

E 2443373 B 4759 P 523-534  
RICHARD T. MAUGHAN  
DAVIS COUNTY, UTAH RECORDER  
04/21/2009 12:10 PM  
FEE \$236.00 Pgs: 12  
DEP RTT REC'D FOR CENTERVILLE CITY

**When recorded, return to:**

Centerville City  
Attn: City Recorder  
250 North Main Street  
Centerville, Utah 84014

Parcel Number(s): 02-095-0083  
02-217-0101 draw 0151 & 0156 draw 0164  
02-224-0001 draw 0025  
02-225-0001 draw 0052  
02-226-0001 draw 0069.

**FIFTH AMENDMENT TO  
DEVELOPMENT AGREEMENT BETWEEN CENTERVILLE CITY AND UINTA  
DEVELOPMENT, LC (AS ASSIGNED TO CITYVIEW PINEAE VILLAGE 227, L.P.)  
FOR THE PINEAE VILLAGE (PDO)**

**THIS FIFTH AMENDMENT TO DEVELOPMENT AGREEMENT BETWEEN  
CENTERVILLE CITY AND UINTA DEVELOPMENT, LC (AS ASSIGNED TO  
CITYVIEW PINEAE VILLAGE 227, L.P.) FOR THE PINEAE VILLAGE (PDO)** (the  
"Amendment") is made and entered into as of the 17<sup>th</sup> day of February, 2009, by  
and between **CENTERVILLE CITY**, a Utah municipal corporation, hereinafter referred  
to as the "City," and **CITYVIEW PINEAE VILLAGE 227, L.P.**, a Delaware limited  
partnership, hereinafter referred to as "Developer."

**RECITALS:**

**WHEREAS**, the City and Uinta Development, LC, a Utah limited liability company  
("Uinta"), entered into that certain Development Agreement dated March 6, 2006 and  
recorded at the Davis County Recorder's Office on March 8, 2006, Entry No. 2150503,  
Book No. 3986, Pages 1124-1198 ("Original Agreement"), regarding the development of  
approximately thirty (30) acres of real property located at approximately 675 North Main  
Street in Centerville City, Davis County, State of Utah, as more particularly described in  
**Exhibit 1**, attached hereto and incorporated herein by this reference (the "Property");  
and

**WHEREAS**, the Original Agreement has been amended by that certain First  
Amendment to the Development Agreement Between Centerville City and Uinta  
Development, LC for the Pineae Village (PDO), dated February 22, 2007, and recorded  
at the Davis County Recorder's Office on March 6, 2007, Entry No. 2250032, Book No.  
4233, Pages 808-813, by that certain Second Amendment to the Development

Agreement Between Centerville City and CityView Pineae Village 227, L.P., for the Pineae Village (PDO), dated April 16, 2007, and recorded at the Davis County Recorder's Office on May 1, 2007, Entry No. 2266410, Book No. 4273, Pages 129-172; by that certain Third Amendment to the Development Agreement Between Centerville City and CityView Pineae Village 227, L.P., for the Pineae Village (PDO), dated November 30, 2007, recorded at the Davis County Recorder's Office on December 27, 2007, Entry No. 2330368, Book No. 4437, Pages 1204-1213; and by that certain Fourth Amendment to the Development Agreement Between Centerville City and CityView Pineae Village 227, L.P., for the Pineae Village (PDO), recorded at the Davis County Recorder's Office on September 15, 2008, Entry No. 239237, Book No. 4615, Pages 383-395 (hereinafter collectively referred to as the "Agreement"); and

**WHEREAS**, the Agreement was assigned from Uinta, as the amended and restated entity of UD Ventures, LLC, a Utah limited liability company, to Developer by that certain Assignment and Assumption Agreement dated March 21, 2007, and recorded at the Davis County Recorder's Office on March 21, 2007, Entry No. 2254440, Book No. 4244, Pages 1395-1400; and

**WHEREAS**, Developer has requested and desires to amend the Agreement to revise the Exhibit "I" to the Development Agreement regarding the Landscaping Plan as more particularly set forth herein; and

**WHEREAS**, the City is willing to amend the Agreement regarding the Landscaping Plan in accordance with the terms and conditions of this Fifth Amendment to the Agreement.

