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Book - 10306 Pg - 800-804A
GARY W. OTT
RECORDER, SALT LAKE COUNTY, UTAH
BRAD REYNOLDS CONSTRUCTION
PO BOX 17958-2200
SLC UT 84117
BY: TWP, DEPUTY - WI $\frac{1}{2}$ P.
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When Recorded Return To:

John D. Morris
MORRIS SPERRY
7070 South Union Park Center, Suite 220
Midvale, Utah 84043

**FIRST AMENDMENT TO
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR
RESIDENCES AT PARK AVENUE**

This Amendment is made and executed this 12 day of March, 2015, by Park Avenue LLC (the "Declarant").

Recitals

A. The DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR RESIDENCES AT PARK AVENUE was recorded on April 8, 2013 in the Salt Lake County Recorder's office as Entry No. 11613892, Book 10125, beginning at Page 4084 (the "Declaration").

B. The initial Plat for Phase 1 and Phase 2 have also been recorded in Salt Lake County Recorder's office.¹

C. Exhibit A of the Declaration identifies certain real property located within the Project, which real property is hereinafter referred to as Phase 1 Property and Phase 2 Property of the Project.

D. Pursuant to Article 2, Section 2.6 and Article 22, Section 22.8 of the Declaration, the Declarant may add land to the Project at any time and for any reason.

E. The Declarant desires to add additional property to the Project. This additional property is identified on Exhibit A attached hereto under the heading "Phase 3" and is hereinafter referred to as the "Phase 3 Property".

F. Declarant intends to expand the Project by constructing Units on the Phase 3 Property.

G. Declarant now intends that the Phase 3 Property shall become subject to the Declaration.

NOW, THEREFORE, pursuant to the foregoing Recitals which are incorporated herein by reference, the Declarant hereby makes and executes this FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR RESIDENCES AT PARK AVENUE (the "First Amendment"), which shall be effective as of its recording date.

¹ Unless otherwise set forth herein, defined terms used in this Amendment shall have the same meaning as that set forth in the Declaration.

1. Addition of Phase 3 Property. Declarant hereby declares that the Phase 3 Property shall be added to the Project and become subject to the Declaration upon recordation of this First Amendment and the plat for the Phase 3 Property. The plat for the Phase 3 Property shall be included within the definition of the term "Plat" as used in the Declaration.

2. Total Number of Units Revised. As shown on the plat for the Phase 3 Property, 20 additional Units will be constructed in the Project on the Phase 3 Property. Upon Recordation of the plat for the Phase 3 Property and this First Amendment, the total number of Units in the Project will be 129. Article 2, Section 2.2 of the Declaration is deleted in its entirety and replaced with the following:

2.2 Nature of the Project. The Project is a townhome style community containing 129 Units in 45 separate buildings. It includes roadways, parking areas, and open space. The Project is not a cooperative and is not a condominium.

3. Allocated Interests Revised. With the expansion of the Project, the revised Allocated Interests applicable to each Unit within the Project is expressed as the percentage set forth in the document attached hereto identified as Exhibit B.

4. First Amendment's Exhibits Replace Declaration's Exhibits.² The exhibits attached hereto and identified as Exhibit A and Exhibit B shall replace the Exhibits A and B attached to the Declaration. Exhibit A sets forth the legal description for the Phase 1 Property, Phase 2 Property, and Phase 3 Property. Exhibit B sets forth the revised Allocated Interests for the Units.

5. Conflicts. All remaining provisions of the Declaration and any prior amendments not specifically amended in this First Amendment shall remain in full force and effect. In the case of any conflict between the provisions of this document and the provisions of the Declaration or any prior amendments, the provisions of this document shall govern and control in all respects.

[Intentionally Blank]

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² As this Amendment does not contain an Exhibit C, the Exhibit C to the Declaration shall remain in effect.

EXECUTED this 12 day of March, 2015.

