

SILVERLEAF

OWNER/DEVELOPER

FIFTY-FIRST STREET SOUTH, LLC
1420 WEST KENDRA
BROKEN ARROW, OK 74602
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ATTN: CHUCK RAMSAY

A SUBDIVISION OF THE PART OF THE SOUTHEAST QUARTER (SE/4) OF SECTION THIRTY (30), TOWNSHIP NINETEEN (19) NORTH, RANGE FIFTEEN (15) EAST, CITY OF BROKEN ARROW, WAGONER COUNTY, STATE OF OKLAHOMA

P.U.D. NO. 225

ENGINEER/SURVEYOR

AAB ENGINEERING LLC
CERTIFICATE OF AUTHORIZATION NO. 6518, EXPIR. JUNE 30, 2018
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PLC5 - 434B

2013-2018 Book 2548 pg. 447
Filed 05/01/2018 10:05 AM
Falls 1515 City, 8026
Wagoner County, State of Oklahoma

KNOW ALL MEN BY THESE PRESENTS: FIFTY-FIRST STREET SOUTH, LLC, AN OKLAHOMA LIMITED LIABILITY COMPANY, HERINAFTER REFERRED TO AS THE "OWNER/DEVELOPER", IS THE OWNER OF THE FOLLOWING DESCRIBED LAND IN THE CITY OF BROKEN ARROW, WAGONER COUNTY, STATE OF OKLAHOMA, TO-WIT:

A PART OF THE SOUTHEAST QUARTER (SE/4) OF SECTION THIRTY (30), TOWNSHIP NINETEEN (19) NORTH, RANGE FIFTEEN (15) EAST OF THE INDM BASSE MERIDIAN, WAGONER COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, MORE PARTICULARLY AS FOLLOWS, TO-WIT:

BEGINNING AT THE SOUTHEAST CORNER OF NEW BEDFORD, AN ADDITION TO THE CITY OF BROKEN ARROW, WAGONER COUNTY; THENCE NORTH 01°22'33" WEST ALONG THE EAST LINE OF NEW BEDFORD FOR A DISTANCE OF 1222.38 FEET TO THE SOUTHWEST CORNER OF HARTFORD PARK, AN ADDITION TO THE CITY OF BROKEN ARROW, WAGONER COUNTY; THENCE ALONG THE SOUTHERLY LINE OF HARTFORD PARK NORTH 88°44'59" EAST FOR A DISTANCE OF 292.82 FEET; THENCE CONTINUING ALONG A SOUTH LINE OF HARTFORD PARK NORTH 54°10'22" EAST FOR A DISTANCE OF 301.96 FEET; THENCE SOUTH 39°59'30" EAST FOR A DISTANCE OF 143.57 FEET; THENCE NORTH 54°10'20" EAST FOR A DISTANCE OF 6.82 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 250.00 FEET, A CHORD BEARING OF NORTH 57°48'15" EAST, AND A CHORD LENGTH OF 32.23 FEET; FOR AN ARC DISTANCE OF 32.25 FEET; THENCE SOUTH 35°52'30" EAST FOR A DISTANCE OF 172.88 FEET; THENCE NORTH 54°10'30" EAST FOR A DISTANCE OF 64.78 FEET; THENCE SOUTH 01°28'51" EAST FOR A DISTANCE OF 200.00 FEET; THENCE NORTH 88°44'47" EAST FOR A DISTANCE OF 50.00 FEET; THENCE SOUTH 01°28'51" EAST FOR A DISTANCE OF 338.56 FEET; THENCE SOUTH 88°46'05" WEST FOR A DISTANCE OF 25.27 FEET; THENCE SOUTH 01°22'10" EAST FOR A DISTANCE OF 288.32 FEET; THENCE SOUTH 88°48'44" WEST FOR A DISTANCE OF 315.00 FEET; THENCE SOUTH 01°22'10" EAST FOR A DISTANCE OF 370.00 FEET TO A POINT ON THE SOUTH LINE OF THE SE/4, THENCE NORTH 88°48'44" WEST ALONG THE SOUTH LINE OF THE SE/4 FOR A DISTANCE OF 290.22 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 865.230 SQUARE FEET OR 19.86 ACRES, MORE OR LESS.

AND HAS CAUSED THE ABOVE DESCRIBED TRACT OF LAND TO BE SURVEYED, STATED, PLATTED AND SUBDIVIDED INTO 82 LOTS IN 5 BLOCKS EACH ONE REFERRED TO HEREIN AS A "LOT" OR COLLECTIVELY AS "LOTS", IN CONFORMANCE WITH THE ACCOMPANYING PLAN, AND HAS DESIGNATED THE SUBDIVISION AS "SILVERLEAF", SUBDIVISION IN THE CITY OF BROKEN ARROW, WAGONER COUNTY, OKLAHOMA (HEREINAFTER REFERRED TO AS "SILVERLEAF" OR THE "SUBDIVISION").

