

OWNER  
MEMORIAL DRIVE, L.L.C.  
2219 E. SKELLY DRIVE  
TULSA, OKLAHOMA 74105  
PHONE: (918) 749-1636

# COUNTY LINE CENTER

GOVERNMENT LOT 4 OF SECTION 31, TOWNSHIP 19 NORTH,  
RANGE 15 EAST, COUNTY OF WAGONER, OKLAHOMA

FILE DATE: 08/20/2001 FILE TIME: 04:05 BOOK: PLCA PAGE: 384  
WAGONER COUNTY, JERRY FIELDS - COUNTY CLERK REC'D: 20010944

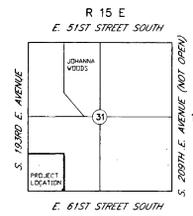
AMERICAN SOUTHWEST PROPERTIES, INC.

1700 W. ALBANY  
BROKEN ARROW, OKLAHOMA 74012  
PHONE: (918) 251-2858

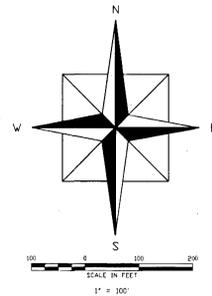
ENGINEER/SURVEYOR

TUTTLE & ASSOCIATES, INC.

9718 E. 55TH PL.  
TULSA, OKLAHOMA 74146  
PHONE: (918) 663-5567  
CERTIFICATE OF AUTHORITY CA 465  
EXPIRATION 6-30-03



LOCATION MAP  
1,713,629 SQUARE FEET  
39.34 ACRES  
3 LOTS



WAGONER COUNTY TREASURER

*Debra S. Sells*  
TREASURER FOR THE COUNTY OF WAGONER  
STATE OF OKLAHOMA TO HERBY STATE THAT ALL BACK TAXES HAVE  
BEEN PAID ON THE DESCRIBED PROPERTY.  
August 20, 2001  
*Debra S. Sells*  
WAGONER COUNTY TREASURER

ACCEPTANCE OF PLAT

BE IT RESOLVED BY THE WAGONER METROPOLITAN AREA PLANNING  
COMMISSION OF WAGONER COUNTY, STATE OF OKLAHOMA THAT THE  
ABOVE SHOWN PLAT IS APPROVED BY THE WAGONER  
METROPOLITAN AREA PLANNING COMMISSION

APPROVED BY THE CHAIRMAN OF THE WAGONER METROPOLITAN  
AREA PLANNING COMMISSION OF WAGONER COUNTY, STATE OF OKLAHOMA

DATE: 8-20-01  
*Debra S. Sells*  
WAGONER METROPOLITAN  
AREA PLANNING COMMISSION

WAGONER COUNTY COMMISSION

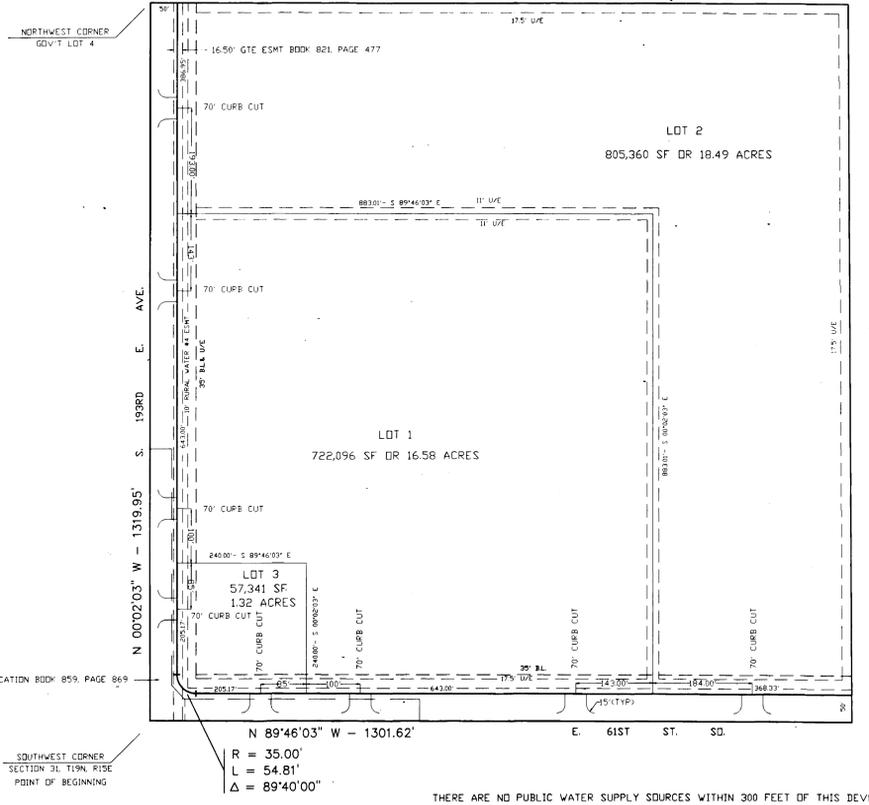
BE IT RESOLVED BY THE WAGONER COUNTY BOARD OF COUNTY  
COMMISSIONERS, WAGONER COUNTY, STATE OF OKLAHOMA THAT THE  
ABOVE SHOWN PLAT IS APPROVED

