

STIPULATION OF VALIDITY AND CONSTITUTIONALITY,  
RESERVATION OF CLAIMS  
AND  
AGREEMENT CONCERNING FUTURE DEVELOPMENT

THIS INSTRUMENT is made and entered into this 19<sup>th</sup> day of February, 1980, by and between TIMBER LAKES CORPORATION, a Utah corporation, VEIGH CUMMINGS, an individual and the sole stockholder and president of Timber Lakes Corporation, and WASATCH COUNTY, a political subdivision of the State of Utah.

RECITALS:

A. Timber Lakes Corporation is the owner and/or contract purchaser of several thousands of acres of undeveloped and unplatted real property (hereinafter "Timber Lakes' Undeveloped Property") located in Wasatch County, Utah, which real property is more particularly described on Exhibit "B" attached hereto and incorporated herein by this reference.

B. The parties hereto have reached the agreement described herein with respect to the Development Code of Wasatch County and its applicability to the development of Timber Lakes' Undeveloped Property.

NOW, THEREFORE, the parties hereto agree as follows:

1. Stipulation of Validity and Constitutionality.

Subject to Section 2 hereof, Timber Lakes Corporation and Veigh Cummings, and each of them, hereby stipulate and agree that the Development Code of Wasatch County, including the amendments thereto which became effective on June 23, 1979, and each and every provision, requirement, term, condition, clause, restriction, limitation, and procedure of said Code is valid, constitutional, and in all other respects legal and

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lawful. Timber Lakes Corporation and Veigh Cummings, and each of them, hereby relinquish, release, and forever discharge all claims, demands, causes of action, damages, or liabilities relating to the validity, constitutionality, or lawfulness of said Code and each and every provision, requirement, term, condition, clause, restriction, limitation and procedure of said Code, which Timber Lakes Corporation or Veigh Cummings ever had, now has, or may hereafter have or acquire or claim to have or acquire, including, without limitation, all claims set forth in the lawsuit filed in the District Court of Wasatch County, State of Utah entitled Timber Lakes Corporation vs. Wasatch County, Leland W. Ivers, Clyde W. Broadbent, R.N. Jiacoletti, Robert A. Mathis, Elmer Kohler, Sherman Giles, Keith Mecham, David Huntington, and LeRoy Sweat, Civil No. 3704.

In the event that Wasatch County should hereafter amend said Code, the stipulations, agreements and releases set forth in the immediately preceding two sentences shall remain in full force and effect with respect to each provision, requirement, term, condition, clause, restriction, limitation and procedure of said Code which is not substantially altered or deleted by such amendment.

2. Reservation of Claims. Timber Lakes Corporation hereby reserves the right, following a density determination respecting Timber Lakes Undeveloped Property or any part thereof pursuant to Section 9-3C of the Wasatch County Development Code (or any provision or procedure amending, supplanting, or replacing said Section), to challenge the validity or constitutionality of the inclusion of the word "lots" in Sections 9-3C5g and h of said Code and to file an appeal under Section 9-3C4 of said Code

challenging the application, or the validity, constitutionality, or lawfulness of such application of the Code's standards to Timber Lakes' Undeveloped Property, but not the validity, constitutionality, or lawfulness of the standards themselves.

3. Agreement Concerning Future Development. Timber Lakes Corporation and Veigh Cummings, and each of them, hereby stipulate and agree that all future development of Timber Lakes' Undeveloped Property shall be in strict conformity with the Development Code of Wasatch County, including the amendments thereto which became effective on June 23, 1979 and any other amendments thereto enacted after the date hereof. Timber Lakes Corporation and Veigh Cummings, and each of them, hereby relinquish, release, and forever discharge any and all claims that either of them has had, now has, or may hereafter have or claim to have relating to or in any way connected with: (i) any alleged right, either legal or equitable or of any nature whatsoever, to develop the Timber Lakes' Undeveloped Property in conformity with any prior ordinance of Wasatch County, or any provision(s) thereof; and (ii) any alleged "vested" right or "estoppel" claim to develop the Timber Lakes' Undeveloped Property under any such prior ordinance or provision(s) thereof. Timber Lakes Corporation and Veigh Cummings, and each of them, hereby expressly relinquish, release, and forever discharge: (i) any and all rights to assert in a Density Determination relating to the Timber Lakes' Undeveloped Property, or any portion thereof, any claim under Section 9-3C6 of the Development Code of Wasatch County (or any provisions amending, supplementing, or replacing said Section); and (ii) the right to submit evidence under said Section 9-3C6 in any Density Determination with respect to Timber Lakes' Undeveloped Property, or any portion thereof. It is further agreed that any Density Determination

