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Salt Lake City, Utah 84124
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Wheadon Preserve Street Parking Policy

Wheadon Preserve Homeowners Association, Inc.
Entity # 8419524-0140
Draper City, Salt Lake County, Utah

This Amendment to Wheadon Preserve Declaration of Covenants, Conditions and Restrictions and Reservation of Easements for Wheadon Preserve Homeowners Association, Inc. is made on this day October 23, 2014 by Larry Jensen in his capacity as a Director on Wheadon Preserve Homeowner Association Board of Directors. This amendment is made pursuant to the Declaration's Section 12.03 Rules and Regulations: *"The Board from time to time, upon thirty days' notice to the Owners, and not inconsistent with the provisions of the Declaration or the Bylaws, may adopt, amend, repeal and enforce reasonable Rules and Regulations governing, among other things: (a) the use of the Common Elements; (b) the use of any streets, driveways or parking areas owned by the Association; (c) the collection and disposal of refuse; (d) uses and nuisances pertaining to the Project; and (e) all other matters concerning the use and enjoyment of the Property and the conduct of Owners and their invitees within the Project"*.

Rationale: Wheadon Preserve is a high density, planned unit development (PUD). The main street, Wheadon Court is narrower than typical Draper City streets while at the same time the residential density is higher than typical Draper neighborhoods. Reasonable parking restrictions to assure accessibility and safety for all residents are necessary and proper. The street is part of the Common Element of the HOA and its use is shared equally among its residents. The use and regulation of Wheadon Preserve streets is under the jurisdiction of the Wheadon Preserve Homeowners Association Board of Directors, not Draper City.

The following parking policy was developed by the HOA Board as an amendment to the Association's "Declaration of Covenants, Conditions and Restrictions and Reservations of Easements".¹

- A. **General Intent:** It is the intent of Wheadon Preserve HOA for parking to take place in homeowner's garages and driveways, not on the street. Each home has a two-car garage and most have at least one or two additional driveway parking positions. Parking on the street is a convenience, not a necessity for residents. There are some households with multiple drivers that may wish to occasionally park on the street. The policy balances the convenience of street parking with the nuisance and safety factors associated with backing out of driveways, guest parking and snow removal.
- B. **Driveway Parking:** The Wheadon Preserve HOA board has approved the widening of shared driveways by 36" on each side to make it easier for residents with multiple cars to access and park on their own driveway.
- C. **Guest Parking:** Invitees are encouraged to park in the driveways of those they are visiting. For convenience, the HOA also provides nine guest parking spaces in three designated areas at the entrance of the development. Daytime and overnight resident overflow or guest parking is permitted in these spots. In order to discourage

storage of "extra" vehicles in these areas, parking a vehicle for longer than 24 hours is not permitted in these overflow areas.

- D. **West Side Street Parking:** The west side of Wheadon Court is posted "No Parking-Fire Lane". Due to local fire codes, no vehicle is permitted to park on that west side at any time.
- E. **Short-Term Resident and Guest Street Parking:** Temporary parking is permitted for residents and guests on the east side of Wheadon Court during the hours of 8:00 AM to 12:00 Midnight. This is strictly limited to four hours² per instance. If temporary parking is needed for longer than four hours, it shall take place on driveways or overflow/guest parking stalls. Additionally, Street Parking Permits are available.
- F. **Winter Street Parking:** To ensure that parking on the streets does not unduly or negatively affect the ability of the Association to remove snow from the streets, parking is prohibited on all Wheadon Preserve streets at all hours during the period of November 1 to March 31 of each year.³
- G. **RV Parking:** Recreation vehicles and boats are not permitted to be parked in driveways or stored in overflow parking areas. RV parking is limited to temporary, up to four hour street parking on the east side of Wheadon Court only.
- H. **Enforcement:** Violations will be enforced through towing and impounding. Residents are advised to inform their family, friends and guests regarding the specifics of the regulations to avoid cost and inconvenience. Several of the regulations will have posted signs but many will not.
- I. **Daytime and Overnight Street Parking Permits on the East Side of Wheadon Court:** In order to accommodate residents who have more vehicles than they wish to park in their garage and driveway, a limited number of parking spaces on the east side of Wheadon Court can be leased by purchasing an annual Street Parking Permit from the HOA. Revenue from Street Parking Permits will be retained by the HOA to be used toward street repair and maintenance costs. Permits will be provided to be displayed in the front window of the car. Permits allow street parking for one vehicle at all hours with the exceptions noted below.

