

AMENDMENT OF DEED OF DEDICATION AND STATEMENT OF RESTRICTIVE COVENANTS OF GATEWAY PLAZA

THIS AMENDMENT OF DEED OF DEDICATION AND STATEMENT OF RESTRICTIVE COVENANTS OF GATEWAY PLAZA (the “Amendment”) is entered into and effective this ___ day of _____, 2021.

RECITALS

WHEREAS, 3152 W Main, LP (the “Developer”) caused that certain real property , described on Exhibit “A” attached hereto and made a part hereof, to be platted and subdivided into GATEWAY PLAZA, a subdivision of the City of Jenks, Tulsa County, Oklahoma (the “Subdivision” or “Gateway Plaza”) by virtue of that certain Deed of Dedication and Statement of Restrictive Covenants of Gateway Plaza (the “Deed of Dedication”) recorded in the office of the Tulsa County Clerk as Plat No. 6614 on June 8, 2015; and

WHEREAS, Section 5(C) of the Deed of Dedication provides that: (a) Section 2 of the Deed of Dedication may be amended at any time by a written instrument signed and acknowledged by the owner of the land to which the amendment is to be applicable and approved by the City of Jenks Planning Commission, or its successors, and (b) Section 3 of the Deed of Dedication may be amended at any time by a written instrument signed and acknowledged by the owners of two-thirds of the lots, parcels or land to which the amendment is to be applicable; and

WHEREAS, as of the date of this Amendment, the parties to this Amendment, other than the City of Jenks Planning Commission, (a) own the land to be affected by the amendments to Section 2 of the Deed of Dedication, and (b) own at least two-thirds of the lots, parcels or land to which the amendments to Section 3 of the Deed of Dedication are applicable, in each case, as evidenced by the Ownership Report attached hereto as Exhibit “B”; and

WHEREAS, on March 3, 2020, the City of Jenks, Oklahoma approved in Case No. PUD 83-B-1, a Minor Amendment to PUD 83; and

WHEREAS, the Developer, the City of Jenks Planning Commission, and the owners of two-thirds of the lots of the Subdivision desire to amend the Deed of Dedication hereinunder set forth.

AMENDMENTS

NOW, THEREFORE, the City of Jenks Planning Commission, and the undersigned owners of at least two-thirds of the lots in the Subdivision hereby amend the Deed of Dedication as follows:

1. Capitalized Terms. The capitalized terms not defined herein shall have the same meaning ascribed to them in the Deed of Dedication.

2. Section 2.A. Planned Unit 83 Development Restrictions. Section 2.A. is hereby deleted in its entirety and replaced with the following to reflect the approved development standards of PUD 83-B-1:

A. **DEVELOPMENT AREA A-1**, a portion of Lot 1, Block 1, and a portion of Lot 1, Block 2, more particularly described on Exhibit “C” attached hereto.

LAND AREA:

Net: 2.94 acres 128,121 square feet

DEVELOPMENT AREA A-2, a portion of Lot 1, Block 2, more particularly described on Exhibit “D” attached hereto.

LAND AREA:

Net: 1.39 Acres 60,438.49 SF

PERMITTED USES:

The Uses permitted as matter of right in the OL – Office Light District and the CS – Commercial Shopping District, excluding Use Unit 21 Outdoor Advertising Signs (only), and uses customarily accessory to the permitted uses.

MAXIMUM BUILDING FLOOR AREA (.75 FAR): 45,358 SF

MAXIMUM FRONTAGE (per lot): N/A

MAXIMUM BUILDING HEIGHT: 75 FT

MINIMUM BUILDING SETBACKS:

From the west boundary of Lot 2, Block 1 10 FT

From the south boundary 10 FT

From the north boundary of Lot 2, Block 1 50 FT

From the east boundary 20 FT

From internal boundaries 10 FT

3. Section 2.D. Planned Unit 83 Development Restrictions. Section 2.D. is hereby deleted in its entirety and replaced with the following to reflect the approved development standards of PUD 83-B-1:

D. **DEVELOPMENT AREA D-1**, a portion of Lot 1, Block 4 more particularly described on Exhibit “E” attached hereto.

LAND AREA:

Net: 10.42 acres 453,737.95 square feet

DEVELOPMENT AREA D-2, a portion of Lot 1, Block 4 more particularly described on Exhibit “F” attached hereto.

