



W2401209

After Recording Return to:

Kirton & McConkie
Joel Wright
1800 Eagle Gate Tower
60 East South Temple
Salt Lake City, Utah 84145

E# 2401209 PG 1 OF 13
ERNEST D ROWLEY, WEBER COUNTY RECORDER
31-MAR-09 856 AM FEE \$40.00 DEP SC
REC FOR: LINCOLN TITLE INSURANCE AGENCY
ELECTRONICALLY RECORDED

017140

**THIRD AMENDMENT TO
CONDOMINIUM DECLARATION FOR AMCAN CONDOMINIUMS
A UTAH CONDOMINIUM PROJECT**

THIS THIRD AMENDMENT TO CONDOMINIUM DECLARATION FOR AMCAN CONDOMINIUMS A UTAH CONDOMINIUM PROJECT (this "Amendment") is entered into this 19th day of March, 2009, by AMCAN PROPERTIES, LLC, a Utah limited liability company ("Declarant").

RECITALS

A. On or about March 30, 2007, Declarant recorded a Condominium Declaration for Amcan Condominiums, a Utah condominium project in the official records of Weber County, State of Utah as entry number 2252602 (the "Original Declaration"), which was amended by that certain First Amendment to Condominium Declaration for Amcan Condominiums, a Utah condominium project recorded in the official records of Weber County, State of Utah, on or about November 19, 2007, as entry number 2305565 (the "First Amendment"); and further amended by that certain Second Amendment to Condominium Declaration for Amcan Condominiums, a Utah condominium project recorded in the official records of Weber County, State of Utah, on or about May 16, 2008, as entry number 2342095 (the "Second Amendment") (the Original Declaration, as amended by the First Amendment and Second Amendment, is referred to herein as the "Declaration"); the Declaration affects the Property more particularly described in Exhibit A; and

B. The Declaration requires the vote of at least sixty-seven percent (67%) of the Percentage Interest of the Unit Owners in person or represented by proxy at a meeting of the Association at which a quorum is present shall be required to amend the Declaration and the Map and any such amendment shall be accomplished through the recordation of an instrument executed by the Management Committee.

C. Pursuant to an action of the unanimous consent of all Owners in the Project, the Declarant desires to make the amendments to the Declaration and consents contained herein.

DECLARATION

NOW, THEREFORE, for the purposes set forth in the Recitals section of the Declaration, Declarant hereby amends the Declaration as set forth below:

1. **Effective Date.** This Amendment will take effect on the date recorded at the office of the Weber County Recorder (the "Effective Date").

2. **Units 5 and 6 Uses.** Section 16.a. of the Declaration and the Map allow for commercial office and residential uses in the Project. The Owners (by unanimous consent and through Declarant) agree and declare that the permitted uses for Units 5 and 6 of the Project shall include: (i) constructing a charter school (the "School"); (ii) constructing such ancillary facilities as are typically constructed in connection with the School; and (iii) using the School and Units 5 and 6 in any such way that is consistent with the School's activities and programs.

3. **Renovation of Units 5 and 6.** Declarant and the Management Committee have reviewed the Unit 5 and 6 renovation plans depicted on Exhibit B, attached hereto and incorporated herein by this reference (the "Renovation Plans"). Declarant and the Management Committee consent to, and approve of, the Renovation Plans and the renovation of Units 5 and 6 pursuant to the Renovation Plans.

4. **Declarant's Control Period.** Declarant hereby expressly warrants to the owner of Units 5 and 6, and any successive owner thereof (the "Owner"), that: (i) the Declarant has all of the power and authority to amend the Declaration; and (ii) the Declarant is the sole and rightful member/manager of the Management Committee. Declarant agrees to indemnify the Owner against any claims, damages, and costs incurred by Owner due to a breach of the warranties set forth in this Section.

5. **Defined Terms.** Any and all capitalized terms used in this Amendment which are not specifically defined herein shall be given the same definitions assigned such terms in the Declaration.

6. **No Other Changes.** Except as otherwise expressly provided in this Amendment, the Declaration is hereby ratified and confirmed without modification.

7. **Authorization.** The individuals signing for the respective entities make the following representations: (i) he/she has read this Amendment, (ii) he/she has authority to act for the entity designated below, (iii) he/she shall execute this Amendment acting in said capacity.

8. **Counterparts.** This Amendment may be executed in any number of counterparts, provided each counterpart is identical in its terms. Each such counterpart, when executed and delivered will be deemed to be an original, and all such counterparts shall be deemed to constitute one and the same instrument. For convenience in recording, signature pages from multiple counterparts may be detached from their counterparts and attached to a single counterpart to be recorded.

