

Bixby Technical Advisory Committee Meeting Agenda

Dawes Building, Dawes Conference Room – 113 West Dawes, Bixby, Oklahoma

Wednesday, August 7, 2024 | 10:00 A.M.

Technical Advisory Committee Members

David Segala - A.E.P.-P.S.O.	Richard Hakel - Cox
Steve Williams - A.E.P.-P.S.O.	Loyda Mercado - Cox
Aaron Smith - A.E.P.-P.S.O.	Jeannette Davis – Cox
Brett Ashlock - A.T.&T.	Kristin Short - Cox
Kevin Bender - A.T.&T.	Christopher Long - Cox R.O.W. Agent
Kevin Wingard - SDT	Marty Lademan - Creek County R.W.D. #2
Richard Gann - B.T.C. Broadband	Cynthia Hubbell - Creek County R.W.D. #2
Tony Gonzalez - B.T.C. Broadband	Katherine Russell - East Central Electric
Susan Bevard - B.T.C. Broadband	Ron Wolfe - East Central Electric (E.C.E.)
Chad Jones - B.T.C. Broadband	Jeremy Hendrickson – ecoLINK
Rob Miller -Bixby Public Schools	Rick McElhannon – ecoLINK
Lydia Wilson - Bixby Public Schools	Steve Whitehouse - O.G. & E.
Bea Aamodt - Bixby Public Works Director	Dewayne Perry - O.G. & E.
Jon Brown - Bixby Assistant Public Works Director	Keith Melson - O.G. & E.
Justin Dowd - Bixby City Engineer	Quan Tran – O.G. & E.
Jennifer Hutchins, Bixby Assistant City Engineer	Brandon Rainbolt - O.N.G.
Joey Wiedel - Bixby Development Services Director	Donald Kafer - O.N.G.
Gwen Plante - Bixby Assistant City Planner	Chris Stobaugh - U.S.P.S. Bixby
Heath Wright - Bixby Utilities & Water	Aaron Grodi - Windstream
Mike Butler - Bixby Fire Chief	Mark Hussman - Windstream
Nicholas Flanary - Bixby Fire Marshal	

- 1. Call to Order, Introductions**
- 2. Consider and approve minutes for the Technical Advisory Committee meeting dated 7/3/2024.**
- 3. Bixby Final Plat (B.X.P.T.) Number 24.07 The Fountains**
Applicant, Tanner Consulting
Discussion and review of Final Plat, The Fountains, 14.073 Acres, Forty-eight (48) Lots, Seven (7) Blocks, with Two (2) Reserve Areas for the purpose of Residential and Commercial development, in Section 36, Township 18 North, Range 13 East
General Location: West of South Mingo Road and North of East 121st Street South

Agenda | Bixby Technical Advisory Committee | August 7, 2024 | Page 1 of 2

Persons who require a special accommodation to participate in this meeting should contact Gladys Gill, 116 West Needles Avenue, Bixby, Oklahoma, 918-366-4430, or email [Gladys Gill](mailto:GGill@BixbyOK.gov) (GGill@BixbyOK.gov) as far in advance as possible and preferably at least 48-hours before the date of the meeting. Persons using a Telecommunications Device for the Deaf (T.D.D.) 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.

4. Bixby Site Plan (B.X.S.P.) Number 24.11 – First National Bank

Applicant, Wallace Design Collective

Discussion and review of site plan for First National Bank

General Location: West of South Memorial Drive and North of East 126th Street South

5. Bixby Site Plan (B.X.S.P.) Number 24.12 Spartan Square

Applicant, Red Dog Construction

Discussion and review of site plan for Spartan Square

General Location: East of South Memorial Drive and South of East 151st Street South

6. Adjourn

This Notice and Agenda was posted on the bulletin board on or before 10:00 a.m., August 6th, 2024, at City Hall, 116 West Needles, Bixby, Oklahoma.

Respectfully submitted,

Justin Dowd, City Engineer

Persons who require a special accommodation to participate in this meeting should contact Gladys Gill, 116 West Needles Avenue, Bixby, Oklahoma, 918-366-4430, or email [Gladys Gill](mailto:GGill@BixbyOK.gov) (GGill@BixbyOK.gov) as far in advance as possible and preferably at least 48-hours before the date of the meeting. Persons using a Telecommunications Device for the Deaf (T.D.D.) 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 Technical Advisory Committee Meeting

Meeting Minutes

Dawes Building, Dawes Conference Room – 113 West Dawes, Bixby, Oklahoma

Wednesday, July 3, 2024 | 10:00 A.M.

Technical Advisory Committee Members

Members Present

Justin Dowd, City of Bixby
Seth Arredondo, City of Bixby
Gwen Plante, City of Bixby
Nick Flanary, City of Bixby
Heath Wright, City of Bixby
Bea Aamodt, City of Bixby
Richard Gann, B.T.C.
Keith Melson, O.G.& E.

Others Present

Justin DeBruin, W. Design
Kim Jackson, C.E.C.
Lauren Schultz, C.E.C.
Barry Goldstein

1. Call to Order, Introductions

- Justin Dowd, City of Bixby, called the meeting to order at 10:03 A.M.

2. Consider and approve minutes for the Technical Advisory Committee meeting dated 6/5/2024.

- Justin Dowd asked for a motion to approve the Technical Advisory Committee Meeting Minutes from June 5, 2024 meeting. Nick Flanary, City of Bixby, made a motion to approve minutes. Richard Gann, BTC, seconded.

Aye: Justin Dowd, Seth Arredondo, Gwen Plante, Nick Flanary, Heath Wright, Bea Aamodt, Richard Gann, Keith Melson

Nay: None Motion Carried

3. Bixby Site Plan (B.X.S.P.) Number 24.09 – El Maguey

Applicant, Roy Torres

Discussion and review of site plan for El Maguey

General Location: East of South 74th East Avenue and South of East 121st Street South

- Justin Dowd and Barry Goldstein discussed the sanitary sewer extension and it will be extended from existing manhole through private easement.
- Justin made comments that the 3 trees in proximity to the south entrance should be moved to the north, away from the waterline and storm sewer line to which Barry Goldstein was in agreement.
- Justin Dowd requested the applicant verify the existence of a utility easement for the new waterline. In the event it is not, an easement will be needed.
- Justin Dowd commented that the new mutual access easement should be shown.

Meeting Minutes | Bixby Technical Advisory Committee | July 3, 2024 | Page 1 of 3

Persons who require a special accommodation to participate in this meeting should contact Gwen Plante, Assistant City Planner, 116 West Needles Avenue, Bixby, Oklahoma, 918-366-4430, or email [Gwen Plante](mailto:GPlante@BixbyOK.gov) (GPlante@BixbyOK.gov) as far in advance as possible and preferably at least 48-hours before the date of the meeting. Persons using a Telecommunications Device for the Deaf (T.D.D.) 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.

- Justin Dowd commented the relocated driveway should be built perpendicular to the new Mutual Access Agreement to allow for future expansion to the east.
- Gwen Plante, City of Bixby, commented that anything that is corrected from the current meeting be turned in no later than Tuesday of next week in preparation for Planning Commission.
- Nick commented that if a remote FDC connection system is to be used, it must be within 100 feet of a fire hydrant. Members discussed alternative location for a fire hydrant and decided south horizontal island would be the best location.
- Richard Gann made commented that B.T.C. has a telecommunications pedestal in the southeast corner of property that they will be able to provide service from.
- Applicant stated that the Quail Creek sign will be removed and they will use a building sign instead of a monument sign. Gwen commented that there will be a separate sign permit for the building.
- Seth Arredondo, City of Bixby, inquired about the location of the construction entrance with concerns of dirt track-out if the construction entrance is off of 121st St., S. 74th E. Ave was suggested as a better alternative for the construction entrance location.
- Justin Dowd inquired if the parking was to be shared to which the applicant said there will be no shared parking.
- Justin Dowd commented that the sidewalk entrance should be wrapped around the southwest side to allow access from the building's main entrance to S.74th E. Ave. to which Barry was in agreement.
- Barry inquired if irrigation was to be included in the final landscape plan to which Justin replied that they did not and what they had was sufficient.
- Gwen Plante commented that the Planning Commission will be July 15th and the City Council meeting will be on July 22nd, the applicant will need someone to be present who can answer any questions.
- Richard Gann commented that duct should be in place for communication lines and 2 inch conduit would be sufficient.

4. Bixby Site Plan (B.X.S.P.) Number 24.10 T&T Smiles

Applicant, Wallace Design Collective

Discussion and review of site plan for T&T Smiles

General Location: East of South Yale Avenue and North of East 151st Street South

- Justin Dowd stated that waterlines were omitted from the original plans and do not exist.
- Justin Dowd stated that the drainage swale along Yale be shown on Site Plan.
- Gwen Plante stated the site will need to be addressed by the engineer and they will need to submit the addressing through email to the City of Bixby for approval.
- Deed of Dedication does reflect the approval through the developer.
- Gwen stated the Hardie Board below the top plate is not in compliance with the corridor appearance and if signage is not shown on Site Plan, it will need to be shown.
- Richard Gann commented B.T.C. has have fiber communication lines available.

Meeting Minutes | Bixby Technical Advisory Committee | July 3, 2024 | Page 2 of 3

Persons who require a special accommodation to participate in this meeting should contact Gwen Plante, Assistant City Planner, 116 West Needles Avenue, Bixby, Oklahoma, 918-366-4430, or email [Gwen Plante](mailto:GPlante@BixbyOK.gov) (GPlante@BixbyOK.gov) as far in advance as possible and preferably at least 48-hours before the date of the meeting. Persons using a Telecommunications Device for the Deaf (T.D.D.) 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.

- Heath Wright, City of Bixby, commented that the air relief valve south of the west entrance may prevent the proposed fire hydrant installation.
- Justin Dowd commented the Mutual Easement Access may need to be modified to the east to cover the driveway to which Justin DeBruin was in agreement.

5. Bixby Final Plat (B.X.P.T.) Number 24.06 Perfect Food and Gas

Applicant, Wallace Design Collective

Discussion and review of Final Plat, Perfect Food and Gas, 3.6838 Acres, One (1) Lot, One (1) Block, with One (1) Reserve Area for the purpose of Commercial development, in Section 24, Township 17 North, Range 13 East

General Location: East of South Memorial Drive and North of East 151st Street South

- Justin Dowd commented that detention areas are to be included within reserve areas. The drainage easement area should be converted to a reserve area, and the associated maintenance requirements included within the reserve area language.
- Justin Dowd commented that the Deed of Dedication only discussed maintenance of public storm sewers and the word “Public” should be included before “Storm Sewer” and the DoD should include language discussing the maintenance as “Private” storm sewers.
- Applicant stated that they are in agreement with both comments from Justin.
- Gwen commented that the full address be included on the plat for clarity to which the applicant is in agreement
- Richard Gann requested conduit be installed out from pavement for communication lines to which the Justin DeBruin was in agreement.
- Gwen commented revisions will need to be submitted by July 9th.

6. Adjourn

- Meeting was adjourned at 11:07.

