

11-46
WHEN RECORDED, RETURN TO:

VP Daybreak Operations LLC
4700 Daybreak Parkway
South Jordan, UT 84009
Attention: Garry Langston

12571385
07/07/2017 12:50 PM \$66.00
Book - 10575 Pg - 5888-5898
GARY W. OTT
RECORDER, SALT LAKE COUNTY, UTAH
FIRST AMERICAN TITLE
BY: CBA, DEPUTY - WI 11 P.

**SUPPLEMENT TO
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR GARDEN PARK VILLAGE
(ADDING ADDITIONAL LAND – VILLAGE 4A PLAT 9)**

THIS SUPPLEMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR GARDEN PARK VILLAGE (ADDING ADDITIONAL LAND – VILLAGE 4A PLAT 9) (this “**Supplement**”) is made as of MARCH 24, 2017, by **VP DAYBREAK OPERATIONS LLC**, a Delaware limited liability company, as successor-in-interest to Kennecott Land Company, a Delaware corporation, as declarant (“**Declarant**”) under that certain Declaration of Covenants, Conditions and Restrictions for Garden Park Village, recorded on October 16, 2009, as Entry No. 10818988, in Book 9771, beginning at Page 6207 (as previously amended and supplemented from time to time, collectively, the “**Declaration**”), and is consented to by **IVORY HOMES, LTD**, a Utah limited partnership (“**Ivory Homes**”).

RECITALS:

- A.** Pursuant to the Declaration, Declarant has established that certain project known as *Garden Park Village* (the “**Project**”) initially consisting of various residential “Units” as more particularly defined and described therein, which Units are to be improved with certain attached residential units called “condominiums” and/or “townhomes”. The Project is located within the community commonly known as “*Daybreak*” located in South Jordan, Utah.
- B.** Declarant owns certain parcels of real property (“**Additional Land**”) adjacent to the Project. The Additional Land is legally described in Exhibit A, attached hereto and incorporated herein by this reference.
- C.** Declarant desires to add the Additional Land to the Project and submit and subject the same to the Declaration, as the terms, conditions, covenants and restrictions thereof now exist or may hereafter be amended.

NOW, THEREFORE, Declarant hereby declares the following:

1. **Definitions.** Unless otherwise defined herein, all capitalized terms used herein shall have the meanings ascribed to such terms in the Declaration.
2. **Submission to Declaration.** Pursuant to Article 14 of the Declaration, Declarant hereby exercises its option to expand the Project and add the Additional Land to the Project, effective as of the recording of this Supplement; and Declarant submits and subjects the Additional Land to the Declaration, including, without limitation, all covenants, restrictions, easements, conditions, charges and liens set forth in the Declaration. Ivory Homes hereby consents to the submission of the Additional Land to the Declaration. From and after the recordation of this Supplement, the Additional Land shall be held, transferred, sold, conveyed and occupied subject to the Declaration, including, without limitation, all covenants, restrictions, easements, conditions, charges, and liens set forth in the Declaration. In addition, the Additional Land shall be subject to the governance of the Garden Park Village Association, Inc., a Utah nonprofit corporation, as more particularly described in the Declaration.
3. **Full Force and Effect.** The Declaration, as supplemented hereby, remains in full force and effect.
4. **Incorporation by Reference.** The Recitals and Exhibits to this Supplement are hereby incorporated into this Supplement by this reference.


[Signatures on Following Page]

IN WITNESS WHEREOF, Declarant has executed this Supplement and Ivory Homes has consented to the same, as of the date first written above.

Declarant:


VP DAYBREAK OPERATIONS LLC,
a Delaware limited liability company

By: Daybreak Communities LLC,
a Delaware limited liability company
Its: Project Manager

By: 
Ty McCutcheon, its President & CEO

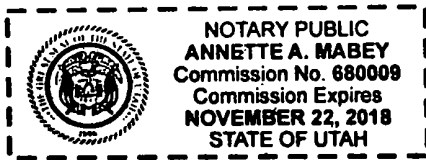
Ivory Homes:

IVORY HOMES, LTD,
a Utah limited partnership

By: 
Name Dick Liffink
Title Secretary

STATE OF UTAH)
)
:SS.
COUNTY OF SALT LAKE)

On March 24, 2017, personally appeared before me, a Notary Public, Ty McCutcheon, the President & CEO of Daybreak Communities LLC, the Project Manager of VP DAYBREAK OPERATIONS LLC, a Delaware limited liability company, personally known or proved to me to be the person whose name is subscribed to the above instrument who acknowledged to me that he executed the above instrument on behalf of VP DAYBREAK OPERATIONS LLC, a Delaware limited liability company.