LAND AREA:

Net: 1.03 Acres 44,796.17 SF

PERMITTED USES FOR DEVELOPMENT AREA D-1 AND DEVELOPMENT AREA D-2:

Use Unit 1, area wide uses by right, limited to landscaping, open spaces and similar uses, and Use Unit 10, Off-Street Parking Areas, and uses customarily accessory to the permitted uses.

4. Section 3 Private Covenants and Restrictions.
 - a. The initial paragraph of Section 3.A. is hereby deleted in its entirety and replaced with the following:

“Private Covenants and Restrictions Applicable to all Lots. The following standards shall apply to all lots in Gateway Plaza, unless otherwise amended and/or modified in accordance with the terms and conditions of this Deed of Declaration:”

- b. Section 3.A.1. is hereby deleted in its entirety and replaced with the following:

“Architectural Committee. An Architectural Committee (referred to in this document as the “Architectural Committee” or “Committee”) has been formed in accordance with the Bylaws of the Association. The Architectural Committee will review and approve all structures to be built on the lots in Gateway Plaza, and be responsible for interpreting all development and construction standards contained in this Deed of Dedication as applicable to the lots in Gateway Plaza. No new building or improvements may be commenced on any lot in Gateway Plaza without the written approval of the Architectural Committee.”

- c. Section 3.A.6. is hereby deleted in its entirety and replaced with the following:

“Lots may be split or subdivided with the approval of the City of Jenks and the Association. Any lots created by any approved split

or subdivision shall be counted as separate lots for all purposes under this Deed of Dedication including for voting purposes.”

d. Section 3.A.12. is hereby deleted in its entirety and replaced with the following:

“Intentionally Omitted.”

e. Section 3.A.13. is hereby deleted in its entirety and replaced with the following:

“Intentionally Omitted.”

f. The following is hereby added to the end of Section 3.A.15.:

“The Association, its contractors, agents, and licensees, shall have the right of access on, over and across the drives and parking areas of each lot in Gateway Plaza and such other unimproved portions of any such lot as is reasonably solely necessary to repair, replace, and maintain the Reserve Areas or common areas of Gateway Plaza.”

g. The last sentence of Section 3.A.17. is hereby deleted in its entirety and replaced with the following:

“The Architectural Committee may waive any item in this paragraph.”

5. Section 4 Owner’s Association. Section 4 is hereby deleted in its entirety and replaced with the following:

“A. *Gateway Plaza Owners Association.*

The Owner has formed the “Gateway Plaza Owners Association, Inc.” (the “Association”) as an Oklahoma not-for-profit corporation. The purpose of the Association is to operate, manage, repair, replace and maintain the common areas and improvements serving or benefitting Gateway Plaza including, without limitation, signage, landscaping, storm drainage, utility systems, sprinkler systems, easement areas, traffic control equipment, streets, fences, and other amenities, and take such other actions necessary to keep such common areas and improvements in a good state of repair and enhance the value, security, desirability and attractiveness of Gateway Plaza.

B. Membership.

Every lot owner in Gateway Plaza shall be a member of the Association. Membership in the Association shall be appurtenant to and may not be separated from the ownership of any lot in Gateway Plaza. Membership in the Association shall be effective as of the date of recording of a deed to a lot.

C. Master Declaration; Inconsistencies.

Notwithstanding anything contained herein to the contrary, the covenants, restrictions and easements established by this Deed of Dedication including the operation of the Association may be further defined in and shall be subject to the terms, conditions, restrictions and limitations of that certain Amended and Restated Declaration of Covenants, Condition and Restrictions for Gateway Plaza to be filed in office of the Tulsa County Clerk (as amended, restated, supplemented and replaced from time to time, the "Master Declaration"), and any and all rules, regulations, guidelines, criteria and other requirements contained therein or promulgated thereunder. Some or all of the rights, obligations and responsibilities of Declarant/Owner under this Deed of Dedication shall be delegated to, assumed by and/or regulated by the Association and/or other regime established or otherwise responsible under the Master Declaration for the governance of the lots and land within the Subdivision or certain portions thereof, either in conjunction with or in lieu of any other lot owners, to facilitate the development, maintenance, management, operation and use of the Subdivision or the applicable portion thereof. In addition, to the extent that the terms and/or conditions of this Deed of Declaration are inconsistent in any way with the terms and/or conditions of the Master Declaration, then as among the owners of the lots in the Subdivision the terms and/or conditions of the Master Declaration shall prevail and govern."

