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RICHARD T. MAUGHAN  
DAVIS COUNTY, UTAH RECORDER  
01/15/2010 11:03 AM  
FEE \$25.00 Pgs: 5  
DEP RTT REC'D FOR FARMINGTON CITY

WHEN RECORDED RETURN TO:  
Farmington Development Corporation  
273 N. East Capitol Street  
Salt Lake City, Utah 84103

08-466-0001 thru 0008

FIFTH SUPPLEMENT AND AMENDMENT TO DECLARATION <sup>D</sup>  
OF

COVENANTS, CONDITIONS, AND RESTRICTIONS FOR  
FARMINGTON CROSSING ON SPRING CREEK POND,

An Expandable Utah Planned Unit Development

FARMINGTON CROSSING SOUTH Phase 2

THIS FIFTH SUPPLEMENT AND AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR FARMINGTON CROSSING ON SPRING CREEK POND is made and executed by FARMINGTON DEVELOPMENT CORPORATION, a Utah Corporation, whose principal address is 273 N. East Capitol Street, Salt Lake City, Utah 84103 (hereinafter referred to as the "Declarant").

RECITALS

Whereas, the original Declaration of Covenants, Conditions, and Restrictions was recorded in the office of the County Recorder of Davis County, Utah on the 6<sup>th</sup> day of May, 2005 as Entry No. 2071653 in Book 3783 at Page 639 of the Official Records of the County Recorder of Davis County, Utah (the "Declaration"), for Phase I of the Project which is described as **"Farmington Crossing On Spring Creek Pond, Phase 1, a Planned Unit Development."**

Whereas, the First Supplement and Amendment to the Declaration of Covenants, Conditions, and Restrictions for Farmington Crossing on Spring Creek Pond was recorded in the office of the County Recorder of Davis County, Utah on the 15<sup>th</sup> day of August, 2005 as Entry No. 2096923 in Book 3849 at Page 361 of the Official Records of the County Recorder of Davis County, Utah (the "First Supplemental Declaration"), for Phase II and Phase III of the Project which is described as **"Farmington Crossing On Spring Creek Pond, Phase 2, a Planned Unit Development"** and **"Farmington Crossing On Spring Creek Pond, Phase 3, a Planned Unit Development."**

Whereas, the Second Supplement and Amendment to the Declaration of Covenants, Conditions, and Restrictions for Farmington Crossing on Spring Creek Pond was recorded in the office of the County Recorder of Davis County, Utah on the 5<sup>th</sup> day of April, 2006 as Entry No. 2157971 in Book 4006 at Page 1132 of the Official Records of the County Recorder of Davis County, Utah (the "Second Supplemental Declaration"), for Phase IV of the Project which is described as **"Farmington Crossing South, Phase 1, a Planned Unit Development"**.

Whereas, the Third Supplement and Amendment to the Declaration of Covenants, Conditions, and Restrictions for Farmington Crossing on Spring Creek Pond was recorded in the

office of the County Recorder of Davis County, Utah on the 27<sup>th</sup> day of September, 2006 as Entry No. 2205234 in Book 4126 at Page 185 of the Official Records of the County Recorder of Davis County, Utah (the "Third Supplemental Declaration"), for restrictive covenants relating to lease restrictions and limitations of lot ownership in the Project.

Whereas, the Fourth Supplement and Amendment to the Declaration of Covenants, Conditions, and Restrictions for Farmington Crossing on Spring Creek Pond was recorded in the office of the County Recorder of Davis County, Utah on the 28<sup>th</sup> day of November, 2007 as Entry No. 2323640 in Book 4417 at Page 151 of the Official Records of the County Recorder of Davis County, Utah (the "Fourth Supplemental Declaration"), for Phase V of the Project which is described as "**Farmington Crossing North, Phase 1, a Planned Unit Development**".

Whereas, under Article III, Section 41 of the Declaration, while the Declarant is in control of the Association and prior to the termination of the Period of Declarant's Control, the Declarant may amend the Declaration or Plat Map without any additional consent or approval required.

Whereas, the related Plat Maps for Phase I, Phase II, Phase III, Phase IV, and Phase V of the Project have also been recorded in the office of the County Recorder of Davis County, Utah.

Whereas, under Article III, Section 46 of the Declaration, Declarant reserved an option until seven (7) years from the date following the first conveyance of a Dwelling in Phase I to a Lot purchaser to expand the Project.

