

6676127

**DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS OF
CARRINGTON SQUARE APARTMENTS**

THIS DECLARATION is made this 25th day of June, 1997, by Carrington Square L.L.C, hereinafter referred to as "Declarant."

WITNESSETH:

WHEREAS, Declarant is the owner of certain property (herein the "property") located in Salt Lake County, State of Utah, more particularly described as follows:

Carrington Square Apartments Phase I, Specifically described in Exhibit "A" attached hereto and incorporated herein by this reference, and located in Salt Lake County, Utah.

WHEREAS, Declarant intends that the Property be subject to the covenants, conditions, restrictions, reservations, and easements herein set forth.

WHEREAS, Declarant may expand the Carrington Square Apartments into additional land, specifically described in Exhibit "B" attached hereto, ("herein the ADDITIONAL LAND") that is located contiguous to the PROPERTY, and desires the ADDITIONAL LAND have the benefit of certain rights of use and easements with respect to certain common areas, roads, and utility corridors.

NOW, THEREFORE, Declarant hereby declares, for the purpose of protecting the value and desirability of The property and to allow for expansion into the Additional Land, Property shall be held, sold and conveyed subject to the following easements, restrictions, covenants, conditions and rights of use, which shall run with the property and be binding on all parties having any right, title and interest in the Project or any part thereof, their heirs, successors and assigns, and shall insure to the benefit of such portion of the Additional Land as may be added to the property by way of a supplemental declaration, as herinafter described.

BK7696PG2798

**ARTICLE I
EASEMENTS**

DECLARANT, hereby grants to such portion of the Additional Land that is added to the property by a Supplemental Declaration, and subjects the Property to, the following:

SECTION 1.

An easement for the installation and maintenance of irrigation and drainage facilities as are reserved and as shown on the recorded plat for the property. Within this easement area, no structure, planting or other material shall be placed or permitted to remain which may damage or interfere with the installation and maintenance of utilities, or which may change the direction of the flow of drainage channels in the easements or which may obstruct or retard the flow of water through drainage channels in the easement.

SECTION 2.

A non-exclusive easement and right to use all streets, walkways, roadways, sidewalks, common parking areas, clubhouse, swimming pool, hot tub, basketball court, volleyball court, open play areas and/or the like, (herein "Common Areas") which exist on the Property from time to time, and the non-exclusive easements for ingress, egress, and use thereof for the benefit of future tenants and owners of the Additional Land that is added to the property.

SECTION 3.

A non-exclusive easement for ingress and egress, installation, replacing, repairing and maintaining utilities, including, but not limited to, water, sewer, telephone, electricity, gas and television cables, upon, across, over and under that portion of the Property where said utilities are presently located. Notwithstanding anything to the contrary contained in this Section, no sewer, electrical lines, water lines or other utilities may be installed and/or relocated upon the Property until approved by the owner of the Property. In the event that any utility company furnishing a service covered by the general easement herein above provided requests a specific easement by separate recordable instrument, the owner of the Property shall grant such easement upon satisfaction that it is reasonably located.

BN 7696P62799

**ARTICLE II
GENERAL PROVISIONS**

SECTION 1. This Declaration shall be governed by and construed in accordance with the laws of the State of Utah.

SECTION 2. The easements and rights granted herein shall insure to the benefit of any portion of the Additional Land as to which a Supplemental Declaration is executed and recorded by the fee title owner thereof (a) stating that it is benefitted by and subjected to this declaration, (b) affirming therein that the Additional Land covered thereby will pay its prorated (based on average) share of any Common Area expenses of the entire project, and (c) granting to the owner' (s) of the Property similar easements and rights with respect to the Additional Land as are granted to the Additional Land by this declaration.

IN WITNESS WHEREOF, the undersigned, being the declarant herein, has hereunto set its hand this 25th day of June, 1997.

DECLARANT:

Carrington Square L.L.C.

By: Bach Development, General Partner

By: Dale Rindlisbacher, Pres. of Bach Development



By: Dale L. Rindlisbacher
President

NO ACKNOWLEDGEMENT
CO. RECORDER

BK 7696162800

MTC File No. 51202-CA
LEGAL DESCRIPTION

Exhibit "A"

Beginning at the Southwest corner of the Northwest quarter of the Southwest quarter of Section 18, Township 2 South, Range 1 West, Salt Lake Base and Meridian, and running thence North 0 degrees 32'00" West 498.578 feet, more or less, to the South line of Meadow View No. 3; thence South 89 degrees 57'14" East along the South line of said Meadow View No. 3, 791.195 feet, more or less, to a point on the Westerly line of the Denver and Rio Grande Western Railroad; thence South 19 degrees 16'21" West, along the Westerly line of said railroad, 527.48 feet, more or less, to a point on the South line of the Northwest quarter of the Northwest quarter of said Section 18; thence West along said South line 612.40 feet, more or less, to the point of beginning.