[SEAL]

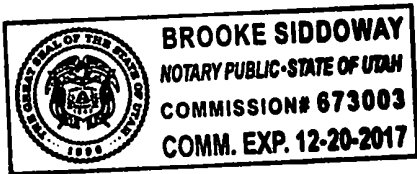
WITNESS my hand and official Seal.

Annette A Mabe
Notary Public in and for said State

My commission expires: 11/22/2018

STATE OF UTAH)
)
:SS.
COUNTY OF SALT LAKE)

On July 7, 2017, personally appeared before me, a Notary Public, Rick Liffarth, the Secretary of IVORY HOMES, LTD, a Utah limited partnership, personally known or proved to me to be the person whose name is subscribed to the above instrument who acknowledged to me that he executed the above instrument on behalf of IVORY HOMES, LTD, a Utah limited partnership.



[SEAL]

WITNESS my hand and official Seal.

Brooke Siddoway
Notary Public in and for said State

My commission expires: 12-20-17

EXHIBIT A

LEGAL DESCRIPTION OF ADDITIONAL LAND ADDED TO PROJECT PER THIS SUPPLEMENT

All of the real property described on that certain plat entitled "DAYBREAK VILLAGE 4A PLAT 9 SUBDIVISION AMENDING LOT T4 OF THE KENNECOTT MASTER SUBDIVISION #1 AMENDED", recorded on JULY 7, 2017, as Entry No. 12571384, in Book 2017P, at Page 177 of the Official Records of Salt Lake County, Utah.

Boundary Description:

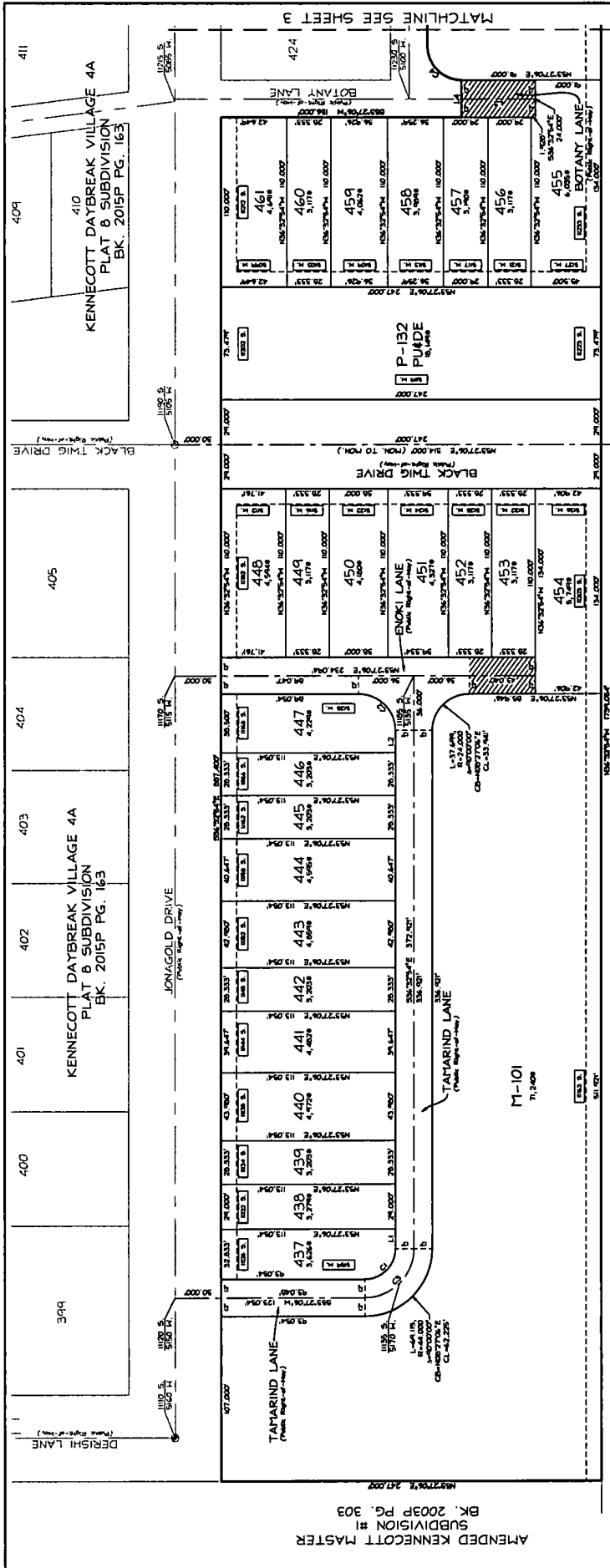
Beginning at a point on the East line of Lake Run Road said point lies South 89°58'42" East 1068.128 feet along the Section Line and North 3007.454 feet from the South Quarter Corner of Section 24, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence North 36°32'54" West 1739.054 feet along said East line; thence North 53°27'06" East 247.000 feet to the Northwest Corner of Kennecott Daybreak Village 4A Plat 8 Subdivision Amending Lot T4 of the Kennecott Master Subdivision #1 Amended, also being on the West Line of Jonagold Drive; thence along the West Boundary of said Kennecott Daybreak Village 4A Plat 8 Subdivision the following (6) courses: 1) South 36°32'54" East 887.400 feet; 2) South 53°27'06" West 156.000 feet; 3) South 36°32'54" East 24.000 feet to a point on a 22.000 foot radius non tangent curve to the right, (radius bears South 36°32'54" East); 4) along the arc of said curve 34.558 feet through a central angle of 90°00'00"; 5) South 36°32'54" East 252.521 feet; 6) North 53°27'06" East 134.000 feet to a point on the West Line of Jonagold Drive; thence South 36°32'54" East 281.500 feet along the West Line of said Kennecott Daybreak Village 4A Plat 8 and Kennecott Daybreak Village 4A Plat 5 Subdivision Amending Lots V2 and T4 of the Kennecott Master Subdivision #1 Amended to a Northerly Corner of said Kennecott Daybreak Village 4A Plat 8; thence along said Kennecott Daybreak Village 4A Plat 8 the following (3) courses: 1) South 53°27'06" West 134.000 feet; 2) South 36°32'54" East 225.323 feet to a point on a 46.000 foot radius tangent curve to the left, (radius bears North 53°27'06" East); 3) along the arc of said curve 42.914 feet through a central angle of 53°27'06" to a Northerly corner of Garden Park Condominiums, Phase 6 Amending Lot T4 of Amended Lots B2, B3, OS2, T4, V4, V7 & WTC2 Kennecott Master Subdivision #1; thence along said Garden Park Condominiums, Phase 6 the following (2) courses: 1) South 10.415 feet; 2) South 53°00'00" West 125.408 feet to the point of beginning.

Property contains 8.100 acres.

EXHIBIT B

PLAT

[Attach PDF copy of Village 4A Plat 9 Subdivision Plat]



AMENDED KENNECOTT MASTER
SUBDIVISION #1
BK. 2003P PG. 303



Sheet 2 of 5

LEGEND

- METROPOLITAN COUNTY
- PROPOSED STREET RIGHT-OF-WAY
- EXISTING STREET RIGHT-OF-WAY
- EXISTING STREET RIGHT-OF-WAY
- EXISTING STREET RIGHT-OF-WAY
- EXISTING STREET RIGHT-OF-WAY
- EXISTING STREET RIGHT-OF-WAY

1" PLANNED STREET RIGH-OF-WAY TO BE LOCATED IN THE NORTHWEST QUARTER OF SECTION 24, T2S, 10N, 10W, Salt Lake Base and Meridian.

RESERVED RIGHTS: HEALTH DEPARTMENT, CITY OF SALT LAKE COUNTY, PUBLIC UTILITIES, WATER, GAS, AND TELEPHONE. THIS PLAN SHALL BE VOID WITHOUT THESE RIGHTS.

ALL LOTS SHALL BE PLACED ON THE SAME LOT.

Line	Table
1	30.000
2	14.000
3	40.000
4	24.000

Curve #	Length	Radius	Delta	Chord Bearing	Chord Length
C1	31.416	20.000	90°00'00"	S08°27'06"W	28.204
C2	37.699	24.000	90°00'00"	S07°35'45"W	33.941
C3	50.246	32.000	90°00'00"	S07°17'06"W	46.296
C4	34.558	22.000	90°00'00"	S03°22'46"W	31.113
C5	42.161	14.000	90°00'00"	S05°42'21"W	41.374

PROPERTY CORNERS
PROPERTY CORNERS TO BE SET SHALL BE
CORNER TO BE SET IN FRONT OF THE
OR CORNER ON ALLY OR THE EXTENSION OF
OR LOT LINES.