Wheadon Preserve Street Parking Permits are subject to the following restrictions and limitations:

- The homeowner must be current with HOA fees.
- No more than one permit⁴ may be acquired or used by any one household.
- A permit will not be issued to a homeowner who cannot demonstrate that both parking spaces in his/her garage are clear and able to accommodate a vehicle, and that every effort has been made to utilize both spots in the garage and (where applicable) at least one parking spot in their driveway. "Vehicle" means a passenger car or truck; a permit may not be used to store a trailer, RV, boat, commercial vehicle, recreational motorcycle, or other recreational vehicle(s).
- Permit holders will avoid parking on the street directly across from the driveways of the homes on the west side of Wheadon Preserve.
- No Winter Street Parking: To ensure that parking on the streets does not unduly or negatively affect the ability of the Association to remove snow from the streets, no street parking is permitted (with or without a parking permit) during the period of November 1 through March 31 of each year".

Vehicles utilizing each paid Parking Permit must meet the following requirements:

- Vehicle is in good repair, does not leak oil or other fluids, and is not in any way a nuisance to the community.
- Vehicle is in regular use.
- Paid permits are transferrable between family vehicles but are not transferable to other homeowners without written consent of the HOA Board.
- There is a limit of 10 total permits⁵ that may be in effect at any one time. Three of those permits are reserved for homes that do not have driveways.
- The Parking Permit must be displayed prominently in the front window of the car or it will be subject to impounding.
- The permit fee must be paid annually, in advance in one lump sum. [The permit fee for calendar year 2015 is \$70.00. The Board reserves the right to adjust the annual fee as necessary in subsequent years].

¹ **The Board of Directors has the responsibility to address street parking as per Wheadon CCRs, Section 12.03 Rules and Regulations:** The Board from time to time, upon thirty days' notice to the Owners, and not inconsistent with the provisions of the Declaration or the Bylaws, may adopt, amend, repeal and enforce reasonable Rules and Regulations governing, among other things: (a) the use of the Common Elements; (b) the use of any streets, driveways or parking areas owned by the Association; (c) the collection and disposal of refuse; (d) uses and nuisances pertaining to the Project; and (e) all other matters concerning the use and enjoyment of the Property and the conduct of Owners and their invitees within the Project.

² **Why limit daytime guest street parking to four hours?** To minimize abuse of the limited amount of street parking available, there must be reasonable limits, otherwise the Board is permitting "unlimited" guest parking on the street. We have limited space with just 21 possible parking spots on the street. Ten of those spots are reserved for holders of paid Parking Permits. Four hours is a reasonable amount of time for family dinners, parties and guest visits. For longer guest visits, the subdivision provides nine parking stalls specifically designated for guests.

³ **Why prohibit street parking at all times in the winter?** It is reasonable to prohibit street parking in the winter. Snowfall is unpredictable and snow removal is a major expense for high density subdivisions. Almost all HOAs have winter street parking restrictions to facilitate snow removal and those limits are generally more restrictive than typical city streets.

