

14094528 B: 11413 P: 1152 Total Pages: 11
04/17/2023 10:56 AM By: adavis Fees: \$94.00
Rashelle Hobbs Recorder, Salt Lake County, Utah
Return To: JAKE WILLIAMS
279 S 1600 E LAYTON, UT 84040



AFTER RECORDING RETURN TO:
Jake Williams
279 S 1600 E, Layton, UT 84040

AFFECTING TAX PARCEL NUMBERS: 15-12-458-008; 15-12-458-012; 15-12-458-013; 15-12-458-01016

**AMENDMENT TO AMENDED AND REVISED AGREEMENT TO TERMINATE
PRIOR EASEMENTS AND GRANT REVISED CROSS ACCESS AND RIGHT OF WAY
EASEMENTS**

THIS AMENDMENT TO AMENDED AND REVISED AGREEMENT TO TERMINATE PRIOR EASEMENTS AND GRANT REVISED CROSS ACCESS AND RIGHT OF WAY EASEMENTS (the "Amendment") is made and entered into this 24th day of March, 2023 by and between **DD MANAGEMENT, LLC**, a Utah limited liability company ("DD Management"); The Lucy Homeowners Association, a Utah nonprofit corporation ("LUCY HOA"); and **COLONY B, LLC**, a Utah limited liability company ("Colony B"). DD Management, LUCY HOA, as successor in interest to CW The Lucy, LLC, and Colony B, as successor in title to Ardmore Apartments, LLC, a Utah limited liability company, are, from time to time, each referred to hereinafter as a "Party," and are, from time to time, collectively referred to hereinafter as the "Parties".

RECITALS

WHEREAS, the Parties entered into that certain Amended and Revised Agreement to Terminate Prior Easements and Grant Revised Cross Access and Right of Way Easements dated January 21, 2020 and recorded with the Salt Lake County Recorder's Office on January 22, 2020 as Entry No. 13174891 (the "Easement Agreement"). All capitalized terms not otherwise defined herein shall have the meanings given them in the Easement Agreement.

WHEREAS, the Parties are owners of the respective parcels of real property described on Exhibit A attached hereto.

WHEREAS, Exhibit B to the Easement Agreement contains discrepancies between the stated legal descriptions of the Cross Easement Parcel and the actual easement area of the Cross Easement Parcel.

WHEREAS, the Parties desire to correct the legal descriptions of the Cross Easement Area on Exhibit to the Easement Agreement.

AGREEMENT

1. **Correction of DD Management Easement Parcel.** Section 2 of the Easement Agreement is amended to provide that the DD Management Easement Parcel is described on Exhibit B attached hereto.

2. **Correction of CW Lucy Easement Parcel.** Section 3 of the Easement Agreement is amended to provide that the CW Lucy Easement Parcel is described on Exhibit B attached hereto.

3. **Correction of Ardmore Easement Parcel.** Section 4 of the Easement Agreement is amended to provide that the Ardmore Easement Parcel is described on Exhibit B attached hereto.

4. **Correction of Depiction of Cross Easement Parcel.** The Easement Agreement is hereby amended and restated to replaced Exhibit C to the Easement Agreement with the Exhibit C attached hereto.

5. **Continuing Effect; Counterparts.** Except as specifically amended herein, the terms of the Easement Agreement remain in full force and effect. In the event of a conflict between the terms of this Amendment and the Easement Agreement, this Amendment shall control. This Amendment may be executed in several counterparts each of which shall be an original, but all of such counterparts shall constitute one such Amendment. A signed counterpart of this Amendment delivered by email, facsimile, or other means of electronic transmission shall be deemed to have the same legal effect as delivery of an original signed counterpart of this Amendment.

[Signatures and Acknowledgements Follow]

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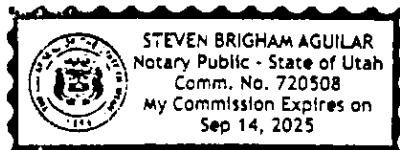
DD MANAGEMENT, LLC,
a Utah limited liability company

By: Donald C. Adamson, Jr.
Name: Donald C. Adamson, Jr.
Its: Manager

STATE OF UT)
COUNTY OF Salt Lake)
ss:

The foregoing instrument was acknowledged before me this 1st day of April, 2023, by Donald C. Adamson, Jr., Manager of DD Management, LLC, a Utah limited liability company.