6. Section 5 Enforcement, Amendment, Etc. Section 5.C. is hereby deleted in its entirety and replaced with the following:

"This Deed of Dedication may be amended or terminated at any time by a written instrument signed and acknowledged by the owners of two-thirds of the lots in Gateway Plaza; provided, however, (a) any amendments or terminations affecting Section 1 must also be approved by the City of Jenks Planning Commission, or its successor, and the City of Jenks, Oklahoma, and (b) any amendments or terminations affecting Section 2 must also be approved by the City of Jenks Planning Commission, or its successor.

7. Except as expressly amended hereby, all other Development Standards of PUD 83 shall remain unchanged and PUD 83 and the Deed of Dedication shall remain in full force and effect.

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[SIGNATURE PAGES FOLLOW]

3152 W. Main, LP, an Oklahoma limited partnership

By: Stitt Enterprises, Inc.
Its General Partner

By: _____
James E. Redman, President

STATE OF OKLAHOMA)
) ss.
COUNTY OF TULSA)

This instrument was acknowledged before me on this ____ day of _____, 2021
by James E. Redman, President of Stitt Enterprises, Inc., General Partner of 3152 W. Main, LP,
an Oklahoma limited partnership.

Commission No. _____
Expires: _____

Notary Public

**244 GATEWAY, LLC, an Oklahoma
limited liability company**

By: _____
James E. Redman, Manager

STATE OF OKLAHOMA)
) ss.
COUNTY OF TULSA)

This instrument was acknowledged before me on this ____ day of _____, 2021
by James E. Redman, Manager of 244 Gateway, LLC, an Oklahoma limited liability company.

Commission No. _____
Expires: _____

Notary Public

**OMEG HOLDINGS, LLC, an Oklahoma
limited liability company**

By: _____
_____, Manager

STATE OF OKLAHOMA)
) ss.
COUNTY OF TULSA)

This instrument was acknowledged before me on this ____ day of _____, 2021
by _____, Manager of OMEG Holdings, LLC, an Oklahoma limited liability
company.

Commission No. _____
Expires: _____

Notary Public

**NAGLE BUILDING LLC, an Oklahoma
limited liability company**

By: _____
_____, Manager

STATE OF OKLAHOMA)
) ss.
COUNTY OF TULSA)

This instrument was acknowledged before me on this ____ day of _____, 2021
by _____, Manager of Nagle Building, LLC, an Oklahoma limited liability
company.

Commission No. _____
Expires: _____

Notary Public

**JENKS HOSPITALITY LLC, an
Oklahoma limited liability company**

By: _____
_____, Manager

STATE OF OKLAHOMA)
) ss.
COUNTY OF TULSA)

This instrument was acknowledged before me on this ____ day of _____, 2021
by _____, Manager of Jenks Hospitality LLC, an Oklahoma limited liability
company.

Commission No. _____
Expires: _____

Notary Public

On this 3rd day of June, 2021, the Jenks Planning Commission expressly acknowledges, consents to and approves the Amendment of Deed of Dedication and Statement of Restrictive Covenants – Gateway Plaza.

Chairman

Exhibit "A"

The Subdivision

A Part of the Southwest Quarter (SW/4) of Section Twenty-Three (23), Township Eighteen (18) North, Range Twelve (12) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the United States Government Survey thereof, being more particularly described as follows:

Commencing at the Northwest corner of said SW/4, thence S 89°59'27" E on the North line of said SW/4 a distance of 532.00 feet; Thence S 0°06'57" E on the Easterly Right-of-Way line of Highway 75 a distance of 33.00 feet to the Point of Beginning.

