

E 3075702 B 6951 P 953-972
RICHARD T. MAUGHAN
DAVIS COUNTY, UTAH RECORDER
02/13/2018 02:38 PM
FEE \$0.00 Pgs: 20
DEP RTT REC'D FOR CENTERVILLE CITY

When recorded return to:

Legacy Crossing, LLC
Attn: Dan Bridenstine
1513 North Hillfield Rd. Ste. 2
Layton, Utah 84041

Affects Parcels: 06-336-0001, 06-336-0002, 06-336-0003, 06-336-0007, 06-336-0011,
06-368-0401, 06-368-0403, 06-368-0404, 06-368-0406, 06-368-0407,
06-368-0408

**THIRD AMENDMENT TO
DECLARATION OF PARKING AND CROSS-ACCESS EASEMENT
AND OTHER EASEMENTS AND RESTRICTIONS AFFECTING LAND**

THIS THIRD AMENDMENT TO DECLARATION OF PARKING AND CROSS-ACCESS EASEMENT AND OTHER EASEMENTS AND RESTRICTIONS AFFECTING LAND ("Third Amendment") is made and entered into as of this 13 day of February, 2018, by and between **JF LEGACY LAND, LLC**, a Utah limited liability company, **HCR LEGACY, LLC**, a Utah limited liability company, **KEM HOLDINGS, LLC**, a Utah limited liability corporation, **LEGACY CROSSING THEATRE, LLC**, a Utah limited liability company, **LEGACY CROSSING APARTMENTS, L.C.**, a Utah limited liability company, **LEGACY CROSSING OWNERS ASSOCIATION, INC.**, a Utah nonprofit corporation, **JENSNT LEGACY, LLC**, a Utah limited liability company, **TETON OFFICE VENTURES, LLC**, a Utah non-profit corporation, **LEGACY OFFICE BUILDING, LLC**, a Utah limited liability company, and **S&J 5, LLC**, A Utah limited liability company (collectively referred to herein as "Declarants").

RECITALS:

WHEREAS, Declarants are the owners of certain real property located within the Centerville Legacy Crossing at Parrish Lane Subdivision, Davis County, State of Utah, as more particularly described in Exhibit 1, attached hereto and incorporated herein by this reference (the "Property"); and

WHEREAS, Declarants previously recorded against the Property that certain Declaration of Parking and Cross-Access Easement and other Easements and Restrictions affecting Land, as recorded at the Davis County Recorder's Office, and as amended by that First Amendment to the Declaration and Second Amendment to the Declaration (hereinafter collectively referred to as the "Declaration of Parking and Cross-Access Easement"); and

WHEREAS, Declarants desire to amend the Declaration of Parking and Cross-Access Easement regarding a use of excess parking spaces located on Lot 1 (“Shared Parking Arrangement”) as suggested by a parking study (“Parking Study”) commissioned by Declarants, described in Exhibit 2 attached hereto and incorporated herein by this reference.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. **Incorporation of Recitals**. The above Recitals are hereby incorporated into this Amendment.

2. **Amendment**. Section 6 of the Parking and Cross-Access Easement is hereby amended and shall be read in its entirety as follows:

Except as otherwise set forth herein, each lot shall at all times maintain the minimum number of parking spaces required for the lot and use thereof pursuant to Centerville City Ordinances and the Development Agreement. The owners of the lots may provide parking in excess of that required by Centerville City Ordinances, provided that all other landscaping and site related improvements required by Centerville City Ordinances have been satisfied and approved by Centerville City. Pursuant to the findings of the Parking Study, Lot 1, Lot 2, Lot 3, Lot 4, Lot 5, and Lot 6 are hereby authorized to utilize the excess parking spaces located on each respective Lot as indicated in the Parking Study, which Shared Parking Arrangement will satisfy the Developer’s obligations for the minimum number of required parking spaces for each Lot and each Lot’s use, provided however, in no event shall cross-access for parking be provided or permitted from Lot 1, Lot 2, Lot 3, or Lot 4 onto, over, or across or through Lot 5 or Lot 6. Lot 2 and Lot 3 have not been included in the time-dependent analysis of parking required for Lots 1 and 4-6, but are included in the shared parking and cross-access obligations for the Planned Center. Lot 2 and Lot 3 shall be required to comply with and provide the minimum off-street parking stalls in accordance with City Ordinances applicable for the development of Lot 2 and Lot 3 to be analyzed with final site plan approval for such lots. Lot 2 and Lot 3 must preserve the drive aisle and circulation patterns as shown on the Master Site Plan set forth in **Exhibit C**. Except as otherwise set forth herein, all parking for the Planned Development shall comply with the parking, parking lot, traffic circulation, landscaping, design, and lighting provisions of the Parrish Lane Gateway Design Standards and applicable City Ordinances. Except as otherwise provided herein, no private agreements or arrangements shall be entered into or made by any lot owners, their agents, successors or assigns, that would encumber or restrict available parking for any given lot to less than the minimum number of parking

spaces required for such Lot or use of the Lot in accordance with applicable Centerville City Ordinances.

