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Morgan County  
Attn: Morgan County Attorney  
48 West Young Street  
Morgan, Utah 84050

Ent 134058 Bk 317 Pg 1121  
Date: 10-FEB-2015 3:10:38PM  
Fee: \$162.00 Credit Card  
Filed By: CB  
BRENDA NELSON, Recorder  
MORGAN COUNTY  
For: ROLLINS RANCH LLC

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For Recording Purposes Do  
Not Write Above This Line

**THIRD AMENDMENT TO DEVELOPMENT AGREEMENT  
FOR  
ROLLINS RANCH**

This Third Amendment to Development Agreement (this "**Amendment**") is made effective as of the 5 day of February, 2015, by and between Morgan County, a political subdivision of the State of Utah, by and through its County Council (the "**County**"), and Rollins Ranch, L.L.C., a Utah limited liability company ("**Developer**").

RECITALS

A. The County and Developer, entered into that certain Development Agreement for Rollins Ranch, dated November 20, 2006 and recorded in the office of the Morgan County Recorder on January 5, 2007, as Entry No. 105900 in Book 241 at Page 2 (as amended prior to the date hereof, the "**Development Agreement**"). Capitalized terms not otherwise defined in this Amendment shall have the meaning ascribed to such terms in the Development Agreement.

B. The Development Agreement pertains to certain real property located within the County and more particularly described on Exhibit "A" attached hereto (the "**Property**"), which Property is located in the County's R1-20 and RR-1 zoning districts.

C. The Property is being developed pursuant to the County's PRUD Ordinance (now repealed) as more fully set forth in the Development Agreement, but the Development Agreement does not specifically address the required percentage of open space for the various subdivision phases created pursuant to the Development Agreement and the Plats submitted and approved pursuant to the terms thereof.

D. In the absence of specific provisions addressing the required percentage of open space in the Development Agreement, the County has requested that a minimum percentage of open space be established by this Amendment for Phases 1 through 6.

## AGREEMENT

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the County and Developer hereby agree as follows:

1. **OPEN SPACE MINIMUM.** The minimum percentage for open space within Zoning area R1-20 (Phases 1-4) shall be Twenty-four percent (24%). The minimum percentage for open space within Zoning area RR-1 (Phases 5-6) shall be Thirty-Seven percent (37%). The Developer no longer owns the real property anticipated to be developed as Phase 7. The minimum open space percentage required for Phase 7 is not addressed by this Amendment and shall be established in connection with the development of such Phase.

2. **Miscellaneous.** This Amendment contains the entire understanding of the County and Developer and supersedes all prior oral or written understandings relating to the subject matter set forth herein. This Amendment may be executed in counterparts each of which shall be deemed an original. In all respects, other than as specifically set forth in this Amendment, the Development Agreement shall remain unaffected by this Amendment and shall continue in full force and effect, subject to the terms and conditions thereof, and in the event of any conflict, inconsistency, or incongruity between the provisions of this Amendment and any provisions of the Development Agreement, the provisions of this Amendment shall in all respects govern and control.

[Signatures appear on the next two pages.]

IN WITNESS WHEREOF, the parties have entered into this Amendment on the date first set forth above.

**COUNTY:**

MORGAN COUNTY,  
a Political Subdivision of the State of Utah

By: Logan Wilde  
Logan Wilde, County Council Chairperson

**DEVELOPER:**

ROLLINS RANCH L.L.C.,  
a Utah Limited Liability Company

By: Rulon C. Gardner  
Rulon C. Gardner, Manager

**ATTEST:**

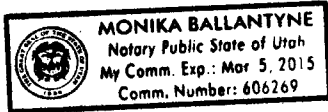
Stacy Lafitte  
Stacy Lafitte, County Clerk

**COUNTY ACKNOWLEDGEMENT**

STATE OF UTAH                    )  
  : ss.  
County of Morgan                )

On this 10<sup>th</sup> day of February, 2015, before the undersigned notary public in and for the said state, personally appeared Logan Wilde, known or identified to me to be the Chair of the Morgan County Council and the person who executed the foregoing instrument on behalf of said County and acknowledged to me that said County executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.



Monika Ballantyne  
Notary Public for Utah  
Residing at: Morgan Utah  
My Commission Expires: 3-5-2015

**DEVELOPER ACKNOWLEDGEMENT**

STATE OF UTAH                    )  
  ) SS  
COUNTY OF SALT LAKE        )

On this 4 day of February, 2015, before the undersigned notary public in and for the said state, personally appeared Rulon C. Gardner, known or identified to me to be a Manager of Rollins Ranch, L.L.C., and the person who executed the foregoing instrument and acknowledged to me that said company executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.



Constance Miller  
Notary Public for Utah  
Residing at: SALT LAKE  
My Commission Expires: 10/13/2015

**EXHIBIT A  
TO  
AMENDMENT OF DEVELOPMENT AGREEMENT**

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Legal Description of Property

[See Attached.]

