

57
Mail to: Town of Eagle Mountain
Janet Valentine
1680 E. Heritage Dr.
Eagle Mountain ut 84043
WHEN RECORDED RETURN TO: ↑
M

ENT 35225:2000 PG 1 of 11
RANDALL A. COVINGTON
UTAH COUNTY RECORDER
2000 May 04 8:34 am FEE 57.00 BY SS
RECORDED FOR TOWN OF EAGLE MOUNTAIN

FIRST SUPPLEMENT TO THE
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR
SADDLEBACK AT SMITH RANCH SUBDIVISION

This FIRST SUPPLEMENT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR SADDLEBACK AT SMITH RANCH SUBDIVISION is made and executed by SADDLEBACK PROPERTY, L.C., a Utah limited liability company, of 758 South 400 East, Suite 203, Orem, Utah 84058 (hereinafter referred to as "Declarant").

RECITALS

Whereas, THE RANCHES AT EAGLE MOUNTAIN COMMUNITY DECLARATION, recorded in the Office of the County Recorder of Utah County, Utah on _____ as Entry No. _____ in Book _____ at Page _____ of the Official Records (the "COMMUNITY DECLARATION").

Whereas, the DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR SADDLEBACK AT SMITH RANCH SUBDIVISION was recorded in the office of the County Recorder of Utah County, Utah on the 10 day of December, 1999, as Entry No. 127983 in Book 5296 at Page 163 of the Official Records of the County Recorder of Utah County, Utah (the "Declaration").

Whereas, the related Plat Map(s) for Phase I of the Project has also been recorded in the office of the County Recorder of Utah County, Utah.

Whereas, under Article III, Section 28 of the Declaration, Declarant reserved an option until the ten (10) years from the date following the first conveyance of a Lot in Phase I to a Lot purchaser to expand the Subdivision.

Whereas, Declarant is the fee simple owner of record of that certain real property located in Utah County, Utah and described with particularity on Exhibit "A-1" attached hereto and incorporated herein by this reference (the "Phase II Property").

Whereas, under the provisions of the Declaration, Declarant expressly reserved the absolute right to add to the Project additional land at any time and in any order, without limitation.

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

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

NOW, THEREFORE, for the reasons recited above, and for the benefit of the Project and the Unit Owners thereof, Declarant hereby executes this FIRST SUPPLEMENT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR SADDLEBACK AT SMITH RANCH SUBDIVISION.

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

A. First Supplemental Declaration shall mean and refer to this FIRST SUPPLEMENT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR SADDLEBACK AT SMITH RANCH SUBDIVISION.

B. First Supplemental Phase II Map shall mean and refer to the Supplemental Plat Map of Phase II of the Project, prepared and certified to by David Thomas, a duly registered Utah Land Surveyor holding Certificate No. 1163947, and filed for record in the Office of the County Recorder of Utah County, Utah concurrently with the filing of this First 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-1 is hereby submitted to the provisions of the Act and said land shall be held, transferred, sold, conveyed and occupied subject to the provisions of this Supplemental Declaration:

3. Annexation. Declarant hereby declares that the Phase II Property shall be annexed to and become subject to the Declaration, which upon recordation of this First Supplemental Declaration shall constitute and effectuate the expansion of the Project, making the real property described in Exhibit A-1 subject to the functions, powers, rights, duties and jurisdiction of the Association.

4. Total Number of Units Revised. As shown on the Phase II Map, 23 additional Lots will be added to the Subdivision as Phase II. Upon the recordation of the Phase II Map and this First Supplemental Declaration, the total number of Lots in the Subdivision will be 55.

5. Percentage Interest Revised. With the additional Lots, the percentage interest of the Lot Owners will change. Exhibit "B" to the Declaration is deleted in its entirety and "Revised Exhibit 'B,'" attached hereto and incorporated herein by this reference, is substituted in lieu thereof.