**NOW, THEREFORE**, in consideration of the mutual covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City and Developer agree as follows:

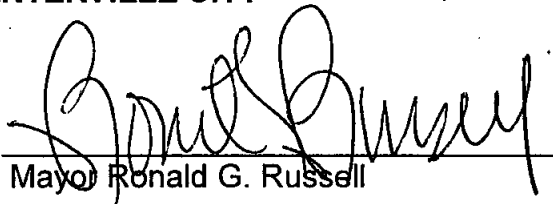
1. **Amendment.** Exhibit "I" of the Agreement regarding the Landscaping Plan is hereby amended to read in its entirety as set forth in **Exhibit 2**, attached hereto and incorporated herein by this reference.
  
2. **Full Force and Effect.** The terms of this Amendment are hereby incorporated as part of the Agreement. All other terms and conditions of the Agreement not modified by this Amendment shall remain the same and are hereby ratified and affirmed. To the extent the terms of this Amendment modify or conflict with any provisions of the Agreement, the terms of this Amendment shall control.

3. **Binding Effect.** This Amendment shall inure to the benefit of and be binding upon the parties hereto and their respective officers, employees, representatives, successors and assigns.

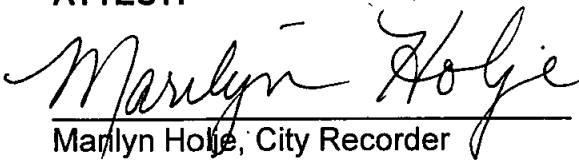
**IN WITNESS WHEREOF**, the parties hereto have executed this Amendment by and through their respective, duly authorized representatives as of the day and year first above written.

**"CITY"**

**CENTERVILLE CITY**

By:   
Mayor Ronald G. Russell

**ATTEST:**

  
Marilyn Holje, City Recorder

**"DEVELOPER"**

**CITYVIEW PINEAE VILLAGE 227, L.P.**

By: CityView Pineae Village, LLC, a  
Delaware limited liability company, its  
General Manager

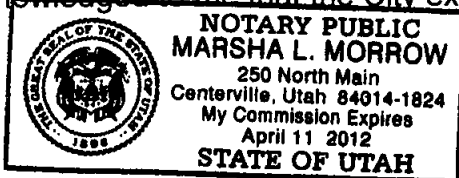
By: \_\_\_\_\_

Its: \_\_\_\_\_

CITY ACKNOWLEDGMENT

STATE OF UTAH )
:SS.
COUNTY OF DAVIS )

On the 18th day of February, 2009, personally appeared before me Ronald G. Russell, who being duly sworn, did say that he is the Mayor of CENTERVILLE CITY, a municipal corporation of the State of Utah, and that the foregoing instrument was signed in behalf of the City by authority of its governing body and said Ronald G. Russell acknowledged to me that the City executed the same.



Handwritten signature of Marsha L. Morrow, Notary Public

My Commission Expires:

Handwritten: 4-11-2012

Residing at:

Handwritten: Centerville

DEVELOPER ACKNOWLEDGMENT

STATE OF \_\_\_\_\_ )
:SS.
COUNTY OF \_\_\_\_\_ )

On the \_\_\_\_ day of \_\_\_\_\_, 2009, personally appeared before me \_\_\_\_\_ who being by me duly sworn did say that (s)he is the \_\_\_\_\_ of CITYVIEW PINEAE VILLAGE, LLC, a Delaware limited liability company, the General Partner of CITYVIEW PINEAE VILLAGE 227, L.P., a Delaware limited partnership, and that the foregoing instrument was signed in behalf of said company by authority of its Members, and (s)he acknowledged to me that said company executed the same.

\_\_\_\_\_  
Notary Public

My Commission Expires:

\_\_\_\_\_

Residing at:

\_\_\_\_\_

3. **Binding Effect.** This Amendment shall inure to the benefit of and be binding upon the parties hereto and their respective officers, employees, representatives, successors and assigns.

