

---

**GREENBELT ENHANCEMENT STATEMENT**

**ITEM NO. 23-01**

---

**STAFF REPORT**

**GENERAL INFORMATION**

APPLICANT	Edwin Rule
LOCATION	Generally ½ mile west of Porter Avenue on the south side of Franklin Road
PROPOSAL	Rule's Emerald Springs Certificate of Survey (COS); Amend the previous COS to include an additional 10.01 acre tract for residential development
NORMAN 2025 LAND USE	Current: Very Low Density Residential
LAND USE	Current: Single-family residential Proposed: Single-family residential
	North: Single-family residential West: Institutional (Moore Norman Technology Center) South: Single-family residential East: Single-family residential/Vacant
ZONING	Current: A-2, Rural Agricultural District Proposed: No Change
	North: A-2, Rural Agricultural District West: A-2, Rural Agricultural District South: A-2, Rural Agricultural District East: A-2, Rural Agricultural District, RE, Residential Estate Dwelling District, and PUD, Planned Unit Development

**SYNOPSIS:** The applicant submitted an application to amend the Norman Rural Certificate of Survey (COS) for Rule's Emerald Springs to include an additional tract for

residential development. The Rule's Emerald Springs COS will now include four tracts at approximately 10 acres and one tract at approximately 28 acres. In the February meeting of the City's Development Review Team, the applicant stated tract 4 has been renamed as Tracts 5 and 6 to avoid confusion from previous Certificates of Survey.

**ANALYSIS:** This area is zoned A-2, Rural Agricultural District, RE, Residential Estate Dwelling District, and PUD, Planned Unit Development (Ordinance No. 1415-8). It is predominately single-family development with some vacant parcels. In addition, Moore Norman Technology Center (Norman Campus) is located to the west. In the subject location, portions of tracts 3, 5, and 6 are within the 100-year floodplain. These tracts also carry the Water Quality Protection Zone (WQPZ) designation.

Franklin Road is designated as a minor urban arterial in the Comprehensive Transportation Plan. This roadway requires a 5'-8' sidewalk for future projects per the Comprehensive Transportation Plan. Additionally, the Greenway Master Plan proposes medium priority trails and trails by the developer along the subject's floodplain, floodway, and WQPZ. The applicant has not provided any trail easements in this proposal to satisfy the Greenway Master Plan. No sidewalks exist on Franklin Road adjacent to the subject COS.

The Greenbelt Enhancement Statement, platting application, Norman Rural Certificate of Survey, and location map are attached.

**STAFF COMMENTS:** There are proposed trails (medium priority and by developer) in the Greenway Master Plan along the subject parcel's floodplain, floodway, and WQPZ. Given this, there is an opportunity for trails on the subject COS. The applicant has not proposed any trail easements.

Staff places this item on the non-consent docket for the February 21, 2023 Greenbelt Commission meeting for review and recommendation.



# Application for PLATTING OF PROPERTY

City of Norman Engineering Division - 201 W. Gray St., Bldg. A - Norman, OK 73069— (405) 366-5452 Phone - (405) 366-5418 Fax

<b>NAME OF PLAT</b> <i>Amended Rule's Emerald Springs Addition</i>		<b>TYPE OF PLAT:</b> <input type="checkbox"/> Preliminary Plat <input type="checkbox"/> Final Plat <input type="checkbox"/> Short Form Plat <input checked="" type="checkbox"/> NORMAN 2025 Rural Certificate of Survey	<b>DATE SUBMITTED:</b> <i>1/26/23</i>
<b>NAME AND ADDRESS OF OWNER OF RECORD</b> <i>Edwin Rule 720 W Franklin Road Norman, OK 73069</i> Phone: _____ Fax: _____ E-Mail: _____		<b>NAME AND ADDRESS OF SUBDIVIDER</b>  Phone: _____ Fax: _____ E-Mail: _____	
<b>NAME AND ADDRESS OF REGISTERED LAND SURVEYOR PREPARING THE PLAT</b> <i>Timothy G. Pollard Pollard &amp; Whited Surveying 2514 Tee Dr. Norman OK 73069</i> Phone: <i>405-443-8100</i> Fax: _____ E-Mail: <i>Tim@PWSurveying.com</i>		<b>STREET ADDRESS OR LOCATION</b>   (When applicable) DATE OF: <input type="checkbox"/> PRE-DEVELOPMENT MEETING _____ <input type="checkbox"/> GREENBELT COMMISSION MEETING _____ <input type="checkbox"/> FLOODPLAIN COMMITTEE MEETING _____	
<b>PROPOSED USE (including all buildings to be constructed):</b> <i>Residential</i>			
<b>SIGNATURE OF APPLICANTS:</b> <i>Timothy G. Pollard</i>		In order that your application can be heard and considered at the next Planning Commission meeting, you <u>must</u> submit this completed application form and the following required information to the Engineering Division for review.  All information must be submitted before 1:30 p.m. on the filing deadline.	

## FOR OFFICE USE ONLY

### SUBMITTALS:

- ☐ 5 copies of the Preliminary and/or Final Plat
- ☐ 5 copies of the NORMAN 2025 Rural Certificate of Survey or Short Form Plat
- ☐ Rezoning Application, if needed for change of use
- ☐ 5 copies of any required Plot Plan
- ☐ Legal description and area of request, certified by an architect, engineer, or surveyor
- ☐ Drainage Report/Erosion Control Report
- ☐ Sewer Impact Report, if required
- ☐ Construction Drawings for all public improvements (Final Plat)
- ☐ Traffic Impact Report, if required
- ☐ Filing Fee: \$ \_\_\_\_\_

Staff will complete their review of your plat by \_\_\_\_\_.

Check prints will be returned to you; corrections must be completed by \_\_\_\_\_. Failure to complete these corrections in a timely manner will result in your plat not being docketed for consideration by the Planning Commission.

Reviewed by: \_\_\_\_\_

Date: \_\_\_\_\_

*Planning*

**INSTRUCTION SHEET**  
**NORMAN GREENBELT ENHANCEMENT STATEMENT**

The Norman City Council established the Norman Greenbelt Commission and charged the group with reviewing proposed developments, **specifically Land Use Plan Amendments, Preliminary Plats and Rural Certificates of Survey**, in order to increase the preservation of beneficial green spaces and to identify trail system opportunities in new developments where appropriate. The Greenbelt Enhancement Statement was developed to aid the Commission in assessing new developments to insure that green space and trail opportunities are included whenever possible.

***Please complete this Greenbelt Enhancement Statement (pages 5-8) to address the Greenbelt Commission's review and submit it to City of Norman staff at 201 'A' West Gray Street, Norman, OK 73069.***

Attached are copies of the two (2) applicable sections of the adopted Greenbelt Ordinance, Sections 4-2023A, and 4-2026 to serve as reference while completing this Enhancement Statement. Upon request, a map of the relevant part of the Greenways Master Plan can also be provided for reference or accessed using this online link [NormanOK.gov/MasterPlan](http://NormanOK.gov/MasterPlan).

At the time you submit your application, you will be provided with the date of the next Greenbelt Commission Meeting. **You are urged to attend the Greenbelt Commission Meeting**, where you will be given an opportunity to present information, discuss your proposed development and to answer questions the Greenbelt Commission might have regarding your submittal. The comments and recommendations from the Greenbelt Commission meeting will be forwarded to the Planning Commission and City Council as part of their agenda packets whenever you make an application to them for consideration of your proposed development. Should you have any questions about this process or any of the below **questions**, please feel free to contact the City of Norman Greenbelt Commission staff at **405-366-5322**.

**Definitions for Evaluating Greenbelt Enhancement Statements.**

These are the definitions included in the City of Norman's Code of Ordinances, **Section 4-2023A** and are essential to completing the GES.

(a) **Bikeway**: a thoroughfare designated for bicycle travel by the Norman Bikeway Plan, as may be amended from time to time.

(b) **Cluster Development**: as defined by the City of Norman Code in Section 19-210, as may be amended from time to time.

(c) **Conservation Easement**: a non-possessory interest of a holder in real property imposing limitations or affirmative obligations the purpose of which include, but are not limited to, retaining or protecting natural, scenic, or open-space values of real property, assuring its availability for agricultural, forest, recreational, or open-space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural, archaeological, or cultural aspects of real property.

(d) **Floodplain**: as defined by the City of Norman Code in Section 22:429.1.2 as may be amended from time to time.

(e) **Flowage Easement**: an easement purchased by the U.S. Department of Interior, Bureau of Reclamation, Norman Project, which grants to the United States and its assigns the perpetual right, privilege and easement to intermittently and completely seep, flood, flow and inundate, and the right to enter upon at any time for the purpose of making surveys, and investigations or for any other purpose incidental to the construction, operation, and maintenance of the Norman Reservoir Project and any feature thereof, any and all of the tracts or parcels of land lying below elevation 1064.5 sea level datum.

