



Tulsa Metropolitan Area
Planning Commission

Case : Leinbach Apartments Stuart
Tract - Reinstatement

Hearing Date: March 7, 2018

Case Report Prepared by:

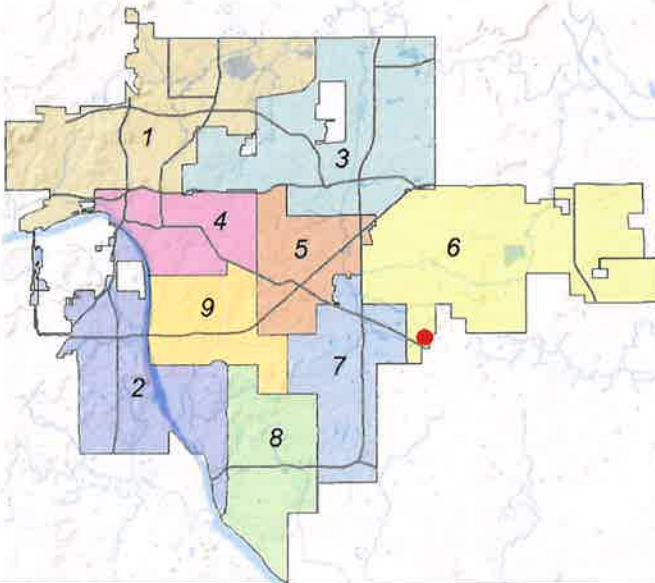
Nathan Foster

Owner and Applicant Information:

Applicant: Wallace Engineering

Owner: First Stuart Corporation & Leake
Investment Company

Location Map:
(shown with City Council Districts)



Applicant Proposal:

Reinstatement of Preliminary Plat

Location: East of the southeast corner of
East 51st Street South and South 129th
East Avenue

Zoning: CO-1 (Corridor Development Plan)

Staff Recommendation:

Staff recommends **approval** of the
reinstatement

City Council District: 6

Councilor Name: Connie Dodson

County Commission District: 1

Commissioner Name: John Smaligo

EXHIBITS: Reinstatement request, approved preliminary plat & conditions



February 16, 2018

Michael Covey
Chairman
Tulsa Metropolitan Area Planning Commission
2 West Second Street Suite 800
Tulsa, Oklahoma 74103

Re: Leinbach Apartments Stuart Tract Preliminary Plat Reinstatement Request

Chairman Covey:

Leinbach Apartments Stuart Tract preliminary plat was approved on February 1, 2017. The engineering design was to be continuing and progressing in typical fashion, however due to reasons unbeknownst to the owner, engineering design had slowed. The owner had discussions with the design firm and requested for design to proceed and be completed in a timely manner.

After a duration deemed acceptable by the owner, the engineering design was not back on schedule where it should have been. The actual reasons still allude the owner to this day for the cause of delay. The owner and engineering design firm at this point decided to part ways.

Since that time, Wallace Engineering has been engaged to complete the design drawings and finalize the plat. Engineering IDP drawings have been submitted back to the City of Tulsa and the plat is now in position to move forward.

We do not want to take a step backward but forward. Hence we respectfully request for the preliminary plat be reinstated at this time. The developer has been patient long enough trying to get the project completed and is anxiously awaiting final completion and approval for the project.

If you have any questions or need additional information, please do not hesitate to contact us.

Sincerely,

A handwritten signature in black ink, appearing to read "Darren Burns".

Darren Burns, P.E.
Principal

Copies: File

Wallace Engineering
Structural Consultants, Inc.
200 East Mathew Brady Street
Tulsa, Oklahoma 74103
918.584.5858, 800.364.5858
www.wallacesc.com

3.2

Leinbach Apartments Stuart Tract

A SUBDIVISION IN THE CITY OF TULSA, BEING A PART OF THE WEST HALF (W/2) OF THE NORTHEAST QUARTER (NE/4) OF SECTION THIRTY-THREE (33), TOWNSHIP NINETEEN (19) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN MERIDIAN, TULSA COUNTY, OKLAHOMA,

A strip of land situated in the West Half (W/2) of the Northeast Quarter (NE/4) of Section Thirty-three (33), Township Nineteen (19) North, Range Fourteen (14) East of the Indian Meridian, Tulsa County, Oklahoma, said tract is more particularly described as follows:

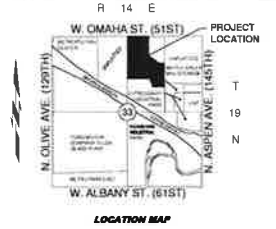
- Beginning at the North Corner Corner of said Section 33,
 - Thence S. 88°42'33" E., along the West Line of the West Half of the Northeast Quarter of said Section 33, a distance of 508.50 feet;
 - Thence S. 122°57' L., parallel with the East Line of the West Half of the Northeast Quarter of said Section 33, a distance of 508.50 feet;
 - Thence S. 58°02'59" E. a distance of 348.47 feet;
 - Thence S. 122°57' L., parallel with the East Line of the West Half of the Northeast Quarter of said Section 33, a distance of 363.03 feet to the East Line of the West Half of the Northeast Quarter of said Section 33;
 - Thence S. 122°57' L., along the East Line of the West Half of the Northeast Quarter of said Section 33, a distance of 342.51 feet;
 - Thence S. 88°52'00" W., perpendicular to the East Line of the West Half of the Northeast Quarter of said Section 33, a distance of 438.82 feet;
 - Thence along a non-curved curve to the left, said curve having a radius of 430.02 feet, for a distance of 253.33 feet, the chord of said curve being N. 17°33'36" W., 248.87 feet;
 - Thence S. 88°52'00" W. a distance of 412.50 feet;
 - Thence S. 88°52'00" W., perpendicular to the East Line of the West Half of the Northeast Quarter of said Section 33, a distance of 392.80 feet to the West Line of the West Half of the Northeast Quarter of said Section 33;
 - Thence S. 122°57' L., along the West Line of the West Half of the Northeast Quarter of said Section 33, a distance of 508.50 feet to the Point of Beginning.
- Said tract contains 33.45 acres in gross, including 0.42 acres of existing. Statutory Right-of-Way.



GENERICITY OF SURVEY

THE SURVEYOR HAS CONDUCTED THIS SURVEY IN ACCORDANCE WITH THE OATH OF A PROFESSIONAL LAND SURVEYOR IN THE STATE OF OKLAHOMA. SHE HEREBY CERTIFIES THAT SHE HAS CAREFULLY AND ACCURATELY RECORDED THE FIELD NOTES AND DATA AND THAT THE ACCOMPANYING PLAT DESIGN IS HEREBY AS LEINBACH APARTMENTS STUART TRACT A SUBDIVISION IN THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA. AS THE REPRESENTATION OF THE SURVEY MADE ON THE ORIGINAL DURING THE MONTH OF NOVEMBER 2016 USING GENERALLY ACCEPTED PRACTICES AND METHODS OF THE OLAHOMA SURVEYING STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED.

RICHARD BARR
LICENSED PROFESSIONAL LAND SURVEYOR
OKLAHOMA NO. 1820



LOCATION MAP



STATE OF OKLAHOMA }
COUNTY OF TULSA } SS

I, PAT KEY, TULSA COUNTY CLERK, IN AND FOR THE COUNTY AND STATE ABOVE, DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF A LIKE INSTRUMENT NOW ON FILE IN MY OFFICE.

DATED THE _____ DAY OF _____ 2016

PAT KEY, TULSA COUNTY CLERK

DEPUTY

APPROVED _____ BY THE CITY COUNCIL OF THE CITY OF TULSA, OKLAHOMA

MAYOR _____

ATTEST: CITY CLERK _____

NOTE:
The Public Records Act (Title 22, Section 2-201) of the State of Oklahoma requires that all instruments recorded in the Public Records be recorded in the Public Records in accordance with the requirements of the Public Records Act. This instrument is being recorded in accordance with the requirements of the Public Records Act.

BASIS OF BEARINGS:
The bearings shown on this plat were obtained by the use of a magnetic compass, and the same are subject to the usual magnetic declination. The bearings shown on this plat are true bearings.