**IN WITNESS WHEREOF**, the parties hereto have executed this Amendment by and through their respective, duly authorized representatives as of the day and year first above written.

**"CITY"**

**CENTERVILLE CITY**

**ATTEST:**


\_\_\_\_\_  
Marilyn Holje, City Recorder

By: \_\_\_\_\_  
Mayor Ronald G. Russell

**"DEVELOPER"**

**CITYVIEW PINEAE VILLAGE 227, L.P.**

By: CityView Pineae Village, LLC, a  
Delaware limited liability company, its  
General Manager

By:  \_\_\_\_\_  
Its: Partner \_\_\_\_\_

CITY ACKNOWLEDGMENT

STATE OF UTAH )  
 ) :ss.  
COUNTY OF DAVIS )

On the \_\_\_\_ day of \_\_\_\_\_, 2009, personally appeared before me, Ronald G. Russell, who being duly sworn, did say that he is the Mayor of **CENTERVILLE CITY**, a municipal corporation of the State of Utah, and that the foregoing instrument was signed in behalf of the City by authority of its governing body and said Ronald G. Russell acknowledged to me that the City executed the same.

\_\_\_\_\_  
Notary Public

My Commission Expires:

Residing at:

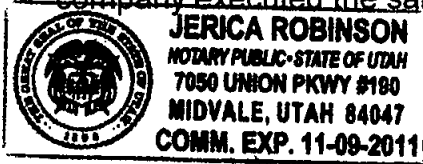
\_\_\_\_\_

\_\_\_\_\_

DEVELOPER ACKNOWLEDGMENT

STATE OF \_\_\_\_\_ )  
 ) :ss.  
COUNTY OF \_\_\_\_\_ )

On the 19 day of FEBRUARY, 2009, personally appeared before me QUINN MORTENSEN who being by me duly sworn did say that (s)he is the PARTNER of **CITYVIEW PINEAE VILLAGE, LLC**, a Delaware limited liability company, the General Partner of **CITYVIEW PINEAE VILLAGE 227, L.P.**, a Delaware limited partnership, and that the foregoing instrument was signed in behalf of said company by authority of its Members, and (s)he acknowledged to me that said company executed the same.



Jerica Robinson  
Notary Public

My Commission Expires:

Residing at:

11/2011

Craig Lake

**Exhibit 1**

**Property Description**

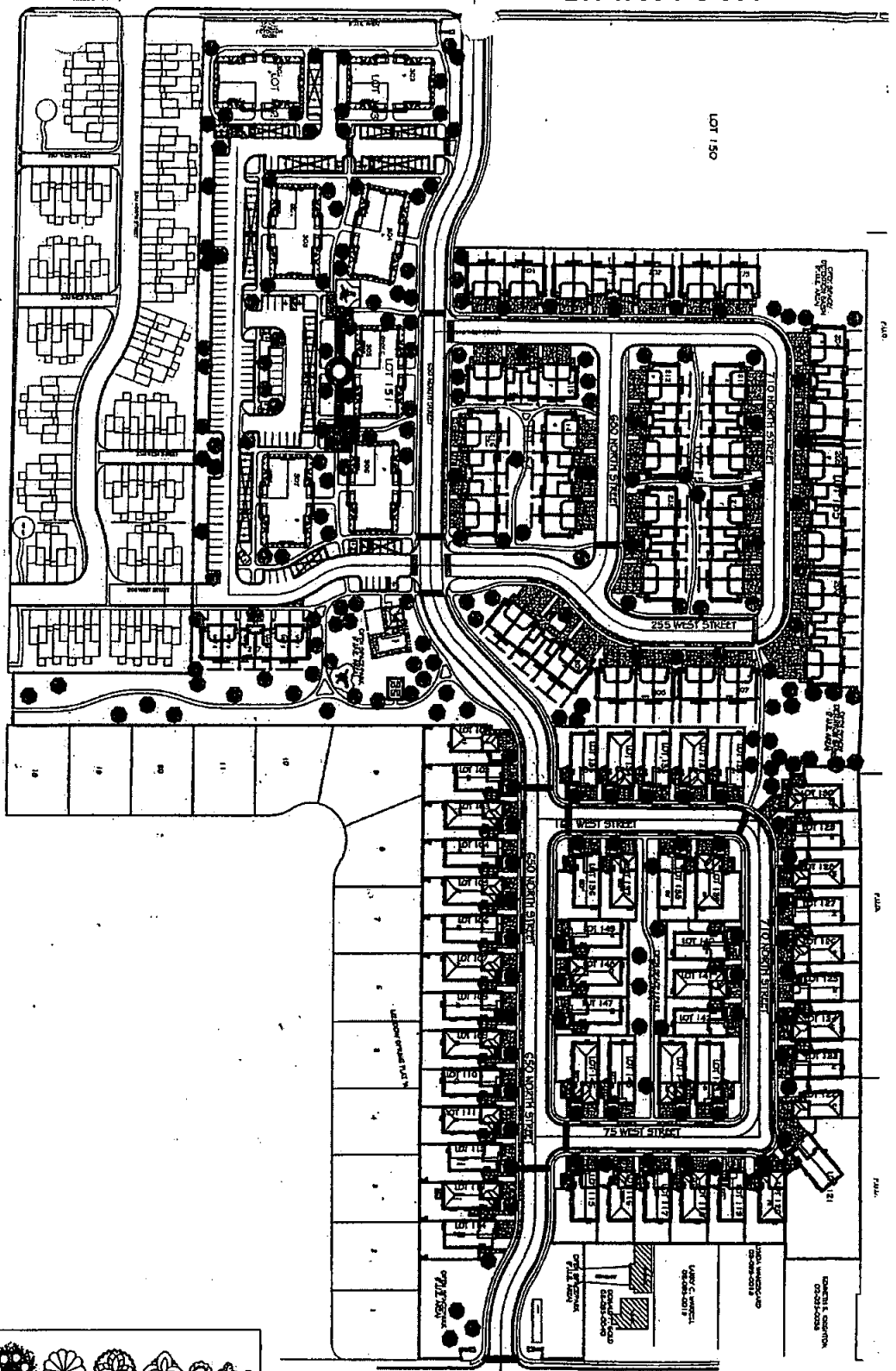
BEGINNING AT A POINT WHICH IS N 0°24'15" E, 1033.69 FEET AND N 89°35'45" W, 33.00 FEET SAID POINT BEING THE SOUTHEAST CORNER OF LOT 3, BLOCK "B" BIG CREEK PLAT CENTERVILLE TOWNSITE SURVEY AND N 0°24'15" E, 75.25 FEET FROM A COUNTY MONUMENT LOCATED AT THE INTERSECTION OF PARRISH LANE AND MAIN STREET AND RUNNING THENCE N 89°50'00" W 832.44 FEET; THENCE SOUTH 567.17 FEET; THENCE WEST 69.30 FEET; THENCE N 00°04'57" E 242.94 FEET; THENCE N 89°39'51" W 861.63 FEET; THENCE N 00°07'35" E 907.83 FEET; THENCE N 89°49'43" E 276.16 FEET; THENCE N 00°05'01" E 0.52 FEET; THENCE EAST 587.28 FEET; THENCE N 00°02'40" E 10.00 FEET; THENCE E 66.50 FEET; THENCE S 00°02'40" W 10.00 FEET; THENCE N 89°30'06" E 700.55 FEET; THENCE S 101.54 FEET; THENCE WEST 20.00 FEET; THENCE SOUTH 273.72 FEET; THENCE EAST 150.63 FEET; THENCE SOUTH 50.00 FEET; THENCE S 00°00'49" W 165.00 FEET; THENCE S 00°24'15" W 8.25 FEET TO THE POINT OF BEGINNING.

CONTAINS 1,305,486 SQUARE FEET OR 29.970 ACRES, MORE OR LESS.