[SIGNATURES TO FOLLOW]

IN WITNESS WHEREOF all the parties hereto execute this Amendment as of the day and year first written above.

DECLARANT:

AMCAN PROPERTIES, LLC,
a Utah limited liability company

By: 
Jon Peddie, Manager

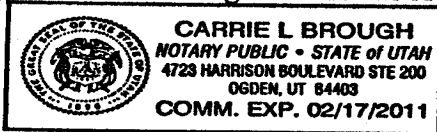
MANAGEMENT COMMITTEE:

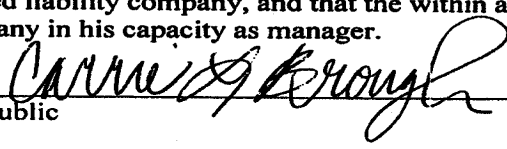
AMCAN PROPERTIES, LLC,
a Utah limited liability company

By: 
Jon Peddie, Manager

STATE OF UTAH)
: ss
COUNTY OF WEBER)

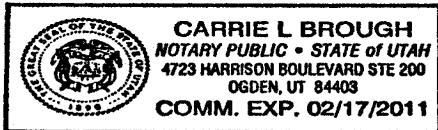
On March 19th, 2009, personally appeared before me, Jon Peddie duly sworn, did say that he is the manager of Amcan Properties, LLC, a Utah limited liability company, and that the within and foregoing instrument was signed in behalf of said company in his capacity as manager.




Notary Public

STATE OF UTAH)
: ss
COUNTY OF WEBER)

On March 19th, 2009, personally appeared before me, Jon Peddie duly sworn, did say that he is the manager of the Amcan Condominium Owners Association, and that the within and foregoing instrument was signed in behalf of said Association in his capacity as manager of the Management Committee.



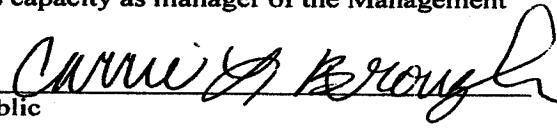

Notary Public

EXHIBIT A

(Legal Description of the Property)

All of Lot 3, American Can Subdivision, Ogden City, Weber County, Utah

Now Described as:

All of Units 1 and 2, AmCan Condominiums, and All of Units 3 through 7, AmCan Condominiums Phase 2, Ogden City, Weber County, Utah

03-042-0001 ✓

03-042-0002 ✓

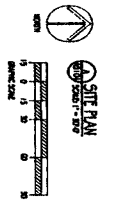
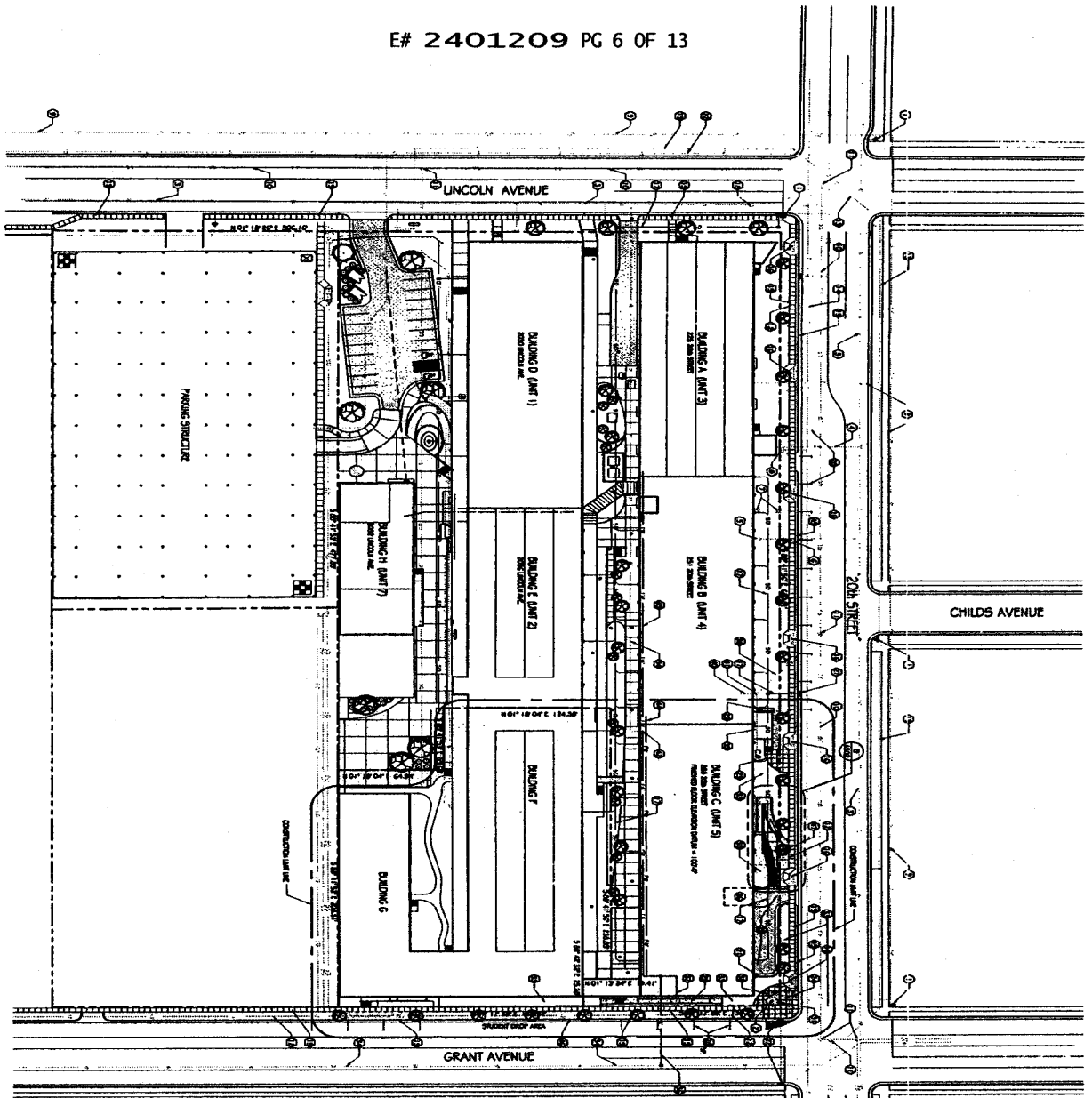
03-043-0001 through 0005

