



**SUPPLEMENTARY DECLARATION  
TAVIAWK SUBDIVISION – PHASE XI-A AND XI-B and-XI- I**

Kayenta Homesites, Inc., Declarant under that certain Declaration of Covenants, Conditions, and Restrictions of Taviawk Subdivision, a Planned Residential Development, filed of record on April 17, 1998, as Entry No. 599234, Book 1201, Page 628, and Amended by Supplemental Declaration of Annexation recorded April 14, 1999, as entry No. 643531, in Book 13330, Pages 796,-803, Supplementary Declaration of Annexation of Phase X, recorded September 13, 2005, as Entry No. 970968, in Book 1789, Page 1415, Supplementary Declaration of Annexation Phase VII, recorded June 6, 2006 as Document No. 20060024025, Supplementary Declaration of Annexation of Phase VIII, recorded May 14, 2008 as Document No. 20080019932 and Supplementary Declaration of Annexation of Phase IX-A recorded September 29, 2009 as Document No. 20090037321 and Supplementary Declaration of Annexation of Phase IX-U recorded October 02, 2009 as Document No. 20090038076 and Supplementary Declaration of Annexation of Phase IX-Z recorded June 3,2010 as Document No. 20100018328 and Supplementary Declaration of Annexation of Phase IX-W recorded May 13, 2011 as Document No. 20110014820 and Supplementary Declaration of Annexation of Taviawk Phase IX-B recorded July 28, 2011 as Document No. 20110022809 and Supplementary Declaration of Annexation of Taviawk Phase XI-A recorded May 24, 2012 as Document No. 20120017186 and Supplementary Declaration of Annexation of Taviawk Phase XI-B recorded May 24, 2012 as Document No. 20120017188 and Supplementary Declaration of Annexation of Taviawk Phase IX-G recorded August 29,2012 as Document No. 20120028906 and refer to Corrected Supplementary Declaration of Annexation of Taviawk Phase IX-G recorded December 27, 2012 as Document No. 20120044396 and Supplementary Declaration of Annexation of Taviawk Phase IX-X recorded December 27, 2012 as Document No.

20120044397 and Supplementary Declaration of Phase IX-I recorded March 22, 2013 as Document No. 20130010747 and Amended Supplementary Declaration of IX-I recorded March 26, 2013 as Document No. 2013001118 and Supplementary Declaration of IX-E recorded May 14, 2013 as Document No. 20130018593 and Supplementary Declaration IX-J recorded May 14, 2013 as document No. 20130018594 and all of the Official Records of Washington County and hereinafter collectively referred to as the "Declaration". Declarant hereby exercises its rights and privileges under said Declaration as follows:

1. Declarant hereby annexes to Taviawk Subdivision Phases the following described property located in Ivins City, County of Washington, State of Utah, concluding as set forth on that certain Parcel of Property concurrently herewith:

All of TAVIAWK SUBDIVISION, PHASE XI-A AND XI-B AND XI-I, more particularly described as follows: (See Exhibit A attached hereto)

2. The above legal description of property added to Taviawk Subdivision is six lots or building parcels which shall be referred to as Lot 182, Lot 183, Lot 181, Lot 184, Lot 193 and Lot 194 of TAVIAWK SUBDIVISION, PHASE XI-A AND XI-B AND XI-I herein after the total number of lots being added is four. The total number of lots in Taviawk subdivision is now 166 lots. Lots previously added but not included in a subdivision plat at the time they were added are referred to Lots 182 and Lot 183.

3. All lot owners in the new phase described above will become members of the Taviawk Home Owners Association and will be entitled and subject to all rights, powers, privileges, covenants, restrictions, easements, charges, and liens as set forth in the original Declaration of Taviawk Subdivision as supplemented. Where specific clauses are set forth in this Supplementary Declaration, they shall control over the Declaration. The annexed land is to

be held, sold, conveyed, encumbered, occupied, and approved as part of the property, subject to the Declaration, as supplemented by this document.

4. Declarant continues to reserve all rights to expand, and such other rights as are conferred in the Declaration. Declarant further reserves the right to grant access for ingress and egress for all utilities to any other project in the area where the roads of this Plat may serve other future projects.

5. The same architectural covenants as contained in the Declaration of Taviawk Subdivision shall apply to this subdivision TAVIAWK SUBDIVISION, PHASE XI-A AND XI-B AND XI-I described as Exhibit A, except as modified by this Supplemental Declaration.