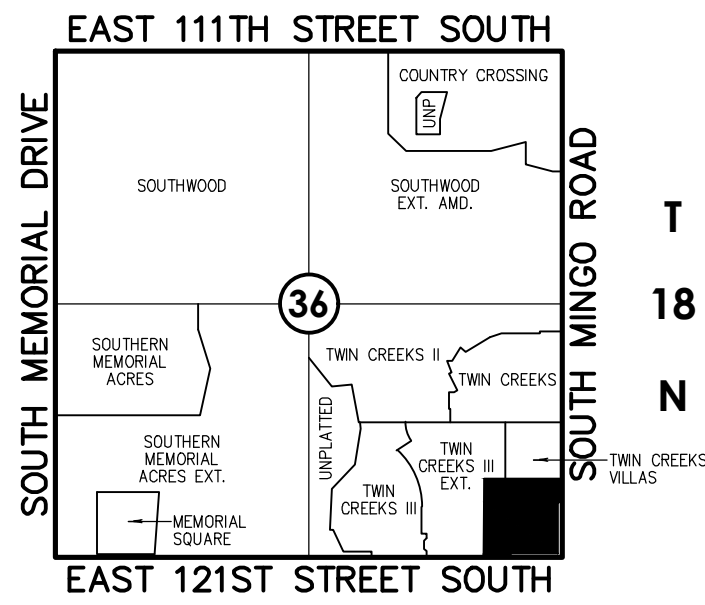
This Notice and Agenda was posted on the bulletin board on or before 10:00 a.m., July 2nd, 2024, at City Hall, 116 West Needles, Bixby, Oklahoma.

Respectfully submitted,

Justin Dowd, City Engineer

Persons who require a special accommodation to participate in this meeting should contact Gwen Plante, Assistant City Planner, 116 West Needles Avenue, Bixby, Oklahoma, 918-366-4430, or email [Gwen Plante](mailto:GPlante@BixbyOK.gov) (GPlante@BixbyOK.gov) as far in advance as possible and preferably at least 48-hours before the date of the meeting. Persons using a Telecommunications Device for the Deaf (T.D.D.) 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.

R 13 E



Location Map

Scale: 1"= 2000'



SUBDIVISION CONTAINS:

FORTY-EIGHT (48) LOTS
IN SEVEN (7) BLOCKS
WITH TWO (2) RESERVES

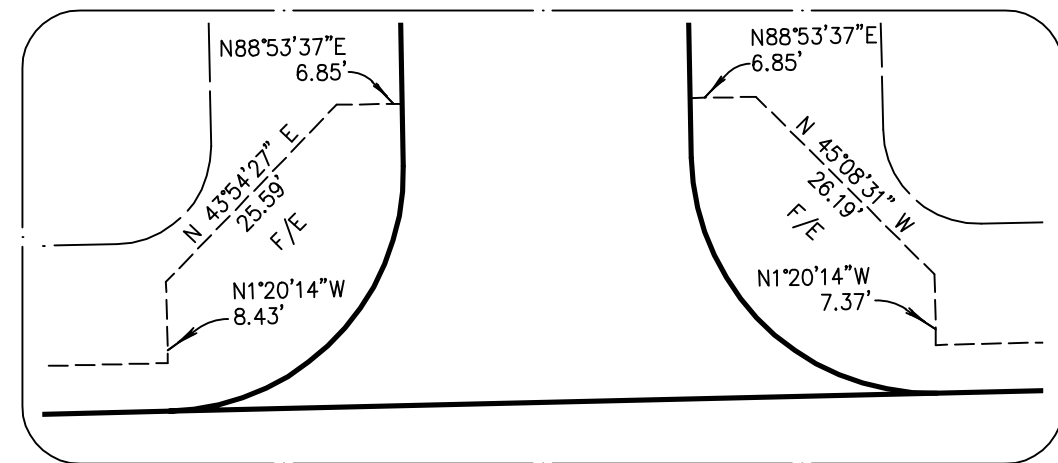
GROSS SUBDIVISION AREA: 14.073 ACRES

Curve Table

CURVE	LENGTH(L)	RADIUS(R)	DELTA(A)	CHORDBC(B)	CHORDDIS(CD)
1	39.17'	25.00'	89°46'09"	N43°46'41"E	35.28'
2	39.37'	25.00'	90°13'51"	N46°13'19"W	35.43'
3	39.27'	25.00'	90°00'00"	N43°53'37"E	35.36'
4	39.27'	25.00'	90°00'00"	N46°06'23"W	35.36'

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 FOUND OR SET 3/8" IRON REBAR WITH YELLOW CAP STAMPED "TANNER 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) FOUND IRON PIN WITH ALUMINUM CAP AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER (SE/4) OF SECTION 36;
(b) FOUND 5/8" IRON PIN WITH YELLOW PLASTIC CAP AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER (SE/4) OF SECTION 36;
THE BEARING BETWEEN SAID MONUMENTS BEING NORTH 88°39'46" EAST.
- ADDRESSES SHOWN ON THIS PLAT WERE PROVIDED BY THE CITY OF BIXBY AND WERE 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 EAST 121ST STREET SOUTH AND SOUTH MINGO ROAD BY VIRTUE OF RIGHT-OF-WAY DEDICATED BY THIS PLAT.
- ALL DWELLINGS SHALL REQUIRE BACKFLOW PREVENTION EXCEPT AS OTHERWISE PERMITTED BY THE CITY OF BIXBY.
- THE FOLLOWING LOTS ARE REQUIRED TO HAVE DRIVEWAYS ON THE NORTH SIDE OF THE LOT PER THE APPROVED ENGINEERING DRAWINGS: BLOCK 1, LOTS 1 -10, ALL OF BLOCK 4, AND ALL OF BLOCK 5.



Detail A

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

DATE OF PREPARATION: July 2, 2024

Conditional Final Plat

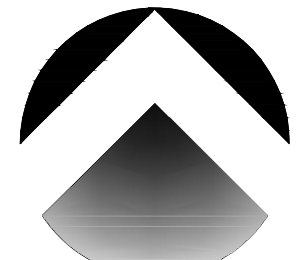
BXPUD-23.03

The Fountains

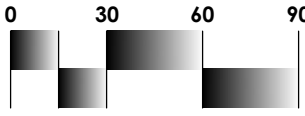
PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (SE/4 SE/4) OF
SECTION THIRTY-SIX (36), TOWNSHIP EIGHTEEN (18) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN MERIDIAN
A SUBDIVISION WITHIN THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA

SURVEYOR/ENGINEER: Tanner Consulting, L.L.C.

DAN E. TANNER, P.L.S. NO. 1435
OK CA NO. 2661, EXPIRES 6/30/2025
EMAIL: DAN@TANNERBAITSHOP.COM
5323 South Lewis Avenue
Tulsa, Oklahoma 74105
Phone: (918) 745-9929



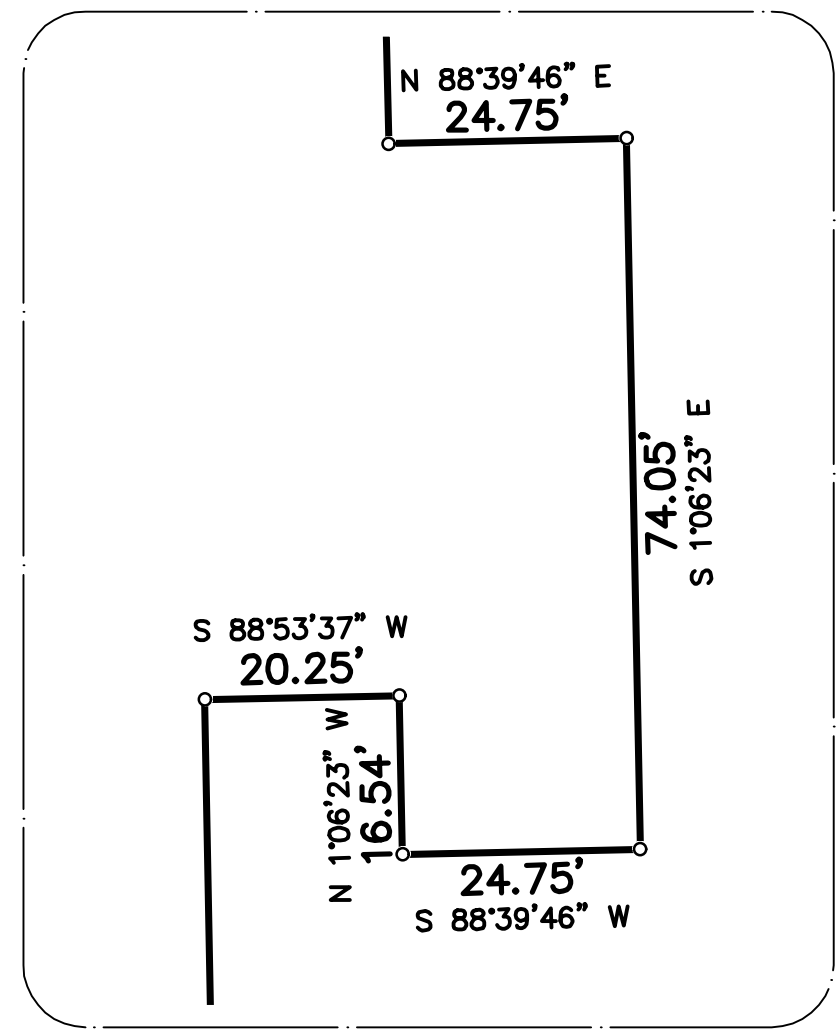
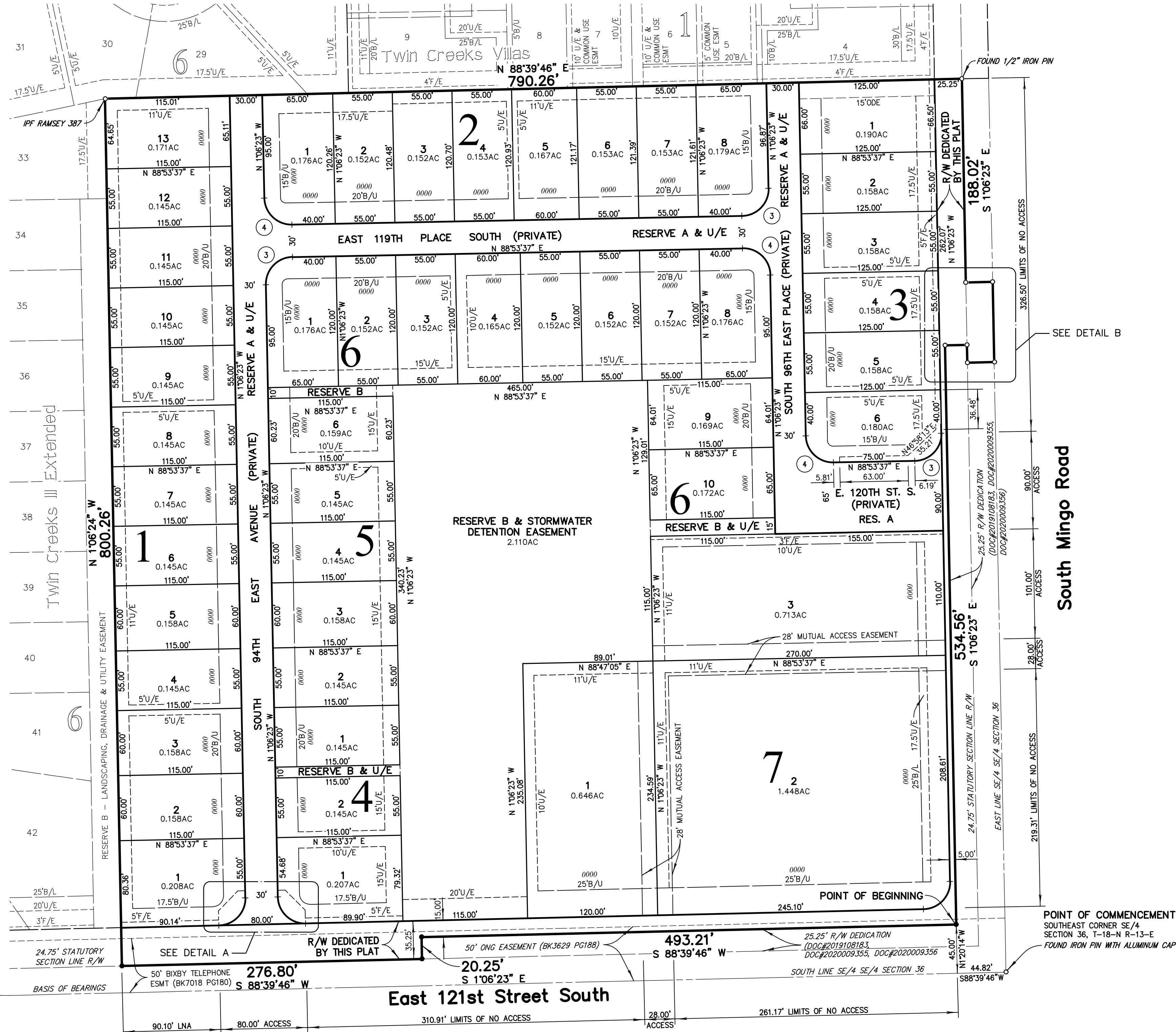
NORTH



