
GREENBELT ENHANCEMENT STATEMENT

ITEM NO. 23-08

STAFF REPORT

GENERAL INFORMATION

| | |
|----------------------|--|
| APPLICANT | Clara and Johnny Smart |
| LOCATION | 11650 E. Franklin Road |
| PROPOSAL | WPDS Estates Certificate of Survey (COS); Divide approximately 79.37 acres into 7 tracts for residential development |
| NORMAN 2025 LAND USE | Current: Country Residential Proposed: No Change |
| LAND USE | Current: Single-family residential Proposed: No Change North: Single-family residential/Vacant West: Single-family residential South: Single-family residential East: Single-family residential |
| ZONING | Current: A-2, Rural Agricultural District Proposed: No Change North: A-2, Rural Agricultural District West: A-2, Rural Agricultural District South: RE, Residential Estate Dwelling District East: A-2, Rural Agricultural District |

SYNOPSIS: The applicant submitted an application for a Norman Rural Certificate of Survey for WPDS Estates with approximately 79.37 acres to create seven single-family tracts.

ANALYSIS: This area is zoned A-2, Rural Agricultural District, and RE, Residential Estate Dwelling District. It is predominately single-family residential with some vacant parcels. In

the subject location, no portions are in the 100-year floodplain or designated as Water Quality Protection Zone (WQPZ).

E. Franklin Road is designated as a minor rural arterial in the Comprehensive Transportation Plan adjacent to the subject parcel. This roadway requires a 20' trail easement for future projects per the Comprehensive Transportation Plan. The Greenway Master Plan does not propose trails along the subject parcel's frontage on E. Franklin Road or through the property.

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

STAFF COMMENTS: Staff reviewed the Greenway Master Plan and finds no opportunity for trails. As noted above, this section of E. Franklin Road will require a 20' trail easement for future projects.

Staff places this item on the consent docket for the April 18, 2023 Greenbelt Commission Meeting.



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

| | | | | | |
|--|--|--|--|--------------------------------|--|
| NAME OF PLAT WPDS Estates COS | | TYPE OF PLAT: <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 | | DATE SUBMITTED: 1/26/23 | |
| NAME AND ADDRESS OF OWNER OF RECORD Clara & Johnny Smart 4505 108th Ave NE Norman, OK 73026 Phone: 405-650-3517 Fax: _____ E-Mail: _____ | | NAME AND ADDRESS OF SUBDIVIDER Same Phone: _____ Fax: _____ E-Mail: _____ | | | |
| NAME AND ADDRESS OF REGISTERED LAND SURVEYOR PREPARING THE PLAT Timothy G. Pollard Pollard & Whitard Surveying 2514 Tee Dr. Norman OK 73026 Phone: 405-366-0001 Fax: _____ E-Mail: Tim@pwsurveying.com | | STREET ADDRESS OR LOCATION 11650 E Franklin Road Norman, OK 73026 (When applicable) DATE OF: <input type="checkbox"/> PRE-DEVELOPMENT MEETING _____ <input type="checkbox"/> GREENBELT COMMISSION MEETING _____ <input type="checkbox"/> FLOODPLAIN COMMITTEE MEETING _____ | | | |
| PROPOSED USE (including all buildings to be constructed): Residential | | | | | |
| SIGNATURE OF APPLICANTS: Timothy D. Pollard | | 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.

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: Clara & Johnny Smart Date: 12/30/2022
Contact Person: Tim Pollard Telephone/Fax/Email: 405-443-8100
Time@pwsurveying.com
Name of Development: WPDS Estates Area (Acres): _____
General Location South side of East Franklin Rd. Between 108th & 120th
Ave's NE

***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 <input checked="" type="checkbox"/> No | _____ Public <input checked="" type="checkbox"/> Private |
| Open Space: | _____ Yes <input checked="" type="checkbox"/> No | _____ Public <input checked="" type="checkbox"/> Private |
| Detention Pond: | _____ Yes <input checked="" type="checkbox"/> No | _____ Public _____ Private |
| Parking Lot Landscape: | _____ Yes <input checked="" type="checkbox"/> No | _____ Public _____ Private |
| Floodplain/Creek: | _____ Yes <input checked="" type="checkbox"/> No | _____ Public _____ Private |
| Other | <u>± 1 acre reserved in WQPZ easement</u> | |

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 | <input checked="" type="checkbox"/> No |
| Natural Trails (compacted earth 8-10' wide) | _____ Yes | <input checked="" type="checkbox"/> No |
| Parkway Trails (durable surface 6-8' wide) | _____ Yes | <input checked="" type="checkbox"/> No |
| Neighborhood Trails (durable or paved, 6-10' wide) | _____ Yes | <input checked="" type="checkbox"/> No |
| Community Wide Trails (paved, 10-12' wide) | _____ Yes | <input checked="" type="checkbox"/> No |
| Specialized Trails (equestrian, water, etc) | _____ Yes | <input checked="" type="checkbox"/> No |
| Other | _____ | |

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4. **Identify** schools, recreational areas (parks, playgrounds), commercial sites, or other public **open spaces within ½ mile** of your proposed development. (If there are **no** such areas within the ½ mile radius please **state** such and skip question 5.)