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

IN WITNESS WHEREOF, Declarant has executed this instrument the ____ day of _____, 1999.

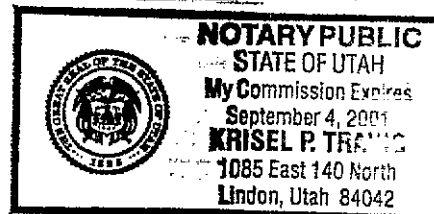
DECLARANT:
SADDLEBACK PROPERTY, L.C.
a Utah limited liability company

By: Wayne Corbridge
Title: Manager

STATE OF UTAH)
)ss.
COUNTY OF UTAH)

On the 24 day of March, ~~1999~~²⁰⁰⁰ personally appeared before me Wayne Corbridge, who by me being duly sworn, did say that he is the Manager of SADDLEBACK PROPERTY, L.C., a Utah limited liability company, and that the within and foregoing instrument was signed in behalf of said company pursuant to the resolution of its Members or its Articles of Organization, and said Wayne Corbridge duly acknowledged to me that said company executed the same.

Krisel P. Tramm
NOTARY PUBLIC
Residing At:



SURVEYOR'S CERTIFICATE

I, DAVID V. THOMAS, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 163947 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY BY AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS, BLOCKS, STREETS, PUBLIC OPEN SPACE, AND EASEMENTS AND THE SAME HAS BEEN CORRECTLY SURVEYED AND STAKED ON THE GROUND AS SHOWN ON THIS PLAT AND THAT THIS PLAT IS TRUE AND CORRECT.

DATE

SURVEYOR

(SEE SEAL BELOW)

BOUNDARY DESCRIPTION

BEGINNING AT A POINT LOCATED SOUTH 1360.30 FEET AND EAST 216.78 FEET FROM THE NORTH QUARTER CORNER OF SECTION 29, TOWNSHIP 5 SOUTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN;

THENCE ALONG THE ARC OF A 380.00 FOOT RADIUS CURVE TO THE LEFT 350.00 FEET, (CURVE HAS A CENTRAL ANGLE OF 52°46'19" AND A CHORD BEARING N 59°49'09" E 337.76 FEET); THENCE N 33°25'57" E 47.06 FEET; THENCE ALONG THE ARC OF A 15.00 FOOT RADIUS CURVE TO THE LEFT 23.56 FEET, (CURVE HAS A CENTRAL ANGLE OF 90°00'00" AND A CHORD BEARING N 78°25'57" E 21.21 FEET); THENCE S 56°34'03" E 206.47 FEET; THENCE ALONG THE ARC OF A 15.00 FOOT RADIUS CURVE TO THE LEFT 19.42 FEET, (CURVE HAS A CENTRAL ANGLE OF 74°10'30" AND A CHORD BEARING S 19°28'47" E 18.09 FEET); THENCE S 72°23'32" E 50.00 FEET; THENCE ALONG THE ARC OF A 100.00 FOOT RADIUS CURVE TO THE LEFT 188.99 FEET, (CURVE HAS A CENTRAL ANGLE OF 108°17'10" AND A CHORD BEARING N 71°45'02" E 162.10 FEET); THENCE S 54° 06'23" E 76.14 FEET; THENCE ALONG THE ARC OF A 100.00 FOOT RADIUS CURVE TO THE LEFT 120.29 FEET, (CURVE HAS A CENTRAL ANGLE OF 68°55'23" AND A CHORD BEARING S 19°38'41" E 113.17 FEET); THENCE S 75°11'00" E 50.00 FEET; THENCE ALONG THE ARC OF A 15.00 RADIUS CURVE TO THE LEFT 18.40 FEET, (CURVE HAS A CENTRAL ANGLE OF 70°16'11" AND A CHORD BEARING N 49°57'06" E 17.27 FEET); THENCE ALONG THE ARC OF A 100.00 FOOT RADIUS CURVE TO THE RIGHT 71.22 FEET, (CURVE HAS A CENTRAL ANGLE OF 40°48'26" AND A CHORD BEARING S 74°30'36" E 69.73 FEET); THENCE S 54°06'23" E 40.49 FEET, THENCE S 35°53'37" W 315.00 FEET; THENCE N 54°06'23" W 90.00 FEET; THENCE S 35°53'37" W 20.00 FEET; THENCE N 54°06'23" W 503.93 FEET; S 53°48'46" W 59.79 FEET; THENCE S 63°35'18" W 131.20 FEET; THENCE S 77°07'34" W 131.72 FEET; THENCE N 03°47'42" W 123.57 FEET TO THE POINT OF BEGINNING.

A PARCEL CONTAINING 5.12 ACRES.

EAGLE MOUNTAIN DEVELOPER PLAT DEDICATION

WE, THE UNDERSIGNED OWNERS OF ALL THE REAL PROPERTY DEPICTED ON THIS PLAT AND DESCRIBED IN THE SURVEYORS CERTIFICATE ON THIS PLAT, HAVE CAUSED THE LAND DESCRIBED ON THE PLAT TO BE DIVIDED INTO LOTS, STREETS, OPEN SPACE, EASEMENTS AND OTHER PUBLIC USES AS DESIGNATED ON THIS PLAT AND NOW DO HEREBY DEDICATE UNDER THE PROVISIONS OF 10-9-807 UTAH CODE, WITHOUT CONDITION, RESTRICTION OR RESERVATION TO THE TOWN OF EAGLE MOUNTAIN, UTAH, ALL STREETS, WATER, SEWER AND OTHER UTILITY IMPROVEMENTS, OPEN SPACES SHOWN AS PUBLIC OPEN SPACES, PARKS, EASEMENTS AND ALL OTHER PLACES OF PUBLIC IMPROVEMENTS REQUIRED BY THE DEVELOPMENT AGREEMENT BETWEEN THE UNDERSIGNED AND THE TOWN OF EAGLE MOUNTAIN FOR THE BENEFIT OF THE TOWN AND THE INHABITANTS THEREOF.

IN WITNESS WHEREOF WE HAVE HEREUNTO SET OUR HANDS THIS _____

DAY OF _____

REVISED EXHIBIT "C"
 PERCENTAGES OF UNDIVIDED OWNERSHIP INTEREST

<u>Phase I</u>	<u>Lot No.</u>	<u>Fractional Interest</u>	<u>Percentage of Ownership Interest</u>
1	1	1/55	1.81%
1	2	1/55	1.81%
1	3	1/55	1.81%
1	4	1/55	1.81%
1	5	1/55	1.81%
1	6	1/55	1.81%
1	7	1/55	1.81%
1	8	1/55	1.81%
1	9	1/55	1.81%
1	10	1/55	1.81%
1	11	1/55	1.81%
1	12	1/55	1.81%
1	13	1/55	1.81%
1	14	1/55	1.81%
1	15	1/55	1.81%
1	16	1/55	1.81%
1	17	1/55	1.81%
1	18	1/55	1.81%
1	19	1/55	1.81%
1	20	1/55	1.81%
1	21	1/55	1.81%
1	22	1/55	1.81%
1	23	1/55	1.81%
1	24	1/55	1.81%
1	25	1/55	1.81%
1	26	1/55	1.81%
1	27	1/55	1.81%
1	28	1/55	1.81%
1	29	1/55	1.81%
1	30	1/55	1.81%
1	31	1/55	1.81%
1	32	1/55	1.81%
2	33	1/55	1.81%
2	34	1/55	1.81%
2	35	1/55	1.81%
2	36	1/55	1.81%

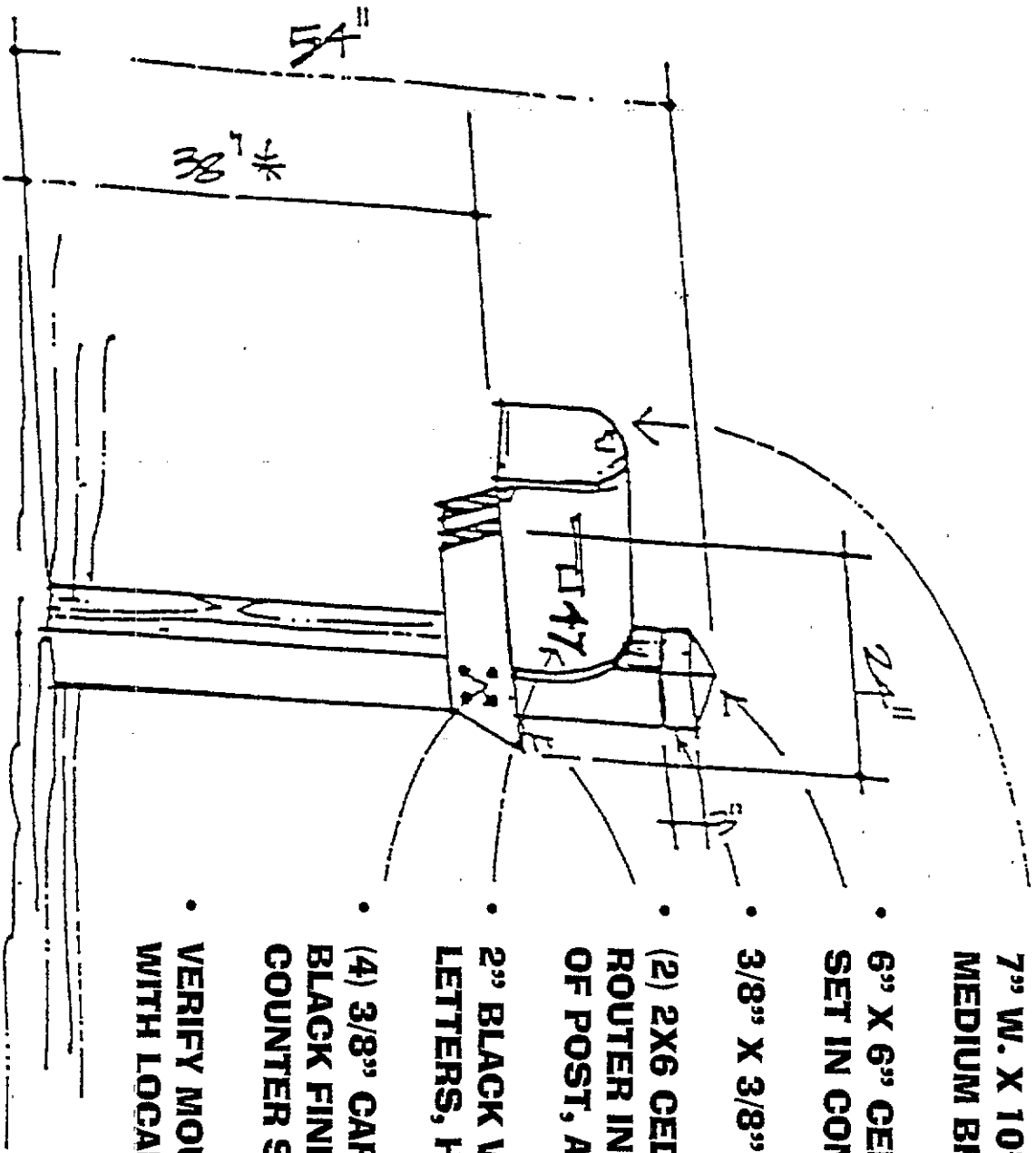
2	37	1/55	1.81%
2	38	1/55	1.81%
2	39	1/55	1.81%
2	40	1/55	1.81%
2	41	1/55	1.81%
2	42	1/55	1.81%
2	43	1/55	1.81%
2	44	1/55	1.81%
2	45	1/55	1.81%
2	46	1/55	1.81%
2	47	1/55	1.81%
2	48	1/55	1.81%
2	49	1/55	1.81%
2	50	1/55	1.81%
2	51	1/55	1.81%
2	52	1/55	1.81%
2	53	1/55	1.81%
2	54	1/55	1.81%
2	55	1/55	1.81%