SECTION I. PUBLIC STREETS, EASEMENTS AND UTILITIES

- A. PUBLIC STREETS AND GENERAL UTILITY EASEMENTS**

THE OWNER/DEVELOPER HEREBY DEDICATES AND CONVEYS TO THE CITY OF BROKEN ARROW FOR PUBLIC USE THE ACCOMPANYING PLAN AND DOES FURTHER DEDICATE FOR PUBLIC USE THE UTILITY EASEMENTS AS DEPICTED ON THE ACCOMPANYING PLAN AS "USE OR UTILITY EASEMENT"; FOR PURPOSES OF THIS SECTION, ALL UTILITY EASEMENTS SHALL BE CONSIDERED AS BEING DEDICATED TO THE CITY OF BROKEN ARROW FOR THE SEVERAL PURPOSES OF CONSTRUCTING, MAINTAINING, OPERATING, REPAIRING, REPLACING, AND/OR REMOVING ANY AND ALL PUBLIC UTILITIES INCLUDING: STORM SEWERS, SANITARY SEWERS, 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 APURTANCES THEREOF, WITH THE RIGHTS OF INGRESS AND EGRESS TO AND UPON THE UTILITY EASEMENTS FOR THE USES AND PURPOSES AFORESAID, PROVIDED HOWEVER, THE OWNER/DEVELOPER SHALL BE RESPONSIBLE FOR THE RIGHT TO CONSTRUCT, MAINTAIN, OPERATE, LAUNCH, REPAIR, REPLACE, AND/OR REMOVE WATER LINES AND SEWER LINES, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS FOR SUCH CONSTRUCTION, MAINTENANCE, OPERATION AND REPAIR OF SUCH FACILITIES AND ANY OTHER APURTANCES AND UTILITY EASEMENTS DEPICTED ON THE PLAN, FOR THE PURPOSE OF FURNISHING WATER SERVICE, SEWER SERVICE AND ALL UTILITY SERVICES IN THE AREA INCLUDED IN THE PLAN AND ELSEWHERE, AS MAY BE REQUIRED. THE OWNER/DEVELOPER HEREBY IMPOSES A RESTRICTIVE COVENANT, WHICH COVENANT SHALL BE BINDING ON EACH LOT OWNER AND SHALL BE ENFORCEABLE BY THE CITY OF BROKEN ARROW, OKLAHOMA, AND BY THE SUPPLIER OF ANY AFFECTED UTILITY SERVICE, THAT WITHIN THE UTILITY EASEMENTS DEPICTED ON THE ACCOMPANYING PLAN NO BUILDING, STRUCTURE OR OTHER ABOVE OR BELOW GROUND OBSTRUCTION SHALL BE PLACED, ERECTED, INSTALLED OR MAINTAINED, PROVIDED HOWEVER, NOTHING HEREIN SHALL BE DEEMED TO PROHIBIT DRIVES, PARKING AREAS, CURBING, LANDSCAPING, CUSTOMARY SCREENING FENCES AND WALLS THAT DO NOT CONSTITUTE AN OBSTRUCTION.
- B. UTILITY LINES AND SERVICE**
 - OVERHEAD LINES FOR THE SUPPLY OF ELECTRIC, TELEPHONE AND CABLE TELEVISION SERVICES AND OTHER COMMUNICATION SERVICES MAY BE LOCATED ALONG THE PERMETER EASEMENTS OF THE SUBDIVISION. STREET LIGHT POLES OR STANDARDS MAY BE SERVED. OVERHEAD LINE OR UNDERGROUND CABLE THROUGHOUT THE SUBDIVISION. OTHERWISE, ALL SUPPLY LINES SHALL BE LOCATED UNDERGROUND IN THE GENERAL UTILITY EASEMENTS AND IN THE RIGHTS-OF-WAY FOR PUBLIC STREETS AS DEPICTED BY THE PLAN. SERVICE PEDESTALS AND TRANSFORMERS, AS SOURCES OF SUPPLY AT SECONDARY VOLTAGES, MAY ALSO BE LOCATED IN THE GENERAL UTILITY EASEMENTS.
 - UNDERGROUND SERVICE CABLES TO ALL STRUCTURES WHICH MAY BE 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 LOT. PROVIDED THAT THE INSTALLATION OF A SERVICE CABLE TO A PARTICULAR STRUCTURE, THE SUPPLIER OF SERVICE SHALL THEREAFTER BE DEEMED TO HAVE A DEFINITIVE, PERMANENT AND EFFECTIVE EASEMENT ON THE LOT, COVERING A 5 FOOT STRIP EXTENDING 2.5 FEET ON EACH SIDE OF THE SERVICE CABLE, EXTENDING FROM THE SERVICE PEDESTAL OR TRANSFORMER TO THE SERVICE ENTRANCE ON THE STRUCTURE.
 - THE SUPPLIER OF ELECTRIC, TELEPHONE AND CABLE TELEVISION SERVICES AND OTHER COMMUNICATION SERVICES, THROUGH ITS AGENTS AND EMPLOYEES, SHALL AT ALL TIMES HAVE RIGHT OF ACCESS TO ALL GENERAL UTILITY EASEMENTS DEPICTED ON THE ACCOMPANYING PLAN AND OTHERWISE PROVIDED FOR IN THIS DEED OF DEDICATION FOR THE PURPOSE OF INSTALLING, MAINTAINING, REMOVING OR REPLACING ANY PORTION OF THE UNDERGROUND ELECTRIC, TELEPHONE, CABLE TELEVISION OR COMMUNICATION FACILITIES INSTALLED BY THE SUPPLIER OF THE UTILITY SERVICE.
 - THE OWNER OF THE LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE UNDERGROUND SERVICE FACILITIES LOCATED ON HIS LOT AND SHALL PREVENT THE ALTERATION OF GRADE OR ANY CONSTRUCTION ACTIVITY THAT WOULD INTERFERE WITH THE ELECTRIC, TELEPHONE, CABLE TELEVISION OR COMMUNICATION FACILITIES. THE SUPPLIER OF SERVICE SHALL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF UNDERGROUND FACILITIES, BUT THE OWNER SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER OR HIS AGENTS OR CONTRACTORS.
 - THE FOREGOING COVENANTS SET FORTH IN THIS PARAGRAPH B SHALL BE ENFORCEABLE BY THE SUPPLIER OF THE ELECTRIC, TELEPHONE, CABLE TELEVISION OR OTHER COMMUNICATION SERVICE AND THE OWNER OF THE LOT AGREES TO BOUND HEREBY.
- C. WATER, SANITARY SEWER AND STORM SEWER SERVICE**