There are no such areas within ½ mile of Site

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 is provided.

☐ Storm water channels

☐ Detention ponds

☐ Floodplains

☐ Stream bank/Riparian corridors

☐ Utility Easements

☐ Abandoned/Active Railroad corridors

☒ Other *provide 20' walking trail Easement along Franklin Road*

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.

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- 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.
- No (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.
- No (i) Vegetative buffers between neighborhoods and railway lines have been provided to enhance safety and reduce the effects of noise and air pollution.
- No (j) Permeable ground surfaces have been preserved to the extent possible.
- No (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.
- No (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.
- No (m) Water retention and detention storage facilities are designed in accordance with bioengineering principles and built with bioengineering materials.
- No (n) Detention facilities are integrated into the surrounding neighborhood as part of the Greenbelt System in as ecologically sound a method as possible.
- No (o) Storm water management design considers the potential for trail and green space preservation, enhancement and/or creation.
- No (p) The development layout is designed to preserve the health and diversity of wildlife affected by development in natural drainage corridor areas.
- No (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.
- No (s) Riparian buffers are incorporated into the Greenbelt System.
- No (t) The commercial developments have provided for pedestrian access.
- No (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 Development proposes 7 (10+) Acre tracts for single family residential dwellings. There are no roads proposed allowing the surrounding properties to remain in a natural state as much as possible. Large wooded tracts will preserve as much as possible the "Green Effect" for the City of Norman.*

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

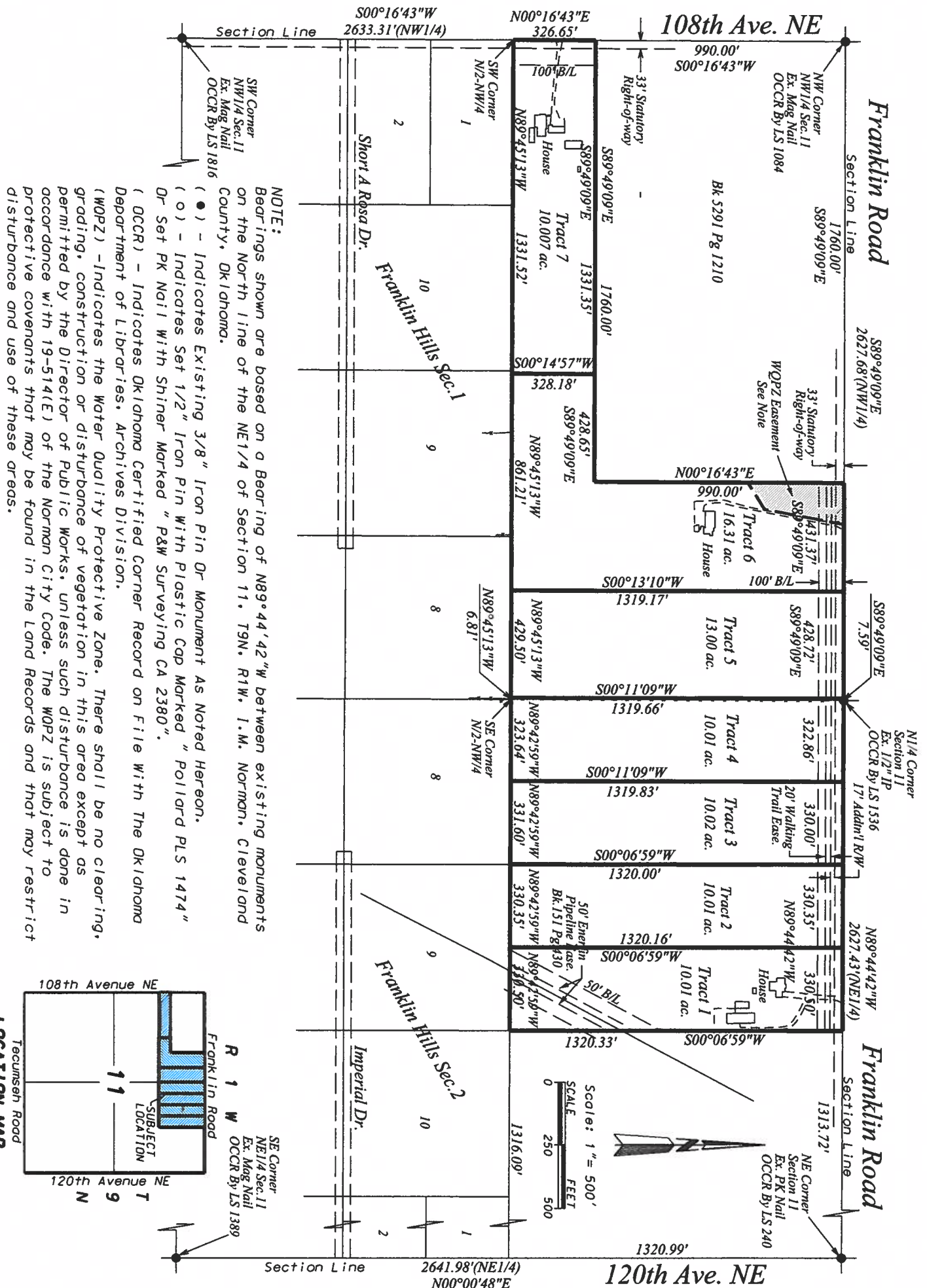
GREENBELT COMMISSION COMMENTS AND SUGGESTIONS ABOUT PROPOSED DEVELOPMENT AS SUBMITTED FOR PLANNING COMMISSION AND CITY COUNCIL CONSIDERATION (MAY ATTACH AS SEPARATE SHEET):

