



Tulsa Metropolitan Area
Planning Commission

Case : Kum & Go 2362 (Related to
PUD-470-B & Z-7524)

Hearing Date: January 19, 2022

Case Report Prepared by:

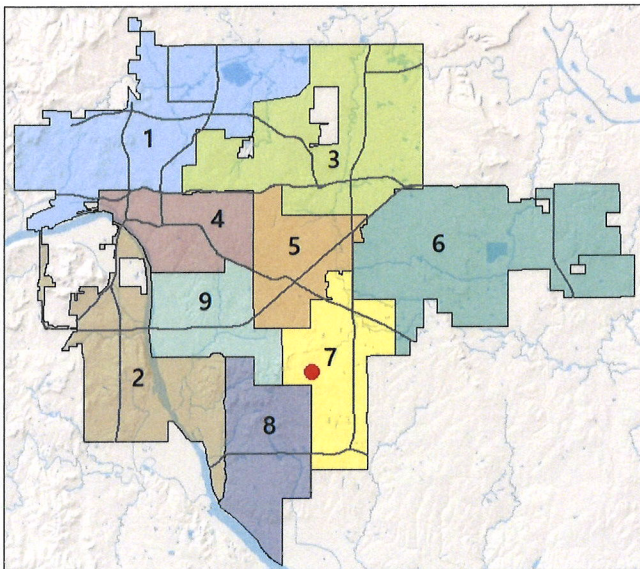
Nathan Foster

Owner and Applicant Information:

Applicant: Will Hoey, Olsson

Owner: TRES Woodland Investment,
LLC

Location Map:
(shown with City Council Districts)



Applicant Proposal:

Preliminary Plat

Location: Southeast corner of East 66th
Street South and South Memorial Drive

1 lot, 1 block, 1.36± acres

Zoning:

Current: OL, AG & PUD-470

Proposed: CS

Staff Recommendation:

Staff recommends **approval** of the
preliminary plat

City Council District: 7

Councilor Name: Lori Decter-Wright

County Commission District: 3

Commissioner Name: Ron Peters

EXHIBITS: Case Map, Aerials, Land Use, Growth & Stability, Preliminary Plat, Conceptual
Improvements Plan

11.1

PRELIMINARY SUBDIVISION PLAT

Kum & Go 2362 - (CD 7)

Southeast corner of East 66th Street South and South Memorial Drive

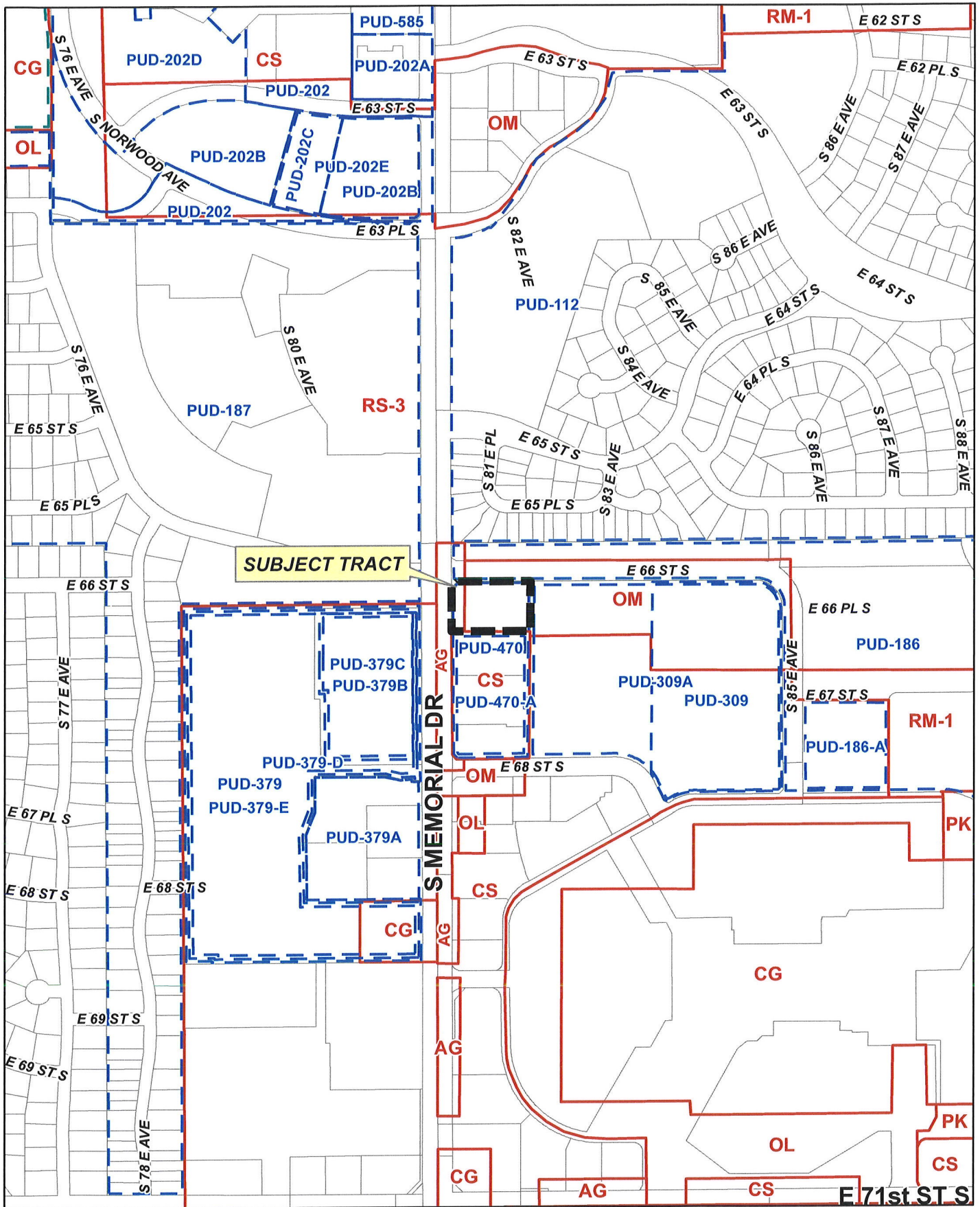
This plat consists of 1 lot, 1 block on 1.36 ± acres.