**Exhibit 2**

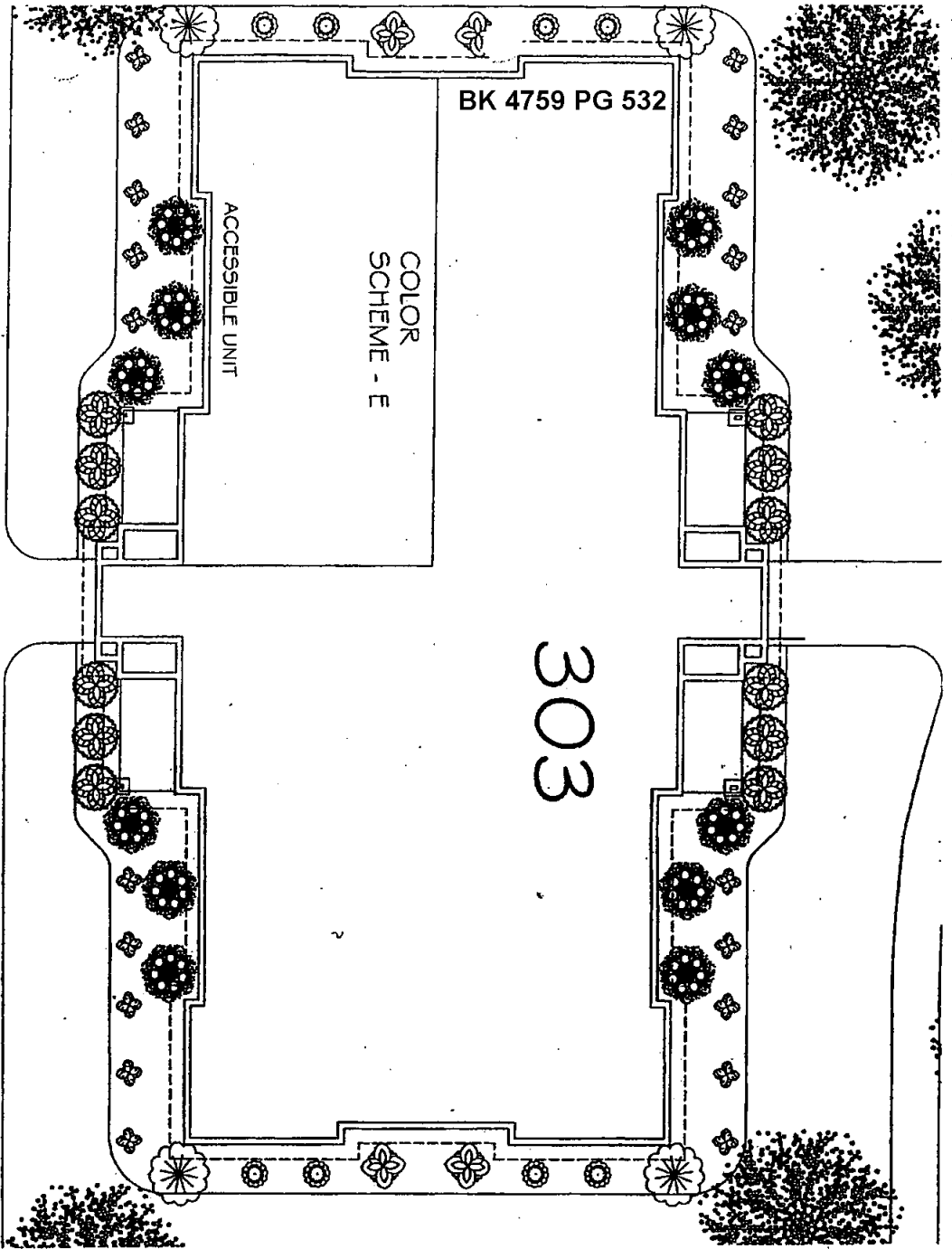
**Exhibit "I" to the Development Agreement  
Landscaping Plan**













