



## Memorandum

**To:** Mayor Lee and Members of City Council  
**From:** Jim Beach, City Planner  
**Hearing Date:** December 2, 2019  
**Subject:** Preliminary/Final Plat - Tulsa Premium Outlets

**Exhibits:**

1. Subdivision Plat
2. Deed of Dedication and Restrictive Covenants
3. Record of PUD approval

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**Applicant:** Tulsa Engineering and Planning Associates, Inc. for River District Development, LLC  
**Action Requested:** Request by River District Development, LLC to approve a preliminary/final plat for Tulsa Premium Outlets  
**General Location:** East 101<sup>st</sup> Place South and South 7<sup>th</sup> Street (Ward 5)  
**Applicable Regulations:** Jenks Subdivision Regulations  
**Current Zoning:** AG/PUD-100  
**Lot Size:** Approximately 51.07 acres  
**Surrounding Zoning and Land Uses:** AG zoning and vacant land all sides

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### BACKGROUND

In February 2019, a basic boundary plat called “Tulsa Premium Outlets” was approved to facilitate closing the sale of the property. This current proposed preliminary/conditional final plat is the full and final plat that meets the requirements of Section 260 (platting requirement) of the Jenks Zoning Code, and the Jenks Subdivision Regulations. It dedicates all necessary right-of-way, utility and drainage easements, and documents the final covenants and PUD requirements.

### STAFF EVALUATION

Planning and Engineering Staff have reviewed the plat and find that it meets the requirements of the City of Jenks and is consistent with the engineering construction documents currently under review for permitting. PUD conditions are properly included in the Deed of Dedication and Restrictive Covenants. The City Council Memo from the PUD approval in 2015, with PUD-specific requirements is attached, along with minutes from the final PUD approval hearing.

If the conditional final plat is approved, the applicant will finalize the documents and present them to staff for signatures of the Mayor and City Manager. They will then be returned to the applicant to record with the Tulsa County Clerk.

## **PLANNING COMMISSION**

The Planning Commission, in its meeting of November 21, 2019, voted 7-0-0 to recommend approval of the conditional final plat.

A citizen raised a question earlier in the week about language in the Memo to Council for the PUD approval hearing in 2015. (See attached Memo with paragraph in red box). It describes owner's association requirements, responsibilities for common area maintenance, and applicability of the International Property Management Code, enforceable by the City of Jenks.

The Assistant City Manager, City Attorney and City Planner discussed the issue with Simon Properties and their consultants. The requirements in the noted paragraph are modified by the first sentence that says, "Upon the independent sale of an outparcel, or a parcel created by lot split, an owner's association will be established." There are no past or present lot splits or sales of outparcels, so an owner's association isn't required, and the maintenance provisions aren't applicable at this time. There was little discussion among Planning Commissioners. The citizen who brought up the issue did not speak.

## **RECOMMENDATION**

The applicant has amended the plat submittal to incorporate the conditions recommended by the Planning Commission. Staff recommends approval of the preliminary/conditional final plat.

## MEMORANDUM

To: Mayor Dunkerley and City Council

From: Robert Bell, City Planner

Date: December 11, 2015

RE: JZ-580 PUD-100 (3083) Request by Simon Acquisition II, LLC. for approval of a Zone Change from an AG (Agricultural) Zoning District to a RTC (Riverfront Tourist Commercial)/Planned Unit Development Number 100 Zoning District, for Riverfront Tourist Commercial Uses on property described as:

A tract of land located in the NE/4 of Section 30, T-18-N, R-13-E of the Indian Meridian, Tulsa County, State of Oklahoma, according to the Official U.S. Government Survey thereof; being more particularly described as follows: Commencing at the northeast corner of Section 30, an ODOT Brass Cap; Thence S 00°07'09" W toward the east quarter corner of Section 30, a 5/8" Steel Pin/No Cap, a distance of 476.63 feet; Thence N 89°52'51" W a distance of 44.75 feet to the "Point of Beginning", being on the southerly Right of Way for 101<sup>st</sup> Place South as recorded in the Tulsa County Clerk's office in Book 5580, Page 1845; Thence S 00°07'09" W along a line that is 44.75 feet measured perpendicularly from the east line of the NE/4 of Section 30, a distance of 291.20 feet to a non-tangent curve to the left; Thence along a non-tangent curve to the left with a central angle of 13°05'40", a radius of 586.50 feet, an arc length of 134.04 feet, a chord bearing of S 06°39'59" W and a chord length of 133.75 feet to a point that is 60.00 feet measured perpendicularly from the east line of the NE/4 of Section 30; Thence S 00°07'09" W and tangent to the previous curve and along a line that is 60.00 feet measured perpendicularly from the east line of the NE/4 of Section 30, a distance of 196.42 feet; Thence S 89°52'51" E a distance of 12.00 feet to a point that is 48.00 feet measured perpendicularly from the east line of the NE/4 of Section 30; Thence S 00°07'09" W along a line that is 48.00 feet measured perpendicularly from the east line of the NE/4 of Section 30, a distance of 355.84 feet to a tangent curve to the right; Thence along a tangent curve to the right with a central angle of 91°03'54", a radius of 30.00 feet, an arc length of 47.68 feet, a chord bearing of S 45°39'06" W and a chord length of 42.82 feet; Thence N 88°48'57" W and tangent to the previous curve, a distance of 1796.84 feet to a tangent curve to the right; Thence along a tangent curve to the right with a central angle of 68°24'07", a radius of 383.33 feet, an arc length of 457.64 feet, a chord bearing of N 54°36'53" W and a chord length of 430.94 feet; Thence N 20°24'49" W and tangent to the previous curve, a distance of 40.66 feet to a tangent curve to the left; Thence along a tangent curve to the left with a central angle of 37°14'57", a radius of 334.67 feet, an arc length of 217.58 feet, a chord bearing of N 39°02'18" W and a chord length of 213.76 feet to a tangent reverse curve to the right; Thence along a tangent reverse curve to the right with a central angle of 34°27'55", a radius of 254.33 feet, an arc length of 152.99 feet, a chord bearing of N 40°25'49" W and a chord length of 150.69 feet;

**Thence S 88°48'52" E and not tangent to the previous curve, a distance of 6.16 feet to a non-tangent curve to the right; Thence along a non-tangent curve to the right with a central angle of 80°05'40", a radius of 250.00 feet, an arc length of 349.48 feet, a chord bearing of N 46°24'31" E and a chord length of 321.71 feet; Thence N 01°04'11" E and not tangent to the previous curve, a distance of 205.63 feet to the southerly Right of Way for the Creek Turnpike as recorded in the Tulsa County Clerk's office in Book 5376, Page 441; Thence N 87°55'09" E along the southerly Right of Way for the Creek Turnpike, a distance of 411.51 feet; Thence N 78°53'59" E along the southerly Right of Way for the Creek Turnpike, a distance of 175.37 feet to the westerly Right of Way for 101st Place South as recorded in the Tulsa County Clerk's office in Book 5580, Page 1845; Thence S 00°12'35" W along the westerly Right of Way for 101st Place South, a distance of 69.39 feet; Thence S 89°47'25" E along the southerly Right of Way for 101st Place South, a distance of 1125.00 feet; Thence S 89°47'27" E along the southerly Right of Way for 101st Place South, a distance of 479.17 feet to the "Point of Beginning". Said tract contains 2,224,901 square feet or 51.0767 acres. The non-astronomic bearings for said tract are based on an assumed bearing of S 00°07'09" W along the east line of the NE/4 of Section 30, T-18-N, R-13-E of the Indian Meridian, Tulsa County, State of Oklahoma, according to the Official U.S. Government Survey thereof.**

**General Location: East 101<sup>st</sup> Place South Street South and South 7th Street.**

The Planning Commission conducted a public hearing on JZ-580/PUD 100 a request by Simon Acquisition II, LLC. for approval of a Zone Change from an AG (Agricultural) Zoning District to a RTC (Riverfront Tourist Commercial)/Planned Unit Development Number 100 Zoning District on Thursday December 10, 2015.

The subject property is designated Development Sensitive-No Specific Land Uses by the Jenks Comprehensive Plan and is located within the Riverfront Entertainment/Tourism District as described by the Jenks Comprehensive Plan. The property is currently zoned AG (Agriculture). The applicant is requesting an RTC (Riverfront Tourist Commercial)/Planned Unit Development Number 100 Zoning District for Riverfront Tourist Commercial Uses. The requested uses may be found in accordance with only those properties located within the Riverfront Entertainment/Tourism District.

The area surrounding the subject property has been undergoing numerous changes that affect the character of the land use in the immediate vicinity. The Oklahoma Aquarium and development of the Aquarium Complex and Riverwalk has established the area along the West Bank of the Arkansas River, within the City of Jenks, as the first Riverfront activity center in the Tulsa Region. The completion of the First Oklahoma Bank Building, the Village on Main parking garage, the planned retail center and apartments within Village on Main sustain the synergy of the Riverfront Entertainment District in Jenks. The "Tulsa Premium Outlets" development is in keeping with this significant and planned venue for the City of Jenks Riverfront properties. The Development anchors the Entertainment District activities for the area south of the Creek Turnpike and is recognized along with the Oklahoma Aquarium as a major point of destination for the district. The Development Sensitive plan designation for the subject property restricts the types of uses that may be considered. The Jenks Comprehensive Plan recognized the various characteristics of the site and the proposed use is exactly the types of uses that were considered

when establishing the Riverfront Entertainment District and the implementing the Tourism Commercial District with the Jenks Zoning Code.