The Technical Advisory Committee (TAC) met on January 6, 2022 and provided the following conditions:

1. **Zoning:** Property is currently zoned OL with a Planned Unit Development (PUD-470). There is a pending rezoning request (Z-7524) and associated PUD Major amendment (PUD-470-B) to rezone the property to CS (Commercial – Shopping) and remove it from the PUD. Rezoning must be approved and effective prior to final plat approval.
2. **Addressing:** City of Tulsa addresses and street names must be assigned and affixed to the face of the final plat.
3. **Transportation & Traffic:** Sidewalks, ADA ramps, and driveways require approval of a right-of-way permit by the City of Tulsa. Update limits of no access and access areas of the plat to reflect final approved locations. Label and dimension all right-of-way areas with recording information or indicate dedications being made by plat.
4. **Sewer/Water:** Site is served by an existing City of Tulsa sanitary sewer and water. Provide book and page for existing water line easement.
6. **Engineering Graphics:** Submit a subdivision control data sheet with the final plat. Add “State of” before Oklahoma in the plat subtitle. Add contact information and CA number for project engineer and surveyor. In the location map, label all platted boundaries in the section and label all other property as “unplatted”. Label the plat location as “project location” or “site”. Under the basis of bearing information, include the coordinate system used. Provide a bearing angle shown on the face of the plat. Graphically label the point of beginning (POB) on the face of the plat. Add signature block for City officials.
8. **Stormwater, Drainage, & Floodplain:** If stormwater system improvements are required, IDP must be approved prior to approval of a final plat. Closure of existing storm sewer easement must be processed and approved through the City of Tulsa Utility Coordination Department.
9. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** All utilities indicated to serve the site must provide a release prior to final plat approval. Provide a Certificate of Records Search from the Oklahoma Corporation Commission to verify no oil & gas activity on the site.

Staff recommends **APPROVAL** of the preliminary subdivision plat subject to the conditions provided by TAC and all other requirements of the Subdivision and Development Regulations. Final plat release from the City of Tulsa is required prior to final plat approval.

11.2



SUBJECT TRACT

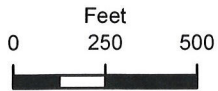


KUM & GO 2362

18-13 01



11.3



KUM & GO 2362

18-13 01



11.4

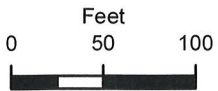


S MEMORIAL DR

E 66 STS

E 65 PLS

S 81 E PL



Subject Tract

KUM & GO 2362

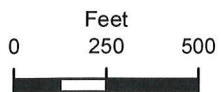
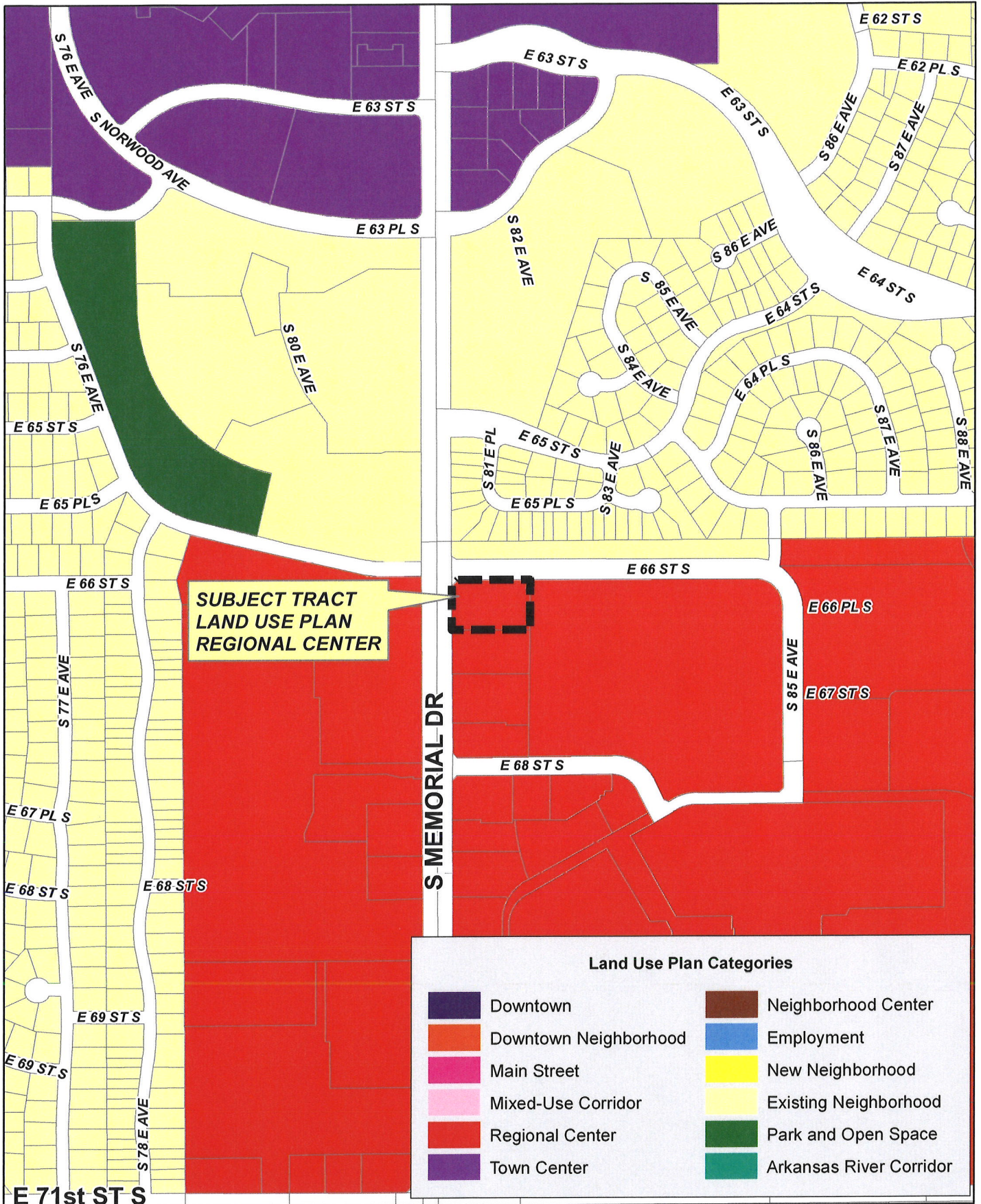
18-13 01

Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: 2020/2021



11.5



KUM & GO 2362

18-13 01

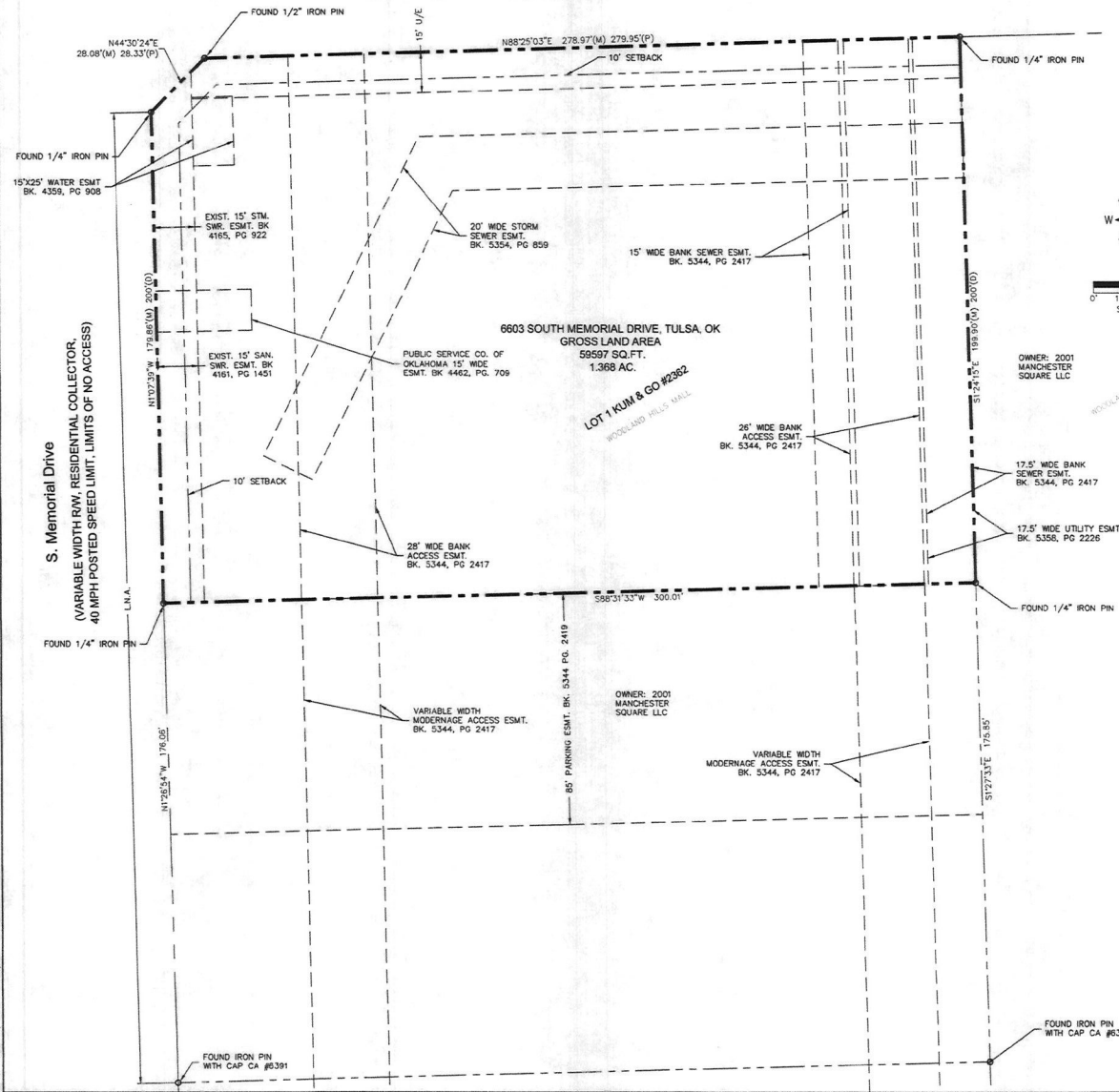


11.4

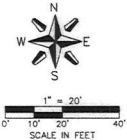
PRELIMINARY PLAT FOR KUM & GO #2362 LOT 1

BEING A REPLAT OF NORTH 200' LOT ONE (1), BLOCK THREE (3), WOODLAND HILLS MALL,
CITY OF TULSA, TULSA COUNTY, OKLAHOMA

E. 66th Street
(80' R/W, PRIMARY ARTERIAL,
30 MPH POSTED SPEED LIMIT)



LEGEND	
--- (dashed line)	BOUNDARY
--- (long dashed line)	PROPERTY LINE
--- (short dashed line)	SETBACK LINE
--- (dash-dot line)	SECTION LINE
--- (dash-dot-dot line)	RIGHT-OF-WAY LINE
--- (dotted line)	EASEMENT
●	SET MONUMENT
○	FOUND 1/2" REBAR W/CAP, "XXXXX"
○	(UNLESS NOTED OTHERWISE)
○	BENCHMARK
(D)	DECEDED DISTANCE
(M)	MEASURED DISTANCE
(P)	PLATTED DISTANCE
(P)	SCHEDULE B-F EXCEPTIONS



