by an affirmative majority vote of the entire membership of the City Council, to wit ___yes___no ___ABSTAINING

City Consultant, Jim Coffey: Jim Coffee any questions? Reading public hearing as an ordinance case and conversation of the proposed matrix

Chair (PC): Lance Whisman: we went through it and had a meeting on it. Just walk through the high points

City Consultant, Jim Coffey: Better development through a PUD, indicates we have taken out RS-4 and made it inactive. In its place RS-2.5, a new Matrix will be submitted. A PUD will allow smaller lots.

City Consultant, Jim Coffey: if PC is ready to take this forward you can move it forward to the CC and they can approve it and act on it or change it.

MOTION: Larry Whitley

SECOND: Steve Sutton

ROLL CALL:

AYE: Whitley, Sutton, Whisman

NAY: None

ABSTAIN: None

MOTION PASSED: 3:0:0

6. Zoning Code Text Amendment: City of Bixby

Continuation of the Public Hearing from March 21, 2016 regular Planning Commission Meeting: to receive Public review and comment, and Planning Commission recommendations regarding the adoption of a proposed amendment to the Zoning Code of the City of Bixby, Oklahoma, pursuant to Oklahoma Statutes Title 11 Section 43-101 et seq. and Bixby Zoning Code/City Code Title 11 Section 11-5-3, to add, subtract, and/or change particular residential zoning districts, to amend Section 11-2-1 to define “masonry” and “masonry alternatives,” and to make various other amendments.

City Consultant, Jim Coffey:

AN ORDINANCE AMENDING ORDINANCE 272 THE BIXBY ZONING CODE OF THE CITY OF BIXBY TITLE 11 SECTION 11 TO ADD, SUBTRACT, AND/OR CHANGE CERTAIN RESIDENTIAL ZONING DISTRICTS TO WIT:

ZONING CODE SECTION 11-2-1 TO ADD THE FOLLOWING DEFINITIONS:

“MASONRY MATERIALS: For the purpose of residential construction, masonry materials shall include material of masonry units laid with mortar, grout, or other methods of joining including brick, natural or manufactured stone, fiber reinforced cement exterior siding. Commercial masonry material shall include, in addition, poured in place concrete walls, tilt up panels, pre-cast panels or walls, cinder and concrete block, and other commercial exterior wall cladding that is approved by the Planning Council and City Council. Alternative materials may include on approval traditional cementitious stucco that is applied over concrete or a lath system; exterior insulated finish systems; sculptured, fluted, exposed aggregate; glass blocks; concrete masonry units; or other materials as approved by the Planning Commission and the City Council ZONING CODE Section 11-5-4B.3a add the zoning district “RS-2.5”

ZONING CODE SECTION 11-5-4.c.2A to change “RS-4” to “RS-4 Inactive”.

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All items are for Public Hearing unless the item is worded otherwise

Persons who require a special accommodation to participate in this meeting should contact Development Services, 116 West Needles Avenue, Bixby, Oklahoma, 918-366-4430, or via Email: jmohler@bixbyok.gov as far in advance as possible and preferably at least 48-hours before the date of the meeting. Persons using a TDD may contact OKLAHOMA RELAY at 1-800-722-0353 and voice calls should be made to 1-800-522-8506 to communicate via telephone with hearing telephone users and vice versa.

ZONING CODE SECTION 11-6-1 TO ADD “RS-2.5” Residential Single Family High Density District between RS-2 and RS-3.

ZONING CODE SECTION 11-7B-1.C IS AMENDED AS FOLLOWS: “RS Residential Single Family Districts: RS-1, RS-2, RS-2.5, RS-3, and RS-4 Inactive districts are designed to permit the development and conservation of single-family detached dwellings in suitable environments in a variety of densities to meet the varying requirements of families.”

RS-4 Inactive Residential District: All existing lots and uses in the RS-4 district are legal and conforming, provided they conform to the applicable standards of the ordinance before replacement or modification. However, the RS-4 District is considered “INACTIVE” in that no more zoning or rezoning may be approved to these districts following the effective date of this Ordinance dated _____. Development in an inactive residential district is subject to all applicable requirements of this Ordinance, including the use regulations, the dimensional requirements, and the development design standards that are not governed by the zone district standards of an inactive district.

ZONING CODE SECTION 11-7B-2 AMMEND TABLE 1 to change the double asterisk (**) text to be as follows: “Duplexes permitted only RS-3 and RS-2.5 Districts”

ZONING CODE SECTION 11-7B-4-A.1 TABLE 3 add, between columns RS-2 and RS-3 the bulk area requirements for RS-2.5 to include the following: Lot Width 70 feet; Lot Area 8500 sq. ft.; Land Area Per Dwelling Unit (Minimum Sq. ft.) 10,800; Height 48 ft.; Maximum number of stories 3; Livability Space 4500 sq. ft.; Front Yards Arterial 35 feet; Front Yards Not Arterial 30 feet; Rear Yards 25 feet; One Side 10 feet; and other side 5 feet.

ZONING CODE SECTION 11-10-4H TABLE “SURFACING UNENCLOSED OFF STREET PARKING AREAS ADD: Distract RS-2.5 to 32 percent.

Be it ORDAINED that all ordinances of parts of ordinances in conflict with this Ordinance be and the same are now expressly REPEALED,

APPROVED in an open meeting of the Bixby City Council and PASSED by an affirmative majority vote of the entire membership of the City Council, to wit ____ YES ____ NO ____ ABSTAINING on this ____ day of April 2016.

~~“MASONRY MATERIALS: For the purpose of residential construction, masonry materials shall include material of masonry units laid with mortar, grout, or other methods of joining including brick, natural or manufactured stone, fiber reinforced cement exterior siding. Commercial masonry material shall include, in addition, poured in place concrete walls, tilt up panels, pre-cast panels or walls, cinder and concrete block, and other commercial exterior wall cladding that is approved by the Planning Council and City Council. Alternative materials may include on approval traditional cementitious stucco that is applied over concrete or a lath system; exterior insulated finish systems; sculptured, fluted, exposed aggregate; glass blocks; concrete masonry units; or other materials as approved by the Planning Commission and the City Council~~

MOTION: Steve Sutton move to approve striking the masonry materials definition

SECOND: Larry Whitley

ROLL CALL:

AGENDA – Bixby Planning Commission

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All items are for Public Hearing unless the item is worded otherwise

Persons who require a special accommodation to participate in this meeting should contact Development Services, 116 West Needles Avenue, Bixby, Oklahoma, 918-366-4430, or via Email: jmohler@bixbyok.gov as far in advance as possible and preferably at least 48-hours before the date of the meeting. Persons using a TDD may contact OKLAHOMA RELAY at 1-800-722-0353 and voice calls should be made to 1-800-522-8506 to communicate via telephone with hearing telephone users and vice versa.

AYE: Whitley, Sutton, Whisman
NAY: None
ABSTAIN: None
MOTION PASSED: 3:0:0

NEW BUSINESS: NONE

ADJOURNMENT: Chair Lance Whisman declared the meeting adjourned.

APPROVED BY:

Chair

Date

Marcae' Hilton, Jason Mohler
City Planner/Recording Secretary

BIXBY PLANNING COMMISSION

SIGN IN SHEET

DATE: April 18, 2016

NAME	ADDRESS	ITEM
- 1. MIKE MAGUIFFE	6698 E. 127TH ST.	4
- 2. Terry Adams	6626 E 127th	4
3. Molly Thompson	6968 E 127TH ST	4
4. Robert Hellebron	- - -	4
- 5. Mike Ramsey	6950 E 127th St. S.	4
- 6. MARK ADAMS	6626 E 127th ST	4
7. James Austin	6674 E. 127th St. S.	4
8. Teresa Cummings	6885 E. 126th St. S.	4
9. Norman Cummings	6885 E. 126th St. S.	4
- 10. Andy Oyler	6860 E. 127th St	4
11. James Wyum	6985 E. 127th STS	4
12. Scott Bross	6972 E. 126th	4
13. Kim Steneling	6708 E. 127th	4
14. DAN KRAMER	7054 E. 127th St	4
15. Erin Willen	6776 E. 127th St. S.	4
16. Jason Rainbolt	6896 E 127th ST	4
17. BRYAN FLEMING	6914 E 127th	4
18. Russ Feevy	6878 E. 127th	4
19. Sohie Suttles	4863 E. 126th St	4
20. Stan Suttles	6863 E. 126th St	4
21. Liz Huls	12568 S 67th AVE	4
22. Sharla Rainbolt	6896 E 127th St S	4
23. Amy Oyler	6860 E. 127th St S	4
24. Kyle Borchert	7004 E 127th St S	4

	Name	Address	Item
25.	Jody Wickel	12556 S. 67 th East Ave	4
26.	Brenda Whitt	6841 E-126 St. S.	4
27.	Eric Wickel	12556 S. 67 th East Ave	4
- 28.	DAVID R. HAYES HAYES	12260 S. 86 th E. Ave	4

Special Work Session Minutes
Dawes Conference Room
113 West Dawes Avenue, Bixby, Oklahoma 74008
March 28, 2016 5:00 p.m.

The Special Work Session agenda for the regularly scheduled meeting of the City of Bixby was posted on the bulletin board at City Hall, 116 W. Needles Avenue, Bixby, Oklahoma on March 24th, 2016, on or before 5:00 p.m.

Mayor Easton called the meeting to order at 5:28 p.m. all members were present.

Members Present

King
Guthrie
Stewart
Decatur
Easton

Staff Present

Patrick Boulden, City Attorney
Jared Cottle, City Manager
Marcae Hilton, City Planner
Charles Barnes, Finance Dir.
Gladys Gill, Deputy City Clerk

Mayor Easton said item #1 on the Special Work Session agenda is:

Discussion of proposed amendments to the Bixby Comprehensive Plan (BCPA-14) and proposed amendments to the Zoning Code related to certain residential zoning districts and the establishment of development standards.

Presented by: Jim Coffey
Others who spoke: Jared Cottle

City Manager Jared Cottle stated that I wanted to bring this back from the last joint meeting between the City Council and The Planning Commission about the development standards and with this which is the last body of work to put this in a form to define masonry and masonry alternatives with nailing that definition down on item #1 from the hand out that was disturbed to each member was in attendance. Jared explained that he asked Consultant Jim Coffey to summarize and give a breakdown, and to modify our Comprehensive Plan to add in a zoning classification for residential. Jared explained that his focus is about low intensity residential. Jared explained that currently what we allow for straight zoning is RS-3 which fits our Comprehensive Plan which doesn't give us much input for the development standards and what the previous City Planner did was insert a column that say RS-B (Exhibit 5), this is the matrix to determine zoning relationships to the Comprehensive Plan with the new matrix put's an "O" for options meaning if they want RS-3 then they would have to come for a PUD to get that dense of a zoning. Jared continued to explain about the density for the Comprehensive Plan, because this has been a recurring issues.

Consultant Jim Coffey answered question and concerns from City Council and The Planning Commission on the proposed amendments to the Zoning Code, and stated that there is no change to the existing zoning.

Discussion ensued pertaining to the proposed amendments to the Bixby Comprehensive Plan) BCPA-14) and proposed amendments to the Zoning Code related to certain residential zoning districts and the establishment of development standards.

Discussion item only. No action taken.

Adjournment was called at 6:04 p.m.

MAYOR

ATTEST

CITY CLERK



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: Marcae' Hilton, City Planner
Date: Tuesday, May 31, 2016
RE: Report and Recommendations for:
Final Plat of Pine Valley Addition, Blocks 4-9 (PUD 12-D)

BACKGROUND INFORMATION:

REQUEST: Final Plat Approval for Pine Valley Addition, Blocks 4-9 (PUD 12-D)
STR: S16, T17N, R13E
LOCATION: 14300-block of South Harvard Avenue
SIZE OF TRACT: 33.712 acres, gross subdivision area
LOT INFO: 84 Lots
6 Blocks
5 Reserves

Pine Valley Addition Preliminary Plat (corrected): 51.577 acres, 150
Lots, 9 Blocks, 6 Reserves

EXISTING ZONING: RS-1 and RS-3 (Residential Single-Family Districts) with PUD 12-D

SURROUNDING ZONING AND LAND USE: PUD 12-D covers N, S,

North: RS-1 (Residential Single-Family) Spring Tree Subdivision
South: IL (Industrial Light), RS-3, RM-2, RM-1 (Residential Single-Family Districts)
Currently, all large Undeveloped Tracts
West: (Immediately Across Harvard) The Reserve at Harvard Ponds-RS-2 (Residential Single-Family)

East: AG (Agricultural); 300' AEP-PSO Easement; IL/PUD 12 (Industrial Light), Undeveloped Agricultural Tracts

COMPREHENSIVE PLAN:

High Intensity and Development Sensitive Land Use, with Vacant, Agricultural, Rural Residences, Open Land, and Community Trails.

GENERAL: The Final Plat for Pine Valley Addition Blocks 4-9 is generally located one-quarter to one-half mile south of 141st Street and east of Harvard Avenue. The plat has 33.717 Acres, 84 Lots in 6 Blocks with five reserves. The property is currently zoned RS-1 and RS-3 Residential Single-Family Districts with PUD 12-D. PUD 12-D is in accordance with the Comprehensive Plan as a zoning district. The proposed subdivision plat is consistent with PUD 12-D. PUD 12-D did not show planned trail routes, but did include plans to provide trails under PUD 12-D Section II.C. The applicant has asked for a waiver, see waiver below.

This plat represents a conventional, suburban design and appears similar to *The Reserve at Harvard Ponds* and *The Enclave at Harvard Ponds* to the southwest, with lots similar in size and configuration. Typical lots range from 65' X 125' (8,125 square feet, 0.19 acres) to 70' X 142' (9,940 square feet, 0.23 acres).

TAC: The Final Plat for Pine Valley Addition Blocks 4-9 was heard by Technical Advisory Committee (TAC) on Wednesday, May 4, 2016 no new comments were made. The comments from the Fire Marshal are attached. Staff requests all outstanding comments be resolved before submittal of the Final Plat to City Council.

MODIFICATIONS/WAIVERS:

Upon its approval of the Preliminary Plat in November 10, 2014, the City Council approved the following Modifications/Waivers, as recommended by the Planning Commission:

SIDEWALK WAIVER:

CITY COUNCIL AGENDA ITEM COMMENTARY

November 10, 2014 (City Planner, Eric Enyart)

RECOMMENDATION: Staff and the Planning Commission concur in recommending Approval of the Preliminary Plat with the following corrections, modifications, and Conditions of Approval:

5. The Subdivision Regulations requires sidewalks along interior streets and Harvard Ave. To ensure this requirement is not inadvertently overlooked for the sidewalks along Harvard Ave. and Reserve Area frontages (developer's responsibility prior to the construction of any homes), the engineering construction plans should show locations, widths, and design details, which are subject to the Engineering Design Criteria Manual and City Engineer approval. The Applicant may request to do a fee-in-lieu by Modification/Waiver.

TANNER CONSULTING RESPONSE: Letter Dated-October 27, 2014

“Formally request a waiver of the Bixby Subdivision Regulations, Section 12-3-2-N and be permitted not to construct a sidewalk along the South Harvard frontage. Based on the current condition of South Harvard Avenue and the large amount of

floodplain involved, we feel it is more practical to be permitted to pay a fee in lieu of construction of the sidewalk. We will provide you with an engineer's estimate of the cost of construction for the sidewalk in order to base you fee amount."

Letter attached.

CITY STAFF RESPONSE: This item will require coordination with Development Services Staff before submittal of Final Plat for City Council Approval.

Along with this Final Plat, the Applicant is requesting additional Modification/Waiver:

TRAILS WAIVER/MODIFICATION:

TAKEN FROM THE PRELIMINARY PLAT OF PINE VALLEY PER (City Planner, Eric Enyart)

DOD.4. Access and Circulation per PUD 12-D, "It is proposed that a trail system be provided that is meaningful and provides reasonable pedestrian opportunities extending from Harvard Avenue through the Posey Creek flood plain and continuing to the East boundary of Geiler Park. Prior to the issuance of occupancy permits for development which in the aggregate comprises 20% of the land area of Geiler Park, a trail system plan, including a construction phasing schedule, shall be submitted to and approved by the Bixby Planning Commission."

CITY COUNCIL AGENDA ITEM COMMENTARY

November 10, 2014

RECOMMENDATION

6. The division of trail construction responsibility between the residential and non-residential development areas was not addressed in PUD 12-D. The Applicant should consult with the current property owner and advise how the trail provisions will be addressed.

TANNER WAIVER REQUEST: As shown on the approved construction plans, a 4'-wide sidewalk will be constructed around the perimeter of the stormwater detention pond within Reserve Area C, which may serve as a walking amenity for residents of Pine Valley Addition. Further, the dedication language for Reserve Area A provides for potential future trail.....we respectfully request that the sidewalk system constructed along the Reserve Areas and around the stormwater detention pond within Reserve Area C and the Reserve Area A dedication language be accepted in satisfaction of any trail system obligation under PUD 12-D for the area included within the submitted plats.

CITY STAFF RESPONSE: the Development Services Staff is thoughtful of master planning for trails especially in conjunction with the proposed INCOG "GO Plan" a regional pedestrian and bicycle plan connecting major destinations in the region. Staff believes the City of Bixby will be a competitive viable *Destination City* with trails and pedestrian connectivity. Currently, the GO Plan does not include a master trail system within the proposed plat area. However it does have several recommended areas within the same Section 16, Township 17 Range 13. Staff will recommend future development in the area follow or improve upon the trails plan in order to create a community with greater accessibility along with economic and recreational opportunities for all our citizens. The sidewalks along the "reserve areas" will be satisfactory for this plat.

- EXHIBITS:**
1. Final Plat for Pine Valley Addition, Blocks 4-9 (PUD 12D)
 2. Aerial Map of Pine Valley Addition, Blocks 4-9 and 10-11
 3. Waiver Request Letter from Tanner 10.20.14
 4. Sidewalk Waiver Letter from Tanner 10.27.14
 5. Final Letter from Tanner 4.15.16
 6. Minutes from TAC Meeting 5.4.16
 7. Fire Marshal Memo 5.4.16

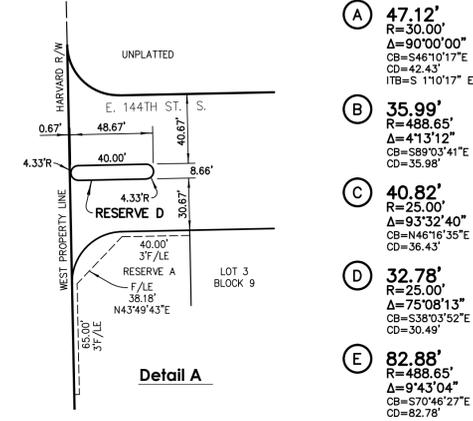
STAFF RECOMMENDATIONS:

Staff recommends approval of the Final Plat for Pine Valley Blocks 4-9 subject to the resolution of comments from staff.

1. Subject to compliance with any outstanding Fire Marshal and City Engineer recommendations and requirements.
2. Before the City Council Final Plat hearing: Please coordinate the Sidewalk fee-in-lieu process with the City Engineer.
3. Please note the defining trails language in the Deed of Dedication as applicable.
4. Before the City Council Final Plat hearing: Please provide release letters from all utility companies serving the subdivision as per SRs Section 12-2-6.B.
5. Deed of Dedication and Restrictive Covenants Section III.A: Provides “The Owner/Developer has formed or shall cause to be formed” an HOA. When the HOA is formed, please submit a copy of the Secretary of State Incorporation documents for placement in the permanent file and for notification to the Bixby Neighborhood Coordinator, along with the names and contact information of the Officers.

Notes:

- THIS PLAT MEETS THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED BY THE OKLAHOMA STATE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS.
- ALL PROPERTY CORNERS ARE SET 3/8" IRON REBAR WITH YELLOW CAP STAMPED "TANNER RLS 1435" UNLESS OTHERWISE NOTED.
- THE BEARINGS SHOWN HEREON ARE BASED UPON THE OKLAHOMA STATE PLANE COORDINATE SYSTEM, NORTH ZONE (3501), NORTH AMERICAN DATUM 1983 (NAD83); SAID BEARINGS ARE BASED LOCALLY UPON FIELD-OBSERVED TIES TO THE FOLLOWING MONUMENTS:
 - BRASS CAP FOUND AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER (NW/4) OF SECTION 16;
 - BRASS CAP FOUND AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER (NW/4) OF SECTION 16;
 THE BEARING BETWEEN SAID MONUMENTS BEING NORTH 1°10'17" WEST.
- ADDRESSES SHOWN ON THIS PLAT ARE ACCURATE AT THE TIME THE PLAT WAS FILED. ADDRESSES ARE SUBJECT TO CHANGE AND SHOULD NEVER BE RELIED ON IN PLACE OF THE LEGAL DESCRIPTION.
- ACCESS AT THE TIME OF PLAT WAS PROVIDED BY SOUTH HARVARD AVENUE BY VIRTUE OF PUBLIC HIGHWAY DEDICATION DEED TO TULSA COUNTY, DATED MARCH 1ST, 1982, RECORDED IN BOOK 4598 PAGE 296 OF THE TULSA COUNTY RECORDS.
- FOR CONTINUITY, RESERVE B IS OMITTED AS PART OF THE RECORDED PLAT FOR "PINE VALLEY ADDITION, BLOCKS 4-9".

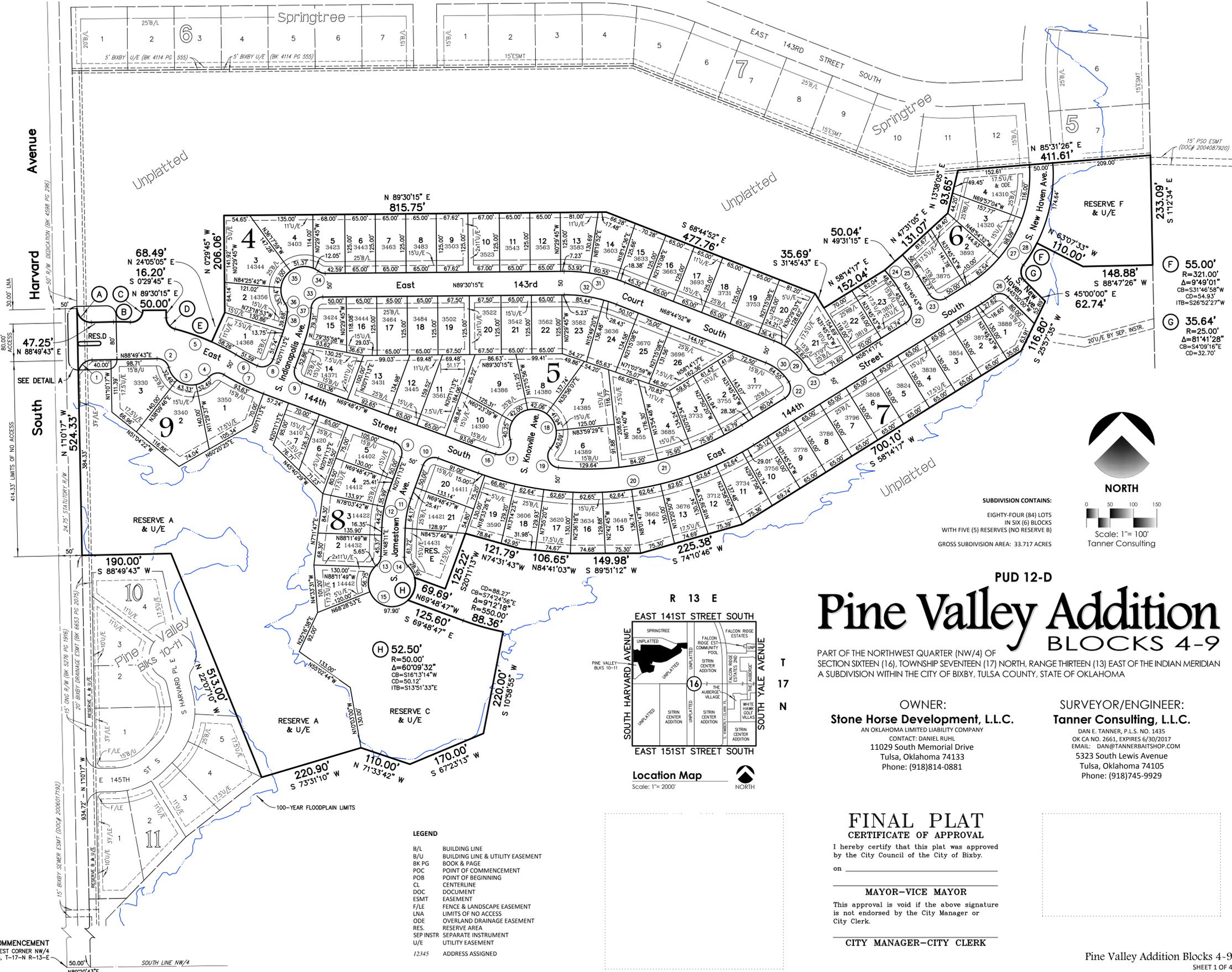


Curve Table

CURVE	LENGTH(L)	RADIUS(R)	DELTA(D)	CHORD(BRG)	CHORD(DS)
1	47.12'	30.00'	90°00'00"	N43°49'43"E	42.43'
2	33.41'	25.00'	76°33'35"	N52°53'30"W	30.98'
3	108.30'	50.00'	124°06'26"	N76°39'55"W	88.34'
4	34.75'	25.00'	79°38'07"	N81°05'55"E	32.02'
5	34.75'	25.00'	79°38'07"	N81°05'55"E	32.02'
6	51.59'	450.00'	6°34'05"	N62°22'04"W	51.56'
7	93.63'	500.00'	10°43'46"	N64°26'54"W	93.50'
8	41.09'	25.00'	94°09'41"	N67°16'03"E	36.62'
9	39.27'	25.00'	90°00'00"	N24°48'47"W	35.36'
10	39.27'	25.00'	90°00'00"	N65°11'13"E	35.36'
11	64.17'	200.00'	18°23'02"	N10°59'42"E	63.90'
12	80.21'	250.00'	18°23'02"	N10°59'42"E	79.87'
13	21.03'	25.00'	48°11'23"	N25°53'52"E	20.41'
14	21.03'	25.00'	48°11'23"	N22°17'30"W	20.41'
15	241.19'	50.00'	276°22'46"	N88°11'49"W	66.67'
16	20.56'	625.00'	1°53'05"	N70°45'19"W	20.56'
17	54.46'	25.00'	124°49'02"	N45°53'37"E	44.31'
18	206.84'	50.00'	237°01'21"	N78°00'14"W	87.87'
19	54.46'	25.00'	124°49'02"	N21°54'05"W	44.31'
20	612.01'	675.00'	51°56'56"	N84°12'45"E	591.26'
21	408.53'	625.00'	37°27'07"	N76°57'51"E	401.30'
22	39.27'	25.00'	90°00'00"	N13°14'17"E	35.36'
23	39.27'	25.00'	90°00'00"	N76°45'43"W	35.36'
24	48.57'	250.00'	11°07'57"	N37°19'41"W	48.50'
25	56.18'	300.00'	10°43'47"	N37°07'36"W	56.10'
26	35.64'	25.00'	81°41'28"	N85°50'44"W	32.70'
27	296.63'	271.00'	62°42'51"	N26°52'51"E	283.04'
28	230.64'	321.00'	41°10'02"	N16°06'27"E	225.71'
29	96.83'	150.00'	36°59'09"	N50°15'18"W	95.16'
30	64.55'	100.00'	36°59'10"	N50°15'18"W	63.44'
31	132.85'	350.00'	21°44'53"	N79°37'19"W	132.06'
32	113.87'	300.00'	21°44'53"	N79°37'19"W	113.19'
33	37.46'	25.00'	85°50'32"	N46°34'59"E	34.05'
34	16.09'	25.00'	36°52'12"	N72°03'39"W	15.81'
35	141.16'	50.00'	161°45'11"	N45°29'51"E	98.73'
36	18.31'	25.00'	41°57'39"	N14°23'55"W	17.90'
37	79.31'	275.00'	16°31'30"	N11°55'28"E	79.04'
38	53.43'	225.00'	13°36'18"	N13°23'04"E	53.30'

POINT OF COMMENCEMENT
SOUTHWEST CORNER NW/4
SECTION 16, T-17-N R-13-E

DATE OF PREPARATION: April 15, 2016



PUD 12-D

Pine Valley Addition

BLOCKS 4-9

PART OF THE NORTHWEST QUARTER (NW/4) OF SECTION SIXTEEN (16), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN MERIDIAN A SUBDIVISION WITHIN THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA

DEED OF DEDICATION AND RESTRICTIVE COVENANTS FOR PINE VALLEY ADDITION BLOCKS 4-9

KNOW ALL MEN BY THESE PRESENTS:

THAT STONE HORSE DEVELOPMENT, L.L.C., AN OKLAHOMA LIMITED LIABILITY COMPANY, HEREINAFTER REFERRED TO AS THE "DECLARANT", IS THE OWNER OF THE FOLLOWING REAL PROPERTY SITUATED IN THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA, TO-WIT:

A TRACT OF LAND THAT IS PART OF THE NORTHWEST QUARTER (NW/4) OF SECTION SIXTEEN (16), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID NW/4; THENCE NORTH 89°20'43" EAST AND ALONG THE SOUTH LINE OF THE NW/4, FOR A DISTANCE OF 50.00 FEET TO A POINT ON THE PRESENT EAST RIGHT-OF-WAY LINE OF SOUTH HARVARD AVENUE; THENCE NORTH 1°10'17" WEST AND ALONG SAID EAST RIGHT-OF-WAY LINE, FOR A DISTANCE OF 934.72 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING NORTH 1°10'17" WEST AND ALONG THE EAST RIGHT-OF-WAY LINE, FOR A DISTANCE OF 524.33 FEET; THENCE SOUTHEASTERLY ALONG A 30.00 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT, HAVING AN INITIAL TANGENT BEARING OF SOUTH 1°10'17" EAST, A CENTRAL ANGLE OF 90°00'00", A CHORD BEARING AND DISTANCE OF SOUTH 46°10'17" EAST FOR 42.43 FEET, FOR AN ARC DISTANCE OF 47.12 FEET TO A POINT OF TANGENCY; THENCE NORTH 88°49'43" EAST FOR A DISTANCE OF 47.25 FEET TO A POINT OF CURVATURE; THENCE ALONG A 488.65 FOOT RADIUS CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 4°13'12", A CHORD BEARING AND DISTANCE OF SOUTH 89°03'41" EAST FOR 35.98 FEET, FOR AN ARC DISTANCE OF 35.99 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG A 25.00 FOOT RADIUS CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 93°32'40", A CHORD BEARING AND DISTANCE OF NORTH 46°16'35" EAST FOR 36.43 FEET, FOR AN ARC DISTANCE OF 40.82 FEET; THENCE NORTH 89°30'15" EAST FOR A DISTANCE OF 50.00 FEET; THENCE SOUTH 0°29'45" EAST FOR A DISTANCE OF 16.20 FEET; THENCE ALONG A 25.00 FOOT RADIUS CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 75°08'13", A CHORD BEARING AND DISTANCE OF SOUTH 38°03'52" EAST FOR 30.49 FEET, FOR AN ARC DISTANCE OF 32.78 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG A 488.65 FOOT RADIUS CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 9°43'04", A CHORD BEARING AND DISTANCE OF SOUTH 70°48'27" EAST FOR 82.78 FEET, FOR AN ARC DISTANCE OF 82.88 FEET; THENCE NORTH 24°05'05" EAST FOR A DISTANCE OF 68.49 FEET; THENCE NORTH 0°29'45" WEST FOR A DISTANCE OF 206.06 FEET; THENCE NORTH 89°30'15" EAST FOR A DISTANCE OF 815.75 FEET; THENCE SOUTH 68°44'52" EAST FOR A DISTANCE OF 477.76 FEET; THENCE SOUTH 31°45'43" EAST FOR A DISTANCE OF 35.69 FEET; THENCE NORTH 58°14'17" EAST FOR A DISTANCE OF 152.04 FEET; THENCE NORTH 49°31'15" EAST FOR A DISTANCE OF 50.04 FEET; THENCE NORTH 47°31'05" EAST FOR A DISTANCE OF 131.07 FEET; THENCE NORTH 13°38'05" EAST FOR A DISTANCE OF 93.65 FEET TO A POINT ON THE SOUTHERLY BOUNDARY LINE OF "SPRINGTREE", AN ADDITION TO THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF (PLAT NO. 3794);

THENCE NORTH 85°31'26" EAST AND ALONG SAID SOUTHERLY BOUNDARY LINE, FOR A DISTANCE OF 411.61 FEET TO A POINT, SAID POINT BEING THE SOUTHEAST CORNER OF LOT SEVEN (7), BLOCK FIVE (5) OF SAID "SPRINGTREE"; THENCE SOUTH 1°12'34" EAST FOR A DISTANCE OF 233.09 FEET; THENCE SOUTH 88°47'26" WEST FOR A DISTANCE OF 148.88 FEET; THENCE NORTH 63°07'33" WEST FOR A DISTANCE OF 110.00 FEET; THENCE SOUTHWESTERLY ALONG A 321.00 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT, HAVING AN INITIAL TANGENT BEARING OF SOUTH 26°52'27" WEST, A CENTRAL ANGLE OF 9°49'01", A CHORD BEARING AND DISTANCE OF SOUTH 31°46'58" WEST FOR 54.93 FEET, FOR AN ARC DISTANCE OF 55.00 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG A 25.00 FOOT RADIUS CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 81°41'28", A CHORD BEARING AND DISTANCE OF SOUTH 4°09'16" EAST FOR 32.70 FEET, FOR AN ARC DISTANCE OF 35.64 FEET TO A POINT OF TANGENCY; THENCE SOUTH 45°00'00" EAST FOR A DISTANCE OF 62.74 FEET; THENCE SOUTH 25°57'35" WEST FOR A DISTANCE OF 116.80 FEET; THENCE SOUTH 58°14'17" WEST FOR A DISTANCE OF 700.10 FEET; THENCE SOUTH 74°10'46" WEST FOR A DISTANCE OF 225.38 FEET; THENCE SOUTH 89°51'12" WEST FOR A DISTANCE OF 149.98 FEET; THENCE NORTH 84°41'03" WEST FOR A DISTANCE OF 106.65 FEET; THENCE NORTH 74°31'43" WEST FOR A DISTANCE OF 121.79 FEET; THENCE SOUTH 20°11'13" WEST FOR A DISTANCE OF 125.22 FEET; THENCE NORTH 69°48'47" WEST FOR A DISTANCE OF 69.69 FEET; THENCE SOUTHERLY ALONG A 50.00 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT, HAVING AN INITIAL TANGENT BEARING OF SOUTH 13°51'33" EAST, A CENTRAL ANGLE OF 60°09'32", A CHORD BEARING AND DISTANCE OF SOUTH 16°13'14" WEST FOR 50.12 FEET, FOR AN ARC DISTANCE OF 52.50 FEET; THENCE SOUTH 69°48'47" EAST FOR A DISTANCE OF 125.60 FEET TO A POINT OF CURVATURE; THENCE ALONG A 550.00 FOOT RADIUS CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 9°12'18", A CHORD BEARING AND DISTANCE OF SOUTH 74°24'56" EAST FOR 88.27 FEET, FOR AN ARC DISTANCE OF 88.36 FEET; THENCE SOUTH 10°58'55" WEST FOR A DISTANCE OF 220.00 FEET; THENCE SOUTH 67°23'13" WEST FOR A DISTANCE OF 170.00 FEET; THENCE NORTH 71°33'42" WEST FOR A DISTANCE OF 110.00 FEET; THENCE SOUTH 73°31'10" WEST FOR A DISTANCE OF 220.90 FEET TO A POINT, SAID POINT BEING THE SOUTHEAST CORNER OF LOT FIVE (5), BLOCK ELEVEN (11), "PINE VALLEY ADDITION BLOCKS 4-9 BLOCKS 4-9, BLOCKS 10-11", A SUBDIVISION WITHIN THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF (PLAT NO. 0000); THENCE NORTH 22°07'10" WEST AND ALONG THE WESTERLY LINE OF SAID SUBDIVISION, FOR A DISTANCE OF 513.00 FEET TO A POINT, SAID POINT BEING THE NORTHEAST CORNER OF THE SUBDIVISION; THENCE SOUTH 88°49'43" WEST AND ALONG THE NORTH LINE OF THE SUBDIVISION, FOR A DISTANCE OF 190.00 FEET TO THE POINT OF BEGINNING;

SAID TRACT CONTAINING 1,468,751 SQUARE FEET, OR 33.718 ACRES.

AND THE DECLARANT HAS CAUSED THE ABOVE DESCRIBED LAND TO BE SURVEYED, STAKED, PLATTED AND SUBDIVIDED INTO ONE HUNDRED FIFTY (150) LOTS IN NINE (9) BLOCKS AND SIX (6) RESERVES, IN CONFORMITY WITH THE ACCOMPANYING PLAT AND SURVEY (HEREINAFTER THE "PLAT"), AND HAS DESIGNATED THE SUBDIVISION AS "PINE VALLEY ADDITION BLOCKS 4-9", A SUBDIVISION IN THE CITY OF BIXBY, TULSA COUNTY, OKLAHOMA (HEREINAFTER THE "SUBDIVISION" OR "PINE VALLEY ADDITION BLOCKS 4-9"). THE LOTS DEPICTED UPON THE PLAT SHALL HEREINAFTER BE REFERRED TO COLLECTIVELY AS THE "LOTS" AND INDIVIDUALLY AS A "LOT".

SECTION I. PUBLIC STREETS, EASEMENTS AND UTILITIES

A. PUBLIC STREETS AND UTILITY EASEMENTS.

THE DECLARANT DOES HEREBY GRANT, CONVEY, DONATE, AND DEDICATE FOR PUBLIC USE THE STREET RIGHTS-OF-WAY DEPICTED ON THE ACCOMPANYING PLAT AND DOES FURTHER DEDICATE FOR PUBLIC USE THE UTILITY EASEMENTS AS DEPICTED ON THE ACCOMPANYING PLAT AS "U/E" OR "UTILITY EASEMENT" FOR THE SEVERAL PURPOSES OF CONSTRUCTING, MAINTAINING, OPERATING, REPAIRING, REPLACING, AND/OR REMOVING ANY AND ALL PUBLIC UTILITIES, INCLUDING STORM SEWERS, SANITARY SEWERS, TELEPHONE AND COMMUNICATION LINES, ELECTRIC POWER LINES AND TRANSFORMERS, GAS LINES, WATER LINES, AND CABLE TELEVISION LINES, TOGETHER WITH ALL VALVES, METERS AND EQUIPMENT FOR EACH OF SUCH FACILITIES AND OTHER APPURTENANCES THERETO, WITH THE RIGHTS OF INGRESS AND EGRESS TO AND UPON THE UTILITY EASEMENTS FOR THE USES AND PURPOSES AFORESAID, TOGETHER WITH SIMILAR EASEMENT RIGHTS IN THE PUBLIC STREETS, PROVIDED HOWEVER, THAT THE DECLARANT HEREBY RESERVES THE RIGHT TO CONSTRUCT AND MAINTAIN WATER LINES AND SEWER LINES WITHIN THE UTILITY EASEMENTS FOR THE PURPOSE OF FURNISHING WATER AND/OR SEWER SERVICE TO AREAS WITHIN OR OUTSIDE THE PLAT AND THE DECLARANT FURTHER RESERVES THE RIGHT TO CONSTRUCT AND MAINTAIN WITHIN THE UTILITY EASEMENTS PROPERLY PERMITTED PARKING AREAS, LANDSCAPING, SCREENING FENCES AND WALLS AND OTHER NON-OBSTRUCTING IMPROVEMENTS.

B. WATER, SANITARY SEWER, AND STORM SEWER SERVICE.

- THE OWNER OF THE LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE PUBLIC WATER MAINS, SANITARY SEWER MAINS AND STORM SEWER MAINS LOCATED ON THE LOT.
- WITHIN THE DEPICTED UTILITY EASEMENT AREAS, THE ALTERATION OF GRADE IN EXCESS OF 3 FEET FROM THE CONTOURS EXISTING UPON THE COMPLETION OF THE INSTALLATION OF A PUBLIC WATER MAIN, SANITARY SEWER MAIN OR STORM SEWER MAIN, OR ANY CONSTRUCTION ACTIVITY WHICH MAY INTERFERE WITH PUBLIC WATER, SANITARY SEWER MAIN OR STORM SEWER MAINS, SHALL BE PROHIBITED. WITHIN THE UTILITY EASEMENTS, IF THE GROUND ELEVATIONS ARE ALTERED BY THE LOT OWNER, FROM THE CONTOURS EXISTING UPON THE COMPLETION OF THE INSTALLATION OF A PUBLIC WATER MAIN, SANITARY SEWER MAIN OR STORM SEWER MAIN, ALL GROUND LEVEL APPURTENANCES, INCLUDING VALVE BOXES, FIRE HYDRANTS AND MANHOLES SHALL BE ADJUSTED TO THE ALTERED GROUND ELEVATIONS BY THE OWNER OF THE LOT OR AT ITS ELECTION, THE CITY OF BIXBY, OKLAHOMA MAY MAKE SUCH ADJUSTMENT AT THE LOT OWNER'S EXPENSE.
- THE CITY OF BIXBY OR ITS SUCCESSORS SHALL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF PUBLIC WATER, SANITARY SEWER MAIN AND STORM SEWER MAINS, BUT THE OWNER SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER, HIS AGENTS OR CONTRACTORS.
- THE CITY OF BIXBY OR ITS SUCCESSORS SHALL AT ALL TIMES HAVE RIGHT OF ACCESS WITH THEIR EQUIPMENT TO ALL EASEMENT WAYS DEPICTED ON THE PLAT OR OTHERWISE PROVIDED FOR IN THIS DEED OF DEDICATION FOR THE PURPOSE OF INSTALLING, MAINTAINING, REMOVING OR REPLACING ANY PORTION OF UNDERGROUND WATER, SANITARY SEWER OR STORM SEWER FACILITIES.
- THE FOREGOING COVENANTS SET FORTH IN THIS SUBSECTION B SHALL BE ENFORCEABLE BY THE CITY OF BIXBY OR ITS SUCCESSORS AND THE OWNER OF THE LOT AGREES TO BE BOUND HEREBY.

C. UNDERGROUND SERVICE.

- OVERHEAD LINES FOR THE SUPPLY OF ELECTRIC, TELEPHONE AND CABLE TELEVISION SERVICES MAY BE LOCATED WITHIN THE WEST PERIMETER UTILITY EASEMENT AND WITHIN THE PERIMETER RIGHTS-OF-WAY OF THE SUBDIVISION. STREET LIGHT POLES OR STANDARDS MAY BE SERVED BY UNDERGROUND CABLE THROUGHOUT THE SUBDIVISION AND, EXCEPT AS PROVIDED IN THE IMMEDIATELY-PRECEDING SENTENCE, 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 THE EASEMENT WAYS.
- UNDERGROUND SERVICE CABLES AND GAS SERVICE LINES TO ALL STRUCTURES WHICH MAY BE LOCATED WITHIN THE SUBDIVISION MAY BE RUN FROM THE NEAREST GAS MAIN, SERVICE PEDESTAL OR TRANSFORMER TO THE POINT OF USAGE DETERMINED BY THE LOCATION AND CONSTRUCTION OF SUCH STRUCTURE AS MAY BE LOCATED UPON THE LOT. PROVIDED THAT UPON THE INSTALLATION OF A SERVICE CABLE OR GAS SERVICE LINE TO A PARTICULAR STRUCTURE, THE SUPPLIER OF SERVICE SHALL THEREAFTER BE DEEMED TO HAVE A DEFINITIVE, PERMANENT, EFFECTIVE AND NON-EXCLUSIVE RIGHT-OF-WAY EASEMENT ON THE LOT, COVERING A 5 FOOT STRIP EXTENDING 2.5 FEET ON EACH SIDE OF THE SERVICE CABLE OR LINE EXTENDING FROM THE GAS MAIN, SERVICE PEDESTAL OR TRANSFORMER TO THE SERVICE ENTRANCE ON THE STRUCTURE.

3. THE SUPPLIER OF ELECTRIC, TELEPHONE, CABLE TELEVISION AND GAS SERVICES, THROUGH ITS AGENTS AND EMPLOYEES, SHALL AT ALL TIMES HAVE THE 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.

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

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

D. PAVING AND LANDSCAPING WITHIN EASEMENTS.

THE OWNER OF THE LOT SHALL BE RESPONSIBLE FOR REPAIR OF DAMAGE TO PROPERLY-PERMITTED LANDSCAPING AND PAVING RESULTING FROM THE ACTIONS OF THE CITY OF BIXBY OR THE SUPPLIER OF UTILITY IN SERVICES, IN PERFORMING NECESSARY INSTALLATION OF OR MAINTENANCE TO THE UNDERGROUND WATER, SEWER, STORM WATER, GAS, COMMUNICATION, CABLE TELEVISION, OR ELECTRIC FACILITIES WITHIN THE EASEMENTS DEPICTED ON THE ACCOMPANYING PLAT, PROVIDED HOWEVER, THAT THE CITY OF BIXBY, OR THE SUPPLIER OF THE UTILITY SERVICE, SHALL USE REASONABLE CARE IN THE PERFORMANCE OF SUCH ACTIVITIES.

E. LIMITS OF NO ACCESS.

THE OWNER HEREBY RELINQUISHES RIGHT OF INGRESS AND EGRESS TO THE ABOVE-DESCRIBED PROPERTY WITHIN THE BOUNDS DESIGNATED AS "LIMITS OF NO ACCESS" ("LNA") EXCEPT AS MAY HEREAFTER BE RELEASED, ALTERED, OR AMENDED BY THE DECLARANT AND BIXBY PLANNING COMMISSION, OR ITS SUCCESSORS, OR AS OTHERWISE PROVIDED BY THE STATUTES AND LAWS OF THE STATE OF OKLAHOMA, PERTAINING THERETO.

THE FOREGOING COVENANT CONCERNING "LIMITS OF NO ACCESS" ("LNA") SHALL BE ENFORCEABLE BY THE CITY OF BIXBY OR ITS SUCCESSORS, AND THE OWNER OF EACH LOT AGREES TO BE BOUND HEREBY.

C. FENCE EASEMENT.

THE OWNER DOES HEREBY ESTABLISH AND GRANT FENCE AND LANDSCAPE EASEMENTS OVER AND UPON THE AREAS DESIGNATED AS "F/E" AND SHOWN ON THE ACCOMPANYING PLAT FOR THE USE AND BENEFIT OF PINE VALLEY ADDITION BLOCKS 4-9. THE FENCE AND LANDSCAPE EASEMENTS ARE FOR THE LIMITED PURPOSE OF CONSTRUCTING AND MAINTAINING PERIMETER DECORATIVE FENCES AND ENTRY FEATURES INCLUDING BUT NOT LIMITED TO FENCES, WALLS, SPRINKLER SYSTEMS, AND LANDSCAPING, AND FOR THE PURPOSE OF MAINTAINING AND REPAIR THEREOF, TOGETHER WITH THE RIGHT OF ACCESS OVER, ACROSS, AND ALONG SUCH EASEMENTS AND OVER, ACROSS, AND ALONG LOTS IN "PINE VALLEY ADDITION BLOCKS 4-9" WHICH CONTAIN SUCH EASEMENTS.

D. RESERVE AREAS.

RESERVE A IS DESIGNATED FOR OPEN SPACE, PASSIVE RECREATION, AND POTENTIAL FUTURE TRAIL, AND IS RESERVED FOR FUTURE CONVEYANCE TO THE HOMEOWNERS' ASSOCIATION. RESERVE A IS CONTIGUOUS WITH "RESERVE A" IN "PINE VALLEY ADDITION BLOCKS 10-11" AND, FOR THE SAKE OF IDENTIFICATION AND CONVENIENCE FOR THE HOMEOWNERS' ASSOCIATION, MAY BE CONSIDERED COUNTERPARTS OF THE SAME RESERVE AREA UPON THE RECORDDATION OF THAT AND THIS PLAT. RESERVE B IS DESIGNATED FOR OPEN SPACE, PASSIVE RECREATION, LANDSCAPING, ENTRY FEATURES, FENCES OR WALLS, IRRIGATION SYSTEMS, AND OTHER USES AS MAY BE APPROVED BY THE CITY OF BIXBY, AND IS RESERVED FOR FUTURE CONVEYANCE TO THE HOMEOWNERS' ASSOCIATION. RESERVES A AND B ARE ALSO HEREBY DEDICATED AS GENERAL UTILITY EASEMENTS. ALL COSTS AND EXPENSES ASSOCIATED WITH ALL RESERVES, INCLUDING MAINTENANCE OF VARIOUS IMPROVEMENTS AND RECREATIONAL FACILITIES SHALL BE THE RESPONSIBILITY OF THE HOMEOWNERS' ASSOCIATION. SEE SECTION III FOR ADDITIONAL DETAILS AND REQUIREMENTS. IN THE EVENT THE HOMEOWNERS' ASSOCIATION FAILS TO PAY THE COSTS OF SAID MAINTENANCE AFTER COMPLETION OF THE MAINTENANCE AND RECEIPT OF A STATEMENT OF COSTS, THE CITY OF BIXBY, OKLAHOMA, MAY FILE OF RECORD A COPY OF THE STATEMENT OF COSTS, AND THEREAFTER THE COSTS SHALL BE A LIEN AGAINST EACH OF THE LOTS WITHIN THE SUBDIVISION, WHICH LIEN MAY BE FORECLOSED BY THE CITY OF BIXBY, OKLAHOMA, OR THE CITY OF BIXBY PUBLIC WORKS AUTHORITY MAY ADD SUCH BILLING PRORATED UPON THE RESIDENTIAL LOT OWNER'S WATER BILL, WHICH METHOD OF COLLECTION SHALL BE DETERMINED BY THE CITY OF BIXBY.

SECTION II. PLANNED UNIT DEVELOPMENT

WHEREAS, THE PROPERTY COMPRISING PINE VALLEY ADDITION BLOCKS 4-9 WAS INITIALLY SUBMITTED AS A PART OF PLANNED UNIT DEVELOPMENT NO. 12-A AS PROVIDED WITHIN TITLE 11 OF THE BIXBY, OKLAHOMA CITY CODE (BIXBY ZONING CODE), AND

WHEREAS, PUD NO. 12-A WAS AFFIRMATIVELY RECOMMENDED BY THE CITY OF BIXBY PLANNING COMMISSION ON NOVEMBER 21, 1994, AND APPROVED BY THE BIXBY CITY COUNCIL ON JANUARY 09, 1995, AND

WHEREAS, A MAJOR AMENDMENT OF A PART OF PUD 12-D (ALSO KNOWN AS "GEILER PARK," HEREINAFTER REFERRED TO AS "PUD 12-D") WHICH INCLUDED THE PROPERTY COMPRISING PINE VALLEY ADDITION BLOCKS 4-9, WAS SUBMITTED AND WAS AFFIRMATIVELY RECOMMENDED FOR APPROVAL BY THE CITY OF BIXBY PLANNING COMMISSION ON JULY 16, 2012, AND WAS APPROVED BY THE BIXBY CITY COUNCIL ON FEBRUARY 11, 2013, AND

WHEREAS, THE PLANNED UNIT DEVELOPMENT PROVISIONS OF THE BIXBY ZONING CODE REQUIRE THE ESTABLISHMENT OF COVENANTS OF RECORD INURING TO AND ENFORCEABLE BY THE CITY OF BIXBY, SUFFICIENT TO ASSURE THE IMPLEMENTATION AND CONTINUED COMPLIANCE WITH THE APPROVED PLANNED UNIT DEVELOPMENT AND ANY AMENDMENTS THERETO, AND

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

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

A. DEVELOPMENT STANDARDS OF PINE VALLEY ADDITION BLOCKS 4-9 (COMPRISING ALL OR PARTS OF DEVELOPMENT AREAS A, B, AND C, WHICH TOGETHER CONTAIN 86.5 GROSS ACRES)

1. DEVELOPMENT IN ACCORDANCE WITH PUD

PINE VALLEY ADDITION BLOCKS 4-9 SHALL BE DEVELOPED AND USED IN SUBSTANTIAL ACCORDANCE WITH THE RESTRICTIONS AND DEVELOPMENT STANDARDS OF PUD 12-D AS APPROVED BY THE CITY OF BIXBY, OR IN SUBSTANTIAL ACCORDANCE WITH SUCH MODIFICATIONS OR AMENDMENTS OF THE RESTRICTIONS AND DEVELOPMENT STANDARDS OF PUD 12-D AS MAY BE SUBSEQUENTLY BE APPROVED.

2. APPLICABLE ORDINANCE

THE DEVELOPMENT OF PINE VALLEY ADDITION BLOCKS 4-9 SHALL BE SUBJECT TO THE PLANNED UNIT DEVELOPMENT PROVISIONS OF THE BIXBY ZONING CODE, AS SUCH PROVISIONS EXISTED ON FEBRUARY 11, 2013.

3. DEVELOPMENT STANDARDS

DEVELOPMENT AREA A:

GROSS LAND AREA:	14.5 AC. +/-
PERMITTED USES: DETACHED SINGLE-FAMILY DWELLING UNITS AND CUSTOMARY ACCESSORY USES.	
MAXIMUM DWELLING UNITS:	58 DUS
MAXIMUM DENSITY	4 DUS PER ACRE
MAXIMUM BUILDING HEIGHT:	48 FT.
MAXIMUM STORIES:	3
MINIMUM YARDS AND BUILDING SETBACKS:	
FROM MINOR STREET RIGHT-OF-WAY	25 FT.
FROM ARTERIAL STREET RIGHT-OF-WAY	20 FT.
FROM REAR LOT LINE:	25 FT.
FROM SIDE YARD LOT LINE:	5 FT.
BETWEEN DWELLING UNITS:	10 FT.
MINIMUM OFF-STREET PARKING:	2 SPACES PER DU
OTHER BULK AND AREA REQUIREMENTS	AS REQUIRED WITHIN AN RS-3 DISTRICT.

DEVELOPMENT AREA B

GROSS LAND AREA:	61.80 AC. +/-
PERMITTED USES: DETACHED OR ATTACHED RESIDENTIAL DWELLING UNITS INCLUDING SINGLE-FAMILY, DUPLEX, PATIO HOME, TOWNHOUSE, (EXCLUDING MULTIFAMILY DWELLINGS, AS DEFINED BY THE BIXBY ZONING CODE), AND CUSTOMARY ACCESSORY USES, INCLUDING COMMON AREA FACILITIES SUCH AS CLUB HOUSE, SWIMMING POOL AND RECREATIONAL OPEN SPACE.	
MAXIMUM DWELLING UNITS:	575 DUS

Pine Valley Addition

BLOCKS 4-9

PART OF THE NORTHWEST QUARTER (NW/4) OF SECTION SIXTEEN (16), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN MERIDIAN A SUBDIVISION WITHIN THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA

SECTION II. PLANNED UNIT DEVELOPMENT (CONTINUED):

MAXIMUM DENSITY	
DETACHED DWELLING UNITS:	8 DUS PER ACRE
DUPLEX DWELLING UNITS:	10 DUS PER ACRE
TOWNHOUSE DWELLING UNITS:	16 DUS PER ACRE
MAXIMUM BUILDING HEIGHT:	48 FT.
MAXIMUM STORIES:	3
MINIMUM YARDS AND BUILDING SETBACKS:	
FROM NON-ARTERIAL STREET RIGHT-OF-WAY	20 FT.
FROM ARTERIAL STREET RIGHT-OF-WAY	20 FT.
FROM REAR LOT LINE:	20 FT.
FROM SIDE YARD LOT LINE:	5 FT.
BETWEEN DETACHED DWELLING UNITS	10 FT.
FROM ATTACHED SIDE OF A DUPLEX BUILDING:	0 FT.
BETWEEN DUPLEX BUILDINGS:	10 FT.
FROM ATTACHED SIDE OF A TOWNHOUSE UNIT:	0 FT.
BETWEEN TOWNHOUSE BUILDINGS:	20 FT.
MINIMUM OFF-STREET PARKING:	AS REQUIRED WITHIN THE APPLICABLE USE UNIT.
OTHER BULK AND AREA REQUIREMENTS:	
DETACHED SINGLE FAMILY DWELLINGS	AS REQUIRED WITHIN AN RS-3 DISTRICT
DUPLEX DWELLINGS	AS REQUIRED WITHIN AN RD DISTRICT
TOWNHOUSE DWELLINGS	AS REQUIRED WITHIN AN RT DISTRICT

(THE ALTERNATIVE DEVELOPMENT STANDARDS FOR DEVELOPMENT AREA B ARE NOT RELEVANT TO THIS SUBDIVISION AND SO ARE OMITTED).

DEVELOPMENT AREA C

GROSS LAND AREA:	10.2 AC. +/-
PERMITTED USES: DETACHED OR ATTACHED RESIDENTIAL DWELLING UNITS INCLUDING SINGLE-FAMILY, DUPLEX, PATIO HOME, TOWNHOUSE, AND ELDERLY/RETIREMENT HOUSING, AND CUSTOMARY ACCESSORY USES.	
MAXIMUM DWELLING UNITS	163 DUS
MAXIMUM DETACHED DWELLING UNITS	8 DUS PER ACRE
MAXIMUM DUPLEX DWELLING UNITS:	10 DUS PER ACRE
MAXIMUM TOWNHOUSE DWELLING UNITS:	16 DUS PER ACRE
MAXIMUM ELDERLY/RETIREMENT HOUSING DWELLING UNITS	16 DUS PER ACRE
MAXIMUM BUILDING HEIGHT:	48 FT.
MAXIMUM STORIES:	3

MINIMUM YARDS AND BUILDING SETBACKS:

FROM NON-ARTERIAL STREET RIGHT-OF-WAY:	20 FT.
FROM ARTERIAL STREET RIGHT-OF-WAY	20 FT.
FROM REAR LOT LINE	20 FT.
FROM SIDE YARD LOT LINE	5 FT.
BETWEEN DETACHED DWELLING UNITS:	10 FT.
FROM ATTACHED SIDE OF A DUPLEX BUILDING	0 FT.
BETWEEN DUPLEX BUILDINGS:	10 FT.
FROM ATTACHED SIDE OF A TOWNHOUSE UNIT:	0 FT.
BETWEEN TOWNHOUSE BUILDINGS:	20 FT.
BETWEEN ELDERLY/RETIREMENT HOUSING BUILDINGS:	20 FT.

MINIMUM OFF-STREET PARKING: AS REQUIRED WITHIN THE APPLICABLE USE.

OTHER BULK AND AREA REQUIREMENTS-DWELLINGS: AS REQUIRED WITHIN AN RM-1 DISTRICT.

OTHER BULK AND AREA REQUIREMENTS-NON-DWELLINGS: AS REQUIRED WITHIN THE APPLICABLE USE UNIT.

(THE ALTERNATIVE DEVELOPMENT STANDARDS FOR DEVELOPMENT AREA C ARE NOT RELEVANT TO THIS SUBDIVISION AND SO ARE OMITTED).

4. GENERAL PROVISIONS AND DEVELOPMENT STANDARDS

ACCESS AND CIRCULATION

THE PRINCIPAL ACCESS IS TO BE DERIVED FROM 151st STREET AND HARVARD AVENUE WITH CONNECTION TO AN INTERIOR PUBLIC AND OR PRIVATE STREET SYSTEM, AND MUTUAL ACCESS EASEMENTS TO PROVIDE CONNECTIVITY WHERE APPROPRIATE. NEW PUBLIC STREET CONSTRUCTION SHALL COMPLY WITH THE APPLICABLE GEOMETRIC STREET STANDARDS OF THE CITY OF BIXBY.

SIDEWALKS ALONG THE STREET FRONTAGES OF RESERVE AREAS SHALL BE CONSTRUCTED BY THE DECLARANT AND SIDEWALKS ALONG THE INTERIOR STREETS SHALL BE CONSTRUCTED BY THE BUILDER OF THE HOME TO BE LOCATED WITHIN EACH INDIVIDUAL LOT IN ACCORDANCE WITH THE BIXBY SUBDIVISION REGULATIONS, INCLUDING A MINIMUM WIDTH OF FOUR FEET AND ADA COMPLIANCE.

IT IS PROPOSED THAT A TRAIL SYSTEM BE PROVIDED THAT IS MEANINGFUL AND PROVIDES REASONABLE PEDESTRIAN OPPORTUNITIES EXTENDING FROM HARVARD AVENUE THROUGH POSEY CREEK FLOOD PLAIN AND CONTINUING TO THE EAST BOUNDARY OF GEILER PARK. PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS FOR DEVELOPMENT WHICH IN THE AGGREGATE COMPRISES 20% OF THE LAND AREA OF GEILER PARK, A TRAIL SYSTEM PLAN, INCLUDING A CONSTRUCTION PHASING SCHEDULE, SHALL BE SUBMITTED TO AND APPROVED BY THE BIXBY PLANNING COMMISSION.

SIGNS

SIGNS SHALL COMPLY WITH THE APPLICABLE PROVISIONS OF THE BIXBY ZONING CODE, PROVIDED HOWEVER, PRIOR TO INSTALLATION, A DETAILED SIGN PLAN SHALL BE SUBMITTED TO AND APPROVED BY THE BIXBY PLANNING COMMISSION. A SIGN IDENTIFYING AN INTERIOR PROPERTY MAY BE LOCATED OFF SITE WITHIN A PARCEL LOCATED IN GEILER PARK, BUT SHALL REQUIRE A DETAILED SIGN PLAN SUBMITTED TO AND APPROVED BY THE BIXBY PLANNING COMMISSION.

UTILITIES AND DRAINAGE

UTILITIES ARE AT THE SITE OR ACCESSIBLE BY CUSTOMARY EXTENSION. STORM WATER DETENTION WILL BE PROVIDED.

PARCELIZATION

AFTER INITIAL PLATTING SETTING FORTH PERMITTED USES AND THE ALLOCATION OF COMMERCIAL AND OR INDUSTRIAL FLOOR AREA OR RESIDENTIAL DENSITY, DIVISION OF PLATTED LOTS MAY OCCUR BY APPROVED LOT SPLIT APPLICATION AND SUBJECT TO THE APPROVAL BY THE BIXBY PLANNING COMMISSION OF PROPOSED FLOOR AREA OR RESIDENTIAL DENSITY ALLOCATIONS AND CONFIRMATION OF THE EXISTENCE OF ANY NECESSARY CROSS PARKING AND MUTUAL ACCESS EASEMENTS.

ALLOCATION OF FLOOR AREA AND DWELLING UNITS

AS APPROVED BY THE BIXBY CITY COUNCIL AND AS SET FORTH WITHIN SECTION II OF PUD 12-D, USE INTENSITY (SQUARE FOOTAGE OF FLOOR AREA OF NONRESIDENTIAL USE AND DWELLING UNITS OF RESIDENTIAL USE) AS PERMITTED BY THE UNDERLYING GENERAL ZONING DISTRICTS SHALL BE FULLY TRANSFERABLE TO THE VARIOUS DEVELOPMENT AREAS, IRRESPECTIVE OF THE GENERAL ZONING DISTRICT BOUNDARIES, AND THE AREAS OF USE MAY EXCEED THE AREAS OF THE UNDERLYING GENERAL ZONING DISTRICTS.

NONRESIDENTIAL FLOOR AREA OR RESIDENTIAL DWELLING UNIT DENSITY AS INITIALLY SET FORTH WITHIN SECTION II OF PUD 12-D MAY BE TRANSFERRED TO ANOTHER LOT OR LOTS BY WRITTEN INSTRUMENT EXECUTED BY THE OWNER OF THE LOT FROM WHICH THE FLOOR AREA IS TO BE ALLOCATED, PROVIDED HOWEVER, THE ALLOCATION SHALL NOT EXCEED 15% OF THE INITIAL ALLOCATION TO THE LOT TO WHICH THE TRANSFER OF FLOOR AREA IS TO BE MADE. ALLOCATION EXCEEDING EXCEEDING 15% SHALL REQUIRE AN APPLICATION FOR MINOR AMENDMENT TO BE REVIEWED AND APPROVED BY THE BIXBY PLANNING COMMISSION.

SECTION III. HOMEOWNERS' ASSOCIATION

A. FORMATION OF HOMEOWNERS' ASSOCIATION

THE DECLARANT HAS FORMED OR SHALL CAUSE TO BE FORMED AN ASSOCIATION OF THE OWNERS OF THE RESIDENTIAL LOTS WITHIN PINE VALLEY ADDITION BLOCKS 4-9. THE HOMEOWNERS' ASSOCIATION SHALL BE ESTABLISHED IN ACCORDANCE WITH THE STATUTES OF THE STATE OF OKLAHOMA, FOR THE GENERAL PURPOSE OF MAINTAINING THE COMMON AREA, INCLUDING BUT WITHOUT LIMITATION THE RESERVES AND ENHANCING THE VALUE, DESIRABILITY AND ATTRACTIVENESS OF PINE VALLEY ADDITION BLOCKS 4-9 AND OF ANY RESIDENTIAL SUBDIVISION WHICH MAY SUBSEQUENTLY BE ANNEXED TO THE GEOGRAPHIC JURISDICTION OF THE HOMEOWNERS' ASSOCIATION.

B. MEMBERSHIP

EVERY PERSON OR ENTITY WHO IS A RECORD OWNER OF THE FEE INTEREST OF A RESIDENTIAL LOT IN PINE VALLEY ADDITION BLOCKS 4-9 SHALL BE A MEMBER OF THE HOMEOWNERS' ASSOCIATION. MEMBERSHIP SHALL BE APPURTENANT TO AND MAY NOT BE SEPARATED FROM THE OWNERSHIP OF A LOT. THE MEMBERSHIP OF THE ASSOCIATION SHALL BE LIMITED TO THE RECORD OWNER, WHETHER ONE OR MORE PERSONS OR ENTITIES, OF A FEE SIMPLE TITLE TO A LOT SITUATED WITHIN PINE VALLEY ADDITION BLOCKS 4-9, AND IN ANY ADDITIONAL PROPERTY AS MAY BE ANNEXED TO OR MERGED INTO THE JURISDICTION OF THE ASSOCIATION OR ALLOWED TO JOIN ACCORDING TO PROCEDURES SET FORTH IN THE ARTICLES OR BYLAWS, INCLUDING (WITHOUT LIMITATION) PROPERTY OWNERS IN FUTURE PHASES (IF ANY) OF THE PINE VALLEY ADDITION BLOCKS 4-9 DEVELOPMENT TO BE LOCATED ADJACENT TO PINE VALLEY ADDITION BLOCKS 4-9 AND EACH TO BE A SEPARATE ADDITION TO THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THEIR RESPECTIVE RECORDED PLATS THEREOF. THE FOREGOING IS NOT INTENDED TO INCLUDE PERSONS OR ENTITIES WHICH HOLD AN INTEREST MERELY AS SECURITY FOR THE PERFORMANCE OF AN OBLIGATION, OTHER THAN CONTRACT SELLERS. OWNERSHIP OF A LOT SHALL BE THE SOLE QUALIFICATION FOR MEMBERSHIP WITH RESPECT TO THOSE PROPERTY OWNERS IN PINE VALLEY ADDITION BLOCKS 4-9.

C. ASSESSMENT

EACH RECORD OWNER OF A LOT IN PINE VALLEY ADDITION BLOCKS 4-9 SHALL BE SUBJECT TO ASSESSMENTS BY THE HOMEOWNERS' ASSOCIATION FOR THE PURPOSES OF IMPROVEMENT AND MAINTENANCE OF THE COMMON AREAS. ANNUAL AND SPECIAL ASSESSMENTS SHALL BE ESTABLISHED AS DETERMINED BY THE BOARD OF DIRECTORS OF THE ASSOCIATION IN ACCORDANCE WITH ITS BYLAWS AND AT A UNIFORM RATE APPLYING SUCH FACTORS AS THE BOARD OF DIRECTORS SHALL DETERMINE APPROPRIATE, SUCH AS THE OPERATING COSTS OF THE ASSOCIATION, MAINTENANCE OF THE COMMON AREAS, COST OF LIVING INCREASES, ENHANCEMENT OF PROPERTY VALUES AND OTHER EQUITABLE FACTORS. THE ASSOCIATION MAY DECLARE AND LEVY A SPECIAL ASSESSMENT, WITHOUT MEMBERS CONSENT OR APPROVAL, FOR THE PURPOSE OF DEFRAYING, IN WHOLE OR IN PART, THE COSTS OF ANY CONSTRUCTION OR RECONSTRUCTION, REPAIR OR REPLACEMENT OF A CAPITAL IMPROVEMENT UPON THE COMMON AREA OR ENTRYWAYS, INCLUDING THE NECESSARY FIXTURES AND PERSONAL PROPERTY RELATED THERETO, AND FOR ESTABLISHING RESERVES AND PAYMENT FOR ANY EXPENSES DEEMED NECESSARY AND APPROPRIATE BY THE BOARD OF DIRECTORS IN ITS SOLE DISCRETION; PROVIDED, HOWEVER, SPECIAL ASSESSMENTS AGAINST LOTS IN PINE VALLEY ADDITION BLOCKS 4-9 AFTER THE TURNOVER DATE SHALL REQUIRE THE AFFIRMATIVE VOTE OF ONE-HALF (1/2) OF THE OWNERS OF SUCH LOTS WHO ARE CLASS A MEMBERS OF THE ASSOCIATION WHO ARE IN ATTENDANCE (IN PERSON OR BY PROXY) AT A SPECIAL MEETING OF THE MEMBERS OF THE ASSOCIATION, DULY CALLED AND NOTICED; PROVIDED, HOWEVER, THE DECLARANT AND ANY BUILDER OF THE RESIDENTIAL STRUCTURE THEREON WHO DOES NOT OCCUPY SUCH STRUCTURE AS ITS PRINCIPAL RESIDENCE, WHO OWN LOTS WITHIN PINE VALLEY ADDITION BLOCKS 4-9 SHALL NOT BE SUBJECT TO ANY SPECIAL ASSESSMENT.

D. VOTING CLASSES

CLASS A: CLASS A MEMBERS SHALL BE ALL THOSE PERSONS OR ENTITIES ENTITLED TO MEMBERSHIP AS DEFINED IN SECTION III, PARAGRAPH C ABOVE, WITH THE EXCEPTION OF DECLARANT. AFTER THE TURNOVER DATE DESCRIBED BELOW, CLASS A MEMBERS WHO OWN A LOT SHALL BE ENTITLED TO ONE (1) VOTE FOR EACH LOT IN WHICH THEY HOLD THE INTEREST REQUIRED FOR MEMBERSHIP PROVIDED ABOVE; PROVIDED, HOWEVER, WHEN TWO OR MORE PERSONS OR ENTITIES HOLD SUCH INTEREST OR INTERESTS IN ANY LOT, ALTHOUGH ALL OF SUCH PERSONS OR ENTITIES SHALL BE MEMBERS OF THE ASSOCIATION, THE VOTE FOR SUCH LOT SHALL BE EXERCISED AS THEY, AMONG THEMSELVES, MAY DETERMINE, BUT IN NO EVENT SHALL MORE THAN ONE (1) VOTE PER LOT BE CAST WITH RESPECT TO ANY ONE LOT.

CLASS B: THE CLASS B MEMBER SHALL BE DECLARANT. THE CLASS B MEMBER SHALL BE ENTITLED TO FIVE HUNDRED (500) VOTES; PROVIDED, THAT THE CLASS B MEMBERSHIP SHALL CEASE AND BE CONVERTED TO CLASS A MEMBERSHIP ON THE EARLIER TO OCCUR OF:

1. THE DATE ALL LOTS IN PINE VALLEY ADDITION BLOCKS 4-9 SO PLATTED HAVE BEEN SOLD BY DECLARANT; OR
2. DECEMBER 31, 2035; OR
3. SUCH DATE AS DECLARANT (IN ITS SOLE DISCRETION) EXECUTES AND RECORDS WITH THE COUNTY CLERK OF TULSA COUNTY, OKLAHOMA, A NOTICE THAT DECLARANT HAS ELECTED TO CONVERT THE CLASS B MEMBERSHIP TO CLASS A MEMBERSHIP.

E. DECLARANT CONTROL

THE DECLARANT, OR ITS DESIGNEE, SHALL BE IN SOLE AND COMPLETE LEGAL CONTROL OF THE ASSOCIATION FROM THE INCEPTION THEREOF UNTIL SUCH TIME AS THE DECLARANT RELINQUISHES CONTROL THEREOF AS SET FORTH HEREIN. THE DATE ON WHICH DECLARANT'S RIGHTS UNDER THIS SECTION SHALL TERMINATE SHALL BE REFERRED TO AS THE "TURNOVER DATE". THE FIRST AND ALL SUBSEQUENT BOARDS PRIOR TO THE TURNOVER DATE SHALL CONSIST OF THOSE PERSONS DESIGNATED BY DECLARANT. DECLARANT'S RIGHTS UNDER THIS SECTION TO DESIGNATE THE MEMBERS OF THE BOARD SHALL TERMINATE ON THE DATE THE CLASS B MEMBERSHIP IS CONVERTED INTO CLASS A MEMBERSHIP AS DESCRIBED ABOVE. FROM AND AFTER THE TURNOVER DATE, THE BOARD SHALL BE CONSTITUTED AND ELECTED AS PROVIDED IN THE ASSOCIATION BYLAWS. PRIOR TO THE TURNOVER DATE ALL OF THE VOTING RIGHTS OF THE DECLARANTS SHALL BE VESTED EXCLUSIVELY IN DECLARANT. THE CLASS A MEMBERS, PRIOR TO THE TURNOVER DATE, SHALL HAVE NO VOTING RIGHTS. DESPITE HAVING NO VOTING RIGHTS AT THAT POINT IN TIME, SUCH MEMBERS' LOTS SHALL NEVERTHELESS BE SUBJECT TO ASSESSMENT. THE DECLARANT, UPON REQUEST, SHALL SUPPLY SUCH MEMBERS WITH AN ANNUAL ACCOUNTING OF THE MANNER IN WHICH COLLECTED ASSESSMENTS HAVE BEEN SPENT.