(f) **Greenbelt Enhancement Statement** (GES): a statement on a form provided to the applicant by the City Planning and Community Development Department that is to be included with all applications for a Land Use Plan amendment, a Norman Rural Certificate of Survey or preliminary platting of land and submitted for consideration by the Commission that articulates how the principles, purposes, and goals of The Greenbelt System are met by the proposed development.

(g) **The Greenbelt System**: includes the following spaces, regardless of whether they are open to the public:

1. A system of trails (both on and off road) intended to connect parks, green spaces, schools, retail, employment, and residential areas.
2. Areas of land within the City Limits required to be open space by zoning; areas currently designated for open space, park, floodplain, and institutional use by the Norman 2025 Plan and subsequently adopted land use plans; Lake Thunderbird, the Bureau of Reclamation (BOR) "take-line" and BOR flowage easements; any other areas of land which are designated by easement, by deed restriction, or otherwise required to remain free of structures; and areas designated as green space.

(h) **Green Space**: any land area designated as open space by Norman's Comprehensive Land Use Plan; land determined to be open space or green space on an approved site development plan; or any land area in which the preservation in its present use would conserve and enhance natural or scenic resource, protect streams or water supply, promote conservation of soils, wetlands or marshlands, enhance the value to the public of abutting or neighboring parks, forest, wildlife preserves, nature reservations, sanctuaries or other open space or green space, enhance recreation opportunities, including parks, plazas and narrow corridors or pathways for walking or bicycling even though surrounded by developed areas, preserve visual quality along highway, road, and street corridors or scenic vistas, or retain in its natural state tracts of land not less than one acre situated in an urban area and open to public use on such conditions as may be reasonably required by the granting authority.

(i) **Greenway:**

1. A green open space, such as a linear open space established along or on either side of a natural or cultural corridor, such as a riverfront, a stream valley, a ridgeline, a railroad right of way, a channel, a scenic road or other route; and/or
2. A trail; and/or
3. An open-space connector available to pedestrians intended to link parks, nature reserves, cultural features, historic sites, schools, residential or commercial areas with each other.

(j) **Impervious Surface:** one that does not permit penetration or passage of water, such as a roof or paved street or parking area.

(k) **Riparian Buffers:** the area between developed land and streams, rivers and shorelines that is managed to maintain the integrity of the waterway, to reduce pollution and to provide food, habitat, and thermal protection for fish and wildlife.

(l) **Structure:** as defined by the City of Norman Code in Section 22:450 of the Zoning Ordinance, as may be amended from time to time.

(m) **Take Line:** exterior boundary of the property acquired by the Bureau of Reclamation for construction of Lake Thunderbird.

(n) **Trail:** any natural or landscaped course open to pedestrian or bicycle passage, including but not limited to sidewalks, but excluding roadways, streets, alleys and other passages primarily provided for general public motorized vehicular use.

Types of trails include:

**Community Wide (Regional or Arterial) Trails:** trails between **10' and 12'** in width that provide access from one part of the city to another.

**Neighborhood Trails:** trails between **6' and 10'** in width that mimic the system of local neighborhood streets and ultimately connect to larger arterial trails.

**Natural Trails:** trails at least **8'-10'** in width composed of compacted earth.

**Parkway Trails:** trails between **6' and 8'** in width that are constructed with durable materials, and usually include amenities such as decorative light fixtures, landscaping, and ground cover and varying surface treatments at intersections and crosswalks.

**Sidewalk Trails:** sidewalks located alongside streets that are constructed in accordance with City design criteria and designated as trails.

**Specialized Trails:** water trails, equestrian trails, bikeways, or other trails dedicated to some specific use not otherwise listed herein.

### Specific Principles, Purposes and Goals of the Greenbelt System.

The following principles, purposes and goals are delineated in the City of Norman's Code of Ordinances, **Section 4-2026**, and are essential for your understanding as you complete the GES.

(a) Proposed additions to the Greenbelt System should be guided by the following principles:

1. The ultimate goal is to create an interconnected system of trails that allow multiple connections across all of Norman.
2. The Greenbelt System should preserve valuable green space, natural habitat and key areas with existing vegetation.
3. Trail segments should be designed so that they convey the physical and historical character of the City of Norman and relate to the neighborhoods through which the trail corridors pass.
4. Greenway corridors should provide unique opportunities to learn about the history, culture, and accomplishments of Norman.
5. Trails should promote smooth walkable corridors that are open and visible.
6. The Greenbelt System should contribute to enhancing the physical appearance of the City, whether through new pedestrian features, landscaping added to trail corridors, or simply by revealing natural areas not previously visible to the general public.
7. The Greenbelt System should encourage the creation of public and private partnerships that help build the entire system more quickly.
8. Greenbelts should protect environmentally sensitive lands that are generally the least suitable for development, especially flood prone areas and riparian corridors, and provide connectivity between the elements of the Greenbelt System.

(b) The use of lot clustering should be encouraged as a means to develop the greenbelt system.

(c) The greenbelt system should be used to link together existing recreation areas.

(d) Multi-purpose greenways should be created that:

1. Create a unique greenway character for Norman;
2. Protect environmentally sensitive areas of the City and serve as a wildlife habitat;
3. Serve as a storm water management resource for urban run-off and regional detention needs;
4. Provide recreation opportunities for bicycling, walking, and jogging, as well as an alternate route to move through the City for commuting to work, schools, shopping, between neighborhoods, and/or other destinations by bicycling or walking;
5. Preserve agriculturally significant lands thru conservation easements or other means;
6. Provide suitable locations for sanitary sewer easements and facilities.

(e) Greenbelts should be used to provide green space areas adjacent to highways and major streets for sound buffer zones and protection from incompatible land uses.

(f) The Greenbelt System should continue to improve a natural landscape planting and maintenance program for City-owned properties and rights-of-way of major streets and highways.

**GREENBELT ENHANCEMENT STATEMENT**  
**City of Norman, Oklahoma**

Greenbelt Case No. \_\_\_\_\_ Pre-Development Case No. \_\_\_\_\_

Applicant Name: Edwin Rule Date: 1/26/2023

Contact Person: Timothy G. Pallard Telephone/Fax/Email: 405-508-3244

Name of Development: Amended Rule's Emerald Spring Add. Area (Acres): 38.32

General Location: 1/2 mile West of Porter South side of Franklin Road

**\*Please attach a map, site plan and/or survey map illustrating the proposed development.**

Type of Proposal (please check all that apply)

a. **This is a:** Land Use Plan Amendment ☐; Preliminary Plat ☐; Rural Certificate of Survey ☐.

b. Proposed **Land Use:** Residential ☒ Commercial ☐ Industrial ☐ Other ☐.

1. Briefly **explain the kind of development**, types of buildings/uses, or character of your proposal **and how it achieves the principles, purposes and goals** of Section 4-2026.

Single Family Residential Homes on 10 acre Tracts

2. Does your proposed development or project incorporate open space(s)?

Yes ☐ No ☒

Please check **what** type(s) of **open spaces are proposed** within your development:

Park: \_\_\_\_\_ Yes ☒ No \_\_\_\_\_ Public ☐ Private ☐

Open Space: \_\_\_\_\_ Yes ☒ No \_\_\_\_\_ Public ☐ Private ☐

Detention Pond: \_\_\_\_\_ Yes ☒ No \_\_\_\_\_ Public ☐ Private ☐

Parking Lot Landscape: \_\_\_\_\_ Yes ☒ No \_\_\_\_\_ Public ☐ Private ☐

Floodplain/Creek: ☒ Yes \_\_\_\_\_ No \_\_\_\_\_ Public ☒ Private ☐

Other \_\_\_\_\_

**If the above noted areas are accessible via some other arrangement please explain.**

N/A

3. **Does** the open space for this **development include** some kind of **trail or path** that meets the definitions contained in Section 4-2023A of the attached guidelines? (Indicate all that are applicable.)

Public Sidewalks (4-5' wide) \_\_\_\_\_ Yes ☒ No \_\_\_\_\_

Natural Trails (compacted earth 8-10' wide) \_\_\_\_\_ Yes ☒ No \_\_\_\_\_

Parkway Trails (durable surface 6-8' wide) \_\_\_\_\_ Yes ☒ No \_\_\_\_\_

Neighborhood Trails (durable or paved, 6-10' wide) \_\_\_\_\_ Yes ☒ No \_\_\_\_\_

Community Wide Trails (paved, 10-12' wide) \_\_\_\_\_ Yes ☒ No \_\_\_\_\_

Specialized Trails (equestrian, water, etc) \_\_\_\_\_ Yes ☒ No \_\_\_\_\_

Other \_\_\_\_\_



**GREENBELT ENHANCEMENT STATEMENT**  
**City of Norman, Oklahoma**

4. **Identify** schools, recreational areas (parks, playgrounds), commercial sites, or other public open spaces within  $\frac{1}{2}$  mile of your proposed development. (If there are **no** such areas within the  $\frac{1}{2}$  mile radius please **state** such and skip question 5.)

