

# SOUTH WIND ESTATES SUBDIVISION

2006-14585 Book: 1614 pg: 478  
 9/19/2006 8:31 AM pgs: 478 - 478  
 Fees: \$23.00 Doc: \$0.00  
 Carolyn M. Kusler, County Clerk  
 Wagoner County - State of Oklahoma  
 PCLL-45A

**DEED OF DEDICATION  
 KNOW ALL MEN BY THESE PRESENTS:**

That Greg Byers, along with Warren D. Wilson and Carol A. Wilson are owners of the following described property situated in WAGONER COUNTY, State of Oklahoma, to-wit:

**PROPERTY DESCRIPTION**

A tract of land containing 18.33 acres, more or less, located in the N/2 of the SW/4 of Section 20, Township 17 North, Range 16 East, more particularly described as: Commencing at the NW corner of the SW/4 of said Section 20; thence East, along the North Line of said SW/4, 1048.17 feet to the point of beginning; thence East, along said line, 601.83 feet; thence S00°24'04"W, 879.90 feet; thence West, 1320.00 feet; thence N00°24'04"E, 330.00 feet; thence East 462.17 feet; thence N00°24'04"W, 124.01 feet; thence East, 256.00 feet; thence N00°24'04"E, 425.90 feet to the point of beginning.

And that the Undersigned Owner has caused the above described property to be surveyed, staked and platted and has designated the same as SOUTH WIND ESTATES, a subdivision in WAGONER COUNTY, State of Oklahoma.

The Undersigned Owner dedicates to the public use forever the easements as shown on said plat, for the several purposes of constructing, maintaining, operating, repairing, removing and replacing any and all public utilities, including storm sewers, sanitary sewers, overhead and underground telephone cables, overhead and underground power lines, gas lines and water lines together with poles, fittings, transformers, pedestals, valves, meters and all appurtenances thereto, together with the right of ingress and egress upon said easements for the uses and purposes aforesaid. Said underground and overhead utility and utility service lines and cables to any structure may be run from the nearest utility main line service pedestal or transformer to the point of usage determined by the location and construction of such structure; provided that, upon the installation of such a service to a particular structure, the supplier of said utility shall thereafter be deemed to have a definitive, permanent, effective and exclusive right-of-way easement within the Addition, covering a five foot wide strip extending 2.5 feet on each side of said utility service line or cable, extending from the service pedestal transformer or utility main line to the service entrance of said structure. The suppliers of said utilities and underground telephone service and/or electric service, through their proper agents and employees shall at all times have right of access to all such service easements for the purpose of installing, maintaining, removing and replacing any portion of said utilities, telephone and electric facilities so installed.

The Owner of said Addition shall be responsible for the protection of the utility, telephone, or electric service facilities located on this property and shall prevent the alteration of grade or any construction activity which may interfere with said facility.

Provided, however, that the Undersigned Owner hereby reserves the right to construct, maintain, operate, lay and relay water, sanitary sewer and storm sewer lines, together with the right of ingress and egress for such construction, maintenance, operation, laying and relaying over, across and along all strips of land included within the streets, alleys and easements shown or not shown thereon, both for the purposes of furnishing water and/or sewer service to the area included in said plat, and to any other area.

