

OPEN SPACE PRESERVATION **AGREEMENT**

This agreement is between Carbon County, Utah (County), AND Mark L. Nelson for American Recreation & Sports, Inc., dba Aspen Cove at Scofield (Developer), 862 N. 1140 W., Mapleton, Utah 84664, and is intended to satisfy the requirements of the Development Code of Carbon County, Section 5-2-5, I, 2. This document is a continuation of an Agreement that was originally entered into by the above parties (including Roger H. Nelson for Developer) on July 18, 1997.

It is mutually understood that Aspen Cove at Scofield Phase 1 (as amended), Eagle View Estates, AND Phase 2, Aspen Estates, contains a total of 260 acres. This will be used to develop and subdivide 65 lots as well as roads and developed common area and/or recreation facilities.

Phases 1 & 2 involve the following three parcels which total 297.83 acres more or less:

Parcel 1: The Southwest one-quarter of Section 4, Township 12 South, Range 7 East, Salt Lake Base & Meridian, containing approximately 160 acres.

Parcel 2: The South one-half of the Northwest Quarter of Section 4, Township 12 South, Range 7 East, Salt Lake Base & Meridian, less approximately 17.40 acres owned by the Utah Division of State Parks and Recreation, less 2.27 acres owned by Weights, less 2.50 acres owned by Larchers, containing approximately 57.83 acres.

Parcel 3: The South One-Half of the North East Quarter of Section 5, Township 12 South, Range 7 East, in Carbon County, Salt Lake Base & Meridian, containing 80 acres.

Developer hereby agrees that as a condition of approval of Phases 1 & 2, Aspen Cove at Scofield, Eagle View Estates & Aspen Estates, that in addition to the 209.45 acres as platted, 50.55 acres of the above-noted parcels shall be designated and used as developed common area and/or recreation facilities. This provides the developed common area and/or recreation facilities required by Carbon County Planning & Zoning and County Commissioners which specified the density for this development to require 4 acres on average for each developed lot in Phases 1 & 2 (4 x 65 lots = 260 acres). The same density shall be imposed for the balance of the development.

Subdivided lot, roadway, and common area acreage on plats.....	209.45
Additional acreage committed for developed common area and/or recreation facilities.....	<u>50.55</u>
TOTAL ACRES	260.00

It is further agreed and acknowledged that Nelson (Developer), Aspen Cove at Scofield, has received concept approval and may use the remaining 372.83 + - acres for up to an additional 93 subdivided lots, for developed common areas and/or recreation facilities, natural open space for the common use of the occupants of the development, roadways, utilities, and trails as a part of future development of the remaining phases of the Aspen Cove at Scofield Planned Mountain Home Subdivision. It is mutually understood between County and Developer that the lots in the additional phases of development shall permit lots of no less than one-acre but without restriction as to larger lots; and the total density shall be no more than one lot for each four acres. The remaining 372.83 acres consist of 33.83 acres in Parcels 1,2, and 3 hereinbefore described but not required (nor committed) for Phase 2, and 335 Acres described below as Parcels 4 and 5.

Parcel 4 (Future Phases): The South East One-Quarter of Section 5; the North One-Half of the North East One-Quarter of Section 8; and the South East One-Quarter of the North East One-Quarter of Section 8; and the North East One-Quarter of the South East One-Quarter of Section 8, Township 12 South, Range 7 East, in Carbon County, Salt Lake Base & Meridian, containing 320 acres.

Parcel 5 (Future Phases): Beginning at the North East Corner of the SW 1/4 of NW 1/4 of Section 9, Township 12 South, Range 7 East, in Carbon County, Salt Lake Base & Meridian, thence West 1320 feet; thence South 330 feet; thence East 660 feet; thence South 330 feet; thence East 660 feet; thence North 660 feet to point of beginning; containing 15 acres more or less.

Nelson (Developer) does intend to develop and use part of the 50.55 Acres that is currently designated as Developed Common Area and/or Open Space for future lots in the next phases. Developer and Carbon County agree that Developer may use and develop this ground for future lots as long as other and/or additional land is designated as Developed Common Area and/or Open Space to keep the overall density at one lot for every four acres. Nelson further agrees for himself, his successors, and assigns to refrain from excavating, constructing roadways, installing utilities, constructing dwellings or buildings, or other structures on any lands designated as open space areas, except as stated above, and except for facilities for the Aspen Cove at Scofield Homeowner's Association, without prior approval of the County through an amendment of the development plan.

Agreed to this _____ day of December, 1998.

Neil Breinholt
Neil Breinholt, Chairman
Carbon County Commission

Mark L. Nelson
Mark L. Nelson, Developer and President
American Recreation and Sports, Inc.
dba Aspen Cove at Scofield

ATTEST:

Robert P. Pero
Robert P. Pero, Clerk/Auditor

STATE OF UTAH)
)SS
COUNTY OF CARBON)

On the 10th Day of December, 1998, personally appeared before me Mark L. Nelson, who being by me duly sworn did say, that he, the said Mark L. Nelson, is the President, of American Recreation & Sports, Inc., dba Aspen Cove at Scofield and that the within and foregoing instrument was signed in behalf of said corporation by authority of a resolution of its board of directors, and he duly acknowledged to me that said corporation executed the same.

Kelly Lin Hansen