THE OWNER OF THE LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE PUBLIC WATER MAINS, SANITARY SEWER MAINS AND STORM SEWERS LOCATED ON THEIR LOT AND SHALL PREVENT THE ALTERATION OF GRADE OR ANY CONSTRUCTION ACTIVITY THAT WOULD INTERFERE WITH SAID PUBLIC WATER MAIN, PUBLIC SANITARY SEWER MAIN OR STORM SEWER.

 - WITHIN THE UTILITY AND DRAINAGE EASEMENT AREAS DEPICTED ON THE ACCOMPANYING PLAN, THE ALTERATION OF GRADE FROM THE CONTOURS EXISTING UPON THE COMPLETION OF THE INSTALLATION

- OF A PUBLIC WATER MAIN, SANITARY SEWER MAIN, STORM SEWER OR DRAINAGE WAYS, OR ANY CONSTRUCTION ACTIVITY WHICH WOULD INTERFERE WITH PUBLIC WATER MAINS, SANITARY SEWER MAINS AND STORM SEWERS SHALL BE PROHIBITED. THE CITY OF BROKEN ARROW, WAGONER COUNTY, MAY SPECIALLY ENFORCE THIS PROHIBITION.
- WAGONER COUNTY RURAL WATER DISTRICT #4, OR ITS SUCCESSORS AS THE PROVIDER, SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF UNDERGROUND WATER OR SEWER FACILITIES OR STORM WATER FACILITIES. WAGONER COUNTY RURAL WATER DISTRICT #4 SHALL HAVE SUCH RIGHT OF ACCESS FOR THE PURPOSE OF INSTALLING, MAINTAINING, REMOVING OR REPLACING ANY PORTION OF POTABLE WATER FACILITIES. ITS SUCCESSOR UTILITY OR MUNICIPALITY PROVIDING WATER SERVICE SHALL HAVE SIMILAR RIGHT OF ACCESS.
- WHERE WATER LINES ARE INSTALLED WITHIN A UTILITY EASEMENT, THAT PORTION OF THE UTILITY EASEMENT IS FOR THE USE OF WAGONER COUNTY RURAL WATER DISTRICT #4, OKLAHOMA, OR ITS SUCCESSORS, THE UTILITY EASEMENTS DESIGNATED HEREIN FOR THE PURPOSE OF PROVIDING POTABLE WATER ARE DEDICATED TO WAGONER COUNTY RURAL WATER DISTRICT #4, OR ITS SUCCESSORS OR ASSIGNS, AS THE EXCLUSIVE PROVIDER OF POTABLE WATER TO THE SUBDIVISION. SEWER, GAS, ELECTRIC, COMMUNICATION, MANUFACTURING AND OTHER PROFESSIONAL AND INDUSTRIAL UTILITIES, OTHER THAN POTABLE WATER, MAY ALSO USE SAID EASEMENTS.
- THE FOREGOING COVENANTS SET FORTH IN THIS PARAGRAPH C SHALL BE ENFORCEABLE BY THE CITY OF BROKEN ARROW, OKLAHOMA, WAGONER COUNTY RURAL WATER DISTRICT #4, THEIR SUCCESSORS, OR ANY UTILITY PROVIDER OF SERVICES AND THE OWNER OF THE LOT AGREES TO BOUND HEREBY.