SECTION IV. PRIVATE RESTRICTIONS

THE DECLARANT HEREBY IMPOSES THE FOLLOWING RESTRICTIONS AND COVENANTS FOR THE PURPOSE OF PROVIDING FOR THE ORDERLY DEVELOPMENT OF THE SUBDIVISION AND CONFORMITY AND COMPATIBILITY OF IMPROVEMENTS THEREIN, WHICH SHALL BE APPLICABLE TO THE LOTS AND SHALL BE COVENANTS RUNNING WITH THE LAND AND SHALL BE BINDING UPON EACH LOT OWNER, THEIR HEIRS, SUCCESSORS AND ASSIGNS, AND SHALL BE ENFORCEABLE AS HEREINAFTER SET FORTH.

A. ARCHITECTURAL COMMITTEE - PLAN REVIEW

1. PLAN REVIEW. NO BUILDING, STRUCTURE, FENCE, WALL, PAVING, SWIMMING POOL, EXTERIOR LIGHTING, EXTERIOR ANTENNAE, OR FREE STANDING MAIL BOX SHALL BE ERRECTED, PLACED OR ALTERED (INCLUDING EXTERIOR PAINTING) ON ANY LOT, AND NO SIDEWALK SHALL BE CONSTRUCTED UPON OR ADJACENT TO ANY LOT, UNTIL THE PLANS AND SPECIFICATIONS HAVE BEEN APPROVED IN WRITING BY THE DECLARANT 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 SITE PLAN, FLOOR PLAN, EXTERIOR ELEVATIONS, DRAINAGE AND GRADING PLANS, SIDEWALK LOCATION AND DESIGN PLAN, EXTERIOR MATERIALS AND COLOR SCHEME. IN THE EVENT THE ARCHITECTURAL COMMITTEE FAILS TO APPROVE OR DISAPPROVE PLANS AND SPECIFICATIONS SUBMITTED TO IT AS HEREIN REQUIRED WITHIN TWENTY (20) DAYS AFTER SUBMISSION, THE PLANS SO SUBMITTED SHALL BE DEEMED APPROVED. THE DEVELOPMENT AND USE OF THE SUBJECT LOT SHALL THEREAFTER BE IN SUBSTANTIAL

COMPLIANCE WITH THE APPROVED PLANS OR APPROVED AMENDMENTS THERETO. 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.

2. COMMITTEE PURPOSE. THE INITIAL ARCHITECTURAL COMMITTEE SHALL BE MADE UP OF _____, GREG A. SIMMONS AND BRIAN DOYLE. 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 ERRECTED 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 RESPONSIBILITY FOR BUILDING METHODS, MATERIALS, PROCEDURES, STRUCTURAL DESIGN, GRADING OR DRAINAGE OR CODE VIOLATIONS. THE APPROVAL OR FAILURE TO APPROVE BUILDING PLANS SHALL NOT BE DEEMED A WAIVER OF ANY RESTRICTION. 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.

3. THE POWERS AND DUTIES OF THE ARCHITECTURAL COMMITTEE SHALL BE DEEMED TRANSFERRED TO THE HOMEOWNERS' ASSOCIATION ON THE TURNOVER DATE; AND THEREAFTER THE FOREGOING POWERS AND DUTIES SHALL BE EXERCISED BY THE BOARD OF DIRECTORS OF THE HOMEOWNERS' ASSOCIATION.

B. FLOOR AREA

SINGLE STORY DWELLINGS SHALL HAVE A MINIMUM OF 1,700 SQUARE FEET OF FINISHED HEATED LIVING AREA. ONE AND ONE-HALF (1-1/2) OR TWO (2) STORY DWELLINGS SHALL HAVE A MINIMUM OF 2,450 SQUARE FEET OF FINISHED HEATED LIVING AREA; PROVIDED HOWEVER, THE FIRST FLOOR SHALL HAVE A MINIMUM OF 1,600 SQUARE FEET OF FINISHED HEATED LIVING AREA. THE COMPUTATION OF SQUARE FEET OF LIVING AREA SHALL EXCLUDE GARAGES, OPEN SPACES AND BREEZEWAYS.

C. GARAGES

EACH DWELLING SHALL HAVE AN ATTACHED ENCLOSED GARAGE PROVIDING SPACE FOR A MINIMUM OF TWO AUTOMOBILES. ALL GARAGES SHALL BE ACCESSED BY AN OVERHEAD GARAGE DOOR. 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 FIRST FLOOR OF EACH DWELLING WILL BE 100% MASONRY, NOT INCLUDING WINDOWS, DOORWAYS AND BENEATH COVERED PORCHES. ALL EXTERIOR COLORS (INCLUDING, WITHOUT LIMITATION, MASONRY, PAINT, WOOD, GARAGE DOORS, ETC.) OF THE RESIDENTIAL STRUCTURE AND ANY OTHER STRUCTURE ON THE LOT MUST BE EARTH TONE COLORS AND SUBTLE IN NATURE. NO NON-NATURAL HUE COLORS OR COLOR SCHEMES SHALL BE PERMITTED ON THE EXTERIOR OF ANY STRUCTURE ON THE LOT. 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

WINDOWS SHALL BE VINYL. METAL WINDOWS ARE RESTRICTED; HOWEVER, THE ARCHITECTURAL COMMITTEE MAY IN THE PARTICULAR INSTANCE AND UPON WRITTEN REQUEST APPROVE A WAIVER OF THE METAL WINDOW RESTRICTION 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 6/12, 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 - LANDMARK LIFETIME, PROVIDED HOWEVER, IF FEDERAL, STATE, OR LOCAL LAWS PROHIBIT SUCH ROOFING OR SUBSTANTIALLY IMPAIR THE ENFORCEMENT OF THIS RESTRICTION OR IF LANDMARK LIFETIME 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.

Pine Valley Addition

BLOCKS 4-9

PART OF THE NORTHWEST QUARTER (NW/4) OF SECTION SIXTEEN (16), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN MERIDIAN A SUBDIVISION WITHIN THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA

SECTION IV. PRIVATE RESTRICTIONS (CONTINUED):

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; PROVIDED 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. ANTENNAS

EXTERIOR TELEVISION, "CB" RADIO OR OTHER TYPES OF ANTENNAS SHALL BE PROHIBITED, PROVIDED HOWEVER, SATELLITE DISHES OR SIMILAR OUTSIDE ELECTRONIC RECEPTION DEVICES NOT EXCEEDING 20 INCHES IN DIAMETER MAY BE AFFIXED TO A REAR BUILDING WALL OR DORMER IF BELOW THE EAVE AND NOT VISIBLE FROM THE STREET VIEW OF THE DWELLING, AND THE SPECIFIC LOCATION OF THE SAME IS APPROVED BY THE ARCHITECTURAL COMMITTEE. THE ARCHITECTURAL COMMITTEE MAY, IN THE PARTICULAR INSTANCE AND UPON WRITTEN REQUEST, APPROVE A WAIVER OF THE FOREGOING RESTRICTIONS.

N. LOT MAINTENANCE

NO INOPERATIVE 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.

O. RECREATIONAL VEHICLES AND EQUIPMENT

NO BOATS, RECREATIONAL TRAILERS, PERSONAL WATER CRAFT, CAMPERS, MOTOR HOMES OR OTHER RECREATIONAL VEHICULAR EQUIPMENT, SHALL BE STORED, PLACED OR PARKED ON ANY STREET WITHIN THE SUBDIVISION OR ON ANY LOT, EXCEPT WITHIN AN ENCLOSED GARAGE.

P. TRAILERS, MACHINERY AND EQUIPMENT, AND COMMERCIAL VEHICLES

NO COMMERCIAL VEHICLE SHALL BE KEPT, PARKED, STOOD OR STORED ON ANY LOT, EXCEPT IN A GARAGE. NO PRIVATE VEHICLE, MOTORCYCLE, MOTOR BIKE, CAMPER, TRAILER, BOAT, ALL-TERRAIN VEHICLE (ATV) OR RECREATIONAL VEHICLE (RV) OR SIMILAR VEHICLE OR EQUIPMENT, WHETHER OR NOT OPERABLE (COLLECTIVELY REFERRED TO AS "VEHICLES") SHALL BE KEPT, PARKED, STOOD OR STORED ON ANY LOT, STREET OR THE COMMON AREA, EXCEPT IN A GARAGE OR IN AN AREA WHERE THE ASSOCIATION HAS GIVEN ITS PRIOR WRITTEN APPROVAL THEREOF. REGULAR PASSENGER VEHICLES, SUCH AS AUTOMOBILES, PASSENGER VANS, AND SUV'S AND COMMERCIAL VEHICLES OF ¾ TON OR LESS ARE PERMITTED TO BE PARKED IN THE DRIVEWAY OVERNIGHT. FURTHER, BOATS, TRAILERS AND RV'S MAY BE PARKED TEMPORARILY (FOR A PERIOD NOT TO EXCEED 48 CONSECUTIVE HOURS PER WEEK) ON THE DRIVEWAY OF A LOT FOR PURPOSES OF LOADING, UNLOADING OR WASHING. VEHICLES SHALL NOT BE KEPT, PARKED OR STORED ON THE LOT, EXCEPT IN A SIDE YARD, COMPLETELY SCREENED BY PRIVACY FENCING FROM VIEW OF NEIGHBORING LOTS, STREETS AND OTHER PROPERTY. PARKING ON THE STREET IS RESERVED FOR OWNER'S GUESTS AND VISITORS. OWNER'S VEHICLES (OR VEHICLES UNDER THEIR DOMINION AND CONTROL) SHALL NOT BE PARKED OR STORED IN ANY STREET, NOR IN ANY OTHER MANNER WHICH IMPAIRS OR IMPEDES SIDEWALK USE OR OTHER PUBLIC ACCESS. OWNERS SHALL KEEP THEIR RESPECTIVE GARAGES FREE FROM CLUTTER AND DEBRIS SO THAT GARAGES MAY BE CONSISTENTLY USED FOR THE PARKING AND/OR STORAGE OF VEHICLES. REPAIR OF VEHICLES ON THE LOT IS PROHIBITED, BUT WASHING OR POLISHING OF VEHICLE ON THE DRIVEWAY IS ALLOWED; PROVIDED, HOWEVER VEHICLE REPAIR MAY OCCUR IN THE ENCLOSED GARAGE AS LONG AS THE GARAGE EFFECTIVELY SCREENS THE SIGHT AND SOUND OF SUCH ACTIVITIES FROM NEIGHBORING PROPERTIES AND FROM THE STREET. INOPERABLE VEHICLES SHALL NOT BE KEPT, PARKED, OR STORED ON A LOT AT ANY TIME. NOTWITHSTANDING ANY OTHER PROVISION HEREIN, NO COMMERCIAL VEHICLES SHALL BE PARKED OR STORED AT ANY TIME ON OR IN FRONT OF ANY LOT, STREET OR COMMON AREA WITHOUT THE ASSOCIATIONS PRIOR WRITTEN CONSENT.

Q. CLOTHESLINES AND TRASH RECEPTACLES

EXTERIOR CLOTHESLINE POLES OR OTHER OUTDOOR DRYING APPARATUS ARE PROHIBITED. GARBAGE CANS 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 THE SUBDIVISION FOR U.S. POSTAL SERVICE, ALL MAILBOX PEDESTALS SHALL CONFORM IN DESIGN TO SPECIFICATIONS 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 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 SHALL BE COMPLETED WITHIN NINE (9) MONTHS THEREAFTER. EACH LOT SHALL BE MAINTAINED IN A NEAT AND ORDERLY CONDITION.

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 EACH LOT OWNER, THEIR HEIRS, THE OWNER, 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 THERETO, AND ADDITIONALLY THE COVENANTS WITHIN SECTION I. WHETHER OR NOT SPECIFICALLY THEREIN SO STATED SHALL INURE TO THE BENEFIT OF AND SHALL BE ENFORCEABLE BY THE CITY OF BIXBY. 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 THE CITY OF BIXBY, OKLAHOMA, ANY OWNER OF A LOT AND THE HOMEOWNERS' ASSOCIATION. IF ANY LOT OWNER THE UNDERSIGNED OWNER OR ITS SUCCESSORS OR ASSIGNS, SHALL VIOLATE ANY OF THE COVENANTS WITHIN SECTION II., IT SHALL BE LAWFUL FOR THE CITY OF BIXBY, THE DECLARANT, ANY OWNER OF A LOT OR THE HOMEOWNERS' ASSOCIATION TO MAINTAIN ANY 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. THE COVENANTS CONTAINED IN SECTION III. HOMEOWNERS' ASSOCIATION AND SECTION IV. PRIVATE RESTRICTIONS, SHALL INURE TO THE BENEFIT OF ANY OWNER OF A LOT AND THE HOMEOWNERS' ASSOCIATION. IF THE OWNER OF ANY LOT, ITS HEIRS, UNDERSIGNED OWNER, OR ITS SUCCESSORS OR ASSIGNS, SHALL VIOLATE ANY OF THE COVENANTS WITHIN SECTION III. OR IV., IT SHALL BE LAWFUL FOR THE HOMEOWNERS' ASSOCIATION TO MAINTAIN ANY 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. IN ANY JUDICIAL ACTION BROUGHT TO ENFORCE THE COVENANTS ESTABLISHED WITHIN THIS DEED OF DEDICATION, THE DEFENSE THAT THE PARTY INITIATING THE EQUITABLE PROCEEDING HAS AN ADEQUATE REMEDY AT LAW, IS HEREBY WAIVED. IN ANY JUDICIAL ACTION BROUGHT BY ANY OWNER OF A LOT OR THE HOMEOWNERS' ASSOCIATION, WHICH ACTION SEEKS TO ENFORCE THE COVENANTS CONTAINED IN SECTIONS III. OR IV. AND/OR TO RECOVER DAMAGES FOR THE BREACH THEREOF, THE PREVAILING PARTY SHALL BE ENTITLED TO RECEIVE REASONABLE ATTORNEY FEES AND COSTS AND EXPENSES INCURRED IN SUCH ACTION.

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 HEREINAFTER PROVIDED.

C. AMENDMENT

UNTIL SUCH TIME AS THE CLASS B MEMBERSHIP IS CONVERTED INTO THE CLASS A MEMBERSHIP, THE PROVISIONS OF THIS DECLARATION MAY BE AMENDED, IN WHOLE OR IN PART, MODIFIED, ADDED TO OR CHANGED AT ANY TIME BY THE DECLARANT IN ITS SOLE DISCRETION AND, IF REQUIRED, APPROVED BY THE CITY OF BIXBY. THEREAFTER, 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 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 MAY BE AMENDED OR TERMINATED AT ANY TIME BY A 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. NOTWITHSTANDING THE FOREGOING, THE COVENANTS CONTAINED WITHIN SECTION II. SHALL BE DEEMED AMENDED (WITHOUT NECESSITY OF EXECUTION OF AN AMENDING DOCUMENT) UPON APPROVAL OF A MINOR AMENDMENT TO PUD 12-D BY THE BIXBY PLANNING COMMISSION AND RECORDING OF A CERTIFIED COPY OF THE MINUTES OF THE BIXBY PLANNING COMMISSION WITH THE TULSA COUNTY CLERK.

THE COVENANTS CONTAINED WITHIN SECTION III. HOMEOWNERS' ASSOCIATION, SECTION IV. PRIVATE RESTRICTIONS, AND ANY OTHER PROVISION OF THIS DEED OF DEDICATION WHICH DID NOT INITIALLY REQUIRE THE APPROVAL OF THE BIXBY PLANNING COMMISSION AND/OR THE CITY OF BIXBY, MAY BE AMENDED OR TERMINATED AT ANY TIME BY A WRITTEN INSTRUMENT SIGNED AND ACKNOWLEDGED BY THE OWNER DURING SUCH PERIOD THAT THE OWNER IS THE RECORD OWNER OF AT LEAST 1 LOT OR ALTERNATIVELY, THE COVENANTS AND RESTRICTIONS MAY BE AMENDED OR TERMINATED AT ANY TIME BY A WRITTEN INSTRUMENT SIGNED AND ACKNOWLEDGED BY THE OWNERS OF AT LEAST 65% OF THE LOTS WITHIN THE SUBDIVISION. IN THE EVENT OF ANY CONFLICT BETWEEN AN AMENDMENT OR TERMINATION PROPERLY EXECUTED BY THE OWNER (DURING ITS OWNERSHIP OF AT LEAST 1 LOT) AND ANY AMENDMENT OR TERMINATION PROPERLY EXECUTED BY THE OWNERS OF AT LEAST 65% OF THE LOTS, THE INSTRUMENT EXECUTED BY THE OWNER SHALL PREVAIL. THE PROVISIONS OF ANY INSTRUMENT AMENDING OR TERMINATING COVENANTS AND RESTRICTIONS SHALL BE EFFECTIVE FROM AND AFTER THE DATE IT IS PROPERLY RECORDED.

THIS DECLARATION MAY BE AMENDED UNILATERALLY BY DECLARANT AT ANY TIME (I) IF SUCH AMENDMENT IS NECESSARY TO BRING ANY PROVISION HEREOF INTO COMPLIANCE WITH ANY APPLICABLE GOVERNMENTAL STATUTE, RULE OR REGULATION OR JUDICIAL DETERMINATION WHICH SHALL BE IN CONFLICT THEREWITH; (II) IF SUCH AMENDMENT IS REQUIRED BY AN INSTITUTIONAL OR GOVERNMENTAL LENDER OR PURCHASER OF MORTGAGE LOANS, TO ENABLE SUCH LENDER OR PURCHASER TO MAKE OR PURCHASE MORTGAGE LOANS ON THE PROPERTY SUBJECT TO THIS DECLARATION; (III) IF SUCH AMENDMENT IS NECESSARY TO ENABLE ANY GOVERNMENTAL AGENCY OR REPUTABLE PRIVATE INSURANCE COMPANY TO INSURE MORTGAGE LOANS ON THE PROPERTY SUBJECT TO THIS DECLARATION; (IV) TO CORRECT ERRORS AND MAKE CLARIFICATIONS OR ADDITIONS IN THIS DECLARATION; OR (V) TO MODIFY OR ADD TO THE PROVISIONS OF THIS DECLARATION TO ADEQUATELY COVER SITUATIONS AND CIRCUMSTANCES WHICH DECLARANT BELIEVES, IN ITS REASONABLE JUDGMENT, HAVE NOT BEEN ADEQUATELY COVERED AND WOULD NOT HAVE A MATERIAL AND ADVERSE EFFECT ON THE MARKETABILITY OF LOTS. IN FURTHERANCE OF THE FOREGOING, A POWER COUPLED WITH AN INTEREST IS HEREBY RESERVED AND GRANTED TO DECLARANT TO MAKE OR CONSENT TO ANY SUCH AMENDMENT ON BEHALF OF EACH OWNER, EACH DEED, MORTGAGE, OTHER EVIDENCE OF OBLIGATION OR OTHER INSTRUMENT AFFECTING A LOT AND THE ACCEPTANCE THEREOF SHALL BE DEEMED TO BE A GRANT AND ACKNOWLEDGMENT OF, AND CONSENT TO THE RESERVATION OF, THE POWER TO DECLARANT TO MAKE, EXECUTE AND RECORD SUCH AMENDMENTS. THE RIGHT AND POWER OF THE DECLARANT TO MAKE SUCH AMENDMENTS HEREUNDER SHALL TERMINATE AT SUCH TIME AS DECLARANT HAS SOLD ALL OF ITS LOTS IN PINE VALLEY ADDITION BLOCKS 4-9.

UPON THE CONVERSION OF CLASS B MEMBERSHIP INTO CLASS A MEMBERSHIP, (I) THE PROVISIONS OF THIS SECTION V MAY BE AMENDED ONLY BY AN INSTRUMENT EXECUTED BY ALL OF THE OWNERS; AND (II) ANY PROVISION RELATING TO THE RIGHTS OF DECLARANT MAY BE AMENDED ONLY WITH THE WRITTEN CONSENT OF DECLARANT. NO AMENDMENT SHALL BE EFFECTIVE UNTIL PROPERLY RECORDED. "OWNERS" SHALL NOT BE DEEMED TO INCLUDE MORTGAGEES OR OTHER PERSONS HOLDING LIENS ON ANY LOT AND SUCH MORTGAGEES AND OTHER LIENHOLDERS SHALL NOT BE REQUIRED TO JOIN IN ANY AMENDMENT TO THIS DECLARATION.

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 THEREOF AS SET FORTH HEREIN, WHICH SHALL REMAIN IN FULL FORCE AND EFFECT.

IN WITNESS WHEREOF, STONE HORSE DEVELOPMENT, L.L.C., AN OKLAHOMA LIMITED LIABILITY COMPANY, HAS EXECUTED THIS INSTRUMENT THE ____ DAY OF _____, 2016.

STONE HORSE DEVELOPMENT, L.L.C.
AN OKLAHOMA LIMITED LIABILITY COMPANY

BY: _____
DANIEL RUHL, MANAGER

STATE OF OKLAHOMA)
)SS
COUNTY OF TULSA)

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, ON THIS ____ DAY OF _____, 2014, PERSONALLY APPEARED DANIEL RUHL, TO ME KNOWN TO BE THE IDENTICAL PERSON WHO SUBSCRIBED THE NAME OF THE MAKER THEREOF TO THE FOREGOING INSTRUMENT, AS ITS MANAGER AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE AND VOLUNTARY ACT AND DEED AND AS THE FREE AND VOLUNTARY ACT AND DEED OF SUCH COMPANY FOR THE USES AND PURPOSES THEREIN SET FORTH. THE DAY AND YEAR LAST ABOVE WRITTEN.

MY COMMISSION EXPIRES _____ NOTARY PUBLIC

CERTIFICATE OF SURVEY

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

WITNESS MY HAND AND SEAL THIS ____ DAY OF _____, 2016.



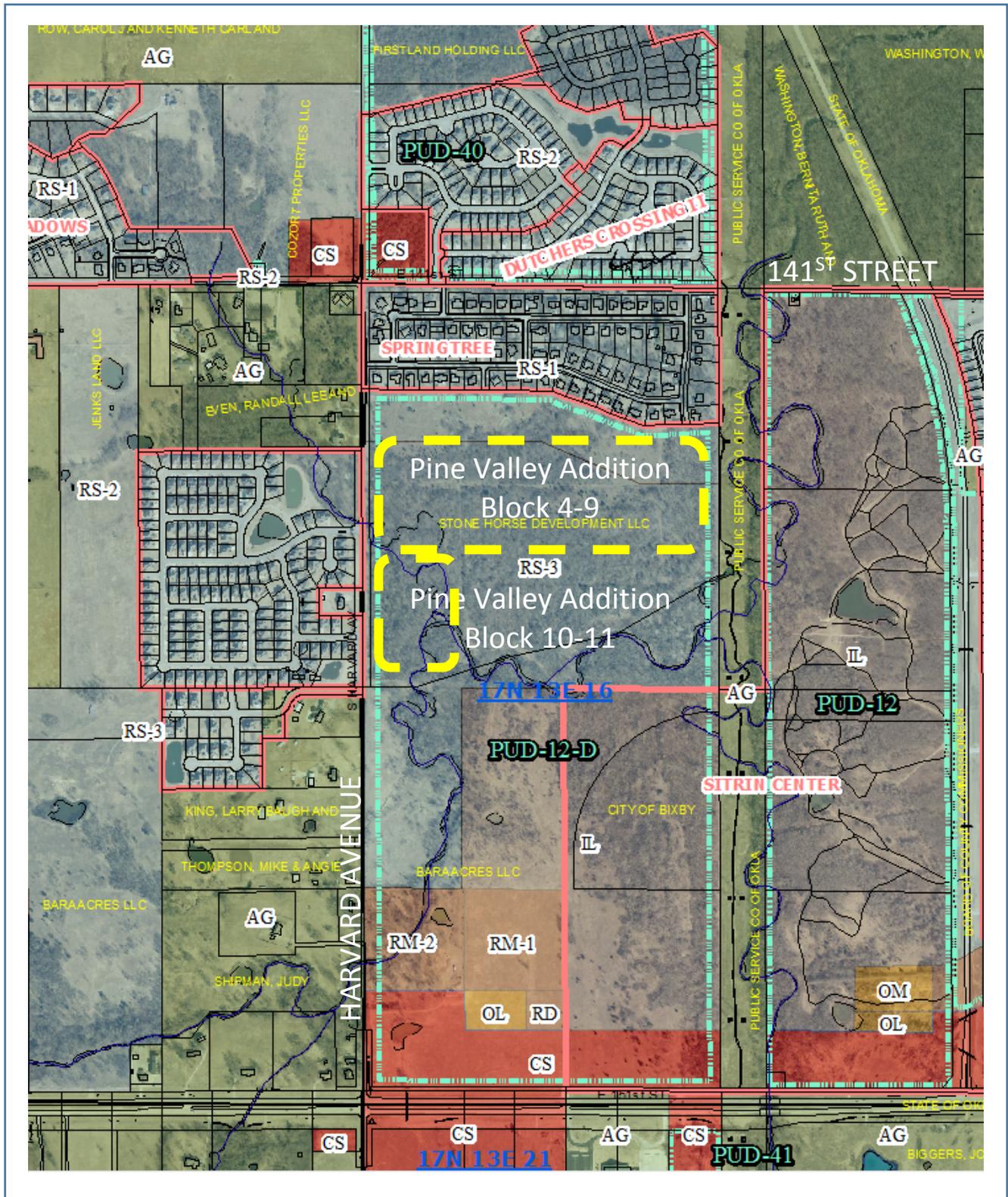
BY: _____
DAN E. TANNER
LICENSED PROFESSIONAL LAND SURVEYOR
OKLAHOMA NO. 1435

STATE OF OKLAHOMA)
)SS
COUNTY OF TULSA)

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, ON THE ____ DAY OF _____, 2016, PERSONALLY APPEARED TO ME DAN E. TANNER KNOWN TO BE THE IDENTICAL PERSON WHO SUBSCRIBED HIS NAME AS LICENSED PROFESSIONAL LAND SURVEYOR TO THE FOREGOING CERTIFICATE, AS HIS FREE AND VOLUNTARY ACT AND DEED, FOR THE USES AND PURPOSES THEREIN SET FORTH.

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

MY COMMISSION EXPIRES _____ NOTARY PUBLIC



October 20, 2014

Mr. Erik Enyart
Bixby City Planner
116 W. Needles
Bixby, Oklahoma 74008

RE: Pine Valley Preliminary Plat

Dear Erik,

This letter is to serve as a formal request to modify or waive certain Bixby Subdivision Regulations for the above mentioned development. Per your requirement in the Staff Recommendation, items 8, 10, 11 and 12 are requested to be modified. I have more specifically identified each item and need below:

8. Modification/Waiver from the 300' maximum street length standard of Subdivision Regulation Section 2.2.20.

The cul-de-sac from South Harvard Avenue is physically constrained by floodplain on three sides. Buildable area for the nine lots is minimal and if redesigned to shorten the cul-de-sac, the lots located on the south side of the street would far exceed the maximum 2:1 lot width to length ratio. As designed, we exceed the maximum ratio but have tried to minimize the lot depth. The cul-de-sac on the north side of Reserve Area "C" is designed to be extended as a street to the east and connect to the stub street on the east side of the development. We are aware that this will require a modification of the floodplain but would allow an additional row of lots on the south side of Block 5.

10. Modification/Waiver from Subdivision Regulations Section 12-3-4.F, as certain lots appear to exceed this 2:1 maximum depth to width ratio standard.

The development is very irregular in shape and is surrounded on three sides by floodplain areas. Certain lots (typically located on cul-de-sacs) exceed the 2:1 ratio. Care was taken to minimize the amount where possible but the final design exceed with some lots.

11. Modification/Waiver of the subdivision Regulations Section 12-3-4.H to have double frontage along South Harvard Avenue.

As per the Staff Comment, the design is incidental and unavoidable due to existing geometries.

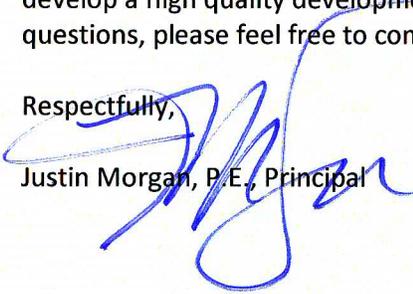
12. Modification/Waiver to permit platting Reserve Areas in a 100-year Regulatory Floodplain Section 12-3-2.

Within Pine Valley Addition, there are no habitable lots designed in the 100-year floodplain. The Reserve Areas proposed to be platted and intended for passive recreation. No building will be constructed without proper approval by FEMA and the City of Bixby.

It is our hope that these waiver items be considered and approved. In each instance, it was our intent to develop a high quality development and try to meet the City of Bixby design criteria. If you have any questions, please feel free to contact me.

Respectfully,

Justin Morgan, P.E., Principal



October 27, 2014

Mr. Erik Enyart
Bixby City Planner
City of Bixby
116 West Needles
Bixby, Oklahoma 74008

RE: Pine Valley Subdivision Plat

Mr. Enyart,

As you are aware, we have submitted the above mentioned preliminary plat to the City of Bixby and it was approved subject to conditions at the October 23, 2014 Planning Commission meeting.

With this letter, we would formally request a waiver of the Bixby Subdivision Regulations, Section 12-3-2-N and be permitted not to construct a sidewalk along the South Harvard frontage. Based on the current condition of South Harvard Avenue and the large amount of floodplain involved, we feel it is more practical to be permitted to pay a fee in lieu of construction of the sidewalk. We will provide you with an engineer's estimate of the cost of construction of the sidewalk in order to base you fee amount.

If you have additional questions, please feel free to contact me.

Respectfully,



Ricky Jones, AICP, Principal

Friday, April 15, 2016

Donna Crawford
Community Development Coordinator
City of Bixby
113 W. Dawes
P.O. Box 70
Bixby, OK 74008
Phone: (918)366-0410
Fax: (918)366-6373

Re: 14073 - Ruhl - Pine Valley 151st & Harvard (Chognard) PO #2604010L-R-000001: Plat -

Hi Donna:

Enclosed for review are:

“Pine Valley Addition Blocks 4-9”:

One (1) Final Plat Application
One (1) Check for \$700 (\$350 combined for both applications)
Five (5) 24”x36” Full Size Preliminary Plats
One (1) 11”x17” Half Size Preliminary Plat

“Pine Valley Addition Blocks 10-11”:

One (1) Final Plat Application
Five (5) 24”x36” Full Size Preliminary Plats
One (1) 11”x17” Half Size Preliminary Plat

“Pine Valley Addition”:

One (1) 24’x36” Full Size Corrected Preliminary Plat (overall development)
One (1) transmittal/response letter to Marcae’ regarding Preliminary Plat approval conditions

I have or will email to Marcae’ a PDF of all the plats listed above.

Please contact me at (918) 745-9929 or eenyart@tannerbaitshop.com if you have any questions or need additional information.

Respectfully,



Erik Enyart, AICP, CFM

Friday, April 15, 2016

Marcae' Hilton
Bixby City Planner
City of Bixby
PO Box 70
Bixby, OK 74008

Re: **14073 Pine Valley Addition**

Dear Ms. Hilton:

This letter will serve to transmit (1) the Final Plats of "Pine Valley Addition Blocks 4-9" and "Pine Valley Addition Blocks 10-11" and (2) the Preliminary Plat of "Pine Valley Addition" revised to incorporate the Conditions of Approval imposed by the City Council on November 10, 2014. We have addressed all the outstanding items in plats transmitted herewith. Some of the outstanding Conditions of Approval request written response, and others will benefit from certain explanation, which is provided herewith.

1. Subject to compliance with all Fire Marshal, City Attorney, and City Engineer recommendations and requirements.

Response: Acknowledged.

2. Limits of No Access (LNA) and Access Openings subject to City Engineer and Fire Marshal approval. County Engineer approval may also be required.

Response: Street designs are a part of this plat and the construction plans and have been submitted for the approval of the City Engineer and Fire Marshal. Please advise if County Engineer approval will be required.

3. Please advise (or represent on Preliminary Plat) where the southerly street would intersect Harvard Ave. as relates to the 145th Pl. S. entrance to *The Reserve at Harvard Ponds*. Please discuss with City Engineer and Fire Marshal if an offset would be considered appropriate or discouraged here, and if appropriate, how much of an offset should be achieved.

Response: There is approximately 130' of offset between the centerlines of the east-west streets from their points of intersection with the centerline of Harvard Ave. A four-way intersection is not feasible and the 130' offset should be more than adequate to discourage inappropriate turning movements between the offset streets.

4. Will a median be employed at northerly entrance street? Please discuss.

Response: As shown on the approved construction plans, a 10'-wide median will be installed at this intersection, located to allow two (2) exit lanes and one (1) entrance lane.

5. The Subdivision Regulations requires sidewalks along interior streets and Harvard Ave. To ensure this requirement is not inadvertently overlooked for the sidewalks along Harvard Ave. and Reserve Area frontages (developer's responsibility prior to the construction of any homes), the engineering construction plans should show locations, widths, and design details, which are subject to the Engineering Design Criteria Manual and City Engineer approval. The Applicant may request to do a fee-in-lieu by Modification/Waiver.

Response: As shown on the approved construction plans, the developer will install sidewalks along the internal street frontages of all Reserve Areas. A Modification/Waiver was requested by letter dated October 27, 2014 and was approved along with the Preliminary Plat on November 10, 2014.

6. The division of trail construction responsibility between the residential and non-residential development areas was not addressed in PUD 12-D. The Applicant should consult with the current property owner and advise how the trail provisions will be addressed.

Response: As shown on the approved construction plans, a 4'-wide sidewalk will be constructed around the perimeter of the stormwater detention pond within Reserve Area C, which may serve as a walking amenity for residents of Pine Valley Addition. Further, the dedication language for Reserve Area A provides for a potential future trail.

The relevant text of PUD 12-D is as follows:

"It is proposed that a trail system be provided that is meaningful and provides reasonable pedestrian opportunities extending from Harvard Avenue through the Posey Creek flood plain and continuing to the East boundary of Geiler Park. Prior to the issuance of occupancy permits for development which in the aggregate comprises 20% of the land area of Geiler Park, a trail system plan, including a construction phasing schedule, shall be submitted to and approved by the Bixby Planning Commission."

The PUD requires a "trail system plan" with "construction phasing schedule," but may not create a legal obligation to construct such planned trails. Further, the land within PUD 12-D is under separate ownership, and the division of trail "construction responsibility," if such obligation exists, has not been addressed, as noted in the Preliminary Plat Staff Report. The PUD also creates a certain 20% threshold for requiring the plan, which will require monitoring and accounting by the City of Bixby. Finally, the PUD suggests a trail alignment along Posey Creek, which is shared by separate owners, and is primarily within the 100-year Regulatory Floodplain, which would require additional environmental review and approval exercises special design. For all these reasons, we respectfully request that the sidewalk system constructed along the Reserve Areas and around the stormwater detention pond within Reserve Area C and the Reserve Area A dedication language be accepted in satisfaction of any trail system obligation under PUD 12-D for the area included within the submitted plats.

7. Block 3 and other areas are exceedingly long; discuss the possibility of a pedestrian corridor of some sort for the ease of pedestrian accessibility throughout the neighborhood.

Response: We have considered this design matter but a pedestrian corridor would negatively impact the project's financials, by loss of multiple lots and additional unanticipated costs, and so cannot be accommodated.

8. Subject to a Modification/Waiver from the 300' maximum street length standard of Subdivision Regulations Section 3.2.20. Cul-de-sac streets in *The Reserve at Harvard Ponds* and *The Enclave at Harvard Ponds* to the southwest appear to be at or less than the 300' maximum. The existing dead-end / stub-out street 146th Pl. S. in *The Enclave at Harvard Ponds*, however, appears to be roughly 470' in length. Although it should have a temporary turnaround, it does not, and so is not technically a cul-de-sac street. Also, when and if extended, it may no longer be a dead-end street. The nearest Bixby precedents for cul-de-sac streets in excess of 300' are found in *Falcon Ridge Estates* and *Celebrity Country*. The Applicant should describe, in the Modification/ Waiver request letter, how the extra length may be justified.

Response: Modification/Waiver was requested by letter dated October 20, 2014 and was approved along with the Preliminary Plat on November 10, 2014.

9. Subject to a Modification / Waiver from Subdivision Regulations Section 12-3-3.A to reduce the width of the Perimeter U/E from 17.5' along certain perimeters or this must be resolved by one or some combination of (1) widening the U/E, (2) compensating the difference in width with separate instrument U/Es outside the boundaries, (3) dedicating Reserve Areas as U/Es, or (4) some other method, which plans for resolution must be acceptable to the City Engineer and Public Works Director. The Applicant has not requested this Modification/Waiver, and has agreed to compensate by some method or methods yet to be received.

Response: Modification/Waiver was not necessary as all Reserve Areas have been dedicated as U/Es and all other U/Es along the perimeter were widened to at least 17.5'.

10. Subject to a Modification / Waiver from Subdivision Regulations Section 12-3- 4.F, as certain lots appear to exceed this 2:1 maximum depth to width ratio standard.

Response: Modification/Waiver was requested by letter dated October 20, 2014 and was approved along with the Preliminary Plat on November 10, 2014.

11. Subject to a Modification /Waiver from Subdivision Regulations Section 12-3-4.H to have double-frontage along Harvard Ave. Recognizing the Limits of No Access (LNA) placed along the Harvard Ave. frontage, City Staff is supportive of this design, which is incidental and unavoidable due to existing geometries.

Response: Modification/Waiver was requested by letter dated October 20, 2014 and was approved along with the Preliminary Plat on November 10, 2014.

12. Subdivision Regulations Section 12-3-2.0 prohibits the approval of building lots within the 100-year Regulatory Floodplain, as designated by FEMA and adopted as part of Bixby's Floodplain Regulations by ordinance; by Modification / Waiver, platting Reserve Areas may be permitted, provided their use is passive and use restrictions prohibit building construction. Parts of Reserve Areas A and C are in the 100-year Floodplain.

Response: Modification/Waiver was requested by letter dated October 20, 2014 and was approved along with the Preliminary Plat on November 10, 2014.

13. Title Block area – please add PUD 12-D where appropriate.

Response: Added with this submission.

14. Preliminary Plat: Elevation contours at one (1) foot maximum intervals not represented as required per SRs Section 12-4-2.B.6.

Response: Added to the Preliminary Plat with this submission.

15. Per SRs Section 12-4-2.A.5, a Location Map is required and must include all platted additions within the Section; the following need to be corrected as follows:
- Please correct name of street: S. Sandusky Ave. → S. Kimberly-Clark Pl.
 - Falcon Ridge Estates Community Pool* (missing)
 - The Auberge* (mislabeled)
 - The Auberge Village* (mislabeled)
 - Please identify project location in Location Map.

Response: All corrected with this submission. The Location Map identifies the project location by solid fill.

16-20

Response: All corrected with this submission.

21. 50' R/W dedicated by Book 4598, Page 296: If not dedicated as fee-simple right-of-way (i.e. only easement), it should be re-dedicated by this plat or otherwise.

Response: The cited instrument is a dedication deed and is right-of-way and not easement.

22-46

Response: All corrected with this submission.

47. DoD/ RCs Section III.A: Provides "The Owner/ Developer has formed or shall cause to be formed" an HOA. If this has occurred or will have occurred prior to plat recording, please submit a copy of the Secretary of State incorporation documents for placement in the permanent file and for notification to the Bixby Neighborhood Coordinator.

Response: The HOA has not yet been formed and will be formed after the recordation of the plat.

Response: All corrected with this submission.

56. Final Plat: Please provide release letters from all utility companies serving the subdivision as per SRs Section 12-2-6.B.

Response: Release letters have been requested and will be provided prior to plat recording.

56. Copies of the Preliminary Plat, including all recommended corrections, modifications, and Conditions of Approval, shall be submitted for placement in the permanent file (1 full size, 1 11" X 17", and 1 electronic copy).

Response: The Preliminary Plat has been updated to incorporate all required corrections,

Please contact me if you have any questions or need additional information.

Respectfully,



Ricky Jones, AICP | Principal

PUD 12-D

Pine Valley Addition BLOCKS 10-11

PART OF THE NORTHWEST QUARTER (NW/4) OF SECTION SIXTEEN (16), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN MERIDIAN A SUBDIVISION WITHIN THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA

OWNER:
Stone Horse Development, L.L.C.
AN OKLAHOMA LIMITED LIABILITY COMPANY
CONTACT: DANIEL RUHL
11029 South Memorial Drive
Tulsa, Oklahoma 74133
Phone: (918)814-0881

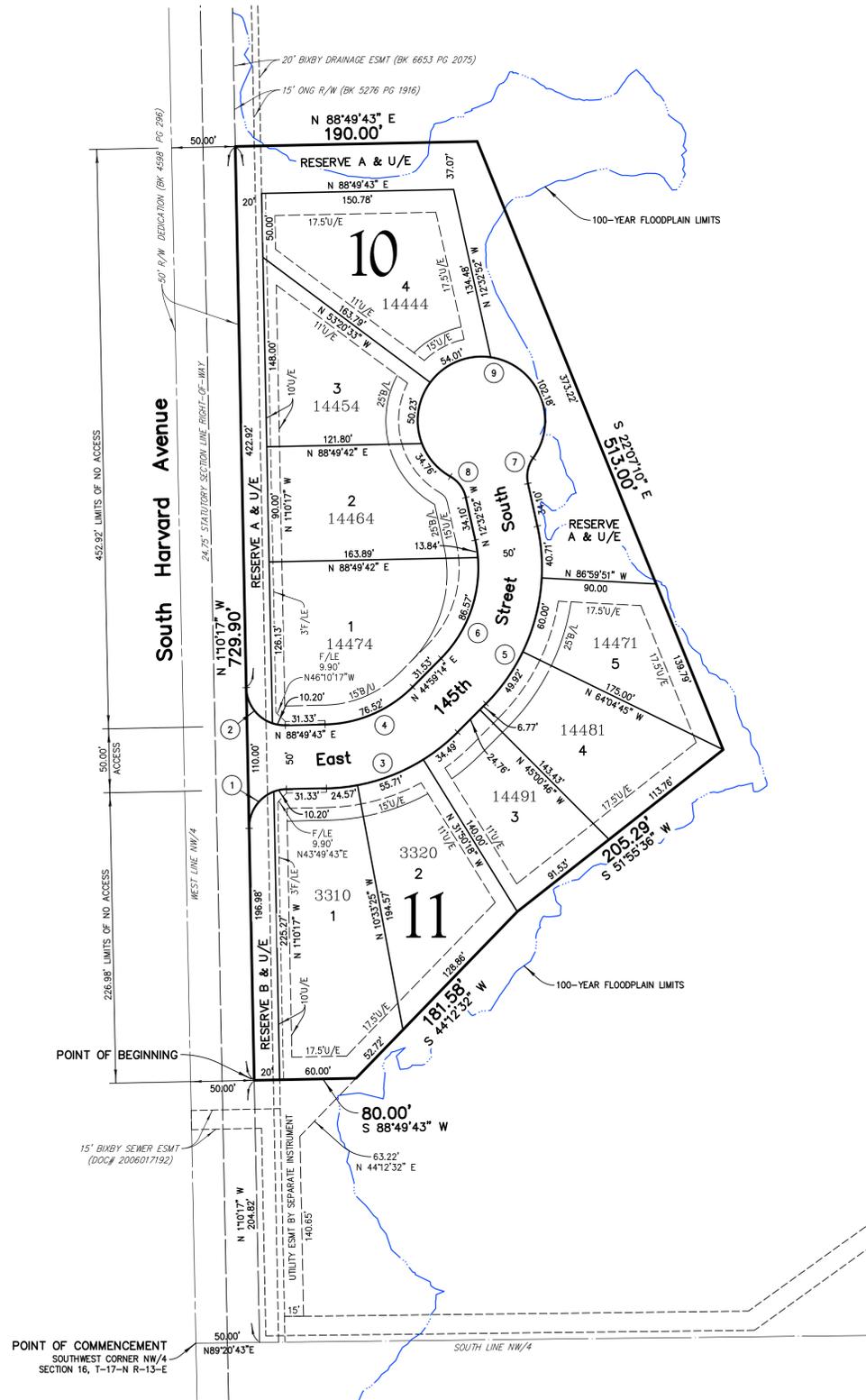
SURVEYOR/ENGINEER:
Tanner Consulting, L.L.C.
DAN E. TANNER, P.L.S. NO. 1435
OK CA NO. 2661, EXPIRES 6/30/2017
EMAIL: DAN@TANNERBAITSHOP.COM
5323 South Lewis Avenue
Tulsa, Oklahoma 74105
Phone: (918)745-9929

Curve Table

CURVE	LENGTH(L)	RADIUS(R)	DELTA(A)	CHORD(B)	CHORD(D)
1	47.12'	30.00'	90°00'00"	N43°49'43"E	42.43'
2	47.12'	30.00'	90°00'00"	N46°10'17"W	42.43'
3	114.78'	150.00'	43°50'29"	N66°54'28"E	112.00'
4	76.52'	100.00'	43°50'29"	N66°54'28"E	74.66'
5	150.63'	150.00'	57°32'06"	N16°13'11"E	144.38'
6	100.42'	100.00'	57°32'06"	N16°13'11"E	96.25'
7	21.03'	25.00'	48°11'23"	N11°32'49"E	20.41'
8	21.03'	25.00'	48°11'23"	N36°38'34"W	20.41'
9	241.19'	50.00'	276°22'46"	N77°27'08"E	66.67'

Notes:

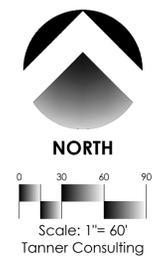
- THIS PLAT MEETS THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED BY THE OKLAHOMA STATE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS.
- ALL PROPERTY CORNERS ARE SET 3/8" IRON REBAR WITH YELLOW CAP STAMPED "TANNER RLS 1435" UNLESS OTHERWISE NOTED.
- THE BEARINGS SHOWN HEREON ARE BASED UPON THE OKLAHOMA STATE PLANE COORDINATE SYSTEM, NORTH ZONE (3501), NORTH AMERICAN DATUM 1983 (NAD83); SAID BEARINGS ARE BASED LOCALLY UPON FIELD-OBSERVED TIES TO THE FOLLOWING MONUMENTS:
 - A. BRASS CAP FOUND AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER (NW/4) OF SECTION 16;
 - B. BRASS CAP FOUND AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER (NW/4) OF SECTION 16;
 THE BEARING BETWEEN SAID MONUMENTS BEING NORTH 1°10'17" WEST.
- ADDRESSES SHOWN ON THIS PLAT ARE ACCURATE AT THE TIME THE PLAT WAS FILED. ADDRESSES ARE SUBJECT TO CHANGE AND SHOULD NEVER BE RELIED ON IN PLACE OF THE LEGAL DESCRIPTION.
- ACCESS AT THE TIME OF PLAT WAS PROVIDED BY SOUTH HARVARD AVENUE BY VIRTUE OF PUBLIC HIGHWAY DEDICATION DEED TO TULSA COUNTY, DATED MARCH 1ST, 1982, RECORDED IN BOOK 4598 PAGE 296 OF THE TULSA COUNTY RECORDS.



Location Map
Scale: 1"= 2000'

SUBDIVISION CONTAINS:
NINE (9) LOTS
IN TWO (2) BLOCKS
WITH TWO (2) RESERVES

GROSS SUBDIVISION AREA: 4.346 ACRES



- LEGEND**
- B/L BUILDING LINE
 - B/U BUILDING LINE & UTILITY EASEMENT
 - BK PG BOOK & PAGE
 - POC POINT OF COMMENCEMENT
 - POB POINT OF BEGINNING
 - CL CENTERLINE
 - DOC DOCUMENT
 - ESMT EASEMENT
 - F/LE FENCE & LANDSCAPE EASEMENT
 - LNA LIMITS OF NO ACCESS
 - ODE OVERLAND DRAINAGE EASEMENT
 - SEP INSTR SEPARATE INSTRUMENT
 - U/E UTILITY EASEMENT
 - 12345 ADDRESS ASSIGNED

FINAL PLAT CERTIFICATE OF APPROVAL

I hereby certify that this plat was approved by the City Council of the City of Bixby, on _____

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

PUD 12-D

Pine Valley Addition

BLOCKS 10-11

PART OF THE NORTHWEST QUARTER (NW/4) OF SECTION SIXTEEN (16), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN MERIDIAN A SUBDIVISION WITHIN THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA

DEED OF DEDICATION AND RESTRICTIVE COVENANTS FOR PINE VALLEY ADDITION BLOCKS 10-11

KNOW ALL MEN BY THESE PRESENTS:

THAT STONE HORSE DEVELOPMENT, L.L.C., AN OKLAHOMA LIMITED LIABILITY COMPANY, HEREINAFTER REFERRED TO AS THE "DECLARANT", IS THE OWNER OF THE FOLLOWING REAL PROPERTY SITUATED IN THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA, TO-WIT:

A TRACT OF LAND THAT IS PART OF THE NORTHWEST QUARTER (NW/4) OF SECTION SIXTEEN (16), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID NW/4; THENCE NORTH 89°20'43" EAST AND ALONG THE SOUTH LINE OF THE NW/4, FOR A DISTANCE OF 50.00 FEET TO A POINT ON THE PRESENT EAST RIGHT-OF-WAY LINE OF SOUTH HARVARD AVENUE; THENCE NORTH 1°10'17" WEST AND ALONG SAID EAST RIGHT-OF-WAY LINE, FOR A DISTANCE OF 204.82 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING NORTH 1°10'17" WEST AND ALONG THE EAST RIGHT-OF-WAY LINE, FOR A DISTANCE OF 729.90 FEET; THENCE NORTH 88°49'43" EAST FOR A DISTANCE OF 190.00 FEET; THENCE SOUTH 22°07'10" EAST FOR A DISTANCE OF 513.00 FEET; THENCE SOUTH 51°55'36" WEST FOR A DISTANCE OF 205.29 FEET; THENCE SOUTH 44°12'32" WEST FOR A DISTANCE OF 181.58 FEET; THENCE SOUTH 88°49'43" WEST AND PERPENDICULAR TO THE EAST RIGHT-OF-WAY LINE, FOR A DISTANCE OF 80.00 FEET TO THE POINT OF BEGINNING;

SAID TRACT CONTAINING 189,321 SQUARE FEET, OR 4.346 ACRES.

AND THE DECLARANT HAS CAUSED THE ABOVE DESCRIBED LAND TO BE SURVEYED, STAKED, PLATTED AND SUBDIVIDED INTO NINE (9) LOTS IN TWO (2) BLOCKS AND TWO (2) RESERVES, IN CONFORMITY WITH THE ACCOMPANYING PLAT AND SURVEY (HEREINAFTER THE "PLATT"), AND HAS DESIGNATED THE SUBDIVISION AS "PINE VALLEY ADDITION BLOCKS 10-11", A SUBDIVISION IN THE CITY OF BIXBY, TULSA COUNTY, OKLAHOMA (HEREINAFTER THE "SUBDIVISION" OR "PINE VALLEY ADDITION BLOCKS 10-11"). THE LOTS DEPICTED UPON THE PLAT SHALL HEREINAFTER BE REFERRED TO COLLECTIVELY AS THE "LOTS" AND INDIVIDUALLY AS A "LOT".

SECTION I. PUBLIC STREETS, EASEMENTS AND UTILITIES

A. PUBLIC STREETS AND UTILITY EASEMENTS.

THE DECLARANT DOES HEREBY GRANT, CONVEY, DONATE, AND DEDICATE FOR PUBLIC USE THE STREET RIGHTS-OF-WAY DEPICTED ON THE ACCOMPANYING PLAT AND DOES FURTHER DEDICATE FOR PUBLIC USE THE UTILITY EASEMENTS AS DEPICTED ON THE ACCOMPANYING PLAT AS "U/E" OR "UTILITY EASEMENT" FOR THE SEVERAL PURPOSES OF CONSTRUCTING, MAINTAINING, OPERATING, REPAIRING, REPLACING, AND/OR REMOVING ANY AND ALL PUBLIC UTILITIES, INCLUDING STORM SEWERS, SANITARY SEWERS, TELEPHONE AND COMMUNICATION LINES, ELECTRIC POWER LINES AND TRANSFORMERS, GAS LINES, WATER LINES, AND CABLE TELEVISION LINES, TOGETHER WITH ALL VALVES, METERS AND EQUIPMENT FOR EACH OF SUCH FACILITIES AND OTHER APPURTENANCES THERETO, WITH THE RIGHTS OF INGRESS AND EGRESS TO AND UPON THE UTILITY EASEMENTS FOR THE USES AND PURPOSES AFORESAID, TOGETHER WITH SIMILAR EASEMENT RIGHTS IN THE PUBLIC STREETS, PROVIDED HOWEVER, THAT THE DECLARANT HEREBY RESERVES THE RIGHT TO CONSTRUCT AND MAINTAIN WATER LINES AND SEWER LINES WITHIN THE UTILITY EASEMENTS FOR THE PURPOSE OF FURNISHING WATER AND/OR SEWER SERVICE TO AREAS WITHIN OR OUTSIDE THE PLAT AND THE DECLARANT FURTHER RESERVES THE RIGHT TO CONSTRUCT AND MAINTAIN WITHIN THE UTILITY EASEMENTS PROPERLY PERMITTED PARKING AREAS, LANDSCAPING, SCREENING FENCES AND WALLS AND OTHER NON-OBSTRUCTING IMPROVEMENTS.

B. WATER, SANITARY SEWER, AND STORM SEWER SERVICE.

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

2. WITHIN THE DEPICTED UTILITY EASEMENT AREAS, THE ALTERATION OF GRADE IN EXCESS OF 3 FEET FROM THE CONTOURS EXISTING UPON THE COMPLETION OF THE INSTALLATION OF A PUBLIC WATER MAIN, SANITARY SEWER MAIN OR STORM SEWER MAIN, OR ANY CONSTRUCTION ACTIVITY WHICH MAY INTERFERE WITH PUBLIC WATER, SANITARY SEWER MAINS OR STORM SEWER MAINS, SHALL BE PROHIBITED. WITHIN THE UTILITY EASEMENTS, IF THE GROUND ELEVATIONS ARE ALTERED BY THE LOT OWNER, FROM THE CONTOURS EXISTING UPON THE COMPLETION OF THE INSTALLATION OF A PUBLIC WATER MAIN, SANITARY SEWER MAIN OR STORM SEWER MAIN, ALL GROUND LEVEL APPURTENANCES, INCLUDING VALVE BOXES, FIRE HYDRANTS AND MANHOLES SHALL BE ADJUSTED TO THE ALTERED GROUND ELEVATIONS BY THE OWNER OF THE LOT OR AT ITS ELECTION, THE CITY OF BIXBY, OKLAHOMA MAY MAKE SUCH ADJUSTMENT AT THE LOT OWNER'S EXPENSE.

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

4. THE CITY OF BIXBY OR ITS SUCCESSORS SHALL AT ALL TIMES HAVE RIGHT OF ACCESS WITH THEIR EQUIPMENT TO ALL EASEMENT WAYS DEPICTED ON THE PLAT OR OTHERWISE PROVIDED FOR IN THIS DEED OF DEDICATION FOR THE PURPOSE OF INSTALLING, MAINTAINING, REMOVING OR REPLACING ANY PORTION OF UNDERGROUND WATER, SANITARY SEWER OR STORM SEWER FACILITIES.

5. THE FOREGOING COVENANTS SET FORTH IN THIS SUBSECTION B SHALL BE ENFORCEABLE BY THE CITY OF BIXBY OR ITS SUCCESSORS AND THE OWNER OF THE LOT AGREES TO BE BOUND HEREBY.

C. UNDERGROUND SERVICE.

1. OVERHEAD LINES FOR THE SUPPLY OF ELECTRIC, TELEPHONE AND CABLE TELEVISION SERVICES MAY BE LOCATED WITHIN THE WEST PERIMETER UTILITY EASEMENT AND WITHIN THE PERIMETER RIGHTS-OF-WAY OF THE SUBDIVISION. STREET LIGHT POLES OR STANDARDS MAY BE SERVED BY UNDERGROUND CABLE THROUGHOUT THE SUBDIVISION AND, EXCEPT AS PROVIDED IN THE IMMEDIATELY-PRECEDING SENTENCE, 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 THE EASEMENT WAYS.

DATE OF PREPARATION: April 15, 2016

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

3. THE SUPPLIER OF ELECTRIC, TELEPHONE, CABLE TELEVISION AND GAS SERVICES, THROUGH ITS AGENTS AND EMPLOYEES, SHALL AT ALL TIMES HAVE THE 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.

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

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

D. PAVING AND LANDSCAPING WITHIN EASEMENTS.

THE OWNER OF THE LOT SHALL BE RESPONSIBLE FOR REPAIR OF DAMAGE TO PROPERLY-PERMITTED LANDSCAPING AND PAVING RESULTING FROM THE ACTIONS OF THE CITY OF BIXBY OR THE SUPPLIER OF UTILITY IN SERVICES, IN PERFORMING NECESSARY INSTALLATION OF OR MAINTENANCE TO THE UNDERGROUND WATER, SEWER, STORM WATER, GAS, COMMUNICATION, CABLE TELEVISION, OR ELECTRIC FACILITIES WITHIN THE EASEMENTS DEPICTED ON THE ACCOMPANYING PLAT, PROVIDED HOWEVER, THAT THE CITY OF BIXBY, OR THE SUPPLIER OF THE UTILITY SERVICE, SHALL USE REASONABLE CARE IN THE PERFORMANCE OF SUCH ACTIVITIES.

E. LIMITS OF NO ACCESS.

THE OWNER HEREBY RELINQUISHES RIGHT OF INGRESS AND EGRESS TO THE ABOVE-DESCRIBED PROPERTY WITHIN THE BOUNDS DESIGNATED AS "LIMITS OF NO ACCESS" ("LNA") EXCEPT AS MAY HEREAFTER BE RELEASED, ALTERED, OR AMENDED BY THE DECLARANT AND BIXBY PLANNING COMMISSION, OR ITS SUCCESSORS, OR AS OTHERWISE PROVIDED BY THE STATUTES AND LAWS OF THE STATE OF OKLAHOMA, PERTAINING THERETO.

THE FOREGOING COVENANT CONCERNING "LIMITS OF NO ACCESS" ("LNA") SHALL BE ENFORCEABLE BY THE CITY OF BIXBY OR ITS SUCCESSORS, AND THE OWNER OF EACH LOT AGREES TO BE BOUND HEREBY.

C. FENCE EASEMENT.

THE OWNER DOES HEREBY ESTABLISH AND GRANT FENCE AND LANDSCAPE EASEMENTS OVER AND UPON THE AREAS DESIGNATED AS "F/L" AND SHOWN ON THE ACCOMPANYING PLAT FOR THE USE AND BENEFIT OF PINE VALLEY ADDITION BLOCKS 10-11. THE FENCE AND LANDSCAPE EASEMENTS ARE FOR THE LIMITED PURPOSE OF CONSTRUCTING AND MAINTAINING PERIMETER DECORATIVE FENCES AND ENTRY FEATURES INCLUDING BUT NOT LIMITED TO FENCES, WALLS, SPRINKLER SYSTEMS, AND LANDSCAPING, AND FOR THE PURPOSE OF MAINTAINING AND REPAIR THEREOF, TOGETHER WITH THE RIGHT OF ACCESS OVER, ACROSS, AND ALONG SUCH EASEMENTS AND OVER, ACROSS, AND ALONG LOTS IN "PINE VALLEY ADDITION BLOCKS 10-11" WHICH CONTAIN SUCH EASEMENTS.

D. RESERVE AREAS.

RESERVE A IS DESIGNATED FOR OPEN SPACE AND PASSIVE RECREATION AND IS RESERVED FOR FUTURE CONVEYANCE TO THE HOMEOWNERS' ASSOCIATION. RESERVE A IS CONTIGUOUS WITH "RESERVE A" IN "PINE VALLEY ADDITION BLOCKS 4-9" AND, FOR THE SAKE OF IDENTIFICATION AND CONVENIENCE FOR THE HOMEOWNERS' ASSOCIATION, MAY BE CONSIDERED COUNTERPARTS OF THE SAME RESERVE AREA UPON THE RECORDATION OF THAT AND THIS PLAT. RESERVE B IS DESIGNATED FOR OPEN SPACE, PASSIVE RECREATION, LANDSCAPING, ENTRY FEATURES, FENCES OR WALLS, IRRIGATION SYSTEMS, AND OTHER USES AS MAY BE APPROVED BY THE CITY OF BIXBY, AND IS RESERVED FOR FUTURE CONVEYANCE TO THE HOMEOWNERS' ASSOCIATION. RESERVES C AND F ARE DESIGNATED FOR OPEN SPACE, STORMWATER DRAINAGE AND DETENTION, PASSIVE RECREATION, AND OTHER USES AS MAY BE APPROVED BY THE CITY OF BIXBY, AND ARE RESERVED FOR FUTURE CONVEYANCE TO THE HOMEOWNERS' ASSOCIATION. RESERVE D IS DESIGNATED FOR OPEN SPACE, LANDSCAPING, ENTRY FEATURES, IRRIGATION SYSTEMS, SIGNAGE, AND OTHER USES AS MAY BE APPROVED BY THE CITY OF BIXBY, AND IS RESERVED FOR FUTURE CONVEYANCE TO THE HOMEOWNERS' ASSOCIATION. RESERVE E IS DESIGNATED FOR PRIVATE RECREATION AND OTHER USES AS MAY BE APPROVED BY THE CITY OF BIXBY AND IS RESERVED FOR FUTURE CONVEYANCE TO THE HOMEOWNERS' ASSOCIATION. RESERVES A, B, C, D, E, AND F ARE ALSO HEREBY DEDICATED AS GENERAL UTILITY EASEMENTS. ALL COSTS AND EXPENSES ASSOCIATED WITH ALL RESERVES, INCLUDING MAINTENANCE OF VARIOUS IMPROVEMENTS AND RECREATIONAL FACILITIES SHALL BE THE RESPONSIBILITY OF THE HOMEOWNERS' ASSOCIATION. SEE SECTION III FOR ADDITIONAL DETAILS AND REQUIREMENTS. IN THE EVENT THE HOMEOWNERS' ASSOCIATION FAILS TO PAY THE COSTS OF SAID MAINTENANCE AFTER COMPLETION OF THE MAINTENANCE AND RECEIPT OF A STATEMENT OF COSTS, THE CITY OF BIXBY, OKLAHOMA, MAY FILE OF RECORD A COPY OF THE STATEMENT OF COSTS, AND THEREAFTER THE COSTS SHALL BE A LIEN AGAINST EACH OF THE LOTS WITHIN THE SUBDIVISION, WHICH LIEN MAY BE FORECLOSED BY THE CITY OF BIXBY, OKLAHOMA, OR THE CITY OF BIXBY PUBLIC WORKS AUTHORITY MAY ADD SUCH BILLING PRORATED UPON THE RESIDENTIAL LOT OWNER'S WATER BILL, WHICH METHOD OF COLLECTION SHALL BE DETERMINED BY THE CITY OF BIXBY.

SECTION II. PLANNED UNIT DEVELOPMENT

WHEREAS, THE PROPERTY COMPRISING PINE VALLEY ADDITION BLOCKS 10-11 WAS INITIALLY SUBMITTED AS A PART OF PLANNED UNIT DEVELOPMENT NO. 12-A AS PROVIDED WITHIN TITLE 11 OF THE BIXBY, OKLAHOMA CITY CODE (BIXBY ZONING CODE), AND

WHEREAS, PUD NO. 12-A WAS AFFIRMATIVELY RECOMMENDED BY THE CITY OF BIXBY PLANNING COMMISSION ON NOVEMBER 21, 1994, AND APPROVED BY THE BIXBY CITY COUNCIL ON JANUARY 09, 1995, AND

WHEREAS, A MAJOR AMENDMENT OF A PART OF PUD 12-D (ALSO KNOWN AS "GEILER PARK," HEREINAFTER REFERRED TO AS "PUD 12-D") WHICH INCLUDED THE PROPERTY COMPRISING PINE VALLEY ADDITION BLOCKS 10-11, WAS SUBMITTED AND WAS AFFIRMATIVELY RECOMMENDED FOR APPROVAL BY THE CITY OF BIXBY PLANNING COMMISSION ON JULY 16, 2012, AND WAS APPROVED BY THE BIXBY CITY COUNCIL ON FEBRUARY 11, 2013, AND

WHEREAS, THE PLANNED UNIT DEVELOPMENT PROVISIONS OF THE BIXBY ZONING CODE REQUIRE THE ESTABLISHMENT OF COVENANTS OF RECORD INURING TO AND ENFORCEABLE BY THE CITY OF BIXBY, SUFFICIENT TO ASSURE THE IMPLEMENTATION AND CONTINUED COMPLIANCE WITH THE APPROVED PLANNED UNIT DEVELOPMENT AND ANY AMENDMENTS THERETO, AND

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

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

A. DEVELOPMENT STANDARDS OF PINE VALLEY ADDITION BLOCKS 10-11 (COMPRISING ALL OR PARTS OF DEVELOPMENT AREAS A, B, AND C, WHICH TOGETHER CONTAIN 86.5 GROSS ACRES)

1. DEVELOPMENT IN ACCORDANCE WITH PUD

PINE VALLEY ADDITION BLOCKS 10-11 SHALL BE DEVELOPED AND USED IN SUBSTANTIAL ACCORDANCE WITH THE RESTRICTIONS AND DEVELOPMENT STANDARDS OF PUD 12-D AS APPROVED BY THE CITY OF BIXBY, OR IN SUBSTANTIAL ACCORDANCE WITH SUCH MODIFICATIONS OR AMENDMENTS OF THE RESTRICTIONS AND DEVELOPMENT STANDARDS OF PUD 12-D AS MAY BE SUBSEQUENTLY BE APPROVED.

2. APPLICABLE ORDINANCE

THE DEVELOPMENT OF PINE VALLEY ADDITION BLOCKS 10-11 SHALL BE SUBJECT TO THE PLANNED UNIT DEVELOPMENT PROVISIONS OF THE BIXBY ZONING CODE, AS SUCH PROVISIONS EXISTED ON FEBRUARY 11, 2013.

3. DEVELOPMENT STANDARDS

DEVELOPMENT AREA A

GROSS LAND AREA: 14.5 AC. +/-
PERMITTED USES: DETACHED SINGLE-FAMILY DWELLING UNITS AND CUSTOMARY ACCESSORY USES.

MAXIMUM DWELLING UNITS: 58 DUS
MAXIMUM DENSITY: 4 DUS PER ACRE
MAXIMUM BUILDING HEIGHT: 48 FT.
MAXIMUM STORIES: 3

MINIMUM YARDS AND BUILDING SETBACKS:
FROM MINOR STREET RIGHT-OF-WAY 25 FT.
FROM ARTERIAL STREET RIGHT-OF-WAY 20 FT.
FROM REAR LOT LINE: 25 FT.
FROM SIDE YARD LOT LINE: 5 FT.
BETWEEN DWELLING UNITS: 10 FT.

MINIMUM OFF-STREET PARKING: 2 SPACES PER DU
OTHER BULK AND AREA REQUIREMENTS AS REQUIRED WITHIN AN RS-3 DISTRICT.

DEVELOPMENT AREA B

GROSS LAND AREA: 61.80 AC. +/-
PERMITTED USES: DETACHED OR ATTACHED RESIDENTIAL DWELLING UNITS INCLUDING SINGLE-FAMILY, DUPLEX, PATIO HOME, TOWNHOUSE, (EXCLUDING MULTIFAMILY DWELLINGS, AS DEFINED BY THE BIXBY ZONING CODE), AND CUSTOMARY ACCESSORY USES, INCLUDING COMMON AREA FACILITIES SUCH AS CLUB HOUSE, SWIMMING POOL AND RECREATIONAL OPEN SPACE.

MAXIMUM DWELLING UNITS: 575 DUS
MAXIMUM DENSITY
DETACHED DWELLING UNITS: 8 DUS PER ACRE
DUPLEX DWELLING UNITS: 10 DUS PER ACRE
TOWNHOUSE DWELLING UNITS: 16 DUS PER ACRE

MAXIMUM BUILDING HEIGHT: 48 FT.
MAXIMUM STORIES: 3
MINIMUM YARDS AND BUILDING SETBACKS:

FROM NON-ARTERIAL STREET RIGHT-OF-WAY 20 FT.
FROM ARTERIAL STREET RIGHT-OF-WAY 20 FT.
FROM REAR LOT LINE: 20 FT.
FROM SIDE YARD LOT LINE: 5 FT.
BETWEEN DETACHED DWELLING UNITS 10 FT.
FROM ATTACHED SIDE OF A DUPLEX BUILDING: 0 FT.
BETWEEN DUPLEX BUILDINGS: 10 FT.
FROM ATTACHED SIDE OF A TOWNHOUSE UNIT: 0 FT.
BETWEEN TOWNHOUSE BUILDINGS: 20 FT.

MINIMUM OFF-STREET PARKING: AS REQUIRED WITHIN THE APPLICABLE USE UNIT.

OTHER BULK AND AREA REQUIREMENTS:

DETACHED SINGLE FAMILY DWELLINGS AS REQUIRED WITHIN AN RS-3 DISTRICT
DUPLEX DWELLINGS AS REQUIRED WITHIN AN RD DISTRICT
TOWNHOUSE DWELLINGS AS REQUIRED WITHIN AN RT DISTRICT

(THE ALTERNATIVE DEVELOPMENT STANDARDS FOR DEVELOPMENT AREA B ARE NOT RELEVANT TO THIS SUBDIVISION AND SO ARE OMITTED).

DEVELOPMENT AREA C

GROSS LAND AREA: 10.2 AC. +/-
PERMITTED USES: DETACHED OR ATTACHED RESIDENTIAL DWELLING UNITS INCLUDING SINGLE-FAMILY, DUPLEX, PATIO HOME, TOWNHOUSE, AND ELDERLY/RETIREMENT HOUSING, AND CUSTOMARY ACCESSORY USES.

MAXIMUM DWELLING UNITS 163 DUS
MAXIMUM DETACHED DWELLING UNITS 8 DUS PER ACRE
MAXIMUM DUPLEX DWELLING UNITS: 10 DUS PER ACRE
MAXIMUM TOWNHOUSE DWELLING UNITS: 16 DUS PER ACRE

MAXIMUM ELDERLY/RETIREMENT HOUSING DWELLING UNITS 16 DUS PER ACRE
MAXIMUM BUILDING HEIGHT: 48 FT.
MAXIMUM STORIES: 3

MINIMUM YARDS AND BUILDING SETBACKS:
FROM NON-ARTERIAL STREET RIGHT-OF-WAY: 20 FT.
FROM ARTERIAL STREET RIGHT-OF-WAY 20 FT.
FROM REAR LOT LINE 20 FT.
FROM SIDE YARD LOT LINE 5 FT.
BETWEEN DETACHED DWELLING UNITS: 10 FT.
FROM ATTACHED SIDE OF A DUPLEX BUILDING 0 FT.
BETWEEN DUPLEX BUILDINGS: 10 FT.
FROM ATTACHED SIDE OF A TOWNHOUSE UNIT: 0 FT.
BETWEEN TOWNHOUSE BUILDINGS: 20 FT.
BETWEEN ELDERLY/RETIREMENT HOUSING BUILDINGS: 20 FT.

MINIMUM OFF-STREET PARKING: AS REQUIRED WITHIN THE APPLICABLE USE.

OTHER BULK AND AREA REQUIREMENTS-DWELLINGS: AS REQUIRED WITHIN AN RM-1 DISTRICT.

OTHER BULK AND AREA REQUIREMENTS-NON-DWELLINGS: AS REQUIRED WITHIN THE APPLICABLE USE UNIT.

(THE ALTERNATIVE DEVELOPMENT STANDARDS FOR DEVELOPMENT AREA C ARE NOT RELEVANT TO THIS SUBDIVISION AND SO ARE OMITTED).

4. GENERAL PROVISIONS AND DEVELOPMENT STANDARDS

ACCESS AND CIRCULATION

THE PRINCIPAL ACCESS IS TO BE DERIVED FROM 151st STREET AND HARVARD AVENUE WITH CONNECTION TO AN INTERIOR PUBLIC AND OR PRIVATE STREET SYSTEM, AND MUTUAL ACCESS EASEMENTS TO PROVIDE CONNECTIVITY WHERE APPROPRIATE. NEW PUBLIC STREET CONSTRUCTION SHALL COMPLY WITH THE APPLICABLE GEOMETRIC STREET STANDARDS OF THE CITY OF BIXBY.