APPROVED BY THE WAGONER COUNTY BOARD OF COMMISSIONERS  
WAGONER COUNTY, STATE OF OKLAHOMA

DATE: 8-22-2001  
*Ally Galy*  
CHAIRMAN, WAGONER COUNTY  
BOARD OF COUNTY COMMISSIONERS

DEPARTMENT OF ENVIRONMENTAL QUALITY

THIS DEPARTMENT OF ENVIRONMENTAL QUALITY HAS APPROVED THIS PLAT FOR THE  
USE OF A PUBLIC WATER SYSTEM AND AN PUBLIC SEWER SYSTEMS.  
DATE: 8-20-01  
*Chad Keller*  
ENVIRONMENTAL PROGRAM SPECIALIST  
OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY



LEGEND  
N NORTH  
S SOUTH  
E EAST  
W WEST  
B.L. BUILDING LINE  
U/E UTILITY EASEMENT  
R.W. #4 ESMT WAGONER COUNTY RURAL  
WATER #4 RESTRICTED  
WATER EASEMENT

FILE DATE: 08/20/2001 FILE TIME: 04:05 BOOK: PLCA PAGE: 384  
WAGONER COUNTY, JERRY FIELDS - COUNTY CLERK REC'D: 20010944

COUNTY LINE CENTER  
DEED OF DEDICATION  
RESTRICTIVE COVENANTS

KNOW ALL MEN BY THESE PRESENTS:  
THAT MEMORIAL DRIVE, L.L.C., AN OKLAHOMA LIMITED LIABILITY COMPANY AND AMERICAN SOUTHWEST PROPERTIES, INC., AN OKLAHOMA CORPORATION, BEING THE OWNER IN FEE SIMPLE OF THE FOLLOWING DESCRIBED REAL ESTATE SITUATED IN WAGONER COUNTY, STATE OF OKLAHOMA TO WIT:  
GOVERNMENT LOT 4, SECTION 31, TOWNSHIP 19 NORTH, RANGE 15 EAST OF THE INDIAN BASE AND MERIDIAN, WAGONER COUNTY, OKLAHOMA, ACCORDING TO THE OFFICIAL U.S. GOVERNMENT SURVEY THEREOF, MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 31, THENCE N 09°46'03" W ALONG THE WEST LINE OF SAID SECTION 31 A DISTANCE OF 1319.95 FEET; THENCE S 89°47'01" E A DISTANCE OF 1294.56 FEET TO THE POINT OF BEGINNING CONTAINING 1,713,629 SQUARE FEET OR 39.34 ACRES.

HAS CAUSED SAID REAL ESTATE TO BE SURVEYED, STAKED, AND PLATTED INTO LOTS, BLOCKS, STREETS AND RESERVE AREAS, AND HAS DESIGNATED THE SAME AS "COUNTY LINE CENTER", AN ADDITION TO THE COUNTY OF WAGONER, STATE OF OKLAHOMA.