nation relating to Timber Lakes' Undeveloped Property under Section 9-3C of the Development Code of Wasatch County (or any provisions amending, supplementing, or replacing said Section) shall consider the effect of existing development in determining allowable density.

4. Binding Effect. The provisions of this Instrument shall be binding upon the heirs, successors, and assigns of the parties hereto, shall run with the land, and shall constitute equitable servitudes upon and govern the future development of the Timber Lakes' Undeveloped Property.

EXECUTED the day and year first above written.

ATTEST:

TIMBER LAKES CORPORATION,  
a Utah corporation

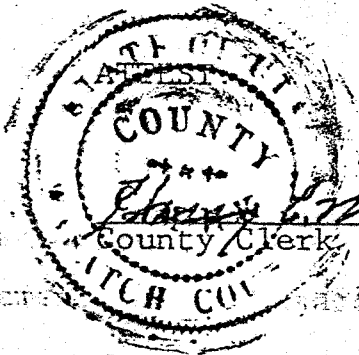
Ronald V. Cummings  
~~Secretary~~ V.P.

By Veigh Cummings  
Its President

VEIGH CUMMINGS

Veigh Cummings

WASATCH COUNTY, a political  
subdivision of the State  
of Utah



Harvey L. Miller  
County Clerk

By Bob J. Raetzle  
Chairman of the Board of  
County Commissioners

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

On the 19<sup>th</sup> day of February, 1980, personally appeared before me, VEIGH CUMMINGS and Ronald V. Cummings who both being by me duly sworn did say, that they, as the President

and Vice-President, respectively, of Timber Lakes Corporation, and that the foregoing instrument was signed in behalf of said corporation by authority of its Bylaws or a resolution of its Board of Directors, and said individuals acknowledged to me that said corporation executed the same.

My Commission Expires: 7/29/80  
STATE OF UTAH )  
:ss.  
COUNTY OF SALT LAKE )

James P. Sadowski  
NOTARY PUBLIC  
Residing at: Sandy, Utah

On the 19<sup>th</sup> day of February, 1980, personally appeared before me VEIGH CUMMINGS, who, being by me duly sworn, did acknowledge to me that he is the signer of the foregoing instrument.

My Commission Expires: 7/29/80  
STATE OF UTAH )  
:ss.  
COUNTY OF SALT LAKE )

James P. Sadowski  
NOTARY PUBLIC  
Residing at: Sandy, Utah

On the 19<sup>th</sup> day of February, 1980, personally appeared before me R. D. Giacometti and HARRY C. McMillon who both being by me duly sworn did say, that they are the Chairman of the Board of County Commissioners of Wasatch County and the Clerk of Wasatch County, respectively, and that the foregoing instrument was signed in behalf of said County by authority and said individuals duly acknowledged to me that said County executed the same.

My Commission Expires: 7/29/80  
STATE OF UTAH )  
:ss.  
COUNTY OF SALT LAKE )

James P. Sadowski  
NOTARY PUBLIC  
Residing at: Sandy, Utah

ENTRY NO. 119092 DATE 2-20-1980 TIME 11:30 FEE NO FEE  
RECORDED FOR BOB MATHIS BOOK 131 PAGE 53B-47  
RECORDER JOE DEAN HUBER BY FLOSSIE CARLILE

INDEX  ABSTRACT  PLAT  CHECK

## EXHIBIT "B"

Timber Lakes Estates Contiguous Area:PARCEL 1:

The Southwest quarter of the Southwest Quarter of Section 4, Township 4 South, Range 6 East, Salt Lake Base and Meridian, lying Southerly of Lake Creek.