Notary Public



The Lucy Homeowners Association
a Utah corporation

By: Joshua Kushner

Name: Joshua Kushner

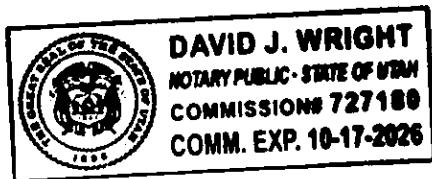
Its: President

STATE OF UTAH)
)ss:

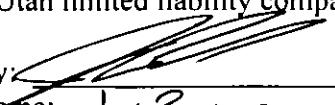
COUNTY OF SALT LAKE)

(D) 2023 The foregoing instrument was acknowledged before me this 24 day of MARCH,
2022, by Joshua Kushner, the President of THE LUCY HOMEOWNERS ASSOCIATION
Utah nonprofit corporation.

Notary Public

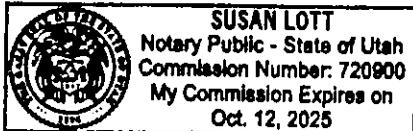


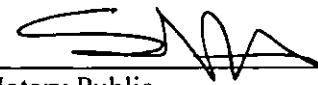
COLONY B, LLC,
a Utah limited liability company

By: 
Name: Josh Runhaar
Its: Manager

STATE OF Utah)
)
COUNTY OF Cache)

The foregoing instrument was acknowledged before me this 28 day of mar,
2023, by Josh Runhaar, Manager of Colony B, LLC, a Utah limited liability company.





Notary Public

EXHIBIT A

LEGAL DESCRIPTION OF OWNER PARCELS

The DD Management Parcel

THE WEST 9 FEET OF LOT 9 AND ALL OF LOTS 10 AND 11, FOX'S SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED IN BOOK "B" OF PLATS AT PAGE 64, OF THE OFFICIAL RECORDS OF THE SALT LAKE COUNTY RECORDER.

ALSO:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 11, AND RUNNING THENCE NORTH 26 FEET; THENCE EAST 75 FEET; THENCE SOUTH 26 FEET; THENCE WEST 75 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPTING THEREFROM THAT PORTION CONVEYED TO SALT LAKE CITY CORPORATION, A MUNICIPAL CORPORATION OF THE STATE OF UTAH, BY THAT CERTAIN WARRANTY DEED, DATED APRIL 05, 1989, RECORDED MAY 05, 1989, AS ENTRY NO. 4767773, IN BOOK 6123, AT PAGE 2675, SALT LAKE COUNTY RECORDER'S OFFICE AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING SOUTH 89°56'37" WEST 343.66 FEET ALONG THE 1300 SOUTH MONUMENT LINE AND NORTH 0°01'07" WEST 18.86 FEET FROM THE SALT LAKE CITY MONUMENT IN THE INTERSECTION OF 1300 SOUTH AND 200 WEST; THENCE SOUTH 89°56'37" WEST 75.00 FEET ALONG SOUTH PROPERTY LINE; NORTH 0°01'06" WEST 6.88 FEET ALONG WEST PROPERTY LINE; NORTH 89°15'05" EAST 75.00 FEET TO EAST PROPERTY LINE; THENCE SOUTH 0°01'06" EAST 7.79 FEET TO POINT OF BEGINNING.

Current Fee Title Owner: D D Management, a Utah limited liability company

Parcel Tax ID No: 15-12-458-008-0000

Property Address: 238 West 1300 South, Salt Lake City, Utah 84115

The Lucy Phase 1 Parcel

Beginning at a point on the southerly right of way line of Lucy Avenue; said point being North 89°56'40" East, along the monument line, 752.12 feet and South 00°03'20" East, 8.07 feet from a Salt Lake City Survey monument located at the intersection of 300 West Street and Lucy Avenue; said point also being North 00°09'42" West, 26.00 feet from the Northeast Corner of Lot 1, Fox's Subdivision, Block 23, 5-Acre Plat "A"; and running thence South 00°09'42" East, 197.24 feet; thence West, 125.32 feet; thence North 00°00'17" West, 197.11 feet to a point on said southerly right of way line of Lucy Avenue; thence North 89°56'40" East, along said southerly right of way line, 124.78 feet to the point of beginning.