The proposed development concept is a retail outlet center to be called Tulsa Premium Outlets. The project is expected to comprise 401,000 square feet of gross leasable area. The building and site design will substantially conform to the submitted drawings with the PUD, provided that the architectural theme of the building and site may incorporate a style that is further contributing to the Riverfront Entertainment District, thus site design and architectural elements shall have the flexibility to conform to the intended theme. There are 2 outparcels to the development that will not be restricted to the architectural theme but will be required to be approved by the owner of the property as to the character of the structures. The overall site plan will be approved as a part of the Planned Unit Development to include the out parcels and future phases of the outlet mall. Future development of the site will be processed through the City of Jenks Appearance Review Process as far as parking, landscaping and site design.

“Tulsa Premium Outlets”, Planned Unit Development Number 100 will be developed to the standards of the RTC Zoning District except as modified by the submitted development text and proposed restrictive covenants. The area and density requirements are consistent with the standards of the RTC Zoning District. The **maximum building height within the development will be established at 90 feet.** The development will be required to maintain **parking as per the Jenks Zoning Code for the applicable Use Unit.** The design currently exceeds the requirement. **Setbacks for the development will be established at 100 feet from North property line, 20 feet from east and west property line and road frontages of outparcels, 50 feet from south property line and 10 feet from interior or lot lines.** An easement has been granted by the City of Jenks to allow the use of the 101<sup>st</sup> Street right of way located along the north boundary of the parcel for parking, trails/sidewalks, or landscaping. **The setback from the north property lines shall be from the north line of the right of way which will coincide with that portion of the property that lies west of 7<sup>th</sup> Street.** Individual office development may be established on building second floors provided that Tulsa Premium Outlet Center or operating entity will be allowed offices on first floors. In accordance with City of Jenks Arkansas River Flood Plain Development all structures must be constructed 1 foot above the 1986 record flood event. This is one foot above 306,000 cubic feet per second release from the Keystone Dam. The established elevation of the 1986 flood at the site is 616. The finished floor elevation of the structures shall be at an elevation at a minimum of 617. This elevation and associated fill comply with and satisfy the 2011 CLOMR as approved by FEMA for the development area. Development of the site will raise the property above the 100-year Floodplain.

**In accordance with the PUD text, 10% of net land area is to be utilized for minimum landscaped open space.** Landscape for the development will be an integral component of the character and quality of the design. Not only will the landscaping details add to the visual appeal of the development, but they will also help in spatial definition, wayfinding and effective site circulation. All landscaping details will be complementary with the architectural design of the building and the street furniture. Opportunities to provide shaded walkways and seating areas will be optimized throughout the site. Landscaping will not create any isolated areas and will instead allow clear views throughout the site. The landscape shall be in substantial conformance with the submitted PUD criteria.

Chapter 9A Section 920.3 of the Jenks Zoning Code specifies that no special exception or Specific Use Permit actions are required to establish any of the identified uses provided that the use is included within a Planned Unit Development. Uses normally approved by Special Exception or Specific Use may be permitted, provided however, that the Planning Commission and City Council shall ascertain that the affects and benefits usually derived from safeguards and conditions normally imposed upon special exceptions or Specific Use will be substantially met by the terms of the proposed Planned Unit Development. The Planned Unit Development has specified the potential for live music and other events that will be conducted as a part of the pedestrian plaza entertainment venue. The proposed development is buffered by the Creek Turnpike from the nearest residential properties to the north. To utilize amplified sound on the property no additional sound requirements are necessary. The use shall be limited to no later than 10 p.m. Sunday through Thursday and 12 a.m. Friday and Saturday. Events planned to exceed these criteria or have an expected attendance of greater than 3,000 people shall require process through the City of Jenks Special Event Committee to ensure public safety issues have been addressed.

The development's signage program will provide a visual layer between the built environment, the community, and the pedestrian. The signage will brand, inform, direct, and provide for a memorable experience. The signage placement will consider project architectural facades and unique building forms and details to enhance, complement, and create a balance in the overall building design. Signage illumination will provide a soft, even, halo-type effect. Designed with the environment in mind, this sophisticated illumination will utilize a friendly low voltage/LED standard throughout the development. Control mechanics will ensure a uniform consistency throughout the entire sign program. A variety of high-quality materials and finishes, including automotive grade paints, brushed and polished metals, textured material, and patina finishes will ensure a sense of durability and high level of design. **Signs shall be limited to:**

- a. **Wall or canopy signs shall not exceed 20% of total exterior wall surface area;**
- b. **One LED project identification pylon sign, to be located along the Creek Turnpike frontage not exceeding 90 feet in height and 750 square foot of area per face;**
- c. **Four project identification monuments, to be located in conjunction with the entrances to the development from 7<sup>th</sup> Street, Lewis Avenue and the entrances from the new frontage road. These monuments shall not exceed 17 feet in height and 200 square feet of area per face;**
- d. **Project identification signs to be located on towers or other architectural features shall not exceed 200 square feet of area per face;**
- e. **Way-finding signs, including but not limited to auto-directions signs, parking area identification, and service court identification are limited to the size as identified in the PUD. Number of signs is not limited;**
- f. **Signs interior of the building entry ways are not limited and not included in allowable aggregate area of exterior signage (these signs are considered as an interior signage to the structures) but shall conform to owner architectural compatibility.**

The **lighting scheme** at the development will complement the architectural style of the buildings and also be coordinated with the style of the street furniture, creating a consistent theme and look throughout. **The following standards are identified as PUD criteria:**

- a. Parking Field Illumination – Light standards shall not exceed 35 feet in height and shall be hooded and directed downward and away from the turnpike or north property boundary.
- b. Walkway Illumination – Pedestrian-scale vertical lamps will be distributed along the walkway to visually enhance the pedestrian experience and increase user safety. A Trail system connecting to the River trail system is planned for the property. The pedestrian scale lamps will also be incorporated to support the trail system where road lighting is not sufficient.
- c. Building Illumination – Wall sconces will be attached onto the vertical piers that separate retail units and also at building corners. Sconces will have a complimentary style and color to the vertical lamps. Additional building-mounted lights will emphasize architectural features. Building wall lighting can be designed from to accent the building by illumination from either the top or bottom but will be arranged to ensure that the light is not emitted towards the traffic ways.

Upon the independent sale of an outparcel, or a parcel created by lot split, an owner's association will be established. The owner's association will be outlined within the plat that outlines the responsibility for the general maintenance of the common areas of the subdivision, including Reserve Areas, Pedestrian Easements areas, common landscaping, signage, fencing areas, site entry, aesthetic features and façade treatments to include store front window signage. It is expected that the out parcels will remain in the ownership of the Tulsa Premium Outlet owner and owner association features shall only apply on the transfer of ownership. Therefore, the plat will identify that the property is subject to the International Property Maintenance Code that is enforceable by the City of Jenks upon a finding by the super majority of the Jenks City Council that the property is in violation of this code.

Upon completion of the initial platting, which will set forth the allocation of floor area, division of lot may occur be approved lot split application, in accordance with Jenks Subdivision Regulations and State Statutes. Subdivision may be subject to further approval of the City of Jenks Planning Commission as a minor amendment to the PUD establishing the floor area allocations and confirming the existence of any necessary cross parking and mutual access agreements requirements.

Conditions to the approval of the PUD 100 will be addressed in the review of the preliminary and final plat of "Tulsa Premium Outlets".

The applicant was present at the hearing. No one spoke in opposition to the case. Following the public hearing and discussion of the case, the Planning Commission voted 6-0 to recommend approval of the Zone Change an AG (Agricultural) Zoning District to a RTC (Riverfront Tourist Commercial)/Planned Unit Development Number 100 Zoning District, for Riverfront Tourist Commercial Uses for the development of "Tulsa Premium Outlets".

1. Request by Barbara Pinkerton, event organizer for Runners World Racing, to hold the Tulsa Area Triathletes Spring Fever event, a short distance triathlon, on April 17, 2016, from 6:00 a.m. until 3:00 p.m. Josh Driskell addressed Council and stated this is the first year this event will take place in Jenks. This group is well organized. There will be no street closures, but there will be some rolling blockades of intersections so bicyclists can get through. Lonnie Sims made a motion to approve. Seconded by Josh Wedman. A roll call vote of members was as follows:

Greg Bowman	Yes
Kevin Rowland	Yes
Bo Summers	Yes
Josh Wedman	Yes
Mike Sharp	Yes
Lonnie Sims	Yes
Mayor Kelly Dunkerley	Yes

Motion carried.