SIDEWALKS ALONG THE STREET FRONTAGES OF RESERVE AREAS SHALL BE CONSTRUCTED BY THE DECLARANT AND SIDEWALKS ALONG THE INTERIOR STREETS SHALL BE CONSTRUCTED BY THE BUILDER OF THE HOME TO BE LOCATED WITHIN EACH INDIVIDUAL LOT IN ACCORDANCE WITH THE BIXBY SUBDIVISION REGULATIONS, INCLUDING A MINIMUM WIDTH OF FOUR FEET AND ADA COMPLIANCE.

IT IS PROPOSED THAT A TRAIL SYSTEM BE PROVIDED THAT IS MEANINGFUL AND PROVIDES REASONABLE PEDESTRIAN OPPORTUNITIES EXTENDING FROM HARVARD AVENUE THROUGH POSEY CREEK FLOOD PLAIN AND CONTINUING TO THE EAST BOUNDARY OF GEILER PARK. PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS FOR DEVELOPMENT WHICH IN THE AGGREGATE COMPRISES 20% OF THE LAND AREA OF GEILER PARK, A TRAIL SYSTEM PLAN, INCLUDING A CONSTRUCTION PHASING SCHEDULE, SHALL BE SUBMITTED TO AND APPROVED BY THE BIXBY PLANNING COMMISSION.

SIGNS

SIGNS SHALL COMPLY WITH THE APPLICABLE PROVISIONS OF THE BIXBY ZONING CODE, PROVIDED HOWEVER, PRIOR TO INSTALLATION, A DETAILED SIGN PLAN SHALL BE SUBMITTED TO AND APPROVED BY THE BIXBY PLANNING COMMISSION. A SIGN IDENTIFYING AN INTERIOR PROPERTY MAY BE LOCATED OFF SITE WITHIN A PARCEL LOCATED IN GEILER PARK, BUT SHALL REQUIRE A DETAILED SIGN PLAN SUBMITTED TO AND APPROVED BY THE BIXBY PLANNING COMMISSION.

UTILITIES AND DRAINAGE

UTILITIES ARE AT THE SITE OR ACCESSIBLE BY CUSTOMARY EXTENSION. STORM WATER DETENTION WILL BE PROVIDED.

PARCELIZATION

AFTER INITIAL PLATTING SETTING FORTH PERMITTED USES AND THE ALLOCATION OF COMMERCIAL AND OR INDUSTRIAL FLOOR AREA OR RESIDENTIAL DENSITY, DIVISION OF PLATTED LOTS MAY OCCUR BY APPROVED LOT SPLIT APPLICATION AND SUBJECT TO THE APPROVAL BY THE BIXBY PLANNING COMMISSION OF PROPOSED FLOOR AREA OR RESIDENTIAL DENSITY ALLOCATIONS AND CONFIRMATION OF THE EXISTENCE OF ANY NECESSARY CROSS PARKING AND MUTUAL ACCESS EASEMENTS.

ALLOCATION OF FLOOR AREA AND DWELLING UNITS

AS APPROVED BY THE BIXBY CITY COUNCIL AND AS SET FORTH WITHIN SECTION II OF PUD 12-D, USE INTENSITY (SQUARE FOOTAGE OF FLOOR AREA OF NONRESIDENTIAL USE AND DWELLING UNITS OF RESIDENTIAL USE) AS PERMITTED BY THE UNDERLYING GENERAL ZONING DISTRICTS SHALL BE FULLY TRANSFERABLE TO THE VARIOUS DEVELOPMENT AREAS, IRRESPECTIVE OF THE GENERAL ZONING DISTRICT BOUNDARIES, AND THE AREAS OF USE MAY EXCEED THE AREAS OF THE UNDERLYING GENERAL ZONING DISTRICTS.

NONRESIDENTIAL FLOOR AREA OR RESIDENTIAL DWELLING UNIT DENSITY AS INITIALLY SET FORTH WITHIN SECTION II OF PUD 12-D MAY BE TRANSFERRED TO ANOTHER LOT OR LOTS BY WRITTEN INSTRUMENT EXECUTED BY THE OWNER OF THE LOT FROM WHICH THE FLOOR AREA IS TO BE ALLOCATED, PROVIDED HOWEVER, THE ALLOCATION SHALL NOT EXCEED 15% OF THE INITIAL ALLOCATION TO THE LOT TO WHICH THE TRANSFER OF FLOOR AREA IS TO BE MADE. ALLOCATION EXCEEDING EXCEEDING 15% SHALL REQUIRE AN APPLICATION FOR MINOR AMENDMENT TO BE REVIEWED AND APPROVED BY THE BIXBY PLANNING COMMISSION.

SECTION III. HOMEOWNERS' ASSOCIATION

A. FORMATION OF HOMEOWNERS' ASSOCIATION

THE DECLARANT HAS FORMED OR SHALL CAUSE TO BE FORMED AN ASSOCIATION OF THE OWNERS OF THE RESIDENTIAL LOTS WITHIN PINE VALLEY ADDITION BLOCKS 10-11. THE HOMEOWNERS' ASSOCIATION SHALL BE ESTABLISHED IN ACCORDANCE WITH THE STATUTES OF THE STATE OF OKLAHOMA, FOR THE GENERAL PURPOSE OF MAINTAINING THE COMMON AREA, INCLUDING BUT WITHOUT LIMITATION THE RESERVES AND ENHANCING THE VALUE, DESIRABILITY AND ATTRACTIVENESS OF PINE VALLEY ADDITION BLOCKS 10-11 AND OF ANY RESIDENTIAL SUBDIVISION WHICH MAY SUBSEQUENTLY BE ANNEXED TO THE GEOGRAPHIC JURISDICTION OF THE HOMEOWNERS' ASSOCIATION.

B. MEMBERSHIP

EVERY PERSON OR ENTITY WHO IS A RECORD OWNER OF THE FEE INTEREST OF A RESIDENTIAL LOT IN PINE VALLEY ADDITION BLOCKS 10-11 SHALL BE A MEMBER OF THE HOMEOWNERS' ASSOCIATION. MEMBERSHIP SHALL BE APPURTENANT TO AND SHALL NOT BE SEPARATED FROM THE OWNERSHIP OF A LOT. THE MEMBERSHIP OF THE ASSOCIATION SHALL BE LIMITED TO THE RECORD OWNER, WHETHER ONE OR MORE PERSONS OR ENTITIES, OF A FEE SIMPLE TITLE TO A LOT SITUATED WITHIN PINE VALLEY ADDITION BLOCKS 10-11, AND IN ANY ADDITIONAL PROPERTY AS MAY BE ANNEXED TO OR MERGED INTO THE JURISDICTION OF THE ASSOCIATION OR ALLOWED TO JOIN ACCORDING TO PROCEDURES SET FORTH IN THE ARTICLES OR BYLAWS, INCLUDING (WITHOUT LIMITATION) PROPERTY OWNERS IN FUTURE PHASES (IF ANY) OF THE PINE VALLEY ADDITION BLOCKS 10-11 DEVELOPMENT TO BE LOCATED ADJACENT TO PINE VALLEY ADDITION BLOCKS 10-11 AND EACH TO BE A SEPARATE SUBDIVISION WITHIN THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THEIR RESPECTIVE RECORDED PLATS THEREOF. THE FOREGOING IS NOT INTENDED TO INCLUDE PERSONS OR ENTITIES WHICH HOLD AN INTEREST MERELY AS SECURITY FOR THE PERFORMANCE OF AN OBLIGATION, OTHER THAN CONTRACT SELLERS. OWNERSHIP OF A LOT SHALL BE THE SOLE QUALIFICATION FOR MEMBERSHIP WITH RESPECT TO THOSE PROPERTY OWNERS IN PINE VALLEY ADDITION BLOCKS 10-11.

PUD 12-D

Pine Valley Addition

BLOCKS 10-11

PART OF THE NORTHWEST QUARTER (NW/4) OF SECTION SIXTEEN (16), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN MERIDIAN A SUBDIVISION WITHIN THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA

SECTION III. HOMEOWNERS' ASSOCIATION (Continued):

C. ASSESSMENT

EACH RECORD OWNER OF A LOT IN PINE VALLEY ADDITION SHALL BE SUBJECT TO ASSESSMENTS BY THE HOMEOWNERS' ASSOCIATION FOR THE PURPOSES OF IMPROVEMENT AND MAINTENANCE OF THE COMMON AREAS. ANNUAL AND SPECIAL ASSESSMENTS SHALL BE ESTABLISHED AS DETERMINED BY THE BOARD OF DIRECTORS OF THE ASSOCIATION IN ACCORDANCE WITH ITS BYLAWS AND AT A UNIFORM RATE APPLYING SUCH FACTORS AS THE BOARD OF DIRECTORS SHALL DETERMINE APPROPRIATE, SUCH AS THE OPERATING COSTS OF THE ASSOCIATION, MAINTENANCE OF THE COMMON AREAS, COST OF LIVING INCREASES, ENHANCEMENT OF PROPERTY VALUES AND OTHER EQUITABLE FACTORS. THE ASSOCIATION MAY DECLARE AND LEVY A SPECIAL ASSESSMENT, WITHOUT MEMBERS CONSENT OR APPROVAL, FOR THE PURPOSE OF DEFRAYING, IN WHOLE OR IN PART, THE COSTS OF ANY CONSTRUCTION OR RECONSTRUCTION, REPAIR OR REPLACEMENT OF A CAPITAL IMPROVEMENT UPON THE COMMON AREA OR ENTRYWAYS, INCLUDING THE NECESSARY FIXTURES AND PERSONAL PROPERTY RELATED THERETO, AND FOR ESTABLISHING RESERVES AND PAYMENT FOR ANY EXPENSES DEEMED NECESSARY AND APPROPRIATE BY THE BOARD OF DIRECTORS IN ITS SOLE DISCRETION; PROVIDED, HOWEVER, SPECIAL ASSESSMENTS AGAINST LOTS IN PINE VALLEY ADDITION BLOCKS 10-11 AFTER THE TURNOVER DATE SHALL REQUIRE THE AFFIRMATIVE VOTE OF ONE-HALF (1/2) OF THE OWNERS OF SUCH LOTS WHO ARE CLASS A MEMBERS OF THE ASSOCIATION WHO ARE IN ATTENDANCE (IN PERSON OR BY PROXY) AT A SPECIAL MEETING OF THE MEMBERS OF THE ASSOCIATION, DULY CALLED AND NOTICED; PROVIDED, HOWEVER, THE DECLARANT AND ANY BUILDER OF THE RESIDENTIAL STRUCTURE THEREON WHO DOES NOT OCCUPY SUCH STRUCTURE AS ITS PRINCIPAL RESIDENCE, WHO OWNS LOTS

D. VOTING CLASSES

CLASS A: CLASS A MEMBERS SHALL BE ALL THOSE PERSONS OR ENTITIES ENTITLED TO MEMBERSHIP AS DEFINED IN SECTION III, PARAGRAPH C ABOVE, WITH THE EXCEPTION OF DECLARANT. AFTER THE TURNOVER DATE DESCRIBED BELOW, CLASS A MEMBERS WHO OWN A LOT SHALL BE ENTITLED TO ONE (1) VOTE FOR EACH LOT IN WHICH THEY HOLD THE INTEREST REQUIRED FOR MEMBERSHIP PROVIDED ABOVE; PROVIDED, HOWEVER, WHEN TWO OR MORE PERSONS OR ENTITIES HOLD SUCH INTEREST OR INTERESTS IN ANY LOT, ALTHOUGH ALL OF SUCH PERSONS OR ENTITIES SHALL BE MEMBERS OF THE ASSOCIATION, THE VOTE FOR SUCH LOT SHALL BE EXERCISED AS THEY, AMONG THEMSELVES, MAY DETERMINE, BUT IN NO EVENT SHALL MORE THAN ONE (1) VOTE PER LOT BE CAST WITH RESPECT TO ANY ONE LOT.

CLASS B: THE CLASS B MEMBER SHALL BE DECLARANT. THE CLASS B MEMBER SHALL BE ENTITLED TO FIVE HUNDRED (500) VOTES; PROVIDED, THAT THE CLASS B MEMBERSHIP SHALL CEASE AND BE CONVERTED TO CLASS A MEMBERSHIP ON THE EARLIER TO OCCUR OF:

1. THE DATE ALL LOTS IN PINE VALLEY ADDITION BLOCKS 10-11 SO PLATTED HAVE BEEN SOLD BY DECLARANT; OR
2. DECEMBER 31, 2035; OR
3. SUCH DATE AS DECLARANT (IN ITS SOLE DISCRETION) EXECUTES AND RECORDS WITH THE COUNTY CLERK OF TULSA COUNTY, OKLAHOMA, A NOTICE THAT DECLARANT HAS ELECTED TO CONVERT THE CLASS B MEMBERSHIP TO CLASS A MEMBERSHIP.

E. DECLARANT CONTROL

THE DECLARANT, OR ITS DESIGNEE, SHALL BE IN SOLE AND COMPLETE LEGAL CONTROL OF THE ASSOCIATION FROM THE INCEPTION THEREOF UNTIL SUCH TIME AS THE DECLARANT RELINQUISHES CONTROL THEREOF AS SET FORTH HEREIN. THE DATE ON WHICH DECLARANT'S RIGHTS UNDER THIS SECTION SHALL TERMINATE SHALL BE REFERRED TO AS THE "TURNOVER DATE". THE FIRST AND ALL SUBSEQUENT BOARDS PRIOR TO THE TURNOVER DATE SHALL CONSIST OF THOSE PERSONS DESIGNATED BY DECLARANT. DECLARANT'S RIGHTS UNDER THIS SECTION TO DESIGNATE THE MEMBERS OF THE BOARD SHALL TERMINATE ON THE DATE THE CLASS B MEMBERSHIP IS CONVERTED INTO CLASS A MEMBERSHIP AS DESCRIBED ABOVE. FROM AND AFTER THE TURNOVER DATE, THE BOARD SHALL BE CONSTITUTED AND ELECTED AS PROVIDED IN THE ASSOCIATION BYLAWS. PRIOR TO THE TURNOVER DATE ALL OF THE VOTING RIGHTS OF THE DECLARANTS SHALL BE VESTED EXCLUSIVELY IN DECLARANT. THE CLASS A MEMBERS, PRIOR TO THE TURNOVER DATE, SHALL HAVE NO VOTING RIGHTS. DESPITE HAVING NO VOTING RIGHTS AT THAT POINT IN TIME, SUCH MEMBERS' LOTS SHALL NEVERTHELESS BE SUBJECT TO ASSESSMENT. THE DECLARANT, UPON REQUEST, SHALL SUPPLY SUCH MEMBERS WITH AN ANNUAL ACCOUNTING OF THE MANNER IN WHICH COLLECTED ASSESSMENTS HAVE BEEN SPENT.

SECTION IV. PRIVATE RESTRICTIONS

THE DECLARANT HEREBY IMPOSES THE FOLLOWING RESTRICTIONS AND COVENANTS FOR THE PURPOSE OF PROVIDING FOR THE ORDERLY DEVELOPMENT OF THE SUBDIVISION AND CONFORMITY AND COMPATIBILITY OF IMPROVEMENTS THEREIN, WHICH SHALL BE APPLICABLE TO THE LOTS AND SHALL BE COVENANTS RUNNING WITH THE LAND AND SHALL BE BINDING UPON EACH LOT OWNER, THEIR HEIRS, SUCCESSORS AND ASSIGNS, AND SHALL BE ENFORCEABLE AS HEREINAFTER SET FORTH.

A. ARCHITECTURAL COMMITTEE - PLAN REVIEW

1. PLAN REVIEW. NO BUILDING, STRUCTURE, FENCE, WALL, PAVING, SWIMMING POOL, EXTERIOR LIGHTING, EXTERIOR ANTENNAE, OR FREE STANDING MAIL BOX SHALL BE ERRECTED, PLACED OR ALTERED (INCLUDING EXTERIOR PAINTING) ON ANY LOT, AND NO SIDEWALK SHALL BE CONSTRUCTED UPON OR ADJACENT TO ANY LOT, UNTIL THE PLANS AND SPECIFICATIONS HAVE BEEN APPROVED IN WRITING BY THE DECLARANT 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 SITE PLAN, FLOOR PLAN, EXTERIOR ELEVATIONS, DRAINAGE AND GRADING PLANS, SIDEWALK LOCATION AND DESIGN PLAN, EXTERIOR MATERIALS AND COLOR SCHEME. IN THE EVENT THE ARCHITECTURAL COMMITTEE FAILS TO APPROVE OR DISAPPROVE PLANS AND SPECIFICATIONS SUBMITTED TO IT AS HEREIN REQUIRED WITHIN TWENTY (20) DAYS AFTER SUBMISSION, THE PLANS SO SUBMITTED SHALL BE DEEMED APPROVED. THE DEVELOPMENT AND USE OF THE SUBJECT LOT SHALL THEREAFTER BE IN SUBSTANTIAL COMPLIANCE WITH THE APPROVED PLANS OR APPROVED AMENDMENTS THERETO, 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.

2. COMMITTEE PURPOSE. THE INITIAL ARCHITECTURAL COMMITTEE SHALL BE MADE UP OF _____, GREG A. SIMMONS AND BRIAN DOYLE. 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 ERRECTED 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 RESPONSIBILITY FOR BUILDING METHODS, MATERIALS, PROCEDURES, STRUCTURAL DESIGN, GRADING OR DRAINAGE OR CODE VIOLATIONS. THE APPROVAL OR FAILURE TO APPROVE BUILDING PLANS SHALL NOT BE DEEMED A WAIVER OF ANY RESTRICTION. 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.

3. THE POWERS AND DUTIES OF THE ARCHITECTURAL COMMITTEE SHALL BE DEEMED TRANSFERRED TO THE HOMEOWNERS' ASSOCIATION ON THE TURNOVER DATE; AND THEREAFTER THE FOREGOING POWERS AND DUTIES SHALL BE EXERCISED BY THE BOARD OF DIRECTORS OF THE HOMEOWNERS' ASSOCIATION.

B. FLOOR AREA

SINGLE STORY DWELLINGS SHALL HAVE A MINIMUM OF 1,700 SQUARE FEET OF FINISHED HEATED LIVING AREA, ONE AND ONE-HALF (1-1/2) OR TWO (2) STORY DWELLINGS SHALL HAVE A MINIMUM OF 2,450 SQUARE FEET OF FINISHED HEATED LIVING AREA. PROVIDED HOWEVER, THE FIRST FLOOR SHALL HAVE A MINIMUM OF 1,600 SQUARE FEET OF FINISHED HEATED LIVING AREA. THE COMPUTATION OF SQUARE FEET OF LIVING AREA SHALL EXCLUDE GARAGES, OPEN SPACES AND BREEZEWAYS.

C. GARAGES

EACH DWELLING SHALL HAVE AN ATTACHED ENCLOSED GARAGE PROVIDING SPACE FOR A MINIMUM OF TWO AUTOMOBILES. ALL GARAGES SHALL BE ACCESSED BY AN OVERHEAD GARAGE DOOR. 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 FIRST FLOOR OF EACH DWELLING WILL BE 100% MASONRY, NOT INCLUDING WINDOWS, DOORWAYS AND BENEATH COVERED PORCHES. ALL EXTERIOR COLORS (INCLUDING, WITHOUT LIMITATION, MASONRY, PAINT, WOOD, GARAGE DOORS, ETC.) OF THE RESIDENTIAL STRUCTURE AND ANY OTHER STRUCTURE ON THE LOT MUST BE EARTH TONE COLORS AND SUBTLE IN NATURE. NO NON-NATURAL HUE COLORS OR COLOR SCHEMES SHALL BE PERMITTED ON THE EXTERIOR OF ANY STRUCTURE ON THE LOT. 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

WINDOWS SHALL BE VINYL. METAL WINDOWS ARE RESTRICTED; HOWEVER, THE ARCHITECTURAL COMMITTEE MAY IN THE PARTICULAR INSTANCE AND UPON WRITTEN REQUEST APPROVE A WAIVER OF THE METAL WINDOW RESTRICTION 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 6/12, 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 - LANDMARK LIFETIME, PROVIDED HOWEVER, IF FEDERAL, STATE, OR LOCAL LAWS PROHIBIT SUCH ROOFING OR SUBSTANTIALLY IMPAIR THE ENFORCEMENT OF THIS RESTRICTION OR IF LANDMARK LIFETIME 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; PROVIDED 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. ANTENNAS

EXTERIOR TELEVISION, "CB" RADIO OR OTHER TYPES OF ANTENNAS SHALL BE PROHIBITED, PROVIDED HOWEVER, SATELLITE DISHES OR SIMILAR OUTSIDE ELECTRONIC RECEPTION DEVICES NOT EXCEEDING 20 INCHES IN DIAMETER MAY BE AFFIXED TO A REAR BUILDING WALL OR DORMER IF BELOW THE EAVE AND NOT VISIBLE FROM THE STREET VIEW OF THE DWELLING, AND THE SPECIFIC LOCATION OF THE SAME IS APPROVED BY THE ARCHITECTURAL COMMITTEE. THE ARCHITECTURAL COMMITTEE MAY, IN THE PARTICULAR INSTANCE AND UPON WRITTEN REQUEST, APPROVE A WAIVER OF THE FOREGOING RESTRICTIONS.

N. LOT MAINTENANCE

NO INOPERATIVE 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.

O. RECREATIONAL VEHICLES AND EQUIPMENT

NO BOATS, RECREATIONAL TRAILERS, PERSONAL WATER CRAFT, CAMPERS, MOTOR HOMES OR OTHER RECREATIONAL VEHICULAR EQUIPMENT, SHALL BE STORED, PLACED OR PARKED ON ANY STREET WITHIN THE SUBDIVISION OR ON ANY LOT, EXCEPT WITHIN AN ENCLOSED GARAGE.

P. TRAILERS, MACHINERY AND EQUIPMENT, AND COMMERCIAL VEHICLES

NO COMMERCIAL VEHICLE SHALL BE KEPT, PARKED, STOOD OR STORED ON ANY LOT, EXCEPT IN A GARAGE. NO PRIVATE VEHICLE, MOTORCYCLE, MOTOR BIKE, CAMPER, TRAILER, BOAT, ALL-TERRAIN VEHICLE (ATV) OR RECREATIONAL VEHICLE (RV) OR SIMILAR VEHICLE OR EQUIPMENT, WHETHER OR NOT OPERABLE (COLLECTIVELY REFERRED TO AS "VEHICLES") SHALL BE KEPT, PARKED, STOOD OR STORED ON ANY LOT, STREET OR THE COMMON AREA, EXCEPT IN A GARAGE OR IN AN AREA WHERE THE ASSOCIATION HAS GIVEN ITS PRIOR WRITTEN APPROVAL THEREOF. REGULAR PASSENGER VEHICLES, SUCH AS AUTOMOBILES, PASSENGER VANS, AND SUVs AND COMMERCIAL VEHICLES OF ¾ TON OR LESS ARE PERMITTED TO BE PARKED IN THE DRIVEWAY OVERNIGHT. FURTHER, BOATS, TRAILERS AND RVs MAY BE PARKED TEMPORARILY (FOR A PERIOD NOT TO EXCEED 48 CONSECUTIVE HOURS PER WEEK) ON THE DRIVEWAY OF A LOT FOR PURPOSES OF LOADING, UNLOADING OR WASHING. VEHICLES SHALL NOT BE KEPT, PARKED OR STORED ON THE LOT, EXCEPT IN A SIDE YARD, COMPLETELY SCREENED BY PRIVACY FENCING FROM VIEW OF NEIGHBORING LOTS, STREETS AND OTHER PROPERTY. PARKING ON THE STREET IS RESERVED FOR OWNER'S GUESTS AND VISITORS. OWNER'S VEHICLES (OR VEHICLES UNDER THEIR DOMINION AND CONTROL) SHALL NOT BE PARKED OR STORED IN ANY STREET, NOR IN ANY OTHER MANNER WHICH IMPAIRS OR IMPEDES SIDEWALK USE OR OTHER PUBLIC ACCESS. OWNERS SHALL KEEP THEIR RESPECTIVE GARAGES FREE FROM CLUTTER AND DEBRIS SO THAT GARAGES MAY BE CONSISTENTLY USED FOR THE PARKING AND/OR STORAGE OF VEHICLES. REPAIR OF VEHICLES ON THE LOT IS PROHIBITED, BUT WASHING OR POLISHING OF VEHICLE ON THE DRIVEWAY IS ALLOWED; PROVIDED, HOWEVER VEHICLE REPAIR MAY OCCUR IN THE ENCLOSED GARAGE AS LONG AS THE GARAGE EFFECTIVELY SCREENS THE SIGHT AND SOUND OF SUCH ACTIVITIES FROM NEIGHBORING PROPERTIES AND FROM THE STREET. INOPERABLE VEHICLES SHALL NOT BE KEPT, PARKED, OR STORED ON A LOT AT ANY TIME. NOTWITHSTANDING ANY OTHER PROVISION HEREIN, NO COMMERCIAL VEHICLES SHALL BE PARKED OR STORED AT ANY TIME ON OR IN FRONT OF ANY LOT, STREET OR COMMON AREA WITHOUT THE ASSOCIATION'S PRIOR WRITTEN CONSENT.

Q. CLOTHESLINES AND TRASH RECEPTACLES

EXTERIOR CLOTHESLINE POLES OR OTHER OUTDOOR DRYING APPARATUS ARE PROHIBITED. GARBAGE CANS 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 THE SUBDIVISION FOR U.S. POSTAL SERVICE, ALL MAILBOX PEDESTALS SHALL CONFORM IN DESIGN TO SPECIFICATIONS 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 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 SHALL BE COMPLETED WITHIN NINE (9) MONTHS THEREAFTER. EACH LOT SHALL BE MAINTAINED IN A NEAT AND ORDERLY CONDITION.

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 EACH LOT OWNER, THEIR HEIRS, THE OWNER, 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 THERETO, AND ADDITIONALLY THE COVENANTS WITHIN SECTION I. WHETHER OR NOT SPECIFICALLY THEREIN SO STATED SHALL INURE TO THE BENEFIT OF AND SHALL BE ENFORCEABLE BY THE CITY OF BIXBY. 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 THE CITY OF BIXBY. OKLAHOMA, ANY OWNER OF A LOT AND THE HOMEOWNERS' ASSOCIATION. IF ANY LOT OWNER THE UNDERSIGNED OWNER OR ITS SUCCESSORS OR ASSIGNS, SHALL VIOLATE ANY OF THE COVENANTS WITHIN SECTION II., IT SHALL BE LAWFUL FOR THE CITY OF BIXBY, THE DECLARANT, ANY OWNER OF A LOT OR THE HOMEOWNERS' ASSOCIATION TO MAINTAIN ANY 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. THE COVENANTS CONTAINED IN SECTION III. HOMEOWNERS' ASSOCIATION AND SECTION IV. PRIVATE RESTRICTIONS, SHALL INURE TO THE BENEFIT OF ANY OWNER OF A LOT AND THE HOMEOWNERS' ASSOCIATION. IF THE OWNER OF ANY LOT, ITS HEIRS, UNDERSIGNED OWNER, OR ITS SUCCESSORS OR ASSIGNS, SHALL VIOLATE ANY OF THE COVENANTS WITHIN SECTION III. OR IV., IT SHALL BE LAWFUL FOR THE HOMEOWNERS' ASSOCIATION TO MAINTAIN ANY 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. IN ANY JUDICIAL ACTION BROUGHT TO ENFORCE THE COVENANTS ESTABLISHED WITHIN THIS DEED OF DEDICATION, THE DEFENSE THAT THE PARTY INITIATING THE EQUITABLE PROCEEDING HAS AN ADEQUATE REMEDY AT LAW, IS HEREBY WAIVED. IN ANY JUDICIAL ACTION BROUGHT BY ANY OWNER OF A LOT OR THE HOMEOWNERS' ASSOCIATION, WHICH ACTION SEEKS TO ENFORCE THE COVENANTS CONTAINED IN SECTIONS III. OR IV. AND/OR TO RECOVER DAMAGES FOR THE BREACH THEREOF, THE PREVAILING PARTY SHALL BE ENTITLED TO RECEIVE REASONABLE ATTORNEY FEES AND COSTS AND EXPENSES INCURRED IN SUCH ACTION.

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 HEREINAFTER PROVIDED.

C. AMENDMENT

UNTIL SUCH TIME AS THE CLASS B MEMBERSHIP IS CONVERTED INTO THE CLASS A MEMBERSHIP, THE PROVISIONS OF THIS DECLARATION MAY BE AMENDED, IN WHOLE OR IN PART, MODIFIED, ADDED TO OR CHANGED AT ANY TIME BY THE DECLARANT IN ITS SOLE DISCRETION AND, IF REQUIRED, APPROVED BY THE CITY OF BIXBY. THEREAFTER, 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 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 MAY BE AMENDED OR TERMINATED AT ANY TIME BY A 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. NOTWITHSTANDING THE FOREGOING, THE COVENANTS CONTAINED WITHIN SECTION II. SHALL BE DEEMED AMENDED (WITHOUT NECESSITY OF EXECUTION OF AN AMENDING DOCUMENT) UPON APPROVAL OF A MINOR AMENDMENT TO PUD 12-D BY THE BIXBY PLANNING COMMISSION AND RECORDING OF A CERTIFIED COPY OF THE MINUTES OF THE BIXBY PLANNING COMMISSION WITH THE TULSA COUNTY CLERK.

THE COVENANTS CONTAINED WITHIN SECTION III. HOMEOWNERS' ASSOCIATION, SECTION IV. PRIVATE RESTRICTIONS, AND ANY OTHER PROVISION OF THIS DEED OF DEDICATION WHICH DID NOT INITIALLY REQUIRE THE APPROVAL OF THE BIXBY PLANNING COMMISSION AND/OR THE CITY OF BIXBY, MAY BE AMENDED OR TERMINATED AT ANY TIME BY A WRITTEN INSTRUMENT SIGNED AND ACKNOWLEDGED BY THE OWNER DURING SUCH PERIOD THAT THE OWNER IS THE RECORD OWNER OF AT LEAST 1 LOT OR ALTERNATIVELY, THE COVENANTS AND RESTRICTIONS MAY BE AMENDED OR TERMINATED AT ANY TIME BY A WRITTEN INSTRUMENT SIGNED AND ACKNOWLEDGED BY THE OWNERS OF AT LEAST 65% OF THE LOTS WITHIN THE SUBDIVISION. IN THE EVENT OF ANY CONFLICT BETWEEN AN AMENDMENT OR TERMINATION PROPERLY EXECUTED BY THE OWNER (DURING ITS OWNERSHIP OF AT LEAST 1 LOT) AND ANY AMENDMENT OR TERMINATION PROPERLY EXECUTED BY THE OWNERS OF AT LEAST 65% OF THE LOTS, THE INSTRUMENT EXECUTED BY THE OWNER SHALL PREVAIL. THE PROVISIONS OF ANY INSTRUMENT AMENDING OR TERMINATING COVENANTS AND RESTRICTIONS SHALL BE EFFECTIVE FROM AND AFTER THE DATE IT IS PROPERLY RECORDED.

THIS DECLARATION MAY BE AMENDED UNILATERALLY BY DECLARANT AT ANY TIME (I) IF SUCH AMENDMENT IS NECESSARY TO BRING ANY PROVISION HEREOF INTO COMPLIANCE WITH ANY APPLICABLE GOVERNMENTAL STATUTE, RULE OR REGULATION OR JUDICIAL DETERMINATION WHICH SHALL BE IN CONFLICT THEREWITH; (II) IF SUCH AMENDMENT IS REQUIRED BY AN INSTITUTIONAL OR GOVERNMENTAL LENDER OR PURCHASER OF MORTGAGE LOANS, TO ENABLE SUCH LENDER OR PURCHASER TO MAKE OR PURCHASE MORTGAGE LOANS ON THE PROPERTY SUBJECT TO THIS DECLARATION; (III) IF SUCH AMENDMENT IS NECESSARY TO ENABLE ANY GOVERNMENTAL AGENCY OR REPUTABLE PRIVATE INSURANCE COMPANY TO INSURE MORTGAGE LOANS ON THE PROPERTY SUBJECT TO THIS DECLARATION; (IV) TO CORRECT ERRORS AND MAKE CLARIFICATIONS OR ADDITIONS IN THIS DECLARATION; OR (V) TO MODIFY OR ADD TO THE PROVISIONS OF THIS DECLARATION TO ADEQUATELY COVER SITUATIONS AND CIRCUMSTANCES WHICH DECLARANT BELIEVES, IN ITS REASONABLE JUDGMENT, HAVE NOT BEEN ADEQUATELY COVERED AND WOULD NOT HAVE A MATERIAL AND ADVERSE EFFECT ON THE MARKETABILITY OF LOTS. IN FURTHERANCE OF THE FOREGOING, A POWER COUPLED WITH AN INTEREST IS HEREBY RESERVED AND GRANTED TO DECLARANT TO MAKE OR CONSENT TO ANY SUCH AMENDMENT ON BEHALF OF EACH OWNER. EACH DEED, MORTGAGE, OTHER

EVIDENCE OF OBLIGATION OR OTHER INSTRUMENT AFFECTING A LOT AND THE ACCEPTANCE THEREOF SHALL BE DEEMED TO BE A GRANT AND ACKNOWLEDGMENT OF, AND CONSENT TO THE RESERVATION OF, THE POWER TO DECLARANT TO MAKE, EXECUTE AND RECORD SUCH AMENDMENTS. THE RIGHT AND POWER OF THE DECLARANT TO MAKE SUCH AMENDMENTS HEREUNDER SHALL TERMINATE AT SUCH TIME AS DECLARANT HAS SOLD ALL OF ITS LOTS IN PINE VALLEY ADDITION BLOCKS 10-11.

UPON THE CONVERSION OF CLASS B MEMBERSHIP INTO CLASS A MEMBERSHIP, (I) THE PROVISIONS OF THIS SECTION V MAY BE AMENDED ONLY BY AN INSTRUMENT EXECUTED BY ALL OF THE OWNERS; AND (II) ANY PROVISION RELATING TO THE RIGHTS OF DECLARANT MAY BE AMENDED ONLY WITH THE WRITTEN CONSENT OF DECLARANT. NO AMENDMENT SHALL BE EFFECTIVE UNTIL PROPERLY RECORDED. "OWNERS" SHALL NOT BE DEEMED TO INCLUDE MORTGAGEES OR OTHER PERSONS HOLDING LIENS ON ANY LOT AND SUCH MORTGAGEES AND OTHER LIENHOLDERS SHALL NOT BE REQUIRED TO JOIN IN ANY AMENDMENT TO THIS DECLARATION.

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 THEREOF AS SET FORTH HEREIN, WHICH SHALL REMAIN IN FULL FORCE AND EFFECT.

IN WITNESS WHEREOF, STONE HORSE DEVELOPMENT, L.L.C., AN OKLAHOMA LIMITED LIABILITY COMPANY, HAS EXECUTED THIS INSTRUMENT THE _____ DAY OF _____, 2016.

STONE HORSE DEVELOPMENT, L.L.C.
AN OKLAHOMA LIMITED LIABILITY COMPANY

BY: _____
DANIEL RUHL, MANAGER

STATE OF OKLAHOMA)
)SS
COUNTY OF TULSA)

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, ON THIS _____ DAY OF _____, 2016, PERSONALLY APPEARED DANIEL RUHL, TO ME KNOWN TO BE THE IDENTICAL PERSON WHO SUBSCRIBED THE NAME OF THE MAKER THEREOF TO THE FOREGOING INSTRUMENT, AS ITS MANAGER AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE AND VOLUNTARY ACT AND DEED AND AS THE FREE AND VOLUNTARY ACT AND DEED OF SUCH COMPANY FOR THE USES AND PURPOSES THEREIN SET FORTH. THE DAY AND YEAR LAST ABOVE WRITTEN.

MY COMMISSION EXPIRES _____ NOTARY PUBLIC

CERTIFICATE OF SURVEY

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

WITNESS MY HAND AND SEAL THIS _____ DAY OF _____, 2016.



BY: _____
DAN E. TANNER
LICENSED PROFESSIONAL LAND SURVEYOR
OKLAHOMA NO. 1435

STATE OF OKLAHOMA)
)SS
COUNTY OF TULSA)

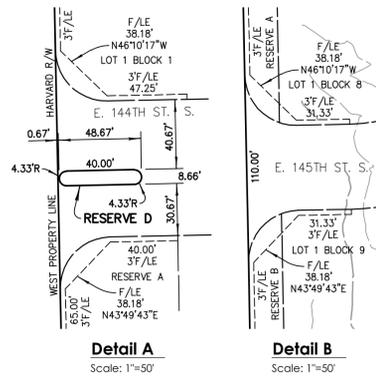
BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, ON THE ___ DAY OF _____, 2016, PERSONALLY APPEARED TO ME DAN E. TANNER KNOWN TO BE THE IDENTICAL PERSON WHO SUBSCRIBED HIS NAME AS LICENSED PROFESSIONAL LAND SURVEYOR TO THE FOREGOING CERTIFICATE, AS HIS FREE AND VOLUNTARY ACT AND DEED, FOR THE USES AND PURPOSES THEREIN SET FORTH.

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

MY COMMISSION EXPIRES _____ NOTARY PUBLIC

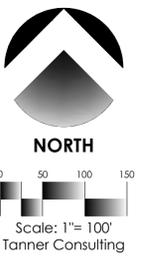
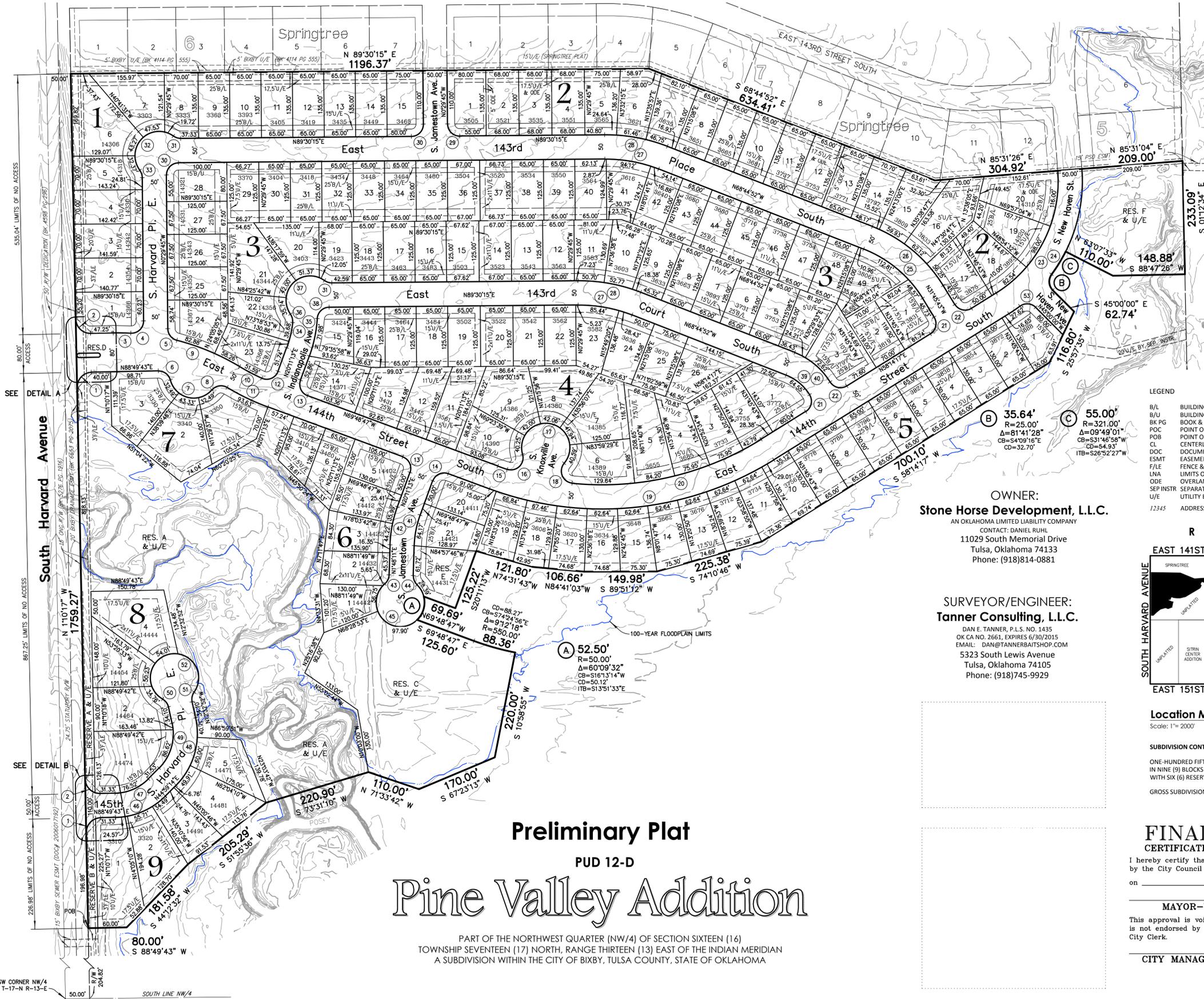
Notes:

1. THIS PLAT MEETS THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED BY THE OKLAHOMA STATE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS.
2. ALL PROPERTY CORNERS ARE SET 3/8" IRON REBAR WITH YELLOW CAP STAMPED "TANNER RLS 1435" UNLESS OTHERWISE NOTED.
3. THE BEARINGS SHOWN HEREON ARE BASED UPON THE OKLAHOMA STATE PLANE COORDINATE SYSTEM, NORTH ZONE (3501), NORTH AMERICAN DATUM (NAD 83).
4. ADDRESSES SHOWN ON THIS PLAT ARE ACCURATE AT THE TIME THE PLAT WAS FILED. ADDRESSES ARE SUBJECT TO CHANGE AND SHOULD NEVER BE RELIED ON IN PLACE OF THE LEGAL DESCRIPTION.
5. ACCESS AT THE TIME OF PLAT WAS PROVIDED BY SOUTH HARVARD AVENUE BY VIRTUE OF PUBLIC HIGHWAY DEDICATION DEED TO TULSA COUNTY, DATED MARCH 1ST, 1982, RECORDED IN BOOK 4598 PAGE 296 OF THE TULSA COUNTY RECORDS.



Curve Table

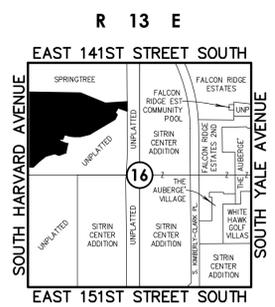
CURVE	LENGTH(L)	RADIUS(R)	DELTA(A)	CHORD(BR)	CHORDDIS
1	47.12'	30.00'	90°00'00"	N43°49'43"E	42.43'
2	47.12'	30.00'	90°00'00"	N46°10'17"W	42.43'
3	35.99'	488.65'	4°13'12"	N89°03'41"W	35.98'
4	40.82'	25.00'	93°32'40"	N46°10'17"W	36.43'
5	32.78'	25.00'	75°08'13"	N38°03'52"W	30.49'
6	33.41'	25.00'	76°33'35"	N5°25'31"W	30.98'
7	108.30'	50.00'	124°06'26"	N76°39'55"W	88.34'
8	34.75'	25.00'	79°38'07"	N81°05'55"E	32.02'
9	141.14'	488.65'	16°32'57"	N67°21'30"W	140.65'
10	51.59'	450.00'	6°34'05"	N62°22'04"W	51.56'
11	93.63'	500.00'	10°43'46"	N64°26'54"W	93.50'
12	41.09'	25.00'	94°09'41"	N67°16'03"E	36.62'
13	39.27'	25.00'	90°00'00"	N24°48'47"W	35.36'
14	39.27'	25.00'	90°00'00"	N65°11'13"E	35.36'
15	205.66'	625.00'	1°53'05"	N70°45'19"W	205.66'
16	54.46'	25.00'	124°49'02"	N45°53'37"E	44.31'
17	206.84'	50.00'	237°01'21"	N78°00'14"W	87.87'
18	54.46'	25.00'	124°49'02"	N21°54'05"W	44.31'
19	612.01'	675.00'	51°56'56"	N84°12'45"E	591.26'
20	408.54'	625.00'	37°27'07"	N76°57'51"E	401.30'
21	39.27'	25.00'	90°00'00"	N13°14'17"E	35.36'
22	39.27'	25.00'	90°00'00"	N76°45'43"W	35.36'
23	296.63'	271.00'	62°42'51"	N26°52'51"E	282.04'
24	351.36'	321.00'	62°42'51"	N26°52'51"E	334.08'
25	161.38'	250.00'	36°59'09"	N50°15'18"W	158.59'
26	193.66'	300.00'	36°59'09"	N50°15'18"W	190.31'
27	113.87'	300.00'	21°44'53"	N79°37'19"W	113.19'
28	132.85'	350.00'	21°44'53"	N79°37'19"W	132.06'
29	39.27'	25.00'	90°00'00"	N45°29'45"W	35.36'
30	39.27'	25.00'	90°00'00"	N44°30'15"E	35.36'
31	16.09'	25.00'	36°52'12"	N72°03'39"W	15.81'
32	142.89'	50.00'	163°44'23"	N44°30'15"E	98.99'
33	16.09'	25.00'	36°52'12"	N18°55'51"W	15.81'
34	53.43'	225.00'	13°36'18"	N13°23'04"E	53.30'
35	79.31'	275.00'	16°31'30"	N11°55'28"E	79.04'
36	18.31'	25.00'	41°57'39"	N14°23'55"W	17.90'
37	141.16'	50.00'	161°45'11"	N45°29'45"W	98.73'
38	37.46'	25.00'	85°50'32"	N46°34'59"E	34.05'
39	64.55'	100.00'	36°59'10"	N50°15'18"W	63.44'
40	96.83'	150.00'	36°59'09"	N50°15'18"W	95.16'
41	64.17'	200.00'	18°23'02"	N10°59'42"E	63.90'
42	80.21'	250.00'	18°23'02"	N10°59'42"E	79.87'
43	21.03'	25.00'	48°11'23"	N25°53'52"E	20.41'
44	21.03'	25.00'	48°11'23"	N22°17'30"W	20.41'
45	241.19'	50.00'	276°22'46"	N88°11'49"W	66.67'
46	35.64'	25.00'	81°41'28"	N85°50'44"W	32.70'



- LEGEND**
- B/L BUILDING LINE & UTILITY EASEMENT
 - B/U BOOK & PAGE
 - BK PG BOOK & PAGE
 - POC POINT OF COMMENCEMENT
 - POB POINT OF BEGINNING
 - CL CENTERLINE
 - DOC DOCUMENT
 - ESMT EASEMENT
 - F/LE FENCE & LANDSCAPE EASEMENT
 - LNA LIMITS OF NO ACCESS
 - ODE OVERLAND DRAINAGE EASEMENT
 - SEP INSTR SEPARATE INSTRUMENT
 - U/E UTILITY EASEMENT
 - 12345 ADDRESS ASSIGNED

OWNER:
Stone Horse Development, L.L.C.
 AN OKLAHOMA LIMITED LIABILITY COMPANY
 CONTACT: DANIEL RUHL
 11029 South Memorial Drive
 Tulsa, Oklahoma 74133
 Phone: (918)814-0881

SURVEYOR/ENGINEER:
Tanner Consulting, L.L.C.
 DAN E. TANNER, P.L.S. NO. 1435
 OK CA NO. 2661, EXPIRES 6/30/2015
 EMAIL: DAN@TANNERBAITSHOP.COM
 5323 South Lewis Avenue
 Tulsa, Oklahoma 74105
 Phone: (918)745-9929



Location Map
 Scale: 1"=2000'

SUBDIVISION CONTAINS:

- ONE HUNDRED FIFTY (150) LOTS
- NINE (9) BLOCKS
- SIX (6) RESERVES
- GROSS SUBDIVISION AREA: 51.577 ACRES

Preliminary Plat

PUD 12-D

Pine Valley Addition

PART OF THE NORTHWEST QUARTER (NW/4) OF SECTION SIXTEEN (16)
 TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN MERIDIAN
 A SUBDIVISION WITHIN THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA

FINAL PLAT

CERTIFICATE OF APPROVAL

I hereby certify that this plat was approved by the City Council of the City of Bixby, on _____

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

Preliminary Plat

PUD 12-D

Pine Valley Addition

PART OF THE NORTHWEST QUARTER (NW/4) OF SECTION SIXTEEN (16)
TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN MERIDIAN
A SUBDIVISION WITHIN THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA

DEED OF DEDICATION AND RESTRICTIVE COVENANTS FOR PINE VALLEY ADDITION

KNOW ALL MEN BY THESE PRESENTS:

THAT STONE HORSE DEVELOPMENT, L.L.C., AN OKLAHOMA LIMITED LIABILITY COMPANY, HEREINAFTER REFERRED TO AS THE "DECLARANT", IS THE OWNER OF THE FOLLOWING REAL PROPERTY SITUATED IN THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA, TO-WIT:

A TRACT OF LAND THAT IS PART OF THE NORTHWEST QUARTER (NW/4) OF SECTION SIXTEEN (16), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID NW/4; THENCE NORTH 89°20'43" EAST AND ALONG THE SOUTH LINE OF THE NW/4, FOR A DISTANCE OF 50.00 FEET TO A POINT ON THE PRESENT EAST RIGHT-OF-WAY LINE OF SOUTH HARVARD AVENUE; THENCE NORTH 1°10'17" WEST AND ALONG SAID EAST RIGHT-OF-WAY LINE, FOR A DISTANCE OF 204.82 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING NORTH 1°10'17" WEST AND ALONG THE EAST RIGHT-OF-WAY LINE, FOR A DISTANCE OF 1759.27 FEET TO A POINT, SAID POINT BEING THE SOUTHWEST CORNER OF BLOCK SIX (6) OF "SPRINGTREE", AN ADDITION IN THE CITY OF BIXBY, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF (PLAT NO. 3794); THENCE NORTH 89°30'15" EAST AND ALONG THE SOUTH LINE OF SAID ADDITION, FOR A DISTANCE OF 1196.37 FEET TO A POINT; THENCE SOUTH 68°44'52" EAST AND CONTINUING ALONG SAID SOUTH LINE OF THE ADDITION, FOR A DISTANCE OF 634.41 FEET TO A POINT; THENCE NORTH 85°31'26" EAST AND CONTINUING ALONG THE SOUTH LINE OF THE ADDITION, FOR A DISTANCE OF 304.92 FEET TO A POINT, SAID POINT BEING THE SOUTHWEST CORNER OF LOT SEVEN (7), BLOCK FIVE (5) OF THE ADDITION;

THENCE NORTH 85°31'04" EAST AND CONTINUING ALONG THE SOUTH LINE OF THE ADDITION, FOR A DISTANCE OF 203.00 FEET TO A POINT, SAID POINT BEING THE SOUTHEAST CORNER OF LOT SEVEN (7) BLOCK FIVE (5) OF THE ADDITION; THENCE SOUTH 01°12'34" EAST FOR A DISTANCE OF 233.09 FEET TO A POINT; THENCE SOUTH 88°47'26" WEST FOR A DISTANCE OF 148.88 FEET TO A POINT; THENCE NORTH 63°07'33" WEST FOR A DISTANCE OF 110.00 FEET TO A POINT; THENCE SOUTHERLY ALONG A 321.00 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT, HAVING AN INITIAL TANGENT BEARING OF SOUTH 26°52'27" WEST, A CENTRAL ANGLE OF 09°49'01", A CHORD BEARING AND DISTANCE OF SOUTH 31°46'58" WEST FOR 54.93 FEET, FOR AN ARC DISTANCE OF 55.00 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG A 25.00 FOOT RADIUS CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 81°41'28", A CHORD BEARING AND DISTANCE OF SOUTH 04°09'16" EAST FOR 32.70 FEET, FOR AN ARC DISTANCE OF 35.64 FEET TO A POINT OF TANGENCY; THENCE SOUTH 45°00'00" EAST FOR A DISTANCE OF 62.74 FEET TO A POINT; THENCE SOUTH 25°57'35" WEST FOR A DISTANCE OF 116.80 FEET TO A POINT; THENCE SOUTH 58°14'17" WEST FOR A DISTANCE OF 700.10 FEET TO A POINT; THENCE SOUTH 74°10'46" WEST FOR A DISTANCE OF 225.38 FEET TO A POINT; THENCE SOUTH 89°51'12" WEST FOR A DISTANCE OF 149.98 FEET TO A POINT; THENCE NORTH 84°41'03" WEST FOR A DISTANCE OF 106.66 FEET TO A POINT; THENCE NORTH 74°31'43" WEST FOR A DISTANCE OF 121.80 FEET TO A POINT; THENCE SOUTH 20°11'13" WEST FOR A DISTANCE OF 125.22 FEET TO A POINT; THENCE NORTH 69°48'47" WEST FOR A DISTANCE OF 69.69 FEET TO A POINT;

THENCE SOUTHERLY ALONG A 50.00 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT, HAVING AN INITIAL TANGENT BEARING OF SOUTH 13°51'33" EAST, A CENTRAL ANGLE OF 60°09'32", A CHORD BEARING AND DISTANCE OF SOUTH 16°13'14" WEST FOR 50.12 FEET, FOR AN ARC DISTANCE OF 52.50 FEET TO A POINT; THENCE SOUTH 69°48'47" EAST FOR A DISTANCE OF 125.60 FEET TO A POINT OF CURVATURE; THENCE ALONG A 550.00 FOOT RADIUS CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 91°21'8", A CHORD BEARING AND DISTANCE OF SOUTH 74°24'56" EAST FOR 88.27 FEET, FOR AN ARC DISTANCE OF 88.36 FEET TO A POINT; THENCE SOUTH 10°58'55" WEST FOR A DISTANCE OF 220.00 FEET TO A POINT; THENCE SOUTH 67°23'13" WEST FOR A DISTANCE OF 170.00 FEET TO A POINT; THENCE NORTH 71°33'42" WEST FOR A DISTANCE OF 110.00 FEET TO A POINT; THENCE SOUTH 73°31'10" WEST FOR A DISTANCE OF 220.90 FEET TO A POINT; THENCE SOUTH 51°55'36" WEST FOR A DISTANCE OF 205.29 FEET TO A POINT; THENCE SOUTH 44°12'32" WEST FOR A DISTANCE OF 181.58 FEET TO A POINT; THENCE SOUTH 88°49'43" WEST FOR A DISTANCE OF 80.00 FEET TO THE POINT OF BEGINNING;

SAID TRACT CONTAINING 2,295,284 SQUARE FEET, OR 52.692 ACRES.

AND THE DECLARANT HAS CAUSED THE ABOVE DESCRIBED LAND TO BE SURVEYED, STAKED, PLATTED AND SUBDIVIDED INTO ONE HUNDRED FIFTY (150) LOTS IN NINE (9) BLOCKS AND SIX (6) RESERVES, IN CONFORMITY WITH THE ACCOMPANYING PLAT AND SURVEY (HEREINAFTER THE "PLAT"), AND HAS DESIGNATED THE SUBDIVISION AS "PINE VALLEY ADDITION", A SUBDIVISION IN THE CITY OF BIXBY, TULSA COUNTY, OKLAHOMA (HEREINAFTER THE "SUBDIVISION" OR "PINE VALLEY ADDITION"). THE LOTS DEPICTED UPON THE PLAT SHALL HEREINAFTER BE REFERRED TO COLLECTIVELY AS THE "LOTS" AND INDIVIDUALLY AS A "LOT".

SECTION I. PUBLIC STREETS, EASEMENTS AND UTILITIES

A. PUBLIC STREETS AND UTILITY EASEMENTS.

THE DECLARANT DOES HEREBY GRANT, CONVEY, DONATE, AND DEDICATE FOR PUBLIC USE THE STREET RIGHTS-OF-WAY DEPICTED ON THE ACCOMPANYING PLAT AND DOES FURTHER DEDICATE FOR PUBLIC USE THE UTILITY EASEMENTS AS DEPICTED ON THE ACCOMPANYING PLAT AS "U/E" OR "UTILITY EASEMENT" FOR THE SEVERAL PURPOSES OF CONSTRUCTING, MAINTAINING, OPERATING, REPAIRING, REPLACING, AND/OR REMOVING ANY AND ALL PUBLIC UTILITIES, INCLUDING STORM SEWERS, SANITARY SEWERS, TELEPHONE AND COMMUNICATION LINES, ELECTRIC POWER LINES AND TRANSFORMERS, GAS LINES, WATER LINES, AND CABLE TELEVISION LINES, TOGETHER WITH ALL VALVES, METERS AND EQUIPMENT FOR EACH OF SUCH FACILITIES AND OTHER APPURTENANCES THERETO, WITH THE RIGHTS OF INGRESS AND EGRESS TO AND UPON THE UTILITY EASEMENTS FOR THE USES AND PURPOSES AFORESAID, TOGETHER WITH SIMILAR

EASEMENT RIGHTS IN THE PUBLIC STREETS, PROVIDED HOWEVER, THAT THE DECLARANT HEREBY RESERVES THE RIGHT TO CONSTRUCT AND MAINTAIN WATER LINES AND SEWER LINES WITHIN THE UTILITY EASEMENTS FOR THE PURPOSE OF FURNISHING WATER AND/OR SEWER SERVICE TO AREAS WITHIN OR OUTSIDE THE PLAT AND THE DECLARANT FURTHER RESERVES THE RIGHT TO CONSTRUCT AND MAINTAIN WITHIN THE UTILITY EASEMENTS PROPERLY PERMITTED PARKING AREAS, LANDSCAPING, SCREENING FENCES AND WALLS AND OTHER NON-OBSSTRUCTING IMPROVEMENTS.

B. WATER, SANITARY SEWER, AND STORM SEWER SERVICE.

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

2. WITHIN THE DEPICTED UTILITY EASEMENT AREAS, THE ALTERATION OF GRADE IN EXCESS OF 3 FEET FROM THE CONTOURS EXISTING UPON THE COMPLETION OF THE INSTALLATION OF A PUBLIC WATER MAIN, SANITARY SEWER MAIN OR STORM SEWER MAIN, OR ANY CONSTRUCTION ACTIVITY WHICH MAY INTERFERE WITH PUBLIC WATER, SANITARY SEWER MAIN OR STORM SEWER MAINS, SHALL BE PROHIBITED. WITHIN THE UTILITY EASEMENTS, IF THE GROUND ELEVATIONS ARE ALTERED BY THE LOT OWNER, FROM THE CONTOURS EXISTING UPON THE COMPLETION OF THE INSTALLATION OF A PUBLIC WATER MAIN, SANITARY SEWER MAIN OR STORM SEWER MAIN, ALL GROUND LEVEL APPURTENANCES, INCLUDING VALVE BOXES, FIRE HYDRANTS AND MANHOLES SHALL BE ADJUSTED TO THE ALTERED GROUND ELEVATIONS BY THE OWNER OF THE LOT OR AT ITS ELECTION, THE CITY OF BIXBY, OKLAHOMA MAY MAKE SUCH ADJUSTMENT AT THE LOT OWNER'S EXPENSE.

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

4. THE CITY OF BIXBY OR ITS SUCCESSORS SHALL AT ALL TIMES HAVE THE RIGHT OF ACCESS WITH THEIR EQUIPMENT TO ALL EASEMENT WAYS DEPICTED ON THE PLAT OR OTHERWISE PROVIDED FOR IN THIS DEED OF DEDICATION FOR THE PURPOSE OF INSTALLING, MAINTAINING, REMOVING OR REPLACING ANY PORTION OF UNDERGROUND WATER, SANITARY SEWER OR STORM SEWER FACILITIES.

5. THE FOREGOING COVENANTS SET FORTH IN THIS SUBSECTION B SHALL BE ENFORCEABLE BY THE CITY OF BIXBY OR ITS SUCCESSORS AND THE OWNER OF THE LOT AGREES TO BE BOUND HEREBY.

C. UNDERGROUND SERVICE.

1. OVERHEAD LINES FOR THE SUPPLY OF ELECTRIC, TELEPHONE AND CABLE TELEVISION SERVICES MAY BE LOCATED WITHIN THE WEST PERIMETER UTILITY EASEMENT AND WITHIN THE PERIMETER RIGHTS-OF-WAY OF THE SUBDIVISION. STREET LIGHT POLES OR STANDARDS MAY BE SERVED BY UNDERGROUND CABLE THROUGHOUT THE SUBDIVISION AND, EXCEPT AS PROVIDED IN THE IMMEDIATELY-PRECEDING SENTENCE, 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 THE EASEMENT WAYS.

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

3. THE SUPPLIER OF ELECTRIC, TELEPHONE, CABLE TELEVISION AND GAS SERVICES, THROUGH ITS AGENTS AND EMPLOYEES, SHALL AT ALL TIMES HAVE THE 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.

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

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

D. PAVING AND LANDSCAPING WITHIN EASEMENTS.

THE OWNER OF THE LOT SHALL BE RESPONSIBLE FOR REPAIR OF DAMAGE TO PROPERLY-PERMITTED LANDSCAPING AND PAVING RESULTING FROM THE ACTIONS OF THE CITY OF BIXBY OR THE SUPPLIER OF UTILITY IN SERVICES, IN PERFORMING NECESSARY INSTALLATION OF OR MAINTENANCE TO THE UNDERGROUND WATER, SEWER, STORM WATER, GAS, COMMUNICATION, CABLE TELEVISION, OR ELECTRIC FACILITIES WITHIN THE EASEMENTS DEPICTED ON THE ACCOMPANYING PLAT, PROVIDED HOWEVER, THAT THE CITY OF BIXBY, OR THE SUPPLIER OF THE UTILITY SERVICE, SHALL USE REASONABLE CARE IN THE PERFORMANCE OF SUCH ACTIVITIES.

E. LIMITS OF NO ACCESS.

THE OWNER HEREBY RELINQUISHES RIGHT OF INGRESS AND EGRESS TO THE ABOVE-DESCRIBED PROPERTY WITHIN THE BOUNDARIES DESIGNATED AS "LIMITS OF NO ACCESS" (LNA) EXCEPT AS MAY HEREAFTER BE RELEASED, ALTERED, OR AMENDED BY THE DECLARANT AND BIXBY PLANNING COMMISSION, OR ITS SUCCESSORS, OR AS OTHERWISE PROVIDED BY THE STATUTES AND LAWS OF THE STATE OF OKLAHOMA, PERTAINING

THERETO.

THE FOREGOING COVENANT CONCERNING "LIMITS OF NO ACCESS" ("LNA") SHALL BE ENFORCEABLE BY THE CITY OF BIXBY OR ITS SUCCESSORS, AND THE OWNER OF EACH LOT AGREES TO BE BOUND HEREBY.

C. FENCE EASEMENT.

THE OWNER DOES HEREBY ESTABLISH AND GRANT FENCE AND LANDSCAPE EASEMENTS OVER AND UPON THE AREAS DESIGNATED AS "F/E" AND SHOWN ON THE ACCOMPANYING PLAT FOR THE USE AND BENEFIT OF PINE VALLEY ADDITION. THE FENCE AND LANDSCAPE EASEMENTS ARE FOR THE LIMITED PURPOSE OF CONSTRUCTING AND MAINTAINING PERIMETER DECORATIVE FENCES AND ENTRY FEATURES INCLUDING BUT NOT LIMITED TO FENCES, WALLS, SPRINKLER SYSTEMS, AND LANDSCAPING, AND FOR THE PURPOSE OF MAINTAINING AND REPAIR THEREOF, TOGETHER WITH THE RIGHT OF ACCESS OVER, ACROSS, AND ALONG SUCH EASEMENTS AND OVER, ACROSS, AND ALONG LOTS IN "PINE VALLEY ADDITION" WHICH CONTAIN SUCH EASEMENTS.

C. RESERVE AREAS.

RESERVE A IS DESIGNATED FOR OPEN SPACE AND PASSIVE RECREATION AND IS RESERVED FOR FUTURE CONVEYANCE TO THE HOMEOWNERS' ASSOCIATION. RESERVE B IS DESIGNATED FOR OPEN SPACE, PASSIVE RECREATION, LANDSCAPING, ENTRY FEATURES, FENCES OR WALLS, IRRIGATION SYSTEMS, AND OTHER USES AS MAY BE APPROVED BY THE CITY OF BIXBY, AND IS RESERVED FOR FUTURE CONVEYANCE TO THE HOMEOWNERS' ASSOCIATION. RESERVES C AND F ARE DESIGNATED FOR OPEN SPACE, STORMWATER DRAINAGE AND DETENTION, PASSIVE RECREATION AND OTHER USES AS MAY BE APPROVED BY THE CITY OF BIXBY, AND ARE RESERVED FOR FUTURE CONVEYANCE TO THE HOMEOWNERS' ASSOCIATION. RESERVE D IS DESIGNATED FOR OPEN SPACE, LANDSCAPING, ENTRY FEATURES, IRRIGATION SYSTEMS, SIGNAGE, AND OTHER USES AS MAY BE APPROVED BY THE CITY OF BIXBY, AND IS RESERVED FOR FUTURE CONVEYANCE TO THE HOMEOWNERS' ASSOCIATION. RESERVE E IS DESIGNATED FOR PRIVATE RECREATION AND OTHER USES AS MAY BE APPROVED BY THE CITY OF BIXBY AND IS RESERVED FOR FUTURE CONVEYANCE TO THE HOMEOWNERS' ASSOCIATION. RESERVES A, B, C, D, E, AND F ARE ALSO HEREBY DEDICATED AS GENERAL UTILITY EASEMENTS. ALL COSTS AND EXPENSES ASSOCIATED WITH ALL RESERVES, INCLUDING MAINTENANCE OF VARIOUS IMPROVEMENTS AND RECREATIONAL FACILITIES SHALL BE THE RESPONSIBILITY OF THE HOMEOWNERS' ASSOCIATION. SEE SECTION III FOR ADDITIONAL DETAILS AND REQUIREMENTS. IN THE EVENT THE HOMEOWNERS' ASSOCIATION FAILS TO PAY THE COSTS OF SAID MAINTENANCE AFTER COMPLETION OF THE MAINTENANCE AND RECEIPT OF A STATEMENT OF COSTS, THE CITY OF BIXBY, OKLAHOMA, MAY FILE OF RECORD A COPY OF THE STATEMENT OF COSTS, AND THEREAFTER THE COSTS SHALL BE A LIEN AGAINST EACH OF THE LOTS WITHIN THE SUBDIVISION, WHICH LIEN MAY BE FORECLOSED BY THE CITY OF BIXBY, OKLAHOMA, OR THE CITY OF BIXBY PUBLIC WORKS AUTHORITY MAY ADD SUCH BILLING PRORATED UPON THE RESIDENTIAL LOT OWNER'S WATER BILL, WHICH METHOD OF COLLECTION SHALL BE DETERMINED BY THE CITY OF BIXBY.

SECTION II. PLANNED UNIT DEVELOPMENT

WHEREAS, THE PROPERTY COMPRISING PINE VALLEY ADDITION WAS INITIALLY SUBMITTED AS A PART OF PLANNED UNIT DEVELOPMENT NO. 12-A AS PROVIDED WITHIN TITLE 11 OF THE BIXBY, OKLAHOMA CITY CODE (BIXBY ZONING CODE), AND

WHEREAS, PUD NO. 12-A WAS AFFIRMATIVELY RECOMMENDED BY THE CITY OF BIXBY PLANNING COMMISSION ON NOVEMBER 21, 1994, AND APPROVED BY THE BIXBY CITY COUNCIL ON JANUARY 09, 1995, AND

WHEREAS, A MAJOR AMENDMENT OF A PART OF PUD 12-D (ALSO KNOWN AS "GEILER PARK," HEREINAFTER REFERRED TO AS "PUD 12-D") WHICH INCLUDED THE PROPERTY COMPRISING PINE VALLEY ADDITION, WAS SUBMITTED AND WAS AFFIRMATIVELY RECOMMENDED FOR APPROVAL BY THE CITY OF BIXBY PLANNING COMMISSION ON JULY 16, 2012, AND WAS APPROVED BY THE BIXBY CITY COUNCIL ON FEBRUARY 11, 2013, AND

WHEREAS, THE PLANNED UNIT DEVELOPMENT RECORDS OF THE BIXBY ZONING CODE REQUIRE THE ESTABLISHMENT OF COVENANTS OF RECORD INURING TO AND ENFORCEABLE BY THE CITY OF BIXBY, SUFFICIENT TO ASSURE THE IMPLEMENTATION AND CONTINUED COMPLIANCE WITH THE APPROVED PLANNED UNIT DEVELOPMENT AND ANY AMENDMENTS THERETO, AND

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

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

C. DEVELOPMENT STANDARDS OF PINE VALLEY ADDITION (COMPRISING ALL OR PARTS OF DEVELOPMENT AREAS A, B, AND C, WHICH TOGETHER CONTAIN 86.5 GROSS ACRES)

1. DEVELOPMENT IN ACCORDANCE WITH PUD

PINE VALLEY ADDITION SHALL BE DEVELOPED AND USED IN SUBSTANTIAL ACCORDANCE WITH THE RESTRICTIONS AND DEVELOPMENT STANDARDS OF PUD 12-D AS APPROVED BY THE CITY OF BIXBY, OR IN SUBSTANTIAL ACCORDANCE WITH SUCH MODIFICATIONS OR AMENDMENTS OF THE RESTRICTIONS AND DEVELOPMENT STANDARDS OF PUD 12-D AS MAY BE SUBSEQUENTLY BE APPROVED.

2. APPLICABLE ORDINANCE

THE DEVELOPMENT OF PINE VALLEY ADDITION SHALL BE SUBJECT TO THE PLANNED UNIT DEVELOPMENT PROVISIONS OF THE BIXBY ZONING CODE, AS SUCH PROVISIONS EXISTED ON FEBRUARY 11, 2013.

3. DEVELOPMENT STANDARDS

DEVELOPMENT AREA A

GROSS LAND AREA: 14.5 AC. +/-

PERMITTED USES: DETACHED SINGLE-FAMILY DWELLING UNITS AND CUSTOMARY

ACCESSORY USES.

MAXIMUM DWELLING UNITS: 58 DUS

MAXIMUM DENSITY 4 DUS PER ACRE

MAXIMUM BUILDING HEIGHT: 48 FT.

MAXIMUM STORIES: 3

MINIMUM YARDS AND BUILDING SETBACKS:

FROM MINOR STREET RIGHT-OF-WAY 25 FT.

FROM ARTERIAL STREET RIGHT-OF-WAY 20 FT.

FROM REAR LOT LINE: 25 FT.

FROM SIDE YARD LOT LINE: 5 FT.

BETWEEN DWELLING UNITS: 10 FT.

MINIMUM OFF-STREET PARKING: 2 SPACES PER DU

OTHER BULK AND AREA REQUIREMENTS AS REQUIRED WITHIN AN RS-3 DISTRICT.

DEVELOPMENT AREA B

GROSS LAND AREA: 61.80 AC. +/-

PERMITTED USES: DETACHED OR ATTACHED RESIDENTIAL DWELLING UNITS INCLUDING SINGLE-FAMILY, DUPLEX, PATIO HOME, TOWNHOUSE, (EXCLUDING MULTIFAMILY DWELLINGS, AS DEFINED BY THE BIXBY ZONING CODE), AND CUSTOMARY ACCESSORY USES, INCLUDING COMMON AREA FACILITIES SUCH AS CLUB HOUSE, SWIMMING POOL AND RECREATIONAL OPEN SPACE.

MAXIMUM DWELLING UNITS: 575 DUS

MAXIMUM DENSITY

DETACHED DWELLING UNITS: 8 DUS PER ACRE

DUPLEX DWELLING UNITS: 10 DUS PER ACRE

TOWNHOUSE DWELLING UNITS: 16 DUS PER ACRE

MAXIMUM BUILDING HEIGHT: 48 FT.

MAXIMUM STORIES: 3

MINIMUM YARDS AND BUILDING SETBACKS:

FROM NON-ARTERIAL STREET RIGHT-OF-WAY 20 FT.

FROM ARTERIAL STREET RIGHT-OF-WAY 20 FT.

FROM REAR LOT LINE: 20 FT.

FROM SIDE YARD LOT LINE: 5 FT.

BETWEEN DETACHED DWELLING UNITS 10 FT.

FROM ATTACHED SIDE OF A DUPLEX BUILDING: 0 FT.

BETWEEN DUPLEX BUILDINGS: 10 FT.

FROM ATTACHED SIDE OF A TOWNHOUSE UNIT: 0 FT.

BETWEEN TOWNHOUSE BUILDINGS: 20 FT.

MINIMUM OFF-STREET PARKING: AS REQUIRED WITHIN THE APPLICABLE USE UNIT.

OTHER BULK AND AREA REQUIREMENTS:

DETACHED SINGLE FAMILY DWELLINGS AS REQUIRED WITHIN AN RS-3 DISTRICT

DUPLEX DWELLINGS AS REQUIRED WITHIN AN RD DISTRICT

TOWNHOUSE DWELLINGS AS REQUIRED WITHIN AN RT DISTRICT

(THE ALTERNATIVE DEVELOPMENT STANDARDS FOR DEVELOPMENT AREA B ARE NOT RELEVANT TO THIS SUBDIVISION AND SO ARE OMITTED).

DEVELOPMENT AREA C

GROSS LAND AREA: 10.2 AC. +/-

PERMITTED USES: DETACHED OR ATTACHED RESIDENTIAL DWELLING UNITS INCLUDING SINGLE-FAMILY, DUPLEX, PATIO HOME, TOWNHOUSE, AND ELDERLY/RETIREMENT HOUSING, AND CUSTOMARY ACCESSORY USES.