TOTAL:

100.00%

Exhibit B

- POST OFFICE APPROVED PAINTED MAIL BOX STEEL, 7" W. X 10" H. X 21" B., MEDIUM BROWN COLOR.
- 6" X 6" CEDAR POST, SET IN CONCRETE WITH COPE TOP.
- 3/8" X 3/8" REVEAL.
- (2) 2X6 CEDAR RAILS. ROUTER IN FLUSH WITH FACE OF POST, ANGLE CUT.
- 2" BLACK VINYL SELF-ADHESIVE LETTERS, HELY. MED.
- (4) 3/8" CARRIAGE BOLTS, BLACK FINISH, COUNTER SINK BOTH SIDES
- VERIFY MOUNTING HEIGHT WITH LOCAL POSTMASTER



Mail Box Standard

Not Drawn to Scale

EXHIBIT 4

SPECIAL CONDITIONS

Exhibit '4'
SPECIAL CONDITIONS
Ranches Master Plan Area

Disclosure and Acknowledgment Concerning Availability of Municipal Services

The Developer understands that the Town of Eagle Mountain provides municipal services where and when available to its residents. Approval by the Town to record a subdivision plat or the issuance of a building permit by the Town is not a commitment by the Town to supply water, sewer, electric power, or telephone services at this date. The Town has insufficient capacity as of the date of this agreement, to provide water, electric power, and telephone service to the properties of the Developer's project described on Exhibit "1" and may not provide water, telephone and electric power services unless the Town has acquired sufficient facilities to do so. The Ranches, L.C. has assumed the obligation to build certain facilities, and if the required facilities are not constructed by The Ranches, L.C., the Town may not have sufficient capacity to supply water and power when a home is ready for occupancy. Contact The Ranches, L.C. for further information or the Town of Eagle Mountain Engineer for further information.

The Developer is required and hereby agrees to print the statement set forth below in all documents offering any part of the project for sale and to require in all subsequent sale documents that each subsequent purchaser also require continuing disclosure and disclose to future purchasers the following statement in all sale documents offering the project or any part of the project for sale.

NORTH AREA UTILITIES DISCLOSURE

The Town of Eagle Mountain is a rapidly growing community and because of the rapid growth, the Town needs more water, power and telephone utility facilities. The Town has entered into an agreement with The Ranches, L.C. to provide additional utilities which are required by utility capacity demands as The Ranches area grows. In the event that The Ranches is deficient in funding the growth of the utilities, the Town is not liable for utility deficits encountered by home buyers or builders and will not have capacity to supply certain utilities. To find out the status of utility capacity, contact the Town of Eagle Mountain Engineer.

I have read the statement above concerning utilities in the Town of Eagle Mountain.

Date: _____

Buyer: _____

Buyer: _____

A copy of seller's sales literature and sales documents shall be available upon reasonable request of the Town to verify the Developer's and subsequent sellers compliance with this Special Condition.

Exhibit '4'
SPECIAL CONDITIONS

1. No building permits will be allowed until all new utilities are looped to the existing utility system.
2. No occupancy permits will be granted for lots in Saddlback Plats B and C; Three Crossings Plats A, B, and C; Porter's Crossing Plats A, B, and C; and O'Fallon's Bluff until a secondary road is accessible to each subdivision.

THE RANCHES @ EAGLE MOUNTAIN

Eagle Mountain, Utah

November 16, 1998

All-Holdings Ranch Plan



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