AMC

03-043-0006

EXHIBIT B

(Unit 5 and 6 Renovation Plans)



SITE PLAN REMARKS:

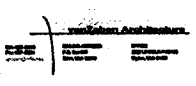
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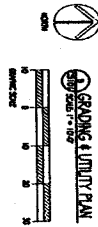
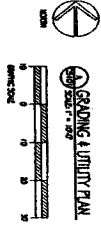
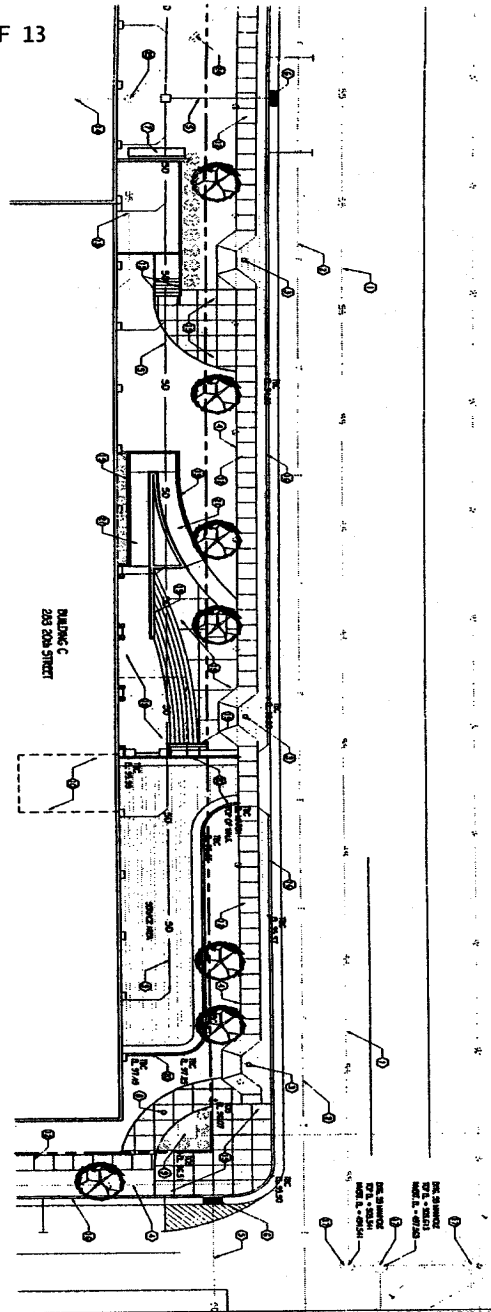
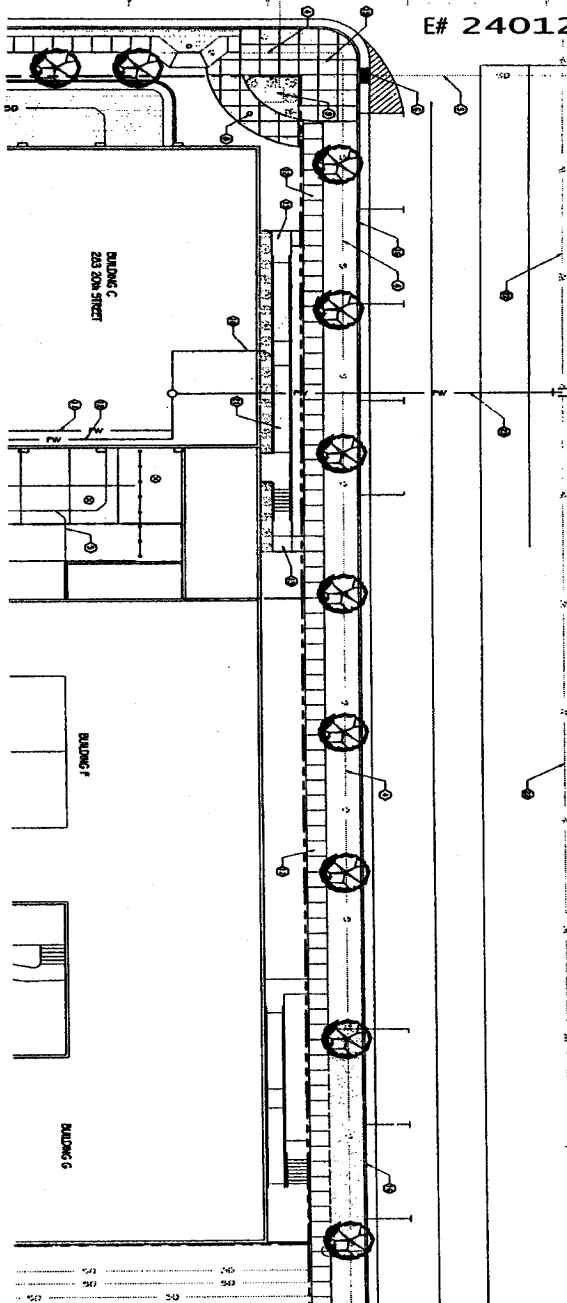
SITE PLAN
 PROJECT NUMBER: 08027
 SHEET NUMBER: AS101