3. **Full Force and Effect.** The terms and conditions of the Third Amendment are hereby incorporated as part of the Declaration. All other terms and conditions of the Declaration not modified by this Third Amendment shall remain in full force and effect and are hereby ratified and affirmed.

4. **Binding Effect.** This Third Amendment shall run with the Property at law as an equitable servitude and shall be binding upon the Property, the owners of the Property and their respective successors and assigns. This Third Amendment shall inure to the benefit and be binding upon every part of the Property and every interest therein.

5. **Counterparts.** This Third Amendment may be executed in one or more counterparts, each of which in the aggregate shall constitute one and the same instrument.

6. **Subordination.** This Third Amendment shall be subject and subordinate to any and all public utility easements, rights-of-way, and other easements of record.

[SIGNATURE PAGE FOLLOWS]

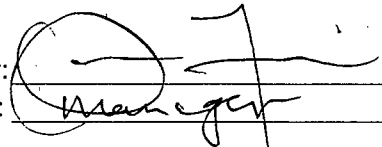
IN WITNESS WHEREOF, the parties hereto have executed this Third Amendment by and through their respective, duly authorized representatives as of the day and year first above written.

"DECLARANTS"

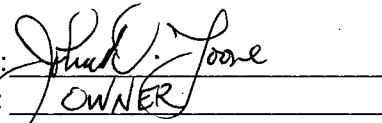
JF LEGACY LAND, LLC

By: JF Capital, LLC

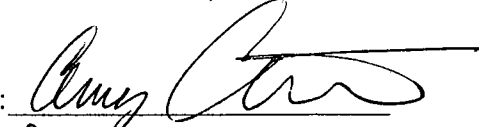
By: Jack Fisher Group, LLC

By: 
Its: Manager


HCR LEGACY, LLC

By: 
Its: OWNER

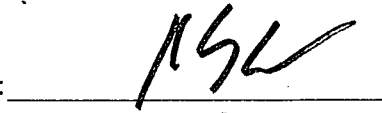
KEM HOLDINGS, LLC

By: 
Its: Owner

LEGACY CROSSING THEATRE, LLC

By: 
Its: Manager

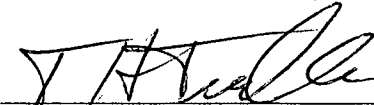
LEGACY CROSSING APARTMENTS, LC

By: 
Its: Manager

**LEGACY CROSSING OWNERS
ASSOCIATION, INC.**

By: 
Its: 


JENSNT LEGACY, LLC

By: 
Its: MANAGING MEMBER

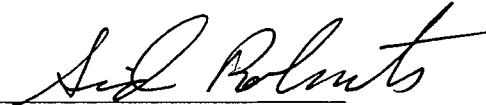
TETON OFFICE VENTURES, LLC

By: 
Its: Manager

LEGACY OFFICE BUILDING, LLC

By: 
Its: Manager

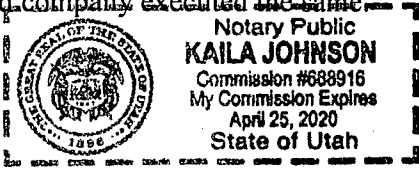
S & J 5, LLC

By: 
Its: Manager

JF LEGACY LAND ACKNOWLEDGEMENT

STATE OF Utah)
 :SS.
COUNTY OF DAVIS)

On this 17th day of September, 2017, personally appeared before me Owen Fisher who being by me duly sworn did say that (s)he is the Manager of JF LEGACY LAND, LLC, and that the foregoing instrument was signed in behalf of said company by authority of its members and they acknowledged to me that said company executed the same.



