#### WHEN RECORDED RETURN TO:

Bountiful Utah Regulatory Office
Attention: \_\_\_\_\_\_
533 West 2600 South, Suite 150
Bountiful UT 84010-7744

E 3403996 B 7810 P 1195-1226
RICHARD T. MAUGHAN
DAVIS COUNTY, UTAH RECORDER
07/28/2021 02:16 PM
FEE \$40.00 Pgs: 32
DEP RT REC'D FOR CENTURY COMMUNITIES INC

#### THIS SPACE FOR RECORDER'S USE ONLY

12-103-

#### **DECLARATION OF RESTRICTIONS**

RETURNED

JUL 28 2021

THIS DECLARATION OF RESTRICTIONS is made as of \_\_\_\_\_June 14th \_\_\_\_\_, 20 21, by Century Land Holdings of Utah, LLC, a Utah Limited Liability Company ("Declarant").

WHEREAS, Declarant is the owner of certain real property located in the City of <a href="Syracuse">Syracuse</a>, County of <a href="Davis">Davis</a>, Utah, described in Exhibit "A" attached hereto and incorporated hereby by this reference (hereinafter "Preserve Area"); and

WHEREAS, Declarant intends to develop and protect the above described property as wildlife habitat and a wetland preserve area, to be so held in perpetuity subject to restrictions in accordance with the provisions of the Section 404 Permit # 29 (SPK-2018-00796) (Exhibit C) (hereinafter "Permit") issued to Declarant by the U.S. Army Corps of Engineers (hereinafter "Corps") and the Shoreline West Open Space Operation and Management Plan (Exhibit D) (hereinafter "The Plan");

WHEREAS, this Declaration of Restrictions is intended to implement the provisions of the Permit requiring a binding covenant running with the land, but shall not be construed to impose restrictions in addition to those provided for in the Permit; and

WHEREAS, the Preserve Area consists of both jurisdictional wetland features and associated natural upland areas;

WHEREAS, the Declaration will benefit all parties to the Declaration in that it will assist in preserving and maintaining the drainage and wildlife habitat in the Preserve Area;

NOW THEREFORE, Declarant declares as follows:

- Covenant Running with Land. In consideration of the foregoing benefits flowing to all
  parties; in consideration of the benefits obtained by the Declarant from the Permit, and other valuable
  consideration, the receipt and adequacy of which is hereby acknowledged, the Declarant does hereby
  covenant and agree to restrict, and does by this instrument intend to restrict, the future use of the
  Preserve Area as set forth below, by the establishment of this Covenant running with the land.
- 2. Restrictions Concerning the Preserve Area. The wetland areas created, restored, enhanced or preserved as compensatory mitigation, including any required upland buffer areas, for work authorized by Department of the Army Permit No. 29 (SPK-2018-00796) shall not be made the subject of a future application for a Department of the Army General or Individual permit for fill or other development except for the purpose of enhancing or restoring the mitigation associated with this project. No person shall engage in any of the following restricted activities in the Preserve Area except for those actions necessary to accomplish preservation, maintenance, repair, fire prevention, or enhancement as has been, or in the future is, authorized by the Corps consistent with the Permit and The Plan:

- (a) No discharge of any dredged or fill material shall be done or permitted within the Preserve Area or any portion of such area except as consistent with the terms and conditions of the Permit;
- (b) No materials or debris shall be stored or placed (whether temporarily or permanently) within the Preserve Area or any portion of such area without prior written approval by the Corps;
- (c) No plowing or cultivation of the Preserve Area or any portion of such area and no destruction or removal of any natural tree, shrub or other vegetation that exists upon the Preserve Area shall be done or permitted by the Declarant or its successors and assigns to the Preserve Area, except for the purpose of thatch management or the removal/management of newly introduced noxious or dangerous plants as necessary to maintain the Preserve Area;
- (d) No discharge, dumping, disposal, storage or placement of any trash, refuse, rubbish, grass dippings, cuttings or other waste materials within the Preserve Area or any portion of such area shall be done or permitted;
- (e) No leveling, grading or landscaping within the Preserve Area or any portion of such area shall be done or permitted without prior Corps written approval;
- (f) No destruction or removal of any natural tree, shrub or other vegetation that exists upon the Preserve Area shall be done or permitted except by the Declarant or its successors and assigns to the Preserve Area for the purposes of thatch management or the removal of noxious or dangerous plants as necessary to maintain the Preserve Area;
- (g) No motorized vehicles shall be ridden, brought, used or permitted on any portion of the Preserve Area, except as provided for in (a), (c), (e) and (f) above or with prior written approval by the Corps;
- (h) No roads, utility lines, trails, benches, equipment storage, or other structures or activities shall occur within the Preserve Area without prior written approval by the Corps.
- No grazing of animals is allowed.
- (j) No surface runoff (other than naturally occurring surface runoff) from any surrounding development shall be allowed to flow onto the protected area under normal conditions.
- (k) No storm water shall be allowed to discharge within the protected area other than naturally occurring storm water discharge.
- 3. <u>Not An Offer to Dedicate: No Rights of Public Use</u>. The provisions of this Declaration of Restrictions do not constitute an offer for public use. This instrument does not constitute an irrevocable offer to dedicate.
- 4. <u>Successors and Assign Bound</u>. Declarant hereby agrees and acknowledges that the Preserve Area shall be held, sold, conveyed, owned and used subject to the applicable terms, conditions and obligations imposed by this Agreement relating to the use, repair, maintenance and/or improvement of the Preserve Area, and matters incidental thereto. Such terms, conditions and obligations are a burden and restriction on the use of the Preserve Area, as applicable.

The provisions of this Agreement shall (subject to the limitations contained in this Agreement and without modifying the provisions of this Agreement) be enforceable as equitable servitudes and conditions, restrictions and covenants running with the land, and shall be binding on the Declarant and upon each and all of its respective heirs, devisees, successors, and assigns, officers, directors, employees, agents, representatives, executors, trustees, successor trustees, beneficiaries and administrators, and upon future owners of the Preserve Area and each of them.

5. Severability. The provisions of the Declaration are severable and the violation of any of

the provisions of this Declaration by a Court shall not affect any of the other provisions white remain in full force and effect.	ch shall
DECLARANT	
Century Land Holdings of Utah, LLC	
Date:6/3/2021	
By:David Vitek	
Its President	
STATE OF UTAH	
County of Utah	
On June 14, 2024 , before me, <u>kelsey Rowles Notary Public</u> Date Name and Title of Officer (e.g., "Jane Doe, Notary Pub	ic")
Personally appeared	
personally known to me  proved to me on the basis of satisfactory evid to be the person(s) whose name(s) is/are suftent within instrument and acknowledged to respect the within instrument and acknowledged to respect to be the person(s) explication.  No. 709477  My Commission Expires on Dec 2, 2023  Dec 2, 2023  personally known to me  proved to me on the basis of satisfactory evid to be the person(s) is/are sufficiently within instrument and acknowledged to respect to the within instrument and acknowledged to respect to t	bscribed to ne that eir 'their , or the
WITNESS my hand and official seal.	