D. PAVING AND LANDSCAPING WITHIN EASEMENTS

THE OWNER OF THE LOT AFFECTED SHALL BE RESPONSIBLE FOR THE REPAIR OR 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 EASEMENT AREAS DEPICTED UPON THE ACCOMPANYING PLAN, PROVIDED, HOWEVER, THE CITY OF BROKEN ARROW, OKLAHOMA, OR THE SUPPLIER OF THE UTILITY SERVICE SHALL USE REASONABLE CARE IN THE PERFORMANCE OF SUCH ACTIVITIES.

E. GAS SERVICE

- THE OWNER OF THE LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE UNDERGROUND GAS FACILITIES LOCATED ON THE LOT.
- WITHIN THE DEPICTED UTILITY EASEMENT AREAS, THE ALTERATION OF GRADE OR ANY CONSTRUCTION ACTIVITY, WHICH MAY INTERFERE WITH THE UNDERGROUND GAS FACILITIES, SHALL BE PROHIBITED.
- THE OWNER OF THE LOT SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF UNDERGROUND GAS FACILITIES AND FOR THE MAINTENANCE OF THE GAS FACILITIES, BUT THE OWNER SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER OR HIS AGENTS OR CONTRACTORS.
- THE SUPPLIER OF GAS SERVICE OR ITS SUCCESSORS SHALL AT ALL TIMES HAVE RIGHT OF ACCESS WITHIN THEIR PORTION TO ALL EASEMENT WAYS DEPICTED ON THE PLAN OR OTHERWISE PROVIDED FOR IN THIS DEED OF DEDICATION FOR THE PURPOSE OF INSTALLING, MAINTAINING, REMOVING OR REPLACING ANY PORTION OF UNDERGROUND GAS FACILITIES.
- UNDERGROUND GAS SERVICE LINES TO ALL STRUCTURES WHICH MAY BE LOCATED WITHIN THE SUBDIVISION SHALL BE RUN FROM THE NEAREST GAS MAIN 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 A SERVICE LINE, A PERMANENT AND DEFINITIVE, PERMANENT AND EFFECTIVE EASEMENT ON THE LOT, COVERING A 5 FOOT STRIP EXTENDING 2.5 FEET ON EACH SIDE OF THE SERVICE LINE, EXTENDING FROM THE GAS MAIN TO THE SERVICE ENTRANCE ON THE STRUCTURE.
- THE FOREGOING COVENANTS SET FORTH IN THIS SUBSECTION E SHALL BE ENFORCEABLE BY THE SUPPLIER OF GAS SERVICE OR ITS SUCCESSORS AND THE OWNER OF THE LOT AGREES TO BOUND HEREBY.

F. 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 F SHALL BE ENFORCEABLE BY ANY AFFECTED LOT OWNER, BY THE OWNER/DEVELOPER AND BY THE CITY OF BROKEN ARROW, OKLAHOMA.

G. LIMITS OF ACCESS

THE UNDERGROUND OWNER/DEVELOPER HEREBY RELINQUISHES RIGHTS OF VEHICULAR INGRESS OR EGRESS FROM ANY PORTION OF THE PROPERTY ADJACENT TO EAST OMAHA STREET WITHIN THE BOUNDS DESCRIBED AS "LIMITS OF ACCESS" ON THE ACCOMPANYING PLAN, WHICH "LIMITS OF ACCESS" MAY BE AMENDED OR RELEASED BY THE CITY OF BROKEN ARROW AREA PLANNING COMMISSION, OR ITS SUCCESSOR, WITH THE APPROVAL OF THE CITY OF BROKEN ARROW, 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 BROKEN ARROW.