2. JZ-580 PUD-100 (3083) Request by Simon Acquisition II, LLC. for approval of a Zone Change from an AG (Agricultural) Zoning District to a RTC (Riverfront Tourist Commercial)/Planned Unit Development Number 100 Zoning District, for Riverfront Tourist Commercial Uses on property described as:

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measured perpendicularly from the east line of the NE/4 of Section 30; Thence S 00°07'09" W along a line that is 48.00 feet measured perpendicularly from the east line of the NE/4 of Section 30, a distance of 355.84 feet to a tangent curve to the right; Thence along a tangent curve to the right with a central angle of 91°03'54", a radius of 30.00 feet, an arc length of 47.68 feet, a chord bearing of S 45°39'06" W and a chord length of 42.82 feet; Thence N 88°48'57" W and tangent to the previous curve, a distance of 1796.84 feet to a tangent curve to the right; Thence along a tangent curve to the right with a central angle of 68°24'07", a radius of 383.33 feet, an arc length of 457.64 feet, a chord bearing of N 54°36'53" W and a chord length of 430.94 feet; Thence N 20°24'49" W and tangent to the previous curve, a distance of 40.66 feet to a tangent curve to the left; Thence along a tangent curve to the left with a central angle of 37°14'57", a radius of 334.67 feet, an arc length of 217.58 feet, a chord bearing of N 39°02'18" W and a chord length of 213.76 feet to a tangent reverse curve to the right; Thence along a tangent reverse curve to the right with a central angle of 34°27'55", a radius of 254.33 feet, an arc length of 152.99 feet, a chord bearing of N 40°25'49" W and a chord length of 150.69 feet; Thence S 88°48'52" E and not tangent to the previous curve, a distance of 6.16 feet to a non-tangent curve to the right; Thence along a non-tangent curve to the right with a central angle of 80°05'40", a radius of 250.00 feet, an arc length of 349.48 feet, a chord bearing of N 46°24'31" E and a chord length of 321.71 feet; Thence N 01°04'11" E and not tangent to the previous curve, a distance of 205.63 feet to the southerly Right of Way for the Creek Turnpike as recorded in the Tulsa County Clerk's office in Book 5376, Page 441; Thence N 87°55'09" E along the southerly Right of Way for the Creek Turnpike, a distance of 411.51 feet; Thence N 78°53'59" E along the southerly Right of Way for the Creek Turnpike, a distance of 175.37 feet to the westerly Right of Way for 101st Place South as recorded in the Tulsa County Clerk's office in Book 5580, Page 1845; Thence S 00°12'35" W along the westerly Right of Way for 101st Place South, a distance of 69.39 feet; Thence S 89°47'25" E along the southerly Right of Way for 101st Place South, a distance of 1125.00 feet; Thence S 89°47'27" E along the southerly Right of Way for 101st Place South, a distance of 479.17 feet to the "Point of Beginning". Said tract contains 2,224,901 square feet or 51.0767 acres. The non-astronomic bearings for said tract are based on an assumed bearing of S 00°07'09" W along the east line of the NE/4 of Section 30, T-18-N, R-13-E of the Indian Meridian, Tulsa County, State of Oklahoma, according to the Official U.S. Government Survey thereof.

General Location: East 101st Place South Street South and South 7th Street. Robert Bell addressed Council and stated the Planning Commission conducted a public hearing on JZ-580 on December 10. Robert Bell summarized his Staff Report, which was contained in the Agenda packet. Robert Bell then stated that the applicant was present at the public hearing, no one spoke in opposition to the case, and the Planning Commission voted 6-0 to recommend approval of the zone change. The applicant is present tonight for this

public hearing as well. Lonnie Sims asked on Page 34, third paragraph from the bottom, it says “upon completion of the initial platting which will set forth the allocation of floor area, division of (I think that should be lots) may occur be approved, and I think that should be by. I think what you’re trying to say is division of lots may occur by approved lot split application, but it doesn’t read like that. Robert Bell said the “e” should be “y”. What that’s saying is recognizing that an interior lease or rental would want to be the owner of their store, it gives them the opportunity to break that out through lot split even though it’s not on a public road, it’s interior development. All of the criteria there is met so they could go through a lot split process to create up to State law which is 3. Kevin Rowland asked is the criteria set forth for the signage the same as what was used on the other properties within the River District area, or Village on Main, or River Walk? Robert Bell said it’s similar. They have their own design style and this really outlines what that is. This is the criteria they’ve asked for. Kevin Rowland said obviously if we put a sign up that says Premium Outlet Malls on this site all of the customers have already missed the exit. Is that the intent is to still put one up anyway? Robert Bell said I think this company is big enough if they needed to get signage...Kevin Rowland asked any additional signage that goes on the other side going west and so forth be on a sign application at some point? Robert Bell replied there will be no offsite signage associated with this. They may look at billboard uses in the area, but I don’t know that for sure. Mike Tinker added for clarification that discussion by the client and the question posed to OTA is the possibility of major points of destinations being identified on the turnpike system. Early visits with Tim Stewart, the Executive Director, he felt like there would be no problem with that. Those could appear, but they’re not being put up by the company, it would be OTA. Mike Sharp asked on Page 32 you make reference to the 2011 CLOMR and you state that this particular project is meeting the plan that was put in place in 2011, and going to a flood elevation of 617 which is a foot above 1986 which we’ve long used as a standard in that area. I assume this 2011 CLOMR was a bigger area than probably what their footprint is here. I assume if they’re meeting the 2011 then obviously at some point in the future when the whole area has met the conditions of the 2011 CLOMR then someone will make an application to make it a LOMR. Is that your interpretation of the game plan? Robert Bell answered you’re absolutely correct. Everything that’s transforming on this property will be in compliance with the 2011 CLOMR that was approved by FEMA. I would say that this applicant is going beyond their property line to help facilitate that in creation of some of the drainage tracts that go along the railroad and the access for the stormwater to the Arkansas River. Not only are they going to help their own site, but they’re helping the overall picture. I’ve checked with FEMA and they can apply for their LOMR on their site alone. I expect that to happen, because that will take their property completely out of the floodplain and do away with the flood insurance. Kevin Rowland said the turnpike stuff that’s being done, we had among Councils gone back and forth where the road was going to be in this area, whether it was going to be

against the highway or what. This establishes now that we're coming in and doing a circle on the west end and then they're bringing it up to a spot down on the east end and then we're taking it underneath the highway, correct? Robert Bell replied that is correct. Mayor Kelly Dunkerley opened the floor and invited Simon representatives to make any comments they would like to. John Dionis from New Jersey representing Simon stated I'm the Senior Director of Development for Simon. We appreciate being here. Simon is a global leader in retail real estate development, management, and ownership. We are a S & P 100 company. We're excited to be here in Jenks. It's been a great pleasure working with Staff. They're very professional. We have 81 centers around the globe, Europe, Asia, and North America, and every center that we have built we continue to own. Our plan is to own them in the long term and we look forward to the opportunity to be a partner with the City of Jenks. Thank you very much. If you have any questions I'd be happy to field them now or feel free to call on me any time. Lonnie Sims said thank you for picking Jenks. We're the fastest growing city in the state of Oklahoma. This development is going to help us tremendously. It's been a labor of love for a lot of people around here for a number of years that stuck with the vision for that property. We thank our citizens for voting on the bond package in 2013, because we always felt that our roads were the missing piece to open the door to that property. John Dionis said I agree. The road package enabled this project to happen. It's the foresight of this community to put that in place to allow this to happen. Bo Summers said I look forward to a very long and successful relationship between the City of Jenks and Simon. Mayor Kelly Dunkerley said it's been a pleasure working with you. Our Staff has said many complimentary things about you and your staff and the due diligence you take on this property and looking at the entire region as well as investing in the Tulsa area. We couldn't be more excited that you chose Jenks and this site. All of the work that's been done in this city for over a decade to try to come to this point, and for you to make a decision to come here and partner with us and our communities, build on the partnerships we have with our public school system, this is a big thing for Jenks and for our area, and we commend you on the work you've done. Mayor Kelly Dunkerley closed the floor. Greg Bowman made a motion to approve JZ-580 PUD-100. Seconded by Bo Summers. A roll call vote of members was as follows:

Greg Bowman	Yes
Kevin Rowland	Yes
Bo Summers	Yes
Josh Wedman	Yes
Mike Sharp	Yes
Lonnie Sims	Yes
Mayor Kelly Dunkerley	Yes

**OWNER**  
**Tulsa Premium Outlets, L.L.C.**  
*an Oklahoma limited liability company*  
 c/o Simon Premium Outlets  
 60 Columbia Road  
 Building B, 3rd Floor  
 Morristown, NJ 07960  
 (973) 228.6111