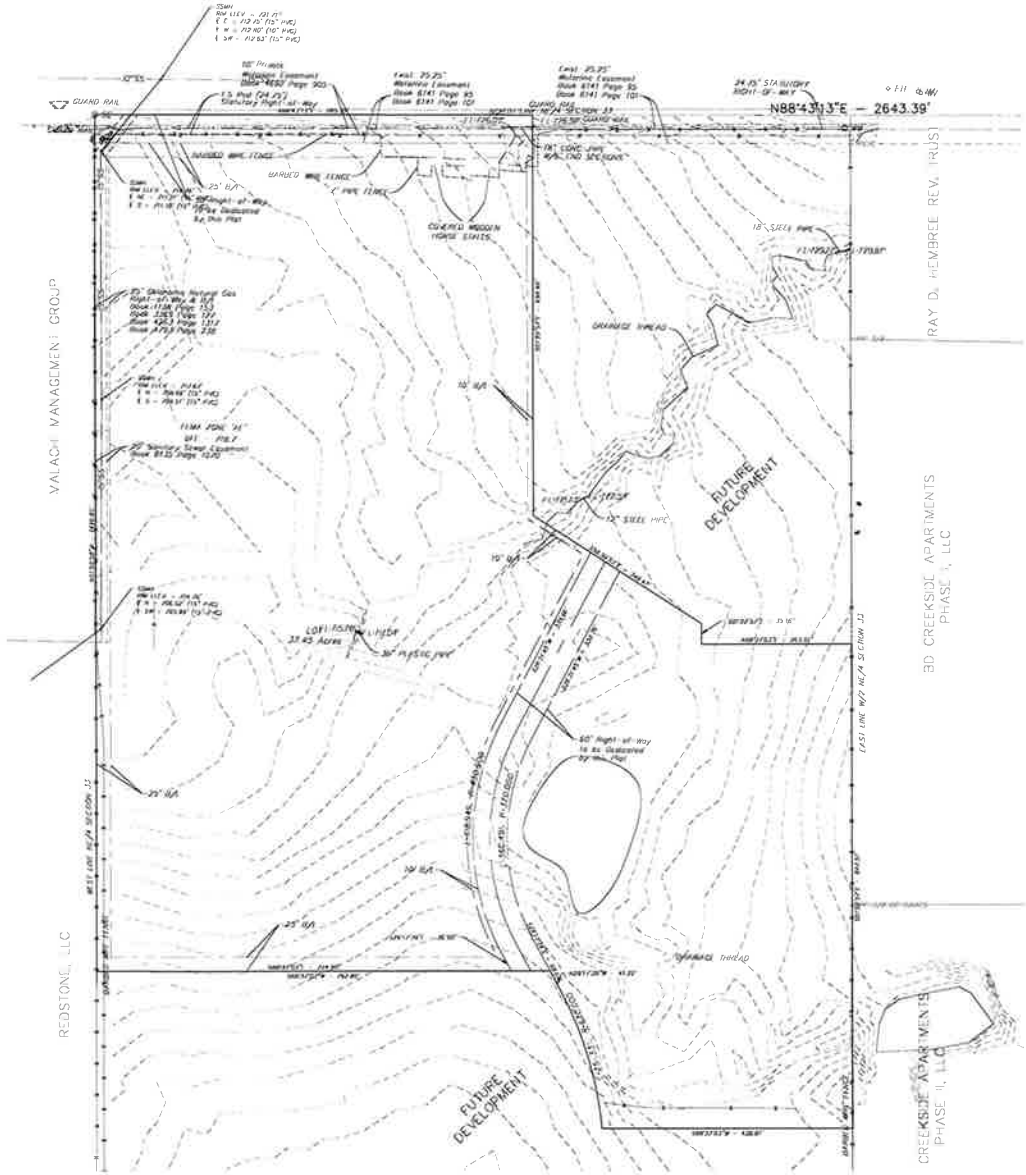
THIS DOCUMENT IS PRELIMINARY IN NATURE AND IS NOT A FINAL SIGNED AND SEALED DOCUMENT

DEVELOPER / OWNER
LEINBACH COMPANIES, INC.
EDWARD W. LEINBACH, PRESIDENT
2740 EAST 49TH STREET
TULSA, OKLAHOMA 74135
PHONE: (918) 483-2100

ENGINEER - SURVEYOR
COWAN, CROFT, ENGINEERING, LLC
CA 6414 EXP. 08-30-2016
5415 S. WALSH, SUITE 210
TULSA, OK 74135
PHONE: (918) 949-6177
EMAIL: RICH@COWANGROUP.COM



OKLAHOMA SURVEYING PROFESSIONALS
18 SURVEYING BOARD #10
18 SURVEYING BOARD #10
WWW.OKLAHOMASURVEYINGPROFS.COM
OKLAHOMA SURVEYING PROFESSIONALS
15-498



3.3

Leinbach Apartments Stuart Tract

A SUBDIVISION IN THE CITY OF TULSA, BEING A PART OF THE WEST HALF (W/2) OF THE NORTHEAST QUARTER (NE/4) OF SECTION THIRTY-THREE (33), TOWNSHIP NINETEEN (19) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN MERIDIAN, TULSA COUNTY, OKLAHOMA.

LEINBACH APARTMENTS STUART TRACT DEED OF DEDICATION AND RESTRICTIVE COVENANTS

KNOW ALL MEN BY THESE PRESENTS:

LEINBACH COMPANIES, INC., AN OKLAHOMA CORPORATION, HERINAFTER REFERRED TO AS THE "OWNER," IS THE OWNER OF THE FOLLOWING DESCRIBED LAND IN THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, TO WIT:

A PART OF THE NORTHEAST QUARTER (NE/4) OF SECTION THIRTY-THREE (33), TOWNSHIP NINETEEN (19) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF.

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

INSERT LEGAL DESCRIPTION HERE

THE BASIS OF BEARINGS FOR SAID TRACT IS _____ ALONG THE _____ LINE OF THE NORTHEAST QUARTER (NE/4) OF SECTION THIRTY-THREE (33), TOWNSHIP NINETEEN (19) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF.

THE OWNER HAS CAUSED THE ABOVE DESCRIBED LAND TO BE SURVEYED, STAKED, PLATTED AND SUBDIVIDED INTO LOTS, BLOCKS AND RESERVE AREAS, IN CONFORMITY WITH THE ACCOMPANYING PLAT AND SURVEY (HEREINAFTER THE "PLAT") AND HAS ENTITLED AND DESIGNATED THE SUBDIVISION AS "LEINBACH APARTMENTS STUART TRACT," A SUBDIVISION IN THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA (HEREINAFTER "LEINBACH APARTMENTS STUART TRACT" OR THE "SUBDIVISION").

Section I. Public Streets, Easements and Utilities

A. PUBLIC STREETS AND UTILITY EASEMENTS

THE OWNER DOES HEREBY DEDICATE FOR PUBLIC USE THE PUBLIC STREET RIGHTS-OF-WAY AS DEPICTED ON THE ACCOMPANYING PLAT AND DOES FURTHER DEDICATE FOR PUBLIC USE THE UTILITY EASEMENTS AS DEPICTED ON THE ACCOMPANYING PLAT AS "UTILITY EASEMENTS" FOR THE SEVERAL PURPOSES OF CONSTRUCTING, MAINTAINING, OPERATING, REPAIRING, REPLACING, AND/OR REMOVING ANY AND ALL PUBLIC UTILITIES, INCLUDING STORM SEWERS, SANITARY WATERS, 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 APPLIANCES THERETO, WITH THE RIGHTS OF INGRESS AND EGRESS TO AND UPON THE UTILITY EASEMENTS FOR THE USES AND PURPOSES AFORESAID, PROVIDED HOWEVER, THE OWNER HEREBY RESERVES THE RIGHT TO CONSTRUCT, MAINTAIN, OPERATE, LAY AND RE-LAY WATER LINES AND SEWER LINES, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS FOR SUCH CONSTRUCTION, MAINTENANCE, OPERATION, LAYING AND RE-LAYING OVER, ACROSS AND ALONG ALL OF THE UTILITY EASEMENTS DEPICTED ON THE PLAT, FOR THE PURPOSE OF FURNISHING WATER AND/OR SEWER SERVICES TO THE AREA INCLUDED IN THE PLAT. THE OWNER HEREBY IMPOSES A RESTRICTIVE COVENANT, WHICH COVENANT SHALL BE BINDING ON EACH LOT OWNER AND SHALL BE ENFORCEABLE BY THE CITY OF TULSA, OKLAHOMA, AND BY THE SUPPLIER OF ANY AFFECTED UTILITY SERVICE, THAT WITHIN THE UTILITY EASEMENTS DEPICTED ON THE ACCOMPANYING PLAT NO BUILDING, STRUCTURE OR OTHER ABOVE OR BELOW GROUND OBSTRUCTION THAT INTERFERES WITH THE ABOVE SET FORTH USES AND PURPOSES OF AN EASEMENT SHALL BE PLACED, ERRECTED, INSTALLED OR MAINTAINED, PROVIDED HOWEVER, NOTHING HEREIN SHALL BE DEEMED TO PROHIBIT DRIVES, PARKING AREAS, CURBING, LANDSCAPING AND CUSTOMARY SCREENING FENCES OR WALLS THAT DO NOT CONSTITUTE AN OBSTRUCTION.

