



When Recorded Return To:  
City of St. George  
Attn: Legal Department  
175 East 200 North  
St. George, Utah 84770

Tax ID #: SG-5-2-32-232112

### **Flood and Erosion Hazard Indemnification and Liability Release Agreement**

This Flood and Erosion Hazard Indemnification and Liability Release Agreement (“Agreement”) is hereby executed as of the date signed below by River Road Investments, L.L.C, a Utah limited liability company (the “Owner”) regarding real property located near the Virgin River (the “Flood Area”) which real property is more fully described in the attached Exhibit A (hereinafter “Subject Property.”).

The Owner does hereby covenant, acknowledge, and agree that the Owner has been advised by the City of St. George (“City”) of the location of the flood plain along the Flood Area and its proximity to Owner’s property, and that Owner does forever release, discharge, hold harmless, and indemnify the City, its officers, boards, successors, assigns, employees, and agents from and against any and all claims of damages of whatever nature, and by any person, related to the use of Owner’s property now and in the future, by reason of flooding, flowage, or any damage, directly or indirectly, caused by water, erosion, or deposition, sudden or gradual, whether surface, flood or rainfall.

The Owner does hereby covenant and agree to forever release, discharge, hold harmless, and indemnify the City, its officers, boards, successors, assigns, employees, and agents from and against any and all claims of damages, injury, or death, of whatever nature, related to any decision made by the City with regard to the Flood Area.

The Owner does covenant and agree to adequately and properly design, permit, install, monitor, provide reasonable access to, maintenance of, and restore as necessary, any and all flood prevention and erosion control improvements which are deemed by the City in its absolute and sole discretion to be necessary to protect the Owner’s property from flood and erosion damage as

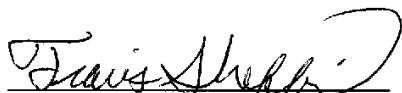
recommended by a professional engineer licensed in the State of Utah with experience and knowledge in river hydraulics.

Owner agrees that the City required this Agreement to be executed and recorded by the Owner as a condition for approval of Owner's development and as a measure to reduce the risk of the City for the approval for Owner's development which is in proximity to the Flood Area.

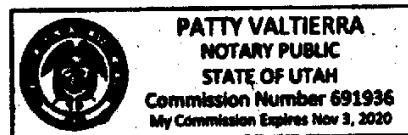
Owner agrees that this Agreement shall be binding upon future owners of the Subject Property and Owner's assigns and transferees, and shall constitute a covenant running with the Subject Property.

**OWNERS:**

River Road Investments, L.L.C.



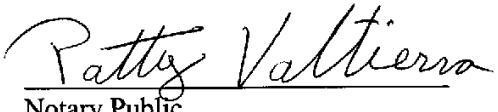
Travis J. Sheffield, Manager



**ACKNOWLEDGMENT**

STATE OF UTAH )  
ss.  
County of Washington )

On this 4 day of April, 2019, personally appeared before me Travis J. Sheffield, who being by me duly sworn did say that he is a Manager of River Road Investments, L.L.C., a Utah limited liability company, and that the foregoing instrument was duly authorized by the limited liability company at a lawful meeting duly held or by authority of its operating agreement and signed in behalf of the limited liability company.



Patty Valtierra  
Notary Public  
My commission expires: Nov 3, 2020

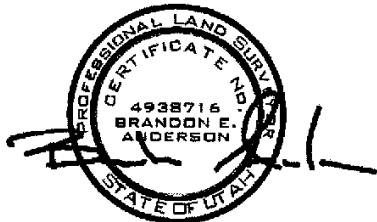


**Exhibit "A"**

Beginning at a point on the westerly line of Boulder Creek Crossing Phase 1, said point being South 00°32'03" West 4322.79 feet along and beyond the section line and West 2,007.68 feet from the Northwest Corner of Section 33, Township 42 South, Range 15 West, Salt Lake Base & Meridian, and running;

thence South 17°01'46" East 426.57 feet along said westerly line;  
thence North 89°40'14" West 371.23 feet;  
thence North 02°06'36" West 598.67 feet;  
thence North 60°57'53" East 57.80 feet;  
thence North 52°08'50" East 110.56 feet;  
thence North 31°33'45" East 49.02 feet to the northwest corner of said Boulder Creek Crossing Phase 1;  
thence South 17°36'59" East 346.44 feet along said westerly line to the Point of Beginning.

Containing 185,787 square feet or 4.27 acres.



April 9, 2018