Place Notary Seal Above

### EXHIBIT A – LEGAL DESCRIPTION OF "PRESERVE AREA" Attached

### EXHIBIT B – MAP OF "PRESERVE AREA" Attached

EXHIBIT C - SECTION 404 PERMIT NO. 29 SPK- 2018-00796
Attached

EXHIBIT D -- Shoreline West OPEN SPACE OPERATIONS AND

MANAGEMENT PLAN FOR "PRESERVE AREA"

Attached



TRW June 11, 2021 8508

#### West Phase Wetland 1 Description

A parcel of land, situate in the Northwest Quarter of Section 21, Township 4 North, Range 2 West, Salt Lake Base and Meridian, said parcel also located in Syracuse, Utah. Being more particularly described as follows:

Beginning at a point which is South 89°40'58" East 1182.83 feet along the section line (NAD83 Bearing being South 89°20'40" East between the Northwest Corner and the North Quarter Corner of said Section 21 per the Davis County Township Reference Plat) and South 00°19'02" West 1830.18 feet from the Northwest Corner of said Section 21 and running thence:

South 60°23'12" East 17.31 feet: thence South 39°55'59" East 14.39 feet: thence South 57°07'07" East 14.24 feet; thence South 80°39'41" East 18.48 feet; thence North 82°16'12" East 19.30 feet: thence North 59°26'16" East 13.80 feet; thence North 72°41'29" East 8.31 feet; thence South 85°09'27" East 19.40 feet; thence South 75°56'26" East 18.65 feet: thence South 51°44'08" East 11.91 feet: thence South 64°51'56" East 14.90 feet; thence South 74°44'58" East 18.32 feet; thence North 69°14'38" East 17.58 feet: thence North 69°46'30" East 16.21 feet: thence North 45°58'11" East 13.13 feet; thence North 02°46'03" West 10.44 feet; thence North 52°06'29" East 14.70 feet; thence North 70°52'54" East 17.36 feet: thence North 85°46'12" East 15.06 feet: thence South 25°48'50" East 12.75 feet: thence North 58°38'07" East 9.74 feet: thence North 33°24'43" West 11.25 feet: thence North 47°09'17" West 10.02 feet; thence North 48°02'29" East 9.65 feet; thence South 69°37'41" East 16.49 feet: thence South 69°25'08" East 14.95 feet; thence South 89°44'06" East 19.95 feet; thence South 84°20'03" East 21.58 feet: thence South 80°04'36" East 17.12 feet; thence North 71°17'26" East 14.06 feet; thence North 32°53'06" East 14.79 feet: thence North 89°22'12" East 10.77 feet; thence North 68°32'51" East 14.79 feet; thence South 00°19'02" West 12.61 feet: thence South 44°30'25" West 2.96 feet:

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thence South 34°58'27" West 20.66 feet:
thence South 52°21'09" West 15.22 feet:
thence South 77°21'05" West 15.24 feet;
thence North 83°24'39" West 19.35 feet:
thence South 79°31'43" West 20.20 feet:
thence South 81°58'01" West 20.49 feet:
thence South 82°02'45" West 2.42 feet;
thence South 79°23'54" West 23.91 feet:
thence South 43°34'56" West 23.41 feet:
thence South 29°21'32" West 18.95 feet;
thence South 53°12'01" West 18.97 feet:
thence South 50°19'05" West 22.38 feet;
thence South 55°58'31" West 15.92 feet:
thence South 80°07'20" West 14.19 feet:
thence South 82°08'36" West 9.54 feet;
thence South 68°12'29" West 9.13 feet:
thence South 57°26'04" West 16.71 feet;
thence South 46°21'50" West 12.94 feet:
thence South 35°05'00" West 10.12 feet;
thence South 48°35'45" West 5.64 feet;
thence South 60°11'39" West 10.28 feet:
thence South 13°52'30" West 3.14 feet;
thence South 20°43'46" West 2.98 feet:
thence North 89°40'58" West 32.30 feet:
thence North 05°51'10" West 3.92 feet;
thence North 55°03'09" West 7.92 feet;
thence North 64°25'03" West 15.37 feet:
thence North 65°21'51" West 13.92 feet;
thence North 76°33'07" West 13.26 feet;
thence North 79°17'07" West 11.27 feet;
thence South 83°01'11" West 9.49 feet;
thence South 41°29'48" West 9.61 feet:
thence South 47°31'05" West 12.51 feet;
thence South 42°12'28" West 11.83 feet;
thence North 89°40'58" West 29.58 feet;
thence North 04°39'39" East 1.15 feet:
thence North 09"38'23" East 14.28 feet;
thence North 22°17'42" East 14.75 feet:
thence North 25°02'09" East 16.90 feet:
thence North 60°56'29" East 4.32 feet:
thence North 11°31'34" East 17.40 feet;
thence North 05°56'41" East 20.17 feet:
thence North 09°57'33" East 20.79 feet:
thence North 00°45'57" West 18.29 feet;
thence North 06°01'46" West 16.13 feet:
thence North 42°44'50" East 4.76 feet to the Point of Beginning.
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Contains: 28367 square feet or 0.651 acres.



TRW June 11, 2021 8508

#### West Phase Wetland 2 Description

A parcel of land, situate in the Northwest Quarter of Section 21, Township 4 North, Range 2 West, Salt Lake Base and Meridian, said parcel also located in Syracuse, Utah. Being more particularly described as follows:

Beginning at a point which is South 89°40'58" East 1302.30 feet along the section line (NAD83 Bearing being South 89°20'40" East between the Northwest Corner and the North Quarter Corner of said Section 21 per the Davis County Township Reference Plat) and South 00°19'02" West 1168.38 feet from the Northwest Corner of said Section 21 and running thence:

South 89°40'58" East 35.40 feet: thence South 30°50'21" East 6.98 feet; thence South 54°41'50" East 15.05 feet; thence South 69°51'13" East 15.68 feet: thence South 73°26'56" East 15.27 feet: thence North 77°40'12" East 13.43 feet: thence South 77°23'52" East 14.91 feet: thence South 73°35'31" East 14.12 feet: thence South 70°42'23" East 13.91 feet; thence North 85°57'13" East 13.22 feet; thence North 88°19'43" East 3.51 feet: thence North 70°35'11" East 14.95 feet: thence North 07°03'49" East 12.93 feet: thence North 03°42'55" East 13.87 feet; thence South 89°40'58" East 70.09 feet; thence South 56°39'17" West 5.03 feet; thence South 71°02'19" East 2.84 feet; thence North 88°09'15" East 19,39 feet; thence North 74°06'57" East 0.22 feet:

thence southeasterly 14.07 feet along the arc of a 15.00-foot radius non-tangent curve to the right (center bears South 36°33'18" West and the long chord bears South 26°33'50" East 13.56 feet with a central angle of 53°45'44");

thence South 00°19'02" West 1.90 feet; thence North 75"15'54" West 12.48 feet; thence North 84°54'04" West 30.05 feet; thence South 85°47'27" West 18.64 feet; thence South 45°06'38" West 24.60 feet; thence South 36°43'51" West 21.68 feet; thence South 02°14'21" West 15.66 feet; thence South 25°27'05" East 19.16 feet; thence South 44°53'50" East 29.99 feet; thence South 81°11'24" East 27.20 feet; thence South 47°42'18" East 27.20 feet; thence South 47°42'18" East 22.43 feet; thence South 63°37'51" East 12.90 feet;

thence Southerly 5.36 feet along the arc of a 120.00-foot radius non-tangent curve to the right (center bears South 79°47'13" West and the long chord bears South 08°55'57" East 5.36 feet with a central angle of 02°33'42");

