

Amended Plat Wagoner County Line Plaza

AN ADDITION TO LOT 1, BLOCK 1, WAGONER COUNTY LINE PLAZA, SECTION 6, T-18-N, R-15-E,
A SUBDIVISION TO THE CITY OF BROKEN ARROW, WAGONER COUNTY, STATE OF OKLAHOMA

DEED OF DEDICATION

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, THE UNDERSIGNED, TIMOTHY EUGENE LINIHAN, EVA MARIE HAYES, RUTH MAXINE FARRELL, GEORGE FRANCIS LINIHAN, JR., 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 CONTINUING N 88°51'54" E FOR A DISTANCE OF 233.00 FEET; THENCE S 1'19'23" E AND PARALLEL TO THE WEST LINE OF SAID LOT 7 FOR A DISTANCE OF 242.00 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF EAST 71st STREET SOUTH; THENCE S 88°51'54" W AND ALONG SAID RIGHT OF WAY LINE FOR A DISTANCE OF 223.83 FEET; THENCE N 46°13'44" W FOR A DISTANCE OF 12.98 FEET; THENCE N 1'19'23" W AND PARALLEL TO THE WEST LINE OF SAID LOT 7 FOR A DISTANCE OF 232.83 FEET TO THE POINT OF BEGINNING AND CONTAINING 56,218.77 SQUARE FEET OR 1.29 ACRES.

AND HAVE CAUSED THE ABOVE DESCRIBED LAND TO BE SURVEYED, STAKED, PLATTED AND SUBDIVIDED INTO LOTS, BLOCKS, AND STREETS AND HAVE DESIGNATED THE SAME AS "WAGONER COUNTY LINE PLAZA" 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, ERRECTED, 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 THE 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

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 CONTRACTS.

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

C. 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.

D. OWNER RESPONSIBILITY WITHIN EASEMENTS

THE OWNER 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.

E. 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 16 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 M. 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

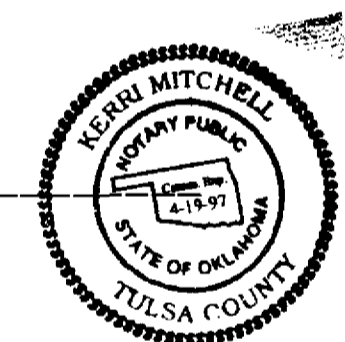
STATE OF OKLAHOMA }
COUNTY OF TULSA } SS

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, ON THIS 16 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: 4/16/97

Kerni 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

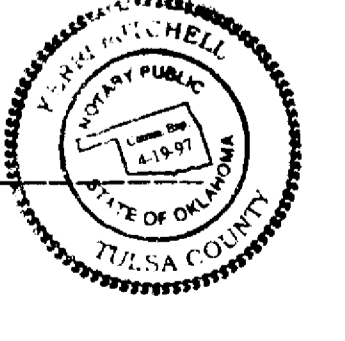
STATE OF OKLAHOMA }
COUNTY OF TULSA } SS

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: 4/16/97

Kerni Mitchell
NOTARY PUBLIC



I, the undersigned, the duly qualified and acting county Treasurer, of Wagoner County, Oklahoma, hereby certify that according to the 1994 tax rolls the taxes on the above description are paid.

Mary Sue Tedder, County Treasurer
Mary Sue Tedder Deputy