*Moore/Norman Vo Tech School is located  $\pm \frac{1}{4}$  mile west of site. No other areas within  $\frac{1}{2}$  mile*

5. Projects in close proximity to schools, recreational areas (parks, playgrounds), commercial sites, and residential neighborhoods should, ideally, allow **connection points** promoting non-motorized transportation between key areas. Please **describe** how the proposed development plan accommodates those using alternative transportation, such as walkers and bicyclists? Examples include sidewalks connecting key areas, designated bike paths, and bike parking. (If there is **no** such connectivity please **state** such.)

6. Please **check**, from the following (or attach a list), **any other** geographical and/or environmental factors in your development that might offer **opportunities** for additions to the Greenbelt System (see Section 4-2023A, especially definitions of "the greenbelt system," "green space," "greenway" and "trail"). To help you answer this question, the following online link to the Greenways Master Plan Map [NormanOK.gov/MasterPlan](http://NormanOK.gov/MasterPlan) is provided.

- ☐ Storm water channels
- ☐ Detention ponds
- ☐ Floodplains
- ☐ Stream bank/Riparian corridors
- ☐ Utility Easements
- ☐ Abandoned/Active Railroad corridors
- ☐ Other \_\_\_\_\_

**How could** your development **also incorporate** those elements noted into greenbelts and trails?

7. Please review the statements below and indicate in the space next to each item, whether it does apply ("Yes"), does not apply ("No"), or is not feasible ("NA") to your development. Of specific interest is how your project fits into the public open spaces and parks.

In performing its duties, the Greenbelt Commission shall take into account the considerations listed below. The Commission will also consider how your project fits into the public open spaces and parks that are existing. Not all considerations will be applicable or feasible for each application.

*NO* (a) Portions of the Greenbelt System are accessible to the general public.

*NO* (b) Greenways are established and provide connections to other existing and future components of the Greenbelt System.

**GREENBELT ENHANCEMENT STATEMENT**  
**City of Norman, Oklahoma**

- No(c) Existing easements (e.g. utility, pipeline, oil lease right of way, etc) may be used for Greenways where appropriate and where expressly approved by the easement grantor and grantee.
- No(d) Greenways connect neighborhoods to each other and to industrial and commercial areas.
- No(e) Greenways provide alternative routes to move through the City for commuting to work, schools, shopping, between neighborhoods, and/or other destinations by bicycling or walking.
- Yes(f) Adverse impacts on existing topography, drainage patterns and natural vegetation are minimized.
- No(g) Developments between urbanized Norman and Lake Thunderbird include pedestrian and bike connectivity to adjacent parcels to allow for future connections to Lake Thunderbird.
- N(h) Landscaping required by the City has been/will be planted in conformance with Norman Zoning regulations, including with local drought-resistant low maintenance plants, shrubs and trees.
- N(i) Vegetative buffers between neighborhoods and railway lines have been provided to enhance safety and reduce the effects of noise and air pollution.
- N(j) Permeable ground surfaces have been preserved to the extent possible.
- N(k) Ingress and egress to and from a development is designed to permit safe use by non-motorized traffic in and out of the development and across the ingress and egress provisions of the development.
- N(l) Fences abutting components of the Greenbelt System, and particularly those abutting green spaces, are of designs and materials that minimize their visual impact to the extent such fences are allowable under Norman City Code and not in conflict with applicable national standards for utility facilities. Examples of acceptable open fences include such types as wrought iron, split rail, low picket fence with every other picket removed, and metal pickets.
- N(m) Water retention and detention storage facilities are designed in accordance with bioengineering principles and built with bioengineering materials.
- N(n) Detention facilities are integrated into the surrounding neighborhood as part of the Greenbelt System in as ecologically sound a method as possible.
- N(o) Storm water management design considers the potential for trail and green space preservation, enhancement and/or creation.
- N(p) The development layout is designed to preserve the health and diversity of wildlife affected by development in natural drainage corridor areas.
- N(q) The development layout is designed to minimize the intrusions of noise, trash and other things into the Greenbelt System that would negatively affect visitors' and users' experience of any impacted components of the Greenbelt System.
- Yes(r) To the extent possible, the development layout, as designed, does not impair the ability of riparian buffers from serving as corridors for wildlife movement.
- N(s) Riparian buffers are incorporated into the Greenbelt System.
- N(t) The commercial developments have provided for pedestrian access.
- N(u) Pavement is minimized when possible by, among other things, using shared parking areas and/or permeable parking surfaces where feasible and allowed

**GREENBELT ENHANCEMENT STATEMENT**  
**City of Norman, Oklahoma**

under the Zoning Ordinance of the City of Norman and the City Engineering Design Criteria.

No (v) Cluster development has been utilized as a means to develop the Greenbelt System.

No (w) Structures, other than utility transmission poles or substations, were located to maximize greenbelt and trail opportunities.

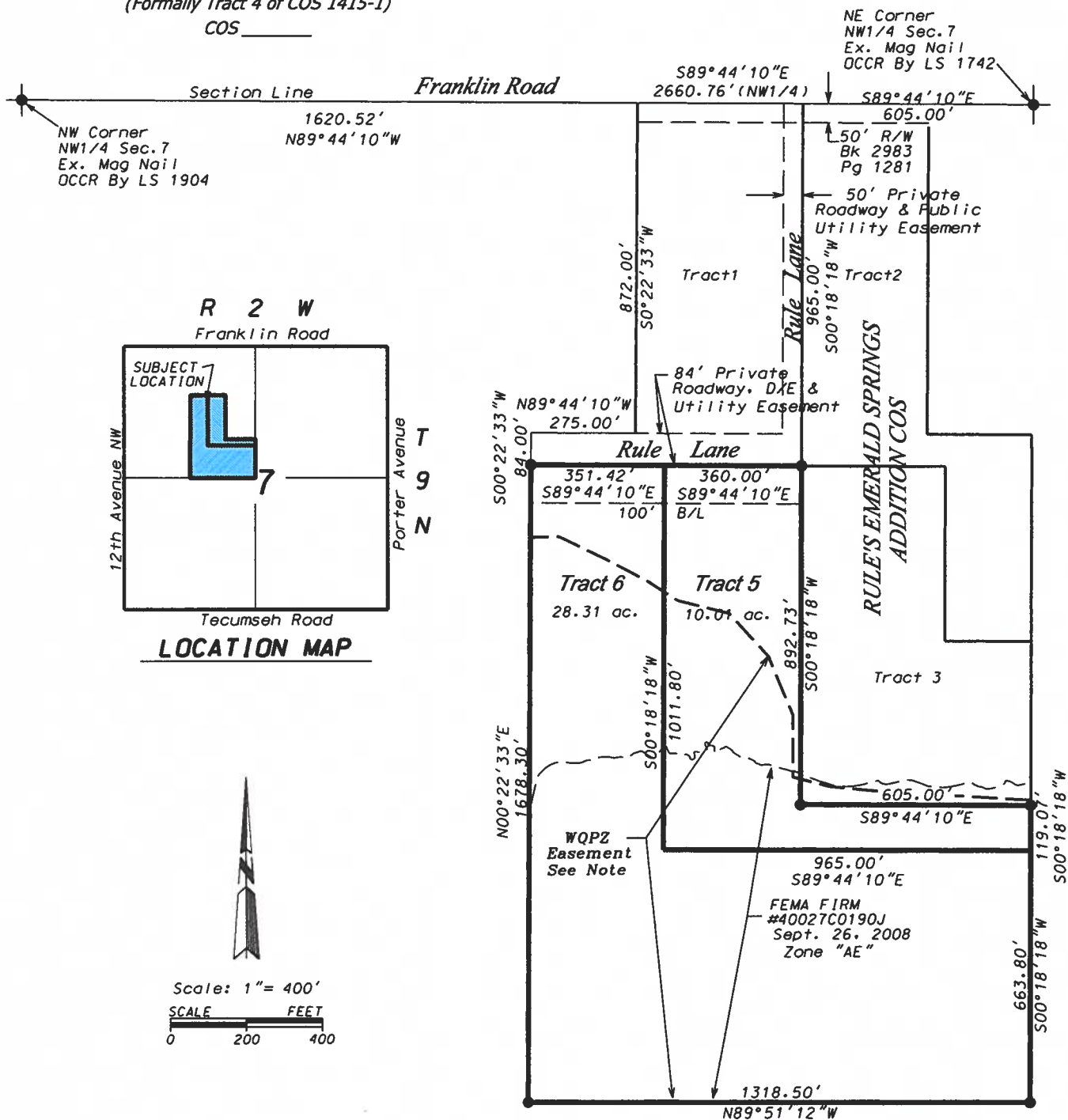
8. If, after reviewing the above questions, you feel like your proposed **development** or project **has no opportunities** to add to the City of Norman Greenbelt System, please **explain** briefly below. (Any comments you feel will help the Commission understand your intent to develop the area.)