PLANNED UNIT DEVELOPMENT No. 100  
**Tulsa Premium Outlets**  
**Amended**

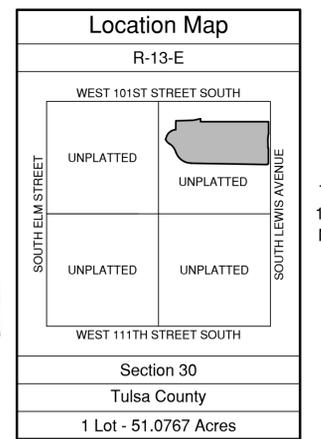
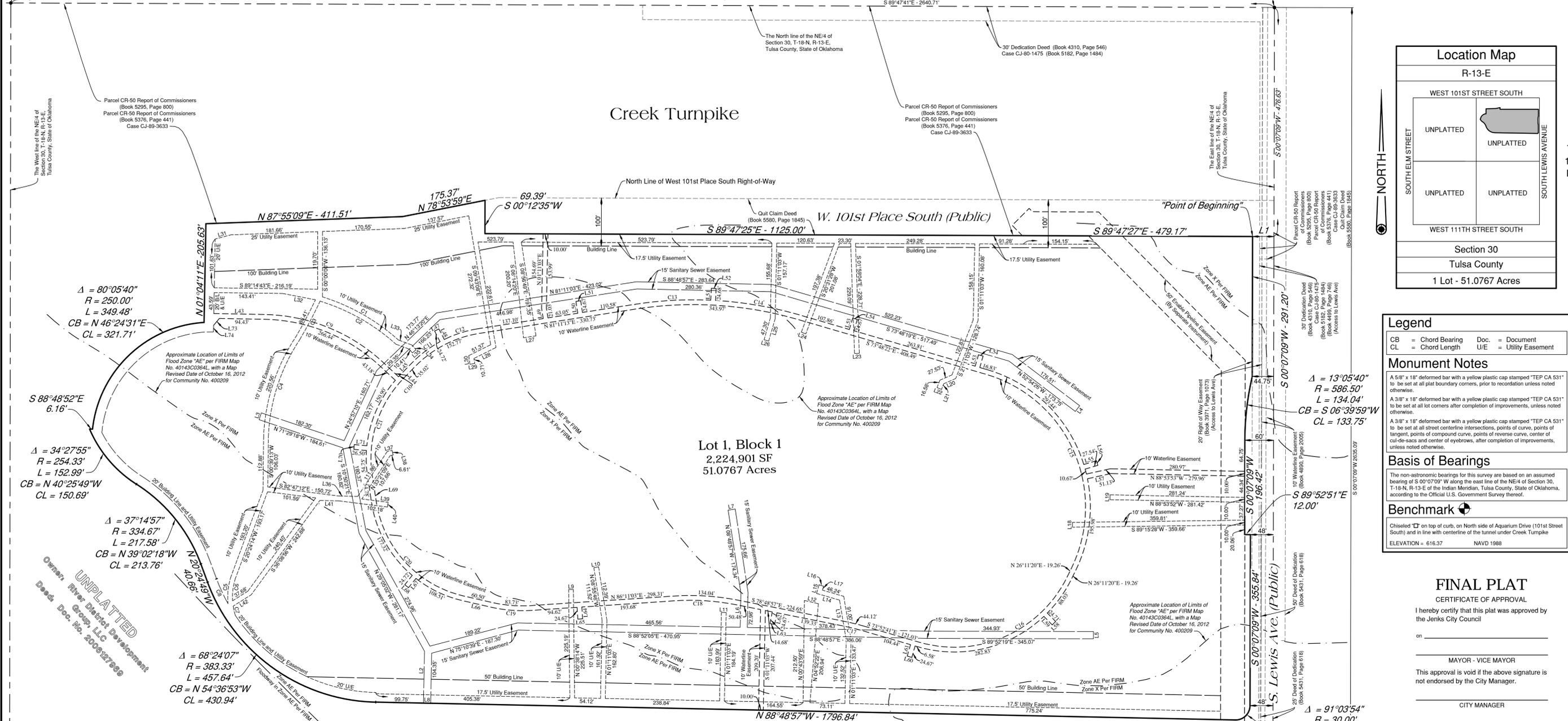
**SURVEYOR**  
**Tulsa Engineering & Planning Associates, Inc.**  
*an Oklahoma corporation*  
 9820 East 41st Street, Suite 102  
 Tulsa, Oklahoma 74146  
 Phone: 918.252.9621

A subdivision in the City of Jenks, being part of the NE/4 of Section 30, Township 18 North,  
 Range 13 East of the Indian Meridian, Tulsa County, State of Oklahoma

CERTIFICATE OF AUTHORIZATION NO. 531  
 RENEWAL DATE: JUNE 30, 2021

"Point of Commencement"  
 Found ODOT Brass Cap  
 The Northeast Corner of Section  
 30, T-18-N, R-13-E, Tulsa  
 County, State of Oklahoma

Found 5/8" Steel Pin w/Plastic Cap  
 stamped "RLS 1253"  
 The North Quarter Corner of Section  
 30, T-18-N, R-13-E, Tulsa County,  
 State of Oklahoma



**Legend**  
 CB = Chord Bearing Doc. = Document  
 CL = Chord Length U/E = Utility Easement

**Monument Notes**  
 A 5/8" x 1/8" deformed bar with a yellow plastic cap stamped "TEP CA 531" to be set at all plat boundary corners, prior to recordation unless noted otherwise.  
 A 3/8" x 1/8" deformed bar with a yellow plastic cap stamped "TEP CA 531" to be set at all lot corners after completion of improvements, unless noted otherwise.  
 A 3/8" x 1/8" deformed bar with a yellow plastic cap stamped "TEP CA 531" to be set at all street centerline intersections, points of curve, points of tangent, points of compound curve, points of reverse curve, center of cul-de-sacs and center of eyebrows, after completion of improvements, unless noted otherwise.

**Basis of Bearings**  
 The non-astronomic bearings for this survey are based on an assumed bearing of S 00°07'09" W along the east line of the NE/4 of Section 30, T-18-N, R-13-E of the Indian Meridian, Tulsa County, State of Oklahoma, according to the Official U.S. Government Survey thereof.

**Benchmark**  
 Chiseled on top of curb, on North side of Aquarium Drive (101st Street South) and in line with centerline of the tunnel under Creek Turnpike  
 ELEVATION = 616.37 NAVD 1988

**FINAL PLAT**  
 CERTIFICATE OF APPROVAL  
 I hereby certify that this plat was approved by the  
 Jenks City Council  
 on \_\_\_\_\_  
 \_\_\_\_\_  
 MAYOR - VICE MAYOR  
 This approval is void if the above signature is  
 not endorsed by the City Manager.  
 \_\_\_\_\_  
 CITY MANAGER

**Backflow Preventer Valve**  
 If the actual finished floor elevation is lower than one (1) foot above the up-stream sanitary sewer manhole top of rim elevation, it shall be the builder's responsibility to install a backflow preventer valve near the building. The builder is responsible to comply with all city ordinances regarding the installation of any required backflow preventer valve.

**Line Table**

No.	Bearing	Distance
L1	N 32°47'05"E	18.07
L2	N 01°11'52"E	107.97
L3	N 18°30'32"E	15.00
L4	S 37°05'34"W	15.00
L5	N 00°07'41"E	15.00
L6	N 01°11'13"E	71.66
L7	N 81°11'03"E	15.00
L8	N 88°48'57"W	15.00
L9	N 89°21'46"E	10.00
L10	N 81°11'03"E	10.00
L11	N 90°00'00"E	10.00
L12	N 77°17'03"W	29.92
L13	N 09°39'08"W	88.78
L14	N 73°48'57"W	49.97
L15	N 16°11'03"E	18.51
L16	S 73°48'57"E	10.00
L17	S 18°11'52"E	8.51
L18	N 00°44'32"W	10.00
L19	S 01°06'08"W	10.00
L20	S 68°11'08"W	27.53
L21	S 21°11'03"W	12.44
L22	N 68°48'57"W	10.00
L23	S 88°00'56"W	10.00
L24	N 69°29'32"W	10.00
L25	S 16°10'39"W	48.81
L26	N 73°49'21"W	10.00
L27	S 81°16'58"W	26.40
L28	S 63°39'43"W	51.49
L29	N 81°11'19"W	10.00
L30	N 08°48'51"W	18.03
L31	S 75°11'58"W	33.86
L32	S 79°07'56"E	69.45
L33	S 69°43'22"E	38.04
L34	S 40°38'23"W	13.00
L35	S 49°21'32"W	10.00
L36	N 88°59'51"W	38.39
L37	N 76°11'25"E	10.53
L38	S 13°48'35"E	10.00
L39	S 82°47'12"E	55.48
L40	S 07°12'42"W	10.00
L41	N 88°59'51"W	40.26
L42	S 57°55'28"W	44.51
L43	S 88°56'26"E	106.16
L44	S 47°06'56"E	43.06
L45	N 44°24'26"E	35.02
L46	N 62°42'22"E	10.00
L47	N 16°07'19"E	24.67
L48	N 62°42'22"E	10.00
L49	S 27°17'38"E	24.72
L50	N 78°48'57"W	10.00
L51	S 03°48'57"E	21.80
L52	S 08°48'57"E	24.67
L53	S 86°11'03"W	10.00
L54	N 81°11'03"E	10.00
L55	N 77°09'31"E	60.50
L56	S 39°04'01"W	24.72
L57	N 16°11'38"E	24.67
L58	S 73°48'22"E	10.00
L59	N 08°48'40"W	54.78
L60	N 04°59'33"E	10.00
L61	N 78°48'57"W	27.54
L62	S 85°00'27"E	26.67
L63	S 77°32'51"W	49.94
L64	S 40°08'04"W	18.62
L65	S 01°04'11"W	13.75
L66	S 11°11'03"W	24.67
L67	S 11°11'03"W	24.67
L68	N 78°48'57"W	10.00
L69	S 03°48'57"E	21.80
L70	S 08°48'57"E	24.67
L71	S 86°11'03"W	10.00
L72	N 81°11'03"E	10.00
L73	N 77°09'31"E	60.50
L74	S 39°04'01"W	24.72
L75	N 16°11'38"E	24.67
L76	S 73°48'22"E	10.00
L77	N 08°48'40"W	54.78
L78	N 04°59'33"E	10.00
L79	N 78°48'57"W	27.54
L80	S 85°00'27"E	26.67
L81	S 77°32'51"W	49.94
L82	S 40°08'04"W	18.62
L83	S 01°04'11"W	13.75
L84	S 11°11'03"W	24.67
L85	S 11°11'03"W	24.67
L86	N 78°48'57"W	10.00
L87	S 03°48'57"E	21.80
L88	S 08°48'57"E	24.67
L89	S 86°11'03"W	10.00
L90	N 81°11'03"E	10.00
L91	N 77°09'31"E	60.50
L92	S 39°04'01"W	24.72
L93	N 16°11'38"E	24.67
L94	S 73°48'22"E	10.00
L95	N 08°48'40"W	54.78
L96	N 04°59'33"E	10.00
L97	N 78°48'57"W	27.54
L98	S 85°00'27"E	26.67
L99	S 77°32'51"W	49.94
L100	S 40°08'04"W	18.62
L101	S 01°04'11"W	13.75

