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RASHELLE HOBBS
RECORDER, SALT LAKE COUNTY, UTAH
TARA L ISAACSON
445 E 200 S STE 150
SALT LAKE CITY UT 84111
BY: STA, DEPUTY - WI 6 P.

When recorded, please return to:

City Commons Owners Assn.
c/o Tara L. Isaacson
Bugden & Isaacson, L.L.C.
445 East 200 South, Suite 150
Salt Lake City, Utah 84111

FOURTH AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF THE CITY COMMONS CONDOMINIUMS

This Fourth Amendment to Declaration of Covenants, Conditions and Restrictions of the City Commons Condominiums (the "Amendment") is executed as of ~~September 9~~^{October 9}, 2019, by the City Commons Owners Association, Inc., a Utah nonprofit corporation (the "Association").

RECITALS

A. The Declaration of Covenants, Conditions and Restrictions of the City Commons Condominiums (as amended, the "Declaration") was recorded on April 6, 2005, as Entry No. 9341790, in Book 9114, at Pages 8543-8588, in the office of the Salt Lake County Recorder. The Declaration has been amended by (a) First Amendment to Declaration of Covenants, Conditions and Restrictions of the City Commons Condominiums, recorded on November 7, 2005, as Entry No. 9547193, in Book 9214, at Pages 4468-4473; (b) Corrected First Amendment to Declaration of Covenants, Conditions and Restrictions of the City Commons Condominiums, recorded on February 21, 2006, as Entry No. 9642144, in Book 9257, at Pages 3507-3513; (c) Second Amendment to Declaration of Covenants, Conditions and Restrictions of the City Commons Condominiums, recorded on October 5, 2006, as Entry No. 9867529, in Book 9361, at Pages 7433-7436, and (d) Third Amendment to Declaration of Covenant, Conditions and Restrictions of the City Commons Condominiums, recorded on March 20, 2008, as Entry No. 10378280, in Book 9584, at pages 4792-4800.

B. The Record of Survey Map for the City Commons Condominiums was recorded on April 6, 2005, as Entry No. 9341789, in Book 2005P of Plats, at Page 93, and amended by City Commons Condominiums Amended plat, recorded on October 5, 2006, as Entry No. 9867525, in Book 2006P, at Page 290 (as amended, the "Plat").

C. The Plat, Declaration, and this Amendment, benefit and burden the following described real property, located in Salt Lake County, Utah:

All of the Units of the City Commons Condominiums, a condominium project, as the same is identified in the Declaration of Covenants, Conditions and Restrictions of the City Commons Condominiums, recorded on April 6, 2005, as Entry No. 9341790, in Book 9114, at Pages 8543-8588, in the office of the Salt Lake County Recorder, and the Record of Survey Map for the City Commons Condominiums, recorded on April 6, 2005, as Entry No. 9341789, in Book 2005P of Plats, at Page 93, in the office of the Salt Lake County Recorder, as the same may have heretofore been amended or supplemented, to wit:

Unit Nos. A1 through A8 (inclusive), B1 through B7 (inclusive), C1 and C2, and the common areas appurtenant thereto.

Tax Parcel Serial Nos.: See attached.

D. Pursuant to Article XIII(3) of the Declaration, the Association retains the authority to amend the Declaration by affirmative vote or written consent of at least 67% of the total votes of the Association. Pursuant to such authority, the Association has determined that certain portions of the Limited Common Areas, as more particularly described herein, should be conveyed in fee simple to David Wavrek. Further, the Association desires to amend the survey plat to reflect the conveyance and the consolidation of certain units, as more particularly described below.

E. Furthermore, pursuant to Utah Code Ann. § 10-9a-606(5), Limited Common Areas may be conveyed with City approval and the approval of 67% of the votes in the Association.

F. At least 67% of the votes in the Association has approved this Fourth Amendment to Declaration of Covenants, Conditions and Restrictions of the City Common Condominiums and the conveyance of the Limited Common Areas identified above to the City. The City has also given its approval of the Fourth Amendment to Declaration of Covenants, Conditions and Restrictions of the City Common Condominiums and the conveyance of the Limited Common Areas through a separate agreement with the Association.

G. This Fourth Amendment to Declaration of Covenants, Conditions and Restrictions of the City Common Condominiums shall be binding upon the Property, including all Units. Unless specifically modified herein, all remaining provisions of the Declaration, as previously amended, shall remain in full force and effect.

H. All capitalized terms not otherwise defined herein shall have the meanings set forth in the Declaration.

I. As permitted by Article XIII(3) of the Declaration, the Association, acting through its Board of Directors and the written consent of at least 67% of the total votes of the

Association, has determined to convey in fee simple certain portions of the Limited Common Areas for the use and benefit of certain Owners of Units, as more specifically described below.