Thence S 89°59'27" E parallel with the North line of said SW/4 and on the South line of a tract of land described in a Right-of-Way Deed, recorded in Book 675 at Page 443, a distance of 193.50 feet to a point on the West line of JENKS WESTGATE ADDITION, Plat No. 5316; Thence S 0°03' 17" E on the West line of said JENKS WESTGATE ADDITION a distance of 920.00 feet to the Southwest Corner thereof; Thence S 89°59'27" E a distance of 320.00 feet; Thence S 0°03'17" E a distance of 847.54 feet to a point on the Southerly High bank of Polecat Creek; Thence N 71°18'03" W a distance of 41.41 feet; Thence N 78 °32'03" W a distance of 129.81 feet; Thence S 88°35'32" W a distance of 97.10 feet; Thence S 83°53'17" W a distance of 64.36 feet; Thence S 69°46'41" W a distance of 92.37 feet; Thence S 66°58'58" W a distance of 120.15 feet; Thence S 45°24'13" W a distance of 217.69 feet; Thence S 15°41'37" W a distance of 258.19 feet; Thence S 5°43'57" W a distance of 107.27 feet; Thence S 3°54'02" E a distance of 280.84 feet; Thence N 89°54'31" W a distance of 169.99 feet to a point on the Easterly Right-of-Way line of Highway 75; Thence along the Easterly Right-of-Way line of Highway 75, N 0°06'57" W a distance of 24.75 feet; Thence continuing along said Right-of-Way, S 89°54'31" E a distance of 19.70 feet; Thence continuing along said Right-of-Way, N 0°05'30" W a distance of 1023.91 feet; Thence continuing along said Right-of-Way, N 11°13'06" E a distance of 382.43 feet; Thence continuing along said Easterly Right-of-Way line of Highway 75, N 0°05'30" W a distance of 483.00 feet; Thence N 14°35'41" E a distance of 541.00 feet; Thence N 43°55'01" E a distance of 142.23 feet; Thence S 89°59'27" E a distance of 16.50 feet; Thence N 30°51'13" E a distance of 34.94 feet; Thence N 45°00'44" E a distance of 49.50 feet; Thence N 0°06'57" W a distance of 7.00 feet to the Point of Beginning and containing 28.938 acres more or less.

Exhibit "B"

Ownership Report

EXHIBIT "C"

LEGAL DESCRIPTION

DEVELOPMENT AREA A-1

A PART OF LOT ONE (1) BLOCK ONE (1) OF GATEWAY PLAZA, AN ADDITION IN THE SW/4 OF SECTION 23, TOWNSHIP 18 NORTH, RANGE 12 EAST, CITY OF JENKS, TULSA COUNTY, STATE OF OKLAHOMA ACCORDING TO THE OFFICIAL RECORDED PLAT DOC. #6614, BEING MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT ONE (1); THENCE SOUTH 00°03'17" EAST ALONG THE EAST LINE THEREOF, A DISTANCE OF 487.73 FEET; THENCE SOUTH 89°56'43" WEST, A DISTANCE OF 224.00 FEET TO THE WEST LINE OF SAID LOT ONE (1); THENCE NORTH 00°03'17" WEST ALONG SAID WEST LINE, A DISTANCE OF 263.73 FEET; THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 224.00 FEET, AND A CHORD BEARING AND DISTANCE OF NORTH 44°56'43" EAST, 316.78 FEET, FOR AN ARC DISTANCE OF 351.86 FEET TO THE POINT OF BEGINNING. CONTAINING 98,485.03 SQUARE FEET OR 2.26 ACRES.