Contains: 24,657 Sq. Ft. (0.57 Acres)

Parcel Tax ID No: 15-12-458-013-0000

Property Address: 214 West 1300 South, Units 1-14, Salt Lake City, Utah 84115

The Lucy Phase 2 Parcel

Beginning at a point on the southerly right of way line of Lucy Avenue; said point being North 89°56'40" East, along the monument line, 627.34 feet and South 00°03'20" East, 8.07 feet from a Salt Lake City Survey monument located at the intersection of 300 West Street and Lucy Avenue; said point also being North 00°09'42" West, 26.00 feet and South 89°56'40" West, 124.78 feet from the Northeast Corner of Lot 1, Fox's Subdivision, Block 23, 5-Acre Plat "A"; and running thence South 00°00'17" East, 197.11 feet; thence West, 179.18 feet; thence North 00°09'42" West, 196.94 feet to a point on the southerly right of way line of Lucy Avenue; thence North 89°56'40" East, along said southerly right of way line, 179.72 feet to the point of beginning.

Contains: 35,356 Sq. Ft. (0.81 Acres)

Parcel Tax ID No: 15-12-458-012-0000

Property Address: 232 West 1300 South, Salt Lake City, Utah 84115

The Lucy Phase 3 Parcel

Beginning at a point on the Westerly line of land conveyed to the Utah Transit Authority; said point being North 89°56'40" East, along the monument line, 752.49 feet and South 00°03'20" East, 205.31 feet from a Salt Lake City Survey Monument located at the intersection of 300 West Street and Lucy Avenue; said point also being South 00°09'42" East, 171.24 feet from the Northeast corner of Lot 1, Fox's Subdivision, Block 23, 5-Acre Plat "A"; and running thence South 00°09'42" East along said Westerly line, 74.69 feet to a point on the Northerly right of way line of 1300 South Street; thence along said Northerly right of way line the following two (2) calls: South 89°56'43" West, 273.61 feet; thence South 89°13'19" West, 30.89 feet; thence North 00°09'42" West, 75.37 feet; thence East 304.50 feet to the point of beginning. (aka Phase 3)

Contains: 22,794 Sq. Ft. (0.52 Acres)

Parcel Tax ID No: 15-12-458-016-0000

Property Address: 212 West 1300 South, Salt Lake City, UT 84115

Exhibit "B"

Legal Descriptions of Easement Parcels

The DD Management Easement Parcel

A 10.50 foot wide access easement located within Lots 9 and 10 of Fox's Subdivision, Block 23, Five Acre Plat "A", Big Field Survey, in Salt Lake City, Salt Lake County, Utah:

Beginning at a point on the Grantor's East line, located 171.24 feet South 0°09'42" East along the East line of Lot 1 of said Subdivision; and 304.50 feet West from the Northeast Corner of said Lot 1; and running thence South 0°09'42" East 75.37 feet to the North line of 1300 South Street; thence South 89°13'19" West 10.50 feet along said North line; thence North 0°09'42" West 272.45 feet to the South line of Lucy Avenue; thence North 89°56'40" East 10.50 feet along said South line to the intersection thereof with said Grantor's East line; thence South 0°09'42" East 196.95 feet to the point of beginning.

Contains 2,860 sq. ft.

CW Lucy Easement Parcel

A 10.50 foot wide access easement, located within Lot 9 of Fox's Subdivision, Block 23, Five Acre Plat "A", Big Field Survey, in Salt Lake City, Salt Lake County, Utah:

Beginning at the Grantor's Southwest corner, located 171.24 feet South 0°09'42" East along the East line of Lot 1 of said Subdivision; and 304.50 feet West along the Grantor's South line from the Northeast Corner of said Lot 1; and running thence North 0°09'42" West 196.95 feet along the Grantor's West line to the South line of Lucy Avenue; thence North 89°56'40" East 10.50 feet along said South line; thence South 0°09'42" East 196.96 feet to the Grantor's South line; thence West 10.50 feet along said South line to said Southwest corner and the point of beginning.

Contains 2,068 sq. ft.

