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DOC # 20210020908

Agreement Page 1 of 4  
Gary Christensen Washington County Recorder  
03/24/2021 03:05:31 PM Fee \$ 0.00  
By WASHINGTON COUNTY WATER CONSERV DIST



**WHEN RECORDED RETURN TO:  
WCWCD**

**533 East Waterworks Dr.  
St. George, Utah 84770**

Space Above This Line for Recorder's Use

Serial No. SC-6-2-9-440121

**Impact Fee Promissory Note and Security Agreement**

THIS AGREEMENT is entered this 1<sup>st</sup> day of March, 2021, between the  
Washington County Water Conservancy District, hereinafter referred to as "District", and  
CW Desert Village Partnership, L.P., a Delaware Limited Partnership

hereinafter referred to as "Owner".

WHEREAS, the District has established a water impact fee ("IMPACT FEE") which is  
required to be paid at the recording of subdivision plats; and

WHEREAS, the Owner desires to record a plat, the legal description of which is attached  
hereto and incorporated herein by this reference as **Exhibit A** (the "Property"); and

WHEREAS, the parties desire to reach an arrangement to allow Owner to postpone  
payment of some or all of the IMPACT FEE until after recording of the subdivision plat while  
providing for the orderly payment of fees;

NOW, THEREFORE, the District and Owner agree as follows:

1. The Owner executes this agreement to be recorded and which shall be an encumbrance upon each and every residential lot and any common area for which the IMPACT FEE is to be

charged.

2. The IMPACT FEE shall be paid for each residential lot upon the earlier of the following events:

- a. upon the sale of the lot by the Owner to a third party;
- b. upon the issuance of a building permit for construction on the lot; or
- c. three years from the date of this agreement.

3. The IMPACT FEE for common areas shall be due and payable upon the earliest of issuance of a water meter for the common area or three years from the date of this agreement.

4. If the requirement of provision 2.a. above, is not met for any lot or if provision 3 is not met, the IMPACT FEE shall be immediately due and payable in full for all lots and all common area in the subdivision.

5. The amount paid will be the amount of the applicable IMPACT FEE in effect at the time of payment.

6. This agreement will be recorded simultaneously with the recording of the final plat with the Washington County Recorder's Office. The District shall release each individual lot upon the payment of the IMPACT FEE for that lot as set forth above.

7. In the event the Owner has not paid in full the IMPACT FEES for all lots within the subdivision when due and payable as set forth above, the District shall have the right to foreclose the Property as if it were a trust deed, with all the rights granted by the laws of the State of Utah for foreclosure and shall also be entitled to recover all costs including but not

limited to court costs and attorney's fees.

8. The parties intend, declare and covenant that the terms, conditions, agreements and covenants set forth in this Agreement shall run with the land and shall bind, and the benefits and burdens shall inure to, the parties and their respective successors and assigns.

**WASHINGTON COUNTY WATER  
CONSERVANCY DISTRICT:**

By [Signature]

**OWNER:** CW Desert Village Partnership, L.P.,  
a Delaware limited partnership

By: CW Desert Village, LLC,  
a Utah limited liability company  
Its: General Partner

By: CW Development Group, LLC,  
a Utah limited liability company  
Its: Manager

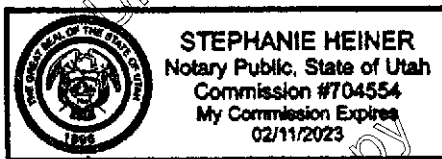
By [Signature]  
Name: Colin H. Wright  
Its: Manager

STATE OF UTAH )

: ss

COUNTY OF DAVIS )

On the 1<sup>st</sup> day of March, 2021, personally appeared before me Colin H. Wright, Manager of CW Development Group, LLC, Manager of CW Desert Village, LLC, General Partner of CW Desert Village Partnership, L.P., who acknowledged to me that he executed the foregoing instrument on behalf of the PARTNERSHIP, by appropriate authority, and that the document was the act of PARTNERSHIP for its stated purpose.



[Signature]  
NOTARY PUBLIC

**Exhibit A**

All of lot numbers 1 through 64, inclusive, and all common areas, in CW  
Desert Village Townhomes Phase 1 which is located in Section 47, Township 42  
South, Range 16 West, SLB&M, Washington County, Utah, as per plat thereof recorded in the  
office of the Washington County Recorder, State of Utah.

District Initials:

MH

Owner Initials:

CW