Scale: 1"= 60'
Tanner Consulting

LEGEND

B/L	BUILDING LINE
AC	ACRE
B/U	BUILDING LINE & UTILITY EASEMENT
BK PG	BOOK & PAGE
CB	CHORD BEARING
CD	CHORD DISTANCE
CL	CENTERLINE
A	DELTA ANGLE
DOC	DOCUMENT
ESMT	EASEMENT
F/E	FENCE & LANDSCAPE EASEMENT
LNA	LIMITS OF NO ACCESS
ODE	OVERLAND DRAINAGE EASEMENT
RES.	RESERVE
R/W	RIGHT-OF-WAY
U/E	UTILITY EASEMENT
1234	ADDRESS ASSIGNED
o	FOUND MONUMENT
•	SET MONUMENT (SEE NOTE 2)



Detail B

Conditional Final Plat

BXPUD-23.03

The Fountains

PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (SE/4 SE/4) OF SECTION THIRTY-SIX (36), TOWNSHIP EIGHTEEN (18) 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

SOONER DEVELOPMENT, LLC, AN OKLAHOMA LIMITED LIABILITY COMPANY, HEREINAFTER REFERRED TO AS THE "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 SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (SE/4 SE/4) OF SECTION THIRTY-SIX (36), TOWNSHIP EIGHTEEN (18) 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 SOUTHEAST CORNER OF SAID SE/4 SE/4; THENCE SOUTH 88°39'46" WEST AND ALONG THE SOUTH LINE OF THE SE/4 SE/4, FOR A DISTANCE OF 44.82 FEET; THENCE NORTH 1°20'14" WEST AND PERPENDICULAR TO THE SOUTH LINE FOR A DISTANCE OF 45.00 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 88°39'46" WEST AND PARALLEL WITH THE SOUTH LINE, FOR A DISTANCE OF 493.21 FEET; THENCE SOUTH 1°06'23" EAST FOR A DISTANCE OF 20.25 FEET; THENCE SOUTH 88°39'46" WEST AND PARALLEL WITH THE SOUTH LINE FOR A DISTANCE OF 276.80 FEET; THENCE NORTH 1°06'23" WEST AND ALONG THE EAST LINE OF "TWIN CREEKS III EXTENDED", A SUBDIVISION IN THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF (PLAT NO. 5764), FOR A DISTANCE OF 800.26 FEET TO THE NORTHEAST CORNER OF LOT THIRTY-THREE (33), BLOCK SIX (6) OF SAID SUBDIVISION; THENCE NORTH 88°39'46" EAST AND ALONG THE SOUTH LINE OF SAID BLOCK 6 AND ALONG THE SOUTH LINE OF "TWIN CREEKS VILLAS", A SUBDIVISION IN THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF (PLAT NO. 5702), FOR A DISTANCE OF 790.26 FEET; THENCE SOUTH 1°06'23" EAST AND PARALLEL WITH THE EAST LINE OF SAID SE/4 SE/4, FOR A DISTANCE OF 188.02 FEET; THENCE NORTH 88°39'46" EAST FOR A DISTANCE OF 24.75 FEET TO A POINT ON THE EAST LINE OF SAID SE/4 SE/4; THENCE SOUTH 1°06'23" EAST AND ALONG SAID EAST LINE OF THE SE/4 SE/4, FOR A DISTANCE OF 74.05 FEET; THENCE SOUTH 88°39'46" WEST FOR A DISTANCE OF 24.75 FEET; THENCE NORTH 1°06'23" WEST AND PARALLEL WITH SAID EAST LINE, FOR A DISTANCE OF 16.54 FEET; THENCE SOUTH 88°53'37" WEST AND PERPENDICULAR TO THE EAST LINE, FOR A DISTANCE OF 20.25 FEET; THENCE SOUTH 1°06'23" EAST FOR A DISTANCE OF 534.56 FEET TO THE POINT OF BEGINNING;

SAID TRACT CONTAINING 613,019 SQUARE FEET OR 14.073 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:

- (A) IRON PIN WITH ALUMINUM CAP FOUND AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER (SE/4) OF SECTION 36;
- (B) 5/8" IRON PIN FOUND AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER (SE/4) OF SECTION 36;

THE BEARING BETWEEN SAID MONUMENTS BEING NORTH 88°39'46" EAST.

DEVELOPER HAS CAUSED THE ABOVE DESCRIBED LAND TO BE SURVEYED, STAKED, PLATTED, GRANTED, DONATED, CONVEYED, DEDICATED, ACCESS RIGHTS RESERVED, AND SUBDIVIDED INTO BLOCKS, LOTS, RESERVE AREAS, AND STREETS, AND HAS DESIGNATED THE SAME AS "THE FOUNTAINS", A SUBDIVISION WITHIN THE CITY OF BIXBY, TULSA COUNTY, OKLAHOMA (THE "SUBDIVISION").

SECTION I - STREETS, EASEMENTS, AND UTILITIES

A. STREETS AND GENERAL UTILITY EASEMENTS

THE DEVELOPER HEREBY GRANTS, DONATES, CONVEYS, AND DEDICATES FOR PUBLIC USE THE STREETS, "EAST 121ST STREET SOUTH" AND "SOUTH MINGO ROAD", 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 SANITARY SEWERS, COMMUNICATION LINES, ELECTRIC POWER LINES AND TRANSFORMERS, GAS LINES, WATERLINES, AND PUBLIC AND PRIVATE STORM SEWERS, 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, TOGETHER WITH SIMILAR EASEMENT RIGHTS IN THE PUBLIC STREETS SOUTH 121ST EAST AVENUE AND SOUTH MINGO ROAD, PROVIDED HOWEVER, DEVELOPER HEREBY RESERVES THE RIGHT TO CONSTRUCT, MAINTAIN, OPERATE, LAY, REPAIR, REPLACE, AND/OR REMOVE WATERLINES AND SEWER LINES, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS FOR SUCH CONSTRUCTION, MAINTENANCE, OPERATION, LAYING, REPAIRING, REPLACING, AND/OR REMOVING 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. DEVELOPER HEREBY IMPOSES A RESTRICTIVE COVENANT, WHICH COVENANT SHALL BE BINDING ON EACH LOT AND RESERVE AREA 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 UTILITY EASEMENT SHALL BE PLACED, ERECTED, INSTALLED, OR MAINTAINED, PROVIDED HOWEVER, NOTHING HEREIN SHALL BE DEEMED TO PROHIBIT PROPERLY-PERMITTED DRIVES, PARKING AREAS, CURBING, LANDSCAPING, OR CUSTOMARY SCREENING FENCES OR WALLS.

B. UNDERGROUND SERVICE

1. OVERHEAD POLES FOR THE SUPPLY OF ELECTRIC AND COMMUNICATION SERVICE MAY BE LOCATED IN THE RIGHT-OF-WAY OF EAST 121ST STREET SOUTH AND SOUTH MINGO ROAD AND WITHIN THE PERIMETER UTILITY EASEMENTS OF THE SUBDIVISION. STREET LIGHT POLES OR STANDARDS SHALL BE SERVED BY UNDERGROUND CABLE AND, EXCEPT AS PROVIDED IN THE IMMEDIATELY-PRECEDING SENTENCE, ALL ELECTRIC, COMMUNICATION, 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 THE UTILITY EASEMENTS.

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

3. THE SUPPLIERS OF ELECTRIC, COMMUNICATION, AND GAS SERVICES, THROUGH THEIR AGENTS AND EMPLOYEES, SHALL AT ALL TIMES HAVE RIGHT OF ACCESS WITH THEIR EQUIPMENT TO ALL UTILITY EASEMENTS 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 THE UNDERGROUND ELECTRIC, COMMUNICATION, OR GAS FACILITIES INSTALLED BY THE SUPPLIER OF THE UTILITY SERVICE.

4. THE SUPPLIERS OF ELECTRIC, COMMUNICATION, AND GAS SERVICES SHALL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF THEIR RESPECTIVE UTILITY SERVICE FACILITIES BUT THE OWNER OF EACH LOT OR RESERVE AREA SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE UTILITY SERVICE FACILITIES LOCATED ON SUCH OWNER'S LOT OR RESERVE AREA AND SHALL PREVENT THE ALTERATION OF GRADE OR ANY CONSTRUCTION ACTIVITY WHICH WOULD INTERFERE WITH THE ELECTRIC, COMMUNICATION, OR GAS FACILITIES. THE LOT OR RESERVE AREA OWNER SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE LOT OR RESERVE AREA OWNER OR SUCH OWNER'S AGENTS OR CONTRACTORS.

5. THE COVENANTS SET FORTH IN THIS SUBSECTION B. SHALL BE ENFORCEABLE BY THE SUPPLIERS OF ELECTRIC, COMMUNICATION, AND GAS SERVICE AND THE OWNER OF THE LOT OR RESERVE AREA AGREES TO BE BOUND HEREBY.

C. PUBLIC WATER, SANITARY SEWER, AND STORM SEWER SERVICE

1. THE OWNER OF EACH LOT OR RESERVE AREA SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE PUBLIC WATER MAINS, PUBLIC SANITARY SEWER FACILITIES, PUBLIC STORM SEWER FACILITIES AND PRIVATE STORM SEWER FACILITIES LOCATED ON THEIR LOT OR RESERVE AREA AND SHALL PREVENT THE ALTERATION OF GRADE OR ANY CONSTRUCTION ACTIVITY WHICH MAY INTERFERE WITH SAID PUBLIC WATER MAINS, PUBLIC SANITARY SEWER FACILITIES, PUBLIC STORM SEWER FACILITIES OR PRIVATE 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 A PUBLIC WATER MAIN, PUBLIC SANITARY SEWER FACILITY, PUBLIC STORM SEWER FACILITY OR PRIVATE STORM SEWER FACILITY, OR ANY CONSTRUCTION ACTIVITY WHICH WOULD INTERFERE WITH SUCH MAINS OR FACILITIES, SHALL BE PROHIBITED. WITHIN THE UTILITY EASEMENTS, IF THE GROUND ELEVATIONS ARE ALTERED BY THE LOT OR RESERVE AREA OWNER FROM THE CONTOURS EXISTING UPON THE COMPLETION OF THE INSTALLATION OF A PUBLIC WATER MAIN, PUBLIC SANITARY SEWER FACILITY, PUBLIC STORM SEWER FACILITY OR PRIVATE STORM SEWER FACILITY, A GROUND LEVEL APPURTENANCES, INCLUDING VALVE BOXES, FIRE HYDRANTS, PRIVATE STORM SEWER INLETS, AND/OR MANHOLES SHALL BE ADJUSTED TO THE ALTERED GROUND ELEVATIONS BY THE OWNER OF THE LOT OR RESERVE AREA OR, AT ITS ELECTION, THE CITY OF BIXBY, OKLAHOMA, MAY MAKE SUCH ADJUSTMENT AT SUCH OWNER'S EXPENSE.