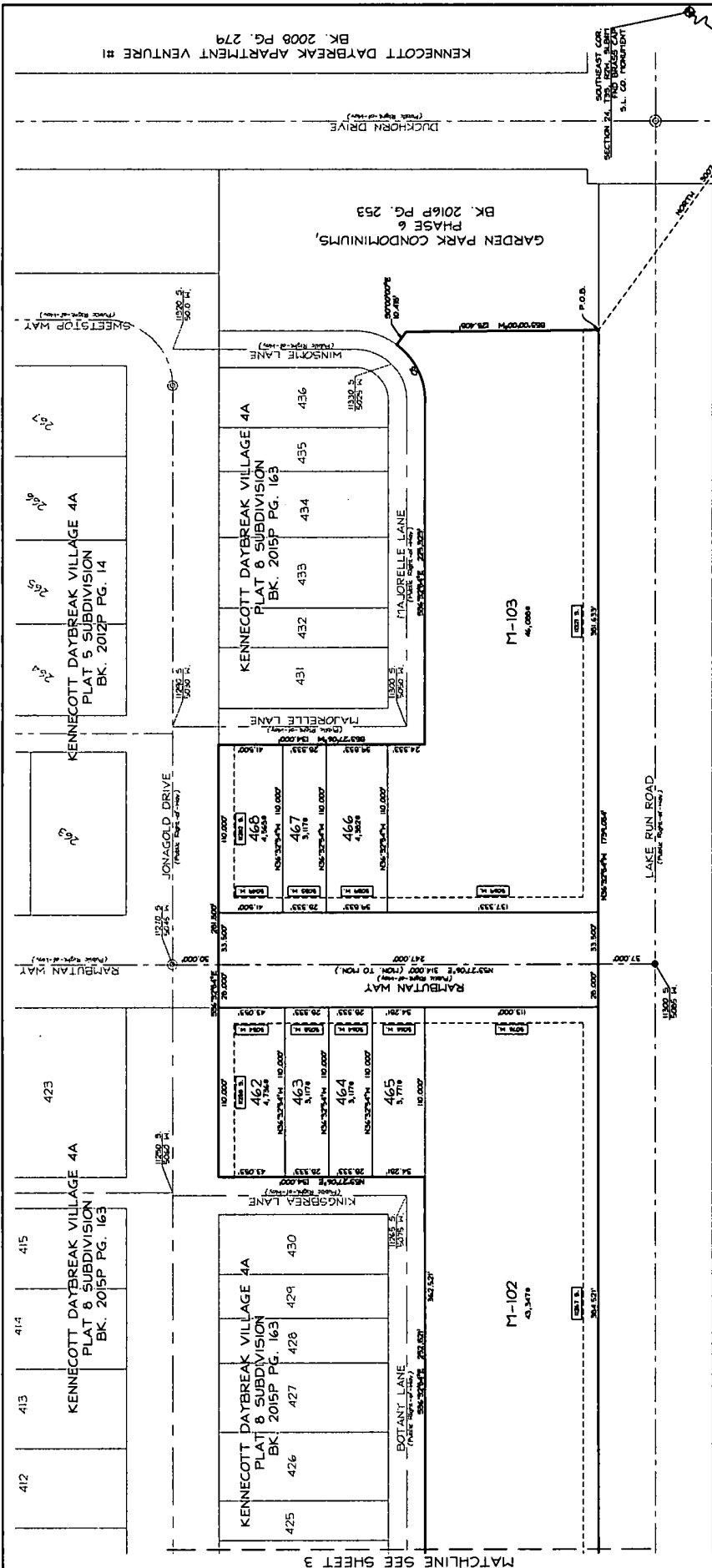
PERIGEE
S. L. L. L.
CORNERS • SURVEYING • SERVICES

1010 SOUTH 200 WEST, SUITE 101
SALT LAKE CITY, UT 84143
PHONE: (801) 571-0000
FAX: (801) 571-0001
WWW.PERIGEE.COM

STATE OF UTAH, COUNTY OF SALT LAKE, RECORD AND FILED AT THE
RECORD IN THE North-west quarter of Section 24,
T2S, 10N, 10W, Salt Lake Base and Meridian.