WPDS ESTATES

A NORMAN RURAL CERTIFICATE OF SURVEY SUBDIVISION

PART OF THE N/2-N/2 OF SECTION 11, T9N, R1W, I.M.
NORMAN, CLEVELAND COUNTY, OKLAHOMA

COS -----



POLLARD & WHITED SURVEYING, INC.

2514 Tee Drive

Norman, OK 73069

405-366-0001 Off.

405-443-8100 Cell

timepwsurveying.com

WPDS Estates Samantha Danner

Norman Certificate of Survey Subdivision

Part of the N1/2 of Section 11, T9N, R1W, IM

Norman, Cleveland County, Oklahoma

December 22, 2022

Drawn By: T. Pollard

11-9n1w.dgn

Sheet 1 of 12

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 1

A tract of land in the Northwest Quarter of the Northeast Quarter (NW1/4-NE1/4) of Section Eleven (11), Township Nine (9) North, Range One (1) West of the Indian Meridian, Cleveland County, Oklahoma, written by Timothy G. Pollard, PLS 1474 dated December 22, 2022 using an Arbitrary bearing of N89°44'42"W between existing monuments on the North line of said NE1/4 as a Basis of Bearing, said tract further described as:

COMMENCING at the Northeast Corner of said NE1/4;

Thence N89°44'42"W, on the North line of said NE1/4, for a distance of 1313.72 feet to Northeast corner of said NW1/4-NE1/4 and the **POINT OF BEGINNING**;

Thence S00°06'59"W for a distance of 1320.33 feet to the Southeast corner of said NW1/4-NE1/4;

Thence N89°42'59"W, on the South line of said NW1/4-NE1/4, for a distance of 330.50 feet;

Thence N00°06'59"E for a distance of 1320.16 feet to the North line of said NW1/4-NE1/4;

Thence S89°44'42"E, on said North line, for a distance of 330.50 feet to the **POINT OF BEGINNING**, containing 10.01 acres more or less subject to easements and rights-of-way of record.

(aka: **Tract One (1) of WPDS Estates**, a Norman Rural Certificate of Survey Subdivision, a recorded but unplatted subdivision)

TRACT 2

A tract of land in the Northwest Quarter of the Northeast Quarter (NW1/4-NE1/4) of Section Eleven (11), Township Nine (9) North, Range One (1) West of the Indian Meridian, Cleveland County, Oklahoma, written by Timothy G. Pollard, PLS 1474 dated December 22, 2022 using an Arbitrary bearing of N89°44'42"W between existing monuments on the North line of said NE1/4 as a Basis of Bearing, said tract further described as:

COMMENCING at the Northeast Corner of said NE1/4;

Thence N89°44'42"W, on the North line of said NE1/4, for a distance of 1644.22 feet to the **POINT OF BEGINNING**;

Thence S00°06'59"W for a distance of 1320.16 feet to the South line of said NW1/4-NE1/4;

Thence N89°42'59"W, on the South line of said NW1/4-NE1/4, for a distance of 330.35 feet;

Thence N00°06'59"E for a distance of 1320.00 feet to the North line of said NW1/4-NE1/4;

Thence S89°44'42"E, on said North line, for a distance of 330.35 feet to the **POINT OF BEGINNING**, containing 10.01 acres more or less subject to easements and rights-of-way of record.