[Signature]
Notary Public

My Commission Expires:

4.25.20

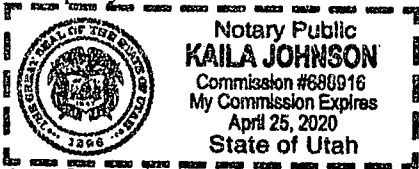
Residing at:

Davis County, Utah

HCR LEGACY, LLC ACKNOWLEDGEMENT

STATE OF Utah)
 :SS.
COUNTY OF DAVIS)

On the 15th day of September, 2017 personally appeared before me John Toone who being by me duly sworn did say that (s)he is the Owner of HCR LEGACY, LLC, and that the foregoing instrument was signed in behalf of said company by authority of its members and they acknowledged to me that said company executed the same.



[Signature]
Notary Public

My Commission Expires:

4.25.20

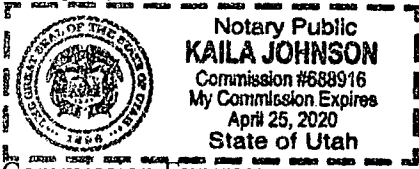
Residing at:

Davis County, UT

KEM HOLDINGS ACKNOWLEDGEMENT

STATE OF Utah)
)
:SS.
COUNTY OF DAVIS)

On this 14th day of September, 2017, personally appeared before me Amy Curtis who being by me duly sworn did say that (s)he is the Owner of KEM HOLDINGS, LLC, and that the foregoing instrument was signed in behalf of said company by authority of its members and they acknowledged to me that said company executed the same.



My Commission Expires:

4.25.20

[Signature]
Notary Public

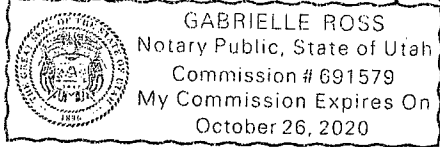
Residing at:

Davis County, UT

LEGACY CROSSING THEATRE ACKNOWLEDGEMENT

STATE OF Utah)
)
:SS.
COUNTY OF DAVIS)

On this 2 day of November, 2017, personally appeared before me Kevin S barn who being by me duly sworn did say that (s)he is the Manager of LEGACY CROSSING THEATRE, LLC, and that the foregoing instrument was signed in behalf of said company by authority of its members and they acknowledged to me that said company executed the same.



My Commission Expires:

October 26, 2020

[Signature]
Notary Public

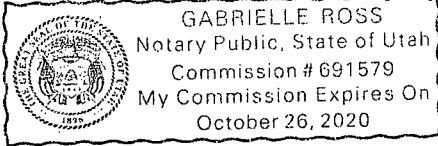
Residing at:

DAVIS COUNTY

LEGACY CROSSING APARTMENTS ACKNOWLEDGEMENT

STATE OF Utah)
 :SS.
COUNTY OF DAVIS)

On this 2 day of November, 2017, personally appeared before me Kevin S barn who being by me duly sworn did say that (s)he is the Manager of LEGACY CROSSING APARTMENTS, LC, and that the foregoing instrument was signed in behalf of said company by authority of its members and they acknowledged to me that said company executed the same.



Gabrielle Ross
Notary Public

My Commission Expires:

October 26, 2020

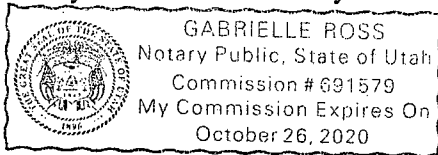
Residing at:

DAVIS county

LEGACY CROSSING OWNERS ASSOCIATION ACKNOWLEDGEMENT

STATE OF Utah)
 :SS.
COUNTY OF DAVIS)

On the 2 day of November, 2017 personally appeared before me Kevin S barn who being by me duly sworn did say that (s)he is the Manager of LEGACY CROSSING OWNERS ASSOCIATION, INC., a Utah corporation, and that the foregoing instrument was signed in behalf of said corporation by authority of its Board and they acknowledged to me that said corporation executed the same.



Gabrielle Ross
Notary Public

My Commission Expires:

October 26, 2020

Residing at:

DAVIS county

JENSNT LEGACY ACKNOWLEDGEMENT

STATE OF Utah)
 :SS.
COUNTY OF Davis)

On this 13 day of February, 2018, personally appeared before me Ted H. Tueller who being by me duly sworn did say that (s)he is the Managing Member of JENSNT LEGACY, LLC, and that the foregoing instrument was signed in behalf of said company by authority of its members and they acknowledged to me that said company executed the same.



