

N 1/2 33-4N-1W
S 1/2 28-4N-1W
Kaysville Business PK Amd lot 1

Key Business PK II lots 2, 5 + 6
Key Business PK III lot 7 TO THE
Key Business PK IV 10 thru 12

SUPPLEMENTAL DECLARATION NO. 5
MASTER DECLARATION OF COVENANTS,
CONDITIONS, RESTRICTIONS, AND STANDARDS AFFECTING
THE KAYSVILLE BUSINESS PARK

RETURNED

JUL 17 1995

This Supplemental Declaration is made this 6th day of June 1995, by KAYSVILLE CITY CORPORATION, a municipal corporation of the State of Utah, hereinafter referred to as the "Declarant".

1. Kaysville City Corporation is the Declarant under that certain Master Declaration of Covenants, Conditions, Restrictions and Standards Affecting the Westland Business Center (subsequently renamed the Kaysville Business Park) (the "Master Declaration") adopted March 10, 1988 and recorded on March 21, 1988 as Entry No. 819256 in Book 1224 at pages 238 to 303 of the official records of Davis County, Utah, as well as in:

Supplemental Declaration No. 1 to the Master Declaration of Covenants, Conditions, Restrictions and Standards Affecting the Westland Business Center (therein renamed the Kaysville Business Park) ("Supplemental Declaration No. 1") adopted August 18, 1989 and recorded on August 21, 1989 as Entry No. 866869 in Book 1308 at pages 652 to 656 of the official records of Davis County, Utah,

Supplemental Declaration No. 2 to the Master Declaration of Covenants, Conditions, Restrictions and Standards Affecting the Kaysville Business Park ("Supplemental Declaration No. 2") adopted September 19, 1989 and recorded on September 29, 1989 as Entry No. 870698 in Book 1315 at pages 419 to 424 of the official records of Davis County, Utah,

Supplemental Declaration No. 3 to the Master Declaration of Covenants, Conditions, Restrictions, and Standards Affecting the Kaysville Business Park ("Supplemental Declaration No. 3") adopted March 19, 1991 and recorded on March 21, 1991 as Entry No. 920922 in Book 1401 at pages 495 to 499 of the official records of Davis County, Utah,

Supplemental Declaration No. 4 to the Master Declaration of Covenants, Conditions, Restrictions, and Standards Affecting the Kaysville Business Park ("Supplemental Declaration No. 4") adopted November 15, 1994 and recorded November 18, 1994 as Entry No. 1153271 in Book 1822 at pages 900 to 904 of the official records of Davis County, Utah,

This Supplemental Declaration No. 5 to the Master Declaration of Covenants, Conditions, Restrictions, and Standards Affecting the Kaysville Business Park ("Supplemental Declaration No. 5").

2. The Master Declaration imposes certain covenants, conditions, restrictions and standards on certain land in western Kaysville, Utah, as more particularly described in the Master Declaration, Supplemental Declaration No. 1, Supplemental Declaration No. 2, Supplemental Declaration No. 3, and Supplemental Declaration No. 4. Except as expressly hereinafter provided, Declarant hereby adopts all of the provisions of the Master Declaration, Supplemental Declaration No. 1, Supplemental Declaration No. 2, Supplemental Declaration No. 3, and Supplemental Declaration No. 4 into this Supplemental Declaration No. 5 to the same full extent and effect as if said Master Declaration were set forth in full herein. All terms capitalized herein, unless defined herein, shall have the meaning set forth in the Master Declaration. This Supplemental Declaration No. 4 is supplemental to the Master Declaration.

3. As of the effective date of this Supplemental Declaration No. 5, the Declarant owns over sixty percent (60%) of the Kaysville Business Park based upon the number of square feet owned as compared to the total number of square feet subject to the Master Declaration. The Declarant has full authority under the terms of the Master Declaration to make the amendments and modifications of the Master Declaration effectuated by this Supplemental Declaration No. 5.

4. The Declarant hereby amends Section 1.7 Building of the Master Declaration to specify the minimum building size on Development Parcels. Said Section 1.7 shall read as follows:

1.7 Building shall mean a structure built for permanent use and all projections or extensions thereof, including but not limited to garages, outside platforms and docks, storage tanks, canopies, enclosed malls and porches, but not including landscaping, utility lines and connected infrastructure. All buildings on Development Parcels shall be at least five thousand square feet (5,000 sq. ft.) in ground floor area, with the exception of public utility buildings and structures necessary for public convenience and service.