(aka: **Tract Two (2) of WPDS Estates**, a Norman Rural Certificate of Survey Subdivision, a recorded but unplatted subdivision)

TRACT 3

A tract of land in the Northwest Quarter of the Northeast Quarter (NW1/4-NE1/4) of Section Eleven (11), Township Nine (9) North, Range One (1) West of the Indian Meridian, Cleveland County, Oklahoma, written by Timothy G. Pollard, PLS 1474 dated December 22, 2022 using an Arbitrary bearing of N89°44'42"W between existing monuments on the North line of said NE1/4 as a Basis of Bearing, said tract further described as:

COMMENCING at the Northeast Corner of said NE1/4;

Thence N89°44'42"W, on the North line of said NE1/4, for a distance of 1974.57 feet to the **POINT OF BEGINNING**;

Thence S00°06'59"W for a distance of 1320.00 feet to the South line of said NW1/4-NE1/4;

Thence N89°42'59"W, on the South line of said NW1/4-NE1/4, for a distance of 331.60 feet;

Thence N00°11'09"W for a distance of 1319.83 feet to the North line of said NW1/4-NE1/4;

Thence S89°44'42"E, on said North line, for a distance of 330.00 feet to the **POINT OF BEGINNING**, containing 10.02 acres more or less subject to easements and rights-of-way of record.

(aka: **Tract Three (3) of WPDS Estates**, a Norman Rural Certificate of Survey Subdivision, a recorded but unplatted subdivision)

TRACT 4

A tract of land in part of the Northwest Quarter of the Northeast Quarter (NW1/4-NE1/4) and part of the Northeast Quarter of the Northwest Quarter (NE1/4-NW1/4) of Section Eleven (11), Township Nine (9) North, Range One (1) West of the Indian Meridian, Cleveland County, Oklahoma, written by Timothy G. Pollard, PLS 1474 dated December 22, 2022 using an Arbitrary bearing of N89°44'42"W between existing monuments on the North line of said NE1/4 as a Basis of Bearing, said tract further described as:

COMMENCING at the Northeast Corner of said NE1/4;

Thence N89°44'42"W, on the North line of said NE1/4, for a distance of 2304.57 feet to the **POINT OF BEGINNING**;

Thence S00°11'09"W for a distance of 1319.83 feet to the South line of said NW1/4-NE1/4;

Thence N89°42'59"W, on the South line of said NW1/4-NE1/4, for a distance of 323.64 feet to the Southeast corner of said NE1/4-NW1/4;

Thence N89°45'13"W, on the South line of said NE1/4-NW1/4, for a distance of 6.81 feet;

Thence N00°11'09"E for a distance of 1319.66 feet to the North line of said NE1/4-NW1/4;

Thence S89°49'09"E, on the North line of said NE1/4-NW1/4, for a distance of 7.59 feet to the Northwest corner of said NW1/4-NE1/4;

Thence S89°44'42"E, on the North line of said NW1/4-NE1/4, for a distance of 322.86 feet to the **POINT OF BEGINNING**, containing 10.01 acres more or less subject to easements and rights-of-way of record.

(aka: **Tract Four (4) of WPDS Estates**, a Norman Rural Certificate of Survey Subdivision, a recorded but unplatted subdivision)

TRACT 5

A tract of land in the North Half of the Northwest Quarter (N1/2-NW1/4) of Section Eleven (11), Township Nine (9) North, Range One (1) West of the Indian Meridian, Cleveland County, Oklahoma, written by Timothy G. Pollard, PLS 1474 dated December 22, 2022 using an Arbitrary bearing of N89°44'42"W between existing monuments on the North line of the Northeast Quarter (NE1/4) of said Section 11, as a Basis of Bearing, said tract further described as:

COMMENCING at the Northwest Corner of said N1/2-NW1/4;

Thence S89°49'09"E, on the North line of said N1/2-NW1/4, for a distance of 2191.37 feet to the **POINT OF BEGINNING**;

Thence S89°49'09"E, on the North line of said N1/2-NW1/4, for a distance of 428.72 feet;

Thence S00°11'09"W for a distance of 1319.66 feet to the South line of said N1/2-NW1/4;

Thence N89°45'13"W, on said South line, for a distance of 429.50 feet;

Thence N00°13'10"E for a distance of 1319.17 feet to the **POINT OF BEGINNING**, containing 13.00 acres more or less subject to easements and rights-of-way of record.