Whereas, Declarant is the fee simple owner of record of that certain real property located in Davis County, Utah and described with particularity on Exhibit "A-5" attached hereto and incorporated herein by this reference (the "Phase VI Property").

Whereas, Declarant desires to expand the Project by creating on the Phase VI Property a planned residential development.

Whereas, Declarant now intends that the Phase VI Property shall become subject to the Declaration.

NOW, THEREFORE, for the reasons recited above, and for the benefit of the Project and the Lot Owners thereof, Declarant hereby executes this Fifth Supplement and Amendment to Declaration of Covenants, Conditions, and Restrictions for Farmington Crossing on Spring Creek Pond.

1. Supplement to Definitions. Article I of the Declaration, entitled "Definitions," is hereby modified to include the following supplemental definitions:

A. Fifth Supplemental Declaration shall mean and refer to this Fifth Supplement and Amendment to Declaration of Covenants, Conditions, and Restrictions for Farmington Crossing on Spring Creek Pond.

B. Fifth Supplemental Phase VI Map shall mean and refer to the Plat Map of **Farmington Crossing South, Phase 2, a Planned Unit Development**, prepared and certified to by David E. Hawkes, a duly registered Utah Land Surveyor holding Certificate No. 356548, and filed for record in the Office of the County Recorder of Davis County, Utah prior to or concurrent with the filing of this Fifth Supplemental Declaration.

Except as otherwise herein provided, the definition of terms contained in the Declaration are incorporated herein by this reference.

2. Legal Description. The real property described in Exhibit "A-5" is hereby submitted to the provisions of the Declaration and said land shall be held, transferred, sold, conveyed and occupied subject to the provisions of this Fifth Supplemental Declaration.

3. Annexation. Declarant hereby declares that the Phase VI Property shall be annexed to the Project and become subject to the Declaration, which upon recordation of the Fifth Supplemental Declaration shall constitute and effectuate the expansion of the Project, making the real property described in Exhibit "A-5" subject to the functions, powers, rights, duties and jurisdiction of the Association.

4. Total Number of Lots Revised. As shown on the Fifth Supplemental Phase VI Map, eight (8) Buildings and eight (8) additional Lots are or will be constructed and/or created in the Project on the Phase VI Property.

The additional Buildings and Lots are located within a portion of the Additional Land. The additional Buildings and Lots are substantially similar in construction, design and quality to the Buildings and Lots in the prior Phase. Upon the recordation of the Fifth Supplemental Phase VI Map and this Fifth Supplemental Declaration, the total number of Lots in the Project will be four hundred and two (402).

5. Percentages of Ownership Interest Revised. Pursuant to the Declaration, Declarant is required, with the additional Lots, to reallocate the undivided percentages of ownership interest in the Common Areas and Facilities (the "Percentage Interests"). The Percentage Interests are uniform and equal. Exhibit "B" to the Second Supplemental Declaration is deleted in its entirety, and the Percentage Interests for all Lots in the Project shall be a uniform and equal undivided interest.

6. Effective Date. The effective date of this Fifth Supplemental Declaration and the Fifth Supplemental Phase VI Map shall be the date on which said instruments are filed for record in the Office of the County Recorder of Davis County, Utah.

IN WITNESS WHEREOF, Declarant has executed this instrument the 11<sup>th</sup> day of January, 2010.

DECLARANT:

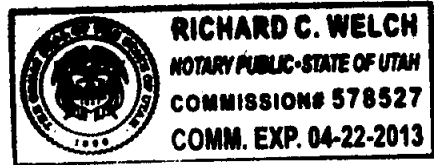
FARMINGTON DEVELOPMENT  
CORPORATION a Utah corporation



By: Bryson Garbett, President

STATE OF UTAH                    )  
  )ss:  
COUNTY OF SALT LAKE    )

On the 12 day of January, 2010 personally appeared before me Bryson Garbett, who by me being duly sworn, did say that he is the President of FARMINGTON DEVELOPMENT CORPORATION, a Utah corporation, and that the within and foregoing instrument was signed in behalf of said Company by authority of a resolution of its board of directors or its Articles of Incorporation, and said Bryson Garbett, duly acknowledged to me that said Company executed the same.

