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Rhonda Francis Summit County Recorder

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**WHEN RECORDED, RETURN TO:**

Bruce R. Baird  
Bruce R. Baird PLLC  
2150 South 1300 East # 500  
Salt Lake City, UT 84106

**FIRST AMENDMENT TO THE OCTOBER 16, 2020  
ANNEXATION AND MASTER DEVELOPMENT AGREEMENT  
FOR THE SILVER MEADOWS MASTER PLANNED  
COMMUNITY**

THIS FIRST AMENDMENT TO THE ANNEXATION AND MASTER DEVELOPMENT AGREEMENT FOR THE SILVER MEADOWS MASTER PLANNED COMMUNITY is made and entered as of the 12th day of August, 2021 by and between the Town of Hideout, a political subdivision of the State of Utah, NB 248, L.L.C. a Delaware limited liability company and Stichting Mayflower Mountain Fonds, a Netherlands association, and Stichting Mayflower Recreational Fonds, a Netherlands association.

**RECITALS**

A. After October 16, 2020, when the of Town of Hideout adopted Ordinance 2020-10, which approved the annexation of the Silver Meadows Master Planned Community and voted in favor of entering the October 16, 2020 Annexation and Master Development Agreement (“AMDA”), a referendum was petitioned for and granted;

B. The vote for the referendum was held on June 22, 2021 and the voters supported the Annexation by over a 2 to 1 margin.

C. Litigation with Summit County has been ongoing in Fourth District Court over this annexation. Judge Jennifer Brown issued an oral ruling on June 22, 2021, in

case number 200500107, finding that Ordinance No. 2020-10, in its entirety, together with the Certificate of Annexation, are declared to be void ab initio and of no legal force or effect.

D. A Motion to Reconsider has been filed by the Town of Hideout on that ruling and will be heard by the Court on September 16, 2021.

E. Other counts in the case will be argued before the Court on October 14, 2021.

F. Based on the stance of the litigants it is almost certain that any ruling by the Court will be appealed.

G. Based on the above recitals, it is necessary for the Parties to revise the dates of certain actions in the October 16, 2020 AMDA.

H. After it being duly noticed, the Hideout Planning Commission reviewed this First Amendment after holding a public hearing on August 9, 2021 and forwarded a recommendation to the Town Council.

I. After it being duly noticed, the Hideout Town Council reviewed this First Amendment after holding a public hearing on August 12, 2021.

NOW, THEREFORE, the Town, Owners and Master Developer hereby agree to amend the following:

**7.7 Land for Public Service Facilities and Town Hall.** On or before ~~March 1, 2021~~ one hundred and twenty (120) days from the date of the final decision on litigation, including appellate courts, related to the approval and passage of the Annexation, Master Developer shall dedicate approximately 3 acres of land as determined by the Town within the Project to the Town for the Town's potential construction of a police and/or fire station and a potential Town Hall. The location of this site shall be

mutually determined. The deed for this site shall contain a reversionary clause limiting the uses to those specified above. The time for this dedication shall be extended *pari passu* if the effective date of this AMDA is extended as a result of any litigation or other statutory grounds. The Town Hall and the Community Center will be constructed to a design agreed upon by the Town, at the Developer's expense.

**8.1 Creation of Design Standards.** The Parties acknowledge that an integrated, consistent, high-quality design for Silver Meadows is important to its success and to the image of the Town. The Parties further acknowledge that the level of detail required for the Design Standards including architectural elements, massing, setbacks, building materials, surface treatments, landscaping, signage and other such items are beyond what is contemplated in the Zoning Ordinance. The Parties intend to work cooperatively to create a mutually acceptable set of the Design Standards on or before ~~March 1, 2021~~ one hundred and twenty (120) days from the date of the final decision on litigation including appellate courts related to the approval and passage of the Annexation, including meetings with the Town's Planner, the Planning Commission, the Town Council and public input. The Design Standards, when adopted, shall automatically become a part of this AMDA.

**12.1 School Site Set Aside.** The Concept Plan shows a site of approximately eight and one half (8.5) acres to be set aside for sale as a potential future school site. Master Developer shall dedicate that site to the Town on or before one hundred

and twenty (120) days from the date of the final decision on litigation including appellate courts related to the approval and passage of the Annexation for the purpose of the Town's later donating that site to public school. The deed for the school site shall contain a reversionary clause limiting the uses to that of a public school. The time for this dedication shall be extended *pari passu* if the effective date of this AMDA is extended as a result of any litigation or other statutory grounds.

