

# 291558

PLAT # 2669

Dated: November 4th, 1965

Filed: Nov. 8 1965 at 3:22 P.M.

## VIENNA WOODS

AN ADDITION IN TULSA COUNTY, OKLAHOMA,  
A SUBDIVISION OF A PART OF THE S½ SW¼ SEC. 4, T-18-N, R-13-E.

## OWNER'S CERTIFICATE OF DEDICATION

## KNOW ALL MEN BY THESE PRESENTS:

That McCune Homes, Inc., a corporation (Owner), being the sole owner of the following described real estate located in Tulsa County, Oklahoma, to-wit:

Beginning at the Southwest Corner of the East one-half of the West one-half of the Southwest one-quarter of the Southwest one-quarter of Section 4, T-18-N, R-13-E, Tulsa County, Oklahoma, according to the U. S. Government Survey thereof, thence N 0° 31.9867' W and along the West line of the East one-half of the West one-half of the Southwest one-quarter of the Southwest one-quarter of said Section 4 a distance of 1319.64 feet to the Northwest corner thereof, thence N 89° 57.0596' E and along the North line of the Southwest one-quarter of the Southwest one-quarter of said Section 4 a distance of 988.42 feet to the Northeast corner thereof, thence S 6° 34.7805' W a distance of 337.65 feet, thence East a distance of 112.08 feet, thence S 66° 34.2739' E a distance of 108.37 feet, thence N 23° - 25.7261' E a distance of 0.00 feet, thence along a curve to the right with a radius of 225 feet a distance of 84.71 feet, thence S 45° E a distance of 50 feet, thence S 45° W a distance of 0.00 feet, thence along a curve to the left with a radius of 175 feet a distance of 25.85 feet, thence S 64° 32.0668' E a distance of 74.39 feet, thence along a curve to the left with a radius of 175 feet a distance of 24.65 feet, thence S 0° - 27.9332' E a distance of 925.67 feet to a point on the South line of said Section 4, thence West along the South line of said Section 4 a distance of 1316.34 feet to the point of beginning and containing 37.0947 Acres more or less,

hereby certifies that it has caused said property to be surveyed into blocks, lots and streets in conformity with the above described plat which is hereby adopted as the plat of the above described land under the name of "VIENNA WOODS", an Addition in Tulsa County, State of Oklahoma.

Owner hereby dedicates to the public for its use all of the streets shown on said plat. No vehicular ingress or egress shall be permitted over, through and across any property or area designated on the above

## -2- # 291558 Plat # 2669

described plat as "limits of no access"; provided however, that points of access or a portion thereof may be released, changed or altered by an amendment hereof with the approval of the Tulsa Metropolitan Area Planning Commission or its successor, and the City of Tulsa.

For the purpose of providing an orderly development of the entire platted area, Owner does hereby impose the following restrictions and easements which shall be binding upon the successors in title, to-wit:

1. All lots shall be limited to residential use except Lot 24 Block 2, which shall be used as a community recreation area. Any residence erected on any lot must have a private attached two-car garage or carport. At least 50 percent of the exterior areas on all residences built upon any lot, except porches and garages, shall be covered with stone, brick or other approved masonry veneer material. No more than one single family dwelling shall be erected or permitted on each lot shown on said plat except Lot 24, Block 2, which will be used for community recreational purposes. Owner shall have the continuous right and privilege to place and maintain a field construction office and a sales office and sales signs upon any lot or lots until such time as all lots within said addition have been sold by "Owner" to third persons. All offices and signs so placed shall be removed at the termination of development of the entire addition.

2. No residence or any part thereof except the fireplace extension, open porches, terraces and roof overhang shall be constructed and maintained on said lots nearer to the front or side lot lines than the building set back lines shown on the above plat. All residences must face the 35 foot building set back line (or the 30 foot building set back line on cul-de-sacs and Lot 24 Block 2) shown on the plat except on all corner lots, wherein residences may be located diagonally across lot. No building shall be erected nearer to any side lot line than 7-½ feet and the combined distance of the 2 side lot building lines shall be a minimum of 20 feet. All garages, servants quarters, tool rooms, hobby rooms, etc. must be attached to the residence. No residence shall be erected on any lot which has less than 1600 square feet of floor area exclusive of garages and porches except on Lot 24 Block 2, which shall be free of this restriction.

3. All plans for houses to be built upon any lot must be approved by Owner or an agent designated by Owner before any construction commences. All such plans shall be submitted to the office of McCune Homes, Inc., at 5555 E. Skelly Drive, Tulsa, Oklahoma, and approval shall be deemed given by McCune if no requirements or objections by McCune are made within 15 days after their delivery to said address. Anyone violating this provision shall be subject to injunction to prohibit the building of any house on any lot until such plans have been approved in the manner herein provided.

