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Melissa Graham - Custer County Clerk
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WEATHERFORD BUSINESS & TECHNOLOGY PARK-NORTH

PARK DEVELOPMENT RULES, REGULATIONS, & RESTRICTIVE COVENANTS WEATHERFORD, CUSTER COUNTY, OKLAHOMA

SECTION 1. PROPERTY AND PERSONS EFFECTED

A. Location. The real property which is the subject of these Rules, Regulations and Restrictions (the "Rules"), is located in Weatherford, Custer County, State of Oklahoma, and known as the Weatherford Business & Technology Park (the "Park"), is more particularly described as follows:

Land tracts located in the SE/4 of Section 35, Township 13 North, Range 14 W.I.M., Custer County, Oklahoma, more specifically described in Exhibit "A" attached hereto and made a part of this document.

- B. Ownership and Intent. The Park is owned by the Weatherford Industrial Trust. The Rules that are set forth herein for the Park are intended for the Park to be professionally designed, fully developed, and created for business and industry. Its purpose is to provide industrial and development areas that are regulated with uniform standards for the benefit of all parties locating in the Park.
- C. Management and Review Board. The Park shall be managed by a Review Board which shall consist of the currently sitting members of the Weatherford Industrial Trust (the "Trust"), and a representative appointed by the City of Weatherford (the "City"). This Review Board shall have responsibility for all site and plan improvements, enforcement of Rules, and any other duty required to maintain the Park in the manner described within the Rules.

D. Review Board Process

- 1. Meeting-The Review Board will meet to review and will approve all sales and site plans. All plans should be sent 10 days before the review board has a meeting.
- 2. Materials for Site Plan Approval-Before commencing the construction or alteration of any building, enclosure, fence, loading dock, parking facility, storage yard or any other structure or permanent improvement on any site or lot within the Park, the property owner shall first submit site plans and building plans and specifications therefore (hereinafter collectively referring to as the "Plans") and the Review Board's written approval shall be required before such construction or alteration commences. The Review Board shall have the right to approve the location of all utility poles, location of interior streets, the approval of all facilities for the handling of surface waters, other storm drainage and clean industrial effluents.
- Approval Criteria- The Review Board shall have the right to approve or disapprove
 plans. Plans and construction will follow State Adopted Building Codes and City
 Codes. The approval of City Inspector and Fire Marshal is required before
 construction begins.
- 4. Time for Review- Upon submission of all details the review board will provide a written statement to owner.



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5. Commencement of Work- Beginning with the approval of the Review Board, the Owner or other parties submitting plans shall, as soon as practical, satisfy all conditions of the Review Board and proceed with all approved work described in the plans and such other work as may be necessary for improvement of the Lot in accordance with this Declaration. Commencement of Construction must begin within one hundred eighty (180) days from the date of such approval or, the approval of the Committee shall lapse. The Committee may, at its discretion and upon the request of the Owner, extend the one hundred eighty (180) day period for Commencement of Construction in the event that good cause is shown for such extension.

SECTION 2. PRIMARY INTENDED USE

The purpose of these Rules is:

- A. To ensure proper development and use of the Park; to protect the owner of each building site against improper development and use of surrounding building sites, to preserve, enhance and protect the value, desirability, and attractiveness of the Park, and in general to provide adequately for a high quality of development within the Park.
- B. To provide an environment conducive to the development and protection of modern administrative facilities, research institutions, specialized manufacturing plants, warehousing and similar businesses in a cohesive atmosphere.
- C. In addition to the above-referenced uses, the City shall have the right to construct and maintain such public utility systems and improvements as are necessary for the Park, including without limitation streets, water tanks and storm water detention ponds.

