

**RETURNED**  
**JUN 3 0 2011**

2605345  
BK 5306 PG 319

10+4v

**Recording Requested by:**

CLEARFIELD CITY  
COMMUNITY DEVELOPMENT  
55 SOUTH STATE ST  
CLEARFIELD, UT 84015

E 2605345 B 5306 P 319-328  
RICHARD T. MAUGHAN  
DAVIS COUNTY, UTAH RECORDER  
06/30/2011 10:55 AM  
FEE \$68.00 Pgs: 10  
DEP RT REC'D FOR CLEARFIELD CITY

**Park Village Amended Development Agreement, Addendum No. 3**

A Development Agreement pertaining to the following lots in the Park Village Phase 1 and Phase 2 Amended Planned Residential Unit Development (P.R.U.D):

Parcel ID Number:	Legal Description:
12-693-0002	ALL OF LOT 2, PARK VILLAGE-PHASE 1 PRUD
12-693-0009 to 12-693-0013	ALL OF LOTS 9 THROUGH 13, PARK VILLAGE – PHASE 1 PRUD
12-693-0015 to 12-693-0017	ALL OF LOTS 15 THROUGH 17, PARK VILLAGE – PHASE 1 PRUD
12-693-0022 to 12-693-0034	ALL OF LOTS 22 THROUGH 34, PARK VILLAGE – PHASE 1 PRUD
12-712-0030 to 12-712-0032	ALL OF LOTS 30 THROUGH 32, PARK VILLAGE – PHASE 2 PRUD
12-712-0034 to 12-712-0048	ALL OF LOTS 34 THROUGH 38, PARK VILLAGE – PHASE 2 PRUD
12-712-050	ALL OF LOT 50, PARK VILLAGE – PHASE 2 PRUD

**ADDENDUM NO. 3**

*to*  
DEVELOPMENT AGREEMENT  
*between*  
CLEARFIELD CITY  
*and*  
GARDNER PARK VILLAGE, LLC.

**PURPOSE:** THIS ADDENDUM AMENDS THE DEVELOPMENT AGREEMENT BETWEEN CLEARFIELD CITY CORP. AND GARDNER PARK VILLAGE, LLC, DATED AUGUST 29, 2006 ("Agreement"), SETTING FORTH SPECIFIC TERMS AND CONDITIONS REGARDING THE DEVELOPMENT OF AND CONSTRUCTION ON CERTAIN PROPERTY LOCATED AT APPROXIMATELY 1075 W. 300 N., CLEARFIELD, UTAH.

The Agreement referenced above is hereby amended as follows:

- A. The Agreement shall be by and between Clearfield City (the "City"), Gardner Park Village, LLC ("GPV"), its successors and assigns, and Clearfield Park Village, LLC. ("CPV"), its successors and assigns.
- B. The final sentence of paragraph 1.a. regarding Lot 8 is hereby stricken.
- C. Prior to building permits being issued, all elevations for homes to be built by CPV, its successors or assigns, shall be submitted to the City for administrative review to check for compliance with the Agreement as amended as well as all applicable City ordinances. Upon written approval from the City of an elevation for a particular lot, said elevation shall be attached as an exhibit to the Development Agreement and will become a binding part of the Agreement by this reference. Unless the proposed home elevation is already in substantial conformance with the elevations previously approved for this subdivision, then the review will occur at the building permit submittal.
- D. GPV and CPV have submitted an application to the City to amend a portion of the original subdivision Plats of Phase 1 and Phase 2. Upon final approval by the Clearfield City Council as well as full execution and recording at the Davis County Recorder's Office, the amended Plat shall supersede the portions of the original Plats in Exhibit B that have now been modified. The amended Plat is attached hereto as Exhibit C to the Agreement and by this reference becomes a binding part of the Agreement.
- E. Pursuant to Title 11, Chapter 13, Section 23, paragraph (I) of the City's land use ordinance, the percentage of required landscaped open space may be modified through a development agreement if the City Council makes the following findings:
  1. The granting of the modification does not adversely affect the rights of adjacent landowners or residents;
  2. The modification does not adversely affect the public health, safety or general welfare; and
  3. The granting of the modification is not opposed to the general spirit and intent of the Land Use Ordinance or the General Plan.

