

After recordation, return to:

Georgetown Development, Inc.
2230 N University Parkway, Suite 7G
Provo, UT 84604
Attention: John L. Dester, President



ENT 17257:2018 PG 1 of 4
JEFFERY SMITH
UTAH COUNTY RECORDER
2018 Feb 22 10:13 am FEE 39.00 BY MG
RECORDED FOR PROVO CITY CORPORATION

**FIRST SUPPLEMENTAL DECLARATION TO
DECLARATION OF PROTECTIVE EASEMENTS,
COVENANTS, CONDITIONS AND RESTRICTIONS
(Including Owner Association Bylaws)**

TRI-TERRA TOWNHOMES

An Expandable Planned Unit Development

Provo City, Utah County, Utah

THIS FIRST SUPPLEMENTAL DECLARATION (the "First Supplemental Declaration") to the above entitle Declaration is made this 31 day of January, 2018, by **GEORGETOWN DEVELOPMENT, INC.**, a Utah corporation ("Declarant"), in its capacity as the owner and developer of **Tri Terra Townhomes**, a residential expandable planned unit development (the "Development"), pursuant to the following:

RECITALS:

A. On or about July 27, 2017, Declarant caused to be recorded in the Public Records the Development's first subdivision plat entitled **Tri Terra Townhomes, Plat A Amended** as Entry 72543-2017 Map #15638 (the "Original Plat"). Declarant also caused to be recorded in the Public Records as Entry 98162:2016 Pages 1-27, that certain **Declaration of Protective Easements, Covenants, Conditions and Restrictions (Including Owner Association Bylaws)** (the "Original Declaration") pertaining to the to the Development.

B. Pursuant to §3.03 and 3.04 of the Original Declaration, Declarant is permitted to annex Additional Land into the Development by Supplemental Declaration for purposes of adding additional Lots/Units and Common Area to the Development consistent with those set forth in the Original Plat and the Original Declaration.

C. Declarant desires hereby to annex a portion of the Additional Land described in the Original Declaration, into the Development as **Tri Terra Townhomes Plat B**, and to make certain necessary amendments to the Original Declaration.

NOW, THEREFORE, Declarant hereby declares as follows:

1. All defined terms as used in this First Supplemental Declaration (including the preamble and RECITALS) shall have the same meaning as those set forth and defined in the Original Declaration.

2. That certain real property located in Provo City, Utah County, Utah, described in **EXHIBIT A**, attached hereto and made a part hereof, is hereby submitted to the provisions of the Original Declaration and is annexed into the Development as Plat B to be held, improved, sold, transferred, conveyed and occupied as a part thereof:

TOGETHER WITH all easements, rights-of-way, and other appurtenances and rights or obligations incident to, appurtenant to, or accompanying the above-described Property, whether or not the same are reflected on the Plats.

RESERVING UNTO DECLARANT, however, such easements and rights or obligations of ingress and egress over, across, through, and under the said Property and any improvements (including Buildings) now or hereafter constructed thereon as may be reasonably necessary for Declarant (in a manner which is reasonable and not inconsistent with the provisions of this Declaration): (i) to construct and complete each of the Units and all of the other improvements described in the Original Declaration or any Supplemental Declaration, or on the Plats, and to do all things reasonably necessary or proper in connection therewith; (ii) to construct and complete on the said Property or any portion thereof such improvements as Declarant shall determine to build and add to the Development; and (iii) to improve portions of the Property with such other or additional improvements, facilities, landscaping and television, or other communication systems designed for the use and enjoyment of all the Owners as Declarant may reasonably determine to be appropriate. If, pursuant to the foregoing reservations, the Property or any improvement thereon is traversed or partially occupied by a permanent improvement or utility line, a perpetual easement for such improvement or utility line shall exist. With the exception of such perpetual easements, the reservations hereby effected shall, unless sooner terminated in accordance with their terms, expire 15 years after the date on which this First Supplement to Declaration is recorded in the Public Records.

