City of Bixby
Planning Commission
Meeting Agenda

Monday, April 17, 2023	**6:00 PM**	**Municipal Building** **116 W. Needles Ave., Bixby, OK 74008**

Call to Order

Chairman

Roll Call

Gwen Plante, Assistant Planner

Consent Agenda

1) Acceptance of the minutes from the March 20, 2023, Planning Commission Regular Meeting.

O.C. Walker, City Planner

Public Hearings

2) Discussion, consideration, and possible vote to approve Preliminary Plat BXPT - 23.04, Henson Square located at 4108 East 151st Street South, Bixby, Oklahoma 74008.

O.C. Walker, City Planner

Old Business

New Business

Notice of Posting

This Notice and Agenda was posted on the bulletin board this day of April 14, 2023, on or before 6:00 p.m., at City Hall, 116 W. Needles Bixby, Oklahoma.

Respectfully Submitted

OC Walker, City Planner

Persons who require a special accommodation to participate in this meeting should contact City Planner OC Walker: 116 West Needles Avenue, Bixby, Oklahoma, 918-366-4430 or via Email: ocwalker@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.

BIXBY PLANNING COMMISSION MINUTES

Tuesday| March 20, 2023 | 6:00 PM

City Hall, Council Chambers | 116 West Needles, Bixby, OK

CALL TO ORDER: 6:03 PM

Roll Call was taken

MEMBERS PRESENT:	Tom Holland
	Lance Whisman
	Steve Hobbs
	Jason Mohler
MEMBERS ABSENT:	Josh Nave
STAFF PRESENT:	O.C. Walker, Director of Development Services
	Gwen Plante, Assistant City Planner

Pending Commission Approval

1. **Approval of Minutes | Planning Commission meeting February 21, 2023.**

   Vice Chairman Hobbs asked if there was a motion to approve the Meeting Minutes of February 21, 2023. Commissioner Holland made a motion to approve the minutes, and Commissioner Whisman seconded. The vote was recorded as follows:

Mr. Holland	Yes
Mr. Whisman	Yes
Mr. Hobbs	Yes
Mr. Mohler	Yes

   Motion was Approved

2. **Discussion, Consideration, and possible vote to approve a Zoning Change for 121st and Sheridan Road BXZO 23.01**

   Mr. Walker gave a detailed overview of the project and PUD is not requested at this time. Mr. Walker said there have been concerns raised that this property is a Wetland property.

Justin Morgan with Tanner Consulting said that the property regarding it being a wetland area has been released by the Corp of Engineers and will be providing a copy of the letter with the Plat.

Commissioner Whisman stated he is concerned with the water coming from Sheridan and creating a problem with the drainage on neighboring properties. Justin Morgan explained the existing stormwater structure at the intersection, and how the system will tie together with the existing system in place.

Commissioner Holland expressed his concern about the type of businesses that would be allowed with the property close to the school and residential development.

Vice Chairman Hobbs asked if there was a motion to approve the Rezoning BXZO 23.01 property located on the NE Corner of 121st and Sheridan from Agriculture (AG) to Commercial Shopping (CS) and uses allowed per zoning code. Vice Chairman Hobbs made a motion to approve, and Commissioner Mohler seconded. The vote was recorded as follows:

Mr. Holland	Yes
Mr. Whisman	Yes
Mr. Hobbs	Yes
Mr. Mohler	Yes

Motion was Approved

3. Discussion, Consideration, and possible vote to approve Site Plan for Cozort Office, BXSP 23.03.

Mr. Walker gave an overview of the project to Planning Commission and stated applicant was available for questions.

The Applicant, Engineering Firm WDesign explained this is one of many in this area that they are building and the requirements of the PUD.

Commissioner Mohler asked about site lighting as it is not reflected in the plan, to make sure the lights are shielded.

Vice Chairman Hobbs asked if there was a motion to approve the Site Plan for Cozort Office BXSP 23.03. Commissioner Mohler made a motion to approve with staff comments, and Commissioner Whisman seconded. The vote was recorded as follows:

Mr. Holland	Yes
Mr. Whisman	Yes
Mr. Hobbs	Yes
Mr. Mohler	Yes

Motion was Approved

Pending Commission Approval

4. Discussion, Consideration, and possible vote to Approve Site Plan for Marlee Office No. 3, BXSP 23.04.

Mr. Walker presented an overview of the project and stated the applicant was available for questions.

The Applicant, Engineering Firm WDesign explained the project and that there would be an additional Handicap parking space at this location.

Vice Chairman Hobbs asked if there was a motion to approve the Site Plan for Marlee Office No. 3 BXSP 23.04. Commissioner Whisman made a motion to approve with staff comments, and Commissioner Holland seconded. The vote was recorded as follows:

Mr. Holland	Yes
Mr. Whisman	Yes
Mr. Hobbs	Yes
Mr. Mohler	Yes

Motion was Approved

5. Bixby Village Plat Amendment| Discussion, Consideration, and possible vote to Approve BXPT 20.08.

Mr. Walker presented a brief overview of the project and stated the applicant was available for questions.

The Applicant, Erik Enyart of Tanner Consulting stated this is a housekeeping issue, in December 2022 a Plat Amendment was approved. Tanner Consulting is requesting to update Plat from the original PUD development standards some of which have been superseded so that there are no title issues with people purchasing houses with the Plat Covenants that is no longer in effect. they are updating and amending the PUD Development Standards Covenants of the Plat following the process that is outlined in the Plat itself and State Statues working with City Staff and the City Attorney to correct the issues.

Vice Chairman Hobbs asked if there was a motion to approve the Bixby Plat Amendment BXPT 20.08. Commissioner Mohler made a motion to approve, and Commissioner Holland seconded. The vote was recorded as follows:

Mr. Holland	Yes
Mr. Whisman	Yes
Mr. Hobbs	Yes
Mr. Mohler	Yes

Motion was Approved

Pending Commission Approval

Old Business – Contract with Matrix, City of Bixby has worked out an agreement, schedules to follow.

New Business – No new business.

The meeting adjourned at 6:46 pm

_____
Josh Nave, Interim Chair

_____
O.C. Walker, Secretary

Pending Commission Approval

City of Bixby
P.O. Box 70
116 W. Needles Ave.
Bixby, OK 74008
(918) 366-4430

Staff Report

To: City of Bixby, Planning Commission

From: O.C. Walker, Development Services Director/City Planner

Date: Monday, April 17, 2023

Name: Henson Square

RE: Henson Square – Preliminary Plat BXPT-23.04

Location: 4108 East 151st Street South, Bixby, Oklahoma

STR: Section 21, Township 17N, Range 13E

Applicant: Olsson, Inc., Austin Mayes

Site Stats:

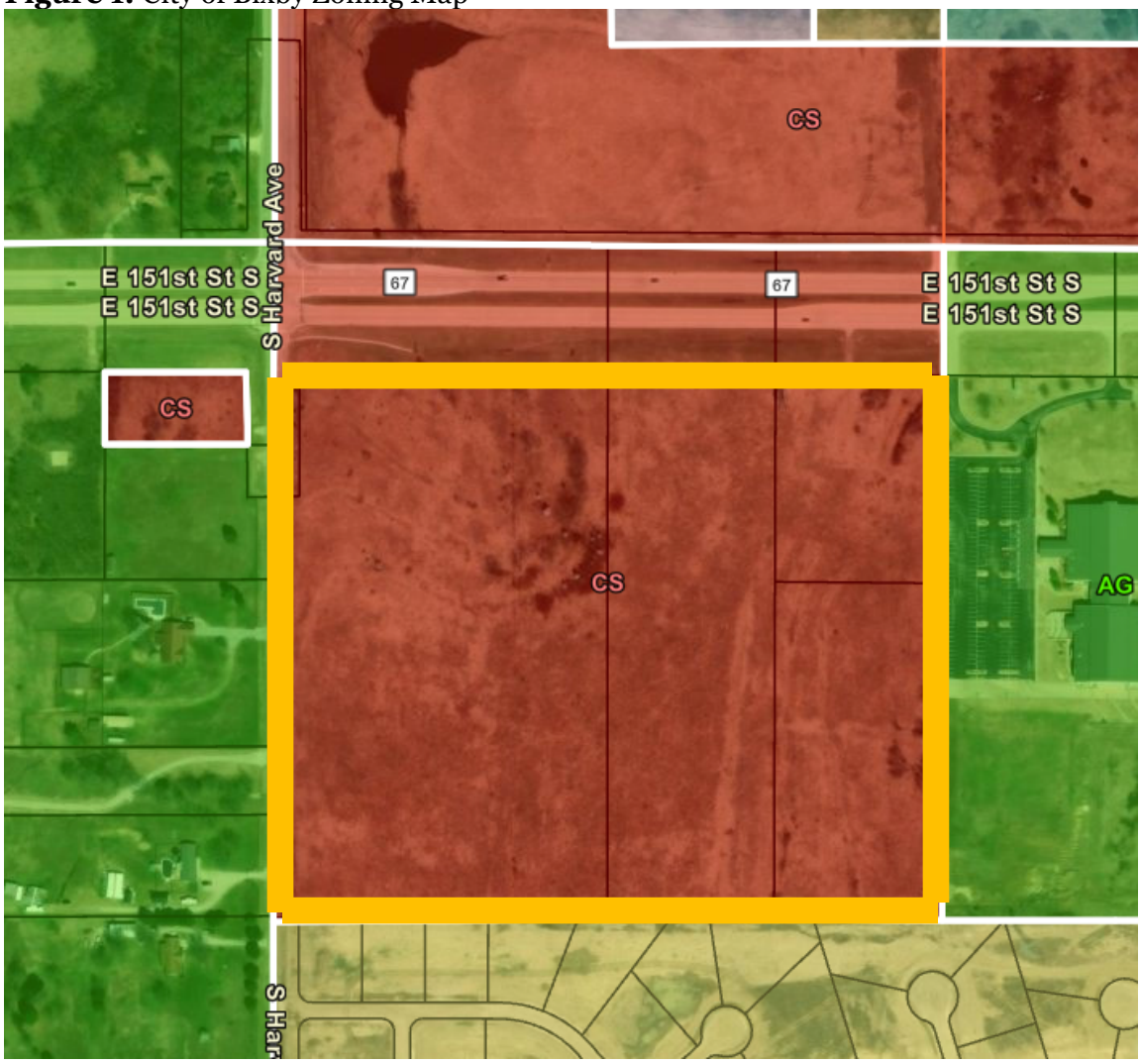
Acres: 32.35 +/-	Min. Lot Width: Varies	DU/acre: N/A
Number of Lots: 102 Lots	Number of Blocks: 3 Blocks	Reserve Areas: 3 Reserve Areas

Request:
Olsson, Inc., is requesting Preliminary Plat approval for the Henson Square project located at 4108 East 151st Street South, Bixby, Oklahoma.

Existing Zoning; Use:
BXPUD 22.04, Commercial Shopping (CS) Single Family Residential (RS-3);

Abutting Zoning; Use:
North: (CS) Commercial Shopping; Bixby Elementary and Intermediate School (BXPUD – 19.01)
East: (AG) Agriculture; New Beginnings Church
South: (RS-2) Single-Family Residential; Bixby Meadows
West: (AG) Agriculture, (CS) Commercial Shopping

Figure 1: City of Bixby Zoning Map



Staff Review

The applicant is requesting a Preliminary Plat. The proposed development is consistent with BXPUD 19.04 which was approved by City Council in July 2022. Henson Square is proposed to be a mixed-use development with commercial pad sites on 151st Street South. The existing traffic signal at 151st Street and Harvard Avenue makes access to the commercial lots safe and efficient. A larger commercial retail lot is also envisioned adjacent to Harvard. The easternmost development area is proposed as a Veterinary facility. A private gated, cottage home-style use provides an excellent buffer between the proposed commercial and the larger lot single-family development to the south while meeting an immediate demand in the housing market.

Utilities/Site Area: There is an existing 12" waterline that runs East and West along 151st Street South. There is also an 8" sanitary sewer line that is located East of the project site

Planning Review Comments:

- It does not appear the provision of the Major Street Plan
  - There are two curb cuts located on the south side of 151st Street South
  - The most eastern curb cut is existing
  - The Western 30 ' Limits of Access
- Include adjacent subdivision shown with names
- Boundary lines of addition with the approximate acreage
- Provide line-of-sight triangles for all ingress and egress corners
- Provide limits of no access on the street between Lot 1, Block 7, Reserve area "A", and Lot 1, Block 2 between the street of Lot 3
- Provide limits of no access on lots 1, 18, 56, 72, 77, and 94, Block 3 on the side or rear yards
- Amend BXPUD – 22.04 to correspond with the proposed plat
- Provide copies of Letters of Release from utility companies/Oklahoma Corporation Commission or others
- Add adjacent subdivisions shown
- All phases represented if a phased development
- Line of sight triangles for corner lots
- Existing utilities on or adjacent property, showing type/location/size

Engineering Review Comments: None received at the time of writing this report.

Public Comments: No comments have been received at the time of writing. Plats are not noticed.

Staff Comments:

1. Staff recommends this item be approved subject to Preliminary Plat and Final Plat with Planning and Engineering comments implemented to the Plat before moving to Council.

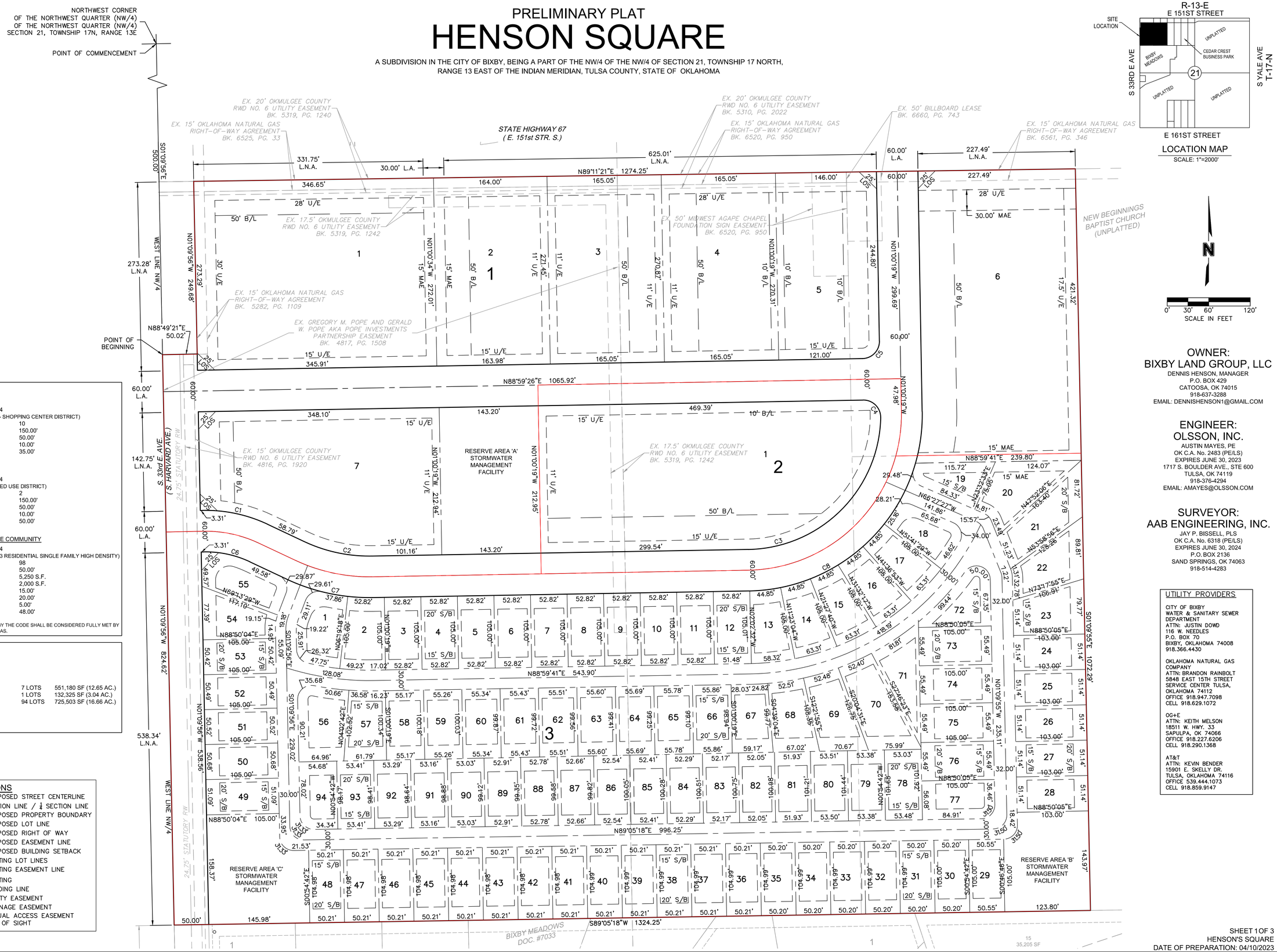
Figures: Figure 1: City of Bixby Zoning Map

