

# BLUE RIDGE

DEED OF DEDICATION AND RESTRICTIVE COVENANTS  
KNOW ALL MEN BY THESE PRESENTS:

THAT WAYNE ELLIOTT IS THE OWNER OF THE FOLLOWING DESCRIBED TRACT OF LAND SITUATED IN THE COUNTY OF WAGONER, STATE OF OKLAHOMA, DESCRIBED AS: BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 18 NORTH, RANGE 15 EAST OF THE INDIAN BASE AND MERIDIAN, WAGONER COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF:  
THENCE N89°53'38" W A DISTANCE OF 1348.85 FEET TO A POINT ON THE EAST LINE OF THE CLOSING PLAT OF BLUE SPRINGS BLOCK 5 & 6;  
THENCE N13°09'20" W A DISTANCE OF 123.72 FEET  
THENCE N33°53'44" W A DISTANCE OF 175.00 FEET;  
THENCE N59°31'35" E A DISTANCE OF 203.59 FEET;  
THENCE N28°23'50" W A DISTANCE OF 271.70 FEET;  
THENCE N69°48'56" W A DISTANCE OF 127.19 FEET;  
THENCE N21°44'34" E A DISTANCE OF 168.10 FEET;  
THENCE N00°00'00" E A DISTANCE OF 142.16 FEET;  
THENCE S85°38'11" W A DISTANCE OF 206.96 FEET;  
THENCE N12°59'34" E A DISTANCE OF 388.89 FEET, TO A POINT S89°46'10" E A DISTANCE OF 206.26 FEET FROM THE NORTHEAST CORNER OF THE CLOSING PLAT OF BLUE SPRINGS BLOCK 5 & 6  
THENCE S89°46'10" E A DISTANCE OF 1598.38 FEET;  
TO A POINT ON THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 24;  
THENCE S00°00'37" E A DISTANCE OF 649.07 FEET;  
THENCE S89°05'15" W A DISTANCE OF 343.39 FEET;  
THENCE S10°15'27" W A DISTANCE OF 447.59 FEET;  
THENCE S65°38'57" E A DISTANCE OF 368.10 FEET;  
THENCE S78°10'49" E A DISTANCE OF 43.29 FEET;  
THENCE S68°11'15" E A DISTANCE OF 27.57 FEET;  
THENCE S32°28'09" E A DISTANCE OF 33.99 FEET;  
THENCE N89°04'27" E A DISTANCE OF 2.14 FEET;  
THENCE S00°00'37" E A DISTANCE OF 17.12 FEET TO THE POINT OF BEGINNING, CONTAINING 39.09 ACRES MORE OR LESS.

## COVENANTS

NOW, THE UNDERSIGNED OWNER DOES HEREBY DEDICATE FOR THE PUBLIC USE ALL OF THE STREETS, EASEMENTS AND RIGHTS-OF-WAY AS SHOWN ON SAID PLAT AND DOES HEREBY GUARANTEE TITLE TO ALL OF THE LAND COVERED BY SAID STREETS FOR THE PURPOSE OF PROVIDING AN ORDERLY DEVELOPMENT OF THE ABOVE DESCRIBED TRACTS AND IN ORDER TO PROVIDE ADEQUATE RESTRICTIVE COVENANTS FOR THE MUTUAL BENEFIT OF ITSELF AND ITS SUCCESSORS IN TITLE OF THE SUBDIVISION OF SAID TRACT (HEREINAFTER REFERRED TO AS TRACTS). THE UNDERSIGNED DOES HERE IMPOSE THE FOLLOWING RESTRICTIONS AND RESERVATIONS AND CREATE THE EASEMENTS WHICH SHALL BE BINDING UPON IT, ITS SUCCESSORS AND ASSIGNEES TO-WIT:

1. THESE COVENANTS AND RESTRICTIONS ARE TO RUN WITH THE LAND AND SHALL BE BINDING UPON ALL PARTIES, THEIR HEIRS, SUCCESSORS, AND ASSIGNS CLAIMING BY THROUGH AND UNDER THEM UNTIL THE 1ST DAY OF AUGUST 2010, AT WHICH TIME SAID RESTRICTIONS SHALL AUTOMATICALLY BE EXTENDED FOR SUCCESSIVE PERIODS OF TEN (10) YEARS AND CAN ONLY BE AMENDED OR CHANGED IN WHOLE OR IN PART, BY A MAJORITY OF THE THEN OWNERS OF SAID TRACTS.