SITE PLAN

OWNER: DA VINCI ACADEMY
PROJECT: DA VINCI ACADEMY EXPANSION
 LOCATION: 283 20TH ST., OGDEN, UT 84404

EXISTING





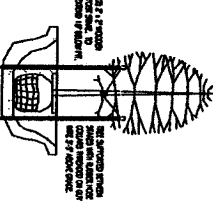
- GENERAL NOTES:**
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OWNER: DA VINCI ACADEMY
PROJECT: DA VINCI ACADEMY EXPANSION
 LOCATION: 285 20TH ST., OGDEN, UT 84404

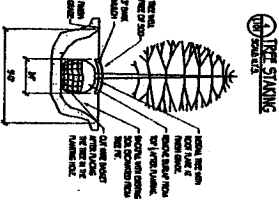
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 PROJECT NUMBER: 08027
 SHEET NUMBER: CS101

GRADING & UTILITY PLAN

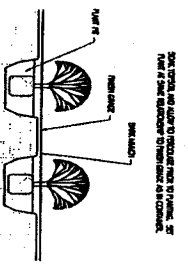
DESIGNED BY: [Signature]
CHECKED BY: [Signature]
DATE: 08/27/14



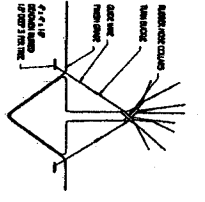
TREE STAKING
 1. TREE STAKING IS A NECESSARY PROCEDURE FOR ALL TREES TO BE PLANTED IN A CONFINED SPACE OR WHERE THE CANOPY COULD BE DAMAGED BY THE BUILDING OR OTHER STRUCTURES. THE STAKES SHOULD BE PLACED AT THE CORNERS OF THE CANOPY AND SHOULD BE MADE OF WOOD OR METAL. THE STAKES SHOULD BE PLACED AT THE CORNERS OF THE CANOPY AND SHOULD BE MADE OF WOOD OR METAL. THE STAKES SHOULD BE PLACED AT THE CORNERS OF THE CANOPY AND SHOULD BE MADE OF WOOD OR METAL.