thence South 15°33'22" West 1.65 feet: thence South 85°00'39" West 17.14 feet: thence South 04°02'51" East 12.64 feet: thence South 13°04'07" East 14.44 feet; thence South 43°41'43" East 8.28 feet: thence South 01°28'08" East 15.71 feet: thence South 46°05'35" West 1.99 feet; thence South 53°40'27" West 14.02 feet; thence South 30°33'14" West 10.18 feet: thence South 55°25'06" West 15.17 feet; thence South 49°28'25" West 11.38 feet: thence South 14°11'00" West 12.20 feet: thence South 55°33'00" East 13.85 feet; thence South 43°45'38" East 14.02 feet; thence South 89°53'13" East 28.67 feet: thence South 00°19'02" West 61.69 feet; thence North 54°27'09" West 2.32 feet: thence North 70°54'04" West 18.95 feet: thence North 80°18'17" West 14.62 feet; thence South 85°20'09" West 14.40 feet: thence South 69°20'38" West 13.28 feet: thence South 46°47'51" West 12.76 feet; thence South 09°12'42" East 14.40 feet: thence South 11°05'37" West 13.53 feet: thence South 22°52'52" West 5.36 feet: thence South 00°49'17" West 17.04 feet: thence South 11°59'54" West 16.62feet; thence South 19°49'09" West 17.71 feet: thence North 89°40'58" West 18.11 feet: thence South 00°18'55" West 14.26 feet; thence North 29°03'32" West 9.58 feet: thence North 37°20'12" East 14.64 feet; thence North 22°06'16" East 11.63 feet; thence North 75°03'27" West 13.67 feet: thence North 25°58'32" West 13.92 feet: thence North 09°10'56" West 14.28 feet, thence North 50°28'18" East 12.77 feet: thence North 34°17'20" East 11.00 feet: thence North 20°50'59" East 13.61 feet; thence North 30°52'18" East 17.68 feet: thence North 17°07'32" East 16.88 feet: thence North 34°07'56" West 16.08 feet: thence North 18°09'18" West 16.08 feet: thence North 23°15'27" West 10.30 feet; thence North 08°36'33" East 14.35 feet: thence North 00°46'25" East 13.59 feet: thence North 24°13'45" West 14.42 feet: thence North 08°44'13" West 14.25 feet;

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thence North 27°39'42" East 8.02 feet;
thence North 10°57'40" East 5.13 feet:
thence North 13°57'57" West 14.74 feet;
thence North 13°13'40" East 23.09 feet:
thence North 32°25'37" East 15.68 feet:
thence North 19°50'16" West 14.72 feet;
thence North 38°45'26" West 14.94 feet;
thence North 85°55'14" West 13.40 feet:
thence South 87°27'23" West 15.53 feet:
thence South 82°56'37" West 15.79 feet;
thence South 68°11'06" West 15.03 feet:
thence South 27°28'48" West 7.63 feet;
thence South 23°16'20" East 11.50 feet;
thence South 09°33'22" West 10.50 feet:
thence South 23°12'49" East 11.97 feet;
thence South 00°20'05" West 12.52 feet:
thence South 04°18'39" West 15.08 feet:
thence South 10°38'24" East 13.90 feet:
thence South 66° 12'28" West 14.68 feet:
thence North 88°12'44" West 15.06 feet;
thence North 84°17'13" West 14.46 feet;
thence North 03°43'07" West 13.17 feet:
thence North 19°31'48" West 13.90 feet:
thence South 76°41'59" West 13.99 feet:
thence North 49"09'08" West 10.99 feet;
thence North 35°36'39" East 14.19 feet;
thence North 52°14'47" East 12.47 feet:
thence North 31°27'44" East 17.04 feet;
thence North 21°37'43" East 16.92 feet:
thence North 16°30'57" East 14.53 feet;
thence North 41°55'00" West 13.30 feet;
thence North 10°24'29" West 10.21 feet:
thence North 55°09'37" East 12.36 feet;
thence North 26°24'08" East 14.42 feet;
thence North 00°44'52" West 13.30 feet;
thence North 67°19'04" West 10.61 feet;
thence South 49°52'26" West 10.87 feet;
thence South 49°12'13" West 9.36 feet;
thence South 28°13'57" West 13.34 feet:
thence South 73°26'43" West 12.13 feet:
thence North 53°47'54" West 13.26 feet:
thence North 26°53'26" West 13.52 feet:
thence North 11°37'18" West 15.45 feet:
thence North 04°07'20" West 14.28 feet;
thence North 28°09'13" West 3.53 feet:
thence South 83°57'28" West 12.10 feet;
thence North 23°40'22" West 7.12 feet;
thence North 54°51'31" East 9.04 feet:
thence North 47°30'17" West 21.73 feet;
thence North 31°39'35" West 7.01 feet;
thence North 06°01'37" East 5.99 feet to the Point of Beginning.
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Contains: 37,211 square feet or 0.854 acres.



TRW June 11, 2021 8508

#### West Phase Wetland 3 Description

A parcel of land, situate in the Northwest Quarter of Section 21, Township 4 North, Range 2 West, Salt Lake Base and Meridian, said parcel also located in Syracuse, Utah. Being more particularly described as follows:

Beginning at a point which is South 89°40'58" East 723.30 feet along the section line (NAD83 Bearing being South 89°20'40" East between the Northwest Corner and the North Quarter Corner of said Section 21 per the Davis County Township Reference Plat) and South 00°19'02" West 1110.75 feet from the Northwest Corner of said Section 21 and running thence:

South 73°47'26" East 40.04 feet;

thence South 41°23'56" 15.57 feet:

thence South 35°27'56" East 29.56 feet;

thence South 78°03'21" East 11.13 feet:

thence North 59°44'41" East 18.02 feet:

thence North 46"13'00" East 7.88 feet:

thence southerly 5.51 feet along the arc of a 15.00-foot radius non-tangent curve to the right (center bears South 69°08'37" West and the long chord bears South 10°19'58" East 5.48 feet with a central angle of 21°02'51");

thence South 00°11'28" West 20.56 feet:

thence southerly 4.98 feet along the arc of a 15.00-foot radius tangent curve to the right (center bears North 89°48'32" West and the long chord bears South 09°41'57" West 4.96 feet with a central angle of 19°00'58");

thence South 19°12'26" West 0.42 feet:

thence South 16°39'51" West 18.00 feet:

thence South 00°22'20" West 15.48 feet:

thence South 79°01'15" West 15.66 feet:

thence North 85°35'54" West 16.91 feet;

thence South 66°45'19" West 18.11 feet;

thence South 57°46'22" West 16.99 feet;

thence South 58°01'36" West 17.78 feet;

thence South 72°52'44" West 17.20 feet;

thence South 69°14'10" West 17.56 feet:

thence South 53°24'02" West 16.22 feet;

thence South 35°53'51" West 18.12 feet;

thence South 30°34'21" West 17.08 feet; thence South 28°27'53" West 15.77 feet:

thence South 06"28'12" West 9.92 feet;

thence South 46°02'23" West 6.41 feet:

thence South 36°34'02" West 17.01 feet;

thence South 21°08'40" West 18.84 feet;

thence South 31°36'38" West 19.57 feet:

thence South 24°08'49" West 17.43 feet;

thence South 24°00'35" West 17.74 feet;

thence South 41°28'19" West 18.04 feet;

