

WHEN RECORDED, RETURN TO:

MIDA Mountain Village Public Infrastructure District  
450 Simmons Way, Suite 400  
Kaysville, Utah 84037-6722  
Attn: Executive Director

Ent 500435 Bk 1355 Pg 1764-1769  
Date: 17-MAY-2021 4:14:06PM  
Fee: \$40.00 Check Filed By: TC  
MARCY M MURRAY, Recorder  
WASATCH COUNTY CORPORATION  
For: EXTELL DEVELOPMENT COMPANY

## **AMENDMENT TO ASSESSMENT ORDINANCE AND CONSENT AND RELEASE OF LIEN**

**THIS AMENDMENT TO ASSESSMENT ORDINANCE AND CONSENT AND RELEASE OF LIEN** ("Consent and Release") is entered into this \_\_\_\_ day of May 2021, by MIDA MOUNTAIN VILLAGE PUBLIC INFRASTRUCTURE DISTRICT, a political subdivision of the State of Utah ("MIDA PID").

### **RECITALS**

**WHEREAS**, BLX Lot 12 LLC, a Delaware limited liability company ("Lot 12 Owner") owns Lot 12 as depicted on that certain MIDA MASTER DEVELOPMENT PLAT, Recorded June 30, 2020 as Entry No. 480155 in the Wasatch County Recorder's Office ("Existing Lot 12"); and

**WHEREAS**, BLX LLC, a Delaware limited liability company ("Lot 13 Owner") owns Lot 13 as depicted on that certain MIDA MASTER DEVELOPMENT PLAT, Recorded June 30, 2020 as Entry No. 480155 in the Wasatch County Recorder's Office ("Existing Lot 13"); and

**WHEREAS**, Lot 12 Owner and Lot 13 Owner desire to adjust the boundary between Existing Lot 12 and Existing Lot 13 such that the new legal description for Lot 12 shall be as described on Exhibit A attached hereto ("New Lot 12"), and the new legal description for Lot 13 shall be as described on Exhibit B attached hereto ("New Lot 13"); and

**WHEREAS**, after the adjustment of the boundary line between Existing Lot 12 and Existing Lot 13, New Lot 13 shall continue to have 140 AUs (as defined in the MIDA Mountain Village Public Infrastructure District Mountain Village Assessment Area #2 Assessment Ordinance dated as of February 26, 2021 and First Amendment to Assessment Ordinance dated as of March 10, 2021 (collectively, the "Ordinance")) assessed against it and New Lot 12 shall have no AUs assessed against it and shall have no lien created by or existing, now or in the future, under the Ordinance; and

**WHEREAS**, the adjustment to the boundary line between Existing Lot 12 and Existing Lot 13 has been done in compliance with the requirements under Section 6(d) of the Ordinance, including the requirement that the fair market value of New Lot 13 continue to be greater than three times the remaining unpaid Assessment (as defined in the Ordinance), as evidenced by an appraiser's letter delivered to MIDA PID.

**NOW, THEREFORE**, for other good and valuable consideration, (including by complying with the information and certifications required to be delivered to MIDA PID pursuant to the Ordinance), the receipt and sufficiency of which are hereby acknowledged, MIDA PID hereby irrevocably consents to (1) the boundary adjustment between Existing Lot 12 and Existing Lot 13 to create New Lot 12 and New Lot 13, (2) having New Lot 13 continuing to have 140 AUs allocated to it pursuant to the Ordinance, and (3) New Lot 12 being removed from the effect of the Ordinance and hereafter having no AUs assessed against

it. Furthermore, MIDA PID hereby irrevocably releases, terminates and discharges in full any and all liens against New Lot 12 created by or existing now or in the future under the Ordinance. Finally, the Ordinance and Assessment List attached thereto are hereby amended to reflect the release of property herein described.

For clarity, from and after the date hereof, New Lot 12 will not be subject to the Ordinance and shall not be subject to any assessments, liens or other obligations thereunder.

[Signatures and Acknowledgements on the Following Pages]

IN WITNESS WHEREOF, MIDA PID has executed this Consent and Release on the day and year first above written.

MIDA MOUNTAIN VILLAGE PUBLIC  
INFRASTRUCTURE DISTRICT, a political subdivision  
of the State of Utah

By:   
Heather Kruse, Executive Director

APPROVED AS TO FORM:

By: Gilmore & Bell, P.C.  
Randall Larsen, for Gilmore & Bell, P.C.,  
Bond Counsel for the District

AGREED AND ACKNOWLEDGED BY:

BLX Lot 12 LLC, a Delaware limited liability company

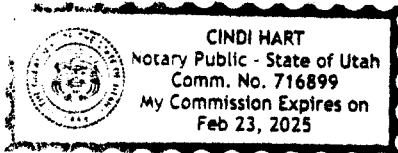
By:   
Name: Kurt Krieg  
Its: Authorized Signer

BLX LLC, a Delaware limited liability company

By:   
Name: Kurt Krieg  
Its: Authorized Signer

STATE OF UTAH                     )  
  : SS.  
COUNTY OF WASATCH            )

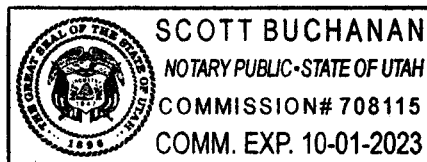
The foregoing instrument was acknowledged before me this 10<sup>th</sup> day of May, 2021, by Heather Kruse, the Executive Director of the MIDA Mountain Village Public Infrastructure District, who represented and acknowledged that she signed the same for and on behalf of the MIDA Mountain Village Public Infrastructure District.



