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Book - 10771 Pg - 1289-1292
RASHELLE HOBBS
Recorder, Salt Lake County, UT
SNELL & WILMER
BY: eCASH, DEPUTY - EF 4 P.

WHEN RECORDED, RETURN TO:

Wade R. Budge
Snell & Wilmer L.L.P.
15 West South Temple, Suite 1200
Salt Lake City, UT 84101

Affecting Parcel Nos.: 22-29-202-064-0000;
22-29-202-065-0000

**FIRST AMENDMENT TO
DECLARATION OF RECIPROCAL EASEMENTS**

THIS FIRST AMENDMENT TO DECLARATION OF RECIPROCAL EASEMENTS (“Amendment”) is made as of April 18, 2019 (“Amendment Date”), by **UNION WOODS ACQUISITIONS PARTNERS LLC**, a Delaware limited liability company (“Declarant”).

RECITALS

- A.** Declarant previously executed that certain Declaration of Reciprocal Easements with and Effective Date of February 8, 2019, and recorded on February 11, 2019 as Entry No. 12931957 in the Salt Lake County Recorder’s Office (the “**Declaration**”), which affects the Lots more particularly described in Exhibit 1 attached hereto.
- B.** Declarant is the Owner of the Lots and the “Declarant” pursuant to the terms of the Declaration.
- C.** Declarant desires to amend the Declaration on the terms set forth below.

AMENDMENT

NOW, THEREFORE, Declarant hereby declares, pursuant to Section 15 of the Declaration, that the Declaration be amended as follows, and this Amendment shall become effective upon the recording of this Amendment in the Salt Lake County Recorder’s Office:

1. **Incorporation.** Unless otherwise provided herein, all capitalized terms in this Amendment shall have the same meaning as used in the Declaration. If any provisions of the Declaration conflict with the terms and conditions of this Amendment, the terms and conditions of this Amendment shall control.

2. **Lot 1 Parking Structure; Construction.** Section 5(b)i. of the Declaration is deleted and replaced with the following:

“i. **Construction.** At its cost, Lot 2 Owner will locate and construct the Lot 1 Parking Structure generally as shown on the Site Plan, subject to the requirements, conditions, and approvals of the City pursuant to the Development Agreement, including any changes required by the City. The Lot 1 Parking Structure shall be constructed per City

code requirements and with substantially similar finishes to other structures in Midvale City, utilizing materials consisting generally of reinforced concrete, cable rails around the perimeter, and non-painted CMU block or concrete enclosure for hydraulic elevators if required by the City. Lot 2 Owner will construct the Lot 1 Parking Structure prior to Lot 2 Owner's construction of the multifamily residential project to be located on Lot 2. During construction of the Lot 1 Parking Structure, Lot 2 Owner will provide Lot 1 Owner and its Permittees temporary use of parking stalls on Lot 2 within reasonable proximity of Lot 1 and in a specific number and location to be agreed upon by the Owners, not to exceed the number of stalls on Lot 1 that are made temporarily unusable by such construction or the number of stalls then-currently existing on Lot 2. Lot 2 Owner shall cause, for the benefit of Lot 1 Owner and fully enforceable by Lot 1 Owner, the general contractor of the Lot 1 Parking Structure to provide in the contract with the general contractor a contractual warranty to correct work performed by the general contractor or any subcontractor discovered to be defective or non-conforming to the contract requirements during the one (1) year period following completion of the Lot 1 Parking Structure."

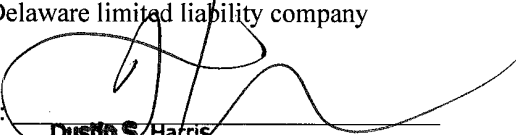
3. **Ratification.** All of the terms of the Declaration are incorporated into this Amendment, except as revised herein. As amended by this Amendment, the Declaration is ratified and confirmed and shall continue in full force and effect. Except as amended by this Amendment, the Declaration remains unchanged.

[Signature and Acknowledgement Follow]

EXECUTED as of the Amendment Date.

DECLARANT:

**UNION WOODS ACQUISITIONS
PARTNERS LLC,**
a Delaware limited liability company

By: 
Name: Dustin S. Harris
Its: Senior Managing Director

STATE OF UTAH)
 : ss.
COUNTY OF Salt Lake)

The foregoing instrument was acknowledged before me this 18 day of April, 2019, by Dustin S. Harris as the Senior Managing Director of UNION WOODS ACQUISITIONS PARTNERS LLC, a Delaware limited liability company.


Notary Public



EXHIBIT 1
Legal Description of the Lots

LOT 1:

Lot 1, Union Woods Subdivision No. 3, according to the official plat thereof, recorded June 8, 2017 as Entry No. 12551789 in Book 2017P at Page 135 of the official records of the Salt Lake County Recorder.

LOT 2:

Lot 2, Union Woods Subdivision No. 3, according to the official plat thereof, recorded June 8, 2017 as Entry No. 12551789 in Book 2017P at Page 135 of the official records of the Salt Lake County Recorder.