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 PUBLIC WATER MAINS, PUBLIC SANITARY SEWER FACILITIES, PRIVATE STORM SEWER SYSTEM OR PUBLIC STORM SEWER SYSTEM IS PROHIBITED.

3. THE CITY OF BIXBY, OR ITS SUCCESSORS, SHALL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF PUBLIC WATER MAINS, PUBLIC SANITARY SEWER FACILITIES, AND PUBLIC STORM SEWER FACILITIES, BUT THE OWNER OF EACH LOT OR RESERVE AREA SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED

BY ACTS OF THE LOT OR RESERVE AREA OWNER OR SUCH OWNER'S AGENTS OR CONTRACTORS.

4. 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 PLAT OR OTHERWISE PROVIDED FOR IN THIS DEED OF DEDICATION FOR THE PURPOSE OF INSTALLING, MAINTAINING, REMOVING, OR REPLACING ANY PORTION OF THE UNDERGROUND WATER, SANITARY SEWER, AND STORM SEWER FACILITIES.

5. ALL WATER, SANITARY SEWER, AND STORM SEWER FACILITIES 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 DURING SAID TERM, THE DEVELOPER SHALL ASSIST THE CITY OF BIXBY IN COORDINATION AND FACILITATION WITH THE APPROPRIATE CONTRACTOR.

6. THE FOREGOING COVENANTS SET FORTH IN THIS SUBSECTION C. CONCERNING WATER, SANITARY SEWER, AND STORM SEWER FACILITIES SHALL BE ENFORCEABLE BY THE CITY OF BIXBY, OR ITS SUCCESSORS, AND THE OWNER OF EACH LOT OR RESERVE AREA AGREES TO BE BOUND HEREBY.

D. SURFACE DRAINAGE

EACH LOT WITHIN THE SUBDIVISION SHALL RECEIVE AND DRAIN, IN AN UNOBSTRUCTED MANNER, THE STORM AND SURFACE WATERS FROM LOTS AND DRAINAGE AREAS OF HIGHER ELEVATION WITHIN AND OUTSIDE OF 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 SAID OWNER'S LOT. THE FOREGOING COVENANTS SET FORTH IN THIS SUBSECTION D. SHALL BE ENFORCEABLE BY ANY AFFECTED LOT OR RESERVE AREA OWNER, THE PROPERTY OWNERS' ASSOCIATION (AS DEFINED BELOW), AND BY THE CITY OF BIXBY, OKLAHOMA.

E. PAVING AND LANDSCAPING WITHIN EASEMENTS

THE OWNER OF THE LOT OR RESERVE AREA AFFECTED SHALL BE RESPONSIBLE FOR THE REPAIR OF DAMAGE TO PROPERLY-PERMITTED LANDSCAPING AND PAVING OCCASIONED BY NECESSARY MAINTENANCE OF UNDERGROUND WATER, SANITARY SEWER, PUBLIC STORM SEWER, NATURAL GAS, COMMUNICATION, OR ELECTRIC FACILITIES WITHIN THE UTILITY EASEMENT AREAS DEPICTED UPON THE ACCOMPANYING PLAT, PROVIDED HOWEVER, THE CITY OF BIXBY, OKLAHOMA, OR OTHER SUPPLIER OF THE UTILITY SERVICE SHALL USE REASONABLE CARE IN THE PERFORMANCE OF SUCH ACTIVITIES.

F. LIMITS OF NO ACCESS

THE DEVELOPER HEREBY RELINQUISHES RIGHTS OF VEHICULAR INGRESS AND EGRESS FROM ANY PORTION OF THE PROPERTY ADJACENT TO EAST 121ST STREET SOUTH AND SOUTH MINGO ROAD 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 CITY OF BIXBY PLANNING COMMISSION, OR ITS SUCCESSOR, AND WITH THE APPROVAL OF THE CITY OF BIXBY, OKLAHOMA, 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.

G. FENCE EASEMENTS

THE DEVELOPER DOES HEREBY ESTABLISH AND GRANT, TO THE PROPERTY OWNERS' ASSOCIATION (AS DEFINED BELOW) AND THE OWNERS OF THE RESIDENTIAL LOTS WITHIN THE SUBDIVISION, FOR THEIR COMMON USE AND BENEFIT, FENCE EASEMENTS OVER AND UPON THE AREAS DESIGNATED AS "FENCE EASEMENT" OR "F/E" AND SHOWN ON THE ACCOMPANYING PLAT. THE FENCE EASEMENTS ARE FOR THE LIMITED PURPOSE OF CONSTRUCTING AND MAINTAINING PERIMETER DECORATIVE FENCES AND ENTRY FEATURES INCLUDING BUT NOT LIMITED TO SIGNAGE, FENCES, WALLS, IRRIGATION SYSTEMS, LANDSCAPING, AND LIGHTING, AND FOR THE MAINTENANCE AND REPAIR THEREOF, TOGETHER WITH THE RIGHT OF ACCESS OVER, ACROSS, AND ALONG SUCH EASEMENTS AND OVER, ACROSS, AND ALONG ALL AREAS WHICH CONTAIN SUCH EASEMENTS. WITHIN THE FENCE EASEMENTS, THE PROPERTY OWNERS' ASSOCIATION (AS DEFINED BELOW) SHALL BE RESPONSIBLE FOR MAINTENANCE OF ALL FENCES AND WALLS AND ENTRY AND SECURITY FEATURES AND ALL LANDSCAPING LOCATED OUTSIDE OF SUCH FENCES AND WALLS. THE RIGHTS HEREIN ESTABLISHED AND GRANTED SHALL BE SUBORDINATE TO THE RIGHTS ESTABLISHED AND GRANTED BY UTILITY EASEMENTS ELSEWHERE DEDICATED HEREIN.

H. STORMWATER DETENTION EASEMENTS

1. THE DEVELOPER DOES HEREBY DEDICATE TO THE PUBLIC PERPETUAL AND NON-EXCLUSIVE EASEMENTS ON, OVER, AND ACROSS THOSE AREAS DESIGNATED AND SHOWN ON THE ACCOMPANYING PLAT AS "STORMWATER DETENTION EASEMENT" OR "ODE" FOR THE PURPOSE OF PERMITTING THE OVERLAND AND UNDERGROUND FLOW, CONVEYANCE, DETENTION, RETENTION, AND DISCHARGE OF STORMWATER RUNOFF FROM THE VARIOUS AREAS WITHIN THE SUBDIVISION AND FROM ADJACENT PROPERTIES NOT INCLUDED WITHIN THE SUBDIVISION.

2. DRAINAGE FACILITIES LOCATED WITHIN STORMWATER DETENTION EASEMENTS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE ADOPTED STANDARDS OF THE CITY

OF BIXBY, OKLAHOMA, AND PLANS AND SPECIFICATIONS APPROVED BY THE ENGINEERING DEPARTMENT OF THE CITY OF BIXBY, OKLAHOMA.

3. NO FENCE, WALL, BUILDING, OR OTHER OBSTRUCTION SHALL BE PLACED OR MAINTAINED WITHIN AN STORMWATER DETENTION EASEMENT NOR SHALL THERE BE ANY ALTERATION OF GRADE IN SAID EASEMENTS UNLESS APPROVED BY THE ENGINEERING DEPARTMENT OF THE CITY OF BIXBY, OKLAHOMA, PROVIDED THAT THE PLANTING OF TURF SHALL NOT REQUIRE THE APPROVAL OF THE ENGINEERING DEPARTMENT OF THE CITY OF BIXBY, OKLAHOMA.

4. STORMWATER DRAINAGE AND DETENTION FACILITIES LOCATED WITHIN STORMWATER DETENTION EASEMENTS SHALL BE MAINTAINED BY THE OWNER OF THE LOT OR RESERVE AREA CONTAINING SUCH EASEMENTS TO THE EXTENT NECESSARY TO ACHIEVE THE INTENDED DRAINAGE AND DETENTION FUNCTIONS, INCLUDING REPAIR OF APPURTENANCES, REMOVAL OF OBSTRUCTIONS AND SILTATION, AND CUSTOMARY GROUNDS MAINTENANCE, IN ACCORDANCE WITH STANDARDS AND SPECIFICATIONS APPROVED BY THE CITY OF BIXBY, OKLAHOMA. IN THE EVENT THE OWNER OF THE LOT OR RESERVE AREA FAILS TO PROPERLY MAINTAIN THE STORMWATER DETENTION EASEMENT LOCATED THEREON OR, IN THE EVENT OF THE PLACEMENT OF AN OBSTRUCTION WITHIN SUCH EASEMENTS, THE ALLOWANCE OF THE ACCUMULATION OF SILTATION, THE UNAPPROVED ALTERATION OF GRADE, OR THE GENERAL LACK OF GROUNDS MAINTENANCE THEREIN, THE CITY OF BIXBY, OKLAHOMA, OR ITS DESIGNATED CONTRACTOR, MAY ENTER THE STORMWATER DETENTION EASEMENT AREA AND PERFORM MAINTENANCE NECESSARY TO ACHIEVE THE INTENDED DRAINAGE FUNCTIONS AND MAY REMOVE ANY OBSTRUCTION OR SILTATION OR CORRECT ANY ALTERATION OF GRADE, AND THE COSTS SHALL BE PAID BY SAID LOT OR RESERVE AREA OWNER. IN THE EVENT THE LOT OR RESERVE AREA OWNER FAILS TO PAY THE COST OF MAINTENANCE AFTER RECEIPT OF A STATEMENT OF COSTS FROM THE CITY OF BIXBY, OKLAHOMA, THE CITY MAY FILE OF RECORD A COPY OF THE STATEMENT OF COSTS IN THE RECORDS OF THE TULSA COUNTY CLERK, AND THEREAFTER THE COSTS SHALL BE A LIEN AGAINST THE LOT OR RESERVE AREA. A LIEN ESTABLISHED AS PROVIDED ABOVE MAY BE FORECLOSED BY THE CITY OF BIXBY, OKLAHOMA.

5. THE COVENANTS SET FORTH IN THIS SUBSECTION H. SHALL BE ENFORCEABLE BY THE CITY OF BIXBY, OKLAHOMA, OR ITS SUCCESSORS, AND THE OWNERS OF EACH LOT AND RESERVE AREA AGREE TO BE BOUND BY THESE COVENANTS.

I. OVERLAND DRAINAGE EASEMENTS

1. FOR THE COMMON USE AND BENEFIT OF THE OWNERS OF LOTS WITHIN THE SUBDIVISION, AND FOR THE BENEFIT OF THE CITY OF BIXBY, OKLAHOMA, THE DEVELOPER HEREBY ESTABLISHES AND GRANTS PERPETUAL OVERLAND DRAINAGE EASEMENTS ON, OVER, AND ACROSS THOSE AREAS DESIGNATED ON THE ACCOMPANYING PLAT AS "OVERLAND DRAINAGE EASEMENT" OR "ODE" FOR THE PURPOSES OF PERMITTING THE FLOW, CONVEYANCE, AND DISCHARGE OF STORM WATER RUNOFF FROM THE VARIOUS LOTS, RESERVE AREAS, AND STREETS WITHIN THE SUBDIVISION, AND FROM PROPERTIES OUTSIDE THE SUBDIVISION.