2. IF THE OWNER OR THE ASSIGNS SHALL VIOLATE OR ATTEMPT TO VIOLATE ANY OF THE RESTRICTIONS HEREIN, IT SHALL BE LAWFUL FOR ANY PERSON OR PERSONS OWNING REAL ESTATE SITUATED ON SAID TRACT TO PROSECUTE ANY PROCEEDINGS AT LAW OR IN EQUITY AGAINST THE PARTY OR PERSON OR PERSONS VIOLATING OR ATTEMPTING TO VIOLATE SUCH RESTRICTIONS AND EITHER PREVENT HIM OR THEM FROM DOING OR TO RECOVER DAMAGES OR OTHER DUES FOR SUCH VIOLATIONS. INVAIATION OF ANY ONE OF THE RESTRICTIONS BY JUDGMENT OR COURT ORDER SHALL IN NO WAY EFFECT ANY OF THE OTHER PROVISIONS OF SAID COVENANTS AND RESTRICTIONS, WHICH SHALL REMAIN IN FULL FORCE AND EFFECT.

3. ALL TRACTS SHOWN ON THE ATTACHED PLAT SHALL BE FOR RESIDENTIAL PURPOSES ONLY AND ONLY ONE HOME PER TRACT SHALL BE PERMITTED. NO STRUCTURE SHALL BE ERRECTED, ALTERED, PLACED OR PERMITTED TO REMAIN ON RESIDENTIAL TRACT OTHER THAN A SINGLE-FAMILY DWELLING AND A PRIVATE GARAGE FOR TWO (2) CARS OR MORE ATTACHED OR DETACHED. ALL RESIDENTIAL BUILDING EXTERIOR WALLS SHALL HAVE AT LEAST 70% MASONRY OR STONE, UNLESS WAIVED BY THE ARCHITECTURAL REVIEW COMMITTEE. NO EXTERIOR SIDING OVER 8 INCHES WIDE SHALL BE USED. ARCHITECTURAL REVIEW COMMITTEE SHALL REVIEW AND APPROVE ALL FLOOR PLANS, ELEVATION, EXTERIOR PAINT COLOR, AND ROOFING MATERIAL AND COLOR BEFORE ANY CONSTRUCTION MAY BEGIN. NO DWELLING SHALL BE ERRECTED IN WHICH THE LIVING AREA OF THE MAIN STRUCTURE, EXCLUDING THE GARAGE, IS LESS THAN 2100 SQUARE FEET GROUND FLOOR. BUILDING STRUCTURE SHALL BE ERRECTED AT LEAST FORTY FIVE (45) FEET FROM THE END OF ROADWAY, UNLESS APPROVED BY THE ARCHITECTURAL COMMITTEE. ONLY BRICK OR STONE MAILBOXES SHALL BE INSTALLED WITH CONCRETE ADDRESS BLOCK. NO MORE THAN TWO (2) ACCESS ENTRANCES TO TRACTS SHALL BE ALLOWED FROM THE PUBLIC DEDICATED STREET ADJACENT TO TRACT, WITH A MINIMUM OF A 15 INCH CULVERT PIPE OR CORRUGATED METAL PIPE WITH CONCRETE HEADWALLS OR APPROVED HEADWALLS TO MINIMIZE EROSION AND KEEP CONFORMITY FOR THE SUBDIVISION. OWNER OF THE TRACTS AGREE TO BE RESPONSIBLE FOR PROVIDING THEIR BUILDER A COPY OF THESE RESTRICTIONS AND SEE THAT BUILDER COMPLIES WITH IT. THE ARCHITECTURAL COMMITTEE SHALL CONSIST OF WAYNE ELLIOTT OR HIS HEIRS OR ASSIGNEES.

4. NO NOXIOUS TRADE OR OFFENSIVE ACTIVITY SHALL BE CARRIED ON OR UPON SAID TRACTS, NOR SHALL ANYTHING BE DONE THEREON WHICH MAY BECOME AN ANNOYANCE OR NUISANCE TO OTHER TRACT OWNERS.