thence South 30°12'32" West 19.05 feet: thence South 29°02'40" West 19.06 feet: thence South 29°12'05" West 7.75 feet: thence South 29°21'46" West 12.37 feet; thence South 30°26'57" West 16.16 feet: thence South 37°53'34" West 19.67 feet; thence South 43°30'51" West 18.12 feet; thence South 47°28'36" West 17.40 feet; thence South 46°39'02" West 1.20 feet; thence South 41°56'02" West 16.33 feet: thence South 51°19'16" West 16.02 feet; thence South 42°11'13" West 17.79 feet; thence South 47°35'51" West 18.33 feet; thence South 30°49'59" West 18.11 feet: thence South 42°34'53" West 16.60 feet: thence South 12°08'45" West 22.59 feet: thence South 05°54'05" West 38.17 feet; thence South 12°48'00" West 22.87 feet; thence South 47°29'07" West 15.06 feet; thence South 63°48'45" West 19.60 feet thence South 71°26'37" West 25.79 feet; thence South 24°10'27" West 9.62 feet: thence South 12°52'28" West 9.29 feet: thence South 06°03'44" East 13.75 feet. thence South 26°42'31" East 11.10 feet: thence South 66°24'53" East 19.30 feet; thence South 88°04'22" East 12.42 feet: thence North 89°26'14" East 7.20 feet: thence North 87°26'41" East 11.66 feet: thence North 73°59'09" East 13.74 feet; thence South 89°18'49" East 16.31 feet; thence South 79°17'07" East 14.38 feet: thence South 37°04'07" East 13.79 feet: thence South 21°49'10" East 14.10 feet; thence South 67°06'30" East 11.77 feet; thence South 67°05'24" East 14.32 feet: thence South 41°41'07" East 15.84 feet: thence South 56°42'03" East 12.48 feet; thence South 76°54'11" East 12.26 feet; thence South 68°33'03" East 13.19 feet: thence South 49°50'20" East 10.67 feet: thence South 85°26'37" East 14.64 feet: thence South 69°11'41" East 12.89 feet: thence South 78°30'53" East 13.32 feet: thence South 56°20'03" East 9.66 feet; thence South 48°20'01" East 11.76 feet: thence South 77°38'26" East 14.04 feet: thence South 33°45'24" East 13.22 feet; thence South 25°41'10" East 13.44 feet: thence South 39°19'36" East 21.07 feet; thence South 14°41'29" East 15.50 feet;

thence South 20°57'18" West 15.95 feet; thence South 11°11'35" East 11.72 feet; thence South 23°28'34" East 12.44 feet: thence South 21°31'32" East 15.31 feet; thence South 21°12'39" East 13.32 feet: thence South 52°42'29" East 14.46 feet: thence South 38°46'03" East 13.72 feet: thence North 89°41'50" West 33.29 feet: thence North 09°46'19" West 9.11 feet: thence North 23°16'12" West 14.89 feet: thence North 03°11'33" West 12.36 feet; thence North 26°26'11" West 16.20 feet: thence North 22°27'08" West 15.43 feet; thence North 01°47'31" East 12.66 feet: thence North 10°04'14" West 12.57 feet; thence North 22°48'31" West 22.62 feet; thence North 49°39'16" West 24.23 feet: thence North 48°49'11" West 14.22 feet; thence North 71°38'31" West 13.68 feet: thence North 78°40'15" West 14.29 feet; thence North 79°27'17" West 14.54 feet; thence North 71°25'10" West 16.04 feet; thence North 65°25'20" West 17.45 feet: thence North 64°25'32" West 16.11 feet; thence North 59°56'37" West 15.76 feet: thence North 58°11'43" West 14.99 feet: thence North 41°39'13" West 16.40 feet; thence North 33°50'54" West 17.32 feet: thence North 30°39'03" West 3.79 feet; thence North 64°15'51" West 15.80 feet; thence South 86°07'55" West 15.51 feet; thence South 71°57'03" West 16.55 feet: thence South 73°03'00" West 16.67 feet: thence North 78°05'44" West 15.98 feet; thence North 71°58'55" West 7.42 feet; thence North 65°05'03" West 14.86 feet; thence North 57°20'47" West 27.89 feet: thence North 74°04'08" West 14.49 feet; thence North 76°33'36" West 22.84 feet; thence North 79°30'09" West 13.55 feet; thence North 89°11'55" West 16.41 feet; thence South 84°38'54" West 17.32 feet: thence South 77°15'58" West 21.89 feet; thence South 61°10'24" West 18.20 feet; thence South 66°20'18" West 23.79 feet: thence South 48°44'35" West 17.08 feet: thence South 31°27'53" West 21.34 feet; thence South 37°35'12" West 28.49 feet; thence South 46°11'25" West 22.48 feet: thence South 52°24'42" West 26.19 feet; thence South 41°48'24" West 23.28 feet;

thence South 30°34'25" West 30.38 feet: thence South 46°30'13" West 23,14 feet: thence South 69°18'10" West 19.56 feet; thence South 58°29'08" West 20.08 feet: thence South 61°04'32" East 10.05 feet: thence South 55°01'01" East 10.73 feet: thence South 00°17'38" West 12.27 feet; thence South 51°22'35" West 18.23 feet: thence North 82°28'30" West 10.83 feet: thence South 89°34'17" West 5.70 feet; thence North 6.09 feet: thence South 89°55'39" East 5.06 feet; thence North 73°19'33" East 8.49 feet: thence North 10°41'23" East 7.74 feet: thence North 43°07'40" West 13.48 feet; thence South 84°35'04" West 5.44 feet; thence North 10.90 feet: thence North 66°08'38" East 11.97 feet: thence North 58°58'59" East 23.81 feet: thence North 62°21'29" East 24.81 feet: thence North 34°10'37" East 13.73 feet; thence North 39°34'56" East 16.33 feet; thence North 28°31'04" East 17.00 feet: thence North 40°10'45" East 15.36 feet; thence North 57°04'16" East 16.10 feet; thence North 46°49'22" East 15.93 feet: thence North 33°55'08" East 15.58 feet: thence North 18°31'53" East 15.42 feet; thence North 63°06'44" East 7.29 feet: thence North 38°42'53" East 4.95 feet; thence North 31°27'09" East 13.92 feet; thence North 38°38'55" East 15.35 feet: thence North 38°48'40" East 16.41 feet; thence North 52"00'29" East 13.79 feet: . thence North 71°00'42" East 12.47 feet; thence North 74°08'53" East 17.08 feet; thence North 44°16'19" East 14.22 feet: thence North 63°06'32" East 15.92 feet: thence North 87°07'02" East 15.36 feet; thence South 81°51'55" East 15.81 feet: thence South 87°56'23" East 14.93 feet: thence South 80°14'22" East 18.48 feet; thence South 77°44'35" East 6.88 feet: thence North 35°38'20" East 15.19 feet: thence North 52°23'54" East 10.27 feet; thence North 49°25'38" East 6.88 feet: thence North 46°18'00" East 10.38 feet; thence North 39°40'35" East 14.07 feet: thence North 55°43'13" East 7.91 feet: thence North 28°53'14" East 3.19 feet; thence South 89°45'21" East 17.53 feet:

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thence South 00°14'05" East 5.44 feet:
thence South 37°16'54" West 17.92 feet;
thence South 50°40'02" West 4.09 feet;
thence South 40°58'32" East 4.61 feet:
thence North 75°42'03" East 17.66 feet:
thence North 68°26'26" East 17.84 feet;
thence North 51°58'17" East 17.12 feet:
thence North 19°26'55" East 5.23 feet:
thence North 19°26'51" East 11.05 feet:
thence North 05°10'43" East 14.61 feet:
thence North 02°41'21" East 16.92 feet;
thence North 01°00'23" West 12.36 feet:
thence South 27°18'18" West 14.50 feet;
thence North 71°03'57" West 2.93 feet;
thence North 00°58'59" West 92.47 feet:
thence North 50°34'48" East 5.61 feet:
thence North 57°35'24" East 17.80 feet:
thence North 56°56'56" East 23.46 feet;
thence North 07°32'56" West 5.97 feet:
thence North 07°33'03" West 2.27 feet:
thence North 07°33'32" West 0.65 feet:
thence North 07°32'45" West 2.42 feet;
thence North 07°33'00" West 3.07 feet:
thence North 69°31'23" East 6.51 feet;
thence North 66°34'34" East 22.68 feet:
thence North 56°07'50" East 30.84 feet;
thence North 35°59'41" East 39.64 feet;
thence North 36°24'02" East 45.26 feet:
thence North 16"33'50" East 17.82 feet:
thence North 29°49'09" East 31.63 feet:
thence North 25°03'40" East 21.52 feet;
thence North 21°53'23" East 24.25 feet:
thence North 33°37'58" East 45.89 feet:
thence North 19°32'13" East 21.92 feet:
thence North 81°47'05" East 13.65 feet;
thence North 59°27'00" East 41.95 feet:
thence North 10°19'04" East 7.46 feet:
thence South 89°48'32" East 5.01 feet:
thence South 14°07'35" West 18.11 feet;
thence North 55°17'37" East 11.94 feet;
thence North 14°20'24" East 11.08 feet:
thence South 89°48'32" East 5.27 feet:
thence North 00°11'28" East 6.67 feet:
thence North 55°42'01" East 8.11 feet;
thence North 49°57'52" East 28.01 feet:
thence North 19°18'20" East 24.50 feet:
thence North 13°11'58" West 16.32 feet:
thence North 49°39'33" West 17.76 feet;
thence North 66°44'42" West 19.19 feet:
thence North 00°49'08" West 13.27 feet to the Point of Beginning.
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Contains: 42,115 square feet or 0.967 acres.



TRW June 11, 2021 8508

#### West Phase Wetland 3A Description

A parcel of land, situate in the Northwest Quarter of Section 21, Township 4 North, Range 2 West, Salt Lake Base and Meridian, said parcel also located in Syracuse, Utah. Being more particularly described as follows:

Beginning at a point which is South 89°40'58" East 887.92 feet along the section line (NAD83 Bearing being South 89°20'40" East between the Northwest Corner and the North Quarter Corner of said Section 21 per the Davis County Township Reference Plat) and South 00°19'02" West 1016.47 feet from the Northwest Corner of said Section 21 and running thence:

North 29°02'06" East 15.05 feet; thence North 29°02'12" East 1.96 feet: thence North 13°53'52" East 13.56 feet; thence North 64°11'45" East 19.03 feet; thence North 57°44'38" East 7.06 feet: thence North 57°40'39° East 8.28 feet; thence North 81°48'55" East 11.84 feet: thence South 66°07'40" East 11.13 feet; thence North 60°03'50" East 13.35 feet; thence North 55°10'17" East 17.95 feet; thence North 54°38'17" East 17.41 feet; thence South 80°04'26" East 15.49 feet; thence South 46°02'27" West 13.44 feet: thence South 83°19'47" West 15.27 feet; thence South 52"28'42" West 18.57 feet; thence South 55°57'39" West 16.63 feet: thence North 88°54'50" West 15.69 feet; thence North 84°44'08" West 4.49 feet; thence South 67°09'07" West 11.99 feet; thence South 55°52'01" West 7.21 feet: thence South 55°32'17" West 7.92 feet: thence South 38"35'54" West 13.65 feet; thence South 09°15'53" East 12.80 feet; thence South 13°46'51" West 15.91 feet; thence South 11°19'57" East 13.93 feet: thence South 01°03'04" East 17.23 feet: thence South 00°07'48" East 16.33 feet; thence South 21°05'20" West 15.78 feet: thence South 36°50'23" West 2.81 feet; thence North 73°47'26" West 2.88 feet;

thence northwesterly 19.37 feet along the arc of a 15.00-foot radius tangent curve to the right (center bears North 16°12'34" East and the long chord bears North 36°47'59" West 18.05 feet with a central angle of 73°58'54");

thence North 00°11'28" East 1.71 feet; thence North 24°34'41" East 20.44 feet;



thence North 02°55'01" East 20.42 feet; thence North 08°16'07" West 25.44 feet to the Point of Beginning.

Contains: 2,299 square feet or 0.053 acres.



TRW June 11, 2021 8508

#### West Phase Wetland 5 Description

A parcel of land, situate in the Northwest Quarter of Section 21, Township 4 North, Range 2 West, Salt Lake Base and Meridian, said parcel also located in Syracuse, Utah. Being more particularly described as follows:

Beginning at a point which is South 89°40'58" East 36.86 feet along the section line (NAD83 Bearing being South 89°20'40" East between the Northwest Corner and the North Quarter Corner of said Section 21 per the Davis County Township Reference Plat) and South 00°19'02" West 1751.74 feet from the Northwest Corner of said Section 21 and running thence:

South 70°41'33" East 4.86 feet; thence South 06°04'49" West 11.24 feet; thence South 34°23'46" West 6.11 feet; thence North 00°11'28" East 17.83 feet; to the point of beginning.

Contains: 57 square feet or 0.001 acres.



