

13124833  
11/15/2019 09:09 AM \$40.00  
Book - 10860 Pg - 3360-3365  
RASHELLE HOBBS  
RECORDER, SALT LAKE COUNTY, UTAH  
GIVERNY, LLC  
9216 S WASATCH BLVD  
SLC UT 84093  
BY: DSA, DEPUTY - WI 6 P.

When Recorded Return To:  
Giverny Monet, LLC  
Giverny Picasso, LLC  
Giverny, LLC  
9216 S. Wasatch Blvd.  
Salt Lake City, Utah 84093  
Attention: David P. Rose  
[dade.regalhomes@gmail.com](mailto:dade.regalhomes@gmail.com)

Space Above for Recordors Use Only

Tax Parcel Nos. 28-02-426-019-0000  
28-02-426-020-0000  
28-02-426-022-0000  
28-02-426-023-0000  
28-02-426-024-0000  
28-02-477-010-0000  
28-02-477-009-0000  
28-02-477-008-0000  
28-02-477-007-0000  
28-02-477-006-0000

FIRST AMENDMENT TO THE GIVERNY AMENDED, A PLANNED UNIT  
DEVELOPMENT, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF  
RECORD WITH THE SALT LAKE COUNTY RECORDER'S OFFICE

THIS FIRST AMENDMENT TO THE GIVERNY AMENDED, A PLANNED UNIT  
DEVELOPMENT, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF  
RECORD WITH THE SALT LAKE COUNTY RECORDER'S OFFICE (this "Amendment") is  
made by Giverny Monet, LLC, a Utah limited liability company ("Monet"), Giverny Picasso,  
LLC, a Utah limited liability company ("Picasso"), and Giverny, LLC, a Utah limited liability  
company ("Declarant"), as of September 9, 2019.

RECITALS

- A. On August 19, 2019, Monet and Picasso, the respective owners of the lots subject to this Amendment, and Declarant, petitioned Cottonwood Heights City (the "City") by filing an application (the "Application") to amend the GIVERNY AMENDED, A PLANNED UNIT DEVELOPMENT, ACORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD WITH THE SALT LAKE COUNTY RECORDER'S OFFICE (the "Subdivision Plat") for the Giverny Planned Unit Development located on or about 9216 S. Wasatch Blvd., Cottonwood Heights, Utah 84093.

- B. The Application requested City approval to make a textual modification to Note 4 on the first page of the Subdivision Plat.
- C. The Application specified that the requested textual modification to be made to Note 4 would only apply to ten (10) of the residential lots located within the Giverny Subdivision identified as Lot Nos. 204, 205, 207, 208, 209, 315, 316, 317, 318 and 319 (the "Affected Lots"). The tax parcel numbers for the Affected Lots are set forth on the first page of this Amendment above and the legal descriptions for the Affected Lots are set forth on Exhibit "A" attached hereto and incorporated herein.
- D. No other changes were made to the Subdivision Plat in the Application.
- E. On September 4, 2019 the City approved the Application.

NOW, THEREFORE, pursuant to Chapter 12.26 of the Cottonwood Heights Code of Ordinances, the Declarant, Monet and Picasso hereby amend the Subdivision Plat to provide as follows:

- 1. Note 4 located on the first page of the Subdivision Plat is amended and replaced by the following:
  - 4. NOTICE FOR LOTS 101 – 102, 201 – 209, 211 – 213, 314 – 320, 326 – 328 AND 411 – 416. A SLOPE STABILITY ASSESSMENT HAS BEEN DONE BY THE DEVELOPER THAT HAS DETERMINED THAT SETTLEMENT FROM SEISMIC DEFORMATION OF UP TO FOUR INCHES (4.0") MAY OCCUR. COTTONWOOD HEIGHTS CITY CODE CHAPTER 19.72, APPENDIX C, SECTION 12.3 PROVIDES THAT "CALCULATED SEISMIC DISPLACEMENTS SHALL BE 15 CM OR LESS, OR MITIGATION MEASURES SHALL BE PROPOSED TO LIMIT CALCULATED DISPLACEMENTS TO 15 CM OR LESS." COTTONWOOD HEIGHTS CITY REQUIRES THAT A STRUCTURAL ENGINEER WHO IS EXPERIENCED IN THE DESIGN OF STRUCTURES TO WITHSTAND THE ANTICIPATED SEISMIC DEFORMATION ANTICIPATED AT THIS LOCATION IN THE CASE OF A SEISMIC EVENT SHALL BE USED TO PERFORM STRUCTURAL CALCUALTIONS AND DEVELOP A DESIGN TO MITIGATE THE ANTICIPATED DEFORMATION BEFORE CONSTRUCTION MAY COMMENCE. EXPERTS HAVE DETERMINED THAT AN EARTHQUAKE SEISMIC EVENT COULD TRIGGER SLOPE MOVEMENT AND/OR POTENTIAL LANDSLIDE RESULTING IN UP TO 4 INCHES OF DEFORMATION BELOW PROPOSED STRUCTURES ON THESE LOTS. AFTER SUCH OCCURRENCE, THE OWNER OF THIS PROPERTY AT ITS SOLE COST MAY HAVE TO PERFORM MITIGATION TO RESTORE THE SLOPE AND STRUCTURE TO BRING IT INTO COMPLIANCE WITH CITY CODE IF PRACTICABLE OR ELSE MAY NOT OCCUPY THE REMAINING STRUCTURE ON THIS PROPERTY. THE CITY

REQUIRES ALL STRUCTURES TO BE DESIGNED AND BUILT TO PROTECT LIFE AND SAFETY DURING A SEISMIC EVENT. IF THE STRUCTURE AND SLOPE CANNOT BE RESTORED TO ACCEPTABLE DESIGN STANDARDS FOLLOWING SUCH AN EVENT THE CITY MAY REQUIRE THE STRUCTURE TO BE ABANDONED. ALL STRUCTURAL DESIGNS SHALL SPECIFICALLY ACCOUNT FOR THE ANTICIPATED DEFORMATION AND BE STAMPED BY A LICENSED STRUCTURAL ENGINEER IN THE STATE OF UTAH AND WHO HAS SPECIFIC EXPERTISE IN SEISMIC DEFORMATION VALUES THAT ARE EXPECTED FOR THIS SLOPE, SUCH AS THOSE REPRESENTED IN THE SLOPE STABILITY GEOTECHNICAL REPORTS BY APPLIED GEOTECHNICAL ENGINEERING CONSTULTANTS (SEE THE APPLIED GEOTECHNICAL ENGINEERING CONSULTANTS REPORT FOR SPECIFIC RECOMMENDATIONS FOR THE FOUNDATION WALL DEPTHS AND SETBACK REQUIREMENTS) OR FOR LOTS NOS. 204, 205, 207 – 209, AND 315 – 319 ENGINEERING REPORTS PREPARED BY OTHER LICENSED STRUCTURAL ENGINEERS IN THE STATE OF UTAH WITH SPECIFIC EXPERTISE IN SEISMIC DEFORMATION VALUES WHICH REPORTS CONFORM TO COTTONWOOD HEIGHTS CITY CODE CHAPTER 19.72 AS APPLIED BY THE COTTONWOOD HEIGHTS DEVELOPMENT REVIEW COMMITTEE IN CONSULTATION WITH THE CITY ENGINEER (THE INCREASED FOOTING DEPTHS REQUIRED FOR LOTS 204, 205, 207 – 209, AND 315 – 319 WILL COMPLY WITH THE AGECE REPORTS OR THESE OTHER ENGINEERING REPORTS SO APPROVED BY THE DEVELOPMENT REVIEW COMMITTEE). AN INDIVIDUAL STAMPED SITE PLAN (THAT MEETS CITY REQUIREMENTS) SHALL BE SUBMITTED FOR EACH LOT AND ADDRESS THE GEOTECHNICAL RECOMMENDATIONS, UTILITY MITIGATION AND STORMWATER DRAINAGE. NO STORMWATER SHALL BE DISCHARGED ONTO THE SLOPE. ALL ROOF SURFACE DRAINAGE SHALL BE DIRECTED TOWARD THE STREET. THE STIE PLAN SHALL INCLUDE A PLAN TO PREVENT UTILITY BREAKS, HOSES OR LANDSCAPE IRRIGATION FROM IMPACTING THE HILLSIDE. THE SLOPE SHALL BE MAINTAINED TO PREVENT EROSION, INCLUDING STABILIZATION AND REVEGETATION AFTER BRUSH FIRES. THE TERMS OF THIS NOTE 4 SHALL GOVERN IN THE EVENT OF ANY CONFLICT BETWEEN THIS NOTE 4 AND NOTE 3 OF THE PLAT.

