

Welcome to Garden City

Utah

Where Families Play

Recorded 17-JUN-2021 Filing No. 100422
At 02:41 PM Bk 012 Pg 1701 Fee \$40.00
Krystal G Butterfield Rich County Recorder
By TOWN OF GARDEN CITY

After recording, mail to:

Town of Garden City
PO Box 207
Garden City, Utah 84028



TOWN OF GARDEN CITY

Lot Line Adjustment Covenant to run with the land

ON THIS 20th day of January, 2021, COMES NOW the Town of Garden City, a Class 4 municipality, acting by and through its duly appointed Mayor, (hereinafter known as the "town") and MMB, LLC, MMH, LLC and MML, LLC (hereinafter known as the "owners") and owners of certain real property in the Town of Garden City, Rich County, State of Utah, known generally as Lot 1, Remainder Parcel A and Remainder Parcel B at approximately 537 and 557 N. Bear Lake Blvd. 41-16-000-0116, 41-16-000-0118, 41-16-000-~~0117~~ 0117

Lot 1

A part of the West Half of Section 16, Township 14 North, Range 5 East, Salt Lake Base and Meridian, U.S. Survey in Rich County, Utah:

Beginning at an existing Rebar with Cap on the East Line of 300 West Street located 256.28 feet South 0°04'53" West along the Section Line; and 50.03 feet South 89°55'07" East from an Aluminum Cap Monument found marking the West Quarter Corner of said Section 16; said Monument is located 2690.93 feet North 0°04'53" East from a Pin found marking the Southwest Corner of said Section 16; and running thence along the East Line of 300 West Street the following three courses: North 0°04'27" East 90.20 feet to a point of curvature; Northeasterly along the arc of a 200.00 foot radius curve to right a distance of 223.81 feet (Central Angle equals 64°07'01" and Long Chord bears North 32°07'56" East 212.31 feet) to a point of tangency; and North 64°11'27" East 102.41 feet to the Westerly Line of U.S. Highway 89; thence along said Westerly Line the following two courses: Southeasterly along the arc of a 1960.08 foot radius curve to left a distance of 629.25 feet (Center bears North 64°01'08" East, Central Angle equals 18°23'37" and Long Chord bears South 35°10'41" East 626.55 feet) to an existing Rebar with Cap at a point of tangency; and South 44°22'29" East 4.69 feet; thence South 45°42'56" West 112.44 feet; thence North 89°50'06" West 434.79 feet; thence South 0°09'54" West 10.00 feet; thence North 89°50'06" West 54.55 feet to said East Line of 300 West Street; thence North 0°04'27" East 287.99 feet along said East Line to the point of beginning.

Contains 217,816 sq. ft.
or 5.000 acres

P.O. Box 207 • 69 North Paradise Parkway • Garden City, Utah 84028
Phone: (435) 946-2901 • Fax (435) 946-8852
EMail: townofgardenclty@gmail.com • Website: www.gardencltyut.us

1701

Remainder Parcel A

A part of the Southwest Quarter of Section 16, Township 14 North, Range 5 East, Salt Lake Base and Meridian, U.S. Survey in Rich County, Utah:

Beginning at a point on the Westerly Line of U.S. Highway 89 located 456.36 feet South 0°04'53" West along the Section Line; and 619.80 feet South 89°55'07" East from an Aluminum Cap Monument found marking the West Quarter Corner of said Section 16; said Monument is located 2690.93 feet North 0°04'53" East from a Pin found marking the Southwest Corner of said Section 16; and running thence South 44°22'29" East 157.31 feet along said Westerly Line; thence South 45°37'31" West 127.23 feet; thence North 38°19'13" West 158.36 feet; thence North 45°42'56" East 110.53 feet to the point of beginning.