**Line Table**

No.	Bearing	Distance
L1	N 89°52'51"W	44.75

**Curve Table**

No.	Delta	Radius	Length	Chord Bearing	Chord Distance
C1	24°25'43"	125.00	183.76	S 60°30'50"E	182.37
C2	24°58'43"	421.00	183.54	N 60°31'59"W	182.09
C3	09°04'57"	1005.62	89.20	S 27°56'30"W	89.17
C4	31°33'46"	390.94	215.36	S 18°10'19"W	212.65
C5	23°10'12"	137.67	55.67	S 05°50'00"W	55.29
C6	20°50'17"	127.67	46.43	S 06°58'16"W	46.18
C7	08°57'56"	127.67	19.98	S 12°55'52"E	19.96
C8	08°58'48"	363.33	56.94	S 24°54'13"E	56.89
C9	41°49'30"	375.00	273.74	S 68°01'41"E	267.71
C10	01°05'14"	248.00	4.71	N 43°51'49"E	4.71
C11	17°06'37"	248.00	74.20	N 52°58'45"E	73.93
C12	17°12'22"	248.00	74.98	N 72°31'22"E	74.70
C13	11°26'04"	798.04	159.26	N 86°54'08"E	159.00
C14	12°51'24"	798.04	179.07	S 80°14'04"E	178.70
C15	99°59'42"	288.00	502.63	S 23°48'31"E	441.23

**Tulsa Premium Outlets**  
 Date of Preparation: October 25, 2019  
 Sheet 1 of 2

Scale in Feet: 1" = 100'

Found 5/8" Steel Pin, no cap  
 The East Quarter Corner of Section 30,  
 T-18-N, R-13-E, Tulsa County, State of  
 Oklahoma

**TULSA PREMIUM OUTLETS  
AMENDED**

**DEED OF DEDICATION  
AND  
RESTRICTIVE COVENANTS**

**PLANNED UNIT DEVELOPMENT No. 100**

KNOW ALL MEN BY THESE PRESENTS:

THAT TULSA PREMIUM OUTLETS, LLC, an Delaware limited liability company, c/o Simon Premium Outlets, hereinafter referred to as the "Owner", is the owner of the following described land in the City of Jenks, Tulsa County, State of Oklahoma, to wit:

A tract of land located in the NE/4 of Section 30, T-18-N, R-13-E of the Indian Meridian, Tulsa County, State of Oklahoma, according to the Official U.S. Government Survey thereof, being more particularly described as follows:

Commencing at the northeast corner of Section 30, an ODOT Brass Cap;

Thence S 00°07'09" W toward the east quarter corner of Section 30, a 5/8" Steel Pin/No Cap, a distance of 476.63 feet;

Thence N 89°52'51" W a distance of 44.75 feet to the "Point of Beginning", being on the southerly Right of Way for "101<sup>st</sup> Place South" as recorded in the Tulsa County Clerk's office in Book 5580, Page 1845;

Thence S 00°07'09" W along a line that is 44.75 feet measured perpendicularly from the east line of the NE/4 of Section 30, a distance of 291.20 feet to a non-tangent curve to the left;

Thence along a non-tangent curve to the left with a central angle of 13°05'40", a radius of 586.50 feet, an arc length of 134.04 feet, a chord bearing of S 06°39'59" W and a chord length of 133.75 feet to a point that is 60.00 feet measured perpendicularly from the east line of the NE/4 of Section 30;

Thence S 00°07'09" W and tangent to the previous curve and along a line that is 60.00 feet measured perpendicularly from the east line of the NE/4 of Section 30, a distance of 196.42 feet;

Thence S 89°52'51" E a distance of 12.00 feet to a point that is 48.00 feet measured perpendicularly from the east line of the NE/4 of Section 30;

Thence S 00°07'09" W along a line that is 48.00 feet measured perpendicularly from the east line of the NE/4 of Section 30, a distance of 355.84 feet to a tangent curve to the right;

Thence along a tangent curve to the right with a central angle of 91°03'54", a radius of 30.00 feet, an arc length of 47.68 feet, a chord bearing of S 45°39'06" W and a chord length of 42.82 feet;

Thence N 88°48'57" W and tangent to the previous curve, a distance of 1796.84 feet to a tangent curve to the right;

Thence along a tangent curve to the right with a central angle of 68°24'07", a radius of 383.33 feet, an arc length of 457.64 feet, a chord bearing of N 54°36'53" W and a chord length of 430.94 feet;

Thence N 20°24'49" W and tangent to the previous curve, a distance of 40.66 feet to a tangent curve to the left;

Thence along a tangent curve to the left with a central angle of 37°14'57", a radius of 334.67 feet, an arc length of 217.58 feet, a chord bearing of N 39°02'18" W and a chord length of 213.76 feet to a tangent reverse curve to the right;

Thence along a tangent reverse curve to the right with a central angle of 34°27'55", a radius of 254.33 feet, an arc length of 152.99 feet, a chord bearing of N 40°25'49" W and a chord length of 150.69 feet;

Thence S 88°48'52" E and not tangent to the previous curve, a distance of 6.16 feet to a non-tangent curve to the right;

Thence along a non-tangent curve to the right with a central angle of 80°05'40", a radius of 250.00 feet, an arc length of 349.48 feet, a chord bearing of N 46°24'31" E and a chord length of 321.71 feet;

Thence N 01°04'11" E and not tangent to the previous curve, a distance of 205.63 feet to the southerly Right of Way for the "Creek Turnpike" as recorded in the Tulsa County Clerk's office in Book 5376, Page 441;

Thence N 87°55'09" E along the southerly Right of Way for the "Creek Turnpike", a distance of 411.51 feet;

Thence N 78°53'59" E along the southerly Right of Way for the "Creek Turnpike", a distance of 175.37 feet to the westerly Right of Way for "101<sup>st</sup> Place South" as recorded in the Tulsa County Clerk's office in Book 5580, Page 1845;

Thence S 00°12'35" W along the westerly Right of Way for "101<sup>st</sup> Place South", a distance of 69.39 feet;

Thence S 89°47'25" E along the southerly Right of Way for "101<sup>st</sup> Place South", a distance of 1125.00 feet;

Thence S 89°47'27" E along the southerly Right of Way for "101<sup>st</sup> Place South", a distance of 479.17 feet to the "Point of Beginning".

Said tract contains 2,224,901 square feet or 51.0767 acres.

The non-astronomic bearings for said tract are based on an assumed bearing of S 00°07'09" W along the east line of the NE/4 of Section 30, T-18-N, R-13-E of the Indian Meridian, Tulsa County, State of Oklahoma, according to the Official U.S. Government Survey thereof.

As Owner, I hereby certify that I have caused the above described land to be surveyed, divided, mapped, dedicated and access rights reserved as presented on the plat and has designated the subdivision as "TULSA PREMIUM OUTLETS", a subdivision in the City of Jenks, Tulsa County, Oklahoma.

**SECTION I. EASEMENTS AND UTILITIES**

**1.1 Utility Easements**

The Owner does hereby dedicate for public use the utility easements as depicted on the accompanying plat as "Utility Easement", for the several purposes of constructing, maintaining, operating, repairing, replacing, and/or removing any and all public utilities, including storm sewers, sanitary sewers, telephone and communication lines, electric power lines and transformers, gas lines, water lines and cable television lines, together with all fittings, including the poles, wires, conduits, pipes, valves, meters and equipment for each of such facilities and any other appurtenances thereto, with the rights of ingress and egress to and upon the utility easements for the uses and purposes aforesaid, provided however, the Owner hereby reserves to itself, and to its assigns, the right to use or delegate to others the right to use the designated easements and rights of way to provide any of the services set forth herein, including, but not limited to the right to construct, maintain, operate, lay and re-lay water lines and sewer lines, together with the right of ingress and egress for such construction, maintenance, operation, laying and re-laying over, across and along all of the utility easements depicted on the plat for the purpose of furnishing water and/or sewer services to the area included in the plat. The Owner herein imposes a restrictive covenant, which covenant shall be binding on the lot owner and shall be enforceable by the City of Jenks, Oklahoma, and by the supplier of any affected utility service, that within the streets and utility easements depicted on the accompanying plat no building, structure or other above or below ground obstruction that interferes with the above set forth uses and purposes of a street or easement shall be placed, erected, installed or maintained, provided however, nothing herein shall be deemed to prohibit drives, parking areas, curbing, landscaping and customary screening fences and walls.