**RESTRICTIVE COVENANTS**

1. All of the building sites located in SOUTH WIND ESTATES, as above described shall be reserved exclusively for use as residential lots, single family and residential building sites, and no structure shall be erected, altered, placed or permitted to remain on any lot and building site in said addition, other than one (1) detached single family residence not to exceed two stories in height, and any detached structures shall be of new construction.
2. No residential lot shall be re-subdivided into smaller building lots than shown on the recorded plat.
3. No trailer, basement, tent, shack, garage, servants' quarters or other outbuildings, located on any building site in said addition, shall be at any time used as a main residence, temporary or permanent, nor shall any structure of a temporary character be used as a main residence.
4. No animals, livestock, or poultry of any kind shall be raised, bred or kept on any lot or block in SOUTH WIND ESTATES, except that dogs shall only be allowed. Cats and other household pets may be kept, provided that they are not kept, bred or maintained for any commercial purpose. Dogs shall not be allowed to be loose. If yard is not fenced, they are to be kept in a new or pre-made pen or indoors.
5. No noxious or offensive trade or activity shall be carried on upon any lot or block or building site in said addition, nor shall anything ever be done thereon which may be or become an annoyance or nuisance to the neighborhood.
6. The construction or maintenance of billboards, or advertising boards or structures on any lot or building site in said addition is specifically prohibited, except that signs or billboards advertising the sale of such property are permitted provided they do not exceed eight (8) square feet in size.
7. No existing erected building or structure of any sort may be moved onto or placed on any of the lots or building sites in said addition, it being the intention of this covenant to definitely prohibit the moving onto or placing of an existing building or structure in said addition, except, in addition to the single family dwelling, one out building, limited to one story, for storage purposes, may be placed on each lot in the backyard. This storage building shall be manufactured commercially of painted metal or wood, or a combination thereof, or field erected of the same materials and to the same quality and esthetics as a commercially manufactured storage building. No other structure, including but not limited to, mobile homes, tents, shacks, lean-tos, detached garages, or barns shall be placed or erected on any lot.
8. No barb wire fences. Fences shall be chain link or similar material or of decorative, esthetic material (I.E. vinyl fences are acceptable)
9. No inoperative vehicle(s), boats, airplanes or machinery shall be stored on any lot, and each lot shall be maintained free of rubbish, trash, or other debris, and shall be cut, trimmed or mowed to prevent growth of weeds or tall grasses.
10. Should the Owner or tenant of any block, lot or lots or building sites in SOUTH WIND ESTATES violate any of the restrictive covenants or conditions contained herein, and thereafter refuse to correct same and to abide by said restrictions and conditions contained herein after reasonable notice, then in such event, reserves the right to enforce or the right to cause to be enforced any and all of these RESTRICTIVE COVENANTS. THESE RIGHTS SHALL SURVIVE DEED DEDICATION. Any owner of any block, lot or building site in SOUTH WIND ESTATES may also institute legal proceedings to enjoin, abate or correct such violation or violations and the owner of the block, lot or lots or building site permitting the violation of such restriction or conditions shall pay all attorneys fees, court costs and other necessary expenses incurred by the person or Entity instituting such legal proceedings to maintain and enforce the aforesaid restrictions and conditions, said attorney's fees, court costs to be fixed by the court and the amount of said attorneys fees, court costs, and other expenses allowed and assessed by the court for the aforesaid violation or violations shall become a lien upon the land as of the date legal proceedings were originally instituted, and said lien shall be subject to foreclosure in such action so brought to enforce such restrictions, in the manner provided by law.
11. No radio or television transmitting or receiving device may be erected outside the house without the consent of the.
12. All automobile repair work shall be done or performed inside the garage. Automobile parking shall be confined to the driveway and shall not be allowed on the lawn or in the yard.
13. Invalidation of any one of these covenants by judgment or court order shall in no way effect any of the other provisions, which shall remain in full force and effect.
14. 12 ton weight limit on all roads.
15. 25 mph Speed limit.
16. No ATV's, go carts, motorcycles to be ridden in disturbing manner

IN WITNESS WHEREOF, the said Owners have caused these presents to be executed this 7<sup>th</sup> day of September, 2006.

Greg Byers  
 Greg Byers

Warren D. Wilson  
 Warren D. Wilson

Carol A. Wilson  
 Carol A. Wilson

STATE OF OKLAHOMA, COUNTY OF \_\_\_\_\_ S.S.

Before me, the undersigned, a Notary Public in and for said County and State, on this 7<sup>th</sup> day of September, 2006, personally appeared Greg Byers, Warren D. Wilson, and Carol A. Wilson to me known to be the identical person who subscribed the name of the maker thereof to the foregoing instrument as the Owners, and acknowledged to me that they executed the same as their free and voluntary act and deed, for the uses and purposes therein set forth.