SECTION I  
STREETS, EASEMENTS AND UTILITIES

A. PUBLIC STREETS AND GENERAL UTILITY EASEMENT.  
THE OWNER DOES FURTHER DEDICATE FOR PUBLIC USE THE STREETS, EASEMENTS AND RIGHTS-OF-WAY AS SHOWN ON THE ATTACHED PLAT FOR THE SEVERAL PURPOSES OF CONSTRUCTING, MAINTAINING, OPERATING, REPAIRING, REMOVING AND REPLACING ANY AND ALL STREETS AND PUBLIC UTILITIES, INCLUDING STORM AND SANITARY SEWERS, COMMUNICATION LINES, ELECTRIC POWER LINES AND TRANSFORMERS, GAS LINES AND WATER LINES, TOGETHER WITH ALL FITTINGS AND EQUIPMENT FOR EACH OF SUCH FACILITIES, INCLUDING THE PIPES, WIRES, CONDUITS, FITTINGS, VALVES, METERS AND ANY OTHER APPURTENANCES THEREOF, WITH THE RIGHT OF INGRESS AND EGRESS TO AND UPON SAID EASEMENTS AND RIGHTS-OF-WAY FOR THE USES AND PURPOSES AFORESAID. PROVIDED HOWEVER, THAT THE DEVELOPER HEREBY RESERVES THE RIGHT TO CONSTRUCT, MAINTAIN, OPERATE, LAY AND RELAY WATER AND SEWER LINES TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS TO OVER, ACROSS AND ALONG THE PUBLIC STREETS, EASEMENTS AND RIGHTS-OF-WAY SHOWN ON THE PLAT FOR THE PURPOSE OF FURNISHING OF WATER AND/OR SEWER SERVICES TO THE AREA INCLUDED IN SAID PLAT AND THE ADJACENT PROPERTY (HEREINAFTER DEFINED).  
THE OWNER AGREES THAT NO BUILDING, STRUCTURE, OR OTHER ABOVE OR BELOW GROUND OBSTRUCTION THAT WILL INTERFERE WITH THE EASEMENTS PURPOSES AFORESAID WILL BE PLACED, RECEIVED, INSTALLED, OR PERMITTED UPON THE EASEMENTS OR RIGHTS OF WAY AS SHOWN ON THE PLAT. THE OWNER SHALL BE RESPONSIBLE FOR THE REPAIR AND PLACEMENT OF ANY LANDSCAPING AND PAVING LOCATED WITHIN THE UTILITY EASEMENTS IN THE EVENT IT IS NECESSARY TO REPAIR ANY UNDERGROUND WATER OR SEWER MAINS, ELECTRIC, NATURAL GAS, COMMUNICATIONS OR TELEPHONE SERVICE.  
B. UNDERGROUND ELECTRIC AND COMMUNICATION SERVICES  
1. OVERHEAD POLE LINES FOR THE SUPPLY OF ELECTRIC AND COMMUNICATIONS SERVICE MAY BE LOCATED ALONG THE EAST BOUNDARY IN THE ADDITION. STREET LIGHT POLES OR STANDARDS MAY BE SERVED BY UNDERGROUND CABLE AND ELSEWHERE THROUGHOUT SAID ADDITION ALL SUPPLY LINES SHALL BE LOCATED UNDERGROUND. IN THE EASEMENT WAYS RESERVED FOR GENERAL UTILITY SERVICES AND STREETS AS SHOWN ON ATTACHED PLAT, SERVICE PEDESTALS AND TRANSFORMERS, AS SOURCES OF SUPPLY AT SECONDARY VOLTAGES, MAY ALSO BE LOCATED IN SAID EASEMENT WAYS.  
2. EXCEPT TO BUILDINGS DESCRIBED IN PARAGRAPH (A) ABOVE, WHICH MAY BE SERVED FROM OVERHEAD ELECTRIC SERVICE LINES, UNDERGROUND SERVICE CABLES TO ALL BUILDINGS WHICH MAY BE LOCATED ON LOTS IN THE ADDITION MAY BE RUN FROM THE NEAREST SERVICE PEDESTAL OR TRANSFORMER TO THE POINT OF USAGE DETERMINED BY THE LOCATION AND CONSTRUCTION OF SUCH BUILDING UPON THE LOT. PROVIDED THAT UPON THE INSTALLATION OF SUCH A SERVICE CABLE TO A PARTICULAR BUILDING, THE SUPPLIER OF ELECTRIC SERVICE OR COMMUNICATION SERVICE SHALL, HEREAFTER BE DEEMED TO HAVE A DEFINITE, PERMANENT, EFFECTIVE AND EXCLUSIVE EASEMENT ON SAID LOT, COVERING A FIVE-FOOT STRIP EXTENDING 2.5 FEET ON EACH SIDE OF SUCH SERVICE CABLE, EXTENDING FROM THE SERVICE PEDESTAL OR TRANSFORMER TO THE SERVICE ENTRANCE ON SAID BUILDING.  