**1.2 Underground Service**

1.2.1 Overhead poles may be located along the east perimeter of the subdivision along South Lewis Avenue as necessary, if located in utility easements, for the purpose of the supply of underground service. Street light poles or standards may be served by underground cable, and except as provided in the immediately preceding sentence, all electric and communication supply lines shall be located underground, in the easement-ways reserved for general utility services and streets, shown on the attached plat. The Owner does hereby restrict the utility easements shown and designated on the accompanying plat to a single supplier of electrical service.

1.2.2 All supply lines in the subdivision including electric, telephone, cable television and gas lines shall be located underground in the easements reserved for general utility services and the private street shown on the plat of the subdivision. Service pedestals and transformers, as sources of supply at secondary voltages, may also be located in said easements.

1.2.3 Underground service cables and gas service lines to all structures which may be located on all lots in the subdivision may be run from the nearest gas main, service pedestal or transformer to the point of usage determined by the location and construction of such structure as may be located upon each said lot: provided that upon the installation of such a service cable or gas service line to a particular structure, the supplier of service shall thereafter be deemed to have a definitive, permanent, and effective right-of-way easement on said lot, covering a five-foot strip extending 2.5 feet on each side of such service cable or line, extending from the service pedestal, transformer or gas main to the service entrance on the structure or a point of metering.

1.2.4 The supplier of electric, telephone, cable television and gas services, through its authorized agents and employees, shall at all times have right of access to all such easements shown on the plat to the subdivision or provided for in this deed of dedication for the purpose of installing, maintaining, removing or replacing any portion of the underground electric, telephone, cable television or gas service facilities so installed by it. The supplier of electric, telephone, cable television also reserves the perpetual right, privilege and authority to cut down, trim, or treat any trees and undergrowth on said easement.

1.2.5 The owner of each lot in the subdivision shall be responsible for the protection of the underground electric facilities located on his property and shall prevent the alteration of grade or any construction activity which may interfere with said electric, telephone, cable television or gas facilities. The supplier of service will be responsible for ordinary maintenance of underground facilities, but the owner of each lot in the subdivision will pay for damage or relocation of such facilities caused or necessitated by acts of such owner or his agents or contractors. The foregoing covenants concerning underground facilities shall be enforceable by the supplier of electric, telephone, cable television or gas service.

**1.3 Water and Sewer Service**

1.3.1 The owner of the lot shall be responsible for the protection of the public water mains and of the public sanitary sewer facilities located on the lot and shall prevent the alteration of grade or any construction activity which may interfere with said public water main, public sanitary sewer main, or storm sewer. Within the utility easement areas depicted on the accompanying plat, the alteration of grade from the contours existing upon the completion of the installation of a public water main or sewer main, or any construction activity which would interfere with public water and sewer mains, shall be prohibited.

1.3.2 The City of Jenks, or its successors, will be responsible for ordinary maintenance of public water main, or public sanitary sewer main, but the owner of the lot will pay for damage or relocation of such facilities cause or necessitated by acts of the owner or his agents or contractors.

1.3.3 The City of Jenks or its successors through its proper agents and employees shall at all times have right of access with their equipment 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 water and sewer facilities.

1.3.4 The foregoing covenants concerning water and sewer facilities shall be enforceable by the City of Jenks or its successors, and the owner of the lot agrees to be bound hereby.

**1.4 Surface Drainage**

The lot shall receive and drain, in an unobstructed manner, the storm and surface waters from adjacent lots and drainage areas of higher elevation and from public streets and easements. The lot owner shall not construct or permit to be constructed any fencing or other obstructions which would impair the drainage of storm and surface waters over and across his lot. The foregoing covenants set forth in this subsection shall be enforceable by the lot owner and by the City of Jenks, Oklahoma.

**SECTION II.  
PLANNED UNIT DEVELOPMENT RESTRICTIONS**

WHEREAS, TULSA PREMIUM OUTLETS was submitted as part of a planned unit development (designated as PUD No. 100) as provided within Sections 900A thru 950A of the City of Jenks Zoning Code, as the same existed on September 28, 1972, which P.U.D. No. 100 was approved by the Jenks Planning Commission on December 10, 2015 and by the Jenks City Council on December 21, 2015; and

WHEREAS, the planned unit development provisions of the Jenks Zoning Code require the establishment of covenants of record, inuring to and enforceable by the City of Jenks, Oklahoma, sufficient to assure the implementation and continued compliance with the approved planned unit development; and

WHEREAS, the Owner desires to establish restrictions for the purpose of providing for an orderly development and to insure adequate restrictions for the mutual benefit of the Owner, its successors and assigns, and the City of Jenks, Oklahoma.

THEREFORE, the Owner does hereby impose the following restrictions and covenants which shall be covenants running with the land and shall be binding upon the Owner, its successors and assigns, and shall be enforceable as hereinafter set forth.

**2.1 Permitted Uses**

- a). Use Unit 1. Area Wide Uses By Right, limited to Storm Detention Facility, Open Space Landscape Buffering, Street Signage, Thoroughfare and Utility Lines
- b). Use Unit 10. Off-Street Parking Areas
- c). Use Unit 11. Offices, Studios
- d). Use Unit 12. Eating places other than Drive-Ins
- e). Use Unit 13. Convenience Goods and Services
- f). Use Unit 14. Shopping Goods and Services
- g). Use Unit 19. Hotel, Motel and Recreation Facilities
- h). Use Unit 21. Business Signs, Outdoor Advertising and Billboards, limited to Business Signs advertising the project and the business and activities located thereon
- i). And uses customarily accessory to permitted uses\*

\* Outdoor Special Events - Outdoor special events may be permitted. Outdoor special events may include, but are not limited to, outdoor music, sale of alcoholic beverages, erection of tents and other activities customarily associated with festivals, sidewalk sales, charity run/walks and other similar outdoor events.

**2.2 Development Standards for Lot 1, Block 1**

Land Area: 51.0767 acres, (2,224,901 S.F.)

Maximum Building Floor Area:  
Use units 11, 12, 13, 14 and 19 excepting hotel/motel use 600,000 SF  
Use unit 19 limited to hotel/motel uses Not to exceed 10 site acres 300,000 SF

Maximum Building Coverage 30% of net lot area

**Minimum Building Set Backs:**

From the north line of West 101<sup>st</sup> Street Place Right-of-Way 100 feet  
From the east property lines 20 feet  
From the south property lines 50 feet  
From the west property lines 20 feet  
From interior or lot lines\* 10 feet  
\* if subdivided

Maximum Building Height: 90 feet\*\*  
\*\* Architectural features permitted to exceed maximum height with detailed site plan approval.

**Off-Street Parking:**

Per City of Jenks Zoning Code for applicable Use Unit.

**Landscaping:**

Minimum Landscape Area 10% of net lot area

**2.3 Detailed Site Plan Review**

No building permit shall be issued until a Planned Unit Development detailed site plan of the proposed improvements has been submitted to the City of Jenks and approved as being in compliance with the development concept and the development standards.

**2.4 Platting**

No building permit shall be issued until the development phase for which a permit is sought has been included in a subdivision plat submitted to and approved by the City of Jenks Planning Commission, the City Council, and duly filed of record. The required subdivision plat shall include covenants of record implementing the development standards of the approved Planned Unit Development conceptual site plan, and the City of Jenks shall be a beneficiary thereof.

**SECTION III.  
ENFORCEMENT, DURATION, AMENDMENT AND SEVERABILITY**

**3.1 Enforcement and Duration**

The restrictions herein set forth are covenants to run with the land and shall be binding upon the undersigned Owner, its grantees, successors and assigns and all parties claiming under it for a period of twenty-five (25) years from the date of recording hereof, after which time said covenants shall be automatically extended for successive periods of ten (10) years unless amended or terminated as hereafter provided. If the undersigned Owner, or its successors or assigns shall violate any of the covenants hereon, it shall be lawful for the City of Jenks or any persons owning a lot situated within the subdivision to maintain an action at law or equity against the person or persons violating or attempting to violate any such covenant, and to prevent him/her or them from so doing or to compel compliance with the covenants or to recover damages for such violations.

**4.2 Amendment**

The provisions contained within Section I. Easements and Utilities may be amended or terminated at any time by a written instrument signed and acknowledged by the owner of the lot, and with the approval of the City of Jenks, Oklahoma. The covenants contained within Section II. Planned Unit Development Restrictions may be amended or terminated at any time by a written instrument from the owner of the lot and approved by the City of Jenks. The provisions of any such instrument amending or terminating covenants shall be effective from and after the date it is properly recorded.

**4.3 Severability**

These restrictive covenants, together with the other documents incorporated by reference, shall construed as an entity and the pertinent sections of all instruments as a whole. The invalidity of any phrase, clause or provisions herein contained shall not serve to render the balance or this instrument void, or unenforceable, and the same shall be thereafter construed as if such phrase, clause or provision were not herein contained, or to otherwise give maximum effect to the intent of the undersigned. The failure of the grantor, or any successor in title, to enforce any given restriction or covenant, or

conditions at any time, or from time to time, shall not be deemed to be a waiver or relinquishment of any right or remedy nor a modification of these restrictions and protective covenants.

**4.4 Definitions**

In the event of ambiguity of any word or term set forth herein, the meaning thereof shall be deemed to be defined as set forth within the City of Jenks Zoning Code as the same existed on September 28, 1972 or as subsequently amended.

IN WITNESS WHEREOF, TULSA PREMIUM OUTLETS, LLC, an Delaware limited liability company executed this instrument this \_\_\_ day of \_\_\_\_\_, 2019.