-3- # 291558 Plat # 2669

4. No obnoxious or offensive trade or activity shall be permitted or carried on upon any lot nor shall any activity be done by any occupant of any residence which is a nuisance or an annoyance to the neighborhood, provided however, the building of houses upon lots and the storage of building materials thereon shall not be a violation of this restriction.

5. No structure previously used shall be moved onto any lot. No trailer, tent, shack, garage, barn or other type of outbuilding shall be erected on any lot or used as a residence either temporarily or permanently. This paragraph shall not prohibit Owner from placing and maintaining a sales and field construction offices upon any lot during the development and sale of lots in said Addition.

6. (a) No fence whether ornamental or otherwise (except those hereinafter permitted) shall be erected on any lot in said addition nearer the street than the 35 foot building set back line nor nearer than the 15 foot building set back line along lots adjacent to streets, except the following:

Owner and only the Owner may build a decorative screening fence along the following areas: All lots adjacent to 71st Street (Skyview Drive) and at all street intersections located on corner lots; partition fences between Lots 2 and 3, 11 and 12, 20 and 21, 29 and 30, Block 1; Lots 11 and 12 and 20, 29 and 30, 40 and 41, Block 2, and a partition fence between the street and the building set back line on Lots 1, 11, 3, 12, 20, 21, 29 and 30, Block 1, Lots 1, 11, 12, 19, 20, 30, 40, 41 and 49, Block 2, and Lot 1, Block 3.

(b) Any solid fence built shall not exceed six (6) feet in height.

7. The undersigned hereby dedicates to the supplier of electric power, the Gas Company, the Telephone Company and the City and County of Tulsa, for their mutual and joint use, the easements, and rights of way shown on the accompanying plat for the several purposes of construction, maintaining, operating, repairing, removing and replacing any and all public utilities, including storm and sanitary sewers, telephone lines, electric power lines and transformers, gas line and water lines, together with all fittings and equipment for each, including the conduits, pipes, valves, meters and other appurtenances thereto, together with the right of ingress and egress upon said easements and rights-of-way for the uses and purposes aforesaid; provided, however, that all electric lines furnishing service to any lot shown on said plat must be buried below the ground and no electric poles above ground shall be permitted; provided however, the undersigned Owner hereby reserves the right to construct, maintain, operate, lay and re-lay water lines and sewer lines, together with the

-4- # 291558 Plat #2669

right of ingress and egress, for said construction, maintenance and operation over and across the easements herein granted for the furnishing of water and/or service to the areas located within said plat or adjoining areas owned by the undersigned.

8. The undersigned owner does hereby further dedicate unto the Vienna Cricket Club, Inc., a nonprofit corporation the, 5 foot special easement shown on the plat for its use, forever, for the purpose of constructing, maintaining, operating, repairing, removing, and replacing an electric power line, together with all fittings, valves, meters and other appurtenances, together with the right of ingress and egress upon said easement to furnish electricity to the decorative lighting in said addition.

9. (a) Street light poles or standards may be located throughout said addition served by underground service cable, but elsewhere throughout said addition all such supply lines shall be located underground, in the easement-ways reserved for general utility services shown on the attached plat, except when Vienna Woods is taken into the City of Tulsa, the City will not be required to bury the electric service to street lights.

Service pedestals and transformers, as sources of supply at secondary voltages, may also be located in said easement-ways.

(b) Underground service cables to all houses which may be located on all lots in said addition may be run from the nearest service pedestal or transformer to the point of usage determined by the location and construction of such house as may be located upon each said lot; provided that upon the installation of such a service cable to a particular house, the supplier of electric service shall thereafter be deemed to have a definitive, permanent, effective and exclusive right of way easement on said lot, covering a five foot strip extending 2.5 feet on each side of such service cable, extending from the service pedestal or transformer to the service entrance on said house.

(c) The supplier of electric service, through its proper agents and employees, shall at all times have the right of access to all such easement-ways shown on said plat, or provided for in this Deed of Dedication for the purpose of installing, maintaining, removing or replacing any portion of said underground electric facilities so installed by it.