(aka: **Tract Five (5) of WPDS Estates**, a Norman Rural Certificate of Survey Subdivision, a recorded but unplatted subdivision)

TRACT 6

A tract of land in the North Half of the Northwest Quarter (N1/2-NW1/4) of Section Eleven (11), Township Nine (9) North, Range One (1) West of the Indian Meridian, Cleveland County, Oklahoma, written by Timothy G. Pollard, PLS 1474 dated December 22, 2022 using an Arbitrary bearing of N89°44'42"W between existing monuments on the North line of the Northeast Quarter (NE1/4) of said Section 11, as a Basis of Bearing, said tract further described as:

COMMENCING at the Northwest Corner of said N1/2-NW1/4;

Thence S89°49'09"E, on the North line of said N1/2-NW1/4, for a distance of 1760.00 feet to the **POINT OF BEGINNING**;

Thence S89°49'09"E, on the North line of said N1/2-NW1/4, for a distance of 431.37 feet;

Thence S00°13'10"W for a distance of 1319.17 feet to the South line of said N1/2-NW1/4;

Thence N89°45'13"W, on said South line, for a distance of 861.21 feet;

Thence N00°14'57"E for a distance of 328.18 feet;

Thence S89°49'09"E for a distance of 428.65 feet;

Thence N00°16'43"E for a distance of 990.00 feet to the **POINT OF BEGINNING**, containing 16.31 acres more or less subject to easements and rights-of-way of record.

(aka: **Tract Six (6) of WPDS Estates**, a Norman Rural Certificate of Survey Subdivision, a recorded but unplatted subdivision)

TRACT 7

A tract of land in the North Half of the Northwest Quarter (N1/2-NE1/4) of Section Eleven (11), Township Nine (9) North, Range One (1) West of the Indian Meridian, Cleveland County, Oklahoma, written by Timothy G. Pollard, PLS 1474 dated December 22, 2022 using an Arbitrary bearing of N89°44'42"W between existing monuments on the North line of the Northeast Quarter (NE1/4) of said Section 11, as a Basis of Bearing, said tract further described as:

COMMENCING at the Northwest Corner of said N1/2-NW1/4;

Thence S00°16'43"W, on the West line of said N1/2-NW1/4, for a distance of 990.00 feet to the **POINT OF BEGINNING**;

Thence S89°49'09"E for a distance of 1331.35 feet;

Thence S00°14'57"W for a distance of 328.18 feet to the South line of said N1/2-NW1/4;

Thence N89°45'13"W, on said South line, for a distance of 1331.52 feet to the Southwest corner of said N1/2-NW1/4;

Thence N00°16'43"E, on the West line of said N1/2-NW1/4, for a distance of 326.65 feet to the **POINT OF BEGINNING**, containing 10.007 acres more or less subject to easements and rights-of-way of record.

(aka: **Tract Seven (7) of WPDS Estates**, a Norman Rural Certificate of Survey Subdivision, a recorded but unplatted subdivision)

SURVEYOR'S REPORT AND NOTES

(1) This Survey has been prepared to create a "Norman Rural Certificate Of Survey Subdivision" to be known as "WPDS Estates". This is an unplatted but filed subdivision as specified in the Norman Subdivision Regulations Sec.19-606.

(2) The Boundary of Section 11, T9N, R1W is based on the General Land Office (GLO) original government Survey approved September 23, 1873. It is further based on a perpetuation of the GLO Survey as shown on "Oklahoma Certified Corner Records" (OCCR) on file with the Oklahoma Department Of Libraries, Archives & Records Division in Oklahoma City. Additional information is shown on the OCCR's which is not shown herein.

(3) This Survey is also based on the Legal Description from the "Warranty Deed" recorded in Book 5291 Page 1210 and Book 3852 at Page 185 in the Cleveland County Clerk's records.

(4) The Legal Descriptions, shown herein, are subject to easements and rights-of-way of record. This does not represent a search of the County Clerk's records, by the undersigned, to determine if any easements or rights-of-way affect the property except as noted. Except as specifically stated or shown this Survey does not reflect any easements, rights-of-way, building lines, restrictive covenants, subdivision restrictions, zoning or other land use regulations. All homes, improvements and uses shall be subject to restrictive covenants, conditions and requirements as shown on the attachments hereto.

(5) No excavations were made, as a part of this Survey, to physically locate underground utilities and facilities. Call 1-800-522-6543 to have all underground utilities and facilities marked before any excavation.

(6) A "Grant Of Easement" a Water Quality Protection Zone (WQPZ), granted to the City of Norman, for drainage purposes and other rights is attached hereto and illustrated on the drawing portion of this Survey. The location of the above noted "Grant Of Easement" for drainage and a WQPZ has been determined by City of Norman Engineering Staff.