*This Addition proposes subdividing an exist 38 acre tract into two (2) individual Tracts. No new Roads are proposed and the two tracts will utilize the existing easements approved by COS 1415-1 & COS 9899-3*

Signature of Applicant or Contact Person (required): *Trinity D. Pullard*

**GREENBELT COMMISSION COMMENTS AND SUGGESTIONS ABOUT PROPOSED DEVELOPMENT AS SUBMITTED FOR PLANNING COMMISSION AND CITY COUNCIL CONSIDERATION (MAY ATTACH AS SEPARATE SHEET):**

AMENDED  
RULE'S EMERALD SPRINGS ADDITION  
A NORMAN RURAL CERTIFICATE  
OF SURVEY SUBDIVISION  
PART OF THE NW1/4 OF SECTION 7, T9N, R2W, I.M.  
NORMAN, CLEVELAND COUNTY, OKLAHOMA  
(Formerly Tract 4 of COS 1415-1)  
COS \_\_\_\_\_



NOTE:

Bearings shown are based on a Bearing of S89°44'10"E between existing monuments on the North line of the NW1/4 of Section 7, T9N, R2W, I.M. Norman, Cleveland County, Oklahoma.

( ● ) - Indicates Existing 3/8" Iron Pin Or Monument As Noted Hereon.

( ○ ) - Indicates Set 1/2" Iron Pin With Plastic Cap Marked " Pollard PLS 1474" Or Set PK Nail With Shiner Marked " P&W Surveying CA 2380".

( OCCR ) - Indicates Oklahoma Certified Corner Record on File With The Oklahoma Department of Libraries, Archives Division.

( WQPZ ) -Indicates the Water Quality Protective Zone. There shall be no clearing, grading, construction or disturbance of vegetation in this area except as permitted by the Director of Public Works, unless such disturbance is done in accordance with 19-514(E) of the Norman City Code. The WQPZ is subject to protective covenants that may be found in the Land Records and that may restrict disturbance and use of these areas.

**POLLARD & WHITED SURVEYING, INC.**

2514 Tee Drive

Norman, OK 73069

405-366-0001 Off.

405-443-8100 Cell

timepwsurveying.com

Edwin Rule

Norman Certificate of Survey Subdivision

Part of the NW1/4 of Section 7, T9N, R2W, I.M.

Norman, Cleveland County, Oklahoma

November 28, 2022

Drawn By: T. Pollard

4-9n2w.dgn

Sheet 1 of 11

CA 2380 exp.6-30-23

## **CERTIFICATE OF SURVEY**

I, Timothy G. Pollard, a Professional Land Surveyor hereby certify that the attached drawing is a true and accurate representation of a survey of the described property.

I further certify that this survey meets or exceeds the current "Oklahoma Minimum Standards For The Practice Of Land Surveying" as adopted by the Oklahoma State Board Of Licensure For Professional Engineers and Land Surveyors.

### **LEGAL DESCRIPTIONS**

#### **TRACT 5**

A tract of land in the Northwest Quarter (NW1/4) of Section Seven (7), Township Nine (9) North, Range Two (2) West of the Indian Meridian, Cleveland County, Oklahoma, written by Timothy G. Pollard, PLS 1474 dated January 9, 2023, 2022 using a Deed bearing of N89°44'10"W between existing monuments on the North line of said NW1/4 as a Basis of Bearing, said tract further described as:

**COMMENCING** at the Northeast Corner of said NW1/4;

Thence N89°44'10"W, on the North line of said NW1/4, for a distance of 605.00 feet

Thence S00°18'18"W for a distance of 956 feet to the **POINT OF BEGINNING**;

Thence S00°18'18"W for a distance of 892.73 feet;

Thence S89°44'10"E for a distance of 605.00 feet to the East line of said NW1/4;

Thence S00°18'18"W, on said East line, for a distance of 119.07 feet;

Thence N89°44'10"W for a distance of 965.00 feet;

Thence N00°18'18"E for a distance of 101.80 feet;

Thence S89°44'10"E for a distance of 360.00 feet to the **POINT OF BEGINNING**, containing 10.01 acres more or less subject to easements and rights-of-way of record.

(aka: **Tract Five (5) of the Revied Rule's Emerald Springs Addition**, a Norman Rural Certificate of Survey Subdivision, a recorded but unplatted subdivision)

#### **TRACT 6**

A tract of land in the Northwest Quarter (NW1/4) of Section Seven (7), Township Nine (9) North, Range Two (2) West of the Indian Meridian, Cleveland County, Oklahoma, written by Timothy G. Pollard, PLS 1474 dated January 9, 2023, 2022 using a Deed bearing of N89°44'10"W between existing monuments on the North line of said NW1/4 as a Basis of Bearing, said tract further described as:

**COMMENCING** at the Northeast Corner of said NW1/4;

Thence N89°44'10"W, on the North line of said NW1/4, for a distance of 605.00 feet

Thence S00°18'18"W for a distance of 956 feet;

Thence N89°44'10"W for a distance of 360.00 feet to the **POINT OF BEGINNING**;

Thence S00°18'18"W for a distance of 1011.80 feet;

Thence S89°44'10"E for a distance of 965.00 feet to the East line of said NW1/4;

Thence S00°18'18"W, on said East line, for a distance of 663.80 feet to the Southeast corner of said NW1/4;

Thence N89°51'12"W, on the West line of said NW1/4, for a distance of 1318.50 feet to the Southwest corner of the E1/2-NW1/4;

Thence N00°22'33"E, on the West line of the said E1/2-NW1/4, for a distance of 1678.30 feet;

Thence S89°44'10"E for a distance of 351.42 feet to the **POINT OF BEGINNING**, containing 28.31 acres more or less subject to easements and rights-of-way of record.

(aka: **Tract Six (6) of the Revised Rule's Emerald Springs Addition**, a Norman Rural Certificate of Survey Subdivision, a recorded but unplatted subdivision)

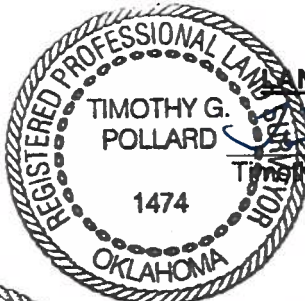
### **SURVEYOR'S REPORT AND NOTES**

(1) This Survey has been prepared to subdivide Tract Four (4) of Rule's Emerald Springs Addition, an existing "Norman Rural Certificate Of Survey Subdivision" as filed in Book 5375 at pages 1254-1267 in then Cleveland County clerk's records. This survey is entitled "Revised Rule's Emerald Springs Addition" and contains the legal descriptions for Tracts Five (5) and Six (6) which is a subdivision of Tract Four (4) of the Original Rule's Emerald Springs Addition. Existing additional rights-of-way, easements and Water Quality Protection Zone (WQPZ) easement will be utilized by these tracts in that no new land is used.

(2) The Boundary of the Revised Rule's Emerald Springs Addition is based on the original survey of Rule's Emerald Addition by LS 1231, dated September 2, 2014. Existing monuments by LS 1231 were found and used in this survey

(8) This "Norman Rural Certificate Of Survey Subdivision" will be filed with the Cleveland County Clerk after it is approved by all parties. This documentation, as recorded in its entirety, shall be attached to OR referred to on any deed, conveyance of title, contract or other instruments prepared in connection with any of the subject property.

(9) It is advised, by the undersigned, that all adjoining property owners should be contacted prior to building any fences or other structures along or on the property lines. If any difference of opinion is indicated a resolution should be reached, if possible, preferably in writing, between the owners on the location of any improvements along or on the property lines. If a resolution cannot be reached the undersigned should be contacted.



Timothy G. Pollard  
Timothy G. Pollard, PLS 1474

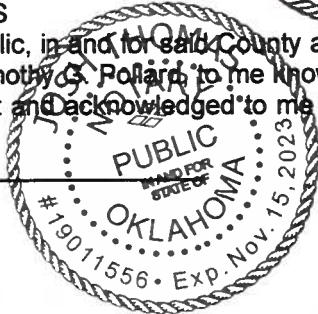
**NOTARY**

State Of Oklahoma )

County Of Cleveland) SS

Before me, a Notary Public, in and for said County and State, on this 26<sup>th</sup> day of January, 2023, personally appeared, Timothy G. Pollard, 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.

My commission expires: \_\_\_\_\_



[Signature]  
Notary Public

**NORMAN PLANNING COMMISSION**

Accepted by the City of Norman, Oklahoma, Planning Commission on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

ATTEST: \_\_\_\_\_

\_\_\_\_\_  
Chairperson

**NOTARY**

State Of Oklahoma )

County Of Cleveland) SS

Before me, a Notary Public, in and for said County and State, on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, personally appeared, \_\_\_\_\_, to me known to be the identical person who executed the within and foregoing instrument and acknowledged to me that they executed the same as their free and voluntary act and deed.