Cindi Hart  
NOTARY PUBLIC

STATE OF UTAH                     )  
  : SS.  
COUNTY OF SUMMIT            )

The foregoing instrument was acknowledged before me this 7<sup>th</sup> day of May, 2021, by Kurt Krieg, Authorized Signer of BLX Lot 12 LLC and BLX LLC, each of which are Delaware limited liability companies, who represented and acknowledged that he signed the same for and on behalf of BLX Lot 12 LLC and BLX LLC.



Scott Buchanan  
NOTARY PUBLIC

**Exhibit A****To****Consent and Release of Lien**

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**Legal Description of New Lot 12**

"New Lot 12" referred to in the foregoing Consent is located in Wasatch County, Utah and is more particularly described as follows:

Beginning at a point that is West 1597.44 feet and North 1849.60 feet from a brass cap at the north quarter corner of Section 25, Township 2 South, Range 4 East, Salt Lake Base and Meridian (Basis of Bearings for the herein described parcel being South 26°11'47" East 5917.16 feet from said North Quarter Corner of Section 25 to the Southeast Corner of said Section 25, said North Quarter Corner also being North 89°57'12" West 2633.77 feet from the Northeast Corner of said Section 25, See Record of Survey Maps 2647 & 3058 on file with the Wasatch County Surveyor's office for said Section 25 retracement and the Mayflower LDP coordinate system projection parameters), said point being on the southerly boundary line of Lot 12, Mida Master Development Plat, recorded June 30, 2020, as Entry No. 480155 in the Office of the Recorder, Wasatch County, Utah; thence coincident with said Lot 12 the following five (5) courses: 1) South 48°30'29" West 190.15 feet; thence 2) North 77°05'54" West 1841.58 feet; thence 3) North 12°54'06" East 1481.34 feet; thence 4) North 80°21'28" East 372.15 feet; thence 5) North 80°45'40" East 196.93 feet to a point on the northerly boundary line of Lot 1 Pioche Village, recorded January 25, 2021, as Entry No. 492733 in the Office of the Recorder, Wasatch County, Utah; thence coincident with said Lot 1 Pioche Village the following eight (8) courses: 1) South 12°34'14" West 207.69 feet; thence 2) South 20°45'01" East 153.36 feet to a point on a non tangent curve to the right having a radius of 120.50 feet, of which the radius point bears South 20°45'01" East; thence 3) along the arc of said curve 162.09 feet through a central angle of 77°04'13"; thence 4) South 33°40'48" East 149.93 feet to a point on a curve to the right having a radius of 330.50 feet, of which the radius point bears South 56°19'12" West; thence 5) along the arc of said curve 121.13 feet through a central angle of 20°59'54" to a point of reverse curve to the left having a radius of 229.50 feet, of which the radius point bears North 77°19'06" East; thence 6) along the arc of said curve 20.38 feet through a central angle of 05°05'19"; thence 7) South 77°45'47" East 222.18 feet; thence 8) North 72°17'19" East 424.06 to a point on the easterly boundary line of said Lot 12; thence coincident with said Lot 12 the following five (5) courses: 1) South 26°11'18" East 308.63 feet; thence 2) South 29°10'10" East 440.39 feet; thence 3) South 13°27'28" East 334.72 feet; thence 4) South 13°28'06" East 28.57 feet to a point on a non tangent curve to the left having a radius of 766.20 feet, of which the radius point bears North 76°30'39" East; thence 5) along the arc of said curve 156.83 feet through a central angle of 11°43'40"; thence South 49°39'30" West 180.88 feet; thence North 84°10'37" West 214.14 feet to the point of beginning.

L012

OIX-L012-0-024-024 00-0021-4981

**Exhibit B**

**To**

**Consent and Release of Lien**

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**Legal Description of New Lot 13**

“New Lot 13” referred to in the foregoing Consent is located in Wasatch County, Utah and is more particularly described as follows:

Beginning at a point that is West 1597.44 feet and North 1849.60 feet from a brass cap at the north quarter corner of Section 25, Township 2 South, Range 4 East, Salt Lake Base and Meridian (Basis of Bearings for the herein described parcel being South 26°11'47" East 5917.16 feet from said North Quarter Corner of Section 25 to the Southeast Corner of said Section 25, said North Quarter Corner also being North 89°57'12" West 2633.77 feet from the Northeast Corner of said Section 25, See Record of Survey Maps 2647 & 3058 on file with the Wasatch County Surveyor's office for said Section 25 retracement and the Mayflower LDP coordinate system projection parameters), said point being on the northerly boundary line of Lot 13, Mida Master Development Plat, recorded June 30, 2020, as Entry No. 480155 in the Office of the Recorder, Wasatch County, Utah; and running thence South 84°10'37" East 214.14 feet; thence North 49°39'30" East 180.88 feet to a point on a non tangent curve to the left having a radius of 766.20 feet, of which the radius point bears North 64°46'59" East, said point also being on the easterly boundary line of said Lot 13; thence coincident with said Lot 13 the following five (5) courses: 1) along the arc of said curve 327.78 feet through a central angle of 24°30'40"; thence 2) South 38°24'33" East 76.10 feet; thence 3) South 63°56'30" West 263.53 feet; thence 4) North 69°30'43" West 96.01 feet; thence 5) North 41°29'31" West 406.64 feet to the point of beginning.

L013

OIX-L013-0-024-024 00-0021-4982