

Amended Restrictive Covenants Page 1 of 5  
Russell Shirts Washington County Recorder  
09/25/2018 11:46:16 AM Fee \$19.00 By  
SUTHERLAND TITLE COMPANY

When recorded return to:  
Red Cliffs Square, LC  
920 East Woodoak Lane #200  
Salt Lake City, Utah 84117

**SECOND AMENDMENT TO DECLARATION OF  
COVENANTS, CONDITIONS AND RESTRICTIONS, AND GRANT OF EASEMENTS**

**THIS SECOND AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS AND GRANT OF EASEMENT** is made and executed this 25<sup>th</sup> day of September, 2018 by RED CLIFFS SQUARE, LC, a Utah limited liability company, successor in interest to Irvine Investment Company, L.C. a Utah limited liability company (the "Declarant").

**WHEREAS:**

- A. The original Declaration of Covenants, Conditions and Restrictions, and Grant of Easements was recorded February 6, 2006, as Entry No. 20060001691, in the official records of the Washington County Recorder (the "Declaration"), as amended by the First Amendment to Declaration of Covenants, Conditions and Restrictions and Grant of Easements, recorded June 6, 2011, as Entry No. 20110017151 ("First Amendment").
- B. The land referred to in the original Declaration is located in Washington County, State of Utah and is described on Exhibit "A" attached hereto (the "Shopping Center").
- C. Pursuant to the First Amendment, Declarant split that certain parcel of land from the Shopping Center, which is more particularly described on Exhibit "B" attached hereto (the "Spring Gardens Parcel") and removed the Spring Gardens Parcel from the terms and provisions of Section 4, Common Area Maintenance.
- D. Said First Amendment further provided that any owner of the Spring Garden Parcel shall pay Thirty-Three (33%) Percent of all costs related to the maintenance, repair and/or replacement of the existing roadway as then located, or as necessarily re-located in the future, leading to the Spring Gardens Parcel from 2720 East Street.
- E. The Declarant desires to further amend the original Declaration to provide additional access to the Spring Gardens Parcel from 850 North Street.
- F. Pursuant to said original Declaration, the Declarant is authorized to execute this Second Amendment to the Declaration..

**NOW, THEREFORE**, for the foregoing purposes, and in consideration for which this Amendment is now a part, the Declarant hereby amends the original Declaration as follows:

1. The Declaration is hereby amended to provide any Owner of the Spring Gardens Parcel access over Shopping Center property on the existing roadway ("Existing Roadway") running from 850 North Street to the Spring Gardens Parcel as now located or as may be relocated in the future.
2. Any Owner of the Spring Gardens Parcel shall pay Thirty-Three (33%) Percent of all costs related to the maintenance, repair and/or replacement of the Existing Roadway, as now located or as necessarily re-located in the future, leading to the Spring Gardens Parcel from 850 North Street; provided, however, that the foregoing maintenance obligation shall not be applicable to any extension or widening of the Existing Roadway on and for the benefit of the Shopping Center property.

**AND, THEREFORE,** the remaining Shopping Center and the Spring Gardens Parcel as described herein shall be held, sold and conveyed subject to the original Declaration, mentioned hereinabove, and this Second Amendment to Declaration, as outlined above, which shall run with the lands, and be binding on all parties having any right, title or interest in the lands or any part thereof, their heirs, successors and assigns, and shall inure to the benefit of each Owner thereof. Except to the extent herein amended and/or modified, all other terms and conditions of said original Declaration shall remain in full force and effect.

***Remainder of Page Intentionally Blank***

IN WITNESS WHEREOF the undersigned have hereunto set their hand on this day and year first stated above

**DECLARANT**

**RED CLIFFS SQUARE, LC,**  
**a Utah limited liability company**

**By: IRVINE CONSTRUCTION AND REALTY,**  
**a Utah corporation, Managing Member**

By:   
R. Scott Irvine, President

STATE OF UTAH                    )  
  ) ss.  
COUNTY OF SALT LAKE)

The foregoing instrument was acknowledged before me this 27<sup>th</sup> day of September, 2018 by R. Scott Irvine, whom being duly sworn did say that he is the President of IRVINE CONSTRUCTION AND REALTY, a Utah corporation, Managing Member of RED CLIFFS SQUARE, LC, a Utah limited liability company, and that the within and foregoing instrument was signed in behalf of said Red Cliffs Square, LC by authority granted in its Operation Agreement and the said R. Scott Irvine duly acknowledged to me that he executed the same.