My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

**NORMAN CITY COUNCIL**

Accepted by the City of Norman, Oklahoma, City Council on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

ATTEST: \_\_\_\_\_

City Clerk

\_\_\_\_\_  
Mayor

**NOTARY**

State Of Oklahoma )

County Of Cleveland) SS

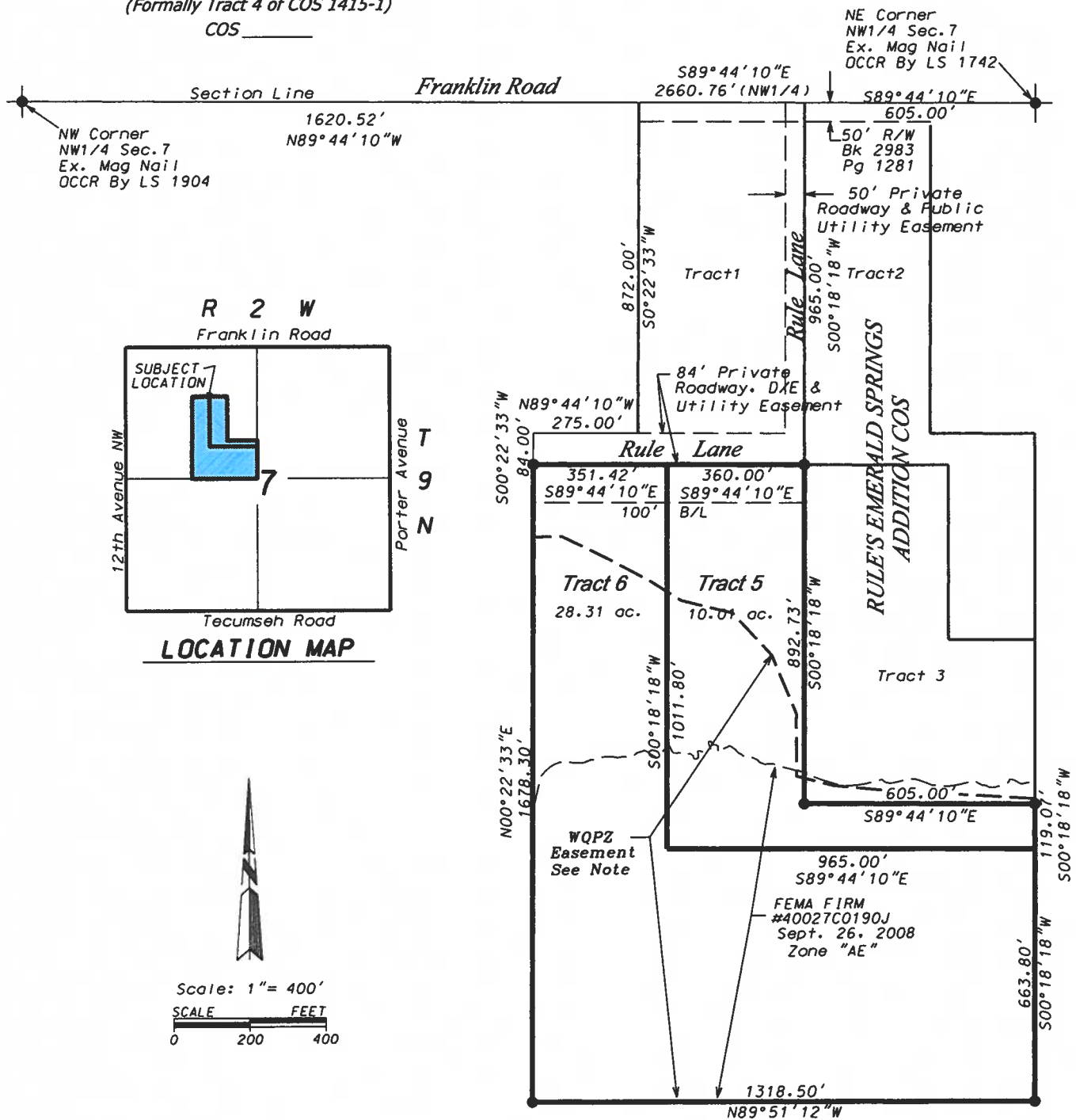
Before me, a Notary Public, in and for said County and State, on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, personally appeared, \_\_\_\_\_, to me known to be the identical person who executed the within and foregoing instrument and acknowledged to me that they executed the same as their free and voluntary act and deed.

My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public



AMENDED  
RULE'S EMERALD SPRINGS ADDITION  
A NORMAN RURAL CERTIFICATE  
OF SURVEY SUBDIVISION  
PART OF THE NW1/4 OF SECTION 7, T9N, R2W, I.M.  
NORMAN, CLEVELAND COUNTY, OKLAHOMA  
(Formerly Tract 4 of COS 1415-1)  
COS \_\_\_\_\_



NOTE:

Bearings shown are based on a Bearing of  $S89^{\circ}44'10''E$  between existing monuments on the North line of the NW1/4 of Section 7, T9N, R2W, I.M. Norman, Cleveland County, Oklahoma.

(●) - Indicates Existing 3/8" Iron Pin Or Monument As Noted Hereon.

(○) - Indicates Set 1/2" Iron Pin With Plastic Cap Marked "Pollard PLS 1474" Or Set PK Nail With Shiner Marked "P&W Surveying CA 2380".

(OCCR) - Indicates Oklahoma Certified Corner Record on File With The Oklahoma Department of Libraries, Archives Division.

(WQPZ) - Indicates the Water Quality Protective Zone. There shall be no clearing, grading, construction or disturbance of vegetation in this area except as permitted by the Director of Public Works, unless such disturbance is done in accordance with 19-514(E) of the Norman City Code. The WQPZ is subject to protective covenants that may be found in the Land Records and that may restrict disturbance and use of these areas.

**POLLARD & WHITED SURVEYING, INC.**

2514 Tee Drive

Norman, OK 73069

405-366-0001 Off.

405-443-8100 Cell

timepwsurveying.com

Edwin Rule

Norman Certificate of Survey Subdivision

Part of the NW1/4 of Section 7, T9N, R2W, IM

Norman, Cleveland County, Oklahoma

November 28, 2022

Drawn By: T. Pollard

4-9n2w.dgn

Sheet 1 of 11

CA 2380 exp. 6-30-23

**REVISED**

**DECLARATION OF PROPERTY OWNERS ASSOCIATION,  
COVENANTS AND RESTRICTIONS FOR**

**Amended Rule's Emerald Springs Addition C.O.S.**

**A NORMAN RURAL CERTIFICATE OF SURVEY SUBDIVISION  
OF PART OF THE NW/4 OF SECTION 7, T9N, R2W, I.M.,  
TO THE CITY OF NORMAN,  
CLEVELAND COUNTY, OKLAHOMA**

**Definition**

**Rule's Emerald Springs Addition** is a "Norman Rural Certificate Of Survey Subdivision" in Norman, Oklahoma, consisting of three (3) residential tracts and revised to five (5) residential tracts located near 12<sup>th</sup>. Ave. NW & Franklin Road known as Amended Rule's Emerald Springs Addition.

THE COMPLETE DOCUMENTATION OF  
Rule's Subdivision of Emerald Springs C.O.S.  
IS ATTACHED AND HEREBY MADE A PART OF THIS INSTRUMENT

This Declaration, made as of the 26th day of January 2023, by Edwin Rule, Owner of the Property and President of the **AMENDED RULE'S EMERALD SPRINGS HOMEOWNERS ASSOCIATION**, hereinafter referred to as "Declarant".

**WHEREAS**, Declarant is the owner of the property located in the City of Norman, Cleveland County, Oklahoma, which is more particularly described by legal description(s) appended. Said property has been subdivided into five (5) tracts, under the name of Amended Rule's Emerald Springs Addition for the benefit of this particular community.

**WHEREAS**, Declarant expressly declares its intentions to maintain Rule's Emerald Springs Addition as a single family residential development within the provisions of 60 Oklahoma Statute 851 through 857, inclusive, in order insure the management, maintenance, preservation and appearance of this particular community.

**WHEREAS**, there has been established the **EMERALD SPRINGS HOMEOWNERS ASSOCIATION**, for the purpose of exercising the afore and afterwards mentioned functions and revised to be Amended Rule's Emerald Springs Addition.

**FOR THE PURPOSE** of providing adequate restrictive covenants for the mutual benefit of the Declarant and its successors in title to the said property hereinafter described, hereby impose the herein **RESTRICTIONS, COVENANTS AND RESERVATIONS** that shall be incumbent upon all transferees, grantees and successors in title or interest upon said property:

**KNOW ALL MEN BY THESE PRESENTS:**

**Edwin Rule**, Norman, Oklahoma, here certifies that he is the owners of and the only persons, firm or corporation having rights, title or interest in and to the described real estate and premises situated in Cleveland County, Oklahoma, to-wit: **Amended Rule's Emerald Springs Addition** to Norman, Cleveland County, Oklahoma.

Said individual further certifies that he has caused said part of said property, designated as aforesaid, to be surveyed into tracts and streets and caused a survey to be made of said tracts, showing accurate dimensions of tracts, setback lines, rights-of-way, widths of streets and reserves for utilities. (Setback lines will be the same as A2 Zoning regulations) Said individuals hereby designate said tract of land so subdivided as **Amended Rule's Emerald Springs Addition** to Norman, Cleveland County, Oklahoma.