# BOUNDARY DESCRIPTION

BEGINNING ON THE CENTER OF SECTION 24, TOWNSHIP 5 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE NORTH  $88^{\circ}59'51''$  EAST ALONG SECTION LINE 2855.42 FEET TO THE EAST QUARTER CORNER OF SAID SECTION; THENCE SOUTH  $00^{\circ}00'20''$  WEST ALONG SECTION LINE 2137.95 FEET; THENCE SOUTH  $38^{\circ}48'52''$  WEST 815.12 FEET TO A POINT ON THE QUARTER SECTION LINE OF SAID SECTION; THENCE SOUTH  $89^{\circ}19'26''$  WEST ALONG SAID QUARTER SECTION LINE 959.22 FEET; THENCE WESTERLY THE FOLLOWING 8 CALLS: SOUTH  $00^{\circ}12'44''$  WEST 1282.86 FEET, SOUTH  $71^{\circ}17'14''$  WEST 116.13, SOUTH  $86^{\circ}24'00''$  WEST 78.63 FEET, SOUTH  $82^{\circ}05'16''$  WEST 83.84 FEET, SOUTH  $87^{\circ}44'45''$  WEST 177.96 FEET, NORTH  $89^{\circ}49'53''$  WEST 784.68 FEET, SOUTH  $29^{\circ}32'41''$  WEST 385.48 FEET, NORTH  $88^{\circ}48'29''$  WEST 423.53 FEET TO A POINT ON A CURVE; THENCE SOUTHWESTERLY ALONG THE ARC OF A 130.00 FOOT RADIUS CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF  $33^{\circ}04'22''$  A DISTANCE OF 75.04 FEET (CHORD BEARS SOUTH  $47^{\circ}15'51''$  WEST 74.00 FEET); THENCE SOUTH  $30^{\circ}43'41''$  WEST 125.28 FEET TO A POINT OF CURVATURE; THENCE SOUTH WESTERLY ALONG THE ARC OF A 25.00 FOOT RADIUS CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF  $87^{\circ}23'49''$  A DISTANCE OF 38.13 (CHORD BEARS SOUTH  $74^{\circ}25'35''$  WEST 34.54 FEET) TO THE NORTH LINE OF THE OLD HIGHWAY (167) AND POINT OF CURVATURE; THENCE NORTHWESTERLY ALONG SAID NORTH LINE AND THE ARC OF A 1336.81 FOOT RADIUS CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF  $18^{\circ}40'16''$  A DISTANCE OF 435.63 FEET (CHORD BEARS NORTH  $71^{\circ}38'24''$  WEST 433.71 FEET); THENCE NORTHERLY THE FOLLOWING 7 CALLS: NORTH  $18^{\circ}25'57''$  EAST 198.43 FEET, NORTH  $05^{\circ}38'00''$  WEST 185.45 FEET, NORTH  $04^{\circ}24'38''$  WEST 322.76 FEET, NORTH  $89^{\circ}17'00''$  WEST 158.32 FEET, NORTH  $22^{\circ}12'22''$  WEST 192.73 FEET, NORTH 206.22 FEET, NORTH  $05^{\circ}13'12''$  WEST 187.43 FEET TO A POINT OF CURVATURE; THENCE NORTHWESTERLY ALONG THE ARC OF A 165.00 FOOT RADIUS CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF  $84^{\circ}52'08''$  A DISTANCE OF 244.40 FEET (CHORD BEARS NORTH  $47^{\circ}38'16''$  WEST 222.67 FEET); THENCE NORTHERLY THE FOLLOWING 6 CALLS: NORTH  $08^{\circ}37'59''$  EAST 60.42 FEET, NORTH  $58^{\circ}00'44''$  EAST 98.95 FEET, NORTH  $17^{\circ}29'53''$  WEST 296.56 FEET, NORTH  $69^{\circ}02'33''$  EAST 242.49 FEET, NORTH  $42^{\circ}59'58''$  EAST 115.06 FEET, NORTH  $72^{\circ}52'30''$  EAST 19.72 FEET; THENCE SOUTH  $08^{\circ}05'37''$  WEST 68.74 FEET; SOUTH  $65^{\circ}51'32''$  EAST 574.89 FEET TO A POINT ON THE QUARTER SECTION LINE OF SAID SECTION; THENCE SOUTH  $89^{\circ}55'18''$  EAST 642.04 FEET ALONG SAID QUARTER SECTION LINE 642.02 FEET TO THE SOUTH QUARTER CORNER OF SAID SECTION; THENCE NORTH  $00^{\circ}18'00''$  EAST ALONG SECTION LINE 2644.11 FEET TO THE POINT OF BEGINNING.

CONTAINS - 10,860,592 SQ. FT. 249.32 ACRES