

OPEN SPACE AGREEMENT

WHEREAS, the Board of County Commissioners of Wasatch County, Utah, has determined that a greater number of dwelling units can be constructed and maintained upon the tract of land hereinafter described, without causing irreparable harm to the land and its environment, to wit:

(Please refer to attached Legal Description)

provided the buildings and structures included in such development are clustered, thereby leaving larger tracts of open space within the development, and

WHEREAS, The Owners of said land have dedicated Lots A, B, and C of The Deer Mountain Resort Plat 2, and have dedicated Lot A of The Deer Mountain Resort Plat 2-A to The THE HOMES AT DEER MOUNTAIN HOMEOWNERS ASSOCIATION, (The "Association") and

WHEREAS, the owners of said land desire to construct and to otherwise make a large scale development on such land in conformity with the Development Code of said Wasatch County, and

WHEREAS, it is necessary to provide to Wasatch County an open space agreement covering the land that is to be maintained in open space, as a means of insuring that no dwelling or convenience establishment or other building, except those approved by the Board of County Commissioners, will be built thereon during the life of said development,

IN ADDITION, to the Covenants above the Owners agree to improve the Open Spaces with Parks, Play Areas, Picnic Areas, Landscaping and Trails, as shown on the Site Plan, as approved by Wasatch County, at Owners sole cost and expense. Said improvements will be dedicated to the Homeowners Association which will be solely responsible for the maintenance, upkeep and replacement of said improvements.

NOW, THEREFORE, in exchange for the right and privilege of clustering said buildings and structures in locations as shown on plans for the *Deer Mountain Resort Subdivision Plat 2 and Plat 2-A* Development described above, the owners of said land, for themselves and for their successors and assignees, hereby agree to refrain from constructing any dwelling, convenience establishment or other building, except those approved by the Board of County Commissioners, upon the following described land, until this agreement has been duly terminated by the Board of County Commissioners and a copy of such termination has been filed in the office of the County Recorder.

IN ADDITION, The Association pledges to maintain all the above described open spaces and improvements thereon as per the Maintenance Agreement executed by the same parties, and further pledge to keep said open spaces and improvements thereon available to the General Public subject only to the same restrictions identified in the CC&R's and Wasatch County Ordinances.

The land covered by said easement is described as follows, to wit:

Deer Mountain Resort Subdivision Plat 2, Lots A, B & C
Deer Mountain Resort Subdivision Plat 2-A, Lot A

00224326 Bk 00462 Pg 00760-00762
WASATCH CO RECORDER-ELIZABETH M PARCELL
2000 MAY 22 15:39 PM FEE \$142.00 BY MJC
REQUEST: TAGGART PAUL S & JANE

IN WITNESS WHEREOF, the parties to this grant of easement have caused the same to be executed by their duly authorized officers on this 8th day of November, 1999.

ATTEST:

PSC DEVELOPMENT COMPANY



Margaret R. Stephens

ATTEST:



By

Peter S. Cooke
Peter S. Cooke, President

THE HOMES AT DEER MOUNTAIN
HOMEOWNERS ASSOCIATION

By

[Signature]
President

ATTEST:

Bruce T. Tamm
County Clerk

County

[Signature]
Chairman of the Board of County
Commissioners

00224326 Blk 00462 Pg 00761

EXHIBIT "A"

ALL PLAT TWO DEER MOUNTAIN RESORT SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, AS RECORDED IN THE OFFICE OF THE WASATCH COUNTY RECORDER.

AND ALSO:

BEGINNING at a point located at the South Quarter Corner of Section 8, Township 2 South, Range 5 East, Salt Lake Base & Meridian said point being the POINT OF BEGINNING; thence South 89°33'38" West 757.50 feet, to a point on a curve, to the right having a radius of 7489.44 feet and a central angle of 0°46'48", thence along the arc of said curve a distance of 101.95 feet, said arc subtended by a chord bearing North 46°23'11" West, a distance of 101.95 feet, thence North 40°48'12" West 782.94 feet, thence North 33°19'30" West 162.49 feet, to a point on a curve, to the left having a radius of 730.00 feet and a central angle of 10°22'16", thence along the arc of said curve a distance of 132.14 feet, said arc subtended by a chord bearing North 31°27'16" East, a distance of 131.96 feet, thence South 61°22'33" East 50.66 feet, to a point on a curve, to the left having a radius of 170.00 feet and a central angle of 8°27'51", thence along the arc of said curve a distance of 25.11 feet, said arc subtended by a chord bearing South 65°36'28" East, a distance of 25.09 feet, thence South 69°50'23" East 36.41 feet, thence North 43°44'00" East 213.07 feet, thence South 44°42'58" East 762.20 feet, thence South 50°51'22" East 745.59 feet, to the POINT OF BEGINNING.

Being the proposed plat of Deer Mountain Resort Subdivision Plat Two-A.