NOW, THEREFORE, in consideration of the covenants and agreements contained herein, the Declaration and Plat are amended as follows:

Amendment One

Article IV, Property Rights in Common Areas and Units, is hereby amended to include the following:

7. The Association, acting through its Board of Directors and the written consent of at least 67% of the total votes of the Association, may upon terms and conditions acceptable to the Board of Directors, sell, transfer, and/or convey in fee simple Limited Common Areas to a Unit Owner. If so sold, transferred, and/or conveyed to a Unit Owner, the boundary of the acquiring Unit will be re-described to include the space previously designated as Limited Common Area.

Amendment Two

The definition of "Limited Common Areas" is hereby amended as follows:

"Limited Common Areas" shall mean any Common Areas designated as reserved for use by the Owner of a certain Unit or Units to the exclusion of the other Owners of the Project. Any areas and facilities that are identified on the Plat as Limited Common Areas or hereafter designed designated by the Association are permanently assigned to specific Units, as appurtenance to such Units, for the exclusive use of such Units. The Plan permanently designates the Unit or Units to which each of the Limited Common Areas is reserved and appurtenant. These designations apply unless and until the Limited Common Areas are transferred, sold, and/or conveyed to a Unit Owner, at which time the Limited Common Areas will merge into the Unit of the Owner.

Amendment Three

Article IV, Property Rights in Common Areas and Units, is hereby amended to include the following:

8. The Association, acting through its Board of Directors and the written consent of at least 67% of the total votes of the Association may, upon the request of an Owner, allow the Owner to combine one or more adjacent or adjoining (vertically or horizontally) Units into one Unit. The Owner is responsible to obtain any necessary governmental approvals to effectuate the merger/combination of the Units.

Based on the above-described Amendments, the Association also accepts, authorizes,

adopts and ratifies the following:

I. Conveyance of Limited Common Areas.

A. Building B. In Building B:

1. Conveyance of Limited Common Areas. The areas described on Exhibit "B" hereto as "Limited Common Area X and Y" which contain an enclosed stairwell, hallway, and 2 bathrooms, and which were previously designated as the Limited Common Area appurtenant to Units B5, B6 and B7, shall be conveyed in fee simple to the Owner of Units B5, B6, and B7, excepting and reserving the communications equipment located on the south wall of the Limited Common Area Y. The area encompassing the communication equipment, approximately a 2.3 foot by 36.9 foot rectangle, shall remain as Limited Common Area although exact dimensions may be altered during the renovation process and is referred to in the attached Exhibit B as Area Z, and will remain appurtenant to Units B1 through B4, inclusive.

2. Relocation of Boundaries and Combination of Units. The Owner of Units B5, B6, and B7 that is designated herein as acquiring the referenced Limited Common Areas is also relocating the boundaries of the following units so that they are merged/combined into a single unit: B5, B6, and B7 will be combined into B6 so that the result is one single unit. Accordingly, the boundaries for Units B5, B6, and B7 will be relocated thus that Unit B6 contains all of the boundary descriptions and incorporates the boundary descriptions for Units B5, B7, and the Limited Common Areas X and Y referenced above. The combined area of Unit B6 will be ~~1895~~ sq. feet. *2031 JAMES ... 11/15/20 President*

3. Depiction of Omitted Space. The depiction of the Units described on Exhibit "B" including B5, B6, B7, and the Limited Common Areas fails to include space in the southeast corner of the building, a 14.2 feet by 11.3 feet area. The plat erroneously reflects a rectangular shape with the southeast corner omitted. The space exists and shall be correctly depicted on the City Commons Condominiums Amended plat, Exhibit "C". The previously omitted space shall be included into the legal description and boundary of Unit B6.

4. Correction of Legend. To correct and/or clarify certain portions of the legend on the City Commons Condominiums Amended plat, Exhibit "C" is hereby adopted and substituted for the legend on said amended plat (i.e., transfer of certain Limited Common Areas and relocation/combination of certain Unit boundaries, and depiction of space omitted from the plat and included into Unit B6).

5. Parking. The conveyance of the Limited Common Area and the consolidation of Units B5 and B7 into Unit B6 shall not change the parking allocations previously associated with the Units. The resulting Unit B6 will retain the same number of parking spaces, i.e., four spaces, as previously allocated to Units B5, B6, and B7.

6. Certification of Approval. The undersigned Directors of the Association

certify that this Amendment, and the recording hereof, have been approved by the Association, acting by and through its Board of Directors, in accordance with the Declaration.