SECTION 3. ESTABLISHMENT OF TIERED USES

- A. **Tiers.** The Property is hereby designated as one of two different tiers of usage which shall be designated as Tier 1 and Tier 2. The Review Board shall have authority to designate within the Park those sections which are designated solely for Tier 1 use and the other portions of the Park which are designated solely for Tier 2 use. All provisions of these Rules apply to both Tier 1 and Tier 2 properties unless otherwise specifically stated. Each tier usage is described as follows:
 - 1. **Tier 1 Uses, Limitation and Permitted Uses.** All uses (activities) in the Park shall be conducted entirely within an enclosed building except for the following: off street parking, trash collection, loading and unloading areas, signs, driveways, walkways, landscaping, and approved outdoor storage areas. It is anticipated that Tier 1 uses shall be for industrial, manufacturing, warehousing, distribution or high technology use, all of which are permitted under the light industrial zoning district as defined by

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which are permitted under the light industrial zoning district as defined by the City as of the date these Rules are recorded, and which are not otherwise specifically excluded within these Rules.

2. **Tier 2 Uses, Limitation and Permitted Uses.** Tier 2 usage shall include all of those uses described in Tier 1, but shall also include business that require and open yard for the storage of vehicles, equipment and material incidental thereto. Uses within this description shall include oilfield related servicing companies, etc.

SECTION 4. Restrictions/Prohibited Activities

- A. No portion of the Property for any purpose shall be occupied or used for activities which produce smoke, dust, noise, odor, or vibration not in compliance with minimum performance standards as defined in Section 6 herein. In addition, the following uses are specifically prohibited:
 - 1. Residential (other than as specifically permitted in Section 5, Paragraph K), Motels, or Trailer Courts.
 - 2. Commercial Incineration, Rubbish, Garbage, Trash Dumps or Refuse Centers
 - 3. Junk yards. Salvage Yards-Recycle facilities
 - 4. Retail sales; except for the sales of food, beverage, and other such convenience items to occupant's employees so long as these items are not offered for sale to the general public. The sale of any products or merchandise to the public is prohibited.
 - 5. Restaurants, gas stations-gasoline, oil or other fuel production, distribution operations, or membership clubs.
 - 6. Manufacturing or processing of meat food products, including slaughter operations
 - 7. Agricultural uses, except field crops
 - 8. Community facilities, except fire stations, police substations, or other similar municipal uses such as: churches, convention centers, recreation centers, sports venues, fields, courts, schools and training facilities
 - 9. Outside storage; unless permitted as a Tier 2 use or otherwise approved by the Review Board
 - 10. Disposal Storage, handling, treatment or disposal of hazardous, toxic or radioactive wastes
 - 11. Livestock, puppy mills, pet grooming or care, commercial or private kennel operations.
 - 12. Feed yards
 - 13. Rodeo Grounds, Arenas, Drag strips, motorcycle or ATV tracks and trails; obstacle courses, gambling facilities, and shooting ranges.
 - 14. Clinics

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- 15. Grow Yards, Green Houses, Grow Facilities, Processing, Harvesting or Refining.
- 16. Mini-storage/warehouses or similar-not including distribution centers
- 17. Mining
- 18. Crematorium or Cemeteries
- 19. Insecticide or pesticide production, distribution or storage except for rodent or insect control on site.
- 20. Asphalt plants, Cement, Lime or gypsum or related Operations
- 21. Glue or Acid Manufacture or Distribution Operations
- 22. Cryptocurrency

SECTION 5. REQUIRED CONDITIONS

- A. **Setbacks**. No building, structure, parking or loading areas, except screening walls, landscaping, drives or monument signs shall be constructed or maintained in the following setbacks:
 - 1. Front and exterior side yard setbacks shall not be less than thirty (30) feet as measured from the back side of the street curb.
 - 2. Interior side and rear yard setbacks shall not be less than twenty-five (25) feet.
 - There is a 20 foot recreation easement for use of the general public that runs parallel to the East side of Airport Road and property ownership shall begin at the East edge of this easement. Property that abuts this easement shall be landscaped by the property owner and is subject to a 30 foot set back from the easement.
- B. Raw Materials and Equipment. All raw materials and equipment shall be stored in completely enclosed buildings or shall otherwise be screened by such walls, fences or landscaping so as to attractively conceal areas visible from outside of the lot boundaries. This requirement shall apply to properties located in both Tier 1 and Tier 2.
- C. **Maintenance Standards.** All buildings and surrounding portions of the Property shall be maintained in a manner wherein the grass shall be kept cut, weeds shall be kept cut, trash and other refuse must be contained within closed containers or canisters.
- D. Signs. Only one sign per facility shall be permitted and that sign shall be a permanent ground mounted structure in the front of the facility no less than ten (10) feet from the facility. The ground sign not be more than one hundred (100) square feet, and the maximum height of the sign shall be no more than ten (10) feet. The ground sign may be illuminated with industrial type spot lighting, but it may not be lighted by means of lashing or intermittent illumination. Any spot lighting must be aimed at the sign only and not directed at any surrounding area.