2. DRAINAGE FACILITIES CONSTRUCTED WITHIN THE OVERLAND DRAINAGE EASEMENTS SHALL BE IN ACCORDANCE WITH ADOPTED STANDARDS OF THE CITY OF BIXBY, AND PLANS AND SPECIFICATIONS APPROVED BY THE CITY OF BIXBY ENGINEERING DEPARTMENT.

3. NO FENCE, WALL, BUILDING, HVAC, POOL, OR OTHER BUILDING-RELATED EQUIPMENT, OR OTHER OBSTRUCTION MAY BE PLACED OR MAINTAINED IN THE OVERLAND DRAINAGE EASEMENT AREAS UNLESS APPROVED BY THE CITY OF BIXBY ENGINEERING DEPARTMENT, NOR SHALL THERE BE ANY ALTERATION OF THE GRADES OR CONTOURS IN THE OVERLAND DRAINAGE EASEMENT AREAS UNLESS APPROVED BY THE CITY OF BIXBY ENGINEERING DEPARTMENT. PROVIDED, HOWEVER, THAT WHERE COINCIDENT WITH UTILITY EASEMENTS, CUSTOMARY ABOVE-GROUND UTILITY APPURTENANCES SHALL BE DEEMED NON-OBSTRUCTING AND SHALL BE PERMITTED.

4. THE OVERLAND DRAINAGE EASEMENT AREAS AND FACILITIES THEREIN LOCATED SHALL BE MAINTAINED BY THE OWNER OF THE LOT OR RESERVE AREA CONTAINING THE EASEMENT, AND THE MAINTENANCE SHALL BE PERFORMED TO THE EXTENT NECESSARY TO ACHIEVE THE INTENDED DRAINAGE FUNCTIONS, INCLUDING REPAIR OF APPURTENANCES AND REMOVAL OF OBSTRUCTIONS AND SILTATION.

5. IN THE EVENT THE OWNER OF ANY LOT OR RESERVE AREA SUBJECT TO AN OVERLAND DRAINAGE EASEMENT SHOULD FAIL TO PROPERLY MAINTAIN THE EASEMENT AREAS AS ABOVE PROVIDED, THE CITY OF BIXBY, OKLAHOMA, OR ITS DESIGNATED CONTRACTOR, MAY ENTER THE OVERLAND DRAINAGE EASEMENT AREAS AND PERFORM SUCH MAINTENANCE, AND THE COSTS THEREOF SHALL BE PAID BY THE LOT OR RESERVE AREA OWNER. IN THE EVENT SUCH OWNER 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 THE LOT OR RESERVE AREA, WHICH LIEN MAY BE FORECLOSED BY THE CITY OF BIXBY, OKLAHOMA.

J. MUTUAL ACCESS EASEMENTS

MUTUAL ACCESS EASEMENTS, DEPICTED AS "MUTUAL ACCESS EASEMENT" OR "MAE" ON THE ACCOMPANYING PLAT, ARE HEREBY ESTABLISHED FOR THE PURPOSES OF PERMITTING VEHICULAR AND PEDESTRIAN ACCESS TO AND FROM ALL STREETS AND AREAS WITHIN THE SUBDIVISION ADJACENT THERETO, SUCH EASEMENTS SHALL BE FOR THE MUTUAL USE AND BENEFIT OF OWNERS OF LOTS WITHIN BLOCK SEVEN (7) OF THE SUBDIVISION, THEIR RESPECTIVE GUESTS, INVITEES, SUCCESSORS AND ASSIGNS, AND SHALL BE APPURTENANT TO EACH AFFECTED LOT OWNER, PROVIDED GOVERNMENTAL AGENCIES AND THE SUPPLIERS OF UTILITY SERVICES SHALL HAVE THE REASONABLE USE OF SUCH EASEMENTS INCIDENTAL TO THE PROVISION OF SERVICES TO THE LOTS WITHIN THE SUBDIVISION.

SECTION II - RESERVE AREAS

A. PURPOSE

FOR THE COMMON USE AND BENEFIT OF THE OWNERS OF LOTS WITHIN THE SUBDIVISION, RESERVES A AND B ARE HEREBY ESTABLISHED FOR VARIOUS PURPOSES INCLUDING PRIVATE STREETS, PRIVATE STORMWATER DRAINAGE, UTILITIES, OPEN SPACE, PRIVATE PARK, ENTRY AND SECURITY FEATURES, SIGNAGE, LANDSCAPING, IRRIGATION, LIGHTING, AND PRIVATE RECREATIONAL USES AND FACILITIES AS MAY BE PERMITTED BY THE CITY OF BIXBY, OKLAHOMA, AND ARE RESERVED FOR SUBSEQUENT CONVEYANCE TO THE PROPERTY OWNERS' ASSOCIATION (AS DEFINED BELOW), FORMED PURSUANT TO SECTION IV HEREOF.

B. RESERVE A

1. RESERVE A, AS DESIGNATED ON THE ACCOMPANYING PLAT, IS HEREBY ESTABLISHED BY GRANT OF THE DEVELOPER FOR THE COMMON USE AND BENEFIT OF THE OWNERS OF THE RESIDENTIAL LOTS WITHIN THE SUBDIVISION, THEIR GUESTS AND INVITEES, FOR THE PURPOSE OF PROVIDING VEHICULAR AND PEDESTRIAN ACCESS TO AND FROM THE LOTS IN THE SUBDIVISION AND THE PUBLIC STREETS BORDERING THE SUBDIVISION, AND SHALL BE LIMITED TO USE FOR PRIVATE STREETS, FOR PROVIDING PRIVATE STORM SEWER AND DRAINAGE FACILITIES TO CONTROL STORMWATER RUNOFF, FOR UTILITIES, AND FOR PROVIDING ENTRANCE SECURITY FACILITIES, DECORATIVE ENTRY FEATURES, SIGNAGE, DECORATIVE FENCING, LANDSCAPING, IRRIGATION, AND LIGHTING, AND IS RESERVED FOR SUBSEQUENT CONVEYANCE TO THE PROPERTY OWNERS' ASSOCIATION (AS DEFINED BELOW), TO BE FORMED PURSUANT TO SECTION IV HEREOF, FOR THE PURPOSES OF THE ADMINISTRATION AND MAINTENANCE OF THE PRIVATE STREETS AND OTHER COMMON AREAS OF THE SUBDIVISION.

2. THE DEVELOPER HEREBY GRANTS TO THE CITY OF BIXBY, OKLAHOMA, THE UNITED POSTAL SERVICE, ANY PUBLIC UTILITY PROVIDING UTILITY SERVICE TO THE SUBDIVISION, AND TO ANY REFUSE COLLECTION SERVICE WHICH PROVIDES SERVICE WITHIN THE SUBDIVISION, THE RIGHT TO ENTER AND TRAVERSE THE PRIVATE STREETS WITHIN RESERVE A AND TO OPERATE THEREON ALL SERVICE, EMERGENCY AND GOVERNMENT VEHICLES INCLUDING, BUT NOT LIMITED TO, POLICE, FIRE, AND EMERGENCY MEDICAL VEHICLES AND EQUIPMENT.

3. THE DEVELOPER, FOR ITSELF AND ITS SUCCESSORS, HEREBY COVENANTS WITH THE CITY OF BIXBY, OKLAHOMA, WHICH COVENANTS SHALL RUN WITH THE LAND AND INURE TO THE BENEFIT OF THE CITY OF BIXBY, OKLAHOMA, AND SHALL BE ENFORCEABLE BY THE CITY OF BIXBY, OKLAHOMA, TO:

- CONSTRUCT AND MAINTAIN STREETS EXTENDING THE FULL LENGTH OF RESERVE A, AS DEPICTED ON THE ACCOMPANYING PLAT, AND MEETING OR EXCEEDING CITY OF BIXBY DESIGN STANDARDS FOR A MINOR LOCAL RESIDENTIAL PUBLIC STREET.
- SECURE INSPECTION BY THE CITY OF BIXBY, OKLAHOMA, OF THE PRIVATE STREETS AND SECURE CERTIFICATION BY THE CITY OF BIXBY, OKLAHOMA, THAT THE PRIVATE STREETS HAVE BEEN CONSTRUCTED IN ACCORDANCE WITH THE STANDARDS ABOVE SET FORTH, OR IF THE CITY OF BIXBY, OKLAHOMA, DECLINES TO INSPECT THE PRIVATE STREETS, CERTIFICATION SHALL BE SECURED FROM A LICENSED PROFESSIONAL ENGINEER THAT THE PRIVATE STREETS WERE CONSTRUCTED IN ACCORDANCE WITH THE STANDARDS ABOVE SET FORTH, AND THE REQUIRED CERTIFICATION SHALL BE FILED WITH THE CITY OF BIXBY, OKLAHOMA, PRIOR TO THE ISSUANCE OF A BUILDING PERMIT FOR ANY LOT THAT DERIVES ITS ACCESS FROM A PRIVATE STREET.

4. THE DEVELOPER ACKNOWLEDGES, FOR ITSELF AND ITS SUCCESSORS IN TITLE, THAT THE CITY OF BIXBY, OKLAHOMA, SHALL HAVE NO DUTY TO MAINTAIN ANY OF THE PRIVATE STREETS WITHIN THE SUBDIVISION, NOR HAVE ANY IMPLIED OBLIGATION TO ACCEPT ANY SUBSEQUENT TENDER OF CONVEYANCE OF ANY PRIVATE STREET WITHIN THE SUBDIVISION.

C. RESERVE B

RESERVE B IS HEREBY ESTABLISHED BY GRANT OF THE DEVELOPER FOR THE COMMON USE AND BENEFIT OF THE OWNERS OF THE LOTS WITHIN THE SUBDIVISION, THEIR GUESTS AND INVITEES, FOR THE PURPOSE OF PROVIDING FOR PRIVATE STORMWATER DRAINAGE, UTILITIES, AND PRIVATE RECREATIONAL USES SUCH AS OPEN SPACE, PRIVATE PARK, SIGNAGE, FENCES AND WALLS, LANDSCAPING, IRRIGATION, LIGHTING, AND OTHER RECREATIONAL USES AND FACILITIES AS MAY BE PERMITTED BY THE CITY OF BIXBY, OKLAHOMA.

D. MAINTENANCE

1. ALL COSTS AND EXPENSES ASSOCIATED WITH ALL RESERVE AREAS, INCLUDING MAINTENANCE OF PRIVATE STREETS AND VARIOUS OTHER IMPROVEMENTS AND RECREATIONAL FACILITIES, SHALL BE THE RESPONSIBILITY OF THE OWNERS THEREOF, WHICH SHALL BE THE PROPERTY OWNERS' ASSOCIATION (AS DEFINED BELOW) AS PROVIDED IN SECTION VI HEREOF, UPON CONVEYANCE OF SUCH RESERVE AREA BY THE DEVELOPER TO THE PROPERTY OWNERS' ASSOCIATION. THE CITY OF BIXBY SHALL NOT BE LIABLE FOR ANY DAMAGE OR REMOVAL OF ANY LANDSCAPING OR IRRIGATION SYSTEMS IN ANY RESERVE AREA.

Conditional Final Plat

BXPUD-23.03

The Fountains

PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (SE/4 SE/4) OF SECTION THIRTY-SIX (36), TOWNSHIP EIGHTEEN (18) 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

SECTION II. RESERVE AREAS (CONTINUED)

2. ALL COMMON SPACE WITHIN ALL RESERVE AREAS, INCLUDING ENTRY FEATURES AND AREAS OF GRASS, AND THE GRASS-COVERED AREAS OF THE ADJACENT EAST 121ST STREET SOUTH AND SOUTH MINGO ROAD RIGHT-OF-WAYS, SHALL BE MAINTAINED AS TO SCHEDULE AND STANDARD OF CARE AS DETERMINED APPROPRIATE BY THE PROPERTY OWNERS' ASSOCIATION (AS DEFINED BELOW). AT A MINIMUM, THE GRASS-COVERED AREAS OF THE RESERVE AREAS AND ADJACENT RIGHT-OF-WAY SHALL BE MOWED EVERY 7 - 10 DAYS DURING THE GROWING SEASON.

