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177457

**COMPARED**

DEDICATION OF COLLEGE HEIGHTS ADDITION

KNOW ALL MEN BY THESE PRESENTS: That the undersigned, VERD BRUNSTETER and MARY B. BRUNSTETER, his wife, the owners of the hereinafter described lands, hereinafter called owners, have caused to be surveyed and platted as an addition to the City of Bartlesville, Washington County, Oklahoma, the lands hereinafter described under the name of COLLEGE HEIGHTS ADDITION and have caused the same to be subdivided into lots, streets, easements and public ways and do hereby dedicate the streets, easements and public ways, as shown in the accompanying plat to the public use.

**Provided as a courtesy by Southern Abstract Company**

DESCRIPTION: The following is a particular description of the lands to be embraced, and by virtue hereof, embraced within the aforesaid plat or subdivision of COLLEGE HEIGHTS ADDITION situated in Washington County, State of Oklahoma, viz:

Beginning at a stake in the NORTHEAST Corner of the SOUTHWEST QUARTER of the SOUTHEAST QUARTER OF SECTION THIRTEEN (13), TOWNSHIP TWENTY-SIX (26) NORTH, RANGE TWELVE (12) EAST, thence SOUTH Along the EAST Line of said FORTY (40) Acre tract a distance of EIGHT HUNDRED (800) FEET to a stake, thence WEST parallel to the NORTH Line of said FORTY (40) acre tract a distance of FOUR HUNDRED (400) feet to a stake, thence NORTH parallel to the EAST Line of said Forty (40) acre tract EIGHT HUNDRED (800) FEET to a point on the NORTH Line of said FORTY (40) acre tract, thence EAST along the said NORTH Line FOUR HUNDRED (400) FEET to the place of beginning.

RESERVATIONS, RESTRICTIONS AND COVENANTS: The owners declare that the land shown on said plat above referred to, and hereinabove specifically described, is held and shall be conveyed subject to the reservations, restrictions and covenants set forth as follows, to-wit:

A "Corner Lot" is one that abuts on more than one street or avenue.

Any lot, except a corner lot, shall be deemed to front on the street or avenue upon which it abuts. A corner lot shall be deemed to front on the street or avenue on which it has its smaller dimension. -1-

"Building limit line", as herein used, shall be taken to mean the line so marked on the plat hereof.

An "Outbuilding" as herein used shall be construed to mean a covered structure not directly attached to the residence which it serves.

The lots shall be used for private residence purposes only, and no building of any kind shall be erected or maintained thereon except single family private dwellinghouses and such outbuildings as are customarily appurtenant thereto, nor more than one such dwelling on each lot, however, one such dwelling may occupy more than one or one or more and an adjoining fractional part of a lot or lots.

No such dwelling with its outbuildings, walks and driveways, shall cost, exclusive of landscaping and plantings, less than the sum of \$10,000.00 or shall contain at least 1100 square feet of usable floor space, exclusive of outbuildings, porches or attached garage; shall be construed of masonry, stucco or standard frame construction with wood or with wood or composition shingle siding. All construction shall be in accordance with then effective regulatory ordinances of the City of Bartlesville. No building shall be moved from any location out of the addition to any location within this addition.

Each said dwelling shall present a good frontage on the street or streets on which its lot or lots face; no part thereof shall extend closer to the front line of the lot than the building limit line shown on said plat, or, if no such building limit line be shown on said plat, then not closer than may be provided by any then existing ordinance of the City of Bartlesville; shall not extend closer than five feet from the back lot line, and shall have not less than five feet of free and unoccupied space along the entire sides of the plot upon which it is constructed. All porches, balconies, porte-cocheres or other projections shall be considered a part of the dwelling and shall be constructed within the limits above specified.

Each outbuilding shall correspond in style and architecture to the dwelling to which it is appurtenant and shall be of the same exterior material.

None of the lots shown on said plat shall be conveyed to, leased or rented by or given to, nor used, owned or occupied by a person not of the white or Indian races, but this prohibition, however, shall not preclude the occupancy of a part thereof by an employee or employees of the occupant.

The Owner, his, her or their successors in interest reserve the -2- right to locate, construct, erect and maintain, or cause to be located, constructed, erected and maintained, in and

BOOK 184

on the areas indicated as "Easements" on the plat, water pipe lines, gas pipe lines, sewers, conduits, poles and wires and any other facility for public utility or quasi-public utility function or functions, together with the right of ingress, egress and regress at all times to repair, maintain, replace or remove the same or any part thereof.

No sign board larger than five square feet in size shall be erected or displayed on any plot in said addition, nor any fence or wall erected closer to the abutting street than the building limit line, without the written consent of two owners whose plots (one or more lots) are adjacent to the plot on which said wall or fence is to be so constructed.

All the restrictions herein set forth shall continue in full force and effect and be binding upon the owners and their successors and grantees for a period of twenty (20) years from the 1st day of JUNE, A. D. 1946, and may be continued thereafter by instrument in writing executed and acknowledged by the then owners of sixty per centum, or more, of the area embraced in said addition.

The restrictions herein set forth shall run with the land and shall bind owners, their respective heirs, successors and legal representatives and persons claiming by, through or under them, or any of them; Subsequent owners shall be taken to hold, agree and covenant with the then owner or owners of said lots, and their heirs and each of them, to conform to and observe said restrictions and each of them as to the use of said lots and the construction of structures thereon, and the then owner, or owners, of any of the above described land, jointly or severally, shall have the right to sue for and obtain an equitable injunction, prohibitive or mandatory, to prevent the breach of or to enforce the observance of the said restrictions, or he, or they, may have recourse to legal action for damages, or both such equitable and legal remedies. The then failure by any owner of lands in this addition to enforce any of the restrictions herein set forth shall in no event be deemed a waiver of the right to do so thereafter.