MAXIMUM DWELLING UNITS 163 DUS

MAXIMUM DETACHED DWELLING UNITS 8 DUS PER ACRE

MAXIMUM DUPLEX DWELLING UNITS: 10 DUS PER ACRE

MAXIMUM TOWNHOUSE DWELLING UNITS: 16 DUS PER ACRE

MAXIMUM ELDERLY/RETIREMENT HOUSING DWELLING UNITS 16 DUS PER ACRE

MAXIMUM BUILDING HEIGHT: 48 FT.

MAXIMUM STORIES: 3

MINIMUM YARDS AND BUILDING SETBACKS:

FROM NON-ARTERIAL STREET RIGHT-OF-WAY: 20 FT.

FROM ARTERIAL STREET RIGHT-OF-WAY 20 FT.

FROM REAR LOT LINE 20 FT.

FROM SIDE YARD LOT LINE 5 FT.

BETWEEN DETACHED DWELLING UNITS: 10 FT.

FROM ATTACHED SIDE OF A DUPLEX BUILDING 0 FT.

BETWEEN DUPLEX BUILDINGS: 10 FT.

FROM ATTACHED SIDE OF A TOWNHOUSE UNIT: 0 FT.

BETWEEN TOWNHOUSE BUILDINGS: 20 FT.

BETWEEN ELDERLY/RETIREMENT HOUSING BUILDINGS: 20 FT.

MINIMUM OFF-STREET PARKING: AS REQUIRED WITHIN THE APPLICABLE USE.

OTHER BULK AND AREA REQUIREMENTS-DWELLINGS: AS REQUIRED WITHIN AN RM-1 DISTRICT.

OTHER BULK AND AREA REQUIREMENTS-NON-DWELLINGS: AS REQUIRED WITHIN THE APPLICABLE USE UNIT.

(THE ALTERNATIVE DEVELOPMENT STANDARDS FOR DEVELOPMENT AREA C ARE NOT RELEVANT TO THIS SUBDIVISION AND SO ARE OMITTED).

4. GENERAL PROVISIONS AND DEVELOPMENT STANDARDS

ACCESS AND CIRCULATION

THE PRINCIPAL ACCESS IS TO BE DERIVED FROM 151st STREET AND HARVARD AVENUE WITH CONNECTION TO AN INTERIOR PUBLIC AND OR PRIVATE STREET SYSTEM, AND MUTUAL ACCESS EASEMENTS TO PROVIDE CONNECTIVITY WHERE APPROPRIATE. NEW PUBLIC STREET CONSTRUCTION SHALL COMPLY WITH THE APPLICABLE GEOMETRIC STREET STANDARDS OF THE CITY OF BIXBY.

SIDEWALKS ALONG THE STREET FRONTAGES OF RESERVE AREAS SHALL BE CONSTRUCTED BY THE DECLARANT AND SIDEWALKS ALONG THE INTERIOR STREETS SHALL BE CONSTRUCTED BY THE BUILDER OF THE HOME TO BE LOCATED WITHIN EACH INDIVIDUAL LOT IN ACCORDANCE WITH THE BIXBY SUBDIVISION REGULATIONS, INCLUDING A MINIMUM WIDTH OF FOUR FEET AND ADA COMPLIANCE.

IT IS PROPOSED THAT A TRAIL SYSTEM BE PROVIDED THAT IS MEANINGFUL AND PROVIDES REASONABLE PEDESTRIAN OPPORTUNITIES EXTENDING FROM HARVARD AVENUE THROUGH POSEY CREEK FLOOD PLAIN AND CONTINUING TO THE EAST BOUNDARY OF GEILER PARK. PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS FOR DEVELOPMENT WHICH IN THE AGGREGATE COMPRISES 20% OF THE LAND AREA OF GEILER PARK, A TRAIL SYSTEM PLAN, INCLUDING A CONSTRUCTION PHASING SCHEDULE, SHALL BE SUBMITTED TO AND APPROVED BY THE BIXBY PLANNING COMMISSION.

SIGNS

SIGNS SHALL COMPLY WITH THE APPLICABLE PROVISIONS OF THE BIXBY ZONING CODE, PROVIDED HOWEVER, PRIOR TO INSTALLATION, A DETAILED SIGN PLAN SHALL BE SUBMITTED TO AND APPROVED BY THE BIXBY PLANNING COMMISSION. A SIGN IDENTIFYING AN INTERIOR PROPERTY MAY BE LOCATED OFF SITE WITHIN A PARCEL LOCATED IN GEILER PARK, BUT SHALL REQUIRE A DETAILED SIGN PLAN SUBMITTED TO AND APPROVED BY THE BIXBY PLANNING COMMISSION.

UTILITIES AND DRAINAGE

UTILITIES ARE AT THE SITE OR ACCESSIBLE BY CUSTOMARY EXTENSION. STORM WATER DETENTION WILL BE PROVIDED.

PARCELIZATION

AFTER INITIAL PLATTING SETTING FORTH PERMITTED USES AND THE ALLOCATION OF COMMERCIAL AND OR INDUSTRIAL FLOOR AREA OR RESIDENTIAL DENSITY, DIVISION OF PLATTED LOTS MAY OCCUR BY APPROVED LOT SPLIT APPLICATION AND SUBJECT TO THE APPROVAL BY THE BIXBY PLANNING COMMISSION OF PROPOSED FLOOR AREA OR RESIDENTIAL DENSITY ALLOCATIONS AND CONFIRMATION OF THE EXISTENCE OF ANY NECESSARY CROSS PARKING AND MUTUAL ACCESS EASEMENTS.

ALLOCATION OF FLOOR AREA AND DWELLING UNITS

AS APPROVED BY THE BIXBY CITY COUNCIL AND AS SET FORTH WITHIN SECTION II OF PUD 12-D, USE INTENSITY (SQUARE FOOTAGE OF FLOOR AREA OF NONRESIDENTIAL USE AND DWELLING UNITS OF RESIDENTIAL USE) AS PERMITTED BY THE UNDERLYING GENERAL ZONING DISTRICTS SHALL BE FULLY TRANSFERABLE TO THE VARIOUS DEVELOPMENT AREAS, IRRESPECTIVE OF THE GENERAL ZONING DISTRICT BOUNDARIES, AND THE AREAS OF USE MAY EXCEED THE AREAS OF THE UNDERLYING GENERAL ZONING DISTRICTS.

NONRESIDENTIAL FLOOR AREA OR RESIDENTIAL DWELLING UNIT DENSITY AS INITIALLY SET FORTH WITHIN SECTION II OF PUD 12-D MAY BE TRANSFERRED TO ANOTHER LOT OR LOTS BY WRITTEN INSTRUMENT EXECUTED BY THE OWNER OF THE LOT FROM WHICH THE FLOOR AREA IS TO BE ALLOCATED, PROVIDED HOWEVER, THE ALLOCATION SHALL NOT EXCEED 15% OF THE INITIAL ALLOCATION TO THE LOT TO WHICH THE TRANSFER OF FLOOR AREA IS TO BE MADE. ALLOCATION EXCEEDING EXCEEDING 15% SHALL REQUIRE AN APPLICATION FOR MINOR AMENDMENT TO BE REVIEWED AND APPROVED BY THE BIXBY PLANNING COMMISSION.

SECTION III. HOMEOWNERS' ASSOCIATION

A. FORMATION OF HOMEOWNERS' ASSOCIATION

THE DECLARANT HAS FORMED OR SHALL CAUSE TO BE FORMED AN ASSOCIATION OF THE OWNERS OF THE RESIDENTIAL LOTS WITHIN PINE VALLEY ADDITION. THE HOMEOWNERS' ASSOCIATION SHALL BE ESTABLISHED IN ACCORDANCE WITH THE STATUTES OF THE STATE OF OKLAHOMA, FOR THE GENERAL PURPOSE OF MAINTAINING THE COMMON AREA, INCLUDING BUT WITHOUT LIMITATION THE RESERVES AND ENHANCING THE VALUE, DESIRABILITY AND ATTRACTIVENESS OF PINE VALLEY ADDITION AND OF ANY RESIDENTIAL SUBDIVISION WHICH MAY SUBSEQUENTLY BE ANNEXED TO THE GEOGRAPHIC JURISDICTION OF THE HOMEOWNERS' ASSOCIATION.

Preliminary Plat

PUD 12-D

Pine Valley Addition

PART OF THE NORTHWEST QUARTER (NW/4) OF SECTION SIXTEEN (16)
TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN MERIDIAN
A SUBDIVISION WITHIN THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA

SECTION III. HOMEOWNERS' ASSOCIATION (CONTINUED)

B. MEMBERSHIP

EVERY PERSON OR ENTITY WHO IS A RECORD OWNER OF THE FEE INTEREST OF A RESIDENTIAL LOT IN PINE VALLEY ADDITION SHALL BE A MEMBER OF THE HOMEOWNERS' ASSOCIATION. MEMBERSHIP SHALL BE APPURTENANT TO AND SHALL NOT BE SEPARATED FROM THE OWNERSHIP OF A LOT. THE MEMBERSHIP OF THE ASSOCIATION SHALL BE LIMITED TO THE RECORD OWNER, WHETHER ONE OR MORE PERSONS OR ENTITIES, OF A FEE SIMPLE TITLE TO A LOT SITUATED WITHIN PINE VALLEY ADDITION, AND IN ANY ADDITIONAL PROPERTY AS MAY BE ANNEXED TO OR MERGED INTO THE JURISDICTION OF THE ASSOCIATION OR ALLOWED TO JOIN ACCORDING TO PROCEDURES SET FORTH IN THE ARTICLES OR BYLAWS, INCLUDING (WITHOUT LIMITATION) PROPERTY OWNERS IN FUTURE PHASES (IF ANY) OF THE PINE VALLEY ADDITION DEVELOPMENT TO BE LOCATED ADJACENT TO PINE VALLEY ADDITION AND EACH TO BE A SEPARATE SUBDIVISION WITHIN THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THEIR RESPECTIVE RECORDED PLATS THEREOF. THE FOREGOING IS NOT INTENDED TO INCLUDE PERSONS OR ENTITIES WHICH HOLD AN INTEREST MERELY AS SECURITY FOR THE PERFORMANCE OF AN OBLIGATION, OTHER THAN CONTRACT SELLERS. OWNERSHIP OF A LOT SHALL BE THE SOLE QUALIFICATION FOR MEMBERSHIP WITH RESPECT TO THOSE PROPERTY OWNERS IN PINE VALLEY ADDITION.

C. ASSESSMENT

EACH RECORD OWNER OF A LOT IN PINE VALLEY ADDITION SHALL BE SUBJECT TO ASSESSMENTS BY THE HOMEOWNERS' ASSOCIATION FOR THE PURPOSES OF IMPROVEMENT AND MAINTENANCE OF THE COMMON AREAS. ANNUAL AND SPECIAL ASSESSMENTS SHALL BE ESTABLISHED AS DETERMINED BY THE BOARD OF DIRECTORS OF THE ASSOCIATION IN ACCORDANCE WITH ITS BYLAWS AND AT A UNIFORM RATE APPLYING SUCH FACTORS AS THE BOARD OF DIRECTORS SHALL DETERMINE APPROPRIATE, SUCH AS THE OPERATING COSTS OF THE ASSOCIATION, MAINTENANCE OF THE COMMON AREAS, COST OF LIVING INCREASES, ENHANCEMENT OF PROPERTY VALUES AND OTHER EQUITABLE FACTORS. THE ASSOCIATION MAY DECLARE AND LEVY A SPECIAL ASSESSMENT, WITHOUT MEMBERS CONSENT OR APPROVAL, FOR THE PURPOSE OF DEFRAYING, IN WHOLE OR IN PART, THE COSTS OF ANY CONSTRUCTION OR RECONSTRUCTION, REPAIR OR REPLACEMENT OF A CAPITAL IMPROVEMENT UPON THE COMMON AREA OR ENTRYWAYS, INCLUDING THE NECESSARY FIXTURES AND PERSONAL PROPERTY RELATED THERETO, AND FOR ESTABLISHING RESERVES AND PAYMENT FOR ANY EXPENSES DEEMED NECESSARY AND APPROPRIATE BY THE BOARD OF DIRECTORS IN ITS SOLE DISCRETION; PROVIDED, HOWEVER, SPECIAL ASSESSMENTS AGAINST LOTS IN PINE VALLEY ADDITION AFTER THE TURNOVER DATE SHALL REQUIRE THE AFFIRMATIVE VOTE OF ONE-HALF (1/2) OF THE OWNERS OF SUCH LOTS WHO ARE CLASS A MEMBERS OF THE ASSOCIATION WHO ARE IN ATTENDANCE (IN PERSON OR BY PROXY) AT A SPECIAL MEETING OF THE MEMBERS OF THE ASSOCIATION, DULY CALLED AND NOTICED; PROVIDED, HOWEVER, THE DECLARANT AND ANY BUILDER OF THE RESIDENTIAL STRUCTURE THEREON WHO DOES NOT OCCUPY SUCH STRUCTURE AS ITS PRINCIPAL RESIDENCE, WHO OWNS LOTS

D. VOTING CLASSES

CLASS A: CLASS A MEMBERS SHALL BE ALL THOSE PERSONS OR ENTITIES ENTITLED TO MEMBERSHIP AS DEFINED IN SECTION III, PARAGRAPH C ABOVE, WITH THE EXCEPTION OF DECLARANT. AFTER THE TURNOVER DATE DESCRIBED BELOW, CLASS A MEMBERS WHO OWN A LOT SHALL BE ENTITLED TO ONE (1) VOTE FOR EACH LOT IN WHICH THEY HOLD THE INTEREST REQUIRED FOR MEMBERSHIP PROVIDED ABOVE; PROVIDED, HOWEVER, WHEN TWO OR MORE PERSONS OR ENTITIES HOLD SUCH INTEREST OR INTERESTS IN ANY LOT, ALTHOUGH ALL OF SUCH PERSONS OR ENTITIES SHALL BE MEMBERS OF THE ASSOCIATION, THE VOTE FOR SUCH LOT SHALL BE EXERCISED AS THEY, AMONG THEMSELVES, MAY DETERMINE, BUT IN NO EVENT SHALL MORE THAN ONE (1) VOTE PER LOT BE CAST WITH RESPECT TO ANY ONE LOT.

CLASS B: THE CLASS B MEMBER SHALL BE DECLARANT. THE CLASS B MEMBER SHALL BE ENTITLED TO FIVE HUNDRED (500) VOTES; PROVIDED, THAT THE CLASS B MEMBERSHIP SHALL CEASE AND BE CONVERTED TO CLASS A MEMBERSHIP ON THE EARLIER TO OCCUR OF:

- THE DATE ALL LOTS IN PINE VALLEY ADDITION SO PLATTED HAVE BEEN SOLD BY DECLARANT; OR
- DECEMBER 31, 2025; OR
- SUCH DATE AS DECLARANT (IN ITS SOLE DISCRETION) EXECUTES AND RECORDS WITH THE COUNTY CLERK OF TULSA COUNTY, OKLAHOMA, A NOTICE THAT DECLARANT HAS ELECTED TO CONVERT THE CLASS B MEMBERSHIP TO CLASS A MEMBERSHIP.

E. DECLARANT CONTROL

THE DECLARANT, OR ITS DESIGNEE, SHALL BE IN SOLE AND COMPLETE LEGAL CONTROL OF THE ASSOCIATION FROM THE INCEPTION THEREOF UNTIL SUCH TIME AS THE DECLARANT RELINQUISHES CONTROL THEREOF AS SET FORTH HEREIN. THE DATE ON WHICH DECLARANT'S RIGHTS UNDER THIS SECTION SHALL TERMINATE SHALL BE REFERRED TO AS THE "TURNOVER DATE". THE FIRST AND ALL SUBSEQUENT BOARDS PRIOR TO THE TURNOVER DATE SHALL CONSIST OF THOSE PERSONS DESIGNATED BY DECLARANT. DECLARANT'S RIGHTS UNDER THIS SECTION TO DESIGNATE THE MEMBERS OF THE BOARD SHALL TERMINATE ON THE DATE THE CLASS B MEMBERSHIP IS CONVERTED INTO CLASS A MEMBERSHIP AS DESCRIBED ABOVE. FROM AND AFTER THE TURNOVER DATE, THE BOARD SHALL BE CONSTITUTED AND ELECTED AS PROVIDED IN THE ASSOCIATION BYLAWS. PRIOR TO THE TURNOVER DATE ALL OF THE VOTING RIGHTS OF THE DECLARANTS SHALL BE VESTED EXCLUSIVELY IN DECLARANT. THE CLASS A MEMBERS, PRIOR TO THE TURNOVER DATE, SHALL HAVE NO VOTING RIGHTS. DESPITE HAVING NO VOTING RIGHTS AT THAT POINT IN TIME, SUCH MEMBERS' LOTS SHALL NEVERTHELESS BE SUBJECT TO ASSESSMENT. THE DECLARANT, UPON REQUEST, SHALL SUPPLY SUCH MEMBERS WITH AN ANNUAL ACCOUNTING OF THE MANNER IN WHICH COLLECTED ASSESSMENTS HAVE BEEN SPENT.

SECTION IV. PRIVATE RESTRICTIONS

THE DECLARANT HEREBY IMPOSES THE FOLLOWING RESTRICTIONS AND COVENANTS FOR THE PURPOSE OF PROVIDING FOR THE ORDERLY DEVELOPMENT OF THE SUBDIVISION AND CONFORMITY AND COMPATIBILITY OF IMPROVEMENTS THEREIN, WHICH SHALL BE APPLICABLE TO THE LOTS AND SHALL BE COVENANTS RUNNING WITH THE LAND AND SHALL BE BINDING UPON EACH LOT OWNER, THEIR HEIRS, SUCCESSORS AND ASSIGNS, AND SHALL BE ENFORCEABLE AS HEREINAFTER SET FORTH.

A. ARCHITECTURAL COMMITTEE - PLAN REVIEW

1. PLAN REVIEW. NO BUILDING, STRUCTURE, FENCE, WALL, PAVING, SWIMMING POOL, EXTERIOR LIGHTING, EXTERIOR ANTENNAE, OR FREE STANDING MAIL BOX SHALL BE ERECTED, PLACED OR ALTERED (INCLUDING EXTERIOR PAINTING) ON ANY LOT, AND NO SIDEWALK SHALL BE CONSTRUCTED UPON OR ADJACENT TO ANY LOT, UNTIL THE PLANS AND SPECIFICATIONS HAVE BEEN APPROVED IN WRITING BY THE DECLARANT 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 SITE PLAN, FLOOR PLAN, EXTERIOR ELEVATIONS, DRAINAGE AND GRADING PLANS, SIDEWALK LOCATION AND DESIGN PLAN, EXTERIOR MATERIALS AND COLOR SCHEME. IN THE EVENT THE ARCHITECTURAL COMMITTEE FAILS TO APPROVE OR DISAPPROVE PLANS AND SPECIFICATIONS SUBMITTED TO IT AS HEREIN REQUIRED WITHIN TWENTY (20) DAYS AFTER SUBMISSION, THE PLANS SO SUBMITTED SHALL BE DEEMED APPROVED. THE DEVELOPMENT AND USE OF THE SUBJECT LOT SHALL THEREAFTER BE IN SUBSTANTIAL COMPLIANCE WITH THE APPROVED PLANS OR APPROVED AMENDMENTS THERETO. 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.

2. COMMITTEE PURPOSE. THE INITIAL ARCHITECTURAL COMMITTEE SHALL BE MADE UP OF _____, GREG A. SIMMONS AND BRIAN DOYLE. 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 CONSTITUTE A WARRANTY OR RESPONSIBILITY FOR BUILDING METHODS, MATERIALS, PROCEDURES, STRUCTURAL DESIGN, GRADING OR DRAINAGE OR CODE VIOLATIONS. THE APPROVAL OR FAILURE TO APPROVE BUILDING PLANS SHALL NOT BE DEEMED A WAIVER OF ANY RESTRICTION. 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.

3. THE POWERS AND DUTIES OF THE ARCHITECTURAL COMMITTEE SHALL BE DEEMED TRANSFERRED TO THE HOMEOWNERS' ASSOCIATION ON THE TURNOVER DATE; AND THEREAFTER THE FOREGOING POWERS AND DUTIES SHALL BE EXERCISED BY THE BOARD OF DIRECTORS OF THE HOMEOWNERS' ASSOCIATION.

B. FLOOR AREA

SINGLE STORY DWELLINGS SHALL HAVE A MINIMUM OF 1,700 SQUARE FEET OF FINISHED HEATED LIVING AREA. ONE AND ONE-HALF (1-1/2) OR TWO (2) STORY DWELLINGS SHALL HAVE A MINIMUM OF 2,450 SQUARE FEET OF FINISHED HEATED LIVING AREA; PROVIDED HOWEVER, THE FIRST FLOOR SHALL HAVE A MINIMUM OF 1,600 SQUARE FEET OF FINISHED HEATED LIVING AREA. THE COMPUTATION OF SQUARE FEET OF LIVING AREA SHALL EXCLUDE GARAGES, OPEN SPACES AND BREEZEWAYS.

C. GARAGES

EACH DWELLING SHALL HAVE AN ATTACHED ENCLOSED GARAGE PROVIDING SPACE FOR A MINIMUM OF TWO AUTOMOBILES. ALL GARAGES SHALL BE ACCESSED BY AN OVERHEAD GARAGE DOOR. 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 FIRST FLOOR OF EACH DWELLING WILL BE 100% MASONRY, NOT INCLUDING WINDOWS, DOORWAYS AND BENEATH COVERED PORCHES. ALL EXTERIOR COLORS (INCLUDING, WITHOUT LIMITATION, MASONRY, PAINT, WOOD, GARAGE DOORS, ETC.) OF THE RESIDENTIAL STRUCTURE AND ANY OTHER STRUCTURE ON THE LOT MUST BE EARTH TONE COLORS AND SUBTLE IN NATURE. NO NON-NATURAL HUE COLORS OR COLOR SCHEMES SHALL BE PERMITTED ON THE EXTERIOR OF ANY STRUCTURE ON THE LOT. 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

WINDOWS SHALL BE VINYL. METAL WINDOWS ARE RESTRICTED; HOWEVER, THE ARCHITECTURAL COMMITTEE MAY IN THE PARTICULAR INSTANCE AND UPON WRITTEN REQUEST APPROVE A WAIVER OF THE METAL WINDOW RESTRICTION 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 6/12, 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 - LANDMARK LIFETIME, PROVIDED HOWEVER, IF FEDERAL, STATE, OR LOCAL LAWS PROHIBIT SUCH ROOFING OR SUBSTANTIALLY IMPAIR THE ENFORCEMENT OF THIS RESTRICTION OR IF LANDMARK LIFETIME 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; PROVIDED 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.

N. ANTENNAS

EXTERIOR TELEVISION, "CB" RADIO OR OTHER TYPES OF ANTENNAS SHALL BE PROHIBITED, PROVIDED HOWEVER, SATELLITE DISHES OR SIMILAR OUTSIDE ELECTRONIC RECEPTION DEVICES NOT EXCEEDING 20 INCHES IN DIAMETER MAY BE AFFIXED TO A REAR BUILDING WALL OR DORMER IF BELOW THE EAVE AND NOT VISIBLE FROM THE STREET VIEW OF THE DWELLING, AND THE SPECIFIC LOCATION OF THE SAME IS APPROVED BY THE ARCHITECTURAL COMMITTEE. THE ARCHITECTURAL COMMITTEE MAY, IN THE PARTICULAR INSTANCE AND UPON WRITTEN REQUEST, APPROVE A WAIVER OF THE FOREGOING RESTRICTIONS.

O. LOT MAINTENANCE

NO INOPERATIVE 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 AND EQUIPMENT

NO BOATS, RECREATIONAL TRAILERS, PERSONAL WATER CRAFT, CAMPERS, MOTOR HOMES OR OTHER RECREATIONAL VEHICULAR EQUIPMENT, SHALL BE STORED, PLACED OR PARKED ON ANY STREET WITHIN THE SUBDIVISION OR ON ANY LOT, EXCEPT WITHIN AN ENCLOSED GARAGE.

Q. TRAILERS, MACHINERY AND EQUIPMENT, AND COMMERCIAL VEHICLES

NO COMMERCIAL VEHICLE SHALL BE KEPT, PARKED, STOOD OR STORED ON ANY LOT, EXCEPT IN A GARAGE. NO PRIVATE VEHICLE, MOTORCYCLE, MOTOR BIKE, CAMPER, TRAILER, BOAT, ALL-TERRAIN VEHICLE (ATV) OR RECREATIONAL VEHICLE (RV) OR SIMILAR VEHICLE OR EQUIPMENT, WHETHER OR NOT OPERABLE (COLLECTIVELY REFERRED TO AS "VEHICLES") SHALL BE KEPT, PARKED, STOOD OR STORED ON ANY LOT, STREET OR THE COMMON AREA, EXCEPT IN A GARAGE OR IN AN AREA WHERE THE ASSOCIATION HAS GIVEN ITS PRIOR WRITTEN APPROVAL THEREOF. REGULAR PASSENGER VEHICLES, SUCH AS AUTOMOBILES, PASSENGER VANS, AND SUVs AND COMMERCIAL VEHICLES OF 1/2 TON OR LESS ARE PERMITTED TO BE PARKED IN THE DRIVEWAY OVERNIGHT. FURTHER, BOATS, TRAILERS AND RVs MAY BE PARKED TEMPORARILY (FOR A PERIOD NOT TO EXCEED 48 CONSECUTIVE HOURS PER WEEK) ON THE DRIVEWAY OF A LOT FOR PURPOSES OF LOADING, UNLOADING OR WASHING. VEHICLES SHALL NOT BE KEPT, PARKED OR STORED ON THE LOT, EXCEPT IN A SIDE YARD, COMPLETELY SCREENED BY PRIVACY FENCING FROM VIEW OF NEIGHBORING LOTS, STREETS AND OTHER PROPERTY. PARKING ON THE STREET IS RESERVED FOR OWNER'S GUESTS AND VISITORS. OWNER'S VEHICLES (OR VEHICLES UNDER THEIR DOMINION AND CONTROL) SHALL NOT BE PARKED OR STORED IN ANY STREET, NOR IN ANY OTHER MANNER WHICH IMPAIRS OR IMPEDES SIDEWALK USE OR OTHER PUBLIC ACCESS. OWNERS SHALL KEEP THEIR RESPECTIVE GARAGES FREE FROM CLUTTER AND DEBRIS SO THAT GARAGES MAY BE CONSISTENTLY USED FOR THE PARKING AND/OR STORAGE OF VEHICLES. REPAIR OF VEHICLES ON THE LOT IS PROHIBITED, BUT WASHING OR POLISHING OF VEHICLE ON THE DRIVEWAY IS ALLOWED; PROVIDED, HOWEVER VEHICLE REPAIR MAY OCCUR IN THE ENCLOSED GARAGE AS LONG AS THE GARAGE EFFECTIVELY SCREENS THE SIGHT AND SOUND OF SUCH ACTIVITIES FROM NEIGHBORING PROPERTIES AND FROM THE STREET. INOPERABLE VEHICLES SHALL NOT BE KEPT, PARKED, OR STORED ON A LOT AT ANY TIME. NOTWITHSTANDING ANY OTHER PROVISION HEREIN, NO COMMERCIAL VEHICLES SHALL BE PARKED OR STORED AT ANY TIME ON OR IN FRONT OF ANY LOT, STREET OR COMMON AREA WITHOUT THE ASSOCIATION'S PRIOR WRITTEN CONSENT.

R. CLOTHESLINES AND TRASH RECEPTACLES

EXTERIOR CLOTHESLINE POLES OR OTHER OUTDOOR DRYING APPARATUS ARE PROHIBITED. GARBAGE CANS 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.

S. MAILBOXES

AS LONG AS A RURAL TYPE MAILBOX IS IN USE IN THE SUBDIVISION FOR U.S. POSTAL SERVICE, ALL MAILBOX PEDESTALS SHALL CONFORM IN DESIGN TO SPECIFICATIONS 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.

T. 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.

U. 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.

V. 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 CONSTRUCTION AND SALES PERIOD. NO RENT OR LEASE SIGNS ARE ALLOWED.

W. 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 SHALL BE COMPLETED WITHIN NINE (9) MONTHS THEREAFTER. EACH LOT SHALL BE MAINTAINED IN A NEAT AND ORDERLY CONDITION.

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 EACH LOT OWNER, THEIR HEIRS, THE OWNER, 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 THERETO, AND ADDITIONALLY THE COVENANTS WITHIN SECTION I. WHETHER OR NOT SPECIFICALLY THEREIN SO STATED SHALL INURE TO THE BENEFIT OF AND SHALL BE ENFORCEABLE BY THE CITY OF BIXBY. 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 THE CITY OF BIXBY, OKLAHOMA, ANY OWNER OF A LOT AND THE HOMEOWNERS' ASSOCIATION. IF ANY LOT OWNER THE UNDERSIGNED OWNER OR ITS SUCCESSORS OR ASSIGNS, SHALL VIOLATE ANY OF THE COVENANTS WITHIN SECTION II., IT SHALL BE LAWFUL FOR THE CITY OF BIXBY, THE DECLARANT, ANY OWNER OF A LOT OR THE HOMEOWNERS' ASSOCIATION TO MAINTAIN ANY 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. THE COVENANTS CONTAINED IN SECTION III. HOMEOWNERS' ASSOCIATION AND SECTION IV. PRIVATE RESTRICTIONS, SHALL INURE TO THE BENEFIT OF ANY OWNER OF A LOT AND THE HOMEOWNERS' ASSOCIATION. IF THE OWNER OF ANY LOT, ITS HEIRS, UNDERSIGNED OWNER, OR ITS SUCCESSORS OR ASSIGNS, SHALL VIOLATE ANY OF THE COVENANTS WITHIN SECTION III. OR IV., IT SHALL BE LAWFUL FOR THE HOMEOWNERS' ASSOCIATION TO MAINTAIN ANY ACTION AT LAW OR IN EQUITY AGAINST THE PERSON OR PERSONS VIOLATING OR ATTEMPTING TO VIOLATE ANY SUCH COVENANT, OR THEM FROM SO DOING OR TO COMPEL COMPLIANCE WITH THE COVENANT. IN ANY JUDICIAL ACTION BROUGHT TO ENFORCE THE COVENANTS ESTABLISHED WITHIN THIS DEED OF DEDICATION, THE DEFENSE THAT THE PARTY INITIATING THE EQUITABLE PROCEEDING HAS AN ADEQUATE REMEDY AT LAW, IS HEREBY WAIVED. IN ANY JUDICIAL ACTION BROUGHT BY ANY OWNER OF A LOT OR THE HOMEOWNERS' ASSOCIATION, WHICH ACTION SEEKS TO ENFORCE THE COVENANTS CONTAINED IN SECTIONS III. OR IV. AND/OR TO RECOVER DAMAGES FOR THE BREACH THEREOF, THE PREVAILING PARTY SHALL BE ENTITLED TO RECEIVE REASONABLE ATTORNEY FEES AND COSTS AND EXPENSES INCURRED IN SUCH ACTION.

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 HEREINAFTER PROVIDED.

C. AMENDMENT

UNTIL SUCH TIME AS THE CLASS B MEMBERSHIP IS CONVERTED INTO THE CLASS A MEMBERSHIP, THE PROVISIONS OF THIS DECLARATION MAY BE AMENDED, IN WHOLE OR IN PART, MODIFIED, ADDED TO OR CHANGED AT ANY TIME BY THE DECLARANT IN HIS SOLE DISCRETION AND, IF REQUIRED, APPROVED BY THE CITY OF BIXBY. THEREAFTER, 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 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 MAY BE AMENDED OR TERMINATED AT ANY TIME BY A 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. NOTWITHSTANDING THE FOREGOING, THE COVENANTS CONTAINED WITHIN SECTION II. SHALL BE DEEMED AMENDED (WITHOUT NECESSITY OF EXECUTION OF AN AMENDING DOCUMENT) UPON APPROVAL OF A MINOR AMENDMENT TO PUD 12-D BY THE BIXBY PLANNING COMMISSION AND RECORDING OF A CERTIFIED COPY OF THE MINUTES OF THE BIXBY PLANNING COMMISSION WITH THE TULSA COUNTY CLERK.

THE COVENANTS CONTAINED WITHIN SECTION III. HOMEOWNERS' ASSOCIATION, SECTION IV. PRIVATE RESTRICTIONS, AND ANY OTHER PROVISION OF THIS DEED OF DEDICATION WHICH DID NOT INITIALLY REQUIRE THE APPROVAL OF THE BIXBY PLANNING COMMISSION AND/OR THE CITY OF BIXBY, MAY BE AMENDED OR TERMINATED AT ANY TIME BY A WRITTEN INSTRUMENT SIGNED AND ACKNOWLEDGED BY THE OWNER DURING SUCH PERIOD THAT THE OWNER IS THE RECORD OWNER OF AT LEAST 1 LOT OR ALTERNATIVELY, THE COVENANTS AND RESTRICTIONS MAY BE AMENDED OR TERMINATED AT ANY TIME BY A WRITTEN INSTRUMENT SIGNED AND ACKNOWLEDGED BY THE OWNERS OF AT LEAST 65% OF THE LOTS WITHIN THE SUBDIVISION. IN THE EVENT OF ANY CONFLICT BETWEEN AN AMENDMENT OR TERMINATION PROPERLY EXECUTED BY THE OWNER (DURING ITS OWNERSHIP OF AT LEAST 1 LOT) AND ANY AMENDMENT OR TERMINATION PROPERLY EXECUTED BY THE OWNERS OF AT LEAST 65% OF THE LOTS, THE INSTRUMENT EXECUTED BY THE OWNER SHALL PREVAIL. THE PROVISIONS OF ANY INSTRUMENT AMENDING OR TERMINATING COVENANTS AND RESTRICTIONS SHALL BE EFFECTIVE FROM AND AFTER THE DATE IT IS PROPERLY RECORDED.

THIS DECLARATION MAY BE AMENDED UNILATERALLY BY DECLARANT AT ANY TIME (I) IF SUCH AMENDMENT IS NECESSARY TO BRING ANY PROVISION HEREOF INTO COMPLIANCE WITH ANY APPLICABLE GOVERNMENTAL STATUTE, RULE OR REGULATION OR JUDICIAL DETERMINATION WHICH SHALL BE IN CONFLICT THEREWITH; (II) IF SUCH AMENDMENT IS REQUIRED BY AN INSTITUTIONAL OR GOVERNMENTAL LENDER OR PURCHASER OF MORTGAGE LOANS, TO ENABLE SUCH LENDER OR PURCHASER TO MAKE OR PURCHASE MORTGAGE LOANS ON THE PROPERTY SUBJECT TO THIS DECLARATION; (III) IF SUCH AMENDMENT IS NECESSARY TO ENABLE ANY GOVERNMENTAL AGENCY OR REPUTABLE PRIVATE INSURANCE COMPANY TO INSURE MORTGAGE LOANS ON THE PROPERTY SUBJECT TO THIS DECLARATION; (IV) TO CORRECT ERRORS AND MAKE CLARIFICATIONS OR ADDITIONS IN THIS DECLARATION; OR (V) TO MODIFY OR ADD TO THE PROVISIONS OF THIS DECLARATION TO ADEQUATELY COVER SITUATIONS AND CIRCUMSTANCES WHICH DECLARANT BELIEVES, IN ITS REASONABLE JUDGMENT, HAVE NOT BEEN ADEQUATELY

COVERED AND WOULD NOT HAVE A MATERIAL AND ADVERSE EFFECT ON THE MARKETABILITY OF LOTS. IN FURTHERANCE OF THE FOREGOING, A POWER COUPLED WITH AN INTEREST IS HEREBY RESERVED AND GRANTED TO DECLARANT TO MAKE OR CONSENT TO ANY SUCH AMENDMENT ON BEHALF OF EACH OWNER. EACH DEED, MORTGAGE, OTHER EVIDENCE OF OBLIGATION OR OTHER INSTRUMENT AFFECTING A LOT AND THE ACCEPTANCE THEREOF SHALL BE DEEMED TO BE A GRANT AND ACKNOWLEDGMENT OF, AND CONSENT TO THE RESERVATION OF, THE POWER TO DECLARANT TO MAKE, EXECUTE AND RECORD SUCH AMENDMENTS. THE RIGHT AND POWER OF THE DECLARANT TO MAKE SUCH AMENDMENTS HEREUNDER SHALL TERMINATE AT SUCH TIME AS DECLARANT HAS SOLD ALL OF ITS LOTS IN PINE VALLEY ADDITION.

UPON THE CONVERSION OF CLASS B MEMBERSHIP INTO CLASS A MEMBERSHIP, (I) THE PROVISIONS OF THIS SECTION V MAY BE AMENDED ONLY BY AN INSTRUMENT EXECUTED BY ALL OF THE OWNERS; AND (II) ANY PROVISION RELATING TO THE RIGHTS OF DECLARANT MAY BE AMENDED ONLY WITH THE WRITTEN CONSENT OF DECLARANT. NO AMENDMENT SHALL BE EFFECTIVE UNTIL PROPERLY RECORDED. "OWNERS" SHALL NOT BE DEEMED TO INCLUDE MORTGAGEES OR OTHER PERSONS HOLDING LIENS ON ANY LOT AND SUCH MORTGAGES AND OTHER LIENHOLDERS SHALL NOT BE REQUIRED TO JOIN IN ANY AMENDMENT TO THIS DECLARATION.

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 THEREOF AS SET FORTH HEREIN, WHICH SHALL REMAIN IN FULL FORCE AND EFFECT.

IN WITNESS WHEREOF, STONE HORSE DEVELOPMENT, L.L.C., AN OKLAHOMA LIMITED LIABILITY COMPANY, HAS EXECUTED THIS INSTRUMENT THE ____ DAY OF _____, 2016.

STONE HORSE DEVELOPMENT, L.L.C.
AN OKLAHOMA LIMITED LIABILITY COMPANY

BY: _____
DANIEL RUHL, MANAGER

STATE OF OKLAHOMA)
)SS
COUNTY OF TULSA)

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, ON THIS ____ DAY OF _____, 2016, PERSONALLY APPEARED DANIEL RUHL, TO ME KNOWN TO BE THE IDENTICAL PERSON WHO SUBSCRIBED THE NAME OF THE MAKER THEREOF TO THE FOREGOING INSTRUMENT, AS HIS MANAGER AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE AND VOLUNTARY ACT AND DEED AND AS THE FREE AND VOLUNTARY ACT AND DEED OF SUCH COMPANY FOR THE USES AND PURPOSES THEREIN SET FORTH. THE DAY AND YEAR LAST ABOVE WRITTEN.

MY COMMISSION EXPIRES _____ NOTARY PUBLIC

CERTIFICATE OF SURVEY

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

WITNESS MY HAND AND SEAL THIS ____ DAY OF _____, 2016.

BY: _____
DAN E. TANNER
REGISTERED PROFESSIONAL LAND SURVEYOR
OKLAHOMA NO. 1435

STATE OF OKLAHOMA)
)SS
COUNTY OF TULSA)

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, ON THE ____ DAY OF _____, 2016, PERSONALLY APPEARED TO ME DAN E. TANNER KNOWN TO BE THE IDENTICAL PERSON WHO SUBSCRIBED HIS NAME AS REGISTERED PROFESSIONAL LAND SURVEYOR TO THE FOREGOING CERTIFICATE, AS HIS FREE AND VOLUNTARY ACT AND DEED, FOR THE USES AND PURPOSES THEREIN SET FORTH.

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

MY COMMISSION EXPIRES _____ NOTARY PUBLIC

**MEETING MINUTES
TECHNICAL ADVISORY COMMITTEE
CONFERENCE ROOM~DAWES BUILDING CITY OFFICES
113 WEST DAWES AVE~BIXBY, OK 74008
Wednesday, May 4, 2016 – 10:00 AM**

1. Call to Order

2. Preliminary Plat “ADDISON CREEK”- Tanner Consulting

Discussion and review of a Preliminary Plat for approximately 29.762 acres, 61 Lots, 3 Blocks, 2 Reserves. Single Family Residential. STR: 2/17/13

Property located: 12800 Block of Sheridan Road, adjacent to and south of Seven Lakes I

No New Comments

3. (2) Final Plats “Pine Valley Addition”, PUD 12-D- Tanner Consulting

Discussion and review of a Final Plat for approximately 4.346 acres, 9 Lots, 2 Blocks, 2 reserves. STR: 16/17/13

BLOCKS: 4-9 AND BLOCKS 10-11

Property located: half a mile south of 141st E. Ave. and east of Harvard

No New Comments

4. Preliminary Plat “SEVEN LAKES VII”- Tanner Consulting

Discussion and review of a preliminary Plat for approximately 0.625 acres, 2 Lots, 1 Block

Property located: half a mile south of 121st and east of Sheridan. STR: 2/17/13

No Comments

5. Project Coordination “BPS 9th Grade Center Addition”- Crafton Tull

Discussion of a preliminary utility relocation plans for proposed 9th Grade Center project

Property located: existing BPS 9th Grade Center at 301 S. Riverview. STR: 24/17/13

GAS- NOT PRESENT, need identification drawings for campus, want to loop to the north with water

ELECTRIC-how will the school supply electric during the building process? GENERATOR
BTC-moving service will be increased downtime

Effective and cost saving is goal

Will servers stay inside the current building?

Identify line current and future

Will you build over it or preserve it in place?

What about flooding?

How would server room be protected?

LOCATE DEPTH OF PIPES

LOCATE SERVER ROOM-MOVE OR PROTECT IN PLACE?

Pot hole the lines for location and depth

Conduct a walkthrough soon

Audit

ALL UTILITIES- review drawing ASAP and provide markups to Justin Sack

Justin.sack@craftontull.com

THIS ITEM WILL BE ON THE NEXT TAC AGENDA FOR REVIEW OF SUGGESTED CHANGES AND NEW QUESTIONS.

6. Old Business

7. New Business

8. Adjournment

Posted By: Marcae' Hilton

Date: May 3, 2016

Time: 5:00PM

BIXBY TAC MEETING
SIGN IN SHEET
Wednesday, May 4, 2016

NAME	COMPANY	PHONE
1. <u>Chuck Mitchell</u>	<u>Crafton Tull</u>	<u>918-584-0347</u>
2. <u>JUSTIN SACK</u>	<u>CRAFTON TULL</u>	<u>918-588-4008</u>
3. <u>MARK DAVIS</u>	<u>BTC Broadband</u>	<u>918-366-0270</u>
4. <u>Jim Peterson</u>	<u>BTC Broadband</u>	<u>918-366-0253</u>
5. <u>Tim Dobrinski</u>	<u>OG&E</u>	<u>918-227-0203</u>
6. <u>John Vausey</u>	<u>Cony</u>	<u>(918) 286-4142</u>
7. <u>MARY FOUTER</u>	<u>Bixby Schools</u>	<u>98 740 7218</u>
8. <u>Mike Collett</u>	<u>Bixby Schools</u>	<u>918-269-8763</u>
9. <u>BILL DAWGOTT</u>	<u>OASIS COMMUNAL ELECTRIC</u>	<u>918-756-0833</u>
10. <u>Courtney Pollard</u>	<u>FLINTCO LLC.</u>	<u>918-232-8644</u>
11. <u>Joey Whadd</u>	<u>COB JM</u>	<u>(918) 366-0436</u>
12. <u>MICHAEL EMBURY</u>	<u>BPS</u>	<u>918-284-5219</u>
13. <u>Marcell Hilton</u>	<u>COB</u>	
14. <u>Ricky Jones</u>	<u>Tanner</u>	
15. <u>Justin Morgan</u>	<u>Tanner</u>	
16. <u>Richard Godfrey</u>	<u>Crafton Tull</u>	<u>918 521 6669</u>
17. _____	_____	_____
18. _____	_____	_____
19. _____	_____	_____
20. _____	_____	_____

AGENDA
TECHNICAL ADVISORY COMMITTEE
CONFERENCE ROOM
DAWES BUILDING CITY OFFICES
113 WEST DAWES AVE
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Discussion of a preliminary utility relocation plans for proposed 9th Grade Center project

Property located: existing BPS 9th Grade Center at 301 S. Riverview. STR: 24/17/13

6. Old Business

7. New Business

8. Adjournment

Posted By: Marcae' Hilton

Date: May 3, 2016

Time: 5:00PM

Persons who require a special accommodation to participate in this meeting should contact City Planner Marcae' Hilton, 116 West Needles Avenue, Bixby, Oklahoma, 918-366-4430, or via Email: mhilton@bixbyok.gov as far in advance as possible and preferably at least 48-hours before the date of the meeting. Persons using a TDD may contact OKLAHOMA RELAY at 1-800-722-0353 and voice calls should be made to 1-800-522-8506 to communicate via telephone with hearing telephone users and vice versa.

Marcae Hilton

From: Jason Mohler
Sent: Tuesday, May 03, 2016 6:25 PM
To: Britt Embry
Cc: Marcae Hilton
Subject: 9th Grade Center Utilities
Attachments: BPS 9GC Utility Atlas.pdf

Britt – Unfortunately, I will not be at the TAC meeting tomorrow to discuss your 9th Grade Center project. Marcae’ Hilton, our City Planner will be running the TAC meeting. Attached is copy of the water/sewer/storm atlas map. Hopefully this map along with the notes below will get the coordination started. Don’t hesitate to give me a call you need more information. These notes are my initial thoughts from a general understanding of the area and conversation with Jared. I’m happy to dig deeper if you have specific concerns.

Water: There are no “internal” waterlines represented on the atlas map. It’s my understanding that the existing 9th Grade Center building is served by a single master meter and the “internal” waterlines (domestic service lines, fire protection lines, fire hydrants, etc.) are private. The proposed building expansion can be served from the existing meter.

Sanitary Sewer: The existing service connects to the 12” SS on the east side of Riverview. You can tie a new service line to the same 12” SS main if needed or tie to the existing service connection.

Drainage: I provided a copy of the overall BPS drainage study to Jamelle several weeks ago. I’m assuming that report accounted for this additional impervious area.

Jason Mohler
City of Bixby
918-366-4430
jmohler@bixbyok.gov
www.bixby.com

Memo

To: Marcae Hilton, City Planner

From: Joey Wiedel

Date: 05-05-2016

Re: Preliminary Plan "Pine Valley Blocks 4-9"

Final plat of "Pine Valley Blocks 4-9" are approved by this office with the following conditions:

1. Fire Hydrants shall be installed on lot lines. All hydrants shall be operable before construction begins.
 - Provide one fire hydrant at the entrance and one near the cul-de-sac.
 - Ground clearance of no less than 18 inches from center of caps.
 - Brand- AVK or Mueller , Color- Chrome Yellow
 - Fire line supporting the fire hydrants shall be looped.
 - Provide copy of water lines for approval.
2. Streets capable of supporting an imposed load of 75,000 pounds shall be in place before construction of homes. (IFC 2015 Appendix D)
 - All grades 10% or less

Joey Wiedel

5-5-2016

Date



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: Marcae' Hilton, City Planner
Date: Tuesday, May 31, 2016
RE: Report and Recommendations for:
Final Plat of Pine Valley Addition, Blocks 10-11 (PUD 12-D)

BACKGROUND INFORMATION:

REQUEST: Final Plat Approval for Pine Valley Addition, Blocks 4-9 (PUD 12-D)
STR: S16, T17N, R13E
LOCATION: 14400-block of South Harvard Avenue
SIZE OF TRACT: 4.346 acres, gross subdivision area
LOT INFO: 9 Lots
2 Blocks
2 Reserves

Pine Valley Addition Preliminary Plat (corrected): 51.577 acres
150 Lots, 9 Blocks, 6 Reserves

EXISTING ZONING: RS-1 and RS-3 (Residential Single-Family Districts) with PUD 12-D

SURROUNDING ZONING AND LAND USE: PUD 12-D covers N, S,

North: RS-1 (Residential Single-Family) Spring Tree Subdivision, Proposed Pine Valley Addition Blocks 4-9, RS-3 and RS-1/PUD 12-D

South: IL (Industrial Light), RS-3, RM-2, RM-1 (Residential Single-Family Districts)
Currently, all large Undeveloped Tracts

West: (Immediately Across Harvard) The Reserve at Harvard Ponds-RS-2 (Residential Single-Family)
East: AG (Agricultural); 300' AEP-PSO Easement; IL/PUD 12 (Industrial Light), Undeveloped Agricultural Tracts

COMPREHENSIVE PLAN:

High Intensity and Development Sensitive Land Use, with Vacant, Agricultural, Rural Residences, Open Land, and Community Trails. PUD 12-D is in accordance with the Comprehensive Plan as a zoning district.

GENERAL: The Final Plat for Pine Valley Addition Blocks 10-11 is generally located one-half mile south of 141st Street and east of Harvard Avenue. The plat has 4.346 Acres, 9 Lots in 2 Blocks with 2 reserves. The property is currently zoned RS-3 and RS-1/PUD 12-D. The proposed subdivision plat is consistent with PUD 12-D. In addition, PUD 12-D did not show planned trail routes, but did include plans to provide trails under PUD 12-D Section II.C. The applicant has asked for a waiver, see waiver section below.

This plat represents a conventional, suburban design and appears similar to *The Reserve at Harvard Ponds* and *The Enclave at Harvard Ponds* to the southwest, with lots similar in size and configuration. Typical lots range from 65' X 125' (8,125 square feet, 0.19 acres) to 70' X 142' (9,940 square feet, 0.23 acres).

TAC: The Final Plat for Pine Valley Addition Blocks 10-11 was heard by Technical Advisory Committee (TAC) on Wednesday, May 4, 2016 no new comments were made. The comments from the Fire Marshal are attached. Staff requests all outstanding comments be resolved before submittal of the Final Plat to City Council.

MODIFICATIONS/WAIVERS:

Upon its approval of the Preliminary Plat in November 10, 2014, the City Council approved the following Modifications/Waivers, as recommended by the Planning Commission:

SIDEWALK WAIVER:

CITY COUNCIL AGENDA ITEM COMMENTARY

November 10, 2014 (City Planner, Eric Enyart)

RECOMMENDATION: Staff and the Planning Commission concur in recommending Approval of the Preliminary Plat with the following corrections, modifications, and Conditions of Approval:

5. The Subdivision Regulations requires sidewalks along interior streets and Harvard Ave. To ensure this requirement is not inadvertently overlooked for the sidewalks along Harvard Ave. and Reserve Area frontages (developer's responsibility prior to the construction of any homes), the engineering construction plans should show locations, widths, and design details, which are subject to the Engineering Design Criteria Manual and City Engineer approval. The Applicant may request to do a fee-in-lieu by Modification/Waiver.

TANNER CONSULTING RESPONSE: Letter Dated-October 27, 2014

“Formally request a waiver of the Bixby Subdivision Regulations, Section 12-3-2-N and be permitted not to construct a sidewalk along the South Harvard frontage.

Based on the current condition of South Harvard Avenue and the large amount of floodplain involved, we feel it is more practical to be permitted to pay a fee in lieu of construction of the sidewalk. We will provide you with an engineer's estimate of the cost of construction for the sidewalk in order to base you fee amount."

Letter attached.

CITY STAFF RESPONSE: This item will require coordination with Development Services Staff before submittal of Final Plat for City Council Approval.

Along with this Final Plat, the Applicant is requesting additional Modification/Waiver:

TRAILS WAIVER/MODIFICATION:

TAKEN FROM THE PRELIMINARY PLAT OF PINE VALLEY PER (City Planner, Eric Enyart)

DOD.4.Access and Circulation per PUD 12-D, "It is proposed that a trail system be provided that is meaningful and provides reasonable pedestrian opportunities extending from Harvard Avenue through the Posey Creek flood plain and continuing to the East boundary of Geiler Park. Prior to the issuance of occupancy permits for development which in the aggregate comprises 20% of the land area of Geiler Park, a trail system plan, including a construction phasing schedule, shall be submitted to and approved by the Bixby Planning Commission."

CITY COUNCIL AGENDA ITEM COMMENTARY

November 10, 2014

RECOMMENDATION

6. The division of trail construction responsibility between the residential and non-residential development areas was not addressed in PUD 12-D. The Applicant should consult with the current property owner and advise how the trail provisions will be addressed.

TANNER WAIVER REQUEST 10.27.14: As shown on the approved construction plans, a 4'-wide sidewalk will be constructed around the perimeter of the stormwater detention pond within Reserve Area C, which may serve as a walking amenity for residents of Pine Valley Addition. Further, the dedication language for Reserve Area A provides for potential future trail.....we respectfully request that the sidewalk system constructed along the Reserve Areas and around the stormwater detention pond within Reserve Area C and the Reserve Area A dedication language be accepted in satisfaction of any trail system obligation under PUD 12-D for the area included within the submitted plats.

CITY STAFF RESPONSE: the Development Services Staff is thoughtful of master planning for trails especially in conjunction with the proposed *INCOG "GO Plan" a Regional Pedestrian and Bicycle Plan* connecting major destinations in the region. Staff believes the City of Bixby will be a competitive viable *Destination City* with trails and pedestrian connectivity. Currently, the GO Plan does not include a master trail system within the proposed plat area. However it does have several recommended areas within the same Section 16, Township 17 Range 13. Staff will recommend future development in the area follow or improve upon the trails plan in order to create a community with greater accessibility increased economic and recreational opportunities for all our citizens. The sidewalks along the "reserve areas" will be satisfactory for this plat.

- EXHIBITS:**
1. Final Plat for Pine Valley Addition, Blocks 10-11 (PUD 12D)
 2. Aerial Map of Pine Valley Addition, Blocks 4-9 and 10-11
 3. Waiver Request Letter from Tanner 10.20.14
 4. Sidewalk Waiver Letter from Tanner 10.27.14
 5. Final Letter from Tanner 4.15.16
 6. Minutes from TAC Meeting 5.4.16
 7. Fire Marshal Memo 5.4.16

STAFF RECOMMENDATIONS:

Staff recommends approval of the Final Plat for Pine Valley Blocks 10-11 subject to the resolution of comments from staff.

1. Subject to compliance with any outstanding Fire Marshal and City Engineer recommendations and requirements.
2. Before the City Council Final Plat hearing: Please coordinate the Sidewalk fee-in-lieu process with the City Engineer.
3. Please note the defining trails language in the Deed of Dedication as applicable.
4. Before the City Council Final Plat hearing: Please provide release letters from all utility companies serving the subdivision as per SRs Section 12-2-6.B.
5. Deed of Dedication and Restrictive Covenants Section III.A: Provides “The Owner/Developer has formed or shall cause to be formed” an HOA. When the HOA is formed, please submit a copy of the Secretary of State Incorporation documents for placement in the permanent file and for notification to the Bixby Neighborhood Coordinator, along with the names and contact information of the Officers.

PUD 12-D

Pine Valley Addition BLOCKS 10-11

PART OF THE NORTHWEST QUARTER (NW/4) OF SECTION SIXTEEN (16), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN MERIDIAN A SUBDIVISION WITHIN THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA

OWNER:
Stone Horse Development, L.L.C.
AN OKLAHOMA LIMITED LIABILITY COMPANY
CONTACT: DANIEL RUHL
11029 South Memorial Drive
Tulsa, Oklahoma 74133
Phone: (918)814-0881

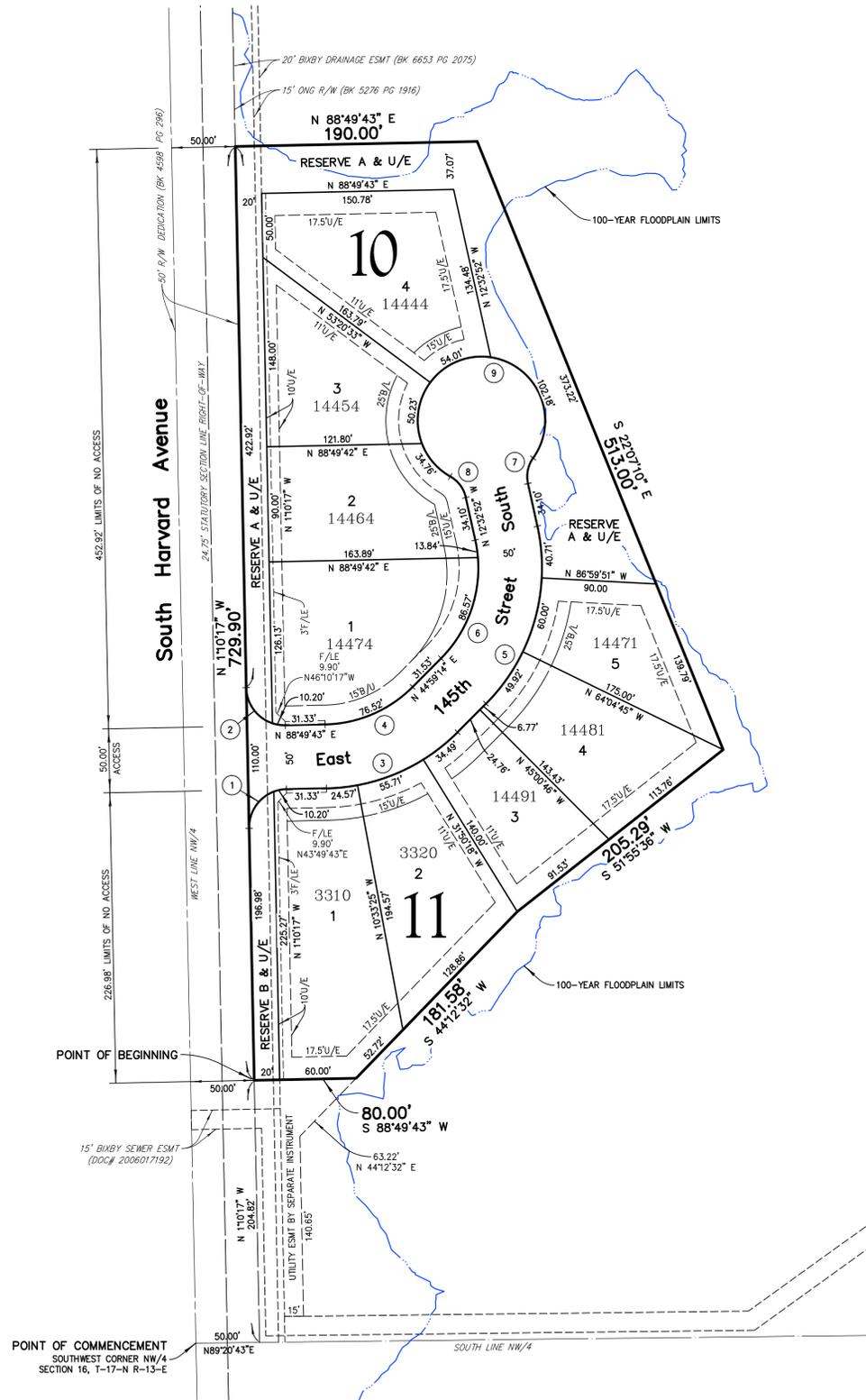
SURVEYOR/ENGINEER:
Tanner Consulting, L.L.C.
DAN E. TANNER, P.L.S. NO. 1435
OK GA NO. 2661, EXPIRES 6/30/2017
EMAIL: DAN@TANNERBAITSHOP.COM
5323 South Lewis Avenue
Tulsa, Oklahoma 74105
Phone: (918)745-9929

Curve Table

CURVE	LENGTH(L)	RADIUS(R)	DELTA(A)	CHORD(B)	CHORD(D)
1	47.12'	30.00'	90°00'00"	N43°49'43"E	42.43'
2	47.12'	30.00'	90°00'00"	N46°10'17"W	42.43'
3	114.78'	150.00'	43°50'29"	N66°54'28"E	112.00'
4	76.52'	100.00'	43°50'29"	N66°54'28"E	74.66'
5	150.63'	150.00'	57°32'06"	N16°13'11"E	144.38'
6	100.42'	100.00'	57°32'06"	N16°13'11"E	96.25'
7	21.03'	25.00'	48°11'23"	N11°32'49"E	20.41'
8	21.03'	25.00'	48°11'23"	N36°38'34"W	20.41'
9	241.19'	50.00'	276°22'46"	N77°27'08"E	66.67'

Notes:

- THIS PLAT MEETS THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED BY THE OKLAHOMA STATE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS.
- ALL PROPERTY CORNERS ARE SET 3/8" IRON REBAR WITH YELLOW CAP STAMPED "TANNER RLS 1435" UNLESS OTHERWISE NOTED.
- THE BEARINGS SHOWN HEREON ARE BASED UPON THE OKLAHOMA STATE PLANE COORDINATE SYSTEM, NORTH ZONE (3501), NORTH AMERICAN DATUM 1983 (NAD83); SAID BEARINGS ARE BASED LOCALLY UPON FIELD-OBSERVED TIES TO THE FOLLOWING MONUMENTS:
 - A. BRASS CAP FOUND AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER (NW/4) OF SECTION 16;
 - B. BRASS CAP FOUND AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER (NW/4) OF SECTION 16;
 THE BEARING BETWEEN SAID MONUMENTS BEING NORTH 1°10'17" WEST.
- ADDRESSES SHOWN ON THIS PLAT ARE ACCURATE AT THE TIME THE PLAT WAS FILED. ADDRESSES ARE SUBJECT TO CHANGE AND SHOULD NEVER BE RELIED ON IN PLACE OF THE LEGAL DESCRIPTION.
- ACCESS AT THE TIME OF PLAT WAS PROVIDED BY SOUTH HARVARD AVENUE BY VIRTUE OF PUBLIC HIGHWAY DEDICATION DEED TO TULSA COUNTY, DATED MARCH 1ST, 1982, RECORDED IN BOOK 4598 PAGE 296 OF THE TULSA COUNTY RECORDS.



Location Map

Scale: 1"= 2000'

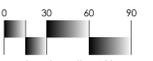
SUBDIVISION CONTAINS:

- NINE (9) LOTS
- IN TWO (2) BLOCKS
- WITH TWO (2) RESERVES

GROSS SUBDIVISION AREA: 4.346 ACRES



NORTH



Scale: 1"= 60'
Tanner Consulting

LEGEND

- B/L BUILDING LINE
- B/U BUILDING LINE & UTILITY EASEMENT
- BK PG BOOK & PAGE
- POC POINT OF COMMENCEMENT
- POB POINT OF BEGINNING
- CL CENTERLINE
- DOC DOCUMENT
- ESMT EASEMENT
- F/LE FENCE & LANDSCAPE EASEMENT
- LNA LIMITS OF NO ACCESS
- ODE OVERLAND DRAINAGE EASEMENT
- SEP INSTR SEPARATE INSTRUMENT
- U/E UTILITY EASEMENT
- 12345 ADDRESS ASSIGNED

FINAL PLAT CERTIFICATE OF APPROVAL

I hereby certify that this plat was approved by the City Council of the City of Bixby, on _____

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

PUD 12-D

Pine Valley Addition

BLOCKS 10-11

PART OF THE NORTHWEST QUARTER (NW/4) OF SECTION SIXTEEN (16), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN MERIDIAN A SUBDIVISION WITHIN THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA

DEED OF DEDICATION AND RESTRICTIVE COVENANTS FOR PINE VALLEY ADDITION BLOCKS 10-11

KNOW ALL MEN BY THESE PRESENTS:

THAT STONE HORSE DEVELOPMENT, L.L.C., AN OKLAHOMA LIMITED LIABILITY COMPANY, HEREINAFTER REFERRED TO AS THE "DECLARANT", IS THE OWNER OF THE FOLLOWING REAL PROPERTY SITUATED IN THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA, TO-WIT:

A TRACT OF LAND THAT IS PART OF THE NORTHWEST QUARTER (NW/4) OF SECTION SIXTEEN (16), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID NW/4; THENCE NORTH 89°20'43" EAST AND ALONG THE SOUTH LINE OF THE NW/4, FOR A DISTANCE OF 50.00 FEET TO A POINT ON THE PRESENT EAST RIGHT-OF-WAY LINE OF SOUTH HARVARD AVENUE; THENCE NORTH 1°10'17" WEST AND ALONG SAID EAST RIGHT-OF-WAY LINE, FOR A DISTANCE OF 204.82 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING NORTH 1°10'17" WEST AND ALONG THE EAST RIGHT-OF-WAY LINE, FOR A DISTANCE OF 729.90 FEET; THENCE NORTH 88°49'43" EAST FOR A DISTANCE OF 190.00 FEET; THENCE SOUTH 22°07'10" EAST FOR A DISTANCE OF 513.00 FEET; THENCE SOUTH 51°55'36" WEST FOR A DISTANCE OF 205.29 FEET; THENCE SOUTH 44°12'32" WEST FOR A DISTANCE OF 181.58 FEET; THENCE SOUTH 88°49'43" WEST AND PERPENDICULAR TO THE EAST RIGHT-OF-WAY LINE, FOR A DISTANCE OF 80.00 FEET TO THE POINT OF BEGINNING;

SAID TRACT CONTAINING 189,321 SQUARE FEET, OR 4.346 ACRES.

AND THE DECLARANT HAS CAUSED THE ABOVE DESCRIBED LAND TO BE SURVEYED, STAKED, PLATTED AND SUBDIVIDED INTO NINE (9) LOTS IN TWO (2) BLOCKS AND TWO (2) RESERVES, IN CONFORMITY WITH THE ACCOMPANYING PLAT AND SURVEY (HEREINAFTER THE "PLATT"), AND HAS DESIGNATED THE SUBDIVISION AS "PINE VALLEY ADDITION BLOCKS 10-11", A SUBDIVISION IN THE CITY OF BIXBY, TULSA COUNTY, OKLAHOMA (HEREINAFTER THE "SUBDIVISION" OR "PINE VALLEY ADDITION BLOCKS 10-11"). THE LOTS DEPICTED UPON THE PLAT SHALL HEREINAFTER BE REFERRED TO COLLECTIVELY AS THE "LOTS" AND INDIVIDUALLY AS A "LOT".

SECTION I. PUBLIC STREETS, EASEMENTS AND UTILITIES

A. PUBLIC STREETS AND UTILITY EASEMENTS.

THE DECLARANT DOES HEREBY GRANT, CONVEY, DONATE, AND DEDICATE FOR PUBLIC USE THE STREET RIGHTS-OF-WAY DEPICTED ON THE ACCOMPANYING PLAT AND DOES FURTHER DEDICATE FOR PUBLIC USE THE UTILITY EASEMENTS AS DEPICTED ON THE ACCOMPANYING PLAT AS "U/E" OR "UTILITY EASEMENT" FOR THE SEVERAL PURPOSES OF CONSTRUCTING, MAINTAINING, OPERATING, REPAIRING, REPLACING, AND/OR REMOVING ANY AND ALL PUBLIC UTILITIES, INCLUDING STORM SEWERS, SANITARY SEWERS, TELEPHONE AND COMMUNICATION LINES, ELECTRIC POWER LINES AND TRANSFORMERS, GAS LINES, WATER LINES, AND CABLE TELEVISION LINES, TOGETHER WITH ALL VALVES, METERS AND EQUIPMENT FOR EACH OF SUCH FACILITIES AND OTHER APPURTENANCES THERETO, WITH THE RIGHTS OF INGRESS AND EGRESS TO AND UPON THE UTILITY EASEMENTS FOR THE USES AND PURPOSES AFORESAID, TOGETHER WITH SIMILAR EASEMENT RIGHTS IN THE PUBLIC STREETS, PROVIDED HOWEVER, THAT THE DECLARANT HEREBY RESERVES THE RIGHT TO CONSTRUCT AND MAINTAIN WATER LINES AND SEWER LINES WITHIN THE UTILITY EASEMENTS FOR THE PURPOSE OF FURNISHING WATER AND/OR SEWER SERVICE TO AREAS WITHIN OR OUTSIDE THE PLAT AND THE DECLARANT FURTHER RESERVES THE RIGHT TO CONSTRUCT AND MAINTAIN WITHIN THE UTILITY EASEMENTS PROPERLY PERMITTED PARKING AREAS, LANDSCAPING, SCREENING FENCES AND WALLS AND OTHER NON-OBSTRUCTING IMPROVEMENTS.

B. WATER, SANITARY SEWER, AND STORM SEWER SERVICE.

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

2. WITHIN THE DEPICTED UTILITY EASEMENT AREAS, THE ALTERATION OF GRADE IN EXCESS OF 3 FEET FROM THE CONTOURS EXISTING UPON THE COMPLETION OF THE INSTALLATION OF A PUBLIC WATER MAIN, SANITARY SEWER MAIN OR STORM SEWER MAIN, OR ANY CONSTRUCTION ACTIVITY WHICH MAY INTERFERE WITH PUBLIC WATER, SANITARY SEWER MAINS OR STORM SEWER MAINS, SHALL BE PROHIBITED. WITHIN THE UTILITY EASEMENTS, IF THE GROUND ELEVATIONS ARE ALTERED BY THE LOT OWNER, FROM THE CONTOURS EXISTING UPON THE COMPLETION OF THE INSTALLATION OF A PUBLIC WATER MAIN, SANITARY SEWER MAIN OR STORM SEWER MAIN, ALL GROUND LEVEL APPURTENANCES, INCLUDING VALVE BOXES, FIRE HYDRANTS AND MANHOLES SHALL BE ADJUSTED TO THE ALTERED GROUND ELEVATIONS BY THE OWNER OF THE LOT OR AT ITS ELECTION, THE CITY OF BIXBY, OKLAHOMA MAY MAKE SUCH ADJUSTMENT AT THE LOT OWNER'S EXPENSE.

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

4. THE CITY OF BIXBY OR ITS SUCCESSORS SHALL AT ALL TIMES HAVE RIGHT OF ACCESS WITH THEIR EQUIPMENT TO ALL EASEMENT WAYS DEPICTED ON THE PLAT OR OTHERWISE PROVIDED FOR IN THIS DEED OF DEDICATION FOR THE PURPOSE OF INSTALLING, MAINTAINING, REMOVING OR REPLACING ANY PORTION OF UNDERGROUND WATER, SANITARY SEWER OR STORM SEWER FACILITIES.

5. THE FOREGOING COVENANTS SET FORTH IN THIS SUBSECTION B SHALL BE ENFORCEABLE BY THE CITY OF BIXBY OR ITS SUCCESSORS AND THE OWNER OF THE LOT AGREES TO BE BOUND HEREBY.

C. UNDERGROUND SERVICE.

1. OVERHEAD LINES FOR THE SUPPLY OF ELECTRIC, TELEPHONE AND CABLE TELEVISION SERVICES MAY BE LOCATED WITHIN THE WEST PERIMETER UTILITY EASEMENT AND WITHIN THE PERIMETER RIGHTS-OF-WAY OF THE SUBDIVISION. STREET LIGHT POLES OR STANDARDS MAY BE SERVED BY UNDERGROUND CABLE THROUGHOUT THE SUBDIVISION AND, EXCEPT AS PROVIDED IN THE IMMEDIATELY-PRECEDING SENTENCE, 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 THE EASEMENT WAYS.

DATE OF PREPARATION: April 15, 2016

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

3. THE SUPPLIER OF ELECTRIC, TELEPHONE, CABLE TELEVISION AND GAS SERVICES, THROUGH ITS AGENTS AND EMPLOYEES, SHALL AT ALL TIMES HAVE THE 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.

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

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

D. PAVING AND LANDSCAPING WITHIN EASEMENTS.

THE OWNER OF THE LOT SHALL BE RESPONSIBLE FOR REPAIR OF DAMAGE TO PROPERLY-PERMITTED LANDSCAPING AND PAVING RESULTING FROM THE ACTIONS OF THE CITY OF BIXBY OR THE SUPPLIER OF UTILITY IN SERVICES, IN PERFORMING NECESSARY INSTALLATION OF OR MAINTENANCE TO THE UNDERGROUND WATER, SEWER, STORM WATER, GAS, COMMUNICATION, CABLE TELEVISION, OR ELECTRIC FACILITIES WITHIN THE EASEMENTS DEPICTED ON THE ACCOMPANYING PLAT, PROVIDED HOWEVER, THAT THE CITY OF BIXBY, OR THE SUPPLIER OF THE UTILITY SERVICE, SHALL USE REASONABLE CARE IN THE PERFORMANCE OF SUCH ACTIVITIES.

E. LIMITS OF NO ACCESS.

THE OWNER HEREBY RELINQUISHES RIGHT OF INGRESS AND EGRESS TO THE ABOVE-DESCRIBED PROPERTY WITHIN THE BOUNDS DESIGNATED AS "LIMITS OF NO ACCESS" ("LNA") EXCEPT AS MAY HEREAFTER BE RELEASED, ALTERED, OR AMENDED BY THE DECLARANT AND BIXBY PLANNING COMMISSION, OR ITS SUCCESSORS, OR AS OTHERWISE PROVIDED BY THE STATUTES AND LAWS OF THE STATE OF OKLAHOMA, PERTAINING THERETO.

THE FOREGOING COVENANT CONCERNING "LIMITS OF NO ACCESS" ("LNA") SHALL BE ENFORCEABLE BY THE CITY OF BIXBY OR ITS SUCCESSORS, AND THE OWNER OF EACH LOT AGREES TO BE BOUND HEREBY.

C. FENCE EASEMENT.

THE OWNER DOES HEREBY ESTABLISH AND GRANT FENCE AND LANDSCAPE EASEMENTS OVER AND UPON THE AREAS DESIGNATED AS "F/L" AND SHOWN ON THE ACCOMPANYING PLAT FOR THE USE AND BENEFIT OF PINE VALLEY ADDITION BLOCKS 10-11. THE FENCE AND LANDSCAPE EASEMENTS ARE FOR THE LIMITED PURPOSE OF CONSTRUCTING AND MAINTAINING PERIMETER DECORATIVE FENCES AND ENTRY FEATURES INCLUDING BUT NOT LIMITED TO FENCES, WALLS, SPRINKLER SYSTEMS, AND LANDSCAPING, AND FOR THE PURPOSE OF MAINTAINING AND REPAIR THEREOF, TOGETHER WITH THE RIGHT OF ACCESS OVER, ACROSS, AND ALONG SUCH EASEMENTS AND OVER, ACROSS, AND ALONG LOTS IN "PINE VALLEY ADDITION BLOCKS 10-11" WHICH CONTAIN SUCH EASEMENTS.