Contains 18,712 sq. ft. or 0.430 acre

Remainder Parcel B

A part of the Southwest Quarter of Section 16, Township 14 North, Range 5 East, Salt Lake Base and Meridian, U.S. Survey in Rich County, Utah:

Beginning at a point on the East Line of 300 West Street located 1195.64 feet South 0°04'53" West along the Section Line; and 50.15 feet South 89°54'31" East from an Aluminum Cap Monument found marking the West Quarter Corner of said Section 16; said Monument is located 2690.93 feet North 0°04'53" East from a Pin found marking the Southwest Corner of said Section 16; and running thence North 0°04'27" East 651.38 feet along said East Line; thence South 89°50'06" East 54.55 feet; thence North 0°09'54" East 10.00 feet; thence South 89°50'06" East 434.79 feet; thence North 45°42'56" East 1.91 feet; thence South 38°19'13" East 158.36 feet; thence North 45°37'31" East 127.23 feet to the Westerly Line of U.S. Highway 89; thence South 44°22'29" East 414.32 feet along said Westerly Line; thence South 0°20'06" East 316.00 feet; thence South 82°45'47" West 121.10 feet; thence North 89°54'31" West 852.18 feet to the East Line of 300 West Street and the point of beginning.

Contains 574,299 sq. ft. or 13.184 acres

(Hereinafter known as "property") and do hereby enter into this Agreement and Covenant as follows:

WHEREAS the Town of Garden City has duly enacted ordinances and statutes prescribing zoning land use policies and requirements of the Town of Garden City; and

WHEREAS owners are desirous of utilizing their land and improvements in a manner in conformity with the ordinances or statutes; and

WHEREAS the Town is willing to grant a lot line adjustment to the subject property based on the owner's providing the Town with a covenant to run with the land applicable to any and all heirs, successors of interest or assigns as set forth herein

NOW THEREFORE, for valuable consideration received, the sufficiency of which is hereby acknowledged by the owners, the Town and the Owners do hereby covenant, promise, and agree as follows:

WHEREAS the Town

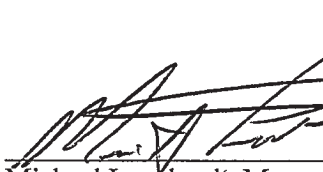
1. THIS COVENANT shall be a covenant that runs with the land and shall be in perpetuity.
2. THIS COVENANT shall be binding on all heirs, successors in interest, assigns, sureties, or any other persons hereinafter acquiring any interest in the property.
3. THIS COVENANT shall be governed by the laws of the State of Utah and shall be enforceable through any and all remedies allowable at law including, but not limited to, injunctive or declaratory relief. The owner does hereby stipulate that the failure to abide by the covenants would leave the Town irreparably injured, and that there is no adequate remedy at law save and except injunctive relief.
4. THAT SHOULD THIS COVENANT have to be enforced, requiring the services of an attorney, either in Court, or in any administrative proceedings or otherwise, the Town shall be entitled to recover against the owners, or their successors, assigns, or heirs a reasonable attorney's fee for the enforcement of the covenant herein, as well as all costs and fees incurred therein.
5. OWNER, HIS HEIRS, SUCCESSORS IN INTEREST OR ASSIGNS promise to abide by the covenant and understand that the failure to abide by this covenant shall, be grounds for the Town to pursue any and all remedies, granted by the Town upon 10 days written notice to the property owners.

Thereafter, the Town may enforce strict compliance with its land use planning and other ordinance allowable at law, and no claim or waiver estoppel shall apply as against the Town.

DATED this 20th day of January, 2021

APPROVED:

APPROVED:


Michael Leonhardt, Mayor




Dan Kurek, Planning Commission Chair

Attest:

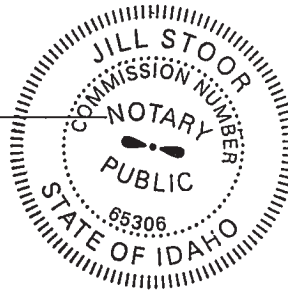
Stephy L. Huslop
Town Clerk

Brandon Moldenhauer
Brandon Moldenhauer, Member of MMB, LLC & MMH, LLC

State of Utah)
)§
County of Rich)

On the 29th day of January, 2021, personally appeared before me, Brandon Moldenhauer, member of MMB, LLC & MMH, LLC, who duly acknowledged to me that he executed the same.

Jill Stoor
Notary



My Commission expires: 3/27/2021
Residing in: Wayan, ID

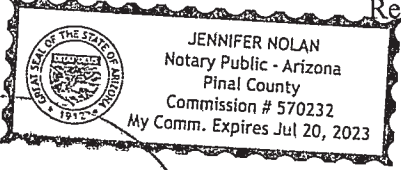
[Signature]
Dan Moldenhauer, Member of MMB, LLC & MMH, LLC

State of ~~Utah~~ Arizona)
County of ~~Rich~~ Maricopa)§

On the 12th day of February, 2021, personally appeared before me, Dan Moldenhauer, Member of MMB, LLC & MMH, LLC who duly acknowledged to me that he executed the same.

