



Welcome to
Garden City
 Utah
Where Families Play



After Recording, mail to:

Town of Garden City
 PO Box 207
 Garden City, Utah 84028

Recorded 04-FEB-2022 Filing No. 102442
 At 03:09 PM Bk T12 Pg 1781 Fee \$40.00
 Krystal G Butterfield Rich County Recorder
 By TOWN OF GARDEN CITY



TOWN OF GARDEN CITY

Lot Split Covenant to run with the land

ON THIS 24th day of January, 2022, COMES NOW the Town of Garden City, a Class 4 municipality, acting by and through its duly appointed Mayor, (hereinafter known as the "town") and MMB, LLC (hereinafter known as the "owners") in the Town of Garden City, Rich County, State of Utah, known on the survey, and more particularly described as follows:

(Hereinafter known as "property") and do hereby enter into this Agreement and Covenant as follows:

WHEREAS the Town of Garden City has duly enacted ordinances and statutes prescribing zoning land use policies and requirements of the Town of Garden City; and

WHEREAS owners are desirous of utilizing their land and improvements in a manner in conformity with the ordinances or statutes; and

PARCEL 1: (Part of Tax Parcel No. 41-16-000-0062)
 A PARCEL OF LAND LOCATED IN THE SOUTHWEST ¼ OF SECTION 16,
 TOWNSHIP 14 NORTH, RANGE 5 EAST, SALT LAKE BASE & MERIDIAN MORE
 PARTICULARLY DESCRIBED AS FOLLOWS:
 BEGINNING AT A POINT ON THE EAST RIGHT OF WAY LINE OF 300 WEST
 STREET, SAID POINT BEING N.0°04'53"E. ALONG THE SECTION LINE 1494.59
 FEET AND S.89°54'31"E. 50.00 FEET FROM A GIN SPIKE MARKING THE
 SOUTHWEST CORNER OF SAID SECTION 16; THENCE S.89°54'31"E. 417.96 FEET;
 THENCE S.0°04'53"W. 536.97 FEET; THENCE N.89°56'01"W. 417.96 FEET TO SAID
 RIGHT OF WAY; THENCE ALONG SAID RIGHT OF WAY N.0°04'53"E. 537.16 FEET
 TO THE POINT OF BEGINNING.

P.O. Box 207 • 69 North Paradise Parkway • Garden City, Utah 84028
 Phone: (435) 946-2901 • Fax (435) 946-8852
 EMail: townofgardencity@gmail.com • Website: www.gardencityut.us

PARCEL 2: (Part of Tax Parcel No. 41-16-000-0062)

A PARCEL OF LAND LOCATED IN THE SOUTHWEST ¼ OF SECTION 16, TOWNSHIP 14 NORTH, RANGE 5 EAST, SALT LAKE BASE & MERIDIAN MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EAST RIGHT OF WAY LINE OF 300 WEST STREET, SAID POINT BEING N.0°04'53" E. ALONG THE SECTION LINE 748.81 FEET AND S.89°56'01"E. 50.00 FEET FROM A GIN SPIKE MARKING THE SOUTHWEST CORNER OF SAID SECTION 16; THENCE S.89°56'01"E. 417.96 FEET; THENCE N.0°04'53"E. 208.44 FEET; THENCE N.89°56'01"W. 417.96 FEET TO SAID RIGHT OF WAY; THENCE ALONG SAID RIGHT OF WAY S.0°04'53"W. 208.44 FEET TO THE POINT OF BEGINNING.

WHEREAS the Town is willing to grant a lot split to the subject property based on the owner's providing the Town with a covenant to run with the land applicable to any and all heirs, successors of interest or assigns as set forth herein;

NOW THEREFORE, for valuable consideration received, the sufficiency of which is hereby acknowledged by the owners, the Town and the Owners do hereby covenant, promise, and agree as follows:

For and in consideration the lot split granted by the town, owners, their successors in interest heirs or assigns, covenant and irrevocably agree that the above described 2 parcels of real property shall not be subdivided to create any additional parcels of property or lots of property for a period of 3 years from the date this document is signed by town and owners.

The owners or their successors in interest heirs or assigns shall not, under any circumstances so long as the 3 (three) year time limit shall be effective, subdivide either above described parcel of property. In the event that such subdivision shall occur all lots created, including the above described parcels will become non-conforming lots and will be unbuildable until such time that the owner of each parcel complies with the Garden City Subdivision Ordinance in its entirety. The structures not in conformance with the Garden City Ordinances or requirements at the time of the property segregation or separation will be removed or demolished within 30 days of any such segregation. This would also require the owner to bring property into conformity with any and all Garden City requirements, ordinances and regulations at the time of segregation.

1. THIS COVENANT shall be a covenant that runs with the land and shall be in perpetuity.
2. THIS COVENANT shall be binding on all heirs, successors in interest, assigns, sureties, or any other persons hereinafter acquiring any interest in the property.
3. THIS COVENANT shall be governed by the laws of the State of Utah and shall be enforceable through any and all remedies allowable at law including, but not limited to, injunctive or declaratory relief. The owner does hereby stipulate that the failure to abide by the covenants would leave the Town irreparably injured, and that there is no adequate remedy at law save and except injunctive relief.