PLATTED AREA
LOT 1 1.4 ACRES OR 59597 SQ. FT

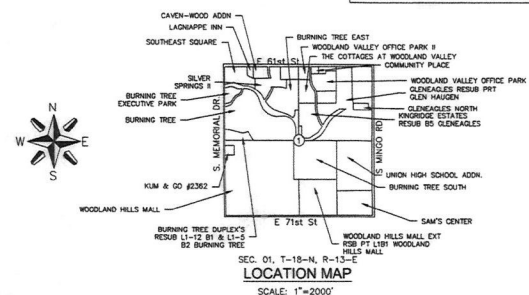
CURRENT ZONING
QM W/PLD 470-OFFICE-MEDIUM WITH
PLANNED UNIT DEV. 470

DEVELOPER
KUM & GO
1459 GRAND AVENUE
DES MOINES IOWA 50309

DESIGNER ENGINEER
OLSSON
550 E. ST. LOUIS STREET
SPRINGFIELD, MO 65806

TOPOGRAPHIC SURVEY
OLSSON
702 S. MAIN STREET
JOPLIN, MO 64870

OWNER
TRES WOODLAND INVESTMENT, L.L.C. A
TEXAS LIMITED LIABILITY COMPANY
3450 W. WALNUT STREET
GARLAND, TX 75042



PROPERTY DESCRIPTION
THE NORTH TWO HUNDRED (200) FEET OF LOT ONE (1), BLOCK THREE (3), WOODLAND HILLS MALL, BLOCK 2,3,4, AND 5, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 3627.

- NOTES:**
- ALL UNDERGROUND UTILITIES FLAGGED BY "OKIE" REQUEST ARE SHOWN HEREON, HOWEVER, ALL UNDERGROUND UTILITIES MAY NOT BE SHOWN. CALL "OKIE" (1-800-522-6543) BEFORE DIGGING (REQUEST TICKET: 21111818504401 REQUESTED: NOVEMBER 19, 2021.) (WE DO NOT CERTIFY TO THE EXISTENCE OR LOCATION OF UNDERGROUND UTILITIES.)
 - THE PROPERTY DESCRIBED HEREON CONTAINS 1.4 ACRES OR 59597 SQ. FT., MORE OR LESS.
 - BEARINGS BASED ON OKLAHOMA STATE PLANE COORDINATE SYSTEM 1983, NORTH ZONE.
 - USING N107°39'W AS THE WEST LINE OF LOT ONE (1), BLOCK THREE (3), WOODLAND HILLS MALL, BLOCK 2,3,4, AND 5, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 3627.
 - ELEVATIONS SHOWN HEREON ARE BASED ON THE 1988 NORTH AMERICAN VERTICAL DATUM.
 - THE PROPERTY DESCRIBED HEREON HAS ACCESS TO EAST 66TH STREET.
 - THE MAP BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), FLOOD INSURANCE RATE MAP, TULSA COUNTY, OKLAHOMA AND INCORPORATED AREAS, MAP NO. MAP COMMUNITY PANEL NUMBER: 401430355M EFFECTIVE DATE: MAY 04, 2019, THIS PROPERTY DOES NOT LIE WITHIN A DESIGNATED FLOOD PLAIN AND IS ZONE X.



OLSSON
Olsson Survey
Oklahoma Certificate of Authority #1483
702 S. Main Street
Joplin, MO 64870
TEL. 417.781.0943 www.olsson.com

REVISIONS

REV	DATE	DESCRIPTION

BY _____

DATE _____

REV. DATE _____

2021

KUM & GO
PRELIMINARY PLAT
KUM & GO #2362 PLAT
TULSA COUNTY
6603 SOUTH MEMORIAL DRIVE TULSA, OKLAHOMA

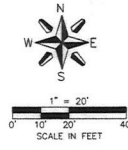
811
Know what's below.
Call before you dig.

SHEET
1 of 3

DWG: F:\2021\0501-0700\01-0631\0-Design\Survey\SP4\64\N_PRELIM_PLAT_02106037.dwg
 USER: danderon
 DATE: Dec 01, 2021 12:33pm

811

PRELIMINARY PLAT FOR
KUM & GO #2362 LOT 1
 BEING A REPLAT OF NORTH 200' LOT ONE (1), BLOCK THREE (3), WOODLAND HILLS MALL,
 CITY OF TULSA, TULSA COUNTY, OKLAHOMA



LEGEND

- ▲ BENCHMARK
- CLEAFOUT
- DECIDUOUS TREE
- ELECTRIC RISER
- FIRE HYDRANT
- FOUND MONUMENT
- GAS TEST STATION
- CURB INLET
- GRATE INLET
- GREASE TRAP
- GUY WIRE
- HANDICAP PARKING MARKER
- LIGHT POLE
- POWER POLE
- SANITARY SEWER MANHOLE
- SEWER CLEANOUT
- SET 1/2" REBAR W/CAP, "PS 1728"
- SIGN
- SPRINKLER HEAD
- STEEL POST
- STORM DRAIN MANHOLE
- SPRINKLER CONTROL VALVE
- STUMP
- TELEPHONE CABINET
- TELEVISION PEDESTAL
- TRAFFIC SIGNAL CABINET
- TRAFFIC CONTROL BOX
- TRAFFIC SIGNAL
- TRAFFIC SIGNAL BOX
- WATER METER
- WATER VALVE
- BOUNDARY
- BUSH ROW
- CURB AND GUTTER
- EASEMENT
- PROPERTY LINE
- RIGHT-OF-WAY LINE
- OVERHEAD POWER
- MAJOR CONTOUR
- MINOR CONTOUR
- GAS
- NATURAL GAS
- SANITARY SEWER
- STORM SEWER
- UGE
- TELEPHONE
- UNDERGROUND POWER
- WATER MAIN
- CHAIN-LINK FENCE