5. NO STRUCTURES OF TEMPORARY CHARTER, TRAILER, BASEMENT, TENT, SHACK, GARAGE, BARN OR OTHER OUT BUILDINGS OR PREVIOUSLY USED STRUCTURES MAY BE USED ON ANY TRACT AS A RESIDENCE, AND SHALL NOT BE CONTRACTED BEFORE MAIN RESIDENCE IS CONSTRUCTED. NO MOBILE HOME, NEW OR USED SHALL BE MOVED ONTO PROPERTY AT ANY TIME. STORAGE BUILDINGS SHALL ONLY BE MADE OF CONSTRUCTION MATERIALS SIMILAR TO MATERIALS USED FOR THE MAIN HOUSE. NO SHEDS, LEAN-TOS OR GALVANIZED POLE BARN ARE PERMITTED. NO STORAGE BUILDINGS SHALL BE CONSTRUCTED FORWARD OF THE DWELLING STRUCTURE. NO USED MATERIAL SHALL BE USED FOR THE CONSTRUCTION OF STORAGE BUILDINGS OR RESIDENCES. METAL STORAGE BUILDINGS WILL BE ALLOWED IF APPROVED BY THE ARCHITECTURAL REVIEW COMMITTEE.

6. NO FENCING HIGHER THAN SIX (6) FEET MAY BE USED ON PROPERTY. NO BARBED WIRE FENCING SHALL BE ALLOWED. ALL FENCING AND PLACEMENT OF SUCH, TO BE APPROVED BY THE ARCHITECTURAL COMMITTEE.

7. NO SIGN OF ANY KIND SHALL BE DISPLAYED TO THE PUBLIC VIEW ON ANY TRACT EXCEPT THE (1) PROFESSIONAL SIGN OF NOT MORE THAN TWO (2) FOOT SQUARE ADVERTISING THE SALE OF RENT OF SAID PROPERTY OR SIGNS USED BY THE BUILDER TO ADVERTISE THE PROPERTY DURING THE CONSTRUCTION AND SALES PERIOD OF ANY DWELLING STRUCTURE.

8. SEMI-TRAILERS AND SEMI-TRAILER TRUCKS SHALL NOT BE ALLOWED TO BE PARKED ON OR REPAIRED ON PROPERTY. NO NON-OPERATIVE VEHICLES SHALL BE KEPT ON PROPERTY, OTHER THAN INSIDE STORAGE.

9. NO SWINE, FOWL (OTHER THAN TRACTS WITH PONDS WHERE WATER FOWL MAY BE PERMITTED), OSTRICHES, EMU'S EXOTIC ANIMALS OR OTHER COMMERCIAL ANIMAL OPERATIONS SHALL BE PERMITTED TO BE RAISED, BRED OR KEPT ON THIS PROPERTY EXCEPT FOR DOGS, CATS AND OTHER HOUSEHOLD PETS; PROVIDED THAT THEY ARE NOT KEPT, BRED OR MAINTAINED FOR COMMERCIAL PURPOSES AND PROVIDED FURTHER THAT NO VICIOUS DOGS OF ANY BREED INCLUDING PIT-BULLS, DOBERMAN-PINCHERS, AND ROTTWEILLERS CAN BE KEPT, BRED, RAISED ON ANY LOT AND PROVIDED FURTHER, THAT THE OWNERS OF ANY OF THE SAID TRACTS MAY KEEP ONE (1) HORSE OR ONE (1) COW. SHELTERS FOR SAID ANIMALS MUST CONFORM WITH THE ARCHITECTURE OF THE HOME OR THE AFOREMENTIONED STORAGE BUILDING RESTRICTIONS.

10. ALL SEWAGE DISPOSAL SYSTEMS SHALL BE CONSTRUCTED AND EQUIPPED IN ACCORDANCE WITH THE STANDARDS AND RECOMMENDATIONS OF THE OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY.

11. ANY UTILITIES FROM ROADWAY TO STRUCTURE ON SAID TRACTS SHALL BE PLACED UNDERGROUND. THE SUPPLIER OF ANY UTILITY THROUGH THE PROPER AGENTS AND EMPLOYEES SHALL AT ALL TIMES HAVE RIGHT OF ACCESS INTO ALL OF SUCH EASEMENT RIGHT-OF-WAYS SHOWN ON THE SURVEY OF SAID TRACTS. THE OWNER OF EACH TRACT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE UNDERGROUND ELECTRIC FACILITIES LOCATED ON HIS PROPERTY AND SHALL PREVENT THE ALTERATION OF GRADE OR ANY CONSTRUCTION ACTIVITY TO INTERFERE WITH SAID ELECTRIC FACILITIES.

