

DOC # 20210000332

Notice Page 1 of 5
Gary Christensen Washington County Recorder
01/04/2021 03:44:37 PM Fee \$ 0.00
By VIRGIN CITY

When Recorded Return To:

Virgin Town
PO Box 790008
Virgin, Utah 84779-0008

Affects Parcel No. V-2140-A-4-A-1



VIRGIN TOWN
P.O. BOX 790008, 114 S. MILL STREET VIRGIN, UTAH 84779-0008
(435) 635-4695 FAX - (435) 635-0265 PHONE

CONDITIONAL USE PERMIT

IN CONSIDERATION OF THE ISSUANCE OF A CONDITIONAL USE PERMIT ("CUP") to ZION CANYON TRAIL RIDES AT JACOB'S RANCH, LLC, a Utah limited liability company ("Applicant"), to conduct commercial activity in the form of renting Equine and Equine Tack from the "Subject Property" located at approximately 530 East State Route 9, Virgin, Utah consisting of approximately 18.11 acres described more fully in Exhibit A, attached hereto and incorporated by this reference, the following requirements must be met and maintained, to the satisfaction of Virgin Town ("Town"), in order for the CUP to become effective and continue:

1. Applicant to obtain and maintain a current business license from the Town.
2. Applicant to submit a site plan for the entire Subject Property showing the location of all existing structures (permanent and temporary), all new structures to be built, all stables, corrals, holding pens, parking areas, offices, barns, tack sheds, staging areas, restrooms, trash receptacles, feed storage areas, private drives and references to prominent landmarks such as SR-9 and the steep hillside on the North of the Subject Property. The updated site plan shall also show the direction and flow of vehicular customer traffic as it exits and enters on to SR-9.
3. All enclosures for the stabling and holding of equines must be constructed of at least standard 3 course wire livestock fencing and of sufficient height to keep equine contained. Enclosures for feed, trash and tack, visible from SR-9 must be screened.
4. Removal of manure from stalls, barns, and small enclosures on a daily basis. Larger corrals and enclosures must be fully cleared at a minimum once every 6 months, and more often if necessary, to abate offensive odors, dust, pests, and flies. Collected manure may either be spread over meadow area or hauled off.
5. The septic system for the Subject Property must be in compliance with the Washington County Health Department to confirm it is sufficiently sized and operational for the provision of septic waste disposal for the outside restrooms made available to customers. If non-compliant, Applicant, at its sole cost

and expense, shall expand, repair or replace its septic system to the satisfaction of the Washington County Health Department. A completed Certificate of Inspection/Compliance issued by the County must be provided to the Town.

6. Applicant to either: (a) connect to the Town's culinary water system separate from that of the residence, or (b) Applicant must have the spring inspected and water quality tested by the Washington County Health Department, Utah Division of Drinking Water, or other governmental entity in charge of monitoring drinking water quality within Washington County for use by customers, employees or independent contractors in the outside restrooms or elsewhere on the Subject Property in connection with the Use. If the latter, the Town will require a copy of an approved culinary water inspection performed annually.

7. Applicant to provide an area map with the instructions to not ride on property posted or marked.

8. Applicant must advise and require any guide, wrangler or other equine professional who provides equine services to the customers of Applicant as an independent contractor to possess a current business license. Independent contractors will be given reasonable time to obtain a business license.

9. Applicant to name the Town as an additional insured on an insurance policy. Applicant to provide proof of insurance to the Town on an annual basis.

10. Applicant to post appropriate notices, imbedded in all-weather material, in conspicuous places throughout the Subject Property which comply with the risk notice requirement of the Utah Code Ann. § 78B-4-203, and VULU requirements for equine activities.

11. Upon a filed, reasonable complaint to the Town and giving 72-hour advanced notice, Applicant is to allow Town Officials to inspect the Subject Property for continued compliance with the above-conditions.

12. Applicant to provide adequate parking for customers, employees and independent contractors on the Subject Property in the location(s) designated in the Site Plan. Applicant shall ensure that no customers, employees and independent contractors leave any unaccompanied vehicles within the SR-9 right of way.

13. Applicant must remove manure when appropriate from public streets.

GENERAL TERMS OF THE CUP

An annual review (including inspection) of the Applicant's continued compliance with the CUP requirements set forth above, must take place before the issuance of, or renewal of, a business license. Although this CUP runs with the land, expansion, alteration, or deviance from any of the agreed upon conditions herein, when reviewed annually will require an amendment or the revocation of the CUP and business license.

By Countersigning the CUP below, the undersigned acknowledges and agrees that: a) it will comply with all of the above conditions, both initially and continually, b) in the event the Town or Applicant is required to initiate any legal action or other proceedings to enforce the rights and obligations arising under this CUP, the court may award the prevailing party its costs, reasonable attorney's fees incurred in the enforcement action, and c) that the CUP may be recorded with the legal description of the Subject Property in the Official Records on file in the Office of the Recorder of Washington County.