**12.4 Secondary Access and Parking:** If issues regarding the SR 248 connection and parking along Richardson Flats road are not resolved to the Town's satisfaction by ~~August 31, 2021~~ one hundred and twenty (120) days from the date of the final decision on litigation including appellate courts related to the approval and passage of the Annexation then the AMDA ~~shall be null, void & may be terminated at the Town's discretion.~~


**12.5 Condition Precedent:** This AMDA shall not take effect until after the results of a referendum, if any, are certified and any litigation related to the passage and adoption of the annexation is resolved.


All other terms of the October 16, 2020 AMDA remain in effect.

IN WITNESS WHEREOF, the Parties hereto have executed this First Amendment to the October 16, 2020 AMDA by and through their respective, duly authorized representatives as of the day and year first herein above written.

MASTER DEVELOPER  
NB 248, LLC

TOWN  
Town of Hideout

  
By: Nathan Brockbank  
Its: Manager

  
By: Philip J. Rubin  
Its: Mayor


OWNERS  
Stichting Mayflower Mountain Fonds,  
a Netherlands association  
By: Stichting Beheer Mayflower Project  
Its: Manager

Stichting Mayflower Recreational Fonds,  
a Netherlands association  
By: Stichting Beheer Mayflower Project  
Its: Manager


By: \_\_\_\_\_  
Its: \_\_\_\_\_

By: \_\_\_\_\_  
Its: \_\_\_\_\_

Approved as to form for the Town:

  
Town Attorney

Attest for the Town:

  
Town Recorder

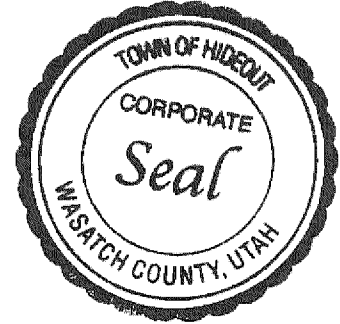
**TOWN ACKNOWLEDGMENT**

STATE OF UTAH )

: ss.

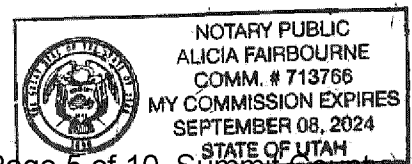
COUNTY OF WASATCH )

On the 30<sup>th</sup> day of August 2021, personally appeared before me Phil Rubin who being by me duly sworn, did say that he is the Mayor of the Town of Hideout, a political subdivision of the State of Utah, and that said instrument was signed in behalf of the Town by authority of its Town Council and said he acknowledged to me that the Town executed the same.



  
NOTARY PUBLIC

My Commission Expires: 9/8/2024





IN WITNESS WHEREOF, the Parties hereto have executed this First Amendment to the October 16, 2020 AMDA by and through their respective, duly authorized representatives as of the day and year first herein above written.

MASTER DEVELOPER  
NB 248, LLC

TOWN  
Town of Hideout

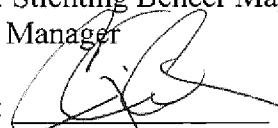
By: \_\_\_\_\_  
Its: \_\_\_\_\_

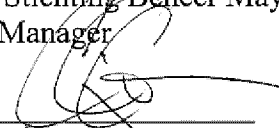
By: \_\_\_\_\_,  
Its: \_\_\_\_\_

**OWNERS**

Stichting Mayflower Mountain Fonds,  
a Netherlands association  
By: Stichting Beheer Mayflower Project  
Its: Manager

Stichting Mayflower Recreational Fonds,  
a Netherlands association  
By: Stichting Beheer Mayflower Project  
Its: Manager

By:   
Its: ATTORNEY-IN-FACT

By:   
Its: ATTORNEY-IN-FACT

Approved as to form for the Town:

Attest for the Town:

\_\_\_\_\_  
Town Attorney

\_\_\_\_\_  
Town Recorder

**TOWN ACKNOWLEDGMENT**

STATE OF UTAH            )  
                                  :    ss.  
COUNTY OF WASATCH    )

On the \_\_\_\_ day of 2021, personally appeared before me Phil Rubin who being by me duly sworn, did say that he is the Mayor of the Town of Hideout, a political subdivision of the State of Utah, and that said instrument was signed in behalf of the Town by authority of its Town Council and said \_\_\_\_\_ acknowledged to me that the Town executed the same.

\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires: \_\_\_\_\_

**OWNERS ACKNOWLEDGMENT**

STICHTING MAYFLOWER RECREATIONAL FONDS

STATE OF UTAH )

:SS.