Less and Excepting:

Beginning at a point which is North 0 degrees 32'00" West 1319.68 feet from the Southwest corner of Section 18, Township 2 South, Range 1 West, Salt Lake Base and Meridian; and running thence North 0 degrees 32'00" West 498.578 feet to the South line of Meadow View #3 Subdivision; thence South 89 degrees 57'14" East 40.00 feet; thence South 0 degrees 32'00" East 498.55 feet; thence West 40.00 feet to the point of beginning.

BK7696PG2801

Exhibit "B"

LEGAL DESCRIPTION

AREA BETWEEN COUGAR PLACE NO. 2 AND CARRINGTON APARTMENTS

BEGINNING AT A POINT ON THE SOUTHERLY LINE OF CARRINGTON SQUARE APARTMENTS, SAID POINT BEING N0°32'00"W, 1319.79 FEET AND EAST, 40.00 FEET FROM THE SOUTHWEST CORNER OF SECTION 18, TOWNSHIP 2 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN; AND RUNNING THENCE EAST, 572.45 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF THE DENVER AND RIO GRANDE RAILROAD; THENCE ALONG SAID WESTERLY RIGHT OF WAY THE FOLLOWING TWO (2) COURSES: S19°16'21"W, 559.24 FEET; THENCE 234.82 FEET ALONG THE ARC OF A 5779.65 FOOT RADIUS CURVE TO THE LEFT (CHORD BEARS S19°50'27"W, 234.81 FEET) TO THE NORTHERLY LINE OF COUGAR PLACE NO. 2 SUBDIVISION; THENCE N89°55'59"W, 301.21 FEET TO THE EASTERLY RIGHT OF WAY LINE OF 4800 WEST STREET; THENCE N0°32'00"W, 748.44 FEET ALONG SAID EASTERLY RIGHT OF WAY LINE TO THE POINT OF BEGINNING.

CONTAINS: 7.5182 ACRES

6676127
06/25/97 12:15 PM 20.00
NANCY WORKMAN
RECORDER, SALT LAKE COUNTY, UTAH
BACH DEVELOPMENT CO
2785 W 9000 S
WEST JORDAN UT 84088
REC BY:L NISH ,DEPUTY - WI

BK 7696 Pg 2802

Exhibit "B"

LEGAL DESCRIPTION

AREA BETWEEN COUGAR PLACE NO. 2 AND CARRINGTON APARTMENTS

BEGINNING AT A POINT ON THE SOUTHERLY LINE OF CARRINGTON SQUARE APARTMENTS, SAID POINT BEING N0°32'00"W, 1319.79 FEET AND EAST, 40.00 FEET FROM THE SOUTHWEST CORNER OF SECTION 18, TOWNSHIP 2 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN; AND RUNNING THENCE EAST, 572.45 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF THE DENVER AND RIO GRANDE RAILROAD; THENCE ALONG SAID WESTERLY RIGHT OF WAY THE FOLLOWING TWO (2) COURSES: S19°16'21"W, 559.24 FEET; THENCE 234.82 FEET ALONG THE ARC OF A 5779.65 FOOT RADIUS CURVE TO THE LEFT (CHORD BEARS S19°50'27"W, 234.81 FEET) TO THE NORTHERLY LINE OF COUGAR PLACE NO. 2 SUBDIVISION; THENCE N89°55'59"W, 301.21 FEET TO THE EASTERLY RIGHT OF WAY LINE OF 4800 WEST STREET; THENCE N0°32'00"W, 748.44 FEET ALONG SAID EASTERLY RIGHT OF WAY LINE TO THE POINT OF BEGINNING.

CONTAINS: 7.5182 ACRES

6676127
06/25/97 12:15 PM 20.00
NANCY WORKMAN
RECORDER, SALT LAKE COUNTY, UTAH
BACH DEVELOPMENT CO
2785 W 9000 S
WEST JORDAN UT 84088
REC BY:L NISH ,DEPUTY - WI

BK 7696 Pg 2802