BENCHMARKS

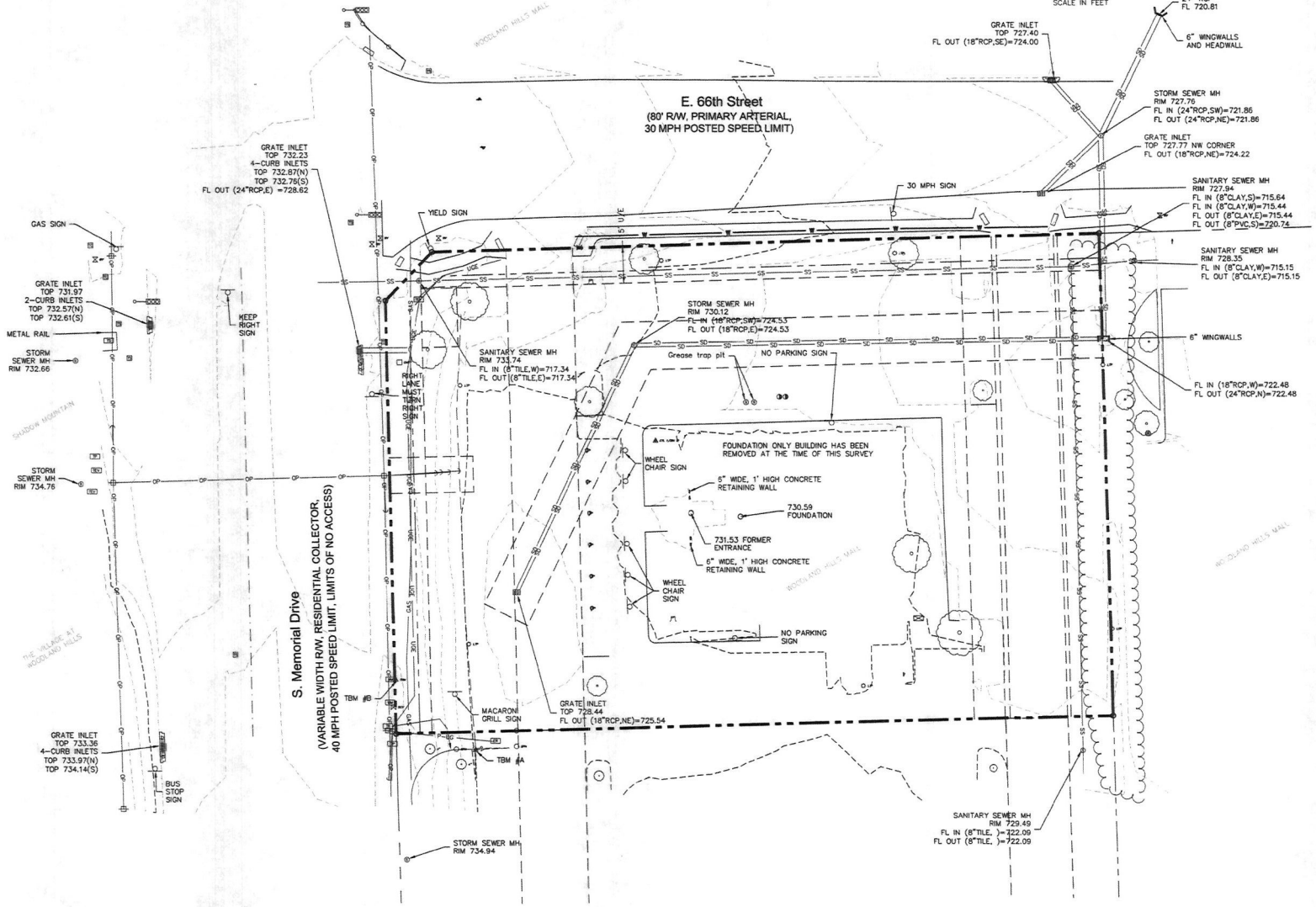
BM#A—CUT CROSS IN TOP NEW PARKING LOT CURB AT THE NORTHWEST CORNER OF THE PARKING LOT TO "DISCOUNT TIRE" NEAR SOUTHWEST CORNER OF PROPERTY CORNER. ELEV.=730.02 (NAVD 88)

BM#B—FOUND CROSS IN CONCRETE ON THE EAST SIDE OF A WATER METER 30'± NORTH OF SOUTHWEST PROPERTY CORNER. ELEV.=734.30 (NAVD 88)

CONTROL DATA

MONUMENT: #1 SET IRON PIN 20' SOUTH AND 18' EAST OF THE SOUTHEAST CORNER OF MEDWISSE URGENT CARE SIGN AT THE NORTHEAST CORNER OF MEMORIAL DRIVE AND 66TH STREET.
 N: 394763.00
 E: 2593229.89

#2 CHISELED CROSS ON TOP OF NEW PARKING LOT CURB AT THE NORTHWEST CORNER OF THE PARKING LOT OF "DISCOUNT TIRE" NEAR SOUTHWEST CORNER OF KUM & GO LOT.
 N: 395257.96
 E: 2593206.99



611

USER: dhenesteron
 DATE: Dec 09, 2021 12:20:00
 FILE: \\s:\work\2362\2362.dwg
 PROJECT: KUM & GO #2362 LOT 1
 SHEET: 2 OF 3



Know what's below.
 Call before you dig.

PRELIMINARY PLAT FOR
KUM & GO #2362 LOT 1

BEING A REPLAT OF NORTH 200' LOT ONE (1), BLOCK THREE (3), WOODLAND HILLS MALL,
CITY OF TULSA, TULSA COUNTY, OKLAHOMA

DEED OF DEDICATION

KNOW ALL MEN BY THESE PRESENTS:

THAT TRES WOODLAND INVESTMENT, LLC, A TEXAS LIMITED LIABILITY COMPANY, HEREINAFTER SOMETIMES CALLED "OWNER" IS THE OWNER IN FEE SIMPLE OF THE FOLLOWING DESCRIBED REAL ESTATE SITUATED IN THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, TO-WIT:
THE NORTH TWO HUNDRED (200) FEET OF LOT ONE (1), BLOCK THREE (3), WOODLAND HILLS MALL, BLOCK 2,3,4, AND 5, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 3627.