B. ELECTRIC, TELEPHONE, CABLE TELEVISION AND GAS SERVICE

1. OVERHEAD POLES FOR THE SUPPLY OF ELECTRIC, TELEPHONE, OR CABLE TELEVISION SERVICE MAY BE LOCATED ALONG THE NORTHERN PERMETER OF THE SUBDIVISION AS NECESSARY IF LOCATED IN UTILITY EASEMENTS AS DEPICTED ON THE ACCOMPANYING PLAT. STREET LIGHT POLES OR STANDARDS MAY BE SERVED BY OVERHEAD LINE OR UNDERGROUND CABLE. EASEMENTS WITHIN THE SUBDIVISION, SUPPLY LINES, INCLUDING ELECTRIC, TELEPHONE, CABLE TELEVISION AND GAS SERVICE, SHALL BE LOCATED UNDERGROUND, IN THE UTILITY EASEMENTS DEPICTED ON THE ACCOMPANYING PLAT. SERVICE PREDESTALS AND TRANSFORMERS, AS SOURCES OF SUPPLY AT NECESSARY VOLTAGES, MAY ALSO BE LOCATED IN THE UTILITY EASEMENTS.

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, REGISTAL 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 SUCH A SERVICE CABLE OR GAS SERVICE LINE TO A PARTICULAR STRUCTURE, THE SERVICE PREDESTAL AND TRANSFORMER, AS SOURCES OF SUPPLY, FURNISHING PERMANENT AND EFFECTIVE 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 SERVICE PREDESTAL, TRANSFORMER OR GAS MAIN TO THE SERVICE ENTRANCE ON THE STRUCTURE.

3. THE SUPPLIER OF ELECTRIC, TELEPHONE, CABLE TELEVISION OR GAS SERVICE, THROUGH ITS AGENTS AND EMPLOYEES, SHALL AT ALL TIMES HAVE RIGHT OF ACCESS TO ALL UTILITY EASEMENTS DEPICTED ON THE ACCOMPANYING PLAT OR OTHERWISE PROVIDED FOR IN THIS DEED OF DEDICATION FOR THE PURPOSES OF INSTALLING, MAINTAINING, REMOVING OR REPLACING ANY PORTION OF THE UNDERGROUND ELECTRIC, TELEPHONE, CABLE TELEVISION OR GAS SERVICE 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 OR HER PROPERTY AND SHALL PREVENT THE ALTERATION OF GRADE OR ANY CONSTRUCTION ACTIVITY WHICH WOULD INTERFERE WITH THE ELECTRIC, TELEPHONE, CABLE TELEVISION OR GAS FACILITIES. THE SUPPLIER OF SERVICE WILL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF UNDERGROUND FACILITIES, BUT THE OWNER OF THE LOT WILL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER OR HIS OR HER AGENTS OR CONTRACTORS.

5. THE FOREGOING COVENANTS IN THIS SUBSECTION SHALL BE ENFORCEABLE BY THE SUPPLIER OF ELECTRIC, TELEPHONE, CABLE TELEVISION, OR GAS SERVICES, AND THE OWNER OF THE LOT AGREES TO BE BOUND THEREBY.

C. WATER, SANITARY SEWER AND STORM SEWER SERVICE

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

2. WITHIN THE UTILITY EASEMENT AREAS DEPICTED ON THE ACCOMPANYING PLAT, THE ALTERATION OF GRADE FROM THE CONTIGUOUS 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 AND STORM SEWERS SHALL BE PROHIBITED.

3. THE CITY OF TULSA, OKLAHOMA, OR ITS SUCCESSORS, SHALL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF PUBLIC WATER AND SEWER MAINS, BUT THE OWNER OF THE LOT SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER OF THE LOT, OR BY ACTS OF THE OWNER'S AGENTS AND/OR CONTRACTORS.

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

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

D. USE OF RESERVE 'A' - STORM WATER DETENTION

1. THE OWNER DOES HEREBY GRANT TO THE CITY OF TULSA, OKLAHOMA, AND ESTABLISH A PERPETUAL EASEMENT ON, OVER AND ACROSS RESERVE 'A' (HEREINAFTER REFERRED TO AS "DETENTION EASEMENT AREA") FOR THE PURPOSES OF PERMITTING THE FLOW, CONVEYANCE, DETENTION AND DISCHARGE OF STORM WATER RUNOFF FROM THE VARIOUS LOTS WITHIN THE SUBDIVISION AND FROM PROPERTIES OUTSIDE THE SUBDIVISION.

2. DETENTION, AND OTHER DRAINAGE FACILITIES CONSTRUCTED WITHIN RESERVE AREA 'A' SHALL BE IN ACCORDANCE WITH STANDARDS AND SPECIFICATIONS APPROVED BY THE CITY OF TULSA, OKLAHOMA.

3. DETENTION, AND OTHER DRAINAGE FACILITIES SHALL BE MAINTAINED BY THE PROPERTY OWNERS' ASSOCIATION TO BE FORMED PURSUANT TO SECTION V ("THE PROPERTY OWNERS' ASSOCIATION") TO THE EXTENT NECESSARY TO ACHIEVE THE INTENDED DRAINAGE AND DETENTION FUNCTIONS, INCLUDING REPAIR OF APPLIANCES AND REMOVAL OF OBSTRUCTIONS AND SILTATION, AND THE PROPERTY OWNERS' ASSOCIATION SHALL PROVIDE ROUTE AND CUSTOMARY GROUNDS MAINTENANCE WITHIN THE DETENTION EASEMENT AREA WHICH SHALL BE IN ACCORDANCE WITH THE FOLLOWING STANDARDS:

- a. THE DETENTION EASEMENT AREA SHALL BE KEPT FREE OF LITTER.
- b. THE DETENTION EASEMENT AREA SHALL BE MOWED DURING THE GROWING SEASON AT INTERVALS NOT EXCEEDING 4 WEEKS.
- c. IN THE EVENT THE PROPERTY OWNERS' ASSOCIATION SHOULD FAIL TO PROPERLY MAINTAIN THE DETENTION EASEMENT AREA AS ABOVE PROVIDED, THE CITY OF TULSA, OKLAHOMA, OR ITS DESIGNATED CONTRACTOR MAY ENTER THE DETENTION EASEMENT AREA AND PERFORM SUCH MAINTENANCE, AND THE COST THEREOF SHALL BE PAID BY THE PROPERTY OWNERS' ASSOCIATION.
- d. IN THE EVENT THE PROPERTY OWNERS' ASSOCIATION, AFTER COMPLETION OF THE MAINTENANCE AND RECEIPT OF A STATEMENT OF COSTS, FAILS TO PAY THE COST OF MAINTENANCE AS ABOVE SET FORTH, THE CITY OF TULSA, OKLAHOMA, MAY FILE OF RECORD A COPY OF THE STATEMENT OF COSTS AND THEREAFTER THE COSTS SHALL BE A LIEN AGAINST EACH LOT WITHIN THE SUBDIVISION, PROVIDED HOWEVER, THE LIEN AGAINST EACH LOT SHALL NOT EXCEED THE PORTION OF THE COSTS CALCULATED BY DIVIDING THE TOTAL COSTS BY THE TOTAL NUMBER OF LOTS REPRESENTED BY THE PROPERTY OWNERS' ASSOCIATION.
- e. A LIEN ESTABLISHED AS ABOVE PROVIDED MAY BE FORECLOSED BY THE CITY OF TULSA, OKLAHOMA.