2. Except to the extent that the Subdivision Plat is modified by this Amendment, the remaining terms and provisions of the Subdivision Plat shall remain unmodified and continue in full force and effect.
3. The Recital Paragraphs above are incorporated herein by this reference.
4. This Amendment shall run with the land.

IN WITNESS WHEREOF, this Amendment has been executed on the date first written above.

GIVERNY MONET, LLC,  
a Utah limited liability company

By: David P. Rose  
Name: David P. Rose  
Title: Manager

GIVERNY, LLC,  
a Utah limited liability company

By: David P. Rose  
Name: David P. Rose  
Title: Manager

GIVERNY PICASSO, LLC,  
a Utah limited liability company

By: David P. Rose  
Name: David P. Rose  
Title: Manager

Acknowledged and Approved by:

Cottonwood Heights City

[Signature]  
Attest: [Signature]



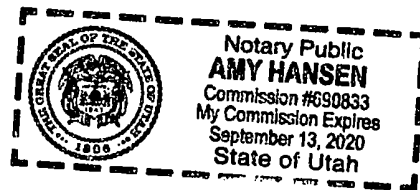
STATE OF UTAH )  
COUNTY OF Salt Lake ) :SS

The foregoing instrument was acknowledged before me this 7 day of November, 2019, by David P. Rose, Manager of Giverny, LLC, a Utah limited liability company.

[Signature]  
NOTARY PUBLIC

My Commission Expires: 9/13/2020

Residing at: Salt Lake



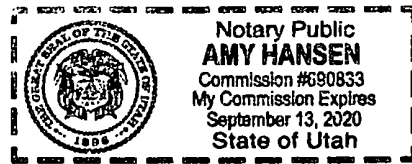
STATE OF UTAH )  
 )  
COUNTY OF Salt Lake ) :SS

The foregoing instrument was acknowledged before me this 7 day of November, 2019, by David P. Rose, Manager of Giverny Monet, LLC, a Utah limited liability company.

[Signature]  
NOTARY PUBLIC

My Commission Expires:  
9/13/2020

Residing at: Salt Lake



STATE OF UTAH )  
 )  
COUNTY OF Salt Lake ) :SS

The foregoing instrument was acknowledged before me this 7 day of November, 2019, by David P. Rose, Manager of Giverny Picasso, LLC, a Utah limited liability company.

[Signature]  
NOTARY PUBLIC

My Commission Expires:  
9/13/2020

Residing at: Salt Lake

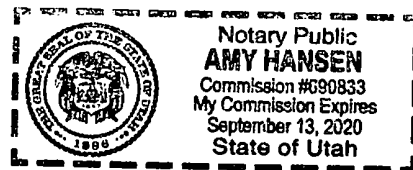


EXHIBIT A

LEGAL DESCRIPTION OF THE AFFECTED LOTS

Each of the following affected lots located in Salt Lake County, Utah, described as follows:

Lot 204, Giverny Amended, A Planned Unit Development, According to the Official Plat thereof on file and of record in the Salt Lake County Recorder's Office.

Lot 205, Giverny Amended, A Planned Unit Development, According to the Official Plat thereof on file and of record in the Salt Lake County Recorder's Office.

Lot 207, Giverny Amended, A Planned Unit Development, According to the Official Plat thereof on file and of record in the Salt Lake County Recorder's Office.

Lot 208, Giverny Amended, A Planned Unit Development, According to the Official Plat thereof on file and of record in the Salt Lake County Recorder's Office.

Lot 209, Giverny Amended, A Planned Unit Development, According to the Official Plat thereof on file and of record in the Salt Lake County Recorder's Office.

Lot 315, Giverny Amended, A Planned Unit Development, According to the Official Plat thereof on file and of record in the Salt Lake County Recorder's Office.

Lot 316, Giverny Amended, A Planned Unit Development, According to the Official Plat thereof on file and of record in the Salt Lake County Recorder's Office.

Lot 317, Giverny Amended, A Planned Unit Development, According to the Official Plat thereof on file and of record in the Salt Lake County Recorder's Office.

Lot 318, Giverny Amended, A Planned Unit Development, According to the Official Plat thereof on file and of record in the Salt Lake County Recorder's Office.

Lot 319, Giverny Amended, A Planned Unit Development, According to the Official Plat thereof on file and of record in the Salt Lake County Recorder's Office.