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Book - 10684 Pg - 4802-4813
ADAM GARDINER
Recorder, Salt Lake County, UT
FIRST AMERICAN NCS
BY: eCASH, DEPUTY - EF 12 P.

Tax Parcel Nos.

27124020330000
27124020340000
27124020350000

First American Title
National Commercial Services
NCS File # 902127

Space Above for Recorder's Use

**FIRST AMENDMENT TO DECLARATION AND ESTABLISHMENT OF PROTECTIVE COVENANTS,
CONDITIONS AND RESTRICTIONS AND GRANT OF EASEMENTS**

This First Amendment to Declaration and Establishment of Protective Covenants, Conditions and Restrictions and Grant of Easements (this "**Amendment**") is made effective as of ~~April~~ ^{June} 15, 2018, by **MOUNTAIN AMERICA FEDERAL CREDIT UNION**, (together with its successors and/or assigns, "**Office Owner**"), and **SANDY CITY**, a municipal corporation (together with its successors and/or assigns, the "**City**"), with an acknowledgment and consent by **HALE CENTRE THEATRE**, a Utah nonprofit corporation (together with its successors and assigns, "**HCT**").

RECITALS

A. Office Owner is the owner of a parcel of real property located in Sandy City, Utah, and which is more particularly described on **Exhibit 1** attached hereto and made a part hereof (the "**Office Parcel**");

B. The City is the owner of a parcel of real property located in Sandy City, Utah, and which is more particularly described on **Exhibit 2** attached hereto and made a part hereof (the "**Plaza Parcel**");

C. The City is also the owner of a parcel of real property located in Sandy City, Utah, and which is more particularly described on **Exhibit 3** attached hereto and made a part hereof (the "**Theater Parcel**");

D. The City leased the Theater Parcel to HCT pursuant to the HCT Lease (defined below);

E. Office Owner and the City entered into the "Declaration and Establishment of Protective Covenants, Conditions and Restrictions and Grant of Easements" recorded on November 17, 2016, as Entry No. 12415019 in the office of the Salt Lake County Recorder's office (the "**Declaration**") for the purposes of setting forth certain covenants, conditions and restrictions which bind the Office Parcel, the Plaza Parcel and the Theater Parcel and grant certain easements

over such properties for the benefit of the other properties, all on the terms more specifically set forth therein;

F. Section 1.1 of the Declaration contemplated an “as-built” survey would be completed and recorded as an amendment to the Declaration for the purpose of setting forth the precise location of the Access Areas as defined in Section 1.1 of the Declaration.

NOW, THEREFORE, with reference to the foregoing Recitals and upon the terms and conditions contained herein, Office Owner and the City hereby agree as follows:

1. Section 1.1 of the Declaration is deleted and replaced in its entirety with the following:

1. **Access Areas.**

All areas within each of the Office Parcel and the Theater Parcel which are intended to be used at any time and from time to time as traffic lanes, driveways, sidewalks, walkways or similar areas for ingress and egress of vehicles and pedestrians, but does not include any portion of such Parcels on which a Building or landscaping is located at any time or from time to time. The specific boundaries of the Access Areas are identified in the “as-built” survey attached hereto as **Exhibit 4**.

2. Approximately 0.567 acres of land (the “Additional Land”) located at the south end of the Office Parcel in Sandy City, Salt Lake County, State of Utah, is hereby added to the legal description of the Office Parcel as more particularly described in **Exhibit 1-A** hereto. The Additional Land shall all be subject to the Declaration and shall be treated as part of the “Access Areas” as defined therein.
 3. The following is added to the definition of “Common Areas” in Section 1.4 of the Declaration:

For purposes of clarification, the Common Areas include, among other things and without limitation, the Access Areas.

4. This Amendment is incorporated into and made an integral part of the Declaration. If there is a conflict between the provisions of this Amendment and the provisions of the original Declaration, the provisions in this Amendment will prevail.

[End of Terms - Signatures, Acknowledgments, and Exhibits Follow]

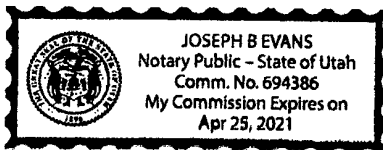
IN WITNESS WHEREOF, Office Owner and the City have executed this Amendment the day and year first above written.

OFFICE OWNER

MOUNTAIN AMERICA FEDERAL
CREDIT UNION

By: Chris Tapia
Name: ~~Sterling Nielsen~~ Chris Tapia
Title: ~~President/CEO~~ SVP Corp. R.E.

June In the State of Utah, County of Salt Lake, on this 13th day of ~~April~~, 2018, ~~Sterling Nielsen~~, the signer of the foregoing, personally appeared before me and duly acknowledged to me that he executed the same for the entity and in the capacity indicated.



[Signature]
NOTARY PUBLIC

CITY:

SANDY CITY, UTAH, a Utah municipal corporation

ATTEST:

By: _____
Kurt Bradburn, Mayor

City Recorder

In the State of _____, County of _____, on this ____ day of April, 2018, Kurt Bradburn, Mayor, the signer of the foregoing, personally appeared before me and duly acknowledged to me that he executed the same for the entity and in the capacity indicated.

NOTARY PUBLIC

IN WITNESS WHEREOF, Office Owner and the City have executed this Amendment the day and year first above written.

OFFICE OWNER

MOUNTAIN AMERICA FEDERAL
CREDIT UNION

By: _____
Name: Sterling Nielsen
Title: President/CEO

In the State of _____, County of _____, on this ____ day of April, 2018, Sterling Nielsen, the signer of the foregoing, personally appeared before me and duly acknowledged to me that he executed the same for the entity and in the capacity indicated.