THE FOREGOING IS SUBJECT TO: (i) all liens for current and future taxes, assessments, and charges imposed or levied by governmental or quasi-governmental authorities; (ii) all Patent reservations and exclusions; (iii) all mineral reservations of record and rights incident thereto; (iv) all instruments of record which affect the above-described Property or any portion thereof, including, without limitation, any mortgage (and nothing in this paragraph shall be deemed to modify or amend such mortgage); (v) all visible easements and rights-of-way; (vi) all easements and rights-of-way, encroachments, or discrepancies shown on or revealed by, a Plat or otherwise existing; (vii) an easement for each and every pipe, line, cable, wire, utility line, or similar facility which traverses or partially occupies the Property at such time as

construction of all Development improvements is complete; (viii) all easements necessary for ingress to, egress from, maintenance of, and replacement of all such pipes, lines, cable, wires, utility lines, and similar facilities; and (ix) **TO EACH OF THE EASEMENTS, COVENANTS, CONDITIONS AND RESTRICTIONS CONTAINED IN THE ORIGINAL DECLARATION AS IT MAY BE AMENDED BY THIS FIRST SUPPLEMENT TO DECLARATION.**

3. Section 3.02 of the Original Declaration is amended in its entirety to read as follows:


3.02 Division into Lots and Units. The Development is hereby divided into 46 numerically numbered Lots and Units, as set forth and described on the Plats, with appurtenant and equal rights and easements of use and enjoyment in and to the Development's Common Areas, as well as appurtenant obligations pertaining to Assessments, maintenance, and similar matters, all as set forth in the Original Declaration and the Bylaws embodied therein.

4. Except as amended by the provisions of this First Supplemental Declaration, the Original Declaration shall remain unchanged, and, together with this First Supplemental Declaration, shall constitute the entire Declaration of Protective Easements, Covenants, Conditions and Restrictions for the Development, as expanded by the annexation of the Additional Land described in Paragraph 2, above.

5. This First Supplemental Declaration shall be recorded concurrently with the Development's Plat entitled **Tri Terra Townhomes, Plat B**, as the same has been executed and acknowledged by Declarant, accepted by the City, and filed for record in the Public Records.

EXECUTED, by the Declarant the day and year first above set forth.

GEORGETOWN DEVELOPMENT, INC.

By: 
John L. Dester, President

ACKNOWLEDGMENT

STATE OF UTAH)
 : ss.
COUNTY OF UTAH)

The within instrument was acknowledged before me this 31 day of January, 2018, by **John L. Dester** in the capacity indicated.


NOTARY PUBLIC



EXHIBIT A
TO
FIRST SUPPLEMENTAL DECLARATION
TRI TERRA TOWNHOMES
Provo City, Utah County, Utah

Real property located in Provo City, Utah County, Utah:

BOUNDARY DESCRIPTION

Beginning at a point located South 89°38'22" West along section line 164.42 feet and South 1258.36 feet from the Northeast corner of Section 11, Township 7 South, Range 2 East, Salt Lake Base and Meridian;

Thence South 51°43'10" West, a distance of 126.25 feet; thence South 46°09'55" West, a distance of 32.79 feet; thence South 51°36'31" West, a distance of 66.76 feet; thence South, a distance of 79.00 feet; thence West, a distance of 20.70 feet; thence South 11°34'17" West, a distance of 35.42 feet; thence South 05°45'42" West, a distance of 16.38 feet; thence North 84°14'18" West, a distance of 3.54 feet; thence South 05°45'42" West, a distance of 23.24 feet; thence South, a distance of 54.76 feet; thence North 89°16'17" West, a distance of 53.90 feet; thence along the arc of a 270.00 feet curve to the right through a central angle of 57°01'44" for 268.74 feet (chord bears North 60°45'25" West 257.79 feet); thence North 52°18'32" East, a distance of 335.95 feet; thence North 51°42'58" East along the southerly boundary of Doncaster Plat "A", a distance of 186.42 feet; thence South 38°16'50" East along the UTA Frontrunner right-of-way, a distance of 124.35 feet to the point of beginning.

Containing 87,157.12 square feet or 2.0009 acres, more or less.