H. RESERVE AREAS

- THE USE OF RESERVE AREA A DEDICATED ON THE PLAN OR SUBSEQUENTLY DEDICATED FOR THE SUBDIVISION SHALL BE LIMITED TO USE AS OPEN SPACE, FENCING AND LANDSCAPING, AS WELL AS UTILITY EASEMENTS, A SWIMMING POOL AND RELATED FACILITIES OR OTHER USE PROVIDED BY THE OWNER/DEVELOPER AND ARE RESERVED FOR SUBSEQUENT CONVEYANCE TO THE HOMEOWNERS ASSOCIATION. MAINTENANCE OF RESERVE AREA A WILL BE THE RESPONSIBILITY OF THE HOMEOWNERS ASSOCIATION.
- THE USE OF RESERVE AREAS B & C DEDICATED ON THE PLAN OR SUBSEQUENTLY DEDICATED FOR THE SUBDIVISION SHALL BE LIMITED TO USE AS OPEN SPACE, FENCING AND LANDSCAPING, AS WELL AS UTILITY EASEMENTS AND ARE RESERVED FOR SUBSEQUENT CONVEYANCE TO THE HOMEOWNERS ASSOCIATION. MAINTENANCE OF RESERVE AREAS B & C WILL BE THE RESPONSIBILITY OF THE PROPERTY OWNER.
- THE USE OF RESERVE AREA D DEDICATED ON THE PLAN OR SUBSEQUENTLY DEDICATED FOR THE SUBDIVISION SHALL BE LIMITED TO USE AS OPEN SPACE, FENCING AND LANDSCAPING, AS WELL AS UTILITY EASEMENTS, AND ARE RESERVED FOR SUBSEQUENT CONVEYANCE TO THE HOMEOWNERS ASSOCIATION. MAINTENANCE OF RESERVE AREA D WILL BE THE RESPONSIBILITY OF THE HOMEOWNERS ASSOCIATION.

I. SIDEWALKS

SIDEWALKS ARE REQUIRED ALONG STREETS DESIGNATED BY AND IN ACCORDANCE WITH SUBDIVISION REGULATIONS. THE OWNER SHALL CONSTRUCT REQUIRED SIDEWALKS WITHIN ANY RESERVE AREAS, COMMON AREAS AND ALONG THE STAGES OF ABUTTING LOTS HAVING ACCESS ONTO MAJOR STREETS. WHERE SIDEWALKS ARE NOT CONSTRUCTED BY THE OWNER/DEVELOPER, THE BUILDER OF A RESIDENCE ON EACH LOT SHALL CONSTRUCT THE REQUIRED SIDEWALK. REQUIRED SIDEWALKS SHALL BE CONSTRUCTED IN CONFORMANCE WITH CITY OF BROKEN ARROW ENGINEERING DESIGN STANDARDS.

J. MINIMUM BUILDING SETBACKS AND YARDS

- NO BUILDING SHALL BE LOCATED NEARER TO THE RIGHT OF WAY OF AN ADJOINING PUBLIC STREET THAN THE MINIMUM REAR YARD SPECIFIED ON THE ACCOMPANYING PLAN.
- EACH LOT SHALL MAINTAIN SIDE YARDS WHICH IN THE AGGREGATE ARE NOT LESS THAN TEN (10) FEET IN WIDTH AND NO SIDE YARD SHALL BE LESS THAN FIVE (5) FEET IN WIDTH. SIDE YARDS ABUTTING A STREET WHERE IT WILL BE NO LESS THAN TWENTY (20) FEET.
- THE MINIMUM REAR YARD SHALL BE TWENTY (20) FEET. CUSTOMARY ACCESSORY STRUCTURES MAY BE LOCATED IN THE REQUIRED REAR YARD, BUT NO BUILDING SHALL BE ERECTED NEARER THAN FIVE (5) FEET TO ANY LOT LINE.
- NO BUILDING, WHETHER PRINCIPAL OR ACCESSORY, SHALL ENCROACH UPON ANY UTILITY EASEMENT AS DEPICTED ON THE ACCOMPANYING PLAN.

K. CERTIFICATE OF OCCUPANCY RESTRICTIONS

NO CERTIFICATE OF OCCUPANCY SHALL BE ISSUED BY THE CITY OF BROKEN ARROW UNTIL COMPLETION OF THE ENTIRE DEVELOPMENT AND ITS FORMAL ACCEPTANCE BY THE CITY OF BROKEN ARROW. ANY AND ALL CONSTRUCTION PURSUANT TO ANY BUILDING PERMIT, BUT PRIOR TO THE CITY OF BROKEN ARROW'S FORMAL ACCEPTANCE OF THE ENTIRE DEVELOPMENT, SHALL BE AT THE OWNER/DEVELOPERS, CONTRACTORS/BUILDERS OR INVESTORS OWN RISK.