Wheadon Preserve owns its streets and contracts with its own company to remove snow. Like other HOAs, Wheadon's winter street parking restriction covers both daytime and nighttime. Our contractor typically removes snow in the early morning but has dozens of other customers as well, all insisting that snow be removed when it is convenient for them. Everyone cannot be served at the same time. Snow falls at inconvenient times, so we need to allow for snow removal during the night and day. Our current policy as stated in the original development agreement reads, "*Parking of vehicles shall be allowed only in parking areas along the streets as approved by the Design Review Committee or the Board. To ensure that parking on the streets does not unduly or negatively affect the ability of the city or the Association to remove snow from the streets, parking shall be prohibited during the period of November 1 through March 31 of each year.*"

By comparison, Draper City has its own snow removal crews and its own rules for city streets... Draper's winter street parking policy says the following: *Section 14-5-010 Winter Parking. No person shall park a vehicle on any street within the jurisdiction of Draper City during the period from November 15 through April 15, between the hours of 1:00 a.m. and 6:00 a.m. except by permit provided in Section 14-5-020.* Why just in the nighttime? Draper City has the ability to deploy its own snow removal crews during the middle of the night. Draper City has no jurisdiction or interest regarding Wheadon Preserve streets, in the summer or winter.

It is expected that there will be an occasional need for residents or their invitees to park momentarily on the street during the winter on days where there is no current or eminent snow. There will be likely be no enforcement of inconsequential daytime parking on those days. On the other hand, in the event a car is found on the street during at any time when snowfall and/or snow removal is eminent, the owner can expect that the car may be towed and impounded at owner's expense. As to enforcement, common sense will rule. Common sense should also be used when a resident chooses to park on the street rather than their own driveway during a period when street parking is prohibited and their vehicle has the possibility of being towed.

⁴ **Why limit the number of permits to any one household?** It is reasonable to allocate equal parking opportunity to every household, otherwise the Board is permitting some residents to park a disproportionate number of vehicles on common property at the expense of other residents. Wheadon has a limited number of parking spots and limiting permits per family encourages the availability to the broadest number of stakeholders. Again, the objective is to incentivize cars to be parked in a garage and driveway, not to encourage street parking. A family with 4 cars can easily park two cars in the garage, one in the driveway and buy a parking pass if they wish to park one car on the street.

⁵ **Why limit the number of total permits to 10?** Wheadon has 21 total street parking spots. The Board must allow some flexibility for temporary guest and resident parking. [18 spots on the east side of Wheadon Court, 2 on the east end of the hammerhead on Porter View and 1 on the hammerhead on the east end of Wheadon Court].

IN WITNESS THEREOF, The Wheadon Preserve Homeowners Association, Inc. Board of Directors has executed this Amendment to Wheadon Preserve Declaration of Covenants, Conditions and Restrictions pursuant to Section 12.03 Rules and Regulations. This will be known as **Wheadon Preserve Street Parking Policy** and it will go into effect November 1, 2014.

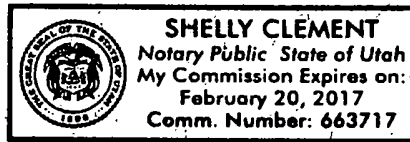
By: Larry S Jensen

Larry S Jensen
Representing The Wheadon Preserve Board Homeowners Association, Inc. Board of Directors
13839 Wheadon Court
Draper, Utah 84020
801-706-3639

State of Utah- Salt Lake County

The within instrument was acknowledged before me this 23rd day of October 2014 by Larry Jensen in his/her capacity as a Director on the Wheadon Preserve Homeowners Association Board of Directors and with the authorization from and at the instruction of the other Board members.

State of Utah)
County of Salt Lake)
Larry Jensen subscribed and sworn to before me on this 23
day of October in the year 2014
Shelly Clement
Notary Public



RXEN ENTRY # 0011799780 KIND OF INSTR NOTICE BOOK 10209 PAGE 03617
REC DATE 02042014 TIME 0154 FEE 37.00 REQ WESTERN MORTGAGE SERVICES
CONSID INSTR DATE 02042014 NUMBER OF RECORDED PAGES 0002
NAMES WHEADON PRESERVE HMNRS ASSN MGO TO WHOM IT MAY CONCERN MGE

