

# FINAL PLAT FLEMING ADDITION

LOT 1, BLOCK 1, FLEMING ADDITION, A SUBDIVISION TO THE CITY OF BROKEN ARROW,  
OKLAHOMA, BEING A PART OF LOT 7, SECTION 6, T-18-N, R-15-E, WAGONER COUNTY, OKLAHOMA.

## DEED OF DEDICATION

### KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, THE UNDERSIGNED, TIMOTHY EUGENE LINIHAN, FRANCIS M. LINAHAN, HUSBAND AND WIFE, C.L. HAYES, EVA MARIE HAYES, HUSBAND AND WIFE, RAY E. FARRELL, RUTH MAXINE FARRELL, HUSBAND AND WIFE, GEORGE FRANCIS LINIHAN, JR., PATSY R. LINIHAN, HUSBAND AND WIFE, AND DOROTHY S. LINIHAN ARE THE OWNERS IN FEE SIMPLE TO THE FOLLOWING DESCRIBED PROPERTY SITUATED IN THE CITY OF BROKEN ARROW, WAGONER COUNTY, STATE OF OKLAHOMA, TO WIT:

A TRACT OF LAND LYING IN LOT 7, SECTION 6, T-18-N, R-15-E, WAGONER COUNTY, OKLAHOMA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO WIT:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 7; THENCE N 1'19'23" W AND ALONG THE WEST LINE OF SAID LOT 7 FOR A DISTANCE OF 312.00 FEET; THENCE N 88'51'54" E FOR A DISTANCE OF 70.00 FEET TO THE POINT OF BEGINNING; THENCE N 1'19'23" W AND PARALLEL TO THE WEST LINE OF SAID LOT 7 A DISTANCE OF 170.00 FEET, THENCE N 88'51'54" E A DISTANCE OF 200.00 FEET, THENCE S 1'19'23" E AND PARALLEL TO THE WEST LINE OF SAID LOT 7 A DISTANCE OF 170.00 FEET, THENCE S 88'51'54" W A DISTANCE OF 200.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 34,000 SQUARE FEET OR 0.78 ACRES.

AND HAVE CAUSED THE ABOVE DESCRIBED LAND TO BE SURVEYED, STAKED, PLATTED AND SUBDIVIDED INTO ONE LOT, ONE BLOCK, AND HAVE DESIGNATED THE SAME AS "FLEMING ADDITION" AN ADDITION TO THE CITY OF BROKEN ARROW, WAGONER COUNTY, OKLAHOMA.

## SECTION 1. STREETS AND UTILITIES

### A. STREETS AND UTILITY EASEMENTS

THE UNDERSIGNED OWNER DEDICATES TO THE PUBLIC USE FOREVER, STREETS RIGHTS-OF-WAY AS SHOWN AND DESIGNATED ON THE ACCOMPANYING PLAT AND DOES FURTHER DEDICATE TO THE PUBLIC USE FOREVER THE EASEMENTS AS SHOWN AND DESIGNATED ON THE ACCOMPANYING PLAT FOR THE SEVERAL PURPOSES OF CONSTRUCTING, MAINTAINING, OPERATING, REPAIRING, REMOVING, REPLACING ANY AND ALL UTILITIES INCLUDING STORM SEWER, SANITARY SEWER, TELEPHONE AND COMMUNICATION LINES, ELECTRIC POWER LINES AND TRANSFORMERS, GAS LINES AND WATER LINES, TOGETHER WITH ALL FITTINGS, INCLUDING THE POLES, WIRES, CONDUITS, PIPES, VALVES, METERS AND EQUIPMENT FOR EACH OF SUCH FACILITIES AND ANY OTHER APPURTENANCES THERETO WITH THE RIGHTS OF INGRESS AND EGRESS INTO AND UPON SAID UTILITY EASEMENTS AND RIGHTS-OF-WAY FOR THE USES AND PURPOSES AFORESAID. NO BUILDING, STRUCTURE, OR OTHER ABOVE OR BELOW GROUND OBSTRUCTION THAT WILL INTERFERE WITH PURPOSES AFORESAID, WILL BE PLACED, ERECTED, INSTALLED OR PERMITTED UPON THE EASEMENTS OR RIGHTS-OF-WAY AS SHOWN, PROVIDED HOWEVER, THAT THE OWNER HEREBY RESERVES THE RIGHT TO CONSTRUCT, MAINTAIN, OPERATE, LAY AND RELAY WATER LINES AND SEWER LINES TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS FOR SUCH CONSTRUCTION, MAINTENANCE, OPERATION, LAYING AND RELAYING OVER, ACROSS AND ALONG ALL PUBLIC STREETS, ALLEYS, AND UTILITY EASEMENTS, SHOWN ON SAID PLAT, FOR THE PURPOSE OF FURNISHING WATER AND/OR SANITARY SEWER SERVICES TO THE AREA INCLUDED IN SAID PLAT.