3. IN THE EVENT ANY RESERVE AREA OWNER FAILS TO MAINTAIN SUCH RESERVE AREA, THE CITY OF BIXBY, OKLAHOMA, OR ITS DESIGNATED CONTRACTOR, MAY ENTER SUCH RESERVE AREA AND PERFORM MAINTENANCE NECESSARY, AND THE COSTS THEREOF SHALL BE PAID BY THE OWNER THEREOF, WHICH SHALL BE THE PROPERTY OWNERS' ASSOCIATION (AS DEFINED BELOW), AS SET FORTH IN SECTION VI HEREIN, UPON CONVEYANCE OF SUCH RESERVE AREA TO THE PROPERTY OWNERS' ASSOCIATION. IN THE EVENT THE RESERVE AREA OWNER FAILS TO TIMELY PAY THE COSTS OF SAID MAINTENANCE, AFTER COMPLETION OF THE MAINTENANCE BY AND RECEIPT OF A STATEMENT OF COSTS FROM THE CITY OF BIXBY, OKLAHOMA, THE CITY 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 GEOGRAPHIC JURISDICTION OF THE PROPERTY OWNERS' ASSOCIATION (AS DEFINED BELOW), PROVIDED, HOWEVER, THE LIEN AGAINST EACH LOT SHALL NOT EXCEED THAT LOT'S PRO RATA PORTION OF THE COSTS; 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. A LIEN AS PROVIDED IMMEDIATELY ABOVE MAY BE FORECLOSED BY THE CITY OF BIXBY, OKLAHOMA.

F. INDEMNIFICATION OF OWNER AND CITY

EACH LOT AND RESERVE AREA OWNER OR RESIDENT AND/OR MEMBER OF THE PROPERTY OWNERS' ASSOCIATION (AS DEFINED BELOW) AGREES TO HOLD HARMLESS THE DEVELOPER AND THE CITY OF BIXBY, AND THEIR RESPECTIVE AGENTS AND REPRESENTATIVES, FROM ALL CLAIMS, DEMANDS, LIABILITIES, OR DAMAGES ARISING IN CONNECTION WITH THE OWNERSHIP OR USE OF THE FACILITIES AND IMPROVEMENTS CONSTRUCTED OR SITUATED IN THE RESERVE AREAS AND FURTHER AGREES THAT NEITHER THE CITY OF BIXBY NOR THE DEVELOPER SHALL BE LIABLE TO THE LOT OR RESERVE AREA OWNER OR RESIDENT AND/OR MEMBER OF THE PROPERTY OWNERS' ASSOCIATION (AS DEFINED BELOW) OR ANY GUEST, VISITOR, OR INVITEE THEREOF FOR ANY DAMAGE TO PERSON OR PROPERTY CAUSED BY ACTION, OMISSION OR NEGLIGENCE OF ANY LOT OR RESERVE AREA OWNER OR RESIDENT AND/OR MEMBER OF THE PROPERTY OWNERS' ASSOCIATION OR ANY GUEST, VISITOR, OR INVITEE THEREOF.

SECTION III - PLANNED UNIT DEVELOPMENT RESTRICTIONS

WHEREAS, THE SUBDIVISION WAS SUBMITTED AS A PART OF A PLANNED UNIT DEVELOPMENT (PUD) NO. BXPUD-23.03 ("THE FOUNTAINS") AS PROVIDED WITHIN TITLE 11 OF THE BIXBY, OKLAHOMA CITY CODE (BIXBY ZONING CODE), AND

WHEREAS, PUD NO. BXPUD-23.03 WAS AFFIRMATIVELY RECOMMENDED BY THE CITY OF BIXBY PLANNING COMMISSION ON OCTOBER 16, 2023, AND APPROVED BY THE BIXBY CITY COUNCIL ON OCTOBER 23, 2023, WITH IMPLEMENTING ORDINANCE (ORDINANCE NO. 2458) APPROVED OCTOBER 23, 2023, AND

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

WHEREAS, THE OWNER/DEVELOPER DESIRES TO ESTABLISH THE FOLLOWING RESTRICTIONS FOR THE PURPOSE OF PROVIDING FOR THE ORDERLY DEVELOPMENT OF THE SUBDIVISION AND TO INSURE ADEQUATE RESTRICTIONS FOR THE MUTUAL BENEFIT OF THE OWNER/DEVELOPER, ITS SUCCESSORS AND ASSIGNS, AND THE CITY OF BIXBY, OKLAHOMA.

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

A. GENERAL

1. DEVELOPMENT IN ACCORDANCE WITH PUD

THE SUBDIVISION SHALL BE DEVELOPED AND USED IN SUBSTANTIAL ACCORDANCE WITH THE RESTRICTIONS AND DEVELOPMENT STANDARDS OF PUD NO. BXPUD-23.03, AS APPROVED BY THE CITY OF BIXBY, OR IN SUBSTANTIAL ACCORDANCE WITH SUCH MODIFICATIONS OR AMENDMENTS OF THE RESTRICTIONS AND DEVELOPMENT STANDARDS OF BXPUD-23.03 AS MAY BE SUBSEQUENTLY APPROVED.

2. APPLICABLE ORDINANCE

THE SUBDIVISION SHALL BE SUBJECT TO THE PLANNED UNIT DEVELOPMENT PROVISIONS OF THE CITY OF BIXBY ZONING CODE AS SUCH PROVISIONS EXISTED ON OCTOBER 23, 2023.

DEVELOPMENT STANDARDS FOR DEVELOPMENT AREA A

GROSS LAND AREA: 201,806 SF 4,633 AC
NET LAND AREA: 160,606 SF 3,687 AC
PERMITTED USES: USES PERMITTED AS A MATTER OF RIGHT AND IN THE CS COMMERCIAL SHOPPING CENTER DISTRICT (EXCEPT AS EXCLUDED BELOW); DRY CLEANING/LAUNDRY WITHIN USE UNIT 15; GOLF, FRISBEE GOLF, TENNIS, AND WATER SLIDE USES AND OUTDOOR RECREATION AND AMUSEMENT ACTIVITIES, NEC WITHIN USE UNIT 20; AND USES CUSTOMARILY ACCESSORY TO PERMITTED USES.

EXCLUDED USES: ALL USES CLASSIFIED AS "SEXUALLY ORIENTED" WITHIN THE CITY OF BIXBY ZONING CODE (SECTION 11-7D-6), MEGA EVENTS, RESIDENTIAL TREATMENT CENTERS, AND TRANSITIONAL LIVING CENTERS WITHIN USE UNIT 5, AND MEDICAL MARIJUANA DISPENSARIES WITHIN USE UNIT 13.

MAXIMUM FLOOR AREA RATIO: 0.75
MAXIMUM BUILDING FLOOR AREA: 151,355 SF
MAXIMUM BUILDING HEIGHT: 2 STORIES OR 40 FT
MINIMUM ARTERIAL STREET FRONTAGE: 100 FT *
MINIMUM NON-ARTERIAL STREET FRONTAGE: 50 FT *

MINIMUM BUILDING SETBACKS:
FROM ARTERIAL STREET RIGHT-OF-WAY: 25 FT
FROM NON-ARTERIAL STREET RIGHT-OF-WAY: 10 FT
FROM DEVELOPMENT AREA B AND C BOUNDARIES: 10 FT **
FROM ALL OTHER BOUNDARIES: 0 FT

MINIMUM AND MAXIMUM PARKING RATIOS: PER ZONING CODE ***

OTHER BULK AND AREA REQUIREMENTS: AS REQUIRED WITHIN CS DISTRICT

* ANY INTERIOR LOT HAVING NO STREET FRONTAGE SHALL BE PROVIDED ACCESS TO A PUBLIC STREET BY ACCESS EASEMENT(S) APPROVED BY THE CITY OF BIXBY DURING PLATTING REVIEW.

** PLUS 2 FEET SETBACK FOR EACH 1 FOOT OF BUILDING HEIGHT EXCEEDING 15 FEET.

*** MINIMUM AND MAXIMUM PARKING MAY BE MODIFIED IF A SITE PLAN IS SUBMITTED TO AND APPROVED BY THE BIXBY PLANNING COMMISSION.

B. DEVELOPMENT STANDARDS FOR DEVELOPMENT AREA B

GROSS LAND AREA: 470,580 SF 10,803 AC
NET LAND AREA: 450,585 SF 10,344 AC
PERMITTED USES: USE UNIT 1 AREA WIDE USES BY RIGHT, USE UNIT 6 SINGLE-FAMILY DWELLINGS ON INDIVIDUAL LOTS AND CUSTOMARY ACCESSORY USES; USE UNIT 5 COMMON AREA FACILITIES SUCH AS NEIGHBORHOOD PARK, PLAYGROUND, AND RECREATIONAL OPEN SPACE.

MAXIMUM NUMBER OF DWELLING UNITS: 50
MINIMUM LOT WIDTH †: 55 FT
MINIMUM LOT SIZE: 6,100 SF
MINIMUM LAND AREA PER DWELLING UNIT: 8,400 SF *

MAXIMUM BUILDING HEIGHT: 2 STORIES AND 35 FT **
OFF-STREET PARKING AND YARD COVERAGE: MINIMUM TWO (2) ENCLOSED OFF-STREET PARKING SPACES REQUIRED PER DWELLING UNIT. OFF-STREET PARKING SHALL NOT EXCEED 75% OF THE REQUIRED FRONT YARD WIDTH OR AREA.

MINIMUM LIVABILITY SPACE: 3,000 SF ***
MINIMUM YARD SETBACKS:

FRONT YARD: 20 FT
REAR YARD: 15 FT
SIDE YARD (INTERIOR): 5 FT
SIDE YARD ABUTTING A STREET: 15 FT
GARAGE FACING SIDE YARD STREET: 20 FT

OTHER BULK AND AREA REQUIREMENTS: AS REQUIRED WITHIN THE RS-3 DISTRICT

MINIMUM DWELLING SIZE: 1,700 SF
FIRST FLOOR EXTERIOR MATERIALS: 100% MASONRY ****

* MINIMUM LAND AREA PER DWELLING UNIT IS SATISFIED BY THE PROPORTION OF MAXIMUM NUMBER OF LOTS TO GROSS LAND AREA AS PROVIDED IN ZONING CODE SECTION 11-7I-5.A.1. LOTS ARE THEREFORE NOT SUBJECT TO THIS REQUIREMENT ON AN INDIVIDUAL BASIS.

** ARCHITECTURAL FEATURES MAY EXTEND A MAX. OF FIVE FEET ABOVE MAXIMUM PERMITTED BUILDING HEIGHT.

*** LIVABILITY SPACE MAY BE LOCATED ON A LOT OR CONTAINED WITHIN COMMON OPEN SPACE OF THE DEVELOPMENT, AS PER SECTION 11-7I-5.C OF THE BIXBY ZONING CODE.

**** MASONRY SHALL INCLUDE BRICK, NATURAL OR MANUFACTURED STONE, AND STUCCO. CEMENTITIOUS FIBER IS AN APPROVED ALTERNATIVE. MINIMUM MASONRY PERCENTAGES SHALL EXCLUDE WINDOWS, DOORS, DECORATIVE ACCENTS, AND BENEATH COVERED PATIOS AND PORCHES.