6. Due to the sensitive nature of the topography and /or location, or other features Declarant reserves unto itself or its assigns the right to architectural approval of any building or landscape plan that may be proposed for such lot. Said right to architectural approval of any building or landscape plan may be withheld by Declarant if the opinion of Declarant the proposed plans would be detrimental to the project in any material way. The decision of the Declarant in this regard shall be final.

7. Declarant reserves unto itself without the right of lot owner in the Taviawk Subdivision, to dedicate to the use of the public, any and all private roads currently shown on the Plats filed concurrently herewith. As such it is the intention of the Declarant that upon making acceptable arrangements with Ivins City or other legal entity in the future, that the same may become a public road. However, until such arrangements are made the said road(s) shall be considered common area of the Taviawk Subdivision and shall be subject to the maintenance and control of the Association. At such time as a public road dedication map is executed by the Declarant, pursuant to the rights conferred by this paragraph the streets shall become a public roadway, and

no longer subject to the jurisdiction and maintenance of the Association.

8. Lots in TAVIAWK SUBDIVISION, PHASE XI-A AND XI-B AND XI-I are provided access to municipal sewer by a small diameter collection system with lateral to property line. The gravity outfall system does require a septic tank equipped with a filter at its discharge. Maintenance of the septic tank and monitoring of filters is the responsibility of the home owner. Filter monitoring can be accomplished with the help of a sanitarian or septic tank professional for modest annual fee.

9. Public utilities and drainage easements as established on Plat TAVIAWK SUBDIVISION, PHASE XI-A AND XI-B AND XI-I and I are herein further reserved by Declarant to provide easement for communication and/or irrigation as may be determined by Declarant.

10. Declarant reserves the right to grant access to entities of its choice regarding irrigation distribution lines and communications conduits which may be placed in the common areas including appurtenant easements thereto.

11. Supplements and modifications to the basic ACC standards as they apply to TAVIAWK SUBDIVISION, PHASE XI-A AND XI-B AND XI-I and I are as follows:

Coverage. For the TAVIAWK SUBDIVISION, PHASE XI-A AND XI-B AND XI-I an area of at least sixty percent (60%) of the lot area shall remain unaltered by any construction or removal of its natural indigenous vegetation except for the addition of landscape vegetation as allowed by Declarant. Improved areas, those areas that are graded and constructed upon shall occupy no more than forty percent (40%) of the lot area except as may be modified by Declarant. The no build area shall remain in its natural vegetated state.

All of the dwelling unit, garage, driveway, courtyard areas, and off- street parking shall be contained in this area. "Lot Coverage" shall mean the actual improved area of the lot expressed as a percentage of the total area of the lot excluding no build slopes.

Building Envelope. For the TAVIAWK SUBDIVISION, PHASE XI-A AND XI-B AND XI-I, the building envelope as determined at sole discretion of declarant shall establish set-back lines and define the area of the lot in which the actual building structure including interior living areas, garage areas, and trellis/ramada or portico, and other exterior covered areas are allowed to occupy. Said building structure coverage is defined herein as dwelling area, garage area and fifty percent (50%) of the covered outdoor area higher than six feet above finish grade and shall occupy no more than sixty-five percent 65% of said building envelope area. Said percentages may be increased by declarant if in its opinion such increase in building coverage of building envelope does not adversely affect the intent of this provision. The intention of this provision is to allow for creation of interesting and highly articulated building geometries resulting in an architecture rich in broken plains, recesses, and projections with building mass subdued through the development of shade and shadow on its exterior elements. Courtyard areas which are enclosed by courtyard walls are less than six feet in height, patio areas, and swimming pool areas may extend beyond the boundaries of the building envelope. (In this regard, "building envelope" is a misnomer in that the construction/ coverage area of the site may extend beyond the envelope boundaries.)

Streetscape

Streetscape boarding roadways to remain natural and unencumbered by rock boundaries or walls. Its natural indigenous landscape is protected. All landscape supplementation provided in the

natural un-built area of the site to be approved by ACC. All address standards to be approved by ACC at street/driveway location.

Three Car Garage

A three car garage is required. An unencumbered space ten feet wide by twenty feet long is to be provided for each of the three cars or vehicles.

Apron

As a transitional surface between the driveway (generally gravel) and the asphalt paved street, a concrete apron is required and to be installed as approved by the ACC.