COUNTY OF SALT LAKE )

On the 26<sup>th</sup> day of August, 2021, personally appeared before me Craig Coburn, who being by me duly sworn, did say that he is the Manager of Stichting Beheer Mayflower Project which is the Manager of Stichting Mayflower Recreational Fonds a Netherlands association and that the foregoing instrument was duly authorized by the association in a lawful manner by authority of its association and signed in behalf of said association.

Jeri Tovey  
NOTARY PUBLIC

My Commission Expires: 5/14/25

Residing at: \_\_\_\_\_



STICHTING MAYFLOWER MOUNTAIN FONDS

STATE OF UTAH )

:SS.

COUNTY OF SALT LAKE )

On the 26<sup>th</sup> day of August, 2021, personally appeared before me Craig Coburn, who being by me duly sworn, did say that he is the Manager of Stichting Beheer Mayflower Project which is the Manager of Stichting Mayflower Mountain Fonds a Netherlands association and that the foregoing instrument was duly authorized by the association in a lawful manner by authority of its association and signed in behalf of said association.

Jeri Tovey  
NOTARY PUBLIC

My Commission Expires: 5/14/25

Residing at: \_\_\_\_\_





# Legal Description

A parcel of land lying and situate in portions of Section 6 and Section 7, Township 2 South, Range 5 East, Salt Lake Base and Meridian, and portions of Sections 1 and 12, Township 2 South, Range 4 East, Salt Lake Base and Meridian, Summit and Wasatch Counties, Utah. Basis of bearing for subject parcel being South 89°04'43" West 2640.86 feet measured, between the 1 1/2" brass cap monument marking the Northeast Corner of said Section 7 and the BLM Aluminum Cap stamped "1994" marking the North Quarter Corner of Section 7. Subject Parcel being more particularly described as follows:

Commencing at the Northeast Corner of Section 7, Township 2 South, Range 5 East, Salt Lake Base and Meridian, thence South 89°04'43" West 1067.55 feet; Thence South 00°55'17" East 538.88 feet to a point on the extant Northerly Boundary of the Town of Hideout and the True Point of Beginning; Thence South 67°40'02" West 288.78 feet coincident with said Town Annexation line; Thence the following fifteen (15) courses coincident with the southwesterly right of way line of SR-248, 1) Northwesterly 285.10 feet along the arc of a 3709.27 foot radius curve to the left (center bears South 53°03'23" West) through a central angle of 04°24'14"; 2) North 65°52'29" West 259.50 feet; 3) North 48°59'43" West 698.19 feet; 4) North 56°09'40" West 749.30 feet; 5) North 45°29'05" West 190.09 feet; 6) North 34°47'12" West 145.12 feet; 7) North 44°47'17" West 540.36 feet; 8) North 36°16'14" West 487.17 feet; 9) North 24°47'53" West 969.15 feet; 10) North 30°33'16" West 389.10 feet to a point on a curve; 11) Northwesterly 226.08 feet along the arc of a 622.96 foot radius curve to the left (center bears South 44°59'44" West) through a central angle of 20°47'35"; 12) North 23°55'11" East 25.13 feet; 13) North 30°08'20" West 147.37 feet; 14) Northwesterly 137.82 feet along the arc of a 360.24 foot radius curve to the left (center bears South 48°13'34" West) through a central angle of 21°55'12"; 15) North 42°48'55" West 74.41 feet; Thence departing said right of way then running the following four (4) courses coincident with the south right of way of Jordanelle Parkway 1) South 57°02'40" West 110.64 feet to a point of curvature; 2) Southerly 212.69 feet along the arc of a 434.00 foot radius curve to the left (center bears South 32°57'20" East) through a central angle of 28°04'44"; 3) South 34°17'15" West 37.11 feet; 4) Southerly 298.39 feet along the arc of a 439.00 foot radius curve to the left (center bears South 65°51'46" East) through a central angle of 38°56'37"; Thence departing said right of way South 76°18'12" West 128.03 feet to a point of curvature; Thence the following three (3) courses coincident with the southerly right of way line of Richardson Flat Road 1) Southerly 262.52 feet along the arc of a 265.00 foot radius curve to the left (center bears South 13°41'47" East) through a central angle of 56°45'38" to a point of tangency; 2) South 19°32'35" West 467.14 feet to a point of curvature; 3) Southerly 233.40 feet along the arc of a 500.00 foot radius curve to the right (center bears North 70°27'25" West) through a central angle of 26°44'45" to a point on the Wasatch - Summit County line; Thence running the following ten (10) courses coincident with said county line 1) South 29°14'14" East 308.34 feet; 2) South 24°40'20" East 1194.44 feet; 3) South 30°35'32" East 938.20 feet; 4) South 21°45'29" East 903.31 feet; 5) South 64°43'01" West 250.61 feet; 6) South 40°29'06" West 1093.28 feet; 7) South 30°28'33" West 600.43 feet; 8) South 76°40'10" West 493.72 feet; 9) South 81°36'20" West 1174.51 feet; 10) South 69°18'20" West 32.48 feet; Thence departing said county line North 01°10'33" West 203.05 feet coincident with the east line of Summit County Tax Parcel PP-28, (Jordanelle Parkridge, LLC) to a point on the south line of the Northeast Quarter of Section 12, Township 2 South, Range 4 East, Salt Lake Base and Meridian; Thence North 89°14'18" West 836.51 feet coincident with said quarter section line to the Center Quarter Corner thereof; Thence North 01°32'13" West 2671.79 feet coincident with the south line of the Northeast Quarter of Section 12 to the North Quarter Corner thereof; Thence North 00°46'27" East 2402.11 feet coincident with the south line of the Southeast Quarter of Section 1, Township 2 South, Range 4 East, Salt Lake Base and Meridian to a point on the south right of way line of Richardson Flat Road; Thence coincident with said south right of way line the following two (2) courses, 1) North 79°45'59" East 538.73 feet; 2) Easterly 337.07 feet along the arc of a 523.70 foot radius curve to the right (center bears South 10°14'01" East) through a central angle of 36°52'39"; Thence departing said right of way North 00°00'57" East 215.87 feet to a point on the north line of the Southeast Quarter of said Section 1; Thence South 89°47'09" East 1219.03 feet to the Summit-Wasatch County line; Thence the following two

(2) courses coincident with said county line, 1) South 07°47'44" East 450.86 feet; 2) South 29°14'14" East 344.75 feet to a point on the north right of way line of Richardson Flat Road; Thence along the north right of way line of said Richardson Flat Road the following three (3) courses 1) Northeasterly 197.10 feet along the arc of a 450.00 foot radius curve to the left (center bears North 45°21'39" West) through a central angle of 25°05'46" to a point of tangency; 2) North 19°32'35" East 467.14 feet to a point of curvature; 3) Easterly 312.06 feet along the arc of a 315.00 foot radius curve to the right (center bears South 70°27'25" East) through a central angle of 56°45'38" to a point of tangency; Thence North 76°18'12" East 57.63 feet along the north right of way line of said Richardson Flat Road and the prolongation thereof; Thence the following three (3) courses coincident with the northerly right of way line of Jordanelle Parkway, 1) Northeasterly 295.88 feet along the arc of a 511.00 foot radius curve to the right (center bears North 80°57'41" East) through a central angle of 33°10'33" to a point of tangency; 2) North 19°57'49" East 43.55 feet to a point of curvature; 3) Northeasterly 252.88 feet along the arc of a 516.00 foot radius curve to the right (center bears South 61°02'05" East) through a central angle of 28°04'45" to a point of tangency; Thence continuing North 57°02'40" East 489.98 feet coincident with said northerly right of way line and the prolongation thereof to a point on the easterly right of way of SR-248; Thence the following nine (9) courses coincident with said right of way 1) South 40°54'27" East 501.46 feet to a point on the arc of an 11692.72 foot radius curve; 2) Easterly 876.51 feet along the arc of said 11692.72 foot radius curve to the right (center bears South 56°21'02" West) through a central angle of 04°17'42"; 3) South 29°24'29" East 736.57 feet; 4) South 45°01'54" East 545.96 feet; 5) South 49°49'59" East 514.43 feet; 6) South 35°50'56" East 510.25 feet; 7) South 56°09'39" East 270.75 feet to a point of curvature; 8) Easterly 768.25 feet along the arc of a 3989.72 foot radius curve to the right (center bears South 33°50'20" West) through a central angle of 11°01'58" to a point on the arc of a 3567.39 foot radius curve; 9) Easterly 643.88 feet along the arc of said 3567.39 foot radius curve to the right (center bears South 44°35'54" West) through a central angle of 10°20'29" to the point of beginning.

**LESS AND EXCEPTING THEREFROM ANY PORTION LYING WITHIN THE BOUNDS OF THE FOLLOWING WASATCH COUNTY PARCELS - SUBDIVISIONS:**

Parks Edge Subdivision, The Retreat at Jordanelle Parcel D, Wasatch Springs Phase 2, Iroquois Phase 2 Amended, Iroquois Phase 3 Amended, Lots 2 through 6 and Parcel A of Iroquois Phase 4 Amended, Jovid Mark Subdivision and Deer Canyon Preserve.

*SS-125, SS-125-C, PP-28-1, PP-28-2, and SS-86*