† DEFINED AS THE AVERAGE HORIZONTAL DISTANCE BETWEEN THE SIDE LOT LINES, WHICH IS AS IT IS PRESENTLY DEFINED IN THE BIXBY ZONING CODE.

C. DEVELOPMENT STANDARDS FOR ALL PUD DEVELOPMENT AREAS

1. ACCESS AND CIRCULATION

STREETS SERVING DEVELOPMENT AREA B WILL BE PRIVATE, GATED STREETS WITHIN A MINIMUM 30' WIDE RESERVE AREA. DUE TO THE PRIVATE ROADS WITHIN DEVELOPMENT AREA B, A PRIVATE WALKING TRAIL IN THE COMMON AREA WILL BE PROVIDED IN-LIEU OF INTERNAL SIDEWALKS. PEDESTRIAN ACCESS WILL BE PROVIDED FROM COMMON AREAS TO THE PUBLIC RIGHT-OF-WAY ON EAST 121ST STREET SOUTH AND SOUTH MINGO ROAD. SIDEWALKS WHICH ARE PROPOSED OUTSIDE OF RESERVES OR RIGHT-OF-WAY SHALL BE PLACED IN A SIDEWALK EASEMENT. SIDEWALKS FOR DEVELOPMENT AREA A WILL BE CONSTRUCTED BY INDIVIDUAL LOT OWNERS AS A PART OF THE BUILDING PERMIT PROCESS.

STREETS SHALL BE CONSTRUCTED TO MEET ALL OTHER MINIMUM STANDARDS OF THE CITY OF BIXBY FOR MINOR PUBLIC STREETS; PROVIDED, HOWEVER, THE CITY OF BIXBY MAY APPROVE ALTERNATIVE STREET DESIGN STANDARDS THROUGH PLATTING. ANY DIVIDED, BOULEVARD STREETS SEPARATED BY PRIVATE LANDSCAPED ISLANDS MAY HAVE ONE-WAY LANES MEETING RIGHT-OF-WAY WIDTH REQUIREMENTS IN AGGREGATE AND SHALL OTHERWISE BE CONSTRUCTED TO MEET THE MINIMUM STANDARDS DETERMINED BY THE CITY OF BIXBY DURING THE PLATTING STAGE. ANY GATES SERVING PRIVATE STREETS OR DRIVES SHALL BE DESIGNED ACCORDING TO THE FIRE CODE ADOPTED BY THE CITY OF BIXBY AND BE APPROVED BY THE BIXBY FIRE MARSHAL.

2. SIGNS

WITHIN DEVELOPMENT AREA B, LANDSCAPING SHALL CONSIST OF MASONRY MONUMENT SIGNS WITH FOLIAGE AT THE ENTRANCES AND PERIMETER FENCING. ENTRANCE SIGNAGE SHALL BE PERMITTED ALONG THE ARTERIAL STREET FRONTAGE, SHALL COMPLY WITH THE STANDARDS PROVIDED IN THE BIXBY ZONING CODE, AND SHALL BE CONTAINED WITHIN RESERVE AREAS OR EASEMENTS TO BE MAINTAINED BY THE PROPERTY OWNERS' ASSOCIATION. SIGNAGE SERVING RESIDENTIAL NEIGHBORHOOD AMENITIES, APPROPRIATE FOR PURPOSE AND NEIGHBORHOOD SCALE, SHALL BE PERMITTED WITHIN RESERVE AREAS CONTAINING NEIGHBORHOOD AMENITIES.

IN DEVELOPMENT AREA A, SCREENING REQUIREMENTS BETWEEN RESIDENTIAL AND COMMERCIAL USES SHALL BE SATISFIED BY THE PERIMETER FENCE ESTABLISHED IN DEVELOPMENT AREA B. SIGNAGE AND LANDSCAPING IN DEVELOPMENT AREA A SHALL OTHERWISE COMPLY WITH THE BIXBY ZONING CODE.

3. PLATTING AND SITE PLAN REQUIREMENTS

NO BUILDING PERMIT SHALL BE ISSUED UNTIL A SUBDIVISION PLAT HAS BEEN SUBMITTED TO AND RECOMMENDED UPON BY THE BIXBY PLANNING COMMISSION AND APPROVED BY THE COUNCIL OF THE CITY OF BIXBY, AND DULY FILED OF RECORD. THE REQUIRED SUBDIVISION PLAT SHALL INCLUDE COVENANTS OF RECORD IMPLEMENTING THE DEVELOPMENT STANDARDS OF THE APPROVED PUD AND THE CITY OF BIXBY SHALL BE A BENEFICIARY THEREOF. WITHIN DEVELOPMENT AREA B, THE PLAT WILL ALSO SERVE AS THE SITE PLAN FOR ALL RESIDENTIAL LOTS AND DWELLING UNITS CONTAINED WITHIN THE PLAT.

4. CITY DEPARTMENT REQUIREMENTS

STANDARD REQUIREMENTS OF THE CITY OF BIXBY FIRE MARSHAL, CITY ENGINEER, AND CITY ATTORNEY SHALL BE MET.

SECTION IV - PROPERTY OWNERS' ASSOCIATION

A. FORMATION OF PROPERTY OWNERS' ASSOCIATION

THE OWNER/DEVELOPER HAS FORMED OR SHALL CAUSE TO BE FORMED, IN ACCORDANCE WITH THE STATUTES OF THE STATE OF OKLAHOMA, A NOT-FOR-PROFIT CORPORATE ENTITY, AN ASSOCIATION (THE "PROPERTY OWNERS' ASSOCIATION" OR "ASSOCIATION") COMPRISED OF ALL OWNERS OF LOTS WITHIN "THE FOUNTAINS", WHICH ASSOCIATION IS ESTABLISHED AND FORMED (OR TO BE ESTABLISHED AND FORMED) FOR THE GENERAL PURPOSES OF MAINTAINING THE COMMON AREAS, RESERVE AREAS, AND OTHER PROPERTY AND FACILITIES THAT ARE OR FROM TIME TO TIME MAY BE FOR THE COMMON USE AND BENEFIT OF THE LOTS AS THE SAME MAY BE AGREED TO BY THE MEMBERS OF THE ASSOCIATION, AND FOR THE PURPOSE OF ENHANCING THE VALUE, DESIRABILITY, AND ATTRACTIVENESS OF THIS SUBDIVISION.

B. MEMBERSHIP

EVERY PERSON OR ENTITY WHO IS A RECORD OWNER OF THE FEE INTEREST IN A LOT IN THE SUBDIVISION SHALL BE A MEMBER OF THE ASSOCIATION AND MEMBERSHIP SHALL BE APPURTENANT TO AND SHALL NOT BE SEPARATED FROM THE OWNERSHIP OF A LOT. THE ACCEPTANCE OF A DEED TO A LOT SHALL CONSTITUTE ACCEPTANCE OF MEMBERSHIP TO THE ASSOCIATION AS OF THE DATE OF INCORPORATION, OR AS OF THE DATE OF RECORDING OF THE DEED, WHICHEVER OCCURS LAST.

C. COVENANT FOR ASSESSMENTS

THE OWNER/DEVELOPER AND EACH SUBSEQUENT OWNER OF A LOT, BY ACCEPTANCE OF A DEED THEREOF, COVENANTS AND AGREES TO PAY TO THE ASSOCIATION ASSESSMENTS TO BE ESTABLISHED BY THE ASSOCIATION IN ACCORDANCE WITH A DECLARATION TO BE EXECUTED AND FILED OF RECORD BY THE OWNER/DEVELOPER. SAID DECLARATION MAY PROVIDE FOR THE DIVISION

AND ALLOCATION OF MAINTENANCE RESPONSIBILITIES AND ASSESSMENT DUES SUCH AS BETWEEN RESIDENTIAL AND NONRESIDENTIAL LOTS, THOSE LOTS DERIVING ACCESS VIA PRIVATE STREETS, OR BASED ON OTHER QUALITIES. AN UNPAID ASSESSMENT, PROPERLY FILED, SHALL BECOME A LIEN UPON THE LOT(S) AGAINST WHICH IT IS MADE. THE LIEN, HOWEVER, SHALL BE SUBORDINATE TO THE LIEN OF ANY FIRST MORTGAGE.

D. ENFORCEMENT RIGHTS OF THE ASSOCIATION

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

SECTION V - ENFORCEMENT, DURATION, AMENDMENT, & SEVERABILITY

A. ENFORCEMENT AND DURATION

THE RESTRICTIONS HEREIN SET FORTH SHALL BE COVENANTS RUNNING WITH THE LAND AND SHALL BE BINDING UPON THE OWNER/DEVELOPER, ITS GRANTEEES, TRANSFERREES, 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 AND RESTRICTIVE COVENANTS, AFTER WHICH TIME SAID COVENANTS SHALL BE AUTOMATICALLY EXTENDED FOR SUCCESSIVE PERIODS OF TEN (10) YEARS UNLESS AMENDED OR TERMINATED AS HEREINAFTER PROVIDED. 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).

B. AMENDMENT

THE COVENANTS CONTAINED WITHIN SECTION I. PUBLIC STREETS, EASEMENTS, AND UTILITIES AND SECTION V. 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 CITY OF BIXBY, OKLAHOMA. THE COVENANTS CONTAINED WITHIN SECTION III. PLANNED UNIT DEVELOPMENT RESTRICTIONS SHALL BE DEEMED AMENDED (WITHOUT NECESSITY OF EXECUTION OF AN AMENDING DOCUMENT) UPON APPROVAL OF A MINOR AMENDMENT TO BXPUD-23.03 BY THE BIXBY PLANNING COMMISSION AND RECORDING OF A CERTIFIED COPY OF THE MINUTES OF THE BIXBY PLANNING COMMISSION WITH THE TULSA COUNTY CLERK, OR UPON APPROVAL OF A MAJOR AMENDMENT TO BXPUD-23.03 UPON FILING OF RECORD AN ORDINANCE AND/OR OTHER VALID RECORD OF CITY OF BIXBY APPROVAL. THE COVENANTS WITHIN SECTION II. RESERVE AREAS AND SECTION IV. PROPERTY OWNERS' 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 THE SUBDIVISION OR ALTERNATIVELY, THE COVENANTS WITHIN SECTION II. OR IV. MAY BE AMENDED OR TERMINATED AT ANY TIME BY A WRITTEN INSTRUMENT SIGNED AND ACKNOWLEDGED BY THE OWNERS OF MORE THAN 75% OF THE LOTS WITHIN THE SUBDIVISION, PROVIDED HOWEVER, IN THE EVENT OF A CONFLICT OF AMENDING OR TERMINATING INSTRUMENTS, THE INSTRUMENT EXECUTED BY THE OWNER/DEVELOPER SHALL GOVERN. THE PROVISIONS OF ANY SUCH INSTRUMENT AMENDING OR TERMINATING COVENANTS SHALL BE EFFECTIVE FROM AND AFTER THE DATE 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 OCTOBER 23, 2023, OR AS SUBSEQUENTLY AMENDED.

IN WITNESS WHEREOF, THE OWNER HAS CAUSED THESE PRESENTS TO BE EXECUTED THIS _____ DAY OF _____, 2024.

SOONER DEVELOPMENT, LLC,
AN OKLAHOMA LIMITED LIABILITY COMPANY

BY: _____

[TITLE]

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 _____, 2024, PERSONALLY APPEARED _____, TO ME KNOWN TO BE THE IDENTICAL PERSON WHO SUBSCRIBED THE NAME OF SOONER DEVELOPMENT, LLC TO THE FOREGOING INSTRUMENT, AS ITS _____ 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 SOONER DEVELOPMENT, LLC FOR THE USES AND PURPOSES THEREIN SET FORTH. GIVEN UNDER MY HAND AND SEAL OF OFFICE THE DAY AND YEAR LAST ABOVE WRITTEN.