Mackenzie Wood
Notary Public

My Commission Expires:

01-08-2022

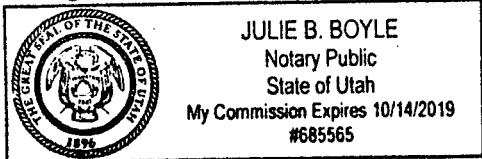
Residing at:

Davis County, Utah

TETON OFFICE VENTURES ACKNOWLEDGEMENT

STATE OF Utah)
 :SS.
COUNTY OF Davis)

On this 13~~th~~ day of February, 2018, personally appeared before me Gary M. Wright who being by me duly sworn did say that (s)he is the Manager of TETON OFFICE VENTURES, LLC, and that the foregoing instrument was signed in behalf of said company by authority of its members and they acknowledged to me that said company executed the same.



Julie B. Boyle
Notary Public

My Commission Expires:

10-14-2019

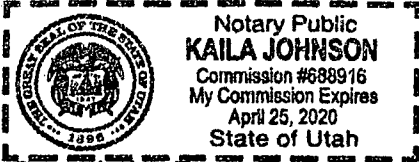
Residing at:

Davis County, Utah

LEGACY OFFICE BUILDING ACKNOWLEDGEMENT

STATE OF Utah)
)
:SS.
COUNTY OF Davis)

On this 13th day of September, 2017, personally appeared before me Owen Fisher who being by me duly sworn did say that (s)he is the Manager of LEGACY OFFICE BUILDING, LLC, and that the foregoing instrument was signed in behalf of said company by authority of its members and they acknowledged to me that said company executed the same.



My Commission Expires:

4.25.20

[Signature]
Notary Public

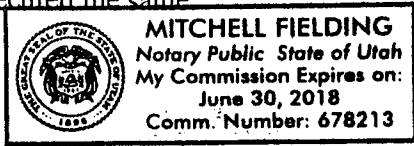
Residing at:

Davis County, Utah

S & J 5 ACKNOWLEDGEMENT

STATE OF UT)
)
:SS.
COUNTY OF Davis)

On this 22nd day of September, 2017, personally appeared before me Sid Roberts who being by me duly sworn did say that (s)he is the Manager of S & J 5, LLC, and that the foregoing instrument was signed in behalf of said company by authority of its members and they acknowledged to me that said company executed the same.



My Commission Expires:

06/30/18

[Signature]
Notary Public

Residing at:

Davis County, Utah

EXHIBIT 1

PROPERTY DESCRIPTION

All of the Legacy Crossing at Parrish Lane Subdivision Plat located in Centerville, Utah, as filed at the Davis County Recorder's Office, State of Utah

And

All of the Legacy Crossing at Parrish Lane Lot 4 Amended Subdivision Plat located in Centerville, Utah, as filed at the Davis County Recorder's Office, State of Utah.

Consisting of the following Parcel Numbers and Current Owners of Record:

06-336-0001 – Legacy Crossing Theatre LLC
06-336-0002 – JF Legacy Land LLC and HCR Legacy LLC
06-336-0003 - JF Legacy Land LLC and HCR Legacy LLC
06-336-0007 – Legacy Crossing Owners Association Inc.
06-336-0011 – Legacy Crossing Apartments LC
06-368-0401 – KEM Holdings LLC
06-368-0403 – Jensnt Legacy LLC
06-368-0404 – Teton Office Ventures LLC
06-368-0406 – Legacy Crossing Owners Association Inc.
06-368-0407 – Legacy Office Building LLC
06-368-0408 – S&J 5 LLC

EXHIBIT 2
PARKING STUDY

Reeve & Associates, Inc.



July 31, 2017

Project: Legacy Crossing at Parrish Lane

Re: Parking requirements

Due to a change in land use for Legacy Crossing at Parrish Lane from the original land agreement and phases 2 and 3 being excluded, there is a need for a parking requirements study. The original agreement had more retail instead of office space and phases 2 & 3 were to be built. With land use changes and based on the peak parking requirements of the city the developer wants to see if there is sufficient parking based on time of day demand requirements rather than a flat number for peak use only.

The analysis was conducted using data from the Institute of Transportation Engineers (ITE), Trip Generation Manual, 9th Edition, Volumes 2 & 3, published in 2012. The attached master site plan (exhibit B) with the outlines drawn shows total parking stalls for each area as planned. There is a total of 1,471 stalls: 750 for the theater area, 204 for the first office area, 279 for the second office and retail area, and 238 for the residential area. The areas were arbitrarily highlighted as parking is intended to be shared in the mixed-use area. Phases 2 and 3 have been omitted from the calculations, but it should be noted if it is constructed as previously planned, the areas will have excess parking for the purposes proposed.