3. THE SUPPLIER OF ELECTRIC AND COMMUNICATIONS SERVICE THROUGH ITS PROPER AGENTS AND EMPLOYEES SHALL AT ALL TIMES HAVE THE RIGHT OF ACCESS TO ALL SUCH EASEMENTS SHOWN ON SAID PLAT OR PROVIDED FOR IN THIS DEED OF DEDICATION FOR THE PURPOSE OF INSTALLING, MAINTAINING, REPAIRING OR REPLACING ANY PORTION OF SAID UNDERGROUND ELECTRIC OR COMMUNICATION FACILITIES TO BE INSTALLED BY IT.  
4. THE OWNER OF EACH LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE UNDERGROUND ELECTRIC AND COMMUNICATIONS FACILITIES LOCATED ON HIS PROPERTY AND SHALL PREVENT THE ALTERATION OF GRADE OR ANY CONSTRUCTION ACTIVITY WHICH MAY INTERFERE WITH SAID ELECTRIC AND COMMUNICATIONS FACILITIES. THE COMPANY WILL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF UNDERGROUND ELECTRIC AND COMMUNICATIONS FACILITIES, WHICH MAY BE NECESSITATED BY ACTS OF THE OWNER OR HIS AGENTS OR CONTRACTORS.  
5. THE FOREGOING COVENANTS CONCERNING UNDERGROUND COMMUNICATIONS AND ELECTRIC FACILITIES SHALL BE ENFORCEABLE BY THE SUPPLIER OF COMMUNICATIONS AND ELECTRIC SERVICES, AND THE OWNER OF EACH LOT AGREES TO BE BOUND HEREBY.  
C. WATER AND SEWER SERVICES  
1. THE OWNER OF EACH LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE PUBLIC WATER AND SEWER MAINS LOCATED ON OR IN HIS LOT.  
2. WITHIN THE SPECIFIED UTILITY EASEMENT AREAS, THE ALTERATION OF GRADE IN EXCESS OF THREE (3) FEET FROM THE CONTOURS EXISTING UPON THE COMPLETION OF THE INSTALLATION OF A PUBLIC WATER OR SEWER MAIN OR ANY CONSTRUCTION ACTIVITY WHICH MAY INTERFERE WITH PUBLIC WATER OR SEWER MAINS SHALL BE PROHIBITED.  
3. THE WAGONER COUNTY RURAL WATER DISTRICT #4 OR ITS SUCCESSORS SHALL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF PUBLIC WATER MAINS AND GREEN COUNTRY SEWER ASSOCIATION SHALL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF THE SANITARY SEWER MAINS, BUT THE OWNER OF EACH LOT SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF SUCH OWNER, HIS AGENTS OR CONTRACTORS.  
4. THE COUNTY OF WAGONER OR ITS SUCCESSORS THROUGH ITS PROPER AGENTS AND EMPLOYEES, SHALL AT ALL TIMES HAVE RIGHT OF ACCESS WITH THEIR EQUIPMENT TO ALL SUCH EASEMENTS SHOWN ON SAID PLAT OR PROVIDED FOR IN THIS DEED OF DEDICATION FOR THE PURPOSE OF INSTALLING, MAINTAINING, REPAIRING OR REPLACING ANY PORTION OF SAID UNDERGROUND WATER OR SEWER FACILITIES.  
5. THE OWNER OF A LOT SHALL BE RESPONSIBLE FOR THE REPAIR OF DAMAGE TO LANDSCAPING AND PAVING OCCASIONED BY NECESSARY MAINTENANCE OR REPAIR OF THE PUBLIC WATER OR SEWER FACILITIES WITHIN THE EASEMENT AREAS SITUATED UPON SUCH OWNER'S LOT. PROVIDED HOWEVER, THE COUNTY OF WAGONER SHALL USE REASONABLE CARE IN THE PERFORMANCE OF SUCH ACTIVITIES.  
6. THE FOREGOING COVENANTS CONCERNING WATER AND SEWER FACILITIES SHALL BE ENFORCEABLE BY THE COUNTY OF WAGONER AND THE OWNER OF EACH LOT AGREES TO BE BOUND THEREBY.