03/08/2028

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 "THE FOUNTAINS", A SUBDIVISION WITHIN 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 _____, 2024.



BY: _____

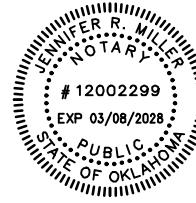
DAN E. TANNER
LICENSED PROFESSIONAL LAND SURVEYOR
OKLAHOMA NO. 1435

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 _____, 2024, PERSONALLY APPEARED TO ME DAN E. TANNER, TO ME 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 OF OFFICE THE DAY AND YEAR LAST ABOVE WRITTEN.

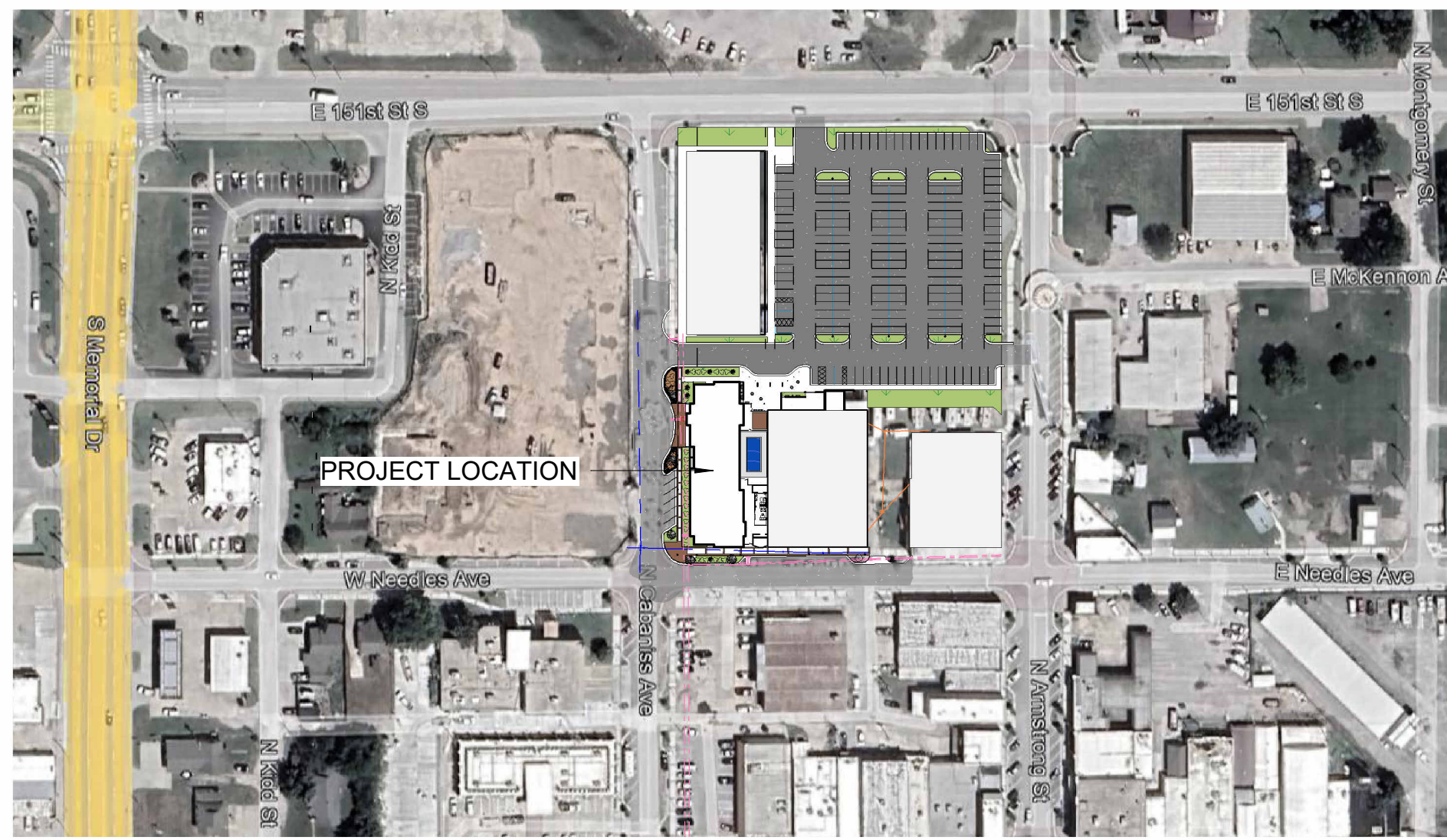


03/08/2028

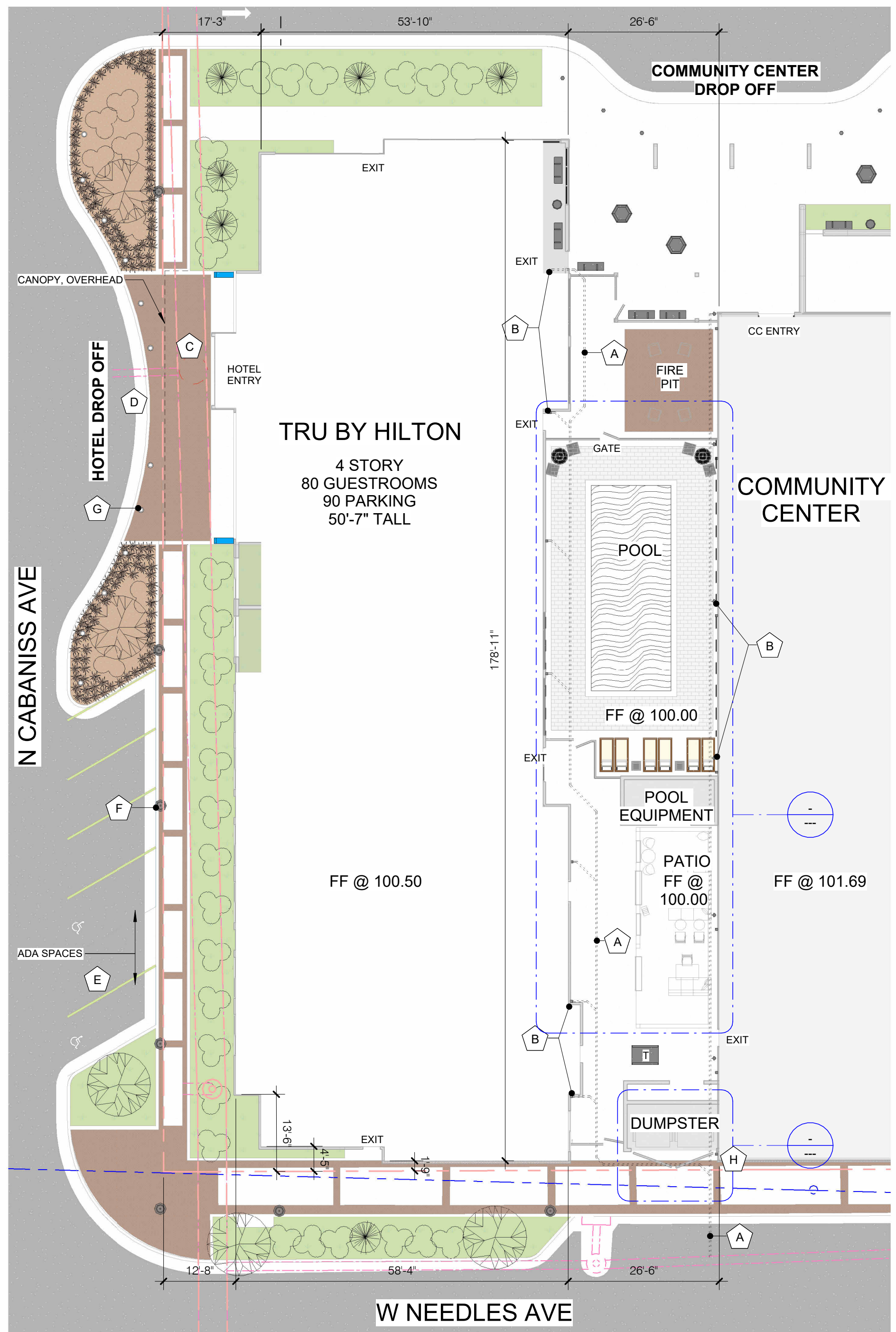
MY COMMISSION EXPIRES

NOTARY PUBLIC

© 2024 JOHN SANFORD ARCHITECTS - ALL PLANS, SPECIFICATIONS, COMPUTER FILES AND OTHER DOCUMENTATION PREPARED BY JOHN SANFORD ARCHITECTS ARE CONSIDERED INSTRUMENTS OF SERVICE AND SHALL REMAIN THE PROPERTY OF JOHN SANFORD ARCHITECTS. JOHN SANFORD ARCHITECTS SHALL RETAIN ALL COMMON LAW, STATUTORY AND OTHER RESERVED RIGHTS, INCLUDING THE COPYRIGHT HEREIN, ANY REUSE, REPRODUCTION, RECREATION AND REPRINTING WITHOUT WRITTEN PERMISSION IS PROHIBITED. ALL THIRD PARTY ALTERATIONS TO INSTRUMENTS OF SERVICE ISSUED BY JOHN SANFORD ARCHITECTS ARE THE PROPERTY OF JOHN SANFORD ARCHITECTS. JOHN SANFORD ARCHITECTS SHALL NOT BE RESPONSIBLE FOR ANY REUSE, REPRODUCTION, RECREATION AND REPRINTING WITHOUT WRITTEN PERMISSION. THESE DRAWINGS ARE NOT TO BE USED FOR CONSTRUCTION WITHOUT ARCHITECT'S AND ENGINEER'S SIGNATURE AND THEIR DATE OF ISSUE FOR CONSTRUCTION.



3 AREA MAP
SCALE: 1" = 160'-0"



- A UNDERGROUND COLLECTOR DRAIN
- B DOWNSPOUT TO UNDERGROUND COLLECTOR DRAIN, TYP.
- C MAX 1% SLOPE AWAY FROM BLDG
- D NO CURB AT DROPOFF
- E ADA SPACES TO BE RAISED UP TO CURB LEVEL, TO HAVE TIRESTOP & SIGNAGE, TYPICAL
- F STREET LIGHT, MATCH EXISTING
- G LIGHTED BOLLARD, PROVIDE POWER
- H MASONRY WALL WITH DECORATIVE METAL GATE

PROPERTY OWNER

LEISURE HOSPITALITY Management, Inc.

THESE DRAWINGS ARE INTENDED FOR REVIEW AND PERMITTING. DRAWINGS ARE NOT TO BE USED FOR CONSTRUCTION WITHOUT ARCHITECT'S AND ENGINEER'S SIGNATURE AND THEIR DATE OF ISSUE FOR CONSTRUCTION.

John Sanford
ARCHITECTS
9726 E. 42nd St. SUITE 153
TULSA, OK 74146
918.640.680
@JNSANFORD@AOL.COM

Copyright 2024 John Sanford
JOHN SANFORD, AIA,
NCARB
OKLAHOMA LICENSE # 2773

NOT VALID FOR CONSTRUCTION UNLESS SIGNED IN THIS BLOCK

REVIEW SET

TRU BY HILTON - DOWNTOWN BIXBY
W NEEDLES AVE & N CABANISS ST
BIXBY, OKLAHOMA

240024
7/2/2024 5:48:23 PM

No.	Description	Date

SHEET

A100
SITE PLAN