The methodology used was to apply the average rate of a given land use multiplied by its basis as provided by ITE. If a particular use fell under multiple categories, the average of the combined land uses was taken as the average rate. For a conservative value, the Peak Hour of Adjacent Street Traffic or the Peak Hour of Generator was used for more than the single hour it was based upon for its respective time of day as provided by ITE. It was determined Friday has the most traffic and least parking spaces available and is therefore shown indicating traffic movement for each use on a per hour basis (exhibit C-E).

The basis for apartments was 206 total units, the theater has 14 screens and 3266 seats. There is 15,990 sq. ft. of medical office space, 78,157 sq. ft. of general office space, and planned 11,250 sq. ft. of additional office space. On-street parking, mass-transit, and other traffic reducing options were neglected for the calculations. The required parking stalls for the apartments was calculated at the original city rate totaling 354 parking spaces.

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Email: ogden@reeve-assoc.com • Website: www.reeve-assoc.com

Reeve & Associates, Inc.



In summary, the parking demand for office space occurs during the daytime and early afternoon hours, which is asynchronous with theater parking demand occurring in late afternoon and evening. The maximum required parking stalls in a given hour on the busiest day, being Friday, was 1177 stalls at 9:00 P.M., leaving 294 stalls unoccupied for the area of the study at full build out (1471 stalls) and 116 extra under current conditions (1293 stalls built as of July 2017). It is highly unlikely the peak demands would coincide since the greatest parking demand is for the theater from 6:00-10:00 P.M. during which time offices spaces are mostly vacant.

If you have any questions, or we can be of further assistance, please contact us.

Sincerely,

Nate Reeve, P.E.
Principal Engineer
Reeve & Associates, Inc.
nreeve@reeve-assoc.com

Eldon Fisher, E.I.T
Project Engineer
Reeve & Associates
efisher@reeve-assoc.com

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Reeve
& Associates, Inc.



Exhibit A

Peak Parking Required by Zoning Ordinance Formulas
Without Time-of-Day Demand Analysis

Phase	Use	Unit Criteria	Qty.	Required	Provided	Surplus
1	Theater	1/4.5 seats	3266	726	738	12
2 & 3 Omitted for evaluation purposes						
4	Office	5/1000 sf	94147	471	320	-151
	Additional					
4	Office	5/1000 sf	11250	57	175	118
5	Apartment	1.5/1 bed	68	102	218	116
5	"	2.0/2 bed	90	180		-180
6	Apartment	1.5/1 bed	48	72	20	-52
Total				1607	1471	-136

