

6407025

AMENDMENT TO DECLARATION OF CONDOMINIUM  
OF WATERBURY OPEN SPACE COMMUNITY

This Amendment to the Declaration of Condominium of Waterbury Open Space Community is made by the Waterbury Homeowners Association, by and through its Management Committee, upon the approval of unit owners representing not less than 2/3 of the undivided interest in the common area in accordance with the provisions of the Declaration of Condominium, Article 12, together with the provisions of Article 8 of the By-laws of Waterbury Open Space Community.

RECITALS:

WHEREAS, declarants are the duly elected chairman, vice chairman, and secretary of Waterbury Homeowners Association;

WHEREAS, a Declaration of Condominium of Waterbury Open Space Community was executed on June 21, 1973, and recorded in the office of the Salt Lake County Recorder in Book 3356 Pages 23-56; and

WHEREAS, the real property described in the Declaration of Condominium to which this Amendment applies is described as follows:

Beginning at a point West 783.20 feet and North 2588.38 feet from the South quarter corner of Section 16, Township 2 South, Range 1 East, Salt Lake Base and Meridian, and running thence East 196.56 feet to a point on the Westerly line of Van Winkle Expressway, said point being on a curve to the right, the radius point of which is North 42°39'30" East 2939.93 feet; thence Northwesterly along the arc of said curve 1252.43 feet; thence South 65°00' West 280.00 feet; thence West 92.74 feet; thence North 16°08' West 152.925 feet to a point of a 499.00 foot radius curve to the right; thence Northwesterly along the arc of said curve 16.94 feet; thence South 75°48'43" West 42.00 feet to a point on a curve to the left, the radius point of which is North 75°48'43" East 541.00 feet; thence Southeasterly along the arc of said curve 18.37 feet to a point of tangency; thence South 16°08' East 140.775 feet; thence West 67.45 feet; thence South 28°08'30" East 20.97 feet; thence South 1°49' East 230.12 feet; thence South 15°00'30" East 161.42 feet; thence South 0°16'15" West 326.00 feet; thence South 13°52'40" West 228.24 feet; thence South 22°53' East 164.75 feet; thence South 17°51' East 117.80 feet; thence South 0°13' East 106.74 feet; thence South 89°46'04" East 219.985 feet; thence South 168.365 feet; thence East 387.75 feet; thence North 65°00' East 97.73 feet; thence East 39.16 feet; thence North 552.44 feet; thence East 137.76 feet to the point of beginning, excepting therefrom two parcels described as follows:

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Parcel 1:

Beginning at a point on the Westerly right-of-way line of Van Winkle Expressway, said point being West 568.64 feet and North 2588.38 feet from the South quarter corner of Section 16, Township 2 South, Range 1 East, Salt Lake Base and Meridian and running thence West 196.56 feet; thence North 71.64 feet; thence North 27°30' West 25.00 feet; thence North 62°30' East 83.00 feet to a point on the Westerly line of Van Winkle Expressway, said point being on a curve to the left; the radius point of which is North 46°20' East 2939.93 feet; thence Southeasterly along said Westerly line and arc of said curve 188.57 feet to the point of beginning. ("Boat and Camper Storage Area")

Parcel 2:

Beginning at a point North 2658.03 feet and West 1329.11 feet from the South quarter corner of Section 16, Township 2 South, Range 1 East, Salt Lake Base and Meridian, and running thence West 10.0 feet; thence North 10.0 feet; thence East 10.0 feet; thence South 10.00 feet to the point of beginning. ("The Well Property")

Together with a right-of-way for egress and ingress over and across the following described real property:

Beginning at a point North 3639.48 feet and West 1718.17 feet from the South quarter corner of Section 16, Township 2 South, Range 1 East, Salt Lake Base and Meridian, said point being on a curve to the right, the radius point of which is North 75°48'43" East 541.00 feet; thence Northerly along the arc of said curve 86.76 feet to a point of tangency; thence North 5°00' West 174.54 feet to the South line of 5600 South Street; thence South 84°37'52" East along said South line 42.70 feet; thence South 5°00' East 166.85 feet to a point of a 499.00 foot radius curve to the left; thence Southerly along the arc of said curve 80.02 feet; thence South 75°48'43" West 42.00 feet to the point of beginning. (Easement for Right-of-Way to and from Waterbury Way.)

WHEREAS, the Declaration of Condominium, Paragraph 12, specifically provides that the Declaration of Condominium may be amended as follows:

The Unit Owners at any time, and from time to time, have the right to amend this Declaration and/or the Map upon the approval of Unit Owners representing not less than two-thirds (2/3) of the undivided interests in the Common

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Areas, which approval shall be by duly recorded instrument.

WHEREAS, pursuant to the Declaration of Condominium requirements, the owners of 210 units having an ownership interest of 69.47% of the common area have concurred in the proposed amendments to the Declaration of Condominium,

NOW, THEREFORE, the declarants declare and certify that the Declaration of Condominium of Waterbury Open Space Community is hereby amended as follows:

1. The following provision is added as Paragraph 8.I:

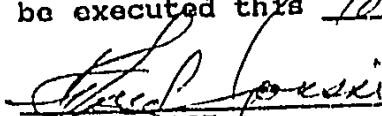
No hot tub, jacuzzi, swimming pool, or similar water retention device shall be constructed or installed in any of the limited common areas including patios or carports.

2. The following provision is added as Paragraph 8.H:

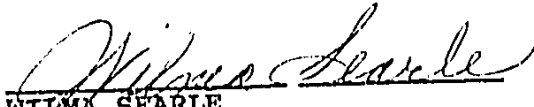
No condominium unit shall be sublet for a period of less than 6 months, nor shall the unit be sublet to any group of individuals that do not constitute a single family as required by the provisions of Paragraph 8.A of this Declaration.

This Amendment shall take effect upon being recorded in the office of the County Recorder of Salt Lake County, Utah. The declarants certify that they are the duly elected chairman, vice chairman, and secretary of Waterbury Homeowners Association and that the proposed amendments have been agreed to in writing by the requisite number of homeowners as required by the Declaration of Condominium, and that they are authorized to record this Amendment.

IN WITNESS WHEREOF, the declarants have caused this instrument to be executed this 10<sup>th</sup> day of July 1996.

  
FRED YOUSSEI  
Chairman

  
BLAINE B. SHEFFIELD  
Vice Chairman

  
WILMA SEARLE  
Secretary

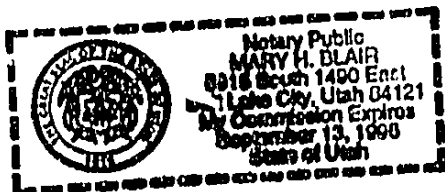
STATE OF UTAH )  
 ) : ss.  
County of Salt Lake )

On the 10<sup>th</sup> day of July 1996 personally appeared before me FRED YOUSSEI, BLAINE B. SHEFFIELD, and WILMA SEARLE, who being

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first duly sworn, did say that they are the chairman, vice chairman, and secretary respectively of WATERBURY HOMEOWNERS ASSOCIATION, the management committee of Waterbury Open Space Community, and that the foregoing instrument was signed by them on behalf of said management committee and pursuant to the approval of the property owners.

*Mary H. Blair*  
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Notary Public



07/16/96 3:17 PM 6407025 325.00  
NANCY WORKMAN  
RECORDER, SALT LAKE COUNTY, UTAH  
WATERBURY HOMEOWNERS ASSOC  
C/O FRED YOUSSI  
1550 S WATERBURY WY SLC 84121  
REC BY:V ASHBY DEPUTY - WI

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