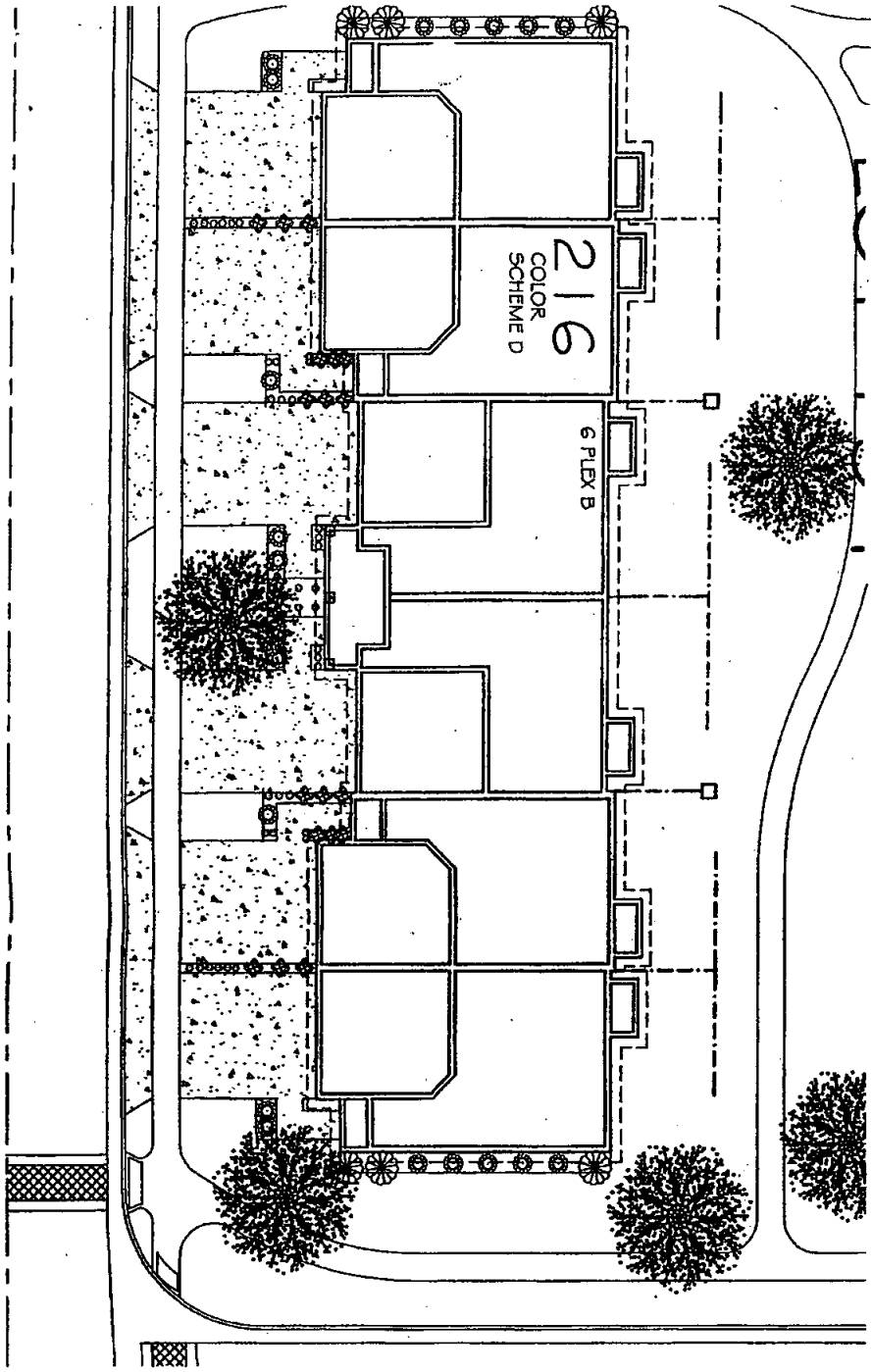
	DAINLITY
	SPIRAEA
	DOGWOOD
	ARCTIC BLUE WILLOW
	OREGON GRAPE
	DIABLO
	CISTNA PLUM
	BLUE MIST