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Additional signage may be permitted with the written permission of the Review Board.

E. Landscaping. A landscaped area not less than thirty (30) feet wide shall be required along all street frontages. This area shall be measured from the back side of the street curb and shall be parallel to the street lines. Landscaped area not less than ten percent (10%) of the gross parking area shall be provided in and adjacent to the parking lot and shall include not less than one (1) tree for every twenty (20) parking spaces or fraction thereof. All dumpster areas shall be appropriately enclosed and landscaped, by the use of brick, rock or stone veneer, decorative concrete masonry units, concrete or masonry walls to include EIFS, wood or metal in such a way that is architecturally consistent with the main building structure. Care should be taken by the property owners that landscaping does not in any way impair the line of sight for traffic at any intersection.

Each owner shall landscape that portion of its property between building or buildings and the curb line abutting streets and shall remove undergrowth, weeds, debris, and any other unsightly materials from the remainder of the property at such owner's expense. Each owner in the Park shall be required to maintain landscaping and property in a safe, clean and attractive condition. Should the Review Board find any owner negligent in this regard, it may give notice of the fact to the offending party. Within ten (10) days of the receipt thereof, such owner shall initiate corrective measures. Effective disregard of noticed shall give the Review Board right to enter the offending property and undertake necessary maintenance at the expense of the owner thereof. Failure to reimburse the Review Board for these services within thirty (30) days after billing shall create a materialman's lien against the property in question.

No fence, masonry wall, hedge or mass planting shall be permitted to extend beyond the building lines established herein.

F. **Parking.** It shall be the responsibility of each owner to provide sufficient parking for employees, customers and visitors. Public streets and interior access to roads shall not be used for parking.

No more than fifty (50%) percent of any front yard may be used for parking purposes.

Off-street parking areas shall be located at least thirty (30) feet from a public street or public easement adjoining said streets as measured from the back side of the street curb and at least ten (10) feet from any building. Off-street parking shall also be located at least fifteen (15) feet from any interior property lines.

G. **Paving.** All driveways and parking areas shall be constructed with hard surfaced pavement with curb and gutter and shall include adjacent drainage facilities to

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dispose of all storm water. The decision of ingress and egress from Airport Road to property in the Park shall be reserved for specific approval by the Review Board and the City.

The percentage area of impervious surface material area shall not exceed seventy-five (75%) percent of the lot area excluding buildings.

It shall be the owner's responsibility to extend driveways to the existing or presently projected streets at no expense to the City or the Trust, even though part of this construction is within the street right-of-way.

H. **Loading and Unloading.** For each facility at least one loading and unloading space shall be provided. Loading and unloading space visible from the street shall be properly maintained to ensure a neat and orderly appearance.

No loading or unloading spaced will be permitted in front yard areas.

I. Construction and Appearance. It is the purpose of the regulations and restrictions to promote an atmosphere where buildings are pleasing in appearance and harmonize with their surroundings. As a minimum requirement all building facades must be designed with architecturally finished materials. "Architecturally finished materials" are hereby described as: brick, rock or stone veneer, decorative concrete masonry units, or concrete or masonry walls to include EIFS (exterior insulation finish systems, Dryvit, etc.). All plans shall be approved by the Review Board prior to construction.

Buildings on corner lots shall have or be considered to have two (2) front yards (i.e. one facing each street).

- J. **Subdividing.** Any further subdividing of any portion of the Property in the Park shall be prohibited without prior written approval of the Review Board.
- K. **Temporary Structures.** Temporary structures are prohibited except when used to perform a function which will be performed by a permanent structure which is in the planning or construction stage. The use of such temporary structure is restricted to one year. All proposed temporary structures shall be approved by the Review Board. A building permit will be required.