  
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NOTARY PUBLIC

**Exhibit "A-5"**  
**Phase V1**  
**Legal Description**

A parcel of land lying and situate in the Southwest Quarter of Section 13, Township 3 North, Range 1 West, Salt Lake Base and Meridian, Farmington City, Davis County, Utah. Comprising  $\pm 0.69$  acres of that certain tract of land known as "Parcel D" of the "Farmington Crossing on Spring Creek Pond, Planned Unit Development".

Basis of Bearing for Subject parcel being South  $00^{\circ}12'06''$  East 2642.87 feet (measured) 2642.96 (per Record of Survey) between the Davis County brass cap monument monumentalizing the Northwest corner of said Section 13 and the Davis County rebar and cap monumentalizing the West Quarter Corner of said Section 13. Subject Parcel being more particularly described as follows:

Commencing at the Northwest corner of said Section 13, thence South  $00^{\circ}12'06''$  East 2087.66 feet coincident with the West line of the Northwest Quarter of said Section 13; Thence EAST 835.24 feet to a point on the easterly right of way line of Shepard Creek Parkway; Thence coincident with said easterly right of way line the following four (4) courses, (1) Southerly 31.02 feet coincident with the arc of a 332.50 foot radius curve to the right (center bears South  $85^{\circ}46'25''$  West) through a central angle of  $05^{\circ}20'45''$ ; (2) South  $01^{\circ}07'05''$  West 568.99 feet to a point of curvature; (3) Southeasterly 44.16 feet coincident with the arc of a 50.00 foot radius curve to the left (center bears South  $88^{\circ}53'00''$  East) through a central angle of  $50^{\circ}36'19''$  to a point of reverse curvature; (4) Southwesterly 284.73 feet coincident with the arc of a 80.00 foot radius curve to the right (center bears South  $40^{\circ}31'06''$  West) through a central angle of  $203^{\circ}55'18''$ ; Thence Northeasterly 165.06 feet coincident with the arc of a 80.00 radius curve to the left (center bears North  $64^{\circ}26'24''$  East) through a central angle of  $118^{\circ}12'54''$  to a point of reverse curvature and a point on the common line between Parcels A and D of said Farmington Crossing on Spring Creek Pond; Thence the following seven (7) courses coincident with said common line (1) easterly 47.55 feet coincident with the arc of a 49.50 foot radius curve to the right (center bears South  $53^{\circ}46'30''$  East) through a central angle of  $55^{\circ}02'18''$  to a point of tangency; (2) South  $88^{\circ}44'12''$  East 102.74 feet; (3) South  $01^{\circ}15'48''$  West 296.97 feet; (4) South  $88^{\circ}44'12''$  East 255.24 feet to a point of curvature; (5) Easterly 22.16 feet coincident with the arc of a 85.50 foot radius curve to the right (center bears South  $01^{\circ}15'48''$  West) through a central angle of  $14^{\circ}50'48''$  to a point of compound curvature; (6) Southerly 15.77 feet along the arc of a 9.50 foot radius curve to the right (center bears South  $16^{\circ}06'36''$  West) through a central angle of  $95^{\circ}05'22''$  to a point on a radial line; (7) South  $68^{\circ}48'02''$  East 29.00 feet to the TRUE POINT OF BEGINNING, (Said True Point of Beginning also lying EAST 1300.56 feet and SOUTH 502.60 feet from the West Quarter corner of said Section 13);

Thence North  $21^{\circ}11'58''$  East 29.46 feet to a point of curvature; Thence northerly 22.32 feet coincident with the arc of a 114.50 foot radius curve to the left (center bears North  $68^{\circ}48'02''$  West) through a central angle of  $11^{\circ}10'03''$ ; Thence South  $88^{\circ}52'31''$  East 92.53 feet; Thence South  $01^{\circ}07'29''$  West 100.53 feet; Thence North  $89^{\circ}32'45''$  West 35.30 feet; Thence SOUTH 206.09 feet; Thence North  $89^{\circ}34'29''$  West 91.91 feet; Thence North  $00^{\circ}00'06''$  East 190.93 feet to a point of curvature; Thence northerly 31.63 feet along the arc of a 85.50 foot radius curve to the right (center bears South  $89^{\circ}59'54''$  East) through a central angle of  $21^{\circ}11'53''$  to a point of tangency; Thence North  $21^{\circ}11'58''$  East 39.35 feet to the point of beginning.