PARK AVENUE LLC

By: [Signature]

Its: [Signature]

STATE OF UTAH)
)SS:
COUNTY OF Salt Lake

On the 12 day of March, 2015, personally appeared before me Blad Reynolds, the signer of the foregoing FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR RESIDENCES AT PARK AVENUE on behalf of Park Avenue LLC, who duly acknowledged to me that he executed the same.



[Signature]
Notary Public

EXHIBIT A

LEGAL DESCRIPTION PHASE 1

Beginning at a point on the West Right-of-Way Line of 1830 West Street, said point being South 89°58 55" West 721.50 feet along the Section Line and South 406.02 feet from the North Quarter Corner of Section 34, Township 3 South, Range 1 West, Salt Lake Base and Meridian; and running thence South 550.24 feet along the West Right-of-Way of said 1830 West Street; thence North 89°58 34" East 1.92 feet along the West Right-of-Way of said 1830 West Street; thence South 00°04 11" East 79.39 feet along the West Right-of-Way of said 1830 West Street; thence Southwesterly 39.44 feet along the arc of a 20.00 foot radius curve to the right (center bears South 89°55 49" West and the chord bears South 56°25 49" West 33.36 feet with a central angle of 113°00 00") along the West Right-of-Way of said 1830 West Street to the Northerly Right-of-Way Line of Park Avenue; thence North 67°04 11" West 68.86 feet along the Northerly Right-of-Way of said Park Avenue; thence Northwesterly 276.49 feet along the arc of a 682.50 foot radius curve to the left (center bears South 22°58 30" West and the chord bears North 78°37 51" West 274.60 feet with a central angle of 23°12 41") along the Northerly Right-of-Way of said Park Avenue; thence South 89°45 49" West 192.78 feet along the Northerly Right-of-Way of said Park Avenue; thence South 85°57 01" West 47.20 feet along the Northerly Right-of-Way of said Park Avenue; thence North 655.12 feet; thence East 311.52 feet; thence South 83.88 feet; thence East 286.75 feet to the point of beginning.

Contains 376,851 Square Feet or 8.651 Acres.

PHASE 2

Beginning at a point on the West Right-of-Way Line of Redwood Road, said point being South 89°58 55" West 32 73 feet along the Section Line and South 659.99 feet from the North Quarter Corner of Section 34, Township 3 South, Range 1 West, Salt Lake Base and Meridian; and running thence South 00°01 25" East 329 21 feet along the West Right-of-Way Line of said Redwood Road; thence South 89°58 34" West 626 66 feet to the East Right-of-Way Line of 1830 West Street; thence North 12°26 26" West 33 79 feet along the East Right-of-Way Line of said 1830 West Street; thence South 89°58 34" West 4 97 feet along the East Right-of-Way Line of said 1830 West Street; thence North 296.47 feet along the East Right-of-Way Line of said 1830 West Street; thence East 638.77 feet to the point of beginning.

Contains 210,108 Square Feet or 4.823 Acres

PHASE 3

BEGINNING AT A POINT 8.00 FEET WEST AND SOUTH 00°16'33" WEST 1320.77 FEET AND SOUTH 89°53'46" EAST 882.16 FEET FROM THE NORTHWEST CORNER OF SECTION 34, TOWNSHIP 3 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE NORTH 89°45'34" EAST 404.00 FEET TO A POINT ON 15 FOOT RADIUS CURVE TO THE RIGHT; THENCE ALONG SAID CURVE A DISTANCE OF 23.56 FEET THROUGH A CENTRAL ANGLE OF 89°59'33" (CHORD BEARS N 45°14'13" W 21.21); THENCE SOUTH 00°14'26" EAST 132.26 FEET; THENCE SOUTH 00°28'33" EAST 115.79 FEET; THENCE NORTH 89°53'46" WEST 420.58 FEET TO BEGINNING.

CONTAINS 109,842 SQUARE FEET
2.522 ACRES, MORE OR LESS

EXHIBIT B

Unit #	%
101-172, 201-237, 301-320	.7752
Total	100%