PARCEL 2:

The South half of the Southeast Quarter and the Southeast Quarter of the Southwest Quarter of Section 5, Township 4 South, Range 6 East, Salt Lake Base and Meridian, lying Southerly of Lake Creek.

PARCEL 3:

All of the Southeast Quarter of the Southwest Quarter and the Southwest Quarter of the Southeast Quarter of Section 6, Township 4 South, Range 6 East, lying South of Lake Creek Road.

PARCEL 4:

All of Section 7, Township 4 South, Range 6 East of the Salt Lake Base and Meridian, EXCEPTING from Parcel 4 and Parcel 12 the following: Beginning at the Northeast corner of Section 12, in Township 4 South of Range 5 East of the Salt Lake Meridian, and running thence East 14.90 chains, thence South 80 chains, thence West 14.90 chains, thence North 80 chains to the place of beginning.

PARCEL 5:

All of Section 8, Township 4 South, Range 6 East, Salt Lake Base and Meridian.

PARCEL 6:

All of Section 9, Township 4 South, Range 6 East, Salt Lake Base and Meridian, except that portion known as Jones Reservoir and that portion known as the Clyde Reservoir in the Northwest Quarter of Section 9.

PARCEL 7:

Beginning at the Southwest corner of Section 10, Township 4 South, Range 6 East, Salt Lake Base and Meridian, and running thence North 4337 feet to Lake Creek; thence following said Creek South 89° East 527.0 feet; thence South 56° East 398.0 feet; thence South 57° East 1225.0 feet; thence South 23° East 80.0 feet; thence South 47°45' East 1428.0 feet; thence South 8°45' West 228.0 feet; thence South 21° West 125.0 feet; thence South 39° East 230.0 feet; thence South 52° East 1182.0 feet; thence South 55°30' East 710.0 feet; thence South 52° East 500.0 feet; thence South 2° West 113.0 feet; thence South 63°45' East 165.0 feet; thence South 40°45' East 160.0 feet; thence South 22°30' East 160.0 feet to the Southeast corner of said Section 10; thence West 320 rods to the point of BEGINNING.

EXCEPTING THEREFROM THE FOLLOWING:

BEGINNING at a point 30 chains North and 1 chain West from the Southeast corner of the Southwest quarter of Section 10, Township 4 South, Range 6 East, Salt Lake Base and Meridian, and running thence South  $27^{\circ}30'$  West 24.94 chains; thence North  $36^{\circ}45'$  West 30.57 chains; thence North  $69^{\circ}40'$  East 11.97 chains; thence South  $45^{\circ}10'$  East 2.41 chains; thence South  $67^{\circ}08'$  East 10.68 chains to the place of beginning.

PARCEL 8:

All of Section 14, Township 4 South, Range 6 East, lying South and West of Lake Creek.

PARCEL 9:

All of Section 15, Township 4 South, Range 6 East, Salt Lake Meridian, except that portion of Section 15 covered by Deer Valley Reservoir.

PARCEL 10:

All of Section 16, Township 4 South, Range 6 East, Salt Lake Base and Meridian.

PARCEL 11:

All of Section 17, Township 4 South, Range 6 East, Salt Lake Base and Meridian.

PARCEL 12:

All of Section 18, Township 4 South, Range 6 East, Salt Lake Base and Meridian.

PARCEL 13:

All of Section 19, Township 4 South, Range 6 East, Salt Lake Base and Meridian except the following:

BEGINNING at the Southeast corner of said Section 19, thence North 220 rods; thence West 80 rods; thence South 220 rods; thence East 80 rods to the point of BEGINNING.

PARCEL 14:

BEGINNING at the Northwest Corner of Section 20, Township 4 South, Range 6 East, Salt Lake Base and Meridian and running thence East 320 rods; thence South 90 rods; thence West 70 rods; thence North 10 rods; thence West 170 rods; thence South 20 rods; thence West 80 rods; thence North 100 rods to the point of BEGINNING.

PARCEL 15:

BEGINNING at the Northeast Corner of Section 21, Township 4 South, Range 6 East, Salt Lake Base and Meridian and running thence South 160 rods; thence West 310 rods; thence North 70 rods; thence West 10 rods; thence North 10 rods; thence East 80 rods; thence North 80 rods; thence East 240 rods to the point of BEGINNING.