THE OWNER HAS CAUSED THE SAME TO BE SURVEYED, STAKED, AND PLATTED AS SHOWN BY THE ACCOMPANYING PLAT AND SURVEY THEREOF, AND WHICH PLAT IS MADE A PART HEREOF; AND THE OWNER HAS GIVEN TO SAID PLAT THE NAME OF "KUM & GO #2362", A SUBDIVISION IN THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, (WHenever the word "SUBDIVISION" APPEARS HEREIN THE SAME SHALL CONCLUSIVELY BE DEEMED TO MEAN "KUM & GO #2362" UNLESS THE CONTEXT CLEARLY DICTATES OTHERWISE, LIKEWISE, WHEREVER THE WORD "CITY" APPEARS HEREIN THE SAME SHALL CONCLUSIVELY BE DEEMED TO MEAN THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, UNLESS THE CONTEXT CLEARLY DICTATES OTHERWISE.) NOW, THEREFORE, THE OWNER, FOR THE PURPOSE OF PROVIDING FOR THE ORDERLY DEVELOPMENT OF THE SUBDIVISION AND FOR THE PURPOSE OF INSURING ADEQUATE RESTRICTIONS FOR THE MUTUAL BENEFIT OF THE OWNER, ITS SUCCESSORS, GRANTEEES AND ASSIGNS, THE BENEFICIARIES OF THE COVENANTS SET FORTH IN SECTION I BELOW, WITH RESPECT TO SUCH COVENANTS ONLY, DOES HEREBY IMPOSE THE FOLLOWING RESTRICTIONS AND COVENANTS, WHICH SHALL BE COVENANTS RUNNING WITH THE LAND AND WHICH SHALL BE ENFORCEABLE BY THE OWNER OR OWNERS OF ANY PROPERTY WITHIN THE SUBDIVISION AND BY THE BENEFICIARIES OF THE COVENANTS SET FORTH IN SECTION I BELOW, WITH RESPECT TO SUCH COVENANTS ONLY.

SECTION I. PUBLIC STREETS AND UTILITY EASEMENTS

1.0 STREETS AND UTILITY EASEMENTS

1.0.1 THE OWNER HEREBY DEDICATES TO THE PUBLIC THE UTILITY EASEMENTS DESIGNATED AS "U/E" OR "UTILITY EASEMENT" FOR THE SEVERAL PURPOSES OF CONSTRUCTION, 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, MANHOLES AND EQUIPMENT FOR EACH OF SAID FACILITIES AND ANY OTHER APPURTENANCES THEREIN, WITH THE RIGHTS OF INGRESS AND EGRESS TO AND UPON THE UTILITY EASEMENTS FOR THE USES AND PURPOSES STATED, PROVIDED THE OWNER 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 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 AREAS DEPICTED ON THE PLAT. THE OWNER HEREBY IMPOSES A RESTRICTIVE COVENANT, WHICH COVENANT SHALL BE BINDING ON EACH LOT OWNER AND SHALL BE ENFORCEABLE BY THE CITY OF TULSA, OKLAHOMA, AND BY THE SUPPLIER OF ANY AFFECTED UTILITY SERVICE, THAT WITHIN THE UTILITY EASEMENTS DEPICTED ON THE ACCOMPANYING PLAT NO BUILDING, STRUCTURE OR OTHER ABOVE OR BELOW GROUND OBSTRUCTION THAT INTERFERES WITH STATED USES AND PURPOSES OF THE UTILITY EASEMENTS SHALL BE PLACED, ERRECTED, INSTALLED OR MAINTAINED, PROVIDED NOTHING HEREIN SHALL BE DEEMED TO PROHIBIT DRIVES, PARKING AREAS, LANDSCAPING AND CUSTOMARY SCREENING FENCES THAT DO NOT CONSTITUTE AN OBSTRUCTION.

1.1 WATER, SANITARY SEWER AND STORM SEWER SERVICE

1.1.1 THE OWNER OF ANY LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE PUBLIC WATER MAINS, SANITARY SEWER MAINS, AND STORM SEWERS LOCATED ON THE OWNER'S LOT.

1.1.2 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, SANITARY SEWER MAIN, OR STORM SEWER OR ANY CONSTRUCTION ACTIVITY WHICH, IN THE JUDGEMENT OF THE CITY OF TULSA, WOULD INTERFERE WITH PUBLIC WATER MAINS, SANITARY SEWER MAINS, OR STORM SEWERS SHALL BE PROHIBITED.

1.1.3 THE CITY OF TULSA, OKLAHOMA, OR ITS SUCCESSORS, SHALL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF PUBLIC WATER MAINS, PUBLIC SANITARY SEWER MAINS, AND PUBLIC STORM SEWERS BUT THE LOT OWNER SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE LOT OWNER, ITS AGENTS OR CONTRACTORS. THE CITY OF TULSA ASSUMES NO MAINTENANCE OF ANY PRIVATE DRAINAGE SYSTEMS.

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

1.1.5 THE FOREGOING COVENANTS SET FORTH IN THE ABOVE PARAGRAPHS SHALL BE ENFORCEABLE BY THE CITY OF TULSA, OKLAHOMA, OR ITS SUCCESSORS, AND THE OWNER OF THE LOT AGREES TO BE BOUND.