12) Declarant reserves unto itself the right to require the lot owner to plant and provide for the maintenance of the landscape trees and shrubs in conjunction with the construction of the residents. This includes all easement areas that lie within lot and road right of way associated with lot.

13) Declarant reserves unto itself the right and authority to act as the Architectural Control Committee (A.C.C.) until such time as Declarant decides to turn the said responsibility to the Taviawk Board and its appointed A.C.C provided however that the continued reservation of the declarant right as set forth in paragraph 6 of this document remains in effect.

14) Declarant continues to reserve the right to modify and supplement the basic Architectural Control Committee standards for TAVIAWK SUBDIVISION, PHASE XI-A AND XI-B AND XI-I, Subdivision in order to clarify the intent of declarants architectural concept provided at the sole discretion of the Declarant said modifications result in no material harm to the architectural and landscape integrity of the Taviawk Subdivision.

DATED this 22 day of May 2013.

DECLARANT:

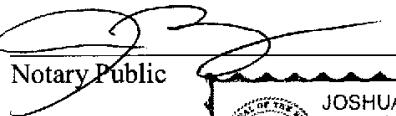
KAYENTA HOMESITES, INC.

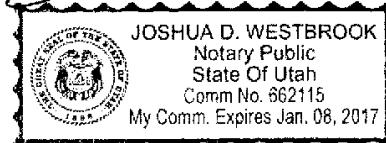
By: 

R.T. Marten, President

STATE OF UTAH )  
 )ss.  
County of Washington )

On the 22 day of May, 2013 personally appeared before me  
R.T. Marten, President of Kayenta Homesites, Inc., of the foregoing document, who  
acknowledged to me that they executed the same pursuant to authority given by their respective  
Board of Directors of Kayenta Homesites, Inc.

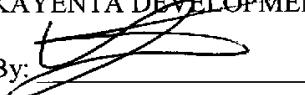
  
Notary Public



DATED this 22 day of May 2013.

OWNER

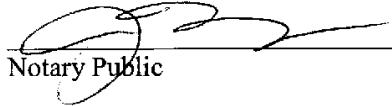
KAYENTA DEVELOPMENT, INC.

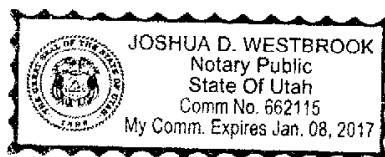
By: 

Lance Anderson, President

STATE OF UTAH )  
 )ss.  
County of Washington )

On the 22 day of May, 2013 personally appeared before me  
Lance Anderson, President of Kayenta Development, Inc., of the foregoing document, who  
acknowledged to me that they executed the same pursuant to authority given by their respective  
Board of Directors of Kayenta Development, Inc.

  
Notary Public



**PARCEL NUMBERS:** I-6-1-30-3210, I-6-1-30-329, I-6-1-30-321,  
I-6-1-30-322 I-TAV-11-ABI-181, I-TAV-11-ABI-182,  
I-TAV-11-ABI-183, I-TAV-11-ABI-184, I-TAV-11-ABI-193  
and I-TAV-11-ABI-194

**KAYENTA DEVELOPMENT INC**

**BLAINE J DABB**  
**SONJA A DABB**  
**MICHAEL NUGENT**  
**DEBORAH NUGENT**

**BOUNDARY DESCRIPTION**

**TAVIAWAK PHASE XI-A**

BEGINNING AT A POINT NORTH 01°22' 24" EAST 726.33 FEET ALONG THE SECTION AND NORTH 90°00' 00" EAST 2,221.66 FEET AND FROM THE SOUTHEAST CORNER OF SECTION 25, TOWNSHIP 41 SOUTH, RANGE 17 WEST, SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE SOUTH 03° 40' 20" EAST 30.82 FEET TO A POINT ON A 35.00 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT (RADIUS POINT BEARS SOUTH 25° 40' 33" EAST); THENCE ALONG THE ARC OF SAID CURVE 31.04 FEET THROUGH A CENTRAL ANGLE OF 50°48'42" TO A POINT ON A 20.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE ALONG THE ARC OF SAID CURVE 16.41 FEET THROUGH A CENTRAL ANGLE OF 47°00'51"; THENCE SOUTH 60° 29' 36" WEST 95.48 FEET TO A POINT ON A 20.00 FOOT CURVE TO THE RIGHT; THENCE ALONG THE ARC OF SAID CURVE 30.75 FEET THROUGH A CENTRAL ANGLE OF 88°05'25"; THENCE NORTH 31° 25' 00" WEST 286.80 FEET TO A POINT ON A 20.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE ALONG THE ARC OF SAID CURVE 32.75 FEET THROUGH A CENTRAL ANGLE OF 93°49'19" TO A POINT ON A 1,030.00 FOOT RADIUS CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE 145.58 FEET THROUGH A CENTRAL ANGLE OF 8°05'53"; THENCE SOUTH 33° 25' 39" EAST 171.84 FEET; THENCE SOUTH 31° 06' 55" EAST A DISTANCE OF 115.50 FEET TO THE POINT OF BEGINNING. CONTAINING 1.2631 ACRES