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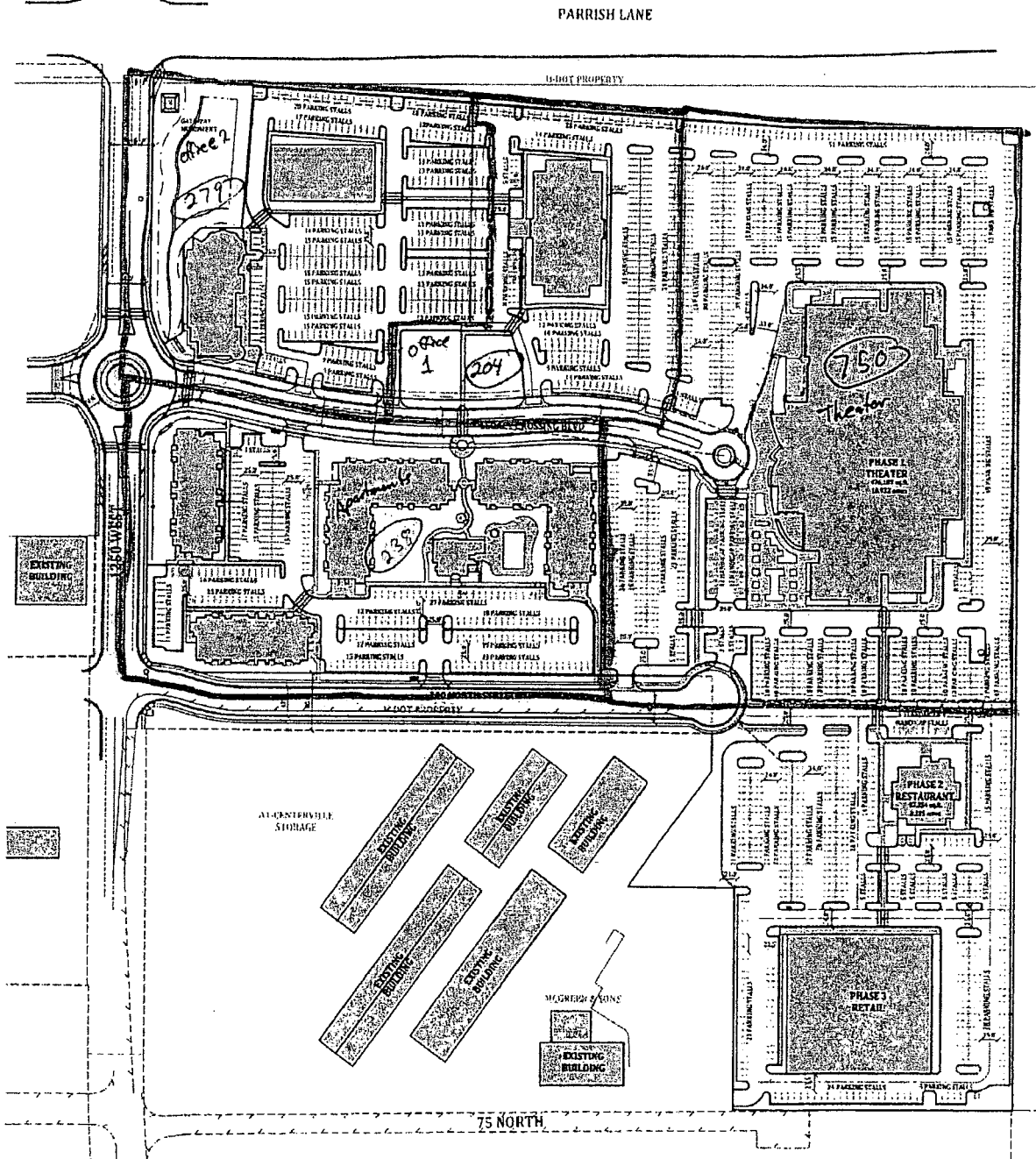
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Reeve & Associates, Inc.



Exhibit B



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Exhibit C

Time of day (weekday Friday)	Apartment Spaces Required	Retail Spaces Required	Office Spaces Required	Theater Spaces Required	Total Spaces Required	Excess Parking Spaces	Apt In	Apt out	Retail In	Retail Out	Office In	Office Out	Theater In	Theater Out
6:00 AM	354	0	0	0	354	1117	28	21	0	0	8	8	0	0
7:00 AM	361	0	0	0	361	1110	25	89	0	0	227	41	0	0
8:00 AM	297	0	186	0	483	988	21	68	0	0	227	41	0	0
9:00 AM	250	0	372	0	622	849	25	69	0	0	227	41	0	0
10:00 AM	206	0	558	0	764	707	28	69	0	0	8	16	119	0
11:00 AM	165	0	550	119	834	637	28	21	0	0	8	16	125	94
12:00 PM	172	0	542	150	864	607	28	21	0	0	8	16	131	135
1:00 PM	179	0	534	146	859	612	28	21	0	0	8	16	138	139
2:00 PM	186	0	526	145	857	614	28	21	0	0	8	16	147	144
3:00 PM	193	0	518	148	859	612	81	54	0	0	8	16	156	149
4:00 PM	220	0	510	155	885	586	82	51	0	0	65	224	238	162
5:00 PM	251	0	351	231	833	638	82	49	0	0	65	224	238	162
6:00 PM	284	0	192	307	783	688	82	51	0	0	65	224	553	321
7:00 PM	315	0	33	539	887	584	28	21	0	0	8	16	553	401
8:00 PM	322	0	25	691	1038	433	28	21	0	0	8	16	553	413
9:00 PM	329	0	17	831	1177	294	28	21	0	0	8	16	396	413
10:00 PM	336	0	9	814	1159	312	31	20	0	0	0	9	198	413
11:00 PM	347	0	0	599	946	525	28	21	0	0	0	0	0	599
Max/use:	361	0	558	831	1177	Total/day:	709	709	0	0	956	956	3545	3545