DATE: _____ YEAR: _____ MONTH: _____ PAGE: _____

PUBLIC UTILITY EASEMENTS
PHYSICAL
(UNLESS OTHERWISE NOTED)

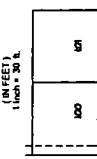
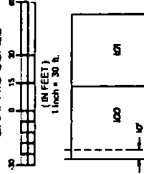


AMENDED KENNECOTT MASTER
SUBDIVISION #1
BK. 2003P PG. 303

LEGEND

- ◆ SOUTH QUARTER CORNER
 - PROPOSED STREET RIGHT-OF-WAY
 - EXISTING STREET RIGHT-OF-WAY
 - ▭ EASEMENT FOR WALKWAY
 - ▭ EASEMENT FOR UTILITY
 - ▭ EASEMENT FOR WALKWAY
 - ▭ EASEMENT FOR UTILITY
- PROPERTY CORNERS TO BE SET SHALL BE PROPERTY CORNERS OF THE ORIGINAL PLAT OR LOT LINES.

GRAPHIC SCALE



PUBLIC UTILITY EASEMENTS
TYPICAL
(UNLESS OTHERWISE NOTED)

PERIGEE
SURVEYING & CONSULTING, INC.
1000 S. 1000 W. SUITE 100
SALT LAKE CITY, UT 84143
PHONE: (801) 487-1111
FAX: (801) 487-1112

STATE OF UTAH, COUNTY OF SALT LAKE, RECORDED AND PAID AT THE
DATE: _____ TIME: _____ PM/GM.
PAGE: _____
SHEET 3 OF 5

AMENDED KENNECOTT MASTER SUBDIVISION #1
BK. 2003P PG. 303

LOCATED IN THE NORTHWEST QUARTER OF SECTION 24,
T25N, R04E, S&L CO. S&L CO. RECORDS

MATCHLINE SEE SHEET 3

KENNECOTT DAYBREAK APARTMENT VENTURE #1
BK. 2008 PG. 274

GARDEN PARK
CONDOMINIUMS
PHASE 6
BK. 2016 PG. 253

KENNECOTT DAYBREAK
VILLAGE 4A PLAT 8
SUBDIVISION
BK. 2015P PG. 163

KENNECOTT DAYBREAK-VILLAGE-4A
PLAT 5 SUBDIVISION
BK. 2012P PG. 14

KENNECOTT DAYBREAK-VILLAGE 4A
PLAT 8 SUBDIVISION
BK. 2015P PG. 163

SOUTH QUARTER COR.
SECTION 24, T2S, R2E, S44
100' BOUNDARY
S.I. CO. PERMITS

P.O.B.

PROPOSED BOUNDARY OF DAYBREAK (SEE PLAT 5)

Sheet 4 of 5

DAYBREAK VILLAGE 4A PLAT 8 SUBDIVISION
APPROVED SUBDIVISION #1 ATTENDED

Recorded in the Northwest quarter of Section 24,
T2S, R2E, S44, Salt Lake Base and Meridian

STATE OF UTAH, COUNTY OF SALT LAKE, RECORDED AND PAID AT THE
DATE: _____ TIME: _____ PAGE: _____

BK. 2008 PG. 274

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ATTENDED KENNECOTT MASTER
SUBDIVISION #1
BK. 2003P PG. 303

ATTENDED KENNECOTT MASTER
SUBDIVISION #1
BK. 2003P PG. 303

LEGEND

- COORDED BY MISS ROGER SANDERT
RECORDED IN BOOK 2000 PAGE 187
- COORDED BY MISS ROGER SANDERT
RECORDED IN BOOK 1998 PAGE 148
- COORDED BY MISS ROGER SANDERT
RECORDED IN BOOK 1997 PAGE 104
- COORDED BY MISS ROGER SANDERT
RECORDED IN BOOK 1996 PAGE 100

GRAPHIC SCALE
(IN FEET)
1 inch = 50 ft.

PERIGEE
ENGINEERS & ARCHITECTS, INC.
1220 EAST 1000 SOUTH, SUITE 100
SALT LAKE CITY, UT 84143
PHONE: 325-1111 FAX: 325-1112

PROPERTY CORNERS TO BE SET SHALL BE
REMARKS ON PLAT SHALL BE IN THE 10'
SIDE OF LOT OR THE CENTERLINE OF
SIDE LOT LINE.