7. Covenants to Run with Land. This Amendment and all of the provisions hereof shall constitute covenants to run with the land or equitable servitudes, as the case may be, and shall be binding upon and shall inure to the benefit of all parties who own or hereafter acquire any interest in a Unit or in the Common Areas, and their respective grantees, transferees, heirs, devisees, personal representatives, successors and assigns.

8. Effective Date. This Amendment shall take effect upon its being filed for record in the office of the County Recorder of Salt Lake County, Utah.

9. Ratification. Except as specifically set forth herein, the terms of the Declaration shall remain unchanged. If any provisions of the Declaration are inconsistent with this Amendment, this Amendment shall govern. The intent of the Declarant is that this Amendment shall effect conforming changes to the Declaration to reflect the amendments set forth herein, including, by way of example and not limitation, transfer of limited common areas to Units B5, B6, and B7, the relocation of boundaries and combination of Units B5 and B7 into Unit B6, the depiction and inclusion of the omitted space into Unit B6, and the retention of parking allocations.

CITY COMMONS OWNERS ASSOCIATION,
INC., a Utah nonprofit corporation

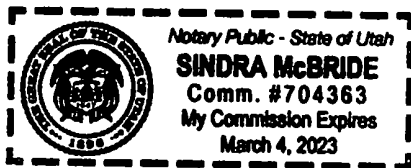
By Tara L. Isaacson
Tara L. Isaacson, Director

By Scott Bates
Scott Bates, Director

By Kelle Smart
Kelle Smart, Director

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

The foregoing instrument was acknowledged before me this 9th day of October, 2019, by Tara L. Isaacson, Scott Bates, and Kelle Smart, as the Directors of the City Commons Owners Association, Inc., a Utah nonprofit corporation.



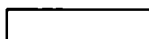


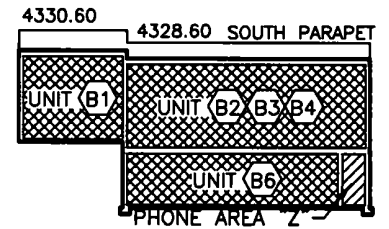
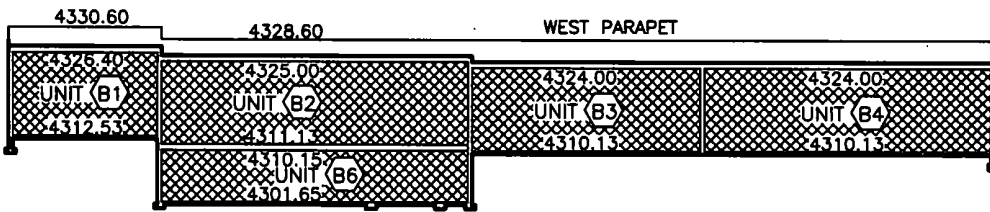
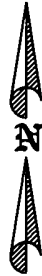
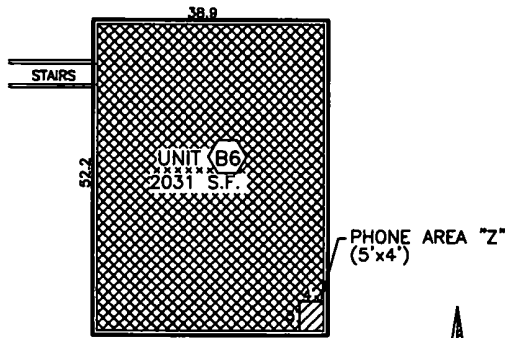
Sindra McBride
5 Residing in Salt Lake County

CITY COMMONS CONDOMINIUMS AMENDED

EXHIBIT "B"

L E G E N D

	UNITS/PRIVATE AREAS
	LIMITED COMMON AREAS
	COMMON AREAS



THE PURPOSE OF THIS EXHIBIT IS TO MODIFY THE BUILDING "B" BASEMENT TO ONE EXPANDED UNIT (B6), WITH ONLY THE PHONE AREA TO BE LIMITED COMMON. THE RECORDED PLAT OF CITY COMMONS CONDOMINIUMS AMENDED IS RECORDED IN THE OFFICIAL RECORDS OF THE SALT LAKE COUNTY RECORDERS OFFICE AS ENTRY NO. 9867525 IN BOOK 2006P AT PAGE 290.



**WILDING
ENGINEERING, INC**
14721 SOUTH HERITAGE CREST WAY
BLUFFDALE, UTAH 84065
(801)553-8112

PROJECT NAME
**CITY COMMONS CONDOMINIUMS
AMENDED**

DATE
11/26/2019

DRAWN
TMC

CHECKED
DPW

PROJECT #
19234

SCALE
1" = 30'

FILE NAME:
G:\DATA\19234 city commons\04140 City Commons

SHEET
1 OF 1