Attachments: Exhibit A: Preliminary Plat by White Surveying Company
Exhibit B: Final Plat with Deed of Dedication by White Surveying Company

PRELIMINARY PLAT

HENSON SQUARE

A SUBDIVISION IN THE CITY OF BIXBY, BEING A PART OF THE NW/4 OF THE NW/4 OF SECTION 21, TOWNSHIP 17 NORTH, RANGE 13 EAST OF THE INDIAN MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA



LOCATION MAP
SCALE: 1"=2000'

ZONING REQUIREMENTS

DEVELOPMENT AREA A: COMMERCIAL

CURRENT ZONING:	PUD BXPUD-22.04 LAND USE "A" (CS - SHOPPING CENTER DISTRICT)
MAX. NUMBER OF LOTS:	10
MIN. LOT WIDTH:	150.00'
MIN. FRONT YARD SETBACK:	50.00'
MIN. REAR YARD SETBACK:	10.00'
MAX. BUILDING HEIGHT:	35.00'

DEVELOPMENT AREA B: MIXED USE

CURRENT ZONING:	PUD BXPUD-22.04 LAND USE "B" (MIXED USE DISTRICT)
MAX. NUMBER OF LOTS:	2
MIN. LOT WIDTH:	150.00'
MIN. FRONT YARD SETBACK:	50.00'
MIN. REAR YARD SETBACK:	10.00'
MAX. BUILDING HEIGHT:	50.00'

DEVELOPMENT AREA C: COTTAGE HOME COMMUNITY

CURRENT ZONING:	PUD BXPUD-22.04 LAND USE "C" (RS-3 RESIDENTIAL SINGLE FAMILY HIGH DENSITY)
MAX. NUMBER OF LOTS:	98
MIN. LOT WIDTH:	50.00'
MIN. LOT AREA:	5,250 S.F.
MIN. LIVABILITY SPACE*:	2,000 S.F.
MIN. FRONT YARD SETBACK:	15.00'
MIN. REAR YARD SETBACK:	20.00'
MIN. SIDE YARD SETBACK (ONE SIDES):	5.00'
MAX. BUILDING HEIGHT:	48.00'

*THE BALANCE OF LIVABILITY SPACE REQUIRED BY THE CODE SHALL BE CONSIDERED FULLY MET BY THE ALLOCATION OF AREA WITHIN RESERVE AREAS.

PLAT DATA

SUBDIVISION CONTAINS
92 LOTS ON 3 BLOCKS
3 RESERVE AREAS

BLOCK 1 (DEVELOPMENT AREA 'A'):	7 LOTS	551,180 SF (12.65 AC.)
BLOCK 2 (DEVELOPMENT AREA 'B'):	1 LOTS	132,325 SF (3.04 AC.)
BLOCK 3 (DEVELOPMENT AREA 'C'):	94 LOTS	725,503 SF (16.66 AC.)

TOTAL AREA
1,409,011.92 SF
(32.35 ACRES)

FEMA INFORMATION

FIRM PANEL 40109C0365H
12/18/2009
ZONE X

LEGEND AND ABBREVIATIONS

	PROPOSED STREET CENTERLINE
	SECTION LINE / ¼ SECTION LINE
	PROPOSED PROPERTY BOUNDARY
	PROPOSED LOT LINE
	PROPOSED RIGHT OF WAY
	PROPOSED EASEMENT LINE
	PROPOSED BUILDING SETBACK
	EXISTING LOT LINES
	EXISTING EASEMENT LINE
EX.	EXISTING
B/L	BUILDING LINE
U/E	UTILITY EASEMENT
D/E	DRAINAGE EASEMENT
MAE	MUTUAL ACCESS EASEMENT
LOS	LINE OF SIGHT

OWNER:
BIXBY LAND GROUP, LLC
DENNIS HENSON, MANAGER
P.O. BOX 429
CATOOSA, OK 74015
918-637-3288
EMAIL: DENNISHENSON1@GMAIL.COM

ENGINEER:
OLSSON, INC.
AUSTIN MAYES, PE
OK C.A. No. 2483 (PE/LS)
EXPIRES JUNE 30, 2023
1717 S. BOULDER AVE., STE 600
TULSA, OK 74119
918-376-4294
EMAIL: AMAYES@OLSSON.COM

SURVEYOR:
AAB ENGINEERING, INC.
JAY P. BISSELL, PLS
OK C.A. No. 6318 (PE/LS)
EXPIRES JUNE 30, 2024
P.O. BOX 2136
SAND SPRINGS, OK 74063
918-514-4283

UTILITY PROVIDERS

CITY OF BIXBY
WATER & SANITARY SEWER DEPARTMENT
ATTN: JUSTIN DOWD
116 W. NEEDLES
P.O. BOX 70
BIXBY, OKLAHOMA 74008
918.366.4430

OKLAHOMA NATURAL GAS COMPANY
ATTN: BRANDON RAINBOLT
5848 EAST 15TH STREET
SERVICE CENTER TULSA, OKLAHOMA 74112
OFFICE 918.947.7098
CELL 918.629.1072

OG+E
ATTN: KEITH MELSON
18511 W. HWY. 33
SAPULPA, OK 74066
OFFICE 918.227.6206
CELL 918.290.1368

AT&T
ATTN: KEVIN BENDER
15901 E. SKELLY DR.
TULSA, OKLAHOMA 74116
OFFICE 539.444.1073
CELL 918.859.9147

PRELIMINARY PLAT

HENSON SQUARE

A SUBDIVISION IN THE CITY OF BIXBY, BEING A PART OF THE NW/4 OF THE NW/4 OF SECTION 21, TOWNSHIP 17 NORTH, RANGE 13 EAST OF THE INDIAN MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA

DEED OF DEDICATION AND RESTRICTIVE COVENANTS

KNOW ALL MEN BY THESE PRESENTS:

BIXBY LAND GROUP, LLC, HEREINAFTER REFERRED TO AS THE "OWNER", IS THE OWNER OF THE FOLLOWING DESCRIBED LAND IN THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA, TO-WIT:

A TRACT OF LAND IN THE NORTHWEST QUARTER (NW/4) OF SECTION TWENTY-ONE (21), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF AND MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION TWENTY-ONE (21), THENCE SOUTH 01°09'56" EAST ALONG THE WEST LINE THEREOF, A DISTANCE OF 500.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 88°49'21" EAST A DISTANCE OF 50.02 FEET TO THE EAST RIGHT-OF-WAY LINE OF SOUTH HARVARD AVENUE; THENCE NORTH 01°09'56" WEST ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 249.68 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF STATE HIGHWAY 67; THENCE NORTH 89°11'21" EAST, ALONG SAID SOUTH R/W LINE, A DISTANCE OF 1274.25 FEET; THENCE SOUTH 01°09'55" EAST A DISTANCE OF 1072.29 FEET; THENCE SOUTH 89°05'18" WEST A DISTANCE OF 1274.25 FEET, TO THE EAST LINE OF THE FUTURE 50 FEET SOUTH HARVARD RIGHT OF WAY LINE; THENCE NORTH 01°09'56" WEST, ALONG SAID FUTURE RIGHT-OF-WAY LINE, A DISTANCE OF 824.62 FEET TO THE POINT OF BEGINNING. CONTAINING 1,409,018 SQUARE FEET OR 32.35 ACRES.

AND HAVE CAUSED THE ABOVE DESCRIBED TRACT OF LAND TO BE SURVEYED, STAKED, PLATTED, GRANTED, DONATED, CONVEYED, AND DEDICATED, ACCESS RIGHTS RESERVED, AND SUBDIVIDED INTO FOUR (4) LOTS AND ONE (1) BLOCK, IN CONFORMITY WITH THE ACCOMPANYING PLAT, AND HAS DESIGNATED THE SUBDIVISION AS "HENSON SQUARE" A SUBDIVISION IN THE CITY OF BIXBY, TULSA COUNTY, OKLAHOMA (HEREINAFTER REFERRED TO AS "HENSON SQUARE" OR THE "SUBDIVISION").

SECTION I. EASEMENTS AND UTILITIES

A. GENERAL UTILITY EASEMENTS

THE OWNER/DEVELOPER DOES HEREBY DEDICATE FOR PUBLIC USE THE UTILITY EASEMENTS AS DEPICTED ON THE ACCOMPANYING PLAT AS "U/E" OR "UTILITY EASEMENT" FOR THE SEVERAL PURPOSES OF CONSTRUCTING, MAINTAINING, OPERATING, REPAIRING, REPLACING, AND/OR REMOVING ANY AND ALL PUBLIC UTILITIES, INCLUDING STORM SEWERS, SANITARY SEWERS, TELEPHONE AND COMMUNICATION LINES, ELECTRIC POWER LINES AND TRANSFORMERS, GAS LINES, WATER LINES AND CABLE TELEVISION LINES, TOGETHER WITH ALL FITTINGS, INCLUDING THE POLES, WIRES, CONDUITS, PIPES, VALVES, METERS, AND EQUIPMENT FOR EACH OF SUCH FACILITIES AND ANY OTHER APPURTENANCES THERETO, WITH THE RIGHTS OF INGRESS AND EGRESS TO AND UPON THE UTILITY EASEMENTS FOR THE USES AND PURPOSES AFORESAID; PROVIDED HOWEVER, THE OWNER/DEVELOPER HEREBY RESERVES THE RIGHT TO CONSTRUCT, MAINTAIN, OPERATE, LAY AND RE-LAY WATER LINES AND SEWER LINES, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS FOR SUCH CONSTRUCTION, MAINTENANCE, OPERATION, LAYING AND 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; THE OWNER/DEVELOPER HEREIN IMPOSES A RESTRICTIVE COVENANT, WHICH COVENANT SHALL BE BINDING ON EACH LOT OWNER AND SHALL BE ENFORCEABLE BY THE CITY OF BIXBY 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 THE ABOVE SET FORTH USES AND PURPOSES OF AN 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 THAT DO NOT CONSTITUTE AN OBSTRUCTION.

B. UNDERGROUND SERVICE

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

C. WATER, SANITARY SEWER AND STORM SEWER SERVICES

1. THE OWNER OF THE LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE PUBLIC WATER MAINS, SANITARY SEWER MAINS AND STORM SEWERS LOCATED ON HIS LOT.
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 WOULD INTERFERE WITH PUBLIC WATER MAINS, SANITARY SEWER MAINS OR STORM SEWERS SHALL BE PROHIBITED.
3. THE CITY OF BIXBY, OKLAHOMA, OR ITS SUCCESSORS, SHALL BE RESPONSIBLE FOR THE ORDINARY MAINTENANCE OF PUBLIC WATER AND SEWER MAINS AND STORM SEWERS, BUT THE OWNER OF THE LOT SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER OF HIS LOT, HIS AGENTS OR CONTRACTORS.
4. THE CITY OF BIXBY, OKLAHOMA, OR ITS SUCCESSORS, SHALL AT ALL TIMES HAVE RIGHT OF ACCESS TO ALL 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 OR SEWER FACILITIES.
5. THE FOREGOING COVENANTS SET FORTH IN THIS PARAGRAPH C SHALL BE ENFORCEABLE BY THE CITY OF BIXBY, OKLAHOMA, OR ITS SUCCESSORS, AND THE OWNER OF THE LOT AGREES TO BE BOUND HEREBY.

D. GAS SERVICE

1. THE SUPPLIER OF GAS SERVICE THROUGH ITS AGENTS AND EMPLOYEES SHALL AT ALL TIMES HAVE THE RIGHT OF ACCESS TO ALL SUCH 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. THE OWNER OF THE LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE UNDERGROUND GAS FACILITIES LOCATED IN THEIR LOT AND SHALL PREVENT THE ALTERATION, GRADE, OR ANY OTHER CONSTRUCTION ACTIVITY WHICH WOULD INTERFERE WITH THE GAS SERVICE. THE SUPPLIER OF THE GAS SERVICE SHALL BE RESPONSIBLE FOR THE ORDINARY MAINTENANCE OF SAID FACILITIES, BUT THE OWNER SHALL PAY FOR DAMAGE OR RELOCATION OF FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER, OR ITS AGENTS OR CONTRACTORS
2. 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 STRUCTURE AS 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.
3. THE FOREGOING COVENANTS SET FORTH IN THIS PARAGRAPH SHALL BE ENFORCEABLE BY THE SUPPLIER OF THE GAS SERVICE AND THE OWNER OF THE LOT AGREES TO BE BOUND HEREBY.

E. SURFACE AND UNDERGROUND DRAINAGE

4. EACH LOT SHALL RECEIVE AND DRAIN, IN AN UNOBSTRUCTED MANNER, THE STORM AND SURFACE WATERS FROM LOTS AND DRAINAGE AREAS OF HIGHER ELEVATION AND FROM STREETS AND EASEMENTS FOR THE PURPOSE OF PERMITTING THE FLOW, CONVEYANCE AND DISCHARGE OF STORM WATER RUNOFF FROM PROPERTIES WITHIN THE SUBDIVISION. 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 ANY LOT. THE FOREGOING COVENANTS SET FORTH IN THIS PARAGRAPH SHALL BE ENFORCEABLE BY ANY AFFECTED LOT OWNER AND BY THE CITY OF BIXBY, OKLAHOMA.
5. DRAINAGE FACILITIES OR OTHER IMPROVEMENTS CONSTRUCTED IN THE SUBDIVISION SHALL BE IN ACCORDANCE WITH THE ADOPTED STANDARDS OF THE CITY OF BIXBY, OKLAHOMA.