### B. ELECTRIC AND COMMUNICATION SERVICE

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

UNDERGROUND SERVICE CABLES TO ALL STRUCTURES WHICH MAY BE LOCATED ON ALL LOTS IN SAID ADDITION 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 EACH LOT; PROVIDED THAT THE INSTALLATION OF SUCH SERVICE CABLE TO A PARTICULAR STRUCTURE, THE SUPPLIER OF ELECTRIC SERVICE SHALL THEREAFTER BE DEEMED TO HAVE A DEFINITIVE, PERMANENT, EFFECTIVE AND EXCLUSIVE RIGHTS-OF-WAY 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 STRUCTURE.

THE SUPPLIER OF ELECTRIC AND COMMUNICATION SERVICE, THROUGH ITS PROPER SERVICE AGENTS AND EMPLOYEES, SHALL AT ALL TIMES HAVE RIGHT OF ACCESS TO ALL SUCH EASEMENT-WAYS SHOWN ON SAID PLAT, OR PROVIDED FOR IN THIS DEED OF DEDICATION FOR THE INSTALLING, MAINTAINING, REMOVING OR REPLACING ANY PORTION OF SAID UNDERGROUND ELECTRIC FACILITIES SO INSTALLED BY IT.

THE OWNER OF EACH LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF UNDERGROUND ELECTRIC AND COMMUNICATION FACILITIES LOCATED ON HIS PROPERTY AND SHALL PREVENT THE ALTERATION OF GRADE OR ANY CONSTRUCTION ACTIVITY WHICH MAY INTERFERE WITH SAID FACILITIES. THE COMPANY WILL BE RESPONSIBLE FOR THE ORDINARY MAINTENANCE OF UNDERGROUND ELECTRIC AND COMMUNICATION FACILITIES, BUT THE OWNER WILL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY THE ACTS OF THE OWNER OR HIS AGENTS OR CONTRACTORS.

THE FOREGOING COVENANTS CONCERNING UNDERGROUND ELECTRIC AND COMMUNICATION SERVICE FACILITIES SHALL BE ENFORCEABLE BY THE SUPPLIER OF ELECTRIC SERVICES, AND THE OWNER OF EACH LOT AGREES TO BE BOUND HEREBY.

### C. GAS SERVICE

1. THE SUPPLIERS OF GAS SERVICE, THROUGH THEIR PROPER AGENTS AND EMPLOYEES SHALL AT ALL TIMES HAVE RIGHT OF ACCESS TO ALL SUCH EASEMENTS - WAYS SHOWN ON SAID PLAT, OR PROVIDED FOR IN THIS DEED OF DEDICATION, FOR THE PURPOSE OF INSTALLING, MAINTAINING, REMOVING OR REPLACING ANY PORTION OF SAID UNDERGROUND FACILITIES SO INSTALLED BY THEM.

2. THE OWNER OF EACH LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE UNDERGROUND GAS FACILITIES LOCATED ON HIS PROPERTY, AND SHALL PREVENT THE ALTERATION OF GRADE OR ANY CONSTRUCTION ACTIVITY WHICH MAY INTERFERE WITH SAID FACILITIES. THE COMPANIES WILL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF THE UNDERGROUND FACILITIES, BUT THE OWNER OF EACH LOT WILL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER OF EACH LOT OR ITS AGENTS OR CONTRACTORS.

3. THE FOREGOING COVENANTS AND RESTRICTIONS CONCERNING UNDERGROUND GAS FACILITIES SHALL BE ENFORCEABLE BY THE SUPPLIERS OF SAID SERVICES, AND THE OWNER OF EACH LOT AGREES TO BE BOUND HEREBY.

### D. TEMPORARY DRIVE

PROPERTY OWNER ACKNOWLEDGES AND AGREES THAT THE EASTERNMOST CURB CUT ON KENOSHA STREET (71ST) DEPICTED ON THE PLAT IS TEMPORARY AND SAID ACCESS POINT SHALL BE PERMANENTLY CLOSED BY SAID PROPERTY OWNER AT ITS EXPENSE WHENEVER THE PROPERTY ADJACENT TO THE EAST IS DEVELOPED FOR COMMERCIAL USE. PROPERTY OWNER FURTHER ACKNOWLEDGES AND AGREES THAT ANY HARDSHIP RESULTING FROM THE CLOSING OF THE AFOREMENTIONED CURB CUT IS SELF-IMPOSED AND WILL NOT CONSTITUTE LEGAL OR EQUITABLE GROUNDS FOR THE GRANTING OF A ZONING ORDINANCE VARIANCE OR EXCEPTION BY THE BROKEN ARROW BOARD OF ADJUSTMENT OR ANY SUCCESSOR ENTITY. FOR THE PURPOSE OF THIS SECTION, THE TERM "DEVELOPMENT" SHALL MEAN THE ACTUAL CONSTRUCTION OF IMPROVEMENTS UPON SAID ADJOINING PROPERTY.