E. OVERLAND DRAINAGE EASEMENTS

1. THE OWNER DOES HEREBY GRANT TO THE CITY OF TULSA, OKLAHOMA, AND ESTABLISH PERPETUAL EASEMENTS ON, OVER AND ACROSS THOSE AREAS DESIGNATED ON THE ACCOMPANYING PLAT AS "OVER-OR OVERLAND DRAINAGE EASEMENTS" FOR THE PURPOSES OF PERMITTING THE OVERLAND FLOW, CONVEYANCE, AND DISCHARGE OF STORM WATER RUNOFF FROM THE VARIOUS LOTS WITHIN THE SUBDIVISION AND FROM PROPERTIES OUTSIDE THE SUBDIVISION.

2. DRAINAGE FACILITIES CONSTRUCTED IN OVERLAND DRAINAGE EASEMENTS SHALL BE IN ACCORDANCE WITH THE ACCEPTED STANDARDS OF THE CITY OF TULSA, OKLAHOMA, AND PLANS AND SPECIFICATIONS APPROVED BY THE CITY OF TULSA, OKLAHOMA.

3. NO FENCE, WALL, BUILDING OR OTHER OBSTRUCTION MAY BE PLACED OR MAINTAINED IN THE OVERLAND DRAINAGE EASEMENTS UNLESS APPROVED BY THE CITY OF TULSA, OKLAHOMA, PROVIDED, HOWEVER, THAT THE PLANTING OF TURTLE OR SINGLE TRUNK TREES HAVING A CALIPER OF NOT LESS THAN TWO AND ONE-HALF (2 1/2) INCHES SHALL NOT REQUIRE THE APPROVAL OF THE CITY OF TULSA, OKLAHOMA.

4. THE OVERLAND DRAINAGE EASEMENT AREAS AND FACILITIES SHALL BE MAINTAINED BY THE OWNER OF THE LAND UPON WHICH THE DRAINAGE EASEMENT IS LOCATED AT HIS COST IN ACCORDANCE WITH STANDARDS PRESCRIBED BY THE CITY OF TULSA, OKLAHOMA. IN THE EVENT THE OWNER OF THE LAND OVER WHICH AN OVERLAND DRAINAGE EASEMENT IS LOCATED SHOULD FAIL TO PROPERLY MAINTAIN THE EASEMENT AREA AND FACILITIES LOCATED THEREON OR IN THE EVENT OF THE PLACEMENT OF AN OBSTRUCTION WITHIN THE EASEMENT AREA OR THE FAILURE TO MAINTAIN THE EASEMENT AREA AND FACILITIES OR THE DISCHARGE OR ITS DESIGNATED CONTRACTOR MAY ENTER THE EASEMENT AREA AND PERFORM MAINTENANCE NECESSARY TO THE ACHIEVEMENT OF THE INTENDED DRAINAGE FUNCTIONS AND MAY REMOVE ANY OBSTRUCTION OR CORRECT ANY ALTERATION OF GRADE OR CONDUIT, AND THE COST THEREOF SHALL BE PAID BY THE OWNER OF THE LAND. IN THE EVENT THE OWNER FAILS TO PAY THE COST OF MAINTENANCE AFTER COMPLETION OF THE MAINTENANCE AND RECEIPT OF A STATEMENT OF COSTS, THE CITY OF TULSA, OKLAHOMA, MAY FILE OF RECORD A COPY OF THE STATEMENT OF COSTS, AND THEREAFTER THE COSTS SHALL BE A LIEN AGAINST THE LAND OF THE OWNER. A LIEN ESTABLISHED AS ABOVE PROVIDED MAY BE FORECLOSED BY THE CITY OF TULSA, OKLAHOMA.

F. CERTIFICATE OF OCCUPANCY RESTRICTIONS

NO CERTIFICATE OF OCCUPANCY FOR A BUILDING WITHIN THE SUBDIVISION SHALL BE ISSUED BY THE CITY OF TULSA, OKLAHOMA UNTIL CONSTRUCTION OF THE REQUIRED INFRASTRUCTURE (STREETS, WATER, SANITARY SEWER AND STORM SEWER SYSTEMS) SERVING THE ENTIRE SUBDIVISION HAS BEEN COMPLETED AND ACCEPTED BY THE CITY OF TULSA, OKLAHOMA. NOTWITHSTANDING THE FOREGOING, THE CITY OF TULSA, OKLAHOMA MAY AUTHORIZE THE PHASING OF THE CONSTRUCTION OF INFRASTRUCTURE WITHIN THE SUBDIVISION, AND IF PHASING IS AUTHORIZED, A CERTIFICATE OF OCCUPANCY FOR A BUILDING WITHIN AN AUTHORIZED PHASE MAY BE ISSUED UPON THE COMPLETION AND ACCEPTANCE OF THE INFRASTRUCTURE SERVING THE PARTICULAR PHASE. THE CITY OF TULSA, OKLAHOMA'S ACCEPTANCE SHALL BE EVIDENCED BY A DOCUMENT EXECUTED BY THE MAYOR OF THE CITY OF TULSA, OKLAHOMA (THE "CITY OF TULSA, OKLAHOMA'S ACCEPTANCE OF INFRASTRUCTURE") AND FILED IN THE RECORDS OF THE TULSA COUNTY CLERK. BUILDING CONSTRUCTION OCCURRING PRIOR TO RECEIVING OF THE CITY OF TULSA, OKLAHOMA'S ACCEPTANCE OF INFRASTRUCTURE SHALL BE AT THE RISK OF THE OWNER OF THE LOT, NOTWITHSTANDING THE ISSUANCE OF A BUILDING PERMIT.

G. SURFACE DRAINAGE AND LOT GRADING RESTRICTION

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 PUBLIC STREETS AND EASEMENTS. NO LOT OWNER SHALL CONSTRUCT OR PERMIT TO BE CONSTRUCTED ANY FENCING OR OTHER OBSTRUCTIONS WHICH WOULD IMPAIR THE DRAINAGE OF STORM AND SURFACE WATERS OVER AND ACROSS HIS LOT. THE FOREGOING COVENANTS SET FORTH IN THIS PARAGRAPH G SHALL BE ENFORCEABLE BY ANY AFFECTED LOT OWNER AND BY THE CITY OF TULSA, OKLAHOMA.

H. LIMITS OF NO ACCESS

THE UNDERGROUND OWNER HEREBY WELLSUBSIDIENS RIGHTS OF VEHICULAR INGRESS OR EGRESS FROM ANY PORTION OF THE PROPERTY ADJACENT TO EAST 51ST STREET SOUTH 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 REVOKED BY THE TULSA METROPOLITAN AREA PLANNING COMMISSION, OR ITS SUCCESSOR, AND WITH THE APPROVAL OF THE CITY OF TULSA, OKLAHOMA, AS 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 TULSA, OKLAHOMA.

I. PAVING AND LANDSCAPING WITHIN EASEMENTS

THE OWNER OF THE LOT AFFECTED SHALL BE RESPONSIBLE FOR THE REPAIR OF DAMAGE TO 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 TULSA, OKLAHOMA, OR THE SUPPLIER OF THE UTILITY SERVICE SHALL USE REASONABLE CARE IN THE PERFORMANCE OF SUCH ACTIVITIES.

Section II. Sidewalks

WITHIN THE SUBDIVISION, THERE SHALL BE CONTIGUOUS SIDEWALKS MEETING THE SUBDIVISION REGULATIONS FOR THE TULSA METROPOLITAN AREA OR MODIFICATIONS THEREOF APPROVED BY THE TULSA METROPOLITAN AREA PLANNING COMMISSION OR ITS SUCCESSOR AND THE CITY OF TULSA.

A. SIDEWALK ALONG EAST 51ST STREET SOUTH AND RESERVE AREAS

THE OWNER SHALL CONSTRUCT THE SIDEWALK ALONG THE ENTIRE EAST 51ST STREET SOUTH FRONTAGE AND ALL RESERVE AREA FRONTAGES ONTO STREETS WITHIN THE SUBDIVISION.

B. MAINTENANCE OF SIDEWALKS IN RESERVE AREAS

THE PROPERTY OWNERS' ASSOCIATION SHALL MAINTAIN ALL SIDEWALKS WITHIN RESERVE AREA 'A' IN GOOD CONDITION.