SECTION II. PLANNED UNIT DEVELOPMENT RESTRICTIONS

A. PLANNED UNIT DEVELOPMENT RESTRICTIONS

A PLANNED UNIT DEVELOPMENT RESTRICTIONS WAS SUBMITTED AS A PLANNED UNIT DEVELOPMENT, DESIGNATED AS PUD 225 WHEREAS SILVERLEAF WAS SUBMITTED AS A PLANNED UNIT DEVELOPMENT, DESIGNATED AS PUD 225 PURSUANT TO SECTION 2-1, ARTICLE 6 OF THE ZONING ORDINANCE OF THE CITY OF BROKEN ARROW, OKLAHOMA, (ORDINANCE NO. 2931) AS AMENDED AND EXISTED ON FEBRUARY 1, 2008 (HEREINAFTER REFERRED TO AS THE "BROKEN ARROW ZONING ORDINANCE") WHICH IS, ID. NO. 225 WAS RECOMMENDED FOR APPROVAL BY THE PLANNING COMMISSION ON JANUARY 9, 2014, AND WAS APPROVED BY THE COUNCIL OF THE CITY OF BROKEN ARROW, OKLAHOMA, ON FEBRUARY 4, 2014; WHEREAS THE PLANNED UNIT DEVELOPMENT, DESIGNATED AS PUD 225, IS IN CONFORMANCE WITH THE ESTABLISHED COVENANTS OF COVENANTS OF RECORD, INCURRING TO AND ENFORCEABLE BY THE CITY OF BROKEN ARROW, OKLAHOMA, SUFFICIENT TO ASSURE THE IMPLEMENTATION AND CONTINUING COMPLIANCE WITH THE APPROVED PLANNED UNIT DEVELOPMENT AND WHEREAS THE OWNER/DEVELOPER DESIRES TO ESTABLISH RESTRICTIONS FOR THE PURPOSE OF PROVIDING FOR AN ORDERLY DEVELOPMENT AND TO INURE ADEQUATE PROTECTION TO THE USE AND BEING OF THE PROPERTY, THE CITY OF BROKEN ARROW, OKLAHOMA, AND THE CITY OF BROKEN ARROW, OKLAHOMA, THEREFORE, THE OWNER/DEVELOPER DOES HEREBY IMPOSE THE FOLLOWING RESTRICTIONS AND COVENANTS WHICH SHALL BE COVENANTS RUNNING WITH THE LAND AND SHALL BE ENFORCEABLE BY THE OWNER/DEVELOPER, ITS SUCCESSORS AND ASSIGNS, AND SHALL BE ENFORCEABLE AS HEREINAFTER SET FORTH.

B. PERMITTED USES

SINGLE FAMILY DETACHED DWELLINGS

C. GROSS LAND AREA 19.86 ACRES

D. MINIMUM GROSS LAND AREA PER DWELLING UNIT (D.U.) 80.00 SQ. FT.

E. MAXIMUM NUMBER OF DWELLING UNITS 2

F. MINIMUM LOT WIDTH 82 FEET

G. MINIMUM LOT SIZE 60,000 SF

H. MINIMUM REAR YARD 20 FEET, INCLUDING LOTS ADJACENT TO THE RESERVE AREA PARALLEL 37TH E. AVENUE.

I. STREET DESIGN AND ACCESS LIMITATIONS

PUBLIC STREETS IN ACCORDANCE WITH CITY OF BROKEN ARROW ENGINEERING DESIGN CRITERIA MANUAL WILL ABUT EACH LOT. THE PROPOSED STREET NETWORK WILL CONNECT TO EXISTING STREETS WITHIN HARTFORD PARK ON THE NORTH AND NEW BEDFORD ON THE WEST. THREE LANE ENTRIES CONFORMING TO CITY OF BROKEN ARROW LAND SUBDIVISION CODE WILL BE CONSTRUCTED AT 37TH STREET SOUTH, EAST CITY OF BROKEN ARROW LAND SUBDIVISION CODE (61ST STREET SOUTH) ON THE SOUTH. NO LOT WITHIN THE SUBDIVISION WILL BE PERMITTED DIRECT ACCESS TO EITHER 37TH STREET OR OMAHA STREET. SIDEWALKS SHALL BE CONSTRUCTED BY THE DEVELOPER ALONG 37TH STREET AND OMAHA STREET RIGHTS-OF-WAY. AREAS ABUTTING STREET RIGHT OF WAY. SIDEWALKS WILL BE CONSTRUCTED IN ACCORDANCE WITH CITY OF BROKEN ARROW LAND SUBDIVISION CODE.

