

MEMORANDUM OF AGREEMENT.

THIS CONTRACT AND AGREEMENT, made and entered into, on this the 15 day of July 1909 by and between W. I. O'Donniley and Willie E. O'Donniley, of Oklahoma County, Oklahoma, hereinafter designated as "parties of the first part", and W. B. Scott of Tulsa County, Oklahoma, hereinafter designated as "party of the second part".

WITNESSETH: That, Whereas, the said parties of the first part are the owners in fee simple of the West Forty (40) feet of Lot Four (4), in Block Thirteen (13), in the North Tulsa Addition to the City of Tulsa, Oklahoma, according to the duly recorded plat thereof, and,

WHEREAS, the said party of the second part is the owner in fee simple of Lot Five (5) in Block Thirteen (13) in the North Tulsa Addition to the City of Tulsa, according to the duly recorded plat thereof, and,

WHEREAS, the said party of the Second part owns and maintains upon said premises last above described, a certain sanitary sewer, and whereas, the two lots above described are contiguous to and adjoining lots, and,

WHEREAS, the said party of the first part desires to secure the privilege of connecting to the sanitary sewer owned and maintained by the said party of the second part and whereas, said party of the second part has a certain dwelling house erected and constructed on said lot five (5), Block Thirteen (13), aforesaid, and whereas, should dwelling houses, barns, outhouses, etc., be constructed on the West Forty (40) feet of said Lot Four (4) Block Thirteen (13) aforesaid, by said parties of the first part, or their heirs, executors, administrators or assigns, the said dwelling house owned by said party of the second part upon said lot five (5), block Thirteen (13), would be greatly damaged and decreased in value thereof.

NOW, THEREFORE, It is agreed by and between the parties herto that the said party of the second part does hereby grant to the said party of the first part, their heirs, executors or assigns, the privilege and right to connect to and use said sanitary sewer situate upon said lot five, block thirteen, North Tulsa, as aforesaid, and owned by said party of the second part, forever.

That for and in consideration of the easement and privilege hereby granted by the said second party to the first parties, the said first parties do hereby agree and bind themselves, their heirs, executors, administrators and assigns that no buildings, houses barns, out-houses, etc., of any kind or character, other than those which are situate upon said premises at the date of this instrument, shall be built, erected or constructed upon said West Forty (40) feet of Lot Four (4), Block Thirteen (13) North Tulsa Addition to the City of Tulsa, Tulsa County, Oklahoma.

WITNESS our hands and seals, this the 15 day of July 1909.

W. P. O'Donniley

Willie E. O'Donniley

Parties of the first part:

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Party of the second part.

STATE OF OKLAHOMA, )  
                          ) SS.  
OKLAHOMA COUNTY. )

BEFORE ME, M. G. Meister, a Notary Public, in and for said County and State, on this the 15th, day of July 1909, personally appeared before me, W. I. O'Donniley and Willie O'Donniley, 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.