

NOTICE OF RESTRICTION

STATE OF OKLAHOMA

COUNTY OF PAYNE

KNOW ALL MEN BY THESE PRESENTS THAT:

The City of Stillwater, Oklahoma, is the owner of all that real property more particularly described in Exhibit A attached hereto and made a part hereof (hereinafter the Property). The project boundary located within Exhibit A is also referenced in the "City of Stillwater Compensatory Mitigation Plan, Project No. PWOF01, 6th Avenue (SH 51) and Perkins Road (US 177), January 2016. The Property is subject to a U.S. Army Corps of Engineers (USACE) Section 404 Permit Number SWT-2015-217, dated April 14, 2016, and/or any revision thereof. The intent of this document is to assure that the Property will be retained and maintained forever in the vegetative and hydrologic condition described in the Mitigation Plan and the SWT-2015-217 Permit."

As a condition to the aforementioned USACE permit the following restrictions apply to the Property:

- 1) The Property is hereby dedicated as an aquatic ecosystem preserve for the purpose of providing riparian mitigation and may not be disturbed without first obtaining a revision to the aforementioned USACE permit. Activities within the Property prohibited by this dedication include, but are not limited to, grazing of livestock, haying, cropping, and commercial timber harvesting. Land clearing, filling or draining, and other vegetation and soil disturbing activities are prohibited except as required to accomplish the mitigation site goals and objectives.
- 2) The USACE shall have the right to enter and go upon the Property for purposes of inspection, and to take actions including but not limited to scientific or educational observations and studies, and collection of samples.
- 3) In the event of a breach of the restrictions by the Owner, or a third party working with the permission of or under the direction of the Owner, the Owner must immediately notify the USACE. If the USACE becomes aware of a breach of this Agreement, the USACE will notify the Owner of the breach. The Owner shall have thirty (30) calendar days after receipt of such notice to undertake actions that are reasonably calculated to swiftly correct the conditions constituting the breach. If the Owner corrects the conditions constituting the breach in a timely and reasonable manner, no further action is warranted or authorized. If the Owner fails to initiate such corrective action within thirty (30) calendar days or fails to complete the necessary corrective action, the USACE may undertake such actions, including legal proceedings, as are necessary to effect such corrective action. Any forbearance on the part of the USACE to exercise its rights in the event of a breach of the restrictions shall not be deemed or construed to be a waiver of their rights hereunder in the event of any subsequent failure of the Property owner to comply.
- 4) These restrictions may not be removed or revised without obtaining a modification of the aforementioned USACE authorization and/or prior written approval of the USACE. Permit revisions can be granted only by the USACE, Tulsa District, Regulatory Office.

This Deed Restriction shall run with the land in perpetuity and be binding on all future owners, heirs, successors, administrators, assigns, lessees, or other occupiers and users.

The owner must file this Deed Restriction with the County Clerk of Payne County, Oklahoma within ten (90) business days of the date this document is signed and provide a copy of the recorded Deed Restriction to the USACE, Tulsa District, Regulatory Office, within twenty (20) business days of filing.

EXECUTED this ____ day of _____, 201__.

APPROVED AS TO FORM
AND LEGALITY

Name
Counsel
Company

Name
Position