Section III. Fence and Landscape Easement

THE OWNER HEREBY ESTABLISHES AND RESERVES FOR SUBSEQUENT CONVEYANCE TO THE PROPERTY OWNERS' ASSOCIATION AN EXCLUSIVE PERPETUAL EASEMENT TO ERECT AND MAINTAIN FENCING, WALLS AND LANDSCAPING ALONG THE NORTH BOUNDARY OF THE SUBDIVISION WITHIN THE EASEMENTS DEPICTED ON THE ACCOMPANYING PLAT AS "FENCE & LANDSCAPE EASEMENT" OR "FENCE".

Section IV. CORRIDOR DEVELOPMENT RESTRICTIONS

Section B. Corridor Site Plan CD-1 Development Restrictions

WHEREAS, STUART TRACT CD-1 WAS SUBMITTED AS A CORRIDOR SITE PLAN AS PROVIDED WITHIN SECTION 3 OF ARTICLE VII OF THE ZONING ORDINANCE OF THE CITY OF TULSA, OKLAHOMA (ORDINANCE NO. 1560) AS AMENDED AND ENACTED ON JULY 6, 2016 (HEREINAFTER THE "TULSA METROPOLITAN AREA ZONING CODE"), WHICH CD-1 WAS AFFIRMATIVELY RECOMMENDED BY THE "TULSA METROPOLITAN AREA PLANNING COMMISSION" ON JULY 1, 2016, AND APPROVED BY THE COUNCIL OF THE CITY OF TULSA, OKLAHOMA, ON _____ AND _____

WHEREAS, THE ZONING CODE DEVELOPMENT PROVISIONS OF THE CITY OF TULSA METROPOLITAN AREA ZONING CODE REQUIRE THE ESTABLISHMENT OF COVENANTS OR RECORDS, INCLUDING THOSE ENFORCEABLE BY THE CITY OF TULSA, STATE OF OKLAHOMA, SUFFICIENT TO ASSURE THE IMPLEMENTATION AND COMPLYMENT WITH THE APPROVED CORRIDOR SITE PLAN, AND

WHEREAS, THE OWNER DESIRES TO ESTABLISH RESTRICTIONS FOR THE PURPOSE OF PROVIDING FOR AN ORDERLY DEVELOPMENT OF THE RESERVE AREAS WITHIN THE SUBDIVISION FOR THE BENEFIT OF THE OWNER, ITS SUCCESSORS AND ASSIGNS, AND THE CITY OF TULSA, STATE OF OKLAHOMA,

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

A. DEVELOPMENT IN ACCORDANCE WITH THE APPROVED CORRIDOR SITE PLAN CD-1

LEINBACH APARTMENTS STUART TRACT SHALL BE DEVELOPED AND USED IN SUBSTANTIAL ACCORDANCE WITH THE RESTRICTIONS AND DEVELOPMENT STANDARDS OF CORRIDOR SITE PLAN CD-1 AS APPROVED BY THE TULSA CITY COUNCIL, OR IN SUBSTANTIAL ACCORDANCE WITH SUCH MODIFICATIONS OR AMENDMENTS OF THE RESTRICTIONS AND DEVELOPMENT STANDARDS OF CD-1 AS MAY BE SUBSEQUENTLY APPROVED.

B. APPLICABLE ORDINANCE

THE DEVELOPMENT OF LEINBACH APARTMENTS STUART TRACT SHALL BE SUBJECT TO THE CORRIDOR SITE PLAN CD-1 DEVELOPMENT PROVISIONS OF THE CITY OF TULSA METROPOLITAN AREA ZONING CODE, AS SUCH PROVISIONS EXIST ON _____

C. DEVELOPMENT STANDARDS

1. DEVELOPMENT AREA

PERMITTED USES: RESIDENTIAL, LIMITED TO PATIO HOUSE, TOWNHOUSE, COTTAGE HOUSE DEVELOPMENT, MULTI UNIT HOUSE AND APARTMENTS WITH USES CUSTOMARILY ACCESSORY TO THE ALLOWED PRINCIPAL USES.

MINIMUM LOT AREA (DWELLING UNIT) 1,000 SF

MINIMUM LOT AREA (RUE) 5,000 SF

MINIMUM BUILDING HEIGHT: 75 FT

MINIMUM BUILDING PERMETER SETBACKS:

FROM EAST 51ST STREET 25 FT

EAST BOUNDARY OF DEVELOPMENT AREA 'A' 10 FT

FROM CORRIDOR COLLECTOR STREET FRONTAGE 10 FT

ALONG EAST BOUNDARY OF DEVELOPMENT AREA 'A' 10 FT

FROM EAST BOUNDARY OF DEVELOPMENT AREA 'A' THAT IS NOT ADJACENT TO OR ABUTS THE CORRIDOR COLLECTOR STREET 10 FT

FROM SOUTH BOUNDARY OF DEVELOPMENT AREA 'A' 25 FT

FROM WEST BOUNDARY OF DEVELOPMENT AREA 'A' 25 FT

FROM INTERNAL BOUNDARIES 10 FT

MINIMUM OFF-STREET PARKING SPACES (APARTMENTS):** 1.5 PER DWELLING UNIT**

* OTHER TYPE PARKING SPACES SHALL BE AS PROVIDED IN THE TULSA ZONING CODE

** PARKING SPACE RATIO REQUIRED FOR DWELLING UNITS WITHOUT RESAID TO THE NUMBER OF BEDROOMS

MINIMUM BICYCLE PARKING SPACES PROVIDED IN THE TULSA ZONING CODE

OTHER LOT AND BUILDING REGULATIONS: AS ESTABLISHED WITHIN THE RM-3 DISTRICT

SIGNS: ALL SIGNS SHALL MEET THE STANDARDS OF THE TULSA ZONING CODE FOR R AND AO DISTRICTS EXCEPT AS FURTHER DEFINED BELOW:

GROUND SIGNS:

EAST 51ST STREET:

ONE (1) GROUND SIGN SHALL BE PERMITTED AT EACH VEHICULAR ENTRANCE ON EAST 51ST STREET. THE MAXIMUM AGGREGATE AREA OF MULTIPLE SIGNS MAY NOT EXCEED 150 SF OF DISPLAY SURFACE AREA AND 20 FEET IN HEIGHT. A SINGLE SIGN MAY NOT EXCEED 150 SQUARE FEET OF DISPLAY SURFACE AREA AND 20 FEET IN HEIGHT.

CORRIDOR COLLECTOR STREET:

ONE (1) MONUMENT SIGN SHALL BE PERMITTED AT EACH VEHICULAR ENTRANCE FROM THE CORRIDOR COLLECTOR STREET. THE MAXIMUM AGGREGATE AREA OF MULTIPLE SIGNS MAY NOT EXCEED 100 SF OF DISPLAY SURFACE AREA. A SINGLE SIGN MAY NOT EXCEED 100 SF OF DISPLAY SURFACE AREA AND 15 FT IN HEIGHT.

WALL SIGNS ARE PROHIBITED.

LANDSCAPING:

LANDSCAPING FOR THE PROJECT SHALL, AT A MINIMUM, COMPLY WITH THE LANDSCAPING STANDARDS OF THE TULSA ZONING CODE. FINAL LANDSCAPING DESIGN AND STANDARDS SHALL BE DETERMINED UPON THE DETAIL SITE PLAN AND DETAIL LANDSCAPE PLAN APPROVAL.

IN ADDITION TO THE LANDSCAPE REQUIREMENTS OF THE ZONING CODE, STREET TREES WILL BE INSTALLED AND MAINTAINED ALONG THE LENGTH OF THE CORRIDOR COLLECTOR STREET WITH A MAXIMUM SPACING OF 50 FEET IN THE STREET RIGHT-OF-WAY AND ON BOTH SIDES OF THE STREET. THOSE TREES WILL BE INSTALLED AS PART OF THE STREET CONSTRUCTION PROJECT.

LIGHTING:

LIGHTING FOR THE PROJECT SHALL, AT A MINIMUM, COMPLY WITH APPLICABLE CITY OF TULSA STANDARDS AS DEFINED IN THE TULSA ZONING CODE. FINAL LIGHTING DESIGN AND STANDARDS SHALL BE DETERMINED UPON DETAIL SITE PLAN AND DETAIL LANDSCAPE PLAN APPROVAL.

