

4-8
WHEN RECORDED
PLEASE RETURN TO:
City of Holladay
4580 S 2300 E
Holladay, UT 84117

**FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT FOR
PHEASANT COVE DEVELOPMENT**

THIS AMENDMENT TO THE DEVELOPMENT AGREEMENT is made and entered into as of this 23rd day of March, 2015, by and between NCD-III, LLC, hereinafter referred to as "Developer," and the **CITY OF HOLLADAY**, a Utah municipal corporation, hereinafter referred to as the "City."

RECITALS

- A.** Developer has received land use approvals for the Pheasant Cove Development in the City of Holladay and the Parties have entered into a Development Agreement relating to that development dated December 9, 2013.
- B.** Subsequent to entry of the Development Agreement the City Council of the City of Holladay, on June 12, 2014, authorized an amendment to the development agreement relating to the lot size of Lot 8 of the Pheasant Cove Development.
- C.** The Parties now desire to formalize the amendment approved by the City Council by the entry of this First Amendment to the Development Agreement.

NOW, THEREFORE, in consideration of the mutual covenants and conditions contained herein, the adequacy of which are hereby acknowledged, the parties agree as follows:

- 1. Amendment.** Paragraph 3.1.1.2 of the Development Agreement for the Pheasant Cove Development is hereby amended to read in its entirety as follows:

Paragraph 3.1.1.2

Proposed Lots 1, 2 and 3 as shown on Exhibit B shall not be subdivided and must contain at least 0.50 acres. All other lots shall contain at least 13,000 square feet, except Lot 8 which must contain at least 12,750 square feet.

- 2. Other Provisions Not Effected.** All other provisions of the Development Agreement for the Pheasant Cove Development dated December 9, 2013 shall remain in full force and effect and shall not be effected by this amendment.

12028004
04/10/2015 02:56 PM \$ D. W.
Book - 10313 Pg - 7598-7601
GARY W. OTT
RECORDER, SALT LAKE COUNTY, UTAH
CITY OF HOLLADAY
4580 S 2300 E
HOLLADAY CITY UT 84117
BY: EEP, DEPUTY - WI 4 P.

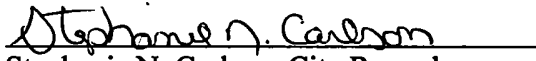
IN WITNESS WHEREOF, the parties hereby cause this Agreement to be executed as of the day and year first above written.

CITY OF HOLLADAY



Rob Dahle, Mayor

ATTEST:



Stephanie N. Carlson, City Recorder

NCD-III, LLC

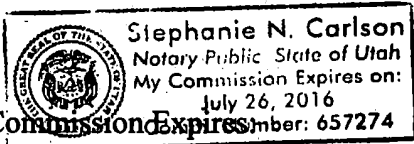
By: 

Its: Manager

CITY ACKNOWLEDGMENT

STATE OF UTAH)
)ss.
COUNTY OF SALT LAKE)

On the 30 day of March, 2015, personally appeared before me Rob Dahle who being by me duly sworn did say that he is the Mayor of **THE CITY OF HOLLADAY**, and that the foregoing instrument was signed in behalf of said City by authority of a resolution of the City Council; and they acknowledged to me that said City executed the same.



My Commission Expires: 7-26-16

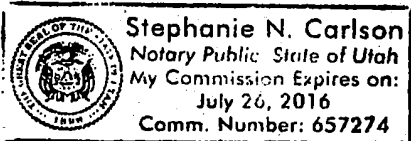
Stephanie N. Carlson
Notary Public

Residing at:
City of Holladay

DEVELOPER ACKNOWLEDGMENT

STATE OF UTAH)
)ss.
COUNTY OF SALT LAKE)

On the 23 day of March, 2015, personally appeared before me NORMAN C. Dahle who being by me duly sworn did say that he is the Manager of **NCD-III, LLC**, a Utah limited liability company, and that the within and foregoing instrument was signed on behalf of said limited liability company by authority of its Articles of Organization and duly acknowledged to me that said limited liability company executed the same.



My Commission Expires: 7-26-16

Stephanie N. Carlson
Notary Public

Residing at:
City of Holladay

EXHIBIT "A"
LEGAL DESCRIPTION

Beginning South 726.04 feet and West 167.03 feet from a 1986 Salt Lake County Brass cap marking the current relocation of the Northwest Corner of Section 15, Township 2 South, Range 1 East, Salt Lake Base & Meridian, said point also lies thence North 00 degrees 31'40" West, a distance of 557.11 feet and North 89 degrees 28'20" East, a distance of 33.00 feet and South 87 degrees 31'14" East, a distance of 7.01 feet from a street monument located at the intersection of Highland Drive and 5600 South Street thence South 87 degrees 31'14" East, a distance of 169.39 feet; thence South 00 degrees 03'43" West, a distance of 9.14 feet; thence South 71 degrees 25'04" East, a distance of 150.19 feet; thence South 66 degrees 40'50" East, a distance of 196.12 feet; thence South 04 degrees 40'00" West, a distance of 32.35 feet; thence North 89 degrees 58'38" East, a distance of 4.54 feet; thence South 08 degrees 00'00" West, a distance of 242.22 feet; thence North 87 degrees 21'10" West, a distance of 456.74 feet; thence North 00 degrees 31'40" West, a distance of 392.99 feet to the Point of beginning.

Being the proposed Pheasant Cove Subdivision.

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