

E 160863 B 391 P 578
Date 03-May-2022 02:40PM
Fee: \$40.00 ACH
Filed By: JP
BRENDA NELSON, Recorder
MORGAN COUNTY
For: COTTONWOOD TITLE INSURANCE AGENCY,
Recorded Electronically by Simplifile

RECORDING REQUESTED BY AND
WHEN RCORDED MAIL TO:
CW Land Co., LLC
Attn: Legal Department
1222 W. Legacy Crossing Blvd., Ste. 6
Centerville, UT 84014

Parcel No(s): 00-0089-0955

SPECIAL WARRANTY DEED

STAKER & PARSON COMPANIES, a Utah corporation, as successor by merger to Jack B. Parson Companies, a Utah corporation (“Grantor”), whose address is 2350 S. 1900 W., Ste. 100, Ogden, UT 84401, hereby CONVEYS AND WARRANTS against those claims, and only those claims, of all persons who shall claim title to or assert claims affecting title to the Property or any part thereof, by, through, under, or based on the acts of Grantor, but none other, to CW LAND CO., LLC, a Utah limited liability company (“Grantee”), whose address is 1222 W. Legacy Crossing Blvd., Ste. 6, Centerville, UT 84014 for the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, the following described tract of land in Morgan County, State of Utah (the “Property”), to-wit:

See Exhibit “A” attached hereto and incorporated herein.

SUBJECT TO the matters set forth on **Exhibit “B”, attached hereto and incorporated herein.**

Subject to a restrictive covenant prohibiting the use of the Property for the (i) mining, excavation or extraction of sand, gravel, overburden, dolomite, limestone, sandstone, boulders, stones or rocks suitable for use in building, construction and road making (including concrete, asphalt, roadbeds, railroad ballast or other use), (ii) resale yard for aggregates, (iii) operation of an asphalt plant or asphalt-related business, (iv) operation of concrete block plant, (v) operation of concrete batch plant (including both ready-mis plants and central-mix plants) or related businesses. This restriction shall run with the land and be binding upon Grantee’s successors and assigns and all subsequent owners of the Property until its natural expiration or earlier termination by Grantor; and

Subject to (i) any and all laws, statutes, ordinances, codes, rules, regulations, requirements or executive mandates, as the same may be amended subsequent to the date of this conveyance, affecting the Property, (ii) encroachments, if any, on any street or highway, (iii) such matters as would be disclosed by a current and accurate survey or inspection of the Property, (iv) real estate taxes, assessments and water and sewer charges for the current year, not yet due and payable, and (iv) all matters of record.

{Signature Page Follows}

IN WITNESS WHEREOF, Grantor has caused this Deed to be executed by its representative thereto duly authorized this 2 day of May, 2022.

STAKER & PARSON COMPANIES,
a Utah corporation

By: Michael Kurz

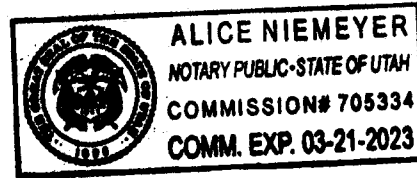
Name: Michael Kurz

Title: President

STATE OF UTAH)
)
COUNTY OF SL)

The foregoing instrument was acknowledged before me this 2 day of May, 2022, by Michael Kurz in his / her capacity as President of Staker & Parson Companies, a Utah corporation.

Witness my hand and official seal.



Alice Niemeyer
(Notary Public)

(Seal)

Exhibit "A"
(Legal Description)

Townhome Area Phase 2 Description

A parcel of land, situated in the Northwest Quarter of Section 25 and the Northeast Quarter of Section 26, Township 5 North, Range 1 East, Salt Lake Base and Meridian, said parcel also located in Morgan County, Utah. Being more particularly described as follows:

Beginning at a point which is South 89°43'35" East 418.93 feet along the section line South 00°16'25" East 151.46 feet from the Northwest Corner of said Section 25 and running thence:

thence South 39°45'59" East 34.71 feet;

thence North 69°02'40" East 15.70 feet to the westerly right-of-way line of 5000 West Street;

thence along said westerly right-of-way line the following five (5) courses and distances:

- 1) southerly 160.11 feet along the arc of a 340.00-foot radius non-tangent curve to the left (center bears South 69°45'34" East and the long chord bears South 06°44'59" West 158.64 feet with a central angle of 26°58'56");
- 2) South 06°44'28" East 195.97 feet;
- 3) southerly 95.00 feet along the arc of a 271.61-foot radius tangent curve to the right (center bears South 83°15'32" West and the long chord bears South 03°16'43" West 94.51 feet with a central angle of 20°02'19");
- 4) South 13°17'54" West 83.57 feet;
- 5) southerly 89.75 feet along the arc of a 1971.60-foot radius tangent curve to the right (center bears North 76°42'06" West and the long chord bears South 14°36'08" West 89.74 feet with a central angle of 02°36'29") to the northerly line of Roam Phase 1 Townhomes Subdivision;

thence along Roam Phase 1 Townhomes Subdivision the following ten (10) courses and distances:

- 1) North 70°39'00" West 79.68 feet;
- 2) northerly 25.36 feet along the arc of a 163.50-foot radius non-tangent curve to the left (center bears North 75°28'22" West and the long chord bears North 10°05'03" East 25.33 feet with a central angle of 08°53'08");
- 3) North 05°38'29" East 45.93 feet;
- 4) North 84°21'31" West 27.00 feet;
- 5) southwesterly 49.78 feet along the arc of a 27.50-foot radius non-tangent curve to the right (center bears North 84°21'31" West and the long chord bears South 57°29'44" West 43.25 feet with a central angle of 103°42'30");
- 6) North 70°39'00" West 150.92 feet;
- 7) northerly 59.92 feet along the arc of a 27.50-foot radius tangent curve to the right (center bears North 19°21'00" East and the long chord bears North 08°13'49" West 48.75 feet with a central angle of 124°50'24");
- 8) North 35°48'37" West 27.00 feet;
- 9) South 54°11'23" West 88.81 feet;
- 10) North 35°48'37" West 127.43 feet to the easterly right-of-way of Trappers Loop Road (Highway 167);

Thence along said right-of-way the following three (3) courses and distances:

- 1) North 54°11'41" East 126.43 feet;
- 2) along section of a spiral curve, having a long chord bearing of North 49°59'43" East 370.62 feet;
- 3) northeasterly 97.09 feet along the arc of a 918.51-foot radius non-tangent curve to the left (center bears North 48°05'17" West and the long chord bears North 38°53'11" East 97.05 feet with a central angle of 06°03'23") to the Point of Beginning.

Contains: 155,900 square feet or 3.579 acres, 35 units and 4 parcels.

Exhibit "B"
(Permitted Exceptions)

1. (a) Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Any facts, rights, interests, or claims which are not shown by the Public Records, but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
3. Easements, liens, or encumbrances, or claims thereof, which are not shown by the Public Records.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims, or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the Public Records.
6. Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records.
7. Any defect, lien, encumbrance, adverse claim, or other matter, that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I-Requirements are met.
8. Any service, installation, connection, maintenance, or construction charges for sewer, water, electricity, or garbage collection or disposal, or other utilities unless shown as an existing lien by the Public Records.
9. The lien of any and all property taxes assessed against the Land by the State Tax Commission of Utah. [Informational Note: According to the records of Morgan County, the Land described herein has been assigned Morgan County Tax Parcel No. 00-0058-9646 (Serial No. 03-005-044-02-1-NA). However, the Land comprising Morgan County Tax Parcel No. 00-0058-9646 (Serial No. 03-005-044-02-1-NA) appears to fall under the jurisdiction of the State Tax Commission of Utah for the assessment of property taxes. It is suggested that the Office of the Morgan County Treasurer and/or the State Tax Commission of Utah be contacted to ascertain any property tax amounts due and payable for said Land.]
10. The herein described Land is located within the boundaries of Morgan County, Weber Basin Water Conservancy District, Mountain Green Fire Protection District, Mountain Green Sewer Improvement District, and is subject to any and all charges and assessments levied thereunder.
11. Minerals of whatsoever kind, subsurface and surface substances, including but not limited to coal, lignite, oil, gas, uranium, clay, rock, sand and gravel in, on, under and that may be produced from the Land, together with all rights, privileges, and immunities relating thereto, whether or not appearing in the Public Records or listed herein. The Company makes no representation as to the present ownership of any such interests. There may be leases, grants, exceptions or reservations of interests that are not listed.
12. Reservations as set forth in Patents from the United States of America recorded May 10, 1897 in Book F at Page 576 and recorded January 19, 1959 in Book R at Page 234 and recorded December 3, 1892 in Book F at Page 274 and recorded May 10, 1897 of official records.
13. Claim, right, title or interest to water or water rights whether or not shown by the Public Records.

