

When recorded mail to:

Elliott Christensen
Property Reserve, Inc.
60 East South Temple
Suite 780
Salt Lake City, Utah 84111

ENT 66763 BK 3051 PG 628
NINA B REID UTAH CO RECORDER BY BT
1992 DEC 4 3:49 PM FEE 12.00
RECORDED FOR AFFILIATED TITLE COMPANY IN

ATC 27388

**RESTRICTIVE COVENANT PRECLUDING THE RESIDENTIAL
OR OTHER NON-AGRICULTURAL USE OF THE LAND**

TO THE PUBLIC:

I, the undersigned owner of real property in Utah County, State of Utah, which property is located as follows (legal description):

See Exhibits A, B and C attached hereto

have the intent to qualify for the exemption from filing an approved subdivision plat, which exemption is provided for in Section 17-27-103, UCA 1953 as amended, and Section 3-53-B of the "Utah County Zoning Ordinance" of Utah County, Utah, for the division of agricultural land for agricultural purposes. I hereby covenant that neither I nor my heirs, executors, administrators, or assigns will ever allow residential or other non-agricultural use of this land without properly obtaining an approved subdivision plat as required by law.

This covenant shall run with the land and shall be binding upon all persons owning or leasing the above-described real property. It shall not apply (1) to those portions of the property contained in a properly approved and recorded subdivision plat; (2) those portions of the property placed into an incorporated city or town; (3) upon repeal of the requirements for such a covenant under Section 3-53-B or its successor statute. Further, this covenant shall hereinafter be included in any deed dealing with the above-described property, or portions thereof, in whole or by reference hereto.

Invalidation of any of these covenant provisions by judgment or court order shall not affect any of the other provisions which shall remain in full force and effect.

If the owner or owners of the above-described real property, or any portion thereof, or the owner's heirs or assigns shall violate or attempt to violate any of the covenants above set forth, Utah County, or any other person owning a portion thereof, may enjoin such transfer, sale, or use by action for injunction brought in any court of equity jurisdiction or may pursue any other remedy at law or equity. All costs and all expenses of such proceedings shall be taxed against the offending party or parties and shall be declared by the court to constitute a lien against the real estate wrongfully deeded, sold, leased, used, or conveyed until paid. Such lien may be enforced in such a manner as the court may order.

Change or amendment of these covenants may be effected only if such is in compliance with the laws and ordinance of the State of Utah and its political subdivision. This covenant, and any changes or amendments hereto, must first be approved in writing by the Utah County Building Official before recording with the County Recorder. Any change or amendment without such approval is hereby made null and void.

Signed: PROPERTY RESERVE, INC., a
Utah corporation

By Wayne J. Facer ^{WJC}
Its Vice President

ACKNOWLEDGEMENT

STATE OF UTAH)
:ss
COUNTY OF SALT LAKE)

On this 2 day of December, 1992, personally appeared before me Wayne J. Facer, whose identity is personally known to me or proved to me on satisfactory evidence and who by me duly sworn (or affirmed), did say that he is the Vice President of Property Reserve Inc. and that said document was signed by him in behalf of said corporation by authority of a Resolution of its Board of Directors, and said Wayne J. Facer acknowledged to me that said corporation executed the same.

[SEAL]



Reviewed prior to recording:

Lynda J. Eads
NOTARY PUBLIC

My Commission Expires Sept. 13, 1993

By: Jeffrey W. Pudakoff
Building Official

Date: Dec 2, 1992

EXHIBIT 'A'

Commencing at a point located in the easterly right of way line of 4800 West Street, said point being North $00^{\circ}00'07''$ East along section line 58.09 feet and East 30.09 feet from the Southwest corner of Section 7, Township 5 South, Range 2 East, Salt Lake Base and Meridian; thence North $00^{\circ}05'43''$ East along said right of way line 1049.21 feet; thence along the arc of a 367.00 foot radius curve to the right 315.84 feet (chord bears North $24^{\circ}44'58''$ East for 306.18 feet); thence North $49^{\circ}24'13''$ East 95.76 feet; thence South $40^{\circ}35'47''$ East 1034.00 feet; thence along the arc of a 817.00 foot radius curve to the right 570.37 feet (chord bears South $20^{\circ}35'47''$ East for 558.86 feet); thence South $00^{\circ}35'47''$ East 79.98 feet to the northerly right of way line of 8800 North Street; thence North $89^{\circ}51'03''$ West along said right of way line 324.51 feet; thence South $89^{\circ}50'00''$ West along said right of way line 748.41 feet to the point of beginning. Area = 23.2842 acres

EXHIBIT 'B'

Commencing at a point located North $00^{\circ}00'07''$ East along section line 1275.36 feet from the Southwest corner of Section 7, Township 5 South, Range 2 East, Salt Lake Base and Meridian; thence North $00^{\circ}00'07''$ East along section line 570.73 feet; thence along the arc of a 883.00 foot radius curve to the left 384.96 feet (chord bears South $28^{\circ}06'24''$ East for 381.92 feet); thence South $40^{\circ}35'47''$ East 15.05 feet; thence South $49^{\circ}24'13''$ West 95.76 feet; thence along the arc of a 433.00 foot radius curve to the left 200.09 feet (chord bears South $36^{\circ}09'54''$ West for 198.32 feet) to the point of beginning. Area = 1.0213 acres

EXHIBIT 'C'

Commencing at a point located in the northerly right of way line of 8800 North Street, said point being North $89^{\circ}32'19''$ East along section line 1169.06 feet and North 49.83 feet from the Southwest corner of Section 7, Township 5 South, Range 2 East, Salt Lake Base and Meridian; thence North $00^{\circ}35'47''$ West 80.84 feet; thence along the arc of a 883.00 foot radius curve to the left 616.45 feet (chord bears North $20^{\circ}35'47''$ West for 604.01 feet); thence North $40^{\circ}35'47''$ West 1115.05 feet; thence along the arc of a 817.00 foot radius curve to the right 580.24 feet (chord bears North $20^{\circ}15'02''$ West for 568.12 feet); thence North $00^{\circ}05'43''$ East 556.24 feet; thence North $89^{\circ}24'22''$ East 1299.27 feet; thence South $00^{\circ}10'00''$ East 2596.08 feet to the northerly right of way line of 8800 North Street; thence North $89^{\circ}51'03''$ West along said right of way line 172.12 feet to the point of beginning. Area = 49.9075 acres