J. UTILITIES

STORM SEWER AND SANITARY SEWER WILL BE CONSTRUCTED BY THE DEVELOPER ACCORDING TO CITY OF BROKEN ARROW DESIGN STANDARDS AND WILL BE DEDICATED TO THE CITY OF BROKEN ARROW. THE WATER MAIN WILL BE TURNED OVER TO WAGONER COUNTY RURAL WATER DISTRICT #4. FRANCHISE UTILITIES WILL BE INSTALLED WITHIN THE PROVIDED UTILITY EASEMENTS BY THEIR RESPECTIVE OWNERS. ALL UTILITIES SHALL BE INSTALLED UNDERGROUND WITH THE EXCEPTION OF THOSE ABUTTING ARTERIAL STREETS.

K. LANDSCAPE AND SCREENING STANDARDS

LANDSCAPING AND SCREENING SHALL BE PROVIDED ALONG 37TH STREET AND OMAHA STREET IN ACCORDANCE WITH THE CITY OF BROKEN ARROW ZONING ORDINANCE. IN ADDITION, A LANDSCAPE RESERVE AREA OF AT LEAST 15 FEET IN WIDTH SHALL BE PROVIDED ALONG 37TH STREET AND OMAHA STREET. AT LEAST ONE TREE FROM THE APPROVED LARGE TREE LIST IN THE BROKEN ARROW ZONING ORDINANCE SHALL BE INSTALLED IN THE RESERVE AREA FOR EVERY 40' FRONTAGE ALONG 37TH STREET AND OMAHA STREET. ALL TREES SHALL BE AT LEAST 2 1/2 INCHES IN CALIPER, EXCEPT FOR A TREE FORM CRAPPE MYRTLE. IF OVERHEAD UTILITIES ARE INSTALLED ALONG OVER 15 FEET MAY BE USED IN SELECTED LOCATIONS ALONG THE RESERVE AREA. HOWEVER, LESS THAN 50 PERCENT OF THE REQUIRED TREES SHALL BE CRAPPE MYRTLE. IF OVERHEAD UTILITIES ARE INSTALLED ALONG OVER 15 FEET MAY BE USED IN SELECTED LOCATIONS ALONG THE RESERVE AREA. SHALL BE ALLOWED IN LIEU OF THE LARGE TREE COMMITMENT.

ALL OPEN SPACE RESERVE AREAS SHALL BE OWNED AND MAINTAINED BY THE HOMEOWNERS ASSOCIATION. THE 15' LANDSCAPE RESERVE SHALL BE WHOLLY CONTAINED WITHIN THE STANDARD 30' BUILDING SETBACK LINE ALONG 37TH STREET AND OMAHA STREET. THE PLAN WILL SHOW A 20' BUILDING SETBACK LINE FROM THE LOT LINE ADJACENT TO THE NORTH LINE OF THE RESERVE AREA ALONG OMAHA STREET.

AN ARCHITECTURALLY ATTRACTIVE OPAQUE FENCE AT LEAST 6" IN HEIGHT SHALL BE CONSTRUCTED ALONG THE CITY OF BROKEN ARROW ZONING ORDINANCE. THE CITY OF BROKEN ARROW ZONING ORDINANCE SHALL BE INSTALLED BY THE OWNER/DEVELOPER IN THE 15' FENCE OFFSET OR 2' SQUARE MASONRY COLUMN SPACED NOT MORE THAN 80' ALONG THE LENGTH OF THE STREET RIGHT OF WAY. IN THE

RESERVE ADJACENT TO 37TH STREET, THE FENCE SHALL BE CONSTRUCTED OF AN "AMERICAN STAR ORNAMENTAL FENCE", ROUND POST AND RAILS WITH VINYL COATED CHAIN LINK OR A SIMILAR THREE RAIL FENCE. MAINTENANCE OF THE FENCE ALONG THE ARTERIAL STREET SHALL BE THE RESPONSIBILITY OF THE HOMEOWNERS ASSOCIATION. FENCING PLANS SHALL BE PRESENTED TO AND APPROVED BY THE HOMEOWNERS ASSOCIATION. FENCING PLANS SHALL BE PRESENTED TO AND APPROVED BY THE CITY OF BROKEN ARROW CONCURRENTLY WITH THE LANDSCAPE PLANS. ANY TRAFFIC ISLANDS SURROUNDED BY STREET RIGHT OF WAY SHALL INCLUDE APPROPRIATE LANDSCAPING AND BERMS TO ADD VISUAL CHARACTER TO COMMUNITY AND ADD IN SLOWING TRAFFIC PATTERNS THROUGH THE PROJECT SITE.