## PROTECTIVE COVENANTS

For the purpose of providing an orderly development of the entire tract, and for the further purpose of providing adequate restrictive covenants for the mutual benefit of said owners and its successors in title to the subdivisions of said tract, it hereby imposes the following restrictions, covenants, and reservations to which it shall be incumbent upon successors in title to adhere.

1. All of the tracts in **Amended Rule's Emerald Springs Addition** of Norman, Oklahoma shall be known as and reserved exclusively for use for residential single-family dwellings not to exceed 3 stories in height and a private garage for not more than five and not less than one automobile with a side or back entry. A maximum of one single-family dwelling unit may be constructed on each tract.
2. No building shall be erected, placed or altered on any building plot in this subdivision until the building plans, specifications and plot plan showing the location of such building have been approved in writing as to conformity and harmony of external design with existing structures in the subdivision, and as to the location of the building with respect to topography and finished grade elevation, by the Architectural Control Committee composed of representatives designated by a majority of said committee, the remaining member or members shall have full authority to designate a successor or successors. In the event said committee, or its designated representative, fails to approve or disapprove, within thirty days, any plans and specifications submitted to it, or in any event, if no suit to enjoin construction has been commenced prior to the completion thereof, approval will not be required and this covenant shall be deemed to have been fully observed and complied with. Neither the member of such committee, nor its representative shall be entitled to any compensation for services pursuant to this covenant.
3. No water well and/or septic system shall be placed on any building plot until the plot plan showing the location of the water will, septic system and home have been approved by the Architectural Control Committee.
4. All residences shall be of new construction built on site, and no residence (new or used) may be moved from another area into the subdivision nor Mobile modular, or manufactured homes of any kind shall not be allowed without the expressed approval of the Architectural Control Committee and the City of Norman.
5. No building shall be located on any tract neither nearer to the front tract line nor nearer to the side street line than the minimum building setback lines shown on the recorded plat or as otherwise specified by city zoning requirements. For the purpose of this covenant, eaves, steps, and open porches shall not be constructed to permit any portion of a building on a tract to encroach upon another tract.
6. Reserves of installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded Certificate of Survey. Within these utility reserves no structure, planting or other material shall be placed or permitted to remain which may damage or interfere with the installation of flow of drainage channels in the utility reserves, or which may obstruct or retard the flow of water through drainage channels in the utility reserves. The utility reserve area of each tract and all improvements permitted there in shall be maintained continuously by the owner of the tracts, except for those improvements for which a public authority or utility company is responsible. All small drainage channels, emergency overflows, and other swales which are important to abutting properties, but are not a part of the drainage system maintained by public authority or utility company, shall be the property owner's responsibility; and it shall be the responsibility of the property owner to (A) keep the easements, channels and swales free of any structure, planting or other material which may change the direction of flow, obstruct, or retard the flow of surface water in the channels or swales whether they be in easements or contained on the individual property owner's tract and (B) to provide continuous maintenance of the improvements in the easements or of the channels or swales, except for the improvements for which a public authority, utility company, or property-owner's maintenance association is responsible.
7. No business or trade activity shall be carried on upon any residential tract. No noxious or offensive activity shall be carried on upon any tract, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.

8. The following provisions shall be applicable to out-buildings:
  - a. No out-building may be used as a residence either temporarily or permanently.
  - b. No out-building shall be permitted in any easement for utilities nor be allowed to interfere with storm water drainage.
- c. All out-buildings must be approved by the Architectural Control Committee and meet the following minimum requirements:
  1. They shall be of new construction
  2. Out-buildings can be colored metal, but color must harmonize with the existing single family home; or the out-building may be constructed in same style and materials of the home.
  3. Sidewalls shall not exceed 16' in height
  4. A barn shall not exceed total square footage of house including the garage.
9. Two horses or two cows or two goats are allowed as long as the total number of large animals does not exceed two (2) per tract. No swine or other farm animals are permitted except chickens, ducks, fowls and swans in numbers not to create unreasonable nuisance. Dogs, cats and other normal household pets are permitted. Under no circumstances will any animals be kept or bred for commercial purposes.
10. The minimum square foot area requirements for residences in **Amended Rule's Emerald Springs Addition** shall be Fifteen Hundred (1500) square feet. This minimum figure is for living space and is exclusive of garages, covered porches, and breezeways.
11. All fencing shall be approved by the Architectural Control Committee.
12. No sign of any kind shall be displayed to the public view on any tract except one professional sign of not more than six square feet. One sign each used by a builder and/or realtor to advertise the property is permitted during the construction and sale period.
13. All roofs shall have a minimum 8/12 roof pitch completed using 30-year laminate composition shingles in weathered wood color. Shed roofs for porches may have a lesser pitch if approved by the Architectural Control Committee. All other roofs must be approved by the Architectural Control Committee.
14. The principal exterior of any residential structure shall be at least fifty percent (50%) masonry and the other fifty percent (50%) balance of the exterior may be of frame, wood, shingles or other material, which will blend together with the masonry. It is the intention of this restriction to allow panels of other materials other than masonry to be used, but in no event shall a continuing wall consisting of thirty-five percent (35%) of the exterior of the residence be built of any material other than masonry. This restriction is intended to restrict a substantial portion of the principal exterior of residences to masonry construction, but it is modified to allow the use of other materials to blend with the masonry to eliminate repetitions of design. The Architectural Control Committee must approve any deviation from the above in advance.
15. Boats, trailers, commercial vehicles, boats, motor homes and/or other recreational vehicles may not be parked kept or maintained on any street in the said addition but may be kept on the premises provided they are concealed within the residents garage or approved outbuilding or located behind the front or side building limit lines and concealed behind an approved and adequate sight proof fence or trees. In addition, the above are not allowed in the front yard or on a corner tract, in the front or side yard. Automobiles, vans for personal use, and SUV's and pick-up trucks may be parked in driveways.
16. Chimneys must be brick or stone; direct vent fireplaces may have a vent pipe only.
17. No trash, ashes or other refuse may be thrown or dumped on any tract. Each owner of a vacant tract is required to keep said tract in presentable condition or the Committee may, at its discretion, mow said tract, trim and spray trees, remove trash or refuse and levy a lien on said tract for the cost involved. Any non-burnable refuse must be hauled away for disposal. No owner may make use of a vacant tract for dumping, burning or otherwise disposing of refuse. All major burning must be approved by the Committee so as to eliminate all fire hazards due to burning.

18. All tract owners shall continuously maintain landscaping with respect to each of their tracts, such as mowing of lawn, planting and maintaining of shrubs and trees to include 100 feet around the home, areas along driveway and along road.

19. All new driveways must either be composed of concrete or asphalt material or approved by the Architectural Control Committee.

20. At such time as any unit is painted, or stained, either initially or at a later date, the same shall be in such a color as to harmonize with the existing structures within the Addition at all times.

21. Any antenna placed on a residence shall be located so as to not be seen from the front of the property. In addition, any antenna, including satellite antennas, placed on the property, shall be located to the rear of the residence, and shall not be visible from the front of the property.

22. All mailboxes shall be of brick or stone construction, and shall correspond with the residence located on the respective tract.

23. Any culverts placed on any tract shall be of concrete construction on both ends.

24. Any tract containing liquefied petroleum tanks shall be buried or above ground tanks must be screened so that tanks cannot be seen from the street.

#### 25. Vehicle and Pedestrian Access Easement

The Roadway Easement shall be subject to a perpetual, nonexclusive easement for ingress and egress granting access to all the parcel owners and their occupants, agents, employees, guests, services and emergency vehicles, and those individuals appointed by the Emerald Springs Homeowner's Association to conduct road assessment.

#### 26. Utility Easement

The Roadway Easement shall be subject to a perpetual, nonexclusive public utility easement for the purpose of permitting above and below ground public and/ or quasi-public utilities to be installed and maintained.

#### 27. Road Review Agent

A Road Review Agent shall be elected by a majority of the property owners, will serve a term as agreed to by the property owners, and can be replaced or renewed at any time by a simple majority vote of the parcel owners. The Road Review Agent shall be responsible for monitoring the condition of the road surface and initiating maintenance activities as needed to maintain the minimum road surface standards for access.

#### 28. Road Maintenance

Road maintenance and road improvements will be undertaken and made whenever necessary to maintain the road in good operating condition at all times and to insure the provision of safe access by emergency vehicles. A majority vote of parcel owners is required for any road improvements and to accept the bid for any road improvement contract.

Before authorizing expenditures for future road improvements, parcel owners will be notified by the Road Review Agent, cost estimates will be provided, and a majority agreement will be required. If any parcel owner performs improvements, maintenance, repairs or replacements without the approval of the other lot owners prior to performing such work, the lot owner performing such work shall become liable for the entire cost thereof, unless such work is deemed an emergency. However, where extreme emergency repairs are necessary the majority of the property owner's may, with a majority, vote to reimburse any property owner that made such repairs on any roadway that is necessary for access to more than one property.