TRAIN, MECHANICAL, AND EQUIPMENT AREAS:

DEVELOPER / OWNER
LEINBACH COMPANIES, INC.
2240 EAST 48th STREET
TULSA, OKLAHOMA 74103
PHONE: (918) 743-2100

ENGINEER / SURVEYOR
CORRAL CREEK CONSULTING, LLC
2418 N. 99th, Suite 210
TULSA, OK 74130
PHONE: (918) 948-8177
WWW.CORRALCREEKCONSULTING.COM

THIS DOCUMENT IS UNOFFICIAL
DATE RECORDED: APR 15 2016
RECORD ID: 1500
FILED IN: 1500
TULSA COUNTY, OKLAHOMA
RECORDED BY: [Signature]

SHEET 2 OF 3

W.F.

Leinbach Apartments Stuart Tract

A SUBDIVISION IN THE CITY OF TULSA, BEING A PART OF THE WEST HALF (W/2) OF THE NORTHEAST QUARTER (NE/4) OF SECTION THIRTY-THREE (33), TOWNSHIP NINETEEN (19) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN MERIDIAN, TULSA COUNTY, OKLAHOMA.

ALL TRASH, MECHANICAL, AND EQUIPMENT AREAS (EXCLUDING UTILITY SERVICE TRANSFORMERS, PEDESTALS OR OTHER EQUIPMENT PROVIDED BY FRANCHISE UTILITY PROVIDERS), INCLUDING BUILDING-MOUNTED, SHALL BE SCREENED FROM PUBLIC VIEW IN SUCH A MANNER THAT SUCH AREAS CANNOT BE SEEN BY PERSONS STANDING AT GROUND LEVEL.

TRASH DUMPSTERS SHALL BE SCREENED BY MASONRY CONSTRUCTION WITH STEEL FRAME DOORS. THE DOORS SHALL BE COVERED WITH APPROPRIATE COVERING CONTAINING A MINIMUM OF NINETY-FIVE PERCENT (95%) OPACITY TO THE GATE FRAME.

2. DEVELOPMENT AREA B

GROSS AREA: 39.60 ACRES

PERMITTED USES: RESIDENTIAL, LIMITED TO PATIO HOUSE, TOWNHOUSE, COTTAGE HOUSE DEVELOPMENT, MULTI-UNIT HOUSE AND APARTMENTS, PUBLIC, CIVIC, AND INSTITUTIONAL, LIMITED TO COLLEGE OR UNIVERSITY, DAY CARE, FRATERNAL ORGANIZATION, GOVERNMENT SERVICE, HOSPITAL, LIBRARY OR CULTURAL EXHIBIT, NATURAL RESOURCE PRESERVATION, POSTAL SERVICES, RELIGIOUS ASSEMBLY, SAFETY SERVICE, SCHOOL, WIRELESS COMMUNICATION FACILITY, COMMERCIAL, LIMITED TO SMALL AND LARGE INDOOR ASSEMBLY AND ENTERTAINMENT, BROADCAST OR RECORDING STUDIO, COMMERCIAL SERVICE, FINANCIAL SERVICES, FUNERAL OR MORTUARY SERVICE, LODGING, OFFICE, RESTAURANTS AND BARS, RETAIL SALES, STUDIO, ART/ART OR INSTRUCTION AS SERVICE, TRADE SCHOOL, VEHICLE SALES AND SERVICE, "WHOLESALE" DISTRIBUTION AND STORAGE EXCEPT OUTDOOR STORAGE IS PROHIBITED; AGRICULTURAL, OTHER BUT LIMITED TO DRIVE IN OR DRIVE THROUGH FACILITY (AS A COMPONENT OF AN ALLOWED USE) AND USES CUSTOMARILY ACCESSORY TO THE ALLOWED PRINCIPAL USES.

MINIMUM LOT AREA PER DWELLING UNIT: 1,000 SF

MINIMUM LOT SIZE: 5,000 SF

MAXIMUM BUILDING HEIGHT: 79.5 FT

MINIMUM BUILDING PERIMETER SETBACKS

FROM EAST 51ST STREET: 25 FT

EAST BOUNDARY OF DEVELOPMENT AREA B: 10 FT

FROM CORRIDOR COLLECTOR STREET FRONTAGE: 10 FT

ALONG EAST BOUNDARY OF DEVELOPMENT AREA 'B': 10 FT

FROM EAST BOUNDARY OF DEVELOPMENT AREA 'B' THAT IS NOT ADJACENT TO OR ABUTS THE CORRIDOR COLLECTOR STREET: 10 FT

FROM SOUTH BOUNDARY OF DEVELOPMENT AREA 'B': 25 FT

FROM WEST BOUNDARY OF DEVELOPMENT AREA 'B': 25 FT

FROM INTERNAL BOUNDARIES: 10 FT

MINIMUM OFF-STREET PARKING SPACES (APARTMENTS): 1.5 PER DWELLING UNIT**

** OTHERWISE, PARKING SHALL BE AS PROVIDED IN THE TULSA ZONING CODE

** PARKING SPACE RATIO REQUIRED FOR DWELLING UNITS WITHOUT REGARD TO THE NUMBER OF RESIDENCES

MINIMUM BICYCLE PARKING SPACES PROVIDED IN THE TULSA ZONING CODE

SIGNS:

ALL SIGNS SHALL MEET THE STANDARDS AND SIGN BUDGET OF THE TULSA ZONING CODE FOR COMMERCIAL DISTRICTS EXCEPT AS FURTHER DEFINED BELOW:

SIGNAGE SIGNS:

EAST 51ST STREET:

ONE (1) GROUND SIGN SHALL BE PERMITTED AT EACH VEHICULAR ENTRANCE ON EAST 51ST STREET. THE MAXIMUM AGGREGATE AREA OF MULTIPLE SIGNS MAY NOT EXCEED 50 SF OF DISPLAY SURFACE AREA AND 20 FEET IN HEIGHT. A SINGLE SIGN MAY NOT EXCEED 150 SQUARE FEET OF DISPLAY SURFACE AREA AND 30 FEET IN HEIGHT.

CORRIDOR COLLECTOR STREET:

ONE (1) MONUMENT SIGN SHALL BE PERMITTED AT EACH VEHICULAR ENTRANCE FROM THE CORRIDOR COLLECTOR STREET. THE MAXIMUM AGGREGATE AREA OF MULTIPLE SIGNS MAY NOT EXCEED 100 SF OF DISPLAY SURFACE AREA. A SINGLE SIGN MAY NOT EXCEED 100 SF OF DISPLAY SURFACE AREA AND 15 FT IN HEIGHT.

BROKEN ARROW EXPRESSWAY:

ONE (1) GROUND SIGN SHALL BE PERMITTED ALONG THE BROKEN ARROW EXPRESSWAY WITH A MAXIMUM OF 300 SF OF DISPLAY SURFACE AREA AND 30 FT IN HEIGHT.

LANDSCAPING:

LANDSCAPING FOR THE PROJECT SHALL, AT A MINIMUM, COMPLY WITH THE LANDSCAPING STANDARDS OF THE TULSA ZONING CODE. FINAL LANDSCAPING DESIGN AND STANDARDS SHALL BE DETERMINED UPON THE DETAILED SITE PLAN AND DETAIL LANDSCAPE PLAN APPROVAL.

(LIGHTING)

LANDSCAPING FOR THE PROJECT SHALL, AT A MINIMUM, COMPLY WITH APPLICABLE CITY OF TULSA STANDARDS AS DEFINED IN THE TULSA ZONING CODE. FINAL LIGHTING DESIGN AND STANDARDS SHALL BE DETERMINED UPON DETAILED SITE PLAN AND DETAIL LANDSCAPE PLAN APPROVAL.

TRASH, MECHANICAL, AND EQUIPMENT AREAS:

ALL TRASH, MECHANICAL, AND EQUIPMENT AREAS (EXCLUDING UTILITY SERVICE TRANSFORMERS, PEDESTALS OR OTHER EQUIPMENT PROVIDED BY FRANCHISE UTILITY PROVIDERS), INCLUDING BUILDING-MOUNTED, SHALL BE SCREENED FROM PUBLIC VIEW IN SUCH A MANNER THAT SUCH AREAS CANNOT BE SEEN BY PERSONS STANDING AT GROUND LEVEL.