OTHER PARTYS? N RXEN FINISHED? Y DOCUMENT FINISHED? Y
DATE FINISHED: 02/20/2014

34-06-329-001-0000	WHEADON PRESERVE	* SUB	00005
	~ LEGAL DESCRIPTION DIFFERS FROM CNTY RECORDS	L 1	00010
34-06-329-002-0000	WHEADON PRESERVE	* SUB	00015
	SAME DESCRIPTION AS ABOVE	L 2	00020
34-06-329-003-0000	WHEADON PRESERVE	* SUB	00025
	SAME DESCRIPTION AS ABOVE	L 3	00030
34-06-330-002-0000	WHEADON PRESERVE	* SUB	00035
	SAME DESCRIPTION AS ABOVE	L 4	00040
34-06-330-001-0000	WHEADON PRESERVE	* SUB	00045
	SAME DESCRIPTION AS ABOVE	L 5	00050
34-06-332-001-0000	WHEADON PRESERVE	* SUB	00055
	SAME DESCRIPTION AS ABOVE	L 6	00060

RXDU ENTRY # 0011799780

EXTRA INFORMATION FOR ABSTRACTING:

	SAME DESCRIPTION AS ABOVE	L 16	00160
34-06-333-002-0000	WHEADON PRESERVE	* SUB	00165
	SAME DESCRIPTION AS ABOVE	L 17	00170
34-06-333-001-0000	WHEADON PRESERVE	* SUB	00175
	SAME DESCRIPTION AS ABOVE	L 18	00180
34-06-331-008-0000	WHEADON PRESERVE	* SUB	00185
	SAME DESCRIPTION AS ABOVE	L 19	00190
34-06-331-007-0000	WHEADON PRESERVE	* SUB	00195
	SAME DESCRIPTION AS ABOVE	L 20	00200
34-06-331-006-0000	WHEADON PRESERVE	* SUB	00205
	SAME DESCRIPTION AS ABOVE	L 21	00210
34-06-331-005-0000	WHEADON PRESERVE	* SUB	00215
	SAME DESCRIPTION AS ABOVE	L 22	00220
34-06-331-004-0000	WHEADON PRESERVE	* SUB	00225
	SAME DESCRIPTION AS ABOVE	L 23	00230
34-06-331-003-0000	WHEADON PRESERVE	* SUB	00235
	SAME DESCRIPTION AS ABOVE	L 24	00240
34-06-331-002-0000	WHEADON PRESERVE	* SUB	00245
	SAME DESCRIPTION AS ABOVE	L 25	00250

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11=VTDI 12=PREV PAGE ??=BOTTOM

BK 10270 PG 1847

RXDU ENTRY # 0011799780

EXTRA INFORMATION FOR ABSTRACTING:

34-06-332-002-0000	WHEADON PRESERVE	* SUB	00065
	SAME DESCRIPTION AS ABOVE	L 7	00070
34-06-332-003-0000	WHEADON PRESERVE	* SUB	00075
	SAME DESCRIPTION AS ABOVE	L 8	00080
34-06-332-004-0000	WHEADON PRESERVE	* SUB	00085
	SAME DESCRIPTION AS ABOVE	L 9	00090
34-06-332-005-0000	WHEADON PRESERVE	* SUB	00095
	SAME DESCRIPTION AS ABOVE	L 10	00100
34-06-332-006-0000	WHEADON PRESERVE	* SUB	00105
	SAME DESCRIPTION AS ABOVE	L 11	00110
34-06-332-007-0000	WHEADON PRESERVE	* SUB	00115
	SAME DESCRIPTION AS ABOVE	L 12	00120
34-06-332-008-0000	WHEADON PRESERVE	* SUB	00125
	SAME DESCRIPTION AS ABOVE	L 13	00130
34-06-333-005-0000	WHEADON PRESERVE	* SUB	00135
	SAME DESCRIPTION AS ABOVE	L 14	00140
34-06-333-004-0000	WHEADON PRESERVE	* SUB	00145
	SAME DESCRIPTION AS ABOVE	L 15	00150
34-06-333-003-0000	WHEADON PRESERVE	* SUB	00155

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