IN WITNESS WHEREOF we sign on this the 31st day of MAY, 1946.

VERD BRUNSTETER  
 VERD BRUNSTETER  
 MARY B. BRUNSTETER  
 MARY B. BRUNSTETER  
 Owners

ACKNOWLEDGMENT

STATE OF OKLAHOMA,  
 SS  
 COUNTY OF WASHINGTON

Before me, a Notary Public in and for said County and State, on this 31st day of MAY, 1946 personally appeared VERD BRUNSTETER and MARY B. BRUNSTETER, to me known to be the identical persons who executed the within and foregoing instrument, and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

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

My commission expires SEPTEMBER 16, 1948

NETTA H. BURCH,  
 NETTA H. BURCH, Notary Public

(Seal of NETTA H. BURCH, Notary Public Washington County, Okla.)

Filed for Record JUN 1 1946 at 11:20 o'clock A. M.

CLYDE V. REASOR, County Clerk

By M. JESTER, Deputy

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181140

COMPARED

AMENDMENT TO DEDICATION OF COLLEGE  
HEIGHTS ADDITION

KNOW ALL MEN BY THESE PRESENTS, That, Whereas, the undersigned VERD BRUNSTETER and MARY B. BRUNSTETER, his wife, the then owners of the following described real property situated in Washington County, State of Oklahoma, to-wit:

All of COLLEGE HEIGHTS ADDITION to the  
City of Bartlesville, Oklahoma.

## BOOK 190

did on the 31st day of MAY, 1946, make, and on JUNE 1, 1946, file a plat and dedication of said addition, which dedication provided, among other things, for certain restrictions as to the use of the land located in said addition, which dedication is recorded in Book 184 at Page 113 of the records in the office of the County Clerk for Washington County, State of Oklahoma, and

WHEREAS, the undersigned still own all of the lots located in said COLLEGE HEIGHTS ADDITION, none of said lots having been sold, and

WHEREAS, the undersigned now desire to make certain amendments in said dedication and do hereby amend and change the same in the following manner;

1. The paragraph of said dedication which reads as follows: "The lots shall be used for private residence purposes only, and no building of any kind shall be erected or maintained thereon except single family private dwelling houses and such outbuildings as are customarily appurtenant thereto, nor more than one such dwelling on each lot, however, one such dwelling may occupy more than one or one or more and an adjoining fractional part of a lot or lots. No such dwelling with its outbuildings, walks and driveways, shall cost, exclusive of landscaping and plantings, less than the sum of \$10,000.00 or shall contain at least 1100 square feet of usable floor space, exclusive of outbuildings, porches or attached garage; shall be constructed of masonry, stucco or standard frame construction with wood or with wood or composition shingle siding. All construction shall be in accordance with then effective regulatory ordinances of the City of Bartlesville. No building shall be moved from any location out of the addition to any location within this addition." is hereby amended to read as follows: "The lots shall be used for private residence purposes only, and no building of any kind shall be erected or maintained thereon except single family private dwelling houses and such outbuildings as are customarily appurtenant thereto, nor more than one such dwelling on each lot, however, one such dwelling may occupy more than one or one or more and an adjoining fractional part of a lot or lots. Each such dwelling house shall contain at least 900 square feet of usable floor area, exclusive of outbuildings, porches or attached garage. No structures shall be erected on any lot or lots except structures of standard frame construction built of standard milled lumber or built of superior materials such as stucco, brick, rock, tile or concrete of ~~standard~~ <sup>standard</sup> construction for such materials. All construction shall be in accordance with then effective regulatory ordinances of the City of Bartlesville. No building shall be moved from any location out of the addition to any location within this addition."

2. And the paragraph of said dedication which reads as follows: "All the restrictions herein set forth shall continue in full force and effect and be binding upon the owners and their successors and grantees for a period of twenty (20) years from the 1st day of JUNE, A. D. 1946, and may be continued thereafter by instrument in writing executed and acknowledged by the then owners of sixty per centum, or more, of the area embraced in said addition." is hereby amended to read as follows: "All the restrictions herein set forth shall continue in full force and effect and be binding upon the owners and their successors and grantees for a period of twenty-five (25) years from the 1st day of JUNE, A. D. 1946, and may be continued thereafter by instrument in writing executed and acknowledged by the then owners of sixty per centum, or more, of the area embraced in said addition."

WITNESS our hands this 31st day of JANUARY 1947.

VERD BRUNSTETER  
VERD BRUNSTETER

MARY B. BRUNSTETER  
MARY B. BRUNSTETER

STATE OF OKLAHOMA

SS

WASHINGTON COUNTY

Before me, the undersigned, a Notary Public in and for said County and State on this 31

day of JANUARY, 1947, personally appeared VERD BRUNSTETER and MARY B. BRUNSTETER, his wife, to me known to be the identical persons who executed the within and foregoing instrument and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

(SEAL)

My commission expires AUG. 17, 1949.

E. S. DUNAWAY, Notary Public.

(Seal of E. S. DUNAWAY, Notary Public in and for State of Oklahoma, Bartlesville, Okla.)

Filed for Record FEB 17 1947 at 3:30 o'clock P. M.

CLYDE V. REASOR, County Clerk.

By R. RAHM, Deputy.

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