AND

A PART OF LOT ONE (1) BLOCK TWO (2) OF GATEWAY PLAZA, AN ADDITION IN THE SW/4 OF SECTION 23, TOWNSHIP 18 NORTH, RANGE 12 EAST, CITY OF JENKS, TULSA COUNTY, STATE OF OKLAHOMA ACCORDING TO THE OFFICIAL RECORDED PLAT DOC. #6614, BEING MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT ONE (1); THENCE NORTH 00°05'30" WEST ALONG THE WEST LINE THEREOF, A DISTANCE OF 222.12 FEET; THENCE CONTINUING ALONG SAID WEST LINE, NORTH 14°35'41" EAST, A DISTANCE OF 143.13 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID WEST LINE, NORTH 14°35'41" EAST, A DISTANCE OF 159.80 FEET; THENCE NORTH 89°00'13" EAST, A DISTANCE OF 169.96 FEET TO THE EAST LINE OF SAID LOT ONE (1); THENCE SOUTH 00°03'17" EAST ALONG SAID EAST LINE, A DISTANCE OF 157.40 FEET; THENCE SOUTH 89°56'43" WEST, A DISTANCE OF 210.36 FEET TO THE POINT OF BEGINNING. CONTAINING 29,635.20 SQUARE FEET OR 0.68 ACRES.

EXHIBIT "D"

LEGAL DESCRIPTION

DEVELOPMENT AREA A-2

A PART OF LOT ONE (1) BLOCK TWO (2) OF GATEWAY PLAZA, AN ADDITION IN THE SW/4 OF SECTION 23, TOWNSHIP 18 NORTH, RANGE 12 EAST, CITY OF JENKS, TULSA COUNTY, STATE OF OKLAHOMA ACCORDING TO THE OFFICIAL RECORDED PLAT DOC. #6614, BEING MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT ONE (1); THENCE NORTH 00°05'30" WEST ALONG THE WEST LINE THEREOF, A DISTANCE OF 222.12 FEET; THENCE CONTINUING ALONG SAID WEST LINE, NORTH 14°35'41" EAST, A DISTANCE OF 302.93 FEET TO THE POINT OF BEGINNING; THENCE ALONG THE BOUNDARY OF SAID LOT ONE (1) FOR THE NEXT TEN CALLS, NORTH 14°35'41" EAST, A DISTANCE OF 238.07 FEET; THENCE NORTH 43°55'01" EAST, A DISTANCE OF 142.23 FEET; THENCE SOUTH 89°59'27" EAST, A DISTANCE OF 16.50 FEET; THENCE NORTH 30°51'13" EAST, A DISTANCE OF 34.94 FEET; THENCE NORTH 45°00'44" EAST, A DISTANCE OF 49.50 FEET; THENCE NORTH 00°06'57" WEST, A DISTANCE OF 7.00 FEET; THENCE SOUTH 89°59'27" EAST, A DISTANCE OF 193.50 FEET; THENCE SOUTH 00°03'17" EAST, A DISTANCE OF 43.27 FEET; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 252.00 FEET, A CHORD BEARING AND DISTANCE OF SOUTH 44°56'44" WEST, 356.38 FEET, FOR AN ARC DISTANCE OF 395.84 FEET; THENCE SOUTH 00°03'17" EAST, A DISTANCE OF 106.33 FEET; THENCE LEAVING THE BOUNDARY OF SAID LOT ONE (1), SOUTH 89°00'13" WEST, A DISTANCE OF 169.96 FEET TO THE POINT OF BEGINNING. CONTAINING 60,438.49 SQUARE FEET OR 1.39 ACRES.

EXHIBIT "E"