Total Spaces (1471) - Total Required = Excess Spaces

Minimum Excess Spaces: **294**



Exhibit D

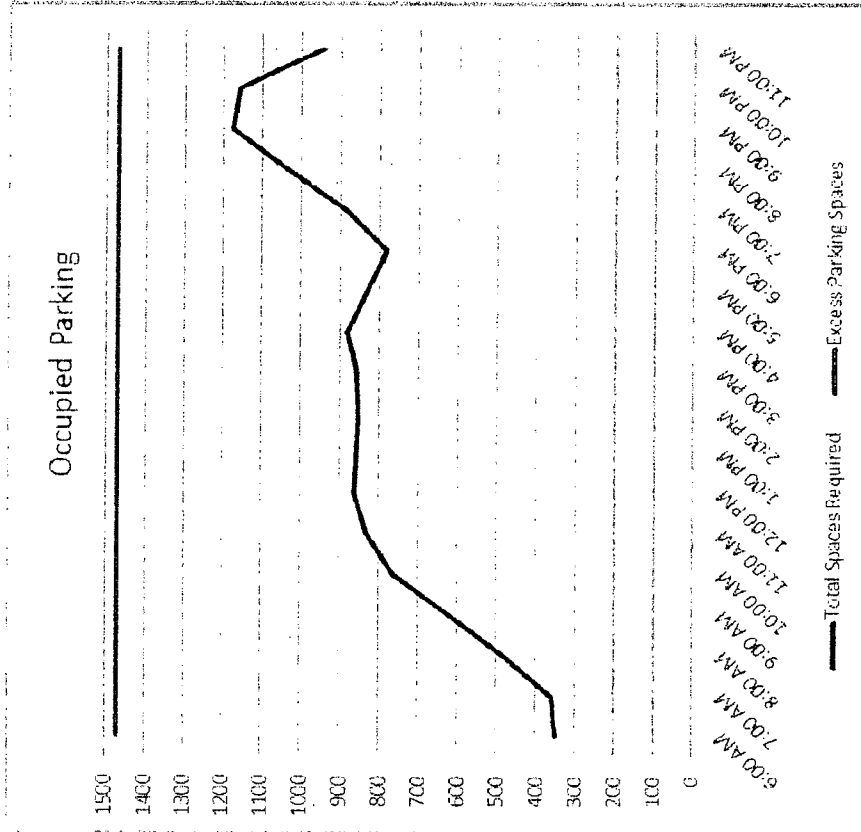


Exhibit E

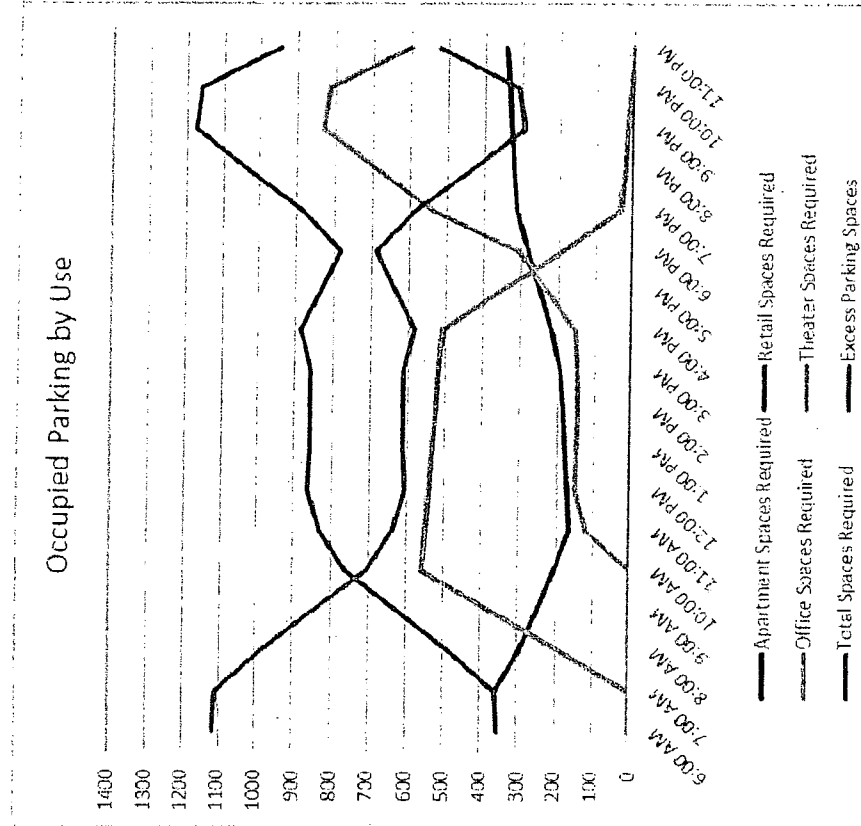


