

1790

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

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.

1995 JAN 17 PM 12:35

RECORDED AT THE PLATERS OFFICE
BY *[Signature]*
UTAH COUNTY CLERK
[Signature]

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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.

Verl L. Smith Rodney A. Raven Colleen Raven
 Verl L. Smith Rodney A. Raven Colleen Raven
Gwen R. Smith
 Gwen R. Smith
Harrell L. Smith
 Harrell L. Smith

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

ACKNOWLEDGEMENT

STATE OF UTAH)
)
 COUNTY OF UTAH)

On the 15th day of JAN., 1986, personally
 appeared before me, Delbert E. Christensen, Deanne C. Christensen, Verl L. Smith, Gwen R. Smith, Harrell L. Smith,
Delbert E. Christensen, Deanne C. Christensen, the signer(s) of
 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
 Date: Jan 17, 1986

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 $88\frac{1}{4}^{\circ}$ East 2.15 chains; thence North 2° East 30.15 chains; thence North $88\frac{1}{4}^{\circ}$ West 3.18 chains; thence South 24.33 chains to beginning.

Also Commencing 5.71 chains South and 2.15 chains South $88\frac{1}{4}^{\circ}$ 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 $88\frac{1}{4}^{\circ}$ East 4.20 chains; thence North 2° East 29.88 chains; thence North $88\frac{1}{4}^{\circ}$ 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 $89\frac{3}{4}^{\circ}$ West 11.83 chains; thence North $2\frac{1}{4}^{\circ}$ East 10 chains; thence North $89\frac{3}{4}^{\circ}$ West 12.12 chains; thence South $0^{\circ} 50'$ West 30 chains; thence South $89\frac{3}{4}^{\circ}$ East 11.22 chains; thence North $2\frac{1}{4}^{\circ}$ East 10 chains; thence South $89\frac{1}{4}^{\circ}$ East 9.82 chains; thence South $2\frac{1}{4}^{\circ}$ West 14.22 chains, more or less, to the section line running East and West through the center of Section 3; thence South $1\frac{1}{2}^{\circ}$ West 5.68 chains; thence South $89\frac{3}{8}^{\circ}$ East 2.79 chains; thence North 5.71 chains to the place of beginning.