#### 29. Parking

For the safety of the residents, no machinery, trailers, vehicles or other property may be stored or parked upon the Private Road except parking of vehicles for limited periods of time (not to exceed twelve hours).

#### 30. Cost Sharing

Road maintenance and road improvement costs shall be shared on a pro-rata basis between the parcel owners sharing access to the above mentioned road. Each parcel owner's share of costs incurred shall be determined as follows: Pro-rated cost share will be based upon the percentage of roadway extending from the start of the Private Road to the intersection of each driveway where a residence exists, or to the midpoint of a property frontage that is adjacent to the roadway when a residence does not exist. The Road Review Agent shall provide the property owners an updated copy of the cost allocations at any point that changes are made to the cost allocations. Payment times and amounts shall be approved by a majority prior to the commencement of any road maintenance or repairs.

31. These covenants are to run with the land and shall be binding on all parties and all persons claiming under them until January 1, 2024, at which time said covenants shall be automatically extended for successive periods of ten years unless, prior to the expiration of the then current term, a written instrument signed by the then owners of 90% of the tracts, stating that this declaration shall expire at the end of the then current term. This declaration may be amended the first twenty years by an instrument signed by the owners of not less than 90% of the tracts and thereafter by an instrument signed by the owners of not less than 70% of the tracts. Any such amendments must be filed in the office of the County Clerk of Cleveland County, OK.

32. Certain restrictions addressing fencing, garage conversions, landscaping, use of property, driveways, and signage contained in this document do not apply to those tracts on which model homes may be constructed for sales purposes. Upon termination of their use as sales models, these structures will be converted to single-family use and will comply with all restrictions in this document.

33. If the parties, hereto, or any of them or their heirs or assigns shall violate any of the covenants herein, it shall be lawful for any other person or persons owning any real property situated in said development or subdivision to prosecute any proceedings of law or in equity against the person or persons violating or attempting to violate any such covenant and either to prevent him or them from so doing or to recover damages or other dues for such violation.

34. 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.

35. Each owner shall register in his writing his mailing address with the association, and notice or demands to be served upon an owner shall be sent by certified mail postage prepaid in the mane of the owner at such registered mailing address. All notices, demands, or other notices intended to be served upon the Association governing these restrictions shall be sent to 720 W. Franklin Rd., Norman, Oklahoma 73069.

## **RESTRICTIVE COVENANTS FOR WATER QUALITY PROTECTION ZONE**

**WHEREAS**, the Declarant (hereinafter “Property Owner”) is in the process of subdividing real property to be known as **Amended Rule’s Emerald Springs Addition** (hereinafter the “Property”), an addition to Norman, Cleveland County, Oklahoma; and

**WHEREAS**, the City of Norman (hereinafter the “City”) is required to protect water quality to the maximum extent practicable under its Municipal Separate Storm Sewer System permit; and

**WHEREAS**, Section 19-411.B of the City of Norman Water Quality Protection Zone Design Standards requires Property Owners to enter into permanent maintenance agreements for Water Quality Protection Zone areas before the Property is developed; and

**WHEREAS**, , Section 19-414 of the City of Norman Water Quality Protection Zone Design Standards requires Property Owners to inspect and properly maintain all Water Quality Protection Zone areas to maintain their full function in perpetuity; and

**WHEREAS**, the Water Quality Protection Zone areas are located on the Property as shown on the final **Survey Plat of Amended Rule’s Emerald Springs Addition** which is recorded with the deed after acceptance by the City as a complete and final document; and

**WHEREAS**, the Water Quality Protection Zone area shown on the Norman Rural Certificate Of Survey Subdivision of Rule’s Emerald Springs Addition are delineated on the City of Norman Stream Planning Corridor as delineated on Exhibit 4-4 in the Storm Water Master Plan, dated October 2009;

**NOW THEREFORE**, the undersigned does hereby subject the Property, an addition to Norman, Cleveland County, Oklahoma, to have the following covenants and restrictions (hereinafter the “Agreement”):

### **1.0 Maintenance Requirements**

- 1.1 The Property Owner(s) will maintain Water Quality Protection Zone areas in strict accord with the plans, specifications, calculations, and conditions required by the City as provided in Section 19-411 of the City of Norman Water Quality Protection Zone Design Standards , in perpetuity.

- 1.2 Maintenance of all Water Quality Protection Zone areas will be performed by the Property Owner according to the minimum maintenance frequencies and measures provided in Section 19-514 of the City of Norman Water Quality Protection Zone Management and Maintenance.
- 1.3 The Property Owner shall not use or attempt to use the Water Quality Protection Zone areas in any manner which would interfere with the continuous and perpetual maintenance and use thereof and, in particular, shall not build thereon or there over any structure which may interference or cause to interfere with the maintenance and long-term operation thereof.
- 1.4 It is understood by the Property Owner(s) and the City should the Water Quality Protection Zone Ordinance be repealed and is no longer in effect, the restrictive covenants, rights and restrictions here in granted are to be considered null and void and no more encumber the property here in described.

## **2.0 Right of Entry**

- 2.1 The Property Owner does herein grant the City, its agents and contractors, reasonable access to the property necessary for the purpose of inspecting, sampling, reconstructing, maintaining or repairing the Water Quality Protection Zone areas in accordance with Section 1 of this agreement.
- 2.2 The dedication of the Water Quality Protection Zone area to the City of Norman **does not** convey to the general public the right of access to this area. Furthermore, the dedication **is not** a mandated Public Utility easement, Right-of-Way, or for a Public Trail System or any portion thereof.
- 2.3 The Property Owner(s) shall, upon written request of the City, remove any temporary or permanent obstruction that prevents reasonable access to the Water Quality Protection Zone area.
- 2.4 For purposes of this agreement, “reasonable access” means an access path from the public street right of way to the Water Quality Protection Zone area with a minimum 20 foot width and a maximum ground slope of 10% that is accessible by construction equipment or vehicles that may be needed to inspect, sample, reconstruct, maintain, or repair the Water Quality Protection Zone area. Such access path shall remain free of obstructions that would hinder access such as retaining walls, permanent buildings, utility structures, walls, trees, landscape monuments, permanent water bodies, gardens, amenities and other items that would prevent access to the Water Quality Protection Zone area.
- 2.5 Water Quality Protection Zone areas and any associated access areas, Reserves or Easements are as shown on the Norman Rural Certificate Of Survey of Amended Rule’s Emerald Springs Addition.
- 2.6 The Property Owner(s) of Rule’s Emerald Springs Addition has the right to clear an area Twenty (20) feet in width to construct an all weather driving surface across the Water Quality Protection Zone for access and maintenance of said Water Quality Protection Zone.
- 2.7 The rights granted herein shall not be construed to interfere with or restrict the Property Owner, his/her/its heirs, executors, administrators, successors and assigns from the use of the premises with respect to the construction and maintenance of property improvements along and over the premises herein described so long as the same are so constructed as not to impair the rights of access to the Water Quality Protection Zone granted herein.

## **3.0 Maintenance Enforcement by the City**

- 3.1 The Public Works Department of the City of Norman shall, at no cost to the Property Owners, inspect the Water Quality Protection Zone annually and following severe storms for evidence of sediment deposition, erosion, and concentrated flow channels. Notice shall be given to the Property Owner(s), Twenty-Four (24) hours prior to accessing the property. Unless such notice is waived by the Property Owner(s).

- 3.2 If, after reasonable notice to the Property Owner(s), the Property Owner(s) shall fail to maintain the Water Quality Protection Zone areas as set forth herein and other applicable legal requirements, the City may perform necessary repair or maintenance work as deemed necessary by a complete engineering study outlining the clear and present dangers to the watershed. The cost of this study will be the responsibility of the City and may assess the Property Owner(s) and the Property for the cost of the necessary repair or maintenance work only, and any applicable penalties. For the purposes of this document, "reasonable notice" shall consist of 30 days prior written notice sent to the Property Owner by registered mail, unless there are exigent circumstances requiring either immediate or shorter response than said 30 days would provide, in which case the notice provided shall be whatever is reasonable under those circumstances.
- 3.3 The City may record an Affidavit of Nonpayment of Maintenance Charges in the Register of Deeds Office for Cleveland County, Oklahoma, stating (a) the legal description of the property upon which the lien is claimed, (b) the name(s) of the Property Owner(s) as last known to the City, and (c) the amount of the Maintenance Charge(s) in detail which is unpaid. The lien shall be created at the time of the filing and recording of the affidavit and such lien shall be superior to all other charges, liens, or encumbrances which may thereafter in any manner arise or be imposed upon the subject property, whether arising from or imposed by judgment or decree by any agreement, contract, mortgage, or other instrument, saving and excepting only such liens for taxes and other public charges as are by applicable law made superior.
- 3.4 It is understood by Property Owner(s) that the City is under no past, present, or future obligation to expend public funds or take any other action whatsoever to maintain or improve the Water Quality Protection Zone area.
- 3.5 The City or Property Owner(s) shall have the right to enforce, by any proceeding at law or in equity, all restrictions, conditions, covenants, reservations, liens, and charges now or hereafter imposed by the provisions of this declaration. The City or the Property Owner(s) shall have the right to include in their claim for relief a reasonable sum to reimburse them for their attorneys' fees and any other expenses reasonably incurred in enforcing their rights hereunder. Failure by the City or by the Property Owner(s) to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter. Neither shall failure by the City to enforce the provisions hereof be deemed a waiver of any provision hereof as to any other owner.