LEGAL DESCRIPTION

DEVELOPMENT AREA D-1

A PART OF LOT (ONE) 1, BLOCK FOUR (4) OF GATEWAY PLAZA, AN ADDITION IN THE SOUTHWEST QUARTER (SW/4) OF SECTION TWENTY-THREE (23), TOWNSHIP EIGHTEEN (18) NORTH, RANGE TWELVE (12) EAST, CITY OF JENKS, TULSA COUNTY, STATE OF OKLAHOMA, PLAT NO. 6614 AND MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWESTERLY MOST CORNER OF SAID LOT ONE (1), BLOCK FOUR (4); THENCE ALONG THE BOUNDARY OF SAID LOT ONE (1), BLOCK FOUR (4) FOR THE NEXT EIGHT CALLS; NORTH 01°03'28" WEST, A DISTANCE OF 24.75 FEET; THENCE NORTH 89°08'58" EAST, A DISTANCE OF 19.70 FEET; THENCE NORTH 01°02'01" WEST, A DISTANCE OF 1023.91 FEET; THENCE NORTH 01°16'35" EAST, A DISTANCE OF 382.43 FEET; THENCE NORTH 01°02'01" WEST, A DISTANCE OF 55.56 FEET; THENCE SOUTH 50°27'18" EAST, A DISTANCE OF 488.52 FEET; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 101.00 FEET, A CHORD BEARING OF SOUTH 70°41'21" EAST, A CHORD DISTANCE OF 69.88 FEET, FOR AN ARC DISTANCE OF 71.36 FEET; THENCE NORTH 89°04'02" EAST, A DISTANCE OF 66.68 FEET TO THE SOUTHWEST CORNER OF LOT ONE (1), BLOCK THREE (3) GATEWAY PLAZA; THENCE SOUTH 01°00'37" EAST, A DISTANCE OF 120.00 FEET; THENCE NORTH 89°04'02" EAST, A DISTANCE OF 314.79 FEET TO THE EAST LINE OF SAID LOT ONE (1), BLOCK FOUR (4); THENCE SOUTH 00°59'48" EAST ALONG SAID EAST LINE, A DISTANCE OF 180.75 FEET TO A CORNER OF SAID LOT ONE (1); THENCE ALONG THE BOUNDARY OF SAID LOT ONE (1), BLOCK FOUR (4) FOR THE NEXT ELEVEN CALLS; THENCE NORTH 72°14'34" WEST, A DISTANCE OF 41.41 FEET; THENCE NORTH 79°28'34" WEST, A DISTANCE OF 129.81 FEET; THENCE SOUTH 87°39'01" WEST, A DISTANCE OF 97.10 FEET; THENCE SOUTH 82°56'46" WEST, A DISTANCE OF 64.36 FEET; THENCE SOUTH 68°50'10" WEST, A DISTANCE OF 92.37 FEET; THENCE SOUTH 66°02'27" WEST, A DISTANCE OF 120.15 FEET; THENCE SOUTH 44°27'42" WEST, A DISTANCE OF 217.69 FEET; THENCE SOUTH 14°45'06" WEST, A DISTANCE OF 258.19 FEET; THENCE SOUTH 04°47'26" WEST, A DISTANCE OF 107.27 FEET; THENCE SOUTH 04°50'33" EAST, A DISTANCE OF 280.84 FEET; THENCE SOUTH 89°08'58" WEST, A DISTANCE OF 169.99 FEET TO THE POINT OF BEGINNING. CONTAINING 460,134 SQUARE FEET OR 10.56 ACRES.

EXHIBIT "F"

LEGAL DESCRIPTION

DEVELOPMENT AREA D-2

A PART OF LOT (ONE) 1, BLOCK FOUR (4) OF GATEWAY PLAZA, AN ADDITION IN THE SOUTHWEST QUARTER (SW/4) OF SECTION TWENTY-THREE (23), TOWNSHIP EIGHTEEN (18) NORTH, RANGE TWELVE (12) EAST, CITY OF JENKS, TULSA COUNTY, STATE OF OKLAHOMA, PLAT NO. 6614 AND MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT ONE (1); THENCE SOUTH 00°59'48" EAST ALONG THE EAST LINE THEREOF, A DISTANCE OF 120.00 FEET; THENCE SOUTH 89°04'02" WEST, A DISTANCE OF 314.79 FEET; THENCE NORTH 01°00'37" WEST, A DISTANCE OF 120.00 FEET TO THE NORTH LINE OF SAID LOT ONE (1) AND THE SOUTHWEST CORNER OF LOT ONE (1), BLOCK THREE (3), GATEWAY PLAZA; THENCE NORTH 89°04'02" EAST ALONG THE LINE BETWEEN SAID LOT ONE (1), BLOCK FOUR (4) AND LOT ONE (1), BLOCK THREE (3), A DISTANCE OF 314.82 FEET TO THE POINT OF BEGINNING. CONTAINING 37,777 SQUARE FEET OR 0.87 ACRES.