TULSA PREMIUM OUTLETS, LLC  
an Delaware limited liability company

\_\_\_\_\_  
Danielle De Vita  
Vice President

State of Oklahoma )  
County of Tulsa ) s.s.

Before me, the undersigned, a notary public in and for said County and State on this \_\_\_ day of \_\_\_\_\_, 2019, personally appeared Robert A. Burk, Authorized Manager of TULSA PREMIUM OUTLETS, LLC, an Delaware limited liability company; and he acknowledged to me that he executed the same as his free and voluntary act and deed for the uses and purposes therein set forth.

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

\_\_\_\_\_  
Notary Public  
My commission No. is \_\_\_\_\_  
My commission expires \_\_\_\_\_

**CERTIFICATE OF SURVEY**

I, Bobby D. Long, of Tulsa Engineering & Planning Associates, Inc., a professional land surveyor registered in the State of Oklahoma, hereby certify that I have carefully and accurately surveyed, subdivided, and platted the tract of land described above, and that the accompanying plat designated herein as "TULSA PREMIUM OUTLETS", a subdivision in the City of Jenks, Tulsa County, State of Oklahoma, is a representation of the survey made on the ground using generally accepted land surveying practices and meets or exceeds the Oklahoma Minimum Standards for the Practice of Land Surveying as adopted.

Witness my hand and seal this \_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Bobby D. Long  
Registered Professional Land Surveyor  
Oklahoma No. 1886



State of Oklahoma )  
County of Tulsa ) s.s.

Before me the undersigned, a notary public in and for said county and state, on this \_\_\_ day of \_\_\_\_\_, 2019, personally appeared Bobby D. Long, to me known to be the identical person who subscribed his name as Registered Professional Land Surveyor to the foregoing Certificate of Survey and acknowledged to me that he executed the same as his free and voluntary act and deed for the uses and purposes therein set forth.

\_\_\_\_\_  
Jack Taber, Notary Public  
My commission No. is 12005192  
My commission expires May 31, 2020

**TULSA PREMIUM OUTLETS AMENDED**  
Date of Preparation: November 18, 2019 Sheet 2 of 2

**TULSA PREMIUM OUTLETS AMENDED**

**DEED OF DEDICATION  
AND  
RESTRICTIVE COVENANTS**

**PLANNED UNIT DEVELOPMENT No. 100**

KNOW ALL MEN BY THESE PRESENTS:

THAT TULSA PREMIUM OUTLETS, LLC, a Delaware limited liability company, c/o Simon Premium Outlets, hereinafter referred to as the "Owner", is the owner of the following described land in the City of Jenks, Tulsa County, State of Oklahoma, to wit:

A re-subdivision of Lot 1, Block 1, "Tulsa Premium Outlets", a subdivision in the City of Jenks, Tulsa County, State of Oklahoma, according to the recorded plat thereof, Plat No. 6866, being more particularly described as follows:

Commencing at the northeast corner of said Section 30;

Thence S 00°07'09" W, along the east line of said NE/4, a distance of 476.63 feet;

Thence N 89°52'51" W a distance of 44.75 feet to the "Point of Beginning", said point being on the southerly Right of Way for A101<sup>st</sup> Place South@ as recorded in the Tulsa County Clerk=s office in Book 5580, Page 1845;

Thence S 00°07'09" W along a line that is 44.75 feet measured perpendicularly from the east line of said NE/4, a distance of 291.20 feet to a non-tangent curve to the left;

Thence along said non-tangent curve to the left with a central angle of 13°05'40", a radius of 586.50 feet, an arc length of 134.04 feet, a chord bearing of S 06°39'59" W and a chord length of 133.75 feet to a point that is 60.00 feet measured perpendicularly from the east line of said NE/4;

Thence S 00°07'09" W and tangent to the previous curve and along a line that is 60.00 feet measured perpendicularly from the east line of said NE/4, a distance of 196.42 feet;

Thence S 89°52'51" E a distance of 12.00 feet to a point that is 48.00 feet measured perpendicularly from the east line of said NE/4;

Thence S 00°07'09" W along a line that is 48.00 feet measured perpendicularly form the east line of said NE/4, a distance of 355.84 feet to a tangent curve to the right;

Thence along said tangent curve to the right with a central angle of 91°03'54", a radius of 30.00 feet, an arc length of 47.68 feet, a chord bearing of S 45°39'06" W and a chord length of 42.82 feet;

Thence N 88°48'57" W and tangent to the previous curve, a distance of 1796.84 feet to a tangent curve to the right;

Thence along said tangent curve to the right with a central angle of 68°24'07", a radius of 383.33 feet, an arc length of 457.64 feet, a chord bearing of N 54°36'53" W and a chord length of 430.94 feet;

Thence N 20°24'49" W and tangent to the previous curve, a distance of 40.66 feet to a tangent curve to the left;

Thence along said tangent curve to the left with a central angle of 37°14'57", a radius of 334.67 feet, an arc length of 217.58 feet, a chord bearing of N 39°02'18" W and a chord length of 213.76 feet to a tangent reverse curve to the right;

Thence along said tangent reverse curve to the right with a central angle of 34°27'55", a radius of 254.33 feet, an arc length of 152.99 feet, a chord bearing of N 40°25'49" W and a chord length of 150.69 feet;

Thence S 88°48'52" E and not tangent to the previous curve, a distance of 6.16 feet to a non-tangent curve to the right;

Thence along said non-tangent curve to the right with a central angle of 80°05'40", a radius of 250.00 feet, an arc length of 349.48 feet, a chord bearing of N 46°24'31" E and a chord length of 321.71 feet;

Thence N 01°04'11" E and not tangent to the previous curve, a distance of 205.63 feet to the southerly Right of Way for the ACreek Turnpike@ as recorded in the Tulsa County Clerk=s office in Book 5295, Page 800 and Book 5376, Page 441;

Thence N 87°55'09" E, along said southerly Right of, a distance of 411.51 feet;

Thence N 78°53'59" E along said southerly Right of Way, a distance of 175.37 feet to the westerly Right of Way for A101<sup>st</sup> Place South@ as recorded in the Tulsa County Clerk=s office in Book 5580, Page 1845;

Thence S 00°12'35" W along said westerly Right of Way, a distance of 69.39 feet;

Thence S 89°47'25" E along the southerly Right of Way of said A101<sup>st</sup> Place South@, a distance of 1125.00 feet;

Thence S 89°47'27" E along said southerly Right of Way, a distance of 479.17 feet to the "Point of Beginning".

Said tract contains 2,224,901 square feet or 51.0767 acres.

The non-astronomic bearings for said tract are based on an assumed bearing of S 00°07'09" W along the east line of the NE/4 of Section 30, T-18-N, R-13-E of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the Official U.S. Government Survey thereof.

As Owner, I hereby certify that I have caused the above described land to be surveyed, divided, mapped, dedicated and access rights reserved as presented on the plat and has designated the subdivision as "TULSA PREMIUM OUTLETS AMENDED@, a subdivision in the City of Jenks, Tulsa County, Oklahoma.

## SECTION I. EASEMENTS AND UTILITIES

### 1.1 Utility Easements

The Owner does hereby dedicate for public use the utility easements as depicted on the accompanying plat as "Utility Easement", for the several purposes of constructing, maintaining, operating, repairing, replacing, and/or removing any and all public utilities, including storm sewers, sanitary sewers, telephone and communication lines, electric power lines and transformers, gas lines, water lines and cable television lines, together with all fittings, including the poles, wires, conduits, pipes, valves, meters and equipment for each of such facilities and any other appurtenances thereto, with the rights of ingress and egress to and upon the utility easements for the uses and purposes aforesaid, provided however, the Owner hereby reserves to itself, and to it=s assigns, the right to use or delegate to others the right to use the designated easements and rights of way to provide any of the services set forth herein, including, but not limited to the right to construct, maintain, operate, lay and re-lay water lines and sewer lines, together with the right of ingress and egress for such construction, maintenance, operation, laying and re-laying over, across and along all of the utility easements depicted on the plat for the purpose of including but not limited to furnishing water and/or sewer services to the area included in the plat. The Owner herein imposes a restrictive covenant, which covenant shall be binding on the lot owner and shall be enforceable by the City of Jenks, Oklahoma, and by the supplier of any affected utility service, that within the streets and utility easements depicted on the accompanying plat no building, structure or other above or below ground obstruction that interferes with the above set forth uses and purposes of a street or easement shall be placed, erected, installed or maintained, provided however, nothing herein shall be deemed to prohibit drives, parking areas, curbing, landscaping and customary screening fences and walls.

### 1.2 Underground Service

1.2.1 Overhead poles may be located along the east perimeter of the subdivision along South Lewis Avenue as necessary, if located in utility easements, for the purpose of the supply of underground service. Street light poles or standards may be served by underground cable, and except as provided in the immediately preceding sentence, all electric and communication supply lines shall be located underground, in the easement-ways reserved for general utility services and streets, shown on the attached plat. The Owner does hereby restrict the utility easements shown and designated on the accompanying plat to a single supplier of electrical service.