10. Anything to the contrary notwithstanding, Lot 24, Block 2 shall be used as a community recreation area for the lot owners in Vienna Woods and areas lying in the immediate vicinity to be developed by McCune Homes, Inc. A swimming pool, a club house, playground and other related improve-

-5- # 291558 Plat #2669

ments shall be erected thereon and such activities and improvements shall not be deemed a violation of any provision hereof. Lot 24 Block 2 shall be owned by a nonprofit corporation known as the Vienna Cricket Club, Inc. Any owner of any lot within said addition shall become a member of said corporation by purchasing a lot within said addition or extending areas developed by McCune Homes, Inc., and membership therein shall be thereafter appurtenant to the ownership of said lot. One cannot be transferred without the other. Membership in the Vienna Cricket Club shall be subject to assessments for the actual cost of the maintenance, repair and upkeep of the common areas of Vienna Woods which shall include but not limited to the swimming pool, club house, playground, the community street lighting the community garden areas, the creek area within Block 2 lying within the drainage easement and other services assumed and provided by the Vienna Cricket Club, Inc. Any purchaser of any lot within Vienna Woods, thereby agrees to become a member of Vienna Club and subject to all the rights, duties, privileges and obligations of membership. The charter, by-laws, rules and regulations may be examined at either the office of McCune Homes, Inc., 5555 E. Skelly Drive, Tulsa, Oklahoma, or at the club house office to be built upon Lot 24, Block 2. The assessments for membership shall not be a lien upon any lot of any owner in Vienna Woods but shall be subject to enforcement as provided in said by-laws. Membership in the Vienna Cricket Club shall be appurtenant to ownership of any lot in Vienna Woods and shall be deemed a covenant running with the land and there by binding upon all successors in title to the undersigned.

If the undersigned or its successors and assigns shall violate any of the covenants in whole or in part, any owner of any lot located in Vienna Woods shall have the right to prosecute any proceeding at law or in equity against the person or persons violating such covenants to prevent the violation thereof and to secure damages for such violation.

In the event any provision hereof shall be declared unlawful or unlawful or unconstitutional the remaining covenants shall remain in full force and effect.

These covenants and restrictions shall be binding upon the undersigned and all successors in title to all lots within said addition to and including November 1, 1985, at which time said covenants shall be automatically extended for successive 10-year periods unless by a vote of a majority of the then owners of the lots in Vienna Woods it is agreed to change or modify these covenants in whole or in part.

- continued -

-6- # 291558 Plat #2669

Dated this 4th day of November, 1965.

(SEAL)

ATTEST: Marion Elizabeth McCune  
Secretary

McCUNE HOMES, INC.  
W. O. McCune,  
President

State of Oklahoma )  
                  ) ss  
County of Tulsa   )

Before me, the undersigned, a Notary Public in and for said County and State, on this 4th day of November, 1965, personally appeared W.O. McCune, to me known to be the identical person who subscribed the name of the maker thereof to the foregoing instrument as its President, and acknowledged to me that he executed the same and his free and voluntary act and deed and as the free and voluntary act and deed of such Corporation, for the uses and purposes therein set forth. Witness my hand and seal the day last above written.

(SEAL)  
My commission expires  
November 7, 1968.

Patricia Mae Severns,  
Notary Public

#### CERTIFICATE OF SURVEY

I, Joe E. Donelson, a Registered Professional Engineer of the State of Oklahoma, and an experienced land surveyor do hereby certify that I have carefully and accurately surveyed and staked into lots, blocks and streets, the real estate and premises dedicated as "VIENNA WOODS" an Addition in Tulsa County, State of Oklahoma, and that the above plat is a true representation of said survey showing the length, width, and depth of all lots and blocks, and the names, width, boundaries and extensions of all streets.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal at Tulsa, Tulsa County, Oklahoma, this 4th day of Nov. 1965.

J-B ENGINEERING CO.  
Joe E. Donelson,  
Registered Professional Engineer

-7- # 291558 Plat #2669

STATE OF OKLAHOMA            }  
                                  } SS  
COUNTY OF TULSA            }

Before me, the undersigned, a Notary Public in and for said County and State, on this 4th day of November, 1965, personally appeared Joe E. Donelson, to me known to be the identical person who subscribed his name to the 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 and deed of J-R Engineering Co., for the uses and purposes therein set forth. WITNESS my hand and official seal the day and year last above written.

(SEAL)

My commission expires  
November 7, 1968.

Patricia Mae Severns  
Notary Public

FINAL PLAT  
CERTIFICATE OF APPROVAL

I hereby certify that this plat was approved by the Tulsa Metropolitan Area Planning Commission on NOV 3 1965.

Ed Dubie,  
Chairman

This approval is void if this plat is not filed in the office of the County Clerk on or before MAY 31 1966.

County Eng. Robert H. Moak

CERTIFICATE

Item # 126575-79-90-82

Pursuant to S.B. 113, O.S.L. 1951, I hereby certify that as to all real estate involved in this plat, all taxes have been paid as reflected by the current tax rolls and security has been provided for 1965 taxes not as yet certified to me. Dated Nov. 8 1965.

(SEAL)

James A. Parkinson  
County Treasurer of  
Tulsa County, Oklahoma