F. OFF-SITE DRAINAGE

EACH LOT SHALL RECEIVE AND DRAIN, IN AN UNOBSTRUCTED MANNER, THE STORM AND SURFACE WATERS FROM OFF-SITE PROPERTIES AND DRAINAGE AREAS OF HIGHER ELEVATION AND FROM STREETS AND EASEMENTS FOR THE PURPOSE OF PERMITTING THE FLOW, CONVEYANCE AND DISCHARGE OF STORM WATER RUNOFF FROM OFF-SITE PROPERTIES THROUGH THE SUBDIVISION. 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 ANY LOT. THE FOREGOING COVENANTS SET FORTH IN THIS PARAGRAPH SHALL BE ENFORCEABLE BY ANY AFFECTED LOT OWNER AND BY THE CITY OF BIXBY, OKLAHOMA.

G. PAVING AND LANDSCAPING WITHIN EASEMENTS

THE OWNER OF THE LOT SHALL BE RESPONSIBLE FOR THE REPAIR OF DAMAGE TO PROPERLY-PERMITTED LANDSCAPING AND PAVING OCCASIONED BY NECESSARY INSTALLATION OR MAINTENANCE OF UNDERGROUND WATER, SEWER, STORM SEWER, NATURAL GAS, COMMUNICATION, CABLE TELEVISION, OR ELECTRIC FACILITIES WITHIN THE 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.

H. LIMITS OF NO ACCESS

THE OWNERS HEREBY RELINQUISH RIGHTS OF VEHICULAR INGRESS OR EGRESS FROM ANY PORTION OF THE PROPERTY ADJACENT TO E. 126TH STREET SOUTH AND S. MEMORIAL DRIVE WITHIN THE BOUNDS DESIGNATED AS "LIMITS OF NO ACCESS" (L.N.A.) ON THE ACCOMPANYING PLAT, WHICH "LIMITS OF NO ACCESS" MAY BE AMENDED OR RELEASED BY THE CITY OF BIXBY PLANNING COMMISSION, OR ITS SUCCESSOR, OR AS OTHERWISE PROVIDED BY THE STATUTES AND LAWS OF THE STATE OF OKLAHOMA PERTAINING THERETO, AND THE LIMITS OF NO ACCESS ABOVE ESTABLISHED SHALL BE ENFORCEABLE BY THE CITY OF BIXBY. THE EMERGENCY RESPONSE VEHICLES OR VEHICLES USED IN CONJUNCTION WITH FRY CREEK MAINTENANCE ARE EXCLUDED FROM THE LIMITS OF NO ACCESS ALONG MEMORIAL DRIVE FRONTAGE.

I. MUTUAL ACCESS EASEMENT

THE OWNERS OF THE TRACTS IN WHICH THE EASEMENTS ARE LOCATED HEREIN ESTABLISH, FOR THE BENEFIT OF THE OWNERS AND THEIR RESPECTIVE SUCCESSORS IN TITLE TO THE LOTS WITHIN THE SUBDIVISION, A PERPETUAL NON-EXCLUSIVE MUTUAL ACCESS EASEMENT FOR THE PURPOSES OF PERMITTING VEHICULAR AND PEDESTRIAN PASSAGE TO AND FROM THE LOTS WITHIN THE SUBDIVISION TO AND FROM E. 126TH STREET SOUTH, AND TO AND FROM ANY OTHER PUBLIC OR PRIVATE ROADWAY OR ACCESS EASEMENT ADJACENT TO THE SUBDIVISION, ON, OVER AND ACROSS THE AREAS DEPICTED ON THE ACCOMPANYING PLAT AS "MUTUAL ACCESS EASEMENT", THE MAINTENANCE OF THE MUTUAL ACCESS EASEMENT WILL BE THE RESPONSIBILITY OF A PROPERTY OWNERS ASSOCIATION THAT WILL BE FORMED BY THE OWNERS. A SEPARATE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR THIS SUBDIVISION WILL BE RECORDED AT TULSA COUNTY CLERK OFFICE.

J. MUTUAL PARKING PRIVILEGES

ALL LOTS WITHIN THIS SUBDIVISION MAY ALLOW THEIR EXCESS PARKING SPACES TO BE USED BY PATRONS OF ADJACENT LOTS. THE MAINTENANCE OF THESE SHARED PARKING SPACES SHOULD BE AGREED UPON BETWEEN THE AFFECTED LOT OWNERS.

K. MAINTENANCE OF LOTS

EACH OWNER SHALL BE RESPONSIBLE FOR MAINTAINING ALL PORTIONS OF ITS LOT AND ANY STRUCTURE CONSTRUCTED ON THAT LOT, INCLUDING WITHOUT LIMITATION, ALL IMPROVEMENTS, UTILITIES, DRAINAGE, PAVING, LANDSCAPING, AND BUILDINGS. EACH OWNER IS REQUIRED TO UPKEEP ITS LOT FREE OF TRASH, DEBRIS, AND LITTER.

SECTION II. PLANNED UNIT DEVELOPMENT RESTRICTIONS

WHEREAS, 151st AND HARVARD WAS SUBMITTED AS A PLANNED UNIT DEVELOPMENT (DESIGNATED AS PUD NO. BXPUD-22.04) AS PROVIDED WITHIN TITLE 11, CHAPTER 7, ARTICLE I OF BIXBY ZONING CODE, AND WHEREAS PUD NO. BXPUD-22.04 WAS AFFIRMATIVELY RECOMMENDED BY THE CITY OF BIXBY PLANNING COMMISSION ON MAY 6, 2022 AND APPROVED BY THE COUNCIL OF THE CITY OF BIXBY, OKLAHOMA, ON MAY 23, 2022.

WHEREAS, OWNER DESIRES TO ESTABLISH RESTRICTIONS FOR THE PURPOSE OF ACHIEVING AN ORDERLY DEVELOPMENT FOR THE MUTUAL BENEFIT OF OWNER, ITS SUCCESSORS IN TITLE AND THE CITY OF BIXBY, OKLAHOMA.

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, OKLAHOMA, SUFFICIENT TO ASSURE THE IMPLEMENTATION AND CONTINUED COMPLIANCE WITH THE APPROVED PLANNED UNIT DEVELOPMENT, AND

WHEREAS, THE OWNERS DESIRE TO ESTABLISH RESTRICTIONS FOR THE PURPOSE OF PROVIDING FOR AN ORDERLY DEVELOPMENT AND TO INSURE ADEQUATE RESTRICTIONS FOR THE MUTUAL BENEFIT OF THE OWNERS, THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, AND THE CITY OF BIXBY, OKLAHOMA.

THEREFORE, THE OWNERS HEREBY IMPOSE THE FOLLOWING RESTRICTIONS AND COVENANTS WHICH SHALL BE COVENANTS RUNNING WITH THE LAND AND SHALL BE BINDING UPON THE OWNERS, THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, AND SHALL BE ENFORCEABLE BY OWNER, ANY PERSON OWNING A LOT IN THIS SUBDIVISION AND BY THE CITY OF BIXBY AS HEREINAFTER SET FORTH.