SO ISSUED this 3rd day of ~~June~~^{Aug}, 2020

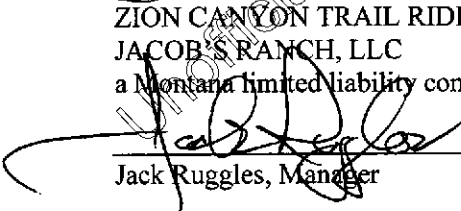
VIRGIN TOWN
a Utah municipal corporation

ZION CANYON TRAIL RIDES
AT JACOB'S RANCH, LLC
a Utah limited liability company


Gene Garate, Virgin Town Zoning Administrator


Jack Ruggles, Manager

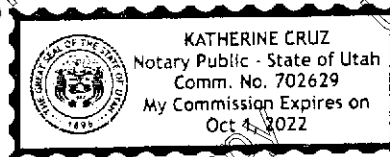
ZION CANYON TRAIL RIDES AT
JACOB'S RANCH, LLC
a Montana limited liability company


Jack Ruggles, Manager

STATE OF UTAH)
) ss:
COUNTY OF WASHINGTON)

On this 3rd day of ~~June~~^{August}, 2020, personally appeared before me Gene Garate, who being by me duly sworn/affirmed, did say that he is the appointed Zoning Administrator of the Virgin Town, a Utah municipal corporation, and that said instrument was signed on behalf of the Town for its intended purpose.

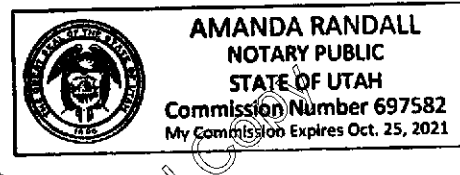

NOTARY PUBLIC



STATE OF UTAH)
) ss:
COUNTY OF WASHINGTON)

On this 23rd day of June, 2020, personally appeared before me Jack Ruggles, who being by me duly sworn/affirmed, did say that his is the manager of Zion Canyon Trail Rides at Jacob's Ranch, LLC, a Utah limited liability company, and that said instrument was signed on behalf of said company for its intended purpose.


NOTARY PUBLIC



STATE OF UTAH)
) ss:
COUNTY OF WASHINGTON)

On this 23rd day of June, 2020, personally appeared before me Jack Ruggles, who being by me duly sworn/affirmed, did say that his is the manager of Zion Canyon Trail Rides at Jacob's Ranch, LLC, a Montana limited liability company, and that said instrument was signed on behalf of said company for its intended purpose.


NOTARY PUBLIC

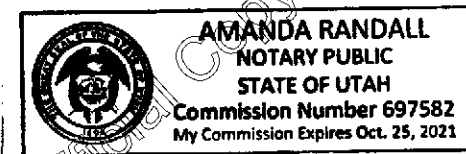


EXHIBIT A**Legal Description of Subject Property****PARCEL 1:**

Commencing at the West Quarter Section Corner of Section 23, Township 41 South, Range 12 West, Salt Lake Base and Meridian; and running thence South $1^{\circ}06'15.53''$ West along the Section Line 1134.22 feet to the existing North Right-of-Way Line of Highway U-9; thence North $87^{\circ}04'33.7''$ East along said Right-of-Way Line 300.74 feet to the true point of beginning; thence North $1^{\circ}06'15.53''$ East, 316.992 feet; thence running under the vertical part of the Rock Rim as follows: South $69^{\circ}56'07''$ East, 139.71 feet; thence South $73^{\circ}59'18''$ East, 183.82 feet; thence South $78^{\circ}04'53''$ East, 225.62 feet; thence South $85^{\circ}14'15''$ East, 315.91 feet; thence North $83^{\circ}27'49''$ East, 287.30 feet; thence South $79^{\circ}15'52''$ East, 454.73 feet; thence North $68^{\circ}51'16''$ East, 123.61 feet; thence North $40^{\circ}39'42''$ East, 128.76 feet; thence leaving Rim South $88^{\circ}36'21''$ East, 470.80 feet; thence South $0^{\circ}33'40''$ East, 269.75 feet to the thread of North Creek; thence South $57^{\circ}31'51''$ West along the thread of the Creek 437.18 feet; thence South $34^{\circ}34'51''$ West along the thread of the Creek 302.05 feet to a point on the North Right-of-Way Line of Highway U-9; thence Westerly along said Right-of-Way Line as follows: North $57^{\circ}12'14''$ West, 408.98 feet to a point of tangency with a 1950.1 foot radius curve to the left; thence Westerly along the arc of said curve 123.64 feet to the 1/16 Section Line; thence South $88^{\circ}54'23.5''$ East along the 1/16 Section Line 21.08 feet to a point on a 1960.1 foot radius curve to the left; thence Westerly along said curve 1115.66 feet; thence South $87^{\circ}04'33.7''$ West 214.39 feet to the true point of beginning.

NOTE: This description is written using State grid bearings with the base bearing being North $1^{\circ}06'15.53''$ East between the Southwest Corner and the West Quarter Corner of Section 23, Township 41 South, Range 12 West. It is the same base as the Virgin-Rockville Ground Control System.