TRASH DUMPSTERS SHALL BE SCREENED BY MASONRY CONSTRUCTION WITH STEEL FRAME DOORS. THE DOORS SHALL BE COVERED WITH APPROPRIATE COVERING CONTAINING A MINIMUM OF NINETY-FIVE PERCENT (95%) OPACITY TO THE GATE FRAME.

OTHER LOT AND BUILDING REGULATIONS:

AS ESTABLISHED WITHIN THE CG DISTRICT.

3. DEVELOPMENT AREA C

GROSS AREA: 10.73 ACRES

PERMITTED USES: STORM WATER DRAINAGE, STORM WATER DETENTION FACILITIES, WATER FEATURES, OPEN SPACES, SIDEWALKS, TRAILS AND LANDSCAPING

Section V. Property Owner's 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 LEINBACH APARTMENTS STUART TRACT (THE "PROPERTY OWNERS' ASSOCIATION") TO BE ESTABLISHED IN ACCORDANCE WITH THE STATUTES OF THE STATE OF OKLAHOMA, AND TO BE FORMED FOR THE GENERAL PURPOSES OF MAINTAINING THE COMMON AREA OF THE SUBDIVISION, INCLUDING BUT WITHOUT LIMITATION, THE LANDSCAPING, STORM WATER DETENTION FACILITIES, FENCING, ENTRY FEATURES AND SWIMMING POOL AND CLUB HOUSE AMENITIES AS MAY EXIST WITHIN RESERVE AREA 'B' AND THE SIDEWALK AND LANDSCAPING WITHIN THE FENCE & LANDSCAPE EASEMENTS, AND ENHANCING THE VALUE, DESIRABILITY AND ATTRACTIVENESS OF LEINBACH APARTMENTS STUART TRACT.

B. MEMBERSHIP

EVERY PERSON OR ENTITY WHO IS A RECORD OWNER OF THE FEE IN INTEREST OF A LOT IN THE SUBDIVISION SHALL BE A MEMBER OF THE PROPERTY OWNERS' ASSOCIATION. MEMBERSHIP SHALL BE APPURTENANT TO AND MAY NOT BE SEPARATED FROM THE OWNERSHIP OF A LOT.

C. ASSESSMENT

EACH RECORD OWNER OF A LOT IN THE SUBDIVISION SHALL BE SUBJECT TO ASSESSMENT BY THE PROPERTY OWNERS' ASSOCIATION FOR THE PURPOSES OF IMPROVEMENT AND MAINTENANCE OF THE COMMON AREAS OF THE SUBDIVISION.

Section VI. Enforcement, Duration, Amendment and Severability

A. ENFORCEMENT

THE RESTRICTIONS HEREIN SET FORTH ARE COVENANTS TO RUN WITH THE LAND AND SHALL BE BINDING UPON THE OWNER, ITS SUCCESSORS AND ASSIGNS, WITHIN THE PROVISIONS OF SECTION I, PUBLIC STREETS, EASEMENTS AND UTILITIES ARE SET FORTH; CERTAIN COVENANTS AND THE ENFORCEMENT RIGHTS PERTAINING THERE TO, AND ADDITIONALLY THE COVENANTS WITHIN SECTION I, WHETHER OR NOT SPECIFICALLY THEREIN SO STATED SHALL INURE TO THE BENEFIT OF AND SHALL BE ENFORCEABLE BY THE CITY OF TULSA, OKLAHOMA. THE COVENANTS CONTAINED IN SECTION II, SIDEWALKS, SECTION III, FENCE AND LANDSCAPE EASEMENT, SECTION IV, PROPERTY OWNERS' ASSOCIATION AND SECTION V, PRIVATE RESTRICTIONS AND COVENANTS SHALL INURE TO THE BENEFIT OF ANY OWNER OF A LOT AND THE PROPERTY OWNERS' ASSOCIATION. IF THE UNDESIGNATED OWNER, OR ITS SUCCESSORS OR ASSIGNS, SHALL VIOLATE ANY OF THE COVENANTS WITHIN SECTIONS III, IV, OR V, IT SHALL BE LAWFUL FOR ANY OWNER OF A LOT OR THE PROPERTY OWNERS' 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 EQUIVOCAL PROCEEDING HAS AN ADEQUATE REMEDY AT LAW IS HEREBY WAIVED. IN ANY JUDICIAL ACTION BROUGHT BY AN OWNER OF A LOT OR THE ASSOCIATION, WHICH ACTION SEES TO ENFORCE THE COVENANTS CONTAINED IN SECTIONS III, IV OR V AND/OR TO RECOVER DAMAGES FOR THE BREACH THEREOF, THE PREVAILING PARTY SHALL BE ENTITLED TO REVERSE REASONABLE ATTORNEY FEES AND COSTS AND EXPENSES INCURRED IN SUCH ACTION.

B. DURATION

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

C. AMENDMENT

THE COVENANTS CONTAINED WITHIN SECTION I, PUBLIC STREET, 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 TULSA METROPOLITAN AREA BOARD OF PLANNING AND ZONING. THE COVENANTS CONTAINED WITHIN SECTION III, SIDEWALKS, SECTION IV, FENCE AND LANDSCAPE EASEMENT, SECTION V, PROPERTY OWNERS' ASSOCIATION OR SECTION V, PRIVATE RESTRICTIONS AND COVENANTS MAY BE AMENDED OR TERMINATED AT ANY TIME BY A WRITTEN INSTRUMENT SIGNED AND ACKNOWLEDGED BY THE OWNER DURING SUCH PERIOD THAT THE OWNER IS THE RECORD OWNER OF AT LEAST 1 LOT OR ALTERNATIVELY, THE COVENANTS AND RESTRICTIONS MAY BE AMENDED OR TERMINATED BY A WRITTEN INSTRUMENT SIGNED AND ACKNOWLEDGED BY THE OWNERS OF NOT LESS THAN 60% OF THE LOTS. IN THE EVENT OF ANY CONFLICT BETWEEN AN AMENDMENT OR TERMINATION PROPERLY EXECUTED BY THE OWNER (DURING ITS OWNERSHIP OF AT LEAST 1 LOT) AND ANY AMENDMENT PROPERLY EXECUTED BY THE OWNERS OF 60% OF THE LOTS, THE INSTRUMENT EXECUTED BY THE OWNER SHALL PREVAIL. THE PROVISIONS OF ANY INSTRUMENT AMENDING OR TERMINATING COVENANTS AND RESTRICTIONS SHALL BE EFFECTIVE FROM AND AFTER THE DATE IT IS PROPERLY RECORDED.

D. SEVERABILITY

INVALIDATION OF ANY RESTRICTION SET FORTH HEREIN, OR ANY PART THEREOF, BY AN ORDER, JUDGMENT, OR DECREE OF ANY COURT, OR OTHERWISE, SHALL NOT INVALIDATE OR AFFECT ANY OF THE OTHER RESTRICTIONS OR ANY PART THEREOF AS SET FORTH HEREIN, WHICH SHALL REMAIN IN FULL FORCE AND EFFECT. IN WITNESS WHEREOF, OWNER HAS EXECUTED THIS INSTRUMENT THIS ___ DAY OF _____, 2017.

LEINBACH COMPANIES, INC.
AN OKLAHOMA CORPORATION

BY:

EDWARD B. LEINBACH, PRESIDENT

STATE OF OKLAHOMA)
) SS
COUNTY OF TULSA)

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS ___ DAY OF _____, 2017,
BY EDWARD B. LEINBACH AS PRESIDENT OF LEINBACH COMPANIES, INC., AN OKLAHOMA CORPORATION.

NOTARY PUBLIC

MY COMMISSION NUMBER

MY COMMISSION EXPIRES

Certificate of Survey

I, RICHARD IMAN, OF COWAN GROUP ENGINEERING, LLC, 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 DESCRIBED ABOVE, AND THAT THE ACCOMPANYING PLAT DESIGNATED HEREIN AS "LEINBACH APARTMENTS STUART TRACT", A SUBDIVISION IN THE CITY OF TULSA, 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 AS ADOPTED.