[Signature]
Notary

My Commission expires: 7.20.2023
Residing in:



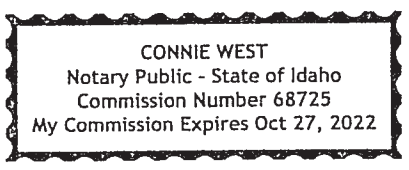
[Signature]
Daniel Murrie Moldenhauer, Member of MMB, LLC & MMH, LLC

State of ~~Utah~~ Idaho)
County of ~~Rich~~ Madison)§

On the 28 day of January, 2021, personally appeared before me, Daniel Murrie Moldenhauer, Member of MMB, LLC & MMH, LLC, who duly acknowledged to me that he executed the same.

Connie West
Notary

My Commission expires: Oct. 27. 2022
Residing in: Reuburg, ID



Debra Moldenhauer
Debra Moldenhauer, Member of MMB, LLC & MMH, LLC

State of Arizona)
Maricopa)§
County of Picher)

On the 12th day of February, 2021, personally appeared before me, Debra Moldenhauer, Member of MMB, LLC & MMH, LLC who duly acknowledged to me that he executed the same.

Jenifer Nolan
Notary Public - Arizona
JENNIFER NOLAN
Notary Public - Arizona
First County
Commission # 570332
My Comm. Expires Jul 20, 2023

My Commission expires: 7.20.2023
Residing in:

Heather Moldenhauer
Heather Moldenhauer, Member of MMB, LLC & MMH, LLC

State of Utah)
County of Rich)§

On the 19th day of January, 2021, personally appeared before me, Heather Moldenhauer, Member of MMB, LLC & MMH, LLC who duly acknowledged to me that he executed the same.

Sharlene C. Millard
Notary

My Commission expires: Feb. 14, 2023
Residing in: Garden City, UT

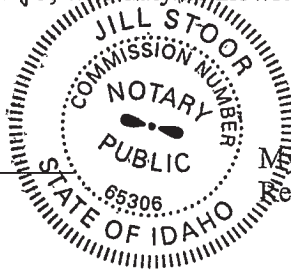


Jessica Moldenhauer
Jessica Moldenhauer, Member of MMB, LLC & MMH, LLC

State of Utah)
)§
County of Rich)

On the 29th day of January, 2021, personally appeared before me, Jessica Moldenhauer, Member of MMB, LLC & MMH, LLC, who ~~duly~~ acknowledged to me that he executed the same.

Jill Stoor
Notary



My Commission expires: 3/27/2021
Residing in: Wayan, ID

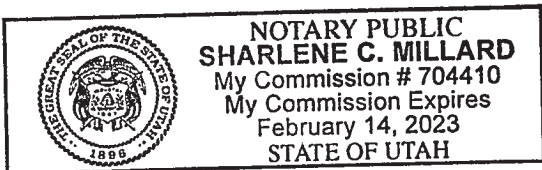
Michael Lewis Moldenhauer
Michael Lewis Moldenhauer, Member of MMB, LLC & MMH, LLC

State of Utah)
)§
County of Rich)

On the 27th day of January, 2021, personally appeared before me, Michael Lewis Moldenhauer, Member of MMB, LLC & MMH, LLC who duly acknowledged to me that he executed the same.

Sharlene C. Millard
Notary

My Commission expires: Feb. 14, 2023
Residing in: Garden City, ut



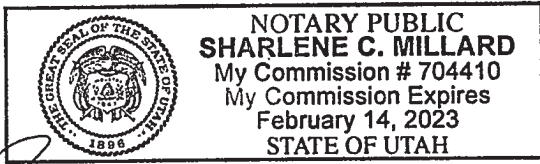
Rebecca Moldenhauer, Registered Agent & Member of MMB, LLC

State of Utah)
)§
County of Rich)

On the 27 day of January, 2021, personally appeared before me, Rebecca Moldenhauer, Registered Agent & Member of MMB, LLC, who duly acknowledged to me that he executed the same.