RECEIVED NOV - 3 2008



	DANDELION
	SPIRAEA
	DOGWOOD
	ARCTIC BLUE WILLOW
	OREGON GRAPE
	DIABLO
	CISTINA PLUM
	BLUE MIST

<p>CONTRACTOR TO VERIFY ALL CONDITIONS AND DIMENSIONS</p>	<p><b>TERRACE LANDSCAPE</b></p>	<p>MODEL HOME: ALL</p>	
		<p>LOCATION: PINEAE PHASES CENTERVILLE, UT</p>	
<p>DRAWN BY: L. GROVER</p>	<p>FILE NAME: PINEAESTEPHAN</p>	<p>SCALE: 3/32" = 1'-0"</p>	<p>DATE: 10/15/06</p>
<p>SHEET # 01</p>			



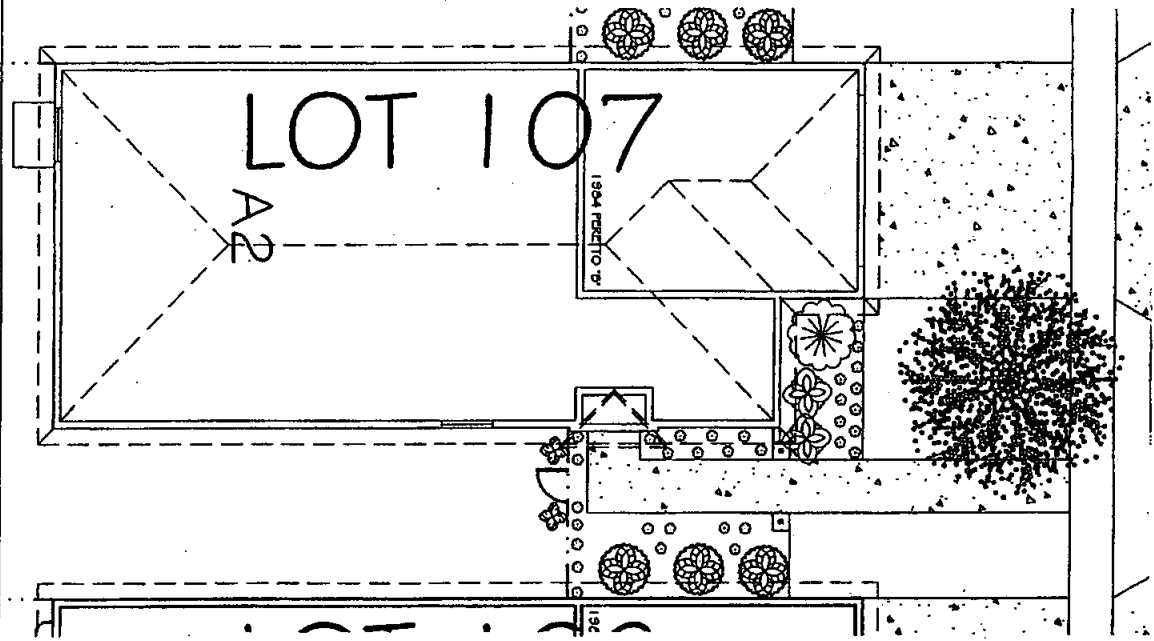
	DAWNLY
	SPIRAEA
	DOGWOOD
	ARCTIC BLUE WILLOW
	OREGON GRAPE
	DIABLO
	CISTINA PLUM
	BLUE MIST

DRAWN BY:  
 L. GROVER  
 FILE NAME:  
 PINEAESITEPLAN  
 SCALE:  
 1/16" = 1'-0"  
 DATE:  
 10/15/09  
 SHEET #  
 01

# CITTADINA LANDSCAPE

MODEL HOME:  
 ALL  
 LOCATION:  
 PINEAE  
 PHASES  
 CENTERVILLE, UT





	BLUE MIST
	GISTINA PLUM
	DIABLO
	OREGON GRAPE
	ARCTIC BLUE WILLOW
	DOGWOOD
	SPIREA
	DAVILY

DRAWN BY: L. GROVER FILE NAME: PINEAES/STEFAN SCALE: 3/8"=1'-0" DATE: 10/15/08 SHEET # <b>01</b>	CONTRACTOR TO VERIFY ALL CONDITIONS AND DIMENSIONS	<b>VILLA LANDSCAPE</b>	MODEL HOME: ALL	
			LOCATION: PINEAE PHASES CENTERVILLE, UT	