12. NO BUSINESS OR TRADE MAY BE CONDUCTED IN OR FROM ANY TRACT, EXCEPT THAT AN OWNER OR OCCUPANT RESIDING ON SAID TRACT MAY CONDUCT BUSINESS WITHIN THE TRACT SO LONG AS: (a) THE EXISTENCE OR OPERATION OF THE BUSINESS ACTIVITY IS NOT APPARENT OR DETECTABLE BY SIGHT, SOUND, OR SMELL FROM OUTSIDE OF THE TRACT AND NO SIGN INDICATING SUCH BUSINESS IS PLACED ON SAID TRACT; (b) THE BUSINESS ACTIVITY CONFORMS TO ALL ZONING REQUIREMENTS (c) THE BUSINESS ACTIVITY DOES NOT INVOLVE REGULAR VISITATION OF THE TRACT BY CLIENTS CUSTOMERS, SUPPLIERS OR OTHER BUSINESS INVITEE OR DOOR-TO-DOOR SOLICITATION OF RESIDENTS OF SAID TRACT; AND (d) THE BUSINESS ACTIVITY IS CONSISTENT WITH THE RESIDENTIAL CHARACTER OF THE AREA AND DOES NOT CONSTITUTE A NUISANCE, OR A HAZARDOUS OR OFFENSIVE USE, OR THREATEN THE SECURITY OR SAFETY OF OTHER RESIDENTS OF THE TRACTS. THE TERM'S BUSINESS AND TRADE AS USED IN THIS PROVISION WITHOUT LIMITATIONS, ANY OCCUPATION, WORK, OR ACTIVITY UNDERTAKEN ON AN ONGOING BASIS INVOLVES THE PROVISIONS OF GOODS OR SERVICES TO PERSONS, OTHER THAN THE PROVIDER'S FAMILY, REGARDLESS OF WHETHER: (a) SUCH ACTIVITY IS ENGAGED IN FULL OR PART-TIME, (b) SUCH ACTIVITY IS INTENDED TO OR DOES GENERATE A PROFIT, OR (c) A LICENSE IS REQUIRED.

13. ROADWAYS AND UTILITY ROADS WILL BE MAINTAINED BY BLUE RIDGE HOME OWNERS ASSOCIATION.  
a. THE OWNER DOES HEREBY DEDICATE FOR THE PUBLIC USE THE ROADWAY RIGHT-OF-WAY AND UTILITY EASEMENTS AS DEPICTED ON THE ATTACHED PLAT FOR THE SEVERAL PURPOSES OF CONSTRUCTING, MAINTAINING, REPLACING, REPAIRING AND REPLACING ANY AND ALL PUBLIC UTILITIES INCLUDING TELEPHONE LINES, CABLE TELEVISION, ELECTRIC POWER LINES AND TRANSFORMERS, GAS LINES, WATER LINES, PAVING AND OTHER SERVICES CAPABLE OF BEING PROVIDED IN BLUE RIDGE TOGETHER WITH ALL FITTINGS AND EQUIPMENT FOR EACH OF SUCH FACILITIES, INCLUDING THE POLES, WIRES, CONDUITS, PIPES, VALVES, METERS AND ANY OTHER APPURTENANCES THERETO PROVIDED, HOWEVER THAT THE OWNER HEREBY RESERVES TO ITSELF, THE RIGHT TO ASSIGN THE RIGHT-OF-WAY PROVIDED ANY OF THE SERVICES SET FORTH TO USE HEREIN, INCLUDING, BUT NOT LIMITED TO THE RIGHT-OF-WAY TO CONSTRUCT MAINTAIN, OPERATE OR FURNISH WATER TO THE AREA INCLUDING WITHIN THE PLAT THE OWNER HEREBY IMPOSES A RESTRICTIVE COVENANT, WHICH SHALL BE BINDING ON EACH TRACT OWNER AND SHALL BE ENFORCEABLE BY WAGONER COUNTY, OKLAHOMA AND THE SUPPLIER OF ANY AFFECTED UTILITY SERVICE, THAT WITHIN THE UTILITY EASEMENT DEPICTED IN THE ATTACHED PLAT, NO BUILDING STRUCTURES OR OTHER ABOVE OR BELOW GROUND OBSTRUCTION THAT INTERFERES WITH THE ABOVE SET FORTH USES AND PURPOSES OF THE EASEMENTS SHALL BE PLACED, ERRECTED, INSTALLED OR MAINTAINED, PROVIDED HOWEVER, NOTHING HEREIN SHALL BE DEEMED TO PROHIBIT DRIVES, PARKING AREA AND LANDSCAPING THAT DOES NOT CONSTITUTE AN OBSTRUCTION AS AFORESAID.