These Water Quality Protection Zone covenants and agreements as set forth herein, fully executed, shall be filed by the Register of Deeds for Cleveland County, Oklahoma, and the filing of the same shall constitute constructive notice to all heirs, successors, transferees, and assigns of the Property Owner(s) of these covenants and agreements running with the land and notice of all stipulations made thereto.

This document may not be amended or modified in any way without the prior written approval of the authorized officials of the City of Norman, Oklahoma, and that approval must be indicated on the face of any subsequently recorded document amending or modifying this document.

Notwithstanding other provisions of this document placing rights, duties, obligations and responsibilities on the Property Owner(s), as that term is defined herein, those rights, duties, obligations and responsibilities shall only be exercised or enforced in the following manner: when the property is owned by the current owner, or by a succeeding developer, those requirements shall only be exercised or enforced by or against those legal entities. It is not the intent of this document to create or impose any rights, duties, obligations and responsibilities

directly on subsequent owners of individual lots within the subdivision, unless or until the Property Owner(s) is unwilling or unable to exercise or comply with and enforce the terms of this document and fully meet all the duties, obligations and responsibilities set forth herein, including, without being limited to, payment of any costs imposed by this document, including assessment of individual lot owners when necessary.

The Water Quality Protection Zone covenants, conditions, and restrictions on the property created and established in this instrument may be waived, terminated, or modified only upon written consent of the City of Norman. No such waiver, termination or modification shall be effective until such written consent is recorded in the office of the Register of Deeds for Cleveland County, Oklahoma.

The City, at Property Owner's cost, shall cause this agreement to be filed with the Register of Deeds for Cleveland County, Oklahoma. Each party hereto shall receive a duly executed copy of this agreement for its official records.

IN WITNESS WHEREOF, THIS DECLARATION is executed by the Declarant this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Edwin Rule, President, Emerald Springs  
Homeowner's Association

**STATE OF OKLAHOMA    )**  
**COUNTY OF CLEVELAND) SS:**

Before me, the undersigned, a Notary Public in and for said County and State on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, personally appeared, Edwin Rule, President of Emerald Springs Homeowners Association 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 and as the free and voluntary act of said party, for the uses and purposes herein set forth.

Given under my hand and seal the day and year last above written.

My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public



directly on subsequent owners of individual lots within the subdivision, unless or until the Property Owner(s) is unwilling or unable to exercise or comply with and enforce the terms of this document and fully meet all the duties, obligations and responsibilities set forth herein, including, without being limited to, payment of any costs imposed by this document, including assessment of individual lot owners when necessary.

The Water Quality Protection Zone covenants, conditions, and restrictions on the property created and established in this instrument may be waived, terminated, or modified only upon written consent of the City of Norman. No such waiver, termination or modification shall be effective until such written consent is recorded in the office of the Register of Deeds for Cleveland County, Oklahoma.

The City, at Property Owner's cost, shall cause this agreement to be filed with the Register of Deeds for Cleveland County, Oklahoma. Each party hereto shall receive a duly executed copy of this agreement for its official records.

IN WITNESS WHEREOF, THIS DECLARATION is executed by the Declarant this 26<sup>th</sup> day of January, 2023

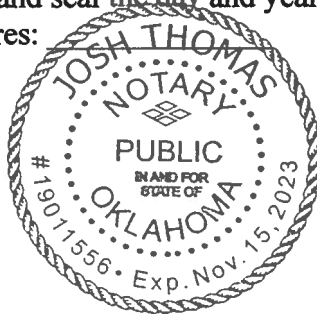
Edwin Rule  
Edwin Rule, President, Emerald Springs  
Homeowner's Association

STATE OF OKLAHOMA )  
COUNTY OF CLEVELAND) SS:

Before me, the undersigned, a Notary Public in and for said County and State on this 26<sup>th</sup> day of January, 2023 personally appeared, Edwin Rule, President of Emerald Springs Homeowners Association 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 and as the free and voluntary act of said party, for the uses and purposes herein set forth.

Given under my hand and seal the day and year last above written.

My Commission Expires:

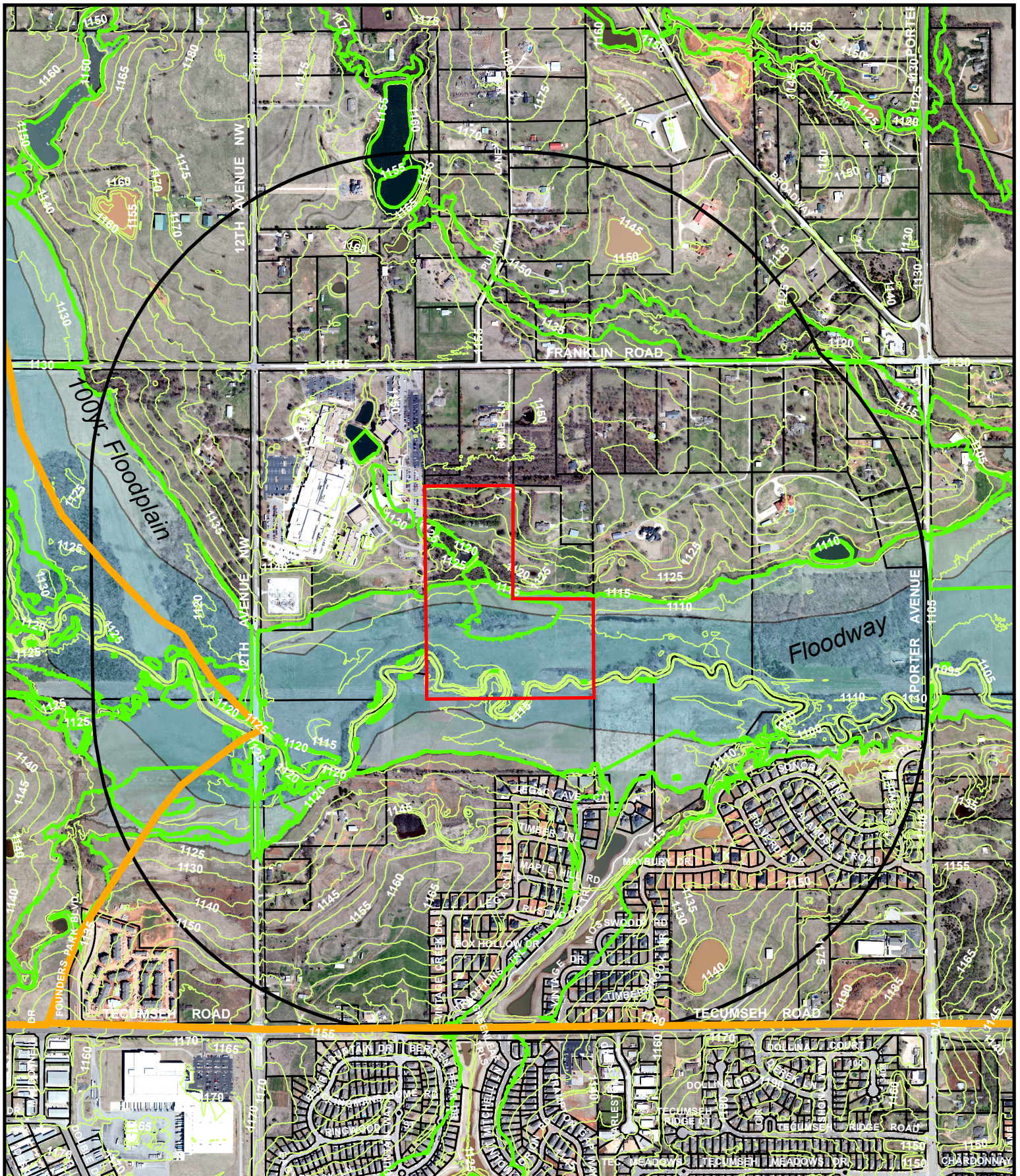


Josh Thomas  
Notary Public









Map Produced by the City of Norman  
Geographic Information System,  
(405) 366-5316  
The City of Norman assumes no  
responsibility for errors or omissions  
in the information presented.

## March 2021 Aerial Photography

February 3, 2023

0 500 1,000 Ft

1/2 Mile Radius  
Parcels

5ft. Contours  
Floodway  
100yr. Floodplain  
Stream Planning Corridor

### Greenbelt Priority Trails

North Norman Tecumseh Trail  
Scissortail Trail  
South Legacy Trail  
East Norman Trails  
West Lindsey Extension Trail  
Current & In-Progress Trails