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NOV 18 1994

E 1153271 & 1822 F 900
CAROL DEAN PAGE, DAVIS CNTY RECORDER
1994 NOV 18 10:49 AM FEE 24.00 DEP DJW
REC'D FOR KAYSVILLE CITY CORP

Kaysville Business Park Amnd-lot 1
Kaysville Business Park Ph II lots 2+6 TO THE

SUPPLEMENTAL DECLARATION NO. 4

MASTER DECLARATION OF COVENANTS,
CONDITIONS, RESTRICTIONS, AND STANDARDS AFFECTING

Kaysville Business Park Ph III lot 7
THE KAYSVILLE BUSINESS PARK

This Supplemental Declaration is made this 15th day of November 1994, by KAYSVILLE CITY CORPORATION, a municipal corporation of the State of Utah, hereinafter referred to as the "Declarant".

1. Kaysville City Corporation is the Declarant under that certain Master Declaration of Covenants, Conditions, Restrictions and Standards Affecting the Westland Business Center (subsequently renamed the Kaysville Business Park) (the "Master Declaration") adopted March 10, 1988 and recorded on March 21, 1988 as Entry No. 819256 in Book 1224 at pages 238 to 303 of the official records of Davis County, Utah, as well as in the Supplemental Declaration No. 1 to the Master Declaration of Covenants, Conditions, Restrictions and Standards Affecting the Westland Business Center (therein renamed the Kaysville Business Park) ("Supplemental Declaration No. 1") adopted August 18, 1989 and recorded on August 21, 1989 as Entry No. 866869 in Book 1308 at pages 652 to 656 of the official records of Davis County, Utah, and in the Supplemental Declaration No. 2 to the Master Declaration of Covenants, Conditions, Restrictions and Standards Affecting the Kaysville Business Park ("Supplemental Declaration No. 2") adopted September 19, 1989 and recorded on September 29, 1989 as Entry No. 870698 in Book 1315 at pages 419 to 424 of the official records of Davis County, Utah, and in the Supplemental Declaration No. 3 to the Master Declaration of Covenants, Conditions, Restrictions, and Standards Affecting the Kaysville Business Park ("Supplemental Declaration No. 3") adopted March 19, 1991 and recorded on March 21, 1991 as Entry No. 920922 in Book 1401 at pages 495 to 499 of the official records of Davis County, Utah, and in this Supplemental Declaration No. 4 to the Master Declaration of Covenants, Conditions, Restrictions, and Standards Affecting the Kaysville Business Park ("Supplemental Declaration No. 4").

2. The Master Declaration imposes certain covenants, conditions, restrictions and standards on certain land in western Kaysville, Utah, as more particularly described in the Master Declaration, Supplemental Declaration No. 1, Supplemental Declaration No. 2 and Supplemental Declaration No. 3. Except as expressly hereinafter provided, Declarant hereby adopts all of the provisions of the Master Declaration, Supplemental Declaration No. 1, Supplemental Declaration No. 2 and Supplemental Declaration No. 3 into this Supplemental Declaration No. 4 to the same full extent and effect as if said Master Declaration were set forth in full herein. All terms capitalized herein, unless defined herein, shall

have the meaning set forth in the Master Declaration. This Supplemental Declaration No. 4 is supplemental to the Master Declaration.

3. As of the effective date of this Supplemental Declaration No. 4, the Declarant owns all of the land subject to the Master Declaration, except for a portion conveyed to Bic Properties, L.C. (the "Bio Properties Parcel"), and a portion conveyed to Access Park, L.C. (the "Access Parcel"). The Bio Properties Parcel and Access Parcel comprise less than sixty percent (60%) of the area covered by the Master Declaration, and accordingly, the Declarant has full authority under the terms of the Master Declaration to make the amendments and modifications of the Master Declaration effectuated by this Supplemental Declaration No. 4.

4. The Declarant hereby amends Section 5.2 Minimum Setbacks of the Master Declaration to allow reduction of the setback of improvements for additional setback of buildings. Said Section 5.2 shall read as follows:

5.2 Minimum Setbacks. No improvements of any kind, and no part thereof, shall be placed closer than twenty-five feet (25') from a property line fronting a dedicated street. No Building shall be placed closer than thirty feet (30') from a property line fronting a dedicated street. For each additional four feet (4') Buildings are set back from the property line fronting a dedicated street, the setback of other improvements from the property line fronting a dedicated street may be reduced by one foot (1'), with a minimum setback of ten feet (10'). Twenty-five feet (25') of landscaping shall be provided between the property line fronting a dedicated street and all Buildings. "Property line" shall mean the boundary of each Parcel.