(7) Each home, on each of the Three (3) tracts, will have individual sewer systems which meet the Oklahoma Department Of Environmental Quality standards. The areas, on each tract, are more than adequate for individual sewer systems even if the soil tests are not ideal for conventional lateral fields. There are adequate areas for alternate sewer systems if required or desired.

(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.

LAND SURVEYOR

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 _____ day of _____, 2019, 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: _____

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

GRANT OF EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

That in consideration of the sum of One Dollar (\$1.00), receipt of which is hereby acknowledged, and for and upon other good and valuable considerations, that Clara L. Smart and Johnny R. Smart, do hereby grant, bargain, sell and convey unto the **City Of Norman**, a municipal corporation, a **public drainage easement**, over, across and under the following described real estate and premises situated in Cleveland County, Oklahoma, to wit:

(WQPZ AREA)

A tract of land in the North Half of the Northwest Quarter (N1/2-NW1/4) of Section Eleven (11), Township Nine (9) North, Range One (1) West of the Indian Meridian, Cleveland County, Oklahoma, written by Timothy G. Pollard, PLS 1474 dated December 22, 2022 using an Arbitrary bearing of N89°44'42"W between existing monuments on the North line of the Northeast Quarter (NE1/4) of said Section 11, as a Basis of Bearing, said tract further described as:

COMMENCING at the Northwest Corner of said N1/2-NW1/4;

Thence S89°49'09"E, on the North line of said N1/2-NW1/4, for a distance of 1760.00 feet to the **POINT OF BEGINNING**;

Thence S89°49'09"E, on said North line, for a distance of 166.71 feet;

Thence S10°52'52"W for a distance of 321.43 feet;

Thence S58°46'51"W for a distance of 126.16 feet;

Thence N00°16'43"E for a distance of 381.57 feet to the **POINT OF BEGINNING**, containing 1.07 acres more or less.

With the right of ingress and egress to and from the same, for the purpose of surveying, laying out, constructing, maintaining and operating the facilities indicated below:

Drainage and other rights for a Water Quality Protection Zone (WQPZ)

To have and to hold the same unto said City, it's successors and assigns forever.

Signed and delivered this _____ day of _____, 20____.

Clara L. Smart

Johnny R. Smart

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 Clara L. Smart and Johnny R. Smart, to me known to be the identical persons who executed the foregoing instrument acknowledged to me that they executed the same as their free and voluntary act and deed, for the uses and purposes therein set forth.

My commission expires: _____

Notary Public

CITY ATTORNEY

Approved as to form and legality this _____ day of _____, 20____.

City Attorney

NORMAN CITY COUNCIL

Accepted by the City of Norman, Oklahoma, City Council on this ____ day of _____, 20____.

ATTEST: _____
City Clerk

Mayor

GRANT OF EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

That in consideration of the sum of One Dollar (\$1.00), receipt of which is hereby acknowledged, and for and upon other good and valuable considerations, that Clara L. Smart and Johnny R. Smart, do hereby grant, bargain, sell and convey unto the **City Of Norman**, a municipal corporation, a **public roadway, drainage and utility easement**, over, across and under the following described real estate and premises situated in Cleveland County, Oklahoma, to wit:

(7' Additional R/W)

A tract of land in the North Half of the Northwest Quarter (N1/2-NE1/4) of Section Eleven (11), Township Nine (9) North, Range One (1) West of the Indian Meridian, Cleveland County, Oklahoma, written by Timothy G. Pollard, PLS 1474 dated December 22, 2022 using an Arbitrary bearing of N89°44'42"W between existing monuments on the North line of the Northeast Quarter (NE1/4) of said Section 11, as a Basis of Bearing, said tract further described as:

COMMENCING at the Northwest Corner of said N1/2-NW1/4;

Thence S00°16'43"W, on the West line of said N1/2-NW1/4, for a distance of 990.00 feet;

Thence S89°49'09"E for a distance of 1331.35 feet to the **POINT OF BEGINNING**;

Thence S89°49'09"E for a distance of 7.00 feet;

Thence S00°16'43"W for a distance of 326.70 feet;

Thence N89°45'13"W for a distance of 7.00 feet;

Thence N00°16'43"E for a distance of 326.69 feet to the **POINT OF BEGINNING**, containing 0.052 acres more or less.

With the right of ingress and egress to and from the same, for the purpose of surveying, laying out, constructing, maintaining and operating the facilities indicated below:

Public Roadway, Drainage and Utility Easement

To have and to hold the same unto said City, it's successors and assigns forever.

Signed and delivered this _____ day of _____, 20____.