5. The Declarant hereby amends Section 1.17 Development Parcels of the Master Declaration to exclude all portions of the Park used as public facilities. Said Section 1.17 shall read as follows:

1.17 Development Parcels shall mean the Kaysville Business Park Development Parcels, which shall mean that portion of the Park described in Exhibit B, exclusive of Barnes Park and those portions of the Park that are owned by or dedicated to the City for use as public facilities or public streets and that are accepted by the City.

6. The Declarant hereby amends Section 1.25 Lot of the Master Declaration to specify the minimum lot size in the Kaysville Business Park. Said Section 1.25 shall read as follows:

1.25 Lot refers to a fractional part of the Park as subdivided on subdivision plats recorded from time to time in the Davis County Recorder's Office in the State of Utah. The reference of the term "Parcel" includes, but is not limited to, that of "Lot". Each Lot shall have an area of at least one (1) acre, with the exception of public utility buildings and structures necessary for public convenience and service.

7. The Declarant hereby amends Section 1.35 Parcel of the Master Declaration to clarify the definition. Said Section 1.35 shall read as follows:

1.35 Parcel refers to any Lot or other Parcel of land shown upon any recorded plat or map of the Park, or any other portion of real property located within the Park, except those owned by or dedicated to the City for use as public facilities or streets or other dedicated public rights-of-way and Common Areas and Common Facilities.

8. Declarant's staff is hereby authorized to prepare revised copies of the Master Declaration, the Development Standards, the Development Procedures and other documents associated with the Master Declaration to reflect the foregoing changes.

IN WITNESS WHEREOF, the undersigned, being the Declarant herein, has hereunto caused this Supplemental Declaration No. 4 to be executed the day and year first above written.

KAYSVILLE CITY CORPORATION


Mayor

ATTEST:

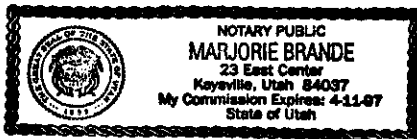


Linda Ross
City Recorder

E 1189109 B 1895 P 424

STATE OF UTAH)
): ss.
COUNTY OF DAVIS)

On the 7 day of June, 1995, personally appeared before me H. Arthur Johnson and Linda Ross, who being by me duly sworn, did say that he is the Mayor and she is the City Recorder of Kaysville City, that the within instrument was signed in behalf of said City by authority of its bylaws, and/or a resolution duly adopted by the Kaysville City Council, and said H. Arthur Johnson acknowledged to me that said City executed the same.



Marjorie Brande
Notary Public

Residing at: Kaysville Utah

My Commission Expires:

4-11-97

Legal Description of the
Kaysville Business Park

E 1189109 B 1895 P 425

Beginning at the intersection of the northerly right-of-way line of 200 North Street and the westerly right-of-way line of the Union Pacific Railroad, said point also being N 89°49'30" W 912.75 feet along the Section Line and S 25°17'19" E 11.55 feet from the East One Quarter Corner of Section 33, T 4 N, R 1 W, SLB & M; thence N 88°53'17" W 514.25 feet along said northerly line; thence N 1°07'23" E 239.08 feet; thence N 88°50'56" W 535.89 feet; thence S 1°07'23" W 239.45 feet to the northerly right-of-way line of 200 North Street; thence N 88°53'17" W 1129.12 feet along said northerly right-of-way line; thence N 1°07'23" E 460.96 feet; thence N 50°30'21" E 178.57 feet; thence N 14° W 142.26 feet; thence S 66°57' W 1065.54 feet to the easterly right-of-way line of Flint Street; thence N 22°40'32" W 147.58 feet along said easterly right-of-way line; thence N 67°24' E 400.00 feet; thence N 22°40'32" W 1511.92 feet; thence S 67°19'28" W 400.00 feet to the easterly right-of-way line of Flint Street; thence N 22°40'32" W 382.13 feet along said right-of-way line; thence N 54°50'26" E 1247.34 feet; thence N 5°05'26" E 62.18 feet; thence N 0°43'26" E 124.70 feet; thence N 34°54'34" W 295.32 feet to the southerly line of Phillips Street; thence N 58°50'26" E 1258.61 feet along said southerly right-of-way line to the westerly right-of-way line of the Union Pacific Railroad; thence S 25°17'19" E 4445.22 feet along said westerly right-of-way line to the point of beginning.

11-095-0004, 0042, 0049, 0050, 0041, 0040

11-096-0045, 0056 thru 0059, 0013

11-063-0023, 0024 Area = 175.2219 acres

11-306-0001

11-322-0002, 0005, 0006

11-336-0010, 0011 + 0012

11-323-0007