D. RESERVE AREAS.

RESERVE A IS DESIGNATED FOR OPEN SPACE AND PASSIVE RECREATION AND IS RESERVED FOR FUTURE CONVEYANCE TO THE HOMEOWNERS' ASSOCIATION. RESERVE A IS CONTIGUOUS WITH "RESERVE A" IN "PINE VALLEY ADDITION BLOCKS 4-9" AND, FOR THE SAKE OF IDENTIFICATION AND CONVENIENCE FOR THE HOMEOWNERS' ASSOCIATION, MAY BE CONSIDERED COUNTERPARTS OF THE SAME RESERVE AREA UPON THE RECORDATION OF THAT AND THIS PLAT. RESERVE B IS DESIGNATED FOR OPEN SPACE, PASSIVE RECREATION, LANDSCAPING, ENTRY FEATURES, FENCES OR WALLS, IRRIGATION SYSTEMS, AND OTHER USES AS MAY BE APPROVED BY THE CITY OF BIXBY, AND IS RESERVED FOR FUTURE CONVEYANCE TO THE HOMEOWNERS' ASSOCIATION. RESERVES C AND F ARE DESIGNATED FOR OPEN SPACE, STORMWATER DRAINAGE AND DETENTION, PASSIVE RECREATION, AND OTHER USES AS MAY BE APPROVED BY THE CITY OF BIXBY, AND ARE RESERVED FOR FUTURE CONVEYANCE TO THE HOMEOWNERS' ASSOCIATION. RESERVE D IS DESIGNATED FOR OPEN SPACE, LANDSCAPING, ENTRY FEATURES, IRRIGATION SYSTEMS, SIGNAGE, AND OTHER USES AS MAY BE APPROVED BY THE CITY OF BIXBY, AND IS RESERVED FOR FUTURE CONVEYANCE TO THE HOMEOWNERS' ASSOCIATION. RESERVE E IS DESIGNATED FOR PRIVATE RECREATION AND OTHER USES AS MAY BE APPROVED BY THE CITY OF BIXBY AND IS RESERVED FOR FUTURE CONVEYANCE TO THE HOMEOWNERS' ASSOCIATION. RESERVES A, B, C, D, E, AND F ARE ALSO HEREBY DEDICATED AS GENERAL UTILITY EASEMENTS. ALL COSTS AND EXPENSES ASSOCIATED WITH ALL RESERVES, INCLUDING MAINTENANCE OF VARIOUS IMPROVEMENTS AND RECREATIONAL FACILITIES SHALL BE THE RESPONSIBILITY OF THE HOMEOWNERS' ASSOCIATION. SEE SECTION III FOR ADDITIONAL DETAILS AND REQUIREMENTS. IN THE EVENT THE HOMEOWNERS' ASSOCIATION FAILS TO PAY THE COSTS OF SAID MAINTENANCE AFTER COMPLETION OF THE MAINTENANCE AND RECEIPT OF A STATEMENT OF COSTS, THE CITY OF BIXBY, OKLAHOMA, MAY FILE OF RECORD A COPY OF THE STATEMENT OF COSTS, AND THEREAFTER THE COSTS SHALL BE A LIEN AGAINST EACH OF THE LOTS WITHIN THE SUBDIVISION, WHICH LIEN MAY BE FORECLOSED BY THE CITY OF BIXBY, OKLAHOMA, OR THE CITY OF BIXBY PUBLIC WORKS AUTHORITY MAY ADD SUCH BILLING PRORATED UPON THE RESIDENTIAL LOT OWNER'S WATER BILL, WHICH METHOD OF COLLECTION SHALL BE DETERMINED BY THE CITY OF BIXBY.

SECTION II. PLANNED UNIT DEVELOPMENT

WHEREAS, THE PROPERTY COMPRISING PINE VALLEY ADDITION BLOCKS 10-11 WAS INITIALLY SUBMITTED AS A PART OF PLANNED UNIT DEVELOPMENT NO. 12-A AS PROVIDED WITHIN TITLE 11 OF THE BIXBY, OKLAHOMA CITY CODE (BIXBY ZONING CODE), AND

WHEREAS, PUD NO. 12-A WAS AFFIRMATIVELY RECOMMENDED BY THE CITY OF BIXBY PLANNING COMMISSION ON NOVEMBER 21, 1994, AND APPROVED BY THE BIXBY CITY COUNCIL ON JANUARY 09, 1995, AND

WHEREAS, A MAJOR AMENDMENT OF A PART OF PUD 12-D (ALSO KNOWN AS "GEILER PARK," HEREINAFTER REFERRED TO AS "PUD 12-D") WHICH INCLUDED THE PROPERTY COMPRISING PINE VALLEY ADDITION BLOCKS 10-11, WAS SUBMITTED AND WAS AFFIRMATIVELY RECOMMENDED FOR APPROVAL BY THE CITY OF BIXBY PLANNING COMMISSION ON JULY 16, 2012, AND WAS APPROVED BY THE BIXBY CITY COUNCIL ON FEBRUARY 11, 2013, AND

WHEREAS, THE PLANNED UNIT DEVELOPMENT PROVISIONS OF THE BIXBY ZONING CODE REQUIRE THE ESTABLISHMENT OF COVENANTS OF RECORD INURING TO AND ENFORCEABLE BY THE CITY OF BIXBY, SUFFICIENT TO ASSURE THE IMPLEMENTATION AND CONTINUED COMPLIANCE WITH THE APPROVED PLANNED UNIT DEVELOPMENT AND ANY AMENDMENTS THERETO, AND

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

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

A. DEVELOPMENT STANDARDS OF PINE VALLEY ADDITION BLOCKS 10-11 (COMPRISING ALL OR PARTS OF DEVELOPMENT AREAS A, B, AND C, WHICH TOGETHER CONTAIN 86.5 GROSS ACRES)

1. DEVELOPMENT IN ACCORDANCE WITH PUD

PINE VALLEY ADDITION BLOCKS 10-11 SHALL BE DEVELOPED AND USED IN SUBSTANTIAL ACCORDANCE WITH THE RESTRICTIONS AND DEVELOPMENT STANDARDS OF PUD 12-D AS APPROVED BY THE CITY OF BIXBY, OR IN SUBSTANTIAL ACCORDANCE WITH SUCH MODIFICATIONS OR AMENDMENTS OF THE RESTRICTIONS AND DEVELOPMENT STANDARDS OF PUD 12-D AS MAY BE SUBSEQUENTLY BE APPROVED.

2. APPLICABLE ORDINANCE

THE DEVELOPMENT OF PINE VALLEY ADDITION BLOCKS 10-11 SHALL BE SUBJECT TO THE PLANNED UNIT DEVELOPMENT PROVISIONS OF THE BIXBY ZONING CODE, AS SUCH PROVISIONS EXISTED ON FEBRUARY 11, 2013.

3. DEVELOPMENT STANDARDS

DEVELOPMENT AREA A

GROSS LAND AREA: 14.5 AC. +/-
PERMITTED USES: DETACHED SINGLE-FAMILY DWELLING UNITS AND CUSTOMARY ACCESSORY USES.

MAXIMUM DWELLING UNITS: 58 DUS
MAXIMUM DENSITY: 4 DUS PER ACRE
MAXIMUM BUILDING HEIGHT: 48 FT.
MAXIMUM STORIES: 3

MINIMUM YARDS AND BUILDING SETBACKS:
FROM MINOR STREET RIGHT-OF-WAY 25 FT.
FROM ARTERIAL STREET RIGHT-OF-WAY 20 FT.
FROM REAR LOT LINE: 25 FT.
FROM SIDE YARD LOT LINE: 5 FT.
BETWEEN DWELLING UNITS: 10 FT.
MINIMUM OFF-STREET PARKING: 2 SPACES PER DU
OTHER BULK AND AREA REQUIREMENTS AS REQUIRED WITHIN AN RS-3 DISTRICT.

DEVELOPMENT AREA B

GROSS LAND AREA: 61.80 AC. +/-
PERMITTED USES: DETACHED OR ATTACHED RESIDENTIAL DWELLING UNITS INCLUDING SINGLE-FAMILY, DUPLEX, PATIO HOME, TOWNHOUSE, (EXCLUDING MULTIFAMILY DWELLINGS, AS DEFINED BY THE BIXBY ZONING CODE), AND CUSTOMARY ACCESSORY USES, INCLUDING COMMON AREA FACILITIES SUCH AS CLUB HOUSE, SWIMMING POOL AND RECREATIONAL OPEN SPACE.

MAXIMUM DWELLING UNITS: 575 DUS
MAXIMUM DENSITY
DETACHED DWELLING UNITS: 8 DUS PER ACRE
DUPLEX DWELLING UNITS: 10 DUS PER ACRE
TOWNHOUSE DWELLING UNITS: 16 DUS PER ACRE
MAXIMUM BUILDING HEIGHT: 48 FT.
MAXIMUM STORIES: 3
MINIMUM YARDS AND BUILDING SETBACKS:
FROM NON-ARTERIAL STREET RIGHT-OF-WAY 20 FT.
FROM ARTERIAL STREET RIGHT-OF-WAY 20 FT.
FROM REAR LOT LINE: 20 FT.
FROM SIDE YARD LOT LINE: 5 FT.
BETWEEN DETACHED DWELLING UNITS 10 FT.
FROM ATTACHED SIDE OF A DUPLEX BUILDING: 0 FT.
BETWEEN DUPLEX BUILDINGS: 10 FT.
FROM ATTACHED SIDE OF A TOWNHOUSE UNIT: 0 FT.
BETWEEN TOWNHOUSE BUILDINGS: 20 FT.
MINIMUM OFF-STREET PARKING: AS REQUIRED WITHIN THE APPLICABLE USE UNIT.

OTHER BULK AND AREA REQUIREMENTS:

DETACHED SINGLE FAMILY DWELLINGS AS REQUIRED WITHIN AN RS-3 DISTRICT
DUPLEX DWELLINGS AS REQUIRED WITHIN AN RD DISTRICT
TOWNHOUSE DWELLINGS AS REQUIRED WITHIN AN RT DISTRICT

(THE ALTERNATIVE DEVELOPMENT STANDARDS FOR DEVELOPMENT AREA B ARE NOT RELEVANT TO THIS SUBDIVISION AND SO ARE OMITTED).

DEVELOPMENT AREA C

GROSS LAND AREA: 10.2 AC. +/-
PERMITTED USES: DETACHED OR ATTACHED RESIDENTIAL DWELLING UNITS INCLUDING SINGLE-FAMILY, DUPLEX, PATIO HOME, TOWNHOUSE, AND ELDERLY/RETIREMENT HOUSING, AND CUSTOMARY ACCESSORY USES.

MAXIMUM DWELLING UNITS 163 DUS
MAXIMUM DETACHED DWELLING UNITS 8 DUS PER ACRE
MAXIMUM DUPLEX DWELLING UNITS: 10 DUS PER ACRE
MAXIMUM TOWNHOUSE DWELLING UNITS: 16 DUS PER ACRE

MAXIMUM ELDERLY/RETIREMENT HOUSING DWELLING UNITS 16 DUS PER ACRE
MAXIMUM BUILDING HEIGHT: 48 FT.
MAXIMUM STORIES: 3

MINIMUM YARDS AND BUILDING SETBACKS:
FROM NON-ARTERIAL STREET RIGHT-OF-WAY: 20 FT.
FROM ARTERIAL STREET RIGHT-OF-WAY 20 FT.
FROM REAR LOT LINE 20 FT.
FROM SIDE YARD LOT LINE 5 FT.
BETWEEN DETACHED DWELLING UNITS: 10 FT.
FROM ATTACHED SIDE OF A DUPLEX BUILDING 0 FT.
BETWEEN DUPLEX BUILDINGS: 10 FT.
FROM ATTACHED SIDE OF A TOWNHOUSE UNIT: 0 FT.
BETWEEN TOWNHOUSE BUILDINGS: 20 FT.
BETWEEN ELDERLY/RETIREMENT HOUSING BUILDINGS: 20 FT.

MINIMUM OFF-STREET PARKING: AS REQUIRED WITHIN THE APPLICABLE USE.

OTHER BULK AND AREA REQUIREMENTS-DWELLINGS: AS REQUIRED WITHIN AN RM-1 DISTRICT.

OTHER BULK AND AREA REQUIREMENTS-NON-DWELLINGS: AS REQUIRED WITHIN THE APPLICABLE USE UNIT.

(THE ALTERNATIVE DEVELOPMENT STANDARDS FOR DEVELOPMENT AREA C ARE NOT RELEVANT TO THIS SUBDIVISION AND SO ARE OMITTED).

4. GENERAL PROVISIONS AND DEVELOPMENT STANDARDS

ACCESS AND CIRCULATION

THE PRINCIPAL ACCESS IS TO BE DERIVED FROM 151st STREET AND HARVARD AVENUE WITH CONNECTION TO AN INTERIOR PUBLIC AND OR PRIVATE STREET SYSTEM, AND MUTUAL ACCESS EASEMENTS TO PROVIDE CONNECTIVITY WHERE APPROPRIATE. NEW PUBLIC STREET CONSTRUCTION SHALL COMPLY WITH THE APPLICABLE GEOMETRIC STREET STANDARDS OF THE CITY OF BIXBY.

SIDEWALKS ALONG THE STREET FRONTAGES OF RESERVE AREAS SHALL BE CONSTRUCTED BY THE DECLARANT AND SIDEWALKS ALONG THE INTERIOR STREETS SHALL BE CONSTRUCTED BY THE BUILDER OF THE HOME TO BE LOCATED WITHIN EACH INDIVIDUAL LOT IN ACCORDANCE WITH THE BIXBY SUBDIVISION REGULATIONS, INCLUDING A MINIMUM WIDTH OF FOUR FEET AND ADA COMPLIANCE.

IT IS PROPOSED THAT A TRAIL SYSTEM BE PROVIDED THAT IS MEANINGFUL AND PROVIDES REASONABLE PEDESTRIAN OPPORTUNITIES EXTENDING FROM HARVARD AVENUE THROUGH POSEY CREEK FLOOD PLAIN AND CONTINUING TO THE EAST BOUNDARY OF GEILER PARK. PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS FOR DEVELOPMENT WHICH IN THE AGGREGATE COMPRISES 20% OF THE LAND AREA OF GEILER PARK, A TRAIL SYSTEM PLAN, INCLUDING A CONSTRUCTION PHASING SCHEDULE, SHALL BE SUBMITTED TO AND APPROVED BY THE BIXBY PLANNING COMMISSION.

SIGNS

SIGNS SHALL COMPLY WITH THE APPLICABLE PROVISIONS OF THE BIXBY ZONING CODE, PROVIDED HOWEVER, PRIOR TO INSTALLATION, A DETAILED SIGN PLAN SHALL BE SUBMITTED TO AND APPROVED BY THE BIXBY PLANNING COMMISSION. A SIGN IDENTIFYING AN INTERIOR PROPERTY MAY BE LOCATED OFF SITE WITHIN A PARCEL LOCATED IN GEILER PARK, BUT SHALL REQUIRE A DETAILED SIGN PLAN SUBMITTED TO AND APPROVED BY THE BIXBY PLANNING COMMISSION.

UTILITIES AND DRAINAGE

UTILITIES ARE AT THE SITE OR ACCESSIBLE BY CUSTOMARY EXTENSION. STORM WATER DETENTION WILL BE PROVIDED.

PARCELIZATION

AFTER INITIAL PLATTING SETTING FORTH PERMITTED USES AND THE ALLOCATION OF COMMERCIAL AND OR INDUSTRIAL FLOOR AREA OR RESIDENTIAL DENSITY, DIVISION OF PLATTED LOTS MAY OCCUR BY APPROVED LOT SPLIT APPLICATION AND SUBJECT TO THE APPROVAL BY THE BIXBY PLANNING COMMISSION OF PROPOSED FLOOR AREA OR RESIDENTIAL DENSITY ALLOCATIONS AND CONFIRMATION OF THE EXISTENCE OF ANY NECESSARY CROSS PARKING AND MUTUAL ACCESS EASEMENTS.

ALLOCATION OF FLOOR AREA AND DWELLING UNITS

AS APPROVED BY THE BIXBY CITY COUNCIL AND AS SET FORTH WITHIN SECTION II OF PUD 12-D, USE INTENSITY (SQUARE FOOTAGE OF FLOOR AREA OF NONRESIDENTIAL USE AND DWELLING UNITS OF RESIDENTIAL USE) AS PERMITTED BY THE UNDERLYING GENERAL ZONING DISTRICTS SHALL BE FULLY TRANSFERABLE TO THE VARIOUS DEVELOPMENT AREAS, IRRESPECTIVE OF THE GENERAL ZONING DISTRICT BOUNDARIES, AND THE AREAS OF USE MAY EXCEED THE AREAS OF THE UNDERLYING GENERAL ZONING DISTRICTS.

NONRESIDENTIAL FLOOR AREA OR RESIDENTIAL DWELLING UNIT DENSITY AS INITIALLY SET FORTH WITHIN SECTION II OF PUD 12-D MAY BE TRANSFERRED TO ANOTHER LOT OR LOTS BY WRITTEN INSTRUMENT EXECUTED BY THE OWNER OF THE LOT FROM WHICH THE FLOOR AREA IS TO BE ALLOCATED, PROVIDED HOWEVER, THE ALLOCATION SHALL NOT EXCEED 15% OF THE INITIAL ALLOCATION TO THE LOT TO WHICH THE TRANSFER OF FLOOR AREA IS TO BE MADE. ALLOCATION EXCEEDING EXCEEDING 15% SHALL REQUIRE AN APPLICATION FOR MINOR AMENDMENT TO BE REVIEWED AND APPROVED BY THE BIXBY PLANNING COMMISSION.

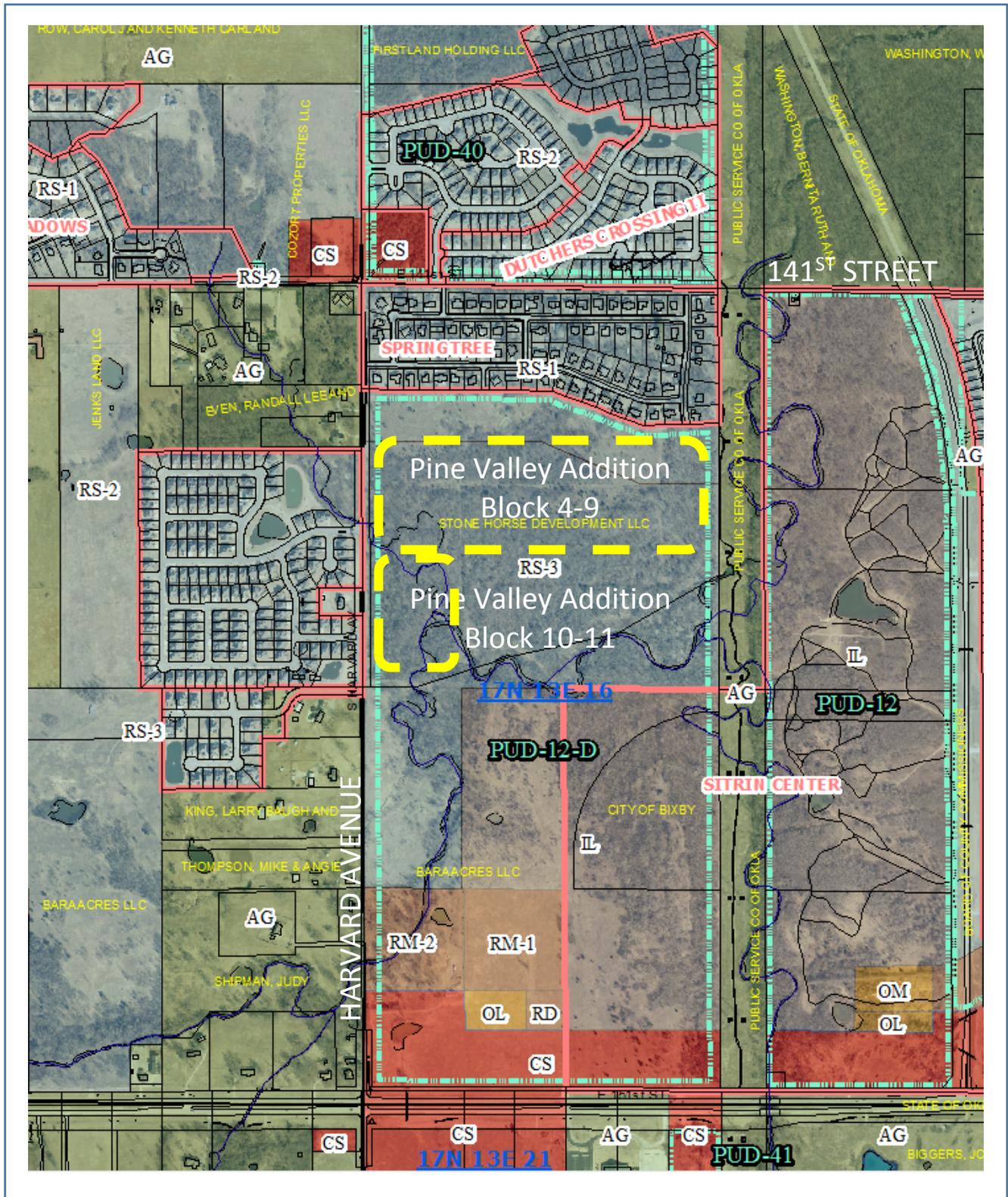
SECTION III. HOMEOWNERS' ASSOCIATION

A. FORMATION OF HOMEOWNERS' ASSOCIATION

THE DECLARANT HAS FORMED OR SHALL CAUSE TO BE FORMED AN ASSOCIATION OF THE OWNERS OF THE RESIDENTIAL LOTS WITHIN PINE VALLEY ADDITION BLOCKS 10-11. THE HOMEOWNERS' ASSOCIATION SHALL BE ESTABLISHED IN ACCORDANCE WITH THE STATUTES OF THE STATE OF OKLAHOMA, FOR THE GENERAL PURPOSE OF MAINTAINING THE COMMON AREA, INCLUDING BUT WITHOUT LIMITATION THE RESERVES AND ENHANCING THE VALUE, DESIRABILITY AND ATTRACTIVENESS OF PINE VALLEY ADDITION BLOCKS 10-11 AND OF ANY RESIDENTIAL SUBDIVISION WHICH MAY SUBSEQUENTLY BE ANNEXED TO THE GEOGRAPHIC JURISDICTION OF THE HOMEOWNERS' ASSOCIATION.

B. MEMBERSHIP

EVERY PERSON OR ENTITY WHO IS A RECORD OWNER OF THE FEE INTEREST OF A RESIDENTIAL LOT IN PINE VALLEY ADDITION BLOCKS 10-11 SHALL BE A MEMBER OF THE HOMEOWNERS' ASSOCIATION. MEMBERSHIP SHALL BE APPURTENANT TO AND SHALL NOT BE SEPARATED FROM THE OWNERSHIP OF A LOT. THE MEMBERSHIP OF THE ASSOCIATION SHALL BE LIMITED TO THE RECORD OWNER, WHETHER ONE OR MORE PERSONS OR ENTITIES, OF A FEE SIMPLE TITLE TO A LOT SITUATED WITHIN PINE VALLEY ADDITION BLOCKS 10-11, AND IN ANY ADDITIONAL PROPERTY AS MAY BE ANNEXED TO OR MERGED INTO THE JURISDICTION OF THE ASSOCIATION OR ALLOWED TO JOIN ACCORDING TO PROCEDURES SET FORTH IN THE ARTICLES OR BYLAWS, INCLUDING (WITHOUT LIMITATION) PROPERTY OWNERS IN FUTURE PHASES (IF ANY) OF THE PINE VALLEY ADDITION BLOCKS 10-11 DEVELOPMENT TO BE LOCATED ADJACENT TO PINE VALLEY ADDITION BLOCKS 10-11 AND EACH TO BE A SEPARATE SUBDIVISION WITHIN THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THEIR RESPECTIVE RECORDED PLATS THEREOF. THE FOREGOING IS NOT INTENDED TO INCLUDE PERSONS OR ENTITIES WHICH HOLD AN INTEREST MERELY AS SECURITY FOR THE PERFORMANCE OF AN OBLIGATION, OTHER THAN CONTRACT SELLERS. OWNERSHIP OF A LOT SHALL BE THE SOLE QUALIFICATION FOR MEMBERSHIP WITH RESPECT TO THOSE PROPERTY OWNERS IN PINE VALLEY ADDITION BLOCKS 10-11.



October 20, 2014

Mr. Erik Enyart
Bixby City Planner
116 W. Needles
Bixby, Oklahoma 74008

RE: Pine Valley Preliminary Plat

Dear Erik,

This letter is to serve as a formal request to modify or waive certain Bixby Subdivision Regulations for the above mentioned development. Per your requirement in the Staff Recommendation, items 8, 10, 11 and 12 are requested to be modified. I have more specifically identified each item and need below:

8. Modification/Waiver from the 300' maximum street length standard of Subdivision Regulation Section 2.2.20.

The cul-de-sac from South Harvard Avenue is physically constrained by floodplain on three sides. Buildable area for the nine lots is minimal and if redesigned to shorten the cul-de-sac, the lots located on the south side of the street would far exceed the maximum 2:1 lot width to length ratio. As designed, we exceed the maximum ratio but have tried to minimize the lot depth. The cul-de-sac on the north side of Reserve Area "C" is designed to be extended as a street to the east and connect to the stub street on the east side of the development. We are aware that this will require a modification of the floodplain but would allow an additional row of lots on the south side of Block 5.

10. Modification/Waiver from Subdivision Regulations Section 12-3-4.F, as certain lots appear to exceed this 2:1 maximum depth to width ratio standard.

The development is very irregular in shape and is surrounded on three sides by floodplain areas. Certain lots (typically located on cul-de-sacs) exceed the 2:1 ratio. Care was taken to minimize the amount where possible but the final design exceed with some lots.

11. Modification/Waiver of the subdivision Regulations Section 12-3-4.H to have double frontage along South Harvard Avenue.

As per the Staff Comment, the design is incidental and unavoidable due to existing geometries.

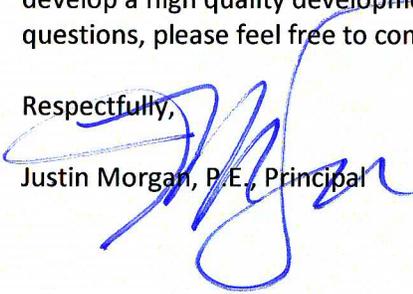
12. Modification/Waiver to permit platting Reserve Areas in a 100-year Regulatory Floodplain Section 12-3-2.

Within Pine Valley Addition, there are no habitable lots designed in the 100-year floodplain. The Reserve Areas proposed to be platted and intended for passive recreation. No building will be constructed without proper approval by FEMA and the City of Bixby.

It is our hope that these waiver items be considered and approved. In each instance, it was our intent to develop a high quality development and try to meet the City of Bixby design criteria. If you have any questions, please feel free to contact me.

Respectfully,

Justin Morgan, P.E., Principal

A handwritten signature in blue ink, appearing to read 'Justin Morgan', is written over the typed name. The signature is fluid and cursive, with a large initial 'J' and 'M'.

October 27, 2014

Mr. Erik Enyart
Bixby City Planner
City of Bixby
116 West Needles
Bixby, Oklahoma 74008

RE: Pine Valley Subdivision Plat

Mr. Enyart,

As you are aware, we have submitted the above mentioned preliminary plat to the City of Bixby and it was approved subject to conditions at the October 23, 2014 Planning Commission meeting.

With this letter, we would formally request a waiver of the Bixby Subdivision Regulations, Section 12-3-2-N and be permitted not to construct a sidewalk along the South Harvard frontage. Based on the current condition of South Harvard Avenue and the large amount of floodplain involved, we feel it is more practical to be permitted to pay a fee in lieu of construction of the sidewalk. We will provide you with an engineer's estimate of the cost of construction of the sidewalk in order to base you fee amount.

If you have additional questions, please feel free to contact me.

Respectfully,



Ricky Jones, AICP, Principal

Friday, April 15, 2016

Donna Crawford
Community Development Coordinator
City of Bixby
113 W. Dawes
P.O. Box 70
Bixby, OK 74008
Phone: (918)366-0410
Fax: (918)366-6373

Re: 14073 - Ruhl - Pine Valley 151st & Harvard (Chognard) PO #2604010L-R-000001: Plat -

Hi Donna:

Enclosed for review are:

“Pine Valley Addition Blocks 4-9”:

One (1) Final Plat Application
One (1) Check for \$700 (\$350 combined for both applications)
Five (5) 24”x36” Full Size Preliminary Plats
One (1) 11”x17” Half Size Preliminary Plat

“Pine Valley Addition Blocks 10-11”:

One (1) Final Plat Application
Five (5) 24”x36” Full Size Preliminary Plats
One (1) 11”x17” Half Size Preliminary Plat

“Pine Valley Addition”:

One (1) 24’x36” Full Size Corrected Preliminary Plat (overall development)
One (1) transmittal/response letter to Marcae’ regarding Preliminary Plat approval conditions

I have or will email to Marcae’ a PDF of all the plats listed above.

Please contact me at (918) 745-9929 or eenyart@tannerbaitshop.com if you have any questions or need additional information.

Respectfully,



Erik Enyart, AICP, CFM

Friday, April 15, 2016

Marcae' Hilton
Bixby City Planner
City of Bixby
PO Box 70
Bixby, OK 74008

Re: **14073 Pine Valley Addition**

Dear Ms. Hilton:

This letter will serve to transmit (1) the Final Plats of "Pine Valley Addition Blocks 4-9" and "Pine Valley Addition Blocks 10-11" and (2) the Preliminary Plat of "Pine Valley Addition" revised to incorporate the Conditions of Approval imposed by the City Council on November 10, 2014. We have addressed all the outstanding items in plats transmitted herewith. Some of the outstanding Conditions of Approval request written response, and others will benefit from certain explanation, which is provided herewith.

1. Subject to compliance with all Fire Marshal, City Attorney, and City Engineer recommendations and requirements.

Response: Acknowledged.

2. Limits of No Access (LNA) and Access Openings subject to City Engineer and Fire Marshal approval. County Engineer approval may also be required.

Response: Street designs are a part of this plat and the construction plans and have been submitted for the approval of the City Engineer and Fire Marshal. Please advise if County Engineer approval will be required.

3. Please advise (or represent on Preliminary Plat) where the southerly street would intersect Harvard Ave. as relates to the 145th Pl. S. entrance to *The Reserve at Harvard Ponds*. Please discuss with City Engineer and Fire Marshal if an offset would be considered appropriate or discouraged here, and if appropriate, how much of an offset should be achieved.

Response: There is approximately 130' of offset between the centerlines of the east-west streets from their points of intersection with the centerline of Harvard Ave. A four-way intersection is not feasible and the 130' offset should be more than adequate to discourage inappropriate turning movements between the offset streets.

4. Will a median be employed at northerly entrance street? Please discuss.

Response: As shown on the approved construction plans, a 10'-wide median will be installed at this intersection, located to allow two (2) exit lanes and one (1) entrance lane.

5. The Subdivision Regulations requires sidewalks along interior streets and Harvard Ave. To ensure this requirement is not inadvertently overlooked for the sidewalks along Harvard Ave. and Reserve Area frontages (developer's responsibility prior to the construction of any homes), the engineering construction plans should show locations, widths, and design details, which are subject to the Engineering Design Criteria Manual and City Engineer approval. The Applicant may request to do a fee-in-lieu by Modification/Waiver.

Response: As shown on the approved construction plans, the developer will install sidewalks along the internal street frontages of all Reserve Areas. A Modification/Waiver was requested by letter dated October 27, 2014 and was approved along with the Preliminary Plat on November 10, 2014.

6. The division of trail construction responsibility between the residential and non-residential development areas was not addressed in PUD 12-D. The Applicant should consult with the current property owner and advise how the trail provisions will be addressed.

Response: As shown on the approved construction plans, a 4'-wide sidewalk will be constructed around the perimeter of the stormwater detention pond within Reserve Area C, which may serve as a walking amenity for residents of Pine Valley Addition. Further, the dedication language for Reserve Area A provides for a potential future trail.

The relevant text of PUD 12-D is as follows:

"It is proposed that a trail system be provided that is meaningful and provides reasonable pedestrian opportunities extending from Harvard Avenue through the Posey Creek flood plain and continuing to the East boundary of Geiler Park. Prior to the issuance of occupancy permits for development which in the aggregate comprises 20% of the land area of Geiler Park, a trail system plan, including a construction phasing schedule, shall be submitted to and approved by the Bixby Planning Commission."

The PUD requires a "trail system plan" with "construction phasing schedule," but may not create a legal obligation to construct such planned trails. Further, the land within PUD 12-D is under separate ownership, and the division of trail "construction responsibility," if such obligation exists, has not been addressed, as noted in the Preliminary Plat Staff Report. The PUD also creates a certain 20% threshold for requiring the plan, which will require monitoring and accounting by the City of Bixby. Finally, the PUD suggests a trail alignment along Posey Creek, which is shared by separate owners, and is primarily within the 100-year Regulatory Floodplain, which would require additional environmental review and approval exercises special design. For all these reasons, we respectfully request that the sidewalk system constructed along the Reserve Areas and around the stormwater detention pond within Reserve Area C and the Reserve Area A dedication language be accepted in satisfaction of any trail system obligation under PUD 12-D for the area included within the submitted plats.

7. Block 3 and other areas are exceedingly long; discuss the possibility of a pedestrian corridor of some sort for the ease of pedestrian accessibility throughout the neighborhood.

Response: We have considered this design matter but a pedestrian corridor would negatively impact the project's financials, by loss of multiple lots and additional unanticipated costs, and so cannot be accommodated.

8. Subject to a Modification/Waiver from the 300' maximum street length standard of Subdivision Regulations Section 3.2.20. Cul-de-sac streets in *The Reserve at Harvard Ponds* and *The Enclave at Harvard Ponds* to the southwest appear to be at or less than the 300' maximum. The existing dead-end / stub-out street 146th Pl. S. in *The Enclave at Harvard Ponds*, however, appears to be roughly 470' in length. Although it should have a temporary turnaround, it does not, and so is not technically a cul-de-sac street. Also, when and if extended, it may no longer be a dead-end street. The nearest Bixby precedents for cul-de-sac streets in excess of 300' are found in *Falcon Ridge Estates* and *Celebrity Country*. The Applicant should describe, in the Modification/ Waiver request letter, how the extra length may be justified.

Response: Modification/Waiver was requested by letter dated October 20, 2014 and was approved along with the Preliminary Plat on November 10, 2014.

9. Subject to a Modification / Waiver from Subdivision Regulations Section 12-3-3.A to reduce the width of the Perimeter U/E from 17.5' along certain perimeters or this must be resolved by one or some combination of (1) widening the U/E, (2) compensating the difference in width with separate instrument U/Es outside the boundaries, (3) dedicating Reserve Areas as U/Es, or (4) some other method, which plans for resolution must be acceptable to the City Engineer and Public Works Director. The Applicant has not requested this Modification/Waiver, and has agreed to compensate by some method or methods yet to be received.

Response: Modification/Waiver was not necessary as all Reserve Areas have been dedicated as U/Es and all other U/Es along the perimeter were widened to at least 17.5'.

10. Subject to a Modification / Waiver from Subdivision Regulations Section 12-3- 4.F, as certain lots appear to exceed this 2:1 maximum depth to width ratio standard.

Response: Modification/Waiver was requested by letter dated October 20, 2014 and was approved along with the Preliminary Plat on November 10, 2014.

11. Subject to a Modification /Waiver from Subdivision Regulations Section 12-3-4.H to have double-frontage along Harvard Ave. Recognizing the Limits of No Access (LNA) placed along the Harvard Ave. frontage, City Staff is supportive of this design, which is incidental and unavoidable due to existing geometries.

Response: Modification/Waiver was requested by letter dated October 20, 2014 and was approved along with the Preliminary Plat on November 10, 2014.

12. Subdivision Regulations Section 12-3-2.0 prohibits the approval of building lots within the 100-year Regulatory Floodplain, as designated by FEMA and adopted as part of Bixby's Floodplain Regulations by ordinance; by Modification / Waiver, platting Reserve Areas may be permitted, provided their use is passive and use restrictions prohibit building construction. Parts of Reserve Areas A and C are in the 100-year Floodplain.

Response: Modification/Waiver was requested by letter dated October 20, 2014 and was approved along with the Preliminary Plat on November 10, 2014.

13. Title Block area – please add PUD 12-D where appropriate.

Response: Added with this submission.

14. Preliminary Plat: Elevation contours at one (1) foot maximum intervals not represented as required per SRs Section 12-4-2.B.6.

Response: Added to the Preliminary Plat with this submission.

15. Per SRs Section 12-4-2.A.5, a Location Map is required and must include all platted additions within the Section; the following need to be corrected as follows:
- Please correct name of street: S. Sandusky Ave. → S. Kimberly-Clark Pl.
 - Falcon Ridge Estates Community Pool* (missing)
 - The Auberge* (misabeled)
 - The Auberge Village* (misabeled)
 - Please identify project location in Location Map.

Response: All corrected with this submission. The Location Map identifies the project location by solid fill.

16-20

Response: All corrected with this submission.

21. 50' R/W dedicated by Book 4598, Page 296: If not dedicated as fee-simple right-of-way (i.e. only easement), it should be re-dedicated by this plat or otherwise.

Response: The cited instrument is a dedication deed and is right-of-way and not easement.

22-46

Response: All corrected with this submission.

47. DoD/ RCs Section III.A: Provides "The Owner/ Developer has formed or shall cause to be formed" an HOA. If this has occurred or will have occurred prior to plat recording, please submit a copy of the Secretary of State incorporation documents for placement in the permanent file and for notification to the Bixby Neighborhood Coordinator.

Response: The HOA has not yet been formed and will be formed after the recordation of the plat.

Response: All corrected with this submission.

56. Final Plat: Please provide release letters from all utility companies serving the subdivision as per SRs Section 12-2-6.B.

Response: Release letters have been requested and will be provided prior to plat recording.

56. Copies of the Preliminary Plat, including all recommended corrections, modifications, and Conditions of Approval, shall be submitted for placement in the permanent file (1 full size, 1 11" X 17", and 1 electronic copy).

Response: The Preliminary Plat has been updated to incorporate all required corrections,

Please contact me if you have any questions or need additional information.

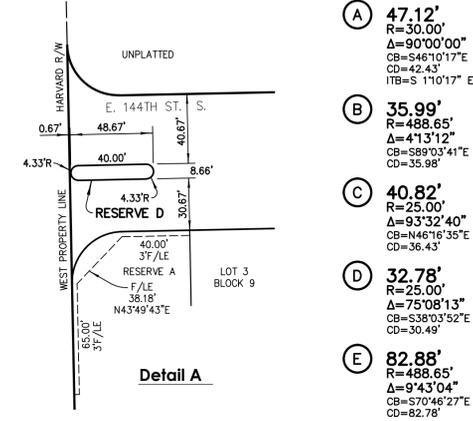
Respectfully,



Ricky Jones, AICP | Principal

Notes:

- THIS PLAT MEETS THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED BY THE OKLAHOMA STATE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS.
- ALL PROPERTY CORNERS ARE SET 3/8" IRON REBAR WITH YELLOW CAP STAMPED "TANNER RLS 1435" UNLESS OTHERWISE NOTED.
- THE BEARINGS SHOWN HEREON ARE BASED UPON THE OKLAHOMA STATE PLANE COORDINATE SYSTEM, NORTH ZONE (3501), NORTH AMERICAN DATUM 1983 (NAD83); SAID BEARINGS ARE BASED LOCALLY UPON FIELD-OBSERVED TIES TO THE FOLLOWING MONUMENTS:
 - BRASS CAP FOUND AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER (NW/4) OF SECTION 16;
 - BRASS CAP FOUND AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER (NW/4) OF SECTION 16;
 THE BEARING BETWEEN SAID MONUMENTS BEING NORTH 1°10'17" WEST.
- ADDRESSES SHOWN ON THIS PLAT ARE ACCURATE AT THE TIME THE PLAT WAS FILED. ADDRESSES ARE SUBJECT TO CHANGE AND SHOULD NEVER BE RELIED ON IN PLACE OF THE LEGAL DESCRIPTION.
- ACCESS AT THE TIME OF PLAT WAS PROVIDED BY SOUTH HARVARD AVENUE BY VIRTUE OF PUBLIC HIGHWAY DEDICATION DEED TO TULSA COUNTY, DATED MARCH 1ST, 1982, RECORDED IN BOOK 4598 PAGE 296 OF THE TULSA COUNTY RECORDS.
- FOR CONTINUITY, RESERVE B IS OMITTED AS PART OF THE RECORDED PLAT FOR "PINE VALLEY ADDITION, BLOCKS 4-9".

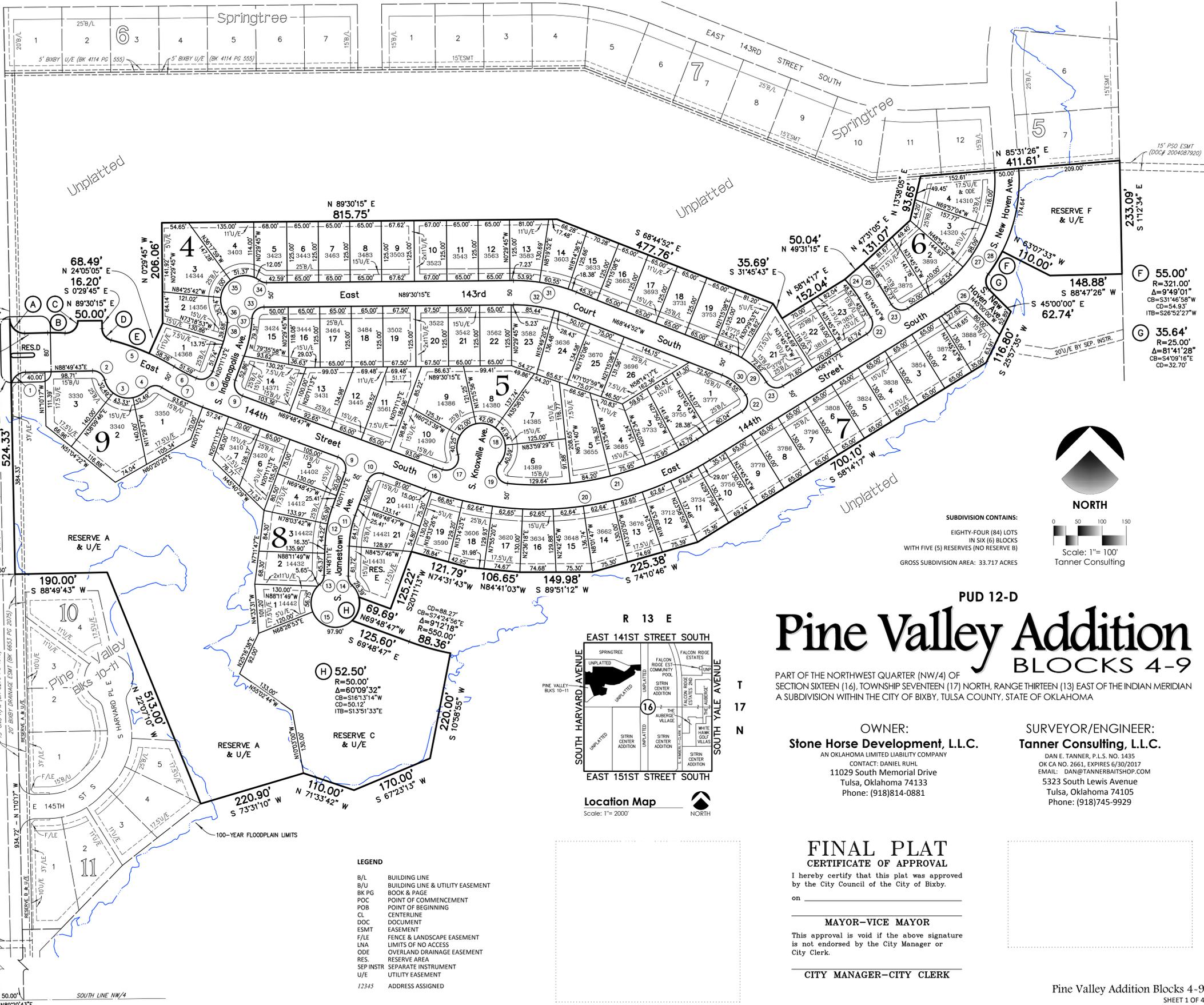


Curve Table

CURVE	LENGTH(L)	RADIUS(R)	DELTA(D)	CHORD(C)	CHORDS
1	47.12'	30.00'	90°00'00"	N43°49'43"E	42.43'
2	33.41'	25.00'	76°33'35"	N52°53'30"W	30.98'
3	108.30'	50.00'	124°06'26"	N76°39'55"W	88.34'
4	34.75'	25.00'	79°38'07"	N81°05'55"E	32.02'
5	34.75'	25.00'	79°38'07"	N81°05'55"E	32.02'
6	51.59'	450.00'	6°34'05"	N62°22'04"W	51.56'
7	93.63'	500.00'	10°43'46"	N64°26'54"W	93.50'
8	41.09'	25.00'	94°09'41"	N67°16'03"E	36.62'
9	39.27'	25.00'	90°00'00"	N24°48'47"W	35.36'
10	39.27'	25.00'	90°00'00"	N65°11'13"E	35.36'
11	64.17'	200.00'	18°23'02"	N10°59'42"E	63.90'
12	80.21'	250.00'	18°23'02"	N10°59'42"E	79.87'
13	21.03'	25.00'	48°11'23"	N25°53'52"E	20.41'
14	21.03'	25.00'	48°11'23"	N22°17'30"W	20.41'
15	241.19'	50.00'	276°22'46"	N88°11'49"W	66.67'
16	20.56'	625.00'	1°53'05"	N70°45'19"W	20.56'
17	54.46'	25.00'	124°49'02"	N45°53'37"E	44.31'
18	206.84'	50.00'	237°01'21"	N78°00'14"W	87.87'
19	54.46'	25.00'	124°49'02"	N21°54'05"W	44.31'
20	612.01'	675.00'	51°56'56"	N84°12'45"E	591.26'
21	408.53'	625.00'	37°27'07"	N76°57'51"E	401.30'
22	39.27'	25.00'	90°00'00"	N13°14'17"E	35.36'
23	39.27'	25.00'	90°00'00"	N76°45'43"W	35.36'
24	48.57'	250.00'	11°07'57"	N37°19'41"W	48.50'
25	56.18'	300.00'	10°43'47"	N37°07'36"W	56.10'
26	35.64'	25.00'	81°41'28"	N85°50'44"W	32.70'
27	296.63'	271.00'	62°42'51"	N26°52'51"E	283.04'
28	230.64'	321.00'	41°10'02"	N16°06'27"E	225.71'
29	96.83'	150.00'	36°59'09"	N50°15'18"W	95.16'
30	64.55'	100.00'	36°59'10"	N50°15'18"W	63.44'
31	132.85'	350.00'	21°44'53"	N79°37'19"W	132.06'
32	113.87'	300.00'	21°44'53"	N79°37'19"W	113.19'
33	37.46'	25.00'	85°50'32"	N46°34'59"E	34.05'
34	16.09'	25.00'	36°52'12"	N72°03'39"W	15.81'
35	141.16'	50.00'	161°45'11"	N45°29'51"E	98.73'
36	18.31'	25.00'	41°57'39"	N14°23'55"W	17.90'
37	79.31'	275.00'	16°31'30"	N11°55'28"E	79.04'
38	53.43'	225.00'	13°36'18"	N13°23'04"E	53.30'

POINT OF COMMENCEMENT
SOUTHWEST CORNER NW/4
SECTION 16, T-17-N-R-13-E

DATE OF PREPARATION: April 15, 2016



Pine Valley Addition BLOCKS 4-9

PART OF THE NORTHWEST QUARTER (NW/4) OF SECTION SIXTEEN (16), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN MERIDIAN A SUBDIVISION WITHIN THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA

OWNER:
Stone Horse Development, L.L.C.
AN OKLAHOMA LIMITED LIABILITY COMPANY
CONTACT: DANIEL RUIHL
11029 South Memorial Drive
Tulsa, Oklahoma 74133
Phone: (918)814-0881

SURVEYOR/ENGINEER:
Tanner Consulting, L.L.C.
DAN E. TANNER, P.L.S. NO. 1435
OK CA NO. 2661, EXPIRES 6/30/2017
EMAIL: DAN@TANNERCONSULTING.COM
5323 South Lewis Avenue
Tulsa, Oklahoma 74105
Phone: (918)745-9929

FINAL PLAT CERTIFICATE OF APPROVAL

I hereby certify that this plat was approved by the City Council of the City of Bixby.

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

PUD 12-D

Pine Valley Addition

BLOCKS 4-9

PART OF THE NORTHWEST QUARTER (NW/4) OF SECTION SIXTEEN (16), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN MERIDIAN A SUBDIVISION WITHIN THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA

DEED OF DEDICATION AND RESTRICTIVE COVENANTS FOR PINE VALLEY ADDITION BLOCKS 4-9

KNOW ALL MEN BY THESE PRESENTS:

THAT STONE HORSE DEVELOPMENT, L.L.C., AN OKLAHOMA LIMITED LIABILITY COMPANY, HEREINAFTER REFERRED TO AS THE "DECLARANT", IS THE OWNER OF THE FOLLOWING REAL PROPERTY SITUATED IN THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA, TO-WIT:

A TRACT OF LAND THAT IS PART OF THE NORTHWEST QUARTER (NW/4) OF SECTION SIXTEEN (16), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID NW/4; THENCE NORTH 89°20'43" EAST AND ALONG THE SOUTH LINE OF THE NW/4, FOR A DISTANCE OF 50.00 FEET TO A POINT ON THE PRESENT EAST RIGHT-OF-WAY LINE OF SOUTH HARVARD AVENUE; THENCE NORTH 1°10'17" WEST AND ALONG SAID EAST RIGHT-OF-WAY LINE, FOR A DISTANCE OF 934.72 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING NORTH 1°10'17" WEST AND ALONG THE EAST RIGHT-OF-WAY LINE, FOR A DISTANCE OF 524.33 FEET; THENCE SOUTHEASTERLY ALONG A 30.00 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT, HAVING AN INITIAL TANGENT BEARING OF SOUTH 1°10'17" EAST, A CENTRAL ANGLE OF 90°00'00", A CHORD BEARING AND DISTANCE OF SOUTH 46°10'17" EAST FOR 42.43 FEET, FOR AN ARC DISTANCE OF 47.12 FEET TO A POINT OF TANGENCY; THENCE NORTH 88°49'43" EAST FOR A DISTANCE OF 47.25 FEET TO A POINT OF CURVATURE; THENCE ALONG A 488.65 FOOT RADIUS CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 4°13'12", A CHORD BEARING AND DISTANCE OF SOUTH 89°03'41" EAST FOR 35.98 FEET, FOR AN ARC DISTANCE OF 35.99 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG A 25.00 FOOT RADIUS CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 93°32'40", A CHORD BEARING AND DISTANCE OF NORTH 46°16'35" EAST FOR 36.43 FEET, FOR AN ARC DISTANCE OF 40.82 FEET; THENCE NORTH 89°30'15" EAST FOR A DISTANCE OF 50.00 FEET; THENCE SOUTH 0°29'45" EAST FOR A DISTANCE OF 16.20 FEET; THENCE ALONG A 25.00 FOOT RADIUS CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 75°08'13", A CHORD BEARING AND DISTANCE OF SOUTH 38°03'52" EAST FOR 30.49 FEET, FOR AN ARC DISTANCE OF 32.78 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG A 488.65 FOOT RADIUS CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 9°43'04", A CHORD BEARING AND DISTANCE OF SOUTH 70°48'27" EAST FOR 82.78 FEET, FOR AN ARC DISTANCE OF 82.88 FEET; THENCE NORTH 24°05'05" EAST FOR A DISTANCE OF 68.49 FEET; THENCE NORTH 0°29'45" WEST FOR A DISTANCE OF 206.06 FEET; THENCE NORTH 89°30'15" EAST FOR A DISTANCE OF 815.75 FEET; THENCE SOUTH 68°44'52" EAST FOR A DISTANCE OF 477.76 FEET; THENCE SOUTH 31°45'43" EAST FOR A DISTANCE OF 35.69 FEET; THENCE NORTH 58°14'17" EAST FOR A DISTANCE OF 152.04 FEET; THENCE NORTH 49°31'15" EAST FOR A DISTANCE OF 50.04 FEET; THENCE NORTH 47°31'05" EAST FOR A DISTANCE OF 131.07 FEET; THENCE NORTH 13°38'05" EAST FOR A DISTANCE OF 93.65 FEET TO A POINT ON THE SOUTHERLY BOUNDARY LINE OF "SPRINGTREE", AN ADDITION TO THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF (PLAT NO. 3794);

THENCE NORTH 85°31'26" EAST AND ALONG SAID SOUTHERLY BOUNDARY LINE, FOR A DISTANCE OF 411.61 FEET TO A POINT, SAID POINT BEING THE SOUTHEAST CORNER OF LOT SEVEN (7), BLOCK FIVE (5) OF SAID "SPRINGTREE"; THENCE SOUTH 1°12'34" EAST FOR A DISTANCE OF 233.09 FEET; THENCE SOUTH 88°47'26" WEST FOR A DISTANCE OF 148.88 FEET; THENCE NORTH 63°07'33" WEST FOR A DISTANCE OF 110.00 FEET; THENCE SOUTHWESTERLY ALONG A 321.00 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT, HAVING AN INITIAL TANGENT BEARING OF SOUTH 26°52'27" WEST, A CENTRAL ANGLE OF 9°49'01", A CHORD BEARING AND DISTANCE OF SOUTH 31°46'58" WEST FOR 54.93 FEET, FOR AN ARC DISTANCE OF 55.00 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG A 25.00 FOOT RADIUS CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 81°41'28", A CHORD BEARING AND DISTANCE OF SOUTH 4°09'16" EAST FOR 32.70 FEET, FOR AN ARC DISTANCE OF 35.64 FEET TO A POINT OF TANGENCY; THENCE SOUTH 45°00'00" EAST FOR A DISTANCE OF 62.74 FEET; THENCE SOUTH 25°57'35" WEST FOR A DISTANCE OF 116.80 FEET; THENCE SOUTH 58°14'17" WEST FOR A DISTANCE OF 700.10 FEET; THENCE SOUTH 74°10'46" WEST FOR A DISTANCE OF 225.38 FEET; THENCE SOUTH 89°51'12" WEST FOR A DISTANCE OF 149.98 FEET; THENCE NORTH 84°41'03" WEST FOR A DISTANCE OF 106.65 FEET; THENCE NORTH 74°31'43" WEST FOR A DISTANCE OF 121.79 FEET; THENCE SOUTH 20°11'13" WEST FOR A DISTANCE OF 125.22 FEET; THENCE NORTH 69°48'47" WEST FOR A DISTANCE OF 69.69 FEET; THENCE SOUTHERLY ALONG A 50.00 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT, HAVING AN INITIAL TANGENT BEARING OF SOUTH 13°51'33" EAST, A CENTRAL ANGLE OF 60°09'32", A CHORD BEARING AND DISTANCE OF SOUTH 16°13'14" WEST FOR 50.12 FEET, FOR AN ARC DISTANCE OF 52.50 FEET; THENCE SOUTH 69°48'47" EAST FOR A DISTANCE OF 125.60 FEET TO A POINT OF CURVATURE; THENCE ALONG A 550.00 FOOT RADIUS CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 9°12'18", A CHORD BEARING AND DISTANCE OF SOUTH 74°24'56" EAST FOR 88.27 FEET, FOR AN ARC DISTANCE OF 88.36 FEET; THENCE SOUTH 10°58'55" WEST FOR A DISTANCE OF 220.00 FEET; THENCE SOUTH 67°23'13" WEST FOR A DISTANCE OF 170.00 FEET; THENCE NORTH 71°33'42" WEST FOR A DISTANCE OF 110.00 FEET; THENCE SOUTH 73°31'10" WEST FOR A DISTANCE OF 220.90 FEET TO A POINT, SAID POINT BEING THE SOUTHEAST CORNER OF LOT FIVE (5), BLOCK ELEVEN (11), "PINE VALLEY ADDITION BLOCKS 4-9 BLOCKS 4-9, BLOCKS 10-11", A SUBDIVISION WITHIN THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF (PLAT NO. 0000); THENCE NORTH 22°07'10" WEST AND ALONG THE WESTERLY LINE OF SAID SUBDIVISION, FOR A DISTANCE OF 513.00 FEET TO A POINT, SAID POINT BEING THE NORTHEAST CORNER OF THE SUBDIVISION; THENCE SOUTH 88°49'43" WEST AND ALONG THE NORTH LINE OF THE SUBDIVISION, FOR A DISTANCE OF 190.00 FEET TO THE POINT OF BEGINNING;

SAID TRACT CONTAINING 1,468,751 SQUARE FEET, OR 33.718 ACRES.

AND THE DECLARANT HAS CAUSED THE ABOVE DESCRIBED LAND TO BE SURVEYED, STAKED, PLATTED AND SUBDIVIDED INTO ONE HUNDRED FIFTY (150) LOTS IN NINE (9) BLOCKS AND SIX (6) RESERVES, IN CONFORMITY WITH THE ACCOMPANYING PLAT AND SURVEY (HEREINAFTER THE "PLAT"), AND HAS DESIGNATED THE SUBDIVISION AS "PINE VALLEY ADDITION BLOCKS 4-9", A SUBDIVISION IN THE CITY OF BIXBY, TULSA COUNTY, OKLAHOMA (HEREINAFTER THE "SUBDIVISION" OR "PINE VALLEY ADDITION BLOCKS 4-9"). THE LOTS DEPICTED UPON THE PLAT SHALL HEREINAFTER BE REFERRED TO COLLECTIVELY AS THE "LOTS" AND INDIVIDUALLY AS A "LOT".

SECTION I. PUBLIC STREETS, EASEMENTS AND UTILITIES

A. PUBLIC STREETS AND UTILITY EASEMENTS.

THE DECLARANT DOES HEREBY GRANT, CONVEY, DONATE, AND DEDICATE FOR PUBLIC USE THE STREET RIGHTS-OF-WAY DEPICTED ON THE ACCOMPANYING PLAT AND DOES FURTHER DEDICATE FOR PUBLIC USE THE UTILITY EASEMENTS AS DEPICTED ON THE ACCOMPANYING PLAT AS "U/E" OR "UTILITY EASEMENT" FOR THE SEVERAL PURPOSES OF CONSTRUCTING, MAINTAINING, OPERATING, REPAIRING, REPLACING, AND/OR REMOVING ANY AND ALL PUBLIC UTILITIES, INCLUDING STORM SEWERS, SANITARY SEWERS, TELEPHONE AND COMMUNICATION LINES, ELECTRIC POWER LINES AND TRANSFORMERS, GAS LINES, WATER LINES, AND CABLE TELEVISION LINES, TOGETHER WITH ALL VALVES, METERS AND EQUIPMENT FOR EACH OF SUCH FACILITIES AND OTHER APPURTENANCES THERETO, WITH THE RIGHTS OF INGRESS AND EGRESS TO AND UPON THE UTILITY EASEMENTS FOR THE USES AND PURPOSES AFORESAID, TOGETHER WITH SIMILAR EASEMENT RIGHTS IN THE PUBLIC STREETS, PROVIDED HOWEVER, THAT THE DECLARANT HEREBY RESERVES THE RIGHT TO CONSTRUCT AND MAINTAIN WATER LINES AND SEWER LINES WITHIN THE UTILITY EASEMENTS FOR THE PURPOSE OF FURNISHING WATER AND/OR SEWER SERVICE TO AREAS WITHIN OR OUTSIDE THE PLAT AND THE DECLARANT FURTHER RESERVES THE RIGHT TO CONSTRUCT AND MAINTAIN WITHIN THE UTILITY EASEMENTS PROPERLY PERMITTED PARKING AREAS, LANDSCAPING, SCREENING FENCES AND WALLS AND OTHER NON-OBSTRUCTING IMPROVEMENTS.

B. WATER, SANITARY SEWER, AND STORM SEWER SERVICE.

- THE OWNER OF THE LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE PUBLIC WATER MAINS, SANITARY SEWER MAINS AND STORM SEWER MAINS LOCATED ON THE LOT.
- WITHIN THE DEPICTED UTILITY EASEMENT AREAS, THE ALTERATION OF GRADE IN EXCESS OF 3 FEET FROM THE CONTOURS EXISTING UPON THE COMPLETION OF THE INSTALLATION OF A PUBLIC WATER MAIN, SANITARY SEWER MAIN OR STORM SEWER MAIN, OR ANY CONSTRUCTION ACTIVITY WHICH MAY INTERFERE WITH PUBLIC WATER, SANITARY SEWER MAIN OR STORM SEWER MAINS, SHALL BE PROHIBITED. WITHIN THE UTILITY EASEMENTS, IF THE GROUND ELEVATIONS ARE ALTERED BY THE LOT OWNER, FROM THE CONTOURS EXISTING UPON THE COMPLETION OF THE INSTALLATION OF A PUBLIC WATER MAIN, SANITARY SEWER MAIN OR STORM SEWER MAIN, ALL GROUND LEVEL APPURTENANCES, INCLUDING VALVE BOXES, FIRE HYDRANTS AND MANHOLES SHALL BE ADJUSTED TO THE ALTERED GROUND ELEVATIONS BY THE OWNER OF THE LOT OR AT ITS ELECTION, THE CITY OF BIXBY, OKLAHOMA MAY MAKE SUCH ADJUSTMENT AT THE LOT OWNER'S EXPENSE.
- THE CITY OF BIXBY OR ITS SUCCESSORS SHALL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF PUBLIC WATER, SANITARY SEWER MAIN AND STORM SEWER MAINS, BUT THE OWNER SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER, HIS AGENTS OR CONTRACTORS.
- THE CITY OF BIXBY OR ITS SUCCESSORS SHALL AT ALL TIMES HAVE RIGHT OF ACCESS WITH THEIR EQUIPMENT TO ALL EASEMENT WAYS DEPICTED ON THE PLAT OR OTHERWISE PROVIDED FOR IN THIS DEED OF DEDICATION FOR THE PURPOSE OF INSTALLING, MAINTAINING, REMOVING OR REPLACING ANY PORTION OF UNDERGROUND WATER, SANITARY SEWER OR STORM SEWER FACILITIES.
- THE FOREGOING COVENANTS SET FORTH IN THIS SUBSECTION B SHALL BE ENFORCEABLE BY THE CITY OF BIXBY OR ITS SUCCESSORS AND THE OWNER OF THE LOT AGREES TO BE BOUND HEREBY.

C. UNDERGROUND SERVICE.

- OVERHEAD LINES FOR THE SUPPLY OF ELECTRIC, TELEPHONE AND CABLE TELEVISION SERVICES MAY BE LOCATED WITHIN THE WEST PERIMETER UTILITY EASEMENT AND WITHIN THE PERIMETER RIGHTS-OF-WAY OF THE SUBDIVISION. STREET LIGHT POLES OR STANDARDS MAY BE SERVED BY UNDERGROUND CABLE THROUGHOUT THE SUBDIVISION AND, EXCEPT AS PROVIDED IN THE IMMEDIATELY-PRECEDING SENTENCE, 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 THE EASEMENT WAYS.
- UNDERGROUND SERVICE CABLES AND GAS SERVICE LINES TO ALL STRUCTURES WHICH MAY BE LOCATED WITHIN THE SUBDIVISION MAY BE RUN FROM THE NEAREST GAS MAIN, SERVICE PEDESTAL OR TRANSFORMER TO THE POINT OF USAGE DETERMINED BY THE LOCATION AND CONSTRUCTION OF SUCH STRUCTURE AS MAY BE LOCATED UPON THE LOT. PROVIDED THAT UPON THE INSTALLATION OF A SERVICE CABLE OR GAS SERVICE LINE TO A PARTICULAR STRUCTURE, THE SUPPLIER OF SERVICE SHALL THEREAFTER BE DEEMED TO HAVE A DEFINITIVE, PERMANENT, EFFECTIVE AND NON-EXCLUSIVE RIGHT-OF-WAY EASEMENT ON THE LOT, COVERING A 5 FOOT STRIP EXTENDING 2.5 FEET ON EACH SIDE OF THE SERVICE CABLE OR LINE EXTENDING FROM THE GAS MAIN, SERVICE PEDESTAL OR TRANSFORMER TO THE SERVICE ENTRANCE ON THE STRUCTURE.

3. THE SUPPLIER OF ELECTRIC, TELEPHONE, CABLE TELEVISION AND GAS SERVICES, THROUGH ITS AGENTS AND EMPLOYEES, SHALL AT ALL TIMES HAVE THE 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.

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

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

D. PAVING AND LANDSCAPING WITHIN EASEMENTS.

THE OWNER OF THE LOT SHALL BE RESPONSIBLE FOR REPAIR OF DAMAGE TO PROPERLY-PERMITTED LANDSCAPING AND PAVING RESULTING FROM THE ACTIONS OF THE CITY OF BIXBY OR THE SUPPLIER OF UTILITY IN SERVICES, IN PERFORMING NECESSARY INSTALLATION OF OR MAINTENANCE TO THE UNDERGROUND WATER, SEWER, STORM WATER, GAS, COMMUNICATION, CABLE TELEVISION, OR ELECTRIC FACILITIES WITHIN THE EASEMENTS DEPICTED ON THE ACCOMPANYING PLAT, PROVIDED HOWEVER, THAT THE CITY OF BIXBY, OR THE SUPPLIER OF THE UTILITY SERVICE, SHALL USE REASONABLE CARE IN THE PERFORMANCE OF SUCH ACTIVITIES.

E. LIMITS OF NO ACCESS.

THE OWNER HEREBY RELINQUISHES RIGHT OF INGRESS AND EGRESS TO THE ABOVE-DESCRIBED PROPERTY WITHIN THE BOUNDS DESIGNATED AS "LIMITS OF NO ACCESS" ("LNA") EXCEPT AS MAY HEREAFTER BE RELEASED, ALTERED, OR AMENDED BY THE DECLARANT AND BIXBY PLANNING COMMISSION, OR ITS SUCCESSORS, OR AS OTHERWISE PROVIDED BY THE STATUTES AND LAWS OF THE STATE OF OKLAHOMA, PERTAINING THERETO.

THE FOREGOING COVENANT CONCERNING "LIMITS OF NO ACCESS" ("LNA") SHALL BE ENFORCEABLE BY THE CITY OF BIXBY OR ITS SUCCESSORS, AND THE OWNER OF EACH LOT AGREES TO BE BOUND HEREBY.

C. FENCE EASEMENT.

THE OWNER DOES HEREBY ESTABLISH AND GRANT FENCE AND LANDSCAPE EASEMENTS OVER AND UPON THE AREAS DESIGNATED AS "F/E" AND SHOWN ON THE ACCOMPANYING PLAT FOR THE USE AND BENEFIT OF PINE VALLEY ADDITION BLOCKS 4-9. THE FENCE AND LANDSCAPE EASEMENTS ARE FOR THE LIMITED PURPOSE OF CONSTRUCTING AND MAINTAINING PERIMETER DECORATIVE FENCES AND ENTRY FEATURES INCLUDING BUT NOT LIMITED TO FENCES, WALLS, SPRINKLER SYSTEMS, AND LANDSCAPING, AND FOR THE PURPOSE OF MAINTAINING AND REPAIR THEREOF, TOGETHER WITH THE RIGHT OF ACCESS OVER, ACROSS, AND ALONG SUCH EASEMENTS AND OVER, ACROSS, AND ALONG LOTS IN "PINE VALLEY ADDITION BLOCKS 4-9" WHICH CONTAIN SUCH EASEMENTS.

D. RESERVE AREAS.

RESERVE A IS DESIGNATED FOR OPEN SPACE, PASSIVE RECREATION, AND POTENTIAL FUTURE TRAIL, AND IS RESERVED FOR FUTURE CONVEYANCE TO THE HOMEOWNERS' ASSOCIATION. RESERVE A IS CONTIGUOUS WITH "RESERVE A" IN "PINE VALLEY ADDITION BLOCKS 10-11" AND, FOR THE SAKE OF IDENTIFICATION AND CONVENIENCE FOR THE HOMEOWNERS' ASSOCIATION, MAY BE CONSIDERED COUNTERPARTS OF THE SAME RESERVE AREA UPON THE RECORDED OF THAT AND THIS PLAT. RESERVE B IS DESIGNATED FOR OPEN SPACE, PASSIVE RECREATION, LANDSCAPING, ENTRY FEATURES, FENCES OR WALLS, IRRIGATION SYSTEMS, AND OTHER USES AS MAY BE APPROVED BY THE CITY OF BIXBY, AND IS RESERVED FOR FUTURE CONVEYANCE TO THE HOMEOWNERS' ASSOCIATION. RESERVES A AND B ARE ALSO HEREBY DEDICATED AS GENERAL UTILITY EASEMENTS. ALL COSTS AND EXPENSES ASSOCIATED WITH ALL RESERVES, INCLUDING MAINTENANCE OF VARIOUS IMPROVEMENTS AND RECREATIONAL FACILITIES SHALL BE THE RESPONSIBILITY OF THE HOMEOWNERS' ASSOCIATION. SEE SECTION III FOR ADDITIONAL DETAILS AND REQUIREMENTS. IN THE EVENT THE HOMEOWNERS' ASSOCIATION FAILS TO PAY THE COSTS OF SAID MAINTENANCE AFTER COMPLETION OF THE MAINTENANCE AND RECEIPT OF A STATEMENT OF COSTS, THE CITY OF BIXBY, OKLAHOMA, MAY FILE OF RECORD A COPY OF THE STATEMENT OF COSTS, AND THEREAFTER THE COSTS SHALL BE A LIEN AGAINST EACH OF THE LOTS WITHIN THE SUBDIVISION, WHICH LIEN MAY BE FORECLOSED BY THE CITY OF BIXBY, OKLAHOMA, OR THE CITY OF BIXBY PUBLIC WORKS AUTHORITY MAY ADD SUCH BILLING PRORATED UPON THE RESIDENTIAL LOT OWNER'S WATER BILL, WHICH METHOD OF COLLECTION SHALL BE DETERMINED BY THE CITY OF BIXBY.

SECTION II. PLANNED UNIT DEVELOPMENT

WHEREAS, THE PROPERTY COMPRISING PINE VALLEY ADDITION BLOCKS 4-9 WAS INITIALLY SUBMITTED AS A PART OF PLANNED UNIT DEVELOPMENT NO. 12-A AS PROVIDED WITHIN TITLE 11 OF THE BIXBY, OKLAHOMA CITY CODE (BIXBY ZONING CODE), AND

WHEREAS, PUD NO. 12-A WAS AFFIRMATIVELY RECOMMENDED BY THE CITY OF BIXBY PLANNING COMMISSION ON NOVEMBER 21, 1994, AND APPROVED BY THE BIXBY CITY COUNCIL ON JANUARY 09, 1995, AND

WHEREAS, A MAJOR AMENDMENT OF A PART OF PUD 12-D (ALSO KNOWN AS "GEILER PARK," HEREINAFTER REFERRED TO AS "PUD 12-D") WHICH INCLUDED THE PROPERTY COMPRISING PINE VALLEY ADDITION BLOCKS 4-9, WAS SUBMITTED AND WAS AFFIRMATIVELY RECOMMENDED FOR APPROVAL BY THE CITY OF BIXBY PLANNING COMMISSION ON JULY 16, 2012, AND WAS APPROVED BY THE BIXBY CITY COUNCIL ON FEBRUARY 11, 2013, AND

WHEREAS, THE PLANNED UNIT DEVELOPMENT PROVISIONS OF THE BIXBY ZONING CODE REQUIRE THE ESTABLISHMENT OF COVENANTS OF RECORD INURING TO AND ENFORCEABLE BY THE CITY OF BIXBY, SUFFICIENT TO ASSURE THE IMPLEMENTATION AND CONTINUED COMPLIANCE WITH THE APPROVED PLANNED UNIT DEVELOPMENT AND ANY AMENDMENTS THERETO, AND

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

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

A. DEVELOPMENT STANDARDS OF PINE VALLEY ADDITION BLOCKS 4-9 (COMPRISING ALL OR PARTS OF DEVELOPMENT AREAS A, B, AND C, WHICH TOGETHER CONTAIN 86.5 GROSS ACRES)

1. DEVELOPMENT IN ACCORDANCE WITH PUD

PINE VALLEY ADDITION BLOCKS 4-9 SHALL BE DEVELOPED AND USED IN SUBSTANTIAL ACCORDANCE WITH THE RESTRICTIONS AND DEVELOPMENT STANDARDS OF PUD 12-D AS APPROVED BY THE CITY OF BIXBY, OR IN SUBSTANTIAL ACCORDANCE WITH SUCH MODIFICATIONS OR AMENDMENTS OF THE RESTRICTIONS AND DEVELOPMENT STANDARDS OF PUD 12-D AS MAY BE SUBSEQUENTLY BE APPROVED.