14. Ordinance No. CO-19-04 Amending the Morgan County Official Zoning Map, from the A-20 Zone to the Town Center Zone, Otherwise Known as the Staker Parson Zone Change, recorded March 12, 2020 as Entry No. 150555 in Book 359 at Page 169.

15. Said Land is located within the bounds of the Morgan County Reinvestment & Renewal Agency boundary and is subject to any fees and/or assessments thereof, Boundary Plat recorded March 13, 2017 as Entry No. 141018 in Book 334 at Page 439.

16. Easement, terms and conditions of that certain Utilities and Access Easement Agreement recorded June 30, 2021 as Entry No. 157456 in Book 379 at Page 1830.

17. Easements, notes and restrictions as shown on the proposed plat for Roam Phase 2 Townhomes.

18. Access along Old Trappers Loop Road is limited to openings permitted by the Utah Department of Transportation, as disclosed in that certain Final Order of Condemnation recorded November 16, 1988 as Entry No. 56999 in Book M67 at Page 277.

19. Development Agreement by and between Morgan County and Staker & Parson Companies, a corporation, dated October 20, 2020 and recorded November 10, 2020 as Entry No. 153927 in Book 369 at Page 1685.

Partial Assignment and Assumption Agreement (Development Agreement) in favor of CW Land Co., LLC, a Utah limited liability company, recorded January 18, 2022 as Entry No. 159755 in Book 387 at Page 1112.

Partial Assignment and Assumption Agreement (Development Agreement) in favor of CW Roam, LLC, a Utah limited liability company, recorded January 18, 2022 as Entry No. 159756 in Book 387 at Page 1122.

Partial Assignment and Assumption Agreement (Development Agreement) in favor of Richmond American Homes of Utah, Inc., a Utah corporation, recorded January 18, 2022 as Entry No. 159773 in Book 387 at Page 1291.

20. Declaration of Payment in Lieu of Taxes by Staker & Parson Companies, a Utah corporation, individually and as successor by merger to Jack B. Parson Companies, a Utah corporation for the benefit of Roam Public Infrastructure District No. 1, a political subdivision and body corporate and politic duly of the State of Utah and Roam Public Infrastructure District No. 2, a political subdivision and body corporate and politic duly of the State of Utah, dated August 31, 2021 and recorded September 15, 2021 as Entry No. 158372 in Book 382 at Page 1078.

21. Certificate of Creation for the Roam Public Infrastructure Districts Nos. 1 and 2 recorded July 30, 2021 as Entry Nos. 158536 in Book 383 at Page 243.

22. Notice of Public Infrastructure District for the ROAM Public Infrastructure District No. 1 recorded September 30, 2021 as Entry No. 158537 in Book 383 at Page 261.

23. Notice of Public Infrastructure District for the ROAM Public Infrastructure District No. 2 recorded September 30, 2021 as Entry No. 158538 in Book 383 at Page 267.

24. Terms, provisions, covenants, conditions, restrictions, easements, charges, assessments and liens provided for in that certain Declaration of Covenants, Conditions, and Restrictions, and Reservation of Easements for Roam recorded January 18, 2022 as Entry No. 159757 in Book 387 at Page 1131, but omitting any covenant, condition or restriction, if any, based on race, color, religion, sex, handicap, familial status or national origin unless and only to the extent that the covenant, condition or restriction (a) is exempt under Title 42 of the United States Code, or (b) relates to handicap, but does not discriminate against handicapped persons.

Partial Assignment of Declarant's Rights in favor of Richmond American Homes of Utah, Inc., a Colorado corporation, recorded January 18, 2022 as Entry No. 159764 in Book 387 at Page 1256.

25. Notice of Reinvestment Fee Covenant in favor of Roam Owners Association, Inc., recorded January 18, 2022 as Entry No. 159765 in Book 387 at Page 1262.

26. Notwithstanding those items described herein-above, the Land is also subject to any additional discrepancies, conflicts in the boundary lines, shortage in area, encroachments, or any other facts which an ALTA/NSPS Survey, (made in accordance with the current Minimum Standard Detail Requirements for Land Title Surveys jointly established and adopted by (ALTA) American Land Title Association and (NSPS) National Society of Professional Surveyors) may disclose.

27. Rights of tenant(s) in the Land, if any, and rights of all parties claiming by, through or under said tenant(s).