SECTION III. PRIVATE RESTRICTIONS

A. ARCHITECTURAL COMMITTEE

1. PLAN REVIEW. NO BUILDING, FENCE, WALL, OR EXTERIOR ANTENNA SHALL BE ERECTED, PLACED OR ALTERED (INCLUDING EXTERIOR PAINTING) ON ANY LOT UNTIL THE PLANS AND SPECIFICATIONS HAVE BEEN APPROVED IN WRITING BY THE OWNER/DEVELOPER OR ITS AUTHORIZED REPRESENTATIVES OR SUCCESSORS, WHICH ARE HERENAFTER REFERRED TO AS THE "ARCHITECTURAL COMMITTEE". EXCEPT FOR EACH BUILDING, THE REQUIRED PLANS AND SPECIFICATIONS SHALL BE SUBMITTED IN DUPLICATE AND INCLUDE A SITE PLAN, FLOOR PLAN, EXTERIOR ELEVATIONS, DRAINAGE AND GRADING PLANS, EXTERIOR MATERIALS AND COLOR SCHEME. IN THE EVENT THE ARCHITECTURAL COMMITTEE FAILS TO APPROVE OR DISAPPROVE PLANS AND SPECIFICATIONS SUBMITTED TO IT AS HEREBY REQUIRED WITHIN THIRTY (30) DAYS AFTER SUBMISSION OF THE PLANS SO SUBMITTED SHALL BE DEEMED APPROVED. THE DEVELOPMENT AND USE OF THE SUBJECT LOT SHALL THEREAFTER BE IN SUBSTANTIAL COMPLIANCE WITH THE APPROVED PLANS OR APPROVED AMENDMENTS THERETO. IN THE EVENT NO SUIT TO ENJOIN THE ERECTION OF THE BUILDING OR STRUCTURE OR THE MAKING OF AN ALTERATION HAS BEEN COMMENCED PRIOR TO THE 30TH DAY FOLLOWING COMPLETION THEREOF, APPROVAL OF THE ARCHITECTURAL COMMITTEE SHALL NOT BE REQUIRED AND THIS COVENANT SHALL BE DEEMED TO HAVE BEEN FULLY COMPLIED WITH.

2. COMMITTEE PURPOSE. THE ARCHITECTURAL COMMITTEE'S PURPOSE IS TO PROMOTE GOOD DESIGN AND COMPATIBILITY WITH THE SUBDIVISION AND IN ITS REVIEW OF PLANS OR DETERMINATION OF A WATER AS HERENAFTER AUTHORIZED MAY TAKE INTO CONSIDERATION THE NATURE AND CHARACTER OF THE PROPOSED BUILDING OR STRUCTURE, THE MATERIALS OF WHICH IT IS TO BE BUILT, THE AVAILABILITY OF ALTERNATIVE MATERIALS, THE SITE UPON WHICH IT IS PROPOSED TO BE ERECTED AND THE HARMONY THEREOF WITH THE SURROUNDING AREA. THE ARCHITECTURAL COMMITTEE SHALL NOT BE LIABLE FOR ANY APPROVAL, DISAPPROVAL OR FAILURE TO APPROVE HERELINER, AND ITS APPROVAL OF BUILDING PLANS SHALL NOT CONSTITUTE A WARRANTY OR RESPONSIBILITY FOR BUILDING METHODS, MATERIALS, PROCEDURES, STRUCTURAL DESIGN, GRADING OR DRAINAGE OR CODE VIOLATIONS. THE APPROVAL OR FAILURE TO APPROVE BUILDING PLANS SHALL NOT BE DEEMED A WAIVER OF ANY RESTRICTION, NOTHING HEREIN CONTAINED SHALL BE DEEMED TO PREVENT ANY LOT OWNER IN THE SUBDIVISION FROM PROSECUTING ANY LEGAL ACTION RELATIVE TO IMPROVEMENTS WITHIN THE SUBDIVISION WHICH HE OR SHE WOULD OTHERWISE BE ENTITLED TO PROSECUTE.

3. TRANSFER OF DUTIES. THE POWERS AND DUTIES OF THE ARCHITECTURAL COMMITTEE SHALL, ON LATER OF JANUARY 1, 2018, OR THE TRANSFER OF THE OWNER/DEVELOPER OF ITS LAST LOT IN THE ADDITION BE DEEMED TRANSFERRED TO THE SILVERLEAF HOMEOWNERS ASSOCIATION, INC., OWNER/DEVELOPER OF THE WRITTEN ASSIGNMENT TO SAID ASSOCIATION. THE ASSOCIATION'S ASSOCIATION OF OWNER/DEVELOPER WHOEVER EVENT FIRST OCCURS, AND THEREAFTER THE FOREGOING POWERS AND DUTIES SHALL BE EXERCISED BY THE BOARD OF DIRECTORS OF THE HOMEOWNERS ASSOCIATION.