Excluded are construction trailer offices or related office structures to a particular project, except construction job site materials trailers.

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SECTION 6. <u>PERFORMANCE STANDARDS</u>

A. All of the following minimum standards must be complied with and are applicable to both Tier 1 and Tier 2 properties:

- 1. **Standard Requirements**. All construction must be done in compliance with the building and fire safety codes of the City. All buildings shall conform to standards specified by the latest codes of the National Electric Code, I.C.C. Building Code, I.C.C. Plumbing Code, I.C.C., Mechanical Code, I.C.C. Fire prevention Code and the N.F.P.A. Life Safety Code.
- 2. **Fire and Explosion Hazards:** All activities shall be carried on only in structures which conform to the standards of the National Board of Fire Underwriters concerning the plant operation and storage of explosive raw materials, fuels, liquids, and finished products.
- 3. **Radioactivity:** All activities located within the Park shall comply with TITLE 10, Chapter 1, Part 20, Code of Federal Regulations, "Standards for Protection Against Radiation".
- 4. **Smoke, Fumes, Gases, Dust, and Odors:** There shall be no excessive emission of any smoke, gas, fumes, dust or odors. These and any other atmospheric pollutant which is detectable to the human senses at the boundaries of the lot occupied by such use is prohibited. In any case, the limit of such emission of air pollutants shall be subject to the approval or acceptance of the Review Board.
- 5. **Vibration:** There shall be no vibration, which is discernible to the human sense of feeling beyond the immediate site on which such use is conducted.
- 6. **Noise.** Noise which is determined by neighbors to be objectionable because of volume, frequency, or beast shall be muffled or otherwise controlled, except fire sirens and related apparatus used solely for public purposes shall be exempt from this requirement.
- 7. **Liquid or Solid Wastes.** The discharge of untreated industrial wastes into a stream or open or closed drain is prohibited. The Department of Environment Quality shall approve all methods of sewage and industrial waste treatment and disposal. More specifically, all sanitary and process liquid waste shall be discharged into the sewer in strict accordance with the regulations of the Sewer Utility of the City.

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8. Site Drainage. No driveways, walks, parking areas, etc. may be constructed across any drainage ditch, channel, or swale without providing adequate culverts or waterway openings for natural drainage. Such culverts, etc. shall provide minimum waterway opening and shall be at the proper gradient as established in the Property Development Plans as furnished by the City. No rain and storm water run-off or such drainage as roof water, street pavement and surface water caused by natural precipitation or ground water from footing or foundation drains or other sub-surface water drainage shall at any time be discharged into or permitted to flow into the sanitary sewer system, which shall be a separate sewer system. No sanitary sewage shall at any time be discharged or permitted to flow into the above mentioned storm water, surface and subsurface sewer system.

SECTION 7. GENERAL PROVISIONS

- A. **Term.** These Rules are to be construed as covenants that run with the land and they shall be binding on owners on any and all of said lots in the Park, and on all persons claiming under them for a period of twenty-five (25) years from the date these Rules are recorded, after which time these Rules shall be automatically extended for successive periods of ten (10) years each. The Rules may be amended by an instrument approved by the Review Board and ratified by an instrument signed by the current owners representing seventy-five (75%) percent of the Park Tenants.
 - B. Enforcement and Invalidation. The Review Board may enforce these Rules by injunctive process or other available legal remedies. Property owners aggrieved by violations of the Rules shall bring them to the attention of the Review Board for action and enforcement. The Review Board shall have the option of assigning enforcement responsibilities or working in conjunction with the City to enforce these Rules or any other restrictions or regulations imposed by the City or other governing bodies. In no way shall the invalidation of any provision of these Rules affect any of the other provisions which shall remain in full force and effect.
 - C. Constructive Notice and Acceptance. Every person or business entity who now or hereafter buys, acquires, leases or subleases any right of any interest in any portion of the Property is and shall be conclusively deemed to have consented and agreed to every term, covenant, condition and restriction contained herein, whether or not any reference to these Rules are contained in the instrument by which such person acquired in interest in the Property.