Colony B Easement Parcel

A 10.50 foot wide access easement, located within Lot 9 of Fox's Subdivision, Block 23, Five Acre Plat "A", Big Field Survey, in Salt Lake City, Salt Lake County, Utah:

Beginning at the Grantor's Northwest corner, located 171.24 feet South 0°09'42" East along the East line of Lot 1 of said Subdivision; and 304.50 feet West along the

Grantor's North line from the Northeast Corner of said Lot 1; and running thence East 10.50 feet along said North line; thence South $0^{\circ}09'42''$ East 75.23 feet to the North line of 1300 South Street; thence South $89^{\circ}13'19''$ West 10.50 feet along said North line to the Grantor's Southwest corner; thence North $0^{\circ}09'42''$ West 75.37 feet along the Grantor's West line to said Northwest corner and the point of beginning.

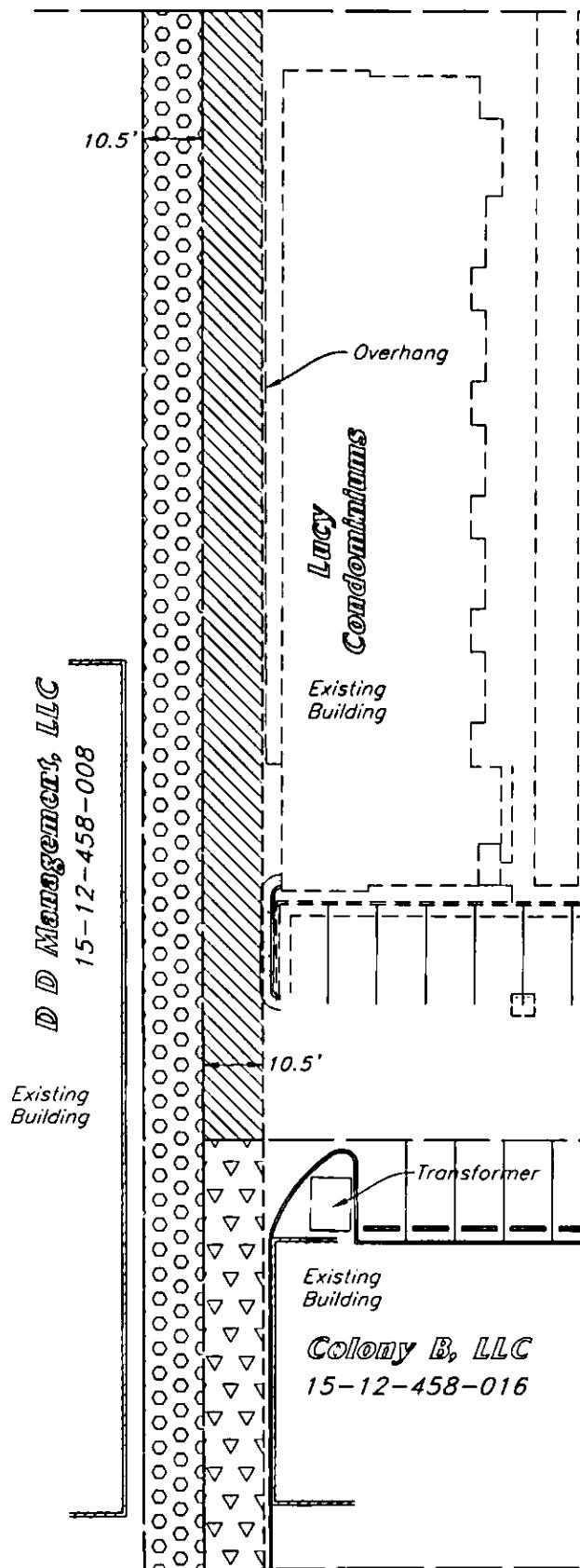
Contains 790 sq. ft.

EXHIBIT C

DEPICTION OF OWNER PARCELS AND EASEMENT PARCELS

[see attached]

Lucy Avenue



1300 South Street



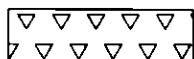
Scale: 1" = 30'



10.50' CW Lucy Easement Parcel



10.50' DD Management Easement Parcel



10.50' Colony B Easement Parcel



ANDERSON WAHLEN & ASSOCIATES
2010 North Redwood Road, Salt Lake City, Utah 84116
801 521-8529 - AWEngineering.net

Exhibit "B"

Colony B Easements

228 West 1300 South
Salt Lake City, Utah

Designed By:
Drafted By:
Client Name:
Colony Ex
Dec 30, 2022