LESS AND EXCEPTING therefrom the following described Parcels A and B:

Parcel A:

A parcel of land in fee for a highway known as Project No. 014, being part of an entire tract of property, situated in the North Half of the Southwest Quarter (N 1/2 SW 1/4) of Section 23, Township 41 South, Range 12 West, Salt Lake Base and Meridian. The boundaries of said parcel of land are described as follows:

Beginning at a point 1134.22 feet South $1^{\circ}06'16''$ West along the West Line of Said Section 23 and 300.74 feet North $87^{\circ}04'34''$ East along the Northerly Right-of-Way Line of the existing highway from the West Quarter Corner of said Section 23, thence North $87^{\circ}04'34''$ East, 214.39 feet along said Northerly Right-of-Way Line to a point of tangency with a 19650.10-foot radius curve to the right, thence Easterly 1115.66 feet along the arc of said curve, along said Northerly Right-of-Way Line, to the South Line of said North Half of the Southwest Quarter (N 1/2 SW 1/4); thence South $88^{\circ}54'24''$ East, 19.82 feet; along said South Line; thence North $57^{\circ}39'01''$ West, 110.75 feet; thence Westerly 999.70 feet along the arc of a 2153.48-foot radius curve to the left (Note: Tangent to said curve at its point of beginning bears North $62^{\circ}42'40''$ West); thence South $87^{\circ}02'21''$ West, 249.26 feet; thence South $1^{\circ}06'16''$ West, 41.74 feet along the Westerly Boundary Line of said entire tract to the point of beginning as shown on the Official Map of said project on file in the Office of the Utah Department of Transportation. (Note: All bearings in the above description are based on the Utah State Plane Coordinate System Modified.)

Parcel B:

A parcel of land in fee for a highway known as Project No. 014, being part of an entire tract of property situate in the Southeast Quarter of the Southwest Quarter (SE 1/4 SW 1/4) of Section 23, Township 41 South, Range 12 West, Salt Lake Base and Meridian. The boundaries of said parcel of land are described as follows:

Beginning in the North Line of said Southeast Quarter of the Southwest Quarter (SE 1/4 SW 1/4) at a point 1063.36 feet North 88°34'24" West from the Northeast Corner of said Southeast Quarter of the Southwest Quarter (SE 1/4 SW 1/4); thence South 57°39'01" East, 295.61 feet; thence South 57°12'40" East, 203.84 feet to the Southeasterly Boundary Line of said entire tract; thence South 34°34'51" West, 19.89 feet along said Southeasterly Line to the Northeasterly Right-of-Way Line of the existing highway; thence North 57°12'14" West, 408.98 feet along said Northeasterly Right-of-Way Line to a point of tangency with a 1950-foot radius curve to the left; thence Northwesterly 123.64 feet (which equals highway distance 124.21 feet) along the arc of said curve, to the North Line of said Southeast Quarter of the Southwest Quarter (SE 1/4 SW 1/4); thence South 88°54'24" East, 40.90 feet along said North Line to the point of beginning as shown on the Official Map of said project on file in the Office of the Utah Department of Transportation. (Note: All bearings in the above description are based on the Utah State Plane Coordinate System Modified.)

PARCEL 2:

A tract of land situate in the Northwest Quarter of the Southwest Quarter (NW 1/4 SW 1/4) of Section 23, Township 41 Range 12 West, Salt Lake Base and Meridian; the boundaries of said tract of land are described as follows:

Beginning in the West Line of said Section 23 at a point 244.41 feet North 1°06'16" East along said West Line from the Southwest Corner of the Northwest Quarter of the Southwest Quarter (NW 1/4 SW 1/4) of Section 23, Township 41 South, Range 12 West, Salt Lake Base and Meridian; thence North 1°06'16" East, 109.72 feet along said West Line; thence South 88°53'44" East, 200.00 feet; thence South 1°06'16" West, 100.25 feet to the Northerly Right-of-Way Line of a Highway known as SR-9; thence Southwesterly along said Northerly Right-of-Way Line the following (2) courses; South 87°02'21" West, 57.04 feet; thence South 88°54'55" West 143.20 feet to the Point of Beginning.

PARCEL 3:

Commencing at the West Quarter Section Corner of Section 23, Township 41 South, Range 12 West, Salt Lake Base and Meridian and running thence South 1°06'15.53" West along the Section line 1134.22" feet to the existing North right of way line of Highway U-9; thence North 87°04'33.7" East along said right of way line 200.49 feet to the true point of beginning; thence North 1°06'15.53" East modified State Plane or North 0°04'35" East G.L.C. along the Dolly Lade property line 358.39 feet; thence South 69°56'07" East, 105.24 feet; thence South 1°06'15.53" West, 316.992 feet; to the Highway right of way line; thence South 87°04'33.7" West, 100.25 feet to the true point of beginning.

LESS AND EXCEPTING FROM the above Parcels 1, 2 and 3:

Any right, title or interest in any minerals, mineral rights, or related matters, including but not limited to oil, gas, coal and other hydrocarbons.