Pursuant to this Addendum and based upon the findings of the City's Planning Commission as adopted by the City Council, the open space requirement for the Agreement shall be not less than 3.78 percent.

F. Improvement plan.

1. Fencing plan. As of the date of this Addendum, six foot vinyl fencing currently exists along the following lots: Lots 1 thru 7, Lots 14 thru 21, Lot 33, and Lots 47 thru 50. The remaining six foot vinyl fencing will be installed and completed when each home is constructed on each individual lot prior to final inspection. The fencing must be completed prior to obtaining a Certificate of Occupancy for any given lot. The approved fencing plan is attached hereto as Exhibit D to the Development Agreement and by this reference becomes a binding part of the Agreement.

GPV, its successors and assigns, will specifically be responsible for completing the fencing for the following lots: Lots 11-A thru 13-A, Lots 34 thru 36 and Parcel "B". CPV, its successors and assigns, will specifically be responsible for completing the fencing for the following lots: Lots 22 thru 32, Lots 44-A thru 46-A, and 47-48

The fencing along 300 North will be installed no later than May 31, 2011. Six-foot high vinyl fencing, similar or same to the existing vinyl fencing in the project, shall be used. GPV will be responsible for lots 34 thru 36 and CPV will be responsible for lots 37 thru 40.

2. Detention pond improvements. The Parcel "B" detention pond improvements (including the full irrigated landscaping, sod and automatic sprinkler system) will be completed by GPV, its successors and assigns, no later than the twenty-first building permit being issued for *any* lot in the subdivision. This also includes the installation of the fencing along property line of the southwest corner of the project up to the property lines of Lot 27 and Lot 28.
3. Landscaping improvements along 300 North. Within 60 days of the fencing along 300 North being completed, the landscape shall be installed by GPV, its successor and assigns, and in no instance later than July 30, 2011 Should the improvements not be completed by that date no further building permits for lots 34 thru 36 will be issued.
4. Common area water meters. GPV will be responsible for the "Detention Pond" common area water meter installation at the time of detention pond improvements, but no later than the twenty-first building permit issued for *any* lot in the subdivision.. GPV will be responsible for the "Lot 40 Area" common area water meter prior to issuance of any Certificates of Occupancy for Lots 30 through 32 and Lots 34-40. GPV and CPV will split the cost for the "Middle Parcel Area" common area water meter installation to occur prior to issuance of any Certificates of Occupancy for Lots 9-A thru 13-A and 41-A thru 46-A.
5. Sidewalk improvements. The sidewalks will be installed and completed when each home is constructed on each individual lot prior to final inspection. The sidewalks, as shown on the approved Park Village Civil Improvement Plans (which is attached hereto as Exhibit E to the Development Agreement and by this reference becomes a

binding part of the Agreement), for any given lot must be completed prior to obtaining a Certificate of Occupancy for that lot.

GPV, its successors and assigns, will be responsible for completing the sidewalks for the following lots: Lots 34 thru 36 and Parcel "B". CPV, its successors and assigns, will be responsible for completing the sidewalks for the following lots: Lots 22 thru 32, and Lots 37 thru 40.

6. GPV agrees to complete street overlay improvements on all the private streets within the subdivision no later than the thirty-third building permit being issued for any lot in the subdivision as discussed in the City Council Work Session on September 7, 2010.
- G. The recordation of this document shall be the responsibility of GPV and shall occur no later than thirty days after the date of Council approval.
- H. The individual parties, GPV, its successors or assigns and CPV, its successors or assigns will be held to fulfilling the obligations set forth in this agreement. Should one party fail to fulfill the obligations, the issuance of the other party's building permits will not be affected. Lot ownership is depicted in Exhibit F.

The Parties hereby amend the Development Agreement dated August 29, 2006 as set forth above this

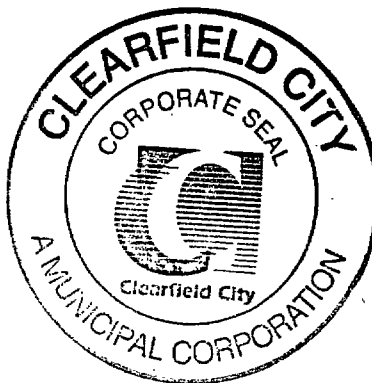
10<sup>th</sup> day of May, 2011.