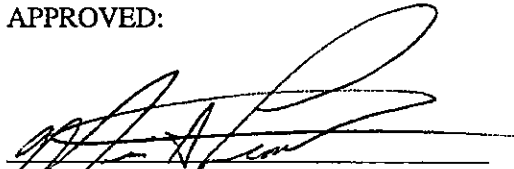
4. THAT SHOULD THIS COVENANT have to be enforced, requiring the services of an attorney, either in Court, or in any administrative proceedings or otherwise, the Town shall be entitled to recover against the owners, or their successors, assigns, or heirs a reasonable attorney's fee for the enforcement of the covenant herein, as well as all costs and fees incurred therein.

5. OWNER, HIS HEIRS, SUCCESSORS IN INTEREST OR ASSIGNS promise to abide by the covenant and understand that the failure to abide by this covenant shall, be grounds for the Town to pursue any and all remedies, granted by the Town upon 10 days written notice to the property owners.

Thereafter, the Town may enforce strict compliance with its land use planning and other ordinance allowable at law, and no claim or waiver estoppel shall apply as against the Town.

DATED this ____ day of 24th day of January, 2022.

APPROVED:


Mike Leonhardt, Mayor

APPROVED:

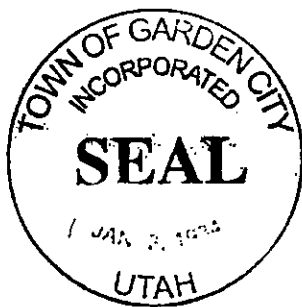

Dan Kurek, Planning Commission Chair

Attest:


Town Clerk

MMB, LLC


CURTIS MOLDENHAUER, Authorized member

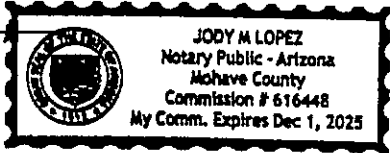


LIMITED LIABILITY ACKNOWLEDGMENT

STATE OF Arizona
SS
County of Mohave

On the 21 day of Jan, 2022 personally appeared before me MICHAEL LEWIS MOLDENHAUER who being by me duly sworn did say, each for himself, that they are a member of the MMB, LLC, a Utah Limited Liability Company and that the within and foregoing instrument was signed on behalf of said Limited Liability Company by authority of its Articles of Organization and each duly acknowledged to me that said Limited Liability Company executed the same.

Notary Public



LIMITED LIABILITY ACKNOWLEDGMENT

STATE OF)
SS
County of)

On the ____ day of _____, 2022 personally appeared before me REBECCA MOLDENHAUER who being by me duly sworn did say, each for himself, that they are a member of the MMB, LLC, a Utah Limited Liability Company and that the within and foregoing instrument was signed on behalf of said Limited Liability Company by authority of its Articles of Organization and each duly acknowledged to me that said Limited Liability Company executed the same.

Notary Public

OVERALL PARCEL LESS ROAD RIGHT OF WAY

A PARCEL OF LAND LOCATED IN THE SOUTHWEST $\frac{1}{4}$ OF SECTION 16, TOWNSHIP 14 NORTH, RANGE 5 EAST, SALT LAKE BASE & MERIDIAN MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EAST RIGHT OF WAY LINE OF 300 WEST STREET, SAID POINT BEING N.0°04'53"E. ALONG THE SECTION LINE 1494.59 FEET AND S.89°54'31"E. 50.00 FEET FROM A GIN SPIKE MARKING THE SOUTHWEST CORNER OF SAID SECTION 16;
THENCE S.89°54'31"E. 417.96 FEET; THENCE S.0°04'53"W. 745.41 FEET; THENCE N.89°56'01"W. 417.96 FEET TO SAID RIGHT OF WAY; THENCE ALONG SAID RIGHT OF WAY N.0°04'53"E. 745.60 FEET TO THE POINT OF BEGINNING.

CONTAINING 311,589 S.F. OR 7.15 ACRES OF LAND.

PARCEL 1

A PARCEL OF LAND LOCATED IN THE SOUTHWEST $\frac{1}{4}$ OF SECTION 16, TOWNSHIP 14 NORTH, RANGE 5 EAST, SALT LAKE BASE & MERIDIAN MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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THENCE S.89°54'31"E. 417.96 FEET; THENCE S.0°04'53"W. 536.97 FEET; THENCE N.89°56'01"W. 417.96 FEET TO SAID RIGHT OF WAY; THENCE ALONG SAID RIGHT OF WAY N.0°04'53"E. 537.16 FEET TO THE POINT OF BEGINNING.

CONTAINING 224,472 S.F. OR 5.15 ACRES OF LAND.

PARCEL 2

A PARCEL OF LAND LOCATED IN THE SOUTHWEST $\frac{1}{4}$ OF SECTION 16, TOWNSHIP 14 NORTH, RANGE 5 EAST, SALT LAKE BASE & MERIDIAN MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EAST RIGHT OF WAY LINE OF 300 WEST STREET, SAID POINT BEING N.0°04'53"E. ALONG THE SECTION LINE 748.81 FEET AND S.89°56'01"E. 50.00 FEET FROM A GIN SPIKE MARKING THE SOUTHWEST CORNER OF SAID SECTION 16;
THENCE S.89°56'01"E. 417.96 FEET; THENCE N.0°04'53"E. 208.44 FEET; THENCE N.89°56'01"W. 417.96 FEET TO SAID RIGHT OF WAY; THENCE ALONG SAID RIGHT OF WAY S.0°04'53"W. 208.44 FEET TO THE POINT OF BEGINNING.