b. THE OWNER OF EACH TRACT SHALL BE RESPONSIBLE FOR THE REPAIR AND REPLACEMENT OF ANY LANDSCAPING AND PAVING LOCATED WITHIN THE UTILITY EASEMENT IN THE EVENT IT IS NECESSARY TO INSTALL OR REPAIR ANY UNDERGROUND WATER OR SEWER MAINS, ELECTRIC, NATURAL GAS, COMMUNICATIONS OR TELEPHONE SERVICE OR OTHER SERVICES NOW OR LATER PROVIDED WITHIN ANY OF THE EASEMENT AREAS DEPICTED UPON THE ACCOMPANYING PLAT. PROVIDED HOWEVER, THAT THE COUNTY OF WAGONER OR HIS OTHER SUPPLIER OF THE SERVICE SHALL USE REASONABLE CARE IN THE PERFORMANCE OF SUCH ACTIVITY.

## 14. GAS SERVICE

PROANE GAS  
a. PROANE GAS MAY BE USED WITHIN THE SUBDIVISION. THE SUPPLY TANK WILL BE LOCATED BEHIND THE RESIDENCE WITH A SCREEN PROHIBITING VIEW OF SAME.  
NATURAL GAS  
b. IN THE EVENT NATURAL GAS IS PROVIDED TO THE SUBDIVISION BY A NATURAL GAS PROVIDER, THE FOLLOWING APPLIES.

a. THE SUPPLIER OF GAS SERVICE SHALL AT ALL TIMES HAVE THE RIGHT OF ACCESS TO ALL UTILITY EASEMENTS DEPICTED ON THE ATTACHED PLAT, OR OTHERWISE PROVIDED FOR IN THIS DEED OF DEDICATION FOR THE PURPOSE OF INSTALLING, MAINTAINING, REMOVING OR REPLACING ANY PORTION OF GAS FACILITIES INSTALLED BY THE SUPPLIER OF GAS SERVICE.

b. THE OWNER OF EACH TRACT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE UNDERGROUND GAS FACILITIES LOCATED ON HIS TRACT, THE ALTERATION OF GRADE OR ANY CONSTRUCTION ACTIVITY WHICH MAY INTERFERE WITH THE UNDERGROUND GAS FACILITIES PROVIDED. THE SUPPLIER OF SERVICE SHALL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF THE UNDERGROUND FACILITIES, BUT THE OWNER SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER OF THE TRACT OR HIS AGENT OR CONTRACTORS.

c. THE FOREGOING COVENANTS CONCERNING UNDERGROUND GAS FACILITIES SHALL BE ENFORCEABLE BY THE SUPPLIER OF GAS SERVICE, AND OWNER OF EACH TRACT AGREES TO BE BOUND.

## 15. ELECTRIC SERVICE

a. OVERHEAD POLES LINES OR UNDERGROUND LINES FOR THE SUPPLY OF ELECTRIC SERVICE MAY BE LOCATED ALONG THE EASEMENTS INDICATED ON THE ATTACHED PLAT. STREET LIGHT POLES OR STANDARDS MAY BE SERVED BY UNDERGROUND CABLE ELSEWHERE THROUGH SAID ADDITION, ALL SUPPLY LINES SHALL BE LOCATED UNDERGROUND IN THE EASEMENTS DEDICATED FOR GENERAL UTILITY SERVICES AND STREETS, SHOWN ON THE ATTACHED PLAT. SERVICE PEDESTALS AND TRANSFORMERS, AS SOURCES OF SUPPLY AT SECONDARY VOLTAGES, MAY ALSO BE LOCATED IN EASEMENTS.

b. UNDERGROUND SERVICE CABLES TO ALL STRUCTURES LOCATED WITHIN THE SUBDIVISION MAY BE RUN FROM THE NEAREST SERVICE PEDESTAL OR TRANSFORMER TO THE POINT OF USAGE DETERMINED BY THE LOCATION AND CONSTRUCTION OF SUCH STRUCTURE AS MAY BE LOCATED UPON THE TRACT PROVIDED THAT, UPON INSTALLATION OF A SERVICE CABLE TO A PARTICULAR BUILDING, THE SUPPLIER OF THE SERVICE SHALL THEREAFTER BE DEEMED TO HAVE A DEFINITIVE, PERMANENT EFFECTIVE RIGHT-OF-WAY EASEMENT ON THE TRACT, COVERING A FIVE-FOOT STRIP EXTENDING 2.5 FEET ON EACH SIDE OF THE SERVICE, EXTENDING FROM THE SERVICE PEDESTAL OR TRANSFORMER TO THE SERVICE ENTRANCE ON THE STRUCTURE. THIS EASMENT SHALL TERMINATE WHEN SAID SERVICE CABLE IS NO LONGER USED BY THE SUPPLIER.

c. THE SUPPLIER OF ELECTRIC, TELEPHONE, CABLE TELEVISION, AND OTHER SERVICES THROUGH IT'S AGENTS AND EMPLOYEES SHALL AT ALL TIMES HAVE RIGHT OF ACCESS TO ALL UTILITY EASEMENTS DEPICTED ON THE ATTACHED PLAT, OR OTHERWISE PROVIDED FOR IN THIS DEED OF DEDICATION FOR THE PURPOSE OF INSTALLING, MAINTAINING, REMOVING, OR REPLACING ANY PORTION OF THE UNDERGROUND ELECTRIC, TELEPHONE OR CABLE TELEVISION FACILITIES INSTALLED BY THE SUPPLIER OF THE UTILITY SERVICE.

d. THE OWNER OF EACH TRACT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE UNDERGROUND ELECTRIC; TELEPHONE AND CABLE TELEVISION LOCATED ON HIS PROPERTY, AND SHALL PREVENT THE ALTERATION OF GRADE OR ANY CONSTRUCTION ACTIVITY, WHICH MAY INTERFERE WITH THE ELECTRIC, TELEPHONE, OR CABLE TELEVISION FACILITIES. THE SUPPLIER OF THE SERVICE SHALL BE RESPONSIBLE FOR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER AND HIS AGENTS OR CONTRACTORS.

e. THE FOREGOING COVENANTS CONCERNING UNDERGROUND ELECTRIC, TELEPHONE AND CABLE TELEVISION FACILITIES SHALL BE ENFORCEABLE BY THE SUPPLIER OF THE ELECTRIC, TELEPHONE OR CABLE TELEVISION SERVICE, AND THE OWNER OF EACH TRACT AGREES TO BE BOUND HEREBY.

## 16. WATER SERVICE

a. ALL WATERLINES SHALL BE PLACED IN A WATERLINE EASEMENT DEDICATED EXCLUSIVELY TO WAGONER COUNTY RURAL WATER DISTRICT NO. 5

b. THE OWNER OF EACH TRACT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE PUBLIC WATER MAINS LOCATED ON HIS TRACT.

c. WITHIN UTILITY EASEMENTS DEPICTED ON THE ATTACHED PLAT THE ALTERATION OF GRADE IN THE EXCESS OF THREE (3) FROM THE CONTOURS EXISTING UPON COMPLETION OF A PUBLIC WATER MAIN OR ANY CONSTRUCTION ACTIVITY, WHICH MAY INTERFERE WITH A PUBLIC WATER MAIN, SHALL BE PROHIBITED.

d. THAT RURAL WATER DISTRICT NO.5, OR IT'S SUCCESSORS SHALL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF PUBLIC WATER MAINS, BUT THE OWNER OF THE TRACT SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER OR HIS AGENTS OR CONTRACTORS.

e. THAT RURAL WATER DISTRICT NO.5, OR IT'S SUCCESSORS, SHALL AT ALL TIMES HAVE RIGHT OF ACCESS TO ALL UTILITY EASEMENTS DEPICTE ON THE ATTACHED PLAT, OR OTHERWISE PROVIDED FOR IN THE DEED OF DEDICATION FOR THE PURPOSES OF INSTALLING, MAINTAINING, REMOVING, OR REPLACING ANY PORTION OF THE WATER FACILITIES OWNED BY IT.

f. THE OWNER OF EACH TRACT SHALL BE RESPONSIBLE FOR THEIR METER HOOK-UP, WATER MEMBERSHIP FEE CHARGED AT THAT TIME BY RURAL WATER DISTRICT NO.5.