2. APPLICABLE ORDINANCE

THE DEVELOPMENT OF PINE VALLEY ADDITION BLOCKS 4-9 SHALL BE SUBJECT TO THE PLANNED UNIT DEVELOPMENT PROVISIONS OF THE BIXBY ZONING CODE, AS SUCH PROVISIONS EXISTED ON FEBRUARY 11, 2013.

3. DEVELOPMENT STANDARDS

DEVELOPMENT AREA A:

GROSS LAND AREA:	14.5 AC. +/-
PERMITTED USES:	DETACHED SINGLE-FAMILY DWELLING UNITS AND CUSTOMARY ACCESSORY USES.
MAXIMUM DWELLING UNITS:	58 DUS
MAXIMUM DENSITY:	4 DUS PER ACRE
MAXIMUM BUILDING HEIGHT:	48 FT.
MAXIMUM STORIES:	3
MINIMUM YARDS AND BUILDING SETBACKS:	
FROM MINOR STREET RIGHT-OF-WAY	25 FT.
FROM ARTERIAL STREET RIGHT-OF-WAY	20 FT.
FROM REAR LOT LINE:	25 FT.
FROM SIDE YARD LOT LINE:	5 FT.
BETWEEN DWELLING UNITS:	10 FT.
MINIMUM OFF-STREET PARKING:	2 SPACES PER DU
OTHER BULK AND AREA REQUIREMENTS	AS REQUIRED WITHIN AN RS-3 DISTRICT.

DEVELOPMENT AREA B

GROSS LAND AREA:	61.80 AC. +/-
PERMITTED USES:	DETACHED OR ATTACHED RESIDENTIAL DWELLING UNITS INCLUDING SINGLE-FAMILY, DUPLEX, PATIO HOME, TOWNHOUSE, (EXCLUDING MULTIFAMILY DWELLINGS, AS DEFINED BY THE BIXBY ZONING CODE), AND CUSTOMARY ACCESSORY USES, INCLUDING COMMON AREA FACILITIES SUCH AS CLUB HOUSE, SWIMMING POOL AND RECREATIONAL OPEN SPACE.
MAXIMUM DWELLING UNITS:	575 DUS

Pine Valley Addition

BLOCKS 4-9

PART OF THE NORTHWEST QUARTER (NW/4) OF SECTION SIXTEEN (16), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN MERIDIAN A SUBDIVISION WITHIN THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA

SECTION II. PLANNED UNIT DEVELOPMENT (CONTINUED):

MAXIMUM DENSITY	
DETACHED DWELLING UNITS:	8 DUS PER ACRE
DUPLEX DWELLING UNITS:	10 DUS PER ACRE
TOWNHOUSE DWELLING UNITS:	16 DUS PER ACRE
MAXIMUM BUILDING HEIGHT:	48 FT.
MAXIMUM STORIES:	3
MINIMUM YARDS AND BUILDING SETBACKS:	
FROM NON-ARTERIAL STREET RIGHT-OF-WAY	20 FT.
FROM ARTERIAL STREET RIGHT-OF-WAY	20 FT.
FROM REAR LOT LINE:	20 FT.
FROM SIDE YARD LOT LINE:	5 FT.
BETWEEN DETACHED DWELLING UNITS	10 FT.
FROM ATTACHED SIDE OF A DUPLEX BUILDING:	0 FT.
BETWEEN DUPLEX BUILDINGS:	10 FT.
FROM ATTACHED SIDE OF A TOWNHOUSE UNIT:	0 FT.
BETWEEN TOWNHOUSE BUILDINGS:	20 FT.
MINIMUM OFF-STREET PARKING:	AS REQUIRED WITHIN THE APPLICABLE USE UNIT.
OTHER BULK AND AREA REQUIREMENTS:	
DETACHED SINGLE FAMILY DWELLINGS	AS REQUIRED WITHIN AN RS-3 DISTRICT
DUPLEX DWELLINGS	AS REQUIRED WITHIN AN RD DISTRICT
TOWNHOUSE DWELLINGS	AS REQUIRED WITHIN AN RT DISTRICT

(THE ALTERNATIVE DEVELOPMENT STANDARDS FOR DEVELOPMENT AREA B ARE NOT RELEVANT TO THIS SUBDIVISION AND SO ARE OMITTED).

DEVELOPMENT AREA C

GROSS LAND AREA:	10.2 AC. +/-
PERMITTED USES: DETACHED OR ATTACHED RESIDENTIAL DWELLING UNITS INCLUDING SINGLE-FAMILY, DUPLEX, PATIO HOME, TOWNHOUSE, AND ELDERLY/RETIREMENT HOUSING, AND CUSTOMARY ACCESSORY USES.	
MAXIMUM DWELLING UNITS	163 DUS
MAXIMUM DETACHED DWELLING UNITS	8 DUS PER ACRE
MAXIMUM DUPLEX DWELLING UNITS:	10 DUS PER ACRE
MAXIMUM TOWNHOUSE DWELLING UNITS:	16 DUS PER ACRE
MAXIMUM ELDERLY/RETIREMENT HOUSING DWELLING UNITS	16 DUS PER ACRE
MAXIMUM BUILDING HEIGHT:	48 FT.
MAXIMUM STORIES:	3

MINIMUM YARDS AND BUILDING SETBACKS:	
FROM NON-ARTERIAL STREET RIGHT-OF-WAY:	20 FT.
FROM ARTERIAL STREET RIGHT-OF-WAY	20 FT.
FROM REAR LOT LINE	20 FT.
FROM SIDE YARD LOT LINE	5 FT.
BETWEEN DETACHED DWELLING UNITS:	10 FT.
FROM ATTACHED SIDE OF A DUPLEX BUILDING	0 FT.
BETWEEN DUPLEX BUILDINGS:	10 FT.
FROM ATTACHED SIDE OF A TOWNHOUSE UNIT:	0 FT.
BETWEEN TOWNHOUSE BUILDINGS:	20 FT.
BETWEEN ELDERLY/RETIREMENT HOUSING BUILDINGS:	20 FT.
MINIMUM OFF-STREET PARKING:	AS REQUIRED WITHIN THE APPLICABLE USE.

OTHER BULK AND AREA REQUIREMENTS-DWELLINGS: AS REQUIRED WITHIN AN RM-1 DISTRICT.

OTHER BULK AND AREA REQUIREMENTS-NON-DWELLINGS: AS REQUIRED WITHIN THE APPLICABLE USE UNIT.

(THE ALTERNATIVE DEVELOPMENT STANDARDS FOR DEVELOPMENT AREA C ARE NOT RELEVANT TO THIS SUBDIVISION AND SO ARE OMITTED).

4. GENERAL PROVISIONS AND DEVELOPMENT STANDARDS

ACCESS AND CIRCULATION

THE PRINCIPAL ACCESS IS TO BE DERIVED FROM 151st STREET AND HARVARD AVENUE WITH CONNECTION TO AN INTERIOR PUBLIC AND OR PRIVATE STREET SYSTEM, AND MUTUAL ACCESS EASEMENTS TO PROVIDE CONNECTIVITY WHERE APPROPRIATE. NEW PUBLIC STREET CONSTRUCTION SHALL COMPLY WITH THE APPLICABLE GEOMETRIC STREET STANDARDS OF THE CITY OF BIXBY.

SIDEWALKS ALONG THE STREET FRONTAGES OF RESERVE AREAS SHALL BE CONSTRUCTED BY THE DECLARANT AND SIDEWALKS ALONG THE INTERIOR STREETS SHALL BE CONSTRUCTED BY THE BUILDER OF THE HOME TO BE LOCATED WITHIN EACH INDIVIDUAL LOT IN ACCORDANCE WITH THE BIXBY SUBDIVISION REGULATIONS, INCLUDING A MINIMUM WIDTH OF FOUR FEET AND ADA COMPLIANCE.

IT IS PROPOSED THAT A TRAIL SYSTEM BE PROVIDED THAT IS MEANINGFUL AND PROVIDES REASONABLE PEDESTRIAN OPPORTUNITIES EXTENDING FROM HARVARD AVENUE THROUGH POSEY CREEK FLOOD PLAIN AND CONTINUING TO THE EAST BOUNDARY OF GEILER PARK. PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS FOR DEVELOPMENT WHICH IN THE AGGREGATE COMPRISES 20% OF THE LAND AREA OF GEILER PARK, A TRAIL SYSTEM PLAN, INCLUDING A CONSTRUCTION PHASING SCHEDULE, SHALL BE SUBMITTED TO AND APPROVED BY THE BIXBY PLANNING COMMISSION.

SIGNS

SIGNS SHALL COMPLY WITH THE APPLICABLE PROVISIONS OF THE BIXBY ZONING CODE, PROVIDED HOWEVER, PRIOR TO INSTALLATION, A DETAILED SIGN PLAN SHALL BE SUBMITTED TO AND APPROVED BY THE BIXBY PLANNING COMMISSION. A SIGN IDENTIFYING AN INTERIOR PROPERTY MAY BE LOCATED OFF SITE WITHIN A PARCEL LOCATED IN GEILER PARK, BUT SHALL REQUIRE A DETAILED SIGN PLAN SUBMITTED TO AND APPROVED BY THE BIXBY PLANNING COMMISSION.

UTILITIES AND DRAINAGE

UTILITIES ARE AT THE SITE OR ACCESSIBLE BY CUSTOMARY EXTENSION. STORM WATER DETENTION WILL BE PROVIDED.

PARCELIZATION

AFTER INITIAL PLATTING SETTING FORTH PERMITTED USES AND THE ALLOCATION OF COMMERCIAL AND OR INDUSTRIAL FLOOR AREA OR RESIDENTIAL DENSITY, DIVISION OF PLATTED LOTS MAY OCCUR BY APPROVED LOT SPLIT APPLICATION AND SUBJECT TO THE APPROVAL BY THE BIXBY PLANNING COMMISSION OF PROPOSED FLOOR AREA OR RESIDENTIAL DENSITY ALLOCATIONS AND CONFIRMATION OF THE EXISTENCE OF ANY NECESSARY CROSS PARKING AND MUTUAL ACCESS EASEMENTS.

ALLOCATION OF FLOOR AREA AND DWELLING UNITS

AS APPROVED BY THE BIXBY CITY COUNCIL AND AS SET FORTH WITHIN SECTION II OF PUD 12-D, USE INTENSITY (SQUARE FOOTAGE OF FLOOR AREA OF NONRESIDENTIAL USE AND DWELLING UNITS OF RESIDENTIAL USE) AS PERMITTED BY THE UNDERLYING GENERAL ZONING DISTRICTS SHALL BE FULLY TRANSFERABLE TO THE VARIOUS DEVELOPMENT AREAS, IRRESPECTIVE OF THE GENERAL ZONING DISTRICT BOUNDARIES, AND THE AREAS OF USE MAY EXCEED THE AREAS OF THE UNDERLYING GENERAL ZONING DISTRICTS.

NONRESIDENTIAL FLOOR AREA OR RESIDENTIAL DWELLING UNIT DENSITY AS INITIALLY SET FORTH WITHIN SECTION II OF PUD 12-D MAY BE TRANSFERRED TO ANOTHER LOT OR LOTS BY WRITTEN INSTRUMENT EXECUTED BY THE OWNER OF THE LOT FROM WHICH THE FLOOR AREA IS TO BE ALLOCATED. PROVIDED HOWEVER, THE ALLOCATION SHALL NOT EXCEED 15% OF THE INITIAL ALLOCATION TO THE LOT TO WHICH THE TRANSFER OF FLOOR AREA IS TO BE MADE. ALLOCATION EXCEEDING EXCEEDING 15% SHALL REQUIRE AN APPLICATION FOR MINOR AMENDMENT TO BE REVIEWED AND APPROVED BY THE BIXBY PLANNING COMMISSION.

SECTION III. HOMEOWNERS' ASSOCIATION

A. FORMATION OF HOMEOWNERS' ASSOCIATION

THE DECLARANT HAS FORMED OR SHALL CAUSE TO BE FORMED AN ASSOCIATION OF THE OWNERS OF THE RESIDENTIAL LOTS WITHIN PINE VALLEY ADDITION BLOCKS 4-9. THE HOMEOWNERS' ASSOCIATION SHALL BE ESTABLISHED IN ACCORDANCE WITH THE STATUTES OF THE STATE OF OKLAHOMA, FOR THE GENERAL PURPOSE OF MAINTAINING THE COMMON AREA, INCLUDING BUT WITHOUT LIMITATION THE RESERVES AND ENHANCING THE VALUE, DESIRABILITY AND ATTRACTIVENESS OF PINE VALLEY ADDITION BLOCKS 4-9 AND OF ANY RESIDENTIAL SUBDIVISION WHICH MAY SUBSEQUENTLY BE ANNEXED TO THE GEOGRAPHIC JURISDICTION OF THE HOMEOWNERS' ASSOCIATION.

B. MEMBERSHIP

EVERY PERSON OR ENTITY WHO IS A RECORD OWNER OF THE FEE INTEREST OF A RESIDENTIAL LOT IN PINE VALLEY ADDITION BLOCKS 4-9 SHALL BE A MEMBER OF THE HOMEOWNERS' ASSOCIATION. MEMBERSHIP SHALL BE APPURTENANT TO AND MAY NOT BE SEPARATED FROM THE OWNERSHIP OF A LOT. THE MEMBERSHIP OF THE ASSOCIATION SHALL BE LIMITED TO THE RECORD OWNER, WHETHER ONE OR MORE PERSONS OR ENTITIES, OF A FEE SIMPLE TITLE TO A LOT SITUATED WITHIN PINE VALLEY ADDITION BLOCKS 4-9, AND IN ANY ADDITIONAL PROPERTY AS MAY BE ANNEXED TO OR MERGED INTO THE JURISDICTION OF THE ASSOCIATION OR ALLOWED TO JOIN ACCORDING TO PROCEDURES SET FORTH IN THE ARTICLES OR BYLAWS, INCLUDING (WITHOUT LIMITATION) PROPERTY OWNERS IN FUTURE PHASES (IF ANY) OF THE PINE VALLEY ADDITION BLOCKS 4-9 DEVELOPMENT TO BE LOCATED ADJACENT TO PINE VALLEY ADDITION BLOCKS 4-9 AND EACH TO BE A SEPARATE ADDITION TO THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THEIR RESPECTIVE RECORDED PLATS THEREOF. THE FOREGOING IS NOT INTENDED TO INCLUDE PERSONS OR ENTITIES WHICH HOLD AN INTEREST MERELY AS SECURITY FOR THE PERFORMANCE OF AN OBLIGATION, OTHER THAN CONTRACT SELLERS. OWNERSHIP OF A LOT SHALL BE THE SOLE QUALIFICATION FOR MEMBERSHIP WITH RESPECT TO THOSE PROPERTY OWNERS IN PINE VALLEY ADDITION BLOCKS 4-9.

C. ASSESSMENT

EACH RECORD OWNER OF A LOT IN PINE VALLEY ADDITION BLOCKS 4-9 SHALL BE SUBJECT TO ASSESSMENTS BY THE HOMEOWNERS' ASSOCIATION FOR THE PURPOSES OF IMPROVEMENT AND MAINTENANCE OF THE COMMON AREAS. ANNUAL AND SPECIAL ASSESSMENTS SHALL BE ESTABLISHED AS DETERMINED BY THE BOARD OF DIRECTORS OF THE ASSOCIATION IN ACCORDANCE WITH ITS BYLAWS AND AT A UNIFORM RATE APPLYING SUCH FACTORS AS THE BOARD OF DIRECTORS SHALL DETERMINE APPROPRIATE, SUCH AS THE OPERATING COSTS OF THE ASSOCIATION, MAINTENANCE OF THE COMMON AREAS, COST OF LIVING INCREASES, ENHANCEMENT OF PROPERTY VALUES AND OTHER EQUITABLE FACTORS. THE ASSOCIATION MAY DECLARE AND LEVY A SPECIAL ASSESSMENT, WITHOUT MEMBERS CONSENT OR APPROVAL, FOR THE PURPOSE OF DEFRAYING, IN WHOLE OR IN PART, THE COSTS OF ANY CONSTRUCTION OR RECONSTRUCTION, REPAIR OR REPLACEMENT OF A CAPITAL IMPROVEMENT UPON THE COMMON AREA OR ENTRYWAYS, INCLUDING THE NECESSARY FIXTURES AND PERSONAL PROPERTY RELATED THERETO, AND FOR ESTABLISHING RESERVES AND PAYMENT FOR ANY EXPENSES DEEMED NECESSARY AND APPROPRIATE BY THE BOARD OF DIRECTORS IN ITS SOLE DISCRETION; PROVIDED, HOWEVER, SPECIAL ASSESSMENTS AGAINST LOTS IN PINE VALLEY ADDITION BLOCKS 4-9 AFTER THE TURNOVER DATE SHALL REQUIRE THE AFFIRMATIVE VOTE OF ONE-HALF (1/2) OF THE OWNERS OF SUCH LOTS WHO ARE CLASS A MEMBERS OF THE ASSOCIATION WHO ARE IN ATTENDANCE (IN PERSON OR BY PROXY) AT A SPECIAL MEETING OF THE MEMBERS OF THE ASSOCIATION, DULY CALLED AND NOTICED; PROVIDED, HOWEVER, THE DECLARANT AND ANY BUILDER OF THE RESIDENTIAL STRUCTURE THEREON WHO DOES NOT OCCUPY SUCH STRUCTURE AS ITS PRINCIPAL RESIDENCE, WHO OWN LOTS WITHIN PINE VALLEY ADDITION BLOCKS 4-9 SHALL NOT BE SUBJECT TO ANY SPECIAL ASSESSMENT.

D. VOTING CLASSES

CLASS A: CLASS A MEMBERS SHALL BE ALL THOSE PERSONS OR ENTITIES ENTITLED TO MEMBERSHIP AS DEFINED IN SECTION III, PARAGRAPH C ABOVE, WITH THE EXCEPTION OF DECLARANT. AFTER THE TURNOVER DATE DESCRIBED BELOW, CLASS A MEMBERS WHO OWN A LOT SHALL BE ENTITLED TO ONE (1) VOTE FOR EACH LOT IN WHICH THEY HOLD THE INTEREST REQUIRED FOR MEMBERSHIP PROVIDED ABOVE; PROVIDED, HOWEVER, WHEN TWO OR MORE PERSONS OR ENTITIES HOLD SUCH INTEREST OR INTERESTS IN ANY LOT, ALTHOUGH ALL OF SUCH PERSONS OR ENTITIES SHALL BE MEMBERS OF THE ASSOCIATION, THE VOTE FOR SUCH LOT SHALL BE EXERCISED AS THEY, AMONG THEMSELVES, MAY DETERMINE, BUT IN NO EVENT SHALL MORE THAN ONE (1) VOTE PER LOT BE CAST WITH RESPECT TO ANY ONE LOT.

CLASS B: THE CLASS B MEMBER SHALL BE DECLARANT. THE CLASS B MEMBER SHALL BE ENTITLED TO FIVE HUNDRED (500) VOTES; PROVIDED, THAT THE CLASS B MEMBERSHIP SHALL CEASE AND BE CONVERTED TO CLASS A MEMBERSHIP ON THE EARLIER TO OCCUR OF:

1. THE DATE ALL LOTS IN PINE VALLEY ADDITION BLOCKS 4-9 SO PLATTED HAVE BEEN SOLD BY DECLARANT; OR
2. DECEMBER 31, 2035; OR
3. SUCH DATE AS DECLARANT (IN ITS SOLE DISCRETION) EXECUTES AND RECORDS WITH THE COUNTY CLERK OF TULSA COUNTY, OKLAHOMA, A NOTICE THAT DECLARANT HAS ELECTED TO CONVERT THE CLASS B MEMBERSHIP TO CLASS A MEMBERSHIP.

E. DECLARANT CONTROL

THE DECLARANT, OR ITS DESIGNEE, SHALL BE IN SOLE AND COMPLETE LEGAL CONTROL OF THE ASSOCIATION FROM THE INCEPTION THEREOF UNTIL SUCH TIME AS THE DECLARANT RELINQUISHES CONTROL THEREOF AS SET FORTH HEREIN. THE DATE ON WHICH DECLARANT'S RIGHTS UNDER THIS SECTION SHALL TERMINATE SHALL BE REFERRED TO AS THE "TURNOVER DATE". THE FIRST AND ALL SUBSEQUENT BOARDS PRIOR TO THE TURNOVER DATE SHALL CONSIST OF THOSE PERSONS DESIGNATED BY DECLARANT. DECLARANT'S RIGHTS UNDER THIS SECTION TO DESIGNATE THE MEMBERS OF THE BOARD SHALL TERMINATE ON THE DATE THE CLASS B MEMBERSHIP IS CONVERTED INTO CLASS A MEMBERSHIP AS DESCRIBED ABOVE. FROM AND AFTER THE TURNOVER DATE, THE BOARD SHALL BE CONSTITUTED AND ELECTED AS PROVIDED IN THE ASSOCIATION BYLAWS. PRIOR TO THE TURNOVER DATE ALL OF THE VOTING RIGHTS OF THE DECLARANTS SHALL BE VESTED EXCLUSIVELY IN DECLARANT. THE CLASS A MEMBERS, PRIOR TO THE TURNOVER DATE, SHALL HAVE NO VOTING RIGHTS. DESPITE HAVING NO VOTING RIGHTS AT THAT POINT IN TIME, SUCH MEMBERS' LOTS SHALL NEVERTHELESS BE SUBJECT TO ASSESSMENT. THE DECLARANT, UPON REQUEST, SHALL SUPPLY SUCH MEMBERS WITH AN ANNUAL ACCOUNTING OF THE MANNER IN WHICH COLLECTED ASSESSMENTS HAVE BEEN SPENT.

SECTION IV. PRIVATE RESTRICTIONS

THE DECLARANT HEREBY IMPOSES THE FOLLOWING RESTRICTIONS AND COVENANTS FOR THE PURPOSE OF PROVIDING FOR THE ORDERLY DEVELOPMENT OF THE SUBDIVISION AND CONFORMITY AND COMPATIBILITY OF IMPROVEMENTS THEREIN, WHICH SHALL BE APPLICABLE TO THE LOTS AND SHALL BE COVENANTS RUNNING WITH THE LAND AND SHALL BE BINDING UPON EACH LOT OWNER, THEIR HEIRS, SUCCESSORS AND ASSIGNS, AND SHALL BE ENFORCEABLE AS HEREINAFTER SET FORTH.

A. ARCHITECTURAL COMMITTEE - PLAN REVIEW

1. PLAN REVIEW. NO BUILDING, STRUCTURE, FENCE, WALL, PAVING, SWIMMING POOL, EXTERIOR LIGHTING, EXTERIOR ANTENNAE, OR FREE STANDING MAIL BOX SHALL BE ERECTED, PLACED OR ALTERED (INCLUDING EXTERIOR PAINTING) ON ANY LOT, AND NO SIDEWALK SHALL BE CONSTRUCTED UPON OR ADJACENT TO ANY LOT, UNTIL THE PLANS AND SPECIFICATIONS HAVE BEEN APPROVED IN WRITING BY THE DECLARANT 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 SITE PLAN, FLOOR PLAN, EXTERIOR ELEVATIONS, DRAINAGE AND GRADING PLANS, SIDEWALK LOCATION AND DESIGN PLAN, EXTERIOR MATERIALS AND COLOR SCHEME. IN THE EVENT THE ARCHITECTURAL COMMITTEE FAILS TO APPROVE OR DISAPPROVE PLANS AND SPECIFICATIONS SUBMITTED TO IT AS HEREIN REQUIRED WITHIN TWENTY (20) DAYS AFTER SUBMISSION, THE PLANS SO SUBMITTED SHALL BE DEEMED APPROVED. THE DEVELOPMENT AND USE OF THE SUBJECT LOT SHALL THEREAFTER BE IN SUBSTANTIAL

COMPLIANCE WITH THE APPROVED PLANS OR APPROVED AMENDMENTS THERETO. 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.

2. COMMITTEE PURPOSE. THE INITIAL ARCHITECTURAL COMMITTEE SHALL BE MADE UP OF _____, GREG A. SIMMONS AND BRIAN DOYLE. 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 CONSTITUTE A WARRANTY OR RESPONSIBILITY FOR BUILDING METHODS, MATERIALS, PROCEDURES, STRUCTURAL DESIGN, GRADING OR DRAINAGE OR CODE VIOLATIONS. THE APPROVAL OR FAILURE TO APPROVE BUILDING PLANS SHALL NOT BE DEEMED A WAIVER OF ANY RESTRICTION. 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.

3. THE POWERS AND DUTIES OF THE ARCHITECTURAL COMMITTEE SHALL BE DEEMED TRANSFERRED TO THE HOMEOWNERS' ASSOCIATION ON THE TURNOVER DATE; AND THEREAFTER THE FOREGOING POWERS AND DUTIES SHALL BE EXERCISED BY THE BOARD OF DIRECTORS OF THE HOMEOWNERS' ASSOCIATION.

B. FLOOR AREA

SINGLE STORY DWELLINGS SHALL HAVE A MINIMUM OF 1,700 SQUARE FEET OF FINISHED HEATED LIVING AREA. ONE AND ONE-HALF (1-1/2) OR TWO (2) STORY DWELLINGS SHALL HAVE A MINIMUM OF 2,450 SQUARE FEET OF FINISHED HEATED LIVING AREA; PROVIDED HOWEVER, THE FIRST FLOOR SHALL HAVE A MINIMUM OF 1,600 SQUARE FEET OF FINISHED HEATED LIVING AREA. THE COMPUTATION OF SQUARE FEET OF LIVING AREA SHALL EXCLUDE GARAGES, OPEN SPACES AND BREEZEWAYS.

C. GARAGES

EACH DWELLING SHALL HAVE AN ATTACHED ENCLOSED GARAGE PROVIDING SPACE FOR A MINIMUM OF TWO AUTOMOBILES. ALL GARAGES SHALL BE ACCESSED BY AN OVERHEAD GARAGE DOOR. 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 FIRST FLOOR OF EACH DWELLING WILL BE 100% MASONRY, NOT INCLUDING WINDOWS, DOORWAYS AND BENEATH COVERED PORCHES. ALL EXTERIOR COLORS (INCLUDING, WITHOUT LIMITATION, MASONRY, PAINT, WOOD, GARAGE DOORS, ETC.) OF THE RESIDENTIAL STRUCTURE AND ANY OTHER STRUCTURE ON THE LOT MUST BE EARTH TONE COLORS AND SUBTLE IN NATURE. NO NON-NATURAL HUE COLORS OR COLOR SCHEMES SHALL BE PERMITTED ON THE EXTERIOR OF ANY STRUCTURE ON THE LOT. 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

WINDOWS SHALL BE VINYL. METAL WINDOWS ARE RESTRICTED; HOWEVER, THE ARCHITECTURAL COMMITTEE MAY IN THE PARTICULAR INSTANCE AND UPON WRITTEN REQUEST APPROVE A WAIVER OF THE METAL WINDOW RESTRICTION 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 6/12, 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 - LANDMARK LIFETIME, PROVIDED HOWEVER, IF FEDERAL, STATE, OR LOCAL LAWS PROHIBIT SUCH ROOFING OR SUBSTANTIALLY IMPAIR THE ENFORCEMENT OF THIS RESTRICTION OR IF LANDMARK LIFETIME 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.

Pine Valley Addition

BLOCKS 4-9

PART OF THE NORTHWEST QUARTER (NW/4) OF SECTION SIXTEEN (16), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN MERIDIAN A SUBDIVISION WITHIN THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA

SECTION IV. PRIVATE RESTRICTIONS (CONTINUED):

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; PROVIDED 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. ANTENNAS

EXTERIOR TELEVISION, "CB" RADIO OR OTHER TYPES OF ANTENNAS SHALL BE PROHIBITED, PROVIDED HOWEVER, SATELLITE DISHES OR SIMILAR OUTSIDE ELECTRONIC RECEPTION DEVICES NOT EXCEEDING 20 INCHES IN DIAMETER MAY BE AFFIXED TO A REAR BUILDING WALL OR DORMER IF BELOW THE EAVE AND NOT VISIBLE FROM THE STREET VIEW OF THE DWELLING, AND THE SPECIFIC LOCATION OF THE SAME IS APPROVED BY THE ARCHITECTURAL COMMITTEE. THE ARCHITECTURAL COMMITTEE MAY, IN THE PARTICULAR INSTANCE AND UPON WRITTEN REQUEST, APPROVE A WAIVER OF THE FOREGOING RESTRICTIONS.

N. LOT MAINTENANCE

NO INOPERATIVE 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.

O. RECREATIONAL VEHICLES AND EQUIPMENT

NO BOATS, RECREATIONAL TRAILERS, PERSONAL WATER CRAFT, CAMPERS, MOTOR HOMES OR OTHER RECREATIONAL VEHICULAR EQUIPMENT, SHALL BE STORED, PLACED OR PARKED ON ANY STREET WITHIN THE SUBDIVISION OR ON ANY LOT, EXCEPT WITHIN AN ENCLOSED GARAGE.

P. TRAILERS, MACHINERY AND EQUIPMENT, AND COMMERCIAL VEHICLES

NO COMMERCIAL VEHICLE SHALL BE KEPT, PARKED, STOOD OR STORED ON ANY LOT, EXCEPT IN A GARAGE. NO PRIVATE VEHICLE, MOTORCYCLE, MOTOR BIKE, CAMPER, TRAILER, BOAT, ALL-TERRAIN VEHICLE (ATV) OR RECREATIONAL VEHICLE (RV) OR SIMILAR VEHICLE OR EQUIPMENT, WHETHER OR NOT OPERABLE (COLLECTIVELY REFERRED TO AS "VEHICLES") SHALL BE KEPT, PARKED, STOOD OR STORED ON ANY LOT, STREET OR THE COMMON AREA, EXCEPT IN A GARAGE OR IN AN AREA WHERE THE ASSOCIATION HAS GIVEN ITS PRIOR WRITTEN APPROVAL THEREOF. REGULAR PASSENGER VEHICLES, SUCH AS AUTOMOBILES, PASSENGER VANS, AND SUV'S AND COMMERCIAL VEHICLES OF ¾ TON OR LESS ARE PERMITTED TO BE PARKED IN THE DRIVEWAY OVERNIGHT. FURTHER, BOATS, TRAILERS AND RV'S MAY BE PARKED TEMPORARILY (FOR A PERIOD NOT TO EXCEED 48 CONSECUTIVE HOURS PER WEEK) ON THE DRIVEWAY OF A LOT FOR PURPOSES OF LOADING, UNLOADING OR WASHING. VEHICLES SHALL NOT BE KEPT, PARKED OR STORED ON THE LOT, EXCEPT IN A SIDE YARD, COMPLETELY SCREENED BY PRIVACY FENCING FROM VIEW OF NEIGHBORING LOTS, STREETS AND OTHER PROPERTY. PARKING ON THE STREET IS RESERVED FOR OWNER'S GUESTS AND VISITORS. OWNER'S VEHICLES (OR VEHICLES UNDER THEIR DOMINION AND CONTROL) SHALL NOT BE PARKED OR STORED IN ANY STREET, NOR IN ANY OTHER MANNER WHICH IMPAIRS OR IMPEDES SIDEWALK USE OR OTHER PUBLIC ACCESS. OWNERS SHALL KEEP THEIR RESPECTIVE GARAGES FREE FROM CLUTTER AND DEBRIS SO THAT GARAGES MAY BE CONSISTENTLY USED FOR THE PARKING AND/OR STORAGE OF VEHICLES. REPAIR OF VEHICLES ON THE LOT IS PROHIBITED, BUT WASHING OR POLISHING OF VEHICLE ON THE DRIVEWAY IS ALLOWED; PROVIDED, HOWEVER VEHICLE REPAIR MAY OCCUR IN THE ENCLOSED GARAGE AS LONG AS THE GARAGE EFFECTIVELY SCREENS THE SIGHT AND SOUND OF SUCH ACTIVITIES FROM NEIGHBORING PROPERTIES AND FROM THE STREET. INOPERABLE VEHICLES SHALL NOT BE KEPT, PARKED, OR STORED ON A LOT AT ANY TIME. NOTWITHSTANDING ANY OTHER PROVISION HEREIN, NO COMMERCIAL VEHICLES SHALL BE PARKED OR STORED AT ANY TIME ON OR IN FRONT OF ANY LOT, STREET OR COMMON AREA WITHOUT THE ASSOCIATIONS PRIOR WRITTEN CONSENT.

Q. CLOTHESLINES AND TRASH RECEPTACLES

EXTERIOR CLOTHESLINE POLES OR OTHER OUTDOOR DRYING APPARATUS ARE PROHIBITED. GARBAGE CANS 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 THE SUBDIVISION FOR U.S. POSTAL SERVICE, ALL MAILBOX PEDESTALS SHALL CONFORM IN DESIGN TO SPECIFICATIONS 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 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 SHALL BE COMPLETED WITHIN NINE (9) MONTHS THEREAFTER. EACH LOT SHALL BE MAINTAINED IN A NEAT AND ORDERLY CONDITION.

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 EACH LOT OWNER, THEIR HEIRS, THE OWNER, 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 THERETO, AND ADDITIONALLY THE COVENANTS WITHIN SECTION I. WHETHER OR NOT SPECIFICALLY THEREIN SO STATED SHALL INURE TO THE BENEFIT OF AND SHALL BE ENFORCEABLE BY THE CITY OF BIXBY. 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 THE CITY OF BIXBY, OKLAHOMA, ANY OWNER OF A LOT AND THE HOMEOWNERS' ASSOCIATION. IF ANY LOT OWNER THE UNDERSIGNED OWNER OR ITS SUCCESSORS OR ASSIGNS, SHALL VIOLATE ANY OF THE COVENANTS WITHIN SECTION II., IT SHALL BE LAWFUL FOR THE CITY OF BIXBY, THE DECLARANT, ANY OWNER OF A LOT OR THE HOMEOWNERS' ASSOCIATION TO MAINTAIN ANY 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. THE COVENANTS CONTAINED IN SECTION III. HOMEOWNERS' ASSOCIATION AND SECTION IV. PRIVATE RESTRICTIONS, SHALL INURE TO THE BENEFIT OF ANY OWNER OF A LOT AND THE HOMEOWNERS' ASSOCIATION. IF THE OWNER OF ANY LOT, ITS HEIRS, UNDERSIGNED OWNER, OR ITS SUCCESSORS OR ASSIGNS, SHALL VIOLATE ANY OF THE COVENANTS WITHIN SECTION III. OR IV., IT SHALL BE LAWFUL FOR THE HOMEOWNERS' ASSOCIATION TO MAINTAIN ANY 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. IN ANY JUDICIAL ACTION BROUGHT TO ENFORCE THE COVENANTS ESTABLISHED WITHIN THIS DEED OF DEDICATION, THE DEFENSE THAT THE PARTY INITIATING THE EQUITABLE PROCEEDING HAS AN ADEQUATE REMEDY AT LAW, IS HEREBY WAIVED. IN ANY JUDICIAL ACTION BROUGHT BY ANY OWNER OF A LOT OR THE HOMEOWNERS' ASSOCIATION, WHICH ACTION SEEKS TO ENFORCE THE COVENANTS CONTAINED IN SECTIONS III. OR IV. AND/OR TO RECOVER DAMAGES FOR THE BREACH THEREOF, THE PREVAILING PARTY SHALL BE ENTITLED TO RECEIVE REASONABLE ATTORNEY FEES AND COSTS AND EXPENSES INCURRED IN SUCH ACTION.

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 HEREINAFTER PROVIDED.

C. AMENDMENT

UNTIL SUCH TIME AS THE CLASS B MEMBERSHIP IS CONVERTED INTO THE CLASS A MEMBERSHIP, THE PROVISIONS OF THIS DECLARATION MAY BE AMENDED, IN WHOLE OR IN PART, MODIFIED, ADDED TO OR CHANGED AT ANY TIME BY THE DECLARANT IN ITS SOLE DISCRETION AND, IF REQUIRED, APPROVED BY THE CITY OF BIXBY. THEREAFTER, 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 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 MAY BE AMENDED OR TERMINATED AT ANY TIME BY A 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. NOTWITHSTANDING THE FOREGOING, THE COVENANTS CONTAINED WITHIN SECTION II. SHALL BE DEEMED AMENDED (WITHOUT NECESSITY OF EXECUTION OF AN AMENDING DOCUMENT) UPON APPROVAL OF A MINOR AMENDMENT TO PUD 12-D BY THE BIXBY PLANNING COMMISSION AND RECORDING OF A CERTIFIED COPY OF THE MINUTES OF THE BIXBY PLANNING COMMISSION WITH THE TULSA COUNTY CLERK.

THE COVENANTS CONTAINED WITHIN SECTION III. HOMEOWNERS' ASSOCIATION, SECTION IV. PRIVATE RESTRICTIONS, AND ANY OTHER PROVISION OF THIS DEED OF DEDICATION WHICH DID NOT INITIALLY REQUIRE THE APPROVAL OF THE BIXBY PLANNING COMMISSION AND/OR THE CITY OF BIXBY, MAY BE AMENDED OR TERMINATED AT ANY TIME BY A WRITTEN INSTRUMENT SIGNED AND ACKNOWLEDGED BY THE OWNER DURING SUCH PERIOD THAT THE OWNER IS THE RECORD OWNER OF AT LEAST 1 LOT OR ALTERNATIVELY, THE COVENANTS AND RESTRICTIONS MAY BE AMENDED OR TERMINATED AT ANY TIME BY A WRITTEN INSTRUMENT SIGNED AND ACKNOWLEDGED BY THE OWNERS OF AT LEAST 65% OF THE LOTS WITHIN THE SUBDIVISION. IN THE EVENT OF ANY CONFLICT BETWEEN AN AMENDMENT OR TERMINATION PROPERLY EXECUTED BY THE OWNER (DURING ITS OWNERSHIP OF AT LEAST 1 LOT) AND ANY AMENDMENT OR TERMINATION PROPERLY EXECUTED BY THE OWNERS OF AT LEAST 65% OF THE LOTS, THE INSTRUMENT EXECUTED BY THE OWNER SHALL PREVAIL. THE PROVISIONS OF ANY INSTRUMENT AMENDING OR TERMINATING COVENANTS AND RESTRICTIONS SHALL BE EFFECTIVE FROM AND AFTER THE DATE IT IS PROPERLY RECORDED.

THIS DECLARATION MAY BE AMENDED UNILATERALLY BY DECLARANT AT ANY TIME (I) IF SUCH AMENDMENT IS NECESSARY TO BRING ANY PROVISION HEREOF INTO COMPLIANCE WITH ANY APPLICABLE GOVERNMENTAL STATUTE, RULE OR REGULATION OR JUDICIAL DETERMINATION WHICH SHALL BE IN CONFLICT THEREWITH; (II) IF SUCH AMENDMENT IS REQUIRED BY AN INSTITUTIONAL OR GOVERNMENTAL LENDER OR PURCHASER OF MORTGAGE LOANS, TO ENABLE SUCH LENDER OR PURCHASER TO MAKE OR PURCHASE MORTGAGE LOANS ON THE PROPERTY SUBJECT TO THIS DECLARATION; (III) IF SUCH AMENDMENT IS NECESSARY TO ENABLE ANY GOVERNMENTAL AGENCY OR REPUTABLE PRIVATE INSURANCE COMPANY TO INSURE MORTGAGE LOANS ON THE PROPERTY SUBJECT TO THIS DECLARATION; (IV) TO CORRECT ERRORS AND MAKE CLARIFICATIONS OR ADDITIONS IN THIS DECLARATION; OR (V) TO MODIFY OR ADD TO THE PROVISIONS OF THIS DECLARATION TO ADEQUATELY COVER SITUATIONS AND CIRCUMSTANCES WHICH DECLARANT BELIEVES, IN ITS REASONABLE JUDGMENT, HAVE NOT BEEN ADEQUATELY COVERED AND WOULD NOT HAVE A MATERIAL AND ADVERSE EFFECT ON THE MARKETABILITY OF LOTS. IN FURTHERANCE OF THE FOREGOING, A POWER COUPLED WITH AN INTEREST IS HEREBY RESERVED AND GRANTED TO DECLARANT TO MAKE OR CONSENT TO ANY SUCH AMENDMENT ON BEHALF OF EACH OWNER. EACH DEED, MORTGAGE, OTHER EVIDENCE OF OBLIGATION OR OTHER INSTRUMENT AFFECTING A LOT AND THE ACCEPTANCE THEREOF SHALL BE DEEMED TO BE A GRANT AND ACKNOWLEDGMENT OF, AND CONSENT TO THE RESERVATION OF, THE POWER TO DECLARANT TO MAKE, EXECUTE AND RECORD SUCH AMENDMENTS. THE RIGHT AND POWER OF THE DECLARANT TO MAKE SUCH AMENDMENTS HEREUNDER SHALL TERMINATE AT SUCH TIME AS DECLARANT HAS SOLD ALL OF ITS LOTS IN PINE VALLEY ADDITION BLOCKS 4-9.

UPON THE CONVERSION OF CLASS B MEMBERSHIP INTO CLASS A MEMBERSHIP, (I) THE PROVISIONS OF THIS SECTION V MAY BE AMENDED ONLY BY AN INSTRUMENT EXECUTED BY ALL OF THE OWNERS; AND (II) ANY PROVISION RELATING TO THE RIGHTS OF DECLARANT MAY BE AMENDED ONLY WITH THE WRITTEN CONSENT OF DECLARANT. NO AMENDMENT SHALL BE EFFECTIVE UNTIL PROPERLY RECORDED. "OWNERS" SHALL NOT BE DEEMED TO INCLUDE MORTGAGEES OR OTHER PERSONS HOLDING LIENS ON ANY LOT AND SUCH MORTGAGEES AND OTHER LIENHOLDERS SHALL NOT BE REQUIRED TO JOIN IN ANY AMENDMENT TO THIS DECLARATION.

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 THEREOF AS SET FORTH HEREIN, WHICH SHALL REMAIN IN FULL FORCE AND EFFECT.

IN WITNESS WHEREOF, STONE HORSE DEVELOPMENT, L.L.C., AN OKLAHOMA LIMITED LIABILITY COMPANY, HAS EXECUTED THIS INSTRUMENT THE ____ DAY OF _____, 2016.

STONE HORSE DEVELOPMENT, L.L.C.
AN OKLAHOMA LIMITED LIABILITY COMPANY

BY: _____
DANIEL RUHL, MANAGER

STATE OF OKLAHOMA)
)SS
COUNTY OF TULSA)

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, ON THIS ____ DAY OF _____, 2014, PERSONALLY APPEARED DANIEL RUHL, TO ME KNOWN TO BE THE IDENTICAL PERSON WHO SUBSCRIBED THE NAME OF THE MAKER THEREOF TO THE FOREGOING INSTRUMENT, AS ITS MANAGER AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE AND VOLUNTARY ACT AND DEED AND AS THE FREE AND VOLUNTARY ACT AND DEED OF SUCH COMPANY FOR THE USES AND PURPOSES THEREIN SET FORTH. THE DAY AND YEAR LAST ABOVE WRITTEN.

MY COMMISSION EXPIRES _____ NOTARY PUBLIC

CERTIFICATE OF SURVEY

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

WITNESS MY HAND AND SEAL THIS ____ DAY OF _____, 2016.



BY: _____
DAN E. TANNER
LICENSED PROFESSIONAL LAND SURVEYOR
OKLAHOMA NO. 1435

STATE OF OKLAHOMA)
)SS
COUNTY OF TULSA)

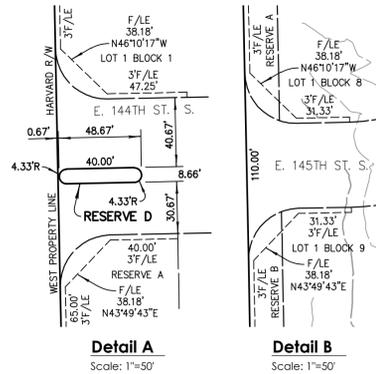
BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, ON THE ____ DAY OF _____, 2016, PERSONALLY APPEARED TO ME DAN E. TANNER KNOWN TO BE THE IDENTICAL PERSON WHO SUBSCRIBED HIS NAME AS LICENSED PROFESSIONAL LAND SURVEYOR TO THE FOREGOING CERTIFICATE, AS HIS FREE AND VOLUNTARY ACT AND DEED, FOR THE USES AND PURPOSES THEREIN SET FORTH.

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

MY COMMISSION EXPIRES _____ NOTARY PUBLIC

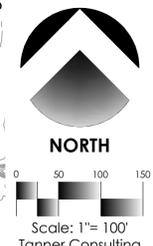
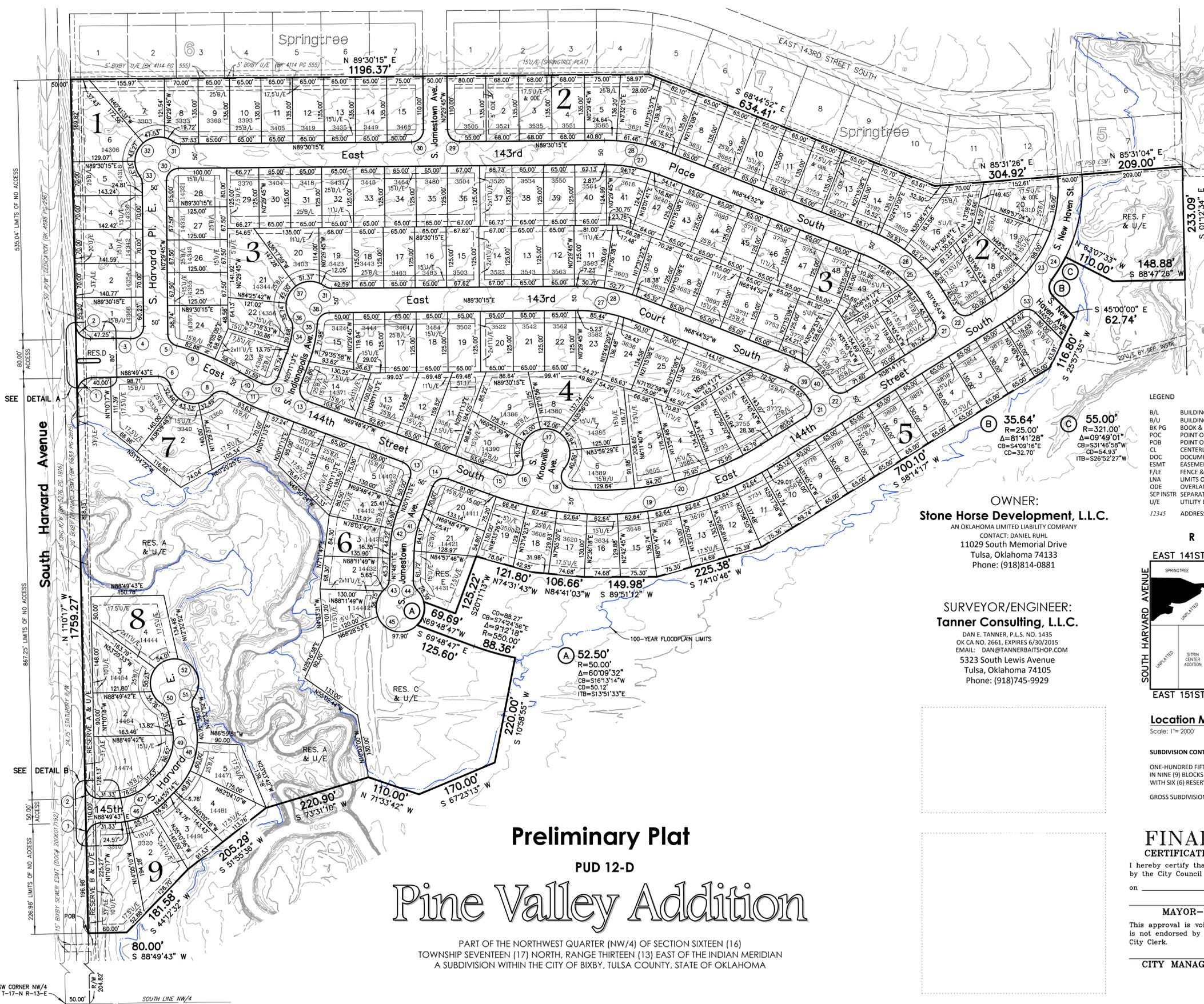
Notes:

1. THIS PLAT MEETS THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED BY THE OKLAHOMA STATE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS.
2. ALL PROPERTY CORNERS ARE SET 3/8" IRON REBAR WITH YELLOW CAP STAMPED "TANNER RLS 1435" UNLESS OTHERWISE NOTED.
3. THE BEARINGS SHOWN HEREON ARE BASED UPON THE OKLAHOMA STATE PLANE COORDINATE SYSTEM, NORTH ZONE (3501), NORTH AMERICAN DATUM (NAD 83).
4. ADDRESSES SHOWN ON THIS PLAT ARE ACCURATE AT THE TIME THE PLAT WAS FILED. ADDRESSES ARE SUBJECT TO CHANGE AND SHOULD NEVER BE RELIED ON IN PLACE OF THE LEGAL DESCRIPTION.
5. ACCESS AT THE TIME OF PLAT WAS PROVIDED BY SOUTH HARVARD AVENUE BY VIRTUE OF PUBLIC HIGHWAY DEDICATION DEED TO TULSA COUNTY, DATED MARCH 1ST, 1982, RECORDED IN BOOK 4598 PAGE 296 OF THE TULSA COUNTY RECORDS.



Curve Table

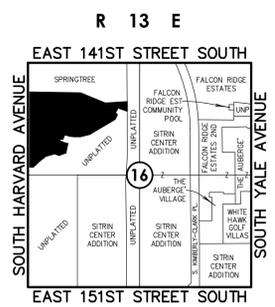
CURVE	LENGTH(L)	RADIUS(R)	DELTA(A)	CHORDB(C)	CHORDDIS(D)
1	47.12'	30.00'	90°00'00"	N43°49'43"E	42.43'
2	47.12'	30.00'	90°00'00"	N46°10'17"W	42.43'
3	35.99'	488.65'	4°13'12"	N89°03'41"W	35.98'
4	40.82'	25.00'	93°32'40"	N46°16'35"E	36.43'
5	32.78'	25.00'	75°08'13"	N38°03'52"W	30.49'
6	33.41'	25.00'	76°33'35"	N5°25'31"W	30.98'
7	108.30'	50.00'	124°06'26"	N76°39'55"W	88.34'
8	34.75'	25.00'	79°38'07"	N81°05'55"E	32.02'
9	141.14'	488.65'	16°32'57"	N67°21'30"W	140.65'
10	51.59'	450.00'	6°34'05"	N62°22'04"W	51.56'
11	93.63'	500.00'	10°43'46"	N64°26'54"W	93.50'
12	41.09'	25.00'	94°09'41"	N67°16'03"E	36.62'
13	39.27'	25.00'	90°00'00"	N24°48'47"W	35.36'
14	39.27'	25.00'	90°00'00"	N65°11'13"E	35.36'
15	205.66'	625.00'	1°53'05"	N70°45'19"W	205.66'
16	54.46'	25.00'	124°49'02"	N45°53'37"E	44.31'
17	206.84'	50.00'	237°01'21"	N78°00'14"W	87.87'
18	54.46'	25.00'	124°49'02"	N21°54'05"W	44.31'
19	612.01'	675.00'	51°56'56"	N84°12'45"E	591.26'
20	408.54'	625.00'	37°27'07"	N76°57'51"E	401.30'
21	39.27'	25.00'	90°00'00"	N13°14'17"E	35.36'
22	39.27'	25.00'	90°00'00"	N76°45'43"W	35.36'
23	296.63'	271.00'	62°42'51"	N26°52'51"E	282.04'
24	351.36'	321.00'	62°42'51"	N26°52'51"E	334.08'
25	161.38'	250.00'	36°59'09"	N50°15'18"W	158.59'
26	193.66'	300.00'	36°59'09"	N50°15'18"W	190.31'
27	113.87'	300.00'	21°44'53"	N79°37'19"W	113.19'
28	132.85'	350.00'	21°44'53"	N79°37'19"W	132.06'
29	39.27'	25.00'	90°00'00"	N45°29'45"W	35.36'
30	39.27'	25.00'	90°00'00"	N44°30'15"E	35.36'
31	16.09'	25.00'	36°52'12"	N72°03'39"W	15.81'
32	142.89'	50.00'	163°44'23"	N44°30'15"E	98.99'
33	16.09'	25.00'	36°52'12"	N18°55'51"W	15.81'
34	53.43'	225.00'	13°36'18"	N13°23'04"E	53.30'
35	79.31'	275.00'	16°31'30"	N11°55'28"E	79.04'
36	18.31'	25.00'	41°57'39"	N14°23'55"W	17.90'
37	141.16'	50.00'	161°45'11"	N45°29'45"E	98.73'
38	37.46'	25.00'	85°50'32"	N46°34'59"E	34.05'
39	64.55'	100.00'	36°59'10"	N50°15'18"W	63.44'
40	96.83'	150.00'	36°59'09"	N50°15'18"W	95.16'
41	64.17'	200.00'	18°23'02"	N10°59'42"E	63.90'
42	80.21'	250.00'	18°23'02"	N10°59'42"E	79.87'
43	21.03'	25.00'	48°11'23"	N25°53'52"E	20.41'
44	21.03'	25.00'	48°11'23"	N22°17'30"W	20.41'
45	241.19'	50.00'	276°22'46"	N88°11'49"W	66.67'
46	35.64'	25.00'	81°41'28"	N85°50'44"W	32.70'



- LEGEND**
- B/L BUILDING LINE & UTILITY EASEMENT
 - B/U BOOK & PAGE
 - BK PG BOOK & PAGE
 - POC POINT OF COMMENCEMENT
 - POB POINT OF BEGINNING
 - CL CENTERLINE
 - DOC DOCUMENT
 - ESMT EASEMENT
 - F/LE FENCE & LANDSCAPE EASEMENT
 - LNA LIMITS OF NO ACCESS
 - ODE OVERLAND DRAINAGE EASEMENT
 - SEP INSTR SEPARATE INSTRUMENT
 - U/E UTILITY EASEMENT
 - 12345 ADDRESS ASSIGNED

OWNER:
Stone Horse Development, L.L.C.
 AN OKLAHOMA LIMITED LIABILITY COMPANY
 CONTACT: DANIEL RUHL
 11029 South Memorial Drive
 Tulsa, Oklahoma 74133
 Phone: (918)814-0881

SURVEYOR/ENGINEER:
Tanner Consulting, L.L.C.
 DAN E. TANNER, P.L.S. NO. 1435
 OK CA NO. 2661, EXPIRES 6/30/2015
 EMAIL: DAN@TANNERBAITSHOP.COM
 5323 South Lewis Avenue
 Tulsa, Oklahoma 74105
 Phone: (918)745-9929



Location Map
 Scale: 1"=2000'

SUBDIVISION CONTAINS:

- ONE HUNDRED FIFTY (150) LOTS
- NINE (9) BLOCKS
- WITH SIX (6) RESERVES
- GROSS SUBDIVISION AREA: 51.577 ACRES

Preliminary Plat

PUD 12-D

Pine Valley Addition

PART OF THE NORTHWEST QUARTER (NW/4) OF SECTION SIXTEEN (16)
 TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN MERIDIAN
 A SUBDIVISION WITHIN THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA

FINAL PLAT

CERTIFICATE OF APPROVAL

I hereby certify that this plat was approved by the City Council of the City of Bixby, on _____

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

Preliminary Plat

PUD 12-D

Pine Valley Addition

PART OF THE NORTHWEST QUARTER (NW/4) OF SECTION SIXTEEN (16)
TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN MERIDIAN
A SUBDIVISION WITHIN THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA

DEED OF DEDICATION AND RESTRICTIVE COVENANTS FOR PINE VALLEY ADDITION

KNOW ALL MEN BY THESE PRESENTS:

THAT STONE HORSE DEVELOPMENT, L.L.C., AN OKLAHOMA LIMITED LIABILITY COMPANY, HEREINAFTER REFERRED TO AS THE "DECLARANT", IS THE OWNER OF THE FOLLOWING REAL PROPERTY SITUATED IN THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA, TO-WIT:

A TRACT OF LAND THAT IS PART OF THE NORTHWEST QUARTER (NW/4) OF SECTION SIXTEEN (16), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID NW/4; THENCE NORTH 89°20'43" EAST AND ALONG THE SOUTH LINE OF THE NW/4, FOR A DISTANCE OF 50.00 FEET TO A POINT ON THE PRESENT EAST RIGHT-OF-WAY LINE OF SOUTH HARVARD AVENUE; THENCE NORTH 1°10'17" WEST AND ALONG SAID EAST RIGHT-OF-WAY LINE, FOR A DISTANCE OF 204.82 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING NORTH 1°10'17" WEST AND ALONG THE EAST RIGHT-OF-WAY LINE, FOR A DISTANCE OF 1759.27 FEET TO A POINT, SAID POINT BEING THE SOUTHWEST CORNER OF BLOCK SIX (6) OF "SPRINGTREE", AN ADDITION IN THE CITY OF BIXBY, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF (PLAT NO. 3794); THENCE NORTH 89°30'15" EAST AND ALONG THE SOUTH LINE OF SAID ADDITION, FOR A DISTANCE OF 1196.37 FEET TO A POINT; THENCE SOUTH 68°44'52" EAST AND CONTINUING ALONG SAID SOUTH LINE OF THE ADDITION, FOR A DISTANCE OF 634.41 FEET TO A POINT; THENCE NORTH 85°31'26" EAST AND CONTINUING ALONG THE SOUTH LINE OF THE ADDITION, FOR A DISTANCE OF 304.92 FEET TO A POINT, SAID POINT BEING THE SOUTHWEST CORNER OF LOT SEVEN (7), BLOCK FIVE (5) OF THE ADDITION;

THENCE NORTH 85°31'04" EAST AND CONTINUING ALONG THE SOUTH LINE OF THE ADDITION, FOR A DISTANCE OF 203.00 FEET TO A POINT, SAID POINT BEING THE SOUTHEAST CORNER OF LOT SEVEN (7) BLOCK FIVE (5) OF THE ADDITION; THENCE SOUTH 01°12'34" EAST FOR A DISTANCE OF 233.09 FEET TO A POINT; THENCE SOUTH 88°47'26" WEST FOR A DISTANCE OF 148.88 FEET TO A POINT; THENCE NORTH 63°07'33" WEST FOR A DISTANCE OF 110.00 FEET TO A POINT; THENCE SOUTHERLY ALONG A 321.00 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT, HAVING AN INITIAL TANGENT BEARING OF SOUTH 26°52'27" WEST, A CENTRAL ANGLE OF 09°49'01", A CHORD BEARING AND DISTANCE OF SOUTH 31°46'58" WEST FOR 54.93 FEET, FOR AN ARC DISTANCE OF 55.00 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG A 25.00 FOOT RADIUS CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 81°41'28", A CHORD BEARING AND DISTANCE OF SOUTH 04°09'16" EAST FOR 32.70 FEET, FOR AN ARC DISTANCE OF 35.64 FEET TO A POINT OF TANGENCY; THENCE SOUTH 45°00'00" EAST FOR A DISTANCE OF 62.74 FEET TO A POINT; THENCE SOUTH 25°57'35" WEST FOR A DISTANCE OF 116.80 FEET TO A POINT; THENCE SOUTH 58°14'17" WEST FOR A DISTANCE OF 700.10 FEET TO A POINT; THENCE SOUTH 74°10'46" WEST FOR A DISTANCE OF 225.38 FEET TO A POINT; THENCE SOUTH 89°51'12" WEST FOR A DISTANCE OF 149.98 FEET TO A POINT; THENCE NORTH 84°41'03" WEST FOR A DISTANCE OF 106.66 FEET TO A POINT; THENCE NORTH 74°31'43" WEST FOR A DISTANCE OF 121.80 FEET TO A POINT; THENCE SOUTH 20°11'13" WEST FOR A DISTANCE OF 125.22 FEET TO A POINT; THENCE NORTH 69°48'47" WEST FOR A DISTANCE OF 69.69 FEET TO A POINT;

THENCE SOUTHERLY ALONG A 50.00 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT, HAVING AN INITIAL TANGENT BEARING OF SOUTH 13°51'33" EAST, A CENTRAL ANGLE OF 60°09'32", A CHORD BEARING AND DISTANCE OF SOUTH 16°13'14" WEST FOR 50.12 FEET, FOR AN ARC DISTANCE OF 52.50 FEET TO A POINT; THENCE SOUTH 69°48'47" EAST FOR A DISTANCE OF 125.60 FEET TO A POINT OF CURVATURE; THENCE ALONG A 550.00 FOOT RADIUS CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 91°21'8", A CHORD BEARING AND DISTANCE OF SOUTH 74°24'56" EAST FOR 88.27 FEET, FOR AN ARC DISTANCE OF 88.36 FEET TO A POINT; THENCE SOUTH 10°58'55" WEST FOR A DISTANCE OF 220.00 FEET TO A POINT; THENCE SOUTH 67°23'13" WEST FOR A DISTANCE OF 170.00 FEET TO A POINT; THENCE NORTH 71°33'42" WEST FOR A DISTANCE OF 110.00 FEET TO A POINT; THENCE SOUTH 73°31'10" WEST FOR A DISTANCE OF 220.90 FEET TO A POINT; THENCE SOUTH 51°55'36" WEST FOR A DISTANCE OF 205.29 FEET TO A POINT; THENCE SOUTH 44°12'32" WEST FOR A DISTANCE OF 181.58 FEET TO A POINT; THENCE SOUTH 88°49'43" WEST FOR A DISTANCE OF 80.00 FEET TO THE POINT OF BEGINNING;

SAID TRACT CONTAINING 2,295,284 SQUARE FEET, OR 52.692 ACRES.

AND THE DECLARANT HAS CAUSED THE ABOVE DESCRIBED LAND TO BE SURVEYED, STAKED, PLATTED AND SUBDIVIDED INTO ONE HUNDRED FIFTY (150) LOTS IN NINE (9) BLOCKS AND SIX (6) RESERVES, IN CONFORMITY WITH THE ACCOMPANYING PLAT AND SURVEY (HEREINAFTER THE "PLAT"), AND HAS DESIGNATED THE SUBDIVISION AS "PINE VALLEY ADDITION", A SUBDIVISION IN THE CITY OF BIXBY, TULSA COUNTY, OKLAHOMA (HEREINAFTER THE "SUBDIVISION" OR "PINE VALLEY ADDITION"). THE LOTS DEPICTED UPON THE PLAT SHALL HEREINAFTER BE REFERRED TO COLLECTIVELY AS THE "LOTS" AND INDIVIDUALLY AS A "LOT".

SECTION I. PUBLIC STREETS, EASEMENTS AND UTILITIES

A. PUBLIC STREETS AND UTILITY EASEMENTS.

THE DECLARANT DOES HEREBY GRANT, CONVEY, DONATE, AND DEDICATE FOR PUBLIC USE THE STREET RIGHTS-OF-WAY DEPICTED ON THE ACCOMPANYING PLAT AND DOES FURTHER DEDICATE FOR PUBLIC USE THE UTILITY EASEMENTS AS DEPICTED ON THE ACCOMPANYING PLAT AS "U/E" OR "UTILITY EASEMENT" FOR THE SEVERAL PURPOSES OF CONSTRUCTING, MAINTAINING, OPERATING, REPAIRING, REPLACING, AND/OR REMOVING ANY AND ALL PUBLIC UTILITIES, INCLUDING STORM SEWERS, SANITARY SEWERS, TELEPHONE AND COMMUNICATION LINES, ELECTRIC POWER LINES AND TRANSFORMERS, GAS LINES, WATER LINES, AND CABLE TELEVISION LINES, TOGETHER WITH ALL VALVES, METERS AND EQUIPMENT FOR EACH OF SUCH FACILITIES AND OTHER APPURTENANCES THERETO, WITH THE RIGHTS OF INGRESS AND EGRESS TO AND UPON THE UTILITY EASEMENTS FOR THE USES AND PURPOSES AFORESAID, TOGETHER WITH SIMILAR

EASEMENT RIGHTS IN THE PUBLIC STREETS, PROVIDED HOWEVER, THAT THE DECLARANT HEREBY RESERVES THE RIGHT TO CONSTRUCT AND MAINTAIN WATER LINES AND SEWER LINES WITHIN THE UTILITY EASEMENTS FOR THE PURPOSE OF FURNISHING WATER AND/OR SEWER SERVICE TO AREAS WITHIN OR OUTSIDE THE PLAT AND THE DECLARANT FURTHER RESERVES THE RIGHT TO CONSTRUCT AND MAINTAIN WITHIN THE UTILITY EASEMENTS PROPERLY PERMITTED PARKING AREAS, LANDSCAPING, SCREENING FENCES AND WALLS AND OTHER NON-OBSSTRUCTING IMPROVEMENTS.

B. WATER, SANITARY SEWER, AND STORM SEWER SERVICE.

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

2. WITHIN THE DEPICTED UTILITY EASEMENT AREAS, THE ALTERATION OF GRADE IN EXCESS OF 3 FEET FROM THE CONTOURS EXISTING UPON THE COMPLETION OF THE INSTALLATION OF A PUBLIC WATER MAIN, SANITARY SEWER MAIN OR STORM SEWER MAIN, OR ANY CONSTRUCTION ACTIVITY WHICH MAY INTERFERE WITH PUBLIC WATER, SANITARY SEWER MAIN OR STORM SEWER MAINS, SHALL BE PROHIBITED. WITHIN THE UTILITY EASEMENTS, IF THE GROUND ELEVATIONS ARE ALTERED BY THE LOT OWNER, FROM THE CONTOURS EXISTING UPON THE COMPLETION OF THE INSTALLATION OF A PUBLIC WATER MAIN, SANITARY SEWER MAIN OR STORM SEWER MAIN, ALL GROUND LEVEL APPURTENANCES, INCLUDING VALVE BOXES, FIRE HYDRANTS AND MANHOLES SHALL BE ADJUSTED TO THE ALTERED GROUND ELEVATIONS BY THE OWNER OF THE LOT OR AT ITS ELECTION, THE CITY OF BIXBY, OKLAHOMA MAY MAKE SUCH ADJUSTMENT AT THE LOT OWNER'S EXPENSE.

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

4. THE CITY OF BIXBY OR ITS SUCCESSORS SHALL AT ALL TIMES HAVE THE RIGHT OF ACCESS WITH THEIR EQUIPMENT TO ALL EASEMENT WAYS DEPICTED ON THE PLAT OR OTHERWISE PROVIDED FOR IN THIS DEED OF DEDICATION FOR THE PURPOSE OF INSTALLING, MAINTAINING, REMOVING OR REPLACING ANY PORTION OF UNDERGROUND WATER, SANITARY SEWER OR STORM SEWER FACILITIES.

5. THE FOREGOING COVENANTS SET FORTH IN THIS SUBSECTION B SHALL BE ENFORCEABLE BY THE CITY OF BIXBY OR ITS SUCCESSORS AND THE OWNER OF THE LOT AGREES TO BE BOUND HEREBY.

C. UNDERGROUND SERVICE.

1. OVERHEAD LINES FOR THE SUPPLY OF ELECTRIC, TELEPHONE AND CABLE TELEVISION SERVICES MAY BE LOCATED WITHIN THE WEST PERIMETER UTILITY EASEMENT AND WITHIN THE PERIMETER RIGHTS-OF-WAY OF THE SUBDIVISION. STREET LIGHT POLES OR STANDARDS MAY BE SERVED BY UNDERGROUND CABLE THROUGHOUT THE SUBDIVISION AND, EXCEPT AS PROVIDED IN THE IMMEDIATELY-PRECEDING SENTENCE, 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 THE EASEMENT WAYS.

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

3. THE SUPPLIER OF ELECTRIC, TELEPHONE, CABLE TELEVISION AND GAS SERVICES, THROUGH ITS AGENTS AND EMPLOYEES, SHALL AT ALL TIMES HAVE THE 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.

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

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

D. PAVING AND LANDSCAPING WITHIN EASEMENTS.

THE OWNER OF THE LOT SHALL BE RESPONSIBLE FOR REPAIR OF DAMAGE TO PROPERLY-PERMITTED LANDSCAPING AND PAVING RESULTING FROM THE ACTIONS OF THE CITY OF BIXBY OR THE SUPPLIER OF UTILITY IN SERVICES, IN PERFORMING NECESSARY INSTALLATION OF OR MAINTENANCE TO THE UNDERGROUND WATER, SEWER, STORM WATER, GAS, COMMUNICATION, CABLE TELEVISION, OR ELECTRIC FACILITIES WITHIN THE EASEMENTS DEPICTED ON THE ACCOMPANYING PLAT, PROVIDED HOWEVER, THAT THE CITY OF BIXBY, OR THE SUPPLIER OF THE UTILITY SERVICE, SHALL USE REASONABLE CARE IN THE PERFORMANCE OF SUCH ACTIVITIES.

E. LIMITS OF NO ACCESS.

THE OWNER HEREBY RELINQUISHES RIGHT OF INGRESS AND EGRESS TO THE ABOVE-DESCRIBED PROPERTY WITHIN THE BOUNDARY DESIGNATED AS "LIMITS OF NO ACCESS" (PLAT) EXCEPT AS MAY HEREAFTER BE RELEASED, ALTERED, OR AMENDED BY THE DECLARANT AND BIXBY PLANNING COMMISSION, OR ITS SUCCESSORS, OR AS OTHERWISE PROVIDED BY THE STATUTES AND LAWS OF THE STATE OF OKLAHOMA, PERTAINING

THERETO.

THE FOREGOING COVENANT CONCERNING "LIMITS OF NO ACCESS" ("LNA") SHALL BE ENFORCEABLE BY THE CITY OF BIXBY OR ITS SUCCESSORS, AND THE OWNER OF EACH LOT AGREES TO BE BOUND HEREBY.

C. FENCE EASEMENT.

THE OWNER DOES HEREBY ESTABLISH AND GRANT FENCE AND LANDSCAPE EASEMENTS OVER AND UPON THE AREAS DESIGNATED AS "F/E" AND SHOWN ON THE ACCOMPANYING PLAT FOR THE USE AND BENEFIT OF PINE VALLEY ADDITION. THE FENCE AND LANDSCAPE EASEMENTS ARE FOR THE LIMITED PURPOSE OF CONSTRUCTING AND MAINTAINING PERIMETER DECORATIVE FENCES AND ENTRY FEATURES INCLUDING BUT NOT LIMITED TO FENCES, WALLS, SPRINKLER SYSTEMS, AND LANDSCAPING, AND FOR THE PURPOSE OF MAINTAINING AND REPAIR THEREOF, TOGETHER WITH THE RIGHT OF ACCESS OVER, ACROSS, AND ALONG SUCH EASEMENTS AND OVER, ACROSS, AND ALONG LOTS IN "PINE VALLEY ADDITION" WHICH CONTAIN SUCH EASEMENTS.

C. RESERVE AREAS.

RESERVE A IS DESIGNATED FOR OPEN SPACE AND PASSIVE RECREATION AND IS RESERVED FOR FUTURE CONVEYANCE TO THE HOMEOWNERS' ASSOCIATION. RESERVE B IS DESIGNATED FOR OPEN SPACE, PASSIVE RECREATION, LANDSCAPING, ENTRY FEATURES, FENCES OR WALLS, IRRIGATION SYSTEMS, AND OTHER USES AS MAY BE APPROVED BY THE CITY OF BIXBY, AND IS RESERVED FOR FUTURE CONVEYANCE TO THE HOMEOWNERS' ASSOCIATION. RESERVES C AND F ARE DESIGNATED FOR OPEN SPACE, STORMWATER DRAINAGE AND DETENTION, PASSIVE RECREATION AND OTHER USES AS MAY BE APPROVED BY THE CITY OF BIXBY, AND ARE RESERVED FOR FUTURE CONVEYANCE TO THE HOMEOWNERS' ASSOCIATION. RESERVE D IS DESIGNATED FOR OPEN SPACE, LANDSCAPING, ENTRY FEATURES, IRRIGATION SYSTEMS, SIGNAGE, AND OTHER USES AS MAY BE APPROVED BY THE CITY OF BIXBY, AND IS RESERVED FOR FUTURE CONVEYANCE TO THE HOMEOWNERS' ASSOCIATION. RESERVE E IS DESIGNATED FOR PRIVATE RECREATION AND OTHER USES AS MAY BE APPROVED BY THE CITY OF BIXBY AND IS RESERVED FOR FUTURE CONVEYANCE TO THE HOMEOWNERS' ASSOCIATION. RESERVES A, B, C, D, E, AND F ARE ALSO HEREBY DEDICATED AS GENERAL UTILITY EASEMENTS. ALL COSTS AND EXPENSES ASSOCIATED WITH ALL RESERVES, INCLUDING MAINTENANCE OF VARIOUS IMPROVEMENTS AND RECREATIONAL FACILITIES SHALL BE THE RESPONSIBILITY OF THE HOMEOWNERS' ASSOCIATION. SEE SECTION III FOR ADDITIONAL DETAILS AND REQUIREMENTS. IN THE EVENT THE HOMEOWNERS' ASSOCIATION FAILS TO PAY THE COSTS OF SAID MAINTENANCE AFTER COMPLETION OF THE MAINTENANCE AND RECEIPT OF A STATEMENT OF COSTS, THE CITY OF BIXBY, OKLAHOMA, MAY FILE OF RECORD A COPY OF THE STATEMENT OF COSTS, AND THEREAFTER THE COSTS SHALL BE A LIEN AGAINST EACH OF THE LOTS WITHIN THE SUBDIVISION, WHICH LIEN MAY BE FORECLOSED BY THE CITY OF BIXBY, OKLAHOMA, OR THE CITY OF BIXBY PUBLIC WORKS AUTHORITY MAY ADD SUCH BILLING PRORATED UPON THE RESIDENTIAL LOT OWNER'S WATER BILL, WHICH METHOD OF COLLECTION SHALL BE DETERMINED BY THE CITY OF BIXBY.