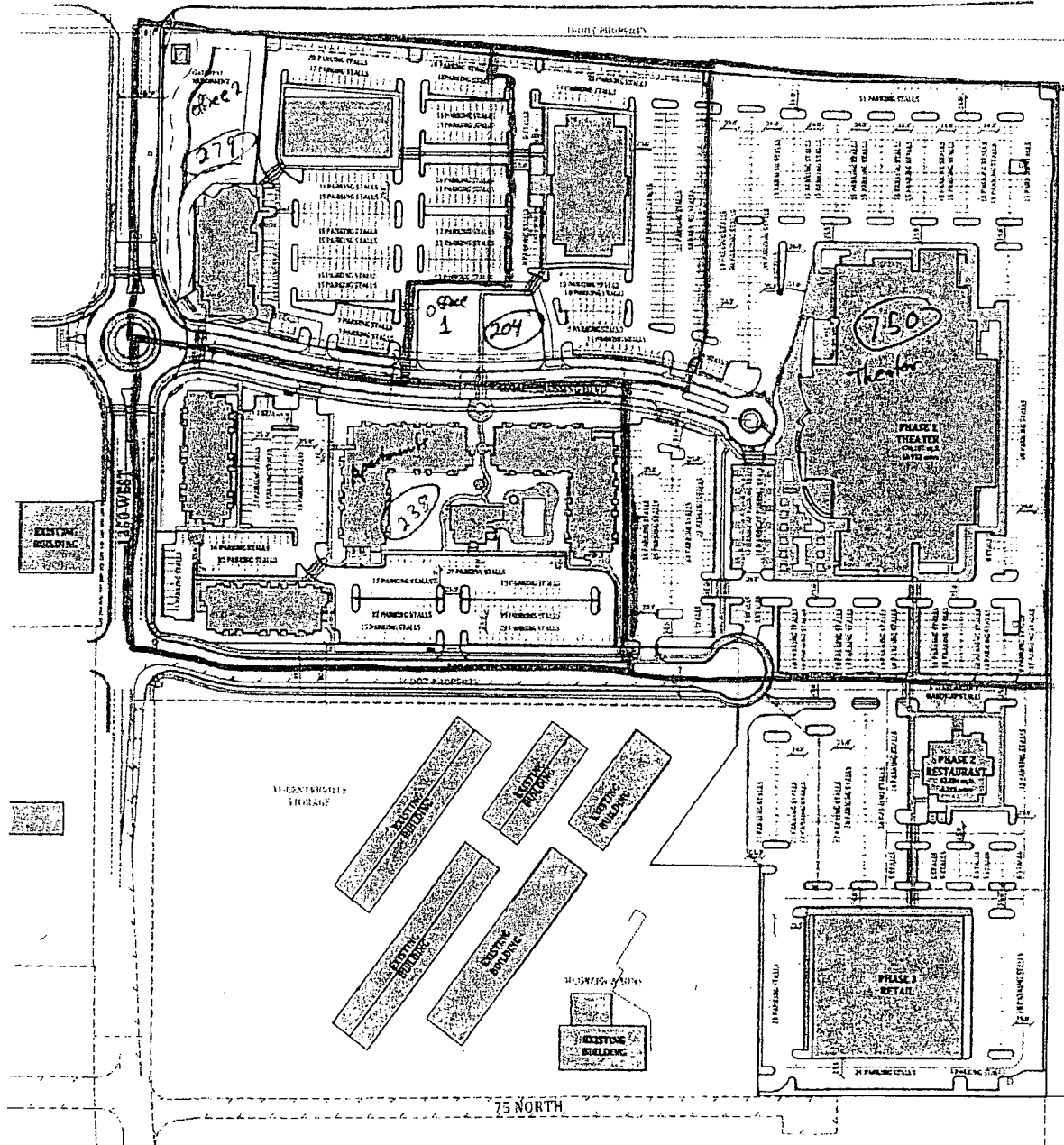
EXHIBIT 3
SHARED PARKING ARRANGEMENT

Reeve & Associates, Inc.



Exhibit B

PARRISH LANE



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