Clara L. Smart

Johnny R. Smart

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, Clara L. Smart and Johnny R. Smart to me known to be the identical persons who executed the foregoing instrument acknowledged to me that they executed the same as their free and voluntary act and deed, for the uses and purposes therein set forth.

My commission expires: _____

Notary Public

CITY ATTORNEY

Approved as to form and legality this _____ day of _____, 20____.

City Attorney

NORMAN CITY COUNCIL

Accepted by the City of Norman, Oklahoma, City Council on this ____ day of _____, 20____.

ATTEST: _____
City Clerk

Mayor

**DECLARATION OF PROPERTY OWNERS,
COVENANTS AND RESTRICTIONS FOR
WPDS Estates
A NORMAN RURAL CERTIFICATE OF SURVEY SUBDIVISION
OF PART OF THE N1/2 OF SECTION 11, T9N, R1W, IM.,
TO THE CITY OF NORMAN,
CLEVELAND COUNTY, OKLAHOMA**

Definition

WPDS Estates is a "Norman Rural Certificate Of Survey Subdivision" in Norman, Oklahoma, consisting of Seven (7) residential tracts located at Norman, Cleveland County, Oklahoma.

**THE COMPLETE DOCUMENTATION OF
WPDS ESTATES
IS ATTACHED AND HEREBY MADE A PART OF THIS INSTRUMENT**

This Declaration, made as of the _____ day of _____ 2022, by, Clara L. Smart and Johnny R. Smart (Owners), hereinafter referred to as "Declarants" or "Developers".

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 Seven (7) tracts, under the name of **WPDS Estates** for the benefit of this particular community.

WHEREAS, Declarants expressly declares its intentions to develop **WPDS Estates** thereto as a single family residential development within the provisions of 60 Oklahoma Statue 851 through 857, inclusive, in order insure the management, maintenance, preservation and appearance of this particular community.

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:

That Clara L. Smart and Johnny R. Smart of, 4505 108th Avenue NE, Oklahoma 73026, hereby certifies that they are the owner 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: **WPDS Estates** to Norman, Cleveland County, Oklahoma,

Said individual further certify that they have 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. (As shown on the Certificate of Survey, Setback lines will be the same as A2 Zoning regulations) Said individuals hereby designate said tracts of land so subdivided as **WPDS ESTATES** 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 said tracts in WPDS Estates of Norman, Oklahoma shall be known as and reserved exclusively for use for residential single-family dwellings not to exceed three stories in height and a private garage for not more than five and not less than two automobiles 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 tract in Estates until the building plans, specifications and plot plan showing the location of each building have been approved in writing as to the 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 Developers or a committee composed of an odd number of representatives elected by owner which committee shall eventually be elected by a majority of the tract owners of WPDS Estates. In the event said committee fails to approve or disapprove within 30 days of receipt of written notice of any proposed plans or 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 be fully observed and complied with. Neither the members of such committee, nor the representatives shall be entitled to any compensation for services pursuant to this covenant.
3. 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.
4. 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.
5. 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 outbuildings must meet the following minimum requirements:
 - D. They shall be of new construction.
 - E. Out-buildings can be colored metal, but color must harmonize with the existing single-family home; or the outbuilding may be constructed in same style and materials of the home.
6. Minimum square foot area requirements for residences in WPDS Estates shall be Two Thousand (2000) square feet. This minimum figure is for living space and is exclusive of garages, covered porches, and breezeways.
7. 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. Mobile modular, or manufactured homes of any kind shall not be allowed nor be placed or parked, either permanently or temporarily on any tract. 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 realtor to advertise the property is permitted during the construction and sale period.
8. 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 residents be built of any material other than masonry. This restriction is intended to reach 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.
9. 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. 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.

10. These covenants are to run with the land and shall be binding on all parties and all persons claiming under them until January 1, 2031, at which time said covenants shall be automatically extended for successive periods of 10 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 20 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 all such amendments must be filed in the office of the county clerk of Cleveland County, Oklahoma.
11. 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.
12. Invalidation of any one of these covenants by judgment or court order shall in no way affect any of the other provisions, which shall remain in full force and effect.

IN WITNESS WHEREOF, THIS DECLARATION is executed by the Declarant this ____ day of _____, 202_.

_____,
_____,

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 _____, 2022, personally appeared, Clara L Smart and Johnny R Smart , to me known to be the identical persons who executed the within and foregoing instrument and acknowledged to me that they executed the same as their free and voluntary act and deed and as the free and voluntary act 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

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 WPDA Estates (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 Norman Rural Certificate Of Survey Subdivision of Little River Estates 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 WPDS Estates 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 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 shown on the Norman Rural Certificate Of Survey Subdivision of WPDS Estates.
- 2.6 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 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 all necessary repair or maintenance work, and the City may assess the Property Owner(s) and the Property, for the cost of the work 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.
- 3.2 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.
- 3.3 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.
- 3.4 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 tract 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 owner or 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.