CLEARFIELD CITY CORPORATION

Donald W. Wood  
Donald W. Wood, Mayor

ATTEST:

Nancy R. Dean  
Nancy R. Dean, City Recorder  
APPROVED AS TO CONTENT:

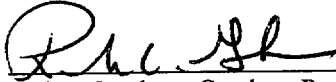


Walter Dean  
Acting Community Development Director

APPROVED AS TO FORM:

Tina Mower  
City Attorney's Office

OWNER



Rulon Gardner, Gardner Park Village, LLC

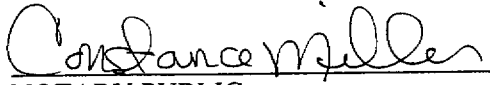
ATTEST:

\_\_\_\_\_

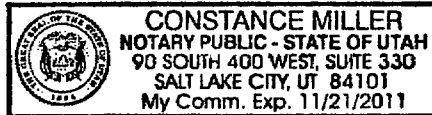
**CORPORATE ACKNOWLEDGMENT**

STATE OF UTAH            )  
  §  
COUNTY OF SALT LAKE    )


On the 21 day of APRIL, 2011 personally appeared before me, Mr. Rulon Gardner, as signer of the foregoing document, who duly acknowledged to me that he has corporate authority on behalf of Gardner Park Village, LLC to execute the same.

  
NOTARY PUBLIC

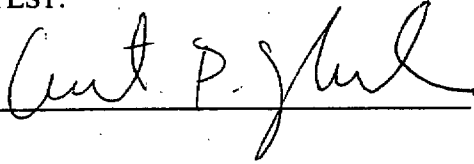
Residing: Salt Lake City



OWNER

  
\_\_\_\_\_  
~~Chris Gamvroulas~~, Clearfield Park Village, LLC  
CLARK D. IVORY


ATTEST:

  
\_\_\_\_\_

**CORPORATE ACKNOWLEDGMENT**

STATE OF UTAH                    )  
  §  
COUNTY OF Salt Lake        )

On the 27 day of April, 2011 personally appeared before me, Mr. ~~Chris Gamvroulas~~ <sup>CLARK D. IVORY</sup>, as signer of the foregoing document, who duly acknowledged to me that he has corporate authority on behalf of Clearfield Park Village, LLC to execute the same.