SECTION II. PLANNED UNIT DEVELOPMENT

WHEREAS, THE PROPERTY COMPRISING PINE VALLEY ADDITION WAS INITIALLY SUBMITTED AS A PART OF PLANNED UNIT DEVELOPMENT NO. 12-A AS PROVIDED WITHIN TITLE 11 OF THE BIXBY, OKLAHOMA CITY CODE (BIXBY ZONING CODE), AND

WHEREAS, PUD NO. 12-A WAS AFFIRMATIVELY RECOMMENDED BY THE CITY OF BIXBY PLANNING COMMISSION ON NOVEMBER 21, 1994, AND APPROVED BY THE BIXBY CITY COUNCIL ON JANUARY 09, 1995, AND

WHEREAS, A MAJOR AMENDMENT OF A PART OF PUD 12-D (ALSO KNOWN AS "GEILER PARK," HEREINAFTER REFERRED TO AS "PUD 12-D") WHICH INCLUDED THE PROPERTY COMPRISING PINE VALLEY ADDITION, WAS SUBMITTED AND WAS AFFIRMATIVELY RECOMMENDED FOR APPROVAL BY THE CITY OF BIXBY PLANNING COMMISSION ON JULY 16, 2012, AND WAS APPROVED BY THE BIXBY CITY COUNCIL ON FEBRUARY 11, 2013, AND

WHEREAS, THE PLANNED UNIT DEVELOPMENT RECORDS OF THE BIXBY ZONING CODE REQUIRE THE ESTABLISHMENT OF COVENANTS OF RECORD INURING TO AND ENFORCEABLE BY THE CITY OF BIXBY, SUFFICIENT TO ASSURE THE IMPLEMENTATION AND CONTINUED COMPLIANCE WITH THE APPROVED PLANNED UNIT DEVELOPMENT AND ANY AMENDMENTS THERETO, AND

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

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

C. DEVELOPMENT STANDARDS OF PINE VALLEY ADDITION (COMPRISING ALL OR PARTS OF DEVELOPMENT AREAS A, B, AND C, WHICH TOGETHER CONTAIN 86.5 GROSS ACRES)

1. DEVELOPMENT IN ACCORDANCE WITH PUD

PINE VALLEY ADDITION SHALL BE DEVELOPED AND USED IN SUBSTANTIAL ACCORDANCE WITH THE RESTRICTIONS AND DEVELOPMENT STANDARDS OF PUD 12-D AS APPROVED BY THE CITY OF BIXBY, OR IN SUBSTANTIAL ACCORDANCE WITH SUCH MODIFICATIONS OR AMENDMENTS OF THE RESTRICTIONS AND DEVELOPMENT STANDARDS OF PUD 12-D AS MAY BE SUBSEQUENTLY BE APPROVED.

2. APPLICABLE ORDINANCE

THE DEVELOPMENT OF PINE VALLEY ADDITION SHALL BE SUBJECT TO THE PLANNED UNIT DEVELOPMENT PROVISIONS OF THE BIXBY ZONING CODE, AS SUCH PROVISIONS EXISTED ON FEBRUARY 11, 2013.

3. DEVELOPMENT STANDARDS

DEVELOPMENT AREA A

GROSS LAND AREA: 14.5 AC. +/-

PERMITTED USES: DETACHED SINGLE-FAMILY DWELLING UNITS AND CUSTOMARY

ACCESSORY USES.

MAXIMUM DWELLING UNITS: 58 DUS

MAXIMUM DENSITY 4 DUS PER ACRE

MAXIMUM BUILDING HEIGHT: 48 FT.

MAXIMUM STORIES: 3

MINIMUM YARDS AND BUILDING SETBACKS:

FROM MINOR STREET RIGHT-OF-WAY 25 FT.

FROM ARTERIAL STREET RIGHT-OF-WAY 20 FT.

FROM REAR LOT LINE: 25 FT.

FROM SIDE YARD LOT LINE: 5 FT.

BETWEEN DWELLING UNITS: 10 FT.

MINIMUM OFF-STREET PARKING: 2 SPACES PER DU

OTHER BULK AND AREA REQUIREMENTS AS REQUIRED WITHIN AN RS-3 DISTRICT.

DEVELOPMENT AREA B

GROSS LAND AREA: 61.80 AC. +/-

PERMITTED USES: DETACHED OR ATTACHED RESIDENTIAL DWELLING UNITS INCLUDING SINGLE-FAMILY, DUPLEX, PATIO HOME, TOWNHOUSE, (EXCLUDING MULTIFAMILY DWELLINGS, AS DEFINED BY THE BIXBY ZONING CODE), AND CUSTOMARY ACCESSORY USES, INCLUDING COMMON AREA FACILITIES SUCH AS CLUB HOUSE, SWIMMING POOL AND RECREATIONAL OPEN SPACE.

MAXIMUM DWELLING UNITS: 575 DUS

MAXIMUM DENSITY

DETACHED DWELLING UNITS: 8 DUS PER ACRE

DUPLEX DWELLING UNITS: 10 DUS PER ACRE

TOWNHOUSE DWELLING UNITS: 16 DUS PER ACRE

MAXIMUM BUILDING HEIGHT: 48 FT.

MAXIMUM STORIES: 3

MINIMUM YARDS AND BUILDING SETBACKS:

FROM NON-ARTERIAL STREET RIGHT-OF-WAY 20 FT.

FROM ARTERIAL STREET RIGHT-OF-WAY 20 FT.

FROM REAR LOT LINE: 20 FT.

FROM SIDE YARD LOT LINE: 5 FT.

BETWEEN DETACHED DWELLING UNITS 10 FT.

FROM ATTACHED SIDE OF A DUPLEX BUILDING: 0 FT.

BETWEEN DUPLEX BUILDINGS: 10 FT.

FROM ATTACHED SIDE OF A TOWNHOUSE UNIT: 0 FT.

BETWEEN TOWNHOUSE BUILDINGS: 20 FT.

MINIMUM OFF-STREET PARKING: AS REQUIRED WITHIN THE APPLICABLE USE UNIT.

OTHER BULK AND AREA REQUIREMENTS:

DETACHED SINGLE FAMILY DWELLINGS AS REQUIRED WITHIN AN RS-3 DISTRICT

DUPLEX DWELLINGS AS REQUIRED WITHIN AN RD DISTRICT

TOWNHOUSE DWELLINGS AS REQUIRED WITHIN AN RT DISTRICT

(THE ALTERNATIVE DEVELOPMENT STANDARDS FOR DEVELOPMENT AREA B ARE NOT RELEVANT TO THIS SUBDIVISION AND SO ARE OMITTED).

DEVELOPMENT AREA C

GROSS LAND AREA: 10.2 AC. +/-

PERMITTED USES: DETACHED OR ATTACHED RESIDENTIAL DWELLING UNITS INCLUDING SINGLE-FAMILY, DUPLEX, PATIO HOME, TOWNHOUSE, AND ELDERLY/RETIREMENT HOUSING, AND CUSTOMARY ACCESSORY USES.

MAXIMUM DWELLING UNITS 163 DUS

MAXIMUM DETACHED DWELLING UNITS 8 DUS PER ACRE

MAXIMUM DUPLEX DWELLING UNITS: 10 DUS PER ACRE

MAXIMUM TOWNHOUSE DWELLING UNITS: 16 DUS PER ACRE

MAXIMUM ELDERLY/RETIREMENT HOUSING DWELLING UNITS 16 DUS PER ACRE

MAXIMUM BUILDING HEIGHT: 48 FT.

MAXIMUM STORIES: 3

MINIMUM YARDS AND BUILDING SETBACKS:

FROM NON-ARTERIAL STREET RIGHT-OF-WAY: 20 FT.

FROM ARTERIAL STREET RIGHT-OF-WAY 20 FT.

FROM REAR LOT LINE 20 FT.

FROM SIDE YARD LOT LINE 5 FT.

BETWEEN DETACHED DWELLING UNITS: 10 FT.

FROM ATTACHED SIDE OF A DUPLEX BUILDING 0 FT.

BETWEEN DUPLEX BUILDINGS: 10 FT.

FROM ATTACHED SIDE OF A TOWNHOUSE UNIT: 0 FT.

BETWEEN TOWNHOUSE BUILDINGS: 20 FT.

BETWEEN ELDERLY/RETIREMENT HOUSING BUILDINGS: 20 FT.

MINIMUM OFF-STREET PARKING: AS REQUIRED WITHIN THE APPLICABLE USE.

OTHER BULK AND AREA REQUIREMENTS-DWELLINGS: AS REQUIRED WITHIN AN RM-1 DISTRICT.

OTHER BULK AND AREA REQUIREMENTS-NON-DWELLINGS: AS REQUIRED WITHIN THE APPLICABLE USE UNIT.

(THE ALTERNATIVE DEVELOPMENT STANDARDS FOR DEVELOPMENT AREA C ARE NOT RELEVANT TO THIS SUBDIVISION AND SO ARE OMITTED).

4. GENERAL PROVISIONS AND DEVELOPMENT STANDARDS

ACCESS AND CIRCULATION

THE PRINCIPAL ACCESS IS TO BE DERIVED FROM 151st STREET AND HARVARD AVENUE WITH CONNECTION TO AN INTERIOR PUBLIC AND OR PRIVATE STREET SYSTEM, AND MUTUAL ACCESS EASEMENTS TO PROVIDE CONNECTIVITY WHERE APPROPRIATE. NEW PUBLIC STREET CONSTRUCTION SHALL COMPLY WITH THE APPLICABLE GEOMETRIC STREET STANDARDS OF THE CITY OF BIXBY.

SIDEWALKS ALONG THE STREET FRONTAGES OF RESERVE AREAS SHALL BE CONSTRUCTED BY THE DECLARANT AND SIDEWALKS ALONG THE INTERIOR STREETS SHALL BE CONSTRUCTED BY THE BUILDER OF THE HOME TO BE LOCATED WITHIN EACH INDIVIDUAL LOT IN ACCORDANCE WITH THE BIXBY SUBDIVISION REGULATIONS, INCLUDING A MINIMUM WIDTH OF FOUR FEET AND ADA COMPLIANCE.

IT IS PROPOSED THAT A TRAIL SYSTEM BE PROVIDED THAT IS MEANINGFUL AND PROVIDES REASONABLE PEDESTRIAN OPPORTUNITIES EXTENDING FROM HARVARD AVENUE THROUGH POSEY CREEK FLOOD PLAIN AND CONTINUING TO THE EAST BOUNDARY OF GEILER PARK. PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS FOR DEVELOPMENT WHICH IN THE AGGREGATE COMPRISES 20% OF THE LAND AREA OF GEILER PARK, A TRAIL SYSTEM PLAN, INCLUDING A CONSTRUCTION PHASING SCHEDULE, SHALL BE SUBMITTED TO AND APPROVED BY THE BIXBY PLANNING COMMISSION.

SIGNS

SIGNS SHALL COMPLY WITH THE APPLICABLE PROVISIONS OF THE BIXBY ZONING CODE, PROVIDED HOWEVER, PRIOR TO INSTALLATION, A DETAILED SIGN PLAN SHALL BE SUBMITTED TO AND APPROVED BY THE BIXBY PLANNING COMMISSION. A SIGN IDENTIFYING AN INTERIOR PROPERTY MAY BE LOCATED OFF SITE WITHIN A PARCEL LOCATED IN GEILER PARK, BUT SHALL REQUIRE A DETAILED SIGN PLAN SUBMITTED TO AND APPROVED BY THE BIXBY PLANNING COMMISSION.

UTILITIES AND DRAINAGE

UTILITIES ARE AT THE SITE OR ACCESSIBLE BY CUSTOMARY EXTENSION. STORM WATER DETENTION WILL BE PROVIDED.

PARCELIZATION

AFTER INITIAL PLATTING SETTING FORTH PERMITTED USES AND THE ALLOCATION OF COMMERCIAL AND OR INDUSTRIAL FLOOR AREA OR RESIDENTIAL DENSITY, DIVISION OF PLATTED LOTS MAY OCCUR BY APPROVED LOT SPLIT APPLICATION AND SUBJECT TO THE APPROVAL BY THE BIXBY PLANNING COMMISSION OF PROPOSED FLOOR AREA OR RESIDENTIAL DENSITY ALLOCATIONS AND CONFIRMATION OF THE EXISTENCE OF ANY NECESSARY CROSS PARKING AND MUTUAL ACCESS EASEMENTS.

ALLOCATION OF FLOOR AREA AND DWELLING UNITS

AS APPROVED BY THE BIXBY CITY COUNCIL AND AS SET FORTH WITHIN SECTION II OF PUD 12-D, USE INTENSITY (SQUARE FOOTAGE OF FLOOR AREA OF NONRESIDENTIAL USE AND DWELLING UNITS OF RESIDENTIAL USE) AS PERMITTED BY THE UNDERLYING GENERAL ZONING DISTRICTS SHALL BE FULLY TRANSFERABLE TO THE VARIOUS DEVELOPMENT AREAS, IRRESPECTIVE OF THE GENERAL ZONING DISTRICT BOUNDARIES, AND THE AREAS OF USE MAY EXCEED THE AREAS OF THE UNDERLYING GENERAL ZONING DISTRICTS.

NONRESIDENTIAL FLOOR AREA OR RESIDENTIAL DWELLING UNIT DENSITY AS INITIALLY SET FORTH WITHIN SECTION II OF PUD 12-D MAY BE TRANSFERRED TO ANOTHER LOT OR LOTS BY WRITTEN INSTRUMENT EXECUTED BY THE OWNER OF THE LOT FROM WHICH THE FLOOR AREA IS TO BE ALLOCATED, PROVIDED HOWEVER, THE ALLOCATION SHALL NOT EXCEED 15% OF THE INITIAL ALLOCATION TO THE LOT TO WHICH THE TRANSFER OF FLOOR AREA IS TO BE MADE. ALLOCATION EXCEEDING EXCEEDING 15% SHALL REQUIRE AN APPLICATION FOR MINOR AMENDMENT TO BE REVIEWED AND APPROVED BY THE BIXBY PLANNING COMMISSION.

SECTION III. HOMEOWNERS' ASSOCIATION

A. FORMATION OF HOMEOWNERS' ASSOCIATION

THE DECLARANT HAS FORMED OR SHALL CAUSE TO BE FORMED AN ASSOCIATION OF THE OWNERS OF THE RESIDENTIAL LOTS WITHIN PINE VALLEY ADDITION. THE HOMEOWNERS' ASSOCIATION SHALL BE ESTABLISHED IN ACCORDANCE WITH THE STATUTES OF THE STATE OF OKLAHOMA, FOR THE GENERAL PURPOSE OF MAINTAINING THE COMMON AREA, INCLUDING BUT WITHOUT LIMITATION THE RESERVES AND ENHANCING THE VALUE, DESIRABILITY AND ATTRACTIVENESS OF PINE VALLEY ADDITION AND OF ANY RESIDENTIAL SUBDIVISION WHICH MAY SUBSEQUENTLY BE ANNEXED TO THE GEOGRAPHIC JURISDICTION OF THE HOMEOWNERS' ASSOCIATION.

Preliminary Plat

PUD 12-D

Pine Valley Addition

PART OF THE NORTHWEST QUARTER (NW/4) OF SECTION SIXTEEN (16)
TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN MERIDIAN
A SUBDIVISION WITHIN THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA

SECTION III. HOMEOWNERS' ASSOCIATION (CONTINUED)

B. MEMBERSHIP

EVERY PERSON OR ENTITY WHO IS A RECORD OWNER OF THE FEE INTEREST OF A RESIDENTIAL LOT IN PINE VALLEY ADDITION SHALL BE A MEMBER OF THE HOMEOWNERS' ASSOCIATION. MEMBERSHIP SHALL BE APPURTENANT TO AND SHALL NOT BE SEPARATED FROM THE OWNERSHIP OF A LOT. THE MEMBERSHIP OF THE ASSOCIATION SHALL BE LIMITED TO THE RECORD OWNER, WHETHER ONE OR MORE PERSONS OR ENTITIES, OF A FEE SIMPLE TITLE TO A LOT SITUATED WITHIN PINE VALLEY ADDITION, AND IN ANY ADDITIONAL PROPERTY AS MAY BE ANNEXED TO OR MERGED INTO THE JURISDICTION OF THE ASSOCIATION OR ALLOWED TO JOIN ACCORDING TO PROCEDURES SET FORTH IN THE ARTICLES OR BYLAWS, INCLUDING (WITHOUT LIMITATION) PROPERTY OWNERS IN FUTURE PHASES (IF ANY) OF THE PINE VALLEY ADDITION DEVELOPMENT TO BE LOCATED ADJACENT TO PINE VALLEY ADDITION AND EACH TO BE A SEPARATE SUBDIVISION WITHIN THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THEIR RESPECTIVE RECORDED PLATS THEREOF. THE FOREGOING IS NOT INTENDED TO INCLUDE PERSONS OR ENTITIES WHICH HOLD AN INTEREST MERELY AS SECURITY FOR THE PERFORMANCE OF AN OBLIGATION, OTHER THAN CONTRACT SELLERS. OWNERSHIP OF A LOT SHALL BE THE SOLE QUALIFICATION FOR MEMBERSHIP WITH RESPECT TO THOSE PROPERTY OWNERS IN PINE VALLEY ADDITION.

C. ASSESSMENT

EACH RECORD OWNER OF A LOT IN PINE VALLEY ADDITION SHALL BE SUBJECT TO ASSESSMENTS BY THE HOMEOWNERS' ASSOCIATION FOR THE PURPOSES OF IMPROVEMENT AND MAINTENANCE OF THE COMMON AREAS. ANNUAL AND SPECIAL ASSESSMENTS SHALL BE ESTABLISHED AS DETERMINED BY THE BOARD OF DIRECTORS OF THE ASSOCIATION IN ACCORDANCE WITH ITS BYLAWS AND AT A UNIFORM RATE APPLYING SUCH FACTORS AS THE BOARD OF DIRECTORS SHALL DETERMINE APPROPRIATE, SUCH AS THE OPERATING COSTS OF THE ASSOCIATION, MAINTENANCE OF THE COMMON AREAS, COST OF LIVING INCREASES, ENHANCEMENT OF PROPERTY VALUES AND OTHER EQUITABLE FACTORS. THE ASSOCIATION MAY DECLARE AND LEVY A SPECIAL ASSESSMENT, WITHOUT MEMBERS CONSENT OR APPROVAL, FOR THE PURPOSE OF DEFRAYING, IN WHOLE OR IN PART, THE COSTS OF ANY CONSTRUCTION OR RECONSTRUCTION, REPAIR OR REPLACEMENT OF A CAPITAL IMPROVEMENT UPON THE COMMON AREA OR ENTRYWAYS, INCLUDING THE NECESSARY FIXTURES AND PERSONAL PROPERTY RELATED THERETO, AND FOR ESTABLISHING RESERVES AND PAYMENT FOR ANY EXPENSES DEEMED NECESSARY AND APPROPRIATE BY THE BOARD OF DIRECTORS IN ITS SOLE DISCRETION; PROVIDED, HOWEVER, SPECIAL ASSESSMENTS AGAINST LOTS IN PINE VALLEY ADDITION AFTER THE TURNOVER DATE SHALL REQUIRE THE AFFIRMATIVE VOTE OF ONE-HALF (1/2) OF THE OWNERS OF SUCH LOTS WHO ARE CLASS A MEMBERS OF THE ASSOCIATION WHO ARE IN ATTENDANCE (IN PERSON OR BY PROXY) AT A SPECIAL MEETING OF THE MEMBERS OF THE ASSOCIATION, DULY CALLED AND NOTICED; PROVIDED, HOWEVER, THE DECLARANT AND ANY BUILDER OF THE RESIDENTIAL STRUCTURE THEREON WHO DOES NOT OCCUPY SUCH STRUCTURE AS ITS PRINCIPAL RESIDENCE, WHO OWNS LOTS

D. VOTING CLASSES

CLASS A: CLASS A MEMBERS SHALL BE ALL THOSE PERSONS OR ENTITIES ENTITLED TO MEMBERSHIP AS DEFINED IN SECTION III, PARAGRAPH C ABOVE, WITH THE EXCEPTION OF DECLARANT. AFTER THE TURNOVER DATE DESCRIBED BELOW, CLASS A MEMBERS WHO OWN A LOT SHALL BE ENTITLED TO ONE (1) VOTE FOR EACH LOT IN WHICH THEY HOLD THE INTEREST REQUIRED FOR MEMBERSHIP PROVIDED ABOVE; PROVIDED, HOWEVER, WHEN TWO OR MORE PERSONS OR ENTITIES HOLD SUCH INTEREST OR INTERESTS IN ANY LOT, ALTHOUGH ALL OF SUCH PERSONS OR ENTITIES SHALL BE MEMBERS OF THE ASSOCIATION, THE VOTE FOR SUCH LOT SHALL BE EXERCISED AS THEY, AMONG THEMSELVES, MAY DETERMINE, BUT IN NO EVENT SHALL MORE THAN ONE (1) VOTE PER LOT BE CAST WITH RESPECT TO ANY ONE LOT.

CLASS B: THE CLASS B MEMBER SHALL BE DECLARANT. THE CLASS B MEMBER SHALL BE ENTITLED TO FIVE HUNDRED (500) VOTES; PROVIDED, THAT THE CLASS B MEMBERSHIP SHALL CEASE AND BE CONVERTED TO CLASS A MEMBERSHIP ON THE EARLIER TO OCCUR OF:

- THE DATE ALL LOTS IN PINE VALLEY ADDITION SO PLATTED HAVE BEEN SOLD BY DECLARANT; OR
- DECEMBER 31, 2035; OR
- SUCH DATE AS DECLARANT (IN ITS SOLE DISCRETION) EXECUTES AND RECORDS WITH THE COUNTY CLERK OF TULSA COUNTY, OKLAHOMA, A NOTICE THAT DECLARANT HAS ELECTED TO CONVERT THE CLASS B MEMBERSHIP TO CLASS A MEMBERSHIP.

E. DECLARANT CONTROL

THE DECLARANT, OR ITS DESIGNEE, SHALL BE IN SOLE AND COMPLETE LEGAL CONTROL OF THE ASSOCIATION FROM THE INCEPTION THEREOF UNTIL SUCH TIME AS THE DECLARANT RELINQUISHES CONTROL THEREOF AS SET FORTH HEREIN. THE DATE ON WHICH DECLARANT'S RIGHTS UNDER THIS SECTION SHALL TERMINATE SHALL BE REFERRED TO AS THE "TURNOVER DATE". THE FIRST AND ALL SUBSEQUENT BOARDS PRIOR TO THE TURNOVER DATE SHALL CONSIST OF THOSE PERSONS DESIGNATED BY DECLARANT. DECLARANT'S RIGHTS UNDER THIS SECTION TO DESIGNATE THE MEMBERS OF THE BOARD SHALL TERMINATE ON THE DATE THE CLASS B MEMBERSHIP IS CONVERTED INTO CLASS A MEMBERSHIP AS DESCRIBED ABOVE. FROM AND AFTER THE TURNOVER DATE, THE BOARD SHALL BE CONSTITUTED AND ELECTED AS PROVIDED IN THE ASSOCIATION BYLAWS. PRIOR TO THE TURNOVER DATE ALL OF THE VOTING RIGHTS OF THE DECLARANTS SHALL BE VESTED EXCLUSIVELY IN DECLARANT. THE CLASS A MEMBERS, PRIOR TO THE TURNOVER DATE, SHALL HAVE NO VOTING RIGHTS. DESPITE HAVING NO VOTING RIGHTS AT THAT POINT IN TIME, SUCH MEMBERS' LOTS SHALL NEVERTHELESS BE SUBJECT TO ASSESSMENT. THE DECLARANT, UPON REQUEST, SHALL SUPPLY SUCH MEMBERS WITH AN ANNUAL ACCOUNTING OF THE MANNER IN WHICH COLLECTED ASSESSMENTS HAVE BEEN SPENT.

SECTION IV. PRIVATE RESTRICTIONS

THE DECLARANT HEREBY IMPOSES THE FOLLOWING RESTRICTIONS AND COVENANTS FOR THE PURPOSE OF PROVIDING FOR THE ORDERLY DEVELOPMENT OF THE SUBDIVISION AND CONFORMITY AND COMPATIBILITY OF IMPROVEMENTS THEREIN, WHICH SHALL BE APPLICABLE TO THE LOTS AND SHALL BE COVENANTS RUNNING WITH THE LAND AND SHALL BE BINDING UPON EACH LOT OWNER, THEIR HEIRS, SUCCESSORS AND ASSIGNS, AND SHALL BE ENFORCEABLE AS HEREINAFTER SET FORTH.

A. ARCHITECTURAL COMMITTEE - PLAN REVIEW

1. PLAN REVIEW. NO BUILDING, STRUCTURE, FENCE, WALL, PAVING, SWIMMING POOL, EXTERIOR LIGHTING, EXTERIOR ANTENNAE, OR FREE STANDING MAIL BOX SHALL BE ERECTED, PLACED OR ALTERED (INCLUDING EXTERIOR PAINTING) ON ANY LOT, AND NO SIDEWALK SHALL BE CONSTRUCTED UPON OR ADJACENT TO ANY LOT, UNTIL THE PLANS AND SPECIFICATIONS HAVE BEEN APPROVED IN WRITING BY THE DECLARANT 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 SITE PLAN, FLOOR PLAN, EXTERIOR ELEVATIONS, DRAINAGE AND GRADING PLANS, SIDEWALK LOCATION AND DESIGN PLAN, EXTERIOR MATERIALS AND COLOR SCHEME. IN THE EVENT THE ARCHITECTURAL COMMITTEE FAILS TO APPROVE OR DISAPPROVE PLANS AND SPECIFICATIONS SUBMITTED TO IT AS HEREIN REQUIRED WITHIN TWENTY (20) DAYS AFTER SUBMISSION, THE PLANS SO SUBMITTED SHALL BE DEEMED APPROVED. THE DEVELOPMENT AND USE OF THE SUBJECT LOT SHALL THEREAFTER BE IN SUBSTANTIAL COMPLIANCE WITH THE APPROVED PLANS OR APPROVED AMENDMENTS THERETO. 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.

2. COMMITTEE PURPOSE. THE INITIAL ARCHITECTURAL COMMITTEE SHALL BE MADE UP OF _____, GREG A. SIMMONS AND BRIAN DOYLE. 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 CONSTITUTE A WARRANTY OR RESPONSIBILITY FOR BUILDING METHODS, MATERIALS, PROCEDURES, STRUCTURAL DESIGN, GRADING OR DRAINAGE OR CODE VIOLATIONS. THE APPROVAL OR FAILURE TO APPROVE BUILDING PLANS SHALL NOT BE DEEMED A WAIVER OF ANY RESTRICTION. 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.

3. THE POWERS AND DUTIES OF THE ARCHITECTURAL COMMITTEE SHALL BE DEEMED TRANSFERRED TO THE HOMEOWNERS' ASSOCIATION ON THE TURNOVER DATE; AND THEREAFTER THE FOREGOING POWERS AND DUTIES SHALL BE EXERCISED BY THE BOARD OF DIRECTORS OF THE HOMEOWNERS' ASSOCIATION.

B. FLOOR AREA

SINGLE STORY DWELLINGS SHALL HAVE A MINIMUM OF 1,700 SQUARE FEET OF FINISHED HEATED LIVING AREA. ONE AND ONE-HALF (1-1/2) OR TWO (2) STORY DWELLINGS SHALL HAVE A MINIMUM OF 2,450 SQUARE FEET OF FINISHED HEATED LIVING AREA; PROVIDED HOWEVER, THE FIRST FLOOR SHALL HAVE A MINIMUM OF 1,600 SQUARE FEET OF FINISHED HEATED LIVING AREA. THE COMPUTATION OF SQUARE FEET OF LIVING AREA SHALL EXCLUDE GARAGES, OPEN SPACES AND BREEZEWAYS.

C. GARAGES

EACH DWELLING SHALL HAVE AN ATTACHED ENCLOSED GARAGE PROVIDING SPACE FOR A MINIMUM OF TWO AUTOMOBILES. ALL GARAGES SHALL BE ACCESSIBLE BY AN OVERHEAD GARAGE DOOR. 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 FIRST FLOOR OF EACH DWELLING WILL BE 100% MASONRY, NOT INCLUDING WINDOWS, DOORWAYS AND BENEATH COVERED PORCHES. ALL EXTERIOR COLORS (INCLUDING, WITHOUT LIMITATION, MASONRY, PAINT, WOOD, GARAGE DOORS, ETC.) OF THE RESIDENTIAL STRUCTURE AND ANY OTHER STRUCTURE ON THE LOT MUST BE EARTH TONE COLORS AND SUBTLE IN NATURE. NO NON-NATURAL HUE COLORS OR COLOR SCHEMES SHALL BE PERMITTED ON THE EXTERIOR OF ANY STRUCTURE ON THE LOT. 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

WINDOWS SHALL BE VINYL. METAL WINDOWS ARE RESTRICTED; HOWEVER, THE ARCHITECTURAL COMMITTEE MAY IN THE PARTICULAR INSTANCE AND UPON WRITTEN REQUEST APPROVE A WAIVER OF THE METAL WINDOW RESTRICTION 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 6/12, 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 - LANDMARK LIFETIME, PROVIDED HOWEVER, IF FEDERAL, STATE, OR LOCAL LAWS PROHIBIT SUCH ROOFING OR SUBSTANTIALLY IMPAIR THE ENFORCEMENT OF THIS RESTRICTION OR IF LANDMARK LIFETIME 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; PROVIDED 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.

N. ANTENNAS

EXTERIOR TELEVISION, "CB" RADIO OR OTHER TYPES OF ANTENNAS SHALL BE PROHIBITED, PROVIDED HOWEVER, SATELLITE DISHES OR SIMILAR OUTSIDE ELECTRONIC RECEPTION DEVICES NOT EXCEEDING 20 INCHES IN DIAMETER MAY BE AFFIXED TO A REAR BUILDING WALL OR DORMER IF BELOW THE EAVE AND NOT VISIBLE FROM THE STREET VIEW OF THE DWELLING, AND THE SPECIFIC LOCATION OF THE SAME IS APPROVED BY THE ARCHITECTURAL COMMITTEE. THE ARCHITECTURAL COMMITTEE MAY, IN THE PARTICULAR INSTANCE AND UPON WRITTEN REQUEST, APPROVE A WAIVER OF THE FOREGOING RESTRICTIONS.

O. LOT MAINTENANCE

NO INOPERATIVE 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 AND EQUIPMENT

NO BOATS, RECREATIONAL TRAILERS, PERSONAL WATER CRAFT, CAMPERS, MOTOR HOMES OR OTHER RECREATIONAL VEHICULAR EQUIPMENT, SHALL BE STORED, PLACED OR PARKED ON ANY STREET WITHIN THE SUBDIVISION OR ON ANY LOT, EXCEPT WITHIN AN ENCLOSED GARAGE.

Q. TRAILERS, MACHINERY AND EQUIPMENT, AND COMMERCIAL VEHICLES

NO COMMERCIAL VEHICLE SHALL BE KEPT, PARKED, STOOD OR STORED ON ANY LOT, EXCEPT IN A GARAGE. NO PRIVATE VEHICLE, MOTORCYCLE, MOTOR BIKE, CAMPER, TRAILER, BOAT, ALL-TERRAIN VEHICLE (ATV) OR RECREATIONAL VEHICLE (RV) OR SIMILAR VEHICLE OR EQUIPMENT, WHETHER OR NOT OPERABLE (COLLECTIVELY REFERRED TO AS "VEHICLES") SHALL BE KEPT, PARKED, STOOD OR STORED ON ANY LOT, STREET OR THE COMMON AREA, EXCEPT IN A GARAGE OR IN AN AREA WHERE THE ASSOCIATION HAS GIVEN ITS PRIOR WRITTEN APPROVAL THEREOF. REGULAR PASSENGER VEHICLES, SUCH AS AUTOMOBILES, PASSENGER VANS, AND SUVs AND COMMERCIAL VEHICLES OF 1/2 TON OR LESS ARE PERMITTED TO BE PARKED IN THE DRIVEWAY OVERNIGHT. FURTHER, BOATS, TRAILERS AND RVs MAY BE PARKED TEMPORARILY (FOR A PERIOD NOT TO EXCEED 48 CONSECUTIVE HOURS PER WEEK) ON THE DRIVEWAY OF A LOT FOR PURPOSES OF LOADING, UNLOADING OR WASHING. VEHICLES SHALL NOT BE KEPT, PARKED OR STORED ON THE LOT, EXCEPT IN A SIDE YARD, COMPLETELY SCREENED BY PRIVACY FENCING FROM VIEW OF NEIGHBORING LOTS, STREETS AND OTHER PROPERTY. PARKING ON THE STREET IS RESERVED FOR OWNER'S GUESTS AND VISITORS. OWNER'S VEHICLES (OR VEHICLES UNDER THEIR DOMINION AND CONTROL) SHALL NOT BE PARKED OR STORED IN ANY STREET, NOR IN ANY OTHER MANNER WHICH IMPAIRS OR IMPEDES SIDEWALK USE OR OTHER PUBLIC ACCESS. OWNERS SHALL KEEP THEIR RESPECTIVE GARAGES FREE FROM CLUTTER AND DEBRIS SO THAT GARAGES MAY BE CONSISTENTLY USED FOR THE PARKING AND/OR STORAGE OF VEHICLES. REPAIR OF VEHICLES ON THE LOT IS PROHIBITED, BUT WASHING OR POLISHING OF VEHICLE ON THE DRIVEWAY IS ALLOWED; PROVIDED, HOWEVER VEHICLE REPAIR MAY OCCUR IN THE ENCLOSED GARAGE AS LONG AS THE GARAGE EFFECTIVELY SCREENS THE SIGHT AND SOUND OF SUCH ACTIVITIES FROM NEIGHBORING PROPERTIES AND FROM THE STREET. INOPERABLE VEHICLES SHALL NOT BE KEPT, PARKED, OR STORED ON A LOT AT ANY TIME. NOTWITHSTANDING ANY OTHER PROVISION HEREIN, NO COMMERCIAL VEHICLES SHALL BE PARKED OR STORED AT ANY TIME ON OR IN FRONT OF ANY LOT, STREET OR COMMON AREA WITHOUT THE ASSOCIATION'S PRIOR WRITTEN CONSENT.

R. CLOTHESLINES AND TRASH RECEPTACLES

EXTERIOR CLOTHESLINE POLES OR OTHER OUTDOOR DRYING APPARATUS ARE PROHIBITED. GARBAGE CANS 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.

S. MAILBOXES

AS LONG AS A RURAL TYPE MAILBOX IS IN USE IN THE SUBDIVISION FOR U.S. POSTAL SERVICE, ALL MAILBOX PEDESTALS SHALL CONFORM IN DESIGN TO SPECIFICATIONS 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.

T. 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.

U. 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.

V. 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 CONSTRUCTION AND SALES PERIOD. NO RENT OR LEASE SIGNS ARE ALLOWED.

W. 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 SHALL BE COMPLETED WITHIN NINE (9) MONTHS THEREAFTER. EACH LOT SHALL BE MAINTAINED IN A NEAT AND ORDERLY CONDITION.

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 EACH LOT OWNER, THEIR HEIRS, THE OWNER, 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 THERETO, AND ADDITIONALLY THE COVENANTS WITHIN SECTION I. WHETHER OR NOT SPECIFICALLY THEREIN SO STATED SHALL INURE TO THE BENEFIT OF AND SHALL BE ENFORCEABLE BY THE CITY OF BIXBY. 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 THE CITY OF BIXBY, OKLAHOMA, ANY OWNER OF A LOT AND THE HOMEOWNERS' ASSOCIATION. IF ANY LOT OWNER THE UNDERSIGNED OWNER OR ITS SUCCESSORS OR ASSIGNS, SHALL VIOLATE ANY OF THE COVENANTS WITHIN SECTION II., IT SHALL BE LAWFUL FOR THE CITY OF BIXBY, THE DECLARANT, ANY OWNER OF A LOT OR THE HOMEOWNERS' ASSOCIATION TO MAINTAIN ANY 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. THE COVENANTS CONTAINED IN SECTION III. HOMEOWNERS' ASSOCIATION AND SECTION IV. PRIVATE RESTRICTIONS, SHALL INURE TO THE BENEFIT OF ANY OWNER OF A LOT AND THE HOMEOWNERS' ASSOCIATION. IF THE OWNER OF ANY LOT, ITS HEIRS, UNDERSIGNED OWNER, OR ITS SUCCESSORS OR ASSIGNS, SHALL VIOLATE ANY OF THE COVENANTS WITHIN SECTION III. OR IV., IT SHALL BE LAWFUL FOR THE HOMEOWNERS' ASSOCIATION TO MAINTAIN ANY ACTION AT LAW OR IN EQUITY AGAINST THE PERSON OR PERSONS VIOLATING OR ATTEMPTING TO VIOLATE ANY SUCH COVENANT, OR THEM FROM SO DOING OR TO COMPEL COMPLIANCE WITH THE COVENANT. IN ANY JUDICIAL ACTION BROUGHT TO ENFORCE THE COVENANTS ESTABLISHED WITHIN THIS DEED OF DEDICATION, THE DEFENSE THAT THE PARTY INITIATING THE EQUITABLE PROCEEDING HAS AN ADEQUATE REMEDY AT LAW, IS HEREBY WAIVED. IN ANY JUDICIAL ACTION BROUGHT BY ANY OWNER OF A LOT OR THE HOMEOWNERS' ASSOCIATION, WHICH ACTION SEEKS TO ENFORCE THE COVENANTS CONTAINED IN SECTIONS III. OR IV. AND/OR TO RECOVER DAMAGES FOR THE BREACH THEREOF, THE PREVAILING PARTY SHALL BE ENTITLED TO RECEIVE REASONABLE ATTORNEY FEES AND COSTS AND EXPENSES INCURRED IN SUCH ACTION.

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 HEREINAFTER PROVIDED.

C. AMENDMENT

UNTIL SUCH TIME AS THE CLASS B MEMBERSHIP IS CONVERTED INTO THE CLASS A MEMBERSHIP, THE PROVISIONS OF THIS DECLARATION MAY BE AMENDED, IN WHOLE OR IN PART, MODIFIED, ADDED TO OR CHANGED AT ANY TIME BY THE DECLARANT IN HIS SOLE DISCRETION AND, IF REQUIRED, APPROVED BY THE CITY OF BIXBY. THEREAFTER, 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 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 MAY BE AMENDED OR TERMINATED AT ANY TIME BY A 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. NOTWITHSTANDING THE FOREGOING, THE COVENANTS CONTAINED WITHIN SECTION II. SHALL BE DEEMED AMENDED (WITHOUT NECESSITY OF EXECUTION OF AN AMENDING DOCUMENT) UPON APPROVAL OF A MINOR AMENDMENT TO PUD 12-D BY THE BIXBY PLANNING COMMISSION AND RECORDING OF A CERTIFIED COPY OF THE MINUTES OF THE BIXBY PLANNING COMMISSION WITH THE TULSA COUNTY CLERK.

THE COVENANTS CONTAINED WITHIN SECTION III. HOMEOWNERS' ASSOCIATION, SECTION IV. PRIVATE RESTRICTIONS, AND ANY OTHER PROVISION OF THIS DEED OF DEDICATION WHICH DID NOT INITIALLY REQUIRE THE APPROVAL OF THE BIXBY PLANNING COMMISSION AND/OR THE CITY OF BIXBY, MAY BE AMENDED OR TERMINATED AT ANY TIME BY A WRITTEN INSTRUMENT SIGNED AND ACKNOWLEDGED BY THE OWNER DURING SUCH PERIOD THAT THE OWNER IS THE RECORD OWNER OF AT LEAST 1 LOT OR ALTERNATIVELY, THE COVENANTS AND RESTRICTIONS MAY BE AMENDED OR TERMINATED AT ANY TIME BY A WRITTEN INSTRUMENT SIGNED AND ACKNOWLEDGED BY THE OWNERS OF AT LEAST 65% OF THE LOTS WITHIN THE SUBDIVISION. IN THE EVENT OF ANY CONFLICT BETWEEN AN AMENDMENT OR TERMINATION PROPERLY EXECUTED BY THE OWNER (DURING ITS OWNERSHIP OF AT LEAST 1 LOT) AND ANY AMENDMENT OR TERMINATION PROPERLY EXECUTED BY THE OWNERS OF AT LEAST 65% OF THE LOTS, THE INSTRUMENT EXECUTED BY THE OWNER SHALL PREVAIL. THE PROVISIONS OF ANY INSTRUMENT AMENDING OR TERMINATING COVENANTS AND RESTRICTIONS SHALL BE EFFECTIVE FROM AND AFTER THE DATE IT IS PROPERLY RECORDED.

THIS DECLARATION MAY BE AMENDED UNILATERALLY BY DECLARANT AT ANY TIME (I) IF SUCH AMENDMENT IS NECESSARY TO BRING ANY PROVISION HEREOF INTO COMPLIANCE WITH ANY APPLICABLE GOVERNMENTAL STATUTE, RULE OR REGULATION OR JUDICIAL DETERMINATION WHICH SHALL BE IN CONFLICT THEREWITH; (II) IF SUCH AMENDMENT IS REQUIRED BY AN INSTITUTIONAL OR GOVERNMENTAL LENDER OR PURCHASER OF MORTGAGE LOANS, TO ENABLE SUCH LENDER OR PURCHASER TO MAKE OR PURCHASE MORTGAGE LOANS ON THE PROPERTY SUBJECT TO THIS DECLARATION; (III) IF SUCH AMENDMENT IS NECESSARY TO ENABLE ANY GOVERNMENTAL AGENCY OR REPUTABLE PRIVATE INSURANCE COMPANY TO INSURE MORTGAGE LOANS ON THE PROPERTY SUBJECT TO THIS DECLARATION; (IV) TO CORRECT ERRORS AND MAKE CLARIFICATIONS OR ADDITIONS IN THIS DECLARATION; OR (V) TO MODIFY OR ADD TO THE PROVISIONS OF THIS DECLARATION TO ADEQUATELY COVER SITUATIONS AND CIRCUMSTANCES WHICH DECLARANT BELIEVES, IN ITS REASONABLE JUDGMENT, HAVE NOT BEEN ADEQUATELY

COVERED AND WOULD NOT HAVE A MATERIAL AND ADVERSE EFFECT ON THE MARKETABILITY OF LOTS. IN FURTHERANCE OF THE FOREGOING, A POWER COUPLED WITH AN INTEREST IS HEREBY RESERVED AND GRANTED TO DECLARANT TO MAKE OR CONSENT TO ANY SUCH AMENDMENT ON BEHALF OF EACH OWNER. EACH DEED, MORTGAGE, OTHER EVIDENCE OF OBLIGATION OR OTHER INSTRUMENT AFFECTING A LOT AND THE ACCEPTANCE THEREOF SHALL BE DEEMED TO BE A GRANT AND ACKNOWLEDGMENT OF, AND CONSENT TO THE RESERVATION OF, THE POWER TO DECLARANT TO MAKE, EXECUTE AND RECORD SUCH AMENDMENTS. THE RIGHT AND POWER OF THE DECLARANT TO MAKE SUCH AMENDMENTS HEREUNDER SHALL TERMINATE AT SUCH TIME AS DECLARANT HAS SOLD ALL OF ITS LOTS IN PINE VALLEY ADDITION.

UPON THE CONVERSION OF CLASS B MEMBERSHIP INTO CLASS A MEMBERSHIP, (I) THE PROVISIONS OF THIS SECTION V MAY BE AMENDED ONLY BY AN INSTRUMENT EXECUTED BY ALL OF THE OWNERS; AND (II) ANY PROVISION RELATING TO THE RIGHTS OF DECLARANT MAY BE AMENDED ONLY WITH THE WRITTEN CONSENT OF DECLARANT. NO AMENDMENT SHALL BE EFFECTIVE UNTIL PROPERLY RECORDED. "OWNERS" SHALL NOT BE DEEMED TO INCLUDE MORTGAGEES OR OTHER PERSONS HOLDING LIENS ON ANY LOT AND SUCH MORTGAGES AND OTHER LIENHOLDERS SHALL NOT BE REQUIRED TO JOIN IN ANY AMENDMENT TO THIS DECLARATION.

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 THEREOF AS SET FORTH HEREIN, WHICH SHALL REMAIN IN FULL FORCE AND EFFECT.

IN WITNESS WHEREOF, STONE HORSE DEVELOPMENT, L.L.C., AN OKLAHOMA LIMITED LIABILITY COMPANY, HAS EXECUTED THIS INSTRUMENT THE ____ DAY OF _____, 2016.

STONE HORSE DEVELOPMENT, L.L.C.

AN OKLAHOMA LIMITED LIABILITY COMPANY

BY: _____

DANIEL RUHL, MANAGER

STATE OF OKLAHOMA)

) SS

COUNTY OF TULSA)

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, ON THIS ____ DAY OF _____, 2016, PERSONALLY APPEARED DANIEL RUHL, TO ME KNOWN TO BE THE IDENTICAL PERSON WHO SUBSCRIBED THE NAME OF THE MAKER THEREOF TO THE FOREGOING INSTRUMENT, AS HIS MANAGER AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE AND VOLUNTARY ACT AND DEED AND AS THE FREE AND VOLUNTARY ACT AND DEED OF SUCH COMPANY FOR THE USES AND PURPOSES THEREIN SET FORTH. THE DAY AND YEAR LAST ABOVE WRITTEN.

MY COMMISSION EXPIRES _____

NOTARY PUBLIC

CERTIFICATE OF SURVEY

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

WITNESS MY HAND AND SEAL THIS ____ DAY OF _____, 2016.



BY: _____

DAN E. TANNER
REGISTERED PROFESSIONAL LAND SURVEYOR
OKLAHOMA NO. 1435

STATE OF OKLAHOMA)

) SS

COUNTY OF TULSA)

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, ON THE ____ DAY OF _____, 2016, PERSONALLY APPEARED TO ME DAN E. TANNER KNOWN TO BE THE IDENTICAL PERSON WHO SUBSCRIBED HIS NAME AS REGISTERED PROFESSIONAL LAND SURVEYOR TO THE FOREGOING CERTIFICATE, AS HIS FREE AND VOLUNTARY ACT AND DEED, FOR THE USES AND PURPOSES THEREIN SET FORTH.

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

MY COMMISSION EXPIRES _____

NOTARY PUBLIC

**MEETING MINUTES
TECHNICAL ADVISORY COMMITTEE
CONFERENCE ROOM~DAWES BUILDING CITY OFFICES
113 WEST DAWES AVE~BIXBY, OK 74008
Wednesday, May 4, 2016 – 10:00 AM**

1. Call to Order

2. Preliminary Plat “ADDISON CREEK”- Tanner Consulting

Discussion and review of a Preliminary Plat for approximately 29.762 acres, 61 Lots, 3 Blocks, 2 Reserves. Single Family Residential. STR: 2/17/13

Property located: 12800 Block of Sheridan Road, adjacent to and south of Seven Lakes I

No New Comments

3. (2) Final Plats “Pine Valley Addition”, PUD 12-D- Tanner Consulting

Discussion and review of a Final Plat for approximately 4.346 acres, 9 Lots, 2 Blocks, 2 reserves. STR: 16/17/13

BLOCKS: 4-9 AND BLOCKS 10-11

Property located: half a mile south of 141st E. Ave. and east of Harvard

No New Comments

4. Preliminary Plat “SEVEN LAKES VII”- Tanner Consulting

Discussion and review of a preliminary Plat for approximately 0.625 acres, 2 Lots, 1 Block

Property located: half a mile south of 121st and east of Sheridan. STR: 2/17/13

No Comments

5. Project Coordination “BPS 9th Grade Center Addition”- Crafton Tull

Discussion of a preliminary utility relocation plans for proposed 9th Grade Center project

Property located: existing BPS 9th Grade Center at 301 S. Riverview. STR: 24/17/13

GAS- NOT PRESENT, need identification drawings for campus, want to loop to the north with water

ELECTRIC-how will the school supply electric during the building process? GENERATOR
BTC-moving service will be increased downtime

Effective and cost saving is goal

Will servers stay inside the current building?

Identify line current and future

Will you build over it or preserve it in place?

What about flooding?

How would server room be protected?

LOCATE DEPTH OF PIPES

LOCATE SERVER ROOM-MOVE OR PROTECT IN PLACE?

Pot hole the lines for location and depth

Conduct a walkthrough soon

Audit

ALL UTILITIES- review drawing ASAP and provide markups to Justin Sack

Justin.sack@craftontull.com

THIS ITEM WILL BE ON THE NEXT TAC AGENDA FOR REVIEW OF SUGGESTED CHANGES AND NEW QUESTIONS.

6. Old Business

7. New Business

8. Adjournment

Posted By: Marcae' Hilton

Date: May 3, 2016

Time: 5:00PM

BIXBY TAC MEETING
SIGN IN SHEET
Wednesday, May 4, 2016

NAME	COMPANY	PHONE
1. <u>Chuck Mitchell</u>	<u>Crafton Tull</u>	<u>918-584-0347</u>
2. <u>JUSTIN SACK</u>	<u>CRAFTON TULL</u>	<u>918-588-4008</u>
3. <u>MARK DAVIS</u>	<u>BTC Broadband</u>	<u>918-366-0270</u>
4. <u>Jim Peterson</u>	<u>BTC Broadband</u>	<u>918-366-0253</u>
5. <u>Tim Dobrinski</u>	<u>OG&E</u>	<u>918-227-0203</u>
6. <u>John Vausey</u>	<u>Cony</u>	<u>(918) 286-4142</u>
7. <u>MARY FOUTER</u>	<u>Bixby Schools</u>	<u>98 740 7218</u>
8. <u>Mike Collett</u>	<u>Bixby Schools</u>	<u>918-269-8763</u>
9. <u>BILL DAWGOTT</u>	<u>OASIS CENTRAL ELECTRIC</u>	<u>918-756-0833</u>
10. <u>Courtney Pollard</u>	<u>FLINTCO LLC.</u>	<u>918-232-8644</u>
11. <u>Corey Whadd</u>	<u>COB JM</u>	<u>(918) 366-0436</u>
12. <u>MICHAEL EMBERY</u>	<u>BPS</u>	<u>918-284-5219</u>
13. <u>Marcell Hilton</u>	<u>COB</u>	
14. <u>Ricky Jones</u>	<u>Tanner</u>	
15. <u>Justin Morgan</u>	<u>Tanner</u>	
16. <u>Richard Godfrey</u>	<u>Crafton Tull</u>	<u>918 521 6669</u>
17. _____	_____	_____
18. _____	_____	_____
19. _____	_____	_____
20. _____	_____	_____

AGENDA
TECHNICAL ADVISORY COMMITTEE
CONFERENCE ROOM
DAWES BUILDING CITY OFFICES
113 WEST DAWES AVE
BIXBY, OK 74008
Wednesday, May 4, 2016 – 10:00 AM

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Discussion and review of a Final Plat for approximately 4.346 acres, 9 Lots, 2 Blocks, 2 reserves. STR: 16/17/13

BLOCKS: 4-9 AND BLOCKS 10-11

Property located: half a mile south of 141st E. Ave. and east of Harvard

4. Preliminary Plat “SEVEN LAKES VII”- Tanner Consulting

Discussion and review of a preliminary Plat for approximately 0.625 acres, 2 Lots, 1 Block

Property located: half a mile south of 121st and east of Sheridan. STR: 2/17/13

5. Project Coordination “BPS 9th Grade Center Addition”- Crafton Tull

Discussion of a preliminary utility relocation plans for proposed 9th Grade Center project

Property located: existing BPS 9th Grade Center at 301 S. Riverview. STR: 24/17/13

6. Old Business

7. New Business

8. Adjournment

Posted By: Marcae' Hilton

Date: May 3, 2016

Time: 5:00PM

Persons who require a special accommodation to participate in this meeting should contact City Planner Marcae' Hilton, 116 West Needles Avenue, Bixby, Oklahoma, 918-366-4430, or via Email: mhilton@bixbyok.gov as far in advance as possible and preferably at least 48-hours before the date of the meeting. Persons using a TDD may contact OKLAHOMA RELAY at 1-800-722-0353 and voice calls should be made to 1-800-522-8506 to communicate via telephone with hearing telephone users and vice versa.

Marcae Hilton

From: Jason Mohler
Sent: Tuesday, May 03, 2016 6:25 PM
To: Britt Embry
Cc: Marcae Hilton
Subject: 9th Grade Center Utilities
Attachments: BPS 9GC Utility Atlas.pdf

Britt – Unfortunately, I will not be at the TAC meeting tomorrow to discuss your 9th Grade Center project. Marcae’ Hilton, our City Planner will be running the TAC meeting. Attached is copy of the water/sewer/storm atlas map. Hopefully this map along with the notes below will get the coordination started. Don’t hesitate to give me a call you need more information. These notes are my initial thoughts from a general understanding of the area and conversation with Jared. I’m happy to dig deeper if you have specific concerns.

Water: There are no “internal” waterlines represented on the atlas map. It’s my understanding that the existing 9th Grade Center building is served by a single master meter and the “internal” waterlines (domestic service lines, fire protection lines, fire hydrants, etc.) are private. The proposed building expansion can be served from the existing meter.

Sanitary Sewer: The existing service connects to the 12” SS on the east side of Riverview. You can tie a new service line to the same 12” SS main if needed or tie to the existing service connection.

Drainage: I provided a copy of the overall BPS drainage study to Jamelle several weeks ago. I’m assuming that report accounted for this additional impervious area.

Jason Mohler
City of Bixby
918-366-4430
jmohler@bixbyok.gov
www.bixby.com

Memo

To: Marcae Hilton, City Planner

From: Joey Wiedel

Date: 05-04-2016

Re: Preliminary Plan "Pine Valley Blocks 10-11"

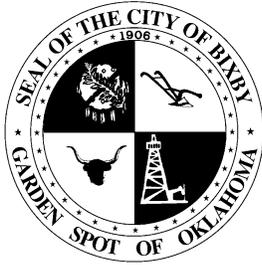
Final plat of "Pine Valley Blocks 10-11" are approved by this office with the following conditions:

1. Fire Hydrants shall be installed on lot lines. All hydrants shall be operable before construction begins.
 - Provide one fire hydrant at the entrance and one near the cul-de-sac.
 - Ground clearance of no less than 18 inches from center of caps.
 - Brand- AVK or Mueller , Color- Chrome Yellow
 - Fire line supporting the fire hydrants shall be looped.
 - Provide copy of water lines for approval.
2. Streets capable of supporting an imposed load of 75,000 pounds shall be in place before construction of homes. (IFC 2015 Appendix D)
 - Road 30 feet wide.

Joey Wiedel

5-4-2016

Date



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: Marcae' Hilton, City Planner
Date: Tuesday, May 31, 2016
RE: Report and Recommendations for: Preliminary Plat of SEVEN LAKES VII

BACKGROUND INFORMATION:

REQUEST: Preliminary Plat Approval for Seven Lakes VII
STR: S2, T17N, R13E
LOCATION: Generally located east of and adjacent to Sheridan as part of Seven Lakes
SIZE OF TRACT: 0.625 acres, gross subdivision area
LOT INFO: 2 Lots
1 Blocks
0 Reserve

EXISTING ZONING: RS-4 Residential Single-Family District, adjacent to the 100 Year Floodplain

SURROUNDING ZONING AND LAND USE:

North: RS-4 (Residential Single-Family); Seven Lakes I, II, III, IV, V, VI
South: AG (Agricultural); RS-4 (Residential Single-Family)-proposed Addison Creek
West: (Immediately Across Sheridan) RS-3 (Residential Single-Family) and PUD 812; AG (Agricultural); large undeveloped Agricultural Tracts with contiguous floodplain, Tulsa County Accessors Office as of May 11, 2016 shows some parcels belong to the following: NATIONAL PROPERTY INVESTMENTS LLC, STONE HORSE DEVELOPMENT LLC (2), SOUTH SHERIDAN LLC

East: Seven Lakes I RS-4 (Residential Single-Family)

COMPREHENSIVE PLAN:

Low Intensity Land Use, the area is currently shown in the 100-Year Floodplain, but not listed as development sensitive per the Comprehensive Plan.

The preliminary plat for Seven Lakes VII is generally located East of Sheridan and one-half mile north of 131st Street. The proposed plat was originally part of the Preliminary Plat for Addison Creek (proposed plat, Planning Commission Agenda, May 16, 2016). However, after the first planning commission meeting (April 18, 2016) the developer made arrangements with Seven Lakes who accepted the 2 lots into the Seven Lake's development and (HOA) Home Owners Association. The plat consists of 2 lots on 0.625 acres. The property is currently zoned RS-4. The *Final Plat of Seven Lakes I* was approved by City Council 10/23/2006 (plat recorded 04/26/2007).

The south portion of the plat is located within a 100-year floodplain. The City Engineer has extensive comments requiring FEMA approval and documentation along with finish floor elevations to be included in the Final Plat.

GENERAL:

This item was heard by Technical Advisory Committee (TAC) on Wednesday, May 4, 2016 no specific comments were made from utilities or the Fire Marshal. Staff requests all outstanding comments be resolved before submittal of the Final Plat to City Council.

- EXHIBITS:**
1. Preliminary Plat for Seven Lakes VII
 2. Aerial Map of Seven Lakes VII
 3. Checklist for Seven Lakes VII

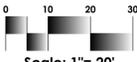
STAFF RECOMMENDATIONS:

Staff recommends approval of the Preliminary Plat for Seven Lakes VII subject to the resolution of comments from staff.

1. Approval is subject to compliance with any outstanding or new Fire Marshal and/or City Engineer recommendations and requirements.
2. Before the City Council Final Plat hearing: Please provide release letters from all utility companies serving the subdivision as per SRs Section 12-2-6.B.
3. Please confirm the City of Bixby has the current HOA information including a copy of the Secretary of State Incorporation documents for placement in the permanent file and for notification to the Bixby Neighborhood Coordinator, along with the names and contact information of the current HOA Officers.



NORTH



Scale: 1"= 20'
Tanner Consulting

LEGEND

- B/U BUILDING LINE & UTILITY EASEMENT
- CB CHORD BEARING
- CD CHORD DISTANCE
- DOC DOCUMENT
- ESMT EASEMENT
- IPF IRON PIN FOUND
- IPYC IRON PIN FOUND WITH YELLOW CAP
- ITB INITIAL TANGENT BEARING
- POB POINT OF BEGINNING
- U/E UTILITY EASEMENT
- Δ CENTRAL ANGLE

6600 PROPERTY ADDRESS

NW CORNER N/2 SW/4
SECTION 2, T-17-N, R-13-E
FOUND 5/8" IRON PIN

POINT OF BEGINNING
SOUTHWEST CORNER OF "SEVEN LAKES I"
AN ADDITION TO THE CITY OF BIXBY, TULSA COUNTY,
STATE OF OKLAHOMA, PLAT NO. 6113
MAG NAIL FOUND

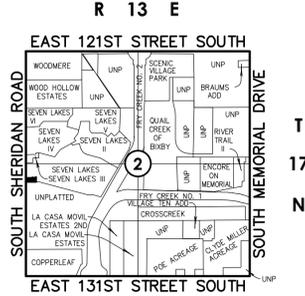
PRELIMINARY PLAT

Seven Lakes VII

PART OF THE NORTH HALF OF THE OF THE SOUTHWEST QUARTER (N/2 SW/4) OF SECTION TWO (2),
TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN MERIDIAN
A SUBDIVISION WITHIN THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA

OWNER:
Stone Horse Development, L.L.C.
AN OKLAHOMA LIMITED LIABILITY COMPANY
CONTACT: BRIAN DOYLE
12150 East 96th Street North, Suite 200
Owasso, Oklahoma 74055
Phone: (918)376-6533

SURVEYOR:
Tanner Consulting, L.L.C.
DAN E. TANNER, P.L.S. NO. 1435
OK CA NO. 2661, EXPIRES 6/30/2017
5323 South Lewis Avenue
Tulsa, Oklahoma 74105
Phone: (918)745-9929

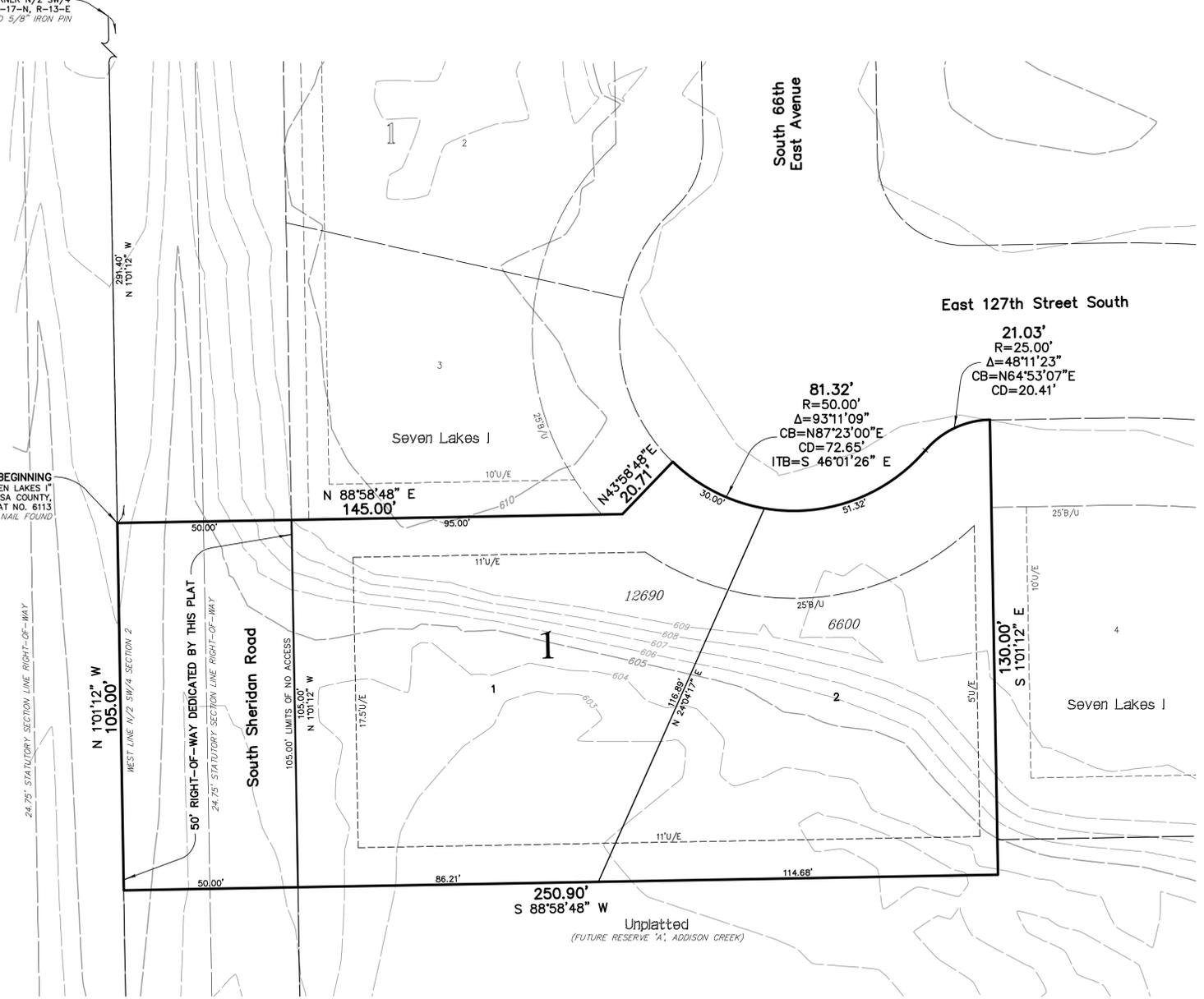


Location Map
Scale: 1"= 2000'

SUBDIVISION CONTAINS:
TWO (2) LOTS IN ONE (1) BLOCK
GROSS SUBDIVISION AREA: 0.625 ACRES

Notes:

1. THIS PLAT MEETS THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED BY THE OKLAHOMA STATE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS.
2. ALL PROPERTY CORNERS ARE SET 3/8" IRON REBAR WITH YELLOW CAP STAMPED "TANNER 1435" UNLESS OTHERWISE NOTED.
3. THE BEARINGS SHOWN HEREON ARE BASED UPON THE OKLAHOMA STATE PLANE COORDINATE SYSTEM, NORTH ZONE (3501), NORTH AMERICAN DATUM 1983 (NAD83); SAID BEARINGS ARE BASED LOCALLY UPON FIELD-OBSERVED TIES TO THE FOLLOWING MONUMENTS:
(1) 5/8" IRON PIN FOUND AT THE NORTHWEST CORNER OF THE SW/4 OF SECTION 2;
(2) BRASS CAP FOUND AT THE SOUTHWEST CORNER OF THE SW/4 OF SECTION 2;
THE BEARING BETWEEN SAID MONUMENTS BEING SOUTH 1°01'12" EAST.
4. ADDRESSES SHOWN ON THIS PLAT WERE ACCURATE AT THE TIME THE PLAT WAS FILED. ADDRESSES ARE SUBJECT TO CHANGE AND SHOULD NEVER BE RELIED UPON IN PLACE OF THE LEGAL DESCRIPTION.
5. ACCESS AT THE TIME OF PLAT WAS PROVIDED BY ADJACENT PUBLIC STREETS WITHIN "SEVEN LAKES I", AN ADDITION IN THE CITY OF BIXBY, OKLAHOMA.
6. THE MINIMUM FINISH FLOOR ELEVATION FOR ANY LOT WITHIN THE SUBDIVISION SHALL BE 606.00 FEET (NAVD 88).



DATE OF PREPARATION: April 21, 2016

PRELIMINARY PLAT

Seven Lakes VII

PART OF THE NORTH HALF OF THE OF THE SOUTHWEST QUARTER (N/2 SW/4) OF SECTION TWO (2), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN MERIDIAN A SUBDIVISION WITHIN THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA

DEED OF DEDICATION & RESTRICTIVE COVENANTS

KNOW ALL MEN BY THESE PRESENTS:

STONE HORSE DEVELOPMENT, 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 THAT IS PART OF THE NORTH HALF OF THE SOUTHWEST QUARTER (N/2 SW/4) OF SECTION TWO (2), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST, OF THE INDIAN MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF "SEVEN LAKES I", AN ADDITION TO THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 6113; THENCE ALONG THE SOUTH LINE OF SAID ADDITION FOR THE FOLLOWING FIVE (5) CALLS: NORTH 88°58'48" EAST FOR A DISTANCE OF 145.00 FEET; THENCE NORTH 43°58'48" EAST FOR A DISTANCE OF 20.71 FEET TO A POINT OF CURVATURE; THENCE ALONG A 50.00 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT, HAVING AN INITIAL TANGENT BEARING OF SOUTH 46°01'26" EAST, WITH A CENTRAL ANGLE OF 93°11'09", A CHORD BEARING AND DISTANCE OF NORTH 87°23'00" EAST FOR 72.65 FEET, FOR AN ARC DISTANCE OF 81.32 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG A 25.00 FOOT RADIUS CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 48°11'23", A CHORD BEARING AND DISTANCE OF NORTH 64°53'07" EAST FOR 20.41 FEET, FOR AN ARC DISTANCE OF 21.03 FEET; THENCE SOUTH 1°01'12" EAST ALONG AND THROUGH SAID SOUTH LINE, FOR A DISTANCE OF 130.00 FEET; THENCE SOUTH 88°58'48" WEST FOR A DISTANCE OF 250.90 FEET TO A POINT ON THE WEST LINE OF THE N/2 SW/4; THENCE NORTH 1°01'12" WEST AND ALONG SAID WEST LINE, FOR A DISTANCE OF 105.00 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINING 27,221 SQUARE FEET OR 0.625 ACRES.

THE BEARINGS SHOWN HEREON ARE BASED UPON THE OKLAHOMA STATE PLANE COORDINATE SYSTEM, NORTH ZONE (3501), NORTH AMERICAN DATUM 1983 (NAD83); SAID BEARINGS ARE BASED LOCALLY UPON FIELD-OBSERVED TIES TO THE FOLLOWING MONUMENTS:

- (1) 5/8" IRON PIN FOUND AT THE NORTHWEST CORNER OF THE SW/4 OF SECTION 2;
(2) BRASS CAP FOUND AT THE SOUTHWEST CORNER OF THE SW/4 OF SECTION 2;

THE BEARING BETWEEN SAID MONUMENTS BEING SOUTH 1°01'12" EAST.

STONE HORSE DEVELOPMENT, LLC, AN OKLAHOMA LIMITED LIABILITY COMPANY, CAUSED THE ABOVE DESCRIBED LAND TO BE SURVEYED, STAKED, PLATTED, GRANTED, DONATED, CONVEYED, DEDICATED, ACCESS RIGHTS RESERVED, AND SUBDIVIDED INTO BLOCKS, LOTS, AND STREETS AND HAS DESIGNATED THE SAME AS "SEVEN LAKES VII", A SUBDIVISION WITHIN 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 GRANTS, DONATES, CONVEYS AND 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 REPAIR OR REPLACE WATER LINES AND SEWER LINES, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS FOR SUCH CONSTRUCTION, MAINTENANCE, OPERATION, LAYING, REPAIRING, AND RELAYING 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 PROPERLY-PERMITTED DRIVES, PARKING AREAS, CURBING, LANDSCAPING AND CUSTOMARY SCREENING FENCES AND WALLS.

B. UNDERGROUND SERVICE

- 1. OVERHEAD POLES FOR THE SUPPLY OF ELECTRIC AND COMMUNICATION SERVICE MAY BE LOCATED IN THE WEST PERIMETER UTILITY EASEMENT AND IN THE RIGHT-OF-WAY OF SOUTH SHERIDAN ROAD AS DEDICATED BY THIS PLAT. STREET LIGHT POLES OR STANDARDS MAY BE SERVED BY UNDERGROUND CABLE. STREET LIGHT POLES OR STANDARDS SHALL BE SERVED BY UNDERGROUND CABLE AND, EXCEPT AS PROVIDED IN THE IMMEDIATELY-PRECEDING SENTENCE, ALL ELECTRIC, TELEPHONE, CABLE TELEVISION, AND GAS LINES, SHALL BE LOCATED UNDERGROUND, IN THE EASEMENT-WAYS RESERVED 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.
2. 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.
3. 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.
4. 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.
5. 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.

DATE OF PREPARATION: April 21, 2016

C. GAS SERVICE

- 1. THE OWNER OF THE LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE UNDERGROUND GAS FACILITIES LOCATED ON THE LOT.
2. WITHIN THE DEPICTED UTILITY EASEMENT AREAS, THE ALTERATION OF GRADE OR ANY CONSTRUCTION ACTIVITY, WHICH MAY INTERFERE WITH THE UNDERGROUND GAS FACILITIES, SHALL BE REPORTED TO GAS SERVICE PROVIDER.
3. UNDERGROUND GAS SERVICE LINES TO ALL STRUCTURES WHICH MAY BE LOCATED WITHIN THE SUBDIVISION MAY BE RUN FROM THE NEAREST GAS MAIN TO THE POINT OF USAGE DETERMINED BY THE LOCATION AND CONSTRUCTION OF SUCH STRUCTURES MAY BE LOCATED UPON THE LOT, PROVIDED THAT UPON THE INSTALLATION OF A SERVICE LINE TO A PARTICULAR STRUCTURE, THE SUPPLIER OF SERVICE SHALL THEREAFTER BE DEEMED TO HAVE A DEFINITIVE, PERMANENT AND EFFECTIVE EASEMENT ON THE LOT, COVERING A 5 FOOT STRIP EXTENDING 2.5 FEET ON EACH SIDE OF THE SERVICE LINE, EXTENDING FROM THE GAS MAIN TO THE SERVICE ENTRANCE ON THE STRUCTURE.
4. THE SUPPLIER OF GAS SERVICE OR ITS SUCCESSORS SHALL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF THE GAS FACILITIES BUT THE OWNER OF THE LOT SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER OF THE LOT, HIS AGENTS OR CONTRACTORS.
5. THE SUPPLIER OF GAS OR ITS SUCCESSORS AT ALL TIMES HAVE RIGHT OF ACCESS WITH THEIR EQUIPMENT TO ALL EASEMENT-WAYS DEPICTED ON THE PLAT OR OTHERWISE OF INSTALLING, MAINTAINING, REMOVING OR REPLACING ANY PORTION OF UNDERGROUND GAS FACILITIES.
6. THE FOREGOING COVENANTS SET FORTH IN THIS SUBSECTION SHALL BE ENFORCEABLE BY THE SUPPLIER OF GAS SERVICE OR ITS SUCCESSORS AND THE OWNER OF THE LOT AGREES TO BE BOUND HEREBY.

D. WATER AND SANITARY SEWER SERVICE

- 1. 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.
2. 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.
3. 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.
4. 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.
5. 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.