Also: The Northwest Quarter of the Northwest Quarter of Section 21, Township 4 South, Range 6 East, Salt Lake Base and Meridian.

East 11

All of

East 11

Exhibit "B" Continued 3

PARCEL 16:

All of Section 22, Township 4 South, Range 6 East, Salt Lake Base and Meridian.

PARCEL 17:

All of Section 23, Township 4 South, Range 6 East, Salt Lake Base and Meridian.

PARCEL 18:

The West Half of the Southwest Quarter of Section 24, Township 4 South, Range 6 East, Salt Lake Base and Meridian, excepting therefrom Beaver Spring Reservoir Site.

PARCEL 19:

BEGINNING at the Northwest corner of Section 30, Township 4 South, Range 6 East, Salt Lake Base and Meridian; thence South 20 chains; to the Southwest corner of the Northwest quarter of the Northwest quarter of said Section 30; thence South 72°30' East 285 feet; thence South 20° East 358 feet; thence South 31°15' East 135 feet; thence South 59°15' East 120 feet; thence South 6°30' East 170 feet; thence South 59°15' East 120 feet; thence South 6°30' East 170 feet; thence South 27°30' East 103 feet; thence South 19° East 110 feet; thence South 37° East 160 feet; thence South 52° East 296 feet; thence South 35°45' East 370 feet; thence South 65°15' East 526 feet; thence South 47°30' East 303 feet; thence South 55°30' East 268 feet; thence South 68° East 412 feet; thence South 49° East 172 feet; thence South 85°15' East 172 feet; thence South 37° East 499 feet; thence South 40° East 565 feet; thence South 24° East 295 feet; thence South 87°15' East 7.55 chains; thence North 76°15' East 5.23 chains; thence North 61° East 3.76 chains; thence North 7°15' East 3.36 chains; thence North 42°45' East 2.85 chains; thence North 17°15' East 3.36 chains; thence North 12°30' West 3.38 chains; thence North 50°20' East 5.45 chains; thence North 64°40' East 2.88 chains; thence North 39°20' East 3.03 chains; to the Section line; thence North 51.16 chains to the Northeast corner of said Section 30; thence West 80 chains to the Northwest quarter of said Section 30, to point of BEGINNING.

EXCEPTING THEREFROM any portion of the East half of the Southwest quarter; the West half of the Southeast Quarter of said Section 30, which lies Southerly and Westerly of the center line of the road called the Center Creek Road, as it passes through said Section 30.

PARCEL 20:

Lots 1, 2, 3, and 4, and the West half of the Northeast quarter and the West half of the Southeast quarter and all of the West half lying Easterly of the Center Creek Road thence Southerly of an existing fence which is approximately along the North line of the South half of the Northwest quarter of Section 13.



PARCEL 21:

All that part of Sections 24, and 25, Township 4 South, Range 5 East of the Salt Lake Meridian, lying North and East of the Center Creek Road, as presently exists.

EXCEPTING THEREFROM THE FOLLOWING:

I. All of Timber Lakes Estates, Plats 1-14, as recorded on the official plats thereof in the Office of the County Recorder of Wasatch County, Utah.

II. PARCEL 1: (Plat 16-A)

COMMENCING at the Southwest corner of Lot 1027, TIMBER LAKES SUBDIVISION, PLAT 10, Amended, a subdivision being part of Section 15, Township 4 South, Range 6 East, Salt Lake Base and Meridian, and running thence South 12°00'00" East 61.70 feet; thence North 82°56'21" West 350.53 feet; thence South 09°49'37" West 243.00 feet; thence North 82°56'21" West 309.61 feet; thence North 63°06'27" West 125.62 feet; thence North 50°00'00" West 528.08 feet; thence North 47°00'00" West 900.00 feet; thence North 40°00'00" East 272.33 feet; thence South 47°00'00" East 933.76 feet; thence North 43°00'00" East 376.152 feet; thence South 52°00'00" East 396.043 feet; thence South 48°00'00" East 204.79 feet; thence North 78°00'00" East 220.146 feet; thence South 12°00'00" East 310.00 feet to the point of beginning.