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These Rules are adopted and approved by unanimous vote in the City of Weatherford, Custer County, Oklahoma, and this 12+1 day of December . 2022.

Board of Directors of the Weatherford Industrial Trust:

By: A Thessey

By: //084/ Clg

ACKNOWLEDGMENT

STATE OF OKLAHOMA

COUNTY OF CUSTER

I-2022-006351 Book 2006 Pg 766 12/29/2022 1:00pm Pg 0757-0770 Fee: \$44.00 Doc: \$0.00 Melissa Graham - Custer County Clerk State of OK

On this 12th day of December, 2022, before me, the undersigned, a Notary Public in and for the county and state aforesaid, personally appeared Fred Schamburg, Lisa Thiessen and Wes Magill, as the Board of Directors of the Weatherford Industrial Trust, to me known to be the identical persons who executed the within and foregoing instrument for the uses and the purposes set forth, and acknowledged to me that they executed the same as theri free and voluntary act and deed.

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

Notary Public #

My commission expires:

D. D. DUNCAN

Notary Public - State of Oklahoma
Commission Number 12007462
My Commission Expires Aug 8, 2024

I-2022-006351 Book 2006 Pg 767 12/29/2022 1:00pm Pg 0757-0770 Fee: \$44.00 Doc: \$0.00 Melissa Graham - Custer County Clerk State of OK

EXHIBIT "A"

to the

WEATHERFORD BUSINESS & TECHNOLOGY PARK - NORTH
PARK DEVELOPMENT RULES, REGULATIONS,
& RESTRICTIVE COVENANTS
WEATHERFORD, CUSTER COUNTY, OKLAHOMA

Tract 1:

The Southeast Quarter of Section 35, Township 13 North, Range 14 W.I.M., Custer County, Oklahoma, described by metes and bounds as follows: Beginning at the SW/Corner of said SE/4, thence N 0°06′56″ E and along the West line of said SE/4 1350.00 feet, thence N 89°17′26″ E 962.30 feet, thence S 89°17′04″ E 320.75 feet, thence N 88°10′49″ E 411.98 feet, thence N 89°17′26″ E 941.86 feet to a point on the East line of said SE/4, thence S 0°13′00″ W and along said East line 59.10 feet, thence S 89°55′22″ W 73.55 feet, thence Southwesterly on a curve to the right with a radius 1269.30 feet a distance of 1958.08 feet (with a chord bearing of S 44°59′38″ W 1769.62 feet), thence S 0°13′00″ W 70.23 feet to a point on the South line of said SE/4, thence S 89°55′22″ W and along said South line 1314.02 feet to the point of beginning, containing 70.406 computed acres, more or less.

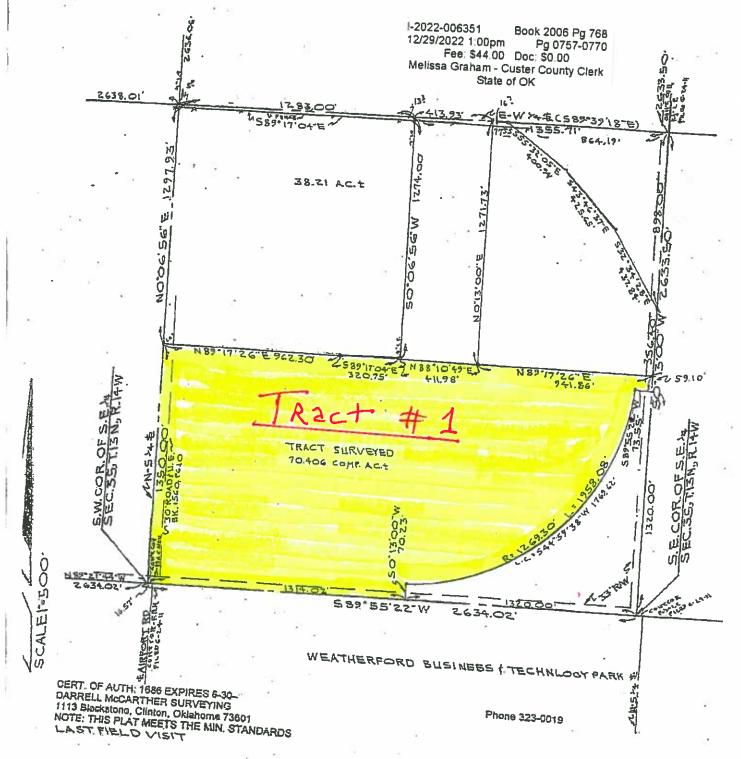
Less and except Tract 2:

Surface rights only in and to: a tract of land lying in the Southeast Quarter (SE/4) of Section 35, Township 13 North, Range 14 W.I.M., Custer County, Oklahoma, more particularly described by metes and bounds as follows: Commencing at the Southeast Corner of said SE/4; thence N 0°13'00" E and along the East line of said SE/4 700.00 feet; thence S 89°55'22" W 243.05 feet to the point of beginning; thence S 89°55'22" W 337.24 feet; thence S 0°13'00" E 377.09 feet; thence Northeasterly on a curve to the left, with a radius of 1269.30 feet a distance of 508.68 feet (with a chord bearing of N 41°39'11" E 505.28 feet) to the point of beginning, containing 1.262 acres, more or less.

Plus additional Tract 3:

Surface rights only in and to: a tract of land lying in the Southeast Quarter (SE/4) of Section 35, Township 13 North, Range 14 W.I.M., Custer County, Oklahoma, more particularly described by metes and bounds as follows: Beginning at a point 700.00 feet North of the Southeast Corner of said SE/4, said point being on the East line of said SE/4; thence N 0°13'00" E and along said East line 620.00 feet; thence S 89°55'22" W 73.55 feet; thence Southwesterly on a curve to the right, with a radius of 1269.30 feet a distance of 650.69 feet (with a chord bearing of S 15°29'11" W 643.59 feet); thence N 89°55'22" E 243.05 feet to the point of beginning, containing 1.843 acres, more or less.

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CERTIFICATE OF SURVEY

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DARKELL MCCARLEUR CERTIFICATE OF SURVEY

I, Daniell McCarther, a Registered Land Surveyor of the State of Oklahoma, hereby certify that I have made a careful survey of a tract of land described hereon below and that all the information shown on the plan hereon below is true and correct and is strictly according to the field notes of said survey.

Signed and scaled this _	1.1	7d≅y of _	<u> </u>	
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part day	10-		Registered Professional Land Survi	syor#1130
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My Commission expires:	8-12-24	_ (u	1 11 Cur	
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LEGAL DESCRIPTION OF LAND SURVEYED

A tract of band lying in the Southeast Quarter (SE%) of Section 35, Township 13 North, Range 14 West of the Indian Meridian, Custer County, Oklahoma, more particularly described by metes and bounds as followss: Beginning at a point 700.00 feet North of the Southeast Corner of said SE%, said point being on the East line of said SE%; thence N 0°13'00"E and along said East line 620.00 feet; thence S 89°55'22"W 73.55 feet; thence Southwesterly on a curve to the right, with a radius of 1269.30 feet a distance of 650.69 feet (With a chord bearing of S 15°29'11"W 643.59 feet); thence N 89°55'22"E 243.05 feet to the point of beginning, containing 1.843 acres more or less, (Prepared by Darrell McCarther, RLS#1130).

Basis of bearing- Deed calls.

Book 1949 Pg 360 1-2021-005438 11/09/2021 12:05pm Pg 0358-0360 Fee: \$22.00 Doc: \$0.00 Melissa Graham - Custer County Clerk State of OK TRECT OF BEGINNING Book 2006 Pg 770 1-2022-006351 Pg 0757-0770 12/29/2022 1:00pm Fee: \$44.00 Doc: \$0.00 Melissa Graham - Custer County Clerk State of OK SCALEI"-300 £ 59" 55" ZZ" V/ 575.00 S.E.COR. OF S.E. W 58C.35, T.13N., R.1+W. Parts 223-0019 COME OF MATHEMATICAL SUPPLIES \$50-2.2