NOTARY PUBLIC



ATTEST:

Wendy D. [Signature]
City Recorder, Deputy

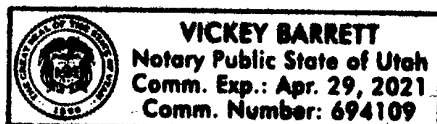
CITY:

SANDY CITY, UTAH, a Utah municipal corporation

By: [Signature]
Kurt Bradburn, Mayor

In the State of Utah, County of Salt Lake, on this 13 day of April, 2018, Kurt Bradburn, Mayor, the signer of the foregoing, personally appeared before me and duly acknowledged to me that he executed the same for the entity and in the capacity indicated.

[Signature]
NOTARY PUBLIC



Signature Page to First Amendment to Declaration and Establishment of Protective Covenants,
Conditions and Restrictions and Grant of Easements

**ACKNOWLEDGMENT AND CONSENT
TO FIRST AMENDMENT TO DECLARATION AND ESTABLISHMENT OF
PROTECTIVE COVENANTS, CONDITIONS AND RESTRICTIONS AND GRANT OF
EASEMENTS**

THIS ACKNOWLEDGMENT AND CONSENT is attached to and forms part of that certain First Amendment to Declaration and Establishment of Protective Covenants, Conditions and Restrictions and Grant of Easements, dated the 15th day of ~~April~~^{June}, 2018, by Mountain America Federal Credit Union, and Sandy City, a Utah municipal corporation (the "Amendment"). The undersigned hereby acknowledges and consents to the Amendment, and hereby ratifies its limited joinder to the Declaration, as amended by the Amendment.

IN WITNESS WHEREOF, the undersigned, by and through its duly authorized and appointed officers, has caused this document to be executed and delivered as of the 15th day of ~~April~~^{June}, 2018.

HALE CENTRE THEATRE,
a Utah nonprofit corporation

By: [Signature]

☒ Printed Name: VP CAD BRENT D. LANGE

Title: VP, CAD

In the State of Utah, County of Salt Lake, on this 14 day of ~~April~~^{June}, 2018, Brent D. Lange, the signer of the foregoing, personally appeared before me and duly acknowledged to me that he executed the same for the entity and in the capacity indicated.

[Signature]
NOTARY PUBLIC

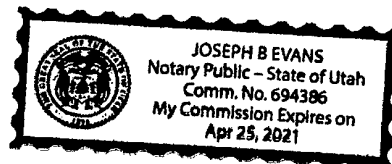


Exhibit 1-A

Legal Description of the "Additional Land"

The portion of Lot 101, Sandy Gardner Office Park Amended according to the official plat thereof, recorded on April 16, 2018, as Entry No. 12753394 in Book 2018P at Page 166, in the Office of the Salt Lake County Recorder, described as follows:

Beginning at a point on the westerly right-of-way line of Monroe Street (240 West) and the easterly boundary of Lot 3, SANDY GARDNER OFFICE PARK, recorded July 13, 2015 as Entry No. 12089960 in Book 2015P of plats at Page 160 in the office of the Salt Lake County Recorder, said point lies North 89°40'00" East 92.57 feet to a Salt Lake County Survey monument in State Street, South 0°08'34" East 913.26 feet along the monument line in State Street and West 1845.73 feet from the unmarked location of the East Quarter Corner of Section 12, Township 3 South, Range 1 West, Salt Lake Base and Meridian;

thence along the boundary of said Lot 3 the following three (3) courses:

- (1) South 89°56'48" West 53.76 feet;
- (2) thence South 0°03'12" East 29.50 feet;
- (3) thence South 89°56'48" West 520.91 feet to the southwest corner of said Lot 3; ;

thence along the westerly line of said Lot 3 and the easterly right-of-way line of Interstate 15, Northwesterly 58.03 feet along the arc of a 34,252.50 foot-radius non-tangent curve to the right whose center bears North 86°46'22" East, has a central angle of 0°05'49" and a chord bearing and length of North 3°10'43" West 58.03 feet; thence East 155.81 feet;

thence South 17.07 feet to the northerly edge of the existing concrete curb and gutter; thence along said northerly edge of the existing concrete curb and gutter, North 89°59'00" East 277.31 feet;

thence North 89°43'00" East 77.00 feet;

thence along the northerly edge of the existing concrete curb and gutter the following two (2) courses:

- (1) North 85°08'00" East 50.50 feet;
- (2) North 88°54'00" East 17.39 feet to intersect the westerly right-of-way line of Monroe Street and the easterly boundary of Lot 2 of said SANDY GARDNER OFFICE PARK;

thence along said westerly right-of-way line, South 0°07'52" East 15.91 feet to the Point of Beginning.

The above-described area contains approximately 24,693 square feet or 0.567 acre.

Exhibit 1

Legal Description of the Office Parcel

Lot 101, Sandy Gardner Office Park Amended according to the official plat thereof, recorded on April 16, 2018, as Entry No. 12753394 in Book 2018P at Page 166, in the Office of the Salt Lake County Recorder.

Exhibit 2

Legal Description of Plaza Parcel

Lot 102, Sandy Gardner Office Park Amended according to the official plat thereof, recorded on April 16, 2018, as Entry No. 12753394 in Book 2018P at Page 166, in the Office of the Salt Lake County Recorder.

Tax Parcel Id 27124020350000

Exhibit 3

Legal Description of Theater Parcel

Lot 103, Sandy Gardner Office Park Amended according to the official plat thereof, recorded on April 16, 2018, as Entry No. 12753394 in Book 2018P at Page 166, in the Office of the Salt Lake County Recorder.

Tax Parcel Id 27124020340000

Exhibit 4

"As-Built Survey"

[Attached]