No Building of any kind, nor any part thereof, shall be placed closer than permitted by the Committee to any interior property line, except as otherwise provided in Section 5.3. "Interior property line" shall mean the boundary between any Parcel within the subject property and all other Parcels bordering upon said Parcel.

5. The Declarant hereby amends Section 5.3 Creek Setback of the Master Declaration to renumber said Section 5.4.

6. The Declarant hereby amends Section 5.4. Exceptions to Setback Requirements of the Master Declaration to renumber said Section 5.3 and to add driveways and permitted signs to the exceptions. Said Section 5.3 shall read as follows:

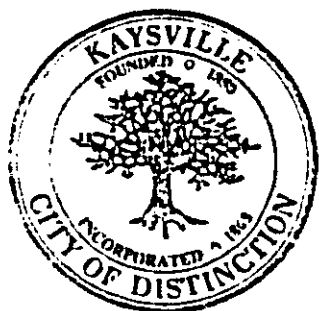
5.3 Exceptions to Setback Requirements. The following improvements, or parts of improvements, are specifically excluded from the setback requirements set forth in Section 5.2:

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- (a) Roof overhang, subject to approval in writing from the Committee, provided said overhang does not extend more than eighteen (18) inches into the setback area;
- (b) Steps and walkways;
- (c) Fences, subject to the requirements set forth in Section 5.7.
- (d) Landscaping and irrigation systems;
- (e) Planters, not to exceed three (3) feet in height, except that planters of greater height may be built within the setback area with the prior written approval of the Committee;
- (f) Lighting facilities, subject to the prior written approval of the Committee;
- (g) Underground utility facilities;
- (h) A maximum of two (2) driveways for each one hundred feet (100') of frontage on a dedicated street, such driveways to be not over forty feet (40') in width; and
- (i) Permitted signs.

7. Declarant's staff is hereby authorized to prepare revised copies of the Master Declaration, the Development Standards, the Development Procedures and other documents associated with the Master Declaration to reflect the foregoing changes.

IN WITNESS WHEREOF, the undersigned, being the Declarant herein, has hereunto caused this Supplemental Declaration No. 4 to be executed the day and year first above written.



KAYSVILLE CITY CORPORATION

E 1153271 8 1822 P 903

Harold Johnson
Mayor

ATTEST:

Jada Ross
City Recorder

Legal Description of the
Kaysville Business Park

E 1153271 B 1822 P 904

Beginning at the intersection of the northerly right-of-way line of 200 North Street and the westerly right-of-way line of the Union Pacific Railroad, said point also being N 89°49'30" W 912.75 feet along the Section Line and S 25°17'19" E 11.55 feet from the East One Quarter Corner of Section 33, T 4 N, R 1 W, SLB & M; thence N 88°53'17" W 514.25 feet along said northerly line; thence N 1°07'23" E 239.08 feet; thence N 88°50'56" W 535.89 feet; thence S 1°07'23" W 239.45 feet to the northerly right-of-way line of 200 North Street; thence N 88°53'17" W 1129.12 feet along said northerly right-of-way line; thence N 1°07'23" E 460.96 feet; thence N 50°30'21" E 178.57 feet; thence N 14° W 142.26 feet; thence S 66°57' W 1065.54 feet to the easterly right-of-way line of Flint Street; thence N 22°40'32" W 147.58 feet along said easterly right-of-way line; thence N 67°24' E 400.00 feet; thence N 22°40'32" W 1511.92 feet; thence S 67°19'28" W 400.00 feet to the easterly right-of-way line of Flint Street; thence N 22°40'32" W 382.13 feet along said right-of-way line; thence N 54°50'26" E 1247.34 feet; thence N 5°05'26" E 62.18 feet; thence N 0°43'26" E 124.70 feet; thence N 34°54'34" W 295.32 feet to the southerly line of Phillips Street; thence N 58°50'26" E 1258.61 feet along said southerly right-of-way line to the westerly right-of-way line of the Union Pacific Railroad; thence S 25°17'19" E 4445.22 feet along said westerly right-of-way line to the point of beginning.

11-095-0004, 0042, 0036, 0041, 0040

11-096-0045, 0056 to 0059, 0013

Area = 175.2219 acres

11-063-0023, 0024

11-306-0001

11-322-0002 to 0006

11-323-0007