DEVELOPMENT AREA A

PERMITTED USE	AS PERMITTED AS A MATTER OF RIGHT BY THE CITY OF BIXBY ZONING CODE WITHIN THE CS DISTRICT, INCLUDING ALL USES CUSTOMARILY ACCESSORY THERETO PLUS USE UNIT 15
GROSS LAND AREA	12.1 ACRES (527,076 S.F.)
MINIMUM LOT WIDTH	150 FEET
MAXIMUM NUMBER OF LOTS	10
MINIMUM BUILDING SETBACK:	
FRONT YARDS	50 FEET
REAR YARDS	10 FEET
MAXIMUM BUILDING HEIGHT	35 FEET

DEVELOPMENT AREA B

PERMITTED USE	AS PERMITTED AS A MATTER OF RIGHT BY THE CITY OF BIXBY ZONING CODE WITHIN THE PROPOSED MIXED USE DISTRICT, INCLUDING ALL USES CUSTOMARILY ACCESSORY THERETO. SUCH MIXED USE SHALL BE SUBJECT TO THE SITE PLAN APPROVAL PROCESS. NO RESIDENTIAL USES SHALL BE ALLOWED IN DA-B.
GROSS LAND AREA	3.2 ACRES (139,392 S.F.)
MINIMUM LOT WIDTH	150 FEET
MAXIMUM NUMBER OF LOTS	2
MINIMUM BUILDING SETBACK:	
FRONT YARDS	50 FEET
REAR YARDS	10 FEET
MAXIMUM BUILDING HEIGHT	50 FEET

DEVELOPMENT AREA C

PERMITTED USE	AS PERMITTED AS A MATTER OF RIGHT BY THE CITY OF BIXBY ZONING CODE WITHIN THE RS-3 DISTRICT, INCLUDING ALL USES CUSTOMARILY ACCESSORY THERETO.
GROSS LAND AREA	16.1 ACRES (701,316 S.F.)
MINIMUM LOT WIDTH	50 FEET
MINIMUM LOT AREA	5,250 S.F.
MINIMUM LIVABILITY SPACE	2,000 S.F.*
MAXIMUM NUMBER OF LOTS	98
MINIMUM BUILDING SETBACK:	
FRONT YARDS	15 FEET
REAR YARDS	20 FEET
SIDE YARD (ONE SIDE)	5 FEET
MAXIMUM BUILDING HEIGHT	48 FEET

* THE BALANCE OF THE LIVABILITY SPACE REQUIRED BY THE CODE SHALL BE CONSIDERED FULLY MET BY THE ALLOCATION OF AREA WITH RESERVE AREAS.

PLATTING

NO BUILDING PERMIT WITHIN HENSON SQUARE SHALL BE ISSUED UNTIL A SUBDIVISION PLAT HAS BEEN APPROVED BY THE CITY OF BIXBY AS BEING IN COMPLIANCE WITH THE PLANNED UNIT DEVELOPMENT CONCEPT AND DEVELOPMENT STANDARDS. A SUBDIVISION PLAT WILL BE SUBMITTED TO THE CITY OF BIXBY AFTER APPROVAL OF THE PUD BY THE CITY COUNCIL. THE PLATTED AREA WILL ESTABLISH PRIVATE COVENANTS WHICH SET FORTH CRITERIA WHICH WILL ESTABLISH AND MAINTAIN A VERY HIGH QUALITY OF DEVELOPMENT.

SECTION III. PROPERTY OWNERS' ASSOCIATION

A. FORMATION OF PROPERTY OWNERS' ASSOCIATION

THE OWNER HAS FORMED OR SHALL CAUSE TO BE FORMED AN ASSOCIATION OF THE OWNERS OF THE LOTS WITHIN THE "HENSON SQUARE" (HEREINAFTER REFERRED TO AS THE "PROPERTY OWNERS' ASSOCIATION") TO BE FORMED IN ACCORDANCE WITH THE STATUTES OF THE STATE OF OKLAHOMA, AND TO BE FORMED FOR THE GENERAL PURPOSE OF MAINTAINING THE COMMON AREAS OF "HENSON SQUARE", INCLUDING BUT WITHOUT LIMITATION FOR THE FURTHER PURPOSES OF ENHANCING THE VALUE, DESIRABILITY AND ATTRACTIVENESS OF "HENSON SQUARE". THE DETAILS OF MEMBERSHIP IN THE PROPERTY OWNERS' ASSOCIATION SHALL BE ESTABLISHED BY ITS ORGANIZATIONAL DOCUMENTS, INCLUDING BUT NOT NECESSARILY LIMITED TO ARTICLES OF INCORPORATION AND BYLAWS.

B. ASSESSMENT

THE RECORD OWNER OR OWNERS OF EACH LOT WITHIN "HENSON SQUARE" SHALL BE SUBJECT TO ASSESSMENT BY THE PROPERTY OWNERS' ASSOCIATION FOR THE PURPOSES OF MAINTENANCE OF THE COMMON AREAS OF THE SUBDIVISION, INCLUDING BUT NOT LIMITED TO THE MUTUAL ACCESS EASEMENTS, DRIVES, AND PARKING AREAS. EACH LOT SHALL BE RESPONSIBLE FOR A PART OF THE TOTAL ASSESSMENT FOR SUCH PURPOSES AS DETERMINED BY THE PROPERTY OWNERS' ASSOCIATION. THE PART ALLOCATED TO EACH LOT SHALL EQUAL THE TOTAL ASSESSMENT MULTIPLIED BY A FRACTION WHOSE NUMERATOR IS THE TOTAL AREA OF THE LOT IN SQUARE FEET AND WHOSE DENOMINATOR IS THE TOTAL AREA OF "HENSON SQUARE" IN SQUARE FEET.

C. LIEN FOR UNPAID ASSESSMENT

ANY LOT WHOSE OWNER FAILS TO PAY ITS ASSESSMENT WHEN DUE SHALL BE SUBJECT TO A LIEN FOR THE AMOUNT OF SUCH UNPAID ASSESSMENT, AND SUCH LIEN SHALL ACCRUE INTEREST AT THE SAME RATE AS JUDGMENTS AS PUBLISHED IN THE OKLAHOMA BAR JOURNAL OR IF THE JUDGMENT INTEREST RATE IS NO LONGER PUBLISHED IN SAID OKLAHOMA BAR JOURNAL THEN AT A RATE OF INTEREST EQUAL TO SOME OTHER PUBLICLY RECOGNIZED STANDARD CHOSEN BY THE PROPERTY OWNERS' ASSOCIATION. HOWEVER, THIS LIEN SHALL BE SUBORDINATE TO THE LIEN OF ANY MORTGAGE THAT IS RECORDED PRIOR TO THE DATE SUCH LIEN BECAME DUE.

D. LOT MAINTENANCE

EACH LOT OWNER, TENANT, OR OCCUPANT SHALL KEEP ITS BUILDINGS, IMPROVEMENTS AND APPURTENANCES IN A SAFE, CLEAN, MAINTAINED, NEAT AND WHOLESOME CONDITION. EACH SUCH OWNER, TENANT, OR OCCUPANT SHALL REMOVE, AT ITS OWN EXPENSE, ANY RUBBISH OR TRASH OF ANY CHARACTER WHICH MAY ACCUMULATE ON THEIR LOT. RUBBISH, TRASH, GARBAGE, OR OTHER WASTE SHALL BE KEPT ONLY IN SUITABLE, CLEAN, AND SANITARY CONTAINERS AND EQUIPMENT FOR THE STORAGE OR DISPOSAL OF SUCH MATERIALS.

