

ENT 108654 BK 5238 PG 228  
RANDALL A. COVINGTON  
UTAH COUNTY RECORDER  
1999 Oct 07 10:50 am FEE 16.00 BY SS  
RECORDED FOR GEORGETOWN DEVELOPMENT

After recordation, return to:

John K. M. Olsen  
Attorney at Law  
CottonTree Square, Bldg. 7G  
2230 No. at University Parkway  
Provo, UT 84604

**AMENDED**  
**SECOND SUPPLEMENT TO**  
**DECLARATION OF EASEMENTS, COVENANTS,**  
**CONDITIONS AND RESTRICTIONS**  
**OF**  
**PARK RIDGE**  
**An Expandable Planned Unit Development**  
**Provo, Utah County, Utah**

THIS AMENDED SECOND SUPPLEMENT TO DECLARATION is made as of this 6<sup>th</sup> day of October, 1999, by **GEORGETOWN DEVELOPMENT PARK RIDGE, L.C.**, a Utah limited liability company ("Declarant"), pursuant to the following:

**RECITALS:**

A. This Amended Second Supplement to Declaration amends in its entirety that certain **Second Supplement to Declaration of Easements, Covenants, Conditions and Restrictions of Park Ridge**, recorded as Entry 85585, Book 5167, Page 317, on July 30, 1999, one page of which was inadvertently omitted at recording.

B. Declarant is the developer of **Park Ridge**, an expandable residential planned unit development in Provo, Utah (the "Development").

C. On or about August 4, 1997, Declarant caused to be recorded as Entry 58606, Book 4336, Pages 276-301, inclusive, in the office of the Recorder of Utah County, Utah, that certain **Declaration of Easements, Covenants, Conditions and Restrictions, Park Ridge, An Expandable Planned Unit Development** (the "Declaration") relating to the Development.

D. Pursuant to §3.03 of the Declaration, Declarant is permitted to annex into the Development additional real property ("Additional Land") as set forth and described in the Declaration (including any Exhibit thereto) for purposes of development into additional Lots and Common Areas, if any, consistent with the existing phases (Phase 1 and Phase 2) of the Development and with the Declaration.

E. Declarant desires to annex a portion of the Additional Land into the Development for development as Phase 3 of the Development.

**NOW, THEREFORE,** Declarant hereby declares as follows:

1. All defined terms as used in this Amended Second Supplement to Declaration shall have the same meaning as those set forth and defined in the Declaration.

2. The following described real property situated in the City of Provo, Utah County, Utah, is hereby submitted to the provisions of the Declaration and, pursuant thereto, is hereby annexed into the Development to be held, transferred, sold, conveyed and occupied as a part thereof:

Commencing South 89°22'23" West along the Section Line 1452.91 feet and North 670.92 feet from the North Quarter Corner of Section 2, Township 7 South, Range 2 East, Salt Lake Base & Meridian; thence as follows: South 50°09'13" West 229.27 feet along Park Ridge P.U.D., Phase 2, Provo, Utah; thence South 39°50'47" East 48.61 feet along Park Ridge P.U.D., Phase 2, Provo, Utah; thence South 50°09'13" West 145.94 feet along Park Ridge P.U.D., Phase 2, Provo, Utah; thence South 58°07'18" East 216.76 feet along Park Ridge P.U.D., Phase 2, Provo, Utah; thence North 31°33'47" West 329.35 feet along Independence Avenue; thence North 58°07'18" East 316.05 feet; thence North 13°45'37" East 69.57 feet; thence North 50°09'13" East 173.93 feet; thence South 41°07'37" East 3.81 feet; along Grandview Subdivision; thence South 31°14'45" East 52.20 feet; thence South 41°27'37" East 250.67 feet; along Provo Heights Subdivision to the point of beginning. Area = 4.10 acres.

**TOGETHER WITH** all easements, rights-of-way, and other appurtenances and rights incident to, appurtenant to, or accompanying the above-described parcel of real property, whether or not the same are reflected on the Plat.