Notary

My Commission expires: Feb. 14, 2023
Residing in: Garden City, UT



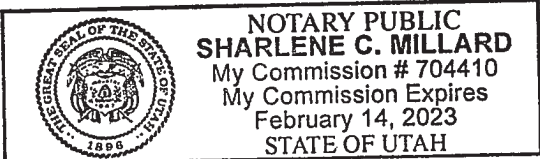
Rebecca E. Moldenhauer, Member of MMH, LLC

State of Utah)
)§
County of Rich)

On the 27 day of January, 2021, personally appeared before me, Rebecca E. Moldenhauer, Member of MMH, LLC, who duly acknowledged to me that he executed the same.

Notary

My Commission expires: Feb. 14, 2023
Residing in: Garden City, UT



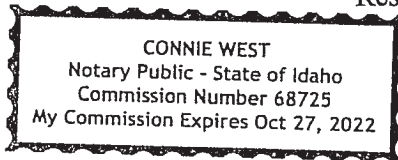
Teresa Moldenhauer
Teresa Moldenhauer, Member of MMB, LLC & MMH, LLC

State of ~~Utah~~ Idaho)
)§
County of ~~Rich~~ Madison

On the 28 day of January, 2021, personally appeared before me, Teresa Moldenhauer, Member of MMB, LLC & MMH, LLC who duly acknowledged to me that he executed the same.

Connie West
Notary

My Commission expires: Oct. 27, 2022
Residing in: Rexburg, ID



Justin Taylor
Justin Taylor, Member of MML, LLC

State of Utah)
)§
County of Rich)

On the 10th day of June, 2021, personally appeared before me, Justin Taylor, Member of MML, LLC who duly acknowledged to me that he executed the same.

Sharlene C Millard
Notary

My Commission expires: Feb. 14, 2023
Residing in: Garden City - UT

Daniel Moldenhauer
Daniel Moldenhauer, Member of MML, LLC

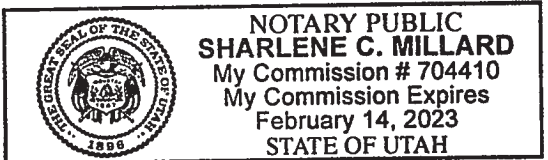


State of Utah)
)§
County of Rich)

On the 9 day of June, 2021, personally appeared before me, Daniel M. Moldenhauer Member of MML, LLC who duly acknowledged to me that he executed the same.

Sharlene C. Millard
Notary

My Commission expires: Feb. 14, 2023
Residing in:

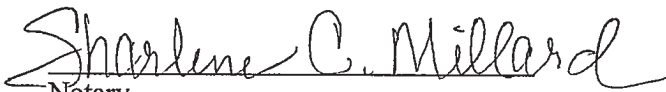




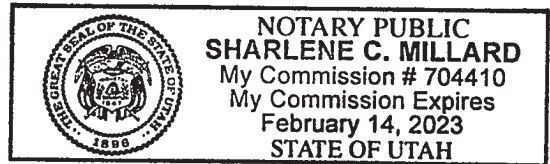
Curtis E. Moldenhauer, Member of MML, LLC

State of Utah)
)§
County of Rich)

On the 15th day of June, 2021, personally appeared before me, Curtis E. Moldenhauer, Member of MML, LLC who duly acknowledged to me that he executed the same.


Notary


My Commission expires: Feb. 14, 2023
Residing in: Garden City



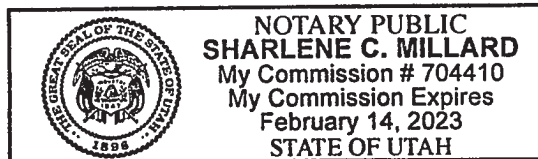
Brandon W. Moldenhauer, Member of MML, LLC


State of Utah)
)§
County of Rich)

On the 10th day of June, 2021, personally appeared before me, Brandon W. Moldenhauer, Member of MML, LLC who duly acknowledged to me that he executed the same.


Notary


My Commission expires: Feb. 14, 2023
Residing in: Garden City, UT




Michael L. Moldenhauer, Member of MML, LLC

State of Utah)
)§
County of Rich)

On the 10th day of June, 2021, personally appeared before me, Michael L. Moldenhauer, Member of MML, LLC who duly acknowledged to me that he executed the same.


Notary

My Commission expires: Feb. 14, 2023
Residing in: Garden City, UT