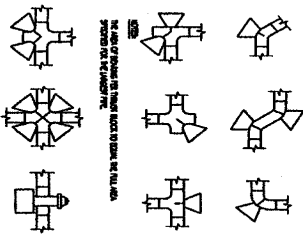
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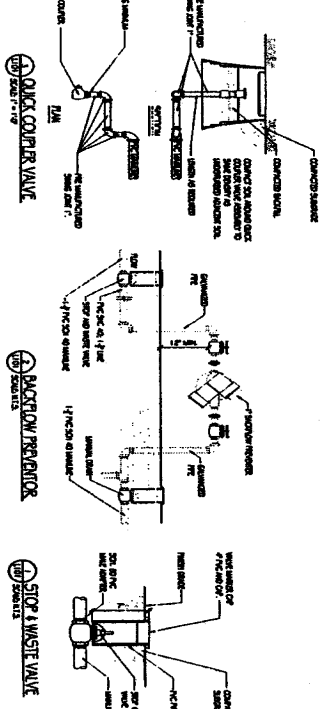
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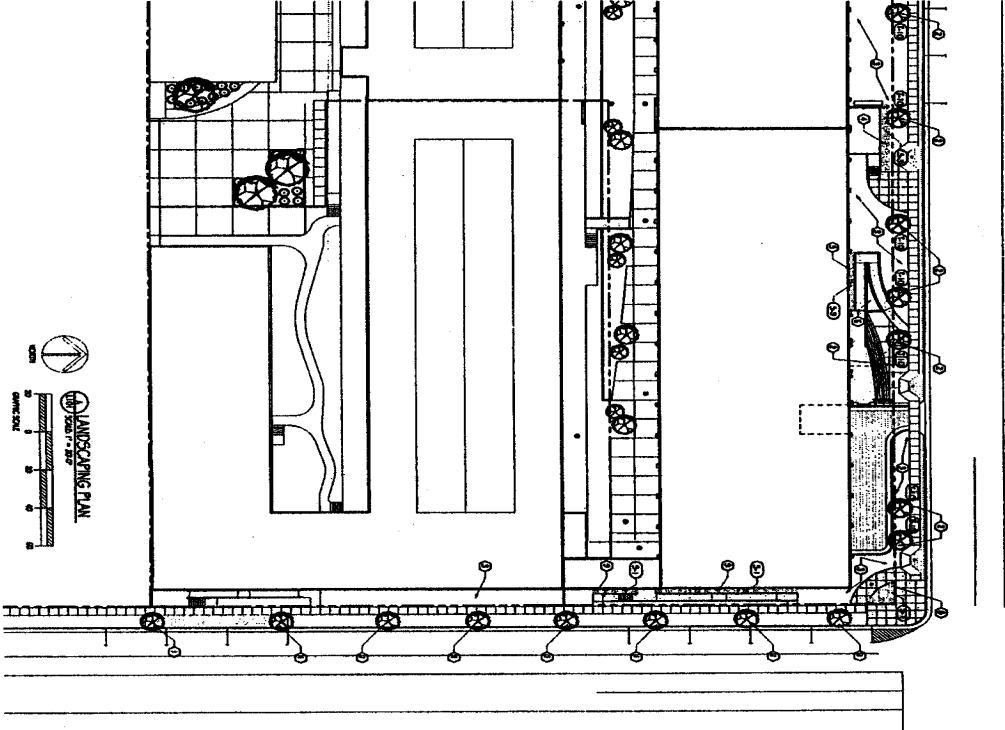
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LANDSCAPING SYMBOLS