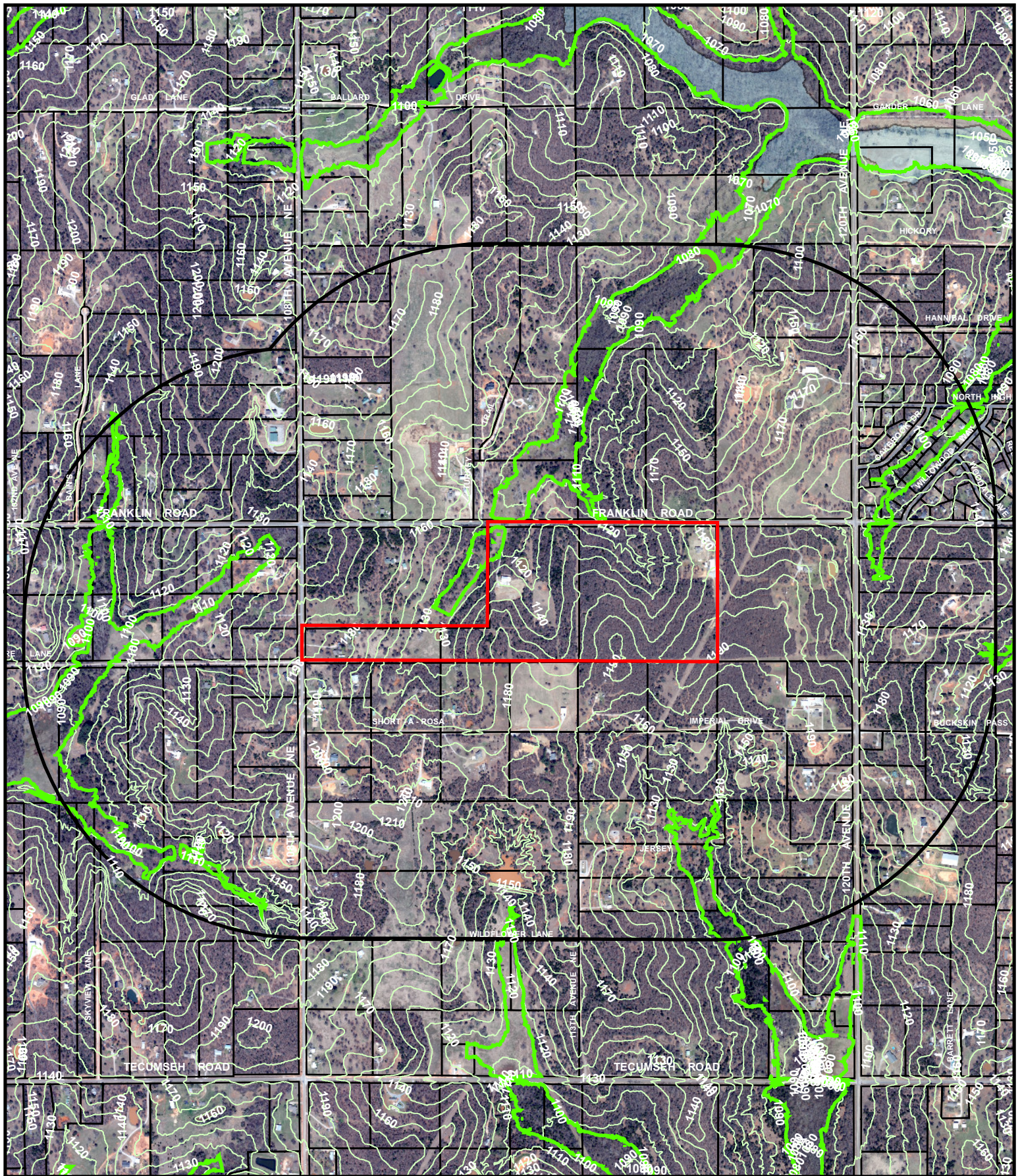
IN WITNESS WHEREOF, THIS DECLARATION is executed by the Declarant this ____ day of _____, 20____.

Clara L. Smart and Johnny R. Smart

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 _____, 2022, personally appeared, Clara L. Smart and Johnny R. Smart, to me known to be the identical persons who executed the within and foregoing instrument and acknowledged to me that they executed the same as their free and voluntary act and deed and as the free and voluntary act for the uses and purposes herein set forth.

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

April 6, 2023

0 600 1,200 Ft

1/2 Mile Radius
Parcels

10ft. 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