PRELIMINARY PLAT

HENSON SQUARE

A SUBDIVISION IN THE CITY OF BIXBY, BEING A PART OF THE NW/4 OF THE NW/4 OF SECTION 21, TOWNSHIP 17 NORTH, RANGE 13 EAST OF THE INDIAN MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA

SECTION IV. ENFORCEMENT, DURATION, AMENDMENT AND SEVERABILITY

A. ENFORCEMENT

THE RESTRICTIONS HEREIN SET FORTH ARE COVENANTS TO RUN WITH THE LAND AND SHALL BE BINDING UPON THE OWNERS AND THEIR RESPECTIVE SUCCESSORS AND ASSIGNS. WITHIN THE PROVISIONS OF SECTION I. EASEMENTS AND UTILITIES ARE SET FORTH CERTAIN COVENANTS AND THE ENFORCEMENT RIGHTS PERTAINING THERETO, AND ADDITIONALLY THE COVENANTS WITHIN SECTION 1. WHETHER OR NOT SPECIFICALLY THEREIN SO STATED SHALL INURE TO THE BENEFIT OF AND SHALL BE ENFORCEABLE BY THE CITY OF BIXBY, OKLAHOMA. THE COVENANTS CONTAINED IN SECTION II. PLANNED UNIT DEVELOPMENT RESTRICTIONS ARE ESTABLISHED PURSUANT TO THE PLANNED UNIT DEVELOPMENT PROVISIONS OF THE BIXBY ZONING CODE AND SHALL INURE TO THE BENEFIT OF THE CITY OF BIXBY, OKLAHOMA AND THE OWNERS AND THEIR RESPECTIVE SUCCESSORS AND ASSIGNS. THE COVENANTS CONTAINED IN SECTION III. PROPERTY OWNERS' ASSOCIATION SHALL INURE TO THE BENEFIT OF THE OWNERS AND THEIR RESPECTIVE SUCCESSORS AND ASSIGNS. IF ANY OF THE OWNERS OR THEIR RESPECTIVE SUCCESSORS OR ASSIGNS, SHALL VIOLATE ANY OF THE COVENANTS WITHIN SECTIONS I & II, IT SHALL BE LAWFUL FOR THE CITY OF BIXBY, ANY OWNER OF ANY PART OF THE SUBDIVISION, OR THE 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. IF ANY OF THE OWNERS, OR THEIR RESPECTIVE SUCCESSORS OR ASSIGNS, SHALL VIOLATE ANY OF THE COVENANTS WITHIN SECTION III IT SHALL BE LAWFUL FOR ANY OWNER OF ANY PART OF THE SUBDIVISION, OR THE 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 ANY PART OF THE SUBDIVISION WHICH ACTION SEEKS TO ENFORCE THE COVENANTS CONTAINED IN SECTIONS II, OR III, 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 AND COVENANTS, 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

THE RESTRICTIONS AND COVENANTS CONTAINED WITHIN SECTION 1. 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 CITY OF BIXBY, OR ITS SUCCESSORS. THE COVENANTS CONTAINED WITHIN SECTION II, PLANNED UNIT DEVELOPMENT RESTRICTIONS, AND SECTION III, PROPERTY OWNER'S ASSOCIATION, MAY BE AMENDED OR TERMINATED AT ANY TIME BY A WRITTEN INSTRUMENT SIGNED AND ACKNOWLEDGED BY ENCORE II, LLC DURING SUCH PERIOD THAT BIXBY LAND GROUP, LLC IS THE OWNER OF AT LEAST 75% OF THE LOTS WITHIN "HENSON SQUARE" AND APPROVED BY THE CITY OF BIXBY, OKLAHOMA, OR ITS SUCCESSORS; OR ALTERNATIVELY THE COVENANTS CONTAINED WITHIN SECTION II, OR SECTION III, MAY BE AMENDED OR TERMINATED AT ANY TIME BY A WRITTEN INSTRUMENT SIGNED AND ACKNOWLEDGED BY THE OWNERS OF MORE THAN 75% OF THE LOTS AND APPROVED BY THE CITY OF BIXBY, OKLAHOMA, OR ITS SUCCESSORS. IN THE EVENT OF ANY CONFLICT BETWEEN AN AMENDMENT OR TERMINATION PROPERLY EXECUTED BY BIXBY LAND GROUP, LLC (DURING ITS OWNERSHIP OF AT LEAST 75% OF THE LOTS WITHIN THE SUBDIVISION), AND ANY AMENDMENT OR TERMINATION PROPERLY EXECUTED BY THE OWNERS OF 75% OF THE LOTS IN THE SUBDIVISION, THE INSTRUMENT EXECUTED BY BIXBY LAND GROUP, LLC 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.

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.

OWNER'S CERTIFICATE AND DEDICATION

IN WITNESS WHEREOF, BIXBY LAND GROUP, LLC, HAS EXECUTED THIS INSTRUMENT THIS ____ DAY OF _____, 2023.

BIXBY LAND GROUP, LLC

AN OKLAHOMA LIMITED LIABILITY COMPANY

BY:_____

MANAGING MEMBER

STATE OF OKLAHOMA)

) S.S.

COUNTY OF TULSA)

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS ____ DAY OF _____, 2023,

BY _____ AS A MANAGING MEMBER OF BIXBY LAND GROUP, LLC, AN OKLAHOMA LIMITED LIABILITY COMPANY.

_____ _____

MY COMMISSION EXPIRES NOTARY PUBLIC

CERTIFICATE OF SURVEY

I JAY P. BISSELL OF TULSA COUNTY, STATE OF OKLAHOMA, AND A PROFESSIONAL SURVEYOR, DO HEREBY CERTIFY THAT I HAVE CAREFULLY AND ACCURATELY SURVEYED, SUBDIVIDED, AND PLATTED THE TRACT OF LAND DESCRIBED ABOVE, AND THAT THE ACCOMPANYING PLAT DESIGNATED HEREIN AS "HENSON SQUARE", A SUBDIVISION IN THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA, IS A TRUE REPRESENTATION OF THE SURVEY MADE ON THE GROUND USING GENERALLY ACCEPTED PRACTICES AND MEETS OR EXCEEDS THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING.

EXECUTED THIS _____ DAY OF _____, 2023.

_____

JAY P. BISSELL

AAB ENGINEERING, LLC

LICENSED PROFESSIONAL LAND SURVEYOR OKLAHOMA NO. 1318

CA #6318 RENEWAL DATE JUNE 30TH, 2024

STATE OF OKLAHOMA)

) SS

COUNTY OF OKLAHOMA)

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, ON THIS ____ DAY OF _____, 2023, PERSONALLY APPEARED JAY P. BISSELL TO ME KNOWN TO BE THE IDENTICAL PERSON WHO SUBSCRIBED THE NAME OF THE MAKER THEREOF TO THE FOREGOING INSTRUMENT, AND DULY 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.

MY COMMISSION EXPIRES:

_____ _____

EXPIRATION DATE NOTARY PUBLIC

CERTIFICATE OF TULSA COUNTY CLERK

I, MICHAEL WILLIS, THE COUNTY CLERK OF TULSA COUNTY, DO HERE NOW STATE THAT THE SUBDIVISION CALLED HENSON SQUARE HAS BEEN FILED INTO TULSA COUNTY RECORDS.

_____

MICHAEL WILLIS, TULSA COUNTY CLERK

CERTIFICATE OF TULSA COUNTY TREASURER

I, JOHN M. FOTHERGILL, DO HERE NOW STATE THAT THE TAXES HAVE BEEN PAID FOR THE YEAR 2022 AND PRIOR YEARS FOR THOSE PROPERTIES HEREIN LISTED TO BE DESIGNATED AS HENSON SQUARE.