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PLANTING NOTES:
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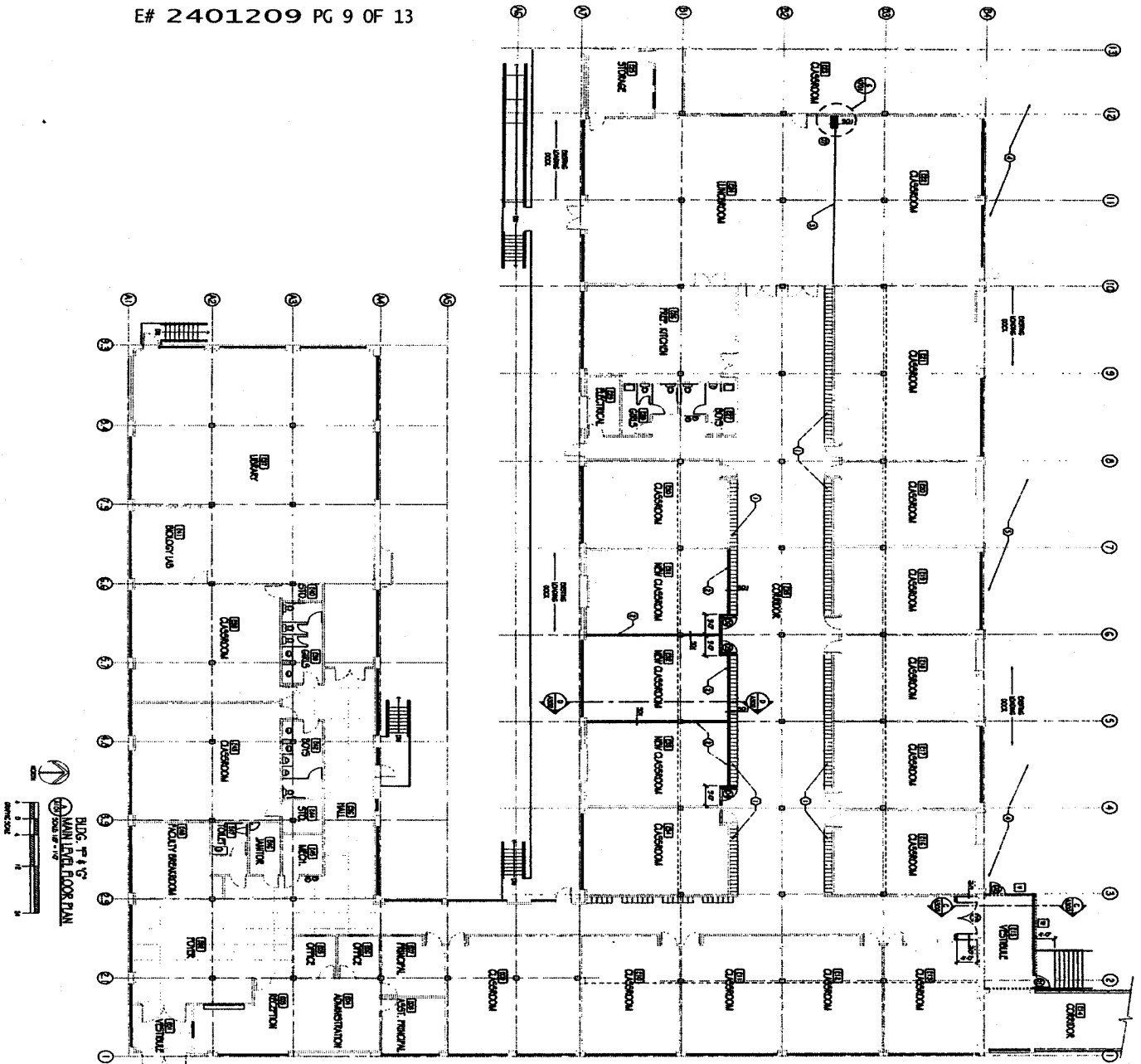
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OWNER: DA VINCI ACADEMY
PROJECT: DA VINCI ACADEMY EXPANSION
 LOCATION: 582 SOUTH ST., OGDEN, UT 84404