  
\_\_\_\_\_  
NOTARY PUBLIC  
Residing: SLL, UT

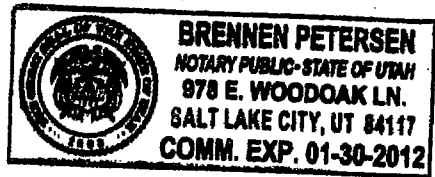


EXHIBIT C

Need 3/1/2011  
1/20

### PARK VILLAGE PHASE 1 and PHASE 2 AMENDED PLANNED RESIDENTIAL UNIT DEVELOPMENT (P.R.U.D.)

SUBMITTED TO THE CITY OF DALLAS FOR APPROVAL  
BY THE DALLAS PLANNING AND ZONING COMMISSION

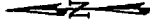
LOCATED IN THE CITY OF DALLAS, TEXAS  
DALLAS COUNTY, TEXAS

SAYT LARBAE & MEDINA - DALLAS COUNTY, TEXAS



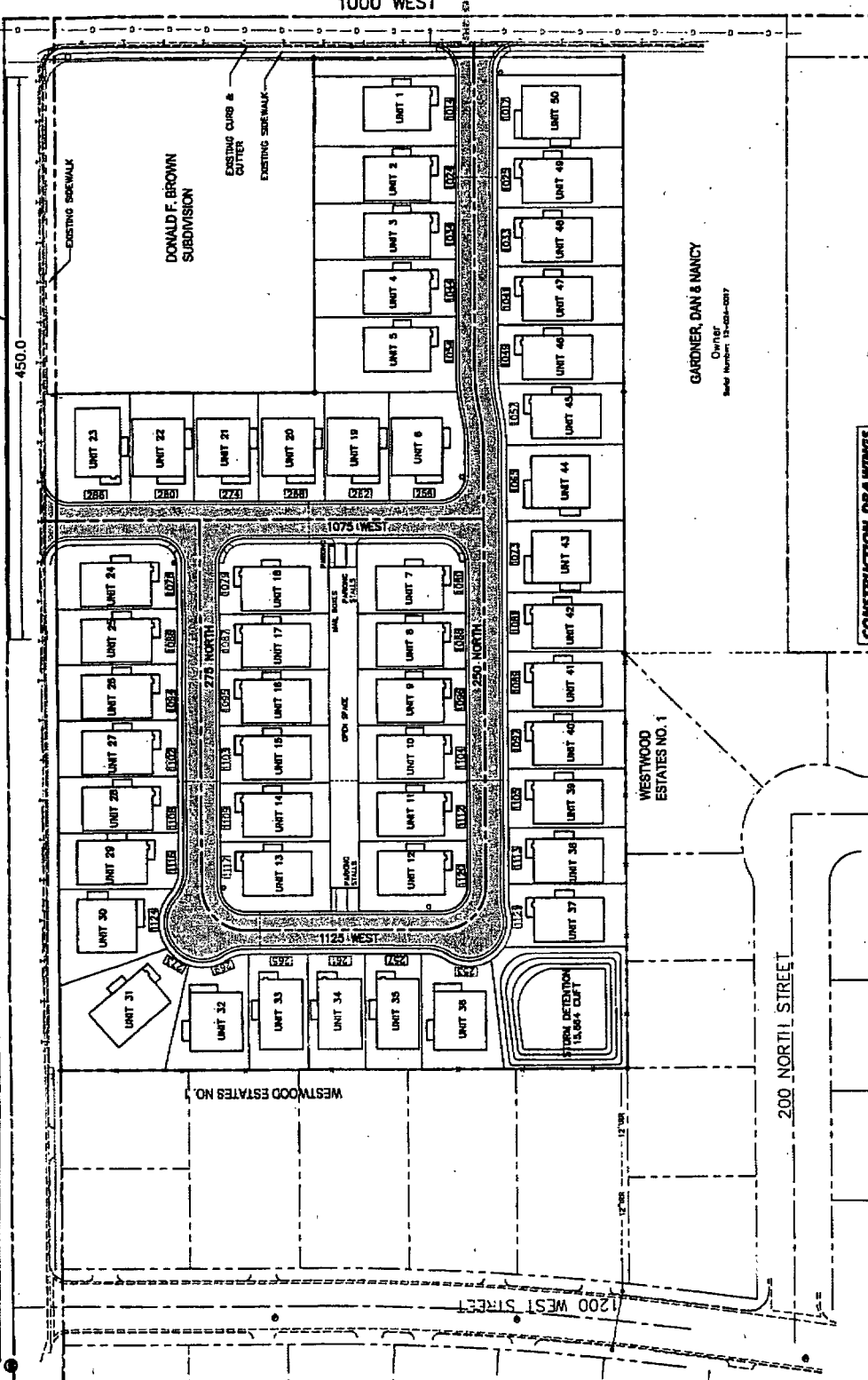


# EXHIBIT E



GRAPHIC SCALE  
Scale: 1" = 40'  
CLAIR & JOAN  
HELSOP

NEW BASED ISLAND TYPE "NO" CURB WITH PLUMBABLE END SECTION SEE DETAIL SHEET 13 (ISLAND TO FOLLOW EXISTING CURB) YELLOW DIMENSIONS



DRAWN BY: [ ] DATE: [ ]		PROJECT NO: 05060001	
CHECKED BY: [ ] DATE: [ ]		SHEET NO: C-01	
DESIGNED BY: [ ] DATE: [ ]		SCALE: AS SHOWN	
APPROVED BY: [ ] DATE: [ ]		OWNER: GARDNER, DAN & NANCY	
CONSTRUCTION DRAWINGS		FORSGREN ASSOCIATES, INC.	
PARK VILLAGE CLEARFIELD UTAH		PARK VILLAGE SITE PLAN	

Ownership Exhibit based on information obtained from Davis County Recorder's REDI Website on April 18, 2011.

EXHIBIT F: OWNERSHIP EXHIBIT