E. SURFACE DRAINAGE

- 1. 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 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.

F. PAVING AND LANDSCAPING WITHIN EASEMENTS

- 1. THE OWNER OF THE LOT AFFECTED SHALL BE RESPONSIBLE FOR THE REPAIR OF DAMAGE TO PROPERLY-PERMITTED 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.

G. STORM SEWER

- 1. 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.
2. 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.
3. 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.
4. 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.

- 5. 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. 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. SETBACKS

- 1. 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.

- 2. 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.

- 3. 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.

- 4. EASEMENT SETBACKS. NO BUILDING, WHETHER PRINCIPAL OR ACCESSORY, SHALL ENCROACH UPON ANY UTILITY EASEMENT AS DEPICTED ON THE ACCOMPANYING PLAT.

C. BUILDING HEIGHT

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

D. FLOOR AREA OF DWELLING

- 1. SINGLE STORY
A SINGLE STORY DWELLING SHALL HAVE AT LEAST 2,200 SQUARE FEET OF FINISHED HEATED LIVING AREAS.
2. 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 1,800 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 2,400 SQUARE FEET OF FINISHED HEATED LIVING AREA.
3. COMPUTATION OF LIVING AREA. THE COMPUTATION OF LIVING AREA SHALL NOT INCLUDE ANY PORCHES, PATIOS, GARAGES, 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.

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 ARCHITECTURAL COMMITTEE, THE 100% REQUIRED MASONRY MAY BE WAIVED FOR PORCHES AND PATIOS.

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

- 1. 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.
2. 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 THEREFORE 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.

- 3. 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. 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.

C. FOUNDATIONS

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

D. TRAFFIC CALMING DEVICES

IF THE CITY OF BIXBY REQUIRES THE APPROVAL OF THE SEVEN LAKES VII SUBDIVISION BEFORE IT DETERMINES IT WILL INSTALL SPEED BUMPS WITHIN THE SUBDIVISION, APPROVAL OF THE SUBDIVISION SHALL NOT BE PROVIDED UNLESS APPROVED BY 75% OF THE LOT OWNERS.

E. SEASONAL DECORATIONS

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

F. 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.

G. WINDOWS

ALUMINUM WINDOWS HAVING A MILL FINISH ARE PROHIBITED.

H. ROOF PITCH

- 1. 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.
2. 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.

I. 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.

J. ROOFTOP PROTRUSIONS

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

K. ON-SITE CONSTRUCTION

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

L. OUTBUILDINGS

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

M. SWIMMING POOLS

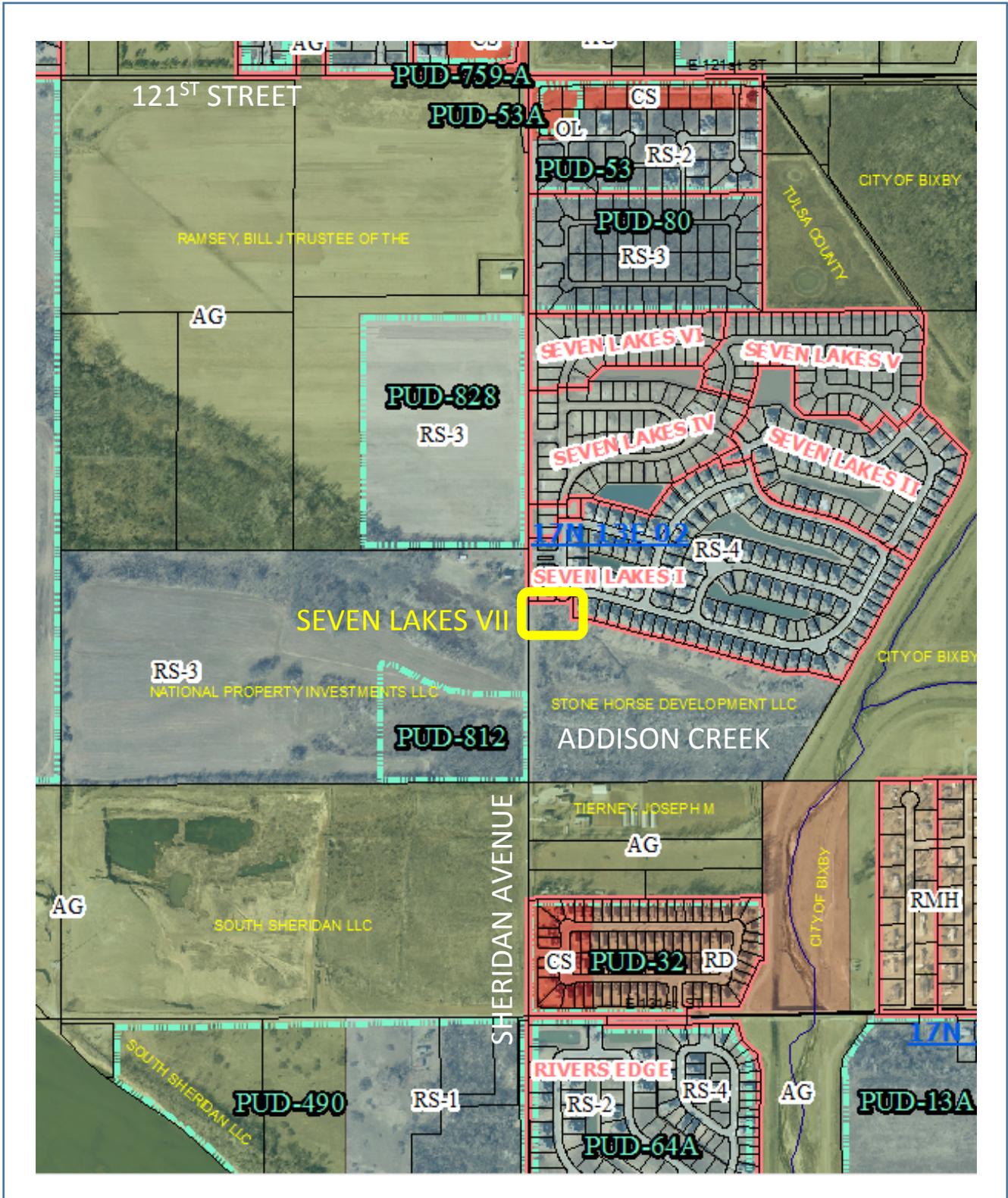
ABOVE GROUND SWIMMING POOLS ARE PROHIBITED.

N. 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.

O. ANTENNAS

- 1. EXTERIOR TELEVISION, "CB" RADIO OR OTHER ANTENNA INCLUDING SATELLITE DISHES SHALL BE DIAMETERED 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. THE ARCHITECTURAL COMMITTEE MAY WAIVE, IN THE PARTICULAR INSTANCE, UPON WRITTEN REQUEST, THE FOREGOING RESTRICTION.



NAME: SEVEN LAKES VII PRELIMINARY PLAT
STR: 2/17/13
LOTS: 2
BLOCKS: 1
RESERVES: 0
ACRES 0.625
OWNER: Stone Horse Development, LLC
SURVEYOR/ENGINEER: Tanner Consulting, LLC
PRELIMINARY PLAT: *Planning Commission:* Monday-May 16, 2016
City Council-pending PC approval: Monday, June 13th

CONDITIONAL FINAL PLAT: *Planning Commission:* _____
City Council-pending PC approval: _____

FINAL PLAT APPROVED: _____

FINAL PLAT PRINTS: _____

DATE FILED: _____

____ **PLANNING COMMENTS:**
PRELIMINARY PLAT

1. Deed of Dedication and Restrictive Covenants:
 - a. Please provide details of the Architectural Committee: is this the Seven Lakes Architectural Committee which already exists? SECTION III, A. 1-3, H. 2, L. 2, O. 2
 - b. Please change language in SECTION III (X) to state: 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, IN ACCORDANCE TO CITY OF BIXBY ZONING REGULATIONS.
2. Add Addison Creek (proposed) to Location Map
3. Identification of Regulatory Flood Areas?
4. Addresses to be added to final plat
5. No changes are required on the Preliminary Plat, all comments/changes will be made on the Conditional Final Plat
6. Please submit all the *Utility Sign Off letters* with the Conditional Final Plat

____ **TAC COMMENTS: May 4, 2016**
PRELIMINARY PLAT-no comments

____ **FIRE MARSHAL COMMENTS: no comments**
PRELIMINARY PLAT

____ **ENGINEERING COMMENTS:**
PRELIMINARY PLAT

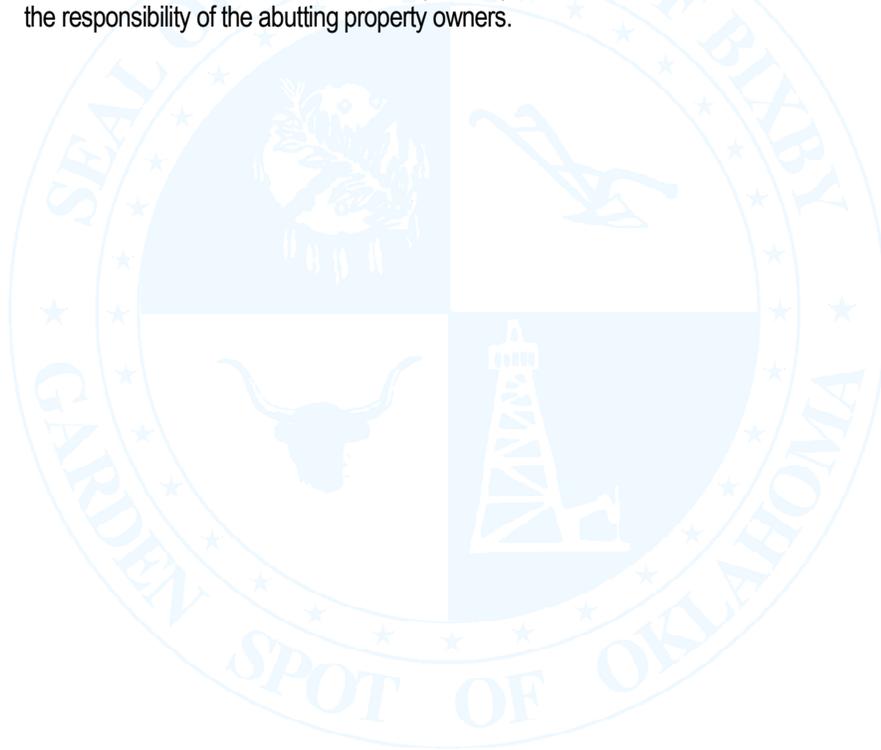
7. Sidewalks on Sheridan are required. The Engineering plans should include sidewalk location and details.

a. **12-6-4: PLAN SUBMITTAL:**  

The subdivider of the proposed subdivision shall submit four (4) complete sets of construction plans and specifications for all improvements regarding streets, drainage and storm sewers, water lines, sanitary sewer system, sidewalks and pedestrianways, in accordance with this title, current engineering design manual and PFPI requirements to the city for their approval. (Ord. 854, 9-9-2002; amd. 2006 Code)

b. **12-3-2: GENERAL DESIGN STANDARDS:**  

N. Sidewalks: If the proposed subdivision affronts both sides, concrete sidewalks shall be constructed along both sides of every arterial street, collector street or minor street shown on the plat in accordance with the engineering design manual of the city; provided, that concrete sidewalks shall be constructed only on the one side of frontage roads opposite the highway; provided further, that sidewalks shall not be required on the interior of industrial subdivisions, unless the planning commission and/or the city council determines that there is a need for such sidewalks for pedestrian movement to a residential subdivision or to a school site. After final acceptance by the city of the sidewalks, the maintenance thereof shall become the responsibility of the abutting property owners.



CITY OF BIXBY

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

Development Services – Engineering Memo

To: Marcae' Hilton, City Planner

From: Jason Mohler, City Engineer

CC: Bea Aamodt, Public Works Director
Joey Wiedel, Fire Marshall
File

Date: May 12, 2016

Re: Seven Lakes VII - Preliminary Plat Review

General Comments:

1. Engineering plans, drainage report and checklist should be submitted for review along with the Final Plat.
2. Engineering design of grading and drainage shall be completed in accordance with the City of Bixby Engineering Design Criteria Manual and Standard Specifications.
3. cursory review of DoD's completed. Detailed DoD comments to be provided with Final Plat comments.

Preliminary Plat Comments:

4. Minimum FFE's for proposed houses should be included on Construction Plan submittal.

Drainage Comments:

5. A portion of the project lies within an existing FEMA Zone AE, 100-year floodplain. Engineer shall prepare and submit required FEMA applications with the Construction Plans.
6. Wetland: City received copy of wetland determination letter from the Corp of Engineers which states "...the referenced property contains no jurisdictional wetlands or other water of the United States subject to Section 404 CWA".
7. This project discharges to the Fry Ditch Creek. Therefore, Fee in lieu will be required if additional impervious area is constructed.

Sanitary Sewer Comments:

8. Record drawings for Seven Lakes I indicate the need to bore one SS service line.

Paving & Sidewalk Comments:

9. Sidewalks on Sheridan are required. The Engineering plans should include sidewalk location and details.
10. Limits of No Access noted on Preliminary Plat.



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STAFF REPORT

To: Bixby Planning Commission
From: Marcae' Hilton, City Planner
Date: Tuesday, May 31, 2016
RE: Report and Recommendations for: Preliminary Plat of ADDISON CREEK

BACKGROUND INFORMATION:

REQUEST: Preliminary Plat Approval for Addison Creek (continued from the April 18, 2016 Planning Commission Meeting-with modifications)
STR: S2, T17N, R13E
LOCATION: 12500-block of S. Sheridan Road
SIZE OF TRACT: 29.138 acres, gross subdivision area
LOT INFO: 61 Lots
5 Blocks
1 Reserve

EXISTING ZONING: RS-4 Residential Single-Family District, in the 100 Year Floodplain

SURROUNDING ZONING AND LAND USE:

North: RS-4 (Residential Single-Family); Seven Lakes I, II, III, IV, V, VI, VII (Proposed)
South: AG (Agricultural); large Agricultural Tracts
West: (Immediately Across Sheridan) RS-3 (Residential Single-Family) and PUD 812; AG (Agricultural); large undeveloped Agricultural Tracts with contiguous floodplain, Tulsa County Accessors Office as of May 11, 2016 shows some parcels belong to the following: NATIONAL PROPERTY INVESTMENTS LLC, STONE HORSE DEVELOPMENT LLC (2), SOUTH SHERIDAN LLC,

East: AG (Agricultural); Fry Creek, Fry Ditch No. 1, 100 Year Floodplain, undeveloped Agricultural Tracts

COMPREHENSIVE PLAN:

Low Intensity Land Use, the area is currently shown in the 100-Year Floodplain, but not listed as development sensitive per the Comprehensive Plan.

The preliminary plat for Addison Creek is generally located East of Sheridan and one-quarter to one-half mile north of 131st Street. The proposed plat consists of 61 lots on 29.138 acres. The property is currently zoned RS-4, per BZ-309 which was sent to City Council as a second reading for approval amending Ordinance No. 272 and was filed in Tulsa County as Ordinance No. 901 on March 3, 2005.

The entire plat is located within a 100-year floodplain. The City Engineer has detailed comments requiring extensive documentation and finish floor elevations to be included in the Final Plat. Please see attached Engineering Memo.

This item was heard by Technical Advisory Committee (TAC) on Wednesday, April 6, 2016 (comments attached) and again on Wednesday, May 4, 2016 (no new comments). The request for additional easements from the utility companies has been addressed. The comments from the Fire Marshal have been addressed as part of the modified plat under review. The original comments from the Fire Marshal are attached. Staff requests all outstanding comments be resolved before submittal of the Final Plat.

NOTED MODIFICATIONS SINCE THE APRIL 18, 2016 MEETING: (not complete list)

Original Submittal	(April 22 Submittal)
63 LOTS	61 LOTS
29.762 ACRES	29.138 ACRES
No Stub-out Street	Added Stub-out Street to south
Request for additional easements	Added additional easements
100% Masonry	75% Masonry

This item was heard at the April 18, 2016 Planning Commission (PC) Meeting. There were 29 adults and 7 children present from the Seven Lakes Neighborhood, most of them live in lots adjacent to the reserve area at the north side of the proposed Addison Creek Plat. The Planning Commission gave everyone the opportunity to speak, however only 6 residents spoke, most deferred their time to Mr. Mike Maguffee. The meeting notes are attached to this agenda packet, in brief, Mr. Maguffee and others asked the Planning Commission to postpone the item until the next Planning Commission meeting in order to gather more information and learn the outcome of pending litigation concerning the reserve area of this plat. The Planning Commission did continue the item to the next PC meeting (May 16, 2016) and urged the applicant, developer and Seven Lakes residents to have an additional meeting in an effort to resolve outstanding issues. The Development Services Staff facilitated the requested meeting on May 6, 2016 at 1:30PM which lasted a little over 2 hours, the meeting details are attached. The May 16, 2016 Planning Commission Meeting was cancelled due to *LACK OF QUORUM* a SPECIAL MEETING was then created for May 31, 2016. Based on the information presented

in the meeting and the outcome of the litigation; Staff believes the Preliminary Plat for Addison Creek meets the requirements of the Zoning Regulations and Bixby Land Use.

- EXHIBITS:**
- Preliminary Plat for Addison Creek (modified from April 18, 2016)
 - Aerial Map of Addison Creek
 - Checklist for Addison Creek
 - Response Letter from Tanner 4.22.16
 - Minutes from TAC Meeting 5.4.16
 - Fire Marshal Memo 5.4.16
 - Engineering Memo 4.13.16
 - Meeting Minutes from the Special Scheduled Meeting of May 6, 2016, plus comments from City Manager, Jared Cottle regarding drainage

STAFF RECOMMENDATIONS:

Staff recommends approval of the Preliminary Plat for Addison Creek subject to the resolution of comments from staff, including the request on behalf of the developer to modify the exterior materials from 100% masonry to 75% masonry.

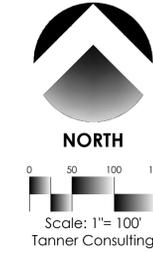
PRELIMINARY PLAT

Addison Creek

PART OF THE NORTH HALF OF THE SOUTHWEST QUARTER (N/2 SW/4) OF SECTION TWO (2) TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN MERIDIAN A SUBDIVISION WITHIN THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA

OWNER
Stone Horse Development, L.L.C.
 AN OKLAHOMA LIMITED LIABILITY COMPANY
 CONTACT: BRIAN DOYLE
 12150 East 96th Street North, Suite 200
 Owasso, Oklahoma 74055
 Phone: (918)376-6533

SURVEYOR/ENGINEER:
Tanner Consulting, L.L.C.
 DAN E. TANNER, P.L.S. NO. 1435
 OK CA NO. 2661, EXPIRES 6/30/2017
 5323 South Lewis Avenue
 Tulsa, Oklahoma 74105
 Phone: (918)745-9929



LEGEND

B/L	BUILDING LINE
B/U	BUILDING LINE & UTILITY EASEMENT
BK PG	BOOK & PAGE
CB	CHORD BEARING
CD	CHORD DISTANCE
Δ	DELTA
DOC	DOCUMENT
ESMT	EASEMENT
F/L	FENCE & LANDSCAPE EASEMENT
R	RADIUS
R/W	RIGHT-OF-WAY
U/E	UTILITY EASEMENT
NF MAG	MAGNETIC NAIL FOUND

SUBDIVISION CONTAINS:
 SIXTY-ONE (61) LOTS
 IN FIVE (5) BLOCKS
 WITH ONE (1) RESERVE
 GROSS SUBDIVISION AREA: 29.138 ACRES

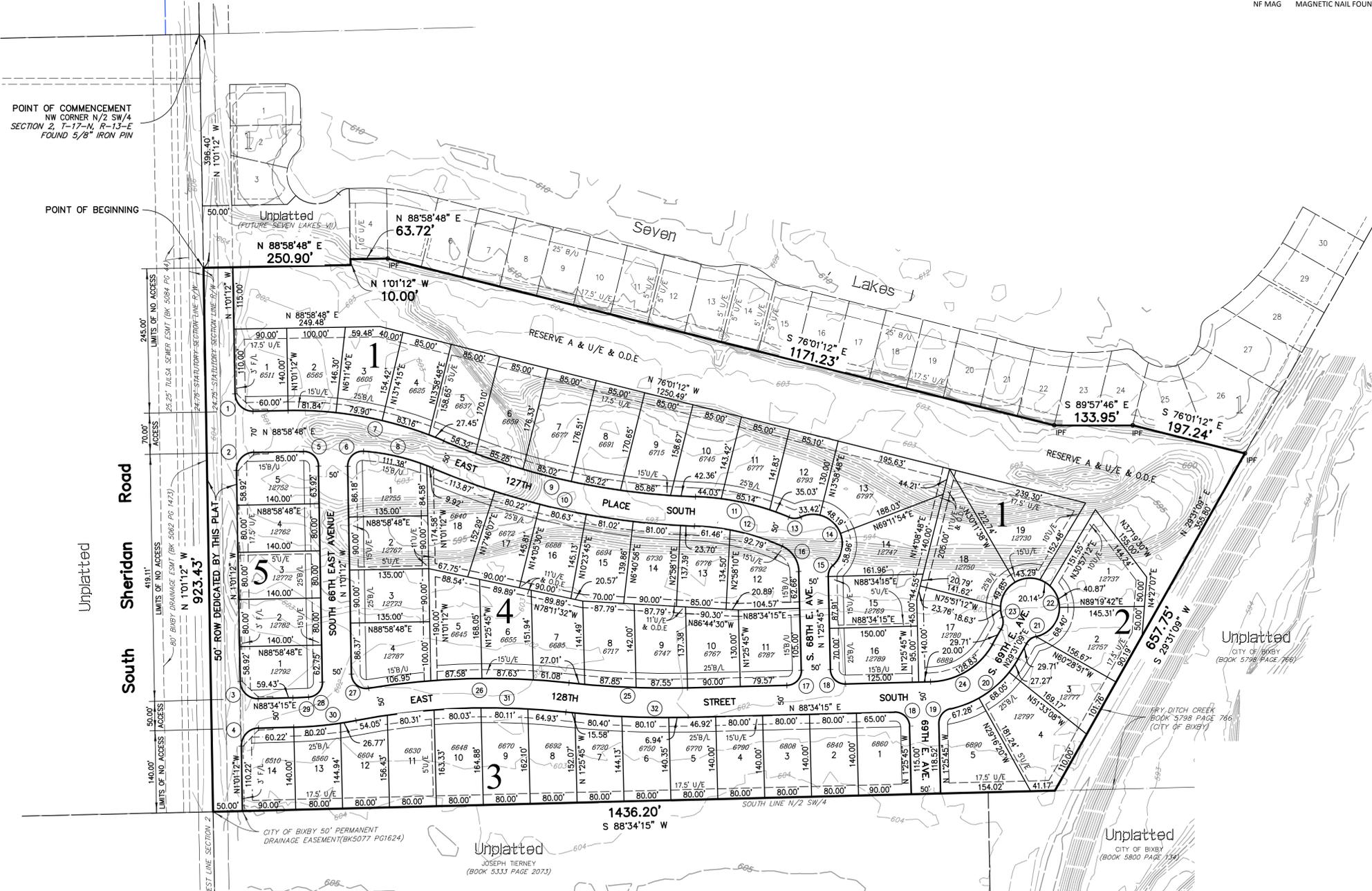


Notes:

- THIS PLAT MEETS THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED BY THE OKLAHOMA STATE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS.
- ALL PROPERTY CORNERS ARE SET 3/8" IRON REBAR WITH YELLOW CAP STAMPED "TANNER RLS 1435" UNLESS OTHERWISE NOTED.
- THE BEARINGS SHOWN HEREON ARE BASED UPON THE OKLAHOMA STATE PLANE COORDINATE SYSTEM, NORTH ZONE (3501), NORTH AMERICAN DATUM 1983 (NAD83).
- ACCESS AT THE TIME OF PLAT WAS PROVIDED BY SOUTH SHERIDAN ROAD, BEING A PUBLIC ROAD.
- ADDRESSES SHOWN ON THIS PLAT WERE ACCURATE AT THE TIME THE PLAT WAS FILED. ADDRESSES ARE SUBJECT TO CHANGE AND SHOULD NEVER BE RELIED UPON IN PLACE OF THE LEGAL DESCRIPTION.
- THE MINIMUM FLOOR ELEVATION FOR ANY LOT WITHIN THE SUBDIVISION SHALL BE 606.0' (NAVD 88)

Curve Table

CURVE	LENGTH(L)	RADIUS(R)	DELTA(Δ)	CHORD(BRG)	CHORD(DS)
1	47.12'	30.00'	90°00'00"	N46°01'12"W	42.43'
2	47.12'	30.00'	90°00'00"	N43°58'48"E	42.43'
3	47.34'	30.00'	90°24'33"	N46°13'28"W	42.58'
4	46.91'	30.00'	89°35'27"	N43°46'32"E	42.27'
5	39.27'	25.00'	90°00'00"	N46°01'12"W	35.36'
6	41.52'	25.00'	95°09'47"	N46°33'42"E	36.91'
7	272.36'	650.00'	24°00'29"	N79°00'57"W	270.37'
8	121.31'	368.82'	18°50'42"	N76°26'04"W	120.76'
9	442.03'	1200.00'	21°06'19"	N77°33'52"W	439.53'
10	460.44'	1250.00'	21°06'19"	N77°33'52"W	457.85'
11	164.20'	450.00'	20°54'23"	N77°39'50"W	163.29'
12	154.25'	400.00'	22°05'40"	N77°04'11"W	153.29'
13	20.55'	25.00'	47°06'22"	N89°14'11"E	19.98'
14	140.57'	50.00'	161°04'39"	N33°46'41"W	98.64'
15	21.03'	25.00'	48°11'23"	N22°39'57"E	20.41'
16	54.13'	48.00'	64°36'41"	N33°43'01"W	51.31'
17	39.27'	25.00'	90°00'00"	N43°34'15"E	35.36'
18	39.27'	25.00'	90°00'00"	N46°25'45"W	35.36'
19	34.57'	25.00'	79°14'04"	N38°11'17"E	31.88'
20	147.48'	175.00'	48°17'10"	N53°39'44"E	143.16'
21	21.03'	25.00'	48°11'23"	N53°36'51"E	20.41'
22	72.97'	50.00'	83°37'14"	N60°28'51"W	66.67'
23	21.03'	25.00'	48°11'23"	N5°25'28"E	20.41'
24	128.83'	125.00'	59°03'07"	N59°02'42"E	123.20'
25	202.41'	1500.00'	7°43'54"	N87°33'48"W	202.26'
26	343.25'	1250.00'	15°44'00"	N88°26'10"E	342.17'
27	42.94'	25.00'	98°24'38"	N50°13'31"W	37.85'
28	37.98'	25.00'	87°02'42"	N42°30'09"E	34.43'
29	26.66'	600.00'	2°32'45"	N87°17'53"E	26.66'
30	167.74'	652.78'	14°43'22"	N85°33'18"E	166.94'
31	359.43'	1200.00'	17°09'42"	N87°43'18"E	358.09'
32	209.16'	1550.00'	7°43'54"	N87°33'48"W	209.00'



DATE OF PREPARATION: MARCH 18, 2016

Addison Creek

PART OF THE NORTH HALF OF THE SOUTHWEST QUARTER (N/2 SW/4) OF SECTION TWO (2)
TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN MERIDIAN
A SUBDIVISION WITHIN THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA

DEED OF DEDICATION

KNOW ALL MEN BY THESE PRESENTS:

STONE HORSE DEVELOPMENT, 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 THAT IS PART OF THE NORTH HALF OF THE SOUTHWEST QUARTER (N/2 SW/4) OF SECTION TWO (2), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST, OF THE INDIAN MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID N/2 SW/4; THENCE SOUTH 1°01'12" EAST AND ALONG THE WEST LINE OF THE N/2 SW/4, FOR A DISTANCE OF 396.40 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 88°58'48" EAST FOR A DISTANCE OF 250.90 FEET; THENCE NORTH 1°01'12" WEST FOR A DISTANCE OF 10.00 FEET TO A POINT THAT IS THE SOUTHWEST CORNER OF LOT FOUR (4), BLOCK ONE (1), "SEVEN LAKES I", AN ADDITION TO THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 6113; THENCE ALONG THE SOUTH LINE OF SAID BLOCK 1 FOR THE FOLLOWING FOUR (4) CALLS: NORTH 88°58'48" EAST FOR A DISTANCE OF 63.72 FEET; THENCE SOUTH 76°01'12" EAST FOR A DISTANCE OF 1171.23 FEET; THENCE SOUTH 89°57'46" EAST FOR A DISTANCE OF 133.95 FEET; THENCE SOUTH 76°01'12" EAST FOR A DISTANCE OF 197.24 FEET TO A POINT ON THE WEST LINE OF FRY DITCH; THENCE SOUTH 29°31'09" WEST ALONG SAID WEST LINE FOR A DISTANCE OF 657.75 FEET TO A POINT ON THE SOUTH LINE OF THE N/2 SW/4; THENCE SOUTH 88°34'15" WEST AND ALONG SAID SOUTH LINE, FOR A DISTANCE OF 1436.20 FEET TO A POINT ON THE WEST LINE OF THE N/2 SW/4; THENCE NORTH 01°01'12" WEST AND ALONG SAID WEST LINE, FOR A DISTANCE OF 923.43 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINING 1,269,230 SQUARE FEET OR 29.138 ACRES.

THE BEARINGS SHOWN HEREON ARE BASED UPON THE OKLAHOMA STATE PLANE COORDINATE SYSTEM, NORTH ZONE (3501), NORTH AMERICAN DATUM 1983 (NAD83); SAID BEARINGS ARE BASED LOCALLY UPON FIELD-OBSERVED TIES TO THE FOLLOWING MONUMENTS:

(1) 5/8" IRON PIN FOUND AT THE NORTHWEST CORNER OF THE SW/4 OF SECTION 2;

(2) BRASS CAP FOUND AT THE SOUTHWEST CORNER OF THE SW/4 OF SECTION 2;

THE BEARING BETWEEN SAID MONUMENTS BEING SOUTH 1°01'12" EAST.

STONE HORSE DEVELOPMENT, LLC, AN OKLAHOMA LIMITED LIABILITY COMPANY, 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 AND HAS DESIGNATED THE SAME AS "ADDISON CREEK", 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 GRANTS, DONATES, CONVEYS AND 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 "UE" 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 PROPERLY-PERMITTED DRIVES, PARKING AREAS, CURBING, LANDSCAPING AND CUSTOMARY SCREENING FENCES AND WALLS.

B. UNDERGROUND SERVICE

1. OVERHEAD POLES FOR THE SUPPLY OF ELECTRIC AND COMMUNICATION SERVICE MAY BE LOCATED IN THE WEST PERIMETER UTILITY EASEMENT AND IN THE PERIMETER RIGHT-OF-WAY OF THE SUBDIVISION. STREET LIGHT POLES OR STANDARDS MAY BE SERVED BY UNDERGROUND CABLE. STREET LIGHT POLES OR STANDARDS SHALL BE SERVED BY UNDERGROUND CABLE AND, EXCEPT AS PROVIDED IN THE IMMEDIATELY-PRECEDING SENTENCE, ALL ELECTRIC, TELEPHONE, CABLE TELEVISION, AND GAS LINES, SHALL BE LOCATED UNDERGROUND, IN THE EASEMENT-WAYS RESERVED 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.

2. 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.

3. 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.

4. 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.

5. 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. GAS SERVICE

1. THE OWNER OF THE LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE UNDERGROUND GAS FACILITIES LOCATED ON THE LOT.

2. WITHIN THE DEPICTED UTILITY EASEMENT AREAS, THE ALTERATION OF GRADE OR ANY CONSTRUCTION ACTIVITY, WHICH MAY INTERFERE WITH THE UNDERGROUND GAS FACILITIES, SHALL BE REPORTED TO GAS SERVICE PROVIDER.

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

4. THE SUPPLIER OF GAS SERVICE OR ITS SUCCESSORS SHALL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF THE GAS FACILITIES BUT THE OWNER OF THE LOT SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER OF THE LOT, HIS AGENTS OR CONTRACTORS.

5. THE SUPPLIER OF GAS OR ITS SUCCESSORS AT ALL TIMES HAVE RIGHT OF ACCESS WITH THEIR EQUIPMENT TO ALL EASEMENT-WAYS DEPICTED ON THE PLAT OR OTHERWISE PROVIDED IN THIS DEED OF DEDICATION FOR THE PURPOSE OF INSTALLING, MAINTAINING, REMOVING OR REPLACING ANY PORTION OF UNDERGROUND GAS FACILITIES.

6. THE FOREGOING COVENANTS SET FORTH IN THIS SUBSECTION SHALL BE ENFORCEABLE BY THE SUPPLIER OF GAS SERVICE OR ITS SUCCESSORS AND THE OWNER OF THE LOT AGREES TO BE BOUND HEREBY.

D. WATER AND SANITARY SEWER SERVICE

1. 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.

1. 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.

2. 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.

3. 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.

4. 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.

E. SURFACE DRAINAGE

1. 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 SAID OWNER'S LOT. THE FOREGOING COVENANTS SET FORTH IN THIS SUBSECTION 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.

F. PAVING AND LANDSCAPING WITHIN EASEMENTS

1. THE OWNER OF THE LOT AFFECTED SHALL BE RESPONSIBLE FOR THE REPAIR OF DAMAGE TO PROPERLY-PERMITTED 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.

G. STORM SEWER

1. 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.

2. 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.

3. 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.

4. 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.

5. 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. 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. RESERVE A

1. RESERVE A IS HEREBY ESTABLISHED 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 A 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.

2. RESERVE A IS ALSO HEREBY ESTABLISHED FOR OPEN SPACE, PARK, AND RECREATIONAL USES AND IS RESERVED FOR SUBSEQUENT CONVEYANCE TO THE ASSOCIATION. RESERVE A IS ALSO HEREBY DEDICATED AS A GENERAL UTILITY EASEMENT.

3. STORM SEWER AND DRAINAGE FACILITIES CONSTRUCTED IN RESERVE A SHALL BE IN ACCORDANCE WITH ADOPTED STANDARDS OF THE CITY OF BIXBY AND PLANS AND SPECIFICATIONS APPROVED BY THE CITY ENGINEER OF THE CITY OF BIXBY.

4. NO BUILDING OR OTHER OBSTRUCTION MAY BE PLACED OR MAINTAINED IN RESERVE A, 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. FENCES AND WALLS SHALL BE PERMITTED ALONG THE PERIMETERS OF RESERVE A PROVIDED THAT THE SAME DOES NOT CAUSE OBSTRUCTION OF THE FLOW, CONVEYANCE, AND DISCHARGE OF STORM WATER THROUGH RESERVE A.

5. ALL COSTS AND EXPENSES ASSOCIATED WITH RESERVE A, INCLUDING MAINTENANCE OF VARIOUS IMPROVEMENTS AND RECREATIONAL FACILITIES SHALL BE THE RESPONSIBILITY OF THE HOMEOWNERS' ASSOCIATION. SEE SECTION III FOR ADDITIONAL DETAILS AND REQUIREMENTS. IN THE EVENT THE HOMEOWNERS' ASSOCIATION FAILS TO PAY THE COSTS OF SAID MAINTENANCE AFTER COMPLETION OF THE MAINTENANCE AND RECEIPT OF A STATEMENT OF COSTS, THE CITY OF BIXBY, OKLAHOMA, MAY FILE OF RECORD A COPY OF THE STATEMENT OF COSTS, AND THEREAFTER THE COSTS SHALL BE A LIEN AGAINST EACH OF THE LOTS WITHIN THE SUBDIVISION, WHICH LIEN MAY BE FORECLOSED BY THE CITY OF BIXBY, OKLAHOMA, OR THE CITY OF BIXBY PUBLIC WORKS AUTHORITY MAY ADD SUCH BILLING PRORATED UPON THE RESIDENTIAL LOT OWNER'S WATER BILL, WHICH METHOD OF COLLECTION SHALL BE DETERMINED BY THE CITY OF BIXBY.

C. SETBACKS

1. 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.

2. 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.

3. REAR YARD. THE MINIMUM REAR YARD SETBACK SHALL BE 20 FEET.

4. EASEMENT SETBACKS. NO BUILDING, WHETHER PRINCIPAL OR ACCESSORY, SHALL ENCR OACH UPON ANY UTILITY EASEMENT AS DEPICTED ON THE ACCOMPANYING PLAT.

D. BUILDING HEIGHT

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

E. FLOOR AREA OF DWELLING

1. SINGLE STORY

A SINGLE STORY DWELLING SHALL HAVE AT LEAST 2,400 SQUARE FEET OF FINISHED HEATED LIVING AREAS.

2. 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

Addison Creek

PART OF THE NORTH HALF OF THE SOUTHWEST QUARTER (N/2 SW/4) OF SECTION TWO (2)
TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN MERIDIAN
A SUBDIVISION WITHIN THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA

DEED OF DEDICATION (Continued)

THE FINISHED EXTERIOR GRADE OF SUCH DWELLING, THEN SUCH DWELLING SHALL HAVE AT LEAST 2,200 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 2,800 SQUARE FEET OF FINISHED HEATED LIVING AREA.

3. COMPUTATION OF LIVING AREA. THE COMPUTATION OF LIVING AREA SHALL NOT INCLUDE ANY PORCHES, PATIOS, GARAGES, 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.

F. MASONRY

THE FIRST STORY EXTERIOR WALLS OF THE DWELLING ERRECTED ON ANY LOT SHALL BE 75% BRICK, STONE, OR MASONRY SIDING (EXCLUDING WINDOWS AND DOORS). AT THE DISCRETION OF THE DECLARANT, THE 75% REQUIRED MASONRY MAY BE WAIVED FOR PORCHES AND PATIOS BY APPROVAL OF THE ARCHITECTURAL COMMITTEE AND THE BIXBY CITY COUNCIL; PROVIDED, THAT THE DECLARANT HAS THE RIGHT TO PERMIT, IN ITS SOLE DISCRETION, DRYVIT BRAND OR SIMILAR EXTERIOR CONSTRUCTION MATERIAL IN LIEU OF BRICK OR STONE.

SECTION III - HOMEOWNERS' ASSOCIATION

A. FORMATION OF HOMEOWNERS' ASSOCIATION.

THE OWNER/DEVELOPER HAS FORMED OR SHALL CAUSE TO BE FORMED THE ADDISON CREEK 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 A, LANDSCAPING, AND 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 CLASS A MEMBER OF THE ASSOCIATION ALL AS GOVERNED BY THE ASSOCIATION'S ARTICLES OF INCORPORATION AND AS DESCRIBED IN THE SUBDIVISION'S SEPARATE COVENANTS, CONDITIONS AND RESTRICTIONS FILED AFTER THIS PLAT.

C. COVENANT FOR ASSESSMENTS

THE 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 DEVELOPER. ALL UNPAID ASSESSMENTS SHALL BE A LIEN UPON THE LOT(S) AGAINST WHICH IT IS MADE.

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 IV - ENFORCEMENT, DURATION, AMENDMENT & SEVERABILITY

A. ENFORCEMENT AND DURATION

THE RESTRICTIONS HEREIN 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. EXCEPT FOR SECTION III, IF ANY LOT OWNER SHALL VIOLATE ANY OF THE COVENANTS HEREIN, 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). IF ANY LOT OWNER SHALL VIOLATE THE PROVISIONS OF SECTION III, IT SHALL BE LAWFUL FOR THE ASSOCIATION TO MAINTAIN AN ACTION AT LAW OR IN EQUITY AGAINST THE PERSON OR PERSONS VIOLATING OR ATTEMPTING TO VIOLATE ANY SUCH PROVISIONS TO PREVENT HIM/HER OR THEM FROM SO DOING OR 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 AND SECTION IV, ENFORCEMENT, DURATION, AMENDMENT & SEVERABILITY 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 BIXBY CITY COUNCIL. 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 CITY COUNCIL, OR ITS SUCCESSORS, AND BY THE DEVELOPER UNTIL THE ASSOCIATION IS TURNED OVER TO THE CLASS A MEMBERS OF THE ASSOCIATION, AFTER WHICH SUCH AMENDMENT OR TERMINATION SHALL REQUIRE A WRITTEN INSTRUMENT SIGNED AND ACKNOWLEDGED BY THE BIXBY CITY COUNCIL, OR ITS SUCCESSORS, AND BY THE OWNERS OF MORE THAN 75 % OF THE LOTS WITHIN THE SUBDIVISION. THE COVENANTS WITHIN SECTION III, HOMEOWNERS' ASSOCIATION 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 ADDISON CREEK AND, THEREAFTER, 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 THE INSTRUMENT 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 PHRASE, 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 PHRASE, 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 _____, 2016, OR AS SUBSEQUENTLY AMENDED.

IN WITNESS WHEREOF, THE OWNER HAS CAUSED THESE PRESENTS TO BE EXECUTED THIS _____ DAY OF _____, 2016.

STONE HORSE DEVELOPMENT, LLC

AN OKLAHOMA LIMITED LIABILITY COMPANY

BY: _____

DANIEL RUHL, MANAGER

STATE OF OKLAHOMA)

) SS

COUNTY OF TULSA)

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, ON THIS DAY OF _____, 2016, PERSONALLY APPEARED DANIEL RUHL, TO ME KNOWN TO BE THE IDENTICAL PERSON WHO SUBSCRIBED THE NAME OF THE MAKER THEREOF TO THE FOREGOING INSTRUMENT AS ITS MANAGER AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE AND VOLUNTARY ACT AND DEED AND AS THE FREE AND VOLUNTARY ACT AND DEED OF SAID COMPANY FOR THE USES AND PURPOSES THEREIN SET FORTH.

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

MY COMMISSION EXPIRES: _____

NOTARY PUBLIC

CERTIFICATE OF SURVEY

I, DAN E. TANNER, A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF OKLAHOMA, DO HEREBY CERTIFY THAT I HAVE CAREFULLY AND ACCURATELY SURVEYED, SUBDIVIDED, AND PLATTED THE TRACT OF LAND HEREIN DESCRIBED ABOVE, AND THAT THE ACCOMPANYING PLAT DESIGNATED AS "ADDISON CREEK", A SUBDIVISION IN THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA, IS A TRUE REPRESENTATION OF A SURVEY MADE ON THE GROUND USING GENERALLY ACCEPTED PRACTICES AND MEETS OR EXCEEDS THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING.

WITNESS MY HAND AND SEAL THIS _____ DAY OF _____, 2016.

BY: _____

DAN E. TANNER

LICENSED PROFESSIONAL LAND SURVEYOR

OKLAHOMA NO. 1435

STATE OF OKLAHOMA)

) SS

COUNTY OF TULSA)

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, ON THIS DAY OF _____, 2016, PERSONALLY APPEARED TO ME DAN E. TANNER KNOWN TO BE THE IDENTICAL PERSON WHO SUBSCRIBED THE NAME OF THE MAKER THEREOF TO THE FOREGOING INSTRUMENT AS ITS LICENSED PROFESSIONAL LAND SURVEYOR TO THE FOREGOING CERTIFICATE, AS HIS FREE AND VOLUNTARY ACT AND DEED, FOR THE USES AND PURPOSES THEREIN SET FORTH.

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

MY COMMISSION EXPIRES: _____

NOTARY PUBLIC



NAME: ADDISON CREEK PRELIMINARY PLAT
STR: 2/17/13
LOTS: 61
BLOCKS: 4
RESERVES: 1
ACRES 29.138
OWNER: Stone Horse Development, LLC
SURVEYOR/ENGINEER: Tanner Consulting, LLC
PRELIMINARY PLAT: *Planning Commission:* Monday-April 18, 2016, Monday-May 16, 2016
City Council-pending PC approval: Monday, June 13th

CONDITIONAL FINAL PLAT: *Planning Commission:* _____
City Council-pending PC approval: _____

FINAL PLAT APPROVED: _____

FINAL PLAT PRINTS: _____

DATE FILED: _____

PLANNING COMMENTS:

PRELIMINARY PLAT

1. Location Map-please move Seven Lakes III out of the Seven Lakes box SEE MARK UP
2. Confirm the number of Blocks in the Subdivision SEE MARK UP
3. Confirm the number of Reserves SEE MARK UP
4. Identify the abbreviation: NF MAG in the Legend SEE MARK UP
5. Confirm the distance of the Cul-de-sac (COMMENT 16 & 38)
 - a. adjust or meet FM comments
 - b. advise Planning Staff and Fire Marshal of decision before submitting Final Plat
6. Addresses to be added to final plat
7. Please remove the Final Plat Certificate of Approval on all future Preliminary Plats
8. No changes are required on the Preliminary Plat, all comments/changes will be made on the Conditional Final Plat
9. Please submit all the *Utility Sign Off letters* with the Final Plat

TAC COMMENTS: April 6, 2016

PRELIMINARY PLAT

10. **COX:** Additional easements requested (sketch provided)
11. **BTC:** Question about backyard slopes for lots backing up to the channel
12. **OG&E:** No Comment, will not serve

TAC COMMENTS: May 4, 2016

PRELIMINARY PLAT (Modified)- no new comments

FIRE MARSHAL COMMENTS: (taken from TAC and attached Memo)**PRELIMINARY PLAT**

13. Waterline and fire hydrant plans shall be submitted to this office before approval of the Final Plat.
Fire hydrants shall be operational prior to construction of homes
 - a. Fire Hydrant Brand-AVK OR MUELLER, COLOR-CHORME YELLOW
 - b. 600 FT SPACING MAXIMUM
 - c. Fire Hydrants shall be placed at the beginning of cul-de-sacs.
 - d. _____ Waterline plans submitted: _____
 - e. _____ Fire Hydrant plans submitted: _____
14. Minimum 2000 sf max size of home?
15. All roads 2nd means of access shall be capable of supporting an imposed load of 75,000 pounds. All roadways shall be in place before construction of homes. (IFC 2015, Appendix D, Chapter 5), 2015 IFC
16. Per City of Bixby ordinance 854 Section 3.2 Item 20, cul-de-sacs shall be limited to a maximum of 300 feet having an outside radius of 50 feet and a paved radius of not less than 40 feet.
 - a. A cul-de-sac over 300', will require sign off of all Bixby staff to allow to exist as is
 - b. ENGINEERING: Stub out street to south lot 27-possible solution
17. No access drive grades shall be greater than 10 percent per IFC 2015, Appendix D 103.2.
18. Remoteness of entrances shall meet IFC 2015, Appendix D 107.2
 - a. Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimensions of the property or area to be served, measured in a straight line between access.
19. Hydrants/reach prior to construction
20. Fire flows
21. 10% max on street grades
22. All roads and second means of access shall be capable of supporting an imposed load of 75,000 pounds. All roadways shall be in place before construction of homes.(IFC 2015 Appendix D, Chapter 5)
23. No access drive grades shall be greater than 10 percent per IFC 2015, Appendix D 103.2.
24. Remoteness of entrances shall meet IFC 2015, Appendix D107.2.
 - a. South 69th E. Ave shall have an unobstructed connection to the South abutting property upon future development in order to meet the diagonal separation requirements.

ENGINEERING COMMENTS:**PRELIMINARY PLAT****General Comments:**

25. Engineering plans, drainage report and checklist should be submitted for review along with the Final Plat.
26. Engineering design of waterlines, sanitary sewer, drainage and streets shall be completed in accordance with the City of Bixby Engineering Design Criteria Manual and Standard Specifications.

Preliminary Plat Comments:

27. There appears to be a typo on the south line callout of Lot 7, Block 3.

28. Reserve Area 'A' restrictions noted. This Reserve Area is critical for stormwater conveyance of the Seven Lakes and Addison Creek outfall pipes. The covenants do not appear to address maintenance responsibilities for the Reserve Area.
29. Minimum FFE's for proposed houses should be included on the Final Plat.

Waterline Comments:

30. Proposed waterline shown on the south side of 128th should not cross the road as it continues along 127th Place (i.e. waterline along 127th Place to be on north side of street).
31. The existing 12" waterline on the east side of Sheridan is not represented on the Concept Plan. This line and the connection details to be included in the engineering plans.
32. Proposed fire hydrant locations to be included in the engineering plans.

Sanitary Sewer Comments:

33. Extend dead end SSMH's serving Lots 1-4 of Block 3 to within 15' of pavement.
34. SS line extension noted within Fry Ditch Creek. Confirm that existing R/W or Utility Easements exist for this SS.

Drainage Comments:

35. Consider revised storm sewer routing to maintain clearance between storm and waterlines.
36. Provide Area Drain locations and details on engineering plans to collect flow in back yards. Provide Overland Drainage Easements (O/D/E's) and include appropriate language in plat DoD's.
37. Reserve Area outfall is not shown on Conceptual Utility Plan. Per conversation with Engineer, the proposed pipe outfall will connect to an existing inlet on the west side of Fry Ditch Creek, assumed to be on Lot 21, Block 1. Provide appropriate easements for this storm sewer pipe on the Final Plat.
38. Per conversation with Engineer, the proposed Storm Sewer under South Sheridan Road is not intended to convey stormwater from the west side of Sheridan. The purpose of this pipe is only to alleviate flooding of Sheridan in high flow events. Final design shall be completed in accordance with this concept.
39. The Conceptual Utility Plan does not communicate the direction of runoff from the adjacent Unplatted property south of the project. Final design should confirm the direction of runoff and/or accommodate any flow draining north.
40. The project lies within an existing FEMA Zone AE, 100-year floodplain. Engineer shall prepare and submit required FEMA applications with the Final Plat.

Paving & Sidewalk Comments:

41. Engineer to review cul-de-sac length as discussed at TAC meeting and as noted in Fire Marshal comments.
42. Sidewalks on Sheridan are required. The Engineering plans should include sidewalk location and details.

a. **12-6-4: PLAN SUBMITTAL:**  

The subdivider of the proposed subdivision shall submit four (4) complete sets of construction plans and specifications for all improvements regarding streets, drainage and storm sewers, water lines, sanitary sewer system, sidewalks and pedestrianways, in accordance with this title, current engineering design manual and PFPI requirements to the city for their approval. (Ord. 854, 9-9-2002; amd. 2006 Code)

b. **12-3-2: GENERAL DESIGN STANDARDS:**  

N. Sidewalks: If the proposed subdivision affronts both sides, concrete sidewalks shall be constructed along both sides of every arterial street, collector street or minor street shown on the plat in accordance with the engineering design manual of the city; provided, that concrete sidewalks shall be constructed only on the one side of frontage roads opposite the highway; provided further, that sidewalks shall not be required on the interior of industrial subdivisions, unless the planning commission and/or the city council determines that there is a need for such sidewalks for pedestrian movement to a residential subdivision or to a school site. After final acceptance by the city of the sidewalks, the maintenance thereof shall become the responsibility of the abutting property owners.

43. Limits of No Access noted on Preliminary Plat.



Friday, April 22, 2016

Marcae' Hilton
Bixby City Planner
City of Bixby
PO Box 70
Bixby, OK 74008

Re: **15030 Revised Preliminary Plat of "Addison Creek" and Preliminary Plat of "Seven Lakes VII"**

Dear Ms. Hilton:

This letter will serve to transmit (1) the Preliminary Plat of "Addison Creek," revised to incorporate the Staff recommendations, and (2) the Preliminary Plat of "Seven Lakes VII." We have addressed the recommendations plats transmitted herewith and as further explained in the following responses.

 **PLANNING COMMENTS:
PRELIMINARY PLAT**

 1. Location Map-please move Seven Lakes III out of the Seven Lakes box SEE MARKUP

Response: The representation is customary and necessary in this case due to the geometries and names of the features in the Location Map. Further, this representation is the same as was used in the previous Seven Lakes subdivisions, and the same methodology is used to represent other subdivisions within the same Location Map. The arrow clearly points to Seven Lakes III. We respectfully request allowance of the present representation unless there is some standard identified within the Subdivision Regulations requiring alternative representation.

 2-4

Response: These have all been addressed.

 5. Confirm the distance of the Cul-de-sac (COMMENT 16 & 38)

- a. adjust or meet FM comments
- b. advise Planning Staff and Fire Marshal of decision before submitting Final Plat

Response: With the addition of the stub-out street to the south, the cul-de-sac is well below the 300' maximum.

 6. Addresses to be added to final plat

Response: Addresses have been added.

7. Please remove the Final Plat Certificate of Approval on all future Preliminary Plats

Response: It is standard practice to include this certificate on the Preliminary Plat, and does not appear to be restricted by the Subdivision Regulations. However, to avoid any confusion, we have disabled the plat element and will restore it on the Final Plat.

8. No changes are required on the Preliminary Plat, all comments/changes will be made on the Conditional Final Plat

Response: Acknowledged.

9. Please submit all the *Utility Sign Off letters* with the Final Plat

Response: These will be provided.

10. COX: Additional easements requested (sketch provided)

Response: These have been added.

11. BTC: Question about backyard slopes for lots backing up to the channel

Response: We will address all of BTC's concerns, as will be demonstrated by the Release Letter.

12. OG&E: No Comment, will not serve

Response: Acknowledged.

FIRE MARSHAL COMMENTS: (taken from TAC and attached Memo)
PRELIMINARY PLAT

13. Waterline and fire hydrant plans shall be submitted to this office before approval of the Final Plat.

Fire hydrants shall be operational prior to construction of homes

- a. Fire Hydrant Brand-AVK OR MUELLER, COLOR-CHORME YELLOW
- b. 600 FT SPACING MAXIMUM
- c. Fire Hydrants shall be placed at the beginning of cul-de-sacs.
- d. Waterline plans submitted:
- e. Fire Hydrant plans submitted:

Response: We are in agreement with and will address all items.

14. Minimum 2000 sf max size of home?

Response: House sizes are not known at this time but many are expected to exceed 2,000

15. All roads 2nd means of access shall be capable of supporting an imposed load of 75,000 pounds. All roadways shall be in place before construction of homes. (IFC 2015, Appendix D, Chapter 5), 2015 IFC

Response: We will achieve this standard.

16.

Per City of Bixby ordinance 854 Section 3.2 Item 20, cul-de-sacs shall be limited to a maximum of 300 feet having an outside radius of 50 feet and a paved radius of not less than 40 feet.

- a. A cul-de-sac over 300', will require sign off of all Bixby staff to allow to exist as is
- b. ENGINEERING: Stub out street to south lot 27-possible solution

Response: With the addition of the stub-out street to the south, the cul-de-sac is well below the 300' maximum.

17.

No access drive grades shall be greater than 10 percent per IFC 2015, Appendix D 103.2.

Response: We will achieve this standard.

18.

Remoteness of entrances shall meet IFC 2015, Appendix D 107.2

- a. Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimensions of the property or area to be served, measured in a straight line between access.

Response: To address this and other City comments, we have added a stub-out street to the south toward the east end of the subdivision. The distance standard will be achieved when this street connects through.

19. Hydrants/reach prior to construction

Response: We will work with the Fire Marshal on this item.

20. Fire flows

Response: We will address this to the Fire Marshal's satisfaction

21. 10% max on street grades

Response: This will be met.

ENGINEERING COMMENTS:
PRELIMINARY PLAT
22-24

Response: These engineering comments will be addressed under separate cover.

25. Reserve Area 'A' restrictions noted. This Reserve Area is critical for stormwater conveyance of the Seven Lakes and Addison Creek outfall pipes. The covenants do not appear to address maintenance responsibilities for the Reserve Area.

Response: Language in the Deed of Dedication has been modified to assign maintenance responsibility to the Homeowners' Association.

26-30

Response: These engineering comments will be addressed under separate cover.

31. SS line extension noted within Fry Ditch Creek. Confirm that existing R/W or Utility Easements exist for this SS.

Response: The Fry Ditch Creek right-of-way belongs to the City of Bixby and is available for a City of Bixby public sanitary sewer.

 32-37

Response: These engineering comments will be addressed under separate cover.

-  38. Engineer to review cul-de-sac length as discussed at TAC meeting and as noted in Fire Marshal comments.

Response: With the addition of the stub-out street to the south, the cul-de-sac is well below the 300' maximum.

-  39. Sidewalks on Sheridan are required. The Engineering plans should include sidewalk location and details.

Response: Sidewalk plans will be provided.

-  40. Limits of No Access noted on Preliminary Plat.

Response: Limits of No Access (LNA) have been provided.

Please contact me if you have any questions or need additional information.

Respectfully,



Ricky Jones, AICP | Principal

**MEETING MINUTES
TECHNICAL ADVISORY COMMITTEE
CONFERENCE ROOM~DAWES BUILDING CITY OFFICES
113 WEST DAWES AVE~BIXBY, OK 74008
Wednesday, May 4, 2016 – 10:00 AM**

1. Call to Order

2. Preliminary Plat “ADDISON CREEK”- Tanner Consulting

Discussion and review of a Preliminary Plat for approximately 29.762 acres, 61 Lots, 3 Blocks, 2 Reserves. Single Family Residential. STR: 2/17/13

Property located: 12800 Block of Sheridan Road, adjacent to and south of Seven Lakes I

No New Comments

3. (2) Final Plats “Pine Valley Addition”, PUD 12-D- Tanner Consulting

Discussion and review of a Final Plat for approximately 4.346 acres, 9 Lots, 2 Blocks, 2 reserves. STR: 16/17/13

BLOCKS: 4-9 AND BLOCKS 10-11

Property located: half a mile south of 141st E. Ave. and east of Harvard

No New Comments

4. Preliminary Plat “SEVEN LAKES VII”- Tanner Consulting

Discussion and review of a preliminary Plat for approximately 0.625 acres, 2 Lots, 1 Block

Property located: half a mile south of 121st and east of Sheridan. STR: 2/17/13

No Comments

5. Project Coordination “BPS 9th Grade Center Addition”- Crafton Tull

Discussion of a preliminary utility relocation plans for proposed 9th Grade Center project

Property located: existing BPS 9th Grade Center at 301 S. Riverview. STR: 24/17/13

GAS- NOT PRESENT, need identification drawings for campus, want to loop to the north with water

ELECTRIC-how will the school supply electric during the building process? GENERATOR
BTC-moving service will be increased downtime

Effective and cost saving is goal

Will servers stay inside the current building?

Identify line current and future

Will you build over it or preserve it in place?

What about flooding?

How would server room be protected?

LOCATE DEPTH OF PIPES

LOCATE SERVER ROOM-MOVE OR PROTECT IN PLACE?

Pot hole the lines for location and depth

Conduct a walkthrough soon

Audit

ALL UTILITIES- review drawing ASAP and provide markups to Justin Sack

Justin.sack@craftontull.com

THIS ITEM WILL BE ON THE NEXT TAC AGENDA FOR REVIEW OF SUGGESTED CHANGES AND NEW QUESTIONS.

6. Old Business

7. New Business

8. Adjournment

Posted By: Marcae' Hilton

Date: May 3, 2016

Time: 5:00PM

BIXBY TAC MEETING
SIGN IN SHEET
Wednesday, May 4, 2016

NAME	COMPANY	PHONE
1. <u>Chuck Mitchell</u>	<u>Crafton Tull</u>	<u>918-584-0347</u>
2. <u>JUSTIN SACK</u>	<u>CRAFTON TULL</u>	<u>918-588-4008</u>
3. <u>MARK DAVIS</u>	<u>BTC Broadband</u>	<u>918-366-0270</u>
4. <u>Jim Peterson</u>	<u>BTC Broadband</u>	<u>918-366-0253</u>
5. <u>Tim Dobrinski</u>	<u>OG&E</u>	<u>918-227-0203</u>
6. <u>John Vausey</u>	<u>Cony</u>	<u>(918) 286-4142</u>
7. <u>MARY FOUTER</u>	<u>Bixby Schools</u>	<u>98 740 7218</u>
8. <u>Mike Collett</u>	<u>Bixby Schools</u>	<u>918-269-8763</u>
9. <u>BILL DAWGOTT</u>	<u>OASIS CENTRAL ELECTRIC</u>	<u>918-756-0833</u>
10. <u>Courtney Pollard</u>	<u>FLINTCO LLC.</u>	<u>918-232-8644</u>
11. <u>Joey Waddell</u>	<u>COB JM</u>	<u>(918) 366-0436</u>
12. <u>MICHAEL EMBURY</u>	<u>BPS</u>	<u>918-284-5219</u>
13. <u>Marcell Hilton</u>	<u>COB</u>	
14. <u>Ricky Jones</u>	<u>Tanner</u>	
15. <u>Justin Morgan</u>	<u>Tanner</u>	
16. <u>Richard Godfrey</u>	<u>Crafton Tull</u>	<u>918 521 6669</u>
17. _____	_____	_____
18. _____	_____	_____
19. _____	_____	_____
20. _____	_____	_____

AGENDA
TECHNICAL ADVISORY COMMITTEE
CONFERENCE ROOM
DAWES BUILDING CITY OFFICES
113 WEST DAWES AVE
BIXBY, OK 74008
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BLOCKS: 4-9 AND BLOCKS 10-11

Property located: half a mile south of 141st E. Ave. and east of Harvard

4. Preliminary Plat “SEVEN LAKES VII”- Tanner Consulting

Discussion and review of a preliminary Plat for approximately 0.625 acres, 2 Lots, 1 Block

Property located: half a mile south of 121st and east of Sheridan. STR: 2/17/13

5. Project Coordination “BPS 9th Grade Center Addition”- Crafton Tull

Discussion of a preliminary utility relocation plans for proposed 9th Grade Center project

Property located: existing BPS 9th Grade Center at 301 S. Riverview. STR: 24/17/13

6. Old Business

7. New Business

8. Adjournment

Posted By: Marcae' Hilton

Date: May 3, 2016

Time: 5:00PM

Persons who require a special accommodation to participate in this meeting should contact City Planner Marcae' Hilton, 116 West Needles Avenue, Bixby, Oklahoma, 918-366-4430, or via Email: mhilton@bixbyok.gov as far in advance as possible and preferably at least 48-hours before the date of the meeting. Persons using a TDD may contact OKLAHOMA RELAY at 1-800-722-0353 and voice calls should be made to 1-800-522-8506 to communicate via telephone with hearing telephone users and vice versa.

Marcae Hilton

From: Jason Mohler
Sent: Tuesday, May 03, 2016 6:25 PM
To: Britt Embry
Cc: Marcae Hilton
Subject: 9th Grade Center Utilities
Attachments: BPS 9GC Utility Atlas.pdf

Britt – Unfortunately, I will not be at the TAC meeting tomorrow to discuss your 9th Grade Center project. Marcae’ Hilton, our City Planner will be running the TAC meeting. Attached is copy of the water/sewer/storm atlas map. Hopefully this map along with the notes below will get the coordination started. Don’t hesitate to give me a call you need more information. These notes are my initial thoughts from a general understanding of the area and conversation with Jared. I’m happy to dig deeper if you have specific concerns.

Water: There are no “internal” waterlines represented on the atlas map. It’s my understanding that the existing 9th Grade Center building is served by a single master meter and the “internal” waterlines (domestic service lines, fire protection lines, fire hydrants, etc.) are private. The proposed building expansion can be served from the existing meter.

Sanitary Sewer: The existing service connects to the 12” SS on the east side of Riverview. You can tie a new service line to the same 12” SS main if needed or tie to the existing service connection.

Drainage: I provided a copy of the overall BPS drainage study to Jamelle several weeks ago. I’m assuming that report accounted for this additional impervious area.

Jason Mohler
City of Bixby
918-366-4430
jmohler@bixbyok.gov
www.bixby.com

Memo

To: Marcae Hilton, City Planner

From: Joey Wiedel

Date: 05-04-2016

Re: Preliminary Plat of "Addison Creek"

"Addison Creek" is approved by this office with the following conditions:

1. All roads and second means of access shall be capable of supporting an imposed load of 75,000 pounds. All roadways shall be in place before construction of homes.(IFC 2015 Appendix D, Chapter 5)
2. No access drive grades shall be greater than 10 percent per IFC 2015, Appendix D 103.2.
3. Remoteness of entrances shall meet IFC 2015, Appendix D107.2.
 - South 69th E. Ave shall have an unobstructed connection to the South abutting property upon future development in order to meet the diagonal separation requirements.

Joey Wiedel

05-04-2016

Date

CITY OF BIXBY

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

Development Services – Engineering Memo

To: Marcae' Hilton, City Planner

From: Jason Mohler, City Engineer *JCM*

CC: Bea Aamodt, Public Works Director
Joey Wiedel, Fire Marshall
File

Date: April 13, 2016

Re: Addison Creek - Preliminary Plat Review

General Comments:

1. Engineering plans, drainage report and checklist should be submitted for review along with the Final Plat.
2. Engineering design of waterlines, sanitary sewer, drainage and streets shall be completed in accordance with the City of Bixby Engineering Design Criteria Manual and Standard Specifications.

Preliminary Plat Comments:

3. There appears to be a typo on the south line callout of Lot 7, Block 3.
4. Reserve Area 'A' restrictions noted. This Reserve Area is critical for stormwater conveyance of the Seven Lakes and Addison Creek outfall pipes. The covenants to not appear to address maintenance responsibilities for the Reserve Area.
5. Minimum FFE's for proposed houses should be included on the Final Plat.

Waterline Comments:

6. Proposed waterline shown on the south side of 128th should not cross the road as it continues along 127th Place (i.e. waterline along 127th Place to be on north side of street).
7. The existing 12" waterline on the east side of Sheridan is not represented on the Concept Plan. This line and the connection details to be included in the engineering plans.
8. Proposed fire hydrant locations to be included in the engineering plans.

Sanitary Sewer Comments:

9. Extend dead end SSMH's serving Lots 1-4 of Block 3 to within 15' of pavement.
10. SS line extension noted within Fry Ditch Creek. Confirm that existing R/W or Utility Easements exist for this SS.

Drainage Comments:

11. Consider revised storm sewer routing to maintain clearance between storm and waterlines.
12. Provide Area Drain locations and details on engineering plans to collect flow in back yards. Provide Overland Drainage Easements (O/D/E's) and include appropriate language in plat DoD's.
13. Reserve Area outfall is not shown on Conceptual Utility Plan. Per conversation with Engineer, the proposed pipe outfall will connect to an existing inlet on the west side of Fry Ditch Creek, assumed to be on Lot 21, Block 1. Provide appropriate easements for this storm sewer pipe on the Final Plat.
14. Per conversation with Engineer, the proposed Storm Sewer under South Sheridan Road is not intended to convey stormwater from the west side of Sheridan. The purpose of this pipe is only to alleviate flooding of Sheridan in high flow events. Final design shall be completed in accordance with this concept.
15. The Conceptual Utility Plan does not communicate the direction of runoff from the adjacent Unplatted property south of the project. Final design should confirm the direction of runoff and/or accommodate any flow draining north.
16. The project lies within an existing FEMA Zone AE, 100-year floodplain. Engineer shall prepare and submit required FEMA applications with the Final Plat.

Paving & Sidewalk Comments:

17. Engineer to review cul-de-sac length as discussed at TAC meeting and as noted in Fire Marshal comments.
18. Sidewalks on Sheridan are required. The Engineering plans should include sidewalk location and details.
19. Limits of No Access noted on Preliminary Plat.



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: Marcae' Hilton

Date: Tuesday, May 31, 2016

RE: **Discussion of Use Unit 17 and Use Unit 25: Development Services Staff**
Discussion and consideration of Use Unit 17 and Use Unit 25 in regards to the proper zoning designation for automotive collision repair requiring the use of paint to complete their restoration project

BACKGROUND INFORMATION:

Staff believes several commercially zoned businesses are in “noncompliance” with Use Unit 17. They may be operating auto repair shops and completing their work with high end paint booths and paint equipment. The new equipment provides better protections for surrounding businesses and residents. At the time the ordinance was written the same quality of equipment and ventilation systems were not available. Paint booths today most often comply with OSHA and NFPA 33 (National Fire Protection Association) guidelines, in addition, may use a water based paint which is environmentally friendly. Therefore, with the need for retail sales, new businesses and quality options, staff would like to discuss the possibility of changing Use Unit 17 to allow automotive painting as an ancillary use.

11-9-17: USE UNIT 17 AUTOMOTIVE AND ALLIED ACTIVITIES:

A. Description: Automotive and allied activities. (Ord. 272, 4-2-1974)

B. Included Uses:

Sales:

Agricultural implement sales.

Aircraft sales.

Automobile sales, new and used.

Boat sales.

Camper sales.

Manufactured home sales.

Motorcycle sales.

Truck sales.

Services:

Auto wash.

Automobile rental.

Oil and lubrication service.

Overnight campgrounds for recreational vehicles.

Tune up service.

Vehicle repair and service (except painting). (Ord. 272, 4-2-1974; amd. Ord. 994, 4-14-2008; Ord. 2031, 12-21-2009)

C. Use Conditions:

1. The uses included in the use unit 17, when located on a lot which is abutting an R district, shall be screened from the abutting R district by the erection and maintenance of a screening wall or fence along the lot line or lines in common with the R district.

2. Within the CS district, there shall be no open air storage or display of merchandise offered for sale within three hundred feet (300') of an adjoining R district. (Ord. 272, 4-2-1974)

D. Off Street Parking And Loading Requirements:

<u>Uses</u>	<u>Parking Spaces</u>	<u>Loading Berths</u>
Agriculture implements, automotive, camper, manufactured home, motorcycle and truck sales	1 per 600 square feet of floor area, plus 1 per 1,000 square feet of open air display storage or service area	1 per 5,000 to 10,000 square feet, plus 1 per each additional 15,000 square feet of floor area
Auto wash	n/a	n/a
Automobile rental and vehicle repair	1 per 600 square feet of floor area	n/a

(Ord. 272, 4-2-1974; amd. Ord. 994, 4-14-2008; Ord. 2031, 12-21-2009)

11-9-25: USE UNIT 25 LIGHT MANUFACTURING AND INDUSTRY:  

A. Description: Light manufacturing and industrial uses having slight or no objectionable environmental influences by reason of the emission of odor, heat, smoke, noise or vibration.

B. Included And Excepted Uses:

Automotive painting
Bottling plant
Building contract construction service and storage:
Cesspool cleaning
Concrete construction service
Contracting service
Dry cleaning/laundry – industrial
Grain elevators
Heavy construction
Masonry
Oil and gas well drilling and cleaning
Painting and other solvent use
Roofing
Sheet metal
Stone work
Water well drilling and cleaning
Welding shop

Light industrial or manufacturing use, any, except the following:

Aluminum, brass, copper, iron or steel foundry works
Acetylene gas manufacture in excess of fifteen (15) pounds pressure per inch
Acid manufacturing for wholesale
Ammonia, bleaching power or chlorine manufacture
Asphalt manufacture or refining
Auto salvage yards
Blast furnace, except as a minor and incidental part of another permitted industrial use
Boiler works or forge works
Brick, tile or terra cotta manufacture
Celluloid manufacture
Coke manufacture
Concrete ready-mix plant
Creosote manufacture or treatment
Disinfectant or insecticide manufacture
Distillation of bones, coal, tar or wood
Dyestuff manufacture
Fat rendering
Fertilizer manufacture (organic)
Gas (heating or illumination) manufacture or storage, except where such gas is to be entirely consumed on the same premises
Glue, gelatin or size manufacture

Incineration or reduction of dead animals, garbage, offal or refuse, other than garbage, offal or refuse accumulated and consumed within or on the same premises
 Lamp black manufacture
 Lime, cement or plaster of Paris manufacture
 Match manufacture
 Oilcloth or linoleum manufacture
 Paint, oil, varnish or turpentine manufacture
 Paper or pulp manufacture by sulphide process emitting noxious gasses or odors
 Pickle, sausage, sauerkraut or vinegar manufacture
 Printing ink manufacture
 Rayon or cellophane manufacture
 Refining of petroleum or other crude materials
 Rolling mill
 Rubber manufacture from crude materials
 Shoddy manufacture
 Soda ash, caustic soda and washing compound manufacture
 Slaughtering of animals, exclusive of poultry and rabbit killing
 Smelting
 Soap manufacture
 Starch, glucose, dextrine manufacture
 Stock yards
 Storage of dismantled automobiles or any form of junk
 Sugar refining
 Tallow, grease or lard manufacture or refining
 Tanning or curing of leather, raw hides or skins or storage of raw hides and skins
 Tar distillation or manufacture
 Tar roofing or tar waterproofing manufacture
 Trades, industries or uses having moderately objectionable environmental influences by reason of the emission of odor, heat, smoke, noise or vibration
 Wool scouring, hair manufacture
 Yeast manufacture for wholesale

C. Use Conditions:

1. The uses included in use unit 25, which are located within three hundred feet (300') of an R district, shall be conducted within enclosed buildings.
2. The uses included in use unit 25, when located on a lot which is abutting an R district, shall be screened from the abutting R district by the erection and maintenance of a screening wall or fence along the lot line or lines in common with the R district.

D. Off Street Parking And Loading Requirements:

<u>Uses</u>	<u>Parking Spaces</u>	<u>Loading Berths</u>
All	1 per 1,000	1 per 2,000 to 40,000 square feet of floor area, plus 1 per 40,000 to 100,000 square feet, plus 1 per each additional 100,000 square feet of floor area

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(Ord. 272, 4-2-1974)

STAFF RECOMMENDATION: Staff believes allowing the use of auto paint within an automotive repair shop is common and necessary. The surrounding zoning, land uses and the physical considerations of the area usually weigh in favor of the combination (paint and auto repair). Therefore, Staff recommends moving the item to the next Planning Commission Meeting as a first hearing per the City Attorney reviewing the revised Zoning Regulations of Use Unit 17 allowing the use of paint within an auto body repair shop.