REVISIONS

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LANDSCAPING PLAN
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 DATE: 08/27
 SHEET NUMBER: L101



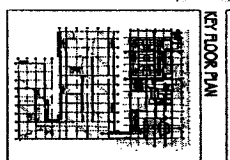
- FLOOR PLAN REVNOTES-0**
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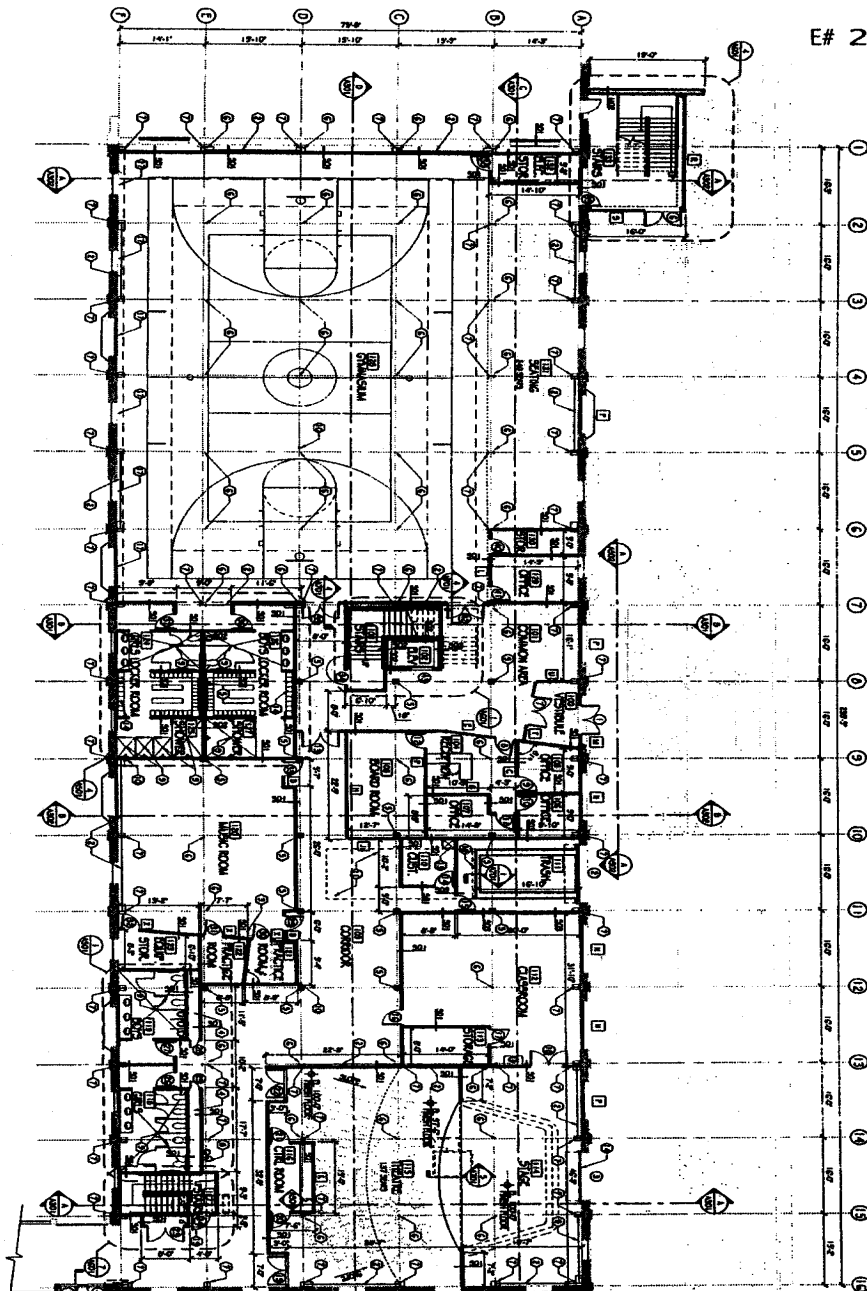
REVISIONS

NO.	DATE	DESCRIPTION

OWNER: DA VINCI ACADEMY
 PROJECT: DA VINCI ACADEMY EXPANSION
 LOCATION: 283 3RD ST., COOGAN, UT 84004

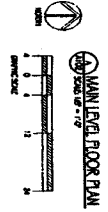
DATE: 08/07/13
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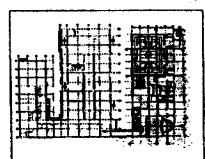