1.2 PAVING AND LANDSCAPING WITHIN EASEMENTS

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

1.3 CERTIFICATE OF OCCUPANCY RESTRICTIONS

NO CERTIFICATE OF OCCUPANCY FOR A BUILDING WITHIN THE SUBDIVISION SHALL BE ISSUED BY THE CITY OF TULSA, OKLAHOMA UNTIL CONSTRUCTION OF THE REQUIRED INFRASTRUCTURE (STREETS, WATER, SANITARY SEWER, STORM SEWERS) SERVING THE ENTIRE SUBDIVISION HAS BEEN COMPLETED AND ACCEPTED BY THE CITY. NOTWITHSTANDING THE FOREGOING, THE CITY MAY AUTHORIZE THE ISSUANCE OF A TEMPORARY CERTIFICATE OF OCCUPANCY IF, IN THE CITY'S SOLE DISCRETION, THE CIRCUMSTANCES SUPPORT THE ISSUANCE. FURTHER NOTWITHSTANDING THE FOREGOING, THE CITY MAY AUTHORIZE THE PHASING OF THE CONSTRUCTION OF INFRASTRUCTURE WITHIN THE SUBDIVISION, AND IF PHASING IS AUTHORIZED, A CERTIFICATE OF OCCUPANCY FOR A BUILDING WITHIN AN AUTHORIZED PHASE MAY ISSUE UPON THE COMPLETION AND ACCEPTANCE OF THE INFRASTRUCTURE SERVING THE PARTICULAR PHASE. BUILDING CONSTRUCTION OCCURRING PRIOR TO THE CITY'S ACCEPTANCE OF THE INFRASTRUCTURE SHALL BE AT THE RISK OF THE OWNER OF THE LOT, NOTWITHSTANDING THE ISSUANCE OF A BUILDING PERMIT OR OF A TEMPORARY CERTIFICATE OF OCCUPANCY.

1.4 UTILITY SERVICE

1.4.1 OVERHEAD LINES FOR THE SUPPLY OF ELECTRIC, TELEPHONE AND CABLE TELEVISION SERVICES MAY BE LOCATED WITHIN THE WESTERN PERIMETER EASEMENTS OF THE SUBDIVISION. STREET LIGHT POLES OR STANDARDS SHALL BE SERVED BY UNDERGROUND CABLE. ELSEWHERE THROUGHOUT THE SUBDIVISION, ALL SUPPLY LINES INCLUDING ELECTRIC, TELEPHONE, CABLE TELEVISION AND GAS LINES SHALL BE LOCATED UNDERGROUND IN THE EASEMENT WAYS DEDICATED FOR GENERAL UTILITY SERVICES AND IN THE RIGHTS-OF-WAY OF THE PUBLIC STREETS AS DEPICTED ON THE ACCOMPANYING PLAT. SERVICE PEDSTALS AND TRANSFORMERS, AS SOURCES OF SUPPLY AT SECONDARY VOLTAGES, MAY ALSO BE LOCATED IN THE UTILITY EASEMENTS.

1.4.2 UNDERGROUND SERVICE CABLES AND GAS SERVICE LINES TO ALL STRUCTURES WHICH ARE 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 NONEXCLUSIVE 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.

1.4.3 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 UTILITY EASEMENTS 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 GAS SERVICE.

1.4.4 THE OWNER OF ANY LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE UNDERGROUND SERVICE FACILITIES LOCATED ON THE OWNER'S 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 LOT OWNER SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE LOT OWNER OR THE LOT OWNER'S AGENTS OR CONTRACTORS.

1.4.5 THE FOREGOING COVENANTS SET FORTH IN THE ABOVE PARAGRAPHS SHALL BE ENFORCEABLE BY EACH SUPPLIER OF THE ELECTRIC, TELEPHONE, CABLE TELEVISION OR GAS SERVICE AND THE OWNER OF ANY LOT AGREES TO BE BOUND HEREBY.

1.5 GAS SERVICE

1.5.1 THE SUPPLIER OF GAS SERVICE THROUGH ITS AGENTS AND EMPLOYEES SHALL AT ALL TIMES HAVE THE RIGHT OF ACCESS TO ALL UTILITY EASEMENTS SHOWN ON THE PLAT OR AS PROVIDED FOR IN THIS DEED OF DEDICATION FOR THE PURPOSE OF INSTALLING, REMOVING, REPAIRING, OR REPLACING ANY PORTION OF THE FACILITIES INSTALLED BY THE SUPPLIER OF GAS SERVICE.

1.5.2 THE OWNER OF ANY LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE UNDERGROUND GAS FACILITIES LOCATED IN THEIR LOT. THE OWNER SHALL PREVENT THE ALTERATION, GRADE, OR ANY OTHER CONSTRUCTION ACTIVITY THAT WOULD INTERFERE WITH THE GAS SERVICE. THE SUPPLIER OF THE GAS SERVICE SHALL BE RESPONSIBLE FOR THE ORDINARY MAINTENANCE OF SAID FACILITIES, BUT THE LOT OWNER SHALL PAY FOR DAMAGE OR RELOCATION OF FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE LOT OWNER, OR ITS AGENTS OR CONTRACTORS.

1.5.3 THE FOREGOING COVENANTS SET FORTH IN THE ABOVE PARAGRAPHS SHALL BE ENFORCEABLE BY THE SUPPLIER OF THE GAS SERVICE AND THE OWNER OF THE LOT AGREES TO BE BOUND HEREBY.

1.6 LIMITS OF NO ACCESS

THE OWNER HEREBY RELINQUISHES RIGHTS OF VEHICULAR INGRESS OR EGRESS FROM ANY PORTION OF THE PROPERTY ADJACENT TO THE WEST, SOUTH MEMORIAL DRIVE WITHIN THE BOUNDS DESIGNATED AS "LIMITS OF NO ACCESS" ON THE ACCOMPANYING PLAT, WHICH LIMITS OF NO ACCESS MAY BE AMENDED OR RELEASED BY THE TULSA METROPOLITAN AREA PLANNING COMMISSION, OR ITS SUCCESSOR, WITH THE APPROVAL OF THE CITY OF TULSA, OKLAHOMA, OR AS OTHERWISE PROVIDED BY THE STATUTES AND LAWS OF THE STATE OF OKLAHOMA PERTAINING THERETO, AND THE LIMITS OF NO ACCESS ESTABLISHED ABOVE SHALL BE ENFORCEABLE BY THE CITY OF TULSA, OKLAHOMA.