## 17. SURFACE DRAINAGE

a. THE TRACT SHALL RECEIVE AND DRAIN, IN AN UNOBSTRUCTED MANNER, THE STORM AND SURFACE WATERS FROM TRACTS AND DRAINAGE AREA OF HIGHER ELEVATION AND FROM PUBLIC STREET AND EASEMENT. NO TRACT 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 TRACT. THE FOREGOING COVENANTS SET FORTH IN THIS PARAGRAPH SHALL BE ENFORCEABLE BY ANY EFFECTED TRACT OWNER AND BY THE COUNTY OF WAGONER, OKLAHOMA. THERE SHALL BE A DRY BOTTOM DETENTION POND WITHIN LOT 3, BLOCK 3, WHICH SHALL BE MAINTAINED BY HOME OWNERS ASSOCIATION.

## 18. PAVING AND LANDSCAPING WITHIN EASEMENTS

a. THE OWNER OF THE TRACT AFFECTED SHALL BE RESPONSIBLE FOR THE REPAIR OR DAMAGE OF THE LANDSCAPING AND PAVING WITHIN THE UTILITY EASEMENT WHICH MAY RESULT FROM NECESSARY USING OR MAINTENANCE AND INSTALLATION OF UNDERGROUND WATER, SANITARY SEWER, STORM SEWER, ELECTRICAL, NATURAL GAS, COMMUNICATIONS OR TELEPHONE FACILITIES, AND OTHER SERVICES PROVIDED HOWEVER, WAGONER COUNTY, OKLAHOMA, OR THE SUPPLIER OF THE UTILITY SERVICE SHALL USE REASONABLE CARE IN THE PERFORMANCE OF SUCH ACTIVITIES.

## 19. PRIVATE SANITARY SEWAGE:

a. WITH THIS SUBDIVISION SEWAGE IS INITIALLY INTENDED TO BE DISPOSED OF BY INDIVIDUAL SEPTIC TANK DISPOSAL SYSTEMS, OR ALTERNATIVE DISPOSAL METHODS APPROVED BY THE OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY.

b. THE SEPTIC SYSTEM SHALL BE INSTALLED AND MAINTAINED IN ACCORDANCE WITH THE APPROVED PLANS.

c. SUBSEQUENT TO INSTALLATION OF THE SEPTIC SYSTEM, NO DRIVE, PAVING, SWIMMING POOL, LAWN SPRINKLER SYSTEM, OR BUILDING SHALL BE CONSTRUCTED OVER THE AREA OF THE TRACT CONTAINING THE SEPTIC TANK OR SEPTIC SYSTEM LATERAL LINES.

d. THE OWNER OF TRACT SHALL BE RESPONSIBLE FOR THE EXPENSE OF THEIR INDIVIDUAL SEPTIC SYSTEM.

## 20. BLUE RIDGE HOME OWNERS ASSOCIATION

COVENANTS PROVIDE FOR THE ESTABLISHMENT OF A BLUE RIDGE HOME OWNERS ASSOCIATION TO MAINTAIN THE INNER ROADS OF BLUE RIDGE THROUGH YEARLY FEES ASSESSMENT AGAINST EACH LOT.

## 21. ARCHITECTURAL REVIEW COMMITTEE

THERE IS ESTABLISHED A ARCHITECTURAL REVIEW COMMITTEE, CONSISTING OF MR. WAYNE ELLIOTT AND HIS ASSIGNEES WHO HAVE THE RIGHT TO REVIEW AND APPROVE ALL CONSTRUCTION AND HAVE THE RIGHT TO CHANGE ANY, OR ALL OF THE ABOVE LISTED RESTRICTIVE COVENANTS.

IN WITNESS WHEREOF, DECLARANT HAD EXECUTED THIS DECLARATION AS OF THE DAY OF March, 2007. 19

STATE OF OKLAHOMA  
COUNTY OF WAGONER

*Herbert Wayne Elliott*  
HERBERT WAYNE ELLIOTT, TRUSTEE OF THE HERBERT WAYNE ELLIOTT TRUST  
DATED JANUARY 5, 1996

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE PERSONALLY APPEARED HERBERT WAYNE ELLIOTT, TRUSTEE OF THE HERBERT WAYNE ELLIOTT TRUST DATED JANUARY 5, 1996, TO ME KNOWN TO BE THE IDENTICAL PERSON THAT SUBSCRIBED HIS NAME TO THE ABOVE INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE DID SO AS HIS OWN FREE AND VOLUNTARY ACT AND DEED FOR THE USES AND PURPOSES THEREIN SET FORTH.

NOTARY PUBLIC  
MY COMMISSION EXPIRES  
MY COMMISSION NO.

## SURVEYOR'S CERTIFICATE

I, JOHN R. COOPER JR., A REGISTERED LAND SURVEYOR IN THE STATE OF OKLAHOMA, DO HEREBY CERTIFY THAT I HAVE SURVEYED, SUBDIVIDED AND PLATTED THE TRACT OF LAND DESCRIBED ABOVE, AND THAT SAID PLAT IS DESIGNATED AS BLUE RIDGE, A SUBDIVISION IN WAGONER COUNTY, STATE OF OKLAHOMA, AND THAT SAID SUBDIVISION MEETS OR EXCEEDS THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED BY THE OKLAHOMA STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS, AND THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.  
WITNESS MY HAND AND SEAL THIS 14th DAY OF MARCH, 2007.

*John R. Cooper Jr.*  
JOHN R. COOPER JR.  
OKLAHOMA  
1547

STATE OF OKLAHOMA  
COUNTY OF WAGONER

BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE ON THIS 14th DAY OF March, 2007, PERSONALLY APPEARED JOHN R. COOPER JR. TO ME KNOWN TO BE THE IDENTICAL PERSON WHO EXECUTED THE WITHIN AN FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE AND VOLUNTARY ACT AND DEED FOR THE USES AND PURPOSES THEREIN SET FORTH. GIVEN UNDER MY HAND AND SEAL OF OFFICE THE DAY AND YEAR ABOVE WRITTEN.

NOTARY PUBLIC *Erin E. Melton*

MY COMMISSION EXPIRES 12/31/10  
MY COMMISSION NO. 96211822

CERTIFICATE OF THE OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY  
I, HEREBY CERTIFY THAT THE ABOVE NOTED SUBDIVISION, BLUE RIDGE, IS APPROVED FOR THE USE OF PUBLIC WATER SUPPLY AND FOR INDIVIDUAL SEPTIC TANKS.

*Nandall Bay*  
ENVIRONMENTAL SPECIALIST OF THE  
OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY  
DATE MAR 19 2007 19:07

CERTIFICATE OF WAGONER COUNTY PLANNING COMMISSION  
I, BRENDA ROBERTSON, DIRECTOR OF THE WAGONER COUNTY PLANNING COMMISSION DO HERE NOW CERTIFY THAT THE PROPOSED SUBDIVISION OF BLUE RIDGE HAS BEEN PROCESSED THROUGH THE WAGONER COUNTY PLANNING COMMISSION WITH APPROVAL FOR ACCEPTANCE.  
*Brenda Robertson* DATE 3-19-07  
BRENDA ROBERTSON, DIRECTOR WAGONER COUNTY PLANNING COMMISSION.

CERTIFICATE OF THE WAGONER COUNTY BOARD OF COMMISSIONERS  
I, JIM HARGROVE, THE CHAIRMAN OF THE WAGONER COUNTY BOARD OF COUNTY COMMISSIONERS DO HERE STATE THE PROPOSED SUBDIVISION, BLUE RIDGE HAS BEEN APPROVED BY THE WAGONER COUNTY BOARD OF COUNTY COMMISSIONERS.

*Jim Hargrove*  
JIM HARGROVE, CHAIRMAN WAGONER COUNTY BOARD OF COUNTY COMMISSIONERS

CERTIFICATE OF WAGONER COUNTY TREASURER  
I, GLORIA MARSHALL, DO HERE NOW STATE THAT THE TAXES HAVE BEEN PAID FOR THE YEAR 2006 AND PRIOR YEARS FOR THOSE PROPERTIES HERE IN LISTED TO BE DESIGNATED AS BLUE RIDGE.  
*Gloria Marshall* Wagoner County Treasurer 3-20-07  
GLORIA MARSHALL, WAGONER COUNTY TREASURER

CERTIFICATE OF WAGONER COUNTY CLERK  
I, CAROLYN KUSLER, CLERK OF WAGONER COUNTY DO HERE NOW STATE THE SUBDIVISION CALLED BLUE RIDGE HAS BEEN FILED INTO WAGONER COUNTY RECORDS.

*Carolyn Kusler*  
CAROLYN KUSLER, WAGONER COUNTY CLERK

Certified True Copy  
CAROLYN KUSLER, COUNTY CLERK  
Wagoner County, Okla.

By *Carroll*  
DEPUTY

SHEET 2 OF 2