

PAGE () INDEX () ABSTRACT () PLAT () CHECK ()

OPEN SPACE AGREEMENT

WHEREAS, the Board of County Commissioners of Wasatch County, Utah, has determined that a greater number of dwelling units can be constructed and maintained upon the tract of land hereinafter described, without causing irreparable harm to the land and its environment, to wit: the development of 38 one acre lots on 600 acres provided the buildings and structures included in such development are clustered, thereby leaving larger tracts of open space within the development, and

WHEREAS, the owners of said land desire to construct and to otherwise make a large scale development on such land to conformity with the Development Code of said Wasatch County, and

WHEREAS, it is necessary to convey to Wasatch County an open space easement covering the land that is to be maintained in open space, as a means of insuring that no dwelling or convenience establishment or other building, except those approved by the Board of County Commissioners, will be built thereon during the life of said development,

NOW, THEREFORE, in exchange for the right and privilege of clustering said buildings and structures in locations as shown on plans for the Big Pole Estates Development described above, the owners of said land, for themselves and for their successors and assignees, hereby agree to refrain from constructing any dwelling, convenience establishment or other building, except those approved by the Board of County Commissioners, upon the following described land, until this agreement has been duly terminated by the Board of County Commissioners and a copy of such termination has been filed in the office of the County Recorder.

The land covered by said easement is described as follows, to wit:

Parcel 1:

BEGINNING at a point 52.69 chains West along the Section line from the Northeast Corner of Section 5, Township 4 South, Range 6 East, Salt Lake Base and Meridian; thence West 19.722 chains, thence South 60.625 chains, thence East 19.722 chains, thence North 60.625 chains to the point of BEGINNING.

EXCEPTING THEREFROM any portions lying within the South one-half of the South one-half of said Section 5.

Parcel 2:

All of Lots 3, 4, 5, and the Southeast Quarter of the Northwest Quarter of Section 6, Township 4 South, Range 6 East of the Salt Lake Base Meridian; lying South of the Center line of Big Pole Creek.

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WASATCH CO RECORDER-ELIZABETH M PARCELL
1996 JUL 29 16:49 PM FEE \$65.00 BY MWC
REQUEST: FOUNDERS TITLE COMPANY

EXCEPTING THEREFROM lots 1-38 of the Big Pole Estates plat

Parcel 3:

BEGINNING at the Southwest Corner of Section 32, Township 3 South, Range 6 East of the Salt Lake Base and Meridian; thence North along the Section line 22.28 chains, thence East 39.99 chains, more or less to the center of section line; thence South 00 02' 42" East 21.39 chains along said center of Section line to the South line of said Section 32; thence West 40.01 chains along the Section line to the point of BEGINNING.

Parcel 4:

The East half of Section 31, Township 3 South, Range 6 East of the Salt Lake Base and Meridian, lying South of the Center Line of the Big Pole Creek.

IN WITNESS WHEREOF, the parties to this grant of easement have caused the same to be executed by their duly authorized officers on the 22ND day of May, 1996.

ATTEST:

Robert B. Lynd

Sacred Fountain of Youth Inc.
(the Developer)

By [Signature]
President

ATTEST:

Robert B. Lynd

Big Pole
Estate Association

By [Signature]
President

ATTEST:

Bruce R. Titcomb
County Clerk

Wasatch County

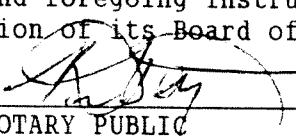
[Signature]
Chairman of the Board of
County Commissioners

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State of Utah

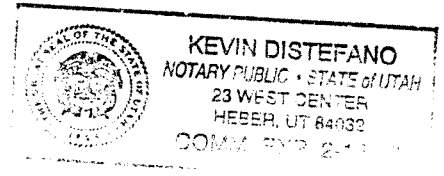
County of Wasatch

On the 17 day of May, 1996, personally appeared before me John W. Walden, who being by me duly sworn did say that (s)he, the said John W. Walden is the President of Sacred Fountain of Youth Inc., and that the within and foregoing instrument was signed in behalf of said Corporation by authority of a resolution of its Board of Directors, and said Corporation executed the same.



NOTARY PUBLIC

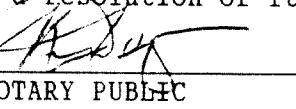
My Commission Expires: 2/16/98
Residing at: Heber, UT



State of Utah

County of Wasatch

On the 17 day of May, 1996, personally appeared before me John W. Walden, who being by me duly sworn did say that (s)he, the said John W. Walden is the President of Big Pole Estates Homeowners Association, and that the within and foregoing instrument was signed in behalf of said Corporation by authority of a resolution of its Board of Directors, and said Corporation executed the same.



NOTARY PUBLIC

My Commission Expires: 2/16/98
Residing at: Heber, UT

