

DOC # 20180031652

CCR Annexation Page 1 of 4
Russell Shirts Washington County Recorder
08/02/2018 09:34:48 AM Fee \$ 16.00
By SOUTHERN UTAH TITLE CO



AFTER RECORDING, PLEASE RETURN TO:

RREF II - JFH BRIL LO, LLC
c/o Matthew J. Ence
SNOW JENSEN & REECE, P.C.
912 West 1600 South, Suite B-200
St. George, Utah 84770

**DECLARATION OF ANNEXATION
FOR
BRIO - PHASE 3D SUBDIVISION**

THIS DECLARATION OF ANNEXATION FOR BRIO - PHASE 3D SUBDIVISION (hereinafter "Declaration of Annexation") is made by RREF II - JFH BRILLO, LLC, a Delaware limited liability company, hereinafter referred to as "Declarant."

PREAMBLE

A. Declarant is the owner and developer of certain real property located in the city of Washington, Washington County, State of Utah, which is particularly described as follows:

See legal description attached Exhibit "A" and incorporated herein by this reference.

(hereinafter the "Annexed Property").

B. The Annexed Property is part of the real property described in Exhibit "B" to that Declaration of Covenants, Conditions, and Restrictions for Brio, recorded August 12, 2015, as Doc. No. 20150028404, in the Official Records of the Washington County Recorder's Office, as amended or supplemented (hereinafter referred to as "Declaration").

C. By annexation into the Community known as BRIO, the Annexed Property is made subject to the Declaration by virtue of Sections 1.1 and N.1 of the Declaration.

D. Declarant is the "Declarant" as defined in Section 2.16 of the Declaration.

E. Pursuant to Section 1.1 and Article IO of the Declaration, Declarant now desires to add and include the above-described Annexed Property to hereafter become part of the Community known as BRIO as described in Section 2.12 of the Declaration, and thereafter subject to the terms and provisions of the Declaration as provided in Section 1.1 and Article IO of the Declaration.

THEREFORE, Declarant hereby declares, and submits the Annexed Property to such Declaration, and imposes thereon the provisions of the Declaration, as follows:

1. The undersigned Declarant here by declares the foregoing recitals to be true and accurate, and incorporate the same herein with this reference.

2. Declarant with the execution of this Declaration of Annexation here by consents to the annexation of the Annexed Property into the Community known as BRIO.

3. Declarant hereby declares the Annexed Property is added to and made a part of the Community subject to the Declaration. The Annexed Property is and shall be held, conveyed, hypothecated, encumbered, leased, occupied, built upon or otherwise used, improved or transferred in whole or in part, subject to this Declaration of Annexation and the Declaration.

4. The covenants, conditions and restrictions of this Declaration of Annexation and the Declaration are here by imposed as equitable servitudes upon each lot within the Annexed Property, as a servient tenement, for the benefit of each and every other lot or property within BRIO, as the dominant tenements.

5. The covenants, conditions and restrictions of this Declaration of Annexation shall run with and shall inure to the benefit of and shall be binding upon all of the Annexed Property and shall be binding upon and inure to the benefit of all parties having, or hereafter acquiring, any right, title or interest in all or any portion of the Annexed Property.

6. This Declaration of Annexation is recorded pursuant to Section 1.1 and Article 10 of the Declaration, and each of the provisions hereof shall be deemed a part of the Declaration, and they may be enforced as therein provided for the enforcement of any other provisions thereof.

7. The rights and obligations of all Owners of lots in the Annexed Property shall be the same as the rights and obligations of the Owners of lots currently affected by the Declaration, except as may be modified herein.

(remainder of page intentionally left blank; signatures and acknowledgments to follow)

EXHIBIT A
To Declaration of Annexation

LEGAL DESCRIPTION OF THE ANNEXED PROPERTY

BEGINNING AT A POINT N0°20'24"E 1252.40 FEET ALONG THE SECTION LINE FROM THE SOUTHEAST CORNER OF SECTION 10, TOWNSHIP 42 SOUTH, RANGE 15 WEST, S&B&M SAID POINT BEING ON THE BOUNDARY OF "BRIO PHASE 1A" FILED AS DOCUMENT NO. 20150028402 IN THE OFFICE OF THE WASHINGTON COUNTY RECORDER, RUNNING THENCE ALONG SAID "BRIO 1A" BOUNDARY THE FOLLOWING (7) COURSES: N72°28'16"W 48.23 FEET; THENCE N74°18'37"W 142.00 FEET; THENCE N15°41'23"E 47.48 FEET; THENCE N73°32'46"W 168.10 FEET TO THE POINT OF CURVATURE OF A 365.00 RADIUS CURVE TO THE LEFT, RADIUS POINT BEARS S73°32'46"E; THENCE SOUTHERLY 18.38 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 2°53'06"; THENCE N76°25'52"W 102.00 FEET TO THE POINT OF CURVATURE OF A 467.00 FOOT RADIUS CURVE TO THE RIGHT, RADIUS POINT BEARS S76°25'52"E; THENCE NORTHEASTERLY 248.92 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 30°32'22" TO A POINT ON THE BOUNDARY OF "BRIO 3A" FILED AS DOCUMENT NO. 20170022916 IN THE OFFICE OF THE WASHINGTON COUNTY RECORDER, SAID POINT BEING THE POINT OF CURVATURE OF A 367.00 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT, RADIUS POINT BEARS S45°56'49"E; THENCE ALONG SAID BOUNDARY OF "BRIO 3A" THE FOLLOWING FOUR (4) COURSES: NORTHEASTERLY 48.17 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 7°31'14"; THENCE S38°25'35"E 31.00 FEET TO THE POINT OF CURVATURE OF A 336.00 FOOT RADIUS CURVE TO THE RIGHT, RADIUS POINT BEARS S38°25'35"E; THENCE NORTHEASTERLY 50.05 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 8°32'06" TO THE POINT OF CURVATURE OF A 536.00 FOOT RADIUS COMPOUND CURVE; THENCE EASTERLY 364.21 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 38°55'54" TO A POINT ON THE BOUNDARY OF "BRIO 3B" FILED AS DOCUMENT NO. 20170046574 IN THE OFFICE OF THE WASHINGTON COUNTY RECORDER; THENCE ALONG SAID "BRIO 3B" BOUNDARY THE FOLLOWING TWO (2) COURSES: SOUTHEASTERLY 77.70 FEET ALONG THE ARC OF SAID 536.00 FOOT RADIUS CURVE THROUGH A CENTRAL ANGLE OF 8°18'22"; THENCE S72°39'12"E 480.14 FEET; THENCE LEAVING SAID "BRIO 3B" BOUNDARY AND RUNNING S17°20'48"W 91.00 FEET TO THE POINT OF CURVATURE OF A 15.00 FOOT RADIUS CURVE TO THE LEFT; THENCE SOUTHEASTERLY 23.56 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'00"; THENCE S17°20'48"W 50.00 FEET; THENCE N72°39'12"W 45.20 FEET; THENCE S17°20'48"W 95.00 FEET; THENCE N72°39'12"W 281.70 FEET; THENCE S17°20'48"W 145.00 FEET; THENCE N72°39'12"W 165.16 FEET; THENCE S17°24'15"W 96.33 FEET; THENCE N72°28'16"W 66.01 FEET TO THE POINT OF BEGINNING. CONTAINING 7.808 ACRES.