PARCEL 2: (Plat 16-B)

COMMENCING at the Southwest corner of TIMBER LAKES SUBDIVISION, PLAT 1, Amended, and running thence South 32°00' West 260.00 feet; thence North 47°00'00" West 490.00 feet; thence North 62°00'00" West 300.00 feet; thence North 42°00'00" West 360.00 feet; thence North 27°00'00" West 570.00 feet; thence North 58°00'00" West 791.93 feet; thence North 34°00'00" East 264.84 feet; thence South 58°00'00" East 824.87 feet; thence Southeasterly along the arc of 348.205 foot radius curve to the right 194.48 feet (the chord of which bears South 42°00' East 191.96 feet); thence South 26°00'00" East 407.44 feet to the point of a curve; thence Southeasterly along the arc of 164.207 foot radius curve to the left 93.44 feet, (the chord of which bears South 43°00'00" East 96.02 feet) to the point of reversing curve; thence Southeasterly along the arc of 194.004 foot radius curve to the right 74.49 feet, (the chord of which bears South 49°00'00" East 74.04 feet); thence South 38°00'00" East 437.43 feet to the point of curve; thence Southeasterly along the arc of 251.851 foot radius curve to the left 87.91 feet (the chord of which bears South 48°00'00" East 87.47 feet); thence South 58°00'00" East 379.61 feet to the point of beginning.

Exhibit "B" Continued

PARCEL 3: (Plat 16-C)

COMMENCING at the Southwest corner of Lot 416, TIMBER LAKES PLAT 4, a subdivision, in Section 14, Township 4 South, Range 6 East, Salt Lake Base and Meridian; thence North 45°30'00" East 4.43 feet; thence South 32°49'48" East 137.17 feet; thence South 37°53'02" East 123.37 feet; thence South 10°00'52" East 65.91 feet; thence South 18°24'56" West 142.61 feet; thence South 60°36'57" West 35.29 feet; thence South 20°49'22" East 129.62 feet; thence South 37°33'55" East 366.84 feet; thence South 30°17'43" East 102.26 feet to the point of a curve; thence Southeasterly along the arc of 112.00 foot radius curve to the right 53.17 feet (the chord of which bears South 16°41'41" East 52.67 feet); thence South 03°05'38" East 144.09 feet to the point of curve; thence Southeasterly along the arc of 96.01 foot radius curve to the right 50.43 feet (the chord of which bears South 11°57'11" West 49.85 feet); thence South 27°00'00" West 220.00 feet; thence South 34°30'00" West 288.29 feet; thence North 88°04'14" West 526.23 feet; thence North 84°19'11" West 122.02 feet; thence Southwesterly along the arc of 270.57 foot curve to the left 68.68 feet (the chord which bears South 88°24'30" West 68.50 feet); thence South 81°08'11" West 566.06 feet; thence North 52°31'05" West 92.27 feet; thence North 45°31'55" West 355.65 feet; thence North 49°59'33" West 423.37 feet; thence North 54°57'54" West 414.33 feet; thence North 58°36' West 196.29 feet; thence North 61°00' West 200.73 feet; thence North 32°00' East 186.81 feet; thence South 76°00' East 388.94 feet; thence North 74°00' East 923.17 feet; thence North 16°00' West 71.55 feet; thence North 50°00'00" East 250.97 feet; thence South 40°00'00" East 163.66 feet; thence North 50°00'00" East 383.86 feet; thence North 30°00'00" West 484.94 feet; thence North 551.84 feet; thence North 77°23'06" East 271.58 feet to a point on curve; thence Southeasterly along the arc of 495.718 foot radius curve to the left 103.82 feet (the chord of which bears South 27°00'00" East 103.63 feet); thence South 33°00'00" East 153.70 feet to the point of a curve; thence Southeasterly along the arc of 335.688 foot radius curve to the left 105.46 feet, (the chord of which bears South 42°00'00" East 103.03 feet); thence South 33°00'00" West 107.225 feet; thence South 18°00'00" East 298.892 feet; thence South 34°00'00" East 457.665 feet to the point of beginning.