- 1.2.2 All supply lines in the subdivision including electric, telephone, cable television and gas lines shall be located underground in the easements reserved for general utility services and the private street shown on the plat of the subdivision. Service pedestals and transformers, as sources of supply at secondary voltages, may also be located in said easements.
- 1.2.3 Underground service cables and gas service lines to all structures which may be located on all lots in the subdivision may be run from the nearest gas main, service pedestal or transformer to the point of usage determined by the location and construction of such structure as may be located upon each said lot: provided that upon the installation of such a service cable or gas service line to a particular structure, the supplier of service shall thereafter be deemed to have a definitive, permanent, and effective right-of-way easement on said lot, covering a five-foot strip extending 2.5 feet on each side of such service cable or line, extending from the service pedestal, transformer or gas main to the service entrance on the structure or a point of metering.
- 1.2.4 The supplier of electric, telephone, cable television and gas services, through its authorized agents and employees, shall at all times have right of access to all such easements shown on the plat to the subdivision or provided for in this Deed of Dedication for the purpose of installing, maintaining, removing or replacing any portion of the underground electric, telephone, cable television or gas service facilities so installed by it. The supplier of electric, telephone, cable television also reserves the perpetual right, privilege and authority to cut down, trim, or treat any trees and undergrowth on said easement.
- 1.2.5 The owner of the lot in the subdivision shall be responsible for the protection of the underground electric facilities located on his property and shall prevent the alteration of grade or any construction activity which may interfere with said electric, telephone, cable television or gas facilities. The supplier of service will be responsible for ordinary maintenance of underground facilities, but the owner of the lot in the subdivision will pay for damage or relocation of such facilities caused or necessitated by acts of such owner or his agents or contractors. The foregoing covenants concerning underground facilities shall be enforceable by the supplier of electric, telephone, cable television or gas service.

### 1.3 Water and Sewer Service

- 1.3.1 The owner of the lot shall be responsible for the protection of the public water mains and of the public sanitary sewer facilities located on the lot and shall prevent the alteration of grade or any construction activity which may interfere with said public water main, public sanitary sewer main, or storm sewer. Within the utility easement areas depicted on the accompanying plat, the alteration of grade from the contours existing upon the completion of the installation of a public water main or sewer main, or any construction activity which would interfere with public water and sewer mains, shall be prohibited.

1.3.2 The City of Jenks, or its successors, will be responsible for ordinary maintenance of public water main, or public sanitary sewer main, but the owner of the lot will pay for damage or relocation of such facilities cause or necessitated by acts of the owner or his agents or contractors.

1.3.3 The City of Jenks or its successors through its proper agents and employees shall at all times have right of access with their equipment 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 water and sewer facilities.

1.3.4 The foregoing covenants concerning water and sewer facilities shall be enforceable by the City of Jenks or its successors, and the owner of the lot agrees to be bound hereby.

#### 1.4 Surface Drainage

The lot shall receive and drain, in an unobstructed manner, the storm and surface waters from adjacent lots and drainage areas of higher elevation and from public streets and easements. The lot owner shall not construct or permit to be constructed any fencing or other obstructions which would impair the drainage of storm and surface waters over and across his lot. The foregoing covenants set forth in this subsection shall be enforceable by the lot owner and by the City of Jenks, Oklahoma.

### SECTION II. PLANNED UNIT DEVELOPMENT RESTRICTIONS

WHEREAS, TULSA PREMIUM OUTLETS was submitted as part of a planned unit development (designated as PUD No. 100) as provided within Sections 900A thru 950A of the City of Jenks Zoning Code, as the same existed on September 28, 1972, which P.U.D. No. 100 was approved by the Jenks Planning Commission on December 10, 2015 and by the Jenks City Council on December 21, 2015; and

WHEREAS, the planned unit development provisions of the Jenks Zoning Code require the establishment of covenants of record, inuring to and enforceable by the City of Jenks, Oklahoma, sufficient to assure the implementation and continued compliance with the approved planned unit development; and

WHEREAS, the Owner desires to establish restrictions for the purpose of providing for an orderly development and to insure adequate restrictions for the mutual benefit of the Owner, its successors and assigns, and the City of Jenks, Oklahoma.

THEREFORE, the Owner does hereby impose the following restrictions and covenants which shall be covenants running with the land and shall be binding upon the Owner, its successors and assigns, and shall be enforceable as hereinafter set forth.

## 2.1 Permitted Uses

- a). Use Unit 1. Area Wide Uses By Right, limited to Storm Detention Facility, Open Space Landscape Buffering, Street Signage, Thoroughfare and Utility Lines
- b). Use Unit 10. Off-Street Parking Areas
- c). Use Unit 11. Offices, Studios
- d). Use Unit 12. Eating places other than Drive-Ins
- e). Use Unit 13. Convenience Goods and Services
- f). Use Unit 14. Shopping Goods and Services
- g). Use Unit 19. Hotel, Motel and Recreation Facilities
- h). Use Unit 21. Business Signs, Outdoor Advertising and Billboards, limited to Business Signs advertising the project and the business and activities located thereon
- I). And uses customarily accessory to permitted uses\*

\* Outdoor Special Events - Outdoor special events may be permitted. Outdoor special events may include, but are not limited to, outdoor music, sale of alcoholic beverages, erection of tents and other activities customarily associated with festivals, sidewalk sales, charity run/walks and other similar outdoor events.

## 2.2 Development Standards for Lot 1, Block 1

Land Area:	51.0767 acres, (2,224,901 S.F.)
Maximum Building Floor Area:	
Use units 11, 12, 13, 14 and 19 excepting hotel/motel use	600,000 SF
Use unit 19 limited to hotel/motel uses Not to exceed 10 site acres	300,000 SF
Maximum Building Coverage	30% of net lot area
Minimum Building Set Backs:	
From the north line of West 101 <sup>st</sup> Place Right-of-Way	100 feet
From the east property lines	20 feet
From the south property lines	50 feet
From the west property lines	20 feet
From interior or lot lines*	10 feet
* if subdivided	
Maximum Building Height:	90 feet**
** Architectural features permitted to exceed maximum height with detailed site plan approval.	

Off-Street Parking:

Per City of Jenks Zoning Code for applicable Use Unit.

Landscaping:

Minimum Landscape Area 10% of net lot area

2.3 Detailed Site Plan Review

No building permit shall be issued until a Planned Unit Development detailed site plan of the proposed improvements has been submitted to the City of Jenks and approved as being in compliance with the development concept and the development standards.

2.4 Platting

No building permit shall be issued until the development phase for which a permit is sought has been included in a subdivision plat submitted to and approved by the City of Jenks Planning Commission, the City Council, and duly filed of record. The required subdivision plat shall include covenants of record implementing the development standards of the approved Planned Unit Development conceptual site plan, and the City of Jenks shall be a beneficiary thereof.

SECTION III.  
ENFORCEMENT, DURATION, AMENDMENT AND SEVERABILITY

3.1 Enforcement and Duration

The restrictions herein set forth are covenants to run with the land and shall be binding upon the undersigned Owner, its grantees, successors and assigns and all parties claiming under it for a period of twenty-five (25) years from the date of recording hereof, after which time said covenants shall be automatically extended for successive periods of ten (10) years unless amended or terminated as hereafter provided. If the undersigned Owner, or its successors or assigns shall violate any of the covenants hereon, it shall be lawful for the City of Jenks or any persons owning a lot situated within the subdivision to maintain an action at law or equity against the person or persons violating or attempting to violate any such covenant, and to prevent him/her or them from so doing or to compel compliance with the covenants or to recover damages for such violations.

4.2 Amendment

The provisions contained within Section I. Easements and Utilities may be amended or terminated at any time by a written instrument signed and acknowledged by the owner of the lot, and with the approval of the City of Jenks, Oklahoma. The covenants contained within

Section II. Planned Unit Development Restrictions may be amended or terminated at any time by a written instrument from the owner of the lot and approved by the City of Jenks. The provisions of any such instrument amending or terminating covenants shall be effective from and after the date it is properly recorded.

#### 4.3 Severability

These restrictive covenants, together with the other documents incorporated by reference, shall construed as an entity and the pertinent sections of all instruments as a whole. The invalidity of any phrase, clause or provisions herein contained shall not serve to render the balance or this instrument void, or unenforceable, and the same shall be thereafter construed as if such phrase, clause or provision were not herein contained, or to otherwise give maximum effect to the intent of the undersigned. The failure of the grantor, or any successor in title, to enforce any given restriction or covenant, or conditions at any time, or from time to time, shall not be deemed to be a waiver or relinquishment of any right or remedy nor a modification of these restrictions and protective covenants.

#### 4.4 Definitions

In the event of ambiguity of any word or term set forth herein, the meaning thereof shall be deemed to be defined as set forth within the City of Jenks Zoning Code as the same existed on September 28, 1972 or as subsequently amended.



Witness my hand and seal this \_\_\_\_ day of \_\_\_\_\_, 2019.

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Bobby D. Long  
Registered Professional Land Surveyor  
Oklahoma No. 1886

State of Oklahoma    )  
                                  ) s.s.  
County of Tulsa     )

Before me the undersigned, a notary public in and for said county and state, on this \_\_\_\_ day of \_\_\_\_\_, 2019, personally appeared Bobby D. Long, to me known to be the identical person who subscribed his name as Registered Professional Land Surveyor to the foregoing Certificate of Survey and acknowledged to me that he executed the same as his free and voluntary act and deed for the uses and purposes therein set forth.

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Jack Taber, Notary Public  
My commission No. is 12005192  
My commission expires May 31, 2020