



ENT 18460:2022 PG 1 of 3  
ANDREA ALLEN  
UTAH COUNTY RECORDER  
2022 Feb 10 12:57 pm FEE 0.00 BY SM  
RECORDED FOR PROVO CITY CORPORATION

WHEN RECORDED, MAIL TO:

The U.S. Army Corps of Engineers Utah Regulatory Office  
1403 South 600 West, Suite A  
Bountiful, Utah 84010

**AMENDMENT TO THE DECLARATION OF ESTABLISHMENT  
OF CONDITIONS, COVENANTS, AND RESTRICTIONS**

KNOW ALL MEN BY THESE PRESENTS, that whereas under Section 1344 of Title 33 of the United States Code, the Sacramento District Engineer, US Army Corps of Engineers, has authorized certain improvements on and/or adjacent to my certain piece of real property at Assessor's Parcel No. 22:050:0055 in the County of Utah, State of Utah described in that certain deed recorded as Entry No. 19967 of Book 4217 on Page 269 of the official records of Utah County, to wit:

A parcel of land in fee for a Wetland Mitigation Site and Detention Pond incident to the construction of an expressway known as Project No. 15-6, being part of an entire tract of property situate in the projected NE ¼ SE 1/4. of Section 13, T.7S., R.2E., S.L.B.& M.

The boundaries of said parcel of land are described as follows:

Beginning at the intersection of the easterly right of way and N/A line of expressway I-15 of said project and the southerly right of way and N/A line of 1860 South Street of said project, which point is 167.977 meters west and 1016.055 meters south from the northeast corner of said Section 13, at a point 40.000 meters perpendicularly distant southeasterly from the center line of said 1860 South Street opposite Engineer Station 16+354.004; thence N, 66°55'15" E, 88.732 meters along said southerly right of way and N/A line; thence S. 20°39' 37" E. 164.488 meters; thence N. 89°38'00" W. 106.937 meters to said easterly right of way and N/A line; thence along said easterly right of way and N/A line the following (2) courses:

N. 5°10'25" E. 25.617 meters; thence N. 20°39'37" w. 99.317 meters to the point of beginning aa shown on the official map of said project on file in the Office of the Utah Department of Transportation.

The above described parcel of land contains 13058 square meters in area

(Note, to obtain distances in feet, divide above distances by 0.3048 . Multiply above area by 10.764 to obtain square feet.)

For the protection of the owner and the public at large I, representing Provo City, the owner of said real property, in consideration of such authorization, certify and declare that saving and excepting that portion of the property described in Attachment 1, the following covenants, conditions, and restrictions are placed on the property:

1. Management and maintenance of the mitigation site shall conform with the approved mitigation and management plan for Department of the Army Permit No. 199750532 as it specifically pertains to this mitigation site.
2. No discharge of dredged or fill material or excavation in the mitigation area shall be allowed, including the construction of buildings or other structures, unless authorization is first obtained from the Corps;
3. No grazing of animals is allowed; if necessary, the site shall be fenced in order to preclude grazing livestock.
4. No mowing or alteration of vegetation in the mitigation area is allowed unless necessary for safety reasons or to control noxious weeds, provided that prior authorization is obtained from the Corps;
5. These covenants are to run with the land and shall be binding on all successors and assigns

of the owner.

The above Conditions, Covenants and Restrictions shall not apply to the 1.12 acres of Developable Wetlands described in Attachment #1,

IN WITNESS WHEREOF, the undersigned has caused this instrument to be executed.

OWNER OF RECORD:

Attest:

Provo City Corporation

*[Signature]*  
Heidi Papinos *BY LILLIAN MONTESS*  
Deputy City Recorder

*[Signature]*  
Michele Kaufusi, Mayor

[CORPORATE SEAL]

STATE OF UTAH )  
                                  ) ss.  
COUNTY OF UTAH )



The foregoing instrument was acknowledged before me on this 8<sup>th</sup> day of February, 2022 by Michelle Kaufusi of Provo City, Provo, Utah.

*[Signature]*  
Tara Riddle  
Notary Public



**LEGAL DESCRIPTION OF  
DEVELOPABLE UPLANDS  
PROVO, UTAH**

The portion of that Real Property described in Deed Book 4217 Page 269 of the Official Records of Utah County located in the SE1/4 of Section 13, Township 7 South, Range 2 East, Salt Lake Base & Meridian, Provo, Utah, which shall not be subject to the Declaration of Establishment of Conditions, Covenants, and Restrictions recorded as Entry No. 23474 of Book 4990 on Page 110 of the official records of Utah County, which excepted property is more particularly described as follows:

Beginning at the northeast corner of that Real Property described in Deed Book 4217 Page 269 of the Official Records of Utah County located S89°46'54"W along the Section line 282.66 feet and South 3,218.60 feet from the Northeast Corner of Section 13, T7S, R2E, S.L.B. & M.; thence S20°39'37"E 539.66 feet to the southeast corner of said deed; thence N89°38'00"W along the south line of said deed 193.63 feet; thence N0°22'00"E 503.72 feet to the point of beginning.

Contains: 1.12+/- acres