

ENT 2875:2011 PG 1 of 5
Jeffery Smith
UTAH COUNTY RECORDER
2011 Jan 10 1:57 pm FEE 33.00 BY CS
RECORDED FOR HICKMAN LAND TITLE COMPANY
ELECTRONICALLY RECORDED

DECEMBER 6, 2010

**THIRD AMENDMENT TO DECLARATION OF COVENANTS, CONIDITIONS, AND
RESTRICTIONS OF THE COVE AT JORDAN RIVER TOWNHOUSES**

(For Units 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147 and 148)

FIFTH AMENDMENT

This Third Amendment is made this 6 day of December, 2010, by Jordan River Developers, Inc., a Utah corporation, referred to herein as "Declarant," and The Cove at Jordan River Owners Association, Inc., a Utah nonprofit corporation, referred to herein as the "Association."

RECITALS

A. Declarant owns Units 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147 and 148 of The Cove at Jordan River Townhouses, located in Saratoga Springs, Utah County, Utah. These Units are more fully described as follows:

See the legal description attached hereto as Exhibit "A".

B. Declarant (or its predecessors in interest) previously caused to be recorded in the Office of the Utah County Recorder on November 8, 2007 as Entry 159540:2007, that certain Declaration of Covenants, Conditions and Restrictions of The Cove at Jordan River Townhouses (a Planned Unit Development) (the "CC&R's") for the Project.

C. To clarify the existence of certain utility easements within the Project, and at the request of the City of Saratoga Springs, Declarant and the Association are amending the CC&Rs, as set forth herein.

D. All capitalized terms herein shall have the same meaning as those set forth in the CC&R's unless otherwise stated herein.

DECLARATION

The following provision, identified as Section 21.6, is hereby added to the CC&Rs, to clarify the intentions of, and language in, the original CC&Rs, as if the following provision was included as part of the original CC&Rs:

21.6. Any and all utilities in the Project (including, without limitation, water lines, sewer lines, power lines and related improvements) that are constructed within, under, over or through a Unit or a Building and that extend to and/or serve another Unit or Building shall have a perpetual easement for construction, installation, repair, maintenance, and replacement. The beneficiaries of the easement hereby created shall be the Association, the service providers of the utilities, and all Owners of the Units receiving service from the subject utilities.

This Amendment has been approved and adopted as of the date first set forth above by the Declarant and by the Association, for itself and on behalf of the Owners and Members of the Association.

EXHIBIT "A"

LEGAL DESCRIPTION OF THE PROPERTY

(Phase 5)

PART OF THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 5 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SECTION 14, TOWNSHIP 5 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN. RUNNING THENCE NORTH 00°36'52" EAST (NORTH, BY RECORD) ALONG THE EAST RIGHT OF WAY LINE OF REDWOOD ROAD, 2625.10 FEET; THENCE EAST 65.49 FEET (94.22 BY RECORD); THENCE NORTH 89°50'01" EAST, 1313.39 FEET; THENCE NORTH 89°16'40" EAST, 238.06 FEET TO THE SOUTHWEST CORNER OF PHASE 2, THE COVE AT JORDAN RIVER; THENCE NORTH 89°16'40" EAST, 512.90 FEET; THENCE NORTH 52°45'07" EAST, 91.02 FEET; THENCE NORTH 39°58'43" EAST, 198.88 FEET; THENCE NORTH 50°01'17" WEST, 65.09 FEET TO THE TRUE POINT OF BEGINNING;

AND THENCE SOUTH 56°34'34" WEST ALONG THE NORTH LINE OF PHASE 2 OF THE COVE AT JORDAN RIVER, 66.88 FEET;

THENCE NORTH 49°50'54" WEST ALONG THE NORTH LINE OF PHASE 2 OF THE COVE AT JORDAN RIVER, 82.66 FEET TO THE SOUTHEAST CORNER OF PHASE 4 OF THE COVE AT JORDAN RIVER;

THENCE NORTH 40°18'45" EAST ALONG THE EAST LINE OF PHASE 4 OF THE COVE AT JORDAN RIVER, 73.32 FEET;

THENCE NORTH 46°16'40" WEST ALONG THE NORTH LINE OF PHASE 4 OF THE COVE AT JORDAN RIVER, 167.23 FEET TO THE SOUTHEASTERLY RIGHT OF WAY LINE OF RIVERSIDE DRIVE;

THENCE NORTHEASTERLY ALONG THE SOUTHEASTERLY RIGHT OF WAY OF RIVERSIDE DRIVE IN THE FOLLOWING THREE COURSES:

1. 79.78 FEET ALONG A CURVE TO THE RIGHT NOT TANGENT TO THE PREVIOUS COURSE WITH A RADIUS OF 1166.00 FEET, INCLUDED ANGLE OF 3°55'13" AND A LONG CHORD THAT BEARS NORTH 46°58'31" EAST, 79.77 FEET;
2. 258.43 FEET ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 1166.55 FEET, INCLUDED ANGLE OF 12°41'35" AND A LONG CHORD THAT BEARS NORTH 55°17'05" EAST, 257.90 FEET;
3. 138.98 FEET ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 666.00 FEET, INCLUDED ANGLE OF 11°57'24" AND A LONG CHORD THAT BEARS NORTH 67°36'46" EAST, 138.73 FEET;

THENCE SOUTH 16°24'32" EAST, 116.89 FEET;

THENCE SOUTH 10°00'29" WEST, 40.09 FEET TO THE NORTHWEST CORNER OF THE DETENTION AREA PARCEL OF PHASE 1 OF THE COVE AT JORDAN RIVER;

THENCE ALONG THE WEST LINE OF THE DETENTION AREA PARCEL OF PHASE 1 OF THE COVE AT JORDAN RIVER IN THE FOLLOWING THREE COURSES:

1. SOUTH 59°37'35" WEST, 142.33 FEET;
2. SOUTH 37°14'10" WEST, 109.59 FEET;
3. SOUTH 18°10'47" WEST, 138.16 FEET TO THE BEGINNING.

58:032:0119

CONTAINING 2.01 ACRES+/-

Containing the following parcels: