IIRTS \* WASHINGTON DE RECORDER 2004 MAR 19 11:26 AM FEE \$12.00 | FOR: SOUTHERN UTAH TITLE CO

#### ARATION OF ANNEXATION FOX BOROUGH [Phase 41]

This Declaration of Annexation is prepared pursuant to Article 10 of the Amended and Restated Declaration of Covenants Conditions and Restrictions for Fox Borough that was recorded May 11, 2001, as Entry No. 00721123, in Book 1408, at Pages 1267-1284 Pecords of the Washington County Recorder.

Declarant desires to annex the following described property as a part of, and it is Declarant's intention that the property shall be subject to, the Amended and Restated Declaration of Covenants Conditions and Restrictions of Fox Borough referred to above:

SEE EXHIBIT "A" THAT IS ATTACHED HERETO AND INCORPORATED HEREIN BY THIS REFERENCE.

WITNESS WHEREOF, the undersigned, being the Declarant herein, has hereunto set his hand and seal this 22nd day of October, 2003

DECLARANT ENCE BROS. CONSTRUCTION, INC.

Erice, President

STATE OF UTAH

COMMEN OF WASHINGTON

On this 22<sup>nd</sup> day of October, 2003, before me personally appeared Kim C. Ence

whose identity is personally known to or proved to me on the basis of satisfactory evidence, and who, being by me duly sworn (or affirmed), did say that he is the president of Ence Bros. Construction, Inc. a corporation, and that the foregoing document was signed by him on behalf of that corporation by authority of its bylaws or of a resolution of its board of directors, and he acknowledged before me that the corporation executed the document and the document was the act of the corporation for its stated purpose.

NOTARY PUBLIC

Address: 51

My Commission Expires:

T. GEORGE. UT 84770 COMM. EXP. 2-22-2006

# SURVEYOR'S CERTIFICATE

I, LLOYD RIED POPE, HEREBY CERTIFY THAT I AM A PROFESSIONAL ENGINEER AND REGISTERED LAND SURVEYOR AND THAT I HOLD CERTIFICATE OF REGISTRATION # 153069 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS, COMMON AREAS, LIMITED COMMON AREAS, PUBLIC AND PRIVATE STREETS TO BE KNOWN AS:

#### FOX BOROUGH - PHASE 4

AND THAT THE SAME HAS BEEN CORRECTLY STAKED ON THE GROUND AS SHOWN ON THIS PLAT

## BOUNDARY DESCRIPTION

BEGINNING AT A POINT N 00°54'31" E 213.01 FEET ALONG THE CENTER SECTION LINE AND N 88°35'09" W 1357.91 FEET FROM THE SOUTH 1/4 CORNER OF SECTION 21, TOWNSHIP 42 SOUTH, RANGE 15 WEST, SALT LAKE BASE AND MERIDIAN, SAID POINT BEING THE NORTHWEST CORNER OF 'FOX BOROUGH — PHASE 3' AS RECORDED IN THE OFFICE OF THE WASHINGTON COUNTY RECORDER, AND RUNNING THENCE ALONG THE WESTERLY BOUNDARY OF SAID SUBDIVISION FOR THE FOLLOWING 4 COURSES: S 01°24'51" W 95.00 FEET, THENCE N 88°35'09" W 15.15 FEET; THENCE S 01°24'51" W 458.94 FEET; THENCE N 89°31'44" W 53.36 FEET TO A POINT ON A 225.00 FOOT RADIUS CURVE TO THE LEFT (CENTER BEARS N 89°31'44" W); THENCE NORTHWESTERLY THROUGH A CENTRAL ANGLE OF 55°16'06" AND ALONG THE ARC OF SAID CURVE 217.04 FEET TO THE POINT OF A 525.00 FOOT RADIUS REVERSE CURVE TO THE RIGHT ALONG THE ARC OF SAID CURVE 248.44 FEET TO THE POINT OF TANGENCY; THENCE N 27°41'03" W 218.03 FEET; THENCE S 88°35'09" E 441.14 FEET TO THE POINT OF BEGINNING.

CONTAINING: 3.050 ACRES

'ATE

REGISTERED LAND SURVEYOR NO. 153069

NO-Z-03

DATE:



## OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED OWNER OF ALL THE ABOVE DESCRIBED TRACT OF LAND HAVING CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS, COMMON AREAS, LIMITED COMMON AREAS, RRIVATE AND PUBLIC STREETS TO BE HEREAFTER KNOWN AS:

### FOX BOROUGH - PHASE 4

HEREBY DEDICATE TO THE COMMON USE OF THE PROPERTY OWNER, BUT NOT TO THE USE OF THE GENERAL PUBLIC, ALL COMMON AREAS (INCLUDING PRIVATE STREETS) SHOWN ON THIS PLAT, IN ACCORDANGE WITH THE TERMS AND CONDITIONS OF DEDICATION OF SAID COMMON AND LIMITED COMMON AREAS AS MORE FULLY PROVIDED IN THE 'AMENDED AND REINSTATED DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS' APPLICABLE TO THE FOX BOROUGH PLANNED UNIT DEVELOPMENT, AND RECORDED IN THE OFFICE OF THE WASHINGTON COUNTY RECORDER ON THIS 11 DAY OF MAY, 2001, IN BOOK 1408, PAGES 1267—1284, SAID DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS IS HEREBY INCORPORATED AND MADE A PART OF THIS PLAT. REFERENCE IS MADE TO SAID DECLARATION FOR DETAILS CONSIDERING THE RIGHTS AND OBLIGATIONS OF PARTIES HAVING OR ACQUIRING AN INTEREST IN THIS DEVELOPMENT. FOR GOOD AND VALUABLE CONSIDERATION RECEIVED, THE UNDERSIGNED OWNERS HEREBY DEDICATE AND CONVEY TO THE CITY OF ST. GEORGE FOR PERPETUAL USE SHOWN AS PUBLIC STREETS. THE OWNER DOES HEREBY DEDICATE AND CONVEY TO THE CITY OF