**RESERVING UNTO DECLARANT,** however, such easements and rights of ingress and egress over, across, through, and under the said property and any improvements (including buildings) now or hereafter constructed thereon as may be reasonably necessary for Declarant (in a manner which is reasonable and not inconsistent with the provisions of the Declaration): (i) to construct and complete each of the buildings and Units and all of the other improvements described in the Declaration or in the Plat recorded concurrently herewith, and to do all things reasonably necessary or proper in connection therewith; (ii) to construct and complete on the Additional Land or any portion thereof such improvements as Declarant shall determine to build in its sole discretion (and whether or not the Additional Land or any portion thereof has been or hereafter will be added to the Development); and (iii) to improve portions of the said property with such other or additional improvements, facilities, or landscaping designed for the use and enjoyment of all the Owners as Declarant may reasonably determine to be appropriate. If, pursuant to the foregoing reservations, the said property or any improvement thereon is traversed or partially occupied by a permanent improvement or utility line, a perpetual easement for such improvement or utility line shall exist. With the exception of such perpetual easements, the reservations hereby effected shall, unless sooner terminated in accordance with their terms, expire ten (10) years after the date on which the Declaration is filed for record in the office of the County Recorder of Utah County, Utah.

**ALL OF THE FOREGOING IS SUBJECT TO** all liens for current and future taxes, assessments, and charges imposed or levied by governmental or quasi-governmental authorities; all Patent reservations and exclusions; all mineral reservations of record and rights incident thereto; all instruments of record which affect the above-described real property or any portion thereof, including, without limitation, any Mortgage (and nothing in this paragraph shall be deemed to modify or amend such Mortgage); all visible easements and rights-of-way; all easements and rights-of-way, encroachments, or discrepancies shown on or revealed by the Plat or otherwise existing; an easement for each and every pipe, line, cable, wire, utility line, or similar facility which traverses or partially occupies the said real property at such time as construction of all Development improvements is complete; and all easements necessary for ingress to, egress from, maintenance of, and replacement of all such pipes, lines, cable, wires, utility lines, and similar facilities; **AND TO EACH OF THE COVENANTS, EASEMENTS, CONDITIONS AND RESTRICTIONS CONTAINED IN THIS DECLARATION.**

3. The second sentence of Section 2.12 of the Declaration is amended in its entirety to read as follows:

**Townhouse Lot** shall mean any of Lots 1 through 58, inclusive, as numbered on the Plats; and **Twinhome Lot** shall mean any of Lots 80 through 97 as numbered on the Plats.

4. Section 3.02 of the Declaration is amended in its entirety to read as follows:

**3.02 Division into Lots.** The Development is hereby divided into seventy-six (76) Lots, as set forth and described in the Plats, each with appurtenant and equal rights and easements of use and enjoyment in and to any Common Areas, as well as appurtenant obligations, all as set forth in this Declaration.


5. Except as amended by the provisions of this Amended Second Supplement to Declaration, the Declaration shall remain unchanged and, together with this Amended Second Supplement to Declaration, shall constitute the Declaration of Easements, Covenants, Conditions and Restrictions for the Development as expanded by the annexation of the Additional Land described herein.

6. This Amended Second Supplement to Declaration shall be recorded in connection with the Plat entitled **Phase 3, Park Ridge, A Planned Unit Development, Provo City, Utah County, Utah**, prepared and certified to by Roger D. Dudley (a duly registered Utah Land Surveyor holding Certificate No.147089), executed and acknowledged by Declarant, accepted by Provo City, and filed for record in the office of the County Recorder of Utah County as Entry 85584, Map #8162 on July 30, 1999.

**IN WITNESS WHEREOF**, Declarant has executed this instrument the day and year first above set forth.

**DECLARANT:**

**GEORGETOWN DEVELOPMENT  
PARK RIDGE, L.C.**

By:   
\_\_\_\_\_  
John L. Dester, Manager

STATE OF UTAH )  
: ss.  
COUNTY OF UTAH )

The foregoing instrument was acknowledged before me this 6<sup>th</sup> day of October, 1999, by **John L. Dester** in the capacity indicated.

Sandra J. Steere  
NOTARY PUBLIC