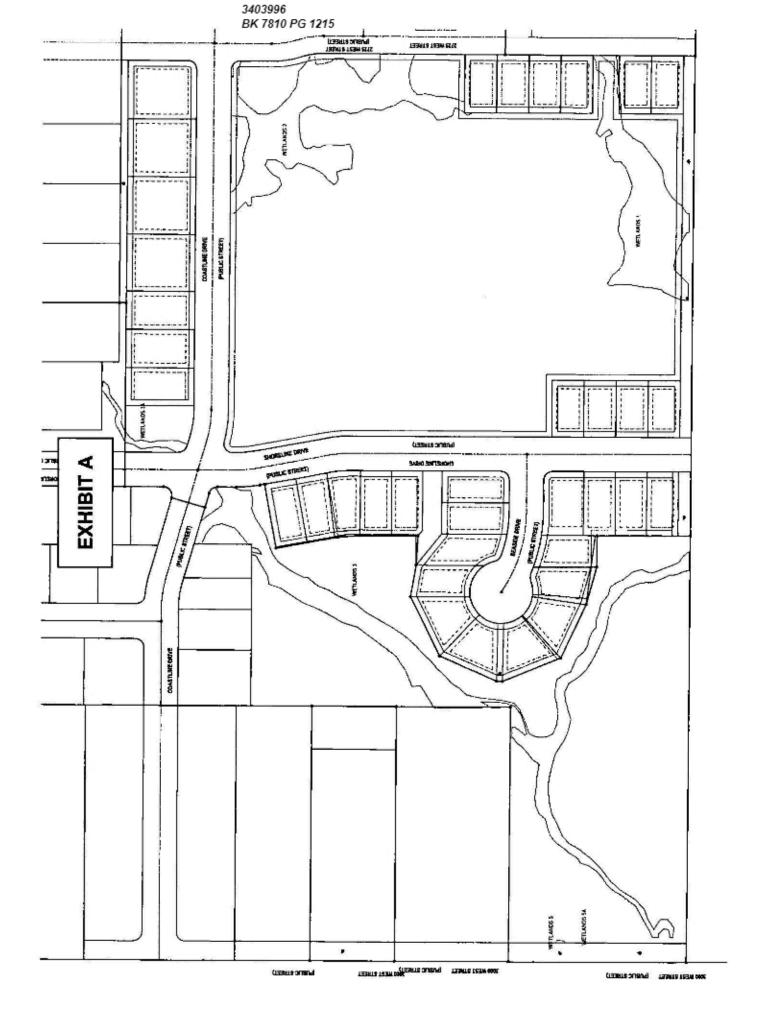
TRW June 11, 2021 8508

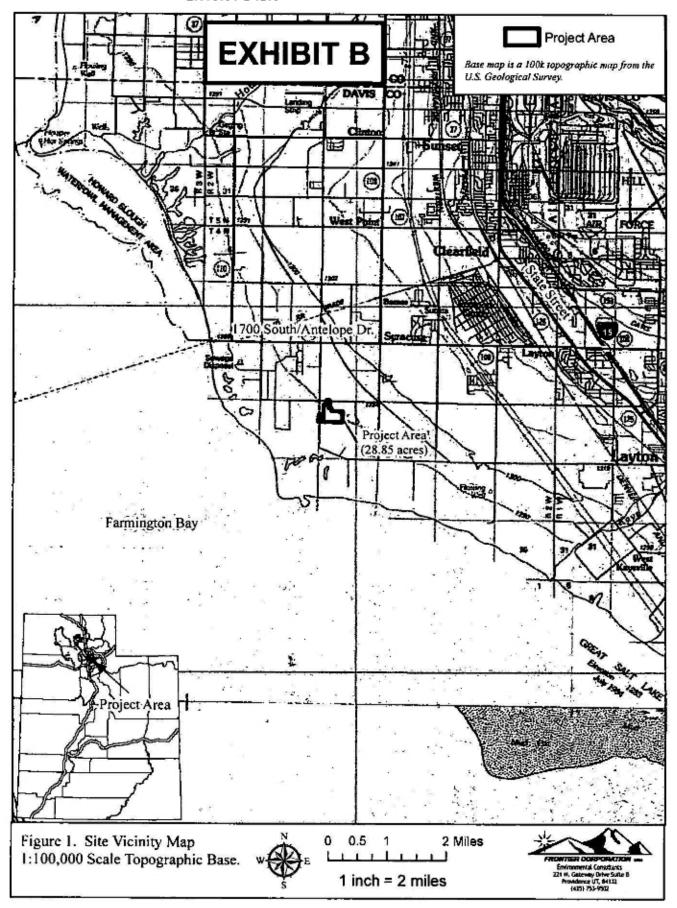
#### West Phase Wetland 5A Description

A parcel of land, situate in the Northwest Quarter of Section 21, Township 4 North, Range 2 West, Salt Lake Base and Meridian, said parcel also located in Syracuse, Utah. Being more particularly described as follows:

Beginning at a point which is South 89°40'58" East 36.94 feet along the section line (NAD83 Bearing being South 89°20'40" East between the Northwest Corner and the North Quarter Corner of said Section 21 per the Davis County Township Reference Plat) and South 00°19'02" West 1789.89 feet from the Northwest Corner of said Section 21 and running thence:

South 26°57'16" East 1.01 feet; thence South 18°16'52" West 1.48 feet; thence North 00°11'28" East 2.31 feet to the Point of Beginning.





Shoreline West Declaration of Restrictions Exhibit B



## DEPARTMENT OF THE ARMY U.S. ARMY CORPS OF ENGINEERS, SACRAMENTO DISTRICT 1325 J STREET SACRAMENTO CA 95814-2922

March 8, 2021



Regulatory Division (SPK-2018-00796)

CW Shoreline, LLC Attn: Mr. Greg Day 1222 Legacy Crossing Blvd. Centerville, Utah 84014 greg@cw.land

Dear Mr. Day:

We are responding to your October 7, 2020 pre-construction notification for a Department of the Army (DA) permit for the CW Land Oakwood Homes project. The approximately 28.85-acre project site is located on the east side of 3000 West and the south side of 2700, Latitude 41.067756°, Longitude -112.079662°, Syracuse, Davis County, Utah (enclosure 1).

Based on the information you provided to this office, the CW Land Oakwood Homes project involves the discharge of dredged and/or fill material into 0.42 acre of waters of the United States for the construction of a residential development subject to Section 404 of the Clean Water Act.

The specific activities that require DA authorization are the construction of a residential subdivision to include 65 single family homes with associated roads and infrastructure necessary to support the subdivision and to connect to existing infrastructure. These activities will result in the permanent loss of 0.23 acre of wetlands and 0.19 acre (1,105 linear feet) of drainage ditches and temporary effects to approximately 0.05 acre of wetlands. The proposed activities would be conducted in accordance with the Shoreline West Residential Subdivision plans dated February 23, 2021 (enclosure 2).

We have determined that activities in waters of the U.S. associated with the project are authorized by Nationwide Permit Number (NWP) 29, Residential Developments. You must comply with all terms and conditions of the NWP and applicable regional conditions. Enclosed is information about the NWP terms and conditions (enclosure 3) and Sacramento District regional conditions for Utah (enclosure 4). In addition, your work must comply with the following special conditions:

- To compensate for the loss of 0.23 acres of saline wet meadow wetlands, you shall
  purchase of 0.46 saline wet meadow credits at the Machine Lake Mitigation Bank.
  Evidence of this purchase shall be provided to this office prior to initiation of construction
  activities in waters of the U.S. authorized by this permit.
- Prior to initiation of construction of activities within waters of the U.S., you shall establish
  and maintain in perpetuity 2.44 acres of avoided wetlands, as depicted on the exhibit
  titled Shoreline West Residential Subdivision, dated February 23, 2021, and prepared by
  ENSIGN. The purpose of this preservation area is to ensure that functions of the aquatic
  environment are protected.