WITNESS my hand and seal the day and year last above written.

10-20-08  
 My commission expires the above date

Lori Lenhart  
 Notary Public



**CERTIFICATE OF SURVEY**

I, Basil E. Scott, Jr. of Muskogee Oklahoma, do hereby certify that under my supervision was made the above described survey, that this plat is a true and correct representation of said survey.

Signed & sealed this 6<sup>th</sup> day of Sept, 2006.

Basil E. Scott, Jr.  
 Basil E. Scott, Jr. O.R.P.L.S.  
 CA 1041 (P.L.S./P.E) Expires 6/30/07



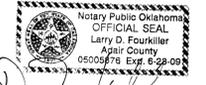
STATE OF OKLAHOMA, COUNTY OF Adair S.S.

Before me, the undersigned, a notary public in and for said State on this 6 day of SEPT, 2006, personally appeared Basil E. Scott, Jr., 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 for the uses and purposes therein set forth.

WITNESS my hand and seal the day and year last above written.

6-23-069  
 My commission expires the above date

Larry D. Foukier  
 Notary Public



**WAGONER COUNTY COMMISSIONER**

Be it resolved by the WAGONER COUNTY Board of Commissioners, WAGONER COUNTY, Oklahoma, that the accompanying Plat is approved and that the roads will not be for public use but will be privately maintained. Approved by the WAGONER COUNTY board of commissioners, WAGONER COUNTY, State of Oklahoma, this \_\_\_\_ day of \_\_\_\_\_, 2006.

Sam Boyer  
 CHAIRMAN, WAGONER COUNTY  
 BOARD OF COUNTY COMMISSIONERS

**CERTIFICATE OF DEPARTMENT OF ENVIRONMENTAL QUALITY:**

I certify I have reviewed the Application and Plan for a Plat of a residential development which is on file at the Wagoner Office of the Department of Environmental Quality and hereby approve this Plat for the use of a public water system and onsite sewage disposal system.

7 day of September, 2006.

Th. Hall, Jr. F.S.  
 DEPARTMENT OF ENVIRONMENTAL QUALITY



**CERTIFICATE OF COUNTY TREASURER**

The undersigned, County Treasurer for WAGONER COUNTY, Oklahoma, does hereby certify that I have examined the records pertaining to ad valorem taxes on the Property set forth and described on the Plat of SOUTH WIND ESTATES, and find that all ad valorem taxes for the property have been paid for all prior years, and a deposit for 0.00 ad valorem taxes has been made.

Date: Sept 13, 2006

Hloni Manserby by Cary Hill, Deputy  
 Wagoner County Treasurer



**CERTIFICATE OF COUNTY CLERK:**

I Carolyn Kusler, the County Clerk of Wagoner County, does here now state that the subdivision called SOUTH WIND ESTATES has been filed into the Wagoner County Records.

Carolyn M. Kusler  
 CAROLYN KUSLER, WAGONER COUNTY CLERK



**ACCEPTANCE OF PLAT:**

BE IT RESOLVED by the Wagoner Metropolitan Area Planning Commission of Wagoner County, State of Oklahoma, that the accompanying Plat is accepted.  
 Adopted by the Wagoner Metropolitan Area Planning Commission of Wagoner County, State of Oklahoma.  
 Date: 9/13/06  
Brenda Robertson  
 Wagoner Metropolitan Area Planning Commission

Approved By  
Wagoner Metropolitan Area Planning Commission  
 SEAL

Certified True Copy  
 CAROLYN KUSLER, COUNTY CLERK  
 Wagoner County, Okla.  
 By: Deanna Roberts  
 DEPUTY

PLAT PREPARED BY:  
 SCOTT & ASSOCIATES, INC.  
 901 CALLAHAN STREET  
 MUSKOGEE, OKLAHOMA 74403  
 PH. (918) 682-7577