1.7 SIDEWALKS

SIDEWALKS SHALL BE CONSTRUCTED AND MAINTAINED BY THE OWNER ALONG STREETS DESIGNATED BY AND IN ACCORDANCE WITH THE TULSA METROPOLITAN AREA SUBDIVISION AND DEVELOPMENT REGULATIONS AND CITY OF TULSA ORDINANCES. REQUIRED SIDEWALKS SHALL BE CONSTRUCTED IN CONFORMANCE WITH CITY OF TULSA ENGINEERING DESIGN STANDARDS.

1.8 SURFACE DRAINAGE

EACH LOT SHALL RECEIVE AND DRAIN, IN AN UNRESTRICTED MANNER, THE STORMWATER FROM LOTS AND DRAINAGE AREAS OF HIGHER ELEVATION. 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 THE OWNER'S LOT. THE COVENANTS SET FORTH IN THIS SUBSECTION SHALL BE ENFORCEABLE BY ANY AFFECTED LOT OWNER AND BY THE CITY OF TULSA, OKLAHOMA.

SECTION II. ENFORCEMENT, DURATION, AMENDMENT AND SEVERABILITY

2.0 ENFORCEMENT

THE RESTRICTIONS HEREIN SET FORTH ARE COVENANTS TO RUN WITH THE LAND AND SHALL BE BINDING UPON THE OWNER, ITS SUCCESSORS AND ASSIGNS. WITHIN THE PROVISIONS OF SECTION I, PUBLIC STREETS AND UTILITY EASEMENTS, ARE SET FORTH CERTAIN COVENANTS AND THE ENFORCEMENT RIGHTS PERTAINING THERETO AND WHETHER OR NOT THEREIN SO STATED THE COVENANTS WITHIN SECTION I SHALL INURE TO THE BENEFIT OF AND BE ENFORCEABLE BY THE CITY OF TULSA, OKLAHOMA, IF THE UNDERGROUND OWNER, OR ITS GRANTEEES, SUCCESSORS OR ASSIGNS, SHALL VIOLATE ANY OF THE COVENANTS WITHIN SECTION I, THE SUPPLIER OF UTILITY SERVICE OR THE CITY OF TULSA, OKLAHOMA MAY BRING AN ACTION AT LAW OR IN EQUITY AGAINST THE PERSON OR PERSONS VIOLATING OR ATTEMPTING TO VIOLATE ANY SUCH COVENANT TO PREVENT HIM OR THEM FROM SO DOING OR TO COMPEL COMPLIANCE WITH THE COVENANT OR TO RECOVER DAMAGES IN ANY JUDICIAL ACTION BROUGHT TO ENFORCE THE COVENANTS ESTABLISHED IN THIS DEED OF DEDICATION, THE DEFENSE THAT THE PARTY INITIATING THE EQUITABLE PROCEEDING HAS AN ADEQUATE REMEDY AT LAW IS HEREBY WAIVED.

2.1 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.

2.2 AMENDMENT

THE COVENANTS CONTAINED WITHIN SECTION I, PUBLIC STREETS AND UTILITY EASEMENT, MAY BE AMENDED OR TERMINATED AT ANY TIME BY WRITTEN INSTRUMENT SIGNED AND ACKNOWLEDGED BY THE OWNER OF THE LOT OR PARCEL TO WHICH THE AMENDMENT OR TERMINATION IS TO BE APPLICABLE AND APPROVED BY THE TULSA METROPOLITAN AREA PLANNING COMMISSION, OR ITS SUCCESSORS, AND THE CITY OF TULSA, OKLAHOMA.

IN WITNESS WHERE OF, TRES WOODLAND INVESTMENT, LLC, A TEXAS LIMITED LIABILITY COMPANY, HAS EXECUTED THIS INSTRUMENT THIS ____ DAY OF _____, 2021.

BY: _____

MANAGER

STATE OF _____)

COUNTY OF _____) SS

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS ____ DAY OF _____, 2021, BY, MANAGER OF TRES WOODLAND INVESTMENT, LLC, A TEXAS LIMITED LIABILITY COMPANY.

MY COMMISSION EXPIRES: _____

MY COMMISSION NUMBER: _____

NOTARY PUBLIC

CERTIFICATE OF SURVEY

I, HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED AND THE RELATED SURVEY WORK WAS PERFORMED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF OKLAHOMA.

DATED THIS 09 DAY OF DECEMBER, 2021.



BRAD WILLIAM FERGOUSON LS 1974

bferguson@tsoason.com

OLSSON, INC.

702 S. MAIN STREET

JOPLIN, MO 65601

417-781-0643

PAGES OR SHEETS COVERED BY THIS SEAL:

1 OF 1, 2 OF 2 AND 3 OF 3

STATE OF MISSOURI)

COUNTY OF JASPER) SS

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE ON THE ____ DAY OF _____, 2021, PERSONALLY APPEARED BRAD WILLIAM FERGOUSON TO ME KNOWING TO BE THE IDENTICAL PERSON WHO EXECUTED THE WITHIN AND FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE AND VOLUNTARY ACT AND DEED FOR THE USES AND PURPOSES THEREIN SET FORTH.

IN WITNESS WHEREOF, I HEREBY SET MY OFFICIAL SIGNATURE AND AFFIXED MY NOTARIAL SEAL THE DAY AND YEAR LAST ABOVE WRITTEN.

MY COMMISSION EXPIRES: _____

MY COMMISSION NUMBER: _____

NOTARY PUBLIC

KUM & GO #2362
SHEET 3 OF 3

FILED: F:\SP1\0561-071020\01-0363\10-Design\Survey\Survey\PRELIM PLAT_021060837.dwg
DATE: 01/09/2021 12:33:00
USER: dferguson

SUBDIVISION CONTAINS
1 LOT IN BLOCK
GROSS SUBDIVISION AREA: 1.4 ACRES
DATE OF PREPARATION: 12/09/2021