- 3. To validate this authorization, you shall take the actions required to record the enclosed Declaration of Restrictions (enclosure 5) including a copy of this permit and any applicable figures depicting the wetland preserve sites, with the Registrar of Deeds or other appropriate official charged with the responsibility for maintaining records of title to or Interest in real property. You shall ensure the Deed Restrictions are recorded in the chain of title against the deed for all property included in the wetland preserve sites. You shall not record modified Deed Restrictions unless the proposed modifications have been reviewed and specifically approved by this office in writing. Evidence of the recordation of the Deed Restrictions shall be provided to this office by May 31, 2021.
- 4. Culverts must be installed to maintain hydrologic connectivity between areas north of the project site, the on-site avoided wetlands (i.e. wetland preserve), wetlands within adjacent properties, and wetlands located downstream of the project area. Specifically, culverts must be installed (1) to and from piped ditch T01 and T03 to wetland area W03; (2) under Shoreline Drive to connect W03; (3) on W01 to allow for a surface water connection to downstream wetlands; and (4) across narrow wetland fills supporting walking trails...
- A clay liner shall be added to the bottom of the detention pond as a preventative measure to decrease the potential for groundwater transmissivity and prevent the detention pond from having a lateral draining effect on aquatic resources.
- Impervious surfaces must be graded in such a manner as to direct stormwaters into wetlands.
- In order to prevent drainage of groundwater in the area, all dwellings shall be constructed utilizing slab on grade practices (i.e. no basement construction).
- 8. To ensure success of the preserved aquatic resources required in Special Condition 2, you shall monitor compensatory mitigation areas for a minimum of five (5) years. This period shall commence upon completion of the subdivision for the wetland areas to be preserved on-site. You shall demonstrate continued success of the compensatory mitigation, without human intervention, for three consecutive years after completion of construction activities. If the preservation areas are not deemed successful, this office may determine that the preservation area is not in compliance and require remedial action, including the identification of alternative compensatory mitigation.
  - a. You shall submit annual monitoring reports to the Corps by October 30 for each year of the five-year monitoring period and for each additional year, if remediation is required.
  - b. Your responsibility to preserve the wetland areas as set forth in Special Condition 2 will not be considered fulfilled until you have demonstrated success and have received written verification from the U.S. Army Corps of Engineers.
  - c. The success criteria will be evaluated based on 1) survival of at least 80% coverage of native hydrophytic vegetation; 2) hydrology is appropriate for the target community type, as evidenced by direct observation during the peak wet

season or by hydrologic indicators (i.e. no areas are degrading due to excessive flooding or dryness), and 3) the total cover by state and/or county-listed noxious weeds does not exceed 10% within the avoided wetlands.

- You shall comply with all terms and conditions of the enclosed March 9, 2017 Section 401 Water Quality Certification (enclosure 6).
- 10. You are responsible for all work authorized herein and ensuring that all contractors and workers are made aware and adhere to the terms and conditions of this permit authorization. You shall ensure that a copy of the permit authorization and associated drawings are available for quick reference at the project site until all construction activities are completed.
- 11. Prior to commencement of construction activities within waters of the U.S., you shall clearly identify the limits of disturbance in the field with highly visible markers (e.g. construction fencing, flagging, sllt barriers, etc.). You shall maintain such identification properly until construction is completed and the soils have been stabilized. You are prohibited from any activity (e.g. equipment usage or materials storage) that impacts waters of the U.S. outside the permit limits or within the avoided wetlands.
- 12. To prevent unauthorized fills and unforeseen impacts to avoided or adjacent waters, you shall install fencing and appropriate signage around the entire outer boundary of any required buffers and avoided waters of the U.S. within the project area, prior to initiation of construction activities. You shall ensure that all fencing surrounding avoided areas allows unrestricted visibility of these areas to discourage vandalism, destruction or disturbance, as well as enable wildlife passage. Examples of appropriate fencing include post-and-cable, wrought iron or similar type. You shall place the signage at all access points into the avoided areas and ensure signage contains the Corps identification number (SPK-2018-00796), contact information for the preserve manager and a statement that the site is a wetland preserve.
- 13. You and your authorized contractor shall allow representatives from the Corps to inspect the authorized activity and the wetland preserve site at any time deemed necessary to ensure that work is being or has been accomplished in accordance with the terms and conditions of this NWP verification.
- 14. You shall install buried utility lines to meet the following requirements:
  - a. Within 30-days following completion of construction activities, you shall restore the trench area and any temporary stockpiling area in accordance with Special Condition 15 below.
  - b. During construction, the top 6-18 inches of topsoil shall be removed and stockpiled separately. Following installation of the utility line(s), the stockpiled topsoil shall be replaced on top and seeded with native vegetation that has been approved by the Corps.
  - c. Utility lines shall not adversely after existing hydrology, including the draining of wetlands. In wetland areas, structures such as cut-off walls shall be used within utility trenches to ensure that the trench through which the utility line is installed

does not drain waters of the U.S. Clay blocks, bentonite or other suitable material shall be used to seal the trench to prevent the utility line from draining waters of the U.S., Including wetlands.

- 15. Within 30 days following completion of restoration activities, submit to the Corps a report describing the restoration activities including color photographs of the restored area. The compass angle and position of all photographs shall be similar to pre-construction photographs.
- 16. Within 30 days after completion of the authorized work, you must sign the enclosed Compliance Certification (enclosure 7) and return it to this office with the information required by Sacramento District Regional Condition C(9) for Utah.

This verification is valid until March 18, 2022, when the existing NWPs are scheduled to be modified, reissued, or revoked. Furthermore, if you commence or are under contract to commence this activity before the date the NWP is modified, reissued, or revoked, you will have twelve (12) months from the date of the modification, reissuance or revocation to complete the activity under the present terms and conditions. Failure to comply with the general and regional conditions of this NWP, or the project-specific special conditions of this authorization, may result in the suspension or revocation of your authorization.

We would appreciate your feedback on this permit action including your interaction with our staff and processes. For more information about our program or to complete our Regulatory Program national customer service survey, visit our website at <a href="https://www.spk.usace.army.mll/Missions/Regulatory.aspx">www.spk.usace.army.mll/Missions/Regulatory.aspx</a>.

Please refer to identification number SPK-2018-00796 in any correspondence concerning this project. If you have any questions, please contact me at 533 West 2600 South, Suite 150, Bountiful, Utah 84010, by email at <a href="Micole.D.Fresard@usace.army.mil">Nicole.D.Fresard@usace.army.mil</a>, or telephone at (801) 295-8380 ext. 8321.