**TAVIAWAK PHASE XI-B**

BEGINNING AT A POINT ON THE WESTERLY BOUNDARY OF TAVIAWAK SUBDIVISION PHASE 1 AS RECORDED IN WASHINGTON COUNTY UTAH, SAID POINT ALSO BEING NORTH 01°22' 24" EAST 544.96 FEET ALONG THE SECTION AND NORTH 90°00' 00" EAST 2,068.37 FEET AND FROM THE SOUTHEAST CORNER OF SECTION 25, TOWNSHIP 41 SOUTH, RANGE 17 WEST, SALT LAKE BASE AND MERIDIAN AND RUNNING ALONG THE BOUNDARY OF SAID SUBDIVISION THE FOLLOWING SIX (6) COURSES: NORTH 60° 29' 36" EAST 174.28 FEET TO A POINT ON A 20.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE ALONG THE ARC OF SAID CURVE 30.86 FEET THROUGH A CENTRAL ANGLE OF 88°24'15"; THENCE SOUTH 31° 06' 55" EAST 53.49 TO A POINT ON A 20.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE ALONG THE ARC OF SAID CURVE 16.41 FEET THROUGH A CENTRAL ANGLE OF 47°00'48" TO A POINT ON A 35.00 FOOT RADIUS CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE 93.76 FEET THROUGH A CENTRAL ANGLE OF 153°29'14"; THENCE SOUTH 15° 42' 48" EAST 51.51 FEET; THENCE LEAVING SAID SUBDIVISION SOUTH 66° 38' 27" WEST 166.70 FEET; THENCE SOUTH 65° 55' 29" WEST 137.69 FEET; THENCE NORTH 29° 28' 45" WEST 163.58 FEET; THENCE NORTH 60° 29' 47" EAST 89.75 FEET; THENCE NORTH 29° 30' 24" WEST 1.47 FEET TO THE POINT OF BEGINNING. CONTAINING 1.1778 ACRES

**TAVIAWAK XI-1**

BEGINNING AT A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF PAUIUTE DRIVE AS RECORDED IN WASHINGTON COUNTY UTAH, SAID POINT ALSO BEING NORTH 01°22' 24" EAST 734.08 FEET ALONG THE SECTION AND NORTH 90°00' 00" EAST 1,557.13 FEET AND FROM THE SOUTHEAST CORNER OF SECTION 25, TOWNSHIP 41 SOUTH, RANGE 17 WEST, SALT LAKE BASE AND MERIDIAN AND RUNNING ALONG SAID RIGHT-OF-WAY NORTH 66° 34' 11" EAST 343.20 FEET TO A POINT ON THE WESTERLY BOUNDARY OF TAVIAWAK SUBDIVISION PHASE 1 AS RECORDED IN WASHINGTON COUNTY UTAH; THENCE ALONG SAID SUBDIVISION BOUNDARY THE FOLLOWING FOUR (4) COURSES SOUTH 24° 05' 56" EAST 11.08 FEET TO A POINT ON A 20.00 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT (RADIUS POINT BEARS SOUTH 23° 29' 34" EAST); THENCE ALONG THE ARC OF SAID CURVE 28.65 FEET THROUGH A CENTRAL ANGLE OF 82°04'34"; THENCE SOUTH 31° 25' 00" EAST 146.04 FEET; THENCE LEAVING SAID SUBDIVISION SOUTH 62° 55' 55" WEST 194.04 FEET; THENCE SOUTH 67° 16' 00" WEST 182.41 FEET; THENCE NORTH 25° 44' 46" WEST 183.17 FEET TO THE POINT OF BEGINNING. CONTAINING 1.5289 ACRES

TOTAL ACREAGE = 3.8698 ACRES