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City of Hurricane
147 N. 870 West
Hurricane, UT 84737

DOC # 20190031458

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Russell Shirts Washington County Recorder
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By HURRICANE CITY



DECLARATION OF RESTRICTIVE COVENANT

This Declaration of Restrictive Covenant is made and executed by Fairway Vista Estates, LC, a Utah limited liability company ("**Landowner**"), in favor of Hurricane City, Utah ("**City**"), a municipality and political subdivision of the State of Utah.

BACKGROUND

Landowner holds fee title to the following parcels of real property located in Hurricane City, Washington County, State of Utah, legally described as:

All of Lot 5, Lot 7, Lot 8, Lot 9, and Lot 15 of Cliff View Estates Phase 1 Subdivision At Copper Rock, according to the official plat thereof on file and of record in the office of the Washington County Recorder.

(the "**Property**").

In consideration of Landowner entering into this Restrictive Covenant, City was willing to execute an amendment to that certain Development Agreement, which was recorded June 9, 2017 as Document # 20170023909 in the office of the Washington County Recorder.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Landowner hereby states, declares, grants and creates the following restrictions and covenants:

- 1. Submission of Property to Restrictive Covenant.** The Property is hereby subjected to the provisions of this instrument. All provisions of this instrument are intended to and will run with and bind the land. The terms and provisions of this instrument will be binding upon or inure to the benefit of, as the case may be, the Landowner, and all of its grantees, successors in title to the Property.
- 2. Restrictive Covenant.** As touches and concerns each respective lot in the Property, Landowner shall be prohibited from conveying title to the each such lot until such time as City grants a full residential certificate of occupancy for such lot.
- 3. Removal of Restrictive Covenant.** The foregoing restrictive covenant may be vacated only by an instrument executed and recorded by City. The conditions for such vacation are set forth in the July 2019 amendment to the above-described Development Agreement.