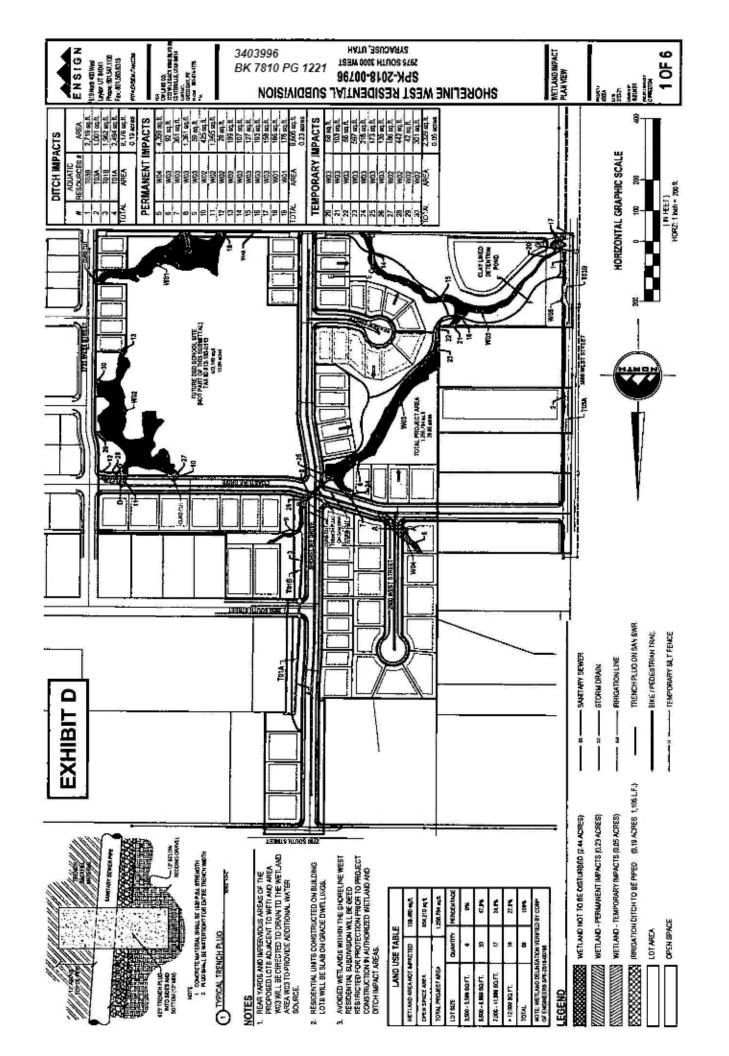
Sincerely,

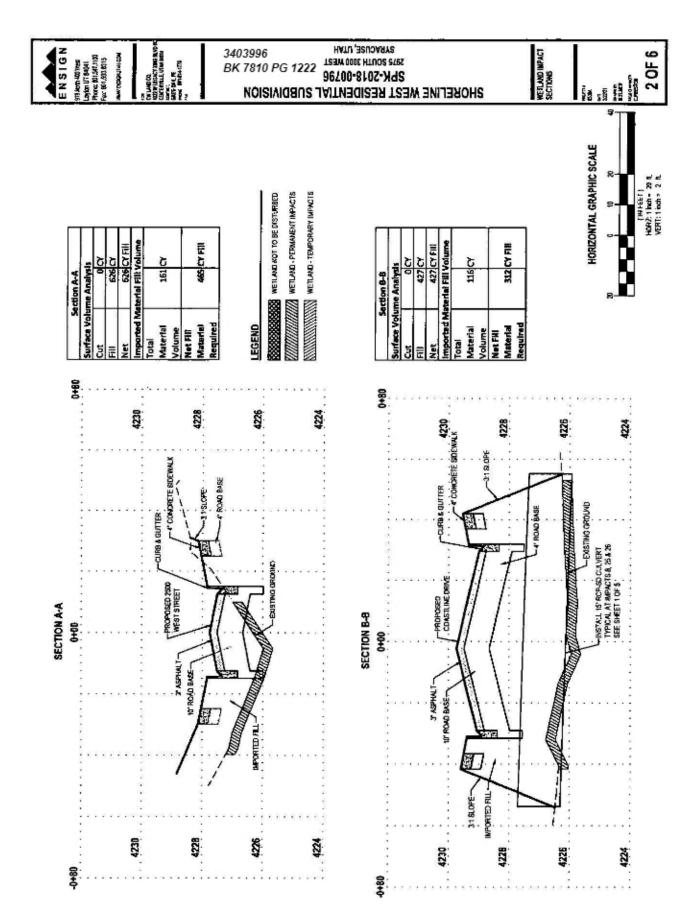
Jason Gipson

Chief, Nevada/Utah Section

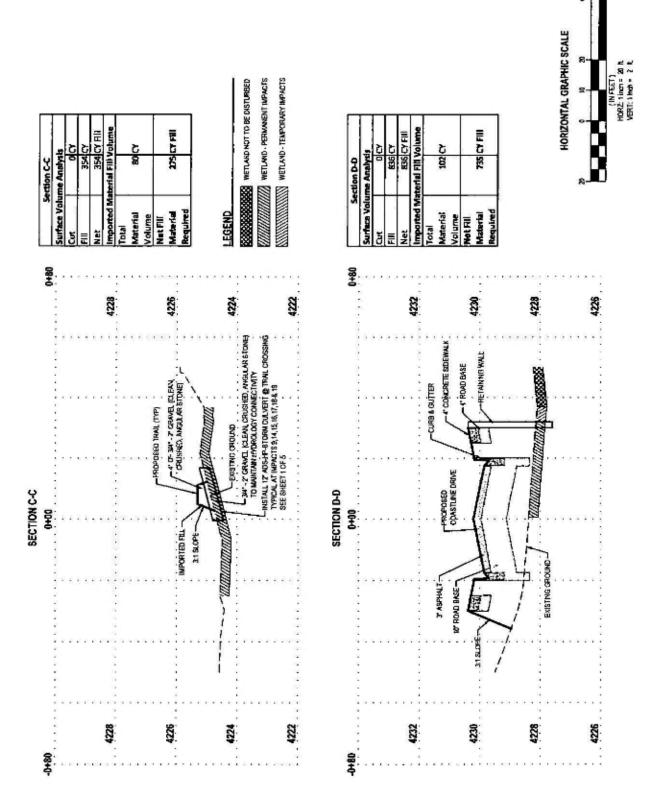
**Enclosures** 

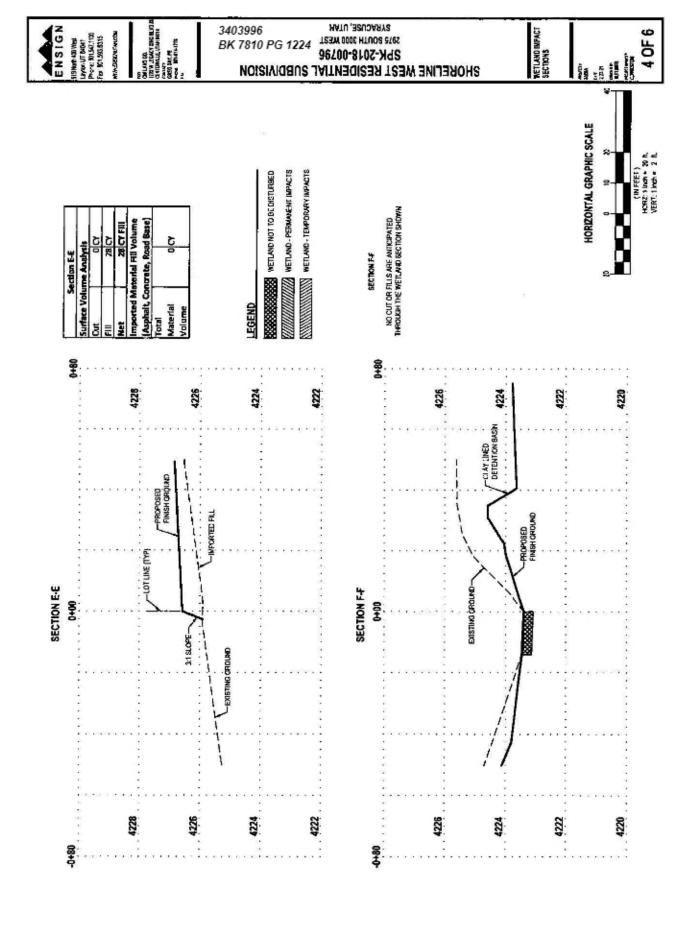
сс: Mr. Dennis Wenger (dwenger@frontiercorp.net)







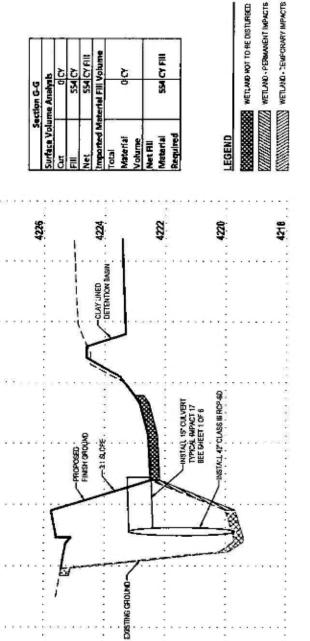






HORIZONTAL GRAPHIC SCALE

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SECTION G-G

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