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ENT 120588:2019 PG 1 of 4
JEFFERY SMITH
UTAH COUNTY RECORDER
2019 Nov 18 10:30 am FEE 160.00 BY SM
RECORDED FOR WILSON, KENNY

FIFTH AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS, AND RESERVATION OF EASEMENTS, AND BY LAWS FOR CRANBERRY RIDGE PUD

- A. Certain real property in Utah County, Utah, known as the Cranberry Ridge PUD was created by, and is subjected to certain covenants, conditions and restrictions pursuant to the Declaration of Covenants, Conditions and Restrictions, and Reservation of Easements for Cranberry Ridge PUD recorded December 16, 2014, as Entry No. 90443:2014 in the Recorder's Office for Utah County, Utah (the "Declaration").
- B. The Association caused an amendment to the Declaration to be recorded on August 3, 2016 as Entry No. 72508:2016 in the Recorder's Office for Utah County, Utah (the "First Amendment").
- C. The Association caused an amendment to the Declaration to be recorded on December 22, 2016 as Entry No. 128909:2016 in the Recorder's Office for Utah County, Utah (the "Second Amendment").
- D. The Association caused an amendment to the Declaration to be recorded on March 29, 2018 as Entry No. 29398:2018 in the Recorder's Office for Utah County, Utah (the "Third Amendment").
- E. The purpose of this Fifth Amendment is to change the caliper requirement of the trees to be planted within the Association.
- F. This Fourth Amendment shall be binding against the property subjected to the Declaration and any annexation, amendment, or supplement thereto, described in Exhibit A hereto.
- G. Pursuant to Article 2, Section 31(a) of the Declaration, the undersigned hereby certifies that all of the requirements to amend the Declaration have been satisfied and that at least 67% of the owners have consented or voted to approve this amendment.

NOW, THEREFORE, the Association hereby makes the following amendment:

AMENDMENT ONE

AMENDMENT ONE of the Third Amendment, which amended the Street Tree Guidelines located in Exhibit "D" to the Declaration, shall be removed and replaced in its entirety, with the following:

"2. ALL lots within CRANBERRY RIDGE PUD PLAT A may use ANY of the following trees:

Common Name / Botanical Name

Paper Bark Maple / *Acer Griseum* (1"cal.)

Eastern Redbud / *Cercis Canadensis* (not *Tilia Americana*) (1"cal)

Washington Hawthorn / *Crataegus phaenopyrum* (1"cal)

Crimson Cloud Hawthorn / *Crataegus laevigata* (1"cal)

Common Hackberry / *Celtis occidentalis* (1"cal)

All trees must not be less than 6 feet in height, measured from ground level. If a tree should need to be replaced, it must be done so with a tree on the approved list above at the time of the replacement (no grandfathering of previously allowed trees).

4. In the event of any conflict, incongruity or inconsistency between the provisions of the Declaration, any previous Amendment, and this Fourth Amendment, the latter shall in all respects govern and control.

5. It is expressly agreed by the undersigned that this Amendment is supplemental to the Declaration, which by reference is made a part hereof, and all the terms, conditions, and provisions thereof, unless specifically modified herein, are to apply to this Amendment and are made a part of this Third Amendment as though they were expressly rewritten and included herein.

6. The effective date of this Amendment is the date it is recorded in the office of the County Recorder of Utah County, Utah."

----- END OF AMENDMENT -----

IN WITNESS WHEREOF, the Cranberry Ridge Home Owners Association has properly executed this Third Amendment to the Declaration as of the 4th day of November, 2018⁹.

CRANBERRY RIDGE HOME OWNERS ASSOCIATION, a Utah nonprofit corporation

Sign: [Signature] Print Name: Travis Poulsen

Title: President

State of Utah)

County of Utah)

Subscribed and sworn before me on the 4th day of November, 2018⁹, by Travis Poulsen.

[Signature]
Notary Public



EXHIBIT A

Legal Description

The Property referred to in the foregoing document is located in Utah County, Utah and is described more particularly as follows:

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 5 SOUTH, RANGE 1 West SLB&M

A PARCEL OF PROPERTY BEING PART OF LOT 2 OF THE NORTH LEHI ELEMENTARY SUBDIVISION AS RECORDED WITH THE OFFICE OF THE UTAH COUNTY RECORDER, BEGINNING AT A POINT WHICH IS N00°04'52"W 1926.34 FEET ALONG THE SECTION LINE FROM THE SOUTHEAST CORNER OF SECTION 1, TOWNSHIP 5 SOUTH, RANGE 1 WEST SALT LAKE BASE AND MERIDIAN THENCE ALONG THE BOUNDARY OF SAID PLAT THE FOLLOWING (8) COURSES 1) WEST 544.97 FEET, 2) SOUTH 199.80 FEET 3) S89°59'36"W 220.00 FEET; 4) S89°58'43"W 508.91 FEET; 5) N01°00'28"E 205.02 FEET; 6) N22°52'55"E 240.68 FEET; 7) N12°55'14"E 159.53 FEET; 8) N02°37'15"W 21.79 FEET; THENCE S89°59'34"E 276.11 FEET; THENCE SOUTHEASTERLY 264.40 FEET ALONG THE ARC OF A 3966.00 FOOT RADIUS CURVE TO THE RIGHT (CHORD BEARS S88°04'59"E 264.35 FEET); THENCE S86°10'23"E 153.55 FEET; THENCE SOUTHEASTERLY 122.76 FEET ALONG THE ARC OF A 4034.00 FOOT RADIUS CURVE TO THE LEFT (CHORD BEARS S87°02'42"E 122.76 FEET); THENCE S85°22'19"E 144.58 FEET; THENCE S89°59'34"E 371.32 FEET; THENCE S44°06'35"E 78.00 FEET TO THE EAST LINE OF SAID PLAT; THENCE ALONG SAID PLAT THE FOLLOWING (2) COURSES 1) S00°49'52"E 310.83 FEET; 2) WEST 248.33 FEET TO THE POINT OF BEGINNING.

CONTAINS 16.06 ACRES