

When Recorded Return To:

TOWN OF HIDEOUT
Attn: Town Clerk
10860 N. Hideout Trail
Hideout, Utah 84036

Tax Parcel No.: 00-0020-8159

Ent 465529 Bk 1257 Pg 491-499
Date: 09-JUL-2019 4:39:01PM
Fee: \$40.00 Check Filed By: TC
PEGGY FOY SULSER, Recorder
WASATCH COUNTY CORPORATION
For: VANDEN AKKER JOEL

DEED RESTRICTION

This *Deed Restriction* ("**Restriction**") is made with respect to the Property, as identified below, for the benefit of the Town of Hideout, a political subdivision of the State of Utah ("**Town**"), by the following individuals and entities (collectively, referred to herein as "**Owner**"):

Jill Vanden Akker nka Jill Vanden Akker Martin, as to a ¼ interest in the Property;

Nakker Properties L.P., an Idaho limited partnership, as to a ¼ interest in the Property;

Joel Wright Vanden Akker and Leigh M. Vanden Akker, trustees of the Joel & Leigh Vanden Akker Family Trust dated December 28, 2000, as to a ¼ interest in the Property; and

Joel Vanden Akker, Jill Vanden Akker Martin & Richard Van Den Akker, trustees of the RJJ Trust dated August 1, 2009, as to a ¼ interest in the Property.

RECITALS

A. Owner owns certain real property ("**Property**") located in Wasatch County, known as Wasatch County Tax Parcel No. 00-0020-9604, and more particularly described on **Exhibit A** hereto.

B. Owner desires to rezone the property from "Mountain" to the "Residential Medium Density" classification identified in Section 11.07.143 of the Town's code.

C. Owner is willing to voluntarily enter into this Restriction for the express benefit of the Town in connection with the rezone of the Property.

RESTRICTION

For valuable consideration, acknowledged and received, Owner agrees as follows for the benefit of the Town:

1. **Building Height**. No residential structure, home, building, or improvement on the Property will exceed a height of thirty-five (35) feet above the natural grade of the Property at the measured from the lowest exposed portion of such structure.

2. Front Setback. The front setback for each residential structure within the Property will be at least twenty-five feet (25').

3. Minimum Driveway Length. Residential structures will have a minimum driveway length of twenty-five feet (25').

4. Front Elevations. To encourage a non-uniform feel of structures on the Property, the front elevation of each residential structure will vary from the residential structure on either side as follows: either (a) such front elevation will have an offset of at least five feet (5') from adjacent residential structures relative to the distance to the edge of payment; or (b) the vertical plane of such front elevation will vary at least fifteen degrees (15°) from the vertical plane of adjoining structures.

5. Density. The density for development on the Property will be limited to six (6) residential lots per acre. No more than one (1) detached single-family residence may be constructed on each lot within the Property. Attached residences or multi-family dwellings are not permitted on the Property.

6. Application of Restrictions. The restrictions set forth in this Restriction shall apply to development of the Property; provided, however, that if any applicable zoning ordinance or regulation is modified or amended to provide for more restrictive terms or conditions (i.e. lower building height, increased setbacks and driveway length, additional elevation requirements, or lower density) and such modification or amendment becomes effective prior to the date a completed development application has submitted to the town, the more restrictive terms or conditions will apply.

7. Run with the Land. This Restriction and the terms and conditions hereof will run with the land and be binding on Owner's successors, assigns, beneficiaries, and grantees. The Restriction will survive subdivision of the Property and will apply in full force to each lot created on the Property.

8. Enforcement by the Town. The Town may enforce this Restriction against Owner, and any successor, assign, beneficiary, or grantee having, or claiming, any interest in the Property. The Town may enforce this Restriction through any applicable procedure or proceeding including, without limitation, actions in law or equity. The Town may deny any development application or permit request which fails to comply with the terms and conditions of this Restriction. In the event of any proceeding to interpret or enforce this Restriction, the prevailing party shall be entitled to an award of costs and fees incurred, including reasonable attorneys' fees. The Town's right to enforce this Restriction does not create a right of enforcement in any third-parties.

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LEGAL DESCRIPTION OF THE PROPERTY

Beginning at a point South $89^{\circ}33'19''$ West along the section line 3996.525 feet and South $0^{\circ}15'12''$ West 880.56 feet from the Northeast corner of Section 17, Township 2 South, Range 5 East, Salt Lake Base and Meridian, and running thence North $89^{\circ}28'38''$ East 1110.39 feet; thence South $0^{\circ}05'38''$ West 877.09 feet; thence South $89^{\circ}23'57''$ West 1112.85 feet to the west line of the east 1/2 of the Northwest Quarter of said Section 17; thence North $0^{\circ}15'12''$ East along said west line 878.64 feet to the point of beginning.

Area 22.40 acres, more or less.