SECTION II  
RESTRICTIONS

A. USE OF LAND/DEVELOPMENT STANDARDS  
LOT 2 SHALL BE USED FOR MULTI-FAMILY DEVELOPMENT AND SHALL COMPLY WITH THE RM4 ZONING DISTRICT  
LOT 3 SHALL BE USED FOR COMMERCIAL DEVELOPMENT AND SHALL COMPLY WITH THE C4 ZONING DISTRICT  
LOT 1 SHALL BE USED FOR COMMERCIAL DEVELOPMENT AND SHALL COMPLY WITH THE C4 ZONING DISTRICT

SECTION III  
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 AND ALL PARTIES CLAIMING UNDER THEM. THE COVENANTS CONTAINED IN SECTION II, SUBSECTION A ARE ESTABLISHED PURSUANT TO THE ZONING CODE OF THE COUNTY OF WAGONER, OKLAHOMA, AND SHALL INURE TO THE BENEFIT OF THE OWNERS OF LOTS WITHIN THE ADDITION AND THE COUNTY OF WAGONER, OKLAHOMA.  
B. DURATION  
THESE RESTRICTIONS SHALL REMAIN IN FULL FORCE AND EFFECT UNTIL JANUARY 1, 2012 AND SHALL AUTOMATICALLY BE CONTINUED THEREAFTER FOR SUCCESSIVE PERIODS OF TEN (10) YEARS EACH, UNLESS TERMINATED OR AMENDED AS HEREINAFTER PROVIDED.  
C. AMENDMENT  
THE COVENANTS CONTAINED WITHIN SECTION II, SUBSECTION A MAY BE AMENDED OR TERMINATED BY A WRITTEN INSTRUMENT SIGNED BY THE OWNERS OF ALL OF THE LOTS WITHIN THE ADDITION AND THE PROVISIONS OF SUCH INSTRUMENT SHALL BE BINDING FROM AND AFTER THE DATE IT IS PROPERLY RECORDED, PROVIDED HOWEVER THAT THE ORIGINAL OWNER LISTED ABOVE MAY CHANGE THE COVENANTS ON ANY LOTS IT OWNS.  
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.

IN WITNESS WHEREOF, MEMORIAL DRIVE, L.L.C. HAS CAUSED ITS NAME TO BE AFFIXED, THIS DATE, Aug 20, 2001.  
IN WITNESS WHEREOF, AMERICAN SOUTHWEST PROPERTIES, INC. HAS CAUSED ITS NAME TO BE AFFIXED, THIS DATE, Aug 20, 2001.

MEMORIAL DRIVE, L.L.C.  
BY *Ed Schermerhorn*  
ED SCHERMERHORN, MEMBER MANAGER

AMERICAN SOUTHWEST PROPERTIES, INC.  
BY *Jack Wright*  
JACK WRIGHT, PRESIDENT

STATE OF OKLAHOMA )  
COUNTY OF TULSA )  
BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, ON THIS 20 DAY OF Aug, 2001, PERSONALLY APPEARED ED SCHERMERHORN, TO ME KNOWN TO BE THE IDENTICAL PERSON WHO SUBSCRIBED THE NAME OF THE MAKER THEREOF TO THE FOREGOING INSTRUMENT 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 SUCH LIMITED LIABILITY COMPANY.  
GIVEN UNDER MY HAND AND SEAL THE DAY AND YEAR LAST ABOVE WRITTEN.

NOTARY PUBLIC *Janice J. Lewis*  
MY COMMISSION EXPIRES Sept. 14, 2001



STATE OF OKLAHOMA )  
COUNTY OF TULSA )  
BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, ON THIS 20 DAY OF Aug, 2001, PERSONALLY APPEARED JACK WRIGHT, TO ME KNOWN TO BE THE IDENTICAL PERSON WHO SUBSCRIBED THE NAME OF THE MAKER THEREOF TO THE FOREGOING INSTRUMENT 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 SUCH CORPORATION.  
GIVEN UNDER MY HAND AND SEAL THE DAY AND YEAR LAST ABOVE WRITTEN.

NOTARY PUBLIC *L. Darline McInnis*  
MY COMMISSION EXPIRES July 25, 2003

CERTIFICATE OF SURVEY

I, JEFFREY A. TUTTLE, P.E., OF TULSA, OKLAHOMA, HEREBY CERTIFY THAT I HAVE CAREFULLY AND ACCURATELY SURVEYED, STAKED AND PLATTED THE ABOVE DESCRIBED TRACT, AND THE ACCOMPANYING PLAT IS A TRUE AND CORRECT REPRESENTATION OF SAID SURVEY.  
DATED THIS 20th DAY OF Aug, 2001.

*Jeffrey A. Tuttle*  
JEFFREY A. TUTTLE  
PROFESSIONAL LAND SURVEYOR

STATE OF OKLAHOMA )  
COUNTY OF TULSA )  
BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, ON THIS 20 DAY OF Aug, 2001, PERSONALLY APPEARED JEFFREY A. TUTTLE, TO ME KNOWN TO BE THE IDENTICAL PERSON WHO EXECUTED THE WITHIN AND FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE AND VOLUNTARY ACT AND DEED FOR THE USE AND PURPOSES THEREIN SET FORTH.  
GIVEN UNDER MY HAND AND SEAL THE DAY AND YEAR LAST ABOVE WRITTEN.

NOTARY PUBLIC *L. Darline McInnis*  
MY COMMISSION EXPIRES July 25, 2003