My commission expires 1/18/22. Witness my hand and official seal.

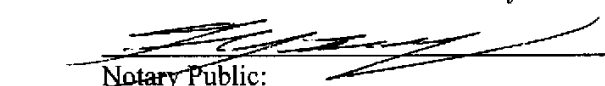
  
Notary Public:



EXHIBIT "A"  
Legal Description  
"Shopping Center"

Beginning at a point being 424.91 feet South 89°03'43" East along the Section line and 165.90 feet South 00°56'17" West from the Northwest corner of Section 22, Township 42 South, Range 15 West, Salt Lake Base and Meridian; said point being on a Southerly boundary of the "Red Cliffs Drive" Right of Way (St. George Commercial Center Subdivision, Entry No. 737111 Book: 1428 Page 2649); and running thence along said "Red Cliffs Drive" the following three (3) courses: North 54°39'25" East 162.67 feet to a point on a 1400.00 foot radius curve to the right; thence 164.88 feet along said curve through a central angle of 06°44'52" (chord bears North 58°01'51" East 164.78 feet); thence North 61°24'17" East 162.88 feet to a point on a 30.00 foot radius curve to the right; thence 48.88 feet along said curve through a central angle of 93°20'45" (chord bears South 71°55'20" East 43.65 feet); thence South 25°14'58" East 162.71 feet to a point on a 997.00 foot radius curve to the right; thence 451.50 feet along said curve through a central angle of 25°56'48" (chord bears South 12°16'34" East 447.65 feet); thence South 00°41'50" West 339.62 feet to a point on the Northerly boundary the "850 North Street" Right of Way boundary; thence along said Right of Way boundary the following two (2) courses: 28.32 feet along a 18.00 foot radius curve to the right through a central angle of 90°08'05" (chord bears South 45°45'53" West 25.49 feet); thence North 89°10'05" West 449.26 feet; thence North 31°08'38" West 188.62 feet to a point on a 69.49 foot radius curve to the left; thence 85.67 feet along said curve through a central angle of 70°37'56" (chord bears North 20°53'08" East 80.34 feet); thence North 59°05'29" East 152.68 feet; thence North 30°49'29" West 260.08 feet; thence North 59°00'51" East 10.44 feet; thence North 30°59'58" West 170.36 feet to the point of beginning.

The description has been rotated to the City HCN:

Basis of Bearing is South 89°03'43" East, between the Northwest corner of Section 22, and the North Quarter Corner of Section 22, Township 42 South, Range 15 West, Salt Lake Base and Meridian.

Tax Parcel No.: SG-5-2-22-44

EXHIBIT "B"  
Legal Description  
"Spring Gardens Parcel"

Beginning at a point which is South 89°03'43" East along the Section line and 843.22 feet and South 00°56'17" West 439.05 feet from the Northwest corner of Section 22, Township 42 South, Range 15 West, Salt Lake Base and Meridian, and running thence South 31°28'58" East 21.52 feet to a point on a 223.50 foot radius curve to the right; thence 122.81 feet along said curve through a central angle of 31°28'58" (chord bears South 15°44'29" East 121.27 feet); thence South 279.10 feet; thence North 89°10'05" West 307.98 feet; thence North 31°08'38" West 188.62 feet to a point on a non-tangent 69.49 foot radius curve to the left; thence 85.66 feet along said curve through a central angle of 70°37'56" (chord bears North 20°53'08" East 80.34 feet); thence North 59°05'29" East 139.69 feet; thence South 30°54'31" East 25.96 feet; thence North 58°11'48" East 234.78 feet to the point of beginning.

The description has been rotated to the City HCN:

Basis of Bearing is South 89°03'43" East, between the Northwest corner of Section 22, and the North Quarter Corner of Section 22, Township 42 South, Range 15 West, Salt Lake Base and Meridian.

Part of Tax Parcel No.: SG-5-2-22-4419