### E. OWNER RESPONSIBILITY WITHIN EASEMENTS

THE OWNERS OF THE LOTS SHALL BE RESPONSIBLE FOR THE REPAIR AND REPLACEMENT OF ANY LANDSCAPING AND PAVING WITHIN THE UTILITY EASEMENTS ON HIS LOT IN THE EVENT IT IS NECESSARY TO REPAIR ANY UNDERGROUND WATER OR SEWER MAINS, ELECTRIC, NATURAL GAS, CABLE TELEVISION, OR TELEPHONE SERVICE.

### F. LIMITS OF NO ACCESS

THE OWNERS HEREBY RELINQUISH RIGHTS OF INGRESS OR EGRESS TO THE ABOVE DESCRIBED PROPERTY WITHIN THE BOUNDS DESIGNATED AS "LIMITS OF NO ACCESS" (LNA) EXCEPT AS MAY BE RELEASED, ALTERED OR AMENDED BY THE BROKEN ARROW PLANNING COMMISSION, THE CITY OF BROKEN ARROW, ITS SUCCESSOR, OR AS OTHERWISE PROVIDED FOR BY THE STATUTES AND LAWS OF THE STATE OF OKLAHOMA PERTAINING THERETO.

WITNESS OUR HANDS ON THIS 6 DAY OF September, 1995.

Timothy Eugene Linihan  
TIMOTHY EUGENE LINIHAN, HUSBAND

Francis M. Linihan  
FRANCIS M. LINIHAN, WIFE

C. L. Hayes  
C.L. HAYES, HUSBAND

Eva Marie Hayes  
EVA MARIE HAYES, WIFE

Ray E. Farrell  
RAY E. FARRELL, HUSBAND

Ruth Maxine Farrell  
RUTH MAXINE FARRELL, WIFE

George Francis Linihan, Jr.  
GEORGE FRANCIS LINIHAN, JR., HUSBAND

Patsy R. Linihan  
PATSY R. LINIHAN, WIFE

Dorothy S. Linihan  
DOROTHY S. LINIHAN, A SINGLE PERSON

APPROVED 7-3-95 by the City Council of the City of Broken Arrow, Oklahoma.  
James Keyralls Mayor  
Brenda Kiechert Attest: City Clerk

STATE OF OKLAHOMA }  
COUNTY OF TULSA } SS

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, ON THIS 6 DAY OF September, 1995, PERSONALLY APPEARED TIMOTHY EUGENE LINIHAN, HUSBAND, AND FRANCIS M. LINIHAN, HIS WIFE; C.L. HAYES, HUSBAND, AND EVA MARIE HAYES, HIS WIFE; RAY E. FARRELL, HUSBAND, AND RUTH MAXINE FARRELL, HIS WIFE; GEORGE FRANCIS LINIHAN, JR., HUSBAND, AND PATSY R. LINIHAN, HIS WIFE; AND DOROTHY S. LINIHAN, A SINGLE PERSON; TO ME KNOWN TO BE THE IDENTICAL PERSONS WHO EXECUTED THE FOREGOING INSTRUMENT, AND ACKNOWLEDGES TO ME THAT THEY EXECUTED THE SAME AS THEIR FREE AND VOLUNTARY ACT AND DEED, FOR THE USES AND PURPOSES SET FORTH THEREIN,

GIVEN UNDER MY HAND AND SEAL THE DAY AND YEAR LAST ABOVE WRITTEN.

MY COMMISSION EXPIRES: 4/1/97  
Kerri Mitchell  
NOTARY PUBLIC

### SURVEYOR'S CERTIFICATION

I, BOB J. SCHARMACHER, A REGISTERED LAND SURVEYOR IN THE STATE OF OKLAHOMA, DO HEREBY CERTIFY THAT I HAVE, AT THE INSISTENCE OF THE OWNERS DESIGNATED ABOVE, CAUSED THE ABOVE DESCRIBED SURVEY TO BE PERFORMED UNDER MY SUPERVISION, AND THAT THE ACCOMPANYING PLAT IS A TRUE AND CORRECT REPRESENTATION OF SAID SURVEY.

SIGNED AND SEALED THIS 25th DAY OF August, 1995.

Bob J. Scharmacher  
BOB J. SCHARMACHER, RLS #737

STATE OF OKLAHOMA }  
COUNTY OF TULSA } SS

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, ON THIS 26 DAY OF August, 1995, PERSONALLY APPEARED BOB J. SCHARMACHER, TO ME KNOWN TO BE THE IDENTICAL PERSON WHO EXECUTED THE FOREGOING INSTRUMENT, AND ACKNOWLEDGES TO ME THAT HE EXECUTED THE SAME AS HIS FREE AND VOLUNTARY ACT AND DEED, FOR THE PURPOSES SET FORTH THEREIN.

GIVEN UNDER MY HAND AND SEAL THE DAY AND YEAR LAST ABOVE WRITTEN.

MY COMMISSION EXPIRES: 4/1/97  
Kerri Mitchell  
NOTARY PUBLIC

I, the undersigned, the duly qualified acting county Treasurer, of Wagoner County, Oklahoma, hereby certify that according to the 1995 tax rolls the taxes on the above description are paid.

Mary Sue Tedder  
Mary Sue Tedder, County Treasurer