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MAIN LEVEL FLOOR PLAN



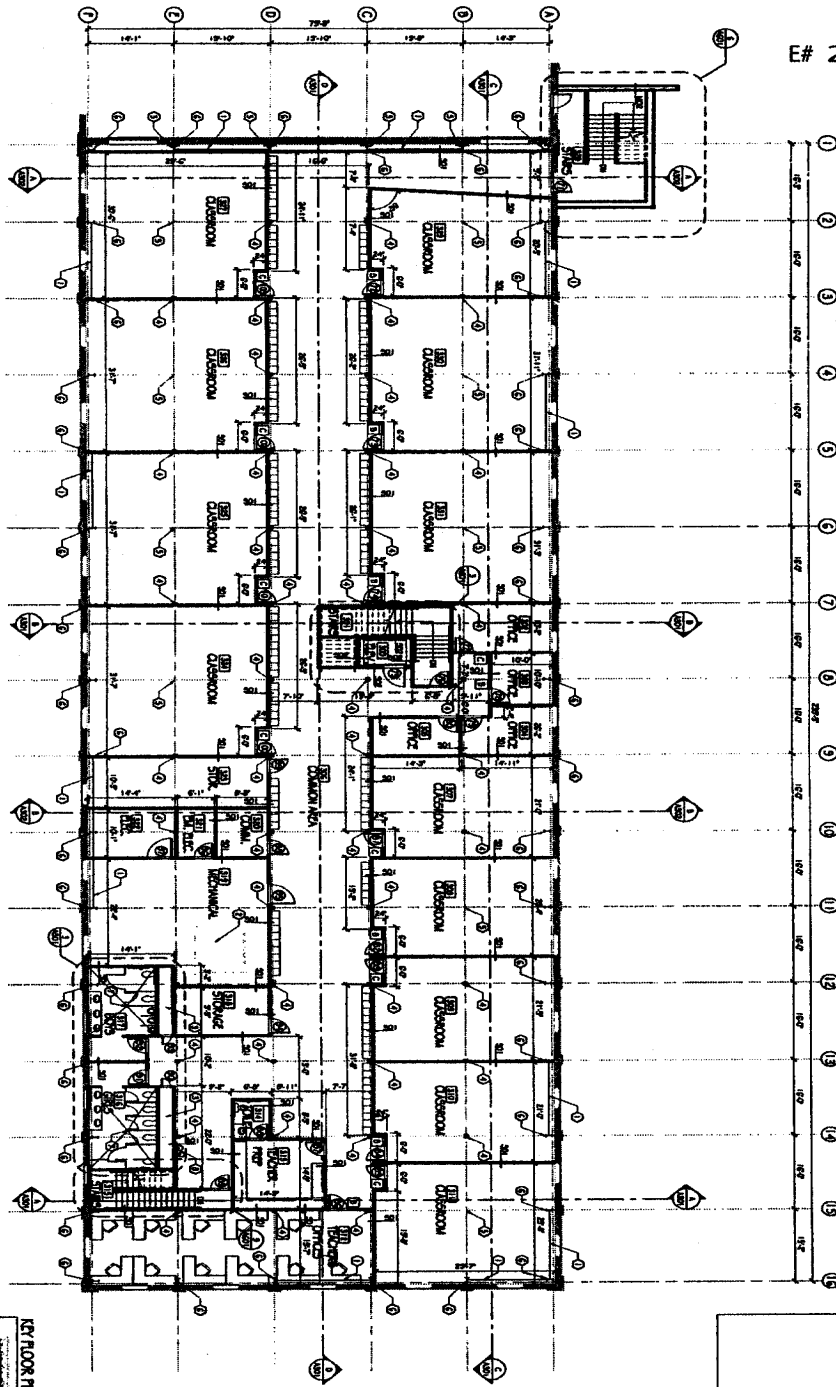
KEY FLOOR PLAN

DATE: 08/27/2019
 DRAWN BY: J. HARRIS
 PROJECT NUMBER: 080027
 SHEET NUMBER: A102

BUILDING MAIN LEVEL FLOOR PLAN

OWNER: DA VINCI ACADEMY
 PROJECT: DA VINCI ACADEMY EXPANSION
 LOCATION: 243 SMITH ST., OGDEN, UT 84404

REVISIONS

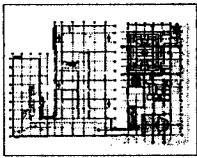
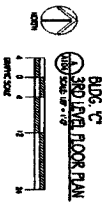


FLOOR PLAN GENERAL NOTES:

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE U.S. NATIONAL ARCHITECTURAL CODE OF ORDINANCES (N.A.C.O.) AND THE U.S. NATIONAL ELECTRICAL CODE (N.E.C.).
2. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE U.S. NATIONAL MECHANICAL CODE (U.S.N.M.C.) AND THE U.S. NATIONAL PLUMBING CODE (U.S.N.P.C.).
3. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE U.S. NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) CODES.
4. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE U.S. NATIONAL BUILDING CODE (U.S.N.B.C.).
5. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE U.S. NATIONAL SAFETY CODE (U.S.N.S.C.).
6. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE U.S. NATIONAL ELECTRICAL SAFETY CODE (U.S.N.E.S.C.).
7. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE U.S. NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) CODES.
8. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE U.S. NATIONAL BUILDING CODE (U.S.N.B.C.).
9. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE U.S. NATIONAL SAFETY CODE (U.S.N.S.C.).
10. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE U.S. NATIONAL ELECTRICAL SAFETY CODE (U.S.N.E.S.C.).

FLOOR PLAN KEYNOTES:

1. SEE KEYNOTES FOR GENERAL NOTES.
2. SEE KEYNOTES FOR GENERAL NOTES.
3. SEE KEYNOTES FOR GENERAL NOTES.
4. SEE KEYNOTES FOR GENERAL NOTES.
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8. SEE KEYNOTES FOR GENERAL NOTES.
9. SEE KEYNOTES FOR GENERAL NOTES.
10. SEE KEYNOTES FOR GENERAL NOTES.



BLDG. 3RD LEVEL FLOOR PLAN
 SHEET NUMBER: **A104**
 PROJECT NUMBER: 08027
 DATE: 08/27/11

BLDG. 3RD LEVEL FLOOR PLAN
 PROJECT: **DA VINCI ACADEMY EXPANSION**
 LOCATION: 283 SOUTH ST., GORDEN, UT 84001

OWNER: DA VINCI ACADEMY
PROJECT: DA VINCI ACADEMY EXPANSION
 LOCATION: 283 SOUTH ST., GORDEN, UT 84001

DESIGNER:
 [Signature/Stamp Area]
 [Professional Seal/Stamp Area]