RICHARD IMAN
LICENSED PROFESSIONAL LAND SURVEYOR
OKLAHOMA NO. 1989

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 _____, 2017, PERSONALLY APPEARED RICHARD IMAN, TO ME KNOWN TO BE THE IDENTICAL PERSON WHO SUBSCRIBED HIS NAME AS A LICENSED LAND SURVEYOR TO THE FOREGOING CERTIFICATE OF SURVEY AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE AND VOLUNTARY ACT AND DEED FOR THE USES AND PURPOSES THEREIN SET FORTH.

NOTARY PUBLIC

MY COMMISSION EXPIRES:

MY COMMISSION NUMBER:

DEVELOPER / OWNER
LEINBACH COMPANIES, INC.
2240 JACO AVE., SUITE 210
TULSA, OKLAHOMA 74128
PHONE: (918) 443-2100

ENGINEER / SURVEYOR
COWAN GROUP ENGINEERING, LLC
5416 S. YALE SUITE 210
TULSA, OK 74135
PHONE: (918) 949-6171
EMAIL: RICHARD@COWANGROUP.CO



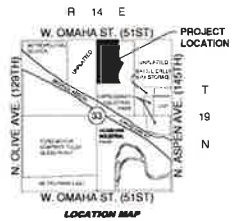
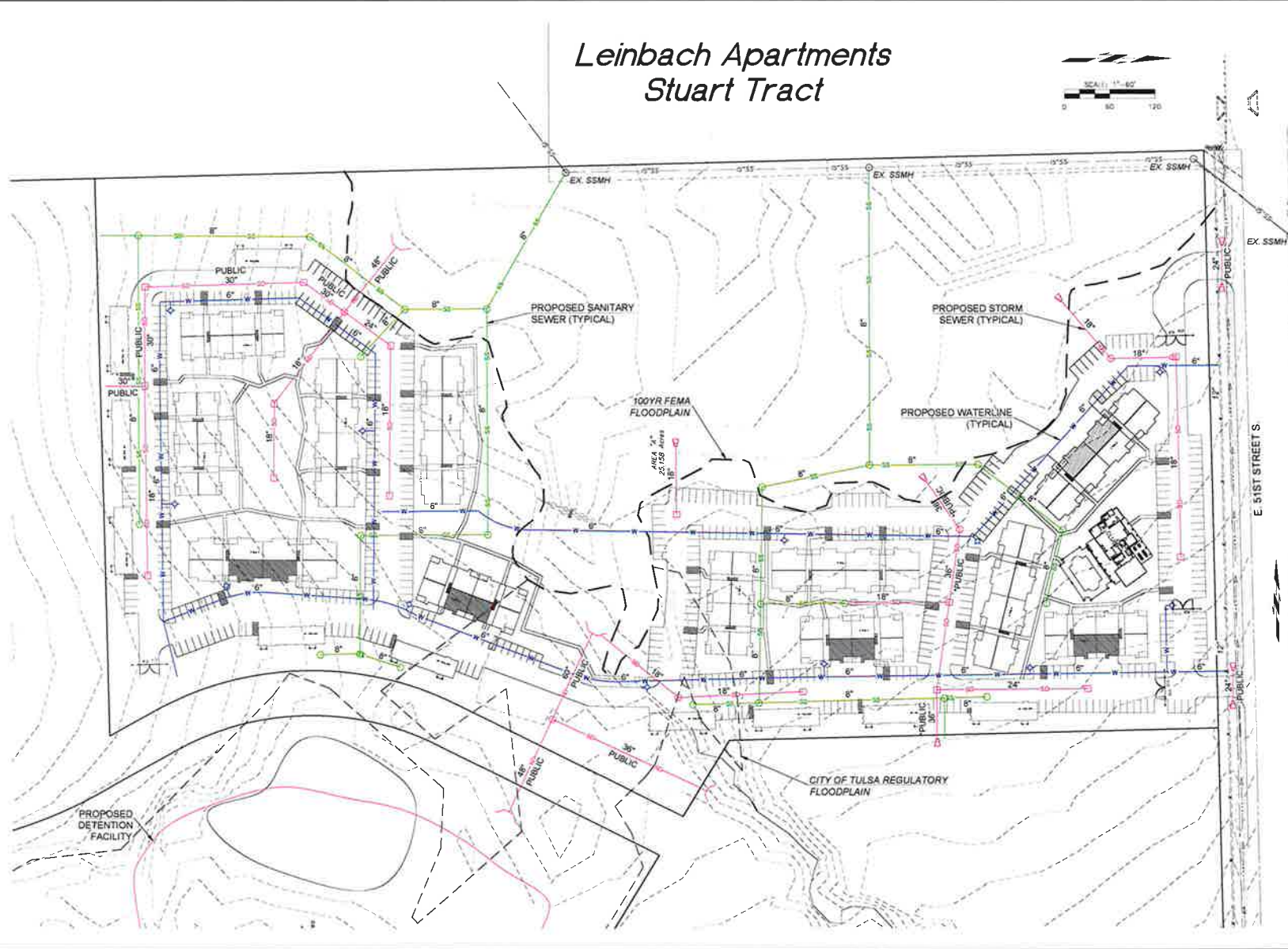
COWAN GROUP ENGINEERING
5416 S. YALE SUITE 210
TULSA, OKLAHOMA 74135
PHONE: (918) 949-6171
EMAIL: RICHARD@COWANGROUP.CO

SHEET 3 OF 3

REVISION DATE: JANUARY 6, 2017

35

Leinbach Apartments Stuart Tract



**LEINBACH APARTMENTS
STUART TRACT
CONCEPTUAL UTILITY PLAN**



DOWNS GROUP ENGINEERING
 5115 SOUTH TULSA BLVD. SUITE 410
 TULSA, OKLAHOMA 74116
 WWW.DOWNSGROUP.COM
 918.438.4444
 16-498
 1/5/2017

3.4

PRELIMINARY SUBDIVISION PLAT

Leinbach Apartments Stuart Tract (CD 6)

West of the southwest corner of East 51st Street South and South 145th East Avenue

This plat consists of 1 lot, 1 block, on 37.45 acres.

The Technical Advisory Committee (TAC) met on January 19, 2017 and provided the following conditions:

1. **Zoning:** The property is currently zoned CO with an approved Corridor Development Plan (CO-1). Development plan number needs to be shown on the face of the plat.
2. **Transportation & Traffic:** Include right-of-way dimensions for all public streets. Provide limits of access and limits of no access along East 51st Street South.
3. **General Development:** Plat scale must be corrected. Not currently 1" = 40' as depicted. Add 17.5' perimeter utility easement except along western property line. All public infrastructure shall be located in easements and shown on the plat, including the on-site detention facility and public utility main lines.
4. **Sewer:** Any proposed extension of the public sanitary sewer main line shall be located in a 15' utility easement.
5. **Water:** Any proposed extension of the public water main line shall be centered in a 20' restrictive waterline easement.
6. **Storm Drainage:** Any proposed public stormwater line shall be located in a minimum 15' utility easement. **Floodplain:** Portions of the property are located within the Ford Creek Floodplain. Some areas of this parcel flooded during the 1984 flood event. All delineated floodplain boundaries should be clearly and accurately shown on the plat. Any development within the floodplain must meet the floodplain development requirements of the City of Tulsa Revised Ordinances, Title 11 A and Title 51 and city drainage standards. Any proposed changes to the floodplain boundaries or flood elevations will be subject to Floodplain Map Revisions.
7. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** No comments.
8. **Fire:** An approved remote secondary access road will be required before occupancy will be allowed. Indicate the location and show mutual access easement to be dedicated by separate instrument. KNOX access will be required on any gated entrances.
9. **Engineering Graphics:** Submit a subdivision data control sheet. Add missing subdivisions in location map. Provide individual addresses.

Graphically label lot with unique address. State address caveat/disclaimer on face of plat. Define the basis of bearing between two known points and provide bearing angle to what is already stated. Provide the date of preparation in the lower left or lower right hand corner. Remove contours from final plat. Label the point of beginning (POB). Create a text label that provides the size of the project by stating number of lots, blocks, reserves, and total acreage/square feet. Provide a scale for the location map. Correct legal description on the face of the plat. Provide/label arc length, radius, delta angle, chord bearing, and chord length for all curves. Graphically show all iron pins found or set associated with this plat.

Waivers of Subdivision Regulations:

1. None requested

Staff recommends **APPROVAL** of the preliminary subdivision plat subject to the conditions provided by TAC and the requirements of the Subdivisions Regulations.