

1790

RESTRICTIVE COVENANT PRECLUDING THE RESIDENTIAL  
OR OTHER NON-AGRICULTURAL USE OF THE LAND

RECORDED IN THE PLAT BOOK  
1790 MAY 17 PH 12-35  
S. J. H. J. G.

1790

TO THE PUBLIC:

I, the undersigned owner of real property in Utah County, State of Utah, which property is located as follows (legal description):

For legal description see Exhibit A, which is attached hereto and made a part hereof by this reference,

have the intent to qualify for the exemption from filing an approved subdivision plat, which exemption is provided for in Section 17-27-27, UCA 1953 as amended, and Section 4-3-45 of the "Utah County Zoning Ordinance" of Utah County, Utah, for the division of agricultural land for agricultural purposes. I hereby covenant that neither I nor my heirs, executors, administrators, or assigns will ever allow residential or other non-agricultural use of this land without properly obtaining an approved subdivision plat as required by law.

This covenant shall run with the land and shall be binding upon all persons owning or leasing the above-described real property. It shall not apply (1) to those portions of the property contained in a properly approved and recorded subdivision plat; (2) those portions of the property placed into an incorporated city or town; or (3) upon repeal of the requirements for such a covenant under Section 4-3-45 or its successor statute. Further, this covenant shall hereinafter be included in any deed dealing with the above-described property, or portions thereof, in whole or by reference hereto.

Invalidation of any of these covenant provisions by judgment or court order shall not affect any of the other provisions which shall remain in full force and effect.

If the owner or owners of the above-described real property, or any portion thereof, or the owner's heirs or assigns shall violate or attempt to violate any of the covenants above set forth, Utah County, or any other person owning a portion thereof, may enjoin such transfer, sale, or use by action for injunction brought in any court of equity jurisdiction or may pursue any other remedy at law or equity. All costs and all expenses of such proceedings shall be taxed against the offending party or parties and shall be declared by the court to constitute a lien against the real estate wrongfully deeded, sold, leased, used, or conveyed until paid. Such lien may be enforced in such manner as the court may order.

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Change or amendment of these covenants may be effected only if such is in compliance with the laws and ordinances of the State of Utah and its political subdivisions. This covenant, and any changes or amendments hereto, must first be approved in writing by the Utah County Building Official before recording with the County Recorder. Any change or amendment without such approval is hereby made null and void.

Any change or amendment  
void.  
Verl L. Smith  
Verl L. Smith  
Verl L. Smith  
Verl L. Smith  
Verl L. Smith

without such approval is hereby made null and void.

Rodney L. Raven Colleen Raven  
Rodney L. Raven Colleen Raven

Signed: Well Boyle  
William J. Boulter  
Shalee C. Boulter

## ACKNOWLEDGEMENT

STATE OF UTAH  
COUNTY OF UTAH

Albert E. Christensen  
Albert A. Christensen

On the 15<sup>th</sup> day of JAN., 1986, personally  
appeared before me, Verl L. Smith, Gwen R. Smith, Darrel L. Smith,  
Delbeat E. Christensen, Deanne, the signer(s) of  
William J. Boulet, Sherry L. Raven and Colleen Raven  
the above instrument, who duly acknowledged to me that he/she executed  
the same.

Residing At: Mapleton Utah  
Commission Expires: 7 DEC 1988

Reviewed prior to recording: By: Buck Rose for Jeff Mendenhall  
Building Official

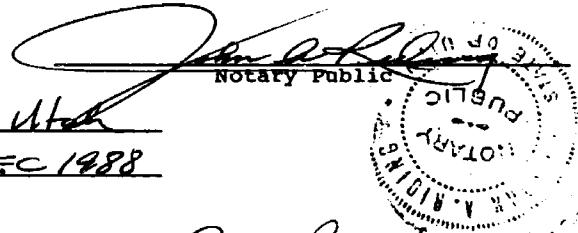


EXHIBIT A

Commencing at the Northwest corner of the Southwest quarter of Section 2, Township 9 South, Range 2 East, Salt Lake Base and Meridian; thence South 5.71 chains; thence South 88 1/4° East 2.15 chains; thence North 2° East 30.15 chains; thence North 88 1/4° West 3.18 chains; thence South 24.33 chains to beginning.

Also Commencing 5.71 chains South and 2.15 chains South 88 1/4° East of the Northwest corner of the Southwest Quarter of Section 2, Township 9 South, Range 2 East, Salt Lake Base and Meridian; thence South 88 1/4° East 4.20 chains; thence North 2° East 29.88 chains; thence North 88 1/4° West 4.20 chains; thence South 2° West 29.88 chains to beginning.

Also Commencing at the Southeast corner of the Northeast quarter of Section 3, Township 9 South, Range 2 East, Salt Lake Base and Meridian; thence North 24.21 chains; thence North 89 3/4° West 11.83 chains; thence North 2 1/4° East 10 chains; thence North 89 3/4° West 12.12 chains; thence South 0° 50' West 30 chains; thence South 89 3/4° East 11.22 chains; thence North 2 1/4° East 10 chains; thence South 89 1/4° East 9.82 chains; thence South 2 1/4° West 14.22 chains, more or less, to the section line running East and West through the center of Section 3; thence South 1 1/2° West 5.68 chains; thence South 89 3/8° East 2.79 chains; thence North 5.71 chains to the place of beginning.

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