_____

JOHN M. FOTHERGILL, TULSA COUNTY TREASURER

CURVE TABLE

CURVE ID	RADIUS (FT)	DELTA	LENGTH (FT)	CHORD BEARING	CHORD LENGTH (FT)
C1	210.00	026°22'05"	96.64	S77°58'53"E	95.79
C2	220.00	026°12'28"	100.63	S77°54'05"E	99.76
C3	195.00	087°37'57"	298.25	N45°10'42"E	270.02
C4	25.00	092°22'18"	40.30	N44°49'25"W	36.08
C5	25.00	089°59'45"	39.27	N43°59'34"E	35.35
C6	150.00	026°22'05"	69.03	S77°58'53"E	68.42
C7	280.00	026°12'28"	128.08	S77°54'05"E	126.96
C8	255.00	090°00'00"	400.55	N43°59'41"E	360.62
C9	50.00	008°39'18"	7.55	N04°13'35"E	7.55
C10	50.00	009°33'33"	8.34	N03°46'28"E	8.33

BLOCK 1	
LOT No.	AREA (S.F.)
1	94,400.35
2	44,560.94
3	44,754.87
4	44,660.90
5	39,292.91
6	96,480.92
7	65,340.31

BLOCK 2	
LOT No.	AREA (S.F.)
1	97,021.64

BLOCK 3		BLOCK 3		BLOCK 3		BLOCK 3		BLOCK 3	
LOT No.	AREA (S.F.)	LOT No.	AREA (S.F.)	LOT No.	AREA (S.F.)	LOT No.	AREA (S.F.)	LOT No.	AREA (S.F.)
1	6,671.00	21	8,226.00	41	5,271.00	61	5,532.00	81	5,421.00
2	6,251.00	22	7,042.00	42	5,271.00	62	5,532.00	82	5,421.00
3	5,546.00	23	6,742.00	43	5,271.00	63	5,532.00	83	5,250.00
4	5,546.00	24	5,267.00	44	5,271.00	64	5,532.00	84	5,250.00
5	5,546.00	25	5,267.00	45	5,271.00	65	5,532.00	85	5,250.00
6	5,546.00	26	5,267.00	46	5,271.00	66	5,532.00	86	5,250.00
7	5,546.00	27	5,267.00	47	5,271.00	67	5,532.00	87	5,250.00
8	5,546.00	28	5,267.00	48	5,271.00	68	5,532.00	88	5,250.00
9	5,546.00	29	5,308.00	49	5,365.00	69	5,545.00	89	5,250.00
10	5,546.00	30	5,271.00	50	5,321.00	70	7,041.00	90	5,250.00
11	5,546.00	31	5,271.00	51	5,305.00	71	8,703.00	91	5,250.00
12	5,575.00	32	5,271.00	52	5,302.00	72	6,119.00	92	5,250.00
13	5,678.00	33	5,271.00	53	5,297.00	73	5,421.00	93	5,250.00
14	5,678.00	34	5,271.00	54	5,930.00	74	5,826.00	94	5,255.00
15	5,678.00	35	5,271.00	55	6,950.00	75	5,826.00		
16	5,678.00	36	5,271.00	56	7,383.00	76	5,826.00		
17	5,678.00	37	5,271.00	57	5,778.00	77	5,826.00		
18	5,678.00	38	5,271.00	58	5,532.00	78	5,826.00		
19	5,263.00	39	5,271.00	59	5,532.00	79	5,826.00		
20	8,127.00	40	5,271.00	60	5,532.00	80	5,421.00		

April 10, 2023

City of Bixby
OC Walker
Development Services
P.O. Box 70
116 W. Needles Ave.
Bixby, OK 74008

Subject: Revised Preliminary Plat
Henson Square
21-17N-13E

Dear Mr. Walker:

The following is our response to your comment letter dated April 5, 2023. The full text of each comment is represented below in black; our reply follows each comment in red.

1. It does not appear the provision of the Major Street Plan.
    a. There are two curb cuts located on the south side of 151st Street South.
    b. The most eastern curb cut is existing.
    c. The western 30' Limits of Access.

    Reply: Acknowledged, we would like to further discuss the drive locations and if the proposed plat does not meet the Major Street Plan.

2. Include adjacent subdivisions shown with names.

    Reply: Adjacent subdivisions have been added to the Location Map which reflects what is also shown on the face of the plat.

3. Boundary lines of addition with the approximate acreage.

    Reply: The Plat Data table has been updated to include the acreage of each development area. We have also added a red line outlining each development area to help with clarity.

4. Provide line of sight triangles for all ingress and egress corners.

    Reply: We have added a 25' chamfer at the right of way for the ingress and egress corners for the site.

5. Provide limits of no access on the street between Block 1, Lot 7, Reserve Area "A", and Block 2 Lot 1 between the street of Lot 3.

    Reply: Acknowledged, we will need clarification on where the City wants the limits of access/limits of no access to be placed.

1717 S. Boulder Avenue / Suite 600 / Tulsa, OK 74119
O 918.376.4294 / **olsson.com**

6. Provide limits of no access on Lots 1, 18, 56, 72, 77, and 94 of Block 3 on the side or rear lots.

   Reply: Acknowledged, limits of no access will be added to the residential subdivision at a later date.

7. Amend BXPUD-22.04 to correspond with the proposed plat.

   Reply: Acknowledged, we would like to have further conversation with what may need to be revised as we feel that the provided Preliminary Plat fits the approved BXPUD-22.04 from May 23,2022.

8. Provide copies of Letters of Release from utility companies and the Oklahoma Corporation Commission or others.

   Reply: Coordination with the Oklahoma Corporation Commission and the utility providers has been started and the release letters will follow shortly.

9. Sanitary sewer ultimately ends up at the Springtee Lift Station. Due to the number of developments in the area, and the condition of the lift station, an analysis of the station (and recommendations of necessary improvements) will be necessary to move this project forward.

   Reply: Acknowledged, we would like to have further conversations with the City for what kind of analysis is needed.

10. Verification of the water purveyor is necessary.

    Reply: A PDF of an email from Okmulgee County RWD #6 is included with this submittal that states our development is with the City of Bixby's boundary to provide water.

11. I have concerns regarding the number of access points onto 151st. They are currently showing two (2); one of which is about 100 yards from Harvard, and does not appear to be a platted street, whereas the other streets within the development appear to be platted.

    Reply: Acknowledged, we would like to have further conversations as we feel that we have provided two drives at the same placement of the approved BXPUD-22.04 documents.

12. The PUD language in Section II appears to reference an old project and should be updated as necessary.

    Reply: The PUD language within Section II has been updated to reference this project.

13. If I remember correctly, the residential piece to the south is a gated community. If it is, there needs to be some language within the covenants conveying the maintenance of the streets and storm system to the HOA. Additionally, there is no language regarding the maintenance of the detention pond.

    Reply: Acknowledged, additional language for the residential subdivision will be added at a later date.

End of comments and replies.

Should you have any questions, please contact me at 918.902.9029 or at amayes@olsson.com.

Sincerely,

Austin Mayes, P.E.
Olsson, Inc.

From: Austin Mayes
Sent: Thursday, April 6, 2023 3:01 PM
To: Mikel Vanover
Cc: Jason Mohler
Subject: FW: Henson Square Proposed Subdivision

FYI

From: Rick Boone <rickbrwd6@gmail.com>
Sent: Thursday, April 6, 2023 2:59 PM
To: Austin Mayes <amayes@olsson.com>
Subject: Re: Henson Square Proposed Subdivision

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Okmulgee Co. RWD # 6 starts 1320' south of 151st. which is the north side of Bixby Meadows, everything North of the 1320' is served by the city of Bixby

On Thu, Apr 6, 2023 at 2:48 PM Austin Mayes <amayes@olsson.com> wrote:

> Rick,
>
> We are working on a proposed subdivision within the City limits of Bixby.
>
> Can you verify that this project location is outside of Okmulgee RWD6's jurisdiction?
>
> Thank you!